

ARKANSAS DEPARTMENT OF POLLUTION
CONTROL AND ECOLOGY

SUBJECT/LOCATION Randy
Underwood Hog Farm;
LIS No. 93-192

MINUTE ORDER NO. 93-118

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A permit for a liquid animal waste facility was issued to Randy Underwood. On August 4, 1993, a petition opposing the permit and requesting a hearing was filed by Robert Gunter of Russelleville, AR, within the time required for appeals. A Prehearing Teleconference was held on September 9, 1993, at which time the Department moved to dismiss the petition based on the fact that the petition did not conform to the requirements of Regulation 8 for appeals. Robert Gunter took part in that Prehearing. A formal Motion to Dismiss was later filed on September 21, 1993, and served on Robert Gunter through the U.S. Mail. That Motion was not answered by the petitioner.

The Hearing Officer found that the appeal should be dismissed on the grounds that the petition was not in conformance with Regulation 8 as it did not sufficiently identify factual and legal objections or the type of evidence to be introduced, there was no statement of the reason evidence was not presented during public comment period, and that the petition was simply a general statement of opposition to the permit.

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

IT IS SO ORDERED.

COMMISSIONERS

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Chairman

Submitted By: Eisele Date: 11/19/93