Peter Alberg (adpce.ad)

From: BethA <bethardapple@gmail.com>
Sent: Monday, September 16, 2024 8:01 AM
To: Public Comment
Subject: Attn Carol Booth, Comments on Reg 6 Rulemaking

Carol Booth,
Below please find my comments as well as comments from the Buffalo River Watershed Alliance, which I support.
This rulemaking primarily addresses changes necessary to comply with the federal NPDES program and includes such things as updates to federal and state law, clarifications and minor corrections. Comment 1) Of interest to me are the changes to Chapter 6, "Specific Watershed Requirements" which establishes a permanent moratorium, stating in part, " The Director shall not issue a permit pursuant to this rule for a new swine CAFO in the Buffalo National River Watershed"

We fully support this language. The Buffalo National River only comprises 11% of the watershed which feeds it. Quality of the river for recreational purposes, including primary contact, is dependent on the quality of the water in its tributaries. Due to the karst hydrogeology of the watershed, the river is particularly vulnerable to pollutants, such as liquid animal waste, which can penetrate the porous surface and emerge in springs which feed the river. The science has confirmed this. Dye trace studies have verified this risk.

Because of the importance of the Buffalo River to the economy of Arkansas, and particularly to those communities within its watershed, it behooves the state to take appropriate steps such as this to preserve and protect this state icon for future generations to enjoy. Comment 2) However, 6.602(C) says, "This rule does not prohibit the Director from: issuing a new Rule 6 permit for a facility that holds an active Liquid Animal Waste Management Systems permit as of the effective date of this rule." The section does allow for the issuance of new Reg 6 permits to holders of existing Reg 5 permits in the watershed but does not allow for any increase in the number of animals.

Because this rule making makes direct reference to "Liquid Animal Waste Management Systems" (ie: Reg 5 permits), the following comments regarding Reg 5 permits are within the scope of this rule making and therefore require a response.

BRWA has identified four facilities in the Buffalo River watershed with "Active" Reg 5 permits, although none are currently operational and most have been effectively closed for several years, are in violation of regulations, and should be voided. They include the following permits: • 4067-W in Marshall, AR, issued in 1991 for 60 dairy cows. A 2013 inspection report stated it was "not in operation" and recommended a closure plan be prepared. DEQ requested annual reports or a closure plan in 2010 but none have been submitted since 2009. • 3132-WR-4, Deer, AR issued in 1998 for 400 sows. Inspection reports in 2007, 2008, 2011 and 2012 all indicated "no animals are present, ponds are essentially empty". In 2018 DEQ requested annual reports or a closure plan. No annual reports are posted for this permit since its issuance. • 3823-WR-5, Lurton, AR issued in 2003 for 425 sows. Inspection report in 2017 stated "not operating for some time". In 2017 DEQ issued an enforcement report indicating the facility "has not been in operation for some time" and requesting a closure plan or annual reports. In 2018 DEQ again requested annual reports or a closure plan. Neither have been posted since the permit was issued. •

3540-WR-7, Vendor, AR issued in 2012 for " land application of swine waste from C&H Farms only". C&H ceased operations in 2019. No annual reports or closure plan have been posted since 2019. Although these four facilities have not completed the required closure procedures, none have any animals and none have submitted annual reports since 2019 or earlier which places these facilities in violation of the law and these permits should be immediately voided. Further, I would like clarification from DEQ as to whether any of these permits, if they are not voided, could be reactivated to either 1) restock animals and resume previous operations, or 2) accept waste from other facilities for field application, including industrial waste. If these facilities could be reactivated, or they can accept transferred waste, we do not support this language in the existing Reg 6. While I generally support this rulemaking I would like clarification regarding section 6.602(c) referencing existing Reg 5 permits in the watershed.

I love and appreciate the free flowing pristine beauty of the Buffalo National River. I was raised in the watershed and hope that future generations will be able to enjoy it as I have.
Thank you for the opportunity to submit these comments.
Beth Ardapple

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