

**Statement on behalf of BRWA during public comments section of  
Arkansas Pollution Control and Ecology Commission Meeting**

The Buffalo River Watershed Alliance comments on the Proposed Schedule of Regulation Changes listed on the Agenda as Item #21, specifically the proposal to initiate rulemaking with respect to Regulation 6.202(A) and (B) to amend Regulation 6 to provide that a construction application is not required for general permits that authorize construction.

As you all may know, the Alliance filed a formal complaint with the ADEQ on September 21, 2015, seeking action by the ADEQ with respect to numerous complaints the Alliance and others have previously filed with respect to C&H Hog Farms. Part of the Alliance's Complaint was based on the Department's inability to produce a copy of a construction permit for C&H Hog Farms despite numerous FOIA requests by both the Alliance and its counsel. Regulation 6.202 required C&H to apply for and receive a separate construction permit before beginning the operation of its hog farm under the NPDES permit it received. The NPDES permit issued to C&H authorizes discharges, not construction.

The Alliance believes the construction permitting process serves an important purpose in allowing the ADEQ to review and approve an engineer's construction plans, provide notice to the public, and ensure that disposal systems are constructed in accordance with the plans submitted and approved. Any change which weakens the permitting process is against the public interest and is one that the Alliance would strongly oppose.