

ADEQ

ARKANSAS
Department of Environmental Quality

APR 23 2013

Judith Duguid & Elmer Gall
8572 Sioux Trail
Rogers, AR 72756

RE: C & H Hog Farms, Newton County, Arkansas.
AFIN: 51-00164; Permit No.: ARG590001

Dear Ms. Duguid and Mr. Gall:

Thank you for your comments. I can assure you that we certainly care about all waters of the State including the Buffalo River; however, you must understand that ADEQ does not make the law. Our job at ADEQ is to make sure that the laws enacted by the elected members of the state and federal legislatures and the rules and regulations adopted by the Arkansas Pollution Control and Ecology Commission (APC&EC) in furtherance of those laws, are enforced. In accordance with those laws there are no prohibitions that identify and exclude the Buffalo River watershed from permit coverage. In the case of C&H Hog Farms, a proper application was made that satisfied the requirements of State and Federal law, APC&EC Regulations and the CAFO General Permit. The Department has been charged with regulating liquid animal waste operations and at this time there are currently six (6) active swine farms within the Buffalo River watershed many of which have been in operation since the early 1990's.

The Department understands that rainfall can be one contributor to a potential discharge from the pond. To account for this the CAFO general permit requires facilities to design manure ponds to be protected from physical damage by a 100 year flood and to provide enough storage to accommodate 6 months of waste produced and 6 months of rainfall events. In addition, the pond should be operated at all times to maintain capacity for a single 25-year, 24-hour rain event to prevent a discharge from the pond. An evaluation of the adequacy of the designed manure storage structure is conducted using the most recent version of the Soil Plant Air Water (SPAW) Hydrology Tool which is a computer modeling program developed by the Natural Resources Conservation Service (NRCS). The evaluation requires input to the SPAW Hydrology Tool such as daily precipitation, temperature and evaporation data for the previous 100 years, user-specified soil profiles representative of the CAFO's land application areas and planned crop rotations consistent with the CAFO's Nutrient Management Plan. The final modeled result must show no overflows from the designed open manure storage structure.


In addition to protections of a discharge from the holding ponds, the General CAFO Permit requires the facility to prepare a determination of application rates. Application rates for manure wastewater applied to land under the ownership or operational control of the CAFO must minimize phosphorus and nitrogen transport from the field to surface waters in compliance with the Arkansas NRCS Conservation Service Practice Standard Code 590 and include the Arkansas Phosphorous Index. Such technical standards for nutrient management shall:

- 1) Include a field-specific assessment of the potential for nitrogen and phosphorus transport from the field to surface waters, and address the form, source, amount, timing, and method of application of nutrients on each field to achieve realistic production goals, while minimizing nitrogen and phosphorus movement to surface waters; and
- 2) Include appropriate flexibilities for any CAFO to implement nutrient management practices to comply with the technical standards, including consideration of multi-year phosphorus application on fields that do not have a high potential for phosphorus runoff to surface water, phased implementation of phosphorus-based nutrient management, and other components, as determined appropriate by the Director.

A copy of the CAFO General Permit can be found on our web site at the following address: http://www.adeg.state.ar.us/water/branch_permits/individual_permits/pdfs_forms/arg590000_draft.pdf I hope this helps explain our actions in this regard. Let me also assure you, we will continue to monitor and inspect this facility to make sure they are operating in accordance with the terms of the permit.

Thank you for writing to the Department. If you have any further questions, feel free to contact Stephen Hogan of my staff at (501) 682-0651 or by email at hogan@adeq.state.ar.us.

Sincerely,


John Bailey, P.E.
Permits Branch Manager
Water Division

JB:sh

cc: File (AFIN: 51-00164; Permit No.: ARG590001)