



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202 – 2733

Office of the Regional Administrator

March 20, 2019

Ms. Becky Keogh  
Director  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, Arkansas 72118

Dear Director Keogh:

I am writing to inform you that we are reviewing Arkansas Senate Bill 550—‘An Act to Amend the Law Regarding Liquid Livestock Litter Utilization; and for Other Purposes’ (SB550) to evaluate the extent to which the statute revises the State’s approved Clean Water Act National Pollutant Discharge Elimination System (NPDES) program and the delegated authority to protect water quality.

States are required to keep EPA informed of program revisions, including transfers of the program from one state agency to another. 40 C.F.R. § 123.62(a), (c). Revisions to state programs must be submitted to EPA along with supporting documents EPA deems necessary, including a modified program description, Attorney General’s statement, or Memorandum of Agreement. §123.62(b)(1), (c), (d). Such revisions to state NPDES programs are subject to approval by EPA and must meet applicable requirements under part 123. §123.62(b)(3), (c).

If adopted as State law, SB550 would receive a review from EPA to determine whether the State program possesses adequate authority to issue permits that ensure compliance with the requirements of the Clean Water Act. 33 U.S.C. § 1342(b), (c)(2), 40 C.F.R. 123.25. Based on our initial review, SB550 merits further evaluation to determine its effect on NPDES permitting and enforcement in the State and to consider potential issues related to transferring authorities to another department in the State. Specifically, SB550 may implicate federal requirements addressing discharges from concentrated animal feeding operations (CAFOs) into waters of the US, including permitting and public notice requirements, as well as requirements for unpermitted operations. *See* 40 C.F.R. §§ 122.23, 122.42(e).

Please feel free to contact me or have your staff contact Charles Maguire, Water Division Director, at (214) 665-8138.

Sincerely,

A handwritten signature in blue ink that reads "Anne L. Idsal".

Anne L. Idsal  
Regional Administrator