



ARKANSAS  
Department of Environmental Quality

April 11, 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 January 1, 2012 March 31, 2012. If you have any questions, please contact Karen Bassett at (501) 682-0959.

Sincerely,

A handwritten signature in cursive script that reads "Teresa Marks".

Teresa Marks  
Director

# AIR DIVISION

As of: 3/31/2012

State Fiscal Quarter 2nd FY2012

## Air Permits/Category

Major Title V 203  
Minor 1016

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Permits Pending- By Category/Facility

MAJOR TITLE V				
CSN	DATE APPLICATION RECEIVED	FACILITY	3/31/2012	Reason Code
7000101	12/11/2007	Great Lakes Chemical Corporation - West Plant	1572	5
1600002	3/10/2008	Acme Brick - Wheeler Plant	1482	2
3500017	4/22/2008	Delta Natural Kraft	1439	5
3200036	7/21/2008	FutureFuel Chemical Company	1349	5
7000037	9/10/2008	Great Lakes Chemical Corporation - South Plant	1298	5
7000101	9/10/2008	Great Lakes Chemical Corporation - West Plant	1298	5
3500017	2/11/2009	Delta Natural Kraft	1144	5
7000037	2/27/2009	Great Lakes Chemical Corporation - South Plant	1128	5
2900506	3/27/2009	AEP - SWEPCO Turk Plant	1100	5
5500017	4/2/2009	Bean Lumber Company, Inc.	1094	8
3200036	4/13/2009	FutureFuel Chemical Company	1083	8
4700914	5/26/2009	Precoat Metals	1040	7
7000037	7/13/2009	Great Lakes Chemical Corporation - South Plant	992	5
3200036	7/24/2009	FutureFuel Chemical Company	991	5
7000037	8/7/2009	Great Lakes Chemical Corporation - South Plant	967	5
4500008	10/5/2009	Fishing Holdings, LLC	908	5
4700202	10/6/2009	Nucor-Yamato Steel Company	907	5
5400017	10/9/2009	Entergy Arkansas, Inc. - Ritchie Plant	904	6
3500110	10/20/2009	Entergy Arkansas, Inc. - White Bluff Plant	893	5
5500017	11/3/2009	Bean Lumber Company	879	8
3500017	11/16/2009	Delta Natural Kraft - Mid America Packaging	866	5
1800120	12/7/2009	The Premcor Refining Group, Inc. - West Memphis Terminal	845	5
3200036	1/20/2010	FutureFuel Chemical Company	801	5
7000012	1/28/2010	Great Lakes Chemical Corporation - Central Plant	793	3
2300294	2/26/2010	Steele Plastics	764	7
7000543	3/5/2010	Union Power Station	757	5
0400213	3/31/2010	Preformed Line Products Company	731	5
7000037	4/2/2010	Great Lakes Chemical Corporation - South Plant	729	5
2700002	4/13/2010	West Fraiser, Inc. - Leola Lumber Mill	718	3

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7000012	5/3/2010	Great Lakes Chemical Corporation - Central Plant	698	2
2000017	5/28/2010	Idaho Timber of Carthage	673	2
6000689	5/28/2010	Arkansas Children's Hospital	673	7
3100023	6/21/2010	Husqvarna Forestry Products North America, Inc.	649	6
0400107	6/24/2010	AEP - Flint Creek Power Plant	646	2
7000012	7/8/2010	Great Lakes Chemical Corporation - Central Plant	632	5
7000012	7/16/2010	Great Lakes Chemical Corporation - Central Plant	624	5
4700202	7/28/2010	Nucor-Yamato Steel Company	612	5
0700033	7/29/2010	Esterline Armtec Countermeasures	611	7
3000337	8/5/2010	Hot Springs Power Company, LLC	604	2
4700202	8/31/2010	Nucor-Yamato Steel Company	578	5
1800082	10/13/2010	Arkalite Division	535	5
6600219	10/27/2010	Saint-Gobain Proppants	521	7
7000037	11/12/2010	Great Lakes Chemical Corporation - South Plant	505	7
3200036	11/19/2010	FutureFuel Chemical Company	498	5
4700202	1/5/2011	Nucor-Yamato Steel Company	451	5
7000012	1/28/2011	Great Lakes Chemical Corporation - Central Plant	428	5
2900506	2/7/2011	American Electric Power Service Corp. - John W. Turk Jr. Power Plant	418	5
4700202	2/25/2011	Nucor-Yamato Steel Company	400	3
3500017	2/28/2011	Delta Natural Kraft - Mid America Packaging	397	3
6000302	4/19/2011	University of Arkansas for Medical Services (UAMS)	347	2
7000012	4/25/2011	Great Lakes Chemical Corporation - Central Plant	341	5
7000012	5/10/2011	Great Lakes Chemical Corporation - Central Plant	326	5
7000016	5/27/2011	Lion Oil Company	309	5
7000012	7/11/2011	Great Lakes Chemical Corporation - Central Plant	264	5
0700035	8/1/2011	Aerojet - General Corporation	243	5
7200695	8/4/2011	SWEPCO - Harry D. Mattison Power Plant	240	2
6000689	8/8/2011	Arkansas Children's Hospital	236	7
7000098	8/9/2011	Clean Harbors El Dorado, LLC	235	3
0700035	8/18/2011	Aerojet - General Corporation	226	3
5800272	8/24/2011	JW Aluminum Company	220	5
7200144	9/13/2011	Eco-Vista, LLC	200	6
1000005	9/15/2011	Georgia-Pacific Wood Products South LLC - Gurdon Plywood and Lumber Complex	198	7
5800272	9/20/2011	JW Aluminum Company	193	5
5800272	9/20/2011	JW Aluminum Company	193	5
7000101	9/21/2011	Great Lakes Chemical Corporation - West Plant	192	5
6000003	9/30/2011	3M Industrial Mineral Products Division	183	7
1800120	10/14/2011	The Premcor Refining Group, Inc. - West Memphis Terminal	169	5
2600022	10/17/2011	Triumph Fabrications Hot Springs	166	2
0200028	10/18/2011	Georgia Pacific Chemicals LLC	165	3
1600101	10/18/2011	Riceland Foods, Inc. - Jonesboro Division	165	2
7000012	10/28/2011	Great Lakes Chemical Corporation - Central Plant	155	5
4100001	11/1/2011	Ash Grove Cement Company	151	3
6100031	11/15/2011	Natural Gas Pipeline Company of America #308	137	3
0200028	11/15/2011	Georgia Pacific Chemicals LLC	137	3
7301084	11/17/2011	Fayetteville Express Pipeline - Russell Compressor Station	135	7
3200036	11/17/2011	FutureFuel Chemical Company	135	2
4700202	11/23/2011	Nucor-Yamato Steel Company	129	5
2200057	12/2/2011	Drew Foam Companies, Inc.	120	5
3000015	12/2/2011	Flakeboard America LLC	120	3
0700033	12/6/2011	Esterline Armtec Countermeasures	116	7

7000016	12/14/2011	Lion Oil Company	108	5
0100008	12/14/2011	Riceland Foods, Inc. - Soy Division	108	6
3500025	12/16/2011	Planters Cotton Oil Mill, Inc.	106	5
0200013	12/16/2011	Georgia Pacific, LLC - Crossett Paper Operations	106	6
1400008	12/16/2011	Weyerhaeuser NR Co. - Emerson Veneer Technologies	106	2
0200028	12/19/2011	Georgia Pacific Chemicals LLC	103	3
6001071	12/20/2011	City of Little Rock - Solid Waste Facility	102	2
6000617	12/21/2011	Dassault Falcon	101	6
7000098	1/4/2012	Clean Harbors El Dorado, LLC	87	2
6600041	1/6/2012	Baldor Electric Company	85	5
6004196	1/10/2012	LM Wind Power Blades	81	7
4700251	1/12/2012	Maverick Tube, LLC	79	6
6000440	1/13/2012	Arkansas Terminating & Trading	78	5
6000302	1/13/2012	University of Arkansas for Medical Services (UAMS)	78	2
3500017	1/20/2012	Delta Natural Kraft - Mid America Packaging	71	5
1400004	1/20/2012	Whiting Petroleum Corporation	71	6
1000005	1/25/2012	Georgia-Pacific Wood Products South LLC - Gurdon Plywood and Lumber Complex	66	2
2400012	1/25/2012	Thomas B. Fitzhugh Generating Station	66	5
7000040	1/27/2012	El Dorado Chemical Company	64	5
1400028	1/30/2012	Albemarle Corporation - South Plant	61	5
1000004	2/3/2012	Reynolds Metals Co - Gum Springs	57	6
2400088	2/6/2012	CenterPoint Energy Gas Transmission Company, LLC - Webb City Station	54	2
1400028	2/7/2012	Albemarle Corporation - South Plant	53	5
0400100	2/7/2012	Glad Manufacturing Company	53	2
6000440	2/14/2012	Arkansas Terminating & Trading	46	5
<b>MINOR</b>				
CSN	DATE APPLICATION RECEIVED	FACILITY	3/31/2012	Reason Code
4300024	11/2/2009	Remington Arms Company, LLC	880	7
2200208	10/8/2010	Team Ward, Inc.	540	6
2200018	12/2/2010	Big River Outfitters, LLC	485	9
5700001	1/26/2011	Nidec Motor Company	430	6
6000004	3/1/2011	Porocel Corporation	396	5
6000404	3/11/2011	HWRT Terminal - North Little Rock, LLC	386	5
1700016	3/11/2011	AFCO Steel, LLC	386	7
6001529	6/7/2011	Caterpillar Inc.	298	5
5700001	6/13/2011	Nidec Motor Company	292	2
5700001	6/15/2011	Nidec Motor Company	290	2
6000574	7/7/2011	Magellan Terminals Holdings, L.P. - NLR-South Terminal	268	3
8800272	8/11/2011	RK Hall Construction, LTD.	233	5
6000404	10/7/2011	HWRT Terminal - North Little Rock, LLC	176	2
0300446	10/25/2011	Legend Marine Management, LLC	158	2
5800098	11/7/2011	Thompson Industries	145	2
0800002	11/8/2011	Tyson Foods - Berryville	144	2
1800146	11/14/2011	TETRA Chemicals West Memphis	138	2
5000006	12/5/2011	Firestone Building Products, Inc.	117	5
7001294	12/7/2011	TETRA Technologies, Inc.	115	5
1400730	12/8/2011	Bonanza Creek Energy Resources Field Office - Dorcheat Gas Processing Plant	114	3
1800565	12/12/2011	Hino Motors Manufacturing USA, Inc.	110	5
4200115	12/12/2011	Cloyes Gear & Products, Inc.	110	2
2900125	12/27/2011	Momentive Specialty Chemicals	95	3

6300164	1/3/2012	CoorsTek Arkansas Operations - Boone Rd Facility	88	6
6200012	1/19/2012	Riceland Foods, Inc. - Wheatley	72	6
5000006	1/31/2012	Firestone Building Products, Inc.	60	5
3300002	2/1/2012	Unimin Corporation	59	3
5800263	2/1/2012	ConAgra Frozen Packaged Foods	59	5
7300785	2/3/2012	Arkansas Reclamation Company, LLC	57	5
7201976	2/6/2012	Bub's Inc.	54	2
3100097	2/7/2012	Tyson Poultry, Inc. - Nashville Feed Mill	53	5
6004184	2/8/2012	Welspun Pipes, Inc.	52	5
3500304	2/9/2012	Central Moloney, Inc. - Components Plants	51	2
4600114	2/9/2012	Smith-Blair, Inc.	51	3
4300113	2/10/2012	Federal Drier and Storage Company	50	5
4700931	2/13/2012	PIZO Operating Company, LLC	47	2
6001801	2/13/2012	Lexicon, Incorporated	47	5
	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		
	9	Other		

As of:	3/31/2012
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State Fiscal Quarter	Third
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### Hazardous Waste Management Permits

Post-Closure:	5
Hazardous Waste Management:	13

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Applications Pending	5
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Type/Name	Permit No.	Days Pending	Reason Code
Permit Modification/Rineco/Add Storage Units	28H-RN1	533	3
Permit Modification/Rineco/Add TMW Unit	28H-RN1	533	3
Permit Modification/Aerojet/TTA Extension	8H-RN1	53	6
Permit Modification/PBCDF/Contingency Plan Updates	29H-RN1	40	6
Permit Modification/GLCC/5-Year Review Updates	18H-RN1	107	3

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

# MINING DIVISION

As of: 12/31/2011

State Fiscal Quarter 2nd FY12

## Mining Division Permits/Category

Coal Mining		Open-Cut Mining	
Active	7	Sand and Gravel	150
Exploratory		Clay	41
		Shale	18
		In-Stream	4
		Soil	34
		Other	10
Coal Total	7	Open-Cut Total	258
Total Mining Permits	265		

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## Permits Pending- By Category/Facility

COAL MINING	Days Pending	Reason Code
OPEN-CUT MINING	Days Pending	Reason Code
WNLR, LLC	288	3
Mountain View Ready Mix, Inc.	283	2
Stone Hill Fill	275	3
Arlie Weems	255	2
Dixon Trust	229	3
Main Street Pit, LLC	193	5
Tommy Coin	136	3
SEMCOA	129	2
McCoy Farms	66	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: 3/31/2012

State Fiscal Quarter 3

### Solid Waste Management Permits/Category

Class 1 Landfills	36
Class 3 Landfills	29
Class 4 Landfills	37
Compost Facilities	26
CDMRF	0
Tire Processing Facilities	10
Transfer Station/WRFs	94

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### Permits Pending- By Category/Facility

Class 1 Landfill Apps/Mods	Days Pending	Reason Code
WCA - Rolling Meadows Expansion	1702	3
Craighead County Major Mod	1173	6
BFI Class 1 Landfill	1117	3
City of Conway Class 1	848	3
Mississippi Co Class 1	334	1
WM Two Pine Minor Mod	270	3
WM - Jefferson Co. Minor Mod	262	3
WCA Rolling Meadows Minor Modification	319	3
WCA Union County Class 1 Major Mod	57	1
WM Eco-Vista Minor Mod	101	1
Upper SW Minor Mod	100	1

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Class 3 Landfill Apps/Mods	Days Pending	Reason Code
Entergy Independence	1948	2
Entergy White Bluff	1051	2
EMS 3T minor mod	628	3
Plum Point Minor Mod	86	3

Class 4 Landfill Apps/Mods	Days Pending	Reason Code
City of Conway Permit Application	2309	3
Cleburne County Class 4	1006	3
Pulaski Co Class 4	438	2
Clark County	687	3

Compost Facility Apps/Mods	Days Pending	Reason Code
City of Hot Springs	276	3
City of Russellville	96	1

C&DRF Apps/Mods	Days Pending	Reason Code
Energy Source	551	3



<b>Tire Processing Facility Apps/Mods</b>		<b>Days Pending</b>	<b>Reason Code</b>
White River RSWMD Tire Processor		361	2
West River Valley Tire Processor		109	1
<b>Transfer Station Apps/Mods</b>		<b>Days Pending</b>	<b>Reason Code</b>
City of Siloam Springs TS		467	6
Bethel Heights TS (Deffenbaugh)		123	6
<b>WRF Apps/Mods</b>		<b>Days Pending</b>	<b>Reason Code</b>
Jefferson Co SWRF		256	1
Get Rid of It		116	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:	4/1/2012
State Fiscal Quarter	2

**Active No-Discharge Permits**

Agriculture	287
Industrial	846
Salt Water Disposal	529
Municipal	47
Domestic	6
Underground Injection Control (UIC)	7

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**Permits Pending Greater than 45 Days**

Facility	Permit Number	Days Pending	Reason Code
Evergreen Packing Pine Bluff Mill	4579-WR-5	57	1
Allens, Inc.-Van Buren	3484-WR-3	65	1
Homestead Edition Subdivision	5135-W	68	1
Byrd Water Reuse/Recycling Facility	5139-W	78	1
ESS Transportation, Inc.	5140-W	94	1
Mt. Vernon Facility-APEX	5136-W	100	5
Hartman Facility-APEX	5138-W	100	2
Clinton Facility-APEX	5137-W	100	5
Bibler Brothers Lumber Company	5144-W	109	1
Terra Renewal Services, Inc.	4558-WR-5	116	10
Deer Haven Subdivision	4908-WR-1	124	1
Bergman School Campus	4918-WR-1	124	1
Squires SWD Well and Transfer Facility	5143-W	129	1
Terra Renewal Services, Inc.	4792-WR-6	129	1
P. Noland Wastewater Treatment Plant	4748-WR-2	130	1
Bethel Oaks Subdivision	4875-WR-1	137	1
Bunn Engine Rebuilding	5122-W	137	1
Grand Prairie Bayou 2/P.F.B.	5141-W	145	1
Eastside WWTP	5142-W	151	1
Gravel Reclamation Facility	5093-WR-1	157	1
Southern Mud Company	5077-WR-2	173	4
Recycle Solutions Biosolid Facility	5133-W	180	4
Water Edge Development	4746-WR-2	204	4
J.V. Manufacturing, Inc.	5127-W	211	4
Terra Renewal Services, Inc.	4812-WR-4	211	4
Stonewall Ranch Yorkies	5128-W	228	4
Terra Renewal Services - Madison Co.	4739-WR-5	236	10
Terra Renewal Services, Inc.	4736-WR-6	236	4
Terra Renewal - Independence Co.	4906-WR-2	236	5
Russellville Treatment Plant	5126-W	240	4
Stateline Vacuum Services, LLC	5132-W	240	5
Cave Springs Wastewater Treatment Plant	4893-WR-2	240	4
Terra Renewal Services, Inc.	4652-WR-5	241	4
Clinton West Wastewater Treatment Facility	5129-W	241	4
Clinton East Wastewater Treatment Facility	5130-W	241	4
Elm Springs Treatment Works	4791-WR-2	241	4
Delta Plastics of the South, LLC	4876-WR-1	264	4
Hwy 330 Land Application Site	5084-W	291	5
Lyles Co., LLC	4040-WR-1	295	4
Terra Renewal Services	4485-WR-8	295	5
Landfill	5118-W	295	4

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**WATER DIVISION**  
**Permits Branch, No Discharge Section**

Wayne Farms, LLC	5119-W	295	4
Terra Renewal Services, Inc.	5121-W	295	4
Terra Renewal Services, Inc.	4741-WR-7	295	5
Pet Solutions, LLC	3778-WR-5	339	4
Devonshire Lake Condominiums	4861-WR-1	352	4
Bub's, Inc.	4782-WR-3	354	2
Producers Rice Mill, Inc.	2199-WR-6	373	4
Brine Management and Pretreatment System, West Plant	0690-WR-4	380	4
Smitty's Septic Service	4395-WR-5	393	4
J. D. Vaught Farm	2511-WR-2	396	5
Terra Renewal Services, Inc.	4823-WR-5	423	5
Cannon Farm	4388-WR-1	430	9
City of Perry Wastewater Treatment Plant	2013-WR-4	432	5
Mississippi County Landfill	5091-W	603	9
Independence Co.	5086-W	660	5
FutureFuel Chemical Company	5082-W	702	5
Stone Dam Creek Wastewater Plant	4853-WR-2	731	5
Treasure Isle R.V.	1664-WR-2	767	2
3M Industrial Mineral Products	4584-WR-2	954	9

**Reason Codes:**

1	Reviewing Technical Information
2	Waiting on information from Applicant
3	App. administratively complete;
4	Draft permit in routing
5	Draft permit noticed; 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.)
10	finalizing research and/or writing new permit language

Arkansas Department of Environmental Quality  
Section 38 Report, Water Division, Q2 SFY 2012  
Permit Applications > 45 Days

4/6/2012

As of:	4/1/2012
State Fiscal Quarter	2

### NPDES Permits/Category

<b>Individual Permits</b>	
Municipal	384
Industrial	421
<b>Stormwater Permits</b>	
Construction	659
Industrial	1785
Small Municipal Separate Storm Sewer System (MS4)	46
Individual	1
<b>General Permits</b>	
Landfill	32
Non-Contact Colling Water	11
Aggregate Facilities	37
Individual Treatment	139
Concentrated Animal Feeding Operations	0
Water Treatment	128
Hydrostatic Testing	34
Car Wash	16
Ground Water	10
Pesticide	3
<b>Total</b>	<b>3706</b>

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### Permits Pending- By Category/Facility

Q2 SFY 2012

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0000752		El Dorado Chemical Company	1916	8
AR0049743		El Dorado Water Utilities	1628	8
AR0035386		FutureFuel Chemical Company	1397	5
AR0001171	Chemtura Corporation	d/b/a Great Lakes Chemical Corporation - Central Plant	1361	8
AR0022063		City of Springdale	1286	4
AR0000647	Lion Oil Company	El Dorado Refinery	1160	8
AR0022446		City of Fisher	870	8
AR0050253	Fritts Construction, Inc.	Hayden's Place Subdivision	709	6
AR0038857		Albemarle Corporation - South Plant	681	8
AR0050539	Central Arkansas Utility Services	Pinewood Estates Subdivision	677	6
AR0050288	City of Fayetteville	West Side Wastewater Treatment Facility	660	8
AR0043397		City of Rogers	643	8

Arkansas Department of Environmental Quality  
Section 38 Report, Water Division, Q2 SFY 2012  
Permit Applications > 45 Days

4/6/2012

**Permits Pending- By  
Category/Facility**

**Q2 SFY 2012**

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0045284		City of Cash	604	8
AR0020184		City of Gentry	591	2
AR0037842	Southwestern Electric Power Company	Flint Creek Power Plant	580	4
AR0048950	Umetco Minerals Corporation	d/b/a Wilson Mine Area	569	8
AR0036331	Entergy Arkansas, Inc.	d/b/a Entergy-White Bluff Plant	513	4
AR0033391		City of Cotton Plant	500	8
AR0048241	B.J.'s Pit Stop, Inc.	Lakecenter Grocery and Deli	496	8
AR0020010	City of Fayetteville	Paul R. Noland Wastewater Treatment Plant	482	4
AR0000591		Martin Operating Partnership L.P.	452	8
AR0037451	Entergy Arkansas, Inc.	Independence Plant	409	4
AR0045047	Village Square of HSV, LLC	dba Village Square Shopping Center	395	6
AR0000582	Alcoa Inc.	Arkansas Remediation	356	4
AR0038270	Baker Hughes Oilfield Operations	d/b/a Baker Hughes Drilling Fluids - Fancy Hill Operations	328	7
AR0001376	Entergy Arkansas, Inc.	Cecil Lynch Plant	328	7
AR0041297		Montrose Waste Water Facilities	307	2
AR0042846		Ash Grove Cement Company	303	6
AR0020605		City of Arkadelphia	298	7
AR0037842C	Southwestern Electric Power Company	Flint Creek Power Plant	286	4
AR0051128M	Kinder Morgan Bulk Terminals, Inc.	Hickman Facility	283	5
AR0051128C	Kinder Morgan Bulk Terminals, Inc.	Hickman Facility	283	6
AR0050083M	Kinder Morgan Bulk Terminals, Inc.	Barfield Facility	283	5
AR0050083C	Kinder Morgan Bulk Terminals, Inc.	Barfield Facility	283	6
AR0021806	Little Rock Wastewater	Adams Field Wastewater Treatment Plant	276	4
AR0049531		City of Horseshoe Lake	275	2
AR0036544		Viskase Companies, Inc.	263	6
AR0047384	Anthony Forest Products Company	Urbana Sawmill	255	6

Arkansas Department of Environmental Quality  
Section 38 Report, Water Division, Q2 SFY 2012  
Permit Applications > 45 Days

4/6/2012

**Permits Pending- By  
Category/Facility**

**Q2 SFY 2012**

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0049557	Plum Point Services Company, LLC and Plum Point Energy Associates II, LLC	Plum Point Energy Station	255	2
AR0022250		City of Dermott - South Pond	249	2
AR0041149		Arkansas Military Department - Robinson Maneuver Training Center	247	6
AR0037087	Arkansas Department of Parks & Tourism	Woolly Hollow State Park	237	5
AR0038121	Arkansas Department of Parks & Tourism	Lake Catherine State Park	237	5
AR0036811	Arkansas Department of Parks & Tourism	Lake Ouachita State Park	237	5
AR0045934		City of Birdsong	233	5
AR0050679		Hillcrest Camshaft Service, Inc.	227	2
AR0020320	North Little Rock Wastewater Utility	Five Mile Creek Wastewater Treatment Plant	223	4
AR0037176		City of Sherwood - North Facility	219	2
AR0021831		City of Monticello - East Plant	214	2
AR0045977M	Nucor Steel - Arkansas, Division of Nucor Corporation	Hickman Mill	199	6
AR0021971		City of Marion	191	2
AR0049425	Associated Electric Cooperative, Inc.	Dell Power Plant	191	2
AR0052027		G & B Terminal, Inc. and Affiliates	188	2
AR0034401	Fairfield Bay Wastewater Corporation	Dave Creek Wastewater Treatment Plant	184	2
AR0050296		Lion Oil Company Great Lake Chemical Corporation El Dorado Chemical Company El Dorado Water Utilities	178	2
AR0046141		Mountain Valley Retreat Center	174	6
AR0037435		Holiday Shores Resort	174	6
AR0050750C	Fountain Properties, LLC	d/b/a Fountain Lake Healthcare and Rehab	174	6
AR0020087		Forrest City Wastewater Treatment Plant	174	2

Arkansas Department of Environmental Quality  
Section 38 Report, Water Division, Q2 SFY 2012  
Permit Applications > 45 Days

4/6/2012

**Permits Pending- By  
Category/Facility**

**Q2 SFY 2012**

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0049328	Saline County Property Owners' Improvement District #37 Riverside Hills Subdivision Project	Saline County Property Owners' Improvement District #37 Wastewater Treatment Plant	174	6
AR0048399		Maple Creek Farms Tract C H	174	2
AR0043290		Town of Knobel	172	5
AR0049417		KGen Hot Spring, LLC	165	5
AR0049344		City of Plainview	153	6
AR0041432		City of Delight	153	5
AR0049361		City of Meniffee	152	5
AR0049611		Hot Spring Power Company, LLC	151	5
AR0047554C		City of Ward	150	3
AR0052035		Wooten Sand & Gravel, Inc.	149	3
AR0050750	Fountain Properties, LLC	d/b/a Fountain Lake Healthcare and Rehab	149	6
AR0045608C		City of Sherwood - South Facility	145	3
AR0002968	Domtar A.W. LLC	Ashdown Mill	145	5
AR0037176C		City of Sherwood - North Facility	145	3
AR0037885	Tantara #1	d/b/a Boggy Bayou Sewer Improvement District	137	6
AR0045551		Interstate Property Owners Association, LLC	135	5
AR0052043C		The Fathers House	132	6
AR0052043		The Fathers House	132	6
AR0045021		City of Gilmore	132	2
AR0033197		Heritage Bay Horizontal Property Regime Unit One, Inc.	132	2
AR0037745M	City of Little Rock	Little Rock Zoological Gardens	131	6
AR0041033		City of Diaz	125	5
AR0050644		Lakeside Gardens Property Owners Association	121	5
AR0033545		Cities of Cotter/Gassville	121	2
AR0051802		Desoto Sand, LLC	118	4
AR0036081	Sylamore Camp Company	dba Holiday Mountain Resort	118	2
AR0035823	Clearwater Paper Corporation	Cypress Bend Mill	117	5
AR0047686		City of Coal Hill	116	6
AR0052051	SEECO, Inc.	Byrd Water Reuse Recycling Facility	116	5

Arkansas Department of Environmental Quality  
Section 38 Report, Water Division, Q2 SFY 2012  
Permit Applications > 45 Days

4/6/2012

**Permits Pending- By  
Category/Facility**

**Q2 SFY 2012**

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0052051C	SEECO, Inc.	Byrd Water Reuse Recycling Facility	116	5
ARG640125C	Benton Washington Regional Public Water Authority -	Water Treatment Plant	110	3
AR0021709		City of Dierks	110	2
AR0045888	Arkansas Department of Parks & Tourism -	Cane Creek State Park	109	5
AR0040720	Van Buren Public Schools -	Tate Elementary School	109	2
AR0037079	Arkansas Department of Parks and Tourism	Millwood State Park	109	5
AR0038202	Arkansas Department of Parks and Tourism	Village Creek State Park	107	5
AR0023817		City of Foreman	107	2
AR0050687		Hillside Bayou, L.L.C.	103	5
AR0035661		City of Thornton	103	5
AR0033880M		City of Hot Springs	89	6
AR0050024	Northwest Arkansas Conservation Authority (NACA)	Regional Wastewater Treatment Plant	88	2
AR0045144		Town of Tollette	87	5
AR0050628	MWM Development, LLC	dba Deer Creek Development	86	2
AR0048381		Watson Sawmill & LTM Chips, Inc.	81	5
AR0050733		Wal-Mart Stores, Inc. Wal-Mart Store #5433	75	5
AR0045489		City of Pollard	72	5
AR0050741		City of Etowah	72	5
AR0024066M	Eden Isle Corporation	Eden Isle Corporation	69	5
AR0024066C	Eden Isle Corporation	Eden Isle Corporation	69	5
AR0050491	Waste Water Management, Inc.	d/b/a North Hills Subdivision WWTP	67	2
AR0041734		Tyson Foods, Inc. - Nashville	67	5
AR0049115M	CNL Income Magic Spring, LLC	dba Magic Springs & Crystal Falls	67	5
AR0041742		City of Ash Flat	62	5
AR0051985C	Coon Bayou, LLC	Delta Conference Center	62	2
AR0050563	Landers BCO, LLC	d/b/a Crossroads Village	62	6
AR0051985M	Coon Bayou, LLC	Delta Conference Center	62	2
AR0042544		Crilanco Oil, Inc.	55	5
AR0045837		City of Oak Grove Heights	55	5
AR0038211		City of Calion	54	5
AR0020605C		City of Arkadelphia	52	5



Arkansas Department of Environmental Quality  
Section 38 Report, Water Division, Q2 SFY 2012  
Permit Applications > 45 Days

4/6/2012

**Permits Pending- By  
Category/Facility**

**Q2 SFY 2012**

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0022373		West Fork Wastewater Treatment Plant	52	5
AR0034835C		City of Pocahontas	52	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:** April 6, 2012

**TO:** LEGISLATIVE COUNCIL

**FROM:** TERESA MARKS, DIRECTOR  
ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

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

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As provided by Section 38 (a) –(e) of Act 1387 of the 2009 Regular Session, the Arkansas Department of Environmental Quality (“Department”) presents the number and type of administrative enforcement actions initiated by the Department and the geographic location of each violation. This information is contained in the attached copies of the Public Notice for the period of January 1, 2012 through March 31, 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 74.

Additionally the Department is Authorized by A.C.A. § 8-4-103 (b) to institute a civil action in any court of competent jurisdiction to compel compliance with state environmental laws and regulations. Following is a list of actions which have been filed in court for the period of January 1, 2012 through March 31, 2012.

Type of Enforcement Action	Defendant	Geographic Location
Filing Fee	P&L Legacy Company, LLC	Cross County Circuit Court
Filing Fee	Henry Chase Chicken Farm	Scott 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 January 1, 2012 through March 31, 2012.

Civil Penalties Collected	\$191,595.40
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Supplemental Environmental Projects Verified	\$0.00
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### **CONSENT ADMINISTRATIVE ORDERS**

Bobby Briggs, Faulkner County, NPDES/Water Division, \$4,800.00 Penalty

Charles B. King, Union County, Water Division, \$1,600.00 Penalty

City of Greenway, Clay County, NPDES/Water Division, \$500.00 Penalty

City of Mountainburg, Crawford County, NPDES/Water Division, \$1,800.00  
Penalty

Geeding Construction, Inc., Pulaski County, Regulated Storage Tanks Division,  
\$1,500.00 Penalty

Lyles Co., LLC, Pulaski County, Water Division, \$2,500.00 Penalty

Petroleum Traders Corporation, Madison County, Regulated Storage Tanks  
Division, \$1,500.00 Penalty

### **NOTICE OF VIOLATION**

Littlefield Oil Company, Clinton Duke, Registered Agent, Benton County,  
Regulated Storage Tanks Division, \$4,500.00 Proposed Penalty

Transitech, Inc., James L. Morgan, Registered Agent, Dallas County, Air Division,  
\$9,450.00 Penalty

### **PERMIT APPEAL RESOLUTION**

City of Hot Springs, AR, Garland County, NPDES/Water Division, No Penalty

Dated this 10<sup>th</sup> day of January 2012  
Teresa Marks, Director  
Arkansas Department of Environmental Quality

**CONSENT ADMINISTRATIVE ORDERS**

B-B Oil Company, Inc., Lonoke County, Regulated Storage Tanks Division,  
\$750.00 Penalty

BLK Quarries, Inc., Cleburne County, Air Division, \$2,025.00 Penalty

City of Pea Ridge, Benton County, NPDES/Water Division, \$1,700.00 Penalty

Deltic Timber Corporation-Waldo Mill, Columbia County, Air Division,  
\$20,000.00 Penalty

Fayetteville Gathering Company, White County, Air Division, \$900.00 Penalty

Fayetteville Gathering Company, Independence County, Air Division, \$2,700.00  
Penalty

Fayetteville Gathering Company, Faulkner County, Air Division, \$900.00 Penalty

Fayetteville Gathering Company, White County, Air Division, \$3,600.00 Penalty

Petromark, Inc., Newton County, Regulated Storage Tanks Division, \$2,250.00  
Penalty

**AMENDED AND SUBSTITUTED NOTICE OF VIOLATION**

Carroll Electric Cooperative Corporation, Madison County, Regulated Storage  
Tanks Division, \$3,000.00 Proposed Penalty

**NOTICE OF VIOLATION**

Carman, Inc., John G. Carman, Registered Agent, Sebastian County, Regulated  
Storage Tanks Division, \$3,000.00 Proposed Penalty

Dated this 25<sup>th</sup> day of January 2012  
Teresa Marks, Director

Arkansas Department of Environmental Quality

**CONSENT ADMINISTRATIVE ORDERS**

Beazer East, Inc., Pulaski County, Hazardous Waste Division, \$3,750.00 Penalty

City of Hamburg, Ashley County, NPDES/Water Division, \$250.00 Penalty

Danny Hall, d/b/a Danny Hall Quarry, Boone County, Air Division, \$1,050.00  
Penalty

Drum Sand & Gravel, Inc., Poinsett County, Air Division, \$1,500.00 Penalty

El Dorado Chemical Company, Union County, Air Division, \$6,915.00 Penalty

Fiber Resources, Inc., Jefferson County, Air Division, \$9,450.00 Penalty

Get Rid of It Arkansas, Inc., Solid Waste Recovery Facility, Union County, Solid  
Waste Division, No Penalty

Materials Testing of Arkansas, Inc., Pulaski County, Asbestos Air Division,  
\$3,113.44 Penalty

Ozark Mountain Regional Solid Waste Management District, NABORS Class 4  
Landfill, Baxter County, Solid Waste Division, No Penalty

Ozark Mountain Regional Solid Waste Management District NABORS Class 1  
Landfill: Parts of T-21-N, R-14-W, Baxter County, No Penalty

Pryor Mountain Quarry, Inc., Cleburne County, Air Division, \$9,810.00 Penalty

Weyerhaeuser NR Company-Emerson Veneer Technologies Facility, Columbia  
County, Air Division, \$1,537.50 Penalty

**DEFAULT ADMINISTRATIVE ORDER**

Fort Smith Petroleum Equipment, Inc., ATTN: Clinton Duke, Registered Agent,  
Benton County, Regulated Storage Tanks Division, \$6,750.00 Penalty

William Works, LLC d/b/a Fort Smith Industrial, as to James Williams, as owner  
and operator of Williams Works, LLC, Sebastian County, Hazardous Waste

Division, \$105,875.00 penalty

**AMENDED NOTICE OF VIOLATION**

Greg McCoy, d/b/a McCoy Farms, Carroll County, Mining Division/Water Division, \$3,100.00 Proposed Penalty

**NOTICE OF VIOLATION**

Arif Chaudhry d/b/a Kwik Pik, Sebastian County, Regulated Storage Tanks Division, \$7,125.00 Proposed Penalty

Corriente Ridge, LLC d/b/a Rock Connection, Grant County, Mining Division, \$7,625.00 Proposed Penalty

Great Lakes Chemical Corporation-Central Plant, Union County, Hazardous Waste Division, \$350,000.00 Proposed Penalty

Mrs. Jennifer K. McMillian, d/b/a Wear Farm, Faulkner County, Water Division, \$1,400.00 Proposed Penalty

Petromark, Inc., Steven D. Turner, Registered Agent, Sebastian County, Regulated Storage Tanks, \$5,925.00 Proposed Penalty

**PERMIT APPEAL RESOLUTION**

U.S. Fish and Wildlife Service, Norfolk National Fish Hatchery, Baxter County, NPDES/Water Division, No Penalty

Dated this 10<sup>th</sup> day of February 2012  
Teresa Marks, Director  
Arkansas Department of Environmental Quality

**CONSENT ADMINISTRATIVE ORDERS**

Arkansas Reclamation Company, LLC, White County, Air Division, \$2,430.00 Penalty

Cameron International Corporation d/b/a, Cameron Valve and Measurement, Pulaski County, Hazardous Waste Division, \$8,500.00 Penalty

City of Marion, Crittenden County, NPDES/Water Division, \$2,500.00 Penalty

Gall Excavation, Inc., Benton County, NPDES/Water Division, \$3,000.00 Penalty

Judy Surrett, d/b/a China Café, Pulaski County, NPDES/Water Division, \$600.00 Penalty

Producers Rice Mill, Inc., Arkansas County, Air Division, \$1,716.75 Penalty

Quick Transport of Arkansas, LLC, Judy Denton, Registered Agent, Sebastian County, Regulated Storage Tanks Division, \$2,500.00 Penalty

Runyan SID #211, Pulaski County, NPDES/Water Division, \$3,750.00 Penalty

Steiger Development, LLC, Benton County, NPDES/Water Division, \$2,500.00 Penalty

#### **DEFAULT ADMINISTRATIVE ORDERS**

Norfleet Edward Smith Living Trust, Mr. Duane Smith, Trustee, Regulated Storage Tanks Division, \$4,500.00 Penalty

Pond and Company, The Corporation Company, Registered Agent, Pulaski County, Regulated Storage Tanks Division, \$1,500.00 Penalty

Dated this 25<sup>th</sup> day of February 2012  
Teresa Marks, Director  
Arkansas Department of Environmental Quality

#### **CONSENT ADMINISTRATIVE ORDERS**

Ainsworth Pet Nutrition, Inc., Desha County, Air Division, \$9,366.00 Penalty

Jerrit Bell, Carroll County, Water Division, \$500.00 Penalty

Nancy Gammill, Craighead County, Hazardous Waste Division, \$1,000.00 Penalty

Pleasant View Estates, Inc., c/o Williams S. Thornberry, Registered Agent, Pope County, NPDES/Water Division, \$3,400.00 Penalty

Union Power Partners, L.P., Union County, Air Division, \$2,795.00 Penalty

U.S. Lawns, Inc., Pulaski County, Air Division, \$945.00 Penalty

**DEFAULT ADMINISTRATIVE ORDERS**

Johnny Crisp, Marion County, Hazardous Waste Division, \$8,000.00 Penalty

**NOTICES OF VIOLATION**

Cash & Sons L-P Gas Co., Inc., Desha County, Regulated Storage Tanks Division,  
\$3,000.00 Proposed Penalty

Charlie Farmer d/b/a Rebel Station, Sharp County, Regulated Storage Tanks  
Division, \$1,500.00 Proposed Penalty

Desha County, Desha County, Regulated Storage Tanks Division, \$6,000.00  
Proposed Penalty

Fuels & Supplies, Inc., Washington County, Regulated Storage Tanks Division,  
\$1,500.00 Proposed Penalty

MJS Enterprises Inc., d/b/a Legacy Cremations, Hempstead County, Air Division,  
Proposed Penalty, \$2,450.00

Ricky Harrell and Amanda Harrell, Pulaski County, NPDES/Water Division,  
\$10,200.00 Proposed Penalty

Sourcegas Arkansas, Regulated Storage Tanks Division, Washington County,  
\$3,000.00 Proposed Penalty

Dated this 10<sup>th</sup> day of March 2012  
Teresa Marks, Director  
Arkansas Department of Environmental Quality

**CONSENT ADMINISTRATIVE ORDERS**

Hall Manufacturing, LLC, Pulaski County, Air Division, \$17,570.00 Penalty

JW Aluminum Company, Pope County, Air Division, \$8,507.50 Penalty

Mr. Jerry Lemley, Columbia County, NPDES/Water Division, \$2,000.00 Penalty



SeaArk Marine, Inc., Drew County, Hazardous Waste Division, \$19,875.00  
Penalty

Superior Industries International Arkansas, LLC, Washington County, Air  
Division, \$2,880.00 Penalty

White River Petroleum Co., Inc., Independence County, NPDES/Water Division,  
\$1,000.00 Penalty

**AMENDED CONSENT ADMINISTRATIVE ORDER**

Remington Arms Company, LLC, NPDES/Water Division, \$53,892.00 Penalty

**FIRST AMENDED NOTICE OF VIOLATION**

City of Bryant, Saline County, NPDES/Water Division, \$29,200.00 Proposed  
Penalty

Dated this 25<sup>th</sup> day of March 2012  
Teresa Marks, Director  
Arkansas Department of Environmental Quality

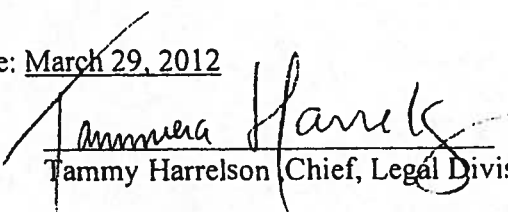
**Arkansas Department of Environmental Quality**  
**Legal Division Petty Cash Fund**  
**Check Request**

Payee: Cross County Circuit Clerk Amount: \$165.00

Purpose: Filing of Complaint

Case No.: M12113-DG

Date: March 29, 2012

  
Tammy Harrelson Chief, Legal Division

Date check is needed: March 30, 2012 When ready for pickup, please call Sarah White  
(682-0894).

Check Number: 462

Date issued: 04/04/12

Issued by: STRENT

**ARKANSAS DEPT OF ENVIRONMENTAL QUALITY**

5301 Northshore Dr.  
North Little Rock, AR 72118

**462**

81-10/820

DATE 4/4/12

PAY  
TO THE  
ORDER OF

Cross County Circuit Clerk

\$ 165.00

one hundred & sixty five dollars

DOLLARS



**REGIONS**

FOR M12113

⑈000462⑈ ⑆082000109⑆ 0087593432⑈

MP

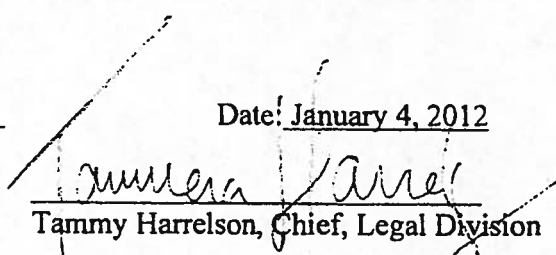
Arkansas Department of Environmental Quality  
Legal Division Petty Cash Fund  
Check Request

Payee: Scott County Circuit Clerk Amount: \$20.00

Purpose: Filing Fees

Case No.: LIS05160

Date: January 4, 2012

  
Tammy Harrelson, Chief, Legal Division

Date check is needed: January 4, 2012  
(682-0887).

When ready for pickup, please call Sarah Martin

Check Number: 440

Date issued: 1/5/12

Issued by: STRENT

ARKANSAS DEPT OF ENVIRONMENTAL QUALITY

5301 Northshore Dr.  
North Little Rock, AR 72118

440

81-10/820

DATE

1/5/12

PAY  
TO THE  
ORDER OF

Scott County Circuit Clerk

\$ 20.00

Twenty dollars

DOLLARS

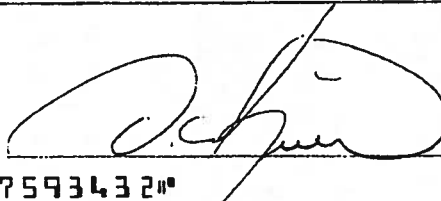
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REGIONS

FOR

LIS-05160



⑈000440⑈ ⑆082000109⑆ 0087593432⑈

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

QUARTERLY REPORT TO ARKANSAS LEGISLATIVE COUNCIL

e

ON RULEMAKING ACTIVITIES

Months In Quarter: January, February, and March 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. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas; Docket No. 10-002-R.

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

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

The Arkansas Pollution Control & Ecology Commission ("Commission") initiated the rulemaking process on May 27, 2010, and the Commission approved the withdrawal of the proposed amendments to Regulation No. 2 on October 28, 2011 and closed the docket.

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

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

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

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

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

**b. Description:** ADEQ filed its request to initiate rulemaking on January 14, 2011. The changes are being proposed in response to the United States Environmental Protection Agency's ("EPA") June 3, 2010, Prevention of Significant

Deterioration and Title V Greenhouse Gas Tailoring Rule ("Tailoring Rule"). The Tailoring Rule requires that greenhouse gases be subject to regulation under the Clean Air Act. Carbon dioxide is one of the gases listed in the Tailoring Rule as a greenhouse gas. The Commission's Regulation Number 18 currently excludes carbon dioxide from being an air contaminant. For state regulations to be consistent with EPA's Tailoring Rule, the exclusion of carbon dioxide from air contaminant needs to be removed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**c. Justification:** Making these changes will maintain consistency between Federal air pollution control programs and

the Commission's regulations governing air pollution in Arkansas, as well as maintain consistency across air pollution regulations.

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

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

**6. Regulation Number and Name:** Regulation No. 5, Liquid Animal Waste Management Systems; Docket No. 11-004-R.

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

**b. Description:** ADEQ filed its request to initiate rulemaking on October 14, 2011. This proposed rule will Provide: 1) Provide for an exemption for those liquid animal waste management systems that are permitted under a National Pollutant Discharge Elimination System ("NPDES") and the federal regulations governing concentrated animal feeding operations ("CAFOs"); and 2) Eliminate the continuing education requirements in the regulation and provide that removal of those requirements from a facility's waste management plan will qualify as a minor permit modification.

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

**c. Justification:** The primary change presented in this proposed rulemaking is the addition of an exemption from the requirements of the regulation for facilities that have chosen to receive coverage under an NPDES permit for a CAFO. This exemption will eliminate double permitting for liquid animal waste management systems. Neither federal regulations nor the general permit issued by ADEQ require continuing education for operators therefore ADEQ believes that it is no longer necessary to keep the continuing education requirements in the regulation.



**d. Economic Impact:** There will be no additional costs for implementing the regulation beyond existing costs for administration of this permitting program.

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

**7. Regulation Number and Name:** Regulation No. 6, Regulations for State Administration of the National Pollutant Discharge Elimination System (NPDES); Docket No. 11-005-R.

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

**b. Description:** ADEQ filed its request to initiate rulemaking on October 14, 2011. This proposed rule will: 1) Incorporate a reference to new federal regulations for discharges from concentrated animal feeding operations ("CAFOs") and eliminate previous text regarding dry litter systems; 2) Incorporate a permit by rule for Stormwater discharges from small construction sites; and 3) Incorporate the state law that requires financial assurance for non-municipal sewage treatment works.

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

**c. Justification:** This change is necessary to incorporate current federal regulations into our NPDES regulation and to avoid confusion regarding permitting of concentrated animal feeding operations, because ADEQ believes that a permit by rule is more properly located within a regulation, and this change is necessary to ensure that continued operations of these treatments systems in order to prevent discharge of untreated wastewater.

**d. Economic Impact:** The incorporation of a permit by rule for Stormwater discharges for small construction sites and financial assurance for non-municipal sewage treatment works are existing requirements found in other laws and, therefore, will

not have any additional financial impact on the regulated community.

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

**8. 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 no final decision has been made.

**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.

**9. Regulation Number and Name:** Regulation No. 9, Fee Regulation; Docket No. 11-007-R.

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

**b. Description:** ADEQ filed its request to initiate rulemaking on November 18, 2011. This proposed rule will exclude carbon dioxide and methane from being included as chargeable emissions under air permit fees.

The Commission adopted the minute order initiating the rulemaking process on December 2, 2011, and no final decision has been made.

**c. Justification:** This proposed rule is necessary to alleviate future fees for emissions that facilities will require to pay due to proposed changes in Arkansas Pollution Control and Ecology Commission Regulation Numbers 18, 19, and 26 that have been proposed as a result of the United States Environmental Protection Agency's Greenhouse Gas Tailoring Rule and the materials and findings upon which the Greenhouse Gas Tailoring rule are based. The proposed changes will result in the permitting of greenhouse gases. These fees would be disproportionate in comparison to other permit fees currently in place and they would be far greater than the expenses that ADEQ anticipates would be necessary to permit greenhouse gases.

**d. Economic Impact:** ADEQ's estimated cost to implement this rule is expected to be minimal.

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

**10. Regulation Number and Name:** Regulation No. 30, Arkansas Hazardous Substance Remedial Action Trust Fund Priority Lists; Docket No. 11-008-R.

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

**b. Description:** ADEQ filed its request to initiate rulemaking on November 18, 2011. This proposed revision would delete five (5) sites where cleanup has been completed, and add one (1) site for investigation and potential remediation.

The Commission adopted the minute order initiating the rulemaking process on December 2, 2011, and no final decision has been made.

**c. Justification:** Ark. Code Ann. § 8-7-509(f) requires an annual review and update of the sites on the State Priority List.

**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.

**11. Regulation Number and Name:** Regulation No. 23, Hazardous Waste Management Code; Docket No. 12-001-R.

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

**b. Description:** ADEQ filed its request to initiate rulemaking on January 13, 2012. Proposed revisions to Regulation 23 include incorporation of changes to federal hazardous waste regulations which were published in the Federal Register between June 2010, and December 2011.

The Commission adopted the minute order initiating the rulemaking process on January 27, 2012, and no final decision has been made.

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

**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.

**12. 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.

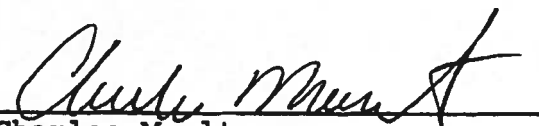
The Commission adopted the minute order initiating the rulemaking process on February 24, 2012, and no final decision has been made.

**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.

4/6/12  
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 = 01-01-2012 to 3-31-12

Division	Fee Code	Description	Annual	Initial	Late Fee	Modification	Renewal	Short-Term Authority	Total
AIR									
	G	General Operating Permit	\$ 23,600 118	\$ 1,200 6					\$ 24,800 124
	L5	Late Charge (Air T5)	\$ 1,505 3						\$ 1,505 3
	LC	Late Charge (Air LC)	\$ 1,528 16						\$ 1,528 16
	MS	Minor Source (Air MS)	\$ 119,331 93	\$ 4,985 3		\$ 10,369 23			\$ 134,685 119
	R3	Air Reg 18.315							\$ - 0
	T5	Title 5 (Air T5)	\$ 1,102,099 39	\$ 9,175 1		21401 22	\$ 500 1		\$ 1,133,175 63
AIR TOTAL		Total	\$ 1,248,063 \$ 269	\$ 15,360 \$ 10	\$ - \$ -	\$ 31,770 \$ 45	\$ 500 \$ 1	\$ - \$ -	\$ 1,295,693 \$ 325
SOLID WASTE									
	1	Class I Landfill	\$ 30,000 5			\$ 4,000 1			\$ 34,000 6
	3C	Class III commercial (SW 3C)	\$ 5,000 1						\$ 5,000 1
	3T	Class III Tire Monofill (SW 3T)	\$ 3,000 1						\$ 3,000 1
	3N	Class III Non-commercial	\$ 12,000 4			4,000 2			\$ 16,000 6
	4	Class IV Landfill	\$ 4,000 8			1,000 1			\$ 5,000 9
	CD/RF	Construction & Demolition Waste Recovery (Solid Waste CDRF)							\$ - 0
	CL	Closed Facility (Solid Waste CL)	\$ 1,500 3						\$ 1,500 3

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

Figures generated from ADEQ Permit Data System. Date range = 01-01-2012 to 3-31-12

Division	Fee Code	Description	Annual	Initial	Late Fee	Modification	Renewal	Short-Term Authority	Total
	CO	Composting Organic Waste (Solid Waste CO)							\$ - 0
	CY	Composting Yard Waste (Solid Waste CY)	\$ 2,250 5	\$ 900 1					\$ 3,150 6
	LC	Late Charge (Solid Waste LC)							\$ - 0
	P	Postclosure Fee (Solid Waste P)	\$ 1,000 2						\$ 1,000 2
	TS	Transfer Station or MRF	\$ 9,450 21	\$ 900 1					\$ 10,350 22
	WR	Solid Waste Recovery	\$ 900 2	\$ 500 1					\$ 1,400 3
<b>SOLID WASTE TOTAL</b>		<b>Total</b>	<b>69,100 52</b>	<b>2,300 3</b>	<b>0 0</b>	<b>9,000 4</b>		<b>0 0</b>	<b>80,400 59</b>
<b>WATER - NPDES</b>									
	N-A	NPDES Agricultural (Minor With Toxic)	\$ 65,965 7						\$ 65,965 7
	N-B	NPDES Saltwater (Minor Without Toxic)	\$ 144,781 133	\$ 456 2	\$ 56 1				\$ 145,293 136
	N-C	NPDES Cooling Water							\$ - 0
	N-G	NPDES Coal Mining (converted)							\$ - 0
	N-G2	NPDES Coal Mining							\$ - 0
	N-G3	NPDES Sanitary Landfill Run-off	\$ 2,800 7						\$ 2,800 7
	N-G5	NPDES Bulk Petroleum Storage							\$ - 0
	N-G6	NPDES Individual Home Treatment	\$ 1,283 7	\$ 600 3					\$ 1,883 10

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

Figures generated from ADEQ Permit Data System. Date range = 01-01-2012 to 3-31-12

Division	Fee Code	Description	Annual	Initial	Late Fee	Modification	Renewal	Short-Term Authority	Total
	N-G7	NPDES Water Plant Backwash Filter	\$ 14,800 37	\$ 3,600 9					\$ 18,400 46
	N-G8	NPDES Pipeline Hydrostatic Test	\$ 1,000 5	\$ 2,800 14					\$ 3,800 19
	N-G9	NPDES Car/truck Wash Facility	\$ 666 4						\$ 666 4
	N-GA	Ground Water Clean-Up (Water-NPDES GA)	\$ 500 1						\$ 500 1
	N-GB	Laundromat (Water-NPDES GB)							\$ - 0
	N-GC	Sand and Gravel (Water-NPDES GC)	\$ 1,767 9						\$ 1,767 9
	N-GE	Cooling Towers; Tower & Boiler Blowdown (Water-NPDES GE)	\$ 600 3						\$ 600 3
	N-GF	Pesticides (Water-NPDES)		\$ 600 3					\$ 600 3
	N-J	NPDES Major Non-municipal, MRAT>= 100	\$ 90,000 6						\$ 90,000 6
	N-K	NPDES Major Non-municipal, MRAT 80-100	\$ 22,000 2			\$ 5,000 1			\$ 27,000 3
	N-L	NPDES Discretionary Major	\$ 11,000 1						\$ 11,000 1
	LC	Late Charge(Water-NPDES LC)	\$ 1,851 21						\$ 1,851 21
	LS	Late Charge (Storm Water)	\$ 1,757 88						\$ 1,757 88
	N-M	NPDES Major Municipal	\$ 103,984 13						\$ 103,984 13
	NO-EX	No-Exposure Certification (Water-NPDES)	\$ 10,483 53	\$ 3,400 17					\$ 13,883 70



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

Figures generated from ADEQ Permit Data System. Date range = 01-01-2012 to 3-31-12

Division	Fee Code	Description	Annual	Initial	Late Fee	Modification	Renewal	Short-Term Authority	Total
	N-O	NPDES Minor Aquatic Animal Prod	\$ 2,500 1						\$ 2,500 1
	N-P	NPDES Minor Variable Discharge	\$ 3,500 13	\$ 900 3					\$ 4,400 16
	N-Q	NPDES Construction Permit		\$ 3,500 7					\$ 3,500 7
	N-R1	NPDES Stormwater Manufacturing	\$ 51,351 261	\$ 9,000 45					\$ 60,351 306
	N-R2	NPDES Stormwater Construction	\$ 32,850 165	\$ 11,400 57					\$ 44,250 222
	R4	NPDES Stormwater: MSF Phase II	\$ 200 1						200 1
									0
WATER NPDES TOTAL		Total	565,638 838	36,256 160	56 1	5,000 1	0 0	0 0	606,950 1,000
STATE WATER PERMITS	ST	Short-Term Authorization							\$ - 0
	S-D	Confined Animal or Small Sep	\$ 15,800 79						\$ 15,800 79
	S-E	State Permits Branch Commercial or Industrial	\$ 24,000 48	\$ 1,700 4		\$ 1,000 2			\$ 26,700 54
	S-F	Industrial Sludge App							\$ - 0
	S-G1	State Permits Branch Confined Animal Feedlot							\$ - 0
	GP	Oil & Gas Pits							\$ - 0
	S-H	Salt Water Disposal (SPB H)	\$ 19,000 76	\$ 750 3		\$ 250 1			\$ 20,000 80

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

Figures generated from ADEQ Permit Data System. Date range = 01-01-2012 to 3-31-12

Division	Fee Code	Description	Annual	Initial	Late Fee	Modification	Renewal	Short-Term Authority	Total
	GLA	Oil & Gas Land Application							\$ - 0
	S-I	POTW Non-NPDES Land App	\$ 500 1						\$ 500 1
	LC	Late Charge(Water-SPB LC)	\$ 1,665 26						\$ 1,665 26
	Z	Interim Authority (Water-SPB Z)							\$ - 0
	ST	Short-Term Authorization (Water-SPB ST)						\$ 35,400 111	\$ 35,400 111
WATER - STATE PERMIT		Total	\$ 60,965 230	\$ 2,450 7	\$ - -	\$ 1,250 3		\$ 35,400 111	\$ 100,065 351
	U-1	State Permits Branch UIC - Class I	\$ 60,000 4						\$ 60,000 4
	Z	Interim Authority							\$ - 0
UIC TOTALS		Total	\$ 60,000 4	\$ - 0	\$ - 0	\$ - 0		\$ - 0	\$ 60,000 4
TOTAL		Total	\$ 2,003,766 1,393	\$ 56,366 180	\$ 56 1	\$ 47,020 53	\$ 500 1	\$ 35,400 111	\$ 2,143,108 1,739

# ADEQ REVENUE FROM PERMIT FEES AND LICENSES

All figures generated 4/04/12, based on active invoices. Date range = 01-01-2012 to 03-31-2012

Invoice Identifier	Fee Code	Description	Fund	Collections
RST - Tank Installer Licenses	RST	Tank installer licenses	SRS0000	\$ 1,650.00
TKS - Storage Tank Fees	TKS	Storage Tank Fees		\$ 24,855.00
UST - Exam Fees	UST	Underground Storage Tank Exam Fees		\$ 16,800.00
ASB - Asbestos Licenses	ASB	Asbestos Licenses	SAC0000	\$ 25,655.00
LED - Individual Licenses - Lead	LED	Individual Licenses	MPL0000	\$ -
CCL - Contractors Licenses - Lead	CCL	Contractors Licenses	MPL0000	\$ -
			SAC0000	\$ 56,375.00
HWD - HW Permits	HWD	Hazardous Waste Permits	SHW0000	\$ 180,915.33
			MEE0000	\$ 100.00
			THS0000	\$ 900.00
TRF - Transfer Facilities	TRF	Transfer Facilities	SHW0000	\$ -
HWL- HW Licenses	HWL	HW Licenses		\$ 850.00
SFF - Superfund	HWD	Superfund permit fees	THS0000	\$ -
			MEE0000	\$ -
LAB - Lab Certification Fees	LAB	Lab Certification Fees	HMA0100	\$ 25,140.00
MPS - Mining Fees	MPS	Non-coal mining permit Fees	HMA0100	\$ 20,457.50
		Coal Mining Permit Fees	MAF0000	\$ -
		Quarry Permit Fees	TLR0000	\$ 2,750.00
MBL - Mining Fees	MBL	Blaster Permits	MAF0000	\$ 60.00
DCO - Dump Control Officers	DCO	Dump Control Officer Licenses	TPE0000	
SWL - Sanitary Landfill Operators	SWL	Sanitary Landfill Operator Licenses		\$ 6,390.00
TTL - Waste Tire Licenses	TTL	Waste Tire Licenses		\$ 4,290.00
TPF - Waste Tire Facilities	TPF	Waste Tire Facilities		\$ 200.00
MER - Mercury Switches	MER	Mercury Switches	TWS0100	\$ 2,059.00
SWF - Municipal Landfills	SWF	Municipal Landfill Fees	TWS0100	\$ 309,894.25
			TWS0200	\$ 929,682.84
			TWS0300	\$ 797,419.69
ILF - Industrial Landfills	ILF	Industrial Landfill Fees	TWS0100	\$ 4,162.67
			TWS0200	\$ 12,268.96
			SMB0000	\$ 5,477.18
WWL - Wastewater Licenses	WWL	Waste Water Operator Licenses	MWW0000	\$ 9,440.00
Total				\$ 2,437,792.42