



Katherine McWilliams
Engineer Permits Branch, Office of Water Quality 5301 Northshore Drive
North Little Rock, Ar 72118-5317

April 4, 2017

In Reference to ADEQ's Draft Decision to Approve C&H Hog Farm Application Permit 5264-W; AFIN 51-00164

I am using excerpts from my comment in the 2016 303 (d) impaired waters listing to be reviewed along with the C&H 5264-W Regulation 5 permit. This large swine CAFO has added degradation to the streams surrounding its spreading fields, including the photo above which is on Left Fork Big Creek near a spring that resurges and positive dye trace from a well near the C&H highly used spreading fields on Big Creek.

It appears ADEQ has lost sight of its goal to "*Protect, Enhance and Restore the Natural Environment for the well being of all Arkansans*". Over the years ADEQ has seen a departure of conscientious employees qualified to understand the duty the agency has to the citizens of Arkansas. Many people like myself were under the impression ADEQ was watching out for the environmental well being of our state. The nonchalant permitting of a large swine CAFO in the watershed of America's First National River, an Outstanding National Resource Water has placed tremendous burdens upon our state.

There are 3 streams the National Park Service has asked to be included and I recommend they be included. All three streams are greater than 10 square miles therefore are categorized as primary contact water within the Buffalo River Watershed. These streams are Mill Creek of Newton County, Big Creek of Newton County and Bear Creek of Searcy County. This region is within ADEQ's Integrated Water Quality Monitoring Assessment Report Section 305 (b) and 303 (d) of the Federal Pollution Control Act submitted biennial.

Page 373 states; In cooperation with the US Parks Service, approximately 60 monitoring stations on the Buffalo River, **its tributaries, and watershed springs** are routinely monitored. Page 31 states: Extraordinary Resource Waters (ERW) This beneficial use is a combination of the chemical, physical, and biological characteristics of a **waterbody and its watershed** which is characterized by scenic beauty, aesthetics, scientific values, broad scope recreation potential, and intangible social values.

Unless the watershed is included the Buffalo River cannot maintain Extraordinary Resource Waters (ERW), Ecologically Sensitive Waterbody (ESW) or Natural and Scenic Waterway (NSW) status.

I begin with Big Creek, Newton County due to ADEQ's permitting of an NPDES large swine CAFO on an already at capacity stream without use of documentation or historical stream data information. In other words you did not utilize your own research and data prior to the permitting of a General Permit. Below Regulation 2.304 states you must provide documentation that there will be **no degradation** to the Extraordinary Resource Water, Ecologically Sensitive Waterbodies or the Natural and Scenic Waterways. The NPS and USGS data report there has been degradation therefore you are in violation of state regulations and you have not provided proof that the permitted facility is not degrading the water of the tributary and the river.

Algae growth in Big Creek has continued to rise over the last few years with the increased application of millions of gallons of untreated waste. This waste is spread thru out the year even when there are no plants to uptake the nutrients. The lower 2 miles of Big Creek are within the boundaries of the National Park. The above photo of the stream choked with algae is 6 miles upstream Big Creek. Big Creek is impaired for dissolved oxygen according to USGS & NPS data, data you have been accepting since the 1970s.

According to Reg 2.30 (below) these streams are full body contact streams and therefore when sampling bacterial data from these streams during May 1-Sep 30 a geometric mean of 126 colonies per 100 ml is the standard.

These streams are within the watershed of the Buffalo National River and must be maintained as Reg 2.01 states to prevent the degradation of the Buffalo River.

Reg. 2.01 states; Existing in-stream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.

Reg 2.203 states; Where high quality waters constitute an outstanding state or national resource, such as those waters designated as Extraordinary Resource Waters, Ecologically Sensitive Waterbodies or Natural and Scenic Waterways, those uses and water quality for which the outstanding waterbody was designated shall be protected by (1) water quality controls, (2) maintenance of natural flow regime, (3) protection of in-stream habitat, and (4) encouragement of **land management practices protective** of the **watershed**.

Reg 2.30 (d)states; Primary Contact Recreation - This beneficial use designates waters where full body contact is involved. Any stream with watersheds of greater than 10 mile square are designated for full body contact.

Reg 2.301 states: Substantially all the waters of the State have been designated for specific uses as shown in Appendix A. In those instances where waters are classified for multiple uses

and different criteria are specified for each use, **the criteria to protect the most sensitive use shall be applicable.**

Below is a regulation that states you must provide documentation that there will be no degradation to the ERW, ESW or the NSW.

Reg 2.304 states; Significant physical **alterations** of the habitat within Extraordinary Resource Waters, Ecologically Sensitive Waterbodies or Natural and Scenic Waterways **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 such 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.

ADEQ is empowered to enforce and administer all laws and regulations relating to pollution of the waters of the state and the Commission is authorized to promulgate rules and regulations relating to pollution of waters of the state. Ark. Code Ann. § 8-4-201. Because “waters of the state” include “...all bodies or accumulations of water, surface and underground...,” the Commission is authorized under state law to develop standards for the protection of groundwater.

Please add Mill Creek, Bear Creek and Big Creek to the 303 (d) impaired waters list. It is visibly and data apparent these tributaries are impaired due to some type of pollution within the watershed. The source of the impaired criteria does not come from the Buffalo River itself but from the tributaries that are the sources of the waters of the river.

It is very important when visiting an ERW with your children or immune compromised individual that people are aware when the water quality has degraded and harmful bacteria can enter the body causing kidney failure in young children or bacterial infections on the skin. Children love to splash and play in the water and they should not have to worry about raw sewage. They deserve the protection, the enhancement and the restoration of their environment.

I look forward to watching Arkansas become a leader in Environmental Quality. Not just a rubber stamped leader, but a real quality leader.

Sincerely,
Carol Bitting

From: [Carol Bitting](#)
To: [Water Draft Permit Comment](#)
Subject: [BULK] 5264-W 2nd Comment
Date: Thursday, April 06, 2017 7:26:35 AM
Attachments: [20170406 5264-W Carol Comments.pdf](#)

Please accept the attached comment letter to include as Comment # 2.
Thank you.
Carol Bitting