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Newly Released Arkansas C & H Water Monitoring Study Used Taxpayer Money to Test Wrong Fields for Hog Waste Contamination

Coalition calls on state to fully reopen C & H's permitting process; Local citizens ask University of Arkansas to cease unauthorized testing on their land

Mt. Judea, Arkansas – Earlier today, a coalition of public interest groups sent a letter to Arkansas Department of Environmental Quality (ADEQ) Director Teresa Marks pointing out misrepresentations around the permitting of C & H Hog Farms – a 6,500-swine facility in the Buffalo National River watershed. As a result of these misrepresentations, which reports show occurred as recently as January, the coalition is urging the agency to fully reopen the permitting process for C & H. In addition, a letter was sent this week by Mt. Judea farmers and landowners to a University of Arkansas research team studying the impacts of the C & H operation. The landowners asked that the research team cease water monitoring and testing that is currently underway on their land and that was never approved by the property owners.

Last year, Arkansas approved the spending of over half a million dollars in taxpayer money for water monitoring around C & H. As part of the facility's nutrient management plan (NMP) submitted and approved by ADEQ, C & H claimed to have access to 17 fields to dispose of their hog waste. However, property owners of land in three of those fields had declined permission to use their properties as manure sprayfields when they were initially approached by C & H. Remarkably, two of those three fields have since been identified as the focus of the state-funded University of Arkansas water monitoring project, despite the fact that they have not and will never receive C & H waste. This has occurred while both ADEQ and C & H had knowledge of the ownership issues with the fields identified in the NMP, as acknowledged in subsequent compliance inspection reports.

“The people of Arkansas and the university research team have been seriously misled,” said Ozark Society President Robert Cross. “We’ve learned that both ADEQ and C & H previously knew that three fields were improperly identified as fields set to receive manure applications. So why did they erroneously allow the University of Arkansas research team to use these fields to conduct monitoring and consequently waste a lot of taxpayer money?”

In its first quarterly report sent to the governor this week, the University of Arkansas research team noted that they have already accessed one of the falsely-identified properties for research and monitoring, and plan to conduct further testing on these fields moving forward.

The aforementioned letter sent by Mt. Judea landowners to the University of Arkansas states: “We have not granted permission for C & H to use our lands as manure sprayfields, nor have we granted permission for the Big Creek Research Team to access our lands to perform research on the impacts of the C & H facility. We request that your Team immediately cease all activities on our property and seek our approval before accessing our properties in the future.”

In June of last year, well-known Arkansas hydrogeologist Dr. John Van Brahana called on ADEQ to suspend C & H’s permit to address “significant omissions and potential problems.” While Dr. Brahana proposed a research program to assess the water quality of the region to more fully understand the impacts of the facility before field application began, his offers were bypassed – with the state instead opting to fund a University of Arkansas monitoring program that costs taxpayers over half a million dollars to identify issues after the fact. Brahana has moved forward with testing with his own money and support from other organizations.

“The more we look into this permitting process for C & H, the more flaws, misrepresentations, and omissions we’re finding that allowed this hog facility to fly through under the radar,” said Earthjustice attorney Hannah Chang. “This whole monitoring process is such a huge waste of taxpayer money and one that our coalition warned about when the water testing was originally proposed by the state. Given these recent discoveries of serious missteps and scientific research that validates our environmental concerns, we are urging ADEQ to fully reopen the permitting process for C & H Hog Farms.”

C & H is under contract with Cargill – the largest privately held company in the nation and the sole customer for the facility. Public pressure has been mounting against both Cargill and ADEQ to remove the facility from its current location, with billboards, rallies and petitions appearing across the state. Both ADEQ and Cargill have steadfastly supported the location of the facility, though ADEQ Director Teresa Marks readily admitted in a December *New York Times* article that “some of this waste could reach the Buffalo River.” In the same article, Dr. Brahana, whose experience with such matters is considerable, was much more explicit, saying: “There is a probably greater than 95 percent chance that we are going to see impacts of degraded water quality and major environmental degradation.”

In another equally important facet of this case, the coalition opposing C & H filed a lawsuit in August of 2013 challenging the U.S. Department of Agriculture Farm Service Agency (FSA) and the U.S. Small Business Administration (SBA) for their inadequate review and improper authorization of loan guarantee assistance to C&H. In providing federal assistance, SBA undertook no environmental review, while FSA

prepared a deeply flawed and insufficient environmental assessment that fails to comply with the requirements of the National Environmental Policy Act. The agencies also failed to consult with the superintendent at Buffalo National River, as required by law.

“We’re not talking about a bunch of conservationists who are the only ones opposed to this hog factory,” said Buffalo River Watershed Alliance member Dane Schumacher. “The letter from local landowners illustrates how C & H Hog Farms is already impacting life for local Mt. Judea farmers. Opposition is being driven by those most affected by this operation, and it’s time ADEQ and C & H listen to their concerns.”

Today’s letter was sent by Earthjustice, Earthrise Law Center, and local attorney Hank Bates on behalf of the Buffalo River Watershed Alliance, National Parks Conservation Association, The Ozark Society and Arkansas Canoe Club.

To read the letter the coalition sent to ADEQ, as well as the letter sent by local landowners to the University of Arkansas, click here:
<http://buffaloriveralliance.org/Resources/Documents/Letter%20to%20ADEQ%20Feb%2012%20Complaint%20and%20New%20Information.pdf>

For the University of Arkansas’s flawed initial report on water quality testing, click here: <http://newswire.uark.edu/articles/23389/ground-penetrating-radar-water-monitoring-stations-set-up-by-big-creek-research-team>

For background on the lawsuit, click here: <http://www.npca.org/news/media-center/press-releases/2013/groups-go-to-court-to-protect.html>

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