

RICHARD MAYS LAW FIRM, PLLC

ATTORNEYS AT LAW

115 South Third Street - Suite A-2

Heber Springs, AR 72543

Phone: 501-362-0055

Fax: 501-362-0059

Richard H. Mays

rhmay@richardmayslawfirm.com

Melanie Beltran

mbeltran@richardmayslawfirm.com

July 28, 2016

Robert Blanz, Ph.D.
Arkansas Department of
Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Re: C&H Hog Farm Investigation

Dear Dr. Blanz:

On July 12, I wrote a letter to Becky Keogh regarding the meeting that we had in my office the previous Friday, July 8, and reviewing some of the matters that were discussed that are of major significance to the Buffalo River Coalition. I requested that a copy of that letter be distributed to you, but it is attached to this letter in case you did not receive it.

As you will recall, in our meeting on the 8th, we discussed extensively the concept of having Dr. Bert Fisher, a representative of the Coalition on-site as an observer during the drilling and sampling process, and a requirement of no less than three (3) holes to be drilled and sampled in order to ensure that any potential release would be more likely to have been detected. My recollection is that the Department would consider those requests, consult with the contractor that you select, and let me know the decision. We also requested split samples, or that Dr. Joe Nix receive split samples.

I received a call last Friday from Caleb Osborne, who advised me that Harbor Environmental was the contractor that ADEQ has chosen to conduct the drilling and sampling, and that the projected drilling date is August 8. He did not have information on the issues of Dr. Fisher being allowed to observe, or the number of holes that would be drilled. He stated that an operations plan would be posted to ADEQ's website by this coming Friday. We look forward to seeing that plan.

Harbor Environmental appears to be a small company. We understand that they often contract with Mike Lybrand, a licensed geologist with drilling experience but little karst experience. I have no reason to doubt Harbor's competence in its area of operations, but considering the importance of this investigation to not only my clients, but to a large segment of the public, it is important that this investigation not only be credible, but have the appearance of credibility.

I again want to emphasize the importance to the Coalition of Dr. Fisher being able to observe the drilling and sampling, and the number of holes to be drilled, in order for this investigation to have credibility with the Coalition. This started off well following the June meeting of the Commission as a transparent, collaborative process, but since our meeting on July 8, we have not had any response from ADEQ to our concerns.

I have found that lack of communication is the best way to get into an adversarial position, so I would suggest that ADEQ respond to our request for its position on these issues if more adversarial proceedings are to be avoided. The proposed drilling date of August 8 is approaching rapidly, and we do not want to be arguing these issues at the last minute.

Your favorable consideration of this letter would be appreciated.

Sincerely,

RICHARD MAYS LAW FIRM, PLLC


Richard H. Mays

and

Philip E. Kaplan, Esq.
WILLIAMS & ANDERSON, PA
111 Center Street - Suite 2200
Little Rock, AR 72201

cc: Mr. Gordon Watkins