

**RICHARD MAYS LAW FIRM, PLLC**

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June 3, 2016

Becky Keogh, Director  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, Arkansas 72118-5317

Re: C&H Hog Farm  
AFIN: 51-00164; No-Discharge Permit No.: 5264-W

Dear Ms. Keogh:

This letter is submitted on behalf of the Buffalo River Coalition, consisting of the Buffalo River Watershed Alliance, Inc., The Ozark Society, and the Arkansas Canoe Club.

On May 25, 2016, the Arkansas Department of Environmental Quality (ADEQ) issued a letter of that date to Mr. Jason Henson of C&H Farms, Inc. (C&H), informing him that the agency had determined that C&H's application for a No-Discharge Permit had been determined to be administratively complete. Public Notices to the same effect were published in various newspapers, providing notice to the public of opportunity to request a public hearing on the determination of administrative completeness.

The Buffalo River Coalition hereby requests a public hearing to be scheduled by ADEQ on the administrative completeness of the C&H permit application. This request is based upon the following comments and observations:

1. It is premature to consider the administrative completeness of the C&H permit application before the issue of the potential release of hog wastes is further researched and a determination made, to a reasonable degree of scientific certainty, about whether there is a release occurring, and if so, the source of the release and any remedial action that may be required. This issue bears on the permit application because, if there is a release, a draft permit (if any) issued after a complete technical review and public comment, should address the remedial measures to be taken.

2. Regulation 5.402 (Design Requirements) of Regulation 5 (Liquid Animal Waste Management Systems) of the Arkansas Pollution Control and Ecology Commission states:

Designs and waste management plans [of liquid animal waste management systems] shall be in accordance with this Chapter and the following United States Department of Agriculture Natural Resources Conservation Service technical publications:

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

Among the relevant and pertinent parts of the Agricultural Waste Management Field Handbook (AWMFH) is Chapter 7 thereof, which requires a comprehensive geophysical investigation of the site on which a liquid animal waste management facility is proposed. The requirements of Chapter 7 of the AWMFH include the investigation tools and geophysical methods that are to be used in conjunction with each other. The geophysical methods include the use of electromagnetic induction, resistivity, refraction, and other generally-accepted methods of determining the geologic conditions beneath the surface of the ground. Follow-up investigation to "ground-prove" any adverse findings of these geophysical methods is also required.

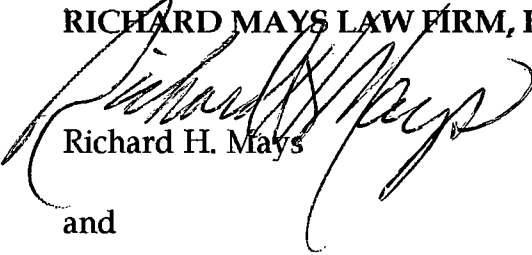
The permit application submitted by C&H does not address the comprehensive geophysical investigation of the Farm site that is required by Regulation 5.402 and AWMFH. Thus, it is not administratively complete. Furthermore, that investigation should be conducted at the sole expense of the permit applicant.

3. In C&H's permit application, new waste application fields are proposed in addition to the existing fields, but all are renumbered. From the standpoint of comprehension, the application should be modified to use the same numbering of the fields used in the past by C&H under the general permit, and a consistent numbering system for the new fields.

We request that a hearing be held on the administrative completeness of the C&H Farms application, and that the hearing be held in Jasper, Newton County, Arkansas. If you have any questions concerning this request, please give either of the undersigned a call.

Respectfully,

**RICHARD MAYS LAW FIRM, PLLC**



Richard H. Mays

and

**WILLIAMS & ANDERSON, PLC**



Philip Kaplan

cc: Katherine McWilliams (ADEQ)  
Jamal Solaimanian, Ph.D. (ADEQ)  
Hon. Warren Campbell, County Judge, Newton County

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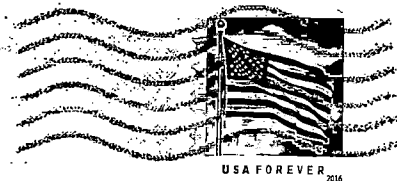
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