

2nd Public Notice
DRAFT GENERAL PERMIT CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)
Permit Number ARG590000

This is to give a second notice that the Permits Branch of the Water Division of the Arkansas Department of Environmental Quality (ADEQ), 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317 at telephone number (501) 682-0622, proposes a general permit (Permit number ARG590000) for eligible operators of Concentrated Animal Feeding Operations (CAFOs) located within the State of Arkansas under the National Pollutant Discharge Elimination System (NPDES) and the Arkansas Water and Air Pollution Control Act. Operators of Concentrated Animal Feeding Operations (CAFOs) located within the State of Arkansas are authorized to discharge whenever precipitation causes an overflow of manure, litter, or process wastewater into all receiving waters, except those facilities which are excluded in Part 1.4 of the general permit, in accordance with effluent limitations, monitoring requirements, and other conditions set forth in the permit. Due to the Fifth Court decision on March 15, 2011 the 1st draft permit has been modified to remove "or proposes discharge" for the permit. The Department has determined that cause exists for sending this permit back to public notice.

UNDER 40 CFR 124.14 (c), ONLY THOSE PORTIONS OF THE FIRST DRAFT PERMIT WHICH HAVE BEEN MODIFIED OR WERE COMMENTED UPON IN THE FIRST PUBLIC NOTICE COMMENT PERIOD ARE OPEN FOR COMMENT AT THIS TIME. Therefore, this is a modified permit. IN ACCORDANCE WITH 40 CFR 122.62, ONLY THE CONDITIONS WHICH ARE THE SUBJECT OF THE MODIFICATION ARE REOPENED. COMMENTS CONCERNING ANY PORTIONS OF THE PERMIT WHICH HAVE NOT BEEN REOPENED WILL NOT BE CONSIDERED.

ADEQ's contact person for submitting written comments, requesting information regarding the draft general permit, or obtaining a copy of the general permit and the Fact Sheet is Mo Shafii, at the above address and telephone number or by email at Water-Draft-Permit-Comment@adeq.state.ar.us. For those with Internet access, a copy of the proposed draft general permit and other information may be found on the ADEQ's website at: http://www.adeq.state.ar.us/water/branch_permits/general_permits/default.htm.

The last day of the comment period is 30 days after the publication date. If the last day of the comment period is a Saturday, Sunday or legal holiday, the public comment period shall expire on the next day that is not a Saturday, Sunday or legal holiday. For information regarding the actual publication date along with the actual date and time the comment period will end, please contact Mo Shafii at the above address and telephone number or by email at Water-Draft-Permit-Comment@adeq.state.ar.us. Comments and public hearing procedures may be found at 40 CFR Parts 124.10 through 124.12 and APCEC Regulation No. 8. All persons who wish to comment on ADEQ's draft permitting decision, must submit written comments to ADEQ, along with their name and mailing address. After the public comment period, and public hearing, if one is held, ADEQ will issue a final permitting decision. A Public Hearing will be held when ADEQ finds a significant degree of public interest. ADEQ will notify the applicant and each person who has submitted written comments or requested notice of the final permitting decision. Any interested person who has submitted comments may appeal a final decision by ADEQ in accordance with the APCEC Regulation No. 8 (Administrative Procedures).