

NOTICE OF PROPOSED THIRD-PARTY RULEMAKING PUBLIC HEARING

The Arkansas Pollution Control and Ecology Commission (APC&EC) will hold a public hearing in North Little Rock on March 27, 2018, to receive comments on a third-party proposal by the Northwest Arkansas Nutrient Trading Research and Advisory Group (NANTRAG) to initiate rulemaking for a new APC&EC Regulation 37 (Arkansas Nutrient Water Quality Trading Regulation). The North Little Rock hearing will begin at 2:00PM in the Commission Room at the Arkansas Department of Environmental Quality (ADEQ) headquarters building, 5301 Northshore Drive, North Little Rock, AR 72118.

APC&EC will hold a second public hearing in Fayetteville on March 29, 2018, to receive comments on proposed APC&EC Regulation 37 (Arkansas Nutrient Water Quality Trading Regulation). The Fayetteville hearing will begin at 6:00PM in Waldron Hall at the Don Tyson Center for Agricultural Sciences, 1371 West Alheimer Drive, Fayetteville, Arkansas 72704.

In the event of inclement weather or other unforeseen circumstances, a decision may be made to postpone the hearing. If the hearing is postponed and rescheduled, a new legal notice will be published to announce the details of the new hearing date and comment period.

The deadline for submitting written comments on the regulation is 4:30 p.m. (Central Time) April 12, 2018.

Sections 8.809 through 8.811 of APC&EC Regulation 8 (Administrative Procedures) and Arkansas Code Annotated, Section 8-4-202(c) provide that outside parties may petition the APC&EC to initiate the rulemaking process to adopt or amend the regulations under the APC&EC's jurisdiction.

The fact that APC&EC has agreed to initiate such a third-party rulemaking procedure does not constitute an endorsement of the proposal at this time. The APC&EC will decide whether to adopt the proposed changes after the conclusion of the public comment period for the proposal and after NANTRAG and ADEQ respond to all public comments submitted during the public comment period.

In 2015, the Arkansas General Assembly enacted Act 335 authorizing the APC&EC to promulgate regulations governing the establishment and implementation of a nutrient water quality trading program. NANTRAG proposes APC&EC Regulation 37 to establish the requirements and procedures for implementing nutrient water quality trading. Under the proposed rule, participation in the nutrient trading program would be completely voluntary. Application for approval of a nutrient credit generating project would be submitted to ADEQ, and the Department would decide whether the proposed project would be appropriate for generating credits that could be used by permit holders regulated by ADEQ.

Copies of the proposed Regulation 37, along with supporting documents and summary information, are available for public inspection during regular business hours at the ADEQ headquarters building, 5301 Northshore Drive, North Little Rock, AR 72118, or at ADEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, Little Rock, Magnolia, Mena, Monticello, Mountain Home, Pocahontas, Russellville, Searcy, Stuttgart, Texarkana, and West Memphis; in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway.

Information concerning the proposed regulation also can be viewed and downloaded at the ADEQ's web site at the following URL address: www.adeq.state.ar.us.

Oral and written comments will be accepted at the hearings, but written comments are preferred in the interest of accuracy. In addition, written and electronic mail comments will be considered if received no later than 4:30 p.m. (Central Time) April 12, 2018. Written comments should be delivered or mailed to: Kelly Robinson, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, AR 72118. Electronic mail comments should be sent to: reg-comment@adeq.state.ar.us.

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