



August 22, 2018

Arkansas Department of Environmental Quality
Attn: Water Quality Planning Branch
5301 Northshore Drive
North Little Rock, AR 72118

Re: Comments on the 2018 Draft 303(d) list.

To whom it may concern:

The Arkansas Farm Bureau Federation is a non-profit agricultural advocacy association with more than 190,000 members of whom approximately fifty thousand are directly engaged in agriculture production representing 90% of all farmers and ranchers. Farm Bureau would like to offer the following comments regarding the Arkansas Department of Environmental Quality's (the Department) proposed draft 303(d) list.

The data used for the assessment of Big Creek was obtained from 8 different monitoring locations over a 5-mile stretch. Typically, when assessing streams, the Department has only had one set of data available to it from a single monitoring station to review. This results in all data being used for assessment purposes. In the case of Big Creek, the Department reviewed data from multiple monitoring locations up and down Big Creek. However, the Department's current assessment methodology practice is to use the highest value of a data set and throw out all other data. This practice does not provide an accurate representation of what is actually occurring in the stream and represents only the worst case scenario. For example, in 2016 the Department identified eight single instances where the E-coli criteria were exceeded during the primary contact season. Although additional data was provided with all 8 of the mentioned exceedances only the highest test result was used. However, the accompanying data for five of the exceedances shows a significant decrease over the values used for assessment purposes, with the remaining three reporting similar numbers. Farm Bureau recommends that an appropriate average, such as the commonly recognized standard methodology of geometric mean, be used for assessing E-coli on a segment.

This practice is especially concerning when considering the fact, half of the data collected in 2016 resulting in Big Creek exceeding the assessment standard was collected by a group that has publically stated their goal is to shut down C&H Hog Farm. These groups know how many samples need to be submitted to cause a stream to be listed and can systematically collect numerous samples at a specific time and location only to submit the highest values knowing that the Department will use those and discard the remaining values. This is intentionally subverting scientific process and protocols.

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In addition to utilizing all data submitted for assessment purposes, Farm Bureau recommends the Department reconsider its evaluation of Big Creek as single segment. Upon closer review the data shows that most of the exceedances of the E-coli criteria occurred upstream of the confluence of Dry Creek. Again, using the 2016 data, six of the eight exceedances of the E-coli criteria occurred upstream of the confluence with Dry Creek. Of the two remaining exceedances, a review of the data shows that on one date the upstream value exceeded the criteria, but the higher downstream value was utilized instead. The second date curiously did not have an upstream value submitted. Based on a more thorough evaluation of the data and the numerous monitoring locations Big Creek should be divided into reaches or segments delineated by the confluence with major tributaries, as is common practice when assessing other waterbodies, rather than treating Big Creek as a single unit. Farm Bureau believes the most practical way is for the Department to assess Big Creek by upper, middle, and lower segments. The head waters of Big Creek to the confluence of Dry Creek as the upper segment, Dry Creek to Left Fork Big Creek as the middle segment and, Left Fork Big Creek to the Buffalo River is the lower segment.

A review of the continuous Dissolved Oxygen (DO) provided to Farm Bureau by the Department showed all data and exceedance of the criteria were from 2013 (which is prior to C&H Hog Farms applying a single drop of waste). What was not clear is if the Department continues to measure DO on Big Creek. If the 303(d) list is finalized with Big Creek being impaired for DO, Farm Bureau requests the Department continue monitoring if there is any chance of Big Creek being delisted.

Although Farm Bureau is disappointed the Department chose to list Big Creek as impaired for E-coli we believe we have provided substantial comments that justify reevaluation of the Department's assessment. However, if the Department chooses to finalize the draft 303(d) as is, Farm Bureau agrees that the Watershed Management Plan is the proper management solution for attainment of the water quality criteria on Big Creek. If you have any questions please feel free to contact me by phone at (501) 251-7987 or by email at john.bailey@arfb.com.

Sincerely,

A handwritten signature in black ink that reads "John Bailey". The signature is written in a cursive, flowing style.

John Bailey, P.E.

Director, Environmental & Regulatory Affairs