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From: Cowper Chadbourn <cchadbourn@conwaycorp.net>
Sent: Sunday, September 15, 2024 1:11 PM
To: Public Comment
Subject: Comments on Regulation 6, Rules for National Pollutant Discharge Elimination System Permits (NPDES)

Attn: Carol Booth, Department of Energy and the Environment

I am writing to provide my public comments on proposed changes to Regulation 6:

- 1) The new proposed rule, in part, establishes a permanent moratorium on new Regulation 6 permits in the Buffalo River watershed, stating in part: “The Director shall not issue a permit pursuant to this rule for a new swine CAFO in the Buffalo National River Watershed”. I fully support inclusion of this language in the new Regulation.
- 2) The proposed regulation, 6.602(C) allows for the issuance of new Reg 6 permits to holders of existing Reg 5 permits in the watershed. Because this rule making makes direct reference to “Liquid Animal Waste Management Systems” (i.e.: Reg 5 permits), the following comment regarding Reg 5 permits is also within the scope of this Reg 6 rule making: The proposed moratorium on new Regulation 6 permits within the Buffalo National River Watershed should be expanded to explicitly include the four existing (but inactive) Regulation 5 permits located within the BNR watershed. Issuing a new Regulation 6 permit for one of these facilities is functionally equivalent to issuing any other brand new Regulation 6 permit and should not be allowed. Thus, issuing new Regulation 6 permits to replace or supersede any of these existing, but currently inactive Regulation 5 permits would not be consistent with the intent of the proposed moratorium.

The Buffalo National River watershed comprises about 846,000 of Arkansas’ 29.7 million acres, and as such represents less than 3% of the area of Arkansas. Continuation of the existing moratorium to protect this small slice of the State, and expanding that moratorium to include the four existing, permitted facilities within that watershed, which have been dormant for many years, will not harm any existing Arkansas business, and is actually “pro business” in that it will help maintain the water quality that is so important to many small, local businesses that benefit from tourism drawn to the area by the Buffalo National River.

Sincerely,

H. C. Chadbourn