

June 15, 2015

Becky Keogh
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**VIA FIRST CLASS MAIL
ELECTRONIC DELIVERY**

Ryan Benefield
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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)

Permit 3540-WR-5 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.

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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- 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.

Sincerely,
Name

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On behalf of:

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Arkansas Canoe Club

Jack Stewart
Buffalo River Watershed Alliance

Emily Jones
National Park Conservation Association

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Attachments (1-2)