

## **NOTICE OF PROPOSED THIRD-PARTY RULEMAKING, PUBLIC HEARING**

The Arkansas Pollution Control and Ecology Commission (APCEC) will hold a public hearing in Harrison on June 17, 2014, to receive comments on a third-party proposal by the Ozark Society and the Arkansas Public Policy Panel (Petitioners) to change APCEC Regulations 5 and 6, entitled Liquid Animal Waste Systems and Regulations for State Administration of the National Pollution Discharge Elimination System, respectively. APCEC will begin the hearing at 6:00 p.m. in the Durand Conference Center, Room A, at North Arkansas College, 303 N. Main St., Harrison, AR 72601.

APCEC may postpone the hearing due to inclement weather or unforeseen circumstances. If postponed, the Arkansas Department of Environmental Quality (ADEQ) will issue and publish a new legal notice to announce a new hearing date, place, and comment period.

The deadline for submitting written comments on the proposed changes is 4:30 p.m. (Central Time), July 1, 2014.

APCEC Regulation 8, entitled Administrative Procedures, Sections 8.809-8.811 and Ark. Code Ann. Section 8-4-202 (c) provide that outside parties may petition APCEC to initiate rulemaking to adopt or amend APCEC regulations. Ark. Code Ann. Section 8-4-201 *et seq.* authorizes APCEC to amend APCEC Regulations 5 and 6.

APCEC's order to initiate rulemaking does not constitute an endorsement of the proposed changes to APCEC Regulations 5 and 6. APCEC will adopt or reject the proposed changes after Petitioners and ADEQ respond to comments submitted during the public comment period.

The proposed changes to APCEC Regulations 5 and 6 seek to prohibit the ADEQ Director from issuing Regulation No. 5 permits for Confined Animal Operations, and Regulation No. 6 permits for Concentrated Animal Feeding Operations, for facilities in the Buffalo National River Watershed with either 750 or more swine weighing 55 pounds or more, or 3,000 or more swine weighing less than 55 pounds. The proposed regulation changes do not impact the status of existing facilities. The regulation changes will prohibit an increase in the number of swine at existing facilities in the Buffalo National River Watershed.

Detailed copies of the proposed regulation change, along with supporting documents and summary information, are available for public inspection during normal business hours in the Public Outreach and Assistance Division, located on the second floor of ADEQ's North Little Rock Office, and in ADEQ information depositories located in public libraries at Clinton, Fayetteville, Fort Smith, Harrison, Mountain Home, Russellville, the main branch of the Little Rock Public Library, 100 Rock Street, and the Arkansas State Library, 900 West Capitol, Suite 100, Little Rock, AR.

In addition, summary information concerning the proposal is available at other ADEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Crossett, El Dorado, Forrest City, Helena, Hope, Hot Springs, Jonesboro, Magnolia, Monticello, Mena, Pocahontas, Searcy, Stuttgart, Texarkana, and West Memphis; and in campus

libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway.

The public can also view and download information concerning the proposed changes from ADEQ's web site: [www.adeq.state.ar.us](http://www.adeq.state.ar.us).

APCEC will accept oral and written comments on the proposed changes to Regulations 5 and 6 at the hearing, but written comments are preferred in the interest of accuracy. In addition, written and electronic comments will be considered if received by 4:30 p.m. (Central Time), July 1, 2014. Written comments should be sent to Doug Szenher, Arkansas Department of Environmental Quality, Public Outreach and Assistance Division, 5301 Northshore Drive, North Little Rock, AR 72118. Electronic comments should be sent to [reg-comment@adeq.state.ar.us](mailto:reg-comment@adeq.state.ar.us).

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