

ARKANSAS DEPARTMENT OF  
POLLUTION CONTROL AND ECOLOGY

MINUTE ORDER NO. 80-36

LOCATION - SUBJECT: Cherokee  
Sanitary Landfill  
Hardy, Arkansas  
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The Commission hereby adopts the Findings of Fact and Conclusions of Law as set-out in the attached Findings of Fact, Conclusions of Law, and Order captioned, "In the matter of CHEROKEE SANITARY LANDFILL, Marvin Gibbons, Owner", which is incorporated herein by reference. The Commission further adopts the terms and conditions of the Order in said attachment, and Solid Waste Disposal Permit No. S-0083 is hereby revoked.

*as amended*

Amendment

ORDER

IT IS THEREFORE ORDERED that Solid Waste Disposal Permit Number S-0083 issued to Marvin Gibbons be, and it is, hereby revoked. It is further ordered that said revocation be held in abeyance for so long as Marvin Gibbons operates the facility in substantial compliance with The Arkansas Solid Waste Disposal Code.

IT IS SO ORDERED.

COMMISSIONERS

*[Handwritten signatures of Commission members]*

*[Handwritten signature of Paul N. Means]*  
CHAIRMAN

SUBMITTED BY Paul N. Means

DATE PASSED 7/25/80

BEFORE THE ARKANSAS DEPARTMENT OF POLLUTION CONTROL & ECOLOGY

In the matter of  
CHEROKEE SANITARY LANDFILL,  
MARVIN GIBBONS, Owner

Permit No. S-0083

FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND ORDER

A hearing was held before the Honorable Paul N. Means, Administrative Hearing Officer, on May 9, 1980, in the Commission Room, Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas. Marvin Gibbons, (hereinafter referred to as "Respondent"), appeared in person and was represented by counsel, Kevin King. The Department was represented by Richard Mays, attorney for the Department. Based upon the testimony and other evidence presented, the Commission makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Respondent operates the Cherokee Sanitary Landfill pursuant to Permit Number S-0083 issued by the Department.
2. Inspections have shown that on numerous occasions, Respondent has failed to cover exposed waste material daily with a compacted layer of at least six (6) inches of cover material.
3. Inspections have shown that Respondent has failed to grade the site and provide drainage facilities such that surface water does not flow through operational areas and erosion is controlled.
4. Respondent has failed to properly compact and cover waste and as a result water is leaching through the waste and causing water pollution.

CONCLUSIONS OF LAW

Marvin Gibbons has violated the Arkansas Solid Waste Disposal Code, sections 6 (a) (8), 6 (f) (6) (aa), and 6 (f) (13), and Ark. Stat. Ann. §82-2710 (e).

IT IS THEREFORE ORDERED that Solid Waste Disposal Permit Number S-0083 issued to Marvin Gibbons be, and it is, hereby revoked. It is further ordered that Marvin Gibbons cease and desist from operating the Cherokee Sanitary Landfill and that it be closed in accordance with the Solid Waste Disposal Code.

IT IS SO ORDERED.

Jim Brooks, Chairman

Dated: \_\_\_\_\_