

ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION

LOCATION - SUBJECT _____
CITY OF CORNING
Docket No. LIS 92-106

MINUTE ORDER NO. 96-26

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On June 30, 1992, the Arkansas Department of Pollution Control and Ecology issued a Notice of Violation ("NOV") to the City of Corning, Arkansas. The matter was designated Docket No. LIS 92-106. The NOV alleged the open burning and illegal land filling of wooden pallets and assessed penalties against the City of Corning in the amount of \$10,000. The Arkansas Pollution Control and Ecology Commission ("Commission") ultimately adopted the \$10,000 penalty. See, Minute Order No. 93-17.

On February 25, 1993, the City of Corning, Arkansas, appealed the penalty assessment to the Circuit Court for the Western District of Clay County, Arkansas. This matter was designated as Case No. 93-08.

On March 27, 1996, the Honorable David Burnett entered an Order for Summary Judgment in favor of the City of Corning, Arkansas. The Circuit Court remanded the case to the Commission with instructions to dismiss the matter. The Commission decided not to appeal the Circuit Court's Order of March 27, 1996.

Therefore, in compliance with the Court's order, the Commission hereby dismisses Docket No. LIS 92-106 and the \$10,000 penalty assessed to the City of Corning, Arkansas.

COMMISSIONERS

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PWK
Chair

SUBMITTED BY: Watkins

PASSED: May 31, 1996