

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 5: LIQUID ANIMAL) DOCKET NO. 19-002-R
WASTE MANAGEMENT SYSTEMS)

RECEIVED

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RESPONSIVE SUMMARY

BUREAU OF
LEGISLATIVE RESEARCH
Division of

Comes now the Arkansas Department of Energy and Environment, Division of Environmental Quality, by and through, Robert Blanz, Associate Director of the Office of Water Quality, and provides this Responsive Summary as required under Arkansas Pollution Control and Ecology Commission Regulation No. 8.812.

I. INTRODUCTION

The public comment record for Docket No. 19-002-R contains over 1719 comments pertaining to changes to Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation No. 5, Liquid Animal Waste Management Systems.

The notice of proposed Regulation No. 5 changes and public hearing was published on August 3 and 4, 2019, in the Arkansas Democrat-Gazette. APC&EC held a public hearing on August 23, 2019, to receive comments on the proposed rule change to APC&EC Regulation No. 5. The public comment period closed on September 22, 2019. APC&EC reopened the public comment period on October 24, 2019, with an end date of January 22, 2020.

II. RESPONSES TO WRITTEN AND VERBAL COMMENTS

The following people or organizations sent comments during the public comment period and public hearing.

The following submitted comments in favor of the rulemaking for Rule 5 to make permanent the moratorium on medium and large CAFOs in the Buffalo River Watershed:

Steven & Joan Miller; Cindy Rimkus; Millie Nelms; Sue Mabry; Cindy Thornton; Sarah Jane Polk; Josh Cross; Linda Vanblaricom; Rene Diaz; Court Mathey; Kathryn Searcy; Michael Boyd; Ruth Weinstein McShane; Joe McShane; Kathy Downs; Kathy Sutterfield; Mark Smith; Butch Anselm; Janet Brown; Harriett & Dennis Sisson; Faith McLaughlin; Jan VanSchuyver; Shirely and Robert Bowen; Sheena Pettit; Aletha Tetterton; Jane Spellman; Edie Stahl; Lynn Parker; Jason Wakefield; Geniece Yates; Holly Hanson; Debbie Alexy; Katie Schneider; Elva Kelly; Cay Miller; Bonnie Smith; Caleb Reed; Barbara Moorman; Becky McCain; Ruth Colquitt; Gregory Merlino; James Ollerenshaw; Ted Barnette; Hilda Booth; Kathleen and Larry Stanley; Laura Timby; Joe Golden; Pat Costner; James Binns; Rachel Henriques; Bryce Huff; Dave Smith; John Shelton; Lolly Tindol; Mary Floyd; Corey Brady; Trudi and Jeff Rust; Nancy Deisch; Mary Ann Guinn; Frank Reuter; Ryan Cloud; Robert van Rossum; Rebecca Holden; Leigh Barham; Hank van Rossum; Ann Lasater; Karen Bartle; Cathy Bayne; Carolyn Quick; Annie Langston; Vern Berry; Annee Littell; David Saugey; Shane Jetton; Carroll Fletcher; Susan Hardin; Chuck Maize; John Kelsey; Mary Ryan; Nancy Harris; Dan Stockman; Carolyn Cloud; Scott Davis; David Montague; Joan Murphy; Ginger Milan; Jeff Carfagno; James Gately; Linda Lewis; Mike Tipton; Sally Wood; Sally Jones; Nancy Pierson; Barbara Metzger; Nancy & Harrison Miner; Gail Leftwich; Lloyd & Linda Stith; Karen Baris; Kevin Ehemann; Dean Wilson; Mary Weeks; Carol Storthz; Gerald & Karen Gordy; Robert Cagle; Walter Fenton; Patricia Roe; Bill Thorne; Monty Keel; Joe Wavery Newman, III; Diane Mitchell; Susan Heaney; Nancy Hartney; Wendy Johnson; Mary Fitzgerald; Rose Wallace; Cathy Ross; Keith Faulkner; Bishop Bower; Shelley Buonaiuto; Greg Watkins; Tammy Narramore; Pam Chrisco; Barbara Turney; Allen Powell; Brad Lindsey; Rose Alisandre; S. J. Tucker; Helen Pounds; Janette Groves; Janet Bachmann; Brad Green; Pati Mitchell; DavidEdsall; Jennifer McMahon; Gwyn Pope; Tim Hicks; Dan Turney; Ann Mesrobian; Kimberly Brasher; Terry Sutterfield; Jay Stanley; James Mott; Robert Bowker; James, Grace, Jimmy, Amy, Rean, Rachel, Brandon, Eva, Madison, Jake, and Josh McPherson; Dee Plunkett; Patricia Peterson; John Buchan; Ellie Stalker; Kay Abney; Dara Yeager; Carole Schuster; Peggy Moody; Heather Hudgens; Krista Garrett; Helen McElree; Steve Owen; Ginger Alexander; Robert and Nancy Lewis; Robert Magness; Russ Wright; Matthew Pekar; Stephen Ballard; Joyce Hale; William Wimberly; J. LaBrie; Carol Kennedy; Jerry Weber; Duane and Judith Woltjen; Cory Betts; Scott Stanley; Darla Newman; Kennet and Tracie Pape; Tracy Fortuny; Marsha Gibson; Danny Barker; Ed Brocksmith; Beth Rooney; Laura Newth; Steve Parsons; Fay Knox; Dotty Phillips; George and Vee Ann Miller; Ron Schneider; Mike Risk; Dan Scheiman; Steve and Kim Hesse; Patrick and Kristine Hall; Ray Quick; Michelle Davis; Beth Buckley; Deborah Byron; Patty Doyal; Todd Parnell; Susan Leahy; Bill Farrell; Beth Barham; Susan Bolding; Sarah Rausch; Lynda Janos; Ralph Doty; Pam Phillips; John Outler; Mike Fagan; Camille Carpenter; Michele Hughes; Reba Potee; Ammen Jordan; Stephanie Jordan; Michael Crane; Dave Kuhne; John Ray; Georgia Lengyel; Jerrell Dillaha; Stuart Reaves; Patricia McDonald; Patti Kent; Phyllis Head; Barabara

Jaquish; Jan Wilson; Holly Felix; Deb Campbell; Maire Caverly; James and Ashley Fletcher; Richard Isaacs; Jeff Montgomery; John Baker; Miranda Jacky; Lesha Shaver; Jerome and Harriet Jansma; Carol Wineland; Marilyn Wheeler; Pam Bryan; Stevan Vowell; Pat Hagge; Susan Fields and Jeff Scott; Liston Barber; Donald Alexander; Lynn Holmes; Dana Phillips; Sheila Richards; Robert Brewer; Thomas Maly; Martha Ragar; Susan Hubbard; Francie Bolter; Jim Warnock; Kay Ewart; Susan Parker; John Barton; John Slater; Jim Wimberly; Jo Johnson; Jim Compton; Tom Perry; Ann & Rick Owen; Christopher Fischer; Shawn Porter; Judi Nail; Fran Alexander; David Hughey; Bettie Lu Lancaster; Dorothy Mangold; Dina Nash; Maryann Getz; Paul Getz; Lynn Risser; Bryan Signorelli; Charles Mullins; Charles Williams; Mike Adelman; John Ferguson; Betsy Murdoch; Linda Arnold; Jeff Burgess; Virginia Booth; Wanda Stephens; Keaton Smith; Rick Jones; Ruth Vacin; Jeff Nash; Jenny Wiedower; Fred Henry; Susan Flourwoy; Lynn Berry; Ken Leonard; Marti and Larry Olesen; Chuck Rutherford; Tom Burroughs; John Courtway; Tom Griffith; Jan Baker; Susan Hautz; Mark & Ann Segura; Michael Wheeler; Rex and Nan Enoch; Glenda Allison; Denise Dore; Lesley Kline; Nan Johnson and Dave Spencer; Janie Lindquist; Christeen Kline; Z.D. Zbinden; Marquette Bruce and Nancy Talburt; Rachel O'Carroll; Quinn Montana; Sunnie Ruple; Kirk Rhoads; Molly Saxon; Susan Murray; Ellen Compton; Spencer Goertz-Giffen; Margaret Britain; Cindy Jetton; Gene Sparling; Annee Littell; Corey Duncan; Lucas Parsch; Donna Mulhollan; Gladys Tiffany; Annette Pettit; Pam Stewart; Ginny Masullo; Janet Nye; Katie Deakins; Nancy Paddock; Elizabeth Cantwell; Ethel Simpson; Erin Hostetler; Sherrie McIntyre; Teresa Turk; David Martinson; Tyler Chafin; Elizabeth Hale; Dana Bassi; Edward Vollman; Dana Ward; Fred Goldthorpe; Michael Douglas; Radine Nehring; Sondra Gordy; Martha Goldthorpe; Pattie Heitzman; Jeffrey Ingram; S. Beth Lowrey; Denise Nemeec; Patricia McKeown; Jean Nayga; Brian and Sarah Thompson; Deb Bartholomew; Calvin Doody; Charles Leflar; Dina and Jeff Nash; Mary Schlatterer; Jeanie Calhoun; Janet Parsch; Karen Seller; Lisa Orton; Grant Scarsdale; Sharon Gattis; Michael Rapp; Bill Pettit; Kim Traw; Laura Villegas; Ellen Corley; Karen Geiger; James Seawel; Beth Ardapple; Louise Mann; Sarah Myers; Marian Johnson; Thomas Calhoun; Ellen Mitchell; Nancy Pierson; Will Larkin; Lowell Collins; Friends of the North Fork and White Rivers; National Parks Conservation Association; John Murdoch; Alice Andrews; Steve Blumreich; John Van Brahana; Bill Lord and Linda Bryant; National Park Service; Carol Bitting; David Peterson; Charles Bitting; Richard Mays; Buffalo River Watershed Alliance; Arkansas Canoe Club; Ozark Society; Caroline Shearman; Kathy Morris; 3rd Planet Peace; clgilpin1@gmail.com; marshman17@aol.com; nuffer@hughes.net; bombbay41@gmail.com; roxyrose439@gmail.com; arhiker.davis871@gmail.com; poweryalc@gmail.com; gary@garycawood.com; serenity.papa@gmail.com

Response: The Division acknowledges the comments submitted in favor of the rulemaking for Rule 5 to make permanent the moratorium on medium and large CAFOs in the Buffalo River Watershed.

Commenter: Arkansas Pork Producers Association

Comment: Arkansas Pork Producers Association opposes any changes to Rule 5 as proposed in the Third Party Rulemaking.

Response: The rulemaking for Rule 5, initiated on July 26, 2019, is not a Third Party Rulemaking.

Comment: Arkansas Pork Producers Association requests that no decision on this Third Party Rulemaking be made until the Big Creek Research and Extension Team has been given the opportunity to publish its final report.

Response: The rulemaking for Rule 5, initiated on July 26, 2019, by DEQ, is not a Third Party Rulemaking. The Big Creek Research and Extension Team published its Final Report on or about October 22, 2019, and published a revision on December 31, 2019. The Commission reopened the public comment period for Rule 5 and Rule 6 for an additional ninety (90) days, with January 22, 2019, as the end of the public comment period.

Commenter: American Fisheries Society Arkansas Chapter

Comment: Rule 5.901 – Remove “National” from references to Buffalo River watershed. “Buffalo National River” denotes the National Park Service geographic entity. “Buffalo River watershed” is more appropriate.

Response: Removed “National” from each reference to “Buffalo National River watershed.”

Comment: Rule 5.901(A) - “United States Geological Survey” is the appropriate name.

Response: Corrected the spelling by adding “al” to “Geologic.”

Comment: Rule 5.901(B) – Why is this limited to swine? From a nutrient standpoint, wouldn’t other types of medium and large CAFOs (e.g., turkey, chicken, cattle) also contribute significant pollutants of concern?

Response: The proposed change to the rule makes permanent the current moratorium on liquid animal waste management systems for confined animal operations of a certain size in the Buffalo River watershed.

Commenter: Don McCaskill

Comment: Future regulations must be in the form of permanent prohibitions instead of moratoriums that are inherently subject to renewal and potential weakening; the prohibition must not be limited just to swine CAFOs, but must also include concentrated “factory” farming of cattle and other domesticated livestock that, for purposes of efficient operations, generate liquid waste with associated handling

facilities; no exceptions should be made that would allow permitting small CAFO's (based on number or size of animals) in the watershed since multiple small operations would likely be equally damaging and even more difficult to monitor and control; Technologically-sound restrictions on the importation of animal manure from outside the watershed and its application as fertilizer should be considered.

Response: Commenter may propose such changes through the Third Party Rulemaking process outlined in APC&EC Rule 8.

Comment: While concentrated poultry production does not typically produce liquid manure, scientifically-based restrictions on generation and/or distribution of poultry litter in the watershed should also be administered.

Response: The proposed change to the rule makes permanent the current moratorium on confined animal operations of a certain size in the Buffalo River watershed. Rule 5 is specific to liquid animal waste management systems. Comments regarding dry poultry litter are more appropriately directed to the Arkansas Department of Agriculture, Division of Natural Resources.

Commenter: Jessie Green

Comment: Why is the proposed permanent moratorium in the Buffalo River watershed limited to swine? (Rule 5.901)

Response: The proposed change to the rule makes permanent the current moratorium on confined animal operations of a certain size in the Buffalo River watershed.

Comment: A facility meeting the size threshold of a medium swine CAFO could still be permitted under Rule 5.901(B) and Rule 6.602(B).

Response: The proposed Rule 5.901(B) and Rule 6.602(B) prohibit issuance of a permit to any facility with (1) 750 or more swine weighing 55 pounds or more; or (2) 3000 swine weighing less than 55 pounds.

Comment: There are major discrepancies between the moratorium as outlined in Rule 5 and Rule 6. Will an AFO meeting the size threshold, but not regulatory definition of a medium CAFO be able to obtain coverage under Rule 6 in the Buffalo River watershed?

Response: No.

Comment: Including language stating "all operations meeting the size threshold will be assumed to be significant contributors of pollutants, and therefore designated as a CAFO" to Rule 5.901(B) and Rule 6.602(B) would address concerns outlined in section A. II. in comments above. However, size thresholds outlined in Rule

5.901(B) and Rule 6.602(B) do not provide sufficient clarity to which operations are subject to the moratorium.

Response: The size thresholds are clearly stated. Rule 5 does not require that an operation be designated as a CAFO. The Rule prohibits any swine Confined Animal Operations of a certain size.

Comment: For each combination of swine listed above from 2013-2018 C&H annual reports, please respond in comments as to whether the department would have classified a new facility with the proposed corresponding numbers as: a) Large-CAFO; b) Medium-CAFO; c) Medium-sized facility (not CAFO). Please provide detailed response as to the factors underlying all determinations for hypothetically proposed operations to help clarify the scope of the moratorium.

Response: Hypothetical applications are outside the scope of this rulemaking.

Comment: Technical requirements, facility construction certification, and permitting provisions for CAFOs seeking NPDES permit coverage under Rule 6 should be (at minimum) as stringent as required by Rule 5.

Response: This comment is outside the scope of this rulemaking.

Comment: Land application requirements should be outlined for all outstanding natural resource waters as defined by the Arkansas Pollution Control and Ecology Commission Rule No. 2. (Rule 5.406(D))

Response: This comment is outside the scope of this rulemaking.

Comment: Annual reporting requirements for animal operations subject to Rule 5 and Rule 5 should be revised to adequately evaluate runoff potential.

Response: This comment is outside the scope of this rulemaking.

Comment: Please provide adequate information regarding the site-specific characteristics of the Buffalo River watershed (e.g., karst terrain) that result in waters of the state being more vulnerable to land use applications (e.g., CAFO operations) and thereby warranting a permanent moratorium on select swine CAFOs.

Response: Congress designated the Buffalo River as the first National River in 1972 “for the purposes of conserving and interpreting an area containing unique scenic and scientific features, and preserving [it] as a free-flowing stream.” 16 U.S.C. § 460m-8. APC&EC Rule 2 affords the Buffalo National River its highest category of designated use, “Extraordinary Resource Water.” The Division did not review or approve the study design and has no authority over the data analysis performed by BCRET. While the Division may consider the research conducted by the University of Arkansas, questions regarding the study and the final report should be more appropriately directed to the University of Arkansas.

Commenter: Arkansas Farm Bureau Federation

Comment: The Arkansas Farm Bureau Federation would like to offer the following comments opposing the permanent moratorium on the Buffalo River watershed as initiated in Arkansas Pollution Control & Ecology Commission (APC&EC) Regulation's 5 and 6. The ADEQ and APC&EC initiated rulemaking to prohibit landowners within the Buffalo River watershed their right to farm without a single shred of scientific evidence that animal agriculture, and in this case C&H Hog Farms, had caused an environmental impact. C&H Hog Farms was, and still to this day, the most heavily scrutinized and monitored farm in the state. The Big Creek Research and Extension Team was originally created by then Governor Mike Beebe to evaluate the potential impact and sustainable management of the C&H Farms operation on the water quality of Big Creek. Several years later, the ADEQ funded a drilling study to evaluate the lithology/geology below the waste storage ponds at C&H Hog Farms and to assess potential subsurface impact from the waste storage ponds. Upon completion of the drilling study, Governor Asa Hutchinson created the Beautiful Buffalo River Action Committee and authorized the development of a Watershed Management Plan for the Buffalo River Watershed that would evaluate its tributaries to determine which would need the most attention. The United States Geologic Survey (USGS) studied algal growth on the Buffalo River, as well as, nutrient concentrations upstream and downstream of Big Creek on the Buffalo River. All of these studies identified above determined either Big Creek continues to maintain pristine water quality and C&H was having no environmental impact.

Response: The Division does not concur with Commenter's conclusion regarding studies undertaken in the Buffalo River Watershed. In the Buffalo River Watershed, four Assessment Units (two sections of Big Creek and two sections of the Buffalo National River) have been identified as impaired: three for bacteria and one for dissolved oxygen.

Comment: Environmental groups state the moratorium is based on sound science and the justification used is to merely regurgitate the definition of karst. The mere presence of karst does not constitute scientific justification for a permanent moratorium. All of Northwest Arkansas and Northcentral from the Black River to the Oklahoma Border and North of the Arkansas River to Missouri as well as portion of Southwest Arkansas are underlain by karst. Using this logic, these areas should also be included in the moratorium.

Response: The purpose of this rulemaking is to make permanent the current moratorium on swine operations of a certain size in the Buffalo River watershed.

Congress designated the Buffalo River as the first National River in 1972 "for the purposes of conserving and interpreting an area containing unique scenic and scientific features, and preserving [it] as a free-flowing stream." 16 U.S.C. § 460m-8. APC&EC Rule 2 affords the Buffalo National River its highest category of designated use, "Extraordinary Resource Water."

Comment: The temporary moratorium was put in place until such time as the Big Creek and Research & Extension Team (BCRET) could study the impacts of the C&H Hog Farms operation. However, ADEQ has decided to initiate rulemaking despite the fact the BCRET final report has not been issued. In addition, at the July 26th commission meeting APC&EC commissioner Dr. Delia Haak requested the ADEQ postpone the comment period until the BCRET final report could be released and the public given an opportunity to review it so as to provide more meaningful feedback. the APC&EC commission implemented a temporary moratorium that required the following for Regulation 5: "Five years from the effective date of this regulation the Director shall initiate rulemaking to either delete this paragraph, Reg. 5.901(E), or delete the entirety of Reg. 5.901." And the following for Regulation 6: "Five years from the effective date of this regulation the Director shall initiate rulemaking to either delete this paragraph, Reg. 6.602(E), or delete the entirety of Reg. 6.602." Both Regulations have an effective date of August 28, 2015. Despite the fact that ADEQ is initiating rulemaking one year prior to regulatory requirements, which would allow sufficient time for the BCRET's final report to be issued, the ADEQ is proposing to delete additional sections under Regulations 5.901 and 6.602 which will have an impact to currently permitted facilities within the watershed.

Response: Changes to Rule 5 and Rule 6 will not impact any currently permitted facilities. The Big Creek Research and Extension Team published its Final Report on or about October 22, 2019, and published a revision on December 31, 2019. The Commission reopened the public comment period for Rule 5 and Rule 6 for an additional ninety (90) days, with January 22, 2019, as the end of the public comment period.

Commenter: Ross Noland

Comment: My primary concern with the revisions, as proposed, is how ADEQ will respond to a facility seeking to house swine in numbers at the limit for both weight classes. Specifically, the draft rule could be interpreted to allow a facility housing 749 swine weighing 55 pound or more and 2,999 swine weighing 55 pounds or less. This would comprise a major facility with more swine waste present than that which C & H produced.

I suggest a rule adopting a simple conversion of counting every four animals which are less than 55 pounds as one which is over 55 pounds ($3000/750=4$). Thus, if a facility proposes a mixed weight-class operation, it will be clear what the maximum permitted number in each weight class is. For example, a facility proposing to keep 100 swine over 55 pounds could also house 2,600 swine under 55 pounds, but no more.

Response: DEQ acknowledges that the numbers determining the size of the facility are derived from the federal rules. The federal rules are based on animal units. DEQ takes this into consideration when reviewing permit applications.

RULE 5 Response to Comments Received During the Comment Period Extension

The following submitted comments in favor of the rulemaking for Rule 5 to make permanent the moratorium on medium and large CAFOs in the Buffalo River Watershed:

James Seawel; Dennis Dinkel; Judy White; Cassandra Fox; Cindy Baker; Tonia Spurlock; Ted Porter; Kimberly Rabon; Allyce Capps; Genia Bennett; Karen Seller; Adam Schaffer; Kathy Madding; Kerry Kraus; Sharon Holladay; Jack Land; Robert Merritt; LaJuana Oswalt; Lisa Orton; David Pope; Ashley Money; Thomas Baldrige; Elizabeth Mazzone; Mary Ellen Hill; David Jones; Pat Ford; Julie Lanshe; Andrew Blann; Jerry Hale; Brenda Barnhill; Debbie Galbraith; Cameron Peck; Anice Tedford; Denise Lanuti; Karen Hicks; Tim Crouch; Eric Torgerson; Helen Pounds; Nancy Harris; Susan Smith; Chris Dillon; Dixie Rhyne; Sonja Williams; Lynn Risser; Patricia McKeown; Karen Huber; Sherrie McIntyre; Shawn Porter; David Kuhne; Susan Hantz; Nancy Johnson; Katie Deakins; Mike Fick; Steven Barger; Frank Kelly; Charles Eubanks; Cynthia Jetton; David Orr; Beth Ardapple; Kent Landrum; Ellen Mitchell; Burnetta Hinterthuer; Margot Lavoie; Annie Holmes; William Jeter; Mary Susan Seawel; Deanne Mayer; Sharon Gattis; Carole Cimarron; Carolyn Shearman; Ginger Milan; Cathey Morris; Jana Brady; Beth Goodwin; Virginia Booth; Sue Mabry; Victoria McClendon; Lowell Collins; David Martinson; Barbara Fell; Jerry Dorman; Karen Crocker; Joel Emerson; Don McCaskill; Annee Littell; Mary Gocio; David Hughey; Erin Rowe; Cathy Ross; Janice Muetzel; Candice Kozark; William Thomas; Schuyler Schwarting; Karen Beneke; George Wise; Jann Bell; Yolanda Dreher; Linda Vanblaricom; Kenneth Leonard; John Slater; Marvin Schwartz; Randall Hollenbeck; Bryan Signorelli; Susan Moore; Ann Owen; Cay Miller; Diana Angelo; Steve Kopp; John Fritz; John Courtway; John Ray; Ginny Masullo; Susie Parker; Laura Villegas; Karen Bartle; Susan Fields; Nancy Harris; Robert Pikel; Frederick Paillet; Michele Jackson; Randy Jackson; Albefrta Wells; Melissa White; Susan Benton; Heather Hudgens; Steve Singleton; Dorothy Bailey; Katherine Weaver; Ryan Duncan; Dave and Nan Johnson-Spencer; Dee Elkins; Grant Scarsdale; Debbie Galbraith; Eileen Neukranz; Gail King; Robert van Rossum; Karen Crocker; Paul Vickers; Louise Mann; Beth Goodwin; Judi Nail; Scott Stanley; Roger Burke; Dean Castle; Vanessa Tomczak; Marshall Dickey; Gene Sparling; Michael Stoecker; Margaret Sands; Kim Smith; Cary Roth; Kenneth Carle; Roger Jones; Edd French; Jan VanSchuyver; Glenn Benson; Cheryl Rutledge; Tsunemi Yamashita; Jeff Hood; Fay Knox; Judith Duguid and Elmer Gall; Michael Rapp; Karen Harris; Richard Gray; Elaine Appel; Richard Barnes; Brad Green; Camille Carpenter; Autumn Gillmore; Joe Golden; Genia Bennett; Dara Yeager; Sylvia Scott; Maria Smith; Ronald Stark; Martha Ragar; Marty Mignard; Michael Adelman; Debbie Alexy; Terry Karnes; Raymond Herschend; Blake Stone; Will Larkin; Harvey Pierce; Ray Hall; Jackie Lamar; Donnie Hutchens; Richard Olson; Kathryn Searcy; Roxanne Thompson; Ted Porter; Robert Merritt; Don Hamilton; Linda Schuck; Karen Bartle; Robert Smith; Paula Breid; Mike McMullin; Lorraine Heartfield; Julian Clark; Mary Adams; Tom Parsons; Kathleen Trotter; Glenda Allison; John Shelton; Steven Singleton; JP Willis; Mike Kelly; Katy Hinegardner; Magell Candelaria; Shelley Buonaiuto; Robert Dunn; Carol Storthz; Cassie Gill; Nonah Olesen; William Wellner; John Layson; James Hicks; Suzie Bell; Shirley Bailey; William Etges; Marian Johnson; Christine Perry; Gregory Flower; Peggy Volland; Mike

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Swanner; Joseph Hewgley; Jack Stewart; Terry Dailey; Carolyn Watts; Michael Sprunger; Jo Johnson; Jean Smith; Carol Patterson; Gail King; Kara Beach; Ed Laster; Judith Griffith; Karen Garrett; Sandy Pianalto; Beverly Glass; Brent Boughn; Deborah Meldahl; Teresa Crawford; Charles Lowrey; Sidney Graham; Susan Jenkins; Cynthia Patton; Elisabeth Olsson; Laura Hutzel; Natalie Mannering; D. Dunagin; Shirley Pharis; Larry Hedrick; Don Castleberry; Joe Murphy; Danny Jenkins; Lisa Schoult; Bill Beall; Karen Keith; James Haguewood; Julia Tucker; Lynell Withers; Scott Luchesi; Jerome Jansma; Gregory Floyd; Wendy Luna; Tammy Alexander; Pat Yates; Brenda Tirey; David Harju; Susan Leslie; Chris Daniels; Barry Bennett; John Andrews; Pamela Westerman; Lynn Christie; Caitlin Cassidy; Bruce Petray; Diane Mikrut; Larry Olesen; Ray Stahl; Marc McCord; Geniece Yates; Joseph Long; Samantha Blanchard; Bennie Scott; Christine Carlson; Paula Pope; Dennis W Wright; Dave Stahle; Nancy Pierson; Frank Meeks; Claudia Carberry; Elizabeth Bradford; Rebecca Evans; James E Wimberly; Joseph D. LaFace; Steve Heye; Glenn Pearson; Dorothy Bailey; Abel Tomlinson; Cody Wyatt; Francie Bolter; Lucy Rhodes; Winifred Hirsch; Ken Duncan; Jim Pfeifer; Charles Mullins; Eugene Milus; Joe Neal; Scott Yaich; Klaus Kupfersberger; James Krieger; Kelsey Mayans; Adam Schaffer; Michelle Trost; Jack Land; Phillip Taylor; Crystal Rust; Sara Wittenberg; Dwan Garrison; Paul McCune; Jess VanderStek; Joan Meeks; Heather Smith; Frits Druff; Lora Dail; Kirk Rhoads; Robert Duncan; Dana Steward; Bill Steward; Francis Millett; Cornelia Beck; Kathleen Beattie; William Beattie; Diane Newcomb; Steve Davis; Amy Strickland; Chris Hankins; Doug Holmes; Bert Kell; Corey Pettett; Karen Walls; Sharon Boatright; Duane Woltjen; Lee Cowan; Zane Colvin; Darla Wroblski; Bonnie Jaeckle; Carol Percifull; Michael Berry; Emma Hickey; Johnny Furness; Carolyn Wilkins; Mark Smith; Zach Turner; Laurie Fisher; Cindy Jetton; Cathy Shingledecker; Faith Shah; Michael Frank Shah; Donna Peterson; Mary Heller; Jon Bonney; Thomas Emerick; Lisa Kessler; Sarah Cumnock; John Shultz; Ashley Miner; Joe Rath; Mike OConnell; Thomas Keel; Brian Thompson; Cliff Barnes; Carol Ann Lasater; Bill Farrell; Karen Bartle; Charles Phillips; Teri Patrick; Jerry Cagle; Steve Hesse; Claiborne Morton; Barry Haas; Roger Reep; Gene Dunaway; Laura Timby; Trudi Rust; Nancy Miner; William Eaton; Joe Massey; Ruth Weinstein-McShane; Joseph McShane; Peg McCoy; Janette Groves; John Ray; Steven Foster; Richard Stauffacher; Jerome and Harriet Jansma; Carmen Quinn; Willem DeBruijn; Barry Martindale; Lolly Tindol; Jon Hackler; Sherri Ramseyer; Keaton Smith; Al Agnew; Karen Spence; Mary Agnew; Betty L Scott; Yolanda Dreher; James McPherson; Alisa Dixon; Richard P. Osborne; Debora Carpenter; Jamie White; Jill Acree; Charles Johnson; Pamela Ellwood; Tammy Tennyson; Robert Shingledecker; Kevin Ehemann; Rebecca Holden; Cathy Ross; Daniela Tamayo; Michael Armstrong; Andrew Proctor; Mary E. Fitzgerald; William Threet; Gladys Tiffany; Lauri Patterson; Nancy Hartney; Stephen Bailey; Fred Goldthorpe; Kathrine Jones; Kay Ewart; Janet Nye; Pamela Phillips; Janet Parsch; Debbie Howorka; Tim Eubanks; Laura Fleetwood; Joy Henning; William Dailey; Dara Yeager; Tim Yeager; Brenda Miller; Jill Valenti; Jim Bush; James Frederick; Bryan Manire; Mark Richards; Gerald Toler; David Peterson; Sarah Thompson; Grimsley Graham; Timothy Dean; Harrie Farrow; Lynn Phillips; Mark Alderman; Ralph Rexroad; Eva Coffee; James Cohea; Derek

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Linn; Kay Abney; Margaret Fortuny; John Sutherland; Glenn Jones; Ann Mesrobian; Gary Bivens; Sam Mcclea; Mary Schlatterer; Jolynn Loftus; Emily Linn; Eunice Millett; Philip Waters; Danny Coleman; Ellen Tutt; Andrea Ross; Marin Miller; Sue Lupien; Valerie Dunn; Stuart Reaves; Miles Riley; Rebecca Corley; Dale Heath; Clay Parton; Stephen Ballard; Howard Aleshire; Kevin Christian; Angela Head; LA Tann; Christopher Walters; James Jones; James Strack; Dennis W Wright; Hamilton Bell; Evelyn Sammons; Lynn R; lyn Caveness; James Brandenburg; Roxana Wallace; Patricia Mitchell; Gail Leftwich; Edith Stahl; Beth Keck; David Malm; Anastasia Hunter; Ann Segura; Roger Pyzocha; Gail Eastlack; Kim Hamilton; Gail Lee; Bendex Stevenson; Jessie Cave; Kelsey Dixson; Sami Saati; William Pickel; Syama Barden; Patrick Thom; Emily Spillers; Christopher Zapf; Laura Allcon; Mayleena Benham; Jarret Bain; Kevvin Brown; Cassidy Rolle; Shawna Woodside; Alec Severe; Laura Newth; Jordon Henley; Ginger Milan; Kevin Nawa; Josh Robinson; Imani Doyle; Cynthia Peterson; Lizabeth Lottmann; Arkansas Canoe Club; Ray Jones; Friends of the North Fork and White Rivers; Saline River Watershed Alliance; Audubon Arkansas; Daniel Cohee; Gerald Weber; Janice LaBrie; Katie Deakins; Alan Nye; Jacob Bradow; Leslie Coston; Karen Ramsey; Megan Johnson; Donna Bouzi; Dustin Brown; Dale Steffens; Kirk Rhoads; James Ollerenshaw; Terry Sutterfield; Mike Risk; William Smith; Jimmy McCain; Jan Scheel; Rodney Lewis; Willow Stratton; Kim Hesse; Notm Windt; Mary Green; Randal Camp; Deborah Graham; Nick McDaniel; Frank Sospenzi; Nancy Bumgardner; Marcia Zamora; Lucas Parsch; Emily Roberts; David Gruenewald; Tim Mason; Byron East; Rachel Henriques; Brittney Russell; Gordon King; Scott Barstow; Laurie Schuler; Mary Morris; Geniece Yates; Terri Huber; Susan Howe; Bonnie Nickol; Peter Pulay; Matt Foster; William Spaine; Tom Perry; Christopher Pryor; Harmon Chadbourn; Marsha Havens; Debbie Doss; David Parker; Gary Speed; C F Christian; Jesse Phillips; Robert Walker; Michael Butler; Beth Forbes; Norma Senyard; Ozark Society Peterson; Jan Wilson; Bonnie Smith; Kathy Sutterfield; Johnny Sain; William Stephenson; Kenneth Pape; Tom Simmons; Lynn Berry; Vicki Jett; Cathy Joyce; James Britt; Michael Tipton; Susanna Brinnon; William Kumpuris; Betty Pitts; Elizabeth VanderStek; Bill Pettit; Amber Manney; Tom Krohn; Bettie Lu Lancaster; Rhonda Reid; Jeff Ingram; Julianne Bitely; Robert D Architect; Bob Tyler; Christopher Fischer; Mary Simonson; Marianne Lombardi-Nelle; Phyllis Ridgway; Cheryl Marcum; Carole Degginger; Teresa Turk; Bob Billig; Linda Nichols; Mark Degginger; Fran Alexander; Ed McEowen; Garland Goodwin; Susan Holt; Marti Olesen; Annette Pettit; Billie Walker; George Campbell; Beverly Wright; Bill Pitts; Bruce Darr; Jennifer Conner; Susan Jenkins; Christy Lavelly; Susan Watkins; Eric Fraser; John Murdoch; William Spitler; Betsy Murdoch; Thomas Johnson; David Schisler; Alice Andrews; Carol Bitting; Robin Rumph; Mary Kunkle; Terry Fredrick; Charles Finch; Hamsa Karth; Judith Mchhoff; Mona Vica; Lynn Cunningham; Mary Brizzi; Darci Kent; Dan Kelley; Sandra Tedder; John Ray; Jennifer Hartzill; Patricia Mikkelson; Carolyn Swaney; Lisa Milligan; Jody Miskell; E. Jane Scroggs; Juliette Minkel; Larry Lindly; Rya Wheeler; Rick Henterthuer; Gordon Bradford; Janet Bachmann; Jan Townsley; Janet Titus; John LaBrie; Deborah Bartholomew; Emilie Lasiter; Doug Shields; Mary Littrell; Holly Childs; Susan McBay; Sharon Schmidt; Julie Ironside; Stephen Ironside; Sharon

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Morgan; Stephen Smith; Jim Lukens; Nan Yarnelle; Vicki Bergman; Ben Pollock Jr.; Robert Morgan; Jim Dudley; Barabara Jaquish; Trenton Morrow; Christy Pollock; Aaron Hinterthuer; Noelia Cerna; Walter Schmidt; Dawn Fisher; Kimberly Smith; Susan Shore; Mary Brenel; Drearna Phoenix; Rachel O'Carroll; Patricia McDonald; James Alexander; Michael Cockram; Elizabeth Gambert; Denise Neme; Patricia Doyal; Frank Sharp; Helen Kwiatkowski; Sara Parnell; Sara Sharp; Joyce Hale; Charles Watson; Phyllis Rengier; Barbara Willett; Margaret Konert; Tristen Wylde; Hoyor Clave Benefield; Charley Reese; Amy Wilson; Steve Holst; Kristina Palmer; Hannah Lee; Scott Mashburn; Miller Nance; Nan Smith-Blair; Jacob Risliy; Shannon Ball; Marian Kunetka; Gary Weidner; Baileigh Payne; Susan Puckett; Karen Chotkowski; Michele James; Patti Kent; Patricia Wyatt; Susan Raymond; Deborah Robinson; Aurora Zisner; Mimi Burke; Milton Burke; Rena Jean Schmieg; Austin Bailly; G. Grimsley Graham; Jonna Hussey; Becky McCain; Aaron Smith; Rick Spicer; Joan Miller; Judi Hart; Vic Trolio; Amy Groth; Anna Koch; Paula Matthews; Millie Nelms; Joshua Bassarear; Jessica DeChant; Amy Bassarear; Barbara DeChant; Theresa Miller; Jennifer Clayborn Baldassari; Carole Lane; Jenna Lebleavsley; Torrey Travy; Paige Drummond; Carl Vevi; Ella May Powell; Jill Marshall; Douglas Forrester; Sophie Nolan; Julia Montgomery; Sharon Berman; Hooria Tariq; Corinne Spicer; Michael deBays; Sarah Spangler; Darla Newman; Ashley Erickson; Elizabeth Rademacher; Michelle Hendren; Dave Kuhre; Carole Lane; Jeff Kearnen; Carla Weeks; Mary Olson; Andrea Goehl; Jacqueline Gray; Janna Peters; Denise Dore; Eleana Hale; Eleanor Edana Hale; David Hale; Terry Donohue; Cindy Dollard; Timothy Permenter; Ellen Mitchell; V.B. McClendon; John Hagberg; Bobby Allen Jr.; Jessica McClendon; Lisa Skiles; Brian Jorgensen; Brent Jorgensen; Barbara Haas; Mark Biellecki; Skipp Cluff; Aletha Tetterton; Robert Hudson; Cathey Cluff; Jake Weeden; Kristin Olesen-Jorgensen; Nancy Harris; Sean McGinnis; Jessica Van; CG Apt; Lyna Van; Brett Sparkman; Ashley Darig; Sidney Grutz; Leighanna Rickman; Rania Trulley; Julia Chowdhury; Michael de Buys; Kathleen Conway; Victoria Linn; Shawna Miller; Richard Waggoner; Pattie Heitzman; Dianne Williams; Ben Strawn; Geoffrey Oelsner; Joey Head; Heather Chowdhury; Catherine Wallack; Michael Heffernan; Chaua Nesson Bayett; Barbara Dillon; Nancy Ann Heffernan; Andrew Head; N. Alan Hull; Paras Chowdhury; Rich King; Sherman Storchio; Frank Travis Head; Carly Overbey; Marthanne Squires; Gina Berquist; Rachel Hill; Stephen Cooper; Del Heck; Nichole Head; Dawn Newman; Chris James; Linda James; Sequoyah Chowdhury; Pranati Chowdhury; Prizam Chowdhury; Perry Chowdhury; Ana Garces-Wood; Joith Squires; Leslie Oelsner; Nancy Harris; Patricai Studer; Sara Long; Nichole Rowan; Celine Simpson; Danielle Lower; J. Manning; Ashan Kennedy; Jane Mercedes Bolsterli; RA Rowan; Dylan Wieties; Frank Livingston; Alisha Johnson; Richard Sloan; Mary Paal; Sylvia Turner; Candy Turner; Carolyn DuCharme; Dennis Schlegelmilch; Briana Brockmann; Danny Jenkins; Stephen Atwood; Jamie Thoryn; John Edwards; Sydney Krevanl; Erica Nadeau; Madison Martin; E. Cunningham; Renee Teague; Andrew; Doug Pardu; Cele Greece; Zachel Talranee; illegible name; Shannon Mitchell; Julie Long; Ronald Weets; Maggie Weeden; Cristie Donohue; Mary Sivensa; Roxanne Thompson; Kara Kearney; Kathy Downs; Alexandra Sparkman; Kelly Weinberg; Chava Nesson Bayett;

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August Baumgartner; Caroline Martin; Stacey Wieties; Heather Cook; Lindsay Scott; Sarah Spangler; Iris Scarborough; Deac Lancaster; Emily Lane; John Calhoun; Damen Long; Faybran Whittle; Adam Moore; Paul Moore; Diane Vanhook; Kelly White; Wendy Hannah; Susan Murray; DeMarius Davis; Richard Bench; Landra Bench; Andrew Sparks; L. Leilani Lau; Maria Grace; Hayden Weaver; Anna Wolff; Foel Wagner; Chase Bilon; April Lane; Patricia Poulter; Annabella Singley; Christian Singley; Kathleen Marleneanu; Megan Kyles; Dakota Ashley; Addison Black; Allyson Walsh; Chase McDonough; Junier Morales; Kolin Amerson; Hunter Little; Jueli Nail; John King; Nancy Garner; Marites Sales; Mort Gitelman; Jeff Montgomery; Karen Kakemoto; Don Bridges; Brenda Brown; Michele Gibson; Michael McKinnon; Jeannie Philpott; Helen Davis; Isabel Rodriguez; Sonie Toori; Susan Fredrick; Barbara Fell; Patrick Freyer; Erin Ford; Gracie Garrett; Ryan Hicks; Lamon Wade; Logan Wolfe; Marle Cavender; Cain Farnam; Joshua Chamberlain; Zavier Grant; Jason Tiller; Nathaniel Hernandez-Juarez; Hope Smith; Alan Beudel; Dustin Davis; Suzanne Webre; Kathren Green; Cody Brown; Ryan Clark; Cy Sheffield; Drew Hawthorn; Jackson Rouse; Debbie Chalfant; Nancy Martino; Charles Lowe III; Peter Pulay; M Corley; David Weeks; Hank van Rossum; Jahaira Sanchez Garay; Jerry Brown; Joe Nix; Joel Nunneley; Kathy Martone; Leslie Kline; Darlene Carvin; Linda Padgett; Gray Norton; Keith Runion; Deborah Doerr; James Haguewood; Barbara Waymire; Janet Bartos; Johanna Oswald; Lynn Spiva; John Sarna; Gordon Messling; Caro Anderson; Allen Myers; Kirk Rhoads; Inez Lewis; Paula Bongo; Terry Dailey; Martha Stobaugh; Thomas Anthony; Karen Sage; Don Hamilton; Katie Becker; Ann Burnett; Sally Benson; Patti Criner; T Mullarkey; Easha Sawyer; Robert Brewer; Maryanne Morrow; Maria Gomez; David Parker; Karen Tablish; Timothy Dean; Catherine Reynolds; Eileen Joyce; Beth Seward; Jane Krone; Grace Christie; Daniel Bertram; Theanna Benefiel; Lisa Schoultz; Darlene Carvin; Bob Bowker; Ruth Billingsley

Response: The Division acknowledges the comments submitted in favor of the rulemaking for Rule 5 to make permanent the moratorium on medium and large CAFOs in the Buffalo River Watershed.

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The following submitted comments through the Arkansas Farm Bureau Federation opposing the rulemaking for Rule 5 to make permanent the moratorium on medium and large CAFOs in the Buffalo River Watershed:

Jordan Winkler; Tim Burcham; Ronald G; Divella, Derik, and Miranda Gray; Richie Gray; Shawn Ragland; Greg Ragland; Shane McElroy; Derik Gray; Jerry Whitten; Stewart Warner; Joy West; Roberta Golmon; Elliott Golmon; Tommy Sorrells; Jay Sorrells; Alex Dykes; Melvin Daniel; Melba Wren; W.A. Wren; Sherry Felts; Benton Felts; Kay Moseley; Terry Moseley; William Groce; Shaun Pazn; Melissa Goodson; Leslie Turner; M.H. Bitely III; Robery Goodson; James Baber; Halle Cummings; Sheena Slate; Richard Pierce; Savanna Behning; Shea Gregory; Brenda Patton; James and Brenda Patton; Sue Billiet; Ken Billiet; Bruce Jackson; Jeb Welelld; Julia McLelland; Bennup Trevlen; Randy Arnold Bill Dodgen; Virginia Dodgen; Joel Pace; Bob Schaefers; Rudry Vers; Diane Thompson; Jim Cunningham; Danna Cofer; Daniel Cofer; Rusty Smith; Janice and Bob Shofner; Nicholas Simon; Jon Carroll; Johnny Gravett; Steve Eddington; Hellen Wayown; Carey Robertson; Danny Wood; Tommy Thompson; Becky Wood; Flora Harrington; Linda Parish; Morgan Harrington; Erin and Kallem Hill; Jason Cofer; Bobby Cofer; David Hodges; Angie Hodges; Charles Denver; Chris Schaefers; Glynn Guenther; Joe Stroub; JennaMrtin; Tony Bradley; Valerie Turner; Jack Parish; Dwight Kirkpatrick; C and Bill Nicholson; Jeanice Hess; Tom Hess; Darren Eubanks; Brittany Leek; Kerry Hartmesh; Beverly Quillin; Terry Rushing; Vanna Eddignton; Lorie Henley; Stephen Boyd; Brad Henley; Sarah Burns; Molly Taylor; Deana Taylor; Angela Morrison; Dennis Taylor; Kendall Morrison; Mel Crawford; Regina Chaney; Sandra Jackson; Raymond Staggs; Angie Pierer; Robert Benedict; Betty Garner; Clifton Gifford Jr; Stanceley Rhodes; Jason Smedley; Carol Fields; Ronney Fields; Bobby Ballinger; Steven Harrington; Harlie Treat; Janet Clark; Kenny Clark; Meagan Ballinger; Libbie Dogan; Allan Beuerman; Randall Quillin; Brad and Tara Peacock; Deborah Brennan; Robert Stobaugh; Cheryl Phipps; Tammy Thompson; Roger Thompson; Regina Oliver; Brian Jones; Jerry Shannon; Dustin Cowell; Cindy and Gene Pharr; Jackie Hatcher; Norma Robinson; Maurice Robinson; Gary Procton; Jewell Proctor; Barbara Horn; Lonnie Horn; Jeff Pitchford; Belinda Wright; Everett Mason; Katie Mason; Todd Johnston; Tedd Phipps; Bill Sodon; Keith Shepherd; Amy Shepherd; Curtis Shepherd; Helen Williams; Casey Wooten; Jana Carroll; John Horton; Donna Horton; Elaina Martin; Keith Martin; Terry Duboise; Victoria West; Shyane Ferguson; Barbara Sutton; Nedra Turney; Larry Williams; Kerry Stiles; Randal Colemon; Keith Woolverton; Robert Strobel; Jonathan Roberts; Zach Tidwell; Stanley Taylor; Kevin Cochran; Amanda Mathio; Janet Mathio; Allen Stewart; David Walt; Joe Haller; Kimie Head; David Head; Larry Smith; Dan Stewart; Magen Allen; Mark Keaton; Jason Murray; Cindy Wilson; Leon Wilson; James Rhein; Danny Naegle; Dana Stewart; Rocky Harrell; Diana Alston; Luke Alston; Jeremy Wiedeman; John Mitchell; Keith Futrell; Shelly Futrell; Terry Norwood; Shelia Brown; Stacy Wilson; Jimmy Brown; Pauline Pronia; Gail Sewell; Judy Branscum; Ivan Wilson; Morgan Taylor; Rachel Bearden; John Bend; Steve Barne; Judy Brown; ; Robert Brown; Kevin Flippin; Larry Blodell Jr; Cheryl Blasdel; Brian Weesenfels; Judith Warmstrong; Pat Bocksnick; Jim Bocksmith; Tom and Jan Leslie; Jennifer Martin; Mark and Mindy Lockhart;

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Clay Antley; Doreen Anty; Beth and Don Ullrich; Steve Toney; Nicole Moore; Curtis Moore; Ralph Moore; Allen Moore; Jack Kildow; Cindy Moore; Reba Moore; Richard Armstrong; Barb Hillman; Hal Hillman;

Response: The Division acknowledges the comments submitted in opposition of the rulemaking for Rule 5 to make permanent the moratorium on medium and large CAFOs in the Buffalo River Watershed.