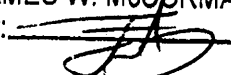


FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

AUG 24 2016

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

JAMES W. McCORMACK, CLEF
By:  DEP CLEI

BUFFALO RIVER WATERSHED ALLIANCE, INC.

PLAINTIFF

v.

No: 4:16-cv-00607 - JM

C&H HOG FARM, INC.;
ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY;
and BECKY KEOGH, Director,
Arkansas Department of Environmental Quality

This case assigned to District Judge Moody
and to Magistrate Judge Volpe

DEFENDANTS

COMPLAINT FOR INJUNCTIVE RELIEF

Comes the Plaintiff, Buffalo River Watershed Alliance, Inc. ("BRWA"), and for its cause of action for injunctive relief against the Defendants, C&H Hog Farm, Inc., ("C&H"), the Arkansas Department of Environmental Quality ("ADEQ"), and Becky Keogh, Director, ADEQ, states:

NATURE OF THE CASE

1. This Complaint seeks 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.

2. BRWA is a stakeholder in the investigation, and has requested that ADEQ permit BRWA

to have its representative present at such investigation activities. However, ADEQ has failed and refused to do so, notwithstanding that ADEQ agreed to permit all other stakeholders to have observers at the investigation site.

3. BRWA and its members have a recognizable environmental and economic interest in the investigation into and determination of a release of hog wastes from the C&H facility. It has been instrumental in bring to the attention of ADEQ the possibility that such a release may be occurring from that facility. ADEQ's actions in refusing to permit BRWA to have an observer on the C&H Facility during the investigation is arbitrary, capricious, and violates BRWA's rights of equal protection and due process under the Fifth and Fourteenth Amendments to the United States Constitution.

4. 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.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this action under 28 USC §1331 (Federal Question); 28 USC §1343 (Civil Rights); 28 U.S.C. §1651 (Writs); and 28 U.S.C. §§2201-02 (Declaratory Judgment Act).

6. Venue of this action is proper in this Court under 28 U.S.C. §1391(b)(1) and (2), in that a substantial part of the events or omissions giving rise to the claims occurred in this District, and in that the Defendant, ADEQ, is an executive agency of the State of Arkansas, headquartered in Little Rock, Arkansas, against which judicial actions are required to be brought in Pulaski County, Arkansas); and the Defendant,

Becky Keogh, is the Director of the ADEQ, and resides and has her official office in Pulaski County, Arkansas.

PARTIES

8. BRWA is a not-for-profit organization organized and existing under the laws of the State of Arkansas, dedicated to the protection and preservation of the environment and our natural resources in the watershed of the Buffalo National River. BRWA is a member-managed organization with six (6) members constituting its board of directors (all of whom reside in the vicinity of the Buffalo National River watershed), and has over 1,000 supporters throughout the State of Arkansas and other states who have contributed to BRWA. All of its members reside and work in the Buffalo River watershed, and conduct recreational activities in the watershed consisting of fishing, canoeing, photography, swimming and other activities involving use of the River and its tributaries. Some of BRWA's members operate lodging and other facilities that cater to tourists and other visitors to the Buffalo National River, and who have an economic interest in the environmental quality of the River. BRWA's supporters are citizens of Arkansas and other states who come to the Buffalo National River to hunt, fish, observe wildlife, birdwatch, hike, camp and enjoy nature. BRWA brings this action for itself and as representative of its members and supporters in the State of Arkansas.

9. Defendant, C&H Hog Farms, Inc., is a for-profit organization organized and existing under the laws of the State of Arkansas, having been so organized in 2012. C&H's principal office and place of business is at HC 72, P.O. Box 10, Mt. Juda, Newton County, Arkansas. Agent for service of C&H is Jason Henson, who is located at the same address.

10. Defendant, Arkansas Department of Environmental Quality, is an executive agency of the State of Arkansas, with its principal offices at 5301 Northshore Drive, North Little Rock, Pulaski County, AR 72118-5317.

11. Defendant, Becky Keogh is an individual resident of Pulaski County, Arkansas, and is the duly appointed and serving Director of the Arkansas Department of Environmental Quality. She is sued in this case in her representative capacity only.

FACTUAL BACKGROUND

12. C&H owns and operates a confined animal feeding operation (“CAFO”) in Newton County, Arkansas, approximately 0.6 miles west-northwest of Mt. Judea, Arkansas. Big Creek, a major tributary of the Buffalo National River, is located approximately 2,500 feet east and downgradient of the C&H facility. Big Creek flows past the C&H facility to its confluence with the Buffalo River, approximately 4.5 miles northeast of the C&H facility. A site location map of the facility showing its juxtaposition relative to Big Creek is attached to this Complaint as **Exhibit No. 1**.

13. On June 25, 2012, C&H applied to ADEQ for coverage under a National Pollution Discharge Elimination System (NPDES) General Permit ARG590000, to permit C&H to construct and operate a CAFO on lands in the St. Judea area of Newton County.

14. C&H received a letter of approval from ADEQ for such construction and operation on August 3, 2012. Under the rules and regulations applicable to general permits in effect at the time of the application for such permit by C&H, no actual notice to the citizens of Newton County was required.

15. An aerial photograph of the C&H facility is attached to this Complaint as **Exhibit No. 1A**. As shown on Exhibit No. 1A, the facility includes two large metal barn structures. The northwestern structure is the gestation barn, where sows are mated and maintained during pregnancy. The southeastern structure is the farrowing barn, in which the piglets are born and

nursed. The facility is authorized to operate with 2503 swine of over 55 pounds (gestation barn), and 4000 swine under 55 pounds (farrowing barn), and 6 boars, or a total of approximately 6,500 swine and piglets that may be in the facility at any one time. The C&H facility is the only hog farm to apply for or receive a permit to construct and operate in the State of Arkansas under the abovementioned General Permit.

16. The animals are maintained in pens within the barns. Slatted floors below the pens allow the hogs' excretions to be deposited within below ground pull plug pits. The pits are pre-charged with water and periodically drained to transfer the accumulated manure to two waste storage ponds, located southeast of the farrowing barn. (See Exhibit No. 1A) Waste slurry generated in 180 days totals approximately 1.4 million gallons.

17. The two waste ponds are designed to operate in series. All wastewater initially enters Pond 1 until it has reached the level of a spillway into Pond 2, where the wastewater then flows. Pond 1, therefore, acts as a settling basin, accumulating more solids than Pond 2. There is no reinforced spillway outlet from Pond 2. If the embankment of Pond 2 were overtopped due to unusual weather or poor management, there would be erosion of the embankment with possible catastrophic failure. Periodically, the waste slurry is removed from the ponds by vacuum trucks and spread on fields in the area as fertilizer as provided by the facility's nutrient management plan.

18. The two ponds were constructed with 18-inch compacted clay liners, but C&H has applied to ADEQ and received authority to install artificial liners in the waste ponds. Such installation has not yet occurred. It is important that the investigation discussed herein be conducted prior to the installation of the artificial liners.

19. The permitting, construction and operation of the C&H facility has been highly controversial, in part due to the presence of the facility in the beautiful but fragile ecosystem that is

the Buffalo National River Watershed. The Buffalo National River is a wild and scenic river that is the nation's first National River, and is known throughout the county for its clear, pristine, natural waters, scenic bluffs and other surroundings that attract over a million visitors to the area every year. It is not only an environmental jewel for the State of Arkansas and the nation, but an economic engine generating approximately \$60,000,000 to the local and State economies.

20. The controversy regarding the C&H facility is heightened by the fact that the it generates, stores and disposes of hog wastes that, if released from the facility, have the potential for inflicting damage – perhaps catastrophic in scope – to Big Creek, the Buffalo National River, and all life in those waterbodies, in addition to the health, safety and property of people living downgradient of the facility.

21. Due to the controversy, the Hon. Mike Beebe, the then-Governor of Arkansas, requested the University of Arkansas Department of Agriculture to appoint a group of its scientists to monitor Big Creek and the adjoining area for a period of five (5) years to determine whether the spreading of hog wastes on the fields near the C&H facility and other activities at the facility were presenting a threat to the environment. The Governor also provided funding for that monitoring activity.

22. Pursuant to the Governor's request, the University of Arkansas Department of Agriculture appointed members of its faculty, and persons employed by the United States Geological Survey, to serve on a group titled the Big Creek Research and Extension Team ("BCRET"). Many of the team members associated with the University are connected to that school's agriculture extension services, the mission of which is to advise and assist farmers, ranchers and others engaged in agricultural activities in Arkansas. BCRET commenced their monitoring activities in late 2013.

23. In 2015, as part of the monitoring activities, BCRET commissioned Dr. Todd Halihan and others associated with the Oklahoma State University School of Geology to conduct Electrical Resistivity Imaging (“ERI”) on some of the fields used by C&H to apply the hog wastes from the ponds at the facility. ERI is a geophysical technique for imaging subsurface characteristics, such as geologic structure (rock, clay, soils, etc.), moisture content, or presence of conductive fluids based upon electrical resistivity measurements made at the surface.

24. In the course of doing so, ERI datasets were obtained from separate transects placed around the perimeter of the waste ponds and the swine barns. (Copies of those ERI images are attached to this Complaint as **Exhibits No. 2 through 6**) Those images, based on the interpretation of Dr. Halihan and other highly qualified geologists who have reviewed them, indicated that a release of hog wastes from beneath the facility/ponds is probably occurring into the subsurface, and Dr. Halihan and other respected geologists recommended drilling to obtain samples from which to further investigate and evaluate subsurface conditions, including possible release of contaminants and geologic features.

25. The ERI imaging described above was conducted in March, 2015, and the recommendations of Dr. Halihan for investigatory drilling were made to BCRET immediately thereafter. However, those recommendations were not followed by BCRET, nor were the ERI findings and Dr. Halihan’s recommendations reported to ADEQ by BCRET. It was not until April, 2016 – more than a year after the ERI results were known to BCRET – that these findings were discovered by the Plaintiff, BRWA, through a review of documents produced to BRWA by BCRET pursuant to a Freedom of Information Act request. BRWA then presented those findings to ADEQ and its oversight commission, the Arkansas Pollution Control & Ecology Commission (“APC&E”) in a Commission meeting on April 29, 2016.

26. Despite the disclosure of the ERI findings and Dr. Halihan's recommendations (supported by other highly qualified independent geologists), BCRET maintained in an appearance before APC&E on June 24, 2016 that it was not necessary to conduct additional investigation of the possible release indicated by the ERI images.

27. On or about June 25, 2016, with the approval of the Hon. Asa Hutchinson, Governor of Arkansas, ADEQ determined that it would conduct an additional investigation into the possibility of a release beneath C&H's facility by conducting drilling into the subsurface, stating that "The ADEQ Integrity Evaluation will be conducted in an open and transparent manner transparent and cooperative" manner, and would "provide oversight and an opportunity to collaborate with other scientific experts from BCRET and the Buffalo River Watershed Alliance."

28. On July 8, 2016, ADEQ presented its proposal for conducting the investigation to BRWA in a meeting of the two organizations. ADEQ proposed to drill one (1) hole at a point between the two waste ponds and the hog barns to an approximate depth of 100 feet. Soil and water samples were proposed be taken during and at the conclusion of the drilling activities, and those samples "split" for analysis between ADEQ and Dr. Joe Nix of Ouachita Baptist University.

29. At that meeting, BRWA proposed that it be permitted to have an observer on the site during the drilling in the person of Bert Fisher, Ph.D., a highly-qualified and experienced geologist in Tulsa, Oklahoma. ADEQ stated that it would consider the proposals, and inform BRWA of its decision.

30. ADEQ has not responded directly to BRWA's requests. The current drilling plan provides for only one hole to be drilled, and does not provide that Dr. Fisher will be among the persons named in the plan who will be permitted on-site during the drilling activities and the obtaining of samples. It is imperative that these activities be conducted in accordance with established scientific

procedures to ensure that the area that appears from the ERI imaging to be impacted by hog wastes be the area that is sampled, and to protect the integrity of the samples while they are being obtained, split, transported and stored. Dr. Fisher has extensive experience in these activities, and his presence on-site would give credibility to the process, assuming it is done correctly.

31. Not having received a response to its suggestions for the drilling of additional holes or its request for Dr. Fisher to be on-site as an observer, BRWA sent a letter to ADEQ on August 4, 2016, requesting a response to its request by the following day. (See **Exhibit No. 7** to this Complaint) Again, ADEQ did not respond to that letter. However, BRWA learned from the drilling plan that ADEQ would allow two (2) representatives of BCRET plus a BCRET technician to be present on-site during the investigation, and has agreed to split samples with BCRET.

32. In ADEQ's Management Plan for this investigation, BRWA is listed as a "stakeholder" in this project, along with BCRET, ADEQ and C&H. (See **Exhibit 8** attached to this Complaint) Notwithstanding that, ADEQ has not agreed to the presence of BRWA's representative, Dr. Fisher, at the site during the investigation activities, although it is willing to permit representatives of the other stakeholders to be present.

33. BCRET is an interested party in that it knew of the ERI results in March, 2015, but failed and refused to accept Dr. Halihan's recommendations to conduct further investigation, and insisted as recently as its appearance before the APC&E Commission meeting in July, 2016, that there was no need to conduct further investigation. BCRET also consists of numerous members whose primary occupation is to provide services to the farming and ranching community in Arkansas, and as such, has a need to maintain good relations with the member of those communities. These circumstances compromise BCRET's objectivity in determining whether there is a release

occurring beneath the C&H facility, and, at a minimum, has the appearance of a conflict of interest.

CLAIMS AND BASIS FOR RELIEF

34. BRWA ratifies, affirms and realleges all preceding allegations set forth above.

35. BRWA includes and represents the interests of its members and supporters who reside in the Buffalo National River Watershed, including that of Big Creek, whose property, health and safety may be directly and indirectly affected by a possible release of waste from C&H. BRWA also includes and represents the interests of its supporters who visit and use the waters and environment of the Buffalo National River watershed who are concerned about the environment of Big Creek and the Buffalo National River and their surrounding areas, and who would be directly and permanently impacted by a release of hog wastes from that facility. It has been diligent in discovering the ERI results and bringing them to the attention of ADEQ and public knowledge, leading to the investigation that is to be conducted at C&H. BRWA is recognized as one of the “stakeholders” in the investigation, and has an interest in the investigation that should be protected.

36. The refusal of ADEQ to allow BRWA to have its representative, Dr. Fisher, to be present during the investigation at C&H to monitor the activities of drilling, sampling and splitting of samples would prevent BRWA from protecting and maintaining its interest and that of its members and supporters as a result of BRWA being unable to have direct knowledge and evidence of any deviation from generally accepted scientific procedures, or activities that might otherwise improperly influence the results of the investigation toward a finding of no release, thereby making BRWA dependent for information upon other “stakeholders” who may not agree with BRWA’s position in this matter to provide that information.

37. The presence of Dr. Fisher as a representative of BRWA would in no manner interfere with the activities of the drilling, sampling and splitting of samples, but would guarantee the fairness of all of the activities. Because it was BRWA's diligence in bringing the possible release of swine wastes to the attention of ADEQ and APC&E, and its persistence in causing the investigation to take place, ADEQ's refusal to allow Dr. Fisher to be present during the investigation is further evidence of its arbitrary, capricious and discriminatory conduct.

38. The refusal by ADEQ to grant authority to BRWA to have its designated observer at the site is arbitrary, capricious and discriminatory against BRWA and its members and supporters, while granting those rights to other "stakeholders" in the investigation violates the rights of BRWA and its members to due process and equal protection of the laws under the Fifth and Fourteenth Amendments to the United States Constitution.

39. The investigation will, in all likelihood, be conducted only one time, and there will likely be no opportunity to repeat the investigation, and if so, it would only be at great cost. As a result of the exclusion of BRWA's representative on-site during the investigation, BRWA and its members, supporters, and the public will suffer irreparable harm unless, upon hearing, this Court issues an injunction directing and ordering the Defendants to permit Bert Fisher, Ph.D., to be present on-site as a representative of BRWA during the investigation into the possible release of hog waste beneath the C&H Hog Farm, on September 19, 2016, or at such other time as such investigation may be held, and further ordering that Dr. Fisher be permitted to fully observe all phases of such investigation without obstruction from any person or entity.

WHEREFORE, the Plaintiff, Buffalo River Watershed Alliance, Inc. prays that the Court grant its Petition and issue a mandatory injunction requiring the Defendants, Arkansas Department of Environmental Quality, Becky Keogh, Director, and C&H Hog Farm, LLC to permit BRWA's

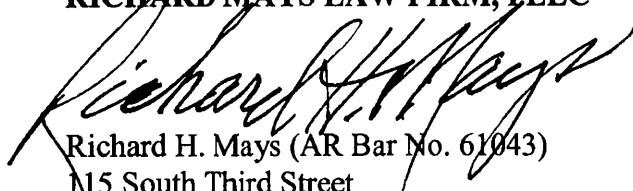
designated representative, Bert Fisher, Ph.D. to be present on-site as a representative of BRWA during the investigation into the possible release of hog waste beneath the C&H Hog Farm, on September 19, 2016, or at such other time as such investigation may be held, and further ordering that Dr. Fisher be permitted to fully observe all phases of such investigation without interference or obstruction from any person or entity.

Respectfully submitted,

Philip Kaplan (AR Bar No. 68026)
WILLIAMS & ANDERSON, PLC
111 Center Street, Suite 2200
Little Rock, Arkansas 72201
(501) 396-8432
(501) 396-8532 (fax)

And

RICHARD MAYS LAW FIRM, PLLC



Richard H. Mays (AR Bar No. 61043)
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Heber Springs, AR 72543
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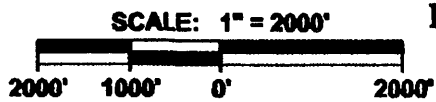
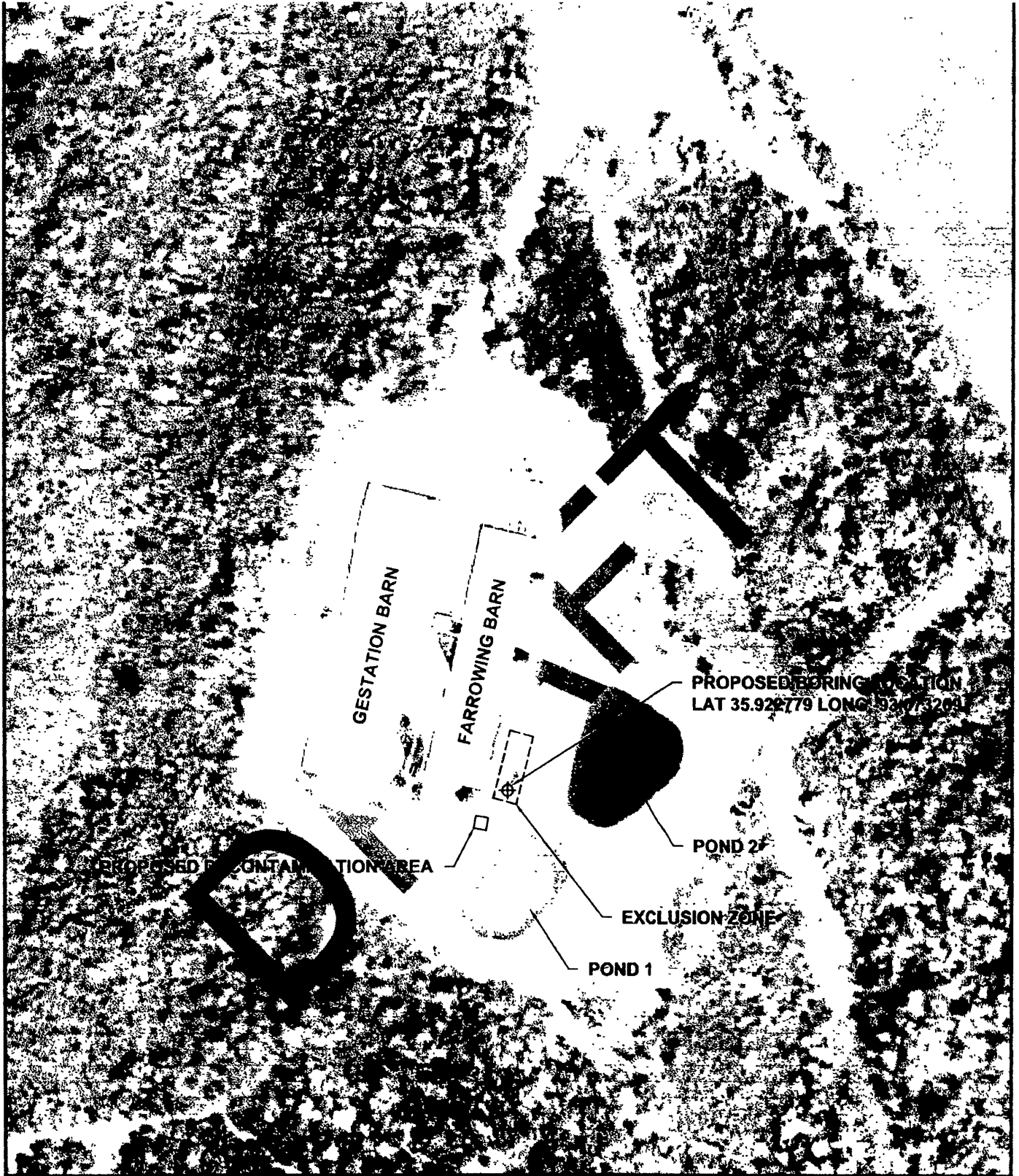


EXHIBIT 1

Harbor

FIGURE 1
C & H HOG FARM - SITE LOCATION MAP
MT. JUDEA
NEWTON COUNTY, ARKANSAS

ADEQ
 ARKANSAS
 Department of Environmental Quality



SCALE: 1" = 200'

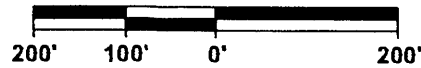


FIGURE 2
C & H HOG FARM - SITE LAYOUT MAP
MT. JUDEA
NEWTON COUNTY, ARKANSAS

EXHIBIT

1A

Image:
OSU/BCRET

5

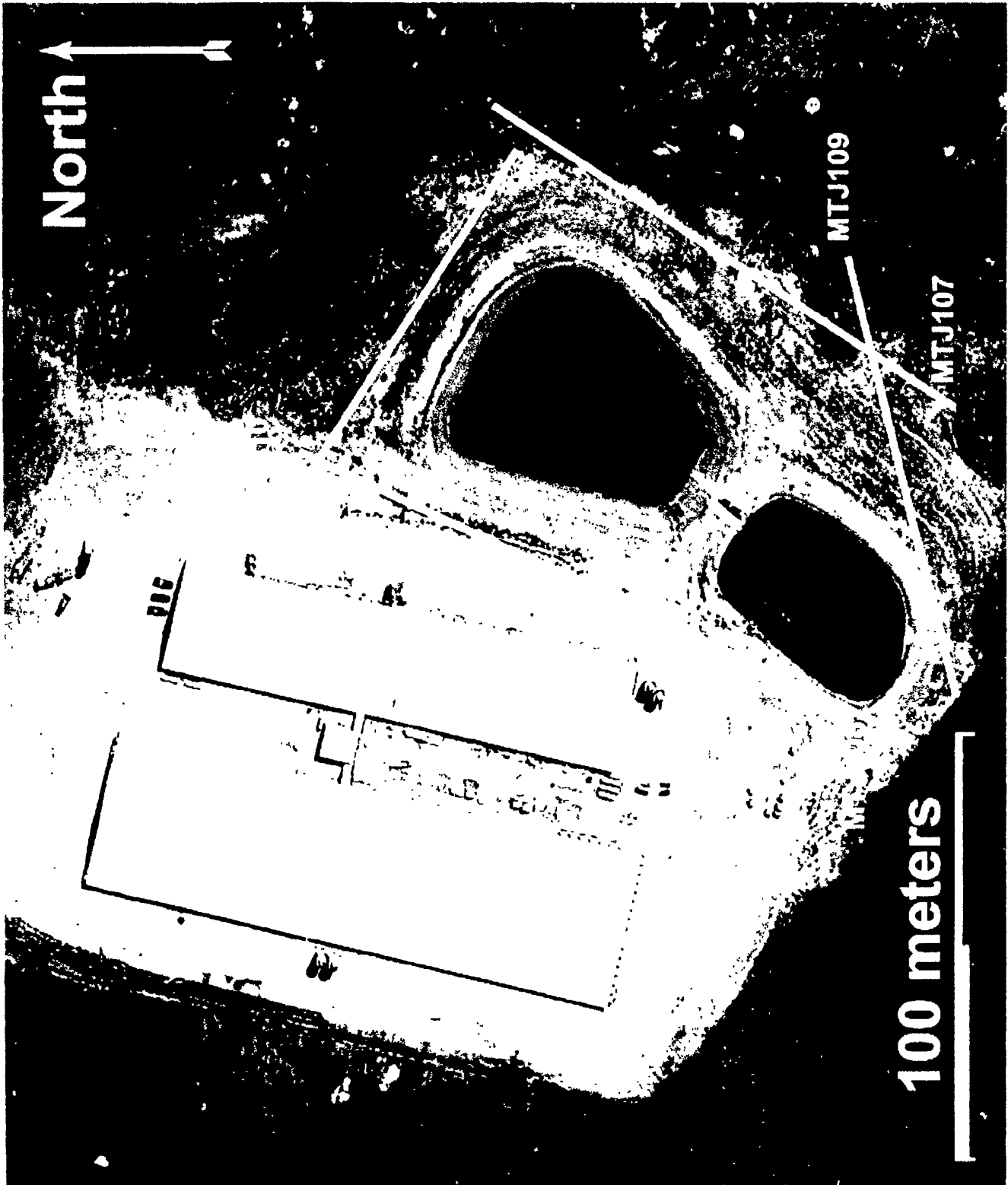
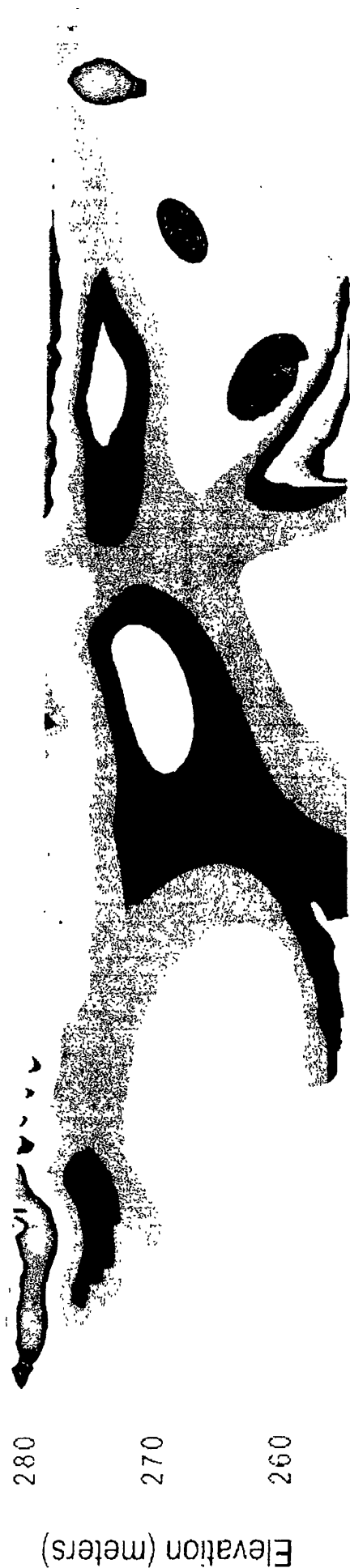


EXHIBIT 2

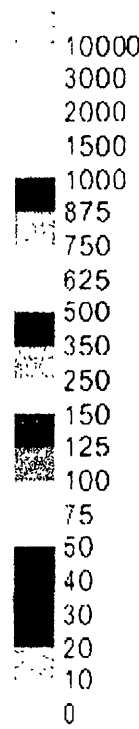
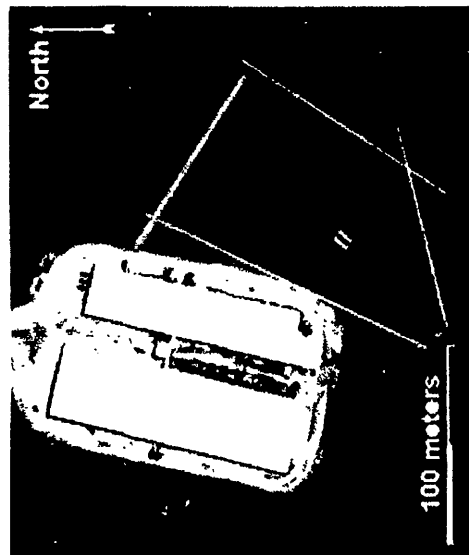
Southeast

Northwest



0 25 50 75 100

Distance (meters)



Resistivity (Ohm-m)

Image: OSU/BCRET

EXHIBIT 3

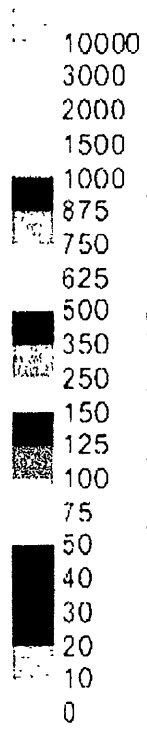
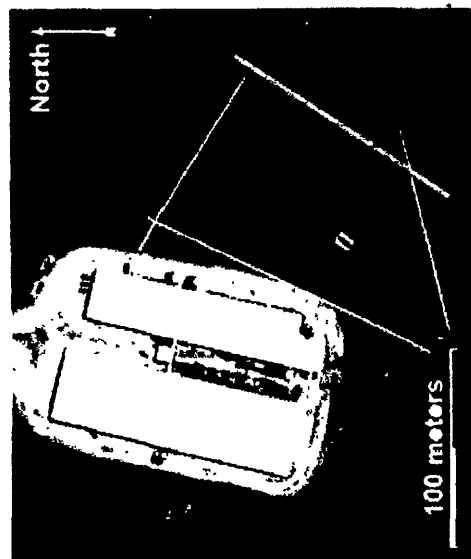
Northeast

Southwest



0 25 50 75 100 125

Distance (meters)



Resistivity (Ohm-m)

Image:
OSU/BCRET

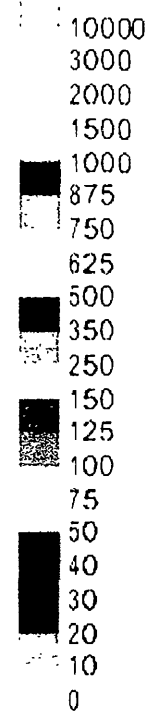
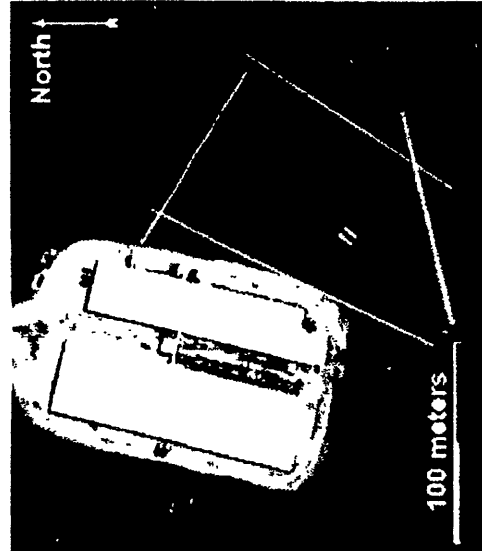
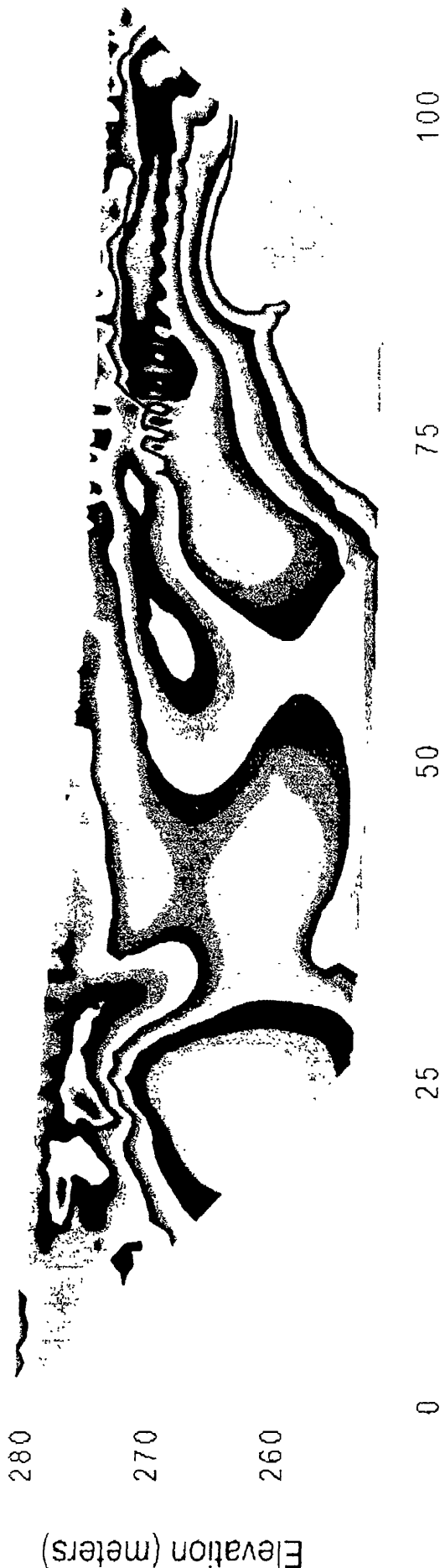
EXHIBIT

4

76

Northeast

Southwest



Resistivity (Ohm-m)

Image:
OSU/BCRET

EXHIBIT 5

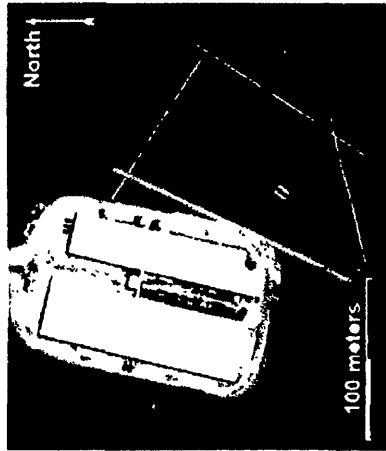
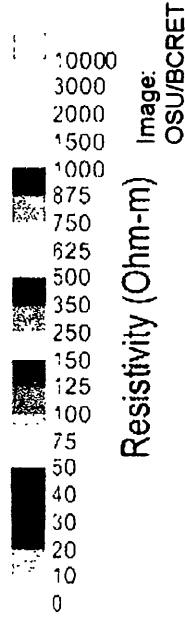
Northeast

Southwest



West Side

Distance (meters)



“...it would be nice to put a well on the west side in the vicinity of where Todd believed he saw a **major fracture and movement of waste**. This could be critical to resolving the interpretation of the resistivity data. Todd would be willing to assist on getting the drilling done for free.” “Todd is fairly confident of his interpretation” (FOIA EXHIBIT 6 information from US Geological Survey)

RICHARD MAYS LAW FIRM, PLLC

ATTORNEYS AT LAW

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Melanie Beltran

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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.

EXHIBIT 7

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 ERJ 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.

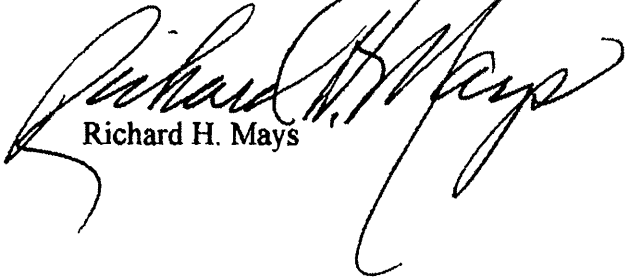
If ADEQ is not agreeable to one of these two choices, we will be required to seek assistance from the appropriate court in the form of an injunction to delay the investigation until a hearing can be held on these issues.

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

ADEQ MANAGEMENT PLAN—C&H FARMS INVESTIGATION

1. Introduction and Purpose

The Arkansas Department of Environmental Quality (ADEQ) has contracted with Harbor Environmental and Safety (Harbor) to conduct a single boring and sample collection at the C&H Hog Farms facility located near Mt. Judea, Arkansas. This investigation is in response to interpreted results from a 2015 electrical resistivity imaging (ERI) survey commissioned by the Big Creek Research and Extension Team (BCRET) that suggested possible vertical leakage from the waste storage ponds and possible fracturing within limestone bedrock below the site. Potential concerns raised by a citizens group regarding the ERI survey included the rapid transport of contaminants in groundwater through weathered limestone pathways and subsidence or collapse of the ponds due to karst terrain. The citizen’s group recommended a subsurface investigation prior to installation of synthetic liners within the ponds.

Given the concerns, this investigation is being conducted by ADEQ to evaluate the lithology/geology below the site and assess potential subsurface impact from the waste storage ponds. As part of this process, Harbor prepared the Drilling Study Work Plan (DSWP) to describe the methods and procedures to be utilized in the collection and analysis of soil, rock, and groundwater samples at the C&H Hog Farms facility.

This Management Plan identifies project stakeholders in this investigation, ADEQ roles and responsibilities during the duration of the field and reporting activities, identification of individuals within ADEQ and their role in the project, a schedule of activities, a communication plan, and a record-keeping plan. A description of Harbor’s tasks is also presented.

2. Project Stakeholders

Stakeholder	Primary Contact	Contact Number
ADEQ	Caleb Osborne	501.682.0744
Harbor Environmental	Thomas Huetter	501.663.8800
Buffalo River Watershed Alliance	Richard Mays	501.362.0055
Big Creek Research and Extension Team	Andrew Sharpley	479.575.5721
C&H Hog Farms	Jason Henson	870.434.5004

3. ADEQ General Roles and Responsibilities

ADEQ Personnel	Project Role
Becky Keogh	Director
Caleb Osborne	Associate Director Program Manager Landowner Coordination Investigation Report Review
Dr. Robert Blanz	Chief Technical Officer Landowner Coordination Technical Oversight Investigation Report Review
Tammie J. Hynum	Contract Administration Investigative Report Review
Kimberly O'Guinn	Media Liaison Communications Director
Charles Johnson	Project Manager Coordination with Consultant ADEQ Onsite Observation Investigation Report Review
Lessie Redican	ADEQ Lab Analysis Analytical QA/QC Coordination with Nix lab Investigation Report Review
Jason Bolenbaugh	Provide on-site team support as required Coordinate sample transport to ADEQ lab

4. Specific ADEQ Personnel Roles

Caleb Osborne

Caleb is responsible for the general oversight and program coordination. He will work with team members throughout the process to provide direction and review plans and reports developed during the project. He will be responsible for providing regular briefings to the ADEQ Director and will serve as the primary contact with the landowner.

Dr. Robert Blanz

Dr. Blanz will provide overall technical direction for the project, including coordination with the ADEQ site manager during the investigation. He will be responsible for briefing other ADEQ senior management on the progress of the project, as well as on any issues concerning the project. He will also coordinate with ADEQ personnel involved in other functions such as laboratory activities and interaction with the landowner.

Kimberly O'Guinn

She is responsible for all contact with media and other third party inquiries received during the performance of the investigation. She will prepare the Communications Plan, which is attached to this Management Plan. She will also maintain the project website and coordinate media statements.

Tammie J. Hynum

As Contracts Manager, she is responsible for reviewing the Scope of Work elements and discussing the expectations for each element with contractors attending the Scoping Meeting. Once the independent bids were received by the contractors, she participated in the team review of the bids (side-by-side comparison). She advised Executive Management on contract selection procedures and drafted acceptance and rejection letters.

Jason Bolenbaugh

Jason is responsible for coordinating the Compliance Branch staff during the drilling activity. Members of the Compliance Branch may assist the team by delivering time-sensitive samples to the ADEQ laboratory so that holding times will be met. Additionally, the Compliance Branch staff will provide onsite logistical support as required.

Lessie Redican

Lessie is responsible for the coordination of the preparation of all sampling containers for ADEQ and Ouachita Baptist University (OBU). She will receive and document samples delivered from the investigation by the Office of Water Quality (OWQ) Compliance personnel. She will also oversee the preparation of samples to be split with OBU, direct the laboratory analyses to be performed by the ADEQ lab, and verify the Quality Assurance/Quality Control (QA/QC) of analytical results.

Charles Johnson

Charles will serve as the ADEQ site project manager during all field activities. In that capacity, he will coordinate field activities with OWQ personnel to ensure that management is informed as to the progress of the investigation and discuss issues that might arise during the

investigation. He will also act as Site Safety Manager for ADEQ personnel onsite. He will be the primary contact between ADEQ, Harbor, and Harbor’s subcontractors during the field investigation.

5. Project Schedule

Project Activity	Days from Commencement of Field Activities
Commencement of field activities	0
Completion of field activities	5
Submittal of Drilling Study Report (DSR) to ADEQ	50
ADEQ submittal of any comments regarding DSR	60
Submittal of revised DSR	70

6. Communications Plan

To promote ADEQ’s goal of transparency, the communications team will take a proactive role in ensuring effective and timely communication during the drilling at C&H Hog Farms.

External Communications

Communications will be established with stakeholders through a dedicated website, news releases, and social media posts. The C&H Pond Integrity Evaluation website can be accessed from the main page of ADEQ’s website.

The website has been created for stakeholders to view work plans, reports, data, meeting agendas, presentations, visual media, and other related information in reference to the drilling project. Additionally, an email inbox has been established to receive third-party information. This inbox will be managed by the communications team. The communications team will route the third-party information internally before posting to the website.

The website will be updated twice daily. Stakeholders may register on the website to receive notices of postings.

Internal Communications

A common-network drive has been established to post information related to C&H Hog Farms drilling. A subsidiary folder will be used for information ready to post on the website. The communications team will use this folder to retrieve information to post to the website.

7. Onsite Project Meetings

While onsite activities are carried out, ADEQ staff will participate in the following planned meetings and briefings:

1. Pre-Project Briefing
2. Safety Briefing

3. Daily Morning and Afternoon Debriefings (Conference Calls)
4. Project Closing Meeting

8. Records Management Plan

All project files developed during the execution of this investigation will be maintained at G:\Shared Folders\C&H Drilling Project Team\Project Documents. Included in this directory will be:

1. ADEQ Project Management Files
2. Files from Harbor and its contractors
 - a. Field Data
 - b. Analytical Data and Validation Reports
 - c. Workplans and Investigative Reports
3. For those samples analyzed by ADEQ, Tech Services Lab will maintain chain of custody throughout the project, tracking sample receipt, extract preparation, and sample relinquishing to the next laboratory. Copies of all Tech Services laboratory data and related information will be consolidated into one folder for easier future access.
4. Stakeholder Comments and Feedback.

9. Environmental Consultant

Harbor has been selected to perform this investigation at the C&H Hog Farms. Harbor was tasked to prepare project workplans, engage appropriate subcontractors to perform specific tasks as part of the investigation, manage field operations during the investigation, and prepare final reports which will present information concerning the activities undertaken during the investigation. These activities will be coordinated with ADEQ personnel.

Specific tasks to be performed by Harbor or under Harbor's supervision include:

1. Workplan preparation
2. Subcontractor procurement
3. Pre-mobilization preparation
4. Oversight of Field Operations
 - a. Drilling and sampling of borehole
 - b. Collection of soil, bedrock, and groundwater samples, as appropriate
 - c. Document field activities, both with digital camera and with video
 - d. Prepare samples for transport to analytical lab
 - e. Geophysical Logging
 - f. Coordinate with Independent Geologist
 - g. Plug and Abandon boring
 - h. Manage Investigation-Derived Waste
5. Site Restoration
6. Coordination with Analytical Lab
7. Prepare Investigation Report
 - a. Summary of field activities
 - b. Presentation of analytical data, in tables as well as in lab data sheets
 - c. Summary of Findings