

ADEQ

ARKANSAS
Department of Environmental Quality

October 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

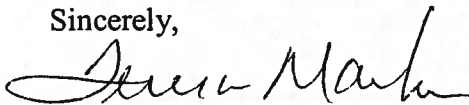
Dear Sen. Salmon & Rep. Baker:

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, 2012 through September 30, 2012. If you have any questions, please contact Karen Bassett at (501) 682-0959.

Sincerely,



Teresa Marks
Director

Enclosure

AIR DIVISION

As of: 10/1/2012

State Fiscal Qua 1st FY2013

Air Permits/Category

Major Title V 205
Minor 1039

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Permits Pending- By Category/Facility

MAJOR TITLE V				
CSN	DATE APPLICATION RECEIVED	FACILITY	10/1/2012	Reason Code
7000101	12/11/2007	Great Lakes Chemical Corporation - West Plant	1756	3
1600002	3/10/2008	Acme Brick - Wheeler Plant	1666	3
3500017	4/22/2008	Graphic Flexible Packaging, LLC	1623	3
3500017	4/22/2008	Graphic Flexible Packaging, LLC	1623	5
3200036	7/21/2008	Future Fuel Chemical Company	1533	3
7000037	9/10/2008	Great Lakes Chemical Corporation - South Plant	1482	3
7000037	2/27/2009	Great Lakes Chemical Corporation - South Plant	1312	3
2900506	3/27/2009	AEP- SWEPCO Turk Plant	1284	3
5500017	4/2/2009	Bean Lumber Company, Inc.	1278	9
3200036	4/13/2009	Future Fuel Chemical Company	1267	5
7000037	7/13/2009	Great Lakes Chemical Company - South Plant	1176	5
3200036	7/24/2009	Future Fuel Chemical Company	1165	3
7000037	8/7/2009	Great Lakes Chemical Corporation -South Plant	1151	7
4500008	10/5/2009	Fishing Holdings, LLC	1092	3
4700202	10/6/2009	Nucor-Yamato Steel Company	1091	2
5400017	10/9/2009	Entergy Arkansas, Inc. - Ritchie Plant	1088	3
5500017	11/3/2009	Bean Lumber Company, Inc.	1083	3
3500017	11/16/2009	Graphic Flexible Packaging, LLC	1050	6
3200036	1/20/2010	Future Fuel Chemical Company	985	8
7000012	1/28/2010	Great Lakes Chemical Corporation - Central Plant	977	8
2300294	2/26/2010	Steele Plastics	948	5
0400213	3/31/2010	Preformed Line Products Company	915	5
7000037	4/2/2010	Great Lakes Chemical Corporation - Central Plant	913	5
2700002	4/13/2010	West Fraiser, Inc. - Leola Mill	902	7
7000012	5/3/2010	Great Lakes Chemical Corporation - Central Plant	882	5
2000017	5/28/2010	Idaho Timber of Carthage	857	5
0400107	6/24/2010	Southwestern Electric Power dba Flint Creek Power Plant	830	5
7000012	7/8/2010	Great Lakes Chemical Corporation - Central Plant	816	7
7000012	7/16/2010	Great Lakes Chemical Corporation - Central Plant	808	9
4700202	7/28/2010	Nucor-Yamato Steel Company	796	7
3000337	8/5/2010	Arkansas Electric d/b/a Hot Spring Generating Station	788	7
4700202	8/31/2010	Nucor-Yamato Steel Company	762	7
1800082	10/13/2010	Arkallite Division	719	6
7000037	11/12/2010	Great Lakes Chemical Corporation - South Plant	689	6
3200036	11/19/2010	Future Fuel Chemical Company	682	9
4700202	1/5/2011	Nucor-Yamato Steel Company	635	8
7000012	1/28/2011	Great Lakes Chemical Corporation - Central Plant	612	5
2900506	2/7/2011	American Electric Power - John W. Turk Jr. Power Plant	602	5
4700202	2/25/2011	Nucor-Yamato Steel Company	584	5
3500017	2/28/2011	Graphic Flexible Packaging, LLC	581	5
6000302	4/19/2011	University of Arkansas for Medical Services (UAMS)	531	1
7000012	4/25/2011	Great Lakes Chemical Corporation - Central Plant	525	5
7000012	5/10/2011	Great Lakes Chemical Corporation - Central Plant	510	5
7000016	5/27/2011	Lion Oil Company	493	5
7000012	7/11/2011	Great Lakes Chemical Corporation - Central Plant	448	5
0700035	8/1/2011	Aerojet - General Corporation	427	5
7200695	8/4/2011	SWEPCO - Harry D. Mattison Power Plant	424	5
0700035	8/18/2011	Aerojet - General Corporation	410	2
5800272	8/24/2011	JW Aluminum Company	404	2
7200144	9/13/2011	Eco-Vista, LLC	384	2
1000005	9/15/2011	Georgia-Pacific Wood - Gurdon Plywood and Lumber	362	2
5800272	9/20/2011	JW Aluminum Company	377	5
5800272	9/20/2011	JW Aluminum Company	377	5
6000003	9/30/2011	3 M Industrial Mineral Products Division	367	5
2600022	10/17/2011	Triump Fabricators Hot Springs	350	5

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0200028	10/18/2011	Georgia-Pacific Chemicals	349	3
1600101	10/18/2011	Riceland Foods, Inc. (Jonesboro Division)	349	5
7000012	10/28/2011	Great Lakes Chemical Corporation - Central Plant	339	5
4100001	11/1/2011	Ash Grove Cement Company	335	5
6100031	11/15/2011	Natural Gas Pipeline Company of America #308	321	5
0200028	11/15/2011	Georgia Pacific Chemicals, LLC	321	5
3200036	11/17/2011	Future Fuel Chemical Company	319	5
4700202	11/23/2011	Nucor-Yamato Steel Company	313	5
7000016	12/14/2011	Lion Oil Company	292	5
3500025	12/16/2011	Planters Cotton Oil, Mill, Inc.	290	5
1400008	12/16/2011	Weyerhaeuser NR Co. - Emerson Veneer Technologies	290	5
0200028	12/19/2011	Georgia Pacific Chemicals LLC	287	5
6001071	12/20/2011	City of Little Rock - Solid Waste Facility	286	3
6000302	1/13/2012	University of Arkansas for Medical Services (UAMS)	262	3
3500017	1/20/2012	Graphic Flexible Packaging, LLC	255	3
1000005	1/25/2012	Georgia Pacific Wood Products LLC - Gurdon	250	3
2400012	1/25/2012	Thomas B. Fitzhugh Generating Station	250	3
2400088	2/6/2012	CenterPoint Energy Gas - Webb City Station	238	3
1500001	2/17/2012	Green Bay Packaging, Inc. Arkansas Kraft Division	227	3
6000302	2/22/2012	University of Arkansas for Medical Services (UAMS)	222	3
3500017	3/1/2012	Graphic Flexible Packaging, LLC	214	3
7000098	3/6/2012	Clean Harbors El Dorado, LLC	209	3
7000012	3/6/2012	Great Lakes Chemical Corporation - Central Plant	209	5
3500017	3/8/2012	Graphic Flexible Packaging, LLC	207	5
6000438	3/8/2012	Waste Management of Arkansas, Inc. d/b/a Two Pine Landfill	207	5
4300131	3/9/2012	Grace Composites, LLC	206	5
3500016	3/12/2012	Evergreen Packaging, Inc.	203	5
0700035	3/16/2012	Aerojet - General Corporation	199	5
2100036	3/16/2012	Clearwater Paper Corporation	199	7
3500110	3/19/2012	Entergy Arkansas, Inc. dba White Bluff Plant	196	7
7000016	4/5/2012	Lion Oil Company	179	9
0700212	4/9/2012	Georgia Pacific Wood Products LLC d/b/a Fordyce OSB	175	3
1000005	4/23/2012	Georgia-Pacific Wood Products South, LLC	161	3
3500025	4/23/2012	Planters Cotton Oil, Mill, Inc.	161	3
3500116	4/26/2012	U.S. Army, Pine Bluff Arsenal	158	3
5400120	5/2/2012	Center Point Energy Gas Transmission Company, LLC.	152	3
5800011	5/3/2012	The Dow Chemical Company	151	3
3300013	5/16/2012	Unilin Flooring NC, LLC	138	3
4100002	5/21/2012	Domtar A.W. LLC	133	2
0700035	5/21/2012	Aerojet - General Corporation	133	3
6004196	5/24/2012	LM Wind Power Blades (Arkansas) Inc.	130	3
4700202	5/25/2012	Nucor-Yamato Steel Company (Limited Partnership)	129	5
6600041	5/31/2012	Baldor Electric Company	123	3
6100001	5/31/2012	Pinnacle Frames & Accents, Inc.	123	3
2300294	6/1/2012	Steele Plastics	122	3
3500116	6/4/2012	U.S. Army, Pine Bluff Arsenal	119	3
3500116	6/4/2012	U.S. Army, Pine Bluff Arsenal	119	3
0200013	6/4/2012	Georgia-Pacific LLC (Crossett Paper Operations)	119	3
1600412	6/5/2012	Jonesboro City Water and Light	118	3
3500017	6/8/2012	Graphic Flexible Packaging, LLC	115	3
4100002	6/8/2012	Domtar A.W. LLC	115	3
4700202	6/13/2012	Nucor -Yamato Steel Company (Limited Partnership)	110	5
4600005	6/14/2012	Cooper Tire & Rubber Company	109	2
4700914	6/18/2012	Precoat Metals Corp.	105	2
1600101	6/19/2012	Riceland Foods, Inc. (Jonesboro Division)	104	2
1000005	6/26/2012	Georgia-Pacific Wood - Gurdon Plywood and Lumber	97	5
2800060	6/27/2012	Paragould Light and Water & Cable	96	5
7300787	6/28/2012	BHP Billiton - (Harmony Compressor Station)	95	5
0200013	6/29/2012	Georgia-Pacific LLC (Crossett Paper Operations)	94	2
1400028	7/2/2012	Albemarle Corporation (South Plant)	91	2
4700233	7/2/2012	Nucor Corporation (Nucor-Steel, Arkansas)	91	9
7301044	7/2/2012	Texas Gas Transmission, LLC (Bald Knob)	91	6
6000003	7/3/2012	3M Company (3M Industrial Mineral)	90	3
0500066	7/5/2012	APRM, Inc. d/b/a/ Plant Maintenance Services	88	3
3500016	7/9/2012	Evergreen Packaging, Inc.	84	5
7000013	7/10/2012	West Fraiser, Inc. - Huttig Mill	83	5
5800014	7/11/2012	Freeman Brothers, Inc. (Bibler Brothers Lumber Company)	82	5
2800256	7/13/2012	American Railcar Industries, Inc.	80	9
0400107	7/16/2012	Southwestern Electric Power dba Flint Creek Power Plant	77	5
6601533	7/19/2012	W & W Fiberglass Tank, LLC	74	5
4300093	7/19/2012	Center Point Energy - (Carlisle Compressor Station)	74	2
3500116	7/24/2012	BFI Waste Systems of Arkansas, LLC	69	5
6300155	7/24/2012	BFI Waste Systems of Arkansas, LLC	69	5

7000040	7/25/2012	El Dorado Chemical Company	68	5
4700251	7/25/2012	Maverick Tuber Corporation	68	5
4700251	7/25/2012	Maverick Tuber Corporation	68	5
6600219	7/31/2012	Saint-Gobain Ceramics and Plastics, Inc.	62	5
0200028	8/6/2012	Georgia Pacific Chemicals, LLC	56	5
0600004	8/9/2012	Pollack Land and Timber	53	5
0100008	8/10/2012	Riceland Foods, Inc.	52	5
2900506	8/13/2012	American Electric Power - John W. Turk Jr. Power Plant	49	5
7000040	8/13/2012	El Dorado Chemical Company	49	5
4100001	8/14/2012	Ash Grove Cement Company	48	2
3500016	8/16/2012	Evergreen Packaging, Inc.	46	5
3500116	8/17/2012	US Army Pine Bluff Arsenal	45	5
7200270	8/17/2012	Superior Industries International Arkansas, LLC	45	9

MINOR SOURCE

CSN	CSN	DATE OF APPLICATION	FACILITY NAME	10/1/2012	REASON CODE
	5700001	1/26/2011	Nidec Motor Company	614	9
	6000404	3/11/2011	HWRT Terminal - North Little Rock, LLC	570	5
	6001529	6/7/2011	Caterpillar Inc.	482	5
	8800272	8/11/2011	RK Hall Construction, LTD.	417	5
	6000404	10/7/2011	HWRT Terminal - North Little Rock, LLC	360	5
	5800098	11/7/2011	Thompson Industries	329	5
	0800002	11/8/2011	Tyson Foods - Berryville	328	9
	7001294	12/7/2011	TETRA Technologies, Inc.	299	7
	4200115	12/12/2011	Cloyes Gear & Products, Inc.	294	5
	2900125	12/27/2011	Momentive Specialty Chemicals	279	6
	5000006	1/31/2012	Firestone Building Products, Inc.	244	9
	7201976	2/6/2012	Bub's Inc.	238	5
	3100097	2/7/2012	Tyson Poultry, Inc. - Nashville Feed Mill	237	5
	3500304	2/9/2012	Central Moloney, Inc. - Components Plants	235	5
	4700931	2/13/2012	PZO Operating Company, LLC	231	6
	0300021	2/16/2012	Eaton Corporation, Hydraulics Fluid Conveyance	228	5
	8800823	2/16/2012	Delta Asphalt of Arkansas, Inc.	228	3
	7300089	2/27/2012	Eaton Hydraulics, LLC (Searcy Plant)	217	5
	3500104	3/9/2012	Bunge North America - Pine Bluff Grain Elevator - Sherrill	208	9
	3500304	3/19/2012	Central Moloney, Inc. - Components Plants	196	5
	0100005	4/4/2012	Riceland Foods, Inc. d/b/a Stuttgart Rice Division	180	7
	1800146	4/12/2012	TETRA Technologies, Inc.	172	6
	6000004	5/7/2012	Porocel Corporation	147	5
	7301088	5/7/2012	Fayetteville Gathering Company d/b/a Oliver Compressor Station	147	7
	1200502	5/7/2012	Fayetteville Gathering Company d/b/a Piney Creek Compressor Station	147	7
	7000039	5/8/2012	Martin Operating Partnership L.P.	146	3
	4700931	5/10/2012	PZO Operating Company, LLC	144	6
	6000058	5/15/2012	Hall Tank Company, LLC	139	5
	4200056	5/15/2012	Tyson Foods, Inc. d/b/a River Valley Animal Foods	139	7
	6900207	5/18/2012	L & N Construction d/b/a L & N Quarry	136	5
	6000049	5/31/2012	GS Roofing Products Company, Inc.	123	6
	7000039	5/31/2012	Martin Operating Partnership L.P.	123	3
	8801386	6/4/2012	Independence Recycling, Inc.	119	6
	0400346	6/15/2012	United Industries	108	5
	0402129	6/25/2012	Good Wood, Inc. (Good Wood Shavings & Rice Hulls)	98	5
	1200418	6/25/2012	Fayetteville Gathering Company (Stonefly Compressor Station)	98	7
	6000781	6/28/2012	PPG Industries, Inc. (PPG Protective and Marine Coatings)	95	9
	1700076	6/28/2012	Oxane Materials, LLC	95	2
	6000499	7/2/2012	Military Department of Arkansas (Robinson Maneuver Training Center)	91	2
	7000068	7/3/2012	Anthony Forest Products Company (Laminating Plant)	90	6
	6001036	7/13/2012	Hawker Beechcraft Corporation	80	2
	8801392	7/16/2012	Charles DeWeese Construction, Inc.	77	5
	6200125	7/17/2012	Boar's Head Provisions Co., Inc.	76	6
	0300027	7/18/2012	Epoxyn Products L.L.C.	75	9
	0300446	7/20/2012	Legend Marine Management LLC	73	6
	6001529	7/26/2012	Caterpillar Inc.	67	5
	4200207	7/30/2012	CenterPoint Energy Field Services (East Chismville Compressor Station)	63	2
	4200238	7/30/2012	CenterPoint Energy Field Services, LLC (Brownsville Compressor Station)	63	2
	4700012	8/3/2012	Kinder Morgan Operating L.P. "C" (Blytheville Terminal)	59	2
	1400145	8/5/2012	CMC Steel Fabricators, Inc. (CMC Steel Arkansas)	57	2
	3400072	8/7/2012	Riceland Foods, Inc. (Tuckerman)	55	2
	1600968	8/13/2012	Unilever Manufacturing (US), Inc.	49	9
	7200026	8/16/2012	University of Arkansas, Fayetteville Campus	46	3
	4600114	8/17/2012	Smith-Blair, Inc.	45	2

	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:	9/30/2012
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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	8
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Type/Name	Permit No.	Days Pending	Reason Code
Permit Modification/Clean Harbors/WAP Update	10H-RN1	250	6
Permit Modification/Aerojet/Waste Import	8H-RN1	219	3
Permit Modification/PBA/Add Igloo Storage Unit	1H-RN2	59	2
Permit Modification/Aerojet/RADD Inclusion	8H-RN1	51	5
Permit Modification/Rineco/TOU Piping Revision	28H-RN1	29	2
Permit Modification/Rineco/Request to Delete Special Cond's	28H-RN1	29	2
Permit Modification/Rineco/Tank Treatment Increase	28H-RN1	29	2
Permit Modification/Clean Harbors/Tank 14 Replacement	10H-RN1	10	2

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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: 9/30/2012

State Fiscal Quarter 1st FY13

Mining Division Permits/Category

Coal Mining		Open-Cut Mining	
Active	5	Sand and Gravel	151
Exploratory		Clay	35
		Shale	16
		In-Stream	4
		Soil	37
		Other	11
Coal Total	5	Open-Cut Total	254
Total Mining Permits	259		

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Permits Pending- By Category/Facility

COAL MINING	Days Pending	Reason Code
OPEN-CUT MINING	Days Pending	Reason Code
WNLR, LLC	471	5
Tommy Coin	319	3
David Spence	171	3
Arkansas Gravel Co.	159	5
Quikrete	122	3
Quikrete	122	3
Bradley Shale and Fill	118	3

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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: 9/30/2012

State Fiscal Quarter 1

Solid Waste Management Permits/Category

Class 1 Landfills	33
Class 3 Landfills	29
Class 4 Landfills	37
Compost Facilities	25
CDMRF	0
Tire Processing Facilities	10
Transfer Station/WRFs	92

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Permits Pending- By Category/Facility

Class 1 Landfill Apps/Mods	Days Pending	Reason Code
WCA - Rolling Meadows Expansion Major Mod	1885	3
City of Conway Class 1 Major Mod	1031	3
Mississippi Co. Class 1 Major Mod	517	1
WM Two Pine Minor Mod	453	3
WM - Jefferson Co. Minor Mod	445	3
WCA Rolling Meadows Minor Mod	502	3
WCA Union Co. Class 1 Major Mod	240	1
WM Eco-Vista Minor Mod	284	1
WM Ozark Ridge Minor Mod	179	1
WM Two Pine Minor Mod	163	1
WM Jefferson Co. Minor Mod	150	1

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Class 3 Landfill Apps/Mods	Days Pending	Reason Code
Entergy Independence Major Mod	2131	2
Entergy White Bluff Major Mod	1234	2
EMS 3T Minor Mod	811	3
Flint Creek 3N Major Mod	528	3
Sloan Valve 3N Minor Mod	213	3
White River RSWMD 3T	570	3

Class 4 Landfill Apps/Mods	Days Pending	Reason Code
City of Conway Major Mod	2492	3
Cleburne Co. Class 4 Major Mod	1189	3
Clark Co. Major Mod	870	3

Compost Facility Apps/Mods	Days Pending	Reason Code
City of Hot Springs	459	3
City of Russellville	279	1

C&DRF Apps/Mods	Days Pending	Reason Code
Energy Source	734	8

Tire Processing Facility Apps/Mods		Days Pending	Reason Code
West River Valley Tire Processor		292	1
Transfer Station Apps/Mods		Days Pending	Reason Code
Bella Vista TS		429	5
Rick Taylor TS/MRF		208	3
WRF Apps/Mods		Days Pending	Reason Code
Jefferson Co. SWRF		439	1
Get Rid of It		299	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:	10/1/2012
State Fiscal Quarter	1

Active No-Discharge Permits

Agriculture	279
Industrial (including Reserve Pits B17)	895
Salt Water Disposal	431
Municipal	48
Domestic	6
Underground Injection Control (UIC)	6

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Permits Pending Greater than 45 Days

<u>Facility</u>	<u>Permit Number</u>	<u>Days Pending</u>	<u>Reason Code</u>
Terra Renewal Services, Inc.	4495-WR-5	45	4
David Lee Property	5174-W	45	1
Riverbend Park Property Owners Association, Inc.	4970-WR-2	54	1
Terra Renewal Services, Inc.	4521-WR-4	54	1
Pressure Trucks, Inc.	4984-WR-2	59	4
Southern Mud	5177-W	59	5
Extraneous Water Treatment System	3532-WR-8	59	2
Eureka Springs Composting Facility	5167-W	62	2
C & F Farms	4445-WR-1	62	5
Douglas Herbaugh Dairy Operation	3015-WR-1	62	5
South Plant Process Water Treatment Unit	5175-W	65	2
Deer Multipurpose Building	5173-W	66	1
Collins Farm	3554-WR-2	68	5
Harris Waste Storage Lagoon	5171-W	79	1
Terra Renewal Services, Inc.	4795-WR-4	79	1
John Garner Meats, Inc.	5147-W	100	4
Bub's, Inc.	5153-W	100	4
Terra Renewal Services, Inc.	4823-WR-6	100	4
Bub's, Inc.	4782-WR-4	100	3
Wisenhunt Farms	3639-WR-1	101	5
Mt. View Farm	2826-WR-4	108	5
Saddlebock Brewing LLC	5166-W	109	5
Billinda Dairy	4628-WR-1	109	5
GEO Specialty Chemicals, Inc.	5161-W	110	5
Duvall Farms	2307-WR-2	114	5
B.J. Ranch	2728-WR-3	116	5
Granny Hollow Farm	3685-WR-2	117	5
Smith Farm	3587-WR-2	117	5
Hunter Farm	4412-WR-1	117	5
Mountain View Farm	4175-WR-1	118	5
U of A Swine Research Center	3453-WR-1	121	5
P&R Farm	3870-WR-1	128	5
Central Plant	3204-WR-2	130	2

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WATER DIVISION
Permits Branch, No Discharge Section

Campbell Farms	4399-WR-1	131	5
Dynamic Dairy	4391-WR-1	137	5
Dennis Polk	3794-WR-2	137	5
Wynne WWTP	5155-W	138	4
Great Lakes Chemical Corporation - Newell Plant	0655-WR-3	145	2
Great Lakes Chemical Corporation - West Plant	1755-WR-6	145	2
Great Lakes Chemical Corporation - Central Plant	3883-WR-4	145	2
South Plant Brinefield	5048-WR-1	145	2
Brine Solids Dewatering Unit	3419-WR-5	146	2
Albemarle West Brinefield System	4007-WR-3	151	2
Albemarle South Brinefield System	2189-WR-7	151	2
Little Red River Estates	4872-WR-2	152	5
SRE 8-12 1-17 Water Storage Facility	5160-W	156	4
Horsebend Estates	4930-WR-2	157	7
Terra Renewal Services, Inc.	4840-WR-3	158	5
Benton County Sunshine School	4898-WR-1	159	4
Atlas Tube - Blytheville Plant	4928-WR-1	166	2
Huntsville Wastewater Treatment Facility	5157-W	166	7
Franklin County Land Application	4915-WR-1	166	4
City of Harrison Wastewater Treatment Plant	5158-W	167	5
East End Washateria	4272-WR-2	172	7
Primrose Creek Subdivision	4059-WR-3	193	2
Evergreen Packaging, Inc - Pine Bluff Mill	4579-WR-5	240	5
Allens, Inc.-Van Buren	3484-WR-3	248	5
Washington County Improvement District. No. 1	5135-W	251	7
ESS Transportation, Inc.	5140-W	277	6
Bibler Brothers Lumber Company	5144-W	292	5
Bethel Oaks Subdivision	4875-WR-1	320	4
Eastside WWTP	5142-W	334	7
Water Edge Development	4746-WR-2	387	7
Russellville Treatment Plant	5126-W	423	7
Delta Plastics of the South, LLC	4876-WR-1	447	4
Mississippi County Landfill	5091-W	786	2
FutureFuel Chemical Company	5082-W	885	7
Treasure Isle R.V.	1664-WR-2	950	2
3M Industrial Mineral Products	4584-WR-2	1137	7

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.)

As of:	10/1/2012
State Fiscal Quarter	1

NPDES Permits/Category

Individual Permits	
Municipal	382
Industrial	415
Stormwater Permits	
Construction	781
Industrial	1875
Small Municipal Separate Storm Sewer System (MS4)	46
Individual	1
General Permits	
Landfill	35
Non-Contact Cooling Water	10
Aggregate Facilities	43
Individual Treatment	144
Concentrated Animal Feeding Operations	1
Water Treatment	126
Hydrostatic Testing	38
Car Wash	16
Ground Water	12
Pesticide	79
Total	4004

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Permits Pending- By Category/Facility

Q1 SFY 2013

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0000752		El Dorado Chemical Company	2099	4
AR0049743		El Dorado Water Utilities	1811	8

Arkansas Department of Environmental Quality
 Section 38 Report, Water Division, Q1 SFY 2013
 Permit Applications > 45 Days

10/4/2012

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0035386		FutureFuel Chemical Company	1580	5
AR0001171	Chemtura Corporation	d/b/a Great Lakes Chemical Corporation - Central Plant	1544	4
AR0022063		City of Springdale	1469	4
AR0000647	Lion Oil Company	El Dorado Refinery	1343	6
AR0038857		Albemarle Corporation - South Plant	864	7

Arkansas Department of Environmental Quality
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Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0050539	Pinewood Wastewater, LLC	Pinewood Estates Subdivision	860	6
AR0050288	City of Fayetteville	West Side Wastewater Treatment Facility	843	8
AR0043397		City of Rogers	826	8
AR0037842	Southwestern Electric Power Company	Flint Creek Power Plant	763	7
AR0020010	City of Fayetteville	Paul R. Noland Wastewater Treatment Plant	665	6
AR0000591		Martin Operating Partnership L.P.	635	8
AR0045047	Village Square of HSV, LLC	dba Village Square Shopping Center	578	3
AR0000582	Alcoa Inc.	Arkansas Remediation	539	4
AR0037842C	Southwestern Electric Power Company	Flint Creek Power Plant	469	6
AR0049557	Plum Point Services Company, LLC and Plum Point Energy Associates II, LLC	Plum Point Energy Station	438	6
AR0022250		City of Dermott - South Pond	432	4

Arkansas Department of Environmental Quality
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Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0049425	Associated Electric Cooperative, Inc.	Dell Power Plant	374	2
AR0052027		G & B Terminal, Inc. and Affiliates	371	6
AR0050296		Lion Oil Company Great Lake Chemical Corporation El Dorado Chemical Company El Dorado Water Utilities	361	6
AR0049417	Entergy Arkansas, Inc.	dba Hot Spring Plant	348	7
AR0049611	Arkansas Electric Cooperative Corporation	Hot Spring Generating Station	334	6
AR0047554C		City of Ward	333	6
AR0052035		Wooten Sand & Gravel, Inc.	332	2
AR0002968	Domtar A.W. LLC	Ashdown Mill	328	6
AR0033197		Heritage Bay Horizontal Property Regime Unit One, Inc.	315	3
AR0041033		City of Diaz	308	6
AR0050644	Lakeside Gardens Property Owners Association	Lakeside Gardens Condominiums	304	
AR0052051	SEECO, Inc.	Byrd Water Reuse Recycling Facility	299	3
AR0045144		Town of Toilette	270	6
AR0050741		City of Etowah	255	6
AR0041734		Tyson Foods, Inc. - Nashville	250	6
AR0051985M	Coon Bayou, LLC	Delta Conference Center	245	3
AR0051985C	Coon Bayou, LLC	Delta Conference Center	245	3
AR0022373		West Fork Wastewater Treatment Plant	235	8
AR0001830	Green Bay Packing Inc.	Arkansas Kraft Division	235	6
AR0020672		City of Pea Ridge	229	6
AR0041335	Jacksonville Wastewater Utility	J. Albert Johnson Regional Treatment Facility	221	6
AR0049603		City of Beedeville	216	6
AR0001147		Entergy Arkansas, Inc. - Lake Catherine Plant	210	2
AR0033481		City of Prescott	196	6

Arkansas Department of Environmental Quality
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Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0023850		City of Mammoth Spring	189	6
AR0035246		City of Lincoln	187	6
AR0051110M	Coltec Industries, Inc.	Central Moloney Facility	181	3
AR0041688		City of Blevins	181	2
AR0034321		City of Harrison	180	5
AR0052086C	SEECO, Inc.	Jared Wood Water Reuse/Recycle Facility	179	2
AR0052086	SEECO, Inc.	Jared Wood Water Reuse/Recycle Facility	179	2
AR0048356	Tyson Foods, Inc.	River Valley Animal Foods	174	2
AR0002917	Weyerhaeuser NR Company	Dierks Mill	174	2
AR0052141	SEECO, Inc.	Campbell Thomas SE1	168	2
ARG640177C	Lonoke White Public Water Authority	Water Treatment Plant	167	5
AR0022365		Camden Water Utilities	166	2
AR0052175	SEECO, Inc.	Hartwick Water Reuse/Recycle Facility	166	5
AR0052175C	SEECO, Inc.	Hartwick Water Reuse/Recycle Facility	166	5
AR0020648	USDAUS Forest Service	Cass Civilian Conservation Center	166	6
AR0041629		Westside Consolidated School District No. 5	165	2
AR0020273		City of Siloam Springs	164	2
AR0038466		City of Hope-Bois D'Arc WWTP	164	5
AR0021717		City of Flippin	164	6
AR0021903		City of Wynne	158	2
AR0042315		Crossett Harbor Port Authority	150	2
AR0037940	Arkansas Department of Parks & Tourism	Devil's Den State Park	150	6
AR0041289		Cedarville Public Schools	144	2
AR0042609		City of Harrell	144	5
AR0052205		Triple B Wood Dealers	143	2
AR0041416		Timber Ridge Ranch NeuroRestorative	143	5
AR0052191		Sysco Corporation	140	2
AR0046078		Fairfield Bay Wastewater Corporation	138	2
AR0046523		Grand Isle WWTP		
AR0048305		Maverick Tube Corporation	132	2
AR0041092		City of Stamps - South Plant	125	2
		Lexa Wastewater Treatment Facility	124	6
AR0043516		Great Lakes Chemical Corporation - West Plant	124	5

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Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0049751		Sheridan White Rock, Inc.	124	2
AR0050725	HTC, LLC	d/b/a Hilltop Travel Center	118	5
AR0045535		Camp Canfield	117	2
AR0000612		Firestone Building Products Company, LLC	117	2
AR0043117		Nucor-Yamato Steel Company	116	5
AR0022381	Heber Springs Water and Sewer Commission	d/b/a Heber Springs Water Department Heber Springs Wastewater Treatment Plant	116	5
AR0046345C		Spring Hill School	105	6
AR0046345		Spring Hill School	105	6
AR0050776		Precoat Metals	104	5
AR0044938	Ecology Management, Inc.	Wastewater Treatment Facility	104	5
AR0052221	SEECO, Inc.	J and R Farm SE1	104	2
AR0020125C		City of Perryville	104	2
AR0020125M		City of Perryville	104	2
AR0045560	Recovery Centers of Arkansas	Oasis Renewal Center	101	5
AR0039403		HEPOA, LLC	96	2
AR0048895		Little Rock Harbor Service, Inc.	95	2
AR0052213		Bruce Oakley, Inc.	95	2
AR0048593	Trinity Materials, Inc.	Lockesburg Plant #1544	94	2
AR0021792		City of Berryville	88	2
AR0022578		City of Blytheville - South Treatment Facility	87	2
AR0051136M	Southwestern Electric Power Company	John W. Turk, Jr. Power Plant	87	6
AR0048054		Quad Hardwood Products, Inc.	87	5
AR0046698	West Fraser, Inc.	Leola Lumber Mill	87	2
AR0037991		City of Hardy	83	2
AR0021601		Searcy Wastewater Treatment Facility	77	5
AR0035947	Arkansas Department of Parks & Tourism	Crowley's Ridge State Park	74	6
AR0035432	U.S. Army Corps of Engineers	Caddo Drive Recreation Area, DeGray Lake	67	5
AR0020231	U.S. Army Corps of Engineers	Shouse Ford Recreation Area, DeGray Lake	67	5
AR0036021	U.S. Army Corps of Engineers	Spillway/Dam Recreation Area, DeGray Lake	67	5
AR0020222	U.S. Army Corps of Engineers	Iron Mountain Recreation Area, DeGray Lake	67	5

Arkansas Department of Environmental Quality
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Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0035459	U.S. Army Corps of Engineers	Alpine Ridge Recreation Area, DeGray Lake	67	5
AR0036013	U.S. Army Corps of Engineers	Arlie Moore Recreation Area, DeGray Lake	67	5
AR0050717	Tim P. Tyler	dba Arkansas Water and Wastewater Management Corporation- Eaglebrook Subdivision	63	6
AR0023833C		City of Gravette	61	6
AR0052230		Rakko Concrete, LLC	60	5
AR0049808		Saint-Gobain Proppants, Inc	60	5
AR0049522	Summit Properties	dba Fred's Store Commercial Park	59	2
AR0037605	Arkansas Department of Parks and Tourism	Lake Queen Wilhelmina State Park	59	5
AR0033715		City of Carthage	59	5
AR0046272		City of Bassett	54	2
AR0046396	Pleasant View Estates Improvement District of Pope County	Pleasant View Estates	54	5
AR0050831	Loneke County Property Owners' Multipurpose Improvement District No. 12 (Mound Lake Subdivision)	Mound Lake II Phase III Wastewater Treatment Plant	54	5
AR0034312		City of Bay	54	5
AR0039781C		City of Hackett	49	5
AR0020664	USDA Forest Service	USDAFS-Blanchard Springs Caverns	49	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 PN
7	Drafting Response to Comments
8	Other

Memorandum

DATE: October 5, 2012 d

TO: LEGISLATIVE COUNCIL

FROM: TERESA MARKS, DIRECTOR
ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

RE: SECTION 38 (a) – (e) of ACT 957 OF THE 2011 REGULAR
SESSION OF THE ARKANSAS GENERAL ASSEMBLY

As provided by Section 38 (a) – (e) of Act 957 of the 2011 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, 2012 through September 30, 2012. 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 23.

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, 2012 through September 30, 2012.

Type of Enforcement Action	Defendant	Geographic Location
Complaint Filing Fee	Eagle Creek Properties	Carroll County Circuit Court
Complaint Filing Fee	Bob Devor Dirt Pit	Washington 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, 2012 through September 30, 2012.

Civil Penalties Collected	\$349,253.67
Supplemental Environmental Projects Verified	\$0.00

CONSENT ADMINISTRATIVE ORDERS

City of Cash, Craighead County, NPDES/Water Division, \$1,000.00 Penalty

City of Fort Smith, Sebastian County, Air Division, \$2,400.00 Penalty

DEFAULT ADMINISTRATIVE ORDER

Mrs. Jennifer K. McMillian, Faulkner County, NPDES/ Water Division, \$1,400.00 Penalty

Dated this 10th day of July 2012
Teresa Marks, Director
Arkansas Department of Environmental Quality

CONSENT ADMINISTRATIVE ORDERS

City of Greenbrier, Faulkner County, NPDES/Water Division, 5,600.00 Penalty

Interstate Highway Sign Corporation, Pulaski County, Hazardous Waste Division, \$4,625.00 Penalty

Dated this 25th day of July 2012
Teresa Marks, Director
Arkansas Department of Environmental Quality

CONSENT ADMINISTRATIVE ORDERS

Great Lakes Chemical Corporation-West Plant, Union County, Hazardous Waste Division, \$3,000.00 Penalty LIS 12-108

Unilin Flooring NC, LLC, Izard County, Hazardous Waste Division, \$13,750.00 Penalty LIS 12-107

NOTICE OF VIOLATION

Calaway Plumbing Contractors, Inc., Union County, Air Division, \$9,400.00 Proposed Penalty LIS 12-110

Good Earth Horticulture, Inc., Conway County, NPDES/Water Division, \$7,200.00 Proposed Penalty LIS 12-109

Dated this 10th day of August 2012
Teresa Marks, Director
Arkansas Department of Environmental Quality

CONSENT ADMINISTRATIVE ORDERS

Garland County Class 4 Landfill, Garland County, Solid Waste Division, No Penalty

Hixon Lumber Sales, Inc., Columbia County, Hazardous Waste Division, \$5,562.50 Penalty LIS 12-111

QG Printing II Corporation, Craighead County, Hazardous Waste Division, \$11,437.50 Penalty LIS 12-112

NOTICE OF VIOLATION

Hometown Development, LTD, Washington County, Water Division, \$2,250.00 Proposed Penalty LIS 12-113

Dated this 25th day of August 2012
Teresa Marks, Director
Arkansas Department of Environmental Quality

CONSENT ADMINISTRATIVE ORDERS

Eaton-Moery Environmental Services, Inc., Class 3 Landfill, Cross County, Solid Waste Division, \$20,000.00 Penalty, LIS No. 11-136

Petromark, Inc., Sebastian County, Regulated Storage Tanks Division, \$4,443.75 Penalty, LIS No. 12-029

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, \$20,000.00 Penalty, LIS No. 11-147

Pizo Operating Company, LLC, Mississippi County, Hazardous Waste Division, \$48,000.00 Penalty, LIS No. 12-118

Stonecrafters of Arkansas, Inc., Faulkner County, Air Division, No Penalty, LIS No. 12-115

AMENDED CONSENT ADMINISTRATIVE ORDER

City of Sherwood, Pulaski County, Water Division, No Penalty, LIS No. 08-135-001

PERMIT APPEAL RESOLUTION

Ash Grove Cement Company, Little River County, Air Division, No Penalty, LIS No. 12-117

Dated this 10th day of September 2012
Teresa Marks, Director
Arkansas Department of Environmental Quality

PERMIT APPEAL RESOLUTION

Delta Natural Kraft, LLC, Jefferson County, Air Division, No Penalty, LIS No. 12-119

**NOTICE OF VIOLATION AND FORFEITURE OF FINANCIAL
ASSURANCE**

Eaton-Moery Environmental Services, Inc., Class 1 Landfill, Permit 0198-S1-R2, AFIN 01-00117, Class 3C Landfill, Permit 0269-S3C-R1, AFIN 19-00091, Class 3T Monofill, Permit 0269-S3T-R1, AFIN 19-00091, Transfer Station, Permit 0093-STSW-B, AFIN 19-00091, Solid Waste Division, Arkansas County, No Penalty, LIS No. 12-120

Dated this 25th day of September 2012
Teresa Marks, Director
Arkansas Department of Environmental Quality

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

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QUARTERLY REPORT TO ARKANSAS LEGISLATIVE COUNCIL

ON RULEMAKING ACTIVITIES

Months In Quarter: July, August, September 2012

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. 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 the Commission adopted a minute order withdrawing the rulemaking on May 24, 2012.

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.

3. Regulation Number and Name: Regulation No. 14, Regulations and Administrative Procedures for the Waste Tire Program; Docket No. 11-006-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on November 15, 2011. The changes make the regulation consistent with Act 744 of 2011; to correct a typographical error which references Chapter 13, instead of Chapter 14; to clarify the definition of "quantity"; and make formatting and stylistic changes.

The Commission adopted the minute order initiating the rulemaking process on December 2, 2011, and adopted the amendments on July 27, 2012.

c. Justification: These changes make the regulation consistent with Act 744 of 2011.

d. Economic Impact: These provisions may have an effect on small businesses.

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

4. Regulation Number and Name: Regulation No. 15, Arkansas Open-Cut Mining and Reclamation Code; Docket No. 12-002-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on February 10, 2012. ADEQ proposes to modify this regulation by adding a provision regarding the ability to seek pecuniary gain in lieu of civil penalties for certain violations of the Act as provided for in Act 609 of 2011. Additional minor changes are proposed to clarify the existing regulation through stylistic changes and references to other regulations.

The Commission adopted the minute order initiating the rulemaking process on February 24, 2012, and adopted the amendments on August 24, 2012.

c. Justification: The proposed changes incorporate changes in state law based on Act 609 of 2011.

d. Economic Impact: There will be no cost to the state agency and the amendments will have no financial impact on small business.

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

5. Regulation Number and Name: Regulation No. 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control-Emergency Rulemaking; Docket No. 12-003-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on June 7, 2012. ADEQ proposes to modify this regulation in response to the United States Environmental Protection Agency's ("EPA") "Deferral for CO2 Emissions from Bioenergy and Other Biogenic Sources under the Prevention of Significant Deterioration and Title V Programs, Final Rule". This Final rule defers the application of the PSD and Title V permitting requirements to biogenic carbon dioxide ("CO2") emissions from bioenergy and other biogenic stationary sources until July 21, 2014. The amendments to Regulation No. 19 include the deferral for CO2 emissions from bioenergy and other biogenic sources under the PSD Program in the definition of CO2 equivalent emissions".

The Commission adopted the minute order initiating the rulemaking process on June 22, 2012, and no final decision has been made.

c. Justification: Failure to implement these revisions would have adverse impacts on the general welfare of the state and requires adoption of an emergency rule by the ADEQ. The implementation of this emergency rule for biogenic CO2 emission deferral will keep entities from having to comply with permitting requirements which are otherwise more stringent than federal requirements, and could prevent them from being subject to more costly PSD permit fees and compliance as a result of biogenic CO2 emissions that will be deferred with this rule.

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. 26, Regulations of the Arkansas Operating Air Permit Program-Emergency Rulemaking; Docket No. 12-004-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on June 7, 2012. ADEQ proposes to modify this regulation in response to the United States Environmental Protection Agency's ("EPA") "Deferral for CO2 Emissions from Bioenergy and Other Biogenic Sources under the Prevention of Significant Deterioration and Title V Programs, Final Rule". This Final rule defers the application of the PSD and Title V permitting requirements to biogenic carbon dioxide ("CO2") emissions from bioenergy and other biogenic stationary sources until July 21, 2014. The amendments to Regulation No. 26 include the deferral for CO2 emissions from bioenergy and other biogenic sources under the PSD Program in the definition of CO2 equivalent emissions".

The Commission adopted the minute order initiating the rulemaking process on June 22, 2012, and no final decision has been made.

c. Justification: Failure to implement these revisions would have adverse impacts on the general welfare of the state and requires adoption of an emergency rule by the ADEQ. The implementation of this emergency rule for biogenic CO2 emission deferral will keep entities from having to comply with permitting requirements which are otherwise more stringent than federal requirements, and could prevent them from being subject to more costly PSD permit fees and compliance as a result of biogenic CO2 emissions that will be deferred with this rule.

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.

7. Regulation Number and Name: Regulation No. 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control; Docket No. 12-005-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on June 7, 2012. ADEQ proposes to modify this regulation in response to the United States Environmental Protection Agency's ("EPA") "Deferral for CO2 Emissions from Bioenergy and Other Biogenic Sources under the Prevention of Significant Deterioration and Title V Programs, Final Rule". This Final rule defers the application of the PSD and Title V permitting requirements to biogenic carbon dioxide ("CO2") emissions from bioenergy and other biogenic stationary sources until July 21, 2014. The amendments to Regulation No. 19 include the deferral for CO2 emissions from bioenergy and other biogenic sources under the PSD Program in the definition of CO2 equivalent emissions". It is also proposed that the greenhouse gases "stay" provision is moved, without revision to clarify the applicability of the clause.

The Commission adopted the minute order initiating the rulemaking process on June 22, 2012, and no final decision has been made.

c. Justification: Making the proposed amendments will maintain consistency between federal air pollution control programs and the Commission's regulations governing air pollution in Arkansas and it will maintain compliance with the federal deferral of permitting requirements for biogenic CO2 emissions.

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.

8. Regulation Number and Name: Regulation No. 26, Regulations of the Arkansas Operating Air Permit Program; Docket No. 12-006-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on June 7, 2012. ADEQ proposes to modify this regulation in response to the United States Environmental Protection Agency's ("EPA") "Deferral for CO2 Emissions from Bioenergy and Other Biogenic Sources under the Prevention of Significant Deterioration and Title V Programs, Final Rule". This Final rule defers the application of the PSD and Title V permitting requirements to biogenic carbon dioxide ("CO2") emissions from bioenergy and other biogenic stationary sources until July 21, 2014. The amendments to Regulation No. 26 include the deferral for CO2 emissions from bioenergy and other biogenic sources under the Title V Program in the definition of CO2 equivalent emissions".

The Commission adopted the minute order initiating the rulemaking process on June 22, 2012, and no final decision has been made.

c. Justification: Making the proposed amendments will maintain consistency between federal air pollution control programs and the Commission's regulations governing air pollution in Arkansas and it will maintain compliance with the federal deferral of permitting requirements for biogenic CO2 emissions.

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.

9. Regulation Number and Name: Regulation No. 11, Regulations of the Arkansas Operating Air Permit Program; Docket No. 12-007-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on July 11, 2012. The proposed amendment incorporates statutory changes passed by the General Assembly that amend various provisions of the Solid Waste Management and Recycling Fund Act, particularly Act 602 and Act 819 of 2011, Act 189 of 2009, and Act 1325 of 2005; establishes regulations for the Computer and Electronic Equipment Recycling and Grant Program; clarifies provisions of the Landfill Post-closure Trust fund; clarifies the recycling grant program timelines and obligations, and makes minor stylistic revisions.

The Commission adopted the minute order initiating the rulemaking process on June 22, 2012, and no final decision has been made.

c. Justification: The rule is mostly administrative, however it is expected to provide indirect long-term positive effects on the environment and minimizing waste placed in landfills is crucial through the recycling program and providing mechanisms for proper landfill maintenance is crucial to the environment and human health.

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.

10. Regulation Number and Name: Regulation No. 6, Regulation for the State Administration of the National Pollutant Discharge Elimination System (NPDES); Docket No. 12-008-R.

10. Regulation Number and Name: Regulation No. 6, Regulation for the State Administration of the National Pollutant Discharge Elimination System (NPDES); Docket No. 12-008-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on August 10, 2012. ADEQ proposes to add several defined terms to Reg.6.103. The new definitions are necessary to understand the requirements found in Reg.6.206 for discharges of pesticides into waters of the State; add Reg.6.206 to provide a permit-by-rule for entities discharging pesticides into waters of the State; delete Reg.6.204(B); and proposes several minor changes to bring the regulation into compliance with the Commission's Regulation Drafting Guidelines.

The Commission adopted the minute order initiating the rulemaking process on August 24, 2012, and no final decision has been made.

c. Justification: the regulation must comply with the federal Clean Water Act, 33 U.S.C. 1251 et seq. and regulations promulgated thereunder.

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.

11. Regulation Number and Name: Regulation No. 18, Arkansas Air Pollution Control Code; Docket No. 12-009-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on September 14, 2012. ADEQ proposes revisions to Regulation No. 18 in order to implement the United States Environmental Protection Agency's current National Ambient Air

Quality Standards ("NAAQS") for PM2.5, PM10, ozone, lead, carbon monoxide, nitrogen dioxide, and sulfur dioxide.

The Commission adopted the minute order initiating the rulemaking process on September 28, 2012, and no final decision has been made.

c. Justification: This proposed rule is necessary to ensure that the Arkansas regulation is not in conflict with federal rules that have been adopted. Also, by revising Regulation No. 18, ADEQ will be able to issue permits for fine particulate matter. Because the National Ambient Air Quality Standard for particulate matter is a health-based standard, this rule change will allow ADEQ to protect human health and the environment from detrimental effects of fine particulate matter.

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, Regulation of the Arkansas Plan of Implementation for Air Pollution Control; Docket No. 12-010-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on September 14, 2012. ADEQ is proposing revisions to Regulation No. 19 in order to implement the Environmental Protection Agency's National Ambient Air Quality Standards ("NAAQS") for PM2.5, PM10, ozone, lead, nitrogen dioxide, and sulfur dioxide. Other proposed changes include revising the definition of "Volatile Organic Compounds" under Chapter 2, including exemptions for propylene carbonate, dimethyl carbonate, and trans-1,3,3,3-tetrafluoropropene (HFO-1234ze) to more closely match the federal definition; removing the reference to 40 C.F.R. Part 50 under Reg.19.301; and revising the definition of "Regulated NSR Pollutant" under Reg.19.903(B), as opposed to incorporating it by reference.

The Commission adopted the minute order initiating the rulemaking process on September 28, 2012, and no final decision has been made.

c. Justification: This proposed rule is necessary to bring Arkansas into compliance with federal rule changes made as the NAAQS have been revised by the EPA. The goal is for sources to find it less difficult to understand permitting requirements. Because the primary NAAQS are health-based standards and secondary NAAQS standards are set to protect public welfare, this rule change will allow ADEQ to protect human health and the environment from detrimental effects caused by NAAQS pollutants. The rule will also satisfy the State's requirements under the Clean Air Act to prevent significant deterioration of air quality in areas of the state designated as "attainment" or "unclassifiable" for each NAAQS.

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 the Arkansas Operating Air Permit Program; Docket No. 12-011-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on September 14, 2012. ADEQ proposes to modify this regulation by adding "10 tons per year of PM2.5", a monir permit modification threshold for fine particulate matter (PM2.5), under Reg.26.1002(A).

The Commission adopted the minute order initiating the rulemaking process on September 28, 2012, and no final decision has been made.

c. Justification: Making the proposed amendments will establish a minor permit modification threshold for fine particulate matter (PM2.5) in Regulation No. 26; will lower the potential cost impacts for those facilities increasing PM2.5 emission by small amounts; and will allow changes to a facility to be implemented more quickly. All other changes to Regulation No. 26 were made as updates, for clarification, and to correct errors.

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. 25, Lead-Based Paint Activities; Docket No. 12-012-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on September 14, 2012. The 2011 Act transferred authority to adopt, administer, and enforce a program for licensing lead-based paint activities, training programs, procedures, and certification requirements from ADEQ to the Arkansas Department of Health.

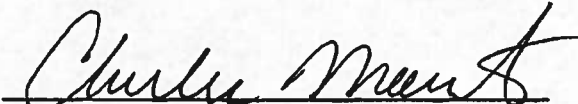
The Commission adopted the minute order initiating the rulemaking process on September 28, 2012, and no final decision has been made.

c. Justification: The Arkansas Lead-Based Paint-Hazard Act of 2011 renders Regulation No. 25 unenforceable, and removes all authority from ADEQ to oversee activities in Arkansas that are related to lead-based paint.

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.

10/9/12
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 = 07-01-2012 to 09-30-12

Division	Fee Code	Description	Annual	Initial	Late Fee	Modification	Renewal	Short-Term Authority	Total
AIR	G	General Operating Permit	\$ 21,400 107	\$ 1,600 8					\$ 23,000 115
	L5	Late Charge (Air T5)	\$ 1,503 1						\$ 1,503 1
	LC	Late Charge (Air LC)	\$ 1,421 14						\$ 1,421 14
	MS	Minor Source (Air MS)	\$ 181,813 102	\$ 4,551 4		\$ 10,368 25			\$ 196,732 131
	R3	Air Reg 18.315	2,000 10						\$ 2,000 10
AIR TOTAL	T5	Title 5 (Air T5)	\$ 1,072,494 38			10500 16			\$ 1,082,994 54
		Total	\$ 1,280,631 \$ 272	\$ 6,151 \$ 12	\$ - \$ -	\$ 20,868 \$ 41	\$ - \$ -	\$ - \$ -	\$ 1,307,650 \$ 325
SOLID WASTE	1	Class I Landfill	\$ 6,000 1						\$ 6,000 1
	3C	Class III commercial (SW 3C)		2,000 1					\$ 2,000 1
	3T	Class III Tire Monofill (SW 3T)	\$ 3,000 1						\$ 3,000 1
	3N	Class III Non-commercial	\$ 9,000 3			2,000 1			\$ 11,000 4
	4	Class IV Landfill	\$ 5,000 10			1,000 1			\$ 6,000 11

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 07-01-2012 to 09-30-12

Division	Fee Code	Description	Annual	Initial	Late Fee	Modification	Renewal	Short-Term Authority	Total
	CD/RF	Construction & Demolition Waste Recovery (Solid Waste CDRF)							\$ - 0
	CL	Closed Facility (Solid Waste CL)	\$ 1,500 3						\$ 1,500 3
	CO	Composting Organic Waste (Solid Waste CO)	900 2						\$ 900 2
	CY	Composting Yard Waste (Solid Waste CY)	\$ 2,250 5						\$ 2,250 5
	LC	Late Charge (Solid Waste LC)	\$ 185 4						\$ 185 4
	P	Postclosure Fee (Solid Waste P)	\$ 500 1						\$ 500 1
	TS	Transfer Station or MRF	\$ 11,250 25 1	\$ 900 1					\$ 12,150 26
	WR	Solid Waste Recovery	\$ 1,350 3						\$ 1,350 3
SOLID WASTE TOTAL		Total	40,935 58 2	2,900 2	0 0	3,000 2		0 0	46,835 62
WATER - NPDES									
	N-A	NPDES Agricultural (Minor With Toxic)	\$ 16,748 2						\$ 16,748 2
	N-B	NPDES Saltwater (Minor Without Toxic)	\$ 196,532 150						\$ 196,532 150
	N-C	NPDES Cooling Water	\$ 546 2						\$ 546 2

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 07-01-2012 to 09-30-12

Division	Fee Code	Description	Annual	Initial	Late Fee	Modification	Renewal	Short-Term Authority	Total
	N-G	NPDES Coal Mining (converted)							\$ - 0
	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	\$ 2,000 10	\$ 200 1					\$ 2,200 11
	N-G7	NPDES Water Plant Backwash	\$ 12,800 32						\$ 12,800 32
	N-G8	NPDES Pipeline Hydrostatic Test	\$ 1,267 7	\$ 1,600 8					\$ 2,867 15
	N-G9	NPDES Car/truck Wash Facility	\$ 800 4						\$ 800 4
	N-GA	Ground Water Clean-Up (Water-NPDES GA)	\$ 2,000 4	\$ 500 1					\$ 2,500 5
	N-GB	Laundromat (Water-NPDES GB)							\$ - 0
	N-GC	Sand and Gravel (Water-NPDES GC)	\$ 1,683 9	\$ 200 1					\$ 1,883 10
	N-GD	Concentrated Animal Feedlot Operation (Water-NPDES GD)		\$ 200.00 1					\$ 200 1
	N-GE	Cooling Towers, Tower or Other	\$ 400						\$ 400

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 07-01-2012 to 09-30-12

Division	Fee Code	Description	Annual	Initial	Late Fee	Modification	Renewal	Short-Term Authority	Total
			2						2
	N-GF	Pesticides (Water-NPDES)		\$ 2,000 10					\$ 2,000 10
	N-J	NPDES Major Non-municipal, MRAT >= 100	\$ 60,000 4					\$ 200 1	\$ 60,200 5
	N-K	NPDES Major Non-municipal, MRAT 80-100	\$ 11,000 1						\$ 11,000 1
	N-L	NPDES Discretionary Major							\$ - 0
	LC	Late Charge (Water-NPDES LC)	\$ 988 19						\$ 988 19
	LS	Late Charge (Storm Water)	\$ 1,417 67						\$ 1,417 67
	N-M	NPDES Major Municipal	\$ 212,321 26						\$ 212,321 26
	NO-EX NPDES	No-Exposure Certification (Water-NPDES)	\$ 13,982 75	\$ 3,000 15					\$ 16,982 90
	N-O	NPDES Minor Aquatic Animal Prod	\$ 2,500 1						\$ 2,500 1
	N-P	NPDES Minor Variable Discharge	\$ 5,400 18	\$ 300 1					\$ 5,700 19
	N-Q	NPDES Construction Permit		\$ 5,000 10					\$ 5,000 10
	N-R1	NPDES Stormwater Manufacturing	\$ 56,518	\$ 10,200					\$ 66,718

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 07-01-2012 to 09-30-12

Division	Fee Code	Description	Annual	Initial	Late Fee	Modification	Renewal	Short-Term Authority	Total
			285	51					336
	N-R2	NPDES Stormwater Construction	\$ 30,084	\$ 17,600					\$ 47,684
			152	88					240
	R4	NPDES Stormwater: MSF Phase II	\$ 1,200						1,200
			6						6
WATER NPDES TOTAL		Total	632,586	41,200	0	0	0	200	673,986
			882	188	0	0	0	1	1,071
TE WATER PERM	ST	Short-Term Authorization							\$ - 0
	S-D	Confined Animal or Small Sep	\$ 20,200	\$ 1,000		\$ 500			\$ 21,700
			101	5		1			107
	S-E	State Permits Branch Commercial or Industrial	\$ 22,500	\$ 5,500		\$ 1,000	\$ 1,500		\$ 30,500
			45	11		2	3		61
	S-F	Industrial Sludge App	\$ 500						\$ 500
			1						1
	S-G1	State Permits Branch Confined Animal Feedlot							\$ - 0
	GP	Oil & Gas Pits							\$ - 0
	S-H	Salt Water Disposal (SPB H)	\$ 18,250	\$ 1,250		\$ 2,250	\$ 250		\$ 22,000
			73	5		9	1		88
	GLA	Oil & Gas Land Application							\$ - 0
	S-I	POTW Non-NPDES Land App	\$ 500	\$ 500		\$ 500			\$ 1,500
			1	1		1			3

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 07-01-2012 to 09-30-12

Division	Fee Code	Description	Annual	Initial	Late Fee	Modification	Renewal	Short-Term Authority	Total
	LC	Late Charge(Water-SPB LC)	\$ 865 39						\$ 865 39
	Z	Interim Authority (Water-SPB Z)							\$ - 0
	ST	Short-Term Authorization (Water-SPB ST)						\$ 17,800 77	\$ 17,800 77
WATER - STATE PERMIT TOTALS		Total	\$ 62,815 \$ 260	\$ 8,250 \$ 22	\$ - \$ -	\$ 4,250 \$ 13	\$ 1,750 \$ 4	\$ 17,800 \$ 77	\$ 94,865 \$ 376
	U-1	State Permits Branch UIC - Class I	\$ 15,000 1						\$ 15,000 1
	Z	Interim Authority							\$ - 0
UIC TOTALS		Total	\$ 15,000 1	\$ - \$ 0	\$ - \$ 0	\$ - \$ 0		\$ - \$ 0	\$ 15,000 1
TOTAL		Total	\$ 2,031,967 1,473	\$ 58,501 224	\$ - \$ 0	\$ 28,118 56	\$ 1,750 4	\$ 18,000 78	\$ 2,138,336 1,835

ADEQ REVENUE FROM PERMIT FEES AND LICENSES

All figures generated 09/28/12, based on active invoices. Date range = 07-01-2012 to 09-30-2012

Invoice Identifier		Fee Code	Description	Fund	Collections
RST - Tank Installer Licenses	RST		Tank installer licenses	SRS0000	\$ 7,975.00
TKS - Storage Tank Fees	TKS		Storage Tank Fees		\$ 164,647.34
UST - Exam Fees	UST		Underground Storage Tank Exam Fees		\$ 26,600.00
ASB - Asbestos Licenses	ASB		Asbestos Licenses	SAC0000	\$ 16,430.00
LED - Individual Licenses - Lead	LED		Individual Licenses	MPL0000	\$ -
CCL - Contractors Licenses - Lead	CCL		Contractors Licenses	MPL0000	\$ -
				SAC0000	\$ 33,600.00
HWD - HW Permits	HWD		Hazardous Waste Permits	SHW0000	\$ 332,136.71
				MEE0000	\$ 4,750.00
				THS0000	\$ 42,750.00
TRF - Transfer Facilities	TRF		Transfer Facilities	SHW0000	\$ -
HWL - HW Licenses	HWL		HW Licenses		\$ -
SFF - Superfund	HWD		Superfund permit fees	THS0000	\$ -
				MEE0000	\$ -
LAB - Lab Certification Fees	LAB		Lab Certification Fees	HMA0100	\$ 16,770.00
MPs - Mining Fees	MPS		Non-coal mining permit Fees	HMA0100	\$ 22,622.60
			Coal Mining Permit Fees	MAF0000	\$ 600.00
			Quarry Permit Fees	TLR0000	\$ 350.00
MBL - Mining Fees	MBL		Blaster Permits	MAF0000	
DCO - Dump Control Officers	DCO		Dump Control Officer Licenses	TPE0000	\$ 50.00
SWL - Sanitary Landfill Operators	SWL		Sanitary Landfill Operator Licenses		\$ 9,610.00
TTL - Waste Tire Licenses	TTL		Waste Tire Licenses		\$ 210.00
TPF - Waste Tire Facilities	TPF		Waste Tire Facilities		\$ 75.00
MER - Mercury Switches	MER		Mercury Switches	TWS0100	\$ -
SWF - Municipal Landfills	SWF		Municipal Landfill Fees	TWS0100	\$ 310,300.77
				TWS0200	\$ 898,511.60
				TWS0300	\$ 831,067.73
ILF - Industrial Landfills	ILF		Industrial Landfill Fees	TWS0100	\$ 3,732.32
				TWS0200	\$ 11,000.50
				SMB0000	\$ 4,910.96
WWL - Wastewater Licenses	WWL		Waste Water Operator Licenses	MWW0000	\$ 6,650.00
Total					\$ 2,745,350.53