



ARKANSAS
Department of Environmental Quality

October 14, 2011

Sen. Mary Ann Salmon, Co-Chair
Rep. Tommy Lee Baker, Co-Chair
Arkansas Legislative Council
Room 315, State Capitol Building
Little Rock, AR 72201

Dear Gentlemen:

As required in Act 957 of 2011, Section 38(a)-(e), the Arkansas Department of Environmental Quality presents the following information:

- (a) the number and type of environmental permits currently authorized by the Department and Pollution Control and Ecology Commission in each environmental permit category,
- (b) the total funds collected from permit fees for each permit category and the percent increase or decrease in permit fees annually,
- (c) the description of each environmental permit application pending in each environmental permit category, the number of days each permit has been pending, and the reasons for delays in issuing permits for each permit that has been pending for more than 45 days,
- (d) the number and type of enforcement actions initiated by the Department, the geographic location of each violation and the total fines and collections from Supplemental Environmental Projects, the percent increase or decrease in fines levied annually, and
- (e) the description of all pending rulemaking activities and justifications, including economic impact and environmental benefit analysis.

The information provided by each division covers the period July 1, 2011 September 30, 2011. If you have any questions, please contact Karen Bassett at (501) 682-0959.

Sincerely,

A handwritten signature in black ink, appearing to read "Teresa Marks", written in a cursive style.

Teresa Marks
Director

AIR DIVISION

As of:	9/30/2011
State Fiscal Quarter	1st FY 2011
Air Permits/Category	
Major Title V	209
Minor	1022
Permits Pending- By Category/Facility	

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MAJOR TITLE V				
CSN	DATE APPLICATION RECEIVED	FACILITY	9/30/2011	Reason Code
7000101	12/11/2007	Great Lakes Chemical Corporation - West Plant	1390	3
1600002	3/10/2008	Acme Brick - Wheeler Plant	1300	5
3500017	4/22/2008	Delta Natural Kraft	1257	8
3200036	7/21/2008	FutureFuel Chemical Company	1167	5
7000037	9/10/2008	Great Lakes Chemical Corporation - South Plant	1116	5
7000101	9/10/2008	Great Lakes Chemical Corporation - West Plant	1116	3
3500017	2/11/2009	Delta Natural Kraft	962	5
7000037	2/27/2009	Great Lakes Chemical Corporation - South Plant	946	5
2800256	3/9/2009	American Railcar Industries, Inc. - Marmaduke	936	5
2900506	3/27/2009	AEP - SWEPCO Turk Plant	918	2
5500017	4/2/2009	Bean Lumber Company, Inc.	912	8
3200036	4/13/2009	FutureFuel Chemical Company	901	5
2000004	4/30/2009	Georgia-Pacific Wood Products, LLC	884	9
3500016	5/11/2009	Evergreen Packaging	873	5
4700914	5/26/2009	Roll Coater, Inc.	858	7
3500016	6/29/2009	Evergreen Packaging	824	5
7000037	7/13/2009	Great Lakes Chemical Corporation - South Plant	810	5
3200036	7/24/2009	FutureFuel Chemical Company	799	5
7000037	8/7/2009	Great Lakes Chemical Corporation - South Plant	785	5
6700296	10/5/2009	Husqvarna Forestry Products North America, Inc.	726	3
4500008	10/5/2009	Fishing Holdings, LLC	726	2
4700202	10/6/2009	Nucor-Yamato Steel Company	725	3
5400017	10/9/2009	Entergy Arkansas, Inc. - Ritchie Plant	722	5
2800256	10/19/2009	American Railcar Industries - Marmaduke	712	3
3500110	10/20/2009	Entergy Arkansas, Inc. - White Bluff Plant	711	7
2400088	10/26/2009	CenterPoint Energy - Mississippi River Transmission LLC - Webb City C	705	7
6600219	11/3/2009	Saint-Gobain Proppants	697	5
5500017	11/3/2009	Bean Lumber Company	697	8
3500017	11/16/2009	Delta Natural Kraft - Mid America Packaging	684	5
1800120	12/7/2009	The Premcor Refining Group, Inc. - West Memphis Terminal	663	2
1400028	12/18/2009	Albemarle Corporation - South Plant	652	7
3200036	1/20/2010	FutureFuel Chemical Company	619	5
7000012	1/28/2010	Great Lakes Chemical Corporation - Central Plant	611	5
3500016	2/23/2010	Evergreen Packaging	585	5
2300294	2/26/2010	Steele Plastics	582	2
7000543	3/5/2010	Union Power Station	575	3
0400213	3/31/2010	Preformed Line Products Company	549	5
7000037	4/2/2010	Great Lakes Chemical Corporation - South Plant	547	5
2700002	4/13/2010	West Fraser, Inc. - Leola Lumber Mill	536	2
7000012	5/3/2010	Great Lakes Chemical Corporation - Central Plant	516	5
2000017	5/28/2010	Idaho Timber of Carthage	491	2
6000689	5/28/2010	Arkansas Children's Hospital	491	5
3100023	6/21/2010	Husqvarna Forestry Products North America, Inc.	467	7
0400107	6/24/2010	AEP - Flint Creek Power Plant	464	5
7000012	7/8/2010	Great Lakes Chemical Corporation - Central Plant	450	5
7000012	7/16/2010	Great Lakes Chemical Corporation - Central Plant	442	5
3000229	7/27/2010	KGen Hot Springs LLC	431	5
4700202	7/28/2010	Nucor-Yamato Steel Company	430	3
0700033	7/29/2010	Easterline Armtec Countermeasures	429	3
3000337	8/5/2010	Hot Springs Power Company, LLC	422	2
3500016	8/20/2010	Evergreen Packaging	407	5
4700202	8/31/2010	Nucor-Yamato Steel Company	396	3
6600219	9/2/2010	Saint-Gobain Proppants	394	5
6600701	9/30/2010	Huntington Foam	366	7
3500016	10/7/2010	Evergreen Packaging	359	5
1800082	10/13/2010	Arkalkite Division	353	2
6600219	10/27/2010	Saint-Gobain Proppants	339	5
7000037	11/12/2010	Great Lakes Chemical Corporation - South Plant	323	5
2400088	11/15/2010	CenterPoint Energy- Mississippi River Transmission LLC. - Webb City C	320	3
3200036	11/19/2010	FutureFuel Chemical Company	316	5
0200005	12/2/2010	Georgia-Pacific LLC - Plywood/Studmill Complex	303	3
4700202	1/5/2011	Nucor-Yamato Steel Company	269	3
7000012	1/28/2011	Great Lakes Chemical Corporation - Central Plant	246	5
3500016	2/1/2011	Evergreen Packaging	242	5
7100396	2/7/2011	DeSoto Gathering Company, LLC - Gravel Hill CPF-4	236	5
2900506	2/7/2011	American Electric Power Service Corp. - John W. Turk Jr. Power Plant	236	5
1000004	2/16/2011	Reynolds Metals Co - Gum Springs	227	5
3500110	2/23/2011	Entergy Arkansas, Inc. - White Bluff Plant	220	5

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3500116	2/24/2011	U.S. Army, Pine Bluff Arsenal	219	5
4700202	2/25/2011	Nucor-Yamato Steel Company	218	3
3500017	2/28/2011	Delta Natural Kraft - Mid America Packaging	215	2
1000004	3/20/2011	Reynolds Metals Co - Gum Springs	195	5
7000364	3/28/2011	Waste Corporation of Arkansas, Inc. - Union County Recycling & Dispos	187	3
3500116	3/30/2011	U.S. Army, Pine Bluff Arsenal	185	6
7000040	4/11/2011	El Dorado Chemical Company	173	7
6300011	4/12/2011	Saint-Gobain Proppants Saint Gobain Proppants Plant #3 and Saline Co	172	2
4700115	4/15/2011	Viskase Companies, Inc.	169	5
6000302	4/19/2011	University of Arkansas for Medical Services (UAMS)	165	5
7000012	4/25/2011	Great Lakes Chemical Corporation - Central Plant	159	5
3500116	4/27/2011	U.S. Army, Pine Bluff Arsenal	157	5
3500116	4/27/2011	U.S. Army, Pine Bluff Arsenal	157	5
7000012	5/10/2011	Great Lakes Chemical Corporation - Central Plant	144	5
0200005	5/13/2011	Georgia-Pacific LLC - Plywood/Studmill Complex	141	2
4100002	5/20/2011	Domtar A.W., LLC	134	2
5800011	5/27/2011	The Dow Chemical Company	127	5
7000016	5/27/2011	Lion Oil Company	127	2
7000473	5/31/2011	Anthony Forest Products Company	123	6
4700233	6/3/2011	Nucor Corporation (Nucor Steel, Arkansas)	120	2
6000565	6/14/2011	BFI Waste Systems of AR, LLC - Model Fill Landfill	109	2
3500116	6/16/2011	U.S. Army, Pine Bluff Arsenal	107	5
6004199	6/16/2011	LM Wind Power	107	7
3500116	6/17/2011	U.S. Army, Pine Bluff Arsenal	106	5
3500116	6/17/2011	U.S. Army, Pine Bluff Arsenal	106	5
0500066	6/20/2011	TankNetics, Inc.	103	6
3500116	6/24/2011	U.S. Army, Pine Bluff Arsenal	99	5
3500116	7/6/2011	U.S. Army, Pine Bluff Arsenal	87	5
1400046	7/6/2011	SAPA Extrusions, Inc.	87	6
7000012	7/11/2011	Great Lakes Chemical Corporation - Central Plant	82	2
3300013	7/13/2011	Unilin Flooring NC, LLC - Columbia Flooring Division	80	2
4100001	7/18/2011	Ash Grove Cement Company	75	3
6600041	7/18/2011	Baldor Electric Company	75	6
2900016	7/25/2011	Southern Bakeries	68	2
0200005	7/26/2011	Georgia-Pacific LLC - Plywood/Studmill Complex	67	2
0700035	8/1/2011	Aerojet - General Corporation	61	2
7200695	8/4/2011	SWEPCO - Harry D. Mattison Power Plant	58	2
1600412	8/4/2011	Jonesboro City Water and Light	58	1
6000689	8/8/2011	Arkansas Children's Hospital	54	1
0700212	8/9/2011	Georgia-Pacific Wood Products LLC, Fordyce OSB	53	1
7000098	8/9/2011	Clean Harbors El Dorado, LLC	53	1
7200270	8/12/2011	Superior Industries International Arkansas, LLC	50	1
2800077	8/12/2011	Northeast AR Reg. SW Management District	50	1
1400004	8/12/2011	Whiting Petroleum Corporation	50	1

MINOR	DATE APPLICATION RECEIVED	FACILITY	9/30/2011	Reason Code
CSN				
7001287	9/10/2009	Shaw Mid-States Pipe Fabricating, Inc.	750	6
4300024	11/2/2009	Remington Arms Company, Inc.	697	2
2200208	10/8/2010	Team Ward, Inc.	357	5
2200018	12/2/2010	Big River Outfitters, LLC	302	3
7400029	12/8/2010	Sloan Valve - Augusta Division	296	3
5700001	1/26/2011	Nidec Motor Company	247	5
1600914	1/28/2011	Murphy Oil USA, Inc. - Jonesboro Terminal	245	5
3300264	1/31/2011	Bluebird Sand, L.L.C	242	2
7000039	2/14/2011	Martin Operating Partnership, L.P.	228	3
1600008	2/18/2011	Farr APC	224	3
6000004	3/1/2011	Porocel Corporation	213	5
1600112	3/7/2011	Harvest Rice, Inc. - Otwell	207	6
6000404	3/11/2011	HWRT Terminal - North Little Rock, LLC	203	3
1700016	3/11/2011	AFCO Steel, LLC	203	3
6002392	4/5/2011	Sherwood Marble Co., Inc.	178	3
5400132	4/5/2011	Amerimax Coated Products	178	7
3400418	5/23/2011	V-Tech Sand, LLC	130	7
5400013	6/2/2011	ADM Grain Company	120	6
6001529	6/7/2011	Caterpillar Inc.	115	2
5700001	6/13/2011	Nidec Motor Company	109	2
5700001	6/15/2011	Nidec Motor Company	107	2
7000039	6/22/2011	Martin Operating Partnership, L.P.	100	3
7200026	6/24/2011	University of Arkansas - Central Utility Plant	98	6
1800204	7/5/2011	Bluebonnet Rice Milling, Inc.	87	6
2400114	7/7/2011	Baldor Electric Co. - Ozark	85	9
6000606	7/7/2011	Magellan Terminals Holdings, L.P. - NLR-North Terminal	85	3
6000574	7/7/2011	Magellan Terminals Holdings, L.P. - NLR-South Terminal	85	3
7000458	7/29/2011	Glover Custom Wood, Inc.	63	3
5000006	8/3/2011	Firestone Building Products, Inc.	58	5
0100025	8/8/2011	Producers Rice Mill	53	6
8800272	8/11/2011	RK Hall Construction, Ltd, Kirby Quarry and Asphalt Plant #5	50	2
0400255	8/15/2011	Superior Industries International Arkansas, LLC	46	2
1400175	8/16/2011	Quantum Resources Management, LLC, Walker Creek Production Facili	45	2

Reason Codes	
1	Conducting Administrative Completeness Review
2	Reviewing Technical Information
3	Awaiting Information from Applicant
4	Modification Class Change
5	Drafting Draft Permit Decision
6	Awaiting Close of Public Comment Period
7	Drafting Response to Comments
8	Novel Legal Issues
9	Other

As of:	9/30/2011
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State Fiscal Quarter	First
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Hazardous Waste Management Permits

Post-Closure:	5
Hazardous Waste Management:	13

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Applications Pending	2
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Type/Name	Permit No.	Days Pending	Reason Code
Permit Modification/Rineco/Add Storage Units	28H-RN1	350	3
Permit Modification/Rineco/Add TMW Unit	28H-RN1	350	3

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1	Conducting Administrative Completeness Review
2	Reviewing Technical Information
3	Awaiting Information from Applicant
4	Modification Class Change
5	Drafting Draft Permit Decision or Mod. Approval
6	Awaiting Close of Public Comment Period
7	Drafting Response to Comments
8	Novel Legal Issues
9	Other:

MINING DIVISION

As of: 9/30/2011

State Fiscal Quarter 1st FY12

Mining Division Permits/Category

Coal Mining		Open-Cut Mining	
Active	7	Sand and Gravel	142
Exploratory		Clay	39
		Shale	18
		In-Stream	7
		Soil	30
		Other	13
Coal Total	7	Open-Cut Total	249
Total Mining Permits	256		

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Permits Pending- By Category/Facility

COAL MINING	Days Pending	Reason Code
OPEN-CUT MINING	Days Pending	Reason Code
Cross County Materials	681	5
Susan Evans	679	3
Smith Equipment Co.	450	5
Arkansas Gravel Co.	385	2
Haley Sand and Gravel	347	2
Acme Brick	266	5
R & R Real Estate Investments	189	8
Joey Baker	154	3
McCoy Farms	126	2
Joe Harris Jr. Trucking Inc.	115	5
WNLR, LLC	105	3
Mountain View Ready Mix, Inc.	100	2
Robinson Farms Corp.	94	5
Stone Hill Fill	72	3
Arlie Weems	72	2
Dixon Trust	46	1

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Reason Codes:

1	Conducting Administrative Completeness Review
2	Reviewing Technical Information
3	Awaiting Information from Applicant
4	Awaiting Public Hearing
5	Awaiting Close of Public Comment Period
6	Drafting Response to Comments
7	Drafting Draft Permit Decision
8	Legal Issues
9	Other:

SOLID WASTE DIVISION

As of: 9/30/2011

State Fiscal Quarter 1

Solid Waste Management Permits/Category

Class 1 Landfills	41
Class 3 Landfills	31
Class 4 Landfills	39
Compost Facilities	32
CDMRF	0
Tire Processing Facilities	9
Transfer Station/WRFs	86

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Permits Pending- By Category/Facility

Class 1 Landfill Apps/Mods	Days Pending	Reason Code
WCA - Rolling Meadows Expansion	1519	3
Craighead County Major Mod	990	3
BFI Class 1 Landfill	934	3
NABORS Class 1 Minor Mod	211	3
City of Conway Class 1	665	3
IESI Cherokee Class 1 minor mod	350	9
Mississippi Co Class 1	151	1
WM Two Pine Minor Mod	87	3
WM - Jefferson Co. Minor Mod	79	3
BFI Saline County Minor Mod	135	2
WCA Rolling Meadows Minor Modification	136	3

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Class 3 Landfill Apps/Mods	Days Pending	Reason Code
Entergy Independence	1765	3
Entergy White Bluff	868	3
EMS 3T minor mod	445	2

Class 4 Landfill Apps/Mods	Days Pending	Reason Code
City of Conway Permit Application	2126	3
Cleburne County Class 4	823	3
Mississippi County Class 4	632	9
Pulaski Co Class 4	255	2
Clark County	504	3

Compost Facility Apps/Mods	Days Pending	Reason Code
Bentonville Compost	827	6
City of Eureka Springs Compost	955	6
B&D Litter	193	3
City of Hot Springs	93	2

C&DRF Apps/Mods		Days Pending	Reason Code
Energy Source		368	2

Tire Processing Facility Apps/Mods		Days Pending	Reason Code
W2Oil		654	9
White River RSWMD Tire Processor		178	3
Transfer Station Apps/Mods		Days Pending	Reason Code
City of Siloam Springs TS		284	3
WRF Apps/Mods		Days Pending	Reason Code
Jefferson Co SWRF		73	1

Reason Codes:

1	Conducting Administrative Completeness Review
2	Reviewing Technical Information
3	Awaiting Information from Applicant
4	Awaiting Public Meeting
5	Drafting Draft Permit Decision
6	Awaiting Close of Public Comment Period
7	Drafting Response to Comments
8	Novel Legal Issues
9	Other:

WATER DIVISION
Permits Branch, No Discharge Section

As of:	10/5/2011
State Fiscal Quarter	1

Active No-Discharge Permits

Agriculture	300
Industrial	1577
Salt Water Disposal	529
Municipal	44
Domestic	7
Underground Injection Control (UIC)	7

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Permits Pending Greater than 45 Days

Facility	Permit Number	Days Pending	Reason Code
Stonewall Ranch Yorkies	5128-W	52	1
Green Forest Wastewater Treatment Plant	5095-WR-1	60	1
Terra Renewal Services, Inc.	4736-WR-6	60	1
Russellville Treatment Plant	5126-W	64	1
Cave Springs Wastewater Treatment Plant	4893-WR-2	64	1
Nebo Residuals Services, Inc.	5131-W	64	2
Elm Springs Treatment Works	4791-WR-2	65	1
Terra Renewal Services - Madison Co.	4739-WR-5	65	1
Terra Renewal Services, Inc.	4652-WR-5	65	1
Terra Renewal - Independence Co.	4906-WR-2	65	1
Clinton West Wastewater Treatment Facility	5129-W	65	1
Clinton East Wastewater Treatment Facility	5130-W	65	1
Verl Stovall Swine Farm	3674-WR-3	72	1
Delta Plastics of the South, LLC	4876-WR-1	88	1
Nebo Residuals Services, Inc.	5123-W	108	1
Hwy 330 Land Application Site	5084-W	115	2
Landfill	5118-W	119	1
Terra Renewal Services, Inc.	4741-WR-7	119	1
Lyles Co., LLC	4040-WR-1	119	1
Wayne Farms, LLC	5119-W	119	1
Terra Renewal Services	4485-WR-8	119	1
Terra Renewal Services, Inc.	5121-W	119	1
Baker Brothers Farm, Inc.	3686-WR-3	143	1
Pet Solutions, LLC	3778-WR-5	163	1
Heifner Farm	4185-WR-3	170	1
Devonshire Lake Condominiums	4861-WR-1	176	1
Bub's, Inc.	4782-WR-3	178	9
Ivan Andersen Dairy	4320-WR-1	191	1
Sonora Middle School	5116-W	193	9
Davis Farm	4223-WR-5	197	6
Producers Rice Mill, Inc.	2199-WR-6	197	1
Brine Management and Pretreatment System, West Plant	0690-WR-4	204	1
Smitty's Septic Service	4395-WR-5	217	1
J. D. Vaught Farm	2511-WR-2	220	1
Minieola Farms	4270-WR-3	226	1
Murfreesboro Water Treatment Plant	5107-W	247	1
Terra Renewal Services, Inc.	4823-WR-5	247	1
Fort Smith Yard	3067-WR-2	253	1
Cannon Farm	4388-WR-1	254	1
Meadowlands Subdivision	4842-WR-1	255	4
City of Perry Wastewater Treatment Plant	2013-WR-4	256	1

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WATER DIVISION
Permits Branch, No Discharge Section

Westridge Subdivision Wastewater Treatment Facility	4860-WR-1	326	2
Nucor Yamato Steel Company	5007-WR-1	340	7
Terra Renewal Services, Inc.	4846-WR-1	359	9
Terra Renewal Services, Inc.	4605-WR-2	424	9
Mississippi County Landfill	5091-W	427	2
Elna M. Smith Foundation	3961-WR-2	427	4
Maumelle Water Treatment Plant	4632-WR-2	480	9
Riceland Foods, Inc. - Soy Division	4638-WR-2	484	7
Biggers Wastewater Treatment	4619-WR-2	484	5
Independence Co.	5086-W	484	4
FutureFuel Chemical Company	5082-W	526	9
Stone Dam Creek Wastewater Plant	4853-WR-2	555	1
Great Lakes Newell	0015-UR-2	569	1
Treasure Isle R.V.	1664-WR-2	591	9
3M Industrial Mineral Products	4584-WR-2	778	9
Bohannon No. 4 SWD	5056-W	784	9
Capstone Oilfield Disposal Well No. 1	5058-W	813	9

Reason Codes:

1	Reviewing Technical Information
2	Waiting on information from Applicant
3	App. complete; Waiting on close of 1st public comment period
4	1st comment period complete; Draft permit pending issuance
5	Draft permit issued; waiting on 30-day comment period
6	Waiting on proof-of-publication of draft permit
7	Final Permit in routing/being prepared
8	Waiting on AOGC Authority letter
9	Other (i.e. legal, no response from applicant, etc.)

Arkansas Department of Environmental Quality
Section 38 Report
Water Division

10/11/2011

As of:	10/1/2011
State Fiscal Quarter	1

NPDES Permits/Category

Individual Permits	
Municipal	382
Industrial	425
Stormwater Permits	
Construction	1016
Industrial	1688
Small Municipal Separate Storm Sewer System (MS4)	46
Individual	1
General Permits	
Landfill	35
Non-Contact Colling Water	11
Aggregate Facilities	39
Individual Treatment	171
Water Treatment	134
Hydrostatic Testing	33
Car Wash	14
Ground Water	13
Total	4008

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Permits Pending- By Category/Facility

Q1 SFY 2012

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0000752		El Dorado Chemical Company	1733	8
AR0049743		El Dorado Water Utilities	1445	8
AR0035386		FutureFuel Chemical Company	1214	5
AR0001171	Chemtura Corporation	d/b/a Great Lakes Chemical Corporation - Central Plant	1178	8
AR0022063		City of Springdale	1103	4
AR0000647	Lion Oil Company	El Dorado Refinery	977	8
AR0022446		City of Fisher	687	8
AR0051136	Southwestern Electric Power Company	John W. Turk, Jr. Power Plant	652	7
ARS000002		City of Little Rock and Arkansas Highway Department	575	6
AR0050431		Blackstone Ranch Property Owners Association	572	3
AR0044172		Westwood Village Sewer Facilities Board	547	6
AR0050253	Fritts Construction, Inc.	Hayden's Place Subdivision	526	6
AR0023833		City of Gravette	513	6

Arkansas Department of Environmental Quality
Section 38 Report
Water Division

10/11/2011

Permits Pending- By Category/Facility

Q1 SFY 2012

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0050563	Central Arkansas Utility Services	d/b/a Crossroads Village	498	6
AR0038857		Albemarle Corporation - South Plant	498	8
AR0002437	U.S. Fish and Wildlife Service	d/b/a Norfolk National Fish Hatchery	498	6
AR0050539	Central Arkansas Utility Services	Pinewood Estates Subdivision	494	6
AR0050288	City of Fayetteville	West Side Wastewater Treatment Facility	477	8
AR0043397		City of Rogers	460	8
AR0050334	Bobby Briggs, Owner	Grassy Lake Apartments	451	6
AR0021954		City of Turrell	428	8
AR0045284		City of Cash	421	8
AR0034070		City of Lavaca	409	2
AR0020184		City of Gentry	408	2
AR0037842	Southwestern Electric Power Company	Flint Creek Power Plant	397	4
AR0048950	Umetco Minerals Corporation	d/b/a Wilson Mine Area	386	8
AR0047929	Central Arkansas Water	Ozark Point Water Treatment Plant	365	6
AR0047937	Central Arkansas Water	Jack H. Wilson Water Treatment Plant	365	6
AR0000531		Reynolds Metals Company-Gum Springs Plant	360	2
AR0048097	Georgia-Pacific LLC	North Log Yard	360	7
AR0001414		Minnesota Mining and Manufacturing-Arch Street	360	6
AR0050512	Reynolds Foil, Inc.	Hot Spring Continuous Rolling Plant	339	7
AR0023841		City of Lepanto	334	7
AR0036331	Entergy Arkansas, Inc.	d/b/a Entergy-White Bluff Plant	330	4
AR0033391		City of Cotton Plant	317	2
AR0048241	B.J.'s Pit Stop, Inc.	Lakecenter Grocery and Deli	313	8
AR0050547		Two Rivers Harbor Subdivision	312	8
AR0035483		City of Hatfield	304	2
AR0020010	City of Fayetteville	Paul R. Noland Wastewater Treatment Plant	299	4
AR0047945		Gunnels Mill, Inc.	296	6
AR0044822		Town of Higginson	295	8
AR0002879		Arkansas Game and Fish Commission Jim Hinkle/Spring River State Fish Hatchery	278	4

Arkansas Department of Environmental Quality
Section 38 Report
Water Division

10/11/2011

Permits Pending- By Category/Facility

Q1 SFY 2012

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0000591		Martin Operating Partnership L.P.	269	4
AR0036692	City of Mena	Mena Wastewater Treatment Plant	269	2
AR0051926	Comer Mining Corporation	Comer Mine No. 2	264	6
AR0051918		Poinsett County Class IV Landfill	262	6
AR0034614		City of Grubbs	248	6
AR0051951	Conway Corporation	Tupelo Bayou Wastewater Treatment Plant	247	2
AR0043931	Dixon Manor MHP, LLC	Dixon Manor Mobile Home Park	241	8
AR0050598	Arkansas Water and Wastewater Management Corporation	d/b/a Huntington Estates Subdivision	233	8
AR0050466	Arkansas Water and Wastewater Management Corporation	d/b/a Shadow Ridge Wastewater Treatment Facility	233	8
AR0037451	Entergy Arkansas, Inc.	Independence Plant	226	2
AR0045047	Village Square of HSV, LLC	dba Village Square Shopping Center	212	2
AR0049255	Arkansas Electric Cooperative Corporation	Harry L. Oswald Generating Station	206	6
AR0051977	BFI Waste Systems of Arkansas, LLC	BFI Model Fill Landfill	201	6
AR0051861	Timber Equipment Leasing Co., LLC	TLC/Telco	201	6
AR0050423	Cross County Bank	d/b/a Pond-A-Rose Trailer Park	197	2
AR0048232	Travis Lumber Company, Inc.	Travis Lumber Company, Inc.	190	2
AR0000582	Alcoa Inc.	Arkansas Remediation	173	5
AR0049310		City of St. Charles	173	6
AR0050580	Alabama Catfish, LLC	Harvest Select Catfish Eudora	173	2
AR0037044		City of Newport	163	2
AR0044661		City of Edmondson	162	2
AR0051900	Farrell-Cooper Mining, Co.	Bates Mine	158	2
AR0038768		Wayne Farms, LLC	155	2
AR0051802		Desoto Sand, LLC	149	6
AR0042455	Tyson Foods, Inc.	d/b/a River Valley Animal Foods	145	2

Arkansas Department of Environmental Quality
Section 38 Report
Water Division

10/11/2011

Permits Pending- By Category/Facility

Q1 SFY 2012

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0038270	Baker Hughes Oilfield Operations	d/b/a Baker Hughes Drilling Fluids - Fancy Hill Operations d/b/a Baker Hughes Drilling Fluids - Fancy Hill Operations	145	2
AR0051985	Coon Bayou, LLC	Delta Conference Center	145	2
AR0001376		Entergy Lynch Plant	145	5
AR0035955	Bryant School District	Salem Elementary School WWTP	142	2
AR0047643		Oppelo Municipal Sewage Treatment Plant	136	2
AR0033987		City of Dumas	131	6
AR0041297		Montrose Waste Water Facilities	124	5
AR0043401	City Water and Light Plant of the City of Jonesboro	Eastside Wastewater Treatment Plant	124	2
AR0042846		Ash Grove Cement Company	120	5
AR0020605		City of Arkadelphia	115	5
AR0039675		City of Alicia	115	5
AR0034088	Marble Falls Sewer Improvement District No. 1	Wastewater Treatment Plant	107	2
AR0037842C	Southwestern Electric Power Company	Flint Creek Power Plant	103	4
AR0036536C		City of Greenbrier	102	2
AR0039594		City of Emerson	100	2
AR0051128M	Kinder Morgan Bulk Terminals, Inc.	Hickman Facility	100	5
AR0051128C	Kinder Morgan Bulk Terminals, Inc.	Hickman Facility	100	5
AR0050083M	Kinder Morgan Bulk Terminals, Inc.	Barfield Facility	100	5
AR0050083C	Kinder Morgan Bulk Terminals, Inc.	Barfield Facility	100	5
AR0043192M		City of Colt	95	6
AR0043192C		City of Colt	95	6
AR0021806	Little Rock Wastewater	Adams Field Wastewater Treatment Plant	93	5
AR0049531		City of Horseshoe Lake	92	5
AR0036544		Viskase Companies, Inc.	80	5
AR0047279	City of Conway	Tucker Creek Wastewater Treatment Plant	79	5
AR0045225		City of Newport-Airport/Industrial Park	75	5

Arkansas Department of Environmental Quality
Section 38 Report
Water Division

10/11/2011

Permits Pending- By Category/Facility

Q1 SFY 2012

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0048194		North Garland County Boys and Girls Club	75	5
AR0050601		City of Banks	73	5
AR0047384	Anthony Forest Products Company	Urbana Sawmill	72	5
AR0049557	Plum Point Services Company, LLC and Plum Point Energy Associates II, LLC	Plum Point Energy Station	72	5
AR0047643C		Oppelo Municipal Sewage Treatment Plant	68	5
AR0033278		City of Fort Smith - "P" Street WWTP	66	5
AR0047996		Gillham Regional Wastewater District	66	5
AR0022250		City of Dermott - South Pond	66	5
AR0041149		Arkansas Military Department, Camp Joseph T. Robinson	64	5
AR0044423C		Jessieville School District	54	5
AR0044423M		Jessieville School District	54	5
AR0049409		Vanndale Birdeye Water	54	5
AR0036811	Arkansas Department of Parks & Tourism	Lake Ouachita State Park	54	5
AR0038121	Arkansas Department of Parks & Tourism	Lake Catherine State Park	54	5
AR0037087	Arkansas Department of Parks & Tourism	Woolly Hollow State Park	54	5
AR0045934		City of Birdsong	50	5

Reason Codes:

1	Waiting for Public Hearing on WQMP
2	Reviewing drafted permit
3	Awaiting Information from Applicant
4	Waiting for EPA approval of WQMP or Permit
5	Preparing Draft Permit Decision
6	Awaiting Close of Public Comment Period or Ready for
7	Drafting Response to Comments
8	Other

Memorandum

DATE: October 7, 2011 d

TO: LEGISLATIVE COUNCIL

FROM: TERESA MARKS, DIRECTOR
ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

RE: SECTION 38 (a) – (e) of ACT 1387 OF THE 2009 REGULAR
SESSION OF THE ARKANSAS GENERAL ASSEMBLY

As provided by Section 38 (a) –(e) of Act 1387 of the 2009 Regular Session, the Arkansas Department of Environmental Quality (“Department”) presents the number and type of administrative enforcement actions initiated by the Department and the geographic location of each violation. This information is contained in the attached copies of the Public Notice for the period of July 1, 2011 through September 30, 2011. Pursuant to A.C.A. § 8-4-103 (d) (1) the Department is required to Public Notice any administrative enforcement order and the notice must include the type of enforcement action, the geographic location of the violation, and the amount of penalty assessed. (See Attachment) The total number of administrative enforcement actions initiated during this time period is 74.

Additionally the Department is Authorized by A.C.A. § 8-4-103 (b) to institute a civil action in any court of competent jurisdiction to compel compliance with state environmental laws and regulations. Following is a list of actions which have been filed in court for the period of July 1, 2011 through September 30, 2011.

Type of Enforcement Action	Defendant	Geographic Location
Filing Fee	Henry Chase Farm	Scott County Circuit Court
Filing Fee Court	Hopeful Properties	Hempstead County Circuit
Filing Fee Court	CPI Holdings, LLC	Hempstead County Circuit
Filing Fee	Bob Devor Dirt Pit	Benton County Circuit Court
Filing Fee	Madding, Darrell-Individually and as Incorporator of	Union County Circuit Court

	All Star Recycling, LC	
Filing Fee	Former White Oak Station #20	Benton County Circuit Court
Filing Fee	Jerold Weaver-Individual	Carroll County Circuit Court
Filing Fee	PP Hog Heaven	Little River County Circuit Court
Filing Fee	Kourosh Malek	Jefferson County Circuit Court

The Department presents the total amount of fines and collections from Supplemental Environmental Projects verified by the Department for the period of July 1, 2011 through September 30, 2011.

Civil Penalties Collected	\$257,489.73
Supplemental Environmental Projects Verified	\$0.00

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY NOTICE OF ENFORCEMENT ACTIONS

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regulations and sent to the Commission Secretary, 101 East Capitol, Suite 205, Little Rock, Arkansas 72201.

CONSENT ADMINISTRATIVE ORDERS

Arkansas Reclamation Company, LLC, White County, Air Division, \$7,651.25 Penalty

Hanson Aggregates, Inc., Ouachita County, NPDES/Water Division, \$4,700.00 Penalty
Marshall "Buck" Skinner, dba B&D Dirt, LLC, Woodruff County, Mining Division, \$750.00
Penalty

Stephens Production Company, LLC – Arnold- Fines Sales Compressor Station, Crawford
County, Air Division, \$1,181.25 Penalty

Stephens Production Company, LLC – Basham W.L. CP Compressor Station, Sebastian County,
Air Division, \$1,181.25 Penalty

Stephens Production Company, LLC, -Branch Central Point Compressor Station, Franklin
County, Air Division, \$1,181.25 Penalty

Stephens Production Company, LLC- Bryant Farms East Compressor Station, Sebastian County,
Air Division, \$1,181.25 Penalty

Stephens Production Company, LLC-Cecil West End Compressor Station, Sebastian County, Air
Division, \$1,181.25 Penalty

Stephens Production Company, LLC-Hendrickson#1 CP Compressor Station, Franklin County,
Air Division, \$1,181.25 Penalty

Stephens Production Company, LLC-Hillard Homer #7 Compressor Station, Franklin County,
Air Division, \$1,181.25 Penalty

Stephens Production Company, LLC-Kibler Compressor Station, Crawford County, Air
Division, \$1,181.25 Penalty

Stephens Production Company, LLC-Massard #1 and #2 Compressor Station, Sebastian County,
Air Division, \$1,181.25 Penalty

Stephens Production Company, LLC-Mt. Zion CP Compressor Station, Sebastian County, Air
Division, \$1,181.25 Penalty

Stephens Production Company, LLC-Sebastian Co. #2 Compressor Station, Sebastian County,
Air Division, \$1,181.25 Penalty

Stephens Production Company, LLC-Tomlin E.C. #10 and #11 Compressor Station, Sebastian County, Air Division, \$1,181.25 Penalty

Stephens Production Company, LLC-Ware CP Compressor Station, Sebastian County, \$1,181.25 Penalty

AMENDMENT TO CONSENT ADMINISTRATIVE ORDER

LIS 08-099-001

City of Hot Springs, Garland County, NPDES/Water Division, \$105,000 Penalty

Dated this 25th day of July 2011

Teresa Marks, Director

Arkansas Department of Environmental Quality

**ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY
NOTICE OF ENFORCEMENT ACTIONS**

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CONSENT ADMINISTRATIVE ORDERS

Eaton-Moery Environmental Services, Inc., Arkansas County, Solid Waste Division, \$10,000.00 Penalty

Harrison Animal Clinic, PLLC, Boone County, Air Division, \$10,000.00 Penalty

Magness Oil Company, Ouachita County, Regulated Storage Tanks Division, \$1,200.00 Penalty

Southern Squares Company, Inc., Monroe County, Air Division, \$1,350.00 Penalty

Stephens Production Company, LLC – Freeman Sprague Dunbar Compressor Station, Franklin County, Air Division, \$1,575.00 Penalty

Stephens Production Company, LLC – Synoground CP AOG Compressor Station, Sebastian County, Air Division, \$2,756.25 Penalty

NOTICES OF VIOLATION

Hillside Bayou, LLC, Pulaski County, NPDES/Water Division, \$25,200.00 Proposed Penalty

Bub's Inc., Washington County, Water Division, \$32,000.00 Proposed Penalty

Dated this 25th day of July 2011

Teresa Marks, Director

Arkansas Department of Environmental Quality

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CONSENT ADMINISTRATIVE ORDERS

Herman A. Waters, III, Individually, and d/b/a Stone Hill Fill, Inc., Faulkner County, Mining Division, \$5,000.00 Penalty

MDB Hospitality, LLC, Clark County, NPDES/Water Division, \$1,500.00 Penalty

NOTICES OF VIOLATION

Carter Energy Corporation, Benton County, Regulated Storage Tanks Division, \$1,500.00 Proposed Penalty

City of Bryant, Saline County, NPDES Water Division, \$4,400.00 Proposed Penalty

Dated this 10th day of August 2011

Teresa Marks, Director

Arkansas Department of Environmental Quality

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CONSENT ADMINISTRATIVE ORDERS

Adevco, Inc., Pulaski County, Air Asbestos Division, \$1,000.00 Penalty

Burkhalter Commercial Group, LLC, Pulaski County, NPDES/Water Division, \$7,800.00 Penalty

Capstone Oilfield Disposal of Arkansas, Inc., Hartman Disposal Facility SWD#1, Johnson County, Water Division, \$10,000.00 Penalty

City of Hackett, Sebastian County, NPDES/Water Division, \$1,650.00 Penalty

City of Hughes, St. Francis County, NPDES/Water Division, \$1,900.00 Penalty

City of London, Pope County, NPDES/Water Division, \$275.00 Penalty

City of Luxora, Mississippi County, NPDES/Water Division, \$1,000.00 Penalty

City of Turrell, Crittenden County, NPDES/Water Division, \$1,200.00 Penalty

Compliance Management, Inc., and Eddie Griffin, Individually, Lonoke County, Regulated Storage Tanks Division, No Penalty

DeSoto Gathering Company, LLC,-Tiger CPF-1 and West Cutthroat CPF-2 White County/Cleburne County, Air Division, \$2,150.00 Penalty

Gerdau MacSteel, Sebastian County, Hazardous Waste Division, \$2,500.00 Penalty

Producers Rice Mill, Inc., Cross County, Air Division, \$1,755.00 Penalty

Rausch Coleman Land Development, LLC, Pulaski County, NPDES/Water Division, \$11,175.00 Penalty

Smith-Blair, Inc., Miller County, Air Division, \$4,725.00 Penalty

United States Food and Drug Administration National Center for Toxicological Research, Jefferson County, Air Division, \$2,025.00 Penalty

NOTICES OF VIOLATION

Billy Carr, Union County, Regulated Storage Tanks Division, No Penalty

Eaton-Moery Environmental Services, Inc., Cross County, Solid Waste Division, \$37,600.00
Proposed Penalty

Steiger Development, LLC, Benton County, NPDES/Water Division, \$8,200.00 Proposed
Penalty

Steve Norris, Union County, Regulated Storage Tanks Division, No Penalty

Dated this 25th day of August 2011

Teresa Marks, Director

Arkansas Department of Environmental Quality

**ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY
NOTICE OF ENFORCEMENT ACTIONS**

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CONSENT ADMINISTRATIVE ORDERS

Arkansas Terminaling and Trading, Inc., C/O Greg A. Arnold, Registered Agent, Pulaski County, Hazardous Waste Division, No Penalty

Chicot Sewer System, LLC, Saline County, NPDES/Water Division, \$500.00 Penalty

City of Jasper, Newton County, NPDES/Water Division, \$3,100.00 Penalty

City of Junction City, Union County, NPDES/Water Division, \$4,000.00 Penalty

Dassault Falcon Jet Corp., Pulaski County, Air Division, \$1,075.00 Penalty

G.F.I., Inc., Boone County, Air Division, \$1,170.00 Penalty

Hudson Excavation, Inc., Crawford County, NPDES/Water Division, \$5,325.00 Penalty

JRJ Properties, LLC, Faulkner County, NPDES/Water Division, \$4,000.00 Penalty

Mr. Greg White, Commissioner, Heinke Road Property Owners SID No. 34, Pulaski County, NPDES/Water Division, \$2,100.00 Penalty

Pilgrim's Pride Corporation, dba Premium Protein Products, Pope County, Air Division, \$3,150.00 Penalty

Rolling Hills Investments, Inc., Benton County, NPDES/Water Division, \$4,500.00 Penalty

Westwood Village Sewer Facilities Board, Garland County, Water Division, \$2,700.00 Penalty

NOTICE OF VIOLATION

Greg McCoy, d/b/a McCoy Farms, Carroll County, Water Division, \$3,100.00 proposed penalty

Plant Diesel, LLC, Dennis McClanahan, Jointly and Severally, as owner and operator of Plant Diesel, LLC, and Frances McClanahan, Jointly and Severally, as owner and operator of Plant Diesel, LLC, Craighead County, Hazardous Waste Division, \$54,726.00 proposed penalty

AMENDMENT NO. 1 TO CONSENT ADMINISTRATIVE ORDER

Little Rock Wastewater Utility, Pulaski County, NPDES/Water Division, No Penalty

Dated this 10th day of September 2011

Teresa Marks, Director

Arkansas Department of Environmental Quality

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY NOTICE OF ENFORCEMENT ACTIONS

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Arkansas 72118-5317. There may be a charge to cover photocopying costs for some documents. Copies of enforcement documents, including those referenced in this notice, also are available for viewing on the ADEQ website at http://www.adeq.state.ar.us/legal/cao_info.asp. Further, ADEQ is accepting written comments from the public regarding these matters. Such comments must be sent to ADEQ, Legal Division, at the above address within 30 days after publication of this Notice. If a comment on any proposed Consent Administrative Order is received by ADEQ within this time period, in accordance with Act 163 of 1993, the person submitting the comment may request the Arkansas Pollution Control and Ecology Commission to set aside the order in the matter by filing a petition with the Commission Secretary. If a comment on any Notice of Violation is received by ADEQ within this time period, the person submitting the comment will be given notice of any hearings held on the matter and shall have the right to intervene in any hearing in the matter by filing a petition for intervention with the Commission Secretary. Any such petition must be filed in accordance with applicable regulations and sent to the Commission Secretary, 101 East Capitol, Suite 205, Little Rock, Arkansas 72201.

CONSENT ADMINISTRATIVE ORDERS

Bunn Engine Rebuilders, Hot Spring County, Hazardous Waste Division, \$6,625.00 Penalty

FM Structural Plastics Technology, Inc., Benton County, Hazardous Waste Division, \$12,125.00 Penalty

Horizon Food Mart Inc., Nevada County, NPDES/Water Division, \$2,400.00 Penalty

Mr. Jay Hill, Owner, d/b/a Hokie Okie Stone, Logan County, NPDES/Water Division, \$1,000.00 Penalty

Mr. Jesse Ferrell, d/b/a Jesse Ferrell Rental Development, Faulkner County, NPDES/Water Division, \$1,500.00 Penalty

Pet Solutions, LLC, Yell County, Air Division, \$1,000.00 Penalty

Steve Demott, Registered Agent, Lakeside Gardens Property Owners Association, d/b/a Lakeside Gardens Condominiums, Garland County, NPDES/Water Division, \$500.00 Penalty

Superior Industries International Arkansas, LLC, Washington County, Air Division, \$7,696.75

Town of Ravenden Springs, Randolph County, NPDES/Water Division, \$400.00 Penalty

Upper Southwest Regional Solid Waste Management District, Howard County, Solid Waste Division, No Penalty

Upper Southwest Regional Solid Waste Management District, 319 Landfill Road, Class 4 Landfill, Class 1 Landfill, Howard County, \$24,500.00 Penalty

XTO Energy Inc., c/o Corporation Service Company, Faulkner County, Independence County and White County, Water Division, \$6,300.00 Penalty

NOTICE OF VIOLATION

Nuckles and Sons, LLC., Ann Nuckles, Registered Agent, Craighead County, Water Division, \$2,400.00 Penalty

Dated this 25th day of September 2011

Teresa Marks, Director

Arkansas Department of Environmental Quality

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION
QUARTERLY REPORT TO ARKANSAS LEGISLATIVE COUNCIL
ON RULEMAKING ACTIVITIES

Months In Quarter: July, August, and September 2011

1. Regulation Number and Name: Regulation No. 2, Third-Party Rulemaking, River Valley Regional Water District; Docket No. 06-003-R.

a. Amendment Proposed By: River Valley Regional Water District ("RVRWD").

b. Description: RVRWD filed its request to initiate rulemaking on January 13, 2006. These amendments concern Regulation No. 2. Proposed changes involve amending Regulation No. 2 to include amending Section 2.304 to establish a procedure by which regional water districts and other public water authorities would be able to request approval from the Pollution Control & Ecology Commission to use a water body designated as extraordinary resource waters as a source of drinking water supply.

The Commission initiated the rulemaking process on January 27, 2006, and no final decision has been made.

c. Justification: These amendments establish a procedure by which regional water distribution districts and other public water authorities would be able to request approval from the Arkansas Pollution Control & Ecology Commission to use Extraordinary Resource Waters as a source of drinking water supply.

d. Economic Impact: RVRWD states that there will be no cost to the agency. The amendments will have no financial impact on small business.

e. Environmental Benefit Analysis: No environmental benefit analysis is required for this regulation.

2. Regulation Number and Name: Regulation No. 21, Arkansas Asbestos Abatement Regulation; Docket No. 10-001-R.

a. Amendment Proposed By: Arkansas Department of Environmental Quality ("ADEQ").

b. Description: ADEQ filed its request to initiate rulemaking on February 11, 2010. Proposed changes to Regulation 21 include requirement of air monitoring for asbestos fibers to be conducted before, during, and after a project; require that air monitoring be conducted by an independent third party who is not an agent of the firm doing the renovation; require photos of individuals seeking asbestos training certification and increases reporting requirements from training providers, formatting revisions; and addition of clarifying language to regulation definitions.

The Commission initiated the rulemaking process on February 26, 2010, and the Commission adopted the amendments on September 23, 2011.

c. Justification: The proposed changes will reduce asbestos fibers entering the atmosphere, resulting in a decrease in morbidity and premature death. Making the proposed change will improve the overall effectiveness and enforceability of asbestos abatement regulation, and help ensure the proper training and efficient certification of asbestos workers in the state.

d. Economic Impact: The monitoring requirements will have a total average annual economic impact of \$873,000 per year. This cost per renovation will vary with the length of job. The proposed regulation revisions will not result in any increase cost to ADEQ in manpower and associated resources.

e. Environmental Benefit Analysis: The proposed changes will help ensure that asbestos fibers are not being released into the environment, and will improve the overall effectiveness and enforceability of asbestos abatement regulation.

3. Regulation Number and Name: Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas; Docket No. 10-002-R.

a. Amendment Proposed By: Arkansas Department of Environmental Quality.

b. Description: ADEQ filed its request to initiate rulemaking on March 16, 2010. Proposed changes to Regulation 2 include clarification, updating, and correction of typographical errors, formatting, and text standardization throughout the regulation.

The Arkansas Pollution Control & Ecology Commission ("Commission") initiated the rulemaking process on May 27, 2010, and no final decision has been made.

c. Justification: The Federal Water Pollution Control Act ("Clean Water Act") requires states to review their water quality standards on a triennial basis and to amend those standards as necessary.

d. Economic Impact: At this time it is not possible to estimate the costs associated with parameters being revised.

e. Environmental Benefit Analysis: The proposed changes are necessary to ensure that existing uses and designated uses for waters of the State, and the water quality necessary to protect those uses, are protected and maintained.

4. Regulation Number and Name: Regulation No. 2, Umetco Minerals Corporation Third-Party Rulemaking; Docket No. 10-005-R.

a. Amendment Proposed By: Umetco Minerals Corporation ("Umetco").

b. Description: Umetco filed its request to initiate rulemaking on June 14, 2010. Umetco seeks to amend the existing site specific mineral quality criteria for Wilson Creek and to remove the domestic drinking water supply use designation for Wilson Creek.

The Commission initiated the rulemaking process on June 25, 2010, and the Commission adopted the amendments on August 26, 2011.

c. Justification: This proposed rule will allow Umetco to continue to serve the public, be in compliance with its NPDES permit, and continue to protect the aquatic life designated uses of the affected stream.

d. Economic Impact: There are no net economic effects of the proposed rule because the rule simply adjusts dissolved mineral criteria to reflect current conditions.

e. Environmental Benefit Analysis: The Use Attainability Analysis indicates that the current TDS, chloride and sulfate concentrations in Wilson Creek supports attainable aquatic life uses and site specific water quality criteria for minerals are justified.

5. Regulation Number and Name: Regulation No. 2, Alcoa, Inc. Third-Party Rulemaking; Docket No. 10-006-R.

a. Amendment Proposed By: Alcoa, Inc. ("Alcoa").

b. Description: Alcoa filed its request to initiate rulemaking on September 3, 2010. Alcoa is requesting a temporary modification to the chronic water quality standard for selenium in Holly Creek to reflect current and historic conditions in Holly Creek during the term of an Environmental Improvement Project ("EIP").

The Commission initiated the rulemaking process on September 24, 2010, and the Commission adopted the amendments on July 22, 2011.

c. Justification: The rule change is necessary because there is currently no known technically and economically feasible biological or chemical treatments capable of reducing the selenium concentration to levels that meet the chronic water quality standard.

d. Economic Impact: There are no economic effects of the proposed rule.

e. Environmental Benefit Analysis: There are currently no known technically and neither economically feasible biological

or chemical treatment, nor source reduction strategies capable of reducing the selenium concentration to levels that meet the current chronic water quality standard. This rule will allow Alcoa to continue its quest to find and/or develop treatment while preserving the fishery of Holly Creek and protecting the Saline River.

6. Regulation Number and Name: Regulation No. 23, Hazardous Waste Management; Docket No. 10-007-R.

a. Amendment Proposed By: Arkansas Department of Environmental Quality.

b. Description: ADEQ filed its request to initiate rulemaking on September 10, 2010. The amendments to Regulation No. 23 adopt newly-revised federal rules published between July 1, 2009 and August 31, 2010 and makes editorial revisions to existing provisions.

The Commission initiated the rulemaking process on September 24, 2010, and the Commission adopted the amendments on August 26, 2011.

c. Justification: These revisions are necessary to keep the state hazardous waste regulations current with the corresponding federal requirements.

d. Economic Impact: No economic impact is created by the state-initiated revisions in this proposed rulemaking.

e. Environmental Benefit Analysis: Arkansas businesses will continue to benefit from a regulatory environment that is equivalent to the corresponding Federal requirements, and effective in ensuring that hazardous wastes and similar regulated materials are managed in an environmentally safe manner.

7. Regulation Number and Name: Regulation No. 34, State Water Permit Regulation; Docket No. 10-008-R.

a. Amendment Proposed By: Arkansas Department of Environmental Quality.

b. Description: ADEQ filed its request to initiate rulemaking on November 22, 2010. Regulation No. 34 will deal primarily with the construction, modification, and operation of pits used for the storage, treatment, or discharge of fluids associated with oil and natural gas well activities in Arkansas.

The Commission initiated the rulemaking process on December 3, 2010, 2010, and the Commission adopted the amendments on September 23, 2011.

c. Justification: The amendments to Regulation No. 34 provides a permit by rule to cover wastes that are not discharged into waters of the State but are stored, disposed, or discharged in a manner that, if unregulated, will cause, or are likely to cause, pollution to waters of the State.

d. Economic Impact: No economic impact is created by the state-initiated revisions in this proposed rulemaking.

e. Environmental Benefit Analysis: Arkansas businesses will continue to benefit from a regulatory environment that is equivalent to the corresponding Federal requirements, and effective in ensuring that the waters of the State are protected.

8. Regulation Number and Name: Regulation No. 18, Arkansas Air Pollution Control Code; Docket No. 11-001-R.

a. Amendment Proposed By: Arkansas Department of Environmental Quality.

b. Description: ADEQ filed its request to initiate rulemaking on January 14, 2011. The changes are being proposed in response to the United States Environmental Protection Agency's ("EPA") June 3, 2010, Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule ("Tailoring Rule"). The Tailoring Rule requires that greenhouse gases be subject to regulation under the Clean Air Act. Carbon dioxide is one of the gases listed in the Tailoring Rule as a greenhouse gas. The Commission's Regulation Number 18 currently

excludes carbon dioxide from being an air contaminant. For state regulations to be consistent with EPA's Tailoring Rule, the exclusion of carbon dioxide from air contaminant needs to be removed.

The Commission adopted the minute order initiating the rulemaking process on January 28, 2011, and no final decision has been made.

c. Justification: For state regulations to be consistent with EPA's Tailoring Rule, the exclusion of carbon dioxide from air contaminant needs to be removed.

d. Economic Impact: The costs of the proposed amendments to Regulation Number 18 to the state government are unknown at this time.

e. Environmental Benefit Analysis: No Environmental Benefit Analysis is required.

9. Regulation Number and Name: Regulation No. 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control; Docket No. 11-002-R.

a. Amendment Proposed By: Arkansas Department of Environmental Quality.

b. Description: ADEQ filed its request to initiate rulemaking on January 14, 2011. The changes are being proposed in response to EPA's June 3, 2010, Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule. The Tailoring Rule requires that greenhouse gases be subject to regulation under the Clean Air Act. Language is being proposed to ensure emission levels under 75,000 tons per year will be considered "De Minimis" and increases of greenhouse gases under this level will not require a major permit modification.

The Commission adopted the minute order initiating the rulemaking process on January 28, 2011, and no final decision has been made.

c. Justification: Making these changes will maintain consistency between Federal air pollution control programs and the Commission's regulations governing air pollution in

Arkansas, as well as maintain consistency across air pollution regulations.

d. Economic Impact: The costs of the proposed amendments to Regulation Number 19 to the state government are unknown at this time.

e. Environmental Benefit Analysis: No Environmental Benefit Analysis is required.

10. Regulation Number and Name: Regulation No. 26, Regulations of the Arkansas Operating Air Permit Program; Docket No. 11-003-R.

a. Amendment Proposed By: Arkansas Department of Environmental Quality.

b. Description: ADEQ filed its request to initiate rulemaking on January 14, 2011. The changes are being proposed in response to EPA's June 3, 2010, Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule. The Tailoring Rule requires that greenhouse gases be subject to regulation under the Clean Air Act. Carbon dioxide is one of the gases listed in the Tailoring Rule as a greenhouse gas. The Commission's Regulation Number 26 currently excludes carbon dioxide from being an air contaminant. For state regulations to be consistent with EPA's Tailoring Rule, the exclusion of carbon dioxide from air contaminant needs to be removed.

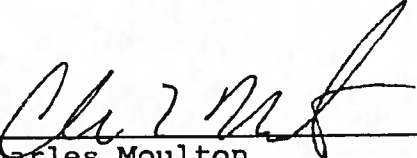
The Commission adopted the minute order initiating the rulemaking process on January 28, 2011, and no final decision has been made.

c. Justification: Making these changes will maintain consistency between Federal air pollution control programs and the Commission's regulations governing air pollution in Arkansas, as well as maintain consistency across air pollution regulations.

d. Economic Impact: The costs of the proposed amendments to Regulation Number 26 to the state government are unknown at this time.

e. **Environmental Benefit Analysis:** No Environmental Benefit Analysis is required.

10/4/11
Date



Charles Moulton
Administrative Hearing Officer
Arkansas Pollution Control and
Ecology Commission

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 07-01-11 - 09-30-11

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Renewal	Short-Term Authority	Total
AIR									
	G	General Operating Permit	\$ 16,800 84	\$ 1,000 5					\$ 17,800 89
	LC	Late Charge (Air LC)	\$ 871 7						\$ 871 7
	MS	Minor Source (Air MS)	\$ 172,231 93	\$ 3,224 3		\$ 10,800 27			\$ 186,255 123
	MV RF	Motor Vehicle Racing Facility (Air MVRF)	200 1						200 1
	R3	Air Reg 18.315	600 3						\$ 600 3
	T5	Title 5 (Air T5)	\$ 1,158,341 38			19,274 14			\$ 1,177,615 52
	LC	Late Charge (Air T5)	\$ 1,722 2						\$ 1,722 2
AIR TOTAL			\$ 1,350,765 \$ 228	\$ 4,224 8	\$ 19,274 14	30,074 41	0 \$ -	\$ - \$ -	\$ 1,385,063 \$ 277
SOLID WASTE									
	1	Class I Landfill	\$ 6,000 1			\$ 7,000 2			\$ 13,000 3
	3C	Class III commercial (SW 3C)							\$ - \$ -
	3T	Class III Tire Monofill (SW 3T)	3,000 1						\$ 3,000 1
	3N	Class III Non-commercial	9,000 3						\$ 9,000 3
	4	Class IV Landfill	5,000 10						\$ 5,000 10
	CD/RF	Construction & Demolition Waste							\$ -

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 07-01-11 - 09-30-11

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Renewal	Short-Term Authority	Total
		Recovery (Solid Waste CDRF)							0
	CL	Closed Facility (Solid Waste CL)	\$ 1,500 3						\$ 1,500 3
	CO	Composting Organic Waste (Solid Waste CO)	1,350 3			450 1			\$ 1,800 4
	CY	Composting Yard Waste (Solid Waste CY)	\$ 1,800 4						\$ 1,800 4
	P	Postclosure Fee (Solid Waste P)	\$ 1,500 3						\$ 1,500 3
	TS	Transfer Station or MRF	\$ 10,800 24			\$ 450 1			\$ 11,250 25
	WR	Solid Waste Recovery	\$ 900 2						\$ 900 2
	LC	Late Charge (Solid Waste LC)	\$ 70 2						\$ 70 2
SOLID WASTE TOTAL			40,920 56	0 0	0 0	7,900 4		0 0	48,820 60

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 07-01-11 - 09-30-11

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Renewal	Short-Term Authority	Total
WATER - NPDES									
	N-A	NPDES Agricultural (Minor With Toxic)	\$ 17,056 3						\$ 17,056 3
	N-B	NPDES Saltwater (Minor Without Toxic)	\$ 221,083 145	\$ 203 1		\$ 2,000 2			\$ 223,286 148
	N-C	NPDES Cooling Water	\$ 546 2						\$ 546 2
	N-G	NPDES Coal Mining (converted)							\$ - 0
	N-G2	NPDES Coal Mining							\$ - 0
	N-G3	NPDES Sanitary Landfill Run-off	\$ 1,600 4	\$ 800 2					\$ 2,400 6
	N-G5	NPDES Bulk Petroleum Storage							\$ - 0
	N-G6	NPDES Individual Home Treatment	\$ 2,800 14	\$ 400 2					\$ 3,200 16
	N-G7	NPDES Water Plant Backwash	\$ 12,000 30						\$ 12,000 30
	N-G8	NPDES Pipeline Hydrostatic Test	\$ 600 3	\$ 3,200 16					\$ 3,800 19
	N-G9	NPDES Car/truck Wash Facility	\$ 800 4	\$ 200 1					\$ 1,000 5
	N-GA	Ground Water Clean-Up (Water-NPDES GA	\$ 1,500 3	\$ 1,200 3					\$ 2,700 6

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 07-01-11 - 09-30-11

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Renewal	Short-Term Authority	Total
	N-GB	Laundromat (Water-NPDES GB)							\$ - 0
	N-GC	Sand and Gravel (Water-NPDES GC)	\$ 117 2	\$ 2,800 14					\$ 2,917 16
	N-GE	Cooling Towers; Tower & Boiler Blowdown (Water-NPDES GE)	\$ 200 1	200 1					\$ 400 2
	N-J	NPDES Major Non-municipal,	\$ 60,000 4						\$ 60,000 4
	N-K	NPDES Major Non-municipal, MRAT 80-100	\$ 22,000 2						\$ 22,000 2
	N-L	NPDES Discretionary Major							\$ - 0
	LC	Late Charge(Water-NPDES LC)	\$ 2,205 15						\$ 2,205 15
	LS	Late Charge (Storm Water)	\$ 903 46						\$ 903 46
	N-M	NPDES Major Municipal	\$ 225,111 28			\$ 5,000 1			\$ 230,111 29
	NO-EX	No-Exposure Certification (Water-NPDES)	\$ 11,400 57	\$ 1,800 9					\$ 13,200 66
	N-O	NPDES Minor Aquatic Animal Prod	\$ 2,500 1						\$ 2,500 1

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 07-01-11 - 09-30-11

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Renewal	Short-Term Authority	Total
	N-P	NPDES Minor Variable Discharge	\$ 4,800 16	\$ 600 2					\$ 5,400 18
	N-Q	NPDES Construction Permit		\$ 5,000 10					\$ 5,000 10
	N-R1	NPDES Stormwater Manufacturing	\$ 45,202 238	\$ 10,600 53					\$ 55,802 291
	N-R2	NPDES Stormwater Construction	\$ 37,550 189	\$ 10,400 52					\$ 47,950 241
	R4	NPDES Stormwater: MSF Phase II	\$ 1,800 9						\$ 1,800 9
	Z	Interim Authority							0 0 0
WATER NPDES TOTAL			671,773 816	37,403 166	0 0	7,000 3	0 0	0 0	716,176 985
TE WATER PERM	ST	Short-Term Authorization							\$ - 0
	S-D	Confined Animal or Small Sep	\$ 19,800 99			\$ 200 1			\$ 20,000 100
	S-E	State Permits Branch Commercial or	\$ 23,959 50	\$ 3,000 6		\$ 500 1			\$ 27,459 57
	S-F	Industrial Sludge App	\$ 500 1						\$ 500 1
	S-G1	State Permits Branch Confined							\$ - 0
	S-H	Salt Water Disposal (SPB H)	\$ 29,250 117	\$ 1,000 4		\$ 3,250 13			\$ 33,500 134

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 07-01-11 - 09-30-11

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Renewal	Short-Term Authority	Total
	GLA	Oil & Gas Land Application							\$ - 0
	GP	Oil & Gas Pits		37,500 125					\$ 37,500 125
	S-I	POTW Non-NPDES Land App	\$ 500 1						\$ 500 1
	LC	Late Charge(Water-SPB LC)	\$ 505 20						\$ 505 20
	Z	Interim Authority (Water-SPB Z)							\$ - 0
	ST	Short-Term Authorization (Water-SPB ST)						\$ 32,600 90	\$ 32,600 90
WATER - STATE PERMIT			\$ 74,514 \$ 288	\$ 41,500 \$ 135	\$ - \$ -	\$ 3,950 15		\$ 32,600 \$ 90	\$ 152,564 \$ 528
	U-1	State Permits Branch UIC - Class I	\$ 15,000 1						\$ 15,000 1
	Z	Interim Authority							\$ - 0
UIC TOTALS			\$ 15,000 1	\$ - 0	\$ - 0	\$ - 0		\$ - 0	\$ 15,000 1
TOTAL			\$ 2,152,972 1,389	\$ 83,127 309	\$ 19,274 14	\$ 48,924 63	\$ - 0	\$ 32,600 90	\$ 2,317,623 1,851

ADEQ REVENUE FROM PERMIT FEES AND LICENSES

All figures generated 10/05/2011, based on active invoices. Date range = 07-01-11 - 09-30-11

Invoice Identifier	Fee Code	Description	Fund	Collections
RST - Tank Installer Licenses	RST	Tank installer licenses	SRS0000	4,275.00
TKS - Storage Tank Fees	TKS	Storage Tank Fees		132,475.00
UST - Exam Fees	UST	Underground Storage Tank Exam Fees		6,175.00
ASB - Asbestos Licenses	ASB	Asbestos Licenses	SAC0000	21,875.00
LED - Individual Licenses - Lead	LED	Individual Licenses	MPL0000	
CCL - Contractors Licenses - Lead	CCL	Contractors Licenses	MPL0000	
			SAC0000	48,550.00
HWD - HW Permits	HWD	Hazardous Waste Permits	SHW0000	318,760.15
TRF - Transfer Facilities	TRF	Transfer Facilities		300.00
HWL - HW Licenses	HWL	HW Licenses	THS0000	80,167.50
SFF - Superfund	HWD	Superfund permit fees	MEE0000	8,907.50
LAB - Lab Certification Fees	LAB	Lab Certification Fees	HMA0100	16,910.00
MPS - Mining Fees	MPS	Non-coal mining permit Fees	HMA0100	11,892.90
		Coal Mining Permit Fees	MAF0000	
		Quarry Permit Fees	TLR0000	2,625.00
MBL - Mining Fees	MBL	Blaster Permits	MAF0000	
DCO - Dump Control Officers	DCO	Dump Control Officer Licenses	TPE0000	205.00
SWL - Sanitary Landfill Operators	SWL	Sanitary Landfill Operator Licenses		22,760.00
TTL - Waste Tire Licenses	TTL	Waste Tire Licenses		45.00
TPF - Waste Tire Facilities	TPF	Waste Tire Facilities		
MER - Mercury Switches	MER	Mercury Switches	TWS0100	3,468.00
SWF - Municipal Landfills	SWF	Municipal Landfill Fees	TWS0100	327,166.75
			TWS0200	981,500.26
			TWS0300	838,919.23
ILF - Industrial Landfills	ILF	Industrial Landfill Fees	TWS0100	4,123.77
			TWS0200	12,154.29
			SMB0000	5,426.01
WWL - Wastewater Licenses	WWL	Waste Water Operator Licenses	MWW0000	103,768.00

Total				2,952,449.36