



Arkansas Natural Resources Commission



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The following are complaints supplied to the Commission; defendant in bold text.

1. **Stacy Amos** (Eucha/Spavinaw Watershed)

a) **May 1, 2007**. Complaint from the Eucha/Spavinaw Watershed Team on Stacy Amos for applying poultry litter to a farm without a nutrient management plan (NMP); application made for Bill Eldred February 23, 2007

b) **May 1, 2007**. Complaint from the Eucha/Spavinaw Watershed Team on Stacy Amos for applying poultry litter to fields with a phosphorus threshold of more than 300ppm; application made for Jay Duncan April 30, 2007.

c) **May 2, 2007**. Complaint from the Eucha/Spavinaw Watershed Team on Stacy Amos for applying poultry litter to a farm without a NMP; application made for Jack Sprinkles on March 6, 2007.

July 12, 2007. Mr. Amos was sent a warning letter describing the violations and what further actions the Commission would take if any other violations were committed.

March 11, 2008. The Commission made a follow up inspection on Mr. Amos's facility. The Commission thoroughly investigated the records provided by the Eucha/Spavinaw Watershed team and farms in which Mr. Amos had applied litter; not supplied by Mr. Amos. It was found that after receiving the warning letter Mr. Amos again applied litter to fields inside the watershed without a NMP; litter applied to a farm owned by Bryan Wilkins on August 24, 2007.

On May 13, 2008 Mr. Amos was issued a Consent Order containing a \$50 fine for the litter application on August 24, 2007. Mr. Amos was also in violation of insufficient records and was sent a warning letter on that same date.

2. **Junior Armor** (Upper White River Watershed).

April 3, 2007. Complaint from David Duplantis on Junior Armor for applying poultry litter to close to his pond.

April 21, 2007. An Inspector from the Madison County Conservation District inspected the farm and found that Mr. Armor was applying litter in accordance with his NMP and there were no violations.

April 26, 2007. The Commission received the inspection form from the District. Upon further investigation by the Commission it was found that there was a mistake on the part of the plan writer and a violation did take place. The plan writer put in place a 50 ft setback distance from Mr. Duplantis's pond. Because the slope was greater than %15 there should have been a 100 ft setback distance. Mr. Armor was not found to be in violation given that he was following the NMP written by a certified plan writer. The plan was revised putting into place the new setback and Mr. Duplantis was satisfied with the change.

3. **Seng Yang** (Illinois River Watershed)

May 3, 2008. Complaint from Patricia Gould-Quick on Seng Yang for over application and causing a nuisance: horrendous odor from the litter.

May 7, 2008. An inspector from the Benton County Conservation Districts conducted an inspection on Mr. Yang's Farm and found no Violations. In fact Mr. Yang leases his farm to Harvey Amos. Mr. Amos was the one responsible for the application and is certified with the state. Mr. Amos has a current NMP and was following the NMP correctly. Because we do not deal with or regulate air quality we could not comply with Miss. Gould-Quick's odor issues.

The following names are those that were involved in the Oklahoma complaints. We received a list of complaints from two different sources; through and e-mail from Miles Tolbert, Oklahoma Secretary of Environment and a packet mailed from Tyson; Tyson received the complaints from an attorney representing the Oklahoma Attorney General and they passed that information along to the Commission. The complaints were submitted without a notarized signature, and the Commission requires all complaints to submit complaints under a notarized signature. However, because the complaints came from the Attorney General's office we acted in a good faith effort and looked into the complaints. We found that all landowners were in compliance with their NMPs and all other laws or rules involving litter application.

Gary Proctor (Illinois River Watershed)

Observed on [April 9, 2008](#) by Mr. Steele and Mr. Stansill.

Complaint: ***"Land surrounding Gary Proctor's (Tyson) residence & farm. Displays signs of excess litter application. Note; Mr. Proctor is one of the most active litter spreaders"***

[April 23, 2008](#). The Commission received the complaint forms from Tyson Foods.

[May 1, 2008](#). An Inspector from the Washington County Conservation District looked into the complaint and found no violations.

John Hart (Illinois River Watershed)

Observed on [April 9, 2008](#) by Mr. Steele and Mr. Stansill.

Complaint: ***"field being actively applicated with litter from Tyson Hart Poultry Farm at WP#8 (Battlefield Park Rd-East of Viney Grove)"***

[April 23, 2008](#). The Commission received the complaint forms from Tyson Foods.

[May 5, 2008](#). . An Inspector from the Washington County Conservation District looked into the complaint and found no violations.

Ronnie Wright (Illinois River Watershed)

Observed on [April 9, 2008](#) by Mr. Steele and Mr. Stansill.

Complaint: ***"field E. of Highway 59 (Ark) with litter being applied by two litter trucks getting litter form WP 10. Observed four trips & applications to fields by the two trucks"***

[April 23, 2008](#). The Commission received the complaint forms from Tyson Foods.

[April 30, 2008](#). . An Inspector from the Washington County Conservation District looked into the complaint and found no violations.

Pete Allen, Flint Creek Farm, (Illinois River Watershed)

Observed on [April 9, 2008](#) by Mr. Steele and Mr. Stansill.

Complaint: ***"field very recently applicated located west of Ark 43 and just south of Flint Creek. Tire tracks and litter observed on field"***

[April 23, 2008](#). The Commission received the complaint forms from Tyson Foods.

[May 1, 2008](#). An Inspector from the Benton County Conservation District looked into the complaint and found no violations.

Rick Bickford (Illinois River Watershed)

Observed on [April 11, 2008](#) by Mr. Steele and Mr. Stansill.

Complaint: ***"Bickford Farm located off Sugar Hill Rd. and 414 Rd west of Lincoln Ark. Litter pile stacked outside and uncovered. Dead chickens visible"***

[April 14, 2008](#). The Commission received the complaint via e-mail from Miles Tolbert.

[April 14, 2008](#). Because the complaint dealt with uncovered stacked litter, the Commission referred the complaint to the Arkansas Department of Environmental Quality (ADEQ).

[May 12, 2008](#). ADEQ inspected the farm and found no violation, there was evidence of Proper storage.

[June 16, 2008](#). ADEQ sent Mr. Bickford a letter confirming that there were no violations.

Windy Holland (Illinois River Watershed)

Observed on [April 9, 2008](#) by Mr. Steele and Mr. Stansill.

Complaint: ***"Suspect litter piled in field where litter has been found in the past. This farm is a cattle operation north & west of Weddington Church"***

[April 14, 2008](#). The Commission received the complaint via e-mail from Miles Tolbert.

[April 14, 2008](#). Because the complaint dealt with stacked litter, the Commission referred the complaint to ADEQ.

[May 2, 2008](#). ADEQ inspected the farm and found no evidence of a violation.

[June 16, 2008](#). ADEQ sent a letter to Mrs. Holland confirming that there were no violations.

Randy Robinson (Illinois River Watershed)

Observed on [April 9, 2008](#) by Mr. Steele and Mr. Stansill.

Complaint: ***"Randy Robinson Tyson Farm litter shack very full with dead chickens mixed with litter. South of Weddington"***

[April 14, 2008](#). The Commission received the complaint via e-mail from Miles Tolbert.

[April 16, 2008](#). Because the complaint dealt with improper litter storage and improper bird disposal, the Commission referred the complaint to ADEQ and the Livestock and Poultry Commission (AL&P).

[April 17, 2008](#). AL&P inspected the farm and found no violation; the inspector advised that growers in that area use their stacking sheds as composters.

[May 2, 2008](#). ADEQ inspected the farm and found the following violation: "The placement of waste in such a manner that it has the potential to enter the waters of the state. This is in violation of the Arkansas Water and Air Pollution Control Act 8-4-217, (a)(2)"

[June 16, 2008](#). ADEQ sent Mr. Robinson a letter describing the violation and how to correct the problem.

Note: No penalties were assessed.

Unknown Farm (LAT. N35.99115 LONG. -94.35620)

Observed on [April 9, 2008](#) by Mr. Steele and Mr. Stansill.

Complaint: ***"(Suspect) large litter piles 547 yards NW of WP#5. Note:litter found at this location stored in this manner on several occasions"***

[April 14, 2008](#). Because the complaint dealt with stacked litter, the Commission referred the complaint to ADEQ.

The Commission has not yet had a response from ADEQ on this matter.

Like several of the complaints there was no identification of who owned the farms or descriptions of the farm itself; only lat. and longs. were provided. The Commission asked Mr. Tolbert to provide us with a better description of the defendant's property so that we would be sure of the proper land owner. Mr. Tolbert was unable to provide any more information. Our inspectors were familiar enough with the area to find the farms. Some of the ADEQ's inspections were delayed because of a problem finding the correct locations.