

Charles J. "Chuck" Bitting
HC 73, Box 182-A
Marble Falls, AR 72648

VIA electronic delivery: Water-Draft-Permit-Comment@adeq.state.ar.us

April 7, 2016

Katherine McWilliams
5301 Northshore Drive
North Little Rock, AR 72118-5317

Dear Ms. McWilliams:

I write today to provide comments to be placed in the public record on the permit modification for EC Farms, permit tracking number 3540-WR-7.

I am a resident of Newton County, Arkansas. My wife and I live along the Little Buffalo River and exercise our riparian water rights. Our immediate and extended family, as well as numerous friends utilize the Little Buffalo River where it flows through our property for swimming, fishing, canoeing, and other recreational pursuits that often involve full body contact with water. Our property is downstream of a dozen of the EC Farms spreading fields with an aggregate area of 133.9 acres. I vehemently oppose the permit modification for EC Farms for a number of reasons.

1. C&C Hog Barn (3540-WR-5) failed to submit their annual reports for the years 2010, 2013, and 2014 in the timeline required under Regulation 5. It is beyond my understanding why your agency failed to void their permit. They apparently did not have enough respect for your agency to follow the reporting requirements. This appears to be a violation of the Arkansas Water and Air Pollution Control Act (ACA 8-4-101 et seq.) and is grounds for civil and administrative action. Why did your agency coddle them by allowing them to retain the permit without a civil penalty or revocation of the permit?
2. C&C Hog Barn transferred their permit to Ellis Campbell, who renamed the permit EC Farms on January 16, 2015. Mr. Ellis Campbell signed the document right under the line which states **"I certify that there will be no operational changes that warrant a permit modification."** That certification is patently false! Everything about the operation was changed. Ellis Campbell does not own the barns, there are no hogs, there is no waste collection system, there is no farm! This appears to be another blatant violation of ACA 8-4-101 et seq. Why does ADEQ continue to favor this one family over all the other citizens of Arkansas? Permit 3540-WR-6 was never valid.

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3. The permit modification, will dramatically alter the amount of bacteria and nutrients in the Little Buffalo River and Big Creek, which if dissolved oxygen problems are any indication, is already impaired for nutrients.
4. The permit modification will drastically increase the amount of waste which can be applied to the former C&C Hog Barn spreading fields. The Waste Management Plan for C&C Hog Barn estimated that facility's output of waste to just a bit over 410,000 gallons. The new permit will allow 4,800,000 gallons of waste from C&H Hog Farm waste storage pond 1 to be applied, or 6,654,000 gallons of waste from C&H waste storage pond 2 to be applied. Either of these volumes is more waste than C&H purports to produce in a single year. Is C&H planning to expand? That seems to be the only reasonable conclusion.
5. It seems to me that if this permit modification is approved, the Newton County Road Department will have to spend even more of their limited funds maintaining the gravel roads leading from C&H to these additional spreading fields. This is because the honeywagon traffic will cause additional stress on roads without an adequate structural base. I also expect to see additional widening of the roadways, resulting in additional road runoff into our surface streams, and additional mining of limestone for gravel to surface the roadways. Will the quarry operators get mining permits from the ADEQ Mining Division? Or, will they just operate as they always have? It appears to me that this single action has the potential to dramatically impact water quality in the Beautiful Buffalo watershed. That would be a shame.
6. Such potential degradation of water resources in two Extraordinary Resource Waterbodies as the Buffalo River and Hurricane Creek requires ADEQ to conduct an Antidegradation Review pursuant to 40 CFR 131.12(a)(1-3).
7. The Ozarks were uplifted long ago. This caused numerous orthogonal joint sets to develop in the bedrock. The limestone and dolomite formations such as the Boone-St. Joe, Pitkin, Everton, and Powell have display tens of thousands of karst features such as caves, sinkholes, losing streams, and springs in this area. There are many more features, probably on the order of millions which are not expressed at the surface. That lack of expression does not mean they do not exist. We just haven't figured out how to "see" them. No one would deny the existence of bacteria today, but not that long ago, humans could not detect them. The Electrical Resistivity Imaging project that Mr. Jon Fields and Dr. Todd Halihan have done in the Big Creek valley around C&H Hog Farm shows us some of the karst which underlies the surface, but it does not have the resolution to see everything. The dye tracing work completed by the Karst Hydrogeology of Buffalo National River Team lead by Dr. John Van Brahana shows some of the interconnectedness of the surface and groundwater. It also shows pretty rapid long distance transport of groundwater to the Buffalo River from Big Creek valley. Addi-

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tional dye tracing work in the Buffalo River area has demonstrated transfer of water from the Crooked Creek watershed to the Buffalo River watershed through the karst aquifers. All this points out the flaws of allowing fields underlain by limestone in the Buffalo River basin to receive millions of gallons of raw manure slurry annually. The Arkansas Phosphorus Index and Nutrient Management Plans were not designed to estimate risk in these situations, especially when you factor in the economic value of the Buffalo River. I have been studying karst geology and hydrogeology for nearly 40 years. The total lack of regard ADEQ gives to karst areas is truly unbelievable.

I dream of the day when ADEQ gets back to doing its job of protecting, enhancing, and restoring the natural environment for all Arkansans. Thank you for the opportunity to comment.

Sincerely,



Charles J. Bitting

Cc delivered via email:

- Michael Lamoureux, Chief of Staff to Governor Hutchinson.
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- Arkansas Senator Missy Irvin. Missy.Irvin@senate.ar.gov
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- Upper Buffalo River Merchants Association. UpperBuffaloRiver@gmail.com
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- Jacque Alexander, Buffalo River Chapter, Backcountry Horsemen of America. theloosecayuse@gmail.com
- Alice Andrews, The Ozark Society. alice209ok@yahoo.com
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- Sybil Craig, Buffalo River Partners. slcraig@airmail.net
- Monica Burrel, U.S. Environmental Protection Agency. burrel.monica@epa.gov
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- Teresa Turk, National Park Conservation Association, Buffalo National River Fellow. teresa_turk@hotmail.com
- John Van Brahana, PhD., Karst Hydrogeology of Buffalo National River. brahana@uark.edu
- Friends of the North Fork and White Rivers. riverfriend@friendsoftherivers.org
- Judy Dasovich, Chair, White River Group of the Sierra Club. jdaso@aol.com
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From: [Chuck Bitting](#)
To: [Water Draft Permit Comments](#)
Cc: michael.lamoureux@governor.arkansas.gov; Missy.Irvin@senate.ar.gov; [Kelley Linck](#); [David Branscum](#); [Commissioners](#); [Keogh, Becky](#); jeff.crow@agfc.ar.gov; Kane.Webb@arkansas.gov; matt.mcnaire@arkansas.gov; Nathaniel.Smith@arkansas.gov; [Randy Young](#); [Chris Colclasure](#); [Buffalo River](#); [Michael Dougherty](#); [Aaron Darnell](#); UpperBuffaloRiver@gmail.com; [Tom Burroughs](#); jstewart@audubon.org; [jacque alexander](#); [Alice Andrews](#); newtoncwa@gmail.com; slcraig@airmail.net; burrel.monica@epa.gov; kaspar.paul@epa.gov; hodgkiss.miranda@epa.gov; tturk@npca.org; [jv Brahana](#); riverfriend@friendsoftherivers.org; jdaso@aol.com
Subject: Re: EC Farms Permit Modification
Date: Monday, April 11, 2016 6:36:45 AM
Attachments: [EC Farms pdf 20160407.pdf](#)

All, I just realized that I sent this letter out as a Pages document, rather than a pdf. I apologize for the difficulty of reading it. I have now attached the pdf version. I will hand deliver my letter to ADEQ at the Jasper meeting tomorrow night. I am concerned about this permit modification, and the permit itself which I believe is illegal. I am also very concerned about the potential impacts of the endocrine disruptors from Soy and other feed ingredients passing through the swine digestive system and getting into our ground and surface water. Since the Smallmouth bass has been shown to be highly susceptible to intersexing as a result of endocrine disruptors, and the Buffalo River is a blue ribbon smallmouth bass stream, it seems unconscionable to allow this permit to be granted.

On Fri, Apr 8, 2016 at 8:56 PM, Chuck Bitting <cjbitting@gmail.com> wrote:
Please see attached comment letter. I plan to hand deliver a copy at Monday Night's meeting.