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E Mail: ccheffjr@cox.net
January 28, 2006

Mr. Marcus Devine, Director
Arkansas Department of Environmental Quality
8001 National Drive
Little Rock, Arkansas 72209

Dear Director Devine,

You and I have communicated previously with regards to the proposed El Dorado Pipeline Project. Although we may be at odds with regards to this project I can see no reason why we cannot discuss this situation.

Although I am not a member of Save the Ouachita, Inc., a not for profit Arkansas Corporation, I did attend a board meeting of the organization on Friday. Obviously board members were present. At this meeting Richard Mays, Esq. was also present. Mr. Mays is currently the attorney of record for the organization. Mr. Mays was explaining to the organization the procedures involved with regards to your department and the public comment portions, permit issuances, appeals of said decisions, etc.

What troubles me very deeply was a statement by Mr. Mays which was directly attributed to yourself. Well, probably two statements. Mr. Mays stated directly that during a conversation with you that you stated that it was your job to appease industries within the state or words to that effect. Mr. Devine, notes were taken during this board meeting and this is a paraphrase of what he stated. Sir, with all due respect, please tell me you did not make this statement. In my original letter to you I clearly stated that I believed you to be a person of integrity. If this statement made by Mr. Mays is correct I have no other alternative but to change my opinion of you.

Mr. Devine, Mr. Mays also made a second statement on the record to the effect that Arkansas has the "worst environmental record of any state". He was asked whether this included Louisiana and he said "yes". This statement by Mr. Mays also troubles me deeply if it is true. Arkansas touts itself as the Natural State and further, on the ADEQ

website it clearly states...“ADEQ... WE PROTECT AND ENHANCE ARKANSAS’ ENVIRONMENT”. Mr. Devine, does Arkansas have the worst environmental record of any state?

Sir, with all due respect to yourself and your department I do oppose the El Dorado Pipeline Project and yes, there will be appeals if your department goes forth and issues permits. The appeals will follow procedures set forth by your department and, if not won, will certainly wind up in the federal court system up to the 8th Circuit where case law from the US Supreme Court is available. I believe that I am on firm ground when I say that Mr. Mays will not be the attorney of record at the U. S. District Court Level nor at the 8th Circuit. Attorneys with proven track records will be engaged at these levels.

In case you did not receive the letter issued from the Ouachita River Commission I am enclosing a copy of same. Also I am enclosing a copy of an e mail from a Ms. Emelise Cormier of the Louisiana Department of Environmental Quality for your consideration which clearly states that ADEQ will be issuing a permit for this project with a re-opener clause while studies are performed. Mr. Devine, is this an accurate statement from your agency? If so it is also very troubling. Basically, if this statement is true, you will be allowing the proverbial fox to guard the hen house until the studies are accomplished. El Dorado Chemical Company does not have a stellar record when it comes to protecting the environment. If fact, neither do the other companies involved either.

Mr. Devine, let’s simply stay at academic odds with each other with nothing personal involved. I do still have the utmost respect for your position and fully trust that permits will not be issued until any and all studies have been accomplished. Clarification of statements attributed to yourself would certainly be appreciated.

Respectfully,



Carl C. Heffner, Sr.

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