

**FINAL FACT SHEET  
AND SUPPLEMENTARY INFORMATION  
FOR GENERAL PERMIT ARG160000**

For renewal of the General Permit for Landfills located within the State of Arkansas, Permit Number ARG160000.

Information in this part is organized as follows:

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**1 Background**

Under 40 C.F.R. § 122.28, general permits may be written to cover categories of point sources having common elements, such as facilities that involve the same or substantially similar types of operations, that discharge the same types of wastes, or that are more appropriately regulated by a general permit. Given the number of Landfills requiring NPDES permit coverage, DEQ has elected to renew the ARG160000 General Permit for Landfills located within the State of Arkansas.

The previous permit became effective on March 1, 2020, and will expire on February 28, 2025.

**2 Significant Changes**

- 2.1 Exclusions conditions: basically, the conditions are the same as the old permit with some minor changes in writing.
- 2.2 Request for Coverage

- 2.2.1 Notices of Intent (NOIs) and other required documents are now submitted by electronic application using DEQ ePortal (or any successor system). Paper applications are no longer accepted unless an electronic waiver has been granted.
- 2.2.2 The period for submitting NOI for existing discharges has changed from “by the effective date” of this permit to “upon issuance” of this general permit renewal “but no later than thirty (30) days” prior to the effective date of this general permit renewal.
- 2.2.3 The period for submitting NOI for new discharges with construction expected has been added.
- 2.2.4 The Construction Stormwater condition (Part 1.10 of the permit) was updated. See Section 3.4 of this Fact Sheet for details.
- 2.3 Conditions for Waivers from Electronic Reporting have been added into Part 1.5.
- 2.4 The oil, grease, and petrochemical substances requirement has been added in Part 2.
- 2.5 Footnote #2 in Part 2 of the permit was updated. See Section 6.1.2 of this Fact Sheet for details.
- 2.6 The monitoring frequency was updated to 1/month (when discharging) for all parameters except Flow. Footnote #3 in Part 2 of the permit was updated. See Section 6.1.6 of this Fact Sheet for details.
- 2.7 Monitoring and reporting for Total Iron has been removed from the permit.
- 2.8 Requirements for sample type and sampling frequency were revised based on recommended frequencies for self-monitoring of discharges within the variable flow from OWQ guidance memorandum “Recommended Monitoring Frequencies and Sample Types for NPDES Permits”, April 14, 2022.
- 2.9 Discharge Monitoring Reports (DMRs) are now submitted via NetDMR at no later than the 25th day of the month, following the end of the reporting period. Paper DMRs are no longer accepted unless an electronic waiver has been granted.
- 2.10 Other Requirements were moved to Part 3 of the permit, and the Operator Requirements, Stormwater Associated with Construction Activity, and Best Management Practices conditions were moved to the Other Requirements part.
- 2.11 The Best Management Practices condition (Part 3.3 of the permit) was updated. See Section 3.4 of this Fact Sheet for details.

- 2.12 Some minor revisions to the standard conditions (Parts 4-7) have been performed.
- 2.13 Several definitions in Part 8 were updated for clarity, or for consistency with Section 502 of the Clean Water Act, 40 C.F.R. § 122.2, or APC&EC rules including:
  - 2.13.1 Act or CWA (CWA was moved into this definition);
  - 2.13.2 ADEQ (removed);
  - 2.13.3 DEQ or Division (replaced ADEQ and Department);
  - 2.13.4 Department (removed);
  - 2.13.5 Director (rewritten);
  - 2.13.6 Direct Discharge (removed);
  - 2.13.7 Eligible (removed);
  - 2.13.8 Facility (removed);
  - 2.13.9 Instantaneous Flow measurement (added);
  - 2.13.10 Landfill Wastewater (added);
  - 2.13.11 Monitoring and Reporting (added);
  - 2.13.12 Monthly Average (added);
  - 2.13.13 Municipal Facility (removed);
  - 2.13.14 NOI (updated);
  - 2.13.15 NOT (removed);
  - 2.13.16 Operator (removed);
  - 2.13.17 Outfall (removed);
  - 2.13.18 ppm (removed);
  - 2.13.19 Permittee (added);
  - 2.13.20 Pollutant(s) of Concern (added);
  - 2.13.21 Severe property damage (added);
  - 2.13.22 When Discharging (removed);
  - 2.13.23 Total Maximum Daily Load or TMDL (added);
  - 2.13.24 Treatment works (added);
  - 2.13.25 Upset (added);
  - 2.13.26 Uncontaminated Stormwater (added);
  - 2.13.27 Units of Measure (mg/l, MGD, and s.u. were moved into this definition); and
  - 2.13.28 Visible Sheen (added)

### **3 Permit Coverage**

This general permit authorizes facilities to discharge uncontaminated stormwater from sedimentation ponds to Waters of the State, except facilities that are excluded in Part 1.3 of the permit. If a treatment system is proposed, the treatment system shall be constructed in accordance with Part 1.4.4 of the permit.

### 3.1 Notice of Intent (NOI)

Dischargers seeking to be covered by the general permit must submit a written Notice of Intent that meets the criteria in 40 C.F.R. § 122.21. All deadlines for submission have been established to provide staff with sufficient time to review and process all requests for coverage.

In accordance with the NPDES Electronic Reporting Rule, DEQ is now requiring electronic submission of permitting documents for this general permit. Permittees who are unable to submit documents electronically must apply for a waiver, as detailed in 40 C.F.R. §127.15 and Part 1.5 of the permit.

### 3.2 Construction Requirements

Any construction proposed under this general permit will require submission of DEQ Form 1, plans & specifications and design calculations signed and stamped by a Professional Engineer (P.E.) licensed in the State of Arkansas, and the construction permit fee specified by Rule 9.402(A).

Authorization to construct a treatment facility does not provide coverage for stormwater discharges related to construction activities subject to the requirements in 40 C.F.R. § 122.26. These activities must also meet the construction stormwater requirements referenced in Part 1.4.4.14 of the permit.

### 3.3 Water Quality Requirements

In accordance with 40 C.F.R. § 122.44(d) the permit is required to include any requirements necessary to achieve State Water Quality Standards as established under Section 303 of the Clean Water Act.

### 3.4 Construction Stormwater Requirements

Part 1.10 of the permit was updated to no longer require a separate Notice of Coverage and Stormwater Pollution Prevention Plan (SWPPP) when constructing new disposal cells or other construction events provided that all stormwater discharges resulting from the construction is routed through the sedimentation pond(s) and the outfall is permitted through the ARG160000 general permit. Part 3.3 of the permit was updated to require that the BMP plan for the facility be updated before initiating any construction events and as often as needed to address any items required by APC&EC Rule 6.203(B) (small construction site SWPPP requirements).

The change to allow stormwater associated with other construction events was made because the limits and conditions of the permit are based on stormwater associated with

landfills. Uncontaminated stormwater associated with construction activities at landfill sites is expected to be similar to uncontaminated stormwater from routine operations.

The removal of requirements to post a separate notice of coverage and develop a separate SWPPP was made because the stormwater covered under this condition is discharged through an outfall permitted by the ARG160000 general permit, and therefore does not require coverage under the ARR150000 general permit for construction stormwater. The BMP Plan requirements in Part 3.3 of the permit were updated to require that the BMP Plan be updated to meet all requirements of APC&EC Rule 6.203(B) for construction stormwater.

#### **4 Monitoring Requirements**

The requirements for sample type and sampling frequency have been based on the current permit.

#### **5 Other Conditions**

##### **5.1 Geographic Area and Covered Facilities**

The general permit, when issued, will authorize discharges from landfill facilities throughout the State of Arkansas. The permit will be applicable only to facilities which discharge to waters of the State and are, therefore, subject to the requirements of Section 301 and 402 of the Clean Water Act.

##### **5.2 Timing of Requests**

Requests for coverage shall be submitted as follows:

- 5.2.1 For new dischargers without construction expected, at least 30 days prior to the first proposed discharge;
- 5.2.2 For new dischargers with construction expected, at least 90 days prior to the first proposed discharge; or
- 5.2.3 For existing dischargers covered under ARG160000, no later than 30 days prior to the effective date of this permit.

##### **5.3 Expiration Date**

In accordance with 40 C.F.R. § 122.46(a), the general permit will expire five (5) years from the effective date of the permit. An expired permit will continue in effect until such time that the permit is renewed or a new permit is issued.

5.4 Individual Permits

The Director of DEQ may require the issuance of individual permits according to the criteria in 40 C.F.R. § 122.28(b)(3).

**6 Development and Basis for Permit Conditions**

Conditions in Parts 2 through 7 are incorporated in the permit based on 40 C.F.R. § 122.41, 40 C.F.R. § 122.43, 40 C.F.R. § 122.62, 40 C.F.R. § 124.5, 40 C.F.R. § 136, 40 C.F.R. § 122.44(d), 40 C.F.R. § 122.44(l), Appendix D of the Continuing Planning Process (CPP), APC&EC Rule 2, APC&EC Rule 3, and APC&EC Rule 6 in order to provide and ensure compliance with all applicable requirements of the CWA, rules, and regulations.

The following is an explanation of the derivation of the conditions of the permit and the reasons for them, or in cases of notices of intent to deny or terminate, reasons suggesting the decisions as required under 40 C.F.R. § 124.7.

6.1 Justification for Limitations and Conditions of the Final Permit

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>	<u>Monitoring Requirements</u>	
	Concentration (mg/l, unless otherwise specified)	Frequency	Sample Type
	Daily Max.		
Flow (MGD)	Report	2/week (when discharging)	instantaneous
Chemical Oxygen Demand (COD)	75	1/month (when discharging)	grab
Total Suspended Solids (TSS)	100	1/month (when discharging)	grab
Oil and Grease (O&G)	15	1/month (when discharging)	grab
pH	6.0 s.u.- 9.0 s.u.	1/month (when discharging)	grab

6.1.1 Flow

In order to be protective of all waters of the state, this permit contains a requirement to report flow in MGD.

6.1.2 COD and TSS

The technology-based limit for COD have been based on the Best Engineering Judgment of the Permit Writer and Arkansas individual NPDES Permits for similar types of discharges. The technology-based limit for TSS was established in the ARG160000 general permit that was issued on July 31, 1999. The TSS limit is based on DMR data from landfill sediment ponds, questionnaires sent to permitted facilities, site visits, other state and federal general permits, and EPA guidance. The

technology-based limits are judged to represent the level of treatment attainable through the application of the best conventional pollutant control technology (BCT) and best available technology economically achievable (BAT).

COD and TSS limits are now expressed to the nearest tenth digit in accordance with updated Division rounding procedures.

Footnote #2 in Part 2 of the permit regarding discharges as the result of precipitation greater than the 25 year, 24 hour storm was revised as follows:

- For Class 4 landfills, the required precipitation was reduced to the 10 year, 24 hour storm to be consistent with the design requirements for Class 4 landfills in Part 1 of the permit.
- This condition now only applies to technology-based limits (i.e. COD and TSS)
- This condition now specifies the mechanism for allowing exceedance of the limits – the exceedance must be established as an upset in accordance with Part 5.5 of the permit.

#### 6.1.3 Oil and Grease (O&G)

The water quality-based limits for O&G are based on Rule 2.510. O&G limit is now expressed to the nearest tenth digit in accordance with updated Division rounding procedures.

#### 6.1.4 pH

The water quality-based limits for pH have been based on Rule 2.504.

#### 6.1.5 Total Recoverable Iron

Monitoring condition for Total Recoverable Iron has been removed in this permit for four reasons. First, national recommended acute aquatic life criteria for iron has not been developed. Second, only a few studies on the acute effects of iron on aquatic organisms have been found and they suggested that lethal effects of Iron occur well above 1,000 µg/L. Third, iron has relatively low toxicity and bioaccumulation so that it does not pose a substantial hazard to higher trophic levels. Finally, EPA has also suspended the Benchmark Threshold for Iron in its stormwater permit published in 2021.

#### 6.1.6 Monitoring Frequency and Sampling

Monitoring frequencies were changed from once/discharge to twice/week for flow and once/discharge to once/month for other parameters based on recommended

frequencies for self-monitoring of discharges within the variable flow from OWQ guidance memorandum “Recommended Monitoring Frequencies and Sample Types for NPDES Permits,” April 14, 2022.

Footnote #3 in Part 2 of the permit was revised to require sampling “as soon as practicable” instead of “during the first hour” when it is not practicable to take a sample during the first 30 minutes of the discharge. This change was made to be more consistent with sampling requirements in the industrial stormwater general permit and to allow for flexibility in sampling for facilities that do not have 24-hour staffing.

## 6.2 Anti-backsliding

This permit is consistent with the requirements to meet Anti-backsliding provisions of the Clean Water Act (CWA), Section 402 (o) [40 C.F.R. § 122.44(1)]. The final effluent limitations for reissuance permits must be as stringent as those in the previous permit, unless the less stringent limitations can be justified using exceptions listed in CWA 402(o)(2), CWA 303(d)(4), or 40 C.F.R. § 122.44(1)(2)(i).

The permit meets or exceeds the requirements of the previous permit.

## 7 Wastewater Operator Requirements

The minimum Basic Industrial wastewater operator requirement is based on the requirements of APC&EC Rule 3.

## 8 Public Notice

The public notice of the draft permit was published for public comment on . The last day of the comment period was thirty (30) days after the publication date. No public comments were received on the draft permit.

A copy of the draft permit and public notice were sent via email to the Corps of Engineers, the Regional Director of the U.S. Fish and Wildlife Service, the Arkansas Department of Parks, Heritage, and Tourism, the EPA, and the Arkansas Department of Health.

## 9 Economic Impact

This permit does not place any additional undue burden on any private business entity, large or small. It does not restrict any opportunities that are available to any small businesses. The inspection and control requirements are set at a level to protect water quality while minimizing the resources required for compliance.



The permit fee of \$400 is allowed by APC&EC Rule 9. If a construction authorization is also required under this permit, then an additional \$500 fee will be required based on APC&EC Rule 9.402(A). This permit incorporates construction requirements into the ARG160000. The construction requirements listed in Part 1.4.4 are consistent with the minimum requirements for a state construction permit and will not have any additional economic impact.

There may be minimal additional cost for commercial facilities to obtain a Certificate of Good Standing from the Secretary of State of any State other than Arkansas.

No significant changes were made to this permit that would cause additional economic impact to the facility.

## 10 Contact Information

For additional information regarding this permit, please contact the NPDES Permits Branch of the Office of Water Quality:

via mail at:

NPDES Permits Branch  
Office of Water Quality  
5301 Northshore Drive  
North Little Rock, AR 72218-5317

via phone at: (501) 682-0929; or

via email at [water-permit-application@adeq.state.ar.us](mailto:water-permit-application@adeq.state.ar.us)

## 11 Sources

- 11.1 40 C.F.R. § 122
- 11.2 40 C.F.R. § 124
- 11.3 40 C.F.R. § 136
- 11.4 APC&EC Rule 2
- 11.5 APC&EC Rule 3
- 11.6 APC&EC Rule 6, which incorporates by reference certain federal regulations included in Title 40 of the Code of Federal Regulations at Rule 6.104.
- 11.7 APC&EC Rule 8
- 11.8 APC&EC Rule 9
- 11.9 ARG160000 existing permit
- 11.10 Discharge Monitoring Reports (DMRs) submitted by the facilities covered by the existing ARG160000 Permit.
- 11.11 Ark. Code Ann. § 8-4-203(m)
- 11.12 Clean Water Act

- 11.13 Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*).
- 11.14 Continuing Planning Process (CPP)
- 11.15 2014 Edition of Recommended Standards for Wastewater Facilities (10 States Standards).
- 11.16 Technical Support Document for Water Quality-based Toxic Control.
- 11.17 NPDES Electronic Reporting Rule (80 FR 64063).
- 11.18 “2021 United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for stormwater discharges associated with industrial activity. Fact Sheet,” EPA.