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# C&H Hog Farms, Inc.: Buffalo River Watershed Alliance, Inc. Federal District Court Complaint for Access to Arkansas Department of Environmental Quality Assessment Activity

## Arkansas Environmental, Energy, and Water Law Blog

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The Buffalo River Watershed Alliance, Inc. ("BRWA") filed an August 24<sup>th</sup> Complaint for Injunctive Relief ("Complaint") in the United States District Court for the Eastern District of Arkansas (Western Division) seeking:

...declaratory and injunctive relief against C&H and the ADEQ, to require those Defendants to allow a designated representative of the Plaintiff to be present during activities to be conducted by ADEQ, or its contractors and subcontractors, on the premises of C&H in Newton County, Arkansas, to investigate the possible release of swine wastes from the C&H facility into the environment, including possibly the Buffalo National River or its tributaries.

The Arkansas Department of Environmental Quality ("ADEQ") had previously announced that an evaluation would be undertaken of the integrity of the storage ponds of C&H Farms, Inc. ("C&H").

See: [C & H Hog Farms, Inc.: Arkansas Department of Environmental Quality Announces Upcoming Assessment of Storage Pond Liner Integrity](#)

C&H is a concentrated animal feeding operation located in Mt. Judea, Arkansas. This location places it in the Buffalo River Watershed.

The C&H facility operates pursuant to a National Pollution Discharge Elimination System General Permit No. ARG 590000.

BRWA states in its Complaint that it is a stakeholder in the investigation. It further states that it had requested that ADEQ permit BRWA to have its representative present at such investigation activities. ADEQ has allegedly failed to respond. The Complaint argues that ADEQ agreed to permit other stakeholders to have observers at the "investigation site".

The designated representative that BRWA requests be allowed to observe the investigation is Bert Fisher, Ph.D. Dr. Fisher is stated to be a geologist based in Tulsa, Oklahoma.

BRWA and its members are alleged to have a “recognizable environmental and economic interest in the investigation into and determination of a release of hog wastes from the C&H facility”.

BRWA alleges as a rationale and basis for its request that it seeks:

. . .to ensure that the investigation is conducted properly; that the procedures are conducted according to generally-accepted scientific protocols and procedures; that the results of the investigation are credible; to protect BRWA’s equal status as a stakeholder in the investigation; and to protect the interests of BRWA and its members in the manner in which the investigation is conducted, the Court should determine that BRWA should be allowed to have its designated representative present at the time of the investigation activities.

The legal basis for BRWA’s request is stated to be a violation of the organization’s “right to equal protection and due process under the Fifth and Fourteenth Amendments to the United States Constitution”.

[A copy of the Complaint with the exhibits can be downloaded here.](#)