

August 18, 2009

Billy Ray Mainer, Operator  
Holy Glow Farm  
17722 South Highway 41  
Branch, AR 72928



AFIN: 24-00070

State Permit No.: 3963-W

Dear Mr. Mainer:

On August 11, 2009, I performed a routine compliance inspection at your facility in accordance with the provisions of the, Arkansas Water and Air Pollution Control Act, and the regulations promulgated thereunder. This inspection revealed the following violation:

**The 2008 Annual Report for the farm was not submitted to the Department. This report is required to be submitted by May 30 of each year.**

You advised me during the inspection that the milk farm was currently not in operation. You also stated that you do not plan to terminate the permit at this time. If the farm begins the milking process again, please submit an updated waste management plan for the facility. As a reminder, before the permit can be terminated, you must submit a closure plan. For questions regarding the closure plan you may contact Joslyn Burleson with the Permits Branch at 501-682-0648.

The above item requires your immediate attention. Please submit a written response to this violation to Cindy Garner, Water Division Enforcement Branch Manager at the address below. This response should include the 2008 Annual Report and your immediate plans for the facility. Your written response is due by September 4, 2009.

If I can be of any assistance, please contact me at 479-452-4822 ext. 11

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Tyler".

Jeff Tyler  
District 4 Field Inspector  
Water Division

cc: Water Division Enforcement Branch  
Water Division Permits Branch



**ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**Agricultural Permit Inspection Report**

<b>Inspection Date</b> 08-10-09	<b>AFIN Number</b> 24-00070	<b>Permit Number</b> 3963-W	<b>County</b> Franklin	<b>Compliance Status</b> <b>Out</b>
<b>Facility Name and Location</b> Holy Glow Farm South Highway 41 Branch		<b>Name of Responsible Official</b> Bill Mainer  <b>Phone Number</b> 479-635-5035		<b>Mailing Address</b> Holy Glow Farm 17722 S. Hwy. 41 Branch, AR 72928
<b>Legal Description</b> Sec. 27 Tns: 7N Rng. 28W		<b>Name of Person Contacted</b> Billy Ray Mainer		<b>Title</b> Operator
<b>Grow or Produce for:</b> NA		<b>Design Animal Type and Capacity</b> 120-Dairy		
<b>Evaluate the Following Areas: S-Satisfactory M-Marginal U--Unsatisfactory N/A-Not Evaluated</b>				
<b>Part 1 - Operation and Maintenance</b>				
<b>(a) No discharge of wastewater from basins, lagoons, holding pond, and/or pits.</b>				S
(b) No leaks or seeps in waste holding/disposal system.				S
(c) Adequate freeboard was found at basins, lagoons, holding ponds, and/or pits. Estimate freeboard: <b>settling basin 24" (requirement 12") holding basin 30" requirement</b>				S
(d) Banks and levees properly maintained and in good operating condition.				S
(e) Adequate holding capacity in waste holding system.				S
(f) Adequate wasted disposal equipment available and operational. Type :( <u>  N  </u> )				N
(g) All waste being properly applied according to permit and waste management plan.				N
(h) All land application sites are approved under waste management plan or site management plan.				N
(i) Waste holding pond/pit is properly fenced, posted, and staff gauge installed if required.				N
(j) Waste facility and confinement area constructed according to approved plans.				N
(k) Owner and managing operators have completed adequate training and/or education.				S
(l) All flush systems, drain chutes, and waste drag systems operational.				N
(m) Facility operating within design type and capacity limits.				N
Comments/Violations Noted in Operation and Maintenance Section				
<b>Inspection revealed that the facility is currently not in operation.</b>				
<b>Part 2 - Sampling</b>				
(a) Wasted/wastewater sampled and analyzed for parameters as required by permit and/or Reg. 5.				N
(b) Soil at the land application sites sampled and analyzed as required by the permit and/or Reg 5.				N
(c) Sampling and analytical method meet the terms and conditions of the permit and/or Reg 5.				N

### Part 3 - Records and Reports

- |   |   |
|---|---|
| (a) Adequate records are kept on all waste being land disposed as required by permit and/or Reg. 5.   | U |
| (b) Records being maintained on sampling and analysis of soil, waste as required by permit/ Reg .5.   | N |
| (c) Annual reports and other record keeping requirements kept and/or submitted as required by permit. | U |

#### Comments/Violations noted Records and Reports Section

According to records in the Central Office, the 2008 Annual Report has not been submitted to the Department.  
Operator was unable to provide records which confirmed that no waste had been land applied in 2008.

### Part 4 – General

- |   |   |
|---|---|
| (a) All waste streams at the facility are covered under permit.                                     | S |
| (b) No waste placed in a location where it is likely to cause pollution to the waters of the State. | S |
| (c) No visible effects on nearby waters of the State due to permitted waste system.                 | S |
| (d) Dead animals properly disposed.   | N |

☐ Composted ☐ On-site Burial ☐ Rendered ☐ Incinerator ☐ Other (Specify)

#### Comments/Violations noted in General Section

### Part 5 - Recurring/Highlighted Violations

(List all Recurring and/or Highlighted Violations of Permit Conditions)

Photos Take During Inspection:

Yes

Inspector Name:

Jeff Tyler

Samples Taken:

No

Date of Report:

August 18, 2009

Signature of Reviewer:

Dale D. Washam

Date of Review

August 21, 2009

<b>Location:</b>	Holy Glow Farm-Franklin County						
<b>Photographer:</b>	Jeff Tyler			<b>Witness:</b>	None		
<b>Photo #</b>	1	<b>Of</b>	2	<b>Date:</b>	08-18-09	<b>Time:</b>	1242
<b>Description:</b>	Settling basin at the farm with adequate freeboard.						



<b>Photographer:</b>	Jeff Tyler			<b>Witness:</b>	None		
<b>Photo #</b>	2	<b>Of</b>	2	<b>Date:</b>	08-18-09	<b>Time:</b>	1243
<b>Description:</b>	Holding pond with estimated freeboard greater than the required 22".						





October 12, 2009

Billy Ray Mainer  
Holy Glow Farm  
17722 S. HWY 41  
Branch, AR 72928

RE: 3963-W, AFIN: 24-00070, **No Response Received**

Dear Mr. Mainer:

On **August 11, 2009**, we sent a letter (copy enclosed) with the findings from a compliance inspection of your *site*. A reply was requested by **September 4, 2009**, but as of today we have not received a response.

*If you have already replied, please send a copy of your letter so we may update our files. If you have not answered our letter, please do so by **October 30, 2009**.*

A continued lack of cooperation in this matter could subject you to formal enforcement action. Such action could include but would not be limited to monetary civil penalties.

ADEQ will consider the inspection and your response as required by Pollution Control and Ecology Commission Regulation No. 7, Civil Penalties. This regulation requires ADEQ to consider the past compliance history of your company and how expeditiously the violations were addressed, in determining any civil penalty that may be necessary

Thank you for your attention to this matter. If you have any questions, please feel free to contact me at (501)682-0667 or e-mail: [blaket@adeq.state.ar.us](mailto:blaket@adeq.state.ar.us).

Sincerely,

Tracey Blake  
Enforcement Analyst  
Water Division

Enclosure

Arkansas Department of Environmental Quality  
Permits Branch, Water Division  
5301 Northshore Drive  
North Little Rock, AR 72118

This is a resubmitted Form that  
was done in Sep '09. In response  
to letter Attached for permit  
# 3963 W

BLP M

# ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

## ANNUAL REPORT FORM FOR PERMITTED CONFINED ANIMAL FACILITIES

REPORTING PERIOD:

5-31-08 6-1-09

PERMITTEE NAME: Holy Glow Farm PERMIT NUMBER: 3963W

PHONE NUMBER: 479-635-5035 AFIN NUMBER: \_\_\_\_\_

FACILITY TYPE AND SIZE: 120 Dairy Cows No Longer in Business  
(ie., 200 Cow Dairy, 2,500 Swine Finishing, 80,000 Bird Layer Operation, etc.)

WASTE DISPOSAL SYSTEM CONSISTS OF:

HP SB  
(ie., Holding Pond, Holding Pond & Settling Basin, Concrete Holding Tank, etc.)

WASTE APPLICATION METHOD: \_\_\_\_\_

(ie., Tank Spreader, Irrigation System, etc.)

NO. OF APPLICATION FIELDS: 2

TOTAL AVAILABLE ACREAGE: 80

WASTEWATER SAMPLE LOCATION: \_\_\_\_\_

(Lagoon During Pumping or Field During Application)

YOU MUST SUBMIT A COPY OF THE WASTEWATER ANALYSIS FOR EACH SAMPLE PROVIDED TO THE COOPERATIVE EXTENSION SERVICE OR A PRIVATE LAB. THE WASTEWATER ANALYSIS MUST INCLUDE: pH (su), TOTAL NITROGEN, AMMONIA NITROGEN, TOTAL POTASSIUM, TOTAL PHOSPHORUS, AND PERCENT SOLIDS.

IN ADDITION, YOU MUST SUBMIT A COPY OF THE SOIL ANALYSIS FOR EACH FIELD WITH THIS FORM. THE SOIL ANALYSIS MUST INCLUDE: pH (su), POTASSIUM (lbs/ac), PHOSPHORUS (lbs/ac), AND NITRATES (lbs/ac). AT LEAST ONE SOIL ANALYSIS SHOULD BE DONE FOR EACH 30 ACRE TRACT.

PLEASE COMPLETE THE TABLE ON THE BACK FOR THE LAND APPLICATION REPORT. YOU MUST SIGN AND DATE THIS REPORT AND SUBMIT IT TO THE DEPARTMENT PRIOR TO MAY 30th OF EACH YEAR. PLEASE KEEP A COPY OF THIS REPORT, THE SOIL ANALYSIS, AND THE WASTEWATER ANALYSIS FOR YOUR RECORD AT THE FACILITY.

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION.

Billy Ray Manner

OWNER OR OPERATOR (Please Print)

[Signature]

SIGNATURE

10-17-08

DATE

Mail complete annual report form and annual application report to:



# ANNUAL ANIMAL WASTE LAND APPLICATION REPORT

PERMITTEE NAME: Hoby G-Law Farm PERMIT NUMBER: 3963W

Field Name or/and Number	Crop Type	Total* Area Applied (acres)	Total** Volume Applied (gallons)	Total*** Nitrogen (lbs/1000 gal.)	Calculated Nitrogen Applied (lbs/ac)
(1)	(2)	(3)	(4)	(5)	(6)
NONE	Applied				
out of	Business				

\* Total available area is the area where manure was applied during the reporting period (this data can be obtained from the management plan).

\*\* Total volume applied is the total volume applied to the field during the whole reporting period (this data can be obtained from record sheet).

\*\*\* Total Nitrogen concentration (lbs/1000 gallons) can be obtained from the wastewater analysis sheet.

Column (6) = Nitrogen Applied (lbs/ac) = Column(4) X Column(5) + Column (3) + 1,334

**NOTE: You may make additional copies of this table as needed.**

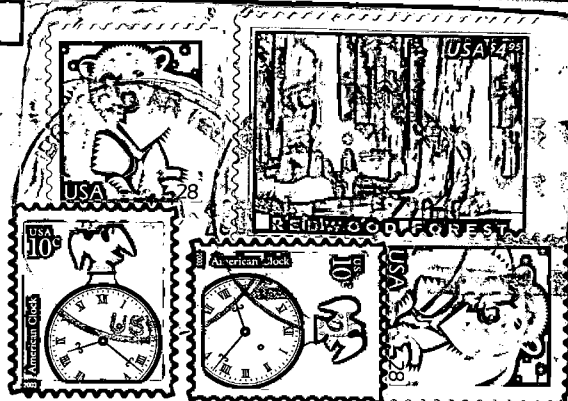
Mail complete annual report form and annual application report to:  
 Arkansas Department of Environmental Quality  
 Permits Branch, Water Division  
 5301 Northshore Drive  
 North Little Rock, AR 72118

Holy Glow Farm  
17722 Hwy 41 South  
Branch Ar 72928

CERTIFIED MAIL™



7004 2510 0000 0974 9345



RETURN RECEIPT  
REQUESTED

Attn

Arkansas Department Environmental Quality  
Permits Branch Water Division  
5301 Northshore Drive  
North Little Rock, Ar 72718



ARKANSAS  
Department of Environmental Quality

November 20, 2009

Billy Ray Manier  
Holly Glow Farm  
17722 South Highway 41  
Branch, AR 72928

RE: State Permit No.: 3963-W, AFIN: 24-00070  
Response to Inspection

Dear Mr. Mainer:

The Department has received your response to the August 11, 2009 inspection of your facility by our District Field Inspector, Jeff Tyler. Your letter appears to adequately address the discrepancies identified during the visit. The Department assumes the corrective actions taken will be maintained to ensure consistent compliance with the requirements of the permit. Acceptance of this response by the Department does not preclude any future enforcement action deemed necessary at this site or any other site.

The Department will keep the inspection and response on file. If future violations occur that require enforcement action, the Department will consider the inspection and response as required by the Pollution Control and Ecology Commission Regulation No. 7, Civil Penalties. This regulation requires the Department to consider the past history of your company and how expeditiously the violations were addressed in determining any civil penalty that may be necessary for any future violations.

If we need further information concerning this matter, we will contact you. Thank you for your attention to this matter. Should you have any questions, feel free to contact me at 501-682-0631 or you may e-mail me at [little@adeq.state.ar.us](mailto:little@adeq.state.ar.us).

Sincerely,

A handwritten signature in cursive script that reads "Gene Little".

Gene Little  
Enforcement Analyst  
Water Division Enforcement Branch