

ADEQ

ARKANSAS
Department of Environmental Quality

AUG 31 2015

C&H Hog Farms EA
c/o Cardno, Inc.
501 Butler Farm Rd., Suite H
Hampton, VA, 23666

RE: C & H Hog Farms, Environmental Assessment Comments

To whom it may concern,

The Arkansas Department of Environmental Quality (ADEQ) would like to offer the following clarifications or corrections pertaining to Arkansas water quality standards and ADEQ permit related statements on the draft Environmental Assessment (EA) for C&H Hog Farms. The ADEQ makes no comments on the EA conclusions.

p. 3-4 **“The EPA recommended water quality criteria for total P in streams not discharging into lakes or impoundments should not exceed 0.10 mg/L (EPA 2000).”** To clarify the statement in the “Ambient Water Quality Criteria Recommendations Information Supporting the Development of State and Tribal Nutrient Criteria”, EPA recommends a value of **0.01 mg/L** total phosphorus for stream and rivers in aggregate ecoregion XI, which includes the Buffalo River watershed. This value is based on the 25th percentile of reference conditions.

p. 3-6: **“Nutrient and bacteria levels monitored in the river are well below state water quality standards (Mott and Laurans 2004, Usrey 2013).”** The State currently has a narrative nutrient standard for rivers and streams. To date, ADEQ does not have sufficient data to assess for nutrient impairment on Big Creek or the Buffalo River.

p. 3-18: **“To date there have been no exceedances of state water quality standards for nutrients or bacteria.”** ADEQ does not have numeric nutrient criteria for streams or rivers. As far as bacteria, the water quality standard for primary contact of E. coli from an individual samples is 410 (col/100mL), and according to the BCRET quarterly report from April 1 to June 30 this was exceeded at the Big Creek downstream site (2), Big Creek upstream site (4), the spring site (1), and Ephemeral Stream site (1).

p. 2-1: **“Ponds are surrounded by fencing that meets local Natural Resource Conservation Service (NRCS) requirements and signs are posed to alert people of the ponds’ purpose (ADEQ 2015a).”** The Department is unaware of any fencing around the ponds or signs posted to alert people of the ponds’ purpose. The NMP states that fences and signage is required **as appropriate** according to NRCS Practice Standard Code 313 in the state of Arkansas for waste storage facilities.

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p. 2-2: **“ADEQ has stated that adding application fields to the NPDES General Permit would be considered a non-substantial change and would therefore not require public notice or comment (ADEQ 2014d).”** ADEQ stated that the *removal* of fields from the NMP is considered a non-substantial change in accordance with Part 3.2.6.4(d) of the NPDES General Permit. The addition of land application sites is considered a substantial change to the NMP and would require a public notice and comment period.

p. 2-4: **“Significant changes are defined as:**

- **A greater than 10 percent increase in the volume of animal waste, as excreted, generated by the facility over what was allowed by the original permit or the last major modification for an increase in volume**
- **Addition of land application sites**
- **Changes in waste treatment, type, handling, or disposal”**

The referenced significant changes are defined in APC&EC Regulation 5.305. C&H is not operating under a Regulation 5 permit. Significant changes for the NPDES General Permit ARG590000, which C&H is currently covered under, are defined in Part 3.2.6.3(a) - (d):

a. Addition of new land application areas not previously included in the CAFO’s nutrient management plan. Except that if the land application area that is being added to the nutrient management plan is covered by terms of a nutrient management plan incorporated into an existing NPDES permit in accordance with the requirements of Part 3.2.5 of this section, and the CAFO operator applies manure, litter, or process wastewater on the newly added land application area in accordance with the existing field-specific permit terms applicable to the newly added land application area, such addition of new land would be a change to the new CAFO operator’s nutrient management plan but not a substantial change for purposes of this section;

b. Any changes to the field-specific maximum annual rates for land application, as set forth in Parts 3.2.5.1 of this section, and to the maximum amounts of nitrogen and phosphorus derived from all sources for each crop, as set forth in Part 3.2.5.2 of this section;

c. Addition of any crop or other uses not included in the terms of the CAFO’s nutrient management plan and corresponding field-specific rates of application expressed in accordance with Part 3.2.5 of this section; and

d. Changes to site-specific components of the CAFO’s nutrient management plan, where such changes are likely to increase the risk of nitrogen and phosphorus transport to waters of the State.

p. 2-4: **“All required inspections must be recorded on ADEQ forms, maintained on-site, and made available to ADEQ upon request including:”** ADEQ does not provide an inspection form for facilities permitted under NPDES General Permit ARG590000. ADEQ does

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provide forms for annual reporting for land application activities. Required inspections for the facility are detailed in Part 4.4.1 of NPDES General Permit ARG590000 with additional inspections provided in the approved NMP.

p. 2-4: "**Annual soil and waste/wastewater nutrient testing conducted as outlined in the NMP and as required by ADEQ Regulation 5**" This statement should refer to NPDES General Permit ARG590000 instead of APC&EC Regulation 5. The facility is not permitted under Regulation 5.

If there are any questions concerning this submittal, please contact John Bailey, Permits Branch Manager in the Water Division, at (501) 682-0629 or by email at bailey@adeq.state.ar.us.

Sincerely,


Ellen Carpenter
Chief, Water Division

BK:jb

cc: File