



ARKANSAS  
Department of Environmental Quality

January 12, 2012

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 Legislators:

As required in Act 957 of 2011, Section 44, the Arkansas Department of Environmental Quality presents the following information:

The number of inspections, any hearings, findings, orders, fines, or other agency regulatory or enforcement actions or activities involving the Fayetteville Shale.

The enclosed information provided by each division covers the period October 1, 2011 through December 31, 2011. If you have any questions, please contact Karen Bassett at (501) 682-0959.

Sincerely,

A handwritten signature in cursive script, reading "Teresa Marks".

Teresa Marks  
Director

Enclosure

**ADEQ Report to Legislative Council on Fayetteville Shale**

**Related Activities pursuant to Section 44 of Act 957**

**October 1 – December 31, 2011**

**A. Total Complaints Received - 40**

<b>Complaints received by county</b>		<b>Complaints received by program</b>
Cleburne – 11		Air – 12
Conway – 2		Water - 28
Faulkner - 5		
Pope - 2		
Pulaski - 1		
Sebastian - 2		
Union - 1		
Van Buren – 3		
White – 13		

**B. Total Inspections Performed – 317**

<b>Inspections performed by county</b>		<b>Inspections performed by program</b>
Benton – 1		Air – 38 ( routine inspections and stack test observations)
Cleburne – 33		Solid Waste - 7
Conway – 39		Water - 272
Crawford – 1		
Faulkner - 27		
Franklin - 6		
Greene – 1		
Independence – 5		
Johnson – 11		
Lawrence - 1		
Logan – 15		
Lonoke - 1		
Poinsett - 1		
Pope – 28		
Prairie - 1		
Pulaski - 9		
Saline - 1		
Sebastian – 32		
Union – 1		
Van Buren – 69		
White - 33		
Yell – 1		

### **C. Fayetteville Shale activity related inspections estimated for next quarter**

Air – 10 routine inspections, not able to estimate stack test observations as these are based on facilities notifications

Mining – 0, inspections are complaint driven

Solid Waste – 7, one inspection on each site

Water – 250 inspections

### **D. Number of inspection staff in all programs at beginning of reporting quarter**

Air – 23

Hazardous Waste - 14

Mining – 1

Regulated Storage Tanks - 14

Solid Waste - 9

Water - 22

### **E. Violation types noted in inspections reports**

Air

- Awaiting results on 19 stack tests, one failed, all others passed.
- Violation of permit conditions – 20, administrative, recordkeeping or failed to conduct testing
- Dust – 4 complaints
- Odors – 8 complaints
- Burning – 1 complaint

Water

- Placing waste – 6
- Permitting Issues – 2
- Stormwater Erosion Issues – 4
- Unpermitted discharges – 1
- Recordkeeping/Paperwork Violations – 0
- Trash/unauthorized fluid in pits – 3
- Improper closure of pit – 0
- Insufficient freeboard – 2
- Poor pit construction – 6

- Other – 8

Solid Waste – 1

- Lack of daily cover – 1, on drilling mud

**F. Administrative Actions taken during reporting quarter**

Air – 2 Consent Administrative Orders addressing permit terms and conditions. Total assessed penalties - \$3,050.00

Water – 4 Consent Administrative Orders addressing pond or pit liner, sedimentation controls measures, failure to prevent pollution to waters of the state and improper application of drilling fluids. Total assessed penalties - \$31,700.00

Total Penalties Collected - \$124,750.00

**G. Judicial Actions taken during reporting quarter**

None