To: Howard Shanker[howard@shankerlaw.net]; Campbell, Rich[Campbell.Rich@epa.gov]
Cc: Greenberg, Ken[Greenberg.Ken@epa.gov]; Sakamoto, Glenn[Sakamoto.Glenn@epa.gov]; Karlson, Kristine[Karlson.Kristine@epa.gov]; Sablad, Elizabeth[Sablad.Elizabeth@epa.gov]; PERKINS, SUSANNE[Perkins.Susanne@epa.gov]; Mitschele, Becky[Mitschele.Becky@epa.gov]
From: Chan, Janice
Sent: Tue 11/4/2014 7:07:50 PM
Subject: RE: Just Wanted to make Sure you saw this

Hello Mr. Shanker,

I did receive your email. I've been trying to find the correct folks at EPA to connect you with. Since I work in Air Enforcement, my role with Water Enforcement is very limited. I'm copying the responsible manager for Water Enforcement as well as responsible personnel in both Water Enforcement and the Water Program to see whether they can provide answers or assist in the matter.

Thanks,

Janice

Janice Chan

U.S. EPA - R9

Enforcement Division

Air & TRI Section (ENF-2-1)

415-972-3308

Chan.Janice@epa.gov

From: Howard Shanker [mailto:howard@shankerlaw.net]
Sent: Tuesday, November 04, 2014 10:53 AM

To: Campbell, Rich; Chan, Janice
Subject: Just Wanted to make Sure you saw this
Importance: High

I sent the below last week. I just wanted to make sure you saw it. Looking forward to hearing from you. Thanks.

Howard

Hi Rich/Janice: As you may recall, Hickman Eggs is operating a CAFO in Tonopah Arizona (Desert Pride Farms) that is scheduled to house approximately 12 million chickens. I recently requested documents pertaining to Hickman's compliance with the AZPDES program. I did my file review on Wednesday. Hickman already has chickens on site and appears to be operational.

1. We previously established that Hickman essentially completed construction without a Stormwater Pollution Protection Plan or even an NOI to come in under the General Construction Permit. In fact Hickman didn't begin to file the necessary construction documents until after I requested them from ADEQ. These facts are beyond dispute. ADEQ has indicated that they will take no action against Hickman for this. As an aside, when I discovered the fact that Hickman had no SPPP and no construction NOI and pointed it out to DEQ - there seems to have been an internal argument over the fact that ADEQ had complied with my public records request and that should have been the end of the inquiry. i.e., ADEQ didn't have the documents and I should be done.

2. In my most recent file review I found, again, nothing. Hickman has filed no permit application for its Tonopah operations to be covered by the AZPDES program;

3. As you may be aware the General Permit for CAFOs in Arizona has expired - notwithstanding, Hickman has not filed an NOI;

4. Hickman has filed no Nutrient Management Plan;

5. Indeed, Hickman appears to simply be proceeding with operations without

bothering to meet obligations under the AZPDES program - ADEQ does not seem to care

Any suggestions would be appreciated. Indeed, if the EPA would like to try to protect the Nation's waters, that would be nice too. Thanks.

Howard M. Shanker

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