

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

**IN THE MATTER OF THE OZARK SOCIETY AND
THE ARKANSAS PUBLIC POLICY PANEL**

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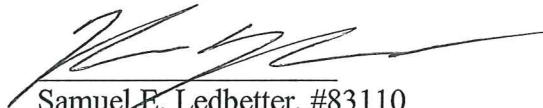
NOTICE OF AMENDED PROPOSED RULE

2015 JUN 19 PM 2:30
FILED BY
AR. POLLUTION CONTROL
& ECOLOGY COMMISSION

This notice informs the Commission that petitioners seek legislative review and final adoption of the proposed rule attached to this Notice as Exhibit A. The attached proposed rule differs from Exhibit A attached to petitioners' Amended Petition to Initiate Third-Party Rulemaking in one way: the addition of paragraph (E) to proposed Reg. 5.901. Petitioners seek legislative review, and will move for final adoption upon completion of such review.

Respectfully Submitted,

By:



Samuel E. Ledbetter, #83110
Ross Noland, #06334
McMath Woods P.A.
711 W. Third Street
Little Rock, AR 72201
Tel. 501-396-5400
Fax 501-374-5118

CERTIFICATE OF SERVICE

I, Ross Noland, hereby certify that a copy of the foregoing has been sent via electronic mail to the following parties of record, this 19th day of June 2015.

Becky Keogh
Director, ADEQ
5301 Northshore Dr.
North Little Rock, AR 72118
keogh@adeq.state.ar.us

Lorrielle Gutting
Chief, Legal Division, ADEQ
5301 Northshore Dr.
North Little Rock, AR 72118
gutting@adeq.state.ar.us



Ross Noland

EXHIBIT A

Pollution Control and Ecology Commission #014.00-005

Arkansas Pollution Control and Ecology Commission

Regulation No. 5 Liquid Animal Waste Management Systems



DRAFT FOR LEGISLATIVE REVIEW

Submitted to the PC&E Commission: June 19, 2015

Regulation Number 5
Liquid Animal Waste Management Systems

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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.
- (E) Five years from the effective date of this regulation the Director may initiate rulemaking to either delete this paragraph, Reg. 5.901(E), or delete the entirety of Reg. 5.901.

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.