

ADEQ Comment to Proposed Regulation No. 6:

The proposed definitions within Regulation No. 6 to “Animal Feeding Operation (AFO)” and “Concentrated Animal Feeding Operation (CAFO)” are defined to mean “the same as defined by Arkansas Pollution Control and Ecology Commission Regulation No. 5.”

Rather than referring to Regulation No. 5, ADEQ proposes to provide the definitions in full within Regulation No. 6 as follows:

“**Animal feeding operation (AFO)**” means a lot or facility (other than an aquatic animal production facility) where the following conditions are met: animals (other than aquatic animals) have been, are or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

“**Concentrated animal feeding operation (CAFO)**” means an AFO that is defined as a Large CAFO or as a Medium CAFO pursuant to 40 CFR 122.23, or that is designated as a CAFO in accordance with 40 CFR 122.23(c). Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes.

This proposed change is verbatim to the language of the definitions for “Animal Feeding Operation (AFO)” and “Concentrated Animal Feeding Operation (CAFO)” in Regulation No. 5 and the corresponding federal regulation definitions set forth at 40 C.F.R. §122.23(b).