

**BEFORE THE ARKANSAS COMMISSION ON
POLLUTION CONTROL AND ECOLOGY**

**IN THE MATTER OF:
C & H Hog Farms**

**DOCKET NO. 18-001-P
NPDES Permit No. Permit No. 5264-W**

**RESPONSE TO MOTIONS TO INTERVENE OF
BUFFALO RIVER WATERSHED ALLIANCE, INC.,
THE ARKANSAS CANOE CLUB, GORDON WATKINS,
MARTI OLESEN, OZARK SOCIETY, INC., DR. ALAN NYE,
ROBERT CROSS AND DR. DAVID PETERSON**

Comes C & H Hog Farms, Inc. ("C&H") and for its response to the motions to intervene of Buffalo River Watershed Alliance, Inc., The Arkansas Canoe Club, Gordon Watkins, Marti Olesen, Ozark Society, Inc., Dr. Alan Nye, Robert Cross and Dr. David Peterson ("Intervenors"), states:

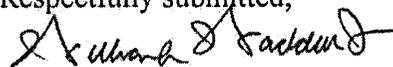
1. C&H's request for adjudicatory hearing and its amended request assert procedural grounds for reversal of ADEQ's permit decision in addition to substantive grounds.

2. None of the Intervenors commented on the procedural issues raised by C&H and are barred by ADEQ's regulations and applicable law, including Reg. 8.613(B)(5), from intervening to address those issues. Therefore, to the extent Intervenors seek to participate in the adjudicatory review and appeal as to the procedural issues raised by C&H, they are precluded from doing so and their motions to intervene should be denied.

3. Pursuant to ADEQ's regulations and applicable case law, including Reg. 8.604, Reg. 8.603(C)(1)(c), Ark. Code Ann. § 8-4-205(b)(3) and *Pine Bluff For Safe Disposal v. Ark. Pollution Control & Ecology Comm'n*, 354 Ark. 563, 127 S.W.3d 509 (2003), the Intervenors are precluded from any arguments made during the adjudicatory review and appeal that were not included within their public comments. Therefore, to the extent arguments in their motions exceed or differ from their public comments, they should be denied.

WHEREFORE, C&H Hog Farms, Inc. moves the administrative hearing officer to deny the motions to intervene of Buffalo River Watershed Alliance, Inc., The Arkansas Canoe Club, Gordon Watkins, Marti Olesen, Ozark Society, Inc., Dr. Alan Nye, Robert Cross and Dr. David Peterson for the reasons set forth herein and for all other proper relief to which it may be entitled.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing pleading upon the following attorneys of record by U.S. Mail, postage prepaid, this 8th day of February, 2018:

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