

A permit for a liquid animal waste facility was issued to Ron Sharp. On August 25, 1993, a pleading entitled "Motion for Appeal, Commission Review and Adjudicatory Hearing" was filed by Bradley Johnson of Texarkana, Texas, within the time required for appeals. A Motion to Dismiss was filed by the Department based on the fact that the "Appeal" did not conform to the requirements of Regulation 8, and that the petitioner did not have standing to appeal the permits in that he is not only a resident of Texas but lives nowhere near the proposed facility. A response to the Motion to Dismiss was filed by Johnson.

During the prehearing the Hearing Officer heard arguments from both parties and from the permittee. The Hearing Officer found that the appeal should be dismissed on the grounds that (1) the "Appeal" was not in conformance with Regulation 8 as it did not sufficiently identify factual and legal objections or the type of evidence, (2) there was no statement of the reason evidence was not presented during public comment period, and (3) the petitioner did not have standing.

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

IT IS SO ORDERED.

COMMISSIONERS

- [Signature] Hill
- [Signature] Nichols
- Williams
- AA Carter
- SEW Wright
- [Signature] Young
- [Signature] Watkins *Negative*
- D. Wilbourn Wilbourn
- ABSENT B. Mobley
- [Signature] J. Mobley *Negative*
- ABSENT Pascale
- [Signature] Waddell

[Signature] Submitted By: M. EISELE Date: OCT 22, 1993  
Chairman

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