To: Howard Shanker[howard@shankerlaw.net]
Cc: Karlson, Kristine[Karlson.Kristine@epa.gov]; Sakamoto, Glenn[Sakamoto.Glenn@epa.gov]; Sablad, Elizabeth[Sablad.Elizabeth@epa.gov]; Coffey.Jennifer@azdeq.gov[Coffey.Jennifer@azdeq.gov]; Torres, Lawrence[Torres.Lawrence@epa.gov]
From: Mitschele, Becky
Sent: Thur 2/5/2015 7:36:44 PM
Subject: RE: Hickma Eggs Tonopah , Arizona - AZPDES Compliance

.....
;;;;;
Hello Mr. Shanker,

Thank you for your email regarding the Hickman facility in Tonopah, Arizona. EPA shares your desire to ensure that air and water quality in Arizona are protected. Sorry in the delayed response as we were coordinating with the appropriate staff at ADEQ.

Certain animal feeding operations are subject to environmental regulation by EPA. Specifically, the Clean Water Act (CWA) protects water resources and, among other things, prohibits the discharge of pollutants to waters of the U.S., unless authorized by a federal CWA permit (i.e. a National Pollutant Discharge Elimination System (NPDES) permit). The NPDES regulations apply to point sources, including CAFOs and construction sites.

EPA has authorized states to carry out certain portions of these laws, and therefore, Arizona maintains primary authority for permitting and enforcement activities related to CAFO poultry facilities. Although EPA has authorized the Arizona Department of Environmental Quality (ADEQ) to implement these programs, the Agency continues to carry out its oversight responsibilities, including the regulation of CAFOs. EPA will ensure that the state's programs comply with all applicable federal requirements. EPA also is continuing to coordinate with the appropriate staff at ADEQ to ensure that any facilities, which need NPDES permit coverage, apply and obtain coverage.

Thanks,

Becky Mitschele

On detail to U.S. EPA Region 9:

NPDES Permits Office and R9 Water Ag Coordinator

(415) 972 - 3492

Home Office: U.S. EPA, Headquarters

Office of Wastewater Management

Water Permits Division

(202) 564 - 6418

From: Howard Shanker [mailto:howard@shankerlaw.net]
Sent: Tuesday, January 13, 2015 10:18 AM
To: Karlson, Kristine; Chan, Janice; Campbell, Rich; Greenberg, Ken; Sakamoto, Glenn; Sablad, Elizabeth; PERKINS, SUSANNE; Mitschele, Becky
Subject: RE: Hickma Eggs Tonopah , Arizona - AZPDES Compliance
Importance: High

I hadn't received any response to the below email and wanted to follow up to make sure it got through. Please let me know if there is anything else we can provide and/or if you have any information you might be willing to share. My clients have been actively pursuing this matter with ADEQ to no avail. It appears clear that ADEQ is not going to do anything. Thank you. I look forward to hearing from you.

Howard M. Shanker

The Shanker Law Firm, PLC

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Offices

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Indian Law *Environmental & Natural Resources* *Personal Injury* *Civil Litigation* *Adoption*

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From: Howard Shanker
Sent: Monday, December 01, 2014 2:45 PM
To: 'Karlson, Kristine'; 'Chan, Janice'; 'Campbell, Rich'; 'Greenberg, Ken'; 'Sakamoto, Glenn'; 'Sablad,

Elizabeth'; 'PERKINS, SUSANNE'; 'Mitschele, Becky'
Subject: RE: Hickma Eggs Tonopah , Arizona - AZPDES Compliance
Importance: High

I hadn't heard anything back from you/EPA with regard to the violation(s) by Hickman of the AZPDES program and ADEQ's refusal/failure to do anything about them. Please let me know if EPA has any intention of following up on this issue. i.e., allowing one of the largest egg CAFOs in the world to operate without even preparing a Nutrient Management Plan and/or obtaining an AZPDES permit. I look forward to your response so that we can determine how best to proceed. If you require any additional information, please let me know. Thank you.

Howard M. Shanker

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