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April 14, 2016

Director Becky Keogh  
Arkansas Department of Environmental Quality  
Office of Water Quality  
5301 Northshore Drive  
North Little Rock, AR 72118

**RE: Draft Renewal for NPDES General Permit ARG590000 for the construction and operation of a Concentrated Animal Feeding Operation (CAFO)**

Dear Director Keogh:

The Arkansas Public Policy Panel (APPP) opposes the renewal of the NPDES General Permit ARG590000 for the construction and operation of a Concentrated Animal Feeding Operation (General CAFO Permit). Only one, controversial and costly, permit has been issued under the General CAFO Permitting regime. Arkansas Pollution Control and Ecology Commission Regulation 5 already covers permitting for liquid waste CAFO facilities and the state would be better served without the General CAFO Permit.

If the Department decides to renew the General CAFO Permit the APPP has the following comments.

**Comment 1: Part 1.2 Permit Coverage**

What is the probability of 25-year, 24-hour rainfall event? Is there a more recent resource ADEQ could rely on to determine the probability of a 25-year, 24-hour rainfall event? The General CAFO Permit relies on the National Weather Service’s Technical Paper No. 40, “Rainfall Frequency Atlas of the State” from May of 1961 to define the probability of a 25-year, 24-hour rainfall event. Does this standard adequately protect the Waters of the State given that the National Oceanic and Atmospheric Administration reports that there has been a 27% increase in heavy precipitation events from 1958-2010. [http://climatechange.cornell.edu/wp-content/uploads/2014/08/Climate\\_Rain.jpg](http://climatechange.cornell.edu/wp-content/uploads/2014/08/Climate_Rain.jpg)? ADEQ should consider changes in weather patterns and use the most up to date resources when setting such standards in permits.

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### **Comment 2: Part 1.4.7**

No new CAFOs should be permitted within the watershed of the Buffalo National River due to the karst topography of the watershed and the importance of this watershed to Arkansas's heritage, culture and economy. APPP recommends amending this section to read, "New CAFOs within the watershed of the Buffalo National River."

### **Comment 3: Addition of a section to prohibit siting of new CAFOs or application of manure, litter or process wastewater in karst terrain**

Karst topography is not suitable for large swine operations. Karst is a special type of landscape that is formed by the dissolution of soluble rocks, including limestone and dolomite and is characterized by caves, springs, sinkholes and sinking streams. Karst areas are very prone to contaminated groundwater as a direct result of activities on the surface. CAFOs generate large volumes of animal waste, which can seep in to the groundwater under certain circumstances, including flooding. Such contaminants are readily transported through the aquifers, and eventually contaminated groundwater is released to surface waters.

Other states such as Minnesota and Indiana restrict or regulate CAFOs in karst areas. Indiana prohibits the construction of CAFOs waste management systems above karst topography unless it can be shown through site-specific information that the waste management system will protect the environment. 327 IAC 19-12-2. Minnesota requires an applicant seeking to store liquid animal waste to conduct a site-specific investigation in karst areas of the topographic features and soil profile. Minn. R. ch.7020.2100 subp.4 item A. Liquid waste storage is not allowed within a certain distance of some karst features, and the overall amount of waste stored is limited if certain features are present. Minn. R. ch. 7020. 2100 subp. 2 item A and C.

### **Comment 4: Antidegradation implementation plan**

Under the Clean Water Act, 40 CFR § 131.12, ADEQ is required to develop and adopt a statewide anti-degradation policy for point source and non-point source pollution and identify methods for implementing that policy. The antidegradation policy should be part of APCEC Regulation 2, establishing water quality standards, but is directly related to how permits such as this General CAFO Permit are determined. ADEQ should draft an antidegradation implementation plan and conduct antidegradation review before approving any discharge permits.

Thank you for the opportunity to comment. Please contact me with any questions.

Sincerely,

Anna Weeks  
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