

**From:** [Robinson, Kelly](#)  
**To:** [McWilliams, Katherine](#); [Deardoff, Amy](#)  
**Subject:** FW: AMENDED VERSION OF FINAL COMMENT  
**Date:** Friday, March 17, 2017 11:22:50 AM  
**Attachments:** [DANE SCHUMACHER FINAL COMMENT RE PERMIT .pdf](#)

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Final from Dane.

## **Kelly Robinson**

Public Information Officer  
5301 Northshore Drive  
North Little Rock, AR 72118

501-682-0916

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**From:** dane schumacher [mailto:dane.schumacher@yahoo.com]  
**Sent:** Friday, March 17, 2017 11:05 AM  
**To:** Robinson, Kelly  
**Subject:** AMENDED VERSION OF FINAL COMMENT

Kelly

Attached is an amended version of my final comment. Would you please see that this copy replaces the former version?

I appreciate your attention to this matter.

Thank you so much.

Dane

March 17, 2017

Ms. Becky Keogh  
Director  
Arkansas Department of Environmental  
Quality  
5301 Northshore Drive  
Little Rock, AR 72118-5317  
Email: [keogh@adeq.state.ar.us](mailto:keogh@adeq.state.ar.us)

*VIA U.S. MAIL AND EMAIL*

**Re: C & H Hog Farms, Inc. Regulation 5 Draft Permit - Number 5264-W**

Dear Director Keogh:

Thank you for the opportunity to provide comment on the Draft Permit #5264-W.

My final comment relates to the “C & H Pond Integrity Evaluation” (also referred to as “Independent Integrity Evaluation”, “C & H Integrity Study”, “C & H Hog Farms Drilling Study”, “C & H Hog Farms Drilling Project”, and/or “Investigation”) and its role in your agency’s permitting decision with regard to C & H Hog Farm’s Regulation 5 permit.

It is important to note as shown below that the “Pond Integrity Evaluation” is inextricably linked to ADEQ’s permitting process for C & H’s Regulation 5 (Reg 5) permit.

In a letter to C & H Hog Farms dated September 2, 2016, ADEQ stated (see attached for full text):

This letter is to inform you that the Arkansas Department of Environmental Quality (ADEQ) has determined the above referenced permit application for C & H Hog Farms is technically incomplete. As such, ADEQ has suspended review of the referenced permit application. Failure to address the deficiency described within this notice shall be cause for ADEQ to propose a final permit decision to deny the application.

ADEQ has determined an investigation must be conducted to provide additional data as a result of the Electrical Resistivity Study (ERI) by Todd Halihan, Ph.D., Professor of Hydrogeophysics in the School of Geology at Oklahoma State University. The ERI study performed on the property of C & H Hog Farms identified an anomaly that is of potential concern to ADEQ.

Arkansas Pollution and Control and Ecology Commission (APC&E) Regulation 5.402 establishes design requirements and management plans in accordance with certain technical requirements. These requirements include certain geophysical considerations. Consistent with these requirements, ADEQ is requiring a follow-up investigation of the anomaly finding in the ERI analysis.

Based on these reports and APC&E 5.402, ADEQ is compelled to gather additional information before moving forward with your application.

Further, in a letter to C & H Hog Farms dated September 7, 2016, ADEQ stated (see attached for full text):

Once the drilling is conducted, ADEQ's review of the application for Permit 5264-W will resume; the deficiency identified on September 2, 2016 will be cured, and the accompanying Notice of Technical Incompleteness will be considered moot.

ADEQ conducted the Pond Integrity Evaluation in conjunction with C & H's Reg 5 Permit. Therefore, material produced as part of the Evaluation (i.e., data, work plans, reports, reviews, and/or questions submitted by the public with regard to Final Report) is part of the administrative record. Thus, public comments related to the Evaluation fall within the scope of consideration with regard to the ADEQ's Draft and Final Permit decisions.

Warm Regards,

Dane Schumacher

Cc:

Katherine McWilliams  
Governor Asa Hutchinson

**From:** [Robinson, Kelly](#)  
**To:** [McWilliams, Katherine](#); [Deardoff, Amy](#)  
**Subject:** FW: FINAL COMMENT RE PERMIT 5264-W  
**Date:** Friday, March 17, 2017 9:34:06 AM  
**Attachments:** [DANE SCHUMACHER FINAL COMMENT RE PERMIT .pdf](#)  
[notice-of-technical-incompleteness-for-c\\_and\\_h-hog-farm.pdf](#)  
[5264-W\\_C&H Hog Farm Letter\\_20160907.pdf](#)

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Please add Ms. Schumacher's comments to 5264-W.

Thank you!

**Kelly Robinson**

Public Information Officer  
5301 Northshore Drive  
North Little Rock, AR 72118

501-682-0916

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**From:** dane schumacher [mailto:[dane.schumacher@yahoo.com](mailto:dane.schumacher@yahoo.com)]  
**Sent:** Friday, March 17, 2017 8:11 AM  
**To:** Robinson, Kelly  
**Subject:** Fw: FINAL COMMENT RE PERMIT 5264-W

Kelly:

Would you please ensure that my final comment and attachments are filed in a timely manner?

Thank you so much,

Best,  
Dane

On Friday, March 17, 2017 8:08 AM, dane schumacher <[dane.schumacher@yahoo.com](mailto:dane.schumacher@yahoo.com)> wrote:

Dear Director Keogh:

Please find attached my final comment along with referenced documents with regard to Permit #5264-W.

Warm Regards,  
Dane Schumacher

March 17, 2017

Ms. Becky Keogh  
Director  
Arkansas Department of Environmental  
Quality  
5301 Northshore Drive  
Little Rock, AR 72118-5317  
Email: [keogh@adeq.state.ar.us](mailto:keogh@adeq.state.ar.us)

*VIA U.S. MAIL AND EMAIL*

**Re: C & H Hog Farms, Inc. Regulation 5 Draft Permit - Number 5264-W**

Dear Director Keogh:

Thank you for the opportunity to provide comment on the Draft Permit #5264-W.

My final comment relates to the “C & H Pond Integrity Evaluation” (also referred to as “Independent Integrity Evaluation”, “C & H Integrity Study”, “C & H Hog Farms Drilling Study”, “C & H Hog Farms Drilling Project”, and/or “Investigation”) and its role in your agency’s permitting decision with regard to C & H Hog Farm’s Regulation 5 permit.

It is important to note as shown below that the “Pond Integrity Evaluation” is inextricably linked to ADEQ’s permitting process for C & H’s Regulation 5 (Reg 5) permit.

In a letter to C & H Hog Farms dated September 2, 2016, ADEQ stated (see attached for full text):

This letter is to inform you that the Arkansas Department of Environmental Quality (ADEQ) has determined the above referenced permit application for C & H Hog Farms is technically incomplete. As such, ADEQ has suspended review of the referenced permit application. Failure to address the deficiency described within this notice shall be cause for ADEQ to propose a final permit decision to deny the application.

ADEQ has determined an investigation must be conducted to provide additional data as a result of the Electrical Resistivity Study (ERI) by Todd Halihan, Ph.D., Professor of Hydrogeophysics in the School of Geology at Oklahoma State University. The ERI study performed on the property of C & H Hog Farms identified an anomaly that is of potential concern to ADEQ.

Arkansas Pollution and Control and Ecology Commission (APC&E) Regulation 5.402 establishes design requirements and management plans in accordance with certain technical requirements. These requirements include certain geophysical considerations. Consistent with these requirements, ADEQ is requiring a follow-up investigation of the anomaly finding in the ERI analysis.

Based on these reports and APC&E 5.402, ADEQ is compelled to gather additional information before moving forward with your application.

Further, in a letter to C & H Hog Farms dated September 7, 2016, ADEQ stated (see attached for full text):

Once the drilling is conducted, ADEQ's review of the application for Permit 5264-W will resume; the deficiency identified on September 2, 2016 will be cured, and the accompanying Notice of Technical Incompleteness will be considered moot.

ADEQ conducted the Pond Integrity Evaluation in conjunction with C & H's Reg 5 Permit. Therefore, all material produced as part of the Evaluation (including data, work plans, reports, reviews, and/or questions submitted by the public with regard to Final Report) is part of the administrative record. Thus, public comments related to the Evaluation fall within the scope of consideration with regard to the ADEQ's Draft and Final Permit decisions.

Warm Regards,

Dane Schumacher

Cc:

Katherine McWilliams  
Governor Asa Hutchinson



ARKANSAS  
Department of Environmental Quality

September 2, 2016

Mr. Jason Henson  
C&H Hog Farm  
HC 72 Box 2  
Vendor, AR 72683-9526

**CERTIFIED MAIL: RETURN RECEIPT REQUESTED (7006 3450 0003 4067 8513)**

RE: Notice of Technical Incompleteness for Permit Number: 5264-W; AFIN: 51-00164

Dear Mr. Henson:

This letter is to notify you that the Arkansas Department of Environmental Quality (ADEQ) has determined the above referenced permit application for C&H Hog Farms is technically incomplete. As such, ADEQ has suspended review of the referenced permit application. Failure to address the deficiency described within this notice shall be cause for ADEQ to propose a final permit decision to deny the application.

ADEQ has determined an investigation must be conducted to provide additional data as a result of the Electrical Resistivity Imaging (ERI) study by Todd Halihan, Ph.D., Professor of Hydrogeophysics in the School of Geology at Oklahoma State University. The ERI study performed on the property of C&H Hog Farms identified an anomaly that is of potential concern to ADEQ.

Arkansas Pollution Control and Ecology Commission (APC&E) Regulation 5.402 establishes design requirements and management plans in accordance with certain technical requirements. These requirements include certain geophysical considerations. Consistent with these requirements, ADEQ is requiring a follow-up investigation of the anomaly finding in the ERI analysis.

Based on these reports and APC&E Regulation 5.402, ADEQ is compelled to gather additional information before moving forward with your permit application. ADEQ's decision that additional technical information is required in order to properly assess your permit application is consistent with the recommendation by Tim Kresse, Ph.D., Water Quality Specialist with the United States Geological Survey, for further analysis—including drilling—at the location where Dr. Halihan had observed a possible "major fracture and movement of waste."

As you are aware, ADEQ has proposed to conduct a state-funded study at C&H Hog Farms to evaluate the anomaly identified by Dr. Halihan. To date, ADEQ has not received authorization from the permit applicant to access the study site. As a result, ADEQ has determined the permit applicant is now responsible for conducting the study in accordance with ADEQ's accepted Drilling Study Work Plan and is also responsible for providing ADEQ the required final report.

C&H Hog Farms will have 30 days to retain a contractor and an additional 30 days to conduct the work in accordance with the accepted Drilling Study Work Plan. All work must be conducted under the supervision of an Arkansas Registered Professional Geologist. ADEQ must be provided 72-hour notice before commencement of site activities in order to allow ADEQ or its authorized representative to be present during the testing and to be provided with split samples. A final report, including all field notes, laboratory data, and analytical results must be provided to ADEQ within 60 days of the completion of field activities.

Thank you for your cooperation. If you have questions or would like additional information regarding the accepted Drilling Study Work Plans, please contact Caleb Osborne with the Office of Water Quality at (501) 682-0655 or by email at [osbornec@adeq.state.ar.us](mailto:osbornec@adeq.state.ar.us).

Sincerely,



Caleb Osborne  
Associate Director of Office of Water Quality

Attachment: work study plan

cc: William A. Waddell, Jr., Partner, Friday Eldredge and Clark, LLP





September 7, 2016

Mr. Jason Henson  
C&H Hog Farm  
HC 72 Box 2  
Vendor, AR 72683-9526

**CERTIFIED MAIL: RETURN RECEIPT REQUESTED (7006 3450 0003 4067 8520)**

Dear Mr. Henson,

This letter is to acknowledge that the Arkansas Department of Environmental Quality (ADEQ) has received confirmation of authorized access to the property of C&H Hog Farms, Inc. for the purpose of carrying out drilling activities as outlined in the Drilling Study Work Plan. As such, ADEQ will proceed with a state-funded drilling study at C&H Hog Farms, scheduled to begin on September 19, 2016, pending confirmation of driller availability.

Once the drilling study is conducted, ADEQ's review of the application for Permit No.: 5264-W will resume; the deficiency identified on September 2, 2016 will be considered cured; and the accompanying Notice of Technical Incompleteness will be considered moot. If you have any questions or would like to discuss this further, please contact me at (501) 682-0655 or by email at [osbornec@adeq.state.ar.us](mailto:osbornec@adeq.state.ar.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Caleb J. Osborne", is written over a light blue rectangular background.

Caleb J. Osborne  
Associate Director, Office of Water Quality

cc: William A. Waddell, Jr., Partner, Friday Eldredge and Clark, LLP