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Via Email: Water-Draft-Permit-Comment@adeq.state.ar.us
and Hand Delivery

Katherine McWilliams, Engineer
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317

Re: Comment; Draft No-Discharge Permit
Permit Number 5264-W; AFIN 51-00164

Dear Ms. McWilliams:

I represent the Ozark Society, Inc., Dr. Alan Nye, Dr. David Peterson and Robert Cross. The Ozark Society is a non-profit corporation formed pursuant to the laws of Arkansas. The attached comments on Draft Permit No. 5264-W (AFIN 51-00164) issued to C&H Hog Farms, Inc. on February 15, 2017, are submitted on behalf of the Ozark Society, Dr. Alan Nye, Dr. David Peterson and Robert Cross (referred to as the Ozark Society commenters). We oppose ADEQ's proposal to permit C&H Hog Farms, Inc. to operate a large CAFO near the Buffalo River in perpetuity.

The Ozark Society was founded in 1962 by Dr. Neil Compton of Bentonville and a group of associates for the immediate purpose of saving the Buffalo River from dams proposed by the U.S. Army Corps of Engineers. Society founders, working with elected officials, helped get the National Park Service to survey the Buffalo River area and then began to campaign for the creation of the "Buffalo National River" as an alternative to the dams. It took ten years, but Congress passed legislation to create our nation's first "national river" in 1972 and it is now one of mid-America's most outstanding river-oriented attractions. Since its designation as a National River, the Ozark Society has worked to preserve its pristine water quality and wild and scenic nature from all threats: agricultural and human waste, unneeded or poorly designed road building, haze, odors, and other air quality issues, fracking intrusion, overdevelopment and over use in the park itself. The Ozark Society has a three-fold mission of conservation, education, and



recreation. The Ozark Society has approximately 1,008 dues paying members, approximately 80% of whom are from Arkansas. Members of the Ozark Society enjoy all forms of recreation allowed on the Buffalo River.

Dr. Alan Nye is a toxicologist who resides at 12 Platte Drive, Maumelle, AR 72113. His telephone number is 501-258-7137. Dr. Nye is an adjunct faculty member of the UAMS Fay W. Boozman College of Public Health. Dr. Nye has been a member of the Ozark Society for over 30 years and is immediate past president of the Ozark Society. Dr. Nye and his wife own a residence in Gilbert, Arkansas (61 Frost Street, Gilbert, AR 72636) near the Buffalo River. Dr. Nye has canoed the Buffalo River on many single-day and multi-day trips with his family and friends since the late 1980s, and has also day hiked and backpacked many times on the Buffalo River Trail. Dr. Nye enjoys and seeks to preserve the unique characteristics of the Buffalo River, including recreational and aesthetic values associated with this Outstanding National Resource Water. Water quality of the Buffalo River is of paramount importance to Dr. Nye.

Robert Cross is an Emeritus Professor of Chemical Engineering at the University of Arkansas in Fayetteville. He resides at 315 N. Fletcher Ave. in Fayetteville, AR 72701 and his telephone number is 479-466-3077. He was previously a Research Professor of Chemical Engineering at the UofA and before that was the President and Technical Director for many years of Romicon, Inc., a subsidiary of the Rohm and Haas Co., located in Boston. He was involved in the development, manufacture, and sale of advanced separations equipment including membrane technology for water and waste treatment. He is currently working on the development of more economical and reliable process to produce drinking water for households in third-world countries. His education includes a B.S.Ch.E. from the UofA and a M.S.Ch.E. from M.I.T. He has been a member of the Ozark Society for 20 years and has served as Vice President for six years and President for six years. He is currently a State Director for Arkansas. He has hiked for many years in the Buffalo Nation River as well as the Upper and Lower Buffalo National Wilderness and has canoed most sections of the Buffalo River.

Dr. David Peterson is a retired math professor from UCA, who lives at 56 Ridge Drive, Greenbrier, AR 72058. His telephone number is 501-679-2935. He and his family have been involved with the Ozark Society since 1978. Dr. Peterson is the immediate past president of the Pulaski Chapter of the Ozark Society and currently is president of the Ozark Society. He and his wife Donna have hiked and canoed the entire length of the Buffalo River, and explored many tributaries as well. As an avid fisherman, Dr. Peterson admires the native smallmouth bass in the watershed and realizes that water quality is paramount in preserving this resource. Given his avocation as a statistician, he has spent many hours modeling nutrient flow in the Buffalo River, its tributaries, and Big Creek in particular.

The Buffalo River has long been a place of special significance in the State of Arkansas. Buffalo Point State Park, established in 1938, was one of the State's first parks. Led by the Ozark Society, Arkansans worked to preserve more sections of the Buffalo River. These efforts ultimately culminated in the creation of an entirely new National Park concept – a National



River. In 1972, Arkansas became the first state in America to boast a National River. Congress stated that the Buffalo River was to be preserved for present and future generations as a pure and free-flowing stream (Public Law 92-237). Today, the Buffalo National River is recognized as the crown jewel of Arkansas's tourism industry. The River draws over 1-million visitors each year and generates over \$40 million in annual tourism related revenue, thereby strengthening state and local economies. Tourism in the region also provides and sustains over 600 jobs.

But the Buffalo River provides more than just economic benefits. It represents one of the few areas where Arkansans and visitors to our state can enjoy a unique outdoor experience. Countless memories are made on the Buffalo River each year. Its significance in the lives of literally thousands of people cannot be measured in economic terms.

The Buffalo River watershed has been utilized for agricultural activities since settlement began in the area (Smith, 1978). The economic and social importance of agriculture to the local economy and culture is undisputed. However, agriculture in Arkansas is changing, and has undergone a major transformation in recent years as plant and meat production in the United States has spatially segregated (Sharpley et al., 1999). Agriculture is becoming industrialized and ever larger in scale (Gollehon et al., 2001). Where once there were small farming operations with a few cattle, goats, pigs, and chickens, there are now large metal buildings confining thousands of animals and the waste they produce (<https://www.uaex.edu/farm-ranch/animals-forages/other-livestock/swine/>; <https://www.uaex.edu/farm-ranch/animals-forages/poultry/>).

In the CAFO industry, nutrients in the form of soybeans and corn are imported from outside the watershed in enormous quantities - each of the more than 2500 sows at C&H hog farm requires about a ton of food per year (US Department of Agriculture). But the waste is not exported out, thereby creating higher soil nutrient levels than useful for agriculture purposes.

What is not used in the sow's metabolism or piglet growth becomes liquid waste which is pumped into two waste lagoons, and then sprayed onto pastures. The two nutrients that are most critical for eutrophic plant growth in streams, nitrogen and phosphorus, infiltrate into groundwater, or are mobilized by storm events. A small share of the nutrients are exported from the watershed, but most nutrients will eventually reach the Buffalo River. (Sharpley et al, 2006; Sharpley et al, 1999; NRCS, 1995; Steele et al., 1990; Steele and Mott, 1998; Scott and Smith, 1994; Scott et al, 2016; Watershed Conservation Resource Center, 2017; ADEQ, 2002). This animal waste is not only harmful to aquatic ecosystems and wildlife, but also to humans. Bacteria and viruses, which can spread pathogenically, can be transferred to humans (NRCS, 2012).

Against this backdrop, the Arkansas Department of Environmental Quality (ADEQ) permitted C & H Hog Farms, the largest CAFO ever constructed in the Buffalo River watershed, in 2012. Now, ADEQ is receiving public comment on a new draft Regulation No. 5 "No Discharge" permit for C&H's liquid waste disposal system. The public response to ADEQ's initial decision to permit this facility under an NPDES general permit (and its recent decision to



convert coverage to a State discharge permit) has not been muted. The initial decision to allow this facility elicited the involvement of the governor, legislature, and the Arkansas Department of Pollution Control and Ecology (ADPC&E) Commission. This intense and widespread reaction shows that ADEQ failed to properly evaluate this facility, or work with the affected public to address economic, health, and environmental concerns.

Instead of responding to this initial decision by performing appropriate assessments and analyses based on available data, ADEQ has decided to approve a State “no discharge” permit that includes the same minimal level of environmental protection that was accepted previously. ADEQ is proceeding regardless of C&H Hog Farms location near the Buffalo River, and the negative impact that waste runoff and groundwater infiltration are and will continue to have on the Buffalo River and the karst environments that contribute to its flow and uniqueness. ADEQ is also disregarding the impact this permit may have on the social, cultural, and economic stability of this tourism dependent region.

C & H Hog Farms produces more than three times as much phosphorus as the entire human population of Newton County. The untreated waste is pumped from waste storage ponds and sprayed on fields. Most of the nutrients in the waste that are distributed in this manner will be transported to Big Creek, the area’s karst subsurface hydrology network, and the Buffalo River (NRCS, 1995; Mott et al., 2000; Aley, 1982; Aley and Aley, 1989; Aley, 1999; Aley and Aley, 2000, Sharpley, 1999; Sharpley et al., 2006). Traditional agricultural operations did not dispose of 2,624,000 gallons of liquid swine waste on one square mile of land per year (Hancock et al., 2016).

In addition to the comments we are submitting, we adopt by reference, as if stated word for word herein, all other comments submitted in opposition to final issuance of the draft permit as published, including, without limitation, comments submitted by the Buffalo River Watershed Alliance or its members.

For the reasons set forth in our comments, we respectfully request that the Department deny the permit.

Thank you.

Sincerely,

Samuel E. Ledbetter

SEL/sks

Enc.

cc: Caleb Osborne, ADEQ Deputy Director
(Via Email: osbornec@adeq.state.ar.us)