

From: [Carol Bitting](#)
To: [Water Draft Permit Comments](#)
Subject: ARG590000 Modification Request Comments
Date: Wednesday, April 15, 2015 5:32:28 PM
Attachments: [2015415 Modification Comments.pdf](#)

Please find below my comments to the request for modification. Please let me know if there is any problem opening this comment. There are 5 pages.
Carol Bitting
H C 73 Box 182 A
Marble Falls, Ar 72648

Permit # ARG59000 Modification Comments
Water Division ADEQ

Please deny modification. This permit has many already noted discrepancies. C & H did not have the equipment the permit listed to begin the operation of this CAFO. The permit should be withdrawn and the owners held responsible for signing a permit that is misleading.

Section B 6, 7 & 8 should be noted and changed due to close proximity to the school and the town of Mt. Judea. Check applications of the fields surrounding the school and to the SW where prevailing winds carry the feces to the students at play. Pond 1 and its health effects on the local public should be taken into consideration, not to mention if Pond 2 is also allowed to be applied by Vac tanker.

There have been a few changes made already that either required public notice or was done without notice such as listed below;

C & H original May 24th, 2012 permit Section J included the use of an In-vessel Composter called a BIOvator. It states that if the BIOvator isn't functioning then the mortalities will be picked up within 24 hours and rendered. An inspection to C & H dated 7/23/2013 states

2.) No means of managing farm mortality was observed onsite. The facility NMP calls for composting and rendering; however, no equipment or structures for managing this waste stream was observed onsite. Since the farm will soon be in full production and will be generating a steady waste stream of dead pigs and afterbirth, the composting and/or rendering equipment mentioned in the NMP must be onsite and capable of managing such waste.

Jan 23, 2014, Jason Bolenbaugh photographed the incinerators and by April 13, 2014 Section J was changed without public notification to include the use of incinerators. It is apparent that C & H did not have the equipment originally permitted.

On 2/19/2014 the public was again notified that C & H had a modification request for; *Allowing land application via Vac Tanker method on Fields 7-9.* Again it is noted that C & H did not have the sprinkler system the original permit specified.

Today we are back again with another modification. The public is again asked to comment.

The permit is full of discrepancies such as Field 5, 12 and 16 have owners that did not sign up to have their fields sprayed with hog waste, in fact the owners declined permission to Jason Henson but their fields were included in the permit anyway. I checked the NOI submitted and it still shows the same field discrepancies and the incorrect owners.

The Big Creek Research Team refers to removing the top water from pond 2 and rinsing the barns, this water then returns to Pond 1, isn't this applying pond 2 to the fields even though it hasn't gone thru modification yet?

Do we really want to continue modifying a permit that has so many discrepancies and these are only a few? The National Park Service, Earth Justice and many other people have shown that this permit and the NMP are filled with discrepancies.

I still believe that on page 12 of the NOI this statement that says:

The nutrient management plan was developed based on compliance criteria described in the following documents: t8l Arkansas Pollution Control and Ecology Commission Regulation 5 dated March 28, 2008 t8l USDA, Natural Resources Conservation Service (NRCS) conservation practice standard Nutrient Management ("590") dated December 2004 and because this is a document included in the NOI that not only REG 6 must be followed but it must comply with the criteria described in REG 5 and NM 590.

Below are two pages from the NOI 2012 & 2014 signed by Jason Henson in which he states all attachments are true, accurate and complete. It is obvious that the reason for continually modifying the permit is that the documents were not true, accurate or complete.

SECTION I: SIGNATORY REQUIREMENTS

Cognizant Official (Duly Authorized Representative)

40 CFR 122.22(b) states that all reports required by the permit, or other information requested by the Director, shall be signed by the applicant (or person authorized by the applicant) or by a duly authorized representative of that person. A person is duly authorized representative only if:

- (1) the authorization is made in writing by the applicant (or person authorized by the applicant);
- (2) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity responsibility, or an individual or position having overall responsibility for environmental matters for the company.

The applicant hereby designates the following person as a Cognizant Official, or duly authorized representative, for signing reports, etc., including Discharge Monitoring Reports (DMR) required by the permit, and other information requested by the Director:

Signature of Cognizant Official: JASON Henson Date: 6-5-12
 Printed name of Cognizant Official: JASON Henson
 Official title of Cognizant Official: President Telephone Number: 870-688-1318

Responsible Official

The information contained in this form must be certified by a responsible official as defined in the "signatory requirements for permit applications" (40 CFR 122.22).

Responsible official is defined as follows:

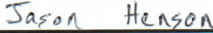
- Corporation**, a principal officer of at least the level of vice president
- Partnership**, a general partner
- Sole proprietorship**: the proprietor
- Municipal, state, federal, or other public facility**: principal executive officer, or ranking elected official.

____ (Initial) "I certify that the cognizant official designated above is qualified to act as a duly authorized representative under the provisions of 40 CFR 122.22(b)." NOTE: If no duly authorized representative is designated in this section, the Department considers the applicant to be the responsible official for the facility and only reports, etc., signed by the applicant will be accepted by the Department.

____ (Initial) "I certify that, if this facility is a corporation, it is registered with the Secretary of State in Arkansas. Please provide the full name of the corporation if different than that listed in Section A above."

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations. I further certify under penalty of law that all analyses reported as less than detectable in this application or attachments thereto were performed using the EPA approved test method having the lowest detection limit for the substance tested."

Signature of Responsible Official: JASON Henson Date: 6-5-12
 Printed name of Responsible Official: Jason Henson
 Official title of Responsible Official: President Telephone Number: 870-688-1318

<p>E. NUTRIENT MANAGEMENT PLAN</p> <p>Note: A permit application is not <u>complete</u> until a nutrient management plan (NMP) is submitted with NOI.</p> <p>1. Please indicate whether a nutrient management plan has been included with this permit application. <input checked="" type="checkbox"/> Yes No (STOP)</p> <p>2. Is a nutrient management plan being implemented for the facility? <input checked="" type="checkbox"/> Yes No</p> <p>3. The date of the last review or revision of the nutrient management plan. Date: <u>February 10, 2014</u></p> <p>4. If not land applying, describe alternative use(s) of manure, litter, and or wastewater: _____ _____</p>	
<p>F. LAND APPLICATION BEST MANAGEMENT PRACTICES</p> <p>Please check any of the following best management practices that are being implemented at the facility to control runoff and protect water quality:</p> <p><input type="checkbox"/> Buffers <input checked="" type="checkbox"/> Setbacks <input type="checkbox"/> Conservation tillage <input type="checkbox"/> Constructed wetlands <input type="checkbox"/> Infiltration field <input checked="" type="checkbox"/> Grass filter <input type="checkbox"/> Terrace</p>	
<p>III. CERTIFICATION</p>	
<p><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></p>	
<p>A. Name and Official Title (<i>print or type</i>) Jason Henson, President</p>	<p>B. Phone No. (870) 688-1318</p>
<p>C. Signature </p>	<p>D. Date Signed 2/10/14</p>

ADEQ ARG590000 NOI

There is a 3rd NOI, but I'm not going to list the all discrepancies such as landowners, maps, soil samples etc. also signed by Jason Henson as true, accurate and complete.

Sincerely,

Carol Bitting

HC 73 Box 182 A

Marble Falls, Ar 72648