

Formal Comments

Anne Lassiter – I'm not used to this, but I understand that ADEQ is really about protecting our natural resources and thank you for doing that within the realm of the law. Sometimes it seems very complicated and I don't understand all of it. I also want to say that I came from a family that made a lot of their money from oil and gas so I've certainly had my part in doing a living off of things that possibly degraded the environment for everyone and I think what we're dealing with is protecting people's private property rights and at the same time looking at the collective good. And so I guess, I have lived thirty-eight years on the Little Buffalo, close to the headwaters. I've protected it the best way, small ways, that I know how and it breaks my heart to think about it, even the possibility of it being polluted and having algae growing all over it. I've traveled all over the world, I am very aware how rare it is to have this quality of water that we have. I've been in polluted water bodies that you don't want to get in to. I've seen beside them all over the world, I've seen people not having clean drinking water. I can trust that I can drink the water out of my well. I swim in the river with confidence that it's not going to give me a disease if I get my face in it. And I know that we are working within the law and all of that and I'm not going to even try to talk about the regulations and the things that we're dealing with on that level. But I think that, I guess I'd like to ask you all especially to go a little further than usual maybe. To even think about, is there any possibility that we're going to pollute these rivers, because once their done it's very hard to get them back. And it's, I think that, you know how we treat the world is how we treat ourselves and our families. If our waters are polluted, how do we drink? If we don't use good practices in our growing and in our vegetables, that's what our children are eating, are these pesticides and chemicals. So, I'm just, I'm sure you all have thought about all of these things, but I just wanted to speak from the heart because it is a lot of details and law, unknowns are far as what the effect will really be. And so I just ask you to look closely in your position, you have a strong position here. Thank you.

I'm Lynn Welford. I've been following this process for a while now and one of the things that I am taking note of is that it feels like there's a shell game going on. We were assured three years ago that the nutrient management plans were sound and that this was well thought out. Cargill knew what they were doing, Farm Bureau was all for it. The extension service, you know, was going to make sure that this was a safe facility and that it wasn't going to cause any problems. So less than three years later we're starting to see problems with the tributaries. Which of course are you know, what is a river but the sum of its tributaries. So we're starting to see problems with the tributaries and know let's move the waste upriver and uphill to somewhere else where we won't be monitoring them, I'm assuming that we're not going to have any more tax payer funded research things for every little tributary that this is possibly going to effect. So you know, I'm just wondering if about now Mr. Hinson and his associates are feeling a little taken by this process too, because this sounds like a very expensive way to get rid of waste and I don't know that they signed up to do that. I don't know that any of us signed up for the ride that we're on. So that's my comment. Thank you.

My name's Theresa Turk and I'm presenting this information as a private citizen. I'm speaking today due to my continued and increasing concerns about pollution flowing into the Buffalo National River, due to the creation of C&H Hog Operation. Recent analysis by the National Parks Service and the Big Creek Research Extension Team data has shown that in 2014 E. coli levels exceeded the state level for contamination on a section of Big Creek that is directly adjacent to C&H Hog Operation and the manure spreading fields. The most recent soil test show that the level of phosphorus is above optimum in 16 out of 17 manure fields. You know it's really kind of hard to get rid of three million gallons of waste, of untreated hog manure generated annually in a karst environment. Now here we are tonight, we're

going to expand where that manure is spread; we're going to spread it over to the left fork of Big Creek and to Shop Creek that flows into the Little Buffalo. The left fork already has elevated levels of E. coli, likely from contamination from C&H Hog manure fields. Dye tracing studies conducted by Dr. Bruhanna demonstrated the portal for nutrients travel from C&H Hog Operation to the left fork of Big Creek in less than one week time. The rate and the interconnectivity of these watersheds is incredible and its really troubling given that most of the current and proposed manure fields sit atop karst terrain. The permit requested by EC Farms appears to be a slide of hand. The original permit was for a small hog CAFO with about 300 hogs. It was closed with no ponds and no animals during 2013 and 2014 and they didn't provide an annual report to ADEQ until very recently. To me that's a violation of the permit. A moratorium on medium and large hog CAFOs in the Buffalo River Watershed was enacted on May 6, 2014. Yet in 2015 the permit was transferred to a new individual from a co-owner of C&H to a relative. Now the relative, Ellis Campbell wants to spread manure over 30 separate parcels in Newton County. This is illegal and should not be allowed to occur. I'm also concerned that there are 10 acres that are in the Hurricane Creek Watershed. What is to prevent that 3 million gallons in excess of being spread in the Buffalo River Watershed. Let's just say that there's a new hog CAFO operation, part of the C&H Farms Operation that goes in at Hurricane Creek. I don't see anything in the rules or regulations that prevents taking that waste from a new CAFO and spreading it along these fields. So I'm very, very concerned. If EC Farms is granted this new permit, the manure from C&H will lead to further contamination of the Buffalo River Watershed. Please deny this permit and please protect the Buffalo River. Let me remind you that this is our only national river in this state, it's our only one. And it should be the highest protection allowed. Please follow the Clean Waters Act, its intent and regulations. And I believe right now you're negligent in your duties to the people of Arkansas and the nation by allowing the Buffalo River and its tributaries to be degraded. At some point in the future somebody's going to say who killed Big Creek, who killed the Buffalo River, who killed Left Fork of Big Creek and also the Little Buffalo. Thank you.

Hello, my name is Phyllis Head and I'm a property owner on the Little Buffalo River. I come here tonight as a concerned neighbor and as a good citizen of Arkansas, the Natural State. I represent my children, my grandchildren and the future generations of this great state. As state that recognized the invaluable treasures of the Buffalo River. When it was declared our nation's first nationally protected river in 1972 that is something I am very proud of. Now we have scientific proof that the decisions you made regarding C&H Farms in Mount Judea have contributed to polluting our waterways with waste from this factory farming operation. This is a crying shame. I must ask why, why are you considering granting a permit to EC Farms to transport and apply this waste to fields in the Little Buffalo River Watershed. I find this so shocking. Isn't ADEQ the Arkansas Department of Environmental Quality, the state's main environmental protection agency, charged with protecting, enhancing, and restoring the environment for Arkansas. I got that from your website. If this is your true purpose then it should be your mission to protect the Little Buffalo River Watershed from hog waste. You cannot recreate something after it has been destroyed. What we have here in the Ozarks, along the Little Buffalo and the Buffalo Rivers is more beautiful and unique and pristine than almost anywhere on the planet. Let us do our best to keep it this way and not continue on this destructive path. Some of you representatives of ADEQ may have heard of the city of Flint Michigan. Look what happened there. Government officials there decided that the river water was adequate to drink even though residents raised many concerns. Now thousands of people have been subjected to coliform bacteria and lead in their drinking water. Law suits have been filed and officials have resigned or been fired over this. I appeal to you, the agency and trusted to protect the environment here in Arkansas. Can you not admit that mistakes have been made? And let us not continue to make things worse. You need to take a closer look, you really do. Thank you.

Good evening, my name's Laura Tinney and I live in Gilbert, Arkansas. The only incorporated town on the Buffalo National River and the coolest town in Arkansas. So, as you can see I have a vested interest in the Buffalo, the quality of the water, the money that is brought in with tourism and more than that the quality of life that the Buffalo supplies to the citizens of Arkansas and the country. It's a unique resource, the county's first national river. Now what does that have to do with C&H, well it wouldn't have anything to do with C&H other than the fact that all of this hog manure is produced in the watershed of the Buffalo National River, which also happens to be a karst topography noted for its porosity and the rapid transfer of pollutants. We're already seeing problems in the watershed and I find this very disconcerting and almost unbelievable to think that the next step to be taken might possibly be to approve a permit for application of more hog waste. Not in a distant location on a different type of topography, no, within the very same watershed of the Buffalo National River with karst topography. It's like a bad dream, a bad reoccurring dream. I wish, I wish we had some recourse. I'm not very encouraged by the response that we've received tonight from ADEQ, nothing personal. But it just seems the repetition of everything as this whole machine moves forward and we as the citizens are the ones that are going to suffer the loss and financially as well as quality of life. Yes I have concerns for the children that go to school in Mount Judea. I have concerns for the citizens in Mount Judea and the quality of their water. I mean I think that's a valid concern. Now with this move if its approved, if the permit's approved we're going to be looking at similar issues here in the town of Jasper and the Jasper swimming hole, lovely, on the Little Buffalo, well maybe that won't be such a nice place to hang out anymore. So this is very real and I don't know what you all can do. But if you can do something, for God's sake, please help us save the Buffalo and the quality of life we have come to expect here in the state of Arkansas. Thank you.

Hello yes, I have concerns about the quality of water for all. You know, why were the questions not answered and please deny the permit. Thank you.

My name is Steve Philapeck. I'm the outreach director for the Arkansas Wildlife Federation, which is the oldest non-profit conservation organization in the state formed in 1936. I've got a couple points I'm going to try to make in three minutes. The first one is on water quality monitoring. I think we'd all feel a little bit better in here if there was detail put into the water quality monitoring program as much as the detail has been put into the permitting and that kind of thing. And you know, being a fishery biologist for a major state agency for 36 years, I did a lot of water quality monitoring, I did a lot of macroinvertebrate sampling, sampled a lot of fish. Not necessarily with a rod and reel by the way. But anyway, you never have enough data. All these you know, worked with USGS as a federal agency, National Parks Service, but also ADEQ, Parks and Tourism, the Health Department and all that. Nobody has enough data. So as you mentioned you have to get it from other people and all that and I think USGS used to have a great monitoring system, but they've been hit by budget problems too. So you know, they've had to cut back and I think some of the media we've heard, unfortunately, is that Dr. Ben Bruhanna's information wasn't necessarily being used in all that and I think we need to try to use all the data you possibly can from other sources, so. In my opinion, the monitoring, you know, it's a win-win for everybody. It helps maintain the integrity of our Buffalo National River, it helps C&H and EC meet their permit limits, it helps keep a national river and the state wonder in an economic drive where in this area recreationally. So big dollar amounts, that's worth millions of dollars to the state of Arkansas, and it aids ADEQ in enforcing their regulations. I've got a resolution that the Arkansas Wildlife Federation drew up, it was passed by the National Wildlife Federation as well. I've handed it to Mr. Osborne in a written format, I'm just going to go over a few things, because I know I've probably only got about a minute left. But there's about a dozen "whereas's", I'm just going to go over one or two. "Whereas manure and waste from CAFO's can contribute excess nitrogen, phosphorus sediment, and pathogens to nearby waters, contributing to low

DO, fish kills, toxic alga blooms, and contaminated drinking water supplies. Whereas it also contributes nutrients to the Gulf of Mexico and the hypoxia issue,” so it’s not just a local issue, it’s a national issue. And again like I said, there’s about ten other “whereas’s.” But I am going to say, last thing is one of our “now therefore be resolved” at the National Wildlife Federation as well as the Arkansas, declares that it “is the policy of our groups that large CAFO’s as defined by federal regulation should not be permitted or subsidized through federal loan guarantee assistance in the watershed of any river listed in a National Park Service’s national river inventory, unless the National Parks Service, after public notice and comment determines in writing that the large CAFO’s with specific and binding measures, avoiding and mitigating potential adverse effects on the river and its tributaries will not have an adverse effect on river segment included in the nationwide rivers inventory.” Thank you for understanding and listening to our comments.

Hello, thanks for coming. I’m Kathy Downs; I’m a concerned landowner in the upper Buffalo River Watershed, I live about 7 miles from here on Mount Sherman. I’m against this modification for several reasons. This is all karst in this area where the fields are located. The waste will runoff into these creeks and down into fissures and cracks into karst topography and pollute wells, caves, creeks, and rivers, mainly the Buffalo National River. I’m asking that, if the permit is modified, that ADEQ does baseline surveying of the creeks and fields and then subsequent monitoring be done after waste application. We all need to know the effect of this modification. ADEQ needs to protect our waters and our lands. I’m also against this because of the air pollution, the stink that will come with this application. I have many friends and neighbors in these areas who have homes and rental cabins, the fields are surrounding them, they will be sprayed all around them. They will definitely be negatively affected by the spraying and if and when the waste runs off or down it will pollute their wells and their waterways. There are many people living back in there, many cabins, many houses, many people and they will be affected by this additional spraying. The public health risks are huge here if this waste application is granted. The stink, the germs, the raw sewage entering the water all will affect people’s health. This is not fair to the people of this county, this country. The upper Buffalo River Watershed, Newton County is one of the most beautiful pristine areas of Arkansas and of the United States. Visitors come here from all over Arkansas and the US to canoe, hike, camp, swim, fish, and enjoy the clear creeks and tributaries and the Buffalo National River. It is key to the economy of the area, nature tourism. Remember the state slogan, Arkansas the Natural State. That was another state agency that came up with that, and we all try to live by that. The continued permitting of these polluting activities is having an adverse effect on the reputation and the economy of the area. I have people already calling me and saying can I still come float the Buffalo, is it polluted yet by those hogs. They don’t know, but they’re hearing about it and it will do long lasting damage to the environment and to the economy of this area. Please do your jobs as protectors of the quality of all our environment, please do not grant this extended spraying and please take another look at the source of this waste, where its coming from. Please solve this environmental problem that you have created through your faulting permitting. Thank you.

My name is Larry Olson, not much of a public speaker. Just a quick one thing, I’ve grown up around farms all my life, dairy, eggs, chicken, pork; Minnesota, Wisconsin, Missouri, now in Arkansas. And I’d like the farmers to know that we don’t have anything against them. I’ve seen in all of these states and all of these different parts of farming that we’re all ruined by corporate farms. It’s the corporations that are the enemy of the farmers not the government. It just kind of blows my mind that you can go out and buy 40 acres or even less; create more sewage than the city of Harrison, with no septic system whatsoever. It’s already having ill effects on the Buffalo and there’d be many, many more of these farms to come if they were allowed to. It would happen immediately. Imagine if the Buffalo were ruined to supply pork to China, profits to Brazil. Well they get the meat, we get the stuff. As a concessionary on the Buffalo, it would just be

unbelievable if I had to tell my costumers that they could only do a two trip on the Buffalo because once you get pass Pruitt the river's to crappy to play in anymore, no swimming or fishing. This is supposed to be a float that's 10 to 14 days long and tell people that only the top days of the River is still very usable, would just break my heart. Please keep it from up the river.

Carol Bidding. 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. The area I live in is karst, it is downstream of the proposed permit and the water I drink is from this source. I am also field technician for Dr. Bruhanna's study and other ongoing studies 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 EC Campbell 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 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 Parks Service for water quality sampling, she also chose to not use the USGS continuous data and she manipulated the University of Arkansas study of Big Creek that shows Big Creek impairment for E.coli. Dr. Sharply refuses to comment on his data for five years. By not listing Big Creek on the 303d 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, and so on, to show EC Farms would not impact water quality. The law is stated in Regulation 2 that 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 state's 303d 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 businesses of the county repair the damages and fix the source. Since 16 of the 17 for C&H are above optimum for phosphorus after only 3 years of spreading and Big Creek is impaired, C&H would have to open up its permit to add more fields to remove the hog waste or remove the hog waste from the area. Ellis Campbell first wrote in January 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 the past; it wasn't until he received his permit transfer, April 1, 2015 that he contacted John Bailey at ADEQ and told him he had no hogs, no waste management system and so on. Neither John Bailey or Ellen Carpenter knew that there was no facility attached to this permit and neither of them had sent an inspector to see what they were permitting. We know that Ellis 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 the 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 damning proposed by the Corps of Engineers and land that can still be visited by the people who enjoy recreating within its boundaries. I ask you to deny this permit.

Thank you my name is Bill Lord, I live in Parthenon, Arkansas and this the third time I've stood at this podium to address an issue regarding hog waste. From my experience, I see two truths. One truth, I think, is that the people operating the hog farms are doing so in compliance with the regulations and in compliance with the things that they're required to do by ADEQ. The second truth is regarding the environmental concerns and the way in which the waste is managed. And that truth is that water will flow through karst formations and will eventually contaminate the local streams and springs. Its stands to reason, everything flows downstream. There's evidence that this is already happening. So with both sides of this issue, doing as they kind of should and have a community responsibility and legal responsibility to do, what's the big problem? To my way of thinking, it's the regulations, that ADEQ, who's designed to, to protect our air, our water, and our land. That's the crux of the problem; the regulations are totally inadequate for karst formations. They should be revised and changed. There are examples of different regulations for the Boone St. Joe Formation. I worked for over 22 years in the solid waste industry and if you go to site a facility in the Boone Joe Formation, you have to adhere to different standards that people around the state are not required to do, because of the knowledge that this exists and if you want to protect the water you have to use a different standard. You talk about soils, how thick are our soils up here compared to other places? We have very thin soils, highly erodible soils. And we don't know what's beneath it. The only way you understand what's beneath that soil, is if you go down and you do some real geological testing to determine is there a cave or how that moves. Otherwise, what ADEQ provided for us with the regulations for solid waste industry is that we're going to assume that the whole Boone St. Joe formation is karst and we're going to assume that in order to protect that water supply we have to provide a different method for liners and leachate collection and different systems to protect the local environment. That's not required in other parts of the state. So there is a precedent and it's in Reg. 22, if you want to check it out, that deals with siting landfills in the Boone St. Joe Formation. The ADEQ needs to change those regulations because one size does not fit all. I would also suggest that landfills and transfer stations who produce large amounts of toxic water, toxic waste, closely akin to what happens when you have high concentrations of animal waste or human waste and we are required to take those to a wastewater treatment plant. Where they can be released by, you know, until they meet national drinking water standards. And I would suggest that all confined animal operations particularly in the Boone St. Joe be required to do nothing less. If they had to treat the water, whether on site or take to a facility, we wouldn't even be having these conversations. We wouldn't even be worried about our water supply and our water quality, it would be dealt with. And anything short of that, I think we will not be able to meet those kinds of standards. After all, we can survive without pork, though life would be much less pleasant without bacon, but we can't survive without water. Thank you.

I'm Gordon Watkins; I live on the banks of the Little Buffalo, about 10 miles upstream from here. I drink water that just comes flowing out of the ground, just like a miracle, just bubbles right up and it's the sweetest, purest thing you ever tasted. But I'm digressing, I'm here speaking tonight on behalf of Buffalo River Coalition, that includes the Buffalo River Watershed Alliance, the Ozark Society, the Arkansas Canoe Club, and the National Parks Conservation Association. We oppose the approval of this modification for the following reasons. ADEQ is circumventing state regulations by allowing C&H Hog Farms to add new acreage without modifying its own nutrient management plan, thus avoiding a reopening of its own permit to public scrutiny. This series of questionable ownership transfers and modifications amounts to a permitting scheme and should not be allowed. The owner/operator of EC Farms as shown on the permit does not own or operate any part of the operation other than perhaps the erroneously issued permit itself. Due to a chain of errors allowed by ADEQ, permit 3540-WR-6 and all leases associated with it, should be voided and modification of this permit 3540-WR-7 should be denied. In April 2012, C&H Hog Barn received approval to add some 480 acres of fields, even though there was no increase in the number of animals and only a small portion of the existing acreage was being utilized. Why lease 480 more acres when the existing acreage was more than needed and closure of the facility was soon to follow.

Sometime between May and November 2013, all animals were permanently removed, the waste ponds were emptied and the facility no longer functioned as an animal feeding operation. In March 2014, C&C received a certification of closure by NRCS and all operations ceased. There was no physical operation remaining at the time of closure. However, the owners choose not to terminate the permit and it remained active. In February 2015, permit 3540-WR-5 was transferred from C&C to EC Farms and became permit 3540-WR-6, a no discharge permit to “store and apply swine waste” even though there was no waste to apply nor any waste storage facilities. County records show there was no corresponding change in ownership of the property itself, which still belongs to the owners of C&H and as has actually provided as collateral for a loan to C&H. Records show only vacant buildings remain. EC Farms does not hold a deed to the property nor is there any record of a lease. EC Farms is not the owner/operator of a facility as stated in the permit, there is no facility. Current leases for application fields “allow EC Farms to land apply waste from his or her operation.” EC Farms has no operation, no land, and no waste of its own to apply. These leases do not allow for the application of waste from C&H or any other facility. All leases associated with permit 3540-WR-6 should be voided. In summary, we contend that ADEQ must deny approval of this modification because one: the ownership transfer under 3540-WR-5 was improper. Number two, the leases included in the site management plan are not valid. Number three, a separate permit is required under Regulation 5.601 which states “a separate permit may be issued for a land application site.” This regulation which spells out in detail the requirements for a separate permit was clearly intended to address the situation for which ADEQ is instead approving a permit modification. A modification is not appropriate and instead ADEQ should have required EC Farms to request a separate permit for land application only. However, a separate permit would be de-facto a new permit and under the current moratorium, issuing a new permit to EC Farms is prohibited. Based on these concerns Buffalo River Coalition respectfully asks that ADEQ deny this modification of permit 3540-WR-7 and we further request that its precursor 3540-WR-6 and all land use contracts associated with it be voided. Thank you.

My name is Dana Shumacker and I’m here on behalf of the Buffalo River Coalition, thank you Mr. Osborne and staff for allowing me the opportunity to comment this evening. EC Farms plans allow for the spreading of up to 6.5 million gallons of waste annually. This is more than twice the current annual production of C&H. Yet about one half of the area proposed for waste application is in fields that already have phosphorous levels higher than optimal for forage production and this is at EC Farms which is 50 parts per million. Thirty nine percent of the area is above 100 parts per million and 20% is above 150 parts per million. These high soil test phosphorous soils will contribute both dissolved and particulate phosphate to the water for many years contributing to the algae blooms in the water. According to the EC site management plan, already two fields cannot receive waste due to phosphorous risk, but in the near future several others are likely to also become ineligible due to the buildup of STP. Further any increase in the waste application rate is likely to increase the risk drastically. Only two of the 36 fields are designated as hay land, the balance are for grazing. Hay harvest would better assure removal of excess nutrients, whereas grazing leaves up to 90% of the nutrients in place. Grazing can also be far more erosive than hay production particularly on sloping upland soils. About 25% of the fields are located in the creek bottoms along the left fork of Big Creek. Left fork already has elevated E.coli levels and show evidence of nutrient loading. About 75% of the fields are upland fields located at higher elevations, most of which are very steep making them very susceptible to erosion and transmission of surface applied waste. The risk of phosphorous transport increases rapidly with over grazing on these steep lands. In normal years, good management may prevent over grazing, but periods of drought are likely to occur from time to time and this is a very big problem for steep fields and soils with elevated soil test phosphorous. Regarding these upland soils, according to Dr. Van Bruhanna, the younger layers above the Boone Formation are dominated by shell and some sandstone and these are common in the higher elevations in Big Creek and Left Fork of Big Creek. The shale has low permeability and rain that falls on it runs off like an umbrella, rather than soaking into the ground and the underlying karst rock like a sponge in the karst limestone. That is

why prior hog farms in this area, located on the shale had dead zones, downgradient from their lagoons. The feces and urine from 300 hogs killed all the plants beside the streams until there was enough water to dilute them below a toxic level. The Buffalo River Coalition respectfully asks that you deny this modification of permit 3540-WR-7 and we further request that its precursor permit 3540-WR-6 and all land use contracts associated with it be voided. I'd just like in closing to say that I know that this permit modification, you need to regard this as an EC Farms and to the exclusion of any comments we're making about C&H, but the two are intricately hitched. And you know that and we know that. And I heard here this evening, I heard an omission that there is waste, it's a waste disposal problem and the waste is not being agronomically utilized at C&H. And I just think that's a serious issue and I really really implore ADEQ to look at that issue before you start looking elsewhere to take this waste, use another site for waste disposal.

I'm Marty Olisson and I'm continuing the Buffalo River Watershed Alliance and the Coalition comments tonight. I'm speaking about the threatened and endangered species. Several waste spreading fields border or drain into United States Forest Service property where there are numerous caves and bat roosts, at least two endangered bat caves are located nearby. ADEQ must anticipate that EC and C&H will have significant cumulative impact on degradation of the Buffalo River and its tributaries which include critical habitats for endangered and threatened Gray, Northern Long Eared, and Indiana Bats found throughout the Big Creek and Left Fork Watersheds. In addition, there will be an increased risk of cumulative impact to the threatened Rabbits Foot and Snuffbox Mussels found in the Buffalo National River. Habitat degradation of hibernation or maternity caves along Big Creek and its left fork which are known to be bat forging zones is inevitable. Degradation of the Little Buffalo Shop Creek Watershed is equally predictable. The consequences of such a flawed decision by ADEQ to allow EC Farms to apply swine waste in an ever growing swath of the NR's watershed can only result in the accumulation of phosphorous in the soil which will be released for years to come. And the further spread of excess nitrates into the streams of the area. Such a decision will negatively impact the endangered bat survival. These bat populations are already under stress since the Buffalo River Watershed has been identified positively for White Nosed syndrome, a disease which has decimating endangered and threatened bat species across America. This permit will add to the cumulative stress suffered by these threatened and endangered species. Should you consider this a minor worry or minimal residual effect of spreading swine waste in this area of critical bat habit? Dorian Fox writing for the National Parks Conservation Association spring issue in an article called "The Trouble with Bats" states, "Along with pollinating plants and dispersing seeds, bats consume hundreds of tons of insects." According to a 2011 study published in the Journal Science the natural pest control bats provide saves the United States agricultural industry up to \$53 billion a year. Since they eat thousands of insects every night, if you take that out of the picture, then suddenly something's changing, says Bruce Connery of Acadia National Parks Wildlife biologist. You may not sense it right away, but there's got to be a ripple effect there. As bat numbers dwindle, farmers may be forced to use more pesticides upping our intake of these chemicals. Spruce Bud Worm and insect scourge of Northeast forest eaten largely by bats could decimate Maine's timber industry. Fewer bats could also result in less obvious environmental effects, such as a higher prevalence of disease carrying mosquitos. Based on these concerns, the Buffalo River Coalition respectfully asks that ADEQ deny this permit modification, 3540-WR-7 and we further request that its precursor permit 3540-WR-6 and all land contracts associated with it be voided. Thank you.

I'm speaking also for the Buffalo River Coalition, which I'd like to remind you represents thousands of people. One of the EC fields is within three miles of Hurricane Creek, an extraordinary resource water and also a wilderness area. This extraordinary resource water is also listed on the 303d list, for bacterial contamination. The Arkansas Department of Environmental Quality is clearly not acting in the interest in the state of Arkansas's extraordinary water resources by

allowing this additional impact on Hurricane Creek. ADEQ must use scientific evidence to avoid further pollution of the left fork of Big Creek and Hurricane Creek and must adhere to their stated purpose of protecting our Arkansas's most precious natural resources. Heavy tanker trucks, as we discussed earlier, also known as honey wagons, will have to travel considerable distances from C&H to the 36 EC fields and must regularly negotiate steep winding gravel roads as well as state highways, increasing the potential for accidents and spills and discharge to waters of the state. I'd also add that those trucks will have quite a bit of impact on the roads and perhaps create more erosion and create more pollution. Big Creek Research and Extension Team is already three years into a five year study of two of these 17 application fields of C&H. How would this expansion of fields affect the Big Creek study? Will the currents study remain valid? This hasn't been explained at all, they just said we're looking into that. So will the governor designated additional hundreds of thousands of dollars and expand the study to now study and monitor these additional fields. The ADEQ is required by the Environmental Protection Agency to implement a state wide anti-degradation policy. We strongly recommend that ADEQ implement these procedures immediately. The anti-degradation reviews should in all cases be done prior to approval to any permit and that would include 3540-WR-7. You do have an anti-degradation policy, but you do not have an implementation plan or criteria. And so otherwise this so called anti-degradation policy is just rhetorical fluff. Based on these concerns, the Buffalo River Coalition respectfully asks that the ADEQ deny this modification of permit 3540-WR-7 and we further request that its precursor permit 3540-WR-6 and all land use contracts associated with it be voided. Thank you.

Hello, I'm David Peterson and I'm a mathematician from Greenbrier and I speak for all those people who love statistics. As background, when Big Creek comes into C&H, it's relatively low in nitrates but there's a slug of nitrate laden water that comes in from the C&H farm or at least the monitored area. It's 5.8 times as high. That's incredible. Below Big Creek the nitrate level concentration is 3.5 times what it is above level. So we have relatively low nitrate, a slug of 5.8 times, and a slug of 3.4 times. For phosphorous, its similar the phosphorus level before C&H is in a moderate level and then there's a slug of phosphorus laden water that comes off the monitoring section that's 5.1 times that. Now I've been told that technically that's not a point source but we can all point to the source. It's a two and a half mile wide pipe for these pollutants. For phosphorous, it's pretty important because by the time the water leaves C&H, below C&H its 45% above the federal limits set by EPA ,.1 milligrams per liter, that's by flow rated, which not everybody uses because not everybody can figure out, but its 45% above the EPA limit. I've been told that that's not relevant because Arkansas does not use a quantitative number, which is true, except there's a precedent. In the Illinois River litigation, Arkansas versus Oklahoma that ran for years, eventually Arkansas conceded that they would try for the goal of .037 milligrams per liter as a correct free flowing level. That's one third of what's currently running out of Big Creek. So there is a precedent. Now to the pertinent to the application, there's 58 thousand pounds of phosphate applied yearly, 29 tons. Net cow consumption is 18% of that, that's what's removed by agriculture. The buildup in the soil is 56% and surface runoff that's not caused else, surface runoff phosphorus from that area, monitored, is 26%, 7.5 tons, goes directly from the farm yearly into the creek. Now John, we heard earlier that if you put animal sewage in a field that runs off, then you're liable. What happens if you put sewage on a field and 26% ends of in the stream? Well it's time to quit, but I'll just make one quote from Andrew Sharply, I think the problem is enforcement. Andrew Sharply creator of the Arkansas Phosphorous Index says "A key balance approach will involve alternative technologies for manure utilization and exploit the manure for many farms and some watersheds." He says, "P index values are not tied directly to water quality." It's an inappropriate tool in its current status.

I'm Jack Stewart, a resident of Newton County and a long time carnivore. I love a good pork chop. I want to thank ADEQ and the Farm Bureau and other organizations for teaching me that I need to be a little more careful about my sourcing of my pork. Trucking pig manure from one location in the watershed to another location in the same watershed, that then runs into the same river is not a solution to the problem that this state of the art CAFO seems to be having. So much of my best lines have already been taken, I'm going to skip through some of this and mention that it's already been well established that we're working with karst. That means that there really isn't a favorable place for this excessive amount of waste to be absorbed by the Boone Formation that lies beneath our pastures and hay fields. No one objects to farming and conserving farmland for family farms, but responsible farming takes into account its imprint on neighbors and their water. What we dump on our fields and into our streams shows up underground in our wells, our spring water and we end up drinking it. For three years we've learned that C&C failed to turn in the required annual reports. Now as EC, they are being trusted to continue operations and spreading waste on those fields. Who will be liable if swine waste spills into the water or into a property owner's yard as the honey wagons drive their routes to make deliveries. We've already had many instances in this county, Newton County, of chicken waste being spewed on roads and into waterways. Newton County tax payers will be funding the upkeep of the gravel roads for this added heavy use with county equipment, gravel, time, and man power. Will the county receive extra funding to cover the expense? Or will roadwork in Newton County suffer while EC roads are maintained. The Newton County court house has no record of EC Farms for tax or property records. Is EC Farms anything but a signature on a piece of paper that ADEQ calls a Reg. 5 swine CAFO Permit? If C&H Farms is a state of the art operation, as it has been claimed over and over, let them demonstrate this using a permit and application fields they already hold, if they are not functioning as they foresaw, then it must be time to move out of the BNR watershed's karst hydrology to another site where soils are better suited for spreading the waste of such a large and intensive confined swine operation. Thank you.

Thank you, my name is Bob Schofner and I'd like to thank the ADEQ for this time to allow public comment. As also a concerned citizen of Arkansas, I urge the ADEQ to approve of this permit, 3540-WR-7. There are current laws in place today that will cover all these concerns that a lot of people have mentioned here tonight. The other thing that I would like to say is that ownership for over 30 years has had been in operation and has been under the phosphorous index for a long time. There was a lot of concern about, oh there's no testing, there's soil testing done and done on a regular basis. Of the approximately thirteen hundred and thirty eight thousand square miles in the river, 11% is in the park, 28% is in Ozark National forest, or excuse me 27%, 1% in the Game and Fish and 61% is private land owners. Land ownership and leases of farms between folks in this part of the country has been done by handshakes and verbal for lots of years. These are local farmers, they live in this community, their kids go to these local schools. They are part of the community. So the idea that you're saying that these folks are bad, some people have said that. This is implication that they are not good people, they are good people. They are also of the concern of the water and the recharge. The other thing that I'd like to bring to point that they talked about is, there's thousands of natural hogs running through, AKA razorbacks. Folks, there's a lot of stuff out there besides just everybody pointing to one farm that has the issue. Also would like to point out that, where's the concern for everybody about the concern for the river. We have, the National Parks Service has three, has four point source locations and one nonpoint source. Where's the outcry for the adding of fields for that area? When you increase the amount of land for the same amount of raw, natural, organic fertilizer, it spreads over a larger area. Folks this is not rocket science, this adds to the area and adds to letting Mother Nature do what it needs to do filtering through the product. Also I'd like to say is the concern about the vehicles running up and down the roads, what about the fuel trucks coming in here to give the gas and fuel for the people who come in here. And let's see its 1.3 to 1.8 million people, the concern was that it was going to drive away tourism, I think the last indication tourism's up by quite a bit. So I don't understand why there's such a risk in that area. One other thing that there was a concern that says

that there was a concession on the Illinois River to the phosphorous index, there has been no concession. So I don't think that that's also making public statement that are false. The thing I would also like to say is you're concerned about the Buffalo River that much, these 1.8 million people, with their human waste while they're visiting the park, where does that go folks? It's directly into that. If you're that much of a concern about protecting the Buffalo River put it on a natural rotation plan and limit the number of people. Do it on a lottery system if you want to protect the land and the river. Again, I urge ADEQ this to approve this permit 3540-WR-7. Thank you.

My name is Kent Bonnerd and I'm a former naturalist for Arkansas State Parks I'm a naturalist now for the Newton County Wildlife Association. Got several comments, for one thing, the threat to bats and birds is real, especially when you're operating the flare. And the flare, in your comments response to my previous comments, apparently isn't being operated legally by anyone who's got the authority to authorize it in the first place. You all say it's part of the water department, you have no jurisdiction over air and in that case, why was the flare in that original permit modification. You know if you aren't able to authorize it. The other thing is going to be mentioned is ya'll should be considering the amount of recent landslides we've had in the last few years. Starting out when they were done fracking around Greenbrier and accelerating for several years after. We've had landslides on Foam Water Creek, around Mount Judea itself, here on Highway 7 south of Jasper, at Low Gap, at Compton, had a lot of landslides happening as a result of these modifications that have been going on. They're also doing seismic testing big time down the Arkansas River Valley. And there's a lot of other things that have created geologic instability. With this kind of stuff ongoing, even expansion of Highway 7 and creating more traffic flow and more resulting compaction as a result of that. You need to be considering these other impacts as well as the impacts of your own operation because that's going to modify or accelerate them. I have other comments here written, but I'll submit those later.

Good evening, I want to thank you guys for coming up to God's country, getting out of the hood down there in Little Rock. Not in my backyard. You know that's a term that's often used for people like myself who respond emotionally to something which they think will impact them. Well this issue is not in my back yard, it's directly in my front yard. And the reason it is, is because I live on the Little Buffalo River, just as Gordon does and a few other folks here do. My grandchildren swim, fish, wade, play in the Little Buffalo River, our grandchildren, a lot. I'm really concerned about their health and I'm concerned about what my generation is going to be leaving for their generation and I hope we leave something better than what was left to us. So 78 acres of these application fields for EC Farms are upstream of our property. These fields will receive a great deal of waste. They're currently not receiving any swine waste, they probably have some cattle on them, but that's not that big a deal. Can ADEQ prove that this permit will not diminish the quality of the Little Buffalo River where it flows through my property? I'm a karst geologist. I've been studying karst for almost 40 years. I can tell you this, that where the Boone and the Pitkin limestone outcrop in Northern Arkansas, and I'm talking the Boone and St. Joe they're considered one, they are considered karst. There are tools available ADEQ can use to determine sink hole and karst feature presence. The easiest one is to look to the Arkansas Geological Survey and the United States Geological Survey geologic maps. There's 7.5 minute geologic quadrangles for every part of this permit and the C&H permit also. The outcrop area of the Boone and the St. Joe limestone and the Pitkin limestone can be easily determined. Another great tool you might look into is Lidar, light distancing and ranging. It's a wonderful tool to find karst features that you won't see on a topographic map; you may not even see them on a visual inspection, but they jump out at you on the Lidar image. Boot leather is even a better tool. Put your geologists out there on the ground. I'd like to know if those geologists are karst geologists, what kind of geologist? Geology's a large field and there's many, many varieties of geologists out there, I happen to be the karst geology variety. So I can tell you without any problem

with the red face test that there are sinkholes and karst features below all, every single one of the fields underlying by these limestone formations. This permit can cause additional diminishment in two Tier 3 streams and several Tier 2 streams. ADEQ does not have the authority delegated to it by the EPA and ultimately Congress and us citizens to diminish these streams without following the appropriate legal procedures that are spelled out in the Code of Federal Regulations. Thank you. And I oppose the permit modification if I didn't say that.

I'd like to thank ADEQ for all that you do and your staff for the professional work that you do at your shop. As a representative of Arkansas Pork Producers we appreciate the years we've worked with you. We haven't always agreed but we've always worked through things and worked for the betterment of the environment. I really fail to understand what the real issue is here. For years we have encouraged our growers to add more land to their permits. And the reason you do that, so they have the flexibility to be able to operate their farms in an environmentally safe manor. We have encouraged that for years and we will continue to do that, because they don't make any more land and we need to be able to spread our nutrients, our farmers do on their property so that they can raise good crops so they can have a profit on their farm. And all that C&H is wanting to do by adding this to their permit is to take the same amount of nutrients that they've already got and spread it over a whole lot more acres. Now if you're truly an environmentalist, I would think you would think that that's an environmentally friendly way to do things. I don't understand why that you would be opposing something that's environmentally friendly and that's what they're asking to do. And I'd like to say to my friends at C&H, Jason, Richard, and Phillip that I only wish I had all my pork producers in the state that were as good a producers as you are, good as environmental stewards as you are. The seriousness you take about your business, that's one thing you folks are fortunate to have, you've got a family up here that takes their business serious, they do an exemplary job of taking care of their farm. The inspections they've had from EPA have shown nothing, I'm in a little confusion because I've sat through the Big Creek research results, to my knowledge they don't show any degradation to the stream at this point. And I know that Bob Shofner hit a really good point, if you're really concerned about the Buffalo River, and I'm not opposed to tourism, but you tell me those tourist aren't polluting the stream, as many as you've got coming through up here. I mean Bob made a real good point. I'm not opposed to it, but if you're really opposed and you want that clean, clean water maybe you should limit how many people go there. I do appreciate the chance, I know its late, the buzzer's up, I appreciate the chance to talk. I do ask you to approve the permit modification. Thank you very much.

My name is Brian Thompson. There are folks who'd have you believe that all is well in Newton County and that there's no need for you to be concerned. In actuality, the National Parks Service has notified ADEQ that based on scientific data there are three major tributaries of the Buffalo National River that should be listed as impaired. Now impaired is a polite term for polluted. These tributaries include Big Creek, Bear Creek, and Mill Creek. Data gathered by Big Creek Research and Extension is showing problems with E.coli. The three impaired tributaries contribute roughly a third of the flow of the Buffalo National River. There are folks who have told us, they say wait for the science, but when the science says there's a problem they want us to look the other way. Now ADEQ wants the permit C&H to dispose of waste material into the watersheds of additional tributaries, a lot of you are concerned about your wells, a lot of you are concerned about your families and children recreating in these streams. Scientific data is confirming that you should be concerned. In addition to losing the clean water that we've taken for granted, if we continue as we are we will lose an entire tourism industry, an industry that generates \$56 million in tourism spending and supports 810 jobs in gateway communities, an industry that supports the tax base of Newton County. If this industry is diminished you can expect your community to change, expect it to be less vibrant, expect it to have fewer jobs. So just so we all know what's at stake. Thank you.