

ADEQ

ARKANSAS
Department of Environmental Quality

October 14, 2016

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

Dear Senator Sample and Representative Branscum:

As required in Act 249 of 2016, Section 39 (a)-(e), the Arkansas Department of Environmental Quality presents the following information:

- (a) number and type of environmental permits currently authorized by the Department and Pollution Control and Ecology Commission in each environmental permit category,
- (b) total funds collected from permit fees for each permit category and the percent increase or decrease in permit fees annually,
- (c) 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) 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) description of all pending rulemaking activities and justifications thereof, including economic impact and environmental benefit analysis.

The information provided by each division covers the period July 1 through September 30. If you have any questions, please contact Julie Chapman at (501) 682-0959.

Sincerely,



Becky W. Keogh
Director

Enclosure

Office of Air Quality
Quarterly Legislative Report

As of: 10/3/2016

State Fiscal Quarter: Quarter 1 FY 2017

Active Air Permits Per Category - Act 249 of 2016, Section 39(a):

Title V/Major: 200

Minor: 984

Air Permit Applications Pending By Category - Act 249 of 2016, Section 39(c):

Permit Type: Title V/Major Source Permit

AFIN	Date App	Facility	Days	Reason Code
47-00115	12/28/2015	Viskase Companies, Inc.		3
30-00011	1/21/2016	Entergy Arkansas, Inc. - Lake Catherine Plant		9
35-00025	1/29/2016	Planters Cotton Oil Mill, Inc.		3
02-00013	2/3/2016	Georgia-Pacific Crossett LLC	237	2
10-00005	2/17/2016	Georgia-Pacific Wood Products South LLC		9
41-00002	3/7/2016	Domtar A.W. LLC		9
70-00012	12/14/2015	Great Lakes Chemical Corporation - Central Plant		5
71-00380	4/28/2016	DeSoto Gathering Company, LLC (Cove Creek CPF-4)	123	9
60-00003	5/19/2016	3M Company - 3M Industrial Mineral Products Division	122	5
88-01522	5/18/2016	Woodson Incorporated	119	9
10-00004	7/18/2016	Reynolds Metals Company, LLC	73	2
70-00364	7/15/2016	Waste Corporation of Arkansas, LLC - Union County Recycling and Disposal Facility	70	2

Public Comments/Response to Comments

AFIN	Date App	Facility	Days	Reason Code
39-00023	4/9/2015	U. S. Army Corps of Engineers - W.G. Huxtable Pumping Plant		6
27-00002	9/23/2015	West Fraser, Inc.		6
47-00233	12/10/2015	Nucor Corporation (Nucor Steel, Arkansas)		7
14-00028	4/8/2016	Albemarle Corporation - South Plant	167	7
63-00011	4/28/2016	Saint-Gobain Ceramics & Plastics, Inc.	151	6
47-00461	5/19/2016	Plum Point Services Company, LLC - Plum Point Energy Station	136	6
31-00016	6/1/2016	Weyerhaeuser NR Company - Dierks Mill	77	6

Permit Type: Minor Source Permit

AFIN	Date App	Facility	Days	Reason Code
47-01028	4/29/2016	Mid Continent Coal & Coke Company	146	5
23-00044	5/16/2016	SFI of Arkansas, LLC	117	2
60-00606	6/9/2016	Magellan Pipeline Company, LP - North Little Rock - North Terminal	74	2
60-01218	6/20/2016	Center Point Terminal Company, LLC	73	5
47-00235	6/23/2016	Poinsett Rice & Grain, Inc. - Osceola Division	66	3
61-01017	7/28/2016	Peco Foods, Inc.	63	9
60-00998	8/1/2016	Wright's Cabinets, Inc.	61	2

Public Comments/Response to Comments

AFIN	Date App	Facility	Days	Reason Code
38-00393	5/2/2016	American Silica, LLC - Black Rock Processing Site	137	6
16-00181	6/7/2016	Anchor Packaging, Inc. - Jonesboro Plant	97	7
37-00285	6/10/2016	C12:Arkansas Oil, LLC - Tract 9 Production Facility & SWC Facility	77	6
08-00024	6/27/2016	Tyson Poultry, Inc. - Green Forest Processing	77	7
37-00286	6/10/2016	C12: Arkansas Oil, LLC - Tract 12 Production Facility & Office/SWD Facility	74	6
37-00284	6/10/2016	C12: Arkansas Oil, LLC - Tract 3 Production Facility & SWD Facility	74	6

Reason Codes:

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

MINING DIVISION

As of: 9/30/2016

State Fiscal Quarter 1st FY17

Mining Program Permits/Category

Coal Mining	6	Open-Cut Mining	245
Active	6	Sand and Gravel	144
Exploratory		Clay	29
		Shale	18
		In-Stream	1
		Soil	44
		Other	9
Coal Total	6	Open-Cut Total	245
Total Mining Permits	251		

Permits Pending- By Category/Facility

COAL MINING	Days Pending	Reason Code
OPEN-CUT MINING	Days Pending	Reason Code
Arlie Weems	197	3
Sandman, LLC	193	3
Acme Brick	137	2
T & T Construction	135	5
Acme Brick	128	2
Hensley Dozer & Backhoe, Inc.	122	3
Griffith Sand Co., LLC	116	2

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.

Mining Program

Applications pending over 365 days

None

Mining Program

Permits Issued since 7/1/2016:

Blann Tractor Company
Bradley Fill and Shale
Cossatot Rock
Bonds Excavating (2 permits)
B.G. Wilson Lumber Co.
ABC Ready Mix
Worth Matteson
Anglin Family Investments
McMasters Construction
James Goodson
Horner Holdings
Easterling Wood Products (2 permits)
Wooten Sand and Gravel
TAYCO/TBN, Inc.
Smith Equipment Co. (2 permits)
Vulcan Construction Materials
Joe Harris Jr. Trucking, Inc.
Razorback Farms of Missouri
B & D Dirt
Harry Clemons
R & R Real Estate
Crisp Contractors
Trinity Materials

**SOLID WASTE
REGULATED WASTE PROGRAMS
OFFICE OF LAND RESOURCES
"SECTION 38" REPORT**

Applications pending for 45 days or more:

Domtar A.W. LLC Paper Sludge Class 3N LF (0211-S3N-R2): Application for Minor Permit Modification and Certification of Partial Closure of Phase 1 Area was received on September 3, 2014. Notice of deficiency on the permit modification application and certification of partial closure of Phase 1 area was mailed to the facility on September 16, 2014. On March 3, 2015 Terracon submitted a revised permit application with no airspace increase in order to qualify for minor mod. In a March 18, 2015 e-mail to Terracon, ADEQ requested addition information associated with the permit modification. On August 11, 2015, ADEQ received Terracon's responses to ADEQ comments. On August 26, 2015 it was discovered that the Phase 1 area has over 50,000 cy of overfill. The enforcement branch is in the process of addressing the handling of the overfill management through CAO venue. The permit modification is on hold until the CAO is settled between ADEQ and Domtar. No changes this month.

Drew County Class 4 (0070-S): On 06/20/16, the major permit modification was received. On 7/7/2016 ADEQ deemed the application administratively complete and public noticed the decision on 7/18/2016. The technical review of the major modification is underway in the program.

Wizeagg, LLC C&D Facility (0320-SCDR): NOI received 4/26/16. Completeness letter was sent on 6/10/16. A Draft permit was issued on 7/29/16. On 9/29/16 the comment period ended. ADEQ is waiting on Financial Assurance submittal before issuing a final permit.

Knights Transfer Station (0043-STSW-A): On 3/14/2016 NOI received. ADEQ is waiting for Financial Assurance submittal before finalizing the permit.

L&W Transfer Station (0021-STSW-D): NOI received 5/11/16. ADEQ is waiting on additional financial assurance submittal before finalizing the permit.

Harrison Transfer Station (0118-STSW-D): NOI received on 7/07/2016. NOD was sent on 8-19-16 requesting permit fees and financial assurance. On 8/24/16 the facility paid the permit fees but the financial assurance submittal is still pending information from the facility.

As of:	10/6/2016
State Fiscal Quarter	1

Active Discharge Permits

Individual Permits	
Municipal	377
Industrial	426
Construction	98
Stormwater Permits	
Construction	1144
Industrial	2036
Small Municipal Separate Storm Sewer System (MS4)	59
Individual	1
General Permits	
Landfill	37
Non-Contact Cooling Water	10
Aggregate Facilities	46
Individual Treatment	201
Concentrated Animal Feeding Operations	1
Water Treatment	133
Hydrostatic Testing	33
Car Wash	10
Ground Water	8
Pesticide	65
Active No-Discharge Permits	
Agriculture	226
Industrial	677
Salt Water Disposal	524
Municipal	58
Domestic	8
Underground Injection Control (UIC)	6
Total	6184

Permits Pending Greater than 45 Days

Permit Number	Permittee	Facility	Days Pending	Reason Code	Additional Information
AR000752		El Dorado Chemical Company	3562	5	This permit was on HOLD due to Mineral Issue.
AR0035386	FutureFuel Chemical Company	FutureFuel Chemical Company	3043	4	The draft permit has been prepared with authorization to land apply sludge under the previous land application conditions until such time as the new land application permit is issued. The draft permit is currently being reviewed by management.
AR0001171		Great Lakes Chemical Corporation - Central Plant	3007	9	This permit is currently on HOLD due to Mineral Issue.
AR0022063		Springdale Water and Sewer Commission	2932		This permit is currently on HOLD due to Illinois River Watershed TP modeling.
AR0006647	Lion Oil Company	El Dorado Refinery	2806	9	This permit is currently on HOLD due to Mineral Issue.
5082-W	FutureFuel Chemical Company	FutureFuel Chemical Company	2347	7	They submitted a new application and waste management plan. Management have had environmental concern dealing with the facility and have been working with the facility to resolve some of these issues during the past few years. Final permit and Response to comment in Route.
AR0050288	City of Fayetteville	West Side Wastewater Treatment Facility	2306	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.
AR0043397		City of Rogers	2289	9	awaiting TMDL development- HOLD
AR0005582	Alcoa Inc.	Arkansas Remediation	2002	4	This permit was previously on HOLD awaiting EPA approval of EIP for Selenium and possible TMDL revision for TDS. The EIP has been approved, and the permit is currently being prepared with the Selenium limits supported by the approved EIP. The Department is now moving forward with the permit to include language addressing the compliance approach with the existing TDS TMDL. This supporting language is currently being developed for inclusion in the fact sheet.
AR0022250		City of Dermott - South Pond	1895	9	ON HOLD due to Minerals and Mercury TMDLs
AR0002968	Dornier A.W. LLC	Ashdown Mill	1791	9	This permit is currently on HOLD. Due to upcoming water quality standard changes for minerals, this permit is on HOLD until further notice.
AR0022373		West Fork Wastewater Treatment Plant	1698	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.
AR0034321		City of Harrison	1643	9	Previous Mineral HOLD Waiting for UAA workplan for Minerals
AR0048356	Tyson Poultry, Inc.	River Valley Animal Foods	1637	9	ON HOLD due to Minerals TMDL
AR0020273		City of Siloam Springs	1627	9	ON HOLD due to Minerals and Mercury TMDLs
AR0000680		Great Lakes Chemical Corporation - South Plant	1489	9	This permit is currently on HOLD due to Mineral Issue.
AR0034371		City of Portland	1406	9	Mineral HOLD
AR0043568		City of Waldo	1385	9	Hg TMDL & WQMP Update Appeal
AR0049794	Hellburton Energy Services, Inc	Magobar Mine Site	1363	4	This permit was on HOLD due to a CAO and an EIP that is currently under construction. However, in March 2016, the permittee requested that we issue the permit with the mineral limits unchanged so that they could add a type of effluent to the mine pit. The draft permit has been written and is currently undergoing technical review by management and staff.
AR0050857		City of Garland WWTP	1313	9	Mineral HOLD; rec'd from EG
AR0036498	Benton Utilities	Wastewater Treatment Plant	1277	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	1251	9	ON HOLD due to Minerals and Mercury TMDLs
AR0050997	City of Parkdale	Parkdale Wastewater Treatment Plant	1223	9	This permit is currently on HOLD for minerals and Mercury TMDL. (Previous permit no. AR0037141) Permit was originally assigned to JDB, thence assigned to EG September 24, 2014, thence assigned to CW December 2, 2015, and thence assigned to AY July 27, 2016.
AR0022064	City of Huntsville	City of Huntsville	1094	9	Reassigned. The permit is currently on HOLD by request of the permittee due to minerals.
AR0046477	City of Star City	City of Star City	1015	9	This permit is currently on HOLD due to a mercury issue. The permit has previously finished the comment period on its redraft.
AR0033707	City of Tillar	City of Tillar	1000	9	Mineral HOLD

AR0021695		City of Rison	583	9	Hold Minerals & Mercury
AR0042951		City of Ashdown	965	9	This permit is currently on HOLD. Due to upcoming water quality standard changes for minerals, this permit is on HOLD until further notice.
AR0039659		City of Felsenthal	944	9	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.
AR0021440		City of Smackover	943	9	This permit is currently on HOLD due to Mercury issues.
AR0048691		City of Texarkana-North WWTP	907	9	This permit is currently on HOLD. Due to upcoming water quality standard changes for minerals, this permit is on HOLD until further notice.
AR0022179		City of Junction City	887	9	This permit is currently on HOLD for mineral issues.
AR0050202	Destined To Win/Family Outreach Ministry, Inc.	d/b/a Second Chance Ranch	887	9	ON HOLD due to Minerals TMDL
AR0020168		City of Stephens	882	9	9/5/14: Re-assigned from JDB to EG to BA. Mercury Testing Requested for TMDL 6/9/2014-Hold Mercury
AR0044423		Jessieville Public School	818	9	This permit is currently on HOLD for mineral and mercury issues.
AR0034037		City of Yellville	797	9	on Hold for Minerals-LAA with City of Harrison.
AR0021474		City of Bearden	795	9	This permit is currently on HOLD due to Mercury issues.
AR0043672		City of Kingsland	777	9	This permit has been placed on temporary HOLD until revisions are finalized for a Mercury TMDL. The permit has not been public noticed yet and is currently in technical review by engineer or management.
AR0034029		City of Hamburg	770	9	ON HOLD for minerals.
AR0034142	City of Marianna	Marianna Water & Sewer Commission - Pond B	728	9	This permit is currently on HOLD due to Mercury Issue
AR0034169	City of Marianna	Marianna Water & Sewer Commission - Pond A	728	9	ON HOLD for minerals
AR0047261	Chicot Sewer System, LLC	Krestwood Estates Subdivision	728	9	This permit is currently on HOLD due to compliance issues.
AR0022268		City of Huttig	651	9	Mercury HOLD
AR0044547		City of Haskell	628	9	This permit is currently on HOLD due to Mineral Issue.
AR0053713		North Wastewater Treatment Plant	628	9	This permit is currently on HOLD due to Mineral Issue.
AR0052507C	Union County Lumber Company	El Dorado Mill	565	9	The State Construction Permit will be Placed in "inactive status" and a 3-year Schedule of Compliance for the State Construction Permit application, construction and completion of construction has been included in the discharge permit. Reassigned from EG to JT December 2, 2015.
AR0039482	Tyson Poultry, Inc.	Waldron	559	9	ON HOLD for minerals
AR0001163M		Remington Arms Company, LLC	529	6	The renewal permit was issued and appealed. The appeal was recently settled. The Permit Appeal Resolution was signed and is currently at PN along with the proposed permit.
AR0041602		Suburban Sewer Improvement District #1	529	9	On hold for Mercury and Minerals.
AR0001210	Georgia-Pacific Crossett LLC	Crossett Paper Operations	507	4	technical review by management and staff. The review of this application was delayed slightly by the submittal of an application to modify the permit prior to issuance of the renewal permit. The modification application took priority over the renewal since the modified permit must be issued before October 31, 2015. Issuance of the renewal will also be delayed by a public hearing which has already been requested and granted. The date for the hearing will be included in the notice of the draft permitting decision. The permit is undergoing a second technical review by management and staff due to the controversial nature of the permit.
AR0047813		Oak Manor Water & Wastewater Public Facility Board	501	9	On hold for Minerals.
AR0034291	Hot Springs Village POA	Mill Creek WWTP	496	9	This permit is currently on HOLD due to mercury and mineral issues
AR0039284	Hot Springs Village POA	Cedar Creek WWTP	496	9	This permit is currently on HOLD due to mercury and mineral issues
AR0049140	Energy Arkansas, Inc. - Union Power Station	Union Power Station	495	6	Reassigned from EG to JT December 2, 2015. Additional information from the facility was requested, but not received until 4/14/16. The permit is currently at public notice.
AR0020125		City of Perryville	494	9	ON HOLD for lig (not eligible for exclusion). Transferred from CV to BA

4746-WR-4	Lake Erling Water's Edge Homeowners' Association, Inc.	Lake Erling Water's Edge Homeowners' Association, Inc.	207	2	Waiting on technical information requested 7/29/2016, 8/17/2016, and 9/22/2016; previous enforcement and legal questions regarding permittee
AR0051772	Bluebird Sand, LLC d/b/a Bluebird Sand Processing Plant	Bluebird Sand, LLC d/b/a Bluebird Sand Processing Plant	206	9	Inspection on 6/22/2016. Facility is closed and treatment system was never installed. When operational, facility did not directly discharge process water, only stormwater commingled with negligible process water from washed sand stockpiles. Current plan is to not renew this permit, and include a SWPPP requirement in the NPDES AR0051969 permit.
AR0051969	University of Arkansas	Bluebird Sand, LLC d/b/a Bluebird Sand Processing Plant	206	4	Inspection on 6/22/2016. Facility is closed and treatment system was never installed. When operational, facility did not directly discharge process water, only stormwater commingled with negligible process water from washed sand stockpiles. Drafting permit to take changes into account. - Facility still completing corrective actions from inspection. Will visit facility to ensure actions are completed.
AR0044415	University of Arkansas	Rice Research and Extension Center	203	4	This permit is currently in technical review by engineer or management.
AR0045403	TA Operating, LLC	Earle Travel Center	203	4	ADEQ comments made when routing for final. Modifications will require 2nd public notice. Currently under review.
AR0022071	City of McGehee	City of McGehee	201	9	On hold for Minerals
5139-WR-4	Burt's Livestock, Inc	Burt's Livestock Land Application Facility	184	7	Final Permit in route to be signed
5264-W	C&H Hog Farms, Inc.	C&H Hog Farms, Inc.	176	9	on hold pending results of further site investigation
AR0051857	Chip & Shonna Smith	d/b/a "The Chaparral at Cranfield"	174	8	The 30-day comment period has ended. This permit is currently being prepared for final review and approval by engineer or management.
AR0002437	U.S. Fish and Wildlife Service	d/b/a Norfolk National Fish Hatchery	173	4	This permit is currently in technical review by engineer or management.
5189-WR-1	Jiles Clay Smith	S & S Farms	172	2	waiting for information from consultant.
AR0050552	Wal-Mart Stores, Inc.	East Data Center	168	8	The 30-day comment period has ended. This permit has been prepared for final review and approval by engineer or management. However, it was discovered that the permittee is not current with all of its associated fees. The final permit will be issued once all fees have been paid.
AR0052680	Love's Travel Stops & Country Stores, Inc.	Love's Travel Center - Pine Bluff	164	6	Facility has yet to receive approval from Department of Health
AR0052680C	Love's Travel Stops & Country Stores, Inc.	Love's Travel Center - Pine Bluff	164	8	Facility has yet to receive approval from Department of Health
AR0044814	CertainTeed Corporation	G&S Roofing	160	4	This permit is currently in technical review by engineer or management.
AR0036692	City of Mena	Mena Wastewater Treatment Plant	158	4	technical review by management and staff
5268-W	Nebo Services, Inc.	Nebo Services- Benton Co.	155	6	Draft Permit PN on 9/10/2016
AR0039594	City of Emerson	City of Emerson	153	6	This permit is currently at public notice.
5081-WR-1	City of Melbourne	City of Melbourne	150	3	Application PN on 9/21/2016
AR0052671	US National Parks Service	Arkansas Post National Memorial	150	8	Permit is on or ahead of schedule.
5087-WR-2	SWN Production (Arkansas) LLC d/b/a SEECO, LLC	Cleveland Water Reuse/Recycle Facility	149	4	Draft has been routed, waiting for approval for PN
5267-W	SWN Production (Arkansas) LLC d/b/a SEECO, LLC	Judsonia Water Reuse/Recycle Facility	149	4	Draft has been routed, waiting for approval for PN
AR0051136	Southwestern Electric Power Company	John W. Turk, Jr. Power Plant	147	4	Permittee requested several changes to the permit, which are under technical review. Several pollutants detected and reported in application are under evaluation to determine if potential to exceed water quality standards exists.
5009-WR-6	City of Morrilton	City of Morrilton Wastewater Treatment Plant	141	4	Requested additional technical information to draft the permit
AR0050458	Refugio Reyes	d/b/a El Acapulco Restaurant	140	4	All information for technical completeness was not received until July 21, 2016. The permit is currently in routing for management review.
AR0039987	City of Dumas	City of Dumas	138	5	This permit is currently with the EPA.
AR0047945	Gunnels Mill, Inc.	Gunnels Mill, Inc.	136	6	Permit is on or ahead of schedule.
AR0043931	Dixon Manor, LLC	Dixon Manor Mobile Home Park	131	8	This permit can be finalized once the past due invoice has been paid. A letter to this effect was sent to the permittee on September 29, 2016.

AR0048232	West Fraser, Inc.	Manfield, a Division of West Fraser, Inc.	68	4	Draft routed for management review on 9/12/2016.
5282-WR-1	Nebo Services, Inc.	Nebo Services, Inc. - Conway County	63	4	Technical Review
AR0037338	Jacquelyn Nwanodi	Baker Apartments	62	4	This permit is currently at 5-day pre-draft review and will be sent to public notice at the conclusion of the 5-day review period.
AR0050733		Wal-Mart Stores, Inc.	62	4	Permit is on or ahead of schedule. Additional information has been requested. Permit cannot be finalized until June 2017.
AR0021377C		Wal-Mart Store #5433	61	6	Permit is on or ahead of schedule.
5278-W	FutureFuel Chemical Company	City of Lockesburg	58	3	Technical Review
AR0033651C		FutureFuel Chemical Company	52	4	Permit is on or ahead of schedule.
AR0033651M		City of Monette	52	4	Permit is on or ahead of schedule.
AR0052728	67 Pit Stop, LLC	City of Monette	52	4	This permit is currently in technical review by engineer or management.
AR0052728C	67 Pit Stop, LLC		52	4	This permit is currently in technical review by engineer or management.
5256-WR-1	Blackstone Construction, LLC	Blackstone Construction, LLC	50	4	Draft permit waiting on approval
AR0045725		City of Newport-Airport/Industrial Park	49	4	This permit is currently in technical review by engineer or management.
AR0050431		Sebastian County & Blackstone Ranch Wastewater Treatment Board	47	4	technical review by management and staff
AR0050547		Two Rivers Harbor Property Owners Association, Inc.	46	4	Draft permit into review on 9/29/2016.
AR0052736	Magnolia Utilities	Sterling Lacy WTR Purification	46	4	Draft routed for management review on 9/26/2016. Supervisor edits made and rerouted on 9/29/2016.
AR0052019	T/A Operating LLC	Petro Stopping Centers, LP #326	40	4	Draft permit into review on 10/3/2016.
AR0039781		City of Hackett	39	4	This permit is currently in routing for management review.

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
9	Other (i.e. legal, no response from applicant, etc.)

Permits Pending Greater than 365 Days

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0000752		El Dorado Chemical Company	3562	This permit was on HOLD due to Mineral issue.
AR0035366	FutureFuel Chemical Company	FutureFuel Chemical Company	3043	The draft permit has been prepared with authorization to land apply sludge under the previous land application conditions until such time as the new land application permit is issued. The draft permit is currently being reviewed by management.
AR0001171		Great Lakes Chemical Corporation	3007	This permit is currently on HOLD due to Mineral Issue.
AR0022063		Springdale Water and Sewer Commission	2932	This permit is currently on HOLD due to Illinois River Watershed TP modeling.
AR0000647	Lion Oil Company	El Dorado Refinery	2806	This permit is currently on HOLD due to Mineral Issue.
AR0050288	City of Fayetteville	West Side Wastewater Treatment Facility	2306	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.
AR0043397		City of Rogers	2289	awaiting TMDL development- HOLD
AR0000582	Alcoa Inc.	Arkansas Remediation	2002	This permit was previously on HOLD awaiting EPA approval of EIP for Selenium and possible TMDL revision for TDS. The EIP has been approved, and the permit is currently being prepared with the Selenium limits supported by the approved EIP. The Department is now moving forward with the permit to include language addressing the compliance approach with the existing TDS TMDL. This supporting language is currently being developed for inclusion in the fact sheet.
AR0022250		City of Dermott - South Pond	1895	ON HOLD due to Minerals and Mercury TMDLs
AR0002968	Domtar A.W. LLC	Ashdown Mill	1791	This permit is currently on HOLD. Due to upcoming water quality standard changes for minerals, this permit is on HOLD until further notice.
AR0022373		West Fork Wastewater Treatment Plant	1698	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.
AR0034321		City of Harrison	1643	Previous Mineral HOLD Waiting for UAA workplan for Minerals
AR0048356	Tyson Poultry, Inc.	River Valley Animal Foods	1637	ON HOLD due to Minerals TMDL
AR0020273		City of Siloam Springs	1627	ON HOLD due to Minerals and Mercury TMDLs
AR0000680		Great Lakes Chemical Corporation - South Plant	1489	This permit is currently on HOLD due to Mineral Issue.
AR0034371		City of Portland	1406	Mineral HOLD
AR0043508		City of Waldo	1385	Hg TMDL & WQMP Update Appeal
AR0049794	Halliburton Energy Services, Inc.	Magcobar Mine Site	1363	This permit was on HOLD due to a CAO and an EIP that is currently under construction. However, in March 2016, the permittee requested that we issue the permit with the mineral limits unchanged so that they could add a type of effluent to the mine pit. The draft permit has been written and is currently undergoing technical review by management and staff.
AR0050857		City of Garland WWTP	1313	Mineral HOLD; rec'd from EG
AR0036498	Benton Utilities	Wastewater Treatment Plant	1277	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 Mirrot	1251	ON HOLD due to Minerals and Mercury TMDLs
AR0050997	City of Parkdale	Parkdale Wastewater Treatment Plant	1223	This permit is currently on HOLD for minerals and Mercury TMDL. (Previous permit no. AR0037141) Permit was originally assigned to JDB, thence assigned to EG September 24, 2014, thence assigned to CW December 2, 2015, and thence assigned to AY July 27, 2016.
AR0022004		City of Huntsville	1084	Reassigned. The permit is currently on HOLD by request of the permittee due to minerals.
AR0046477		City of Star City	1015	This permit is currently on HOLD due to a mercury issue. The permit has previously finished the comment period on its redraft.
AR0033707		City of Tillar	1000	Mineral HOLD
AR0021695		City of Rison	983	Hold Minerals & Mercury
AR0042951		City of Ashdown	965	This permit is currently on HOLD. Due to upcoming water quality standard changes for minerals, this permit is on HOLD until further notice.
AR0039659		City of Folsenthal	944	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.
AR0021440		City of Smackover	943	This permit is currently on HOLD due to Mercury issues.
AR0048691		City of Texarkana-North WWTP	907	This permit is currently on HOLD. Due to upcoming water quality standard changes for minerals, this permit is on HOLD until further notice.
AR0022179		City of Junction City	887	This permit is currently on HOLD for mineral issues.
AR0050202	Destined To Win/Family Outreach Ministry, Inc.	d/b/a Second Chance Ranch	887	ON HOLD due to Minerals TMDL
AR0020198		City of Stephens	882	9/5/14: Re-assigned from JDB to EG to BA. Mercury Testing Requested for TMDL 8/22/14-Hold Mercury
AR0044423		Jessieville Public School	818	This permit is currently on HOLD for mineral and mercury issues.
AR0034037		City of Yellville	797	on Hold for Minerals-UAA with City of Harrison.
AR0021474		City of Bearden	795	This permit is currently on HOLD due to Mercury issues.
AR0043672		City of Kingsland	777	This permit has been placed on temporary HOLD until revisions are finalized for a Mercury TMDL. The permit has not been public noticed yet and is currently in technical review by engineer or management.
AR0034029		City of Hamburg	770	This permit is currently on HOLD due to Mercury Issue

Arkansas Department of Environmental Quality
 Section 38 Report, Water Division, Q3 SFY 2016
 Permit Applications > 365 Days

4/6/2016

AR0034142	City of Marianna	Marianna Water & Sewer Commission - Pond B	728	ON HOLD for minerals.
AR0034169	City of Marianna	Marianna Water & Sewer Commission - Pond A	728	ON HOLD for minerals
AR0047261	Chicot Sewer System, LLC	Krestwood Estates Subdivision	728	This permit is currently on HOLD due to compliance issues.
AR0022268		City of Huttig	651	Mercury HOLD
AR0044547		City of Haskell	628	This permit is currently on HOLD due to Mineral Issue.
AR0051713	City of Haskell	North Wastewater Treatment Plant	628	This permit is currently on HOLD due to Mineral Issue.
AR0052507C	Union County Lumber Company	El Dorado Mill	565	The State Construction Permit will be Placed in "inactive status" and a 3-year Schedule of Compliance for the State Construction Permit application, construction and completion of construction has been included in the discharge permit. Reassigned from EG to JT December 2, 2015.
AR0038482	Tyson Poultry, Inc.	Waldron	559	ON HOLD for minerals
AR0001163M		Remington Arms Company, LLC	529	The renewal permit was issued and appealed. The appeal was recently settled. The Permit Appeal Resolution was signed and is currently at PN along with the proposed permit.
AR0041602		Suburbia Sewer Improvement District #1	529	On hold for Mercury and Minerals.
AR0001210	Georgia-Pacific Crossett LLC	Crossett Paper Operations	507	technical review by management and staff. The review of this application was delayed slightly by the submittal of an application to modify the permit prior to issuance of the renewal permit. The modification application took priority over the renewal since the modified permit must be issued before October 31, 2015. Issuance of the renewal will also be delayed by a public hearing which has already been requested and granted. The date for the hearing will be included in the notice of the draft permitting decision. The permit is undergoing a second technical review by management and staff due to the controversial nature of the permit.
AR0047813		Oak Manor Water & Wastewater Public Facility Board	501	On hold for Minerals.
AR0034291	Hot Springs Village POA	Mill Creek WWTP	496	This permit is currently on HOLD due to mercury and mineral issues
AR0039284	Hot Springs Village POA	Cedar Creek WWTP	496	This permit is currently on HOLD due to mercury and mineral issues
AR0049140	Entergy Arkansas, Inc. - Union Power Station	Union Power Station	495	Reassigned from EG to JT December 2, 2015. Additional information from the facility was requested, but not received until 4/14/16. The permit is currently at public notice.
AR0020125		City of Perryville	494	ON HOLD for Hg (not eligible for exclusion). Transferred from CV to BA
AR0021822		City of Monticello - West Plant	488	This permit was previously on HOLD due to Mercury TMDL. This permit is currently being drafted to address the TMDL requirements.
AR0050474		Coreslab Structures (ARK), Inc.	487	At public notice. Delay caused by Stone Dam Creek TMDL issues.
AR0035653		City of Norphlet	482	This permit is currently on HOLD due to Mercury issues.
AR0048747	City of Clinton	West Wastewater Treatment Facility	461	ON HOLD due to Mercury TMDL.
AR0048836	City of Clinton	East Wastewater Treatment Facility	461	ON HOLD due to Mercury TMDL.
AR0043613		City of Magnolia-Big Creek WWTP	459	This permit is currently on HOLD due to mercury issues
AR0050270		Almatis, Inc.	448	ON HOLD due to Minerals.
AR0052574	RET Development, LLC	Mountain Valley Subdivision WWTP	417	Reassigned from CW. Final permit has been prepared, waiting on approval from City of Little Rock
AR0052574C	RET Development, LLC	Mountain Valley Subdivision WWTP	417	Reassigned from CW. Final permit has been prepared, waiting on approval from City of Little Rock
AR0051110	Coltec Industries, Inc.	Remedial System at Central Moloney Facility	399	PN closed on 6/26/2016 - sampling of groundwater extraction wells for PCBs requested
AR0047619		Carroll County Stone, Inc.	374	The 30-day comment period has ended. This permit is currently being prepared for final review and approval by engineer or management.
AR0037303	Fairfield Bay Wastewater Corp.	Hamilton Hills WWTP	367	The 30-day comment period has ended. This permit is currently being prepared for final review and approval by engineer or management.

Permits on Last Report - Issued

Permit No.	Facility	Permit Issue Date	Type
AR0001601	MONDI PINE BLUFF, LLC	07/06/2016	minor modification
AR0003018	TYSON POULTRY-GRANNIS	7/06/2016	minor modification
AR0022756	HELENA INDUSTRIES, INC	07/18/2016	renewal
AR0043192	COLT, CITY OF	07/18/2016	renewal
AR0047121C	VILONIA, CITY OF	07/18/2016	construction
AR0047635	ALBEMARLE-WEST PLANT	07/18/2016	renewal
AR0049301	MAXMART #1026	07/18/2016	renewal
AR0051811	EL DORADO SCHOOLS-UNION	07/18/2016	renewal
4842-WR-2	Meadowlands Subdivision	7/21/16	Issued
4847-WR-4	Tuscan Heights Subdivision	7/21/16	Issued
4855-WR-2	Weatheron Subdivision	7/21/16	Issued
AR0051853	SEBASTIAN MINE	07/25/2016	renewal
AR0043354	ACME BRICK-PERLA PLANT	07/26/2016	renewal
AR0048119	EVERGREEN PACK./CADRON CREEK	07/26/2016	renewal
AR0052663	CITY OF ROCKPORT WWTF	07/26/2016	issuance
3067-WR-3	Fort Smith Yard	7/29/16	Issued
5263-W	Denali Water Solutions, LLC	7/29/16	Issued
5265-W	Love's Travel Center - Alma	7/29/16	Issued
AR0050482	VICTORY LUMBER	08/02/2016	renewal
AR0045799	ARK HIGHWAY DEPT-WALDRON NORTH	08/04/2016	renewal
AR0051993	WOODSON-HENSELY WWTF	08/04/2016	renewal
AR0052671C	ARKANSAS POST NATL MEMORIAL	08/04/2016	construction
AR0001899	UNIMIN CORP-GUION	08/05/2016	renewal
AR0047635	ALBEMARLE-WEST PLANT	08/05/2016	renewal
AR0051136	SW/AMERICAN ELECTRIC POWER CO	08/10/2016	major modification
AR0049425	ASSOC.ELEC.CO-OP,INC.AECI/DELL	08/15/2016	renewal
AR0052001	GERALD HUNTER	08/15/2016	renewal
1664-WR-3	Treasure Isle Park, LLC	8/16/16	Issued
4485-WR-11	Terra Renewal Services	8/17/16	Issued
5105-WR-1	West Side Wastewater Treatment Plant	8/17/16	Issued
5109-WR-4	Nebo Services, Inc. - Scott County	8/17/16	Issued
AR0000841	ARK ELECTRIC COOP-MCCLELLAN	08/17/2016	minor modification
AR0021326	TYSON CHICKEN-PROCESS PLNT	08/17/2016	renewal
AR0021768	CITY CORP WWTP	08/17/2016	renewal
AR0021768C3	CITY CORP WWTP	08/17/2016	construction
AR0033863	HARRISBURG, CITY OF	08/17/2016	major modification
AR0037125	MITCHELLVILLE, CITY OF	08/17/2016	renewal
AR0037800	CLEAN HARBORS EL DORADO, LLC	08/17/2016	renewal
AR0039233	PANGBURN WATER & SEWER COMM	08/17/2016	renewal
AR0039250	ARK FOUR-H CENTER	08/17/2016	renewal
AR0039268	TYSON FOODS-CLARKSVILLE	08/17/2016	renewal
AR0043753	SUGARLOAF WASTEWATER TREATMENT	08/17/2016	renewal
AR0044041	CROSS COUNTY SCHOOL DISTRICT	08/17/2016	renewal
AR0052493	SALEM REDI-MIX	08/17/2016	issuance
AR0052493C	SALEM REDI-MIX	08/17/2016	construction
AR0052639	C.J. HORNER CO.	08/17/2016	issuance
AR0052639C	C.J. HORNER CO.	08/17/2016	construction
AR0022101	BEEBE CITY WATER & SEWER COMM.	08/18/2016	renewal
AR0033782	LUXORA, CITY OF	08/18/2016	renewal
AR0047431	PATHWAY CAMP GROUNDS	08/18/2016	minor modification
AR0049204	GEORGIA-PACIFIC WOOD PRODUCTS	08/18/2016	renewal
AR0052621	WOODSLAND EDGE SUBDIVISION	08/18/2016	issuance
AR0052621C	WOODSLAND EDGE SUBDIVISION	08/18/2016	construction
1901-WR-5	Swine Research Services, Inc.	8/24/16	Issued
AR0000841	ARK ELECTRIC COOP-MCCLELLAN	08/25/2016	minor modification
AR0048232C	MANSFIELD, A DIV./ WEST FRASER	08/25/2016	construction
5115-WR-4	Mondi Pine Bluff, LLC	8/29/16	Issued
4839-WR-7	Terra Renewal Services, Inc.	8/30/16	Issued
5110-WR-2	Nebo Services, Inc.	8/30/16	Issued
AR0021393	CHERRY VALLEY, CITY	08/30/2016	renewal
AR0052485	CITY OF CALION/SOUTH ADDITION	08/30/2016	issuance
AR0052485C	CITY OF CALION/SOUTH ADDITION	08/30/2016	construction
3833-WR-4	Balloun Farms	9/1/16	issued

Arkansas Department of Environmental Quality
 Section 38 Report, Water Division, Q1 FY 2017
 Permits Issued

10/4/2016

AR0036714	TYSON POULTRY-DARDANELLE	09/01/2016	minor modification
AR0038458C	PATE CREEK WWTP	09/07/2016	construction
AR0038466C	HOPE, CITY OF	09/07/2016	construction
AR0051748	TWIN MOUNTAIN	09/07/2016	renewal
5211-WR-2	Highway 59 South Sludge Application Site	9/8/16	Issued
AR0021792	BERRYVILLE, CITY OF	09/08/2016	renewal
AR0047953	DELTIC TIMBER-WALDO	09/08/2016	modification
4638-WR-4	Riceland Foods, Inc. - Soy Division	9/12/16	Issued
5271-W	Booneville Human Development Center	9/12/16	Issued
AR0034002C	BRYANT WATER UTILITIES	09/12/2016	construction
AR0035688	OLA, CITY OF	09/12/2016	renewal
AR0035807	BALD KNOB, CITY OF	09/12/2016	renewal
AR0047902	H.G. TOLER & SON LUMBER CO, INC	09/12/2016	renewal
AR0051926	COMER MINE #2	09/12/2016	renewal
AR0043516	GREAT LAKES WEST	09/13/2016	major modification
AR0045373	RONDO, CITY OF	09/13/2016	renewal
AR0035483	HATFIELD, TOWN OF	09/14/2016	renewal
AR0040886	WILTON, CITY OF	09/14/2016	renewal
AR0023841	LEPANTO, CITY OF	09/15/2016	renewal
5266-W	Beaver Farms	9/21/16	Issued
AR0000361	KINDER MORGAN OPERATING, LP "C"	09/21/2016	renewal
AR0021580	OSCEOLA WWTP	09/21/2016	renewal
AR0037907	JONESBORO/WEST SIDE WWTP	09/21/2016	renewal
AR0045624	LAKE HAMILTON SCHOOL DIST #5	09/21/2016	renewal
AR0049310	ST. CHARLES, CITY OF	09/21/2016	renewal
AR0000841	ARK ELECTRIC COOP-MCCLELLAN	09/29/2016	minor modification
AR0021911	RECTOR, CITY OF	09/29/2016	renewal
AR0034738	AUGUSTA, CITY OF	09/29/2016	renewal
AR0048461	DEL-TIN FIBER L.L.C.	09/29/2016	modification
AR0022152	JOINER, CITY OF	09/30/2016	renewal
AR0052698C	BRADY MOUNTAIN RESORT & MARINA	09/30/2016	construction

Memorandum

DATE: October 12, 2016

TO: LEGISLATIVE COUNCIL

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

RE: SECTION 38 (a) – (e) of ACT 77 OF THE 2015 REGULAR
SESSION OF THE ARKANSAS GENERAL ASSEMBLY

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 July 1, 2016 through September 30, 2016. 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 25.

Type of Enforcement Action	Defendant	Geographic Location
Civil Complaint	Larry Calmes et, al	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 July 1, 2016 through September 30, 2016:

Civil Penalties Collected	\$48,936.08
Supplemental Environmental Projects Verified	\$0.00

CONSENT ADMINISTRATIVE ORDERS

University of Arkansas at Little Rock, Pulaski County, Office of Air Quality, \$800.00 Penalty, LIS No. 16-050

El Dorado Chemical Company, Union County, Office of Air Quality, \$1,400.00 Penalty, LIS No. 16-051

Rose Aircraft Finishes, Inc., Polk County, Office of Land Resources, \$14,250.00 Penalty, LIS No. 16-052

Sugarloaf Waste Water Treatment d/b/a Sugarloaf Wastewater Treatment District, Boone County, Office of Water Quality, No Penalty, LIS No. 16-053

CLP Magic Spring TRS Corp. d/b/a Magic Springs & Crystal Falls, Garland County, Office of Water Quality, \$3,500.00 Penalty, LIS No. 16-054

Dated this 10th day of July 2016
Becky W. Keogh, Director
Arkansas Department of Environmental Quality

CONSENT ADMINISTRATIVE ORDERS

Sherwood Marble Company, Inc., Pulaski County, Office of Air Quality, \$500.00 Penalty, LIS No. 16-055

Fayetteville Gathering Company- Yingling Compressor Station, White County, Office of Air Quality, \$500.00 Penalty, LIS No. 16-056

City of Bryant, Saline County, Office of Water Quality, \$4,500.00 Penalty, LIS No. 16-057

NOTICE OF VIOLATION

Valley View Golf, LLC, Washington County, Office of Water Quality, \$ 38,000.00, LIS No. 16-058

Dated this 25th day of July 2016
Becky W. Keogh, Director
Arkansas Department of Environmental Quality

NOTICE OF VIOLATION

Bobby Briggs, Faulkner County, Office of Air Quality, \$ 12,000.00 Penalty, LIS No. 16-059

CONSENT ADMINISTRATIVE ORDERS

Great Lakes Chemical Corporation, Union County, Office of Land Resources, \$ 16,000.00 Penalty, LIS No. 16-060

Rogers Iron & Metal Corporation, Benton County, Office of Air Quality, \$ 450.00 Penalty, LIS No. 16-061

Nimocks Oil Company Inc., Crittenden County, Office of Water Quality, \$ 1,800.00 Penalty, LIS No. 16-062

AMENDMENT TO CONSENT ADMINISTRATIVE ORDER LIS 12-120

Eaton-Moery Environmental Services, Inc., Cross County, Office of Land Resources, Penalty Unchanged, LIS No. 12-120-001

AMENDMENT TO CONSENT ADMINISTRATIVE ORDER LIS 15-055

West River Valley Waste Tire Management District, Johnson County, Office of Land Resources, Penalty Unchanged, LIS No. 15-055-001

Dated this 10th day of August 2016
Becky W. Keogh, Director
Arkansas Department of Environmental Quality

CONSENT ADMINISTRATIVE ORDERS

City of Monticello- East Plant, Drew County, Office of Water Quality, \$ 5,662.00 Penalty, LIS No. 16-063

City of Monticello- West Plant, Drew County, Office of Water Quality, \$ 6,025.00 Penalty, LIS No. 16-064

Malvern Minerals Co., Garland County, Office of Air Quality, \$ 1,000.00 Penalty, LIS No. 16-065

Unilin Flooring NC, LLC, Izard County, Office of Air Quality, \$ 6,000.00 Penalty, LIS No. 16-066

Dated this 19th day of August 2016
Becky W. Keogh, Director
Arkansas Department of Environmental Quality

Note: There were no formal ADEQ enforcement actions for the period August 25, 2016, through September 10, 2016.

Dated this 10th day of September 2016
Becky W. Keogh, Director
Arkansas Department of Environmental Quality

CONSENT ADMINISTRATIVE ORDERS

Pet Solutions, LLC, Yell County, Office of Air Quality, \$ 700.00 Penalty, LIS No. 16-069

McGeorge Contracting Co., Inc- Granite Mountain Quarries- Plant I & II, Pulaski County, Office of Air Quality, \$ 550.00 Penalty, LIS No. 16-071

CertainTeed Gypsum Manufacturing, Inc., Howard County, Office of Air Quality, \$ 2,600.00 Penalty, LIS No. 16-072

NOTICE OF VIOLATION

Magness Oil Company, Pope County, Office of Land Resources, \$ 9,450.00 Penalty, LIS No. 16-070

Dated this 25th day of September 2016
Becky W. Keogh, Director
Arkansas Department of Environmental Quality

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

QUARTERLY REPORT TO ARKANSAS LEGISLATIVE COUNCIL

ON RULEMAKING ACTIVITIES

Months In Quarter: July, August, and September 2016

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. 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 extra-ordinary resource waters as a source of drinking water supply.

The Arkansas Pollution Control & Ecology Commission ("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 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 ("Tyson")

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 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 ("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 that would not have otherwise occurred.

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

5. Regulation Number and Name: Regulation No. 2, City of Fayetteville Paul R. Noland Wastewater Treatment Plant Third-Party Rulemaking; 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. 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 National Pollutant Discharge Elimination System ("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.

6. Regulation Number and Name: Regulation No. 2, City of Harrison and City of Yellville Third-Party Rulemaking; Docket No. 15-002-R.

a. Amendment Proposed By: City of Harrison and City of Yellville.

b. Description: City of Harrison and City of Yellville filed its request to initiate rulemaking on August 5, 2015. The City of Harrison and the City of Yellville are requesting site specific modifications of the minerals water quality criteria for a portion of Crooked Creek in Boone and Marion Counties. Harrison seeks modification of the chloride, sulfate and total dissolved solids criteria for Crooked Creek from the outfall of Harrison's Wastewater Treatment Plant to Arkansas Department of Environmental Quality ("ADEQ") Monitoring Station WH10193. Yellville seeks a modification of total dissolved solids criteria from ADEQ Monitoring Station WH10193 to the mouth of Crooked Creek.

The Commission adopted the minute order initiating the rulemaking process on August 28, 2015.

c. Justification: There are currently no known technologically and economically feasible treatments capable of reducing the total dissolved solids concentration to levels that meet the current water quality criteria.

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

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

7. Regulation Number and Name: Regulation No. 19, Regulations of the Arkansas Plan of Implementations for Air Pollution Control; Docket No. 16-001-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on April 15, 2016. The substantive proposed changes to the Regulation 19 are necessary to comply with federal requirements, which include the U.S. Environmental Protection Agency's ("EPA") finding that the current provisions are substantially inadequate to meet federal Clean Air Act ("CAA") requirements and to address EPA's State Implementation Plan ("SIP") call with respect to applying to excess emissions during periods of startup, shutdown and malfunction provisions published in the Federal Register (80 FR 33840, June 12, 2015). The proposed changes also include the repeal of Chapter 14 Clean Air Interstate Rule (CAIR) Nitrogen Oxide (NOx) Ozone Season Trading Program General Provisions because it is no longer in effect. EPA replaced it with the Cross-State Air Pollution Rule (CSAPR) which took effect on January 1, 2015. Other substantive proposed changes include the addition of a definition of "Direct PM2.5 Emissions" and also the addition of t-Butyl Acetate to the list of compounds determined to have negligible photochemical reactivity in the definition of "volatile organic compounds."

The Commission initiated the rulemaking process on July 2, 2016, and no final decision has been made.

c. Justification:

The substantive proposed changes to Regulation 19 are necessary to comply with federal requirements, which include the EPA's

finding that the current provisions are substantially inadequate to meet federal CAA requirements and to address EPA's SIP call with respect to applying to excess emissions during periods of startup, shutdown and malfunction provisions published in the Federal Register (80 FR 33840, June 12, 2015).

d. Economic Impact: The number of entities affected by this rule will vary due to diversity of items addressed in this rulemaking; however, ADEQ anticipates minimum to no impact other than the proposed changes that will affect facilities subject to reporting SSM.

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

8. Regulation Number and Name: Regulation No. 27, Licensing of Operators of Solid Waste Management Facilities and Illegal Dumps Control Officers; Docket No. 16-002-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on April 18, 2016. The substantive proposed changes to the regulation include addition of provisions to allow the ADEQ Director to grant or withdraw waivers of requirements for solid waste management facility licensing, other minor changes involving correction of a typographical errors and changes in the regulation's style and format.

The Commission adopted the amendments on September 23, 2016.

c. Justification: The proposed changes will help ensure that the ADEQ Director is able to grant or withdraw waivers of requirements for solid waste management facility licensing.

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

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

9. Regulation Number and Name: Regulation No. 2, Halliburton Energy Services Inc.'s Third-Party Rulemaking; Docket No. 16-003-R.

a. Amendment Proposed By: Halliburton Energy Services Inc.

b. Description: Halliburton Energy Services Inc. ("Halliburton") filed its request to initiate rulemaking on July 7, 2016. In order to perform a twelve-year Environmental Improvement Project ("EIP") for the former Dresser Industries-Magcobar mine site located in Hot Springs County. Halliburton is requesting the following amendments to Regulation No. 2 for the duration of the EIP. Halliburton requests modification of the chloride, sulfate, and total dissolved solids water quality criteria for Chamberlain Creek and requests modification of the sulfate and total dissolved solids water quality criteria for Cove Creek, Reyburn Creek, Lucinda Creek, Rusher Creek, Scull Creek, and Clearwater Lake.

The Commission adopted the minute order initiating the rulemaking process on August 28, 2015, and no final decision has been made.

c. Justification: The proposed changes will help Halliburton perform a twelve-year EIP for the former Dresser Industries-Magcobar mine site located in Hot Springs County.

d. Economic Impact: There are no economic effects of the proposed rule. Adoption of proposed rule will allow Halliburton to implement the ADEQ-approved EIP.

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

10. Regulation Number and Name: Regulation No. 6, Regulation for State Administration of the National Pollutant Discharge Elimination System (NPDES); Docket No. 16-004-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on August 12, 2016. Proposed revisions to Regulation No. 6 include adoption of federal revisions to the NPDES program including sufficiently sensitive test methods, cooling water intake structure requirements, steam electric power generating, and reporting requirements; incorporations of statutory changes passed by the Arkansas General Assembly, which amend the Trust Fund permitting requirements. The proposed rule changes also include several minor corrections to make the regulation more illustrative the legislative and regulatory intent, and a variety of non-substantive and minor stylistic changes in the interest of clarity and consistency.

The Commission initiated the rulemaking process on August 26, 2016, and no final decision has been made.

c. Justification: The proposed changes are required to implement Acts 94 and 575 of 2015 of the Arkansas General Assembly.

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

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

11. Regulation Number and Name: Regulation No. 11, Regulations for Solid Waste Disposal Fees; Landfill Post-Closure Trust Fund; Solid Waste Management and Recycling Fund Distribution Programs; Docket No. 16-005-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on August 12, 2016. The proposed changes to the regulation are required to implement Acts 1037 and 1176 of 2015.

The Commission initiated the rulemaking process on August 26, 2016, and no final decision has been made.

c. Justification: The proposed changes to the regulation are required to implement Acts 1037 and 1176 of 2015.

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

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

12. Regulation Number and Name: Regulation No. 9, Fee Regulation; Docket No. 16-006-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on September 8, 2016. Proposed revisions to Regulation 9 include amendments to the definitions to add "Q" or "Quantity" for clarification because the term is used in Chapter 4 concerning the calculation of water permit fees; Chapter 4 formulas for clarification to make the regulation easier to understand; and incorporation of a proposed fee calculation for minor municipal and non-municipal facilities with National Pollutant Discharge Elimination System permits for limits of toxic pollutants based solely on total Maximum Daily Load to allow ADEQ to assess lower water permit fees for qualifying facilities. The proposed changes also update the fee schedule to reflect permits currently offered by the Office of Water Quality and eliminate four General Permits that are no longer issued by the Office of Water Quality, incorporate statutory changes made by the General Assembly concerning contribution fees to the Non-municipal Domestic Sewage Treatment Works Trust Fund, and make minor, non-substantive stylistic and formatting corrections throughout the Regulation.


The Commission initiated the rulemaking process on September 23, 2016, and no final decision has been made.

c. Justification: Implementing the revisions will not cause an increase in costs to any private individual because application of the proposed fee calculation for qualifying facilities will allow ADEQ to assess a lower permit fee.

d. Economic Impact: The proposed change to Regulation 9 allows ADEQ to lower NPDES permit fees for some minor municipal and non-municipal facilities with permit limits for toxic pollutants based solely on a Total Maximum Daily Load. The change simplifies the fee schedule for NPDES general permits and removes outdated information. Acts 94 and 575 of 2015 require revisions concerning contribution fees to the Non-municipal Domestic Sewage Treatment Works Trust Fund.

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

10/11/16
Date


Charles Moulton
Charles Moulton
Environmental Law Judge
Arkansas Pollution Control and
Ecology Commission

ADEQ REVENUE FROM PERMIT FEES AND LICENSES

All figures generated 9-30-2016, based on active invoices. Date range = 07-01-2016 to 09-30-2016

Invoice Identifier	Fee Code	Description	Fund	Collections
RST - Tank Installer Licenses	RST	Tank installer licenses	SRS0000	\$ 6,700.00
TKS - Storage Tank Fees	TKS	Storage Tank Fees		\$ 131,755.00
UST - Exam Fees	UST	Underground Storage Tank Exam Fees		\$ 2,775.00
ASB - Asbestos Licenses	ASB	Asbestos Licenses	SAC0000	\$ 17,890.00
CCL - Contractors Licenses - Lead	CCL	Contractors Licenses	SAC0000	\$ 39,825.00
HWD - HW Permits	HWD	Hazardous Waste Permits	SHW0000	\$ 167,231.62
			MEE0000	\$ 5,435.00
			THS0000	\$ 48,915.00
TRF - Transfer Facilities	TRF	Transfer Facilities	SHW0000	\$ -
HWL - HW Licenses	HWL	HW Licenses	SHW0000	\$ 200.00
SFF - Superfund	HWD	Superfund permit fees	THS0000	\$ -
			MEE0000	\$ -
LAB - Lab Certification Fees	LAB	Lab Certification Fees	TPE0000	\$ 13,980.00
MPS - Mining Fees	MPS	Non-coal mining permit Fees	HMA0100	\$ 5,781.00
		Coal Mining Permit Fees	MAF0000	\$ -
		Quarry Permit Fees	TLR0000	\$ 10,843.50
MBL - Mining Fees	MBL	Blaster Permits	MAF0000	\$ -
DCO - Dump Control Officers	DCO	Dump Control Officer Licenses	TPE0000	\$ 375.00
SWL - Sanitary Landfill Operators	SWL	Sanitary Landfill Operator Licenses		\$ 17,595.00
TTL - Waste Tire Licenses	TTL	Waste Tire Licenses		\$ 705.00
TPF - Waste Tire Facilities	TPF	Waste Tire Facilities		
MER - Mercury Switches	MER	Mercury Switches	TWS0100	\$ 160.00
SWF - Municipal Landfills	SWF	Municipal Landfill Fees	TWS0100	\$ 233,713.94
			TWS0200	\$ 934,855.44
			TWS0300	\$ 744,274.51
ILF - Industrial Landfills	ILF	Industrial Landfill Fees	TWS0100	\$ 4,034.24
			TWS0200	\$ 16,136.94
			SMB0000	\$ 6,723.72
WWL - Wastewater Licenses	WWL	Waste Water Operator Licenses	MWW0000	\$ 6,900.00
Total				\$ 2,416,804.91

**HWM Permits and Modifications Completed from the Previous Report
(4/1/16 to 6/30/16)**

Type/Name	Permit No.
Renewal Permit/FutureFuel Chemical	11H-RN1
Class 1 Permit Modification/GLCC/Update Emergency Contingency plan	18H-RN1
Class 1 Permit Modification/AGC/Valve Replacement	21H-RN1
Class 1 Permit Modification/Lockheed/Contingency Plan	27H-RN1

**HWM Modifications Received and Completed During the First Quarter
(7/1/16 to 9/30/16)**

Type/Name	Permit No.	Received; Approved
Class 1 Permit Modification/AGC/Update Emergency Contingency plan	21H-RN1	7/6/16; 7/18/16
Class 1 Permit Modification/RMC/Update Site Contact	30H-RN1	8/1/16;8/11/16
Class 1 Permit Modification/CHED/Place South Roll-Off Storage	10H-RN1	8/5/16;8/17/16
Class 1 Permit Modification/AGC/Piping Replacement	21H-RN1	9/1/16;9/6/16
Class 1 Permit Modification/LionOil/Update Part A	14H-RN2	8/22/16; 9/12/16
Class 1 Permit Modification/APC/Revise Chromium SSL	31H-RN1	9/9/16; 9/29/16
Class 1 Permit Modification/PBA/Update Contingency Plan	1H-RN2	9/26/16; 9/30/16
Class 1 Permit Modification/PBEDS/Update Contingency Plan	39H-RN1	9/26/16; 9/30/16

**HAZARDOUS WASTE
REGULATED WASTE PROGRAMS
OFFICE OF LAND RESOURCES
"SECTION 38" REPORT**

Applications pending for 45 days or more:

Great Lakes Chemical Company (18H-RN1): Great Lakes Chemical Company submitted a Permit Renewal application on April 15, 2016. ADEQ public noticed the Permit Application was Administratively Complete on June 6, 2016. ADEQ issued Technical NOD requesting additional information on June 23, 2016 and received GLCC's response on July 29, 2016. On September 8, 2016 ADEQ routed the tentative approval of the Permit Renewal Application and it will be public noticed on October 5, 2016 for a 30 day public comment period.

Clean Harbors (10H-RN1): Clean Harbors submitted a Class 2 Permit Modification on June 17, 2016. ADEQ issued a NOD on July 17, 2016. ADEQ received CHED's response August 12, 2016. ADEQ is currently in process of drafting permit language for the modification request and the approval documentation.

