

ADEQ

ARKANSAS
Department of Environmental Quality

July 14, 2011

Sen. Mary Ann Salmon, Co-Chair
Rep. Tommy Lee Baker, Co-Chair
Arkansas Legislative Council
Room 315, State Capitol Building
Little Rock, AR 72201

Dear Gentlemen:

As required in Act 1387 of 2009, Section 38(a)-(e), the Arkansas Department of Environmental Quality presents the following information:

- (a) the number and type of environmental permits currently authorized by the Department and Pollution Control and Ecology Commission in each environmental permit category,
- (b) the total funds collected from permit fees for each permit category and the percent increase or decrease in permit fees annually,
- (c) the description of each environmental permit application pending in each environmental permit category, the number of days each permit has been pending, and the reasons for delays in issuing permits for each permit that has been pending for more than 45 days,
- (d) the number and type of enforcement actions initiated by the Department, the geographic location of each violation and the total fines and collections from Supplemental Environmental Projects, the percent increase or decrease in fines levied annually, and
- (e) the description of all pending rulemaking activities and justifications, including economic impact and environmental benefit analysis.

The information provided by each division covers the period April 1, 2011 through June 30, 2011. If you have any questions, please contact Karen Bassett at (501) 682-0959.

Sincerely,



Teresa Marks
Director

AIR DIVISION

As of	7/1/2011
State Fiscal Quarter	4th FY 2011
Air Permits/Category	
Major Title V	200
Minor	1022
Permits Pending-By Category/Facility	

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MAJOR TITLE V	DATE APPLICATION RECEIVED	FACILITY	7/1/2011	Reason Code
7000151	12/11/2007	Great Lakes Chemical Corporation - West Plant	1298	3
1800022	3/10/2008	Acme Brick - Wheeler Plant	2209	5
1500017	4/22/2008	Duke Natural Kraft	1165	3
3200036	7/21/2008	Furfural Chemical Company	1075	5
7000037	8/10/2008	Great Lakes Chemical Corporation - South Plant	1024	5
7000101	9/10/2008	Great Lakes Chemical Corporation - West Plant	1024	3
2800251	12/17/2008	American Rebar Industries Inc	926	5
3500017	2/11/2009	Duke Natural Kraft	870	0
7000006	2/12/2009	Georgia-Pacific Wood Products South LLC	869	5
7000037	2/27/2009	Great Lakes Chemical Corporation - South Plant	654	5
2800256	3/6/2009	American Rebar Industries Inc - Mamoduke	844	3
2800506	3/27/2009	AEP - SWEPD0 Turk Plant	828	2
6500011	4/22/2009	Beem Lumber Company Inc	820	5
3500036	4/13/2009	Furfural Chemical Company	856	5
2000004	4/30/2009	Georgia-Pacific Wood Products LLC	792	5
3500018	5/11/2009	Evergreen Packaging	781	5
7000074	6/20/2009	Roll Center Inc	763	7
3000011	6/18/2009	Entergy - Lake Catherine Plant	742	7
6200010	6/23/2009	Entergy - Moses Plant	738	7
3500018	6/29/2009	Evergreen Packaging	732	5
1800251	7/22/2009	American Rebar Industries Inc	729	5
7000037	7/13/2009	Great Lakes Chemical Corporation - South Plant	718	5
7000036	7/24/2009	Furfural Chemical Company	707	5
7000037	8/7/2009	Great Lakes Chemical Corporation - South Plant	683	5
7000296	10/5/2009	Husqvarna Forestry Products North America Inc	634	3
4800008	10/5/2009	Fishing Holdings LLC	634	2
4700202	10/6/2009	Nucor-Yanato Steel Company	633	3
6400017	10/6/2009	Entergy Arkansas, Inc - Rochee Plant	619	5
1800256	10/18/2009	American Rebar Industries - Mamoduke	619	5
3500110	10/20/2009	Entergy Arkansas, Inc - White Bluff Plant	619	5
2400088	10/26/2009	CenterPoint Energy - Mississippi River Transmission LLC - Webb City Compressor	613	7
6800219	11/3/2009	Saint-Gobain Proppants	605	3
1500011	11/3/2009	Beem Lumber Company	605	5
3500025	11/12/2009	Planters Cotton Oil Mill, Inc	598	5
3500017	11/18/2009	Duke Natural Kraft - Mid America Packaging	592	5
1800190	12/7/2009	The Phoenix Refining Group, Inc - West Memphis Terminal	671	2
1800028	12/18/2009	Abernatie Corporation - South Plant	660	3
4100002	1/19/2010	Domtar A W LLC	629	7
3200036	1/20/2010	Furfural Chemical Company	627	5
6300016	1/20/2010	Almeta, Inc	627	7
7000012	1/28/2010	Great Lakes Chemical Corporation - Central Plant	619	5
1400028	2/19/2010	Abernatie Corporation - South Plant	487	3
3500018	2/23/2010	Evergreen Packaging	493	5
2500204	2/25/2010	Shaw Plastic	490	2
7000543	3/25/2010	Union Power Station	483	3
2800251	3/30/2010	American Rebar Industries, Inc	458	5
6400013	3/31/2010	Performed Line Products Company	457	5
7000037	4/22/2010	Great Lakes Chemical Corporation - South Plant	465	5
2700002	4/15/2010	West Fraser, Inc - Lake Umbagog	444	2
7000012	5/9/2010	Great Lakes Chemical Corporation - Central Plant	424	5
2000017	5/28/2010	Idaho Timber of Carthage	399	5
3000048	5/28/2010	Arkansas Children's Hospital	389	5
3100023	6/4/2010	Husqvarna Forestry Products North America, Inc	376	5
6400107	6/24/2010	AEP - Flint Creek Power Plant	372	5
7000012	7/8/2010	Great Lakes Chemical Corporation - Central Plant	358	5
7000018	7/16/2010	Great Lakes Chemical Corporation - Central Plant	360	5
3000226	7/27/2010	Kean Hot Springs LLC	339	5
4700202	7/28/2010	Nucor-Yanato Steel Company	338	3
1400028	7/28/2010	Abernatie Corporation - South Plant	338	3
7000033	7/29/2010	Entergy Arkansas, Inc - Coushattes	333	3
1400028	8/3/2010	Abernatie Corporation - South Plant	332	3
3000337	8/8/2010	Hot Springs Power Company LLC	330	3
3500018	8/20/2010	Evergreen Packaging	315	5
6400048	8/20/2010	Beem Lumber Company	315	5
4700202	8/31/2010	Nucor-Yanato Steel Company	304	3
6800219	9/2/2010	Saint-Gobain Proppants	302	3
2600077	9/13/2010	TRG Hot Springs LLC	291	6
1400040	9/21/2010	Amjet - Magnolia	283	5
6800701	9/30/2010	Huntington Foam	274	7
3500018	10/7/2010	Evergreen Packaging	267	5
1800082	10/19/2010	Arkata Division	261	2
6800219	10/27/2010	Saint-Gobain Proppants	247	3
7000037	11/12/2010	Great Lakes Chemical Corporation - South Plant	231	5
2400088	11/16/2010	CenterPoint Energy - Mississippi River Transmission LLC - Webb City Compressor Station	228	3
1400028	11/17/2010	Abernatie Corporation - South Plant	226	3
3500036	11/18/2010	Furfural Chemical Company	224	5
6200005	12/2/2010	Georgia-Pacific LLC - Plywood/Sludmill Complex	211	2
6200013	12/5/2010	Georgia-Pacific LLC - Crossait Paper Operations	210	2
1400028	12/10/2010	Abernatie Corporation - South Plant	192	3
7000121	12/29/2010	CenterPoint Energy - Mississippi River Transmission LLC - West Point Compressor Sta	184	5
4700202	1/6/2011	Nucor-Yanato Steel Company	177	3
4300093	1/18/2011	CenterPoint Energy - Mississippi River Transmission LLC - Carlsie Compressor Station	164	5
6100001	1/26/2011	Phosphate Fertilizer & Alcohols Inc	158	5
7000012	1/28/2011	Great Lakes Chemical Corporation - Central Plant	154	5
3500018	2/1/2011	Evergreen Packaging	150	5
7100398	2/7/2011	DeSoto Osharing Company, LLC - Graves Hill DRP-4	144	2
2600506	2/7/2011	American Electric Power Service Corp - John W Turk Jr Power Plant	144	5
1000004	2/18/2011	Reynolds Metals Co - Gum Springs	135	5
6100212	2/18/2011	Georgia-Pacific Wood Products LLC OSB	133	3
3500110	2/23/2011	Entergy Arkansas, Inc - White Bluff Plant	128	5
6500116	2/24/2011	U S Army - Pine Bluff Arsenal	127	5
4700202	2/25/2011	Nucor-Yanato Steel Company	120	3
3500017	2/28/2011	Duke Natural Kraft - Mid America Packaging	123	5
1000004	3/20/2011	Reynolds Metals Co - Gum Springs	103	2
7000064	3/28/2011	Waste Corporation of Arkansas, Inc - Union County Recycling & Disposal Facility	98	5
3500118	3/30/2011	U S Army - Pine Bluff Arsenal	93	5
7600051	4/8/2011	Pal Solutions, LLC	87	2
7000040	4/11/2011	El Dorado Chemical Company	81	2
6300011	4/12/2011	Saint-Gobain Proppants	80	3
1400028	4/14/2011	Abernatie Corporation - South Plant	78	3
3000213	4/16/2011	Berensfield Containers (BW) Ltd	77	2
0700035	4/16/2011	Arnsbet - General Corporation	77	6
1700116	4/19/2011	Valase Companies, Inc	75	5
0100008	4/18/2011	Koalend Foods Inc - Soy Division	74	2
1400028	4/19/2011	Abernatie Corporation - South Plant	73	3
6000020	4/19/2011	University of Arkansas for Medical Services (UAMS)	73	5
4600005	4/21/2011	Coopac Line Company	71	5
7000012	4/25/2011	Great Lakes Chemical Corporation - Central Plant	67	5
7000018	4/26/2011	Lion OX Company	66	5
3500118	4/27/2011	U S Army - Pine Bluff Arsenal	65	5
3500118	4/27/2011	U S Army - Pine Bluff Arsenal	65	5
7000012	5/10/2011	Great Lakes Chemical Corporation - Central Plant	52	5
6200005	5/19/2011	Georgia-Pacific LLC - Plywood/Sludmill Complex	49	2
4700233	5/17/2011	Nucor Corporation (Nucor Steel Arkansas)	45	3

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MINOR	DATE APPLICATION RECEIVED	FACILITY	7/1/2011	Reason Code
7001287	8/10/2009	Shaw Mid-States Pipe Fabricating, Inc	669	5
4300024	11/22/2009	Hemington Arms Company, Inc	608	2
1300064	1/15/2010	Honaco	532	7
6900298	1/25/2010	Spartan Wood Pallet Company	622	3
0700022	5/12/2010	Lockhead Martin Missiles & Fire Control	415	5
0700022	9/3/2010	Lockhead Martin Missiles & Fire Control	301	5
0200311	9/27/2010	Pinnacle Biotech, Inc	281	5
3200208	10/8/2010	Team Ward, Inc	256	3
0800002	10/28/2010	Tyson Foods - Berryville	246	3
7900025	11/4/2010	University of Arkansas - Central Utility Plant	239	2
2200018	12/22/2010	Big River Outfitters, LLC	211	3
3500080	12/8/2010	Pace Industries, Inc - Harrison	207	6
7400029	12/8/2010	Sloan Valve - Augusta Division	205	3
3700284	12/20/2010	Exter - Tract 3 Production Facility	193	6
3700285	12/20/2010	Exter - Tract 9 Production Facility	193	6
3700286	12/27/2010	Exter Operating Co. - Tract 12 Production Facility & Office/BWD Facility	188	6
8700001	1/28/2011	Nidec Motor Company	156	6
1800014	1/28/2011	Murphy Oil USA, Inc. - Jonesboro Terminal	154	6
3300264	1/31/2011	Busabud Band, LLC	151	2
0100025	2/2/2011	Producers Rice Mill	148	7
2400105	2/14/2011	Arkansas Western Gas - King Compressor Station	137	5
7900039	2/14/2011	Martin Operating Partnership, L.P.	137	2
1000084	2/15/2011	Sigmet, Inc	136	3
0700022	2/16/2011	Lockhead Martin Missiles & Fire Control	135	5
1400790	2/18/2011	Bonanza Creek Energy Resources Field Office - Dorchester Gas Processing Plant	135	6
1600008	2/18/2011	Farr APC	133	7
6000004	3/17/2011	Pinnacle Corporation	122	5
6300011	3/2/2011	Saint-Gobain Proppants	121	2
7600112	3/7/2011	Harvest Rice, Inc - Otwell	116	2
1700078	3/11/2011	APCO Steel, LLC	119	5
6000404	3/11/2011	HWR Terminal - North Little Rock, LLC	112	2
1900008	3/15/2011	Producers Rice Mill - Fair Oaks Division	108	6
3300009	3/17/2011	Uramin Corporation	106	6
3400291	3/24/2011	Balsart Steel Corporation	99	5
0400120	3/28/2011	Kanamarat, Inc	96	7
1900019	3/29/2011	Producers Rice Mill, Inc	94	7
5400132	4/6/2011	Armenmax Coated Products	87	5
6003992	4/5/2011	Shawwood Metals Co., Inc	87	3
0100005	4/13/2011	Roseland Foods, Inc. - Stuttgart Rice Division	79	3
0401888	4/18/2011	City of Siloam Springs - Transfer Station	74	2
1200058	4/29/2011	Semi Jean Industries, Inc	67	7
4200115	5/2/2011	Cloves Gear & Products, Inc	59	5
8600450	5/9/2011	Ashland, Inc	53	2
3500178	5/11/2011	National Center for Toxicological Research (NCTR)	51	7
5400132	5/12/2011	Armenmax Coated Products	50	5
9800128	5/16/2011	Momentive Specialty Chemicals	49	2

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

As of:	6/30/2011
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State Fiscal Quarter	Fourth
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Hazardous Waste Management Permits

Post-Closure:	5
Hazardous Waste Management:	14

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Applications Pending	5
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Type/Name	Permit No.	Days Pending	Reason Code
Permit Modification/Rineco/Add Storage Units	28H-RN1	258	2
Permit Modification/Rineco/Add TMW Unit	28H-RN1	258	2
Permit Modification/Aerojet/OBU Closure Revisions	8H-RN1	160	3
Permit Modification/Aerojet/General Facility Updates	8H-RN1	51	3
Permit Modification/Aerojet/Application Revisions	29H-RN1	6	2

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Reason Codes:

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

MINING DIVISION

As of: 6/30/2011

State Fiscal Quarter 4th FY11

Mining Division Permits/Category

Coal Mining		Open-Cut Mining	
Active	7	Sand and Gravel	137
Exploratory		Clay	41
		Shale	18
		In-Stream	6
		Soil	29
		Other	12
Coal Total	7	Open-Cut Total	243
Total Mining Permits			250

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Permits Pending- By Category/Facility

COAL MINING	Days Pending	Reason Code
OPEN-CUT MINING	Days Pending	Reason Code
Bo Hinchey	700	5
Cross County Materials	589	5
Susan Evans	587	3
Alvin Crabtree and Son	428	3
Smith Equipment Co.	358	2
Arkansas Gravel Co.	293	2
Haley Sand and Gravel	255	2
Acme Brick	174	5
Semcoa	119	2
Semcoa	119	2
R & R Real Estate Investments	97	2
Denton Enterprises, Inc.	91	2
T & H Mining	66	2
Joey Baker	62	2
Galloway Sand and Gravel Co.	51	2

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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: 6/30/2011

State Fiscal Quarter 4

Solid Waste Management Permits/Category

Class 1 Landfills	41
Class 3 Landfills	31
Class 4 Landfills	39
Compost Facilities	32
CDMRF	0
Tire Processing Facilities	9
Transfer Station/WRFs	86

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Permits Pending- By Category/Facility

Class 1 Landfill Apps/Mods	Days Pending	Reason Code
WCA - Rolling Meadows Expansion	1427	3
Craighead County Major Mod	898	3
BFI Class 1 Landfill	842	3
NABORS Class 1 Minor Mod	119	3
City of Conway Class 1	573	3
IESI Cherokee Class 1 minor mod	258	3
Mississippi Co Class 1	59	1

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Class 3 Landfill Apps/Mods	Days Pending	Reason Code
SWEPKO Class 3N Initial (Turk Site)	180	7
Entergy Independence	1673	3
Entergy White Bluff	776	3
EMS 3T minor mod	353	3

Class 4 Landfill Apps/Mods	Days Pending	Reason Code
City of Conway Permit Application	2034	3
Cleburne County Class 4	731	3
Mississippi County Class 4	540	3
Pulaski Co Class 4	163	2
Clark County	412	3

Compost Facility Apps/Mods	Days Pending	Reason Code
Bentonville Compost	735	5
City of Eureka Springs Compost	863	5
B&D Litter	101	3

C&DRF Apps/Mods	Days Pending	Reason Code
Energy Source	276	2

Tire Processing Facility Apps/Mods	Days Pending	Reason Code
W2Oil	562	3
White River RSWMD Tire Processor	86	1

Transfer Station Apps/Mods	Days Pending	Reason Code
City of Siloam Springs TS	192	3

WRF Apps/Mods	Days Pending	Reason Code
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Reason Codes:

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

WATER DIVISION
Permits Branch, No Discharge Section

As of:	7/1/2011
State Fiscal Quarter	4

Active No-Discharge Permits

Agriculture	303
Industrial	1593
Salt Water Disposal	530
Municipal	44
Domestic	7
Underground Injection Control (UIC)	7

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Permits Pending Greater than 45 Days

<u>Facility</u>	<u>Permit Number</u>	<u>Days Pending</u>	<u>Reason Code</u>
Pet Solutions, LLC	3778-WR-5	71	1
Devonshire Lake Condominums	4861-WR-1	84	1
Bub's, Inc.	4782-WR-3	86	2
Sonora Middle School	5116-W	101	1
Delta Natural Kraft, LLC	5115-W	104	5
Producers Rice Mill, Inc.	2199-WR-6	105	1
Davis Farm	4223-WR-5	105	2
Aerion Rental Service	5113-W	105	5
Paul Yoder	5114-W	105	7
Waldron Wastewater Plant	5117-W	107	5
Brine Management and Pretreatment System, West Plant	0690-WR-4	112	1
Smitty's Septic Service	4395-WR-5	125	2
J. D. Vaught Farm	2511-WR-2	128	1
Nebo Residuals Services, Inc.	5110-W	132	5
Minieola Farms	4270-WR-3	134	1
Terra Renewal Services, Inc.	4652-WR-4	143	7
City of Caddo Valley Municipal WWTP	5108-W	149	4
Terra Renewal Services, Inc.	4823-WR-5	155	1
Murfreesboro Water Treatment Plant	5107-W	155	4
Fort Smith Yard	3067-WR-2	161	9
Meadowlands Subdivision	4842-WR-1	163	5
City of Perry Wastewater Treatment Plant	2013-WR-4	164	4
Weatherton Subdivision P.U.D.	4855-WR-1	203	5
Sugarloaf Land Farm	4693-WR-5	212	5
Nucor Yamato Steel Company	5007-WR-1	248	4
Terra Renewal Services, Inc.	4839-WR-4	255	5
Terra Renewal Services, Inc.	4846-WR-1	267	9
Lakeview Laundromat	4338-WR-2	268	1
Green Forest Wastewater Treatment Plant	5095-W	296	5
Terra Renewal Services, Inc.	4605-WR-2	332	1
Elna M. Smith Foundation	3961-WR-2	335	7
Mississippi County Landfill	5091-W	335	2
Maumelle Water Treatment Plant	4632-WR-2	388	2
Biggers Wastewater Treatment	4619-WR-2	392	4
Riceland Foods, Inc. - Soy Division	4638-WR-2	392	5
Independence Co.	5086-W	392	4
FutureFuel Chemical Company	5082-W	434	1
Stone Dam Creek Wastewater Plant	4853-WR-2	463	1
Treasure Isle R.V.	1664-WR-2	499	1
Oilfield Compliance Solutions	4929-WR-3	519	9
The Village at Shiloh	4824-WR-1	540	7

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WATER DIVISION
Permits Branch, No Discharge Section

South Plant	5048-W	679	7
3M Industrial Mineral Products	4584-WR-2	686	9
Bohannon No. 4 SWD	5056-W	692	9
Capstone Oilfield Disposal Well No. 1	5058-W	721	9

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.)

As of:	7/1/2011
State Fiscal Quarter	4

NPDES Permits/Category

Individual Permits	
Municipal	378
Industrial	421
Stormwater Permits	
Construction	1047
Industrial	1636
Small Municipal Separate Storm	
Sewer System (MS4)	46
Individual	1
General Permits	
Landfill	33
Non-Contact Colling Wat	10
Aggregate Facilities	29
Individual Treatment	160
Water Treatment	135
Hydrostatic Testing	32
Car Wash	14
Ground Water	13
Total	3955

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Permits Pending- By Category/Facility

Q4 SFY 2011

Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR000752		El Dorado Chemical Company	1641	8
AR0049743		El Dorado Water Utilities	1353	8
AR0035386		FutureFuel Chemical Company	1122	6
AR0001171	Chemtura Corporation	d/b/a Great Lakes Chemical Corporation - Central Plant	1086	8
AR0022063		City of Springdale	1011	4
AR0006647	Lion Oil Company	El Dorado Refinery	885	8
AR0022446		City of Fisher	595	3
AR0051136	Southwestern Electric Power Company	John W. Turk, Jr. Power Plant	560	7
AR0051594		Oilfield Compliance Solutions, LLC	483	8
ARS000002		City of Little Rock and Arkansas Highway Department	483	2
AR0050431	Blakstone Ranch Property Owners Association		480	3
AR0033588		City of Parkin	476	3
AR0044172		Westwood Village Sewer Facilities Board	455	8
AR0050253	Fritts Construction, Inc.	Hayden's Place Subdivision	434	3
AR0023833		City of Gravette	421	5
AR0045411		Caddo Valley Municipal Wastewater Treatment Plant	410	5
AR0002437	U.S. Fish and Wildlife Service	d/b/a Norfolk National Fish Hatchery	406	6
AR0050563	Central Arkansas Utility Services	d/b/a Crossroads Village	406	8
AR0038857		Albemarle Corporation - South Plant	406	5
AR0050539	Central Arkansas Utility Services	Pinewood Estates Subdivision	402	8
AR0047902		H.G. Toler & Son Lumber Company	399	6
AR0050288	City of Fayetteville	West Side Wastewater Treatment Facility	385	8
AR0043397		City of Rogers	368	8
AR0051802		Desoto Sand, LLC	368	2
AR0050334	Bobby Briggs, Owner	Grassy Lake Apartments	359	8
AR0049301	New Neptune, LLC	d/b/a MAX MART #1026	354	6
AR0033880C		City of Hot Springs	350	7
AR0033880M		City of Hot Springs	350	7
AR0021954		City of Turrell	336	8
AR0044814	GS Roofing Products Company, Inc.	CertainTeed	333	2

Arkansas Department of Environmental Quality
Section 38 Report
Water Division

Permits Pending- By Category/Facility		Q4 SFY 2011		
Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0045284		City of Cash	329	8
AR0037338	Jacquelyn Nwanodi	Baker Apartments	329	6
AR0022071		City of McGehee	324	2
AR0034738		City of Augusta	319	2
AR0034070		City of Lavaca	317	2
AR0020184		City of Gentry	316	2
AR0037842	Southwestern Electric Power Company	Flint Creek Power Plant	305	2
AR0051837	Chip & Shonna Smith	d/b/a "The Chaparral at Cranfield"	297	7
AR0022560		City of Blytheville - West Treatment Facility	297	6
AR0051837C	Chip & Shonna Smith	dba "The Chaparral at Cranfield"	297	7
AR0051853	Shriram Sebastian, LLC	Sebastian Mine	294	6
AR0048950	Umetco Minerals Corporation	d/b/a Wilson Mine Area	294	5
AR0001481		Norandal USA, Inc.	294	2
AR0044415	University of Arkansas	Rice Research and Extension Center	281	6
AR0047929	Central Arkansas Water	Ozark Point Water Treatment Plant	273	2
AR0047937	Central Arkansas Water	Jack H. Wilson Water Treatment Plant	273	2
AR0045403	TA Operating LLC	West Memphis Travel Center	269	6
AR0048097	Georgia-Pacific LLC	North Log Yard	268	7
AR0001414		Minnesota Mining and Manufacturing- Arch Street	268	5
AR0000531		Reynolds Metals Company-Gum Springs Plant	268	2
AR0050512	Reynolds Foil, Inc.	Hot Spring Continuous Rolling Plant	247	8
AR0023841		City of Lepanto	242	2
AR0036331	Entergy Arkansas, Inc.	d/b/a Entergy-White Bluff Plant	238	2
AR0033391		City of Cotton Plant	225	5
AR0037125		City of Mitchellville	221	2
AR0048241	B.J.'s Pit Stop, Inc.	Lakecenter Grocery and Deli	221	2
AR0050547		Two Rivers Harbor Subdivision	220	3
AR0035483		City of Hatfield	212	5
AR0020010	City of Fayetteville	Paul R. Noland Wastewater Treatment Plant	207	4
AR0035963	Pulaski County Special School District	Robinson Elementary School Treatment Facility	204	2
AR0047945		Gunnels Mill, Inc.	204	5
AR0044822		Town of Higginson	203	2
AR0002879	Arkansas Game and Fish Commission	Jim Hinkle/Spring River State Fish Hatchery	186	2
AR0039837		City of Patterson	186	2
AR0000591		Martin Operating Partnership L.P.	177	2
AR0036692	City of Mena	Mena Wastewater Treatment Plant	177	5
AR0041327		City of Lake View	177	5
AR0044300	VPG Partners II, LLC	d/b/a Statue Road Inn	172	6
AR0051926	Comer Mining Corporation	Comer Mine No. 2	172	2
AR0051918		Poinsett County Class IV Landfill	170	2
AR0034614		City of Grubbs	156	5
AR0051951	Conway Corporation	Tupelo Bayou Wastewater Treatment Plant	155	5
AR0045799	Arkansas Highway and Transportation Department District 4	Waldron Rest Area and Comfort Station	149	6
AR0051942		Chieftain Sand and Proppant, LLC	149	6
AR0043931	Dixon Manor MHP, LLC	Dixon Manor Mobile Home Park	149	3
AR0040886		Town of Wilton	141	2
AR0050466	Arkansas Water and Wastewater Management Corporation	d/b/a Shadow Ridge Wastewater Treatment Facility	141	2
AR0050598	Arkansas Water and Wastewater Management Corporation	d/b/a Huntington Estates Subdivision	141	5
AR0037451	Entergy Arkansas, Inc.	Independence Plant	134	5
AR0050652	Wal-Mart Stores, Inc.	East Data Center	123	6
AR0045047		Village Square Shopping Center	120	5
AR0048267	Butterball, LLC	Ozark Turkey Processing Plant	120	2
AR0051969C	Bluebird Sand, LLC	Bluebird Sand Processing Plant	116	7
AR0051969	Bluebird Sand, LLC	Bluebird Sand Processing Plant	116	7
AR0045373		City of Rondo	116	6
AR0049255	Arkansas Electric Cooperative Corporation	Harry L. Oswald Generating Station	114	2
AR0051977	BFI Waste Systems of Arkansas, LLC	BFI Model Fill Landfill	109	2
AR0051861	Timber Equipment Leasing Co., LLC	TLC/Telco	109	2

Arkansas Department of Environmental Quality
Section 38 Report
Water Division

Permits Pending- By Category/Facility		Q4 SFY 2011		
Permit Number	Owner Name	Facility Name	Days Pending	Reason Code
AR0050423	Cross County Bank	d/b/a Pond-A-Rose Trailer Park	105	5
AR0052001		Gerald Hunter	98	6
AR0048232		Travis Lumber Company, Inc.	98	5
AR0044474C	Freeman Brothers, Inc.	d/b/a Bibler Brothers Lumber Company	88	6
AR0000582	Alcoa Inc.	Arkansas Remediation	81	5
AR0049310		City of St. Charles	81	5
AR0050580	Alabama Catfish, LLC	Harvest Select Catfish Eudora	81	5
AR0051993	Woodsen-Hensley Water Company	Water Treatment Facility	81	6
AR0037044		City of Newport	71	5
AR0035688		City of Ola	70	6
AR0044661		City of Edmondson	70	5
AR0001210C	Georgia-Pacific LLC	Crossett Paper Operations	67	6
AR0051900	Farrell-Cooper Mining, Co.	Bates Mine	66	5
AR0051772	Bluebird Sand, LLC	Bluebird San Processing Plant	65	5
AR0049301C	New Neptune, LLC	MAX MART #1026	65	6
AR0038768		Wayne Farms, LLC	63	2
AR0038270	Baker Hughes Oilfield Operations	d/b/a Baker Hughes Drilling Fluids - Fancy Hill Operations	53	5
AR0001376		Entergy Lynch Plant	53	5
AR0042455	Tyson Foods, Inc.	d/b/a River Valley Animal Foods	53	5
AR0051985	Coon Bayou, LLC	Delta Conference Center	53	5
AR0035955	Bryant School District	Salem Elementary School WWTP	50	5

Reason Codes:	
1	Waiting for Public Hearing on WQMP
2	Reviewing drafted permit
3	Awaiting Information from Applicant
4	Waiting for EPA approval of WQMP or Permit
5	Preparing Draft Permit Decision
6	Awaiting Close of Public Comment Period or Ready for PN
7	Drafting Response to Comments
8	Other

MEMORANDUM

d

DATE: July 7, 2011

TO: LEGISLATIVE COUNCIL

FROM: TERESA MARKS, DIRECTOR
ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

RE: SECTION 38 (a) – (e) of ACT 1387 OF THE 2009 REGULAR
SESSION OF THE ARKANSAS GENERAL ASSEMBLY

As provided by Section 38 (a) – (e) of Act 1387 of the 2009 Regular Session, the Arkansas Department of Environmental Quality (“Department”) presents the number and type of administrative enforcement actions initiated by the Department and the geographic location of each violation. This information is contained in the attached copies of Public Notice for the period of April 1, 2011 through June 30, 2011 . 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 55.

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, 2011 through June 30, 2011.

Type of Enforcement Action	Defendant	Geographic Location
Filing Fee	Betty Ball	Scott County Circuit Court
Filing Fee	A&S Aircraft Painting	Polk County Circuit Court
Filing Fee	THI, Inc.	Jefferson 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, 2011 through June 30, 2011.

Civil Penalties Collected	\$347,377.74
Supplemental Environmental Projects Verified	\$0.00

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

NOTICE OF ENFORCEMENT ACTIONS

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CONSENT ADMINISTRATIVE ORDER

Arkansas Soyenergy Group, Inc., Arkansas County, Air Division, \$3,690.00
Penalty

Highland Oil and Gas, LLC, Sebastian County, Water Division, \$6,500.00
Penalty

James Cole, Saline County, NPDES/Water Division, \$3,225.00 Penalty

Joshlin Brothers, Monroe County, Mining Division, \$750.00 Penalty

Mississippi County Hospital, Steve M. Guire, County Judge, Mississippi County,

Regulated Storage Tanks Division, \$5,100.00 Penalty

Mr. Randall Reems, Reems Auto Salvage, Chicot County, Water Division,
\$600.00 Penalty

PARC, Magic Springs, LLC d/b/a Magic Springs and Crystal Falls, C/O
CorpDirect Agents, Inc., Garland County, NPDES/Water Division, \$2,000.00
Penalty

Southern Aluminum Manufacturing, Inc., c/o J. Mark Taylor, Registered Agent,
Columbia County, Water Division, \$2,000.00 Penalty

Southwestern Bell Telephone Co., LP, The Corporation Company Registered
Agent, Pulaski County, Regulated Storage Tanks Division, \$3,000.00 Penalty

NOTICE OF VIOLATION

Mr. Donald Hunnicut, dba Cedar Hill Scrap Yard, Drew County, NPDES/Water
Division, \$1,000.00 Penalty

Dated this 10th day of April 2011
Teresa Marks, Director
Arkansas Department of Environmental Quality

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

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CONSENT ADMINISTRATIVE ORDER

AG Bioenergy, LLC, Desha County, Air Division, No Penalty

Bluebonnet Rice Milling, Inc., Crittenden County, Air Division, \$3,500.00
Penalty

Chastity Clark, Registered Agent, Bella Vista Village POA, d/b/a Bella Vista
Transmission Mains, Benton County, NPDES/Water Division, \$7,800.00 Penalty

City of Walnut Ridge, Lawrence County, NPDES/Water Division, \$2,400.00
Penalty

City of Wilmot, Ashley County, Water Division, \$1,200.00 Penalty

Generations Transport, Inc., White County, Regulated Storage Tanks Division, \$3,000.00 Penalty

Georgia- Pacific LLC-Crossett Paper Operations, Ashley County, Air Division, \$13,991.25 to ADEQ and \$7,533.75 to Supplemental Environmental Project

Max Taylor Oil Co., Inc., Max Taylor, Registered Agent, Johnson County, Regulated Storage Tanks Division, \$1,500.00 Penalty

NOTICE OF VIOLATION

Air Evac EMS., Inc., d/b/a Air Evac Lifeteam The Corporation Company, Registered Agent, Pulaski County, Regulated Storage Tanks Division, \$3,000.00 Penalty

PERMIT APPEAL RESOLUTION

City Of Sheridan, AR, Grant County, NPDES/Water Division, No Penalty

Dated this 25th Day of April 2011
Teresa Marks, Director
Arkansas Department of Environmental Quality

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

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CONSENT ADMINISTRATIVE ORDER

City of Benton, Arkansas and Public Utility Commission of The City of Benton Arkansas, Saline County, NPDES/Water Division, \$10,000 Penalty

Hawk Field Services, LLC, Van Buren County, Air Division, \$18,750.00 Penalty

Norandal USA, Inc., Jackson County, Air Division, \$2,257.50 Penalty

NOTICE OF VIOLATION

Magness Oil Company, Ouachita County, Regulated Storage Tanks Division, \$1,500.00 Penalty

AMENDMENT TO ELECTIVE SITE CLEAN-UP
AGREEMENT LIS 08-053

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

AMENDMENT TO ELECTIVE SITE CLEAN-UP
AGREEMENT LIS 09-061

Schlumberger Technology Corporation, Ft. Smith Facility, Sebastian County, Hazardous Waste Division, No Penalty

Dated this 10th day of May 2011
Teresa Marks, Director
Arkansas Department of Environmental Quality

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

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CONSENT ADMINISTRATIVE ORDERS

Amerimax Coated Products, Inc., Phillips County, Hazardous Waste Division, \$13,500.00 Penalty

Central Arkansas Petroleum Transport, Inc., Hot Spring County, Hazardous Waste Division, No Penalty

City of Joiner, Mississippi County, NPDES/Water Division, \$1,000.00 Penalty

Dr. Kenneth New, Pope County, NPDES/Water Division, \$1,875.00 Penalty

Mary Darguzas d/b/a El Acapulco Restaurant, Garland County, NPDES/Water Division, \$7,200.00 Penalty

Skyline Steel, LLC, d/b/a Skyline Steel Fabrication, LLC, Mississippi County,
Air Division, \$8,600.00 Penalty

DEFAULT ADMINISTRATIVE ORDER

Jerold Weaver, Individual, Carroll County, Water Division, \$4,500.00 Penalty

NOTICE OF VIOLATION

Burkhalter Commercial Group, LLC, Pulaski County, NPDES/Water Division,
\$8,800.00 Proposed Penalty

Deaton Oil Company, LLC, Howard County, Regulated Storage Tanks Division,
\$97,406.25 Proposed Penalty

Dated this 25th day of May 2011
Teresa Marks, Director
Arkansas Department of Environmental Quality

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

NOTICE OF ENFORCEMENT ACTIONS

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CONSENT ADMINISTRATIVE ORDERS

Clean Harbors El Dorado, LLC, Union County, Air Division, \$2,520.00 Penalty

DeArmond's Bit Service, Inc., Sebastian County, NPDES/Water Division,
\$1,300.00 Penalty

L&W Environmental, LLC, Pulaski County, Solid Waste Division, No Penalty

Superior Well Services, Inc., White County, Hazardous Waste Division,
\$19,562.50 Penalty

White River Regional Solid Waste Management District, White County, Solid
Waste Division, No Penalty

NOTICE OF VIOLATION

Doug Simpson, Baxter County, Air Division, \$1,350.00 Proposed Penalty

Steve Carpenter Property Management, LLC, dba Josie's Steakhouse, Steve Carpenter, Registered Agent, Independence County, NPDES/Water Division, \$3,000.00 Penalty

NOTICE OF VIOLATION AND ORDER FOR LICENSE REVOCATION

Compliance Management, Inc., and Eddie Griffin, Individually, Lonoke County, Regulated Storage Tanks Division, No Penalty

NOTICE OF BOND FORFEITURE

Compliance Management, Inc., c/o Eddie Griffin, Registered Agent, Lonoke County, Regulated Storage Tanks Division, No Penalty

NOTICE OF VIOLATION AND REVOCATION OF PERMIT

Bean Lumber Company, Inc., c/o Tim Bean, Registered Agent, Pike County, Air Division/Water Division, \$17,615.00 Proposed Penalty

DEFAULT ADMINISTRATIVE ORDER

Mr. Donald Hunnicut, dba Cedar Hill Scrap Yard, Drew County, NPDES/Water Division, \$1,000.00 Penalty

Dated this 10th day of June 2011
Teresa Marks, Director
Arkansas Department of Environmental Quality

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

NOTICE OF ENFORCEMENT ACTIONS

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

CONSENT ADMINISTRATIVE ORDERS

Air Evac EMS., Inc., d/b/a Air Evac Lifeteam, Ouachita County, Regulated Storage Tanks Division, \$2,250.00 Penalty

Clarksville School District, Johnson County, Regulated Storage Tanks Division, \$1,500.00 Penalty

Fayetteville Gathering Company, White County, Air Division, \$5,130.00 Penalty

New Mercury, LLC, Lonoke County, Regulated Storage Tanks Division, No Penalty

Steve Carpenter Property Management, LLC, dba Josie's Steakhouse,

Independence County, NPDES/Water Division, \$3,000.00 Penalty

Stephens Production Company, LLC, -Kibler East Compressor Station, Crawford County, Air Division, \$900.00 Penalty

Union Pacific Railroad Co., Pulaski County, NPDES/Water Division, \$4,700.00 Penalty

PERMIT APPEAL RESOLUTION

Anthony Timberlands, Inc.-Bierne, Clark County, NPDES/Water Division, No Penalty

AMENDMENT TO ELECTIVE SITE CLEAN-UP AGREEMENT

LIS 08-072-02

Larey-Nixon Properties, Regarding MTCI/Former Latham Motorcars, Miller County, Hazardous Waste Division, No Penalty

Dated this 25th day of June 2011
Teresa Marks, Director
Arkansas Department of Environmental Quality

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION
QUARTERLY REPORT TO ARKANSAS LEGISLATIVE COUNCIL
ON RULEMAKING ACTIVITIES

Months In Quarter: April, May, and June 2011

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. 21, Arkansas Asbestos Abatement Regulation; Docket No. 10-001-R.

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

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

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

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

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

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

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

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

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

The Arkansas Pollution Control & Ecology Commission ("Commission") initiated the rulemaking process on May 27, 2010, and no decision has been made.

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

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

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

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

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

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

The Commission initiated the rulemaking process on March 26, 2010, and the Commission adopted a minute order withdrawing the rulemaking on June 24, 2011.

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

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

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

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

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

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

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

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

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

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

6. Regulation Number and Name: Regulation No. 2, Alcoa, Inc. Third-Party Rulemaking; Docket No. 10-006-R.

a. Amendment Proposed By: Alcoa, Inc. ("Alcoa").

b. Description: Alcoa filed its request to initiate rulemaking on September 3, 2010. Alcoa is requesting a temporary modification to the chronic water quality standard for selenium in Holly Creek to reflect current and historic conditions in Holly Creek during the term of an Environmental Improvement Project ("EIP").

The Commission initiated the rulemaking process on September 24, 2010, and no decision has been made.

c. Justification: The rule change is necessary because there is currently no known technically and economically feasible biological or chemical treatments capable of reducing the selenium concentration to levels that meet the chronic water quality standard.

d. Economic Impact: There are no economic effects of the proposed rule.

e. Environmental Benefit Analysis: There are currently no known technically and neither economically feasible biological or chemical treatment, nor source reduction strategies capable of reducing the selenium concentration to levels that meet the current chronic water quality standard. This rule will allow Alcoa to continue its quest to find and/or develop treatment while preserving the fishery of Holly Creek and protecting the Saline River.

7. Regulation Number and Name: Regulation No. 23, Hazardous Waste Management; Docket No. 10-007-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on September 10, 2010. The amendments to Regulation No. 23 adopt newly-revised federal rules published between July 1, 2009 and August 31, 2010 and makes editorial revisions to existing provisions.

The Commission initiated the rulemaking process on September 24, 2010, and no 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: No economic impact is created by the state-initiated revisions in this proposed rulemaking.

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

8. Regulation Number and Name: Regulation No. 34, State Water Permit Regulation; Docket No. 10-008-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on November 22, 2010. Regulation No. 34 will deal primarily with the construction, modification, and operation of pits used for the storage, treatment, or discharge of fluids associated with oil and natural gas well activities in Arkansas.

The Commission initiated the rulemaking process on December 3, 2010, 2010, and no decision has been made.

c. Justification: The amendments to Regulation No. 34 provides a permit by rule to cover wastes that are not discharged into waters of the State but are stored, disposed, or

discharged in a manner that, if unregulated, will cause, or are likely to cause, pollution to waters of the State.

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

e. Environmental Benefit Analysis: Arkansas businesses will continue to benefit from a regulatory environment that is equivalent to the corresponding Federal requirements, and effective in ensuring that the waters of the State are protected.

9. Regulation Number and Name: Regulation No. 18, Arkansas Air Pollution Control Code; Docket No. 11-001-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on January 14, 2011. The changes are being proposed in response to the United States Environmental Protection Agency's ("EPA") June 3, 2010, Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule ("Tailoring Rule"). The Tailoring Rule requires that greenhouse gases be subject to regulation under the Clean Air Act. Carbon dioxide is one of the gases listed in the Tailoring Rule as a greenhouse gas. The Commission's Regulation Number 18 currently excludes carbon dioxide from being an air contaminant. For state regulations to be consistent with EPA's Tailoring Rule, the exclusion of carbon dioxide from air contaminant needs to be removed.

The Commission adopted the minute order initiating the rulemaking process on January 28, 2011, and no final decision has been made.

c. Justification: For state regulations to be consistent with EPA's Tailoring Rule, the exclusion of carbon dioxide from air contaminant needs to be removed.

d. Economic Impact: The costs of the proposed amendments to Regulation Number 18 to the state government are unknown at this time.

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

10. Regulation Number and Name: Regulation No. 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control; Docket No. 11-002-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on January 14, 2011. The changes are being proposed in response to EPA's June 3, 2010, Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule. The Tailoring Rule requires that greenhouse gases be subject to regulation under the Clean Air Act. Language is being proposed to ensure emission levels under 75,000 tons per year will be considered "De Minimis" and increases of greenhouse gases under this level will not require a major permit modification.

The Commission adopted the minute order initiating the rulemaking process on January 28, 2011, and no final decision has been made.

c. Justification: Making these changes will maintain consistency between Federal air pollution control programs and the Commission's regulations governing air pollution in Arkansas, as well as maintain consistency across air pollution regulations.

d. Economic Impact: The costs of the proposed amendments to Regulation Number 19 to the state government are unknown at this time.

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

11. Regulation Number and Name: Regulation No. 26, Regulations of the Arkansas Operating Air Permit Program; Docket No. 11-003-R.

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

b. Description: ADEQ filed its request to initiate rulemaking on January 14, 2011. The changes are being proposed in response to EPA's June 3, 2010, Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule. The Tailoring Rule requires that greenhouse gases be subject to regulation under the Clean Air Act. Carbon dioxide is one of the gases listed in the Tailoring Rule as a greenhouse gas. The Commission's Regulation Number 26 currently excludes carbon dioxide from being an air contaminant. For state regulations to be consistent with EPA's Tailoring Rule, the exclusion of carbon dioxide from air contaminant needs to be removed.

The Commission adopted the minute order initiating the rulemaking process on January 28, 2011, and no final decision has been made.

c. Justification: Making these changes will maintain consistency between Federal air pollution control programs and the Commission's regulations governing air pollution in Arkansas, as well as maintain consistency across air pollution regulations.

d. Economic Impact: The costs of the proposed amendments to Regulation Number 26 to the state government are unknown at this time.

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

7/6/11
Date

Charles Moulton
Charles Moulton
Administrative Hearing Officer
Arkansas Pollution Control and
Ecology Commission

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 04-01-11 - 04-30-11

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Renewal	Short-Term Authority	Total
AIR	G	General Operating Permit	\$ 15,450 78	\$ 1,400 7					\$ 16,850 85
	LC	Late Charge (Air LC)	\$ 148 3						\$ 148 3
	MS	Minor Source (Air MS)	\$ 91,940 77	\$ 1,836 2		\$ 14,937 24			\$ 108,713 103
	MV RF	Motor Vehicle Racing Facility (Air MVRF)					400 2		400 2
	R3	Air Reg 18.315	1,000 5						\$ 1,000 5
	T5	Title 5 (Air T5)	\$ 417,906 30	\$ 13,112 2		\$ 42,399 13			\$ 473,417 45
	LC	Late Charge (Air T5)	\$ 703 1						\$ 703 1
			\$ 527,147	\$ 16,348		\$ 57,336	400	\$ -	\$ 601,231
			\$ 194	\$ 11		\$ 37	\$ 2	\$ -	\$ 244
	AIR TOTAL								
SOLID WASTE									
	1	Class I Landfill	\$ 24,000 4			\$ 15,000 5			\$ 39,000 9
	3C	Class III commercial (SW 3C)							\$ - -
	3T	Class III Tire Monofill (SW 3T)							\$ - 0
	3N	Class III Non-commercial	3,000 1			2,000 1			\$ 5,000 2

b

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 04-01-11 - 04-30-11

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Renewal	Short-Term Authority	Total
	4	Class IV Landfill	2,500 ⁵						\$ 2,500 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)		900 ¹					\$ 900 ¹
	CY	Composting Yard Waste (Solid Waste CY)	\$ 1,350 ³						\$ 1,350 ³
	P	Postclosure Fee (Solid Waste P)							\$ - ⁰
	TS	Transfer Station or MRF	\$ 9,900 ²²						\$ 9,900 ²²
	WR	Solid Waste Recovery	\$ 900 ²						\$ 900 ²
	LC	Late Charge (Solid Waste LC)	\$ 65 ²						\$ 65 ²
SOLID WASTE TOTAL			41,715 ³⁹	900 ¹	0 ⁰	17,000 ⁶		0 ⁰	59,615 ⁴⁶

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 04-01-11 - 04-30-11

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Renewal	Short-Term Authority	Total
WATER - NPDES									
	N-A	NPDES Agricultural (Minor With Toxic)	\$ 23,732 ⁶						\$ 23,732 ⁶
	N-B	NPDES Saltwater (Minor Without Toxic)	\$ 146,014 ¹⁴⁶	\$ 456 ²		\$ 2,000 ¹			\$ 148,470 ¹⁴⁹
	N-C	NPDES Cooling Water	\$ 1,138 ¹						\$ 1,138 ¹
	N-G	NPDES Coal Mining (converted)							\$ - ⁰
	N-G2	NPDES Coal Mining							\$ - ⁰
	N-G3	NPDES Sanitary Landfill Run-off	\$ 2,000 ⁵						\$ 2,000 ⁵
	N-G5	NPDES Bulk Petroleum Storage							\$ - ⁰
	N-G6	NPDES Individual Home Treatment	\$ 1,200 ⁶	\$ 200 ¹					\$ 1,400 ⁷
	N-G7	NPDES Water Treatment Desalination	\$ 9,200 ²³	\$ 400 ¹					\$ 9,600 ²⁴
	N-G8	NPDES Pipeline Hydrostatic Test	\$ 567 ³	\$ 1,800 ⁹					\$ 2,367 ¹²

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 04-01-11 - 04-30-11

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Renewal	Short-Term Authority	Total
	N-G9	NPDES Car/truck Wash Facility	\$ 800 4	\$ 400 2					\$ 1,200 6
	N-GA	Ground Water Clean-Up (Water-NPDES GA)	\$ 500 1	\$ 1,000 2					\$ 1,500 3
	N-GB	Laundromat (Water-NPDES GB)							\$ - 0
	N-GC	Sand and Gravel (Water-NPDES GC)	\$ 200 1	\$ 1,800 9					\$ 2,000 10
	N-GE	Cooling Towers; Tower & Boiler Blowdown (Water-NPDES GE)	\$ 200 1						\$ 200 1
	N-J	NPDES Major Non-municipal, MRAT 80-100	\$ 60,000 3						\$ 60,000 3
	N-K	NPDES Major Non-municipal, MRAT 80-100							\$ - 0
	N-L	NPDES Discretionary Major							\$ - 0
	LC	Late Charge (Water-NPDES LC)	\$ 636 7						\$ 636 7
	LS	Late Charge (Storm Water)	\$ 640 32						\$ 640 32
	N-M	NPDES Major Municipal	\$ 57,235 8						\$ 57,235 8

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 04-01-11 - 04-30-11

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Renewal	Short-Term Authority	Total
	NO-EX NPDES	No-Exposure Certification (Water-NPDES)	\$ 8,767 45	\$ 2,200 11					\$ 10,967 56
	N-O	NPDES Minor Aquatic Animal Prod	\$ 2,500 1						\$ 2,500 1
	N-P	NPDES Minor Variable Discharge	\$ 4,800 15	\$ 1,500 5					\$ 6,300 20
	N-Q	NPDES Construction Permit		\$ 5,000 10					\$ 5,000 10
	N-R1	NPDES Stormwater Manufacturing	\$ 41,568 215	\$ 13,400 67					\$ 54,968 282
	N-R2	NPDES Stormwater Construction	\$ 37,151 187	\$ 15,400 77					\$ 52,551 264
	R4	NPDES Stormwater: MSF Phase II	\$ 6,600 33						\$ 6,600 33
	Z	Interim Authority							0 0 0
WATER NPDES TOTAL			405,448 743	43,556 196	0 0	2,000 1	0 0	0 0	451,004 940

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 04-01-11 - 04-30-11

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Renewal	Short-Term Authority	Total
WATER PERMIT	ST	Short-Term Authorization							\$ - 0
	S-D	Confined Animal or Small Sep	\$ 14,000 70			\$ 200 1			\$ 14,200 71
	S-E	State Permits Branch Commercial Land Application	\$ 26,000 52	\$ 3,200 7		\$ 1,500 3			\$ 30,700 62
	S-F	Industrial Sludge App							\$ - 0
	S-G1	State Permits Branch Commercial Land Application							\$ - 0
	S-H	Salt Water Disposal (SPB H)	\$ 28,750 115	\$ 1,050 4		\$ 4,000 16			\$ 33,800 135
	GLA	Oil & Gas Land Application							\$ - 0
	GP	Oil & Gas Pits		33,900 113					\$ 33,900 113
	S-I	POTW Non-NPDES Land App	\$ 500 1			\$ 500 1			\$ 1,000 2
	LC	Late Charge(Water-SPB LC)	\$ 459 15						\$ 459 15
Z	Interim Authority (Water-SPB Z)							\$ - 0	
ST	Short-Term Authorization (Water-SPB ST)		\$ 2,000 1				\$ 51,400 45	\$ 53,400 46	
WATER - STATE PERMIT			\$ 69,709 253	\$ 40,150 125	\$ -	\$ 6,200 21	\$ -	\$ 51,400 45	\$ 167,459 444

ADEQ REVENUE FROM AIR, WATER & SOLID WASTE PERMIT FEES

Figures generated from ADEQ Permit Data System. Date range = 04-01-11 - 04-30-11

Division	Fee Code	Description	Annual	Initial	Interim Authority	Modification	Renewal	Short-Term Authority	Total
	U-1	State Permits Branch UIC - Class I							\$ - 0
	Z	Interim Authority							\$ - 0
			\$ - 0	\$ - 0	\$ - 0	\$ - 0		\$ - 0	\$ - 0
UIC TOTALS			\$ 1,044,019	\$ 100,954	\$ -	\$ 82,536	\$ 400	\$ 51,400	\$ 1,279,309
TOTAL			1,229	333	0	65	2	45	1,674

ADEQ REVENUE FROM PERMIT FEES AND LICENSES

All figures generated 07/05/2011, based on active invoices. Date range = 04-01-11 - 06-30-11

Invoice Identifier	Fee Code	Description	Fund	Collections
RST - Tank Installer Licenses	RST	Tank installer licenses	SRS0000	5,850.00
TKS - Storage Tank Fees	TKS	Storage Tank Fees		754,115.00
UST - Exam Fees	UST	Underground Storage Tank Exam Fees		3,700.00
ASB - Asbestos Licenses	ASB	Asbestos Licenses	SAC0000	37,085.00
LED - Individual Licenses - Lead	LED	Individual Licenses	MPL0000	3,150.00
CCL - Contractors Licenses - Lead	CCL	Contractors Licenses	MPL0000	8,100.00
			SAC0000	71,600.08
HWD - HW Permits	HWD	Hazardous Waste Permits	SHW0000	259,751.29
TRF - Transfer Facilities	TRF	Transfer Facilities		
HWL - HW Licenses	HWL	HW Licenses		625.00
SFF - Superfund	HWD	Superfund permit fees	THS0000	327,600.00
			MEE0000	36,400.00
LAB - Lab Certification Fees	LAB	Lab Certification Fees	HMA0100	10,710.00
MPS - Mining Fees	MPS	Non-coal mining permit fees	HMA0100	49,676.87
		Coal Mining Permit Fees	MAF0000	
		Quarry Permit Fees	TLR0000	27,157.50
MBL - Mining Fees	MBL	Blaster Permits	MAF0000	
DCO - Dump Control Officers	DCO	Dump Control Officer Licenses	TPE0000	150.00
SWL - Sanitary Landfill Operators	SWL	Sanitary Landfill Operator Licenses		10,830.00
TTL - Waste Tire Licenses	TTL	Waste Tire Licenses		1,275.00
TPF - Waste Tire Facilities	TPF	Waste Tire Facilities		1,025.00
MER - Mercury Switches	MER	Mercury Switches	TWS0100	1,955.00
SWF - Municipal Landfills	SWF	Municipal Landfill Fees	TWS0100	280,366.30
			TWS0200	841,098.80
			TWS0300	726,243.76
ILF - Industrial Landfills	ILF	Industrial Landfill Fees	TWS0100	4,085.77
			TWS0200	12,042.17
			SMB0000	5,375.98
WWL - Wastewater Licenses	WWL	Waste Water Operator Licenses	MVW0000	57,178.00

Total					3,537,146.52
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