

Wilson, Lewis & Hays, Ltd.

*Attorneys at Law
A Professional Corporation*



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March 9, 1981

HAND DELIVERED

The Honorable Jarrell E. Southall, Director
Department of Pollution Control and Ecology
8001 National Drive
Little Rock, Arkansas 72209

Re: Bruce Oakley, Inc.

Dear Mr. Southall:

I am the attorney for Bruce Oakley, Inc. (BOI hereafter). I am in receipt of the letter dated February 27, 1981, from Mr. James B. Jones, Jr., of your department. His letter regards BOI's permit number 523-A which apparently is restricted to grains and fertilizer. BOI has entered into a contract with Reynolds Metals for the unloading and transportation of Coke from Louisiana to BOI's port facility in North Little Rock.

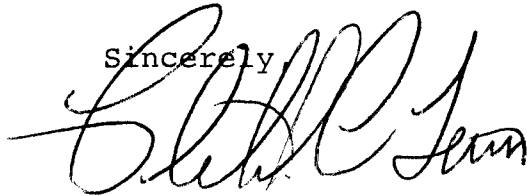
It is the intention of BOI to have completed it's application for a modification permit number 523-A to include the handling of coke at the North Little Rock facility. BOI hopes to have it's application for a modified permit ready for review by the Commission during it's meeting of 3-27-81. BOI's engineer is working with the technical engineering staff of your Commission in order to have the application for a modified permit ready for the March 27th meeting.

Until the Commission can rule on BOI's application for a modified permit, BOI asks for temporary permission to continue unloading barges containing coke at the North Little

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Rock facility. I feel that the amount of coke being discharged into the air is manageable and not a hazard. At least one barge is currently in route on the Mississippi River and an economic hardship will result if the barge can not be unloaded.

Sincerely,

A handwritten signature in cursive script, appearing to read "Fletcher C. Lewis".

Fletcher C. Lewis

FCL:ds

cc: Cheryl Terai
Attorney for Commission

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March 25, 1981

Ms. Cheryl Terai
Attorney for Commission
Department of Pollution Control and
Ecology
8001 National Drive
Little Rock, AR 72209

Re: Bruce Oakley, Inc.

Dear Ms. Terai:


I am the attorney for Bruce Oakley, Inc. (BOI hereafter). BOI requests a variance until the next regular meeting of the Commission (last week in May) for the unloading of barges containing coke at its port facility (3700 Lincoln Avenue, North Little Rock, Arkansas).

Mr. Rex Morris, engineer for BOI, is working on an application for permit to unload the coke. However, Mr. Morris cannot complete the application because specifications are not available.

BOI will make every effort to limit the air emissions from the unloading of the coke until the permit is granted. BOI understands that the issuance of a variance will not in any way limit the liability of BOI for private nuisance actions.

Failure to grant a variance to BOI would result in substantial economic hardship. BOI is currently under an obligation to Reynolds Metal for the unloading of barges containing coke which are being shipped by Reynolds from Louisiana to its Arkansas facility. The amount of air emissions from the unloading of the coke are minimal and do not present a serious or permanent threat to the environment.

Sincerely,


Fletcher C. Lewis

FCL:kv