



ARKANSAS  
Department of Environmental Quality

October 14, 2015

Sen. Bill Sample, Co-Chair  
Rep. David Branscum, Co-Chair  
Arkansas Legislative Council  
Room 315, State Capitol Building  
Little Rock, AR 72201

Dear Sen. Sample & Rep. Branscum:

As required in Act 77 of 2015, Section 38(a)-(e), the Arkansas Department of Environmental Quality presents the following information:

- (a) number and type of environmental permits currently authorized by the Department and Pollution Control and Ecology Commission in each environmental permit category,
- (b) total funds collected from permit fees for each permit category and the percent increase or decrease in permit fees annually,
- (c) 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) 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) description of all pending rulemaking activities and justifications thereof, including economic impact and environmental benefit analysis.

The information provided by each division covers the period July 1, 2015 through September 30, 2015. If you have any questions, please contact Tammy Harrelson at (501) 682-0959.

Sincerely,

A handwritten signature in black ink, appearing to read "Becky W. Keogh".

Becky W. Keogh  
Director

Enclosure

AIR DIVISION

As of:	10/1/2015			
State Fiscal Quarter	1st qtr. FY2016			
Air Permits/Category				
Major Title V	204			
Minor	1023			
Permits Pending- By Category/Facility				
<b>TITLE V</b>				
<b>CSN</b>	<b>Date App</b>	<b>FACILITY NAME</b>	<b>Days</b>	<b>Reason Code</b>
5500017	11/3/2009	Bean Lumber Company	2131	9
7000037	4/2/2010	Great Lakes Chemical Corporation - South Plant	2005	9
7000016	5/27/2011	Lion Oil Company	1576	3
6000003	9/30/2011	3M Company (3M Industrial Mineral Products Division)	1443	6
0200028	8/6/2012	Georgia-Pacific Chemicals LLC	1148	6
3900023	11/26/2012	U. S. Army Corps of Engineers - W.G. Huxtable Pumping Plant	1017	9
7000012	6/27/2013	Great Lakes Chemical Corporation - Central Plant	762	6
4000041	8/28/2013	Enable Mississippi River - Glendale	756	8
2600022	9/17/2013	Triumph Fabrications-Hot Springs, LLC	716	6
1500068	12/2/2013	Enable Gas Transmission, LLC (Round Mountain Compressor Station)	666	5
4300093	1/16/2014	Enable Mississippi River Transmission, LLC (Carlisle Compressor)	603	8
0200065	1/15/2014	Enable Mississippi River Transmission, LLC (Fountain Hill)	603	6
5400120	1/16/2014	Enable Gas Transmission, LLC (Helena Compressor Station)	603	8
7300127	2/20/2014	Enable Mississippi River Transmission, LLC (West Point Compressor )	584	8
4200088	2/26/2014	Enable Gas Transmission, LLC (Dunn Compressor Station)	576	8
6100076	3/4/2014	Enable Mississippi River Transmission, LLC (Biggers Compressor)	574	9
3400111	1/16/2014	Enable Mississippi River Transmission, LLC (Tuckerman Compressor )	561	8
6000065	5/6/2014	AFCO Steel, LLC	476	9
1000070	7/15/2014	Anthony Timberlands, Inc.	437	9
7200048	7/7/2014	Ball Metal Food Container, LLC	393	9
6001380	9/16/2014	Arkansas Electric Cooperative Corporation - Harry L. Oswald	371	9
7000059	9/18/2014	Lycus Limited	357	7
7000040	12/31/2014	El Dorado Chemical Company	261	3
2900304	2/3/2015	Arkansas Electric Cooperative Corporation - Fulton CT1 Generating	238	6
3100016	3/2/2015	Weyerhaeuser NR Company - Dierks Mill	206	6
7500009	3/24/2015	Deltic Timber Corporation	189	7
6101017	3/17/2015	Peco Foods, Inc.	184	9
4700493	4/9/2015	Skyline Steel, LLC	153	6
2800251	4/8/2015	American Railcar Industries, Inc. - Paragould	143	6
3000081	4/10/2015	Enable Gas Transmission, LLC (Malvern Compressor Station)	133	8
7000040	5/14/2015	El Dorado Chemical Company	125	3
7000040	5/22/2015	El Dorado Chemical Company	120	3
7301081	5/29/2015	DeSoto Gathering Company, LLC - Mako CPF-1	115	7
3000084	5/20/2015	Anthony Timberlands, Inc.	115	6
4700461	6/10/2015	Plum Point Services Company, LLC - Plum Point Energy Station	106	3
4700202	6/19/2015	Nucor-Yamato Steel Company	101	8
3500116	7/1/2015	U.S. Army, Pine Bluff Arsenal	85	2

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As of:	9/30/2015
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State Fiscal Quarter	First
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#### Hazardous Waste Management Permits

Post-Closure:	5
Hazardous Waste Management:	12

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Applications Pending	5
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Type/Name	Permit No.	Days Pending	Reason Code
Class 2 Permit Modification/Clean Harbors/Add Tanks and revise Waste Analysis Plan	10H-RN1	49	3
Class 1 Permit Modification/Austin Powder/Revise waste handling and inspection procedures	31H-RN1	28	2
Renewal Permit/Lion Oil Company	14H-RN1	16	1, 2
Renewal Permit/Sentinel Industries	12H-RN1	14	1, 2
Class 1 Permit Modification/Aerojet Rocketdyne/Revise facility contact information	8H-RN2	8	3
	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:	

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# MINING DIVISION

As of: 9/30/2015

State Fiscal Quarter 1st FY16

## Mining Division Permits/Category

Coal Mining		Open-Cut Mining	
Active	6	Sand and Gravel	152
Exploratory		Clay	31
		Shale	18
		In-Stream	1
		Soil	44
		Other	10
Coal Total	6	Open-Cut Total	256
Total Mining Permits	262		

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## Permits Pending- By Category/Facility

<b>COAL MINING</b>		<b>Days Pending</b>	<b>Reason Code</b>
Comer Mining Co.		55	5
<b>OPEN-CUT MINING</b>		<b>Days Pending</b>	<b>Reason Code</b>
T & H Mining, LLC		132	5

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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: 9/30/2015

State Fiscal Quarter 1

### Solid Waste Management Permits/Category

Class 1 Landfills	31
Class 3 Landfills	28
Class 4 Landfills	37
Compost Facilities	19
CDMRF	1
Tire Processing Facilities	8
Transfer Station/WRFs	95

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### Permits Pending-By Category/Facility

Class 1 Landfill Apps/Mods	Days Pending	Reason Code
City of Hope Major Mod	372	2
Eco-Vista Class 1 Minor Mod	70	2
Craighead Co. SWDA Minor Mod	315	3

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Class 3 Landfill Apps/Mods	Days Pending	Reason Code
Domtar Paper Sludge 3N Minor Mod	392	8
Entergy White Bluff Major Mod	2329	3
Clearwater Class 3N	251	5

Class 4 Landfill Apps/Mods	Days Pending	Reason Code
Calhoun Co. Major Mod	316	3
Clark County Major Mod.	121	3
Cleburne Co Major Mod	191	2

Compost Facility Apps/Mods	Days Pending	Reason Code

C&DRF Apps/Mods	Days Pending	Reason Code

Tire Processing Facility Apps/Mods	Days Pending	Reason Code

Transfer Station Apps/Mods	Days Pending	Reason Code

WRF Apps/Mods	Days Pending	Reason Code

### 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:

As of:	9/30/2015
State Fiscal Quarter	1

**Active Discharge Permits**

<b>Individual Permits</b>	
Municipal	369
Industrial	409
<b>Stormwater Permits</b>	
Construction	1130
Industrial	2005
Small Municipal Separate Storm Sewer System (MS4)	58
Individual	1
<b>General Permits</b>	
Landfill	34
Non-Contact Cooling Water	11
Aggregate Facilities	42
Individual Treatment	158
Concentrated Animal Feeding Operations	1
Water Treatment	131
Hydrostatic Testing	44
Car Wash	10
Ground Water	8
Pesticide	68
<b>Total</b>	<b>4479</b>

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**Permits Pending Greater than 45 Days**

Permit Number	Permittee	Facility	Days Pending	Reason Code	Additional Information
AR0000752		El Dorado Chemical Company	3208	9	This permit is currently on HOLD due to Mineral Issue.
AR0035386		FutureFuel Chemical Company	2689	8	This permit was previously on HOLD awaiting the issuance of a new land application permit. Both permits need to be issued at the same time to avoid a lapse in permit coverage. The land application permit and the discharge permit have completed the public notice period. Permittee submitted numerous comments on the land application permit which are currently being reviewed and responses are currently being drafted.
AR0001171		Great Lakes Chemical Corporation - Central Plant	2653	8	This permit is currently on HOLD due to Mineral Issue.
AR0022063		Springdale Water and Sewer Commission	2578		This permit is currently on HOLD. The EPA has currently placed a hold on the approval of this permit pending the outcome of a Total Phosphorus model being ran for Illinois River watershed.
AR0000647	Lion Oil Company	El Dorado Refinery	2452	9	This permit is currently on HOLD due to Mineral Issue.
AR0050288	City of Fayetteville	West Side Wastewater Treatment Facility	1952		This permit is currently on HOLD. The EPA has currently placed a hold on the approval of this permit pending the outcome of a Total Phosphorus model being ran for Illinois River watershed.

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Permits Pending Greater than 45 Days

Permit Number	Permittee	Facility	Days Pending	Reason Code	Additional Information
AR0043397		City of Rogers	1935		This permit is currently on HOLD. The EPA has currently placed a hold on the approval of this permit pending the outcome of a Total Phosphorus model being ran for Illinois River watershed.
AR0000582	Alcoa Inc.	Arkansas Remediation	1648	9	This permit was previously on HOLD awaiting EPA approval of EIP for Selenium. The EIP was approved, however this permit is currently still on HOLD due to Mineral Issue and proposed TMDL revision for minerals.
AR0022250		City of Dermott - South Pond	1541	9	ON HOLD due to Minerals and Mercury TMDLs
AR0049425	Associated Electric Cooperative, Inc.	Dell Power Plant	1483	9	ON HOLD due to Minerals
AR0002968	Domtar A.W. LLC	Ashdown Mill	1437	9	This permit is currently on HOLD. Due to upcoming water quality standard changes for minerals, this permit is on HOLD until further notice.
AR0039284	Hot Springs POA	Cedar Creek WWTP	1376	9	This permit is currently on HOLD due to mercury and mineral issues
AR0022373		West Fork Wastewater Treatment Plant	1344	9	This permit is currently on HOLD with no plans for issuance. This facility is in the process of routing the City's wastewater to the City of Fayetteville for treatment. Once this connection is completed, this permit will be terminated.
AR0034321		City of Harrison	1289	9	Previous Mineral HOLD Waiting for UAA workplan for Minerals
AR0048356	Tyson Poultry, Inc.	River Valley Animal Foods	1283	9	ON HOLD due to Minerals TMDL
AR0020273		City of Siloam Springs	1273		This permit is currently on HOLD. The EPA has currently placed a hold on the approval of this permit pending the outcome of a Total Phosphorus model being ran for Illinois River watershed.
AR0021792		City of Berryville	1197	4	This permit is currently in technical review by engineer or management. This permit was previously on HOLD due to Mineral Issue. This permit is currently being drafted to include requirements for monitoring and reporting of Total Dissolved Solids.
AR0000680		Great Lakes Chemical Corporation - South Plant	1135	9	This permit is currently on HOLD due to Mineral Issue.
AR0034371		City of Portland	1052	9	Mineral HOLD
AR0043508		City of Waldo	1031	9	Hg TMDL & WQMP Update Appeal
AR0049794	Halliburton Energy Services, Inc.	Magcobar Mine Site	1009	9	This permit is currently on HOLD due to a CAO and an EIP that is currently under construction.
AR0050857		City of Garland WWTP	959	9	Mineral HOLD
AR0036498	Benton Utilities	Wastewater Treatment Plant	923	9	This permit is currently on HOLD due to an upcoming revision to a TMDL which contains a mineral limit for this facility.
AR0050989		City of Wilmot	897	9	ON HOLD due to Minerals and Mercury TMDLs
AR0050997	City of Parkdale	Parkdale Wastewater Treatment Plant	869	9	Mineral HOLD and Hg Mercury Previous permit# AR0037141 JD's permit assigned to EG September 24, 2014
AR0022004		City of Huntsville	730	9	Reassigned. The permit is currently on HOLD by request of the permittee due to minerals.
AR0043192		City of Colt	728	9	On HOLD until Fecal TMDL corrected. 2/20/2014
AR0000647		City of Star City	661	9	This permit is currently on HOLD due to a mercury issue. The permit has previously finished the comment period on its redraft.
AR0033707		City of Tillar	646	9	Mineral HOLD
AR0021695		City of Rison	629	9	Hold Minerals & Mercury
AR0042951		City of Ashdown	611	9	This permit is currently on HOLD. Due to upcoming water quality standard changes for minerals, this permit is on HOLD until further notice.
AR0039659		City of Felsenthal	590	9	This permit has been placed on temporary HOLD until revisions are finalized for a Mercury TMDL. Public notice period has ended and permit is currently being finalized.
AR0021440		City of Smackover	589	9	This permit is currently on HOLD due to Mercury issues.



Permits Pending Greater than 45 Days

Permit Number	Permittee	Facility	Days Pending	Reason Code	Additional information
AR0020001		City of Tuckerman	584	8	<p>It took several months to receive Design Documents and confirmation of technical information to prepare appropriate response to comments. The permit has been routed for signature.</p> <p>The draft permit is currently under review. The permit has been written with a condition stating that the facility must obtain the proper permits for disposal of the wastewaters requested to be removed from the NPDES permit. It will need to go to EPA for a 30 day review.</p> <p>Shortly after the application was first submitted, the Department requested additional information and clarification on a couple of items. Due to the length of time needed for the permittee to obtain the information, the Department recommended the application be withdrawn and re-submitted once all of the required information could be gathered. The permittee did not submit a request to withdraw the application and later submitted the requested information. Following that submittal, data was requested several times from the permittee. The permittee stated in an e-mail dated 11/14/2014 that they thought they were permitted to dispose of the boiler blowdown, cooling tower blowdown, and steam condensate in the Class V well since those waters were associated with bromine production. On 12/19/2014 the permittee stated that they would be installing a new sanitary sewer treatment plant for the sanitary wastewater but the plans had not yet been finalized. In an e-mail dated 12/30/2014, the permittee stated that the sanitary sewer WWTP would not have a surface discharge.</p> <p>The Department could not verify the permittee's claims that the cooling tower blowdown, boiler blowdown, and steam condensate could be disposed of in the Class V well. The permittee was asked for more specific information in an e-mail dated 2/25/2015. A response was received on 3/7/2015. This response was forwarded to EPA Region VI for their review. We received information from EPA on March 13th regarding the disposal of cooling tower blowdown, boiler blowdown, and steam condensate down the Class V well. It was determined that those wastes cannot be disposed of down that well. In a June 2015 letter, the Arkansas Oil and Gas Commission which regulates the Class V well stated that these waters are allowed to be disposed of in that well. The permit has been updated accordingly and is undergoing the final technical review prior to being sent to public notice.</p>
AR0043516M	Great Lakes Chemical Corporation	West Plant	566	5	
AR0048691		City of Texarkana-North WWTP	553	9	This permit is currently on HOLD. Due to upcoming water quality standard changes for minerals, this permit is on HOLD until further notice.
AR0038679	Rickey W. Cox	Shady Oaks Mobile Home Park	547	9	This permit has been placed on temporary HOLD until revisions are finalized for a Fecal Coliform Bacteria TMDL. Public notice period has ended and permit is currently being finalized.
AR0022179		City of Junction City	533	9	This permit is currently on HOLD for mineral issues.
AR0050202	Destined To Win/Family Outreach Ministry, I	d/b/a Second Chance Ranch	533	9	ON HOLD due to Minerals TMDL
AR0020168		City of Stephens	528	9	9/5/14: Re-assigned from JDB to EG Mercury Testing Requested for TMDL
AR0044423		Jessieville Public Schools	464	9	6/9/2014-Hold Mercury
AR0048992	Arkansas State Highway and Transportation Dept	District V	455	9	This permit is currently on HOLD for mineral and mercury issues. Reassigned. This facility is attempting to route its discharge to another WWTP and then terminate the permit.
AR0034134		City of Lake City	447	9	This permit has been placed on temporary HOLD due to a CAO that is currently being drafted to address recent effluent violations. Public notice period has ended and permit is currently being finalized.
AR0034037		City of Yellville	443	4	Was on Hold for Minerals-UAA with City of Harrison. It was released from hold and routed on August 25, 2015 for Technical Review.
AR0021474		City of Bearden	441	9	This permit is currently on HOLD due to Mercury issues.

Permits Pending Greater than 45 Days

Permit Number	Permittee	Facility	Days Pending	Reason Code	Additional Information
AR0000850		Mountain Valley Spring Company, LLC	435	4	This permit was in house longer because permit engineer worked with the facility to relocate outfall and construct a new outfall structure in an effort to obtain representative samples of the discharge for demonstrating compliance with the permit. Permit limits were modified to be consistent with the new outfall location.
AR0034304		City of Earle	429	6	Application was technically incomplete. Additional information was requested and received. Facility had not discharged in the previous five years, which led to a discussion, and multiple requests for information from the permittee, about the treatment ponds possibly leaking. The issue has been resolved and the permit is at public notice now.
AR0043672		City of Kingsland	423	9	This permit has been placed on temporary HOLD until revisions are finalized for a Mercury TMDL. The permit has not been public noticed yet and is currently in technical review by engineer or management.
AR0021806M2	Little Rock Wastewater Utility	Adams Field Wastewater Treatment Plant	421	7	This permit was sent to public notice on 10/8/2015 for 30-day comment period. This permit modification involves the authorization to operate a parallel treatment system for peak flows. Since this is the first time something of this nature has been permitted, there were several iterations of language, conditions, and internal review needed during the course of permit preparation.
AR0051241	Arkansas Department of Parks & Tourism	White Oak Lake State Park	420	9	5-day review ended 10/2/2015. Will PN 10/14/2015. Renewal permit was waiting for construction permit to be issued to reference modified treatment system.
AR0047953	Deltic Timber Corporation	Waldo Mill	420	8	The permittee and the Department were not in agreement on a couple of issues raised in the permittee's comments on the draft permit. A meeting was held at the Department on August 18, 2015. Permittee is required to submit clarification of one of the comments by October 10, 2015. This permit also required inclusion in the 208 Plan update and was at EPA for 2 months (normal is 30 days or less).
AR0034029		City of Hamburg	416	9	This permit is currently on HOLD due to Mercury Issue
AR0047732	Interfor US Inc	Interfor US Inc	395	6	This permit is currently in the 30-day public comment period. The permit was previously on hold due to Mercury.
AR0034550	Arkansas Steel Associates, LLC	Arkansas Steel Associates, LLC	393	4	This permit took longer to prepare because the technology-based limits had to be recalculated and adjusted to account for a change in production rates and flow rates that occurred at the facility since last permit issuance. Application returned 7/10/14-HP Original application received on May 9, 2014-Ready to be signed effective. The Legal Division Requested the permit be placed on hold. Financial Assurance issues and potential Civil Suit
AR0047261	Chicot Sewer System, LLC	Krestwood Estates Subdivision	374	8,9	ON HOLD for minerals.
AR0034142	City of Marianna	Marianna Water & Sewer Commission - F	374	9	ON HOLD for minerals
AR0034169	City of Marianna	Marianna Water & Sewer Commission - F	374	9	Into review 12/9/2014. Multiple comments on Draft Permit by permittee requiring response.
AR0045608		City of Sherwood - South Facility	371	8	Internal review of permittee's request to remove a limit took extra time. Also, this facility needed to be added to the 208 Plan due to the inclusion of a water quality based limit.
AR0036668		Frit Industries, Inc.	352	8	This permit has been sent to EPA for review.
AR0046311	Rogers Group, Inc	Cabot Quarry	345	5	Extended review due to implementation of Lead TMDL and continuation of PAR requirements
AR0047635		Albemarle Corporation-West Plant	336	4	

Permits Pending Greater than 45 Days

Permit Number	Permittee	Facility	Days Pending	Reason Code	Additional Information
AR0000523	City of Green Forest	Evraz Stratcor, Inc.	332	5	reassigned to reviewing engineering February 2, 2015. FMLA taken by reviewing engineering for several weeks beginning March 2, 2015.
AR0021741		Green Forest Wastewater Treatment Plant	328	6	This permit is currently at public notice and waiting on the 30-days comment period to end.
AR0049069	Arkansas Electric Cooperative Corporation	Cushman Sawmill	317	4	The draft permit went to public notice on 7/7/2015, the permit has been routed to go to redraft.
AR0001759		Thomas B. Fitzhugh Generating Station	316	2	Implementation of NEW CWIS RULE - waiting on proposed BAT from permittee
AR0022756		Helena Industries, Inc.	316	4	Implementation of Corrective Action Plan
AR0044041	Peco Foods, Inc.	Cross County High School	302	9	Correcting Fecal conversion factor for the WLA on the L'Anguille River TMDL
AR0052451		Pocahontas	302	5	technical review of need for Total Phosphorus limits.
AR0022268		City of Huttig	297	9	This permit is currently on HOLD due to Mercury Issue
AR0047830	City of Haskell	Johnsville Company	288	5	This permit has cleared EPA review and 5 day pre-draft comment period. It has been routed to be sent to public notice. This permit was previously on hold due to mercury.
AR0044547		City of Haskell	274	9	This permit is currently on HOLD due to Mineral Issue.
AR0051713		North Wastewater Treatment Plant	274	9	This permit is currently on HOLD due to Mineral Issue.
AR0022284	City of Humphrey	City of Humphrey	268	6	PE had poor organization when permit was received and wasn't sticking to SOP recommended schedule. The permit was peer reviewed nearly a month after the due date and submitted for proofreading a month and a half later. It spent about a month and a half waiting for WQMP review and was finally routed for SE/BM review 113 days late.
AR0037761		Liberty Baptist Association - d/b/a Beech Springs Baptist Camp	260	6	Was previously on hold due to the Mercury Issue
AR0000400	Arkansas Electric Cooperative Corporation	Carl E. Bailey Generating Station	260	2	Implementation of NEW CWIS RULE - waiting on proposed BAT from permittee
AR0003018	Tyson Foods, Inc.	Grannis Processing Facility	251	6	public comment period ends October 10, 2015. permit is ready to route. Technical review by management and staff.
AR0047872	Arkansas Electric Cooperative Corporation	Robert Floyd Sawmill, Inc.	246	4	Mercury TMDL, must go to EPA has been routed without a WLA or monitor and report, Technical Review took longer because of the Mercury TMDL
AR0000841		John L. McClellan Generating Station	246	2	Implementation of NEW CWIS RULE - waiting on proposed BAT from permittee
AR0037249		Holiday Island Suburban Improvement District	233	4	Of the total days since administrative completeness, the application/permit has been in engineer's possession (total) for less than 30 days. Duration in-house is due to multiple management reviews, model review, and EPA review.
AR0046761	Mapco Express, Inc.	Mapco Express #3155	231	6	Facility is closed and non-operational. Waited on obtaining information from permittee during technical review.
AR0000914	Pottlatch Land and Lumber, LLC	Warren Lumber	226	6	Model review, technical review by engineer or management.
AR0039047	City of Dyess		223	8	Technical review of TMDL and 303(d) list.
AR0034258		Village Wastewater Company, Inc. (North)	223	8	The facility had asked the Department to determine if they met the legal definition of municipality in 40 CFR 122.2. Since the Department's Legal Division determined that they did not, they were required to pay the trust fund fee prior to the permit going to public notice.

Permits Pending Greater than 45 Days

Permit Number	Permittee	Facility	Days Pending	Reason Code	Additional Information
AR0035769		City of Waldron	212	7	Mod/Construction incomplete 5/13/15; instructed to wait until both are complete and combine mod & renewal 6/2/15; Site Visit 6/11/2015; Both complete 7/6/2015; Const. final 10/1/2015; EPA denied review 9/9/15; predraft ended 9/16; Renewal draft PN ends 10/23/15 - should be effective 11/1/2015 The State Construction Permit will be Placed in "inactive status" and a 3-year Schedule of Compliance for the State Construction Permit application, construction and completion of construction has been included in the discharge permit.
AR0052507C	Union County Lumber Company	El Dorado Mill	211	9	
AR0052507	Union County Lumber Company	El Dorado Mill	211	4	Has been routed for EPA review. Technical Review took a considerable amount of time while waiting for information. The State Construction Permit will be Placed in "inactive status" and a 3-year Schedule of Compliance for the State Construction Permit application, construction and completion of construction has been included in the discharge permit.
AR0046981		Hedger Aggregate, Inc.	209	8	Multiple submittals by permittee and consultant to clarify process flow diagrams, technical review by engineer or management. PE had the permits organized by Expiration date instead of Due date. WQMP Information was requested on 8/19/2015 and was received on 9/3/2015. The permit was routed on 9/8/2015 for SE/BM review, 85 days past the due date.
AR0039381	City of Grady	City of Grady	205	4	
AR0038482	Tyson Poultry, Inc.	Waldron	205	9	ON HOLD for minerals
AR0051756	Southwestern Energy Company	SWN Damascus Camp	204	4	Into review 8/7/2015. 5-day pre-draft review ended 10/2/2015. Comment received. Correction to NH3-N limits.
AR0001341	APAC-Central Inc.	dba Van Buren Sand	197	8	technical review by management and staff
AR0022322	City of Kensett	City of Kensett	195	9	On hold for Mercury.
AR0052493	RLH Construction, LLC	RLH Concrete	195	2	Currently waiting on the submittal of additional information by the Applicant.
AR0051616	Northeast Arkansas Public Water Authority (NEAPWA)	Water Treatment Plant	195	6	This permit is currently at public notice and waiting on the 30-days comment period to end.
AR0045063	APAC Central	Preston Quarry	195	6	This permit is currently in the 30-day public comment period.
AR0037800		Clean Harbors El Dorado, LLC	192	5	technical review by management and staff PE had the permits organized by Expiration date instead of Due date. WQMP Information was requested on 8/19/2015 and was received on 9/3/2015. The permit was routed on 9/8/2015 for SE/BM review, 60 days past the due date.
AR0038784	City of Aubrey	City of Aubrey	189	4	
AR0021768	City Corporation	Russellville Water and Sewer System	189	4	This permit is currently in technical review by engineer or management.
AR0038288	North Little Rock Wastewater Utility	White Oak Bayou White Oak Bayou	189	6	Duration in-house is due to multiple management reviews and the other review periods that are associated with major facilities (pretreatment, EPA, WET testing) Facility has indicated that they do not plan on making the changes which were the reason for the modification. It is expected that the facility will withdraw the application to modify the permit.
AR0000591M		Martin Operating Partnership L.P.	189		Additional information submitted by the permittee on 6/3/15. Technical review by engineer or management.
AR0044695	Hanumanta, LLC	Relax Inn	188	6	Was routed late due to a misunderstanding of due date; permit has also gone through multiple management reviews, modeling review, and EPA review
AR0048046		Rogers Lumber Company, Inc.	178	6	Shane review 9/3/2015; Waiting on additional Mercury samples to verify presence of Mercury in discharge.
AR0046418	Bonanza Creek Energy Resources, LLC	McKamie Gas Plant	178	2	Reassigned to Loretta Reiber. I believe the discharge was to be covered by the facility's stormwater IGP.
AR0052523	AECC	Fulton Generating Station	177	9	

Permits Pending Greater than 45 Days

Permit Number	Permittee	Facility	Days Pending	Reason Code	Additional Information
AR0002917M	Weyerhaeuser NR Company	Dierks Mill	177	5	technical review by management and staff.
AR0041602	Suburbia Sewer Improvement District #0	Suburbia Sewer Improvement District #1	175	9	On hold for Mercury.
AR0036331M	Entergy Arkansas, Inc.	d/b/a Entergy-White Bluff Plant	170	9	5-day ends 10/14/2015. Signed. Extended review due to implemetation of Coal Combustion Residual (leachate) requirements
AR0022001		City of Beebe	167	4	The permittee took a long time getting Health Department approval for land application of effluent
AR0045888M	Arkansas Department of Parks & Tourism -	Cane Creek State Park	167	6	technical review by management and staff.
AR0051349		Tucker Lumber Co., LLC	163	7	(PE was in Chicago July 6-10 for NPDES Training) EPA review 7/31/2015-8/31/2015; predraft ended 9/8/2015; Draft PN ends 10/16/2015 - should be effective 11/1/2015
AR0020036		City of Melbourne	163	8	Needed 3 samples for complete application; rec'd 4/21/2015; Draft PN closed 10/2/2015; proof of pub/payment rec'd 10/6/2015; final routed 10/7/15 - should be effective 11/1/2015
AR0047589		City of Biscoe Wastewater Treatment Fac	163	4	5-day pre-draft review ended 10/6/2015. Draft signed and awaiting PN.
AR0049191		Cricket Creek RV Estates	161	8	Just received "No Comment Letter" from EPA Review. The permit has been routed for Public Notice
AR0021857	City of Paris	City of Paris	156	4	PE had the permits organized by Expiration date instead of Due date. It was the PE's first permit with toxic dlscharge. WQMP information was requested on 8/19/2015 and was received on 8/31/2015. The permit was
AR0043923	Weyerhaeuser NR Company	Emerson Division	156	6	routed on 9/15/2015 for SE/BM review, 81 days past the due date. technical review by management and staff.
AR0049212	Butterball, LLC	Alix Feed Mill	153	4	5-day pre-draft review ended 10/6/2015. Draft awaiting signature and PN.
AR0001210	Georgia-Pacific Crossett LLC	Crossett Paper Operations	153	4	technical review by management and staff. The review of this application was delayed slightly by the submtital of an application to modify the permit prior to issuance of the renewal permit. The modification application took priority over the renewal since the modified permit must be issued before
AR0047813		Oak Manor Water & Wastewater Public F	147	9	October 31, 2015. Issuance of the renewal will also be delayed by a public hearing which has already been requested and granted. The date for the hearing will be included in the notice of the draft permitting decision.
AR0048275M	Ozark Interests, Inc.	Camp Ozark	146	4	On hold for Minerals.
AR0048275C	Ozark Interests, Inc.	Camp Ozark	146	4	5-day pre-draft review ended 10/6/2015. Draft signed and awaiting PN.
AR0021393	City of Cherry Valley	City of Cherry Valley	142	9	On hold for finalization of L'Anguille TMDL for FCB
AR0034291	Hot Springs POA	Mill Creek WWTP	142	9	This permit is currently on HOLD due to mercury and mineral issues
AR0049140	Union Power Partners, L.P.	Union Power Plant	141	4	Outfall 001 discharges to the Ouachita River and is included in the Mercury TMDL. Outfall 004 discharges into Salt Creek, minerals TMDL Sulfates and
AR0020125		City of Perryville	140	9	TDS.
AR0046566	City of Walnut Ridge	Walnut Ridge Wastewater Treatment Pla	140	4	ON HOLD for Hg (not eligible for exclusion) - cv 7/15/15
AR0037893		City of Madison WWTP	139	7	Technical Review
AR0001210M	Georgla-Pacific LLC	Crossett Paper Operations	135	6	Enforcement gave deadline to submit CAP by 7/10/15; predraft ended 9/8/2015; draft PN ends 10/19/2015 - should be effective 11/1/2015
					technical review by management and staff.

Permits Pending Greater than 45 Days

Permit Number	Permittee	Facility	Days Pending	Reason Code	Additional Information
AR0021822		City of Monticello - West Plant	134	9	This permit has been placed on temporary HOLD until revisions are finalized for a Mercury TMDL. The permit has not been public noticed yet and is currently in technical review by engineer or management.
AR0050474		Coreslab Structures (ARK), Inc.	133	4	Ammonia & Nitrates TMDL meeting 8/27/2015 to take more samples to see if nitrates are present; permittee emailed PE 9/15/2015 stating nitrates were detected; emailed again 10/7/15 stating they are working on their options and will request another meeting with ADEQ some time in October to discuss
AR0050440	City of Greenbrier	d/b/a Greenbrier Sports Park	133	6	Additional information submitted by the permittee on 6/3/15. Technical review by engineer or management.
AR0034771	City of Altheimer	City of Altheimer	132	4	PE had the permits organized by Expiration date instead of Due date.
AR0044105	ARAUCO	Flakeboard America	128	9	WQMP Information was requested on 8/19/2015 and was received on 9/3/2015. The permit was routed on 9/8/2015 for SE/BM review, 50 days past the due date.
AR0037745	City of Little Rock	Little Rock Zoological Gardens	128	6	This permit is on HOLD due to mercury issues.
AR0035653		City of Norphlet	128	9	This permit is currently in the 30-day public comment period.
AR0048615C	Lake Catherine Waterworks & Sewer Facilities Board of Garland County	Riviera Utilities WWTF	128	6	This permit is currently on HOLD due to Mercury issues.
AR0048615M	Lake Catherine Waterworks & Sewer Facilities Board of Garland County	Riviera Utilities WWTF	128	4	technical review by management and staff.
AR0051811	El Dorado Public Schools	Old Union School	122	4	undergoing technical review by management and staff.
AR0050253C	Fritts Construction, Inc.	Hayden's Place Subdivision	122	6	This permit is currently in technical review by engineer or management.
AR0051845	Arkansas Department of Parks & Tourism	Mississippi River State Park	114	4	Model review.
AR0044733		Cedarwood Leisure Park, LLC	113	4	technical review by management and staff.
AR0023833C		City of Gravette	108	6	Application was technically incomplete, additional information was requested, the requested information was received, and the permit was routed through the review process
AR0052540C	Timber Producers, LLC		108	4	Additional Information Received by August 28, 2015 and September 21, 2015, Technical Review
AR0052540	Timber Producers, LLC		108	4	Additional Information will be received by August 28, 2015 and September 21, 2015, Technical Review
AR0048836	City of Clinton	East Wastewater Treatment Facility	107	9	ON HOLD due to Mercury TMDL
AR0048747	City of Clinton	West Wastewater Treatment Facility	107	9	ON HOLD due to Mercury TMDL
AR0043613	City of Magnolia	Big Creek WWTP	105	9	This permit is currently on HOLD due to mercury issues
AR0049123		Jim Yeager d/b/a Yeager Apartments	98	7	On time; Model rec'd 8/25/2015; predraft ended 9/21/2015; draft PN ends 10/23/2015 - should be effective 11/1/2015
AR0022217		City of Russell	98	6	This permit has been submitted to the permittee for the 5-day pre-draft review. The public notice will be sent to the newspaper next week pending no comments from the permittee. Technical review by engineer or management.
AR0050270		Almatls, Inc.	94	2	email sent re incompleteness KF: Extended due date to 8/31/10 based on email dated 7/28/10.
AR0044237	Town of Burdette		94	6	This permit has been submitted to the permittee for the 5-day pre-draft review. The public notice will be sent to the newspaper next week pending no comments from the permittee. Additional information submitted by the permittee on 7/10/15. Technical review by engineer or management.
AR0052337C	Jim Swinford	Grace Manor Apartments	90	4	Draft permit prepared and routed for management review
AR0052337	Jim Swinford	Grace Manor Apartments	90	4	Under technical review by engineer

Permits Pending Greater than 45 Days

Permit Number	Permittee	Facility	Days Pending	Reason Code	Additional Information
AR0033740C		City of Carlisle	90	4	Public Notice-Should be routed with an effective date of November 16, 2015
AR0021610	City of Watson	City of Watson	86	4	PE still having difficulty with the timelines in the SOP. Site visit was conducted on 8/27/2015. WQMP Information was requested on 8/28/2015 and was received on 9/18/2015. Permit was routed for SE/BM review 18 days past the due date.
AR0036692C		City of Mena - Mena Wastewater Treatment	86	7	Application put on inactive status 6/25/2015; complete 7/6/2015; predraft ended 9/4/2015; const. PN ends 11/2/2015
AR0021971C		City of Marion	86	4	Technical Review
AR0052566	Columbia County- Class IV Landfill		86	4	Technical review by engineer or management.
AR0052558		Spring Creek Materials, Inc. - Cooper Site	84	4	New permit; site visit 8/12/2015; last corrected by PE 9/9/2015; under management review
AR0047546	Anthony Timberlands, Inc.	Belme Facility	84	4	Draft permit prepared and routed for management review
AR0050521	Lochridge Estates Improvement District No. 703-07	Lochridge Estates Wastewater Treatment Plant	76	4	Draft permit prepared and routed for management review
AR0020001M		City of Tuckerman	73	4	Technical Review
AR0020001C		City of Tuckerman	73	4	Technical Review
AR0049263	Caddo River, LLC	Caddo River Forest Products-Glenwood Sawmill	72	9	This permit is not being renewed. A new permit is being issued for this location (AR0052591).
AR0052591	Caddo River, LLC	Caddo River Forest Products-Glenwood Sawmill	72	4	Technical review by engineer or management. Revision submitted by consultant 10/2/15.
AR0039896	City of Wabbaseka	City of Wabbaseka	70	2	PE still having difficulty with the timelines in the SOP. Site visit was conducted on 8/28/2015. WQMP Information was requested on 9/8/2015 and was received on 9/22/2015. Permittee requested extension on technical incompleteness letter. Due date for information is now 10/12/2015.
AR0046787		Boy Scouts of America - Camp Pioneer	64	4	On time; last corrected 9/29/2015; under management review
AR0052582	Big River Steel, LLC	Big River Steel	63	4	This permit is currently in technical review by engineer or management.
AR0052582C	Big River Steel, LLC		63	4	This permit is currently in technical review by engineer or management.
AR0052574	Eric Ward, RET LLC	Mountain Valley Subdivision WWTP	63	4	Draft permit prepared and routed for management review
AR0052574C	Eric Ward, RET LLC	Mountain Valley Subdivision WWTP	63	4	Draft permit prepared and routed for management review
AR0039268	Tyson Poultry, Inc.- Clarksville		63	4	technical review by management and staff.
AR0051241C	Arkansas Department of Parks & Tourism	White Oak Lake State Park	62	6	PN 9/23/2015
AR0044474		d/b/a Russellville, A Division of West Fra	58	9	Site Visit was delayed two weeks due to technical issues on site. The permit was poised to be routed prior to due date of 10/2/2015. Currently (10/6/2015) waiting for documents to be put on website to link in the draft permit. Will most likely be routed for SE/BM review 5 days past the due date.
AR0040517		City of Louann	58	4	On time; last corrected 9/29/2015; under management review
AR0021580		City of Osceola	57	4	This permit is currently in technical review by engineer or management.
AR0044016	Arkansas Department of Correction	North Central Unit, IZard County Facility	57	4	Waiting for MultiSMP Model. Previous permit was not modeled to verify DO limits.
AR0051110	Coltec Industries, Inc.	Remedial System at Central Moloney Fac	45	4	Draft permit into review ahead of due date.
AR0051829	Dr. Jill Summerford	Waggin' Wheel Vet Clinic	39	3	The application has not been given to the engineer for technical review yet
AR0045128	Jimmy McClard	McClards 270 W Shopping Center	32	4	

Reason Codes	
1	Reviewing Technical Information
2	Waiting on information from Applicant

Permits Pending Greater than 45 Days

Permit Number	Permittee	Facility	Days Pending	Reason Code	Additional Information
3	App. complete; Waiting on close of 1st public comment period				
4	Technical Review by Engineer or Management				
5	Permit with EPA				
6	Draft permit issued; waiting on 30-day comment period				
7	Waiting on proof-of-publication of draft permit				
8	Final Permit in routing/being prepared				
9	Other (i.e. legal, no response from applicant, etc.)				



As of:	9/30/2015
State Fiscal Quarter	1

#### Active No-Discharge Permits

Agriculture	236
Industrial	824
Salt Water Disposal	505
Municipal	60
Domestic	8
Underground Injection Control (UIC)	6
<b>Total</b>	<b>1639</b>

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#### Permits Pending Greater than 45 Days

Permittee	Facility	Permit No	Day Pending	Reason Code	Additional Information
FutureFuel Chemical Company	FutureFuel Chemical Company	5082-W	1988	7	Final permit and Response to comment in Route Final Permit ready. Waiting to resolve 40 CRS Part 257 requirement. They requested a 30 days extension to complete study.
Nucor-Yamato Steel Company	Nucor-Yamato Steel Company	5007-WR-2	1070	7	30 Public Notice ended. Ready to route final.
Benton County, Arkansas Suburban Sewer District No. 1	Villages of Cross Creek	4811-WR-4	287	7	
David Carlton	Duds N Suds	4589-WR-2	281	5	Draft in Route
Goshen Municipal Property Owner's Improvement District #2	d/b/a Waterford Estates at Hissom Ranch	4815-WR-4	271	5	Draft on Route
Southark Waste Control, LLC	Southark Waste Control	5077-WR-7	240	5	Draft in Route
Eagle Creek Holdings, LLC	Legacy Estates WWTF	4890-WR-1	239	6	PN on 9/28/15
Bertek, Inc.	Bertek, Inc.	4866-WR-2	238	6	PN on 9/19/15
Gary McDonald	McDonald Farms	3403-WR-3	216	6	PN on 9/23/15
Nebo Residuals Services, Inc.	Nebo Residuals Services, Inc.	5109-WR-2	174	6	PN on 9/9/15
Bili Haak	Haak Dairy	5245-W	156	6	PN on 9/23/15
Greg Anderson	Greg Anderson Farm	5202-WR-1	155	6	PN on 9/19/15
Conway Corporation	Tupelo Bayou Wastewater Treatment Plant	4853-WR-3	146	4	Draft permit pending issuance.
Blue Clouds Resort, Inc.	Blue Clouds Resort, Inc.	4499-WR-4	142	4	Draft permit pending issuance.
Cal-Maine Foods, Inc.	Cal-Maine Foods, Inc. - Searcy Facility	4643-WR-4	140	4	Draft permit pending issuance; converting from Industrial land application permit to Reg. 5 permit; waiting on NMP
Hermitage Operating, LLC d/b/a Endurance Sands	ARK 1	5241-WR-1	106	4	Draft permit pending issuance
Mike Putz	Putz Swine Farm	3715-WR-3	103	4	Draft permit pending issuance.
Nebo Services, Inc.	Nebo Services - St. Francis County	5247-W	92	4	Draft permit pending issuance
Sager Creek Foods, Inc.	Sager Creek Foods, Inc. - Country Plant	4438-WR-6	85	4	Draft permit pending issuance
White River Campgrounds and Cabins, LLC	Best Friends Animal Hospital and Pet Hotel, LLC	4864-WR-2	84	5	Draft in Route
Best Friends Animal Hospital and Pet Hotel, LLC	White River Campground	5248-W	84	6	PN on 10/1/15
Denali Water Solutions, LLC	Denali Water Solutions, LLC	4800-WR-5	79	6	Draft in Route
Denali Water Solutions, LLC	Denali Water Solutions, LLC	4833-WR-4	79	4	working to issue draft
Nebo Services, Inc.	Nebo Services - Pope County	5250-W	77	4	draft permit pending issuance
Camp War Eagle, Inc.	Camp War Eagle WWTP	4830-WR-2	61	2	
Washington County Property Owners Improvement Dist. #5	Valley View Golf	4640-WR-4	57	4	draft permit pending issuance

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**Permits Pending Greater than 45 Days**

Permittee	Facility	Permit No	Day Pending	Reason Code	Additional Information
Ellis Campbell	EC Farms	3540-WR-7	55	4	draft permit pending issuance
Arkansas Resources Management, LLC	Farm 2	3629-WR-5	48	7	Minor Final In Route
Wiechman Pig Company	Arkansas Resources Management, LLC	5252-W	48	4	draft permit pending issuance

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.)

## Memorandum

**DATE:** October 5, 2015 d

**TO:** LEGISLATIVE COUNCIL

**FROM:** BECKY W. KEOGH, DIRECTOR  
ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

**RE:** SECTION 38 (a) – (e) of ACT 2012 OF THE 2013 REGULAR  
SESSION OF THE ARKANSAS GENERAL ASSEMBLY

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As provided by Section 38 (a) – (e) of Act 2012 of the 2013 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, 2015 through September 30, 2015. 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 55.

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, 2015 through September 30, 2015:

Type of Enforcement Action	Defendant	Geographic Location
Civil Complaint	Lewis-Charton Properties, Inc.	White County Circuit Court
Civil Complaint	Washington County Improvement Dist. 5	Washington County Circuit Court
Civil Complaint	Arkansas Water and Wastewater Management Corp	Faulkner 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, 2015 through September 30, 2015:

Civil Penalties Collected      \$173,773.95

Supplemental  
Environmental Projects  
00.Verified                      \$0.00

#### **CONSENT ADMINISTRATIVE ORDERS**

Bluebird Sand LLC, Izard County, Air Division, Penalty \$4,800.00, LIS No. 15-080

CGH of Warren, AR 2011 LP dba Cypress Grove Homes of Warren, Bradley County, Water Division, Penalty \$5,000.00, LIS No. 14-150

Helena Industries, Inc., Phillips County, Air Division, Penalty \$2,400.00, LIS No. 15-071

Lake Catherine Waterworks & Sewer Facilities Board of Garland County, Garland County, Water Division, Penalty \$2,000.00, LIS No. 15-081

Mondi Bags USA, LLC, Jefferson County, Air Division, Penalty \$1,400.00,  
LIS No. 15-078

Reynolds Metals Company, Clark County, Hazardous Waste Division, Penalty \$26,000.00, LIS No. 15-074

Wabash Wood Products, Inc., Boone County, Air Division, Penalty \$300.00,  
LIS No. 15-077

#### **NOTICE OF VIOLATION AND PERMIT REVOCATION**

Davis Trailer and Truck Equipment, Inc., Pulaski County, Air Division, \$2,620.20 for Annual Fees and Late Charges, Proposed Penalty \$800.00, LIS No. 15-075

#### **NOTICE OF VIOLATION**

Great Lakes Chemical Corporation, Union County, Water Division, Proposed Penalty \$52,000.00, LIS No. 15-072

#### **ELECTIVE SITE CLEAN-UP AGREEMENT**

Weingarten Realty Management Company Regarding: Westgate Shopping Center, Pulaski County, Hazardous Waste Division, No Penalty, LIS No. 15-079

Dated this 10<sup>th</sup> day of July 2015  
Becky W. Keogh, Director  
Arkansas Department of Environmental Quality

### **CONSENT ADMINISTRATIVE ORDERS**

Bobby Briggs, Faulkner County, Air Division, Penalty \$3,200.00, LIS No. 15-085

Burt Hodges d/b/a Burt's Livestock, Inc., Crittenden County, Water Division, Penalty \$3,000.00, LIS No. 14-012-001

Kitchen & Bath Cabinets, Inc., Benton County, Hazardous Waste Division, Penalty \$1,500.00, LIS No. 15-084

Siplast, Inc., Clark County, Hazardous Waste Division, Penalty \$3,000.00, LIS No. 15-083

### **DEFAULT ADMINISTRATIVE ORDERS**

Arkansas Land & Equipment, LLC, Garland County, Water Division, Penalty \$10,250.00, LIS No. 15-057

Arkansas Sand Company, Independence County, NPDES/Water Division, \$440.00 for Annual Fees and Late Charges, Penalty \$3,600.00, LIS No. 15-004

Chicot Sewer System, LLC, Saline County, NPDES/Water Division, Penalty \$33,000.00, LIS No. 15-020

### **NOTICE OF VIOLATION AND PERMIT REVOCATION**

Moore Asphalt, LLC, Craighead County, Air Division, \$440.00 for Annual Fees and Late Charges, Proposed Penalty \$400.00, LIS No. 15-082

Dated this 25<sup>th</sup> day of July 2015

Becky W. Keogh, Director

Arkansas Department of Environmental Quality

### **CONSENT ADMINISTRATIVE ORDERS**

145<sup>th</sup> Street Water and Sewer Improvement District No. 345 of Pulaski County, Pulaski County, Water Division, Penalty \$2,800.00, LIS No. 15-094

American Electric Power Service Corporation John W. Turk Jr. Power Plant, Hempstead County, Air Division, Penalty \$600.00, LIS No. 15-093

Apex Tool Group, LLC, Washington County, Hazardous Waste Division, Penalty \$6,125.00, LIS No. 15-097

Barker Funeral Home dba Barker Crematory, Fulton County, Air Division, Penalty \$750.00, LIS No. 15-090

Ben Giefer, Izard County, Regulated Storage Tanks Division, Penalty \$800.00, LIS No. 15-086

B-H-T Investment Company, Inc., Doublebees Store No. 111, Faulkner County, Water Division, Penalty \$6,000.00, LIS No. 15-096

City of Bradley, Lafayette County, Water Division, Penalty \$2,800.00, LIS No. 15-092

City of Ola, Yell County, Water Division, Penalty \$3,500.00, LIS No. 15-099

Crittenden County Class 1 Landfill, Crittenden County, Solid Waste Management Division, Penalty \$4,000.00, LIS No. 15-098

Heath & House Construction Company, Inc., dba Ingram Superstop, Crittenden County, Air Division, Penalty \$3,825.00, LIS No. 15-031

L&W Environmental LLC, Pulaski County, Solid Waste Management Division, Penalty \$5,000.00, LIS No. 15-091

Olin Corporation, Pulaski County, Hazardous Waste Division, No Penalty, LIS No. 15-087

#### **NOTICE OF VIOLATION**

Van A. Hill, Johnson County, Regulated Storage Tanks Division, Proposed Penalty \$4,375.00, LIS No. 15-095

#### **NOTICE OF VIOLATION AND PERMIT REVOCATION**

D&D Properties, LLC, Union County, Air Division, \$712.80 for annual fees and late charges, Penalty \$400.00, LIS No. 15-089

#### **AMENDED CONSENT ADMINISTRATIVE ORDER**

City of Ward, Lonoke County, Water Division, Penalty Unchanged, LIS No. 13-096-001

#### **DEFAULT ADMINISTRATIVE ORDER**

Grisham Farm Transportation, LLC, Lawrence County, Water Division, Penalty \$5,200.00, LIS No. 15-061

Leonard Stephenson dba Pine Haven Park, Drew County, Water Division, Penalty \$26,150.00, LIS No. 14-183

#### **ELECTIVE SITE CLEAN-UP AGREEMENT**

Central Flying Service, Inc., Regarding Central Flying Service Maintenance Building (Former Hertz Rental), Pulaski County, Regulated Storage Tanks Division, No Penalty, LIS No. 15-088

Dated this 10<sup>th</sup> day of August 2015

Becky W. Keogh, Director

Arkansas Department of Environmental Quality

**FIRST AMENDED CONSENT ADMINISTRATIVE ORDER**

City of Mammoth Spring, Fulton County, Water Division, Penalty Unchanged, LIS No. 13-016-001

Dated this 26<sup>th</sup> day of August 2015

Becky W. Keogh, Director

Arkansas Department of Environmental Quality

**CONSENT ADMINISTRATIVE ORDERS**

Austin Powder Company, Ouachita County, Hazardous Waste Division, Penalty \$18,500.00, LIS No. 15-106

City of Bearden, Ouachita County, Water Division, Penalty \$3,200.00, LIS No. 15-108

Cooper-Standard Automotive, Inc. and Cooper Tire & Rubber Company, Union County, Hazardous Waste Division, No Penalty, LIS No. 15-103

E. Ritter Seed Company d/b/a Ritter Grain Services, Poinsett County, Air Division, Penalty \$700.00, LIS No. 15-101

JRM4, LLC, Poinsett County, Regulated Storage Tanks Division, Penalty \$3,200.00, LIS No. 15-105

Matthew Cronin, Poinsett County, Regulated Storage Tanks Division, Penalty \$3,600.00, LIS No. 15-104

Trane U.S. Inc., Sebastian County, Hazardous Waste Division, No Penalty, LIS No. 15-102

William Johnston Enterprises, Inc., Logan County, Solid Waste Management Division, Penalty \$500.00, LIS No. 15-107

**FIRST AMENDED CONSENT ADMINISTRATIVE ORDERS**

City of Lockesburg, Sevier County, Water Division, Penalty Unchanged, LIS No. 15-009-001

Vulcan Construction Materials, L.L.C. Black Rock Quarry, Lawrence County, Mining Division, Penalty Unchanged, LIS No. 08-109-001

**SECOND AMENDED CONSENT ADMINISTRATIVE ORDER**

Town of Bauxite, Saline County, Water Division, \$1,800.00, LIS No. 13-011-002

Dated this 10<sup>th</sup> day of September 2015

Becky W. Keogh, Director

Arkansas Department of Environmental Quality

**CONSENT ADMINISTRATIVE ORDERS**

Blue Clouds Resort, Inc., Cleburne County, Water Division, No Penalty, LIS No. 15-114

Blue Clouds Resort, Inc., Cleburne County, Water Division, Penalty \$700.00, LIS No. 15-115

City of Paris, Logan County, Water Division, Penalty \$2,000.00, LIS No. 15-109

Parker Solvents Company, Inc., Pulaski County, Water Division, Penalty \$1,800.00, LIS No. 15-113

Parker Solvents Company, Inc., Sebastian County, Water Division, Penalty \$1,800.00, LIS No. 15-112

PPG Industries, Inc., Pulaski County, Air Division, Penalty \$1,725.00, LIS No. 15-111

Union Power Partners, L.P., Union County, Air Division, Penalty \$6,750.00, LIS No. 15-110

Dated this 25<sup>th</sup> day of September 2015

Becky W. Keogh, Director

Arkansas Department of Environmental Quality



ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

QUARTERLY REPORT TO ARKANSAS LEGISLATIVE COUNCIL

ON RULEMAKING ACTIVITIES

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Months In Quarter: July, August, and September 2015

**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. 2, Lion Oil Company Third-Party Rulemaking; Docket No. 13-001-R.

**a. Amendment Proposed By:** Lion Oil Company.

**b. Description:** Lion Oil Company ("Lion Oil") filed its request to initiate rulemaking on January 11, 2013. Lion Oil proposes to change the Typical Gulf Coastal Fishery use designation for Loutre Creek; change the selenium water quality criterion for Loutre Creek; change the chloride, sulfate and total dissolved solids ("TDS") criteria for Loutre Creek; change the sulfate and TDS criteria for the next downstream segment of Bayou de Loutre; and change the sulfate criteria for the remaining downstream segments of Bayou de Loutre to the Louisiana State line.

The Commission is waiting on a request by Lion Oil to initiate rulemaking.

**c. Justification:** These regulatory changes are critically important to Lion Oil. Reasonably available control technology does not exist that would allow Lion Oil to consistently meet these limits. The proposed rule will revise the dissolved minerals and selenium water quality criteria in Loutre Creek and change the fishery use designation for Loutre Creek to a new sub-category of fishery referred to as a Limited Gulf Coastal Fishery. The proposed rule will also revise the chloride, sulfate, and the TDS criteria for one downstream segment in Bayou de Loutre; the sulfate and TDS criteria for the next downstream segment in Bayou de Loutre; and the sulfate criteria for the remaining downstream segments of Bayou de Loutre to the Louisiana State line.

**d. Economic Impact:** No entities would suffer negative economic impact as a result of the proposed rule.

**e. Environmental Benefit Analysis:** The proposed rule will revise the chloride, sulfate, TDS, and selenium water quality criteria in Loutre Creek, and change the fishery use designation for Loutre Creek to a new subcategory of fishery referred to as a Limited Gulf Coastal Fishery reflecting the long term historical in-stream concentrations and uses. The proposed rule will also revise the chloride, sulfate, and TDS criteria for one downstream segment in Bayou de Loutre; the sulfate and TDS

criteria for the next downstream segment in Bayou de Loutre; and the sulfate criteria for the remaining downstream segments of Bayou de Loutre to the Louisiana State Line. These changes will not adversely impact the environment.

**3. Regulation Number and Name:** Regulation No. 2, Tyson Foods Third-Party Rulemaking; Docket No. 13-005-R.

**a. Amendment Proposed By:** Tyson Foods Inc. - Waldron Plant

**b. Description:** Tyson Foods filed its request to initiate rulemaking on April 9, 2013. Tyson proposes to revise Regulation 2 by modifying the state water quality standards for chloride, sulfates, and total dissolved solids.

The Commission adopted the minute order initiating the rulemaking process on May 23, 2013, and no final decision has been made.

**c. Justification:** There is no current economically feasible treatment technology for the removal of the minerals. Reverse osmosis treatment technology is not cost effective and generates a concentrated waste stream that is environmentally difficult to dispose of. That technology is not required to meet the designated uses and would produce no significant environmental protection.

**d. Economic Impact:** This rulemaking has no impact to the environment in Arkansas that would not have otherwise occurred.

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

**4. Regulation Number and Name:** Regulation No. 2, City of Huntsville Third-Party Rulemaking; Docket No. 13-006-R.

**a. Amendment Proposed By:** City of Huntsville

**b. Description:** City of Huntsville filed its request to initiate rulemaking on June 12, 2013. City of Huntsville proposes to revise the chloride, sulfate, total dissolved solids water quality criteria in Town Branch from the point of

discharge of the City of Huntsville wastewater treatment plant downstream to the confluence with Holman Creek; in the Holman Creek from the confluence with Town Branch downstream to the confluence with War Eagle Creek; in War Eagle Creek from the confluence with Holman Creek; and remove the designated but not existing Domestic Water Supply use from Town Branch and Holman Creek.

The Commission adopted the minute order initiating the rulemaking process on July 26, 2013, and no final decision has been made.

**c. Justification:** The economic effects of the proposed rule are significant and beneficial for Huntsville. Huntsville has investigated technologies and alternatives to comply with the current minerals criteria, which is summarized in the Report. Reasonable available control technology does not exist that would allow Huntsville to discharge in a manner that would maintain the existing minerals criteria. Approval of the proposed rule modifying the criteria to reflect long term historical site specific conditions is the only reasonable approach so that the permit limits can be adjusted

**d. Economic Impact:** This rulemaking has no impact to the environment in Arkansas that would not have otherwise occurred.

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

**5. Regulation Number and Name:** Regulation No. 21, Arkansas Asbestos Abatement Regulation; Docket No. 13-009-R.

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

**b. Description:** ADEQ filed its request to initiate rulemaking on August 9, 2013. Changes to Regulation 21 are being proposed in order to incorporate public input after an extensive two-year collaborative workgroup effort between the ADEQ and stakeholders. Proposed significant revisions to Regulation 21 include: Changes in the definition of "Regulated asbestos-containing material (RACM)."; Elimination of non-mandatory language in the Asbestos Inspection section; Clarification of

language in the Notice of Intent (NOI) Section regarding information required prior to beginning renovation projects; Addition of language to the NOI section concerning activities involving resilient floor covering renovation projects, and changes in owners or operators; Clarification of requirements in the Record Keeping Section for storage and submission of on-site documents; Addition and deletion of language for clarification purposes in the Work Procedures Applicability chapter and Licensing Requirements Exemptions subchapter; Addition of language to the Out of State Training subchapter; Clarification of the list of necessary documents under the Minimum Record Keeping Requirements subchapter; Addition of a new chapter for Accreditation Certificates; and Deletion of two sections involving fees for demolition of certain amounts of RACM. Several changes were also made for clarification and consistency purposes, or to update typographical errors throughout Regulation No. 21. These revisions are non-substantive items.

The Commission adopted the amendments on August 28, 2015.

**c. Justification:** The purpose of this proposed rule is to incorporate stakeholders' input in order to clarify Regulation No. 21. The Department also finds it necessary to propose changes to add or delete language for clarity in requirements for record keeping, training provider licenses, documents required for certifications or renewal of licenses and to correct the Occupational Safety and Health Administration (OSHA) Asbestos Construction standard citation.

**d. Economic Impact:** This rulemaking adopts a federal requirement and there will be no impact to the environment in Arkansas that would not have otherwise occurred.

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

**6. Regulation Number and Name:** Regulation No. 2, Third-Party Rulemaking, City of Fayetteville Paul R. Noland Wastewater Treatment Plant; Docket No. 13-010-R.

**a. Amendment Proposed By:** City of Fayetteville Paul R. Noland Wastewater Treatment Plant ("City of Fayetteville").

**b. Description:** City of Fayetteville filed its request to initiate rulemaking on October 11, 2013. These amendments concern Regulation No. 2. Proposed changes involve amending Arkansas Water Quality Standards for minerals for the White River from the discharge of the Noland Wastewater Treatment Plant to immediately downstream of the confluence of Richland Creek.

The Commission initiated the rulemaking process on October 25, 2013, and no final decision has been made.

**c. Justification:** Fayetteville is not seeking a change from historical water quality conditions in the White River; rather Fayetteville seeks a site-specific modification which allows the Noland Wastewater Treatment Plant to be compliant with its NPDES Permit while making certain that its effluent does not limit the attainment of any of the designated uses of the stream segments.

**d. Economic Impact:** City of Fayetteville 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.

**7. Regulation Number and Name:** Regulation No. 5, Ozark Society and the Arkansas Public Policy Panel Third-Party Rulemaking; Docket No. 14-002-R.

**a. Amendment Proposed By:** Ozark Society and the Arkansas Public Policy Panel.

**b. Description:** The Ozark Society and the Arkansas Public Policy Panel ("Ozark Society") filed its request to initiate rulemaking on April 11, 2014. The proposed changes to APCEC Regulations 5 seek to prohibit the ADEQ Director from issuing Regulation No. 5 permits for Confined Animal Operations for facilities in the Buffalo National River Watershed with either 750 or more swine weighing 55 pounds or more, or 3,000 or more swine weighing less than 55 pounds. The regulation changes will prohibit an increase in the number of swine at existing facilities in the Buffalo National River Watershed.

The Commission adopted the amendments on August 28, 2015.

**c. Justification:** The regulation changes will prohibit an increase in the number of swine at existing facilities in the Buffalo National River Watershed, and prevent the future establishment of medium and large confined animal operations in the Buffalo River Watershed.

**d. Economic Impact:** This rulemaking will not impact the environment in Arkansas that would not have otherwise occurred.

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

**8. Regulation Number and Name:** Regulation No. 6, Ozark Society and the Arkansas Public Policy Panel Third-Party Rulemaking; Docket No. 14-003-R.

**a. Amendment Proposed By:** Ozark Society and the Arkansas Public Policy Panel.

**b. Description:** The Ozark Society and the Arkansas Public Policy Panel ("Ozark Society") filed its request to initiate rulemaking on April 11, 2014. The proposed changes to APCEC Regulations 6 seek to prohibit the ADEQ Director from issuing Regulation No. 6 permits for Concentrated Animal Feeding Operations for facilities in the Buffalo National River Watershed with either 750 or more swine weighing 55 pounds or more, or 3,000 or more swine weighing less than 55 pounds. The regulation changes will prohibit an increase in the number of swine at existing facilities in the Buffalo National River Watershed.

The Commission adopted the amendments on August 28, 2015.

**c. Justification:** The regulation changes will prohibit an increase in the number of swine at existing facilities in the Buffalo National River Watershed, and prevent the future establishment of medium and large confined animal feeding operations in the Buffalo River Watershed.

**d. Economic Impact:** This rulemaking will not impact the environment in Arkansas that would not have otherwise occurred.

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

**9. Regulation Number and Name:** Regulation No. 2, Southwestern Electric Power Company John W. Turk, Jr. Power Plant Third-Party Rulemaking; Docket No. 14-007-R.

**a. Amendment Proposed By:** Southwestern Electric Power Company John W. Turk, Jr. Power Plant ("SWEPCO").

**b. Description:** SWEPCO filed its request to initiate rulemaking on September 11, 2014. SWEPCO is requesting changes for the Little River from Millwood Lake to the mouth of the Little River. SWEPCO is requesting modification of the Total Dissolved Solids ("TDS") water quality criterion from 100 milligrams per liter (mg/L) to 138 mg/L and modification of the temperature criterion from 30 C (86 F) to 32 C (89.6 F). For the Red River from the mouth of the Little River to the Arkansas/Louisiana state line. SWEPCO is requesting modification of the TDS water quality criterion from 500 mg/L to 860 mg/L and removal of the designated, but not existing, domestic water supply use.

The Commission adopted the minute order initiating the rulemaking process on September 26, 2014, and no final decision has been made.

**c. Justification:** There are currently no known technologically and economically feasible treatments capable of reducing the total dissolved solids concentration to levels that meet the current water quality criteria. This rule will prevent the impairment listing of the Little River between Millwood Lake and the Red River; eliminate the spatial inconsistency in the TDS criterion for the Arkansas segment of the Red River; and preserve the aquatic life, agricultural water supply, industrial water supply, and primary and secondary recreational contact designated uses of the segments of the Little and Red Rivers.

**d. Economic Impact:** There will be no cost to state government associated with the proposed amendment and no regulatory burden such as fees, reporting requirements, or obtaining any regulatory permit because of the modification of these mineral standards. No additional requirements will be imposed on any small business by the proposed amendment and no



small business will be required to implement any changes because of the proposed amendment. The requested changes will impact only Southwestern Electric Power Company.

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

**10. Regulation Number and Name:** Regulation No. 2, Domtar A.W. LLC Third-Party Rulemaking; Docket No. 14-008-R.

**a. Amendment Proposed By:** Domtar A.W. LLC ("Domtar").

**b. Description:** Domtar filed its request to initiate rulemaking on November 20, 2014 Domtar is requesting changes for the Red River from the Arkansas-Oklahoma state line to the mouth of the Little River; modification of the Total Dissolved Solids ("TDS") water quality criterion from 850 milligrams per liter ("mg/L") to 940 mg/L; and sulfate ("804") from 200 mg/L to 250 mg/L. For the Red River from the mouth of the Little River to the Arkansas-Louisiana state line Domtar is requesting modification of the 804 water quality criterion from 200 mg/L to 225 mg/L.

The Commission adopted the minute order initiating the rulemaking process on December 5, 2014, and no final decision has been made.

**c. Justification:** There are currently no known technologically and economically feasible treatments capable of reducing the total dissolved solids concentration to levels that meet the current water quality criteria. This rule will prevent the impairment listing of the Little River between Millwood Lake and the Red River; eliminate the spatial inconsistency in the TDS criterion for the Arkansas segment of the Red River; and preserve the aquatic life, agricultural water supply, industrial water supply, and primary and secondary recreational contact designated uses of the segments of the Little and Red Rivers.

**d. Economic Impact:** There will be no cost to state government associated with the proposed amendment and no regulatory burden such as fees, reporting requirements, or obtaining any regulatory permit because of the modification of these mineral standards. No additional requirements will be imposed on any small business by the proposed amendment and no

small business will be required to implement any changes because of the proposed amendment. The requested changes will impact only Domtar A.W. LLC.

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

**11. Regulation Number and Name:** Regulation No. 18, Arkansas Air Pollution Control Code; Docket No. 14-009-R.

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

**b. Description:** ADEQ filed its request to initiate rulemaking on November 21, 2014. The substantive proposed changes to the Regulations 18, 19, and 26 are necessary in order to adopt the Environmental Protection Agency's 2012 National Ambient Air Quality Standards ("NAAQS") for particulate matter up to 2.5 micrometers in size ("PM2.5"), 2006 NAAQS for particulate matter up to 10 micrometers in size ("PM10"), 2008 NAAQS for ozone, 2008 NAAQS for lead, 2010 NAAQS for nitrogen dioxide, and 2010 NAAQS for sulfur dioxide.

The Commission adopted the minute order initiating the rulemaking process on December 5, 2014, and no final decision has been made.

**c. Justification:** The proposed changes will help ensure Arkansas has the authority to implement air pollution control programs and to issue permits. Amendments to Regulation 19 will be submitted to the EPA for inclusion into Arkansas's SIP and amendments to Regulation 26 will be submitted to the EPA for inclusion into Arkansas' Title V and Part 70 State Program.

**d. Economic Impact:** This rulemaking adopts a federal requirement and there will be no impact to the environment in Arkansas that would not have otherwise occurred.

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

**12. Regulation Number and Name:** Regulation No. 19, Regulations of the Arkansas Plan of Implementations for Air Pollution Control, Docket No. 14-010-R.

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

**b. Description:** ADEQ filed its request to initiate rulemaking on November 21, 2014. The substantive proposed changes to the Regulations 18, 19, and 26 are necessary in order to adopt the Environmental Protection Agency's 2012 National Ambient Air Quality Standards ("NAAQS") for particulate matter up to 2.5 micrometers in size ("PM2.5"), 2006 NAAQS for particulate matter up to 10 micrometers in size ("PM10"), 2008 NAAQS for ozone, 2008 NAAQS for lead, 2010 NAAQS for nitrogen dioxide, and 2010 NAAQS for sulfur dioxide.

The Commission adopted the minute order initiating the rulemaking process on December 5, 2014, and no final decision has been made.

**c. Justification:** The proposed changes will help ensure Arkansas has the authority to implement air pollution control programs and to issue permits. Amendments to Regulation 19 will be submitted to the EPA for inclusion into Arkansas's SIP and amendments to Regulation 26 will be submitted to the EPA for inclusion into Arkansas' Title V and Part 70 State Program.

**d. Economic Impact:** This rulemaking adopts a federal requirement and there will be no impact to the environment in Arkansas that would not have otherwise occurred.

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

**13. Regulation Number and Name:** Regulation No. 26, Regulations of Arkansas Operating Air Permit Program; Docket No. 14-011-R.

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

**b. Description:** ADEQ filed its request to initiate rulemaking on November 21, 2014. The substantive proposed changes to the Regulations 18, 19, and 26 are necessary in order

to adopt the Environmental Protection Agency's 2012 National Ambient Air Quality Standards ("NAAQS") for particulate matter up to 2.5 micrometers in size ("PM2.5"), 2006 NAAQS for particulate matter up to 10 micrometers in size ("PM10"), 2008 NAAQS for ozone, 2008 NAAQS for lead, 2010 NAAQS for nitrogen dioxide, and 2010 NAAQS for sulfur dioxide.

The Commission adopted the minute order initiating the rulemaking process on December 5, 2014, and no final decision has been made.

**c. Justification:** The proposed changes will help ensure Arkansas has the authority to implement air pollution control programs and to issue permits. Amendments to Regulation 19 will be submitted to the EPA for inclusion into Arkansas's SIP and amendments to Regulation 26 will be submitted to the EPA for inclusion into Arkansas' Title V and Part 70 State Program.

**d. Economic Impact:** This rulemaking adopts a federal requirement and there will be no impact to the environment in Arkansas that would not have otherwise occurred.

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

**14. Regulation Number and Name:** Regulation No. 23, Hazardous Waste Code; Docket No. 15-001-R.

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

**b. Description:** ADEQ filed its request to initiate rulemaking on May 7, 2015. Proposed revisions to Regulation 23 include: addition of conditional exclusions from regulation for solvent wipes which are cleaned for reuse, and for carbon dioxide streams used in geologic sequestration operations. Establishment of an electronic waste manifest system to track shipments of hazardous wastes; revision of provisions affecting cathode ray tube exports; termination of the National Environmental Performance Tract Program, which has been discontinued by the U.S. Environmental Protection Agency; correction of typographical errors, erroneous citations, and formatting inconsistencies in the current regulation.

The Commission adopted the amendments on September 25, 2015.

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

**d. Economic Impact:** This rulemaking adopts a federal requirement and there will be no impact to the environment in Arkansas that would not have otherwise occurred.

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

**15. Regulation Number and Name:** Regulation No. 2, City of Harrison and City of Yellville Third-Party Rulemaking; Docket No. 15-002-R.

**a. Amendment Proposed By:** City of Harrison and City of Yellville.

**b. Description:** City of Harrison and City of Yellville filed its request to initiate rulemaking on August 5, 2015. The City of Harrison and the City of Yellville are requesting site specific modifications of the minerals water quality criteria for a portion of Crooked Creek in Boone and Marion Counties. Harrison seeks modification of the chloride, sulfate and total dissolved solids criteria for Crooked Creek from the outfall of Harrison's Wastewater Treatment Plant to ADEQ Monitoring Station WH10193. Yellville seeks a modification of total dissolved solids criteria from ADEQ Monitoring Station WH10193 to the mouth of Crooked Creek.

The Commission adopted the minute order initiating the rulemaking process on August 28, 2015.

**c. Justification:** There are currently no known technologically and economically feasible treatments capable of reducing the total dissolved solids concentration to levels that meet the current water quality criteria.

**d. Economic Impact:** This rulemaking has no impact to the environment in Arkansas that would not have otherwise occurred.

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

10/6/15  
Date

Charles Moulton  
Charles Moulton  
Environmental Law Judge  
Arkansas Pollution Control and  
Ecology Commission

# ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

b

Figures generated from ADEQ Permit Data System. Date range = 7-01-2015 to 9-30-2015

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Variance	Short-Term Authority	Total
AIR									
	G	General Operating Permit	\$ 16,800 84	\$ 1,200 6	\$ - 0				\$ 18,000 90
	L5	Late Charge (Air T5)	\$ 2,310 2						\$ 2,310 2
	LC	Late Charge (Air LC)	\$ 772 8	\$ - 0	\$ - 0				\$ 772 8
	MS	Minor Source (Air MS)	\$ 189,253 93	\$ 500 1	\$ -	\$ 14,152 34			\$ 203,905 128
	MVRF	Motor Vehicle Racing Facility							\$ - 0
	R3	Air Reg 18.315	1,600 8						\$ 1,600 8
	T5	Title 5 (Air T5)	\$ 1,212,421 38	\$ 30,938 2		\$ 29,645 34			\$ 1,273,004 74
	Z	Interim Authority(Air Z)			\$ 400 2				\$ 400 2
	Z5	Interim Authority Title 5 (Air T5)							\$ - 0
AIR TOTAL		Total	1,423,156 233	32,638 9	400 2	43,797 68	- -	- -	\$ 1,499,991 312
SOLID WASTE									
	1	Class I Landfill	\$ 12,000 2						\$ 12,000 2
	3C	Class III commercial (SW 3C)	\$ 5,000 1						\$ 5,000 1

	3N	Class III Non-commercial	\$ 9,000 3			\$ 2,000.00 2		\$ 11,000 5
	3T	Class III Tire Monofill (SW 3T)	\$ 3,000 1					\$ 3,000 1
	4	Class IV Landfill	\$ 5,000 10			2,000 2		\$ 7,000 12
	CD/RF	Construction & Demolition Waste Recovery (Solid Waste CDRF)						\$ - 0
	CL	Closed Facility (Solid Waste CL)	\$ 1,000 2					\$ 1,000 2
	CO	Composting Organic Waste (Solid Waste CO)	1,350 3					\$ 1,350 3
	CY	Composting Yard Waste (Solid Waste CY)	\$ 1,350 3					\$ 1,350 3
	LC	Late Charge (Solid Waste LC)	\$ 90 2					\$ 90 2
	P	Postclosure Fee (Solid Waste P)						\$ - 0
	TS	Transfer Station or MRF	\$ 12,150 27					\$ 12,150 27
	WR	Solid Waste Recovery	\$ 1,350 3	\$ 500 1				\$ 1,850 4
<b>SOLID WASTE TOTAL</b>		<b>Total</b>	<b>51,290 57</b>	<b>500 1</b>	<b>0 0</b>	<b>4,000 4</b>	<b>0 0</b>	<b>55,790 62</b>
<b>WATER - NPDES</b>								
	N-A	NPDES Agricultural (Minor With Toxic)	\$ 37,265 5	\$ 351 1				\$ 37,616 6
	N-B	NPDES Saltwater (Minor Without Toxic)	\$ 188,331 131	\$ 1,410 1				\$ 189,741 132
	N-BT	NPDES TF Eligible (Minor Without Toxic)	\$ 3,936 9					\$ 3,936 9
	N-C	NPDES Cooling Water	\$ 429					\$ 429



		2					2
N-G2	NPDES Coal Mining						\$ - 0
N-G3	NPDES Sanitary Landfill Run-off	\$ 2,400 6	\$ 400 1				\$ 2,800 7
N-G5	NPDES Bulk Petroleum Storage						\$ - 0
N-G6	NPDES Individual Home Treatment	\$ 3,000 15	\$ 200 1				\$ 3,200 16
N-G7	NPDES Water Plant Backwash Filter	\$ 14,800 37					\$ 14,800 37
N-G8	NPDES Pipeline Hydrostatic Test	\$ 1,283 7	\$ 2,200 11				\$ 3,483 18
N-G9	NPDES Car/truck Wash Facility	\$ 800 4					\$ 800 4
N-GA	Ground Water Clean-Up (Water-NPDES GA)	\$ 1,500 3	\$ 500 1				\$ 2,000 4
N-GB	Laundromat (Water-NPDES GB)						\$ - 0
N-GC	Sand and Gravel (Water-NPDES GC)	\$ 2,200 11					\$ 2,200 11
N-GD	Concentrated Animal Feedlot Operation (Water-NPDES GD)	200 1					\$ 200 1
N-GE	Cooling Towers; Tower & Boiler Blowdown (Water-NPDES GE)	600 3					\$ 600 3
N-GF	Pesticides (Water-NPDES)	\$ 7,200 36					\$ 7,200 36
N-J	NPDES Major Non-municipal, MRAT >= 100	\$ 75,000 5					\$ 75,000 5
N-K	NPDES Major Non-municipal, MRAT 80-100	\$ 11,000 1					\$ 11,000 1

	LC	Late Charge(Water-NPDES LC)	\$ 2,358 15						\$ 2,358 15
	LS	Late Charge (Storm Water)	\$ 1,110 56						\$ 1,110 56
	N-M	NPDES Major Municipal	\$ 231,249 28						\$ 231,249 28
	NO-EX	No-Exposure Certification (Water-NPDES	\$ 20,300 102	\$ 800 4					\$ 21,100 106
	N-O	NPDES Minor Aquatic Animal Prod	\$ 2,500 1						\$ 2,500 1
	N-P	NPDES Minor Variable Discharge	\$ 4,200 14						\$ 4,200 14
	N-Q	NPDES Construction Permit		\$ 6,500 13					\$ 6,500 13
	N-R1	NPDES Stormwater Manufacturing	\$ 58,900 295	\$ 4,200 21					\$ 63,100 316
	N-R2	NPDES Stormwater Construction	\$ 39,917 200	\$ 24,400 122					\$ 64,317 322
	R4	NPDES Stormwater: MSF Phase II	\$ 3,400 17						\$ 3,400 17
	TF	NPDES TF (Act 575 Trust Fund)	\$ 14,058 33						14,058 33
									0
WATER NPDES									
TOTAL		Total	727,936 1,037	40,961 176	0 0	0 0	0 0	0 0	768,897 1,213
TE WATER PERM	S-D	Confined Animal or Small Sep	\$ 19,333 97	\$ 800 4					\$ 20,133 101
	S-E	State Permits Branch Commercial or	\$ 26,958 55	\$ 1,000 2		\$ 2,000 4			\$ 29,958 61
	S-ET	State Permits Branch Commercial or	\$ 900 3						\$ 900 3
	S-F	Industrial Sludge App	\$ 500 1						\$ 500 1
	S-G1	State Permits Branch Confined							\$ -



# ADEQ REVENUE FROM PERMIT FEES AND LICENSES

All figures generated 9-30-2015, based on active invoices. Date range = 7-01-2015 to 09-30-2015

b

Invoice Identifier	Fee Code	Description	Fund	Collections
RST - Tank Installer Licenses	RST	Tank installer licenses	SRS0000	\$ 6,800.00
TKS - Storage Tank Fees	TKS	Storage Tank Fees		\$ 135,736.67
UST - Exam Fees	UST	Underground Storage Tank Exam Fees		\$ 5,200.00
ASB - Asbestos Licenses	ASB	Asbestos Licenses	SAC0000	\$ 17,935.00
CCL - Contractors Licenses - Lead	CCL	Contractors Licenses	SAC0000	\$ 44,275.00
HWD - HW Permits	HWD	Hazardous Waste Permits	SHW0000	\$ 332,589.25
			MEE0000	\$ 3,050.00
			THS0000	\$ 27,450.00
TRF - Transfer Facilities	TRF	Transfer Facilities	SHW0000	
HWL - HW Licenses	HWL	HW Licenses	SHW0000	\$ 200.00
SFF - Superfund	HWD	Superfund permit fees	THS0000	
			MEE0000	
LAB - Lab Certification Fees	LAB	Lab Certification Fees	HMA0100	\$ 18,410.00
MPS - Mining Fees	MPS	Non-coal mining permit Fees	HMA0100	\$ 2,758.50
		Coal Mining Permit Fees	MAF0000	\$ 600.00
		Quarry Permit Fees	TLR0000	\$ 6,854.25
MBL - Mining Fees	MBL	Blaster Permits	MAF0000	
DCO - Dump Control Officers	DCO	Dump Control Officer Licenses	TPE0000	\$ 125.00
SWL - Sanitary Landfill Operators	SWL	Sanitary Landfill Operator Licenses		\$ 16,355.00
TTL - Waste Tire Licenses	TTL	Waste Tire Licenses		\$ 175.00
TPF - Waste Tire Facilities	TPF	Waste Tire Facilities		\$ -
MER - Mercury Switches	MER	Mercury Switches	TWS0100	\$ 1,305.00
SWF - Municipal Landfills	SWF	Municipal Landfill Fees	TWS0100	\$ 247,891.75
			TWS0200	\$ 991,566.87
			TWS0300	\$ 784,813.83
ILF - Industrial Landfills	ILF	Industrial Landfill Fees	TWS0100	\$ 5,279.51
			TWS0200	\$ 3,167.70
			SMB0000	\$ 12,670.78
WWL - Wastewater Licenses	WWL	Waste Water Operator Licenses	MWW0000	\$ 74,480.00
Total				\$ 2,739,689.11