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C&H Hog Farms, Inc. Sow-Farrowing Facility (Newton County, Arkansas): Arkansas Department of Environmental Quality Denial of Regulation 5 Permit

01/11/2018

The Arkansas Department of Environmental Quality (“ADEQ”) public noticed the denial of an application for an Arkansas Pollution Control and Ecology Commission Regulation 5 permit by C&H Hog Farms, Inc. (“C&H”).

Regulation 5 addresses “liquid animal waste management systems.”

The “Notice of Final Permitting Decision” was issued on January 10th.

ADEQ describes the existing facility (previously permitted under Regulation 6) as a sow-farrowing facility. The agency further notes that C&H’s permit application proposed to house:

- 6 boars
- 2,252 gestating sows
- 420 lactating sows
- 750 nursery pigs

The C&H facility is located near the community of Mt. Judea in Newton County, Arkansas.

ADEQ states that the facility is located in Stream Segment 4J of the White River Basin. In addition, the agency notes that:

... Surrounding areas were evaluated to determine if any Extraordinary Resource Waters (ERWs), Ecologically Sensitive Waters (ESWs), Natural or Scenic Waterways (NSW), or waterbodies in the 2016 ADEQ 303(d) list of impaired waterbodies in the State of Arkansas are near the proposed land application sites.

ADEQ states as the basis for this permit denial that:

... APC&EC Regulation 5 entitled “Liquid Animal Waste Management systems” specifically “Chapter 4: Technical requirements, Reg. Section 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. (1) Field Office Technical Guide, as amended.

2. (2) Agricultural Waste Management Field Handbook, as amended.

The permitting decision is based on the permit application record. The record consists of information and data submitted by the applicant and comments received from the public. ADEQ denies issuance of the permit after determining that the record lacks necessary and critical information to support granting of the permit.

The record fails to include the requisite geological, geotechnical, groundwater, soils, structural, and testing information specified in Reg. 5.402. Without the detailed geophysical and engineering data required by the Agricultural Waste Management Field Handbook, as amended, ADEQ is unable to ascertain compliance with Reg. 5.402.

C&H has a right of appeal of the agency's decision pursuant to Regulation No. 8. The appeal must be filed within 30 calendar days of issuance of the final permit decision.

[A link to the final permit decision, response to comments \(422 pages\), Certification letter, and Statement of Basis can be found here.](#)