

# ADEQ

ARKANSAS  
Department of Environmental Quality

July 9, 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 April 1, 2010 through June 30, 2010. If you have any questions, please contact Karen Bassett at (501) 682-0959.

Sincerely,



Teresa Marks  
Director

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

5301 NORTHSHORE DRIVE / NORTH LITTLE ROCK / ARKANSAS 72118-5317 / TELEPHONE 501-682-0744 / FAX 501-682-0880  
[www.adeq.state.ar.us](http://www.adeq.state.ar.us)

AIR DIVISION

As of: 6/30/2010

State Fiscal Quarter 4th FY2010

Air Permits/Category

Major Title V 206  
Minor 935

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Permits Pending- By Category/Facility

MAJOR TITLE V					
CSN	DATE APPLICATION RECEIVED	FACILITY	PERMIT TYPE	Days Pending	Reason Code
3900023	4/18/06	Corp of Engineers - W.G. Huxtable Pumping Station	TITLE V	1534	3
1800120	12/7/2009	The Premcor Refining Group, Inc. - West Memphis Terminal	TITLE V	205	3
1600199	12/7/2009	Craighead County Solid Waste Disposal Authority	TITLE V	205	5
3500116	12/16/2009	US Army Pine Bluff Arsenal	TITLE V	196	5
4700493	12/18/2009	Skyline Steel, LLC	TITLE V	194	3
1400028	12/18/2009	Albemarle Corporation - South Plant	TITLE V	194	2
0500066	1/4/2010	Tankinetics, Inc.	TITLE V	177	3
4200088	1/6/2010	CenterPoint Energy Gas Transmission Company - Dunn Compressor	TITLE V	175	6
3500116	1/15/2010	US Army, Pine Bluff Arsenal	TITLE V	166	5
2600022	1/19/2010	Triumph Fabrications Hot Springs	TITLE V	162	5
4100002	1/19/2010	Domtar A.W., LLC	TITLE V	162	2
3200036	1/20/2010	FutureFuel Chemical Company	TITLE V	161	2
6300010	1/20/2010	Almatis, Inc.	TITLE V	161	5
3500116	1/28/2010	US Army, Pine Bluff Arsenal	TITLE V	153	5
1000005	2/1/2010	Georgia-Pacific Wood Products South, LLC	TITLE V	149	5
3600015	2/1/2010	Greenville Tube Company	TITLE V	149	6
3500116	2/3/2010	US Army, Pine Bluff Arsenal	TITLE V	147	5
4700115	2/3/2010	Viskase Companies, Inc.	TITLE V	147	6
4100002	2/5/2010	Domtar A. W. LLC	TITLE V	145	2
7200205	2/18/2010	Kawneer Company, Inc.	TITLE V	132	7
6300155	2/19/2010	Saline County Regional Solid Waste Management District Landfill	TITLE V	131	2
1400028	2/19/2010	Albemarle Corporation - South Plant	TITLE V	131	2
4200088	2/22/2010	CenterPoint Energy Gas Transmission Company - Dunn Compressor	TITLE V	128	6
3000081	2/23/2010	CenterPoint Energy - Malvern Compressor Station	TITLE V	127	2
3500016	2/23/2010	Evergreen Packaging	TITLE V	127	3
6600041	2/24/2010	Baldor Electric Company	TITLE V	126	2
3200014	2/25/2010	Arkansas Lime Company	TITLE V	125	2
2300294	2/26/2010	Steele Plastics	TITLE V	124	3
1000005	3/1/2010	Georgia Pacific Wood Products South LLC	TITLE V	121	5
7000543	3/5/2010	Union Power Station	TITLE V	117	5
7000543	3/8/2010	Union Power Station	TITLE V	114	5
7000480	3/8/2010	Del-Tin Fiber LLC	TITLE V	114	3
0200013	3/10/2010	Georgia Pacific - Crossett Paper	TITLE V	112	2
7200054	3/12/2010	American Tubing, Incorporated	TITLE V	110	6
4700233	3/17/2010	Nucor Corporation ((Nucor Steel Arkansas)	TITLE V	105	5
5800011	3/22/2010	The Dow Chemical Company	TITLE V	100	5
3500116	3/25/2010	US Army, Pine Bluff Arsenal	TITLE V	97	5
0200065	3/30/2010	CenterPoint Energy-Mississippi River Trans Corp. Fountain Hill Comp	TITLE V	92	3
2800251	3/30/2010	American Railcar Industries, Inc.	TITLE V	92	5
0400213	3/31/2010	Preformed Line Products Company	TITLE V	91	2
4100002	3/31/2010	Domtar A.W., LLC	TITLE V	91	2
7000016	4/1/2010	Lion Oil Company	TITLE V	90	3
7000037	4/2/2010	Great Lakes Chemical Corporation - South Plant	TITLE V	89	5
0400247	4/5/2010	Mid America Cabinets, Inc.	TITLE V	86	5
5200035	4/7/2010	Anthony Timberlands, Inc.	TITLE V	84	7
3500116	4/8/2010	US Army, Pine Bluff Arsenal	TITLE V	83	5
2700002	4/13/2010	West Fraiser, Inc. - Leola Lumber Mill	TITLE V	78	2
3500213	4/14/2010	Berenfield Containers (SW) Ltd	TITLE V	77	6
0700033	4/22/2010	Easterline Armtec Countermeasures	TITLE V	69	3
7000012	5/3/2010	Great Lakes Chemical Corporation - Central Plant	TITLE V	58	5
4700233	5/4/2010	Nucor Corporation (Nucor Steel, Arkansas)	TITLE V	57	5
4100001	5/6/2010	Ash Grove Cement Company	TITLE V	55	2
2400014	5/7/2010	SGL Carbon, LLC	TITLE V	54	3

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MINOR					
CSN	DATE APPLICATION RECEIVED	FACILITY	PERMIT TYPE	Days Pending	Reason Code
4700931	2/9/2009	PZO Operating Company, LLC	MINOR	506	5
4200056	4/28/2009	Tyson Foods, Inc. - River Valley Animal Foods	MINOR	428	5
7001287	9/10/2009	Shaw Mid-States Pipe Fabricating, Inc.	MINOR	293	5
5400013	10/5/2009	ADM Grain Company	MINOR	268	3
4300024	11/2/2009	Remington Arms Company, Inc.	MINOR	240	2
3300263	11/9/2009	Evergreen Processing, LLC - Twin Mountain Project	MINOR	233	5
2100079	11/23/2009	SAF-Holland USA, Inc.	MINOR	219	6
4700493	12/2/2009	Skyline Steel, LLC	MINOR	210	3
6000579	12/4/2009	Enterprise Refined Products Company, LLC-North Little Rock Terminal	MINOR	208	7
1400721	12/22/2009	W2Oil, Inc.	MINOR	190	7
2400427	1/14/2010	CenterPoint Energy Field Services, Inc. - Cecil Dehydrator	MINOR	167	7
6300094	1/15/2010	Rineco	MINOR	166	8
1800146	1/20/2010	TETRA Chemicals West Memphis	MINOR	161	5
0400240	1/21/2010	Razorback LLC - Rogers Terminal	MINOR	160	5
6900298	1/25/2010	Sparkman Wood Pellet Company	MINOR	156	2
6600050	2/1/2010	Trane U.S. Inc.	MINOR	149	5
6600050	2/1/2010	Trane U.S. Inc.	MINOR	149	5
1200477	2/3/2010	DayStar I.T.R., Inc.	MINOR	147	2
7200002	3/2/2010	Cargill Inc. Turkey Processing Facility	MINOR	120	3
7001294	3/3/2010	TETRA Technologies, Inc.	MINOR	119	6
0100025	3/4/2010	Producers Rice Mill	MINOR	118	5
5000006	3/15/2010	Firestone Building Products, Inc.	MINOR	107	6
5600074	3/19/2010	Columbia Forest Products	MINOR	103	5
6600641	4/1/2010	Comer Mine No. 2	MINOR	90	6
1800230	4/5/2010	Statewide Steel & Wire, LLC	MINOR	86	5
7001302	4/5/2010	E.I. duPont de Nemours & Co., El Dorado Plant	MINOR	86	2
2200007	4/13/2010	JP Price Lumber Company and Sawmill	MINOR	78	2
0500080	4/13/2010	Pace Industries, Inc., Harrison	MINOR	78	2
2100121	4/23/2010	Joernes Healthcare Inc. dba Akin Industries, Inc.	MINOR	68	6
6001801	4/28/2010	Lexicon, Incorporated	MINOR	63	2
6000578	4/30/2010	L'Oreal USA Products, Inc.	MINOR	61	7
3700005	5/3/2010	Bonanza Creek Energy Resources, LLC	MINOR	58	6
0700022	5/12/2010	Lockheed Martin Missiles & Fire Control, Camden Ops	MINOR	49	3
2800002	5/12/2010	Emerson Electric Company - Motor Division	MINOR	49	5
6200012	5/13/2010	Riceland Foods, Inc. - Wheatley	MINOR	48	8

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:	6/30/2010
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State Fiscal Quarter	Fourth
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### Hazardous Waste Management Permits

Post-Closure:	5
Hazardous Waste Management:	14

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Applications Pending	4
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Type/Name	Permit No.	Days Pending	Reason Code
Permit Modification/Clean Harbors/Add Tanks	10H-RN1	146	6
Permit Modification/Clean Harbors/Waste Analysis Changes	10H-RN1	22	2
Permit Modification/PBCDF/Metal Feed Rate Changes	29H-RN1	126	6
Permit Modification/Aerojet/Add New Fixtures	8H-RN1	114	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: 6/30/2010

State Fiscal Quarter 4th FY10

## Mining Division Permits/Category

Coal Mining		Open-Cut Mining	
Active	7	Sand and Gravel	130
Exploratory		Clay	41
		Shale	20
		In-Stream	8
		Soil	29
		Other	12
Coal Total	7	Open-Cut Total	240
Total Mining Permits	247		

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## Permits Pending- By Category/Facility

COAL MINING	Days Pending	Reason Code
OPEN-CUT MINING	Days Pending	Reason Code
Mountain View Ready Mix	538	2
Turman Construction, Inc.	463	3
Bo Hinchey	335	2
Arklatex Materials	224	5
Cross County Materials	224	3
Susan Evans	222	2
Geo Specialities Minerals	209	3
Select Concrete Company	190	3
ABC Ready Mix, Inc.	175	3
Cannon Contracting	159	5
Hanson	148	3
Hanson	148	5
Hanson	148	5
Guy King and Sons	92	2
Guy King and Sons	90	2
Les Rogers, Inc.	65	2
Alvin Crabtree and Son	63	1
Jimmy Jones Red Dirt Co.	61	1

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: 6/30/2010

State Fiscal Quarter 4

## 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	9
Transfer Station/WRFs	86

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## Permits Pending- By Category/Facility

Class 1 Landfill Apps/Mods	Days Pending	Reason Code
WCA - Rolling Meadows Expansion	1062	3
Craighead County Major Mod	533	2
BFI Class 1 Landfill	477	3
NABORS Class 1 Minor Mod	509	3
City of Conway Class 1	208	3
Class 3 Landfill Apps/Mods	Days Pending	Reason Code
SWEPCO Class 3N Initial (Turk Site)	646	3
SWEPCO Class 3N Major Mod (Flint Creek Site)	1728	7
Entergy Independence	1308	2
Entergy White Bluff	411	2
Class 4 Landfill Apps/Mods	Days Pending	Reason Code
City of Conway Permit Application	1669	3
Cleburne County Class 4	366	3
Union Co. Class 4	771	3
Northeast AR RSWMD	469	7
Mississippi County Class 4	175	3
Compost Facility Apps/Mods	Days Pending	Reason Code
Union County Compost Y	742	3
Bentonville Compost	370	2
City of Eureka Springs Compost	498	5
CDMRF Apps/Mods	Days Pending	Reason Code
Union County Material Recovery Facility	742	3
Tire Processing Facility Apps/Mods	Days Pending	Reason Code
Ash Grove Cement TP	643	7
Transfer Station Apps/Mods	Days Pending	Reason Code
WRF Apps/Mods	Days Pending	Reason Code

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### 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:

As of:	7/1/2010
State Fiscal Quarter	4

### No Discharge Permits

Agriculture	319
Industrial	1818
Salt Water Disposal	527
Municipal	45
Domestic	7
Underground Injection Control (UIC)	8

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### Permits Pending

Facility (Permit Number)	Days Pending	Reason Code
FutureFuel Chemical Company (5082-W)	63	4
Larry Deaton (5080-W)	87	4
Southern Mud Company, LLC (5077-W)	188	7
Triple Transportation, Inc. (5075-W)	207	2
Plummerville Land Farm, Inc. (5057-W)	280	5
Capstone Oilfield Disposal of Arkansas, LLC (5056-W)	318	9
Capstone Oilfield Disposal of Arkansas, LLC (5058-W)	347	9

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### 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.)

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Permits Pending- By Category/Facility

Q4 SFY 2010

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0000752		El Dorado Chemical Company	1276	8
AR0049743		El Dorado Water Utilities	988	8
AR0035386		FutureFuel Chemical Company	757	7
AR0001171		Chemtura Corporation d/b/a Great Lakes Chemical Corporation - Central Plant	721	8
AR0022063		City of Springdale	646	4
AR0034291	Hot Springs Village POA	Mill Creek Wastewater Treatment Plant	611	4
AR0000647	Lion Oil Company	El Dorado Refinery	520	8
AR0035769		City of Waldron	510	2
AR0001210	Georgia-Pacific LLC	Crossett Paper Operations	486	7
AR0022004		City of Huntsville	454	7
AR0044547		City of Haskell	423	6
AR0038482		Tyson Foods, Inc. - Waldron	423	2
AR0037800		Clean Harbors El Dorado, LLC	415	4
AR0003018	Tyson Foods, Inc.	Grannis Processing Facility	393	2
AR0039284	Hot Springs Village POA	Cedar Creek WWTP	393	4
AR0049123	Jim Yeager	d/b/a Yeager Apartments	384	5
AR0021822		City of Monticello - West Plant	351	6
AR0020125		City of Perryville	328	2
AR0021326	Tyson Foods, Inc.	Hope Processing Plant	325	7
AR0000914	Potlatch Land and Lumber, LLC	Warren Lumber	323	7
AR0046418		Bonanza Creek Energy Resources, LLC-McKamie Plant	307	6
AR0038288	North Little Rock Wastewater Utility	White Oak Bayou	301	2
AR0034347		City of Sheridan	300	7
AR0001899		Unimin Corporation - Guion Facility	296	2
AR0046566	City of Walnut Ridge	Walnut Ridge Wastewater Treatment Plant	296	2
AR0044598	Pulaski County Special School District	Bayou Meto Elementary School Treatment Facility	286	7
AR0021768	City Corporation	Russellville Water and Sewer System	272	2
AR0051349		Tucker Lumber Co., LLC	272	2
AR0022250		City of Dermott - South Pond	267	2
AR0051357	Environmental Solutions & Services, Inc.	Drilling Fluid Wastewater Treatment Plant	262	2
AR0034258		Village Wastewater Company, Inc. (North)	251	7
AR0049042		Owen Creek Wastewater Plant	238	2
AR0047911		J. W. Black Lumber Company	233	2
AR0000841	Arkansas Electric Cooperative Corporation	John L. McClellan Generating Station	230	7
AR0022446		City of Fisher	230	2
AR0051012M	Mars Petcare U.S., Inc.	Mars Petcare U.S., Inc.	230	7
AR0000400	Arkansas Electric Cooperative Corporation	Carl E. Bailey Generating Station	211	6
AR0051233		Town of Marie - Marie Water Works	203	8
AR0051446		Craig Spengler RV Park	199	5
AR0046981		Hedger Aggregate, Inc.	196	7
AR0051136	Southwestern Electric Power Company	John W. Turk, Jr. Power Plant	195	5
AR0039896		City of Wabbaseka	192	2
AR0037249		Holiday Island Suburban Improvement District	190	2
AR0037907	City Water and Light of the City of Jonesboro (CWL)	Westside Wastewater Treatment Plant	185	2
AR0043923	Weyerhaeuser NR Company	Emerson Division	175	2
AR0051471	Dean's Enterprises dba	Porky's One Stop	164	6
AR0050300		Oasis Trading Co., LLC	162	7
AR0051519	Construction Waste Management, Inc.	Class IV Landfill	161	2

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Permits Pending- By Category/Facility

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Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0051411	White River District Regional Solid Waste Management District	dba White River District Recycling and Reclamation Class 3T Landfill	160	5
AR0051578	Allied Services, LLC	American Disposal Bella Vista Transfer Station	156	5
AR0038784		City of Aubrey	156	2
AR0048046		Rogers Lumber Company, Inc.	155	2
AR0001970	Evergreen Packaging, Inc.	Pine Bluff Mill	153	2
ARG500051C	White Horse Rider Sand, Inc.	Mine #1	150	5
AR0050687C		Hillside Bayou, L.L.C.	146	5
AR0021857		City of Paris	146	2
AR0051608	Springdale Iron & Metal	dba Lowell Iron & Metal	146	3
AR0022284		City of Humphrey	146	2
AR0037761		Liberty Baptist Association - d/b/a Beech Springs Baptist Camp	146	7
AR0021890		City of Brinkley	142	7
AR0034771		City of Altheimer	139	2
AR0049557M	Dynegy, Inc. dba Dynegy Services Plum Point, LLC	Plum Point Energy Station Dynegy Services Plum Point, LLC	136	2
AR0021628		City of Imboden	136	2
AR0047830		Johnsville Company, LLC	135	2
AR0050270		Almatis, Inc.	134	5
AR0051535		Nitron Industries, Inc.	132	5
AR0051632		Carter Building Supply, Inc.	128	5
ARG640172C	Independence-Jackson Water Association	dba Jackson County Treatment Facility	127	7
AR0051616C	Northeast Arkansas Public Water Authority (NEAPWA)	Water Treatment Plant	122	6
AR0051616	Northeast Arkansas Public Water Authority (NEAPWA)	Water Treatment Plant	122	6
AR0051594	Oilfield Compliance Solutions, LLC	Central Arkansas Disposal	118	5
AR0049352	U.S. Department of Agriculture	dba Aquaculture Research Service USDA-ARS	118	5
ARS000002		City of Little Rock and Arkansas Highway Department	118	2
AR0051551		Select Concrete Company, LLC	115	5
AR0049212	Butterball, LLC	Alix Feed Mill	115	5
AR0040096		City of Wilmar	115	2
AR0051560		Select Concrete Company, LLC	115	5
AR0049140	Union Power Partners, L.P.	Union Power Station	115	5
AR0050431	Southern Hills, LLC	dba Blackstone Residential Development	115	3
AR0051713	City of Haskell	North Wastewater Treatment Plant	114	6
AR0051713C	City of Haskell	North Wastewater Treatment Plant	114	5
AR0047813		Oak Manor Water & Wastewater Public Facility Board	112	5
AR0045977		Nucor Steel-Arkansas	112	5
AR0021393		City of Cherry Valley	112	2
AR0033588		City of Parkin	111	5
AR0020036		City of Melbourne	108	2
AR0045128		McClards 270 West Shopping Center	108	5
AR0036790		Garlock Rubber Technologies / Division of EnPro Industries, Inc.	104	5
ARG500056C		Fouke Aggregate, LLC	104	5
AR0047856		Shields Wood Products, Inc.	97	5
AR0048747	City of Clinton	West Wastewater Treatment Facility	97	5
AR0048836	City of Clinton	East Wastewater Treatment Facility	97	5
AR0050474		Coreslab Structures (Arkansas), Inc.	90	5
AR0047546	Anthony Timberlands, Inc.	Beirne Facility	90	5
AR0044172		Westwood Village Sewer Facilities Board	90	5
AR0037567M		Van Buren-Lee Creek Industrial Park	90	6

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Permits Pending- By Category/Facility

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Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0051756	Southwestern Energy	SWN Damascus Camp	90	2
AR0051772		Blue Bird Sand, LLC	87	5
AR0051764		Construction Waste Management, Inc. Class IV Landfill	87	5
AR0050482		Victory Lumber, LLC	87	5
AR0050393		Waterview Estates, POA	87	5
AR0045071		MAPCO Express, Inc. MAPCO Express #3059	87	2
AR0020621		City of Bradley	83	6
AR0051799	Westbrook Development, LLC	Dollar General	83	5
AR0037745		Little Rock Zoological Gardens	83	5
AR0040355		City of Portia	83	7
AR0021610		City of Watson	77	5
AR0049191		Cricket Creek RV Estates	76	5
AR0051748	Evergreen Processing, LLC	Twin Mountain Quarry	73	5
AR0039268		Tyson Foods, Inc.-Clarksville	73	5
AR0050806C	The Arkansas Conference Association of Seventh Day Adventists	d/b/a Camp Yorktown Bay	70	2
AR0001163C		Remington Arms Company, Inc.	70	2
ARG160043C	L&W Environmental, LLC	Pulaski County Recycling & Disposal Class 4 Landfill	70	7
AR0044270C	Arkansas State Highway and Transportation Dept.-District 7	Gurdon Rest Area	70	2
AR0044733		Cedarwood Leisure Park, LLC	69	2
AR0047597		City of Oil Trough	69	2
AR0050253	Fritts Construction, Inc.	Hayden's Place Subdivision	69	2
AR0049115	Parc Magic Springs, LLC	dba Magic Springs & Crystal Falls	62	5
AR0001601		Delta Natural Kraft, LLC	59	5
AR0044059		Carroll Electric Cooperative Corporation	56	5
AR0023833		City of Gravette	56	5
AR0043613		City of Magnolia-Big Creek WWTP	52	5
AR0045063	APAC-Central, Inc.	dba Preston Quarry	50	5
AR0001341	APAC-Central Inc.	dba Van Buren Sand	50	5
AR0039381		City of Grady	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

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Permit Number	Owner Name	Facility Name
AR0000523		Stratcor, Inc.
AR0046698C	West Fraser, Inc.	Leola Lumber Mill
AR0001791		Dixie Consumer Products, LLC
AR0038008		City of Ulm
AR0020044		City of Taylor
AR0021211		City of Mountain Home WWTP
AR0021229		City of Newark
AR0022268		City of Huttig
AR0041602		Suburbia Sewer Improvement District #1
AR0046311	Rogers Group, Inc.	Cabot Quarry
AR0022390		City of Gillett
AR0034029		City of Hamburg
AR0034606		City of Calico Rock
AR0034754		City of Keiser
AR0036552		Bekaert Corporation
AR0037419		City of Huntington
AR0043893	Pulaski County Special School District	Robinson High School
AR0044041		Cross County High School
		Heinke Road Property Owners Sewer Improvement District No. 34
AR0044393		
AR0044610	Pulaski County Special School District	d/b/a Landmark Elementary School Treatment Facility
		Saline County Waterworks and Sanitary Sewer Public Facilities Board
AR0044881		Nimocks Oil Company
AR0044890		Doublebees Store No. 111
AR0044997	BHT Investment Company, Inc.	City of Sherwood - South Facility
AR0045608		West Fraser, Inc. - South
AR0046116		Pine Haven Mobile Lodge
AR0047350		dba Pathway Campground
AR0047431	Church of God in Arkansas	Beryl Quarry
AR0047520	Rogers Group, Inc.	Flushing Meadows Water Treatment, Inc.
AR0048879		Cushman Sawmill, Inc.
AR0049069		Blytheville Works
AR0049166	TMK - Ipsco Tubulars, Inc.	Concord Water and Sewer Public Facilities Board of Crawford County, AR
AR0050938C		Royal View Properties, LLC
AR0051209	Royal View Properties, LLC	Hoskyn Mine
AR0051306	Hoskyn Enterprises, Inc.	Ronda Razo
ARG550337C		City of Rosebud Sewer Improvements Phase 1
AR0051403C	Nealey of Northwest Arkansas	Joseph Franz Home
ARG550320C	Joseph Franz	City of Rosebud Sewer Improvements Phase 1
AR0051403	Nealey of Northwest Arkansas	Thomas B. Fitzhugh Generating Station
AR0001759	Arkansas Electric Cooperative Corporation	John L. McClellan Generating Station
		John L. McClellan Generating Station
AR0000841C	Arkansas Electric Cooperative Corporation	Jennifer Hubanks
ARG550332C	Jennifer Hubanks	China Café
AR0051373	Judy Surret	
AR0051420	Southern Mud Company, Limited Liability Company	Southern Mud Company, Limited Liability Company
ARG550333C		Rick Shuffield
AR0021806M		Little Rock Wastewater - Adams Field WWTP
ARG550319C	J.E. Via	J.E. Via
AR0040177M	Little Rock Wastewater	Fourche Creek Wastewater Treatment Plant
AR0051497		Johnson's Metal Recyclers, Inc.
AR0051489		W2 Oil, Inc.
ARG550329C	Cornerstone Business Advisors, LLC	Cornerstone Business Advisors, LLC - Fred Wood
ARG550321C		John Miller

## MEMORANDUM

**DATE:** July 7, 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 April 1, 2010 through June 30, 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 71.

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, 2010 through June 30, 2010.

Type of Enforcement Action	Defendant	Geographic Location
Filing Fee	Jerry Davis	Washington County Circuit Court
Filing Fee	Merinda Lansdale	Fayetteville District Court
Filing Fee	Best Petroleum	Craighead County District Court
Filing Fee	Chris Headrick	Camden County District Court
Filing Fee	Jimmie Schwede	Prairie County Circuit Court
Filing Fee	Drum Sand & Gravel	Poinsett County Circuit Court
Filing Fee	Files Sanders	Jefferson County Circuit Court

Filing Fee                      John Harrod                      Bradley County Circuit Court

Filing Fee                      Mel Ewart                      Pulaski 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 April 1, 2010 through June 30, 2010

Civil Penalties Collected                      \$209,477.97

Supplemental  
Environmental Projects  
Verified                      \$0.00

## **ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **NOTICE OF ENFORCEMENT ACTIONS**

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### **CONSENT ADMINISTRATIVE ORDERS**

Ayrshire Electronics of Arkansas, LLC, Washington County, Air Division, \$2,500.00  
Penalty

BFI Waste Systems of Arkansas, LLC, Model Fill Landfill, Pulaski County, Air Division, \$2,257.50 Penalty

Jonesboro City Water & Light, Craighead County, Air Division, \$1,075.00 Penalty

Shaw Mid States Pipe Fabricating, Inc., Union County, Air Division, \$2,207.25 Penalty

Valley Tank Testing, LLC, Paul Kane Registered Agent, Poinsett County, Regulated Storage Tanks Division, \$750.00 Penalty

### **NOTICE OF VIOLATION**

Jody Corpier, Individually and d/b/a/ Waterworld Coin Laundry, Cleburne County, \$1,200.00 proposed penalty

MW Properties, LLC, Pulaski County, NPDES/Water Division, \$23,700.00 proposed penalty

Dated this 10th day of April 2010

Teresa Marks, Director

Arkansas Department of Environmental Quality

File: E:\PublicNotices\PubNot.April2010.doc

## **ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **NOTICE OF ENFORCEMENT ACTIONS**

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accordance with applicable regulations and sent to the Commission Secretary, 101 East Capitol, Suite 205, Little Rock, Arkansas 72201.

### **CONSENT ADMINISTRATIVE ORDERS**

Arkansas Western Gas Company-Davis Compressor Station, Franklin County, Air Division, \$537.50 Penalty

Hogeye Manufacturing Co., Inc., dba Hogeye Pallet Co., Inc., Washington County, Air Division, \$4,650.00 Penalty

Mayflower Aggregates, LLC, Faulkner County, NPDES/Water Division, \$22,900.00 Penalty

Paladino Construction, Inc., Allen Paladino, Registered Agent, Faulkner County, Regulated Storage Tanks Division, \$1,000.00 Penalty

Reynolds Metals Company, Gum Springs Plant, Clark County, Hazardous Waste Division, \$10,000.00 Penalty

Riceland Foods, Inc.- Hickory Ridge, Cross County, Air Division, \$990.00 Penalty

### **DEFAULT ADMINISTRATIVE ORDER**

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

### **NOTICE OF VIOLATION**

Debra Fain, Craighead County, NPDES/Water Division, \$7,600.00 Penalty

Dated this 25th day of April 2010  
Teresa Marks, Director  
Arkansas Department of Environmental Quality

File: E:\PublicNotices\PubNot.April2010.doc

## **ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **NOTICE OF ENFORCEMENT ACTIONS**

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### **CONSENT ADMINISTRATIVE ORDERS**

Arkansas Midstream Gas Services Corporation –Judsonia Compressor Station, White County, Air Division, \$1,400.00 Penalty

City of Conway, Tab Townsell, Mayor, Faulkner County, Regulated Storage Tanks Division, \$2,000.00 Penalty

City of Dyess, Mississippi County, NPDES/Water Division, \$2,400.00 Penalty

City of Perryville, Perry County, NPDES/Water Division, \$2,400.00 Penalty

Eaton-Moery Environmental Services, Inc., Class 3T Landfill, Solid Waste Management Division, Cross County, No Penalty

McKee Foods Corporation, Benton County, Air Division, \$1,348.88 Penalty

Watson Sawmill Incorporated, Union County, Air Division, \$2,723.44 Penalty

XTO Energy, Inc, Cleburne County, Water Division, \$2,600.0 Penalty

### **NOTICE OF VIOLATION**

Deverso Wright, Individually, Pulaski County, Solid Waste Division, \$14,000.00 proposed penalty

Durand Robinson, d/b/a Durand Robinson Lawn Maintenance and Landscaping, LLC,  
Pulaski County, Air Division, \$4,725.00 proposed penalty

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

Eaton Hydraulics, LLC, White County, Hazardous Waste Division, No Penalty

Dated this 10th day of May 2010  
Teresa Marks, Director  
Arkansas Department of Environmental Quality  
File: E:\PublicNotices\PubNot.May2010.doc

## **ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **NOTICE OF ENFORCEMENT ACTIONS**

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### **CONSENT ADMINISTRATIVE ORDERS**

ADM Grain Company, Arkansas County, Air Division, \$6,210.00 Penalty

Arkansas Midstream Gas Services Corp.- Twin Groves Compressor Station, Faulkner County, Air Division, \$2,282.50 Penalty

City Corporation Russellville Water and Sewer System, Pope County, NPDES/Water Division, \$2,400.00 Penalty

Construction Waste Management, Inc., D/B/A Construction Waste Management, LLC, Pulaski County, Solid Waste Division, No Penalty

Master Made Tanks, Inc., Logan County, NPDES/Water Division, \$1,500.00 Penalty

Northwest Paving Company, Inc., Benton County, NPDES/Water Division, \$4,200.00 Penalty

Randel Miller, Craighead County, NPDES/Water Division, \$5,000.00 Penalty

Tire Curing Bladders, LLC, Pulaski County, Hazardous Waste Division/Water Division, \$1,700.00 Penalty

Transmontaigne Partners LP, d/b/a Razorback, LLC, Benton County, Hazardous Waste Division, No Penalty

Wishbone, Inc, dba Tri-Oaks, ATTN: Jim Bone, Registered Agent, Cleburne County, Regulated Storage Tanks Division, \$3,000.00 Penalty

#### **NOTICE OF VIOLATION**

CPI Holdings, LLC, Hempstead County, Hazardous Waste Division, \$18,800.00 proposed penalty

Hopeful Properties, LLC, Hempstead County, Hazardous Waste Division, \$8,000.00 proposed penalty

#### **NOTICE OF VIOLATION AND PERMIT REVOCATION**

Foy and Judy Brown, d.b.a. Green Grow Disposal, Yell County, Water Division, No Penalty

#### **DEFAULT ADMINISTRATIVE ORDER**

MDB Hospitality, LLC, By and through its Registered Agent, Charles Davidson, Pulaski County, NPDES/Water Division \$17,000.00 Penalty

Dated this 25th day of May 2010  
Teresa Marks, Director

## **ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **NOTICE OF ENFORCEMENT ACTIONS**

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### **CONSENT ADMINISTRATIVE ORDERS**

Emerson Electric Co., Independence County, Hazardous Waste Division, No Penalty

KGen Hot Spring LLC, Hot Spring County, Air Division, \$2,282.50 Penalty

Kroger Limited Partnership I, c/o Corporation Service Company, Registered Agent, Pulaski County, Regulated Storage Tanks Division, \$5,250.00 Penalty

Les Rogers, Inc., Washington County, Mining Division, \$11,000.00 Penalty

U.S. Army Pine Bluff Arsenal, U.S. Army Chemical Materials Agency, Washington Demilitarization Company, Jefferson County, Hazardous Waste Division, \$5,000.00 Penalty

VisionQuest Development, Inc, Clark County, Hazardous Waste Division, No Penalty

### **NOTICE OF VIOLATION**

MW Properties, LLC, d/b/a The Ridge Estates Subdivision, Pulaski County,  
NPDES/Water Division, \$23,700.00 Proposed Penalty

### **DEFAULT ADMINISTRATIVE ORDER**

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

### **NOTICE OF VIOLATION AND PERMIT REVOCATION**

City of Lepanto by and through the Honorable Kevin Right, Mayor, Poinsett County,  
Water Division, \$220.00 for payment of 2009 permit fees

Lifestyle Communities, LLC by and through its Registered Agent Mr. Tony Merideth,  
Pulaski County, Water Division, \$220.00 for payment of 2009 permit fees

Dated this 10 day of June 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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accordance with applicable regulations and sent to the Commission Secretary, 101 East Capitol, Suite 205, Little Rock, Arkansas 72201.

### **CONSENT ADMINISTRATIVE ORDERS**

Anthony Forest Products Company – Urbana Mill, Union County, Air Division, Penalty \$1,666.25

Boyce Hinchey, Cross County, Water Division, Penalty \$2,240.00

City of Fort Smith, Sebastian County, Water/NPDES Division, Penalty \$2,000.00

Cannon Contracting, Inc. Jefferson County, Water/NPDES Division Penalty \$3,300.00

Davis Iron and Metal, Inc. Crawford County, Air Division, Penalty \$1,440.00

Gammill Oil Co. Inc., d/b/a Hill Top Country Market, Stone County, Regulated Storage Tanks Division, Penalty \$750.00

Northwood Creek, LLC, Pulaski County, Water/NPDES Division, Penalty \$1,400.00

R&R Dirt Works, Inc., Carroll County, Mining Division, Penalty \$750.00

Roll Coater, Inc., Mississippi County, Air Division, Penalty \$1,716.75

Skyline Steel Fabrication, LLC, Mississippi County, Air Division, Penalty \$2,700.00

Terra Renewal Services, Inc., Jefferson County, Water Division, Penalty \$1,100.00

Townsend Newark Feed Mill, Independence County, Air Division, Penalty \$10,856.25

Virco MFG. Corporation, Faulkner County, Air Division, Penalty \$1,080.00

Northwest Arkansas Conservation Authority, Benton County, Water/NPDES, Penalty \$8,200.00

### **NOTICE OF VIOLATION**

Allied Services of Arkansas, LLC, The Corporation Company, Registered Agent, Benton County, Regulated Storage Tanks Division, Proposed Penalty \$3,000.00

B.E.R.T. Stores, Inc. d/b/a Gravette Shop & Go, c/o Thomas E. Smith, Registered Agent, Benton County Regulated Storage Tanks Division, Proposed Penalty \$9,000.00

Randy West, Individually, Baxter County, Solid Waste Management Division, Proposed Penalty \$7,500.00

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

QUARTERLY REPORT TO ARKANSAS LEGISLATIVE COUNCIL

e

ON RULEMAKING ACTIVITIES

**Months In Quarter:** April, May, and June 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) Central Arkansas Water 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 adopted the amendments on May 27, 2010.

**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 adopted the amendments on May 27, 2010.

**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 adopted the amendments on April 23, 2010.

**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 adopted the amendments on April 23, 2010.

**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 new locations for investigation, characterization and remedial action.

The Commission adopted the amendments on April 23, 2010.

**c. Justification:** These amendments to Regulation No. 30 establishes the State Hazardous Substances Site Priority List, which identifies Arkansas locations with hazardous substance issues which have been authorized to for funding by the state Hazardous Substances Remedial Action Trust fund for assessment and possible remedial action.

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

**e. Environmental Benefit Analysis:** This list identifies Arkansas locations with hazardous substance issues and provides funding for assessment and possible remedial action.

**8. Regulation Number and Name:** Regulation No. 21, Arkansas Asbestos Abatement Regulation; Docket No. 10-001-R.

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

**b. Description:** ADEQ filed its request to initiate rulemaking on February 11, 2010. Proposed changes to Regulation 21 include requirement of air monitoring for asbestos fibers to be conducted before, during, and after a project, require that air monitoring be conducted by an independent third party who is not an agent of the firm doing the renovation, require photos of individuals seeking asbestos training certification and increases reporting requirements from training providers, formatting revisions, and addition of clarifying language to regulation definitions.

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

**c. Justification:** The proposed changes will reduce asbestos fibers entering the atmosphere, resulting in a decrease in morbidity and premature death. Making the proposed change will improve the overall effectiveness and enforceability of asbestos abatement regulation, and help ensure the proper training and efficient certification of asbestos workers in the state.

**d. Economic Impact:** The monitoring requirements will have a total average annual economic impact of \$873,000 per year. This cost per renovation will vary with the length of job. The proposed regulation revisions will not result in any increase cost to ADEQ in manpower and associated resources.

**e. Environmental Benefit Analysis:** The proposed changes will help ensure that asbestos fibers are not being released into the environment, and will improve the overall effectiveness and enforceability of asbestos abatement regulation.

**9. Regulation Number and Name:** Regulation No. 2, Regulation Establishing Water quality Standards for Surface Waters of the State of Arkansas; Docket No. 10-002-R.

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

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

The Commission initiated the rulemaking process on May 27, 2010, and no decision has been made.

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

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

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

**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.

**11. Regulation Number and Name:** Regulation No. 2, City Water and Light Plant of the City of Jonesboro Third-Party Rulemaking; Docket No. 10-004-R.

**a. Amendment Proposed By:** City Water & Light Plant of the City of Jonesboro ("JCWL").

**b. Description:** JCWL filed its request to initiate rulemaking on April 9, 2010. JCWL proposes to revise Regulation 2 by changing the water quality standards for three streams which eventually receive the municipal wastewater discharge from JCWL's West Plant, which discharges to an unnamed tributary to Big Creek.

The Commission initiated the rulemaking process on April 23, 2010, and no decision has been made.

**c. Justification:** This proposed rule will allow CWL to continue to serve the public, be in compliance with its NPDES permit and continue to protect the aquatic life designated uses of the affected streams.

**d. Economic Impact:** There are no economic effects of the proposed rule. Only City Water and Light Plant of the City of Jonesboro is affected by this proposed rule.

**e. Environmental Benefit Analysis:** The Use Attainability Analysis supporting JCWL's requested modifications established that the requested changes will be protective of, and have no adverse effect on, the aquatic life communities in the affected streams.

**12. Regulation Number and Name:** Regulation No. 2, Umetco Minerals Corporation Third-Party Rulemaking; Docket No. 10-005-R.

**a. Amendment Proposed By:** Umetco Minerals Corporation ("Umetco").

**b. Description:** Umetco filed its request to initiate rulemaking on June 14, 2010. Umetco seeks to amend the existing site specific mineral quality criteria for Wilson Creek and to remove the domestic drinking water supply use designation for Wilson Creek.


The Commission initiated the rulemaking process on June 25, 2010, and no decision has been made.

**c. Justification:** This proposed rule will allow Umetco to continue to serve the public, be in compliance with its NPDES permit and continue to protect the aquatic life designated uses of the affected streams.

**d. Economic Impact:** There are no net economic effects of the proposed rule from current conditions because the rule simply adjusts dissolved mineral criteria to reflect current conditions. .

e. **Environmental Benefit Analysis:** The Use Attainability Analysis indicates that the current TDS, chloride and sulfate concentrations in Wilson Creek supports attainable aquatic life uses and site specific water quality criteria for minerals are justified.

\_\_\_\_\_  
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 =04-01-10 - 06-30-10

b

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Unknown	Short-Term Authority	Total
<b>AIR</b>									
	G	General Operating Permit	\$ 14,267 72	\$ 800 4					\$ 15,067 76
	LC	Late Charge (Air LC)	\$ 604 8						\$ 604 8
	MS	Minor Source (Air MS)	\$ 105,170 88	\$ 2,719 5		\$ 5,972 14			\$ 113,861 107
	MV RF	Motor Vehicle Racing Facility (Air MVRF)	400 2						400 2
	R3	Air Reg 18.315	800 4						\$ 800 4
	T5	Title 5 (Air T5)	\$ 529,922 31			\$ 14,157 12			\$ 544,079 43
	LC	Late Charge (Air T5)	\$ 1,712 1						\$ 1,712 1
<b>AIR TOTAL</b>			\$ 652,875 \$ 206	\$ 3,519 \$ 9	\$ - \$ -	\$ 20,129 \$ 26	\$ - \$ -	\$ - \$ -	\$ 676,523 \$ 241
<b>SOLID WASTE</b>									
	1	Class I Landfill	\$ 24,000 4	\$ 3,000 1		\$ 6,000 2			\$ 33,000 7
	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

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

Figures generated from ADEQ Permit Data System. Date range =04-01-10 - 06-30-10

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Unknown	Short-Term Authority	Total
	4	Class IV Landfill	3,000 6			1,000 1			\$ 4,000 7
	CO	Composting Organic Waste (Solid Waste CO)							\$ - 0
	CL	Closed Facility (Solid Waste CL)							\$ - 0
	CY	Composting Yard Waste (Solid Waste CY)	\$ 1,350 3						\$ 1,350 3
	P	Postclosure Fee (Solid Waste P)							\$ - 0
	TS	Transfer Station or MRF	\$ 10,800 24						\$ 10,800 24
	WR	Solid Waste Recovery	\$ 1,350 3						\$ 1,350 3
	LC	Late Charge (Solid Waste LC)							\$ - 0
SOLID WASTE TOTAL			43,500 41	3,000 1	0 0	7,000 3		0 0	53,500 45

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

Figures generated from ADEQ Permit Data System. Date range =04-01-10 - 06-30-10

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Unknown	Short-Term Authority	Total
WATER - NPDES									
	N-A	NPDES Agricultural (Minor With Toxic)	\$ 20,652 4						\$ 20,652 4
	N-B	NPDES Saltwater (Minor Without Toxic)	\$ 124,585 126	\$ 5,337 7		\$ 2,318 2			\$ 132,240 135
	N-C	NPDES Cooling Water	\$ 1,138 1						\$ 1,138 1
	N-G	NPDES Coal Mining (converted)							\$ - 0
	N-G2	NPDES Coal Mining							\$ - 0
	N-G3	NPDES Sanitary Landfill Run-off	\$ 2,000 5						\$ 2,000 5
	N-G5	NPDES Bulk Petroleum Storage	\$ 4,400 11	\$ 400 1					\$ 4,800 12
	N-G6	NPDES Individual Home Treatment	\$ 800 4	\$ 400 2					\$ 1,200 6
	N-G7	NPDES Water Plant Backwash Filter	\$ 10,400 26						\$ 10,400 26
	N-G8	NPDES Pipeline Hydrostatic Test	\$ 1,200 6	\$ 6,200 31					\$ 7,400 37

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

Figures generated from ADEQ Permit Data System. Date range =04-01-10 - 06-30-10

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Unknown	Short-Term Authority	Total
	N-G9	NPDES Car/truck Wash Facility	\$ 800 4						\$ 800 4
	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,	\$ 30,000 2						\$ 30,000 2
	N-K	NPDES Major Non-municipal, MRAT 80-100							\$ - 0
	N-L	NPDES Discretionary Major							\$ - 0
	LC	Late Charge(Water-NPDES LC)	\$ 989 13						\$ 989 13
	LS	Late Charge (Storm Water)	\$ 1,190 58						\$ 1,190 58
	N-M	NPDES Major Municipal	\$ 68,575 8			\$ 4,340 1			\$ 72,915 9

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

Figures generated from ADEQ Permit Data System. Date range =04-01-10 - 06-30-10

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Unknown	Short-Term Authority	Total
	NO-EX	No-Exposure Certification (Water-NPDES	\$ 3,000	\$ 800					\$ 3,800
			15	4					19
	N-O	NPDES Minor Aquatic Animal Prod	\$ 2,500						\$ 2,500
			1						1

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

Figures generated from ADEQ Permit Data System. Date range =04-01-10 - 06-30-10

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Unknown	Short-Term Authority	Total
	N-P	NPDES Minor Variable Discharge	\$ 3,600 12	\$ 1,400 5					\$ 5,000 17
	N-Q	NPDES Construction Permit		\$ 4,900 26					\$ 4,900 26
	N-R1	NPDES Stormwater Manufacturing	\$ 51,800 260	\$ 10,200 51					\$ 62,000 311
	N-R2	NPDES Stormwater Construction	\$ 36,000 180	\$ 17,600 88					\$ 53,600 268
	R4	NPDES Stormwater: MSF Phase II	\$ 7,000 35						\$ 7,000 35
	Z	Interim Authority							0 0 0
<b>WATER NPDES TOTAL</b>			373,629 783	48,237 220	0 0	6,658 3	0 0	0 0	428,524 1,006
<b>STATE WATER PERMITS</b>	ST	Short-Term Authorization							\$ - 0
	S-D	Confined Animal or Small Sep	\$ 17,600 88			\$ 800 4			\$ 18,400 92
	S-E	State Permits Branch Commercial or	\$ 22,000 44	\$ 750 2		\$ 1,500 3			\$ 24,250 49
	S-F	Industrial Sludge App							\$ - 0
	S-G1	State Permits Branch Confined	\$ 100 1						\$ 100 1
	S-H	Salt Water Disposal (SPB H)	\$ 30,750 123	\$ 2,000 8		\$ 2,250 9			\$ 35,000 140

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

Figures generated from ADEQ Permit Data System. Date range =04-01-10 - 06-30-10

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Unknown	Short-Term Authority	Total
	GLA	Oil & Gas Land Application		5,000 10					\$ 5,000 10
	GP	Oil & Gas Pits		73,400 244					\$ 73,400 244
	S-I	POTW Non-NPDES Land App	\$ 500 1						\$ 500 1
	LC	Late Charge(Water-SPB LC)	\$ 670 30			\$ 20 1			\$ 690 31
	Z	Interim Authority (Water-SPB Z)							\$ - 0
	ST	Short-Term Authorization (Water-SPB ST)		\$ 600 3				\$ 19,600 98	\$ 20,200 101
WATER - STATE PERMIT TOTALS			\$ 71,620	\$ 81,750	\$ -	\$ 4,570		\$ 19,600	\$ 177,540
			\$ 287	\$ 267	\$ -	\$ 17		\$ 98	\$ 669
	U-1	State Permits Branch UIC - Class I				\$ 1,000 1			\$ 1,000 1
	Z	Interim Authority							\$ - 0
UIC TOTALS			\$ - 0	\$ - 0	\$ - 0	\$ 1,000 1		\$ - 0	\$ 1,000 1
TOTAL			\$ 1,141,624 1317	\$ 136,506 497	\$ - 0	\$ 39,357 50	\$ - 0	\$ 19,600 98	\$ 1,337,087 1962

# ADEQ REVENUE FROM PERMIT FEES AND LICENSES

All figures generated 07/06/10, based on active invoices. Date range = 04/01/10 - 06/30/10

Invoice Identifier	Fee Code	Description	Fund	Collections
RST - Tank Installer Licenses	RST	Tank installer licenses	SRS0000	7,975.00
TKS - Storage Tank Fees	TKS	Storage Tank Fees		770,570.00
ASB - Asbestos Licenses	ASB	Asbestos Licenses	SAC0000	32,105.00
LED - Individual Licenses - Lead	LED	Individual Licenses	MPL0000	3,485.00
CCL - Contractors Licenses - Lead	CCL	Contractors Licenses	MPL0000	6,900.00
			SAC0000	57,566.80
HWD - HW Permits	HWD	Hazardous Waste Permits	SHW0000	161,544.80
TRF - Transfer Facilities	TRF	Transfer Facilities		
HWL- HW Licenses	HWL	HW Licenses		675.00
SFF - Superfund	HWD	Superfund permit fees	THS0000	300,150.00
			MEE0000	33,350.00
LAB - Lab Certification Fees	LAB	Lab Certification Fees	HMA0100	15,200.00
MPS - Mining Fees	MPS	Non-coal mining permit Fees	HMA0100	75,527.13
		Coal Mining Permit Fees	MAF0000	
		Quarry Permit Fees	TLR0000	30,067.50
MBL - Mining Fees	MBL	Blaster Permits	MAF0000	10.00
DCO - Dump Control Officers	DCO	Dump Control Officer Licenses	TPE0000	350.00
SWL - Sanitary Landfill Operators	SWL	Sanitary Landfill Operator Licenses		22,385.00
TTL - Waste Tire Licenses	TTL	Waste Tire Licenses		1,515.00
TPF - Waste Tire Facilities	TPF	Waste Tire Facilities		150.00
MER - Mercury Switches	MER	Mercury Switches	TWS0100	1,592.00
SWF - Municipal Landfills	SWF	Municipal Landfill Fees	TWS0100	280,596.86
			TWS0200	1,556,657.76
			TLP0100	
ILF - Industrial Landfills	ILF	Industrial Landfill Fees	TWS0100	3,080.33
			TWS0200	9,078.78
			SMB0000	4,053.06
WWL - Wastewater Licenses	WWL	Waste Water Operator Licenses	MWW0000	6,140.00
Total				3,380,725.02