April 26, 2024

Mr. Joseph Pence, Executive Director (joseph.pence@nealandfill.com)
Northeast Arkansas Regional Solid Waste Management District
P.O. Box 753 Paragould, AR 72451

Re: Issuance of Minor Permit Modification
Northeast Arkansas Regional Solid Waste Management District Class 1 Landfill
Permit No: 0120-S1-R5; AFIN: 28-00077
Document ID: 85461; Reference Document ID: 84829

Dear Mr. Pence:

DEQ has made a final decision to issue a minor permit modification to reconfigure the final cover system to tie into the as-built edge of bottom liner as constructed and to modernize the cover components in the final cover cross section for the top "Beanie Cap" as described in your permit modification application submitted on November 6, 2023 under Doc ID 84829.

DEQ has also added requirements not previously contained in the permit from 2005 to be consistent with Rule 22 that are not directly related to the minor permit modification as described above. A summary of the revised conditions as found in the permit document is found below:

Site Specific Conditions

7. Existing and future leachate collection removal and storage systems must meet all requirements of Rule 22.429 including Rule 22.429(k) Leachate Management and Disposal, Rule 22.429(l) Leachate Screening and Monitoring, and Rule 22.429(m) Leachate Disposal Testing. Leachate from the landfill will be sampled at a minimum of the same frequency and for the same parameters as groundwater monitoring as defined by Rule 22 Chapter 12 except that turbidity is not a required parameter.

Groundwater Monitoring Conditions

1. (b) The current monitor well locations are shown on Figure 1 of Work plan to Address Deficiencies in the Hydrogeologic Investigation Report and Modification of the Groundwater Monitoring System at the Northeast Arkansas Regional Solid Waste Management District (NEARSWMD) Landfill; prepared by Terracon; received July 31, 2009.

2. (b) No monitoring well or piezometer shall be installed, decommissioned, replaced, repaired or otherwise altered without prior approval of the Division. Upon completion of a well installation, replacement, decommissioning, repair or alteration, a report shall be submitted to the Division within sixty (60) days of completion and a copy shall be placed in the facility operating record. Within the report, work quality and methods must be certified by the supervising professional.

7. (b) All parameter concentrations which are above the Method Detection Limit (MDL) must be reported. Any MDL or Practical Quantitation Limit (PQL) laboratory reported concentration shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions using current laboratory standards. Analytical methods may be modified by the Division based upon analytical results and new laboratory techniques.

8. All groundwater statistical methodologies shall be performed in a manner that complies with Rule 22 and consistent with the most appropriate recommendations for specific situations per the *Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, Unified Guidance* by EPA dated March 2009 (EPA 530-R-09-007) or the most current, relevant EPA statistical guidance. Any statements or methodologies within the groundwater sampling and analysis plan that do not meet these criteria shall not be considered authorized by the Division.

12. Within ninety (90) days of triggering an assessment monitoring program, and annually thereafter, the owner or operator must sample and analyze the ground water for all constituents identified in Appendix 2 in accordance with Rule 22.1505(b).

General Conditions for Class 1 Facilities

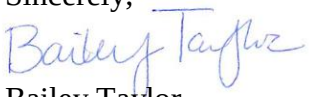
21. The use of alternative liner systems is not authorized by this permit. If the permittee desires to use any liner system other than as Rule 22.424(b), the permittee must submit an Alternative Liner Demonstration prior to initiation of construction.

22. The permittee must maintain that erosion and sediment controls at borrow sites and soil stockpiles are in accordance with Rules 22.411, 22.418, 22.419, 22.427, and 22.430.

This permit is granted subject to the terms and conditions specified in the permit. Please review all terms and conditions of the permit to ensure compliance with all applicable requirements.

If you wish to appeal this matter, your appeal must be filed in accordance with Arkansas Pollution Control & Ecology Commission's (APC&EC or Commission) Regulation 8, available at www.adeq.state.ar.us. If you have any questions regarding the appeal procedure, please contact your attorney. All appeal procedures must be filed with the Commission's Secretary who is located at 101 E. Capitol, Suite 205, Little Rock, Arkansas 72201. For directions to the Commission's office, call (501) 682-7893.

Sincerely,



Bailey Taylor
Interim Associate Director, Office of Land Resources
Division of Environmental Quality
5301 Northshore Drive, North Little Rock, Arkansas, 72118-5317

cc: DEQ – Hurt, Krou, Jones, Baker
F. Owen Carpenter, P.E., P.G., Terracon Consultants, Inc.(owen.carpenter@terracon.com)

FINAL PERMIT
FOR THE CONSTRUCTION AND OPERATION OF A
CLASS 1 SOLID WASTE DISPOSAL FACILITY
ISSUED BY
STATE OF ARKANSAS
DEPARTMENT OF ENERGY AND ENVIRONMENT
OFFICE OF LAND RESOURCES
Class 1 Landfill

Permit Number	**0120-S1-R5**
AFIN	**28-00077**
Effective Date	April 26, 2024
Permit Owner & Address	Northeast AR RSWMD P. O. Box 753 Paragould, AR 72451
Facility Site Name & Address	Northeast Arkansas Regional Solid Waste Management District (RSWMD) Class 1 Landfill 1810 Greene Road 890 Paragould, AR 72450
Location	Located at the Southwest 1/4, Section 21, Township 17 North, Range 6 East, Greene County, Arkansas
Permitted Landfill Area	70.9 + Acreage
Property Area	120 + Acreage
Landfill Capacity	9,734,657 cubic yards
Financial Assurance	$12,933,805 $3,911,748 – Closure Cost $9,022,057 – Post-Closure Cost

This permit authorizes the operation of the solid waste disposal facility as set forth in the permit application by Northeast AR RSWMD, hereinafter called "owner or "permittee."

This minor permit modification was completed through a document furnished by the applicant on November 6, 2023 (Doc ID# 84829). The application was submitted to reconfigure the final cover system to tie into the as-built edge of bottom liner as constructed and to modernize the cover components in the final cover cross section for the top "Beanie Cap."

This permit is issued pursuant to the provisions of the Arkansas Solid Waste Management Act (Arkansas Code Annotated 8-6-201 et seq.) as amended, hereinafter called the "Act"; Rule No. 22, Arkansas Solid Waste Management Rules, as adopted by the Arkansas Pollution Control and Ecology

Commission, hereinafter called "Rule 22"; and all other applicable rules and regulations administered by the Division of Environmental Quality, hereinafter called "Division", and the following terms and conditions:

DESCRIPTION OF THIS PERMIT ACTION

This permit modification is to reconfigure the final cover system to tie into the as-built edge of bottom liner as constructed and to modernize the cover components in the final cover cross section for the top "Beanie Cap." On the effective date, this permit supersedes all prior solid waste permits issued by the Division for this Class 1 Permit.

SITE SPECIFIC CONDITIONS

1. This permit is for an approximately 71 acre waste disposal site as indicated on the approved plans. The final grades and elevations shall not be exceeded at any time or in the anticipation of settlement and consolidation of the waste mass. This permit shall expire when the authorized fill elevations have been attained and the facility is closed out in accordance with the provisions of Rule 22.

    a. The Division shall be notified in writing upon construction of each disposal unit and upon facility closure in order that it may be inspected.

    b. Changes to or deviations from the construction/layout and operation of the facility, as indicated on the approved facility plans indicated below, and on the approved permit application documentation, are not authorized unless approved in writing by the Division.

    c. The approved application document is filed under Doc ID# 84829.

2. The initial total amount of financial assurance is $12,933,805. Of this amount $3,911,748 will be required for closure costs and $9,022,057 will be required for post-closure costs. This amount shall be subject to annual adjustments and may be increased at the discretion of the Division based upon the estimated cost for a third party to close the largest area requiring final cover during the active life of the facility and the cost for a third party to perform post-closure care.

    a. The instruments used must be in one of the forms set forth in Rule 22 or as otherwise approved by the Division.

    b. Operations allowed under this permit shall not commence until all financial assurance is satisfactorily filed with the Division.

    c. A portion or all of the financial assurance may be held by the Division beyond the time of cessation of disposal operations at the site to ensure satisfactory closure and post closure care in accordance with Rule 22.

3. This permit is for the disposal of all waste eligible for a Class 1 landfill and all Class 4 waste including all "special materials" as outlined in Rule 22.701-708. Special Materials as identified in Rule 22 do not require written authorization from the Division, provided the materials not

specifically identified by the Special Materials section must be characterized by the generator of the waste prior to acceptance for disposal in the landfill in accordance with the facility written hazardous waste exclusion program.

4. Each landfill waste cell shall be constructed in the sequence indicated in the approved plans and specifications.

5. The bottom liner system for any newly constructed waste cell must consist of a minimum 60 mil HPDE flexible membrane liner and a minimum of twenty-four inches of compacted clay exhibiting a maximum hydraulic conductivity of 1×10^{-7} centimeters per second (cm/s). Should the permittee desire to use any liner system other than a "composite liner" system as defined in Rule 22.424 (b), an *Alternative Liner Demonstration* in accordance with Division written guidance on alternative liner design and demonstration shall be submitted to and approved by the Division prior to initiation of construction of the alternative liner system. The Division reserves the right to require the installation of additional groundwater monitoring wells and make other changes to the permit in the event a request to use an alternative liner design is approved.

    a. Proper construction of the bottom clay liner of each waste cell shall be observed and certified to the Division by a Registered Professional Engineer in a Construction Certification Report in accordance with the approved CQA Plan whenever a cell is prepared for use.

    b. The Construction Certification Report shall include CQA/QC test results as indicated in the approved CQA Plan; drawings indicating the location, designation, and extent of area(s) actually constructed for use; and test locations.

    c. The Certification Report shall be submitted to the Division at least fourteen (14) days prior to waste placement in that cell.

6. The final cover system shall be designed according to the specifications set forth in the Minor Permit Modification Application.

7. Existing and future leachate collection removal and storage systems must meet all requirements of Rule 22.429 including Rule 22.429(k) Leachate Management and Disposal, Rule 22.429(l) Leachate Screening and Monitoring, and Rule 22.429(m) Leachate Disposal Testing. Leachate from the landfill will be sampled at a minimum of the same frequency and for the same parameters as groundwater monitoring as defined by Rule 22 Chapter 12 except that turbidity is not a required parameter.

8. The post closure maintenance period for this facility shall be a minimum of 30 (thirty) years starting on the date the Division accepts closure of the facility. The length of the post closure period may be decreased or increased by the Director in accordance with Rule 22.1302(c)(4).

GROUND WATER MONITORING PERMIT CONDITIONS

1. A ground water monitoring system shall be established and maintained at the Northeast AR RSWMD Class 1 Landfill that consists of a sufficient number of wells or sampling points, installed at appropriate locations and depths that will yield representative samples of ground water quality. The ground water monitoring system for this facility must at all times be properly maintained, be sampled in accordance with the terms and conditions stipulated in this permit and/or comply with the monitoring requirements found in Chapter 12 in Rule 22. Once established at this landfill, the monitoring system shall be designed, installed, operated and maintained to perform to design specifications throughout the active life of the facility and into the post-closure care period.

    a. The ground water monitoring system for the Northeast AR RSWMD Class 1 landfill will consist of (10) ten monitor wells. The monitor wells utilized for water quality sampling are designated MW-2-1, RMW-2-3, RMW-3-1, RMW-3-3, MW-3-4, MW-3-6, MW-3-8, RMW-3-10, MW-3-12, MW-14.

    b. The current monitor well locations are shown on Figure 1 of Work plan to Address Deficiencies in the Hydrogeologic Investigation Report and Modification of the Groundwater Monitoring System at the Northeast Arkansas Regional Solid Waste Management District (NEARSWMD) Landfill; prepared by Terracon; received July 31, 2009.

    c. The permittee shall expand the ground water monitoring system in phases to coincide with the phased development of the waste disposal area; well decommissioning and new well installation shall be in accordance with the requirements of Rule 22.

2. Any new monitor well(s) added to the ground water monitoring system shall be certified by a Registered Professional Geologist or a qualified ground water scientist as stipulated in Rule 22.1202(e). Within fourteen (14) days of submitting this certification to the Division the permittee must notify the Director this monitoring system certification has been placed in the facilities operating record.

    a. The ground water monitoring system certification shall confirm any new monitoring well(s) installed for this facility are capable of yielding water samples that are representative of the uppermost aquifer water quality at the sampling point. Monitoring system certification shall also confirm all monitoring system components have been constructed and installed in an acceptable manner following appropriate ASTM D 5092 well construction protocols.

    b. No monitoring well or piezometer shall be installed, decommissioned, replaced, repaired or otherwise altered without prior approval of the Division. Upon completion of a well installation, replacement, decommissioning, repair or alteration, a report shall be submitted to the Division within sixty (60) days of completion and a copy shall be placed in the facility operating record. Within the report, work quality and methods must be certified by the supervising professional..

3. The permittee shall comply with Rule 22.1103 (a), which requires following construction, each well shall be developed to the degree necessary to restore formation hydraulic conductivity and insure retrieval of samples that are representative of formation ground water quality, at this facility.

    a. The Permittee should utilize low-flow well purge and sampling techniques for monitor well sample collection. Prior to sampling, turbidity values should be allowed to stabilize to a level, which is representative of ambient water quality in the formation. If during background or routine sampling, the turbidity values consistently remain above 10 NTU's, a qualified groundwater scientist shall evaluate the integrity of the well, redevelop the well if necessary and/or provide written justification the turbidity values present in the samples are representative of ambient water quality in the formation. If the justification provided by the Permittee for the observed turbidity values is not considered valid, and/or if the well cannot be effectively redeveloped to reduce turbidity values below 10 NTU's, and/or if the well is found to be unreliable for generating representative water quality samples, it must be replaced prior to the next scheduled sampling event.

    b. Reports of replaced or decommissioned wells shall be submitted to the Division within sixty (60) days of completion and shall be placed in the Operating Record.

4. The permittee shall obtain ground water samples which are representative of water quality passing the relative point of compliance specified in Rule 22.424(d) for this facility. The down gradient monitoring wells for this facility must be installed at this relative point of compliance.

    a. Each monitoring well shall be sampled in accordance with the approved Sampling and Analysis Plan (SAP) submitted in the permit modification application for this facility; Volume 3 of 3-Operations Plan and Associated Information; Permit Modification Application; Attachment 40-3; prepared by Genesis Environmental Consulting, Inc. and Mikel, Wagner and Coleman, Inc.; received by the Division on July 25, 2002.

5. The permittee, for any newly installed monitor well or replacement well(s) must establish or have previously established background water quality parameter concentrations in hydraulically up-gradient or background well(s) which have not been affected by any solid waste unit, facility or practice, as defined in Rule 22. The permittee shall collect and analyze a minimum of four independent samples from each newly installed up-gradient or background well on a quarterly basis. Thereafter, any new or existing monitor well in the ground water monitoring system shall be sampled semi-annually in accordance with the SAP approved by the Division.

    a. Up-gradient and down-gradient water quality samples from this facility shall be analyzed for Rule 22, Appendix 1 parameters.

    b. The Director may approve an alternate list of Appendix 1 parameters in accordance with Rule 22.1204(a)(2) for establishing background water quality at this location.

6. Each monitoring well shall be sampled by qualified personnel properly trained and familiar with appropriate procedures and techniques for the collection of ground water samples.

    a. The permittee may utilize low-flow well purge and sampling techniques for monitor well sample collection. Prior to purging the monitor wells, static water level measurements shall be taken, recorded and the data used to establish ground water flow direction in the upper most aquifer. Measurements are to be taken from the surveyed benchmark on the top rim of the well casing.

    b. Ground water sampling and analysis shall comply with the requirements of Subpart E of 40 CFR Part 258 as adopted in Rule 22.

    c. Sample analysis shall be performed by a laboratory that is properly certified by the Division to run the type of analysis required by Rule 22.

7. Analysis of ground water samples shall be in accordance with EPA Report SW-846 Test Methods for Evaluating Solid Waste Physical/Chemical Methods, Vols. IA, IB, IC and II, Third Edition, Rev.1, December 1987 or equivalent as specified in 40 CFR Part 136.

    a. Analysis for metals shall utilize either Method 6010, a method from the 7000 series or an equivalent. Method detection limits for each parameter must be reported.

    b. All parameter concentrations which are above the Method Detection Limit (MDL) must be reported. Any MDL or Practical Quantitation Limit (PQL) laboratory reported concentration shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions using current laboratory standards. Analytical methods may be modified by the Division based upon analytical results and new laboratory techniques.

    c. The Division may modify the analytical parameters, sampling frequency, or the sampling methods required under this permit based on any information received by the Division, based on the analytical results received for this facility, and/or based on new laboratory techniques which may result in more accurate water quality analysis from samples taken at this facility.

8. The permittee must select a statistical method approved by the Division for evaluating water quality monitoring results for each constituent to determine whether a statistically significant increase (or decrease in the case of pH) occurs for each ground water monitoring constituent in conformance with the requirements of Rule 22.1203(g), (h), and (i). All groundwater statistical methodologies shall be performed in a manner that complies with Rule 22 and consistent with the most appropriate recommendations for specific situations per the *Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, Unified Guidance* by EPA dated March 2009 (EPA 530-R-09-007) or the most current, relevant EPA statistical guidance. Any statements or methodologies within the groundwater sampling and analysis plan that do not meet these criteria shall not be considered authorized by the Division.

9. Ground water monitoring reports shall be submitted to the Division in accordance with the dates listed in paragraph 9(a) below. The report shall summarize the results of sampling, provide a determination of ground water flow direction across the site, include a potentiometric surface map depicting the ground water flow direction based on water level measurements, provide a calculation of ground water flow velocity across the site, and include a determination of whether statistically significant increase(s) over background values has occurred for any constituent required to be analyzed.

    a. Semi-annual analytical results shall be submitted directly to the Division on or before June 30 and December 31 each year thereafter.

10. The permittee shall continue Detection Monitoring at this facility, for all existing ground water monitoring wells. Semi-annual Detection Monitoring for Appendix 1 parameters shall be required for all existing ground water monitoring wells located at this facility, as defined in Rule 22.1204.

    a. The Director, in accordance with Rule 22.1204(a)(1) may delete any Appendix 1 sampling parameter from this detection monitoring program if it can be demonstrated those constituents cannot reasonably be expected to be found in or derived from the wastes disposed in this landfill.

11. Should a statistically significant increase over established background concentrations be detected for one or more of the monitored constituents, the permittee must undertake the following actions:

    a. Must, within 14 days of this finding, place a notice in the facility Operating Record indicating which constituents have shown statistically significant increases (SSI) from background levels, and notify the Director this notice was placed in the operating record; and,

    b. Establish an Assessment Monitoring Program meeting the requirements of Rule 22.1205 within 90 days except as provided for in Rule 22.1204(c)(3); or

    c. The permittee must establish an alternate source other than the landfill has caused the contamination or the SSI was the result of a sampling error, laboratory error, statistical error, or a natural variation in ground water quality at that location. A report documenting this demonstration must be certified by a qualified ground water scientist or be approved by the director and be placed in the facilities operating record.

    d. If, after 90 days, the permittee has not provided the Director a successful alternate source demonstration for this facility, as provided for in Rule 221204(c)(3), the permittee must initiate an Assessment Monitoring Program.

12. Within ninety (90) days of triggering an assessment monitoring program, and annually thereafter, the owner or operator must sample and analyze the ground water for all constituents identified in Appendix 2 in accordance with Rule 22.1505(b). While a facility is in an Assessment Monitoring Program, if one or more of the Appendix 1 constituents are detected

at a statistically significant level exceeding the established Ground Water Protection Standards (GWPS) defined under Rule 22.1205(h) or (i), the permittee must initiate an Assessment of Corrective Measures for the facility, in accordance with Rule 22.1206. Based upon the results of an Assessment of Corrective Measures, the permittee must proceed with Selection of a Remedy in accordance with Rule 22.1207 and then proceed with Implementation of a Corrective Action Program for the facility in accordance with Rule 22.1208.

GENERAL CONDITIONS FOR CLASS 1 FACILITIES

1. This permit is issued in reliance upon the statements and representations made in the application, operating narrative, plans, specifications, correspondence, and other related documents. The Division bears no responsibility for the adequacy or proper functioning of the disposal facility. Nothing contained herein shall be construed as releasing the permittee from any liability from damage to persons or property due to the installation, maintenance, or operation of the disposal facility or any act of the permittee, or the Permittee's employees or agents.

2. The disposal facility shall be constructed, operated and maintained in accordance with the final plans, specifications and operation narrative as approved by the Division and in compliance with applicable provisions of the Act, Rule 22, and all other applicable rules and regulations.

3. At all times the disposal facility shall be maintained in good condition and operations shall be conducted by licensed, qualified on-site operators holding the appropriate license in accordance with Rule 27, Licensing of Solid Waste Management Facilities and Illegal Dump Control Officers.

4. This permit may be revoked or modified whenever, in the opinion of the Division, the facility is no longer in compliance with the Act, Rule 22, or other applicable rules and regulations. Except where expressly authorized by the Division, this permit shall not relieve the permittee, or the Permittee's employees or agents, from compliance with the provisions of the Act and Rule 22.

5. The Division may issue modifications or amendments to this permit governing the design, operation, maintenance, closure or post-closure of the facility during the term of this permit. Such modifications or amendments shall be attached to this permit and shall be fully maintained and enforceable as a condition or conditions of this permit.

6. The Division has received an initial permit fee from the permittee. Annual permit fees due thereafter shall be assessed in accordance with Rule 9, Rule for the Fee System for Environmental Permits as revised by Emergency Order effective November 1, 2002. The facility shall also be responsible for quarterly payments of other landfill disposal fees as required under Rule 11, Rules for Solid Waste Disposal Fees; Landfill Post-Closure Trust Fees; Illegal Dumps Program; and Recycling Grants Program as revised, effective January 18, 2001. Failure to pay annual fees or quarterly payments when due may result in revocation of this permit.

7. The permittee shall maintain an Operating Record at the location indicated in the permit application, or at an alternate location approved in writing by the Division.

a. At a minimum, the following documents and materials shall be retained in the facility operating record for review by authorized representatives of the Division:

i.) The approved facility operating plan, approved permit plans and specifications, CQA reports, site inspection reports, operator licenses, this disposal permit and written authorizations issued by the Division that provide modifications to the facility or its operations, all environmental monitoring or test results, and other pertinent records, certifications and correspondence as required by Rule 22 or other permit conditions herein; and

ii.) All construction test results, certifications, acceptances, construction reports, photographs, layout drawings, record (as-constructed) drawings, shop drawings, construction drawings, and other documentation required by the specifications, and CQA/QC plans, reports and documents; and

iii.) Other documents that pertain to the operation and maintenance closure and/or post-closure of the facility, or as directed by the Division.

b. The permittee shall forward a copy of information from the Operating Record when requested by the Division.

8. Transactions that affect the ownership of the facility must be fully disclosed to the Division in accordance with Rule 22.307.

a. For purposes of evaluating whether a change in ownership occurs, ownership or control may result from a change in the equity of the permittee of five percent (5%) or more.

b. If applicable, the permittee shall submit to the Division annual and quarterly reports required by the Securities and Exchange Commission (SEC) that provide information regarding legal proceedings in which the permittee has been involved in order to determine whether any change in ownership or control of the operation of this landfill has occurred.

c. A permit transfer will not be required when a change in ownership or control of the facility is among the persons and/or entities previously disclosed to the Division in Section E of the Disclosure Statement or similar disclosure.

9. The permittee shall furnish the Division annual engineering inspection reports in accordance with Rule 22.423. The annual report for Class 1 facilities is due on March 31 of each year and shall cover the preceding period beginning January 1 and ending December 31.

10. A survey control system shall be established and maintained at the landfill site that complies with Rule 22.426.

11. The landfill working face shall be confined to the smallest practicable area.

12. The permittee shall not engage in or allow salvage operations at the facility except with written authorization from the Division or as may be provided in the section titled Site Specific

Conditions of this permit. The Division may review and approve requests for future salvage of disposed materials for recycling purposes on a case-by-case basis.

13. Disposal of bulk liquid waste in the landfill is prohibited. Liquid waste is waste that contains "free liquids" as defined by Method 9095 (Paint Filter Liquids Test) in EPA Publication No. SW-846. Reintroduction of liquids other than leachate will be reviewed and permitted under the EPA Research, Development and Demonstration permit.

14. Measures to control and prevent storm water run-on from running through or into the active disposal area shall be constructed and maintained. Grading, dikes, diversion ditches, silt fencing, silt, traps, and other best management practices (BMP) for storm water control shall be provided as necessary to control/prevent off-site sediment accumulation from landfill related operations.

15. Appropriate NPDES construction/storm water permit(s) shall be obtained for storm water discharges from the landfill site and borrow sites. A Storm Water Pollution Prevention Plan (SWPPP), which outlines erosion and sediment control measures, shall be prepared and implemented in accordance with applicable NPDES requirements. A copy of the SWPPP shall be maintained on-site for reference by operating staff.

16. The permittee shall comply with the air criteria requirements of Rule 22.416. Those requirements include meeting the State Implementation Plan (SIP) pursuant to Section 110 of the Clean Air Act; prohibiting open burning of solid waste, unless authorized by the Division; and establishing fire safety procedures.

17. Litter control fences shall be provided in the active fill area for the control of blowing litter. Other litter control measures shall be implemented, if necessary, to confine litter to the smallest practicable extent and prevent litter from leaving the site.

18. The permittee shall implement a hazardous waste screening and detection program at the facility in accordance with the approved operating plan and Rule 22.412. The program shall include procedures for evaluation of any questionable wastes prior to disposal to determine whether the waste complies with the Rule 22 requirements for disposal in the facility.

19. The permittee must cover disposed waste with at least six inches of soil at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging. No portion of the waste is to be left exposed at the end of the operating day. Alternative materials for daily cover, such as synthetic materials, shall only be used when specifically authorized in writing by the Division. Any alternative daily cover that is proposed by the permittee must comply with Division guidelines and include specific written operating procedures that will be implemented to control disease vectors, fires, odors, blowing litter, and scavenging. The use of synthetic material will not be authorized unless it is incorporated within operating procedures that also rely on use of at least six inches of soil cover for daily cover on some days; any proposal for daily cover based solely upon full-time use of synthetic material will not be approved.

20. The final grades and elevations shown on the approved design plans referenced herein shall not be exceeded at any time or in anticipation of settlement and consolidation of the waste mass.

    a. Timely initiation and completion of closure of landfill cells or units shall be made in accordance with Rule 22.1301(f) and (g).

    b. Proper construction of the final cover system shall be observed and certified in writing to the Division by a Registered Professional Engineer in a Construction Certification Report in accordance with the approved CQA Plan whenever a cell, area or phase of the landfill is closed-out.

    c. The Certification Report shall include CQA/QC test results as indicated in the approved CQA Plan; drawings indicating the location, designation and extent of closed area(s); and test locations.

21. The use of alternative liner systems is not authorized by this permit. If the permittee desires to use any liner system other than as Rule 22.424(b), the permittee must submit an Alternative Liner Demonstration prior to initiation of construction.

22. The permittee must maintain that erosion and sediment controls at borrow sites and soil stockpiles are in accordance with Rules 22.411, 22.418, 22.419, 22.427, and 22.430.

23. Any statements in the operational narrative, application documents, specifications, monitoring plans and/or engineering plans that conflict with and are less stringent than Rule 22, permit conditions herein, or other applicable laws and regulations shall not be considered authorized by the Division. The permittee shall comply with the most stringent of 1) Permit modifications contained herein; 2) Rule 22 and other rules covering solid waste; and 3) State solid waste statutes.

24. This permit authorizes one (1) active disposal area at the facility per Rule 22.411(c). Multiple working faces shall not be utilized at the facility unless the permittee can provide adequate justification for more than one working face and specific authorization for such is granted in writing by the Division. It is not anticipated that such authorization will be granted except on a temporary basis for highly unusual or emergency situations.

25. The Division, its employees, agents, or any authorized person shall have the right to enter the property at any time for any reason as set out in Rule 22 for the purposes of, including but not limited to taking samples, reviewing the operating record, inspecting the facility, and perform other enforcement or engineering action without interference or delay from the permittee.

26. The Division's decision to issue this permit is final for purposes of appeal as of the date indicated in the Certificate of Service below. If any provision of these conditions or the application of these conditions thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these conditions that can be given effect without the invalid provision or application. Therefore, to this end, the provisions of these conditions are declared to be severable.

APPROVED BY: **Division of Environmental Quality**
5301 Northshore Drive
North Little Rock, Arkansas 72218

Bailey Taylor

Bailey Taylor
Interim Associate Director, Office of Land Resources

April 26, 2024
Date

CERTIFICATE OF SERVICE

I, Greg Banic, hereby certify that a copy of this permit has been transmitted electronically to Joe Pence at joseph.pence@nealandfill.com on or before this 26th day of April 2024.

G. Banic

Statement of Basis:

Permit Modification Application Summary and Rationale for Conditions

NEAR RSWMD Class 1Landfill
Permit No. 0120-S1-R5; AFIN 28-00077

Permit Modification Application Summary

This summary form consists of information submitted during the permitting process. It represents basic information from the administrative record utilized in forming recommendations from the Division. The entire file for the solid waste permit application specified below should be reviewed for complete details on the proposed facility.

Permit Modification Application Summary	
1. Name of Applicant:	Northeast AR RSWMD
2. Type of Facility:	Class 1 landfill
3. Engineering Firm:	Terracon Consultants, Inc.
4. Application Date:	Submitted on November 6, 2023.
5. Site Location	General: The site is located at 1810 Greene 890 Road, Paragould, Greene County, AR 72450 Specific: Located at the SW1/4, Section 21 T17N, R6E
6. Permit Area:	Total Property Area: 120 ± acres Permitted Landfill Area: 70.9 ± Acres
7. Residences Within 2 Miles:	From recent aerial photography (2001) there are less than 50 houses. Most of these houses are located south and east of the landfill site.
8. Water Supplies Within 2 Miles:	Approximately 22 based upon Office of the State Geologist well log records.
9. Wetlands:	No wetlands located within the expansion area.
10. Geology:	The NEAR RSWMD landfill site is located within the northeastern portion of the Mississippian Embayment. The site is underlain by Quarternary Age alluvial deposits which are underlain by Eocene age Wilcox Group deposits. The upper units are comprised of silty clay and fine sand. The silty clay unit varies in thickness and the percentage of sand generally increases with depth. Below the clay unit is sand and gravel with some thin clay seams.

Permit Modification Application Summary	
	The upper Wilcox consists of primarily stiff gray clay with thin beds of lignite.
11. Soils:	In the USDA Soil Survey of Greene County site soils are characterized as the Calhoun-Calloway Association. Silty loam, poorly drained, in a layer of silt.
12. Ground Water:	The alluvial aquifer is the principal source of water in eastern Arkansas. Water occurs at shallow depths and is readily available for public water, commercial, domestic and agricultural uses. Recharge is primarily through precipitation. The aquifer commonly yields 500 to 2000 gallons per minute. Depth to the ground water beneath the site is 20 to 25 feet bgs. The water is under unconfined to semi-confined conditions at the site. The general ground water flow direction is to the east. GW flow velocity was calculated to be 1.48 X 10^{-6} ft/min across the site in the First Half 2004 GWM Report.
13. Surface Drainage Sequence:	Surface drainage is into surface streams and drainage canals adjacent to the site.
14. Waste Streams:	All eligible Class 1 and 4 wastes
15. Capacity & Active Life (consultant estimation):	Total Capacity = 9,734,657
16. Disposal Rate	103,488 tons/year
17. Projected Active Life after this modification	21 years
18. Bottom Liner System:	Each of the waste cells to be constructed with a 60-mil HPDE flexible membrane liner, leachate recovery system and an 24-inch compacted clay liner with a maximum permeability of 1x10^{-7} cm/sec.
19. Final Cover:	The Final Cover System will consist of, from bottom to top, an 8 oz/sq yd double-sided geocomposite gas vent layer, a compacted clay layer of at least 18 inches thick with a permeability of no more than 1 x 10^{-7} cm/sec, a 40 mil LLDPE geomembrane, 12 inches of soil cover, and an erosion layer of at least 6 inches thickness that is capable of supporting vegetation.

Permit Modification Summary and Rationale for Conditions

The following information was considered during the preparation of a draft permit for the proposed facility:

Permit Pre-Application dated October 13, 2000.

Permit Application dated July 25, 2002. The application was later completed through documents furnished on October 19, 2004; November 18, 2004; November 30, 2004.

Correspondence from the Permittee; The Arkansas Solid Waste Management Code, as Amended (Rule 22); and all other applicable rules and regulations of the Division.

Condition No.	Site Specific Permit Conditions
1.	Refers to the landfill disposal area for the Class 1 facility as shown in the approved application and operational narrative plans.
2.	Specifies the initial amount of financial assurance. (Rules 22.1402 and 22.1403).
3.	Details the waste streams authorized for disposal at the facility as submitted in the approved application. Additional waste streams may be authorized for disposal on a case-by-case basis when requested by the permittee. (Rule 22.701-708)
4.	Specifies that each landfill waste cell shall be constructed in the sequence indicated in the approved plans and specifications. (Rule 22.411(a))
5.	The bottom liner system for any newly constructed waste cell shall consist of twenty four (24) inches of compacted clay exhibiting a maximum hydraulic conductivity of 1 x 10^{-7} centimeters per second (cm/s) with a 60 mil HPDE liner. Proper construction of the bottom clay liner of each waste cell shall be observed and certified to the Division in writing by a Registered Professional Engineer in a construction certification report in accordance with the approved CQA Plan (Rule 22.428(i)). Should the permittee use any liner system other than a "composite liner" system, an *Alternative Liner Demonstration* shall be submitted to and approved by the Division prior to initiation of construction of the alternative liner system.
6.	The final cover system is detailed in the Minor Permit Modification Application submitted on November 6, 2023 under Doc ID 84829. The final cover must meet the requirements of Rule 22.428.
7.	Details the leachate collection removal and leachate storage shall be monitored and operated to maintain free flowing conditions. The date, quantity, results of any testing done, and the receiving wastewater treatment facility and NPDES number shall be monitored and recorded each time leachate is removed from the site. (Rule 22.421(g)). Existing and future leachate collection removal and storage systems must meet all requirements of Rule 22.429. Leachate from the landfill will be sampled at a minimum of the same frequency and for the same parameters as groundwater monitoring as defined by Rule 22 Chapter 12 except that turbidity is not a required parameter.

8.	States the post-closure for this facility is 30 years starting on the date the facility is accepted into post-closure. (Rule 22.1302(c)(1)). The Permittee will be required to submit stabilization parameters for the facility to determine the length of closure activity.

Condition No.	**Ground Water Monitoring Permit Conditions**
1.	Requires the permittee to utilize and maintain a ground water monitoring system to adequately monitor potential impacts on local ground water supplies from facility operations. The monitoring system must have a sufficient number of wells or sampling points that will yield water samples representative of the water quality around the landfill. References the proposed well identification numbers and well locations for this facility. (Rule 22.1202 (a)).
2.	Requires the permittee to certify the new and/or existing ground water monitoring system at this facility. Requires the ground water monitoring system to be installed according to appropriate ASTM standards and the monitoring system be certified as adequate and properly constructed given the geologic conditions of the site by a Registered Professional Geologist. (Rule 22.1202(a)(2) and (e) and ASTM D5092).
3.	Requires the permittee to properly develop the monitor well after installation to ensure water quality samples collected are representative of the formation at this facility. Recommends the use of low-flow purge techniques to limit turbidity in the samples collected.
4.	Requires the permittee to obtain representative water quality samples from the monitor wells in accordance with the approved sampling and analysis plan.
5.	Discusses the procedures and sampling requirements for establishing background water quality for the facility. Stipulates the parameters which must be sampled to establish background water quality.
6.	Requires water quality samples to be collected by properly trained personnel and the analysis to be conducted by a certified laboratory.
7.	Requires analysis of ground water samples to be in accordance with EPA Report SW-846; Method 6010 for metals; Allows the Division to modify the parameters and or the frequency at this facility.
8.	Requires the Permittee to select a statistical evaluation method in accordance with Rule 22.1203 (g), (h), (i), and the most current, relevant EPA statistical guidance.
9.	Requires the permittee to submit ground water monitoring (GWM) reports; discusses what should be reported and outline on the specific dates for submittal of the GWM report.
10.	Requires the permittee to continue a Detection Monitoring program for the facility. This monitoring program requires semi-annual samples to be taken and analyzed for Appendix 1 parameters. (Rule 22.1204).

11.	Discusses what actions should be taken if the Permittee should determine a Statistically Significant Increase from any parameter occurs. Requires the permittee if necessary, to establish an Assessment Monitoring Program; determine if an alternate source for the contamination exists; and outlines the procedures for initiating an Assessment Monitoring Program at the facility, if warranted. (Rule 22.1204 (c)(3)) and Rule 22.1205).
12.	Discusses what action must be taken if the facility is placed into assessment monitoring. (Rules 22.1205,1206,1207,1208).

Condition No.	**General Conditions for Class 1 Facilities**
1.	States the Division has no responsibility for the proper functioning of the disposal facility and the permittee is not exempt from liability to third parties per Rule 8.
2.	Concerns the requirements for construction and operation of the disposal facility in accordance with the approved plans/specifications/operation narrative are in accordance with Rules 22.308, 22.411, and 22.422.
3.	Concerns requirements to maintain the disposal facility in good operating condition under licensed, qualified, on-site landfill operators is in accordance with Rule 22.411 and with Rule 27.
4.	Concerns the right of the Division to revoke or modify the permit in the event the facility is no longer in compliance with the Arkansas Solid Waste Management Act, Rule 22, or other applicable regulations in accordance with Rule 22.308.
5.	Concerns issuance of modifications to the permit by the Division is in accordance with Rules 22.308 and 22.422.
6.	Concerns payment of permit fees in accordance with Rule 9.
7.	Concerns requirements for maintenance of landfill related documents in an Operating Record are in accordance with Rules 22.421 and 22.423.
8.	Concerns permit transfer must be disclosed to the Division in accordance with Rule 22.307.
9.	Concerns requirements for submittal of an annual engineering inspection report are in accordance with Rule 22.423.
10.	Outlines the requirements for implementation and maintenance of a survey control system at the landfill site for horizontal and vertical control of landfill construction/operation is in accordance with Rule 22.426.
11.	Outlines requirements for disposal in a single working area of the smallest practicable extent are in accordance with Rule 22.411.
12.	Regards salvage operations are not allowed in accordance with Rule 22.411.

Condition No.	General Conditions for Class 1 Facilities
13.	Concerns the prohibition of the disposal of bulk liquid waste in the landfill is in accordance with Rule 22.420.
14. & 15.	Concerns measures to control and prevent stormwater run through or into the active face and requirements for appropriate NPDES permit(s) and a Storm Water Pollution Prevention Plan (SWPPP) is in accordance with Rules 22.418, 22.419 and 22.427, and the Clean Water Act.
16.	Concerns requirements for compliance with applicable air criteria is in accordance with Rule 22.416 and the Clean Air Act.
17.	Concerns requirements for litter control fences and other control measures for blowing litter in accordance with Rule 22.41.
18.	Concerns requirements for the implementation of a hazardous waste screening and detection program at the facility is in accordance with Rule 22.412.
19.	Concerns the application of six inches of soil at the end of each operating day or at more frequent intervals if necessary in accordance with Rule 22.413.
20.	Concerns requirements to fill within the final grades and elevations indicated on the approved plans, timely initiation and completion of closure, and proper CQA monitoring and certification are in accordance with Rules 22.308, 22.411, 22.428, and 22.1301.
21.	Concerns the use of alternative liner systems are not authorized by this permit. If the permittee desires to use any liner system other than as Rule 22.424(b), the permittee must submit an Alternative Liner Demonstration prior to initiation of construction.
22.	Concerns requirements for erosion and sediment controls at borrow sites and soil stockpiles are in accordance with Rules 22.411, 22.418, 22.419, 22.427, and 22.430.
23.	Concerns the requirements for the permittee to comply with Rule 22 or permit conditions. The permittee shall comply with the most stringent of: 1) Permit modifications contained herein; 2) Rule 22 and other rules covering solid waste; and 3) State solid waste statutes.
24.	Concerns the permit authorizes only one (1) working face in accordance with Rule 22.411.
25.	Concerns the right of Division employees to enter the permittee's property to inspect the facility at any time without interference or delay is in accordance with Rule 22.1501.
26.	Concerns providing notice for the purpose of appeal of the final permit in accordance with Rule 22.306 and in accordance with Rule 8. Provisions regarding severability are in accordance with Rule 22.1601.