



**DIVISION OF
ENVIRONMENTAL QUALITY**

5301 NORTSHORE DRIVE
NORTH LITTLE ROCK, AR 72118-5317

David Conrad
100 Two Pine Drive
North Little Rock, AR 72117

NOTICE OF FINAL PERMITTING DECISION

Date of Decision: July 31, 2023

AFIN: 72-00144; Permit No. 0290-S1-R4

Eco-Vista, LLC
2210 Waste Management Drive
Springdale, AR 72762



The Director has issued a final permitting decision for the above referenced permit. The Director's decision was made upon consideration of the completed application, the public comments on the record, and other materials provided by law or regulation applicable to the application.

The Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ) has issued a final permitting decision approving the application for a Class 1 Landfill Expansion pursuant to Arkansas Pollution Control and Ecology Commission (APC&EC) Rule 22 for AFIN 72-00144; Permit No. 0290-S1-R4. A Statement of Basis for the decision and DEQ's Response to Comments is available on DEQ's website at www.adeq.state.ar.us/downloads/WebDatabases/SolidWaste/PermittedFacilities/GenDocs/84389.pdf.

The notice of the final permitting decision was mailed to the applicant on July 31, 2023. The certificate of service for this final permitting decision as required by APC&EC Rule 8, is part of the permitting record and available through the hyperlink above.

The applicant and any person who submitted public comments on the record may request an adjudicatory hearing and Commission review of the final permitting decision as provided by APC&EC Rule 8, Chapter 6.



**DIVISION OF
ENVIRONMENTAL QUALITY**

Sarah Huckabee Sanders
GOVERNOR

Shane E. Khoury
SECRETARY

July 31, 2023

David Conrad (DConrad@wm.com)
Eco-Vista, LLC
2210 Waste Management Drive
Springdale, Arkansas 72762

RE: Issuance of Final Permit for Eco-Vista, LLC Class 1 Landfill
Permit Number: 0290-S1-R4; AFIN: 72-00144
Document Identifier: 84389; Cross Reference Identifiers: 82573, 83386, 82166, 81906, 81071, 80454, 79709, 78620

Dear Mr. Conrad:

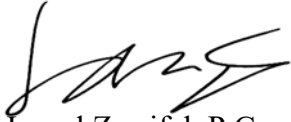
The Division of Environmental Quality Office of Land Resources (DEQ) has made a final decision to issue a permit authorizing the construction, operation, and maintenance of the Eco-Vista Class 1 solid waste landfill facility as described in your modification application submitted on July 6, 2021, and subsequent documentation as referenced in the permit and located in the DEQ facility file. The permit number for the facility is 0290-S1-R4. A Public Notice detailing DEQ's draft proposed decision to issue Permit 0290-S1-R4 was published in the Arkansas Democrat Gazette, Northwest edition on April, 30, 2023, with the public comment period ending May 30, 2023. A public meeting and hearing was held May 25, 2023. Please find enclosed the final Permit 0290-S1-R4, the Notice of Decision, the Permit Summary and Rationale/Statement of Basis, and the Response to Comments.

The permit is granted subject to the terms and conditions specified in the permit. The initial amount of financial assurance required is \$19,763,673.00 for the facility. Acceptable mechanisms for financial assurance include a surety bond, collateral bond (supported by a letter of credit, securities or cash), or other mechanisms as set forth in Chapter Fourteen of Arkansas Pollution Control & Ecology Commission's (APC&EC or Commission) Rule Number 22. The instruments used must be in the exact form set forth in APC&EC Rule Number 22 and must be filed with the Division before the permit can become effective. The purpose of the financial assurance is to ensure an environmentally sound closure of the site upon conclusion of disposal operations and acceptable post-closure care. Please review all terms and conditions of the permit to ensure compliance with all applicable requirements.

If you want to appeal this matter, your appeal must be filed in accordance with APC&EC Rule No. 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 3800 Richards Rd., North Little Rock, AR 72201. For directions to the Commission's office, call (501) 682-7890.

Your cooperation in this matter is appreciated. Should you have any questions or wish to discuss this permit, feel free to contact Greg Banic at (501) 682-0040 or Greg.Banic@adeq.state.ar.us.

Sincerely,



Jarrold Zweifel, P.G.
Associate Director
Office of Land Resources
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118

Enclosures: Responsiveness Summary and Comments
Final Permit and Permit Application Summary and Rationale

cc: DEQ – Jones, Hurt, Cusher, Cobb, Krou, Speake, Banic, and Gilkey
Melissa Vaught, FTN Associates (mmv@ftn-assoc.com)

Arkansas Pollution Control and Ecology Commission Rule No. 8.211 requires the Division to respond to comments made during the comment period. The following comments were received from the public and Eco-Vista, LLC. This list contains comments from the April 30, 2023 through May 30, 2023 comment period and comments received at the Public Hearing held May 25, 2023.

Commenter (Document ID)	Comment Number	Comment	DEQ response to comment
Glen Odglen (83985)	1.	<p>My name is Glen Odglen, I live at 12601 Arbor Acres Rd. I have lived here over 37 years and was here before Waste Management took over the landfill from Sun Ray Sanitation. I am writing this letter opposing the expansion of Class 1 at Waste Management Tontitown AR. Permit#0290-S1-R4.</p> <p>I have seen and experienced issues with living very close to the landfill. A big concern is the gases and odors my family experiences. We have had several neighbors get cancer and we experience cancer in my family. I am not sure if this is just coincidental living near the landfill, nobody can identify the gas and if it is harmful or not. I have also had trash blown on my property and it is common to have big rocks and metal in the road. I have experienced more than my share of flat tires due to this. I was part of the citizen's group that opposed the last expansion in the late 90' and early 2000s that proved the runoff from the landfill was moving into the creeks here. I understand a recent dye test validating this as the dye ran into the Little Wildcat Creek that flows into the Illinois River. I use to water my cows there. This area is Karst and groundwater flows freely. I know this is a big concern with the Arkansas and Oklahoma Watershed Conservation groups.</p>	<p>DEQ response to comment</p> <p>Cover material requirements for Class 1 landfills are addressed in APC&EC Rule 22.413.</p> <p>The landfill is required to control blowing litter. There are controls employed at the landfill that help to reduce litter escaping at the working surfaces of the landfill. Should litter escape and find its way to neighboring properties, citizens should contact Eco-Vista to implement their litter control program, which will prompt their litter crews to clean it up.</p> <p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement.</p> <p>DEQ does not have the authority to regulate large rocks or other debris that may be present on the roads.</p> <p>The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.</p> <p>Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.</p> <p>Design criteria specific to the karst terrain has been met or exceeded for this requested expansion. Rule 22.407 requires landfills demonstrate engineering measures be incorporated into the design to ensure the integrity of the structural components of the unit will not be disrupted. The design criteria of the landfill meet the requirements for unstable areas.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p>
	2.	<p>The fires that occur are behind my house which is scary with the gas present. The fire that occurred last March was due to a battery that should not go into this landfill. I was shown the Tontitown fire report that Eco-Vista reported was caused by a battery. I have been down to Little Rock at ADEQ meetings in the early 2000s and unfortunately, I am not able to attend current meetings, but I did attend a Tontitown City Council meeting that City Council unanimously rejected the expansion of Class 4 and Class 1 landfills. I have always obeyed the law and I can not see why this regulation is now being ignored that the host city must approve landfill expansion? The Tontitown Noise Ordinance is ignored by Waste Management as beeping and heavy equipment sounds occur at all hours. I guess Waste Management is above the law and swings a big stick with state and local governments.</p>	<p>Rule 22.413(a) states "Daily Cover- Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate."</p> <p>According to Ark. Code Ann. § 8-6-203 (7) and (8)(A) and (B), and APC&EC Rule 23 § 261.4 (b)(1), lithium batteries generated from households are considered household hazardous waste and are generally considered to be solid wastes which are not hazardous wastes. Batteries are not fully regulated as hazardous waste pursuant to APC&EC Rule 23 §</p>

			<p>261.9 and are universal waste. Only lead-acid based batteries are currently banned from landfills pursuant to Ark. Code Ann. § 8-9-303.</p> <p>The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c).</p> <p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support. DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.</p> <p>DEQ has noted your concern; however, there are no specific state regulations for noise.</p>
	3.	<p>The area is no longer rural and a landfill should not be in this fast-growing area. We are one bad accident away from where many people/children live. Is that what it must take to get your attention? I hope and pray you think of the citizens of Tontitown who oppose this landfill that has been in operation for over 40 years. Tontitown has gone far and beyond with this service to Northwest Arkansas. Are financial issues more important than health and safety in the Natural State? It should not be and health and safety should be the top priority.</p>	<p>There are no Arkansas laws that prevent landfill expansion based on population growth in the area.</p> <p>DEQ agrees human safety is the highest priority at all landfills in the State.</p>
Mark Calcagni (83986) & (84155)	4.	<p>This letter is in response to the draft permit decision of expansion of Class 1 Eco-vista Tontitown landfill.</p> <p>Several reasons not to allow this expansion due to LEGAL, health, safety, and environmental factors:</p> <p>Pollution Control and Ecology Commission Regulation 22.204 that states the Host City (Tontitown) must approve expansion or new landfill. City of Tontitown City Council unanimously rejected expansion of class 1 and class 4 twice on Nov.2, 2023 (before class 4 ADEQ public hearing) and on Jan 5, 2023 resolution filed with Washington County (AR) Courthouse. Why is this regulation NOT followed? Rules and regulations are in place for a reason!</p>	<p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support. DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.</p> <p>Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria.</p>
	5.	<p>Gases and Odors causing issues of headaches, nausea, and running eyes. In a meeting in Bentonville, former ADEQ Director, stated she had a headache, nausea, and burning eyes as you sat outside the Tontitown landfill. This was stated at this meeting in front of our two state representatives and our Tontitown Mayor. No air quality testing has been performed by any state or federal government to determine if this gas/odor is harmful to the citizens. This is well documented via ADEQ Air Complaint website.</p>	<p>Rule 22.413(a) states “Daily Cover- Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate.” The use of an Alternate Daily Cover (ADC) is allowed if authorized by the DEQ under Rule 22.413(b) which states “Alternative Cover Materials - Alternative cover materials of an alternative thickness (other than at least six inches of earthen material) may be approved by the Director, either through individual requests or through generalized Department approval upon demonstration that the alternative material and thickness controls disease vectors, fires, odors, blowing litter, and scavenging without presenting a threat to human health and the environment.</p>

			<p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p>
6.	A dye test that Waste Management performed showed up in the Little Wildcat Creek that flows into the Illinois River that is the water source for Siloam Springs and Oklahoma (well documented with pictures and detail).		The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.
7.	Daily and weekly of improper or no coverage of trash has been reported to ADEQ (documented with dated pictures)		DEQ has documented compliance with the cover requirements following complaints. DEQ clarified the use of ADC instead of soil on a Friday, covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.
8.	Trash and debris in the roads and in neighbor's yards has been documented with pictures numerous times and reported to ADEQ.		Rule 22.411(g) Litter Control states "Litter control provisions shall be maintained at all times. If daily or more frequent cover does not control on and off site litter, other methods may be required, such as, but not limited to litter fences and litter crews." The Eco-Vista litter control plan contains all elements mentioned in Rule 22. The landfill is in compliance.
9.	Numerous fires at Waste Management. The latest fire was caused by a lithium battery per Waste Management personnel to the Tontitown City Fire Dept. and documented. This is supposed to be a nonhazardous landfill. Batteries are hazardous waste.		<p>The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c).</p> <p>According to Ark. Code Ann. § 8-6-203 (7) and (8)(A) and (B), and APC&EC Rule 23 § 261.4 (b)(1), lithium batteries generated from households are considered household hazardous waste and are generally considered to be solid wastes which are not hazardous wastes. Batteries are not fully regulated as hazardous waste pursuant to APC&EC Rule 23 § 261.9 and are universal waste. Only lead-acid based batteries are currently banned from landfills pursuant to Ark. Code Ann. § 8-9-303.</p>
10.	Waste Management has not followed the city of Tontitown's laws and ordinances with respect to hours of operation noise ordinance. This is documented by the city of Tontitown.		<p>DEQ does not regulate noise, and noise regulation is beyond the scope of the solid waste Class 1 landfill permit.</p> <p>DEQ implements and enforces Arkansas's environmental laws and administers those federal environmental programs that DEQ has received authority to administer. That authority does not extend to enforcing Tontitown's ordinances.</p>
11.	These concerning items are alarms why expansion should not occur in a booming growing area where numerous homes are and planned to be built. Heavy truck traffic in a residential area along with an elementary school is potential disaster. Please follow the regulations set by the PC&EC along with caring about health, safety, and environment of this residential area. This should come first over everything else.		<p>Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria. Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area. DEQ does not identify potential landfill sites. A potential landfill site is chosen by the potential landfill owner. The Solid Waste District Board then approves the location before it is proposed to DEQ.</p> <p>The landfill expansion meets all siting and design criteria.</p>

			<p>DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.</p> <p>DEQ agrees human safety is the highest priority at all landfills in the State.</p>
Jacqui Calcagni (83987) & (84155)	12.	<p>In response to the expansion of WM Class 1 draft permit. I am writing this letter on behalf of my family we have lived at 12642 Arbor Acres Road for over 35 years (before Waste Management took over the local landfill). I am concerned with my family's health and safety and my neighbors in this rapidly growing area.</p> <p>We have experienced odors and unknown gases that have made people sick. Many complaints to ADEQ and the city of Tontitown have been reported. Many neighbors have documented pictures of trash not being covered weekly or daily. We have seen trash blown in yards and mud/rocks on the road that have been sent to the city and ADEQ. My husband has helped fix flat tires as it seems the vehicles get as far as our house. Metal objects in the road are causes of this.</p>	<p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p> <p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.</p> <p>The landfill is required to control blowing litter. There are controls employed at the landfill that help to reduce litter escaping at the working surfaces of the landfill. Should litter escape and find its way to neighboring properties, citizens should contact Eco-Vista to implement their litter control program, which will prompt their litter crews to clean it up.</p> <p>DEQ does not have the authority to regulate large rocks or other debris that may be present on the roads. Road hazards are not within the scope of the solid waste permit issued to this facility. Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.</p>
	13.	<p>Little Wildcat Creek ended up with the red dye test from the Waste Management test. This river runs into the Illinois River which is a source of water for Oklahoma. Karst topography has been identified for this area. Several fires have occurred at this landfill with the fire in March caused by a lithium battery per WM to the Tontitown Fire Dept in a non-hazardous landfill.</p>	<p>The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill.</p> <p>Since the minimum design and siting requirements within Rule 22 for a Class 1 landfill in the Boone Formation have been met, DEQ does not have grounds to deny the permit due to the karst terrain. Design criteria specific to the Boone Formation have been met or exceeded for this requested expansion. Rule 22.407 requires landfills to demonstrate engineering measures be incorporated into the design to ensure the integrity of the structural components of the unit will not be disrupted. The design criteria of the landfill meet the requirements for unstable areas.</p> <p>The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c).</p> <p>According to Ark. Code Ann. § 8-6-203 (7) and (8)(A) and (B), and APC&EC Rule 23 § 261.4 (b)(1), lithium batteries generated from households are considered household hazardous waste and are generally considered to be solid wastes which are not hazardous wastes. Batteries are not fully regulated as hazardous waste pursuant to APC&EC Rule 23 §</p>

			261.9 and are universal waste. Only lead-acid based batteries are currently banned from landfills pursuant to Ark. Code Ann. § 8-9-303.
	14.	I do not understand why laws and regulations are not followed as the Pollution Control and Ecology Commission has a regulation that the city of Tontitown/Host city must approve the expansion. The City Council of Tontitown unanimously rejected expansion in November of 2022. Also, I understand Waste Management has ignored Tontitown's ordinances and laws of noise. Rules and laws should be followed.	<p>DEQ received a Certificate of Need and host community approval during the pre-application and application process. DEQ is aware of the subsequent city resolution withdrawing support. DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.</p> <p>DEQ implements and enforces Arkansas's environmental laws and administers those federal environmental programs that DEQ has received authority to administer. That authority does not extend to enforcing Tontitown's ordinances.</p>
	15.	<p>The area is rapidly growing with homes, an elementary school, and increasing traffic. My worry is with health and safety. My asthma and allergies have worsened in the last 4-5 years and I believe it's because of the air quality in our area. I just came back from a trip and I had no issues breathing for 10 days and I did not have to take my medication to breathe without congestion. My husband and I have been to the landfills in Little Rock and Ft. Smith, those landfills do not have homes or traffic as Tontitown does.</p> <p>Please hear our concerns for health, safety, and the environment to not expand this landfill.</p>	<p>There are no Arkansas laws that prevent landfill expansion based on population growth in the area.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p> <p>Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria. Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area.</p> <p>DEQ does not identify potential landfill sites. A potential landfill site is chosen by the potential landfill owner. The Solid Waste District Board then approves the location before it is proposed to DEQ.</p> <p>The landfill expansion meets all siting and design criteria.</p> <p>DEQ agrees human safety is the highest priority at all landfills in the State.</p>
Rhonda Doudna (84014)	16.	<p>I have lived in Tontitown since 1992 around the same time Waste Management met with all the local families that lived around Sunray.</p> <p>The folks that represented Waste Management, at the time, spoke of plush hills, wild life, and how they would only operate another 10 to 15 years if the local folks would allow them. This was a win win for everyone involved they claimed.</p> <p>It is 2023 and what I see when I drive the area around Waste Management is trash on fences, in trees and literally covering the blocker fence within Waste Management.</p>	<p>Rule 22.411(g) Litter Control states "Litter control provisions shall be maintained at all times. If daily or more frequent cover does not control on and off site litter, other methods may be required, such as, but not limited to litter fences and litter crews." The Eco-Vista litter control plan contains all elements mentioned in Rule 22. The landfill is in compliance.</p>
	17.	<p>So let's just make a list ~</p> <ol style="list-style-type: none"> 1. Debris on local roads from trucks 2. RED mud on roads, mailboxes and cars traveling behind or coming toward a Waste Management truck because WM doesn't use the wheel wash bay. 	<p>DEQ does not have the authority to regulate large rocks or other debris that may be present on the roads. Road hazards are not within the scope of the solid waste permit issued to this facility. Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.</p>

	3. Klenc road is losing it's base in places due to WM traffic.	Tracking sediment offsite from the facility is a housekeeping issue that must be managed through the requirements of the Industrial Stormwater permit coverage. DEQ is aware of public complaints regarding offsite tracking, site inspections have been performed to investigate these matters, and DEQ has since been in communication with WM regarding the continuing measures taken towards improvement. Washington County and the city are responsible for county and city road maintenance.
18.	4. Trees that have been planted KEEP dying on WM property.	DEQ thanks you for commenting.
19.	5. Refusing to cover up each night and on weekends the trash.	DEQ has documented compliance with the cover requirements following complaints. DEQ clarified the use of ADC instead of soil on a Friday, covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.
20.	6. Red dye test that WM did NOT notify ANYONE that they were doing which came out many miles downstream. Then WM fessed up once the pictures popped up but didn't give any report on testing of the water.	The dye trace study conducted from January 2022 through November 2022 was one of several dye trace studies that have been conducted at the Eco Vista landfill. The recent dye trace study was conducted to better understand groundwater flow dynamics in this portion of the landfill because the previous studies focused on other areas of the landfill. This dye trace study is included in document ID 81172 on the public solid waste database and was not required to be public noticed. The semi-annual sampling of surface water in Wildcat Creek is scheduled to begin in July 2023.
21.	7. 500 or more vultures, on a regular bases, swarming above the landfill.	The Eco-Vista Class 1 Landfill has a vector control plan in place. Disease Vector Control for Class 1 landfills is found at APC&EC Rule 22.414. Rule 22.413(a) states "Daily Cover-Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate."
22.	8. ADEQ Representative, Julie, reported in front of 2 State Representatives, Tontitown citizens and 4 ADEQ members, that she became dizzy, nauseous and sick when she stepped out of her car at the Waste Management facility that Saturday	DEQ thanks you for commenting. Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.
23.	9. CITIZENS HAVE BEEN COMPLAINING ABOUT THE TOXIC FUMES AND GASES FOR AT LEAST 4 YEARS!	Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions. Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.
24.	10. 200 or more dead birds found on properties adjoining WM property.	DEQ thanks you for commenting. Specific concerns regarding dead birds should be brought to the attention of the Arkansas Game and Fish Commission.
25.	11. 2 people being over come from carbon monoxide and being admitted to hospital recently that were on WM property.	Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.
26.	12. Numerous FIRES that I have literally lost count. It is ALWAYS A LITHIUM BATTERY which is almost comical each time they use it.	The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency

		response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c). According to Ark. Code Ann. § 8-6-203 (7) and (8)(A) and (B), and APC&EC Rule 23 § 261.4 (b)(1), lithium batteries generated from households are considered household hazardous waste and are generally considered to be solid wastes which are not hazardous wastes. Batteries are not fully regulated as hazardous waste pursuant to APC&EC Rule 23 § 261.9 and are universal waste. Only lead-acid based batteries are currently banned from landfills pursuant to Ark. Code Ann. § 8-9-303.
27.	13. Breaking their own contract with Tontitown to stop working at 6pm. The City Tontitown has upped it to 7pm with their city code but WM doesn't seem to care.	DEQ implements and enforces Arkansas's environmental laws and administers those federal environmental programs that DEQ has received authority to administer. That authority does not extend to enforcing Tontitown's ordinances.
28.	14. Leaving bags of trash sitting on the city road for over 4 weeks at a time.	Should litter escape and find its way to neighboring properties, citizens should contact Eco-Vista to implement their litter control program, which will prompt their litter crews to clean it up. If these are bags of trash that have not been picked up by the hauler, please contact the hauler, then the Boston Mountain Regional Solid Waste Management District.
29.	Our town has been patient with WM. A LOT of these issues could be corrected if WM would follow the laws that are put in place by ADEQ but AGEQ keeps turning a blind eye.	DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected. DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.
30.	My main concern is watching the bad communication from WM with our city. We no longer trust them which is now scary. WM lies and covers up things so...what else are they failing to tell the citizens they have done.	DEQ thanks you for commenting.
31.	WM needs to close their doors and find a better safer land away from residents.	DEQ appreciates the comment. Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria. Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area.
32.	Another thing you might want to know is that the Arkansas Attorney General is investigating former Mayor Paul Colvin of Tontitown. That is a fact. One of the shady shady dealings was added to the list is to check out the rezoning, the LSD and the resolution that was orchestrated by Colvin and George Wheatley FOR WASTE MANAGEMENT TO EXPAND. I don't have a crystal ball but I am a betting person. I will bet each one of you on the ADEQ board that one day in the far away distance there will be health issues with the families directly related to this gas that WM continues to deny is being emitted into the air. You might want to pick what movie star will play your role in the movie of the week if you continue to allow WM to operate in such a hazardous manner and allow them to expand for eternity. P.S. As I am finishing this letter, 5/10/23, I hear Fire trucks heading to WM, once again, to put out a fire in Class 1 kid you NOT. Attaching pictures.	DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support. Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria. Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area. DEQ does not identify potential landfill sites. A potential landfill site is chosen by the potential landfill owner. The Solid Waste District Board then approves the location before it is proposed to DEQ. The landfill expansion meets all siting and design criteria. The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c).

		<p>Notice the direction the smoke is going. The last fire, 2 months ago, drove a family of 5 with two small children out of their home for the night because their home was full of smoke.</p> <p>There is something definitely wrong with this landfill.</p> <p>WHEN IS ENOUGH ENOUGH?</p>	<p>DEQ thanks you for commenting.</p>
Doug Sprouse, Mayor or Springdale (84095)	33.	<p>We understand Eco-Vista submitted a technically complete permit modification application to Arkansas Department of Energy and the Environment, Division of Environmental Quality (DEQ) for expansion of the current Class I Eco-Vista Landfill in Tontitown, Arkansas, where WM has operated since acquiring the facility in 2000 (ADEQ Doc ID 15745). This Class I Landfill is the only solid waste disposal facility that serves the Northwest Arkansas (NWA) region, which is among the fastest growing in the country. Failure to approve the Eco-Vista Class I Landfill expansion will result in the need to transport waste greater distances to other in-state or out-of-state landfills, which will increase business costs in the region and negatively affect NWA municipalities and consumers alike.</p> <p>The Eco-Vista Class I Landfill is expected to run out of airspace before the end of December 2023. We understand that Eco-Vista submitted the Class I permit modification application to DEQ on July 6, 2021, and that DEQ deemed it administratively complete on September 27, 2021. The application was deemed technically complete by DEQ on April 28th, 2023, with the issuance of the draft permit. We further understand that the Eco-Vista Landfill has been and remains in good standing with the DEQ and has no outstanding environmental compliance issues. Based on this information and the vital need for critical infrastructure to remain in NWA, we respectfully request that DEQ approve the WM Eco-Vista Class I permit modification application without further delay.</p>	<p>DEQ appreciates your comment.</p>
Dennis Boyer (84035)	34.	<p>I am a Tontitown resident. I have just witnessed the Class 4 expansion approval 'process'. Any 'reasonable' person would not expand a landfill in the midst of a fast-growing urban area such as this. The site would never qualify as an 'initial' siting because of urban density, the fact that ZERO geological studies have ever been conducted to justify where it now sits, the 'host city' doesn't want it, ADEQ does NOT follow up on complaints, Eco-Vista violations are innumerable, ad nauseam.</p>	<p>Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria. Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area.</p> <p>Geotechnical and Hydrogeologic tests were conducted in 2019 as part of the permit application. The report for that investigation is located on the DEQ Solid Waste Management Permitted Facility Report Database found on the DEQ website; Document IDs 78620, 79709, & 83386. The results of the studies met the minimum design requirements for a Class 1 landfill on the Boone Formation within Rule 22.</p> <p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p> <p>DEQ implements and enforces Arkansas's environmental laws and administers those federal environmental programs that DEQ has received authority to administer. DEQ does investigate complaints at the Eco-Vista landfill site (both the Class 4 and the Class 1), as evidenced on the DEQ website. DEQ has performed over 50 inspections in the last two years at the Eco-</p>

			<p>Vista facility site. The last inspection of the Class 1 landfill, performed on April 6, 2023, no evidence of noncompliance was observed.</p> <p>DEQ has documented compliance with the cover requirements following complaints. DEQ clarified the use of ADC instead of soil on a Friday, covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.</p>
35.	NO studies have been conducted to find an alternate site. A 30-year-old political 'look-see' was done with no empirical back-up yet that is used to justify the current setting and rule out any other location. Modern technology has never been employed to find another site. Everyone agrees that 'eventually' expansion in Tontitown will reach a geographical limit and another site will be needed, yet, identification studies for another site are not, and have never been, conducted.		DEQ does not identify potential landfill sites. A potential landfill site is chosen by the landfill owner. The owner then obtains a Certificate of Need and host community approval before submitting the application. Then, DEQ reviews the permit application. The landfill expansion meets all siting and design criteria.
36.	All of the above means that politics and money, i.e., WM power, is the real justification for expansion.		The landfill expansion meets all siting and design criteria.
37.	<p>My input is summed up below in an editorial I wrote that ran a few days ago in the Arkansas Democrat Gazette.</p> <p>Concerns ignored in landfill editorial The Democrat-Gazette's May 7 editorial concerning landfill expansion in Tontitown painfully detoured around certain crucial facts.</p> <p>Chief among them was a failure to address Tontitown residents' two greatest concerns at the center of this controversy from the very beginning: health/welfare and population density. While citizens' opposition to the landfill was noted, the reasons behind it were not.</p> <p>The editorial correctly reported that the last time regional decision makers considered any alternate landfill siting was way back in the 1990s when, "after tense meetings with farmers and other local residents around the region," it was concluded that "the geology of Benton, Washington, Madison and Carroll counties makes any other location [besides Tontitown] unsuitable for such an operation."</p> <p>Incredulously, that politically charged and unscientific verdict lives on today as the principal rationale for supporting the expansion of Eco-Vista Landfill in Tontitown. Even more troubling is that while alternate locations were dubiously "ruled out," no scientific study has ever been conducted to "rule in" Tontitown.</p> <p>Present-day realities require a complete reexamination of the entire matter. Take Tontitown, for example. The chicken farms that dominated its landscape decades ago when Eco-Vista first showed up are long gone. In their place stand thousands of homes with thousands more on the way.</p> <p>Given that the proposed expansion in Tontitown is admittedly only a temporary solution and that a much larger site will eventually be needed, how sensible or environmentally sound is it to further desolate this fast-urbanizing and populous region?</p>	<p>Included in the Eco-Vista Class 1 landfill expansion permit modification request are reports addressing the soil, karst terrain, geology, determining if the landfill design will withstand an earthquake, and if the soil can withstand the weight of the waste. These can be found in Doc ID 82573.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p> <p>Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria. Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area.</p> <p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support. DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.</p> <p>DEQ does not identify potential landfill sites. A potential landfill site is chosen by the potential landfill owner. The Solid Waste District Board then approves the location before it is proposed to DEQ.</p> <p>The landfill expansion meets all siting and design criteria.</p> <p>Included in the Eco-Vista Class 1 landfill expansion permit modification request are numerous scientific studies. These studies concern the soil, karst terrain, geology, determining if the landfill design will withstand an earthquake, and if the soil can withstand the weight of the waste. A study was conducted to expand the surface water retention of the landfills.</p>	

	The editorial concluded this way: “Without that landfill the cost of living in Northwest Arkansas will go up.” No studies or facts were presented to support that statement. Given that expansion is an incomplete fix to a much larger long-term problem, might it not be equally plausible to consider that finding a different and more longitudinally suitable site now could actually save ratepayers money in the long run?	DEQ thanks you for commenting.
38.	I am disappointed in regional leaders for their woeful lack of foresight and regrettable failure to foresee and take proactive measures to prevent this current crisis. Of course, no discussion is complete without acknowledging the stupefying power and influence wielded by mega-giant Waste Management Inc. over lawmakers and regulators. To wit, fully documented and egregious violations occur virtually daily at Eco-Vista, which state “regulators” routinely ignore and newspapers fail to report.	<p>DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.</p> <p>DEQ has documented compliance with the cover requirements following complaints. DEQ clarified the use of ADC instead of soil on a Friday, covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.</p> <p>DEQ implements and enforces Arkansas’s environmental laws and administers those federal environmental programs that DEQ has received authority to administer. DEQ does investigate complaints at the Eco-Vista landfill site (both the Class 4 and the Class 1), as evidenced on the DEQ website. DEQ has performed over 50 inspections in the last two years at the Eco-Vista facility site. The last inspection of the Class 1 landfill, performed on April 6, 2023, no evidence of noncompliance was observed.</p> <p>Rule 22.413(a) states “Daily Cover- Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate.”</p>
39.	After over 40 years of hosting the noxious, polluting and public nuisance landfill (debris, on-site fires, fumes, etc.) for all of Northwest Arkansas, rapidly urbanizing Tontitown deserves a fair hearing on its grievances. Tontitown citizens (present and future) desire clean air, something the editors themselves and most others in Northwest Arkansas regularly enjoy.	<p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ’s Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c).</p> <p>Rule 22.413(a) states “Daily Cover- Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate.”</p> <p>Rule 22.411(g) Litter Control states “Litter control provisions shall be maintained at all times. If daily or more frequent cover does not control on and off site litter, other methods may be required, such as, but not limited to litter fences and litter crews.” The Eco-Vista litter control plan contains all elements mentioned in Rule 22. The landfill is in compliance.</p>

	40.	<p>Let's stop kicking the can down the road. Two things are essential, but conspicuously missing from the current discourse. One, an up-to-date study of alternate sites in and around Northwest Arkansas employing current technologies and techniques (such as advanced Lidar); and two, a scientifically/environmentally sound justification for expanding the current site.</p>	<p>Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria. Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area.</p> <p>DEQ does not identify potential landfill sites. A potential landfill site is chosen by the potential landfill owner. The Solid Waste District Board then approves the location before it is proposed to DEQ.</p> <p>The landfill expansion meets all siting and design criteria.</p> <p>Included in the Eco-Vista Class 1 landfill expansion permit modification request are reports addressing the soil, karst terrain, geology, determining if the landfill design will withstand an earthquake, and if the soil can withstand the weight of the waste. These can be found in Doc ID 82573.</p> <p>Included in the Eco-Vista Class 1 landfill expansion permit modification request are numerous scientific studies. These studies concern the soil, karst terrain, geology, determining if the landfill design will withstand an earthquake, and if the soil can withstand the weight of the waste. A study was conducted to expand the surface water retention of the landfills.</p> <p>Design criteria specific to the karst terrain has been met or exceeded for this requested expansion. Rule 22.407 requires landfills demonstrate engineering measures be incorporated into the design to ensure the integrity of the structural components of the unit will not be disrupted. The design criteria of the landfill meet the requirements for unstable areas.</p> <p>The minimum design criteria have been met.</p>
David Etchison (84036)	41.	<p>I am writing this letter in response to permit draft of expansion of class 1 Eco-Vista landfill.</p> <p>A dye test was performed by Waste Management showed up in Little Wildcat Creek that flows into the Illinois River that is the water source for Siloam Springs And eastern Oklahoma. Waste Management is polluting our ground water and the environment.</p>	<p>The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.</p> <p>Included in the Eco-Vista Class 1 landfill expansion permit modification request are numerous scientific studies. These studies concern the soil, karst terrain, geology, determining if the landfill design will withstand an earthquake, and if the soil can withstand the weight of the waste. A study was conducted to expand the surface water retention of the landfills.</p> <p>Design criteria specific to the karst terrain has been met or exceeded for this requested expansion. Rule 22.407 requires landfills demonstrate engineering measures be incorporated into the design to ensure the integrity of the structural components of the unit will not be disrupted. The design criteria of the landfill meet the requirements for unstable areas.</p> <p>The Class 1 landfill has safeguards for protection of the environment such as a double geocomposite clay liner system and a leachate collection and leak detection system.</p>

	42.	The City of Tontitown City Council rejected the expansion of the class 1 and class 4 twice. Regulation states the host city must approve expansion. Why are rules not followed.	DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support. DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.
	43.	Local residents have headaches, nausea, and running eyes. Why has the state or federal government not performed test of the air quality.	Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality. Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.
	44.	The landfill does not properly cover the trash and debris daily. There have been several fires at the landfill. The last fire was caused by a lithium battery. Batteries are hazardous waste.	The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c). According to Ark. Code Ann. § 8-6-203 (7) and (8)(A) and (B), and APC&EC Rule 23 § 261.4 (b)(1), lithium batteries generated from households are considered household hazardous waste and are generally considered to be solid wastes which are not hazardous wastes. Batteries are not fully regulated as hazardous waste pursuant to APC&EC Rule 23 § 261.9 and are universal waste. Only lead-acid based batteries are currently banned from landfills pursuant to Ark. Code Ann. § 8-9-303. Rule 22.413(a) states "Daily Cover- Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate." DEQ has documented compliance with the cover requirements following complaints. DEQ clarified the use of ADC instead of soil on a Friday, covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.
	45.	Waste Management does not follow city Laws and Ordinances.	DEQ implements and enforces Arkansas's environmental laws and administers those federal environmental programs that DEQ has received authority to administer. That authority does not extend to enforcing Tontitown's ordinances.
Renee Etchison (84037)	46.	I am writing this concerning the permit expansion Class I of EcoVista Landfill. There have been several residents complaining of headaches, nausea and runny eyes caused by gases and odors from the Tontitown landfill. There have been no air quality tests done by state or local officials. Why is this?	Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions. Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.

	47.	Improper trash and debris coverage occurs on a daily and weekly basis.	<p>DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.</p> <p>DEQ has documented compliance with the cover requirements following complaints. DEQ clarified the use of ADC instead of soil on a Friday, covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.</p> <p>Rule 22.413(a) states “Daily Cover- Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate.”</p> <p>Rule 22.411(g) Litter Control states “Litter control provisions shall be maintained at all times. If daily or more frequent cover does not control on and off site litter, other methods may be required, such as, but not limited to litter fences and litter crews.” The Eco-Vista litter control plan contains all elements mentioned in Rule 22. The landfill is in compliance.</p>
	48.	There have been several fires at Waste Management. The latest fire was caused by a lithium battery per Waste Management personnel. This is supposed to be a nonhazardous landfill. Batteries are hazardous waste.	<p>The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c).</p> <p>According to Ark. Code Ann. § 8-6-203 (7) and (8)(A) and (B), and APC&EC Rule 23 § 261.4 (b)(1), lithium batteries generated from households are considered household hazardous waste and are generally considered to be solid wastes which are not hazardous wastes. Batteries are not fully regulated as hazardous waste pursuant to APC&EC Rule 23 § 261.9 and are universal waste. Only lead-acid based batteries are currently banned from landfills pursuant to Ark. Code Ann. § 8-9-303.</p>
	49.	A dye test was performed at Waste Management, and the dye showed in Little Wildcat Creek which flows into the Illinois River which is a water source for Siloam Springs and parts of Oklahoma.	The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.
	50.	Regulations state the host city must approve an expansion or a new landfill. The city of Tontitown City Council rejected the expansion of Class I and Class IV twice. Why is this regulation not followed?	<p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p> <p>DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.</p>
Fern Etchison (84038)	51.	This letter is concerning the draft permit expansion of Class I EcoVista landfill. A dye test was performed by Waste Management that showed up in Wildcat Creek which flows into the Illinois River. This river is the water source for many including Siloam Springs and Oklahoma.	The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.
	52.	Improper or no coverage of trash has been reported but continues to happen weekly.	Rule 22.411(g) Litter Control states “Litter control provisions shall be maintained at all times. If daily or more frequent cover does not control on and off site litter, other methods may be required, such as, but not limited to litter fences and litter crews.” The Eco-Vista litter control plan contains all elements mentioned in Rule 22. The landfill is in compliance.

		<p>Rule 22.413(a) states “Daily Cover- Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate.”</p> <p>DEQ has documented compliance with the cover requirements following complaints. DEQ clarified the use of ADC instead of soil on a Friday, covering with soil on Fridays or the last work day of the week is now a permit requirement.</p> <p>DEQ implements and enforces Arkansas’s environmental laws and administers those federal environmental programs that DEQ has received authority to administer. DEQ does investigate complaints at the Eco-Vista landfill site (both the Class 4 and the Class 1), as evidenced on the DEQ website. DEQ has performed over 50 inspections in the last two years at the Eco-Vista facility site. The last inspection of the Class 1 landfill, performed on April 6, 2023, no evidence of noncompliance was observed.</p>
53.	Trash and debris is present in the road and neighboring yards. This has been reported to ADEQ.	<p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted have been resolved. One issue was the use of ADC instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement.</p> <p>The landfill is required to control blowing litter. There are controls employed at the landfill that help to reduce litter escaping at the working surfaces of the landfill. Should litter escape and find its way to neighboring properties, citizens should contact Eco-Vista to implement their litter control program, which will prompt their litter crews to clean it up.</p> <p>Rule 22.411(g) Litter Control states “Litter control provisions shall be maintained at all times. If daily or more frequent cover does not control on and off site litter, other methods may be required, such as, but not limited to litter fences and litter crews.” The Eco-Vista litter control plan contains all elements mentioned in Rule 22. The landfill is in compliance.</p>
54.	Waste Management has also had numerous fires, one of which was caused by a lithium battery. Batteries are considered hazardous waste and should not be present at Waste Management as it is a nonhazardous landfill.	<p>According to Ark. Code Ann. § 8-6-203 (7) and (8)(A) and (B), and APC&EC Rule 23 § 261.4 (b)(1), lithium batteries generated from households are considered household hazardous waste and are generally considered to be solid wastes which are not hazardous wastes. Batteries are not fully regulated as hazardous waste pursuant to APC&EC Rule 23 § 261.9 and are universal waste. Only lead-acid based batteries are currently banned from landfills pursuant to Ark. Code Ann. § 8-9-303.</p> <p>The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c).</p>
55.	The city of Tontitown has rejected the expansion of Class I and IV on two different occasions. A resolution was filed with Washington County Courthouse. Why are regulations not followed?	DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.

			DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.
Heston Mcfatridge (84039)	56.	There are several reasons not to allow this expansion due to legal, health, safety and environmental factors. Why are regulations not followed?	DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.
	57.	The host city is required to approve the expansion of a landfill. The city of Tontitown City Council rejected both class I and Class IV expansion twice. Why are the rules and regulations not being followed?	DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support. DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.
	58.	A former ADEQ director visited EcoVista and stated she had a headache, nausea and burning eyes. The residents of Tontitown have complained of the same symptoms. Why are we not doing air quality tests to protect the residents?	Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions. Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.
	59.	Waste Management conducted a dye test and the dye was found in Little Wildcat Creek which flows into the Illinois River which is a major water source.	The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.
	60.	Why would we approve an expansion in an area of growth? There are numerous homes, farms, small neighborhoods and an elementary school surrounding the area with plans to build even more homes. Why would we put their health and safety in jeopardy?	Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria. Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area. Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.
Nina Brown (84040)	61.	I am writing once again in regards to the Eco Vista / Waste Managment landfill in Tontitown Ar . With great concerns of the proposed class 1 expansion. My opinion and many other citizens of Tontitown are very concerned for our well being and the environment. We have lost a lot over time.. Some of us were here long before there was a landfill!! As time has evolved we have lost our peaceful, quiet natural area. Consider these points:	DEQ thanks you for commenting.
	62.	>Air Quality !! We often smell foul odors and nauseous gases. These gases sometimes make us feel ill. What is the long term effect from these unknown gases to our health? Does the state of Arkansas or ADEQ have to identify and make known to the public the hazards coming from the landfill? Is this in the state budget to do air quality testing? Surely it's just not left to WM to oversee and regulate its self.....? Who can give us this information? ADEQ ?	Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions. Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.
	63.	>Health and safety of area residents. Some have been very ill from the nauseous gases. And we can't seem to get answers to what gases come from WM. We know the methane and ammonia as well as others but know one wants to publicly say.. therefore this is a	Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.

		very scary issue !! The danger of living by a landfill should be know to the public!! For now and future generations !!!	
64.		The heavy traffic is a hazard to us all.. you must be very attentive to WM traffic as they pull in and out at WM.... Sometimes they drive right out without Stopping to check traffic at Stop signs !! Plus they are large and the turning radius is much greater than some streets allow for so watch out !! They may be on your side of the road ..	Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences. DEQ does not have the authority to regulate the City of Tontitown Traffic Code.
65.		>Noise pollution ! From 6:00am till 6:00pm or so there is loud banging, >beeping,heavy equipment, As well as all the trash hauling trucks and semi trucks plus the general public traffic and employee traffic.	DEQ has noted your concern. DEQ does not regulate noise, and noise regulation is beyond the scope of the solid waste Class 1 landfill permit.
66.		>Wear and tear on the roads and streets of Tontitown. Klenc Rd /412 , Dowell Rd. and Arbor Acres Rd. examples of great wear and tear !! Dirty signs-fences & right-a-way.	Washington County and the city are responsible for county and city road maintenance.
67.		>The filthy red dirt and trash scattered on the land and roads all around the area... leads right to WM.	Tracking sediment offsite from the facility is a housekeeping issue that must be managed through the requirements of the Industrial Stormwater permit coverage. DEQ is aware of public complaints regarding offsite tracking, site inspections have been performed to investigate these matters, and DEQ has since been in communication with WM regarding the continuing measures taken towards improvement.
68.		>Contamination of our creeks, streams, leading to the Illinois river.. Red dye test showed us this result earlier this year.. I was personally told it was beet juice runoff from treating the street for ice.... By ADEQ . Then it came out later about the Red Dye test from WM... just be honest with us please !!	The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator there is or will be a leak. To date, there have been no known surface water sampling at or near where the dye was observed on Wildcat Creek that suggests the creek is or is not contaminated. Concerning beet juice being the cause of the discolored water in Wildcat Creek: DEQ never definitively said beet juice was in fact the reason. Once DEQ was notified that there was discoloration of Wildcat Creek, we sent DEQ personnel to investigate and sample the creek to determine if the discoloration was the dye, as we suspected. During that time, Waste Management suggested it could be from beet juice being applied to the roads; however, DEQ determined this was unlikely after contacting local road crews and confirming they had not used any beet juice for road applications recently. It was shortly thereafter, following analysis of water samples taken from the creek, that DEQ confirmed the discoloration was the result of dye from the dye trace study.
69.		Also most area water wells have had to be shut down from pollution.. no longer fit to consume.	DEQ is not aware of any water wells being shut down due to pollution. However, DEQ is aware of a report in May of 2001 (Document ID 13920) that found that natural gas from the St. Petersburg Formation had entered a private water well.
70.		>Truck tire wash.. why don't they use it? Or is there even a tire wash there now ? Traffic coming from there sure DOES NOT appear washed off ! And heaven forbid you get behind or meet a truck coming..slinging red dirt mud/ rocks..!! Chipped and broken windshields are common around here.	Tracking sediment offsite from the facility is a housekeeping issue that must be managed through the requirements of the Industrial Stormwater permit coverage. DEQ is aware of public complaints regarding offsite tracking. Site inspections have been performed to investigate these matters, and DEQ has since been in communication with WM regarding the continuing measures taken towards improvement.
71.		>Covering the waste daily.. It seems the rules and regulations are not always followed as we have seen just tarps thrown over the refuse or not covered at all... But ADEQ doesn't seem to consider this info or pictures taken by area citizen's.. Most pictures displayed are only taken by WM and show very limited area or are blurry. Or many are several years old it looks like.	DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected. DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule

			22.413. Rule 22.413(a) states “Daily Cover- Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate.”
	72.	>What is in the misting at WM.. I’ve been told by WM it’s deodorizer.. but what is it ??? What does it cover up?? Also part of its missing... not near as much misting now but there is a lot more smells!	The misting system uses a commercially available spray similar to an air freshener.
	73.	>The Leachate pond where does it overflow to in case of flood ????	There is no leachate pond at the landfill. Leachate is collected and pumped to leachate storage tanks and then to a permitted wastewater treatment plant (WWTP) or directly to a permitted WWTP. Ponds for uncontaminated stormwater runoff are permitted under a DEQ Office of Water Quality general permit with tracking number ARG160045.
	74.	These are several concerns I have there are many others I hope get addressed in the near future. I’m glad you are being more considerate with this public meeting. Last one I got my notice by mail the day after the public meeting for the class 4 expansion. As a longtime resident of Tontitown just please listen to the public views...and consider them all for our future as well !! I am tired and weary from this landfill ! It should not exist in our town any longer! They seem to follow the rules and regulations when they want and don’t when they are not in more public view... When something’s coming up they pick up trash and clean fences keep the streets cleaned up a bit, drive on the routes they are suppose to but, when it’s all back to normal it’s like that plastic bag blowing in the wind... GONE and forgotten. My sincere opinion !! No Expansion Class 1 at Eco Vista Waste Managment in Tontitown Ar.	DEQ thanks you for commenting.
Rebecca Timmons (84041)	75.	This letter is in regards to the expansion of Class 1 Eco-Vista Tontitown landfill. Along with my opinion and reasons for opposing further expansion of WM. Tontitown city council, unanimously voted against class 4 and class 1 expansion at WM. I believe there is a regulation that required approval from the city, before expansion could take place??	DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.
	76.	#1 Greenhouse gases: Methane is 25 times more effective at absorbing the sun’s heat, than carbon dioxide. Making it a very potent greenhouse gas and one of the biggest contributors to climate change. Methane is also a flammable gas, maybe this is why there has been so many unexplained fires at WM. Not to forget the poisonous gas of hydrogen sulfide, caused by decomposing gypsum. When dry-wall is buried underground, in oxygen depleted conditions, this gas becomes hazardous at high concentrations and an odor problem (rotten egg smell) even at low levels. The citizens have verbalized many complaints of odors causing dizziness, nausea, disorientation, headache, difficulty breathing. I’ve heard these complaints expressed at council meetings. Recently, EMS responded twice to WM for an employees that were symptomatic after exposure to carbon dioxide, and required hospitalization.	Methane gas along with the other landfill gases are collected and used to create a usable gas. DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected. Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions. Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ’s Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.
	77.	#2 Leachate: This liquid contains high levels of ammonia, mercury, arsenic, acid, lead and other contaminates which make its way into our soil and groundwater, it becomes an	The Class 1 landfill has safeguards for protection of the environment such as a double geocomposite clay liner system and a leachate collection and leak detection system.

		environmental problem for years. Leachate destroys ecosystems, by changing the leachate to a nitrate, this nitrate causes a lack of oxygen in the water because of increase plant life, creating “dead zones”. Which destroy natural habitats of wildlife due to this lack of oxygen. Leachate is highly toxic and can pollute the land, ground water and water ways. Eventually, causing contamination of aquifers, which requires many years to recover, if at all. It is well known that there is a crack in the liner of one of the big pits at WM and that there is no liner at all, in the second pit. The wells in this area have been contaminated by this substance. The U of A did a study a few years back and tested well water for citizens, it was determined the water was not drinkable. A red dye test that WM preformed, proved that leachate was in creeks that flowed to the Illinois River. The Illinois River is a water source for other cities and states.	DEQ is not aware of water wells being undrinkable due to landfill impact. DEQ is aware of a report in May of 2001 (Document ID 13920) that stated that natural gas from the St. Petersburg Formation had entered a private water well. The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.
	78.	#3 Social Impact: Emissions from WM pose a threat to the health of those that live around them. There are odors, smoke, noise, bugs, water supply and soil contamination. The constant “dump dust” that lingers in the air, collects on homes, cars, in swimming pools is a continuous nuisance. The gases, smoke and “dump dust”, (which is even visible in the air) is harmful to citizens with medical conditions like: asthma, emphysema, chronic bronchitis and other respiratory illnesses, causing exacerbations of these conditions, requiring medical treatment.	Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ’s Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.
	79.	WM seems to be thumbing their nose, at the city and the residents of Tontitown. I was recently surprised, when I drove by, WM and saw a partially covered pit, a large part was left open all week-end. A few years ago they used to sweep the road almost daily, now it’s packed with dirt or mud and debris. It seems they are only sweeping the road on Friday afternoons now. I have driven behind many truck and trailer loads of trash headed to the dump, that are not covered with a tarp, they used to turn them away if the trash wasn’t covered. WM picks up the trash but leaves the full black plastic bags, along side of the road for weeks. They ignore the city ordinances about operating hours and violations about, leaving the trash bags along side the road for extended periods. I think they find it more cost effective to pay the fines, than comply with ordinances. I’m sure this is documented by the city, since I’ve seen signs by the bags, stating this was a "violation". Many of WM violations have been well documented by citizens, in writing and with photos (time stamped). It seems, they are not taken seriously by inspectors, their response have been, “they have to see it for themselves”, this is time and time again.	DEQ has documented compliance with the cover requirements following complaints. DEQ clarified the use of ADC instead of soil on a Friday, covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413. Tracking sediment offsite from the facility is a housekeeping issue that must be managed through the requirements of the Industrial Stormwater permit coverage. DEQ is aware of public complaints regarding offsite tracking, site inspections have been performed to investigate these matters, and DEQ has since been in communication with WM regarding the continuing measures taken towards improvement. Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences. DEQ is charged with the enforcement of Arkansas’s environmental law and administering those federal environmental programs for which DEQ has received authority over. That authority does not extend to enforcing Tontitown’s ordinances. DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.
	80.	Because of WM's blatant disregard for the health and safety of citizens and the environment, their poor management practices, and heavy truck traffic. Because this is a fast growing area with numerous subdivisions and large elementary school, I find WM an ill fit for Tontitown. Last but not least, garbage buried in a landfill breaks down at a very slow rate and remains a problem for our future generations! Please, don't let them expand,	DEQ thanks you for commenting.
Joe Simco (84069)	81.	Letter emailed on 5/23/23. Please respond so that I know that this email will go on record as being received before May 30, 2023 – thanks!	DEQ thanks you for commenting.

		I am writing yet again asking that ADEQ does NOT grant WM another permit for expanding their Eco-Vista Class 1 Landfill area that is located inside the Tontitown city limits. I have lived in my home and responsibly operated a chicken, grape and cattle business at 12553 Arbor Acres Rd for 60+ years. WM became my neighbor and has not been responsible with the space and operations that they already have had for 30+ years. They continue to prove again and again that they have little intention of following the Regulations of Rules 22, ADEQ or the City of Tontitown codes that are in place to protect people and animals, especially if it costs WM any money!	
	82.	They do a little as possible to be good neighbors, for instance they have dug within a few feet of my property line which does NOT meet code!	DEQ is charged with the enforcement of Arkansas's environmental law and administering those federal environmental programs for which DEQ has received authority over. That authority does not extend to enforcing Tontitown's ordinances.
	83.	I along many others in Tontitown fear for our health and safety due to contaminated water, soil and air that WM is releasing in our growing area. It also concerns me that the cattle we grow and sell for human consumption may already not be safe and that we will be forced to discontinue our business in the future which would mean no income for my family.	Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.
	84.	I am also concerned about my land becoming very devalued, useless or unsellable in the future! Because of the health and investment risks, my grandchildren already can't build homes on our family's property! We ask that you keep harm from coming to people in NWA because of this landfill and that you start holding WM accountable to meeting codes that are currently in place before ever granting them permission to grow their business even bigger. Please DO NOT grant WM an expansion permit at this time!	DEQ thanks you for commenting. DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected. DEQ does not have the authority to regulate city code.
Vernon and Donna Pinalto (84068)	85.	Letter emailed on 5/23/23. Please respond so that I know that this email will go on record as being received before May 30, 2023 – thanks! We are writing yet again asking that ADEQ does NOT grant WM another permit for expanding their Eco-Vista Class 1 Landfill area that is located inside the Tontitown city limits. They have not been responsible with the space and operations that they already have had for 30+ years and they continue to prove again and again that they have little intention of following the Regulations of Rules 22, ADEQ or the City of Tontitown codes that are in place to protect people and animals, especially if it costs WM any money!	DEQ thanks you for commenting.
	86.	They do a little as possible to be good neighbors and we along with our family and many others in Tontitown fear for our health and safety due to contaminated water, soil and air that WM is releasing in our growing area.	DEQ thanks you for commenting. Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.

	87.	We ask that you review the many concerns and complaints made by citizens that are on record via your online platform, that you continue to research what can be done to keep harm from coming to people in NWA because of this landfill and that you start holding WM accountable to meeting codes that are currently in place before ever granting them permission to grow their business even bigger. Please DO NOT grant WM an expansion permit a this time!	DEQ thanks you for commenting. DEQ does not have the authority to regulate city code. DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected. DEQ implements and enforces Arkansas’s environmental laws and administers those federal environmental programs that DEQ has received authority to administer. DEQ does investigate complaints at the Eco-Vista landfill site (both the Class 4 and the Class 1), as evidenced on the DEQ website.
Leah Etchison (84067)	88.	I am writing this letter concerning the draft permit expansion of Class 1 EcoVista landfill.	DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.
Laura Etchison (84066)		The city of Tontitown city council rejected the expansion of the Class 1 and Class 4 landfill two times. State regulation states the whole city must approve the expansion of the landfill. Why are rules not followed?	DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.
Dana Etchison (84058)	89.	A dye test was performed by Waste Management that showed up in Little Wildcat Creek, which flows into the Illinois River that is the water source for Siloam Springs and Eastern Oklahoma. Waste Management is polluting our ground water and our environment.	The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak. Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill.
Danny Etchison (84057)	90.	The landfill does not properly cover trash and debris daily.	DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413. Rule 22.413(a) states “Daily Cover- Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate.”
	91.	Trash is constantly along the road, neighbors yards, and fields.	DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted have been resolved. One issue was the use of ADC instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. The landfill is required to control blowing litter. There are controls employed at the landfill that help to reduce litter escaping at the working surfaces of the landfill. Should litter escape and find its way to neighboring properties, citizens should contact Eco-Vista to implement their litter control program, which will prompt their litter crews to clean it up.
	92.	The debris on the road causes damage to vehicles’ tires.	Washington County and the city are responsible for county and city road maintenance. Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.


			The landfill is required to control blowing litter. There are controls employed at the landfill that help to reduce litter escaping at the working surfaces of the landfill. Should litter escape and find its way to neighboring properties, citizens should contact Eco-Vista to implement their litter control program, which will prompt their litter crews to clean it up.
	93.	There have been several fires at the landfill. The last fire was caused by a lithium battery. Lithium batteries are hazardous waste and should not be allowed in the landfill.	The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application. According to Ark. Code Ann. § 8-6-203 (7) and (8)(A) and (B), and APC&EC Rule 23 § 261.4 (b)(1), lithium batteries generated from households are considered household hazardous waste and are generally considered to be solid wastes which are not hazardous wastes. Batteries are not fully regulated as hazardous waste pursuant to APC&EC Rule 23 § 261.9 and are universal waste. Only lead-acid based batteries are currently banned from landfills pursuant to Ark. Code Ann. § 8-9-303.
	94.	Local residents have headaches, nausea, and runny eyes. Why has the state or federal government not performed air quality tests at the landfill?	Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.
	95.	Waste Management does not follow city laws or ordinances.	DEQ is charged with the enforcement of Arkansas's environmental law and administering those federal environmental programs for which DEQ has received authority over. That authority does not extend to enforcing Tontitown's ordinances.
Kenneth Lovett (84056)	96.	Fir Class 1 Public Comments. Does this look like proper cover? 05/22/2023 @ 8:25pm. How does this compare to Eco Vista's daily cover photos?	DEQ thanks you for commenting.
	97.	Asking again: Is the use of Citizen photos prohibited ☹ by a written procedure or law or is that a spoken rule? There are no time stamps shown on the Photos Presenting proper cover from Eco Vista. If there were, I could better understand why you might consider accepting photos from the culprit. But since there are none, and there is no metadata attached to a photo in a document. How do you know the photos are of the same day I sent the photos stating there was improper cover? ISO can be changed to show a brighter photo to simulate Daylight, Photoshop to edit out issues, etc... This system is not working. How do we fix?	There is no written rule or procedure prohibiting the use of citizen photos. However, citizen photos are rarely used to substantiate a complaint because the photos often cannot be verified for accuracy by a DEQ inspector at the time of the alleged event.
	98.	I am getting some information together and will reply with that info later. I have attached original photos take from 7:41 to 7:42 pm 4/26/2023. Arkansas should have a Metadata expert that can verify. Is the use of Citizen photos prohibited ☹ by a written procedure or law or is that a spoken rule?	DEQ thanks you for commenting.

	99.	Attached: 04/27/2023 - Eco Vista Class 1 Landfill - Complaint #030805 Report - No Violations	Attachment for Doc ID 84056 DEQ thanks you for commenting.
Kenneth Lovett (84055)	100.	<p>NO EXANSION IN AN ALREADY IMPROPER AREA FOR LANDFILL.</p> <p>Arkansas Department of Energy and Environment, Eco Vista is not Operated Properly. When the results are reviewed properly, the evidence is Clear.</p> <p>This is not about Economics! This IS about Health, Safety, and Environment!</p> <p>Sunday morning, 05/07/2023, there is an unsigned editorial in the NWA Democrat Gazatte.</p> <p>Last week I was told by an Employee of the Arkansas DEQ, that the only way to fix the landfill issue was through our representatives. This is because big businesses have worked their way into government, in various ways, and laws are written so they can be interpreted and twisted by lawyers to get as much money directed to their line of work as possible.</p> <p>The editorial this morning said nothing about Health, Safety, or Environment, and was written in such a way to circle the wagons by the public to fight for the landfill. "Cost of Living" they state...</p> <p>What about Cost of Lives? Environmental Hazards? Polution of Air and Water? I requested Air Monitoring 2 years ago. There are Drones that can fly over and in 30 minutes or less, know what it is they are emitting. But ADEQ says they do not have funds for that type of project. It is out of their scope. Who's scope is it in? No government Reglatory Group, Commission, Authority, has stepped up in Arkansas. Why? Because they know the issues. They are working with Waste Management - Eco-Vista Landfill to delay any test until after the new Gas plant is started. It is "Supposed" to have an Activated Carbon filter installed. So, we have waited 1.5 years and still NO test! I do not believe the activated carbon will fix the issue.</p> <p>This area is not appropriate for a landfill. This was pointed out in the article in todays paper and attached. The landfill is allowed to be here because Sunray opened it on a farmers property, they manipulated so they could purchase the property, before Regulation kept them from doing so. Then Sunray attempts to close and move elsewhere, (Mentioned in the editorial) but they are forced to stay. So then they sold to big bucks Waste Management...</p> <p>In 2020, Government shutdown business due to health concerns, they stated the virus was the reason.</p> <p>Shut Eco Vista down now and allow the health and dignity of the area to improve. Polution and Mis-management is the reason!</p>	<p>DEQ thanks you for commenting.</p> <p>The landfill expansion meets all siting and design criteria pursuant to APC&EC Rule No. 22 and Arkansas law. DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p>

		<p>The cost to the area will not overshadow Covid.</p> <p>I expect the cost will be close to the same, without manipulation. A Transfer Station will serve just fine to take all waste to an appropriate and correctly operated facility.</p> <p>CARDS is building a Transfer Station NOW! Transfer the Monopoly to them and let's get our area cleaned up!</p> <p>A Legislative Audit building for the audit performed in 2001 should be completed before any further permitting is allowed or approved.</p>	
Kenneth Lovett (84054)	101.	<p>For Class 1 comments</p> <p>Good Morning, We have discussed this before, The Air Emissions testing done per the permit is not sufficient. It covers what is required for You (ADEQ), to allow Them (Waste Management), to operate, but it is still allowing Emissions/Vapors to be released and harm residents.</p>	<p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p>
	102.	<p>We need Air test completed that will detail what is being released. The ability to test emissions in detail with the proper equipment (One being Drone equipped with the proper attachments) is available and should be used by ADEQ or US EPA to identify what is being forced on the residents of this area. How do we get this done?</p>	<p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health.</p>
	103.	<p>I have seen an email from ADEQ, Jay Ellis, and have attached and highlighted in yellow below, that message reached out to Eco Vista Operator Steve Peck discussing operations. Why does the Environmental Regulatory Agency of Arkansas put so much faith in the perpetrator, while IGNORING the CITIZENS? ADEQ has stated to the press they do not do this type of testing and do not have the budget to get it done. Is it TONTITOWNS AND OR RESIDENTS RESPONSIBILITY TO GET THIS DONE TO PROVE THE ISSUE while ADEQ and PC&EC sit in their plump chairs snarling at the public for coming to the meeting taking time to present, while the PC&EC grudgingly sit and ignore and then Vandergriff and Melton (With Conflict of Interest) attack the speaker?</p>	<p>DEQ thanks you for commenting.</p>
	104.	<p>Please explain, in detail, why the Environmental Regulatory Agency of Arkansas will not test the area specific conditions around Eco Vista and continue to allow this facility to operate.</p>	<p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health.</p> <p>Design criteria specific to the karst terrain has been met or exceeded for this requested expansion. Rule 22.407 requires landfills demonstrate engineering measures be incorporated into the design to ensure the integrity of the structural components of the unit will not be disrupted. The design criteria of the landfill meet the requirements for unstable areas.</p>

		Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria. Included in the Eco-Vista Class 1 landfill expansion permit modification request are numerous scientific studies. These studies concern the soil, karst terrain, geology, determining if the landfill design will withstand an earthquake, and if the soil can withstand the weight of the waste. A study was conducted to expand the surface water retention of the landfills.
105.	When will Air emissions from Eco Vista Waste Management Waste Gas Plant and Landfill be tested? https://www.epa.gov/sciencematters/future-emissions-testing-looking-how-epa-using-drones-test-air-quality	Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality. A date has not yet been scheduled to test the existing engines. They are tested on a reoccurring schedule in accordance with their permit.
106.	Good Morning Everyone, Will the new gas plant be regulated by the same emissions testing as required by the current permit? The current permit does not test for or regulate the issues we have now. Thank you for your responses.	Email as part of Response for Doc ID 84054 Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.
107.	I have some concerns I would like to voice concerning the Air Emissions from Eco Vista Waste Management Landfill and associated equipment in Tontitown Arkansas. It appears to me there is a concerted effort by all parties listed in the "To" field, to hold all decisions or testing of the Environment until after the new gas plant is started at Eco Vista. I read through the information attached and see many names I have discussed the issues with included. Then the message from Steven Peck mentions the status of the new plant. Please explain why regulatory authorities will not test the environment going on 1 year and 3 months after a serious incident was identified and also why no one will respond to my request sent yesterday: Re: Complaint #030371 - Eco Vista Class 4 Landfill Investigation Report - No Violation I am looking forward to having the opportunity to discuss with proper authorities the issues we face here in our community. I am requesting a meeting with Citizens of Tontitown, in Tontitown.	Once the new gas plant is online it will be subject to the emissions testing as required by the permit. Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.
108.	From: Peck,Steven [mailto:Speck@wm.com] Sent: Thursday, February 23, 2023 9:20 AM To: Jay Ellis (adpce.ad) Cc: Reynolds, Jodi Subject: RE: request Jay, we had several wells off line on the 6th and brought back under vacuum on the 7th due to fill sequence they were all shut off or capped during this time frame. Other than that the Flares have been running well and the flare sheet is attached from the 1st to the night of the 22nd . The new plant is almost ready to start electrical testing. It is still several weeks away from any type of testing with gas from the site. The engine plant has had the fresh engines set but are not yet wired in.	Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality. DEQ thanks you for commenting.
109.	Attached is the complaint report that corresponds with the complaint that you filed against the EcoVista WM Tontitown Landfill on February 22, 2023.	DEQ thanks you for commenting.

Denise Garner State Representative District 20 (84053)	110.	<p>Dear Secretary Khoury:</p> <p>Waste Mangement (WM) has been operating the current Class I Eco-Vista Landfill in Tontitown, Arkansas, since purchasing the facility in 2000, and I understand that Eco-Vista submitted a technically complete permit modification application to the Arkansas Department of Energy and the Environment, Division of Environmental Quality (DEQ) for expansion (A DEQ Doc ID 15745). The Northwest Arkansas (NWA) region, one of the fastest expanding in the nation, is serviced by this Class I Landfill, which is the only site for disposing of solid waste. If the Eco-Vista Class I Landfill Expansion is not approved, waste will need to be transported farther to other in-state or out-of-state landfills, raising business expenses in the area and harming both NWA municipalities and consumers.</p> <p>By the end of December 2023, the Eco-Vista Class I Landfill is anticipated to run out of airspace. Eco-Vista submitted the Class I permit amendment application to the DEQ on July 6, 2021, and on September 27, 2021, the DEQ determined that the application was administratively complete. DEQ deemed the application technically complete on April 28, 2023, when the draft permit was issued. I further understand that the Eco-Vista Landfill has been and stays on favorable terms with the DEQ and has no extraordinary natural environmental compliance issues. In light of this data information and the vital need for critical infrastructure to remain in NWA, I respectfully request that DEQ approve the WM Eco-Vista Class I permit modification application without further delay.</p>	DEQ thanks you for commenting.
Kendra Moore State Representative District 23 (84072)	111.	<p>Dear Secretary Khoury:</p> <p>Since purchasing the facility in 2000, Waste Management (WM) has been running the Tontitown, Arkansas, Class I Eco-Vista Landfill. According to what I understand, Eco-Vista has submitted a completed permit revision application to the Division of Environmental Quality (DEQ) of the Arkansas Department of Energy and the Environment (ADEQ Doc ID 15745) for continued growth. This Class I Landfill, the only location for disposing of solid waste, serves the Northwest Arkansas (NWA) area, one of the fastest growing in the country. Failure to approve the Eco-Vista Class I Landfill expansion will result in the need to transport waste greater distances to other in-state or out-of-state landfills, which will increase business costs in the region and negatively affect NWA municipalities and consumers alike.</p> <p>The Eco-Vista Class I Landfill is expected to exhaust its airspace by the end of December 2023. On July 6, 2021, Eco-Vista submitted a Class I permit amendment request to the DEQ. On September 27, 2021, the DEQ determined that the request was administratively finished. When the draft permit was issued on April 28, 2023, DEQ considered the application to be concluded. Furthermore, I am aware that the Eco-Vista Landfill has good relations with the DEQ and continues to be in compliance with the environment on a routine basis. I humbly ask that DEQ swiftly approve the WM Eco-Vista Class I permit modification application as seeing this data and the serious requirement for critical infrastructure to remain in NWA.</p>	DEQ appreciates your comment.
Kenneth Lovett (84052)	112.	Second try including Photos!	DEQ thanks you for commenting.

		<p>On Tuesday, May 23, 2023 at 02:56:54 PM CDT, Kenneth Lovett <kenneth.lovett@att.net> wrote:</p> <p>I sent a complaint on your "Report". Why do you accept statements from Don Tennison as true, when you have confirming evidence there was no cover in several areas on the face? They "Sprayed at" the section beside the lift and took a picture but in no way was their photos reflective of the cover they did on the 22nd...</p> <p>I have Circled areas that have no cover and no Foam. The foam cover beside the lift, lightly covers the outside of what was on the ground and has openings. nothing more than a snow dusting.</p> <p>My life is more important to me than being the butt of your jokes.</p> <p>How do we get proper action for inadequate coverage, odors, Vapors, vectors, Ground water contamination, Air Pollution that is not tested by the state but is IDLH in characteristics, Runoff water, above and below ground level draining directly to Illinois river, Inappropriate area for a Landfill, Etc. Etc.</p> <p>There is a Large Hole in the system to properly Control Environment and Pollution. The people that knew what to do have been wiped out through attrition and these that are responsible now have NO CLUE! Doug Melton and His Frisky self (By Self identification) needs to be removed from the PC&EC during the realignment and the Commission needs to go into review of steps needed to make the Arkansas Environment safe, NOW and for the future. If you have to recuse yourself from votes you need to be removed from the Commission. There were 3 recused during the Class 4 hearing, and the rest had no idea what they were voting for or against. That was the biggest joke of a vote I have ever witnessed. They could not even figure out how to word the statement to vote...</p> <p>Playing these games is not for adults. It is time to be adults and get the job done. Environmental issues should not be allowed before the Golf Club PC&EC...</p> <p>Thank you for your time. Please add this to the comments for the Public Hearing for Class 1 on May 25th.</p>	<p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.</p> <p>Rule 22.413(a) states "Daily Cover- Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate."</p> <p>Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.</p> <p>DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.</p> <p>The Eco-Vista Class 1 Landfill has a vector control plan in place. Disease Vector Control for Class 1 landfills is found at APC&EC Rule 22.414.</p>
Kenneth Lovett (84071)	113.	<p>Asking again: Is the use of Citizen photos prohibited  by a written procedure or law or is that a spoken rule?</p> <hr/> <p>For Class 1 Public Comments.</p> <p>Does this look like proper cover? 05/22/2023 @ 8:25pm. How does this compare to Eco Vista's daily cover photos?</p> <hr/>	<p>There is no written rule or procedure prohibiting the use of citizen photos. However, citizen photos are rarely used to substantiate a complaint because the photos often cannot be verified for accuracy by a DEQ inspector at the time of the alleged event.</p> <p>DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.</p> <p>DEQ thanks you for commenting.</p>

		<p>Asking again: Is the use of Citizen photos prohibited ☹ by a written procedure or law or is that a spoken rule?</p> <p>There are no time stamps shown on the Photos Presenting proper cover from Eco Vista. If there were, I could better understand why you might consider accepting photos from the culprit. But since there are none, and there is no metadata attached to a photo in a document. How do you know the photos are of the same day I sent the photos stating there was improper cover? ISO can be changed to show a brighter photo to simulate Daylight, Photoshop to edit out issues, etc... This system is not working. How do we fix?</p> <hr/> <p>I am getting some information together and will reply with that info later. I have attached original photos take from 7:41 to 7:42 pm 4/26/2023. Arkansas should have a Metadata expert that can verify. Is the use of Citizen photos prohibited ☹ by a written procedure or law or is that a spoken rule?</p> <hr/>	
<p>Nelson Peacock President and CEO, Northwest Arkansas Council (84046)</p>	<p>114.</p>	<p>We understand Eco-Vista submitted a technically complete permit modification application to the Arkansas Department of Energy and the Environment, Division of Environmental Quality (DEQ) for expansion of the Class I Eco-Vista Landfill in Tontitown, Arkansas.</p> <p>This landfill is the only solid waste disposal facility for municipalities that serves the Northwest Arkansas (NWA) region, which is among the fastest-growing places in the U.S. Failure to approve the Eco-Vista expansion will result in the need to transport waste to more distant landfills, which will increase business costs and negatively affect NWA municipalities and consumers alike.</p> <p>It's our understanding that Eco-Vista is expected to run out of capacity before the end of 2023.</p> <p>As you know, there are meaningful efforts in this region to reduce the flow of waste into the landfill and to recycle more. WM is involved in and supportive of this larger, regional effort led by the Northwest Arkansas Council and the region's two solid waste management districts to expand recycling and to reduce contamination in recycled materials with the expectation that we can preserve landfill capacity. Yet, we know an aggressive, successful recycling program won't eliminate the region's long-term need for waste disposal.</p> <p>Based on this information and the vital need for critical infrastructure to remain in NWA, we request that DEQ approve the WM Eco-Vista Class I permit modification application without further delay.</p>	<p>DEQ appreciates your comment.</p>

<p>Jim Dotson Assistant Pro Tempore District 34 (84063)</p>	<p>115.</p>	<p>Please accept this letter on behalf of Eco-Vista and its completed permit modification application to the Arkansas Department of Energy and Environment's Division of Environmental Quality (DEQ) for the expansion of the current Class I Eco-Vista Landfill in Tontitown, Arkansas. It is my understanding Waste Management has operated the Class I Landfill since 2000, and it is the only solid waste disposal facility that serves the Northwest Arkansas (NWA) region, which is among the fastest growing in the country. Failure to approve the landfill expansion will result in the need to transport waste greater distances to other in-state or out-of-state landfills, which will increase business costs in the region and negatively affect NWA municipalities and consumers alike.</p> <p>The Eco-Vista Class I Landfill is expected to run out of airspace before the end of December 2023. Eco-Vista submitted the Class I permit modification application to DEQ in July 2021, and it has been deemed administratively and technically complete as of April 2023 with the issuance of a draft permit. The Eco-Vista Landfill has been and remains in good standing with DEQ and has no outstanding environmental compliance issues.</p> <p>It is vital for this critical infrastructure to remain in NWA, and I respectfully ask DEQ to give Eco- Vista's application every consideration for approval. Thank you for your time and attention in this matter. If I can be of further assistance in any way, please do not hesitate to contact me.</p>	<p>DEQ appreciates your comment.</p>
<p>Kenneth Lovett (84070)</p>	<p>116.</p>	<p>Hello Arkansas State Legislature, ADEQ and all,</p> <p>My name is Kenneth Lovett. I am a life Long resident of Arkansas and a 6 year resident of Washington County Arkansas.</p> <p>There is a Public Input Meeting with ADEQ this week! Thursday, May 25 @ 5:30 pm. A public meeting and hearing will be held at 5:30 PM in the St. Joseph's Catholic Church in Tontitown, 192 E. Henri de Tonti Blvd, Springdale, AR 72762.</p> <p>ADEQ is hosting a hearing for public comment on the class 1 (household trash) expansion for Eco Vista Waste Management. Your attention and attendance is requested. If you are in the NWA area and your district uses or is in any way connected to Eco Vista Waste Management, Your public needs you there.</p> <p>The ECO Vista Waste Management Landfill needs to be closed. Eco Vista has been in operation 23 years as a Waste Management Property. It was originally Permitted in 1979, 44 years ago. The property was sold to Waste Management in 2000. It has outlived its useful life in this area. The area under the Landfill is KARST. 3 years ago something changed in our area. Poor operation Strong Vapors, Defiance to operate correctly and cover properly each night and many weekends, and Bullying has been endured by residents of the area, and it continues to get worse. I originally thought I could talk with ADEQ officials and we could work something out without having to go to other measures. I was incorrect. Each time I send a Complaint the report comes back stating:</p>	<p>DEQ thanks you for commenting.</p> <p>Air emissions and Eco-Vista's Waste to Energy Plant is outside of the scope of the Class 1 landfill permit expansion, and outside of the scope of Arkansas solid waste management laws and rules.</p> <p>The Landfill Post-Closure Trust Fund is administered by DEQ and appears in Arkansas statutes at Ark. Code Ann. § 8-6-1001 <i>et seq.</i> There are specific parameters for using this Fund, such as the Fund shall be used only if "the Director of the Division of Environmental Quality determines that: (i) A landfill which is no longer receiving waste, regardless of when it ceased operating, is causing groundwater contamination or is causing other contamination that is a hazard to public health or endangers the environment, and (ii) The owner or operator of the landfill site has expended at least ten thousand dollars (\$10,000) toward corrective action, unless the owner or operator cannot be located or the director determines an emergency exists necessitating immediate corrective action." Ark. Code Ann. § 8-6-1002.</p> <p>DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.</p> <p>Design criteria specific to the karst terrain has been met or exceeded for this requested expansion. Rule 22.407 requires landfills demonstrate engineering measures be incorporated into the design to ensure the integrity of the structural components of the unit will not be disrupted. The design criteria of the landfill meet the requirements for unstable areas.</p>

	<p>"At the time of the investigation, no allegations of noncompliance were observed at your facility." In the database online, the complaint is listed as "Invalid". The complaints are not invalid, they are ignored. No one takes responsibility to investigate the emissions of Eco Vista. They continue to go by regulations from the past and will not test the Ambient air.</p> <p>When we appealed Class 4 Permit, Waste Management - Eco-Vista Landfill shutdown Class 4 because they said there was no capacity left. Why is it they have trucks lined up on it now, dumping on the south side? They had capacity left, just trying to manipulate people in their favor...</p> <p>Waste Management now has requested, from Boston Mountain Waste District, a "Transfer Fee" to charge people who bring their trash to the landfill. They plan to transfer specific types of trash away from the Landfill. How does it make sense to haul trash to Eco Vista, Dump it, Reload it and Transfer to God knows where?</p> <p>CARDS is building a Transfer Station. They can accept the trash and transfer themselves. Waste Management does not need to add fees to transfer. Transfer the Monopoly of this business to CARDS.</p> <p>A Superfund is setup to pay for cost of closing Landfills due to lack of proper management. Close Eco Vista now. Do not allow any more expansions in this area. Use the money allotted in the agreement to close this environmental hazard. Use CARDS as the transfer facility to transfer garbage away from the KARST area all across North Arkansas and clean up Tontitown and Arbor Acres. PLEASE!</p> <p>When I moved to Washington County, I did not research the surroundings. I was told that the landfill would be closing in 3 years. That was June 2017. After living here 3 years I received information from neighbors that the landfill was requesting expansion. I started attending meetings in Tontitown to understand and get to know the leaders in the area.</p> <p>I am a 27 year veteran of working at a Chemical Plant. I have been trained in HazCom 40 hour course, Smoke School for inspecting and reading the Opacity of a vent on a Boiler, Arkansas Boiler Operator License, among other Environmental testing and requirements and also Certified by the Texas Engineering Extension Service (TEEX) at the world-renowned Brayton Fire Training Field in College Station, Texas.</p> <p>On December 29th, 2021 while driving down a public road, I came in contact with a Vapor/Odor that was like nothing I had ever experienced. The vapors were IDLH. I got a headache, Nose, throat and eyes started burning and dizziness. I realized I was in a bad situation and drove home. When home, I walked around the yard to gather my senses and returned to the edge of the area, There was a Blue haze apparent flowing across the roadway like the exhaust vent from the Waste Gas plant was low on the ground and blowing in that direction. I contacted the US EPA. That department forwarded me to Heinze Braun with the ADEQ. Instead of investigating the</p>	<p>Included in the Eco-Vista Class 1 landfill expansion permit modification request are numerous scientific studies. These studies concern the soil, karst terrain, geology, determining if the landfill design will withstand an earthquake, and if the soil can withstand the weight of the waste. A study was conducted to expand the surface water retention of the landfills.</p> <p>Closure and Post-Closure care of landfills can be found in Chapter 13 of APC&EC Rule 22. The post closure care period for Class 1 landfill units that accepted waste for disposal after the compliance dates specified in Rule 22.103(f) is thirty (30) years. The post closure care period for Class 1 landfills is two (2) years for landfills that stopped accepting waste for disposal prior to the compliance dates specified in Rule 22.103(f) and completed installation of the cover system prior to October 9, 1994. See APC&EC Rule 22.1302 (c).</p> <p>Eco-Vista Class 1 landfill does not accept hazardous wastes.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality. Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p>
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issues, the email was sent to several but ended up with the statement that the state of Arkansas does not have the equipment to do the testing. Why did it stop there? There are Drones that can do this in minutes with great accuracy.

I contacted my Representative, Charlene Fite, and she contacted Michael Grappe. Mr Grappe contacted Eco Vista Environmental Manager Jodi Reynolds/Coffelt to contact the Representative I was talking with to fill her with Propaganda instead of addressing the issue... I am including my original complaint sent to the US EPA and Highlighting in Green. I am also attaching the Email string between Michael and Jodi, highlighted in yellow. See attached email string:

Please Deny any further expansion of Eco Vista Waste Management, Pull all permits until the Air quality in our community is properly tested and corrected. Or close Eco Vista Permanently and Superfund the site for cleanup. These issues have to be identified and corrected for the quality of life for all citizens in Washington County and tributaries into the Illinois river and beyond.

Thank you,
Kenneth Lovett

From: Braun, Heinz <braun@adeq.state.ar.us>
To: 'Kenneth Lovett' <kenneth.lovett@att.net>; Foster, Stephen <fosters@adeq.state.ar.us>
Cc: Ellis, Jay <ellisj@adeq.state.ar.us>; Rheaume, Thomas <rheaume@adeq.state.ar.us>; Grappe, Michael <grappem@adeq.state.ar.us>
Sent: Tuesday, February 15, 2022 at 08:58:52 AM CST
Subject: RE: Regional Tip and/or Complaint - Arkansas (239104)

Mr. Lovett,

ADEQ does not have the specific equipment available to test. ADEQ recommends that if you so wish to test you may hire a firm that is dedicated to do that and work out a sampling plan with that company that would meet your needs and answer all of the questions you may have. The company you hire may also be able to answer your specific question as to the availability of a scrubber. If you look up Environmental testing then you should be able to find companies that would meet your needs. If you have any further questions feel free to email them to me.

From: Kenneth Lovett [mailto:kenneth.lovett@att.net]
Sent: Monday, February 14, 2022 10:16 PM
To: Foster, Stephen
Cc: Braun, Heinz; Ellis, Jay; Rheaume, Thomas
Subject: Re: Regional Tip and/or Complaint - Arkansas (239104)

Good evening,

DEQ thanks you for commenting.

The Landfill Post-Closure Trust Fund is administered by DEQ and appears in Arkansas statutes at Ark. Code Ann. § 8-6-1001 *et seq.* There are specific parameters for using this Fund, such as the Fund shall be used only if “the Director of the Division of Environmental Quality determines that: (i) A landfill which is no longer receiving waste, regardless of when it ceased operating, is causing groundwater contamination or is causing other contamination that is a hazard to public health or endangers the environment, and (ii) The owner or operator of the landfill site has expended at least ten thousand dollars (\$10,000) toward corrective action, unless the owner or operator cannot be located or the director determines an emergency exists necessitating immediate corrective action.” Ark. Code Ann. § 8-6-1002. DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.

	<p>I am following up.</p> <p>How do we obtain the proper equipment to test at the specific times the emission is hovering over us? Does ADEQ provide options for this or have the capability to setup a system for this? This is and has been a long term issue. We need to know what the concentration is and if there is a scrubber system that has the ability to remove this Hazard?</p> <p>Thank you, Kenneth Lovett</p> <hr/> <p>From: Kenneth Lovett <kenneth.lovett@att.net> Sent: Wednesday, February 2, 2022 9:39:27 AM To: Foster, Stephen <FOSTERS@adeq.state.ar.us> Cc: Braun, Heinz <BRAUN@adeq.state.ar.us>; Ellis, Jay <ELLISJ@adeq.state.ar.us>; Rheaume, Thomas <RHEAUME@adeq.state.ar.us> Subject: Re: Regional Tip and/or Complaint - Arkansas (239104)</p> <p>Good morning! Thank you for your response.</p> <p>While I understand the equipment is operating within permit requirements, the emissions are causing the area to have very high concentrations of gasses at times of different atmospheric conditions. The residents do not have the proper equipment to test the environment during these high concentration events. Also thank you for explaining what the regulated emissions from these sources are. How do we obtain the proper equipment to test at the specific times the emission is hovering over us? Does ADEQ provide options for this or have the capability to setup a system for this? This is and has been a long term issue. We need to know what the concentration is and if there is a scrubber system that has the ability to remove this Hazard? Please understand the issue continues. Review after the fact will not stop the residents from being gassed in their homes or vehicles as we attempt to live normal lives.</p> <p>Thank you, Kenneth Lovett</p> <hr/> <p>From: Foster, Stephen <FOSTERS@adeq.state.ar.us> Sent: Wednesday, February 2, 2022, 8:00 AM To: 'kenneth.lovett@att.net' Cc: Braun, Heinz; Ellis, Jay; Rheaume, Thomas Subject: FW: Regional Tip and/or Complaint - Arkansas (239104)</p> <p>Mr. Lovett,</p>	<p>DEQ thanks you for commenting.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>DEQ thanks you for commenting.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p>
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On January 27th, a complaint investigation was conducted concerning the Waste to Energy Plant at the Eco-Vista Landfill to address your concerns below. According to observations made during that investigation along with operational data pertaining to the dates in question, the Waste to Energy Plant was operating in compliance with the facility's current air permit. To answer your question regarding emissions from the Waste to Energy Plant, the regulated emissions from these sources (engines and flares) are as follows: Particulate Matter (PM/PM10), SO2, VOC, CO, NOx, and HAPs. The emission rate limits for these regulated pollutants are permitted based on federal and state standards and are evaluated against National Air Ambient Air Quality Standards (NAAQS) and other screening analysis for possible impacts. Compliance with the permitted limits is demonstrated by operating the emission sources in accordance with the facility's current Air Operating Permit. One of the requirements of the permit is periodically testing the engines for NOx, CO and VOC emissions. During previous testing events, the engines have been well within the emission limits for these pollutants. Additionally, during the complaint investigation we did detect odors from the Black Hills Natural Gas Odorizer approximately ½ mile west of the odorizing unit.

Stephen Foster | Inspector Supervisor
Division of Environmental Quality | Office of Air Quality
1220 West 2nd Street | Russellville, AR 72801
t: 479.968.7339 | c: 501.837.2099 | e: fosters@adeq.state.ar.us

From: Braun, Heinz
Sent: Tuesday, January 25, 2022 3:44 PM
To: Foster, Stephen
Subject: FW: Regional Tip and/or Complaint - Arkansas (239104)

From: Kenneth Lovett [mailto:kenneth.lovett@att.net]
Sent: Tuesday, January 25, 2022 2:06 PM
To: Braun, Heinz
Subject: Fwd: Regional Tip and/or Complaint - Arkansas (239104)

Mr. Braun,

Hello,
My name is Kenneth Lovett. I live .4 miles from the Energy Plant operating at Eco Vista Waste Management in Tontitown Arkansas.
I want to know what type of emission is being allowed by permit to flow from the Energy Plant exhaust. The emissions are causing issues as weather conditions emissions to stay low. This has occurred at least 3 times since Wednesday, December 29th, and has been reported to ADEQ during each event. The follow-up that we get usually is a few days later with no findings other than emissions are within permit requirements.
We need a way to have immediate response to test the area and get realtime results.
In my most serious event, the vapors, to me smelled like strong CO2 engine exhaust from the Energy Plant. My windows were up, my car heater on. I started smelling something as I was coming south on Pinalto. I pulled up toward the intersection of Arbor Acres

Emissions from the Waste to Energy Plant are outside of the scope of the Class 1 landfill permit expansion.

	<p>and Pinalto, my nose and eyes started burning and I immediately got a headache. I rolled down my window and the odor was horrendous. I could see fog or vapors coming across the road. I turned right and finally got out of the vapors approximately 100 yards down the road. The issue caused dizziness.</p> <p>How do we get answers to what this is so we can move forward to get corrected? There are families living in this area that can't get away without leaving their homes. We need your response and knowledge to work through the proper process.</p> <p>Thank you, Kenneth Lovett</p> <hr/> <p>From: simms.gloria@epa.gov <simms.gloria@epa.gov> Sent: Tuesday, January 25, 2022, 1:26 PM To: kenneth.lovett@att.net Cc: braun@adeq.state.ar.us Subject: RE: Regional Tip and/or Complaint - Arkansas (239104)</p> <p>01/25/2022 SUBJECT: RE: Regional Tip and/or Complaint - Arkansas (239104) FROM: simms.gloria@epa.gov TO: kenneth.lovett@att.net CC: braun@adeq.state.ar.us</p> <p>Dear Kenneth Lovett, Thank you for your email to the Environmental Protection Agency regarding Eco Vista Waste Management Energy Plant. EPA appreciates you taking time to write to us and share your concerns. Thanks to emails like yours we have been kept up-to-date with on-going community concerns. These types of concerns are normally forwarded to the state agency that has jurisdiction. In this case that would be the Arkansas Energy and Environment Division of Environmental Quality with the following contact information. Heinz Braun, Compliance Branch Manager Office of Air Quality Division of Environmental Quality Office of Air Quality Compliance Branch 5301 Northshore Drive North Little Rock, AR 72118-5317 501-682-0756 braun@adeq.state.ar.us I have copied Mr. Braun on this message. In the future, if you wish, you can file a complaint via this website: Pollution Complaints DEQ Or call the ADEQ Air Pollution contact at 501-682-0923 Sincerely Gloria Simms EPA Region, Air Enforcement Pollution Complaints DEQ</p> <p>-----Original Message----- 1/22/2022 1:56 PM HQ LEAD NUMBER: FY22-239104-3714-CV SUBJECT: Regional Tip and/or Complaint - Arkansas FROM: kenneth.lovett@att.net</p> <p>TO: Name: Kenneth Lovett Phone: 8708536232</p>	<p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p>
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	<p>Alleged Violator's Name: Eco Vista Waste Mngement Energy Plant Alleged Violator's Address: 2210 N Prince William Dr, Springdale, AR 72762 Alleged Violator's City: Tontitown Alleged Violator's State: Arkansas Alleged Violator's Zip: 72762 Tip or Complaint: Eco Vista Waste Management Energy Plant Exhaust. On Wednesday evening 12/29/2021, There was a vapor at the intersection of Arbor Acres and Pianalto road that was to the level of an IDLH atmosphere. Caused immediate headache, nausea and dizziness. The weather conditions were adding to the issue. On Monday evening 01/17/2022, The same issue again with Emissions from the Energy Plant. On Friday Night/Saturday morning, 01/22/2021, The same issue again with Emissions from the Energy Plant. I want to know what type of emission is being allowed by permit to flow from the Energy Plant exhaust. Log into Facebook</p> <p>Log into Facebook Log into Facebook to start sharing and connecting with your friends, family, and people you know.</p> <p>Violation Still Occurring? No State DEP/DEQ/DEM Notified? No</p> <p>(Kenneth Lovett <kenneth.lovett@att.net> To:Fite, Charlene Fri, Feb 4, 2022 at 8:40 PM</p> <p>Thank you Representative Fite.</p> <p>None of the list she mentions has anything to do with the emissions that are causing issues. A scrubber is needed, in my opinion to address the issue they keep dodging.</p> <p>I will be at the Citizens meeting Tuesday afternoon and have requested specific answers to the issue.</p> <p>Thank you, Kenneth Lovett</p> <hr/> <p>From: Fite, Charlene <charlene.fite@arkansashouse.org> Sent: Friday, February 4, 2022 7:49:50 PM To: Kenneth Lovett <kenneth.lovett@att.net> Subject: Fwd: Emissions from the Eco Vista Waste Management, Tontitown Arkansas</p> <p>Mr. Lovett, I'd promised to send you any additional information I receive. This came today.</p> <p>Charlene Fite, Chairman House Committee on Aging, Children and Youth,</p>	<p>Emissions from the Waste to Energy Plant are outside the scope of the Class 1 landfill permit.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p>
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Military and Legislative Affairs

Begin forwarded message:

From: "Reynolds, Jodi" <jreyno10@wm.com>
Date: February 4, 2022 at 1:52:59 PM CST
To: "Fite, Charlene" <charlene.fite@arkansashouse.org>
Cc: "Grappe, Michael" <grappem@adeq.state.ar.us>
Subject: FW: Emissions from the Eco Vista Waste Management, Tontitown Arkansas

Hello, Representative Fite! Michael Grappe asked me to send you some information on the Eco-Vista Landfill. We are in the process of applying for a landfill expansion permit with the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ). This permit expansion is to fill the valley between the two existing landfills on our property and add 10 acres to our Class 4 (construction and demolition) landfill. The expansion will take place within our current property boundary, and will not expand into greenfield areas. When we started the paperwork process with the City of Tontitown, Boston Mountain Solid Waste Management District (BMSWMD) and the DEQ in 2020, we began hearing complaints from a few neighbors about concerns with the landfill. As a response, we started a citizen's group meeting in November of 2020 that is held every month so community members can ask questions and communicate concerns. Our next meeting is February 8, 2022 at 4:30-5:30 pm at the landfill. We have an option to call in via Microsoft Teams, if you would like to join. We generally have between 4-6 citizens at each meeting.

We first began receiving odor and track out complaints in November of 2020. Since then, we have taken the following steps to remedy the problems. Some were already planned as part of the expansion, and some were added as a result of public comment:

1. Paved the entrance road to the landfill (one mile) to control dirt track out.
2. Installed an industrial wheel wash to control dirt track out.
3. Installed 3500 feet of Benzaco odor neutralizing system.
4. Added 13 bull fences for litter control, in addition to the 6' tall portable fencing and 25' tall perimeter stationary fencing which was already installed at the site to control blowing litter.
5. Added an employee to walk public roads M-F/8-5 and pick up litter that falls from trucks.
6. Employed a third-party consultant to perform odor surveys. Surveys were conducted in February 2021, June 2021 and a third is scheduled for February 2022.
7. Engaged Terracon Consultants to perform weekly odor surveys and for on-call surveys to respond to complaints.
8. Added soil cover to the north and western portions of the landfill.

Regarding the Waste Management Renewable Energy Plant: the gas to energy plant (GTE) has emission limits set forth in our air permit by DEQ. Since the installation of the GTE plant, we have remained in continuous compliance with our air permit, as well

DEQ thanks you for commenting.

DEQ thanks you for commenting.

Emissions from the Waste to Energy Plant are outside of the scope of the Class 1 landfill permit expansion.

as all other DEQ permits. Emissions are carefully controlled as they pass from the landfill gas collection and control system into the treatment phase of the GTE Plant. Once treated, the gas is then used as a fuel for 5 caterpillar engines in order to create electricity. The GTE Plant provides both environmental and economic benefits to our local communities, such as:

1. Reduction in greenhouse gas emissions
2. Efficient use of waste
3. Reduction of air pollution by offsetting the use of non-renewables
4. Relatively cost effective
5. Improvement to overall air quality
6. Reduction of landfill odor

Presently, the site generates 2400 to 2700 megawatt/hour of clean alternative power per month, which can provide electricity for approximately 3,000 homes.

I would be happy to take you on a tour of our Eco-Vista Landfill facility at any time that is convenient to you, if you would like. Please do not hesitate to contact me should you have questions, or if I can provide you more information. If you would like a TEAMS invite to join our citizen's meeting on February 8, 2022, let me know. Thank you!

Jodi

JODI REYNOLDS
Environmental Protection Manager, Arkansas
MID★SOUTH Market Area
jreyno10@wm.com

C: 479.699.1475
88 Joyce Lane
Russellville, AR 72802

Access WM 24/7
with My WM

-----Original Message-----

From: Grappe, Michael <grappem@adeq.state.ar.us>
Sent: Tuesday, February 1, 2022 12:11 PM
To: Reynolds, Jodi <jreyno10@wm.com>
Subject: [EXTERNAL] FW: Emissions from the Eco Vista Waste Management, Tontitown Arkansas

Please call me at your convenience to discuss the email below from Rep. Fite.

Michael Grappé | Director of Special Projects Energy & Environment | Office of Chief Counsel

5301 Northshore Drive | North Little Rock, AR 72118
 cell: 501.515.1219 | e: grappem@adeq.state.ar.us

-----Original Message-----
 From: Fite, Charlene [mailto:charlene.fite@arkansashouse.org]
 Sent: Monday, January 31, 2022 6:36 PM
 To: Grappe, Michael
 Subject: Fwd: Emissions from the Eco Vista Waste Management, Tontitown Arkansas

I'd like your assistance with this. Thanks.

Charlene Fite, Chairman
 House Committee on Aging, Children and Youth,
 Military and Legislative Affairs

Begin forwarded message:

From: "Fite, Charlene" <charlene.fite@arkansashouse.org>
 Date: January 31, 2022 at 6:35:13 PM CST
 To: Kenneth Lovett <kenneth.lovett@att.net>
 Cc: joseph.wood@washingtoncountyar.gov, planning@washingtoncountyar.gov,
 oag@arkansasag.gov, news@kfsm.com, news@4029tv.com,
 press@governor.arkansas.gov, "Lundstrum, Robin"
 <robin.lundstrum@arkansashouse.org>, media@sos.arkansas.gov, "Hendren, Jim"
 <jim.hendren@senate.ar.gov>, "Hester, Bart" <bart.hester@senate.ar.gov>,
 adh.ehs@arkansas.gov, news@knwa.com, sstein@edf.org
 Subject: Re: Emissions from the Eco Vista Waste Management, Tontitown Arkansas

Mr. Lovett,
 Thank you for contacting me. I will call ADEQ tomorrow.

Charlene Fite, Chairman
 House Committee on Aging, Children and Youth,
 Military and Legislative Affairs

On Jan 31, 2022, at 4:12 PM, Kenneth Lovett <kenneth.lovett@att.net> wrote:

I am reaching out to get answers to the emissions being released from Eco Vista Waste Management Landfill in Tontitown, Arkansas.

Citizens living around Eco Vista Waste Management are having continued issues with emissions from the Eco Vista Waste Management Energy Plant in Tontitown. This is an ongoing issue that has yet to be identified or addressed by anyone with authority that can determine what the gasses being emitted are or what can be done to stop the emissions. Each party keeps pointing to the other to address the issue. Request for response from Arkansas ADEQ has only been responded to with a request for Photos.

DEQ thanks you for commenting.

Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.

Thank you,
Kenneth Lovett

----- Forwarded Message -----

From: Kenneth Lovett <kenneth.lovett@att.net>

To: recycle@bmswd.com <recycle@bmswd.com>

Sent: Sunday, January 30, 2022, 11:36:40 PM CST

Subject: Emissions from the Eco Vista Waste Management, Tontitown Arkansas

I am sending this message per the request posted online for the meeting scheduled for February 10th.

Due to the February meeting being conducted via Zoom, individuals wanting to make a public comment must email their comments prior to the meeting to recycle@bmswd.com<mailto:recycle@bmswd.com>. Public comments received before 5:00 pm on Wednesday, February 9, 2022, will be provided to the Board of Directors prior to the February 10th meeting.

Citizens living around Eco Vista Waste Management are having continued issues with emissions from the Eco Vista Waste Management Energy Plant in Tontitown. I would like to meet to discuss to understand how these issues will be approached and corrected. Years ago when Sunray was allowed to start a dump in Washington County, we were unaware of the hazards with such a business close to community of families raising young children. Tontitown is growing and hundreds of new homes and subdivisions are being added to the area where pastures once were. Citizens have continually contacted EPA, Tontitown, ADEQ, Boston mountain and everyone points at the other. The Energy Plant continues to release emissions allowed by Permit that under changes in atmospheric conditions become hazardous, but no one will investigate until after the atmospheric conditions change.

The community request a town hall meeting with ADEQ officials, Waste Management, Tontitown, Boston Mountain officials and any other entity including hauling companies that are continually driving the roads that are marked for noncommercial use.

Options are available for the working face such as the foam the Management sometimes uses. Also, there are other topical applications that, used in the proper amounts and times would greatly decrease the Waste smells from the landfill.

There are scrubber systems to address the Energy plant emissions to consider. Continuing to allow these emissions to go uncontrolled, and allowed by permit, continues to put residents in serious Health and wellness danger.

On Wednesday evening 12/29/2021, There was a vapor at the intersection of Arbor Acres and Pianalto road that was to the level of an IDLH atmosphere. Caused immediate headache, nausea and dizziness. The weather conditions were adding to the issue.

DEQ thanks you for commenting.

Emissions from the Waste to Energy Plant are outside the scope of the Class 1 landfill permit expansion.

DEQ implements and enforces Arkansas's environmental laws and administers those federal environmental programs that DEQ has received authority to administer. That authority does not extend to enforcing Tontitown's ordinances.

Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.

Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.

Emissions from the Waste to Energy Plant are outside the scope of the Class 1 landfill permit expansion.

	<p>On Monday evening 01/17/2022, The same issue again with Emissions from the Energy Plant.</p> <p>I want to know what type of emission is being allowed by permit to flow from the Energy Plant exhaust and if this emission is currently in compliance with the current permit, if so, WHY?</p> <p>Citizens cannot continue to be exposed to this gas.</p> <p>Thank you,</p> <p>Kenneth Lovett"</p> <p>-----)</p> <p>The Link to the CASE Group is here and you can access without being a Member: Tontitown Area Citizens Advocating for a Safer Environment C.A.S.E Facebook</p> <p>Tontitown Area Citizens Advocating for a Safer Environment C.A.S.E Fac... Tontitown Citizens Advocating a Safer Environment regarding the impending expansion of the landfill. We are sick...</p> <p>Tontitown/Harmon and surrounding areas need you! Do your Due Diligence. Research. Common Sense. NO EXANSION IN AN ALREADY IMPROPER AREA FOR LANDFILL. Arkansas Department of Energy and Environment, Eco Vista is not Operated Properly. When the results are reviewed properly, the evidence is Clear. This is not about Economics! This IS about Health, Safety, and Environment! Sunday morning, 05/07/2023, there is an unsigned editorial in the NWA Democrat Gazette. Last week I was told by an Employee of the Arkansas DEQ, that the only way to fix the landfill issue was through our representatives. This is because big businesses have worked their way into government, in various ways, and laws are written so they can be interpreted and twisted by lawyers to get as much money directed to their line of work as possible. The editorial this morning said nothing about Health, Safety, or Environment, and was written in such a way to circle the wagons by the public to fight for the landfill. "Cost of Living" they state... What about Cost of Lives? Environmental Hazards? Polution of Air and Water? I requested Air Monitoring 2 years ago. There are Drones that can fly over and in 30 minutes or less, know what it is they are emitting. But ADEQ says they do not have funds for that type of project. It is out of their scope. Who's scope is it in? No government Reglatory Group, Commission, Authority, has stepped up in Arkansas. Why? Because they know the issues. They are working with Waste Management - Eco-Vista Landfill to delay any test until after the new Gas plant is</p>	<p>Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria. Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area. DEQ does not identify potential landfill sites. A potential landfill site is chosen by the potential landfill owner. The Solid Waste District Board then approves the location before it is proposed to DEQ. The landfill expansion meets all siting and design criteria.</p> <p>DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.</p> <p>The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak. Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.</p> <p>Since the minimum design criteria have been met, DEQ does not have grounds to deny the permit due to the karst terrain.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by</p>
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	<p>started. It is "Supposed" to have an Activated Carbon filter installed. So, we have waited 1.5 years and still NO test! I do not believe the activated carbon will fix the issue. This area is not appropriate for a landfill. This was pointed out in the article in today's paper and attached. The landfill is allowed to be here because Sunray opened it on a farmer's property, they manipulated so they could purchase the property, before Regulation kept them from doing so.</p> <p>Then Sunray attempts to close and move elsewhere, (Mentioned in the editorial) but they are forced to stay. So then they sold to big bucks Waste Management...</p> <p>In 2020, Government shutdown business due to health concerns, they stated the virus was the reason.</p> <p>Shut Eco Vista down now and allow the health and dignity of the area to improve. Pollution and Mis-management is the reason!</p> <p>The cost to the area will not overshadow Covid.</p> <p>I expect the cost will be close to the same, without manipulation. A Transfer Station will serve just fine to take all waste to an appropriate and correctly operated facility. CARDS is building a Transfer Station NOW! Transfer the Monopoly to them and let's get our area cleaned up!</p> <p>Please review and represent, Kenneth Lovett</p> <p>Mr. Mark Calcagni letter to the Editor:</p> <p>"Tontitown's Opposition to Landfill Due to Health, Safety, and Environment In the recent AD-G Editorial on Sunday, May 7th, the editorial had no mention of health and safety around the Tontitown Landfill. There are health and safety issues such as gas, odor, groundwater contamination in a karst area, fires, and heavy truck traffic in a residential area all have been documented-fact! No state or federal air quality testing has been done to ensure the air is safe. Also, the article went into economic issues of the cost going up to close this landfill without any factual proof of that. Some cities in Northwest Arkansas do not use the Tontitown landfill due to excessive costs and can take their trash elsewhere cheaper - fact!</p> <p>Arkansas Pollution Control and Ecology Regulation 22.204 states the host city (Tontitown) must approve a landfill expansion. On November 2, 2022, Tontitown City Council unanimously rejected the expansion of Class 4 and Class 1. Why has this Arkansas Regulation been ignored? Laws and Regulations are in place to be followed. There have also been over 1400 signed citizens petitions against expanding the landfill and an independent city survey that identified the two concerns citizens had which are Infrastructure and the Landfill. Tontitown has spoken.</p> <p>The area has grown as there is an elementary school a mile and a half away. It is no longer rural. Housing is all around this landfill with more being planned. Tontitown has gone above and beyond for providing a landfill for NWA for over 40 years. Health and Safety should be the main priority in a rapidly growing area in the Natural State." Mark Calcagni Tontitown Citizens Advocating A Safe Environment (C.A.S.E.)</p> <p>The following is the issue with Complaint investigation. ADEQ takes Waste Management account of the issue without question, But I provide them with proof that</p>	<p>DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>Comments regarding the Waste to Energy Plant are outside the scope of the Class 1 landfill permit expansion.</p> <p>DEQ thanks you for commenting.</p> <p>DEQ agrees human safety is the highest priority at all landfills in the State.</p> <p>The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.</p> <p>Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.</p> <p>Since the minimum design criteria have been met, DEQ does not have grounds to deny the permit due to the karst terrain.</p> <p>The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c).</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p> <p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.</p> <p>Design criteria specific to the karst terrain has been met or exceeded for this requested expansion. Rule 22.407 requires landfills demonstrate engineering measures be incorporated into the design to ensure the integrity of the structural components of the unit will not be disrupted. The design criteria of the landfill meet the requirements for unstable areas. Included in the Eco-Vista Class 1 landfill expansion permit modification request are numerous scientific studies. These studies concern the soil, karst terrain, geology, determining if the landfill design will withstand an earthquake, and if the soil can withstand</p>
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	<p>Waste Management is lying and I am ignored, No allegations are found, and the issue is stored away in the database as Invalid...</p> <hr/> <p>On Tuesday, May 23, 2023 at 02:56:54 PM CDT, Kenneth Lovett <kenneth.lovett@att.net> wrote:</p> <p>I sent a complaint on your "Report". Why do you accept statements from Don Tennison as true, when you have confirming evidence there was no cover in several areas on the face? They "Sprayed at" the section beside the lift and took a picture but in no way was their photos reflective of the cover they did on the 22nd...</p> <p>I have Circled areas that have no cover and no Foam. The foam cover beside the lift, lightly covers the outside of what was on the ground and has openings. nothing more than a snow dusting.</p> <p>My life is more important to me than being the butt of your jokes.</p> <p>How do we get proper action for inadequate coverage, odors, Vapors, vectors, Ground water contamination, Air Pollution that is not tested by the state but is IDLH in characteristics, Runoff water, above and below ground level draining directly to Illinois river, Inappropriate area for a Landfill, Etc. Etc.</p> <p>There is a Large Hole in the system to properly Control Environment and Pollution. The people that knew what to do have been wiped out through attrition and these that are responsible now have NO CLUE! Doug Melton and His Frisky self (By Self identification) needs to be removed from the PC&EC during the realignment and the Commission needs to go into review of steps needed to make the Arkansas Environment safe, NOW and for the future. If you have to recuse yourself from votes you need to be removed from the Commission. There were 3 recused during the Class 4 hearing, and the rest had no idea what they were voting for or against. That was the biggest joke of a vote I have ever witnessed. They could not even figure out how to word the statement to vote...</p> <p>Playing these games is not for adults. It is time to be adults and get the job done. Environmental issues should not be allowed before the Golf Club PC&EC...</p> <p>Thank you for your time. Please add this to the comments for the Public Hearing for Class 1 on May 25th.</p> <p>Kenneth Lovett</p> <p>----- Forwarded Message ----- From: Ryan Hayden (adpce.ad) <ryan.hayden@adeq.state.ar.us> To: bsmall@wm.com <bsmall@wm.com>; Tennison, Don <dtenniso@wm.com> Cc: Christopher Krou (adpce.ad) <christopher.krou@adeq.state.ar.us>; Nicholas Jones (adpce.ad) <nicholas.jones@adeq.state.ar.us>; Jason Gilkey (adpce.ad) <jason.gilkey@adeq.state.ar.us>; kenneth.lovett@att.net <kenneth.lovett@att.net>; EcoVista <ecovista@adeq.state.ar.us> Sent: Tuesday, May 23, 2023 at 12:46:38 PM CDT</p>	<p>the weight of the waste. A study was conducted to expand the surface water retention of the landfills.</p> <p>DEQ does not have the authority to regulate city code.</p> <p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p> <p>DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.</p> <p>Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria.</p> <p>Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area.</p> <p>DEQ does not identify potential landfill sites. A potential landfill site is chosen by the potential landfill owner. This location is then proposed to DEQ.</p> <p>DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p>
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	<p>Subject: Complaint #030919 - Eco Vista Class 1 Landfill - Investigation Report</p> <p>Attached: 5/23/2023 - Complaint #030919 - Eco Vista Class 1 Landfill - Investigation Report</p> <p>Ryan Hayden Solid Waste Inspector Supervisor Division of Environmental Quality Office of Land Resources 5301 Northshore Drive North Little Rock, AR 72118 t: 501-682-0873 c: 501-913-4023 e: hayden@adeq.state.ar.us</p> <p>Kenneth Lovett <kenneth.lovett@att.net> To:Jarrod Zweifel (adpce.ad),Caleb Osborne,Shane Khoury,Bailey Taylor (adpce.ad) Cc:Angie Russell,ward1-1@tontitownar.gov,Amber Ibarra,ward2-1@tontitownar.gov,Larry Ardemagnian and 64 more... Bcc:njackson@richmayslaw.com,Ross@NolandFirm.com,Lisa Thompson (adpce.ad),Mark Robinette (adpce.ad),rmays@richmayslaw.com and 19 more... Tue, May 9 at 10:38 AM Good Morning,</p> <p>We have discussed this before, The Air Emissions testing done per the permit is not sufficient. It covers what is required for You (ADEQ), to allow Them (Waste Management), to operate, but it is still allowing Emissions/Vapors to be released and harm residents.</p> <p>We need Air test completed that will detail what is being released. The ability to test emissions in detail with the proper equipment (One being Drone equipped with the proper attachments) is available and should be used by ADEQ or US EPA to identify what is being forced on the residents of this area. How do we get this done?</p> <p>I have seen an email from ADEQ, Jay Ellis, and have attached and highlighted in yellow below, that message reached out to Eco Vista Operator Steve Peck discussing operations. Why does the Environmental Regulatory Agency of Arkansas put so much faith in the perpetrator, while IGNORING the CITIZENS?</p> <p>ADEQ has stated to the press they do not do this type of testing and do not have the budget to get it done. Is it TONTITOWNS AND OR RESIDENTS RESPONSIBILITY TO GET THIS DONE TO PROVE THE ISSUE while ADEQ and PC&EC sit in their plump chairs snarling at the public for coming to the meeting taking time to present, while the PC&EC grudgingly sit and ignore and then Vandergriff and Melton (With Conflict of Interest) attack the speaker?</p> <p>Please explain, in detail, why the Environmental Regulatory Agency of Arkansas will not test the area specific conditions around Eco Vista and continue to allow this facility to operate.</p>	<p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>DEQ thanks you for commenting.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p>
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Thank you,
Kenneth Lovett

On Tuesday, May 9, 2023 at 08:56:49 AM CDT, Bailey Taylor (adpce.ad) <bailey.taylor@adeq.state.ar.us> wrote:

Mr. Lovett,

A date has not yet been scheduled to test the existing engines. They are tested on a reoccurring schedule in accordance with their permit.

Thank you,

Bailey Taylor
Energy & Environment | Associate Environment Administrator
5301 Northshore Drive | North Little Rock, AR 72118
t: 501.682.0639 | e: bailey.taylor@adeq.state.ar.us

From: Kenneth Lovett [mailto:kenneth.lovett@att.net]
Sent: Monday, May 8, 2023 12:13 AM
To: Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>; E&E Comms <EEComms@adeq.state.ar.us>; ADPCE Commission Staff <ADPCECommissionStaff@adeq.state.ar.us>; Public Comment <Comment@adeq.state.ar.us>; Commissioners <Commissioners@adeq.state.ar.us>; Patricia Goff (adpce.ad) <Patricia.Goff@adeq.state.ar.us>; Jarrod Zweifel (adpce.ad) <Jarrod.Zweifel@adeq.state.ar.us>; Caleb Osborne <Caleb.Osborne@adeq.state.ar.us>; Shane Khoury <Shane.Khoury@Arkansas.Gov>
Cc: Angie Russell <mayor@tontitownar.gov>; ward1-1@tontitownar.gov; Amber Ibarra <ward1-2@tontitownar.gov>; ward2-1@tontitownar.gov; Larry Ardemagni <ward2-2@tontitownar.gov>; Tim Burress <ward3-2@tontitownar.gov>; Mark Calcagni <calhog18@gmail.com>; Dennis Boyer <dboyer01@yahoo.com>; D. Russ Greene <drussgreene@gmail.com>; Donna Pianalto <dovepianalto@gmail.com>; Jami Morgan <tontitownareacase@gmail.com>; Clint Penzo <clint.penzo@senate.ar.gov>; Clint Penzon <clint.penzo@arkansashouse.org>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; Candy Black <cblack@tontitownar.gov>; codeenforcement@tontitownar.gov; permits@tontitownar.gov; James Dean <jdean@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; Coats, Janetta <coats.janetta@epa.gov>; cityadmin@tontitownar.gov; Leslee Bohannan <adminasst@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; ddavis@tontitownar.gov; Kaleri, Cynthia <kaleri.cynthia@epa.gov>; simms.gloria@epa.gov; Heinz Braun (adpce.ad) <Heinz.Braun@adeq.state.ar.us>; Khoury, Shane <Shane.Khoury@adeq.state.ar.us>; Mitchell Dowden (adpce.ad) <Mitchell.Dowden@adeq.state.ar.us>; Michael McAlister (adpce.ad) <Michael.McAlister@adeq.state.ar.us>; Mark Ramsey <mramsey@tontitownar.gov>; Ross Noland <ross@nolandfirm.com>; Edge Nowlin <edgenowlin@gmail.com>; Steve

Unger <unger1958@gmail.com>; Perry Elyaderani <pelyaderani@knwa.com>; pdeakins@washingtoncountyar.gov; Jay Ellis (adpce.ad) <Jay.Ellis@adeq.state.ar.us>; Scott McWilliams (adpce.ad) <Scott.McWilliams@adeq.state.ar.us>; David Witherow (adpce.ad) <David.Witherow@adeq.state.ar.us>; Christopher Krou (adpce.ad) <Christopher.Krou@adeq.state.ar.us>; Richard Goheen (adpce.ad) <richard.goheen@adeq.state.ar.us>; Planning Department <planning@tontitownar.gov>; ward3-1@tontitownar.gov; Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>; Tyler Dees <tylerdees@senate.ar.gov>; Steve Unger <steveungerforarkansas@gmail.com>; David Etchison <dretchison1@gmail.com>; Richard Mays <rmays@richmayslaw.com>
Subject: Air Emissions Testing

When will Air emissions from Eco Vista Waste Management Waste Gas Plant and Landfill be tested?

<https://www.epa.gov/sciencematters/future-emissions-testing-looking-how-epa-using-drones-test-air-quality>

----- Forwarded Message -----

From: Kenneth Lovett <kenneth.lovett@att.net>
To: Bailey Taylor (adpce.ad) <bailey.taylor@adeq.state.ar.us>; simms.gloria@epa.gov <simms.gloria@epa.gov>
Cc: Ross Noland <ross@nolandfirm.com>; Angie Russell <mayor@tontitownar.gov>; Dennis Boyer <dboyer01@yahoo.com>; Donna Pianalto <dovepianalto@gmail.com>; D. Russ Greene <drussgreene@gmail.com>; Mark Calcagni <calhog18@gmail.com>; Mark Ramsey <mramsey@tontitownar.gov>; Tontitown POLICE Chief - Cory <chief@tontitownar.gov>; ward1-1@tontitownar.gov <ward1-1@tontitownar.gov>; Amber Ibarra <ward1-2@tontitownar.gov>; Larry Ardemagni <ward2-2@tontitownar.gov>; ward3-1@tontitownar.gov <ward3-1@tontitownar.gov>; Tim Burress <ward3-2@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; ddavis@tontitownar.gov <ddavis@tontitownar.gov>; Planning Department <planning@tontitownar.gov>; ward2-1@tontitownar.gov <ward2-1@tontitownar.gov>; Clint Penzo <clint.penzo@senate.ar.gov>; Steve Unger <unger1958@gmail.com>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; pdeakins@washingtoncountyar.gov <pdeakins@washingtoncountyar.gov>; cityadmin@tontitownar.gov <cityadmin@tontitownar.gov>; permits@tontitownar.gov <permits@tontitownar.gov>; Leslee Bohannan <adminasst@tontitownar.gov>; Candy Black <cblack@tontitownar.gov>; codeenforcement@tontitownar.gov <codeenforcement@tontitownar.gov>
Sent: Friday, March 17, 2023 at 07:37:02 AM CDT
Subject: Re: Eco-Vista Landfill Complaint

Good Morning Everyone,

Comments about the Waste to Energy Plant are outside of the scope of the Class 1 landfill permit modification.

Will the new gas plant be regulated by the same emissions testing as required by the current permit?

The current permit does not test for or regulate the issues we have now.

Thank you,
Kenneth Lovett

From: Kenneth Lovett <kenneth.lovett@att.net>
Sent: Thursday, March 16, 2023 7:17:03 PM
To: Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>; simms.gloria@epa.gov <simms.gloria@epa.gov>
Cc: Ross Noland <ross@nolandfirm.com>; Angie Russell <mayor@tontitownar.gov>; Dennis Boyer <dboyer01@yahoo.com>; Donna Pianalto <dovepianalto@gmail.com>; D. Russ Greene <drussgreene@gmail.com>; Mark Calcagni <calhog18@gmail.com>; Mark Ramsey <mramsey@tontitownar.gov>; Tontitown POLICE Chief - Cory <chief@tontitownar.gov>; ward1-1@tontitownar.gov <ward1-1@tontitownar.gov>; Amber Ibarra <ward1-2@tontitownar.gov>; Larry Ardemagni <ward2-2@tontitownar.gov>; ward3-1@tontitownar.gov <ward3-1@tontitownar.gov>; Tim Burress <ward3-2@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; ddavis@tontitownar.gov <ddavis@tontitownar.gov>; Planning Department <planning@tontitownar.gov>; ward2-1@tontitownar.gov <ward2-1@tontitownar.gov>; Clint Penzo <clint.penzo@senate.ar.gov>; Steve Unger <unger1958@gmail.com>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; pdeakins@washingtoncountyar.gov <pdeakins@washingtoncountyar.gov>; cityadmin@tontitownar.gov <cityadmin@tontitownar.gov>; permits@tontitownar.gov <permits@tontitownar.gov>; Leslee Bohannan <adminasst@tontitownar.gov>; Candy Black <cblack@tontitownar.gov>; codeenforcement@tontitownar.gov <codeenforcement@tontitownar.gov>
Subject: Re: Eco-Vista Landfill Complaint

Thank you for your responses.

From: Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>
Sent: Thursday, March 16, 2023 6:48:42 PM
To: 'Kenneth Lovett' <kenneth.lovett@att.net>; simms.gloria@epa.gov <simms.gloria@epa.gov>
Cc: Ross Noland <ross@nolandfirm.com>; Angie Russell <mayor@tontitownar.gov>; Dennis Boyer <dboyer01@yahoo.com>; Donna Pianalto <dovepianalto@gmail.com>; D. Russ Greene <drussgreene@gmail.com>; Mark Calcagni <calhog18@gmail.com>; Mark Ramsey <mramsey@tontitownar.gov>; Tontitown POLICE Chief - Cory <chief@tontitownar.gov>; ward1-1@tontitownar.gov <ward1-1@tontitownar.gov>; Amber Ibarra <ward1-2@tontitownar.gov>; Larry Ardemagni <ward2-2@tontitownar.gov>; ward3-1@tontitownar.gov <ward3-1@tontitownar.gov>; Tim

Burruss <ward3-2@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; ddavis@tontitownar.gov <ddavis@tontitownar.gov>; Planning Department <planning@tontitownar.gov>; ward2-1@tontitownar.gov <ward2-1@tontitownar.gov>; Clint Penzo <clint.penzo@senate.ar.gov>; Steve Unger <unger1958@gmail.com>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; pdeakins@washingtoncountyar.gov <pdeakins@washingtoncountyar.gov>; cityadmin@tontitownar.gov <cityadmin@tontitownar.gov>; permits@tontitownar.gov <permits@tontitownar.gov>; Leslee Bohannan <adminasst@tontitownar.gov>; Candy Black <cblack@tontitownar.gov>; codeenforcement@tontitownar.gov <codeenforcement@tontitownar.gov>
Subject: RE: Eco-Vista Landfill Complaint

Mr. Lovett,

Once the new gas plant is online it will be subject to the emissions testing as required by the permit. Additionally, I am working to schedule a meeting with appropriate staff from our agency and citizens of Tontitown. Communication regarding that will be forthcoming.

Thank you,

Bailey Taylor
Energy & Environment | Associate Environment Administrator
5301 Northshore Drive | North Little Rock, AR 72118
t: 501.682.0639 | e: bailey.taylor@adeq.state.ar.us

From: Kenneth Lovett [mailto:kenneth.lovett@att.net]
Sent: Thursday, March 9, 2023 7:49 PM
To: Heinz Braun (adpce.ad) <Heinz.Braun@adeq.state.ar.us>; simms.gloria@epa.gov; Jay Ellis (adpce.ad) <Jay.Ellis@adeq.state.ar.us>; Scott McWilliams (adpce.ad) <Scott.McWilliams@adeq.state.ar.us>; Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>; Richard Goheen (adpce.ad) <richard.goheen@adeq.state.ar.us>; Jarrod Zweifel (adpce.ad) <Jarrod.Zweifel@adeq.state.ar.us>; Christopher Krou (adpce.ad) <Christopher.Krou@adeq.state.ar.us>
Cc: Ross Noland <ross@nolandfirm.com>; Angie Russell <mayor@tontitownar.gov>; Dennis Boyer <dboyer01@yahoo.com>; Donna Pianalto <dovepianalto@gmail.com>; D. Russ Greene <drussgreene@gmail.com>; Mark Calcagni <calhog18@gmail.com>; Mark Ramsey <mramsey@tontitownar.gov>; Tontitown POLICE Chief - Cory <chief@tontitownar.gov>; ward1-1@tontitownar.gov; Amber Ibarra <ward1-2@tontitownar.gov>; Larry Ardemagni <ward2-2@tontitownar.gov>; ward3-1@tontitownar.gov; Tim Burruss <ward3-2@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; Kevin Boortz

<kboortz@tontitownar.gov>; ddavis@tontitownar.gov; Ryan Hayden (adpce.ad) <Ryan.Hayden@adeq.state.ar.us>; Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>; Planning Department <planning@tontitownar.gov>; ward2-1@tontitownar.gov; David Witherow (adpce.ad) <David.Witherow@adeq.state.ar.us>; Caleb Osborne <Caleb.Osborne@adeq.state.ar.us>; Shane Khoury <Shane.Khoury@Arkansas.Gov>; Khoury, Shane <Shane.Khoury@adeq.state.ar.us>; Annette Cusher (adpce.ad) <Annette.Cusher@adeq.state.ar.us>; Charles Moulton (adpce.ad) <Charles.Moulton@adeq.state.ar.us>; Clint Penzo <clint.penzo@senate.ar.gov>; Steve Unger <unger1958@gmail.com>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; Patricia Goff (adpce.ad) <Patricia.Goff@adeq.state.ar.us>; pdeakins@washingtoncountyar.gov; ADPCE Commission Staff <ADPCECommissionStaff@adeq.state.ar.us>; E&E Comms <EEComms@adeq.state.ar.us>; cityadmin@tontitownar.gov; permits@tontitownar.gov; Leslee Bohannan <adminasst@tontitownar.gov>; Candy Black <cblack@tontitownar.gov>; codeenforcement@tontitownar.gov
 Subject: Fwd: Eco-Vista Landfill Complaint

Hello!

I have some concerns I would like to voice concerning the Air Emissions from Eco Vista Waste Management Landfill and associated equipment in Tontitown Arkansas.

It appears to me there is a concerted effort by all parties listed in the "To" field, to hold all decisions or testing of the Environment until after the new gas plant is started at Eco Vista.

I read through the information attached and see many names I have discussed the issues with included. Then the message from Steven Peck mentions the status of the new plant. Please explain why regulatory authorities will not test the environment going on 1 year and 3 months after a serious incident was identified and also why no one will respond to my request sent yesterday:

Re: Complaint #030371 - Eco Vista Class 4 Landfill Investigation Report - No Violation
 I am looking forward to having the opportunity to discuss with proper authorities the issues we face here in our community. I am requesting a meeting with Citizens of Tontitown, in Tontitown.

Thank you,
 Kenneth Lovett

From: Peck, Steven [mailto:Speck@wm.com] Sent: Thursday, February 23, 2023 9:20 AM To: Jay Ellis (adpce.ad) Cc: Reynolds, Jodi Subject: RE: request

Jay, we had several wells off line on the 6th and brought back under vacuum on the 7th due to fill sequence they were all shut off or capped during this time frame. Other than that the Flares have been running well and the flare sheet is attached from the 1st to the night of the 22nd . The new plant is almost ready to start electrical testing. It is still several weeks away from any type of testing with gas from the site. The engine plant has had the fresh engines set but are not yet wired in.

Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.

DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.

		<p>Begin forwarded message:</p> <p>From: "Stephen Foster (adpce.ad)" <Stephen.Foster@adeq.state.ar.us> Date: March 7, 2023 at 3:15:56 PM CST Subject: Eco-Vista Landfill Complaint Attached is the complaint report that corresponds with the complaint that you filed against the EcoVista WM Tontitown Landfill on February 22, 2023.</p>	
<p>Angela Russell (84075)</p>	<p>117.</p>	<p>Good evening,</p> <p>My name is Angela Russell. I am the Mayor of Tontitown.</p> <p>I come before you tonight to address the Class 1 expansion of the waste management eco vista landfill, that is in the city limits of Tontitown.</p> <p>I know you are or should be familiar with Regulation No. 22, Solid Waste Management Rules, which were approved by the Arkansas Pollution Control and Ecology Commission.</p> <p>From what I understand, this is your BIBLE. These are the codes in which we must abide. In Reg.22.203 - Local Authority Approval Of Site Selection And Expansion</p> <p>22.203 (a) Applicability- This Section applies to all new permitted facilities including landfills and solid waste processing facilities and to the expansion of the permitted acreage of landfills and solid waste processing facilities.</p> <p>22.203 (e) Written Approval or Denial- Any approval or denial by local governments or regional solid waste management boards of solid waste site selection shall be in writing and shall state the basis for the approval or denial with reference to the specific requirements of the local jurisdiction and this regulation.</p> <p>eg.22.204 - Host Community Approval Of Site Selection</p> <p>In this case, that would be the City of Tontitown, which is the host city.</p> <p>On November 3, 2022 - The City of Tontitown withdrew all support of the landfill expansion, by unanimously passing a Resolution. [No. 2022-11-1017 R).</p> <p>At the December 2022 pollution control and ecology meeting, I informed them of the resolution. After the meeting, I was told by a waste management attorney that I needed stronger wording in the resolution. I was instructed to take out specific wording in Section 1. Which I did.</p> <p>On January 3, 2023, a second Resolution withdrawing support, with the changes made, was presented to the Tontitown City Council, which also passed unanimously. (No. 2023-01-1027R)</p>	<p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p> <p>DEQ implements and enforces Arkansas’s environmental laws and administers those federal environmental programs that DEQ has received authority to administer.</p> <p>APC&EC Rule No. 22 is not the rule of DEQ, but the Rule of the Arkansas Pollution Control and Ecology Commission. The Commission makes the environmental rules, and DEQ implements them.</p> <p>DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill currently meets those conditions.</p> <p>The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill.</p> <p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Rule 22.413(a) states “Daily Cover- Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate.”</p> <p>DEQ does not have the authority to regulate large rocks or other debris that may be present on the roads. Tracking sediment offsite from the facility is a housekeeping issue that must be managed through the requirements of the Industrial Stormwater permit coverage. DEQ is aware of public complaints regarding offsite tracking, site inspections have been performed to investigate these matters, and DEQ has since been in communication with WM regarding the continuing measures taken towards improvement.</p>

	<p>According to Regulation No. 22, the Solid Waste Management Rules, YOUR CODE, YOUR RULES, this is all I need for waste management to STOP expanding.</p> <p>Let me give you other reasons citizens so strongly oppose the landfill.</p> <ul style="list-style-type: none"> • Gasses and toxic vapors emitting from the landfill are hazardous to the citizens and environment. It causes nausea, headaches, dizziness, and other health symptoms. • Dye Test - Dye was put in a hole on waste management property, and it ended up in Wild Cat Creek. Which means leakage from the landfill is potentially contaminating water sources. • Cover - The trash is not covered properly. We have multiple pictures that are taken daily of the improper coverage. • Trash and Litter are on our roads and property. Nails, metal wires, rocks, mud and other debris on roads and in our tires. Bags flying everywhere, hanging in trees, and being eaten by cattle. I am referring to the litter and waste that blows out of the landfill which has been contaminated by the toxic waste in which it has been exposed. • Roads - Our roads are being destroyed by the multiple trash trucks, multiple semi-trucks and other heavy vehicles. • Not following Ordinances - Whether it is Tontitown Ordinances or State Ordinances. I personally have witnessed Waste Management not following certain set guidelines. I have witnessed improper cover, not being proactive and trash leaving the waste management property, not taking proper truck routes, which causes damage to other area roads. And multiple other violations. • Fires - There have been countless fires at the landfill. In my opinion, there is an internal fire. Why would a dozer drive over a "hot spot" and catch on fire. Citizens have reported explosions. Drivers have reported smoke and rumbling coming from the ground. The ground cracking open with fire inside. WHY. <p>Can you imagine if those internal fires reach the gas lines, or gas pockets? What an explosion we would have to deal with. How many lives would be lost. Who would be at fault?</p> <ul style="list-style-type: none"> • Growth of the AREA - Tontitown is one of the fastest growing areas in the region. With around 6,000 citizens right now, growing approximately 900 citizens per year. The current landfill, with the karst formation, will not be able to consume all the trash. Where will the trash go in 5 or 10 years? They will not have the space at that facility. <p>Their lack of planning does not constitute an emergency on our part. There should be a plan B, C and so forth to find a solution to this landfill problem.</p>	<p>Class 1 landfills cannot accept hazardous waste pursuant to APC&EC Rule No. 22 and Arkansas law. See APC&EC Rule 22.412.</p> <p>Road hazards are not within the scope of the solid waste permit issued to this facility. Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.</p> <p>DEQ is charged with the enforcement of Arkansas's environmental law and administering those federal environmental programs for which DEQ has received authority over. That authority does not extend to enforcing Tontitown's ordinances.</p> <p>The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application.</p> <p>There are no Arkansas laws that prevent landfill expansion based on population growth in the area.</p>
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Terry Williams (84076)	118.	<p>I am writing to let you know I have concerns on the expansion project the landfill water runoff that is going into our creeks and then into the Illinois River concerns me. Also when I first moved to Tontitown we were driving down Barrington Rd when I told my wife someone in this area have a gas leak because gas companys put a odor in there lines to find leaks turn out it wasn't a leak it was the landfill. As I under stood last night at the meeting in Tontitown the regulation 22 gives the city of Tontitown the right to refuse the expansion so please stop this thank You Terry Williams 615 Tuscan Sun Lane Tontitown Ar 72762</p>	<p>Surface water run on and off are controlled at the landfill. This modification proposes to enlarge the surface water drainage ponds. This enlarged drainage system is above State and Federal requirements. Leachate should not be in the surface water drainage system. So there should be no contamination coming from the surface water.</p> <p>Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.</p> <p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p>
Holleigh Belvardi (84077)	119.	<p>Hello,</p> <p>My name is Holleigh Belvardi and I am a new resident of Tontitown. My husband and I bought a house in the new Hickory Meadows subdivision less than 3 miles away from the landfill. Although I should have been, I wasn't aware the landfill was this close to our house. I have since read how dangerous the long-term affects can be for people who live less than 5 miles away from landfills but it was too late to get out of our contract when I realized this.</p> <p>Having an 8 month old son, I am so deeply concerned about the potential expansions of the landfill. I do not want his quality of life to be affected by the poor air quality that will naturally occur if this landfill is expanded. We certainly had no idea the landfill would grow and possibly accept class 4 materials before we moved. I do not feel safe living here knowing this could happen. I have been trying to warn others looking to buy houses in nearby neighborhoods. Those living closer to the landfill and much longer in homes that they hoped to live in forever, should especially not be subjected to this landfill.</p> <p>I request with deep sincerity for you to stop the expansion of the landfill.</p>	<p>DEQ thanks you for commenting.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p> <p>The Class 1 landfill has always been able to accept Class 4 waste. Class 4 waste is not hazardous, does not degrade quickly and is inert material.</p> <p>The air quality should not be affected. The landfill may smell, but there should not be anything that affects the air quality. A significant portion of landfill gas is captured and utilized in the waste to energy gas plant.</p>
Mary Alice Granata (84078)	120.	<p>I am against the landfill expansion. I do not live as close as many that spoke at the meeting tonight but I have many friends that live close and I've been down that road when trash is blown against the fencesmethane gas is on fire ... smells are terrible and the roads and mailboxes are filthy. Folks that live close to the landfill have trees that are dying . You admitted it's in the water . Please stop this! I don't see how you can listen to that many citizens and turn a blind eye . Please help ! Please stop the expansion..... 168 Harmon Road, Tontitown, Ar 72762. Thank you for your consideration !!</p>	<p>The facility follows the blown litter requirements of the regulations.</p> <p>The air quality is monitored by the Title V air permit.</p> <p>The groundwater is tested monthly. The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.</p> <p>Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.</p>

			DEQ does not have the authority to regulate large rocks or other debris that may be present on the roads. Road hazards are not within the scope of the solid waste permit issued to this facility. Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.
Bill Rogers President / CEO (84074)	121.	<p>We understand Eco-Vista submitted a technically complete permit modification application to Arkansas Department of Energy and the Environment, Division of Environmental Quality (DEQ) for expansion of the current Class I Eco-Vista Landfill in Tontitown, Arkansas, where Waste Management has operated since acquiring the facility in 2000 (ADEQ Doc ID 15745). This Class I Landfill is the only solid waste disposal facility that serves the Northwest Arkansas (NWA) region, which is among the fastest growing in the country. Failure to approve the Eco- Vista Class I Landfill expansion will result in the need to transport waste greater distances to other in-state or out-of-state landfills, which will increase business costs in the region and negatively affect NWA municipalities and consumers alike.</p> <p>The Eco-Vista Class I Landfill is expected to run out of airspace before the end of December 2023. We understand that Eco-Vista submitted the Class I permit modification application to DEQ on July 6, 2021, and that DEQ deemed it administratively complete on September 27, 2021. The application was deemed technically complete by DEQ on April 28th, 2023, with the issuance of the draft permit. We further understand that the Eco-Vista Landfill has been and remains in good standing with the DEQ and has no outstanding environmental compliance issues. Based on this information and the vital need for critical infrastructure to remain in NWA, we respectfully request that DEQ approve the WM Eco-Vista Class I permit modification application without further delay.</p>	DEQ appreciates your comment.
David Conrad (84123) & (84164)	122.	<p>This letter is in response to the above-mentioned draft permit. With this letter, Eco-Vista, LLC (EVLFF) offers the following comments:</p> <p><u>Page 1 – Financial Assurance:</u> Based on prior submittals, the post-closure cost should be \$11,921,310, which sums to the total listed and matches Permit Condition 28. Please consider revising to be consistent with Doc. ID 82573 and the permit condition.</p>	DEQ agrees with this revision. Page 1 post-closure cost was changed to \$11,921,310.00.
	123.	<p><u>Permit Condition 10a:</u> Please consider editing the following items in the table for Permit Condition 10a.</p> <p>Permit Plan LCS / LDS -Site Plan DEQ draft permit reference- Drawing 1 of 8 Doc. ID 68124 Proposed revision/edit- Should be revised to Figure 1 in Appendix O of Doc. ID82573.</p>	<p>DEQ agrees with this revision.</p> <p>Permit Condition 10a revised to: Figure 1 in Appendix O of Doc. ID 82573</p>
	124.	<p>North Phase Details I-Drawing 4 of 8 Doc. ID 68124</p> <p>North Phase Details II-Drawing 5 of 8 Doc. ID 68124</p> <p>As shown on Figure 1 in Appendix O of Doc. ID 82573, north phase LDS storage tank will be replaced with a forcemain and drawing references with tank details should be deleted.</p>	<p>DEQ agrees with these revisions.</p> <p>Permit Condition 10a North Phase Details I and North Phase Details II revised to: Figure 1 in Appendix O of Doc. ID 82573</p>

125.	<u>Permit Condition 11</u> : Please consider clarifying the last sentence of Permit Condition 11 to read: “Cell 13, the valley fill cell, <u>and overlying of existing disposal areas</u> , is permitted for 7,374,000 cubic yards of solid waste disposal capacity”.	DEQ agrees with this revision. The last sentence of Permit Condition 11 was revised to: “Cell 13, the valley fill cell, and overlying of existing disposal areas, is permitted for 7,374,000 cubic yards of solid waste disposal capacity.”
126.	<u>Permit Condition 14</u> : The alternative bottom and bottom sideslope liner configuration listed are approved in conjunction with the Liner System Equivalency Demonstration (Appendix C10 of Volume 4 of 4, Document ID#30273) <u>and the minor permit modification dated June 2016 (Document ID# 69891)</u> . Please consider clarifying the permit condition by adding the preceding underlined text.	DEQ agrees with this revision. Permit Condition 14 was revised to include “and the minor permit modification dated June 2016 (Document ID#69891)”.
127.	Additionally, based on prior submittals, Option 1 liner overlay of Sites 3 and 4 has the following components, from bottom to top. Please consider revising the permit condition to be consistent with Doc. ID 82573 by adding the underlined text below. <ul style="list-style-type: none"> • 6 inches existing compacted clay • <u>Geosynthetic Clay Liner (GCL)</u> • Secondary 60-mil thick HDPE • <u>Geocomposite</u> • GCL • Primary 60-mil thick HDPE • Geocomposite • 12 inches of protective cover 	DEQ agrees with this revision. Option 1 was revised as: <ul style="list-style-type: none"> • 6 inches existing compacted clay • <u>Geosynthetic Clay Liner (GCL)</u> • Secondary 60-mil thick HDPE • <u>Geocomposite</u> • GCL • Primary 60-mil thick HDPE • Geocomposite • 12 inches of protective cover
128.	<u>Permit Condition 18</u> : Based on prior submittals, processed compost is also an approved alternate daily cover under DEQ Doc. ID 30847. Please consider listing processed compost in the permit condition.	DEQ agrees with this revision. Permit Condition 18 was revised to include “The facility may also use compost (in accordance with Document ID 30847), auto-shredder fluff (in accordance with Document ID 74677) or RusFoam (in accordance with Document ID 80902) as alternative daily cover.”
129.	<u>Permit Condition 20</u> : The Operating Plan and Narrative was revised in the permit modification application and Appendix G of DEQ Doc. ID 82573 should be referenced in the permit condition.	DEQ agrees with this revision. Permit Condition 20 was revised to include “... Appendix G of the Permit Modification Application having Document Identifier 82573”.
130.	<u>Permit Condition 28 c and d</u> : Based on prior submittals, the largest open area in the closure cost estimate is 89.8 acres. Additionally, the closure sequence presented in the closure plan reference drawings include only Figure 1. Please consider revising these permit conditions to be consistent with Doc. ID 82573.	DEQ agrees with these revisions. Permit Condition (c) was revised to “89.8 acres”. Permit Condition (d) was revised to “Figure 1”.
131.	<u>Permit Condition 30</u> : The Action Leakage Rate Contingency Plan in Attachment A of Appendix O of Doc. ID 82573 states the facility will measure and record LCS and LDS fluid accumulations in each operational LCS and LDS sump <u>each full operating day</u> . The requirement to measure on each full operating day alleviates the requirement to monitor on Saturdays, when the facility is closed or when the facility may not be operating with full manpower, and other days when the landfill may be closed. Please consider revising the permit condition.	DEQ disagrees with this comment. No change to the permit was made.
132.	<u>Permit Condition 36</u> : The Groundwater Sampling and Analysis Plan (GWSAP) will be revised to include the additional monitoring wells included in Permit Condition 37 b, and the spring / creek sampling requirements of Permit Condition 40. Otherwise, §22.1204(d) requires the method detection limit (MDL) to be less than or equal to the values reported in EPA Report SW-846. The GWSAP states the analytical methods will adhere to EPA’s SW-846, but the MDLs are based on current analytical technology and since they are subject to change, the MDLs are not listed in the GWSAP. As requested by DEQ, the revised GWSAP will include MDLs that are currently achievable by the third-party	DEQ disagrees with the content of this comment. The permit condition requests a Sampling and Analysis Plan (SAP) that meets the requirements of Rule 22 and the conditions of the permit be submitted within 60 days of the effective date of the final permit. This comment does not request a change to the permit condition. This comment also does not include all that needs to be included within the SAP to meet the permit condition. It needs to be noted that Rule.22.1203(5) and Permit Condition 45 requires any Method Detection Limit MDL or Practical Quantitation Limit (PQL) laboratory reported concentration shall be the lowest

	laboratory. However, a footnote will accompany the listed MDLs that states: <i>Listed MDLs are based on currently achievable levels by the third-party laboratory and are subject to change. As required by §22.1204(d), MDLs will be less than or equal to the values reported in EPA Report SW-846 unless written approval from the Division is granted.</i> As stated in the current GWSAP, detections between the MDL and the practical quantitation limit (PQL) will be qualified with a J-flag by the third-party laboratory and considered an estimate.	concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions using current laboratory standards.
133.	<u>Permit Condition 40</u> : Total organic carbon and hardness are not required in Rule No. 22 or the Assessment Monitoring Constituent list. Furthermore, Permit Condition 40 is inconsistent with Permit Condition 15 of the Class 4 permit by including total organic carbon and hardness. Please consider revising this permit condition to remove total organic carbon and hardness.	The permit condition was not revised. The parameter total organic carbon (TOC) is listed in Rule 22.1204(d) and should have been included in the Class 4 permit. The parameter Hardness was requested by the DEQ Office of Water Quality to compare results of metals collected in Spring/Creek sampling to the surface water quality standards in Rule 2. Hardness is required to calculate a particular pollutant's WQ criteria at the sample location.
134.	<u>Permit Condition 47</u> : The 30-day timeframe to submit a work plan for characterizing the nature and extent of the release to the Division is not required by Rule No. 22 and may be difficult to comply with depending on the nature of the statistically significant level. Please consider revising this permit condition to allow 90 days for this requirement.	The permit condition was not revised. The facility can submit an extension request, with appropriate rationale, if needed.
135.	<u>Permit Condition 49(d)(i)</u> : Please note the corrective action gas extraction system focuses on primary fracture traces and secondary epikarst flow zones with out-of-waste gas extraction wells installed within these zones to address areas of contamination. As such the radius of influence goes beyond the wellbore in a non-linear manner to influence historic gas-related changes to pH in groundwater from carbon dioxide dissolution.	There is no permit change requested by this comment.
136.	<u>Statement of Basis Item 3</u> : Please consider revising this item for accuracy by adding the following underlined text. The permit modification application was prepared by FTN Associates, <u>Ltd.</u>	DEQ agrees with this revision. Statement of Basis Item 3 was revised to FTN Associates, Ltd.
137.	<u>Document Summary and Rationale for Conditions Correspondence, Page 6</u> : The correspondence document IDs listed are permit related, not specific to groundwater, and the last two document IDs listed are logged under the class 4 landfill. Please consider revising for clarity.	While Document IDs 81948 and 82354 pertain to the Class 4, they are related to the groundwater monitoring system and Wildcat Creek being incorporated in the Class 1 groundwater monitoring system, which is why they are included. However, Document IDs 76465, 80874, 81906, 82621, 83386, 83942, and 83946 were added.
138.	<u>Document Summary and Rationale for Conditions, Permit Condition 10</u> : The rationale for this permit condition should be updated to reference the 2006 and 2014 major permit modifications. Per Doc ID# 67800, Site 3, Site 4, north phase, and south phase are certified closed. Furthermore, cells 1 through 4 of the 2006 lateral expansion were capped in 2015/2016. These capping events are not certified closed.	DEQ agrees with this revision. Document Summary and Rationale for Conditions, Permit Condition 10 was revised to: "This permit condition details the approved landfill plans for the facility. Any changes to the plans listed will require a modification to the facility permit. Detail for Site 3, Site 4, North 1 Acre, and South Phase remain in this permit version and are certified closed per Document ID# 67800. Cells 1 through 4 of the 2006 lateral expansion were capped in 2016 but are not yet certified closed by DEQ."
139.	<u>Document Summary and Rationale for Conditions, Permit Conditions 14 and 15</u> : Both permit conditions should reference Cells 1 through 13, instead of Cells 1 through 12. Please consider revising these rationales for accuracy.	DEQ agrees with this revision. Document Summary and Rationale for Conditions, Permit Conditions 14 and 15 were revised to replace "Cells 1-12" with "Cells 1-13".
140.	<u>Document Summary and Rationale for Conditions, Permit Condition 17 d</u> : The permit condition stating the facility shall keep the record of the volume of treated liquid waste disposed is based on Rule No. 22.420(g)(6), rather than 22.420(g)(3) and 22.420(g)(5) . Please consider revising this rationale for clarity.	DEQ agrees with this revision. Document Summary and Rationale for Conditions, Permit Condition 17 d was revised from Rule 22.420(g)(3) and 2.420(g)(5) to Rule 22.420(g)(6).
141.	<u>Document Summary and Rationale for Conditions, Permit Condition 18</u> : The permit condition authorizes the use of tarps as alternate daily cover, as well as processed compost, auto-shredder fluff and RusFoam. Please consider revising this rationale for clarity.	DEQ agrees with this revision. The use of compost as an ADC was included.

	142.	<u>Document Summary and Rationale for Conditions, Permit Condition 19</u> : The discussions regarding the timing of report submittals between WM and DEQ were for the previous iteration of the permit. For clarity, please consider revising this rationale by deleting the last two sentences regarding the previous discussions.	DEQ agrees with this revision. The last two sentences “In the development of the draft permit decision, DEQ and the applicant had discussions that indicated that the timing allowed for these report submittals was either insufficient or in some cases difficult to meet. The 14-day deadline for reporting has been extended in the final permit to 30 days” were deleted.
	143.	<u>Document Summary and Rationale for Conditions, Permit Condition 28</u> : The rationale for this permit condition states the financial assurance must be updated before the construction of cell 9, while cell 13 should be referenced. Please consider revising this rationale for accuracy.	DEQ agrees with this revision. The condition has been revised from “cell 9” to “cell 13”.
	144.	<u>Document Summary and Rationale for Conditions, Permit Conditions 30 and 31</u> : The last sentence of the rationale for Permit Condition 30 states Conditions 28 and 29 present a detailed alternative monitoring requirement to satisfy Rule 22.429(l), refers to permit conditions in a previous iteration of the permit and the sentence should be deleted. The rationale for Permit Condition 31 should refer to Permit Condition 31, rather than Permit Conditions 28 and 29, presenting a detailed alternative monitoring requirement. Please consider revising these rationales for clarity.	DEQ agrees with these revisions. The last sentence of Condition 30 “Conditions 28 and 29 present a detailed alternative monitoring requirement to satisfy Rule 22.429(l)” has been deleted. The last sentence of Condition 31 has been revised to: “Condition 31 presents a detailed alternative monitoring requirement to satisfy Rule 22.429(l).”
	145.	<u>Document Summary and Rationale for Conditions, Permit Condition 38</u> : The citation to Rule 22.1205(c) is listed twice. Please consider revising the rationale for clarity.	DEQ acknowledges the typographical error. The second 1205(c) was changed to 1208(a)(1) concerning Corrective Action Monitoring.
	146.	<u>Document Summary and Rationale for Conditions, Permit Condition 39</u> : The rationale lists Rule No. 22 references to 523 and 524(c), which pertain to Class 3 landfills. Please consider revising the rationale for clarity.	The references to Rule 22.523 and 524(c) refer to the regulation of solid waste practices. No change to the Summary and Rationale was made.
Kenneth Lovett (84087)	147.	Part 1: See attached Document. Part 2: The Required approval from Tontitown has not been acquired. The Permit for Class 1 and Class 4 cannot legally be approved. ADEQ is wastig time and funds in a pricess that hs already been decided. Eco Vista should be classified as Hazardous and closed. Superfund money can be allotted for cleanup and permanent closure. Part 3: Not only the regulated emissions from Eco Vista, but the Local Air that citizens Breathe, should be added to the Permit Requirements with levels listed specifically. Including polyvinyl chloride, Benzene and other gasses identified that cause dizziness, nausea, headaches, cancer, ETC. This statement, included in the email below is redicilous: "The thermal oxidizer and flare are not required to be tested because the projected low emissions."	DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support. DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules. Class 1 landfills cannot accept hazardous waste pursuant to APC&EC Rule No. 22 and Arkansas law. The Landfill Post-Closure Trust Fund is administered by DEQ and appears in Arkansas statutes at Ark. Code Ann. § 8-6-1001 <i>et seq.</i> There are specific parameters for using this Fund, such as the Fund shall be used only if “the Director of the Division of Environmental Quality determines that: (i) A landfill which is no longer receiving waste, regardless of when it ceased operating, is causing groundwater contamination or is causing other contamination that is a hazard to public health or endangers the environment, and (ii) The owner or operator of the landfill site has expended at least ten thousand dollars (\$10,000) toward corrective action, unless the owner or operator cannot be located or the director determines an emergency exists necessitating immediate corrective action.” Ark. Code Ann. § 8-6-1002. DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.

	<p>Calculating "Projected" Emmissions is not a proper way of know what is being released from Eco Vista.</p> <p>The "Permit Projected Calculations" are Calculated based on a "NonHazardous" classification. There are "Hazardous" items going into this landfill Daily, both in Class 4 and Class 1.</p> <p>This is known but ignored by officials. Before this moves forward, the permit for both Classes SHOULD BE DENIED, both Classes should be bored into the trash heap and tested for contaminates. AND, the air in our area should be tested and identified as to what is being released into the environment. Do this with the most current Drone with the proper capability for air testing, laterally from the emission points and above, as the emissions I was subjected to was ground level, but these same emissions are released continually into the atmosphere.</p> <p>Also groundwater contamination and endangered species should be studied.</p> <p>Eco Vista Management has proven time and time again, they have NO Consideration of the citizens around the community or those even working for or through their process.</p> <p>Part 4:</p> <p>Each complaint concerning Eco Vista, from citizens that are in the database since January 2000, should be included in this comment period.</p> <p>Each comment should be considered and addressed in your reply. They mostly have been written off as "Invalid". These concerns are not invalid. They may not be covered in the permit but should be addressed and included in the permit as required.</p> <p>Just because specific hazardous emissions failed to be included in the permit, does not make them less dangerous or nonexistent.</p> <p>Part 5:</p> <p>The Legislative Audit that was prepared in 2001, should be reviewed and updated with current information, before Permit consideration.</p> <p>Part 6:</p> <p>The landfill is located in an environmentally inappropriate area. ADEQ, The regulatory authority authority for Arkansas, has blatantly ignored this fact due to unknown reasons. ADEQ should be penalized by reorganization of current personel. The reorganization should take into consideration the morals, knowledge and experience of the professional being considered for the position. Citizens affected by current issues in the state of Arkansas should be invited to, and included as part of this interview process as they are the public ADEQ is responsible for protecting.</p> <p>Part 7:</p>	<p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>Any comments related to the Waste to Energy Plant are outside of the scope of the Class I landfill permit modification.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p> <p>DEQ agrees human safety is the highest priority at all landfills in the State.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.</p> <p>Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.</p> <p>Any comments on endangered species are outside of the scope of the Class 1 landfill permit modification.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health.</p> <p>APC&EC Rule No. 8, Chapter 2 covers administrative procedures and comment periods regarding permits.</p> <p>DEQ thanks you for commenting.</p> <p>The site would not be considered hazardous and therefore would not have Superfund monies available. There are no hazardous wastes and the landfill is being operated under a State permit with no large list of violations. Any violations noted were addressed by Eco-Vista. There is nothing for Superfund to take action upon.</p> <p>APC&EC Rule No. 8, Chapter 2 covers administrative procedures and the permitting process. Arkansas law, Title 8, covers the permitting and appeal process for administrative procedures. Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria. Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area.</p>
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	<p>The "New" gas plant was not engineered with Engineering designs considered for the public.</p> <p>The flare needs a shroud around the exit that extends above the exit point to keep the glare and light pollution from affecting the area. The flare is super bright and could cause an accident on the roadway. See attached photos.</p> <p>The noise from the equipment is 3 times louder than the previous operation. Sound barriers should have been designed, and now should be designed to block the noise from emitting to residents. Sound walls extending above the highest point of the building around a perimeter of the operation.</p> <p>Please include this in your public comments for class 1 meeting for May 25th, 2023.</p> <p>More to come.</p> <p>Kenneth Lovett</p> <p>5/27/2023</p> <hr/> <p>From: Kenneth Lovett <kenneth.lovett@att.net> Sent: Thursday, May 25, 2023, 3:28 PM To: Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us> Subject: Re: Online Air Pollution Complaint Reporting Form Submission</p> <p>Ms Taylor,</p> <p>The problem I have is "Projected". These emissions need to be tested. This is what I have ask for since I realized what was going on in 2021.</p> <p>How do we get the area tested for all emmissions, not just projected or permitted?</p> <p>Thank you,</p> <p>Kenneth</p> <hr/> <p>From: Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us> Sent: Thursday, May 25, 2023 3:14:27 PM To: kenneth.lovett@att.net <kenneth.lovett@att.net> Subject: RE: Online Air Pollution Complaint Reporting Form Submission</p> <p>Mr. Lovett,</p> <p>The gas plant modification was permitted on January 17, 2021 (1884-AOP-R7) with the draft permit public noticed 8/23/2020.</p>	<p>DEQ does not identify potential landfill sites. A potential landfill site is chosen by the potential landfill owner. The Solid Waste District Board then approves the location before it is proposed to DEQ.</p> <p>The landfill expansion meets all siting and design criteria. Per condition 31 of the permit: The facility shall collect samples from the leak detection system and leachate collection system sumps monthly. The samples shall be analyzed for chloride, ammonia, specific conductance, and pH. In addition, the facility shall collect samples from the leak detection and leachate collection system sumps annually and test the samples for iron, manganese, total organic carbon, and the constituents listed in Appendix 1 of Rule 22. While the facility is in assessment monitoring or corrective action, every three years the facility will analyze the annual leak detection and leachate collection samples for all Rule 22 Appendix 2 parameters.</p> <p>Comments related to the Waste to Energy Plant are outside the scope of the Class 1 landfill permit modification.</p> <p>Only comments received during the designated public comment period as regulated by Rule 22.306(a) shall be considered in development of the final permit decision.</p> <p>Since the minimum design requirements within Rule 22 for a Class 1 landfill in the Boone Formation have been met, DEQ does not have grounds to deny the permit due to the karst terrain. The landfill meets or exceeds all criteria and there are additional engineering controls for this Class 1 landfill due to the location. DEQ has assigned the review of this landfill expansion permit modification to the most experienced, well suited staff members. These staff members are considered experts in their perspective fields.</p> <p>DEQ has no authority to regulate Arkansas Code regarding city ordinances for noise or light pollution.</p> <p>The landfill has many groundwater monitoring wells surrounding it, which are regularly sampled. More wells will be installed soon associated with the recent Class 4 permit along with the newly required sampling of Wildcat Creek. The site is also performing corrective action on groundwater and additional wells may be required as needed as part of the corrective action.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p>
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The air permit parameters were last inspected September 13, 2022 with no violations.

The project consists of allowing pipeline natural gas to be burned in the engines (as well as landfill gas which was historically burned) and cleaning the landfill gas so it can be put in the natural gas pipeline as another option. This project adds a thermal oxidizer and a flare.

The thermal oxidizer and flare are not required to be tested because the projected low emissions.

Thank you,

Bailey Taylor

Energy & Environment | Associate Environment Administrator

5301 Northshore Drive | North Little Rock, AR 72118

t: 501.682.0639 | e: bailey.taylor@adeq.state.ar.us



ARKANSAS
ENERGY & ENVIRONMENT

-----Original Message-----

From: No-Reply

Sent: Saturday, May 20, 2023 9:45 AM

To: Complaint-Air

Subject: Online Air Pollution Complaint Reporting Form Submission

Complaint Submission Tracking ID: W-12577

Property Owner: Eco Vista Waste Management

County: Washington

Name: Kenneth Lovett

Address: 18702 Clear Water Road

City: Fayetteville

State: AR

Zip: 72704

Phone: (870) 853-6232

Email: kenneth.lovett@att.net

Division: AIR

Date: 5/20/2023

Time: 9:32:51 AM

		<p>Description of Problem: The new process has apparently been started up for the Waste Gas at Eco Vista Landfill. Are the proper permits in place to operate the plant in compliance? Has the new Process been inspected? Has the emissions amount been determined? Are the emissions on control? Have the emissions been tested? Are there written operating instructions available and accessible? Are there Emergency response plans and have these been communicated with local authorities? Is the new process safe for the community and Environment? Has this been communicated to the local citizens? Many questions, no answers... The flare is huge! Who designed this rediculously large discharge nuisance? Please include me in the report following review. Kenneth.lovett@att.net</p> <p>Directions: 2210 Waste Management Drive Springdale Ar Photos: 3</p> <p>Note: The following photos will be available on the server for one year.</p> <p>http://ComplaintPhotos/web_d5a0c404-26bb-4eb6-a539-b3654dbd2ad0.jpg No GPS location found in the attached photo.</p> <p>http://ComplaintPhotos/web_3522fbd4-b876-41f2-91b3-4c7bc47ddbe8.jpg No GPS location found in the attached photo.</p> <p>http://ComplaintPhotos/web_3b04cfc6-7ddd-4185-ac5a-f559d7856550.jpg No GPS location found in the attached photo.</p>	<p>Any comments pertaining to the Waste to Energy Plant are outside the scope of the Class 1 landfill permit modification.</p>
148.	<p>PUBLIC COMMENTS OF Kenneth Lovett ON DRAFT PERMIT FOR ECO-VISTA LLC CLASS I LANDFILL AFIN NO. 72-00144, DRAFT PERMIT NO. 0290-S1-R4</p>	<p>The Class 1 landfill was initially permitted as the Sunray Landfill of April 16, 1997 in a proceeding in which, after public notice of the filing of the application by Sunray for authority to construct and operate the landfill, no comments were submitted by the public. One reason for the lack of public interest was that, at that time, the landfill was in a sparsely populated area, and few people were affected by it.</p> <p>In the intervening years since 1997, northwest Arkansas (including Washington and Benton Counties) have seen and continue to experience some of the most active growth of any areas in the United States. As population in those two counties has rapidly and steadily expanded, the landfill is now located in an increasingly populated area, with</p>	<p>DEQ thanks you for commenting and providing these three photographs.</p> <p>The Class 1 landfill meets or exceeds all siting criteria required by State rules.</p> <p>Tracking sediment offsite from the facility is a housekeeping issue that must be managed through the requirements of the Industrial Stormwater permit coverage. DEQ is aware of public complaints regarding offsite tracking, site inspections have been performed to investigate these matters, and DEQ has since been in communication with WM regarding the continuing measures taken towards improvement.</p> <p>There have been numerous studies regarding the contamination of the groundwater. Multiple dye trace studies have been performed in different areas of the facility. Also, there are additional controls placed on surface water with this expansion.</p> <p>Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria.</p>

	<p>numerous residences surrounding the general landfill area. That growth is projected to continue without abatement for years to come.</p> <p>During the intervening years from 1997 to the present, the landfill has also expanded rapidly as waste products from the increasing population and construction have made significant demands upon the landfill and its capacity to handle additional wastes. In addition, the record on DEQ’s website clearly establishes that the landfill has experienced significant and harmful problems in managing and containing the emission of air and water pollutants from the facility that have created conditions that are physically and mentally unbearable and potentially harmful to the health and safety of persons who live in the general proximity of the landfill, and to birds and other animals in the vicinity.</p> <p>Based upon the records of DEQ relative to this landfill and the Class 1 landfill in the EVL complex, the landfill has reached its capacity, or is very close to doing so. That capacity is the cause of many complaints from the public and also from DEQ as evidenced by the inspection reports that appear in the record.</p> <p>The terms of the existing and the proposed Permit provide that the permit may be revoked or modified whenever, in the opinion of the Division, the facility is no longer in compliance with the Act. See, for example, Condition No. 4 of the Permit Conditions of the proposed Permit.</p> <p>Rather than continue to expand a landfill that is at capacity and located in an area that has a large and continuously-growing residential population, the permit should either be denied, or alternatively, reissued only on a limited basis (<i>e.g.</i>, one (1) year) to allow for EVL to find a location for a new landfill for the area, and apply for a permit for that location.</p> <p>Additional drop in inspections should be mandatory to prevent any negligence in proper operation of Eco Vista until the date it is closed.</p> <p>DEQ Is Not Authorized by Law to Process EVL’s Application for Increased Landfill Acreage</p> <p>Commission Rule 22.204 (a) (Host Community Approval of Site Selection) provides in relevant part as follows:</p> <p>(a) Applicability and Scope – In accordance with A.C.A. §8-6-1501 et seq., a rebuttable presumption exists against permitting the construction or operation of any new landfill within twelve miles of an existing high-impact solid waste facility. [Here follows certain exceptions not relevant to this matter]</p> <p>A “high-impact solid waste management facility” is defined in Rule 22.204(b)(1) as “any open or closed solid waste landfill. EVL is a “high-impact solid waste management facility.</p> <p>Rule 22.204(c) (Division Action and Compliance Requirements) further provides:</p> <p>The Division shall not process any pre-application for a new or increased landfill acreage or an application for increased landfill capacity until definitive findings in conformance with this section have been provided by the host community and accepted by the Division.</p>	<p>Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ’s Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>Specific concerns regarding birds and other animals should be brought to the attention of the Arkansas Game and Fish Commission.</p> <p>Currently there are no known surface water contamination issues in the area of the landfill. Wildcat creek will be monitored per the Class 4 Permit Condition 15 and the Class 1 Permit Condition 40. If concentrations within the spring and creek indicate impacts potentially attributable to landfill operations, DEQ may require the facility to perform additional investigations to determine if the facility is the source of the impacts.</p> <p>DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.</p> <p>There are additional controls placed upon cover material in this permit modification. Eleven acres of pre-subtitle D landfill will be covered with subtitle D liner and a subtitle D cap. This additional coverage will decrease the chance of leachate migrating into groundwater.</p> <p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p> <p>DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.</p> <p>DEQ is aware of APC&EC Rule 22.204 and is following this rule in this Class 1 landfill modification.</p> <p>DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules. DEQ is aware of the pre-application process for landfill permit modifications and is following said APC&EC Rule No. 22 regarding both the pre-application and the application process for landfill permits.</p>
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	<p>Acceptance or denial of landfill siting by the host community shall be by formal resolution of the governing body of the host community.</p> <p>The “host community” in regard to EVL is the City of Tontitown, Washington County, Arkansas. The governing body of the City of Tontitown has not officially approved EVL’s proposed increased landfill acreage or an application for increased landfill capacity. The City Council of the City of Tontitown has not adopted an unconditional approval of the proposed expansion by formal resolution in satisfaction of Rule 22.204(c).</p> <p>Without waiving any of the foregoing objections, to the extent that the City of Tontitown did issue any approval, or what might be deemed an approval of EVL’s Application for expansion of the Class 4 landfill, that approval was withdrawn prior to a decision having been made, and during the official public comment period on the draft permit. That withdrawal of approval was in the form of Resolution No. 2022-11-1017R, dated November 3, 2022, a copy of which was submitted to DEQ. A second Resolution of similar import, Resolution No. 2023-01-1027R, was also adopted by the City of Tontitown on January 3, 2023, and also provided to DEQ.</p> <p style="text-align: center;">The Proposed Permit Should Be Modified To Address Issues Raised By The Public Comments</p> <p>We recognize the provisions of the proposed Permit regarding the Hazardous and Unauthorized Waste Exclusion Plan, the Liquid Waste Management Plan, the use of synthetic tarps for daily cover, groundwater monitoring, and explosive gas monitoring. However, EVL has been obligated by previous permits and directives of DEQ to implement those plans and requirements. It has failed to prevent noxious odors and gases from being emitted from the Landfill (possibly from the reaction of unauthorized waste and liquid wastes with other materials in the Landfill); failed to provide adequate and effective cover; and contaminated groundwater may be leaving the site. More should be required of EVL under these circumstances in the form of the following:</p> <ul style="list-style-type: none"> (i) The source of air contamination in the form of sickening odors/fumes emanating from the landfill causing respiratory distress, headaches and other health problems, death to birds in the landfill and surrounding areas, and to trees and other vegetation, should be investigated and, if possible, removed. Use of chemicals to counter the odors has not worked, but in most instances, has exacerbated the problem. (ii) Contamination of surface waters from leakage of the landfill should be affirmatively investigated, rather than simply monitored, and the source of such contamination removed, if possible. (iii) The spread of debris from the landfill to adjoining properties is not being prevented by the use of tarps or fluff. EVL should be required to take measures on a daily basis that will provide a complete and effective cover for the waste materials that are applied daily. 	<p>DEQ is aware of the resolution withdrawing local approval.</p> <p>DEQ received local approval from Tontitown in the 2018 resolution during the pre-application process for a landfill permit application pursuant to APC&EC Rule No. 22.</p> <p>DEQ is aware of both resolutions from 2022 and 2023. DEQ received local approval from Tontitown in the 2018 resolution during the pre-application process for a landfill permit application pursuant to APC&EC Rule No. 22.</p> <p>DEQ thanks you for commenting.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ’s Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p> <p>The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.</p>
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		<p>(iv) Mud and dirt continue to be tracked from the landfill onto the adjoining roads, causing problems with traffic and siltation of drainage ditches. EVL should be required to install a functional tire/vehicle wash facility at the exit to the Landfill property.</p> <p>(v) Nails and other objects are frequently dropped onto the highways that cause flat tires, cracked windshields and other vehicular damage. While EVL claims that the haulers are responsible for this, those haulers are business invitees of EVL to the Landfill, and EVL profits from their hauling wastes (that includes such nails and other objects) to the Landfill. EVL should be required to take greater responsibility to place restrictions on the haulers regarding the manner in which wastes are hauled, and EVL should be responsible for daily monitoring of the highways for such objects.</p> <p>The problems with air, surface and groundwater contamination will likely continue long after the Landfill is closed. Because of this, the Permit should also require EVL to:</p> <ol style="list-style-type: none"> Retain qualified independent contractors to conduct studies of the cause of the odors and surface-groundwater contamination that are being and will likely be released from the existing Landfill; Based upon the results of such studies, propose plans to DEQ to remediate the existing Landfill to prevent the continued release of odors, with the public allowed to comment on the plans; and Implement the remediation plan approved by DEQ after public review and comment. <p>These problems have existed for many years, and the Petitioners and other members of the public who reside in the general vicinity of the Landfill have frequently complained to EVL and to DEQ during that time, often without any result. The problems are, to a degree, operational, but they are also systemic and worthy of being addressed in the permit renewal process.</p> <p>Kenneth Lovett 5/25/2023</p>	<p>Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.</p> <p>(iii) The landfill is required to control blowing litter. There are controls employed at the landfill that help to reduce litter escaping at the working surfaces of the landfill. Should litter escape and find its way to neighboring properties, citizens should contact Eco-Vista to implement their litter control program, which will prompt their litter crews to clean it up. Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.</p> <p>Rule 22.411(g) Litter Control states “Litter control provisions shall be maintained at all times. If daily or more frequent cover does not control on and off site litter, other methods may be required, such as, but not limited to litter fences and litter crews.” The Eco-Vista litter control plan contains all elements mentioned in Rule 22. The landfill is in compliance.</p> <p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.</p> <p>Rule 22.413(a) states “Daily Cover- Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate.”</p> <p>(iv) Tracking sediment offsite from the facility is a housekeeping issue that must be managed through the requirements of the Industrial Stormwater permit coverage. DEQ is aware of public complaints regarding offsite tracking, site inspections have been performed to investigate these matters, and DEQ has since been in communication with WM regarding the continuing measures taken towards improvement.</p> <p>(v) Washington County and the city are responsible for county and city road maintenance. DEQ does not have the authority to regulate large rocks or other debris that may be present on the roads. Road hazards are not within the scope of the solid waste permit issued to this facility. Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.</p> <p>DEQ thanks you for commenting about permit revisions.</p>
Mark Ramsey (84091)	149.	<p>Thank you again for allowing me the time to speak on May 25th. I wanted to send my letter along, what I gave in my speech was only the high points. Have a great weekend.</p> <p>To whom it may concern,</p>	<p>DEQ thanks you for commenting.</p> <p>The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency</p>

	<p>I have lived in Tontitown since 2016. My wife and I knew there was a landfill in the city before we moved into town. We knew it would probably expand when we moved to a subdivision closer to it. I can't say I have personally had any issues with my trash service and I appreciate that. From time to time, it does smell bad and the road gets messy. I joined the fire department in 2016, and since then we have had 13 fires at the landfill. Some of these fires have involved equipment, some in class one, and others in class four. I've been on most of these fires. Some fires I was the first man in, some I was the primary investigator, and as of late I have been the commanding officer. Working as the fire marshal for the city I set up a good report with Blake Small and Matt Burner. Any incident we have had they were quick to send dozer operators where we requested. Since promoting to Fire Chief, I've had a good working relationship with Jamie Vernon as well. I do have some general concerns that need attention.</p> <p>Fire Suppression</p> <p>I've noticed through my time here, our best plan of attacking landfill fires is letting dozer operators bury it. We have had incidents at the landfill where we brought in ten different mutual aid departments to help us with water supply and firefighting operations. The support was very much needed, however, wasn't anywhere near as effective as burying the fire with dirt to smother it of oxygen. The massive fuel source that can readily burn is too great for our water to keep up. As a fireman, it hurts your pride to say you can't put the fire out. Our best course of action to smothering the fires is working with the WM personnel to keep them safe. This is no easy task. They have to operate heavy equipment and we do our best to keep their equipment cooled. Thankfully, we have not had an incident where a rescue was needed. The last fire that occurred on May 10th, was one of their large trash compactors. Mr. Tennison let me know he only had one compactor left and a few dozers. I am concerned about the expansion of this landfill. I would like to re-evaluate an incident action plan and make sure this operation is appropriately equipped. If another large fire breaks out at the landfill, the Fire Department won't be able to stop it, even with our mutual aid and automatic aid support. I'm worried Waste Management won't be able to either based on their fleet.</p> <p>Fire Investigation</p> <p>Multiple investigators have been called upon in the past fires to assist with an origin and cause of our larger fires. Because of the efforts to suppress these fires by smothering, burying the fire, it makes it difficult to find a reason other than an undetermined classification. It was only in one incident workers mentioned lithium-ion batteries may have contributed to fire spread in class four.</p> <p>Monitoring</p> <p>The Tontitown Fire Department is not equipped for Hazardous materials beyond the operations level. There has been one incident Springdale Fire Department was utilized to determine scene and public safety for precautionary purposes after a carbon monoxide</p>	<p>response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c).</p> <p>APC&EC Rule 22.411, General Operating Requirements states that open burning is prohibited at the landfill, and the owner or operator shall have an adequate telephone communication system in the event of a fire or other emergency and a written emergency response plan shall be maintained at the site. APC&EC Rule 22.412 covers procedures for excluding the receipt of hazardous waste and unauthorized waste. A hazardous waste exclusion plan is required under APC&EC Rule 22.412(c). Explosive gases control is required under APC&EC Rule 22.415. Fire safety is under Air Criteria, APC&EC Rule 22.416. There is a burning prohibition and the site shall not pose a hazard to the safety of persons or property from fires. This may be accomplished through compliance with this section and through the periodic application of cover material or other techniques.</p> <p>DEQ thanks you for commenting.</p> <p>According to Ark. Code Ann. § 8-6-203 (7) and (8)(A) and (B), and APC&EC Rule 23 § 261.4 (b)(1), lithium batteries generated from households are considered household hazardous waste and are generally considered to be solid wastes which are not hazardous wastes. Batteries are not fully regulated as hazardous waste pursuant to APC&EC Rule 23 § 261.9 and are universal waste. Only lead-acid based batteries are currently banned from landfills pursuant to Ark. Code Ann. § 8-9-303. While lithium batteries are not specifically mentioned as being excluded as a hazardous waste in APC&EC Rule 23, lithium batteries generated by a household would meet the two criteria listed above and would also be excluded as a hazardous waste.</p> <p>APC&EC Rule 22.415 applies to explosive gases control at Class 1 landfills and the concentration of methane gas generated by the facility does not exceed twenty five percent of the lower explosive limit for methane in facility structures. Owners and operators of Class 1 landfills must implement a monitoring program requirement to monitor the methane pursuant to this section and have a gas monitoring plan and elevated level detection contingency measures. All records shall be maintained regarding this gas monitoring for the site to remain in compliance.</p>
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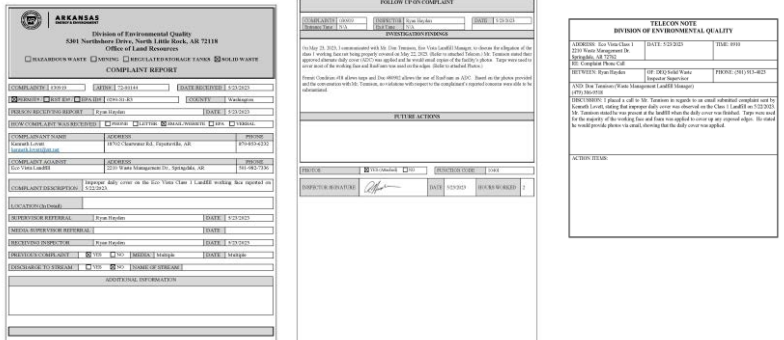
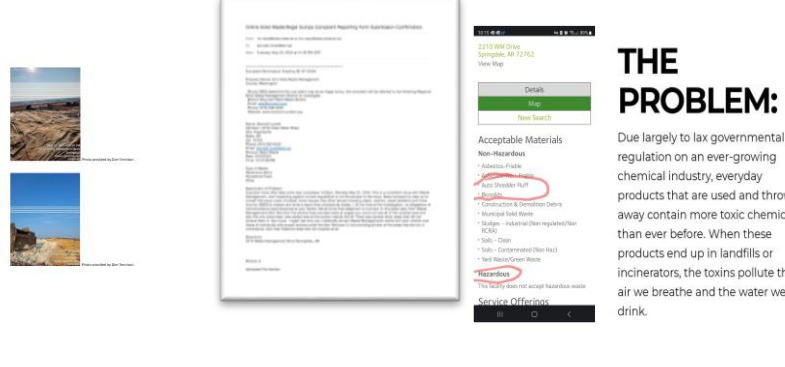

		<p>exposure. Based on records from other states with similar landfills, gases are measured by the tons. I'm not sure if this landfill off gases any different.</p> <p>Mark Ramsey Fire Chief Tontitown Fire Dept. P.O. Box 305 Tontitown, AR 72770</p> <p>(479) 439-3578 cell (479) 365-2056 office</p>	
Janet Taylor (84079)	150.	<p>My name is Janet Stockton Taylor. I've lived at 992 Klenc Rd, Tontitown, AR since 1985. My grandmother was one of the original settlers. I was actually born in this town. Our house was on 412 right across from where Klenc Rd starts.</p> <p>I am writing to ask you to not approve the WM expansion. It's not a waste management facility, it's a dump. They don't manage waste. They just dump it and let it fly. And Tontitown has borne the burden of this dump for far longer than what we should have. I've seen how things have gotten progressively worse over the years. Trash trucks drive past my house all day long and I'm constantly picking up their trash out of my yard. It is far worse now than it has ever been. Sure, when they know something is about to happen they'll send someone out to walk the road and pick up trash. Of course that does nothing for the debris that's already well off the road and into my flower beds or up against my house. And oftentimes the people they send are too busy looking at their phones to pick anything up.</p> <p>And it stinks. I'm fortunate to live a mile and a half away so I don't notice the smell on a daily basis. But when it's here it's awful. Sometimes the smell is at my house. Sometimes I get a whiff of it while I'm in the back of my field even further away from the landfill. I'm sure people smell it all over the town but they just don't know what it is.</p> <p>We are not some rural town out in the sticks. We're in the heart of a thriving area of NWA. Does a landfill belong in the heart of Little Rock? No, it doesn't. Does a landfill belong in the center of NWA? No, it doesn't. Imagine how much growth is going to happen in this area over the next 10 years. This is Tontitown with a rich history. WM is not a good neighbor. They're nasty and they're destroying us.</p> <p>Mr. Jones, it's time that WM closes this landfill and moves to another location. The citizens of this town don't want it here. The number of people who are paying attention to this is growing and our voices are only going to get louder. I don't want to see us up on national news because of the damage WM has done to us, do you? You have the power to end this.</p> <p>Please don't approve the expansion.</p>	<p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement.</p> <p>Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria. Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area.</p> <p>Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.</p> <p>DEQ thanks you for commenting.</p> <p>Rule 22.413(a) states "Daily Cover- Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate."</p> <p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p>

<p>Michele Carpenter (84080)</p>	<p>151.</p>	<p>I attended and spoke at the meeting held in Tontitown about the expansion of the landfill. My mother and I recently bought our home here that was supposed to be our last home. However, after everything that I have read and heard about the poor management of this landfill... I have serious concerns about our health and safety in this area. I can see the landfill from my home. I have personally witnessed the debris that flies out of the trucks as they drive to the landfill. I have witnessed the fires, smelled the nasty smells, and noticed how my eyes and upper respiratory system react when I am outside for too long. The beauty and the simplicity of life in the area is being destroyed by the landfill. I think that an alternate means of dealing with the trash needs to be implemented. Our city planner spoke about the need for the landfill to be closed within 5 years and others spoke about the contamination of Wildcat Creek that flows into the Illinois River. This is more than just an "eyesore" and smells.</p> <p>Please do allow this expansion and vote NO.</p> <p>Thank you for your time and consideration in this important matter.</p>	<p>DEQ agrees human safety is the highest priority at all landfills in the State.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p> <p>Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.</p> <p>The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c).</p> <p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.</p> <p>Rule 22.413(a) states "Daily Cover- Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate."</p> <p>Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill. This modification will expand the surface water controls at the site, which will help minimize surface water that will leave the site.</p>
<p>Linda Carpenter (84081)</p>	<p>152.</p>	<p>My daughter attended and spoke at the meeting held in Tontitown about the expansion of the landfill. We recently bought our home here that was supposed to be our last home. However, after everything that I have read and heard about the poor management of this landfill... I have serious concerns about our health and safety in this area. I can see the landfill from our home. I have leukemia and my immune system is compromised by the daily chemo pill that I take. I no longer want to be outside while at the house for fear that I will get sicker. We understood when buying that the landfill was near our home but it is not being safely managed. We frequently see trash blow out of the trucks and fires that are very large can be seen from our front yard. Several years ago I was burned on a third of my body and the fact that the fire chief said that his station (even with help) could not control the fires absolutely terrifies me! I lived in Fort Smith most of my life and we never saw or heard anything like what is going on here. I think that an alternate means of dealing with the trash needs to be implemented. Our city planner spoke about the need for the landfill to be closed within 5 years and others spoke about the contamination of Wildcat Creek that flows into the Illinois River. This is more than just an "eyesore" and smells.</p>	<p>DEQ agrees human safety is the highest priority at all landfills in the State.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p> <p>Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.</p> <p>The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c).</p> <p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during</p>

		<p>Please do allow this expansion and vote NO.</p> <p>Thank you for your time and consideration on this important matter.</p>	<p>inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.</p> <p>Rule 22.413(a) states “Daily Cover- Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate.”</p> <p>Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill. This modification will expand the surface water controls at the site, which will help minimize surface water that will leave the site.</p>
Tim Schmidt (84082)	153.	<p>I am writing to express my concerns and indignance over the proposed expansion and permit renewal of the Waste Management Ecovista site in Tontitown, AR. I was in attendance at the recent meeting in Tontitown and was even more concerned after the meeting. As I have researched the information and facts regarding the landfill and the process for renewal and expansion, I find it disturbing that ADEQ is continuing on the previous course of action.</p>	<p>DEQ thanks you for commenting.</p> <p>DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.</p>
	154.	<p>I am not going to bore you with all of the facts concerning the landfill, the contaminated air and water, and the fact that this landfill was never supposed to be in operation as long as it has been but please note that I share all of the concerns brought up in the meeting by our Mayor, councilman and others. I will, however address your organization’s blatant disregard for Regulation 22. The city of Tontitown DOES NOT WANT THIS LANDFILL and that is a prerequisite for the permit being approved. Period! This should be the end of the discussion, but for whatever reason your organization continues it’s pursuit.</p> <p>Response: Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ’s Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill. This modification will expand the surface water controls at the site, which will help minimize surface water that will leave the site.</p> <p>DEQ is implementing APC&EC Rule No. 22 and following Arkansas environmental laws and rules.</p> <p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p>	

	155.	<p>I did also find it concerning that your spokesman did not even know the name of the creek from which you extracted polluted water samples. This does not inspire confidence in your agency or your concern over the safety of our community. It's not Clear Creek and it's not Bobcat Creek. Wildcat Creek is the polluted creek. You might want to do a little more research before making public presentations. Wildcat Creek feeds into the Illinois river which runs through Wedington Wildlife area and is a popular recreation destination for people in the area. If you are so confident in the safety of the polluted water in Wildcat Creek I would invite you to bring your family down to play in the creek. I doubt we will see you anytime soon because you know it is dangerous.</p> <p>Response: The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak. Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill. This modification will expand the surface water controls at the site, which will help minimize surface water that will leave the site.</p> <p>Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.</p>	
	156.	<p>To be clear, our family is completely opposed to the renewal and expansion of the landfill. It is an eyesore and we frequently smell the pollution from our property 4 miles away. We do not want our waters and land polluted so others can line their pockets with profit at our expense. I will urge our elected officials to hold you and your organization civilly, and perhaps criminally responsible for any accidents, illnesses or other issues regarding this landfill.</p> <p>DEQ implements and enforces Arkansas's environmental laws and administers those federal environmental programs that DEQ has received authority to administer. That authority does not extend to enforcing Tontitown's ordinances or the ordinances of Washington County. DEQ does not own the Eco-Vista landfill; DEQ only regulates it.</p>	
Kenneth Lovett (84089)	157.	<p>I sent a complaint on your "Report". Why do you accept statements from Don Tennison as true, when you have confirming evidence there was no cover in several areas on the face? They "Sprayed at" the section beside the lift and took a picture but in no way was their photos reflective of the cover they did on the 22nd...</p> <p>I have Circlred areas that have no cover and no Foam. The foam cover beside the lift, lightly covers the outside of what was on the ground and has openings. nothing more than a snow dusting. My life is more important to me than being the butt of your jokes. How do we get proper action for inadequate coverage, odors, Vapors, vectors, Ground water contamination, Air Pollution that is not tested by the state but is IDLH in characteristics,</p>	<p>Cover requirements from APC&EC Rule 22.413 are in the permit. Cover issues that have been noted during inspections have been resolved.</p> <p>DEQ investigates complaints and implements Arkansas's environmental laws and rules.</p> <p>Cover requirements from APC&EC Rule 22.413 are implemented at the landfill to control odors, disease vectors, fires, blowing litter and scavenging and to limit generation of leachate.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p>

	<p>Runoff water, above and below ground level draining directly to Illinois river, Inappropriate area for a Landfill, Etc. Etc.</p> <p>There is a Large Hole in the system to properly Control Environment and Pollution. The people that knew what to do have been wiped out through attrition and these that are responsible now have NO CLUE! Doug Melton and His Frisky self (By Self identification) needs to be removed from the PC&EC during the realignment and the Commission needs to go into review of steps needed to make the Arkansas Environment safe, NOW and for the future. If you have to recuse yourself from votes you need to be removed from the Commission. There were 3 recused during the Class 4 hearing, and the rest had no idea what they were voting for or against. That was the biggest joke of a vote I have ever witnessed. They could not even figure out how to word the statement to vote...</p> <p>Playing these games is not for adults. It is time to be adults and get the job done. Environmental issues should not be allowed before the Golf Club PC&EC...</p> <p>Thank you for your time. Please add this to the comments for the Public Hearing for Class 1 on May 25th. Kenneth Lovett</p> <p>5/23/2023 Blake Small District Manager Eco Vista Landfill 2210 Waste Management Dr. Springdale, AR 72762 RE: Complaint Investigation conducted on May 23, 2023 Complaint #030919 AFIN 72-00144 Permit Number 0290-S1-R3</p> <p>Dear Mr. Small, The Arkansas Division of Environmental Quality Office of Land Resources (DEQ) conducted a complaint investigation of your property, pursuant to the Arkansas Solid Waste Management Act (Arkansas Code Annotated, § 8-6-201, <i>et.seq.</i>) of 1971, as amended, and APC&EC Regulation No. 22 (Solid Waste Management). At the time of the investigation, no allegations of noncompliance were observed at your facility. A copy of the inspection report is attached.</p> <p>If I can be of any further assistance, please do not hesitate to contact me at (501) 682-0873 or ryan.hayden@adeq.state.ar.us</p> <p>Sincerely, Ryan Hayden Solid Waste Inspector Supervisor 5301 Northshore Drive, North Little Rock, AR 72118-5317 Enclosure cc: Nicholas Jones P.E., Senior Operations Manager, Office of Land Resources kenneth.lovett@att.net</p>	<p>Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.</p> <p>Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill. This modification will expand the surface water controls at the site, which will help minimize surface water that will leave the site.</p> <p>DEQ thanks you for commenting.</p> <p>DEQ thanks you for your comment.</p>
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158.			<p>Attachments to Doc ID (84089)</p> <p>DEQ thanks you for commenting.</p>
159.			<p>Attachments to Doc ID (84089)</p> <p>Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill. This modification will expand the surface water controls at the site, which will help minimize surface water that will leave the site.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p>
160.			<p>Attachments to Doc ID (84089)</p> <p>DEQ thanks you for commenting.</p>
Penny Baskin (84083)	161.	<p>1. Investigation process for citizens complaints are set up to 100% of the time have a no findings outcome because no odor can be testified to in court as having come from landfill.</p>	<p>DEQ inspectors do not set up complaint inspections with the facility.</p>
162.		<p>2. EPA air quality allows our area to suffer with bad quality air because most of the state has better numbers so it averages out.</p>	<p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p>
163.		<p>3. Out of state trash and transfer station. Waste management has shown in reports for years that there is very little almost no trash coming from out of state, but the truth is they're bringing into transfer stations within our state and then saying it's in state trash.</p>	<p>There are no regulations that prohibit trash from being brought in from out of state.</p>
164.		<p>4. Statement of current employees, there are many employees that confirm and verify the statements that was made by the ex employee, but know that if they say anything they will lose their jobs which will put their family in jeopardy, but they have confirmed that there are all of the feces everything over everything there are small fires that start on almost daily basis. Multiple times there are things being dumped that don't have liners under them. There's inappropriate things being dumped in various areas that should not be in the landfill at all or in class one are in class four that are being dumped there.</p>	<p>Sludge from the waste water treatment plant may be disposed in a Class 1 landfill. See APC&EC Rule 22.102 for definitions and Ark. Code Ann. § 8-6-203 (18)(A) that specifically defines sludge from a wastewater treatment plant as a solid waste.</p> <p>The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c).</p>

			<p>DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.</p> <p>Class 4 waste may be disposed of in a Class 1 landfill.</p>
	165.	5. Flare lighting up the sky light a spotlight after being told new gas plant would Handle the gas intake and now they are receiving money from the gas plant so we will never be able to get them to comply and follow reg 22.	<p>This comment is not relevant to the solid waste permit. This would be regulated under the Title V permit.</p> <p>The Waste to Energy plant is outside of the scope of the Class 1 landfill permit expansion.</p>
	166.	6. Citizens meeting stopped after 1 1/2 years, we learned too much info and ask far too many correct questions and they decided to hide all of the future information from the committee and community. They hired a PR firm to communicate on their behalf, so that they never had to give answers. They started a newsletter to answer some of our questions, but then refused to address the questions. We actually ask so it is just a PR document for them.	<p>DEQ thanks you for commenting.</p> <p>Eco-Vista is a privately held LLC. DEQ implements and enforces Arkansas's environmental laws and administers those federal environmental programs that DEQ has received authority to administer. DEQ has no control over meetings with the citizens or newsletters that Eco-Vista may have or not have.</p>
	167.	7. Adeq is paid in part by the landfill and other businesses they say they require to follow reg 22 so they have a true reason to keep this landfill going even with all the violations and they're not anywhere near here to observe these violations, and the investigators that come sadly say I can't stand up in court to testify to this, so it Hass to have a new finding, which is a waste of everybody's time. This makes the process solely in the benefit of the landfill and not helpful at all to anybody surrounding them.	<p>This is not a civil court proceeding but an administrative matter.</p>
	168.	8. Excess snakes, birds, are over taking over those of us that live close to the landfill. Also, animals of multiple kinds are coming into the landfill because they can feed off of it because it's being left uncovered so often.	<p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover requirements are found at APC&EC Rule 22.411 and 22.413.</p> <p>DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.</p> <p>The Eco-Vista Class 1 Landfill has a vector control plan in place. Disease Vector Control for Class 1 landfills is found at APC&EC Rule 22.414.</p>
	169.	9. Odor at my house on feases days is unbearable because they are not mixing it properly and covering it properly so that they have more room in the landfill and exposing the citizens to all of the impact of that which is very unhealthy.	<p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover requirements are found at APC&EC Rule 22.411 and 22.413.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p> <p>Sludge from the waste water treatment plant may be disposed in a Class 1 landfill. See APC&EC Rule 22.102 for definitions and Ark. Code Ann. § 8-6-203 (18)(A) that specifically sludge from a wastewater treatment plant as a solid waste.</p>

170.	10. They continue to dump feces and then not wash the vehicles before they come out onto our roads. Also leaving the trash open to blow which then gets all over the bags and trash that come out and then it is in citizens yards which Has to be beyond hazardous and then they'll go for a month at a time and not pick bags of trash up after they bagged it and just left it on the side of the road.	Sludge from the waste water treatment plant may be disposed in a Class 1 landfill. See APC&EC Rule 22.102 for definitions and Ark. Code Ann. § 8-6-203 (18)(A) that specifically sludge from a wastewater treatment plant as a solid waste. Class 1 landfills are not permitted to accept hazardous waste. See APC&EC Rule 22.412. Should litter escape and find its way to neighboring properties, citizens should contact Eco-Vista to implement their litter control program, which will prompt their litter crews to clean it up. DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.
171.	11. Waste management continues to refuse to follow the proper road routes, which is doing significant damage to other roads in our city and county.	Road hazards are not within the scope of the solid waste permit issued to this facility. Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences. The road routes the haulers use is not within the scope of the solid waste permit.
172.	12. Waste management trucks often appear to be overloaded weight wise to be traveling on our streets.	Road hazards are not within the scope of the solid waste permit issued to this facility. Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.
173.	13. Waste management refuses to abide by noise, ordinances and start bringing trucks in at 34 5 AM before the business is even supposed to open and then they sit out there and run their engines until they can get through the line which is unfair to our citizens.	DEQ does not regulate noise, and noise regulation is beyond the scope of the solid waste Class 1 landfill permit. DEQ implements and enforces Arkansas's environmental laws and administers those federal environmental programs that DEQ has received authority to administer. That authority does not extend to enforcing Tontitown's ordinances.
174.	14. ADEQ always over rules, judges in situations and allows the landfill to do what they want so the people know they have no say.	This is not a civil court proceeding but an administrative matter. DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules. DEQ implements and enforces Arkansas's environmental laws and administers those federal environmental programs that DEQ has received authority to administer. That authority does not extend to enforcing Tontitown's ordinances.
175.	15. ADEQ has has failed to require surrounding property, soil, samples, water, samples, well samples, air quality samples for the safety of the people for many years now and they should be being done every 5 to 10 years because of the leaks in the H aid and different things that is being allowed by the landfill.	DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules. Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231. Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill. This modification will expand the surface water controls at the site, which will help minimize surface water that will leave the site.

			<p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>Solid waste laws and rules do not require routine sampling of adjacent properties except when offsite contamination is reasonably expected or has been confirmed. The Class 1 landfill has safeguards for protection of the environment such as a double geocomposite clay liner system and a leachate collection and leak detection system.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p> <p>DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.</p>
176.	16. Also, there should be a very in-depth study of the aquifers under the Lanville to see the amount of damage that has been done to them. By this being put on that Carst that multiple geologist said should never be there and you guys overrule the judge on in the early 2000s putting our water source in danger for drinking and swimming and playing in our own area so that you can have a multi billion dollar company hear that could be much further out of the country and safer for everybody involved.		<p>The landfill has many groundwater monitoring wells surrounding it, which are regularly sampled. More wells will be installed soon associated with the recent Class 4 permit along with the newly required sampling of Wildcat Creek. The site is also performing corrective action on groundwater and additional wells may be required as needed as part of the corrective action.</p> <p>Design criteria specific to the karst terrain has been met or exceeded for this requested expansion. Rule 22.407 requires landfills demonstrate engineering measures be incorporated into the design to ensure the integrity of the structural components of the unit will not be disrupted. The design criteria of the landfill meet the requirements for unstable areas.</p> <p>Arkansas Code Annotated § 8-6-1003 requires the collection of a fee per ton of waste disposed in all commercial Arkansas landfills. Arkansas Code Annotated § 8-6-1004 requires those fees to be placed into the Landfill Post Closure Trust Fund. This trust fund was established to remediate landfills that are in post closure or whose permit is void. Numerous closed landfills in northwest Arkansas are included in the Post Closure trust fund. Arkansas Code Annotated Chapter 6, Subchapter 6 describes the collection of fees and disposition of those fees for the Solid Waste Management and Recycling Fund Act. A large portion of fees collected under this act is administered to regional solid waste management districts for their recycling programs.</p>
177.	17. These are some of the concerns we as citizens have that you refuse to hear and fix. Please do not do more harm to our community and move the landfill to a safer location for our community.		<p>Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria.</p> <p>Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area.</p> <p>DEQ does not identify potential landfill sites. A potential landfill site is chosen by the potential landfill owner then approved by the Solid Waste District Board before the pre-application process that is in Arkansas law and rules, see APC&EC Rule 22.203 and 22.204. It is then proposed to DEQ.</p>

			<p>The landfill expansion meets all siting and design criteria.</p> <p>DEQ thanks you for commenting.</p>
<p>Kenneth Lovett (84088)</p>	<p>178.</p>	<p>Emission Testing for the Thermal Oxidizer should not be allowed to be omitted from the permit!</p> <p>Emission testing of all Emission points should be mandatory including ambient air for all available possibilities in the area. This landfill is classified as Nonhazardous but Waste Mngement is operating it allowing hazardous materials to be buried.</p> <p>("The thermal oxidizer and flare are not required to be tested because the projected low emissions.</p> <p>Thank you,</p> <p>Bailey Taylor</p> <p>Energy & Environment Associate Environment Administrator</p> <p>5301 Northshore Drive North Little Rock, AR 72118")</p> <p>Auto Fluff is a Hazardous classified material. Waste Management highlights Auto fluff usage on their website.</p> <p>See Attachments</p> <p>Kenneth Lovett 18702 Clear Water Road Fayetteville, AR 72704</p> <hr/> <p>From: Kenneth Lovett <kenneth.lovett@att.net> Sent: Saturday, May 27, 2023 5:59:29 PM To: Nick Jones. (Engineer Supervisor) <jonesn@adeq.state.ar.us> Cc: Khoury <shane.khoury@adeq.state.ar.us>; Shane Khoury <Shane.Khoury@arkansas.gov>; Osborne <caleb.osborne@adeq.state.ar.us>; Caleb Osborne <Caleb.Osborne@arkansas.gov>; David Witherow (adpce.ad) <david.witherow@adeq.state.ar.us>; Doug Sprouse <dsprouse@springdalear.gov>; Angie Russell <mayor@tontitownar.gov>; Matthew Durrett <MDurrett@washingtoncountyar.gov>; Planning Department <planning@tontitownar.gov>; Leslee Bohannan <adminasst@tontitownar.gov>; Ryan Hayden (adpce.ad) <Ryan.Hayden@adeq.state.ar.us>; Heinz.Braun@adeq.state.ar.us>; Heinz.Braun@adeq.state.ar.us>; Tontitown POLICE Chief - Cory <chief@tontitownar.gov>; Planning Board of Tontitown <planningboardoftontitown@tontitownar.gov>; cityadmin@tontitownar.gov></p>	<p>Comments about the emission testing of the Waste to Energy Plant are outside the scope of the Class 1 landfill permit modification.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p> <p>The landfill has many groundwater monitoring wells surrounding it, which are regularly sampled. More wells will be installed soon associated with the recent Class 4 permit along with the newly required sampling of Wildcat Creek. The site is also performing corrective action on groundwater and additional wells may be required as needed as part of the corrective action.</p> <p>The Eco-Vista Class 1 landfill is permitted as a nonhazardous landfill pursuant to APC&EC Rule No. 22 and Arkansas law. DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.</p> <p>What Waste Management highlights on their website is outside of the scope of the Class 1 landfill permit modification.</p>

	<p><cityadmin@tontitownar.gov>; ward1-1@tontitownar.gov <ward1-1@tontitownar.gov>; Amber Ibarra <ward1-2@tontitownar.gov>; ward2-1@tontitownar.gov <ward2-1@tontitownar.gov>; Larry Ardemagni <ward2-2@tontitownar.gov>; ward3-1@tontitownar.gov <ward3-1@tontitownar.gov>; Tim Burress <ward3-2@tontitownar.gov>; Candy Black <cblack@tontitownar.gov>; Rheaume, Thomas <rheaume@adeq.state.ar.us>; Tom Joseph <tjoseph@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; ddavis@tontitownar.gov <ddavis@tontitownar.gov>; Jarrod Zweifel (adpce.ad) <Jarrod.Zweifel@adeq.state.ar.us>; Bailey Taylor <bailey.taylor@adeq.state.ar.us>; Mason Goheen <richard.goheen@adeq.state.ar.us>; Michael McAlister (adpce.ad) <michael.mcalister@adeq.state.ar.us>; Annette Cusher (adpce.ad) <Annette.Cusher@adeq.state.ar.us>; Richard Mays <rmays@richmayslaw.com>; Ross Noland <ross@nolandfirm.com>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; Clint Penzo <clint.penzo@senate.ar.gov>; Steve Unger <steveungerforarkansas@gmail.com>; Tyler Dees <tylerdees@senate.ar.gov>; grappem@adeq.state.ar.us <grappem@adeq.state.ar.us></p> <p>Subject: For Public Comment</p> <p>Part 1: See attached Document.</p> <p>Part 2: The Required approval from Tontitown has not been acquired. The Permit for Class 1 and Class 4 cannot legally be approved. ADEQ is wastig time and funds in a pricess that hs already been decided.</p> <p>Eco Vista should be classified as Hazardous and closed. Superfund money can be allotted for cleanup and permanent closure.</p> <p>Part 3: Not only the regulated emissions from Eco Vista, but the Local Air that citizens Breathe, should be added to the Permit Requirements with levels listed specifically. Including polyvinyl chloride, Benzene and other gasses identified that cause dizziness, nausea, headaches, cancer, ETC.</p> <p>This statement, included in the email below is redicilous: "The thermal oxidizer and flare are not required to be tested because the projected low emissions."</p> <p>Calculating "Projected" Emmissions is not a proper way of know what is being released from Eco Vista.</p> <p>The "Permit Projected Calculations" are Calculated based on a "NonHazardous" classification. There are "Hazardous" items going into this landfill Daily, both in Class 4 and Class 1.</p>	<p>DEQ thanks you for commenting.</p> <p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p> <p>DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.</p> <p>The Class 1 landfill is not a hazardous waste landfill.</p> <p>Superfund money is not used to close landfills. The Landfill Post-Closure Trust Fund is administered by DEQ and appears in Arkansas statutes at Ark. Code Ann. § 8-6-1001 <i>et seq.</i> There are specific parameters for using this Fund, such as the Fund shall be used only if “the Director of the Division of Environmental Quality determines that: (i) A landfill which is no longer receiving waste, regardless of when it ceased operating, is causing groundwater contamination or is causing other contamination that is a hazard to public health or endangers the environment, and (ii) The owner or operator of the landfill site has expended at least ten thousand dollars (\$10,000) toward corrective action, unless the owner or operator cannot be located or the director determines an emergency exists necessitating immediate corrective action.” Ark. Code Ann. § 8-6-1002.</p> <p>DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.</p> <p>Comments regarding the Waste to Energy Plant are outside of the scope of the Class 1 landfill permit modification.</p>
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	<p>This is known but ignored by officials. Before this moves forward, the permit for both Classes SHOULD BE DENIED, both Classes should be bored into the trash heap and tested for contaminates. AND, the air in our area should be tested and identified as to what is being released into the environment. Do this with the most current Drone with the proper capability for air testing, laterally from the emission points and above, as the emissions I was subjected to was ground level, but these same emissions are released continually into the atmosphere.</p> <p>Also groundwater contamination and endangered species should be studied.</p> <p>Eco Vista Management has proven time and time again, they have NO Consideration of the citizens around the community or those even working for or through their process.</p> <p>Part 4: Each complaint concerning Eco Vista, from citizens that are in the database since January 2000, should be included in this comment period.</p> <p>Each comment should be considered and addressed in your reply. They mostly have been written off as "Invalid". These concerns are not invalid. They may not be covered in the permit but should be addressed and included in the permit as required.</p> <p>Just because specific hazardous emissions failed to be included in the permit, does not make them less dangerous or nonexistent.</p> <p>Part 5: The Legislative Audit that was prepared in 2001, should be reviewed and updated with current information, before Permit consideration.</p> <p>Part 6: The landfill is located in an environmentally inappropriate area. ADEQ, The regulatory authority authority for Arkansas, has blatantly ignored this fact due to unknown reasons. ADEQ should be penalized by reorganization of current personel. The reorganization should take into consideration the morals, knowledge and experience of the professional being considered for the position. Citizens affected by current issues in the state of Arkansas should be invited to, and included as part of this interview process as they are the public ADEQ is responsible for protecting.</p> <p>Part 7: The "New" gas plant was not engineered with Engineering designs considered for the public.</p> <p>The flare needs a shroud around the exit that extends above the exit point to keep the glare and light polution from affecting the area. The flare is super bright and could cause an accident on the roadway. See attached photos.</p> <p>The noise from the equipment is 3 times louder than the previous operation. Sound barriers should have been designed, and now should be designed to block the noise from</p>	<p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>Both the Class 1 and the Class 4 Eco-Vista landfills are not hazardous waste landfills.</p> <p>DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.</p> <p>DEQ thanks you for commenting.</p> <p>Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill. This modification will expand the surface water controls at the site, which will help minimize surface water that will leave the site.</p> <p>DEQ does not regulate or implement laws or rules related to endangered species.</p> <p>Public comments from a time span of 20 years is not required in APC&EC Rule No. 8, specifically Rule 8.208.</p> <p>DEQ has responded to all comments pursuant to APC&EC Rule No. 8. Permit requirements for Class 1 landfill permit modifications are found in APC&EC Rule No. 22 and Arkansas law. DEQ thanks you for commenting and considers all comments to be valid.</p> <p>DEQ agrees human safety is the highest priority at all landfills in the State.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>Included in the Eco-Vista Class 1 landfill expansion permit modification request are numerous scientific studies. These studies concern the soil, karst terrain, geology, determining if the landfill design will withstand an earthquake, and if the soil can withstand the weight of the waste. A study was conducted to expand the surface water retention of the landfills.</p> <p>Included in the Eco-Vista Class 1 landfill expansion permit modification request are reports addressing the soil, karst terrain, geology, determining if the landfill design will withstand an earthquake, and if the soil can withstand the weight of the waste. Design criteria specific to the karst terrain has been met or exceeded for this requested expansion. Rule 22.407 requires landfills demonstrate engineering measures be incorporated into the design to ensure the integrity of the structural components of the unit will not be disrupted. The design criteria of the landfill meet the requirements for unstable areas.</p> <p>Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria.</p>
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emitting to residents. Sound walls extending above the highest point of the building around a perimeter of the operation.

Please include this in your public comments for class 1 meeting for May 25th, 2023.
More to come.

Kenneth Lovett
5/27/2023

From: Kenneth Lovett <kenneth.lovett@att.net>
Sent: Thursday, May 25, 2023, 3:28 PM
To: Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>
Subject: Re: Online Air Pollution Complaint Reporting Form Submission

Ms Taylor,
The problem I have is "Projected". These emissions need to be tested. This is what I have ask for since I realized what was going on in 2021.
How do we get the area tested for all emmissions, not just projected or permitted?
Thank you,
Kenneth

From: Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>
Sent: Thursday, May 25, 2023 3:14:27 PM
To: kenneth.lovett@att.net <kenneth.lovett@att.net>
Subject: RE: Online Air Pollution Complaint Reporting Form Submission

Mr. Lovett,

The gas plant modification was permitted on January 17, 2021 (1884-AOP-R7) with the draft permit public noticed 8/23/2020.

The air permit parameters were last inspected September 13, 2022 with no violations.

The project consists of allowing pipeline natural gas to be burned in the engines (as well as landfill gas which was historically burned) and cleaning the landfill gas so it can be put in the natural gas pipeline as another option. This project adds a thermal oxidizer and a flare.

The thermal oxidizer and flare are not required to be tested because the projected low emissions.

Thank you,

Bailey Taylor
Energy & Environment | Associate Environment Administrator
5301 Northshore Drive | North Little Rock, AR 72118

Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area.

DEQ does not identify potential landfill sites. A potential landfill site is chosen by the potential landfill owner. The Solid Waste District Board then approves the location before it is proposed to DEQ.

DEQ thanks you for commenting.

The landfill expansion meets all siting and design criteria.

Comments regarding the Waste to Energy Plant are outside the scope of the Class 1 landfill permit modification.

DEQ does not regulate noise, and noise regulation is beyond the scope of the solid waste Class 1 landfill permit.

Comments pertaining to the Waste to Energy Plant are outside the scope of the Class 1 landfill permit modification.

t: 501.682.0639 | e: bailey.taylor@adeq.state.ar.us



ARKANSAS
ENERGY & ENVIRONMENT

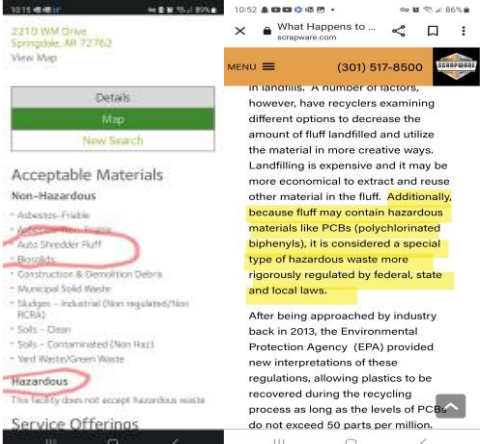
-----Original Message-----
From: No-Reply
Sent: Saturday, May 20, 2023 9:45 AM
To: Complaint-Air
Subject: Online Air Pollution Complaint Reporting Form Submission

Complaint Submission Tracking ID: W-12577
Property Owner: Eco Vista Waste Management
County: Washington
Name: Kenneth Lovett
Address: 18702 Clear Water Road
City: Fayetteville
State: AR
Zip: 72704
Phone: (870) 853-6232
Email: kenneth.lovett@att.net
Division: AIR
Date: 5/20/2023
Time: 9:32:51 AM

Description of Problem:
The new process has apparently been started up for the Waste Gas at Eco Vista Landfill. Are the proper permits in place to operate the plant in compliance? Has the new Process been inspected? Has the emissions amount been determined? Are the emissions on control? Have the emissions been tested? Are there written operating instructions available and accessible? Are there Emergency response plans and have these been communicated with local authorities? Is the new process safe for the community and Environment? Has this been communicated to the local citizens? Many questions, no answers... The flare is huge! Who designed this rediculously large discharge nuisance? Please include me in the report following review. Kenneth.lovett@att.net

Directions:
2210 Waste Management Drive Springdale Ar

Photos: 3
Note: The following photos will be available on the server for one year.

		<p>http://ComplaintPhotos/web_d5a0c404-26bb-4eb6-a539-b3654dbd2ad0.jpg No GPS location found in the attached photo.</p> <p>http://ComplaintPhotos/web_3522fbd4-b876-41f2-91b3-4c7bc47ddbe8.jpg No GPS location found in the attached photo.</p> <p>http://ComplaintPhotos/web_3b04cfc6-7ddd-4185-ac5a-f559d7856550.jpg No GPS location found in the attached photo.</p>	<p>Any comments regarding the Waste to Energy Plant are outside of the scope of the Class 1 landfill permit modification.</p> <p>DEQ thanks you for your comment and including these photos.</p>
	179.	<p>THE PROBLEM:</p> <p>Due largely to lax governmental regulation on an ever-growing chemical industry, everyday products that are used and thrown away contain more toxic chemicals than ever before. When these products end up in landfills or incinerators, the toxins pollute the air we breathe and the water we drink.</p>  <p>Acceptable Materials: Non-Hazardous: - Asbestos-Friable - Auto Shop/Fluff - Construction & Demolition Debris - Municipal Solid Waste - Sludges - Industrial (Non regulated/Non RCRA) - Soils - Clean - Soils - Contaminated (Non Haz) - Yard Waste/Green Waste Hazardous: - This facility does not accept hazardous waste</p> <p>Service Offerings</p>	<p>Attachments to Doc ID (84088)</p> <p>DEQ thanks you for your comment. The Eco-Vista Class 1 landfill is a non-hazardous waste landfill and does not accept hazardous waste pursuant to APC&EC Rule 22.412, which deals with procedures for excluding the receipt of hazardous waste and unauthorized waste. Eco-Vista also is required by Rule No. 22 to have a hazardous waste exclusion plan.</p> <p>DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.</p>
Jami Morgan (84086)	180.	<p>Please find the letter attached indicating several reasons Waste Management Eco Vista should not receive their requested class 1 permit.</p> <p>To Whom It May Concern: There are several reasons that the Class 1 landfill at Waste Management Eco Vista in Tontitown should not be allowed to expand.</p> <p>Under Regulation 22: 22.204 - The host community must approve the location for a new landfill or an expansion via resolution. Tontitown unanimously voted to pass a resolution that they DO NOT support the expansion for the landfill.</p>	<p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p>
	181.	<p>22.407 - Mentions additional considerations for Karst terrain due to its unstable nature. The expansion area will place 1000s of tons of trash onto the slope of the old, unlined, closed landfill. This fails to take into consideration conditions that may result in significant differential settling, on-site geologic features, and human made features both surface and subsurface.</p> <p>As trash breaks down, gasses and leachate are produced. Landfills are constantly settling and decomposing. Considering this and that the old landfill has NO liner, and is over unstable ground (Karst terrain) the location chosen within the boundaries of the Eco-Vista is a terrible idea. The weight of the new trash, although lined, will surely "wring" the leachate and gasses out of the old UNLINED trash hill and force out the byproducts of the decomposition process and thereby causing events which can harm both the environment and residents within an unknown radius. The underground water system is</p>	<p>Geotechnical and Hydrogeologic tests were conducted in 2019 as part of the permit application. Numerous tests were completed and designs of the landfill incorporated the results of these tests. Design of landfills include calculations based on sample data for unstable areas and differential settling. The water system underneath the landfills have had several dye trace studies performed on it. These dye trace studies allow for a better understanding of where groundwater flows. The area from the most recent dye trace study showed the groundwater under the landfill in that specific area flows a different direction than the rest of the groundwater. Based off this information, additional groundwater monitoring wells will be installed and surface water sampling in Wildcat Creek will be required.</p> <p>Design criteria specific to the karst terrain has been met or exceeded for this requested expansion. Rule 22.407 requires landfills demonstrate engineering measures be incorporated into the design to ensure the integrity of the structural components of the unit will not be disrupted. The design criteria of the landfill meet the requirements for unstable areas.</p>

	not entirely mapped and known, as evidenced in the dye test that resulted in dye from the class 4 landfill flowing to Wildcat Creek.	<p>The Class 1 landfill has safeguards for protection of the environment such as a double geocomposite clay liner system and a leachate collection and leak detection system.</p> <p>The report for the Geotechnical and Hydrogeologic investigation is located on the DEQ Solid Waste Management Permitted Facility Report Database found on the DEQ website; Document IDs 78620, 79709, & 83386. The design of the landfill is located in the Permit Modification Application (Document ID 82573).</p>
182.	22.410 Within the Karst system, an entire ecosystem exists. Endangered blind cavefish have been found within just a few miles of the EcoVista landfill. As evidenced by the dye test, much is left unknown about the waterways under and around EcoVista. The presence of leachate into this environment would potentially contribute to the destruction of habitat and killing of endangered species. The Arkansas Game and Fish responded to WMEV's request for verification that no endangered species were on site by telling them to "just use the website to verify." To me this does not do due diligence.	<p>The United States Fish and Wildlife Service IPaC website showed no species potentially affected by activities in this location. Pages (348-353 of Document ID 83573)</p> <p>Design criteria specific to the karst terrain has been met or exceeded for this requested expansion. Rule 22.407 requires landfills demonstrate engineering measures be incorporated into the design to ensure the integrity of the structural components of the unit will not be disrupted. The design criteria of the landfill meet the requirements for unstable areas.</p> <p>Included in the Eco-Vista Class 1 landfill expansion permit modification request are numerous scientific studies. These studies concern the soil, karst terrain, geology, determining if the landfill design will withstand an earthquake, and if the soil can withstand the weight of the waste. A study was conducted to expand the surface water retention of the landfills.</p>
183.	22.411 (c) Working face should be kept to as small an area as possible. In the past neighbors have seen and reported multiple working face areas and just yesterday (5/29) the working face extended from on top of the northeast corner (which I thought was closed and capped?) and down the north slope.	<p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.</p> <p>Working face requirements are found at APC&EC Rule 22.411. DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.</p>
184.	(g) Litter control measures are not maintained as promised in the expansion documents. Neighbors deal with blown trash constantly. Cattle have been seen eating plastic bags. WM issued a "newsletter" requesting residents bag their trash better. Due to the compactors ripping the bags open, this statement does nothing but place blame on the residents of NWA.	<p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement.</p> <p>The landfill is required to control blowing litter. There are controls employed at the landfill that help to reduce litter escaping at the working surfaces of the landfill. Should litter escape and find its way to neighboring properties, citizens should contact Eco-Vista to implement their litter control program, which will prompt their litter crews to clean it up. Rule 22.411(g) Litter Control states "Litter control provisions shall be maintained at all times. If daily or more frequent cover does not control on and off site litter, other methods may be required, such as, but not limited to litter fences and litter crews." The Eco-Vista litter control plan contains all elements mentioned in Rule 22. The landfill is in compliance.</p>

185.	(j) Concerns over the lack of equipment were brought up by Chief Ramsey of Tontitown Fire Department. Section J dictates that the landfill must adequately maintain their equipment and have access to replacements within 24 hours. This is obviously not happening. Multiple pieces of equipment have caught fire this year and not been replaced. Due to the large number of fires WMEV is experiencing this is incredibly negligent of WMEV as well as ADEQ.	The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application. Waste Management has three other landfills that can have equipment at Eco-Vista in less than 24 hours.
186.	(m) Nuisance avoidance is not adhered to in the form of odor, hazardous gasses, vectors, blown trash, noise, dust, smoke, etc. causing the public to experience both annoyance and health issues. The conditions created at WMEV also prevent neighbors from utilizing their properties, such simple tasks such as opening windows for fresh air, preparing and having a meal on your patio, hosting a party, or swimming in a pool are routinely avoided due to odors, dust, birds, blowing trash, and vapors.	The Eco-Vista Class 1 Landfill has a vector control plan in place. Disease Vector Control for Class 1 landfills is found at APC&EC Rule 22.414. DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413. Rule 22.413(a) states “Daily Cover- Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate.” DEQ does not regulate noise, and noise regulation is beyond the scope of the solid waste Class 1 landfill permit. Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ’s Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality. The landfill is required to control blowing litter. There are controls employed at the landfill that help to reduce litter escaping at the working surfaces of the landfill. Should litter escape and find its way to neighboring properties, citizens should contact Eco-Vista to implement their litter control program, which will prompt their litter crews to clean it up. Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.
187.	(o) Multiple photos and complaints from the last 3 years have been submitted showing lack of proper cover. In early citizens' meetings Blake Small admitted that they had not been the best about covering the working face but that they would try to do better. There have been instances varying from ZERO to partial cover recorded and submitted to ADEQ.	DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected. DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.

188.	22.413 The numerous complaints and photos submitted by neighbors proves the nuisance factor, as well as cover protocol not being met, yet permits are routinely given by ADEQ for alternative daily cover that contribute to the odors. Proper daily cover is outlined in this section but despite numerous photos of lack of coverage, not enforced. The approved alternative daily covers do not control the odors and vectors. Intermediate cover has not been mandated despite the number of complaints.	<p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement.</p> <p>Intermediate cover is only required if an area is not to receive waste for 180 days.</p> <p>The Eco-Vista Class 1 Landfill has a vector control plan in place. Disease Vector Control for Class 1 landfills is found at APC&EC Rule 22.414.</p>
189.	22.415 I believe this facility poses a hazard to the safety of both employees and neighbors as evidenced by the lack of available equipment on site as well as the numerous fires that we have been made aware of over the last 3 years. I can recall at least 8 fires in 3 years, 3 already this year. The fire reports reference hot spots, and hazardous materials that have made their way into the landfill, such as lithium batteries. This, along with the rapid settling of the north slope could be indicative of a subsurface fire which could pose major health risks to the employees and surrounding neighbors. At least one driver has come forward stating that the ground "rumbles" and has personally witnessed multiple smoke pop ups while dropping off loads.	<p>The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application.</p> <p>The Class 1 landfill is a non-hazardous landfill. APC&EC Rule 22.412 deals with procedures for excluding the receipt of hazardous waste and unauthorized waste.</p> <p>According to Ark. Code Ann. § 8-6-203 (7) and (8)(A) and (B), and APC&EC Rule 23 § 261.4 (b)(1), lithium batteries generated from households are considered household hazardous waste and are generally considered to be solid wastes which are not hazardous wastes. Batteries are not fully regulated as hazardous waste pursuant to APC&EC Rule 23 § 261.9 and are universal waste. Only lead-acid based batteries are currently banned from landfills pursuant to Ark. Code Ann. § 8-9-303. APC&EC Rule 23 § 261.4(b)(1) exempts the following solid wastes from the definition of hazardous wastes: household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas). Therefore, wastes generated by a household would not be regulated as a hazardous waste under APC&EC Rule 23. While lithium batteries are not specifically mentioned as being excluded as a hazardous waste in APC&EC Rule 23, lithium batteries generated by a household would meet the two criteria listed above and would also be excluded as a hazardous waste.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p>
190.	22.420 (c) The landfill has been accepting wastewater sludge for quite some time but it wasn't until within the last year that a basin appeared on the working face to accept and bulk the sludge, meaning that it was being improperly disposed of potentially since the permit to accept the sludge was issued. There were multiple inspections done during this time yet no issues of this matter noted or cited.	<p>Sludge from the waste water treatment plant may be disposed in a Class 1 landfill. See APC&EC Rule 22.102 for definitions and Ark. Code Ann. § 8-6-203 (18)(A) that specifically defines sludge from a wastewater treatment plant as a solid waste.</p> <p>Wastewater sludge should not pass the paint filter test, meaning it should not need to be bulked. The pit is lined with a metal open top container. The pit also is located over a lined area.</p>
191.	22.424 I don't believe that the criteria set forth in this regulation have been acknowledged. Placing a tremendous amount of weight on the slope of an unlined class one landfill does not take into consideration the hydrogeologic characteristics of the facility and land, or	The design incorporated these concerns. Arkansas law allows landfills on karst terrain as long as they meet the additional design and siting requirements described in Rule 22, which the Eco

	<p>the components of the leachate. The groundwater testing has indicated higher than recommended amounts of cobalt since 2016. Other items that make up leachate have been high as well, although not as consistently. Errors prohibiting one or more samples within these routine tests seems to be a consistent issue. Having even the most state of the art liner in the expansion area does not negate the fact that THERE IS NO LINER UNDER THE ORIGINAL CLOSED CLASS 1 AREA.</p> <p>Has there ever been another unlined landfill over Karst that has had an expansion placed on top of it? If so, what were the findings? Was there an increase in leachate and gasses released from the old landfill? If not, why is this highly residential landfill placed on top of a highly porous and cavernous aquifer the appropriate place to be a guinea pig?</p>	<p>Vista Class 1 landfill has done. Additionally, the placement of lined landfills on top of pre-Subtitle D landfills is a common practice across the State.</p> <p>Older landfills, pre-subtitle D, were not required to have liners.</p> <p>DEQ thanks you for your comment. Currently, there are three active landfills in Arkansas on karst topography: Eco-Vista Class 1 and 4; Flint Creek Class 3N; and Cherokee Village Class 1.</p>
192.	<p>22.425 (b)(3) All fill structures should be ABOVE the 100 year flood elevation. WMEV is currently implementing these measures. Regulation 22 has not been updated in several years. How many expansions has EMEV had since this Karst section was added? How was this missed? WM purchased a property to their Southeast because of the massive amounts of runoff and erosion on the property. Runoff is an issue in other parts of the property as well.</p>	<p>A 100-year flood event is the basis for design calculations and additional runoff control basins are being proposed in the new permit. The entire landfill is over karst terrain, not just a portion of it. Additionally, the effect of the landfill on karst terrain has been taken into consideration during each expansion since RCRA Subtitle D laws have been in place.</p>
193.	<p>Additionally under 22.425, self reporting is mandated for liner leaks and daily fluid checks. With the other blatant disregard to stay within guidelines, how can we trust that these numbers are not being tampered with and reported when need be?</p>	<p>Leak detection monitoring records are submitted with the groundwater reports.</p>
194.	<p>Final cover is discussed under this section as well. It seems as though there may be some discrepancies within the capping of the closed cells within the currently active class 1 space, since there has been a tremendous amount of erosion and reworking of the north cells, or perhaps this is excessive settling due to another reason such as a subsurface fire?</p>	<p>Eco-Vista has a final cover plan. DEQ is unsure to which cell you are referring.</p>
195.	<p>22.427 Surface water control seems to be lacking as evidenced by erosion on the current class 1 slopes, reports of sinking in the working face, erosion on neighboring properties, and lack of adherence to the required elevation of fill structures. Seeding and vegetation have not been maintained, during the times when some planting has taken place, vegetation doesn't seem to last long on the hill. Trees planted within the last few years also seem to not want to grow in the vicinity of the landfill.</p>	<p>Surface water controls will be expanded during this permit modification.</p> <p>Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.</p>
196.	<p>WMEV was without a working washout bay for years without reprimand and recently has been without working washout over winter by failing to have the foresight that its water lines might freeze in the winter weather. They boasted of this grand new state of the art wheel wash but seem to have barely used it since it's instillation. Drivers have mentioned that when they have been able to have their trucks washed out the water is visibly dirty.</p>	<p>Tracking sediment offsite from the facility is a housekeeping issue that must be managed through the requirements of the Industrial Stormwater permit coverage. DEQ is aware of public complaints regarding offsite tracking, site inspections have been performed to investigate these matters, and DEQ has since been in communication with WM regarding the continuing measures taken towards improvement.</p>
197.	<p>The current process of expansion in regards to notifying the public is outdated. The newspaper is only available in print one day a week and even then, next to nobody reads the public notice section. A new means to notify the public needs to be implemented and utilized at every step of the process.</p>	<p>DEQ is required to follow the current APC&EC Rule No. 22 and Rule No. 8.</p>
198.	<p>The current complaint process for environmental concerns is not conducive to helping the public or the environment. The complaints can be monitored by the companies they are concerning, the department has 10 days to inspect, photographic evidence is disregarded, and certain conditions contributing to the complaints are not taken into consideration upon inspection (time of day, barometric pressure, wind direction). An overhaul of the complaints process is needed to protect the environment and the public.</p>	<p>DEQ thanks you for commenting.</p> <p>DEQ implements and enforces Arkansas's environmental laws and administers those federal environmental programs that DEQ has received authority to administer. APC&EC Rule 22, Chapter 15 deals with enforcement, inspections, and violations. Compliance inspectors conduct unannounced compliance inspections on a quarterly basis to determine if solid waste</p>

		In relation to this, the department should revise the recourse for entities not adhering to their regulations, allowing for larger fines and a more strict write up policy.	<p>management facilities are in compliance with regulations. Complaint investigations also are conducted at solid waste management facilities and illegal dumps. If informal enforcement by inspectors is unsuccessful, then complaint investigations and case documentation is compiled and may be referred to the division's enforcement coordinator.</p> <p>The Arkansas Department of Energy and Environment website also has an online complaint reporting form.</p> <p>The powers and duties of DEQ are found at Ark. Code Ann. § 8-6-207 regarding solid wastes.</p>
199.		It does not appear that due diligence has been completed when considering the location of this expansion. The placement of lateral expansion onto the unlined landfill could have detrimental effects. The area is highly residential and does not deserve to be an experiment with ramifications that could last generations.	<p>Geotechnical and Hydrogeologic tests were conducted in 2019 as part of the permit application. The report for that investigation is located on the DEQ Solid Waste Management Permitted Facility Report Database found on the DEQ website; Document IDs 78620, 79709, & 83386. The results of the studies met the minimum design requirements for a Class 1 landfill on the Boone Formation within Rule 22.</p> <p>Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria. Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area.</p> <p>DEQ does not identify potential landfill sites. A potential landfill site is chosen by the potential landfill owner. The Solid Waste District Board then approves the location before it is proposed to DEQ.</p> <p>The landfill expansion meets all siting and design criteria.</p>
200.		Additionally, fugitive gasses and vapors that have been reportedly making residents sick have still not been identified. Air testing has not occurred despite several requests by the city and neighbors. What is giving us headaches, dizziness, nausea, shortness of breath? What are the long term effects going to be? Is it safe to drink from our well? Is it safe to have a garden? What is in the dust that blows all over our plants? How quickly does gas and contaminants spread through the ground? The water? The air? Residents have a right to be able to use their properties. My grandparents were stuck in their homes a majority of the time with closed windows at the end of their lives unable to simply sit outside and enjoy the surroundings because of dust, odors, and gas/vapors. We have been unable to have a family dinner outside in years. We have been unable to open our windows. This is not just our life but the life of several of our neighbors as well. Our current and future generations deserve a life where we can let them freely run around outside without concerns of illness, acute or chronic, where they can play in the water, and dig in the dirt, and forage for plants and not be concerned about whether or not they have absorbed something toxic from the soil or air or water. Our lives, our health, and our environment are worth more than all the money made off this landfill.	<p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p> <p>The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.</p> <p>Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.</p> <p>Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill. This modification will expand the surface water controls at the site, which will help minimize surface water that will leave the site.</p>

			<p>Arkansas Code Annotated § 8-6-1003 requires the collection of a fee per ton of waste disposed in all commercial Arkansas landfills. Arkansas Code Annotated § 8-6-1004 requires those fees to be placed into the Landfill Post Closure Trust Fund. This trust fund was established to remediate landfills that are in post closure or whose permit is void. Numerous closed landfills in northwest Arkansas are included in the Post Closure trust fund. Arkansas Code Annotated Chapter 6, Subchapter 6 describes the collection of fees and disposition of those fees for the Solid Waste Management and Recycling Fund Act. A large portion of fees collected under this act is administered to regional solid waste management districts for their recycling programs.</p>
201.		<p>I ask that you do not allow the permit to be issued. Let NWA figure out a temporary trash solution while another landfill is secured in a less delicate and more appropriate area. In the meantime, a revision of policies is needed to protect our Natural State and its residents, along with additional testing to identify fugitive gasses and vapors, dye testing to understand better the flow of water under the landfill, and a full inspection of the property and surrounding properties to investigate any underlying damage would be appropriate. Concurrently, the inspection of the landfill for signs of a subsurface fire in both class 1 and class 4 is needed, as well as additional machinery to assist in the daily functions and control of fires as needed.</p>	<p>Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria.</p> <p>Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area.</p> <p>DEQ does not identify potential landfill sites. A potential landfill site is chosen by the potential landfill owner. The Solid Waste District Board then approves the location before it is proposed to DEQ.</p> <p>The landfill expansion meets all siting and design criteria.</p> <p>DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.</p> <p>Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.</p> <p>Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill. This modification will expand the surface water controls at the site, which will help minimize surface water that will leave the site. Additionally, there have been several dye trace studies performed at the landfill.</p> <p>The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency</p>

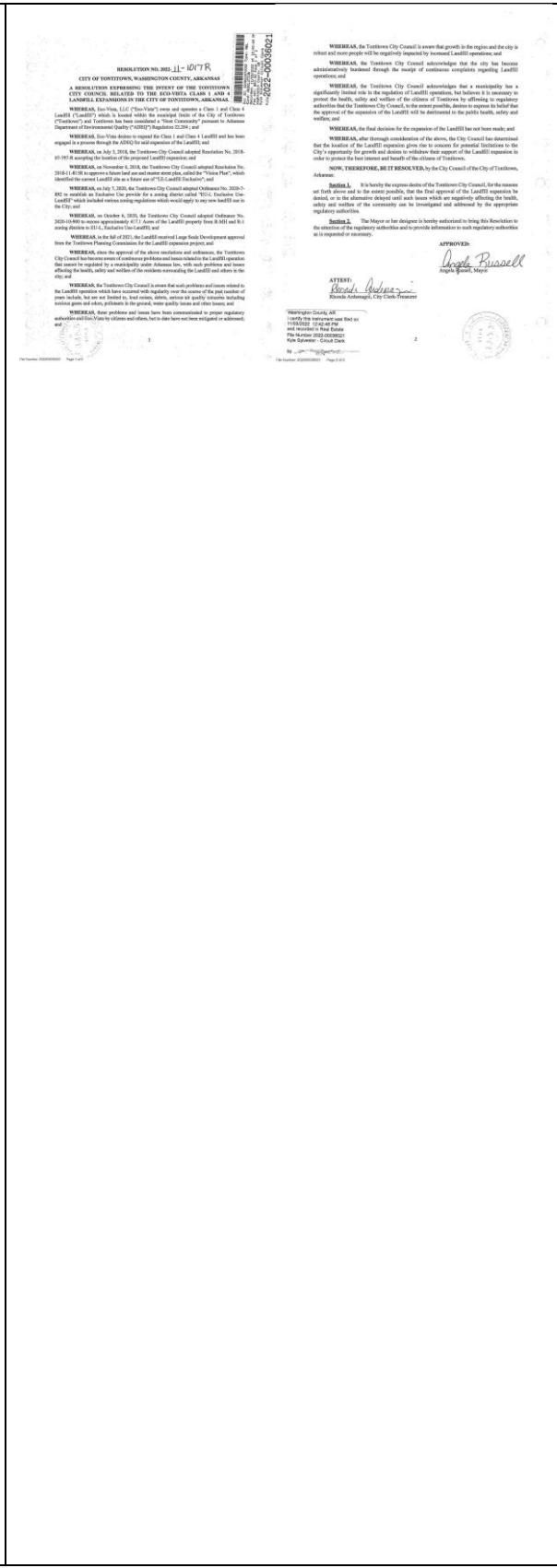
			<p>response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c).</p> <p>DEQ inspectors look for signs of fires and have not noted any fires that were not reported to DEQ.</p> <p>DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.</p>
Ross Noland (84085)	202.	<p>Mr. Jones:</p> <p>I submit this comment on behalf of my client, Mayor Angie Russell and the City of Tontitown. Please place it in the administrative record for public comments on draft permit No. 0290-S1-R4. Attached to, and incorporated with, are comments from engineer Sara Guss, also on behalf of Mayor Russell and the City. Exhibit 1. All comments oppose ADEQ issuing a final permit.</p> <p>APCEC 22.203: Municipal Approval Does Not Exist Here</p> <p>APEC 22.203(a) applies to the “expansion of the permitted acreage of landfills,” which is the very issue before the Commission in this appeal. APCEC 22.203(b) states that if a “proposed solid waste facility is located within a municipality or county that has adopted restrictions on sites in conjunction with a comprehensive county-wide land use plan, specific geographic site approval from the government(s) of jurisdiction shall be obtained by the applicant for submission to the Division with the pre-application.” Tontitown enforces Title XV of its land use code, as well as working to comply with the Tontitown Recharge Zone Plan. Washington County, Arkansas utilizes a series of interim and final land use plans through Washington County Planning Ordinances, specifically Chapter 11, as well accompanying zoning rules and procedures. Each of these plans constitute an APCEC 22.203(b) comprehensive plan requiring local approval of a landfill expansion. Tontitown withdrew all support for Class I expansion when it passed the November, 2022, resolution, subsequently restating this withdrawal in January of 2023, as shown by Exhibit 2, thus this permit does not have APCEC 22.203 approval. Furthermore, it should be, but is not, clear from the record what local approvals ADEQ is considering and the Applicant is seeking.</p>	<p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p> <p>DEQ receives and considers the pre-application from the applicant. DEQ receives local and regional approvals, in this case from Tontitown and the Boston Mountain Solid Waste Management District. The certificate of need, site location from county and city governments that have zoning control of the area, and host community approval of site selection are provided to DEQ by the locality and the regional solid waste management district. DEQ reviews the pre-application. DEQ then declares the pre-application administratively complete or not.</p> <p>DEQ is aware of the resolutions withdrawing local approval four years later. This was after local approval was submitted with the pre-application and DEQ deemed the pre-application of Eco-Vista administratively complete.</p> <p>The resolutions from 2022 and 2023 did not stop the permitting process.</p>
	203.	<p>APCEC 22.204: Host Community Approval Does Not Exist Here</p> <p>As shown by Exhibits 2 and 3, host community approval does exist here, as required by APCEC 22.204. Again, it is unclear from the record which, if not both, approvals—APCEC 22.203 and 22.204—ADEQ is requiring and the applicant is seeking here. This matter should be clear in the record for purposes of public comment and certainty.</p>	<p>DEQ is not clear regarding the exhibits referred to.</p> <p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p>
	204.	<p>APCEC 22.203 and 22.204: These Rules are Void for Vagueness, Lack Predictability and Fairness, and thus Result in Arbitrary and Capricious Application</p> <p>It is unclear from APCEC 22.203 and 22.204 exactly what exactly Municipal or Host Community approval constitutes. ADEQ lacks guidance, interpretation, or other means of interpreting the meaning of APCEC 22.203 and 22.204. This result in a lack of</p>	<p>DEQ implements and enforces Arkansas’s environmental laws and administers those federal environmental programs that DEQ has received authority to administer. APC&EC Rule No. 22 is enacted by the Arkansas Pollution Control and Ecology Commission, not DEQ. DEQ’s job is to implement APC&EC Rule No. 22.</p> <p>DEQ thanks you for commenting.</p>

		predictability and fairness—the goals of any regulatory scheme. For example, how long does any (undefined) form of local control last? Could a 20-year old resolution bind a municipality to decades old municipal or host community decisions regarding landfill siting? Such an outcome, with open ended approvals, would lead to arbitrary and capricious outcomes, harming host communities and their ability to contribute to landfill siting decisions.	
205.	APCEC 22.204 and 22.401: The Applicant and ADEQ Fail to Properly Consider Siting	APCEC 22.204(a) creates a rebuttable presumption “against permitting the construction or operation of any new landfill within twelve miles of any existing high-impact solid waste facility.” Pursuant to APCEC 22.204(b), a high-impact solid waste management facility includes landfills. An applicant may overcome the APCEC 22.204(a) rebuttable presumption by showing the factors listed in APCEC 22.204 are met. However, this permit application does not mention a site suitability analysis or incentives as required by APCEC 22.204. APCEC 22.401 states it is the applicant’s responsibility to properly site a landfill. APCEC 22.401 states any violations of siting criteria “pose a reasonable probability of adverse effects on health or the environment.”	Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria. Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area. DEQ does not identify potential landfill sites. A potential landfill site is chosen by the potential landfill owner. The Solid Waste District Board then approves the location before it is proposed to DEQ. The landfill expansion meets all siting and design criteria.
206.	APCEC 22.403: Floodplains	The draft permit makes no mention of floodplain analysis or a decision. It does mention a small, purportedly non-jurisdictional wetland, onsite, indicating proximity to low lying areas. The permit lacks a determination the Class I expansion will not violate APCEC 22.403.	A floodplain Flood Insurance Rate Map (FIRM) analysis is given on Page 24 of Document ID 82573, and a determination by the Corps of Engineers has been made regarding wetlands.
207.	APCEC 22.404: Wetlands and Water Quality	Recent dye testing at the site indicates groundwater connection between the site and Wildcat Creek. The draft permit notes this at pages 2, 3, and 11 of 12. Leachate from landfills contains a variety of pollutants which may cause or contribute to water quality standard violations, which APCEC 22.404 prohibits. The site is currently in corrective action for groundwater pollution. Additional landfill capacity will exacerbate existing non-compliance and harm to water quality.	The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak. The landfill is performing corrective action to remedy groundwater impacts.
208.	APCEC 22.407: Unstable Areas	Page 2 of 12 of this permit notes the site in an area of karst topography. The permit application notes several karst features, including voids and groundwater flow, but fails to analyze how those features may exist while the Applicant achieves compliance with APCEC 22.407(b). The record is not sufficiently developed to demonstrate unstable areas will not impact the structure and construction of this landfill modification.	Geotechnical and Hydrogeologic tests were conducted in 2019 as part of the permit application. The results of the tests were used to determine the minimum design criteria for a Class 1 landfill has been met. The geotechnical information was used to determine how much compression would occur to the ground underneath the landfill. The applicant demonstrated the landfill was not placed on an unstable area. The report for the Geotechnical and Hydrogeologic investigation is located on the DEQ Solid Waste Management Permitted Facility Report Database found on the DEQ website; Document IDs 78620, 79709, & 83386. The design of the landfill is located in the Permit Modification Application (Document ID 82573).
209.	APCEC 22.411: General Operating Requirements	The site in question has experienced multiple fires, leachate leaks, and litter control problems. These problems are not in the site’s past, but rather are happening now, in 2023, as documented by recent inspection reports showing leachate reaching ground	Inspection findings have been quickly corrected and the facility has returned to compliance. The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency

		<p>surface where insufficient cover exists, and several recent onsite fires. Each of these conditions causes a nuisance condition prohibited by APCEC 24.411. Expanding the landfill will only exacerbate existing violations.</p>	<p>response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c).</p> <p>The Class 1 landfill has safeguards for protection of the environment such as a double geocomposite clay liner system and a leachate collection and leak detection system.</p> <p>The landfill is required to control blowing litter. There are controls employed at the landfill that help to reduce litter escaping at the working surfaces of the landfill. Should litter escape and find its way to neighboring properties, citizens should contact Eco-Vista to implement their litter control program, which will prompt their litter crews to clean it up.</p> <p>Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.</p> <p>Rule 22.411(g) Litter Control states “Litter control provisions shall be maintained at all times. If daily or more frequent cover does not control on and off site litter, other methods may be required, such as, but not limited to litter fences and litter crews.” The Eco-Vista litter control plan contains all elements mentioned in Rule 22. The landfill is in compliance.</p> <p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.</p> <p>DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.</p>
	210.	<p>APCEC 22.416: Air Quality Criteria</p> <p>The current permit does not protect air quality. ADEQ regularly receives complaints regarding odors and gases resulting in human health impacts. No permit or requirement restricts or monitors hydrogen sulfide, a known air pollutant in landfill settings. Failure to prevent onsite fires and properly implement landfill gas capture systems exacerbate these conditions. The new permit modifications are not protective of human health, the environment, and air quality.</p>	<p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista. A Title V Air permit is issued to the facility by DEQ’s Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality. Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health.</p>
	211.	<p>APCEC 22.419 and 22.427 Dye testing demonstrates the site connects to Wildcat Creek. Recent inspections demonstrate leachate is reaching the surface of the site. The permit modifications do not adequately account for, analyze, or address the APCEC 22.419 prohibition against point or nonpoint discharge of pollutants to surface water. The permit, as written, does not account for they dye testing or contain sufficient surface water controls to protect Wildcat Creek from additional pollution.</p>	<p>The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak. Additionally, leachate from the Class 1 is not being discharged onto the ground. Leachate leaks were observed over the lined area.</p>
	212.	<p>EXHIBIT 1 Dear Mr. Jones:</p>	<p>The statistical evaluations referenced in the comment were not required to be performed by the facility and therefore do not re-trigger the requirements of Rule 22.1205(g).</p>

	<p>KERAMIDA Inc. (KERAMIDA) offers the following public comments on the above referenced draft permit for the Eco-Vista, LLC Class I Landfill (Facility) located in Springdale, Arkansas. These comments have been prepared by Sara Guss, Senior Engineer, KERAMIDA, on behalf of Mayor Angie Russell and the City of Tontitown.</p> <p>1. Failure to Comply With Rule 22.1205(g) Rule 22.1205(g) - Statistically Significant Assessment Levels - If one or more assessment monitoring constituents are detected at statistically significant levels above the ground water protection standard established under paragraphs (h) or (i) of this section in any sampling event, the owner or operator must, within fourteen (14) days of this finding, place a notice in the operating record identifying the assessment monitoring constituents that have exceeded the ground water protection standard and notify the Director and all appropriate local government officials that the notice has been placed in the operating record.</p> <p>The Facility has been in the Corrective Action Program due to on-going detections of pollutants above groundwater protection standards at confirmed statistically significant levels. Corrective action documents from as early as 2004 are referenced in draft permit (Condition 49). According to the 2022 Second Half Groundwater Monitoring Report for the Facility, during the Fourth Quarter 2022 event, cadmium and cobalt were detected at multiple wells at statistically significant levels above the groundwater protection standards. The report further states “results were generally consistent with past events.” The 2022 First Half Groundwater Monitoring Report for the Facility indicated there were detections above the groundwater protection standards for cobalt at two wells and cadmium at three wells at confirmed statistically significant levels. Public Comment Permit Modification for Eco-Vista, LLC Class 1 Landfill Draft Permit: 0290-S1-R4; AFIN: 72-00144 May 30, 2022 Page 2 A statement was included in these reports that notice of detection of groundwater pollutants at confirmed statistically significant levels above a groundwater protection standard was being placed in the Facility’s operating record. Although the Facility provided notice to Arkansas Division of Environmental Quality (DEQ), pursuant to Rule 22.1205(g), the only other agency copied on the reports was the Boston Mountain Solid Waste District. No records were found to document notification to all appropriate local government officials of the Facility’s detection of groundwater pollutants above groundwater protection standards at confirmed statistically significant levels in 2022. Although not all of the groundwater reports were reviewed, it was noted the 2021 First Half and 2020 Second Half groundwater monitoring reports did not include statements indicating notice of the detection of groundwater pollutants above groundwater protection standards at confirmed statistically significant levels was placed in the operating record in accordance with the rule. The Boston Mountain Solid Waste District was not copied on these reports, or any other agencies. No records could be found to document all appropriate local government officials were notified of the Facility’s detection of groundwater pollutants above groundwater protection standards at confirmed statistically significant levels during the First Half of 2021 and the Second Half of 2020. Furthermore, no documentation was found that indicated the DEQ requested documentation of the required</p>	<p>If a facility detects an assessment monitoring constituent at a statistically significant level above the groundwater protection standard (without an approved alternate source demonstration), the facility moves into a corrective action phase. Facilities now perform more than assessment monitoring. Per Rule 22.1205(g) facilities are also required to characterize the nature and extent of the release and initiate corrective actions per Rule 22.1206 Assessment of Corrective Measures, Rule 22.1207 Selection of Remedy, and Rule 22.1208 Implementation of the Corrective Action Program.</p> <p>The initial detection of the statistical exceedance for that constituent at that well initiates the characterizations and corrective actions. The detection of statistical exceedances for additional constituents at that well or any constituents at other wells can increase the scope of the ongoing characterizations and corrective actions.</p> <p>Once Rule 22.1205(g) has been triggered, the statistical methods change so that the constituent at that well is considered impacted until a different statistical method shows that the well is no longer impacted. Per EPA guidance (Unified Guidance, 2009) the statistical method used to trigger the actions in Rule 22.1205(g) involves comparing the Lower Confidence Limit (LCL) to the groundwater protection standard. However, once the LCL for that constituents at that well exceeds the groundwater protection standard, the statistics are changed to comparing the Upper Confidence Limit (UCL) to the groundwater protection standard.</p> <p>The constituents and wells within the referenced groundwater monitoring reports [First Half 2021 (Document ID 80455), Second Half 2020 (Document ID 79348), First Half 2022 (Document ID 82143), Second Half 2022 (Document ID 83049)] initially statistically exceeded the groundwater protection standards well before these sampling events and well before these reports were submitted. Therefore, the notifications for those statistical exceedances were previously sent to local government officials. The above reports used the statistical evaluations using the LCL for constituents and wells that had already triggered Rule 1205(g). These statistical evaluations do provide some information, though they are not required or used in any way. To exit corrective action, the constituents will need to be statistically evaluated using the UCL.</p>
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		notification to ensure local government officials were informed of the groundwater contamination.	
	213.	2. Failure to Comply With Rule 22.1404 Rule 22.1404- Financial Assurance For Corrective Action - Corrective Action Cost Estimate – “As provided in 40 CFR 258.73 an owner or operator of a permitted facility required to undertake a corrective action program under Rule 22.1208 of this part must have a detailed written estimate, in current dollars, of the cost of hiring a third party to perform the corrective action in accordance with the program required under Rule 22.1208. The corrective action cost estimate must account for the total costs of corrective action activities as described in the corrective action plan for the entire corrective action period. The owner or operator must provide the cost estimate to the Director for approval and place the estimate in the operating record.” The May 18, 2022, Groundwater Corrective Action Status Update, states “This summary is submitted to document the effectiveness of the remedial program implemented to address localized exceedances of Groundwater Protection Standards (GWPS) in shallow groundwater beneath the site. The Selection of Corrective Measures Remedy (SCMR) report dated May 21, 2004 (Document identification Number (DIN 23274) was approved by the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ) in a letter dated June 4, 2004 (DIN 23365).” The document further states that a corrective measures program has been implemented under Reg.22.1208 to affect change in groundwater quality prior to the water leaving the site boundaries.	The cost estimate for Corrective Action and Implementation is included in the Post-Closure cost estimate at \$108,000 annually for 30 years.
	214.	<p>The draft permit (Condition 49) references documents from 2004 regarding the implementation of a groundwater correction action. According to Rule 22.1208, a permitted facility that is required to undertake corrective action must have a detailed cost estimate for the total cost of corrective action activities as described in the corrective action plan. These costs must be adjusted for inflation until the correction is completed. The Facility has not completed the corrective action; therefore, it is required to have corrective action costs that must be adjusted accordingly for inflation and changes in corrective actions. Based on a review of available information, documentation that Facility has provided a current corrective action cost estimate was not found. Furthermore, no correspondence from the DEQ requesting such documentation was found.</p> <p>Thank you for your review and consideration of these public comments.</p> <p>Sincerely, KERAMIDA Inc. Sara G. Guss Senior Engineer</p>	A detailed cost estimate is provided in the Post Closure Cost Estimate worksheet. These costs are submitted annually and were submitted in the permit modification application, so there was no need to request the cost estimate. Please see document identifier 80454 Appendix J, Attachment A
	215.	EXHIBIT 2	<p>Attachments from Doc ID (84085)</p> <p>DEQ is aware of this resolution from the City Council of Tontitown.</p> <p>The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.</p>



Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.

Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill. This modification will expand the surface water controls at the site, which will help minimize surface water that will leave the site.

DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.

DEQ implements and enforces Arkansas's environmental laws and administers those federal environmental programs that DEQ has received authority to administer. That authority does not extend to enforcing Tontitown's resolutions.

DEQ does not regulate noise, and noise regulation is beyond the scope of the solid waste Class 1 landfill permit.

Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.


Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.

DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.

The landfill is required to control blowing litter. There are controls employed at the landfill that help to reduce litter escaping at the working surfaces of the landfill. Should litter escape and find its way to neighboring properties, citizens should contact Eco-Vista to implement their litter control program, which will prompt their litter crews to clean it up.

Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.

Rule 22.411(g) Litter Control states "Litter control provisions shall be maintained at all times. If daily or more frequent cover does not control on and off site litter, other methods may be required, such as, but not limited to litter fences and litter crews." The Eco-Vista litter control plan contains all elements mentioned in Rule 22. The landfill is in compliance.

			<p>DEQ does not have the authority to regulate large rocks or other debris that may be present on the roads. Road hazards are not within the scope of the solid waste permit issued to this facility. Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.</p> <p>Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria.</p> <p>Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area.</p>
216.			<p>Attachments from Doc ID (84085)</p> <p>DEQ is aware of this resolution from the City Council of Tontitown.</p> <p>The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.</p> <p>Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.</p> <p>Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill. This modification will expand the surface water controls at the site, which will help minimize surface water that will leave the site.</p> <p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p> <p>DEQ implements and enforces Arkansas's environmental laws and administers those federal environmental programs that DEQ has received authority to administer. That authority does not extend to enforcing Tontitown's resolutions.</p> <p>DEQ does not regulate noise, and noise regulation is beyond the scope of the solid waste Class 1 landfill permit.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p>

			<p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.</p> <p>The landfill is required to control blowing litter. There are controls employed at the landfill that help to reduce litter escaping at the working surfaces of the landfill. Should litter escape and find its way to neighboring properties, citizens should contact Eco-Vista to implement their litter control program, which will prompt their litter crews to clean it up.</p> <p>Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.</p> <p>Rule 22.411(g) Litter Control states “Litter control provisions shall be maintained at all times. If daily or more frequent cover does not control on and off site litter, other methods may be required, such as, but not limited to litter fences and litter crews.” The Eco-Vista litter control plan contains all elements mentioned in Rule 22. The landfill is in compliance.</p> <p>DEQ does not have the authority to regulate large rocks or other debris that may be present on the roads. Road hazards are not within the scope of the solid waste permit issued to this facility.</p> <p>Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.</p> <p>Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria. Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area.</p>
Jacqui Calcagni (84084)	217.	<p>Mr. Jones,</p> <p>It's been over 40 years of trash at this landfill and it started with an individual who allowed dumping unlined. This is my second letter, after going to the public hearing in Tontitown on May 25, 2023. I have some questions and statements to address. It did not seem to me that your entity was concerned about the dye test as it was clear that ADEQ did not know the name of the creek that it flowed into. We were told at this meeting that it was being tested and monitored. We would like to see the results of that testing and the information about this. We have two wells on our property less than a mile away from Waste Management and no one has tested them. They are in the line that the dye ran into Wildcat Creek. We have a right (FOIA) to know and be informed of the results and findings of testing being done of water, air, and land around the landfill. It affects us all who live near the landfill.</p>	<p>Sampling of Wildcat Creek will be required in the permit. However, no sampling has been conducted yet. Those results will be available on DEQ’s website after sampling and analysis has been completed. The sample results will be posted in the facility report on the DEQ Solid Waste Management Permitted Facility Report Database found on the DEQ website at the following link. https://www.adeg.state.ar.us/sw/permits/p_facil_report.aspx?PermitNumber=0290-S1-R3 or search for Eco-Vista at the following link https://www.adeg.state.ar.us/sw/permits/facility_data.aspx.</p>
	218.	<p>Speaking of air testing, no tests have been done by your entity as far as we know. There have been many complaints about the odor/gas. Many of us have got dizzy, nausea, and headaches around the landfill. What is going to be done about this? Also, being an asthmatic, I have been getting worse. We took a vacation last month as I stated in my</p>	<p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista. A Title V Air permit is issued to the facility by DEQ’s Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p>

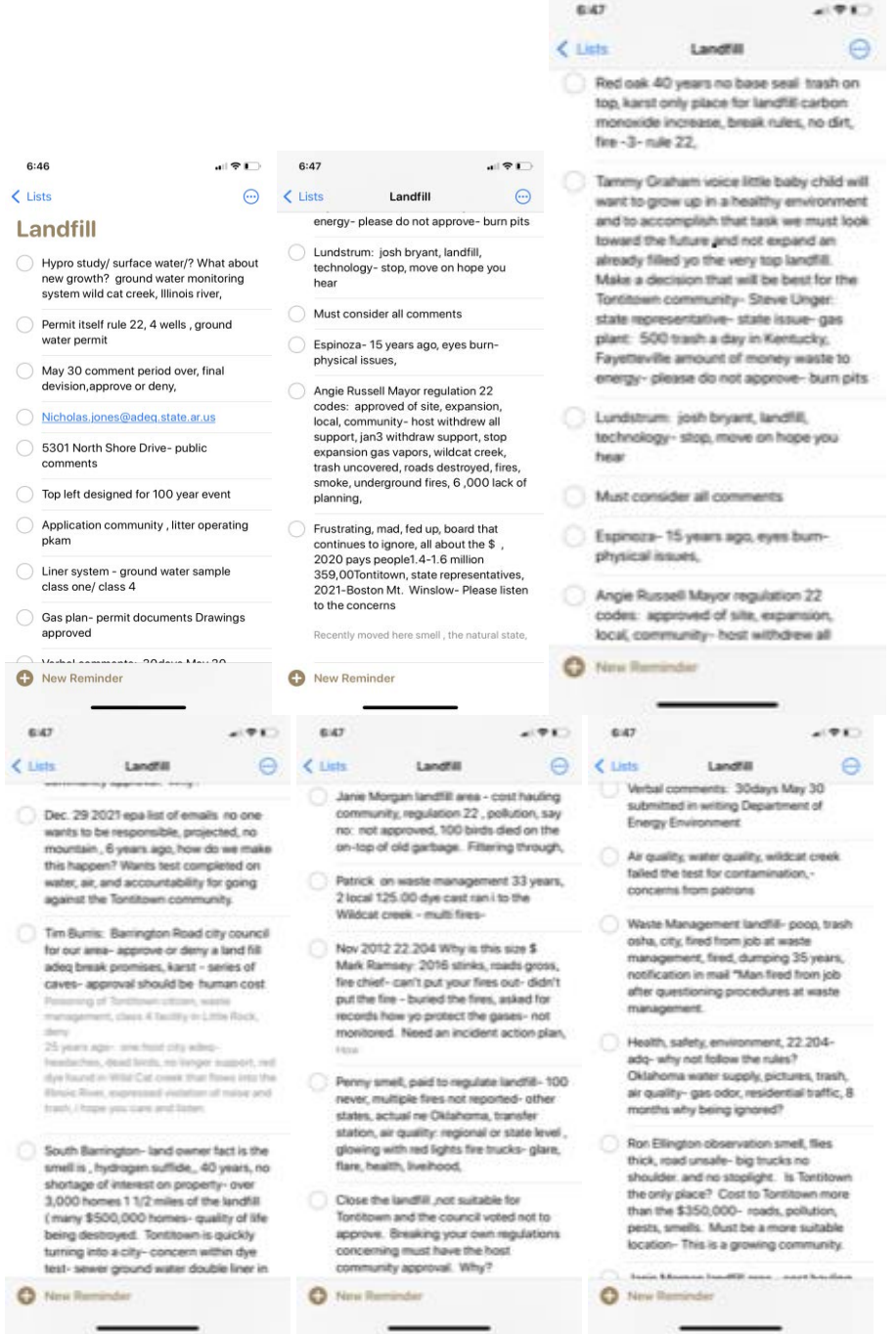
	first letter and I had no problem breathing on my trip and took no medicine. As soon as I returned I had to take all of my allergy and asthma medication again. There was a young lady at the meeting who spoke that said her mother was suffering with her asthma who lived across the street	Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.
219.	Is ADEQ a government agency that is working for the people/citizens? The people of Tontitown have spoken as Tontitown City Council rejected expansion of class 1 and class 4 of this landfill. Rule 22.204 was presented on the slide presentation that the city must have approval? Why is this rule not followed?	<p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p> <p>DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.</p> <p>DEQ implements and enforces Arkansas's environmental laws and administers those federal environmental programs that DEQ has received authority to administer.</p> <p>Under the Arkansas Solid Waste Management Act, DEQ's powers and duties are detailed at Ark. Code Ann. § 8-6-207. The power and duties of the Director of DEQ are detailed at Ark. Code Ann. § 8-1-202. DEQ does not have authority to enforce Tontitown resolutions or ordinances.</p>
220.	With all the funds that ADEQ receives from Waste Management, what are they used for? Why would ADEQ make Waste Management accountable if ADEQ receives big money from Waste Management? What is seeping into our air that no one in your organization has tested? With all the funds ADEQ receives (\$2.50/ton), which is over \$1million or close to \$2 million a year, you should be able to get us answers to help the citizens of our community. What are the funds used for?	<p>Arkansas Code Annotated 8-6-1003 requires the collection of a fee per ton of waste disposed in all commercial Arkansas landfills. Arkansas Code Annotated 8-6-1004 requires those fees to be placed into the Post Closure Trust Fund. This trust fund was established to remediate landfills who are in post closure or whose permit is void. Numerous closed landfills in northwest Arkansas are included in the Post Closure trust fund. Arkansas Code Annotated Chapter 6 Subchapter 6 describes the collection of fees and disposition of those fees for the Solid Waste Management and Recycling Fund Act. A large portion of fees collected under this act is administered to regional solid waste management districts for their recycling programs.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p>
221.	We need to have health professionals along with your engineers and geologists in your organization (ADEQ). We were told in this meeting that after a landfill closes that it is monitored for 30 years. If it is closed right now it will have effects for over 70 years, but if not it will be close to 100 years. Generations to come	<p>During the standard post closure period, the landfill will be monitored for at least 30 years. This post closure care period can be increased or decreased by the DEQ Director if the change in duration is protective of human health and the environment.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p>
222.	Please consider all of the public comments from the meeting and the voices of Tontitown in your decision and STOP The Expansion of Waste Management..	DEQ is required to respond to all public comments pursuant to APC&EC Rule No. 8.
Kenneth Lovett (84092)	223. On November 1, 2022, the Tontitown city council, unanimously passed a resolution withdrawing support of the expansion of Waste Management's Eco-Vista Class 1 and Class 4 landfills.	<p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p> <p>Under the Arkansas Solid Waste Management Act, DEQ's powers and duties are detailed at Ark. Code Ann. § 8-6-207. The power and duties of the Director of DEQ are detailed at Ark.</p>

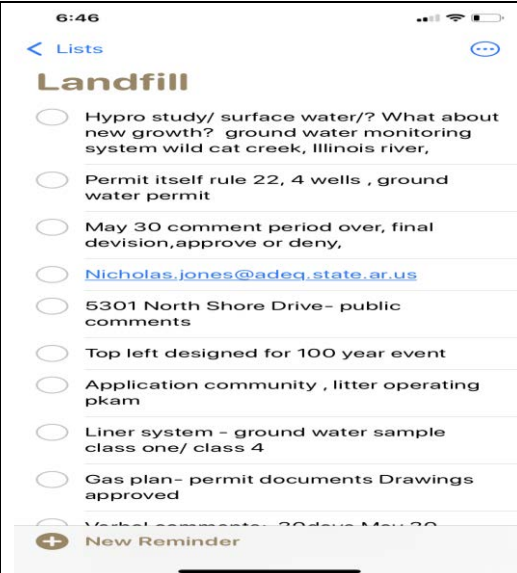
	<p>Waste Management at Eco Vista has a long-standing habit of skirting or ignoring municipal ordinances meant to protect the health, safety, and comfort of Tontitown's citizens.</p> <p>Eco-Vista landfill is built on a Karst formation, which could easily create an ecological, environmental, and medical disaster on par with Flint, Michigan and Hinkley, California. In this comment I'd like to focus on the political malfeasance in Tontitown surrounding Waste Management's expansion efforts at the Eco Vista site.</p> <p>Tontitown City Council lost a long time council person, Tommy Granata, after his sudden, unexpected death on August 29, 2020. Paul Colvin was serving as mayor at the time and knew Arkansas municipal code regarding how to fill a council member vacancy. Even if he didn't know the rules, he, or the city attorney, Justin Eichmann should have consulted the code. As you know, ignorance of the law is no excuse.</p> <p><u>AR Code § 14-43-411 (2018)</u></p> <ul style="list-style-type: none"> • (a) (1) (A) Whenever a vacancy occurs in the office of council member in a city of the first class having a population of less than twenty thousand (20,000) according to the most recent federal decennial census, at the first regular meeting after the occurrence of the vacancy, the city council shall proceed to elect by a majority vote of the remaining members elected to the council a council member to serve for the unexpired term. <p>Notice that the Arkansas code was broken when the vacancy wasn't immediately filled. The first regular meeting after the vacancy (Mr. Granata's passing) was held September 1, 2020. Not only was the code broken when the position wasn't filled on September 1, 2020, but the vacancy remained unfilled at the subsequent meetings of September 15, and October 6.</p> <p>I'm certain that was deliberate to manipulate and control the Council. I believe Paul Colvin wanted the Rezoning of Waste Management's Eco-Vista landfill (on October 6, 2020) to proceed unhindered. He couldn't be certain who would fill the vacant seat.</p> <p>Video of the meeting is available for you to view on YouTube by clicking this link: https://youtu.be/5qDkU91gpo4</p> <p>In the meeting, Colvin addressed Tontitown citizens who had attended the meeting, to speak out against the Eco Vista expansion and the widening of landfill's roads. He made a series of statements that, in my opinion were untruthful and misleading.</p> <p>At 6:56, Mayor Paul Colvin stated, "... The council is not voting on expansion of the landfill here tonight..."</p> <p>At 7:08, Mayor Colvin speaking, "...so, I will make all of you that promise that there will be no votes here tonight on expansion of the landfill..."</p>	<p>Code Ann. § 8-1-202. DEQ does not have authority to enforce Tontitown resolutions or ordinances.</p> <p>DEQ does not have the authority to regulate city code, ordinances, or resolutions.</p> <p>Geotechnical and Hydrogeologic tests were conducted in 2019 as part of the permit application. The report for that investigation is located on the DEQ Solid Waste Management Permitted Facility Report Database found on the DEQ website; Document IDs 78620, 79709, & 83386. The results of the tests met the minimum design requirements for a Class 1 landfill within Rule 22.</p> <p>DEQ is charged with the enforcement of Arkansas's environmental law and administering those federal environmental programs for which DEQ has received authority over. That authority does not extend to enforcing Tontitown's ordinances.</p> <p>Any comment regarding "political malfeasance" is outside of the scope of the Class 1 landfill permit modification.</p> <p>Currently there are no known surface water contamination issues in the area of the landfill. Wildcat Creek will be monitored per the Class 4 Permit Condition 15 and the Class 1 Permit Condition 40. If concentrations within the spring and creek indicate impacts potentially attributable to landfill operations, DEQ may require the facility to perform additional investigations to determine if the facility is the source of the impacts.</p> <p>DEQ thanks you for commenting.</p> <p>DEQ thanks you for the information.</p> <p>DEQ thanks you for commenting.</p> <p>DEQ is charged with the enforcement of Arkansas's environmental law and administering those federal environmental programs for which DEQ has received authority over. That authority does not extend to enforcing Tontitown's ordinances.</p>
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	<p>At 7:52, regarding Waste Management, the Mayor said, "... and that's what the applicant has applied for. They haven't applied for expansion or street widening..."</p> <p>In the same video, at 12:14, during the citizen comment section of the meeting, a woman named Ashley Baumgardner, posted a question that was read by Courtney McNair: "When will the vote be?" Her question went unanswered.</p> <p>In the October 6, 2020 Tontitown City Council meeting, the council voted on "An Ordinance Rezoning Approximately 417.1 Acres of Real Property Located at 2210 Waste Management Dr., in the City Limits of Tontitown Arkansas From R-MH, A, AND R-1 to EU-L, Exclusive Use Landfill.</p> <p>The ordinance was presented to the sitting city council members as simple rezoning from Residential Mobile Home (R-MH), A (Agriculture), and Single-Family Residential 1, with minimum lot size of one acre (R-1) to Exclusive Use Landfill (EU-L). The council and the crowd had already been promised that this would have nothing to do with expansion of the landfill, so the ordinance passed unanimously. You can find the ordinance in it's entirety at the following link: https://www.tontitown.com/wp-content/uploads/2020/10/09a-Ordinance-to-Rezone-Waste-Management-Property.pdf</p> <p>Several months later, in August 2021, when the Tontitown Planning Commission was preparing to vote for the landfill expansion, they were told in a workshop (August 24, 2021) that if they voted against the expansion, they would be sued, personally. Three members of that commission have stated they felt scare tactics were being employed by Mayor Colvin and Justin Eichmann, the City Attorney. The union recording is available at https://www.dropbox.com/s/915govybxayxsl/08-24-21%20Planning%20Commission%20Work%20Session%20Recording%20%231.MP3?dl=0 this link can also be found at the top of the chart on the agenda/minutes section for this meeting on our website. https://www.tontitown.com/meeting_data/planning-commission-work-session/</p> <p>On August 31, 2021, the entire planning commission voted to approve the Preliminary Large Scale Development request to allow the Eco-Vista Landfill to expand. At least 3 of those Commissioners voted for, out of fear and lack of understanding and support. They regret their vote and are angry for the way they were treated by then-mayor, Paul Colvin and our city's attorney, Justin Eichmann.</p> <p>Even months before the Planning Commission vote on August 31, 2021, the City Council was told they would have an opportunity to vote for, or against, the landfill expansion, but for some reason were never given that opportunity. The planning commission was also told that City Council would have the ultimate approval. One commissioner remarked on video after the voting on August 31, "...my heart was a 'no'...keep fighting, talk to your city council members." This issue never came back to city council.</p>	<p>DEQ is aware of this ordinance.</p> <p>DEQ is aware of this ordinance.</p> <p>DEQ has no authority to regulate Tontitown's city code, ordinances, or resolutions.</p> <p>DEQ thanks you for your comment.</p> <p>DEQ thanks you for commenting.</p> <p>DEQ has no authority to regulate Tontitown City Council or the Tontitown Planning Commission.</p> <p>DEQ thanks you for commenting.</p>
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		<p>Thus the need for a resolution withdrawing our support for the expansion of Waste Management's Eco-Vista Class 1 and Class 4 landfills, mentioned at the top of this letter.</p> <p>At each Public meeting through the Class 4 and Class 1 public comments, numerous residents spoke against the Eco-Vista landfill expansion, but you continue to look for ways to continue the operation of Eco Vista.</p> <p>STOP THE PERMIT PROCESS NOW. There have been enough shenanigans. Switch business tactics and transfer this trash away from Tontitown. Superfund this pile of unknown Hazardous waste, Complete proper air testing of our environment and stop pollution of endangered species proven to be in Wildcat Creek, NOW.</p> <p>Boston Mountain's Board has always had a vested interest in having the landfill in our backyard, not theirs.</p> <p>The City of Tontitown City Council and area citizens have made our desire clear. DENY this expansion as fiduciaries of Arkansas' department of Environmental quality, as you cannot currently guarantee the health, safety, and well-being of our citizens.</p> <p>Side deals and shady politics have put the interests of Waste Management and the surrounding towns, above citizens in the area for far too long.</p>	<p>DEQ is aware of the resolution withdrawing support for the landfill.</p> <p>DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.</p> <p>Superfund is a federal program used for hazardous waste sites.</p> <p>The Landfill Post-Closure Trust Fund is administered by DEQ and appears in Arkansas statutes at Ark. Code Ann. § 8-6-1001 <i>et seq.</i> There are specific parameters for using this Fund, such as the Fund shall be used only if "the Director of the Division of Environmental Quality determines that: (i) A landfill which is no longer receiving waste, regardless of when it ceased operating, is causing groundwater contamination or is causing other contamination that is a hazard to public health or endangers the environment, and (ii) The owner or operator of the landfill site has expended at least ten thousand dollars (\$10,000) toward corrective action, unless the owner or operator cannot be located or the director determines an emergency exists necessitating immediate corrective action." Ark. Code Ann. § 8-6-1002. DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.</p> <p>Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill. This modification will expand the surface water controls at the site, which will help minimize surface water that will leave the site.</p> <p>Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria. Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area. DEQ does not identify potential landfill sites. A potential landfill site is chosen by the potential landfill owner. The Solid Waste District Board then approves the location before it is proposed to DEQ.</p> <p>The landfill expansion meets all siting and design criteria.</p> <p>DEQ thanks you for commenting.</p>
Suzanne Ellington (84090)	224.	<p>Here are a few of the notes I took at the meeting. It was difficult to hear and many times things were repeated. Mainly, Tontitown is a growing community and there is no longer support for expansion of the landfill. The concerns far exceed the benefits for Tontitown and the host community does not support expansion. So- how do you proceed to expand without local community support from the city of Tontitown? Additionally, there continues to be a concern for safety, pests, smells, and water pollution. The infrastructure does not support the traffic concerns and the karst environment does not support the landfill for water security.</p> <p>Thank you for the opportunities to voice our concerns. I apologize for the unprofessional notes, but we were seated in the back and often could not hear or see the side presentation.</p>	<p>DEQ thanks you for commenting.</p> <p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p> <p>Included in the Eco-Vista Class 1 landfill expansion permit modification request are numerous scientific studies. These studies concern the soil, karst terrain, geology, determining if the landfill design will withstand an earthquake, and if the soil can withstand the weight of the waste. A study was conducted to expand the surface water retention of the landfills.</p> <p>DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.</p>

			<p>The Eco-Vista Class 1 Landfill has a vector control plan in place. Disease Vector Control for Class 1 landfills is found at APC&EC Rule 22.414.</p> <p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.</p> <p>Rule 22.413(a) states “Daily Cover- Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate.”</p> <p>The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.</p> <p>Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.</p> <p>Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill. This modification will expand the surface water controls at the site, which will help minimize surface water that will leave the site.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ’s Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>Design criteria specific to the karst terrain has been met or exceeded for this requested expansion. Rule 22.407 requires landfills demonstrate engineering measures be incorporated into the design to ensure the integrity of the structural components of the unit will not be disrupted. The design criteria of the landfill meet the requirements for unstable areas.</p> <p>DEQ does not have the authority to regulate city code, including traffic codes.</p> <p>Geotechnical and Hydrogeologic tests were conducted in 2019 as part of the permit application. The results of the tests were used to determine the minimum design criteria for a Class 1 landfill has been met. The geotechnical information was used to determine how much compression would occur to the ground underneath the landfill. The applicant demonstrated the landfill was not placed on an unstable area.</p>
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	225.		<p>The report for the Geotechnical and Hydrogeologic investigation is located on the DEQ Solid Waste Management Permitted Facility Report Database found on the DEQ website; Document IDs 78620, 79709, & 83386. The design of the landfill is located in the Permit Modification Application (Document ID 82573).</p>
			<p>(Response to Comment #1) The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.</p> <p>Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.</p> <p>Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill. This modification will expand the surface water controls at the site, which will help minimize surface water that will leave the site.</p> <p>Rule 22.411(g) Litter Control states “Litter control provisions shall be maintained at all times. If daily or more frequent cover does not control on and off site litter, other methods may be required, such as, but not limited to litter fences and litter crews.” The Eco-Vista litter control plan contains all elements mentioned in Rule 22. The landfill is in compliance.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ’s Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>The Class 1 landfill has safeguards for protection of the environment such as a double geocomposite clay liner system and a leachate collection and leak detection system.</p> <p>(Response to Comment #2) Comments regarding the Waste to Energy plant are outside of the scope of the Class 1 permit landfill permit modification.</p> <p>DEQ responds to all public comments pursuant to APC&EC Rule No. 8.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p> <p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p> <p>DEQ implements and enforces Arkansas’s environmental laws and administers those federal environmental programs that DEQ has received authority to administer. That authority does not extend to enforcing Tontitown’s ordinances.</p>



Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ’s Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.

DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.

The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c).

Arkansas Code Annotated § 8-6-1003 requires the collection of a fee per ton of waste disposed in all commercial Arkansas landfills. Arkansas Code Annotated § 8-6-1004 requires those fees to be placed into the Landfill Post Closure Trust Fund. This trust fund was established to remediate landfills that are in post closure or whose permit is void. Numerous closed landfills in northwest Arkansas are included in the Post Closure trust fund. Arkansas Code Annotated Chapter 6, Subchapter 6 describes the collection of fees and disposition of those fees for the Solid Waste Management and Recycling Fund Act. A large portion of fees collected under this act is administered to regional solid waste management districts for their recycling programs.

Response to Comment #3) The landfill is required to control blowing litter. There are controls employed at the landfill that help to reduce litter escaping at the working surfaces of the landfill. Should litter escape and find its way to neighboring properties, citizens should contact Eco-Vista to implement their litter control program, which will prompt their litter crews to clean it up.

Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.

Rule 22.411(g) Litter Control states “Litter control provisions shall be maintained at all times. If daily or more frequent cover does not control on and off site litter, other methods may be required, such as, but not limited to litter fences and litter crews.” The Eco-Vista litter control plan contains all elements mentioned in Rule 22. The landfill is in compliance.

Design criteria specific to the karst terrain has been met or exceeded for this requested expansion. Rule 22.407 requires landfills demonstrate engineering measures be incorporated into the design to ensure the integrity of the structural components of the unit will not be disrupted. The design criteria of the landfill meet the requirements for unstable areas.

			<p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.</p> <p>DEQ does not have the authority to regulate large rocks or other debris that may be present on the roads. Road hazards are not within the scope of the solid waste permit issued to this facility.</p> <p>Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.</p> <p>The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c).</p> <p>Comments regarding the Waste to Energy Plant are outside of the scope of the Class 1 landfill permit modification.</p> <p>DEQ thanks you for commenting.</p> <p>DEQ responds to all public comments pursuant to APC&EC Rule No. 8.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions. DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p> <p>(Response to Comment #4) DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p> <p>DEQ implements and enforces Arkansas's environmental laws and administers those federal environmental programs that DEQ has received authority to administer. That authority does not extend to enforcing Tontitown's ordinances.</p> <p>The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.</p>
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			<p>Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.</p> <p>Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill. This modification will expand the surface water controls at the site, which will help minimize surface water that will leave the site.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>DEQ does not have the authority to regulate Tontitown city codes and ordinances.</p> <p>(to Tim Burress) DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p> <p>DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.</p> <p>Design criteria specific to the karst terrain has been met or exceeded for this requested expansion. Rule 22.407 requires landfills demonstrate engineering measures be incorporated into the design to ensure the integrity of the structural components of the unit will not be disrupted. The design criteria of the landfill meet the requirements for unstable areas.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions. Specific concerns regarding dead birds should be brought to the attention of the Arkansas Game and Fish Commission.</p> <p>The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.</p> <p>Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.</p> <p>Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill. This modification will expand the surface water controls at the site, which will help minimize surface water that will leave the site.</p>
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		<p>DEQ does not regulate noise, and noise regulation is beyond the scope of the solid waste Class 1 landfill permit.</p> <p>The landfill is required to control blowing litter. There are controls employed at the landfill that help to reduce litter escaping at the working surfaces of the landfill. Should litter escape and find its way to neighboring properties, citizens should contact Eco-Vista to implement their litter control program, which will prompt their litter crews to clean it up.</p> <p>Rule 22.411(g) Litter Control states “Litter control provisions shall be maintained at all times. If daily or more frequent cover does not control on and off site litter, other methods may be required, such as, but not limited to litter fences and litter crews.” The Eco-Vista litter control plan contains all elements mentioned in Rule 22. The landfill is in compliance.</p> <p>(to South Barrington) Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ’s Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.</p> <p>Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.</p> <p>Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill. This modification will expand the surface water controls at the site, which will help minimize surface water that will leave the site.</p> <p>(Response to Comment #5) DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p> <p>Specific concerns regarding dead birds should be brought to the attention of the Arkansas Game and Fish Commission.</p> <p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.</p>
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		<p>this act is administered to regional solid waste management districts for their recycling programs.</p> <p>The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c).</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p> <p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p> <p>DEQ implements and enforces Arkansas's environmental laws and administers those federal environmental programs that DEQ has received authority to administer. That authority does not extend to enforcing Tontitown's ordinances.</p> <p>DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.</p> <p>(Response to Comment #6) Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.</p> <p>Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.</p> <p>Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill. This modification will expand the surface water controls at the site, which will help minimize surface water that will leave the site.</p> <p>Sludge from the waste water treatment plant may be disposed in a Class 1 landfill. See APC&EC Rule 22.102 for definitions and Ark. Code Ann. § 8-6-203 (18)(A) that specifically defines sludge from a wastewater treatment plant as a solid waste.</p> <p>DEQ does not have authority to regulate human resource management at Eco-Vista, LLC.</p>
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DEQ implements the State's environmental laws and administrative environmental rules.

Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.

DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.

DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.

The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.

Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.

Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill. This modification will expand the surface water controls at the site, which will help minimize surface water that will leave the site.

The landfill is required to control blowing litter. There are controls employed at the landfill that help to reduce litter escaping at the working surfaces of the landfill. Should litter escape and find its way to neighboring properties, citizens should contact Eco-Vista to implement their litter control program, which will prompt their litter crews to clean it up.

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DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.

Rule 22.413(a) states "Daily Cover- Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary,

			<p>to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate.”</p> <p>DEQ does not have the authority to regulate city or traffic codes.</p> <p>(to Ron Ellington) DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413. Rule 22.413(a) states “Daily Cover- Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate.”</p> <p>The Eco-Vista Class 1 Landfill has a vector control plan in place. Disease Vector Control for Class 1 landfills is found at APC&EC Rule 22.414.</p> <p>Washington County and the city are responsible for county and city road maintenance and enforcement of traffic laws.</p> <p>Based on the information in the application for the expansion and the review conducted by DEQ, Eco-Vista meets all federal and state siting criteria.</p> <p>Currently, there are no Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area.</p> <p>DEQ does not identify potential landfill sites. A potential landfill site is chosen by the potential landfill owner. The Solid Waste District Board then approves the location before it is proposed to DEQ.</p> <p>The landfill expansion meets all siting and design criteria. (Response to Comment #7) The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak.</p> <p>Uncontaminated stormwater runoff is permitted under OWQ general permits with tracking numbers ARG160045 and ARR000231.</p> <p>Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill. This modification will expand the surface water controls at the site, which will help minimize surface water that will leave the site.</p>
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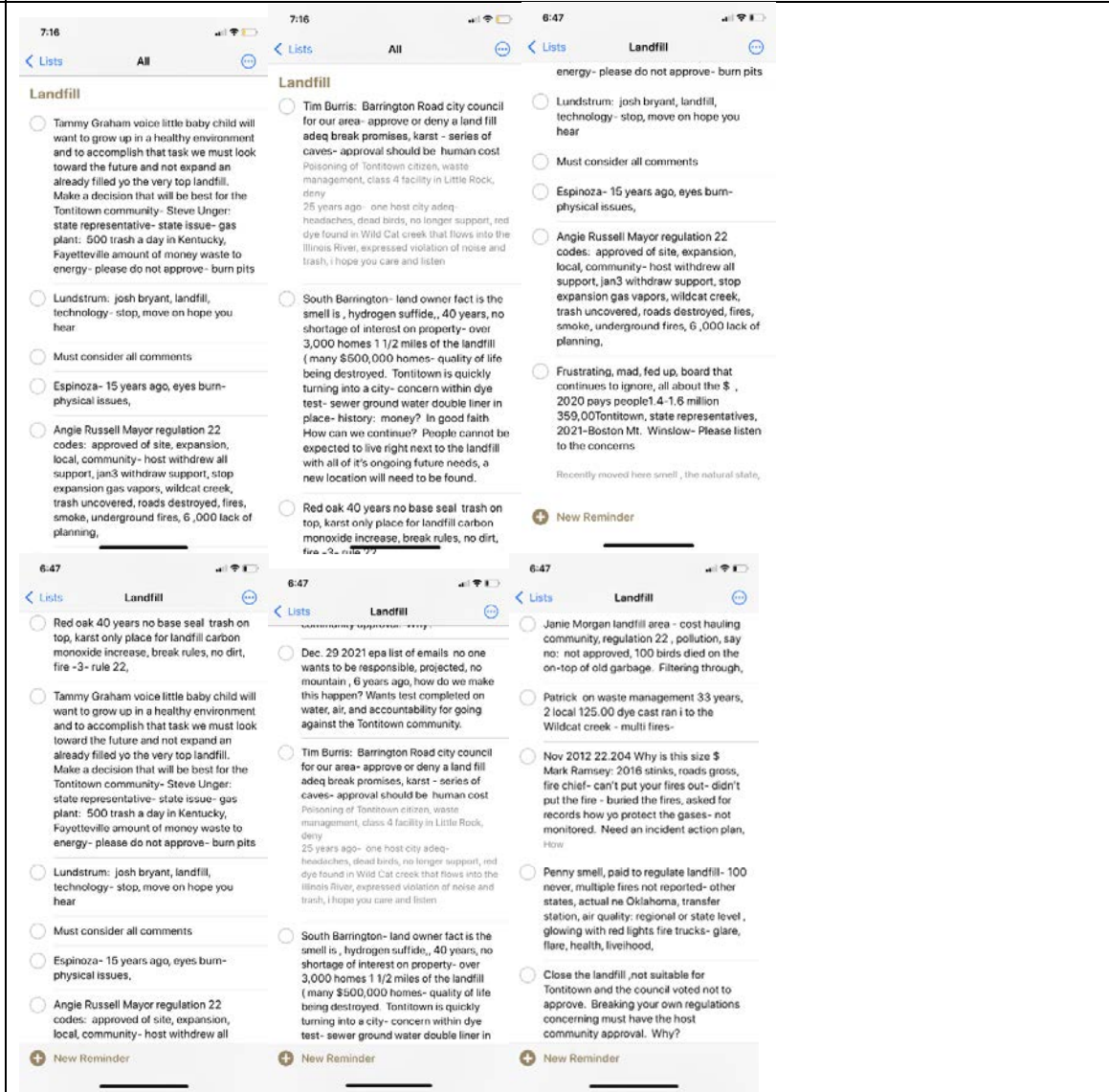
Currently there are no known surface water contamination issues in the area of the landfill. Wildcat Creek will be monitored per the Class 4 Permit Condition 15 and the Class 1 Permit Condition 40. If concentrations within the spring and creek indicate impacts potentially attributable to landfill operations, DEQ may require the facility to perform additional investigations to determine if the facility is the source of the impacts.

DEQ thanks you for commenting.

The Class 1 landfill has safeguards for protection of the environment such as a double geocomposite clay liner system and a leachate collection and leak detection system. Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.

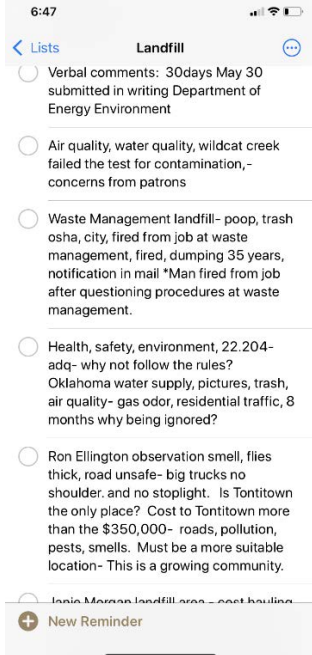
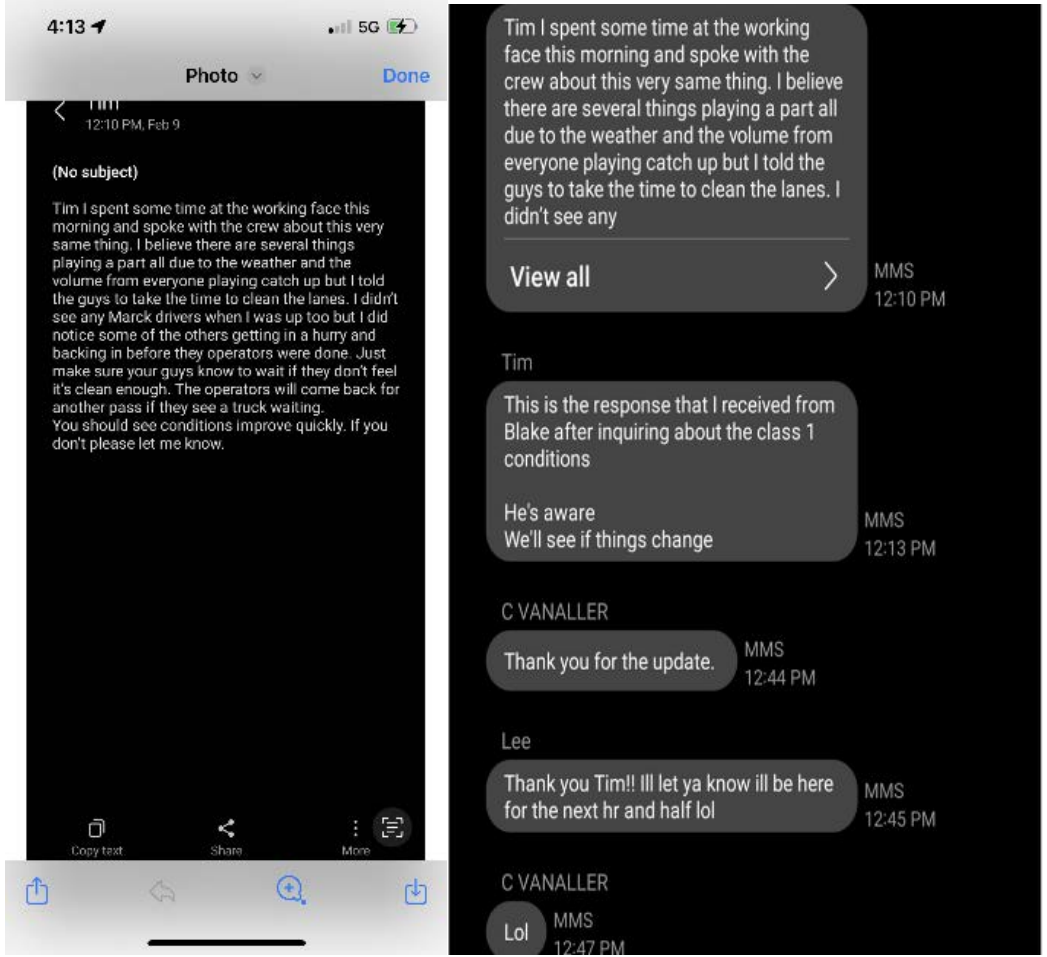
Suzanne Ellington (84154)

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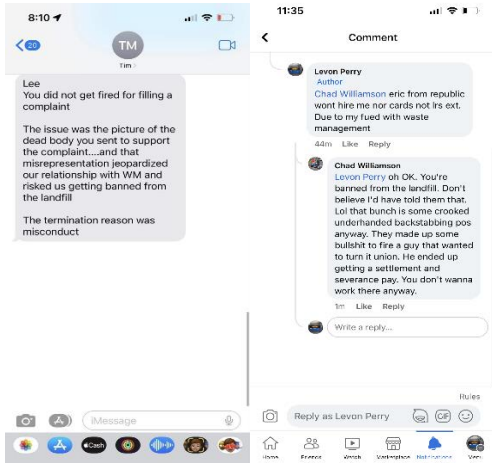


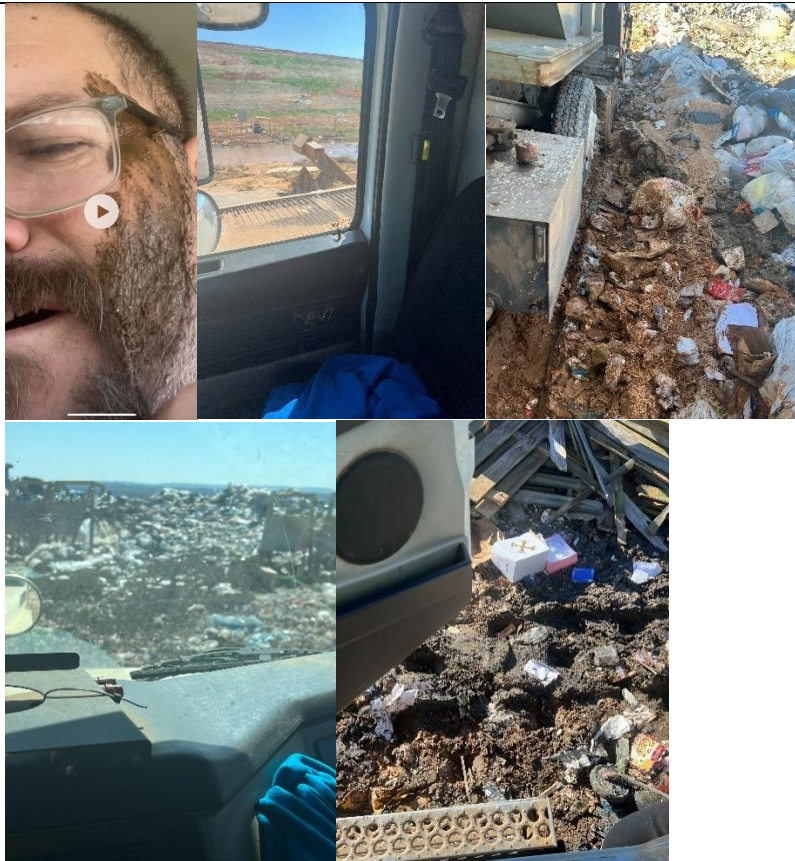
Please see DEQ's responses to comments in #225. These comments are duplicates.

Please see DEQ's responses to comments in #225. These comments are duplicates.

		 <p>6:47</p> <p>Lists Landfill</p> <ul style="list-style-type: none"> Verbal comments: 30days May 30 submitted in writing Department of Energy Environment Air quality, water quality, wildcat creek failed the test for contamination, - concerns from patrons Waste Management landfill- poop, trash osha, city, fired from job at waste management, fired, dumping 35 years, notification in mail *Man fired from job after questioning procedures at waste management. Health, safety, environment, 22.204- adq- why not follow the rules? Oklahoma water supply, pictures, trash, air quality- gas odor, residential traffic, 8 months why being ignored? Ron Ellington observation smell, flies thick, road unsafe- big trucks no shoulder. and no stoplight. Is Tontitown the only place? Cost to Tontitown more than the \$350,000- roads, pollution, pests, smells. Must be a more suitable location- This is a growing community. Janis Mason landfill area - east building <p>+ New Reminder</p>	
<p>Levon Perry (84151)</p>	<p>227.</p>	 <p>4:13</p> <p>Photo Done</p> <p>Tim 12:10 PM, Feb 9</p> <p>(No subject)</p> <p>Tim I spent some time at the working face this morning and spoke with the crew about this very same thing. I believe there are several things playing a part all due to the weather and the volume from everyone playing catch up but I told the guys to take the time to clean the lanes. I didn't see any Marck drivers when I was up too but I did notice some of the others getting in a hurry and backing in before they operators were done. Just make sure your guys know to wait if they don't feel it's clean enough. The operators will come back for another pass if they see a truck waiting. You should see conditions improve quickly. If you don't please let me know.</p> <p>View all MMS 12:10 PM</p> <p>Tim</p> <p>This is the response that I received from Blake after inquiring about the class 1 conditions</p> <p>He's aware We'll see if things change MMS 12:13 PM</p> <p>C VANALLER</p> <p>Thank you for the update. MMS 12:44 PM</p> <p>Lee</p> <p>Thank you Tim!! Ill let ya know ill be here for the next hr and half lol MMS 12:45 PM</p> <p>C VANALLER</p> <p>Lol MMS 12:47 PM</p>	<p>DEQ thanks you for commenting.</p> <p>Equipment requirements and maintenance is found at APC&EC Rule 22.411 under General Operating Requirements.</p>

	228.	<p>Firstly id like to start by saying I've been in the trash industry since 2010. Ive been to many landfills in my career, including WM in Houston Tx. Which is very clean and sanitary. The city of Waco same, City of Frt smith same. But this one here in Toni Town is the worst ever. I have witnessed things at this landfill that would normally get others SHUTDOWN! I am on record at the city of Toni Town for lodging a complaint against WM. That I was fired for. I'll get back to that. I'll tell you this in all my other jobs in trash. I have 4 boys and a wife. We were never ever sick constantly as we have been here. Which is documented! After being fired within 2 weeks all sickness gone! Kids have made school without getting calls about sudden fever throwing up viral and bacterial infections etc. So I'll start with telling my story and the things I've witnessed the past 9 months. Human waste as in poop thats right poop I have pics of it. They call it fluff which I know what fluff is and looks like that ain't fluff. The smell of fumes that make ya light headed and nauseas. Trash not being covered by dirt mulch rock at the end of the day. How would I know well I've been to the landfill early as in 5am and I've been first in line. And went to dump on Class 1 no coverage. How about flare ups on both class 1 and 4. Smoke will pop up from an opening they rush over with equipment to cover it up. How about Trash poop included being dumped into class 4 which isn't lined. From what I've been told. Contaminated water wash for the trucks. Sludge poop juice from class 1 run off goes into the tank and gets the trucks covered in brown contaminated water that we then drive on the streets with. Water mist system that sprays from the pond and hits your skin with a light brown color that stinks. Ain't no telling the bacteria being released into the air. As that system isn't cleaned with sanitizer or replaced after seasons. Now I want to talk about trash flow. Every landfill I've been too has big fencing with extended catch nets to catch trash on windy days. I personally stopped and tried to stop a baby calf from eating a big pc of plastic bread wrapper 3 days later that calf was dead. On the side of the road. I stopped to talk to the young girl and told her about it. Now earlier I talked about me getting fired from Marck. Let's talk about that day. I was at class 1 about to dump and was in the poop again and a large item fell out covering my face from the poop when it hit. I mean covered my face causing me to slip and fall in it. I had enough. I have proof that I called Osha and EPA as soon as I mentioned Wm they stopped me said not their issue which is weird to call the city. So I did just that. I lodged a complaint at city hall. 10 min after that meeting I was told to come to the yard immediately. And was fired. I was told that WM wanted me fired immediately or they would terminate all contracts with WM and ban Marck from the landfill and all other Wm properties immediately. And that I was not allowed to return to the landfill in Arkansas period. I will let this be known my employer has documentation prior to this about the Safty aspect of us in knee deep sometime waste deep trash and guy named Blake responded said it was just due to to much trash and no room. I also have no written ups with any companies I've worked at. Ive left all on good standing. But in closing I would like yall to think about the effects of what I've told you all today. Not just the employees and workers but the long term effects on the community surrounding the landfill. Lastly why is Osha and Epa not responsible for the landfill, Why do I have to call the city of Toni town to launch a complaint. OSHA! Occupational Safty Hazard Agency! EPA! Environmental Protection Agency. It's in the darn names. So if these government agency can't protect us and the communities then whom do we call.</p>	<p>DEQ thanks you for commenting.</p> <p>Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p> <p>Sludge from the waste water treatment plant may be disposed in a Class 1 landfill. See APC&EC Rule 22.102 for definitions and Ark. Code Ann. § 8-6-203 (18)(A) that specifically defines sludge from a wastewater treatment plant as a solid waste.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p>

			<p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413. Rule 22.413(a) states “Daily Cover- Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate.”</p> <p>Both the Class 1 and the Class 4 landfill are lined. The Class 1 landfill has safeguards for protection of the environment such as a double geocomposite clay liner system and a leachate collection and leak detection system.</p> <p>APC&EC Rule 22.412 deals with procedures for excluding the receipt of hazardous waste and unauthorized waste at the landfill.</p> <p>Explosive gases control is found at APC&EC Rule 22.415 regarding the control of methane gas generated at the facility.</p> <p>The landfill is required to control blowing litter. There are controls employed at the landfill that help to reduce litter escaping at the working surfaces of the landfill. Should litter escape and find its way to neighboring properties, citizens should contact Eco-Vista to implement their litter control program, which will prompt their litter crews to clean it up. Rule 22.411(g) Litter Control states “Litter control provisions shall be maintained at all times. If daily or more frequent cover does not control on and off site litter, other methods may be required, such as, but not limited to litter fences and litter crews.” The Eco-Vista litter control plan contains all elements mentioned in Rule 22. The landfill is in compliance.</p> <p>DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.</p>
<p>Levon Perry (84152)</p>	<p>229.</p>		<p>DEQ implements and enforces Arkansas’s environmental laws and administers those federal environmental programs that DEQ has received authority to administer. Under the Arkansas Solid Waste Management Act, DEQ’s powers and duties are detailed at Ark. Code Ann. § 8-6-207. The power and duties of the Director of DEQ are detailed at Ark. Code Ann. § 8-1-202. DEQ does not have authority to enforce Tontitown resolutions or ordinances.</p> <p>The first comment mentions a “dead body.” If this comment is referring to human remains, then 911 and Washington County sheriff’s office and local law enforcement authorities should have been called to report it. DEQ does not have the authority to regulate the disposition of human remains.</p>

			<p>DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.</p> <p>Comments regarding firing or banning from Waste Management and the landfill are beyond the scope of the Class 1 landfill permit application.</p>
Levon Perry (84153)	230.		<p>Sludge from the waste water treatment plant may be disposed in a Class 1 landfill. See APC&EC Rule 22.102 for definitions and Ark. Code Ann. § 8-6-203 (18)(A) that specifically defines sludge from a wastewater treatment plant as a solid waste.</p> <p>DEQ thanks you for commenting. However, a picture of a man with a brown substance on his face is a vague comment that makes it difficult for DEQ to offer a focused response. DEQ does not know what substance is on the individual's face.</p> <p>DEQ has allocated significant Compliance resources to performing inspections and investigations over the past two years. The issues found have been minor and corrected.</p> <p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.</p> <p>Rule 22.413(a) states "Daily Cover- Except as provided in paragraph (d) of this section, the owners or operators of all Class 1 Landfills must cover disposed solid waste with six (6) inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging and to limit the generation of leachate."</p>
Comment Cards		Received at May 25th, 2023 Public Hearing in Tontitown	
Mayor Angela Russell (DOC ID) 1497 Arbor Acres Ave, Tontitown, AR 72762	231.	Verbal.	DEQ hears your concerns and thanks you for your comment.
Russ Greene (Doc ID) 12246 Red Oak Dr,	232.	Written: Discussion of Landfill Expansion	DEQ hears your concerns and thanks you for commenting.

Fayetteville, AR 72704			
Levon Perry (Doc ID) 3802 SW Gibson Ave, Bentonville, AR 72712	233.	Verbal.	DEQ hears your concerns and thanks you for your comments.
Jerry Eley II (Doc ID) 1027 Javello Rd, Tontitown, AR 72762	234.	Verbal.	DEQ hears your concerns and thanks you for commenting.
Jan Valencia (Doc ID) 1043 Ruscello, Tontitown, AR	235.	I do not support the WM expansion.	DEQ hears your concerns and thanks you for commenting.
Jami Morgan 1246 Arbor Acres Avenue, Tontitown AR 72762	236.	Verbal.	DEQ hears your concerns and thanks you for your comments.
Ron Ellington 1293 Montagna Rd Tontitown, AR 72762	237.	Verbal.	DEQ thanks you for commenting and hears your concerns.
Mark Calcagni 12642 Arbor Acres Road Springdale, AR 72762	238.	Handed to Nick Jones, Verbal.	DEQ hears your concerns and thanks you for commenting.
Michele Carpenter 1188 Camenno Avenue Tontitown AR, 72762	239.	Verbal.	DEQ hears your concerns and thanks you for commenting.
Rhonda Doudna 462 Pozza Lane	240.	Written Verbal.	DEQ hears your concerns and thanks you for commenting.

Tontitown, AR 72762			
Mark Latham (Doc ID) 363 Mill Park Lane, Elm Springs, AR	241.	Verbal	DEQ hears your concerns and thanks you for commenting.
Nina Brown (Doc ID) 1851 S. Pianalto Rd, Tontitown, AR	242.	Smells – Air Quality – Health Hazard? TRASH Road Conditions Who monitors Gas Lots of Concerns! (SIC)	DEQ hears your concerns and thanks you for commenting. Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ’s Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality. Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions. Tracking sediment offsite from the facility is a housekeeping issue that must be managed through the requirements of the Industrial Stormwater permit coverage. DEQ is aware of public complaints regarding offsite tracking, site inspections have been performed to investigate these matters, and DEQ has since been in communication with WM regarding the continuing measures taken towards improvement. Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.
Scott Musgrave (Doc ID) 1301 Steele RD, Springdale, AR	243.	1) What is the Air Quality test process for landfill 2) What specifically Do you test – Air Quality what chemicals etc. 3) How often Do you test Air Quality 4) Where do you publish Air Quality DATA For public review What is proposed Life of proposed expansion when will landfill closez (SIC)	Air quality is largely regulated by DEQ Air Permit 1884-AOP-R8. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality. Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. The proposed life of the expansion is 12 years.
Nicole Burress (Doc ID) 2861 S. Barrington RD. Tonti town, AR 72762	244.	Verbal	DEQ hears your concerns and thanks you for commenting.
Tim Burress (Doc ID) 2861 S. Barrington RD. Tonti town, AR 72762	245.	Verbal	DEQ hears your concerns and thanks you for commenting.

Kenneth Lovett 18702 Clear Water Rd Fayetteville, AR 72704	246.	“See 5 Pages Typed” Verbal	DEQ hears your concerns and thanks you for your comments.
Mick Wagner 2087 S. Barrington Tontitown, AR 72762	247.	Verbal	DEQ hears your concerns and thanks you for commenting.
Penny Baskin 1539 S. Pianalto Rd Tontitown AR 72762	248.	Verbal	DEQ hears your concerns and thanks you for commenting.
Mark Ramsay 1280 Cassia St. Tontitown, AR 72762	249.	Verbal	DEQ hears your concerns and thanks you for commenting.
Patrick Calcagni 12714 Arbor Acres Rd Springdale, AR 72764	250.	Verbal	DEQ hears your concerns and thanks you for commenting.
Celeste Espinoza 2047 S. Pianalto Rd Tontitown, AR	251.	- Points on health and safety concerns - My family our home, the fire scares, ect.	DEQ hears your concerns and thanks you for commenting. Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions. The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c).
Robin Lundstrum, State Rep P.O. Box 14 Elm Springs, AR 72728	252.	Written	DEQ hears your concerns and thanks you for commenting.

Steve Unger, State Rep.	253.	Verbal	DEQ hears your concerns and thanks you for commenting.
Tammy Graham 1984 S. Pianalto Rd Springdale, AR 72762	254.	There is NO place for the expansion of a landfill in the heart of our community. Waste Management DOES NOT cover the trash, does not pick up the trash as they should. The contamination of Little Wildcat Creek places the Health of our citizens at risk and poses source contamination to the Illinois River. CLOSE THE LANDFILL!!!	<p>There have been no known sampling results indicating there is or is not contamination of Wildcat Creek at or near where dye was observed.</p> <p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.</p>
Allison Scott 2914 S. Barrington Tontitown, AR 72762	255.	<ol style="list-style-type: none"> 1. What evidence can be provided that rules are being followed (no dumping of human/animal waste in level 4, etc.) 2. How often is the water in the surrounding area tested? How do I access this information? 3. Why is Tontitown paid much less than all other waste areas use by your company? 4. What steps are being taken to eliminate any negative affect on air quality. 	<p>DEQ Office of Water Quality monitors surface water at various locations throughout the state. This data is available online at: https://www.adeg.state.ar.us/techsvs/env_multi_lab/water_quality_station.aspx</p> <p>This comment period is for the Class 1 landfill only, however leachate is tested at least quarterly from the Class 4 landfill and has not shown any constituents that would come from human/animal excrement.</p> <p>Groundwater monitoring wells at the facility are sampled on different schedules, some monthly, some quarterly, and some semi-annually. Wildcat Creek is to be sampled semi-annually. This sampling data, once available, can be found within the groundwater monitoring reports on the DEQ Solid Waste Management Permitted Facility Report Database found on the DEQ website.</p> <p>DEQ is the state agency charged with implementing and enforcing Arkansas's environmental laws and administering those federal environmental programs that DEQ has received authority to administer.</p> <p>Arkansas Code Annotated § 8-6-1003 requires the collection of a fee per ton of waste disposed in all commercial Arkansas landfills. Arkansas Code Annotated § 8-6-1004 requires those fees to be placed into the Landfill Post Closure Trust Fund. This trust fund was established to remediate landfills that are in post closure or whose permit is void. Numerous closed landfills in northwest Arkansas are included in the Post Closure trust fund. Arkansas Code Annotated Chapter 6, Subchapter 6 describes the collection of fees and disposition of those fees for the Solid Waste Management and Recycling Fund Act. A large portion of fees collected under this act is administered to regional solid waste management districts for their recycling programs.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ's Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p>
		Written letters received at Public Hearing May 25, 2023 in Tontitown	

Mark Calcagni	256.	<p>Mark Calcagni 12642 Arbor Acres , Lived here for over 34 years. I want to thank you for having this public meeting in Tontitown on a Thursday instead of a Weds/church night and Not on the East Side of Springdale and for providing us with ample notice this time.</p> <p>I am going to leave emotion out of this and just present facts that concern most of us about Health, Safety , and the Environment.</p> <p>Fact- Tontitown City Council rejected Class 1 and Class 4 landfill expansion unanimously twice the first time on Nov 2 2022 filed with the Washington Court House. Pollution Control and Ecology Regulation 22.204 States the host city/Tontitiwn must approve a new landfill or expansion. Is this not the rule ADEQ is suppose to follow? Why Is this rule/law not followed. I don't understand that? Why have rules? (oooops sorry emotion there)</p> <p>Fact WM dye test ran into the Little Wildcat Creek that runs into the Illinois River. Area is Karst Topography, studies show this landfill should not be here due to that. Oklahoma's water supply.</p> <p>Fact Multiple Fires at the landfill the latest was reported by WM to the Tontitiwn Fire Dept that it was caused by a lithium battery. Batteries are hazardous in a non hazard landfill. Report Is available from Tontitown Fire Dept.</p> <p>Fact: Numerous dated pictures of improper coverage of trash on both class 1 and class 4 landfills by neighbors Dated Pictures. How do you dispute those?</p> <p>Fact: Numerous Dated Pictures of Trash blown on neighbors yard and road debri - ADEQ Should come to town more often as WM is picking up trash and has covered some of the trash. Cleaning house as company is coming to town.</p> <p>Fact Numerous Air Quality Complaints on the ADEQ website by many residents of gas and odor. No Air Testing has been done by state or federal govt to test this gas if hazardous to health</p> <p>Fact: Dead Trees and Hundreds of Dead Birds around landfll. Multiple Dated Pictures of this</p> <p>What is it going to take a deadly accident to get the States and ADEQ attention? Area is residential with heavy truck and residential traffic with an elementary school a mile and haf away. BUT the BIG Question is why Regulation 22 is adhered to? Why is the PC&E Regulation 22.204 that states the host city must approve a new landfill or an expansion. Almost 8 months ago Tonttown City Council/elected officials Unanamously REJECTED an expansion of Class 1and Class 4 landfills in Tontitown. WE Hope Health, Safety, and Environment is more important than dollars! Due to poor planning that a Growing Tontitown has to suffer with a landfill that has been in existance over 40 years.</p>	<p>DEQ received a Certificate of Need and host community approval with the pre-application and application. DEQ is aware of the subsequent city resolution withdrawing support.</p> <p>DEQ is following Arkansas environmental laws found in Arkansas Code Annotated Title 8 and Arkansas Pollution Control and Ecology Commission Rule No. 22- Arkansas Solid Waste Management Rules.</p> <p>The dye trace study is a useful tool for determining where to sample and monitor groundwater that could potentially become impacted by the landfill. It is, however, not an indicator that there is or will be a leak. Currently, DEQ is not aware of any sampling conducted at or near where dye was discovered on Wildcat Creek that would suggest there is or is not contamination from the landfill.</p> <p>Design criteria specific to the karst terrain has been met or exceeded for this requested expansion. Rule 22.407 requires landfills demonstrate engineering measures be incorporated into the design to ensure the integrity of the structural components of the unit will not be disrupted. The design criteria of the landfill meet the requirements for unstable areas.</p> <p>The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c).</p> <p>According to Ark. Code Ann. § 8-6-203 (7) and (8)(A) and (B), and APC&EC Rule 23 § 261.4 (b)(1), lithium batteries generated from households are considered household hazardous waste and are generally considered to be solid wastes which are not hazardous wastes. Batteries are not fully regulated as hazardous waste pursuant to APC&EC Rule 23 § 261.9 and are universal waste. Only lead-acid based batteries are currently banned from landfills pursuant to Ark. Code Ann. § 8-9-303.</p> <p>APC&EC Rule 23 § 261.4(b)(1) exempts the following solid wastes from the definition of hazardous wastes: household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas). Therefore, wastes generated by a household would not be regulated as a hazardous waste under APC&EC Rule 23.</p> <p>Household hazardous waste may be disposed in Class 1 landfills.</p> <p>Comments regarding the Class 4 landfill are outside the scope of the Class 1 landfill permit modification.</p>
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		<p>Thank You</p> <p>Sent from my iPhone</p> <p>Marl L. Calcagni 12642 Arbor Acres Rd Springdale ARK 72762 479-236-8539</p>	<p>DEQ has documented and dated pictures demonstrating compliance with the cover requirements during the times in question. Cover issues that have been noted during inspections have been resolved. One issue was the use of Alternate Daily Cover (ADC) instead of soil on a Friday. Covering with soil on Fridays or the last work day of the week is now a permit requirement. Cover material requirements for Class 1 landfills is under APC&EC Rule 22.413.</p> <p>The landfill is required to control blowing litter. There are controls employed at the landfill that help to reduce litter escaping at the working surfaces of the landfill. Should litter escape and find its way to neighboring properties, citizens should contact Eco-Vista to implement their litter control program, which will prompt their litter crews to clean it up.</p> <p>Rule 22.411(g) Litter Control states “Litter control provisions shall be maintained at all times. If daily or more frequent cover does not control on and off site litter, other methods may be required, such as, but not limited to litter fences and litter crews.” The Eco-Vista litter control plan contains all elements mentioned in Rule 22. The landfill is in compliance.</p> <p>DEQ does not have the authority to regulate large rocks or other debris that may be present on the roads. Road hazards are not within the scope of the solid waste permit issued to this facility. Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ’s Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>Specific concerns regarding dead birds should be brought to the attention of the Arkansas Game and Fish Commission.</p>
<p>Kenneth Lovett (Attachment to Doc ID 84087 above)</p>	<p>257.</p>	<p>PUBLIC COMMENTS OF Kenneth Lovett ON DRAFT PERMIT FOR ECO-VISTA LLC CLASS I LANDFILL AHS 191-27-00044 DRAFT PERMIT FOR ECOSYSTEMS</p> <p>The Class I landfill was initially permitted in the Solid Waste Permit of April 16, 1997 as a permitted facility, after public notice of the State of Arkansas by the authority to construct and operate the landfill, no comments were received by the public.</p> <p>The reason for the lack of public notice was that at that time, the landfill was in a generally populated area, and few people were affected by it.</p> <p>In the late 1990s, the landfill was located in the vicinity of the town of Boston, Georgia. During this time, the population in the area was rapidly and steadily increasing. The landfill is now located in a densely populated area, with numerous residential homes along the adjacent landfill area. It is possible for people to come in contact with waste in the area.</p> <p>During the late 1990s, the landfill was located in the vicinity of the town of Boston, Georgia. During this time, the population in the area was rapidly and steadily increasing. The landfill is now located in a densely populated area, with numerous residential homes along the adjacent landfill area. It is possible for people to come in contact with waste in the area.</p>	<p>DEQ hears your concerns and thanks you for commenting.</p>

These three documents (DDI, DDI and the City Landfill) in the DDI, together, shall be filed in the permit file. The DDI is the most recent version of the permit, and the DDI is the original version of the permit. The DDI is the original version of the permit, and the DDI is the most recent version of the permit.

DDI is Not Authorized by Law to Issue
DDI Application for Increased Landfill Allowance

DDI is not authorized by law to issue a permit for an increase in the amount of waste that can be landfilled at the landfill. The DDI is not authorized by law to issue a permit for an increase in the amount of waste that can be landfilled at the landfill.

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		<p>The problems with air, surface and groundwater contamination will likely continue long after the landfill is closed. Because of this, the Permit should also require EMI to:</p> <ol style="list-style-type: none"> Retain qualified independent contractors to evaluate stability of the ground of the surface and groundwater contamination that are being and will likely be released from the existing landfill; Based upon the results of such studies, prepare plans to DUX to remediate the existing landfill to prevent the continued release of odors, with the public allowed to comment on the plans; and Implement the remediation plan approved by DEQ after public review and comment. <p>These problems have existed for many years, and the Permittees and other members of the public who reside in the general vicinity of the landfill have frequently complained to EMI and to DEQ during that time, often without any result. The problems are, to a degree, operational, but they are also operational and costly of being addressed in the permit renewal process.</p> <p><i>Kenneth Lovett</i> 5/25/2023</p>	
		<p>Summary of Public Hearing Oral Comments</p>	
<p>Oral Commenters:</p> <p>Celeste Espinoza, State Representative Steve Unger, Tammy Graham, Allison Scott, Mark Latham, Nina Brown, Scott Musgrave, Nicole Burress, Tim Burress, Kenneth Lovett, Mick Wagner, Penny Baskin, Mark Ramsey, Patrick Calcagni, Jami Morgan, Ron Ellington, Mark Calcagni, Michele Carpenter, Rhonda Doudna,</p>		<p>On May 25, 2023, at 5:30 P.M., DEQ held a public hearing at the St. Joseph’s Catholic Church in Tontitown, Arkansas. The purpose of the hearing was to receive comments on the draft permitting decision tentatively proposing to issue a permit to allow Waste Management to expand the Class 1 Landfill at the Eco-Vista Landfill.</p> <p>Individuals from the public were present at the public hearing, and some of those in attendance provided oral and written comments. The commenters generally were in opposition to a permit being issued to allow the expansion of the Class 1 landfill as well as the continued operation of the Class 4 landfill located at the facility. The commenters expressed concerns regarding odors and harmful gases, trash and debris leaving the landfill, impacts on health from the presence and management of the landfill, fires occurring at the landfill, and concerns that the facility has grown so large that there are not enough resources to manage a catastrophic fire should one occur at the landfill.</p>	<p>DEQ thanks each individual for coming to the public meeting and for commenting on the record.</p> <p>DEQ agrees human safety is the highest priority at all landfills in Arkansas. Specific concerns regarding public health should be brought to the attention of the Arkansas Department of Health. The permit sets forth conditions to ensure protection of human health and the environment. The Eco-Vista Class 1 landfill meets these conditions.</p> <p>Air quality is largely beyond the scope of the solid waste permit issued to Eco-Vista although weekly cover is required to help control odor. A Title V Air permit is issued to the facility by DEQ’s Office of Air Quality. The air permit sets forth the conditions regarding how operations at the landfill may impact air quality.</p> <p>The landfill is required to control blowing litter. There are controls employed at the landfill that help to reduce litter escaping at the working surfaces of the landfill. Should litter escape and find its way to neighboring properties, citizens should contact Eco-Vista to implement their litter control program, which will prompt their litter crews to clean it up.</p> <p>Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.</p> <p>Rule 22.411(g) Litter Control states, “Litter control provisions shall be maintained at all times. If daily or more frequent cover does not control on and off site litter, other methods may be required, such as, but not limited to litter fences and litter crews.” The Eco-Vista litter control plan contains all elements mentioned in Rule 22. The landfill is in compliance.</p> <p>DEQ does not have the authority to regulate large rocks or other debris that may be present on the roads. Road hazards are not within the scope of the solid waste permit issued to this facility. Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.</p>

Mayor Angela Russell, Russ Greene, Levon Perry, Jerry Eley II, and Jan Valencia		The facility is required to take measures to prevent fires and have an emergency response plan maintained at the site. In the event of a fire, the facility is required to follow the emergency response plan as approved in their permit application. Fire safety and prevention is found at APC&EC Rule 22.411(f) and 22.612(b) and (c).
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AFIN: 72-00144

PMT#: 0290-S1-R3

Received

By Kacy Murillo at 2:46 pm, May 15, 2023

DOC ID#: 84014

TO: AC>FILE <KM

From: Rhonda Doudna [<mailto:oliveoils65@gmail.com>]
Sent: Wednesday, May 10, 2023 9:41 PM
To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>
Subject: Expansion for Waste Management class 1 Tontitown

Hello from Tontitown!

I have lived in Tontitown since 1992 around the same time Waste Management met with all the local families that lived around Sunray.

The folks that represented Waste Management, at the time, spoke of plush hills, wild life, and how they would only operate another 10 to 15 years if the local folks would allow them. This was a win win for everyone involved they claimed.

It is 2023 and what I see when I drive the area around Waste Management is trash on fences, in trees and literally covering the blocker fence within Waste Management.

So let's just make a list ~

1. Debris on local roads from trucks.
2. RED mud on roads, mailboxes and cars traveling behind or coming toward a Waste Management truck because WM doesn't use the wheel wash bay.
3. Klenc road is losing it's base in places due to WM traffic.
4. Trees that have been planted KEEP dying on WM property.
5. Refusing to cover up each night and on weekends the trash.
6. Red dye test that WM did NOT notify ANYONE that they were doing which came out many miles downstream. Then WM fessed up once the pictures popped up but didn't give any report on testing of the water.
7. 500 or more vultures, on a regular bases, swarming above the landfill.
8. ADEQ Representative, Julie, reported in front of 2 State Representatives, Tontitown citizens and 4 ADEQ members, that she became dizzy, nauseous and sick when she stepped out of her car at the Waste Management facility that Saturday.
9. CITIZENS HAVE BEEN COMPLAINING ABOUT THE TOXIC FUMES AND GASES FOR AT LEAST 4 YEARS!
10. 200 or more dead birds found on properties adjoining WM property.
11. 2 people being over come from carbon monoxide and being admitted to hospital recently that were on WM property.
12. Numerous FIRES that I have literally lost count. It is ALWAYS A LITHIUM BATTERY which is almost comical each time they use it.
13. Breaking their own contract with Tontitown to stop working at 6pm. The City Tontitown has upped it to 7pm with their city code but WM doesn't seem to care.
14. Leaving bags of trash sitting on the city road for over 4 weeks at a time.

Our town has been patient with WM. A LOT of these issues could be corrected if WM

would follow the laws that are put in place by ADEQ but AGEQ keeps turning a blind eye.

My main concern is watching the bad communication from WM with our city. We no longer trust them which is now scary. WM lies and covers up things so...what else are they failing to tell the citizens they have done.

WM needs to close their doors and find a better safer land away from residents.

Another thing you might want to know is that the Arkansas Attorney General is investigating former Mayor Paul Colvin of Tontitown. That is a fact. One of the shady shady dealings was added to the list is to check out the rezoning, the LSD and the resolution that was orchestrated by Colvin and George Wheatley FOR WASTE MANAGEMENT TO EXPAND.

I don't have a crystal ball but I am a betting person. I will bet each one of you on the ADEQ board that one day in the far away distance there will be health issues with the families directly related to this gas that WM continues to deny is being emitted into the air.

You might want to pick what movie star will play your role in the movie of the week if you continue to allow WM to operate in such a hazardous manner and allow them to expand for eternity.

P.S. As I am finishing this letter, 5/10/23, I hear Fire trucks heading to WM, once again, to put out a fire in Class 1 kid you NOT. Attaching pictures.

Notice the direction the smoke is going. The last fire, 2 months ago, drove a family of 5 with two small children out of their home for the night because their home was full of smoke.

There is something definitely wrong with this landfill.

WHEN IS ENOUGH ENOUGH?

Thank you for your time,
Rhonda Doudna
462 Pozza Lane
Tontitown, Arkansas
479-445-3685





Kacy Murillo (adpce.ad)

Subject: RE: Tontitown Eco-Vista Class 1 Landfill Proposed Expansion

From: Dennis Boyer [<mailto:dboyer01@yahoo.com>]
Sent: Wednesday, May 17, 2023 9:59 AM
To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>
Subject: Tontitown Eco-Vista Class 1 Landfill Proposed Expansion

5.17.23

RE: Public Input/Tontitown Eco-Vista Class 1 Landfill Expansion Proposal

Dear Mr. Jones,

I am a Tontitown resident. I have just witnessed the Class 4 expansion approval 'process'. Any 'reasonable' person would not expand a landfill in the midst of a fast-growing urban area such as this. The site would never qualify as an 'initial' siting because of urban density, the fact that ZERO geological studies have ever been conducted to justify where it now sits, the 'host city' doesn't want it, ADEQ does NOT follow up on complaints, Eco-Vista violations are innumerable, ad nauseam.

NO studies have been conducted to find an alternate site. A 30-year-old political 'look-see' was done with no empirical back-up yet that is used to justify the current setting and rule out any other location. Modern technology has never been employed to find another site. Everyone agrees that 'eventually' expansion in Tontitown will reach a geographical limit and another site will be needed, yet, identification studies for another site are not, and have never been, conducted.

All of the above means that politics and money, i.e., WM power, is the real justification for expansion.

My input is summed up below in an editorial I wrote that ran a few days ago in the Arkansas Democrat Gazette.

Concerns ignored in landfill editorial

The Democrat-Gazette's May 7 editorial concerning landfill expansion in Tontitown painfully detoured around certain crucial facts.

Chief among them was a failure to address Tontitown residents' two greatest concerns at the center of this controversy from the very beginning: health/welfare and population density. While citizens' opposition to the landfill was noted, the reasons behind it were not.

The editorial correctly reported that the last time regional decision makers considered any alternate landfill siting was way back in the 1990s when, "after tense meetings with farmers and other local residents around the region," it was concluded that "the geology of Benton, Washington, Madison and Carroll counties makes any other location [besides Tontitown] unsuitable for such an operation."

Incredulously, that politically charged and unscientific verdict lives on today as the principal rationale for supporting the expansion of Eco-Vista Landfill in Tontitown. Even more troubling is that while alternate locations were dubiously "ruled out," no scientific study has ever been conducted to "rule in" Tontitown.

Present-day realities require a complete reexamination of the entire matter. Take Tontitown, for example. The chicken farms that dominated its landscape decades ago when Eco-Vista first showed up are long gone. In their place stand thousands of homes with thousands more on the way.

Given that the proposed expansion in Tontitown is admittedly only a temporary solution and that a much larger site will eventually be needed, how sensible or environmentally sound is it to further desolate this fast-urbanizing and populous region?

The editorial concluded this way: “Without that landfill the cost of living in Northwest Arkansas will go up.” No studies or facts were presented to support that statement. Given that expansion is an incomplete fix to a much larger long-term problem, might it not be equally plausible to consider that finding a different and more longitudinally suitable site now could actually save ratepayers money in the long run?

I am disappointed in regional leaders for their woeful lack of foresight and regrettable failure to foresee and take proactive measures to prevent this current crisis. Of course, no discussion is complete without acknowledging the stupefying power and influence wielded by mega-giant Waste Management Inc. over lawmakers and regulators. To wit, fully documented and egregious violations occur virtually daily at Eco-Vista, which state “regulators” routinely ignore and newspapers fail to report.

After over 40 years of hosting the noxious, polluting and public nuisance landfill (debris, on-site fires, fumes, etc.) for all of Northwest Arkansas, rapidly urbanizing Tontitown deserves a fair hearing on its grievances.

Tontitown citizens (present and future) desire clean air, something the editors themselves and most others in Northwest Arkansas regularly enjoy.

Let’s stop kicking the can down the road. Two things are essential, but conspicuously missing from the current discourse. One, an up-to-date study of alternate sites in and around Northwest Arkansas employing current technologies and techniques (such as advanced Lidar); and two, a scientifically/environmentally sound justification for expanding the current site.

Dennis Boyer
Tontitown

Respectfully
Dennis Boyer
1969 Dowell Road
Tontitown, AR 72762
949-836-0462

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista Class 1 Public Hearing

From: David Etchison [<mailto:dretchison1@gmail.com>]
Sent: Thursday, May 18, 2023 8:37 PM
To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>
Subject: Eco-Vista Class 1 Public Hearing

Nicholas Jones

I am writing this letter in response to permit draft of expansion of class 1 Eco-Vista landfill.

A dye test was performed by Waste Management showed up in Little Wildcat Creek that flows into the Illinois River that is the water source for Siloam Springs And eastern Oklahoma.Waste Management is polluting our ground water and the environment.

The City of Tontitown City Council rejected the expansion of the class 1 and class 4 twice.Regulation states the host city must approve expansion.Why are rules not followed.

Local residents have headaches, nausea, and running eyes. Why has the state or federal government not performed test of the air quality.

The landfill does not properly cover the trash and debris daily.
There have been several fires at the landfill. The last fire was caused by a lithium battery. Batteries are hazardous waste.

Waste Management does not follow city Laws and Ordinances.

Thank you
David Etchison
18491 Clear Water Rd.
Fayetteville, AR 72704



Virus-free.www.avast.com

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista Class1 Expansion Public Meeting

From: David Etchison [<mailto:dretchison1@gmail.com>]

Sent: Thursday, May 18, 2023 8:55 PM

To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>

Subject: Eco-Vista Class1 Expansion Public Meeting

Mr Jones,

I am writing this concerning the permit expansion Class I of EcoVista Landfill. There have been several residents complaining of headaches, nausea and runny eyes caused by gases and odors from the Tontitown landfill. There have been no air quality tests done by state or local officials. Why is this? Improper trash and debris coverage occurs on a daily and weekly basis. There have been several fires at Waste Management. The latest fire was caused by a lithium battery per Waste Management personnel. This is supposed to be a nonhazardous landfill. Batteries are hazardous waste. A dye test was performed at Waste Management, and the dye showed in Little Wildcat Creek which flows into the Illinois River which is a water source for Siloam Springs and parts of Oklahoma. Regulations state the host city must approve an expansion or a new landfill. The city of Tontitown City Council rejected the expansion of Class I and Class IV twice. Why is this regulation not followed?

Thank you for your time and consideration,
Renee Etchison
18491 Clear Water Rd
Fayetteville, AR 72704



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Kacy Murillo (adpce.ad)

Subject: RE: Eco Vista Class I public hearing

From: David Etchison [<mailto:dretchison1@gmail.com>]

Sent: Thursday, May 18, 2023 9:02 PM

To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>

Subject: Eco Vista Class I public hearing

Mr Jones,

This letter is concerning the draft permit expansion of Class I EcoVista landfill. A dye test was performed by Waste Management that showed up in Wildcat Creek which flows into the Illinois River. This river is the water source for many including Siloam Springs and Oklahoma. Improper or no coverage of trash has been reported but continues to happen weekly. Trash and debris is present in the road and neighboring yards. This has been reported to ADEQ. Waste Management has also had numerous fires, one of which was caused by a lithium battery. Batteries are considered hazardous waste and should not be present at Waste Management as it is a nonhazardous landfill. The city of Tontitown has rejected the expansion of Class I and IV on two different occasions. A resolution was filed with Washington County Courthouse. Why are regulations not followed?

Thank you,
Fern Etchison
18617 Clear Water RD



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Kacy Murillo (adpce.ad)

Subject: RE: Public hearing for expansion of Class I Eco Vista Landfill

From: David Etchison [<mailto:dretchison1@gmail.com>]

Sent: Thursday, May 18, 2023 9:11 PM

To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>

Subject: Public hearing for expansion of Class I Eco Vista Landfill

Mr. Jones,

There are several reasons not to allow this expansion due to legal, health, safety and environmental factors. Why are regulations not followed? The host city is required to approve the expansion of a landfill. The city of Tontitown City Council rejected both class I and Class IV expansion twice. Why are the rules and regulations not being followed? A former ADEQ director visited EcoVista and stated she had a headache, nausea and burning eyes. The residents of Tontitown have complained of the same symptoms. Why are we not doing air quality tests to protect the residents? Waste Management conducted a dye test and the dye was found in Little Wildcat Creek which flows into the Illinois River which is a major water source. Why would we approve an expansion in an area of growth? There are numerous homes, farms, small neighborhoods and an elementary school surrounding the area with plans to build even more homes. Why would we put their health and safety in jeopardy?

thank you,
Heston Mcfatridge
18595 Clearwater Rd
Fayetteville, AR 72704



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Kacy Murillo (adpce.ad)

Subject: RE: Eco vista landfill class 1 expansion

-----Original Message-----

From: Nina Brown [mailto:nenekat22@gmail.com]
 Sent: Friday, May 19, 2023 3:35 PM
 To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>
 Cc: Kenneth Lovett <kenneth.lovett@att.net>
 Subject: Eco vista landfill class 1 expansion

Nick Jones ADEQ/ Ar Energy & Environment

I am writing once again in regards to the Eco Vista / Waste Management landfill in Tontitown Ar .

With great concerns of the proposed class 1 expansion. My opinion and many other citizens of Tontitown are very concerned for our well being and the environment.

We have lost a lot over time.. Some of us were here long before there was a landfill!! As time has evolved we have lost our peaceful, quiet natural area.

Consider these points :

>Air Quality !! We often smell foul odors and nauseous gases. These gases sometimes make us feel ill. What is the long term effect from these unknown gases to our health?

Does the state of Arkansas or ADEQ have to identify and make known to the public the hazards coming from the landfill?

Is this in the state budget to do air quality testing ? Surely it's just not left to WM to oversee and regulate its self.....?

Who can give us this information?ADEQ ?

>Health and safety of area residents. Some have been very ill from the nauseous gases. And we can't seem to get answers to what gases come from WM. We know the methane and ammonia as well as others but know one wants to publicly say.. therefore this is a very scary issue !! The danger of living by a landfill should be know to the public!! For now and future generations !!!

The heavy traffic is a hazard to us all.. you must be very attentive to WM traffic as they pull in and out at WM....

Sometimes they drive right out without Stopping to check traffic at Stop signs !! Plus they are large and the turning radius is much greater than some streets allow for so watch out !! They may be on your side of the road ..

>Noise pollution ! From 6:00am till 6:00pm or so there is loud banging,

>beeping,heavy equipment,

As well as all the trash hauling trucks and semi trucks plus the general public traffic and employee traffic.

>Wear and tear on the roads and streets of Tontitown.

Klenc Rd /412 , Dowell Rd. and Arbor Acres Rd. examples of great wear and tear !! Dirty signs- fences & right-a-way.

>The filthy red dirt and trash scattered on the land and roads all around the area... leads right to WM.

>Contamination of our creeks, streams, leading to the Illinois river.. Red dye test showed us this result earlier this year.. I was personally told it was beet juice runoff from treating the street for ice.... By ADEQ . Then it came out later about the Red Dye test from WM... just be honest with us please !!

Also most area water wells have had to be shut down from pollution.. no longer fit to consume.

>Truck tire wash.. why don't they use it? Or is there even a tire wash there now ? Traffic coming from there sure DOES NOT appear washed off ! And heaven forbid you get behind or meet a truck coming..slinging red dirt mud/ rocks..!!

Chipped and broken windshields are common around here.

>Covering the waste daily.. It seems the rules and regulations are not always followed as we have seen just tarps thrown over the refuse or not covered at all... But ADEQ doesn't seem to consider this info or pictures taken by area citizen's..

Most pictures displayed are only taken by WM and show very limited area or are blurry. Or many are several years old it looks like.

>What is in the misting at WM.. I've been told by WM it's deodorizer.. but what is it ??? What does it cover up?? Also part of its missing... not near as much misting now but there is a lot more smells!

>The Leachate pond where does it overflow to in case of flood ????

These are several concerns I have there are many others I hope get addressed in the near future. I'm glad you are being more considerate with this public meeting. Last one I got my notice by mail the day after the public meeting for the class 4 expansion.

As a longtime resident of Tontitown just please listen to the public views...and consider them all for our future as well !! I am tired and weary from this landfill ! It should not exist in our town any longer! They seem to follow the rules and regulations when they want and don't when they are not in more public view... When something's coming up they pick up trash and clean fences keep the streets cleaned up a bit, drive on the routes they are suppose to but, when it's all back to normal it's like that plastic bag blowing in the wind... GONE and forgotten.

My sincere opinion !!

No Expansion Class 1 at Eco Vista Waste Managment in Tontitown Ar.

Nina Brown
1851 S Pinalto
Tontitown Ar.

Kacy Murillo (adpce.ad)

Subject: RE: WM Class 1 Expansion

-----Original Message-----

From: Rebecca Timmons [mailto:rgtimmi@gmail.com]
Sent: Friday, May 19, 2023 11:45 PM
To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>
Subject: WM Class 1 Expansion

May 19, 2023

Mr. Nick Jones
Senior Operations Mgr.
Office of Land Resources/Division of Environment Quality
5301 Northshore Dr.
Little Rock, AR 72118

Dear Mr. Jones:

This letter is in regards to the expansion of Class 1 Eco-Vista Tontitown landfill. Along with my opinion and reasons for opposing further expansion of WM.

Tontitown city council, unanimously voted against class 4 and class 1 expansion at WM. I believe there is a regulation that required approval from the city, before expansion could take place??

#1 Greenhouse gases: Methane is 25 times more effective at absorbing the sun's heat, than carbon dioxide. Making it a very potent greenhouse gas and one of the biggest contributors to climate change. Methane is also a flammable gas, maybe this is why there has been so many unexplained fires at WM. Not to forget the poisonous gas of hydrogen sulfide, caused by decomposing gypsum. When dry-wall is buried underground, in oxygen depleted conditions, this gas becomes hazardous at high concentrations and an odor problem (rotten egg smell) even at low levels. The citizens have verbalized many complaints of odors causing dizziness, nausea, disorientation, headache, difficulty breathing. I've heard these complaints expressed at council meetings. Recently, EMS responded twice to WM for an employees that were symptomatic after exposure to carbon dioxide, and required hospitalization.

#2 Leachate: This liquid contains high levels of ammonia, mercury, arsenic, acid, lead and other contaminants which make its way into our soil and groundwater, it becomes an environmental problem for years. Leachate destroys ecosystems, by changing the leachate to a nitrate, this nitrate causes a lack of oxygen in the water because of increase plant life, creating "dead zones". Which destroy natural habitats of wildlife due to this lack of oxygen. Leachate is highly toxic and can pollute the land, ground water and water ways. Eventually, causing contamination of aquifers, which requires many years to recover, if at all. It is well known that there is a crack in the liner of one of the big pits at WM and that there is no liner at all, in the second pit. The wells in this area have been contaminated by this substance. The U of A did a study a few years back and tested well water for citizens, it was determined the water was not drinkable. A red dye

test that WM preformed, proved that leachate was in creeks that flowed to the Illinois River. The Illinois River is a water source for other cities and states.

#3 Social Impact: Emissions from WM pose a threat to the health of those that live around them. There are odors, smoke, noise, bugs, water supply and soil contamination. The constant "dump dust" that lingers in the air, collects on homes, cars, in swimming pools is a continuous nuisance. The gases, smoke and "dump dust", (which is even visible in the air) is harmful to citizens with medical conditions like: asthma, emphysema, chronic bronchitis and other respiratory illnesses, causing exacerbations of these conditions, requiring medical treatment.

WM seems to be thumbing their nose, at the city and the residents of Tontitown. I was recently surprised, when I drove by, WM and saw a partially covered pit, a large part was left open all week-end. A few years ago they used to sweep the road almost daily, now it's packed with dirt or mud and debris. It seems they are only sweeping the road on Friday afternoons now. I have driven behind many truck and trailer loads of trash headed to the dump, that are not covered with a tarp, they used to turn them away if the trash wasn't covered. WM picks up the trash but leaves the full black plastic bags, along side of the road for weeks. They ignore the city ordinances about operating hours and violations about, leaving the trash bags along side the road for extended periods. I think they find it more cost effective to pay the fines, than comply with ordinances. I'm sure this is documented by the city, since I've seen signs by the bags, stating this was a "violation". Many of WM violations have been well documented by citizens, in writing and with photos (time stamped). It seems, they are not taken seriously by inspectors, their response have been, "they have to see it for themselves", this is time and time again.

Because of WM's blatant disregard for the health and safety of citizens and the environment, their poor management practices, and heavy truck traffic. Because this is a fast growing area with numerous subdivisions and large elementary school, I find WM an ill fit for Tontitown.

Last but not least, garbage buried in a landfill breaks down at a very slow rate and remains a problem for our future generations!

Please, don't let them expand,
Sincerely

Rebecca Timmons
2024 S Pinalto
Tontitown, AR 72762

Kacy Murillo (adpce.ad)**Subject:** RE: Complaint #030919 - Eco Vista Class 1 Landfill - Investigation Report**From:** Kenneth Lovett [<mailto:kenneth.lovett@att.net>]**Sent:** Tuesday, May 23, 2023 2:58 PM**To:** Ryan Hayden (adpce.ad) <Ryan.Hayden@adeq.state.ar.us>; Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>

Cc: Christopher Krou (adpce.ad) <Christopher.Krou@adeq.state.ar.us>; Sandra Hollowell <sandra.hollowell@governor.arkansas.gov>; anneashley.bryant@governor.arkansas.gov; jennifer.siccardi@governor.arkansas.gov; mica.chesshir@governor.arkansas.gov; stephen.barba@governor.arkansas.gov; Jason Gilkey (adpce.ad) <jason.gilkey@adeq.state.ar.us>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; Clint Penzo <clint.penzo@senate.ar.gov>; Patrick Deakins <pdeakins@washingtoncountyar.gov>; Planning Department <planning@tontitownar.gov>; Jarrod Zweifel (adpce.ad) <Jarrod.Zweifel@adeq.state.ar.us>; David Witherow (adpce.ad) <David.Witherow@adeq.state.ar.us>; Richard Mays <rmays@richmayslaw.com>; Ross Noland <ross@nolandfirm.com>; Khoury, Shane <Shane.Khoury@adeq.state.ar.us>; Shane Khoury <Shane.Khoury@Arkansas.Gov>; Caleb Osborne <Caleb.Osborne@adeq.state.ar.us>; Caleb Osborne <Caleb.Osborne@arkansas.gov>; Planning Commission of Tontitown <planningboardoftontitown@tontitownar.gov>; Angie Russell <mayor@tontitownar.gov>; Annette Cusher (adpce.ad) <Annette.Cusher@adeq.state.ar.us>; Misty Piazza <ward1-1@tontitownar.gov>; Amber Ibarra <ward1-2@tontitownar.gov>; Daniel Montez III <ward2-1@tontitownar.gov>; Larry Ardemagni <ward2-2@tontitownar.gov>; Mike Waskowiak <ward3-1@tontitownar.gov>; Tim Burress <ward3-2@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; Candy Black <cblack@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; Permits Department <permits@tontitownar.gov>; Donnie Davis <ddavis@tontitownar.gov>; Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>; Tyler Dees <tylerdees@senate.ar.gov>; Steve Unger <unger1958@gmail.com>; Steve Unger <steveungerforarkansas@gmail.com>; Leslee Bohannan <adminasst@tontitownar.gov>

Subject: Re: Complaint #030919 - Eco Vista Class 1 Landfill - Investigation Report

Second try including Photos!

On Tuesday, May 23, 2023 at 02:56:54 PM CDT, Kenneth Lovett <kenneth.lovett@att.net> wrote:

I sent a complaint on your "Report". Why do you accept statements from Don Tennison as true, when you have confirming evidence there was no cover in several areas on the face? They "Sprayed at" the section beside the lift and took a picture but in no way was their photos reflective of the cover they did on the 22nd...

I have Circlred areas that have no cover and no Foam. The foam cover beside the lift, lightly covers the outside of what was on the ground and has openings. nothing more than a snow dusting.

My life is more important to me than being the butt of your jokes.

How do we get proper action for inadequate coverage, odors, Vapors, vectors, Ground water contamination, Air Pollution that is not tested by the state but is IDLH in characteristics, Runoff water, above and below ground level draining directly to Illinois river, Inappropriate area for a Landfill, Etc. Etc.

There is a Large Hole in the system to properly Control Environment and Pollution. The people that knew what to do have been wiped out through attrition and these that are responsible now have NO CLUE! Doug Melton and His Frisky self (By Self identification) needs to be removed from the PC&EC during the realignment and the Commission needs to go into review of steps needed to make the Arkansas Environment safe, NOW and for the future. If you have to recuse yourself from votes you need to be removed from the Commission. There were 3 recused during the Class 4 hearing, and the rest had no idea what they were voting for or against. That was the biggest joke of a vote I have ever witnessed. They could not even figure out how to word the statement to vote...

Playing these games is not for adults. It is time to be adults and get the job done. Environmental issues should not be allowed before the Golf Club PC&EC...

Thank you for your time.

Please add this to the comments for the Public Hearing for Class 1 on May 25th.

Kenneth Lovett

----- Forwarded Message -----

From: Ryan Hayden (adpce.ad) <ryan.hayden@adeq.state.ar.us>

To: bsmall@wm.com <bsmall@wm.com>; Tennison, Don <dtenniso@wm.com>

Cc: Christopher Krou (adpce.ad) <christopher.krou@adeq.state.ar.us>; Nicholas Jones (adpce.ad)

<nicholas.jones@adeq.state.ar.us>; Jason Gilkey (adpce.ad) <jason.gilkey@adeq.state.ar.us>; kenneth.lovett@att.net

<kenneth.lovett@att.net>; EcoVista <ecovista@adeq.state.ar.us>

Sent: Tuesday, May 23, 2023 at 12:46:38 PM CDT

Subject: Complaint #030919 - Eco Vista Class 1 Landfill - Investigation Report

Attached: 5/23/2023 - Complaint #030919 - Eco Vista Class 1 Landfill - Investigation Report

Ryan Hayden | Solid Waste Inspector Supervisor

Division of Environmental Quality | **Office of Land Resources**

5301 Northshore Drive | North Little Rock, AR 72118

t: 501-682-0873 | c: 501-913-4023 | e: hayden@adeq.state.ar.us



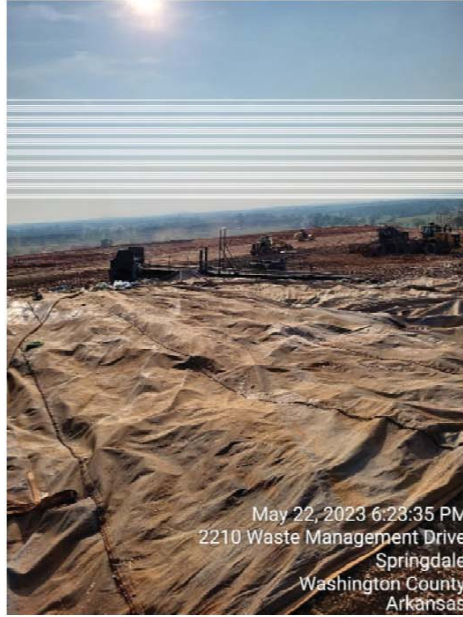


Photo provided by Don Tensior



Photo provided by Don Tensior

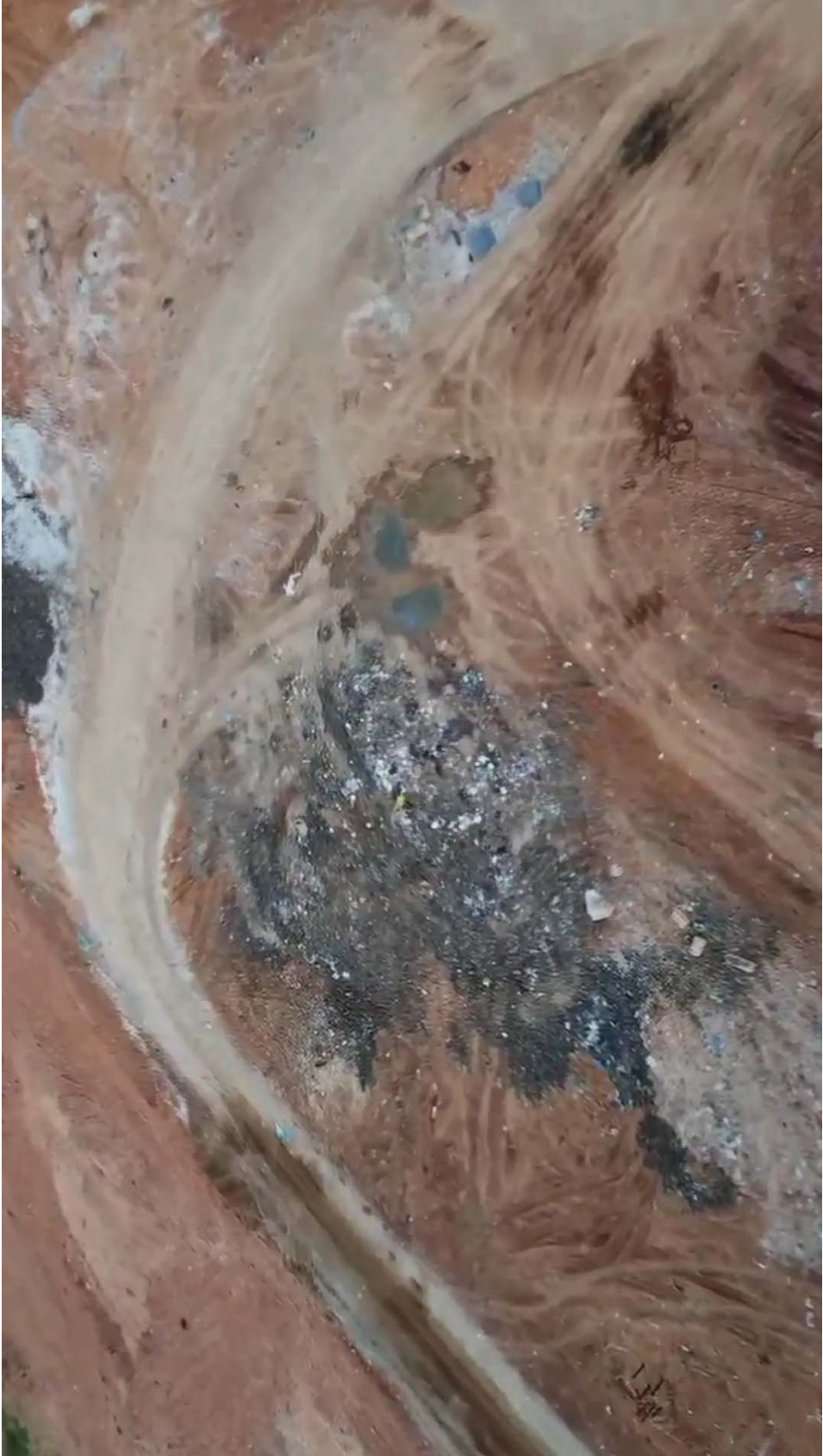












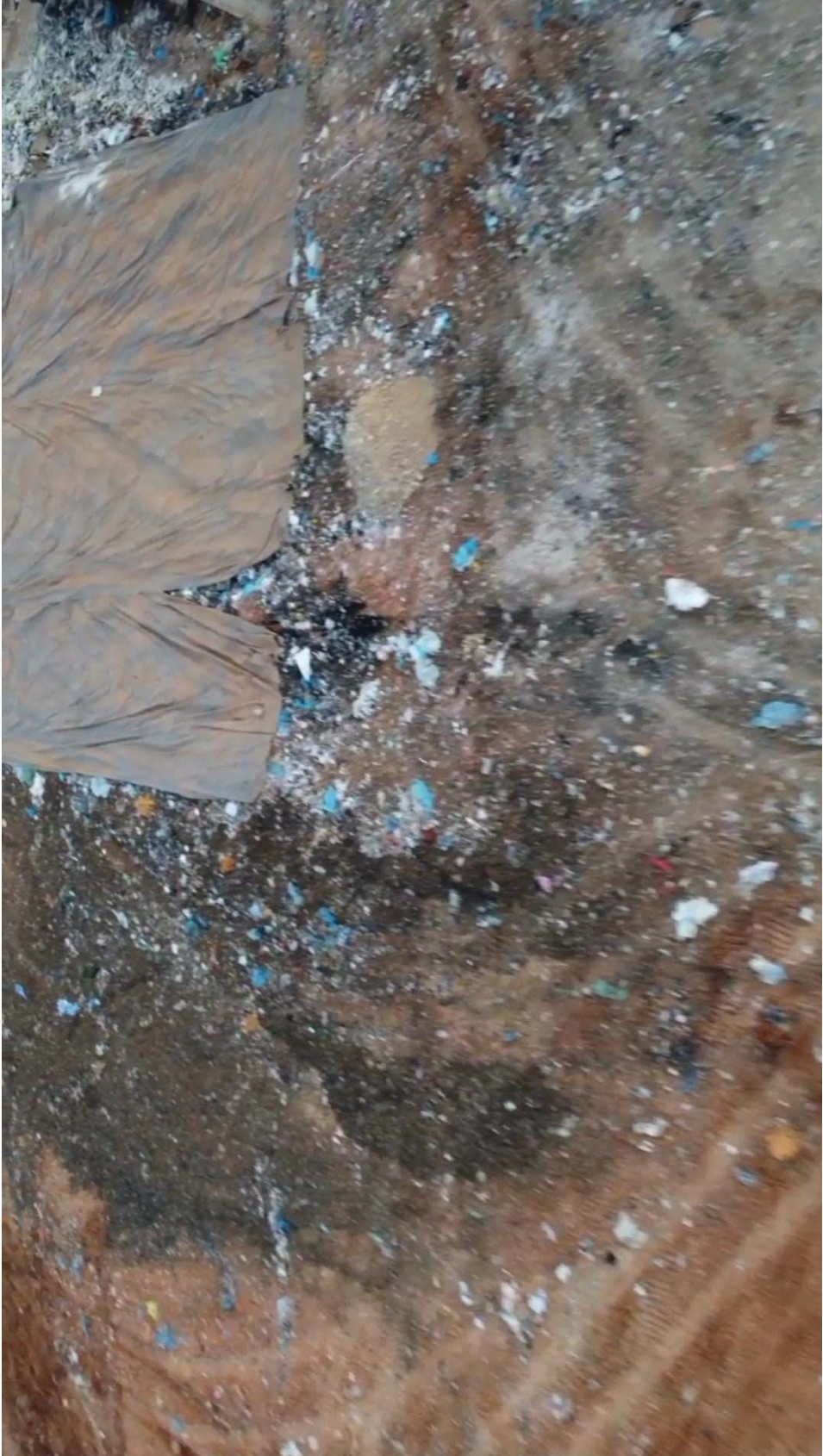














ARKANSAS

ENERGY & ENVIRONMENT

5/23/2023

Blake Small
District Manager
Eco Vista Landfill
2210 Waste Management Dr.
Springdale, AR 72762

RE: Complaint Investigation conducted on May 23, 2023
Complaint #030919
AFIN 72-00144
Permit Number 0290-S1-R3

Dear Mr. Small,

The Arkansas Division of Environmental Quality Office of Land Resources (DEQ) conducted a complaint investigation of your property, pursuant to the Arkansas Solid Waste Management Act (Arkansas Code Annotated, § 8-6-201, *et.seq.*) of 1971, as amended, and APC&EC Regulation No. 22 (Solid Waste Management). At the time of the investigation, no allegations of noncompliance were observed at your facility. A copy of the inspection report is attached.

If I can be of any further assistance, please do not hesitate to contact me at (501) 682-0873 or ryan.hayden@adeq.state.ar.us

Sincerely,

A handwritten signature in black ink, appearing to read 'Ryan Hayden'.

Ryan Hayden
Solid Waste Inspector Supervisor
5301 Northshore Drive, North Little Rock, AR 72118-5317

Enclosure

cc: Nicholas Jones P.E., Senior Operations Manager, Office of Land Resources
kenneth.lovett@att.net



ARKANSAS
ENERGY & ENVIRONMENT

Division of Environmental Quality
5301 Northshore Drive, North Little Rock, AR 72118
Office of Land Resources

HAZARDOUS WASTE MINING REGULATED STORAGE TANKS SOLID WASTE

COMPLAINT REPORT

COMPLAINT# 030919 AFIN# 72-00144 DATE RECEIVED 5/23/2023

PERMIT# / RST ID# / EPA ID# 0290-S1-R3 COUNTY Washington

PERSON RECEIVING REPORT Ryan Hayden DATE 5/23/2023

HOW COMPLAINT WAS RECEIVED PHONE LETTER EMAIL/WEBSITE EPA VERBAL

COMPLAINANT NAME	ADDRESS	PHONE
Kenneth Lovett kenneth.lovett@att.net	18702 Clearwater Rd., Fayetteville, AR	870-853-6232

COMPLAINT AGAINST	ADDRESS	PHONE
Eco Vista Landfill	2210 Waste Management Dr., Springdale, AR	501-982-7336

COMPLAINT DESCRIPTION Improper daily cover on the Eco Vista Class 1 Landfill working face reported on 5/22/2023.

LOCATION (In Detail)

SUPERVISOR REFERRAL Ryan Hayden DATE 5/23/2023

MEDIA SUPERVISOR REFERRAL DATE

RECEIVING INSPECTOR Ryan Hayden DATE 5/23/2023

PREVIOUS COMPLAINT YES NO MEDIA Multiple DATE Multiple

DISCHARGE TO STREAM YES NO NAME OF STREAM

ADDITIONAL INFORMATION

FOLLOW UP ON COMPLAINT

COMPLAINT#	030919	INSPECTOR	Ryan Hayden	DATE	5/23/2023
Entrance Time	N/A	Exit Time	N/A		

INVESTIGATION FINDINGS

On May 23, 2023, I communicated with Mr. Don Tennison, Eco Vista Landfill Manager, to discuss the allegation of the class 1 working face not being properly covered on May 22, 2023. (Refer to attached Telecon.) Mr. Tennison stated their approved alternate daily cover (ADC) was applied and he would email copies of the facility's photos. Tarps were used to cover most of the working face and RusFoam was used on the edges. (Refer to attached Photos.)

Permit Condition #18 allows tarps and Doc #80902 allows the use of RusFoam as ADC. Based on the photos provided and the conversation with Mr. Tennison, no violations with respect to the complainant's reported concerns were able to be substantiated.

FUTURE ACTIONS

PHOTOS	<input checked="" type="checkbox"/> YES (Attached) <input type="checkbox"/> NO	FUNCTION CODE	10401
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INSPECTOR SIGNATURE		DATE	5/23/2023	HOURS WORKED	2
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TELECON NOTE
DIVISION OF ENVIRONMENTAL QUALITY

ADDRESS: Eco Vista Class 1
2210 Waste Management Dr.
Springdale, AR 72762

DATE: 5/23/2023

TIME: 0910

RE: Complaint Phone Call

BETWEEN: Ryan Hayden

OF: DEQ Solid Waste
Inspector Supervisor

PHONE: (501) 913-4023

AND: Don Tennison (Waste Management Landfill Manager)
(479) 306-9518

DISCUSSION: I placed a call to Mr. Tennison in regards to an email submitted complaint sent by Kenneth Lovett, stating that improper daily cover was observed on the Class 1 Landfill on 5/22/2023. Mr. Tennison stated he was present at the landfill when the daily cover was finished. Tarps were used for the majority of the working face and foam was applied to cover up any exposed edges. He stated he would provide photos via email, showing that the daily cover was applied.

ACTION ITEMS:



May 22, 2023 6:23:35 PM
2210 Waste Management Drive
Springdale
Washington County
Arkansas

Photo provided by Don Tennison.



May 22, 2023 7:11:10 PM
2210 Westminster Avenue
Springdale
Washington County
Arkansas

Photo provided by Don Tennison.

Online Solid Waste/Illegal Dumps Complaint Reporting Form Submission Confirmation

From: no-reply@adeq.state.ar.us (no-reply@adeq.state.ar.us)

To: kenneth.lovett@att.net

Date: Tuesday, May 23, 2023 at 01:06 PM CDT

Complaint Submission Tracking ID: W-12584

Property Owner: Eco Vista Waste Management
County: Washington

Should DEQ determine this complaint may be an illegal dump, the complaint will be referred to the following Regional Solid Waste Management District to investigate:

Boston Mountain Solid Waste District

Email: reed@bmswd.com

Phone: (479) 846-3005

Website: www.bostonmountain.org

Name: Kenneth Lovett

Address: 18702 Clear Water Road

City: Fayetteville

State: AR

Zip: 72704

Phone: (870) 853-6232

Email: kenneth.lovett@att.net

Division: Solid Waste

Date: 5/23/2023

Time: 12:47:06 PM

Type of Waste:

Hazardous Items

Household Trash

Other

Description of Problem:

Improper cover after daily work was completed. 8:25pm, Monday May 22, 2023. This is a consistent issue with Waste Management. Just inspecting against current regulations is not the answer to the issue. Need someone to step up to correct this issue. Lack of proper cover causes many other issues including odors, vectors, upset residents and more time for ADEQ to inspect and write a report that consistently states,). At the time of the investigation, no allegations of noncompliance were observed at your facility. We all know that statement is incorrect. In the latest reply from Waste Managements Don Tennison the photos they provided were at angles you could not see all of the covered area and also the only place foam was added was to the portion beside the lift. There was several other areas that did not receive foam or tarp cover. I again ask why you unilaterally accept Waste Managements words and poor photos over those of individuals with proper obvious proof the Don Tennison is not providing photos of the areas that are not in compliance. Also their Cleanout area was not covered at all.

Directions:

2210 Waste Management Drive Springdale, AR

Photos: 6

Uploaded File Names:

Screenshot_20230522_203932_Gallery.jpg
Screenshot_20230522_203834_Gallery.jpg
Screenshot_20230522_203913_Gallery.jpg
Screenshot_20230522_203925_Gallery.jpg
Screenshot_20230522_204052_Gallery.jpg
Screenshot_20230522_204029_Gallery.jpg

Kacy Murillo (adpce.ad)

Subject: RE: Air Emissions Testing

From: Kenneth Lovett [<mailto:kenneth.lovett@att.net>]
Sent: Monday, May 22, 2023 8:50 PM
To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>
Subject: Fwd: Air Emissions Testing

For Class 1 comments

From: Kenneth Lovett <kenneth.lovett@att.net>
Sent: Tuesday, May 9, 2023 10:38:52 AM
To: Jarrod Zweifel (adpce.ad) <jarrod.zweifel@adeq.state.ar.us>; Caleb Osborne <caleb.osborne@adeq.state.ar.us>; Shane Khoury <shane.khoury@arkansas.gov>; Bailey Taylor (adpce.ad) <bailey.taylor@adeq.state.ar.us>
Cc: Angie Russell <mayor@tontitownar.gov>; ward1-1@tontitownar.gov <ward1-1@tontitownar.gov>; Amber Ibarra <ward1-2@tontitownar.gov>; ward2-1@tontitownar.gov <ward2-1@tontitownar.gov>; Larry Ardemagni <ward2-2@tontitownar.gov>; Tim Burress <ward3-2@tontitownar.gov>; Mark Calcagni <calhog18@gmail.com>; Dennis Boyer <dboyer01@yahoo.com>; D. Russ Greene <drussgreene@gmail.com>; Donna Pinalto <dovepinalto@gmail.com>; Jami Morgan <tontitownareacase@gmail.com>; Clint Penzo <clint.penzo@senate.ar.gov>; Clint Penzon <clint.penzo@arkansashouse.org>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; Candy Black <cblack@tontitownar.gov>; codeenforcement@tontitownar.gov <codeenforcement@tontitownar.gov>; permits@tontitownar.gov <permits@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; Coats, Janetta <coats.janetta@epa.gov>; cityadmin@tontitownar.gov <cityadmin@tontitownar.gov>; Leslee Bohannan <adminasst@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; ddavis@tontitownar.gov <ddavis@tontitownar.gov>; Kaleri, Cynthia <kaleri.cynthia@epa.gov>; simms.gloria@epa.gov <simms.gloria@epa.gov>; Mark Ramsey <mramsey@tontitownar.gov>; Ross Noland <ross@nolandfirm.com>; Edge Nowlin <edgenowlin@gmail.com>; Steve Unger <unger1958@gmail.com>; Perry Elyaderani <pelyaderani@knwa.com>; pdeakins@washingtoncountyar.gov <pdeakins@washingtoncountyar.gov>; Planning Department <planning@tontitownar.gov>; ward3-1@tontitownar.gov <ward3-1@tontitownar.gov>; Nicholas Jones (adpce.ad) <nicholas.jones@adeq.state.ar.us>; Tyler Dees <tylerdees@senate.ar.gov>; Steve Unger <steveungerforarkansas@gmail.com>; David Etchison <dretchison1@gmail.com>; Richard Mays <rmays@richmayslaw.com>; ecomms@adeq.state.ar.us <ecomms@adeq.state.ar.us>; APC&E Commission Staff <apc&ecommissionstaff@adeq.state.ar.us>; comment@adeq.state.ar.us <comment@adeq.state.ar.us>; commissioners@adeq.state.ar.us <commissioners@adeq.state.ar.us>; Patricia <goffpatti@adeq.state.ar.us>; Kathryn Gilker <kathryn.gilker@kfsm.com>; Mitchell Dowden <mitchell.dowden@adeq.state.ar.us>; Rhonda Doudna <oliveoils65@gmail.com>; Christopher Krou (adpce.ad) <christopher.krou@adeq.state.ar.us>; Nick Jones. (Engineer Supervisor) <jonesn@adeq.state.ar.us>; Heinz Braun <braun@adeq.state.ar.us>; Khoury <shane.khoury@adeq.state.ar.us>; Michael McAlister (adpce.ad) <michael.mcalister@adeq.state.ar.us>; Jay <ellisj@adeq.state.ar.us>; Scott McWilliams (adpce.ad) <scott.mcwilliams@adeq.state.ar.us>; David Witherow (adpce.ad) <david.witherow@adeq.state.ar.us>; Mason Goheen <richard.goheen@adeq.state.ar.us>; voices@arkansasline.com <voices@arkansasline.com>; Tontitown POLICE Chief - Cory <chief@tontitownar.gov>; Annette Cusher (adpce.ad) <annette.cusher@adeq.state.ar.us>; Jeff Lesch <lesch.jeff@epa.gov>; Leif Kindberg <director@irwp.org>; Tracy.Eddy@ArkansasAG.gov <tracy.eddy@arkansasag.gov>; Sandra Hollowell <sandra.hollowell@governor.arkansas.gov>; stephen.barba@governor.arkansas.gov <stephen.barba@governor.arkansas.gov>; anneashley.bryant@governor.arkansas.gov <anneashley.bryant@governor.arkansas.gov>; jennifer.siccardi@governor.arkansas.gov <jennifer.siccardi@governor.arkansas.gov>; mica.chesshir@governor.arkansas.gov <mica.chesshir@governor.arkansas.gov>

<mica.chesshir@governor.arkansas.gov>

Subject: Re: Air Emissions Testing

Good Morning,

We have discussed this before, The Air Emissions testing done per the permit is not sufficient. It covers what is required for You (ADEQ), to allow Them (Waste Management), to operate, but it is still allowing Emissions/Vapors to be released and harm residents.

We need Air test completed that will detail what is being released. The ability to test emissions in detail with the proper equipment (One being Drone equipped with the proper attachments) is available and should be used by ADEQ or US EPA to identify what is being forced on the residents of this area.
How do we get this done?

I have seen an email from ADEQ, Jay Ellis, and have attached and highlighted in yellow below, that message reached out to Eco Vista Operator Steve Peck discussing operations. Why does the Environmental Regulatory Agency of Arkansas put so much faith in the perpetrator, while IGNORING the CITIZENS?

ADEQ has stated to the press they do not do this type of testing and do not have the budget to get it done. Is it TONTITOWNS AND OR RESIDENTS RESPONSIBILITY TO GET THIS DONE TO PROVE THE ISSUE while ADEQ and PC&EC sit in their plump chairs snarling at the public for coming to the meeting taking time to present, while the PC&EC grudgingly sit and ignore and then Vandergriff and Melton (With Conflict of Interest) attack the speaker?

Please explain, in detail, why the Environmental Regulatory Agency of Arkansas will not test the area specific conditions around Eco Vista and continue to allow this facility to operate.

Thank you,
Kenneth Lovett

On Tuesday, May 9, 2023 at 08:56:49 AM CDT, Bailey Taylor (adpce.ad) <bailey.taylor@adeq.state.ar.us> wrote:

Mr. Lovett,

A date has not yet been scheduled to test the existing engines. They are tested on a reoccurring schedule in accordance with their permit.

Thank you,

Bailey Taylor

Energy & Environment | Associate Environment Administrator

5301 Northshore Drive | North Little Rock, AR 72118

t: 501.682.0639 | e: bailey.taylor@adeq.state.ar.us



ARKANSAS
ENERGY & ENVIRONMENT

From: Kenneth Lovett [<mailto:kenneth.lovett@att.net>]

Sent: Monday, May 8, 2023 12:13 AM

To: Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>; E&E Comms <EEComms@adeq.state.ar.us>; ADPCE Commission Staff <ADPCECommissionStaff@adeq.state.ar.us>; Public Comment <Comment@adeq.state.ar.us>; Commissioners <Commissioners@adeq.state.ar.us>; Patricia Goff (adpce.ad) <Patricia.Goff@adeq.state.ar.us>; Jarrod Zweifel (adpce.ad) <Jarrod.Zweifel@adeq.state.ar.us>; Caleb Osborne <Caleb.Osborne@adeq.state.ar.us>; Shane Khoury <Shane.Khoury@Arkansas.Gov>

Cc: Angie Russell <mayor@tontitownar.gov>; ward1-1@tontitownar.gov; Amber Ibarra <ward1-2@tontitownar.gov>; ward2-1@tontitownar.gov; Larry Ardemagni <ward2-2@tontitownar.gov>; Tim Burress <ward3-2@tontitownar.gov>; Mark Calcagni <calhog18@gmail.com>; Dennis Boyer <dboyer01@yahoo.com>; D. Russ Greene <drussgreene@gmail.com>; Donna Pianalto <dovepianalto@gmail.com>; Jami Morgan <tontitownareacase@gmail.com>; Clint Penzo <clint.penzo@senate.ar.gov>; Clint Penzon <clint.penzo@arkansashouse.org>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; Candy Black <cblack@tontitownar.gov>; codeenforcement@tontitownar.gov; permits@tontitownar.gov; James Dean <jdean@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; Coats, Janetta <coats.janetta@epa.gov>; cityadmin@tontitownar.gov; Leslee Bohannan <adminasst@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; ddavis@tontitownar.gov; Kaleri, Cynthia <kaleri.cynthia@epa.gov>; simms.gloria@epa.gov; Heinz Braun (adpce.ad) <Heinz.Braun@adeq.state.ar.us>; Khoury, Shane <Shane.Khoury@adeq.state.ar.us>; Mitchell Dowden (adpce.ad) <Mitchell.Dowden@adeq.state.ar.us>; Michael McAlister (adpce.ad) <Michael.McAlister@adeq.state.ar.us>; Mark Ramsey <mramsey@tontitownar.gov>; Ross Noland <ross@nolandfirm.com>; Edge Nowlin <edgenowlin@gmail.com>; Steve Unger <unger1958@gmail.com>; Perry Elyaderani <pelyaderani@knwa.com>; pdeakins@washingtoncountyar.gov; Jay Ellis (adpce.ad) <Jay.Ellis@adeq.state.ar.us>; Scott McWilliams (adpce.ad) <Scott.McWilliams@adeq.state.ar.us>; David Witherow (adpce.ad) <David.Witherow@adeq.state.ar.us>; Christopher Krou (adpce.ad) <Christopher.Krou@adeq.state.ar.us>; Richard Goheen (adpce.ad) <richard.goheen@adeq.state.ar.us>; Planning Department <planning@tontitownar.gov>; ward3-1@tontitownar.gov; Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>; Tyler Dees <tylerdees@senate.ar.gov>; Steve Unger

<steveungerforarkansas@gmail.com>; David Etchison <dretchison1@gmail.com>; Richard Mays <rmays@richmayslaw.com>

Subject: Air Emissions Testing

When will Air emissions from Eco Vista Waste Management Waste Gas Plant and Landfill be tested?

<https://www.epa.gov/sciencematters/future-emissions-testing-looking-how-epa-using-drones-test-air-quality>

----- Forwarded Message -----

From: Kenneth Lovett <kenneth.lovett@att.net>

To: Bailey Taylor (adpce.ad) <bailey.taylor@adeq.state.ar.us>; simms.gloria@epa.gov <simms.gloria@epa.gov>

Cc: Ross Noland <ross@nolandfirm.com>; Angie Russell <mayor@tontitownar.gov>; Dennis Boyer

<dboyer01@yahoo.com>; Donna Pianalto <dovepianalto@gmail.com>; D. Russ Greene <drussgreene@gmail.com>;

Mark Calcagni <calhog18@gmail.com>; Mark Ramsey <mramsey@tontitownar.gov>; Tontitown POLICE Chief - Cory

<chief@tontitownar.gov>; ward1-1@tontitownar.gov <ward1-1@tontitownar.gov>; Amber Ibarra <ward1-2@tontitownar.gov>;

Larry Ardemagni <ward2-2@tontitownar.gov>; ward3-1@tontitownar.gov <ward3-1@tontitownar.gov>;

Tim Burress <ward3-2@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; Josh Craine

<jcraine@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; Kevin

Boortz <kboortz@tontitownar.gov>; ddavis@tontitownar.gov <ddavis@tontitownar.gov>; Planning Department

<planning@tontitownar.gov>; ward2-1@tontitownar.gov <ward2-1@tontitownar.gov>; Clint Penzo

<clint.penzo@senate.ar.gov>; Steve Unger <unger1958@gmail.com>; Robin Lundstrum

<robin.lundstrum@arkansashouse.org>; pdeakins@washingtoncountyar.gov <pdeakins@washingtoncountyar.gov>;

cityadmin@tontitownar.gov <cityadmin@tontitownar.gov>; permits@tontitownar.gov <permits@tontitownar.gov>; Leslee

Bohannon <adminasst@tontitownar.gov>; Candy Black <cblack@tontitownar.gov>; codeenforcement@tontitownar.gov

<codeenforcement@tontitownar.gov>

Sent: Friday, March 17, 2023 at 07:37:02 AM CDT

Subject: Re: Eco-Vista Landfill Complaint

Good Morning Everyone,

Will the new gas plant be regulated by the same emissions testing as required by the current permit?

The current permit does not test for or regulate the issues we have now.

Thank you,

Kenneth Lovett

From: Kenneth Lovett <kenneth.lovett@att.net>

Sent: Thursday, March 16, 2023 7:17:03 PM

To: Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>; simms.gloria@epa.gov <simms.gloria@epa.gov>

Cc: Ross Noland <ross@nolandfirm.com>; Angie Russell <mayor@tontitownar.gov>; Dennis Boyer

<dboyer01@yahoo.com>; Donna Pianalto <dovepianalto@gmail.com>; D. Russ Greene <drussgreene@gmail.com>;

Mark Calcagni <calhog18@gmail.com>; Mark Ramsey <mramsey@tontitownar.gov>; Tontitown POLICE Chief - Cory

<chief@tontitownar.gov>; ward1-1@tontitownar.gov <ward1-1@tontitownar.gov>; Amber Ibarra <ward1-2@tontitownar.gov>;

Larry Ardemagni <ward2-2@tontitownar.gov>; ward3-1@tontitownar.gov <ward3-1@tontitownar.gov>;

Tim Burress <ward3-2@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; Josh Craine

<jcraine@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; Kevin

Boortz <kboortz@tontitownar.gov>; ddavis@tontitownar.gov <ddavis@tontitownar.gov>; Planning Department

<planning@tontitownar.gov>; ward2-1@tontitownar.gov <ward2-1@tontitownar.gov>; Clint Penzo <clint.penzo@senate.ar.gov>; Steve Unger <unger1958@gmail.com>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; pdeakins@washingtoncountyar.gov <pdeakins@washingtoncountyar.gov>; cityadmin@tontitownar.gov <cityadmin@tontitownar.gov>; permits@tontitownar.gov <permits@tontitownar.gov>; Leslee Bohannan <adminasst@tontitownar.gov>; Candy Black <cblack@tontitownar.gov>; codeenforcement@tontitownar.gov <codeenforcement@tontitownar.gov>

Subject: Re: Eco-Vista Landfill Complaint

Thank you for your responses.

From: Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>

Sent: Thursday, March 16, 2023 6:48:42 PM

To: 'Kenneth Lovett' <kenneth.lovett@att.net>; simms.gloria@epa.gov <simms.gloria@epa.gov>

Cc: Ross Noland <ross@nolandfirm.com>; Angie Russell <mayor@tontitownar.gov>; Dennis Boyer <dboyer01@yahoo.com>; Donna Pianalto <dovepianalto@gmail.com>; D. Russ Greene <drussgreene@gmail.com>; Mark Calcagni <calhog18@gmail.com>; Mark Ramsey <mramsey@tontitownar.gov>; Tontitown POLICE Chief - Cory <chief@tontitownar.gov>; ward1-1@tontitownar.gov <ward1-1@tontitownar.gov>; Amber Ibarra <ward1-2@tontitownar.gov>; Larry Ardemagni <ward2-2@tontitownar.gov>; ward3-1@tontitownar.gov <ward3-1@tontitownar.gov>; Tim Burress <ward3-2@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; ddavis@tontitownar.gov <ddavis@tontitownar.gov>; Planning Department <planning@tontitownar.gov>; ward2-1@tontitownar.gov <ward2-1@tontitownar.gov>; Clint Penzo <clint.penzo@senate.ar.gov>; Steve Unger <unger1958@gmail.com>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; pdeakins@washingtoncountyar.gov <pdeakins@washingtoncountyar.gov>; cityadmin@tontitownar.gov <cityadmin@tontitownar.gov>; permits@tontitownar.gov <permits@tontitownar.gov>; Leslee Bohannan <adminasst@tontitownar.gov>; Candy Black <cblack@tontitownar.gov>; codeenforcement@tontitownar.gov <codeenforcement@tontitownar.gov>

Subject: RE: Eco-Vista Landfill Complaint

Mr. Lovett,

Once the new gas plant is online it will be subject to the emissions testing as required by the permit. Additionally, I am working to schedule a meeting with appropriate staff from our agency and citizens of Tontitown. Communication regarding that will be forthcoming.

Thank you,

Bailey Taylor

Energy & Environment | Associate Environment Administrator

5301 Northshore Drive | North Little Rock, AR 72118

t: 501.682.0639 | e: bailey.taylor@adeq.state.ar.us



ARKANSAS

ENERGY & ENVIRONMENT

From: Kenneth Lovett [<mailto:kenneth.lovett@att.net>]

Sent: Thursday, March 9, 2023 7:49 PM

To: Heinz Braun (adpce.ad) <Heinz.Braun@adeq.state.ar.us>; simms.gloria@epa.gov; Jay Ellis (adpce.ad) <Jay.Ellis@adeq.state.ar.us>; Scott McWilliams (adpce.ad) <Scott.McWilliams@adeq.state.ar.us>; Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>; Richard Goheen (adpce.ad) <richard.goheen@adeq.state.ar.us>; Jarrod Zweifel (adpce.ad) <Jarrod.Zweifel@adeq.state.ar.us>; Christopher Krou (adpce.ad) <Christopher.Krou@adeq.state.ar.us>

Cc: Ross Noland <ross@nolandfirm.com>; Angie Russell <mayor@tontitownar.gov>; Dennis Boyer <dboyer01@yahoo.com>; Donna Pianalto <dovepianalto@gmail.com>; D. Russ Greene <drussgreene@gmail.com>; Mark Calcagni <calhog18@gmail.com>; Mark Ramsey <mramsey@tontitownar.gov>; Tontitown POLICE Chief - Cory <chief@tontitownar.gov>; ward1-1@tontitownar.gov; Amber Ibarra <ward1-2@tontitownar.gov>; Larry Ardemagni <ward2-2@tontitownar.gov>; ward3-1@tontitownar.gov; Tim Burress <ward3-2@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; ddavis@tontitownar.gov; Ryan Hayden (adpce.ad) <Ryan.Hayden@adeq.state.ar.us>; Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>; Planning Department <planning@tontitownar.gov>; ward2-1@tontitownar.gov; David Witherow (adpce.ad) <David.Witherow@adeq.state.ar.us>; Caleb Osborne <Caleb.Osborne@adeq.state.ar.us>; Shane Khoury <Shane.Khoury@Arkansas.Gov>; Khoury, Shane <Shane.Khoury@adeq.state.ar.us>; Annette Cusher (adpce.ad) <Annette.Cusher@adeq.state.ar.us>; Charles Moulton (adpce.ad) <Charles.Moulton@adeq.state.ar.us>; Clint Penzo <clint.penzo@senate.ar.gov>; Steve Unger <unger1958@gmail.com>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; Patricia Goff (adpce.ad) <Patricia.Goff@adeq.state.ar.us>; pdeakins@washingtoncountyar.gov; ADPCE Commission Staff <ADPCECommissionStaff@adeq.state.ar.us>; E&E Comms <EEComms@adeq.state.ar.us>; cityadmin@tontitownar.gov; permits@tontitownar.gov; Leslee Bohannan <adminasst@tontitownar.gov>; Candy Black <cblack@tontitownar.gov>; codeenforcement@tontitownar.gov

Subject: Fwd: Eco-Vista Landfill Complaint

Hello!

I have some concerns I would like to voice concerning the Air Emissions from Eco Vista Waste Management Landfill and associated equipment in Tontitown Arkansas.

It appears to me there is a concerted effort by all parties listed in the "To" field, to hold all decisions or testing of the Environment until after the new gas plant is started at Eco Vista.

I read through the information attached and see many names I have discussed the issues with included. Then the message from Steven Peck mentions the status of the new plant.

Please explain why regulatory authorities will not test the environment going on 1 year and 3 months after a serious incident was identified and also why no one will respond to my request sent yesterday:

Re: Complaint #030371 - Eco Vista Class 4 Landfill Investigation Report - No Violation

I am looking forward to having the opportunity to discuss with proper authorities the issues we face here in our community. I am requesting a meeting with Citizens of Tontitown, in Tontitown.

Thank you,

Kenneth Lovett

=====

From: Peck, Steven [<mailto:Speck@wm.com>] Sent: Thursday, February 23, 2023 9:20 AM To: Jay Ellis (adpce.ad) Cc: Reynolds, Jodi Subject: RE: request

Jay, we had several wells off line on the 6th and brought back under vacuum on the 7th due to fill sequence they were all shut off or capped during this time frame. Other than that the Flares have been running well and the flare sheet is attached from the 1st to the night of the 22nd . The new plant is almost ready to start electrical testing. It is still several weeks away from any type of testing with gas from the site. The engine plant has had the fresh engines set but are not yet wired in.

Begin forwarded message:

From: "Stephen Foster (adpce.ad)" <Stephen.Foster@adeq.state.ar.us>
Date: March 7, 2023 at 3:15:56 PM CST

Subject: Eco-Vista Landfill Complaint

Attached is the complaint report that corresponds with the complaint that you filed against the EcoVista WM Tontitown Landfill on February 22, 2023.

Stephen Foster | Inspector Supervisor

Division of Environmental Quality | Office of Air Quality
1220 West 2nd Street | Russellville, AR 72801

t: 501.837.2099 | e: fosters@adeq.state.ar.us

Kacy Murillo (adpce.ad)

Subject: RE: For Class 1 public Comments

From: Kenneth Lovett [<mailto:kenneth.lovett@att.net>]
Sent: Monday, May 22, 2023 8:55 PM
To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>
Subject: For Class 1 public Comments

NO EXANSION IN AN ALREADY IMPROPER AREA FOR LANDFILL.

Arkansas Department of Energy and Environment,
 Eco Vista is not Operated Properly. When the results are reviewed properly, the evidence is Clear.

This is not about Economics! This IS about Health, Safety, and Environment!

Sunday morning, 05/07/2023, there is an unsigned editorial in the NWA Democrat Gazette.

Last week I was told by an Employee of the Arkansas DEQ, that the only way to fix the landfill issue was through our representatives.

This is because big businesses have worked their way into government, in various ways, and laws are written so they can be interpreted and twisted by lawyers to get as much money directed to their line of work as possible.

The editorial this morning said nothing about Health, Safety, or Environment, and was written in such a way to circle the wagons by the public to fight for the landfill. "Cost of Living" they state...

What about Cost of Lives? Environmental Hazards? Polution of Air and Water?

I requested Air Monitoring 2 years ago. There are Drones that can fly over and in 30 minutes or less, know what it is they are emitting. But ADEQ says they do not have funds for that type of project. It is out of their scope.

Who's scope is it in? No government Reglatory Group, Commission, Authority, has stepped up in Arkansas.

Why? Because they know the issues. They are working with Waste Management - Eco-Vista Landfill to delay any test until after the new Gas plant is started. It is "Supposed" to have an Activated Carbon filter installed. So, we have waited 1.5 years and still NO test! I do not believe the activated carbon will fix the issue.

This area is not appropriate for a landfill. This was pointed out in the article in todays paper and attached. The landfill is allowed to be here because Sunray opened it on a farmers property, they manipulated so they could purchase the property, before Regulation kept them from doing so.

Then Sunray attempts to close and move elsewhere, (Mentioned in the editorial) but they are forced to stay. So then they sold to big bucks Waste Management...

In 2020, Government shutdown business due to health concerns, they stated the virus was the reason.

Shut Eco Vista down now and allow the health and dignity of the area to improve. Polution and Mis-management is the reason!

The cost to the area will not overshadow Covid.

I expect the cost will be close to the same, without manipulation. A Transfer Station will serve just fine to take all waste to an appropriate and correctly operated facility.

CARDS is building a Transfer Station NOW! Transfer the Monopoly to them and let's get our area cleaned up!

A Legislative Audit building for the audit performed in 2001 should be completed before any further permitting is allowed or approved.

Please review and represent,
Kenneth Lovett

From: Kenneth Lovett <kenneth.lovett@att.net>

Sent: Sunday, May 7, 2023 12:54:39 PM

To: Bailey Taylor <bailey.taylor@adeq.state.ar.us>; EEComms@adeq.state.ar.us <eecomms@adeq.state.ar.us>; APC&E Commission Staff <apc&ecommissionstaff@adeq.state.ar.us>; comment@adeq.state.ar.us

<comment@adeq.state.ar.us>; commissioners@adeq. state. ar. us <commissioners@adeq.state.ar.us>; Goff, Patricia <goffpatti@adeq.state.ar.us>; Jarrod Zweifel <zweifel@adeq.state.ar.us>; Caleb Osborne <Caleb.Osborne@adeq.state.ar.us>; Shane Khoury <shane.khoury@arkansas.gov>

Cc: Angie Russell <mayor@tontitownar.gov>; ward1-1@tontitownar.gov <ward1-1@tontitownar.gov>; Amber Ibarra <ward1-2@tontitownar.gov>; ward2-1@tontitownar.gov <ward2-1@tontitownar.gov>; Larry Ardemagni <ward2-2@tontitownar.gov>; Tim Burress <ward3-2@tontitownar.gov>; Mark Calcagni <calhog18@gmail.com>; Dennis Boyer <dboyer01@yahoo.com>; D. Russ Greene <drussgreene@gmail.com>; Donna Pianto <dovepialto@gmail.com>; Jami Morgan <tontitownareacase@gmail.com>; Clint Penzo <clint.penzo@senate.ar.gov>; Penzo, Clint <clint.penzo@arkansashouse.org>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; Candy Black <cblack@tontitownar.gov>; codeenforcement@tontitownar.gov <codeenforcement@tontitownar.gov>; permits@tontitownar.gov <permits@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; Coats, Janetta <coats.janetta@epa.gov>; cityadmin@tontitownar.gov <cityadmin@tontitownar.gov>; Leslee Bohannan <adminasst@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; ddavis@tontitownar.gov <ddavis@tontitownar.gov>; Kaleri, Cynthia <kaleri.cynthia@epa.gov>; simms.gloria@epa.gov <simms.gloria@epa.gov>; Heinz Braun <braun@adeq.state.ar.us>; Khoury <shane.khoury@adeq.state.ar.us>; Mitchell Dowden <mitchell.dowden@adeq.state.ar.us>; Michael McAlister (adpce.ad) <michael.mcalister@adeq.state.ar.us>; Mark Ramsey <mramsey@tontitownar.gov>; Ross Noland <ross@nolandfirm.com>; Edge Nowlin <edgenowlin@gmail.com>; Steve Unger <unger1958@gmail.com>; Perry Elyaderani <pelyaderani@knwa.com>; pdeakins@washingtoncountyar.gov <pdeakins@washingtoncountyar.gov>; Ellis, Jay <ellisi@adeq.state.ar.us>; Scott McWilliams (adpce.ad) <scott.mcwilliams@adeq.state.ar.us>; David Witherow (adpce.ad) <david.witherow@adeq.state.ar.us>; Christopher Krou (adpce.ad) <christopher.krou@adeq.state.ar.us>; Mason Goheen <richard.goheen@adeq.state.ar.us>; Planning Department <planning@tontitownar.gov>; ward3-1@tontitownar.gov <ward3-1@tontitownar.gov>; Nicholas Jones (adpce.ad) <nicholas.jones@adeq.state.ar.us>; Tyler Dees <tylerdees@senate.ar.gov>; Steve Unger <steveungerforarkansas@gmail.com>; David Etchison <dretchison1@gmail.com>; Richard Mays <rmays@richmayslaw.com>

Subject: Transfer Station

<https://m.facebook.com/groups/tontitowncase/permalink/803577534082350/?mibextid=Nif5oz>

From: Kenneth Lovett <kenneth.lovett@att.net>

Sent: Saturday, May 6, 2023, 10:47 AM

To: Bailey Taylor <bailey.taylor@adeq.state.ar.us>; EEComms@adeq.state.ar.us <eecomms@adeq.state.ar.us>; APC&E Commission Staff <apc&ecommissionstaff@adeq.state.ar.us>; comment@adeq.state.ar.us <comment@adeq.state.ar.us>; commissioners@adeq. state. ar. us <commissioners@adeq.state.ar.us>; Goff, Patricia <goffpatti@adeq.state.ar.us>; Jarrod Zweifel <zweifel@adeq.state.ar.us>; Caleb Osborne <Caleb.Osborne@adeq.state.ar.us>; Shane Khoury

<shane.khoury@arkansas.gov>

Cc: Angie Russell <mayor@tontitownar.gov>; ward1-1@tontitownar.gov <ward1-1@tontitownar.gov>; Amber Ibarra <ward1-2@tontitownar.gov>; ward2-1@tontitownar.gov <ward2-1@tontitownar.gov>; Larry Ardemagni <ward2-2@tontitownar.gov>; Tim Burress <ward3-2@tontitownar.gov>; Mark Calcagni <calhog18@gmail.com>; Dennis Boyer <dboyer01@yahoo.com>; D. Russ Greene <drussgreene@gmail.com>; Donna Pianalto <dovepianalto@gmail.com>; Jami Morgan <tontitownareacase@gmail.com>; Clint Penzo <clint.penzo@senate.ar.gov>; Penzo, Clint <clint.penzo@arkansashouse.org>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; Candy Black <cblack@tontitownar.gov>; codeenforcement@tontitownar.gov <codeenforcement@tontitownar.gov>; permits@tontitownar.gov <permits@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; Coats, Janetta <coats.janetta@epa.gov>; cityadmin@tontitownar.gov <cityadmin@tontitownar.gov>; Leslee Bohannan <adminasst@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; ddavis@tontitownar.gov <ddavis@tontitownar.gov>; Kaleri, Cynthia <kaleri.cynthia@epa.gov>; simms.gloria@epa.gov <simms.gloria@epa.gov>; Heinz Braun <braun@adeq.state.ar.us>; Khoury <shane.khoury@adeq.state.ar.us>; Mitchell Dowden <mitchell.dowden@adeq.state.ar.us>; Michael McAlister (adpce.ad) <michael.mcalister@adeq.state.ar.us>; Mark Ramsey <mramsey@tontitownar.gov>; Ross Noland <ross@nolandfirm.com>; Edge Nowlin <edgenowlin@gmail.com>; Steve Unger <unger1958@gmail.com>; Perry Elyaderani <pelyaderani@knwa.com>; pdeakins@washingtoncountyar.gov <pdeakins@washingtoncountyar.gov>; Ellis, Jay <ellisj@adeq.state.ar.us>; Scott McWilliams (adpce.ad) <scott.mcwilliams@adeq.state.ar.us>; David Witherow (adpce.ad) <david.witherow@adeq.state.ar.us>; Christopher Krou (adpce.ad) <christopher.krou@adeq.state.ar.us>; Mason Goheen <richard.goheen@adeq.state.ar.us>; Planning Department <planning@tontitownar.gov>; ward3-1@tontitownar.gov <ward3-1@tontitownar.gov>; Nicholas Jones (adpce.ad) <nicholas.jones@adeq.state.ar.us>; Tyler Dees <tylerdees@senate.ar.gov>; Steve Unger <steveungerforarkansas@gmail.com>; David Etchison <dretchison1@gmail.com>

Subject: Read, Nothing to do with Eco Vista

Please read, or add to SPAM folder like Doug Melton of Arkansas PC&EC.

<https://m.facebook.com/groups/tontitowncase/permalink/803033597470077/?mibextid=Nif5oz>

Kacy Murillo (adpce.ad)

Subject: RE: Eco Vista Class 1 Landfill - Complaint #030805 Report - No Violations**From:** Kenneth Lovett [<mailto:kenneth.lovett@att.net>]**Sent:** Monday, May 22, 2023 9:01 PM**To:** Richard Goheen (adpce.ad) <richard.goheen@adeq.state.ar.us>; Christopher Krou (adpce.ad) <Christopher.Krou@adeq.state.ar.us>; Ryan Hayden (adpce.ad) <Ryan.Hayden@adeq.state.ar.us>; Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>; Caleb Osborne <Caleb.Osborne@adeq.state.ar.us>; Khoury, Shane <Shane.Khoury@adeq.state.ar.us>; Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>**Cc:** Mark Calcagni <calhog18@gmail.com>**Subject:** Re: Eco Vista Class 1 Landfill - Complaint #030805 Report - No Violations

Fir Class 1 Public Comments.

Does this look like proper cover? 05/22/2023 @ 8:25pm.
 How does this compare to Eco Vista's daily cover photos?

From: Kenneth Lovett <kenneth.lovett@att.net>**Sent:** Thursday, May 4, 2023 9:20:07 PM**To:** Richard Goheen (adpce.ad) <richard.goheen@adeq.state.ar.us>; Christopher Krou (adpce.ad) <christopher.krou@adeq.state.ar.us>; Ryan Hayden (adpce.ad) <ryan.hayden@adeq.state.ar.us>; Nicholas Jones (adpce.ad) <nicholas.jones@adeq.state.ar.us>; Taylor <bailey.taylor@adeq.state.ar.us>; Osborne <caleb.osborne@adeq.state.ar.us>; Khoury <shane.khoury@adeq.state.ar.us>**Cc:** Mark Calcagni <calhog18@gmail.com>**Subject:** Re: Eco Vista Class 1 Landfill - Complaint #030805 Report - No Violations**Asking again: Is the use of Citizen photos prohibited  by a written procedure or law or is that a spoken rule?**


There are no time stamps shown on the Photos Presenting proper cover from Eco Vista. If there were, I could better understand why you might consider accepting photos from the culprit. But since there are none, and there is no metadata attached to a photo in a document. How do you know the photos are of the same day I sent the photos stating there was improper cover?

ISO can be changed to show a brighter photo to simulate Daylight, Photoshop to edit out issues, etc... This system is not working. How do we fix?

Thanks,
 Kenneth

From: Kenneth Lovett <kenneth.lovett@att.net>**Sent:** Tuesday, May 2, 2023 9:32:56 AM**To:** Richard Goheen (adpce.ad) <richard.goheen@adeq.state.ar.us>**Cc:** Christopher Krou (adpce.ad) <Christopher.Krou@adeq.state.ar.us>; Ryan Hayden (adpce.ad) <Ryan.Hayden@adeq.state.ar.us>; Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>; Jason Gilkey (adpce.ad) <jason.gilkey@adeq.state.ar.us>**Subject:** Re: Eco Vista Class 1 Landfill - Complaint #030805 Report - No Violations

I am getting some information together and will reply with that info later.

I have attached original photos take from 7:41 to 7:42 pm 4/26/2023.
Arkansas should have a Metadata expert that can verify.
Is the use of Citizen photos prohibited  by a written procedure or law or is that a spoken rule?

Thank you,
Kenneth Lovett

From: Richard Goheen (adpce.ad) <richard.goheen@adeq.state.ar.us>
Sent: Tuesday, May 2, 2023 7:13:23 AM
To: 'bsmall@wm.com' <bsmall@wm.com>; 'dtenniso@wm.com' <dtenniso@wm.com>
Cc: Christopher Krou (adpce.ad) <Christopher.Krou@adeq.state.ar.us>; Ryan Hayden (adpce.ad) <Ryan.Hayden@adeq.state.ar.us>; Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>; Jason Gilkey (adpce.ad) <jason.gilkey@adeq.state.ar.us>; 'kenneth.lovett@att.net' <kenneth.lovett@att.net>
Subject: Eco Vista Class 1 Landfill - Complaint #030805 Report - No Violations

Attached: 04/27/2023 - Eco Vista Class 1 Landfill - Complaint #030805 Report - No Violations

Richard Mason Goheen | Solid Waste Inspector Supervisor

Division of Environmental Quality | **Office of Land Resources**

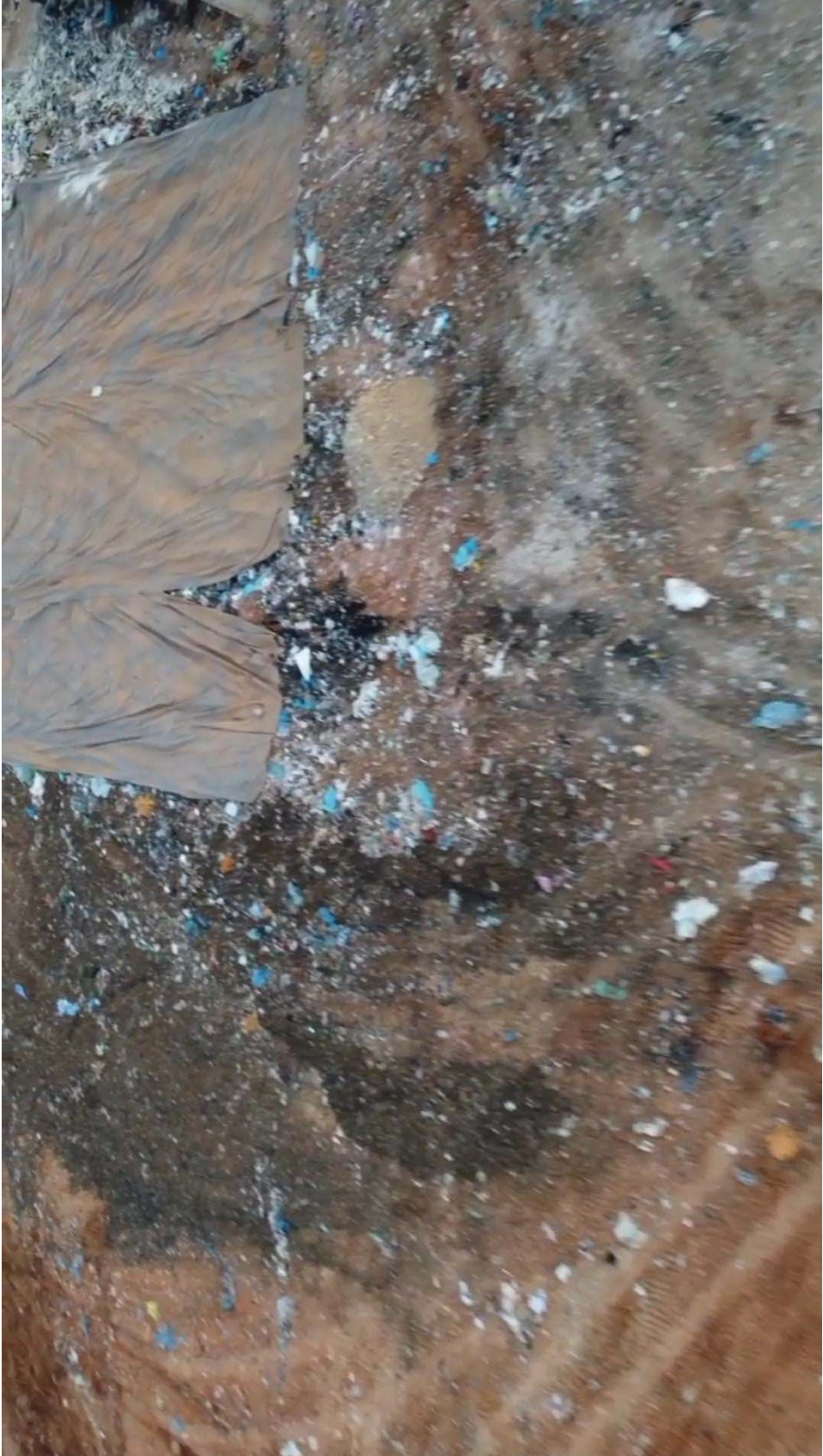
5301 Northshore Drive | North Little Rock, AR 72118

t: 501.682.8186 | c: 501.519.3492 | e: richard.goheen@adeq.state.ar.us



ARKANSAS
ENERGY & ENVIRONMENT













Kacy Murillo (adpce.ad)

Subject: RE: EcoVista Class 1 Public Hearing

From: Danny Etchison [<mailto:detchison81@gmail.com>]
Sent: Monday, May 22, 2023 10:14 PM
To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>
Subject: EcoVista Class 1 Public Hearing

Dear Nicholas Jones,

I am writing this letter concerning the draft permit expansion of Class 1 EcoVista landfill.

The city of Tontitown city council rejected the expansion of the Class 1 and Class 4 landfill two times. State regulation states the whole city must approve the expansion of the landfill. Why are rules not followed?

A dye test was performed by Waste Management that showed up in Little Wildcat Creek, which flows into the Illinois River that is the water source for Siloam Springs and Eastern Oklahoma. Waste Management is polluting our ground water and our environment.

The landfill does not properly cover trash and debris daily. Trash is constantly along the road, neighbors yards, and fields. The debris on the road causes damage to vehicles' tires. There have been several fires at the landfill. The last fire was caused by a lithium battery. Lithium batteries are hazardous waste and should not be allowed in the landfill.

Local residents have headaches, nausea, and runny eyes. Why has the state or federal government not performed air quality tests at the landfill?

Waste Management does not follow city laws or ordinances.

Thank you,

Danny Etchison
18573 Clear Water Rd, Fayetteville, Arkansas

Kacy Murillo (adpce.ad)

Subject: RE: EcoVista Class 1 Public Hearing

From: Danny Etchison [<mailto:detchison81@gmail.com>]
Sent: Monday, May 22, 2023 10:15 PM
To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>
Subject: EcoVista Class 1 Public Hearing

Dear Nicholas Jones,

I am writing this letter concerning the draft permit expansion of Class 1 EcoVista landfill.

The city of Tontitown city council rejected the expansion of the Class 1 and Class 4 landfill two times. State regulation states the whole city must approve the expansion of the landfill. Why are rules not followed?

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Local residents have headaches, nausea, and runny eyes. Why has the state or federal government not performed air quality tests at the landfill?

Waste Management does not follow city laws or ordinances.

Thank you,

Dana Etchison
18617 Clear Water Rd, Fayetteville, Arkansas

Kacy Murillo (adpce.ad)

Subject: RE: EcoVista Class 1 Public Hearing

From: Laura Etchison [<mailto:letchison@gmail.com>]
Sent: Monday, May 22, 2023 10:19 PM
To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>
Subject: EcoVista Class 1 Public Hearing

Dear Nicholas Jones,

I am writing this letter concerning the draft permit expansion of Class 1 EcoVista landfill.

The city of Tontitown city council rejected the expansion of the Class 1 and Class 4 landfill two times. State regulation states the whole city must approve the expansion of the landfill. Why are rules not followed?

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Local residents have headaches, nausea, and runny eyes. Why has the state or federal government not performed air quality tests at the landfill?

Waste Management does not follow city laws or ordinances.

Thank you,

Laura Etchison
18573 Clear Water Rd, Fayetteville, Arkansas

Kacy Murillo (adpce.ad)

Subject: RE: EcoVista Class 1 Public Hearing

From: Leah Etchison [<mailto:letchison2000@gmail.com>]
Sent: Monday, May 22, 2023 10:20 PM
To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>
Subject: EcoVista Class 1 Public Hearing

Dear Nicholas Jones,

I am writing this letter concerning the draft permit expansion of Class 1 EcoVista landfill.

The city of Tontitown city council rejected the expansion of the Class 1 and Class 4 landfill two times. State regulation states the whole city must approve the expansion of the landfill. Why are rules not followed?

A dye test was performed by Waste Management that showed up in Little Wildcat Creek, which flows into the Illinois River that is the water source for Siloam Springs and Eastern Oklahoma. Waste Management is polluting our ground water and our environment.

The landfill does not properly cover trash and debris daily. Trash is constantly along the road, neighbors yards, and fields. The debris on the road causes damage to vehicles' tires. There have been several fires at the landfill. The last fire was caused by a lithium battery. Lithium batteries are hazardous waste and should not be allowed in the landfill.

Local residents have headaches, nausea, and runny eyes. Why has the state or federal government not performed air quality tests at the landfill?

Waste Management does not follow city laws or ordinances.

Thank you,

Leah Etchison
18573 Clear Water Rd, Fayetteville, Arkansas

Kacy Murillo (adpce.ad)

Subject: RE: Comment for record on the WM Eco-Vista Class 1 expansion permit and public hearing

From: Donna Pianalto [<mailto:dpianalto@crosspointenwa.com>]

Sent: Tuesday, May 23, 2023 12:08 AM

To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>

Subject: Comment for record on the WM Eco-Vista Class 1 expansion permit and public hearing

Letter emailed on 5/23/23. Please respond so that I know that this email will go on record as being received before May 30, 2023 – thanks!

Mr. Jones,

We are writing yet again asking that ADEQ does NOT grant WM another permit for expanding their Eco-Vista Class 1 Landfill area that is located inside the Tontitown city limits. They have not been responsible with the space and operations that they already have had for 30+ years and they continue to prove again and again that they have little intention of following the Regulations of Rules 22, ADEQ or the City of Tontitown codes that are in place to protect people and animals, especially if it costs WM any money! They do a little as possible to be good neighbors and we along with our family and many others in Tontitown fear for our health and safety due to contaminated water, soil and air that WM is releasing in our growing area.

We ask that you review the many concerns and complaints made by citizens that are on record via your online platform, that you continue to research what can be done to keep harm from coming to people in NWA because of this landfill and that you start holding WM accountable to meeting codes that are currently in place before ever granting them permission to grow their business even bigger.

Please DO NOT grant WM an expansion permit a this time!

Respectfully,

Vernon and Donna Pianalto, owners of Dove Pianalto Farm, LLC located at 12525 Arbor Acres Rd near the Landfill in Tontitown

(479)200-2200

dovepianalto@gmail.com

(along with our family, Jonathon & Sara Pianalto, Anthony & Elizabeth Pianalto, Jeremy & Tera Pianalto, who would like to be able to build homes on our family land and help operate our farm but can't because of the health and financial risk of living by a landfill)

Kacy Murillo (adpce.ad)

Subject: RE: Letter for record about the Eco Vista Class 1 Expansion permit & hearing

From: dovepianalto@gmail.com [<mailto:dovepianalto@gmail.com>]

Sent: Tuesday, May 23, 2023 12:23 AM

To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>

Subject: Letter for record about the Eco Vista Class 1 Expansion permit & hearing

Letter emailed on 5/23/23. Please respond so that I know that this email will go on record as being received before May 30, 2023 – thanks!

Mr. Jones,

I am writing yet again asking that ADEQ does NOT grant WM another permit for expanding their Eco-Vista Class 1 Landfill area that is located inside the Tontitown city limits. I have lived in my home and responsibly operated a chicken, grape and cattle business at 12553 Arbor Acres Rd for 60+ years. WM became my neighbor and has not been responsible with the space and operations that they already have had for 30+ years. They continue to prove again and again that they have little intention of following the Regulations of Rules 22, ADEQ or the City of Tontitown codes that are in place to protect people and animals, especially if it costs WM any money! They do a little as possible to be good neighbors, for instance they have dug within a few feet of my property line which does NOT meet code! I along many others in Tontitown fear for our health and safety due to contaminated water, soil and air that WM is releasing in our growing area. It also concerns me that the cattle we grow and sell for human consumption may already not be safe and that we will be forced to discontinue our business in the future which would mean no income for my family. I am also concerned about my land becoming very devalued, useless or unsellable in the future! Because of the health and investment risks, my grandchildren already can't build homes on our family's property! We ask that you keep harm from coming to people in NWA because of this landfill and that you start holding WM accountable to meeting codes that are currently in place before ever granting them permission to grow their business even bigger.

Please DO NOT grant WM an expansion permit at this time!

Respectfully,

Joe Simco

Cattle farmer and land owner at 12553 Arbor Acres Rd near the Landfill in Tontitown

(479)236-2436

dovepianalto@gmail.com

Kacy Murillo (adpce.ad)

Subject: RE: Human Compassion before Politics - Eco Vista Waste Management Landfill Expansion

From: Kenneth Lovett [<mailto:kenneth.lovett@att.net>]

Sent: Thursday, May 25, 2023 12:15 AM

To: jennifer.siccardi@governor.arkansas.gov; Caleb Osborne <Caleb.Osborne@adeq.state.ar.us>; Ryan Hayden (adpce.ad) <Ryan.Hayden@adeq.state.ar.us>; anneashley.bryant@governor.arkansas.gov; Sandra Hollowell <sandra.hollowell@governor.arkansas.gov>; Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>; mica.chesshir@governor.arkansas.gov; stephen.barba@governor.arkansas.gov; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; Patrick Deakins <pdeakins@washingtoncountyar.gov>; Clint Penzo <clint.penzo@senate.ar.gov>; Caleb Osborne <Caleb.Osborne@arkansas.gov>; Khoury, Shane <Shane.Khoury@adeq.state.ar.us>; Shane Khoury <Shane.Khoury@Arkansas.Gov>; Steve Unger <steveungerforarkansas@gmail.com>; Steve Unger <unger1958@gmail.com>; brandon.achor@arkansashouse.org; fredallen99@comcast.net; wade.andrews@arkansashouse.org; sonia.barker@arkansashouse.org; howard.beaty@arkansashouse.org; Rick Beck <rick.beck@arkansashouse.org>; Mary Bentley <mary.bentley@arkansashouse.org>; mark.berry@arkansashouse.org; Stan Berry <stan.berry@arkansashouse.org>; justin.boyd@senate.ar.gov; Harlan Breaux <harlan.breaux@arkansashouse.org>; keith.brooks@arkansashouse.org; Karilyn Brown <karilyn.brown@arkansashouse.org>; matt.brown@arkansashouse.org; joshua.bryant@senate.ar.gov; rebecca.burkes@arkansashouse.org; Ron Caldwell <Ronald.caldwell@senate.ar.gov>; joey.carr@arkansashouse.org; john.carr@arkansashouse.org; Frances Cavanaugh <frances.cavanaugh@arkansashouse.org>; lchesterfield47@gmail.com; Alan Clark <Alan.clark@senate.ar.gov>; Nicole Clowney <nicole.clowney@arkansashouse.org>; Andrew Collins <andrew.collins@arkansashouse.org>; Cameron Cooper <cameron.cooper@arkansashouse.org>; bccci@cablelynx.com; Cindy Crawford <cindy.crawford@arkansashouse.org>; steve.crowell@senate.ar.gov; Carol Dalby <carol.dalby@arkansashouse.org>; Breanne Davis <Breanne.davis@senate.ar.gov>; tyler.dees@senate.ar.gov; Jonathon Dismang <Dismang28@gmail.com>; jim.dotson@senate.ar.gov; matt.duffield@arkansashouse.org; hope.duke@arkansashouse.org; Les Eaves <les.eaves@arkansashouse.org>; Jane English <jane.english@senate.ar.gov>; Denise.Ennett@arkansashouse.org; Jon Eubanks <jon.eubanks@arkansashouse.org>; brian.evans@arkansashouse.org; deborah.ferguson@arkansashouse.org; Kenneth Ferguson <kenneth.ferguson@arkansashouse.org>; Charlene Fite <charlene.fite@arkansashouse.org>; lanny.fite@att.net; Scott Flippo <Scott.flippo@senate.ar.gov>; Stephanie Flowers <Stephanie.flowers@senate.ar.gov>; Vivian Flowers <vivian.flowers@arkansashouse.org>; jack.fortner@arkansashouse.org; tony.furman@arkansashouse.org; denise.garner@arkansashouse.org; Jimmy Gazaway <jimmy.gazaway@arkansashouse.org>; ben.gilmore@senate.ar.gov; Justin Rory <justinrory@yahoo.com>; zack.gramlich@arkansashouse.org; delia.haak@arkansashouse.org; kim.hammer@senate.ar.gov; rj.hawk@arkansashouse.org; Bart Hester <Bart.hester@senate.ar.gov>; Jimmy Hickey <Jimmy.hickey@senate.ar.gov>; Ricky Hill <Ricky.hill@senate.ar.gov>; deanna.hodges@arkansashouse.org; Grant Hodges <grant.hodges@arkansashouse.org>; Mike Holcomb <mike.holcomb@arkansashouse.org>; Steve Hollowell <steve.hollowell@arkansashouse.org>; ashley.hudson@arkansashouse.org; Missy Irvin <Missy.irvin@senate.ar.gov>; I_jean@sbcglobal.net; Blake Johnson <Blake.johnson@senate.ar.gov>; Lee Johnson <lee.johnson@arkansashouse.org>; Mark Johnson <mark.johnson@senate.ar.gov>; bryan.king@senate.ar.gov; jackladyman@gmail.com; Greg Leding <Greg.leding@senate.ar.gov>; wayne.long@arkansashouse.org; fred.love@senate.ar.gov; Roger Lynch <roger.lynch@arkansashouse.org>; John Maddox <john.maddox@arkansashouse.org>; Stephen Magie <stephen.magie@arkansashouse.org>; julie.mayberry@arkansashouse.org; mindy.mcalindon@arkansashouse.org; rick.mcclure@arkansashouse.org; Austin Mccollum <austin.mccollum@arkansashouse.org>; tippi.mccullough@arkansashouse.org; mdmcelroy1@yahoo.com; mcgrewrep22@gmail.com; Matt.mckee@senate.ar.gov; brit.mckenzie@arkansashouse.org; rmcnair@rmcnair1950@gmail.com; Stephen Meeks <stephen.meeks@arkansashouse.org>; Josh Miller <josh.miller@arkansashouse.org>; jonmilligan@ymail.com;

jeremiah.moore@arkansashouse.org; kendra.moore@arkansashouse.org; rkm_72360@yahoo.com; Milton Nicks <milton.nicks@arkansashouse.org>; stetson.painter@arkansashouse.org; john.payton@senate.ar.gov; shad.pearce@arkansashouse.org; mperry@windstream.net; jim.petty@senate.ar.gov; Aaron Pilkington <Aaron.pilkington@arkansashouse.org>; chad.puryear@arkansashouse.org; david.ray@arkansashouse.org; Terry Rice <Terry.rice@senate.ar.gov>; jay.richardson@arkansashouse.org; scott.richardson@arkansashouse.org; richmond4staterep@gmail.com; ryan.rose@arkansashouse.org; john.rye1956@gmail.com; bart.schulz@arkansashouse.org; Jamie Scott <jamie.scott@arkansashouse.org>; tara.shephard@arkansashouse.org; Matthew Shepherd <matthew.shepherd@arkansashouse.org>; joy.springer@arkansashouse.org; trey.steimel@arkansashouse.org; matt.stone@senate.ar.gov; Gary Stubblefield <Gary.stubblefield@senate.ar.gov>; dan.sullivan@senate.ar.gov; Dwight Tosh <dwight.tosh@arkansashouse.org>; clarke.tucker@senate.ar.gov; kendon.underwood@arkansashouse.org; steve.unger@arkansashouse.org; deann.vaught@arkansashouse.org; steven.walker@arkansashouse.org; David.Wallace@senate.ar.gov; Jeff Ward <jeff@jeffwardlaw.com>; Les Warren <les.warren@arkansashouse.org>; danny.watson@arkansashouse.org; David Whitaker <david.whitaker@arkansashouse.org>; carlton <carlton@carltonwing.com>; Richard womack <richard@richardwomack.com>; jeremy.wooldridge@arkansashouse.org; wjewooten@aol.com
Cc: Christopher Krou (adpce.ad) <Christopher.Krou@adeq.state.ar.us>; Jason Gilkey (adpce.ad) <jason.gilkey@adeq.state.ar.us>; Planning Department <planning@tontitownar.gov>; Jarrod Zweifel (adpce.ad) <Jarrod.Zweifel@adeq.state.ar.us>; David Witherow (adpce.ad) <David.Witherow@adeq.state.ar.us>; Richard Mays <rmays@richmayslaw.com>; Ross Noland <ross@nolandfirm.com>; Planning Commission of Tontitown <planningboardoftontitown@tontitownar.gov>; Angie Russell <mayor@tontitownar.gov>; Annette Cusher (adpce.ad) <Annette.Cusher@adeq.state.ar.us>; Misty Piazza <ward1-1@tontitownar.gov>; Amber Ibarra <ward1-2@tontitownar.gov>; Daniel Montez III <ward2-1@tontitownar.gov>; Larry Ardemagni <ward2-2@tontitownar.gov>; Mike Waskowiak <ward3-1@tontitownar.gov>; Tim Burress <ward3-2@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; Candy Black <cblack@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; Permits Department <permits@tontitownar.gov>; Donnie Davis <ddavis@tontitownar.gov>; Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>; Tyler Dees <tylerdees@senate.ar.gov>; Leslee Bohannan <adminasst@tontitownar.gov>; Mark Ramsey <mramsey@tontitownar.gov>; Mark Calcagni <calhog18@gmail.com>; Angie Russell <angie.russell44@aol.com>; Dennis Boyer <dboyer01@yahoo.com>; Donna Pianalto <dovepianalto@gmail.com>; D. Russ Greene <drussgreene@gmail.com>; Brandon Carmean <codeenforcement@tontitownar.gov>; Tontitown POLICE Chief - Cory <chief@tontitownar.gov>; Rhonda Doudna <oliveoils65@gmail.com>; Jacob Etchinson <jretchi@gmail.com>; Jami Morgan <tontitownareacase@gmail.com>; Jay Ellis (adpce.ad) <Jay.Ellis@adeq.state.ar.us>; David Etchison <dretchison1@gmail.com>; Kenneth Lovett <kenneth.lovett@att.net>; Contact@IRWP.org; Jim Bob Duggar <duggardad@gmail.com>; jason@cardsrecycling.com
Subject: Human Compassion before Politics - Eco Vista Waste Management Landfill Expansion

Nick Jones (ADEQ) - This letter is also for Public comment on Class 1.

Hello Arkansas State Legislature, ADEQ and all,

My name is Kenneth Lovett. I am a life Long resident of Arkansas and a 6 year resident of Washington County Arkansas.

There is a Public Input Meeting with ADEQ this week! **Thursday, May 25 @ 5:30 pm.**
A public meeting and hearing will be held at 5:30 PM in the
St. Joseph's Catholic Church in Tontitown,
192 E. Henri de Tonti Blvd,
Springdale, AR 72762.

ADEQ is hosting a hearing for public comment on the class 1 (household trash) expansion for Eco Vista Waste Management. Your attention and attendance is requested. If you are in the NWA area

and your district uses or is in any way connected to Eco Vista Waste Management, Your public needs you there.

The ECO Vista Waste Management Landfill needs to be closed. Eco Vista has been in operation 23 years as a Waste Management Property. It was originally Permitted in 1979, 44 years ago. The property was sold to Waste Management in 2000. It has outlived its useful life in this area. The area under the Landfill is KARST. 3 years ago something changed in our area. Poor operation Strong Vapors, Defiance to operate correctly and cover properly each night and many weekends, and Bullying has been endured by residents of the area, and it continues to get worse. I originally thought I could talk with ADEQ officials and we could work something out without having to go to other measures. I was incorrect. Each time I send a Complaint the report comes back stating: "At the time of the investigation, no allegations of noncompliance were observed at your facility." In the database online, the complaint is listed as "Invalid". The complaints are not invalid, they are ignored. No one takes responsibility to investigate the emissions of Eco Vista. They continue to go by regulations from the past and will not test the Ambient air.

When we appealed Class 4 Permit, Waste Management - Eco-Vista Landfill shutdown Class 4 because they said there was no capacity left. Why is it they have trucks lined up on it now, dumping on the south side? They had capacity left, just trying to manipulate people in their favor...

Waste Management now has requested, from Boston Mountain Waste District, a "Transfer Fee" to charge people who bring their trash to the landfill. They plan to transfer specific types of trash away from the Landfill. How does it make sense to haul trash to Eco Vista, Dump it, Reload it and Transfer to God knows where?

CARDS is building a Transfer Station. They can accept the trash and transfer themselves. Waste Management does not need to add fees to transfer. Transfer the Monopoly of this business to CARDS.

A Superfund is setup to pay for cost of closing Landfills due to lack of proper management. Close Eco Vista now. Do not allow any more expansions in this area. Use the money allotted in the agreement to close this environmental hazard. Use CARDS as the transfer facility to transfer garbage away from the KARST area all across North Arkansas and clean up Tontitown and Arbor Acres. PLEASE!

When I moved to Washington County, I did not research the surroundings. I was told that the landfill would be closing in 3 years. That was June 2017.

After living here 3 years I received information from neighbors that the landfill was requesting expansion. I started attending meetings in Tontitown to understand and get to know the leaders in the area.

I am a 27 year veteran of working at a Chemical Plant. I have been trained in HazCom 40 hour course, Smoke School for inspecting and reading the Opacity of a vent on a Boiler, Arkansas Boiler Operator License, among other Environmental testing and requirements and also Certified by the Texas Engineering Extension Service (TEEX) at the world-renowned Brayton Fire Training Field in College Station, Texas.

On December 29th, 2021 while driving down a public road, I came in contact with a Vapor/Odor that was like nothing I had ever experienced.

The vapors were IDLH. I got a headache, Nose, throat and eyes started burning and dizziness. I realized I was in a bad situation and drove home. When home, I walked around the yard to gather my senses and returned to the edge of the area, There was a Blue haze apparent flowing across the roadway like the exhaust vent from the Waste Gas plant was low on the ground and blowing in that direction. I contacted the US EPA. That department forwarded me to Heinze Braun with the ADEQ. Instead of investigating the issues, the email was sent to several but ended up with the statement that the state of Arkansas does not have the equipment to do the testing. Why did it stop there? There are Drones that can do this in minutes with great accuracy.

I contacted my Representative, Charlene Fite, and she contacted Michael Grappe. Mr Grappe contacted Eco Vista Environmental Manager Jodi Reynolds/Coffelt to contact the Representative I was talking with to fill her with Propaganda instead of addressing the issue... I am including my original complaint sent to the US EPA and Highlighting in Green. I am also attaching the Email string between Michael and Jodi, highlighted in yellow. See attached email string:

Please Deny any further expansion of Eco Vista Waste Management, Pull all permits until the Air quality in our community is properly tested and corrected. Or close Eco Vista Permanently and Superfund the site for cleanup. These issues have to be identified and corrected for the quality of life for all citizens in Washington County and tributaries into the Illinois river and beyond.

Thank you,
Kenneth Lovett

From: Braun, Heinz <braun@adeq.state.ar.us>
To: 'Kenneth Lovett' <kenneth.lovett@att.net>; Foster, Stephen <fosters@adeq.state.ar.us>
Cc: Ellis, Jay <ellisj@adeq.state.ar.us>; Rheume, Thomas <rheume@adeq.state.ar.us>; Grappe, Michael <grappem@adeq.state.ar.us>
Sent: Tuesday, February 15, 2022 at 08:58:52 AM CST
Subject: RE: Regional Tip and/or Complaint - Arkansas (239104)

Mr. Lovett,

ADEQ does not have the specific equipment available to test. ADEQ recommends that if you so wish to test you may hire a firm that is dedicated to do that and work out a sampling plan with that company that would meet your needs and answer all of the questions you may have. The company you hire may also be able to answer your specific question as to the availability of a scrubber. If you look up Environmental testing then you should be able to find companies that would meet your needs. If you have any further questions feel free to email them to me.

From: Kenneth Lovett [<mailto:kenneth.lovett@att.net>]
Sent: Monday, February 14, 2022 10:16 PM
To: Foster, Stephen
Cc: Braun, Heinz; Ellis, Jay; Rheume, Thomas
Subject: Re: Regional Tip and/or Complaint - Arkansas (239104)

Good evening,

I am following up.

How do we obtain the proper equipment to test at the specific times the emission is hovering over us? Does ADEQ provide options for this or have the capability to setup a system for this? This is and has been a long term issue. We need to know what the concentration is and if there is a scrubber system that has the ability to remove this Hazard?

Thank you,

Kenneth Lovett

From: Kenneth Lovett <kenneth.lovett@att.net>
Sent: Wednesday, February 2, 2022 9:39:27 AM
To: Foster, Stephen <FOSTERS@adeq.state.ar.us>
Cc: Braun, Heinz <BRAUN@adeq.state.ar.us>; Ellis, Jay <ELLISJ@adeq.state.ar.us>; Rheaume, Thomas <RHEAUME@adeq.state.ar.us>
Subject: Re: Regional Tip and/or Complaint - Arkansas (239104)

Good morning!

Thank you for your response.

While I understand the equipment is operating within permit requirements, the emissions are causing the area to have very high concentrations of gasses at times of different atmospheric conditions. The residents do not have the proper equipment to test the environment during these high concentration events. Also thank you for explaining what the regulated emissions from these sources are.

How do we obtain the proper equipment to test at the specific times the emission is hovering over us? Does ADEQ provide options for this or have the capability to setup a system for this?

This is and has been a long term issue. We need to know what the concentration is and if there is a scrubber system that has the ability to remove this Hazard?

Please understand the issue continues. Review after the fact will not stop the residents from being gassed in their homes or vehicles as we attempt to live normal lives.

Thank you,

Kenneth Lovett

From: Foster, Stephen <FOSTERS@adeq.state.ar.us>
Sent: Wednesday, February 2, 2022, 8:00 AM
To: 'kenneth.lovett@att.net'
Cc: Braun, Heinz; Ellis, Jay; Rheaume, Thomas
Subject: FW: Regional Tip and/or Complaint - Arkansas (239104)

Mr. Lovett,

On January 27th, a complaint investigation was conducted concerning the Waste to Energy Plant at the Eco-Vista Landfill to address your concerns below. According to observations made during that investigation along with operational data pertaining to the dates in question, the Waste to Energy Plant was operating in compliance with the facility's current air permit. To answer your question regarding emissions from the Waste to Energy Plant, the regulated emissions from these sources (engines and flares) are as follows: Particulate Matter (PM/PM₁₀), SO₂, VOC, CO, NO_x, and HAPs. The emission rate limits for these regulated pollutants are permitted based on federal and state standards and are evaluated against National Air Ambient Air Quality Standards (NAAQS) and other screening analysis for possible impacts. Compliance with the permitted limits is demonstrated by operating the emission sources in accordance with the facility's current Air Operating Permit. One of the requirements of the permit is periodically testing the engines for NO_x, CO and VOC emissions. During previous testing events, the engines have been well within the emission limits for these pollutants. Additionally, during the complaint investigation we did detect odors from the Black Hills Natural Gas Odorizer approximately ½ mile west of the odorizing unit.

Stephen Foster | Inspector Supervisor
Division of Environmental Quality | Office of Air Quality
1220 West 2nd Street | Russellville, AR 72801
t: 479.968.7339 | c: 501.837.2099 | e: fosters@adeq.state.ar.us



ARKANSAS
ENERGY & ENVIRONMENT

From: Braun, Heinz
Sent: Tuesday, January 25, 2022 3:44 PM

To: Foster, Stephen

Subject: FW: Regional Tip and/or Complaint - Arkansas (239104)

From: Kenneth Lovett [mailto:kenneth.lovett@att.net]

Sent: Tuesday, January 25, 2022 2:06 PM

To: Braun, Heinz

Subject: Fwd: Regional Tip and/or Complaint - Arkansas (239104)

Mr. Braun,

Hello,

My name is Kenneth Lovett. I live .4 miles from the Energy Plant operating at Eco Vista Waste Management in Tontitown Arkansas.

I want to know what type of emission is being allowed by permit to flow from the Energy Plant exhaust. The emissions are causing issues as weather conditions emissions to stay low. This has occurred at least 3 times since Wednesday, December 29th, and has bn reported to ge ADEQ during each event. The follow-up that we get usually is a few days later with no findings other than missions are within permit requirements.

We need a way to have imediate response to test the area an get realtime results.

In my most serious event, the vapors, to me smelled like strong CO2 engine exhaust from the Energy Plant. My windows were up, my car heater on. I started smelling something as I was coming south on Pialnalto. I pulled up toward the intersection of Arbor Acres and Pialnalto, my nose and eyes started burning and I immediately got a headache. I rolled down my window and the odor was horrendous. I could see fog or vapors coming across the road. I turned right and finally got out of the vapors approximately 100 yards down the road. The issue caused dizziness.

How do we get answers to what this is so we can move forward to get corrected?

There are families living in this area that can't get away without leaving their homes. We need your response and knowledge to work through the proper process.

Thank you,

Kenneth Lovett

From: simms.gloria@epa.gov <simms.gloria@epa.gov>

Sent: Tuesday, January 25, 2022, 1:26 PM

To: kenneth.lovett@att.net

Cc: braun@adeq.state.ar.us

Subject: RE: Regional Tip and/or Complaint - Arkansas (239104)

01/25/2022

SUBJECT: RE: Regional Tip and/or Complaint - Arkansas (239104)

FROM: simms.gloria@epa.gov

TO: kenneth.lovett@att.net

CC: braun@adeq.state.ar.us

Dear Kenneth Lovett, Thank you for your email to the Environmental Protection Agency regarding Eco Vista Waste Management Energy Plant. EPA appreciates you taking time to write to us and share your concerns. Thanks to emails like yours we have been kept up-to-date with on-going community concerns. These types of concerns are normally forwarded to the state agency that has jurisdiction. In this case that would be the Arkansas Energy and Environment Division of Environmental Quality with the following contact information. Heinz Braun, Compliance Branch Manager Office of Air Quality Division of Environmental Quality |Office of Air Quality |Compliance Branch 5301 Northshore Drive North Little Rock, AR 72118-5317 501-682-0756 braun@adeq.state.ar.us I have copied Mr. Braun on this message. In the future, if you wish, you can file a complaint via this website: [Pollution Complaints | DEQ](#) Or call the ADEQ Air Pollution contact at 501-682-0923 Sincerely Gloria Simms EPA Region, Air Enforcement



Pollution Complaints | DEQ



-----Original Message-----

1/22/2022 1:56 PM

HQ LEAD NUMBER: FY22-239104-3714-CV

SUBJECT: Regional Tip and/or Complaint - Arkansas

FROM: kenneth.lovett@att.net

TO:

Name: Kenneth Lovett

Phone: 8708536232

Alleged Violator's Name: Eco Vista Waste Mngement Energy Plant

Alleged Violator's Address: 2210 N Prince William Dr, Springdale, AR 72762

Alleged Violator's City: Tontitown

Alleged Violator's State: Arkansas

Alleged Violator's Zip: 72762

Tip or Complaint: Eco Vista Waste Management Energy Plant Exhaust. On Wednesday evening 12/29/2021, There was a vapor at the intersection of Arbor Acres and Pianalto road that was to the level of an IDLH atmosphere. Caused immediate headache, nausea and dizziness. The weather conditions were adding to the issue. On Monday evening 01/17/2022, The same issue again with Emissions from the Energy Plant. On Friday Night/Saturday morning, 01/22/2021, The same issue again with Emissions from the Energy Plant. I want to know what type of emission is being allowed by permit to flow from the Energy Plant exhaust. [Log into Facebook](#)



Log into Facebook

Log into Facebook to start sharing and connecting with your friends, family, and people you know.

Violation Still Occurring? No

State DEP/DEQ/DEM Notified? No

(Kenneth Lovett <kenneth.lovett@att.net>

To:Fite, Charlene

Fri, Feb 4, 2022 at 8:40 PM

Thank you Representative Fite.

None of the list she mentions has anything to do with the emissions that are causing issues. A scrubber is needed, in my opinion to address the issue they keep dodging.

I will be at the Citizens meeting Tuesday afternoon and have requested specific answers to the issue.

Thank you,
Kenneth Lovett

From: Fite, Charlene <charlene.fite@arkansashouse.org>

Sent: Friday, February 4, 2022 7:49:50 PM

To: Kenneth Lovett <kenneth.lovett@att.net>

Subject: Fwd: Emissions from the Eco Vista Waste Management, Tontitown Arkansas

Mr. Lovett,

I'd promised to send you any additional information I receive. This came today.

Charlene Fite, Chairman

House Committee on Aging, Children and Youth,
Military and Legislative Affairs

Begin forwarded message:

From: "Reynolds, Jodi" <jreyno10@wm.com>

Date: February 4, 2022 at 1:52:59 PM CST

To: "Fite, Charlene" <charlene.fite@arkansashouse.org>

Cc: "Grappe, Michael" <grappem@adeq.state.ar.us>

Subject: FW: Emissions from the Eco Vista Waste Management, Tontitown Arkansas

Hello, Representative Fite! Michael Grappe asked me to send you some information on the Eco-

From: "Reynolds, Jodi" <jreyno10@wm.com>

Date: February 4, 2022 at 1:52:59 PM CST

To: "Fite, Charlene" <charlene.fite@arkansashouse.org>

Cc: "Grappe, Michael" <grappem@adeq.state.ar.us>

Subject: FW: Emissions from the Eco Vista Waste Management, Tontitown Arkansas

Hello, Representative Fite! Michael Grappe asked me to send you some information on the Eco-Vista Landfill. We are in the process of applying for a landfill expansion permit with the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ). This permit expansion is to fill the valley between the two existing landfills on our property and add 10 acres to our Class 4 (construction and demolition) landfill. The expansion will take place within our current property boundary, and will not expand into greenfield areas. When we started the paperwork process with the City of Tontitown, Boston Mountain Solid Waste Management District (BMSWMD) and the DEQ in 2020, we began hearing complaints from a few neighbors about concerns with the landfill. As a response, we started a citizen's group meeting in November of 2020 that is held every month so community members can ask questions and communicate concerns. Our next meeting is February 8, 2022 at 4:30-5:30 pm at the landfill. We have an option to call in via Microsoft Teams, if you would like to join. We generally have between 4-6 citizens at each meeting.

We first began receiving odor and track out complaints in November of 2020. Since then, we have taken the following steps to remedy the problems. Some were already planned as part of the expansion, and some were added as a result of public comment:

1. Paved the entrance road to the landfill (one mile) to control dirt track out.
2. Installed an industrial wheel wash to control dirt track out.
3. Installed 3500 feet of Benzaco odor neutralizing system.
4. Added 13 bull fences for litter control, in addition to the 6' tall portable fencing and 25' tall perimeter stationary fencing which was already installed at the site to control blowing litter.
5. Added an employee to walk public roads M-F/8-5 and pick up litter that falls from trucks.
6. Employed a third-party consultant to perform odor surveys. Surveys were conducted in February 2021, June 2021 and a third is scheduled for February 2022.
7. Engaged Terracon Consultants to perform weekly odor surveys and for on-call surveys to respond to complaints.
8. Added soil cover to the north and western portions of the landfill.

Regarding the Waste Management Renewable Energy Plant: the gas to energy plant (GTE) has emission limits set forth in our air permit by DEQ. Since the installation of the GTE plant, we have remained in continuous compliance with our air permit, as well as all other DEQ permits. Emissions are carefully controlled as they pass from the landfill gas collection and control system into the treatment phase of the GTE Plant. Once treated, the gas is then used as a fuel for 5 caterpillar engines in order to create electricity. The GTE Plant provides both environmental and economic benefits to our local communities, such as:

1. Reduction in greenhouse gas emissions
2. Efficient use of waste
3. Reduction of air pollution by offsetting the use of non-renewables
4. Relatively cost effective
5. Improvement to overall air quality
6. Reduction of landfill odor

Presently, the site generates 2400 to 2700 megawatt/hour of clean alternative power per month,

which can provide electricity for approximately 3,000 homes.

I would be happy to take you on a tour of our Eco-Vista Landfill facility at any time that is convenient to you, if you would like. Please do not hesitate to contact me should you have questions, or if I can provide you more information. If you would like a TEAMS invite to join our citizen's meeting on February 8, 2022, let me know. Thank you!

Jodi

JODI REYNOLDS
Environmental Protection Manager, Arkansas
MID★SOUTH Market Area
jreyno10@wm.com

C: 479.699.1475
88 Joyce Lane
Russellville, AR 72802

Access WM 24/7
with My WM

-----Original Message-----

From: Grappe, Michael <grappem@adeq.state.ar.us>
Sent: Tuesday, February 1, 2022 12:11 PM
To: Reynolds, Jodi <jreyno10@wm.com>
Subject: [EXTERNAL] FW: Emissions from the Eco Vista Waste Management, Tontitown Arkansas

Please call me at your convenience to discuss the email below from Rep. Fite.

Michael Grappé | Director of Special Projects Energy & Environment | Office of Chief Counsel
5301 Northshore Drive | North Little Rock, AR 72118
cell: 501.515.1219 | e: grappem@adeq.state.ar.us

-----Original Message-----

From: Fite, Charlene [<mailto:charlene.fite@arkansashouse.org>]
Sent: Monday, January 31, 2022 6:36 PM
To: Grappe, Michael
Subject: Fwd: Emissions from the Eco Vista Waste Management, Tontitown Arkansas

I'd like your assistance with this. Thanks.

Charlene Fite, Chairman
House Committee on Aging, Children and Youth,
Military and Legislative Affairs

Begin forwarded message:

From: "Fite, Charlene" <charlene.fite@arkansashouse.org>
Date: January 31, 2022 at 6:35:13 PM CST
To: Kenneth Lovett <kenneth.lovett@att.net>
Cc: joseph.wood@washingtoncountyar.gov, planning@washingtoncountyar.gov,

oag@arkansasag.gov, news@kfsm.com, news@4029tv.com, press@governor.arkansas.gov, "Lundstrum, Robin" <robin.lundstrum@arkansashouse.org>, media@sos.arkansas.gov, "Hendren, Jim" <jim.hendren@senate.ar.gov>, "Hester, Bart" <bart.hester@senate.ar.gov>, adh.ehs@arkansas.gov, news@knwa.com, sstein@edf.org
Subject: Re: Emissions from the Eco Vista Waste Management, Tontitown Arkansas

Mr. Lovett,
Thank you for contacting me. I will call ADEQ tomorrow.

Charlene Fite, Chairman
House Committee on Aging, Children and Youth,
Military and Legislative Affairs

On Jan 31, 2022, at 4:12 PM, Kenneth Lovett <kenneth.lovett@att.net> wrote:

I am reaching out to get answers to the emissions being released from Eco Vista Waste Management Landfill in Tontitown, Arkansas.

Citizens living around Eco Vista Waste Management are having continued issues with emissions from the Eco Vista Waste Management Energy Plant in Tontitown. This is an ongoing issue that has yet to be identified or addressed by anyone with authority that can determine what the gasses being emitted are or what can be done to stop the emissions. Each party keeps pointing to the other to address the issue. Request for response from Arkansas ADEQ has only been responded to with a request for Photos.

Thank you,
Kenneth Lovett

----- Forwarded Message -----

From: Kenneth Lovett <kenneth.lovett@att.net>
To: recycle@bmswd.com <recycle@bmswd.com>
Sent: Sunday, January 30, 2022, 11:36:40 PM CST
Subject: Emissions from the Eco Vista Waste Management, Tontitown Arkansas

I am sending this message per the request posted online for the meeting scheduled for February 10th.

Due to the February meeting being conducted via Zoom, individuals wanting to make a public comment must email their comments prior to the meeting to recycle@bmswd.com<<mailto:recycle@bmswd.com>>. Public comments received before 5:00 pm on Wednesday, February 9, 2022, will be provided to the Board of Directors prior to the February 10th meeting.

Citizens living around Eco Vista Waste Management are having continued issues with emissions from the Eco Vista Waste Management Energy Plant in Tontitown. I would like to meet to discuss to understand how these issues will be approached and corrected. Years ago when Sunray was allowed to start a dump in Washington County, we were unaware of the hazards with such a business close to community of families raising young children. Tontitown is growing and hundreds of new homes and subdivisions are being added to the area where pastures once were. Citizens have continually contacted EPA, Tontitown, ADEQ, Boston mountain and everyone points at the other. The Energy Plant continues to release emissions allowed by Permit that under changes in atmospheric conditions become hazardous, but no one will investigate until after the atmospheric conditions change.

The community request a town hall meeting with ADEQ officials, Waste Management, Tontitown, Boston Mountain officials and any other entity including hauling companies that are continually driving the roads that are marked for noncommercial use.

Options are available for the working face such as the foam the Management sometimes uses. Also, there are other topical applications that, used in the proper amounts and times would greatly decrease the Waste smells from the landfill.

There are scrubber systems to address the Energy plant emissions to consider. Continuing to allow these emissions to go uncontrolled, and allowed by permit, continues to put residents in serious Health and wellness danger.

On Wednesday evening 12/29/2021, There was a vapor at the intersection of Arbor Acres and Pinalto road that was to the level of an IDLH atmosphere. Caused immediate headache, nausea and dizziness. The weather conditions were adding to the issue.

On Monday evening 01/17/2022, The same issue again with Emissions from the Energy Plant.

I want to know what type of emission is being allowed by permit to flow from the Energy Plant exhaust and if this emission is currently in compliance with the current permit, if so, WHY?

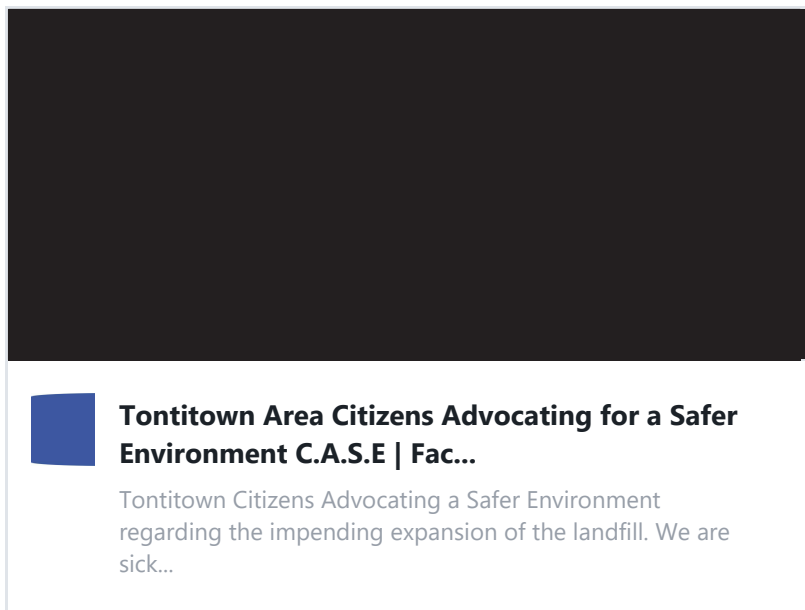
Citizens cannot continue to be exposed to this gas.

Thank you,

Kenneth Lovett"

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The Link to the CASE Group is here and you can access without being a Member: [Tontitown Area Citizens Advocating for a Safer Environment C.A.S.E | Facebook](#)



Tontitown Area Citizens Advocating for a Safer Environment C.A.S.E | Fac...

Tontitown Citizens Advocating a Safer Environment regarding the impending expansion of the landfill. We are sick...

Tontitown/Harmon and surrounding areas need you!

Do your Due Diligence.

Research.

Common Sense.

NO EXANSION IN AN ALREADY IMPROPER AREA FOR LANDFILL.

Arkansas Department of Energy and Environment,
Eco Vista is not Operated Properly. When the results are reviewed properly, the evidence is Clear.

This is not about Economics! This IS about Health, Safety, and Environment!

Sunday morning, 05/07/2023, there is an unsigned editorial in the NWA Democrat Gazatte.

Last week I was told by an Employee of the Arkansas DEQ, that the only way to fix the landfill issue was through our representatives.

This is because big businesses have worked their way into government, in various ways, and laws are written so they can be interpreted and twisted by lawyers to get as much money directed to their line of work as possible.

The editorial this morning said nothing about Health, Safety, or Environment, and was written in such a way to circle the wagons by the public to fight for the landfill. "Cost of Living" they state...

What about Cost of Lives? Environmental Hazards? Polution of Air and Water?

I requested Air Monitoring 2 years ago. There are Drones that can fly over and in 30 minutes or less, know what it is they are emitting. But ADEQ says they do not have funds for that type of project. It is out of their scope.

Who's scope is it in? No government Reglatory Group, Commission, Authority, has stepped up in Arkansas. Why? Because they know the issues. They are working with Waste Management - Eco-Vista Landfill to delay any test until after the new Gas plant is started. It is "Supposed" to have an Activated Carbon filter installed. So, we have waited 1.5 years and still NO test! I do not believe the activated carbon will fix the issue.

This area is not appropriate for a landfill. This was pointed out in the article in todays paper and attached. The landfill is allowed to be here because Sunray opened it on a farmers property, they manipulated so they could purchase the property, before Regulation kept them from doing so.

Then Sunray attempts to close and move elsewhere, (Mentioned in the editorial) but they are forced to stay. So then they sold to big bucks Waste Management...

In 2020, Government shutdown business due to health concerns, they stated the virus was the reason.

Shut Eco Vista down now and allow the health and dignity of the area to improve. Pollution and Mismanagement is the reason!

The cost to the area will not overshadow Covid.

I expect the cost will be close to the same, without manipulation. A Transfer Station will serve just fine to take all waste to an appropriate and correctly operated facility.

CARDS is building a Transfer Station NOW! Transfer the Monopoly to them and let's get our area cleaned up!

Please review and represent,
Kenneth Lovett

Mr. Mark Calcagni letter to the Editor:

"Tontitown's Opposition to Landfill Due to Health, Safety, and Environment

In the recent AD-G Editorial on Sunday, May 7th, the editorial had no mention of health and safety around the Tontitown Landfill. There are health and safety issues such as gas, odor, groundwater contamination in a karst area, fires, and heavy truck traffic in a residential area all have been documented-fact! No state or federal air quality testing has been done to ensure the air is safe. Also, the article went into economic issues of the cost going up to close this landfill without any factual proof of that. Some cities in Northwest Arkansas do not use the Tontitown landfill due to excessive costs and can take their trash elsewhere cheaper - fact!

Arkansas Pollution Control and Ecology Regulation 22.204 states the host city (Tontitown) must approve a landfill expansion. On November 2, 2022, Tontitown City Council unanimously rejected the expansion of Class 4 and Class 1. Why has this Arkansas Regulation been ignored? Laws and Regulations are in place to be followed. There have also been over 1400 signed citizens petitions against expanding the landfill and an independent city survey that identified the two concerns citizens had which are Infrastructure and the Landfill. Tontitown has spoken.

The area has grown as there is an elementary school a mile and a half away. It is no longer rural. Housing is all around this landfill with more being planned. Tontitown has gone above and beyond for providing a landfill for NWA for over 40 years. Health and Safety should be the main priority in a rapidly growing area in the Natural State."

Mark Calcagni Tontitown Citizens Advocating A Safe Environment (C.A.S.E.)

The following is the issue with Complaint investigation. ADEQ takes Waste Management account of the issue without question, But I provide them with proof that Waste Management is lying and I am ignored, No allegations are found, and the issue is stored away in the database as Invalid...

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On Tuesday, May 23, 2023 at 02:56:54 PM CDT, Kenneth Lovett <kenneth.lovett@att.net> wrote:

I sent a complaint on your "Report". Why do you accept statements from Don Tennison as true, when you have confirming evidence there was no cover in several areas on the face? They "Sprayed at" the section beside the lift and took a picture but in no way was their photos reflective of the cover they did on the 22nd...

I have Circled areas that have no cover and no Foam. The foam cover beside the lift, lightly covers the outside of what was on the ground and has openings. nothing more than a snow dusting.

My life is more important to me than being the butt of your jokes.

How do we get proper action for inadequate coverage, odors, Vapors, vectors, Ground water contamination, Air Pollution that is not tested by the state but is IDLH in characteristics, Runoff water, above and below ground level draining directly to Illinois river, Inappropriate area for a Landfill, Etc. Etc.

There is a Large Hole in the system to properly Control Environment and Pollution. The people that knew what to do have been wiped out through attrition and these that are responsible now have NO CLUE! Doug Melton and His Frisky self (By Self identification) needs to be removed from the PC&EC during the realignment and the Commission needs to go into review of steps needed to make the Arkansas Environment safe, NOW and for the future. If you have to recuse yourself from votes you need to be removed from the Commission. There were 3 recused during the Class 4 hearing, and the rest had no idea what they were voting for or against. That was the biggest joke of a vote I have ever witnessed. They could not even figure out how to word the statement to vote...

Playing these games is not for adults. It is time to be adults and get the job done. Environmental issues should not be allowed before the Golf Club PC&EC...

Thank you for your time.

Please add this to the comments for the Public Hearing for Class 1 on May 25th.

Kenneth Lovett

----- Forwarded Message -----

From: Ryan Hayden (adpce.ad) <ryan.hayden@adeq.state.ar.us>

To: bsmall@wm.com <bsmall@wm.com>; Tennison, Don <dtenniso@wm.com>

Cc: Christopher Krou (adpce.ad) <christopher.krou@adeq.state.ar.us>; Nicholas Jones (adpce.ad) <nicholas.jones@adeq.state.ar.us>; Jason Gilkey (adpce.ad) <jason.gilkey@adeq.state.ar.us>; kenneth.lovett@att.net <kenneth.lovett@att.net>; EcoVista <ecovista@adeq.state.ar.us>

Sent: Tuesday, May 23, 2023 at 12:46:38 PM CDT

Subject: Complaint #030919 - Eco Vista Class 1 Landfill - Investigation Report

Attached: 5/23/2023 - Complaint #030919 - Eco Vista Class 1 Landfill - Investigation Report

Ryan Hayden | Solid Waste Inspector Supervisor

Division of Environmental Quality | **Office of Land Resources**

5301 Northshore Drive | North Little Rock, AR 72118

t: 501-682-0873 | c: 501-913-4023 | e: hayden@adeq.state.ar.us

Kenneth Lovett <kenneth.lovett@att.net>

To: Jarrod Zweifel (adpce.ad), Caleb Osborne, Shane Khoury, Bailey Taylor (adpce.ad)

Cc: Angie Russell, ward1-1@tontitownar.gov, Amber Ibarra, ward2-1@tontitownar.gov, Larry Ardemagni and 64 more...

Bcc: njackson@richmayslaw.com, Ross@NolandFirm.com, Lisa Thompson (adpce.ad), Mark Robinette (adpce.ad), rmays@richmayslaw.com and 19 more...

Tue, May 9 at 10:38 AM

Good Morning,

We have discussed this before, The Air Emissions testing done per the permit is not sufficient. It covers what is required for You (ADEQ), to allow Them (Waste Management), to operate, but it is still allowing Emissions/Vapors to be released and harm residents.

We need Air test completed that will detail what is being released. The ability to test emissions in detail with the proper equipment (One being Drone equipped with the proper attachments) is available and should be used by ADEQ or US EPA to identify what is being forced on the residents of this area.

How do we get this done?

I have seen an email from ADEQ, Jay Ellis, and have attached and highlighted in yellow below, that message reached out to Eco Vista Operator Steve Peck discussing operations. Why does the Environmental Regulatory Agency of Arkansas put so much faith in the perpetrator, while IGNORING the CITIZENS?

ADEQ has stated to the press they do not do this type of testing and do not have the budget to get it done. Is it TONTITOWNS AND OR RESIDENTS RESPONSIBILITY TO GET THIS DONE TO PROVE THE ISSUE while ADEQ and PC&EC sit in their plump chairs snarling at the public for coming to the meeting taking time to present, while the PC&EC grudgingly sit and ignore and then Vandergriff and Melton (With Conflict of Interest) attack the speaker?

Please explain, in detail, why the Environmental Regulatory Agency of Arkansas will not test the area specific conditions around Eco Vista and continue to allow this facility to operate.

Thank you,
Kenneth Lovett

On Tuesday, May 9, 2023 at 08:56:49 AM CDT, Bailey Taylor (adpce.ad) <bailey.taylor@adeq.state.ar.us> wrote:

Mr. Lovett,

A date has not yet been scheduled to test the existing engines. They are tested on a reoccurring schedule in accordance with their permit.

Thank you,

Bailey Taylor

Energy & Environment | Associate Environment Administrator

5301 Northshore Drive | North Little Rock, AR 72118

t: 501.682.0639 | e: bailey.taylor@adeq.state.ar.us



ARKANSAS
ENERGY & ENVIRONMENT

From: Kenneth Lovett [<mailto:kenneth.lovett@att.net>]

Sent: Monday, May 8, 2023 12:13 AM

To: Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>; E&E Comms <EEComms@adeq.state.ar.us>; ADPCE Commission Staff <ADPCECommissionStaff@adeq.state.ar.us>; Public Comment <Comment@adeq.state.ar.us>; Commissioners <Commissioners@adeq.state.ar.us>; Patricia Goff (adpce.ad) <Patricia.Goff@adeq.state.ar.us>; Jarrod Zweifel (adpce.ad) <Jarrod.Zweifel@adeq.state.ar.us>; Caleb Osborne <Caleb.Osborne@adeq.state.ar.us>; Shane Khoury <Shane.Khoury@Arkansas.Gov>

Cc: Angie Russell <mayor@tontitownar.gov>; ward1-1@tontitownar.gov; Amber Ibarra <ward1-2@tontitownar.gov>; ward2-1@tontitownar.gov; Larry Ardemagni <ward2-2@tontitownar.gov>; Tim Burress <ward3-2@tontitownar.gov>; Mark Calcagni <calhog18@gmail.com>; Dennis Boyer <dboyer01@yahoo.com>; D. Russ Greene <drussgreene@gmail.com>; Donna Pianalto <dovepianalto@gmail.com>; Jami Morgan <tontitownareacase@gmail.com>; Clint Penzo <clint.penzo@senate.ar.gov>; Clint Penzon <clint.penzo@arkansashouse.org>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; Candy Black <cblack@tontitownar.gov>; codeenforcement@tontitownar.gov; permits@tontitownar.gov; James Dean <jdean@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; Coats, Janetta <coats.janetta@epa.gov>; cityadmin@tontitownar.gov; Leslee Bohannon <adminasst@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; ddavis@tontitownar.gov; Kaleri, Cynthia <kaleri.cynthia@epa.gov>; simms.gloria@epa.gov; Heinz Braun (adpce.ad) <Heinz.Braun@adeq.state.ar.us>; Khoury, Shane <Shane.Khoury@adeq.state.ar.us>; Mitchell Dowden (adpce.ad) <Mitchell.Dowden@adeq.state.ar.us>; Michael McAlister (adpce.ad) <Michael.McAlister@adeq.state.ar.us>; Mark Ramsey <mramsey@tontitownar.gov>; Ross Noland <ross@nolandfirm.com>; Edge Nowlin <edgenowlin@gmail.com>; Steve Unger <unger1958@gmail.com>; Perry Elyaderani <pelyaderani@knwa.com>; pdeakins@washingtoncountyar.gov; Jay Ellis (adpce.ad) <Jay.Ellis@adeq.state.ar.us>; Scott McWilliams (adpce.ad) <Scott.McWilliams@adeq.state.ar.us>; David Witherow (adpce.ad) <David.Witherow@adeq.state.ar.us>; Christopher Krou (adpce.ad) <Christopher.Krou@adeq.state.ar.us>; Richard Goheen (adpce.ad) <richard.goheen@adeq.state.ar.us>; Planning Department <planning@tontitownar.gov>; ward3-1@tontitownar.gov; Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>; Tyler Dees <tylerdees@senate.ar.gov>; Steve Unger <steveungerforarkansas@gmail.com>; David Etchison <dretchison1@gmail.com>; Richard Mays <rmays@richmayslaw.com>

Subject: Air Emissions Testing

When will Air emissions from Eco Vista Waste Management Waste Gas Plant and Landfill be tested?

<https://www.epa.gov/sciencematters/future-emissions-testing-looking-how-epa-using-drones-test-air-quality>

----- Forwarded Message -----

From: Kenneth Lovett <kenneth.lovett@att.net>

To: Bailey Taylor (adpce.ad) <bailey.taylor@adeq.state.ar.us>; simms.gloria@epa.gov <simms.gloria@epa.gov>

Cc: Ross Noland <ross@nolandfirm.com>; Angie Russell <mayor@tontitownar.gov>; Dennis Boyer <dboyer01@yahoo.com>; Donna Pianalto <dovepianalto@gmail.com>; D. Russ Greene <drussgreene@gmail.com>; Mark Calcagni <calhog18@gmail.com>; Mark Ramsey <mramsey@tontitownar.gov>; Tontitown POLICE Chief - Cory <chief@tontitownar.gov>; ward1-1@tontitownar.gov <ward1-1@tontitownar.gov>; Amber Ibarra <ward1-2@tontitownar.gov>; Larry Ardemagni <ward2-2@tontitownar.gov>; ward3-1@tontitownar.gov <ward3-1@tontitownar.gov>; Tim Burress <ward3-2@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; ddavis@tontitownar.gov <ddavis@tontitownar.gov>; Planning Department <planning@tontitownar.gov>; ward2-1@tontitownar.gov <ward2-1@tontitownar.gov>; Clint Penzo <clint.penzo@senate.ar.gov>; Steve Unger <unger1958@gmail.com>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; pdeakins@washingtoncountyar.gov <pdeakins@washingtoncountyar.gov>; cityadmin@tontitownar.gov <cityadmin@tontitownar.gov>; permits@tontitownar.gov <permits@tontitownar.gov>; Leslee Bohannan <adminasst@tontitownar.gov>; Candy Black <cblack@tontitownar.gov>; codeenforcement@tontitownar.gov <codeenforcement@tontitownar.gov>

Sent: Friday, March 17, 2023 at 07:37:02 AM CDT

Subject: Re: Eco-Vista Landfill Complaint

Good Morning Everyone,

Will the new gas plant be regulated by the same emissions testing as required by the current permit?

The current permit does not test for or regulate the issues we have now.

Thank you,
Kenneth Lovett

From: Kenneth Lovett <kenneth.lovett@att.net>

Sent: Thursday, March 16, 2023 7:17:03 PM

To: Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>; simms.gloria@epa.gov <simms.gloria@epa.gov>

Cc: Ross Noland <ross@nolandfirm.com>; Angie Russell <mayor@tontitownar.gov>; Dennis Boyer <dboyer01@yahoo.com>; Donna Pianalto <dovepianalto@gmail.com>; D. Russ Greene <drussgreene@gmail.com>; Mark Calcagni <calhog18@gmail.com>; Mark Ramsey <mramsey@tontitownar.gov>; Tontitown POLICE Chief - Cory <chief@tontitownar.gov>; ward1-1@tontitownar.gov <ward1-1@tontitownar.gov>; Amber Ibarra <ward1-2@tontitownar.gov>; Larry Ardemagni <ward2-2@tontitownar.gov>; ward3-1@tontitownar.gov <ward3-1@tontitownar.gov>; Tim Burress <ward3-2@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; ddavis@tontitownar.gov <ddavis@tontitownar.gov>; Planning Department <planning@tontitownar.gov>; ward2-1@tontitownar.gov <ward2-1@tontitownar.gov>; Clint Penzo <clint.penzo@senate.ar.gov>; Steve Unger <unger1958@gmail.com>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; pdeakins@washingtoncountyar.gov

<pdeakins@washingtoncountyar.gov>; cityadmin@tontitownar.gov <cityadmin@tontitownar.gov>; permits@tontitownar.gov <permits@tontitownar.gov>; Leslee Bohannan <adminasst@tontitownar.gov>; Candy Black <cblack@tontitownar.gov>; codeenforcement@tontitownar.gov <codeenforcement@tontitownar.gov>

Subject: Re: Eco-Vista Landfill Complaint

Thank you for your responses.

From: Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>

Sent: Thursday, March 16, 2023 6:48:42 PM

To: 'Kenneth Lovett' <kenneth.lovett@att.net>; simms.gloria@epa.gov <simms.gloria@epa.gov>

Cc: Ross Noland <ross@nolandfirm.com>; Angie Russell <mayor@tontitownar.gov>; Dennis Boyer

<dboyer01@yahoo.com>; Donna Pianalto <dovepianalto@gmail.com>; D. Russ Greene

<drussgreene@gmail.com>; Mark Calcagni <calhoq18@gmail.com>; Mark Ramsey

<mramsey@tontitownar.gov>; Tontitown POLICE Chief - Cory <chief@tontitownar.gov>; ward1-

1@tontitownar.gov <ward1-1@tontitownar.gov>; Amber Ibarra <ward1-2@tontitownar.gov>; Larry Ardemagni

<ward2-2@tontitownar.gov>; ward3-1@tontitownar.gov <ward3-1@tontitownar.gov>; Tim Burress <ward3-

2@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; James

Dean <jdean@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; Kevin Boortz

<kboortz@tontitownar.gov>; ddavis@tontitownar.gov <ddavis@tontitownar.gov>; Planning Department

<planning@tontitownar.gov>; ward2-1@tontitownar.gov <ward2-1@tontitownar.gov>; Clint Penzo

<clint.penzo@senate.ar.gov>; Steve Unger <unger1958@gmail.com>; Robin Lundstrum

<robin.lundstrum@arkansashouse.org>; pdeakins@washingtoncountyar.gov

<pdeakins@washingtoncountyar.gov>; cityadmin@tontitownar.gov <cityadmin@tontitownar.gov>;

permits@tontitownar.gov <permits@tontitownar.gov>; Leslee Bohannan <adminasst@tontitownar.gov>;

Candy Black <cblack@tontitownar.gov>; codeenforcement@tontitownar.gov

<codeenforcement@tontitownar.gov>

Subject: RE: Eco-Vista Landfill Complaint

Mr. Lovett,

Once the new gas plant is online it will be subject to the emissions testing as required by the permit. Additionally, I am working to schedule a meeting with appropriate staff from our agency and citizens of Tontitown. Communication regarding that will be forthcoming.

Thank you,

Bailey Taylor

Energy & Environment | Associate Environment Administrator

5301 Northshore Drive | North Little Rock, AR 72118

t: 501.682.0639 | e: bailey.taylor@adeq.state.ar.us



ARKANSAS

ENERGY & ENVIRONMENT

From: Kenneth Lovett [<mailto:kenneth.lovett@att.net>]

Sent: Thursday, March 9, 2023 7:49 PM

To: Heinz Braun (adpce.ad) <Heinz.Braun@adeq.state.ar.us>; simms.gloria@epa.gov; Jay Ellis (adpce.ad) <Jay.Ellis@adeq.state.ar.us>; Scott McWilliams (adpce.ad) <Scott.McWilliams@adeq.state.ar.us>; Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>; Richard Goheen (adpce.ad) <richard.goheen@adeq.state.ar.us>; Jarrod Zweifel (adpce.ad) <Jarrod.Zweifel@adeq.state.ar.us>; Christopher Krou (adpce.ad) <Christopher.Krou@adeq.state.ar.us>

Cc: Ross Noland <ross@nolandfirm.com>; Angie Russell <mayor@tontitownar.gov>; Dennis Boyer <dboyer01@yahoo.com>; Donna Pianalto <dovepianalto@gmail.com>; D. Russ Greene <drussgreene@gmail.com>; Mark Calcagni <calhog18@gmail.com>; Mark Ramsey <mramsey@tontitownar.gov>; Tontitown POLICE Chief - Cory <chief@tontitownar.gov>; ward1-1@tontitownar.gov; Amber Ibarra <ward1-2@tontitownar.gov>; Larry Ardemagni <ward2-2@tontitownar.gov>; ward3-1@tontitownar.gov; Tim Burress <ward3-2@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; ddavis@tontitownar.gov; Ryan Hayden (adpce.ad) <Ryan.Hayden@adeq.state.ar.us>; Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>; Planning Department <planning@tontitownar.gov>; ward2-1@tontitownar.gov; David Witherow (adpce.ad) <David.Witherow@adeq.state.ar.us>; Caleb Osborne <Caleb.Osborne@adeq.state.ar.us>; Shane Khoury <Shane.Khoury@Arkansas.Gov>; Khoury, Shane <Shane.Khoury@adeq.state.ar.us>; Annette Cusher (adpce.ad) <Annette.Cusher@adeq.state.ar.us>; Charles Moulton (adpce.ad) <Charles.Moulton@adeq.state.ar.us>; Clint Penzo <clint.penzo@senate.ar.gov>; Steve Unger <unger1958@gmail.com>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; Patricia Goff (adpce.ad) <Patricia.Goff@adeq.state.ar.us>; pdeakins@washingtoncountyar.gov; ADPCE Commission Staff <ADPCECommissionStaff@adeq.state.ar.us>; E&E Comms <EEComms@adeq.state.ar.us>; cityadmin@tontitownar.gov; permits@tontitownar.gov; Leslee Bohannan <adminasst@tontitownar.gov>; Candy Black <cblack@tontitownar.gov>; codeenforcement@tontitownar.gov

Subject: Fwd: Eco-Vista Landfill Complaint

Hello!

I have some concerns I would like to voice concerning the Air Emissions from Eco Vista Waste Management Landfill and associated equipment in Tontitown Arkansas.

It appears to me there is a concerted effort by all parties listed in the "To" field, to hold all decisions or testing of the Environment until after the new gas plant is started at Eco Vista.

I read through the information attached and see many names I have discussed the issues with included. Then the message from Steven Peck mentions the status of the new plant.

Please explain why regulatory authorities will not test the environment going on 1 year and 3 months after a serious incident was identified and also why no one will respond to my request sent yesterday:

Re: Complaint #030371 - Eco Vista Class 4 Landfill Investigation Report - No Violation

I am looking forward to having the opportunity to discuss with proper authorities the issues we face here in our community. I am requesting a meeting with Citizens of Tontitown, in Tontitown.

Thank you,

Kenneth Lovett

=====

From: Peck, Steven [<mailto:Speck@wm.com>] Sent: Thursday, February 23, 2023 9:20 AM To: Jay Ellis (adpce.ad) Cc: Reynolds, Jodi Subject: RE: request

Jay, we had several wells off line on the 6th and brought back under vacuum on the 7th due to fill sequence they were all shut off or capped during this time frame. Other than that the Flares have been running well and the flare sheet is attached from the 1st to the night of the 22nd . The new plant is almost ready to start electrical testing. It is still several weeks away from any type of testing with gas from the site. The engine plant has had the fresh engines set but are not yet wired in.

Begin forwarded message:

From: "Stephen Foster (adpce.ad)" <Stephen.Foster@adeq.state.ar.us>
Date: March 7, 2023 at 3:15:56 PM CST

Subject: Eco-Vista Landfill Complaint

Attached is the complaint report that corresponds with the complaint that you filed against the EcoVista WM Tontitown Landfill on February 22, 2023.

Stephen Foster | Inspector Supervisor

Division of Environmental Quality | Office of Air Quality
1220 West 2nd Street | Russellville, AR 72801

t: 501.837.2099 | e: fosters@adeq.state.ar.us



ARKANSAS

ENERGY & ENVIRONMENT

5/23/2023

Blake Small
District Manager
Eco Vista Landfill
2210 Waste Management Dr.
Springdale, AR 72762

RE: Complaint Investigation conducted on May 23, 2023
Complaint #030919
AFIN 72-00144
Permit Number 0290-S1-R3

Dear Mr. Small,

The Arkansas Division of Environmental Quality Office of Land Resources (DEQ) conducted a complaint investigation of your property, pursuant to the Arkansas Solid Waste Management Act (Arkansas Code Annotated, § 8-6-201, *et.seq.*) of 1971, as amended, and APC&EC Regulation No. 22 (Solid Waste Management). At the time of the investigation, no allegations of noncompliance were observed at your facility. A copy of the inspection report is attached.

If I can be of any further assistance, please do not hesitate to contact me at (501) 682-0873 or ryan.hayden@adeq.state.ar.us

Sincerely,

A handwritten signature in black ink, appearing to read 'Ryan Hayden'.

Ryan Hayden
Solid Waste Inspector Supervisor
5301 Northshore Drive, North Little Rock, AR 72118-5317

Enclosure

cc: Nicholas Jones P.E., Senior Operations Manager, Office of Land Resources
kenneth.lovett@att.net



ARKANSAS
ENERGY & ENVIRONMENT

Division of Environmental Quality
5301 Northshore Drive, North Little Rock, AR 72118
Office of Land Resources

HAZARDOUS WASTE MINING REGULATED STORAGE TANKS SOLID WASTE

COMPLAINT REPORT

COMPLAINT# 030919 AFIN# 72-00144 DATE RECEIVED 5/23/2023

PERMIT# / RST ID# / EPA ID# 0290-S1-R3 COUNTY Washington

PERSON RECEIVING REPORT Ryan Hayden DATE 5/23/2023

HOW COMPLAINT WAS RECEIVED PHONE LETTER EMAIL/WEBSITE EPA VERBAL

COMPLAINANT NAME	ADDRESS	PHONE
Kenneth Lovett kenneth.lovett@att.net	18702 Clearwater Rd., Fayetteville, AR	870-853-6232

COMPLAINT AGAINST	ADDRESS	PHONE
Eco Vista Landfill	2210 Waste Management Dr., Springdale, AR	501-982-7336

COMPLAINT DESCRIPTION Improper daily cover on the Eco Vista Class 1 Landfill working face reported on 5/22/2023.

LOCATION (In Detail)

SUPERVISOR REFERRAL Ryan Hayden DATE 5/23/2023

MEDIA SUPERVISOR REFERRAL DATE

RECEIVING INSPECTOR Ryan Hayden DATE 5/23/2023

PREVIOUS COMPLAINT YES NO MEDIA Multiple DATE Multiple

DISCHARGE TO STREAM YES NO NAME OF STREAM

ADDITIONAL INFORMATION

FOLLOW UP ON COMPLAINT

COMPLAINT#	030919	INSPECTOR	Ryan Hayden	DATE	5/23/2023
Entrance Time	N/A	Exit Time	N/A		

INVESTIGATION FINDINGS

On May 23, 2023, I communicated with Mr. Don Tennison, Eco Vista Landfill Manager, to discuss the allegation of the class 1 working face not being properly covered on May 22, 2023. (Refer to attached Telecon.) Mr. Tennison stated their approved alternate daily cover (ADC) was applied and he would email copies of the facility's photos. Tarps were used to cover most of the working face and RusFoam was used on the edges. (Refer to attached Photos.)

Permit Condition #18 allows tarps and Doc #80902 allows the use of RusFoam as ADC. Based on the photos provided and the conversation with Mr. Tennison, no violations with respect to the complainant's reported concerns were able to be substantiated.

FUTURE ACTIONS

PHOTOS	<input checked="" type="checkbox"/> YES (Attached) <input type="checkbox"/> NO	FUNCTION CODE	10401
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INSPECTOR SIGNATURE		DATE	5/23/2023	HOURS WORKED	2
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TELECON NOTE
DIVISION OF ENVIRONMENTAL QUALITY

ADDRESS: Eco Vista Class 1
2210 Waste Management Dr.
Springdale, AR 72762

DATE: 5/23/2023

TIME: 0910

RE: Complaint Phone Call

BETWEEN: Ryan Hayden

OF: DEQ Solid Waste
Inspector Supervisor

PHONE: (501) 913-4023

AND: Don Tennison (Waste Management Landfill Manager)
(479) 306-9518

DISCUSSION: I placed a call to Mr. Tennison in regards to an email submitted complaint sent by Kenneth Lovett, stating that improper daily cover was observed on the Class 1 Landfill on 5/22/2023. Mr. Tennison stated he was present at the landfill when the daily cover was finished. Tarps were used for the majority of the working face and foam was applied to cover up any exposed edges. He stated he would provide photos via email, showing that the daily cover was applied.

ACTION ITEMS:



May 22, 2023 6:23:35 PM
2210 Waste Management Drive
Springdale
Washington County
Arkansas

Photo provided by Don Tennison.



May 22, 2023 7:11:10 PM
2210 Westminster Avenue
Springdale
Washington County
Arkansas

Photo provided by Don Tennison.

Description:NOTICE OF DRAFT PERMIT DECISION

For a Permit Modification for
Eco-Vista, LLC Class 1 Landfill
Draft Permit: 0290-S1-R4;
AFIN: 72-00144

In accordance with provisions of Arkansas Pollution Control and Ecology Commission (APC&EC) Rule 8.207, public notice is hereby given that the Division of Environmental Quality (DEQ) has made a preliminary decision to issue a draft permit in response to the permit application submitted by Eco-Vista, LLC Class 1 Landfill. The Class 1 landfill address is 2210 Waste Management Drive, and the landfill is located in portions of Sections 14 and 24, Township 17 North, Range 31 West, in Washington County, Arkansas. The name and address of the applicant is: Eco-Vista, LLC, 2210 Waste Management Drive, Springdale, Arkansas 72762. The permit will allow for a ten acre expansion and continued disposal of all waste eligible for a Class 1 landfill as defined in the APC&EC Rule 22. This modification incorporates revised design and operational plans for operation of the landfill under the standards of a Class 1 landfill. Any interested person may submit written comments, data, views, or arguments to the Division regarding the draft permit decision within 30 days of the publication of this notice. Other than the permit applicant, only those persons who submit written comments on the draft decision during this designated 30-day comment period, or who make comments for the record at any formal public hearing called by the Division, shall have legal standing to appeal any final permitting decision made by the Director.

Written comments concerning the draft permit decision should be hand-delivered or mailed to:

Nick Jones, P.E. Senior Operations Manager
Office of Land Resources
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317
Web site: <http://www.adeq.state.ar.us>

A formal public hearing has been scheduled for May 25, 2023, by DEQ to discuss the draft permit for the Eco-Vista, LLC Class 1 Landfill. A public meeting and hearing will be held at 5:30 PM in the St. Joseph's Catholic Church in Tontitown, 192 E. Henri de Tonti Blvd, Springdale, AR 72762. Representatives from DEQ's Office of Land Resources will be present to exchange information about the draft permit and to discuss the permitting process.

Additional details concerning the draft permit, including a copy of the permit application and documents concerning the review process by the Division, can be made available by contacting the DEQ at the above address or by calling (501) 682-0744. There may be a charge to cover photocopying for some documents.

Information can also be viewed on the Division's Solid Waste Facility Permit Data Files webpage (DEQ - Solid Waste - Facility Report). A final, written decision on this permit application will be issued by the Division after the close of the designated public comment period provided for in this notice. The final decision will include a



FOR IMMEDIATE RELEASE:

5/9/2023

Eco-Vista Class 1 Permit Expansion Public Hearing

DEQ will hold a public hearing on May 25, 2023, at the St. Joseph's Catholic Church in Tontitown located at 192 E. Henri de Tonti Blvd., Springdale, AR 72762 at 5:30 PM regarding the proposed Permit Modification for Eco-Vista's Class 1 Landfill, Draft Permit 0290-S1-R4; AFIN 72-00144. Representatives from DEQ's Office of Land Resources will be present to provide information about the draft permit and to discuss the permitting process.

Public notice of the draft permit decision and hearing was published in the Arkansas Democrat-Gazette Sunday, April 30, 2023. The permit modification allows for a ten acre expansion and continued disposal of all waste eligible for a Class 1 landfill under APC&EC Rule 22. Any interested person may submit written comments to the Division during the comment period, which ends May 30, 2023. Other than the permit applicant, only those who submit written comments on the draft permit decision during the 30-day comment period or those who comment at formal public hearings will have standing to appeal any final permitting decision made by the Director.

Written comments concerning the draft permit decision should be hand-delivered, mailed, or emailed to:

Nick Jones, P.E. Senior Operations Manager
Division of Environmental Quality, Office of Land Resources
5301 North Little Rock, AR 72118
Nicholas.Jones@adeq.state.ar.us

All written comments received during this designated comment period and at the public hearing will be considered in developing the final permitting decision.

A copy of the of the draft permit, along with the permit application can be found here:

<https://www.adeq.state.ar.us/downloads/WebDatabases/SolidWaste/PermittedFacilities/GenDoes/83942.pdf>

Proof of Public Notice here:

<https://www.adeq.state.ar.us/downloads/WebDatabases/SolidWaste/PermittedFacilities/GenDoes/83946.pdf>

DEQ looks forward to discussing the draft permit with the citizens of Tontitown.

CONTACT: EE-Press@adeq.state.ar.us

###

Online Solid Waste/Illegal Dumps Complaint Reporting Form Submission Confirmation

From: no-reply@adeq.state.ar.us (no-reply@adeq.state.ar.us)

To: kenneth.lovett@att.net

Date: Tuesday, May 23, 2023 at 01:06 PM CDT

Complaint Submission Tracking ID: W-12584

Property Owner: Eco Vista Waste Management
County: Washington

Should DEQ determine this complaint may be an illegal dump, the complaint will be referred to the following Regional Solid Waste Management District to investigate:

Boston Mountain Solid Waste District

Email: reed@bmswd.com

Phone: (479) 846-3005

Website: www.bostonmountain.org

Name: Kenneth Lovett

Address: 18702 Clear Water Road

City: Fayetteville

State: AR

Zip: 72704

Phone: (870) 853-6232

Email: kenneth.lovett@att.net

Division: Solid Waste

Date: 5/23/2023

Time: 12:47:06 PM

Type of Waste:

Hazardous Items

Household Trash

Other

Description of Problem:

Improper cover after daily work was completed. 8:25pm, Monday May 22, 2023. This is a consistent issue with Waste Management. Just inspecting against current regulations is not the answer to the issue. Need someone to step up to correct this issue. Lack of proper cover causes many other issues including odors, vectors, upset residents and more time for ADEQ to inspect and write a report that consistently states,). At the time of the investigation, no allegations of noncompliance were observed at your facility. We all know that statement is incorrect. In the latest reply from Waste Managements Don Tennison the photos they provided were at angles you could not see all of the covered area and also the only place foam was added was to the portion beside the lift. There was several other areas that did not receive foam or tarp cover. I again ask why you unilaterally accept Waste Managements words and poor photos over those of individuals with proper obvious proof the Don Tennison is not providing photos of the areas that are not in compliance. Also their Cleanout area was not covered at all.

Directions:

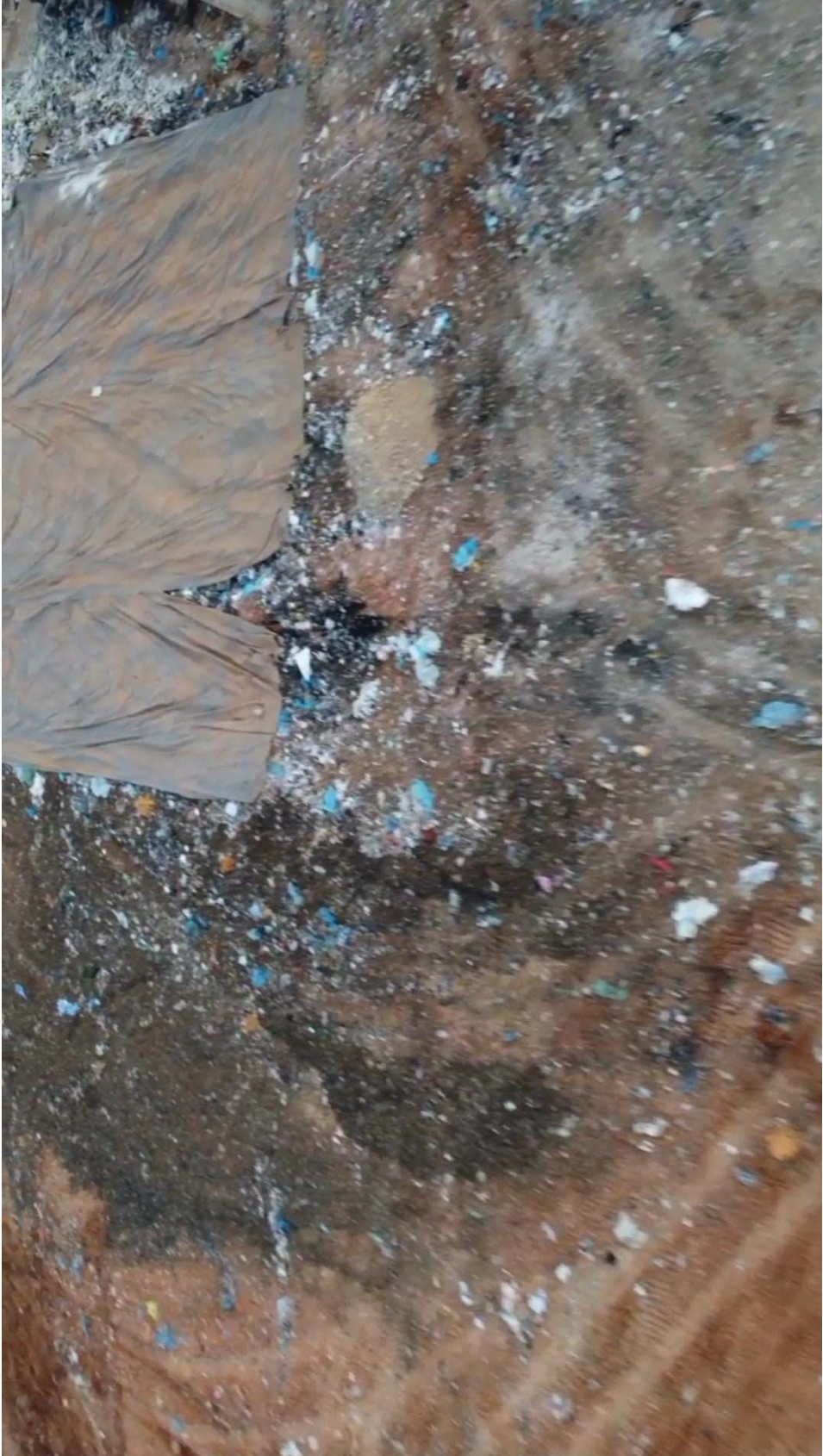
2210 Waste Management Drive Springdale, AR

Photos: 6

Uploaded File Names:

Screenshot_20230522_203932_Gallery.jpg
Screenshot_20230522_203834_Gallery.jpg
Screenshot_20230522_203913_Gallery.jpg
Screenshot_20230522_203925_Gallery.jpg
Screenshot_20230522_204052_Gallery.jpg
Screenshot_20230522_204029_Gallery.jpg















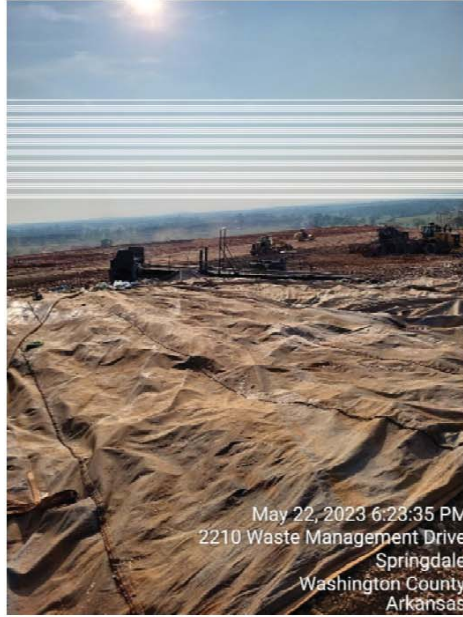












May 22, 2023 6:28:35 PM
2210 Waste Management Drive
Springdale
Washington County
Arkansas

Photo provided by Don Tensior



May 22, 2023 7:11:10 PM
2210 Westminster Avenue
Springdale
Washington County
Arkansas



Photo provided by Don Tensior



Kacy Murillo (adpce.ad)

Subject: RE: Eco Vista Class 1 Landfill - Complaint #030805 Report - No Violations

From: Kenneth Lovett [<mailto:kenneth.lovett@att.net>]

Sent: Tuesday, May 23, 2023 8:57 AM

To: Richard Goheen (adpce.ad) <richard.goheen@adeq.state.ar.us>; Christopher Krou (adpce.ad) <Christopher.Krou@adeq.state.ar.us>; Ryan Hayden (adpce.ad) <Ryan.Hayden@adeq.state.ar.us>; Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>; Caleb Osborne <Caleb.Osborne@adeq.state.ar.us>; Khoury, Shane <Shane.Khoury@adeq.state.ar.us>; Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>

Subject: Re: Eco Vista Class 1 Landfill - Complaint #030805 Report - No Violations

Asking again: Is the use of Citizen photos prohibited  by a written procedure or law or is that a spoken rule?

From: Kenneth Lovett <kenneth.lovett@att.net>

Sent: Monday, May 22, 2023, 9:00 PM

To: Richard Goheen (adpce.ad) <richard.goheen@adeq.state.ar.us>; Christopher Krou (adpce.ad) <christopher.krou@adeq.state.ar.us>; Ryan Hayden (adpce.ad) <ryan.hayden@adeq.state.ar.us>; Taylor <bailey.taylor@adeq.state.ar.us>; Osborne <caleb.osborne@adeq.state.ar.us>; Khoury <shane.khoury@adeq.state.ar.us>; Nicholas Jones (adpce.ad) <nicholas.jones@adeq.state.ar.us>

Cc: Mark Calcagni <calhog18@gmail.com>

Subject: Re: Eco Vista Class 1 Landfill - Complaint #030805 Report - No Violations

For Class 1 Public Comments.

Does this look like proper cover? 05/22/2023 @ 8:25pm.

How does this compare to Eco Vista's daily cover photos?

From: Kenneth Lovett <kenneth.lovett@att.net>

Sent: Thursday, May 4, 2023 9:20:07 PM

To: Richard Goheen (adpce.ad) <richard.goheen@adeq.state.ar.us>; Christopher Krou (adpce.ad) <christopher.krou@adeq.state.ar.us>; Ryan Hayden (adpce.ad) <ryan.hayden@adeq.state.ar.us>; Nicholas Jones (adpce.ad) <nicholas.jones@adeq.state.ar.us>; Taylor <bailey.taylor@adeq.state.ar.us>; Osborne <caleb.osborne@adeq.state.ar.us>; Khoury <shane.khoury@adeq.state.ar.us>

Cc: Mark Calcagni <calhog18@gmail.com>

Subject: Re: Eco Vista Class 1 Landfill - Complaint #030805 Report - No Violations


Asking again: Is the use of Citizen photos prohibited  by a written procedure or law or is that a spoken rule?

There are no time stamps shown on the Photos Presenting proper cover from Eco Vista. If there were, I could better understand why you might consider accepting photos from the culprit. But since there are none, and there is no metadata attached to a photo in a document. How do you know the photos are of the same day I sent the photos stating there was improper cover?

ISO can be changed to show a brighter photo to simulate Daylight, Photoshop to edit out issues, etc... This system is not working. How do we fix?

Thanks,
Kenneth

From: Kenneth Lovett <kenneth.lovett@att.net>
Sent: Tuesday, May 2, 2023 9:32:56 AM
To: Richard Goheen (adpce.ad) <richard.goheen@adeq.state.ar.us>
Cc: Christopher Krou (adpce.ad) <Christopher.Krou@adeq.state.ar.us>; Ryan Hayden (adpce.ad) <Ryan.Hayden@adeq.state.ar.us>; Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>; Jason Gilkey (adpce.ad) <jason.gilkey@adeq.state.ar.us>
Subject: Re: Eco Vista Class 1 Landfill - Complaint #030805 Report - No Violations

I am getting some information together and will reply with that info later.
I have attached original photos take from 7:41 to 7:42 pm 4/26/2023.
Arkansas should have a Metadata expert that can verify.
Is the use of Citizen photos prohibited  by a written procedure or law or is that a spoken rule?

Thank you,
Kenneth Lovett

From: Richard Goheen (adpce.ad) <richard.goheen@adeq.state.ar.us>
Sent: Tuesday, May 2, 2023 7:13:23 AM
To: 'bsmall@wm.com' <bsmall@wm.com>; 'dtenniso@wm.com' <dtenniso@wm.com>
Cc: Christopher Krou (adpce.ad) <Christopher.Krou@adeq.state.ar.us>; Ryan Hayden (adpce.ad) <Ryan.Hayden@adeq.state.ar.us>; Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>; Jason Gilkey (adpce.ad) <jason.gilkey@adeq.state.ar.us>; 'kenneth.lovett@att.net' <kenneth.lovett@att.net>
Subject: Eco Vista Class 1 Landfill - Complaint #030805 Report - No Violations

Attached: 04/27/2023 - Eco Vista Class 1 Landfill - Complaint #030805 Report - No Violations

Richard Mason Goheen | Solid Waste Inspector Supervisor

Division of Environmental Quality | **Office of Land Resources**

5301 Northshore Drive | North Little Rock, AR 72118

t: 501.682.8186 | c: 501.519.3492 | e: richard.goheen@adeq.state.ar.us



ARKANSAS
ENERGY & ENVIRONMENT

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment

From: Terry Williams [<mailto:t12williams@yahoo.com>]

Sent: Friday, May 26, 2023 1:12 PM

To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>

Subject: eco-vista landfill expansion in Tontitown ar

Sent from [Mail](#) for Windows

Dear Mr Jones

I am writing to let you know I have concerns on the expansion project the landfill water runoff that is going into our creeks and then into the Illinois River concerns me. Also when I first moved to Tontitown we were driving down Barrington Rd when I told my wife someone in this area have a gas leak because gas companys put a odor in there lines to find leaks turn out it wasn't a leak it was the landfill. As I under stood last night at the meeting in Tontitown the regulation 22 gives the city of Tontitown the right to refuse the expansion so please stop this thank You Terry Williams
615 Tuscan Sun Lane Tontitown Ar 72762

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment

From: Holleigh Belvardi [<mailto:hbelvardi@gmail.com>]

Sent: Friday, May 26, 2023 11:59 AM

To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>

Subject: Please stop the Tontitown Landfill Expansion

Hello,

My name is Holleigh Belvardi and I am a new resident of Tontitown. My husband and I bought a house in the new Hickory Meadows subdivision less than 3 miles away from the landfill. Although I should have been, I wasn't aware the landfill was this close to our house. I have since read how dangerous the long-term affects can be for people who live less than 5 miles away from landfills but it was too late to get out of our contract when I realized this.

Having an 8 month old son, I am so deeply concerned about the potential expansions of the landfill. I do not want his quality of life to be affected by the poor air quality that will naturally occur if this landfill is expanded. We certainly had no idea the landfill would grow and possibly accept class 4 materials before we moved. I do not feel safe living here knowing this could happen. I have been trying to warn others looking to buy houses in nearby neighborhoods. Those living closer to the landfill and much longer in homes that they hoped to live in forever, should especially not be subjected to this landfill.

I request with deep sincerity for you to stop the expansion of the landfill.

Thank you,

Holleigh Belvardi

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment

-----Original Message-----

From: Mary Alice Granata [mailto:maryagranata@gmail.com]

Sent: Thursday, May 25, 2023 8:56 PM

To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>

Subject: Landfill expansion

I am against the landfill expansion. I do not live as close as many that spoke at the meeting tonight but I have many friends that live close and I've been down that road when trash is blown against the fencesmethane gas is on fire ... smells are terrible and the roads and mailboxes are filthy. Folks that live close to the landfill have trees that are dying . You admitted it's in the water . Please stop this! I don't see how you can listen to that many citizens and turn a blind eye . Please help ! Please stop the expansion..... 168 Harmon Road, Tontitown, Ar 72762. Thank you for your consideration !!

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment

From: Janet Taylor [<mailto:arrunner@gmail.com>]
Sent: Sunday, May 28, 2023 6:27 PM
To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>
Subject: Waste Management expansion in Tontitown

Mr. Jones, My name is Janet Stockton Taylor. I've lived at 992 Klenc Rd, Tontitown, AR since 1985. My grandmother was one of the original settlers. I was actually born in this town. Our house was on 412 right across from where Klenc Rd starts.

I am writing to ask you to not approve the WM expansion. It's not a waste management facility, it's a dump. They don't manage waste. They just dump it and let it fly. And Tontitown has borne the burden of this dump for far longer than what we should have. I've seen how things have gotten progressively worse over the years. Trash trucks drive past my house all day long and I'm constantly picking up their trash out of my yard. It is far worse now than it has ever been. Sure, when they know something is about to happen they'll send someone out to walk the road and pick up trash. Of course that does nothing for the debris that's already well off the road and into my flower beds or up against my house. And oftentimes the people they send are too busy looking at their phones to pick anything up.

And it stinks. I'm fortunate to live a mile and a half away so I don't notice the smell on a daily basis. But when it's here it's awful. Sometimes the smell is at my house. Sometimes I get a whiff of it while I'm in the back of my field even further away from the landfill. I'm sure people smell it all over the town but they just don't know what it is.

We are not some rural town out in the sticks. We're in the heart of a thriving area of NWA. Does a landfill belong in the heart of Little Rock? No, it doesn't. Does a landfill belong in the center of NWA? No, it doesn't. Imagine how much growth is going to happen in this area over the next 10 years. This is Tontitown with a rich history. WM is not a good neighbor. They're nasty and they're destroying us.

Mr. Jones, it's time that WM closes this landfill and moves to another location. The citizens of this town don't want it here. The number of people who are paying attention to this is growing and our voices are only going to get louder. I don't want to see us up on national news because of the damage WM has done to us, do you? You have the power to end this.

Please don't approve the expansion.

Janet Stockton Taylor

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment

From: Michele Carpenter [<mailto:chelecb40@gmail.com>]
Sent: Monday, May 29, 2023 10:00 AM
To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>
Subject: Say NO to expansion of Tontitown landfill

Mr. Jones,

I attended and spoke at the meeting held in Tontitown about the expansion of the landfill. My mother and I recently bought our home here that was supposed to be our last home. However, after everything that I have read and heard about the poor management of this landfill... I have serious concerns about our health and safety in this area. I can see the landfill from my home. I have personally witnessed the debris that flies out of the trucks as they drive to the landfill. I have witnessed the fires, smelled the nasty smells, and noticed how my eyes and upper respiratory system react when I am outside for too long. The beauty and the simplicity of life in the area is being destroyed by the landfill. I think that an alternate means of dealing with the trash needs to be implemented. Our city planner spoke about the need for the landfill to be closed within 5 years and others spoke about the contamination of Wildcat Creek that flows into the Illinois River. This is more than just an "eyesore" and smells.

Please do allow this expansion and vote NO.

Thank you for your time and consideration in this important matter.

Michele Carpenter
Concerned Citizen
1188 Camerino Ave
Tontitown, AR 72762
(501)944-9480

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment

From: Linda Carpenter [<mailto:linda.carpenter6317@gmail.com>]

Sent: Monday, May 29, 2023 10:13 AM

To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>

Subject: Vote NO to Tontitown landfill expansion

Mr. Jones,

My daughter attended and spoke at the meeting held in Tontitown about the expansion of the landfill.

We recently bought our home here that was supposed to be our last home. However, after everything that I have read and heard about the poor management of this landfill... I have serious concerns about our health and safety in this area. I can see the landfill from our home. I have leukemia and my immune system is compromised by the daily chemo pill that I take. I no longer want to be outside while at the house for fear that I will get sicker.

We understood when buying that the landfill was near our home but it is not being safely managed. We frequently see trash blow out of the trucks and fires that are very large can be seen from our front yard. Several years ago I was burned on a third of my body and the fact that the fire chief said that his station (even with help) could not control the fires absolutely terrifies me! I lived in Fort Smith most of my life and we never saw or heard anything like what is going on here. I think that an alternate means of dealing with the trash needs to be implemented. Our city planner spoke about the need for the landfill to be closed within 5 years and others spoke about the contamination of Wildcat Creek that flows into the Illinois River. This is more than just an "eyesore" and smells.

Please do allow this expansion and vote NO.

Thank you for your time and consideration on this important matter.

Linda Carpenter
Concerned citizen
1188 Camerino Ave
Tontitown, AR 72762

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment**From:** Tim Schmidt [<mailto:timschmidt1039@gmail.com>]**Sent:** Monday, May 29, 2023 9:29 PM**To:** Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>**Cc:** Robin Lundstrum <robin.lundstrum@arkansashouse.org>; mayor@tontitownar.gov; ward2-2@tontitownar.gov; ward2-1@tontitownar.gov; ward3-2@tontitownar.gov; clint.penzo@senate.ar.gov**Subject:** Waste Management Tontitown, AR

Mr. Jones,

I am writing to express my concerns and indignance over the proposed expansion and permit renewal of the Waste Management Ecovista site in Tontitown, AR. I was in attendance at the recent meeting in Tontitown and was even more concerned after the meeting. As I have researched the information and facts regarding the landfill and the process for renewal and expansion, I find it disturbing that ADEQ is continuing on the previous course of action.

I am not going to bore you with all of the facts concerning the landfill, the contaminated air and water, and the fact that this landfill was never supposed to be in operation as long as it has been but please note that I share all of the concerns brought up in the meeting by our Mayor, councilman and others. I will, however address your organization's blatant disregard for Regulation 22. The city of Tontitown DOES NOT WANT THIS LANDFILL and that is a prerequisite for the permit being approved. Period! This should be the end of the discussion, but for whatever reason your organization continues it's pursuit.

I did also find it concerning that your spokesman did not even know the name of the creek from which you extracted polluted water samples. This does not inspire confidence in your agency or your concern over the safety of our community. It's not Clear Creek and it's not Bobcat Creek. Wildcat Creek is the polluted creek. You might want to do a little more research before making public presentations. Wildcat Creek feeds into the Illinois river which runs through Wedington Wildlife area and is a popular recreation destination for people in the area. If you are so confident in the safety of the polluted water in Wildcat Creek I would invite you to bring your family down to play in the creek. I doubt we will see you anytime soon because you know it is dangerous.

To be clear, our family is completely opposed to the renewal and expansion of the landfill. It is an eyesore and we frequently smell the pollution from our property 4 miles away. We do not want our waters and land polluted so others can line their pockets with profit at our expense. I will urge our elected officials to hold you and your organization civilly, and perhaps criminally responsible for any accidents, illnesses or other issues regarding this landfill.

Tim Schmidt
873 Javello Road

Tontitown, AR 72762

479-231-9861

Timschmidt1039@gmail.com

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment**From:** Penny Baskin [<mailto:sugarbearsmommy4jesus@yahoo.com>]**Sent:** Tuesday, May 30, 2023 10:13 AM**To:** Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>**Subject:** Citizens comments

1. Investigation process for citizens complaints are set up to 100% of the time have a no findings outcome because no odor can be testified to in court as having come from landfill.
2. EPA air quality allows our area to suffer with bad quality air because most of the state has better numbers so it averages out.
3. Out of state trash and transfer station. Waste management has shown in reports for years that there is very little almost no trash coming from out of state, but the truth is they're bringing into transfer stations within our state and then saying it's in state trash.
4. Statement of current employees, there are many employees that confirm and verify the statements that was made by the ex employee, but know that if they say anything they will lose their jobs which will put their family in jeopardy, but they have confirmed that there are all of the feces everything over everything there are small fires that start on almost daily basis. Multiple times there are things being dumped that don't have liners under them. There's inappropriate things being dumped in various areas that should not be in the landfill at all or in class one are in class four that are being dumped there.
5. Flare lighting up the sky light a spotlight after being told new gas plant would Handle the gas intake and now they are receiving money from the gas plant so we will never be able to get them to comply and follow reg 22.
6. Citizens meeting stopped after 1 1/2 years, we learned too much info and ask far too many correct questions and they decided to hide all of the future information from the committee and community. They hired a PR firm to communicate on their behalf, so that they never had to give answers. They started a newsletter to answer some of our questions, but then refused to address the questions. We actually ask so it is just a PR document for them.
7. Adeq is paid in part by the landfill and other businesses they say they require to follow reg 22 so they have a true reason to keep this landfill going even with all the violations and they're not anywhere near here to observe these violations, and the investigators that come sadly say I can't stand up in court to testify to this, so it has to have a new finding, which is a waste of everybody's time. This makes the process solely in the benefit of the landfill and not helpful at all to anybody surrounding them.
8. Excess snakes, birds, are over taking over those of us that live close to the landfill. Also, animals of multiple kinds are coming into the landfill because they can feed off of it because it's being left uncovered so often.
9. Odor at my house on feases days is unbearable because they are not mixing it properly and covering it properly so that they have more room in the landfill and exposing the citizens to all of the impact of that which is very unhealthy.
10. They continue to dump feces and then not wash the vehicles before they come out onto our roads. Also leaving the trash open to blow which then gets all over the bags and trash that come out and then it is in citizens yards which Has to be beyond hazardous and then they'll go for a month at a time and not pick bags of trash up after they bagged it and just left it on the side of the road.

11. Waste management continues to refuse to follow the proper road routes, which is doing significant damage to other roads in our city and county.
12. Waste management trucks often appear to be overloaded weight wise to be traveling on our streets.
13. Waste management refuses to abide by noise, ordinances and start bringing trucks in at 34 5 AM before the business is even supposed to open and then they sit out there and run their engines until they can get through the line which is unfair to our citizens.
14. ADEQ always over rules, judges in situations and allows the landfill to do what they want so the people know they have no say.
15. ADEQ has failed to require surrounding property, soil, samples, water, samples, well samples, air quality samples for the safety of the people for many years now and they should be being done every 5 to 10 years because of the leaks in the H aid and different things that is being allowed by the landfill.
16. Also, there should be a very in-depth study of the aquifers under the Lanville to see the amount of damage that has been done to them. By this being put on that Carst that multiple geologist said should never be there and you guys overrule the judge on in the early 2000s putting our water source in danger for drinking and swimming and playing in our own area so that you can have a multi billion dollar company hear that could be much further out of the country and safer for everybody involved.
17. These are some of the concerns we as citizens have that you refuse to hear and fix. Please do not do more harm to our community and move the landfill to a safer location for our community. Thank you,
Penny Baskin

Sent from my iPhone

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment**From:** Jacqui Calcagni [<mailto:calcagnijacqui@gmail.com>]**Sent:** Tuesday, May 30, 2023 3:45 PM**To:** Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>**Subject:** Please Do Not Expand Tontitown Waste Management Class 1

Mr. Jones,

It's been over 40 years of trash at this landfill and it started with an individual who allowed dumping unlined . This is my second letter, after going to the public hearing in Tontitown on May 25, 2023. I have some questions and statements to address . It did not seem to me that your entity was concerned about the dye test as it was clear that ADEQ did not know the name of the creek that it flowed into. We were told at this meeting that it was being tested and monitored. We would like to see the results of that testing and the information about this. We have two wells on our property less than a mile away from Waste Management and no one has tested them. They are in the line that the dye ran into Wildcat Creek. We have a right (FOIA) to know and be informed of the results and findings of testing being done of water, air , and land around the landfill. It affects us all who live near the landfill.

Speaking of air testing , no tests have been done by your entity as far as we know. There have been many complaints about the odor/gas. Many of us have got dizzy, nausea, and headaches around the landfill. What is going to be done about this? Also, being an asthmatic, I have been getting worse. We took a vacation last month as I stated in my first letter and I had no problem breathing on my trip and took no medicine. As soon as I returned I had to take all of my allergy and asthma medication again. There was a young lady at the meeting who spoke that said her mother was suffering with her asthma who lived across the street

Is ADEQ a government agency that is working for the people/citizens? The people of Tontitown have spoken as Tontitown City Council rejected expansion of class 1 and class 4 of this landfill. Rule 22.204 was presented on the slide presentation that the city must have approval? Why is this rule not followed?

With all the funds that ADEQ receives from Waste Management, what are they used for? Why would ADEQ make Waste Management accountable if ADEQ receives big money from Waste Management? What is seeping into our air that no one in your organization has tested? With all the funds ADEQ receives (\$2.50/ton),which is over \$1million or close to \$2 million a year, you should be able to get us answers to help the citizens of our community. What are the funds used for?

We need to have health professionals along with your engineers and geologists in your organization (ADEQ). We were told in this meeting that after a landfill closes that it is monitored for 30 years. If it is closed right now it will have effects for over 70 years, but if not it will be close to 100 years. Generations to come

Please consider all of the public comments from the meeting and the voices of Tontitown in your decision and STOP The Expansion of Waste Management..

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment**From:** Kenneth Lovett [<mailto:kenneth.lovett@att.net>]**Sent:** Saturday, May 27, 2023 5:59 PM**To:** Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>

Cc: Khoury, Shane <Shane.Khoury@adeq.state.ar.us>; Shane Khoury <Shane.Khoury@Arkansas.Gov>; Caleb Osborne <Caleb.Osborne@adeq.state.ar.us>; Caleb Osborne <Caleb.Osborne@arkansas.gov>; David Witherow (adpce.ad) <David.Witherow@adeq.state.ar.us>; Doug Sprouse <dsprouse@springdalear.gov>; Angie Russell <mayor@tontitownar.gov>; Matthew Durrett <MDurrett@washingtoncountyar.gov>; Planning Department <planning@tontitownar.gov>; Leslee Bohannan <adminasst@tontitownar.gov>; Ryan Hayden (adpce.ad) <Ryan.Hayden@adeq.state.ar.us>; Heinz Braun (adpce.ad) <Heinz.Braun@adeq.state.ar.us>; Tontitown POLICE Chief - Cory <chief@tontitownar.gov>; Planning Board of Tontitown <planningboardoftontitown@tontitownar.gov>; cityadmin@tontitownar.gov; ward1-1@tontitownar.gov; Amber Ibarra <ward1-2@tontitownar.gov>; ward2-1@tontitownar.gov; Larry Ardemagni <ward2-2@tontitownar.gov>; ward3-1@tontitownar.gov; Tim Burress <ward3-2@tontitownar.gov>; Candy Black <cblack@tontitownar.gov>; Thomas Rheume (adpce.ad) <Thomas.Rheume@adeq.state.ar.us>; Tom Joseph <tjoseph@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; ddavis@tontitownar.gov; Jarrod Zweifel (adpce.ad) <Jarrod.Zweifel@adeq.state.ar.us>; Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>; Richard Goheen (adpce.ad) <richard.goheen@adeq.state.ar.us>; Michael McAlister (adpce.ad) <Michael.McAlister@adeq.state.ar.us>; Annette Cusher (adpce.ad) <Annette.Cusher@adeq.state.ar.us>; Richard Mays <rmays@richmayslaw.com>; Ross Noland <ross@nolandfirm.com>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; Clint Penzo <clint.penzo@senate.ar.gov>; Steve Unger <steveungerforarkansas@gmail.com>; Tyler Dees <tylerdees@senate.ar.gov>; Michael Grappe (adpce.ad) <Michael.Grappe@adeq.state.ar.us>

Subject: For Public Comment

Part 1:

See attached Document.

Part 2:

The Required approval from Tontitown has not been acquired. The Permit for Class 1 and Class 4 cannot legally be approved.

ADEQ is wastig time and funds in a pricess that hs already been decided.

Eco Vista should be classified as Hazardous and closed. Superfund money can be allotted for cleanup and permanent closure.

Part 3:

Not only the regulated emissions from Eco Vista, but the Local Air that citizens Breathe, should be added to the Permit Requirements with levels listed specifically.

Including polyvinyl chloride, Benzene and other gasses identified that cause dizziness, nausea, headaches, cancer, ETC.

This statement, included in the email below is redicilous:

"The thermal oxidizer and flare are not required to be tested because the projected low emissions."

Calculating "Projected" Emmissions is not a proper way of know what is being released from Eco Vista.

The "Permit Projected Calculations" are Calculated based on a "NonHazardous" classification. There are "Hazardous" items going into this landfill Daily, both in Class 4 and Class 1.

This is known but ignored by officials. Before this moves forward, the permit for both Classes SHOULD BE DENIED, both Classes should be bored into the trash heap and tested for contaminates. AND, the air in our area should be tested and identified as to what is being released into the environment. Do this with the most current Drone with the proper capability for air testing, laterally from the emission points and above, as the emissions I was subjected to was ground level, but these same emissions are released continually into the atmosphere. Also groundwater contamination and endangered species should be studied.

Eco Vista Management has proven time and time again, they have NO Consideration of the citizens around the community or those even working for or through their process.

Part 4:

Each complaint concerning Eco Vista, from citizens that are in the database since January 2000, should be included in this comment period.

Each comment should be considered and addressed in your reply. They mostly have been written off as "Invalid". These concerns are not invalid. They may not be covered in the permit but should be addressed and included in the permit as required.

Just because specific hazardous emissions failed to be included in the permit, does not make them less dangerous or nonexistent.

Part 5:

The Legislative Audit that was prepared in 2001, should be reviewed and updated with current information, before Permit consideration.

Part 6:

The landfill is located in an environmentally inappropriate area. ADEQ, The regulatory authority authority for Arkansas, has blatantly ignored this fact due to unknown reasons. ADEQ should be penalized by reorganization of current personel. The reorganization should take into consideration the morals, knowledge and experience of the professional being considered for the position. Citizens affected by current issues in the state of Arkansas should be invited to, and included as part of this interview process as they are the public ADEQ is responsible for protecting.

Part 7:

The "New" gas plant was not engineered with Engineering designs considered for the public.

The flare needs a shroud around the exit that extends above the exit point to keep the glare and light polution from affecting the area. The flare is super bright and could cause an accident on the roadway. See attached photos.

The noise from the equipment is 3 times louder than the previous operation. Sound barriers should have been designed, and now should be designed to block the noise from emitting to residents. Sound walls extending above the highest point of the building around a perimeter of the operation.

Please include this in yourpublic comments for class 1 meeting for May 25th, 2023.

More to come.

Kenneth Lovett
5/27/2023

From: Kenneth Lovett <kenneth.lovett@att.net>
Sent: Thursday, May 25, 2023, 3:28 PM
To: Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>
Subject: Re: Online Air Pollution Complaint Reporting Form Submission

Ms Taylor,
The problem I have is "Projected". These emissions need to be tested. This is what I have ask for since I realized what was going on in 2021.
How do we get the area tested for all emmissions, not just projected or permitted?
Thank you,
Kenneth

From: Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>
Sent: Thursday, May 25, 2023 3:14:27 PM
To: kenneth.lovett@att.net <kenneth.lovett@att.net>
Subject: RE: Online Air Pollution Complaint Reporting Form Submission

Mr. Lovett,

The gas plant modification was permitted on January 17, 2021 (1884-AOP-R7) with the draft permit public noticed 8/23/2020.

The air permit parameters were last inspected September 13, 2022 with no violations.

The project consists of allowing pipeline natural gas to be burned in the engines (as well as landfill gas which was historically burned) and cleaning the landfill gas so it can be put in the natural gas pipeline as another option. This project adds a thermal oxidizer and a flare.

The thermal oxidizer and flare are not required to be tested because the projected low emissions.

Thank you,

Bailey Taylor
Energy & Environment | Associate Environment Administrator
5301 Northshore Drive | North Little Rock, AR 72118
t: 501.682.0639 | e: bailey.taylor@adeq.state.ar.us



ARKANSAS
ENERGY & ENVIRONMENT

-----Original Message-----

From: No-Reply
Sent: Saturday, May 20, 2023 9:45 AM

To: Complaint-Air
Subject: Online Air Pollution Complaint Reporting Form Submission

Complaint Submission Tracking ID: W-12577

Property Owner: Eco Vista Waste Management
County: Washington
Name: Kenneth Lovett
Address: 18702 Clear Water Road
City: Fayetteville
State: AR
Zip: 72704
Phone: (870) 853-6232
Email: kenneth.lovett@att.net
Division: AIR
Date: 5/20/2023
Time: 9:32:51 AM

Description of Problem:
The new process has apparently been started up for the Waste Gas at Eco Vista Landfill. Are the proper permits in place to operate the plant in compliance? Has the new Process been inspected? Has the emissions amount been determined? Are the emissions on control? Have the emissions been tested? Are there written operating instructions available and accessible? Are there Emergency response plans and have these been communicated with local authorities? Is the new process safe for the community and Environment? Has this been communicated to the local citizens? Many questions, no answers... The flare is huge! Who designed this rediculously large discharge nuisance? Please include me in the report following review. Kenneth.lovett@att.net

Directions:
2210 Waste Management Drive Springdale Ar

Photos: 3

Note: The following photos will be available on the server for one year.

http://ComplaintPhotos/web_d5a0c404-26bb-4eb6-a539-b3654dbd2ad0.jpg
No GPS location found in the attached photo.

http://ComplaintPhotos/web_3522fbd4-b876-41f2-91b3-4c7bc47ddbe8.jpg
No GPS location found in the attached photo.

http://ComplaintPhotos/web_3b04cfc6-7ddd-4185-ac5a-f559d7856550.jpg
No GPS location found in the attached photo.

PUBLIC COMMENTS OF

Kenneth Lovett

ON DRAFT PERMIT FOR ECO-VISTA LLC CLASS I LANDFILL

AFIN NO. 72-00144, DRAFT PERMIT NO. 0290-S1-R4

The Class 1 landfill was initially permitted as the Sunray Landfill of April 16, 1997 in a proceeding in which, after public notice of the filing of the application by Sunray for authority to construct and operate the landfill, no comments were submitted by the public.

One reason for the lack of public interest was that, at that time, the landfill was in a sparsely populated area, and few people were affected by it.

In the intervening years since 1997, northwest Arkansas (including Washington and Benton Counties) have seen and continue to experience some of the most active growth of any areas in the United States. As population in those two counties has rapidly and steadily expanded, the landfill is now located in an increasingly populated area, with numerous residences surrounding the general landfill area. That growth is projected to continue without abatement for years to come.

During the intervening years from 1997 to the present, the landfill has also expanded rapidly as waste products from the increasing population and construction have made significant demands upon the landfill and its capacity to handle additional wastes. In addition, the record on DEQ's website clearly establishes that the landfill has experienced significant and harmful problems in managing and containing the emission of air and water pollutants from the facility that have created conditions that are physically and mentally unbearable and potentially harmful to the health and safety of persons who live in the general proximity of the landfill, and to birds and other animals in the vicinity.

Based upon the records of DEQ relative to this landfill and the Class 1 landfill in the EVL complex, the landfill has reached its capacity, or is very close to doing so. That capacity is the cause of many complaints from the public and also from DEQ as evidenced by the inspection reports that appear in the record.

The terms of the existing and the proposed Permit provide that the permit may be revoked or modified whenever, in the opinion of the Division, the facility is no longer in compliance with the Act. See, for example, Condition No. 4 of the Permit Conditions of the proposed Permit.

Rather than continue to expand a landfill that is at capacity and located in an area that has a large and continuously-growing residential population, the permit should either be denied, or alternatively, reissued only on a limited basis (*e.g.*, one (1) year) to allow for EVL to find a location for a new landfill for the area, and apply for a permit for that location. Additional drop in inspections should be mandatory to prevent any negligence in proper operation of Eco Vista until the date it is closed.

**DEQ Is Not Authorized by Law to Process
EVL's Application for Increased Landfill Acreage**

Commission Rule 22.204 (a) (Host Community Approval of Site Selection) provides in relevant part as follows:

- (a) Applicability and Scope – In accordance with A.C.A. §8-6-1501 et seq., a rebuttable presumption exists against permitting the construction or operation of any new landfill within twelve miles of an existing high-impact solid waste facility. [Here follows certain exceptions not relevant to this matter]

A “high-impact solid waste management facility” is defined in Rule 22.204(b)(1) as “any open or closed solid waste landfill. EVL is a “high-impact solid waste management facility.

Rule 22.204(c) (Division Action and Compliance Requirements) further provides:

The Division shall not process any pre-application for a new or increased landfill acreage or an application for increased landfill capacity until definitive findings in conformance with this section have been provided by the host community and accepted by the Division. Acceptance or denial of landfill siting by the host community shall be by formal resolution of the governing body of the host community.

The “host community” in regard to EVL is the City of Tontitown, Washington County, Arkansas. The governing body of the City of Tontitown has not officially approved EVL’s proposed increased landfill acreage or an application for increased landfill capacity. The City Council of the City of Tontitown has not adopted an unconditional approval of the proposed expansion by formal resolution in satisfaction of Rule 22.204(c).

Without waiving any of the foregoing objections, to the extent that the City of Tontitown did issue any approval, or what might be deemed an approval of EVL’s Application for expansion of the Class 4 landfill, that approval was withdrawn prior to a decision having been made, and during the official public comment period on the draft permit. That withdrawal of approval was in the form of Resolution No. 2022-11-1017R, dated November 3, 2022, a copy of which was submitted to DEQ. A second Resolution of similar import, Resolution No. 2023-01-1027R, was also adopted by the City of Tontitown on January 3, 2023, and also provided to DEQ.

**The Proposed Permit Should Be Modified To
Address Issues Raised By The Public Comments**

We recognize the provisions of the proposed Permit regarding the Hazardous and Unauthorized Waste Exclusion Plan, the Liquid Waste Management Plan, the use of synthetic tarps for daily cover, groundwater monitoring, and explosive gas monitoring. However, EVL has been obligated by previous permits and directives of DEQ to implement those plans and

requirements. It has failed to prevent noxious odors and gases from being emitted from the Landfill (possibly from the reaction of unauthorized waste and liquid wastes with other materials in the Landfill); failed to provide adequate and effective cover; and contaminated groundwater may be leaving the site. More should be required of EVL under these circumstances in the form of the following:

- (i) The source of air contamination in the form of sickening odors/fumes emanating from the landfill causing respiratory distress, headaches and other health problems, death to birds in the landfill and surrounding areas, and to trees and other vegetation, should be investigated and, if possible, removed. Use of chemicals to counter the odors has not worked, but in most instances, has exacerbated the problem.
- (ii) Contamination of surface waters from leakage of the landfill should be affirmatively investigated, rather than simply monitored, and the source of such contamination removed, if possible.
- (iii) The spread of debris from the landfill to adjoining properties is not being prevented by the use of tarps or fluff. EVL should be required to take measures on a daily basis that will provide a complete and effective cover for the waste materials that are applied daily.
- (iv) Mud and dirt continue to be tracked from the landfill onto the adjoining roads, causing problems with traffic and siltation of drainage ditches. EVL should be required to install a functional tire/vehicle wash facility at the exit to the Landfill property.
- (v) Nails and other objects are frequently dropped onto the highways that cause flat tires, cracked windshields and other vehicular damage. While EVL claims that the haulers are responsible for this, those haulers are business invitees of EVL to the Landfill, and EVL profits from their hauling wastes (that includes such nails and other objects) to the Landfill. EVL should be required to take greater responsibility to place restrictions on the haulers regarding the manner in which wastes are hauled, and EVL should be responsible for daily monitoring of the highways for such objects.

The problems with air, surface and groundwater contamination will likely continue long after the Landfill is closed. Because of this, the Permit should also require EVL to:

- a. Retain qualified independent contractors to conduct studies of the cause of the odors and surface-groundwater contamination that are being and will likely be released from the existing Landfill;
- b. Based upon the results of such studies, propose plans to DEQ to remediate the existing Landfill to prevent the continued release of odors, with the public allowed to comment on the plans; and
- c. Implement the remediation plan approved by DEQ after public review and comment.

These problems have existed for many years, and the Petitioners and other members of the public who reside in the general vicinity of the Landfill have frequently complained to EVL and to DEQ during that time, often without any result. The problems are, to a degree, operational, but they are also systemic and worthy of being addressed in the permit renewal process.

Kenneth Lovett

5/25/2023

Kacy Murillo (adpce.ad)**Subject:** RE: Eco-Vista C1 public comment**From:** Kenneth Lovett [<mailto:kenneth.lovett@att.net>]**Sent:** Tuesday, May 30, 2023 9:59 AM**To:** Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>; Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>

Cc: Khoury, Shane <Shane.Khoury@adeq.state.ar.us>; Shane Khoury <Shane.Khoury@Arkansas.Gov>; Caleb Osborne <Caleb.Osborne@adeq.state.ar.us>; Caleb Osborne <Caleb.Osborne@arkansas.gov>; David Witherow (adpce.ad) <David.Witherow@adeq.state.ar.us>; Doug Sprouse <dsprouse@springdalear.gov>; Angie Russell <mayor@tontitownar.gov>; Matthew Durrett <MDurrett@washingtoncountyar.gov>; Planning Department <planning@tontitownar.gov>; Leslee Bohannon <adminasst@tontitownar.gov>; Ryan Hayden (adpce.ad) <Ryan.Hayden@adeq.state.ar.us>; Heinz Braun (adpce.ad) <Heinz.Braun@adeq.state.ar.us>; Tontitown POLICE Chief - Cory <chief@tontitownar.gov>; cityadmin@tontitownar.gov; ward1-1@tontitownar.gov; Amber Ibarra <ward1-2@tontitownar.gov>; ward2-1@tontitownar.gov; Larry Ardemagni <ward2-2@tontitownar.gov>; ward3-1@tontitownar.gov; Tim Burress <ward3-2@tontitownar.gov>; Candy Black <cblack@tontitownar.gov>; Thomas Rheume (adpce.ad) <Thomas.Rheume@adeq.state.ar.us>; Tom Joseph <tjoseph@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; ddavis@tontitownar.gov; Jarrod Zweifel (adpce.ad) <Jarrod.Zweifel@adeq.state.ar.us>; Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>; Richard Goheen (adpce.ad) <richard.goheen@adeq.state.ar.us>; Michael McAlister (adpce.ad) <Michael.McAlister@adeq.state.ar.us>; Annette Cusher (adpce.ad) <Annette.Cusher@adeq.state.ar.us>; Richard Mays <rmays@richmayslaw.com>; Ross Noland <ross@nolandfirm.com>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; Clint Penzo <clint.penzo@senate.ar.gov>; Steve Unger <steveungerforarkansas@gmail.com>; Tyler Dees <tylerdees@senate.ar.gov>; Michael Grappe (adpce.ad) <Michael.Grappe@adeq.state.ar.us>; Planning Board of Tontitown <planningboardoftontitown@tontitownar.gov>; Mark Calcagni <calhog18@gmail.com>; Mark Ramsey <mramsey@tontitownar.gov>; Angie Russell <angie.russell44@aol.com>; Dennis Boyer <dboyer01@yahoo.com>; D. Russ Greene <drussgreene@gmail.com>; Donna Pianalto <dovepianalto@gmail.com>; David Etchison <dretchison1@gmail.com>; donniesm4@gmail.com; Leif Kindberg <director@irwp.org>; Patrick Deakins <pdeakins@washingtoncountyar.gov>; Danny Etchinson <detchison81@gmail.com>; Jim Bob Duggar <duggardad@gmail.com>; Dan Pearson <Dan.Pearson@aogc.state.ar.us>; Jacob Etchinson <jretchi@gmail.com>

Subject: Re: For Public Comment

Emission Testing for the Thermal Oxidizer should not be allowed to be omitted from the permit!
Emission testing of all Emission points should be mandatory including ambient air for all available possibilities in the area.

This landfill is classified as Nonhazardous but Waste Mngement is operating it allowing hazardous materials to be buried.

("The thermal oxidizer and flare are not required to be tested because the projected low emissions.

Thank you,

Bailey Taylor

Energy & Environment | Associate Environment Administrator

5301 Northshore Drive | North Little Rock, AR 72118")

Auto Fluff is a Hazardous classified material. Waste Management highlights Auto fluff usage on their website.

See Attachments

Kenneth Lovett
18702 Clear Water Road
Fayetteville, AR 72704

From: Kenneth Lovett <kenneth.lovett@att.net>

Sent: Saturday, May 27, 2023 5:59:29 PM

To: Nick Jones. (Engineer Supervisor) <jonesn@adeq.state.ar.us>

Cc: Khoury <shane.khoury@adeq.state.ar.us>; Shane Khoury <Shane.Khoury@arkansas.gov>; Osborne <caleb.osborne@adeq.state.ar.us>; Caleb Osborne <Caleb.Osborne@arkansas.gov>; David Witherow (adpce.ad) <david.witherow@adeq.state.ar.us>; Doug Sprouse <dsprouse@springdalear.gov>; Angie Russell <mayor@tontitownar.gov>; Matthew Durrett <MDurrett@washingtoncountyar.gov>; Planning Department <planning@tontitownar.gov>; Leslee Bohannan <adminasst@tontitownar.gov>; Ryan Hayden (adpce.ad) <Ryan.Hayden@adeq.state.ar.us>; Heinz.Braun@adeq.state.ar.us <Heinz.Braun@adeq.state.ar.us>; Tontitown POLICE Chief - Cory <chief@tontitownar.gov>; Planning Board of Tontitown <planningboardoftontitown@tontitownar.gov>; cityadmin@tontitownar.gov <cityadmin@tontitownar.gov>; ward1-1@tontitownar.gov <ward1-1@tontitownar.gov>; Amber Ibarra <ward1-2@tontitownar.gov>; ward2-1@tontitownar.gov <ward2-1@tontitownar.gov>; Larry Ardemagni <ward2-2@tontitownar.gov>; ward3-1@tontitownar.gov <ward3-1@tontitownar.gov>; Tim Burress <ward3-2@tontitownar.gov>; Candy Black <cblack@tontitownar.gov>; Rheaume, Thomas <rheaume@adeq.state.ar.us>; Tom Joseph <tjoseph@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; ddavis@tontitownar.gov <ddavis@tontitownar.gov>; Jarrod Zweifel (adpce.ad) <Jarrod.Zweifel@adeq.state.ar.us>; Bailey Taylor <bailey.taylor@adeq.state.ar.us>; Mason Goheen <richard.goheen@adeq.state.ar.us>; Michael McAlister (adpce.ad) <michael.mcalister@adeq.state.ar.us>; Annette Cusher (adpce.ad) <Annette.Cusher@adeq.state.ar.us>; Richard Mays <rmays@richmayslaw.com>; Ross Noland <ross@nolandfirm.com>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; Clint Penzo <clint.penzo@senate.ar.gov>; Steve Unger <steveungerforarkansas@gmail.com>; Tyler Dees <tylerdees@senate.ar.gov>; grappem@adeq.state.ar.us <grappem@adeq.state.ar.us>

Subject: For Public Comment

Part 1:

See attached Document.

Part 2:

The Required approval from Tontitown has not been acquired. The Permit for Class 1 and Class 4 cannot legally be approved.

ADEQ is wastig time and funds in a pricess that hs already been decided.

Eco Vista should be classified as Hazardous and closed. Superfund money can be allotted for cleanup and permanent closure.

Part 3:

Not only the regulated emissions from Eco Vista, but the Local Air that citizens Breathe, should be added to the Permit Requirements with levels listed specifically.

Including polyvinyl chloride, Benzene and other gasses identified that cause dizziness, nausea, headaches, cancer, ETC.

This statement, included in the email below is ridiculous:

"The thermal oxidizer and flare are not required to be tested because the projected low emissions."

Calculating "Projected" Emissions is not a proper way of know what is being released from Eco Vista.

The "Permit Projected Calculations" are Calculated based on a "NonHazardous" classification. There are "Hazardous" items going into this landfill Daily, both in Class 4 and Class 1.

This is known but ignored by officials. Before this moves forward, the permit for both Classes SHOULD BE DENIED, both Classes should be bored into the trash heap and tested for contaminates. AND, the air in our area should be tested and identified as to what is being released into the environment. Do this with the most current Drone with the proper capability for air testing, laterally from the emission points and above, as the emissions I was subjected to was ground level, but these same emissions are released continually into the atmosphere. Also groundwater contamination and endangered species should be studied.

Eco Vista Management has proven time and time again, they have NO Consideration of the citizens around the community or those even working for or through their process.

Part 4:

Each complaint concerning Eco Vista, from citizens that are in the database since January 2000, should be included in this comment period.

Each comment should be considered and addressed in your reply. They mostly have been written off as "Invalid". These concerns are not invalid. They may not be covered in the permit but should be addressed and included in the permit as required.

Just because specific hazardous emissions failed to be included in the permit, does not make them less dangerous or nonexistent.

Part 5:

The Legislative Audit that was prepared in 2001, should be reviewed and updated with current information, before Permit consideration.

Part 6:

The landfill is located in an environmentally inappropriate area. ADEQ, The regulatory authority authority for Arkansas, has blatantly ignored this fact due to unknown reasons. ADEQ should be penalized by reorganization of current personel. The reorganization should take into consideration the morals, knowledge and experience of the professional being considered for the position. Citizens affected by current issues in the state of Arkansas should be invited to, and included as part of this interview process as they are the public ADEQ is responsible for protecting.

Part 7:

The "New" gas plant was not engineered with Engineering designs considered for the public.

The flare needs a shroud around the exit that extends above the exit point to keep the glare and light pollution from affecting the area. The flare is super bright and could cause an accident on the roadway. See attached photos.

The noise from the equipment is 3 times louder than the previous operation. Sound barriers should have been designed, and now should be designed to block the noise from emitting to residents. Sound walls extending above the highest point of the building around a perimeter of the operation.

Please include this in your public comments for class 1 meeting for May 25th, 2023.
More to come.

Kenneth Lovett
5/27/2023

From: Kenneth Lovett <kenneth.lovett@att.net>
Sent: Thursday, May 25, 2023, 3:28 PM
To: Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>
Subject: Re: Online Air Pollution Complaint Reporting Form Submission

Ms Taylor,
The problem I have is "Projected". These emissions need to be tested. This is what I have ask for since I realized what was going on in 2021.
How do we get the area tested for all emmissions, not just projected or permitted?
Thank you,
Kenneth

From: Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>
Sent: Thursday, May 25, 2023 3:14:27 PM
To: kenneth.lovett@att.net <kenneth.lovett@att.net>
Subject: RE: Online Air Pollution Complaint Reporting Form Submission

Mr. Lovett,

The gas plant modification was permitted on January 17, 2021 (1884-AOP-R7) with the draft permit public noticed 8/23/2020.

The air permit parameters were last inspected September 13, 2022 with no violations.

The project consists of allowing pipeline natural gas to be burned in the engines (as well as landfill gas which was historically burned) and cleaning the landfill gas so it can be put in the natural gas pipeline as another option. This project adds a thermal oxidizer and a flare.

The thermal oxidizer and flare are not required to be tested because the projected low emissions.

Thank you,

Bailey Taylor
Energy & Environment | Associate Environment Administrator
5301 Northshore Drive | North Little Rock, AR 72118
t: 501.682.0639 | e: bailey.taylor@adeq.state.ar.us



ARKANSAS
ENERGY & ENVIRONMENT

-----Original Message-----

From: No-Reply

Sent: Saturday, May 20, 2023 9:45 AM

To: Complaint-Air

Subject: Online Air Pollution Complaint Reporting Form Submission

Complaint Submission Tracking ID: W-12577

Property Owner: Eco Vista Waste Management

County: Washington

Name: Kenneth Lovett

Address: 18702 Clear Water Road

City: Fayetteville

State: AR

Zip: 72704

Phone: (870) 853-6232

Email: kenneth.lovett@att.net

Division: AIR

Date: 5/20/2023

Time: 9:32:51 AM

Description of Problem:

The new process has apparently been started up for the Waste Gas at Eco Vista Landfill. Are the proper permits in place to operate the plant in compliance? Has the new Process been inspected? Has the emissions amount been determined? Are the emissions on control? Have the emissions been tested? Are there written operating instructions available and accessible? Are there Emergency response plans and have these been communicated with local authorities? Is the new process safe for the community and Environment? Has this been communicated to the local citizens? Many questions, no answers... The flare is huge! Who designed this rediculously large discharge nuisance? Please include me in the report following review. Kenneth.lovett@att.net

Directions:

2210 Waste Management Drive Springdale Ar

Photos: 3

Note: The following photos will be available on the server for one year.

http://ComplaintPhotos/web_d5a0c404-26bb-4eb6-a539-b3654dbd2ad0.jpg

No GPS location found in the attached photo.

http://ComplaintPhotos/web_3522fbd4-b876-41f2-91b3-4c7bc47ddbe8.jpg

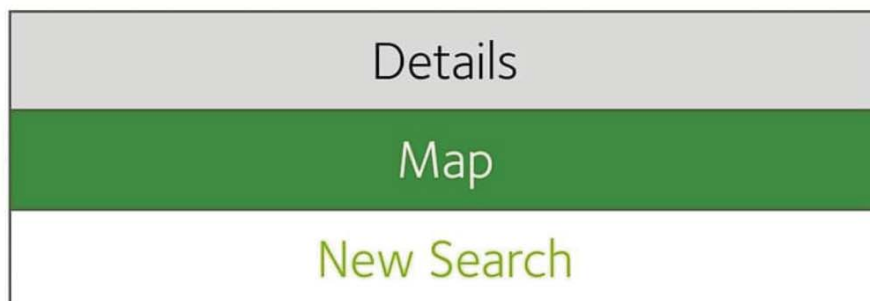
No GPS location found in the attached photo.

http://ComplaintPhotos/web_3b04cfc6-7ddd-4185-ac5a-f559d7856550.jpg

No GPS location found in the attached photo.

2210 WM Drive
Springdale, AR 72762

[View Map](#)



Acceptable Materials

Non-Hazardous

- Asbestos-Friable
- Asbestos-Non-Friable
- Auto Shredder Fluff
- Biosolids
- Construction & Demolition Debris
- Municipal Solid Waste
- Sludges - Industrial (Non regulated/Non RCRA)
- Soils - Clean
- Soils - Contaminated (Non Haz)
- Yard Waste/Green Waste

Hazardous

This facility does not accept hazardous waste

Service Offerings



THE PROBLEM:

Due largely to lax governmental regulation on an ever-growing chemical industry, everyday products that are used and thrown away contain more toxic chemicals than ever before. When these products end up in landfills or incinerators, the toxins pollute the air we breathe and the water we drink.



MENU

(301) 517-8500



in landfills. A number of factors, however, have recyclers examining different options to decrease the amount of fluff landfilled and utilize the material in more creative ways. Landfilling is expensive and it may be more economical to extract and reuse other material in the fluff. Additionally, because fluff may contain hazardous materials like PCBs (polychlorinated biphenyls), it is considered a special type of hazardous waste more rigorously regulated by federal, state and local laws.

After being approached by industry back in 2013, the Environmental Protection Agency (EPA) provided new interpretations of these regulations, allowing plastics to be recovered during the recycling process as long as the levels of PCBs do not exceed 50 parts per million.



Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment**From:** Kenneth Lovett [<mailto:kenneth.lovett@att.net>]**Sent:** Tuesday, May 30, 2023 1:14 AM**To:** Ryan Hayden (adpce.ad) <Ryan.Hayden@adeq.state.ar.us>; Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>**Cc:** Christopher Krou (adpce.ad) <Christopher.Krou@adeq.state.ar.us>; Sandra Hollowell <sandra.hollowell@governor.arkansas.gov>; anneashley.bryant@governor.arkansas.gov; jennifer.siccardi@governor.arkansas.gov; mica.chesshir@governor.arkansas.gov; stephen.barba@governor.arkansas.gov; Jason Gilkey (adpce.ad) <jason.gilkey@adeq.state.ar.us>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; Clint Penzo <clint.penzo@senate.ar.gov>; Patrick Deakins <pdeakins@washingtoncountyar.gov>; Planning Department <planning@tontitownar.gov>; Jarrod Zweifel (adpce.ad) <Jarrod.Zweifel@adeq.state.ar.us>; David Witherow (adpce.ad) <David.Witherow@adeq.state.ar.us>; Richard Mays <rmays@richmayslaw.com>; Ross Noland <ross@nolandfirm.com>; Khoury, Shane <Shane.Khoury@adeq.state.ar.us>; Shane Khoury <Shane.Khoury@Arkansas.Gov>; Caleb Osborne <Caleb.Osborne@adeq.state.ar.us>; Caleb Osborne <Caleb.Osborne@arkansas.gov>; Planning Commission of Tontitown <planningboardoftontitown@tontitownar.gov>; Angie Russell <mayor@tontitownar.gov>; Annette Cusher (adpce.ad) <Annette.Cusher@adeq.state.ar.us>; Misty Piazza <ward1-1@tontitownar.gov>; Amber Ibarra <ward1-2@tontitownar.gov>; Daniel Montez III <ward2-1@tontitownar.gov>; Larry Ardemagni <ward2-2@tontitownar.gov>; Mike Waskowiak <ward3-1@tontitownar.gov>; Tim Burress <ward3-2@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; Candy Black <cblack@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; Permits Department <permits@tontitownar.gov>; Donnie Davis <ddavis@tontitownar.gov>; Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>; Tyler Dees <tylerdees@senate.ar.gov>; Steve Unger <unger1958@gmail.com>; Steve Unger <steveungerforarkansas@gmail.com>; Leslee Bohannan <adminasst@tontitownar.gov>**Subject:** Re: Complaint #030919 - Eco Vista Class 1 Landfill - Investigation Report

Please include in Public Comments with attachments.

From: Kenneth Lovett <kenneth.lovett@att.net>**Sent:** Tuesday, May 23, 2023 2:56:54 PM**To:** Ryan Hayden (adpce.ad) <ryan.hayden@adeq.state.ar.us>; Nicholas Jones (adpce.ad) <nicholas.jones@adeq.state.ar.us>**Cc:** Christopher Krou (adpce.ad) <christopher.krou@adeq.state.ar.us>; Sandra Hollowell <sandra.hollowell@governor.arkansas.gov>; anneashley.bryant@governor.arkansas.gov; anneashley.bryant@governor.arkansas.gov; jennifer.siccardi@governor.arkansas.gov; jennifer.siccardi@governor.arkansas.gov; mica.chesshir@governor.arkansas.gov; mica.chesshir@governor.arkansas.gov; stephen.barba@governor.arkansas.gov; stephen.barba@governor.arkansas.gov; Jason ar. Gilkey <jason.gilkey@adeq.state.ar.us>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; Clint Penzo <clint.penzo@senate.ar.gov>; Patrick Deakins <pdeakins@washingtoncountyar.gov>; Planning Department <planning@tontitownar.gov>; Jarrod Zweifel (adpce.ad) <jarrod.zweifel@adeq.state.ar.us>; David Witherow (adpce.ad) <witherowd@adeq.state.ar.us>; Richard Mays <rmays@richmayslaw.com>; Ross Noland <ross@nolandfirm.com>; Khoury <shane.khoury@adeq.state.ar.us>; Shane Khoury <shane.khoury@arkansas.gov>; Osborne <caleb.osborne@adeq.state.ar.us>; Caleb Osborne <caleb.osborne@arkansas.gov>; Planning Commission of Tontitown <planningboardoftontitown@tontitownar.gov>; Angie Russell <mayor@tontitownar.gov>; Annette Cusher (adpce.ad) <annette.cusher@adeq.state.ar.us>; Misty Piazza <ward1-1@tontitownar.gov>; Amber Ibarra <ward1-2@tontitownar.gov>; Daniel Montez III <[1](mailto:ward2-</div>
<div data-bbox=)

1@tontitownar.gov>; Larry Ardemagni <ward2-2@tontitownar.gov>; Mike Waskowiak <ward3-1@tontitownar.gov>; Tim Burress <ward3-2@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; Candy Black <cblack@tontitownar.gov>; Tom Joseph <tjoseph@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; Permits Department <permits@tontitownar.gov>; Donnie Davis <ddavis@tontitownar.gov>; Taylor <bailey.taylor@adeq.state.ar.us>; Tyler Dees <tylerdees@senate.ar.gov>; Steve Unger <unger1958@gmail.com>; Steve Unger <steveungerforarkansas@gmail.com>; Leslee Bohannan <adminasst@tontitownar.gov>
Subject: Fw: Complaint #030919 - Eco Vista Class 1 Landfill - Investigation Report

I sent a complaint on your "Report". Why do you accept statements from Don Tennison as true, when you have confirming evidence there was no cover in several areas on the face? They "Sprayed at" the section beside the lift and took a picture but in no way was their photos reflective of the cover they did on the 22nd...

I have Circlred areas that have no cover and no Foam. The foam cover beside the lift, lightly covers the outside of what was on the ground and has openings. nothing more than a snow dusting.

My life is more important to me than being the butt of your jokes.

How do we get proper action for inadequate coverage, odors, Vapors, vectors, Ground water contamination, Air Pollution that is not tested by the state but is IDLH in characteristics, Runoff water, above and below ground level draining directly to Illinois river, Inappropriate area for a Landfill, Etc. Etc.

There is a Large Hole in the system to properly Control Environment and Pollution. The people that knew what to do have been wiped out through attrition and these that are responsible now have NO CLUE! Doug Melton and His Frisky self (By Self identification) needs to be removed from the PC&EC during the realignment and the Commission needs to go into review of steps needed to make the Arkansas Environment safe, NOW and for the future. If you have to recuse yourself from votes you need to be removed from the Commission. There were 3 recused during the Class 4 hearing, and the rest had no idea what they were voting for or against. That was the biggest joke of a vote I have ever witnessed. They could not even figure out how to word the statement to vote...

Playing these games is not for adults. It is time to be adults and get the job done. Environmental issues should not be allowed before the Golf Club PC&EC...

Thank you for your time.

Please add this to the comments for the Public Hearing for Class 1 on May 25th.

Kenneth Lovett

----- Forwarded Message -----

From: Ryan Hayden (adpce.ad) <ryan.hayden@adeq.state.ar.us>

To: bsmall@wm.com <bsmall@wm.com>; Tennison, Don <dtenniso@wm.com>

Cc: Christopher Krou (adpce.ad) <christopher.krou@adeq.state.ar.us>; Nicholas Jones (adpce.ad) <nicholas.jones@adeq.state.ar.us>; Jason Gilkey (adpce.ad) <jason.gilkey@adeq.state.ar.us>; kenneth.lovett@att.net <kenneth.lovett@att.net>; EcoVista <ecovista@adeq.state.ar.us>

Sent: Tuesday, May 23, 2023 at 12:46:38 PM CDT

Subject: Complaint #030919 - Eco Vista Class 1 Landfill - Investigation Report

Attached: 5/23/2023 - Complaint #030919 - Eco Vista Class 1 Landfill - Investigation Report

Ryan Hayden | Solid Waste Inspector Supervisor

Division of Environmental Quality | **Office of Land Resources**
5301 Northshore Drive | North Little Rock, AR 72118

t: 501-682-0873 | c: 501-913-4023 | e: hayden@adeq.state.ar.us



ARKANSAS

ENERGY & ENVIRONMENT

5/23/2023

Blake Small
District Manager
Eco Vista Landfill
2210 Waste Management Dr.
Springdale, AR 72762

RE: Complaint Investigation conducted on May 23, 2023
Complaint #030919
AFIN 72-00144
Permit Number 0290-S1-R3

Dear Mr. Small,

The Arkansas Division of Environmental Quality Office of Land Resources (DEQ) conducted a complaint investigation of your property, pursuant to the Arkansas Solid Waste Management Act (Arkansas Code Annotated, § 8-6-201, *et.seq.*) of 1971, as amended, and APC&EC Regulation No. 22 (Solid Waste Management). At the time of the investigation, no allegations of noncompliance were observed at your facility. A copy of the inspection report is attached.

If I can be of any further assistance, please do not hesitate to contact me at (501) 682-0873 or ryan.hayden@adeq.state.ar.us

Sincerely,

A handwritten signature in black ink, appearing to read 'Ryan Hayden'.

Ryan Hayden
Solid Waste Inspector Supervisor
5301 Northshore Drive, North Little Rock, AR 72118-5317

Enclosure

cc: Nicholas Jones P.E., Senior Operations Manager, Office of Land Resources
kenneth.lovett@att.net



ARKANSAS
ENERGY & ENVIRONMENT

Division of Environmental Quality
5301 Northshore Drive, North Little Rock, AR 72118
Office of Land Resources

HAZARDOUS WASTE MINING REGULATED STORAGE TANKS SOLID WASTE

COMPLAINT REPORT

COMPLAINT# 030919 AFIN# 72-00144 DATE RECEIVED 5/23/2023

PERMIT# / RST ID# / EPA ID# 0290-S1-R3 COUNTY Washington

PERSON RECEIVING REPORT Ryan Hayden DATE 5/23/2023

HOW COMPLAINT WAS RECEIVED PHONE LETTER EMAIL/WEBSITE EPA VERBAL

COMPLAINANT NAME	ADDRESS	PHONE
Kenneth Lovett kenneth.lovett@att.net	18702 Clearwater Rd., Fayetteville, AR	870-853-6232

COMPLAINT AGAINST	ADDRESS	PHONE
Eco Vista Landfill	2210 Waste Management Dr., Springdale, AR	501-982-7336

COMPLAINT DESCRIPTION Improper daily cover on the Eco Vista Class 1 Landfill working face reported on 5/22/2023.

LOCATION (In Detail)

SUPERVISOR REFERRAL Ryan Hayden DATE 5/23/2023

MEDIA SUPERVISOR REFERRAL DATE

RECEIVING INSPECTOR Ryan Hayden DATE 5/23/2023

PREVIOUS COMPLAINT YES NO MEDIA Multiple DATE Multiple

DISCHARGE TO STREAM YES NO NAME OF STREAM

ADDITIONAL INFORMATION

FOLLOW UP ON COMPLAINT

COMPLAINT#	030919	INSPECTOR	Ryan Hayden	DATE	5/23/2023
Entrance Time	N/A	Exit Time	N/A		

INVESTIGATION FINDINGS

On May 23, 2023, I communicated with Mr. Don Tennison, Eco Vista Landfill Manager, to discuss the allegation of the class 1 working face not being properly covered on May 22, 2023. (Refer to attached Telecon.) Mr. Tennison stated their approved alternate daily cover (ADC) was applied and he would email copies of the facility's photos. Tarps were used to cover most of the working face and RusFoam was used on the edges. (Refer to attached Photos.)

Permit Condition #18 allows tarps and Doc #80902 allows the use of RusFoam as ADC. Based on the photos provided and the conversation with Mr. Tennison, no violations with respect to the complainant's reported concerns were able to be substantiated.

FUTURE ACTIONS

PHOTOS	<input checked="" type="checkbox"/> YES (Attached) <input type="checkbox"/> NO	FUNCTION CODE	10401
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INSPECTOR SIGNATURE		DATE	5/23/2023	HOURS WORKED	2
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TELECON NOTE
DIVISION OF ENVIRONMENTAL QUALITY

ADDRESS: Eco Vista Class 1
2210 Waste Management Dr.
Springdale, AR 72762

DATE: 5/23/2023

TIME: 0910

RE: Complaint Phone Call

BETWEEN: Ryan Hayden

OF: DEQ Solid Waste
Inspector Supervisor

PHONE: (501) 913-4023

AND: Don Tennison (Waste Management Landfill Manager)
(479) 306-9518

DISCUSSION: I placed a call to Mr. Tennison in regards to an email submitted complaint sent by Kenneth Lovett, stating that improper daily cover was observed on the Class 1 Landfill on 5/22/2023. Mr. Tennison stated he was present at the landfill when the daily cover was finished. Tarps were used for the majority of the working face and foam was applied to cover up any exposed edges. He stated he would provide photos via email, showing that the daily cover was applied.

ACTION ITEMS:



May 22, 2023 6:23:35 PM
2210 Waste Management Drive
Springdale
Washington County
Arkansas

Photo provided by Don Tennison.



May 22, 2023 7:11:10 PM
2210 Westminster Avenue
Springdale
Washington County
Arkansas

Photo provided by Don Tennison.

Online Solid Waste/Illegal Dumps Complaint Reporting Form Submission Confirmation

From: no-reply@adeq.state.ar.us (no-reply@adeq.state.ar.us)

To: kenneth.lovett@att.net

Date: Tuesday, May 23, 2023 at 01:06 PM CDT

Complaint Submission Tracking ID: W-12584

Property Owner: Eco Vista Waste Management
County: Washington

Should DEQ determine this complaint may be an illegal dump, the complaint will be referred to the following Regional Solid Waste Management District to investigate:

Boston Mountain Solid Waste District

Email: reed@bmswd.com

Phone: (479) 846-3005

Website: www.bostonmountain.org

Name: Kenneth Lovett

Address: 18702 Clear Water Road

City: Fayetteville

State: AR

Zip: 72704

Phone: (870) 853-6232

Email: kenneth.lovett@att.net

Division: Solid Waste

Date: 5/23/2023

Time: 12:47:06 PM

Type of Waste:

Hazardous Items

Household Trash

Other

Description of Problem:

Improper cover after daily work was completed. 8:25pm, Monday May 22, 2023. This is a consistent issue with Waste Management. Just inspecting against current regulations is not the answer to the issue. Need someone to step up to correct this issue. Lack of proper cover causes many other issues including odors, vectors, upset residents and more time for ADEQ to inspect and write a report that consistently states,). At the time of the investigation, no allegations of noncompliance were observed at your facility. We all know that statement is incorrect. In the latest reply from Waste Managements Don Tennison the photos they provided were at angles you could not see all of the covered area and also the only place foam was added was to the portion beside the lift. There was several other areas that did not receive foam or tarp cover. I again ask why you unilaterally accept Waste Managements words and poor photos over those of individuals with proper obvious proof the Don Tennison is not providing photos of the areas that are not in compliance. Also their Cleanout area was not covered at all.

Directions:

2210 Waste Management Drive Springdale, AR

Photos: 6

Uploaded File Names:

Screenshot_20230522_203932_Gallery.jpg
Screenshot_20230522_203834_Gallery.jpg
Screenshot_20230522_203913_Gallery.jpg
Screenshot_20230522_203925_Gallery.jpg
Screenshot_20230522_204052_Gallery.jpg
Screenshot_20230522_204029_Gallery.jpg



MENU

(301) 517-8500



in landfills. A number of factors, however, have recyclers examining different options to decrease the amount of fluff landfilled and utilize the material in more creative ways. Landfilling is expensive and it may be more economical to extract and reuse other material in the fluff. Additionally, because fluff may contain hazardous materials like PCBs (polychlorinated biphenyls), it is considered a special type of hazardous waste more rigorously regulated by federal, state and local laws.

After being approached by industry back in 2013, the Environmental Protection Agency (EPA) provided new interpretations of these regulations, allowing plastics to be recovered during the recycling process as long as the levels of PCBs do not exceed 50 parts per million.





2210 WM Drive
Springdale, AR 72762

[View Map](#)



Acceptable Materials

Non-Hazardous

- Asbestos-Friable
- Asbestos-Non-Friable
- Auto Shredder Fluff
- Biosolids
- Construction & Demolition Debris
- Municipal Solid Waste
- Sludges - Industrial (Non regulated/Non RCRA)
- Soils - Clean
- Soils - Contaminated (Non Haz)
- Yard Waste/Green Waste

Hazardous

This facility does not accept hazardous waste

Service Offerings



THE PROBLEM:

Due largely to lax governmental regulation on an ever-growing chemical industry, everyday products that are used and thrown away contain more toxic chemicals than ever before. When these products end up in landfills or incinerators, the toxins pollute the air we breathe and the water we drink.

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment

From: Suzanne Ellington [<mailto:suzanneellington@icloud.com>]

Sent: Monday, May 29, 2023 7:11 PM

To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>

Subject: Tontitown landfill

Here are a few of the notes I took at the meeting. It was difficult to hear and many times things were repeated. Mainly, Tontitown is a growing community and there is no longer support for expansion of the landfill. The concerns far exceed the benefits for Tontitown and the host community does not support expansion. So- how do you proceed to expand without local community support from the city of Tontitown? Additionally, there continues to be a concern for safety, pests, smells, and water pollution. The infrastructure does not support the traffic concerns and the karst environment does not support the landfill for water security.

Thank you for the opportunities to voice our concerns. I apologize for the unprofessional notes, but we were seated in the back and often could not hear or see the side presentation.

Suzanne Ellington



Landfill

- Hypro study/ surface water/? What about new growth? ground water monitoring system wild cat creek, Illinois river,

- Permit itself rule 22, 4 wells , ground water permit

- May 30 comment period over, final devision,approve or deny,

- Nicholas.jones@adeq.state.ar.us

- 5301 North Shore Drive- public comments

- Top left designed for 100 year event

- Application community , litter operating pkam

- Liner system - ground water sample class one/ class 4

- Gas plan- permit documents Drawings approved

- Verbal comments 20 days May 20



New Reminder

energy- please do not approve- burn pits

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- Must consider all comments

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New Reminder

6:47



< Lists

Landfill



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- Health, safety, environment, 22.204-adq- why not follow the rules? Oklahoma water supply, pictures, trash, air quality- gas odor, residential traffic, 8 months why being ignored?
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1 item 1 item 1 item 1 item 1 item 1 item 1 item 1 item 1 item 1 item

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- Gas plan- permit documents Drawings approved

- Verbal comments 20 days May 20

New Reminder

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment**From:** Kenneth Lovett [<mailto:kenneth.lovett@att.net>]**Sent:** Tuesday, May 30, 2023 4:14 PM

To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>; Jarrod Zweifel (adpce.ad) <Jarrod.Zweifel@adeq.state.ar.us>; David Witherow (adpce.ad) <David.Witherow@adeq.state.ar.us>; Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>; Shane Khoury <Shane.Khoury@Arkansas.Gov>; Khoury, Shane <Shane.Khoury@adeq.state.ar.us>; Caleb Osborne <Caleb.Osborne@adeq.state.ar.us>; Caleb Osborne <Caleb.Osborne@arkansas.gov>; Michael McAlister (adpce.ad) <Michael.McAlister@adeq.state.ar.us>; Richard Goheen (adpce.ad) <richard.goheen@adeq.state.ar.us>; Jay Ellis (adpce.ad) <Jay.Ellis@adeq.state.ar.us>

Cc: Richard Mays <rmays@richmayslaw.com>; Ross Noland <ross@nolandfirm.com>; Angie Russell <mayor@tontitownar.gov>; ward1-1@tontitownar.gov; Amber Ibarra <ward1-2@tontitownar.gov>; ward2-1@tontitownar.gov; Larry Ardemagni <ward2-2@tontitownar.gov>; ward3-1@tontitownar.gov; Tim Burress <ward3-2@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; Planning Department <planning@tontitownar.gov>; permits@tontitownar.gov; Patrick Deakins <pdeakins@washingtoncountyar.gov>; Perry Elyaderani <PElyaderani@knwa.com>; Candy Black <cblack@tontitownar.gov>; Clint Penzo <clint.penzo@senate.ar.gov>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; ddavis@tontitownar.gov; Tyler Dees <tylerdees@senate.ar.gov>; Commissioners <Commissioners@adeq.state.ar.us>; Penny Baskin <sugarbearsmommy4jesus@yahoo.com>; Patricia Goff (adpce.ad) <Patricia.Goff@adeq.state.ar.us>; Tom Joseph <tjoseph@tontitownar.gov>

Subject: Eco-Vista Landfill Expansion

For Public comment

On November 1, 2022, the Tontitown city council, unanimously passed a resolution withdrawing support of the expansion of Waste Management's Eco-Vista Class 1 and Class 4 landfills.

Waste Management at Eco Vista has a long-standing habit of skirting or ignoring municipal ordinances meant to protect the health, safety, and comfort of Tontitown's citizens.

Eco-Vista landfill is built on a Karst formation, which could easily create an ecological, environmental, and medical disaster on par with Flint, Michigan and Hinkley, California.

In this comment I'd like to focus on the political malfeasance in Tontitown surrounding Waste Management's expansion efforts at the Eco Vista site.

Tontitown City Council lost a log time council person, Tommy Granata, after his sudden, unexpected death on August 29, 2020. Paul Colvin was serving as mayor at the time and knew Arkansas municipal code regarding how to fill a council member vacancy. Even if he didn't know the rules, he, or the city attorney, Justin Eichmann should have consulted the code. As you know, ignorance of the law is no excuse.

AR Code § 14-43-411 (2018)

- (a) (1) (A) Whenever a vacancy occurs in the office of council member in a city of the first class having a population of less than twenty thousand (20,000) according to the most recent federal

decennial census, at the first regular meeting after the occurrence of the vacancy, the city council shall proceed to elect by a majority vote of the remaining members elected to the council a council member to serve for the unexpired term.

Notice that the Arkansas code was broken when the vacancy wasn't immediately filled. The first regular meeting after the vacancy (Mr. Granata's passing) was held September 1, 2020. Not only was the code broken when the position wasn't filled on September 1, 2020, but the vacancy remained unfilled at the subsequent meetings of September 15, and October 6.

I'm certain that was deliberate to manipulate and control the Council.

I believe Paul Colvin wanted the Rezoning of Waste Management's Eco-Vista landfill (on October 6, 2020) to proceed unhindered. He couldn't be certain who would fill the vacant seat.

Video of the meeting is available for you to view on YouTube by clicking this link: <https://youtu.be/5qDkU91gpo4>

In the meeting, Colvin addressed Tontitown citizens who had attended the meeting, to speak out against the Eco Vista expansion and the widening of landfill's roads. He made a series of statements that, in my opinion were untruthful and misleading.

At 6:56, Mayor Paul Colvin stated, "... The council is not voting on expansion of the landfill here tonight..."

At 7:08, Mayor Colvin speaking, "...so, I will make all of you that promise that there will be no votes here tonight on expansion of the landfill..."

At 7:52, regarding Waste Management, the Mayor said, "... and that's what the applicant has applied for. They haven't applied for expansion or street widening..."

In the same video, at 12:14, during the citizen comment section of the meeting, a woman named Ashley Baumgardner, posted a question that was read by Courtney McNair: "When will the vote be?" Her question went unanswered.

In the October 6, 2020 Tontitown City Council meeting, the council voted on "An Ordinance Rezoning Approximately 417.1 Acres of Real Property Located at 2210 Waste Management Dr., in the City Limits of Tontitown Arkansas From R-MH, A, AND R-1 to EU-L, Exclusive Use Landfill.

The ordinance was presented to the sitting city council members as simple rezoning from Residential Mobile Home (R-MH), A (Agriculture), and Single-Family Residential 1, with minimum lot size of one acre (R-1) to Exclusive Use Landfill (EU-L). The council and the crowd had already been promised that this would have nothing to do with expansion of the landfill, so the ordinance passed unanimously. You can find the ordinance in it's entirety at the following link: <https://www.tontitown.com/wp-content/uploads/2020/10/09a-Ordinance-to-Rezone-Waste-Management-Property.pdf>

Several months later, in August 2021, when the Tontitown Planning Commission was preparing to vote for the landfill expansion, they were told in a workshop (August 24, 2021) that if they voted against the expansion, they would be sued, personally. Three members of that commission have stated they felt scare tactics were being employed by Mayor Colvin and Justin Eichmann, the City Attorney. The union recording is available at <https://www.dropbox.com/s/9l5govybxayxsl/08-24-21%20Planning%20Commission%20Work%20Session%20Recording%20%231.MP3?dl=0>

this link can also be found at the top of the chart on the agenda/minutes section for this meeting on our website.

https://www.tontitown.com/meeting_data/planning-commission-work-session/

On August 31, 2021, the entire planning commission voted to approve the Preliminary Large Scale Development request to allow the Eco-Vista Landfill to expand. At least 3 of those Commissioners voted for, out of fear and lack of understanding and support. They regret their vote and are angry for the way they were treated by then-mayor, Paul Colvin and our city's attorney, Justin Eichmann.

Even months before the Planning Commission vote on August 31, 2021, the City Council was told they would have an opportunity to vote for, or against, the landfill expansion, but for some reason were never given that opportunity. The planning commission was also told that City Council would have the ultimate approval. One commissioner remarked on video after the voting on August 31, "...my heart was a 'no'...keep fighting, talk to your city council members." This issue never came back to city council. Thus the need for a resolution withdrawing our support for the expansion of Waste Management's Eco-Vista Class 1 and Class 4 landfills, mentioned at the top of this letter.

At each Public meeting through the Class 4 and Class 1 public comments, numerous residents spoke against the Eco-Vista landfill expansion, but you continue to look for ways to continue the operation of Eco Vista. STOP THE PERMIT PROCESS NOW. There have been enough shenanigans. Switch business tactics and transfer this trash away from Tontitown. Superfund this pile of unknown Hazardous waste, Complete proper air testing of our environment and stop pollution of endangered species proven to be in Wildcat Creek, NOW.

Boston Mountain's Board has always had a vested interest in having the landfill in our backyard, not theirs.

The City of Tontitown City Council and area citizens have made our desire clear. DENY this expansion as fiduciaries of Arkansas' department of Environmental quality, as you cannot currently guarantee the health, safety, and well-being of our citizens.

Side deals and shady politics have put the interests of Waste Management and the surrounding towns, above citizens in the area for far too long.

Kenneth Lovett
18702 Clear Water Road
Fayetteville Arkansas 72704

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment

From: Levon Perry [<mailto:levon.perry@yahoo.com>]

Sent: Friday, May 26, 2023 7:08 PM

To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>

Subject:

8:10 ↗



Tim >



Lee

You did not get fired for filling a complaint

The issue was the picture of the dead body you sent to support the complaint....and that misrepresentation jeopardized our relationship with WM and risked us getting banned from the landfill

The termination reason was misconduct



iMessage





Comment



Levon Perry

Author

Chad Williamson eric from republic wont hire me nor cards not lrs ext. Due to my fued with waste management

44m Like Reply



Chad Williamson

Levon Perry oh OK. You're banned from the landfill. Don't believe I'd have told them that. Lol that bunch is some crooked underhanded backstabbing pos anyway. They made up some bullshit to fire a guy that wanted to turn it union. He ended up getting a settlement and severance pay. You don't wanna work there anyway.

1m Like Reply



Write a reply...

Rules



Reply as Levon Perry



Home



Friends



Watch



Marketplace



Notifications



Menu

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment

From: Levon Perry [<mailto:levon.perry@yahoo.com>]

Sent: Friday, May 26, 2023 7:30 PM

To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>

Subject: Images perry statement











Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment

-----Original Message-----

From: suzanne ellington [mailto:suzanneellington@yahoo.com]

Sent: Monday, May 29, 2023 7:23 PM

To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>

Subject: Tontitown landfill

Hopefully clearer photos:

Suzanne Ellington

Landfill

- Tim Burris: Barrington Road city council for our area- approve or deny a land fill adeq break promises, karst - series of caves- approval should be human cost Poisoning of Tontitown citizen, waste management, class 4 facility in Little Rock, deny
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- South Barrington- land owner fact is the smell is , hydrogen sulfide,, 40 years, no shortage of interest on property- over 3,000 homes 1 1/2 miles of the landfill (many \$500,000 homes- quality of life being destroyed. Tontitown is quickly turning into a city- concern within dye test- sewer ground water double liner in place- history: money? In good faith How can we continue? People cannot be expected to live right next to the landfill with all of it's ongoing future needs, a new location will need to be found.

- Red oak 40 years no base seal trash on top, karst only place for landfill carbon monoxide increase, break rules, no dirt, fire -3- rule ??

energy- please do not approve- burn pits

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Landfill

- Tammy Graham voice little baby child will want to grow up in a healthy environment and to accomplish that task we must look toward the future and not expand an already filled yo the very top landfill. Make a decision that will be best for the Tontitown community- Steve Unger: state representative- state issue- gas plant: 500 trash a day in Kentucky, Fayetteville amount of money waste to energy- please do not approve- burn pits

- Lundstrum: josh bryant, landfill, technology- stop, move on hope you hear

- Must consider all comments

- Espinoza- 15 years ago, eyes burn- physical issues,

- Angie Russell Mayor regulation 22 codes: approved of site, expansion, local, community- host withdrew all support, jan3 withdraw support, stop expansion gas vapors, wildcat creek, trash uncovered, roads destroyed, fires, smoke, underground fires, 6 ,000 lack of planning,

AFIN: 77-00144
PMT#: 0290-S1-R3

May 9, 2023

MAY 12 2023

Nick Jones
Sr. Operations Manager - ADEQ -Land
5301 Northshore Drive
North Little Rock, AR 72118-5317

DOC ID#: 83985
TO: AC> FILE < KM

Mr. Jones,

My name is Glen Odglen, I live at 12601 Arbor Acres Rd. I have lived here over 37 years and was here before Waste Management took over the landfill from Sun Ray Sanitation. I am writing this letter opposing the expansion of Class 1 at Waste Management Tontitown AR. Permit#0290-S1-R4.

I have seen and experienced issues with living very close to the landfill. A big concern is the gases and odors my family experiences. We have had several neighbors get cancer and we experience cancer in my family. I am not sure if this is just coincidental living near the landfill, nobody can identify the gas and if it is harmful or not. I have also had trash blown on my property and it is a common occurrence to have big rocks along with metal in the road. I have experienced more than my share of flat tires due to this. I was part of the citizen's group that opposed the last expansion in the late 90' and early 2000s that proved the runoff from the landfill was moving into the creeks here. I understand a recent dye test validating this as the dye ran into the Little Wildcat Creek that flows into the Illinois River. I use to water my cows there. This area is Karst and groundwater flows freely. I know this is a big concern with the Arkansas and Oklahoma Watershed Conservation groups.

The fires that occur are behind my house which is scary with the gas present. The fire that occurred last March was due to a battery that should not go into this landfill. I was shown the Tontitown fire report that Eco-Vista reported was caused by a battery. I have been down to Little Rock at ADEQ meetings in the early 2000s and unfortunately, I am not able to attend current meetings, but I did attend a Tontitown City Council meeting that City Council unanimously rejected the expansion of Class 4 and Class 1 landfills. I have always obeyed the law and I can not see why this regulation is now being ignored that the host city must approve landfill expansion?..... The Tontitown Noise Ordinance is ignored by Waste Management as beeping and heavy equipment sounds occur at all hours. I guess Waste Management is above the law and swings a big stick with state and local governments.

The area is no longer rural and a landfill should not be in this fast-growing area. We are one bad accident away from where many people/children live. Is that what it must take to get your attention? I hope and pray you think of the citizens of Tontitown who oppose this landfill that has been in operation for over 40 years. Tontitown has gone far and beyond with this service to Northwest Arkansas. Are financial issues more important than health and safety in the Natural State? It should not be and health and safety should be the top priority.

Thank You



Glen Odglen
12601 Arbor Acres Rd
Springdale, ARK 72762

AFIN: 77-00144
PMT#: 0290-91-83

May 8, 2023

MAY 12 2023

DOC ID#: 839186
TO: AC > FILE LEM

Mr. Nick Jones
Senior Operations Mgr.
Office of Land Resources/ Division of Environment Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Dear Mr. Jones

This letter is in response to the draft permit decision of expansion of Class 1 Eco-Vista Tontitown landfill.

Several reasons not to allow this expansion due to LEGAL, health, safety, and environmental factors:

Pollution Control and Ecology Commission Regulation 22.204 that states the Host City (Tontitown) must approve expansion or new landfill. City of Tontitown City Council unanimously rejected expansion of class 1 and class 4 twice on Nov.2,2023 (before class 4 ADEQ public hearing) and on Jan 5, 2023 resolution filed with Washington County (AR) Courthouse. Why is this regulation NOT followed? Rules and regulations are in place for a reason!

Gases and Odors causing issues of headaches, nausea, and running eyes. In a meeting in Bentonville, former ADEQ Director, stated she had a headache, nausea, and burning eyes as you sat outside the Tontitown landfill. This was stated at this meeting in front of our two state representatives and our Tontitown Mayor. No air quality testing has been preformed by any state or federal government to determine if this gas/odor is harmful to the citizens. This is well documented via ADEQ Air Complaint website.

A dye test that Waste Management performed showed up in the Little Wildcat Creek that flows into the Illinois River that is the water source for Siloam Springs and Oklahoma (well documented with pictures and detail).

Daily and weekly of improper or no coverage of trash has been reported to ADEQ (documented with dated pictures)

Trash and debris in the roads and in neighbor's yards has been documented with pictures numerous times and reported to ADEQ.

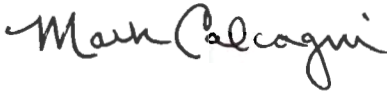
Numerous fires at Waste Management. The latest fire was caused by a lithium battery per Waste Management personnel to the Tontitown City Fire Dept. and documented. This is suppose to be a non-hazardous landfill. Batteries are hazardous waste.

Waste Management has not followed the city of Tontitown's laws and ordinances with respect to hours of operation noise ordinance . This is documented by the city of Tontitown.

These concerning items are alarms why expansion should not occur in a booming growing area where numerous homes are and planned to be built. Heavy truck traffic in a residential area along with an elementary school is potential disaster. Please follow the regulations set by the PC&EC along with caring about health, safety, and environment of this residential area. This should come first over everything else.

Thank You.

Sincerely,

A handwritten signature in black ink that reads "Mark Calcagni". The signature is written in a cursive style with a large, stylized initial "M".

Mark Calcagni
12642 Arbor Acres Road
Springdale, AR 72762

AFIN: 72-00144
PMT# 0290-SI-123

May 8, 2023

MAY 12 2023

DOC ID#: 83987
TO: AC> FILE LEM

Mr. Nick Jones
Senior Operations Manager
Office of Land Resources/Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Dear Mr. Jones,

In response to the expansion of WM Class 1 draft permit. I am writing this letter on behalf of my family we have lived at 12642 Arbor Acres Road for over 35 years (before Waste Management took over the local landfill). I am concerned with my family's health and safety and my neighbors in this rapidly growing area.

We have experienced odors and unknown gases that have made people sick. Many complaints to ADEQ and the city of Tontitown have been reported. Many neighbors have documented pictures of trash not being covered weekly or daily. We have seen trash blown in yards and mud/rocks on the road that have been sent to the city and ADEQ. My husband has helped fix flat tires as it seems the vehicles get as far as our house. Metal objects in the road are causes of this.

Little Wildcat Creek ended up with the red dye test from the Waste Management test. This river runs into the Illinois River which is a source of water for Oklahoma. Karst topography has been identified for this area. Several fires have occurred at this landfill with the fire in March caused by a lithium battery per WM to the Tontitown Fire Dept in a non-hazardous landfill.

I do not understand why laws and regulations are not followed as the Pollution Control and Ecology Commission has a regulation that the city of Tontitown/Host city must approve the expansion. The City Council of Tontitown unanimously rejected expansion in November of 2022. Also, I understand Waste Management has ignored Tontitown's ordinances and laws of noise. Rules and laws should be followed.

The area is rapidly growing with homes, an elementary school, and increasing traffic. My worry is with health and safety. My asthma and allergies have worsened in the last 4-5 years and I believe it's because of the air quality in our area. I just came back from a trip and I had no issues breathing for 10 days and I did not have to take my medication to breathe without congestion. My husband and I have been to the landfills in Little Rock and Ft. Smith, those landfills do not have homes or traffic as Tontitown does.

Please hear our concerns for health, safety, and the environment to not expand this landfill.

Thank You.

Sincerely,



Jacqui Calcagni
12642 Arbor Acres Road, Springdale AR 72762

Doc ID: 84044



4100 Corporate Center Drive, Suite 205
Springdale, Arkansas 72762
479.582.2100

May 10, 2023

Mr. Shane E. Khoury
Cabinet Secretary
Department of Energy and Environment
5301 Northshore Dr.
North Little Rock, AR 72118

RE: Eco Vista Class I Landfill

Dear Secretary Khoury,

We understand Eco-Vista submitted a technically complete permit modification application to the Arkansas Department of Energy and the Environment, Division of Environmental Quality (DEQ) for expansion of the Class I Eco-Vista Landfill in Tontitown, Arkansas.

This landfill is the only solid waste disposal facility for municipalities that serves the Northwest Arkansas (NWA) region, which is among the fastest-growing places in the U.S. Failure to approve the Eco-Vista expansion will result in the need to transport waste to more distant landfills, which will increase business costs and negatively affect NWA municipalities and consumers alike.

It's our understanding that Eco-Vista is expected to run out of capacity before the end of 2023.

As you know, there are meaningful efforts in this region to reduce the flow of waste into the landfill and to recycle more. WM is involved in and supportive of this larger, regional effort led by the Northwest Arkansas Council and the region's two solid waste management districts to expand recycling and to reduce contamination in recycled materials with the expectation that we can preserve landfill capacity. Yet, we know an aggressive, successful recycling program won't eliminate the region's long-term need for waste disposal.

Based on this information and the vital need for critical infrastructure to remain in NWA, we request that DEQ approve the WM Eco-Vista Class I permit modification application without further delay.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Peacock".

Nelson Peacock
President and CEO, Northwest Arkansas Council

F:\0000UJG.xml

Subject: RE: From Rep. Denise Garner - Eco-Vista Landfill

-----Original Message-----

From: Nicholas Jones (adpce.ad)
Sent: Tuesday, May 23, 2023 8:50 AM
To: Charles Hurt (adpce.ad) <Charles.Hurt@adeq.state.ar.us>
Cc: Greg Banic (adpce.ad) <Greg.Banic@adeq.state.ar.us>
Subject: FW: From Rep. Denise Garner - Eco-Vista Landfill

See below comment and incorporate.

Nicholas Jones, P.E. | Senior Operations Manager Division of Environmental Quality | Office of Land Resources
5301 Northshore Drive | North Little Rock, AR 72118
t: 501-682-0601 | e: Nicholas.Jones@adeq.state.ar.us

-----Original Message-----

From: Manning, Jenny [mailto:Jenny.Manning@arkansashouse.org]
Sent: Tuesday, May 23, 2023 8:07 AM
To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>
Cc: Garner, Denise <denise.garner@arkansashouse.org>
Subject: From Rep. Denise Garner - Eco-Vista Landfill

Mr. Jones-

Please find attached a letter from Rep. Denise Garner regarding the Eco-Vista Landfill. I hope this electronic copy is suffice enough, however if you need another copy, let me know.

Thank you-
Jenny Manning

Jenny Nall Manning
Legislative Analyst
Arkansas House of Representatives
State Capitol
500 Woodlane Street, Suite 350
Little Rock, AR 72201-1089
(501)-682-7771
jenny.manning@arkansashouse.org



STATE OF ARKANSAS

House of Representatives

REPRESENTATIVE

Denise Garner

P. O. Box 646

Fayetteville, Arkansas 72702

479-283-5050 Cell

denise.garner@arkansashouse.org

DISTRICT 20

Counties:

Part Washington

COMMITTEES:

Education

Agriculture, Forestry and Economic
Development

Joint Committee on Advanced
Communications and Information
Technology

Joint Budget

2nd Alternate,

Arkansas Legislative Council

May 22, 2023

Secretary Shane E. Khoury
Department of Energy and Environment
5301 Northshore Dr.
North Little Rock, AR 72118

RE: Eco Vista Class I Landfill

Dear Secretary Khoury:

Waste Mangement (WM) has been operating the current Class I Eco-Vista Landfill in Tontitown, Arkansas, since purchasing the facility in 2000, and I understand that Eco-Vista submitted a technically complete permit modification application to the Arkansas Department of Energy and the Environment, Division of Environmental Quality (DEQ) for expansion (ADEQ Doc ID 15745). The Northwest Arkansas (NWA) region, one of the fastest expanding in the nation, is serviced by this Class I Landfill, which is the only site for disposing of solid waste. If the Eco-Vista Class I Landfill Expansion is not approved, waste will need to be transported farther to other in-state or out-of-state landfills, raising business expenses in the area and harming both NWA municipalities and consumers.

By the end of December 2023, the Eco-Vista Class I Landfill is anticipated to run out of airspace. Eco-Vista submitted the Class I permit amendment application to the DEQ on July 6, 2021, and on September 27, 2021, the DEQ determined that the application was administratively complete. DEQ deemed the application technically complete on April 28, 2023, when the draft permit was issued. I further understand that the Eco-Vista Landfill has been and stays on favorable terms with the DEQ and has no extraordinary natural environmental compliance issues. In light of this data information and the vital need for critical infrastructure to remain in NWA, I respectfully request that DEQ approve the WM Eco-Vista Class I permit modification application without further delay.

Sincerely,

A handwritten signature in cursive script that reads "Denise Garner".

Denise Garner
State Representative
District 20

DG/jnm



JIM DOTSON

ASSISTANT PRO TEMPORE
SENATOR
34TH DISTRICT
(479) 644-0740
jim.dotson@senate.ar.gov

POST OFFICE BOX 651
BENTONVILLE, ARKANSAS 72712

MEMBER:
EDUCATION
STATE AGENCIES & GOVERNMENTAL AFFAIRS
EFFICIENCY
LEGISLATIVE JOINT AUDITING

**THE SENATE
STATE OF ARKANSAS**

May 19, 2023

Mr. Shane E. Khoury
Secretary
Arkansas Department of Energy and Environment
5301 Northshore Drive
North Little Rock, Arkansas 72118

Dear Secretary Khoury:

Please accept this letter on behalf of Eco-Vista and its completed permit modification application to the Arkansas Department of Energy and Environment's Division of Environmental Quality (DEQ) for the expansion of the current Class I Eco-Vista Landfill in Tontitown, Arkansas. It is my understanding Waste Management has operated the Class I Landfill since 2000, and it is the only solid waste disposal facility that serves the Northwest Arkansas (NWA) region, which is among the fastest growing in the country. Failure to approve the landfill expansion will result in the need to transport waste greater distances to other in-state or out-of-state landfills, which will increase business costs in the region and negatively affect NWA municipalities and consumers alike.

The Eco-Vista Class I Landfill is expected to run out of airspace before the end of December 2023. Eco-Vista submitted the Class I permit modification application to DEQ in July 2021, and it has been deemed administratively and technically complete as of April 2023 with the issuance of a draft permit. The Eco-Vista Landfill has been and remains in good standing with DEQ and has no outstanding environmental compliance issues.

It is vital for this critical infrastructure to remain in NWA, and I respectfully ask DEQ to give Eco-Vista's application every consideration for approval. Thank you for your time and attention in this matter. If I can be of further assistance in any way, please do not hesitate to contact me.

Sincerely,

Jim Dotson
Assistant Pro Tempore
District 34

JD:em

Kacy Murillo (adpce.ad)

Subject: RE: From Rep. Kendra Moore - Eco-Vista Landfill

-----Original Message-----

From: Manning, Jenny [mailto:Jenny.Manning@arkansashouse.org]

Sent: Tuesday, May 23, 2023 1:09 PM

To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>

Cc: Moore, Kendra <Kendra.Moore@arkansashouse.org>

Subject: From Rep. Kendra Moore - Eco-Vista Landfill

Mr. Jones-

Please find attached a letter from Rep. Kendra Moore regarding the Eco-Vista Landfill. Let me know if you need anything further.

Thank you-

Jenny Manning

Jenny Nall Manning

Legislative Analyst

Arkansas House of Representatives

State Capitol

500 Woodlane Street, Suite 350

Little Rock, AR 72201-1089

(501)-682-7771

jenny.manning@arkansashouse.org



STATE OF ARKANSAS

House of Representatives

REPRESENTATIVE

Kendra Moore

P.O. Box 1151

Lincoln, Arkansas 72744

479-466-3272 Business

479-966-9191 Cell

kendra.moore@arkansashouse.org

DISTRICT 23

Counties:

Part Washington

COMMITTEES:

Public Health, Welfare and Labor

Agriculture, Forestry and Economic

Development

Joint Performance Review

Legislative Joint Auditing Committee

May 23, 2023

Secretary Shane E. Khoury
Department of Energy and Environment
5301 Northshore Dr.
North Little Rock, AR 72118

Dear Secretary Khoury:

Since purchasing the facility in 2000, Waste Management (WM) has been running the Tontitown, Arkansas, Class I Eco-Vista Landfill. According to what I understand, Eco-Vista has submitted a completed permit revision application to the Division of Environmental Quality (DEQ) of the Arkansas Department of Energy and the Environment (ADEQ Doc ID 15745) for continued growth. This Class I Landfill, the only location for disposing of solid waste, serves the Northwest Arkansas (NWA) area, one of the fastest growing in the country. Failure to approve the Eco-Vista Class I Landfill expansion will result in the need to transport waste greater distances to other in-state or out-of-state landfills, which will increase business costs in the region and negatively affect NWA municipalities and consumers alike.

The Eco-Vista Class I Landfill is expected to exhaust its airspace by the end of December 2023. On July 6, 2021, Eco-Vista submitted a Class I permit amendment request to the DEQ. On September 27, 2021, the DEQ determined that the request was administratively finished. When the draft permit was issued on April 28, 2023, DEQ considered the application to be concluded. Furthermore, I am aware that the Eco-Vista Landfill has good relations with the DEQ and continues to be in compliance with the environment on a routine basis. I humbly ask that DEQ swiftly approve the WM Eco-Vista Class I permit modification application as seeing this data and the serious requirement for critical infrastructure to remain in NWA.

Sincerely,

A handwritten signature in black ink, appearing to read "Kendra Moore".

Kendra Moore
State Representative
District 23

KM/jnm



SPRINGDALE
Chamber of Commerce
WE'RE MAKING IT HAPPEN

May 24, 2023

Mr. Shane E. Khoury
Cabinet Secretary
Department of Energy and Environment
5301 Northshore Dr.
North Little Rock, AR 72118

RE: Eco Vista Class I Landfill

Dear Secretary Khoury,

We understand Eco-Vista submitted a technically complete permit modification application to Arkansas Department of Energy and the Environment, Division of Environmental Quality (DEQ) for expansion of the current Class I Eco-Vista Landfill in Tontitown, Arkansas, where Waste Management has operated since acquiring the facility in 2000 (ADEQ Doc ID 15745). This Class I Landfill is the only solid waste disposal facility that serves the Northwest Arkansas (NWA) region, which is among the fastest growing in the country. Failure to approve the Eco-Vista Class I Landfill expansion will result in the need to transport waste greater distances to other in-state or out-of-state landfills, which will increase business costs in the region and negatively affect NWA municipalities and consumers alike.

The Eco-Vista Class I Landfill is expected to run out of airspace before the end of December 2023. We understand that Eco-Vista submitted the Class I permit modification application to DEQ on July 6, 2021, and that DEQ deemed it administratively complete on September 27, 2021. The application was deemed technically complete by DEQ on April 28th, 2023, with the issuance of the draft permit. We further understand that the Eco-Vista Landfill has been and remains in good standing with the DEQ and has no outstanding environmental compliance issues. Based on this information and the vital need for critical infrastructure to remain in NWA, we respectfully request that DEQ approve the WM Eco-Vista Class I permit modification application without further delay.

Sincerely,



Bill Rogers
President / CEO

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment

From: Angie Russell [<mailto:mayor@tontitownar.gov>]

Sent: Friday, May 26, 2023 1:40 PM

To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>; ADPCE Commission Staff <ADPCECommissionStaff@adeq.state.ar.us>; Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>; Fite, Edward <Edward.Fite@grda.com>; Patricia Goff (adpce.ad) <Patricia.Goff@adeq.state.ar.us>; Heinz Braun (adpce.ad) <Heinz.Braun@adeq.state.ar.us>; E&E Comms <EComms@adeq.state.ar.us>; Jarrod Zweifel (adpce.ad) <Jarrod.Zweifel@adeq.state.ar.us>; Jarrod Zweifel (adpce.ad) <Jarrod.Zweifel@adeq.state.ar.us>; Annette Cusher (adpce.ad) <Annette.Cusher@adeq.state.ar.us>; Beth Thompson (adpce.ad) <Beth.Thompson@adeq.state.ar.us>; David Witherow (adpce.ad) <David.Witherow@adeq.state.ar.us>; Caleb Osborne <Caleb.Osborne@adeq.state.ar.us>; Khoury, Shane <Shane.Khoury@adeq.state.ar.us>

Cc: Robin Lundstrum <robin.lundstrum@arkansashouse.org>; Steve Unger <unger1958@gmail.com>; clint.penzo@senate.ar.gov; Patrick Deakins <pdeakins@washingtoncountyar.gov>

Subject: Mayor of Tontitown's email concerning WM expansion to class 1

Mr. Jones,

Attached you will find my letter concerning the expansion of the Class 1 waste management eco vista landfill in Tontitown AR.

~Mayor Angela Russell



Mayor Angela Russell
City of Tontitown
235 E Henri De Tonti Blvd
Tontitown, AR 72770
Phone 479-361-2700
www.tontitown.com

Good evening,

My name is Angela Russell. I am the Mayor of Tontitown.

I come before you tonight to address the Class 1 expansion of the waste management eco vista landfill, that is in the city limits of Tontitown.

I know you **are** or **should be** familiar with Regulation No. 22, Solid Waste Management Rules, which were approved by the Arkansas Pollution Control and Ecology Commission.

From what I understand, this is your BIBLE. These are the codes in which we must abide.

In Reg.22.203 - Local Authority Approval Of Site Selection And Expansion

22.203 (a) Applicability - This Section applies to all new permitted facilities including landfills and solid waste processing facilities and to the expansion of the permitted acreage of landfills and solid waste processing facilities.

22.203 (e) Written Approval or Denial - Any approval or denial by local governments or regional solid waste management boards of solid waste site selection shall be in writing and shall state the basis for the approval or denial with reference to the specific requirements of the local jurisdiction and this regulation.

Reg.22.204 - Host Community Approval Of Site Selection

In this case, that would be the City of Tontitown, which is the host city.

On **November 3, 2022** – The City of Tontitown withdrew all support of the landfill expansion, by unanimously passing a Resolution. (No. 2022-11-1017 R).

At the **December 2022** pollution control and ecology meeting, I informed them of the resolution. After the meeting, I was told by a waste management attorney that I needed stronger wording in the resolution. I was instructed to take out specific wording in Section 1. Which I did.

On **January 3, 2023**, a second Resolution withdrawing support, with the changes made, was presented to the Tontitown City Council, which also passed unanimously. (No. 2023-01-1027R)

According to Regulation No. 22, the Solid Waste Management Rules,

YOUR CODE, YOUR RULES, this is all I need for waste management to STOP expanding.

Let me give you other reasons citizens so strongly oppose the landfill.

- **Gasses and toxic vapors** emitting from the landfill are hazardous to the citizens and environment. It causes nausea, headaches, dizziness, and other health symptoms.
- **Dye Test** – Dye was put in a hole on waste management property, and it ended up in Wild Cat Creek. Which means leakage from the landfill is potentially contaminating water sources.

- **Cover** – The trash is not covered properly. We have multiple pictures that are taken daily of the improper coverage.
- **Trash and Litter** are on our roads and property. Nails, metal wires, rocks, mud and other debris on roads and in our tires. Bags flying everywhere, hanging in trees, and being eaten by cattle. I am referring to the litter and waste that blows out of the landfill which has been contaminated by the toxic waste in which it has been exposed.
- **Roads** – Our roads are being destroyed by the multiple trash trucks, multiple semi-trucks and other heavy vehicles.
- **Not following Ordinances** – Whether it is Tontitown Ordinances or State Ordinances. I personally have witnessed Waste Management not following certain set guidelines. I have witnessed improper cover, not being proactive and trash leaving the waste management property, not taking proper truck routes, which causes damage to other area roads. And multiple other violations.
- **Fires** – There have been countless fires at the landfill. In my opinion, there is an internal fire. Why would a dozer drive over a “hot spot” and catch on fire. Citizens have reported explosions. Drivers have reported smoke and rumbling coming from the ground. The ground cracking open with fire inside. WHY.

Can you imagine if those internal fires reach the gas lines, or gas pockets? What an explosion we would have to deal with. How many lives would be lost. Who would be at fault?

- **Growth of the AREA** - Tontitown is one of the fastest growing areas in the region. With around 6,000 citizens right now, growing approximately 900 citizens per year. The current landfill, with the karst formation, will not be able to consume all the trash. Where will the trash go in 5 or 10 years? They will not have the space at that facility.

Their lack of planning does not constitute an emergency on our part. There should be a plan B, C and so forth to find a solution to this landfill problem.

ADEQ, Pollution Control and Ecology Commission, State Representative's, Senators, Congress, Governor Sanders – TONTITOWN desperately needs your help to protect the citizens in this area.

You were elected to serve the citizens. You are public servants.

Thank You

~Mayor Angela Russell

Kacy Murillo (adpce.ad)

To: Charles Hurt (adpce.ad); OLRAdmin
Subject: RE: Eco-Vista C1 public comment

From: Ross Noland [<mailto:ross@nolandfirm.com>]
Sent: Tuesday, May 30, 2023 3:09 PM
To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>
Cc: Angie Russell <mayor@tontitownar.gov>
Subject: Public Comment

Mr. Jones-

Please confirm receipt of the attached comment.

Thank you,

Ross

--

Ross Noland
[Noland Law Firm](#)
P.O. Box 251402
Little Rock, AR 72225
(501) 541-7374
Ross@NolandFirm.com

May 30, 2023

Via Email Only (Nicholas.Jones@adeq.state.ar.us)

Nick Jones, P.E.
Senior Operations Manager
Division of Environmental Quality
5301 Northshore Dr.
North Little Rock, AR 72118

Re: Public Comment, Draft Permit No. 0290-S1-R4

Mr. Jones:

I submit this comment on behalf of my client, Mayor Angie Russell and the City of Tontitown. Please place it in the administrative record for public comments on draft permit No. 0290-S1-R4. Attached to, and incorporated with, are comments from engineer Sara Guss, also on behalf of Mayor Russell and the City. Exhibit 1. All comments oppose ADEQ issuing a final permit.

APCEC 22.203: Municipal Approval Does Not Exist Here

APCEC 22.203(a) applies to the “expansion of the permitted acreage of landfills,” which is the very issue before the Commission in this appeal. APCEC 22.203(b) states that if a “proposed solid waste facility is located within a municipality or county that has adopted restrictions on sites in conjunction with a comprehensive county-wide land use plan, specific geographic site approval from the government(s) of jurisdiction shall be obtained by the applicant for submission to the Division with the pre-application.” Tontitown enforces Title XV of its land use code, as well as working to comply with the Tontitown Recharge Zone Plan. Washington County, Arkansas utilizes a series of interim and final land use plans through Washington County Planning Ordinances, specifically Chapter 11, as well as accompanying zoning rules and procedures. Each of these plans constitute an APCEC 22.203(b) comprehensive plan requiring local approval of a landfill expansion. Tontitown withdrew all support for Class I expansion when it passed the November, 2022, resolution, subsequently restating this withdrawal in January of 2023, as shown by Exhibit 2, thus this permit does not have APCEC 22.203 approval. Furthermore, it should be, but is not, clear from the record what local approvals ADEQ is considering and the Applicant is seeking.

APCEC 22.204: Host Community Approval Does Not Exist Here

As shown by Exhibits 2 and 3, host community approval does exist here, as required by APCEC 22.204. Again, it is unclear from the record which, if not both, approvals—APCEC 22.203 and 22.204—ADEQ is requiring and the applicant is seeking here. This matter should be clear in the record for purposes of public comment and certainty.

APCEC 22.203 and 22.204: These Rules are Void for Vagueness, Lack Predictability and Fairness, and thus Result in Arbitrary and Capricious Application

It is unclear from APCEC 22.203 and 22.204 exactly what exactly Municipal or Host Community approval constitutes. ADEQ lacks guidance, interpretation, or other means of interpreting the meaning of APCEC 22.203 and 22.204. This results in a lack of predictability and fairness—the goals of any regulatory scheme. For example, how long does any (undefined) form of local control last? Could a 20-year old resolution bind a municipality to decades old municipal or host community decisions regarding landfill siting? Such an outcome, with open ended approvals, would lead to arbitrary and capricious outcomes, harming host communities and their ability to contribute to landfill siting decisions.

APCEC 22.204 and 22.401: The Applicant and ADEQ Fail to Properly Consider Siting

APCEC 22.204(a) creates a rebuttable presumption “against permitting the construction or operation of any new landfill within twelve miles of any existing high-impact solid waste facility.” Pursuant to APCEC 22.204(b), a high-impact solid waste management facility includes landfills. An applicant may overcome the APCEC 22.204(a) rebuttable presumption by showing the factors listed in APCEC 22.204 are met. However, this permit application does not mention a site suitability analysis or incentives as required by APCEC 22.204. APCEC 22.401 states it is the applicant’s responsibility to properly site a landfill. APCEC 22.401 states any violations of siting criteria “pose a reasonable probability of adverse effects on health or the environment.”

APCEC 22.403: Floodplains

The draft permit makes no mention of floodplain analysis or a decision. It does mention a small, purportedly non-jurisdictional wetland, onsite, indicating proximity to low lying areas. The permit lacks a determination the Class I expansion will not violate APCEC 22.403.

APCEC 22.404: Wetlands and Water Quality

Recent dye testing at the site indicates groundwater connection between the site and Wildcat Creek. The draft permit notes this at pages 2, 3, and 11 of 12. Leachate from landfills contains a variety of pollutants which may cause or contribute to water quality standard violations, which APCEC 22.404 prohibits. The site is currently in corrective action for groundwater pollution. Additional landfill capacity will exacerbate existing non-compliance and harm to water quality.

APCEC 22.407: Unstable Areas

Page 2 of 12 of this permit notes the site in an area of karst topography. The permit application notes several karst features, including voids and groundwater flow, but fails to analyze how those features may exist while the Applicant achieves compliance with APCEC 22.407(b). The record is not sufficiently developed to demonstrate unstable areas will not impact the structure and construction of this landfill modification.

APCEC 22.411: General Operating Requirements

The site in question has experienced multiple fires, leachate leaks, and litter control problems. These problems are not in the site's past, but rather are happening now, in 2023, as documented by recent inspection reports showing leachate reaching ground surface where insufficient cover exists, and several recent onsite fires. Each of these conditions causes a nuisance condition prohibited by APCEC 24.411. Expanding the landfill will only exacerbate existing violations.

APCEC 22.416: Air Quality Criteria

The current permit does not protect air quality. ADEQ regularly receives complaints regarding odors and gases resulting in human health impacts. No permit or requirement restricts or monitors hydrogen sulfide, a known air pollutant in landfill settings. Failure to prevent onsite fires and properly implement landfill gas capture systems exacerbate these conditions. The new permit modifications are not protective of human health, the environment, and air quality.

APCEC 22.419 and 22.427

Dye testing demonstrates the site connects to Wildcat Creek. Recent inspections demonstrate leachate is reaching the surface of the site. The permit modifications do not adequately account for, analyze, or address the APCEC 22.419 prohibition against point or nonpoint discharge of pollutants to surface water. The permit, as written, does not account for the dye testing or contain sufficient surface water controls to protect Wildcat Creek from additional pollution.



Thank you for accepting these comments.

Sincerely,

/s/ Ross Noland

Ross Noland

EXHIBIT 1

May 30, 2023

Mr. Nick Jones, P.E.
Senior Operations Manager
Office of Land Resources
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

RE: Public Comment
Permit Modification for Eco-Vista, LLC Class 1 Landfill
Draft Permit: 0290-S1-R4; AFIN: 72-00144

Dear Mr. Jones:

KERAMIDA Inc. (KERAMIDA) offers the following public comments on the above referenced draft permit for the Eco-Vista, LLC Class I Landfill (Facility) located in Springdale, Arkansas. These comments have been prepared by Sara Guss, Senior Engineer, KERAMIDA, on behalf of Mayor Angie Russell and the City of Tontitown.

1. Failure to Comply With Rule 22.1205(g)

Rule 22.1205(g) - Statistically Significant Assessment Levels - *If one or more assessment monitoring constituents are detected at statistically significant levels above the ground water protection standard established under paragraphs (b) or (i) of this section in any sampling event, the owner or operator must, within fourteen (14) days of this finding, place a notice in the operating record identifying the assessment monitoring constituents that have exceeded the ground water protection standard and notify the Director and all appropriate local government officials that the notice has been placed in the operating record.*

The Facility has been in the Corrective Action Program due to on-going detections of pollutants above groundwater protection standards at confirmed statistically significant levels. Corrective action documents from as early as 2004 are referenced in draft permit (Condition 49). According to the 2022 Second Half Groundwater Monitoring Report for the Facility, during the Fourth Quarter 2022 event, cadmium and cobalt were detected at multiple wells at statistically significant levels above the groundwater protection standards. The report further states “results were generally consistent with past events.” The 2022 First Half Groundwater Monitoring Report for the Facility indicated there were detections above the groundwater protection standards for cobalt at two wells and cadmium at three wells at confirmed statistically significant levels.

A statement was included in these reports that notice of detection of groundwater pollutants at confirmed statistically significant levels above a groundwater protection standard was being placed in the Facility's operating record. Although the Facility provided notice to Arkansas Division of Environmental Quality (DEQ), pursuant to Rule 22.1205(g), the only other agency copied on the reports was the Boston Mountain Solid Waste District. No records were found to document notification to **all appropriate local government officials** of the Facility's detection of groundwater pollutants above groundwater protection standards at confirmed statistically significant levels in 2022.

Although not all of the groundwater reports were reviewed, it was noted the 2021 First Half and 2020 Second Half groundwater monitoring reports did not include statements indicating notice of the detection of groundwater pollutants above groundwater protection standards at confirmed statistically significant levels was placed in the operating record in accordance with the rule. The Boston Mountain Solid Waste District was not copied on these reports, or any other agencies. No records could be found to document **all appropriate local government officials** were notified of the Facility's detection of groundwater pollutants above groundwater protection standards at confirmed statistically significant levels during the First Half of 2021 and the Second Half of 2020. Furthermore, no documentation was found that indicated the DEQ requested documentation of the required notification to ensure local government officials were informed of the groundwater contamination.

2. Failure to Comply With Rule 22.1404

Rule 22.1404- Financial Assurance For Corrective Action - Corrective Action Cost Estimate – *“As provided in 40 CFR 258.73 an owner or operator of a permitted facility required to undertake a corrective action program under Rule 22.1208 of this part must have a detailed written estimate, in current dollars, of the cost of hiring a third party to perform the corrective action in accordance with the program required under Rule 22.1208. The corrective action cost estimate must account for the total costs of corrective action activities as described in the corrective action plan for the entire corrective action period. The owner or operator must provide the cost estimate to the Director for approval and place the estimate in the operating record.”*

The May 18, 2022, Groundwater Corrective Action Status Update, states *“This summary is submitted to document the effectiveness of the remedial program implemented to address localized exceedances of Groundwater Protection Standards (GWPS) in shallow groundwater beneath the site. The Selection of Corrective Measures Remedy (SCMR) report dated May 21, 2004 (Document identification Number (DIN 23274) was approved by the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ) in a letter dated June 4, 2004 (DIN 23365).”* The document further states that a corrective measures program has been implemented under Reg.22.1208 to affect change in groundwater quality prior to the water leaving the site boundaries.

The draft permit (Condition 49) references documents from 2004 regarding the implementation of a groundwater correction action. According to Rule 22.1208, a permitted facility that is required to undertake corrective action must have a detailed cost estimate for the total cost of corrective action activities as described in the corrective action plan. These costs must be adjusted for inflation until the correction is completed. The Facility has not completed the corrective action; therefore, it is required to have corrective action costs that must be adjusted accordingly for inflation and changes in corrective actions. Based on a review of available information, documentation that Facility has provided a current corrective action cost estimate was not found. Furthermore, no correspondence from the DEQ requesting such documentation was found.

Thank you for your review and consideration of these public comments.

Sincerely,
KERAMIDA Inc.

A handwritten signature in cursive script that reads "Sara G. Guss".

Sara G. Guss
Senior Engineer

EXHIBIT 2

RESOLUTION NO. 2022-11-1017R

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

A RESOLUTION EXPRESSING THE INTENT OF THE TONTITOWN CITY COUNCIL RELATED TO THE ECO-VISTA CLASS 1 AND 4 LANDFILL EXPANSIONS IN THE CITY OF TONTITOWN, ARKANSAS.

Doc ID: 020822870002 Type: REL
Kind: RESOLUTION
Recorded: 11/03/2022 at 12:42:48 PM
Fee Amt: \$20.00 Page 1 of 2
Washington County, AR
Kyle Sylvester Circuit Clerk
File 2022-00036021

WHEREAS, Eco-Vista, LLC (“Eco-Vista”) owns and operates a Class 1 and Class 4 Landfill (“Landfill”) which is located within the municipal limits of the City of Tontitown (“Tontitown”) and Tontitown has been considered a “Host Community” pursuant to Arkansas Department of Environmental Quality (“ADEQ”) Regulation 22.204 ; and

WHEREAS, Eco-Vista desires to expand the Class 1 and Class 4 Landfill and has been engaged in a process through the ADEQ for said expansion of the Landfill; and

WHEREAS, on July 3, 2018, the Tontitown City Council adopted Resolution No. 2018-07-797-R accepting the location of the proposed Landfill expansion; and

WHEREAS, on November 6, 2018, the Tontitown City Council adopted Resolution No. 2018-11-815R to approve a future land use and master street plan, called the “Vision Plan”, which identified the current Landfill site as a future use of “LE-Landfill Exclusive”; and

WHEREAS, on July 7, 2020, the Tontitown City Council adopted Ordinance No. 2020-7-892 to establish an Exclusive Use provide for a zoning district called “EU-L Exclusive Use-Landfill” which included various zoning regulations which would apply to any new landfill use in the City; and

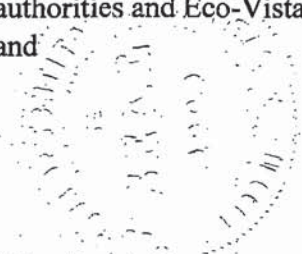
WHEREAS, on October 6, 2020, the Tontitown City Council adopted Ordinance No. 2020-10-900 to rezone approximately 417.1 Acres of the Landfill property from R-MH and R-1 zoning districts to EU-L, Exclusive Use-Landfill; and

WHEREAS, in the fall of 2021, the Landfill received Large Scale Development approval from the Tontitown Planning Commission for the Landfill expansion project; and

WHEREAS, since the approval of the above resolutions and ordinances, the Tontitown City Council has become aware of continuous problems and issues related to the Landfill operation that cannot be regulated by a municipality under Arkansas law, with such problems and issues affecting the health, safety and welfare of the residents surrounding the Landfill and others in the city; and

WHEREAS, the Tontitown City Council is aware that such problems and issues related to the Landfill operation which have occurred with regularity over the course of the past number of years include, but are not limited to, loud noises, debris, serious air quality concerns including noxious gases and odors, pollutants in the ground, water quality issues and other issues; and

WHEREAS, these problems and issues have been communicated to proper regulatory authorities and Eco-Vista by citizens and others, but to date have not been mitigated or addressed; and



WHEREAS, the Tontitown City Council is aware that growth in the region and the city is robust and more people will be negatively impacted by increased Landfill operations; and

WHEREAS, the Tontitown City Council acknowledges that the city has become administratively burdened through the receipt of continuous complaints regarding Landfill operations; and

WHEREAS, the Tontitown City Council acknowledges that a municipality has a significantly limited role in the regulation of Landfill operations, but believes it is necessary to protect the health, safety and welfare of the citizens of Tontitown by affirming to regulatory authorities that the Tontitown City Council, to the extent possible, desires to express its belief that the approval of the expansion of the Landfill will be detrimental to the public health, safety and welfare; and

WHEREAS, the final decision for the expansion of the Landfill has not been made; and

WHEREAS, after thorough consideration of the above, the City Council has determined that the location of the Landfill expansion gives rise to concern for potential limitations to the City's opportunity for growth and desires to withdraw their support of the Landfill expansion in order to protect the best interest and benefit of the citizens of Tontitown.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Tontitown, Arkansas:

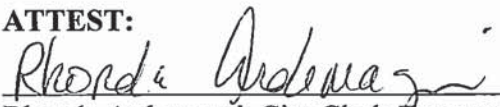
Section 1. It is hereby the express desire of the Tontitown City Council, for the reasons set forth above and to the extent possible, that the final approval of the Landfill expansion be denied, or in the alternative delayed until such issues which are negatively affecting the health, safety and welfare of the community can be investigated and addressed by the appropriate regulatory authorities.

Section 2. The Mayor or her designee is hereby authorized to bring this Resolution to the attention of the regulatory authorities and to provide information to such regulatory authorities as is requested or necessary.

APPROVED:


Angela Russell, Mayor

ATTEST:


Rhonda Ardemagni, City Clerk-Treasurer

Washington County, AR

I certify this instrument was filed on

11/03/2022 12:42:48 PM

and recorded in Real Estate

File Number 2022-00036021

Kyle Sylvester - Circuit Clerk

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by 





Doc ID: 020913540002 Type: REL
 Kind: ORDINANCE
 Recorded: 01/05/2023 at 04:11:49 PM
 Fee Amt: \$20.00 Page 1 of 2
 Washington County, AR
 Kyle Sylvester Circuit Clerk

RESOLUTION NO. 2023-01-1087R

File 2023-00000530

TONTITOWN, WASHINGTON COUNTY, ARKANSAS

A RESOLUTION EXPRESSING THE INTENT OF THE TONTITOWN CITY COUNCIL RELATED TO THE ECO-VISTA CLASS 1 AND 4 LANDFILL EXPANSIONS IN THE CITY OF TONTITOWN, ARKANSAS.

WHEREAS, Eco-Vista, LLC (“Eco-Vista”) owns and operates a Class 1 and Class 4 Landfill (“Landfill”) which is located within the municipal limits of the City of Tontitown (“Tontitown”) and Tontitown has been considered a “Host Community” pursuant to Arkansas Department of Environmental Quality (“ADEQ”) Regulation 22.204 ; and

WHEREAS, Eco-Vista desires to expand the Class 1 and Class 4 Landfill and has been engaged in a process through the ADEQ for said expansion of the Landfill; and

WHEREAS, on July 3, 2018, the Tontitown City Council adopted Resolution No. 2018-07-797-R accepting the location of the proposed Landfill expansion; and

WHEREAS, on November 6, 2018, the Tontitown City Council adopted Resolution No. 2018-11-815R to approve a future land use and master street plan, called the “Vision Plan”, which identified the current Landfill site as a future use of “LE-Landfill Exclusive”; and

WHEREAS, on July 7, 2020, the Tontitown City Council adopted Ordinance No. 2020-7-892 to establish an Exclusive Use provide for a zoning district called “EU-L Exclusive Use-Landfill” which included various zoning regulations which would apply to any new landfill use in the City; and

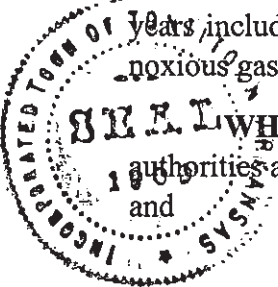
WHEREAS, on October 6, 2020, the Tontitown City Council adopted Ordinance No. 2020-10-900 to rezone approximately 417.1 Acres of the Landfill property from R-MH and R-1 zoning districts to EU-L, Exclusive Use-Landfill; and

WHEREAS, in the fall of 2021, the Landfill received Large Scale Development approval from the Tontitown Planning Commission for the Landfill expansion project; and

WHEREAS, since the approval of the above resolutions and ordinances, the Tontitown City Council has become aware of continuous problems and issues related to the Landfill operation that cannot be regulated by a municipality under Arkansas law, with such problems and issues affecting the health, safety and welfare of the residents surrounding the Landfill and others in the city; and

WHEREAS, the Tontitown City Council is aware that such problems and issues related to the Landfill operation which have occurred with regularity over the course of the past number of years include, but are not limited to, loud noises, debris, serious air quality concerns including noxious gases and odors, pollutants in the ground, water quality issues and other issues; and

WHEREAS, these problems and issues have been communicated to proper regulatory authorities and Eco-Vista by citizens and others, but to date have not been mitigated or addressed;



WHEREAS, the Tontitown City Council is aware that growth in the region and the city is robust and more people will be negatively impacted by increased Landfill operations; and

WHEREAS, the Tontitown City Council acknowledges that the city has become administratively burdened through the receipt of continuous complaints regarding Landfill operations; and

WHEREAS, the Tontitown City Council acknowledges that a municipality has a significantly limited role in the regulation of Landfill operations, but believes it is necessary to protect the health, safety and welfare of the citizens of Tontitown by affirming to regulatory authorities that the Tontitown City Council, to the extent possible, desires to express its belief that the approval of the expansion of the Landfill will be detrimental to the public health, safety and welfare; and

WHEREAS, the final decision for the expansion of the Landfill has not been made; and

WHEREAS, after thorough consideration of the above, the City Council has determined that the location of the Landfill expansion gives rise to concern for potential limitations to the City’s opportunity for growth and desires to withdraw their support of the Landfill expansion in order to protect the best interest and benefit of the citizens of Tontitown.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Tontitown, Arkansas:

Section 1. It is hereby the express desire of the Tontitown City Council, for the reasons set forth above and to the extent possible, that the final approval of the Landfill expansion be denied.


Section 2. The Mayor or her designee is hereby authorized to bring this Resolution to the attention of the regulatory authorities and to provide information to such regulatory authorities as is requested or necessary.


PASSED AND APPROVED this 3 day of January 2023.

APPROVED:


Angela Russell, Mayor

ATTEST:


Rhonda Ardemagni, City Clerk-Treasurer

Washington County, AR
I certify this instrument was filed on
01/05/2023 04:11:49 PM
and recorded in Real Estate
File Number 2023-00000530
Kyle Sylvester - Circuit Clerk
by 

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment

From: Jami Morgan [<mailto:jmorgan3592@gmail.com>]

Sent: Tuesday, May 30, 2023 1:30 PM

To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>

Subject: Just Say No to Waste Management Eco Vista

Please find the letter attached indicating several reasons Waste Management Eco Vista should not receive their requested class 1 permit.

Regards,

Jami Morgan

To Whom It May Concern:

There are several reasons that the Class 1 landfill at Waste Management Eco Vista in Tontitown should not be allowed to expand.

Under Regulation 22:

22.204 - The host community must approve the location for a new landfill or an expansion via resolution. Tontitown unanimously voted to pass a resolution that they DO NOT support the expansion for the landfill.

22.407 - Mentions additional considerations for Karst terrain due to its unstable nature. The expansion area will place 1000s of tons of trash onto the slope of the old, unlined, closed landfill. This fails to take into consideration conditions that may result in significant differential settling, on-site geologic features, and human made features both surface and subsurface.

As trash breaks down, gasses and leachate are produced. Landfills are constantly settling and decomposing. Considering this and that the old landfill has NO liner, and is over unstable ground (Karst terrain) the location chosen within the boundaries of the Eco-Vista is a terrible idea. The weight of the new trash, although lined, will surely "wring" the leachate and gasses out of the old UNLINED trash hill and force out the byproducts of the decomposition process and thereby causing events which can harm both the environment and residents within an unknown radius. The underground water system is not entirely mapped and known, as evidenced in the dye test that resulted in dye from the class 4 landfill flowing to Wildcat Creek.

22.410 Within the Karst system, an entire ecosystem exists. Endangered blind cavefish have been found within just a few miles of the EcoVista landfill. As evidenced by the dye test, much is left unknown about the waterways under and around EcoVista. The presence of leachate into this environment would potentially contribute to the destruction of habitat and killing of endangered species. The Arkansas Game and Fish responded to WMEV's request for verification that no endangered species were on site by telling them to "just use the website to verify." To me this does not do due diligence.

22.411 (c) Working face should be kept to as small an area as possible. In the past neighbors have seen and reported multiple working face areas and just yesterday (5/29) the working face extended from on top of the northeast corner (which I thought was closed and capped?) and down the north slope.

(g) Litter control measures are not maintained as promised in the expansion documents. Neighbors deal with blown trash constantly. Cattle have been seen eating plastic bags. WM issued a "newsletter" requesting residents bag their trash better. Due to the compactors ripping the bags open, this statement does nothing but place blame on the residents of NWA.

(j) Concerns over the lack of equipment were brought up by Chief Ramsey of Tontitown Fire Department. Section J dictates that the landfill must adequately maintain their equipment and have access to replacements within 24 hours. This is obviously not happening. Multiple pieces of equipment have caught fire this year and not been replaced. Due to the large number of fires WMEV is experiencing this is incredibly negligent of WMEV as well as ADEQ.

(m) Nuisance avoidance is not adhered to in the form of odor, hazardous gasses, vectors, blown trash, noise, dust, smoke, etc. causing the public to experience both annoyance and health issues. The conditions created at WMEV also prevent neighbors from utilizing their properties, such simple tasks such as opening windows for fresh air, preparing and having a meal on your patio, hosting a party, or swimming in a pool are routinely avoided due to odors, dust, birds, blowing trash, and vapors.

(o) Multiple photos and complaints from the last 3 years have been submitted showing lack of proper cover. In early citizens' meetings Blake Small admitted that they had not been the best about covering the working face but that they would try to do better. There have been instances varying from ZERO to partial cover recorded and submitted to ADEQ.

22.413 The numerous complaints and photos submitted by neighbors proves the nuisance factor, as well as cover protocol not being met, yet permits are routinely given by ADEQ for alternative daily cover that contribute to the odors. Proper daily cover is outlined in this section but despite numerous photos of lack of coverage, not enforced. The approved alternative daily covers do not control the odors and vectors. Intermediate cover has not been mandated despite the number of complaints.

22.415 I believe this facility poses a hazard to the safety of both employees and neighbors as evidenced by the lack of available equipment on site as well as the numerous fires that we have been made aware of over the last 3 years. I can recall at least 8 fires in 3 years, 3 already this year. The fire reports reference hot spots, and hazardous materials that have made their way into the landfill, such as lithium batteries. This, along with the rapid settling of the north slope could be indicative of a subsurface fire which could pose major health risks to the employees and surrounding neighbors. At least one driver has come forward stating that the ground "rumbles" and has personally witnessed multiple smoke pop ups while dropping off loads.

22.420 (c) The landfill has been accepting wastewater sludge for quite some time but it wasn't until within the last year that a basin appeared on the working face to accept and bulk the sludge, meaning that it was being improperly disposed of potentially since the permit to accept the sludge was issued. There were multiple inspections done during this time yet no issues of this matter noted or cited.

22.424 I don't believe that the criteria set forth in this regulation have been acknowledged. Placing a tremendous amount of weight on the slope of an unlined class one landfill does not take into consideration the hydrogeologic characteristics of the facility and land, or the

components of the leachate. The groundwater testing has indicated higher than recommended amounts of cobalt since 2016. Other items that make up leachate have been high as well, although not as consistently. Errors prohibiting one or more samples within these routine tests seems to be a consistent issue. Having even the most state of the art liner in the expansion area does not negate the fact that THERE IS NO LINER UNDER THE ORIGINAL CLOSED CLASS 1 AREA.

Has there ever been another unlined landfill over Karst that has had an expansion placed on top of it? If so, what were the findings? Was there an increase in leachate and gasses released from the old landfill? If not, why is this highly residential landfill placed on top of a highly porous and cavernous aquifer the appropriate place to be a guinea pig?

22.425 (b)(3) All fill structures should be ABOVE the 100 year flood elevation. WMEV is currently implementing these measures. Regulation 22 has not been updated in several years. How many expansions has EMEV had since this Karst section was added? How was this missed? WM purchased a property to their Southeast because of the massive amounts of runoff and erosion on the property. Runoff is an issue in other parts of the property as well.

Additionally under 22.425, self reporting is mandated for liner leaks and daily fluid checks. With the other blatant disregard to stay within guidelines, how can we trust that these numbers are not being tampered with and reported when need be?

Final cover is discussed under this section as well. It seems as though there may be some discrepancies within the capping of the closed cells within the currently active class 1 space, since there has been a tremendous amount of erosion and reworking of the north cells, or perhaps this is excessive settling due to another reason such as a subsurface fire?

22.427 Surface water control seems to be lacking as evidenced by erosion on the current class 1 slopes, reports of sinking in the working face, erosion on neighboring properties, and lack of adherence to the required elevation of fill structures. Seeding and vegetation have not been maintained, during the times when some planting has taken place, vegetation doesn't seem to last long on the hill. Trees planted within the last few years also seem to not want to grow in the vicinity of the landfill.

WMEV was without a working washout bay for years without reprimand and recently has been without working washout over winter by failing to have the foresight that its water lines might freeze in the winter weather. They boasted of this grand new state of the art wheel wash but seem to have barely used it since it's installation. Drivers have mentioned that when they have been able to have their trucks washed out the water is visibly dirty.

The current process of expansion in regards to notifying the public is outdated. The newspaper is only available in print one day a week and even then, next to nobody reads the public notice

section. A new means to notify the public needs to be implemented and utilized at every step of the process.

The current complaint process for environmental concerns is not conducive to helping the public or the environment. The complaints can be monitored by the companies they are concerning, the department has 10 days to inspect, photographic evidence is disregarded, and certain conditions contributing to the complaints are not taken into consideration upon inspection (time of day, barometric pressure, wind direction). An overhaul of the complaints process is needed to protect the environment and the public. In relation to this, the department should revise the recourse for entities not adhering to their regulations, allowing for larger fines and a more strict write up policy.

It does not appear that due diligence has been completed when considering the location of this expansion. The placement of lateral expansion onto the unlined landfill could have detrimental effects. The area is highly residential and does not deserve to be an experiment with ramifications that could last generations.

Additionally, fugitive gasses and vapors that have been reportedly making residents sick have still not been identified. Air testing has not occurred despite several requests by the city and neighbors. What is giving us headaches, dizziness, nausea, shortness of breath? What are the long term effects going to be? Is it safe to drink from our well? Is it safe to have a garden? What is in the dust that blows all over our plants? How quickly does gas and contaminants spread through the ground? The water? The air? Residents have a right to be able to use their properties. My grandparents were stuck in their homes a majority of the time with closed windows at the end of their lives unable to simply sit outside and enjoy the surroundings because of dust, odors, and gas/vapors. We have been unable to have a family dinner outside in years. We have been unable to open our windows. This is not just our life but the life of several of our neighbors as well. Our current and future generations deserve a life where we can let them freely run around outside without concerns of illness, acute or chronic, where they can play in the water, and dig in the dirt, and forage for plants and not be concerned about whether or not they have absorbed something toxic from the soil or air or water. Our lives, our health, and our environment are worth more than all the money made off this landfill.

I ask that you do not allow the permit to be issued. Let NWA figure out a temporary trash solution while another landfill is secured in a less delicate and more appropriate area. In the meantime, a revision of policies is needed to protect our Natural State and its residents, along with additional testing to identify fugitive gasses and vapors, dye testing to understand better the flow of water under the landfill, and a full inspection of the property and surrounding properties to investigate any underlying damage would be appropriate. Concurrently, the inspection of the landfill for signs of a subsurface fire in both class 1 and class 4 is needed, as well as additional machinery to assist in the daily functions and control of fires as needed.

Jami Morgan and Family

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment

From: Mark Ramsey [<mailto:tfd.operations@tontitownar.gov>]
Sent: Friday, May 26, 2023 3:57 PM
To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>
Subject: statement

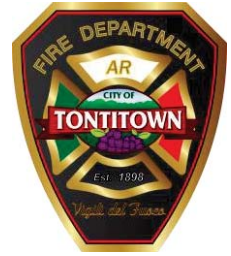
Mr. Jones

Thank you again for allowing me the time to speak on May 25th. I wanted to send my letter along, what I gave in my speech was only the high points. Have a great weekend.

Regards,

Mark Ramsey
Fire Chief
Tontitown Fire Dept.
P.O. Box 305
Tontitown, AR 72770

(479) 439-3578 cell
(479) 365-2056 office



Tontitown Fire Dept.

141 Zulpo St.
P.O. Box 305
Tontitown AR 72770

To whom it may concern,

I have lived in Tontitown since 2016. My wife and I knew there was a landfill in the city before we moved into town. We knew it would probably expand when we moved to a subdivision closer to it. I can't say I have personally had any issues with my trash service and I appreciate that. From time to time, it does smell bad and the road gets messy. I joined the fire department in 2016, and since then we have had 13 fires at the landfill. Some of these fires have involved equipment, some in class one, and others in class four. I've been on most of these fires. Some fires I was the first man in, some I was the primary investigator, and as of late I have been the commanding officer. Working as the fire marshal for the city I set up a good report with Blake Small and Matt Burner. Any incident we have had they were quick to send dozer operators where we requested. Since promoting to Fire Chief, I've had a good working relationship with Jamie Vernon as well. I do have some general concerns that need attention.

Fire Suppression

I've noticed through my time here, our best plan of attacking landfill fires is letting dozer operators bury it. We have had incidents at the landfill where we brought in ten different mutual aid departments to help us with water supply and firefighting operations. The support was very much needed, however, wasn't anywhere near as effective as burying the fire with dirt to smother it of oxygen. The massive fuel source that can readily burn is too great for our water to keep up. As a fireman, it hurts your pride to say you can't put the fire out. Our best course of action to smothering the fires is working with the WM personnel to keep them safe. This is no easy task. They have to operate heavy equipment and we do our best to keep their equipment cooled. Thankfully, we have not had an incident where a rescue was needed. The last fire that occurred on May 10th, was one of their large trash compactors. Mr. Tennison let me know he only had one compactor left and a few dozers. I am concerned about the expansion of this landfill. I would like to re-evaluate an incident action plan and make sure this operation is appropriately equipped. If another large fire breaks out at the landfill, the Fire Department won't be able to stop it, even with our mutual aid and automatic aid support. I'm worried Waste Management won't be able to either based on their fleet.

Fire Investigation

Multiple investigators have been called upon in the past fires to assist with an origin and cause of our larger fires. Because of the efforts to suppress these fires by smothering, burying the fire, it makes it difficult to find a reason other than an *undetermined* classification. It was only in one incident workers mentioned lithium-ion batteries may have contributed to fire spread in class four.

Monitoring

The Tontitown Fire Department is not equipped for Hazardous materials beyond the operations level. There has been one incident Springdale Fire Department was utilized to determine scene and public safety for precautionary purposes after a carbon monoxide exposure. Based on records from other states with similar landfills, gases are measured by the tons. I'm not sure if this landfill off gases any different.

Mark Ramsey
Fire Chief
Tontitown Fire Dept.
P.O. Box 305
Tontitown, AR 72770

(479) 439-3578 cell
(479) 365-2056 office



SPRINGDALE
WE'RE MAKING IT HAPPEN

May 16, 2023

Mr. Shane E. Khoury
Cabinet Secretary
Department of Energy and Environment
5301 Northshore Dr.
North Little Rock, AR 72118

RE: Eco Vista Class I Landfill

Dear Secretary Khoury,

We understand Eco-Vista submitted a technically complete permit modification application to Arkansas Department of Energy and the Environment, Division of Environmental Quality (DEQ) for expansion of the current Class I Eco-Vista Landfill in Tontitown, Arkansas, where WM has operated since acquiring the facility in 2000 (ADEQ Doc ID 15745). This Class I Landfill is the only solid waste disposal facility that serves the Northwest Arkansas (NWA) region, which is among the fastest growing in the country. Failure to approve the Eco-Vista Class I Landfill expansion will result in the need to transport waste greater distances to other in-state or out-of-state landfills, which will increase business costs in the region and negatively affect NWA municipalities and consumers alike.

The Eco-Vista Class I Landfill is expected to run out of airspace before the end of December 2023. We understand that Eco-Vista submitted the Class I permit modification application to DEQ on July 6, 2021, and that DEQ deemed it administratively complete on September 27, 2021. The application was deemed technically complete by DEQ on April 28th, 2023, with the issuance of the draft permit. We further understand that the Eco-Vista Landfill has been and remains in good standing with the DEQ and has no outstanding environmental compliance issues. Based on this information and the vital need for critical infrastructure to remain in NWA, we respectfully request that DEQ approve the WM Eco-Vista Class I permit modification application without further delay.

Sincerely,

Doug Sprouse,
Mayor, City of Springdale

Doug Sprouse Mayor

(479) 750.8114 phone | (479) 750.8559 fax | 201 Spring Street | Springdale, Arkansas 72764

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment

From: Conrad, David [<mailto:DConrad@wm.com>]
Sent: Tuesday, May 30, 2023 4:14 PM
To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>
Subject: FW: Eco-Vista Landfill Comment Responses Regarding Draft Class 1 Landfill Permit

Nick, I just remembered I was supposed to submit to you, not Annette or Greg. Sorry for the delay!

Dave

DAVID CONRAD

Engineer
Mid★South Area
dconrad@wm.com

C: 501.804.0806
100 Two Pine Drive
North Little Rock, AR 72117



Access WM 24/7
with [My WM](#)



From: Conrad, David
Sent: Monday, May 29, 2023 5:10 PM
To: Annette Cusher (adpce.ad) <Annette.Cusher@adeq.state.ar.us>; Greg Banic (adpce.ad) <Greg.Banic@adeq.state.ar.us>
Cc: Simmons, Carl <CSimmons@wm.com>; Small, Blake <bsmall@wm.com>; mmv@ftn-assoc.com; Nick Schoggin (nvs@ftn-assoc.com) <nvs@ftn-assoc.com>
Subject: Eco-Vista Landfill Comment Responses Regarding Draft Class 1 Landfill Permit

Annette and Greg, attached is the response document for the Eco-Vista Landfill Class 1 Draft Permit. Should you have any questions please feel free to call or email me at any time. Could you please confirm receipt. Thank you!

Dave

DAVID CONRAD

Engineer
Mid★South Area

dconrad@wm.com

C: 501.804.0806
100 Two Pine Drive
North Little Rock, AR 72117



Access WM 24/7
with [My WM](#)



Recycling is a good thing. Please recycle any printed emails.



Eco-Vista Landfill
2210 Waste Management Drive
Springdale, Arkansas 72762

May 29, 2023

Ms. Annette Cusher, PE
Arkansas Department of Energy & Environment
Division of Environmental Quality – Office of Land Resources
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317

**Subject: Eco-Vista Landfill – Class 1
Draft Permit Decision – Draft Permit #: 0290-S1-R4; AFIN: 72-00144**

Dear Ms. Cusher,

This letter is in response to the above-mentioned draft permit. With this letter, Eco-Vista, LLC (EVLF) offers the following comments:

Page 1 – Financial Assurance: Based on prior submittals, the post-closure cost should be \$11,921,310, which sums to the total listed and matches Permit Condition 28. Please consider revising to be consistent with Doc. ID 82573 and the permit condition.

Permit Condition 10a: Please consider editing the following items in the table for Permit Condition 10a.

Permit Plan	DEQ draft permit reference	Proposed revision / edit
LCS / LDS Site Plan	Drawing 1 of 8 Doc. ID 68124	Should be revised to Figure 1 in Appendix O of Doc. ID 82573.
North Phase Details I	Drawing 4 of 8 Doc. ID 68124	As shown on Figure 1 in Appendix O of Doc. ID 82573, north phase LDS storage tank will be replaced with a forcemain and drawing references with tank details should be deleted.
North Phase Details II	Drawing 5 of 8 Doc. ID 68124	

Permit Condition 11: Please consider clarifying the last sentence of Permit Condition 11 to read: “Cell 13, the valley fill cell, and overlying of existing disposal areas, is permitted for 7,374,000 cubic yards of solid waste disposal capacity”.

Permit Condition 14: The alternative bottom and bottom sideslope liner configuration listed are approved in conjunction with the Liner System Equivalency Demonstration (Appendix C10 of Volume 4 of 4, Document ID#30273) and the minor permit modification dated June 2016 (Document ID# 69891). Please consider clarifying the permit condition by adding the preceding underlined text.

Additionally, based on prior submittals, Option 1 liner overlay of Sites 3 and 4 has the following components, from bottom to top. Please consider revising the permit condition to be consistent with Doc. ID 82573 by adding the underlined text below.

- 6 inches existing compacted clay
- Geosynthetic Clay Liner (GCL)
- Secondary 60-mil thick HDPE
- Geocomposite
- GCL
- Primary 60-mil thick HDPE
- Geocomposite
- 12 inches of protective cover

Permit Condition 18: Based on prior submittals, processed compost is also an approved alternate daily cover under DEQ Doc. ID 30847. Please consider listing processed compost in the permit condition.

Permit Condition 20: The Operating Plan and Narrative was revised in the permit modification application and Appendix G of DEQ Doc. ID 82573 should be referenced in the permit condition.

Permit Condition 28 c and d: Based on prior submittals, the largest open area in the closure cost estimate is 89.8 acres. Additionally, the closure sequence presented in the closure plan reference drawings include only Figure 1. Please consider revising these permit conditions to be consistent with Doc. ID 82573.

Permit Condition 30: The Action Leakage Rate Contingency Plan in Attachment A of Appendix O of Doc. ID 82573 states the facility will measure and record LCS and LDS fluid accumulations in each operational LCS and LDS sump each full operating day. The requirement to measure on each full operating day alleviates the requirement to monitor on Saturdays, when the facility is closed or when the facility may not be operating with full manpower, and other days when the landfill may be closed. Please consider revising the permit condition.

Permit Condition 36: The Groundwater Sampling and Analysis Plan (GWSAP) will be revised to include the additional monitoring wells included in Permit Condition 37 b, and the spring / creek sampling requirements of Permit Condition 40. Otherwise, §22.1204(d) requires the method detection limit (MDL) to be less than or equal to the values reported in EPA Report SW-846. The GWSAP states the analytical methods will adhere to EPA's SW-846, but the MDLs are based on current analytical technology and since they are subject to change, the MDLs are not listed in the GWSAP. As requested by DEQ, the revised GWSAP will include MDLs that are currently achievable by the third-party laboratory. However, a footnote will accompany the listed MDLs that states: *Listed MDLs are based on currently achievable levels by the third-party laboratory and are subject to change. As required by §22.1204(d), MDLs will be less than or equal to the values reported in EPA Report SW-846 unless written approval from the Division is granted. As stated in the current GWSAP, detections between the MDL and the practical quantitation limit (PQL) will be qualified with a J-flag by the third-party laboratory and considered an estimate.*

Permit Condition 40: Total organic carbon and hardness are not required in Rule No. 22 or the Assessment Monitoring Constituent list. Furthermore, Permit Condition 40 is inconsistent with Permit Condition 15 of the Class 4 permit by including total organic carbon and hardness. Please consider revising this permit condition to remove total organic carbon and hardness.

Permit Condition 47: The 30-day timeframe to submit a work plan for characterizing the nature and extent of the release to the Division is not required by Rule No. 22 and may be difficult to comply with depending on the nature of the statistically significant level. Please consider revising this permit condition to allow 90 days for this requirement.

Permit Condition 49(d)(i): Please note the corrective action gas extraction system focuses on primary fracture traces and secondary epikarst flow zones with out-of-waste gas extraction wells installed within these zones to address areas of contamination. As such the radius of influence goes beyond the wellbore in a non-linear manner to influence historic gas-related changes to pH in groundwater from carbon dioxide dissolution.

Statement of Basis Item 3: Please consider revising this item for accuracy by adding the following underlined text. The permit modification application was prepared by FTN Associates, Ltd.

Document Summary and Rationale for Conditions Correspondence, Page 6: The correspondence document IDs listed are permit related, not specific to groundwater, and the last two document IDs listed are logged under the class 4 landfill. Please consider revising for clarity.

Document Summary and Rationale for Conditions, Permit Condition 10: The rationale for this permit condition should be updated to reference the 2006 and 2014 major permit modifications. Per Doc ID# 67800, Site 3, Site 4, north phase, and south phase are certified closed. Furthermore, cells 1 through 4 of the 2006 lateral expansion were capped in 2015/2016. These capping events are not certified closed.

Document Summary and Rationale for Conditions, Permit Conditions 14 and 15: Both permit conditions should reference Cells 1 through 13, instead of Cells 1 through 12. Please consider revising these rationales for accuracy.

Document Summary and Rationale for Conditions, Permit Condition 17 d: The permit condition stating the facility shall keep the record of the volume of treated liquid waste disposed is based on Rule No. 22.420(g)(6), rather than 22.420(g)(3) and 22.420(g)(5) . Please consider revising this rationale for clarity.

Document Summary and Rationale for Conditions, Permit Condition 18: The permit condition authorizes the use of tarps as alternate daily cover, as well as processed compost, auto-shredder fluff and RusFoam. Please consider revising this rationale for clarity.

Document Summary and Rationale for Conditions, Permit Condition 19: The discussions regarding the timing of report submittals between WM and DEQ were for the previous iteration of the permit. For clarity, please consider revising this rationale by deleting the last two sentences regarding the previous discussions.

Document Summary and Rationale for Conditions, Permit Condition 28: The rationale for this permit condition states the financial assurance must be updated before the construction of cell 9, while cell 13 should be referenced. Please consider revising this rationale for accuracy.

Document Summary and Rationale for Conditions, Permit Conditions 30 and 31: The last sentence of the rationale for Permit Condition 30 states Conditions 28 and 29 present a detailed alternative monitoring requirement to satisfy Rule 22.429(l), refers to permit conditions in a previous iteration of the permit and the sentence should be deleted. The rationale for Permit Condition 31 should refer to Permit Condition 31, rather than Permit Conditions 28 and 29, presenting a detailed alternative monitoring requirement. Please consider revising these rationales for clarity.

Document Summary and Rationale for Conditions, Permit Condition 38: The citation to Rule 22.1205(c) is listed twice. Please consider revising the rationale for clarity.

Page 5

Eco-Vista Class 1 Landfill – Draft Permit Decision Comments

Document Summary and Rationale for Conditions, Permit Condition 39: The rationale lists Rule No. 22 references to 523 and 524(c), which pertain to Class 3 landfills. Please consider revising the rationale for clarity.

Should you have any questions, please contact me at (501) 804-0806 or via email at dconrad@wm.com.

Eco-Vista, LLC.

David K. Conrad

David K. Conrad
Engineer – Arkansas

cc: Carl Simmons, WM Senior District Manager
Blake Small, WM District Manager
Jodi Reynolds, WM Environmental Protection Manager

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment

From: Levon Perry [<mailto:levon.perry@yahoo.com>]

Sent: Friday, May 26, 2023 12:03 AM

To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>

Subject: Perry statement



Tim

12:10 PM, Feb 9

(No subject)

Tim I spent some time at the working face this morning and spoke with the crew about this very same thing. I believe there are several things playing a part all due to the weather and the volume from everyone playing catch up but I told the guys to take the time to clean the lanes. I didn't see any Marck drivers when I was up too but I did notice some of the others getting in a hurry and backing in before they operators were done. Just make sure your guys know to wait if they don't feel it's clean enough. The operators will come back for another pass if they see a truck waiting. You should see conditions improve quickly. If you don't please let me know.



Copy text



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More



Mass text 3

Thursday, February 9

Tim

Tim I spent some time at the working face this morning and spoke with the crew about this very same thing. I believe there are several things playing a part all due to the weather and the volume from everyone playing catch up but I told the guys to take the time to clean the lanes. I didn't see any

View all

MMS 12:10 PM

Tim

This is the response that I received from Blake after inquiring about the class 1 conditions

He's aware We'll see if things change

MMS 12:13 PM

C VANALLER

Thank you for the update.

MMS 12:44 PM

Lee

Thank you Tim!! Ill let ya know ill be here for the next hr and half lol

MMS 12:45 PM

C VANALLER

Lol

MMS 12:47 PM

Monday, February 20

Tim



Firstly I'd like to start by saying I've been in the trash industry since 2010. I've been to many landfills in my career. Including WM in Houston Tx. Which is very clean and sanitary. The city of Waco same, City of Fort Smith same. But this one here in Toni Town is the worst ever. I have witnessed things at this landfill that would normally get others SHUTDOWN! I am on record at the city of Toni Town for lodging a complaint against WM. That I was fired for. I'll get back to that. I'll tell you this in all my other jobs in trash. I have 4 boys and a wife. We were never ever sick constantly as we have been here. Which is documented! After being fired within 2 weeks all sickness gone! Kids have made school without getting calls about sudden fever throwing up viral and bacterial infections etc. So I'll start with telling my story and the things I've witnessed the past 9 months. Human waste as in poop that's right poop I have pics of it. They call it fluff which I know what fluff is and looks like that ain't fluff. The smell of fumes that make ya light headed and nauseas. Trash not being covered by dirt mulch rock at the end of the day. How would I know well I've been to the landfill early as in 5am and I've been first in line. And went to dump on Class 1 no coverage. How about flare ups on both class 1 and 4. Smoke will pop up from an opening they rush over with equipment to cover it up. How about Trash poop included being dumped into class 4 which isn't lined. From what I've been told. Contaminated water wash for the trucks. Sludge poop juice from class 1 run off goes into the tank and gets the trucks covered in brown contaminated water that we then drive on the streets with. Water mist system that sprays from the pond and hits your skin with a light brown color that stinks. Ain't no telling the bacteria being released into the air. As that system isn't cleaned with sanitizer or replaced after seasons. Now I want to talk about trash flow. Every landfill I've been too has big fencing with extended catch nets to catch trash on windy

days. I personally stopped and tried to stop a baby calf from eating a big pc of plastic bread wrapper 3 days later that calf was dead. On the side of the road. I stopped to talk to the young girl and told her about it. Now earlier I talked about me getting fired from Marck. Let's talk about that day. I was at class 1 about to dump and was in the poop again and a large item fell out covering my face from the poop when it hit. I mean covered my face causing me to slip and fall in it. I had enough. I have proof that I called Osha and EPA as soon as I mentioned Wm they stopped me said not their issue which is weird to call the city. So I did just that. I lodged a complaint at city hall. 10 min after that meeting I was told to come to the yard immediately. And was fired. I was told that WM wanted me fired immediately or they would terminate all contracts with WM and ban Marck from the landfill and all other Wm properties immediately. And that I was not allowed to return to the landfill in Arkansas period. I will let this be known my employer has documentation prior to this about the Safty aspect of us in knee deep sometime waste deep trash and guy named Blake responded said it was just due to to much trash and no room. I also have no written ups with any companies I've worked at. Ive left all on good standing. But in closing I would like yall to think about the effects of what I've told you all today. Not just the employees and workers but the long term effects on the community surrounding the landfill. Lastly why is Osha and Epa not responsible for the landfill, Why do I have to call the city of Toni town to launch a complaint. OSHA! Occupational Safty Hazard Agency! EPA! Environmental Protection Agency. It's in the darn names. So if these government agency can't protect us and the communities then whom do we call.

Kacy Murillo (adpce.ad)

Subject: RE: Public Comment From The Calcagni's

From: Mark Calcagni [<mailto:calhog18@gmail.com>]
Sent: Tuesday, May 16, 2023 7:56 AM
To: Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>
Cc: Caleb Osborne <Caleb.Osborne@adeq.state.ar.us>
Subject: Public Comment From The Calcagni's

Mr. Jones

Sent this via certified mail but wanted to email as well

Thank You

Mark and Jacqui Calcagni
12642 Arbor Acres Road
Springdale, AR 72762

May 8, 2023

Mr. Nick Jones
Senior Operations Mgr.
Office of Land Resources/ Division of Environment Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Dear Mr. Jones

This letter is in response to the draft permit decision of expansion of Class 1 Eco-Vista Tontitown landfill.

Several reasons not to allow this expansion due to LEGAL, health, safety, and environmental factors:

Pollution Control and Ecology Commission Regulation 22.204 that states the Host City (Tontitown) must approve expansion or new landfill. City of Tontitown City Council unanimously rejected expansion of class 1 and class 4 twice on Nov.2,2023 (before class 4 ADEQ public hearing) and on Jan 5, 2023 resolution filed with Washington County (AR) Courthouse. Why is this regulation NOT followed? Rules and regulations are in place for a reason!

Gases and Odors causing issues of headaches, nausea, and running eyes. In a meeting in Bentonville, former ADEQ Director, stated she had a headache, nausea, and burning eyes as you sat outside the Tontitown landfill. This was stated at this meeting in front of our two state representatives and our Tontitown Mayor. No air quality testing has been preformed by any state or federal government to determine if this gas/odor is harmful to the citizens. This is well documented via ADEQ Air Complaint website.

A dye test that Waste Management performed showed up in the Little Wildcat Creek that flows into the Illinois River that is the water source for Siloam Springs and Oklahoma (well documented with pictures and detail).

Dailly and weekly of improper or no coverage of trash has been reported to ADEQ (documented with dated pictures)

Trash and debris in the roads and in neighbor's yards has been documented with pictures numerous times and reported to ADEQ.

Numerous fires at Waste Management. The latest fire was caused by a lithium battery per Waste Management personnel to the Tontitown City Fire Dept. and documented. This is suppose to be a non-hazardous landfill. Batteries are hazardous waste.

Waste Management has not followed the city of Tontitown's laws and ordinances with respect to hours of operation noise ordinance . This is documented by the city of Tontitown.

These concerning items are alarms why expansion should not occur in a booming growing area where numerous homes are and planned to be built. Heavy truck traffic in a residential area along with an elementary school is potential disaster. Please follow the regulations set by the PC&EC along with caring about health, safety, and environment of this residential area. This should come first over everything else.

Thank You.

Sincerely,

Mark Calcagni
12642 Arbor Acres Road
Springdale, AR 72762

May 8, 2023

Mr. Nick Jones
Senior Operations Manager
Office of Land Resources/Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Dear Mr. Jones,

In response to the expansion of WM Class 1 draft permit. I am writing this letter on behalf of my family we have lived at 12642 Arbor Acres Road for over 35 years (before Waste Management took over the local landfill). I am concerned with my family's health and safety and my neighbors in this rapidly growing area.

We have experienced odors and unknown gases that have made people sick. Many complaints to ADEQ and the city of Tontitown have been reported. Many neighbors have documented pictures of trash not being covered weekly or daily. We have seen trash blown in yards and mud/rocks on the road that have been sent to the city and ADEQ. My husband has helped fix flat tires as it seems the vehicles get as far as our house. Metal objects in the road are causes of this.

Little Wildcat Creek ended up with the red dye test from the Waste Management test. This river runs into the Illinois River which is a source of water for Oklahoma. Karst topography has been identified for this area. Several fires have occurred at this landfill with the fire in March caused by a lithium battery per WM to the Tontitown Fire Dept in a non-hazardous landfill.

I do not understand why laws and regulations are not followed as the Pollution Control and Ecology Commission has a regulation that the city of Tontitown/Host city must approve the expansion. The City Council of Tontitown unanimously rejected expansion in November of 2022. Also, I understand Waste Management has ignored Tontitown's ordinances and laws of noise. Rules and laws should be followed.

The area is rapidly growing with homes, an elementary school, and increasing traffic. My worry is with health and safety. My asthma and allergies have worsened in the last 4-5 years and I believe it's because of the air quality in our area. I just came back from a trip and I had no issues breathing for 10 days and I did not have to take my medication to breathe without congestion. My husband and I have been to the landfills in Little Rock and Ft. Smith, those landfills do not have homes or traffic as Tontitown does.

Please hear our concerns for health, safety, and the environment to not expand this landfill.

Thank You.

Sincerely,

Jacqui Calcagni
12642 Arbor Acres Road, Springdale AR 72762

AFIN: 72-00144

PMT#: 0290-S1-R3

Received

By Kacy Murillo at 2:33 pm, Jun 26, 2023

DOC ID#: 84256

TO: AC>FILE <KM

Written Comments Received at Public Hearing
on May 25, 2023

ARKANSAS ENERGY & ENVIRONMENT PUBLIC COMMENT REGISTRATION CARD

ENTITY: _____
DATE: 05-25-23

SPEAKER #: _____
(FOR STAFF USE ONLY)

VERBAL COMMENT WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: _____

YOUR NAME: Celeste Espinoza

STREET ADDRESS: 2047 S. Pinalto Rd.

CITY, STATE, ZIP CODE: Tontitown, AR

EMAIL ADDRESS: Cespinoza0209@gmail.com

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

WRITE YOUR COMMENT HERE:

-Points on health & safety concerns
- My family our home, the fire
Scars, ect.

This information will be included in the public record and will provide contact information to respond to your comment.

ARKANSAS
ENERGY & ENVIRONMENT

PUBLIC COMMENT
REGISTRATION CARD

ENTITY: _____

DATE: _____

SPEAKER #: (FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: Tonitown

YOUR NAME: Robin Lundstrum, State Rep

STREET ADDRESS: P.O. Box 14

CITY, STATE, ZIP CODE: Elm Springs AR 72728

EMAIL ADDRESS: Robin@lundstrum.us

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

WRITE YOUR COMMENT HERE:

This information will be included in the public record and will provide contact information to respond to your comment.

ARKANSAS
ENERGY & ENVIRONMENT

PUBLIC COMMENT
REGISTRATION CARD

ENTITY: _____

DATE: 25 / 11 / 14

SPEAKER #: _____
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: _____

YOUR NAME: STEVE UNBEN

STREET ADDRESS: _____

CITY, STATE, ZIP CODE: _____

EMAIL ADDRESS: STEVE UNBEN FOR ARKANSAS. ^{UNBEN.COM}

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

WRITE YOUR COMMENT HERE:

This information will be included in the public record and will provide contact information to respond to your comment.

ARKANSAS ENERGY & ENVIRONMENT PUBLIC COMMENT REGISTRATION CARD

ENTITY: _____

DATE: _____

SPEAKER #: (FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: St. Joseph's Catholic Church

YOUR NAME: Tammy Carahan [TAMMY CARAHAN]

STREET ADDRESS: 1984 S. PIATTO RD

CITY, STATE, ZIP CODE: Springdale AR 72762

EMAIL ADDRESS: Summerbee6@gmail.com

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

WRITE YOUR COMMENT HERE:

~~STOUT~~ IS

a)

THERE IS NO place for THE EXPANSION OF
A LANDFILL IN THE HEART OF OUR COMMUNITY.
WASTE MANAGEMENT DOES NOT COVER THE
TRASH, DOES NOT PICK UP THE TRASH AS THEY
SHOULD. THE CONTAMINATION OF LIFE
WILDEAT CREOTE PLACES THE HEALTH OF
OUR CITIZENS AT RISK ALSO POSSES SOURCE
CONTAMINATION TO THE ILLUMINIS RIVER.
CLOSE THE LANDFILL

This information will be included in the public record and will provide contact information to respond to your comment.

ARKANSAS ENERGY & ENVIRONMENT

PUBLIC COMMENT ²¹ REGISTRATION CARD

ENTITY: _____

DATE: 5-25-2023

SPEAKER #: (FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: _____

YOUR NAME: Allison Scott

STREET ADDRESS: 2914 S Barrington

CITY, STATE, ZIP CODE: Tontitown 72762

EMAIL ADDRESS: ascottapn3@gmail.com

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

WRITE YOUR COMMENT HERE:

1. What evidence can be provided that rules are being followed (no dumping of human/animal waste in level 4 etc)

2. How often is the water in the surrounding area is tested & how do I access this information

3. Why is Tontitown paid much less than all other waste areas used by your company?

4. What steps are being taken to eliminate any negative effect on air quality?

This information will be included in the public record and will provide contact information to respond to your comment.

ARKANSAS
ENERGY & ENVIRONMENT

PUBLIC COMMENT
REGISTRATION CARD

ENTITY: City of Tontibow

DATE: 5-25-23

SPEAKER #:
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: Tontibow

YOUR NAME: MARK LATHAM

STREET ADDRESS: 363 Mill Park Lane

CITY, STATE, ZIP CODE: ELM SPRINGS, AR

EMAIL ADDRESS: planning@tontibowar.gov

PLEASE PRINT LEGIBLY | **GIVE COMMENT CARD TO E&E STAFF**

WRITE YOUR COMMENT HERE:

This information will be included in the public record and will provide contact information to respond to your comment.

**ARKANSAS ENERGY & ENVIRONMENT PUBLIC COMMENT 19
REGISTRATION CARD**

ENTITY: _____

DATE: 5-25-2023

SPEAKER #:
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: St. Joseph Catholic

YOUR NAME: NINA BROWN

STREET ADDRESS: 1851 S. Parato Rd

CITY, STATE, ZIP CODE: Tontitown Ar

EMAIL ADDRESS: _____

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

WRITE YOUR COMMENT HERE:

Smells - Air Quality - Health Hazard
TRASH
Road Conditions

Who Monitors Gas -
Lots of Concerns!

This information will be included in the public record and will provide contact information to respond to your comment.

ARKANSAS **PUBLIC COMMENT** 108
ENERGY & ENVIRONMENT **REGISTRATION CARD**

ENTITY: _____

DATE: 5/25/23

SPEAKER #: _____
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: Tontitown

YOUR NAME: Scott Muegraver

STREET ADDRESS: 1301 Steele Rd

CITY, STATE, ZIP CODE: Springdale, AR

EMAIL ADDRESS: N357BK@GMAIL.COM

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

WRITE YOUR COMMENT HERE;

- 1) WHAT IS ^{the} AIR QUALITY TEST PROCESS FOR LANDFILL
- 2) WHAT SPECIFICALLY DO YOU TEST - AIR QUALITY what chemicals
etc.
- 3) How often do you test AIR QUALITY
- 4) where do you publish AIR QUALITY DATA FOR PUBLIC REVIEW

what is proposed life of proposed expansion
when will landfill close

This information will be included in the public record and will provide contact information to respond to your comment.

ARKANSAS
ENERGY & ENVIRONMENT

PUBLIC COMMENT 17
REGISTRATION CARD

ENTITY: _____

DATE: 5-25-23

SPEAKER #:
(FOR STAFF USE ONLY)



VERBAL COMMENT



WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: St. Joseph Church

YOUR NAME: Nicole Burruss

STREET ADDRESS: 2861 S. Barrington Rd.

CITY, STATE, ZIP CODE: Tontitown, AR 72762

EMAIL ADDRESS: nicoleburruss@gmail.com

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

WRITE YOUR COMMENT HERE:

This information will be included in the public record and will provide contact information to respond to your comment.

ARKANSAS ENERGY & ENVIRONMENT

PUBLIC COMMENT ¹⁶ REGISTRATION CARD

ENTITY: _____

DATE: _____

SPEAKER #:
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: St. Joseph Catholic Church

YOUR NAME: Tim Burress

STREET ADDRESS: 2861 S. Bassington Rd.

CITY, STATE, ZIP CODE: Tonitowk, AR 72762

EMAIL ADDRESS: Tim.Burress@gmail.com

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

WRITE YOUR COMMENT HERE:

This information will be included in the public record and will provide contact information to respond to your comment.

ARKANSAS
ENERGY & ENVIRONMENT

PUBLIC COMMENT 15
REGISTRATION CARD

ENTITY: Citizen
DATE: 5/25/2023

SPEAKER #:
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: St Joseph

YOUR NAME: Kenneth Lovett

STREET ADDRESS: 18702 Clear Water Rd

CITY, STATE, ZIP CODE: Fayetteville, AR 72704

EMAIL ADDRESS: Kenneth.Lovett@ATT.net

PLEASE PRINT LEGIBLY | **GIVE COMMENT CARD TO E&E STAFF**

WRITE YOUR COMMENT HERE:

See 5 pages Typed

This information will be included in the public record and will provide contact information to respond to your comment.

ARKANSAS ENERGY & ENVIRONMENT PUBLIC COMMENT 14
REGISTRATION CARD

ENTITY: SELF
DATE: _____

SPEAKER #:
(FOR STAFF USE ONLY)

VERBAL COMMENT WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: _____

YOUR NAME: MIKE WAGNER
STREET ADDRESS: 2087 S. BARRINGTON
CITY, STATE, ZIP CODE: TOKYON, AR 72762
EMAIL ADDRESS: WAGNER.MIKE@SMALL.COM

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

ARKANSAS ENERGY & ENVIRONMENT

PUBLIC COMMENT 13 REGISTRATION CARD

ENTITY: _____

DATE: 5-25-23

SPEAKER #: (FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: _____

YOUR NAME: Penny Bastin

STREET ADDRESS: 1539 S. Pianato Rd

CITY, STATE, ZIP CODE: Fountain AR 72762

EMAIL ADDRESS: sugarbearsmommy4jesus@yahoo.com

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

WRITE YOUR COMMENT HERE:

This information will be included in the public record and will provide contact information to respond to your comment.

ARKANSAS ENERGY & ENVIRONMENT

PUBLIC COMMENT ¹² REGISTRATION CARD

ENTITY: Fire Dept
DATE: 5/25/23

SPEAKER #: _____
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: St Joseph's Church

YOUR NAME: Mark Ramsey

STREET ADDRESS: 1280 Coody Jr.

CITY, STATE, ZIP CODE: Tonawanda AR 72762

EMAIL ADDRESS: Ramsinad89@gmail.com

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

ARKANSAS ENERGY & ENVIRONMENT PUBLIC COMMENT REGISTRATION CARD

ENTITY: Citizen
DATE: 5/25/2023

SPEAKER #:
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: St Josephs

YOUR NAME: Patrick CALCAGNI

STREET ADDRESS: 12714 Arbor Acres Rd

CITY, STATE, ZIP CODE: Springdale, AR 72764

EMAIL ADDRESS: pcalcagni@hotmail.com

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

ARKANSAS ENERGY & ENVIRONMENT

PUBLIC COMMENT REGISTRATION CARD

10

ENTITY: _____

DATE: _____

SPEAKER #: (FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: St. Joseph

YOUR NAME: Jami Morgan

STREET ADDRESS: 1246 ARBOR ACRES AVE

CITY, STATE, ZIP CODE: TONTITOWN AR 72162

EMAIL ADDRESS: jmorgan3592@gmail.com

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

WRITE YOUR COMMENT HERE:

This information will be included in the public record and will provide contact information to respond to your comment.

ARKANSAS ENERGY & ENVIRONMENT PUBLIC COMMENT ⁹ REGISTRATION CARD

ENTITY: _____
DATE: 5/25/23

VERBAL COMMENT
 WRITTEN COMMENT (REFER TO BACK)

SPEAKER #:
(FOR STAFF USE ONLY)

HEARING/MEETING LOCATION: Tantibow

YOUR NAME: Ren Ellington

STREET ADDRESS: 1293 Montague St

CITY, STATE, ZIP CODE: Tantibow, ark 72762

EMAIL ADDRESS: _____

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

WRITE YOUR COMMENT HERE:

This information will be included in the public record and will provide contact information to respond to your comment.

ARKANSAS ENERGY & ENVIRONMENT PUBLIC COMMENT REGISTRATION CARD

ENTITY: _____

DATE: 5/25/23

SPEAKER #:
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: Landfill EVL

YOUR NAME: Mark Calcagni

STREET ADDRESS: 12642 Arbor Acres Rd

CITY, STATE, ZIP CODE: Springdale, AR 72762

EMAIL ADDRESS: Calcagni@gmail.com

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

WRITE YOUR COMMENT HERE:

Handed to Nick Jones

This information will be included in the public record and will provide contact information to respond to your comment.

ARKANSAS
ENERGY & ENVIRONMENT

PUBLIC COMMENT 7
REGISTRATION CARD

ENTITY: ~~XXXXXXXXXX~~
DATE: 5-25-23

SPEAKER #:
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: St

YOUR NAME: Michele Carpenter

STREET ADDRESS: 1188 Camerino Ave

CITY, STATE, ZIP CODE: Tontitown, AR 72762

EMAIL ADDRESS: cheleb@yahoo.com

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

ARKANSAS ENERGY & ENVIRONMENT **PUBLIC COMMENT ⁶ REGISTRATION CARD**

ENTITY: _____

DATE: 5/25/23

SPEAKER #:
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: Tontitown, AR

YOUR NAME: Ryanne Woudner

STREET ADDRESS: 462 Pozza Lane

CITY, STATE, ZIP CODE: Tontitown, AR 72762

EMAIL ADDRESS: Oliveoil65@gmail.com

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

ARKANSAS ENERGY & ENVIRONMENT

PUBLIC COMMENT REGISTRATION CARD

ENTITY: _____

DATE: _____

SPEAKER #: _____ (FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: St. Joseph Catholic Church

YOUR NAME: Angela Russell - Mayor

STREET ADDRESS: 1497 Arbor Acres Ave

CITY, STATE, ZIP CODE: Tontitown, AR 72762

EMAIL ADDRESS: Mayor@tontitownar.gov

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

ARKANSAS
ENERGY & ENVIRONMENT

PUBLIC COMMENT 4
REGISTRATION CARD

ENTITY: _____

DATE: _____

SPEAKER #: _____
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: Fountain - St. Joseph

YOUR NAME: Russ Greene

STREET ADDRESS: 12246 Red Oak Dr

CITY, STATE, ZIP CODE: Fayetteville, AR 72704

EMAIL ADDRESS: DRussGreene@gmail.com

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

ARKANSAS ENERGY & ENVIRONMENT PUBLIC COMMENT ³ REGISTRATION CARD

ENTITY: _____
DATE: 5/25/25

VERBAL COMMENT
 WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: Ton: town

YOUR NAME: Levon Perry

STREET ADDRESS: 3802 S W Gibson Ave

CITY, STATE, ZIP CODE: Bentonville AR 72712

EMAIL ADDRESS: levon.perry@ycchoa.com

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

ARKANSAS ENERGY & ENVIRONMENT PUBLIC COMMENT 2 REGISTRATION CARD

ENTITY: _____

DATE: 20230525

SPEAKER #:
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: St. Joe Catholic

YOUR NAME: Serry Eley II

STREET ADDRESS: 1027 Jewell RD

CITY, STATE, ZIP CODE: TonhTown, Arkansas 72262

EMAIL ADDRESS: jerry.eley2@gmail.com

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

WRITE YOUR COMMENT HERE:

This information will be included in the public record and will provide contact information to respond to your comment.

ARKANSAS
ENERGY & ENVIRONMENT

PUBLIC COMMENT
REGISTRATION CARD

ENTITY: _____

DATE: 5-25-23

SPEAKER #:
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: St Joseph

YOUR NAME: Jan Valencia

STREET ADDRESS: 1043 Ruscello

CITY, STATE, ZIP CODE: Tontitown

EMAIL ADDRESS: jvalencia1133@gmail.com

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

WRITE YOUR COMMENT HERE:

I do not support the WM
expansion!

This information will be included in the public record and will provide contact information to respond to your comment.

PUBLIC COMMENTS OF

Kenneth Lovett

ON DRAFT PERMIT FOR ECO-VISTA LLC CLASS I LANDFILL

AFIN NO. 72-00144, DRAFT PERMIT NO. 0290-S1-R4

The Class 1 landfill was initially permitted as the Sunray Landfill of April 16, 1997 in a proceeding in which, after public notice of the filing of the application by Sunray for authority to construct and operate the landfill, no comments were submitted by the public.

One reason for the lack of public interest was that, at that time, the landfill was in a sparsely populated area, and few people were affected by it.

In the intervening years since 1997, northwest Arkansas (including Washington and Benton Counties) have seen and continue to experience some of the most active growth of any areas in the United States. As population in those two counties has rapidly and steadily expanded, the landfill is now located in an increasingly populated area, with numerous residences surrounding the general landfill area. That growth is projected to continue without abatement for years to come.

During the intervening years from 1997 to the present, the landfill has also expanded rapidly as waste products from the increasing population and construction have made significant demands upon the landfill and its capacity to handle additional wastes. In addition, the record on DEQ's website clearly establishes that the landfill has experienced significant and harmful problems in managing and containing the emission of air and water pollutants from the facility that have created conditions that are physically and mentally unbearable and potentially harmful to the health and safety of persons who live in the general proximity of the landfill, and to birds and other animals in the vicinity.

Based upon the records of DEQ relative to this landfill and the Class 1 landfill in the EVL complex, the landfill has reached its capacity, or is very close to doing so. That capacity is the cause of many complaints from the public and also from DEQ as evidenced by the inspection reports that appear in the record.

The terms of the existing and the proposed Permit provide that the permit may be revoked or modified whenever, in the opinion of the Division, the facility is no longer in compliance with the Act. See, for example, Condition No. 4 of the Permit Conditions of the proposed Permit.

Rather than continue to expand a landfill that is at capacity and located in an area that has a large and continuously-growing residential population, the permit should either be denied, or alternatively, reissued only on a limited basis (e.g., ~~two~~ ^{one} year) to allow for EVL to find a location for a new landfill for the area, and apply for a permit for that location. Additional drop in inspections should be mandatory to prevent any negligence in proper operation of Eco Vista until the date it is closed.

**DEQ Is Not Authorized by Law to Process
EVL's Application for Increased Landfill Acreage**

Commission Rule 22.204 (a) (Host Community Approval of Site Selection) provides in relevant part as follows:

- (a) Applicability and Scope – In accordance with A.C.A. §8-6-1501 et seq., a rebuttable presumption exists against permitting the construction or operation of any new landfill within twelve miles of an existing high-impact solid waste facility. [Here follows certain exceptions not relevant to this matter]

A “high-impact solid waste management facility” is defined in Rule 22.204(b)(1) as “any open or closed solid waste landfill. EVL is a “high-impact solid waste management facility.

Rule 22.204(c) (Division Action and Compliance Requirements) further provides:

The Division shall not process any pre-application for a new or increased landfill acreage or an application for increased landfill capacity until definitive findings in conformance with this section have been provided by the host community and accepted by the Division. Acceptance or denial of landfill siting by the host community shall be by formal resolution of the governing body of the host community.

The “host community” in regard to EVL is the City of Tontitown, Washington County, Arkansas. The governing body of the City of Tontitown has not officially approved EVL’s proposed increased landfill acreage or an application for increased landfill capacity. The City Council of the City of Tontitown has not adopted an unconditional approval of the proposed expansion by formal resolution in satisfaction of Rule 22.204(c).

Without waiving any of the foregoing objections, to the extent that the City of Tontitown did issue any approval, or what might be deemed an approval of EVL’s Application for expansion of the Class 4 landfill, that approval was withdrawn prior to a decision having been made, and during the official public comment period on the draft permit. That withdrawal of approval was in the form of Resolution No. 2022-11-1017R, dated November 3, 2022, a copy of which was submitted to DEQ. A second Resolution of similar import, Resolution No. 2023-01-1027R, was also adopted by the City of Tontitown on January 3, 2023, and also provided to DEQ.

**The Proposed Permit Should Be Modified To
Address Issues Raised By The Public Comments**

We recognize the provisions of the proposed Permit regarding the Hazardous and Unauthorized Waste Exclusion Plan, the Liquid Waste Management Plan, the use of synthetic tarps for daily cover, groundwater monitoring, and explosive gas monitoring. However, EVL has been obligated by previous permits and directives of DEQ to implement those plans and

requirements. It has failed to prevent noxious odors and gases from being emitted from the Landfill (possibly from the reaction of unauthorized waste and liquid wastes with other materials in the Landfill); failed to provide adequate and effective cover; and contaminated groundwater may be leaving the site. More should be required of EVL under these circumstances in the form of the following:

- (i) The source of air contamination in the form of sickening odors/fumes emanating from the landfill causing respiratory distress, headaches and other health problems, death to birds in the landfill and surrounding areas, and to trees and other vegetation, should be investigated and, if possible, removed. Use of chemicals to counter the odors has not worked, but in most instances, has exacerbated the problem.
- (ii) Contamination of surface waters from leakage of the landfill should be affirmatively investigated, rather than simply monitored, and the source of such contamination removed, if possible.
- (iii) The spread of debris from the landfill to adjoining properties is not being prevented by the use of tarps or fluff. EVL should be required to take measures on a daily basis that will provide a complete and effective cover for the waste materials that are applied daily.
- (iv) Mud and dirt continue to be tracked from the landfill onto the adjoining roads, causing problems with traffic and siltation of drainage ditches. EVL should be required to install a functional tire/vehicle wash facility at the exit to the Landfill property.
- (v) Nails and other objects are frequently dropped onto the highways that cause flat tires, cracked windshields and other vehicular damage. While EVL claims that the haulers are responsible for this, those haulers are business invitees of EVL to the Landfill, and EVL profits from their hauling wastes (that includes such nails and other objects) to the Landfill. EVL should be required to take greater responsibility to place restrictions on the haulers regarding the manner in which wastes are hauled, and EVL should be responsible for daily monitoring of the highways for such objects.

The problems with air, surface and groundwater contamination will likely continue long after the Landfill is closed. Because of this, the Permit should also require EVL to:

- a. Retain qualified independent contractors to conduct studies of the cause of the odors and surface-groundwater contamination that are being and will likely be released from the existing Landfill;
- b. Based upon the results of such studies, propose plans to DEQ to remediate the existing Landfill to prevent the continued release of odors, with the public allowed to comment on the plans; and
- c. Implement the remediation plan approved by DEQ after public review and comment.

These problems have existed for many years, and the Petitioners and other members of the public who reside in the general vicinity of the Landfill have frequently complained to EVL and to DEQ during that time, often without any result. The problems are, to a degree, operational, but they are also systemic and worthy of being addressed in the permit renewal process.

Kenneth Smith
5/25/2023



Mark Calcagni <calhog18@gmail.com>

Fwd: Mark Public Hearing

Mark Calcagni <calhog18@gmail.com>
 To: Mark Calcagni <calhog18@gmail.com>

Wed, May 24, 2023 at 11:21 AM

----- Forwarded message -----

From: **Mark Calcagni** <calhog18@gmail.com>
 Date: Tue, May 23, 2023 at 6:29 PM
 Subject: Mark Public Hearing
 To: Mark Calcagni <calhog18@gmail.com>

Mark Calcagni 12642 Arbor Acres , Lived here for over 34 years . I want to thank you for having this public meeting in Tontitown on a Thursday instead of a Weds/church night and Not on the East Side of Springdale and for providing us with ample notice this time .

I am going to leave emotion out of this and just present facts that concern most of us about Health, Safety , and the Environment.

Fact- Tontitown City Council rejected Class 1 and Class 4 landfill expansion unanimously twice the first time on Nov 2 2022 filed with the Washington Court House . Pollution Control and Ecology Regulation 22.204 States the host city/Tontitown must approve a new landfill or expansion. Is this not the rule ADEQ is suppose to follow? Why is this rule/law not followed. I don't understand that ? Why have rules? (oooops sorry emotion there)

Fact WM dye test ran into the Little Wildcat Creek that runs into the Illinois River . Area is Karst Topography, studies show this landfill should not be here due to that. Oklahoma's water supply.

Fact Multiple Fires at the landfill the latest was reported by WM to the Tontitown Fire Dept that it was caused by a lithium battery. Batteries are hazardous in a non hazard landfill. Report is avaiable from Tontitown Fire Dept.

Fact: Numerous dated pictures of improper coverage of trash on both class 1 and class 4 landfills by neighbors Dated Pictures. How do you dispute those?

Fact: Numerous Dated Pictures of Trash blown on neighbors yard and road debris -- ADEQ Should come to town more often as WM is picking up trash and has covered some of the trash . Cleaning house as company is coming to town.

Fact Numerous Air Quality Complaints on the ADEQ website by many residents of gas and odor. No Air Testing has been done by state or federal govt to test this gas if hazardous to health

Fact: Dead Trees and Hundreds of Dead Birds around landfill . Multiple Dated Pictures of this

What is it going to take a deadly accident to get the States and ADEQ attention? Area is residential with heavy truck and residential traffic with an elementary school a mile and haf away. BUT the BIG Question is why Regulation 22 is adhered to? Why is the PC&E Regulation 22.204 that states the host city must approve a new landfill or an expansion. Almost 8 months ago Tontitown City Council /elected officials Unanamously REJECTED an expansion of Class 1 and Class 4 landfills in Tontitown. WE Hope Health, Safety,and Environment is more important than dollars! Due to poor planning that a Growing Tontitown has to suffer with a landfill that has been in existance over 40 years.

Thank You

Sent from my iPhone

Mark L. Calcagni
 12642 Arbor Acres Rd
 Springdale ARK 72762
 479-236-8539

Eco-Vista, LLC Class 1 Landfill
Permit No. 0290-S1-R4
AFIN: 72-00144
Page 1 of 20

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
DIVISION OF ENVIRONMENTAL QUALITY
OFFICE OF LAND RESOURCES

Class 1 Landfill

Permit Number	0290-S1-R4
AFIN	72-00144
Effective Date	July 31, 2023
Permit Owner & Address	Eco-Vista, LLC 2210 Waste Management Drive Springdale, AR 72762
Facility Site Name & Address	Eco-Vista, LLC 2210 Waste Management Drive Springdale, AR 72762
Location	Southeast Tontitown, Arkansas in Portions of Sections 14 and 23, Township 17 North, Range 31 West, Washington County, Arkansas
Permitted Landfill Area	+/- 155.8 acres
Property Area	+/- 609 acres
Landfill Capacity	23,364,000 cubic yards (This includes the volume of solid waste and any daily or intermediate soil cover)
Financial Assurance	\$19,763,673.00 \$7,842,363.00 – Closure Cost \$11,921,310.00 – Post-Closure Cost

This permit authorizes the operation of the solid waste disposal facility as set forth in the permit applications by Eco-Vista, LLC, hereinafter called “owner” or “permittee” and received by the

Division of Environmental Quality initially on July 6, 2021. A summary of the subsequent major permit actions at this facility to date is as follows:

Summary of Previous Major Permit Actions

Permit Number	Date Issued	Permit Action
0123-SR-2	Sept 20, 1991	Site 3 permitted for waste disposal
0162-SR-2	Sept. 20, 1991	Site 4 permitted for waste disposal
0290-S1	July 31, 1997	North and South Phase permitted for waste disposal, Supersedes 0123-SR-2 and 0162-SR-2
0290-S1-R1	April 11, 2000	Permit transfer to new owner
0290-S1-R2	July 14, 2006	Lateral expansion – expansion to 10,490,000 cubic yards
0290-S1-R2	July 21, 2006	Minor modification – 10% expansion to 11,086,000 cubic yards
0290-S1-R3	Sept. 19, 2014	Lateral expansion – expansion up to 15,990,000 cubic yards

This permit modification is a lateral expansion to the Eco-Vista, LLC, Class 1 Landfill. This major permit modification was completed through a series of documents initially furnished by the applicant on July 6, 2021, and subsequent documentation supplied by the applicant up to the point of draft permit issuance. A compilation of pertinent permitting submittals is filed in DEQ-OLR Document Identification Number (Doc ID#) 82573. The facility expansion areas previously designated as cells 1-12 are expanded through this permitting action to also include additional cell 13. This expansion increases the total landfill footprint of the disposal area to 155.8 acres and a total disposal airspace volume of 23,364,000 cubic yards. On the effective date, this permit supersedes all prior solid waste Class 1 landfill permits issued by the Division of Environmental Quality, hereinafter called “Division” including each permit listed in the table above. 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 Number 22, Arkansas Solid Waste Management Rules, as adopted by the Arkansas Pollution Control and Ecology Commission on April 26, 2008, hereinafter called “Rule 22;” all other applicable rules and regulations and the following terms and conditions:

PERMIT CONDITIONS

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 Number 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, Fee Rule. 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 and Recycling Grants Program. Failure to pay annual fees or quarterly payments when due may result in revocation of this permit.
7. Transactions that affect the ownership of the facility must be fully disclosed to the Division.
 - 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 the submitted Disclosure Statement or similar disclosure.
- 8. 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 action or engineering review without interference or delay from the permittee.
- 9. This permit authorizes an approximately 609-acre Class 1 Landfill facility with approximately 155.8 acres designated as the authorized waste disposal footprint as depicted on the approved plans and drawings and in accordance with permit application and supplemental application materials and the conditions of this permit. The boundaries of the facility or landfill, and the final grades, or elevations of the landfill shall not be exceeded at any time whether inadvertent or intentional. This permit may be placed in void status when the fill elevations are reached within compliance with approved plans, the facility is closed according to approved plans, the facility has completed post-closure care in accordance with the provisions of approved plans and Rule 22, and when the facility has completed any necessary corrective action which may be on-going or become necessary during the permitted active, closure, or post-closure phase.
- 10. The approved permit plans for the facility are as follows:

Bottom Grading Plan – North 1 Acre Liner Area	Drawing 3 of 9 Doc ID# 27129
Bottom Grading and Liner Plan-North and South Phase	Drawing 2 of 21 Doc ID# 5260
Leachate Collection/Bottom Liner Details-North and South Phase	Drawing 14 of 21 Doc ID# 5260
	Drawing 15 of 21 Doc ID# 5260
	Drawing 16 of 21 Doc ID# 5104
	Drawing 19 of 21 Doc ID# 5104
	Drawing 20 of 21 Doc ID# 5260
	Drawing 21 of 21 Doc ID# 5104
Final Grading Plans	Drawing 5 of 9 Doc ID# 27129

	Figure 5 of 14 Doc ID# 34262
Stormwater Control Plan-Site 3, Site 4, North and South Phase	Figure 6 of 14 Doc ID# 34262
Liner Details-Minor Mod Area	Figure 8 of 14 Doc ID# 34262
Leachate Collection System Details-Minor Mod Area	Figures 9,10 and 11 of 14 Doc ID# 34262
Final Cover Plan-Site 3, Site 4, North and South Phase	Figure 12 of 14 Doc ID# 34262
Surface Water Management Details-North and South Phase	Figure 13 of 14 Doc ID# 34262
North 1 Acre Liner/Leachate Collection/Leak Detection System Details	Drawing 8a of 9 Doc ID# 28042
	Drawing 9 of 9 Doc ID# 27129
Subgrade Grading Plan-Cells 1-8	Drawing 3 of 21 Doc ID# 30273
Top of Primary Liner Grading Plan-Cells 1-8	Drawing 4 of 21 Doc ID# 30273
Liner System Details-Cells 1-8	Drawing 12 of 21 Doc ID# 30273
Leachate Collection System Details-Cells 1-8	Drawing 13 of 21 Doc ID# 30273
	Drawing 14 of 21 Doc ID# 30273
	Drawing 15 of 21 Doc ID# 30273
Final Cover System Details-Cells 1-8	Drawing 16 of 21 Doc ID# 30273
Surface Water Management Details-Cells 1-8	Drawing 17 of 21 Doc ID# 30273
	Drawing 18 of 21 Doc ID# 30273
Erosion and Sediment Control Details-Cells 1-8	Drawing 19 of 21 Doc ID# 30273
Landscaping Plan and Details-Cells 1-8	Drawing 20 of 21 Doc ID# 30273
	Drawing 21 of 21 Doc ID# 30273
Leachate Force Main	Drawings 3-26 Doc ID# 57568

Subgrade Grading Plan- Cells 9-12	Drawing 3 of 18 Doc ID# 65990
Top of Primary Liner Grading Plan Cells 9-12	Drawing 4 of 18 Doc ID# 65990
Fill Sequence Plan – Cells 1-12	Drawings 5-6 of 18 Doc ID# 65990
Final Cover Grading Plan	Drawing 7 of 18 Doc ID# 65990
Stormwater Plan	Sheet 10 of 30 Doc ID# 82573
Liner System Details Cells 9-12	Drawing 11 of 18 Doc ID# 65990
Leachate Collection Details Cells 9-12	Drawings 12-14 of 18 Doc ID# 65990
Final Cover System Details Cells 9-12	Drawing 15 of 18 Doc ID# 65990
Stormwater Management Details Cells 9-12	Drawings 16-18 of 18 Doc ID# 65990
Landfill Gas Management System	Figure A Doc ID# 65990
Subgrade Plan – Cell 13	Sheet 5 of 30 Doc ID# 82573
Clay Liner Plan – Cell 13	Sheet 6 of 30 Doc ID# 82573
Protective Cover Plan – Cell 13	Sheet 7 of 30 Doc ID# 85273
Development Plan – Cell 13	Sheet 8 of 30 Doc ID# 82573
Final Cover	Sheet 9 of 30 Doc ID# 82573
Stormwater Basin Plan	Sheet 11 of 30 Doc ID# 82573
Northwest Basin Grading Plan	Sheet 12 of 30 Doc ID# 82573
West Basin Grading Plan	Sheet 13 of 30 Doc ID# 82573
South Basin Grading Plan	Sheet 14 of 30 Doc ID# 82573
LFG – Conceptual Overall Site Plan	Sheet 15 of 30 Doc ID# 82573
LFG Typical Gas Collection and Control Details	Sheet 16 of 30 Doc ID# 82573
Proposed Out-of-Waste Gas Wells Plan	Sheet 17 of 30 Doc ID# 82573
Liner and Final Cover Details	Sheets 24 – 25 of 30 Doc ID# 82573
Anchor Trench Tie – in Details	Sheet 26 of 30 Doc ID# 82573

Leachate Collection and Leak Detection Details	Sheets 27 – 28 of 30 Doc ID# 82573
Stormwater Basin Details	Sheet 29 of 30 Doc ID# 82573
Erosion Control Details	Sheet 30 of 30 Doc ID# 82573

10.a. In addition to the previously approved plans for the facility, the following options are approved for the leachate management plan design/detail drawings as follows:

LCS/LDS Site Plan	Figure 1 in Appendix O of Doc ID# 82573
Layout of North Phase LCS and LDS	Drawing 2 of 8 Doc ID# 68124
Layout of Cells 9-12 LCS and LDS	Drawing 3 of 8 Doc ID# 68124
North Phase Details I	Figure 1 in Appendix O of Doc ID# 82573
North Phase Details II	Figure 1 in Appendix O of Doc ID# 82573
Cells 9-12 Details I	Drawing 6 of 8 Doc ID# 68124
Cells 9-12 Details II	Drawing 7 of 8 Doc ID# 68124
Cells 9-12 Details III	Drawing 8 of 8 Doc ID# 68124
Drainage Lengths	Drawing 1 of 3 Doc ID# 69891
Leachate Collection System Design with Chimney Drains	Drawing 2 of 3 Doc ID# 69891
Leachate Collection Details	Drawing 3 of 3 Doc ID# 69891

Please note, the protective soil layer for the chimney drains shall consist of materials as specified in the approved Doc ID# 69891.

11. The facility is permitted for 23,364,000 cubic yards of solid waste disposal including daily and intermediate cover material. Of the 23,364,000 cubic yards of solid waste disposal capacity 6,586,000 is contained within Site 3, Site 4, and the North Phase and South Phase disposal areas. 9,404,000 cubic yards of solid waste disposal capacity is contained within Cells 1 through 12. Cell 13, the valley fill cell, and overlying of existing disposal areas, is permitted for 7,374,000 cubic yards of solid waste disposal capacity.
12. The permitted waste disposal area is 155.8 acres. This area includes the 66-acre permitted waste disposal boundary as shown on Drawing 2 of 9 of the set of drawings assigned Doc ID# 27129, the 46-acre area indicated in the legal description included on Drawing 2 of 21 of the set of drawings assigned Doc ID# 30273, the 33.8 acres depicted on Drawing 2 of 18 of the

set of drawings contained in Doc ID# 65990, and the 10 acres depicted on Sheet 2 of 30 contained in Doc ID# 82573.

13. The following alternative bottom liner system configuration has been approved for the North 1 Acre Liner Area (Doc ID# 27129). The bottom liner system (including the bottom sideslopes) has been listed from bottom to top.

- A 24-inch thick compacted soil layer with a hydraulic conductivity of less than 1×10^{-7} cm/s
- A 60-mil thick high-density polyethylene (HDPE) geomembrane
- A geocomposite drainage layer, consisting of high-density polyethylene geonet with geotextile filter sheet bonded to both sides of the geonet
- A geosynthetic clay liner
- A 60-mil thick high-density polyethylene (HDPE) geomembrane
- A geocomposite drainage layer, consisting of high-density polyethylene geonet with geotextile filter sheet bonded to both sides of the geonet
- A 12-inch thick protective soil cover layer

This alternative bottom and bottom sideslope liner configuration has been approved in conjunction with the Liner System Equivalency Demonstration (Doc ID# 28042).

14. The following bottom liner system configuration is approved for Cells 1-8 as shown on Drawing 12 of 21, Doc ID# 30273, Cells 9-12 as shown on Drawing 11, Doc ID# 65990, and Cell 13 Option 1 as shown on Sheet 24 of 30 Doc ID# 82573. The bottom liner system (including the bottom sideslopes) has been listed from bottom to top.

- A 24-inch thick compacted soil layer with hydraulic conductivity of less than 1×10^{-7} cm/s
- A 60-mil thick textured high-density polyethylene (HDPE) geomembrane
- A geocomposite drainage layer, consisting of high-density polyethylene geonet with geotextile filter sheet bonded to both sides of the geonet
- A geosynthetic clay liner
- A 60-mil thick textured high-density polyethylene (HDPE) geomembrane
- A geocomposite drainage layer, consisting of high-density polyethylene geonet with geotextile filter sheet bonded to both sides of the geonet
- A 12-inch thick protective soil cover layer (Cell Floor <10% grade - hydraulic conductivity of greater than or equal to 1×10^{-3} cm/s; Bottom Sideslopes >10% grade - hydraulic conductivity of greater than or equal to 1×10^{-5} cm/s).

This alternative bottom and bottom sideslope liner configuration was approved in conjunction with the Liner System Equivalency Demonstration (Appendix C10 of Volume 4 of 4, Doc ID#30273) and the minor permit modification dated June 2016 (Doc ID# 69891).

Cell 13 liner overlay of Sites 3 and 4 are approved as follows.

Option 1: Class 1 double composite liner system overlay (bottom to top)

- 6 inches existing compacted clay
- Geosynthetic Clay Liner (GCL)
- Secondary 60-mil thick HDPE
- Geocomposite
- GCL
- Primary 60-mil thick HDPE
- Geocomposite
- 12 inches of protective cover

Option 2 – Class 1 single composite liner system overlay (previously approved)

- 6 inches of existing compacted clay
- GCL
- 60-mil HDPE
- Geocomposite
- 12 inches of protective cover

15. The following final cover system configuration is approved for Cells 1-8 as shown on Drawing 16 of 21, Doc ID# 30273, Cells 9-12 as shown on Drawing 15 of 18, Doc ID# 65990, and Cell 13 as shown on Sheet 24 of 30 in Doc ID# 82573. The final cover system has been listed from bottom to top.

- A 6-inch Gas Venting Layer consisting of soil with a minimum hydraulic conductivity of 1×10^{-3} cm/s or greater placed directly over the last lift of waste. If an active gas collection system is required and approved for this facility, this layer will be replaced by a minimum 12-inch thick intermediate cover layer.
- A geosynthetic clay liner
- A 40-mil thick textured linear low-density polyethylene (LLDPE) geomembrane
- A geocomposite drainage layer, consisting of high-density polyethylene geonet with geotextile filter sheet bonded to both sides of the geonet
- 12-inch Protective Cover Soil Layer
- 6-inch Vegetative Soil Layer

This alternative final cover system configuration has been approved in conjunction with the Alternate Final Cover System Equivalency Demonstration (Appendix D6 of Volume 4 of 4, Doc ID#30273 and Alternative Material Specification Demonstration 55875).

16. The permittee shall implement the Hazardous and Unauthorized Waste Exclusion Plan presented in Appendix F of the Permit Modification Application having Office of Land Resources Doc ID# 82573. In addition to the implementation of the approved Hazardous and Unauthorized Waste Exclusion Plan, the facility shall fully meet all requirements of Rule 22.412 regarding the exclusion of all unauthorized waste streams. Special Materials as identified in Rule 22 do not require written authorization from the Division, provided the materials that are 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's written Hazardous and Unauthorized Waste Exclusion program.
17. Permittee shall follow the approved Liquid Waste Management Plan (LWMP) located in Appendix M of Doc ID# 82573. The following conditions shall apply to the operations of the liquid bulking activities:
 - a. Except for foul weather conditions and equipment failures as outlined in the approved LWMP, storage of liquid waste overnight, whether in the designated surge tank or in the bulking pits, is prohibited.
 - b. Treated liquid waste shall not exhibit free liquids as determined by USEPA Publication SW-846, Method 9095B, "Paint Filter Liquid Test" prior to disposal. Two (2) tests will be required for each batch of treated waste (i.e., each pit of treated waste) and the results recorded in the landfill operating record. Samples shall be obtained from the bulking pit at the mid-depth and bottom.
 - c. Treated waste shall be capable of supporting landfill cover soil and equipment prior to disposal. Permittee shall perform and report demonstration test results of the treated waste under equipment loading for the different bulking materials/agents. Landfill equipment passing over the treated waste during the demonstration test shall leave distinct impressions of wheels or tracks with limited rutting or displacement of treated waste. In addition, no free liquids shall emerge from the treated waste during the demonstration test. If rutting or free liquids are observed during the demonstration test, the treatment shall be determined inadequate and further treatment shall be required.
 - d. Records of the waste treatment shall be maintained in the facility's operating record. The liquid waste treatment records shall consist of data gathered from each batch of waste treated. Data to be recorded shall include the type and volume of liquid waste, the name of bulking material(s)/agent(s) used, and the volume and estimated weight of the amount of bulking material(s)/agent(s) used. From the gathered data an estimated ratio of bulking material to liquid waste shall be recorded. In addition, the facility shall keep the record of the volume of treated liquid waste disposed.

- e. To reduce potential stability problems during current operations and in future static landfill conditions, the facility must limit disposal of the treated liquid waste to no more than 15% of the total volume of waste disposed at the facility. This will be calculated on an annual basis. The facility must report the percent of the treated liquid waste as part of the annual engineering report. To exceed the 15% limit, the facility must submit a slope stability analysis and obtain prior approval from the Division.
 - f. The Division reserves the right to prevent the facility from further receipt and processing of liquid waste should it be determined the materials are mishandled in any way.
18. The facility is authorized to utilize synthetic tarps for daily cover if the material selected is of sufficient weight and durability to control disease vectors, fires, odors, blowing litter, and scavenging. The facility may also use compost (in accordance with Doc ID# 30847), auto-shredder fluff (in accordance with Doc ID# 74677) or RusFoam (in accordance with Doc ID# 80902) as alternative daily cover. The facility must use soil as daily cover each Friday (or Saturday, if the landfill will be accepting waste on Saturday). Upon notification from the Division, the authorization to utilize alternate daily cover may be withdrawn or revoked at any time the Division determines that the alternate daily cover is not effective in controlling disease vectors, fires, odors, blowing litter, and scavenging. The facility must place soil intermediate cover in compliance with Rule 22.413.
 19. The permittee shall implement the Explosive Gas Monitoring Plan presented in Appendix K of the Permit Modification Application having Doc ID# 82573. In addition to the implementation of the approved Landfill Gas Monitoring Plan, the facility shall fully meet all requirements of Rule 22.415 regarding the control of explosive gases. The facility shall monitor each of the 16 gas monitoring probes detailed in the approved Landfill Gas Monitoring Plan and within all structures at the facility on a quarterly basis. The results shall be submitted to the Division within 30 days of each monitoring event.
 20. The permittee shall implement the requirements detailed in the Operating Plan and Narrative presented in Appendix G of the Permit Modification Application having Doc ID# 82573. In addition to the implementation of the approved Operating Plan and Narrative, the facility shall fully meet all operating requirements of Rule 22 unless specifically addressed by a permit condition.
 21. This permit authorizes one (1) active disposal area at the facility per Rule 22.411(c). A second working face may be approved in writing by the Division for the purpose of the disposal of wastes that may be impacted by non-routine activities.
 22. The disposal facility shall provide litter control fences to help control blowing litter, and the disposal facility shall comply with Rule 22.411(g).
 23. The facility shall implement and maintain surface water controls as defined in Rule 22.411(h). Measures to control and prevent surface water from running through or into the active portion as defined in Rule 22.102 and measures to prevent liquids from flowing out of the active

portion as defined in Rule 22.102 shall be constructed and maintained as required by Rule 22.418.

24. Appropriate NPDES construction/stormwater permit(s) shall be obtained for stormwater discharges from the landfill site and borrow sites. A Stormwater 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. The facility stormwater management system is currently permitted through General Permit Tracking Number ARG160045. Prior to any modification of the currently approved stormwater management system, the permittee must have submitted an application for a revision of the permittee's National Pollutant Discharge Elimination System (NPDES) permit(s) and have obtained final approval through Notice of Coverage (NOC) or a final permit decision to establish compliance with APC&EC Rule 22.615.
25. The Action Leakage Rate for the facility including the North Phase, South Phase, and Cells 1-13 is 150 gallons per acre per day. The Action Leakage Rate is based on the calculations presented in Appendix Q of the Permit Modification Application having Office of Land Resources Doc ID# 65990. The approved contingency plan for the Action Leakage Rate associated with the North and South Phases and Cells 1-13 has been included in the submittal having Doc ID# 82573.
26. The permittee shall implement the Construction Quality Assurance Plan presented in Appendix N of the Permit Modification Application having Doc ID# 82573. In addition to the implementation of the approved Construction Quality Assurance Plan, the facility shall fully meet all requirements of Rules 22.425, 22.428, and 22.429.
27. The permittee shall implement the Closure and Post-Closure Care Plan presented in Appendix J of the Permit Modification Application having Doc ID# 82573. In addition to the implementation of the approved Closure and Post-Closure Care Plan, the facility shall fully meet all requirements of Rule 22.1301 and Rule 22.1302. The post-closure maintenance period for this facility shall be a minimum of 30 (thirty) years starting on the date that 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).
28. The initial total amount of financial assurance is \$19,763,673.00. Of this amount, \$7,842,363.00 will be required for closure costs and \$11,921,310.00 will be required for the post-closure care 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. 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.
 - c. No more than 89.8 acres of active or interim covered disposal area shall be open in the landfill expansion area. This requirement shall be addressed each year in the facility's Annual Engineering and Inspection Report.
 - d. Cell construction shall be performed in the sequence outlined in the approved facility design plans (see Condition 10) and closure construction shall comply with the facility closure plan including closure sequencing as presented in the closure plan reference drawing, Figure 1.
29. The permittee will install an additional 60-mil High-Density Polyethylene Geomembrane under the entire leachate collection sump and the entire leachate collection trench for each cell (Cells 1-13 of the expansion area). The second geomembrane shall be installed and tested to the same standards as the primary liner material.
30. The facility shall measure and record the fluid accumulation in each leachate collection system and leachate detection system sump and storage tank each day except on Sunday and State of Arkansas observed holidays. The facility shall, on a daily basis, measure and record the amount of liquid removed from Cells 1-13 including the leachate collection and leak detection system sumps. The results of the leak detection system sump fluid accumulation measurements and the amount of liquids removed from the leak detection system shall be utilized in the calculation of the leak detection system flow rate. The facility may utilize a three-day average in determining compliance with the action leakage rate. The equipment and methods for determining the fluid removed from the leachate collection and leak detection system in Cells 1-13, shall be reviewed and calibrated when any modifications are made to the leachate collection and leak detection system. Documentation of the calibration shall be submitted within 30 days of making a modification to the leachate collection and leak detection system. Upon construction of a new landfill cell, documentation of the calibration shall be submitted with the construction quality assurance certification report.
31. The facility shall collect samples from the leak detection system and leachate collection system sumps monthly. The samples shall be analyzed for chloride, ammonia, specific conductance, and pH. In addition, the facility shall collect samples from the leak detection and leachate collection system sumps annually and test the samples for iron, manganese, total organic carbon, and the constituents listed in Appendix 1 of Rule 22. While the facility is in assessment monitoring or corrective action, every three years the facility will analyze the annual leak detection and leachate collection samples for all Rule 22 Appendix 2 parameters. The results of the sampling detailed above shall be submitted to the Division directly from the analytical testing laboratory and shall be included in the groundwater monitoring reports for the facility.
32. The permittee shall comply with the air criteria requirements of Rule 22.416, and any Air Permit issued to the disposal facility.

33. The permittee shall furnish the Division annual engineering inspection reports in accordance with Rule 22.423.
34. A groundwater monitoring system consisting of a sufficient number of wells or sampling points installed at appropriate locations and depths shall be established and maintained in order to:
 - a. Monitor the groundwater quality passing the relevant point of compliance of the solid waste unit, facility, or practice as defined by Rule 22.102. The downgradient monitoring system must ensure detection of groundwater contamination in the uppermost aquifer; and
 - b. Provide background concentration data that has not been affected by any solid waste unit, facility, or practice as defined by Rule 22.102.
 - c. In addition, the groundwater monitoring system shall be established and maintained to include the Class 4 area. Because of the proximity of the Class 4 landfill (permit 0290-S4-R2) to the Class 1 landfill, the groundwater monitoring system for both landfills will be treated as one system with most monitoring details located within the Class 1 permit.
35. The groundwater monitoring system for this facility, must at all times, be properly maintained, sampled in accordance with the terms and conditions stipulated in this permit, and comply with the requirements found in Rule 22. Once established, groundwater monitoring shall be conducted throughout the active life and post-closure care period.
36. The facility will follow a Sampling and Analysis Plan (SAP) approved by DEQ. A SAP meeting the requirements of Rule 22 and the conditions of this permit will be submitted to the Division for review within 60 days of the effective date of this final permit.
37. Groundwater Monitoring System:
 - a. Groundwater Monitoring System: shall include, at a minimum 27 monitoring wells comprised of 23 existing wells (MW-1N, MW-2N, MW-3N, MW-7N, MW-8N, MW-10N, MW-11N, MW-15, MW-16, MW-17, MW-19, MW-20, MW-21, LGW-2, LGW-3R, LGW-4, LGW-5, LGW-6, LGW-7, LGW-8R, LGW-9, LGW-10, LGW-14R) and four wells as yet to be installed as described below. The Nature and Extent wells are currently monitored under the Corrective Action Monitoring Program for the site and may be added to the standard groundwater monitoring system in the future.
 - b. Additional Monitoring Wells: Four additional monitoring wells are required as part of this permit. These same four wells are also required by the Eco Vista Class 4 permit which was issued March 17, 2023. The required locations and schedule for well installation are the same as stated within the Eco-Vista Class 4 permit: *“Within 60 calendar days of effective date of the class 4 permit, the Permittee shall submit a work plan for Division approval for installation of four additional monitoring wells near the*

Class 4 landfill. Two wells should be between current monitoring wells MW-20 and MW-3N and two monitoring wells should be to the north and northwest of the new Class 4 expansion area.” The work plan was submitted by Eco-Vista and conditionally approved by DEQ on May 22, 2023 under Doc ID# 84043.

- c. Any modification of the groundwater monitoring system will follow the provisions of Rule 22.

38. The groundwater monitoring system will be monitored per Rule 22 and the following:

- a. Monthly Indicator Parameter Sampling: Wells LGW-2, LGW-3R, LGW-4, LGW-5, LGW-6, LGW-7, LGW-8R, LGW-9, LGW-10, LGW-14R, MW-7N, MW-15, MW-16, MW-17, and MW-19 shall be sampled monthly for the following indicator parameters: ammonia, chloride, pH, and specific conductance. Groundwater elevations will be measured prior to sampling.
- b. Quarterly Sampling: The four new monitoring wells described in Condition 37b will be monitored quarterly until enough data has been collected to adequately perform reliable statistical analysis per recommendations of the EPA Unified Guidance [*Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, Unified Guidance* by EPA dated March 2009 (EPA-530/R-09-007)]. Quarterly monitoring events will be performed approximately three months apart. In addition, one monitoring event will be performed during each quarter, defined as: January through March, April through June, July through September, and October through December.

In addition, all 27 monitoring wells at the site shall be sampled quarterly as follows:

- i. During the first and third quarters all monitoring wells shall be sampled for the full suite of parameters on the Assessment Monitoring Constituents (AMC) list (defined in Rule 22.1205(b)), plus Iron (Fe), Manganese (Mn), and Total Organic Carbon (TOC).
 - ii. During the second and fourth quarters any facility monitoring well which had: 1) a parameter exceedance of the established Ground Water Protection Standard (GWPS) (defined in Rule 22.1205(h)) during the previous quarter or 2) a Statistically Significant Increase (SSI) during the monthly indicator sampling since the last full AMC list sampling shall be sampled for the full suite of parameters on the AMC list (defined in Rule 22.1205(b), plus Fe, Mn, and TOC.
 - iii. Should the facility be authorized by the Division to return to Detection Monitoring per Rule 22, the AMC parameter list will be replaced by Appendix 1 of Rule 22 plus Fe, Mn, and TOC.
- c. Appendix 2 Sampling: Per Rule 22, Appendix 2 sampling will occur while the facility is in Corrective Action or Assessment Monitoring.

- i. All monitoring wells which had an exceedance of the GWPS the previous calendar year shall be sampled for the full list of Appendix 2 parameters;
 - ii. All 27 monitoring wells shall be sampled for the full list of Appendix 2 parameters every three years with the first sampling event to occur in 2024, 2027, 2030, etc.
 - d. Corrective Action Sampling: While the facility is within Corrective Action, Nature and Extent wells shall be monitored in accordance with a Division-approved Corrective Action Monitoring Program for the facility.
39. Background Groundwater Quality: A background groundwater quality data set will be created for the whole site and approved by the Division for use in statistical analysis. Groundwater quality background concentrations used in statistical evaluations for the site groundwater monitoring system shall not be based on data affected by landfill gas or any solid waste landfill unit, facility, or practice as defined in Rule 22.
40. Spring/Creek Sampling: The facility shall conduct sampling at the Wildcat Creek location just north of the intersection of County Road 31 (Harmon Road) and County Road 863 (Clear Water Road). A #5 rebar was set on the north bank of the creek, downstream of the entrance of the spring discharge into Wildcat Creek. The surveyed coordinates for the rebar are: Geodetic LAT: 36°09'01.750" LON: 94°16'35.065" with State Plane: North 669195.1 East 640296.7 (Doc ID# 82354). The sampling location will be near this rebar and downstream of the entrance of the spring discharge into Wildcat Creek (Doc ID# 82354).

This location will be sampled semi-annually for iron, manganese, total organic carbon, hardness, and the Assessment Monitoring Constituent (AMC) list as defined in Rule 22 for the conjoined Class 4 and Class 1 groundwater monitoring system. The AMC list consists of Rule 22 Appendix 1 parameters and any Rule 22 Appendix 2 parameters detected in the groundwater monitoring well system. If the facility moves into detection monitoring, the sampling parameters will consist of at a minimum iron, manganese, total organic carbon, hardness, and the Rule 22 Appendix 1 parameters. Laboratory results will be included as an appendix in the normal groundwater monitoring reports for the Class 4 and Class 1 system for that sampling period. In addition, graphs of detected parameters will be included in the same groundwater monitoring reports. For semi-annual monitoring, the monitoring events will be performed approximately six months apart. In addition, one monitoring event will be performed within the first six months of the year (January through June) and one monitoring event within the last six months of the year (July through December).

The sampling results for this location will not be subject to the groundwater monitoring regulations within Chapter 12 of Rule 22. If concentrations within the spring and creek indicate potential impacts from landfill operations, the Division will require the facility to perform additional investigations to determine if the facility is the source of the impacts.

41. Statistical Methodologies: 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 statement or methodologies within the current groundwater sampling and analysis plan that do not meet these criteria shall not be considered authorized by the Division.

42. The reporting of groundwater monitoring results will follow Rule 22 with the following additions:
- a. Monthly Indicator Parameters Report: A monthly indicator parameters report will be due at the end of each month following the month to which the report pertains and will include:
 - i. Analytical data from that month's indicator sampling of groundwater, the leak detection system, and the leachate collection system. Groundwater elevations should also be included.
 - ii. List of calculated SSIs for all monthly results from the groundwater monitoring wells.
 - iii. Graphs for each SSI, presenting the parameter at the location 1) over the past year and 2) since monthly monitoring began.
 - iv. Database printout of all monthly sampling analytical results since beginning of monthly indicator sampling.
 - v. Daily volume and rate data collected from the leak detection system and the leachate collection system since the last report.
 - vi. Discussion of all results obtained from the groundwater monitoring wells.
 - vii. Status of the corrective action and corrective action activities at the site. This information will include, but not be limited to, a list of all active and passive out-of-waste gas extraction locations at the site and the days that the location was functional or not functional for the reporting period.
 - b. Groundwater Monitoring Reports: The groundwater monitoring reports (GWMR) will follow Rule 22 with the addition of:
 - i. A summary discussion of the monthly indicator sampling results since the last GWMR;
 - ii. A summary discussion of the Corrective Action Monitoring Plan results since the last GWMR.
 - iii. Analytical results of the leak detection system and leachate collection system sampling.

43. 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.
44. The sample analysis shall be performed by a third-party laboratory that is properly certified by the Division per the State Environmental Laboratory Certification Program Act (Ark. Code Ann. § 8-2-201 et seq.) to perform the types of analyses required by Rule 22 and this permit. Analytical results shall be submitted directly from the contract or independent third-party laboratory to the Division.
45. 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.
46. Other monitoring parameters of concern may be added by the Division based upon individual waste and leachate characteristics as stated in Rule 22.1204(a)(3). The sampling procedures and frequency must be protective of human health and the environment as stated in Rule 22.1203(c).
47. Schedule of a Nature and Extent Investigation and Corrective Action if Required: If one or more assessment monitoring constituents are detected at statistically significant levels above the groundwater protection standard (Rule 22.1205(g)), the facility shall submit a work plan (including a schedule) for characterizing the nature and extent of the release to the Division within thirty (30) calendar days of either: a) the statistical finding; or b) if an Alternate Source Demonstration (ASD) is submitted per Rule 22.1205(g)(2), upon written notice that the ASD was not approved by the Division.

The permittee must then initiate an assessment of corrective measures for the facility in accordance with Rule 22.1206. Based upon the results of the 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.
48. The permittee shall not implement any blasting plan without prior submittal and approval of the work plan by the Division. Any work plan shall include, but not be limited to, necessary calculations and demonstrations to verify stability of the subsurface based on the impact of specified blasts.
49. Implementation of the Groundwater Corrective Action Program:

a. Historical Corrective Action Program Remedy Documents:

Doc ID#	Date	Origin	Subject
23274	5/21/2004	Facility	Selection of Corrective Measures Remedy
23365	6/4/2004	DEQ	Approval for Corrective Measures Remedy
23572	7/1/2004	Facility	Schedule for Corrective Measures Remedy
23792	7/28/2004	DEQ	Approval of Schedule for Corrective Measures Remedy
24866	11/17/2004	Facility	Corrective Action Monitoring Plan
25189	12/16/2004	DEQ	Approval of Corrective Action Monitoring Plan
66045	6/12/2014	Facility	Response on Status of Corrective Action Gas Extraction System – Shows Out of Waste Gas Extraction Locations
69516	5/5/2016	DEQ	Conditional Approval of Plan for Modifications to the Gas Extraction System

- b. An updated schedule for meeting remediation goals will be submitted within 120 days of the effective date of this final permit.
- c. An updated “Corrective Action Monitoring Plan” will be submitted to the Division for review within 120 days of the effective date of this final permit.
- d. In the event that additional out-of-waste gas extraction wells are needed, the facility is required to submit for approval to the Division:
- i. A proposed plan of action detailing how it intends to modify the gas system and/or monitoring system so that the system does not focus on monitoring wells, but the entire area of contamination.
 - ii. The technical basis for the out-of-waste gas extraction system design.
 - iii. A modified “Corrective Action Monitoring Plan” as applicable.
50. Any statements in the operational narrative, application documents, specifications, engineering plans, and/or monitoring plans that conflict with Rule 22, permit conditions herein, or other applicable laws and rules shall not be considered authorized by the Division.
51. 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.

Eco-Vista, LLC Class 1 Landfill
Permit No. 0290-S1-R4
AFIN: 72-00144
Page 20 of 20

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



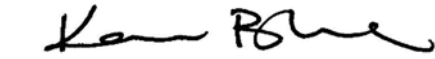
Jarrod Zweifel, P.G.
Associate Director, Office of Land Resources

July 31, 2023

Date

CERTIFICATE OF SERVICE

I, Karen Blue, hereby certify that a copy of this permit has been transmitted electronically to David Conrad at DConrad@wm.com on or before this 31st day of July 2023.



Statement of Basis:

Permit Application Summary, Document Summary, and Rationale for Conditions

**Eco-Vista Class 1 Landfill
 Permit No. 0290-S1-R4; AFIN No. 72-00144**

Permit 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 DEQ. The entire file for the solid waste permit application specified below should be reviewed for complete details on the proposed facility.

Permit Application Summary	
1. Name of Applicant:	Eco-Vista, LLC
2. Type of Facility:	Class 1 landfill
3. Engineering Firm and Geotechnical Firm:	FTN Associates, Ltd.
4. Application Date:	Original Application submitted: July 6, 2021 Several revisions were submitted, this document was recompiled and updated with subsequent submittals into Doc ID: 82573 for ease of public review
5. Site Location	General: Southeast Tontitown, Arkansas Specific: Portions of Sections 14 and 23, Township 17 North, Range 31 West, Washington County, Arkansas
6. Permit Area:	Total Property Area: 609.23 ± acres Permitted Landfill Area: 155.8 ± acres [Old Landfill – Site 3&4/North & South Phases (66 acres); 2006 lateral expansion area (46 acres); 2016 Major Modification Lateral Expansion (33.8 acres) 2022 Major Lateral Expansion (10 acres)]
7. Residences Within 2 Miles:	Approximately 1,627 structures within two miles of site (stated on the pre-application form). Figure 5 in the pre-application has an aerial photograph with the approximate locations of dwellings.
8. Water Supplies Within 2 Miles:	Approximately 84 wells based on information provided by the Arkansas Geologic Survey

Permit Application Summary	
9. Wetlands:	Small wetland area. The United States Army Corps of Engineers determined isolated wetland is non-jurisdictional and therefore does not require a Section 404 Permit.
10. Geology:	<p>The facility is located in the Ozark Plateau physiographic province and on the Boone Formation. The Boone Formation is a cherty limestone of Mississippian age with an approximate thickness of 280 feet in northwestern Arkansas. During weathering, the limestone dissolves, leaving a chert and clay residuum near the land surface. The overlying weathered regolith was observed to be approximately 40 to 60 feet thick in the proposed expansion area with the epikarst ranging from 5 to 30 feet thick, and the depth to the top of bedrock ranging from approximately 60 to 80 feet. The Boone Formation, including the St. Joe Member, rests unconformably on the Devonian-aged Chattanooga Shale.</p> <p>Dissolution of limestone in the Boone Formation has created karst terrain in northwest Arkansas. The regolith typically obscures the upper karstified surface of the bedrock. Over time the limestone is dissolved away, leaving a porous chert matrix with high permeability behind. This zone is an avenue for fast groundwater flow when saturated, fast gas flow when unsaturated, and may store large volumes of recharge water during rain events.</p> <p>Examples of karst features includes voids noted on several boring logs most notably an eight-foot void noted in MW-5R, a large void encountered in EB-19, geophysical evidence of a clay filled fractures in PZ-1D & PZ-2D, as clay filled fractures observed in boring of NE-15D, ¼ inch fractures in NE-6D & NE-14D, bedrock pinnacles, and fast groundwater flow to springs (documented in the recent dye study).</p>
11. Soils:	Based on the Washington County Soil Survey prepared by the USDA Soil Conservation Service, soils in the vicinity of landfill belong to the Captina silt loam, Nixa cherty silt loam, Clarksville Cherty silty loam, Razort gravelly silt loam, Baxter liberty silty loam, and Johnsburg silt loam associations. A portion of these soils have been excavated and utilized in landfilling operations. Test pits showed the site generally covered with silty clay, clay, and abundant chert.

Permit Application Summary	
12. Groundwater:	<p>The facility is located on the Springfield Plateau aquifer which regionally has good water quality. Fast groundwater flow has been documented at the site with the highest velocities measured over several hundred feet per day. Major groundwater flow is concentrated along zones of secondary permeability. The potentiometric surface interpretation and the dye study results suggest groundwater flows from the topographic high at the site. So for the site as a whole, the flow is primarily to the southeast with the northwestern part of the site flowing to the northwest. The conceptual model for groundwater flow at the facility is best described as a dual porosity groundwater flow system. Groundwater flows with generally slower velocities through numerous small fractures or dissolution pores, however discrete zones or preferential pathways exist which can transport large volumes of groundwater which can sometimes move at very fast velocities. These discrete zones are not uniformly distributed and some may be just above the groundwater table, so they only transport groundwater during periods with high groundwater elevations.</p> <p>The groundwater at the facility has had impacts due to facility operations and is in corrective action. The selected remedy at this time is gas extraction.</p>
13. Surface Drainage Sequence:	<p>Drainage across the site is generally to the south and water is conveyed to stormwater basins located on the south side of the site. The outfalls located on the south side of the site discharge to a naturally occurring drainage swale that is conveyed to Little Wildcat Creek. The northwest corner of the site drains to the northwest toward Wildcat Creek.</p> <p>Surface drainage from the landfill property occurs south and southeast in ephemeral tributaries approximately one-half mile to Little Wildcat Creek and then to Clear Creek. Clear Creek joins the Illinois River approximately seven miles downstream of the site. The area northwest of the Eco-Vista Landfill is drained by Wildcat Creek and its tributaries. Wildcat Creek flows to the northwest and enters Osage Creek which flows to the southwest and also joins the Illinois River after a short distance. The Illinois River eventually flows into the Arkansas River in Oklahoma.</p>
14. Waste Streams:	Class 1 and Class 4 wastes as defined in Rule 22.
15. Capacity (consultant estimation):	<p>Total Capacity = 23,364,000 cubic yards (This includes the volume of solid waste and any daily or intermediate soil cover)</p> <p>[Old Landfill – Site 3 & 4/North & South Phases (5,990,000 CY); Minor Modification Expansion in 2006 (596,000 CY); 46 Acre Lateral Expansion in 2006 (4,500,000 CY); Major Modification Lateral Expansion 2016 (4,904,000 CY) Major lateral expansion 2022 (7,374,000)]</p>

Permit Application Summary	
16. Disposal Rate:	500,000 (tons/year) through the gate 600,000 (cubic yards/year) Landfill Utilization Rate (This is an approximation and may vary)
17. Projected Active Life (after this modification):	12 years (From year-end 2021) The above estimate is just an approximation and could be shorter or longer depending upon the rate waste is received.
18. Bottom Liner System:	<ul style="list-style-type: none"> • A 24-inch thick compacted soil layer with hydraulic conductivity of less than 1×10^{-7} cm/s • A 60-mil thick textured high-density polyethylene (HDPE) geomembrane • A geocomposite drainage layer, consisting of high-density polyethylene geonet with geotextile filter sheet bonded to both sides of the geonet • A geosynthetic clay liner • A 60-mil thick textured high-density polyethylene (HDPE) geomembrane • A geocomposite drainage layer, consisting of high-density polyethylene geonet with geotextile filter sheet bonded to both sides of the geonet • A 12-inch thick protective soil cover layer (Cell Floor <10% grade - hydraulic conductivity of greater than or equal to 1×10^{-3} cm/s; Bottom Sideslopes >10% grade - hydraulic conductivity of greater than or equal to 1×10^{-5} cm/s.
19. Final Cover:	<ul style="list-style-type: none"> • A 6-inch Gas Venting Layer consisting of soil with a minimum hydraulic conductivity of 1×10^{-3} cm/s or greater placed directly over the last lift of waste. If an active gas collection system is required and approved for this facility, this layer will be replaced by a minimum 12-inch thick intermediate cover layer. • A geosynthetic clay liner • A 40-mil thick textured linear low-density polyethylene (LLDPE) geomembrane • A geocomposite drainage layer, consisting of high-density polyethylene geonet with geotextile filter sheet bonded to both sides of the geonet • 12-inch Protective Cover Soil Layer • 6-inch Vegetative Soil Layer

Document Summary and Rationale for Conditions

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

- Permit Pre-Application submitted July 6, 2018 (Doc ID# 74169)
- This major permit modification was completed through a series of documents furnished by the applicant on July 6, 2021 (Doc ID# 80454); May 9, 2022 (Doc ID# 81906); June 17, 2022 (Doc ID# 82166)
- Doc ID# 82573 is a Compilation of the Permit Modification Application for Eco-Vista. This Document was created by the Office of Land Resources electronically from previous WM submittals and does not exist as a separate document in the hard copy files.
- Correspondence:
 - Doc ID#s 74169, 74346, 74391, 74414, 74613, 74649, 76244, 76444, 76457, 76465, 76634, 76646, 76684, 76691, 76746, 78620, 79709, 79804, 80454, 80874, 81074, 81071, 81906, 82621, 83386, 83942, 83946 81948, 82354

Condition No.	Permit Conditions
1	This condition discusses the limited liability of DEQ in issuance of the permit and the reliance on the accuracy and suitability of the information provided by the applicant's professional and responsible officials in accordance with Rule 8 and Rules 22.301(h) and (i).
2	This condition discusses the requirements to construct and operate the disposal facility in accordance with the approved plans/specifications/operation narrative and in accordance with Rules 22.308, 22.411, and 22.422.
3	This condition discusses the requirements to maintain the disposal facility in good operating condition under licensed, qualified, on-site operators in accordance with Rule 22.411 and Rule 27.
4	Pursuant to Rule 22.308, the Division may 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 rules.
5	Concerns issuance of modifications to the permit by the Division is in accordance with Rules 22.308 and 22.422.
6	Payment of permit fees in accordance with Rule 9 and Rule 11 are mandatory.

Condition No.	Permit Conditions
7	This contains specifications for transfer and disclosure requirement and is in accordance with Act 454 of 1991.
8	Division employees may enter the permittee's property to inspect the facility at any time without interference or delay in accordance with Rule 22.1501.
9	This provides a general summary of the permitted facility and disposal acreage. It further clarifies the permitted grades or boundaries may not be exceeded and clarifies the terms for placement of the permit in void status. The permit does not expire under current Rules. The permit may be placed in void status when the facility is filled to permit capacity and closed out in accordance with Rule 22 and the approved closure plan and after completion of the post-closure. Corrective action may be necessary during the life of the permit and may be cause for an extension of the post-closure care period under 22.1302(c).
10	This permit condition details the approved landfill plans for the facility. Any changes to the plans listed will require a modification to the facility permit. Detail for Site 3, Site 4, North 1 Acre, and South Phase remain in this permit version and are certified closed per Doc ID# 67800. Cells 1 through 4 of the 2006 lateral expansion were capped in 2016, but are not yet certified closed by DEQ.
11	This permit condition details the approved waste disposal capacity for the expanded landfill. The volumes are based on the calculations prepared and presented by the applicant.
12	This permit condition establishes the permitted waste disposal boundary. Waste disposal outside this area is not approved.
13	This permit condition outlines the approved bottom configuration for the North 1 Acre Area as previously approved by the Division.
14	This permit condition establishes the approved bottom configuration for Cells 1-13 of the facility. Approval of this alternate configuration was completed in conjunction with the presented Liner Equivalency Demonstration.
15	This permit condition establishes the approved final cover system for Cells 1-13. Approval of this alternate configuration was completed in conjunction with the presented Final Cover System Equivalency Demonstration.
16	This permit condition identifies the approved Hazardous and Unauthorized Waste Exclusion Plan for the facility as required by Rule 22.412.
17	This condition allows for bulking of liquid waste. Each condition is supported by the following references to APC&EC Rule 22.

Condition No.	Permit Conditions
17. a.	Rule 22.420(d)
17.b.	Rule22.420(g)(5)
17.c.	Rule 22.420(e) and 22.420(g)(3)
17.d	Rule 22.420(g)(6)
17.e.	Rule22.431(b)
17.f.	Rule 22.420(f)
18	This permit authorizes the use of compost, synthetic tarps, auto-shredder fluff, and RusFoam as an alternate daily cover.
19	This permit condition details the approved Explosive Gas Monitoring Plan as required by Rule 22.415. Because the facility is in corrective action monitoring at the time of issuance of this permit, and landfill gas generation is a key consideration during the corrective action, DEQ requests under the authority of Rule 22.421(b) that gas monitoring reports are submitted to the agency according to the language in the specific condition.
20	This permit condition establishes the approved Operating Plan and Narrative as required by Rule 22.
21	This permit allows only one working face. A second face may be requested and may be approved by DEQ for the disposal of wastes during non-routine activities. Approval must be obtained in writing from the Division.
22	This permit condition requires the use of litter control fences or other litter control measures to be implemented for the control of blowing litter.
23	This condition is in place to address not only Rule 22.411(h) but also 22.418. The condition clarifies that surface water controls are necessary and further it is a requirement of both Rule 22 citations and that measures must be in place to control stormwater flow into or through an active portion defined by Rule 22.102. Also, the condition is meant to clarify that leachate generated in the active portion defined by Rule 22.102 is not allowed to be discharged and must be retained and directed to the facility collection system or otherwise collected and treated as leachate according to Rules 22.419 and 22.429.
24	This condition includes the measures to control and prevent stormwater run-on through or into the active disposal area and requirements for appropriate NPDES permit(s) and a Stormwater Pollution Prevention Plan (SWPPP) is in accordance with Rules 22.418, 22.419, and 22.427, and the Clean Water Act.

Condition No.	Permit Conditions
25	This permit condition establishes the Action Leakage Rate (ALR) for the facility. The ALR was established based on the calculations prepared and presented in the application. This condition also establishes the approved contingency plan for the ALR.
26	This permit condition establishes the approved CQA Plan for the facility and references the specification in construction provided in application materials in accordance with Rules 22.425, 22.428, and 22.429.
27	This condition establishes the approved Closure and Post-Closure Care Plan for the facility as required by Rules 22.1301 and 22.1302. References are made to the closure phasing figures presented with the closure plan. These phasing progression figures affect the cost estimates of the largest area open at any one time.
28	This condition specifies the initial amount of financial assurance as required and requires annual updates by Rules 22.1402 and 22.1403. The financial assurance must be updated before the construction of cell 13, the beginning of the expansion permitted through this permit action. A limitation on open areas of the expansion (including constructed but uncertified cap) is included. This is based on the details contained in the closure plan and cost estimates.
29	This permit condition requires the double lining of the leachate sumps and leachate collection trenches for additional protection from leakage in these most vulnerable locations.
30	This permit condition requires the monitoring of the quantity of fluid in the leachate sumps, leak detection sumps, and leachate storage tanks.
31	This permit condition requires the analytical testing and reporting of the leachate collection and leak detection system. Condition 31 presents a detailed alternative monitoring requirement to satisfy Rule 22.429(l).
32	The facility must comply with the air criteria requirements of Rule 22.416 including the requirements of the State Implementation Plan of the Clean Air Act. Also, prohibiting the open burning of solid waste and establishing fire safety procedures.
33	This permit condition concerns the submittal of annual engineering inspection reports as specified by Rule 22.423.
34	<p>This condition highlights the requirement and purpose of the facility to establish and maintain a groundwater monitoring system as detailed in Rule 22.1202(a).</p> <p>This condition also states the requirement of the groundwater monitoring system to include the Class 4 area of the facility due to its proximity to the Class 1 portion of the landfill.</p>

Condition No.	Permit Conditions
35	This condition highlights that the monitoring system shall be maintained in accordance with the approved design specifications throughout the active life of the facility and throughout the post-closure care period (per Rule 22.1201(d) and Rule 22.1302(b)).
36	This condition highlights the requirement of a Sampling Analysis Plan (SAP) as detailed in Rule 22.1203(j), and that a new SAP will be submitted to the Division following permit approval.
37	In order to comply with Rule 22.1202(a), this condition details the composition of the groundwater monitoring system.
38	This condition details the monitoring schedule and the constituents to be sampled per Rule 22 requirements and the Corrective Action history of the facility. It incorporates portions of Rule 22.1204(a)(b)&(d), Rule 22.1205(b)&(c) and Rule 22.1208(a)(1).
39	This condition highlights the requirements for a background dataset of the groundwater quality to be used for statistical analysis (Rule 22.1203(e)) and that the background groundwater quality will not be affected by the facility (Rule 22.1202(a)(1)). It requires background concentrations used in statistical evaluations in the site groundwater monitoring reports to be data that has not been affected by a solid waste landfill unit, facility, or practice as defined by Rule 22. Several sections of Rule 22 address a combination of background and statistical methods either directly or indirectly. These sections include: 1201(a), 1202(a)(1), 1204(c)(3), 1205(g)(2), 523, and 524(c).

Condition No.	Permit Conditions
40	<p>This condition requires the sampling of the location where dye was documented to be surfacing in a February 22, 2022 complaint (see Doc ID# 82225), just north of the intersection of County Road 31 (Harmon Road) and County Road 863 (Clear Water Road). Dye injected into a pit in the Class 4 proposed expansion area on February 16, 2022 discharged to a spring and creek approximately 1.1 miles to the northwest of the facility. The dye test summary report from the facility was submitted to the Division on January 5, 2023 (Doc ID# 83123). The approved work plan for the test is a February 14, 2022 letter from DEQ within Doc ID# 81435. This newly discovered preferential flow path between the Class 4 expansion area and the spring and/or creek means that this discharge location needs to be monitored by the facility. However, there are other sources of potential impact to the spring and creek other than the landfill facility, therefore the sampling results for this location will be evaluated based on Solid Waste Management Rules, and will not be subject to the groundwater monitoring regulations within Chapter 12 of Rule 22. If concentrations within the spring and/or creek indicate impacts, additional investigations will be required by the facility to determine if it is the source of the impacts.</p> <p>The spring/creek location will be sampled semi-annually for iron, manganese, total organic carbon, hardness, and the Assessment Monitoring Constituent (AMC) list as defined in Rule 22 for the conjoined Class 4 and Class 1 groundwater monitoring system. The AMC list consists of Rule 22 Appendix 1 parameters and any Rule 22 Appendix 2 parameters detected in the groundwater monitoring well system. If the facility moves into detection monitoring, the sampling parameters will consist of at a minimum: iron, manganese, total organic carbon, hardness, and the Rule 22 Appendix 1 parameters. Laboratory results will be included as an appendix in the normal groundwater monitoring reports for the Class 4 and Class 1 system for that sampling period. In addition, graphs of detected parameters will be included in the same groundwater monitoring reports.</p>
41	<p>This condition details the requirement for statistical methodologies to be performed in a manner that complies with Rule 22 and consistent with the most appropriate recommendations for specific situations per the <i>Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, Unified Guidance</i> by EPA dated March 2009 (EPA 530-R-09-007) or the most current, relevant EPA statistical guidance per Rule 22.1203(g)(6) and (7). The statistical methods and techniques used in the statistical evaluation must be clearly explained and referenced as part of the groundwater monitoring report documentation and discussion required by Rule 22.1203(k).</p>
42	<p>This condition details the reporting of groundwater monitoring results that will follow Rule 22.1203(k) with additional monthly reporting requirements and additional information required due to the Corrective Action at the site.</p>

Condition No.	Permit Conditions
43	This condition requires the Division's approval and a supervising professional certification for modifying facility groundwater monitoring wells or piezometers per Rule 22.1103(f), and gives a schedule for submitting reports to the Division.
44	This condition details requirements for third-party laboratory reporting and certification per Rule 22.1203(j)(4).
45	This condition details the requirement for reporting parameter concentrations per Rule 22.1203(h)(5). In addition, the sampling procedures and frequency must be protective of human health and the environment per Rule 22.1203(c).
46	This condition highlights the authority of the Division to add additional sampling parameters per Rule 22.1204(a)(3) & 22.1203(c)
47	This condition establishes a timeline for the execution of Rule 22.1205(g) following the finding of Statistically Significant Assessment Levels above the Groundwater Protection Standard. It also requires the permittee to follow Rules 22.1206, 22.1207, and 22.1208.
48	This condition states that the facility will not implement blasting without an approved plan. This is to ensure integrity of hydrogeological conditions and hypothetical unstable areas due to karst features per Rule 22.407.
49	This condition requires an updated Corrective Action schedule and plan to be submitted to the Division in order to create guidance for progress regarding remediation of the site. This condition also requires and details the submittal to the Division any plans to changes of the out-of-waste gas extraction wells. This is to ensure proper remedial application of those wells to the site's Corrective Action per Rule 22, Chapter 12.
50	The condition specifies that any statements in the operational narrative, application documents, specifications, monitoring plans, and engineering plans that conflict with Rule 22, permit conditions, or other applicable laws and Rules shall not be considered authorized by the Division.
51	The condition provides 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.

ADEQ

ARKANSAS
Department of Environmental Quality

September 19, 2014

Eco-Vista, LLC Class 1 Landfill
Attn: Mr. David Conrad
2210 Waste Management Drive
Springdale, AR 72762

RE: Issuance of Final Permit for Eco-Vista, LLC Class 1 Landfill
Permit No: 0290-S1-R3; AFIN: 72-00144
Document No: 66522; Cross Reference No: 66157

Dear Mr. David Conrad:

Enclosed is a permit authorizing the construction, operation, and maintenance of the Eco-Vista, LLC Class 1 Landfill solid waste landfill facility as described in your application submitted on January 15, 2013, and subsequent documentation as referenced in the permit. The permit number for the facility is 0290-S1-R3. The decision to issue the permit is based upon 1) the information contained in the permit application; 2) other materials submitted by the applicant; 3) written comments received during the designated 30-day public comment period (received from the facility only).

The permit is granted subject to the terms and conditions specified in the permit. The initial amount of financial assurance required is \$7,694,146.00 for the facility. Acceptable mechanisms for financial assurance include a surety bond, collateral bond (supported by a letter of credit, securities or cash), or other mechanisms as set forth in Chapter Fourteen of Regulation Number 22. The instruments used must be in the exact form set forth in Regulation Number 22 and must be filed with the Department before the permit can become effective. The purpose of the financial assurance is to ensure an environmentally sound closure of the site upon conclusion of disposal operations and acceptable post closure care. Please review all terms and conditions of the permit to ensure compliance with all applicable requirements.

All persons submitting written comments during the thirty (30) day public comment period, and all other persons entitled to do so, may request an adjudicatory hearing and Commission review on whether the decision of the Director should be reversed or modified. Such a request shall be in the form and manner required by Regulation 8.603, including filing a written Request for Hearing with the APC&E Commission Secretary at 101 E. Capitol Ave., Suite 205, Little Rock, Arkansas 72201 within thirty (30) calendar days of the date of issuance of this final permit decision as provided in Reg. 8.211(B)(1). If you have any questions about filing the request, please call the Commission Secretary at 501-682-7890.

Thank you for your cooperation on this matter. If you have any questions, or if we may be of service, please feel free to contact the Solid Waste Management Division at (501) 682-0602.

Sincerely,


Benjamin R. Jones
Chief - Solid Waste Management Division

Enclosures: Permit
Permit Statement of Basis

cc: Brad Fureigh, Terracon
Justin Sparrow, District Field Inspector
Heidi Love, Inspector Supervisor, SWMD
Susan Speake, Programs Branch Manager, SWMD

PERMIT

**FOR THE CONSTRUCTION AND OPERATION OF A
CLASS 1 SOLID WASTE DISPOSAL FACILITY**

ISSUED BY

**STATE OF ARKANSAS
DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT DIVISION**

Class 1 Landfill

Permit Number	0290-S1-R3
AFIN	72-00144
Effective Date	October 1, 2014
Permit Owner & Address	Eco-Vista, LLC 2210 Waste Management Drive Springdale, AR 72762
Facility Site Name & Address	Eco-Vista, LLC 2210 Waste Management Drive Springdale, AR 72762
Location	Approximately two and one half miles south of Tontitown, Arkansas in Portions of Sections 14 and 23, Township 17 North, Range 31 West, Washington County, Arkansas
Permitted Landfill Area	+/- 147 acres
Property Area	+/- 609 acres
Landfill Capacity	15,990,000 cubic yards (This includes the volume of solid waste and any daily or intermediate soil cover)
Financial Assurance	\$7,694,146.00
Design Engineer/Consultant	Terracon Consultants, Inc. 25809 Interstate 30 South Bryant, Arkansas 72022 Chimney Rock Consulting 7529 Counts Massie Road North Little Rock, Arkansas 72113

This permit authorizes the operation of the solid waste disposal facility as set forth in the permit applications by Eco-Vista, LLC, hereinafter called "owner" or "permittee" and received by the Department of Environmental Quality initially on November 16, 1979. A summary of the subsequent major permit actions at this facility to date are as follows:

Summary of Previous Major Permit Actions

Permit Number	Date Issued	Permit Action
0123-SR-2	Sept 20, 1991	Site 3 permitted for waste disposal
0162-SR-2	Sept. 20, 1991	Site 4 permitted for waste disposal
0290-S1	July 31, 1997	North and South Phase permitted for waste disposal, Supersedes 0123-SR-2 and 0162-SR-2
0290-S1-R1	April 11, 2000	Permit transfer to new owner
0290-S1-R2	July 14, 2006	Lateral expansion – expansion to 10,490,000 cubic yards
0290-S1-R2	July 21, 2006	Minor modification – 10% expansion to 11,086,000 cubic yards

This permit modification is a lateral expansion to the Eco-Vista, LLC, Class 1 Landfill. This major permit modification was completed through a series of documents initially furnished by the applicant on January 15, 2013 and subsequent documentation supplied by the applicant up to the point of draft permit issuance. A compilation of pertinent permitting submittals is filed in ADEQ-SWMD Document Identification No: 65990. The facility expansion areas previously designated as cells 1-8 are expanded through this permitting action to also include additional cells 9-12. This expansion increases the total landfill footprint of disposal area to 147 acres and a total disposal airspace volume of 15,990,000 cubic yards. On the effective date, this permit supersedes all prior solid waste Class 1 landfill permits issued by the Department of Environmental Quality, hereinafter called "Department" including each permit listed in the table above. 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 Rules, as adopted by the Arkansas Pollution Control and Ecology Commission on April 26, 2008, hereinafter called "Regulation 22;" all other applicable rules and regulations and the following terms and conditions:

PERMIT CONDITIONS

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 Department 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 Department and in compliance with applicable provisions of the Act, Regulation 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 Regulation Number 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 Department, the facility is no longer in compliance with the Act, Regulation 22, or other applicable rules and regulations. Except where expressly authorized by the Department, this permit shall not relieve the permittee, or the permittee's employees or agents, from compliance with the provisions of the Act and Regulation 22.
5. The Department 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 Department has received an initial permit fee from the permittee. Annual permit fees due thereafter shall be assessed in accordance with Regulation Number 9, Fee Regulation. The facility shall also be responsible for quarterly payments of other landfill disposal fees as required under Regulation 11, Regulations for Solid Waste Disposal Fees; Landfill Post-Closure Trust Fees and Recycling Grants Program. Failure to pay annual fees or quarterly payments when due may result in revocation of this permit.
7. Transactions that affect the ownership of the facility must be fully disclosed to the Department.
 - 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 Department 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 Department in the submitted Disclosure Statement or similar disclosure.
8. 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 the purposes of, including but not limited to taking samples, reviewing the operating record, inspecting the facility, and perform other enforcement action or engineering review without interference or delay from the permittee.
9. This permit authorizes an approximately 609 acre Class 1 Landfill facility with approximately 147 acres designated as the authorized waste disposal footprint as depicted on the approved plans and drawings and in accordance with permit application and supplemental

application materials and the conditions of this permit. The boundaries of the facility or landfill, and the final grades, or elevations of the landfill shall not be exceeded at any time whether inadvertent or intentional. This permit may be placed in void status when the fill elevations are reached within compliance with approved plans, the facility is closed according to approved plans, the facility has completed post-closure care in accordance with the provisions of approved plans and Regulation 22, and when the facility has completed any necessary corrective action which may be on-going or become necessary during the permitted active, closure, or post-closure phase.

10. The approved permit plans for the facility are as follows:

Bottom Grading Plan – North 1 Acre Liner Area	Drawing 3 of 9 Doc. ID# 27129
Bottom Grading and Liner Plan-North and South Phase	Drawing 2 of 21 Doc. ID# 5260
Leachate Collection/Bottom Liner Details-North and South Phase	Drawing 14 of 21 Doc. ID# 5260 Drawing 15 of 21 Doc. ID# 5260 Drawing 16 of 21 Doc. ID# 5104 Drawing 19 of 21 Doc. ID# 5104 Drawing 20 of 21 Doc. ID# 5260 Drawing 21 of 21 Doc. ID# 5104
Final Grading Plans	Drawing 5 of 9 Doc. ID# 27129 Figure 5 of 14 Doc. ID# 34262
Stormwater Control Plan-Site 3, Site 4, North and South Phase	Figure 6 of 14 Doc. ID# 34262
Liner Details-Minor Mod Area	Figure 8 of 14 Doc. ID#34262
Leachate Collection System Details-Minor Mod Area	Figure 9,10 and 11 of 14 Doc. ID# 34262
Final Cover Plan-Site 3, Site 4, North and South Phase	Figure 12 of 14 Doc. ID# 34262
Surface Water Management Details-North and South Phase	Figure 13 of 14 Doc. ID# 34262
North 1 Acre Liner/Leachate Collect./Leak Detect. System Details	Drawing 8a of 9 Doc. ID# 28042 Drawing 9 of 9 Doc. ID# 27129

Subgrade Grading Plan-Cells 1-8	Drawing 3 of 21 Doc. ID# 30273
Top of Primary Liner Grading Plan-Cells 1-8	Drawing 4 of 21 Doc. ID# 30273
Liner System Details-Cells 1-8	Drawing 12 of 21 Doc. ID #30273
Leachate Collection System Details-Cells 1-8	Drawing 13 of 21 Doc. ID # 30273 Drawing 14 of 21 Doc. ID # 30273 Drawing 15 of 21 Doc. ID # 30273
Final Cover System Details-Cells 1-8	Drawing 16 of 21 Doc. ID # 30273
Surface Water Management Details-Cells 1-8	Drawing 17 of 21 Doc. ID # 30273 Drawing 18 of 21 Doc. ID # 30273
Erosion and Sediment Control Details-Cells 1-8	Drawing 19 of 21 Doc. ID # 30273
Landscaping Plan and Details-Cells 1-8	Drawing 20 of 21 Doc. ID # 30273 Drawing 21 of 21 Doc. ID # 30273
Leachate Force Main	Drawings 3-26 Doc. ID #57568
Subgrade Grading Plan- Cells 9-12	Drawing 3 of 18 Doc. ID # 65990
Top of Primary Liner Grading Plan Cells 9-12	Drawing 4 of 18 Doc. ID# 65990
Fill Sequence Plan	Drawings 5-6 of 18 Doc. ID# 65990
Final Cover Grading Plan	Drawing 7 of 18 Doc. ID# 65990
Stormwater Management Plan	Drawing 8 of 18 Doc. ID# 65990
Liner System Details Cells 9-12	Drawing 11 of 18 Doc. ID# 65990
Leachate Collection Details Cells 9-12	Drawings 12-14 of 18 Doc. ID# 65990
Final Cover System Details Cells 9-12	Drawing 15 of 18 Doc. ID# 65990
Stormwater Management Details Cells 9-12	Drawings 16-18 of 18 Doc. ID# 65990
Landfill Gas Management System	Figure A Doc. ID# 65990

11. The facility is permitted for 15,990,000 cubic yards of solid waste disposal including daily and intermediate cover material. Of the 15,990,000 cubic yards of solid waste disposal capacity 6,586,000 is contained within Site 3, Site 4, and the North Phase and South Phase disposal areas. 9,404,000 cubic yards of solid waste disposal capacity is contained within Cells 1 through 12.
12. The permitted waste disposal area is 147 acres. This area includes the 66-acre permitted waste disposal boundary as shown on Drawing 2 of 9 of the set of drawings assigned Document Identifier 27129, the 46 acre area indicated in the legal description included on Drawing 2 of 21 of the set of drawings assigned Document Identifier 30273 and the 33.8 acres depicted on Drawing 2 of 18 of the set of drawings contained in Document Identifier 65990.
13. The following alternative bottom liner system configuration has been approved for the North 1 Acre Liner Area (Document Identifier 27129). The bottom liner system (including the bottom sideslopes) has been listed from bottom to top.
 - A 24-inch thick compacted soil layer with hydraulic conductivity of less than 1×10^{-7} cm/s
 - A 60-mil thick high density polyethylene (HDPE) geomembrane
 - A geocomposite drainage layer, consisting of high-density polyethylene geonet with geotextile filter sheet bonded to both sides of the geonet
 - A geosynthetic clay liner
 - A 60-mil thick high density polyethylene (HDPE) geomembrane
 - A geocomposite drainage layer, consisting of high-density polyethylene geonet with geotextile filter sheet bonded to both sides of the geonet
 - A 12-inch thick protective soil cover layer

This alternative bottom and bottom sideslope liner configuration has been approved in conjunction with the Liner System Equivalency Demonstration (Document ID# 28042).

14. The following bottom liner system configuration is approved for Cells 1-8 as shown on Drawing 12 of 21, Document Identifier 30273 and Cells 9-12 as shown on Drawing 11, Document Identifier 65990. The bottom liner system (including the bottom sideslopes) has been listed from bottom to top.
 - A 24-inch thick compacted soil layer with hydraulic conductivity of less than 1×10^{-7} cm/s
 - A 60-mil thick textured high density polyethylene (HDPE) geomembrane
 - A geocomposite drainage layer, consisting of high-density polyethylene geonet with geotextile filter sheet bonded to both sides of the geonet
 - A geosynthetic clay liner
 - A 60-mil thick textured high density polyethylene (HDPE) geomembrane

- A geocomposite drainage layer, consisting of high-density polyethylene geonet with geotextile filter sheet bonded to both sides of the geonet
- A 12-inch thick protective soil cover layer (Cell Floor <10% grade - hydraulic conductivity of greater than or equal to 1×10^{-3} cm/s; Bottom Sideslopes >10% grade - hydraulic conductivity of greater than or equal to 1×10^{-5} cm/s).

This alternative bottom and bottom sideslope liner configuration was approved in conjunction with the Liner System Equivalency Demonstration (Appendix C10 of Volume 4 of 4, Document ID#30273).

15. The following final cover system configuration is approved for Cells 1-8 as shown on Drawing 16 of 21, Document Identifier 30273 and Cells 9-12 as shown of Drawing 15 of 18, Document Identifier 65990. The final cover system has been listed from bottom to top.

- A 6-inch Gas Venting Layer consisting of soil with a minimum hydraulic conductivity of 1×10^{-3} cm/s or greater placed directly over the last lift of waste. If an active gas collection system is required and approved for this facility, this layer will be replaced by a minimum 12-inch thick intermediate cover layer.
- A geosynthetic clay liner
- A 40-mil thick textured linear low density polyethylene (LLDPE) geomembrane
- A geocomposite drainage layer, consisting of high-density polyethylene geonet with geotextile filter sheet bonded to both sides of the geonet
- 12-inch Protective Cover Soil Layer
- 6-inch Vegetative Soil Layer

This alternative final cover system configuration has been approved in conjunction with the Alternate Final Cover System Equivalency Demonstration (Appendix D6 of Volume 4 of 4, Document ID#30273 and Alternative material specification Demonstration 55875).

16. The permittee shall implement the Hazardous and Unauthorized Waste Exclusion Plan presented in Appendix L of the Permit Modification Application having Solid Waste Management Division Document Identifier 65990. In addition to the implementation of the approved Hazardous and Unauthorized Waste Exclusion Plan, the facility shall fully meet all requirements of Reg.22.412 regarding the exclusion of all unauthorized waste streams. Special Materials as identified in Regulation 22 do not require written authorization from the Department, provided the materials that are 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's written Hazardous and Unauthorized Waste Exclusion program.
17. Bulk or non-containcrized liquid waste may not be disposed in the landfill. 40 CFR 258.28(c)(1) and 22.102 defines liquid waste as any waste material that is determined to contain "free liquids" as defined by Method 9095B (Paint Filter Liquids Test), included in

“Test Methods for Evaluating Solid Waste, Physical/Chemical Methods” (EPA Publication SW-846).

18. The facility is authorized to utilize synthetic tarps for daily cover if the material selected is of sufficient weight and durability to control disease vectors, fires, odors, blowing litter, and scavenging. The facility may not use alternate daily cover for more than six consecutive days. Upon notification from the Department the authorization to utilize alternate daily cover may be withdrawn or revoked at any time the Department determines that the alternate daily cover is not effective in controlling disease vectors, fires, odors, blowing litter and scavenging. The facility must place soil intermediate cover in compliance with Reg.22.413.
19. The permittee shall implement the Explosive Gas Monitoring Plan presented in Appendix M of the Permit Modification Application having Solid Waste Management Division Document Identifier 65990. In addition to the implementation of the approved Landfill Gas Monitoring Plan, the facility shall fully meet all requirements of Reg.22.415 regarding the control of explosive gases. The facility shall monitor each of the 16 gas monitoring probes detailed in the approved Landfill Gas Monitoring Plan and within all structures at the facility on a quarterly basis. The results shall be submitted to the Department within 30 days of each monitoring event.
20. The permittee shall implement the requirements detailed in the Operating Plan and Narrative presented in Appendix K of the Permit Modification Application having Solid Waste Management Division Document Identifier 65990. In addition to the implementation of the approved Operating Plan and Narrative, the facility shall fully meet all operating requirements of Regulation 22 unless specifically addressed by a permit condition.
21. This permit authorizes one (1) active disposal area at the facility per Section 22.411 (c) of Regulation 22. A second working face may be approved in writing by the Department for the purpose of the disposal of wastes which may be impacted by non-routine activities.
22. The disposal facility shall provide litter control fences to help control blowing litter, and the disposal facility shall comply with Regulation 22.411(g).
23. The facility shall implement and maintain surface water controls as defined in Regulation 22.411(h). Measures to control and prevent surface water from running through or into the active portion as defined in Regulation 22.102 and measures to prevent liquids from flowing out of the active portion as defined in Regulation 22.102 shall be constructed and maintained as required by Regulation 22.418.
24. 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.
25. The Action Leakage Rate for the facility including the North Phase, South Phase, and Cells 1-12 is 150 gallons per acre per day. The Action Leakage Rate is based on the calculations presented in Appendix Q of the Permit Modification Application having Solid Waste Management Division Document Identifier 65990. The approved contingency plan for the

Action Leakage Rate associated with the North and South Phases has Solid Waste Management Division Document Identifier 18104. The approved contingency plan for the Action Leakage Rate associated with Cells 1-12 has been included in the submittal having Solid Waste Management Division Document Identifier 65361.

26. The permittee shall implement the Construction Quality Assurance Plan presented in Appendix P of the Permit Modification Application having Solid Waste Management Division Document Identifier 65990. In addition to the implementation of the approved Construction Quality Assurance Plan, the facility shall fully meet all requirements of Reg.22.425, 428, and 429. A summary of construction specifications was provided through email dated June 17, 2014, See Document ID 65990. The permittee shall also implement the Revised CQA Plan as necessary for the Final Cover System presented in Document 55875 for the Site 3 and 4 area closure.
27. The permittee shall not implement the Class 4 "Pinnacle Blasting Plan" as proposed in the Operating Plan. A revised blasting plan shall be submitted for approval of ADEQ which shall contain necessary calculations and demonstrations to verify stability of the subsurface based on the impact of specified blasts.
28. The permittee shall implement the Closure and Post Closure Care Plan presented in Appendix R of the Permit Modification Application having Solid Waste Management Division Document Identifier 65990. In addition to the implementation of the approved Closure and Post Closure Care Plan, the facility shall fully meet all requirements of Reg.22.1301 and Reg.22.1302. The post closure maintenance period for this facility shall be a minimum of 30 (thirty) years starting on the date the Department accepts closure of the facility. The length of the post closure period may be decreased or increased by the Director in accordance with Regulation 22.1302(c)(4).
29. The initial total amount of financial assurance is \$7,694,146.00. Of this amount, \$5,834,464.00 will be required for closure costs and \$1,859,682.00 will be required for the post-closure care costs. This amount shall be subject to annual adjustments and may be increased at the discretion of the Department 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 Regulation 22 or as otherwise approved by the Department.
 - b. 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.
 - c. No more than 36 acres of active or interim covered disposal area shall be open in the landfill expansion area. This requirement shall be addressed each year in the facility Annual Engineering and Inspection Report.
 - d. Cell construction shall be performed in the sequence outlined in the approved facility design plans (see Condition 10) and in closure construction shall comply with the

facility closure plan including closure sequencing as presented in the closure plan reference drawings, Figures 1-3.

30. The permittee will install an additional 60-mil High Density Polyethylene Geomembrane under the entire leachate collection sump and the entire leachate collection trench for each cell (Cells 1-12 of the expansion area). The second geomembrane shall be installed and tested to the same standards as the primary liner material.
31. The facility shall measure and record the fluid accumulation in each leachate collection system and leachate detection system sump and storage tank each day except Sundays, and State of Arkansas observed holidays. The facility shall, on a daily basis, measure and record the amount of liquid removed from Cells 1-12 including the leachate collection and leak detection system sumps. The results of the leak detection system sump fluid accumulation measurements and the amount of liquids removed from the leak detection system shall be utilized in the calculation of the leak detection system flow rate. The facility may utilize a three day average in determining compliance with the action leakage rate. The equipment and methods for determining the fluid removed from the leachate collection and leak detection system in Cells 1-12, shall be reviewed and calibrated when any modifications are made to the leachate collection and leak detection system. Documentation of the calibration shall be submitted within 30 days of making a modification to the leachate collection and leak detection system. Upon construction of a new landfill cell, documentation of the calibration shall be submitted with the construction quality assurance certification report.
32. The facility shall collect samples from the leak detection system and leachate collection system sumps monthly. The samples shall be analyzed for chloride, ammonia, specific conductance, and pH. In addition the facility shall collect samples from the leak detection and leachate collection system sumps annually and test the samples for iron, manganese, total organic carbon, and the constituents listed in Appendix 1 of Regulation 22. While the facility is in assessment monitoring or corrective action, every three years the facility will analyze the annual leak detection and leachate collection samples for all Regulation 22 Appendix 2 parameters. The results of the sampling detailed above shall be submitted to the ADEQ directly from the analytical testing laboratory and shall be included in the groundwater monitoring reports for the facility.
33. The permittee shall comply with the air criteria requirements of Regulation 22.416, and any Air Permit issued to the disposal facility.
34. The permittee shall furnish the Department annual engineering inspection reports in accordance with Regulation 22.423.
35. The groundwater monitoring system will be monitored per the standard provisions of Regulation 22 and shall consist of a sufficient number of wells or sampling points, installed at appropriate locations and depths to yield ground water samples that:
 - a. Provide ground water quality passing the relevant point of compliance downgradient of the solid waste unit, facility, or practice as defined by Regulation 22. The downgradient monitoring system must ensure detection of ground water contamination in the uppermost aquifer.

- b. Provide background that has not been affected by any solid waste unit, facility, or practice as defined by Regulation 22.

The monitoring system shall be installed, operated and maintained in accordance with the approved design specifications throughout the active life of the facility and throughout the post-closure care period.

36. All groundwater monitoring at the site as described in this Permit, the approved Groundwater Sampling and Analysis Plan (GWSAP), and the Corrective Action Monitoring Program will follow the provisions detailed within Regulation 22 except for the following approved alternatives:
 - a. Monthly sampling and reporting of indicator parameters as detailed in Condition 38a and 40.
 - b. Decreased well sampling during the 2nd and 4th quarters as detailed in Condition 38b.
 - c. Decreased frequency of Appendix 2 sampling as detailed in Condition 38c.
 - d. Inclusion of Leak Detection System (LDS) and Leachate Collection System (LCS) monitoring results within groundwater monitoring reports as detailed in Condition 40.
37. Groundwater Monitoring System:
 - a. The initial groundwater monitoring system for the Eco-Vista Class 1 landfill consists of 23 wells (MW-1N, MW-2N, MW-3N, MW-7N, MW-8N, MW-10N, MW-11N, LGW-2, LGW-3, LGW-4, LGW-5, LGW-6, LGW-7, LGW-8R, LGW-9, LGW-10, LGW-14R, proposed monitoring wells MW-15, MW-16, MW-17, MW-19, MW-20, and MW-21). The Nature and Extent wells are currently monitored under the Corrective Action Monitoring Program for the site and may be added to the standard groundwater monitoring system in the future.
 - b. Any modification of the groundwater monitoring system will follow the provisions of Regulation 22. Wells LGW-1, MW-4N, and MW-5N will be decommissioned as the landfill cells at the well locations are constructed.
38. The groundwater monitoring system will be monitored per Regulation 22 and the following:
 - a. Monthly Indicator Parameter Sampling: Wells LGW-2, LGW-3, LGW-4, LGW-5, LGW-6, LGW-7, LGW-8R, LGW-9, LGW-10, LGW-14R, MW-7N, MW-15, MW-16, MW-17, and MW-19 shall be sampled monthly for the following indicator parameters: ammonia, chloride, pH, and specific conductance. Groundwater elevations will be measured prior to sampling.
 - b. Quarterly Sampling: After collection of baseline pre-expansion groundwater quality in wells MW-15, MW-16, MW-17, MW-19, MW-20, and MW-21, all 23 monitoring wells at the site shall be sampled quarterly as follows:

- i.) During the 1st and 3rd quarters all monitoring wells shall be sampled for the full suite of parameters on the Assessment Monitoring Constituents (AMC) list (defined in Regulation 22.1205(b)), plus Iron (Fe), Manganese (Mn), and Total Organic Carbon (TOC).
 - ii.) During the 2nd and 4th quarters any facility monitoring well which had: 1) a parameter exceedance of the established Ground Water Protection Standard (GWPS) (defined in Regulation 22.1205(h)) during the previous quarter or 2) a Statistically Significant Increase (SSI) during the monthly indicator sampling since the last full AMC list sampling shall be sampled for the full suite of parameters on the AMC list (defined in Regulation 22.1205(b)), plus Fe, Mn, and TOC.
 - iii.) Should the facility be authorized by the Department to return to Detection Monitoring per Regulation 22, the AMC parameter list will be replaced by Appendix 1 of Regulation 22 plus Fe, Mn, and TOC.
 - c. Appendix 2 Sampling: Per Regulation 22, Appendix 2 sampling will occur while the facility is in Corrective Action or Assessment Monitoring.
 - i.) All monitoring wells which had an exceedance of the GWPS the previous calendar year shall be sampled for the full list of Appendix 2 parameters;
 - ii.) All 23 monitoring wells shall be sampled for the full list of Appendix 2 parameters every three years with the first sampling event to occur in 2015, 2018, 2021, etc.
 - d. Corrective Action Sampling: While the facility is within Corrective Action, Nature and Extent wells shall be monitored in accordance with a Department approved Corrective Action Monitoring Program for the facility.
39. The statistical analysis of groundwater sampling results will follow Regulation 22 and the approved Groundwater Sampling and Analysis Plan. Below are items from Regulation 22 included here for clarification.
 - a. Background Groundwater Quality: After collection of baseline pre-expansion groundwater quality in monitoring wells MW-15, MW-16, MW-17, MW-19, MW-20, and MW-21, a background data set will be created for the whole site and approved by SWMD for use in statistical analysis. The background data set will be from wells confirmed to be unaffected by leakage (including landfill gas) from the facility.
 - b. Statistically Significant Increase: Per Regulation 22.1204(c) the facility will determine if a Statistically Significant Increase (SSI) has occurred based on results of the most recent sampling event during detection monitoring. To assist in characterizing the groundwater at the site and per Regulation 22.1203(k), SSIs will be determined at each well even if the facility is in assessment monitoring or corrective action status.

- c. Statistical Methodologies: All ground water statistical methodologies will be performed in a manner that complies with Regulation 22 and the *Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, Unified Guidance* by EPA dated March 2009 (EPA 530-R-09-007). Any statement or methodologies within the current groundwater sampling and analysis plan (GWSAP) that do not meet these criteria shall not be considered authorized by the Department. A revised GWSAP shall be submitted to the Department for review within 60 days of the effective date of this final permit.
40. The reporting of groundwater monitoring results will follow Regulation 22 with the following additions:
- a. Monthly Indicator Parameters Report: A monthly indicator parameters report will be due at the end of each month following the month to which the report pertains and will include:
- i.) Analytical data from that month's indicator sampling of groundwater, the leak detection system, and the leachate collection system. Groundwater elevations should also be included.
 - ii.) List of calculated SSIs for all monthly results from the groundwater monitoring wells.
 - iii.) Graphs for each SSI, presenting the parameter at the location 1) over the past year and 2) since monthly monitoring began.
 - iv.) Database printout of all monthly sampling analytical results since beginning of monthly indicator sampling.
 - v.) Daily volume and rate data collected from the leak detection system and the leachate collection system since the last report.
 - vi.) Discussion of all results obtained from the groundwater monitoring wells.
- b. Groundwater Monitoring Reports: The groundwater monitoring reports (GWMR) will follow Regulation 22 with the addition of:
- i.) A summary discussion of the monthly indicator sampling results since the last GWMR;
 - ii.) A summary discussion of the Corrective Action Monitoring Plan results since the last GWMR.
 - iii.) Analytical results of the leak detection system and leachate collection system sampling for expanded parameters (AMC list or Appendix 2 parameters) after each of the expanded sampling events.
41. Regulation 22.1103(f) requires any new monitoring well(s) added to the ground water monitoring system shall be certified by a supervising professional and must comply with

Regulation 22.1202(c). Regulation 22.1202(e) – “The groundwater monitoring system must be certified by a qualified ground water scientist or approved by the Director. Within fourteen (14) days of submitting this certification [to ADEQ], the permittee must notify the Director this monitoring system certification has been placed in the operating record.”

Monitoring well certification shall confirm all monitoring system components have been constructed and installed in an acceptable manner following appropriate ASTM D 5092 or EPA-530-R-93-017 well construction protocols per Regulation 22.1103.

42. The permittee shall comply with Regulation 22.1103(a), which requires “following construction, each well shall be developed to the degree necessary to restore formation hydraulic conductivity and insure low turbidity samples which are representative of formation ground water quality.”

Reports of replaced or decommissioned wells shall be submitted to the Department within 60 days of completion and shall be placed in the Operating Record.

43. 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. “Ground water elevations must be measured in each well immediately prior to purging, each time ground water is sampled. The owner or operator must determine the rate and direction of ground water flow each time ground water is sampled” as prescribed in Regulation 22.1203(d).
 - b. Testing laboratories shall be certified by the Department per the “State Environmental Laboratory Certification Program Act (Ark. Code Ann. § 8-2-201 et Seq.)” As prescribed in Regulation 22.1203(j)(4), “Ground water analytical data submittal procedures, which shall include provisions for the direct submittal of all analytical results from the contract, or independent third party laboratory to the Department.”
44. Analysis of ground water samples shall be in accordance with the most current version of EPA Report SW-846 Test Methods for Evaluating Solid Waste, Physical/Chemical Methods or the most current EPA approved analytical method. This statement applies to the sub-provisions a - e listed below.
- a. “Volatile organic compounds analysis shall be in accordance with Method 8260 while metal analysis shall be in accordance with Method 6010 or a method from the 7000 series” or an equivalent as prescribed in Regulation 22.1204(d). Method detection limits for each parameter must be reported.
 - b. “All values above the Method Detection Limit (MDL) must be reported” as prescribed in Appendix 1(4) and as referenced in Regulation 22.1203(h)(5) and Regulation 22.1204(d).
 - c. “Other parameters of concern may be added by the Department based upon individual waste and leachate characteristics” as stated in Regulation 22.1204(a)(3). “The sampling procedures and frequency must be protective of human health and the environment” as stated in Regulation 22.1203(c). The Department may modify the analytical parameters or sampling frequency based on waste or leachate characteristics, or as needed to

determine or update representative background water quality or to investigate contaminants of potential concern as necessary to protect human health or the environment.

- d. "Analytical methods utilized should conform [to] SW-846 or the most current EPA approved analytical methods. Primary Drinking Water Standard MCLs shall be superceded by the publication of new standards from EPA" as prescribed in Regulation 22.1203(b).
 - e. "Test Methods and Detection Limits – Only Department approved test methods shall be used in the analysis of ground water monitoring parameters. Unless written approval is granted by the Department, the reporting detection limit (MDL) must be less than or equal to the values reported in EPA Report SW-846 Test Methods For Evaluating Solid Waste," Revision 6, February 2007, or current available edition as prescribed in Regulation 22.1204(d).
45. The permittee "shall develop and implement a Department approved site specific written sampling and analysis plan. The sampling and analysis plan and all reports to ADEQ required under the sampling and analysis plan shall be certified by a qualified ground water scientist. The sampling and analysis plan must include the following element – a method for statistically evaluating ground water analytical data for significant changes must be selected. The method must be tailored to fit the hydrogeology of the site. For data quality assurance purposes, the statistical evaluation should be performed by a third party independent from the contract laboratory analyzing the ground water" as prescribed in Regulation 22.1203(j)(5).

The permittee "must determine whether or not there is a statistically significant increase or decrease over background values for pH. The owner or operator must determine whether or not there is a statistically significant increase for each parameter or constituent required in the particular ground water monitoring program that applies to the landfill, as determined under Reg. 22.1204(a) or Reg. 22.1205(a)" as prescribed in Regulation 22.1203(i).

The statistical methods used to evaluate groundwater monitoring data must be in conformance with requirements of Regulation 22.1203(g), (h), and (i).

46. Ground water monitoring reports shall be submitted to the SWMD and comply with Regulation 22.1203(k). The report shall summarize the results of sampling and include a determination of whether a statistically significant increase over background values has occurred for each constituent required to be analyzed.
- a. Quarterly analytical results shall be submitted directly to the Solid Waste Management Division (SWMD) from the contract laboratory on or before March 31, June 30, September 30, and December 31.
 - b. Semi-Annual analytical results shall be submitted directly to the SWMD on or before June 30 and December 31 each year thereafter.
47. While in detection monitoring, should a statistically significant increase over established background concentration be detected for one or more of the monitored constituents, the permittee must undertake the following actions per Regulation 22.1204(c):

- a. "Must, within fourteen (14) days of this finding, place a notice in the facility operating record indicating which constituents have shown statistically significant changes from background levels, and notify the Director that this notice was placed in the operating record; and,
 - b. Must establish an assessment monitoring program meeting the requirements of Reg. 22.1205 within ninety (90) days except as provided for in paragraph(c)(3) of this section [Regulation 22.1204].
 - c. The owner or operator may demonstrate that a source other than a landfill caused the contamination or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in ground water quality. A report documenting this demonstration must be certified by a qualified ground water scientist or approved by the Director and be placed in the operating record. If a successful demonstration is made and documented, the owner or operator may continue detection monitoring as specified in this section. If, after ninety (90) days, a successful demonstration is not made, the owner or operator must initiate an assessment monitoring program as required in Reg. 22.1205."
48. While a facility is in an Assessment Monitoring Program, if one or more of the assessment monitoring constituents are detected at statistically significant levels exceeding the established Groundwater Protection Standards, the permittee must undertake the following steps per Regulation 22.1205(g).
1. "Within fourteen (14) days of this finding, place a notice in the operating record identifying the assessment monitoring constituents that have exceeded the ground water protection standard and notify the Director and all appropriate local government officials that the notice has been placed in the operating record. The owner or operator also:
 - (i) Must characterize the nature and extent of the release by installing additional monitoring wells as necessary;
 - (ii) Must install at least one additional monitoring well at the facility boundary in the direction of contaminant migration and sample this well in accordance with Regulation 22.1205(d)(2);
 - (iii) Must notify all persons who own the land or reside on the land that directly overlies any part of the contaminant migration if contaminants have migrated off-site if indicated by sampling of wells in accordance with Reg. 22.1205(g)(1); and
 - (iv) Must initiate an assessment corrective measures as required by Regulation 22.1206 within ninety (90) days; or
 2. May demonstrate that a source other than a landfill or solid waste disposal facility caused the contamination, or that the SSI resulted from error in sampling, analysis, statistical evaluation, or natural variation in ground water quality. A report documenting this demonstration must be certified by a qualified ground water scientist or approved by the Director and placed in the operating record. If a successful demonstration is made the owner or operator must continue monitoring in accordance with the assessment monitoring program pursuant to Regulation 22.1205, and may return to detection monitoring if the

assessment monitoring constituents are at or below background as specified in Regulation 22.1205(e). Until a successful demonstration is made, the owner or operator must comply with Regulation 22.1205(g) including initiating an assessment of corrective measures.”

Based upon the results of an Assessment of Corrective Measures per 22.1206, the permittee must proceed with Selection of a Remedy in accordance with Regulation 22.1207 and then proceed with Implementation of a Corrective Action program for the facility in accordance with Regulation 22.1208

49. Schedule if Nature and Extent Investigation is Required – If assessment monitoring constituents are detected at statistically significant levels above the groundwater protection standard per Regulation 22.1205(g), the facility shall follow Regulation 22.1205(g) and shall submit a workplan (including a schedule) for characterizing the nature and extent of the release to the Department within thirty (30) days of the statistical finding unless an extension is approved by the Department. After review, the facility will be notified of any workplan deficiencies. The facility shall respond with the necessary information within 20 days of the Department notification of deficiencies unless an extension is approved by the Department. An alternate source demonstration or alternate source demonstration workplan may also be submitted by the facility; however, the facility must comply with the remainder of Regulation 22.1205(g) until a successful demonstration is made as per Regulation 22.1205(g)(2).
50. Any statements in the operational narrative, application documents, specifications, engineering plans, and/or monitoring plans that conflict with Regulation 22, permit conditions herein, or other applicable laws and regulations shall not be considered authorized by the Department.
51. 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. 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: Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72218



Benjamin T. Jones, Chief
Solid Waste Management Division

9/19/2014

Date

Eco-Vista, LLC Class 1 Landfill
Permit No. 0290-S1-R3
AFIN: 72-00144
Page 18 of 18

CERTIFICATE OF SERVICE

I, Barbara J. Mathews, hereby certify that a copy of this permit has been mailed by first-class mail to David Conrad, 2210 Waste Management Drive, Springdale, AR 72762, on or before this 19th day of September, 2014.

Statement of Basis:

Permit Application Summary, Document Summary, and Rationale for Conditions

**Eco-Vista Class 1 Landfill
Permit No. 0290-S1-R3; AFIN No. 72-00144**

Permit 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 Solid Waste Management Division. The entire file for the solid waste permit application specified below should be reviewed for complete details on the proposed facility.

Permit Application Summary	
1. Name of Applicant:	Eco-Vista, LLC
2. Type of Facility:	Class 1 landfill
3. Engineering Firm and Geotechnical Firm:	Terracon Consultants, Inc. and Chimney Rock Consultants
4. Application Date:	Original Application submitted: January 14, 2013 & August 16, 2013 Revised Application submitted: November 18, 2013, this document was recompiled with subsequent submittals into document ID: 65990
5. Site Location	General: Approximately two and one half miles southwest of Tontitown, Arkansas Specific: Portions of Sections 14 and 23, Township 17 North, Range 31 West, Washington County, Arkansas
6. Permit Area:	Total Property Area: 609.23 ± acres Permitted Landfill Area: 147 ± acres [Old Landfill – Site 3&4/North & South Phases (66 acres); 2006 lateral expansion area (46 acres); Major Modification Lateral Expansion (33.8 acres)]
Residences Within 2 Miles:	Approximately 413 dwellings within two miles of site (stated on the pre-application form). Figure 6.B Volume 2 in the application has an aerial photograph with the approximate locations of dwellings based on “revised dwelling locations and count due to better imagery dated 3/6/12”.
Water Supplies Within 2 Mile:	Approximately 68 wells (Note on Figure 3.4 Vol. 3); City water available to some homes. Well surveys and available well logs included in Vol. 3

Permit Application Summary

Wetlands:	Small wetland area. USACE determined isolated wetland is non-jurisdictional and therefore does not require a Section 404 Permit
Geology	<p>The facility is located in the Ozark Plateau physiographic province and on the Boone Formation. The Boone Formation is a cherty limestone of Mississippian age with an approximate thickness of 280 feet in northwestern Arkansas. During weathering, the limestone dissolves, leaving a chert and clay residuum at the land surface. The overlying weathered regolith was observed to be approximately 33.5 ft. to 73.5 ft. in the proposed lateral expansion area. The Boone Formation rests conformably on the St. Joe Member and together comprises one unit known as the Boone-St. Joe Aquifer. The Boone-St. Joe rests unconformably on the Devonian-aged Chattanooga Shale.</p> <p>Dissolution of limestone in the Boone Formation has created karst terrain in northwest Arkansas. The regolith typically obscures the upper karstified surface of the bedrock. Over time the limestone is dissolved away, leaving a porous chert matrix with high permeability behind. This zone is an avenue for fast groundwater flow when saturated, fast gas flow when unsaturated, and may store large volumes of recharge water during rain events.</p> <p>Examples of karst features includes voids noted on several boring logs (most notably an eight foot void noted in MW-5R and a large void encountered in EB-19), bedrock pinnacles, and fast groundwater flow to springs (documented in the recent dye study).</p>
Soils:	Based on the Washington County Soil Survey prepared by the USDA Soil Conservation Service, soils in the vicinity of landfill belong to the Captina silt loam, Nixa cherty silt loam, Clarksville Cherty silty loam, Razort gravelly silt loam, Baxter liberty silty loam, and Johnsburg silt loam associations. A portion of these soils have been excavated and utilized in the landfilling operations. Test pits showed the site generally covered with silty clay, clay, and abundant chert.
Ground Water:	<p>The facility is located above the Boone-St. Joe Aquifer which regionally has good water quality.</p> <p>Fast groundwater flow has been documented at the site with ranges of five to several hundred feet per day. Major flow is concentrated along zones of secondary permeability. The potentiometric surface interpretation and the dye study results suggest groundwater flows radially from the study area.</p> <p>The groundwater at the facility has had impacts and is in corrective action. The selected remedy at this time is gas extraction. Discussions are ongoing with the facility about groundwater corrective action at the site. The March 10, 2014 letter (Document 65639) includes a summary of the recent items discussed. The letter states that based on out-of-waste gas extraction well locations, monitoring wells MW-7N, MW-8N, MW-1N, NE-1, NE-4, and NE-5 could be much more affected by adjacent gas extraction than the surrounding aquifer away from the out-of-waste gas extraction wells. This remediation at or near the monitoring well can render these wells unrepresentative of the surrounding aquifer. As included in the letter, the</p>

Permit Application Summary	
	<p>facility is required to submit to the Department: a) proposed plan of action detailing how it intends to modify the gas system and/or monitoring system so that the system does not focus on monitoring wells, b) the technical basis for the out of waste gas extraction system design, and c) a modified "Corrective Action Monitoring Plan" (currently Document 24866). These submittal were due June 12, 2014. The response (Document 66045) was submitted by Chimney Rock Consulting on June 12, 2014 and is currently under review by ADEQ.</p>
Surface Drainage Sequence:	<p>Drainage across the site is generally to the south and water is conveyed to sedimentation basins located on the south side of the site. The outfalls located on the south side of the site discharge to a naturally occurring drainage swale that is conveyed to Little Wildcat Creek. A portion of the extreme northwest corner of the site drains to the north. (Pre-Application)</p> <p>Surface drainage from the landfill property occurs south and southeast in ephemeral tributaries approximately one-half mile to Little Wildcat Creek and Clear Creek. The area northwest of the Eco-Vista Landfill is drained by Wildcat Creek and its tributaries. Wildcat Creek flows to the northwest and enters Osage Creek which flows to the southwest and also joins the Illinois River after a short distance. The Illinois River eventually flows into the Arkansas River in Oklahoma.</p>
Waste Streams:	Class 1 and Class 4 wastes as defined in Regulation 22.
Capacity (consultant estimation):	<p>Total Capacity = 15,990,00 cubic yards (This includes the volume of solid waste and any daily or intermediate soil cover)</p> <p>[Old Landfill – Site 3 & 4/North & South Phases (5,990,000 CY); 10% Minor Modification in 2006 (596,000 CY); 46 Acre Lateral Expansion in 2006 (4,500,000 CY); Major Modification Lateral Expansion 2014 (4,904,000 CY)]</p>
Disposal Rate	<p>364,359 (tons/year) through the gate</p> <p>494,225 (cubic yards/year) Landfill Utilization Rate (approximately may vary)</p>
Projected Active Life after this modification	14.7 years (From year-end 2011) (approximately, will vary with waste received)
Bottom Liner System:	<ul style="list-style-type: none"> • A 24-inch thick compacted soil layer with hydraulic conductivity of less than 1×10^{-7} cm/s • A 60-mil thick textured high density polyethylene (HDPE) geomembrane • A geocomposite drainage layer, consisting of high-density polyethylene geonet with geotextile filter sheet bonded to both sides of the geonet • A geosynthetic clay liner

Permit Application Summary	
	<ul style="list-style-type: none">• A 60-mil thick textured high density polyethylene (HDPE) geomembrane• A geocomposite drainage layer, consisting of high-density polyethylene geonet with geotextile filter sheet bonded to both sides of the geonet
Final Cover:	<ul style="list-style-type: none">• A 6-inch Gas Venting Layer consisting of soil with a minimum hydraulic conductivity of 1×10^{-3} cm/s or greater placed directly over the last lift of waste. If an active gas collection system is required and approved for this facility, this layer will be replaced by a minimum 12-inch thick intermediate cover layer.• A geosynthetic clay liner• A 40-mil thick textured linear low density polyethylene (LLDPE) geomembrane• A geocomposite drainage layer, consisting of high-density polyethylene geonet with geotextile filter sheet bonded to both sides of the geonet• 12-inch Protective Cover Soil Layer• 6-inch Vegetative Soil Layer

Document Summary and Rationale for Conditions

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

- S Permit Pre-Application submitted July 20, 2010 (SWMD# 57953), submitted November 22, 2011 (SWMD# 61270), and revised on May 2, 2012 (SWMD# 62336) (Email dated August 7, 2012 SWMD# 62943)
- S Public notices submitted August 28, 2012 (SWMD# 63086), June 3, 2013 (SWMD# 64490),
- S The work plans for the lateral expansion area submitted July 20, 2010 (SWMD# 57959), dated July 26, 2010 (SWMD# 57982), dated August 2, 2010 (SWMD# 58060), November 24, 2010 (SWMD# 58619), March 9, 2012 (SWMD# 61944), May 3, 2012 (SWMD# 62356), July 13, 2013 (SWMD# 62796), September 5, 2012 (SWMD# 63119), October 3, 2012 (SWMD# 63249)
- S Preliminary results of borings drilled submitted November 1, 2010 (SWMD# 58510), November 23, 2011 (SWMD# 61275), March 9, 2012 (SWMD# 61943)
- S This major permit modification was completed through a series of documents furnished by the applicant on January 14, 2013 (SWMD# 63689); March 7, 2013 (SWMD# 64028); March 8, 2013 (SWMD# 64036), June 3, 2013 (SWMD# 64490); August 16, 2013 (SWMD# 64882); November 18, 2013 (SWMD# 65227); January 2, 2014 (SWMD# 65361); May 23, 2014 (SWMD# 65975); June 6, 2014 (SWMD# 66023)
- S Correspondence from the Permittee such as March 1, 2011 (SWMD# 59334); July 18, 2011 (SWMD# 60434); May 1, 2012 (SWMD# 62323), July 24, 2012 (SWMD# 62849); April 24, 2014 (SWMD# 65873) The Arkansas Solid Waste Management Code, as Amended (Regulation Number 22); and all other applicable rules and regulations of the Arkansas Department of Environmental Quality.
- S SWMD# 65990 is a Compilation of the Permit Modification Application for Eco-Vista. This Document was created by the SWMD electronically from previous WM submittals and does not exist as a separate document in the hard copy files. Response to Comments dated November 18, 2013 and Permit Modification Application revised on October 2013 – SWMD# 65227; After comments, only modified figures, tables, and texts were re-submitted or added, not the entire report - May 23, 2014 – SWMD# 65975; ALR Plan email – January 2, 2014 – SWMD# 65361; email from Johnny Mason dated June 17, 2014 Summary of Material Testing – SWMD# 66074, and added to the end of the document Response to Comments dated June 6, 2014 and Supplemental Hydrogeologic and Geotechnical Investigation Report Revised June 2014 - SWMD# 66023

Condition No.	Permit Conditions
1	This condition discusses the limited liability of ADEQ in issuance of the permit and the reliance on the accuracy and suitability of the information provided by the applicant's professional and responsible officials. [22.301(h) and (i) and Regulation 8]
2	This condition discusses the requirements to construct and operate of the disposal facility in accordance with the approved plans/specifications/operation narrative and in accordance with Sections 22.308, 22.411, and 22.422 of Regulation 22.
3	This condition discusses requirements to maintain the disposal facility in good operating condition under licensed, qualified, on-site operators is in accordance with Section 22.411 of Regulation 22 and Regulation 27.

Condition No.	Permit Conditions
4	The Department may revoke or modify the permit in the event the facility is no longer in compliance with the Arkansas Solid Waste Management Act, Regulation 22 or other applicable regulations [22.308].
5	Concerns issuance of modifications to the permit by the Department is in accordance with Sections 22.308 and 22.422 of Regulation 22.
6	Payment of permit fees in accordance with Regulation 9 and Regulation 11 are mandatory.
7	This contains specifications for transfer and disclosure requirement is in accordance with Act 454 of 1991.
8	Department employees may enter the permittees property to inspect the facility at any time without interference or delay is in accordance with Section 22.1501 of Regulation 22.
9	This provides a general summary of the permitted facility and disposal acreage. It further clarifies the permitted grades or boundaries may not be exceeded and clarifies the terms for placement of the permit in void status. The permit does not expire under current regulations. The permit may be placed in void status when the facility is filled to permit capacity and closed out in accordance with Regulation 22 and the approved closure plan and after completion of the post-closure. Corrective action may be necessary during the life of the permit and may be cause for extension of the post-closure care period under 22.1302(c).
10	This permit condition details the approved landfill plans for the facility. Any changes to the plans listed will require a modification to the facility permit. Detail for Site 3, Site 4, North 1 Acre, and the 2006 minor modification remain in this permit version. These areas were capped in 2010 but are not yet certified by ADEQ.
11	This permit condition details the approved waste disposal capacity for the expanded landfill. The volumes are based on the calculations prepared and presented by the applicant.
12	This permit condition establishes the permitted waste disposal boundary. Waste disposal outside this area is not approved.
13	This permit condition outlines the approved bottom configuration for the North 1 Acre Area as previously approved by the Department.
14	This permit condition establishes the approved bottom configuration for Cells 1-12 of the facility. Approval of this alternate configuration was completed in conjunction with the presented Liner Equivalency demonstration.
15	This permit condition establishes the approved final cover system for Cells 1-12. Approval of this alternate configuration was completed in conjunction with the presented Final Cover System Equivalency demonstration.
16	This permit condition identifies the approved Hazardous and Unauthorized Waste Exclusion Plan for the facility as required by Regulation 22.412.
17	This condition restricts the disposal of bulk liquid wastes at the facility. This was not requested under 22.420 and no submittal of liquid management plan.
18	This permit authorizes the use of synthetic tarps as an alternate daily cover. This condition was approved based on the landfill's previous success utilizing alternate cover material.

Condition No.	Permit Conditions
19	This permit condition details the approved Explosive Gas Monitoring Plan as required by Regulation 22.415. Because the facility is in corrective action monitoring at the time of issuance of this permit, and landfill gas generation is a key consideration during the corrective action, ADEQ requests under the authority of 22.421(b) that gas monitoring reports are submitted to the agency according to the language in the specific condition. In development of the draft permit decision, ADEQ and the applicant had discussions which indicated that the timing allowed for these report submittals was either insufficient or in some cases difficult to meet. The 14-day deadline for reporting has been extended in the final permit to 30 days.
20	This permit condition establishes the approved Operating Plan and Narrative as required by Regulation 22.
21	This permit allows only one working face. A second face may be requested and may be approved by ADEQ for the disposal of wastes during non-routine activities. Approval must be obtained in writing from the Department.
22	This permit condition requires the use of litter control fences or other litter control measures to be implemented for the control of blowing litter.
23	This condition is in place to address not only 22.411(h) but also 22.418. The condition clarifies that surface water controls are necessary and further it is a requirement of both Regulation 22 citations and that measures must be in place to control stormwater flow into or through an active portion defined by 22.102. Also, the condition is meant to clarify that leachate generated in the active portion defined by 22.102 is not allowed to be discharged and must be retained and directed to the facility collection system or otherwise collected and treated as leachate according to 22.419 and 22.429. [22.411(h), 22.418]
24	This condition includes the measures to control and prevent storm water run-on through or into the active disposal area and requirements for appropriate NPDES permit(s) and a Storm Water Pollution Prevention Plan (SWPPP) is in accordance with Sections 22.418, 22.419 and 22.427 of Regulation 22 and the Clean Water Act.
25	This permit condition establishes the Action Leakage Rate for the facility. The ALR was established based on the calculations prepared and presented in the application. This condition also establishes the approved contingency plan for the ALR.
26	This permit condition establishes the approved CQA Plan for the facility and references the specification in construction provided in application materials in accordance with 22.425, 428, and 429.
27	This permit condition restricts implementation of the blasting plan until the permittee can demonstrate that engineering measures and calculations have been incorporated in accordance with Section 22.407.
28	This condition establishes the approved Closure and Post-Closure Care Plan for the facility as required by Regulation 22.1301 and 22.1302. References are made to the closure phasing figures presented with the closure plan. These phasing progression figures affect the cost estimates of the largest area open at any one time.
29	This condition specifies the initial amount of financial assurance as required and requires annual updates by Regulation 22.1402 and 22.1403. The financial assurance must be updated before construction of cell 9, the beginning of the expansion permitted through this permit action. A limitation open areas of the expansion (including constructed but uncertified cap) is included. This is based on the details contained in the closure plan and cost estimates.

Condition No.	Permit Conditions
30	This permit condition requires the double lining of the leachate sumps and leachate collection trenches for additional protection from leakage in these most vulnerable locations.
31	This permit condition requires the monitoring of the quantity of fluid in the leachate sumps, leak detection sumps and leachate storage tanks. Conditions 28 and 29 present a detailed alternative monitoring requirement to satisfy 22.429(l).
32	This permit condition requires the analytical testing and reporting of the leachate collection and leak detection system. Conditions 28 and 29 present a detailed alternative monitoring requirement to satisfy 22.429(l).
33	Facility must comply with the air criteria requirements of Regulation 22.416 including the requirements of the State Implementation Plan of the Clean Air Act. Also, prohibiting the open burning of solid waste and establishing fire safety procedures.
34	This permit condition concerns the submittal of annual engineering inspection reports as specified by Regulation 22.423.
35	A groundwater monitoring system shall be established and maintained at the Eco-Vista 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 groundwater quality (per Reg. 22.1202). The monitoring system shall be installed, operated and maintained in accordance with the approved design specifications throughout the active life of the facility and throughout the post-closure care period (per Reg. 22.1201(d) and Reg. 22.1302(b)).
36	All groundwater monitoring at the site as described in this Permit, the Groundwater Sampling and Analysis Plan (GWSAP) and Corrective Action Monitoring Program will follow the <u>standard</u> provisions within Regulation 22 except for the variances listed. This condition is to clarify that the standard provisions of Regulation 22 were intended to be followed except for the variances listed. Due to the length and complexity of the plans, there may be items that differ from Regulation 22 standard provisions – these differences are unintentional and the standard provisions of Regulation 22 should be followed.
37	<p>List of the 23 wells currently part of the groundwater monitoring system. Modification of the groundwater monitoring system will follow Regulation 22. Wells LGW-1, MW-4N, and MW-5N will be decommissioned as the landfill cells at the well locations are built. However, monitoring wells LGW-4, LGW-5, LGW-7, and MW-7N should be monitored during the active life of the facility and throughout the post-closure care period. Significant effort will be required to repair these four wells if they are damaged. These four wells had “positive” or “likely” dye traces during the 2005 dye study and were found to be screened within preferential groundwater flow zones. This may require significant excavation around the well to replace/repair the well casing, use of drilling rigs to help clear the inside of the well, or any other means needed to repair the wells. The facility must obtain permission from the SWMD to install, decommission, replace repair, or otherwise alter monitoring wells per Regulation 22.1103(f) and 22.1202 (c).</p> <p>Wells defined to be in the groundwater monitoring system are point of compliance wells. The wells are considered compliance “points” and no point of compliance “line” has been defined or is meant to be implied by the Director. The relevant point of compliance is considered to be “no more than 150 meters away from the waste management unit boundary” per Reg. 22.424. That is: groundwater at the site beyond the waste management unit boundary is still considered protected per Regulation 22 and may be monitored and remediated in the future.</p>

Condition No.	Permit Conditions
38	<p>Per Regulation 22.1204(b)(1) and Regulation 22.1205(c), the Director may specify an alternate frequency for sampling and analysis.</p> <p>Monthly Indicator Parameter sampling - The increased frequency required is based on the high groundwater flow rates (5 to several hundred feet per day) documented at the site during dye testing.</p> <p>Quarterly Sampling – this requirement is pursuant to Regulation 22.1204(b) for landfills within the Boone-St. Joe out crop area except decreased well sampling during the 2nd and 4th quarters are allowed due to the increased Monthly Indicator Parameter sampling in Condition 38a.</p> <p>Full Appendix 2 sampling during Assessment Monitoring and Corrective Action per Regulation 22.1205 and Regulation 22.1206. This condition requires full Appendix 2 sampling for wells which had an exceedance of the GWPS during the previous calendar year and all wells every 3 years. This decrease is an alternative in the prescriptive Regulation 22 Appendix 2 sampling which is specified to be performed annually during Assessment Monitoring or Corrective Action per Regulation 22.1205(b).</p> <p>Corrective Action Sampling per an SWMD approved Corrective Action Monitoring Program while the facility is in Corrective Action Status per Regulation 22.1208.</p>
39	<p>This condition requires creation of a background groundwater quality data set for use in statistical analysis. The background data set will be from wells confirmed to be unaffected by leakage (including landfill gas) from the unit. This requirement is from Regulation 22.1202(a)(1) and Regulation 22.1203(e). The conditions requires the facility to determine if a Statistically Significant Increase (SSI) has occurred based on results of the most recent sampling event during detection monitoring per Regulation 22.1204(c). To assist in characterizing the groundwater at the site and per Regulation 22.1203(k), SSIs will be determined at each well even if the facility is in assessment or corrective action status. Statement that all groundwater statistical methodologies will comply with Regulation 22. In addition, the methodologies will be consistent with the EPA “Unified Guidance” or the most current, relevant EPA statistical guidance publication per Regulation 22.1203(g) (6 & 7). Reg. 22.1203(k) requires the facility provide appropriate documentation of SSI’s in the GWMR and provide a discussion in the GWMR on the findings and conclusions concerning groundwater quality at the facility. The statistical methods and techniques used in the statistical evaluation must be clearly explained and referenced as part of the GWMR documentation and discussion in Reg. 1203(k). This permit condition requires a revised GWSAP be submitted to the Department for review within 60 days of the effective date of this final permit. The proposed GWSAP [Ground Water Sampling and Analysis Plan] in the permit application submittals is not approved in this permit.</p>
40	<p>This condition requires a Monthly Indicator Parameters Report that presents the monthly groundwater quality indicator data collected and daily data from the leak detection system and the leachate collection system. The increased sampling is in Condition 38a per Regulation 22.1204(b)(1) and Regulation 22.1205(c). The condition requires discussion of monthly indicator data, and the corrective action sampling within the regular Groundwater Monitoring Reports (GWMR). Also required are analytical results from the leak detection system and leachate collection system to be included in the GWMR. Other contents of the GWMR are discussed in Regulation 22.1203(k).</p>

Condition No.	Permit Conditions
41	This condition requires the ground water monitoring wells to be installed according to appropriate ASTM standards or EPA-530-R-93-017 and the monitoring system to be certified as adequate and properly constructed given the geologic conditions of the site by a qualified ground water scientist or approved by the Director. [Regulation 22.1103(f) and Regulation 22.1202]
42	Following monitor well installation, this condition requires the permittee to re-establish hydraulic conductivity to insure retrieved water samples are representative of formation ground water quality at this site. It requires the permittee to insure the ground water monitoring wells are capable of providing samples that are within the maximum allowable ranges for water clarity or turbidity. If turbidity-free samples from a well cannot be obtained, the permittee may need to redevelop the monitoring well, replace the well or provide justification the turbidity ranges shown are representative of ambient water quality in the formation (Regulation 22.1103(a)). Included is a schedule for reporting replaced or decommissioned wells.
43	This condition requires the permittee to have qualified personnel trained in the proper sampling and measuring techniques take water samples. Water level measurements must be taken prior to purging and sampling the monitoring wells, and uses the resulting data to determine the rate and direction of ground water flow in and around the facility. The sample analyses shall be performed by a lab certified by ADEQ (Regulation 22.1203). Analytical results shall be directly submitted from the contract, or independent third party laboratory to the Department. [Regulation 22.1203(j)(4)]
44	<p>a, b: This condition requires the permittee to analyze ground water samples in accordance with EPA Report SW-846 or an equivalent methodology. Parameter concentrations above the MDL must be reported. [Regulation 22.1203(b) & (h)(5); 1204(d)]</p> <p>cThis condition states other parameters of concern may be added by the Department based upon individual waste and leachate characteristics per Regulation 22.1204(a)(3). The sampling procedures and frequency must be protective of human health and the environment per Regulation 22.1203(c). The Department may modify the analytical parameters or sampling frequency based on waste or leachate characteristics, or as needed to determine or update representative background water quality or to investigate contaminants of potential concern as necessary to protect human health or the environment.</p> <p>d,e: Test methods and detection limits used in the analysis of ground water monitoring parameters must comply with Regulation 22.1204(d) and 22.1203(b).</p>
45	The permittee must select a statistical method approved by the Department for evaluating GWM data in conformance with the requirements of Regulation 22.1203(g), (h), (i), and (j).
46	The condition requires the facility to submit ground water monitoring reports that comply with Regulation 22.1203(k) and requires the permittee to submit analytical reports to ADEQ on specific dates.
47	This condition is a summary of Regulation 22.1204(c)

Condition No.	Permit Conditions
48	The condition requires a facility in Assessment Monitoring to determine if assessment monitoring constituents have been detected at a statistically significant level exceeding the established Ground Water Protection Standards. If a statistically significant level exceeding the Ground Water Protection Standards has occurred the permittee must follow steps of Regulation 22.1205(g) and initiate an Assessment of Corrective Measures at this facility. The permittee must then provide a Selection of Remedy and proceed with the Implementation of a Corrective Action Program for this facility. This condition allows ADEQ to address potential water quality impacts on human health and the environment in a timely manner. [Regulation 22.1205(g), Regulation 22.1205(h) or (i); Regulation 22.1206; Regulation 22.1207 and 22.1208]
49	The condition provides schedule for workplan required to characterize the nature and extent of any release as stated in Regulation 22.1205(g)(1)(i).
50	The condition specifies that any statements in the operational narrative, application documents, specifications, monitoring plans and engineering plans that conflict with Regulation 22, permit conditions, or other applicable laws and regulations shall not be considered authorized by the Department.
51	The condition provides notice for the purpose of appeal of the final permit in accordance with Section 22.306 of Regulation 22 and in accordance with Regulation 8. Provisions regarding severability are in accordance with Section 22.1601 of Regulation 22.

Response to Comments

On June 30, 2014, the Arkansas Department of Environmental Quality issued a draft permit associated with the construction and operation of the Eco-Vista, LLC Class 1 Landfill. During the thirty (30) day comment period the ADEQ-SWMD received comments from the facility (Document Number 66339). The following are the SWMD response to the facility comments.

Comment 1 received from WM:

Condition 17 - Disposal of bulk liquid waste in the landfill is prohibited. "Liquid waste" is waste which contains "free liquids" as defined by Methods 9095 (Paint Filter Test) as described in EPA Publication No. SW - 846.

Comment: This permit condition paraphrases Regulation 22.420. EVLF requests that each permit condition cite the applicable regulation rather than summarize or paraphrase the regulation in order to avoid inconsistencies or conflicts between the language in the permit condition and current or amended applicable regulation(s). EVLF believes the following revision to this permit condition meets the ADEQ's intent and will avoid current or future potential inconsistencies: ***Disposal of bulk liquid waste in the landfill is prohibited. "Liquid waste" has the meaning prescribed in Regulation 22.420.***

Response to Comment 1:

Including portions of the regulation stated in part, or in its entirety, allows the convenience of referencing one document. It is important to review Regulation 22 to fully understand a permittee's obligations and rights. However, a full or partial restatement of a provision in Regulation 22 in the permit can allow the individual reviewing the permit to understand the requirement and the basis of the requirement without referencing Regulation 22 and it allows ADEQ to add emphasis to provisions of Regulation 22 that are of specific concern for many facilities. To address the concern raised by Waste Management, the Department will quote the pertinent language from the provision of Regulation 22 in the conditions of this permit. The direct references will eliminate paraphrasing of any portion of Regulation 22 and the ambiguity that could potentially arise from the use of paraphrasing.

In regards to the concerns about future regulation amendments, it can only be stated that this permit is being issued under the authority provided by Regulation 22 as promulgated on March 28, 2008 and effective April 26, 2008. Any changes to Regulation 22 made after the issuance of this permit can be addressed through modification as needed to address any potential issues that may arise.

Condition 17 will be revised as follows: Bulk or non-containerized liquid waste may not be disposed in the landfill. 40 CFR 258.28(c)(1) and 22.102 defines liquid waste as any waste material that is determined to contain "free liquids" as defined by Method 9095B (Paint Filter Liquids Test), included in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (EPA Publication SW-846).

Comment 2 received from WM:

Condition 19 - The permittee shall implement the Explosive Gas Monitoring Plan presented in Appendix M of the Permit Modification Application having Solid Waste Management Division Document Identifier 65990. In addition to the implementation of the approved Landfill Gas Monitoring Plan, the facility shall fully meet all requirements of Reg. 22.415 regarding the control of explosive gases. The facility shall monitor each of the 16 gas monitoring probes detailed in the approved Landfill Gas Monitoring Plan and within all structures at the facility on a quarterly basis. The results shall be submitted to the Department within 14 days of each monitoring event.

Comment: EVLF intends to follow all State Regulations, including Regulation 22.415. Furthermore, EVLF will follow the Explosive Gas Monitoring Plan submitted in the Appendix M of the site's major permit modification. EVLF requests that the language requiring the results to "be submitted to the Department within 14 days of each monitoring event" be deleted. There is no regulatory basis for the 14 days and no other Waste Management facility is required to submit this data within 14 days of the monitoring event. The data is recorded and placed in the site's Permanent Operating Record in compliance with Reg. 22.415. EVLF respectfully requests that Permit Condition 19 be revised as follows: ***The permittee shall implement the Explosive Gas Monitoring Plan presented in Appendix M of the Permit Modification Application having Solid Waste Management Division Document Identifier 65990. In addition to the implementation of the approved Landfill Gas Monitoring Plan, the facility shall fully meet all requirements of Reg. 22.415 regarding the control of explosive gases, which includes record keeping requirements.***

Response to Comment 2:

Regulation 22.421(b) states that the owner or operator must notify the Director when gas monitoring results from monitoring and any remediation plans required by Regulation 22.415 have been placed or added to the operating record. All information contained in the operating record must be furnished upon request to the Director or be made available at all reasonable times for inspection by the Director.

Condition 19 is revised as follows: The permittee shall implement the Explosive Gas Monitoring Plan presented in Appendix M of the Permit Modification Application having Solid Waste Management Division Document Identifier 65990. In addition to the implementation of the approved Landfill Gas Monitoring Plan, the facility shall fully meet all requirements of Reg. 22.415 regarding the control of explosive gases. The facility shall monitor each of the 16 gas monitoring probes detailed in the approved Landfill Gas Monitoring Plan and within all structures at the facility on a quarterly basis. The results shall be submitted to the Department within 30 days of each monitoring event.

Additionally, the permit rationale will be updated to include updated justification as follows:

This permit condition details the approved Explosive Gas Monitoring Plan as required by Regulation 22.415.

Because the facility is in corrective action monitoring at the time of issuance of this permit, and landfill gas generation is a key consideration during the corrective action, ADEQ requests under the authority of 22.421(b) that gas monitoring reports are submitted to the agency according to the language in the specific condition. In development of the draft permit decision, ADEQ and the applicant had discussions which indicated that the timing allowed for these report submittals was either insufficient or in some cases difficult to meet. The 14-day deadline for reporting has been extended in the final permit to 30 days.

Comment 3 received from WM:

Condition 22 - 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.

Comment: This permit condition paraphrases Regulation 22.411(g). EVLF requests that each permit condition cite the applicable regulation rather than paraphrase the regulation in order to avoid inconsistencies or conflicts between the language in the permit condition and current or amended applicable regulation(s). Further, this Condition refers to the "active fill area," which is not a defined term. EVLF believes the following revised language meets the ADEQ's intent and will avoid current or future potential conflicts or inconsistencies: ***The disposal facility shall provide litter control fences to help control blowing litter, and the disposal facility shall comply with Regulation 22.411(g).***

Response to Comment 3:

Paraphrasing is discussed in Response 1. ADEQ has considered this comment and in this case agrees to the changes. **Condition 22 is revised as requested.**

Comment 4 received from WM:

Condition 23 - Measures to control and prevent storm water run-on from running through or into the active disposal area and measures to prevent liquids from flowing out of 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.

Comment: This permit condition paraphrases or summarizes Regulation 22.411(h). EVLF requests that each permit condition cite the applicable regulation rather than paraphrase the regulation in order to avoid inconsistencies or conflicts between the language in the permit condition and current or amended applicable regulation(s). EVLF believes the following revised language meets the ADEQ's intent and will avoid current or future potential conflicts or inconsistencies: ***The disposal facility shall implement surface water controls as necessary to comply with Regulation 22.411(h).***

Response to Comment 4:

Paraphrasing is discussed in Response 1. ADEQ has considered this comment and in this case agrees in part to the revisions requested. It must be pointed out that this condition is in place to address not only 22.411(h) but also 22.418. The condition is intended to clarify that surface water controls are necessary and further it is a requirement of both regulation 22 citations and that measures must be in place to control stormwater flow into or through an active portion defined by 22.102. Also, the condition is meant to clarify that leachate generated in the active portion defined by 22.102 is not allowed to be discharged and must be retained and directed to the facility collection system or otherwise collected and treated as leachate according to 22.419 and 22.429. Also see 22.418(b) and 22.427(b). This clarification is useful to operators, inspectors, facility compliance managers, and reviewing engineers of the permittee and ADEQ. The change is made as requested with an additional clarification derived from the previously drafted condition.

Condition 23 is revised as follows: The facility shall implement and maintain surface water controls as defined in Regulation 22.411(h). Measures to control and prevent surface water from running through or into the active portion as defined in Regulation 22.102 and measures to prevent liquids from flowing out of the active portion as defined in Regulation 22.102 shall be constructed and maintained as required by Regulation 22.418.

Additionally, the permit rationale will be updated to include updated justification as follows:

This condition is in place to address not only 22.411(h) but also 22.418. The condition clarifies that surface water controls are necessary and further it is a requirement of both Regulation 22 citations and that measures must be in place to control stormwater flow into or through an active portion defined by 22.102. Also, the condition is meant to clarify that leachate generated in the active portion defined by 22.102 is not allowed to be discharged and must be retained and directed to the facility collection system or otherwise collected and treated as leachate according to 22.419 and 22.429. [22.411(h), 22.418]

Comment 5 received from WM:

Condition 27 - The permittee shall not implement the Class 4 "Pinnacle Blasting Plan" as proposed in the Operating Plan. A revised blasting plan shall be submitted for approval of ADEQ which shall contain necessary calculations and demonstrations to verify stability of the subsurface based on the impact of specified blasts.

Comment: EVLF has revised the Pinnacle Blasting Plan. The revised Plan is attached. EVLF wishes to emphasize that the site will limit its blasting efforts to removal of pinnacles which protrude into the landfill cells. The blasting, if utilized, will be shallow and limited to the depth and thickness of the pinnacle.

Response to Comment 5:

ADEQ has received the revised Blasting Plan and is currently being reviewed. ADEQ has not finished its review of the revised Blasting Plan and it is not approved at this time. Deficiency items, if any, will be addressed in a separate letter to the facility. Condition 27 remains as written in the draft permit.

Comment 6 received from WM:

Condition 29 - The initial total amount of financial assurance is \$7,694,146.00. Of this amount, \$5,834,464.00 will be required for closure costs and \$1,859,682.00 will be required for the post-closure care costs. This amount shall be subject to annual adjustments and may be increased at the discretion of the Department 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 Regulation 22 or as otherwise approved by the Department.**
- b. 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.**
- c. No more than 36 acres of active or interim covered disposal area shall be open in the landfill expansion area. This requirement shall be addressed each year in the facility Annual Engineering and Inspection Report.**
- d. Cell construction shall be performed in the sequence outlined in the approved facility design plans (see Condition 10) and in closure construction shall comply with the facility closure plan including closure sequencing as presented in the closure plan reference drawings, Figures 1-3.**

Comment: This permit condition paraphrases or summarizes Chapters 13 and 14 of Regulation 22; specifically, Reg. 22.1402 and Reg. 22.1301(c). EVLF requests that each permit condition cite the applicable regulation rather than paraphrase the regulation in order to avoid inconsistencies or conflicts between the language in the permit condition and current or amended applicable regulation(s). Additionally, Condition 29 c. and 29 d., which

relate to Closure Plans, do not take into account such impacts as variability in waste receipts and adjustments to the Active Portion of the landfill due to weather or climatic conditions. From time to time, the Closure Plan may need to be modified to reflect such conditions. Therefore, limiting the site to 'no more than 36 acres of active...' would require a modification to this Permit and Permit Condition should a revised Closure Plan be submitted by EVLF and approved by ADEQ. EVLF believes the following revision to this permit condition meets the ADEQ's intent and will avoid current or future potential conflicts or inconsistencies: ***The initial total amount of financial assurance required from the disposal facility is \$7,694,146.00. Of this amount, \$5,834,464.00 will be required for closure costs and \$1,859,682.00 will be required for the disposal facility post-closure care costs. The disposal facility shall comply with the applicable sections of Regulation 22, Chapters 13 and 14, which contain closure and post-closure care criteria and financial assurance criteria.***

Response to Comment 6:

Regulation 22.1301(c) requires owners or operators to prepare a written closure plan that describes the steps necessary to close all landfill units at any point during its active life in accordance with the cover design requirement. The closure plan must include an estimate of the largest area of the unit ever requiring final cover at any time during the active life. Regulation 22.1402 requires the owner or operator to have and maintain a detailed written estimate, in current dollars, of the cost of hiring a third party to close the largest area of all *permitted* facilities ever requiring a final cover as required under Reg.22.1301(c) at any time during the active life in accordance with the closure plan.

The closure plan submitted in the Permit Modification Application having Solid Waste Management Division Document Identifier 65990 stated the largest area ever open in the new lateral expansion area is 36 acres and further details depicting the phases of closure during the life of the landfill are depicted in Figures 1-3. The requirements of Condition 29 are in response to the closure plan required for review and approved in accordance with Regulation 22.1301(d) and *permitted* according to 22.1402.

ADEQ agrees that a permit modification would be required if EVLF revised the Closure Plan in a way that does not meet requirements of the current permit. It should also be noted that EVLF must increase the closure cost estimate and amount of financial assurance required if changes to the closure plan or permitted facility conditions increase the maximum cost of closure at any time during the remaining active life.

Condition 29 will remain as written in the draft permit based on the application materials provided.

Comment 7 received from WM:

Condition 33 - The permittee shall comply with the air criteria requirements of Regulation 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 Department; and establishing fire safety procedures.

Comment: This permit condition paraphrases Regulation 22.416(a), (b), and (c). EVLF requests that each permit condition cite the applicable regulation rather than paraphrase

the regulation in order to avoid inconsistencies or conflicts between the language in the permit condition and current or amended applicable regulation(s). Furthermore, EVLF has a current Air Permit for the facility. The permit number is 1884-AOP-R4. EVLF is currently working with ADEQ Air Division on an Air Permit renewal. This air permit renewal reflects the added waste disposal volume within this 34.8 acre expansion. EVLF believes the following revision to this permit condition meets the ADEQ's intent and will avoid current or future potential conflicts or inconsistencies: ***The permittee shall comply with the air criteria requirements of Regulation 22.416, and any Air Permit issued to the disposal facility.***

Response to Comment 7:

Paraphrasing is discussed in Response 1. ADEQ has considered this comment and in this case agrees to the changes. **Condition 33 is revised as requested.**

Comment 8 received from WM:

Condition 34 - The permittee shall furnish the Department annual engineering inspection reports in accordance with Regulation 22.423. The annual engineering inspection 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.

Comment: This permit condition paraphrases a portion of Regulation 22.423 related to the due date of the inspection report and the period of reporting. If this language in Regulation 22.423 is ever modified, this Condition would then contain outdated, incorrect reporting information. EVLF believes the following revised language meets the ADEQ's intent and will avoid current or future potential conflicts or inconsistencies: ***The permittee shall furnish the Department annual engineering inspection reports in accordance with Regulation 22.423.***

Response to Comment 8:

Paraphrasing is discussed in Response 1. ADEQ has considered this comment and in this case agrees to the changes. **Condition 34 is revised as requested.**

Comment 9 received from WM:

Condition 41 - Regulation 22.1103(f) requires any new monitoring well(s) added to the ground water monitoring system shall be certified by a supervising professional and must comply with Regulation 22.1202(c). Regulation 22.1202(e) - The groundwater monitoring system must be certified by a qualified ground water scientist or approved by the Director. Within fourteen (14) days of submitting this certification to ADEQ, the permittee must notify the Director this monitoring system certification has been placed in the facilities operating record.

Monitoring well certification shall confirm all monitoring system components have been constructed and installed in an acceptable manner following appropriate ASTM D 5092 or EPA-530-R-93-017 well construction protocols.

Comment: This permit condition paraphrases or summarizes Regulation 22.1103(f), 1202(c), and 1202(e). EVLF requests that each permit condition cite the applicable regulation rather than summarize or paraphrase the regulation in order to avoid inconsistencies between the language in the permit condition and current or amended applicable regulation(s). Additionally, please note that EVLF will file a copy of the Groundwater Monitoring System Certification Report in the Permanent Operating Record (POR). The copy will serve as notification to ADEQ that the document was placed in the POR. EVLF believes the following revised language meets the ADEQ's intent and will avoid current or future potential conflicts or inconsistencies: ***The permittee shall comply with the monitoring well and groundwater monitoring system requirements set forth in Regulations 22,1103(f), 22.1202(c), and 22.1202(e).***

Response to Comment 9:

Condition 41 will be revised to add the phrase "per Reg. 22.1103" to the end of the permit condition. Quotation marks will be added to the direct quote from Regulation 22.1202(e). To clarify, a copy of the ground water monitoring system certification report should be sent to the ADEQ-Solid Waste Management Division.

Condition 41 will be revised as follows: Regulation 22.1103(f) requires any new monitoring well(s) added to the ground water monitoring system shall be certified by a supervising professional and must comply with Regulation 22.1202(c). Regulation 22.1202(e) – "The groundwater monitoring system must be certified by a qualified ground water scientist or approved by the Director. Within fourteen (14) days of submitting this certification [to ADEQ], the permittee must notify the Director this monitoring system certification has been placed in the operating record."

Monitoring well certification shall confirm all monitoring system components have been constructed and installed in an acceptable manner following appropriate ASTM D 5092 or EPA-530-R-93-017 well construction protocols per Regulation 22.1103.

Comment 10 received from WM:

Condition 42 - The permittee shall comply with Regulation 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.

Reports of replaced or decommissioned wells shall be submitted to the Department within 60 days of completion and shall be placed in the Operating Record.

Comment: This permit condition paraphrases Regulation 22.1103(a). EVLF requests that each permit condition cite the applicable regulation rather than paraphrase the regulation in order to avoid inconsistencies or conflicts between the language in the permit condition and current or amended applicable regulation(s). Also, the information and procedures referenced in this Condition are contained in the applicant's Groundwater Sampling and Analysis Plan. EVLF believes the following language meets the ADEQ's intent and will avoid current or future potential inconsistencies: ***The permittee shall comply with Regulation 22.1103(a) and (f), which pertain to monitoring well construction and well decommissioning. Reports regarding replaced or decommissioned wells shall be submitted to the Department within 60 days of completion and shall be placed in the Permanent Operating Record.***

Response to Comment 10:

Condition 42 will be revised to add the direct quote from Regulation 22.1103(a) – “following construction, each well shall be developed to the degree necessary to restore formation hydraulic conductivity and insure low turbidity samples which are representative of formation ground water quality.”

Condition 42 will be revised as follows: The permittee shall comply with Regulation 22.1103(a), which requires “following construction, each well shall be developed to the degree necessary to restore formation hydraulic conductivity and insure low turbidity samples which are representative of formation ground water quality.”

Reports of replaced or decommissioned wells shall be submitted to the Department within 60 days of completion and shall be placed in the Operating Record.

Comment 11 received from WM:

Condition 43 - 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. Prior to purging the monitor wells, static water level measurements shall be taken, recorded and the data used to determine the rate and direction of ground water flow in the upper-most aquifer. Measurements are to be taken from the surveyed benchmark on the top rim of the well casing.**
- b. Sample analysis shall be performed by a laboratory that is properly certified by ADEQ to run the type of analysis required by Regulation 22. Analytical results shall be directly submitted from the contract or independent third party laboratory to the Department.**

Comment: This permit condition paraphrases Regulation 22.1203(d) and 22.1204(e)(4). EVLF requests that each permit condition cite the applicable regulation rather than summarize or paraphrase the regulation in order to avoid inconsistencies or conflicts between the language in the permit condition and current or amended applicable regulation(s). Also, the information and procedures

referenced in this Condition are contained in the applicant's Groundwater Sampling and Analysis Plan. EVLF believes the following language meets the ADEQ's intent and will avoid current or future potential inconsistencies: ***The permittee shall comply with Regulation 22.1203(d) and 22.1204(e)(4), which pertain to groundwater monitoring well measurements and procedures, and with the monitoring well information in the Groundwater Sampling and Analysis Plan included in this permit.***

Response to Comment 11:

Condition 43 will be revised to add the direct quote from Regulation 22.1203(d) – “Ground water elevations must be measured in each well immediately prior to purging, each time ground water is sampled. The owner or operator must determine the rate and direction of ground water flow each time ground water is sampled” as prescribed in Regulation 22.1203(d).

Condition 43 will be revised to add “Testing laboratories shall be certified by the Department per the “State Environmental Laboratory Certification Program Act (Ark. Code Ann. § 8-2-201 et Seq.)”

Condition 43 will be revised to add the direct quote from Regulation 22.1203(j)(4) – As prescribed in Regulation 22.1203(j)(4), “Ground water analytical data submittal procedures, which shall include provisions for the direct submittal of all analytical results from the contract, or independent third party laboratory to the Department.”

Condition 43 will be revised as follows: 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. “Ground water elevations must be measured in each well immediately prior to purging, each time ground water is sampled. The owner or operator must determine the rate and direction of ground water flow each time ground water is sampled” as prescribed in Regulation 22.1203(d).
- b. Testing laboratories shall be certified by the Department per the “State Environmental Laboratory Certification Program Act (Ark. Code Ann. § 8-2-201 et Seq.)” As prescribed in Regulation 22.1203(j)(4), “Ground water analytical data submittal procedures, which shall include provisions for the direct submittal of all analytical results from the contract, or independent third party laboratory to the Department.”

Comment 12 received from WM:

Condition 44 - Analysis of ground water samples shall be in accordance with the most current version of EPA Report SW-846 Test Methods for Evaluating Solid Waste, Physical/Chemical Methods or the most current EPA approved analytical method. This statement applies to the sub-provisions a - d listed below.

- a. **Volatile organic compounds analysis shall be in accordance with Method 8260 while metal analysis shall be in accordance with Method 6010 or a method from the 7000 series or an equivalent. Method detection limits for each parameter must be reported.**
- b. **All parameter concentrations that are above the Method Detection Limit (MDL) must be reported.**

- c. The Department may modify the analytical parameters or sampling frequency based on waste or leachate characteristics, or as needed to determine or update representative background water quality or to investigate contaminants of potential concern as necessary to protect human health or the environment.
- d. The Department may modify the sampling frequency or the methods required under this permit based on updated sampling or analytical methods found in SW-486 or the most current EPA approved methods.
- e. Test Methods and Detection Limits - Only Department approved test methods shall be used in the analysis of ground water monitoring parameters. Unless written approval is granted by the Department, the reporting detection limit (MDL) must be less than or equal to the values reported in EPA Report SW-846 Test Methods For Evaluating Solid Waste, Revision 6, February 2007, or current available edition.

Comment: This permit condition paraphrases Regulation 22.1204(d). EVLF requests that each permit condition cite the applicable regulation rather than paraphrase the regulation in order to avoid inconsistencies or conflicts between the language in the permit condition and current or amended applicable regulation(s). Also, the information and procedures referenced in this Condition are contained in the applicant's Groundwater Sampling and Analysis Plan. EVLF believes the following language meets the ADEQ's intent and will avoid current or future potential inconsistencies: ***The permittee shall comply with Regulation 22.1204(d), which pertains to groundwater monitor test methods, and with the monitoring well procedures in the Groundwater Sampling and Analysis Plan included in this permit.***

Response to Comment 12:

Condition 44(a) will be revised to add quotation marks around the direct quote from the Regulation 22.1204(d) and will be revised to add the phrase "as prescribed in Regulation 22.1204(d)."

Condition 44(b) will be revised to add the phrase "as prescribed in Appendix 1 (4) and as referenced in Regulation 22.1203(h)(5) and Regulation 22.1204(d)". In addition, quotation marks were added.

Condition 44 (c) will be revised to add "Other parameters of concern may be added by the Department based upon individual waste and leachate characteristics" as stated in Regulation 22.1204(a)(3).

Condition 44(c) "The sampling procedures and frequency must be protective of human health and the environment" as stated in Regulation 22.1203(c).

Condition 44(d) will be revised to add the direct quote "Analytical methods utilized should conform [to] SW-846 or the most current EPA approved analytical method. Primary Drinking Water Standard MCL's shall be superceded by the publication of new standards from EPA" as prescribed in Regulation 22.1203(b).

Condition 44(e) will be revised to add quotation marks around the direct quote from Regulation 22.1204(d) and will be revised to add the phrase "as prescribed in Regulation 22.1204(d)."

Condition 44 will be revised as follows: Analysis of ground water samples shall be in accordance with the most current version of EPA Report SW-846 Test Methods for Evaluating Solid Waste, Physical/Chemical Methods or the most current EPA approved analytical methods. This statement applies to the sub-provisions a – e listed below.

- a. "Volatile organic compound analysis shall be in accordance with methods 8260 while metal analysis shall be in accordance with Method 6010 or a method from the 7000 series" or an equivalent as prescribed in Regulation 22.1204(d). Method Detection limits for each parameter must be reported.
- b. "All values above the Method Detection Limit must be reported" as prescribed in Appendix 1 (4) and as referenced in Regulation 22.1203(h)(5) and Regulation 22.1204(d).
- c. "Other parameters of concern may be added by the Department based upon individual waste and leachate characteristics" as stated in Regulation 22.1204(a)(3). "The sampling procedures and frequency must be protective of human health and the environment" as stated in Regulation 22.1203(c). The Department may modify the analytical parameters or sampling frequency based on waste or leachate characteristics, or as needed to determine or update representative background water quality or to investigate contaminants of potential concern as necessary to protect human health or the environment.
- d. "Analytical methods utilized should conform [to] SW-846 or the most current EPA approved analytical methods. Primary Drinking Waste Standard MCLs shall be superceded by the publication of new standards from EPA" as prescribed in Regulation 22.1203(b).
- e. "Test Methods and Detection Limits – Only Department approved test methods shall be used in the analysis of ground water monitoring parameters. Unless written approval is granted by the Department, the reporting detection limit (MDL) must be less than or equal to the values reported in EPA Report SW-846 Test Methods For Evaluating Solid

Waste," Revision 6, February 2007, or current available edition as prescribed in Regulation 22.1204(d).

Additionally, the permit rationale will be updated to include updated justification as follows:

a,b: This condition requires the permittee to analyze ground water samples in accordance with EPA Report SW-846 or an equivalent methodology. Parameter concentrations above the MDL must be reported. [Regulation 22.1203(b) & (h)(5); 1204(d)]

c: This condition states other parameters of concern may be added by the Department based upon individual waste and leachate characteristics per Regulation 22.1204(a)(3). The sampling procedures and frequency must be protective of human health and the environment per Regulation 22.1203(c). The Department may modify the analytical parameters or sampling frequency based on waste or leachate characteristics, or as needed to determine or update representative background water quality or to investigate contaminants of potential concern as necessary to protect human health or the environment.

d,e: This condition states test methods and detection limits used in the analysis of ground water monitoring parameters must comply with Regulation 22.1204(d) and 22.1203(b).

Comment 13 received from WM:

Condition 45 - The permittee must select a statistical method approved by the Department 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 Regulation 22. 1203(g)(h) and (i).

Comment: This permit condition paraphrases Regulation 22.1203(g), (h), and (i). EVLF requests that each permit condition cite the applicable regulation rather than paraphrase the regulation in order to avoid inconsistencies between the language in the permit condition and current or amended applicable regulation(s). Also, the information and procedures referenced in this Condition are contained in the applicant's Groundwater Sampling and Analysis Plan. EVLF believes the following language meets the ADEQ's intent and will avoid current or future potential conflicts or inconsistencies: ***The permittee shall comply with Regulation 22.1203(g), (h) and (i), which pertain to statistical methods used to evaluate groundwater monitoring data, and with the monitoring well procedures in the Groundwater Sampling and Analysis Plan included in this permit.***

Response to Comment 13:

Condition 45 will be revised to add the direct quote from Regulation 22.1203(j)(5). The permittee “shall develop and implement a Department approved site specific written sampling analysis plan. The sampling and analysis plan and all reports to ADEQ required under the sampling and analysis plan shall be certified by a qualified ground water scientist. The sampling and analysis plan must include the following element – a method for statistically evaluating ground water analytical data for significant changes must be selected. The method must be tailored to fit the hydrogeology of the site. For data quality assurance purposes, the statistical evaluation should be performed by a third party independent from the contract laboratory analyzing the ground water “ as prescribed in Regulation 22.1203(j)(5).

Condition 45 will be revised to add direct quote from Regulation 22.1203(i): The permittee “must determine whether or not there is a statistically significant increase or decrease over background values for pH. The owner or operator must determine whether or not there is a statistically significant increase for each parameter or constituent required in the particular ground water monitoring program that applies to the landfill, as determined under Reg. 22.1204(a) or Reg. 22.1205(a)” as prescribed in Regulation 22.1203(i).

Condition 45 will be revised to add “The statistical methods used to evaluate groundwater monitoring data must be in conformance with requirements of Regulation 22.1203(g), (h), and (i).”

Condition 45 will be revised as follows: The permittee “shall develop and implement a Department approved site specific written sampling and analysis plan. The sampling and analysis plan and all reports to ADEQ required under the sampling and analysis plan shall be certified by a qualified ground water scientist. The sampling and analysis plan must include the following element - a method for statistically evaluating ground water analytical data for significant changes must be selected. The method must be tailored to fit the hydrogeology of the site. For data quality assurance purposes, the statistical evaluation should be performed by a third party independent from the contract laboratory analyzing the ground water” as prescribed in Regulation 22.1203(j)(5).

The permittee “must determine whether or not there is a statistically significant increase or decrease over background values for pH. The owner or operator must determine whether or not there is a statistically significant increase for each parameter or constituent required in the particular ground water monitoring program that applies to the landfill, as determined under Reg. 22.1204(a) or Reg. 22.1205(a)” as prescribed in Regulation 22.1203(i).

The statistical methods used to evaluate groundwater monitoring data must be in conformance with requirements of Regulation 22.1203(g), (h), and (i).

Comment 14 received from WM:

Condition 47 - While in detection monitoring, should a statistically significant increase over established background concentration be detected for one or more of the monitored constituents, the permittee must undertake the following actions per Regulation 22.1204(c):

- a. Must, within 14 days of this finding, place a notice in the facility Operating Record indicating which constituents have shown statistically significant increase (SSI) from background levels, and notify the Director that this notice was placed in the operating records; and,**
- b. Establish an Assessment Monitoring Program meeting the requirements of Regulation 22.1205 within 90 days except as provided for in Regulation 22.1204(c)(3); or**
- c. The permittee may establish an alternate source other than the landfill has caused the contamination or the SSI was the results of a sampling error, laboratory error, statistical error or a natural variation in ground water quality at the location. A report documenting this demonstration must be certified by a qualified ground water scientist or be approved by ADEQ 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 Regulation 22.1204(c)(3), the permittee must initiate an Assessment Monitoring Program.**

Comment: This permit condition paraphrases Regulation 22.1204(c)(1),(2), and (3). EVLF requests that each permit condition cite the applicable regulation rather than paraphrase the regulation in order to avoid inconsistencies or conflicts between the language in the permit condition and current or amended applicable regulation(s). Also, the information and procedures referenced in this Condition are contained in the applicant's Groundwater Sampling and Analysis Plan. EVLF requests the following language be used for this Condition: ***The permittee shall comply with Regulation 22.1204(c)(1),(2), and (3), which pertains to statistically significant increases in groundwater monitoring well constituents, and with the monitoring well information in the Groundwater Sampling and Analysis Plan included in this permit.***

Response to Comment 14:

Condition 47 (a) will be revised to add direct quotes from Regulation 22.1204(c)(1)(2) and (3).

Condition 47 will be revised as follows: While in detection monitoring, should a statistically significant increase over established background concentration be detected for one or more of the monitored constituents, the permittee must undertake the following actions per Regulation 22.1204(c):

- a. "Must within fourteen (14) days of this finding, place a notice in the operating record indicating which constituents have shown statistically significant changes from background levels, and notify the Director that this notice was placed in the operating record; and,
- b. Must establish an assessment monitoring program meeting the requirements of Reg. 22.1205 within ninety (90) days except as provided for in paragraph (c)(3) of this section [Regulation 22.1204].
- c. The owner or operator may demonstrate that a source other than a landfill caused the contamination or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in ground water quality. A report documenting this demonstration must be certified by a qualified ground water scientist or approved by the Director and be placed in the operating record. If a successful demonstration is made and documented, the owner or operator may continue detection monitoring as specified in this section. If, after ninety (90) days, a successful demonstration is not made, the owner or operator must initiate an assessment monitoring program as required in Reg. 22.1205."

Comment 15 received from WM:

Condition 48 - While a facility is in an Assessment Monitoring Program, if one or more of the assessment monitoring constituents are detected at a statistically significant level exceeding the established Ground Water Protection Standards (GWPS) defined under Regulation 22.1205(h) or (i), the permittee must follow the steps of Regulation 22.1205(g) including initiation of Assessment of Corrective Measures for the facility, in accordance with Regulation 22.1206. Based upon the results of an Assessment of Corrective Measures, the permittee must proceed with Selection of a Remedy in accordance with Regulation 22.1207 and then proceed with Implementation of a Corrective Action Program for the facility in accordance with Regulation 22.1208.

Comment: This permit condition paraphrases Regulation 22.1205(g), (h), and (i). EVLF requests that each permit condition cite the applicable regulation rather than paraphrase the regulation in order to avoid inconsistencies between the language in the permit condition and current or amended applicable regulation(s). Also, the information and procedures referenced in this Condition are contained in the applicant's Groundwater Sampling and Analysis Plan. EVLF requests the following language be used for this Condition: ***The permittee shall comply with Regulation 22.1205(g), (h), and (i), which pertains to groundwater monitoring well constituent levels, assessment, and protection standards, and with the monitoring well information in the Groundwater Sampling and Analysis Plan included in this permit.***

Response to Comment 15:

Condition 48 will be revised to add direct quotes from Regulation 22.1205(g)

Condition 48 will be revised to add the phrase "per 22.1206".

Condition 48 will be revised as follows: While a facility is in an Assessment Monitoring Program, if one or more of the assessment monitoring constituents are detected at statistically significant levels exceeding the established Groundwater Protection Standards, the permittee must undertake the following steps per Regulation 22.1205(g).

1. "Within fourteen (14) days of this finding, place a notice in the operating record identifying the assessment monitoring constituents that have exceeded the ground water protection standard and notify the Director and all appropriate local government officials that the notice has been placed in the operating record. The owner or operator also:
 - (i) Must characterize the nature and extent of the release by installing additional monitoring wells as necessary;
 - (ii) Must install at least one additional monitoring well at the facility boundary in the direction of contaminant migration and sample this well in accordance with Regulation 22.1205(d)(2);
 - (iii) Must notify all persons who own the land or reside on the land that directly overlies any part of the contaminant migration if contaminants have migrated off-site if indicated by sampling of wells in accordance with Reg. 22.1205(g)(1); and
 - (iv) Must initiate an assessment corrective measures as required by Regulation 22.1206 within ninety (90) days; or
2. May demonstrate that a source other than a landfill or solid waste disposal facility caused the contamination, or that the SSI resulted from error in sampling, analysis, statistical evaluation, or natural variation in ground water quality. A report documenting this demonstration must be certified by a qualified ground water scientist or approved by the Director and placed in the operating record. If a successful demonstration is made the owner or operator must continue monitoring in accordance with the assessment monitoring program pursuant to Regulation 22.1205, and may return to detection monitoring if the assessment monitoring constituents are at or below background as specified in Regulation 22.1205(e). Until a successful demonstration is made, the owner or operator must comply with Regulation 22.1205(g) including initiating an assessment of corrective measures."

Based upon the results of an Assessment of Corrective Measures per 22.1206, the permittee must proceed with Selection of a Remedy in accordance with Regulation 22.1207 and then proceed with Implementation of a Corrective Action program for the facility in accordance with Regulation 22.1208

ADEQ

A R K A N S A S
Department of Environmental Quality

November 25, 2015

Eco-Vista, LLC
Attn: Mr. David Conrad
100 Two Pine Drive
North Little Rock, AR 72117

**RE: Approval of Minor Permit Modification and Transmittal of Permit Addendum
Eco-Vista, LLC Class 1 Landfill
Permit Number: 0290-S1-R3 AFIN: 72-00144
Document Number: 68479 Cross Reference Number: 67725, 68124**

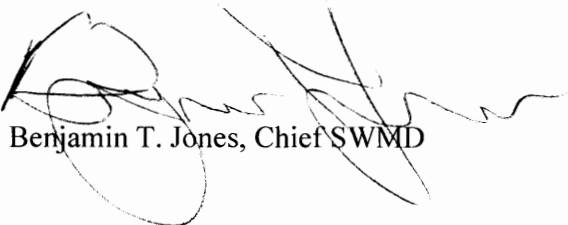
Dear Mr. Conrad:

ADEQ Solid Waste Management Division staff has received and reviewed a minor permit modification application regarding the Leachate Management Plan. The SWMD hereby approves the minor permit modification and transmits the attached permit addendum.

This authorization is given in reliance upon the statements and representations made to the Department, and the Department has no responsibility for ultimate proper functioning of the disposal facility. The Department also reserves the right to request additional information if deemed necessary. This approval shall not remove any liability nor hold Eco-Vista Class 1 Landfill harmless in the event of any adverse environmental or public health conditions resulting from this authorization. Eco-Vista Class 1 Landfill shall be solely and fully responsible for implementing any corrective action necessary to remediate any adverse condition at the site based on this authorization.

Please call me at 682-0600 should you have any questions regarding the above information.

Sincerely,



Benjamin T. Jones, Chief SWMD

cc: Justin Sparrow, District Field Inspector SWMD
Jeff Shepherd, SEDCO

Enclosures: Addendum to Permit

ADDENDUM TO PERMIT

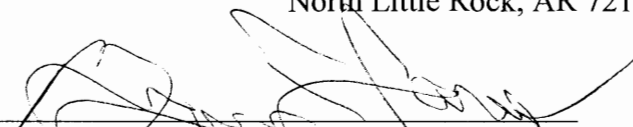
**ISSUED BY
STATE OF ARKANSAS**

DEPARTMENT OF ENVIRONMENTAL QUALITY

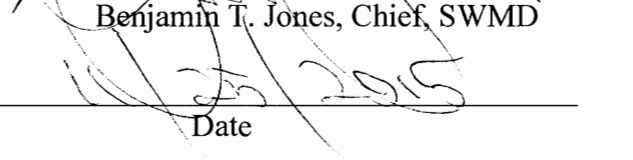
SOLID WASTE MANAGEMENT DIVISION

Landfill Name	AFIN:	72-00144																
Eco-Vista, LLC Class 1 Landfill	Permit No:	290-S1-R3																
Application reference	Description of Addendum to Permit																	
June 23, 2015 Document # 67725 and 68124	This permit modification is to update the Leachate Management Plan.																	
Additional Permit Conditions																		
10.a	<p>In addition to the previously approved plans for the facility, the following options are approved. The leachate management plan design/detail drawings follows:</p> <p>Drawings 1 through 8 of Document # 68124</p> <table border="0"> <tr> <td>Drawing 1 LCS/LDS Site Plan</td> <td>Document #68124</td> </tr> <tr> <td>Drawing 2 Layout of North Phase LCS and LDS</td> <td>Document #68124</td> </tr> <tr> <td>Drawing 3 Layout of Cells 9-12 LCS and LDS</td> <td>Document #68124</td> </tr> <tr> <td>Drawing 4 North Phase Details I</td> <td>Document #68124</td> </tr> <tr> <td>Drawing 5 North Phase Details II</td> <td>Document #68124</td> </tr> <tr> <td>Drawing 6 Cells 9-12 Details I</td> <td>Document #68124</td> </tr> <tr> <td>Drawing 7 Cells 9-12 Details II</td> <td>Document #68124</td> </tr> <tr> <td>Drawing 8 Cells 9-12 Details III</td> <td>Document #68124</td> </tr> </table>		Drawing 1 LCS/LDS Site Plan	Document #68124	Drawing 2 Layout of North Phase LCS and LDS	Document #68124	Drawing 3 Layout of Cells 9-12 LCS and LDS	Document #68124	Drawing 4 North Phase Details I	Document #68124	Drawing 5 North Phase Details II	Document #68124	Drawing 6 Cells 9-12 Details I	Document #68124	Drawing 7 Cells 9-12 Details II	Document #68124	Drawing 8 Cells 9-12 Details III	Document #68124
Drawing 1 LCS/LDS Site Plan	Document #68124																	
Drawing 2 Layout of North Phase LCS and LDS	Document #68124																	
Drawing 3 Layout of Cells 9-12 LCS and LDS	Document #68124																	
Drawing 4 North Phase Details I	Document #68124																	
Drawing 5 North Phase Details II	Document #68124																	
Drawing 6 Cells 9-12 Details I	Document #68124																	
Drawing 7 Cells 9-12 Details II	Document #68124																	
Drawing 8 Cells 9-12 Details III	Document #68124																	
20.a	The Leachate Management Plan has been updated in ADEQ Document Identifier 68124.																	
Revised Permit Condition																		
25.	The Action Leakage Rate for the facility including the North Phase, South Phase and Cells 1-12 is 150 gallons per acre per day. The Action Leakage Rate is based on the calculations presented in Appendix Q of the Solid Waste Management Division Document Identifier 65990. The approved contingency plan for the Action Leakage Rate associated with the North and South Phases has Solid Waste Management Division Document Identifier 18104. The approved contingency plan for the Action Leakage Rate associated with cells 1-12 has been included in the submittal having Solid Waste Management Division Document Identifier 68124.																	

APPROVED BY: Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317.



Benjamin T. Jones, Chief, SWMD



Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the aforementioned permit has been mailed by first-class mail to Mr. David Conrad, 100 Two Pine Drive, North Little Rock, AR 72117.

Certified by Barbara J. Mathews on or before this 25th day of November, 2015

Statement of Basis-Rationale for Permit Conditions	
22.306(c) requires permit decisions to include a rationale for the decisions made including technical basis for site specific conditions. Following is a summary of the rationale for the new/ revised conditions presented in this modification.	
10.a.	This permit condition details additional approved landfill plans for the facility required to be submitted and approved. [22.303(c)(12)] Changes to the plans from those previously approved require a modification to the facility permit. [22.308]
20.a	This permit condition establishes the approved Operating Plan and Narrative. [22.303(c)(13), 422]
25.	This permit condition establishes the Action Leakage Rate for the facility. The ALR was established based on the calculations prepared and presented in the application. This condition also establishes the approved contingency plan for the ALR. [22.425(e)]

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

68124 September 24, 2015 Response to Notice of Deficiency Minor Permit Modification Application – Updated Leachate Management Plan and drawings are attached by Shepherd Engineering

68020 August 27, 2015 ADEQ Notice of Deficiency – Updated Leachate Management Plan

67725 June 22, 2015 Minor Permit Modification Application - Leachate Management Plan by Shepherd Engineering

ADEQ

ARKANSAS
Department of Environmental Quality

August 10, 2016

Mr. David Conrad
Waste Management of Arkansas
100 Two Pine Drive
North Little Rock, AR 72117

**RE: Minor Permit Modification Approval - Liquid Waste Management Plan
Waste Management Eco-Vista Class 1 Landfill
Permit No. 0290-S1-R3 AFIN 72-00144
Document Number: 70090 Cross Reference Number: 69891 and 70077**

Dear Mr. Conrad:

The Arkansas Department of Environmental Quality – Office of Land Resources (ADEQ) Regulated Waste Programs staff has received and reviewed your Liquid Waste Management Plan (LWMP) submitted under a cover letter dated July 7, 2016 (Doc # 69891) related to the Waste Management Eco-Vista Class 1 Landfill (Permit 0290-S1-R3). After careful consideration and review the ADEQ hereby approves the submitted LWMP and transmits the attached permit modification.

This authorization is given in reliance upon the statements and representations made to the Department, and the Department has no responsibility for ultimate proper functioning of the disposal facility. The Department also reserves the right to request additional information if deemed necessary. This approval shall not remove any liability nor hold Waste Management Eco-Vista Class 1 Landfill harmless in the event of any adverse environmental or public health conditions resulting from this authorization. Waste Management Eco-Vista Class 1 Landfill shall be solely and fully responsible for implementing any corrective action necessary to remediate any adverse condition at the site based on this authorization.

Thank you for your cooperation on this matter. If you have any questions, or if we may be of service, please feel free to contact ADEQ-Office of Land Resources at (501) 682-0744.

Sincerely,



Tammie J. Hynum
Acting Senior Operations Manager, OLR

OLR- McWilliams, Love, Cusher and Matoska

Permit Addendum

ISSUED BY
STATE OF ARKANSAS
DEPARTMENT OF ENVIRONMENTAL QUALITY
REGULATED WASTE PROGRAMS

Tontitown Eco-Vista, LLC	AFIN:	
Class 1 Landfill	Permit No:	0290-S1-R3
Date	Addendum to Permit	
<p>July 7, 2016 Doc. # 69891</p> <p>August 4, 2016 Doc. #70077</p>	<p>Permit Condition #17 in the current permit shall be replaced with:</p> <p>17. Permittee shall follow the approved Liquid Waste Management Plan (LWMP) submitted under cover letter dated July 7, 2016 (Document #69891). The following conditions shall apply to the operations of the liquid bulking activities:</p> <ul style="list-style-type: none"> a) Except for foul weather conditions and equipment failures as outlined in the approved LWMP, storage of liquid waste overnight, whether in the designated surge tank or in the bulking pits, is prohibited. b) Treated liquid waste shall not exhibit free liquids as determined by USEPA Publication SW-846, Method 9095B, "Paint Filter Liquid Test" prior to disposal. Two (2) tests will be required for each batch of treated waste (i.e., each pit of treated waste) and the results recorded in the landfill operating record. Samples shall be obtained from the bulking pit at the mid-depth and bottom. c) Treated waste shall be capable of supporting landfill cover soil and equipment prior to disposal. Permittee shall perform and report demonstration test results of the treated waste under equipment loading for the different bulking materials/agents. Landfill equipment passing over the treated waste during the demonstration test shall leave distinct impressions of wheels or tracks with limited rutting or displacement of treated waste. In addition, no free liquids shall emerge from the treated waste during the demonstration test. If rutting or free liquids are observed during the demonstration test, the treatment shall be determined inadequate and further treatment shall be required. d) Records of the waste treatment shall be maintained in the facility's operating record. The liquid waste treatment records shall consist of data gathered from each batch of waste treated. Data to be recorded shall include the type and volume of liquid waste, the name of bulking material(s)/agent(s) used, and the volume and estimated weight of the amount of bulking material(s)/agent(s) used. From the gathered data an estimated ratio of bulking material to liquid waste shall be recorded. In addition, the facility shall keep the record of the volume of treated liquid waste disposed. e) To reduce potential stability problems during current operations and in future static landfill conditions, the facility must limit disposal of the treated liquid waste to no more than 15% of the total volume of waste disposed at the facility. This will be calculated on an annual basis. The facility must report the percent of the treated liquid waste as part of the annual engineering report. To exceed the 15% limit, the facility must submit a slope stability analyses and obtain prior approval from the Department. f) The Department reserves the right to prevent the facility from further receipt and processing of liquid waste should it be determined the materials are mishandled in any way. 	

Statement of Basis – Rationale for Permit Condition

22.306(c) requires permit decisions to include a rationale for the decisions made including technical basis for site specific conditions. Following is a summary of the rationale for the new and revised condition presented in this modification.

Permit Condition #17 a	Regulation 22.420(d)
Permit Condition #17 b	Regulation 22.420(g)(5)
Permit Condition #17 c	Regulation 22.420(e) and 22.420(g)(3)
Permit Condition #17 d	Regulation 22.420(g)(3) and 22.420(g)(5)
Permit Condition #17 e	Regulation 22.431(b)
Permit Condition #17 f	Regulation 22.420(f)

Handwritten notes: "JEDUNA" and "11/11" are visible below the table.

APPROVED BY:

Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

CERTIFICATE OF SERVICE

I, Rita Sparks, hereby certify that a copy of the aforementioned permit has been mailed by first-class mail to Mr. David Conrad, 100 Two Pine Drive, North Little Rock, 72117 on or before this 16th day of August, 2016.

ADEQ

ARKANSAS
Department of Environmental Quality

WASTE PROGRAMS, OFFICE OF LAND RESOURCES ROUTING SLIP

DATE 8/09/2016

Subject: Minor mod-Liquid Waste Management Plan Eco-Vista Class 1 Landfill

From: Maria Matoska

<u>Route in turn to:</u>	<u>Action Needed</u>	<u>Date Received</u>	<u>Date Reviewed</u>	<u>Initials</u>
Cusher	<input checked="" type="checkbox"/> Concurrence <input checked="" type="checkbox"/> Review	8/10	8/15	Ae
Hynum (sign)	<input checked="" type="checkbox"/> Concurrence <input checked="" type="checkbox"/> Review	8/15/16	8/15/16	AH
	<input type="checkbox"/> Concurrence <input type="checkbox"/> Review	_____	_____	_____
	<input type="checkbox"/> Concurrence <input type="checkbox"/> Review	_____	_____	_____
	<input type="checkbox"/> Concurrence <input type="checkbox"/> Review	_____	_____	_____
	<input type="checkbox"/> Concurrence <input type="checkbox"/> Review	_____	_____	_____

**Note: Marking the Concurrence box indicates the individual agrees with the applicable text as it relates to their individual discipline and Work Section (e.g., Engineer; Risk Assessor; Geology; Compliance; Policy/Management), as applicable. Marking the Review box indicates the individual has read the document.*

Return to [Maria Matoska] for distribution

COMMENTS:

This minor mod is in the same format as the one we did for Two Pine Class 1.

ADEQ

ARKANSAS
Department of Environmental Quality

August 18, 2016

Eco-Vista, LLC
Attn: Mr. David Conrad
100 Two Pine Drive
North Little Rock, AR 72117

**RE: Approval for Minor Permit Modification and Transmittal of Permit Addendum
Eco-Vista, LLC Class 1 Landfill
Permit Number: 0290-S1-R3 AFIN: 72-00144
Document Number: 70125 Cross Reference Numbers: 69891**

Dear Mr. Conrad:

The Arkansas Department of Environmental Quality-Office of Land Resources staff has received and reviewed a minor permit modification application associated with the liner and leachate collection system design alternatives. The modification also includes the utilization of a drainage composite and the addition of chimney drains in the protective soil cover. The minor modification is for the purpose of improving leachate management and providing design alternatives for the liner and leachate collection system. The ADEQ hereby approves the minor permit modification and transmits the attached permit addendum.

This authorization is given in reliance upon the statements and representations made to the Department, and the Department has no responsibility for ultimate proper functioning of the disposal facility. The Department also reserves the right to request additional information if deemed necessary. This approval shall not remove any liability nor hold the Two Pine Class 1 Landfill harmless in the event of any adverse environmental or public health conditions resulting from this authorization. Eco-Vista, LLC Class 1 Landfill shall be solely and fully responsible for implementing any corrective action necessary to remediate any adverse condition at the site based on this authorization.

Please call me at 682-0833 should you have any questions regarding the above information.

Sincerely,



Tammie J. Hynum, Acting Senior Operations Manager
Office of Land Resources

OLR- McWilliams, Love, Cusher and Matoska

ADDENDUM TO PERMIT

ISSUED BY

STATE OF ARKANSAS

DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF LAND RESOURCES-REGULATED WASTE PROGRAMS

Landfill Name	AFIN:	72-00144						
Eco-Vista, LLC	Permit No:	0290-S1-R3						
Application reference (Date/doc ID)	Description of Addendum to Permit							
July 7, 2016 Doc.# 69891	Permit Modification Application Forms							
	<p>This minor permit modification provides for additional liner and leachate collection system alternatives. This modification also includes the installation of chimney drains in the protective soil cover to improve leachate collection performance.</p> <p>The protective soil layer for the chimney drains shall consist of materials as specified in the approved ADEQ document #69891.</p> <p>The following drawings are approved in addition to the previously approved drawings in ADEQ document # 66522 Condition 10.</p> <table><tr><td>Drawing 1 of 3 Drainage Lengths</td><td>Document #69891</td></tr><tr><td>Drawing 2 of 3 Leachate Collection System Design With Chimney Drains</td><td>Document #69891</td></tr><tr><td>Drawing 3 of 3 Leachate Collection Details</td><td>Document #69891</td></tr></table>		Drawing 1 of 3 Drainage Lengths	Document #69891	Drawing 2 of 3 Leachate Collection System Design With Chimney Drains	Document #69891	Drawing 3 of 3 Leachate Collection Details	Document #69891
Drawing 1 of 3 Drainage Lengths	Document #69891							
Drawing 2 of 3 Leachate Collection System Design With Chimney Drains	Document #69891							
Drawing 3 of 3 Leachate Collection Details	Document #69891							

APPROVED BY: Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR
72118-5317

8-18-16
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the aforementioned permit has been mailed by first-class mail to Mr. David Conrad, 100 Two Pine Drive, North Little Rock, AR 72117.

Certified by Rita D. Spakes on or before this 23^d day
of August, 2016.

ADEQ

ARKANSAS
Department of Environmental Quality

WASTE PROGRAMS, OFFICE OF LAND RESOURCES ROUTING SLIP

DATE 8/16/2016

Subject: Minor mod- Eco-Vista Class 1 Landfill

From: Maria Matoska

<u>Route in turn to:</u>	<u>Action Needed</u>	<u>Date Received</u>	<u>Date Reviewed</u>	<u>Initials</u>
Cusher	<input checked="" type="checkbox"/> Concurrence <input checked="" type="checkbox"/> Review	8/17	8/17	AC
Hynum (sign)	<input checked="" type="checkbox"/> Concurrence <input checked="" type="checkbox"/> Review	8/18/16	8/18/16	JH
	<input type="checkbox"/> Concurrence <input type="checkbox"/> Review	_____	_____	_____
	<input type="checkbox"/> Concurrence <input type="checkbox"/> Review	_____	_____	_____
	<input type="checkbox"/> Concurrence <input type="checkbox"/> Review	_____	_____	_____
	<input type="checkbox"/> Concurrence <input type="checkbox"/> Review	_____	_____	_____

***Note: Marking the Concurrence box indicates the individual agrees with the applicable text as it relates to their individual discipline and Work Section (e.g., Engineer; Risk Assessor; Geology; Compliance; Policy/Management), as applicable. Marking the Review box indicates the individual has read the document.**

Return to [Maria Matoska] for distribution

COMMENTS:

This minor mod is in the same format as the one we did for Two Pine Class 1.