

**OBJECTION TO THE ISSUANCE OF
PERMIT APPROVAL NO. 5152
AG PRODUCTION ENTERPRISES, INC.
RUSH COUNTY, INDIANA
2002 OEA 049, CAUSE NO. 02-S-J-2846**

Official Short Cite Name: AG PRODUCTION ENTERPRISES 2002 OEA 049

OEA Cause No. 02-S-J-2846

Topics/Keywords: DIRECTED VERDICT
IC § 4-21.5-7-5

Presiding ELJ: WAYNE E. PENROD

Party Representatives: NANCY HOLLORAN, ESQ., IDEM
C. JACK CLARKSON, ESQ.
DAN L. STRAHL, *pro se*

Order Issued: August 12, 2002

Index Category: SOLID WASTE

Further Case Activity:

AUG 1 2002

STATE OF INDIANA)
)
COUNTY OF MARION)

BEFORE THE INDIANA OFFICE OF
ENVIRONMENTAL ADJUDICATION

IN THE MATTER OF:)
)
OBJECTION TO THE ISSUANCE OF)
PERMIT APPROVAL NO. 5152)
AG PRODUCTION ENTERPRISES, INC.)
RUSH COUNTY)

CAUSE NO. 02-S-J-2846

FINAL ORDER ENTERING DIRECTED VERDICT AGAINST PETITIONERS

On July 11, 2002, a final hearing was held in the above cause of action. Present at the final hearing were the Petitioners, Harold and Mary Jane Kinder, their counsel of record, C. Jack Clarkson, Nancy Holloran, counsel for IDEM, and Dan Strahl, counsel for AG Production Enterprises, Inc.

During oral testimony on the record, the Petitioners admitted that IDEM's issuance of permit approval No.5152 was proper under all applicable state statutes and rules. No witnesses or exhibits were presented by Petitioners. Dan Strahl, counsel for the respondent, Ag Productions, and Nancy Holloran, counsel for IDEM, moved for a directed verdict in this cause of action.

The Court, having considered the Petitioner's statements and actions, as duly recorded in the Court's transcript of proceedings on July 11, 2002, and in consideration of the oral motion for a directed verdict on July 11, 2002, now ENTERS a DIRECTED VERDICT AGAINST PETITIONERS in the above cause of action.

You are hereby further notified that pursuant to provisions of Indiana Code § 4-21.5-7-5, the Office of Environmental Adjudication serves as the Ultimate Authority in administrative review of decisions of the Commissioner of the Indiana Department of Environmental Management. This is a Final Order subject to Judicial Review consistent with applicable provisions of IC 4-21.5. Pursuant to IC 4-21.5-5-5, a Petition for Judicial Review of this Final Order is timely only if it is filed with a civil court of competent jurisdiction within thirty (30) days after the date this notice is served.

IT IS SO ORDERED in Indianapolis, Indiana this 12th day of August, 2002.

Wayne Penrod, Chief
Administrative Law Judge