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C & H Hog Farms, Inc. (Newton County, Arkansas): Arkansas Department of Environmental Quality Draft Decision to Deny Regulation 5 Permit

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The Arkansas Department of Environmental Quality ("ADEQ") recently public noticed a denial for the second time of C & H Hog Farms, Inc. ("C & H") application for an Arkansas Pollution Control and Ecology Commission Regulation No. 5 permit.

C & H had previously appealed the denial to the Arkansas Pollution Control and Ecology Commission which issued Order No. 14, stating:

ADEQ shall issue its denial of C & H's Regulation No. 5 permit as a draft denial and accept public comment on that draft decision for a period of at least thirty (30) days in accordance with Ark. Code Ann. §§ 8-4-203(e)(1)(A), (B), and (C)(i). . .

The C & H facility involves the operation of a swine facility in Newton County, Arkansas.

Regulation No. 5 addresses "Liquid Animal Waste Management Systems."

The basis for ADEQ's decision is set out in Section 8 of the "Statement of Basis" of the Public Notice. The agency states in part that it denied the issuance of the permit:

. . . after determining that the record lacks necessary and critical information to support granting the permit, and the record contains information that the operation's facility may be contributing to water quality impairments of waters of the state. . .

The remaining discussion in the section focuses on alleged "Deficiencies in the Geological Investigation."

A [link to the permit decision](#) can be found here.