

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

VIA ELECTRONIC MAIL AND REGULAR MAIL

July 12, 2016

Ms. Becky Keogh, Director
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Re: Independent Investigation of Possible Release at C&H Hog Farm

Dear Director Keogh:

On behalf of the Buffalo River Watershed Alliance, the Ozark Society and the Arkansas Canoe Club I would like to thank you and your staff for meeting at my offices last Friday, and for your presentation regarding the proposed process for conducting the investigation into the possible release of hog wastes from the C&H Hog Farm.

We appreciate your consideration of our suggestions and concerns regarding that investigation, and your commitment to ongoing transparency and collaboration on this project. With that in mind I would like to reiterate and emphasize a few points that were discussed, and that we believe are importation to include in the final work plan:

1. The inclusion of Dr. Bert Fisher as an on-site observer during the drilling and sampling operations. Dr. Fisher's experience would add considerable value to the project, from both his expertise and the credibility that his presence would lend to the project.
2. Drilling of at least two additional bore holes in addition to the one contained in your presentation. As noted in the meeting, drilling only one hole would leave the project open to criticism that a release could have gone undetected due to the karst geology through which wastes would flow erratically. Drilling more than one hole would increase the chances of detection of a release, and give considerably more credibility to the findings.
3. Split sampling with one sample provided to Dr. Joe Nix and another held in reserve for possible future analysis. Dr. Nix is a valuable resource and respected by all of the parties.

4. Inclusion of resistivity logging as proposed by Dr. Fisher.
5. Use of a slotted sleeve and appropriate waiting period as recommended by Dr. Fisher to allow for groundwater recharge sampling, including microbial analysis;

These additional steps will provide a more meaningful and comprehensive investigation and ask that you include them in your work plan.

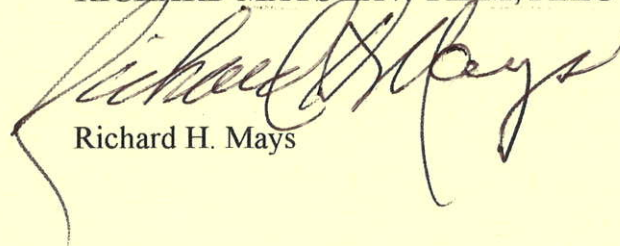
We agree with the Department's position that it is important that this work be conducted before the waste ponds at the facility are emptied and artificial liners installed. We will work with the Department in providing timely comments and suggestions to insure that the drilling is done prior to emptying of the waste storage ponds and installation of membrane. Of course, if necessary, the Department has the authority to order C&H to delay drainage of the ponds until after the investigation is completed.

Looking forward, we suggest that, after the investigation is completed, we meet again to discuss the results. If evidence of waste leakage is found, there will be the obvious question of efforts that should be taken to determine the extent of that leakage and to ascertain if groundwater has been impacted, including microbial source tracking analysis of wells, springs and other groundwater sources in the area.

Thank you again for meeting with us and we look forward to the opportunity to further participate and provide input as this important project moves forward.

Sincerely,

RICHARD MAYS LAW FIRM, PLLC



Richard H. Mays

cc: Philip Kaplan, Esq.
Williams & Anderson, PA

Buffalo River Coalition
Bert Fisher, Ph.D.