



IN THE CIRCUIT COURT OF NEWTON COUNTY, ARKANSAS
CIVIL DIVISION

ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY

PLAINTIFF

vs.

CASE NO.: 51CV-17-51-1

PATRICK SANDERS

DEFENDANT

FILED
OFFICE OF THE CIRCUIT CLERK
NEWTON COUNTY ARKANSAS

NOV 07 2017

A.M. 2:25 P.M.
BOOK 42 PAGE 190
RONNIE DAVIS

ORDER FOR TEMPORARY INJUNCTIVE RELIEF

Comes now the Plaintiff, the Arkansas Department of Environmental Quality (Plaintiff/ADEQ), by and through its attorneys, Tracy R. Rothermel, Stacie Wassell, and Basil V. Hicks, III, and upon being presented with the Plaintiff's Complaint and Request for Injunctive Relief and other facts and matters presented, the Court doth find, order, and adjudge as follows:

1. Plaintiff is a department of the State of Arkansas charged by the General Assembly with administering and enforcing all laws and regulations relating to pollution of the waters of the state and instituting court proceedings to compel compliance with the Arkansas Water and Air Pollution Control Act, to include rules, regulations and orders issued pursuant to the Act, and to exercise all of the powers in the control of water pollution granted the ADEQ pursuant to Ark. Code Ann. § 8-4-201 *et seq.*

2. Defendant is an individual owning real property located on County Road 50 near Western Grove, Newton County, Arkansas, where he is operating a confined animal operation that houses and feeds more than 750 swine weighing over 55 pounds each in the Buffalo National River Watershed and manages and stores liquid animal waste without a permit.

3. Defendant is housing 750 or more swine weighing 55 pounds or more within the Buffalo National River Watershed in violation of Arkansas Pollution Control and Ecology Commission Regulation 5.901(A)(1).

4. Defendant's unpermitted storage and disposal of liquid animal waste by pushing animal waste from the barns onto the ground into the Buffalo National River Watershed has created a substantial risk of irreparable harm or damage to the ecosystem of the Buffalo National River Watershed by allowing raw liquid animal waste that contains various pollutants including fecal coliform bacteria, ammonia, phosphorous, and other nutrients and microbes to discharge into the Buffalo National River Watershed in violation of Ark. Code Ann. §8-4-217.

5. This Court has jurisdiction over this action pursuant to Ark. Code Ann. § 16-13-201.

6. Venue is proper in Newton County, Arkansas, pursuant to Ark. Code Ann. § 16-60-101.

IT IS THEREFORE ORDERED, DECREED, AND ADJUDGED, that the Plaintiff has met its burden of proof sufficient for the Court to grant temporary injunctive relief against the Defendant. Defendant is hereby directed to immediately cease all unpermitted hog farm activities on his real property located on County Road 50 near Western Grove, Newton County, Arkansas. Defendant is ordered to lawfully remove the swine from the facility and submit to ADEQ documentation demonstrating that the swine have been removed from the facility within ten (10) calendar days of the entry of this Order. Defendant is ordered to immediately remediate the area by removal of and proper disposal of all animal waste to prevent the occurrence of further irreparable harm, and Defendant will submit to ADEQ documentation demonstrating that the animal waste has been removed from the facility and disposed of properly within ten (10) calendar days of the entry of this Order.

The Newton County Sheriff shall serve this Order.

Upon the Order being served, the Defendant shall:

- (a) Cease all unpermitted hog farm activities on his real property located on County Road 50 near Western Grove, Newton County, Arkansas.

(b) Remove and properly dispose of all animal waste on the aforementioned property and provide documentation to ADEQ within ten (10) calendar days of the entry of this Order of the removal and proper disposal of the animal waste.

(c) Take all steps necessary to prevent the occurrence of further irreparable harm to the Buffalo National River Watershed.

A hearing is set in the Boone County Court house, at 10:00 AM on November 16, 2017, at 10:00 AM.

IT IS SO ORDERED this 7th day of November, 2017.


CIRCUIT COURT JUDGE

Prepared by: Tracy R. Rothermel
Stacie R. Wassell
Basil V. Hicks III
Attorneys for ADEQ