



ARKANSAS
Department of Environmental Quality

APR 16 2015

Monica K. Reimer
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RE: Response to Earthjustice's letter regarding C&H Hog Farms, Inc. 2014 Annual Report
Permit Tracking No. ARG590001 AFIN 51-00164

Dear Ms. Reimer:

The Arkansas Department of Environmental Quality received your comments on March 9, 2015, regarding the 2014 annual report submitted by C&H Hog Farms, Inc. Many comments pertained to differences among various values between the Revised NMP and the submitted annual report. The Department would like to offer the following response:

In the case of C & H Hog Farms, Inc., the Phosphorus Index (PI) values listed in the Nutrient Management Plan (NMP) are theoretical and were calculated to demonstrate acceptable management practices before land application activities were initiated. Under the terms of the permit, the permittee must recalculate the PI values using the narrative approach and the most recent waste and soils test results prior to each land application event. This allows for some flexibility so long as the permittee is only land applying wastes on fields that rank Medium or Low risk values on the PI scale, which applies a class label to the amount of "risk" of discharge of Phosphorus during land application, and is not exceeding the approved land application rates. Fields assigned a class label of High or Very High are viewed as likely to discharge phosphorus; therefore, the Department prohibits land application on those sites classified as High or Very High according to the PI. The permittee abided by their permit conditions and applied wastes on fields that ranked Medium or Low risk values and did not exceed the land application rates found in the approved NMP. Although the facility is currently permitted for 630.7 acres of land application area, they are only utilizing 605.8 acres due to a discrepancy with a land use map. However, the Department does not require all of the permitted land application area to be used. The Department believes the PI is an acceptable agricultural practice since the amount of nutrients and manure applied on land application areas are based on soils tests and analysis of the liquids in the holding ponds.

Other comments referred to changes in the Revised Universal Soil Loss Equation (RUSLE) values. The University of Arkansas Cooperative Extension Service and the United States Department of Agriculture Natural Resources Conservation Service currently recommend the use of RUSLE1 in PI calculations while the RUSLE2 model is being revisited and retested. RUSLE1 is the more accurate model in predicting erosion risk at this time; therefore, the PI spreadsheet set RUSLE2 equal to RUSLE1 in the 2014 annual report in order to allow the PI software to run the calculations. It should also be noted that the calculations provided in the annual report are not permit revisions. The permittee is limited to the land application rates found in the approved NMP as well as the PI risk values to ensure over-application does not occur. The information submitted complied with the CAFO general permit and applicable laws and regulations.

The Department offers the following explanation regarding the varying values for the total gallons of waste applied. The value of 2,614,059 gallons provided in the 2014 annual report was the projected value for annual waste production, and the projection is based on multiple factors, including the number and size of animals on site, the estimated rainfall, and the estimated 25-year, 24-hour storm event, which did not occur in 2014. The actual amount applied in 2014 is 2,367,400 gallons. The NOI value of 2,090,081 gallons does not consider weather events and only consists of the estimated manure, litter, and washwater produced per year.

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

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Seasonal index values for individual applications were used to calculate the aggregate runoff risk for fields receiving applications over multiple seasons, and the “assumptions” discussed in your letter can be found in the seasonal index.

ADEQ will continue to review the facility’s submissions and the CAFO general permit to ensure continued compliance with applicable laws and regulations.

Thank you for your attention to this matter. If there are any questions concerning this submittal, please contact John Bailey, Permits Branch Manager in the Water Division, at (501) 682-0629 or by email at bailey@adeq.state.ar.us.

Sincerely,



Becky W. Keogh
Director

BWK:cv

cc: Bob Allen, Arkansas Canoe Club (bob@ozarker.org)
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