

Public Comment Registration Card

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Date 4/20/15

Verbal Comment  Written Comment   
Speaker # (Attached or back of card)

Hearing Location Jasper

Name DANE SCHUMACHER

Address \_\_\_\_\_

City Huntsville State AR Zip Code \_\_\_\_\_

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Director Keogh and Staff of ADEQ:

As you are aware, the NPDES permit specifies the terms and other requirements that are enforceable elements of the Plan. The terms of the permit can only be adjusted with approval of the Director, and such approval may require public notice. Other requirements are elements that may be adjusted by the operator, but must be presented in the NMP and reported annually. The permit used by C & H Hog Farm follows the "narrative approach" specified in 3.2. 5.2 of the permit. The narrative approach makes the methodologies for determining the application rates the principle terms of the permit, rather than specific rates and timing designations. However, Section 3.2.5 states that the NMP (whether linear or narrative)

"...must include the fields available for land application; field specific rates of application **properly developed**, as specified in Parts 3.2.5.1 through 3.2.5.2 of this section, **to ensure appropriate agricultural utilization of the nutrients in the manure**, litter, or process wastewater; and any timing limitations identified in the nutrient management plan concerning land application on the fields available for land application." (Emphasis added.)

Specifically required (3.2.5.2a and b) are:

- Maximum amount of N and P in lb/acre from all source for each field and the factors necessary to determine that rate, and
- The field-specific assessment of potential for N and P to be transported from each field
- Timing applications for application

The factors that are terms of the permit include:

- The realistic yield goal for each crop in each field (including pasture or forage)
- The N and P recommendations from UA for each field
- The methodology to account for: N and P soil test, credits for N in the soil, source and form of the manure, N and P in the manure (considering volatilization, mineralization, and plant availability), and timing of manure applications

And based on these factors, the following projections are required for each field, although these are NOT TERMS OF THE PERMIT (3.2.5.c)"

- Amount of manure or waste water to be applied
- Credits for N that will be plant available , considering multi-year applications
- Form and method of application

It is my understanding that while the use of a vac tanker is a standard and widely accepted method of performing manure applications, I question whether it is standard to allow a public hearing for a non substantial modification request.

Jason Henson, on behalf of C & H Hog Farm, Inc. made the following statement in a February 26, 2015 email to the Department:

C & H Hog Farms, Inc. believes this to be a nonsubstantial change; however, in the interest of time, we request that the Department deem this revision a major modification. C & H Hog Farms, Inc. respectfully requests a public hearing be scheduled for the earliest possible date.

We are spending our time and tax payers money on what appears to be a non substantial modification request which consists of a one page alteration of a 145 page document submitted by a 6500 Confined Animal Feeding operation whose operation has been and continues to be problematic.

As evidenced by the following efforts:

- Governor Beebe's rainy day funds proposal and subsequent involvement of the BCRET -(pond trench and manure treatments);
- Cargill's addition of pond liners;
- 2014 Peer Review Expert Panel's concerns-1) leakage from the two onsite waste storage ponds, 2) contamination of surface and subsurface water due to land applications of the wastes, and 3) potential long-term build up of soil nutrient levels (primarily soil phosphorus) due to application in excess of crop needs and removal;
- Judge Marshall's order for new EA

I respectfully ask that ADEQ deny this particular narrow scope of a modification request and consider more substantial factors and terms of the permit to ensure appropriate agricultural utilization of nutrients at C & H Hog Farm.

Dane Schumacher