BUFFALO RIVER WATERSHED ALLIANCE

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April 20, 2015

To: Arkansas Department of Environmental Quality 5301 Northshore Drive  North Little Rock, Arkansas 72118-5317

VIA HAND DELIVERY AT PUBLIC HEARING, JASPER, AR

Re: Modification Request for C&H Hog Farms, Inc. NPDES Permit No. ARG590001, File AFlN 51-00164

My name is Gordon Watkins and I live in Parthenon, AR. I am speaking today as President of the Buffalo River Watershed Alliance, an organization with over 1,000 supporters.

My comments are in response to recent documents submitted by C&H Hog Farms, Inc. to your office including its Modification Request posted January 24, 2015, in particular, the request to use a vac tanker to apply waste from ponds 1 and 2 to fields 1-4 and 7-17. Associated with this modification by reference are the Revised Comprehensive Nutrient Management Plan, posted February 26, 2015, the 2014 Annual Report, posted January 27, 2015, and the 2014 Annual Report Aggregate Phosphorus Index Spreadsheets, posted February 26, 2015. I will present three reasons why we believe this modification should be denied.

1) All of these documents continue to contain or refer to incorrect maps and land use contracts, specifically regarding ownership of field 5 and parts of fields 12 and 16.

Former Director Marks in a letter to Earthjustice , dated February 20, 2014 (attached), stated that C&H Hog Farms was to submit new, correct maps to ADEQ by March 30, 2014. Director Keogh, in a letter to Earthjustice dated April 7, 2015 (attached), almost a year later, confirmed that, “*to date the Department has not received any additional information clarifying the ownership of the fields in question*.”

Further, Director Keogh, stated that land application to fields 5, 12 and 16 “*will be prohibited until such time that the issue is resolved or a request is submitted for modification of the property in question*.”

However, the 2014 Annual Report Aggregate Phosphorus Index Spreadsheets (Aggregate Split Application Table), posted February 26, 2015, clearly indicate that fields 12 and 16 did in fact receive waste applications for the period March - June 2014 (48,000 and 56,000 gallons respectively).

Fields 12 and 16 are included as part of this modification request and still continue to be knowingly misrepresented by incorrect maps and erroneous land use contracts, in violation of the directives of former Director Marks. These fields received waste applications in 2014 and are proposed to receive waste applications in 2015. This is in direct violation of the prohibitions stated by Director Keogh.

For these reasons, we object to the approval of this, and any other, modification request until such time as the mapping and land use contracts are corrected.

2) Further, the Narrative Statement contained in Section A of the Nutrient Management Plan includes the statement, “*Effluent from Waste Storage Pond 1 will be applied through a Vac Tanker, whereas the effluent from Waste Storage Pond 2 will be applied through a traveling gun and a permanent pipeline*.” Section A is not included in this Modification Request and directly contradicts the proposed modification. This modification should be denied because it will add yet another source of confusion, contradiction and misinformation contained in the Nutrient Management Plan, further compounding the errors in this already seriously flawed document.

3) Finally, we contend that this modification should be denied and the **full** permit should be reopened for public review and comment due to the numerous continuing errors, omissions and unexplained assumptions contained in the referenced documents as detailed in a letter to your Department from Earthjustice, dated March 9, 2015 (attached). Director Keogh, in her response on April 7, 2015 (attached), herself considered this letter to be in response to the modification request and the concerns expressed therein regard documents which control how this modification proposes to be implemented and are therefore pertinent to the scope of this hearing.

Thank you,

Gordon Watkins, President Buffalo River Watershed Alliance

Attachments:

* Letter from former Director Marks to Earthjustice , dated February 20, 2014.
* Letter from Earthjustice to Director Keogh, dated March 9, 2015.
* Letter from Director Keogh to Earthjustice, dated April 7, 2015.
* C&H Hog Farms 2014 Aggregate Split Application Table