

June 17, 2014

ADPC & E Commissioners
c/o Mr. Doug Szenher
ADEQ
Public Outreach and Assistance Division
5301 Northshore Drive
North Little Rock, AR 72118

Dear Commissioners:

I want to thank you for the opportunity to comment on the proposed Third Party Rulemaking to change Regulations 5 and 6 entitled Liquid Animal Waste Systems and Regulations for State Administration of the National Pollution Discharge Elimination System, respectively.

I am opposed to any changes made in these regulations for the following reasons:

It is obvious that the reason this Third Party Rulemaking is a result of the issuance of the first CAFO permit issued in the State of Arkansas. C and H Farms followed all the laws and regulations to put in their 2500 head Swine CAFO. They have since followed all the laws of their permit and have operated their farm in a very responsible, environmentally friendly manner, going above what has been required of them.

The Commission should base its decision on science. Not fear (FEAR – False Evidence Appearing Real) and emotion or the fact that some opponents just do not like family pork production units and the idea of the C and H family operated swine farm located in the Buffalo River Watershed. Family pork production farms have been located in the Buffalo River Watershed for decades without this type of outcry from the environmental activists groups.

The research being performed at the C and H Family Farm by the Big Creek Research Team (U of A) is the most extensive performed on any farm in Arkansas and possibly the nation. I believe this Third Party Rulemaking is an effort to get out in front of the scientific results of this state funded study. I would like to ask the Commission to leave the regulations in their current form and let the research and science take its course. This will provide the scientific data to see if any changes are necessary instead of basing the commission's decision on fear and emotion.

To make the changes in the Third Party Rulemaking sets a very negative precedent and is not based on science. This sets up a very slippery slope that could eventually affect all ERW watersheds in Arkansas. I know this Third Party Rulemaking only applies to the Buffalo River Watershed, Medium and Large Swine CAFO's, but what is next on the opposition's agenda against agriculture production. The proponents of this Third Party Rulemaking will tell you that this is just about the Buffalo River Watershed, but I'm not sure I buy that story. They have already tried an unsuccessful attempt in the 2013 legislative session to

ban Swine Farms from the Buffalo River Watershed AND ALL EXTRAORDINARY RESOURCE WATERSHEDS in Arkansas.

This is a terrible precedent for the Commission to make especially when they have zero scientific basis to make it on. The Commission needs to deny the Third Party Rulemaking on Reg. 5 and Reg. 6.

The Third Party Rulemaking of Regulation 5 and Regulation 6 is an infringement to farmer's right to farm and private property rights. American Agriculture is the backbone of our economy and our country. Our state's pork producers have an excellent environmental record. They have proven to be responsible environmental stewards and have always been pro-active in working with ADEQ and its commissioners in meeting the challenges that have faced them.

The Arkansas pork industry is not in an expansion mode. According to USDA data the total number of hogs in Arkansas on December 1, 1999 was 750,000. On December 1, 2012 the total number of hogs in Arkansas was 110,000.

In the late 1990's Arkansas was ranked number 11 in the hog production in the United States. Today Arkansas ranks 26. Many farms have closed which has eliminated the opportunity for new generations of hog farmers to enter the business. These proposed regulation changes will further result in the decline of the Arkansas hog production industry.

I would like to thank you for allowing me to comment on these proposed changes. One again, I would like to ask the ADPC and E Commissioners to make their decision on sound scientific facts not on emotion and sound bites and deny any changes to Regulation 5 and Regulation 6.

Sincerely,

Patrick E. Pollack

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