



June 15, 2015

VIA FIRST CLASS MAIL AND ELECTRONIC DELIVERY

Becky Keogh
Director
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317
Email: Keogh@adeq.state.ar.us

Ryan Benefield
Deputy Director
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317
Email: benefield@adeq.state.ar.us

Re: C & H Hog Farm NPDES Permit No. ARG590001, File AFIN 51-00164

Dear Director and Deputy Director:

We understand from documents on the Arkansas Department of Environmental Quality's website that C & C Hog Farm transferred its Regulation 5 permit (#3540-WR-5) to EC Farms (#3540-WR-6). We also understand that EC Farms recently submitted a minor modification request to land apply wastes from C & H Hog Farm and that your office in turn informed EC Farms that land application of wastes at its facility is a major modification and would therefore need to submit an application along with a revised Comprehensive Nutrient Management Plan.

To our knowledge, EC Farms has not submitted any follow-up documents.

We further understand that C & C's closure and "active" status was initiated and maintained by Richard Campbell, then owner of C & C Hog Farm and current owner of C & H Hog farm, and that your office in an interoffice memo dated April 14, 2014 indicated Mr. Campbell might want to modify his permit to allow hog waste from a different facility to be land applied to his fields (Attachment 1).

Under permit 3540-WR-5, C & C Farm operated as a small CAFO in the Shop Creek/Little Buffalo River/Buffalo River watershed. Its waste management plan was designed to handle waste applications from 616 swine. Some of the fields listed in the waste management plan are in the Medium to High Phosphorus range and may be unsuited for liquid swine waste applications. In fact, the waste management plan states that the main areas of concern for this farm are manure run-off (from facilities and field applications), maximize nutrient utilization, odor control/neighbor relations, and aesthetics.

The Comprehensive Nutrient Management Plan for 3540-WR-5 and 3540-WR-6 states:

This Comprehensive Nutrient Management Plan is an overall conservation system for your planned animal feeding operation (AFO) and is site-specific for this farm.

On the face of permit #3540-W-5 and permit # 3540-WR-6 and related documents, it would seem that this transfer is from one Regulation 5 animal feeding operation (AFO) to another.

However, according to a Natural Resource Conservation Service letter to ADEQ on March 17, 2014, the liquid and solid wastes were removed and spread on pastureland underlined in the conditions of the permit and according to the Animal Waste Management Plan (Attachment 2).

The 3540-WR-6 permitted facility as transferred from Permit #3540-WR-5 is no longer an operational Regulation 5 animal feeding operation (AFO) as there are no swine, no liquid waste, no storage ponds, and no housing barns.

The recent activities with regard to C & C permit transfer to EC Farms, EC Farm's minor modification request to apply C & H waste, and ADEQ's subsequent response, raise several questions and concerns as follows:

-Why is C & H seeking to transport its waste off site and land apply under another permit? Is this a waste utilization vs. waste disposal issue for C & H?

-Is this an attempt by C & H to circumvent the enforcement and regulatory process to avoid a public comment period and/or compliance with its own NMP?

-EC Farms should not be permitted to become a waste disposal site for C & H Hog Farm's excess waste. One set of problems should not be traded for another.

As we have stated in previous communications to your office, we believe public involvement and transparency from the start could well have prevented the ill-advised siting of a factory farm in the watershed of the treasured Buffalo River and the subsequent waste of taxpayer dollars to monitor and study the facility. Even at this juncture, though, public involvement can still provide valuable input to help recover the best outcome possible from an undesirable situation.

Therefore, we urge ADEQ to reopen C & H Hog Farm's permit in its entirety and to allow public review and comment.

Letter to Becky Keogh and Ryan Benefield
June 15, 2015
Page Three

Sincerely,



Marianne Engelman Lado
Attorney, Earthjustice

On behalf of:



Bob Allen
Arkansas Canoe Club



Jack Stewart
Buffalo River Watershed Alliance



Emily Jones
National Park Conservation Association



Robert Cross
Ozark Society

Cc: John Bailey, ADEQ, Bailey@adeq.state.ar.us
Ms. Vickerson, ADEQ, vickerson@adeq.state.ar.us
Carl E. Wills, Wills.carl@Epa.gov
Willie Lane, Lane.willie@Epa.gov

Attachments (1-2)

Attachment 1

From: [Yarberry, Katherine](#)
To: [Deardoff, Amy](#)
Cc: [Vickerson, Casey](#)
Subject: FW: C&C Hog Farm
Date: Monday, April 14, 2014 11:10:49 AM

[Website, please.](#)

From: Yarberry, Katherine
Sent: Monday, April 14, 2014 11:11 AM
To: Vickerson, Casey
Subject: C&C Hog Farm

FYI—

Alan McGhee with USDA-NRCS called regarding C&C Hog Farm (3540-WR-5 AFIN 51-00020).

A closure certification was sent to ADEQ from their office and Mr. Richard Campbell received your email regarding needing a letter to terminate, but Mr. Campbell does not know if he wishes to void his permit at this time. It is possible that he will want to modify his permit to allow hog waste from a different facility to be land applied to his fields. Once Mr. Campbell knows whether he will modify or terminate his permit, he will send official correspondence to ADEQ.

Thanks,

Katherine Yarberry, PE

Engineer Supervisor, No-Discharge Section
Water Division, ADEQ
501-682-0647

Attachment 2

United States Department of Agriculture



Natural Resources Conservation Service
402 N. Walnut, Suite 125
Harrison, AR 72601
(870) 741-8600 Ext. 3

ADEQ
Attn. Permits Branch
8001 National Drive
P.O.Box 8913
Little Rock, AR 72219-8913

March 17, 2014

To whom it may concern:

This letter is certifying closure of the waste system on the C and C Hog Farm, Owner Richard Campbell, Permit No. 3540-WR-5 has been completed. The liquid and solid waste have been removed and spread on the pastureland underlined in the conditions of the permit and according to the Animal Waste Management Closure Plan.

The holding pond and settling basin of the waste system have been cleaned out and filled in meeting NRCS standards and specifications and also in accordance with current permit requirements.

The surrounding areas are seeded for revegetation purposes over the disturbed area. There does not appear to be any problems existing at this location.

Respectfully,

Margaret Lonadier
District Conservationist
Natural Resources Conservation Service
402 N. Walnut, Suite 125
Harrison, AR 72601

Cc: Richard Campbell, C and C Hog Farm
Stan Rose, Area Engineer, USDA-NRCS

... to be any problems existing at this location
... NRCS standards and specifications and also in accordance with current permit requirements
... seeded for revegetation purposes over the disturbed area. There does not appear to be any problems existing at this location.

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer

**USDA NATURAL RESOURCES CONSERVATION SERVICE
ANIMAL WASTE MANAGEMENT SYSTEM CLOSURE CERTIFICATION**

DATE: _____

FARM NAME: C and C Hog Farm

PERMIT No. 3450-WR-5

On 9-11-2013 a closure check was made on the animal waste storage structures on your
(date)
farm in Section 34, Township 15 N., Range 21 W., in Newton
County,

Arkansas. The volume for each structure follows:

STRUCTURE	Wastes Removed	Gallons Removed
Concrete Tank		
Settling Basin		50,000
Holding Pond		220,000
Dry Stack Area		

NOTES:

This check shows the system does meet closure plan requirements. This form, and needed attachments, should be sent to the Water Permits Section of the ADEQ, P.O. Box 9583, Little Rock, Arkansas 72209.

M. Loder
Signature

District Conservationist
Title

3/17/14
Date

NRCS
402 N. WALNUT, STE 125
HARRISON, AR 72601

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ADEQ
Attn: Permits Division
5301 Northshore Drive
North Little Rock, AR
72118

7211835317

