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**VIA ELECTRONIC MAIL
AND FACSIMILE**

August 4, 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:

In accordance with the commitment of the Buffalo River Coalition (the Coalition) to promptly respond to the proposals of the Arkansas Department of Environmental Quality (ADEQ) regarding the captioned investigation, we are submitting herewith our grave concerns about one aspect of the investigation that has just come to our attention. We request a response from ADEQ by 10:00 o'clock A.M. tomorrow for the reasons stated. Additional technical comments on the Draft Work Plan will follow as quickly as possible.

In the Draft Site Investigation Work Plan prepared for ADEQ by Harbor Environmental and Safety Co. (ADEQ's prime contractor on this investigation), there appear at page 2, Section 1.4, the names of the Project Team members that are to participate in the investigation and their respective roles. The persons listed therein are representatives of Harbor, its drilling contractor, its geophysical contractor, representatives of ADEQ, and Mr. Tai Hubbard, an "independent oversight geologist" with Hydrogeology, Inc.

As you know, the Buffalo River Coalition had consistently requested that Bert Fisher, Ph.D., its hydrogeological consultant, also be allowed to be present on the site as an observer, but that request was denied. We have just learned that ADEQ has agreed to allow not one, but two members of the Big Creek Research and Extension Team (BCRET) to be on the site as observers. Members of BCRET were not listed in the original list of participants, and we are extremely disturbed by this addition.

As you well know, it was the original work of BCRET, and its failure to follow up on evidence of a release shown in the ERI images obtained by Dr. Todd Halihan of Oklahoma State University in March, 2014 that has led to this investigation. Dr. Halihan's work was done as part of the BCRET contract with ADEQ. E-Mail between members of BCRET show that Dr. Halihan recommended at that time that additional investigation should be conducted in the form of drilling to confirm whether a release of hog wastes was occurring, and that that recommendation was not followed by BCRET.

ADEQ acknowledges that BCRET did not inform ADEQ of Dr. Halihan's findings or recommendation. BCRET contended before the Arkansas Pollution Control and Ecology Commission as recently as June that no further investigation is necessary. As a result of BCRET's acts and omissions, only now, a year-and-a-half later, is ADEQ conducting the investigation that should have been done by BCRET in early 2015.

In view of these facts, it would be a gross understatement to say that BCRET has a vested interest in the results of the investigation upon which ADEQ and its contractor, Harbor, are about to embark. To permit two representatives of BCRET to participate as observers during the investigation – without even one observer from the Coalition – completely destroys the appearance, if not the fact, of objectivity and impartiality, and would subject the independent observer, Mr. Hubbard of Hydrogeology, Inc., to subtle, if not overt, influence. It will most certainly subject ADEQ to continued public criticism.

We strenuously object to the presence of any member of BCRET on the site during the investigation, or to any member of BCRET contacting representatives of Harbor or their subcontractors – particularly Mr. Hubbard. Further, if ADEQ insists that a member of BCRET be allowed to participate, only one member of BCRET should be permitted, and then only if Dr. Bert Fisher, Ph.D., is allowed be present as an observer.

We request that ADEQ make one of two choices on the subject of observers:

1. In addition to Mr. Hubbard, permit one observer from BCRET, and Dr. Fisher as an observer for the Alliance, and allow each observer equal access and opportunity to observe.
2. Eliminate any observers, other than Mr. Hubbard.

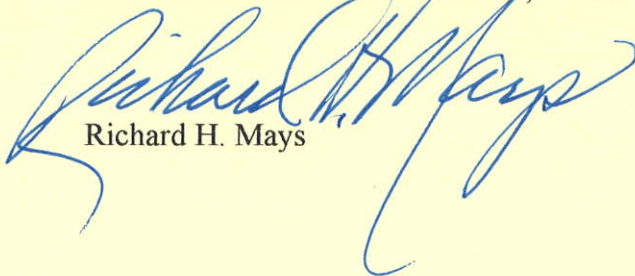
If ADEQ is not agreeable to one of these two choices, we will be required to seek assistance from the appropriate court in the form of an injunction to delay the investigation until a hearing can be held on these issues.

Finally, please identify all documents and information provided to Mr. Hubbard relative to this project to enable him to prepare for and perform his role as independent observer, and the names of all persons who have discussed the matter with Mr. Hubbard. We would also like confirmation that Mr. Hubbard's notes, photographs, records and other observations made during his presence on the site or otherwise will be a part of the record in this case.

I would appreciate having a response to this letter by 10:00 o'clock A.M. tomorrow, Friday, August 5. Thank you for your consideration of this proposal.

Sincerely,

RICHARD MAYS LAW FIRM, PLLC



Richard H. Mays

cc: Buffalo River Coalition
Bert Fisher, Ph.D.
Governor Asa Hutchinson