

Arkansas Department of Environmental Quality
Public Outreach and Assistance Division
Attention: Doug Szenher
5301 Northshore Drive
North Little Rock, AR 72118-5317

Subject: Regulation 5, Docket #14-002-R
Regulation 6, Docket #14-004-R

Comments:

The following are my comments in regard to the proposed CAFO farm size limitations of APC&E Regulations 5 & 6 proposed by the Ozark Society and the Arkansas Public Policy Panel as presented at the public hearing on June 16th at the Durand Conference Center in Harrison, Arkansas.

Although I support the number/size changes to APC&E Regulations 5 and 6 proposed by the Ozark Society and the Arkansas Public Policy Panel limiting the size of hog farms for CAFO's located within the Buffalo River watershed, I believe there are other changes to the regulations which also should be seriously considered which I've indicated at the end of this comments letter.

I attended the public hearing in Harrison on June 17th, 2014 and made a verbal comment that is part of the record for that hearing. However, after listening to all the verbal comments by attendees, I wish to make additional comments via the written format.

First, I believe it is imperative that ADEQ fully support these changes to the Regulations when presented to the PC&EC for the following reasons;

- I feel that although ADEQ met the basic requirements for issuance of the recently enacted general CAFO permit to C&H Farms, it did not handle the review of the C&H hog farm permit application adequately and, if it had executed its primary responsibility of assuring the protection of the environment, they would not have allowed this very large operation in this Karst region of Arkansas and within the Buffalo National River watershed. These proposed regulation changes will

help protect the Buffalo River and its watershed from the ill-effects of CAFO hog farms in an a highly porous Karst geological formation.

- Existing experience by other States clearly demonstrates that these large hog farm CAFO's result in environmental damage to the local ground water and area streams. They also have resulted in detrimental health effects for nearby residents, especially the young and old.

- The science already exists which proves the waste containment ponds leak, and application of the liquid waste on fields over porous soils and sub-soils results in contamination of ground water and waterways. Also, the detrimental effects on the local air quality has resulting in health and quality of life deleterious effects for nearby residents has been clearly documented.

- Although the opposition to these Regulation Changes is correct in that this can set a precedence for future industrial CAFO operations, the precedence to be set is positive. Arkansas should take advantage of the experience of other States and address the high risk of environmental damage with regulations which assure our State does not fall victim to the environmental consequences of allowing industries which are concerned primarily with profits to place the long term financial and health effects on the taxpayer. It has been shown over and over that once the industrial operations are no longer financially viable, companies essentially abandon the environmental cleanup responsibility to Arkansas taxpayers.

- These proposed changes to Regulations 5 & 6 instead of harming the local residents will actually protect the small farm operators in the State by making it financially unrealistic for these industrial farm industrial giants to drive the small Arkansas farms out of business. Also property values of neighbors to other CAFO operations will more likely be preserved and their wells will likely not be contaminated.

- One speaker stated that changing the regulations could simply encourage the proliferation of hundreds or even thousands of small hog farms resulting in the same environmental endangerment to the Buffalo River watershed. Of course it would be up to ADEQ to perhaps limit the total number of small CAFO's in a given area based

on the risk to the environment so that this situation could not develop. In fact, this is exactly why consideration must be given to a further regulations on the limitation of size and number of small hog and other CAFO operations within a given area when these operations are located on karst geological formations. And, or considering the requirement for an on site waste water/solids waste treatment plant in conjunction with air purification equipment.

- Another common argument against adoption of these regulation changes is that this is another government attempt to take away individual property rights. This is a common argument given at essentially all attempts to protect the general public from regulations which assure an individual property owner does not contaminate the environment beyond his/her own property lines, nor adversely affect the quality of life, property value, and neighboring communities by his/her actions.
- Although the farm owners at the meeting all claim that they all follow BMP's and are concerned about protecting the waters of Arkansas, I recently learned that ~80% of the water consumed in Arkansas is used by farms and that agriculture is responsible for ~80% of the non-point source pollution of our surface waters. So, the claim made by the Farm Bureau that all farmers are responsible caretakers of our environment simply is not realistic.

Although the following comments are not specifically related to adoption of the proposed Regulation 5 & 6 changes proposed by the Ozark Society and the Arkansas Public Policy Panel, I believe they are necessary additional changes to these regulations to assure the environment is protected across the State where porous geological makeup of the subsoil places our waters at high risk of contamination. Therefore I urge ADEQ to start the process which would lead to proposing the following additional changes to the regulations on CAFO's.

- First, I believe the "General CAFO Permit" classification should be eliminated in favor of requiring individual permits for these operations. CAFO's present much higher risks to the surrounding environment and therefore should required additional public notification. The

public in general as well as the immediately bordering properties must be allowed to have a say in what will potentially affect the environment of their region of the State.

- Second, for all CAFO's, I believe the regulations must be given a notification of application, require a review and sign-off approval by critical government agencies involved in protecting the public and environment. In the Case of CAFO permits, I believe review and sign-off should be by ADEQ, AGFC, AR Department of Health, AR Forestry Division, and the AR Geological Department.
- Third, I believe public notification of a CAFO permit application must be posted multiple times (at least 3) in newspapers of general circulation in both the County where the operation is proposed to be located and in neighboring counties as well.
- Fourth, I feel a requirement that all CAFO waste containment ponds have an HDPE liner above the clay liner is completely appropriate and would not present a financial disincentive to construction of a CAFO facility. This would essentially assure that the clay liner would not leach waste fluid into the subsurface. And that ADEQ would be involved in inspection, repair or replacement of the liner when the pond sludge is evacuated. Also, I believe that with the future climate changes predicted by climatologists that the free-wall of all CAFO waste ponds should be increased and a new 100 year storm event be established to assure these pond dams will not be crested during the future major storm events.
- Fifth, I believe an environmental impact study should be required for any CAFO and available to the government agencies who are required to sign-off on the permit issuance and to any other interested parties which might be affected by the operations, and
- Lastly, if the environmental impact study indicates a high risk to the environment, I believe if a permit is still to be issued, an on site waste processing plant must be required which would eliminate all surface application of liquid waste on the land. The NPDES waste treatment facility regulations and discharge limits would then apply.

I thank you for the opportunity to respond to the proposed Regulations 5 & 6 changes. I believe that without these changes as the first major step in addressing the risks to Arkansas waters from these types of industrial operations, Arkansas will like so many other states simply fall victim to big business which is primarily about profits and only semi conscious about protecting the environment, i.e., they will only do what is the absolute minimum required by regulation.

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