

On June 30, 1992, the Department issued a Notice of Violation to the City of Corning for open burning and illegal landfilling wooden pallets. The allegations set out that the City had been warned that pallets as such were violations of Arkansas law, and that the activities continued on June 22, 1992. This resulted in the issuance of the Notice of Violation and included penalties of \$6,000 for the Arkansas Air Code violation and \$4,000 for the Arkansas Solid Waste Management Code violation.

A hearing was held where evidence and testimony was taken from both parties and the Administrative Law Judge found that the City was in violation of the law for the activities on June 22, 1992. The penalties were reduced by half because the full penalty would have placed a financial burden on the City. A copy of the Recommendation is attached hereto.

The Commission has reviewed the record and finds that the recommendation of the hearing officer should be affirmed as to the findings and modified as to the penalty and that the penalty should be set at \$10,000 in accordance with the Notice of Violation.

COMMISSIONERS

- [Signature]* J. W. Looney
- [Signature]* H. Watkins, III
- [Signature]* J. Hill
- [Signature]* C. King
- [Signature]* R. Mason
- [Signature]* B. Mobley
- [Signature]* J. Pascale
- [Signature]* E. Waddell
- [Signature]* R. Wilbourn
- [Signature]* N. Williams
- [Signature]* S. Wilson
- [Signature]* W. Wright
- [Signature]* R. Young

[Signature]
Chairman

SUBMITTED BY: M. Eisele PASSED: 01/15/93