

# Historic Flooding of the Arkansas River/2019: Emergency Order of the Arkansas Department of Environmental Quality Director



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The Arkansas Department of Environmental Quality ("ADEQ") Director issued on May 31st a document titled:

*Emergency Order Of The Director ("Order")*

See In the Matter of Historic Flooding of the Arkansas River in 2019 LIS: 19-052.

The *Order* references the Director's determination:

. . . that emergency conditions exist as a result of the historic and record flooding of the Arkansas River, certain breaches in the levee systems of the Arkansas River and its impacts on no-discharge permit holders land applying wastewater residuals ("Permittees"). . .

The Director then notes three findings of fact which as paraphrased state:

- Calls from Permittees noting permitted areas for application of residuals have been or will be inundated with Arkansas River flood waters/impacted by road closures, etc.
- Several levees have been breached and could fail which would be detrimental to the environment
- Public health, safety and welfare/protection of the environment necessitates that Permittees have a path for mitigating action in regards to handling residuals/nutrient management practices in the previously referenced areas

The *Order* provides that:

1. Permittees shall be allowed to use land permitted for biosolids by ADEQ for the application of food processing industrial wastewater residuals land application under applicable permit conditions.
2. Permittees may immediately add additional farm fields to an existing food processing or industrial residuals permit for emergency application subject to all applicable permit conditions related to nutrient best management practices. The fields will no longer be part of the permit after expiration of this Emergency Order.
3. During all food processing and industrial applications noted herein, Permittees shall comply with all existing permit conditions.

4. Prior to any land application activities authorized by this Order, the permittee shall post a copy of this Emergency Order at the site location viewable to the public and in a conspicuous location.
5. The permittees shall provide prior notification to ADEQ of each location where land application authorized by this Order is scheduled. The notification shall include a map and coordinates of each location.
6. ADEQ may revoke the use of any specific land application site authorized by this Order. Upon notification, the permittee shall take immediate steps to cease activity at the site.
7. Within sixty (60) calendar day following the expiration of this Emergency Order, the permittees shall provide a final report containing reportable items listed in the annual reporting conditions of the permit.

The *Order* is effective for 90 days from May 31st.

A copy of the *Order* can be downloaded [here](#).