

PRESS RELEASE

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BUFFALO RIVER WATERSHED ALLIANCE, INC. ANNOUNCES SETTLEMENT OF LAW SUIT AGAINST ADEQ AND C&H HOG FARMS,

The Buffalo River Watershed Alliance Inc. announced today that it has settled a lawsuit filed by it in United States District Court in Little Rock on August 24, 2016, against the Arkansas Department of Environmental Quality over the presence of observers at drilling that is planned by ADEQ at the C&H Hog Farm in Newton County to investigate whether there is an ongoing release of hog wastes under the farm's waste management facilities.

Evidence of a possible fracture and release was discovered during studies on the hog farm conducted in March, 2015, by the Big Creek Research and Extension Team (BCRET), a group of scientists appointed by the University of Arkansas Department of Agriculture, and funded by the State of Arkansas. However, that evidence was not revealed by BCRET to ADEQ. It was only after the Alliance obtained that evidence through a Freedom of Information Act request, and reported it to ADEQ in April, 2016, that the public became aware of it. BCRET has maintained that no additional studies are necessary to prove or disprove the existence of a release. In July, ADEQ decided to drill into the subsurface at the hog farm to determine whether hog wastes are present.

ADEQ had initially planned to allow observers from BCRET during the investigation of the site, but not from the Alliance. The Alliance claimed that members of BCRET had a conflict of interest in the results of the drilling because BCRET had known about the evidence of a release for over a year, and not reported it to ADEQ.

The Alliance filed the suit in U.S. District Court against ADEQ and the Hog Farm, claiming that it has a recognizable environmental and economic interest in the investigation as an equal stakeholder in the investigation with ADEQ, BCRET and the Hog Farm, and as such, it was entitled to have an observer present during the investigation.

After negotiations with ADEQ and Governor Asa Hutchinson's office, the parties have agreed that neither BCRET nor the Alliance will have observers present during the drilling. Instead, an independent observer who is a geologist experienced in karst geology such as in the area of the hog farm will be present to monitor the activities and report the activities on the site to all of the parties.

In addition, samples will be taken of soil and water present beneath the hog farm during and after the drilling process, and those samples will be divided between several laboratories to obtain analysis of chemicals that may indicate the presence of hog wastes. Those analyses will be compared to determine consistency of results.

“The Buffalo River Watershed Alliance filed this suit because we felt that we were not being given the same opportunities to participate in the investigation and the same access to information as the other organizations who are considered stakeholders in the investigation,” said Gordon Watkins, president of the Alliance.

Based upon verbal assurances from ADEQ legal counselor and the Governor to Richard Mays, attorney for BRWA, that BCRET will not have a representative on site during the investigation, and the provisions of the revised Work Plan for the investigation which limits observers to the impartial observer hired by ADEQ's contractor, the Buffalo River Watershed Alliance has agreed to withdraw its suit.

“We are pleased that ADEQ plans to move forward with its investigation with regard to groundwater contamination beneath C & H's waste storage ponds for permit ARG5900001. Our goal has been achieved, and there was no point in continuing the suit,” said Watkins.

“There are other aspects of the investigation that we are not happy about,” Watkins continued, “such as the number of borings that will be drilled during the investigation. A greater amount of information, and, therefore, greater confidence in the results would be obtained if at least three borings were done. However, we have no control over that.

“On the whole, we feel that this settlement on the information that will be available is fair and reasonable, and hopefully will protect the interest of the public in obtaining transparency of the investigation process and results. We thank the Governor’s office for intervening in the interest of equality of treatment and transparency.”

The Alliance wishes to make clear that the issue in the lawsuit was but a small part of the investigation into whether there is a release of hog wastes from the C&H facility, and the settlement was without prejudice to the Alliance’s right to file subsequent suits should the need arise.

“We will continue to fight to rid the Buffalo River watershed of the threat of potentially devastating pollution that is presented by the presence of the hog farm,” said Watkins.