

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

**IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 6: REGULATIONS FOR) DOCKET NO. 14-004-R
THE STATE ADMINISTRATION OF THE)
NATIONAL POLLUTANT DISCHARGE)
ELIMINATION SYSTEM (NPDES))**

**ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY'S
STATEMENT OF BASIS AND PURPOSE**

The Arkansas Pollution Control and Ecology Commission (the "Commission") is given the power and responsibility to promulgate rules and regulations. Under Ark. Code Ann. § 8-1-203(b)(1), the Commission is granted the power and responsibility to promulgate rules and regulations implementing the substantive statutes which are administered by the Arkansas Department of Environmental Quality (hereinafter "ADEQ").

With the passage of Act 1511 of the 2013 Regular Session, the General Assembly created a Committee and charged it with developing public notification requirements for any applicant seeking coverage under the general permit issued by the Arkansas Department of Environmental Quality (hereinafter "ADEQ") for a proposed Concentrated Animal Feeding Operation (hereinafter "CAFO") in Arkansas.

The Committee was comprised of one representative each from the ADEQ, Arkansas Agriculture Department, and Arkansas Farm Bureau and two members appointed by the Governor.

Following meetings and comments from stakeholders, the Committee presented to the Arkansas Legislative Council its recommendations for additional public notice

requirements for any applicant for the CAFO general permit issued pursuant to Regulation No. 6¹. After presentation to the Arkansas Legislative Council, ADEQ filed before the Arkansas Pollution Control and Ecology Commission (hereinafter “APC&EC”) a Petition to Initiate Rulemaking on Regulation No. 6 to incorporate the Committee’s recommendations. The APC&EC approved the Petition to Initiate Rulemaking at its May 22, 2014 meeting.

The proposed regulatory amendments include the following:

- a. Incorporating the federal definitions of “Animal Feeding Operation (AFO)” and “Concentrated Animal Feeding Operation (CAFO)”;
- b. Adding a new section regarding public notification requirements for any notice of intent filed with the Department for a general permit for a proposed Concentrated Animal Feeding Operation (CAFO) in Arkansas; and
- c. Make minor stylistic changes throughout the regulation.

A public hearing was held in Little Rock, Arkansas on July 14, 2014. The public comment period expired on July 28, 2014. Forty-seven comments were received regarding the proposed amendments.

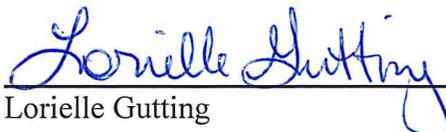
The proposed changes to Regulation 6 contain no technical standards which must be addressed pursuant to APC&EC Reg.8.815(A)(1)(ii). These rules are in the public interest, and are necessary to ensure compliance with both state and federal law.

Respectfully submitted,

ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY

¹ APC&EC Regulation No. 6 consists of the Regulations for the State Administration of the National Pollutant Discharge Elimination System (NPDES).

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