

## NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rule-making information that does not fit into any other category of notice; and other types of information required by statute to be published in the *Register*. Because of the variety of material that is contained in a Notice of Public Information, the Office of the Secretary of State has not established a specific format for these notices.

### NOTICE OF PUBLIC INFORMATION DEPARTMENT OF ENVIRONMENTAL QUALITY

- 1. Name of the agency:** Department of Environmental Quality
- 2. Title and its heading:** 18, Environmental Quality  
**Chapter and its heading:** 9, Department of Environmental Quality – Water Pollution Control  
**Article and its heading:** 9, Arizona Pollutant Discharge Elimination System  
**Section number:** R18-9-A908(E)(2)

**3. Notice of final permit determination:**

On April 16, 2004, the Arizona Department of Environmental Quality (ADEQ) issued an Arizona Pollutant Discharge Elimination System (AZPDES) general permit (AZG2004-002) authorizing the operation of Concentrated Animal Feeding Operations (CAFOs). The final permit will be effective for a period of five years from the date of signature. This permit supersedes the previous CAFO General Permit (AZG800000) issued by the Environmental Protection Agency Region IX on August 21, 2001. The Department will not accept any new Notices of Intent (NOIs) to operate under AZG800000. The Department expects all CAFOs operating under AZG800000 to submit notification for coverage under and comply with AZG2004-002.

In Notices of Public Information (NPIs) published in the *Arizona Administrative Register* (10 A.A.R. 510, February 13, 2004 and 10 A.A.R. 730, February 27, 2004), ADEQ announced that it was accepting comments through March 15, 2004 on a general permit for CAFOs as part of the AZPDES program. ADEQ received four sets of comments on the draft CAFO general permit. ADEQ amended the draft permit, where appropriate, to address a number of comments received during the comment period. ADEQ believes that none of these changes from the draft to the final permit are significant. The changes include:

- Placing the word “comprehensive” after the term “nutrient management plan” on the cover page to avoid confusing a “comprehensive nutrient management plan (NMP)” with a “certified nutrient management plan (CNMP).”
- Replacing the term “Code 590” with “NRCS Nutrient Management Standard (Code 590)” throughout the permit and Fact Sheet to refer to its proper name.
- Merging the two rows in Table 2 of the permit and fact sheet that dealt with new CAFOs to clarify that applications are due at least 180 days before the CAFO begins operation for CAFOs that started construction after April 14, 2003.
- Replacing the term “weather information” in Part IV.D.2.c. of the permit with “precipitation information” to clarify that the Department is only interested in precipitation events and not all weather conditions.
- Revising Part IV.D.4 of the permit to clarify that the permittee shall correct any deficiencies identified through an inspection within seven days and update the nutrient management plan (NMP) and implement new or modified best management practices (BMPs) as soon as possible.
- Revising Part IV.F. of the permit to clarify that instead of automatically requiring that the NMP be modified “Within 15 business days of receipt of the notification from the Department (or as otherwise provided by the Department),” that the Department will “specify the compliance time-frame within the notification.” This is because these types of changes usually require modification of the NMP and the Department believes that in most cases this cannot be accomplished within 15 days.
- Replacing “as soon as possible” in Part V.B.3 of the permit with “as soon as conditions allow” to clarify the Departments expectations.
- Revising Part V.B.3. of the permit to clarify that the test method may be specified “protocols specified in NRCS Nutrient Management Standard (Code 590)” in addition to A.A.C. R18-9-A905(B).
- Replacing the word “permittee” with “animal feeding operation” in Part VI.D.2. of the permit.
- Corrected the definition of “CAFO” and “Designated AFO” in Part X of the permit to refer to “Designated CAFO” because if ADEQ designates an animal feeding operation as a CAFO according to R18-9-D901, then it is a “Designated CAFO” not a “Designated AFO.”

**Notices of Public Information**

- Replacing the word “any” in the definition of “Impaired water” in Part X. of the permit with “one or more” because some waters may meet some designated uses, but not all of the ones listed for the water.
- Revised the table heading to clarify that the permittee shall provide the weight for the swine in the NOI and Notice of Termination (NOT) forms.
- Adding a question to the NOI form to determine how much of the CAFO is operated on Tribal Lands, so that the Department can determine whether the operation is subject to an EPA or Tribal permit.
- Adding a reminder to the NOT form that if the CAFO is sold, the new owner must submit an NOI to the Department.
- Other clarifying changes to the permit, fact sheet and forms were made as a result of comments.

**4. The final general permit:**

An itemization of the significant comments and ADEQ’s responses, a copy of the final fact sheet, the final permit, NOI form, NOT form and NRCS Nutrient Management Standard (Code 590) is available on the ADEQ website at: <http://www.adeq.state.az.us/enviro/water/permits/cafo.html#perm> or contact ADEQ at 602-771-4469.