

ARKANSAS POLLUTION CONTROL  
AND ECOLOGY COMMISSION

LOCATION - SUBJECT Recommended  
Order of Administrative Hearing  
Officer - Docket No. 94-051

MINUTE ORDER NO. 94- 71'

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On May 10, 1994, Central States, Inc. ("CSI") filed its request for Commission Review and Adjudicatory Hearing ("Request") with the Commission.

On June 1, 1994, the Arkansas Department of Pollution Control and Ecology ("Department") filed a Motion to Dismiss.

Pursuant to A.C.A. §8-4-205 (Repl. 1993) the Administrative Hearing Officer held a preliminary hearing to determine whether the parties are proper, whether issues raised are proper and whether the objections to the request are properly identified. Since CSI had not responded to the Motion to Dismiss, the preliminary hearing was continued pending a decision on the motion.

On July 13, 1994, the Administrative Hearing Officer, Michael O'Malley, entered Order No. 4 which granted the Departments' Motion to Dismiss. Also on July 13, 1994, the Administrative Hearing Officer entered his Recommended Decision which is Order No. 5 in Docket No. 94-051. Order No. 5 recommended that CSI's request for a hearing be denied for the reasons set forth in Order No. 4.

The Commission hereby adopts and affirms, without modification, Order Nos. 4 and 5 entered on July 13, 1994, in Docket No. 94-051.

COMMISSIONERS

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SUBMITTED BY: O'MALLEY

PASSED: July 22, 1994

R. WILBOURN - CHAIRMAN