

The Arkansas Canoe Club (ACC) is a recreation, conservation and education organization consisting of close to a 1000 member households representing eight chapters in Arkansas, Louisiana, Missouri, Tennessee, Oklahoma and Texas.

We feel that the regulation 6 permit previously granted to C&H Farms was wrong if for no other reason that the public was not properly notified and allowed a comment period before issuance of the permit. We thank the department for a chance to comment on the proposed regulation 5 permit. We are unalterably opposed to the permitting of C&H farms for a number of reasons cited below.

It is reasonable to expect that the farm and spray fields where the feces and urine are spread are underlain by Karst, as the Boone Formation dominates the watershed of the Buffalo National River. This risks polluting an Extraordinary Resource Water and a wilderness area through which it flows.

The Karst topography has already been shown to exist near the farm and spray fields because of the presence of springs, intermittent creeks, and caves. This porosity has been confirmed by dye-trace studies nearby and by one Electrical Resistivity Imaging (ERI) study near the holding ponds.

No dye tracing studies and only one ERI study shows a disregard for the real risks to subsurface water movement and migration of nutrient and bacterial pollution to the BNR and its tributaries.

The allowed design for the holding ponds to meet up to a 25 year rain event is insufficient to protect against the likelihood of a spillage, insuring future spillage and likely catastrophic failure of the clay embankment with an adjacent land slope of greater than 10%.

Standard clay liners for the holding ponds, with an allowable leakage rate of 5000 gallons/surface acre/day is insufficient considering the porosity of the Karst under the ponds. Pollutants could already be leaking into the subsurface strata and hence to the BNR but no testing of the river itself is being conducted by this agency to ensure the public's safety.

Transportation of the liquid wasted by tanker truck to the newly added spray fields over steep mountain roads constitutes an unreasonable additional risk of pollution of the BNR and its tributaries.

ACC members have enjoyed and continue to enjoy all aspects of the Buffalo National River including the watershed. We paddle the river, camp the gravel bars, fish the pools, and hike the trails every month of the year in every conceivable weather condition. Rain or shine, high flow or low, we are there. We enjoy direct contact with the river, tributaries, and springs.

The Buffalo River enabling act, Pub Law 92-237, § 1, 86 Stat. 44, 44(1972) declares that the river shall be preserved "for the benefit and enjoyment of present and future generations." This means that Congress has declared the Buffalo is held in a public trust so that future users, including future Arkansas Canoe Club members, can access the Buffalo in the same condition it was back in 1972.

ADEQ's initial decision to grant a CAFO permit to C&H was ill-conceived, but more importantly failed to protect the river for future generations' use. Nothing in the original permit indicates that ADEQ even considered the farm's impact on future generations.

The present Reg 5 permit also ignores C&H's impact on future generations of Americans and Arkansans, including young and future Arkansas Canoe Club members. Granting the proposed permit would arbitrarily and unlawfully give a preference to those living now who recreate in-and-around the Buffalo River watershed. Dye testing has revealed some movement of waste effluent into the Karst geology surrounding C&H, which could devastate Buffalo River wildlife should a new permit be issued.

E coli levels have also been shown to be excessively high during periods of heavy rainfall, when Arkansas Canoe Club members (including children) are most likely to be using this stretch of river - meaning that we are already being exposed to the detriments of the hog farm. Any decision to renew C&H's permit would arbitrarily discriminate against those who are not yet born or are very young now because their ability to enjoy the Buffalo River would be rendered impossible or, at the very least, diminished substantially.

C&H has not explained to this agency in its permit application how its operations will not harm or impact future generations' ability to enjoy the Buffalo in its 1972 condition. It also has not explained how land applying the liquid waste will not harm future individuals' ability to enjoy the Buffalo.

We urge you to consider your duty as stewards of this watershed and not to shirk Congress's direct mandate to protect this river for future generations as well. Doing so requires denial of C&H Hog Farm's present permit renewal request.

Bob Allen, conservation chair, Arkansas Canoe Club

From: [Bob Allen](#)
To: [Water Draft Permit Comment](#)
Subject: Re-submission of comments
Date: Friday, March 17, 2017 10:18:14 AM
Attachments: [bnr-2.doc](#)

This is a re-submission of the comments. I note that I did not identify myself on the actual document submitted previously. Thank you

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Bob Allen, Emeritus Professor of Chemistry  
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Bob of the Ozarks:
<http://ozarker.org>
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Science is what we have learned about how to keep  
from fooling ourselves — Richard Feynman  
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