

ARKANSAS POLLUTION CONTROL LOCATION - SUBJECT Bakery Feeds  
AND ECOLOGY COMMISSION Docket No. 98-007-P

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On November 2, 1999 the Arkansas Department of Pollution Control and Ecology ("ADPC&E") issued Air Permit No. 1662-AR-1 to Bakery Feeds at 1340 West Cato Springs Road in Fayetteville, Arkansas For The Installation, Alteration, Or Replacement Of Equipment And/Or Pollution Control Apparatus Under Regulation Of the Arkansas Plan Of Implementation For Air Pollution Control And The Arkansas Air Pollution Control Code. On December 10, 1998 James Harp, Kathleen Doss, Liz Hutchens and Betty Jean Carnes (the "Petitioners") filed with the Arkansas Pollution Control and Ecology Commission a Third-Party request for Commission Review and Adjudicatory Hearing (the "Request") on Air Permit No. 1552-AR-1.

Sec. 2.5.12(a) of Regulation 8 Administrative Procedures of the Arkansas Pollution Control and Ecology Commission ("Regulation 8") provides that during the pendency of Commission review the issuance of a permit shall be stayed. Sec. 2.5.12(b) of Regulation 8 provides that upon request by any party the Commission may terminate a stay under appropriate circumstances to avoid substantial prejudice to any party.

On January 5, 1999 Griffin Industries, Inc., d/b/a Bakery Feeds filed a Motion to Dismiss Third-Party Request for Commission Review and Adjudicatory Hearing on the basis that the Request was not filed with the Secretary of the Commission within 30 days of the date of issuance of the Permitting Decision (November 2, 1998) as required by Sec. 2.5.3(b)(1)(a) of Regulation 8. Petitioners Request was filed on December 10, 1998 - 38 days after the date of issuance of the Permitting Decision.

The Bakery Feeds plant recycles and processes grain based food by-products unfit for human consumption into dry feed ingredient for chicken and swine. Bakery Feeds proposes to replace the dryer at its existing plant with a larger high efficient, high capacity

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dryer and proposes to replace the existing 50' exhaust stack with a 100' exhaust stack. Computer modeling by the Air Division of the ADPC&E reflects that the hourly concentrations of emissions from the Bakery Feeds plant will be substantially reduced by the new dryer and exhaust stack.

The reduction in emissions will further protect the environment and promote the public welfare.

The Commission finds that if the stay for Air Permit No. 1552-AR-1 is not terminated, equipment which would substantially reduce hourly concentrations of emissions from the Bakery Feeds plant and thereby protect the environment cannot be installed and there will be substantial prejudice. In order to avoid such substantial prejudice and to protect the public health, safety and welfare, the Commission hereby orders that the stay for Air Permit No. 1552-AR-1 is terminated this 22<sup>nd</sup> day of January, 1999, and Bakery Feeds is hereby authorized to proceed with installation and operation of the new dryer and exhaust stack authorized by Air Permit No. 1552-AR-1.

COMMISSIONERS

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ABSENT  
[Signature]  
B. Bush  
C. Coleman  
J. Goodhart  
D. Hanby  
J. Hill  
J. Mobley

ABSENT  
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J. Pascale  
T. Schueck  
J. Shannon  
L. Sickel  
S. Varnell  
W. Wright  
R. Young

SUBMITTED BY: J. McCord PASSED: 01/22/99

[Signature]  
Chair