

ARKANSAS POLLUTION CONTROL  
AND ECOLOGY COMMISSION

LOCATION - SUBJECT \_\_\_\_\_  
James Boyette  
Docket No. 96-001-NOV

MINUTE ORDER NO. 97- 27

PAGE 1 OF 1

On March 25, 1997, the Administrative Hearing Officer ("AHO"), Michael O'Malley, entered a Recommended Decision (Order No. 4) in the matter of James Boyette, Docket No. 96-001-NOV.

The Commission considered this matter at its May 30, 1997 Commission meeting. The record compiled by the AHO and the Recommended Decision were presented to and accepted by the Commission.

The Recommended Decision dismissed the Notice of Violation and the civil penalty in the amount of \$10,000 issued to Boyette.

On May 30, 1997, the Commission heard oral arguments from the parties. Commissioner Henry Watkins made a motion to adopt and affirm, without modification, the Recommended Decision (Order No. 4). Commissioner Wilbourn seconded the motion.

Commissioner Bill Bush made a substitute motion. He moved to modify the Recommended Decision as to one issue. The AHO found that Boyette violated A.C.A. §8-1-107(c)(1) by not allowing Department employees immediate access to the premises to inspect the tire fire. The AHO did not adopt the Department's civil penalty in the amount of \$10,000 for this violation. Commissioner Bush moved to impose a civil penalty on Boyette in the amount of \$500 for violating A.C.A. §8-1-107(c)(1). The motion was seconded by Commissioner Carter and the substitute motion was passed.

COMMISSIONERS

WB B. Bush  
AC A. Carter  
DATA D. Hanby  
ABSENT J. Hill  
ABSENT J. Mobley  
ABSENT J. Pascale

CS T. Schueck  
ABSENT J. Shannon  
NO H. Watkins  
NO R. Wilbourn  
NO W. Wright  
NO R. Young

SUBMITTED BY: Bush PASSED: MAY 30, 1997  
Chair Commissioner