

My name is Carol Bitting, Marble Falls, Ar.

2015/04/11

Comments on Permit #3540-WR-7

Thank you for allowing me to speak, I will try to stay within the 5 minutes but if I go over it won't be for much so please allow me to finish without interruption. This meeting is about addressing our citizen concerns for the environment we live in.

I am here defending my home and the anti-degradation of the waters of this state as specified in Regulation 2 and the Clean Water Act. I am not about new laws, the laws are already here. They are continually degraded though and that is the sadness of this situation as ADEQ has partnered with industry for pollution of the Buffalo River verses the millions of citizens that are financially supporting the agency to protect our resources.

The area I live in is karst, it is downstream of the proposed permit and the water I drink comes from this source. I am also a field technician for Dr Brahana's (KHBNR) study and other ongoing study's of water quality related to the area surrounding the spreading fields of C&H Hog Farms. We have documented the fast transport of groundwater emerging into springs, streams and wells in nearly all directions of the C&H spreading fields and also the continual increase of the decline of water quality in Big Creek.

There are 34 known caves downstream of the EC Campbell farm spreading fields. The above fields are highly erodible allowing nutrients, such as hog waste to pass quickly into the groundwater, caves and streams. It doesn't matter if God made the waste when a cafo comes into a karst community it is no longer about fertilizing fields but about waste management.

Recently I heard Director Keogh state that she knows Big Creek is impaired for e-coli and dissolved oxygen. She did not mention the 30 year partnership with the National Park Service for water quality sampling, she also chose to not use the USGS continuous data and she manipulated the University of Arkansas study by BCRET that shows Big Creek impairment for e-coli. Dr Sharpely refuses to comment on his data for 5 years.

By not listing Big Creek on the 303 (d) list ADEQ would not be required to find the source of degradation to the stream. It could possibly get by without a study of the left fork of Big Creek, Hurricane Creek, the Little Buffalo River etc. to show EC Farms would not impact water quality. This law is stated in Regulation 2 and states it is ADEQ's job to show there will be no pollution to the waters of the state of Arkansas and protect the waters of the Buffalo River under the Clean Water Anti-degradation Act.

Had Mill Creek, Big Creek and Bear Creek been listed on the states 303 (d) impaired waters list there would be funding under Section 319 of the Clean Water Act to find the

source of the pollution and to financially help residents or business' of the county repair the damages and fix the source.

Since 16 of the 17 fields for C&H are above optimum for phosphorus after only 3 years of spreading and Big Creek is impaired (BCRET data, USGS, NPS data) C&H would have to open up its permit to add more fields or remove the hog waste from the area.

Ellis Campbell first wrote in Jan of 2015 asking for a permit transfer. He marked the permit for an active confined feeding operation, and himself as an operator. He stated he had worked this cafo in his past. It wasn't until he received this permit transfer April 1, 2015 that he contacted John Bailey at ADEQ and told him he had no hogs, no waste management system, etc. Neither John Bailey or Ellen Carpenter knew there was no facility attached to this permit and neither sent inspectors to see what they were permitting.

We know that Ellis Campbell has no facility, no land, no waste management system, no equipment and no hogs at the location of the permit, there is no concentrated animal feeding operation, therefore, he cannot have a Regulation 5 permit. Regulation 5.601 pertains to an operator with a confined animal feeding operation who adds application fields to his operation of his cafo. A separate permit must be obtained for waste application only.

The proposed permit is in karst terrain and whether the waste is spread on Big Creek or any other tributary in the Buffalo River watershed in Newton County the waste will appear in the waters of this state and violate the laws and regulations which are designed to protect us as citizens from this pollution.

Please help maintain the quality waters of the Buffalo River that was saved from the damming proposed by the Corp of Engineers and the land that can still be visited by the people who enjoy re-creating within its boundaries.

ADEQ I ask you do not continue with the permitting of this 3540-WR-7.

Carol Bitting
HC 73 Box 182 A
Marble Falls, Ar 72648

cc.

Red=copied text
Black=my comments
ADEQ

To those who have asked for public comments and intend to consider the comments for the proposed permit of 3540-WR-7. Please enter these comments into the record, I am hand delivering these to ADEQ at the public meeting in Jasper, Ar this 11th day of April 2016.

This permit does not exist in a legal sense, therefore it is difficult to call it EC Farms, but for lack of confusion I will use that name today or its previous name of C&C Hog Farms. Below are some reasons Arkansas law does not recognize this permit under Regulation 5 animal feeding operation or confined animal feeding operation.

Regulation 5.101 Purpose

The purpose of this regulation is to establish the minimum qualifications, standards and procedures for issuance of permits for confined animal operations using liquid animal waste management systems within the state and for the issuance of permits for land application sites within the state. This regulation provides management, operational and maintenance procedures necessary to prevent point source pollution and minimize non-point source pollution to the waters of the state and control to the degree practicable the generation of offensive odors by regulated confined animal operations. The siting and separation requirements set forth in this regulation are intended to protect water quality, to protect public health, and to abate odor. In order to minimize odor, the Arkansas Pollution Control and Ecology Commission's policy is to encourage permittees to adopt a good neighbor policy and consider the use of chemical or biological additives or other best management practices in the operation of liquid animal waste management systems.

Now you may say that this purpose states "and for permits for land application sites", but if you go to

Regulation 5.103 Applicability

The provisions of this regulation are applicable to the operation of hog, poultry or dairy farms or other confined animal operations using liquid animal waste management systems.

A system designed for the operator (key word here is operator) of CAFO's to land apply their waste to application sites.

Regulation 5.105

Any confined animal operation using a liquid waste disposal system shall be exempt from the requirements of this regulation if the owner or operator obtains and maintains active coverage under either a National Pollutant Discharge Elimination System individual or general permit for discharges from a concentrated animal feeding operation. (owner, operator, active concentrated animal feeding operation)

We know what cafo is, but does ADEQ know what **Liquid Animal Waste Management System** means: taken from Regulation 5.201 it is as follows any system used for the collection, storage, distribution or disposal of animal waste in liquid form generated by a confined animal operation. The permit 3540-WR-6 has no confined animals, no liquid animal waste management system, and no facility.

Now return to the purpose and read the language again. This Regulation is written for owners and operators of cafo's.

You needn't be reminded that 3 years ago ADEQ permitted a 6500 hog facility in the Buffalo National River watershed, our nations first National River. At this time the corp of engineers was planning to dam the Buffalo River and many property's that are still visitable would have been flooded. Instead of damming the Buffalo River Congress designated this river as a free flowing stream and purchased the properties and gave the public a protected environment to be preserved for all future.

In 1992 ADEQ partnered with Environmental Protection Agency, and Arkansas Soil, Water Conservation Commission, and others around the state and a swine study was done in the Buffalo River watershed.

Work Plan for Task 700, Buffalo River Demonstration Project, signed by Randy Young, PE, Executive Director, Arkansas Soil and Water Conservation Commission's goal was to protect the high quality of water in the Buffalo National River. One consistent

problem with cafo's is the operators inability to handle the waste generated by their confined animals, and therefore the background data reveals that the greatest threat to both surface and ground water quality in NW Arkansas is non point source pollution from confined animal houses, hog farms and dairies than any other area of the state. In the United States, NW Arkansas is also listed as one of the most vulnerable area of the state to potential ground water pollution (ASWCC, 1991). Practically all of the waste generated from these animal production facilities is land applied and, as a result, nitrate levels measured from this region are atypically high (ADPC&E, 1992).

The Arkansas Department of Pollution Control & Ecology has also designated the Buffalo River as an Outstanding National Resource Water and Natural and Scenic Waterway with extraordinary recreation and aesthetic values; the highest ranking giving to a stream in the state.....

(see Regulation 2.203 Outstanding Resource Waters (1)(2)(3) & (4) encouragement of land management practices protective of the watershed. Regulation 2.304 Significant physical alterations of the habitat within ERW ESW or NSW are not allowed. In other waters where significant physical alterations of the habitat are proposed the department must be assured that no significant degradation of any existing use or water quality necessary to protect that use will occur. In order to make determinations, the Department may require an evaluation of all practicable alternatives to the project including: an environmental assessment of the impacts of each alternative, an engineering and economic analysis and a socio-economic evaluation of the project in the local area. **(puts the testing on ADEQ to prove there is no degradation that will occur, not the other way around in which ADEQ is now operating by permitting, polluting, and throwing the data to the wind)**

This project made world wide news and received high accommodations. ADEQ & EPA went to the swine operators and owners and financially helped them clean up the waste systems that were no longer functioning and or overflowing into the streams. C&C Hog Farms (EC Farms) 312 sows, was one of these hog farms that received assistance. At the time of the report there were 2,000 sows in the watershed. C&H alone has 3,000 sows and a total of 6,500 hogs. The operators of C&C Hog Farms are now the operators of C&H Hog Farm.

This month I saw Director Keogh defend ADEQ's methodology in analyzing water quality criteria before the Joint Senate and House Agriculture, Forestry, & Economic Committee Meeting. Director Keogh stated Big Creek was impaired for e-coli and for dissolved oxygen but did not want to list it as a category 5 on the 303 (d) list, stating insufficient data. Instead she had an alternative plan. Dr Andrew Sharpley, BCRET (the states funded study on C&H Hog Farm) data revealed Big Creek as impaired. Dr. Sharpley refuses to comment on his data for 5 years. ADEQ decided they would just pitch out the "storm event data" and find data that fit their criteria to not list Big Creek as an impaired stream, so they did. Now we get to the reason why.

It's an embarrassment to the state to admit permitting C&H Hog Farm was wrong. Instead of supporting the majority of the landowners in the region that are affected by the pollution of the waters by utilizing Act 319 moneys to help clean up this retched mess they choose to defend 3 swine factory owner/operators and another brother (Ellis Campbell) in continuing to spread hog waste on already high phosphorus fields and degrade the streams, wells, springs and the watershed of the Buffalo National River.

I am sure there are some honorable people in the agency and those needn't take offense, but those that are supporting C&H Hog Factory know who you are and know you are supporting a major polluter to the Buffalo River and to the wells and waters of this state. You are criminal and you cannot undo what you have taken from those of us that have provided our help in trying to get your attention. We have tried to provide you with truth and we have. We have committed our time and money's to help you right yourself...you continue to wallow in your wrongful, biased choices.

Now you are choosing to destroy the rest of our county. Your public hearing records are full of scientific studies, reports and information from some of the most reputable scientist around the globe, yet you continue to destroy our livelihoods for industrial gain and show your own lack of respect for Arkansas laws and regulations. Please include all previous submitted documents by the Buffalo River Watershed Alliance to my comments.

Cargill no longer owns C&H Hog Farms hogs...they bailed and fled knowing they didn't want to continue to destroy the Buffalo National River admitting they made an error. JBS, Corp. a Brazilian firm now owns C&H hogs.

Farm Service Agency and Small Business Association are another agency that wrongfully betrayed their families and community. The money they spent redoing the Environmental Assessment betrayed the community and the citizens of this country a second time. The lack of respect for the families living near, children of the Mt Judea school, the separation of community and friends, the degradation of Big Creek, the Buffalo River, the loss of quality of life are all compromised due to the faulty EA. C&H isn't on karst, nor does Dr. Sharpley and the BCRET data show there is no degradation to the waters of Big Creek, in fact the contrary is shown. This is all important to permitting and allowing the increase in hog waste to be spread not only in the Mt Judea community but also in the other communities around the county.

Not one place has there been mention of the trucks that hold 3,000 gallons or less and the cost to the county as these trucks travel up and down the roads. Since Ellis Campbell doesn't have a business listed in Newton County at the court house how can the county or the state collect taxes to help with the maintenance of the roads? What is the social-economic benefit to us? I don't want to follow a swine truck loaded with stinky waste. I am also concerned about the trucks wrecking. There are over 34 known caves downstream of the spreading fields listed on EC Campbell's permit. One overturned truck will possibly destroy the habitat for the endangered bats known to roost among these caves. See Survey of Threatened and Endangered Bat Species on Left Fork of Big Creek by James Gore. <http://buffaloriveralliance.org/Resources/Documents/Bat%20Survey%20Left%20Fork%20Final-2.pdf>

January 26, 2015 Ellis Campbell & Richard Campbell send a permit transfer form to ADEQ. There is no storm water permit attached or requested. This is the way Ellis Campbell filled out the form

Under Regulation 5 the operator pays for the cleanup of a discharge whether by truck accident, overspreading or lagoon overflows
Under Regulation 6 the operator is covered under the NPDES federal permit and the government carries the expense of the discharge. Who is to cover the expense of discharge as the crooked, steep curves and tourism traffic will become a concern? I have

Permit 3540-WR-5.

(1) Facility Name C&C Hog Barn

Responsible Official Name Richard Campbell

Is the permittee identified above, the owner of the facility? yes (facility means active cafo)

(2) New Permittee Information

Permittee (legal name) Ellis Campbell

Facility Name EC Farms

Cognizant Official name Ellis Campbell Cognizant Official Title Owner/Operator

Skip on to

(4) Certification of New Permittee

I certify that the cognizant official in this Permit Transfer Form is qualified to act as a duly authorized representative under the provisions of 40 CFR part 122.2 (b).....Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

In addition, I certify that there will be no operational changes that warrant a permit modification.

Signature Ellis Campbell Title Owner/Operator Date 1-26-15

For Ellis Campbell to get a minor modification he would have to have an active confined animal feeding operation. He could not get a transfer without this according to Reg 5.306 D Permittee must have an active confined animal feeding operation associated with the permit

At this time there was no facility and no owner/operator at C&C Hog Barn. This whole permit is a way for C&H Hog Farm to add more fields without going through modification of their permit. C&H is a Reg 6 permit and EC is a Reg 5 permit with no storm water coverage, no NPDES coverage so spillage and compliance of the permit conditions cannot be inspected by ADEQ.

Below is the original permit given to Ellis Campbell for the swine facility that was C&C Hog Farm. I drove by the facility and it is the same as stated in March 17, 2014 by Natural Resources Conservation Service when they closed the lagoons at the C&C Hog Barn. They removed 270,000 gallons and the waste storage structures were closed and revegetated.

There is no C&C Hog Barn facility nor is there EC Farm facility listed at the Newton County court house.

February, 2015 John Bailey, ADEQ sends a letter to Ellis Campbell in which he states:

Mr Campbell the Department has received your request that the name and owner of the referenced facility be transferred from Richard E Campbell/C&C Hog Barn to Ellis Campbell/EC Farms. This permit transfer shall become effective on the date stated on the new cover page.

This permit no: 3540-WR-6 to Ellis Campbell is authorized to store and land apply liquid waste for a Swine Facility located in Newton County, Arkansas at the following coordinates: Latitude 35 54 43 N Longitude 93 12 09 W. Take this to your gps, google earth, topo map, it is the same closed facility Richard Campbell had. Please read the conditions of the permit, Ellis doesn't tell John Bailey until April 8, 2015 he has no hogs and no waste storage management system)

The facility is located 2,035 feet from Shop Creek-East Fork in Stream Segment 4J of the White River basin (flows into Shop Creek, Little Buffalo River, Buffalo River and on to the White, this is karst terrain, even more caves & springs than Big Creek)

Operation shall be in accordance with all conditions set forth in the permit effective date April 1, 2012.

There are 36 conditions to this permit.

Modification Effective date: March 1, 2015
Expiration: N/A
Signed by Ellen Carpenter
February, 23, 2015

Page 2, Statement of Basis 3540-5 (conditions of Ellis Campbell's permit)
#8 Facility Type and Size

This facility operates as a sow-farrowing facility. The facility will house 312 sows, 4 boars, and 300 weaner pigs. (remember this facility closed when C&H (2013) opened and the lagoons were closed in 2014 by NRCS) Ellis Campbell doesn't mention this until a April 8, 2015 in a letter to ADEQ

Does Ellen Carpenter have the authority to sign for the Director?

Page 4 of Part 3 permit # 3540-WR-5,

#18. Transfers say the permit is non transferable except after notice to the Director. The Director may require modification or revocation and resalience of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the ACT.

I FOIA'd this information to see if the Director had given anyone authority to sign for her, yet there was no information pertaining to any Director except Martin Manor, and he didn't sign the document that was emailed and returned to me in the FOIA.

I visited with Ellen Carpenter and John Bailey at the PC&E Commission meeting following this issuance of the EC Farm permit April 1, 2015. My question to them was how can you give a permit for a facility that doesn't exist. They both replied the facility exists. I suggested they go to their documents and read the NRCS closure of this facility. The documentation of the FSA/SBA loans to C&H Hog Farm shows the property mortgaged to C&H Hog Farm. Newton County court house showed no record for a hog facility for Ellis Campbell, EC Farms or C&C Hog Barn, it doesn't exist today. I was told everything is gone the land reclaimed by Richard and Mary Campbell and all equipment mortgaged to C&H Hog Farm. Ellis has no trucks or equipment assessed under EC Farms.

This permit given in a highly controversial area within the Buffalo River watershed and within an ERW tributary like Hurricane Creek or major tributaries to the Buffalo River, also an ERW suggests ADEQ is blatantly ignoring the comments of the citizens who have repeatedly voiced their overwhelming desire to protect not contaminate the Buffalo River. ADEQ did not send an inspector to the facility of one of the highest polluting industries of water quality prior to permitting EC Farms, therefore Ellen Carpenter and John Bailey were ignorant of the closure of the lagoons. The # 36 condition of the permit attached to 3540-WR-5 states: should the facility of the attached permit cease operations.....

No longer is C&H spreading fertilizer, it is now a waste disposal operation due to the high phosphorus levels in the fields on Big Creek. Not even Dr. Sharpley the phosphorus specialist can make the phosphorus go away Would Monica Hancock consider karst topography when preparing a NMP? Why didn't C&H or EC Farms use a local planner, someone who is familiar with Newton County? I ask that all permits use nutrient management planners within their counties. Secrecy, such as traveling to other areas of the state to get documentations that can be done in your own county suggests an industry has something to hide.

So what do you think EC Farms is going to do with a permit for 6 million gallons? Ellis Campbell says on April 8, 2015 in a letter to John Bailey he will only receive some of the swine effluent he also states he will not increase in storage volume. Yet for some reason the permit now reads 6 million gallons. Had he transferred an operational cafo permit he had a permit for 478,000 gallons. Yes, I saw Monica Hancock said the acreage could support 6 million plus, but she was wrong in the C&H NMP also. They have exceeded the limits in less than 3 years. Anything more than 10% of the original would have been a major modification.

Jason Henson told the Joint Committee meeting a year ago December he plans to expand C&H. Ellis Campbell says he doesn't have a contract for hogs "at this time". This permit repeats itself "at this time" when it comes to mentioning whether there will be hogs. It refers to a spreading application "at this time". It appears ADEQ wrote this permit to accommodate the expansion of C&H Hog Farms, not taking into account the 1,000's of letters on file against the expansion of the business and those of its type in the Buffalo River watershed.

Below is the permit Richard Campbell had in 2010, 3540-WR-4. He has a hog operation of 312 sows @ 400 lbs, 52 @ 375 lbs, 4 @ 450 lbs & 300 @ 8 lbs. Richard Campbell had a permit to spread 478,000 gallons of waste on his permitted application fields. Conditions of his permit do not allow for spreading of waste from C&H Hog Farms he has no waste management or disposal system therefore he cannot have a Reg 5 permit.

Back to the time line,

April 8, 2015, Ellis Campbell (EC Farms) informs John Bailey (ADEQ) he has no contract for hogs and informs John Bailey his lagoons were closed. Appearance here is Ellis knew John wouldn't do an inspection and if he got the transfer he'd be one step closer to adding all the other modifications C&H needed. Ellis is brother to Richard and Phillip, C&H owners. Here Ellis states the requested changes will not result in increased storage volumes, and the effluent will be spread over a larger number of acres. This facility, which doesn't exist, has a permit for 478,000 gallons of swine waste from its own swine. There are many conditions all

related to the operation of a swine facility, now a waste treatment spreading permit. There is no storage for waste at this piece of land, everything is gone, mortgaged to C&H Hog Farm.

Reg 5.305 (C) letter from John Bailey to Ellis Campbell dated April 17, 2015 states: After review of the requested modification, the Department has deemed the proposed change would be a major modification to the permit in accordance with AFC&EC Reg 5.305 (C) due to the fact that the waste management plan needs to be modified in order to include new waste handling system. There is no waste management system in Ellis Campbell's permit, he owns no facility, he cannot have waste application fields he has no contract or animals, he cannot have a Reg 5 permit. Attached is his permit as stated above and there nothing has changed.

Reg 5.306 Ellis Campbell does not meet the requirements of an applicant. There is no facility, no animals and no waste management system. There are so many changes in this permit it no longer has any of the original conditions of permit 3540-WR-5, the permit you have not modified but wrote for Ellis Campbell, Jason Henson, Phillip and Richard Campbell or C&H Hog Farms.

May 28, 2015

I wrote Ellen Carpenter, cc John Bailey Permit 5430-WR-6

Ellen,

In reference to AFIN 51-0020, Permit 5430-WR-6, EC Farms I have some questions because this permit is attached to a location and is a sow/pig operation.

April 21, 2011, Richard Campbell modifies the permit. He is operating a 312 sow farrowing swine operation and wishes to add 481.6 acres in fields.

March 16, 2012, The permit was modified to update the NMP, added the 481.6 acres and revised requirements to most recent version of Reg 5.

April 1, 2012 Authorization for a no-discharge water permit under the Arkansas Water and Air Pollution Control Act

Feb. 27, 2015, This permit transferred from C & C Farms owner Richard Campbell to EC Farms, Ellis Junior Campbell. The permit is attached to a location Latitude 35 54'43" N Longitude 93 12'9" W.

Speaking with the Newton County Court House to see if ownership of the property had changed I was told as of 5/27/15 there was no record of any ownership changes. The former sow/pig operation was transferred to C & H Hog Farms, the land has been reclaimed by Richard and Mary Campbell and the building is now noted as a shed with no property attached.

The permit for the "no-Discharge states that operation shall be in accordance with all conditions set forth in the permit. Effective April 1, 2012 and modification effective date is March 1, 2015.

Ellis states he has worked on this farm in the past. To me this suggests this farm is in operation.

(1). This is where my questions begin. How did Ellis Campbell get a permit for a closed facility with no property? Under Reg 5.306 Minor modifications of permits (D) Permittee must have an active confined animal feeding operation associated with the permit. We know NRCS did the inspection closure and the lagoons were filled and closed therefore it is no longer fits the description of feeding operation.

(2). Is this a completely different permit than Permit # 5430-WR-1 thru Permit # 5430-WR-5?

3540 -WR-5 #20 when the facility ceases operations permittee must submit closure of waste storage within 60 days of final operation and within 10 days of closure activities. Reg 5.701

The CNMP Section 8-Closure Plan for this permit states that if this operation ceases to function for animal confinement and manure storage, it shall be closed as follows.....

This operation ceased functioning as animal confinement and manure storage on or before 3/26/2014 ADEQ inspected the facility and it had ceased to operate. NRCS had already completed the closure inspection prior to 3/17/2014.

My overall question is: Can Mr. Ellis Junior Campbell have a Reg 5 permit with all the conditions set forth he must follow associated with this permit 5430-WR-6 and not have an operating farm?

I read every permit related to this location, every permit was for a sow/pig feeding operation, every permit was referenced by the location at the same location. This operation ceased operation and it is documented with ADEQ, Newton County, NRCS with one exception, Richard Campbell asking for closure of the permit. How can it suddenly come alive under another name?

Sincerely,

Carol Bitting

870-446-5528

HC 73 Box 182 A

Marble Falls, Ar 72648

I received no answer for my questions.

C&C Hog Farms had transferred a permit to Ellis Campbell without doing all the annual reports. ADEQ says there were no violations to the permit yet, the annual report for the years 2010, 2013, and 2014 had not been filed. This is a violation of the permit, but more importantly when I asked ADEQ for this information and saw ADEQ wrote and received it, no violation was filed. This information contributed the waste load that left fork of Big Creek had been experiencing since 2013. C&C annual report for 2014 shows no spreading due to no hogs yet in March of 2014 NRCS closure report says there was 270,000 gallons of swine waste removed from the lagoons. This was possibly also spread on the left fork of Big Creek, but as you can tell these caño's aren't monitored very

closely. The owner/operators have the same problems as the 1992 owner/operators in that they have trouble keeping track of their swine waste and then fail to complete the reports that are designed to keep them in check.

I am extremely concerned that the left fork of Big Creek is impaired above its confluence with Big Creek. Due to the known endangered bat study, the 34 known caves downstream of EC spreading fields, the thick mats of algae on the springs and the stream is choked with algae all in violation of Arkansas Reg 2 laws. The fields along the left fork of Big Creek (LFBC) flood with the slight amounts of rain. The CB Fields are visually karst and the stream that flows between the CB fields is a funnel for quick transport of water to the LFBC. RC fields are listed under the mortgage of C&H Farm as Highly erodible land and wetland conservation determination. There are many other fields also listed in the mortgage under the highly erodible land and wetland conservation determination. A determination should be made on the water quality of LFBC prior to any more permitting of swine waste on this creek. This creek is one of the best visual examples of best management practices that C&C Hog Barn implemented under their NMP. I will include a photo or two. There are 13 known caves along this stretch of LFBC. Many lining the road, makes for a beautiful drive as the surface waters from the upper elevations exit thru the fractures in the bluffs and waterfalls are everywhere.

All land lease agreements signed are stating EC Farms is the waste supplier. This is a misrepresentation.

I surmise that this is not the modification of a permit but a new permit.

By granting this permit ADEQ will be blatantly ignoring the moratorium that the commissioners placed on the Buffalo River watershed. 6 million gallons of waste is twice what is permitted for C&H Hog Farm, a large swine cafo.

I know longer have any faith or hope that Director Keogh is working for the goals and purpose of ADEQ, the agency she was appointed to Direct by the Governor of Arkansas. It would be best if ADEQ changes the goals stated on the home page of their website until an audit can be done of their activities.

If all permits are as eroded as the ones I've researched and the data construed such as the data supplied by BCRET, NPS, USGS and others then a full investigation into this agency is warranted.

Regulation 2 requires ADEQ to prove their will be no degradation to the waters of this state. I want to see this proof prior to the approval of the permitting.

Randy Young states in the Task 700, Version 3 February 11, 1994, page 1 of 11 under Target Area: Impacted and threatened watersheds within the Buffalo National River basin. Specifically, the potential study sites are in watersheds number 2802 (Little Buffalo) and number 2803 (Big Creek and Cave Creek).....in addition to the added nutrients to the river, impacted ground water can potentially affect endangered bat species in the watershed. Two endangered bats, the gray bat (*Myotis grisescens*) and the Indiana bat *Myotis sodalis*, reside in caves along the river developed from solutions of the area limestone formations. Contaminations of ground water flowing through the caves could potentially affect aquatic insects which require clean water and are the primary food source of the bats.

Please include the Endangered Species Act when evaluating permitting of swine cafo's in the karst terrain of NW Arkansas and particularly this permit. This permit is in the Arkansas County that has more caves than any other county in the state of Arkansas.

Sincerely,
Carol Bitting
HC 73 Box 182 A
Marble Falls, Ar 72648

Spring fed pond on Left Fork Big Creek downstream of spreading fields viewable from the road.



Reg. 5.306 Minor modifications of permits Upon receipt of written consent by the permittee, the Director may modify a permit to make the changes listed in this section. Such changes will be deemed minor modifications to the permit. Minor modifications allowed under this section may be made administratively in compliance with Reg. 5.302. Any modification not made under this section shall be deemed a major modification and must follow the permitting requirements contained in Regulation No. 8.

Minor modifications may only:

A. Correct typographical errors;

B. Allow for a change in ownership or operational control of a facility (transfer of the permit) where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Director;

C. Transfer permitted land application sites to another permit for the same waste source.

D. Addition of sites not associated with a greater than ten percent increase in volume of waste as excreted, needed to provide more land to lower nutrient loadings in an effort to be proactive in environmental protection. **Permittee must have an active confined animal feeding operation associated with the permit;**

E. Remove land application sites from a permit

F. Changes or practices not associated with a significant increase in storage volume in an 3-2 effort to be proactive in environmental protection; or

G. Removal of educational requirements from waste management plan.