

ADEQ

ARKANSAS
Department of Environmental Quality

December 9, 2008

Eco-Vista, LLC
Attn: Mr. Kirby Thompson
2210 Waste Management Drive
Springdale, AR 72762

RE: Name Change of Permits from WM Tontitown Landfill, LLC to Eco-Vista, LLC
Permit Numbers: 0290-S1-R2, 0290-S4-R1, 0013-SCYW-MC, 0023-STSW-MC and 0005-SWTP
AFIN: 72-00144
Cross Reference Number(s): 53464, 53465, 53466, 53468, and 53469

Dear Mr. Thompson:

ADEQ - Solid Waste Management Division staff has reviewed your request for name change of Solid Waste Permits 0290-S1-R2, 0290-S4-R1, 0013-SCYW-MC, 0023-STSW-MC and 0005-SWTP from WM Tontitown Landfill, LLC to Eco-Vista, LLC. SWMD has determined that the request for name change meets the APC&EC Regulation 8 and Regulation 22 requirements. Based on the submittals received requesting this change, the Arkansas Department of Environmental Quality hereby transfers Permit Numbers 0290-S1-R2, 0290-S4-R1, 0013-SCYW-MC, 0023-STSW-MC and 0005-SWTP to Eco-Vista, LLC. Updated copies of each individual permit are attached. Note the general permits are not affected by the name change other than updating ADEQ records. Please review all terms and conditions of the permits to ensure compliance with all applicable requirements.

Please call me at (501) 682-0601 should you have any questions regarding the above information.

Sincerely,



Michael Robinson
Chief, SWMD

Enclosures

cc: Harry Elliott, Enforcement Branch Manager
Susan Speake, Programs Branch Manager
Mona Partman, SWMD, Technical Branch
Justin Sparrow, District Field Inspector, SWMD
Dave Conrad, Waste Management

ADEQ

ARKANSAS
Department of Environmental Quality

February 5, 2007

Waste Management Tontitown Landfill, LLC
Attn: Scott Tarkington
2210 Waste Management Drive
Springdale, AR 72784

**RE: Coverage Under General Permit for the Tontitown Composting Facility
Permit # 0013-SCYW-MC; AFIN # 72-00144
Document Identifier#: 42467; Document Reference#: 35462**

Dear Mr. Tarkington:

Tontitown Composting Facility is hereby granted coverage under the General Permit for the Operation of an existing Composting Facility located in Springdale, Arkansas. Permit tracking number 0013-SCYW-MC has been assigned to the facility. As per the calculated Closure and Post Closure Cost Estimate the facility should maintain financial assurance in the amount of \$25,000.00 in a mechanism in accordance with Chapter 14 of APC&EC Regulation 22.

Please note that compliance with the terms and conditions of the general permit and the provisions of Regulation 22, and the submitted operations and design narratives and drawings (Document Identifier 33718) is required at all times. Please note the above reference numbers assigned to your facility. Use these numbers on all correspondence and submittals related to the facility. Please be reminded that periodic reporting is required by the general permit and that annual permit fees will be due in each calendar year hereafter.

If you have any questions please call Maria Matoska (501) 682-0608.

Sincerely,



Steve Martin
Chief

Enclosures: General Permit for the Operation of a Solid Waste Compost Facility

CC: Susan Speake, Programs Branch, SWMD
Harry Elliott, Enforcement Branch, SWMD
Jim Purvis, Fiscal Division, ADEQ
Justin Sparrow, Inspector, SWMD

Facility: Tontitown Composting Facility

AFIN: 72-00144

Permit Number: 0013-SCYW-MC

CERTIFICATE OF SERVICE

I, Mona Pachma, hereby certify that a copy of this permit has been mailed by first-class mail to Mr. Scott Tarkington, 2210 Waste Management Drive, Springdale, AR 72762, on or before this Feb day of 6, 2007.



**GENERAL PERMIT
FOR THE CONSTRUCTION AND OPERATION OF
A MEDIUM CAPACITY YARD WASTE COMPOSTING FACILITY
ISSUED BY STATE OF ARKANSAS
DEPARTMENT OF ENVIRONMENTAL QUALITY**



PERMIT NUMBER: 0000-CYW-MC

AUTHORITY: In accordance with the provisions of The Arkansas Solid Waste Management Act (Act 237 of 1971), Ark. Code Ann. §§ 8-6-201 et seq. as amended, and Arkansas Pollution Control and Ecology Commission, Regulation No. 22, the Department has the authority to issue general permits for certain classes of solid waste processing facilities as defined in Section 22.102 of Regulation 22. The Department has chosen to permit medium capacity yard waste composting facilities using a general permit program.

EFFECTIVE DATE: February 15, 2006

EXPIRATION DATE: February 15, 2011

LIMITATIONS: Owners or operators of yard waste composting facilities within the State of Arkansas who fail to make a written request to the Director to be covered by this general permit and/or submit the required documentation are not authorized to operate under the permit.

Signed this 15th day of February 2006.

A handwritten signature in cursive script that reads "Steve Martin".

Steve Martin, Chief
Solid Waste Management Division
Arkansas Department of Environmental Quality

PART I
PERMIT REQUIREMENTS

SECTION A. PERMIT AREA

The area covered by this general permit includes all areas within the State of Arkansas.

SECTION B. ELIGIBILITY AND AUTHORIZATION

1. Owners or operators of yard waste composting facilities meeting the requirements described herein and in Regulation 22, and conforming to the definition of yard waste composting facilities in Regulation 22.102 of Regulation 22 that accept less than 5,200 tons of yard waste annually may be covered under this general permit. Small capacity compost areas which process less than 50 (fifty) tons or 500 (five hundred) cubic yards per year of incoming yard waste, silvacultural activities such as tree prunings and land clearing debris, and agricultural waste or other approved wastes are exempt from permitting provided the facility meets the provisions of Regulation 22.801(E)(1).
2. The Director reserves the right to require the owner or operator of a medium capacity yard waste composting facility to seek coverage under an individual permit. Notice of the decision to require coverage under an individual permit and the rationale for the decision will be provided to the owner operator within 30 days of receipt of a notice of intent to become permitted. In considering whether to require individual permitting, the Director may consider:
 - a. The compliance history of the owners and operators of the facility;
 - b. The size or capacity of the facility;
 - c. Whether the facility was in existence prior to the effective date of amendments to Regulation Number 22 (May 7, 1995); and
 - d. Other overriding environmental or public participation issues.
 - e. Unless there are overriding compliance issues, facilities that were operating or under construction prior to May 7, 1995 shall be covered under the general permit.
3. Existing or planned facilities that do not meet the definition of a yard waste composting facility as provided in Section 22.102 and 22.802(a)(1) of Regulation 22 may not be covered by this general permit.

SECTION C. NOTICE OF INTENT

1. Owners or operators of a medium capacity yard waste composting facilities located within the State of Arkansas who desire coverage under this general permit shall submit a notification to the Department indicating their intent to be covered under the terms of the general permit. Unless otherwise notified in writing by the Department, owners or operators are authorized to operate under this general permit 30 days after submission of the notification.
2. Written notification for intent to be covered under the General Permit shall be made upon forms provided by the Department and all information required by the form shall be provided which shall include:
 - a. The name, address, and telephone number of the owner and/or operator of the facility, and the name, address, and telephone number of the compost facility;
 - b. The site located on a topographic map or appropriate county or city map;
 - c. A site plan map that delineates:

- (i) The proposed or existing buildings and improvements including any staging and storage areas for incoming yard waste and finished compost material;
 - (ii) Survey boundary locations, the location of existing and proposed access roads, utilities and any other site improvements;
 - (iii) General site topography, existing and proposed drainage characteristics including any run-on and run-off control systems that will be constructed; and,
 - (iv) The prevailing wind direction;
- b. A description of the current or anticipated annual yard waste throughput and service area served by the yard waste composting facility;
 - c. Facility operating hours;
 - d. Location of ultimate disposal of residual waste and unmarketable finished compost material;
 - e. Method for marketing or otherwise utilizing finished compost material;
 - f. A permit fee as required by APC&EC Regulation 9; and,
 - g. Financial assurance in an amount of \$25,000 in an allowable mechanism as per APC&EC Reg.22.1405.
2. Notices of Intent for coverage under this general permit for facilities which are not constructed and operating as of the effective date of this General Permit must include the following in addition to the items listed in 1 above:
- a. Documentation that the proposed site is in conformance with the requirements of APC&EC Reg.22.902 – Location Restrictions and Siting Requirements.
 - b. A disclosure statement, if required.
3. The notice of intent shall be signed by an authorized individual as defined in Reg.22.301(h) of the APC&EC.

SECTION D. DEADLINE FOR SUBMITTAL

1. Notice of Intents for coverage under this General Permit shall be submitted:
 - a. For existing facilities, not later than July 15, 2006. Existing Facilities which submit a Notice of Intent to be covered under this General Permit by July 15, 2006 will be allowed to continue operating until a decision has been reached by the Department to allow or deny coverage under this General Permit.
 - b. For new or planned facilities, a minimum of 30 days prior to commencement of construction.

SECTION E. TERMINATION OF COVERAGE

1. Owners or operators shall notify the Director if the facility ceases operation and/or if coverage under the permitted is no longer necessary. The Department shall be notified in writing sixty (60) days prior to the proposed termination date of the permit.
2. Within ten (10) days of ceasing operations, all wastes shall be removed from the site and disposed at a properly permitted disposal facility, and the facility and equipment shall be brought to a sanitary condition. The operator shall then arrange for a final cleaning of any containers, equipment, machines, floors, and facility surfaces having come in contact with solid waste. All closure activities shall be completed not later than 45 days after the termination date of facility operations unless otherwise approved by ADEQ.

3. Coverage under this general permit shall automatically terminate unless construction of the disposal facility has been commenced within 180 days and completed within 365 days from coverage under the general permit. Coverage under this general permit shall be considered terminated if the facility fails to operate for sixty consecutive calendar days. If the facility does not operate for sixty consecutive calendar days the facility shall implement the procedures under Part I, Section E of this permit.

PART II
PERMIT CONDITIONS

SECTION A. GENERAL CONDITIONS

1. The yard waste composting facility shall be maintained and operated in accordance with the conditions of this permit and in compliance with all applicable provisions of the Arkansas Code Annotated §§ 8-6-201 et. seq. as amended, Regulation 22, and all other applicable rules and regulations.
2. This general permit may be modified, revoked and reissued, or terminated for cause in accordance with the requirements of Arkansas Pollution Control and Ecology Commission Regulations No. 8 and No. 22. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes, does not stay any permit condition.
3. The permit holder shall pay an annual permit fee as provided in Regulation 9.
4. Any change in ownership or control of the operation of the facility will require submittal of a disclosure statement in accordance with Arkansas Code of 1987 Annotated 8-1-106 and Regulation Number 8 of the Arkansas Pollution Control and Ecology Commission. Transfer of this permit is subject to the requirements of Regulation Number 8 and will require new notification of intent for coverage in accordance with Section I.C.1. Failure to notify the Department of a change in ownership or control, or a change in responsibility for the operation of the processing facility will be cause for termination of coverage under this general permit.
5. The Department has no responsibility for the adequacy or proper operation of the yard waste composting facility. Nothing herein contained shall be construed as releasing the permittee from any liability for damage to persons or property by reason of the installation, maintenance, or operation of the yard waste composting facility. The facility shall be operated by qualified personnel and maintained in good condition at all times.
6. Whenever it shall be necessary for the purpose of implementing or monitoring the enforcement of any permit condition, law or regulation duly adopted by the Arkansas Pollution Control and Ecology Commission, any authorized employee or agent of the department may enter the facility property for the purpose of obtaining information, conducting investigations or inspections, taking of samples, or examining and copying records pertaining to the operation of the facility. Investigations or inspections by authorized employees or agents shall be conducted without interference or delay from the permittee or the property owner, and will be conducted during daylight, during regular business hours; or, under emergency or extraordinary circumstances, at a time necessary to observe the suspected violation or unauthorized conduct.
7. The facility shall be in compliance with the following location restrictions:
 - a. The facility shall be designed and operated in manner that will not restrict the flow of the base flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste and/or finished compost so as to pose a hazard to human health, wildlife, or land or water resources.
 - b. The facility or any facility expansion shall not be located in wetlands, or if it is, the owner of the facility shall demonstrate that the facility is in compliance with the provision of the Clean Water Act and implementing regulations.
 - c. The facility shall not be located within a municipality or county that has adopted restrictions on sites in conjunction with a comprehensive county-wide land use plan as provided in Reg.22.203 unless specific geographic site approval has been received from the government(s) of jurisdiction.
 - d. Composting areas or areas used for storing incoming materials or finished compost shall not be located within the following setback distances:
 - (i) Fifty (50) feet of the property boundary;

- (ii) One hundred (100) feet from a naturally occurring surface water body, stream or streambed; and
- (iii) Two hundred (200) feet to an existing residence, place of business or drinking water supply not owned or leased by the applicant.

SECTION B. OPERATING REQUIREMENTS

1. This permit shall be posted in a conspicuous location at the yard waste composting facility during all operating hours.
2. All facilities shall have some written means of recording the amount of waste received and composted and this information shall be available for inspection by the Department.
3. Facilities must develop and implement written procedures for controlling the type of waste received at the facility and for removing and recovering non-compostable materials for recycling or disposal including the removal, storage and disposal of any hazardous or other unauthorized wastes.
4. The yard waste composting facility shall obtain a storm water permit from the Water Division of the Department or demonstrate that a permit is not required. Storm water controls shall be implemented to prevent run-on from entering receiving, processing, curing, or storage areas.
5. Access to the site shall be controlled through the use of fences, gates, natural barriers or other means approved by the Department. All weather access roads and signage shall be provided to facilitate traffic movement.
6. The yard waste composting facility shall be operated so as to prevent odors, litter, and the attraction, harborage or breeding of insects, rodents and other vectors.
7. No more than 3 months (1300 tons) of finished compost may be stored at the site and any excess amounts must be removed for use or disposal.
8. The owner or operator shall assure that fire fighting equipment is available at the site and personnel have been trained in fire fighting procedures. Where possible, the facility shall assure that fire protection services are available to the site through notification to local fire protection officials.
9. The owner or operator shall implement remedial and contingency measures if unapproved wastes are delivered to the facility or in the event of odors, equipment breakdown, and other emergency or undesirable conditions such a fire, dust, and vectors.
10. The owner or operator shall provide any necessary safety equipment that may be necessary due to site operations.
11. Annual Reports – The facility shall submit an annual report to the Department covering a reporting period from January through December, and shall be submitted to the Department by March 31 of each year covering the previous reporting period. The report shall include:
 - a. Volume or weight of yard waste material received at the facility;
 - b. Volume or weight of material removed from the facility for disposal and disposal location;
 - c. The source of the compost material identified by service area; and,
 - d. Amount and Consumer of Finished Compost material.
12. Operation of the facility shall follow acceptable methods of composting which result in the aerobic biochemical degradation of the organic material received.

13. All operations shall be performed by licensed on-site operators who are certified in accordance with Regulation No. 27 of the Commission during all hours of operation, and access to the facility shall be prohibited during non-operating hours.
14. The composting area and raw and finished compost storage areas shall have a surface that can withstand heavy equipment loads, and shall be sloped to drain.
15. The owner/operator of the facility shall keep and retain records of operations which shall be available for inspection by the Department. Records shall include at a minimum:
 - a. Monitoring results of stormwater runoff and/or site discharges as required by facility NPDES permits.
 - b. Permit, annual reports, and Department correspondence.
 - c. Quantity, type and source of incoming waste on a monthly basis.
 - d. Quantity, of compost sold or distributed on a monthly basis.
 - e. Quantity of residue removed for disposal, and the date and location of disposal.
 - f. Any testing data including sampling information, chain-of-custody, and sample results that may be taken of compost products generated at the site.
16. The facility shall maintain financial assurance in an amount not less than \$25,000. The method for furnishing the required amount of Financial Assurance shall be in accordance with APC&EC Regulation 22.1405.
17. Use of Financial Assurance Funds - Financial assurance funds may be used, as determined by the Director, for any reasonable purpose to remediate and mitigate any environmental, health, and safety hazards at the site should the owner or operator be unable or unwilling to fulfill the permit obligations of this General Permit.