



PERMIT
FOR THE CONSTRUCTION AND OPERATION OF A
SOLID WASTE DISPOSAL FACILITY
ISSUED BY
STATE OF ARKANSAS
DEPARTMENT OF ENVIRONMENTAL QUALITY



PERMIT NUMBER: 0245-S4

CSN IDENTIFICATION: 18-0094

PERMIT CLASS: Class 4 Landfill

ORIGINAL PERMIT NUMBER AND DATE: NEW PERMIT Class 4 (Previously Permitted Class 1 Landfill Area 0245-S dated January 6, 1988)

EFFECTIVE DATE OF THIS PERMIT MODIFICATION: October 28, 1999

EXPIRATION DATE OF THIS PERMIT: (10 years)

PERMIT OWNER AND ADDRESS: Crittenden County
Crittenden County Courthouse
87 Jackson Street
Marion, AR 72364

FACILITY LOCATION: About two miles southwest of West Memphis, Arkansas.

LEGAL DESCRIPTION: Part of the Southeast quarter of Section 17, T-6-N, R-8-E, Crittenden County, Arkansas and more particularly described as follows:

Commencing at the Southeast corner of Section 17; thence N 0° 00' 00" E along the east line of said Section 17, a distance of 2647.36 feet to the East Quarter Corner of said Section 17; thence S 89° 59' 22" W a distance of 1633.82 feet; thence S 0° 21' 02" W a distance of 2641.55 feet to a point on the south line of said Section 17; thence S 89° 48' 27" E a distance of 1650.00 feet to the point of beginning, containing 99.68 acres, more or less.

DESIGN ENGINEERS: Genesis Environmental Consulting, Inc.
11400 West Baseline Road
Little Rock, AR 72209

Bond Consulting Engineers, Inc.
208 North Sixth Street
P.O. Box 726
West Memphis, AR 72303

DESCRIPTION OF THIS PERMIT ACTION: This is a new permit adjacent to existing and modified Class 1 landfill. This Class 4 landfill is on the previously permitted Class 1 area.

SEE ATTACHED PAGES FOR ADDITIONAL PERMIT CONDITIONS

PERMIT CONDITIONS: This permit is your authority to construct and/or operate the Solid Waste Disposal Facility set forth in your modification application dated November 30, 1998. 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"; Regulation Number 22, Arkansas Solid Waste Management, as adopted by the Pollution Control and Ecology Commission, hereinafter called "Regulation 22"; and all other applicable rules and regulations of the Department of Environmental Quality, hereinafter called "Department", and the following terms and conditions:

1. The disposal facility shall be constructed, maintained, and operated in accordance with the final plans, specifications and operation narrative as approved by the Department and in compliance with all applicable provisions of the Act, Regulation 22, and all other applicable rules and regulations. Changes to or deviations from the construction/layout of the facility, as indicated on the approved set of plans that were submitted as a part of the permit application, are not authorized unless approved by the Department.
2. The Department shall be notified in writing when the construction of each disposal unit, or portion of a unit is complete and upon closure of each unit to assure timely inspection of the facilities can be made.
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 as required by Regulation Number 27, Certification of Sanitary Landfill Operators. Copies of the approved operating narrative, plans, specifications, operator licenses, and this disposal permit shall be maintained at the site for reference.
4. This permit may be revoked or modified whenever, in the opinion of the Department, the facilities are no longer in compliance with the Act, Regulation 22, and applicable rules and regulations. This permit shall not relieve the permittee, its agents or employees, from compliance with all provisions of the Act and Regulation 22.
5. This permit is issued in reliance upon the statements and representations made in the application, operating narrative, the plans, specifications and related documents and the Department has no responsibility for the adequacy or proper functioning of the disposal 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 disposal facility.
6. This permit is for approximately 9 acres to be used for disposal of Class 4 waste in the areas indicated on the plans. Authorization to dispose of waste under this permit shall expire upon the expiration date indicated in the permit, or when the 9 acres for Class 4 disposal has been completed, whichever occurs first. The final grades and elevations shown on the plans shall not be exceeded in anticipation of settlement and consolidation of the waste mass and changes in the approved fill progression shall not be implemented unless prior approval is obtained through a permit modification. Changes to or deviations from the construction/layout of the facility, as indicated on the approved set of plans that were submitted as a part of the permit application, are not authorized unless approved by the Department.
7. The seventeen (17) acre area identified by the Department of Army Memphis District Corp of Engineers (CORPS) and the Natural Resource Conservation Service (NRCS) as wetlands area, cannot be developed for solid waste disposal until obtaining proper authorization from the CORPS and NRCS.

8. The amount of financial assurance is estimated to be \$174,755. This amount is subject to annual adjustment and may be increased at the discretion of the Department, based upon the estimated cost for a third party to close the largest area of all permitted facilities ever requiring final cover during the active life and the cost for a third party to perform post closure care. The instruments or demonstrations used to satisfy financial assurance requirements must be in the exact form set forth in Regulation 22. If a Trust Fund is used to demonstrate financial assurance, payments into the trust fund must be made annually for an amount as required in Regulation 22 Section 22.1405(a). The permittee shall provide documentation from the trustee to the Department showing the latest balance in the trust fund. This documentation verifying the balance in the trust fund should be included in the annual engineering inspection report. A portion or all of the financial assurance may be held by the Department beyond the time of cessation of disposal operations at the site to ensure satisfactory closure and post closure care in accordance with Regulation 22.
9. Annual permit fees are due hereafter and shall be assessed in accordance with Regulation Number 9, Fee System for Environmental Permits. Failure to pay annual fees when due may result in revocation of this permit.
10. Any change in the ownership of the facilities or control of the operation may be considered a permit modification and shall be fully disclosed to the Department. For purposes of this permit condition, ownership or control shall be determined by a change in the debt or equity of the permittee of five percent (5%) or more. Notwithstanding the above, the permittee is not required to disclose a change in ownership or control of the facility if the change is among the persons and/or entities previously disclosed to the Department in Section E of the Disclosure Statement or similar public disclosure.
11. This facility is for the disposal of bulky inert, non-putrescible Class 4 waste as defined by Regulation 22. This waste includes non-putrescible waste such as tree trunks and stumps, demolition and construction debris, shredded or processed tires as defined by Regulation Number 14, Regulations and Administration Procedures for the Waste Tire Program, furniture and appliances provided polychlorinated biphenyls (PCBs), chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs) are removed from the appliance prior to disposal in accordance with applicable state and federal regulations, and other inert wastes that the Department may approve for disposal. Hazardous and/or toxic waste materials, liquid or semi-liquid waste, household wastes of any kind, putrescible waste, paper waste including cardboard and "Special Materials" as defined by Regulation 22 are not authorized for acceptance and disposal at the facility.
12. A weekly cover of six (6) inches of compacted soil shall be applied to all exposed waste on a regular schedule acceptable to the Department and more frequent cover may be required if necessary to control disease vectors, fires, odors, blowing litter, scavenging and to limit the generation of leachate. An additional compacted cover soil layer (interim cover) shall be applied to all surfaces that will not receive an application of waste or final cover within 30 days. Interim cover shall be of sufficient thickness to cover all exposed waste and shall not be less than 12" in total thickness including the weekly cover.
13. Written procedures which meet the requirements of Section 22.608 of Regulation 22 shall be followed for excluding hazardous and unauthorized waste from the disposal area. The hazardous and unauthorized waste screening/detection plan shall be fully implemented, including proper training of facility operators to recognize hazardous waste.

14. An operating record shall be maintained on-site, or at an alternative location approved by the Department, of all documentation, monitoring or test results, construction quality assurance/quality control (CQA/ QC) test results, records, operator license and training certificates, and certifications required by Regulation 22, the permit application documents, and permit conditions contained herein. The operating record shall be available for review by authorized representatives of the Department during normal business hours. The permittee shall provide a copy of any information from the operating record to the Department when requested.
15. The liner bottom shall be eighteen (18) inches or more of compacted clay material exhibiting a permeability equal to or less than 1×10^{-5} cm/sec. Cells sited in favorable, uniform geologic settings exhibiting in-place permeability equal to or less than 1×10^{-5} cm/sec may be constructed without compacted clay liners provided the standards of Section 22.621(c)(2) of Regulation No. 22 are met.

Testing and certification of construction of the bottom liner system shall be in accordance with the Construction Quality Assurance Plan submitted as part of the operating narrative and Section 22.428(b) Soil Liner Material Criteria of Regulation No. 22, except that the permeability of the liner system must be 1×10^{-5} cm/sec or less in accordance with Section 22.621.

16. Interim and final cover vegetation shall be properly mowed as necessary to control undesirable annual weed and woody vegetation growth and to facilitate proper inspection of the cover.
17. The final cover shall, at a minimum, consist of eighteen (18) inches of clay material constructed to a permeability of 1×10^{-5} cm/sec or less overlain with six (6) inches of topsoil. After final elevations are attained, the final cover system shall be constructed and a vegetation cover of suitable perennial grasses shall be established and maintained. Testing and certification of construction of the final cover system shall be in accordance with the Construction Quality Assurance Plan submitted as part of the operating narrative and Section 22.428(b) Soil Liner Material Criteria of Regulation No. 22, except that the permeability of the cover system must be 1×10^{-5} cm/sec or less in accordance with Section 22.621. Closure and construction of the final cover system shall also be in accordance with Chapter 13 of Regulation No. 22.
18. Survey Control, as a minimum, shall be in accordance with Section 22.622 of Regulation 22.
19. Measures to control and prevent storm water from running through or into the active fill area shall be constructed and maintained at the site. Control measures may include but may not be limited to the construction of ditches, terraces, or berms and the use of portable pumps. No waste shall be deposited in standing water or within five (5) feet of the seasonal high groundwater table.
20. Best management practices shall be implemented to control erosion at the site and to prevent off-site deposition of sediment, leachate and waste. In addition to other measures that may be necessary to control erosion, seeding of suitable perennial grasses and soil stabilization shall be conducted in the spring and fall on all exposed surfaces that are not to receive additional waste placement during the next growing season. Erosion and sediment control measures shall also be implemented at all off site soil borrow areas that may be used in conjunction with landfill construction or operation. Borrow sites shall be reclaimed through seeding with suitable perennial grasses to control erosion and final grading to promote proper drainage, or reclaimed through other means acceptable to the Department.
21. The permittee shall obtain any necessary storm water and/or wastewater disposal permit(s) from the Water Division of the Department and copies of the appropriate NPDES permit(s) shall be placed in the operating record.

22. Preparation of the site in compliance with permit and Regulation 22 conditions shall be supervised and reported in writing to the Department by a Registered Professional Engineer prior to the placement of wastes. See Condition No. 15 and 17 for Construction Quality Assurance [CQA] requirements applicable to initial and subsequent construction.
23. The permittee shall prepare and submit to the Department an annual engineering report in accordance with the provisions of Section 22.619 of Regulation 22. The report shall cover the one year period beginning July 1 and ending June 30 and shall be submitted no later than September 30 of each year.
24. Any statements in the operational narrative, specifications, and/or engineering plans that conflict with Regulation 22, permit conditions herein, or other applicable laws and regulations shall not be considered authorized by the Department.
25. The Department, 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 Regulation 22 for purposes of, including but not limited to, taking samples, inspection, and any other enforcement or engineering action, without interference or delay from the permittee.
26. The Department's decision to issue this permit is final for purposes of appeal as of the date indicated in the Certificate of Service below.

APPROVED BY: Department of Environmental Quality
8017 I-30, Post Office Box 8913
Little Rock, Arkansas 72219-8913



For the Director

10-28-99

Date

CERTIFICATE OF SERVICE

I, Chrissy Heider, hereby certify that a copy of this permit has been mailed by first-class mail to The Honorable Brian Williams, Crittenden County Judge, 100 Court Square, Marion, AR 72364 on or before this 28 day of Oct., 1999.



Addendum to Permit

STATE OF ARKANSAS
DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT DIVISION



Crittenden County, Arkansas		AFIN:	18-0094
Class 4 Landfill		Permit No:	0245-S4
Date	Addendum to Permit		
December 16, 2005 Doc.# 31476	Permit Condition 8 (Revised from October 28, 1999 Permit Issuance as Follows) 8. The amount of financial assurance is estimated to be \$369,247. This amount is subject to annual adjustment and may be increased at the discretion of the Department, based upon the estimated cost for a third party to close the largest area of all permitted facilities ever requiring final cover during the active life and the cost for a third party to perform post closure care. The instruments or demonstrations used to satisfy financial assurance requirements must be in the exact form set forth in Regulation 22. If a Trust Fund is used to demonstrate financial assurance, payments into the trust fund must be made annually for an amount as required in Regulation 22 Section 22.1405(a). The permittee should provide documentation from the trustee to the Department showing the latest balance in the trust fund. This documentation verifying the balance in the trust fund should be included in the annual engineering inspection report. A portion or all of the financial assurance may be held by the Department beyond the time of cessation of disposal operations at the site to ensure satisfactory closure and post closure care in accordance with Regulation 22.		
December 16, 2005 Doc.#31476	Permit Condition 17 (Revised from October 28, 1999 Permit Issuance as Follows) The final cover shall consist of the configuration as shown on Details 42 and 43 on Sheet 20 of 20 of NOD Response 3 in Document ID # 30843. After final elevations are attained, the final cover system shall be constructed and a vegetation cover of suitable perennial grasses shall be established and maintained. Construction Quality Assurance/Quality Control (CQA/QC) criteria, procedures, testing, documentation, reporting, and certifications for construction shall be in accordance with Sections 22.428 and 22.429 of Regulation 22. All test results, certifications, acceptances, construction reports, photographs, layout drawings, record (as-built) drawings, shop drawings, construction drawings, and other documentation required by the specifications, CQA/QC plans, and/or permit conditions herein shall be retained in the facility operating record for review by authorized representatives of the Department.		
December 16, 2005 Doc.# 31476	Permit Condition 27 Closure and Post Closure Care of the facility shall be performed as detailed in the Approved Closure and Post Closure Care Plan (Document ID #30843).		