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To: WaterbodyComments@adeq.state.ar.us
Subject: 2018 Proposed Impaired Waterbodies List
Date: September 10, 2018

To Whom It May Concern:

This email is a public comment regarding ADEQ's 2018 Proposed Impaired Waterbodies List and the information it must consider.

The Arkansas Department of Environmental Quality's (ADEQ) use of the 4b designation for Big Creek (AR-11010005-020 and AR-11010005-022) and the Buffalo River (AR-11010005-010 and AR-11010005-011) bypasses its legal obligations with regard to pollution control requirements for the National Pollution Discharge and Elimination Systems (NPDES) Permit for C & H Hog Farm, Inc.

The 4b category alternative plan which is managed via grants, partnerships and voluntary programs focuses on nonpoint sources. The 4b alternative plan does not address a point source regulated or permitted facility such as C & H Hog Farms, Inc., which is controlled by ADEQ and the Environmental Protection Administration (EPA) through the legal framework of the NPDES program.

Under the 4b designation it must be demonstrated that pollution controls already exist and that there is sufficient certainty that implementation will continue until water quality standards (WQS's) are achieved and will not be reversed. Pollution controls and sufficient certainty cannot be demonstrated at C & H Hog Farms, Inc.; thus the denial of C & H's Regulation 5 No Discharge permit. Further, Big Creek Research and Extension Team's own Peer Review Panel warned that more extensive controls and measures were needed, but to no avail.

A category 5 is the correct designation as it would require identification of the source of pollutants as well as compliance measures and enforcement. A category 5 would place direct responsibility on ADEQ/EPA to investigate the problem and take timely action to correct the problem(s).

I urge ADEQ to right its action and list Big Creek and the Buffalo River on the 303 (d) (category 5) list.

Thank you for your consideration.

Dane Schumacher