

**ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION
MINUTE ORDER NO. 14 - _____
Medium and Large Swine CAFO/CAO - Moratorium**

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On April 25, 2014, the Arkansas Pollution Control and Ecology Commission (“Commission”) pursuant to its authority under Ark. Code Ann. § 8-4-202 *et seq.*, adopted Minute Order No. 14- 19. Minute Order No. 14-19 imposed a temporary moratorium on the issuance of any new permits or coverage for medium and large confined animal operations (“CAOs”) and concentrated animal feeding operations (“CAFOs”) for swine in the Buffalo River Watershed (“BRW”). This temporary moratorium was also enacted to allow for the initiation, and potential adoption, of rule changes that will prohibit future medium and large swine CAFOs under Regulation No. 6 and similarly sized swine confined animal operations under Regulation No. 5 from being established in the Buffalo River’s watershed. On the same date it adopted Minute Order No. 14-19, April 25, 2014, the Commission also adopted Minute Orders No. 14-17 and 14- 18. Minute Orders 14-17 and 14-18 initiated a third-party rulemaking request by the Ozark Society and the Arkansas Public Policy Panel. The Ozark Society and Arkansas Public Policy Panel’s proposed rulemaking would amend Regulation No. 5 and Regulation No. 6 and permanently ban any new medium and large swine CAOs and CAFOs from being located in the BRW.

A moratorium enacted under Ark. Code Ann. § 8-4-202 *et seq.* may remain in force for up to 180 days. The Commission’s temporary moratorium enacted by the passage of Minute Order No. 14- 19 expired on October 22, 2014. However, the Arkansas General Assembly did not have the opportunity to review the proposed changes to Regulation No. 5 and Regulation No. 6 prior to the expiration of the temporary moratorium enacted by the passage of Minute Order No. 14-19. Therefore, in order allow the Arkansas General Assembly an opportunity to review and comment on the proposed changes to Regulation No. 5 and Regulation No. 6; for the reasons and basis set forth in its adoption of Minute Order No. 14-19; and to preserve the status quo during the rulemaking process the Commission hereby enacts an immediate moratorium on the establishment of any new medium and large swine CAFOs and medium and large swine CAOs in the Buffalo River’s watershed over the next one-hundred and eighty (180) days.

For the purposes of this moratorium, a medium or large swine CAFO or confined animal operation is a CAFO or confined animal operation with either seven-hundred and fifty (750) or more swine weighing fifty-five (55) pounds or more; or three thousand (3000) or more swine weighing less than fifty-five (55) pounds. For the purposes of this moratorium the Buffalo River’s watershed is the area within the United States Geologic Service Hydrologic Unit Code 11010005. The Commission enacts this moratorium pursuant to its authority found at Ark. Code. Ann. § 8-4-202 *et seq.*, and the Director of ADEQ shall not issue any new permits or provide coverage under Regulation No. 5 or Regulation No. 6 for medium or large swine confined animal operations or CAFOs for

the next one-hundred and eighty (180) days from the date of the adoption of this minute order.

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This moratorium does not prohibit the Director from issuing a permit renewal or permit modification for a medium or large swine CAFO or confined animal operation with an active permit as of the date of the adoption of this minute order. This moratorium shall also not prohibit the Director from issuing a new permit or permit modification under Regulation No. 5 or Regulation No. 6 for a medium or large swine CAFO or confined animal operation active as of the adoption date of this minute order, as long as any new permits or permit modifications will not increase the number of swine currently permitted in the Buffalo River's watershed.

COMMISSIONERS

_____	M. Armstrong	_____	J. Bates
_____	L. Bengal	_____	J. Chamberlin
_____	J. Fox	_____	M. Goggans
_____	D. Hendrix	_____	A. Henry
_____	R. Moss	_____	J. Simpson
_____	W. Thompson	_____	B. White
_____	R. Young		

_____ **SUBMITTED BY: Charles Moulton PASSED: _10/24/14_ W.**
Thompson - Chair