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VIA ELECTRONIC MAIL

March 17, 2017

Becky Keogh, Director  
Katherine McWilliams, Office of Water Quality  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118-5317  
E-mail address: [water-draft-permit-comment@adeq.state.ar.us](mailto:water-draft-permit-comment@adeq.state.ar.us)

**Re: C&H Permit Proposal**

Dear Ms. Keogh and Ms. McWilliams:

The Sierra Club submits the following comments on the proposed permit for the C&H hog factory in Newton County. The Sierra Club is a national organization with more than 600,000 members and more than 60 chapters including a member chapter in Arkansas. The Arkansas Chapter's membership resides and recreates throughout the state, including along the Buffalo River and its tributaries. The Sierra Club is devoted to the study and protection of the earth's ecological resources, including rivers and streams.

These comments generally track those submitted by the Arkansas Canoe Club, with whose position we entirely agree.

We believe that the Regulation 6 permit previously granted to C&H Farms was wrong, because the public was not properly notified and allowed a comment period before issuance of the permit. We thank the Department for a chance to comment on the proposed Regulation 5 permit. We are unalterably opposed to the permitting of C&H farms for the reasons cited below.

It is reasonable to expect that the farm and spray fields where the feces and urine are spread are underlain by Karst, as the Boone Formation dominates the watershed of

the Buffalo National River. This risks polluting an Extraordinary Resource Water and a wilderness area through which it flows.

The Karst topography has already been shown to exist near the farm and spray fields because of the presence of springs, intermittent creeks, and caves. This porosity has been confirmed by dye-tracing studies nearby and by one Electrical Resistivity Imaging (ERI) study near the holding ponds. The dye testing has revealed some movement of waste effluent into the Karst geology surrounding C&H, which could devastate Buffalo River wildlife should a new permit be issued.

The dye tracing studies, and the decision to conduct only one ERI study, show a disregard for the real risks to subsurface water movement and migration of nutrient and bacterial pollution to the Buffalo National River and its tributaries.

E. coli levels have also been shown to be excessively high during periods of heavy rainfall, when Arkansas Sierra Club members (including children) are most likely to be using this stretch of river -- meaning that we are already being exposed to the detriments of the hog factory.

The allowed design for the holding ponds to meet up to a 25-year rain event is insufficient to protect against the likelihood of a spillage, ensuring future spillage and likely catastrophic failure of the clay embankment with an adjacent land slope of greater than 10%.

Standard clay liners for the holding ponds, with an allowable leakage rate of 5000 gallons/surface acre/day, are insufficient considering the porosity of the Karst under the ponds.

Pollutants could already be leaking into the subsurface strata and hence to the BNR but no testing of the river itself is being conducted by this agency to ensure the public's safety.

Transportation of the liquid wastes by tanker truck to the newly added spray fields over steep mountain roads constitutes an unreasonable additional risk of pollution of the BNR and its tributaries.

Sierra Club members have enjoyed and continue to enjoy all aspects of the Buffalo National River and its watershed. We paddle the river, camp the gravel bars, fish the pools, and hike the trails every month of the year in every conceivable weather condition. Rain or shine, high flow or low, we are there. We enjoy direct contact with the river, tributaries, and springs.

The Buffalo River Enabling Act, Public Law 92-237, § 1, 86 Stat. 44, 44 (1972) declares that the river shall be preserved "for the benefit and enjoyment of present and

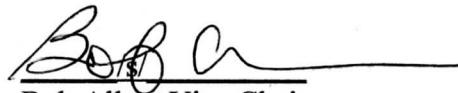
future generations.” This means that Congress has declared that the Buffalo is held in a public trust so that future users, including future Arkansas Sierra Club members, can access the Buffalo in the same condition as it was back in 1972. C&H has not explained to this agency in its permit application how its operations will not harm or impact future generations' ability to enjoy the Buffalo in its 1972 condition. It also has not explained how land applying the liquid waste will not harm future individuals' ability to enjoy the Buffalo.

ADEQ's initial decision to grant a CAFO permit to C&H was ill-conceived, but more importantly failed to protect the river for future generations' use. Nothing in the original permit indicates that ADEQ even considered the farm's impact on future generations.

The present Regulation 5 permit also ignores C&H's impact on future generations of Americans and Arkansans, including young and future Arkansas Sierra Club members. Any decision to renew C&H's permit would arbitrarily discriminate against those future users of the Buffalo National River, because their ability to enjoy the Buffalo River would be, at the very least, diminished substantially.

We urge you to consider your duty as stewards of this watershed and not to shirk Congress's direct mandate to protect this river for future generations as well. Doing so requires denial of C&H Hog Farm's present permit renewal request.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Allen", with a long horizontal line extending to the right.

Bob Allen, Vice Chair  
Arkansas Chapter, Sierra Club  
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Dover AR 72837  
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**From:** [Bob Allen](#)  
**To:** [Water Draft Permit Comment](#)  
**Subject:** Sierra Club, Arkansas Chapter comment on Reg 5 permit for C&H farms  
**Date:** Tuesday, April 04, 2017 9:05:59 AM  
**Attachments:** [AR sierra club comment on reg 5, C&H farms.pdf](#)

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see attached

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Bob Allen, Emeritus Professor of Chemistry  
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Bob of the Ozarks:

<http://ozarker.org>  
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Science is what we have learned about how to keep  
from fooling ourselves — Richard Feynman  
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