



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."

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

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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.

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