

NOTICE OF SUPPLEMENTAL PUBLIC COMMENT PERIOD FOR THIRD-PARTY RULEMAKING

The Arkansas Pollution Control and Ecology Commission (APC&EC) has opened a supplemental public comment period to receive comments on the revised third-party proposal by the Northwest Arkansas Nutrient Trading Research and Advisory Group (NANTRAG) for a new APC&EC Regulation 37 (Arkansas Nutrient Water Quality Trading Regulation), Docket No. 18-001-R.

The deadline for submitting written comments on the regulation is 4:30 p.m. (Central Time) November 5, 2018.

On January 11th, 2018, NANTRAG filed a Petition to Initiate Third-Party Rulemaking to adopt a new regulation, Proposed Regulation No. 37 – *Arkansas Nutrient Water Quality Trading Regulations* (Petition). The APC&EC met on January 26, 2018, to review NANTRAG's Petition. Having considered the Petition, the APC&EC ordered the initiation of a rulemaking proceeding to consider the adoption of Proposed Regulation No. 37. The initial public comment period closed on May 2, 2018.

On September 14, 2018, NANTRAG notified the APC&EC that it revised the Proposed Regulation No. 37 in response to public comments and NANTRAG requested APC&EC order a supplemental public comment period on the revised version of the Proposed Regulation No. 37. APC&EC ordered the supplemental public comment period as requested.

The fact that APC&EC 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 supplemental comment period for the proposal and after NANTRAG and ADEQ respond to all public comments submitted during the initial and the supplemental comment periods.

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 NANTRAG's revised version of the proposed Regulation 37, along with all the original 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.

Written and electronic mail comments will be considered if received no later than 4:30 p.m. (Central Time) November 5, 2018. Written comments should be delivered or mailed to:

Raeanne Gardner, 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.

Published October 5 and 6, 2018

Becky W. Keogh, Director
Arkansas Department of Environmental Quality