

**ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF:**

**LIS: 19- 05a**

**Historic Flooding of the  
Arkansas River in 2019**

**DATE: May 31, 2019**

**EMERGENCY ORDER OF THE DIRECTOR**

The Director of the Arkansas Department of Environmental Quality ("ADEQ or "Department") has determined 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").

Therefore, pursuant to authority provided by Ark. Code Ann. §§ 8-1-202(b)(2)(C) and 8-4-220, the Arkansas Water and Air Pollution Control Act as set forth in Ark. Code Ann. § 8-4-101 *et seq.* and the regulations promulgated thereunder; the Director makes the following Findings of Fact and orders the following remedial actions to be taken immediately to remedy the emergency conditions.

**FINDINGS OF FACT**

1. On May 30, 2019, the ADEQ received calls from Permittees who are concerned that areas permitted for the application of residuals have been, will be or may be inundated with flood waters from the Arkansas River and impacted by road closures and disaster relief workers due to the flooding along the Arkansas River.
2. The Army Corps of Engineers has advised that several levees along the Arkansas River have been breached in certain areas and some could fail entirely. Any such breach or catastrophic failure would be detrimental to the environment.
3. It is in the interest of public health, safety and welfare, and the protection of the environment that Permittees have a path for mitigating actions that allows for the continued handling of residuals under nutrient management best practices and permit application conditions related to permits likely to be affected by the flooding of the Arkansas River, where reasonable alternatives exist.

## ORDER OF THE DIRECTOR

The Director, on May 31, 2019, orders the following actions be taken:

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.

Questions or concerns may be directed to ADEQ by calling (501) 682-0620.

This Order is effective immediately upon the signature of the Director and shall remain in effect for 90 days.

DATED THIS 31<sup>st</sup> DAY of May, 2019

  
Becky Keogh, ADEQ Director