

AR. POLLUTION CONTROL
& ECOLOGY COMMISSION
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BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION
IN THE MATTER OF THE OZARK SOCIETY AND
THE ARKANSAS PUBLIC POLICY PANEL **DOCKET NO. 14-003-R**

SECOND NOTICE OF AMENDED PROPOSED RULE

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 the proposed rule attached to petitioners' first Notice of Amended Proposed Rule as Exhibit A in one way: the language of paragraph (E) to proposed Reg. 6.602 has been modified to replace "shall" for "may." Petitioners seek legislative review, and will move for final adoption upon completion of such review.

Respectfully Submitted,

By:



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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 6th day of July 2015.

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EXHIBIT A

**Arkansas Pollution Control
and Ecology Commission**

**Regulation No. 6
Regulations for State Administration of the
National Pollutant Discharge Elimination System
(NPDES)**



DRAFT FOR LEGISLATIVE REVIEW

Submitted to the PC&E Commission: July 6, 2015

REGULATION NO.6
REGULATIONS FOR STATE ADMINISTRATION OF THE NATIONAL
POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

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CHAPTER SIX: ~~LAKE MAUMELLE BASIN~~ WATERSHED SPECIFIC REGULATIONS

Reg. 6.601 Lake Maumelle Basin

All surface discharges of wastewater in the Lake Maumelle Basin are prohibited, with the exception of discharges permitted under the NPDES stormwater discharge program.

Reg. 6.602 Buffalo National River Watershed

- (A) The following definitions apply to Reg. 6.602:
- (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 general permit.
- (B) The Director shall not issue a permit or coverage pursuant to Regulation No. 6 for a CAFO 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. 6.602(B) does not prohibit the Director from:
- (1) Issuing a permit or coverage renewal or modification for a CAFO in the Buffalo National River Watershed with an active permit or coverage as of the effective date of this regulation; or
 - (2) Issuing a new Regulation No. 6 permit or coverage for a facility which holds an active Regulation No. 5 permit as of the effective date of this regulation.
- (D) A permit or coverage renewal, modification, or new permit or coverage issued pursuant to Reg. 6.602(C) shall not increase the number of swine permitted at a facility.
- (E) Five years from the effective date of this regulation the Director shall initiate rulemaking to either delete this paragraph, Reg. 6.602(E), or delete the entirety of Reg. 6.602.