

From: [Nan Johnson](#)
To: [Water Draft Permit Comment](#)
Subject: [BULK] Permit # 5264-W
Date: Thursday, March 16, 2017 3:28:42 PM

I am submitting these comments re: Permit # 5264-W

I am resident of Arkansas and until recently lived in Newton Co (30 years) and am familiar with this CAFO and also with the status of the Buffalo River as a national river, so this issue transcends local/state politics and needs to be addressed on a scientific basis. A few of the issues that remain unaddressed are as follows.

Granting a No-Discharge Permit is Inappropriate action for the C & H Hog CAFO for the following reasons:

A. Under the newly requested Reg 5 status there is still the same likelihood of point source discharge unless major operational changes to its liquid waste storage system.....and there continues to be no acknowledgment of the karst topography underlying much of the old and newly proposed fields.

B. Lack of Compliance with AWMFH (Agricultural Waste Management Handbook)

C&H did not comply with the AWMFH particularly in regards to:

- 1) The failure to acknowledge the presence of karst and follow the subsequent requirements for a detailed geologic investigation (Chapter 7),
- 2) Application of waste in excess of agronomic need (Ch 2-3),
- 3) Failure to perform a “substantive evaluation of the impact of sudden breach or accidental release from waste impoundments” (Ch 2-14),
- 4) Failure to “develop an emergency action plan which should be considered for waste impoundments where there is potential for significant impact from breach or accidental release” (Ch 2-15)
- 5) Inability to comply with guidance regarding waste application on flood prone and sloping (8-15%) fields. Guidance recommends injection or incorporation which is impractical in this terrain, requiring those fields be removed from the NMP (601.0504(f) and (m))
- 6) Failure to account for proximity of a waste impoundment to sensitive groundwater areas or to investigate groundwater flow direction, especially the failure to identify the presence of an improperly abandoned hand dug well located less than 600 feet downgradient from the ponds. (651.0703 and 651.0702)

C. The C & H CAFO has a Deficient Nutrient Management Plan.

To mention just a few problems not being addressed:

1. Soil Test Phosphorus is rising on most fields increasing the long term impact on receiving waters. This is not well accounted for in the API Planner.

2. The upland fields are so tortuous that the chance of applying to buffer areas is very high. Some of these fields have very high slopes and very thin soils that cannot meet the assumptions in the API. I used to live just below one of these upland fields.

D. Evidence of Discharge is being ignored

National Park Service, with concurrence of Arkansas Game and Fish Commission, has requested a 303(d) listing for Impaired status for Big Creek due to low dissolved oxygen (DO) levels, a consequence of nutrient overloading. A recent report by USGS confirmed low DO levels in Big Creek.

While there may be multiple sources of impairment of Big Creek, *the timing of both the increase in nitrates and decrease in DO* correlates with the issuance of the initial C&H permit and logic requires that C&H be considered at the least a significant contributor. Discharge into Big Creek and its associated ERW, the Buffalo, violates regulations and therefore this permit should be denied.

E. Violates Current Moratorium

Reg 5.901(D) states, "A permit renewal, permit modification, or new permit issued pursuant to Reg. 5.901(C) shall not increase the number of swine permitted at a facility." The current C&H NPDES permit allows for 2,500 sows and 4,000 pigs. The new draft permit includes 2,672 sows, an approximately 7% increase in gestating and lactating sows. But the number of pigs has been reduced from 4,000 to only 750, based on the estimated average present at any time.

However, annual production is more meaningful and common sense indicates that an increase in the number of sows will result in an increase in the number of pigs (in this case 78,000 per year) and consequently the amount of waste produced annually.

This violates both the spirit and the letter of the moratorium as described in Reg 5.901(D) and this permit should be denied.

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