

From: [alice_andrews](#)
To: [Water Draft Permit Comments](#)
Cc: [Alice Andrews](#)
Subject: Comment on C&H Hog Farm proposal to modify their NMP
Date: Tuesday, April 14, 2015 10:38:56 PM
Attachments: [March 3 EJ letter to ADEQ.docx](#)
[EJ letter to ADEQ March 9.docx](#)

Water-Draft-Permit Comment@adeq.state.ar.us

14 April 2015

Regarding C & H Hog Farm proposal to modify their Nutrient Management Plan to allow land application of wastewater from Waste Storage Pond 2 via Vac-tanker wagon, I wish to submit the following comments:

Given that the entire permitting process was flawed and did not allow for public input, it is disheartening that we are invited to comment on only the narrow modification. Consequently, the public (statewide and nationwide) is being forced to ignore the total impact this facility is having on the community as well as the threat it presents to regional economics.

The proposed modification of the NMP should be denied for the following reasons:

- 1. Documents submitted by C & H to justify modifying the permit contain incorrect maps, specifically ownership of field 5 and parts of fields 12 and 16. There are no new maps in the revised nutrient management plan. These continuing map errors, inaccurate leases and land ownership errors must be corrected before any wastewater sewage from Pond 2 is applied by Vac-tanker.**
- 2. Who owns these fields/parts of fields and who may lease these fields? Where is the Vac-wagon going? Which fields will receive the Pond 2 waste? It seems there are more questions than answers available.**
- 3. Field application areas have changed from 630.7 acres to 335 acres without explanation. The modification request indicates an increase in waste production by about 500,000 gallons with only 750 pigs (down from around 4000), begging the question of why is waste production up from 2,090,081 gallons to 2,614,059?**

It should be critically important to C & H to eliminate errors, misrepresentations and unexplained changes in data when requesting a

modification of their permit to remove waste from Pond 2 by Vac-Tanker. How much waste? How is the waste spread? Is it distributed evenly over a field?

4. There is not adequate or enough information on the amount of Phosphorus, Nitrogen and other nutrients in Pond 2 that would be spread on fields by Vac-Tanker. Most ordinary citizens are not soil scientists but they would easily note, from the Best Management Practices in the modification section, that P index data is provided for less than half of the fields and is listed as low, another unexplained deviation from the revised NMP. This lack of information makes it difficult to comment.

5. Based on the recent federal court ruling that requires a redo of the “cursory and flawed” Environmental Assessment of C&H, it is hard to understand how ADEQ can approve this or any other permit modification. By approving this modification request ADEQ would be saying that C&H can continue in the face of the court ruling, the scientific research, (private, state and federal) and public concerns.

6. I also wish to incorporate, by reference, the comments in a letter sent to ADEQ Director Becky Keogh and Deputy Director Ryan Benefield, dated March 3rd, from Earthjustice Attorney Monica Reimer re Modification Request for C&H Hog Farms, Inc. NPDES Permit No. ARG590001, File AFIN 51-00164. Please also incorporate, by reference, the March 9th letter of 2015 re 2014 Annual Report for C&H Hog Farms, Inc. and Letter of Incompleteness, NPDES Permit No. ARG590001, File AFIN 51-00164 from Earthjustice Attorney, Monica Reimer. I fully support her comments. Please see the attached letters.

7. The permit modification should be denied because of errors and miscalculations in the P index data, of acreage for field application, changing hog population numbers and gallons of hogwaste produced annually.

8. I understand that only comments directly pertaining to the modification will be considered. This puts the public in an unfortunate situation - being asked to comment on a very small section of the General Permit and request by C & H to modify the permit, while a large part of the document is replete with continuing errors, miscalculations, unexplained changes and deviations in the NMP and NOI. Because of the misinformation, the entire permit should be reopened to the public for

comment. It is the right thing to do.

Please see 2 attachments

Thank you for the opportunity to comment.

Alice B. Andrews

63 Robinwood Drive

Little Rock, AR 72227

alice209ok@yahoo.com

501-219-4295

March 3, 2015
Becky Keogh Director
Arkansas Department of Environmental Quality
5301 Northshore Drive North Little Rock, Arkansas 72118-5317
Email: Keogh@adeq.state.ar.us

Ryan Benefield
Deputy Director
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317
Email: benefield@adeq.state.ar.us

Re: Modification Request for C&H Hog Farms, Inc. NPDES Permit No. ARG590001,
File AFIN 51-00164

Dear Director and Deputy Director:

This letter is in response to recent documents submitted by C&H Hog Farms, Inc. to your office including its Modification Request posted January 24, 2015, its Revised Nutrient Management Plan dated February 1, 2015, and its Revised Comprehensive Nutrient Management Plan, posted February 26, 2015.

All of these documents continue to contain incorrect maps specifically regarding ownership of field 5 and parts of fields 12 and 16. According to former Director Marks in a letter to Earthjustice dated February 20, 2014, C&H Hog Farms was to submit new, correct maps to ADEQ by March 30, 2014. We are not aware of any new maps and they are not included in the Revised NMP.

However, we do note that the Big Creek Research and Extension Team is using some unexplained field numbers, including a field 5a. This field is not part of the NMP and is reportedly not receiving any waste applications from C&H. This only further confuses the ongoing errors and misrepresentations regarding application field ownership and identification. 2

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Until these ongoing errors are corrected we ask that all requests by C&H for permit modifications be denied.

Sincerely,
Monica K. Reimer
Attorney

On behalf of:
Bob Allen Jack Stewart
Arkansas Canoe Club Buffalo River Watershed Alliance
Emily Jones Robert Cross
National Parks and Conservation Association Ozark Society

cc: John Bailey
Bailey@adeq.state.ar.us
Ms. Vickerson
vickerson@adeq.state.ar.us
Arkansas Department of Environmental Quality
5301 Northshore Drive North Little Rock, Arkansas 72118-5317 3

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March 3, 2015

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Carl E. Wills

Wills.carl@Epa.gov

Willie Lane

Lane.willie@Epa.gov

US EPA, Region 6

1445 Ross Ave Suite 1200

Dallas, Texas 75202

March 9, 2015

Becky Keogh

Director

Arkansas Department of Environmental Quality

5301 Northshore Drive North Little Rock, Arkansas 72118-5317

Email: Keogh@adeq.state.ar.us

Ryan Benefield

Deputy Director

Arkansas Department of Environmental Quality

5301 Northshore Drive

North Little Rock, Arkansas 72118-5317

Email: benefield@adeq.state.ar.us

Re: 2014 Annual Report for C&H Hog Farms, Inc. and Letter of Incompleteness, NPDES Permit No. ARG590001, File AFIN 51-00164

Dear Director and Deputy Director:

This letter is in regards to recent documents submitted by C&H Hog Farms, Inc. in response to your Letter of Incompleteness, dated January 9, 2015, pertaining to their 2014 Annual Report. In particular, our comments refer to the 2014 Annual Report, the Revised Comprehensive Nutrient Management Plan, dated January 26, 2015, and the 2014 Annual Report Aggregate Phosphorus Index (PI) Spreadsheets.
2014 Annual Report

We note that Nutrient Management Plan (NMP) Revisions were prepared for Winter (dated 12/18/13), Spring (4/3/14), and Summer (undated). Between Spring and Summer the PI Ranges for some fields were revised upwards from Low to Medium, specifically fields 2, 3, 7, 9, 11,12, and 16. In our analysis of the increasing Phosphorus Index (PI) Ranges, we note several apparent deviations from the permit: 2

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1) The Revised Universal Soil Loss Equation (RUSLE) values, a measure of erosion rates, have been changed without explanation. They are much lower than in the original NMP and it appears that low values were used in place of high values without explanation. These are extremely important values for calculating the P index and are not values which should be changing rapidly over time. An explanation for this change should be required.

2) Field application areas have been significantly reduced to 335 acres with no explanation or mapping. There is no way to determine slopes, where soil samples were taken or where waste was applied.

3) Soil Test Phosphorus (STP) variations were significant with large declines on fields 1,7,10, and 17 and large increases on fields 3,8, and 12. Because there are no maps indicating soil sampling locations these unexplained variations raise serious questions about their accuracy. Missing data should be provided by C&H.

4) While the Winter Revision does not appear to show over application, we note that nearly the full annual allowed rate of Phosphorus (P) was applied on fields 3, 15 and 17 even though crops were dormant. This would appear to be a case of waste disposal rather than nutrient management and is exactly the type of disposal practice which should be prohibited in the Buffalo River Watershed.

2014 Annual Report Aggregate Phosphorus Index Spreadsheets

These spreadsheets, submitted in response to your request for seasonal, rather than annual, data, appear to be based on assumptions and data which are not supplied. They deviate significantly from the data provided in the Revised NMP and require further explanation.

1) The columns for "Field Area (ac)" and "Appl Area (ac)" deviate significantly from those in the Revised NMP and account for a total of only 60 acres without explanation.

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2) No data is provided on the amount of N (nitrogen) or P (phosphorus) applied to each field, which makes it difficult to assure that application rates have not been exceeded. This data should be provided in a Field Nutrient Application Planning spreadsheet, on a per acre and per field basis, as was provided in the NMP.

3) The RUSLE1 and RUSLE2 values now are identical and differ significantly from those contained in the NMP without explanation.

4) The Best Management Practices spreadsheets include data on fields 1-4, 12 and 13 only. No data on the remaining fields is provided. The data which is provided shows the P Index values for all fields as "low". This deviates significantly from the Revised NMP values and requires explanation.

5) The Aggregate Split Application Table shows only the gallons applied, not the gallons approved, and provides no data on the content of N and P per gallon, again making it difficult to determine if application rates have been exceeded.

6) The same table, when the figures are added, shows a Yearly Total gallons applied to all fields of 2,367,400 gallons. The 2014 Annual Report states 2,614,059 gallons of waste produced and the Revised NOI states 2,090,081 gallons. There is a significant deviation between these numbers. Which is correct?

We contend that the above noted issues, including modified RUSLE values, changing field dimensions without providing a map, apparently missing data, unexplained assumptions, and deviations from the Nutrient Management Plan, together constitute a substantial modification of the permit requiring that the full permit be reopened for public comment and review.

Sincerely,
Monica K. Reimer
Attorney

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March 9, 2015

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On behalf of:

Bob Allen Jack Stewart

Arkansas Canoe Club Buffalo River Watershed Alliance

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cc: John Bailey

Bailey@adeq.state.ar.us

Ms. Vickerson

vickerson@adeq.state.ar.us

Arkansas Department of Environmental Quality

5301 Northshore Drive North Little Rock, Arkansas 72118-5317

Carl E. Wills

Wills.carl@Epa.gov

Willie Lane

Lane.willie@Epa.gov

US EPA, Region 6

1445 Ross Ave Suite 1200

Dallas, Texas 75202