

C & H Hog Farms, Inc. (Newton County, Arkansas) Arkansas Pollution Control and Ecology Proceedings: Motion to Continue Preliminary Hearing



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C & H Hog Farms, Inc., (“C & H”) filed a December 7th Motion to Continue Preliminary Hearing (“Motion”) that had been scheduled by Administrative Law Judge Charles Moulton. See Docket No. 18-004-P.

C & H is challenging the Arkansas Department of Environmental Quality’s (“ADEQ”) denial of an application for a Regulation No. 5 Permit.

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 company and ADEQ are also involved in judicial litigation of a previously denied permit for which the facility holds and/or has applied.

C & H’s Motion initially provides a brief summary of the previous administrative and current judicial appeal of the ADEQ permit denial. It further discusses a stay issued by the Circuit Court of Newton County in regards to the judicial appeals. The Motion argues in part that the Administrative Law Judge and the Arkansas Pollution Control and Ecology Commission are aware of the judicial proceedings and the document referenced as an “Interim Order and Stay.” Its Motion further states that:

C & H objects to the Commission and its Administrative Hearing Officer taking any further action in this matter and requests that the Preliminary Hearing be continued until the Reg. 5 Judicial Appeal and the Reg. 6 Judicial Appeal are resolved and the Interim Order and Stay is dissolved.

As a result, it requests that the January 4th preliminary hearing be continued.

A copy of the Motion can be found [here](#).