

From: Brian.Thompson.COM
To: [Water Draft Permit Comments](#)
Subject: Comments on 2nd Permit Modification for NPDEA Permit No. ARG590001 submitted by C&H Farms
Date: Wednesday, April 01, 2015 4:16:12 PM

March 28th

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Becky Keogh
Director **Via First Class and Electronic mail**
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Director Keogh:

These are my comments in regard to the requested permit modification for NPDEA Permit No. ARG590001 submitted by C&H Hog Farm. I respectfully request that you reopen this permit for the following reasons:

- The permit was approved without sufficient communication to the public. The news of the approved permit resulted in public alarm, backlash, and distrust of all parties involved in the approval process, including ADEQ.
- Not only was the public surprised by this permit approval, the following agencies also expressed surprise or concern regarding its surreptitious implementation: The National Park Service, Arkansas Department of Health, U.S. Fish and Wildlife Service, and The Department of Arkansas Heritage.

- In order to address public outcry, Governor Beebe approved the release of \$340,000.00 from the rainy day fund to monitor water quality in the Big Creek watershed. The fact that taxpayer money is being applied to ensure this single permit does no harm is a serious problem in and of itself. Not to mention that its continued funding under the new administration is in doubt.
- Scientific dye tracing results are strongly confirming the characterization of the karst geology and the close interconnectedness of surface waters and underground flows which greatly increases the risk factors associated with a CAFO like this.
- In the late summer of 2014, dissolved oxygen levels in Big Creek as measured by National Park Service Engineers, fell below 5 mg/l for 19 of 21 days. Measurements from the Buffalo above the entrance of the Big Creek tributary were higher in oxygen and lower in E. Coli. Big Creek was shown to be decreasing oxygen levels and increasing in E. Coli where it joins the Buffalo. Procedures around how to manage river closures as may be needed for public safety are now being considered.
- Governor Beebe has expressed deep regret that this permit was ever allowed to go through.
- In response to a lawsuit filed by an alliance of Arkansas environmental interests, U.S. District Court Judge D.P. Marshall characterized the environmental assessments as “flawed” and “ cursory” and ordered them to be redone within a year, while ordering injunctive relief on the federal loan guarantees that enabled the original capitalization of C&H.
- EarthJustice representing Arkansas environmental interests in a letter on March 3rd of this year, pointed out continued ongoing inconsistencies and unexplained modifications in the revised proposed nutrient management plan, and the C&H Annual Report. These issues, along with continued questions regarding field ownership and permissions, have not been addressed.

Director Keogh, the above issues would seem to any outside observer to be more than enough justification to reopen this permit no matter where the farm might be located. But when you consider that it is actually only five miles upstream from the Buffalo National River, a river that is iconic to the state of Arkansas and responsible for providing 44 million dollars in economic benefits and 610 jobs, it would seem imperative that ADEQ

immediately suspend all modifications, reopen this permit, and re-examine what is the best environmental and economic path for our great state.

Sincerely,

Brian A. Thompson