

# ADEQ

ARKANSAS  
Department of Environmental Quality

July 14, 2015

Sen. Bill Sample, Co-Chair  
Rep. David Branscum, Co-Chair  
Arkansas Legislative Council  
Room 315, State Capitol Building  
Little Rock, AR 72201

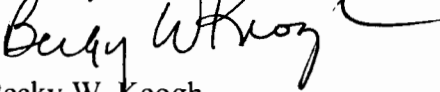
Dear Sen. Sample & Rep. Branscum:

As required in Act 1202 of 2013, 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, 2015 through June 30, 2015. If you have any questions, please contact Ryan Benefield at (501) 682-0959.

Sincerely,



Becky W. Keogh  
Director

Enclosure

AIR DIVISION

As of:	7/1/2015
State Fiscal Quarter	4th qtr. FY 2015
<b>Air Permits/Category</b>	
Major Title V	200
Minor	1032

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<b>Permits Pending- By Category/Facility</b>				
<b>TITLE V</b>				
<b>CSN</b>	<b>Date App</b>	<b>FACILITY NAME</b>	<b>Days</b>	<b>Reason Code</b>
4700202	10/6/2009	Nucor-Yamato Steel Company	2063	6
5500017	11/3/2009	Bean Lumber Company	2038	8
7000037	4/2/2010	Great Lakes Chemical Corporation - South Plant	1912	6
7000012	7/8/2010	Great Lakes Chemical Corporation - Central Plant	1814	5
7000012	4/12/2011	Great Lakes Chemical Corporation - Central Plant	1520	5
7000016	5/27/2011	Lion Oil Company	1483	6
6000003	9/30/2011	3M Company (3M Industrial Mineral Products Division)	1350	3
6000003	7/3/2012	3M Company (3M Industrial Mineral Products Division)	1083	3
0200028	8/6/2012	Georgia-Pacific Chemicals LLC	1055	7
3900023	11/26/2012	U. S. Army Corps of Engineers - W.G. Huxtable Pumping Plant	924	9
6000689	4/24/2013	Arkansas Children's Hospital	777	7
7000012	6/27/2013	Great Lakes Chemical Corporation - Central Plant	669	5
4000041	8/28/2013	Enable Mississippi River Transmission, LLC (Glendale)	663	8
1500573	9/20/2013	DeSoto Gathering Company, LLC - SE Rainbow CPF-2	644	6
2600022	9/17/2013	Triumph Fabrications-Hot Springs, LLC	623	3
1500068	12/2/2013	Enable Gas Transmission, LLC (Round Mountain)	573	3
0200065	1/15/2014	Enable Mississippi River Transmission, LLC (Fountain Hill)	510	3
4300093	1/16/2014	Enable Mississippi River Transmission, LLC (Carlisle)	510	8
5400120	1/16/2014	Enable Gas Transmission, LLC (Helena Compressor)	510	8
1500593	2/5/2014	DeSoto Gathering Company, LLC ( South Rainbow CPF-4)	502	6
7300123	1/28/2014	Texas Eastern Transmission, LP - Bald Knob Compressor	497	6
7300127	2/20/2014	Enable Mississippi River Transmission, LLC (West Point)	491	8
7000480	2/19/2014	Del-Tin Fiber LLC	490	7
4200088	2/26/2014	Enable Gas Transmission, LLC (Dunn Compressor Station)	483	2
4700461	1/27/2014	Plum Point Services Company, LLC - Plum Point Energy	481	6
6100076	3/4/2014	Enable Mississippi River Transmission, LLC (Biggers)	481	9
3400111	1/16/2014	Enable Mississippi River Transmission, LLC (Tuckerman)	468	2
7100315	5/6/2014	DeSoto Gathering Company, LLC - Gravel Hill CPF-2	411	6
6000065	5/6/2014	AFCO Steel, LLC	383	3
1000070	7/15/2014	Anthony Timberlands, Inc.	344	2
7200048	7/7/2014	Ball Metal Food Container Corporation	300	6
6001380	9/16/2014	Arkansas Electric Cooperative Corporation - Harry L. Oswald	278	6
3500025	9/18/2014	Planters Cotton Oil Mill, Inc.	278	6
7000059	9/18/2014	Lycus Limited	264	6
7200205	4/23/2014	Kawneer Company, Inc.	253	5
6300011	9/4/2014	Saint-Gobain Ceramics & Plastics, Inc. (St. Gobain Proppants)	251	5
2700002	12/5/2014	West Fraser, Inc. (Leola Lumber Mill)	202	7
3501477	1/5/2015	Highland Pellets, LLC	174	6
7000040	12/31/2014	El Dorado Chemical Company	168	3
7000032	1/12/2015	Union County Lumber Company - El Dorado Sawmill	167	6

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# MINING DIVISION

As of: 6/30/2015

State Fiscal Quarter 4th FY15

## **Mining Division Permits/Category**

Coal Mining	5	Open-Cut Mining	252
Active	5	Sand and Gravel	150
Exploratory		Clay	31
		Shale	17
		In-Stream	1
		Soil	43
		Other	10
Coal Total	5	Open-Cut Total	252
<b>Total Mining Permits</b>			<b>257</b>

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## **Permits Pending- By Category/Facility**

COAL MINING	Days Pending	Reason Code
Stryton Mininerals & Resources	300	9
OPEN-CUT MINING	Days Pending	Reason Code
Hartsell Farms and Excavating	417	1
Spring Creek Materials	414	4
Kevin Taylor	270	5

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### **Reason Codes:**

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

## SOLID WASTE DIVISION

As of: 6/30/2015

State Fiscal Quarter 4

### Solid Waste Management Permits/Category

Class 1 Landfills	31
Class 3 Landfills	28
Class 4 Landfills	37
Compost Facilities	19
CDMRF	1
Tire Processing Facilities	8
Transfer Station/WRFs	93

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### Permits Pending-By Category/Facility

Class 1 Landfill Apps/Mods	Days Pending	Reason Code
City of Hope Major Mod	221	3
Craighead Co. SWDA Minor Mod	223	3

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Class 3 Landfill Apps/Mods	Days Pending	Reason Code
Domtar Paper Sludge 3N - Minor Mod	300	3
Entergy White Bluff Major Mod	2237	3
White River RSWMD 3T	1573	6
Clearwater Class 3N	159	2

Class 4 Landfill Apps/Mods	Days Pending	Reason Code
Pulaski Co (L&W) Major Mod	627	3
Calhoun Co. Major Mod	224	2
Cleburne Co Major Mod	99	2

Compost Facility Apps/Mods	Days Pending	Reason Code
American Composting	141	5

C&DRF Apps/Mods	Days Pending	Reason Code

Tire Processing Facility Apps/Mods	Days Pending	Reason Code

Transfer Station Apps/Mods	Days Pending	Reason Code

WRF Apps/Mods	Days Pending	Reason Code
Jefferson Co. SWRF #2	489	6

#### 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:

Arkansas Department of Environmental Quality  
 Section 38 Report, Water Division, Q5 SFY 2015  
 Application Pending > 45 days

As of:	6/30/2015
State Fiscal Quarter	4

**Active No-Discharge Permits**

Individual Permits	
Municipal	365
Industrial	408
Stormwater Permits	
Construction	1070
Industrial	1996
Small Municipal Separate Storm Sewer System (MS4)	58
Individual	1
General Permits	
Landfill	34
Non-Contact Cooling Water	11
Aggregate Facilities	49
Individual Treatment	157
Concentrated Animal Feeding Operations	1
Water Treatment	131
Hydrostatic Testing	41
Car Wash	11
Ground Water	8
Pesticide	69
<b>Total</b>	<b>4410</b>

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**Permits Pending Greater than 45 Days**

Permit Number	Permittee	Facility	Days Pending	Reason Code	Additional Information
AR0000752		El Dorado Chemical Company	3101	9	This permit is currently on HOLD due to Mineral Issue. This permit was previously on HOLD awaiting the issuance of a new land application permit. The permits need to be issued at the same time to avoid a lapse in permit coverage. The land application permit has recently been approved to go to Public Notice. This draft permit is currently being updated accordingly prior to sending the permit to Public Notice.
AR0035386		FutureFuel Chemical Company	2582	6	
AR0001171		Great Lakes Chemical Corporation - Central Plant	2546	9	This permit is currently on HOLD due to Mineral Issue. This permit is currently on HOLD. 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.
AR0022063		Springdale Water and Sewer Commission	2471	9	
AR0000647	Lion Oil Company	El Dorado Refinery	2345	9	This permit is currently on HOLD due to Mineral Issue. This permit is currently on HOLD. 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.
AR0050288	City of Fayetteville	West Side Wastewater Treatment Facility	1845	9	

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Permits Pending Greater than 45 Days

Permit Number	Permittee	Facility	Days Pending	Reason Code	Additional Information
AR0043397		City of Rogers	1828	9	This permit is currently on HOLD. 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.
AR0000582	Alcoa Inc.	Arkansas Remediation	1541	9	This permit was on hold due to approval of EIP from EPA and mineral. However, this permit is currently on HOLD due to Mineral Issue and TMDL.
AR0022250		City of Dermott - South Pond	1434	9	This permit is currently on HOLD due to Mineral Issue. This permit is on HOLD, due to upcoming water quality standard changes for minerals. This permit has recently been removed from HOLD in order to move forward with issuance of the permit containing the required mineral limit along with a 3 year Schedule of Compliance to meet the new limit. The permit is currently being drafted to include the appropriate language.
AR0049425	Associated Electric Cooperative, Inc.	Dell Power Plant	1376	9	This permit is currently on HOLD. Due to upcoming water quality standard changes for minerals, this permit is on HOLD until further notice.
AR0002968	Domtar A.W. LLC	Ashdown Mill	1330	9	This permit is currently on HOLD with no plans for issuance. This facility is in the process of routing the City's wastewater to the City of Fayetteville for treatment. Once this connection is completed, this permit will be terminated.
AR0022373		West Fork Wastewater Treatment Plant	1237	9	This permit is currently on HOLD due to Mineral Issue.
AR0034321		City of Harrison	1182	9	This permit is currently on HOLD. Due to upcoming water quality standard changes for minerals, this permit is on HOLD until further notice.
AR0048356	Tyson Poultry, Inc.	River Valley Animal Foods	1176	9	This permit is currently on HOLD. 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.
AR0020273		City of Siloam Springs	1166	9	This permit is currently on HOLD due to Mineral Issue.
AR0021792		City of Berryville	1090	9	This permit is currently on HOLD due to Mineral Issue.
AR0000680		Great Lakes Chemical Corporation - South Plant	1028	9	This permit is currently on HOLD due to Mineral Issue.
AR0034371		City of Portland	945	9	This permit is currently on HOLD due to Mineral Issue.
AR0043508		City of Waldo	924	9	This permit was Public Noticed on March 5, 2015. This permit was PREVIOUSLY on HOLD due to an appeal of the WQMP due to inclusion of TMDL limits. The permit was removed from hold in late July, but was later held to devise appropriate Mercury requirements based on a TMDL. The Department drafted Mercury Minimization Plan requirements to be placed in municipal permits required to meet the Mercury TMDLs and Public Noticed the requirements into the WQMP. Following the Public Notice of the WQMP, the draft permit was revised accordingly and sent to Public Notice. Currently on hold due to Mercury TMDL and certification requirement
AR0049794	Halliburton Energy Services, Inc.	Magcobar Mine Site	902	9	This permit is currently on HOLD due to a CAO and an EIP that is currently under construction.
AR0050857		City of Garland WWTP	852	9	This permit is currently on HOLD due to Mineral Issue.
AR0036498	Benton Utilities	Wastewater Treatment Plant	816	9	This permit is currently on HOLD due to an upcoming revision to a TMDL which contains a mineral limit for this facility.
AR0050989		City of Wilmot	790	9	This permit is currently on HOLD due to Mineral Issue.
AR0050997	City of Parkdale	Parkdale Wastewater Treatment Plant	762	9	This permit is currently on HOLD due to Mineral Issue.
AR0001171M	Great Lakes Chemical Corporation	Central Plant	721	9	This permit is currently on HOLD due to Mineral Issue. This permit is on HOLD, due to upcoming water quality standard changes for minerals based on a Use Attainability Analysis (JAA) being conducted by the permittee. This permit has recently been removed from HOLD in order to move forward with issuance of the permit containing a 5 year Schedule of Compliance to meet either the revised mineral limits based on the UAA or limits required based on the current water quality standards. The permit is currently being drafted to include the appropriate language.
AR0022004		City of Huntsville	623	9	Permit on hold to correct the Fecal conversion factor in the TMDL.
AR0043192		City of Cott	621	9	

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Permits Pending Greater than 45 Days

Permit Number	Permittee	Facility	Days Pending	Reason Code	Additional Information
					This draft permit is in the final stages of review prior to being sent to Public Notice. The final information needed from the permittee to correctly evaluate and permit this facility was not received until 12/19/2014. This permit was sent to EPA for review and approved on 6/12/2014.
AR0022454		City of Greenwood	595	8	This permit took several extra months to review due to information that had to be submitted by the permittee. The facility had to conduct testing for Copper and Zinc which was not submitted with the permit application. In addition during an inspection, it was discovered that the facility was discharging to a Golf Course pond without Department approval. The permittee was required to cease discharging to the Golf Course until the activity could be appropriately permitted. In order to receive Department approval for this discharge, the permittee was required to submit engineering documents and proof that the activity was approved by ADH. It took some time for the facility and the Golf Course to relocate all the documentation.
AR0046477		City of Star City	554	9	This permit was previously drafted without the Mercury requirements based on a TMDL. The permit was subsequently held to devise appropriate Mercury requirements. The Department is currently drafting Mercury Minimization Plan requirements to be placed in municipal permits required to meet the Mercury TMDLs.
AR0033707		City of Tillar	539	9	This permit has been revised accordingly. This permit is currently on HOLD due to Mineral Issue. This permit was previously on HOLD, due to upcoming water quality standard changes for minerals. This permit has recently been removed from HOLD in order to move forward with issuance of the permit containing a variance to the required mineral limits. The permit is currently being drafted to include the approved variance language.
AR0021695		City of Rison	522	9	
AR0042951		City of Ashdown	504	9	This permit is currently on HOLD due to Mineral Issue. This permit has been placed on temporary HOLD until revisions are finalized for a mercury TMDL. Public notice period has ended and permit is currently being finalized.
AR0039659		City of Felsenthal	483	9	Due to the required inclusion of mercury requirements due to a mercury TMDL, this permit was put on HOLD until the WQMP could be updated to include the appropriate requirements. This draft permit is currently undergoing internal review and should go to Public Notice soon.
AR0021440		City of Smackover	482	9	The Public Notice period ended at the end of February. The permittee submitted comments on the draft permit. The response to the comments is currently under in house review along with the final permit.
AR0020001		City of Tuckerman	477	8	

Permits Pending Greater than 45 Days

Permit Number	Permittee	Facility	Days Pending	Reason Code	Additional Information
					condition stating that the facility must obtain the proper permits for disposal of the wastewaters requested to be removed from the NPDES permit. It will need to go to EPA for a 30 day review.
					Shortly after the application was first submitted, the Department requested additional information and clarification on a couple of items. Due to the length of time needed for the permittee to obtain the information, the Department recommended the application be withdrawn and re-submitted once all of the required information could be gathered. The permittee did not submit a request to withdraw the application and later submitted the requested information. Following that submittal, data was requested several times from the permittee. The permittee stated in an e-mail dated 11/14/2014 that they thought they were permitted to dispose of the boiler blowdown, cooling tower blowdown, and steam condensate in the Class V well since those waters were associated with bromine production. On 12/19/2014 the permittee stated that they would be installing a new sanitary sewer treatment plant for the sanitary wastewater but the plans had not yet been finalized. In an e-mail dated 12/30/2014, the permittee stated that the sanitary sewer WWTP would not have a surface discharge.
					The Department could not verify the permittee's claims that the cooling tower blowdown, boiler blowdown, and steam condensate could be disposed of in the Class V well. The permittee was asked for more specific information in an e-mail dated 2/25/2015. A response was received on 3/7/2015. This response was forwarded to EPA Region VI for their review. We received information from EPA on March 13th regarding the disposal of cooling tower blowdown, boiler blowdown, and steam condensate down the Class V well. It was determined that those wastes cannot be disposed of down that well.
AR0043516M	Great Lakes Chemical Corporation	West Plant	459	4	This permit is currently on HOLD. Due to upcoming water quality standard changes for minerals, this permit is on HOLD until further notice.
AR0048691		City of Texarkana-North WWTP	446	9	
AR0038679	Rickey W. Cox	Shady Oaks Mobile Home Park	440	6	This permit was delayed due to revisions to a fecal coliform TMDL.
AR0022179		City of Junction City	426	9	This permit is currently on HOLD due to Mineral Issue.
AR0050202	Destined To Win/Family Outreach Ministry, Inc.	d/b/a Second Chance Ranch	426	9	This permit is currently on HOLD due to Mineral Issue.
AR0020168		City of Stephens	421	9	Original Engineer Review and on Hold due to Mercury TMDL
AR0022225		City of Des Arc	405	8	Model review
AR0033766	Paragould Light, Water, & Cable	Wastewater Treatment Plant	399	8	Multiple routings of the permit due to Total Residual Chlorine and Toxicity calculations.
AR0035939		City of Sparkman	392	6	Original engineer review. Model review
AR0051179		City of Sulphur Springs	392	6	Internal review and model review
AR0034720		City of Hickory Ridge	392	8	Requested facility to provide sludge depth analysis and model review.
AR0050130	Callaghan Creek Property Owners Association, Inc.	Callaghan Creek Subdivision	377	6	Original engineer review. Model review
AR0044423		Jessieville Public School	357	4	On Hold for mercury TMDL and Minerals TMDL
AR0048992	Arkansas State Highway and Transportation Department	District 5 Headquarters	348	4	Facility is required to update their outfall location. Currently the discharge mixes treated effluent with stormwater from the surrounding area.
AR0050261		City of Highland	344	6	Model review
AR0021211		City of Mountain Home WWTP	342	6	Model review
AR0034134		City of Lake City	340	8	Model review.
					This permit was previously on HOLD, due to upcoming water quality standard changes for minerals based on a Use Attainability Analysis (UAA) being conducted by an upstream permittee. This permit has recently been removed from HOLD in order to move forward with issuance of the permit containing a 5 year Schedule of Compliance to meet either the revised mineral limits based on the UAA or limits required based on the current water quality standards. The permit is currently being drafted to include the appropriate language.
AR0034037		City of Yellville	336	9	
AR0021474		City of Beardon	334	9	On Hold for mercury TMDL

Permits Pending Greater than 45 Days

Permit Number	Permittee	Facility	Days Pending	Reason Code	Additional Information
AR0000850		Mountain Valley Spring Company, LLC	328	4	Engineer Review, also worked with the facility to relocate outfall in an effort to grab a representative sample for compliance with the permit. The permit is in route for review
AR00034304		City of Earle	322	4	Model review.
AR00043672		City of Kingsland	316	4	On hold due to Mercury and model review
AR0021806M2	Little Rock Wastewater Utility	Adams Field Wastewater Treatment Plant	314	5	The Department had multiple requests for additional information before the permit could be sent to EPA for review.
AR00047953	Deltic Timber Corporation	Waldo Mill	313	8	208 plan update and was at EPA for 2 months.
AR00051241	Arkansas Department of Parks & Tourism	White Oak Lake State Park	313	4	During renewal they submitted a phosphorus treatment system that required a construction permit. The construction permit was needed to include with the renewal.
AR00043443		City of Sedgwick	312	6	Model review
AR00034029		City of Hamburg	309	9	Hold due to revisions to Mercury TMDL
AR00044580	Fairfield Bay Wastewater Corporation	Lynn Creek WWTP	307	8	Original engineer review.
AR00021555		City of McNeil	307	4	Was on hold due to Mercury TMDL. Received certification this month and the permit is now being routed.
AR00052051C	SEECO, Inc.	Judsonia Water Reuse Recycling Facility	292	8	internal review and communications with the facility for additional information (additional calculations and drawings).
AR00047732		Interior U.S. Inc.	288	9	Currently on hold for Mercury
AR00034126		City of Malvern	288	6	Model review
AR00034550	Arkansas Steel Associates, LLC	Arkansas Steel Associates, LLC	286	5	Engineer Review
AR00044601		Pulaski County Special School District Fuller School Treatment Facility	280	6	Model review. At PN
AR00040118		Country Mountain Inn	278	8	Model review
AR00047261	Chicot Sewer System, LLC	Krestwood Estates Subdivision	267	8	Model review
AR00034169	City of Marianna	Marianna Water & Sewer Commission - Pond A	267	9	On Hold for minerals
AR00034142	City of Marianna	Marianna Water & Sewer Commission - Pond B	267	9	On Hold for minerals
AR00045608		City of Sherwood - South Facility	264	6	Model review
AR00049026		Garland Gaston Lumber Company	259	6	Internal review and engineer review.
AR00035785		City of Horatio	259	8	Model review
AR00047503		Idaho Timber of Carthage, LLC	259	5	Internal review
AR00020044		City of Taylor	253	4	Model Review
AR00044610	Pulaski County Special School District	d/b/a Landmark Elementary School Treatment Facility	251	8	Model review
AR00044890		Nimocks Oil Company, Inc.	249	6	208 plan update
AR00036668		Frit Industries, Inc.	245	5	Internal review and additions to the WQMP
AR00044881		Saline County Waterworks and Sanitary Sewer Public Facilities Board	243	8	Model review
AR00046311	Rogers Group, Inc.	Cabot Quarry	238	4	A site visit is necessary to determine if two ponds on site should be included in the permitting process. Continue to work with the facility to resolve the issue.
AR00037419		City of Huntington	238	6	Model review
AR00047635		Albemarle Corporation-West Plant	229	4	Routed for review. 208 plan update
AR00038270M	Baker Hughes Oilfield Operations	d/b/a Baker Hughes Drilling Fluids - Fancy Hill Operations	228	6	Part of the request was place treatment within waters of the state. Permittee needed to revise specs and plans to meet regulation.
AR00000523		Evrax Stratcor, Inc.	225	4	Routed for review. Permit reassigned.
AR00036447		GEO Specialty Chemicals, Inc.	224	6	Incomplete Application
AR00021741	City of Green Forest	Green Forest Wastewater Treatment Plant	221	4	Routed for review. Model review
AR00043893	Pulaski County Special School District	Robinson High School	217	6	Model review
AR00021229		City of Newark	210	8	Ready for Final
AR00049069		Cushman Sawmill, Inc.	210	6	Model review

Permits Pending Greater than 45 Days

Permit Number	Permittee	Facility	Days Pending	Reason Code	Additional Information
AR0022756		Helena Industries, Inc.	209	5	Meet with Helena several times to discuss a resolution to the submitted Corrective Action Plan.
AR0001759	Arkansas Electric Cooperative Corporation	Thomas B. Fitzhugh Generating Station	209	4	Permit routed for review. Permit includes new federal intake requirements
AR0038008		City of Ulm	207	6	Model review
AR0052469	Mid-River Terminal, LLC	Osceola Dock Terminal	204	6	At Public Notice
AR0052469C	Mid-River Terminal, LLC	Osceola Dock Terminal	204	6	At Public Notice
AR0047431	Church of God in Arkansas	dba Pathway Campground	204	6	At Public Notice
AR0051136C1	Southwestern Electric Power Company	John W. Turk, Jr. Power Plant	203	6	At Public Notice
AR0036552		Bekaert Corporation	202	5	Engineer Review
AR0051471	Sandy J. Dean	Porky's One Stop	200	8	Ready for Final
AR0046116		West Fraser, Inc. (Huttig Mill)	197	6	Model review
AR0049166	TMK - Ipsco Tubulars, Inc.	Blytheville Works	196	8	Ready for Final
AR0052451	Peco Foods, Inc.	Pocahontas	195	4	Routed for Review
AR0044041		Cross County High School	195	4	Correcting Fecal conversion factor for the WLA on the L'Anguille River TMDL
AR0022268		City of Huttig	190	9	On hold due to Mercury
AR0047830		Johnsville Company, LLC	181	4	Permit was on hold due to Mercury.
AR0034606		City of Calico Rock	176	6	At Public Notice
AR0022390		City of Gillett	174	8	Ready for Final
AR0051403		City of Rosebud	174	8	Ready for Final
AR0051713	City of Haskell	North Wastewater Treatment Plant	167	4	On hold due to TMDL for TDS on the Saline River; Need to add to the TMDL
AR0048879		Flushing Meadows Water Treatment, Inc.	167	6	At Public Notice
AR0047597		City of Oil Trough	167	8	Ready for Final
AR0044547		City of Haskell	167	9	On hold due to TMDL for TDS on the Saline River
AR0052477	Trane U.S., Inc.	Trane Residential Solutions - Fort Smith	166	6	At Public Notice
AR0022284		City of Humphrey	161	4	Technical Review by Engineer or Management
AR0020621		City of Bradley	159	4	Technical Review by Engineer or Management
AR0000400	Arkansas Electric Cooperative Corporation	Carl E. Bailey Generating Station	153	4	Permit will require new water intake requirements
AR0037761		Liberty Baptist Association - d/b/a Beech Springs Baptist Camp	153	9	On hold due to Mercury
AR0033839		City of Eudora	153	8	Ready for Final
AR0044393		Heinke Road Property Owners Sewer Improvement District No. 34	153	4	Technical Review by Engineer or Management
AR0051209	Royal View Properties, LLC.	Royal View Properties, LLC	148	6	At Public Notice
AR0047911	Mark Black	J. W. Black Lumber Company	148	5	EPA Review
AR0034754		City of Keiser	147	4	Technical Review by Engineer or Management
AR0022292C		City of Decatur	144	6	At Public Notice
AR0003018	Tyson Foods, Inc.	Grannis Processing Facility	144	5	EPA review
AR0000841	Arkansas Electric Cooperative Corporation	John L. McClellan Generating Station John L. McClellan Generating Station	139	4	Technical Issue (Copper and Temperature Issue)
AR0047872		Robert Floyd Sawmill, Inc.	139	4	Technical Review by Engineer or Management
AR0037249		Holiday Island Suburban Improvement District	126	4	Technical Review by Engineer or Management
AR0021890		City of Brinkley	124	4	Technical Review by Engineer or Management
AR0021890C		City of Brinkley	124	6	
AR0046761		Mapco Express, Inc. #3155	124	4	Technical Review by Engineer or Management
AR0000914	Potlatch Land and Lumber, LLC	Warren Lumber	119	4	Technical Review by Engineer or Management
AR0023850C		City of Mammoth Spring	119	6	At Public Notice
AR0039047		City of Dyess	116	4	Technical Review by Engineer or Management
AR0034258		Village Wastewater Company, Inc. (North)	116	4	Technical Review by Engineer or Management
AR0050300		Oasis Trading Co., LLC	116	8	Ready for Final
AR0035769		City of Waldron	105	4	Technical Review by Engineer or Management
AR0047856		Shields Wood Products, Inc.	105	5	EPA Review

**Permits Pending Greater than 45 Days**

Permit Number	Permittee	Facility	Days Pending	Reason Code	Additional Information
AR0052507C	Union County Lumber Company	El Dorado Mill	104	4	Technical Review by Engineer or Management
AR0052507	Union County Lumber Company	El Dorado Mill	104	4	Technical Review by Engineer or Management
AR0046981		Hedger Aggregate, Inc.	102	4	Technical Review by Engineer or Management
AR0038482	Tyson Poultry, Inc.	- Waldron	98	4	Technical Review by Engineer or Management
AR0039381		City of Grady	98	4	Technical Review by Engineer or Management
AR0051756	Southwestern Energy	SWN Damascus Camp	97	4	Technical Review by Engineer or Management
AR0044181	Randy E. Moody	Wheel Acres	97	4	Technical Review by Engineer or Management
AR0001341	APAC-Central Inc. Northeast Arkansas Public Water Authority (NEAPWA)	dba Van Buren Sand Water Treatment Plant	90	4	Technical Review by Engineer or Management
AR0051616			88	4	Technical Review by Engineer or Management
AR0052493	RLH Construction, LLC	RLH Concrete	88	4	Technical Review by Engineer or Management
AR0045063	APAC-Central, Inc.	dba Preston Quarry	88	4	Technical Review by Engineer or Management
AR0040355		City of Portia	88	4	Technical Review by Engineer or Management
AR0022322	City of Kensett	Water and Sewer Department	88	4	Technical Review by Engineer or Management
AR0037800		Clean Harbors El Dorado, LLC	85	4	Technical Review by Engineer or Management
AR0000591M		Martin Operating Partnership L.P.	82	4	Technical Review by Engineer or Management
AR0038784		City of Aubrey	82	4	Technical Review by Engineer or Management
AR0021768	City Corporation	Russellville Water and Sewer System	82	4	Technical Review by Engineer or Management
AR0038288	North Little Rock Wastewater Utility	White Oak Bayou White Oak Bayou	82	4	Technical Review by Engineer or Management
AR0044695	Hanumanta, LLC	Relax Inn Bonanza Creek Energy Resources, LLC- McKamie Plant	81	4	Technical Review by Engineer or Management
AR0046418			71	4	Technical Review by Engineer or Management
AR0021709C	City of Dierks	City of Dierks WTP	71	4	Technical Review by Engineer or Management
AR0048046		Rogers Lumber Company, Inc.	71	4	Technical Review by Engineer or Management
AR0002917M	Weyerhaeuser NR Company	Dierks Mill	70	4	Technical Review by Engineer or Management
AR0052523	Arkansas Electric Cooperative Corporation	Fulton Generating Station	70	4	Technical Review by Engineer or Management
AR0041602		Suburbia Sewer Improvement District #1	68	4	Technical Review by Engineer or Management
AR0036331M	Entergy Arkansas, Inc.	d/b/a Entergy-White Bluff Plant	63	4	Technical Review by Engineer or Management
AR0044598	Pulaski County Special School District	Facility	60	4	Technical Review by Engineer or Management
AR0034592		Wiederkehr Wine Cellars, Inc.	60	4	Technical Review by Engineer or Management
AR0022101	City of Beebe Water & Sewer Department	City of Beebe	60	4	Technical Review by Engineer or Management
AR0045888C	Arkansas Department of Parks & Tourism -	Cane Creek State Park	60	4	Technical Review by Engineer or Management
AR0045888M	Arkansas Department of Parks & Tourism -	Cane Creek State Park	60	4	Technical Review by Engineer or Management
AR0051349		Tucker Lumber Co., LLC	56	4	Technical Review by Engineer or Management
AR0020036		City of Melbourne	56	4	Technical Review by Engineer or Management
AR0047589		City of Biscoe Wastewater Treatment Facility	56	4	Technical Review by Engineer or Management
AR0049191		Cricket Creek RV Estates	54	4	Technical Review by Engineer or Management
AR0020117C		City of Mountain View	54	6	At Public Notice
AR0043923	Weyerhaeuser NR Company	Emerson Division	49	4	Technical Review by Engineer or Management
AR0021857		City of Paris	49	4	Technical Review by Engineer or Management
AR0020621C		City of Bradley	48	6	At Public Notice

Reason Codes	
1	Reviewing Technical Information
2	Waiting on information from Applicant
3	App. complete; Waiting on close of 1st public comment period
4	Technical Review by Engineer or Management
5	Permit with EPA
6	Draft permit issued; waiting on 30-day comment period
7	Waiting on proof-of-publication of draft permit
8	Final Permit in routing/being prepared

**Permits Pending Greater than 45 Days**

Permit Number	Permittee	Facility	Days Pending	Reason Code	Additional Information
9	Other (i.e. legal, no response from applicant, etc.)				

Arkansas Department of Environmental Quality  
 Section 38 Report, Water Division, for Q4 SFY 2015  
 Permit Application Pending > 45 days

As of:	6/30/2015
State Fiscal Quarter	4

**Active No-Discharge Permits**

Agriculture	255
Industrial	733
Salt Water Disposal	518
Municipal	58
Domestic	8
Underground Injection Control (UIC)	6
<b>Total</b>	<b>1578</b>

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Facility	Permit Number	Days Pending	Reason Code	Additional Information
FutureFuel Chemical Company	5082-W	1890	5	Permit went to draft PN, wait on permittee to submit comments
Nucor-Yamato Steel Company	5007-WR-2	966	5	Permit went to draft PN, wait on permittee to submit additional information for 40 CFR Part 257
Fayetteville Land Application Site	4748-WR-3	722	5	Permit went to draft PN, Responding to comments out side of comment period
Hummingbird Estate	5204-W	689	4	Permit was on hold for FA law, Routing draft permit
Sloan Estates	4837-WR-2	665	7	Waiting on new FA law; ready to route final on 7/22/2015
Elm Springs Treatment Works	4791-WR-3	483	7	Final routing
City of Bethel Heights Treatment Facility	4725-WR-5	377	7	Final routing
Burt's Livestock Land Application Facility	5133-WR-3	325	7	Final & RTC routing; legal review
JM Oilfield Service, Incorporated	5071-WR-1	253	5	PN on 6/3/2015
Salesville Wastewater Treatment Plant	5079-WR-1	216	5	Draft permit at PN
Arkansas Kraft Division	5201-WR-2	204	5	It was ready for PN in March but was put on hold per applicant's request so they can submit additional changes
Pet Solutions, LLC	3778-WR-6	197	7	Final routing
Terra Renewal Services, Inc. - Polk Co.	5238-W	189	1	received p-index application rates, reviewing new information
Cal-Maine Green Forest	3841-WR-2	174	4	Wrong NMP was submitted. Corrected NMP submitted 6/24/2015, draft permit is routing
Villages of Cross Creek	4811-WR-4	165	4	Draft permit being prepared for routing
Gardner Farm	4034-WR-2	162	7	Final routing
Terra Renewal - Independence Co	4906-WR-6	154	7	Final routing
Leola Wastewater Treatment Plant	2947-WR-5	127	5	PN on 7/1/2015
Beebe Wastewater Treatment Facilities	5062-WR-1	126	9	Waiting on ADH approval of land application of treated effluent; incorporate into NPDES permit
Atlas Asphalt, Inc	5231-WR-1	122	5	Draft Permit Issued
Hector School District	4586-WR-3	120	4	Draft Permit in Route
Southern Mud Company, LLC	5077-WR-6	120	4	working on draft permit
Deaton Slaughterhouse	5080-WR-1	119	7	Final routing
Krystine Weum	5242-W	119	5	PN on 6/12/2015
Highway 59 South Sludge Application Site	5211-WR-1	117	5	PN on 6/13/2015
McDonald Farms	3403-WR-3	113	4	working on draft permit
City of Paris Wastewater Treatment Plant	4730-WR-2	106	5	PN on 6/17/2015
Terra Renewal Services, Inc.	4839-WR-6	105	5	waiting on response from newspaper to PN draft
Bertek, Inc	4866-WR-2	93	1	working on draft permit
Duds N Suds	4589-WR-2	90	4	working on draft permit
Legacy Estates WWTF	4890-WR-1	90	1	working on draft permit

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Facility	Permit Number	Days Pending	Reason Code	Additional Information
Nebo Services - White County	5243-W	85	5	PN 6/12/2015
Weyerhaeuser NR Company - Dierks Mill	5182-WR-1	50	1	working on draft permit
Greg Anderson Farm	5202-WR-1	47	1	working on draft permit

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



**Memorandum**

**DATE:** July 1, 2015 d

**TO:** LEGISLATIVE COUNCIL

**FROM:** BECKY W. KEOGH, DIRECTOR  
ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

**RE:** SECTION 38 (a) – (e) of ACT 2012 OF THE 2013 REGULAR  
SESSION OF THE ARKANSAS GENERAL ASSEMBLY

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As provided by Section 38 (a) – (e) of Act 2012 of the 2013 Regular Session, the Arkansas Department of Environmental Quality (“Department”) presents the number and type of administrative enforcement actions initiated by the Department and the geographic location of each violation. This information is contained in the attached copies of the Public Notice for the period of April 1, 2015 through June 30, 2015. 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 39.

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, 2015 through June 30, 2015:

Type of Enforcement Action	Defendant	Geographic Location
Civil Complaint	Recreational Adventures Co. dba Memphis KOA	Crittenden County Circuit Court
Civil Complaint	Washington County Improvement District No. 5	Washington County Circuit Court

The Department presents the total amount of fines and collections from Supplemental Environmental Projects verified by the Department for the period of April 1, 2015 through June 30, 2015:

Civil Penalties Collected      \$88,242.08

Supplemental  
Environmental Projects  
Verified                              \$0.00

**CONSENT ADMINISTRATIVE ORDERS**

USA Truck, Inc. Crittenden County, NPDES/Water Division, Penalty \$400.00, LIS No. 15-039

**DEFAULT ADMINISTRATIVE ORDER**

Kingridge Enterprises, Inc., Hot Spring County, NPDES/Water Division, Penalty \$16,100.00, LIS No. 14-152

Dated this 10<sup>th</sup> day of April 2015  
Becky W. Keogh, Director  
Arkansas Department of Environmental Quality

**CONSENT ADMINISTRATIVE ORDERS**

Baldor Electric Company, Sebastian County, Hazardous Waste Division, Penalty \$7,500.00, LIS No. 15-046

Enable Gas Transmission, LLC-Cove Compressor Station, Polk County, Air Division, Penalty \$400.00, LIS No. 15-043

Magness Oil Company dba Snappy Mart #23, Crittenden County, Air Division, Penalty \$500.00, LIS No. 15-044

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

**LIS 13-042-001**

Walton's 5 &10 Cent Stores, A Partnership, Walton's 5 &10, LLC, Regarding Midtown Shopping Center Site, Benton County, Hazardous Waste Management Division, No Penalty

**AMENDMENT NO. 2 TO CONSENT ADMINISTRATIVE ORDER**

**LIS 06-037-002**

Little Rock Wastewater Utility, Pulaski County, Water Division, Penalty Unchanged

Dated this 25<sup>th</sup> day of April 2015  
Becky W. Keogh, Director  
Arkansas Department of Environmental Quality

**CONSENT ADMINISTRATIVE ORDERS**

Barry Mosley dba Arkansas Wholesale Auto Salvage, Inc., Pulaski County, NPDES/Water Division, Penalty \$800.00, LIS No. 15-048

Breitbart Operating LP-Walker Creek Production Facility, Columbia County, Air Division, Penalty \$1,000.00, LIS No. 15-050

Heavy Constructors of Arkansas, LLC, dba Carroll County Asphalt, LLC, Carroll County, Air Division, Penalty \$600.00, LIS No. 15-049

Wacaster Oil Company, Inc., Clark County, Air Division, Penalty \$2,000.00, LIS No. 15-047

**DEFAULT ADMINISTRATIVE ORDER**

Felicia Parker, Pulaski County, Solid Waste Management Division, No Penalty, LIS No. 14-160

Dated this 10<sup>th</sup> day of May 2015  
Becky W. Keogh, Director  
Arkansas Department of Environmental Quality

**CONSENT ADMINISTRATIVE ORDERS**

City of Brinkley, Monroe County, NPDES/Water Division, Penalty \$5,000.00, LIS No. 15-065

Flushing Meadows Water Treatment, Inc., Faulkner County, NPDES/Water Division, Penalty, \$6,500.00, LIS No. 14-174

Eaton Hydraulics, LLC, White County, Hazardous Waste Management Division, No Penalty, LIS No. 15-058

Gary Rowlands, Pope County, Water Division, Penalty \$1,000.00, LIS No. 15-059

Consolidated Container Company, LP, Crittenden County, Water Division, Penalty \$450.00, LIS No. 15-060

Porocel Industries, LLC, Pulaski County, Air Division, Penalty \$700.00, LIS No. 15-063

LM Wind Power Blades (Arkansas), Inc., Pulaski County, Air Division, Penalty \$600.00, LIS No. 15-064

City of Waldron, Scott County, Water Division, Penalty \$7,500.00, LIS No. 15-062

**NOTICE OF VIOLATION**

Arkansas Land & Equipment, LLC, Garland County, NPDES/Water Division, Proposed Penalty \$10,250.00, LIS No. 15-057

Grisham Farms Transportation , LLC, Lawrence County, Water Division, Proposed Penalty \$5,200.00, LIS No. 15-061

Dated this 25<sup>th</sup> day of May 2015  
Becky W. Keogh, Director  
Arkansas Department of Environmental Quality

**CONSENT ADMINISTRATIVE ORDERS**

City of Brinkley, Monroe County, Water Division, Penalty \$5,000.00,  
LIS No. 15-065

City of Waldron, Scott County, Water Division, Penalty \$7,500.00,  
LIS No. 15-062

Consolidated Container Company, LP, Crittenden County, Water Division, Penalty \$225.00,  
LIS No. 15-060

Eaton Hydraulics LLC, White County, Hazardous Waste Division, No Penalty, LIS No. 15-058

Flushing Meadows Water Treatment, Inc., Faulkner County, Water Division, Penalty \$6,550.00,  
LIS No. 14-174

Gary Rowlands, Pope County, Water Division, Penalty \$1,000.00, LIS No. 15-059

LM Wind Power Blades (Arkansas), Inc., Pulaski County, Air Division, Penalty \$600.00, LIS No. 15-064

Porocel Industries, LLC, Pulaski County, Air Division, Penalty \$700.00, LIS No. 15-063

West Fraser, Inc.- Mansfield Facility, Scott County, Air Division, Penalty \$300.00, LIS No. 15-066

**NOTICE OF VIOLATION**

Arkansas Land & Equipment, LLC, Garland County, Water Division, Proposed Penalty \$10,250.00,  
LIS No. 15-057

Grisham Farm Transportation, LLC, Lawrence County, Water Division, Proposed Penalty \$5,200.00, LIS No. 15-061

Dated this 10<sup>th</sup> day of June 2015  
Becky W. Keogh, Director  
Arkansas Department of Environmental Quality

**CONSENT ADMINISTRATIVE ORDERS**

Clearwater Paper Corporation –Cypress Bend Mill, Desha County, Air Division, Penalty \$14,000.00, LIS No. 15-067

Lycus LTD, Union County, Air Division, Penalty \$562.50, LIS No. 15-070

Price Lumber Company, Drew County, Water Division, Penalty \$3,000.00, LIS No. 15-068

Treated Materials Co., Inc., Cleveland County, Air Division, Penalty \$4,800.00, LIS No. 15-069

**AMENDEMENT TO CONSENT ADMINISTRATIVE ORDER NO. 11-144-001**

Capstone Oilfield Disposal of Arkansas LLC, Hartman Disposal Facility SWD #1, Johnson County, Solid Waste Management Division, Penalty Unchanged

**AMENDMENT TO CONSENT ADMINISTRATIVE ORDER NO. 08-083-001**

City of Batesville, Independence County, Water Division, Penalty Unchanged

Dated this 25<sup>th</sup> day of June 2015  
Becky W. Keogh, Director  
Arkansas Department of Environmental Quality

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

QUARTERLY REPORT TO ARKANSAS LEGISLATIVE COUNCIL

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ON RULEMAKING ACTIVITIES

Months In Quarter: April, May, and June 2015

1. **Regulation Number and Name:** Regulation No. 2, Third-Party Rulemaking, River Valley Regional Water District; Docket No. 06-003-R.

a. **Amendment Proposed By:** River Valley Regional Water District ("RVRWD").

b. **Description:** RVRWD filed its request to initiate rulemaking on January 13, 2006. These amendments concern Regulation No. 2. Proposed changes involve amending Regulation No. 2 to include amending Section 2.304 to establish a procedure by which regional water districts and other public water authorities would be able to request approval from the Pollution Control & Ecology Commission to use a water body designated as extraordinary resource waters as a source of drinking water supply.

The Commission initiated the rulemaking process on January 27, 2006, and no final decision has been made.

c. **Justification:** These amendments establish a procedure by which regional water distribution districts and other public water authorities would be able to request approval from the Arkansas Pollution Control & Ecology Commission to use Extraordinary Resource Waters as a source of drinking water supply.

d. **Economic Impact:** RVRWD states that there will be no cost to the agency. The amendments will have no financial impact on small business.

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

**2. Regulation Number and Name:** Regulation No. 2, Lion Oil Company Third-Party Rulemaking; Docket No. 13-001-R.

**a. Amendment Proposed By:** Lion Oil Company.

**b. Description:** Lion Oil Company ("Lion Oil") filed its request to initiate rulemaking on January 11, 2013. Lion Oil proposes to change the Typical Gulf Coastal Fishery use designation for Loutre Creek; change the selenium water quality criterion for Loutre Creek; change the chloride, sulfate and total dissolved solids ("TDS") criteria for Loutre Creek; change the sulfate and TDS criteria for the next downstream segment of Bayou de Loutre; and change the sulfate criteria for the remaining downstream segments of Bayou de Loutre to the Louisiana State line.

The Commission is waiting on a request by Lion Oil to initiate rulemaking.

**c. Justification:** These regulatory changes are critically important to Lion Oil. Reasonably available control technology does not exist that would allow Lion Oil to consistently meet these limits. The proposed rule will revise the dissolved minerals and selenium water quality criteria in Loutre Creek and change the fishery use designation for Loutre Creek to a new sub-category of fishery referred to as a Limited Gulf Coastal Fishery. The proposed rule will also revise the chloride, sulfate, and the TDS criteria for one downstream segment in Bayou de Loutre; the sulfate and TDS criteria for the next downstream segment in Bayou de Loutre; and the sulfate criteria for the remaining downstream segments of Bayou de Loutre to the Louisiana State line.

**d. Economic Impact:** No entities would suffer negative economic impact as a result of the proposed rule.

**e. Environmental Benefit Analysis:** The proposed rule will revise the chloride, sulfate, TDS, and selenium water quality criteria in Loutre Creek, and change the fishery use designation for Loutre Creek to a new subcategory of fishery referred to as a Limited Gulf Coastal Fishery reflecting the long term historical in-stream concentrations and uses. The proposed rule will also revise the chloride, sulfate, and TDS criteria for one

downstream segment in Bayou de Loutre; the sulfate and TDS criteria for the next downstream segment in Bayou de Loutre; and the sulfate criteria for the remaining downstream segments of Bayou de Loutre to the Louisiana State Line. These changes will not adversely impact the environment.

**3. Regulation Number and Name:** Regulation No. 2, Tyson Foods Third-Party Rulemaking; Docket No. 13-005-R.

**a. Amendment Proposed By:** Tyson Foods Inc. - Waldron Plant

**b. Description:** Tyson Foods filed its request to initiate rulemaking on April 9, 2013. Tyson proposes to revise Regulation 2 by modifying the state water quality standards for chloride, sulfates, and total dissolved solids.

The Commission adopted the minute order initiating the rulemaking process on May 23, 2013, and no final decision has been made.

**c. Justification:** There is no current economically feasible treatment technology for the removal of the minerals. Reverse osmosis treatment technology is not cost effective and generates a concentrated waste stream that is environmentally difficult to dispose of. That technology is not required to meet the designated uses and would produce no significant environmental protection.

**d. Economic Impact:** This rulemaking has no impact to the environment in Arkansas that would not have otherwise occurred.

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

**4. Regulation Number and Name:** Regulation No. 2, City of Huntsville Third-Party Rulemaking; Docket No. 13-006-R.

**a. Amendment Proposed By:** City of Huntsville

**b. Description:** City of Huntsville filed its request to initiate rulemaking on June 12, 2013. City of Huntsville



proposes to revise the chloride, sulfate, total dissolved solids water quality criteria in Town Branch from the point of discharge of the City of Huntsville wastewater treatment plant downstream to the confluence with Holman Creek; in the Holman Creek from the confluence with Town Branch downstream to the confluence with War Eagle Creek; in War Eagle Creek from the confluence with Holman Creek; and remove the designated but not existing Domestic Water Supply use from Town Branch and Holman Creek.

The Commission adopted the minute order initiating the rulemaking process on July 26, 2013, and no final decision has been made.

**c. Justification:** The economic effects of the proposed rule are significant and beneficial for Huntsville. Huntsville has investigated technologies and alternatives to comply with the current minerals criteria, which is summarized in the Report. Reasonable available control technology does not exist that would allow Huntsville to discharge in a manner that would maintain the existing minerals criteria. Approval of the proposed rule modifying the criteria to reflect long term historical site specific conditions is the only reasonable approach so that the permit limits can be adjusted

**d. Economic Impact:** This rulemaking has no impact to the environment in Arkansas that would not have otherwise occurred.

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

**5. Regulation Number and Name:** Regulation No. 21, Arkansas Asbestos Abatement Regulation; Docket No. 13-009-R.

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

**b. Description:** ADEQ filed its request to initiate rulemaking on August 9, 2013. Changes to Regulation 21 are being proposed in order to incorporate public input after an extensive two-year collaborative workgroup effort between the ADEQ and stakeholders. Proposed significant revisions to Regulation 21

include: Changes in the definition of "Regulated asbestos-containing material (RACM)."; Elimination of non-mandatory language in the Asbestos Inspection section; Clarification of language in the Notice of Intent (NOI) Section regarding information required prior to beginning renovation projects; Addition of language to the NOI section concerning activities involving resilient floor covering renovation projects, and changes in owners or operators; Clarification of requirements in the Record Keeping Section for storage and submission of on-site documents; Addition and deletion of language for clarification purposes in the Work Procedures Applicability chapter and Licensing Requirements Exemptions subchapter; Addition of language to the Out of State Training subchapter; Clarification of the list of necessary documents under the Minimum Record Keeping Requirements subchapter; Addition of a new chapter for Accreditation Certificates; and Deletion of two sections involving fees for demolition of certain amounts of RACM. Several changes were also made for clarification and consistency purposes, or to update typographical errors throughout Regulation No. 21. These revisions are non-substantive items.

The Commission adopted the minute order initiating the rulemaking process on August 23, 2013, and no final decision has been made.

**c. Justification:** The purpose of this proposed rule is to incorporate stakeholders' input in order to clarify Regulation No. 21. The Department also finds it necessary to propose changes to add or delete language for clarity in requirements for record keeping, training provider licenses, documents required for certifications or renewal of licenses and to correct the Occupational Safety and Health Administration (OSHA Asbestos Construction standard citation.

**d. Economic Impact:** This rulemaking adopts a federal requirement and there will be no impact to the environment in Arkansas that would not have otherwise occurred.

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

**6. Regulation Number and Name:** Regulation No. 2, Third-Party Rulemaking, City of Fayetteville Paul R. Noland Wastewater Treatment Plant; Docket No. 13-010-R.

**a. Amendment Proposed By:** City of Fayetteville Paul R. Noland Wastewater Treatment Plant ("City of Fayetteville").

**b. Description:** City of Fayetteville filed its request to initiate rulemaking on October 11, 2013. These amendments concern Regulation No. 2. Proposed changes involve amending Arkansas Water Quality Standards for minerals for the White River from the discharge of the Noland Wastewater Treatment Plant to immediately downstream of the confluence of Richland Creek.

The Commission initiated the rulemaking process on October 25, 2013, and no final decision has been made.

**c. Justification:** Fayetteville is not seeking a change from historical water quality conditions in the White River; rather Fayetteville seeks a site-specific modification which allows the Noland Wastewater Treatment Plant to be compliant with its NPDES Permit while making certain that its effluent does not limit the attainment of any of the designated uses of the stream segments.

**d. Economic Impact:** City of Fayetteville 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.

**7. Regulation Number and Name:** Regulation No. 5, Ozark Society and the Arkansas Public Policy Panel Third-Party Rulemaking; Docket No. 14-002-R.

**a. Amendment Proposed By:** Ozark Society and the Arkansas Public Policy Panel.

**b. Description:** The Ozark Society and the Arkansas Public Policy Panel ("Ozark Society") filed its request to initiate rulemaking on April 11, 2014. The proposed changes to APCEC Regulations 5 seek to prohibit the ADEQ Director from issuing

Regulation No. 5 permits for Confined Animal Operations for facilities in the Buffalo National River Watershed with either 750 or more swine weighing 55 pounds or more, or 3,000 or more swine weighing less than 55 pounds. The regulation changes will prohibit an increase in the number of swine at existing facilities in the Buffalo National River Watershed.

The Commission adopted the minute order initiating the rulemaking process on April 25, 2014, and no final decision has been made.

**c. Justification:** The regulation changes will prohibit an increase in the number of swine at existing facilities in the Buffalo National River Watershed, and prevent the future establishment of medium and large confined animal operations in the Buffalo River Watershed.

**d. Economic Impact:** This rulemaking will not impact the environment in Arkansas that would not have otherwise occurred.

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

**8. Regulation Number and Name:** Regulation No. 6, Ozark Society and the Arkansas Public Policy Panel Third-Party Rulemaking; Docket No. 14-003-R.

**a. Amendment Proposed By:** Ozark Society and the Arkansas Public Policy Panel.

**b. Description:** The Ozark Society and the Arkansas Public Policy Panel ("Ozark Society") filed its request to initiate rulemaking on April 11, 2014. The proposed changes to APCEC Regulations 6 seek to prohibit the ADEQ Director from issuing Regulation No. 6 permits for Concentrated Animal Feeding Operations for facilities in the Buffalo National River Watershed with either 750 or more swine weighing 55 pounds or more, or 3,000 or more swine weighing less than 55 pounds. The regulation changes will prohibit an increase in the number of swine at existing facilities in the Buffalo National River Watershed.

reducing the total dissolved solids concentration to levels that meet the current water quality criteria. This rule will prevent the impairment listing of the Little River between Millwood Lake and the Red River; eliminate the spatial inconsistency in the TDS criterion for the Arkansas segment of the Red River; and preserve the aquatic life, agricultural water supply, industrial water supply, and primary and secondary recreational contact designated uses of the segments of the Little and Red Rivers.

**d. Economic Impact:** There will be no cost to state government associated with the proposed amendment and no regulatory burden such as fees, reporting requirements, or obtaining any regulatory permit because of the modification of these mineral standards. No additional requirements will be imposed on any small business by the proposed amendment and no small business will be required to implement any changes because of the proposed amendment. The requested changes will impact only Domtar A.W. LLC.

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

**11. Regulation Number and Name:** Regulation No. 18, Arkansas Air Pollution Control Code; Docket No. 14-009-R.

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

**b. Description:** ADEQ filed its request to initiate rulemaking on November 21, 2014. The substantive proposed changes to the Regulations 18, 19, and 26 are necessary in order to adopt the Environmental Protection Agency's 2012 National Ambient Air Quality Standards ("NAAQS") for particulate matter up to 2.5 micrometers in size ("PM2.5"), 2006 NAAQS for particulate matter up to 10 micrometers in size ("PM10"), 2008 NAAQS for ozone, 2008 NAAQS for lead, 2010 NAAQS for nitrogen dioxide, and 2010 NAAQS for sulfur dioxide.

The Commission adopted the minute order initiating the rulemaking process on December 5, 2014, and no final decision has been made.

**d. Economic Impact:** This rulemaking adopts a federal requirement and there will be no impact to the environment in Arkansas that would not have otherwise occurred.

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

**13. Regulation Number and Name:** Regulation No. 26, Regulations of Arkansas Operating Air Permit Program; Docket No. 14-011-R.

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

**b. Description:** ADEQ filed its request to initiate rulemaking on November 21, 2014. The substantive proposed changes to the Regulations 18, 19, and 26 are necessary in order to adopt the Environmental Protection Agency's 2012 National Ambient Air Quality Standards ("NAAQS") for particulate matter up to 2.5 micrometers in size ("PM2.5"), 2006 NAAQS for particulate matter up to 10 micrometers in size ("PM10"), 2008 NAAQS for ozone, 2008 NAAQS for lead, 2010 NAAQS for nitrogen dioxide, and 2010 NAAQS for sulfur dioxide.

The Commission adopted the minute order initiating the rulemaking process on December 5, 2014, and no final decision has been made.

**c. Justification:** The proposed changes will help ensure Arkansas has the authority to implement air pollution control programs and to issue permits. Amendments to Regulation 19 will be submitted to the EPA for inclusion into Arkansas's SIP and amendments to Regulation 26 will be submitted to the EPA for inclusion into Arkansas' Title V and Part 70 State Program.

**d. Economic Impact:** This rulemaking adopts a federal requirement and there will be no impact to the environment in Arkansas that would not have otherwise occurred.

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

**14. Regulation Number and Name:** Regulation No. 23, Hazardous Waste Code; Docket No. 15-001-R.

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

**b. Description:** ADEQ filed its request to initiate rulemaking on May 7, 2015. Proposed revisions to Regulation 23 include: addition of conditional exclusions from regulation for solvent wipes which are cleaned for reuse, and for carbon dioxide streams used in geologic sequestration operations. Establishment of an electronic waste manifest system to track shipments of hazardous wastes; revision of provisions affecting cathode ray tube exports; termination of the National Environmental Performance Tract Program, which has been discontinued by the U.S. Environmental Protection Agency; correction of typographical errors, erroneous citations, and formatting inconsistencies in the current regulation.


The Commission adopted the minute order initiating the rulemaking process on May 21, 2015, and no final decision has been made.

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

**d. Economic Impact:** This rulemaking adopts a federal requirement and there will be no impact to the environment in Arkansas that would not have otherwise occurred.

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

7/8/15  
Date

  
Charles Moulton  
Environmental Law Judge  
Arkansas Pollution Control and  
Ecology Commission

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

Figures generated from ADEQ Permit Data System. Date range = 4-01-2015 to 6-30-2015

b

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Variance	Short-Term Authority	Total
AIR									
	G	General Operating Permit	\$ 23,200 116	\$ 600 3	\$ - 0				\$ 23,800 119
	L5	Late Charge (Air T5)	\$ 547 1						\$ 547 1
	LC	Late Charge (Air LC)	\$ 410 9	\$ - 0	\$ - 0				\$ 410 9
	MS	Minor Source (Air MS)	\$ 109,056 83	\$ 700 2	\$ -	\$ 11,700 29			\$ 121,456 114
	MVRF	Motor Vehicle Racing Facility							\$ - 0
	R3	Air Reg 18.315	1,000 5						\$ 1,000 5
	T5	Title 5 (Air T5)	\$ 414,911 28	\$ 29,628 2		\$ 38,149 30			\$ 482,688 60
	Z	Interim Authority(Air Z)							\$ - 0
	Z5	Interim Authority Title 5 (Air T5)							\$ - 0
<b>AIR TOTAL</b>		<b>Total</b>	<b>549,124 242</b>	<b>30,928 7</b>	<b>- -</b>	<b>49,849 59</b>	<b>- -</b>	<b>- -</b>	<b>\$ 629,901 308</b>
<b>SOLID WASTE</b>									
	1	Class I Landfill	\$ 18,000 3			\$ 5,000 2			\$ 23,000 5
	3C	Class III commercial (SW 3C)							\$ - -



3N	Class III Non-commercial							\$ -
								0
3T	Class III Tire Monofill (SW 3T)							\$ -
								0
4	Class IV Landfill	\$ 2,500						\$ 2,500
		5						5
CD/RF	Construction & Demolition Waste Recovery (Solid Waste CDRF)							\$ -
								0
CL	Closed Facility (Solid Waste CL)							\$ -
								0
CO	Composting Organic Waste (Solid Waste CO)							\$ -
								0
CY	Composting Yard Waste (Solid Waste CY)	\$ 450						\$ 450
		1						1
LC	Late Charge (Solid Waste LC)							\$ -
								0
P	Postclosure Fee (Solid Waste P)							\$ -
								0
TS	Transfer Station or MRF	\$ 9,450	\$ 900					\$ 10,350
		21	1					22
WR	Solid Waste Recovery							\$ -
								0
<b>SOLID WASTE TOTAL</b>	<b>Total</b>	<b>30,400</b>	<b>900</b>	<b>0</b>	<b>5,000</b>	<b>0</b>	<b>0</b>	<b>36,300</b>
		<b>30</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>33</b>
<b>WATER - NPDES</b>								
N-A	NPDES Agricultural (Minor With Toxic)	\$ 23,432						\$ 23,432
		5						5
N-B	NPDES Saltwater (Minor Without Toxic)	\$ 159,930			\$ 2,000			\$ 161,930
		137			1			138
N-C	NPDES Cooling Water	\$ 700						\$ 700
		1						1
N-G	NPDES Coal Mining (converted)							\$ -
								-

									0
N-G2	NPDES Coal Mining								\$ - 0
N-G3	NPDES Sanitary Landfill Run-off	\$ 2,000 5	\$ 800 2						\$ 2,800 7
N-G5	NPDES Bulk Petroleum Storage								\$ - 0
N-G6	NPDES Individual Home Treatment	\$ 1,600 8	\$ 400 2						\$ 2,000 10
N-G7	NPDES Water Plant Backwash Filter	\$ 10,800 27	\$ 400 1						\$ 11,200 28
N-G8	NPDES Pipeline Hydrostatic Test	\$ 367 2	\$ 2,000 10						\$ 2,367 12
N-G9	NPDES Car/truck Wash Facility	\$ 400 2							\$ 400 2
N-GA	Ground Water Clean-Up (Water-NPDES GA)	\$ 1,000 2	\$ 500 1						\$ 1,500 3
N-GB	Laundromat (Water-NPDES GB)								\$ - 0
N-GC	Sand and Gravel (Water-NPDES GC)	\$ 2,200 11							\$ 2,200 11
N-GD	Concentrated Animal Feedlot Operation (Water-NPDES GD)								\$ - 0
N-GE	Cooling Towers; Tower & Boiler Blowdown (Water-NPDES GE)	200 1							\$ 200 1
N-GF	Pesticides (Water-NPDES)	\$ 5,600 28							\$ 5,600 28
N-J	NPDES Major Non-municipal, MRAT >= 100	\$ 30,000 2				\$ 5,000 1			\$ 35,000 3
N-K	NPDES Major Non-municipal, MRAT 80-100								\$ - 0

N-L	NPDES Discretionary Major							\$ -
								0
LC	Late Charge(Water-NPDES LC)	\$ 490						\$ 490
		13						13
LS	Late Charge (Storm Water)	\$ 820						\$ 820
		41						41
N-M	NPDES Major Municipal	\$ 91,085						\$ 91,085
		10						10
NO-EX	No-Exposure Certification (Water-NPDES)	\$ 15,117	\$ 2,200					\$ 17,317
		76	11					87
N-O	NPDES Minor Aquatic Animal Prod	\$ 2,500						\$ 2,500
		1						1
N-P	NPDES Minor Variable Discharge	\$ 3,300	\$ 300					\$ 3,600
		11	1					12
N-Q	NPDES Construction Permit		\$ 3,500					\$ 3,500
			7					7
N-R1	NPDES Stormwater Manufacturing	\$ 54,767	\$ 5,000					\$ 59,767
		275	25					300
N-R2	NPDES Stormwater Construction	\$ 41,150	\$ 19,800					\$ 60,950
		206	99					305
R4	NPDES Stormwater: MSF Phase II	\$ 6,800						6,800
		34						34
								0
<b>WATER NPDES TOTAL</b>	<b>Total</b>	<b>454,258</b>	<b>34,900</b>	<b>0</b>	<b>7,000</b>	<b>0</b>	<b>0</b>	<b>496,158</b>
		<b>898</b>	<b>159</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1,059</b>
<b>TE WATER PERM</b>	ST	Short-Term Authorization						\$ -
								0
	S-D	Confined Animal or Small Sep	\$ 11,200	\$ 800		\$ 200		\$ 12,200
		56	4		1			61
	S-E	State Permits Branch Commercial or	\$ 25,291	\$ 2,500		\$ 1,000		\$ 28,791
		52	5		2			59
	S-F	Industrial Sludge App						\$ -
								0

S-G1	State Permits Branch Confined								\$ -
									0
GP	Oil & Gas Pits								\$ -
									0
S-H	Salt Water Disposal (SPB H)	\$ 29,750	\$ 500						\$ 30,250
		119	2						121
GLA	Oil & Gas Land Application								\$ -
									0
S-I	POTW Non-NPDES Land App	\$ 1,500							\$ 1,500
		3							3
LC	Late Charge(Water-SPB LC)	\$ 295							\$ 295
		12							12
Z	Interim Authority (Water-SPB Z)								\$ -
									0
ST	Short-Term Authorization (Water-SPB ST)						\$ 41,400	\$ 41,400	
							113	113	
<b>WATER - STATE PERMIT</b>	<b>Total</b>	<b>\$ 68,036</b>	<b>\$ 3,800</b>	<b>\$ -</b>	<b>\$ 1,200</b>	<b>\$ -</b>	<b>\$ 41,400</b>	<b>\$ 114,436</b>	
		<b>\$ 242</b>	<b>\$ 11</b>	<b>\$ -</b>	<b>\$ 3</b>	<b>\$ -</b>	<b>\$ 113</b>	<b>\$ 369</b>	
U-1	State Permits Branch UIC - Class I								\$ -
									0
Z	Interim Authority								\$ -
									0
<b>UIC TOTALS</b>	<b>Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL</b>	<b>Total</b>	<b>\$ 1,101,818</b>	<b>\$ 70,528</b>	<b>\$ -</b>	<b>\$ 63,049</b>	<b>\$ -</b>	<b>\$ 41,400</b>	<b>\$ 1,276,795</b>	
		<b>1,412</b>	<b>178</b>	<b>0</b>	<b>66</b>	<b>0</b>	<b>113</b>	<b>1,769</b>	

This information comes from the "Invoice All" program. Run "Fee Code Payment Type" for the previous qtr that closed.

# ADEQ REVENUE FROM PERMIT FEES AND LICENSES

All figures generated 6-30-2015, based on active invoices. Date range = 4-01-2015 to 06-30-2015

b

Invoice Identifier	Fee Code	Description	Fund	Collections
RST - Tank Installer Licenses	RST	Tank installer licenses	SRS0000	\$ 6,625.00
TKS - Storage Tank Fees	TKS	Storage Tank Fees		\$ 728,856.67
UST - Exam Fees	UST	Underground Storage Tank Exam Fees		\$ 4,225.00
ASB - Asbestos Licenses	ASB	Asbestos Licenses	SAC0000	\$ 25,625.00
CCL - Contractors Licenses - Lead	CCL	Contractors Licenses	SAC0000	\$ 66,475.00
HWD - HW Permits	HWD	Hazardous Waste Permits	SHW0000	\$ 252,741.42
			MEE0000	\$ 38,125.00
			THS0000	\$ 343,125.00
TRF - Transfer Facilities	TRF	Transfer Facilities	SHW0000	
HWL - HW Licenses	HWL	HW Licenses	SHW0000	\$ 325.00
SFF - Superfund	HWD	Superfund permit fees	THS0000	
			MEE0000	
LAB - Lab Certification Fees	LAB	Lab Certification Fees	HMA0100	\$ 15,790.00
MPS - Mining Fees	MPS	Non-coal mining permit Fees	HMA0100	\$ 58,975.53
		Coal Mining Permit Fees	MAF0000	\$ 600.00
		Quarry Permit Fees	TLR0000	\$ 33,973.50
MBL - Mining Fees	MBL	Blaster Permits	MAF0000	
DCO - Dump Control Officers	DCO	Dump Control Officer Licenses	TPE0000	\$ 485.00
SWL - Sanitary Landfill Operators	SWL	Sanitary Landfill Operator Licenses		\$ 16,330.00
TTL - Waste Tire Licenses	TTL	Waste Tire Licenses		\$ 3,175.00
TPF - Waste Tire Facilities	TPF	Waste Tire Facilities		\$ 125.00
MER - Mercury Switches	MER	Mercury Switches	TWS0100	\$ 1,159.00
SWF - Municipal Landfills	SWF	Municipal Landfill Fees	TWS0100	\$ 208,324.09
			TWS0200	\$ 833,296.30
			TWS0300	\$ 658,584.96
ILF - Industrial Landfills	ILF	Industrial Landfill Fees	TWS0100	\$ 2,246.01
			TWS0200	\$ 8,984.08
			SMB0000	\$ 3,743.37
WWL - Wastewater Licenses	WWL	Waste Water Operator Licenses	MWW0000	\$ 74,020.00
Total				\$ 3,385,934.93

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