

# C & H Hog Farms, Inc. (Newton County, Arkansas): Arkansas Department of Environmental Quality Decision to Deny Regulation 5 Permit



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The Arkansas Department of Environmental Quality (“ADEQ”) announced that it is denying for the second time C & H Hog Farms, Inc.’s (“C & H”) application for an Arkansas Pollution Control and Ecology Commission Regulation No. 5 Permit.

C & H had previously appealed the denial to the Arkansas Pollution Control and Ecology Commission which issued Order No. 14, stating:

ADEQ shall issue its denial of C & H’s Regulation No. 5 Permit as a draft denial and accept public comment on that draft decision for a period of at least 30 days in accordance with Ark. Code Ann. §§ 8-4-203(e)(1)(A), (B), and (C)(iii).

The C & H facility involves the operation of a swine facility in Newton County, Arkansas.

Regulation No. 5 addresses “liquid animal waste management systems.”

Section 8 of the Statement of Basis provides the agency’s rationale for its decision and notes in part:

In addition, APC&EC Regulation 5 entitled “Liquid Animal Waste Management Systems” specifically, APC&EC Regulation 5.402, Design Requirements states:

(A) Design and waste management plans shall be in accordance with this Chapter and the following United States Department of Agriculture Natural Resources Conservation technical publications:

- (1) Field Office Technical Guide, as amended.
- (2) Agricultural Waste Management Field Handbook, as amended.

These technical publications provide design and operational considerations and requirements for agricultural waste management systems (AWMS) based on risk to public health and environment. Risks are defined based on the AWMS components’ physical location within the geological setting, proximity to outstanding resource waters, size of operation, and AWMS design and operational methods. Based on the defined risks, the record demonstrates that this AWMS presents as a very high risk.

ADEQ denies issuance of the permit after determining, based upon the information provided, that the permit application does not demonstrate full compliance with the permitting requirements. The record lacks necessary and critical information to support granting of the permit, and the record contains information that the operation of this facility may be contributing to water quality impairments of waters

of the state. The permitting decision is based on the submitted permit application, comments received from the public, and other available and relevant data and information.

Additional information regarding various aspects of the facility and the decision are also found in the Statement of Basis.

ADEQ's link to the following documents can be found [here](#).

Statement of Basis

Response to Comments (without attachments)

Response to Comments (with attachments)

Final Permitting Decision

Certification Letter

NPCA Group Comment