

BUFFALO RIVER WATERSHED ALLIANCE

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DEFEAT SENATE BILL 550

1. **SB 550 presents a threat to the health and well-being of the people of Arkansas.** If enacted, this bill would transfer authority over liquid animal waste systems away from the Arkansas Department of Environmental Quality (ADEQ) to the Arkansas Natural Resources Commission (ANRC). This move would radically weaken the way swine factory farms are regulated in Arkansas and would remove current protections for the Buffalo National River. Swine factory farms would be allowed to operate in a much more permissive environment, and the prospect of liquid animal waste entering the Buffalo River, as well as other streams and public drinking water reservoirs would become a much greater threat.

2. **SB550, through abolishment of Regulation 5, would do away with the current moratorium on new swine operations in the Buffalo River watershed and open the door for new facilities to operate in this sensitive area.** ANRC authorizing statutes do not contemplate watershed-specific protections, and ANRC administrative procedures do not allow for third party rulemakings like that which produced the current Regulation 5 rule. This is a betrayal of the Governor's support, the legislature's approval, and the public's understanding of the Regulation 5 moratorium.

3. **State regulations must be at least as strong as federal regulations. SB550 does not provide a permitting framework for liquid animal waste systems.** Under ANRC, Nutrient Management Plans (NMPs) are voluntary except within nutrient surplus areas. There is no requirement for geological or engineering review as currently required under ADEQ. This weakening of regulatory review and oversight will invite EPA scrutiny which will place increased demand on state resources, adding to the inefficiencies inherent in this bill. -Although characterized by supporters of the bill as an effort to achieve greater efficiency in the permitting process, SB 550 has the potential to expose some of the state's most important natural resources including public drinking water reservoirs to liquid animal waste and will actually create inter-agency chaos within the state's regulatory environment.

4. **Public participation and transparency is significantly weakened. It is unclear what the public notification and appeal processes would be. Key Freedom of Information Act (FOIA) inquiries will be prohibited.** ANRC rules state that applicant and operator records, including NMPs and Phosphorus Index results, are not public information, which shields the records of swine facilities from public scrutiny and makes it impossible for the public to identify possible violations. Anonymous complaints from the public are prohibited which suppresses public oversight.

SB550 is an obvious effort to transfer liquid animal waste disposal systems, primarily large swine facilities, away from ADEQ to the weaker regulations and oversight provided by ANRC. Among state agencies, ADEQ is the acknowledged expert on liquid animal waste management and has developed a working regulatory framework which provides review, permitting, oversight and enforcement of these unique agricultural systems which, if not managed properly, can pose significant threats to our state's waters. This potential threat is the rationale behind Regulation 5 and ADEQ should remain the regulatory authority for its implementation.