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# 90 days added for hog-farm ban comments

by **Emily Walkenhorst** | October 26, 2019 at 9:06 a.m.



FILE — The C&H Hog Farms complex, shown in 2017, was located on Big Creek 6.6 miles from where the creek flows into the Buffalo River. (Mitchell PE Masilun)

People have 88 more days to submit comments on a **proposed ban on certain-sized hog farms** in the Buffalo National River's watershed.

That's because the final report of the team studying the impact that C&H Hog Farms had on a Buffalo National River tributary has been published.

The Big Creek Research and Extension Team posted the 280-page report, with 619 pages of appendices, online Thursday.

On Friday, the Arkansas Pollution Control and Ecology Commission voted unanimously to reopen the public comment period on the partial hog farm ban for 90 days from Thursday. The comment period lasts through Jan. 21.

"The public needs the opportunity to look at it," Commissioner Mike Freeze said of the report.

Freeze and other commissioners said in July that they wanted to withhold allowing the partial ban to begin going through the rule-making process until the report was completed. At the time, they believed the report would be released imminently. They voted in favor of initiating the rule-making with the understanding that the public comment period could be altered to accommodate the report's release.

The original comment period closed in September and amassed more than 400 comments. All but two favored the ban.

Experts reached Friday said they hadn't had much time to scan the report.

Gordon Watkins, president of the Buffalo River Watershed Alliance, said he wanted to read it before commenting. He said he had read several pages but not much.

David Peterson, president of the Ozark Society, said the report showed the gravity of phosphorus buildup in soil over time, suggesting adjustments to how C&H was applying its phosphorus-rich manure mixture, called "slurry," to the ground.

That backs up his group's and other groups' concerns about how farms are advised and required to apply fertilizers to the ground.

"It actually substantiated some things that we thought were true and had analyzed in the data before," Peterson said.

As of late Friday, Peterson said he had read fewer than 40 pages, although that was more than many others.

John Bailey, director of environmental and regulatory affairs for the Arkansas Farm Bureau, said he began reading the report Friday. He'd read the executive summary and conclusions before telling the *Arkansas Democrat-Gazette* that it appeared to support what the Farm Bureau has said -- that C&H wasn't worsening Big Creek.

"What I feel like this document says is what we've been trying to say all along, is that there's no environmental impact," he said.

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But, Bailey added, the report makes some observations that the Farm Bureau could take to heart, namely suggestions for how to better apply manure to land to minimize environmental impact.

"What we're going to have to focus on is, is there a better way to manage this, to keep phosphorus on site," he said.

Big Creek flows into the Buffalo River more than 6 miles from where C&H abuts it. C&H is permitted to house up to 6,503 hogs, although it normally operated with only about 3,000. It will close by the beginning of next year under a \$6.2 million buyout from the state, brokered by Gov. Asa Hutchinson.

Hutchinson focused on the Buffalo in his weekly address Friday. He acknowledged a wide variety of potential threats to the river but vowed to work toward protecting it.

"We want to preserve this treasured resource," he said.

The Big Creek Research and Extension Team, comprised of 10 researchers and several field technicians, did not find that C&H had been contributing to algal blooms or other water quality issues along the Buffalo or Big Creek.

Researchers found that certain concentrations of nutrients did not appear to have increased since the beginning of the study through the end.

The final sentence of the report reads, "as long as the integrity of the holding ponds is maintained, the main long-term environmental concerns with CAFO [concentrated animal feeding operation] lies with land use and nutrient management of the fields permitted to receive slurry."

On a few occasions, researchers noted that a lack of data on conditions prior to C&H's operations prevented them from drawing conclusions.

#### FARM OPENED BEFORE STUDY

The study did not begin until several months after the farm began operations. That means researchers could not compare their measurements of nutrient concentrations during C&H's normal operations to what they were before C&H opened.

Grazing, slurry and fertilizer managements on three fields may have increased the potential loss of phosphorus and nitrogen into Big Creek, researchers wrote. But the report said researchers did not have background data, including historical nutrient management and nutrient application to the land.

The team sampled water from September 2013 until July. That monitoring focused on five things, according to the report: the impact of slurry on soil fertility; nutrient runoff; trends in the water quality of three different spots on the farm; nutrient loads in Big Creek; and trends in nutrient and bacteria concentrations up and downstream of C&H.

Any additional nutrients applied to C&H's fields should limit the slurry specifically for its phosphorus concentrations, researchers determined. Continued application at the rate it was applied from 2014 to 2018 would result in enough phosphorus in the soil to run off into nearby waters.

The facility had statistically significant increases in nitrate concentrations in a stream and water well on facility property, researchers concluded. Tests of other substances suggest that the concentrations are not attributable to holding pond manure.

Two storms in May and December 2015 put large amounts of nutrients in Big Creek. Those storms contributed the majority of the five-year overall nutrient loading into the creek. As a result, researchers recommend that conservation measures to minimize nutrients runoff be focused on the manure and method of application, versus managing the transport of the manure.

Researchers found phosphorus and nitrogen concentrations in Big Creek to be higher downstream of C&H than from upstream, but not at statistically significant amounts when adjusting for stream flow variability.

"Concentrations in Big Creek were similar to other watersheds in this region with similar land use, suggesting limited impact of the CAFO on Big Creek at the present time," the report reads.

"However, this does not preclude future impacts of agricultural and urban operations in the watershed."

#### PARTIAL BAN

The partial ban is for federally classified medium and large hog farms in the Buffalo National River's watershed. That's a slightly smaller watershed than the whole Buffalo River, which is 15 miles longer than the National River designation.

Farms are federally classified as small, medium or large. Medium hog farms are defined as having 750 or more swine of more than 55 pounds, or 3,000 or more swine of 55 pounds or less.

Some comments questioned whether the proposal, as written, would actually prevent hog farms as large as C&H from being constructed within the watershed.

Hog farms often have combinations of the two weight classes of pigs. The proposed ban does not explain how to calculate whether a hog farm meets the size threshold if combining the two weight classes of pigs.

Several comments questioned why the proposed ban would be limited to hog farms while other animal farms can cause pollution concerns, as well. Poultry farming in Northwest Arkansas has long been blamed for excess nutrients in the Illinois River in Oklahoma.

Many comments hit on the same themes: calling the C&H Hog Farms permit a mistake, arguing that the karst topography of the region is unsuitable for sizable hog farms, and/or supporting broader restrictions in the watershed. The suggested restrictions include prohibiting small hog farms, barring other types of concentrated animal-feeding operations, and preventing the transport of hog manure and spread of hog manure on land within the Buffalo River's watershed.

Not all comments were about the proposed ban on medium and large hog farms.

The proposal places the entirety of two regulations up for amendment. Those are Regulation 5, which governs liquid animal waste management systems that are not allowed to discharge waste, and Regulation 6, which governs federal wastewater permits that allow for discharge.

The department altered numerous provisions within Regulation 6. Some were superficial changes from "Regulation" to "Rule" or "Six" to "6," but some, commenters argued, appeared to change permit application requirements and review processes for facilities that aren't animal farms.

*Metro on 10/26/2019*

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