

April 6, 2017
263 Gardner Lane
Dover, AR 72837

Katherine McWilliams
Arkansas Department of Environmental Quality
Office of Water Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Subject: C&H Hog Farms, Inc. Application for a No-Discharge Permit No. 5264-W

Dear Ms. McWilliams:

I respectfully request that you consider the following when reaching your decision regarding the subject application.

C&H Hog Farms, Inc. (Applicant) applied for a No-Discharge permit under Regulation 5.

- Applicant states on first page of the NPDES Notice of Intent that 2,090,181 gallons of manure, litter, and wastewater will be applied to 630.7 acres annually.
- Applicant's Nutrient Utilization Plan states on p. 5:
 - **“Land application will be conducted in a manner which will prevent a discharge or drainage of manure to ground or surface waters of the State.”**
 - **“Land application practices will minimize the possibility of contamination of surface and ground waters of the State.”**

These statements are inconsistent, and indicate that operation of this facility will not preclude point source water pollution. Issuing a No-Discharge permit under Regulation 5 is not appropriate.

Information is currently available that indicates the C&H Hog Farm CAFO may have previously released contaminants to surface and ground water:

- Big Creek Research & Extension Team (BCRET) sample data shows higher nitrate concentrations in Big Creek downstream of the C&H Hog Farm, Inc. CAFO than upstream:

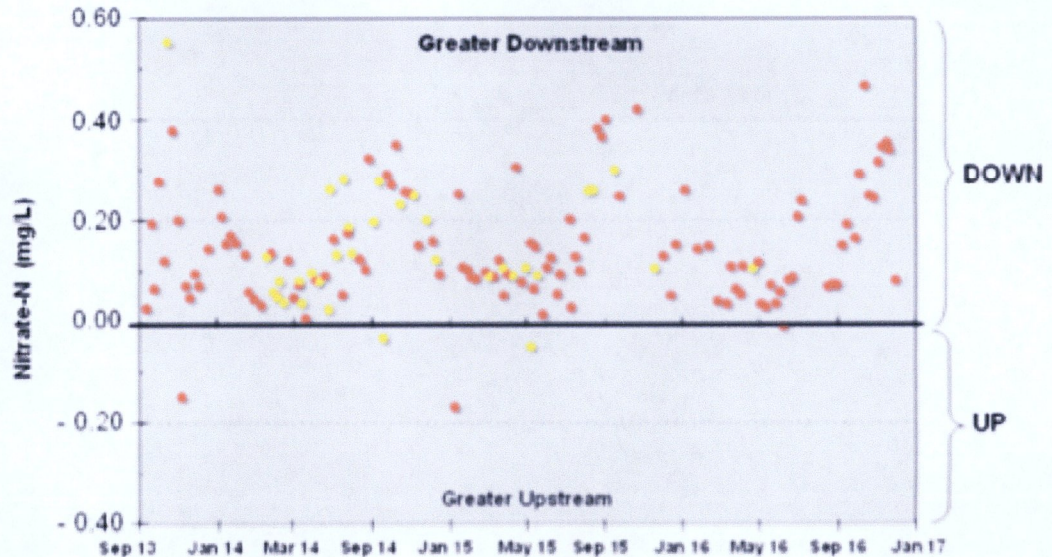


Figure 1. Difference in $\text{NO}_3\text{-N}$ concentration in Big Creek up- and downstream from the C&H CAFO. Following the "upstream vs. downstream" comparative criterion that is the basis of the BCRET study, the data clearly indicate that the C&H CAFO is contaminating Big Creek with nitrate. From BCRET (2017a; note that explanation was not given for the yellow versus red color-coding).

- BCRET data as evaluated in a report prepared for BRWA titled, "Assessment of Environmental Data and Draft Regulatory Changes Regarding the C&H CAFO, Including the Present Draft Permit, JoAnn M. Burkholder, Ph.D., 27 March 2017" also shows E. coli concentrations higher downstream than upstream of the C&H Hog Farms, Inc. CAFO.
- Kevin Cheri, Superintendent for the National Park Service (NPS) notified ADEQ on October 6, 2015 that Big Creek dissolved oxygen levels, based on USGS sampling data, have chronically been below the regulatory limits.

The Regulation 5 permit to operate the C&H Hog Farms, Inc. CAFO near Mt. Judea, Arkansas, as a No-Discharge facility should be denied for the following reasons:

- Discharge of wastes is not allowed under a Regulation 5 permit
- Scientific evidence indicates contamination of surface waters has occurred due to operation of the facility.

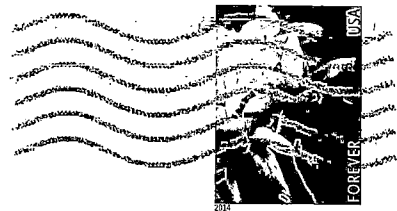
Sincerely,

Mark A. Smith

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