

ARKANSAS DEPARTMENT OF POLLUTION
CONTROL & ECOLOGY

107
LOCATION/SUBJECT: Cedar
Creek Hog Farm;
LIS 93-060

MINUTE ORDER NO. 93-107

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On August 16, 1993, a hearing was held on the appeal of the issuance of a liquid animal waste permit to Cedar Creek Hog Farm, Permit Number 4190-W. Attending the hearing were the permittees, Roger Dale Elder and Zella Mae Elder, the appellant, Harold Waldron, the appellant, and Martin Eisele, the attorney for the Department.

Testifying in support of the permit were employees of the Department, employees of the Soil Conservation Service, the permittees, and W.W. Johnson, owner of the land application site for the hog waste. Testifying against the issuance of the permit were the appellant, Waldron and expert witness Walter Manger.

The Hearing Officer, Robert Sanders, issued a Recommended Decision based on the evidence presented at the hearing. The Recommended Decision found that the permit application was deficient as to the mapping and inclusion of buffer zones as submitted by the Soil Conservation Service, and that the application review did not consider that the site was being used for land application of chicken waste. It further found that the sediment basin and holding pond were properly designed.

The Hearing Officer remanded the permit to the Department to be reconsidered and for further review in order that the plans be modified for final approval by the Department so as to protect the waters of the state. A copy of that Recommended Decision is attached to this Minute Order as Exhibit "A".

Subsequent to the hearing the Department has reevaluated the land site, the land management plan, the holding ponds, and other factors to determine the feasibility of the site for such a facility. The Department has recalculated land application areas and buffer zones, has taken account of the addition of chicken waste, and has increased the thickness of the pond liner. The modified permit was then approved by the Department as protective of the waters of the state.

The Commission finds that the Recommendation of the Hearing Officer should be affirmed.

IT IS SO ORDERED.

COMMISSIONERS

J. Hill Hill
R. Wilbourn Wilbourn
M. Williams Williams
A. Carter Carter
B. Wright Wright
J. Young Young
J. Watkins Watkins
King King
B. Mobley B. Mobley
J. Mobley J. Mobley
Pascale Pascale
Waddell Waddell

Henry Wathen
Chairman

Submitted By: M. EISELE Date: OCT 22, 1993