



ARKANSAS  
Department of Environmental Quality

April 13, 2010

Sen. Henry "Hank" Wilkins, IV, Co-Chair  
Rep. Allen Maxwell, Co-Chair  
Arkansas Legislative Council  
Room 315, State Capitol Building  
Little Rock, AR 72201

Dear Gentlemen:

As required in Act 1387 of 2009, 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 of January 1, 2010 through March 31, 2010. If you have any questions, please contact Karen Bassett at (501) 682-0959.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Bassett", followed by a vertical line.

Teresa Marks  
Director

# AIR DIVISION

As of: 3/31/2010

State Fiscal Quarter FY3rd 2010

## Air Permits/Category

Major Title V 207  
Minor 931

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## Permits Pending- By Category/Facility

### MAJOR TITLE V

AFIN	DATE APPLICATION RECEIVED	FACILITY	Days Pending	Reason Code
3900023	4/18/2006	Corp of Engineers - W.G. Huxtable Pumping	1443	2
4700461	2/28/2007	Plum Point Energy Station	1127	5
7000101	12/11/2007	Great Lakes Chemical Corporation - West F	841	3
1600101	1/11/2008	Riceland Foods, Inc. - Jonesboro Division	810	7
4700461	1/11/2008	Plum Point Energy Station	810	5
4700461	1/11/2008	Plum Point Energy Station	810	5
6600274	2/7/2008	Quanex Corporation - MacSteel	783	3
4700461	2/12/2008	Plum Point Energy Station	778	5
1600002	3/10/2008	Acme Brick - Wheeler Plant	751	2
3500017	4/22/2008	Delta Natural Kraft	708	3
0200028	5/12/2008	Georgia-Pacific Chemicals LLC	688	7
0200013	5/20/2008	Georgia-Pacific - Crossett Paper	680	3
2300004	5/22/2008	IC Bus, LLC	678	7
4200088	6/27/2008	CenterPoint Energy - Dunn Compressor Sta	642	2
3200036	7/21/2008	FutureFuel Chemical Company	618	2
3500116	8/15/2008	U.S. Army, Pine Bluff Arsenal	593	3
7000037	9/10/2008	Great Lakes Chemical Corporation - South	567	5
7000101	9/10/2008	Great Lakes Chemical Corporation - West F	567	3
6100031	9/11/2008	Natural Gas Pipeline Company of America #	566	2
3500116	9/19/2008	U.S. Army, Pine Bluff Arsenal	558	3
1400046	9/29/2008	SAPA Extrusions, Inc.	548	5
3500116	10/1/2008	U.S. Army, Pine Bluff Arsenal	546	3
7000098	11/12/2008	Clean Harbors El Dorado, LLC	504	3
1000005	11/18/2008	Georgia-Pacific Wood Products South, LLC	498	2
2800251	12/17/2008	American Railcar Industries, Inc.	469	3
1500001	1/21/2009	Green Bay Packaging Inc., Arkansas Kraft	434	3
3000084	1/27/2009	Anthony Timberlands, Inc. - Malvern	428	3
3500116	1/30/2009	U.S. Army, Pine Bluff Arsenal	425	3
3500110	2/5/2009	Entergy Arkansas, Inc - White Bluff Plant	419	2
6100031	2/6/2009	Natural Gas Pipeline Company of America #	418	8
1500001	2/6/2009	Green Bay Packaging Inc., Arkansas Kraft	418	3
3500017	2/11/2009	Delta Natural Kraft	413	3
1000005	2/12/2009	Georgia-Pacific Wood Products South, LLC	412	2
7000037	2/27/2009	Great Lakes Chemical Corporation - South	397	6
0400100	3/9/2009	Glad Manufacturing Company	387	6
2800256	3/9/2009	American Railcar Industries, Inc. - Marmadu	387	2
2900506	3/27/2009	AEP - SWEPSCO Turk Plant	369	3
4700461	4/2/2009	Plum Point Energy Station	363	5
5500017	4/2/2009	Bean Lumber Company, Inc.	363	2
3200036	4/13/2009	FutureFuel Chemical Company	352	3
3500116	4/23/2009	U.S. Army, Pine Bluff Arsenal	342	3
7000098	4/28/2009	Clean Harbors El Dorado, LLC	337	3
4200056	4/28/2009	Tyson Foods, Inc. - River Valley Animal Fod	337	6
2000004	4/30/2009	Georgia-Pacific Wood Products, LLC	335	3
2400081	5/4/2009	CenterPoint - Walker Compressor Station	331	3
3400033	5/4/2009	Arkansas Steel Associates, LLC	331	3
1800081	5/4/2009	BASF Corporation	331	6
0300200	5/4/2009	Legend Marine Management, LLC	331	5

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3500016	5/11/2009	Evergreen Packaging	324	2
7200270	5/12/2009	Superior Industries International Arkansas, Inc.	323	5
2700008	5/13/2009	H.G. Toler & Son Lumber Company, Inc.	322	3
4700914	5/26/2009	Roll Coater, Inc.	309	6
6600274	6/16/2009	Gerdau MacSteel	288	2
3000011	6/16/2009	Entergy - Lake Catherine Plant	288	3
6200010	6/23/2009	Entergy - Moses Plant	281	3
3500016	6/29/2009	Evergreen Packaging	275	2
0300002	6/29/2009	Baxter Healthcare Corporation	275	2
2800251	7/2/2009	American Railcar Industries, Inc.	272	3
7000098	7/9/2009	Clean Harbors El Dorado, LLC	265	3
3500116	7/9/2009	U.S. Army, Pine Bluff Arsenal	265	3
7000037	7/13/2009	Great Lakes Chemical Corporation - South	261	5
1400145	7/16/2009	CMC Steel Arkansas	258	3
1800081	7/21/2009	BASF Corporation	253	2
7000098	7/22/2009	Clean Harbors El Dorado, LLC	252	3
3200036	7/24/2009	FutureFuel Chemical Company	250	3
1600101	8/6/2009	Riceland Foods, Inc. - Jonesboro Division	237	2
7000037	8/7/2009	Great Lakes Chemical Corporation - South	236	2
3500116	8/7/2009	U.S. Army Pine Bluff Arsenal	236	3
3500116	8/7/2009	U.S. Army, Pine Bluff Arsenal	236	3
7200205	8/17/2009	Kawneer Company, Inc.	226	3
6600226	8/31/2009	City of Fort Smith Sanitary Landfill	212	3
1700077	9/1/2009	Tate & Lyle, Van Buren	211	2
6300155	9/2/2009	Saline County Regional Solid Waste Manag	210	2
3500116	9/8/2009	U.S. Army, Pine Bluff Arsenal	204	3
3500116	9/8/2009	U.S. Army, Pine Bluff Arsenal	204	3
3500116	9/8/2009	U.S. Army, Pine Bluff Arsenal	204	3
7001287	9/10/2009	Shaw Mid-States Pipe Fabricating, Inc.	202	2
7001287	9/10/2009	Shaw Mid-States Pipe Fabricating, Inc.	202	2
0200028	9/18/2009	Georgia Pacific Chemicals LLC	194	5
2300969	9/22/2009	DeSoto Gathering Co., LLC - New Quitman	190	7
2900304	9/22/2009	Arkansas Electric Co-op - Fulton CT1	190	2
7200054	9/24/2009	American Tubing, Incorporated	188	2
1600412	10/1/2009	Jonesboro City Water and Light	181	2
7000040	10/1/2009	El Dorado Chemical Company	181	2
6700296	10/5/2009	Husqvarna Forestry Products North America	177	2
4500008	10/5/2009	Ranger Boats/Wood Manufacturing Company	177	2
5400013	10/5/2009	ADM Grain Company	176	3
4700202	10/6/2009	Nucor-Yamato Steel Company	176	2
5400017	10/9/2009	Entergy Arkansas, Inc. - Ritchie Plant	173	8
7000098	10/13/2009	Clean Harbors El Dorado, LLC	169	3
3500116	10/13/2009	US Army, Pine Bluff Arsenal	169	3
2100036	10/13/2009	Clearwater Paper Corporation - Cypress Be	169	6
1000005	10/15/2009	Georgia Pacific Wood Products Gurdon Ply	167	2
7000040	10/16/2009	El Dorado Chemical Company	166	2
3400111	10/19/2009	CenterPoint Energy - Tuckerman	163	6
2800256	10/19/2009	American Railcar Industries - Marmaduke	163	2
5900036	10/19/2009	Rolling Meadows Landfill	163	2
3500110	10/20/2009	Entergy Arkansas, Inc. - White Bluff Plant	162	8
2400088	10/26/2009	CenterPoint Energy Gas Transmission Web	156	5
0200013	10/30/2009	Georgia-Pacific LLC - Crossett Paper Oper	152	3
1000064	10/30/2009	Siplast, Inc.	152	3
7300785	10/30/2009	Arkansas Reclamation Company, LLC	152	3
4300024	11/2/2009	Remington Arms Company, Inc.	149	3
2200057	11/3/2009	Drew Foam Companies, Inc.	148	6
6600219	11/3/2009	Saint-Gobain Proppants	148	2
5500017	11/3/2009	Bean Lumber Company	148	9
6000087	11/5/2009	Entergy Arkansas, Inc. - Lynch Plant	146	6
3300263	11/9/2009	Evergreen Processing, LLC - Twin Mountai	142	5
2700004	11/10/2009	Kohler Company - Sheridan	141	3
3500025	11/12/2009	Planters Cotton Oil Mill, Inc.	139	3
4800065	11/12/2009	Southern Squares	139	1
3400111	11/16/2009	CenterPoint Energy MRT Tuckerman Comp	135	6
3500017	11/16/2009	Delta Natural Kraft - Mid America Packagin	135	3
3100016	11/17/2009	Weyerhaeuser NR Company - Dierks Mill	134	3
0500066	11/18/2009	Tankinetics, Inc.	133	6
4300093	11/18/2009	CenterPoint Energy - Mississippi River Tran	133	3
3200042	11/23/2009	Entergy Arkansas, Inc. - Independence Plan	128	2
6600219	11/23/2009	Saint-Gobain Proppants	128	2
1600200	11/23/2009	Post Foods, LLC	128	2

2100079	11/23/2009	SAF-Holland USA, Inc.	128	3
4700493	12/2/2009	Skyline Steel, LLC	119	3
3500116	12/3/2009	US Army, Pine Bluff Arsenal	118	3
6000579	12/4/2009	TE Products Pipeline Company, LLC - North	117	5
1000005	12/7/2009	Georgia-Pacific Wood Products South, LLC	114	3
1800120	12/7/2009	The Premcor Refining Group, Inc. - West M	114	3
1600199	12/7/2009	Craighead County Solid Waste Disposal Au	114	5
3100010	12/10/2009	CertainTeed Gypsum Manufacturing, Inc.	111	5
3500116	12/16/2009	US Army Pine Bluff Arsenal	105	3
1400028	12/18/2009	Albemarle Corporation - South Plant	103	1
6000003	12/22/2009	3M Industrial Mineral Products Division	99	6
0500066	1/4/2010	Tankinetics, Inc.	86	5
4200088	1/6/2010	CenterPoint Energy Gas Transmission Com	84	2
2400427	1/14/2010	CenterPoint Energy Field Services, Inc. - Ce	76	6
3500116	1/15/2010	US Army, Pine Bluff Arsenal	75	3
2600022	1/19/2010	Triumph Fabrications Hot Springs	71	2
4100002	1/19/2010	Domtar A.W., LLC	71	6
3200036	1/20/2010	FutureFuel Chemical Company	70	7
6300010	1/20/2010	Almatris, Inc.	70	2
1800146	1/20/2010	TETRA Chemicals West Memphis	70	2
3500116	1/28/2010	US Army, Pine Bluff Arsenal	62	3
1000005	2/1/2010	Georgia-Pacific Wood Products South, LLC	58	2
3600015	2/1/2010	Greenville Tube Company	58	5
3500116	2/3/2010	U.S. Army, Pine Bluff Arsenal	56	5
4700115	2/3/2010	Viskase Companies, Inc.	56	2
4100002	2/5/2010	Domtar A. W. LLC	54	5
1600181	2/10/2010	Worldcolor Jonesboro Division	49	5

#### MINOR

AFIN	DATE APPLICATION RECEIVED	FACILITY	Days Pending	Reason Code
4700931	2/9/2009	PZO Operating Company, LLC	415	6
4200056	4/28/2009	Tyson Foods, Inc. - River Valley Animal Fod	337	5
1800081	5/4/2009	BASF Corporation	331	6
0300200	5/4/2009	Legend Marine Management, LLC	331	6
1400145	7/16/2009	CMC Steel Arkansas	258	3
1800081	7/21/2009	BASF Corporation	253	6
7001287	9/10/2009	Shaw Mid-States Pipe Fabricating, Inc.	202	5
7001287	9/10/2009	Shaw Mid-States Pipe Fabricating, Inc.	202	5
5400013	10/5/2009	ADM Grain Company	177	3
1000064	10/30/2009	Siplast, Inc.	152	6
7300785	10/30/2009	Arkansas Reclamation Company, LLC	152	7
4300024	11/2/2009	Remington Arms Company, Inc.	149	2
2700004	11/10/2009	Kohler Company - Sheridan	141	7
3300263	11/9/2009	Evergreen Processing, LLC - Twin Mountain	142	6
4800065	11/12/2009	Southern Squares	139	7
1600200	11/23/2009	Post Foods, LLC	128	5
2100079	11/23/2009	SAF-Holland USA, Inc.	128	6
4700493	12/2/2009	Skyline Steel, LLC	119	2
6000579	12/4/2009	TE Products Pipeline Company, LLC - North	117	7
0400009	12/14/2009	Simmons Prepared Foods, Inc. (Feed Mill)	107	6
4600257	12/14/2009	Chieftain Sand and Proppant, LLC	107	6
2300093	12/15/2009	Kimberly-Clark Corporation Conway Facility	106	3
1800565	12/21/2009	Hino Motors Manufacturing	100	7
1400721	12/22/2009	W2Oil, Inc.	99	5
0300021	1/11/2010	Eaton, Hydraulics Fluid Conveyance	79	6
6300094	1/15/2010	Rineco	75	8
2400427	1/14/2010	CenterPoint Energy Field Services, Inc. - Ce	76	2
1800146	1/20/2010	TETRA Chemicals West Memphis	70	2
6004372	1/20/2010	Arkansas Natural Resource Recovery, LLC	70	5
0400240	1/21/2010	Razorback LLC - Rogers Terminal	69	5
6900298	1/25/2010	Sparkman Wood Pellet Company	65	2
6600050	2/1/2010	Trane U.S. Inc.	58	5
3600100	2/1/2010	Hanesbrands, Inc. - Clarksville	58	2
1200477	2/3/2010	DayStar I.T.R., Inc.	56	2
6600050	2/1/2010	Trane U.S. Inc.	58	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	
8	Novel Legal Issues	

As of:	3/31/2010
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State Fiscal Quarter	Third
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### Hazardous Waste Management Permits

Post-Closure:	5
Hazardous Waste Management:	14

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Applications Pending	3
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Type/Name	Permit No.	Days Pending	Reason Code
Permit Renewal/Reynolds Metal Company	30H	264	2 and 3
Permit Modification/Austin Powder/Removal of GW Const.	31H	81	6
Permit Modification/Clean Harbors/Add Tanks	10H-RN1	55	3
Permit Modification/PBCDF/Closure Monitoring Changes	29H-RN1	48	3
Permit Modification/PBCDF/Metal Feed Rate Changes	29H-RN1	35	2
Permit Modification/Aerojet/Add New Fixtures	8H-RN1	23	2 and 3
Permit Modification/Ash Grove/Contingency Plan Revision	21H-RN1	16	3

**c**

### 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 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: 3/31/2010

State Fiscal Quarter 3rd FY10

## Mining Division Permits/Category

Coal Mining		Open-Cut Mining	
Active	7	Sand and Gravel	127
Exploratory		Clay	39
		Shale	20
		In-Stream	8
		Soil	29
		Other	11
Coal Total	7	Open-Cut Total	234
Total Mining Permits	241		

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## Permits Pending- By Category/Facility

COAL MINING		Days Pending	Reason Code
OPEN-CUT MINING		Days Pending	Reason Code
RazorRock Materials Co.		497	7
Mountain View Ready Mix		447	2
Trinity Materials		383	2
Turman Construction, Inc.		372	2
Bo Hinchey		244	3
Stratcor, Inc.		218	2
Carroll County Road Dept.		211	2
Arkansas Decorative Stone		201	5
White Horse Rider Sand, Inc.		176	2
Arklatex Materials		133	2
Cross County Materials		133	3
Susan Evans		131	2
Geo Specialities Minerals		118	2
Select Concrete Company		99	2
ABC Ready Mix, Inc.		84	2
Cannon Contracting		68	2
Hanson		57	3
Hanson		57	2
Hanson		57	2

c

### 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: 3/31/2010

State Fiscal Quarter 3

### Solid Waste Management Permits/Category

Class 1 Landfills	41
Class 3 Landfills	31
Class 4 Landfills	39
Compost Facilities	32
CDMRF	0
Tire Processing Facilities	8
Transfer Station/WRFs	85

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### Permits Pending- By Category/Facility

Class 1 Landfill Apps/Mods		Days Pending	Reason Code
WCA - Rolling Meadows Expansion		971	3
Craighead County Major Mod		442	3
BFI Class 1 Landfill		386	3
NABORS Class 1 Minor Mod		418	3
City of Conway Class 1		117	2
Class 3 Landfill Apps/Mods		Days Pending	Reason Code
SWEPCO Class 3N Initial (Turk Site)		555	3
SWEPCO Class 3N Major Mod (Flint Creek Site)		1637	3
Entergy Independence		1217	3
Entergy White Bluff		320	2
Class 4 Landfill Apps/Mods		Days Pending	Reason Code
City of Conway Permit Application		1578	3
Cleburne County Class 4		275	2
Union Co. Class 4		680	3
Northeast AR RSWMD		378	6
Mississippi County Class 4		84	1
Compost Facility Apps/Mods		Days Pending	Reason Code
Union County Compost Y		651	3
Bentonville Compost		279	2
City of Eureka Springs Compost		407	1
CDMRF Apps/Mods		Days Pending	Reason Code
Union County Material Recovery Facility		651	3

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Tire Processing Facility Apps/Mods		Days Pending	Reason Code
Ash Grove Cement TP		643	6
Transfer Station Apps/Mods		Days Pending	Reason Code
Tontitown (Eco Vista) Transfer Station		791	3
Hot Springs County TS		456	6
WRF Apps/Mods		Days Pending	Reason Code

**Reason Codes:**

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

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

As of:	3/31/2010
State Fiscal Quarter	2

**No Discharge Permits**

Agriculture	323
Industrial	1555
Salt Water Disposal	529
Municipal	46
Domestic	7
Underground Injection Control (UIC)	8

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**Permits Pending- By Category/Facility**

<b>Agriculture</b>	<b>Days Pending</b>	<b>Reason Code</b>

<b>Industrial</b>	<b>Days Pending</b>	<b>Reason Code</b>
JM Oilfield Service, Inc. (5017-W)	69	4
City of Paris (4730-WR-1)	80	4
City of Alma (5068-W)	87	4
Clear Creek Environmental, Inc. (5067-W)	92	4
Plummerville Land Farm, Inc. (5057-W)	101	2
Craighead County SWDA (5064-W)	111	2
Capstone Oilfield Disposal of Arkansas, LLC (5056-W)	139	2
Blue Clouds LLC (4499-WR-3)	162	2
Capstone Oilfield Disposal of Arkansas, LLC (5058-W)	168	2
Ecotech Enterprises, Inc. (5060-W)	190	2
Bertek, Inc. (4866-WR-1)	269	2
City of Ozark (4786-WR-3)	271	6
Terra Renewal Services, Inc. (4800-WR-1)	350	7
Commercial Metals Company (1689-WR-3)	409	4

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<b>Salt Water Disposal (SWD)</b>	<b>Days Pending</b>	<b>Reason Code</b>

<b>Underground Injection Control (UIC)</b>	<b>Days Pending</b>	<b>Reason Code</b>

**Reason Codes:**

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

As of:	4/1/2010
State Fiscal Quarter	3

### NPDES Permits/Category

<b>Individual Permits</b>	
Municipal	399
Industrial	492
<b>Stormwater Permits</b>	
Construction	948
Industrial	1702
Small Municipal Separate Storm	
Sewer System (MS4)	46
Individual	1
<b>General Permits</b>	
Coal Mining	3
Landfill	34
Non-Contact Colling Water	8
Aggregate Facilities	46
Self Service Laundry	1
Petroleum Storage	48
Individual Treatment	66
Water Treatment	128
Hydrostatic Testing	46
Car Wash	19
Ground Water	12
<b>Total</b>	<b>3999</b>

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Arkansas Department of Environmental Quality  
Section 38 Report  
Water Division

C

Permits Pending- By Category/Facility

Q3 SFY 2010

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code	Additional Information
AR0000752		El Dorado Chemical Company	1185	8	This permit application was submitted for renewal of the NPDES discharge permit following a permit modification that was issued on February 28, 2007. The modified permit was subsequently appealed. An administrative hearing was held in the fall of 2007 and a recommended decision was issued by the Administrative Hearing Officer on May 8, 2008. Oral arguments before the APCEC took place on June 27, 2008. The decision made by the APCEC was appealed in Circuit Court within the required time frame. On March 31, 2009, the Honorable David Guthrie of the 13th Judicial District issued a Judgment of the Court upholding the APCEC's ruling. The Department is currently working on drafting the permit to include the requirements mandated by the Court decision.
AR0049743		El Dorado Water Utilities	897	8	This permit application was submitted for renewal of the NPDES discharge permit following a permit modification that was issued on February 28, 2007. The modified permit was subsequently appealed. An administrative hearing was held in the fall of 2007 and a recommended decision was issued by the Administrative Hearing Officer on May 8, 2008. Oral arguments before the APCEC took place on June 27, 2008. The decision made by the APCEC was appealed in Circuit Court within the required time frame. On March 31, 2009, the Honorable David Guthrie of the 13th Judicial District issued a Judgment of the Court upholding the APCEC's ruling. The Department is currently working on drafting the permit to include the requirements mandated by the Court decision.
AR0035386		FutureFuel Chemical Company	666	7	The permit application was submitted for renewal of the NPDES discharge permit on June 2, 2008. The permit was drafted and sent out for public comment in September. The Department is currently in the process of addressing the comments submitted by the permittee. Due to the required changes to the permit, the permit will require re-drafting later this quarter. The facility is also required to apply for a separate permit for land application of sludge prior to re-issuance of the NPDES permit.
AR0001171	Chemtura Corporation	d/b/a Great Lakes Chemical Corporation - Central Plant	630	8	This permit application was submitted for renewal of the NPDES discharge permit on July 8, 2008 following a permit modification that was issued on February 28, 2007. The modified permit was subsequently appealed. An administrative hearing was held in the fall of 2007 and a recommended decision was issued by the Administrative Hearing Officer on May 8, 2008. Oral arguments before the APCEC took place on June 27, 2008. The decision made by the APCEC was appealed in Circuit Court within the required time frame. On March 31, 2009, the Honorable David Guthrie of the 13th Judicial District issued a Judgment of the Court upholding the APCEC's ruling. The Department is currently working on drafting the permit to include the requirements mandated by the Court decision.
AR0022063		City of Springdale	555	8	This permit application was submitted for renewal of the NPDES discharge permit on September 19, 2008. The permit was completed and routed for in house review on February 26, 2009. Following the in house review, the Department submitted the draft permit to EPA for review on April 28, 2009. The EPA has currently placed a hold on the approval of this permit pending the outcome of a Total Phosphorus model being ran for Illinois River watershed.

Arkansas Department of Environmental Quality  
Section 38 Report  
Water Division

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code	Additional Information
AR0034291	Hot Springs Village POA	Mill Creek Wastewater Treatment Plant	520	5	The permit application was submitted for renewal of the NPDES discharge permit on October 24, 2008. The permit was drafted and a meeting was held with the permittee on April 7, 2009 to discuss the proposed Total Phosphorus and Total Copper limits that would be placed in the permit along with the permit's reclassification from a Minor Industrial to a Major Municipal permit. During this meeting the permittee requested additional time to determine the source of the Copper in the effluent along with potential treatment technologies to meet a Phosphorus limit. On October 1, 2009, the Department again met with the permittee to discuss their new proposal for re-routing the facility's discharge from Mill Creek to the golf course lakes for irrigation purposes. During this meeting the Department requested that detailed information be submitted regarding this proposal. The new information was received in December. The Department is currently in the process of re-drafting the permit for in house review.
AR0000647	Lion Oil Company	El Dorado Refinery	429	8	This permit application was submitted for renewal of the NPDES discharge permit on October 8, 2008 following a permit modification that was issued on February 28, 2007. The modified permit was subsequently appealed. An administrative hearing was held in the fall of 2007 and a recommended decision was issued by the Administrative Hearing Officer on May 8, 2008. Oral arguments before the APCEC took place on June 27, 2008. The decision made by the APCEC was appealed in Circuit Court within the required time frame. On March 31, 2009, the Honorable David Guthrie of the 13th Judicial District issued a Judgment of the Court upholding the APCEC's ruling. The Department is currently working on drafting the permit to include the requirements mandated by the Court decision.
AR0035769		City of Waldron	419	5	This permit application was submitted for renewal of the NPDES discharge permit on 2/2/2009. The permit was drafted and sent to Public Notice on 12/23/2009. The permittee made comments on the draft permit which prompted substantial changes. The permit is being prepared for a 2nd Public Notice period due to the changes to the permit and to ensure that the inclusion of a recently issued TMDL is available for public comment. The permit should go out for the 2nd Public Notice period in April.
AR0001210	Georgia-Pacific LLC	Crossett Paper Operations	395	7	This permit application was submitted for renewal of the NPDES discharge permit on 3/2/2009. This is a very complex industrial permit with many issues that must be addressed in order to satisfy EPA and public opposition to the permit. The permit was drafted and sent to Public Notice on 2/17/2010. The Department received multiple comments from approximately 27 concerned citizens and organizations including a request for a Public Hearing during the Public Comment period. The Department has scheduled a Public Hearing on May 10, 2010 in Crossett, AR.
AR0000523		Stratcor, Inc.	393	6	This permit application was submitted for renewal of the NPDES discharge permit on 3/2/2009. This is a very complex industrial permit with many issues that must be addressed in order to satisfy EPA and public opposition to the permit. The permit was drafted and sent to Public Notice on 3/17/2010. The Department is currently awaiting the close of the Public Comment period.
AR0047350		Pine Haven Mobile Lodge	388	3	This permit application was submitted for renewal of the NPDES discharge permit on 3/4/2009. The permit was drafted and sent to Public Notice on 9/16/2009. Financial Assurance must be submitted for this facility prior to finalization of the permit in accordance with ACA 8-5-703. The permittee applied for a waiver of the Financial Assurance requirements which was later denied. To date, Financial Assurance has not been received. Based on recent telephone conversations with the permittee, a Letter of Credit will be received within the next couple of weeks.
AR0022004		City of Huntsville	363	4	
AR0038482		Tyson Foods, Inc. - Waldron	332	4	
AR0044547		City of Haskell	332	5	
AR0037800		Clean Harbors El Dorado, LLC	324	8	The permit is currently being prepared for a second Public Comment period due major changes to the permit based on comments submitted during the first Public Comment period.
AR0051209	Royal View Properties, LLC.	Royal View Properties, LLC	317	3	

Arkansas Department of Environmental Quality  
Section 38 Report  
Water Division

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code	Additional Information
AR0034029		City of Hamburg	304	6	
AR0003018	Tyson Foods, Inc.	Grannis Processing Facility	302	4	
AR0039284	Hot Springs Village POA	Cedar Creek WWTP	302	5	
AR0049123		Mt. Holly School Wastewater System	293	3	
AR0021822		City of Monticello - West Plant	260	4	
AR0046116		West Fraser, Inc. - South	253	8	The permit is currently being prepared for a second Public Comment period due major changes to the permit based on comments submitted during the first Public Comment period.
AR0046698C	West Fraser, Inc.	Leola Lumber Mill	241	2	
AR0020125		City of Perryville	237	2	
AR0021326	Tyson Foods, Inc.	Hope Processing Plant	234	4	
AR0000914	Potlatch Land and Lumber, LLC	Warren Lumber	232	8	The permit is currently being prepared for a second Public Comment period due major changes to the permit based on comments submitted during the first Public Comment period.
AR0021211		City of Mountain Home WWTP	226	4	
ARG500049C	Bluebird Sand, LLC	Bluebird Sand Processing Plant	225	7	
AR0037419		City of Huntington	219	6	
AR0046418		Bonanza Creek Energy Resources, LLC-McKamie Plant	216	2	
AR0038288	North Little Rock Wastewater Utility	White Oak Bayou	210	2	
AR0034347		City of Sheridan	209	2	
AR0001899		Unimin Corporation - Guion Facility	205	2	
AR0046566	City of Walnut Ridge	Walnut Ridge Wastewater Treatment Plant	205	5	
AR0044598	Pulaski County Special School District	Bayou Meto Elementary School Treatment Facility	195	2	
AR0036552		Bekaert Corporation	185	4	
AR0051306	Hoskyn Enterprises, Inc.	Hoskyn Mine	185	6	
AR0001791		Dixie Consumer Products, LLC	183	6	
AR0021768	City Corporation	Russellville Water and Sewer System	181	2	
AR0022268		City of Huttig	181	2	
AR0051349		Tucker Lumber Co., LLC	181	2	
AR0022250		City of Dermott - South Pond	176	5	
AR0051357	Environmental Solutions & Services, Inc.	Drilling Fluid Wastewater Treatment Plant	171	2	
AR0051365	Ram-Fab, LLC	Ram-Fab, LLC	168	6	
AR0047520	Rogers Group, Inc.	Beryl Quarry	167	6	
AR0051314		Cross County Materials	164	5	
AR0051373	Judy Surret	China Café	161	6	
AR0034258		Village Wastewater Company, Inc. (North)	160	2	
AR0020044		City of Taylor	155	2	
AR0043893	Pulaski County Special School District	Robinson High School	153	2	
AR0001759	Arkansas Electric Cooperative Corporation	Thomas B. Fitzhugh Generating Station	150	6	
AR0045608		City of Sherwood - South Facility	150	6	
ARG550319C	J.E. Via	J.E. Via	148	2	

Arkansas Department of Environmental Quality  
Section 38 Report  
Water Division

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code	Additional Information
AR0044610	Pulaski County Special School District	d/b/a Landmark Elementary School Treatment Facility	147	6	
AR0049042		Owen Creek Wastewater Plant	147	2	
AR0044890		Nimocks Oil Company	143	2	
AR0047911		J. W. Black Lumber Company	142	5	
AR0038008		City of Ulm	140	6	
AR0000841	Arkansas Electric Cooperative Corporation	John L. McClellan Generating Station	139	2	
AR0000841C	Arkansas Electric Cooperative Corporation	John L. McClellan Generating Station	139	2	
AR0022446		City of Fisher	139	2	
AR0051012M	Mars Petcare U.S., Inc.	Mars Petcare U.S., Inc.	139	2	
AR0051420	Southern Mud Company, Limited Liability Company	Southern Mud Company, Limited Liability Company	134	6	
AR0048879		Flushing Meadows Water Treatment, Inc.	133	2	
AR0000400	Arkansas Electric Cooperative Corporation	d/b/a Carl E. Bailey Generating Station	120	5	
AR0034754		City of Keiser	118	6	
AR0049069		Cushman Sawmill, Inc.	108	6	
AR0051446		Craig Spengler RV Park	108	3	
AR0044881		Saline County Waterworks and Sanitary Sewer Public Facilities Board	105	2	
AR0046981		Hedger Aggregate, Inc.	105	2	
AR0051403	Nealey of Northwest Arkansas	City of Rosebud Sewer Improvements Phase 1	105	2	
AR0051403C	Nealey of Northwest Arkansas	City of Rosebud Sewer Improvements Phase 1	105	2	
AR0049166	TMK - Ipsco Tubulars, Inc.	Blytheville Works	104	6	
AR0051136	Southwestern Electric Power Company	John W. Turk, Jr. Power Plant	104	5	
AR0021806M		Little Rock Wastewater - Adams Field WWTP	101	6	
AR0039896		City of Wabbaseka	101	2	
AR0040177M	Little Rock Wastewater	Fourche Creek Wastewater Treatment Plant	101	6	
AR0051497		Johnson's Metal Recyclers, Inc.	101	6	
AR0037249		Holiday Island Suburban Improvement District	99	2	
AR0034606		City of Calico Rock	94	2	
AR0037907	City Water and Light of the City of Jonesboro (CWL)	Westside Wastewater Treatment Plant	94	5	
AR0043923	Weyerhaeuser NR Company	Emerson Division	84	5	
AR0044393		Henke Road Property Owners Sewer Improvement District No. 34	79	2	
ARG550320C	Joseph Franz	Joseph Franz Home	78	6	
AR0047431	Church of God in Arkansas	dba Pathway Campground	73	2	
AR0051471	Dean's Enterprises dba	Porky's One Stop	73	3	
AR0050300		Oasis Trading Co., LLC	71	5	
AR0051489		W2 Oil, Inc.	70	6	
AR0051519	Construction Waste Management, Inc.	Class IV Landfill	70	2	

Arkansas Department of Environmental Quality  
Section 38 Report  
Water Division

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code	Additional Information
AR0051411	White River District Regional Solid Waste Management District	dba White River District Recycling and Reclamation Class 3T Landfill	69	5	
AR0046311	Rogers Group, Inc.	Cabot Quarry	66	2	
AR0022390		City of Gillett	65	2	
AR0038784		City of Aubrey	65	5	
AR0051527	Oilfield Compliance Solutions, LLC	Central Arkansas Disposal	65	6	
AR0051578		Allied Services, LLC - American Disposal Bella Vista Transfer Station	65	5	
AR0048046		Rogers Lumber Company, Inc.	64	5	
AR0001970	Evergreen Packaging, Inc.	Pine Bluff Mill	62	5	
ARG500051C	White Horse Rider Sand, Inc.	Mine #1	59	5	
AR0021229		City of Newark	55	2	
AR0021857		City of Paris	55	5	
AR0022284		City of Humphrey	55	5	
AR0037761		Liberty Baptist Association d/b/a Beech Springs Baptist Camp	55	5	
AR0044997	BHT Investment Company, Inc.	Doublebees Store No. 111	55	2	
AR0050687C		Hillside Bayou, L.L.C.	55	5	
AR0051608	Springdale Iron & Metal	dba Lowell Iron & Metal	55	6	
ARG550325C		Jacqueline Blackwell	55	6	
ARG550331C		Charles Dodson	55	6	
AR0021890		City of Brinkley	51	5	
AR0034771		City of Altheimer	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



## MEMORANDUM

**DATE:** April 13, 2010

**TO:** LEGISLATIVE COUNCIL

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

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

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As provided by Section 38(d) of Act 1387 of the 2007 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 Public Notice for the period of January 1, 2010 through March 31, 2010. 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 64.

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, 2010 through March 31, 2010.

Type of Enforcement Action	Defendant	Geographic Location
Filing Fee	John Lester	Hempstead County Circuit Court
Filing Fee	City of Fountain Hill	District Court of Ashley County
Filing Fee	Stephens Red Dirt	Washington County Circuit Court
Filing Fee	Marble Falls	Newton County Circuit Court
Filing Fee	Marble Falls Water Sewer and Solid Waste Suburban Improvement District	Newton County Circuit Court
Filing Fee	Bill Basham	District Court of Madison County
Filing Fee	Paul and Ruth Hostetler	Polk 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, 2010 through March 31, 2010

Civil Penalties Collected	\$270,132.12
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Supplemental Environmental Projects Verified	\$0.00
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## **ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **NOTICE OF ENFORCEMENT ACTIONS**

Public notice is hereby given that the Arkansas Department of Environmental Quality (ADEQ) has entered into the Consent Administrative Orders and has issued the Notices of Violation listed below. Documents for these enforcement matters can be made available for inspection or copying by contacting ADEQ's Legal Division, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317. There may be a charge to cover photocopying costs for some documents. Copies of enforcement documents, including those referenced in this notice also are available for viewing on the ADEQ website at [http://www.adeq.state.ar.us/legal/cao\\_info.asp](http://www.adeq.state.ar.us/legal/cao_info.asp). Further, ADEQ is accepting written comments from the public regarding these matters. Such comments must be sent to ADEQ, Legal Division, at the above address within 30 days after publication of this Notice. If a comment on any proposed Consent Administrative Order is received by ADEQ within this time period, in accordance with Act 163 of 1993, the person submitting the comment may request the Pollution Control and Ecology Commission to set aside the order in the matter by filing a petition with the Commission Secretary. If a comment on any Notice of Violation is received by ADEQ within this time period, the person submitting the comment will be given notice of any hearings held on the matter and shall have the right to intervene in any hearing in the matter by filing a petition for intervention with the Commission Secretary. Any such petition must be filed in accordance with applicable regulations and sent to the Commission Secretary, 101 East Capitol, Suite 205, Little Rock, Arkansas 72201.

### **CONSENT ADMINISTRATIVE ORDERS**

APAC-Arkansas McClinton Anchor- Sharps Asphalt Plant, Washington County, Air Division, \$2,075.00 Penalty

City of Caddo Valley, Clark County, NPDES/Water Division, \$6,400.00 Penalty

City of Rector, Clay County, NPDES/Water Division, \$1,600.00 Penalty

D'Argent Properties, L.L.C. c/o National Registered Agents, Inc. of AR, Registered Agent, Chicot County, Regulated Storage Tanks Division, \$8,000.00 Penalty

Freeman Brothers, Inc., dba Bibler Brothers Lumber Company, Pope County, Air Division, \$3,631.25 Penalty

J.V. Manufacturing, Inc., Washington County, Hazardous Waste Division, \$7,331.25 Penalty

Rose Aircraft Finishes, Inc., Polk County, Hazardous Waste Division, \$23,125.00 Penalty

Union Pacific Railroad Baring Cross Tanks Site, Pulaski County, Hazardous Waste Division, No Penalty

### **NOTICES OF VIOLATION**

Compliance Management Inc., c/o Eddie Griffin, Registered Agent, Crittenden County, Regulated Storage Tanks Division, Proposed Penalty \$750.00

Valley Tank Testing, Inc, c/o P.J. Kane, Registered Agent, Poinsett County, Regulated Storage Tanks Division, Proposed Penalty \$750.00

Dated this 10th day of January 2010

Teresa Marks, Director

Arkansas Department of Environmental Quality

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## **ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY**

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### **CONSENT ADMINISTRATIVE ORDERS**

Crye-Leike Property Management, Inc, Crye-Leike Plaza, Benton County,  
NPDES/Water Division, \$23,120.00 Penalty

Eastern Tank Services, Inc.-Hartford, Eastern Tank Services, Inc.-Branch, Sebastian  
County/Franklin County, Water Division, \$50,000.00 Penalty

Harold E. Crye, Harold E. Crye Revocable Living Trust, Benton County,  
NPDES/Water Division, \$3,900.00 Penalty

Jamie Oil, Inc., Frost No. F-1 SWD System, Union County, Water Division, \$15,200.00  
Penalty

Planters Cotton Oil Mill, Inc., Jefferson County, Air Division , \$4,730.00 Penalty

## **PERMIT APPEAL RESOLUTION**

Anthony Timberlands, Inc.-Bearden, Ouachita County, Air Division, No Penalty

Dated this 25<sup>th</sup> day of January 2010

Teresa Marks, Director

Arkansas Department of Environmental Quality

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### **ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY**

#### **NOTICE OF ENFORCEMENT ACTIONS**

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#### **CONSENT ADMINISTRATIVE ORDERS**

Blytheville Fire Department, Mississippi County, Asbestos/Air Division, \$3,802.50  
Penalty

Clean Harbors El Dorado, LLC, Union County, Hazardous Waste Division, \$70,000.00  
Penalty

Clearwater Paper Corporation, Desha County, Hazardous Waste Division, \$2,125.00  
Penalty

Compliance Management, Inc., c/o Eddie Griffin, Registered Agent, Lonoke County, Regulated Storage Tanks Division, \$750.00 Penalty

Northeast Arkansas Regional Solid Waste Management District, Greene County, Air Division, \$3,547.50 Penalty

Royal Oak Enterprises, LLC-Oxley Kilns, Searcy County, Air Division, \$7,560.00 Penalty

The Bryce Company, LLC, White County, Hazardous Waste Division, \$1,700.00 Penalty

The Southern Company of North Little Rock, Inc., Michael P. Shelby, Registered Agent, Pulaski County, Regulated Storage Tanks Division, \$2,250.00 Penalty

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

Armstrong Tools, Inc., Regarding: Armstrong Tools, Washington County, Hazardous Waste Division, No Penalty

Dated this 10th day of February 2010

Teresa Marks, Director

Arkansas Department of Environmental Quality

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## **ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **NOTICE OF ENFORCEMENT ACTIONS**

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### **CONSENT ADMINISTRATIVE ORDERS**

Arkat Nutrition, Inc., Desha County, Air Division, \$1,594.13 Penalty

Gerdau MacSteel, Inc., Sebastian County, Water Division, \$1,200.00 Penalty

Gloria Taylor, Drew County, Mining Division, \$1,000.00 Penalty

Unilin Flooring NC, LLC, Izard County, Air Division, \$3,225.00 Penalty

### **NOTICE OF VIOLATION**

MDB Hospitality, LLC, Charles Davidson, Registered Agent, Clark County, NPDES/Water Division, \$17,000.00 proposed penalty

Stephen A. Fuller, d/b/a Full Star Enterprises, Faulkner County, Asbestos/Air Division, \$8,951.25 proposed penalty

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

EASCO Hand Tools, Inc., Regarding: KD Tools aka Danaher Tool Group Fayetteville Operations, Washington County, Hazardous Waste Division, No Penalty

JBD Inc., Regarding: Franklin Pump Systems, Inc, Pulaski County, Hazardous Waste Division, No Penalty

### **PERMIT APPEAL RESOLUTION**

Great Lakes Chemical Corp, Union County, Hazardous Waste Division, No Penalty

Dated this 25th day of February 2010

Teresa Marks, Director

Arkansas Department of Environmental Quality

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## **ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **NOTICE OF ENFORCEMENT ACTIONS**

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### **CONSENT ADMINISTRATIVE ORDERS**

City of Mineral Springs, Howard County, NPDES/Water Division, \$1,200.00 Penalty

Owens Corning Composite Materials, LLC, Sebastian County, Air Division, \$3,060.00 Penalty

Tankinetics, Boone County, Air Division, \$2,799.00 Penalty

### **NOTICE OF VIOLATION**

City of Conway, Tab Townsell, Mayor, Faulkner County, Regulated Storage Tanks Division, \$3,000.00 proposed penalty

Mary L. Bivins, Individually and D/B/A B&M Mobile Home Park, Saline County, NPDES/Water Division, \$6,700.00 proposed penalty

Nabholz Construction Corporation, Andrea Woods, Registered Agent, Faulkner County, Regulated Storage Tanks Division, \$1,500.00 proposed penalty

Paladino Construction, Inc., Allen Paladino, Registered Agent, Faulkner County  
Regulated Storage Tanks Division, \$1,500.00 proposed penalty

Tim Wilson, Crittenden County, Regulated Storage Tanks Division, \$937.50 proposed  
penalty

**NOTICE OF VIOLATION AND PERMIT REVOCATION**

Foy and Judy Brown d/b/a Green Grow Disposal, Sebastian County, Water Division,  
\$2,400.00 proposed penalty

Dated this 10th day of March 2010  
Teresa Marks, Director  
Arkansas Department of Environmental Quality

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## ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

### NOTICE OF ENFORCEMENT ACTIONS

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### CONSENT ADMINISTRATIVE ORDERS

Craighead County Solid Waste Disposal Authority /The City of Jonesboro, Craighead County, Solid Waste Division, No Penalty

Costner Excavating, Inc. Cleburne County, Mining Division, \$750.00 Penalty

Crane Composites, Inc., Craighead County, Hazardous Waste Division, \$2,656.25 Penalty

Dewayne Curry, Individually d/b/a A & S Aircraft Painting, a/k/a Contract Painting, LLC, Polk County, Hazardous Waste Division, \$1,200.00 Penalty

GEO Specialty Chemicals, Inc., Pulaski County, Air Division, \$2,100.00 Penalty

Greg Aleshire, Polk County, NPDES/Water Division, \$3,400.00 Penalty

Maverick Tube, LLC, Mississippi County, Air Division, \$4,905.00 Penalty

Prime-Line, Inc, Hot Spring County, Air Division \$34,256.25 Penalty

R & R Real Estate, LLC / Mr. Robert Sartin, Craighead County, Mining Division  
\$750.00 Penalty

Thomas & Betts, Craighead County, Air Division \$18,000.00 Penalty

TRC Solutions, Inc., Pulaski County, Hazardous Waste, No Penalty

William L. Johnson Co. Inc., Crittenden County, Water Division, \$3,600.00

### **NOTICE OF VIOLATION**

Files Sanders, Individually, Jefferson County, Solid Waste Division, \$18,958.00  
proposed penalty

Monty Joe Bramblett, Independence County, Air Division, \$4,050.00 proposed penalty

### **NOTICE OF PERMIT APPEAL RESOLUTION**

Georgia-Pacific Wood Products South, LLC / Gurdon Plywood and Lumber  
Complex, Clark County, NPDES/Water Division, No Penalty

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

CCS Energy Services, LLC / Frank's No. 1 Commercial Saltwater Disposal Well,  
Columbia County, Hazardous Waste Division, No Penalty

Regions Financial Corporation / Regions Bank Building, Crittenden County, Hazardous  
Waste Division, No Penalty

City of Pine Bluff, Jefferson County, Hazardous Waste Division, No Penalty

Dated this 26th day of March 2010  
Teresa Marks, Director  
Arkansas Department of Environmental Quality

File: E:\PublicNotices\PubNot March2010.doc

**ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION**

**QUARTERLY REPORT TO ARKANSAS LEGISLATIVE COUNCIL**

**e**

**ON RULEMAKING ACTIVITIES**

**Months In Quarter:** January, February, and March 2010.

**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. 6, Regulations for State Administration of the National Pollutant Discharge Elimination System (NPDES) Third-Party Rulemaking; Docket No. 08-003-R.

**a. Amendment Proposed By:** Central Arkansas Water ("CAW").

**b. Description:** CAW filed its request to initiate third-party rulemaking on February 22, 2008. CAW is proposing amendments to Regulation No. 6 to add a new section to the regulation to prohibit discharges of wastewater, except stormwater discharges permitted under the NPDES stormwater discharge program, into Lake Maumelle.

The Commission initiated the rulemaking process on March 28, 2008, and no decision has been made.

**c. Justification:** Proposed changes are necessary because direct surface wastewater discharges were found to pose the greatest threat to the quality of the water and studies show that if any direct wastewater discharges are allowed into the lake it will be impossible to meet lake water quality standards.

**d. Economic Impact:** CAW states that there is no cost to the agency to implement the regulation.

**e. Environmental Benefit Analysis:** No environmental benefit analysis is required for this regulation.

**3. Regulation Number and Name:** Regulation No. 33, Motor Vehicle Racing Facility Regulation; Docket No. 09-002-R.

**a. Amendment Proposed By:** Arkansas Department of Environmental Quality ("ADEQ").

**b. Description:** ADEQ filed its request to initiate rulemaking on August 14, 2009. Regulation No. 33 proposed regulatory amendments involve incorporating changes made by Act 1287 of 2009. These changes define the necessary requirements for racing facilities to apply for an initial annual permit from ADEQ.

The Commission initiated the rulemaking process on August 28, 2009, and no decision has been made.

**c. Justification:** These amendments to Regulation No. 33 ensure that the regulation is consistent with Arkansas law.

**d. Economic Impact:** In accordance with Regulation No. 8, the proposed changes to Regulation No. 33 do not require an economic impact/environmental analysis because the proposed changes incorporate language of an Arkansas statute without substantive change and make de minimis changes.

**e. Environmental Benefit Analysis:** In accordance with Regulation No. 8, the proposed changes to Regulation No. 33 do not require an economic impact/environmental analysis because the proposed changes incorporate language of an Arkansas statute without substantive change and make de minimis changes.

**4. Regulation Number and Name:** Regulation No. 2, Third-Party Rulemaking - McGeorge Contracting Co., Inc; Docket No. 09-003-R.

**a. Amendment Proposed By:** McGeorge Contracting Co. Inc ("McGeorge Contracting").

**b. Description:** McGeorge Contracting filed its request to initiate third-party rulemaking on August 25, 2009. McGeorge Contracting is requesting a modification of the Arkansas Water Quality Standards set forth in Regulation No. 2. McGeorge requests modification of the sulfate and total dissolved minerals (TDS) dissolved mineral water quality criteria for McGeorge Creek to its confluence with Willow Springs Branch, Little Fourche Creek between confluences with Willow Springs Branch and Fourche Creek.

The Commission initiated the rulemaking process on October 23, 2009, and no decision has been made.

**c. Justification:** The proposed rulemaking will enable McGeorge Contracting to continue discharging sulfate and TDS through Outfalls 001 and 002 at the same levels as have traditionally been discharged.

**d. Economic Impact:** There are no economic effects of the proposed rule. Adoption of the proposed rule will enable

McGeorge to continue operations as they have traditionally been conducted.

**e. Environmental Benefit Analysis:** The rule ensures that water quality criteria necessary and appropriate to preserve designated uses will be maintained.

**5. Regulation Number and Name:** Regulation No. 18, Air Pollution Control Code; Docket No. 09-004-R.

**a. Amendment Proposed By:** Arkansas Department of Environmental Quality ("ADEQ").

**b. Description:** ADEQ filed its request to initiate rulemaking on September 1, 2009. The proposed regulatory amendments to Regulation No. 18 seek to clarify the administrative process necessary to obtain ADEQ's authorization to conduct open burning and to resolve inconsistency in the language used for such practices within different sections of Chapter 6. The changes will help clarify for the citizens' of Arkansas what is needed to obtain permission to conduct open burning and is consistent with the procedures regarding open burning.

The Commission initiated the rulemaking process on September 25, 2009, and no decision has been made.

**c. Justification:** The changes will help clarify for the citizens' of Arkansas what is needed to obtain permission to conduct open burning and is consistent with the procedures regarding open burning.

**d. Economic Impact:** It is not expected that any facility will experience an increase or decrease in costs due to the proposed rule. ADEQ also expects to incur no new costs to implement this rule. The proposed changes reflect practices currently in use by the ADEQ and will not result in a change from the current economic impact.

**e. Environmental Benefit Analysis:** The proposed changes to the open burning provisions also clarifies the administrative procedures for open burning and informs businesses and citizens in Arkansas about administrative requirements regarding open burning.



**6. Regulation Number and Name:** Regulation No. 23, Hazardous Waste Management; Docket No. 09-005-R.

**a. Amendment Proposed By:** Arkansas Department of Environmental Quality ("ADEQ").

**b. Description:** ADEQ filed its request to initiate rulemaking on September 1, 2009. The U.S. Environmental Protection Agency has promulgated specific changes to the hazardous waste management regulations published in the Federal Register between December 31, 2007, and June 30, 2009, which affect the hazardous waste management program implemented by the Department pursuant to the Hazardous Waste Management Act and the Commission's Regulation No. 23.

The Commission initiated the rulemaking process on September 25, 2009, and no decision has been made.

**c. Justification:** These amendments to Regulation No. 23 ensure that the regulation is consistent with Arkansas law.

**d. Economic Impact:** No economic impact is created by the state-initiated revisions in this proposed rulemaking.

**e. Environmental Benefit Analysis:** Arkansas businesses will continue to benefit from a regulatory environment that is equivalent to the corresponding Federal requirements, and effective in ensuring that hazardous wastes and similar regulated materials are managed in an environmentally safe manner.

**7. Regulation Number and Name:** Regulation No. 30, Arkansas Hazardous Substances Remedial Action Trust Fund Site Priority List; Docket No. 09-006-R.

**a. Amendment Proposed By:** Arkansas Department of Environmental Quality ("ADEQ").

**b. Description:** ADEQ filed its request to initiate rulemaking on October 8, 2009. Proposed changes to Regulation 30 include the deletion of six sites which no longer require remedial action from the Priority List and the addition of four

**10. Regulation Number and Name:** Regulation No. 6, Regulations for State Administration of the National Pollutant Discharge Elimination System (NPES); Docket No. 10-003-R.

**a. Amendment Proposed By:** Arkansas Department of Environmental Quality ("ADEQ").

**b. Description:** ADEQ filed its request to initiate rulemaking on March 16, 2010. Proposed changes to Regulation 6 will create a permit-by-rule to authorize construction for individual treatment facilities generating less than 1000 gallons of domestic waste per day.

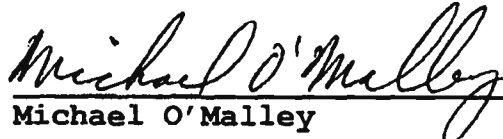
The Commission initiated the rulemaking process on March 26, 2010, and no decision has been made.

**c. Justification:** These amendments to Regulation No. 6 will authorize construction of previously approved systems under certain conditions, rather than through the permit process for individual construction permits, which requires opportunity for full public participation, including public notice and a thirty day comment period.

**d. Economic Impact:** The actual number of affected entities will depend on the number of entities seeking to construct this type of individual treatment facility.

**e. Environmental Benefit Analysis:** This proposed rule offers a streamlined process for entities to obtain permit coverage to install treatment facilities that have been approved by ADEQ as protective of water quality. The efficiency of this process will encourage entities to choose those treatment facilities that have been reviewed and approved by ADEQ.

4-5-10  
Date

  
Michael O'Malley  
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 =01-01-10 - 03-31-10

b

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Unknown	Short-Term Authority	Total
AIR									
	G	General Operating Permit	\$ 9,800 49	\$ 1,400 7					\$ 11,200 56
	LC	Late Charge (Air LC)	\$ 1,474 13						\$ 1,474 13
	MS	Minor Source (Air MS)	\$ 100,978 90	\$ 5,779 5		\$ 5,193 12			\$ 111,950 107
	R3	Air Reg 18.315							\$ - 0
	T5	Title 5 (Air T5)	\$ 1,284,758 49	\$ 21,198 3		\$ 7,159 6			\$ 1,313,115 58
	LC	Late Charge (Air T5)	\$ 3,173 3						\$ 3,173 3
AIR TOTAL			\$ 1,400,183 \$ 204	\$ 28,377 \$ 15	\$ - \$ -	\$ 12,352 18	\$ - \$ -	\$ - \$ -	\$ 1,440,912 \$ 237
SOLID WASTE									
	1	Class I Landfill	\$ 36,000 6			\$ 3,000 1			\$ 39,000 7
	3C	Class III commercial (SW 3C)							\$ - \$ -
	3T	Class III Tire Monofill (SW 3T)							\$ - 0
	3N	Class III Non-commercial	9,000 3			2,000 1			\$ 11,000 4
	4	Class IV Landfill	4,000 8						\$ 4,000 8

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

Figures generated from ADEQ Permit Data System. Date range =01-01-10 - 03-31-10

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Unknown	Short-Term Authority	Total
	CO	Composting Organic Waste (Solid Waste CO)	\$ 450 1			450 1			\$ 900 2
	CL	Closed Facility (Solid Waste CL)	\$ 1,500 3						\$ 1,500 3
	CY	Composting Yard Waste (Solid Waste CY)	\$ 1,800 4	\$ 900 1					\$ 2,700 5
	P	Postclosure Fee (Solid Waste P)	\$ 2,000 4						\$ 2,000 4
	TS	Transfer Station or MRF	\$ 9,000 20						\$ 9,000 20
	WR	Solid Waste Recovery	\$ 900 2						\$ 900 2
	LC	Late Charge (Solid Waste LC)	\$ 990 4						\$ 990 4
SOLID WASTE TOTAL			65,640 55	900 1	0 0	5,450 3		0 0	71,990 59

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

Figures generated from ADEQ Permit Data System. Date range =01-01-10 - 03-31-10

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Unknown	Short-Term Authority	Total
WATER - NPDES									
	N-A	NPDES Agricultural (Minor With Toxic)	\$ 33,671 6			\$ 4,000 1			\$ 37,671 7
	N-B	NPDES Saltwater (Minor Without Toxic)	\$ 158,910 131	\$ 1,014 4		\$ 2,800 1			\$ 162,724 136
	N-C	NPDES Cooling Water				\$ 2,000 1			\$ 2,000 1
	N-G	NPDES Coal Mining (converted)							\$ - 0
	N-G2	NPDES Coal Mining							\$ - 0
	N-G3	NPDES Sanitary Landfill Run-off	\$ 4,100 11	\$ 400 1					\$ 4,500 12
	N-G5	NPDES Bulk Petroleum Storage	\$ 3,133 8						\$ 3,133 8
	N-G6	NPDES Individual Home Treatment	\$ 600 3	\$ 200 1		\$ 200 1			\$ 1,000 5
	N-G7	NPDES Water Plant Backwash Filter	\$ 10,000 25						\$ 10,000 25
	N-G8	NPDES Pipeline Hydrostatic Test	\$ 517 3	\$ 17,000 11					\$ 17,517 14

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

Figures generated from ADEQ Permit Data System. Date range =01-01-10 - 03-31-10

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Unknown	Short-Term Authority	Total
	N-G9	NPDES Car/truck Wash Facility	\$ 1,000 5						\$ 1,000 5
	N-GA	Ground Water Clean-Up (Water-NPDES GA)	\$ 1,000 2						\$ 1,000 2
	N-GB	Laundromat (Water-NPDES GB)							\$ - 0
	N-GC	Sand and Gravel (Water-NPDES GC)	\$ 2,000 10	\$ 600 3					\$ 2,600 13
	N-GE	Cooling Towers; Tower & Boiler Blowdown (Water-NPDES GE)	\$ 400 2						\$ 400 2
	N-J	NPDES Major Non-municipal,	\$ 75,000 5						\$ 75,000 5
	N-K	NPDES Major Non-municipal, MRAT 80-100	\$ 23,598 3						\$ 23,598 3
	N-L	NPDES Discretionary Major	\$ 22,000 2						\$ 22,000 2
	LC	Late Charge(Water-NPDES LC)	\$ 2,921 16						\$ 2,921 16
	LS	Late Charge (Storm Water)	\$ 1,203 61						\$ 1,203 61
	N-M	NPDES Major Municipal	\$ 141,816 17						\$ 141,816 17

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

Figures generated from ADEQ Permit Data System. Date range =01-01-10 - 03-31-10

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Unknown	Short-Term Authority	Total
	NO-EX	No-Exposure Certification (Water-NPDES	\$ 7,534 38						\$ 7,534 38
	N-O	NPDES Minor Aquatic Animal Prod	\$ 2,500 1						\$ 2,500 1
	N-P	NPDES Minor Variable Discharge	\$ 3,300 11	\$ 2,100 7					\$ 5,400 18
	N-Q	NPDES Construction Permit		\$ 2,800 11					\$ 2,800 11
	N-R1	NPDES Stormwater Manufacturing	\$ 50,783 255						\$ 50,783 255
	N-R2	NPDES Stormwater Construction	\$ 34,717 174	\$ 11,800 59					\$ 46,517 233
	R4	NPDES Stormwater: MSF Phase II	\$ 200 1						\$ 200 1
	Z	Interim Authority							0 0 0
<b>WATER NPDES TOTAL</b>			580,903 790	35,914 97	0 0	9,000 4	0 0	0 0	625,817 891
<b>STATE WATER PERMITS</b>	ST	Short-Term Authorization							\$ - 0
	S-D	Confined Animal or Small Sep	\$ 16,640 83	\$ 200 1		\$ 200 1			\$ 17,040 85
	S-E	State Permits Branch Commercial or	\$ 29,580 60	\$ 3,500 7		\$ 500 1			\$ 33,580 68
	S-F	Industrial Sludge App							\$ - 0

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

Figures generated from ADEQ Permit Data System. Date range =01-01-10 - 03-31-10

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Unknown	Short-Term Authority	Total
	S-G1	State Permits Branch Confined	\$ 100 1						\$ 100 1
	S-H	Salt Water Disposal (SPB H)	\$ 23,000 92	\$ 250 1		\$ 2,500 10			\$ 25,750 103
	GLA	Oil & Gas Land Application		11,500 23					\$ 11,500 23
	GP	Oil & Gas Pits		60,400 196					\$ 60,400 196
	S-I	POTW Non-NPDES Land App	\$ 500 1						\$ 500 1
	LC	Late Charge(Water-SPB LC)	\$ 760 28						\$ 760 28
	Z	Interim Authority (Water-SPB Z)							\$ - 0
	ST	Short-Term Authorization (Water-SPB ST)		\$ 200 1				\$ 21,800 109	\$ 22,000 110
WATER - STATE PERMIT TOTALS			\$ 70,580 \$ 265	\$ 76,050 \$ 229	\$ - \$ -	\$ 3,200 \$ 12		\$ 21,800 \$ 109	\$ 171,630 \$ 615
	U-1	State Permits Branch UIC - Class I	\$ 60,000 4						\$ 60,000 4
	Z	Interim Authority							\$ - 0
UIC TOTALS			\$ 60,000 4	\$ - 0	\$ - 0	\$ - 0		\$ - 0	\$ 60,000 4
TOTAL			\$ 2,177,306 1318	\$ 141,241 342	\$ - 0	\$ 30,002 37	\$ - 0	\$ 21,800 109	\$ 2,370,349 1806



# ADEQ REVENUE FROM PERMIT FEES AND LICENSES

All figures generated 04/06/10, based on active invoices. Date range = 01/01/10 - 03/31/10

Invoice Identifier	Fee Code	Description	Fund	Collections
RST - Tank Installer Licenses	RST	Tank installer licenses	SRS0000	2,900.00
TKS - Storage Tank Fees	TKS	Storage Tank Fees		27,422.50
ASB - Asbestos Licenses	ASB	Asbestos Licenses	SAC0000	33,500.00
LED - Individual Licenses - Lead	LED	Individual Licenses	MPL0000	435.00
CCL - Contractors Licenses - Lead	CCL	Contractors Licenses	MPL0000	2,400.00
			SAC0000	73,133.40
HWD - HW Permits	HWD	Hazardous Waste Permits	SHW0000	289,031.60
TRF - Transfer Facilities	TRF	Transfer Facilities		
HWL- HW Licenses	HWL	HW Licenses		1,150.00
SFF - Superfund	HWD	Superfund permit fees	THS0000	13.50
			MEE0000	1.50
LAB - Lab Certification Fees	LAB	Lab Certification Fees	HMA0100	17,730.00
MPS - Mining Fees	MPS	Non-coal mining permit Fees	HMA0100	46,995.30
		Coal Mining Permit Fees	MAF0000	
		Quarry Permit Fees	TLR0000	2,500.00
MBL - Mining Fees	MBL	Blaster Permits	MAF0000	30.00
DCO - Dump Control Officers	DCO	Dump Control Officer Licenses	TPE0000	100.00
SWL - Sanitary Landfill Operators	SWL	Sanitary Landfill Operator Licenses		5,105.00
TTL - Waste Tire Licenses	TTL	Waste Tire Licenses		5,580.00
TPF - Waste Tire Facilities	TPF	Waste Tire Facilities		1,025.00
MER - Mercury Switches	MER	Mercury Switches	TWS0100	2,525.00
SWF - Municipal Landfills	SWF	Municipal Landfill Fees	TWS0100	279,579.71
			TWS0200	1,557,437.87
			TLP0100	
ILF - Industrial Landfills	ILF	Industrial Landfill Fees	TWS0100	3,200.89
			TWS0200	9,434.22
			SMB0000	4,211.70
WWL - Wastewater Licenses	WWL	Waste Water Operator Licenses	MWW0000	7,710.00
Total				2,373,152.19