

NOTICE OF PROPOSED REGULATION CHANGES, PUBLIC HEARINGS

The Arkansas Pollution Control and Ecology Commission (APC&EC) will hold two public hearings at North Little Rock December 19, 2011, to receive public comments on proposed changes to APC&EC Regulations 5 (Liquid Animal Waste Management Systems) and 6 (Regulations for State Administration of the National Pollutant Discharge Elimination System [NPDES]). The deadline for submitting written comments on the proposals is 4:30 p.m. January 5, 2012

The hearings will be held in the Commission Room of the Arkansas Department of Environmental Quality (ADEQ) headquarters building, 5301 Northshore Drive, North Little Rock. The Regulation 5 hearing will begin at 2:00 p.m., and the Regulation 6 hearing will start immediately after all comments on Regulation 5 have been submitted.

In the event of inclement weather or other unforeseen circumstances, a decision may be made to postpone the hearings. If the hearings are postponed and rescheduled, a new legal notice will be published to announce the details of the new hearing date and comment period.

APC&EC authority to revise Regulations 5 and 6 is found in the Arkansas Code Annotated, Section 8-4-101, et seq.

Proposed significant changes to Regulation 5 include:

- Inclusion of an exemption from Regulation 5 requirements for liquid animal waste management systems covered under an individual or general NPDES permit for Concentrated Animal Feeding Operations (CAFOs).
- Elimination of the continuing education requirements for operators of liquid animal waste management systems.
- Addition of a provision that would consider the removal of educational requirements from waste management plans for existing permits under Regulation 5 as a minor permit modification.

Proposed significant changes to Regulation 6 include:

- Elimination of the regulation's Chapter 5, which deals with permit requirements for Concentrated Animal Feeding Operations (CAFOs), since the United States Environmental Protection Agency (EPA) has adopted federal regulations for CAFOs under the NPDES program, and these federal CAFO regulations will be added to the list of federal regulations incorporated into Regulation 6 by reference.
- Addition of a new provision which creates a permit by rule for storm water discharges from small construction sites, defined as greater than one acre but smaller than five acres.
- Addition of a new section dealing with financial assurance permitting requirements for non-municipal wastewater treatment plants.

In addition, proposed revisions to both regulations include changes in the definitions sections, as well as language changes throughout the regulations made in order to make the regulations conform to format changes adopted by the APC&EC.

Copies of the proposed changes to Regulations 5 and 6 are available for public inspection during normal business hours at the Public Outreach and Assistance (POA) Division in the ADEQ's headquarters building in North Little Rock, and in ADEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, Little Rock, Magnolia, Mena, Monticello, Mountain Home, Pocahontas, Russellville, Searcy,

Stuttgart, Texarkana, and West Memphis; in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway; and in the Arkansas State Library, 900 W. Capitol, Suite 100, Little Rock. In addition, a copy of the draft regulation showing the proposed changes, along with related support documents, is available for viewing or downloading on the draft regulations page of the ADEQ's Internet web site at www.adeg.state.ar.us.

Oral and written statements will be accepted at the hearings, but written comments are preferred in the interest of accuracy. In addition, written and electronic mail comments will be accepted if received no later than 4:30 p.m. January 5, 2012. Written comments should be mailed to Doug Szenher, POA Division, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, AR 72118. Electronic mail comments should be sent to: reg-comment@adeq.state.ar.us.

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