

## STATEMENT OF BASIS

This Statement of Basis is for information and justification of the final permitting decision only.

The Arkansas Department of Environmental Quality (ADEQ) hereby issues a denial of the application for Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation 5 Permit, 5264-W, AFIN 51-00164.

1. **Permitting Authority**

Arkansas Department of Environmental Quality  
Office of Water Quality  
5301 Northshore Dr.  
North Little Rock, AR 72118-5317

2. **Applicant**

C&H Hog Farms, Inc.  
HC 72 Box 2  
Vendor, AR 72683

3. **Permit History/Activity**

The facility was previously permitted under APC&EC Regulation 6. The applicant submitted a permit application for a new permit under Regulation 5, which was received on April 7, 2016, with additional information received on June 29, 2016, December 6, 2017, December 26, 2017, and December 29, 2017.

4. **Facility Location**

The facility is located as follows: HC 72 box 2 near the community of Mount Judea in Newton County, Arkansas. The facility is located at the following coordinates:

Latitude 35, 55, 30.47 N; Longitude 93.4.18.42 W

5. **Waterbody Evaluation**

The facility is located in Stream Segment 4J of the White River basin, which is not in the Nutrient Surplus Area as designated by Ark. Code Ann. § 15-20-1104. Surrounding areas were evaluated to determine if any Extraordinary Resource Waters (ERWs), Ecologically Sensitive Waters (ESWs), Natural or Scenic Waterways (NSWs), or waterbodies in the 2016 ADEQ 303 (d) list of impaired waterbodies in the State of Arkansas are near the proposed land application sites.

6. **Applicant Activity**

Under the standard industrial classification (SIC) code 0213 or North American Industry Classification System (NAICS) code 112210, the applicant's activities are the operation of a swine facility.

7. **Facility Type and Size**

This existing facility operates as a sow-farrowing facility. The permit application proposed to house 6 boars, 2,252 gestating sows, 420 lactating sows, and 750 nursery pigs.

8. **Basis for Permit Decision**

APC&EC Reg. 8.211 (A) (1) states:

The Director shall issue the final permitting decision in writing. The Director's decision shall be made upon consideration of the completed application, the public comments on the record, if any, and any other materials provided by law or regulation applicable to the application or other matters to be considered in the decision. The Director may impose special conditions upon issuance of a permit.

In addition, APC&EC Regulation 5 entitled "Liquid Animal Waste Management Systems" specifically "Chapter 4: Technical Requirements, Reg. Section 5.402, Design Requirements" states:

(A) Design and waste management plans shall be in accordance with this Chapter and the following United States Department of Agriculture Natural Resources Conservation technical publications:

- (1) Field Office Technical Guide, as amended.
- (2) Agricultural Waste Management Field Handbook, as amended.

The permitting decision is based on the permit application record. The record consists of information and data submitted by the applicant and comments received from the public. ADEQ denies issuance of the permit after determining that the record lacks necessary and critical information to support granting of the permit.

The record fails to include the requisite geological, geotechnical, groundwater, soils, structural, and testing information specified in Reg. 5.402. Without the detailed geophysical and engineering data required by the Agricultural Waste Management Field Handbook, as amended, ADEQ is unable to ascertain compliance with Reg. 5.402.

**9. Point of Contact**

The preparation and technical review of this permit application were conducted by Office of Water Quality staff with support from other resources within ADEQ including the Office of Law and Policy. The review team was led by Dr. Robert Blanz, Ph.D., P.E., Chief Technical Officer for ADEQ.

**10. Sources**

1. APC&EC Regulation No. 8, Administrative Procedures, as amended.
2. APC&EC Regulation No. 9, fee System for Environmental Permits, as amended.
3. APC&EC Regulation No. 5, Liquid Animal Waste Management Systems, as amended.
4. Water and Air Pollution Control Act, Ark Code Ann 8-4-101 et seq.
5. Application for permit No. 5264-W received April 7, 2016,
6. NMP dated April 6, 2016.
7. Additional information received on June 29, 2016
8. Additional information received on December 6, 2017
9. Additional information received on December 26, 2017
10. Additional information received on December 29, 2017
11. Drilling Study report by Harbor Environmental and Safety, Inc. dated December 2016, as amended