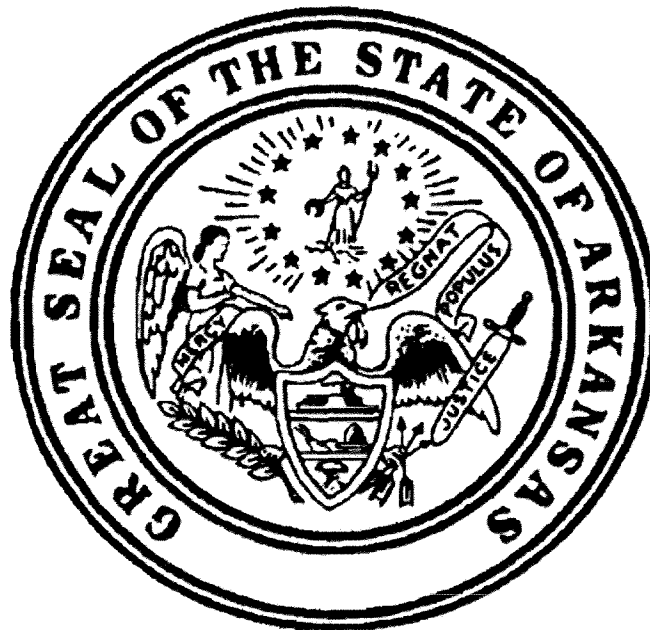


# EXHIBIT A

Pollution Control and Ecology Commission #014.00-005

# **Arkansas Pollution Control and Ecology Commission**

## **Regulation No. 5 Liquid Animal Waste Management Systems**



**INITIAL DRAFT**

Submitted to the PC&E Commission: April 21, 2014

**Regulation Number 5**  
**Liquid Animal Waste Management Systems**

**Table of Contents**

Chapter 1: TITLE, PURPOSE AND APPLICABILITY .....	1-1
Reg. 5.101 Title .....	1-1
Reg. 5.102 Purpose .....	1-1
Reg. 5.103 Applicability .....	1-1
Reg. 5.104 Policy for Compliance .....	1-1
Reg. 5.105 Exemption .....	1-2
Chapter 2: DEFINITIONS .....	2-1
Reg. 5.201 Definitions .....	2-1
Chapter 3: PERMIT, APPLICATIONS AND PROCEDURES .....	3-1
Reg. 5.301 Requirements for a Permit.....	3-1
Reg. 5.302 Permit Application Process .....	3-1
Reg. 5.303 Prohibition .....	3-1
Reg. 5.304 Reserved .....	3-1
Reg. 5.305 Permit Modification .....	3-1
Reg. 5.306 Minor modifications of permits .....	3-2
Chapter 4: TECHNICAL REQUIREMENTS.....	4-1
Reg. 5.401 Approval of Design .....	4-1
Reg. 5.402 Design Requirements .....	4-1
Reg. 5.403 Siting Requirements .....	4-1
Reg. 5.404 Subsurface Investigation Requirements .....	4-1
Reg. 5.405 Waste Management Plan .....	4-2
Reg. 5.406 Land Application Requirements .....	4-2
Reg. 5.407 Record Keeping Requirements .....	4-3
Chapter 5: FACILITY CONSTRUCTION CERTIFICATION .....	5-1
Reg. 5.501 Facility Construction Certification .....	5-1
Chapter 6: ALTERNATIVE PERMITTING AND WASTE MANAGEMENT .....	6-1

Reg. 5.601	Permit for Land Application Site Only .....	6-1
Reg. 5.602	Composting .....	6-1
Chapter 7:	FACILITY CLOSURE .....	7-1
Reg. 5.701	Closure Plan Required .....	7-1
Chapter 8:	ADMINISTRATIVE PROCEDURES .....	8-1
Reg. 5.801	Penalty Policy and Administrative Procedures .....	8-1
Reg. 5.802	Severability .....	8-1
<u>Chapter 9:</u>	<u>WATERSHED SPECIFIC REGULATIONS.....</u>	<u>9-1</u>
Reg. 5.901	<u>Buffalo River Watershed.....</u>	<u>9-1</u>
Chapter 910:	EFFECTIVE DATE.....	910-1
Reg. 5.91001	Effective Date .....	910-1

## **Chapter 9 : WATERSHED SPECIFIC REGULATIONS**

### **Reg. 5.901 Buffalo National River Watershed**

- (A) The following definitions apply to Reg. 5.901:
- (1) The “Buffalo National River Watershed” is the area within United States Geologic Service Hydrologic Unit Code 11010005.
  - (2) “Coverage” means a notice of coverage issued pursuant to a National Pollution Discharge Elimination System general permit and Regulation No. 6.
- (B) The Director shall not issue a permit pursuant to Regulation No. 5 for a Confined Animal Operation in the Buffalo National River Watershed with:
- (1) 750 or more swine weighing 55 pounds or more; or
  - (2) 3,000 or more swine weighing less than 55 pounds.
- (C) Reg. 5.901(B) does not prohibit the Director from:
- (1) Issuing a permit renewal or modification for a Confined Animal Operation in the Buffalo National River Watershed with an active permit as of the effective date of this regulation; or
  - (2) Issuing a new Regulation No. 5 permit for a facility which holds an active Regulation No. 6 permit or coverage as of the effective date of this regulation.
- (D) A permit renewal, permit modification, or new permit issued pursuant to Reg. 5.901(C) shall not increase the number of swine permitted at a facility.

## **Chapter 9 10 : EFFECTIVE DATE**

### **Reg. 5.91001    Effective Date**

This regulation is effective ten (10) days after filing with the Secretary of State, the State Library and the Bureau of Legislative Research.