

ADEQ

ARKANSAS
Department of Environmental Quality

July 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

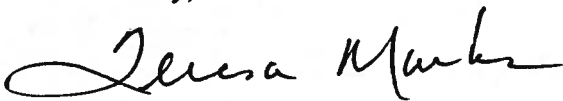
Dear Sen. Salmon & Rep. Baker:

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 April 1, 2012 June 30, 2012. If you have any questions, please contact Karen Bassett at (501) 682-0959.

Sincerely,



Teresa Marks
Director

AIR DIVISION

As of: 6/30/2012

State Fiscal Qua 4th FY2012

Air Permits/Category

Major Title V 204
 Minor 1034

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Permits Pending- By Category/Facility

MAJOR TITLE V				
CSN	DATE APPLICATION RECEIVED	FACILITY	3/31/2012	Reason Code
1600002	3/10/2008	Acme Brick - Wheeler Plant	1573	2
3500017	4/22/2008	Delta Natural Kraft	1530	5
3200036	7/21/2008	FutureFuel Chemical Company	1440	5
7000037	9/10/2008	Great Lakes Chemical Corporation - South Plant	1389	5
3500017	2/11/2009	Delta Natural Kraft	1235	5
7000037	2/27/2009	Great Lakes Chemical Corporation - South Plant	1219	5
2900506	3/27/2009	AEP - SWEPCO Turk Plant	1191	5
5500017	4/2/2009	Bean Lumber Company, Inc.	1185	8
3200036	4/13/2009	FutureFuel Chemical Company	1174	8
7000037	7/13/2009	Great Lakes Chemical Corporation - South Plant	1083	5
3200036	7/24/2009	FutureFuel Chemical Company	1072	8
7000037	8/7/2009	Great Lakes Chemical Corporation - South Plant	1058	5
4500008	10/5/2009	Fishing Holdings, LLC	999	5
4700202	10/6/2009	Nucor-Yamato Steel Company	998	5
5400017	10/9/2009	Entergy Arkansas, Inc. - Ritchie Plant	995	7
3500110	10/20/2009	Entergy Arkansas, Inc. - White Bluff Plant	984	5
5500017	11/3/2009	Bean Lumber Company	970	8
3500017	11/16/2009	Delta Natural Kraft - Mid America Packaging	957	5
1800120	12/7/2009	The Premcor Refining Group, Inc. - West Memphis	936	6
3200036	1/20/2010	FutureFuel Chemical Company	892	5
7000012	1/28/2010	Great Lakes Chemical Corporation - Central Plant	884	3
2300294	2/26/2010	Steele Plastics	855	7
0400213	3/31/2010	Preformed Line Products Company	822	5
7000037	4/2/2010	Great Lakes Chemical Corporation - South Plant	820	5
2700002	4/13/2010	West Fraiser, Inc. - Leola Lumber Mill	809	3
7000012	5/3/2010	Great Lakes Chemical Corporation - Central Plant	789	2
2000017	5/28/2010	Idaho Timber of Carthage	764	2
3100023	6/21/2010	Husqvarna Forestry Products North America, Inc.	740	6
0400107	6/24/2010	Southwestern Electric Power Company dba Flint Creek	737	2
7000012	7/8/2010	Great Lakes Chemical Corporation - Central Plant	723	5
7000012	7/16/2010	Great Lakes Chemical Corporation - Central Plant	715	5
4700202	7/28/2010	Nucor-Yamato Steel Company	703	5
3000337	8/5/2010	Hot Springs Power Company, LLC	695	5
4700202	8/31/2010	Nucor-Yamato Steel Company	669	5
1800082	10/13/2010	Arkalite Division	626	5
7000037	11/12/2010	Great Lakes Chemical Corporation - South Plant	596	5
3200036	11/19/2010	FutureFuel Chemical Company	589	8
4700202	1/5/2011	Nucor-Yamato Steel Company	542	5
7000012	1/28/2011	Great Lakes Chemical Corporation - Central Plant	519	2
2900506	2/7/2011	American Electric Power Service Corp. - John W. Turk Jr.	509	5

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4700202	2/25/2011	Nucor-Yamato Steel Company	491	5
3500017	2/28/2011	Delta Natural Kraft - Mid America Packaging	488	5
6000302	4/19/2011	University of Arkansas for Medical Services (UAMS)	438	2
7000012	4/25/2011	Great Lakes Chemical Corporation - Central Plant	432	5
7000012	5/10/2011	Great Lakes Chemical Corporation - Central Plant	417	5
7000016	5/27/2011	Lion Oil Company	400	5
7000012	7/11/2011	Great Lakes Chemical Corporation - Central Plant	355	5
0700035	8/1/2011	Aerojet - General Corporation	334	5
7200695	8/4/2011	SWEPCO - Harry D. Mattison Power Plant	331	2
7000098	8/9/2011	Clean Harbors El Dorado, LLC	326	3
0700035	8/18/2011	Aerojet - General Corporation	317	3
5800272	8/24/2011	JW Aluminum Company	311	3
7200144	9/13/2011	Eco-Vista, LLC	291	7
1000005	9/15/2011	Georgia-Pacific Wood Products South LLC - Gurdon	289	5
5800272	9/20/2011	JW Aluminum Company	284	5
5800272	9/20/2011	JW Aluminum Company	284	5
7000101	9/21/2011	Great Lakes Chemical Corporation - West Plant	283	6
6000003	9/30/2011	3M Industrial Mineral Products Division	274	5
2600022	10/17/2011	Triumph Fabrications Hot Springs	257	6
0200028	10/18/2011	Georgia Pacific Chemicals LLC	256	3
1600101	10/18/2011	Riceland Foods, Inc. (Jonesboro Division)	256	2
7000012	10/28/2011	Great Lakes Chemical Corporation - Central Plant	246	5
4100001	11/1/2011	Ash Grove Cement Company	242	3
6100031	11/15/2011	Natural Gas Pipeline Company of America #308	228	3
0200028	11/15/2011	Georgia Pacific Chemicals LLC	228	3
3200036	11/17/2011	FutureFuel Chemical Company	226	5
4700202	11/23/2011	Nucor-Yamato Steel Company	220	5
2200057	12/2/2011	Drew Foam Companies, Inc.	211	6
3000015	12/2/2011	Flakeboard America LLC	211	6
7000016	12/14/2011	Lion Oil Company	199	5
3500025	12/16/2011	Planters Cotton Oil Mill, Inc.	197	5
1400008	12/16/2011	Weyerhaeuser NR Co. - Emerson Veneer Technologies	197	3
0200028	12/19/2011	Georgia Pacific Chemicals LLC	194	2
6001071	12/20/2011	City of Little Rock - Solid Waste Facility	193	2
7000098	1/4/2012	Clean Harbors El Dorado, LLC	178	2
6000302	1/13/2012	University of Arkansas for Medical Services (UAMS)	169	2
3500017	1/20/2012	Delta Natural Kraft - Mid America Packaging	162	5
1000005	1/25/2012	Georgia-Pacific Wood Products South LLC - Gurdon Plywood	157	2
2400012	1/25/2012	Thomas B. Fitzhugh Generating Station	157	5
2400088	2/6/2012	CenterPoint Energy Gas Transmission Company, LLC - Webb	145	6
1400028	2/7/2012	Albemarle Corporation - South Plant	144	6
1500001	2/17/2012	Green Bay Packaging Inc., Arkansas Kraft Division	134	2
6000302	2/22/2012	University of Arkansas for Medical Services (UAMS)	129	2
6000440	2/28/2012	Arkansas Terminaling & Trading	123	6
3500017	3/1/2012	Delta Natural Kraft - Mid America Packaging	121	5
7000098	3/6/2012	Clean Harbors El Dorado, LLC	116	3
7000012	3/6/2012	Great Lakes Chemical Corporation - Central Plant	116	3
3500017	3/8/2012	Delta Natural Kraft - Mid America Packaging	114	5
6000438	3/8/2012	Waste Management of Arkansas, Inc. d/b/a Two Pine Landfill	114	5
4300131	3/9/2012	Grace Composites, LLC	113	5
3500016	3/12/2012	Evergreen Packaging	110	3
0700035	3/16/2012	Aerojet - General Corporation	106	3
2100036	3/16/2012	Clearwater Paper Corporation	106	3
3500110	3/19/2012	Entergy Arkansas, Inc., dba White Bluff Plant	103	2
4700233	3/20/2012	Nucor Corporation (Nucor Steel, Arkansas)	102	6
7200048	3/27/2012	Ball Metal Food Container Corp.	95	6
7000016	4/5/2012	Lion Oil Company	86	5
0700212	4/9/2012	Georgia-Pacific Wood Products LLC d/b/a Fordyce OSB	82	2
1000005	4/23/2012	Georgia-Pacific Wood Products South LLC	68	2
3500025	4/23/2012	Planters Cotton Oil Mill, Inc.	68	2
6600041	4/23/2012	Baldor Electric Company	68	2
6600041	4/23/2012	Baldor Electric Company	68	2
3500116	4/26/2012	U.S. Army, Pine Bluff Arsenal	65	6
5400120	5/2/2012	CenterPoint Energy Gas Transmission Company, LLC	59	2
5800011	5/3/2012	The Dow Chemical Company	58	2
0100008	5/15/2012	Riceland Foods, Inc.	46	2
7000098	5/15/2012	Clean Harbors El Dorado, LLC	46	2
1400028	5/16/2012	Albemarle Corporation (South Plant)	45	2
3300013	5/16/2012	Unilin Flooring NC, LLC	45	2

MINOR	DATE APPLICATION RECEIVED	FACILITY	6/30/2012	Reason Code
5700001	1/26/2011	Nidec Motor Company	521	5
6000404	3/11/2011	HWRT Terminal - North Little Rock, LLC	477	5
6001529	6/7/2011	Caterpillar Inc.	389	5
6000574	7/7/2011	Magellan Terminals Holdings, L.P. - NLR-South Terminal	359	6
8800272	8/11/2011	RK Hall Construction, LTD.	324	5
6000404	10/7/2011	HWRT Terminal - North Little Rock, LLC	267	2
5800098	11/7/2011	Thompson Industries	236	5
0800002	11/8/2011	Tyson Foods - Berryville	235	5
1800146	11/14/2011	TETRA Chemicals West Memphis	229	5
7001294	12/7/2011	TETRA Technologies, Inc.	206	5
1800565	12/12/2011	Hino Motors Manufacturing USA , Inc.	201	6
4200115	12/12/2011	Cloyes Gear & Products, Inc.	201	5
2900125	12/27/2011	Momentive Specialty Chemicals	186	3
5000006	1/31/2012	Firestone Building Products, Inc.	151	5
7201976	2/6/2012	Bub's Inc.	145	2
3100097	2/7/2012	Tyson Poultry, Inc. - Nashville Feed Mill	144	5
3500304	2/9/2012	Central Moloney, Inc. - Components Plants	142	5
4700931	2/13/2012	PIZO Operating Company, LLC	138	2
0300021	2/16/2012	Eaton Corporation, Hydraulics Fluid Conveyance	135	5
8800823	2/16/2012	Delta Asphalt of Arkansas, Inc.	135	5
2900305	2/22/2012	CMC Steel Products	129	6
7300089	2/27/2012	Eaton Hydraulics - Searcy Plant	124	5
1600968	3/8/2012	Unilever Manufacturing (US), Inc.	114	6
3500104	3/9/2012	Bunge North America - Pine Bluff Grain Elevator - Sherrill	113	5
0700022	3/16/2012	Lockheed Martin Missiles & Fire Control	106	2
3500304	3/19/2012	Central Moloney, Inc. - Components Plants	103	2
4700931	3/22/2012	PIZO Operating Company, LLC	100	3
6002392	4/4/2012	Sherwood Marble Company, Inc.	87	6
7500051	4/9/2012	Pet Solutions, LLC	82	5
0100032	4/10/2012	Cormier Rice Milling Co., Inc.	81	5
4600588	4/10/2012	VSE Corporation	81	6
1800146	4/12/2012	TETRA Technologies, Inc.	79	2
3200129	4/12/2012	Galloway Sand & Gravel Company, Inc.	79	6
6000409	4/18/2012	Little Rock Wastewater -Adams Field	73	5
7200026	4/24/2012	University of Arkansas , Fayetteville Campus	67	6
0100005	5/2/2012	Riceland Foods, Inc.	59	3
0400255	5/3/2012	Superior Industries International Arkansas, LLC	58	
3500288	5/3/2012	Tyson Foods, Inc. d/b/a Pine Bluff Further Processing	58	6
6000004	5/7/2012	Porocel Corporation	54	3
7301088	5/7/2012	Fayetteville Gathering Company d/b/a Oliver Compressor	54	2
1200502	5/7/2012	Fayetteville Gathering Company d/b/a Piney Creek	54	2
7000039	5/8/2012	Martin Operating Partnership L.P.	53	6
3100124	5/9/2012	Husqvarna Forestry Products N.A., Inc.	52	6
2800080	5/9/2012	Prestolite Wire LLC	52	6
4700931	5/10/2012	PIZO Operating Company, LLC	51	2
6000058	5/15/2012	Hall Tank Company, LLC	46	2
4200056	5/15/2012	Tyson Foods, Inc. d/b/a River Valley Animal Foods	46	2

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

As of:	6/30/2012
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State Fiscal Quarter	Fourth
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Hazardous Waste Management Permits

Post-Closure:	5
Hazardous Waste Management:	13

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Applications Pending	6
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Type/Name	Permit No.	Days Pending	Reason Code
Permit Modification/Rineco/Add Storage Units	28H-RN1	624	6
Permit Modification/Clean Harbors/WAP Update	10H-RN1	68	2 and 3
Permit Modification/Clean Harbors/PC Unit Addition	10H-RN1	23	2 and 3
Permit Modification/Aerojet/Waste Import	8H-RN1	37	2 and 3
Permit Modification/Clean Harbors/Admin. Changes	10H-RN1	15	2 and 3
Permit Modification/GLCC/5-Year Review Updates	18H-RN1	198	6

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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: 6/30/2012

State Fiscal Quarter 4th FY12

Mining Division Permits/Category

Coal Mining		Open-Cut Mining	
Active	7	Sand and Gravel	150
Exploratory		Clay	36
		Shale	16
		In-Stream	4
		Soil	36
		Other	10
Coal Total	7	Open-Cut Total	252
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	379	3
Tommy Coin	227	5
SEMCOA	220	3
SEMCOA	106	3
David Spence	79	3
Arkansas Gravel Co.	67	3
DeSota Sand	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: 6/30/2012

State Fiscal Quarter 4

Solid Waste Management Permits/Category

Class 1 Landfills	34
Class 3 Landfills	30
Class 4 Landfills	37
Compost Facilities	25
CDMRF	0
Tire Processing Facilities	10
Transfer Station/WRFs	93

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Permits Pending- By Category/Facility

Class 1 Landfill Apps/Mods	Days Pending	Reason Code
WCA - Rolling Meadows Expansion	1793	3
City of Conway Class 1	939	3
Mississippi Co Class 1	425	1
WM Two Pine Minor Mod	361	3
WM - Jefferson Co. Minor Mod	353	3
WCA Rolling Meadows Minor Modification	410	3
WCA Union County Class 1 Major Mod	148	1
WM Eco-Vista Minor Mod	192	1
WM Ozark Ridge	87	1
WM Two Pine	71	1
WM Jefferson County	58	1
Upper SW Minor Mod	191	1

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Class 3 Landfill Apps/Mods	Days Pending	Reason Code
Entergy Independence	2039	2
Entergy White Bluff	1142	2
EMS 3T minor mod	719	3

Class 4 Landfill Apps/Mods	Days Pending	Reason Code
City of Conway Permit Application	2400	3
Cleburne County Class 4	1097	3
Pulaski Co Class 4	529	2
Clark County	778	3

Compost Facility Apps/Mods	Days Pending	Reason Code
City of Hot Springs	367	3
City of Russellville	187	1

C&DRF Apps/Mods	Days Pending	Reason Code
Energy Source	642	9

Tire Processing Facility Apps/Mods		Days Pending	Reason Code
West River Valley Tire Processor		200	1
Transfer Station Apps/Mods		Days Pending	Reason Code
WRF Apps/Mods		Days Pending	Reason Code
Jefferson Co SWRF		347	1
Get Rid of It		207	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:	7/2/2012
State Fiscal Quarter	4

Active No-Discharge Permits

Agriculture	286
Industrial	1107
Salt Water Disposal	526
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
Wynne WWTP	5155-W	48	1
South Plant	5048-WR-1	55	4
Great Lakes Chemical Corporation - Central Plant	3883-WR-4	55	4
Great Lakes Chemical Corporation - Newell Plant	0655-WR-3	55	4
Great Lakes Chemical Corporation - West Plant	1755-WR-6	55	4
Brine Solids Dewatering Unit	3419-WR-5	56	4
Albemarle South Brinefield System	2189-WR-7	61	4
Albemarle West Brinefield System	4007-WR-3	61	4
Little Red River Estates	4872-WR-2	62	1
SRE 8-12 1-17 Water Storage Facility	5160-W	66	1
JT's Washout Facility	4982-WR-3	66	4
Horsebend Estates	4930-WR-2	67	1
DWD#1 SWDS	0017-UR-2	68	5
Terra Renewal Services, Inc.	4840-WR-3	68	1
Benton County Sunshine School	4898-WR-1	69	1
Tyson Poultry, Inc.	5151-W	73	4
Cockrum Meat Processing, Inc.	5159-W	76	5
Atlas Tube - Blytheville Plant	4928-WR-1	76	1
Franklin County Land Application	4915-WR-1	76	1
Huntsville Wastewater Treatment Facility	5157-W	76	4
City of Harrison Wastewater Treatment Plant	5158-W	77	1
East End Washateria	4272-WR-2	82	1
Hilltop Travel Center	5156-W	84	4
Primrose Creek Subdivision	4059-WR-3	103	1
Superior Tank and Truck Wash, Inc.	5097-WR-1	104	1
Pleasant Ridge Dog Boarding and Grooming	5145-W	111	4
Terra Renewal Services, Inc.	4683-WR-2	115	2
Arkansas Resources Management	5040-WR-2	115	4
NOV Tuboscope Damascus	5148-W	117	4
Evergreen Packing Pine Bluff Mill	4579-WR-5	150	4
Allens, Inc.-Van Buren	3484-WR-3	158	4
Homestead Edition Subdivision	5135-W	161	4
ESS Transportation, Inc.	5140-W	187	4
Bibler Brothers Lumber Company	5144-W	202	4
Terra Renewal Services, Inc.	4558-WR-5	209	4
Bergman School Campus	4918-WR-1	217	5
Deer Haven Subdivision	4908-WR-1	217	7
Terra Renewal Services, Inc.	4792-WR-6	222	7
Squires SWD Well and Transfer Facility	5143-W	222	4
P. Noland Wastewater Treatment Plant	4748-WR-2	223	7
Bunn Engine Rebuilding	5122-W	230	5

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WATER DIVISION
Permits Branch, No Discharge Section

Bethel Oaks Subdivision	4875-WR-1	230	4
Eastside WWTP	5142-W	244	7
Gravel Reclamation Facility	5093-WR-1	250	5
Southern Mud Company	5077-WR-2	266	7
Water Edge Development	4746-WR-2	297	4
J.V. Manufacturing, Inc.	5127-W	304	7
Terra Renewal Services, Inc.	4736-WR-6	327	1
Terra Renewal Services - Madison Co.	4739-WR-5	329	2
Cave Springs Wastewater Treatment Plant	4893-WR-2	333	7
Russellville Treatment Plant	5126-W	333	7
Elm Springs Treatment Works	4791-WR-2	334	5
Delta Plastics of the South, LLC	4876-WR-1	357	2
Terra Renewal Services, Inc.	4741-WR-7	388	7
Wayne Farms, LLC	5119-W	388	5
Pet Solutions, LLC	3778-WR-5	432	6
Cannon Farm	4388-WR-1	523	5
Mississippi County Landfill	5091-W	696	2
FutureFuel Chemical Company	5082-W	795	7
Great Lakes Newell	0015-UR-2	838	7
Treasure Isle R.V.	1664-WR-2	860	9
3M Industrial Mineral Products	4584-WR-2	1047	2

Reason Codes:

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

Arkansas Department of Environmental Quality
 Section 38 Report, Water Division, Q4 SFY 2012
 Permit Applications > 45 Days

7/9/2012

As of:	7/1/2012
State Fiscal Quarter	4

NPDES Permits/Category

Individual Permits	
Municipal	383
Industrial	416
Stormwater Permits	
Construction	746
Industrial	1828
Small Municipal Separate Storm Sewer System (MS4)	46
Individual	1
General Permits	
Landfill	34
Non-Contact Colling Water	10
Aggregate Facilities	40
Individual Treatment	144
Concentrated Animal Feeding Operations	0
Water Treatment	125
Hydrostatic Testing	40
Car Wash	16
Ground Water	10
Pesticide	77
Total	3916

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Permits Pending- By Category/Facility Q4 SFY 2012

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0000752		El Dorado Chemical Company	2007	8
AR0049743		El Dorado Water Utilities	1719	8
AR0035386		FutureFuel Chemical Company	1488	5
AR0001171	Chemtura Corporation	d/b/a Great Lakes Chemical Corporation - Central Plant	1452	8
AR0022063		City of Springdale	1377	4
AR0000647	Lion Oil Company	El Dorado Refinery	1251	8
AR0038857		Albemarle Corporation - South Plant	772	8
AR0050539	Pinewood Wastewater, LLC	Pinewood Estates Subdivision	768	6
AR0050288	City of Fayetteville	West Side Wastewater Treatment Facility	751	8
AR0043397		City of Rogers	734	8
AR0020184		City of Gentry	682	6
AR0037842	Southwestern Electric Power Company	Flint Creek Power Plant	671	6
AR0048950	Umetco Minerals Corporation	d/b/a Wilson Mine Area	660	7
AR0020010	City of Fayetteville	Paul R. Noland Wastewater Treatment Plant	573	6
AR0000591		Martin Operating Partnership L.P.	543	6

Arkansas Department of Environmental Quality
Section 38 Report, Water Division, Q4 SFY 2012
Permit Applications > 45 Days

7/9/2012

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0045047	Village Square of HSV, LLC	dba Village Square Shopping Center	486	3
AR0000582	Alcoa Inc.	Arkansas Remediation	447	4
AR0041297		Montrose Waste Water Facilities	398	6
AR0037842C	Southwestern Electric Power Company	Flint Creek Power Plant	377	6
AR0050083M	Kinder Morgan Bulk Terminals, Inc.	Barfield Facility	374	7
AR0051128M	Kinder Morgan Bulk Terminals, Inc.	Hickman Facility	374	7
AR0049557	Plum Point Services Company, LLC and Plum Point Energy Associates II, LLC	Plum Point Energy Station	346	3
AR0022250		City of Dermott - South Pond	340	4
AR0045934		City of Birdsong	324	2
AR0037176		City of Sherwood - North Facility	310	6
AR0049425	Associated Electric Cooperative, Inc.	Dell Power Plant	282	2
AR0052027		G & B Terminal, Inc. and Affiliates	279	4
AR0050296		Lion Oil Company Great Lake Chemical Corporation El Dorado Chemical Company El Dorado Water Utilities	269	6
AR0020087		Forrest City Wastewater Treatment Plant	265	6
AR0049417	Entergy Arkansas, Inc.	dba Hot Spring Plant	256	6
AR0049361		City of Menifee	243	2
AR0049611		Hot Spring Power Company, LLC	242	2
AR0047554C		City of Ward	241	3
AR0052035		Wooten Sand & Gravel, Inc.	240	3
AR0002968	Domtar A.W. LLC	Ashdown Mill	236	2
AR0045551		Interstate Property Owners Association, LLC	226	6
AR0033197		Heritage Bay Horizontal Property Regime Unit One, Inc.	223	7
AR0045021		City of Gilmore	223	6
AR0041033		City of Diaz	216	5
AR0050644	Lakeside Gardens Property Owners Association	Lakeside Gardens Condominiums	212	
AR0035823	Clearwater Paper Corporation	Cypress Bend Mill	208	2
AR0052051	SEECO, Inc.	Byrd Water Reuse Recycling Facility	207	4
AR0052051C	SEECO, Inc.	Byrd Water Reuse Recycling Facility	207	6
AR0021709		City of Dierks	201	6

Arkansas Department of Environmental Quality
Section 38 Report, Water Division, Q4 SFY 2012
Permit Applications > 45 Days

7/9/2012

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0037079	Arkansas Department of Parks and Tourism	Millwood State Park	200	6
AR0045888	Arkansas Department of Parks & Tourism -	Cane Creek State Park	200	6
AR0023817		City of Foreman	198	6
AR0038202	Arkansas Department of Parks and Tourism	Village Creek State Park	198	6
AR0035661		City of Thornton	194	6
AR0050636		City of Shannon Hills	194	6
AR0050687		Hillside Bayou, L.L.C.	194	2
AR0050024	Northwest Arkansas Conservation Authority (NACA)	Regional Wastewater Treatment Plant	179	6
AR0045144		Town of Tulette	178	5
AR0049247		City of Cove	177	6
AR0048381		Watson Sawmill & LTM Chips, Inc.	172	6
AR0045489		City of Pollard	163	2
AR0050741		City of Etowah	163	6
AR0041734		Tyson Foods, Inc. - Nashville	158	5
AR0049115M	CNL Income Magic Spring, LLC	dba Magic Springs & Crystal Falls	158	2
AR0041742		City of Ash Flat	153	6
AR0051985C	Coon Bayou, LLC	Delta Conference Center	153	6
AR0051985M	Coon Bayou, LLC	Delta Conference Center	153	6
AR0042544		Crilanco Oil, Inc.	146	6
AR0045837		City of Oak Grove Heights	146	2
AR0038211		City of Calion	145	6
AR0001830	Green Bay Packing Inc.	Arkansas Kraft Division	143	2
AR0022373		West Fork Wastewater Treatment Plant	143	2
AR0020672		City of Pea Ridge	137	2
AR0045829		O'Brien's Pizza Pub	137	6
AR0041335	Jacksonville Wastewater Utility	J. Albert Johnson Regional Treatment Facility	129	4
AR0052060	White River Petroleum Company, Inc.	T Mart #11 Laundromat	129	2
AR0044881C		Saline County Waterworks and Sanitary Sewer Public Facilities Board	124	6
AR0044881M		Saline County Waterworks and Sanitary Sewer Public Facilities Board	124	6
AR0049603		City of Beedeville	124	5
AR0041734C		Tyson Foods, Inc. - Nashville	122	3
AR0033642		Gravel Ridge SID 213	121	2
AR0037028		City of Bull Shoals	121	2
AR0037541		Booneville Human Development Center	121	2
AR0001147		Entergy Arkansas, Inc. - Lake Catherine Plant	118	5
AR0023833C		City of Gravette	117	5
AR0022292C		City of Decatur	111	6
AR0036293		City of Mansfield	109	2

Arkansas Department of Environmental Quality
 Section 38 Report, Water Division, Q4 SFY 2012
 Permit Applications > 45 Days

7/9/2012

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0039144		Pinewood Sewer Improvement District (SID) #1	109	2
AR0050938M		Concord Water and Sewer Public Facilities Board of Crawford County, AR	109	2
AR0033481		City of Prescott	104	2
AR0048020		Town of Donaldson	104	5
AR0023850		City of Mammoth Spring	97	5
AR0049701		City of Oxford	96	6
AR0034002C		City of Bryant	95	6
AR0035246		City of Lincoln	95	2
AR0049620		Arkavalley Airpark	94	6
AR0048844C	Outdoor Resorts of the Ozarks, Inc.	Outdoor Resorts of the Ozarks, Inc.	93	6
AR0048844M	Outdoor Resorts of the Ozarks, Inc.	Outdoor Resorts of the Ozarks, Inc.	93	5
AR0041688		City of Blevins	89	5
AR0051110M	Coltec Industries, Inc.	Central Moloney Facility	89	2
AR0034321		City of Harrison	88	5
AR0052086	SEECO, Inc.	Jared Wood Water Reuse/Recycle Facility	87	5
AR0052086C	SEECO, Inc.	Jared Wood Water Reuse/Recycle Facility	87	5
AR0048356	Tyson Foods, Inc.	River Valley Animal Foods	82	5
AR0052141	SEECO, Inc.	Campbell Thomas SE1	76	5
AR0052183	Lonoke White Public Water Authority	Water Treatment Plant	75	5
AR0052183C	Lonoke White Public Water Authority	Water Treatment Plant	75	5
AR0000523C		Evrax Stratcor, Inc.	74	6
AR0020648	USDA/US Forest Service	Cass Civilian Conservation Center	74	5
AR0022365		Camden Water Utilities	74	5
AR0052175	SEECO, Inc.	Hartwick Water Reuse/Recycle Facility	74	5
AR0052175C	SEECO, Inc.	Hartwick Water Reuse/Recycle Facility	74	5
AR0041629		Westside Consolidated School District No. 5	73	5
AR0020273		City of Siloam Springs	72	5
AR0021717		City of Flippin	72	5
AR0038466		City of Hope-Bois D'Arc WWTP	72	5
AR0050784		Southside Public Water Authority Wastewater Treatment Plant	69	2
AR0021903		City of Wynne	66	5
AR0037940	Arkansas Department of Parks & Tourism	Devil's Den State Park	58	5
AR0042315		Crossett Harbor Port Authority	58	5
AR0041289		Cedarville Public Schools	52	5
AR0042609		City of Harrell	52	5

Arkansas Department of Environmental Quality
 Section 38 Report, Water Division, Q4 SFY 2012
 Permit Applications > 45 Days

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Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0041416		Timber Ridge Ranch NeuroRestorative	51	5
AR0052205		Triple B Wood Dealers	51	5
AR0045578	Arkansas Department of Corrections	East Arkansas Regional Unit	48	5
AR0052191		Sysco Corporation	48	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 (EPA, legal issue, FA, study, UAA, etc)

Memorandum

DATE: July 9, 2012

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

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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 April 1, 2012 through June 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 58.

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 April 1, 2012 through June 30, 2012.

Type of Enforcement Action	Defendant	Geographic Location
Filing Fee	Calvin or Judy Treat	Crawford District Court
Filing Fee	Cleodis Weaver	Monroe District Court
Filing Fee	R&R Real Estate, LLC	Craighead County Circuit Court
Filing Fee	Kenneth Meeler	Columbia County District Court
Filing Fee	Mike Jeffcoat	Benton County District Court

The Department presents the total amount of fines and collections from Supplemental Environmental Projects verified by the Department for the period of April 1, 2012 through June 30, 2012.

Civil Penalties Collected \$280,417.21

Supplemental
Environmental Projects
Verified \$0.00

CONSENT ADMINISTRATIVE ORDERS

Almatis, Inc., Saline County, Air Division, \$3,780.00 Penalty

American Fuel Cell and Coated Fabrics Company, Columbia County, Air Division, \$2,150.00 Penalty

Baldor Electric Company, Sebastian County, Air Division, \$860.00 Penalty

Big River Outfitters, LLC, Drew County, Air Division, \$12,698.44 Penalty

Carman, Inc., Sebastian County, Regulated Storage Tanks Division, \$3,000.00 Penalty

Carroll Electric Cooperative Corporation, Madison County, Regulated Storage Tanks Division, \$2,250.00 Penalty

Caterpillar, Inc., Pulaski County, Air Division, \$6,300.00 Penalty

City of Jonesboro-Yard Waste Facility, Craighead County, Air Division, \$1,075.00 Penalty

Dassault Falcon Jet Corp., Pulaski County, Air Division, \$3,645.00 Penalty

Desha County, Regulated Storage Tanks Division, \$4,500.00 Penalty

Doug Simpson, Baxter County, Air Division, \$1,012.50 Penalty

Matt Brown, Sebastian County, Hazardous Waste Division, \$3,547.03 for repayment of funds expended from the Remedial Action Trust Fund Account

Riceland Foods, Inc., Arkansas County, Air Division, \$5,013.75

Dated this 10th day of April 2012

Teresa Marks, Director

Arkansas Department of Environmental Quality

CONSENT ADMINISTRATIVE ORDERS

BFI Waste Systems of Arkansas, LLC, Pulaski County, Air Division, \$1,451.25

Curt Bean Lumber Company, Inc., Clark County, Hazardous Waste Division, \$10,000.00
Penalty

Joerns Healthcare, LLC d/b/a Akin Industries, Inc., Desha County, Hazardous Waste Division,
\$7,000.00 Penalty

Natural Gas Pipeline Company of America, LLC, Randolph County, Air Division, \$14,784.38
Penalty

Skyline Steel, LLC, Mississippi County, Air Division, \$1,505.00 Penalty

Quality Fence Company, Inc., Jefferson County, Mining Division, \$2,500.00 Penalty

Quik-Way Lube & Tire, Inc., Hot Spring County, Regulated Storage Tanks Division, \$5,000.00
Penalty

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

CONSENT ADMINISTRATIVE ORDERS

Arkansas Democrat-Gazette, Inc., Pulaski County, Hazardous Waste Division, \$4,000.00 Penalty

Construction Waste Management, Inc, Class 4 Landfill and John T. Wright, Individually,
Faulkner County, Solid Waste Division, \$11,750.00 Penalty

Hillside Bayou, LLC, Mr. William Laslo, Jr., Registered Agent, Pulaski County, NPDES/Water
Division, \$9,000.00 Penalty

Lakes at Hurricane Creek, A.L.P., Saline County, NPDES/Water Division, \$3,600.00 Penalty

Military Department of Arkansas, Pulaski County, Regulated Storage Tanks Division, \$4,950.00
Penalty

Natural Gas Pipeline Company of America, LLC, Randolph County, Air Division, \$14,784.38
Penalty

Northeast Arkansas Regional Solid Waste Management District, Greene County, NPDES/ Water
Division, \$4,000.00 Penalty

Nuckles and Sons, LLC, Craighead County, Water Division, \$1,500.00 Penalty

Quality Analytical Service, Inc., Crittenden County, Hazardous Waste Division, No Penalty

Superior Well Services, Inc., Sebastian County, Hazardous Waste Division, \$15,675.00 Penalty

Wynne Community Enlightenment and Development Foundation, Inc., Cross County, Air Division, No Penalty

AMENDMENT NO. 1 TO CONSENT ADMINISTRATIVE ORDER LIS NO. 11-141

City of Hackett, Sebastian County, NPDES/Water Division, No Penalty

PERMIT APPEAL RESOLUTION

Centerpoint Energy-Mississippi River Transmission, LLC, Biggers Compressor Station Air Permit No. 1513-AOP-R4, Randolph County, Fountain Hill Compressor Station Air Permit No. 1433-AOP-R6, Ashley County, Carlisle Compressor Station Air Permit No. 1244-AOP-R3, Lonoke County, West Point Compressor Station Air Permit No. 1432-AOP-R5, White County, Air Division, No Penalty

SUPPLEMENT TO CONSENT ADMINISTRATIVE ORDER DATED APRIL 28, 2006

City of Bryant, City of Bryant Wastewater Treatment Plant, Saline County, NPDES/Water Division \$2,500.00 Penalty

Dated this 10th day of May 2012

Teresa Marks, Director

Arkansas Department of Environmental Quality

CONSENT ADMINISTRATIVE ORDERS

AFCO Steel, LLC, Pulaski County, Air Division, \$7,875.00 Penalty

Big River Outfitters, LLC d/b/a SEAARK Boats, Inc., Drew County, Hazardous Waste Division, \$5,625.00 Penalty

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

Great Lakes Chemical Corporation – South Plant, Union County, Air Division, \$2,801.25 Penalty

Lexicon, Inc., Pulaski County, Air Division, \$900.00 Penalty

LM Wind Power Blades (Arkansas), Inc., Pulaski County, Hazardous Waste Division, \$4,250.00 Penalty

Mr. John Wright, John Wright Construction Co., Inc., d/b/a Crystal Hill Sub. Lot 10-14, Pulaski County, NPDES/Water Division, \$1,000.00 Penalty

Porocel Corporation, Pulaski County, Air Division, \$3,645.00 Penalty

DEFAULT ADMINISTRATIVE ORDER

Charlie Porter, Individually d/b/a Poor Man's Towing, Pulaski County, NPDES/Water Division, \$2,200.00 Penalty

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

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

CONSENT ADMINISTRATIVE ORDERS

David Stone, Garland County, Asbestos, \$2,075.00 Penalty

Great Lakes Chemical Corporation – Central Plant, Union County, Hazardous Waste Division, \$175,000.00 Penalty

DEFAULT ADMINISTRATIVE ORDER

Milam Construction Company, Inc., Mr. Jimmy W. Milam, Registered Agent, Milam Construction Company, Lonoke County, Regulated Storage Tanks Division, \$1,500.00 Penalty

NOTICE OF VIOLATION

Freddie Bass, d/b/a Catfish Island, St. Francis County, Air Division, \$1,800.00 Proposed Penalty

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

CONSENT ADMINISTRATIVE ORDERS

Arif Chaudhry d/b/a Kwik Pik, Sebastian County, Regulated Storage Tanks Division, \$5,400.00 Penalty

Billy Carr, Union County, Regulated Storage Tanks Division, \$4,000.00 Penalty

Cash & Sons L-P Gas Co., Inc., Desha County, Regulated Storage Tanks Division, \$1,500.00 Penalty

Daystar Environmental Services, c/o Frank Hart, Registered Agent, Water Division, Cleburne County, \$2,175.00 Penalty
Sourcegas Arkansas, Inc., Washington County, Regulated Storage Tanks Division, \$2,250.00 Penalty

Steve Norris, Union County, Regulated Storage Tanks Division, \$4,000.00 Penalty

DEFAULT ADMINISTRATIVE ORDER

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

NOTICE OF VIOLATION

City of Fisher, Poinsett County, NPDES/Water Division, \$9,792.00 Proposed Penalty

Street & Performance, Inc., Mark C. Campbell, Registered Agent, Polk County, Hazardous Waste Division, \$50,750.00 Proposed Penalty

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

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

QUARTERLY REPORT TO ARKANSAS LEGISLATIVE COUNCIL

e

ON RULEMAKING ACTIVITIES

Months In Quarter: April, May and June 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 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.

3. 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 the Commission adopted the amendments on June 22, 2012.

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.

4. 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 the Commission adopted the amendments on June 22, 2012.

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.

5. 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: 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 the Commission adopted the amendments on May 24, 2012.

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.

6. 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 the Commission adopted the amendments on May 24, 2012.

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. This change is also 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.

7. 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; correct a typographical error which references Chapter 13 instead of Chapter 14; 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.

8. 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 the Commission adopted the amendments on May 24, 2012.

c. Justification: This proposed rule is necessary to alleviate future fees for emissions from facilities that would be required due to proposed changes in Arkansas Pollution Control and Ecology Commission Regulation Numbers 18, 19, and 26, 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.

9. 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 from the State Priority List 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 the Commission adopted the amendments on June 22, 2012.

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.

10. 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 the Commission adopted the amendments on June 22, 2012.

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.

11. 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 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.

12. 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.

13. 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.

14. 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, from Reg. 19.904(G)(6) to Reg. 19.104 (Severability section) 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.

15. 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.

7/9/12
Date

Charles Moulton
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 = 04-01-2012 to 6-30-12

Division	Fee Code	Description	Annual	Initial	Late Fee	Modification	Renewal	Short-Term Authority	Total
AIR									
	G	General Operating Permit	\$ 15,800 79	\$ 7,400 37					\$ 23,200 116
	L5	Late Charge (Air T5)							\$ - 0
	LC	Late Charge (Air LC)	\$ 1,108 11						\$ 1,108 11
	MS	Minor Source (Air MS)	\$ 96,861 77	\$ 2,539 2		\$ 11,128 22			\$ 110,528 101
	R3	Air Reg 18.315	800 4						\$ 800 4
	T5	Title 5 (Air T5)	\$ 424,012 28			14268 14			\$ 438,280 42
AIR TOTAL		Total	\$ 538,581 \$ 199	\$ 9,939 \$ 39	\$ - \$ -	\$ 25,396 \$ 36	\$ - \$ -	\$ - \$ -	\$ 573,916 \$ 274
SOLID WASTE									
	1	Class I Landfill	\$ 24,000 4			\$ 15,000 5			\$ 39,000 9
	3C	Class III commercial (SW 3C)							\$ - -
	3T	Class III Tire Monofill (SW 3T)							\$ - 0
	3N	Class III Non-commercial	\$ 3,000 1						\$ 3,000 1
	4	Class IV Landfill	\$ 2,500 5			1,000 1			\$ 3,500 6
	CD/RF	Construction & Demolition Waste Recovery (Solid Waste CDRF)							\$ - 0

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 04-01-2012 to 6-30-12

Division	Fee Code	Description	Annual	Initial	Late Fee	Modification	Renewal	Short-Term Authority	Total
	CL	Closed Facility (Solid Waste CL)							\$ - 0
	CO	Composting Organic Waste (Solid Waste CO)	900 2						\$ 900 2
	CY	Composting Yard Waste (Solid Waste CY)	\$ 1,350 3						\$ 1,350 3
	LC	Late Charge (Solid Waste LC)	\$ 95 2						\$ 95 2
	P	Postclosure Fee (Solid Waste P)							\$ - 0
	TS	Transfer Station or MRF	\$ 8,100 18						\$ 8,100 18
	WR	Solid Waste Recovery	\$ 450 1						\$ 450 1
SOLID WASTE TOTAL		Total	40,395 36	0 0	0 0	16,000 6		0 0	56,395 42
WATER - NPDES									
	N-A	NPDES Agricultural (Minor With Toxic)	\$ 21,684 4						\$ 21,684 4
	N-B	NPDES Saltwater (Minor Without Toxic)	\$ 148,989 134	\$ 220 1		\$ 10,000 5			\$ 159,209 140
	N-C	NPDES Cooling Water	\$ 1,138 1						\$ 1,138 1
	N-G	NPDES Coal Mining (converted)							\$ - 0
	N-G2	NPDES Coal Mining							\$ - 0

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 04-01-2012 to 6-30-12

Division	Fee Code	Description	Annual	Initial	Late Fee	Modification	Renewal	Short-Term Authority	Total
	N-G3	NPDES Sanitary Landfill Run-off	\$ 2,567 7						\$ 2,567 7
	N-G5	NPDES Bulk Petroleum Storage							\$ - 0
	N-G6	NPDES Individual Home Treatment	\$ 1,000 5	\$ 200 1					\$ 1,200 6
	N-G7	NPDES Water Plant Backwash Filter	\$ 11,200 28						\$ 11,200 28
	N-G8	NPDES Pipeline Hydrostatic Test	\$ 600 3	\$ 3,000 15					\$ 3,600 18
	N-G9	NPDES Car/truck Wash Facility	\$ 800 4						\$ 800 4
	N-GA	Ground Water Clean-Up (Water-NPDES GA)	\$ 1,000 2	\$ 500 1					\$ 1,500 3
	N-GB	Laundromat (Water-NPDES GB)							\$ - 0
	N-GC	Sand and Gravel (Water-NPDES GC)	\$ 1,917 10	\$ 1,000 5					\$ 2,917 15
	N-GE	Cooling Towers; Tower & Boiler Blowdown (Water-NPDES GE)	\$ 200 1						\$ 200 1
	N-GF	Pesticides (Water-NPDES)		\$ 13,200 66					\$ 13,200 66
	N-J	NPDES Major Non-municipal, MRAT >= 100	\$ 30,000 2						\$ 30,000 2
	N-K	NPDES Major Non-municipal, MRAT 80-100							\$ - 0

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 04-01-2012 to 6-30-12

Division	Fee Code	Description	Annual	Initial	Late Fee	Modification	Renewal	Short-Term Authority	Total
	N-L	NPDES Discretionary Major							\$ - 0
	LC	Late Charge(Water-NPDES LC)	\$ 835 14						\$ 835 14
	LS	Late Charge (Storm Water)	\$ 1,135 57						\$ 1,135 57
	N-M	NPDES Major Municipal	\$ 87,935 10						\$ 87,935 10
	NO-EX	No-Exposure Certification (Water-NPDES)	\$ 10,667 54	\$ 2,800 14					\$ 13,467 68
	N-O	NPDES Minor Aquatic Animal Prod	\$ 2,500 1						\$ 2,500 1
	N-P	NPDES Minor Variable Discharge	\$ 3,900 13	\$ 300 1					\$ 4,200 14
	N-Q	NPDES Construction Permit		\$ 7,000 14					\$ 7,000 14
	N-R1	NPDES Stormwater Manufacturing	\$ 51,934 264	\$ 8,000 40					\$ 59,934 304
	N-R2	NPDES Stormwater Construction	\$ 33,417 168	\$ 14,600 73					\$ 48,017 241
	R4	NPDES Stormwater: MSF Phase II	\$ 7,200 36						7,200 36 0
WATER NPDES TOTAL		Total	420,618 818	50,820 231	0 0	10,000 5	0 0	0 0	481,438 1,054
TE WATER PERM	ST	Short-Term Authorization							\$ - 0
	S-D	Confined Animal or Small Sep	\$ 14,000	\$ 200					\$ 14,200

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 04-01-2012 to 6-30-12

Division	Fee Code	Description	Annual	Initial	Late Fee	Modification	Renewal	Short-Term Authority	Total
			70	1					71
	S-E	State Permits Branch Commercial or Industrial	\$ 26,833 54	\$ 5,000 10		\$ 3,000 6			\$ 34,833 70
	S-F	Industrial Sludge App							\$ - 0
	S-G1	State Permits Branch Combined Animal Feedlot							\$ - 0
	GP	Oil & Gas Pits							\$ - 0
	S-H	Salt Water Disposal (SPB H)	\$ 28,750 115	\$ 250 1		\$ 10,000 40			\$ 39,000 156
	GLA	Oil & Gas Land Application							\$ - 0
	S-I	POTW Non-NPDES Land App							\$ - 0
	LC	Late Charge(Water-SPB LC)	\$ 925 36						\$ 925 36
	Z	Interim Authority (Water-SPB Z)							\$ - 0
	ST	Short-Term Authorization (Water-SPB ST)						\$ 39,000 100	\$ 39,000 100
WATER - STATE PERMIT		Total	\$ 70,508 275	\$ 5,450 12	\$ - -	\$ 13,000 46		\$ 39,000 100	\$ 127,958 433
	U-1	State Permits Branch UIC - Class I							\$ - 0
	Z	Interim Authority							\$ - 0
UIC TOTALS		Total	\$ - 0	\$ - 0	\$ - 0	\$ - 0		\$ - 0	\$ - 0

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 04-01-2012 to 6-30-12

Division	Fee Code	Description	Annual	Initial	Late Fee	Modification	Renewal	Short-Term Authority	Total
TOTAL		Total	\$ 1,070,102 1,328	\$ 66,209 282	\$ - 0	\$ 64,396 93	\$ - 0	\$ 39,000 100	\$ 1,239,707 1,803

ADEQ REVENUE FROM PERMIT FEES AND LICENSES

All figures generated 7/03/12, based on active invoices. Date range = 04-01-2012 to 06-30-2012

Invoice Identifier	Fee Code	Description	Fund	Collections
RST - Tank Installer Licenses	RST	Tank installer licenses	SRS0000	\$ 13,300.00
TKS - Storage Tank Fees	TKS	Storage Tank Fees		\$ 716,622.68
UST - Exam Fees	UST	Underground Storage Tank Exam Fees		\$ 22,025.00
ASB - Asbestos Licenses	ASB	Asbestos Licenses	SAC0000	\$ 24,340.00
LED - Individual Licenses - Lead	LED	Individual Licenses	MPL0000	\$ -
CCL - Contractors Licenses - Lead	CCL	Contractors Licenses	MPL0000	\$ -
			SAC0000	\$ 54,500.00
HWD - HW Permits	HWD	Hazardous Waste Permits	SHW0000	\$ 210,404.76
			MEE0000	\$ 38,600.00
			THS0000	\$ 347,400.00
TRF - Transfer Facilities	TRF	Transfer Facilities	SHW0000	\$ -
HWL- HW Licenses	HWL	HW Licenses		\$ 875.00
SFF - Superfund	HWD	Superfund permit fees	THS0000	\$ -
			MEE0000	\$ -
LAB - Lab Certification Fees	LAB	Lab Certification Fees	HMA0100	\$ 15,580.00
MPS - Mining Fees	MPS	Non-coal mining permit Fees	HMA0100	\$ 91,907.03
		Coal Mining Permit Fees	MAF0000	\$ -
		Quarry Permit Fees	TLR0000	\$ 4,375.00
MBL - Mining Fees	MBL	Blaster Permits	MAF0000	
DCO - Dump Control Officers	DCO	Dump Control Officer Licenses	TPE0000	\$ 1,025.00
SWL - Sanitary Landfill Operators	SWL	Sanitary Landfill Operator Licenses		\$ 24,170.00
TTL - Waste Tire Licenses	TTL	Waste Tire Licenses		\$ 1,480.00
TPF - Waste Tire Facilities	TPF	Waste Tire Facilities		\$ 750.00
MER - Mercury Switches	MER	Mercury Switches	TWS0100	\$ 2,441.00
SWF - Municipal Landfills	SWF	Municipal Landfill Fees	TWS0100	\$ 320,180.19
			TWS0200	\$ 960,540.68
			TWS0300	\$ 822,291.39
ILF - Industrial Landfills	ILF	Industrial Landfill Fees	TWS0100	\$ 5,425.41
			TWS0200	\$ 15,990.63
			SMB0000	\$ 7,138.67
WWL - Wastewater Licenses	WWL	Waste Water Operator Licenses	MWW0000	\$ 6,160.00
Total				\$ 3,707,522.44