

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

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

