

March 15, 2017

TO: Ms. Katherine McWilliams
Engineer, Water Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

FROM: C & H Hog Farms, Inc.
HC 72 Box 2
Vendor, AR 72683

Re: **AFIN: 51-00164; No-Discharge Permit No.: 5264-W**
Comments on Draft Permit

Dear Ms. McWilliams:

Thank you for the opportunity to submit comments regarding the draft permit prepared by the Arkansas Department of Environmental Quality on behalf of C & H Hog Farms, Inc.

C & H Hog Farms submits the following comments for consideration by the Department:

1. **Part I Table II** – The Monitoring Frequency language in Table II should be revised to say: “Soils where liquid animal waste has been land applied shall be sampled and analyzed at least once every five (5) years” The revised language is consistent with the requirements in Regulation 5.407(C).
2. **Part I Table III, Part II Condition 26, and Statement of Basis Section 12 Part II Condition No. 26** – The draft permit requires C & H Hog Farms to monitor the interceptor trenches on the lower slope of the waste storage ponds; however, neither the Condition nor the Statement of Basis of the draft permit reference an applicable regulation. In addition, the Department failed to provide its justification with appropriate reference to scientific and engineering literature or written studies; therefore, C & H Hog Farms requests the monitoring requirements for the interceptor trenches be removed from the permit.

In the event Department maintains the requirement to monitor the interceptor trenches, C & H Hog Farms offers the following additional comments:

Part II Condition 26 states “[t]he permittee may request in writing a monitoring frequency reduction from quarterly to annual after three years of monitoring...”; however, it is unclear if the written request will be handled as a minor modification or a major modification. For simplicity, C & H Hog Farms asks the Department to include a schedule of compliance instead of requiring a written request. If a schedule of compliance is provided to C & H Hog Farms, the monitoring frequency stated in Part I Table III of the permit should be revised from quarterly to annually, and a schedule of compliance should be added to Part I requiring C & H Hog Farms to compile a minimum of three (3) years of quarterly monitoring data for the parameters listed in Table III. Any time prior to the conclusion of the schedule of compliance, C & H Hog Farms shall

provide a report prepared by a third party signed and stamped by a registered professional engineer or geologist, demonstrating there has been no statistically significant change in the monitoring results for all parameters listed Part I Table III of the permit. In addition, if it can be demonstrated that no statistically significant change in the monitoring results has occurred over five (5) years using the procedures stated above, the monitoring of the trenches should cease.

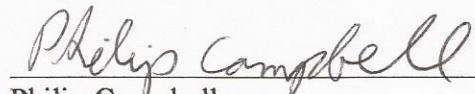
3. **Part II Condition 2** – Please strike “ponding or” from Condition 2 of the permit. The Department failed to provide its justification with appropriate reference to scientific and engineering literature or written studies; therefore, C & H Hog Farms requests the monitoring requirement restricting ponding be removed from the permit. Regulation 5.303 only limits “point source discharge from any part of the liquid animal waste management system” and ponding from the application of waste on the fields is not a point discharge to waters of the state.
4. **Part II Condition 5** – The condition states “In the event that the Department determines that any land application site under this permit is permitted for land application under another Office of Water Quality Permit, the Department may void this permit or enforcement action may be taken.” C & H Hog Farms requests clarification from the Department on this requirement. Most of the land being used for land application is under contract through a land use agreement. These properties are not owned or controlled by C & H Hog Farms. In the event that C & H Hog Farms becomes aware that any property is permitted under another permit or that any property has received litter from another source, C & H Hog Farms will cease all land application activities for that property until such time the issue is resolved. C & H Hog Farms hopes that by following these steps, the Department does not find it necessary to void the permit or seek enforcement action.
5. **Part II Condition 8(b)** – The condition states “This rate must also not exceed the recommended nitrogen application rate.” It is unclear which source is to be used to determine the recommended nitrogen application rate, i.e., the phosphorus index or the soil test recommendations.
6. **Part II Conditions 11 and 13** – Both conditions reference Regulation 5.402 as the basis for being required in the permit; however, Regulation 5.402 establishes design requirements for the facility. Condition 11 sets out requirements for animal mortality management, and Condition 13 establishes liner maintenance requirements. Neither condition limits design requirements for the facility. Conditions 11 and 13 should be either removed from the permit or updated to reference the correct Regulation citation.
7. **Part II Condition 16** – Condition 16 of the permit uses “Waste/wastewater”, which is used throughout Regulation 5, including Regulation 5.406(C). However, other Conditions contained in the draft permit only use the term “waste”. In order to maintain consistency throughout the permit, C & H Hog Farms requests that either the Department strike “/wastewater” from Condition 16 or revise all other Conditions throughout the permit to include “/wastewater”.

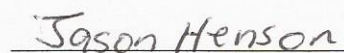
8. **Part II Condition 18** – C & H Hog Farms requests the second sentence be revised to say “The restrictions regarding property lines or neighboring occupied building **shall not apply**...” in order to be consistent with Regulation 5.406(E).
9. **Part II Condition 25 and Statement of Basis Section 12 Part II Condition No 25** – The draft permit requires C & H Hog Farms to “...report the condition [of the levees] as well as any repairs completed with the Annual Report...”; however, neither the Condition nor the Statement of Basis of the draft permit reference an applicable regulation for reporting this data annually to the Department. Additionally, the Department failed to provide justification with appropriate reference to scientific and engineering literature or written studies regarding this reporting requirement. Therefore, C & H Hog Farms requests the reporting requirement be removed from Part II Condition 25 and from Condition No 25 in the Statement of Basis.

In the event the Department does not remove the levee reporting requirement from the permit, C & H Hog Farms requests clarification of the Condition. Does the Department plan to update the annual report to include a section for levee inspection and repairs?
10. **Part II Condition 29** – Grammatical Correction. C & H Hog Farms requests that Condition 29 be updated as follows: “...operation of the storage ponds, certification by a professional engineer licensed in the state of Arkansas, that in the installation...”
11. **Statement of Basis Section 12 Part II Condition No. 27** – C & H Hog Farms requests that the last sentence be removed. Although C & H Hog Farms understands the Statement of Basis is not an enforceable document, the language may be misleading or confusing.

Respectfully,


Richard Campbell


Philip Campbell


Jason Henson

From: [C. H Hog Farms Inc](#)
To: [Water Draft Permit Comment](#)
Subject: Regulation 5 Draft Permit Comments
Date: Wednesday, March 15, 2017 9:30:07 PM
Attachments: [3-15-17 Letter to ADEQ re Reg 5 Draft Permit- C & H Hog Farms C.pdf](#)

Ms. McWilliams,

Please see the attached for comments from C & H Hog Farms, Inc. related to the draft Regulation 5 permit.

Thank you,
Jason Henson