

C&H requests that the comment period be extended. As the Presiding Officer of this hearing, you have authority to extend the comment period for up to 20 days, and we request that you do so. Under the circumstances, we do not believe that 20 additional days is adequate, but we understand the limitations of your authority at this time. We have attempted, with all due diligence, to understand the reasons for the denial of our Reg. 5 permit application. We have tried to have a substantive discussion with the technical staff, but that has been rejected. We have filed a Freedom of Information request to obtain the important documents relating to the draft decision, and have received no response from ADEQ. It is neither practical, nor legal, to close the comment period without addressing these issues.

C&H believes that ADEQ lacks jurisdiction to take action on this matter while the appeal of the Commission's decision in Docket No. 18-001-P is pending before the Circuit Court in Newton County, *C&H Hog Farms, Inc. v. Arkansas Pollution Control and Ecology Commission*, Case No. 51-CV-18-58, and that ADEQ's action to issue public notice and initiate a comment period on Permit 5264-W is null and void. Because the Circuit Court has not yet ruled on that issue, and the comment period is due to expire, these comments are submitted under protest. Under no circumstances should these comments be construed as a voluntary acquiescence of ADEQ's authority or jurisdiction.

C&H Hog Farms, Inc.

Jason Henson
Jason Henson, President