



September 27, 2018

Chris Davidson, Deputy Field Supervisor
US Fish and Wildlife Service
Arkansas Field Office
110 S. Amity Rd., Ste. 300
Conway, AR 72032

Re: Notice of Draft Decision
Permit No.: 5264-W; AFIN 51-00164

Dear Mr. Davidson:

This letter is to give notice that the Office of Water Quality of the Arkansas Department of Environmental Quality (ADEQ) has issued a draft decision to deny the permit application for the following applicant:

C&H Hog Farms, Inc.
HC 72 Box 2
Vendor, AR 72683

The enclosed public notice was published on September 17, 2018 in the Arkansas Democrat Gazette. A public hearing will be held on October 9, 2018. The attached public notice provides all necessary information as it relates to the draft decision to deny the permit application. A copy of the proposed draft decision to deny the permit application may be found on the ADEQ's website at www.adeq.state.ar.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Caleb J. Osborne", with a long horizontal flourish extending to the right.

Caleb J. Osborne
Associate Director, Office of Water Quality

Enclosure

PUBLIC NOTICE OF DRAFT NO-DISCHARGE PERMIT
PERMIT NUMBER 5264-W
AFIN 51-00164

This is to give notice that the Arkansas Department of Environmental Quality (ADEQ) Office of Water Quality proposes a draft decision to deny the permit application for the following applicant under the Arkansas Water and Air Pollution Control Act.

Applicant: C&H Hog Farms, Inc., HC 72 Box 2, Vendor, AR 72683. Location: HC 72 Box 2; Latitude: 35° 55' 30.47" N Longitude: 93° 4' 18.42" W in Newton County. The land application sites are on numerous farm fields in Newton County. The permit application received on April 7, 2016, with additional information received on June 29, 2016, December 6, 2017, December 26, 2017, and December 29, 2017 may be accessed by searching the permit number listed above at the following website:

<http://www.adeq.state.ar.us/home/pdssql/pds.aspx>

ADEQ proposes to deny this permit application for the storage and land application of liquid waste from a swine facility in accordance with APC&EC Regulation No. 5 for the reasons set out in the Statement of Basis. For those with internet access, a copy of the Statement of Basis for the proposed permitting decision to deny the permit application and other documents related to this draft denial may be obtained on ADEQ's website at:

https://www.adeq.state.ar.us/home/pdssql/p_permit_details_water_spb.aspx?AFINDash=51-00164&AFIN=5100164&PmtNbr=5264-W

Copies of the Statement of Basis are also available for public inspection during normal business hours at the ADEQ headquarters building located at 5301 Northshore Drive in North Little Rock.

Written comments on the draft denial may be submitted by accessing the following link on the ADEQ website:

<http://water.adeq.commentinput.com/?id=m45xxd>

Written comments on the draft denial and requests for information regarding the draft denial may also be submitted to ADEQ, ATTN: C&H Draft Denial at 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317, or by email at Water-Draft-Permit-Comment@adeq.state.ar.us.

The last day of the comment period is 30 days after the publication date at 4:30 p.m. Central Time, which is on Wednesday, October 17, 2018. If the last day of the comment period is a Saturday, Sunday or legal holiday, the public comment period shall expire on the next day that is not a Saturday, Sunday, or legal holiday.

Public Hearing

A public hearing will be held October 9, 2018, beginning at 5:00 p.m. Central Time at ADEQ, 5301 Northshore Drive in North Little Rock, AR in Pulaski County to accept comments on the draft denial. Written and oral comments may be submitted regarding the draft denial to the Hearing Officer for consideration at the public hearing. In the event of inclement weather or other unforeseen circumstances, a decision may be made to postpone the hearing. If the hearing is postponed and rescheduled, a new legal notice will be published to announce the details of the new hearing date and comment period.

Public comment and public hearing procedures may be found in APC&EC Regulation No. 8 (Administrative Procedures). All persons, including the applicant, who wish to comment on ADEQ's draft decision to deny the permit must submit written comments to ADEQ, along with their name and mailing address. After the public comment period and public hearing, ADEQ will issue a final permitting decision. ADEQ will notify the applicant and each person who has submitted written comments or requested notice of the final permitting decision. Any interested person who has submitted comments within the public comment period may appeal a final decision by ADEQ in accordance with APC&EC Regulation No. 8.