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C & H Hog Farms, Inc. (Newton County, Arkansas): Response to Arkansas Department of Environmental Quality Motions in Arkansas Pollution Control and Ecology Commission Proceedings

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C & H Hog Farms, Inc. (C & H) has filed responses to certain Arkansas Department of Environmental Quality (“ADEQ”) motions in its appeal of the agency’s denial of a Regulation 5 permit for its sow-farrowing facility in Newton County, Arkansas.

C & H’s three motions are styled:

- C & H Hog Farms, Inc.’s Response to ADEQ’s Motion to Dismiss Request for Declaratory Judgment
- C & H Hog Farms, Inc.’s Consolidated Reply/Response to ADEQ’s Response to C & H’s Motion for Summary Judgment
- C & H Hog Farms, Inc.’s Response to ADEQ’s Motion to Dismiss Appeal

The respective arguments made in two of the motions include:

- C & H Hog Farms, Inc.’s Consolidated Reply/Response to ADEQ’s Response to C & H’s Motion for Summary Judgment
- Response to Statements of Undisputed Facts and Additional Statements of Undisputed Facts
- C & H’s Coverage Under the Expired General Permit Continues Until ADEQ Issues an Individual NPDES Permit or Terminates C & H’s Coverage through Enforcement
- C & H Hog Farms, Inc.’s Response to ADEQ’s Motion to Dismiss Appeal
- C & H Does Not Dispute ADEQ’s Authority to Deny a Permit, But Does Insist that ADEQ Follow the Applicable Laws and Procedures When Doing So, and that the Legal Implications of Denying a Permit be Appropriately Implemented
- C & H Has Adequately Alleged that ADEQ’s Permitting Decision Was Improper
- ADEQ’s Permitting Decision Was Not Proper

Administrative Law Judge Charles Moulton has scheduled for April 30th at 10:00 a.m. in the Arkansas Pollution Control and Ecology Commission room at ADEQ a hearing on the various motions that have been filed in the proceeding.

A copy of the three motions (except for exhibits) and Judge Moulton’s Scheduling Order can be downloaded below.

[C & H Hog Farms, Inc.'s Response to ADEQ's Motion to Dismiss Request for Declaratory Judgment](#)

[C & H Hog Farms, Inc.'s Consolidated Reply/Response to ADEQ's Response to C & H's Motion for Summary Judgment](#)

[C & H Hog Farms, Inc.'s Response to ADEQ's Motion to Dismiss Appeal](#)

[Scheduling Order](#)