

ADEQ

A R K A N S A S
Department of Environmental Quality

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,

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

Inspection Date 08-10-09	AFIN Number 24-00070	Permit Number 3963-W	County Franklin	Compliance Status Out
Facility Name and Location Holy Glow Farm South Highway 41 Branch		Name of Responsible Official Bill Mainer	Mailing Address Holy Glow Farm 17722 S. Hwy. 41 Branch, AR 72928	
		Phone Number 479-635-5035		
Legal Description Sec. 27 Tns: 7N Rng. 28W		Name of Person Contacted Billy Ray Mainer	Title Operator	
Grow or Produce for: NA		Design Animal Type and Capacity 120-Dairy		

Evaluate the Following Areas: S-Satisfactory M-Marginal U--Unsatisfactory N/A-Not Evaluated

Part 1 - Operation and Maintenance

(a) No discharge of wastewater from basins, lagoons, holding pond, and/or pits.	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: settling basin 24" (requirement 12") holding basin 30" requirement	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 :(_ N_)	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

Inspection revealed that the facility is currently not in operation.

Part 2 - Sampling

(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 *Jeff*

Samples Taken:

No

Date of Report:

August 18, 2009

Signature of Reviewer:

Dale D. Washam

Date of Review

August 21, 2009

Location:	Holy Glow Farm-Franklin County							
Photographer:	Jeff Tyler			Witness:	None			
Photo #	1	Of	2		Date:	08-18-09	Time:	1242
Description:	Settling basin at the farm with adequate freeboard.							
								
Photographer:	Jeff Tyler			Witness:	None			
Photo #	2	Of	2		Date:	08-18-09	Time:	1243
Description:	Holding pond with estimated freeboard greater than the required 22".							
								

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A R K A N S A S
Department of Environmental Quality

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.

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

Blf17 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 Cow No Longer in Business
(ie., 200 Cow Dairy, 2,500 Swine Finishing, 80,000 Bird Layer Operation, etc.)

WASTE DISPOSAL SYSTEM CONSISTS OF:

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

WASTE APPLICATION METHOD: None

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

NO. OF APPLICATION FIELDS: 2

TOTAL AVAILABLE ACREAGE: 80

WASTEWATER SAMPLE LOCATION: None
(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 Monroe

OWNER OR OPERATOR (Please Print)

13013 W

SIGNATURE

DATE

10-17-09

Mail complete annual report form and annual application report to:

ANNUAL ANIMAL WASTE LAND APPLICATION REPORT

PERMITTEE NAME: Holy Glow 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

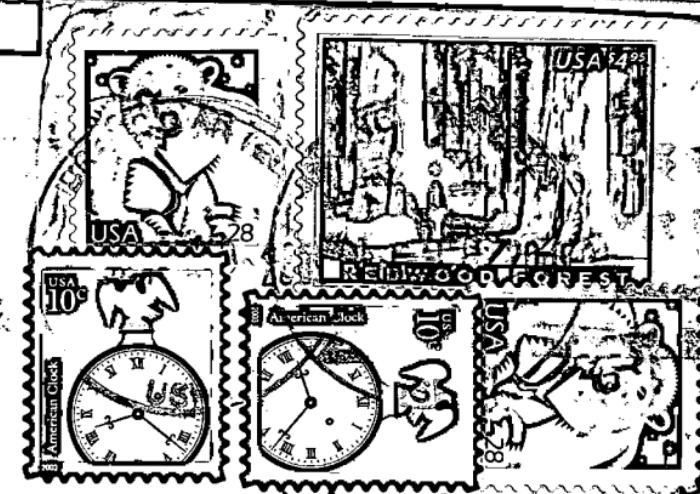
North Little Rock, AR 72118

Holy Glow Farm
17722 Hwy 41 South
Branch AR 72928

CERTIFIED MAIL™



7004 2510 0000 0974 9345



RETURN RECEIPT
REQUESTED

~~Athen~~

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

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A R K A N S A S
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 littler@adeq.state.ar.us.

Sincerely,



Gene Little
Enforcement Analyst
Water Division Enforcement Branch