

IN THE CIRCUIT COURT OF NEWTON COUNTY, ARKANSAS  
CIVIL DIVISION

ARKANSAS DEPARTMENT OF  
ENVIRONMENTAL QUALITY

PLAINTIFF

v. DOCKET NUMBER: 51CV-17-51-1

PATRICK SANDERS;  
And  
STARLINDA SANDERS

DEFENDANTS

AGREED ORDER

Comes now before the Court the Plaintiff, the Arkansas Department of Environmental Quality (hereinafter "ADEQ"), by and through its attorneys, Tracy R. Rothermel, Basil V. Hicks, and Stacie R. Wassell, and comes the Defendants, Patrick Sanders and Starlinda Sanders, individually (hereinafter, collectively, "Defendants"), by and through their attorney, Robert Ginnaven. Based upon the facts, pleadings, and agreements of the parties as evidenced by the signatures appearing hereto, the Court hereby Finds and Orders as follows:

1. This Court has jurisdiction over this matter pursuant to Ark. Code Ann. § 16-13-201.
2. Venue is proper in Newton County, Arkansas pursuant to Ark. Code Ann. § 16-60-101.
3. ADEQ is an agency of the State of Arkansas charged with administration and enforcement of the environmental laws of the State of Arkansas pursuant to Ark. Code Ann. § 8-4-101 *et seq.*, otherwise known as the "Arkansas Water and Air Pollution Control Act" and the regulations thereunder promulgated by the Arkansas Pollution Control and Ecology Commission.
4. Defendants are doing business as individuals with a principal operating address of Rural Route 1, Box 238, Western Grove, Newton County, Arkansas, 72685. Defendants' facility is physically located on Newton County Road 50. Defendants are not registered as a business with the Arkansas Secretary of State.

5. The parties have agreed, and the Court concurs, that this Agreed Order shall replace the Permanent Injunction previously issued by the Court on February 5, 2018, and modified on March 8, 2018.

**IT IS HEREBY AGREED TO, ORDERED, ADJUDGED AND DECREED that:**

6. Defendants shall not place waste in a location where it is exposed to the elements.
7. Defendants shall use the dry litter disposal system for the management and disposal of the manure and litter.
8. Defendants shall submit a Nutrient Management Plan to ADEQ by July 19, 2018. The parties may agree to a later date should the development of the plan be reasonably delayed.
9. Defendants shall comply with the Temporary Nutrient Management Plan until such time as the Nutrient Management Plan is completed. Once completed, Defendants shall comply fully with the Nutrient Management Plan.
10. Defendants shall make every reasonable effort to ensure that the grounds surrounding the barns remain vegetated.
11. Defendants shall refrain from releasing hogs from any of the barns to roam about the property thus allowing animal waste to accumulate causing runoff.
12. ADEQ will conduct one compliance inspection per year for a period of two (2) years beginning on the date of filing of this Agreed Order to document Defendants' compliance with this Order, Arkansas laws, and Arkansas Pollution Control and Ecology Commission (APC&EC) regulations. ADEQ reserves the right to conduct additional inspections based upon complaints received by ADEQ.
13. Defendants agree to a civil penalty of Twelve Thousand Five Hundred Dollars (\$12,500.00) with payment of Two Thousand Five Hundred Dollars (\$2,500.00) due within 120 days and the remaining Ten Thousand Dollars (\$10,000.00) deferred for a period of two (2) years on

the condition that Defendants comply with all Arkansas laws and APC&EC regulations during that time. At the end of the two-year period, the deferred amount of Ten Thousand Dollars (\$10,000.00) will be set aside if Defendants have complied with all Arkansas laws and APC&EC regulations during that period. Should Defendants fail to comply, the remaining Ten Thousand Dollars (\$10,000.00) will be immediately due and payable upon notice by ADEQ. Payment shall be made to the Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, Arkansas 72118, with a letter listing the parties' names and the case number.

14. This Agreed Order hereby resolves all issues in the above-styled matter.

IT IS SO ORDERED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

**HONORABLE GAIL INMAN-CAMPBELL  
CIRCUIT JUDGE, 1<sup>st</sup> DIVISION**

Approved as to Form and Content:

Attorneys for Plaintiff:

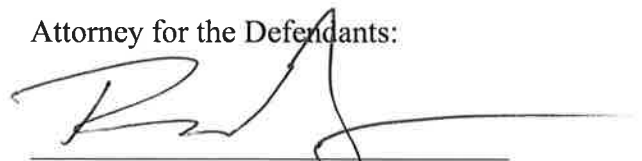


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Arkansas Judiciary

**Case Title:** ADEQ VS PATRICK SANDERS

**Case Number:** 51CV-17-51

**Type:** AGREED ORDER

So Ordered

A handwritten signature in black ink, appearing to be "Gail Campbell", written over a light gray rectangular background.

Judge Gail Campbell