

**REQUEST OF BUFFALO RIVER WATERSHED ALLIANCE TO APPEAR  
BEFORE THE COMMISSION AT ITS OCTOBER 24, 2014 MEETING**

*1. Topic To Be Discussed.* The Buffalo River Watershed Alliance (“the Alliance”), an Arkansas not-for-profit corporation, requests the opportunity to appear in a specific agenda matter before the Arkansas Pollution Control & Ecology Commission at its October 24, 2014 meeting. The Alliance is dedicated to preserving and protecting the scenic beauty and pristine water quality of the Buffalo National River by opposing and preventing the construction and operation of industrial confined animal feeding operations (CAFOs) within the Buffalo River watershed.

The Buffalo National River is one of the crown jewels of Arkansas’ environment, and the protection of its environment is of paramount importance. It was a surprise to many people who live near and/or use the Buffalo River that the Arkansas Department of Environmental Quality (ADEQ) had permitted C & H Hog Farms to operate a CAFO in close proximity of Big Creek, a tributary of the Buffalo River.

The Alliance recently learned that Plasma Energy Group, LLC (PEG), of Port Richey, Florida, now proposes to install a pilot program test unit at the C & H site for the treatment of swine wastes by an unproven “plasma-torch” system, and that ADEQ informed PEG that it may do so “at its own risk” without any preliminary bench tests or assessment of data regarding past operations of the proposed equipment on swine wastes. Alliance representatives met with the Acting Director of ADEQ, on October 13, 2014, and ADEQ’s position remains unchanged.

*2. Reasons For Appearing Before The Commission:* The Alliance’s concerns about PEG conducting the proposed pilot program test unit at the C & H site include, but are not limited to, the following:

1. PEG has not provided any information to ADEQ in the form of laboratory bench testing, modeling, or use of the same system in other locations on swine or similar wastes. The information provided by PEG to ADEQ in support of PEG's request to conduct the on-site testing was based upon data from 1995 for treatment of 100 lb/day of *medical wastes*, whereas PEG proposes to process 10,750 gallons/day of liquid swine wastes and 805 lb/hour of solid swine wastes at the C & H facility. This method has apparently not been tested anywhere.

2. According to PEG, the swine waste would be treated in a "closed-loop system," involving no water emissions and low air emissions. However, the schematic drawing of the system provide by PEG shows the discharge of "sterile liquids" of unknown volume or constituents. The amount and constituents of the air emissions are not stated or estimated.

3. PEG is a new company, having been formed in Florida in February, 2013. PEG appears to have no experience at all in treatment of swine wastes, and very limited experience in treatment of other types of wastes.

4. Scientific literature relative to plasma-torch technology generally indicates that the technology generates much greater volumes of air and water emissions than anticipated, and that the cost of operation of the technology is much higher than is economically feasible. It is still a largely untested, experimental technology.

5. Allowing PEG to conduct the on-site test of the proposed plasma-torch system without further evidence that it has a high degree of probability of success could exacerbate conditions at the site, rather than improve them. The risk is not entirely all PEG's, as persons in the area and the environment may also be adversely affected.

6. This proposed pilot test will almost certainly require the issuance of permits

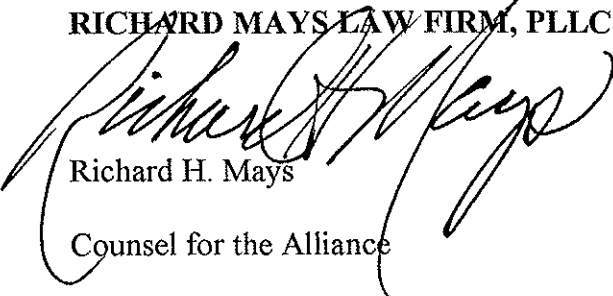
by ADEQ and/or EPA in order to meet state and federal air regulations. The need for such permits has not been fully researched. Internal ADEQ staff communications support the Alliance's position that permits may be required.

PEG is currently constructing the equipment (which includes sizable multiple components) in Florida, and would move it to the site. Operation of the test for the proposed thirty (30) day period would require a number of generators that would also have to be moved to the site. If the initial tests showed air, water and other emissions from the equipment that were in excess of expectations, the investment in constructing and moving the equipment would give PEG an argument for being permitted to retain the equipment at the property for further tests and experimentation.

**3. Relief Requested.** The Alliance would like to address the Commission regarding the wisdom of ADEQ's current position on allowing the pilot program to proceed without ADEQ gaining additional information from PEG and other sources on the proposed technology, the components of swine wastes, experience in use of this technology on treatment of such wastes, and other factors that should be considered before allowing the tests to occur. The Alliance will request the Commission to direct ADEQ to not allow the pilot program to occur without such additional information.

Respectfully submitted,

**RICHARD MAYS LAW FIRM, PLLC**



Richard H. Mays

Counsel for the Alliance