



June 19, 2009

Mr. Doyan Huckabee  
P.O. Box 136  
Cave City, AR 72521

RE: Complaint Investigation

Dear Mr. Huckabee:

On June 5, 2009, I performed a complaint investigation alleging dead chickens, sewage and chicken litter flowing into a creek near your property. The investigation was performed in accordance with the provisions of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated thereunder. At the time of the inspection, I observed the following violation:

I observed a pool of liquid waste with a strong odor approx. 20-25 feet long located at the south side of your chicken house that was slowly flowing southwest off your property. I also observed where waste had washed against the north side of a composting shed on your property that had flowed around the shed to the southwest toward a wet weather branch located approximately 30-40 feet southwest. The shed was open on both ends and had waste piled up on the floor of the shed on the west end that could wash out of the shed toward the wet weather branch. This is a violation of the Arkansas Water and Air Pollution Control Act (8-4-217) a, 2.

I also observed a straight pipe coming from a mobile home on your property with the waste flowing onto the ground approximately 60-65 feet east of the mobile home. The waste as you stated was still on your property. Since you are in the process of working the Arkansas Department of Health to install a state approved septic tank system, there is no need to address this item to the Arkansas Department of Environmental Quality.

Concerning the other items mentioned you need to immediately take whatever measures necessary to prevent pollution to waters of the state.

The above items require your immediate attention. Please submit a written response to these findings to Cindy Garner, Technical Assistance Manager, Water Division Enforcement Branch of this Department at the following address:

Water Division Enforcement Branch  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118-5317

Doyan Huckabee  
June 19, 2009  
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This response should contain detailed documentation describing the course of action taken to correct each item noted. This corrective action should be completed as soon as possible, and the written response with all documentation (i.e. pictures) is due by July 2, 2009.

For additional information you may contact the Enforcement Branch by telephone at 501-682-0639 or by fax at 501-682-0910.

If I can be of any assistance, please contact me at 870-793-5819.

Sincerely,




Mike Kennedy  
District 11 Field Inspector  
Water Division

cc: Water Division Enforcement Branch  
Water Division Permits Branch





WATER DIVISION COMPLAINT REPORT			
GPS LOCATION:		AFIN: None	
		PERMIT#: None	
DATE RECEIVED: April 29, 2009		COUNTY: Izard	
COMPLAINANT NAME: Teresa Duncan		COMPLAINT AGAINST: Doyan Huckabee	
ADDRESS: P.O. Box 120 Sidney, AR 72577		ADDRESS: P.O. Box 136 Cave City, AR. 72521	
PHONE: 281-615-8362		PHONE: 870-528-4054	
TRACKING & REFERRAL INFORMATION			
PERSON RECEIVING REPORT: <b>Lacye Reagan</b>	DATE: <b>4-28-09</b>	SUPERVISOR REFERRAL:	DATE:
INSPECTOR REFERRAL: <b>Mike Kennedy</b>	DATE: <b>4-29-09</b>	MEDIA SUPERVISOR REFERRAL:	DATE:
PHONE REFERRAL CONTACT:	DATE:	RECEIVING INSPECTOR:	DATE:
COMPLAINT RECEIVED BY: <input type="checkbox"/> PHONE <input type="checkbox"/> LETTER <input type="checkbox"/> VERBAL <input type="checkbox"/> INTERNET <input checked="" type="checkbox"/> EMAIL			
DETAILED DESCRIPTION			
The complaint alleged chicken litter and sewage had been running into a wet weather creek on her property.			
LOCATION			
Drive on Highway #58 east approx. 3 miles from Sidney, AR. to County Road #72. Turn on this road and drive approx. 2.5 miles to the Doyan Huckabee Farm.			
PREVIOUS COMPLAINT: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO DATES:			
DISCHARGE TO STREAM: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO NAME OF STREAM:			
INVESTIGATION			
INSPECTOR: <b>Mike Kennedy</b>		DATE: <b>June 5, 2009</b>	
ACTION TAKEN:		PHOTOS TAKEN: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<p>The Water Inspector met with Mr. Doyan Huckabee, Owner, of the chicken farm. The Inspector observed a pool of liquid waste washed from chicken litter stored at the farm on the south side of the 2<sup>nd</sup> of 2 chicken houses located at the farm. The pool was approx. 20-25 feet long and approx. 6-9 inches deep. The pool was slowly flowing southwest from Mr. Huckabee's property onto neighboring property. There was also a flowing wet weather branch located approx. 90-100 feet southwest of Mr. Huckabee's chicken house.</p> <p>Mr. Huckabee stated that chicken litter from the chicken houses had been stored where the pool is located and that the Arkansas Poultry and Livestock Commission had recently required him to remove the litter and build a stacking shed at his facility. Mr. Huckabee was informed that the waste flowing from his property was a violation of the Arkansas Water and Air Pollution Control Act (8-4-217) a, 2. He was also informed that he needed to drain the liquid waste, clean up the area, put out Lime for odor control and plant vegetation in this area to prevent pollution to waters of the state.</p> <p>There was also a composting shed located approx. 60-65 feet west of the chicken house that was open on both ends and waste was piled up near the open west end of the shed. The shed is located approx. 30-40 feet east of the same wet weather branch mentioned previously. Liquid waste had also washed up against the composting shed on the north side. Mr. Huckabee was informed that this area needed to be cleaned up and Lime put out for odor control. Also the composting shed needed to be enclosed on the west end to prevent pollution to waters of the state.</p> <p>There was also a mobile home located on the farm that had a straight pipe coming from the mobile home approx. 60-65 feet long flowing east onto Mr. Huckabee's pasture. Jeff Jackson of the Arkansas Department of Health was in the process of working with Mr. Huckabee to install a state approved septic tank</p>			
FURTHER ACTION:			
A cover letter will be forwarded to Mr. Huckabee, Owner, requiring a written response addressing the violation of the Arkansas Water and Air Pollution Control Act.			

SIGNATURE:



**Mike Kennedy**

DATE: **June 19, 2009**

Water Division NPDES Photographic Evidence Sheet									
<b>Location:</b>		Approx. 3 miles east of Sidney, AR. off Highway #58 on County Rd. #72 (Izard County)							
<b>Photographer:</b>		Mike Kennedy				<b>Witness:</b>		Doyan Huckabee	
<b>Photo #</b>	1	<b>Of</b>	10		<b>Date:</b>	6-5-09	<b>Time:</b>	1058	
<b>Description:</b>		This is a view showing liquid pooled up where chicken litter had been piled up. This is on the south side of the 2 <sup>nd</sup> of 2 chicken houses located on the farm. Strong odor and green in color.							
									
<b>Photographer:</b>		Mike Kennedy				<b>Witness:</b>		Doyan Huckabee	
<b>Photo #</b>	2	<b>Of</b>	10		<b>Date:</b>	6-5-09	<b>Time:</b>	1058	
<b>Description:</b>		This view shows the liquid slowly flowing into the pasture and onto neighboring property. There was also a flowing wet weather branch located approx. 90-100 feet southwest.							
									





Water Division NPDES Photographic Evidence Sheet									
<b>Location:</b>		Approx. 3 miles east of Sidney, AR. off Highway #58 on County Rd. #72 (Izard County)							
<b>Photographer:</b>		Mike Kennedy				<b>Witness:</b>		Doyan Huckabee	
<b>Photo #</b>	3	<b>Of</b>	10		<b>Date:</b>	6-5-09	<b>Time:</b>	1057	
<b>Description:</b>		Another view of picture #2. The liquid appeared to probably have gotten onto neighboring property.							
									
<b>Photographer:</b>		Mike Kennedy				<b>Witness:</b>		Doyan Huckabee	
<b>Photo #</b>	4	<b>Of</b>	10		<b>Date:</b>	6-5-09	<b>Time:</b>	1058	
<b>Description:</b>		This is looking in the opposite direction of the liquid pool looking east. Chicken litter had been piled up here according to Mr. Huckabee.							
									





Water Division NPDES Photographic Evidence Sheet									
<b>Location:</b>		Approx. 3 miles east of Sidney, AR. off Highway #58 on County Rd. #72 (Izard County)							
<b>Photographer:</b>		Mike Kennedy				<b>Witness:</b>		Doyan Huckabee	
<b>Photo #</b>	5	<b>Of</b>	10		<b>Date:</b>	6-5-09	<b>Time:</b>	1058	
<b>Description:</b>		Another view of picture #4 at the end of the chicken house looking north. Chicken litter had been piled to the edge of the old metal barn shown.							
									
<b>Photographer:</b>		Mike Kennedy				<b>Witness:</b>		Doyan Huckabee	
<b>Photo #</b>	6	<b>Of</b>	10		<b>Date:</b>	6-5-09	<b>Time:</b>	1115	
<b>Description:</b>		Liquid from chicken litter and other waste had washed down to this composting shed approx. 60 feet west of the chicken house. It had flowed around the shed toward the same wet weather branch located approx. 30-40 feet west of the shed.							
									



Water Division NPDES Photographic Evidence Sheet									
<b>Location:</b>		Approx. 3 miles east of Sidney, AR. off Highway #58 on County Rd. #72 (Izard County)							
<b>Photographer:</b>		Mike Kennedy				<b>Witness:</b>		Doyan Huckabee	
<b>Photo #</b>		7	<b>Of</b>		10	<b>Date:</b>		6-5-09	<b>Time:</b> 1114
<b>Description:</b>		A view of the west end of the composting shed showing waste piled up in shed and open where waste could wash from the shed to the wet weather branch approx. 30-40 feet west.							
									
<b>Photographer:</b>		Mike Kennedy				<b>Witness:</b>		Doyan Huckabee	
<b>Photo #</b>		8	<b>Of</b>		10	<b>Date:</b>		6-5-09	<b>Time:</b> 1114
<b>Description:</b>		Another view of the west end of the composting shed showing where waste could wash into the wet weather branch in the trees approx. 30-40 feet southwest.							
									



Water Division NPDES Photographic Evidence Sheet									
<b>Location:</b>		Approx. 3 miles east of Sidney, AR. off Highway #58 on County Rd. #72 (Izard County)							
<b>Photographer:</b>		Mike Kennedy				<b>Witness:</b>		Doyan Huckabee	
<b>Photo #</b>	9	<b>Of</b>	10		<b>Date:</b>	6-5-09	<b>Time:</b>	1107	
<b>Description:</b>		A view of the east side of the mobile home shown in picture #5. There is a sewer pipe leading from the mobile home off the hillside to the east.							
									
<b>Photographer:</b>		Mike Kennedy				<b>Witness:</b>		Doyan Huckabee	
<b>Photo #</b>	10	<b>Of</b>	10		<b>Date:</b>	6-5-09	<b>Time:</b>	1107	
<b>Description:</b>		A view of the end of the open pipe located approx. 60-65 feet east of the mobile home, still on Mr. Huckabee's property. Arkansas Department of Health is already aware of the open pipe and is in the process of requiring Mr. Huckabee to install a state approved septic tank system.							
									







August 26, 2009

Doyan Huckabee  
P.O. Box 136  
Cave City, AR 72521

RE: Complaint Investigation, AFIN: 33-00000  
**No Response Received**

Dear Mr. Huckabee:

On **June 19, 2009**, we sent a letter (copy enclosed) with the findings from a complaint investigation of your *property*. A reply was requested by **July 2, 2009**, but as of today we have not received a response.

*If you have already replied, please send a copy of your letter so we may update our files. If you have not answered our letter, please do so by **September 16, 2009**.*

A continued lack of cooperation in this matter could subject you to formal enforcement action. Such action could include but would not be limited to monetary civil penalties.

ADEQ will consider the inspection and your response as required by Pollution Control and Ecology Commission Regulation No. 7, Civil Penalties. This regulation requires ADEQ to consider the past compliance history of your company and how expeditiously the violations were addressed, in determining any civil penalty that may be necessary

Thank you for your attention to this matter. If you have any questions, please feel free to contact me at (501)682-0667 or e-mail: [blaket@adeq.state.ar.us](mailto:blaket@adeq.state.ar.us).

Sincerely,

Tracey Blake  
Enforcement Analyst  
Water Division

Enclosure

September 10, 2009

Tracey Blake  
Enforcement Analyst/Water Division  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118-5317

RE: Complaint Investigation, AFIN: 33-00000

Dear Tracy:

Please be advised that all of the required actions requested by your department have been addressed and performed as specified.

- 1) We have installed a septic tank for the mobile home on our property.
- 2) We have repaired the drainage problem from the chicken houses that was flowing off of our property. Our composting shed has had a wall put on to prevent any waste flowing from the shed.
- 3) We have planted grass behind chicken house #2 to stop any drainage problems.
- 4) We have spread gravel along the sides of the composter.
- 5) We have cleaned up all litter outside the buildings.

Please contact me if you need any further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Doyan", followed by a long horizontal flourish line extending to the right.

Doyan Huckabee

# ADEQ

ARKANSAS  
Department of Environmental Quality

August 26, 2009

Doyan Huckabee  
P.O. Box 136  
Cave City, AR 72521

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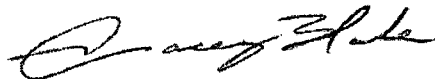
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Sincerely,



Tracey Blake  
Enforcement Analyst  
Water Division

Enclosure

copy

SP



# ADEQ

ARKANSAS  
Department of Environmental Quality

June 19, 2009

Mr. Doyan Huckabee  
P.O. Box 136  
Cave City, AR 72521

RE: Complaint Investigation

Dear Mr. Huckabee:

On June 5, 2009, I performed a complaint investigation alleging dead chickens, sewage and chicken litter flowing into a creek near your property. The investigation was performed in accordance with the provisions of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated thereunder. At the time of the inspection, I observed the following violation:

I observed a pool of liquid waste with a strong odor approx. 20-25 feet long located at the south side of your chicken house that was slowly flowing southwest off your property. I also observed where waste had washed against the north side of a composting shed on your property that had flowed around the shed to the southwest toward a wet weather branch located approximately 30-40 feet southwest. The shed was open on both ends and had waste piled up on the floor of the shed on the west end that could wash out of the shed toward the wet weather branch. This is a violation of the Arkansas Water and Air Pollution Control Act (8-4-217) a, 2.

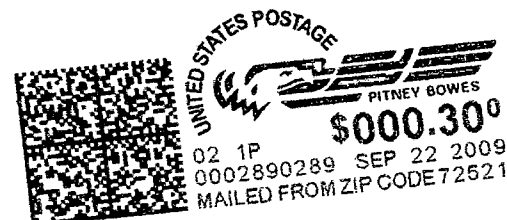
I also observed a straight pipe coming from a mobile home on your property with the waste flowing onto the ground approximately 60-65 feet east of the mobile home. The waste as you stated was still on your property. Since you are in the process of working the Arkansas Department of Health to install a state approved septic tank system, there is no need to address this item to the Arkansas Department of Environmental Quality.

Concerning the other items mentioned you need to immediately take whatever measures necessary to prevent pollution to waters of the state.

The above items require your immediate attention. Please submit a written response to these findings to Cindy Garner, Technical Assistance Manager, Water Division Enforcement Branch of this Department at the following address:

Water Division Enforcement Branch  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118-5317

White River Insurance Agency  
of Sharp County  
116 N. Street, Suite A-B  
Cave City, AR 72521



FIRST CLASS MAIL

Tracey Blake  
Enforcement Analyst - Water Division  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118-5317



October 9, 2009

Doyan Huckabee  
P.O. Box 136  
Cave City, AR 72521

RE: Complaint Investigation

Dear Mr. Huckabee:

The Department has received your response dated September 10, 2009 to the June 5, 2009 complaint investigation by District Field Inspector Mike Kennedy. The complaint alleged that dead chickens, sewage and chicken litter was flowing into a creek near your property.

Your letter appears to adequately address the discrepancies identified during the investigation. However, the Department requires that you submit photos of these corrective actions. These photos must be submitted to the Department no later than October 19, 2009.

The Department assumes the corrective action taken will be maintained to ensure consistent compliance. Acceptance of this response by the Department does not preclude any future enforcement action deemed necessary at this site or any other site.

The Department will keep the inspection and response on file. If future violations occur that require enforcement action, the Department will consider the inspection and response as required by the Pollution Control and Ecology Commission Regulation No. 7, Civil Penalties. This regulation requires the Department to consider your past history and how expeditiously the violations were addressed in determining any civil penalty that may be necessary for any future violations.

If we need further information concerning this matter, we will contact you. Thank you for your attention to this matter. Should you have any questions, feel free to contact me at 501-682-0635 or you may e-mail me at [anderson@adeq.state.ar.us](mailto:anderson@adeq.state.ar.us).

Sincerely,

Alan Anderson  
Enforcement Analyst  
Water Division Enforcement Branch



**From:** [Foster, Lisa](#)  
**To:** [Stracener, Connie;](#)  
**Subject:** FW: doyan huckabee  
**Date:** Monday, October 19, 2009 14:13:54  
**Attachments:** [Doyan Huckabee 003.jpg](#)  
[Doyan Huckabee 004.jpg](#)  
[Doyan Huckabee 005.jpg](#)  
[Doyan Huckabee 006.jpg](#)  
[Doyan Huckabee 007.jpg](#)

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-----Original Message-----

**From:** Allen-Daniel, Leslie  
**Sent:** Monday, October 19, 2009 10:13 AM  
**To:** Foster, Lisa  
**Subject:** FW: doyan huckabee

Would you please put the email and the attachments in Zylab under the Water Division?

Thanks,

*Leslie Allen-Daniel*

Secretary II

Arkansas Department of Environmental Quality

NPDES Enforcement Division

501-682-0639

[allen-daniel@adeq.state.ar.us](mailto:allen-daniel@adeq.state.ar.us)

-----Original Message-----

**From:** Garner, Cindy  
**Sent:** Monday, October 19, 2009 9:01 AM  
**To:** Allen-Daniel, Leslie  
**Subject:** FW: doyan huckabee

-----Original Message-----

**From:** Anderson, Alan  
**Sent:** Monday, October 19, 2009 8:14 AM  
**To:** Garner, Cindy

**Subject:** FW: doyan huckabee

Cindy:

Here is the response from Mr. Huckabee. It is complaint # 009069, The photos are attached.

-----Original Message-----

**From:** dhuckabee@wria.com [mailto:dhuckabee@wria.com]

**Sent:** Friday, October 16, 2009 3:19 PM

**To:** Anderson, Alan

**Subject:** doyan huckabee

Mr. Anderson , I am sending the pictures and just a note that we put a new septic system in, built a new compost shed (dead chickens) and planted grass where we use to stock pile the litter. we have dozed a place where we are going to build a stacking shed for the litter. just for your info, Townsends (poultry co.) will not let us clean out but 1 time a year now, so they wont be much litter to be moved. please call me @870-283-5300 or 870-710-4054 if you need anything futher. thanks Doyan Huckabee











