



ARKANSAS  
Department of Environmental Quality

CERTIFIED MAIL RETURN RECEIPT REQUESTED: (91 7199 9991 7030 4905 9700)

FEB 09 2015

Mike Walling  
Last Chance Poultry  
576 Grange Rd  
Cave City, AR 72521

Re: Return Incomplete Application; Mike Walling – Last Chance Poultry  
ARG590000 CAFO General Permit

Dear Mr. Walling:

The Department received a Notice of Intent (NOI) for coverage under the CAFO General Permit ARG590000 for a poultry operation from the above-referenced applicant on 1/28/2015. Typically, dry litter plans are regulated by the Arkansas Natural Resources Commission (ANRC); if you obtain alternate authorization for a dry litter application plan, coverage under ARG590000 is not necessary. Please contact Patrick Fisk at ANRC at (501) 682-3968 or [patrick.fisk@arkansas.gov](mailto:patrick.fisk@arkansas.gov) for more information on ANRC's requirements.

If you still wish to pursue coverage under ADEQ's ARG590000, the following deficiencies must be addressed:

1. Only the NOI was submitted. A Nutrient Management Plan (NMP) is required to be submitted with the NOI. The Department cannot process an application and grant coverage under ARG590000 without an NMP.
2. Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation 6 has public notification requirements in 6.207 that must be met prior to submission of the NOI. APC&EC Reg. 6.207 is attached to this letter.

Due to the above deficiencies, the application for coverage under ARG590000 cannot be processed at this time and is being returned. If you wish to pursue coverage under this general permit, please address the above deficiencies and resubmit a complete application package.

Thank you for your cooperation in this matter. If there are any questions concerning this submittal, please contact Katherine Yarberry, PE of my staff at (501) 682-0647 or by email at [yarberryk@adeq.state.ar.us](mailto:yarberryk@adeq.state.ar.us).

Sincerely,

John Bailey, P.E.  
Permits Branch Manager  
Water Division

JB:kay

cc: Kristen Smart, Bank of Cave City ([ksmart@bkcc.net](mailto:ksmart@bkcc.net))  
Gayla Hickman, Bank of Cave City ([gayla@bkcc.net](mailto:gayla@bkcc.net))  
Patrick Fisk, ANRC ([patrick.fisk@arkansas.gov](mailto:patrick.fisk@arkansas.gov))  
Frankie Dickerson, Sharp County Conservation District (PO Box 6, Ash Flat, AR 72513)

**NPDES Notice of Intent (NOI)**  
**Concentrated Animal Feeding Operations(CAFO)**  
**ARG590000**

I. GENERAL INFORMATION			
A. TYPE OF BUSINESS	B. CONTACT INFORMATION		C. FACILITY OPERATION STATUS
Concentrated Animal Feeding Operation	Owner/or Operator Name <u>MIKE WALLING</u> Address (No-POBOX) <u>576 GRANGE Rd CAVE CITY AR 72521</u> Telephone: <u>870-307-1489</u> Email _____ City <u>CAVE CITY</u> State: <u>AR</u> Zip Code <u>72521</u>		<input type="checkbox"/> 1. Existing Facility <input checked="" type="checkbox"/> 2. Proposed Facility
<b>D. FACILITY INFORMATION</b> Name: <u>LAST CHANCE POUHAY</u> Telephone: <u>870-307-1489</u> Address: <u>897 GRANGE Rd</u> City: <u>CAVE CITY</u> State: <u>AR</u> Zip Code: <u>72521</u> County: <u>SHAAP</u> Latitude: <u>35</u> Longitude: <u>-91</u> If contract operation: Name of Integrator: _____ Address of Integrator: _____			
II. CONCENTRATED ANIMAL FEEDING OPERATION CHARACTERISTICS			
A. TYPE AND NUMBER OF ANIMALS			B. Manure, Litter, and/or Wastewater Production and Use
2. ANIMALS			1. How much manure, litter, and wastewater is generated annually by the facility? <u>1500</u> tons ..... gallons 2. If land applied how many acres of land under the control of the applicant are available for applying the CAFOs manure/litter/wastewater? ..... acres 3. How many tons of manure or litter, or gallons of wastewater produced by the CAFO will be transferred annually to other persons? <u>1500</u> ..... tons/gallons (circle one)
1. TYPE	NO. IN OPEN CONFINEMENT	NO. HOUSED UNDER ROOF	
<input type="checkbox"/> Mature Dairy Cows			
<input type="checkbox"/> Dairy Heifers			
<input type="checkbox"/> Veal Calves			
<input type="checkbox"/> Cattle (not dairy or veal calves)			
<input type="checkbox"/> Swine (55 lbs. or over)			
<input type="checkbox"/> Swine (under 55 lbs.)			
<input type="checkbox"/> Horses			

<input type="checkbox"/> Sheep or Lambs			
<input type="checkbox"/> Turkeys			
<input checked="" type="checkbox"/> Chickens (Broilers)		182,400	
<input type="checkbox"/> Chickens (Layers)			
<input type="checkbox"/> Ducks			
<input type="checkbox"/> Other Specify .....			
3. TOTAL ANIMALS		182,400	

C. ☐ TOPOGRAPHIC MAP

D. TYPE OF CONTAINMENT, STORAGE AND CAPACITY

1. Type of Containment	Total Capacity (in gallons)	
<input type="checkbox"/> Lagoon		
<input type="checkbox"/> Holding Pond		
<input type="checkbox"/> Evaporation Pond		
<input type="checkbox"/> Other: Specify .....		
2. Report the total number of acres contributing drainage: _____ acres		

3. Type of Storage	Total Number of Days	Total Capacity (gallons/tons)	
<input type="checkbox"/> Anaerobic Lagoon			
<input type="checkbox"/> Storage Lagoon			
<input type="checkbox"/> Evaporation Pond			
<input type="checkbox"/> Aboveground Storage Tanks			
<input type="checkbox"/> Belowground Storage Tanks			
<input type="checkbox"/> Roofed Storage Shed			
<input type="checkbox"/> Concrete Pad			
<input type="checkbox"/> Impervious Soil Pad			
<input type="checkbox"/> Other: Specify .....			

<b>E. NUTRIENT MANAGEMENT PLAN</b> Note: A permit application is not <u>complete</u> until a nutrient management plan (NMP) is submitted with NOI. 1. Please indicate whether a nutrient management plan has been included with this permit application. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (STOP) 2. Is a nutrient management plan being implemented for the facility? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 3. The date of the last review or revision of the nutrient management plan. Date: <u>N/A</u> 4. If not land applying, describe alternative use(s) of manure, litter, and/or wastewater: <u>Litter to be sold</u>	
<b>F. LAND APPLICATION BEST MANAGEMENT PRACTICES</b> Please check any of the following best management practices that are being implemented at the facility to control runoff and protect water quality: <input type="checkbox"/> Buffers <input type="checkbox"/> Setbacks <input type="checkbox"/> Conservation tillage <input type="checkbox"/> Constructed wetlands <input type="checkbox"/> Infiltration field <input type="checkbox"/> Grass filter <input type="checkbox"/> Terrace	
<b>III. CERTIFICATION</b> <i>I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.</i>	
A. Name and Official Title (print or type) <u>Mike Walling</u>	B. Phone No. <u>(870) 307-1489</u>
C. Signature <u>Mike Walling</u>	D. Date Signed <u>1-28-15</u>

A CMNP will be performed by the Local NRCS office after one flock of chickens has been grown. see attached letter.

## **Sharp County Conservation District**

P.O. Box 6 21 Court Road

Ash Flat, AR 72513

870-994-7335 ext 3 [www.sharpcocd.com](http://www.sharpcocd.com) fax 855-652-2088

Jim Baxter Robert Murphy Chris Himschoot Brian Neal Charles Kunkel

January 22, 2015

Dear Financial Institution:

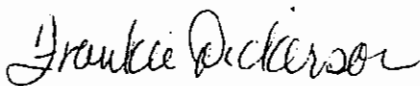
RE: New Poultry Farm / Michael Walling

I am the Water Quality Technician for the counties of: Sharp, Lawrence, Randolph, Izard, Fulton & Clay. Sharp and Izard are the only two of these counties that have had a WQT and most of these are up to date. I am working diligently to keep existing farm CNMP's up to date and maintaining a list of all new farms that will be needing a CNMP once they are in production.

It is our understanding that this farm is in the process of being purchased with the intent to construct new poultry houses on the property. This farm has not been an operational poultry farm for many years and the existing buildings will be removed to make way for the new poultry houses. A Comprehensive Nutrient Management plan requires soil sample analysis done by the Water Quality Tech and a litter sample completed by the poultry farmer. The analysis for both of these can take up to 4 weeks from the time they are sent in through the Cooperative Extensive Service. The CNMP & soil samples are no cost to the farmer, the litter sample is taken by the farmer to the extension office and there is a cost of approximately \$35 for this analysis.

A Nutrient Management Plan will be compiled for this farm when the construction is complete and at least the first flock has been raised. The CNMP requires a litter test therefore; it cannot be completed until a flock of broilers has been raised or breeder & pullets have produced enough litter to provide a sample.

Sincerely,



Frankie Dickerson,  
Water Quality Technician  
Sharp, Izard, Lawrence, Randolph, Fulton & Clay

**Reg.6.207      Public Notice Requirements of Notice of Intent for Concentrated Animal Feeding Operation General Permit**

Public notification requirements for any notice of intent filed with the Department for a general permit for a proposed Concentrated Animal Feeding Operation (CAFO) in Arkansas (ARG59000) are as follows:

- (A) The applicant shall provide written notice by letter, certified mail, return receipt requested, to the following people:
  - (1) Property owners adjacent to the CAFO production site and property owners adjacent to manure spreading sites;
  - (2) The County Judge of the county where the CAFO production site and any manure spreading site is located;
  - (3) Mayors of incorporated municipalities within ten miles of the CAFO production site; and
  - (4) The superintendent of the school district that serves the CAFO production site.
- (B) It shall be the applicant's responsibility to retain return receipts for the active life of the permit.
- (C) ADEQ shall provide the contents of the written public notice distributed by the applicant in a form letter made available to the applicant.
- (D) The form letter shall include, at a minimum, the following:
  - (1) Notice of the proposed CAFO, including the address of the production site, and the name of the applicant and farm;
  - (2) An explanation of the thirty-day public comment period and the right to comment;
  - (3) The telephone number of a person to contact at ADEQ with questions;
  - (4) Directions to ADEQ's website, including directions regarding how an interested party may submit his or her name to receive electronic notification of notices of intent for coverage under the CAFO general permit; and
  - (5) All letters shall include the certified mail, return receipt number.
- (E) The applicant shall publish notice one time of the proposed CAFO in the paper of the largest circulation in the county of the CAFO production site. ADEQ shall determine the form of that notice, and determine the proper paper for publication.

- (F) The applicant shall post a sign measuring at least two-feet-by-three-feet (2' x 3') on a public road nearest the entrance to the CAFO production site. The sign shall be clearly legible and conspicuous in such a manner that passersby can clearly see from the public road the applicant's requirements set forth in this section. ADEQ will prescribe the sign's minimum requirements which, at a minimum, will contain the same information as that which ADEQ requires the applicant to publish in the paper. The sign shall be posted prior to submittal of an NOI and shall remain in place until thirty (30) days following ADEQ approval of the NOI and NMP.
- (G) Applicants for a CAFO general permit must certify compliance with the public notification requirements in subsections (A) — (F) of this section when submitting the Notice of Intent (NOI) and Nutrient Management Plan (NMP) to ADEQ.