

NOTICE OF FINAL PERMITTING DECISION

Class 4 Permit Expansion

Date of Decision: March 17, 2023

AFIN: 72-00144; Permit No. 0290-S4-R2

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



SCAN ME

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.

Effective March 17, 2023, the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ) has approved the application for a Class 4 Permit Expansion pursuant to Arkansas Pollution Control and Ecology Commission (APC&EC) Rule 22 for Permit No. 0290-S4-R2 and AFIN 72-00144. 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/83496.pdf. To request a copy of the documents please call 501-682-0865.

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.

I, Karen Blue, hereby certify that this NOTICE OF FINAL PERMITTING DECISION issued on March 17, 2023, has been mailed by first class mail to the addressee of this post card.

Karen Blue



DIVISION OF ENVIRONMENTAL QUALITY

5301 NORTHSHORE DRIVE
NORTH LITTLE ROCK, AR 72118-5317



ARKANSAS

ENERGY & ENVIRONMENT

March 17, 2023

David Conrad
Eco-Vista, LLC
2210 Waste Management Drive
Springdale, Arkansas 72762

RE: Issuance of Final Permit Decision for Eco-Vista, LLC, Class 4 Landfill
Permit No: 0290-S4-R2; AFIN: 72-00144
Document Number: 83496 Reference 80453, 81907, 80395, 82167,
Document Nos: 82353, and 82354

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 4 solid waste landfill facility as described in your 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-S4-R2. A Public Notice detailing DEQ's draft proposed decision to issue Permit 0290-S4-R2 was published in the Arkansas Democrat Gazette, Northwest edition on August 5, 2022, with the public comment period ending September 6, 2022. A public meeting and hearing was held November 2, 2022. The public comment period was extended during the hearing until midnight on November 4, 2022. Please find enclosed the final Permit 0290-S4-R2, 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 \$1,234,162 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 Annette Cusher at (501) 682-0841 or cusher@adeq.state.ar.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jarrod Zweifel', written in a cursive style.

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, Krou, Speake, McWilliams and Gilkey
Melissa Vaught, FTN Associates, LLC

Arkansas Pollution Control and Ecology 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 August 5 through September 6, 2022 comment period, comments received at the Public Hearing held November 2, 2022, and comments received during the comment period from November 2 until November 4, 2022. A form comment letter was submitted and signed by separate commenters. Those comments were addressed together since the comments were exactly the same.

Commenter (Document ID)	Comment Number	Comment	DEQ response to comment
Jonathan and Mylen Maber (82572)	1.	Please be advised that we do not want the Class 4 expansion of Eco Vista Waste Management to be approved.	DEQ appreciates the comment.
Marty and Karen Phillips(82558)	2.	Tontitown is a very small town that is now growing quickly. Eco Vista has been here for 40 years.	DEQ appreciates the comment.
Melma Broyle (82551)	3.	We should not be allowing other states to bring their trash to a transfer station that is then brought to the Tontitown Eco Vista Landfill.	Arkansas law does not prohibit the transfer of waste in and out of the state.
Laurie and Garrin Jennings (82550)	4.	It is time they move on to an area that does not have the growth that Tontitown has now.	There are no Arkansas laws that prevent landfill expansion based on population growth in the area.
Meriln Roberts (82534)	5.	Families that live near the landfill have been complaining for a long time of the horrible odor, dangerous fumes, and debris from the landfill.	Class 4 landfills cannot accept putrescible waste. Putrescible waste creates odors, the Class 4 landfill should not produce odors or fumes. Road debris that would not be considered to be litter should be brought to the attention of the solid waste management district. Wind-blown litter should be brought to the attention of Eco-Vista so that they can implement the litter control
The Gilmorey (82525)			
Brooke and Buoe Dahnert (82524)			
Jackie and Barbara Clement (82523)			
Kelly and Kim Young (82522)			
Glen and Sara Daniels (82521)			
June Lawrence (82520)			

<p>Jimmie and Kimberly Cooke (82519)</p> <p>Dale and Jean Hawkins (82518)</p> <p>David C. and Cathy F. Hicke (82517)</p> <p>Alisha Langley (82514)</p> <p>Charles & Charlene Shuster (82513)</p> <p>Greg and Darlene Humphries (82508)</p>	<p>6.</p>	<p>At the very least we should be granted a public meeting before a decision is made to expand the landfill.</p>	<p>program included in the permit.</p> <p>DEQ held a public hearing on November 2, 2022.</p>
<p>Kenneth Lovett August 5 2022 comment (82570)</p>	<p>7.</p>	<p>I am requesting the Governors attention concerning Eco Vista Landfill Expansion in Tontitown Arkansas.</p>	<p>The Governor's Office was made aware of the Eco Vista Class 4 landfill expansion.</p>
	<p>8.</p>	<p>After a Certificate of need from Boston Mountain Waste District, the expansion LSD (Large Scale Development) passed the Tontitown City Council and Planning Commission Chair, Rocky Clinton, and miscommunication, better stated as lies, from the Tontitown Planning Commission Chair, Rocky Clinton, and the Mayor at the time, Paul Colvin. The CASE group, members of the community living around the Eco Vista Landfill have tried to raise awareness of the issues of Toxic Vapors, odors, vectors, and trash blowing around the community to no avail.</p>	<p>DEQ was not part of the local processes to approve or reject the landfill expansion, so DEQ cannot comment on those processes. DEQ is aware of the stated issues. The Class 4 landfill should not produce vapors, odors, or attract vectors. 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>

	9.	The Eco Vista landfill has grown too large for the community and Tontitown continues to Grow.	There are no Arkansas laws that prevent landfill expansion based on population growth in the area.
	10.	The Landfill is also located in an unfit location. This was called out in a Legislative Audit dated October 2022. Please see attached Audit.doc.	The Legislative Audit Page 6 states “The Four-County Solid Waste District’s Board denied Waste Management’s certificate of need based upon its determination that the geology of Northwest Arkansas is unsuitable for development of landfills.” This statement is not a recommendation from the Audit. Siting criteria requires stability analysis of the formation at the location of the proposed landfill. These criteria include considerations for compaction of the subsurface underneath the landfill. Eco-Vista performed and passed the required stability analysis. The landfill meets all regulatory siting and location criteria.
	11.	I am requesting your attention to this matter so we can start the process of shutting down the Eco Vista Landfill due to these issues and health issues around the Eco Vista Landfill.	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 4 landfill meets these conditions.
Kenneth Lovett August 22, 2022 (82487)	12.	I am writing to request a denial of the Class 4 or any other permit that is in draft, and the revocation of any current permit in use for Eco Vista Waste Management site at 2210 Arbor Acers Road, Springdale Arkansas.	The scope of this comment period is limited to the expansion of the Class 4 landfill. DEQ has no legal or technical basis to deny this expansion.
	13.	My concerns, I have reached out to	DEQ inspectors who are trained in spotting

		<p>several in the past year, have gone unanswered, ignored or pointed to another entity for discussion. The citizens need answers to these issues before allowing the Landfill to continue any longer. Some of the issues are:</p> <ul style="list-style-type: none"> • Air Pollution, odor • Unknown Vapors causing burning throat, headaches, nausea • Improper cover • Poor Management • Equipment not properly operated • Improper navigation of equipment to and from the site • Improper or lack of air testing • Trash on neighboring properties causing danger to wildlife and cattle • Vector population • Water Quality in the area- There is a "Plan" that has been in effect for years. Levels are still out of Compliance. ETC. 	<p>issues such as those issues identified in this comment have performed complaint investigations and inspected the Eco-Vista landfills at least 50 times in the past two years. The Class 4 landfill has not had any permit violations in that time period. 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 Class 4 landfill expansion utilizes and exceeds the latest landfill design criteria for its type of landfill. When in compliance with this permit, Eco-Vista will not negatively impact water quality.</p>
	14.	<p>There is nothing that can withstand Nature that is created by Man. The liner has leaked in the past and will leak again. The only reasonable option is closure and remediation.</p>	<p>DEQ is unaware of the post Subtitle D Class 4 or the Class 1 landfill liners leaking. The Class 4 landfill has additional safeguards that are not typically required for Class 4 landfills for protection of the environment such as a leachate collection system.</p>

	15.	My understanding of the Process goes from Boston Mountain Waste service, Certificate of Need permit, to Tontitown City Council and the approval by State agencies. Boston Mountain did not verify proper area for the landfill as required in Regulation 22, 22.203- Local Authority Approval of Site Selection and Expansion.	Local approval was demonstrated, and the Arkansas Department of Health had no comments on the expansion. All other state and federal agencies were notified and approvals from those agencies were received. Boston Mountain Regional Solid Waste Management District did not receive any comments to the Certificate of Need (CON) approval. There was not an appeal of the CON submitted to the DEQ Director within 30 days of its approval.
	16.	Also, Tontitown or Boston Mountain did not complete a Health survey of the area after multiple complaints from residents concerning the issues.	The Arkansas Department of Health conducts health surveys. The district nor the local towns typically conduct health surveys, and it is not a requirement of the permit that the district or local towns conduct health surveys.
	17.	There are many issues here that have gone on for years. Please deny the permit until further investigation and conversation has been completed and the proper steps moving forward are identified and implemented. This Landfill was first permitted in 1979. The Area is growing and the Community is growing. The landfill should have never been allowed over a KARST Area and has been in service too long. Everyone is aware of the issue but keeps allowing it because of money or Click. The landfill should be closed and other options used, regardless of cost. It should be about Human Safety overall.	DEQ agrees human safety is the highest priority at all landfills in the State. Since the minimum design criteria have been met, DEQ does not have grounds to deny the permit due to the Karst terrain.

	18.	You cannot control gas prices, and should not hold citizens hostage in their own homes. Someone needs to investigate the area properly, and close the landfill to accepting anything until the investigation is complete and new avenues are in place. Then close it permanently.	DEQ appreciates the comment.
Leah Etchison (82533) Laura Etchison (82532) Danny Etchison (82530)	19	I have lived near Eco Vista landfill for 22 years and I do not want the Class 4 expansion of Eco Vista Waste Management landfill to be approved. The Tontitown area is growing rapidly around the landfill. Because of this growth, I feel the landfill should be relocated away from residential areas.	There are no Arkansas laws that prevent landfill expansion based on population growth in the area
	20.	Waste Management has yet to control the odor coming from the landfill.	Class 4 landfills do not accept putrescible waste. Additionally, adequate weekly cover is required to mitigate potential odors.
	21.	We now have a new school located 1.5 miles northeast of the landfill.	Thank you for the information.
	22.	Increasing the size of the landfill will have a negative impact on property values in the area.	DEQ is prevented from considering property values when making permitting decisions.
	23.	The landfill has caused us to have to replace countless tires due to debris from the landfill being on the road.	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.
Jacob Etchison (82531)	24.	I am writing this letter concerning the Tontitown landfill class 4 expansion. I	Road hazards are not within the scope of the solid waste permit issued to this facility.

	<p>have grew up on clearwater road and in the past two years built a house on my families land. We are about 1 mile west of Waste Management. Growing up I remember passing the landfill and it being small and not ever much about it. However, as it begin to grow so did the problems. To start the debris in the roads I have become a pro in patching tires for my whole family. I usually fix one a month.</p>	<p>Should haulers be observed improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.</p>
25.	<p>Along with that is the smell. At night and in the mornings when there is no wind the smell of gas is very strong. When the wind is blowing in our direction you can smell gas and depending on the day you can smell the trash, it is like walking next to a dumpster.</p>	<p>Class 4 landfills do not accept putrescible waste. Additionally, adequate weekly cover is required to mitigate odor.</p>
26.	<p>Even though we are down from the landfill you can still hear the noise of equipment running all day and sometimes into the night.</p>	<p>DEQ has noted your concern; however, there are no specific state regulations for noise.</p>
27.	<p>With our cattle we struggle worse with flies when they are here versus when we have them on our land in Siloam.</p>	<p>The Class 4 landfill does not accept waste that would attract flies.</p>
28.	<p>The landfill attracts vultures which means black headed vultures that are known to kill calves and even calving mothers.</p>	<p>The Class 4 landfill does not accept waste that would attract birds.</p>
29.	<p>I have always wanted to live close to family however I regret building a house here now because the fear of the landfill expanding and how that is going to continue to be a problem for us and the</p>	<p>DEQ appreciates the comment.</p>

		residents of Tontitown and Washington county. I ask you to please decline the request for the landfill expansion.	
Kathia Robles (82529)	30.	I am writing to you to let you know that I do not want the Class 4 expansion of Eco-Vista Waste Management Landfill to be Approved.	DEQ appreciates the comment.
Velma Opela (82528)	31.	Please do not let Class 4 expansion of Eco-Vista Waste Management Landfill to be approved.	DEQ appreciates the comment.
Nim Brown (82527)	32.	Please Do Not Allow the Class 4 expansion of Eco Vista Waste Management Landfill in Tontitown Ar.! DO NOT APPROVE This Expansion	DEQ appreciates the comment.
Mayor Angela Russell (82526)	33.	I would like to strongly oppose the class 4 expansion of the waste management landfill, located on Arbor Acres Avenue in Tontitown, Arkansas. The landfill is encroaching on the residential community and because of this, there have been multiple issues.	Based on the contents of the application, the Class 4 Expansion does not violate any buffer or setback distances.
	34.	Citizens are complaining of odor, gasses and toxic fumes being emitted in the air causing headaches, dizziness, nausea, burning eyes and other health symptoms, which are very concerning.	DEQ inspectors who are trained in spotting issues such as those issues identified in this comment have performed complaint investigations and inspected the Eco-Vista landfills at least 50 times in the past two years. The Class 4 landfill has not had any permit violations in that time period.
	35.	Our health is important. I hope you will take this into consideration. We must live with this daily.	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 4 landfill meets these conditions.
	36.	There is mud everywhere. On surrounding houses and roads. We live with trash and other debris in our yards and roads causing flat tires and broken windshields.	Eco-Vista has wash down areas for the trash trucks leaving the landfill. Please notify Eco-Vista when windblown trash is present. Road hazards are not within the scope of the solid waste permit issued to this facility. Should haulers be observed to be improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.
	37.	Currently waste management would not be allowed to put a landfill in this area. So, why would you allow an expansion?	Eco-Vista meets all criteria for a landfill at this location. Each expansion must meet the same criteria.
	38.	Citizens of Tontitown no longer want a landfill in this location. No expansion to the waste management eco vista landfill in Tontitown, Arkansas.	DEQ appreciates the comment. There is no legal or technical basis to deny the permit
Rebecca Timmons (82515)	39.	As many of the citizens in Tontitown, I also do not want the Dump (Waste Mgmt) to enlarge. I'm hoping you would consider a meeting with citizens regarding concerns about the dump. Feel free to contact me with any info or facts.	DEQ appreciates the value added by public participation with the permitting process. The hearing which also included a public meeting was held on November 2, 2022 at the Springdale Senior Activity Wellness Center regarding the permit modification.
Dale & Teresa Cleveland (82512)	40.	We are writing this as concerned citizens/residents of the State of Arkansas/Tontitown, Washington County, who live near the Eco Vista Waste Management Landfill located in Tontitown, AR. The landfill is already causing health issues from the gas odors	DEQ has performed complaint investigations and inspected the Eco-Vista landfills 50 times in the past two years. The Class 4 landfill has not had any permit violations in that time period. Air quality is monitored through DEQ's Office of Air Quality.

		<p>that they are leaking into the air, and nothing being done by the ADEQ. As a rapidly growing area, this expansion would continue to affect more and more citizens/residents in the surrounding area.</p>	
	<p>41.</p>	<p>For the last several years; at times, it is unbearable to be outside our home or have our windows or doors open. Even when pulling into our garage, at times, it fills with the gas. We experience nausea, headaches, & raw throats. You should be able to read the many complaints that have been filed. We would, respectfully, request that you decline this request for Class 4 expansion of the Eco Vista Waste Management Landfill. If it would be of help in your decision; you could come to the Tontitown area and stay for a week and get a dose of what is actually going on. As I have dealt with the ADEQ inspectors whom have said they come out and inspect the air and report all is well. (I am sure they come during times when WM is not leaking the gas.) You have to be a resident in this area to get the full effect. It is usually not during working hours.</p> <p>A good solution, in our opinion, and many others in the area, would be to look at moving the landfill rather than expanding, due to health issues this is, and will continue to cause and the “continued” growth in the</p>	

		NWA/Tontitown area. Thank you for your attention to our concerns before making you decision.	
Mr & Mrs Gene Boen (82511)	42.	My husband and I have lived at this address (612 Arbor Acres Ave) for 36 years. We have to live with bad road; smells, etc for so long. We do not want the Class 4 expansion of Waste Management to be approved. We are concerned for our health also. No one living here should have to put up with this. People say well it has to be somewhere. That's true. But would they want it by their homes? There is so much land west of us that is not populated, that would be ideal. Please consider all of us who have made this our homes for so many years, and deny another expansion. Thank you so much.	DEQ appreciates the comment.
Danielle and Heston McFatridge (82491)	43.	We are sending this letter in regards to the decision that is coming up regarding the expansion of the landfill in Tontitown. We currently live just west of the landfill and have lived in our current home for 7 years. We have a 4 year-old son and hopefully will be adding to our family soon. We are greatly concerned about the effects the landfill is having and will have on us, our family, our neighbors and the environment.	DEQ has reviewed the design of the landfill and has determined that established measures required by Rule 22, which are necessary to protect the public and environment, have been met. These measures include but are not limited to groundwater separation distances, bottom liner design, operational plans, etc.
	44.	We smell a bad odor that is sickening	DEQ understands that odor is an issue for nearby citizens; however, it is unlikely that

		that comes from the landfill.	the Class 4 landfill is the cause because of the odor due to the waste allowed into the Class 4. Based on our inspections, there is no link to the odors and the Class 4 landfill.
	45.	We are constantly having trash blown in the yards and fields.	Please contact Eco-Vista WM to remove blown trash.
	46.	The roads are hazardous due to debris. This debris often ends up in our tires. They are very rough in spots, and even though the trucks are supposed to follow specific routes, they are often seen on roads they are not supposed to be on.	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.
	47.	When the landfill was built it was way out of town. As we all know, that is no longer the case. The landfill is now in an area where many people live and raise families. It is time for the landfill to be closed and moved to another location.	Development has occurred around the landfill; however, the landfill continues to meet all State and Federal siting criteria.
Fern Etchison (82490)	48.	I am sending this letter in regards to the decision that is coming up regarding the expansion of the landfill in Tontitown. I currently live in Washington County just west of the landfill. I have lived in our current home for 19 years. Like many others in our community, we were told when we considered buying our property that there would be no expansion of the landfill. The landfill	DEQ appreciates the comment.

		was hardly noticeable to us unless we were driving by it. All that has changed over the last several years. The landfill has become much more than just something bad to look at or smell as you pass.	
	49.	The gas smell coming from the landfill is noticeable at night from our house. It emits a very sickening odor that is smelled worse in the evenings.	The Class 4 landfill is not permitted to contain waste that produces the gas described.
	50.	On windy days, there is trash in our fields and surrounding fields where my family has livestock. This trash is potentially very harmful to the animals.	Please contact Eco-Vista WM to remove blown trash.
	51.	The landfill also makes the roads in our area hazardous. I have had numerous nails and screws in tires, and there is often debris in the roads. The roads are rough and unmanaged from all the truck traffic.	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.
David & Renee Etchison (82489)	52.	We are writing this letter in regards to the upcoming decision regarding the expansion of the Tontitown Landfill. We currently live in Washington County just west of the landfill. We have lived in our current home for over 20 years We were told when we purchased our land that there would be no expansion of the landfill and the landfill would eventually close. This of course has not been the case. When	DEQ appreciates the comment.

		we moved to our house initially, we hardly even noticed the landfill. But, as time has gone on, the problems have become increasingly bad. The last several years have been by far the worst.	
	53.	The gas smell coming from the landfill is very noxious, especially in the evenings.	Class 4 landfills do not accept putrescible waste. Additionally, adequate weekly cover is required to mitigate potential odors.
	54.	The trash blows into the surrounding fields, and we and our neighbors are constantly having to make sure that our animals do not ingest the trash.	Please contact Eco-Vista WM to remove blown trash.
	55.	We have replaced and plugged more tires than we could count because of the debris on the roads. The trucks do not follow the assigned routes.	Road hazards are not within the scope of the solid waste permit issued to this facility. Should haulers be observed to be improperly transporting waste, please contact the Boston Mountain Regional Solid Waste Management District and report these occurrences.
	56.	They are making the roads rough with numerous potholes.	Washington County and the city are responsible for county and city road maintenance.
	57.	The landfill is much more than just an "eye sore" to us. We are concerned about our safety and well-being as well as the safety and well-being of our animals.	DEQ appreciates the comment.
Joseph S. Simco, Vernon J. Pianalto, Donna J. Pianalto, Larry Gibson Debbie L. Gibson	58.	We want to go on record that we strongly oppose the Class 4 expansion currently being considered, as well as any future expansion of the Eco-Vista Waste Management landfill located in	DEQ appreciates the comment.

Jonathon and Sara Pianalto, Anthony and Elizabeth Pianalto, Jeremy and Tera Pianalto, Chase and Miranda Gibson, Jorday Gibson (82488)		Tontitown, AR. We are land owners & family members of those who live at 12525 and 12553 Arbor Acres Rd. Springdale, AR. We are concerned for our health and safety, as well as our declining property value.	
	59.	Please do the right thing for our neighborhood and vote no on the proposed expansion(s) and start holding WM accountable for their daily operations to meet code, especially require them to cover daily to eliminate the odors & protect us from toxic fumes/gases!	The Class 4 landfill is not permitted to accept putrescible waste. Rule 22 does not require daily cover for Class 4 landfill. Weekly cover is required.
Daryl "Russ" Greene, RN (82462)	60.	Please accept this letter as a request to deny the permit application for a major modification to a solid waste disposal facility, Eco-vista, LLC Class 4 Landfill, permit number 1884-AOP-R9.	DEQ appreciates the comment.
	61.	During a past citizens meeting at Eco-Vista, an employee of WM (Waste Management) stated that "they are aware of damage that has occurred to the aquifer under Northwest Arkansas by the landfill in Tontitown". If we know that the landfill is damaging our water source, why would we allow WM to expand the landfill?	This permit action includes upgraded standards including but not limited to leachate collection, groundwater monitoring wells, and monitoring of a spring/creek area off-site. Waste Management will continue to control and remediate site-related groundwater impacts. Groundwater remediation rules are in Chapter 12 of the APC&EC Rule 22.
	62.	I had a discussion with one of the inspectors from ADEQ (ADEE) recently and he stated that landfills in Arkansas usually last for 20 years. The landfill in Tontitown has been in operation since	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

		<p>1979. That's 43 years. Isn't it time to find a space that is outside a city limit and away from dense housing? I realize the current location is convenient for area cities and industries. It costs them less to deliver to a site that is centrally located in the middle of one of the fastest growing areas in the US, but it is not very convenient for those of us who live in the area.</p>	<p>Arkansas laws or regulations that allow DEQ to deny a permit based on population growth in an area.</p>
	<p>63.</p>	<p>I would also point out that if WM wasn't so obtuse and would abide by Rule 22 by covering the awful, smelly trash, the landfill might not be such a problem for the community. I also don't understand ADEQ's interpretation of covering class 4. Rule 22, (22.609[b]) says,</p> <p>(b) Cover Thickness- A compacted layer of cover soil of sufficient quantity, but not less than six inches, to ensure there is not exposed waste (in addition to the six inches of daily cover) shall be applied upon surfaces that will not receive an additional application of waste or final cover within thirty (30) days.</p>	<p>Rule 22.609(b) states "Cover Thickness - A compacted layer of cover soil not less than twelve (12) inches, sufficient to ensure there is not exposed waste including the six (6) inches of daily cover required under Rule 22.609(a) shall be applied upon surfaces that will not receive an additional application of waste of final cover within 180 days."</p> <p>This condition is clarified by Rule 22.609(a) that states "Applicability and Frequency of Cover - The owners or operators of all Class 4 Landfills must cover disposed solid waste with six inches of earthen material at least weekly or at more frequent intervals, if necessary, to control disease vectors, fires, odors, blowing litter, scavenging and to limit the generation of leachate. Daily spreading and compaction of the waste shall be performed to minimize void space and reduce the potential for disease vectors and fires." DEQ notes there is a typographical error in</p>

			your comment. The 30 days referenced in the comment is 180 days in Rule 22.
	64.	WM has gone months without covering the current class 4 landfill. I realize it is because dirt costs money and they can get more trash on the site without adding the required dirt, but a rule is a rule, and they (WM) should follow the rules and ADEQ should enforce the rules. Please at least listen to the people who live around the landfill. Some have been there for generations. We complain when the smell is so bad, we can't go outside our houses, and nothing is done. If WM doesn't follow the rules and start being a good steward of the environment here in Northwest Arkansas, it won't be one of the fastest growing areas in the United States. Please consider these facts when deciding to approve WM's application to expand Eco-Vista Landfill.	The Class 4 landfill is not permitted to accept putrescible waste. Rule 22 does not require daily cover for Class 4 landfill. Weekly cover is required.
Mikaila Calcagni (82461)	65.	My name is Mikaila Calcagni. I am a local Internal Medicine physician, wife, mother, Tontitown resident living on Arbor Acres Rd., and community member. I am writing today in opposition of the proposed expansion of the landfill. Amongst many other reasons that have been stated by other community members and long-time residents, my strong opposition of the expansion stands strongly on the health implications for current residents and generations to come.	DEQ appreciates the comment.

	66.	<p>First, multiple studies (as cited in this letter with references provided) have stated the short-term and long-term health implications are directly linked to living within the vicinity of a landfill. Starting with current residents, many are over the age of 65 or approaching this age. As medical co-morbidities increase with age, living next to a landfill directly increasing your risk of developing new medical conditions and worsening your pre-existing conditions. A large scale study entitled Socio-Economic and Hematologic Profile of Landfill Residents published in 2017 in the International Journal of Environmental Research and Public Health (Wanderly et.al) showed that people living near a landfill had much higher incidence of lymphocytosis (increased white blood cell count), neutropenia (decreased immune fighting cells precluding to multiple infections), and anemia (low red blood cell count leading to poor oxygenation). This has been directly evidenced by multiple of our neighbors living near the landfill. We have had one neighbor become severely ill requiring multiple hospitalizations after a diagnosis of cancer. We have also, unfortunately, had another neighbor pass away. We are unable to say that these illnesses were not in part, if not entirely, caused by waste</p>	<p>The Socio-Economic and Hematologic Profile of Landfill Residents is a study of the health of poverty-stricken residents living near a municipal solid waste landfill compared to residents living in an inner city. This permitting action is for a Class 4 landfill that does not accept municipal solid waste. All residents are on city water.</p>
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		from the landfill whether through polluted air, polluted water, or polluted ground.	
	67.	<p>Next, and most importantly to myself and my family, the impact this has on our children. As the new mother of an 11month old, his health and the health of all children, is my utmost concern. Another large study published in International Journal of Epidemiology looked at more than 240,000 people over a U year period. This study showed a "strong association between hydrogen sulfide and deaths caused by lung cancer, as well as deaths and hospitalizations for respiratory diseases. The results were especially prominent in children." As a mother of child with a family history of severe asthma, this is highly concerning. There is no debate over whether keeping children safe and healthy is every person's top priority, so why would we intentionally do anything that would raise the risk of a child being hospitalized, suffering, or even directly causing their death? By expanding the landfill knowing that there has been a drastic increase in families moving into the new residential areas directly next to the landfill, you are choosing to ignore the health risks to children and are thereby culpable in their illness.</p>	
	68.	Finally, the most pressing of all of these	The scope of the draft permitting decision

		<p>due to the COVID19 pandemic, too numerous to count studies have directly proven that the closer you live to a landfill, the greater your increase in respiratory illnesses. As evidenced by the Centers for Disease Control Public Health Assessment for Bridgeton Sanitary landfill, "ambient air near the landfill...have harmed the health of people living or working near the landfill by aggravating chronic respiratory disease (e.g.,asthma),aggravating chronic cardiopulmonary disease." Working at a local hospital that has been plagued by COVID19 and continues to see numbers increase, this is highly concerning. With United States deaths from COVID19 over 400,000 and climbing, nobody wants to say that they knowingly contributed to increasing the likelihood of someone contracting the virus by dampening their respiratory system's ability to ward off the virus. As a healthcare professional, I must strongly oppose the landfill's expansion for the above mentioned reasons.</p>	<p>is limited to the expansion of the Class 4 landfill. The Bridgeton Sanitary landfill was not managed as a Class 4 landfill and as such has a different waste mass and ambient air quality profile. The opposition to the expansion is noted.</p>
Jacpui Calcagni (82461)	69.	<p>Please use this letter in opposition to allowing Eco-Vista Waste Management to expand. Permit 0290-S4-R2; AFIN 72-00144. My opposition is due to my asthma like many who have trouble breathing in the area. Most mornings and evenings the smell of sour trash and gassy</p>	<p>DEQ understands that odor is an issue for nearby citizens; however, it is unlikely that the Class 4 landfill is the cause because of the odor due to the waste allowed into the Class 4 landfill. Based on our inspections, there is no link to the odors and the Class 4 landfill.</p>

		smell makes it hard for me to breathe. My grandchildren live next door and I worry about them along with other children in the area. A Springdale elementary school is a mile away from the landfill. Is it safe to live near a landfill? Not only is there odor/gassy smells, heavy landfill traffic alongside school buses, and residential traffic exists.	
	70.	Eco-Vista has not been a good neighbor. They stopped meeting with our citizen group several months ago as we questioned WM about their practice of not covering the trash properly and also questioned them about the chemicals in the misting system that they spray. This system does not help the odors.	DEQ has been at the site 50 times in the last two years, the Class 4 landfill has been covered appropriately each time. The misting system is at the Class 1 landfill. This permit action only pertains to the expansion of the Class 4 landfill.
	71.	Due to the fact that Waste Management has no regard for the neighbors as they do not do what they are required to do that is set forth by ADEQ regulations, I want this to be on record I oppose the permitted expansion. This area has grown too populated for a landfill and this landfill has been here over 40 years.	The Class 4 expansion meets all siting criteria including distance to residences.
Eco-Vista, WM David Conrad (82560)	72.	Site Specific Condition 1: Sheet 11 of 12 was not included in the list of approved permitted plans. Please clarify this omission.	This sheet has been added to the list of approved permitted plans. Site Specific Condition 1 (c)(x) now states the following. "Leachate Collection Details Sheet 11 of 12, Document ID 80453"
	73.	Site Specific Condition 4: The condition references 'paper waste including cardboard' as being not authorized for	EVLF has not been able to accept paper waste including cardboard for years at the landfill. However, to follow the definition

		acceptance at this facility. EVLF believes it would be difficult to control/enforce this restriction since paper wastes and cardboard are common wastes from construction and demolition projects. EVLF would ask that this language be removed from the permit.	of construction and demolition waste, the following changes were made. The word “bulk” was added so that the condition states “paper waste including bulk cardboard and “Special Materials” as these terms may be used by APC&EC Rule No. 22 are not authorized for acceptance and disposal at the facility.” And the sentence “Cardboard mixed with construction and demolition waste may be disposed in the landfill.” was added to Condition 4.
	74.	<p>Site Specific Condition 13: EVLF would ask that the condition be edited as follows:</p> <p>1) The second sentence change to: ‘The quality and quantity of leachate produced shall be monitored during the active life of the landfill and during the post-closure period.’ EVLF believes this is an adequate condition and eliminates any ambiguity.</p> <p>2) The fifth sentence change to: ‘When and if the Class 4 facility begins to truck its leachate to an off-site disposal facility, EVLF will monitor on a quarterly basis the parameters noted in the following table.’</p>	<p>1) DEQ disagrees with this statement. The permit condition is not ambiguous. No change to the permit was made.</p> <p>2) No change to the permit will be made at this time. If leachate properties can be shown to be consistent, quarterly monitoring will be considered at a later date. No change to the permit was made.</p>
	75.	General Condition 29: Please change December 30 to December 31.	This typographical error has been corrected. General Condition 29 has been revised to state “This report is due on June 30 of each year and shall cover the preceding period beginning January 1 and ending December 31.”

	76.	General Condition 31: Typographical error. The word 'practicable' should be replaced with 'practical'.	APC&EC Rule 22.607(c) states the landfill working face shall be limited to the smallest practical area. The word practicable has been replaced with practical in Condition 31. Condition 31 now states "The landfill working face shall be confined to the smallest practical area (APC&EC Rule No. 22.607(c))."
Donna Pianatto 12525 Arbor Acres Rd Springdale, AR 72762 dovepianatto@gmail.com	77.	My name is Donna Pianatto, and I'm here to represent my family who has been living and operating a farm that is adjacent to a waste management landfill for 60 years. And so the last time I was in a room meeting with ADEQ was three decades ago. And I'm going to just assume that probably none of you guys were there. And at that time, at that meeting, we were pretty much told that there was going to be a landfill coming into our community. And we saw models that were beautiful. It showed that there were going to be fishing lakes and wildlife refuges and mountains with green grass and wildflowers. And it was going to be our privilege to get to see neighbors with them for about ten to twelve years. That was three decades ago. So here we are, fast forward 30 plus years, and I would just stand here before you and say that our concerns, our complaints are growing exponentially faster than the mountains of trash are growing. So three decades later and so	DEQ appreciates the comment.

		respectfully, I'd like to ask that you not to permit them to expand any further. I realized that we're talking about class four trash here, but as a business owner and a business operator, it's the whole of the landfill that includes class one and class four. If they have not been able to operate in a way that keeps our complaints and our observations, if they haven't been able to do it right in three decades, why would we let them continue on until they can get things under control? So you have our written statement from our family. I've sent letters to explain what some of our concerns are.	
	78.	But I would just say that as an operator of a family farm, it's questionable to me whether our cattle is our produce. We've grown chickens before, we've grown grapes before, we've grown produce to sell. We grow beef cattle. Is it safe? Is it safe to sell it? Would you want to eat it? Is our water clean? Is our air clean?	DEQ appreciates the comment.
	79.	I know personally this summer we had so many times that we could enjoy our own yard, our own pool, our own home, to be able to just enjoy because of the smell, the few, the odors that are coming into our homes, into our yards. And so I know you said class four doesn't smell, but there again, I want you to realize that this is a business that's operating as a whole. You can't separate class one from class	DEQ appreciates the comment. From a permitting perspective, the Class 1 and Class 4 have two different permits with different requirements.

		four. It's all together.	
	80.	And my question to you would be whether or not our community is going to be safe and be able to live with some help in the future if you allow this to be granted as a growing business. I do appreciate the fact that they are offering a service to our community like I said, we felt like for ten years that it was our civic duty to allow them to operate and have a service to our community. But as it goes on and on and on, it's questionable whether or not they earned the right to have the responsibility to carry out their business.	DEQ appreciates the comment.
	81.	So I would just urge you, I thank you for listening to us. It's been many years in the making. The first few years we didn't feel like we were listening to at all. So I appreciate the fact that you become somebody that we can actually be listened to. But I think we're looking for more than just listeners. We're looking for people to take action and to help waste management and tiny town and the citizens be able to live together and be citizens that can do life together in a healthy and safe way. So thank you and time to tell whether or not you're just going to be listeners or whether you're going to take some action. Thank you.	DEQ appreciates the comment.
Nicole Burress 2861 S. Barrington Rd	82.	Thank you so much. I'm a homeschooling mother and a nurse in Tontitown and I've	The Class 4 landfill, subject to this permitting decision, is equipped with a clay

<p>Tontitown, AR 72762</p>		<p>been reading this book, The Great Trouble, to my children over the past week. It's one I've read before. It's a children's story explaining the historic event of the cholera outbreak in London in 1854. This outbreak was a turning point in both epidemiology and public health, but you may not remember studying that in school. So in the summer of 1854, over 600 people died in just over a week from cholera. Originally, people suspected that it was caused by exposure to bad air. However, Dr. John Snow stepped in. He was the personal physician to Queen Victoria. So Snow mapped out London and documented where each symptomatic person lives. He himself was just half a mile away from the outbreak, but he never had any symptoms of cholera. Other people who lived a mile away from the epicenter didn't experience symptoms of the disease either. But Snow noticed that all the people who experienced symptoms were congregated around one central point. It was immediately clear to this renowned physician that the central point that these people had in common was the source of their illness. Unfortunately, it was very difficult to convince the people and the city workers. At the time, people thought cholera was spread by bad air. In truth, contaminated matter leached through the</p>	<p>liner system with leachate collection to control the risk of any contaminants getting to the groundwater. The leachate is tested multiple times each year. The sample results are reported in the annual engineering inspection report.</p>
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	83.	<p>I attend every city council meeting every month, and we have people who report every month complaints against the Eco-Vista landfill. They report nausea, dizziness, coughing, vomiting, watery eyes, and even spells of unconsciousness when they smell some of the gaseous odors. Living up on a hill, I have not experienced much more than severe coughing or need to run inside where I have medical grade air filters running 24/7. However, as a former nurse, I can't help but realize that all the people who report these symptoms lived within a direct radius of the Eco-Vista landfill show there are no other businesses in that area. Logic would deduce that these symptoms are related to what these people share a proximity to the landfill. But in public health, we don't just</p>	<p>Class 4 landfills are not permitted to accept putrescible waste.</p>

	<p>examine proximity to a shared source. We also look for patients who express symptoms who are outliers residing far from the potential contaminants. In this case, that means we try to find people who don't live near the dome, but who present with the same symptoms when they're exposed to a gaseous odor. We in Tontitown township. Ronda Doudna is an example. She was a city councilwoman who had no concerns about the landfill. Her husband was a great city councilman who had no concerns about the landfill. Rhonda lived miles away and didn't have any symptoms of illness. However, she visited her friend Angela Russell, who lived next door to the dump. She immediately noticed that she began presented the same symptoms as those who lived within the dumps near radius. She reported up to last night in a city council meeting that her eyes stung and watered and she felt ill when she smelled the gas driving past the Eco Vista landfill. Now understandably, city council members, both of our former mayors, city workers, city planners, state representatives and senators, and our governor have been able to disregard the citizen complaints until now. Just like people who were half a mile away from the cholera outbreak of London didn't even realize it was a problem because it</p>	
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	<p>didn't affect them directly and they didn't have symptoms of illness. Much of our city has not experienced a tremendously debilitating, nausea, vomiting, headaches and more that people who are directly near Eco-Vista experience. I don't fault you for that. However, as those who are entrusted with the safety of our citizens, this can't be ignored any longer. During COVID we took extensive measures to protect people out of an abundance of caution, and we need to do the same again. I want Waste Management to be wildly successful. I want Waste Management to make millions. But if their productive and necessary business is harming any of our citizens, it seems that it would be prudent in the name of of Public Health to halt the expansion of the landfill in its current location and instead focus its continuing expansion in an area that's a little more remote. Arkansas is large, with plenty of untapped land. Used to be that. But as our population is boomed, we can no longer just joyfully accept Waste Management's more than 300,000 dollar hosting fee without considering how it impacts our residents. They offer this fee because their business has been recognizably a nuisance to many, and they don't wish to go to the efforts of relocating an hour further down the road. But without an impetus for</p>	
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		<p>change, your impetus for change, waste Management, will continue in their current course. Our town will continue to suffer. We risk becoming the next Camp. Legume. Hinkley, California, and Flint, Michigan. I ask you to remember that even though you don't live directly within the radius of Waste Management, even though you have no symptoms at all, there are people who are and there are people who do. This isn't just about business or money. Those things can be altered and we can all still thrive. It's about public health protection, logic, and using your power to protect those who have no ability to protect themselves. Thank you very much.</p>	
<p>Kenneth Lovett 18702 Clear Water Rd Fayetteville, AR Kenneth.lovett@att.net</p>	<p>84.</p>	<p>One of the issues that I feel I see here is we have two completely different worlds combined. We have paperwork and procedures and we have the real world actions that happen out in the field. This decision comes down to the integrity versus money. It's about human decency to me. Currently, laws and regulations are twisted and conformed to a specific group's translations. And if it's a purpose class four went 16 days without coverage. We have pictures of proof of that. The way that they cover it, they covered a piece at a time. There's different things in there. They've had cardboard in there that they've been called out on. That's never</p>	<p>DEQ sent inspectors to look at cover adequacy numerous times and could not find a violation.</p>

		covered. There's something there that's working down that we're smelling.	
	85.	Even from class four, the flow test that we've done, when you're going to put in extra sample wells. If it gets to that sample. Well, that waste has already passed the landfill, so we're already contaminated to karst area and it's no telling where that stuff's going from there.	DEQ acknowledges and understands your concern. Thank you for commenting.
	86.	What I'm requesting is I want them to shut down intake until they can stop the vapors. If they can't stop the vapors, they shouldn't be able to take in anything. There's other landfills around. One of the landfills in another county is taking it to Kansas and it is actually cheaper for them to take it to Kansas than it is to take it to existing. So if we could shut that gate, they either shut down or they find their property. I believe that would be an incentive for them.	DEQ appreciates the comment.
	87.	The leachate is not treated till after it leaves Tontitown. I know there's an agreement that there's NACA that's going to be treated there's 14 miles between NACA and Tontitown landfill. The drainage system goes through the middle of Tontitown, so you've got whatever that is into the air. So, you're talking about Miss Burris. People that don't know what they're getting into are getting into this stuff.	DEQ appreciates the comment.
	88.	They've hired Terracon to do their testing.	DEQ appreciates the comment.

		All they're doing as far as I'm aware of is odor, intensity. They're taking their butanol or whatever it is and they're saying, which one smells worse? That's not testing. I need to know what the area is. I need to know what's causing me to cough my headache to hurt and that type of stuff.	
	89.	Mrs. Cusher and Nick, there are some coming comments on the website that you're going back and forth with David Conrad and it seems more like he's writing the permit than anybody else. There's a lot of statements in there about this word needs to be changed. This word needs to be changed. Why would you allow an engineer with a waste treatment company to write it on permit? That's what it seems to be. Whether or not it is fugitive gases are not neutralized. They're affecting our lives every day.	Waste Management provided comments on the draft permit. This is an important part of the permit review process. It allows DEQ and the applicant to agree on how to address issues when they present themselves. The end result is a better permit. A couple of their comments were indicating typographical errors. One such word change request was to change the word in the draft permit to the same word used in Rule 22. Not all changes to the draft permit that Waste Management requested were made.
	90.	If you got benzene and you breathe that, can anybody tell me there's no benzene out there? Benzene's got the perfect example of symptoms I can't talk symptoms that will make you hit or I don't know that that's it, but it's a possibility nobody's checked for. Where do we go with that?	Air quality is a matter for the air permit and not part of the Class 4 expansion decision.
	91.	There's nothing I can say here that hasn't already been discussed 10,000 times. The answer always comes back to one point.	DEQ appreciates the comment.

		That point being nobody likes to get thrown under the bus. In my opinion, ADEQ issue was thrown under the bus, had run over several times May 2nd 2018 when Miss Ellen Carpenter comments on the proposed draft, regulation 37 was submitted. Instead of fixing the problem, the ADEQ director at the time, Becky Keogh, built a case against this lady Pio public information officer. She had a perfect record and within a month she was fired	
	92.	So in my opinion, the problem starts with the adeq not directing the people in the field. The people in the field are not doing their job. Mr. Blake Small sitting back here, loves to talk about his pet skunk. There's a big difference between a skunk and an odor.	DEQ appreciates the comment.
	93.	It's not just an odor either. It's a gas. It's a vapor. There's no scrubbers on that equipment out there, on that base gas boiler. There's no way that that chemical goes through there. When it burns, it produces another chemical. There's problems out there, folks, and whether I have to break it out to you and call you out, I'm sorry, but the responsibility sets you right here. Thank you.	DEQ appreciates the comment. Air quality is a matter for the air permit and not part of the Class 4 expansion decision.
Rhonda Doudna 462 Pozza Lane Tontitown, AR 72762	94.	I've lived in Tontitown since 1994. I lived since 99, about a mile and a quarter from the landfill. I don't know even where to start. I've lived here that long, and we	DEQ appreciates the comment.

	<p>never had this gas. Never at all. There's a difference between the egg smell that's gas. We know what that is. We know what the trash smell is. There's an odor that started about two and a half to three years ago. And I'm not exaggerating. It is terrible. It is like a butane smell. And as soon as it hits you, you're like, holy smoke. It hits about this time of the year because of the weather, because when it's windy and summer, it just kind of goes through there, and we're not smelling it. It's pressuring down. You can see a haze at night because of this. And it's not just a little smell. It is so bad, Angie can't even enjoy her home, her yard, 35% of the year. Could you guys handle that? Find a beautiful home, live in there forever, and you can't even enjoy your property. Something's going on. Don't know what it is, but it used to not be there. So I'm a layman. I'm a simple person, but I'm not stupid. And you guys aren't stupid. You have landfills. This is what you do for a living, and you're telling me you don't know what this gas is? This isn't the only place this has ever happened. I can't imagine that. So what I'm saying to you is stop the expansion. Make them accountable, make them work faster to fix this issue. Let's figure this out together. Work together. I made a statement last night, I guess, that maybe came out</p>	
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		wrong at the council meeting that said we need waste management. I put here, we need a landfill. We don't necessarily need it in Tontitown.	
	95.	Like Donna has said, I've read all that literature about, oh, we're going to do this, we're going to do that. We'll be here ten years. We're three decades into it. When are you going to say, this landfill is done? I mean, everybody said, oh, well, they built right next to a landfill. No, they did not like it. The landfill was a little tiny dump on a rural road and sunray. They started dumping there. That was our trash people at the time. Waste Management bought it, and they went from a few acres to 600 plus acres they're encroaching on us. And \$300,000 a year for hosting fee is a joke.	DEQ appreciates the comment.
	96.	Between the trash, we pick up the debris on our road. The poor people that have the route down the road, they have to wash off their mailboxes. They can't even get their mailboxes when it rains because it's so bad. But that's not my issue. It is the gas. Something's wrong.	DEQ appreciates the comment.
	97.	When I drove by two weeks ago, I'm not exaggerating, by no means, and I should have took a picture. There was five, oh, probably 500 to 600 vultures flying. It looked like a horror movie. They're all over the landfill. They're going and there's so much trash stuck to the fence	Class 4 landfills are not permitted to accept putrescible waste.

		line. And I'm like, this is a weekend that should be covered up. It takes six inches of dirt. That's it. And they can't seem to do it. But when a drone goes over the other side where we can't see it's not covered up, vultures would not be flying over this if it was covered up. We're asking them to be better neighbors, to listen to their citizens and do the right thing, to figure out what this gas is. Don't pass this. Make them accountable. Make them listen to us this time, and let's figure this out together.	
	98.	We got a new mayor. We've got a new guy at Waste Management. I love Jamie. I think he's a great guy. He's got a job that's probably harder than anything else, and so does Angie. He said to me, they don't trust me when I do tell them I'm telling them the truth and they're still not listening. I said, you got to think what was present before the mayor before, and your other person that ran your Waste Management, they lied. They spun us. They manipulated to get this past. And it was wrong, and we all know it. And we've been taking it forever. It needs to stop.	DEQ appreciates the comment.
	99.	And it's up to you guys, because 20 years from now, I'm going to keep all your names. Somebody ends up sick, I'm going to send you a funeral announcement and say what they happened, because these	DEQ appreciates the comment.

		people are really suffering. It's not a joke. This is Serious. Please don't pass this. Stop it, and let's work together to fix it. Thank you.	
Daryle Russ Greene 12246 Red oak Dr. Fayetteville, AR Drussgreene@gmail.com	100.	I'm Daryle Russ Greene. I live at 12246 Red Oak Drive in the Red Oak Estates, and that's right behind the current class four. I represent the neighbors that are directly south of the landfill. The property Waters ecovista landfill can see here and smell the class four mountains. I want to thank you all for the meeting to allow us to say something. Waste Management anticipated your visit by adding dirt to places that needed it, put gravel on the landfills to help control some of the red dirt that's all over Tontitown's roads and even planted some trees replacing the ones that were dead. Even worked last Sunday to make sure that landfill looked good. Citizens of Tontitown and adjoining properties around. Landfill have tried to get Waste Management to do what Arkansas rule 22 says they don't cover the trash property and was noted a couple of weekends ago when we had really high winds, contaminated trash through all over the area and around the landfill. Why didn't they prepare for this? I knew that there was going to be windy that weekend. You can see it on the television.	DEQ acknowledges and understands your concern. Thank you for commenting. The facility is required to have litter fencing and litter crews as needed in response to these problems. The other component of litter control is weekly cover for a Class 4; DEQ has not found any violations with weekly cover. When litter is found to be an issue, it should be reported to WM immediately
	101.	During a past citizens meeting at Eco	This permit action includes upgraded

		Vista, an employee of Waste Management stated that quote they are aware of damage that has occurred to the aquifer under northwest Arkansas by the landfill in Tontitown. End quote. I believe he was a chemist from Houston. He said that the CO2 levels are starting to go up because of the landfill. If we know that the landfill is damaging our water source, why would we allow them to expand it?	standards including but not limited to leachate collection, groundwater monitoring wells, and monitoring of a spring/creek area off-site. Waste Management will continue to control and remediate site-related groundwater impacts. Groundwater remediation rules are in Chapter 12 of the APC&EC Rule 22.
	102.	I once had a discussion with one of the inspectors from ADEQ and he stated that landfills in Arkansas usually lasts for about 20 years. Landfill in Tontitown has been in operations since 1979. That's 43 years. Business time fund space is outside of city limit, away from dense housing. I realized the current location is convenient for area citizens and industries because that's where we're side. That is centrally located in the middle of one of the fastest growing areas in the United States, but it is not very convenient for those of us who live in the area. Also point out that if Waste Management wasn't so obtuse to abide by the rule of 22 by covering the office amount of trash, the landfill might not be such a problem for the community.	DEQ appreciates the comment.
	103.	The ADEQ's rule 22.609b says a compacted layer of covered soil is sufficient quantity but not less than six inches to ensure there is not exposed waste. In addition to the six inches of	Rule 22.609(b) states "Cover Thickness - A compacted layer of cover soil not less than twelve (12) inches, sufficient to ensure there is not exposed waste including the six (6) inches of daily cover required under

		<p>daily coverage shall be applied upon services that will not receive an additional application of waste to final cover within 30 days. Waste Management has gone months without covering the current class for landfill. I have pictures of it, its right outside my door back. I realize it is because dirt costs money and they can get more trash on the side without adding the required dirt. But a rule is a rule. You need to follow the rules. These are these. Listen to the people who live around the landfill. Some have lived there for generations. We complain when smells bad. We can't go outside our houses and nothing is done.</p>	<p>Rule 22.609(a) shall be applied upon surfaces that will not receive an additional application of waste of final cover within 180 days.”</p> <p>This condition is clarified By Rule 22.609(a) that states “Applicability and Frequency of Cover - The owners or operators of all Class 4 Landfills must cover disposed solid waste with six inches of earthen material at least weekly or at more frequent intervals, if necessary, to control disease vectors, fires, odors, blowing litter, scavenging and to limit the generation of leachate. Daily spreading and compaction of the waste shall be performed to minimize void space and reduce the potential for disease vectors and fires.” DEQ notes there is a typographical error in your comment. The 30 days referenced in the comment is_180 days_in Rule 22.</p>
	104.	<p>Waste Management does follow the rules. Start being a good student. Environment northwest Arkansas won't be one of the fastest growing areas in the United States. Please consider these facts when making the decision to approve or not to approve Waste Management's application.</p>	<p>DEQ appreciates the comment.</p>
<p>Dennis Boyer 1969 Dowell Tontitown, AR Dboyer01@yahoo.com</p>	105.	<p>Good afternoon. Dennis Boyer, 1969 Dow Road. Thank you for coming. Thank you for listening. This is such an incredibly serious matter. I'm not going to</p>	<p>There are no Arkansas Laws or Rules that consider population density or growth in siting criteria for landfills.</p>

	<p>address a lot of things the others have addressed. Hopefully, I'm going to bring something up that hasn't been given a whole lot of direct attention, which is population. The population in Tontitown has just become too dense for a landfill, I would think, according to any standard. And I think that's the reason we have so many problems. I think we might be in a situation where there really is no answer just because of the density. Northwest, to put perspective, northwest Arkansas, as we know, is the fastest growing region in the state. Within that region is Tontitown, which is the fastest growing town in that region, and massively so. Its population grew by 19% last year alone, and over the last many, many years it's been an average of 12%. And you think, well, okay, it's increasing, but it's going to increase more for a lot of reasons, irrespective of the economy. For example, Tyson Foods right down the street for us in Springdale, a whole highway or a corridor is coming over right from Tyson Food's headquarters where they're bringing in a minimum required of a thousand executive workers that are coming in. That'll be three or 4000 people, plus any add-ons that could come and they're bringing a quarter right into the doorstep of Tontitown. So, a lot of those people are going to want to move</p>	
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	<p>to Tontitown and build their homes there. So, there's just a lot going on and a lot of people coming to Northwest Arkansas in general. When Waste Management landfill was cited here in the first place, the population of Tontitown was 510 people. In 1990, it was more known for chickens than people. There were probably, I don't know, 100- 200,000 chickens. And so even if the landfill didn't stink, I mean, even if it did stink, you wouldn't know it because if you've been around chickens, you know that they can actually overwhelm a landfill. So now the population is around 6,000. And according to statistics that are in the packet there, it's going to double or triple in the next ten years. And like I say, northwest Arkansas, you know, may be very resilient to the current economy, that's in a dip. Economies are cyclical, it will come out of the dip, blah, blah, blah. You have to ask yourself, why is the trend here? And if you look at Northwest AR , you know that if any place in this country is going to grow, it's going to be Northwest Arkansas. Even if the other place is diminished, they're going to come here. So, it's really kind of a mecca. 4300 people live within 2 miles of the landfill right now. And in ten years that number is expected to be anywhere between 8000 and 14000, depending on whether you</p>	
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		use a 6% increase factor per year or a 12%. It's been twelve, but if you want to drop it to six just to play it, say we'd have 8000 people within 2 miles. I mean, Tontitown is not that big. There's not that many places to build houses, so it's coming. Okay. By comparison, Fort Smith landfill has fewer than a thousand people within 2 miles of it. I seriously doubt that another landfill in all of Arkansas has this kind of population density. I mean, it's getting really serious when you think about that many people.	
	106.	To compound matters, Eco-Vista has shown itself to be an irresponsible and unresponsive neighbor, to put it mildly. In the last three years, despite with cow's complaints, odors have become stronger and more. Not just birds and trees die, people get sick, and cows eat the walmart bags.	DEQ appreciates the comment.
	107.	Immediately after promising specific open and aggressive air monitoring regimen, waste Management promises they abruptly, without notice, abandoned doing that. Quit meeting with the neighbors, sent us to their public relations agency. They came down here through questions, and they didn't know what we were talking about. But they will not meet with us anymore. Waste Management will not they're done with us.	DEQ appreciates the comment.
	108.	Okay, everyone knows the waste smells.	The Class 4 landfill is not permitted to

		<p>Why does Eco Vista bring raw feces in and leave it uncovered for days? And I mean it's. Raw feces. Why doesn't Eco Vista cover the trash at night and on the weekends? That's the law. They don't do it. Everybody in this room knows it. Why does proper coverage of trash only occur when you folks are in town? Why does the Eco Vista bring trash in from surrounding states? There's no way to get around the fact that probably all Waste Managements landfills everywhere emit similar noxious and dangerous odors. That's why they are supposed to be cited in rural areas like Tontitown. Was not is. Okay,</p>	<p>accept raw feces. Eco-Vista Class 4 landfill has had proper cover during each of the 50 site visits over the past two years.</p> <p>There are no regulations that prohibit trash from being brought in from out of state.</p> <p>All of the landfills in the State of Arkansas meet appropriate siting criteria.</p>
<p>Tammy Graham 1984 S. Pianer?? Springdale AR 72762</p>	<p>109.</p>	<p>I'm Tammy Graham. I live about a quarter of a mile from landfill. It's that much. And if you spit and then the wind is blown in the right direction, I could spit up and hit the gate. I got three-day headaches, and I'm wondering why now after hearing everybody, when I travel, when I go to Mississippi, where is my home? Not a problem. That's not what I want to bring up construction waste. And I don't know about y'all, but I haven't been able to hear real well. Y'all need to hear, too. Construction waste, you showed a picture of a brick. You did. Bricks are benign. Construction waste also includes solid tar pipe center, asbestos. Who's gonna be checking in</p>	<p>The Class 4 landfill has a liner system and a leachate collection system to prevent leachate from getting into the aquifer. Monitoring of the creek was added in the permit to monitor the groundwater discharging into the creek. The liner system will be placed on top of the only point where multiple dye testing has shown a connection from the landfill via groundwater to surface water interface. The leachate is sampled multiple times per year. Those sample results can be found in the annual engineering inspection reports which are reviewed by DEQ staff. Actions will be taken if it is determined that the landfill is impacting the creek.</p>

		<p>trucks? They ain't going to be Eco-Vista's way. And another thing that showed up that really piqued my interest in my concern, a dye test. I suspect that that dye was found north and west. Would that be wildcat creek? Would that be wildcat creek? I didn't grow up in Tontitown, i've been there 20 years. Wildcat creek runs in the Illinois river. We're just going to be checking on water quality. Arkansas has already been sued by Oklahoma once. But here's what really concerns me. There's a little place on the wildcat creek called the blue holes. Every county's got a blue hole. Children swim in that blue hole. Who's going to be checking water quality? Who's going to be making sure that the paint center ain't in that water and the children aren't swimming at it and drinking? I want to know. This construction waste includes bricks. It also includes toxins. And your children, maybe not y'all, but ever who's down there on the weekends that I see you're up in the middle of it. And these people deserve better than that. And I do appreciate this opportunity, and I sure hope you listen.</p>	
Tammy Graham (Written Comment)	110.	I live approximately 1.4 mile north of the "ecovista" landfill front gate. When the wind is out of the south, the stench is nauseating. Now there appears to be sprayers spewing something I am	DEQ appreciates the comment. Air quality is a matter for the air permit and not part of the Class 4 expansion decision. Windblown trash or litter should be reported to Eco-Vista to trigger their litter control plan.

		breathing. Air Freshener? What other chemicals are we inhaling? More stench, More traffic, More windblown trash and a detriment to the value of my property.	
Erik Greene 2016 W. Berry St. Fayetteville AR 72701	111.	<p>Hello. I'm Erik Greene. I'm speaking on behalf of Jamie Morgan. Whether or not the ecovista landfill should be allowed to expand is a multifaceted issue. NWA needs a place to dispose of its trash, but the solution to this problem must be handled responsibly. Northwest Arkansas is a part of the region called the Boone limestone formation, an unique geological formation known as Karst topography, which is a series of underground caves and occupiers. What does this mean? National Park Service states karst is a type of landscape where the dissolving of the bedrock has created sinkholes, sinking streams, caves, springs, and other characteristic features. Karst is associated with soluble rock types such as limestone, marbled, and gypsy. In general, a typical karst landscape forms when much of the water falling on the surface interacts with and enters the subsurface to cracks, fractures, and holes that have dissolved into the bedrock. After traveling underground, sometimes for long distances, this water is then just discharged from springs, many of which are cave entrances. Now think about</p>	<p>This permit action includes upgraded standards including but not limited to leachate collection, groundwater monitoring wells, and monitoring of a spring/creek area off-site. Waste Management will continue to control and remediate site-related groundwater impacts. Groundwater remediation rules are in Chapter 12 of the APC&EC Rule 22.</p>

		<p>sitting on landfill on top of this formation, where the rocks pores and dissolves, where sinkholes and fractures exist, and where underground water flows for miles and pops up to its springs. They're also known endangered species in this cave network. When it rains, water works its way down through the trash mound and collects with other liquids in the trash mound. This is called leachate. The old closed class one mound on the back of the property is unlined because at the time, there were no liner requirements. The current inuse class one mound has had at least one liner breach, which was reported by whistleblower to the state. There were no ramifications from ADEQ because they did not get their letters out in accordance with their own rules. They missed it by a day. The current requirements for Class Four landfills is the only compact class. I'm sorry, compacted. Clay as a liner.</p>	
	112.	<p>A dye test required by ADEQ for expansion class Four resulted in Wildcat Creek carrying red pink earlier this year. This was confirmed by ADEQ, despite Waste Management trying to deny it per ADEQ. The test was to be completed with a notification to the agency and in the presence of their personnel. This was ignored. If the purpose of the dye test is to see where the dye flows, why did they</p>	<p>DEQ appreciates the comment. DEQ has not had any violations for the Class 4 landfill's permit in the last 2 years. Waste Management hired a consulting firm, FTN Associates, who provided DEQ with a dye trace study work plan which DEQ reviewed, commented on, and ultimately approved once DEQ's comments were adequately addressed. This study was conducted in order to better characterize</p>

		<p>have no idea where it went? This is bigger than trash smells and blown bags and dirt trapped out. This is the future of our region, in our communities, and our future and generations. Multiple citizens have reported complaints, many with photo, video proof of noncompliance, and repeatedly nothing has been done because by the time Enforcement inspects the issue, it has been resolved and ADEQ remains that they are unable to use submitted proof to enforce regulations. One neighbor submitted weekly photos, as requested, directly to an ADEQ supervisor at their request for seven months from February to September, showing that the Class Four landfill was consistently not being covered before the weekend, as Waste Management repeatedly told us that it was.</p>	<p>groundwater flow direction and paths in the area near the Class 4 landfill. Karst terrains are well known for having very unique hydrogeology that can result in highly heterogeneous groundwater flow directions. Because of this unknown nature of groundwater flow there has historically been several dye trace studies conducted at the Eco-Vista landfill. These dye trace studies monitored numerous off-site springs and creeks, including the spring on Wildcat Creek where the dye was observed during the most recent study. These past dye trace studies had not previously resulted in strong dye detections at those off-site locations. Therefore, the strong, direct connection between the dye input location and the spring at Wildcat Creek was unexpected based on the known flow paths across the site at the time of DEQ's approval of the dye trace study work plan. The beneficial result of the recent dye trace study was the identification of this important groundwater pathway between the Class 4 landfill to the spring where the dye discharged into Wildcat Creek. This discharge location is now required to be sampled regularly within the permit, making this the only off-site spring/creek required to be sampled by a solid waste permit in the State. In addition, four monitoring wells are being required to be installed around the Class 4 landfill to</p>
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			<p>better monitor groundwater in this area. Most Class 4 landfills in the State are not required to perform groundwater monitoring per APC&EC Rule 22, but due to the geologic setting of the Eco-Vista Class 4 landfill they are required to maintain a groundwater monitoring program.</p>
	113.	<p>No actions were taken by ADEQ during this time. Waste Management mentioned several times in citizens meetings that drywall breaking down has a strong egg like odor. Yet ADEQ staff has dismissed our concerns surrounding the lack of cover of Class Four. This location is not appropriate for a landfill. It is increasingly residential. In addition to a poor choice geologically, waste Management has displayed flagrant disregard for its neighbors, and as the statues are currently neighbors are left without assistance from the state. Continuous air quality and environmental concerns have prompted Tontitown to no longer support the expansion of Lumped Landfill. We ask the expansion I'm sorry that the expansion process be halted until questions surrounding the landfill are properly investigated. And I ask you to put in place more stringent requirements for the protection of the karst system and amend the investigation process to be</p>	<p>DEQ appreciates the comment. There have been over 50 site visits from DEQ staff to the landfill in the past two years. There were no cover defects noted.</p>

		able to support the surrounding residents appropriately.	
	114.	Two questions. I would like to know why the department has repeatedly allowed alternative permits for regulations when there are dozens of complaints that have been filed?	DEQ appreciates the comment. Eco-Vista has not had any permit violations for the Class 4 landfill in the last 2 years. DEQ issues permits consistent with Rule 22 and Arkansas law.
	115.	Second question is what? Why has the investigator failed to issue violations when issues have been apparent at the investigation? The patchwork process of covering the Class 4 one section at a time was not implemented until late last summer	No violations were issued because no issues of non-compliance with the permit or regulations were found by the inspectors.
	116.	The box for management of liquid was also not implemented until this summer. Which means that despite numerous complaints since 2020, the investigator never reported these issues. Thank you	The bulking pit as described is a permitted unit and allowed by the Class 1 landfill permit. This cannot be considered during the permitting process for the Class 4 landfill.
Mark Calcagni 12642 Arbor Acres Springdale AR 72762 Calhog18@gmail.com	117.	Mark Calcagni. Twelve, 642 Arbor Acers Road for 34 years. I live less than a half a mile from the landfill. I want to thank you all for coming tonight and taking this time to hear of public hearing. More people would have been here. There was a 05:00 meeting on the east side of Tontitown. People work, have a tough time getting here at 05:00. Also, it was on a church night. And so, like I said, there have been more people here because I know a lot of them would like to have been here. You've heard the complaints and seen the passed out pictures of trash	DEQ appreciates the comment. In regards to the red dye that was found, DEQ has placed a condition in the permit to test the downstream creek to ensure that if a leak develops from the liner system, it will be found from monitoring.

	<p>blown in, neighbors yards, debris on the road, complaints on odors and gases that making people sick with watery eyes and headaches. Even Mrs. Link, your director of DEQ, told us it made her sick with a headache and watery eyes on a Saturday as she sat in Waste Management parking lot. Y'all remember that? You do. I want to bring up health and safety issues as they are important and I know they're important to you, but I want to bring up the environmental issue. Environmental is in your entity's name. The February 24 ADEQ report that concerns the Waste Management dye test that the red dye ended up in the Wildcat Creek flows into the Illinois River. I think that's a big concern. I might add that Lee Kinberg, the director of Illinois River Watershed, and Shannon Phillips of the director of the Oklahoma Conservation Commission are both concerned. You may have probably already heard from them, and if you haven't already, they probably will be reaching out to you. This is the karst area that someone has mentioned. And you know what? Someone mentioned this too, that the testing point has already been released into the environment. And Nick, I know you had the picture of that red dye test that you had there, so thank you for sharing it with us. The creeks and ponds and rivers should be tested regularly by</p>	
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	<p>ADEQ. I know you have had numerous complaints the last three years from neighbors. It seems to have gotten worse. Sometimes us neighbors feel like these complaints have gone to deaf ears or the inspection is done days later, which is too late. Waste Management has stopped meeting with us neighbors. They were meeting with us and we were learning a lot. I've learned way too much about landfills, and I shouldn't have to have. But I'm concerned about our safety. Their ears are plugged. What type of business doesn't listen to complaints? What type of neighbor is that? They gave us an 800 number that we call, and it's in Indiana. As you have heard, this area has grown and is no longer rural. More housing is being built. In future, plan call for even more homeowners. I brought this big thick packet here because it's 1200 signed petitions of many Tontitown residents and then also of residents that live around the landfill that opposed the landfill. Some of us have visited landfills in Fort Smith, Little Rock and Tulsa. These landfills do not. Have the housing and residential traffic. Unlike Tontitown. The plant manager in Fort Smith said roughly 350 homes were within a mile radius of the landfill. Please don't allow this expansion for many of the reasons discussed tonight, especially for the</p>	
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		health, safety and welfare of the growing residential area and for the environment.	
	118.	I'm going to ask you this question. If there wasn't a landfill here, would we put one there? Probably not. So why would we want an expanded thank you.	Eco-Vista meets all Federal and State requirements for location. If a landfill meets the siting criteria, then a landfill permit cannot be denied based on location.
Stephen Peck 108 N. Border St. Prairie Grove AR 72753 SPECK@wm.com	119.	My name is Stephen Peck. I live at 108 north border street, prairie Grove, Arkansas. I am here on my own behalf. I do work for waste management. I'm not related to the landfill side. I actually work for the power plant. Prairie Grove. Tontitown, Farmington. Bella Vista. All the local areas are going through an extreme building boom at the moment. There has got to be a place local where people can take construction debris and stuff from building projects. The Tontitown landfill, class four is suited for that. I know it's on the Boone St. Joe limestone formation. That's why it does have a clay liner and a leachate system. They've been built like that since I've worked for them, since 92. At least each class four that has been made or built and constructed since I've been there has had a leachate system collection. The Leachate is collected, pipes shipped, goes off site now to NACA. Used to be we would truck it offsite. It always went offsite, though. I would urge that the permit be moved from the draft to the final status and approved, because once	DEQ appreciates the comment.

		again, they do meet the requirements for the Boone Saint Joe limestone formation in this area, and there is a need for the facility in this area. And that's all I've got to say.	
Paul Colvin 2771 W, Henri De Jouti Blvd Tontitown, AR 72760 Paul@blockaction.com	120.	Hi. Thank you. And thank you all for tuning this evening. A lot of it's been talked about this evening about landfill and addressing the issues and complaints that we feel in Tontitown throughout the years. I think what it's important to recognize, and some have already stated this application is for class four, and currently there's five separate entities that work within and around the landfill. And I'm very appreciative of the fact that the landfill waste management cells throughout this application process has went on above and beyond some of the requirements that's been required in through ADEQ. Specifically, they're managing their surface water controls based on 100-year flood versus 25-year flood, which is mandated by the state, not that they don't need to do more. And over the past four years, the city of Tontitown has implemented nine pages of legislation to try to help the citizens of Tontitown and try to make the landfill a better place. And I'm appreciative that the landfill has accommodated several of those requests, putting in over four and a half million dollars' worth of infrastructure within the	DEQ appreciates the comment.

	<p>facility. Now, that's not to say that everything is right at the landfill. The class one operations definitely need some help, need to be looked at a little stronger. But as far as class four, I'm glad Mr. Boyer was able to speak about the growth in northwest Arkansas, because currently for Tontitown, near 40, 45, we're going to have 15000 people, presumably located as long as Council approves Grove. But in northwest Arkansas, this is a regional landfill, and we're estimated having a million people living inside of the region in itself. So, a question that I had that hasn't been addressed or answered, if this application is denied, where will class four go and what is the economic impact to the region for it to be moved somewhere else? What will the cost effect be on the citizens, not only a Tontitown, but the region in and of itself? Now, again, more needs to be done that nobody seems to have answers or have had answers as to what we should do or will do in the future. Our growth that we see in northwest Arkansas in and of itself. Mr. Boyer is correct. People are wanting to move. Specifically, they're wanting to move to Tontitown. And the landfill in and of itself was brought in to Tontitown several years ago. Actually, the city, I guess one of them annexed in. So maybe one step is to de annex that back out in</p>	
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		<p>the county. So, it's county's problem, I guess, but it's ours to deal with at this time. So,, I wish I asked that you consider this permit process carefully and also offer advice to the citizens in the cities. Any of the waste management stuff that they could do that might possibly help. There is improvement. Thank you so much.</p>	
<p>Allison Scott 2914 S. Barrington Rd Tontitown, AR Scotlgeorgefly52@hotmail.com</p>	121.	<p>The smell of methane is strong over 1 mile away at our house. I would like air quality test results to be posted quarterly at minimum. Expansion will only worsen the above and the trash scattered on Barrington.</p>	<p>Air quality testing is outside the scope of the Class IV permit modification. Should litter blown off-site, please call Eco-Vista to implement their litter control program.</p>
<p>Maylon Rice 1265 Pepper Tree Lane Fayetteville AR 72704 Rice4arkhouse85@gmail.com</p>	122.	<p>Good evening. I'm Maylon Rice. I'm the former director of the Boston Mountain Solid Waste District. I want to thank the ADEQ panel for coming tonight, listening. I want to focus this comment tonight, especially my remarks on the Class four operations. That's what we're here tonight to decide or ask the panel to decide in the future date to expand the construction and debris class four permit. Now, there are problems with the landfill appearance and the people I'm hearing tonight. I understand that, but that's a separate issue. It's a very emotional issue, and I understand where everyone that's open to night is coming from. But I want to remind you something that this is a significant piece of our infrastructure in</p>	<p>DEQ appreciates the comment.</p>

	<p>Northwest Arkansas, similar to Beaver Lake. Why does Beaver Lake, told the city of Tontitown, they're going to raise the water rates. They don't have a chance to do it, but they raise the water rates, or they're not going to start selling water. So, this is a regional piece of our infrastructure that needs to continue. The Class 4 application that's talked about. The night was made over ten years ago or started over ten years ago under my tutorage when I was a waste director. It's taken that long to get through the process to permit it to have a hearing here tonight. You guys on the panel know that this didn't happen overnight. The population increase in northwest Arkansas is set to double in the next 20 years. The landfill is not located in Tontitown, Tontitown came to the landfill. There were annexations. They wanted to annex the landfill and it was a cash grab. Then later it's also a beautiful part of the city. So, they want people to move out there. And you encourage developers and other people to develop houses closer and closer to the landfill. That's why people hung to build a house in the middle of Beaver Lake. It's beautiful out there, but, oh, we got to deal with corporate engineers, we got to deal with this, we got to deal with that. So, the board time used to focus on the necessity of a class four</p>	
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		<p>permit. That's your barka lounges, that's your mattresses. That's your construction debris. That's from your house. That you can't find the front yard like they once did in Northwest AR. Just ride a fire in Burn up, shortcut two and four s and one six s. You can't do that. They said, well, why don't you haul it to Oklahoma? Oklahoma might say we don't want so that's a problem as well. I do want to leave my written comments with the board tonight, but I want to focus this entire thing. Like I said at the start, if there are problems with the landfill, I'm sure there are, but we need to focus tonight on the expansion of the class four permit. That's what this hearing is for. Thank you very much.</p>	
<p>Mayor Angela Russell 1497 Arbor Acres Ave Tontitown, AR 72762 Angie.russell44@aol.com</p>	<p>123.</p>	<p>I hope I can see you guys over there. Hello. My name is Angela Russell. I am currently the mayor of the city of Tontitown, Arkansas. Tontitown is the host city for waste management Eco-Vista landfills. For several years, many citizens of Tontitown have experienced multiple problems being caused by the landfill on Arbors Acres Road. There has been gassy vapors and admitting from the landfill causing many residents to have dizzy nauseous and headaches and other symptoms. I've had it done. It's happened to me. I'm not talking about the sour trash smell, the leachate smell, or the burning rubber smell. I'm talking about a toxic</p>	<p>Class IV landfills do not accept putrescible waste and odor is mitigated through weekly cover. In the fifty site visits to Eco-Vista in the last two years, DEQ has not noted any violations of the Class IV landfill. DEQ received a CON and host community approval with the pre-application and application. DEQ acknowledges the subsequent city resolution withdrawing support.</p>

	<p>vapor that's making people sick. There is a case group which has consistent residents that live in and around the landfill. They have contacted Waste Management multiple times. The group has contacted ADEQ multiple times. There were many complaints. They were followed up by ADEQ several days or a week later. Citizens produced pictures, videos and other documentation that has gone to no good. That has done no good. The citizens were told to contact Boston Mountain. Solid waste. Several in the case group have gone to every Boston Mountain Solid waste meeting. They have voiced their concerns, produced pictures and other documentation that has done no good. They were told to contact ADEQ. Citizens have gone to the Tontitown city council meetings and voiced their concerns almost every month for three years. Pictures, other documents they all provide proof. Last month I presented an approval of a resolution expressing the intent of the Tontitown city council related to the Eco-Vista one and four landfill expansion in the city of Tontitown, Arkansas. This resolution states whereas with the approval of the above resolutions and ordinances, the Tontitown city council has become aware of continuous problems and issues related to the landfill operations that cannot be</p>	
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	<p>regulated by municipalities under the Arkansas law, which was problems and issues affecting count, safety and welfare of the residents surrounding the Landfill and other than cities. Whereas Tontitown city council is aware of the problems and issues related to the council, we are now being heard. We are now hearing our citizens. There have been years that this has happened, that it's not limited to there's noise, there's debris, there's serious air quality, concern, obnoxious gases, odors, pollutants, groundwater issues and other issues. These problems and the issues have been continued and communicated to proper authorities and the Eco-Vista and others to date have not been mitigated or addressed. Tontitown City Council is aware that the growth in the region and the city grows up and more people will negatively be impacted by the increased landfill operations. Tontitown acknowledges that the city has become administratively burdened through the receipt of the continuous complaints regarding the landfill operations.</p> <p>Tontitown city council acknowledged that a municipality has significantly limited role in the regulations of the landfill, but it believes necessary to protect the safety, health, welfare of each of the citizens in Tontitown, even though that you live in other areas, they're not experiencing what</p>	
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		<p>we're experiencing. The Tontitown City Council now recognizes that there is issues there. 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 desire to withdraw their support of the landfill. Tontitown is now going to retract their support for the landfill. The resolution passed last night. I gave you a copy. There is a copy for each of you. Please, I ask you drive by before you leave tonight. Smell. While we are smelling, the odors, the gasses are there, but the gasses are sometimes so extreme that you choke. Your eyes burns, your throat burns. These people are not experiencing that. And just for the note, my husband's family has lived on that land for over 60 plus years. They are encroaching on us we're not encroaching on them. Yes, we need a landfill not in Tontitown where it's affecting the health of the citizens. Please, I ask you to stop this expansion. Thank you for listening. Please drop by before you go home tonight. I appreciate it.</p>	
<p>Ken Canfield 12254 Red Oak Drive Fayetteville, AR 72704</p>	<p>124.</p>	<p>Thank you for your diligence and listening. I think recording as you are, these comments are going to be very helpful. I'm a relatively newbie I'm meeting some of my fellow neighbors</p>	<p>DEQ appreciates the comment.</p>

	<p>tonight. I moved here a year ago from Portland, Oregon. I live about 400 yards from the landfill. When we were looking at the home, we smelled something very peculiar and I was told by the real estate agent, which I may not hold legally responsible, it depends that there wouldn't be any expansion. Now, of course, I didn't go to the trouble of checking with Tontitown and so forth. But what I want you to know is that all the things you have heard historically are true. Personally, for my wife and I, the noxiousness, the smell, the loud noise, all of those inhibit growth that we want. Because if Arkansas wants to set a precedent, it needs to focus as you are on the quality. And so I appreciate even the opposing opinions, which I disagree with. When you do the same thing over and over again and it gets worse, that's called craziness. It's time to look outside of the box. In Oregon and many other progressive states not talking about any wokeness that you may associate there. They are very environmentally and health conscious that needs to come to Arkansas. And so I would encourage you to deny the expansion of the landfill and in some ways protect Arkansas as well as this company who profits because I can just feel the possibility of a class action lawsuit in the future. It could be avoided.</p>	
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		If you think outside of the box environmentally how to handle this waste and also encourage the continued growth of northwest Arkansas. Thank you very much.	
<p>Tim Burress 2861 S. Barrington Rd Tontitown, AR 72762 Ward3-2@tontitownar.gov</p>	125.	<p>Thank you so much. Appreciate you being here. Coming back. Back in August, I met several of you may remember when we met up in Bentonville and I appreciate you all coming back. I wish Julie was here tonight. Do miss seeing her. I want to mention a couple of things. Waste management is a multibillion dollar corporation. I'm a capitalist. I have no problem with that whatsoever. What I do have a problem with is when people decide to make money by harming other people. And I don't think they intend per say to harm other people, but they are negligent. So if somebody hit somebody with a car, for instance, and didn't mean for them to die, that's called manslaughter. And I'm not necessarily saying that we're talking about manslaughter here but I don't think they're trying to kill anybody. I just don't think they're doing what's best for our citizens. You are the Division of Environmental Quality. We're talking about the environment of Tontitown. I fully understand that it makes sense to have a place where we can put our solid waste. It makes perfect sense to me.</p>	<p>DEQ received a CON and host community approval with the pre-application and application. Rule 22 does not restrict Eco-Vista to specific hours of operation. In cases of special circumstances, the landfill can operate continuously.</p>

	<p>Here's what doesn't make sense to me that you all can go put your household waste in my backyard or in their backyard. Mr. Vernon seems to be a very nice young man, but Mr. Vernon doesn't live in Tontitown. His office is at the Waste Management site, but he doesn't try to sleep there at night like our mayor does and can't. There are people who live right by this facility that are having horrible issues. I'm just slightly far enough away that I don't have the same problem. But we do have medical grade whole house filtration systems. Why? Because we live near a dump. Now, we hear it all the time when you moved there. But here's how this thing started. And Mrs. Phil also can explain this to you quite well, she remembers, but a guy had a piece of property that will divot it, and he didn't want to divot it there, so he started putting his own trash there instead of burning it. And he told his neighbors that you can put your trash there. And then Solar Ray bought it. And then Waste Management bought it. And here we are. So this tiny little issue, by the way, I would say it was very shortsighted of the farmer to try to fill in a hole with trash, but that's how it began, and yet here we are. And Waste Management, a multibillion dollar organization, wants to keep doing what they do to make more</p>	
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	<p>billions of dollars. Again, I don't necessarily have a problem with that. But here's what I notice and here's what I see when I talk to people who work there and people who used to work there. I see they really don't care. On October 6, 2020, there came before the City Council of Tontitown. Two weeks before I was appointed to my role on City Council, there this little rezone for 417 acres that seemed relatively innocuous. The city council at the time, five members strong, voted to approve that. They were told, as I was two weeks later when I was appointed, that we'd all have an opportunity to vote on it again after it came through planning. The Planning department, by the way, was told in a workshop that if you don't vote for this, you personally will be sued. Now, by the way, I could sue you because I don't like the color of your hair or ties. That correct. Thank you, Councilman. Okay, so what? So, what does that mean? But there were three new members of the planning commission, all of them waiting in their boots. One of them said, and I quote, if I could vote my conscience, I would vote against it, but they did. They didn't have that opportunity. They didn't feel they were pressured to make the decision they made. Lo and behold, a special loophole was found later that kept us as a council</p>	
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	<p>from being able to vote on that at all. And here we are two years later. I can tell you, waste Management is a bad neighbor. Not long after we approved this, within a matter of weeks, really, I was awakened in the 05:00 hour. My bed is nearly a mile from the dump site, and I hear clang, clang, clang, clang. My wife, the most beautiful woman in the room. You heard from earlier? Heard the same thing. We hopped in the car. We drove over to the dump site. I called the mayor at the time. Hey, just wanted you to know, as I was leaving the dump, here's what happened. I walk into the dump, music is blaring, trucks are flaming. And I said, do you guys realize we just said you could do this thing, and this is how you treat us? Oh, we're so sorry. We try to tell the guys, but, ah, you know. You know how it is. You know, you guys are like a bad girlfriend, right? We just patch things up. We bring you back, and then you do it again. They've consistently been terrible. They don't drive when they're supposed to. They don't clean up the mud when they're supposed to. The wheel wash they put in place, well, it broke, and so they didn't fix it. They don't cover up trash. They don't do what our city codes have asked them to do. What on Earth makes you think they're going to do what you ask them to do. They're in our backyard.</p>	
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		<p>They're not in yours. They just don't do right. But they should. That's just part of it. They are bad neighbors. They also talk about this newsletter. Mr. Veron last night mentioned how many thousands of people have signed up for the newsletter. By the way, I apparently signed up for the newsletter. I didn't. I still get it, and I get it really weird times. I got 1. May 31, July 22, September 14. Oh, I got one yesterday to tell us how wonderful we are. Let me close with this. We as a city have unanimously passed a resolution withdrawing our support of this business. We have attempted to work with them for years. They don't want to work with us. We have health concerns. We have to take care of our people. And one day we're going to have a campaign situation where people are dying, and we have a fiduciary responsibility, both as a city and you, as the Division of Environmental Quality, to take care of the people in this room. And I hope that you'll take it seriously. Thank you.</p>	
<p>Nina Brown 1851 S Pinalto Tontitown, AR.</p>	<p>126.</p>	<p>I am writing as a longtime resident of Tontitown. I, we are asking our State ADEQ to consider the health and safety of the people in and around the Eco-Vista landfill and all of northwest Arkansas! We are becoming more and more concerned about our health and safety living close to whatever is coming from</p>	<p>DEQ appreciates the comment.</p>

		the landfill... gases ... trash... dirty trucks tracking all over the streets and roads...litter.... water runoff carrying??	
	127.	No one seems to be willing to test for each and every gas that it might be... As citizens we are trying, but by the time we smell it, get someone out to test it, gas has moved, dispersed, went up or down... or we are too ill from gases...our wells have been polluted as the creeks and rivers. Please do NOT allow this expansion to move forward. Not only for the environment, but most importantly our people!!	DEQ has been investigating complaints as they are received. In the past two years there have been over fifty inspections and investigations performed at Eco-Vista. These inspections and investigations have shown Eco-Vista Class 4 is in compliance with their permit.
	128.	The City of Tontitown Council has voted against the class 1 and 4 expansions. Please hear us and help our city& NW Arkansas breathe and live more confident with our state department's . Make Eco-Vista accountable...! My 40 years of living here opinion....	DEQ has received the City Council Resolution and appreciates the comment.
Nicole Burress, RN, BSN 2861 S. Barrington Rd. Tontitown, AR 72762	129.	I want to thank you for your attention to this matter, and implore you to deny the Eco Vista landfill expansion.	Since the minimum design criteria have been met, DEQ does not have grounds to deny the permit.
	130.	I'm a homeschooling mother and nurse in Tontitown, and I have been reading a book (The Great Trouble) to my children over the past week. It's one I've read before. It's a children's story explaining the historic event of the Cholera outbreak of London in 1854. This outbreak was a	DEQ appreciates the comment.

	<p>turning point in both epidemiology and public health, but you may not recall studying it in school. In the summer of 1854, over 600 people died in just over a week from cholera. Originally, people suspected that the disease was caused by exposure to “bad air”. However, Dr. John Snow stepped in. He was the personal physician to Queen Victoria. Snow mapped out London and documented where each symptomatic person lived. He himself lived just half a mile away from the outbreak, but he never had any symptoms of cholera. Other people who lived a mile away from the epicenter, didn’t experience symptoms of the disease either. But Snow noticed that all the people who experienced symptoms were congregated around one central point. It was immediately clear to this renowned physician that the central point that these people had in common was the source of their illness. Unfortunately, it was difficult to convince the people and city workers. At the time, people thought cholera was spread by “bad air”. In truth, contaminated matter leached through the soil, through the dirt and rock, until it mixed with the water supply at the Broad Street water pump. All people who were directly exposed to the contamination manifested symptoms of illness, when people who were half a mile away didn’t</p>	
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		even realize that entire communities were suffering from their exposure.	
	131.	<p>Today, I was overcome with the similarities I see between this historic event and our public health concern in Tontitown. I attend every city council meeting, and every month, we have people who report complaints against the Eco Vista Landfill. They report nausea, dizziness, coughing, vomiting, watering eyes, and even spells of unconsciousness when they smell some gaseous odor.</p> <p>Living up on a hill, I have not experienced much more than coughing, or a need to run inside where I have medical-grade air filters running 24/7. However as a former nurse, I can't help but realize that all of the people who report these symptoms live within a direct radius of the Eco Vista Landfill. There are no other businesses in that area. Logic would deduce that these symptoms are related to what these people share: a proximity to the landfill. But in public health, we don't just examine proximity to a shared source, we also look for patients who express symptoms who are outliers—residing far from the potential contaminant. In this case, that means we try to find people who don't live near the dump who present with the same symptoms when they are exposed to the gaseous odor. We have that. Rhonda</p>	<p>DEQ has been investigating complaints as they are received. In the past two years there have been over fifty complaint investigations and inspections performed at Eco-Vista. These inspections have shown Eco-Vista Class 4 is in compliance with their permit.</p>

	<p>Doudna is one example. She was a city councilwoman who had no concerns about the landfill. Her husband was a city councilman who had no concerns about the landfill. Rhonda lives miles away and didn't have any symptoms of illness. However, when she visited her friend, Angela Russell, who lives next door to the dump, she immediately noticed that she began to present with the same symptoms as those who live within the dump's near radius. She reported to us last night that her eyes stung and watered and she felt ill when she smelled a gas while driving past Eco Vista. Now understandably, the city council members, both of our former mayors, city workers, city planners, state representatives and senators, and even our Governor have been able to disregard the complaints of citizens until now. Just as people 1/2 a mile away from the cholera outbreak of London didn't even realize it was a problem because it didn't affect them directly and they didn't have symptoms of illness, much of our city has not experienced the tremendously debilitating nausea, vomiting, headaches, and more that people directly near Eco Vista have experienced. I don't fault you for that. However, as those entrusted with the safety of our citizens, this cannot be ignored any longer. During Covid, we</p>	
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		took extensive measures to protect people, out of an abundance of caution. We need to do the same again.	
	132.	I want Waste Management to be wildly successful. I want them to make millions. But if their productive and necessary business is harming any of our citizens, it seems that it would be prudent, in the name of public health, to halt the expansion of the landfill in its current location, and instead focus its continuing expansion into an area that's more remote. Arkansas is large, with plenty of untapped land. Tontitown used to be like that. But as our population has boomed, we can no longer just joyfully accept Waste Management's more than \$300,000 hosting fee without considering how it impacts our citizens. They offer this fee because their business has been recognizably a nuisance to many, and they don't wish to go to the efforts of relocating an hour further down the road. But without an impetus for change, Waste Management will continue in their current course, our town will continue to suffer, and we risk becoming the next Camp Lejune, the next Hinkley, California, the next Flint, Michigan. When a patient presents to me with symptoms, I evaluate bacterial, viral, parasitic, and environmental toxins which may lead to their current presentation. It	<p>DEQ appreciates the comment.</p> <p>The Class IV permit modification requires controls to be protective of human health and the environment.</p>

		<p>seems obvious to me that while we haven't identified the specific noxious agent, the patients have clearly identified for us their common exposure, their similar symptoms, and their relief when proximity to the landfill is removed. While I do not suffer from their specific struggles, as a nurse, and as a citizen who cares deeply for the people of this city, I implore you to take action on their behalf.</p>	
	133.	<p>A class 4 expansion could include items such as products of demolition (which may inadvertently include paint solvents, Freon accidentally not drained from appliances, unknown asbestos, lead paint, and other unmonitored chemicals), and when this company has already proven untrustworthy at following the rules, we have no guarantees that they will adhere to any guidelines going forward. My children play in our yard near this site; they used to swim in the creek nearby before the landfill's dye presented in the waters. I worry not only about the environmental impact from this company, but on the profound health impacts we are already beginning to witness I ask you to remember that even though you don't live directly within the radius of Waste Management, even though you have no symptoms, there are people who are and there are people who do. This isn't just about business or money-those things can</p>	<p>Eco-Vista is not permitted to receive appliances which contain Freon. All appliances containing freon are either rejected or the appliance is removed at the working face. The appliances are then sent to a regional solid waste management district for recycling. DEQ inspects Eco-Vista each quarter and as complaints are received and has not found instances where the permit or the rules have been violated.</p>

		<p>be altered and we can all still thrive. It's about public health protection, logic, and using your power to protect those who have no ability to protect themselves. Thank you again for your dedication to this matter. I dearly hope that you will heavily weigh our health concerns as you evaluate the expansion pursuits of Waste Management in Tontitown.</p>	
Tammy Graham	134.	<p>After hearing the impassioned pleas to stop the expansion of the residents of Tontitown at the meeting last Wednesday, you understand how badly we wish to be assured ADEQ will protect our health and our property. EcoVista has NOT been a good neighbor. They do not keep their word and, apparently, feel they are free to run rough-shod over our community. And, thus far, they have. If the class four application is approved, we are not gullible enough to believe anyone will be checking the trucks' loads to assure only "bricks" or scrap lumber is being hauled in.</p>	<p>DEQ inspects Eco-Vista quarterly and in response to each complaint to determine that only permissible wastes are placed in the landfill. The landfill performs random load checks and checks the load once it is placed at the working face.</p>
	135..	<p>ADEQ admitted the dye test revealed evidence of water communication from the dump with Little Wildcat creek, a tributary to the Illinois river. Oklahoma has sued Arkansas once over contamination. As I said when I spoke, there is an old swimming hole on Little Wildcat where families have taken their kids for generations to play in the water</p>	<p>The dye to which this comment refers is part of a dye tracer study. The dye tracer test is a useful tool for determining where to sample and monitor groundwater that could be impacted by the landfill. It is, however, not an indicator that there is or will be a leak.</p>

		<p>during the Summer. Think about that, please. Do you have kids? I will not be convinced Waste Management is so poor they cannot find a less populated area to open a new landfill. For many of us, our homes represent the largest asset we have and the situation is bad enough now. We do not want to wake up hearing we live next to a super fund site. At some point, this area will have developed to the point there will be a landfill in the middle of a city. That make absolutely no sense. I don't know what else to say. All we can do now is pray and hope our voices have been heard.</p>	
<p>Mayor Angela Russell City of Tontitown 235 E Henri De Tonti Blvd Tontitown, AR 72770 Phone 479-361-2700</p>	<p>136.</p>	<p>On November 1, 2022, the Tontitown City Council voted on a resolution to deny the final approval of the Waste Management Eco Vista Landfill Expansion. This is the first time the City Council has voted on the expansion, and the vote was unanimous. I have attached the Resolution which has been signed by Tontitown officials, stamped, and filed at the Washington County Courthouse. The host city, Tontitown, Arkansas, does not support the expansion of the class 4 Waste Management Eco Vista Landfill. The reasons we do not support the expansion are listed in the Resolution. The city council has determined that the location of the Landfill expansion gives rise concern for potential limitations to</p>	<p>DEQ is aware of the resolution passed by Tontitown City Council.</p>

		the City's opportunity for growth and <u>desires to withdraw their support of the Landfill expansion in order to protect the best interest and benefit of the citizens of Tontitown.</u>	
Angie Russell – Citizen of Tontitown 1497 Arbor Acres Avenue Tontitown, AR 72762 479-466-6994	137.	I, Angela Russell, a citizen of Tontitown for 32 years, would like to deny the waste management Eco Vista Landfill Expansion.	Since the minimum design criteria have been met, DEQ does not have grounds to deny the permit.
	138.	For several years, the toxic odors, methane, butane, and other vapors coming from the landfill have been making my family and other citizens living around the landfill sick.	Class 4 landfills, the subject of this permitting decision, do not accept waste that produce harmful odors.
	139.	We have experienced headaches, nausea, dizziness, burning eyes, burning throat and other symptoms. This alone should be enough to close the landfill. Any vapors effecting the health of the citizens should be tested. Health should be the utmost priority.	Since the minimum design criteria have been met, DEQ does not have grounds to deny the permit.
	140.	There are serious air quality concerns. Not only the noxious gasses, but the odors are horrible several times each week. There are several different odor smells. Sour trash smell, burning rubber smell, rotten egg smell, and others.	Eco-Vista is and has been complying with their Class 4 solid waste management permit and the applicable requirements of APC&EC Rule 22.
	141.	Neighbors around the landfill have experienced, trash blowing everywhere. All over yards, farms, roads, and the city.	Wind-blown litter should be brought to the attention of Eco-Vista so that they can implement the litter control program.

	142.	Loud banging, beeping and other noises are coming from the Landfill all hours of the day and night. Neighbors cannot rest. The water quality is also at risk. Many farm wells have had to be closed.	DEQ investigates complaints as they are received. In the last two years there have been at least fifty complaint investigations and inspections performed. None of the inspections resulted in DEQ determining that Eco-Vista was not complying with their permit. DEQ is unaware of any requirements to close any off-site wells due to the landfill.
	143.	The landfill in Tontitown needs to be closed and moved to a different location that is less populated.	Since the minimum design criteria have been met, DEQ does not have grounds to deny the permit.
Daryle "Russ" Greene 12246 Red Oak Drive in Red Oak Estates.	144.	I represent the neighbors directly south of the landfill right behind the current Class 4 Landfill. My property borders Eco Vista Landfill and you can see, hear, and smell the Class 4 mountain. I want to thank you ADEE management staff for meeting with the public today. Waste Management has anticipated your visit by adding dirt to places that needed it, put gravel on the landfills to help control some of the red dirt that is all over Tontitown's roads and even planted some trees replacing the ones that were dead. They even worked last Saturday to make sure the landfill looks legal.	DEQ appreciates the comment.
	145.	The citizens of Tontitown and adjoining properties around the landfill, have tried to get Waste Management to do what Arkansas Rule 22 says. They don't cover	Typically the Class 1 landfill is where wind blown trash which impacts nearby properties originates. This permit action is for the Class 4 landfill.

		the trash properly as was noted a couple of weekends ago when we had high winds. Contaminated trash flew all over the area around the landfill. Why didn't they prepare? I knew it was going to be windy that weekend.	
	146.	During a past citizens meeting at Eco-Vista, an employee of Waste Management stated that "they are aware of damage that has occurred to the aquifer under Northwest Arkansas by the landfill in Tontitown". If we know that the landfill is damaging our water source, why would we allow WM to expand the landfill?	This permit action includes upgraded standards including but not limited to leachate collection, groundwater monitoring wells, and monitoring of a spring/creek area off-site. Waste Management will continue to control and remediate site-related groundwater impacts. Groundwater remediation rules are in Chapter 12 of the APC&EC Rule 22.
	147.	I once had a discussion with one of the inspectors from ADEQ (ADEE) and he stated that landfills in Arkansas usually last for 20 years. The landfill in Tontitown has been in operation since 1979. That's 43 years. Isn't it time to find a space that is outside a city limit and away from dense housing? I realize the current location is convenient for area cities and industries. It costs them less to deliver to a site that is centrally located in the middle of one of the fastest growing areas in the US, but it is not very convenient for those of us who live in the area	The landfill and the proposed expansion meet all siting criteria and set back distances. DEQ appreciates the comment.
	148.	I would also point out that if Waste Management wasn't so obtuse and would abide by Rule 22 by covering the awful,	APC&EC Rule 22.609(a) requires only weekly cover. Please note, Rule 22.609(b) states intermediate cover is to be applied a

		<p>smelly trash, the landfill might not be such a problem for the community. I also don't understand ADEQ's interpretation of covering class 4. Rule 22, (22.609[b]) says, <i>(b) Cover Thickness - A compacted layer of cover soil of sufficient quantity, but not less than six inches, to ensure there is not exposed waste (in addition to the six inches of daily cover) shall be applied upon surfaces that will not receive an additional application of waste or final cover within thirty (30) days.</i></p>	<p>upon surfaces that will not receive additional waste for 180 days, not 30 days as stated in the comment.</p>
	149.	<p>Waste Management has gone months without covering the current class 4 landfill. I realize it is because dirt costs money and they can get more trash on the site without adding the required dirt, but a rule is a rule, and they (WM) should follow the rules and ADEQ should enforce the rules. Please at least listen to the people who live around the landfill. Some have been there for generations. We complain when the smell is so bad, we can't go outside our houses, and nothing is done. If WM doesn't follow the rules and start being a good steward of the environment here in Northwest Arkansas, it won't be one of the fastest growing areas in the United States. Please consider these facts when making the decision to approve or not approve WM's application to expand Class 4 landfill at Eco-Vista Landfill.</p>	<p>DEQ inspects the facility for compliance with their solid waste permit for the Class 4 Landfill at least quarterly and as complaints are received. In the last two years Eco-Vista has been inspected at least fifty times. None of the inspections noted failure to apply the weekly cover as prescribed by Rule 22.602(a).</p>

Lindsay Thorne	150.	I live on Clear Water road near the dump and any expansion consideration is just disgusting. We live with dangerous odors many evenings and mornings, our wildcat creek turned red from a test they did, the area is always filthy and trash cluttered, the odors can be smelled all the way to hwy 412, arbor acres road constantly has large rocks on it from the dump trucks that damaged one of my tires, wildlife are always seen eating the uncovered trash and why would NWA and Tontitown want to keep this wart on the face of this area? It's a beautiful area with expanding residential homes.	DEQ appreciates the comment. In regards to the creek turning red as a result of a test, the test that was conducted is known as a dye tracer test. The dye tracer test is a useful tool for determining where to sample and monitor groundwater that may be impacted by the landfill. It is, however, not an indicator that there is or will be a leak. The dye itself is harmless. DEQ does not have the authority to regulate large rocks or other debris that may be present on the roads.
	151.	See more factual evidence below. Class 4 Points: -Only liner required is compacted clay -Dye test at Class 4 turned Little Wildcat Creek red -Other waste ends up in Class 4 (ie people using construction dumpsters to throw their trash into) -Asbestos, paints, and chemicals disposed of -WM clearly has a fire issue (2 within last few months, several since 2020) and burying asbestos and debris is dangerous to the neighbors - Tontitown has withdrawn support of landfill expansion -WM repeatedly blamed odors on drywall breaking down, ADEQ claims Class 4	Regulations only require compacted clay liners for Class 4 landfills due to the type of waste allowed for disposal. The dye did show up in Little Wildcat Creek, however there will be monitoring of the creek. If there is other waste in the construction dumpsters, the other waste has to be removed or the entire load rejected. The landfill does have a plan in place to ensure only Class 4 waste is disposed in the Class 4 landfill. Asbestos is not allowed to be disposed of in this landfill. Paint and chemicals are not allowed in the Class 4 landfills. There are documented instances of arson at the Class 4 landfill.

		doesn't smell	
Rebecca Timmons 2024 S Pinalto Rd Tontitown, AR 72762	152.	<p>Below I have listed some of my issues with Eco-Vista/WM, I appreciate your consideration in this matter.</p> <p>#1. The dissolution of chemicals, metals, plastics & solids from the dump are finding there way into the creeks, water wells and eventually rivers and lakes. Leaching causes elevated levels of asbestos, metals and many other negative compounds in water that we eventually drink! I have driven by the Little Wild Cat Creek, here in Tontitown and seen mountains of suds, foaming up over the sides of the creek, to the point where the water in the creek wasn't visible.</p>	DEQ requires monitoring of groundwater, and now will require monitoring of the only surface water off-site where multiple dye trace studies have indicated a connection to the groundwater at the landfill site. Modern landfill designs and management practices prevent leachate from entering the groundwater and surface water. The Class 4 permit requires surface water controls as well as leachate collection. This will help ensure no impacts will be made to water resources.
	153.	#2. Another big concern is, why are we taking trash from other states? Oh, I know that they can't be brought directly to WM in Tontitown, so Oklahoma, Louisiana & other states take it to Boston Mtn. transfer station, then it comes to WM in Tontitown. This is a shady practice!	Arkansas law does not prohibit transfer of solid waste into or out of the state.
	154.	#3. On a daily basis, for many years we have endured the noise, dirt, debris and odors from WM. The loud banging that starts in early am, the fine "dirt dust" that floats in the air and settles in the bottom of your pool or on the front of your home, your vehicles. If WM was a good neighbor they might consider contracting with a carwash place, to allow the most	Eco-Vista is and has been complying with their solid waste management permit and the applicable requirements of APC&EC Rule 22. They have been maintaining the weekly cover required by APC&EC Rule 22.602(a) at the Class 4 landfill. Please notify the Boston Mountain Regional Solid Waste Management District to report the haulers if they are improperly operating

		severely affected residents free car washes. Many trucks & trailers arrive at the dump daily, without tarps, their debris blows out along the road (i.e., Styrofoam insulation, boards, drywall with the nails etc). Why can't WM sell tarps to those who arrive without them, before allowing them to dump their trash, so they will understand that this is required. When the wind blows the Walmart grocery bags are caught in the fencing of residents that live in the vicinity. It reminds me of Spanish moss hanging from the trees in Louisiana. The odors are overwhelming. I've had service workers come to my home and while they were here, ask me, "do you ever get used to that smell of methane" or in the middle of the night, the smell of raw sewage waking you up. You can't hardly take a breath.	their disposal vehicle.
	155.	#4. Are birds supposed to be able to access open pits of rubbish, seems to me that's a way to spread disease. I've seen photos where the birds are all over the garbage before it gets buried. They carry and drop that bacteria ridden garbage everywhere.	The Eco-Vista Class 4 landfill is not allowed to accept any waste that could attract birds.
	156.	Please don't think, "that if I didn't want to endure the problems from the dump, I shouldn't have moved here", I'm tired of hearing this statement. The 1st time I heard it was from a WM employee, when I called to complain about a smell that	DEQ appreciates the comment.

		was on going for days! The practices of WM have far reaching consequences. To be clear, I have lived at this location for 45 years, well before WM ever thought about being in Tontitown.	
Mark Calcagni and Jacqui Calcagni 12642 Arbor Acres Road Springdale, AR 72762 479-236-8539	157.	THE CITY OF TONTITOWN VOTED AGAINST EXPANSION. You went over the process for expansion as I understand -1ST Boston Mountain Solid Waste provides need/approval then it goes - 2ND to the CITY OF TONTITOWN for approval then - 3RD to ADEQ approval if I have that correct	Yes. That is correct.
	158.	First and foremost health and safety reasons Poor Air Quality (gases and odors) Ms. Linck experienced this - headache/watery eyes!	DEQ appreciates the comment.
	159.	Environmental Issues Water runoff/leachate into the stream that runs into the Illinois River. Concerns from the Directors of the Illinois Watershed Partnership and the Oklahoma Conservation Commission as water flows to Oklahoma	DEQ requires monitoring of groundwater, and now will require monitoring of the only surface water off-site where multiple dye trace studies have indicated a connection to the groundwater at the landfill site. Modern landfill designs and management practices prevent leachate from entering the groundwater and surface water. The Class 4 permit requires surface water controls as well as leachate collection. This will help ensure no impacts will be made to water resources.
	160.	Poor Management of Landfill. Improper cover or no cover. Many examples have been brought to the attention of ADEQ	DEQ appreciates the comment. Eco-Vista is inspected by DEQ on a quarterly basis and as complaints are received. In the past

			two years DEQ has conducted at least fifty inspections and investigations. None of these inspections and investigations have resulted in DEQ finding that the Class 4 landfill has been improperly managed including any failure to adequately apply the weekly cover pursuant to APC&EC Rule 22.602(a).
	161.	Poor Communication by Eco-Vista WM to the neighbors. WM has stopped our bi-monthly meetings and requires us to go through a third party to communicate with them that is in the state of Indiana. Is WM a good neighbor? Answer: No! Again, thank you for taking the time to allow a public hearing. Our community's hope is that ADEQ will not allow expansion and listen to the City of Tontitown that has voted down the expansion for all the reasons you have heard and seen. I am expressing my opposition on the expansion of the Tontitown Landfill. My family and I have lived at our home on Arbor Acres Road for 35 years. We were here before Waste Management.	DEQ appreciates the comment.
	162.	When we first moved here Sunray Sanitation ran the landfill and you could not see their operations from the road or even know a landfill existed. The area has grown greatly with houses and it's not rural anymore.I can not believe this area has grown so fast and they are building	DEQ appreciates the comment. There is not Arkansas law or Rule that considers population growth or density in siting criteria for a landfill.

		many houses currently and have future plans for more houses. If the landfill was not here they would not put one here due to all the residents close to the landfill.	
	163.	I have asthma and it is getting hard for me to breathe. I have this nagging cough that has gotten worse, I told my doctor about it, and I think it's due to the air issues we have out here, and the doctor felt that it is possible. I tried to avoid being outside too long during covid as I know people with pre-existing ailments were affected worse. My husband spends a great deal of time outside and gets headaches. I have known him for almost 40 years, and he never got headaches.	DEQ appreciates the comment.
	164.	The odor and gas smell is getting worse. I am worried as there are children all along our road that could be affected with health issues not to mention the big landfill truck traffic. There are concerns with the groundwater and that is scary since we know the liner issue before Waste Management took over. There is trash in the ground without a liner in a porous ground area.	Portions of the landfill were constructed prior to enactment of Resource Conservation and Recovery Act, Subtitle D. Previously, it was legal to construct unlined landfills in Arkansas. A liner is part of the design for the expansion of the Class 4 landfill.
	165.	This area has endured the landfill long enough. I know a landfill is needed, but it should not be in a residential area with an elementary school less than 1.5 miles away. My husband made me drive around the Fort Smith landfill and we could not find houses as it is in an industrial park.	DEQ appreciates the comment.

		He even talked to the manager there and she told my husband that there are less than 300 houses in a 1.5-mile radius since it's out of the city's residential area.	
	166.	I would think ADEQ would not expand this landfill due to all the complaints with air, water , debris, and environmental issues. The fact that the City of Tontitown (City Council) voted against the expansion should be reason alone. The previous mayor slipped the expansion by the people and city council by threatening the planning department that if they did not pass the expansion they would be sued personally and the city would not represent them in a lawsuit so the planning department voted under duress to expand.. Dirty Politics! This has since been corrected by the City Council passing the resolution written by the City Attorney not to expand.	DEQ reviews applications for solid waste disposal permits and issues permits. DEQ is not involved with the local process for approving an expansion. Since the minimum design criteria have been met, DEQ does not have grounds to deny the permit.
	167.	Please hear us and do not allow this not so good neighbor to expand their business because they do not operate properly.	DEQ appreciates the comment.
Jami Morgan	168.	First and foremost, thank you so much for introducing the resolution regarding the landfill expansion to city council. I am beyond grateful for a city who is willing to listen to the constituents. I wanted to bring to your attention that the gas smell surrounding the landfill has been horrible this week. I hope (but also doubt) that the ADEQ officials took a	These specific comments were made to the Tontitown City Council during a City Council meeting. DEQ has reviewed these comments; however, DEQ cannot address city council meeting issues during a permit modification, as they are outside the scope of our authority.

	<p>drive by on their way out of town. My mom got a headache just as she was pulling in her driveway Monday night around 9:30pm. I have heard report of the gas being terrible every night this week. This brings into question the procedures involving the Air Quality Committee. I understand the city has purchased some testing materials but at this time I am unaware of any policies or procedures in place regarding who to contact for testing, chain of command, etc. As you know, a majority of the issues arise after standard business hours and on the weekend.</p> <p>I don't necessarily have answers to how this should be handled, but I can offer my brainstormed ideas.</p> <ul style="list-style-type: none"> -A 24/7 phone number or cell phone designated as the Air Quality Hotline would be helpful -A system of being "on call" for people approved to do testing -A buddy system or recording of testing for proof of procedures <p>I would also like to suggest that an environmental consultant or lawyer be retained or consulted with for a revised Host Agreement and other issues surrounding the landfill. Perhaps the</p>	
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		<p>consultant or a scientist (maybe from the U of A?) could be questioned on possible gasses to test for since WM continues to not be transparent about the issue.</p> <p>Jamie Vernon mentioned that he has given his phone number to the council and will at the moments notice call out their 3rd party to test the air. This may be another viable option if we had a way to contact them. I am also curious what exactly they would be testing for, since in the past their testing was a jar sniff test... is this the same type of testing or is it more like what the city has obtained?</p> <p>Again, I thank you so much for your leadership and comittment to a better Tontitown. I humbly offer you my thoughts and hope in some way it will help.</p> <p>Have a wonderful day!</p>	
<p>Jamie Morgan email comments</p>	<p>169.</p>	<p>Whether or not the Eco Vista landfill should be allowed to expand is a multi-faceted issue. NWA needs a place to dispose of its trash, but the solution to this problem must be handled responsibly. NWA is a part of the region called the Boone Limestone Formation, a unique geological formation known as Karst Topography which is a series of underground caves and aquifers.</p> <p>What does this mean?</p> <p>The National Park Services states "Karst is a type of landscape where the</p>	<p>This permit action includes upgraded standards including but not limited to leachate collection, groundwater monitoring wells, and monitoring of a spring/creek area off-site. Waste Management will continue to control and remediate site-related groundwater impacts. Groundwater remediation rules are in Chapter 12 of the APC&EC Rule 22.</p>

		<p>dissolving of the bedrock has created sinkholes, sinking streams, caves, springs, and other characteristic features. Karst is associated with soluble rock types such as limestone, marble, and gypsum. In general, a typical karst landscape forms when much of the water falling on the surface interacts with and enters the subsurface through cracks, fractures, and holes that have been dissolved into the bedrock. After traveling underground, sometimes for long distances, this water is then discharged from springs, many of which are cave entrances." Now... think about sitting a landfill on top of a formation where the rock is porous and dissolves, where sinkholes and fractures exists, and where underground water flows for miles and pop up as springs. There are also known endangered species in the cave network.</p> <p>When it rains, water works its way down through the trash mound and collects with other liquids in the trash mound creating leachate.</p> <p>-The current requirements for class 4 landfills is only compacted clay as a "liner."</p>	
	170.	<p>-A dye test required by ADEQ for expansion (of class 4) resulted in Wildcat Creek turning red/pink earlier this year. This was confirmed by ADEQ DESPITE WM TRYING TO DENY IT.</p>	<p>Waste Management hired a consulting firm, FTN Associates, who provided DEQ with a dye trace study work plan which DEQ reviewed, commented on, and ultimately approved once DEQ's comments were</p>

		<p>-Per ADEQ the dye test was to be completed with notification to the agency AND IN THE PRESENCE OF their personnel. This was IGNORED with no ramifications.</p> <p>-If the purpose of the dye test is to see where the dye flows, why did they have no idea where it went? Shouldn't surrounding creeks and springs be monitored for dye?</p>	<p>adequately addressed. This study was conducted in order to better characterize groundwater flow direction and paths in the area near the Class 4 landfill. Karst terrains are well known for having very unique hydrogeology that can result in highly heterogeneous groundwater flow directions. Because of this unknown nature of groundwater flow there has historically been several dye trace studies conducted at the Eco-Vista landfill. These dye trace studies monitored numerous off-site springs and creeks, including the spring on Wildcat Creek where the dye was observed during the most recent study. These past dye trace studies had not previously resulted in strong dye detections at those off-site locations. Therefore, the strong, direct connection between the dye input location and the spring at Wildcat Creek was unexpected based on the known flow paths across the site at the time of DEQ's approval of the dye trace study work plan. The beneficial result of the recent dye trace study was the identification of this important groundwater pathway between the Class 4 landfill to the spring where the dye discharged into Wildcat Creek. This discharge location is now required to be sampled regularly within the permit, making this the only off-site spring/creek required to be sampled by a solid waste permit in the State. In addition, four</p>
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			monitoring wells are being required to be installed around the Class 4 landfill to better monitor groundwater in this area. Most Class 4 landfills in the State are not required to perform groundwater monitoring per APC&EC Rule 22, but due to the geologic setting of the Eco-Vista Class 4 landfill they are required to maintain a groundwater monitoring program.
171.	This is bigger than trash smells and blown bags and dirt track out. This is the future of our region and our communities and our future generations.		DEQ appreciates the comment.
172.	Multiple citizens have reported complaints, many with photo and video proof of non-compliance and repeatedly nothing has been done because by the time enforcement inspects the issue it has been resolved and ADEQ remains that they are unable to use submitted proof to enforce regulations. One neighbor submitted weekly photos as requested directly to an ADEQ inspector supervisor, at their request, for 7 months (February-September) showing that the class 4 landfill was consistently not being covered before the weekend as Waste Management repeatedly told us it was. No actions were taken or violations cited during this time.		Eco-Vista is inspected by DEQ on a quarterly basis and as complaints are received. In the past two years DEQ has conducted at least fifty inspections. None of these inspections have resulted in DEQ finding that the Class 4 landfill has been improperly managed including any failure to adequately apply the weekly cover pursuant to APC&EC Rule 22.602(a).
173.	WM mentioned several times in citizens meetings that drywall breaking down has		The Class 4 landfill has been inspected at least fifty times in the last two years. DEQ

	a strong sulfur/ egg like odor, yet ADEQ staff has dismissed our concerns surrounding lack of cover of class 4 and any potentially related odor.	has found no failure to provide the cover as prescribed by APC&EC Rule 22.602(a).
174.	This location is not appropriate for a landfill. It is increasingly residential in addition to a poor choice geologically. Waste Management has displayed flagrant disregard for its neighbors and as the statutes are currently, neighbors are left without assistance from the state.	Since the minimum design criteria have been met, DEQ does not have grounds to deny the permit.
175.	The City of Tontitown has passed a resolution stating they no longer support the expansion of Class 1 and Class 4 at Eco Vista We ask that the expansion process be halted until questions surrounding the landfill are properly investigated and I ask you to put in place more stringent requirements for the protection of the Karst system and amend the investigation process to be able to support the surrounding residents appropriately.	DEQ reviews applications for solid waste disposal permits and issues permits. DEQ is not involved with the local process for approving an expansion. Since the minimum design criteria have been met, DEQ does not have grounds to deny the permit. DEQ does not have grounds to deny the permit due to the Karst terrain.
176.	Waste Management has repeatedly violated regulations in both landfills and does not deserve the ability to expand operating as is.	Since the minimum design criteria have been met, DEQ does not have grounds to deny the permit. Eco-Vista has been inspected at least fifty times in the last two years and determined to be operating in accordance with their permit and the applicable requirements APC&EC Rule 22.
177.	I would like to know why the department has repeatedly allowed alternative permits to the regulations when there are dozens	Eco-Vista has been inspected at least fifty times in the last two years and determined to be operating in accordance with their

		of complaints that have been filed?	permit and the applicable requirements APC&EC Rule 22.
	178.	Why has the investigator failed to issue violations when issues have been apparent at investigation? The patchwork process of covering the class 4, one section at a time was not implemented until late summer 2022 but we have been told by the department this is the "standard" and how it is supposed to be. The box for management of liquid in class 1 was also not implemented until this summer, which means that despite numerous complaints since 2020 the investigator never reported these issues.	Comments regarding the Class 1 landfill are outside of the scope of the Class 4 landfill public comment period. The Eco-Vista Class 4 landfill has been inspected at least fifty times in the last two years and determined to be operating in accordance with their permit and the applicable requirements APC&EC Rule 22.
Donna Pianalto 12525 Arbor Acres Rd Springdale, AR 72762 (479)200.2200	179.	Although I appreciate the public meeting about the WM expansion held this week in NWA, I wanted to make you aware of a situation. I did receive an invitation to attend that was postmarked Monday, 10/31/22; however, it actually appeared in my rural mailbox on Thursday, 11/3/22 – the day AFTER the meeting! IF I had not been networked locally, I would have missed the meeting all together! I have to wonder how many others who had written to you missed the meeting because of the late notice. Please consider using this example of how long the USPS takes to delivery mail and send the communication much earlier in the future so that citizens can be prepared and make arrangements to attend important	Although the meeting was advertised in the <i>Arkansas Democrat Gazette</i> , Northwest edition 20 days prior to the meeting, DEQ wanted to ensure all commenters were aware of the meeting. DEQ apologizes for the late notice mailed to each commenter. Additional efforts will be made to ensure notices mailed to commenters will be sent earlier to ensure delivery prior to any meeting date.

		meeting.	
Janet Stockton-Taylor 992 Klenc Rd, Tontitown, AR 72762	180.	My name is Janet Stockton-Taylor. I have lived at 992 Klenc Rd, Tontitown, AR 72762 since 1985. I was born and raised in Tontitown. My grandparents were the original settlers here. Over the years I've seen an increase in the amount of trash and smells coming from the landfill. The last few years have gotten much worse. It's not every day but I've noticed that I can smell the landfill more and more. Sometimes I can't smell it at my house but when I walk to the back of my field the odor has settled where the land slopes back. Or it's at the top of my driveway next to the road. I'd like to know what is entering my lungs! The amount of landfill trash I pick up off my property is ridiculous. I appreciate that WM has people walking the road picking up trash occasionally. Although I have called WM when I witnessed them doing nothing but walking with their noses in their phones instead of picking up trash. But when they do pick up the trash, they only pick up what's in the ditch. They don't get all the trash that the wind has blown into my yard and field. It's a daily task to keep the front of my property clean	Wind-blown litter should be brought to the attention of Eco-Vista so that they can implement the litter control program.
	181.	WM used to be a pretty good neighbor. But I don't think they care anything about what damage they're doing to this town or the residents here. They've become the	DEQ appreciates the comment.

		trashy, smelly neighbor that you don't want guests to know you have.	
	182.	I'm asking that you disapprove their request for a landfill expansion. Or at the very least, put it on hold until they've adequately addressed the constant trash and odors they make the citizens of this town endure.	Since the minimum design criteria have been met, DEQ does not have grounds to deny the permit.
Dennis Boyer 1969 Dowell Rd. Tontitown	183.	<p>I heartily agree regarding the built-in inefficaciousness of the air quality committee. While the concept of having such a committee is completely laudable, it lacks the tools and expertise to achieve anything meaningful. Plus, and very worrisome, is the pointed criticism it received at last week's City Council meeting from Alderman Penzo, who pointed a finger at Mr. Lovett, highly respected air committee volunteer leader, harshly criticizing him for having produced zero results from testing thus far, asking WHY the air committee has achieved NOTHING from the DOLLARS the city has given the committee for testing.</p> <p>This highlights the problem. The committee, as well intentioned as it is, and with full respect and appreciation to Mr. Lovett for his untiring dedication, will NEVER produce results that will stand up to scientific challenge by WM or ADEQ. Nor will it be able to satisfy sadly valid questions such as that posed by</p>	DEQ appreciates the comment.

		<p>Alderman Penzo.</p> <p>The only way to produce USEFUL results that can be professionally respected by all, is to enlist a qualified consulting team of acknowledged experts in this field of science combined with lawyers that know what to do with the information once obtained.</p> <p>I implore the City, on behalf of its citizens, more than half of whom are directly affected by the Landfill, to use Host fees to pay for this consulting work. Otherwise, and understandably, criticisms such as those from Alderman Penzo and others, will cast increasing, and damaging, doubt on the merits of having an air committee itself, and eventually doom the very purpose for which it was formed</p> <p>Before this happens, let's get to the bottom of this issue which will not go away until all our serious questions are properly addressed and answered scientifically and legally.</p>	
	184.	<p>One of the requirements for approval of a landfill expansion in a municipality is local City support. While this was expressed in Resolution No. 2018-11-815R on November 2018, such support has now been WITHDRAWN and REVERSED by formal Resolution of the</p>	<p>DEQ appreciates the comment. DEQ reviews applications for solid waste disposal permits and issues permitting decisions. DEQ is not involved with the local process for approving an expansion.</p>

		<p>Tontitown City Council, November 1, 2022. This reversal was by unanimous vote. Not only does support for the expansion not exist, but official and unequivocal OPPOSITION to it is now on the books:</p> <p>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 (Nov. 1, 2022)</p>	
	185.	<p>There are abundant rural areas around, and even within, Northwest Arkansas to place a new Class 4, as well as a Class 1, landfill. Tontitown is ground zero IN THE ENTIRE STATE for population growth, which is clearly not true of ALL of Northwest Arkansas and neighboring counties/states.</p>	<p>DEQ appreciates the comment.</p>
	186.	<p>The initial Resolution in support of the expansion was the result of misleading information given to the Council by an agenda-driven mayor who subsequently resigned under pressure. His appointed protégé replacement was resoundingly voted out of office. Those individuals never represented community, but rather</p>	<p>DEQ appreciates the comment. DEQ reviews applications for solid waste disposal permits and issues permitting decisions. DEQ is not involved with the local process for approving an expansion.</p>

		their own personal agendas, which is why we now have a new mayor and a Resolution supporting the true will of the people. Investigations of those matters are now officially underway separately.	
	187.	Tontitown is the fastest growing city in the fastest growing region, Northwest Arkansas, of the entire state. <i>Please refer to subsequent pages reporting regional and local growth.</i>	DEQ appreciates the comment.
	190.	The Landfill was rationally sited in the Tontitown area many decades ago when the ‘city’ was exceptionally rural (population 510 in 1990). That is no longer the case. Tontitown’s population is now 6000 and is growing by 12%-19% per year. Within a 2-mile radius of the landfill itself, the population has grown from a few scattered chicken farms decades ago to over 4,000 residents now and is expected to balloon to 10,000 and 20,000 within the next ten years, based on current projections. Having a landfill here, let alone expanding one, violates every foundational environmental tenet I can imagine.	Since the minimum design criteria have been met, DEQ does not have grounds to deny the permit.
	191.	To my knowledge, no other landfill in Arkansas exists within such a densely packed population center—and for good reason	DEQ appreciates the comment.
	192.	The Eco-Vista site has proven itself to be a serial violator of the neighboring	The Eco-Vista Class 4 landfill has been visited at least fifty times in the last two

	environment. Any serious investigation unequivocally prove this.	years and determined to be operating in accordance with their permit and the applicable requirements APC&EC Rule 22.
193.	Eco-Vista has a documented history of being unresponsive to the community's complaints, thus When I visited Eco-Vista, Matt Burner, site director, told me that the only possible odor he could think of coming off the ENTIRE SITE was that of rotting drywall, which of course is a Class 4 issue.	DEQ appreciates the comment.
194.	Multiple spontaneous fires erupt from the Class 4 section of the landfill, none of which should occur were the materials there being properly managed.	Fires can and do occur at landfills; these occurrences are not necessarily the result of mismanagement. Sometimes, for instance, they are the result of arson, which can occur despite regulatory compliance and security measures put in place by landfill management. Eco-Vista has been inspected over fifty times in the last two years by several different inspectors. The landfill has been found to be in compliance with its permit and the applicable requirements of APC&EC Rule 22 for each inspection.
195.	Kenneth Lovett, another concerned citizen, has submitted to your office numerous drone pictures proving that Eco-Vista DOES NOT COVER the Class 4 area per regulations. This proof is irrefutable, yet ADEQ does nothing to stop it. Nor does it cover the Class 1 area per regulations, which only adds further to Eco-Vista's disregard for the rules.	DEQ appreciates the comments. Comments on the draft permitting decision involving the expansion of the Class 4 landfill was solicited by DEQ. The comment regarding the Class 1 landfill is outside of the scope of the draft permitting decision.

	196.	The landfill sits atop an environmentally dubious karst formation.	Rule 22 has specific requirements for this karst formation which was met and exceeded by Eco-Vista's design. DEQ appreciates the comment.
	197.	Asbestos, lead, and other carcinogenic materials are being dumped amidst a fast-growing urban population. Not only is this dangerous on its own, but the multiple unexplained Class 4 fires no doubt spread these chemicals far and wide, and no measurements have been taken to account for their impact on nearby residents.	Eco-Vista Class 4 landfill is required to follow all disposal regulations for Asbestos is considered a special material and is not allowed to be disposed in the Class 4 landfill. Lead and other carcinogenic compounds have not been found in the leachate. DEQ appreciates the comment.
	198.	Boston Mountain's support for the expansion is purely self-serving in that every city/region in Northwest Arkansas benefits, at Tontitown's expense, by keeping the trash right where it is.	Since the minimum design criteria have been met, DEQ does not have grounds to deny the permit.
	199.	Expanding this landfill is a case of kicking the can down the road. The Class 1 portion of the landfill is itself nearing capacity. Waste Management is already preparing an application of expansion of that. Given the City's position on this matter, this will fail.	DEQ is in receipt of an application for the Class 1 landfill and a draft permitting decision is forthcoming.
	200.	The argument that Northwest Arkansas needs a place to dump its construction materials is hollow. Of course it does. In no way does that support WHERE they should be dumped. expansion will only add to the current unresolved issues	DEQ appreciates the comment.
Carri Scott	201.	I am emailing you in regards to the Class 4 expansion of the Eco Vista landfill in	DEQ appreciates the comment.

		<p>Tontitown, AR. I have never emailed my comments regarding anything before, preferring to let my vote be my comment. In this case, I have no vote. My residence is outside of Tontitown City limits so I am unable to vote for a mayor or city council member or any other leadership position in the city.</p> <p>I am, however, affected by the landfill. I have lived on the same seven acres northwest of the landfill for 41 of my 45 years. The route to Fayetteville from my house takes me past the landfill on Arbor Acres Rd. I work in Fayetteville, so I drive that road twice a day, 5 days a week, at minimum.</p>	
	202.	<p>Over the years I have seen the effects of the landfill on the surrounding area worsen. The condition of the roads used by trucks going to the landfill is terrible. Trash trucks pull out of the driveway and onto Arbor Acres from Klenc with little regard to traffic. Both roads are covered in red dirt and have many holes and are usually lined with trash. The trash and dust blow from the landfill across Arbor Acres road and into the properties to the north.</p>	<p>DEQ does not have the authority to regulate road conditions or vehicles leaving the facility. Unsafe driving should be reported to the police department responsible for the area where the unsafe driving occurred.</p> <p>Wind-blown litter should be brought to the attention of Eco-Vista so that they can implement the litter control program.</p>
	203.	<p>It's apparent when a governing entity is coming to town because the street sweeper appears, as do the clean up crews. According to Google Maps, my</p>	<p>DEQ appreciates the comment.</p>

		house is 1.69 air miles to the northwest and frequently the stench of the landfill makes it there. I know there have been fires at the landfill this year and several since 2020.	
	204.	I've learned that a dye test turned Little Wildcat Creek red so there's obviously problems with leaking in the current situation. I am aware that the population of the Northwest Arkansas region is growing and this landfill is the only one. The trash has to go somewhere, but the current situation at this landfill with the fires, escaping trash, and road destruction seems out of control.	The dye trace study was performed to identify groundwater pathways. There is not any indication of leaking from the landfill into Wildcat Creek. This only identified an area to monitor to ensure nothing from the landfill is discharging into the creek. DEQ appreciates the comment.
	205.	My concern is that any type of expansion at this landfill will only make it all worse and I hope there is a better solution than to make it bigger and accept additional types of waste. I appreciate the opportunity to give voice to my concerns. I hope the ADEQ will take mine and other citizen's concerns into consideration as well as the City of Tontitown government withdrawing their support of the landfill.	Since the minimum design criteria have been met, DEQ does not have grounds to deny the permit.
Robin Lundstrum State Representative District 87	206.	I am very concerned about that the citizens of Tontitown and the lack of respect that has been shown to them over the last three years regarding the air and landfill environment. Up until a few years, I never heard any complaints from area residents and now I hear criticism	DEQ appreciates the comment.

		weekly. This population has been diplomatic and asked for reasonable requests	
	207.	They want to see that compliance issues are addressed such as: consistent daily cover, noxious fumes, leachate issues with water runoff, constant noise issues, and trash cleanup. All have repeatedly been given token action without long-term positive outcomes. Due to these repeated complaints, I would ask that the request for the permit be denied and a short-term conditional use permit with measurable time sensitive outcomes be issued.	In the past two years there have been over fifty complaint investigations and inspections performed at Eco-Vista. These inspections have shown Eco-Vista Class 4 is in compliance with their permit.
	208.	A conditional use permit with restrictions based on the following would be allowed in a Class I and a Class IV area if: <ol style="list-style-type: none"> 1. Only construction waste were allowed at this landfill with no paint, tar, asbestos or liquid chemicals etc. permitted as these are hazardous waste items (Class IV) 2. The noise issue is addressed immediately with no excuses for breaking these ordinances (Class I). 3. Daily cover rules are adhered to so that at any time citizens could fly a drone across the property (Class I) 4. There is an effort to honestly 	DEQ issues solid waste management permits pursuant to Arkansas Code and APC&EC Rule 22.

		address the gaseous issues and publicly publish the results of the actual compounds in the gasses released in the air (Class I)	
	209.	Eco Vista Landfill has stated that the landfill is an essential piece of the infrastructure in Northwest Arkansas and approving the Class I and Class IV expansion is important to our growing region. Therefore, it is imperative that measures be taken immediately to secure the quality and safety of Tontitown's citizen's health and Eco Vista Landfill's viability.	DEQ appreciates the comment.
	210.	The planning must begin now due to the area's continued development. We must be proactive on many levels concerning our waste issues. The lifespan of the landfill has almost reached its capacity and the time has come to begin a search for a new location and thank the people of Tontitown for the 40 years of service to Northwest Arkansas and many of the surrounding states.	DEQ appreciates the comment.
Holleigh Belvardi	211.	My name is Holleigh and I am a Tontitown resident living less than 3 miles away from the current landfill and I am emailing you to ask you to prevent this landfill from expanding. I have a two month old son and it terrifies me that his breathing will be affected if we live any closer to a landfill, especially considering how much trash there will be if it	Since the minimum design criteria have been met, DEQ does not have grounds to deny the permit.

		expands.	
Kenneth Lovett	212.	I am concerned why you would continue to consider allowing Waste Management Eco Vista to expand. In the Audit report that was released October 11, 2002 (Attached) it clearly states that there is no suitable site in the district for a Landfill due to the KARST Formation of the area. Yet in the latest communication (Attached) from May 6th, there are options to continue moving forward with a liner. A liner that also shows to have degraded due to the area conditions.	The Legislative Audit Page 6 states “The Four-County Solid Waste District’s Board denied Waste Management’s certificate of need based upon its determination that the geology of Northwest Arkansas is unsuitable for development of landfills.” This statement is not a recommendation from the Audit. Siting criteria requires stability analysis of the formation at the location of the proposed landfill. These criteria include considerations for compaction of the subsurface underneath the landfill. Eco-Vista performed and passed the required stability analysis. The landfill meets all regulatory siting and location criteria.
	213.	Also why are permits written to control the stack emissions of the Waste Gas Plant and once they leave the stack, they "Seem" to no longer be a concern to DEQ. Once emissions leave the Eco Vista Property they should have been dealt with and neutralized or acceptable to the environment. Is that a correct statement?	The Office of Air Quality issues Title V permits based on state and federal rules and consistent with EPA guidance. The Title V air permits are outside the scope of this Class 4 expansion.
	214.	These Fugitive emissions we are experiencing are not neutralized. They are affecting our lives daily. Who is responsible for testing the PPM of these gasses. Is that left to the individuals of the area? If the DEQ is not responsible for tracking and testing these gasses, who is?	The Office of Air Quality issues Title V permits based on state and federal rules and consistent with EPA guidance. The Title V air permits are outside the scope of this Class 4 expansion.
	215.	NO expansion for Class 4.	Since the minimum design criteria have

			been met, DEQ does not have grounds to deny the permit.
	216.	WM is not separating incoming material to Class 4. Dump and pack. There is hazardous materials going unchecked into the landfill in Both Class 4 and Class 1 currently.	Facilities with Class 4 landfills are required to develop and follow Division approved operating procedures to prevent the disposal of or provide for the separation of unauthorized waste from the approved Class 4 waste stream. Eco Vista has been inspected at least fifty times in the last two years and has been found to be in compliance with this requirement. The Class 1 landfill is beyond the scope of the draft permitting decision.
	217.	There are no scrubbers on the Waste Gas to energy plant. Emissions are released from 7 exit points unchecked. Atmospheric conditions are not controlled and thus affect community.	The Waste Gas To Energy Plant is not part of the Class 4 expansion. Therefore, it is beyond the scope of the draft permitting decision for which DEQ solicited comments.
	218.	Common sense. Landfill should not be allowed in Karst environment, period. No man-made liner is protection in this environment prone to earthquake, sinkholes, etc.	Since the minimum design criteria have been met, DEQ does not have grounds to deny the permit.
	219.	Dye test has proven to go directly into an Illinois River tributary. Once any Waste leaks to the sample points, it will already be released into the environment...	DEQ appreciates the comment.
Marty & Karen Phillips 752 Via Sangro Rd Tontitown, AR	220.	-Only liner required is compacted clay Dye test at Class 4 turned Little Wildcat Creek red -Other waste ends up in Class 4 (ie people using construction dumpsters to throw their trash into) -Asbestos, paints, and chemicals disposed of -WM	The Eco-Vista Class 4 design exceeds the liner requirement in Rule 22. This permit does not allow disposal of asbestos. DEQ requires monitoring of groundwater, and now will require monitoring of the only surface water off-site where multiple dye

		<p>clearly has a fire issue (2 within last few months, several since 2020) and burying asbestos and debris is dangerous to the neighbors.</p> <p>- Tontitown has withdrawn support of landfill expansion -WM repeatedly blamed odors on drywall breaking down, ADEQ claims Class 4 doesn't smell</p>	<p>trace studies have indicated a connection to the groundwater at the landfill site. Modern landfill designs and management practices prevent leachate from entering the groundwater and surface water. The Class 4 permit requires surface water controls as well as leachate collection. This will help ensure no impacts will be made to water resources.</p>
<p>Vernon and Donna Pianalto 12525 Arbor Acres Rd Springdale, AR 72762 (479)200.2200 dovepianalto@gmail.com</p> <p>Jonathon and Sara Pianalto, Emalena and Ian 12985 Randolph Rd Fayetteville, AR 72704</p> <p>Anthony and Elizabeth Pianalto, Addison and Hayden 311 Ketch Springdale, AR 72762</p> <p>Jeremy and Tera Pianalto, Norah and Elsie 606 S Oak Hill St Siloam Springs, AR 72761</p> <p>Joe Simco 12553 Arbor Acres Rd Springdale, AR 72762</p>	221.	<p>Thanks for hosting and allowing citizens to share at the recent meeting/hearing before the decision is made whether or not to expand the Class IV section at the WM Eco Vista Landfill in Tontitown in the near future.</p> <p>As I stated, my parents invested in land and started a farm business over 60 years ago at the current address of 12553 Arbor Acres Rd. My husband and I built our home on the farm and joined the business 40 years ago and it had been our desire and hope that our 3 sons along with their families, as well sister and her family would also join us in the future. Because of dangerous gases/odors that are frequently emitted from the landfill, we are being forced to breath in those daily! We are no longer able to enjoy our own homes, yards, and nearby creeks or work outside in our own business many days/nights because of dust, noise, and gases. And we can't even think about building new homes for our family for</p>	<p>Since the minimum design criteria have been met, DEQ does not have grounds to deny the permit.</p>

<p>Larry and Debbie Gibson 2600 Truitt Lane Springdale, AR 72762</p> <p>Chase and Miranda Gibson 118 Angus Dr Prairie Grove, AR 72753</p> <p>Jordan Gibson 4048 F Glenstone Terrace Springdale, AR 72762</p>		<p>fearing that of our own health and safety and the harm to our property value being next to a growing landfill!</p> <p>It is our opinion that ADEQ and/or WM and/or the City of Tontitown cannot (or will not?) determine the source of these gases/fumes/odors. Nor does ADEQ and/or the City of Tontitown/ EPA/ Boston Mountain Solid Waste hold WM accountable to controlling those gases/fumes/odors as well as dust, trash and seeds that grow into weeds that are carried onto their neighbors' property. And we believe that those gases/fumes/odors, dust, trash components are most certainly making us nauseous, experience headaches, and can possibly be the source of our own and many neighbors' illnesses, as well as the cause of death from cancer for some. We do not believe it is in the best interest of anyone living in the growing area of Tontitown to allow WM to expand ANY part of their operations at this time or until the source of the concerns is found and rectified. This should not come at ANY cost to the taxpayers and neighbors but at the total expense of WM to be transparent and operate in a way that brings no harm to our environment and people!</p> <p>At the public meeting you mentioned that class IV trash didn't have odors, leachate</p>	
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	<p>and wasn't dangerous! We have attended citizen meetings with WM where they admitted that trucks do allow Class IV trash to litter our roadways and property, but WM can't do anything about it unless they see it or it comes from their own WM trucks-our broken windshields, flat tires and dirty vehicles prove to be a danger, nuisance and expense to those traveling on the same roads as these trucks hauling Class IV trash. On 11/3/22 at 7AM, I had to personally slam my brakes and stop my westbound vehicle to avoid being hit by 2 eastbound WM trucks leaving the landfill and breaking the law to come into my lane. WM has admitted to us during those meetings (which, by the way, have been discontinued) that there have been multiple fires at the Class IV sections from combustible materials and that the sheetrock does have a strong odor as it decomposes, and this has been the site of many sightings of thousands of birds scavenging and even bird deaths. Are you saying there is absolutely NO asbestos, paint, chemical, human waste/trash in that Class IV area??? Since there is no control over exactly what comes into the unlined Class IV area- those items hiding inside trash bags from building sites, or loose items inside huge dumpsters, dump trucks/trailers, then how does ADEQ or</p>	
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	<p>anyone know exactly how Class IV can be exempt from adding to the gases, fumes and odor, leachate, air quality and other concerns for our health and safety? Why would WM management be allowed to even continue to operate 'as is' - let alone expand ANY part of their business until we have answers to what exactly is harming -or even killing us- as we breathe contaminated air and possibly consume dangerous water or meat and produce from nearby soil EVERY DAY? How can all concerned entities work together to have safe disposal of trash AND keep their citizens and neighbors healthy and safe so that they are able to enjoy their lives/work their own businesses? The City of Tontitown has recently passed a resolution against the WM expansion at this time. We believe their action shows that they are willing to admit that there are serious concerns AND to be part of the solution for seeing the issues corrected. Is the appropriate division of ADEQ and WM willing to do the same with ACTION, not just words, sponsorships at community events or nice, yet unrecorded presentations at public meetings that are scheduled at times and places making it difficult for local citizens to attend? In the interest of making wise use of our own personal time and rather than</p>	
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		<p>bombarding you with several letters to read by this sudden deadline, we are combining our thoughts into this one letter. Please note that these thoughts and the request represents each of us because we have each been, and continue to be, greatly impacted! Each member in our family would respectfully ask that you DENY the request that WM has made to expand the Class IV forever, or at the very least until we all have answers/solutions to the serious problems already at hand and can co-exist as good neighbors.</p>	
Debbie Blaylock	222.	<p>First, I am 100% opposed to the proposed expansion. Why?</p> <p>-asbestos, paints, and various chemicals associated with construction waste are health hazards and flammable. There have been numerous fires already at the facility and this could increase fires with dispersement of gases and fumes to residents particularly nearby which I am (directly across street, so within several feet)</p> <p>-the only liner required is a clay type liner so therefore especially with the karst formation, the disintegrated material can move outside of WM boundaries to private property and again be hazardous.</p>	<p>DEQ reviews applications for solid waste disposal permits and issues permits. The Eco-Vista Class 4 design exceeds the liner requirement in Rule 22. This permit does not allow disposal of asbestos.</p>

		<p>-the city of Tontitown has withdrawn support of the expansion</p> <p>-ADEQ claims class 4 has no odors but WM blamed citizen complaints of smell were related to drywall breakdown which is construction material</p> <p>Again I am completely opposed to the expansion and would appreciate support from my state office that deals with this</p>	
Patrick Calcagni	223.	<p>At this time, I believe you've probably received a few emails from concerned citizens on why the Eco-vista Landfill expansion needs to be denied. I appreciate you taking the time to read this email and others from the community. If concerned citizens and now the City Council believe this expansion should be denied I think ADEQ should step back and fully assess the situation a little deeper. Tontitown is no longer a rural area and thousands of people are moving into houses/developments around the Landfill each year. I believe the longevity of the lives of our citizens far outweighs this expansion and there are clear impacts to health living close to Waste Management. I hope this does not come off as a threat or falls on deaf ears, but I have two small children (3yr old and a 4wk old) who I have to protect at all cost and think of their future. Please put</p>	DEQ appreciates the comment.

		<p>yourself in the local citizens shoes and assess this situation as if you were living next door with your family.</p> <p>I myself was born and raised here locally and live less than a mile west of the entrance on Arbor Acres. I am one of the few who chose to build with in the last 10 years knowing the landfill was there, however I built on my family farm which we've owned for over 35 years. This has always been a dream and I believe you'll find most people given the option would try to stay on family-owned land. I will be here for life and plan to continue to push for the landfill to slow/end expansion and eventually out run its space. Keep in mind citizens have been involved in expansions since the late 90s, pushing for each request to be denied. We need someone to help us finally put a stop to these expansions and say Eco-vista has served its purpose for NWA and it's time for another city to take the burden.</p> <p>I remember growing up here through the 90s hearing the landfill had an expectancy of 10 years, 5 years, 3 years, then new expansions would allow them a new lease on that expectation. All I ask is to stop this current and, possibly, any future expansions that would allow them to extend their tenure. We would also ask to</p>	
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		<p>hold them accountable to be a good neighbor for the remainder of their time in Tontitown.</p> <p>I appreciate you taking the time to read this and thinking of our citizens.</p>	
<p>Greg and Darlene Humphries 690 Via Sangro Rd. Tontitown, AR 72762</p>	224.	<p>Comments we wish to make about Waste Management applying for expansion to accept construction debris:</p> <ul style="list-style-type: none"> • Construction debris will include paint, turpentine, caulking, and other chemicals that are used in construction. Since only a compacted clay liner is required, that is going to allow chemicals to leach through and eventually end up in Wildcat Creek. • Wildcat Creek has already had a dye test which turned the creek red. • Other waste ends up in Class 4 because people will throw their trash into any dumpster that is available. Waste Management does not pick up the brown yard waste bags anymore. They expect residents to bring their bags to the landfill twice a year. I'm sure many people will use a construction dumpster if its available near their home. • Waste Management has had two fire issues in the last few months. Burning debris and chemicals is dangerous to the environment and neighbors. • The Tontitown City Council has listened to their citizens and has 	<p>This permit action includes upgraded standards including but not limited to leachate collection, groundwater monitoring wells, and monitoring of a spring/creek area off-site. Waste Management will continue to control and remediate site-related groundwater impacts. Groundwater remediation rules are in Chapter 12 of the APC&EC Rule 22.</p>

		<p>withdrawn their support of the landfill expansion.</p> <p>I realize that the comments you want are to be directed to the application for expansion by Waste Management. However, your job is to protect the environment and the citizens, and you are not doing anything to protect our town, our citizens, or our environment. Citizens have been complaining for a long time about the odor, the debris, and the dangerous fumes. By the time you come to Tontitown to investigate, they temporarily clean up their act. Are you going to just wait until people get cancer or even die from the fumes and pollution? Tontitown is our city where we live and have invested a lot in home ownership which is being destroyed by Waste Management. Tontitown is a very small town. Waste Management said they would only be here for ten years. Now forty years later they are asking for another expansion. The City Council and the citizens of Tontitown should be able to say it is time for Waste Management to move to another area that is less populated. Please do not let them continue to destroy our town and endanger the health of citizens as well as continue to pollute the environment.</p>	
David Etchison	225.	My family has lived west of the landfill	This permit action includes upgraded

<p>18491 Clear Water Rd. Fern Etchison 18617 Clear water Rd. Jacob Etchison 18679 Clear Water Rd. Heston Mcfatridge 18959 Clear Water Rd</p>		<p>for over 20 years. The last few years the odor, noise, and pollution has gotten worse each year.</p> <p>Class 4 points: only liner required is compacted clay Dye test at class 4 turned Little Wildcat Creek red Other waste ends up in class 4 Asbestos, paints, and chemicals disposed of Tontitown has withdrawn support of the landfill expansion.</p> <p>The community of Tontitown continues to grow around the landfill putting more people in harm's way. The landfill needs to be in a more remote area. Waste Management is not a good neighbor</p>	<p>standards including but not limited to leachate collection, groundwater monitoring wells, and monitoring of a spring/creek area off-site. Waste Management will continue to control and remediate site-related groundwater impacts. Groundwater remediation rules are in Chapter 12 of the APC&EC Rule 22.</p>
<p>Kenneth Lovett - November 4, 2022 email</p>	<p>226.</p>	<p>Who is responsible to background check the state ADEQ Investigators? I have lost faith in the system for several reasons.</p>	<p>DEQ employee background checks are beyond the scope of the expansion of the Class 4 landfill.</p>
	<p>227.</p>	<p>1. Waste Management is not concerned with environment. They do just enough to get by. They despise being questioned and think they got enough money and power to pay their way out of any situation. And they are allowed to continue operation 8 months after a major issue in the area no one feels the need to investigate or regulate.</p>	<p>The over 50 inspections and investigations of the last two years, have shown no violations for this landfill.</p>
	<p>228.</p>	<p>2. ADEQ has obvious internal issues but continues to be allowed to continue</p>	<p>The previous personnel decisions of the DEQ are not relevant to this permit</p>

		<p>operations without proper Investigation. Note example: May 2, 2018 when Ellen Carpenter's comments on The proposed draft Regulation No. 37 was submitted.</p> <p>https://arktimes.com/news/arkansas-reporter/2018/06/28/adeq-pio-fired</p> <p>Also the Legislative audit from 2002, ignored as the ADEQ Director approved the continued operation of the landfill without further proper analysis or review.</p>	<p>decision.</p> <p>The legislative audit from 2002 resulted in additional design standards and requirements for Class 1 landfills in the Boone and St. Joe formation. This permit action includes upgraded standards including but not limited to leachate collection, groundwater monitoring wells, and monitoring of a spring/creek area off-site. Waste Management will continue to control and remediate site-related groundwater impacts. Groundwater remediation rules are in Chapter 12 of the APC&EC Rule 22.</p>
	229.	<p>3. The same investigator is sent to the same area repeatedly, always stating no violation, when obviously there is an issue in the area and with his credibility. He is just there when the vapors aren't and references Codes that need revisions. This investigator has made threatening statements publicly on his Facebook page and disrespects police authority. See attachments. As a public State official there are expectations or higher morals and credibility, and proper self censorship.</p>	<p>DEQ has sent more than one investigator to the area. The reported issues were not found. There are no issues with the inspector's credibility. DEQ has sent multiple inspectors to over fifty different inspections at the Eco-Vista landfill in the last two years. The reported issues were not observed at the time of these inspections, though DEQ does not deny the legitimacy of Tontitown citizens' complaints. DEQ has full faith in each of our inspector's credibility and integrity and stands by the reliability of their reports.</p>
	230.	<p>How can the public have faith in the system when the system is working against the community?</p>	<p>DEQ has met with the community, and inspects the facility more than any other landfill at the request of the community.</p>
Kenneth Lovett – November 4, 2022 email	231.	<p>Karst is subject to causing sink holes. What is the plan when the landfill sinks?</p>	<p>Design reports and design calculations for this formation were completed and</p>

			demonstrated insignificant impacts on the karst formation. Sinkholes as you are describing have not been found in the location of the landfill.
	232.	<p>No expansion. Close this Hazard when the currently used Class 1 and Class 4 is full. No new expansion.</p> <p>People state, " We need this landfill". Wrong! We need a safe waste disposal facility. There are other landfills currently open that can handle the current input. Close Eco Vista. Turn it into a transfer station. Transfer trash to another safe landfill till facilities are built that properly handle or breakdown trash into usable byproducts.</p> <p>Act Environmentally responsible now!</p>	The Class IV expansion design has exceeded the minimum design criteria in APC&EC Rule 22 for the Boone formation and therefore DEQ has technical and legal basis to issue this expansion. DEQ appreciates your comment
James Enns, MEd 12246 Red Oak Dr. Fayetteville, AR 72704	233.	<p>Please accept this letter as a request to deny the permit application for a major modification to a solid waste disposal facility, Eco-Vista, LLC Class 4 Landfill, permit number 1884-AOP-R9. I have been a neighbor of WM landfill for almost 12 years and was told by my realtor when the house was purchased that the landfill would be closed within 5 to 10 years at that time. At first, the noise and smells were rare and not really a problem. In the past three years the odor has increased dramatically, and the noise seems to be much louder and start earlier</p>	DEQ appreciates the comment.

		in the day. I can now hear the low thumping of the generators most of the night. When I make coffee in the early morning, I can see the vibrations in my coffee cup on my granite kitchen counter!	
	234.	Some of the neighbors living near the landfill have been there for generations. We complain when the smell is so bad, we can't go outside our houses, and nothing is done. It would be helpful if complaints were evaluated within a few days, rather than at least a week or 10 days after the complaint is made. If WM won't follow the rules and start being a better neighbor in Northwest Arkansas, this area won't be one of the fastest growing areas in the United States. Please consider these facts when deciding to approve WM's application to expand Class 4 at Eco-Vista Landfill.	DEQ has investigated complaints and performed site inspections over 50 times in the last two years. From July 6, 2021 to March 1, 2023, DEQ has responded to complaints with an average of 3.98 days to respond. There have been no violations found at the Class 4 landfill.
Glen Odglen (81730) 12601 Arbor Acres Road Springdale, AR 72762	235.	I am writing this letter in opposition of Waste Management Tontitown AR expansion. My wife/family and I have lived at our home and farm for close to 40 years. I have seen this area grow extremely fast over the last several years. I am one of the very few farms left and feel this area has become heavy residential and I understand more homes are being built or planned.	DEQ appreciates the comment.
	236.	We have experienced horrible odors and gas smells along with blown trash in neighbor's properties and mud dirt on the	DEQ acknowledges and understands your concern. Thank you for commenting. The facility is required to have litter fencing and

		roads due to heavy landfill truck traffic. I have noticed my cattle have had diseases that I believe are associated with the landfill. I worry about the ponds and creeks my animals drink out of as I know there is runoff from the landfill that gets into the creeks in the area. I see many people using Little Wildcat Creek as a swimming hole. I would not recommend anyone swimming there as I believe there is runoff there.	<p>litter crews as needed in response to these problems. The other component of litter control is weekly cover for a Class 4; DEQ has not found any violations with weekly cover. When litter is found to be an issue, it should be reported to Waste Management immediately.</p> <p>The landfill is required to maintain run-off controls and capture any run-off leaving the landfill site. Part of this modification is enlarging the surface water retention ponds to ensure run-off stays on Eco-Vista property.</p> <p>Gasses should not be coming from the Class 4 landfill.</p>
	237.	The landfill has been here too long and I am worried my wife's health issues are related to the landfill. Please make a decision not to expand this landfill for the health of our growing neighborhoods.	DEQ appreciates the comment.
Mark Calcagni	238.	<p>The comments made by Maylon Rice should not go on record as he said he worked for Boston Solid Waste District , but was fired some time ago due to fraud . Please see article below:</p> <p>That is truly wrong and I hope that should be discredited as being deceitful in swaying your decision on the expansion. It's lying !</p>	DEQ appreciates the comment.

		Thank You again for this opportunity to make public comment. Hope you had safe travels.	
Penny Baskin	239.	<p>I am writing to request that ADEQ make the decision to not approve the expansion at this time. I further request that you shutdown trash coming from out of state and out her areas of our state until they can fix things for Tontitown citizens, giving them peace of mind that the vapor gases that were at my home waiting on me as I arrived home last night after the meeting. I find it totally irresponsible on the DEQ part to force citizens to live with these problems and dangers. We Have repeatedly asked for waste management to do things by regulation 22 and they continually find way around things. The complaint process is 100% fail proof for them so it really is just a joke and waste of time because they refuse to say the gases/vapors/odors are actually from WM so ADEQ has to do a no finding even though they fully know there is a gas/vapor harming us.</p> <p>Wm is allowed to follow any rule they want with no fear of correction. They laugh in the face of citizens over many issue like noise, trash blowing, muddy roads and houses, misters, operation hours, PR, buying local sponsorships to said see we helped our community.</p> <p>Recycling is a joke as they are dumping</p>	DEQ appreciates the comment.

	<p>that stuff in the dump along with regular trash as witnessed by many that are paying for it.</p> <p>Wm doesn't care about being a good neighbor or about the health and safety of our city and county. WM is only concerned about making money so they can afford to move 20-30 mins out in country and only use our local for NWA trash under the current plan. Send the rest further out would allow many years to finish filling this area but citizens will be harmed if it is not changed to help our town. They say stop building but that also stops people from selling and I have heard stop developers but that would harm our city as well. We could all move in that 1-2 mile radius but that to would destroy our city so I request you say no to the expansion until things can improve. We the citizens deserve to be safe. We also deserve to be able to communicate with a real person with issues.</p> <p>Our air quality and water drainage is being damaged by this business and ADEQ chooses how that looks for all of us in that 2 mile radius. It's more than a job for us, it's our lives and our children and grandchildren's lives. Please make a difference for our area by denying the expansion until things are fixed and safe. Deny it because it is the right thing to do and people are more important than</p>	
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		<p>dumps or we would be trash too! Thank you for your consideration in this matter. If you need to reach me for questions please call 918-724-4661. Have a blessed day!</p>	
Allison Gochenour	240.	<p>I am inquiring about the possible expansion of the Eco-Vista Landfill. I believe that the expansion should NOT be granted nor accepted for the following reasons:</p> <ol style="list-style-type: none"> 1. Biogas is not only poor for our environment, but the combination of methane gas and carbon dioxide are found to cause climate change and global warming as well. An increase in these fumes is detrimental to every single individual breathing it in, our society, and our world as a whole. 2. The City of Tontitown Council has voted against the landfill expansion as well as expressed their concerns at multiple public hearings about the planned expansion, citing worries about odor control, ground pollution, and toxins. 3. The environmental issues that the Eco-Vista Landfill has ALREADY contributed to include contamination of local groundwater. Moreover, this mixture is found to de-oxygenate water which means that once it reaches our local creeks, rivers and lakes, it results in 	DEQ appreciates the comment.

		<p>the death of aquatic life. Choosing to move forward with the expansion of the Evo-Vista Landfill would not only continue to significantly increase the contamination in groundwater, but it would continue to negatively impact our soil fertility as well.</p> <p>4. The safety of our Tontitown residents as well as the individuals who work at the dump are compromised. Potential fires, gas leaks, and injuries are all situations that could be prevented, especially if the dump were not to expand. Why would we knowingly continue to put those in jeopardy?</p> <p>All in all, the negatives that would arise from expanding the Eco-Vista Landfill greatly outweigh the positives. I believe that the ethical and moral thing should be to consider the health and safety of our local residents; and by doing so, it should be easily concluded that the Eco-Vista Landfill should NOT be expanded.</p> <p>Thank you for taking the time to read this email.</p>	
<p>Mark Calcagni 12642 Arbor Acres Road Springdale, AR 72762 (82460)</p>	<p>241.</p>	<p>Per our phone conversation on February 8, 2022, we , our neighboring citizens/Citizens Advocating A Safe Environment (C.A.S.E.) are requesting a Public Hearing before the final legal permit expansion of the Eco-Vista/Waste</p>	<p>A hearing was held November 2, 2022.</p>

		<p>Management Tontitown, AR Class 1 Landfill expansion.</p> <p>The reason we request a Public Hearing is due to our concerns with regards to health and safety. Many homes, subdivisions , and an elementary school are within close proximity of this landfill. The area is not rural and the city of Tontitown has planned many more homes/subdivisions in the area. The odor and gas in the air has made people sick/nausea along with headaches which is very concerning. The local traffic has increased along with the heavy truck landfill traffic. Road conditions deteriorate with debri on the highly traveled roads. Health and safety is the citizens' concerns.</p> <p>In closing, we request not to permit such an expansion and to have a Public Hearing to discuss what this expansion means to the residential area please.</p>	
	242.	<p>I am writing in disagreement of allowing Permit No.0290-S4-R2; AFIN 72-00144 to be approved for Eco-Vista Waste Management. Also I request a public hearing before a decision is made here in NW Arkansas.</p> <p>This landfill should not be allowed to expand, but should not be in this location due to karst topography which was</p>	<p>The landfill expansion meets all siting criteria required by APC&EC Rule 22. The landfill has been visited and inspected over 50 times in the last two years with no violations found.</p>

	<p>determined in the 2002 audit. This landfill operates with no regards to regulations set forth with doing the proper cover of class 1 and class 4 trash multiple examples of this have been brought forth to ADEQ by the citizens that live in the area as we have to live with odors and gasses that exist. Trash blown on the roads that end up in neighbors property occurs as well. Multiple photos and examples of this have been brought to the attention of ADEQ.</p> <p>This area has grown and is heavily populated unlike the landfills in Little Rock and Fort Smith as these locations have very few homes near these sites.</p> <p>The main reason to disallow this permitted expansion is due to Eco-Vista Waste Management does not follow the regulations set forth by ADEQ. Waste Management choses to cut costs in order to maximize profits with no regards to operating safely. A cancer cluster study is being performed by ADH to see if cancer is occurring more in this area as we have had many neighbors who have contracted cancer or have died from cancer. Please take this letter as opposition to this expansion.</p>	
--	--	--

AFIN: 72-00144
PMT#: 0290-84-R1

SEP 08 2022

DOC ID#: 82572
TO: AC FILE LKM

August 22, 2022

Nick Jones, P.E., Senior Operations Manager
Office of Land Resources (OLR), Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Mr. Jones,

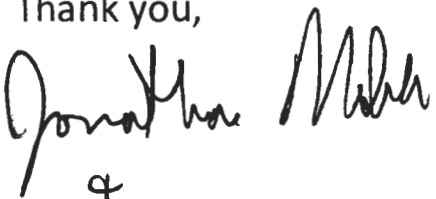

We live in Tontitown, AR. Please be advised that we **DO NOT** want the Class 4 expansion of Eco Vista Waste Management Landfill to be approved.

Tontitown is a very small town that is now growing quickly. Eco Vista has been here for 40 years. We should not be allowing other states to bring their trash to a transfer station that is then brought to the Tontitown Eco Vista Landfill. It is time they move on to an area that does not have the growth that Tontitown has now.

Families that live near the landfill have been complaining for a long time of the horrible odor, dangerous fumes, and debris from the landfill.

At the very least we should be granted a public meeting before a decision is made to expand the landfill.

Thank you,


♀


Kacy Murillo (adpce.ad)

AFIN: 72-00144
PMT#: 0290-S4-R1
Received
By Kacy Murillo at 4:02 pm, Sep 7, 2022
DOC ID#: 82570
TO: AC>FILE <KM

Subject: RE: Eco Vista Landfill Permit

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

Sent: Friday, August 5, 2022 4:57 PM

To: press@governor.arkansas.gov; Jones, Nicholas; Linck, Julie; Linck, Julie; Keogh, Becky; Robin Lundstrum; Robin Lundstrum; Steve Unger; Charlene Fite; E&E Comms; Public Comment; Witherow, David; Zweifel, Jarrod; Taylor, Bailey

Subject: Eco Vista Landfill Permit

I am requesting the Governors attention concerning Eco Vista Landfill Expansion in Tontitown Arkansas.

After a Certificate of need from Boston Mountain Waste District, the expansion LSD (Large Scale Development) passed the Tontitown City Council and Planning Commission by bullying and miscommunication, better stated as lies, from the Tontitown Planning Commission Chair, Rocky Clinton, and the Mayor at the time, Paul Colvin. The CASE group, members of the community living around the Eco Vista Landfill have tried to raise awareness of the issues of Toxic Vapors, odors, vectors, and trash blowing around the community to no avail.

The Eco Vista landfill has grown too large for the community and Tontitown continues to Grow. The landfill is also located in an unfit location. This was called out in a Legislative Audit dated October 2002. Please see attached Audit.doc.

I am requesting your attention to this matter so we can start the process of shutting down the Eco Vista Landfill due to these issues and health issues around the Eco Vista Landfill.

Please forward this message to Governor Asa Hutchinson, Julie Linck and anyone else attached to the approval of the landfill continuation of operation in Tontitown Arkansas.

Thank You,
Kenneth Lovett

sections of the Arkansas
820-76-201, 20-77-107,
90-129.

On November 1, 2022,
Director of the Division of
Services (DMS) amends
Arkansas Independent As-
sessment (ARIA) Manual and
State Plan Amendment
to the Provider-Led Ar-
Shared Savings Entity
and the Adult Behavioral
Services for Community
Science (ABSC) program.
These changes make the 1915(i)
fiscal consistent with re-
viewer renewals (1915(b))
and 1915(c) Community
Support Programs, while
rewording the following:
1915(i) SPA is updated to
that Division of Adult, Ag-
ing and Behavioral Health Ser-
vices (AABHS) is the operating
agency and contacts who carries
national and administra-
tions. DMS changes who
responsible performing evalu-
ations and reassessments. DMS
updates the process for perfor-
mance and reassessments
by Community Support
Program (CSSP) as pro-
vider services. Reassess-
ment may be conducted in per-
son through the use of
video that is recorded
with permission of the client
electronically that is recorded
with permission of the client
approval of the respec-
tive program staff. DMS
updates typical number of days
for services. DMS also adds
assessment sample size
and a quarterly review
cycle. DMS restructures
the appeal process to allow
clients to continue during the
time an appeal or fair hearing
is pending. Technical and
editorial changes are made
out, including updating
and definitions as ap-
proaching updates and cri-
tically Person-Centered Service
DMS adds Assertive
Community Treatment (ACT) and
Stabilization Intervention as

also revises the Level I
of Therapeutic Commu-
nities to account for differ-
ences between costs and current
recommendation during
analysis of the services
provided. The new rate for
public Communities is es-
timated with the highest inter-
program set at 70% of the
Arkansas State Hospital (ASH)
rate, and the lowest in-
level of programming at
the ASH inpatient rate.
A rate comparison anal-
ysis of similar programs in other
Arkansas states found no com-
parable programs. In-state facili-

ties are identified in writing at the
above address or at the following
e-mail address:
DRP@dhs.arkansas.gov. All
public comments must be
received by DMS no later than
September 3rd, 2022. Please
note that public comments
submitted in response to this
notice are considered public
documents. A public comment
including the commenter's name
and any personal information
contained within the public com-
ment, will be made publicly
available and may be seen by
various people.

A public hearing by remote
access only through a Zoom
webinar will be held on August
16th at 11:00 a.m. and public
comments may be submitted at
the hearing. Individuals can
access this public hearing at
<https://us02web.zoom.us/j/89011958069>. The webinar ID is 89011958069. If you would like the
electronic link, "one-tap" mobile
information, listening only dial-
in phone numbers, or
international phone numbers,
please contact ORP at
ORP@dhs.arkansas.gov.

If you need this material in a
different format, such as large
print, contact the Office of Rules
Promulgation at 501-534-4138.

The Arkansas Department of
Human Services is in compliance
with Titles VI and VII of the Civil
Rights Act and is operated,
managed and delivers services
without regard to religion,
disability, political affiliation,
veteran status, age, race, color or
national origin. 4502035775

By/Elizabeth Pitman
Elizabeth Pitman, Director
Division of Medical Services
755849601

Alcohol Permits 1240

NOTICE OF FILING APPLICATION FOR RETAIL BEER OFF PREMISES & SMALL FARM WINE RETAIL PERMITS

Notice is hereby given that the undersigned has filed an application with the Alcoholic Beverage Control Division of the State of Arkansas for permits to sell wines produced at Small Farm Wineries and beer at retail to be carried out and not consumed on the premises described as: 809 E. Emma Ave. Unit D, Springdale, AR, Washington County.

Said application was filed on July 20, 2022. The undersigned states that he/she is a resident of Arkansas, of good moral character, that he/she has never been convicted of a felony or other crime involving moral turpitude, that no license to sell alcoholic beverages by the undersigned has

Environmental Permits 1250

NOTICE OF DRAFT PERMIT DECISION

For a Major Modification of an Existing Class 4 Landfill Facility Draft Permit NO: 0290-S4-R2; AFN: 72-00144

In accordance with provisions of Arkansas Pollution Control and Ecology Commission (APC&EC) Rule No. 8.207, public notice is hereby given that the Division of Environmental Quality (DEQ) has made a preliminary decision to issue a draft permit for a major disposal facility, Eco-Vista, LLC Class 4 Landfill.

The application was submitted by FTN Associates, LLC on behalf of Eco-Vista LLC, Class 4 Landfill for a 12.2 acre lateral expansion. Eco-Vista, LLC, Class 4 Landfill facility is located at 2210 Waste Management Drive, Springdale, Arkansas, and located in Section 23, Township 17 North, Range 31 West, Washington County, Arkansas.

Upon final approval, the permit modification will allow a 1,816,000 cubic yard capacity increase, site-life increase and continued disposal of wastes eligible for a Class 4 landfill as defined in APC&EC Rule No. 22.

Any interested person may submit written comments, data, views or arguments to the DEQ regarding this draft permit decision within thirty (30) calendar days of the publication of this notice. Other than the permit applicant, only those persons who submit written comments on the draft permit decision during this designated 30-day comment period, or who make comments for the record at any formal public hearing called by the DEQ, shall have legal standing to appeal any final permitting decision made by the Director.

Written comments concerning the permit decision should be mailed or delivered to Nick Jones, P.E., Senior Operations Manager, Office of Land Resources (OLR), Division of Environmental Quality, 5301 Northshore Drive, North Little Rock, AR 72118-5317. Additional information regarding this draft permit decision, including copies of the permit application and documents concerning the review process by the DEQ, can be made available for inspection by contacting the Office of Land Resources at the above address or by calling (501) 682-0832. There may be a charge to cover photocopying costs for documents. The facility file may be

viewed or downloaded for any technical requirements or standards involved in making the final decision. Any person with legal standing in this matter may appeal the final decision to the APC&EC. Appeals must be in writing, must be filed within thirty (30) calendar days of the date of the final permit decision, and must conform to all of the requirements set forth in applicable laws and Rules. General information on appeal procedures may be obtained by contacting the Legal Division of the DEQ at the above address or by phone at (501) 682-0892; however, specific legal advice cannot be provided.

Dated this fifth day of August, 2022

Julie Liock, Chief Administrator
Division of Environmental Quality
75584828 Aug. 5, 2022

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Oldsmobile,
Sash, Subaru, Toyota.
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NORTHWEST ARKANSAS
Democrat

Special Report

Arkansas Department of
Environmental Quality –
Solid Waste Management
Division

Tontitown Landfill



ARKANSAS DIVISION OF LEGISLATIVE AUDIT

OCTOBER 11, 2002



Arkansas



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Senate Co-Chair
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House Co-Chair
Sen. Henry "Hank" Wilkins, IV
Senate Co-Vice Chair
Rep. Tommy Roebuck
House Co-Vice Chair

Charles L. Robinson, CPA, CFE
Legislative Auditor

LEGISLATIVE JOINT AUDITING COMMITTEE DIVISION OF LEGISLATIVE AUDIT

October 11, 2002

Members of the Legislative Joint Auditing Committee:

We have conducted a review of the Arkansas Department of Environmental Quality procedures and regulations in regard to the Tontitown Landfill. This special report is being issued in response to a request from Representative Jim Holt and Representative Jan Judy.

The conclusions and recommendations resulting from our review are contained in the attached report. We trust this report will assist you in your legislative decision-making process.

DIVISION OF LEGISLATIVE AUDIT

A handwritten signature in blue ink, appearing to read "Charles L. Robinson".

Charles L. Robinson, CPA, CFE
Legislative Auditor

October 11, 2002
PSSR02802

Executive Summary

Arkansas Department of Environmental Quality Solid Waste Management Division Tontitown Landfill

INTRODUCTION

This report is being issued in response to a request by Representative Jim Holt and Representative Jan Judy for the Legislative Joint Auditing Committee to determine whether the Arkansas Department of Environmental Quality (ADEQ) adhered to established procedures and regulations in regard to the Tontitown Landfill.

OBJECTIVES

Our objectives in conducting this special report of the Tontitown Landfill were as follows:

- *Analyze the organizational structure of the Arkansas Department of Environmental Quality and its Solid Waste Management Division and determine if employees acted within the scope of their job duties in relation to the Tontitown Landfill;*
- *Determine regulations applicable to the Tontitown Landfill were properly enforced;*
- *Determine the landfill permitting procedures for the Arkansas Department of Environmental Quality and whether the Tontitown Landfill was permitted in accordance with such procedures;*
- *Determine compliance with policies of the Arkansas Pollution Control and Ecology Commission;*
- *Determine the types and frequency of inspections required by the Arkansas Department of Environmental Quality regulations and whether the Tontitown Landfill was properly inspected in accordance with those regulations; and*
- *Review enforcement actions taken by the Arkansas Department of Environmental Quality relating to the Tontitown Landfill.*

SCOPE AND METHODOLOGY

The Arkansas Department of Environmental Quality (ADEQ) through its Solid Waste Management Division is the regulatory agency charged with permitting and enforcing the rules and regulations concerning landfills. This review was conducted by examining documents on file with the Arkansas Department of Environmental Quality, interviewing agency staff and conducting interviews with concerned citizens who live around the Tontitown Landfill. We also examined relevant sections of Arkansas Code Annotated and Arkansas' environmental regulations to determine compliance with such. Our report focuses on compliance with those laws and regulations as they relate to the Waste Management landfill at Tontitown.

The Arkansas Department of Environmental Quality through its Solid Waste Management Division is the regulatory agency ... concerning landfills.

CONCLUSIONS

ADEQ's permit engineer authorized **conditional approval** for waste disposal in an area of the Tontitown Landfill known as the South Phase in a June 8, 1999 letter. In a letter dated August 6, 1999, the Solid Waste Management Division Chief authorized conditional approval for waste disposal in the North Phase. The Pollution Control and Ecology Commission's Regulation Number 22, the guiding document for ADEQ's Solid Waste Management Division, does not provide for conditional authorization.

Management Response:

The Department states that while conditional authorization was granted to allow fill operations only in permitted areas for which plans and specifications had been submitted for approval, issuance of the conditional authority did not relieve the permittee of any responsibilities for submitting the Engineering Certification Reports for construction of those fill areas as per Regulation 22.428(i).

A.C.A. 8-6-207 (6) provides the Department the authority to issue, continue in effect, revoke, modify or deny under such conditions as it may prescribe, permits for the establishment construction operation, or maintenance of solid waste management systems, disposal sites and facilities. Conditional approvals have been consistently implemented under this statute to achieve regulatory requirements.

Regulation 22 is currently undergoing the first redrafting since its inception in 1995. The redrafting will include language addressing conditional approvals.

A conflict exists between guidance documents and regulations concerning the use of alternative liners in the Boone-St. Joe formation. ADEQ's guidance document for alternative liner demonstration dated December 12, 1994 states that "Alternative liner demonstrations shall not be approved in karst formations." Karst formations are geological formations that are fractured and through which water easily flows. The Tontitown Landfill is located in an area of the state that is included in the Boone and

A conflict exists between guidance documents and regulations concerning the use of alternative liners in the Boone-St. Joe formation.

St. Joe formations. According to the Arkansas Geological Commission these are karst formations. Section 22.425(j) of Regulation 22 allows ADEQ to approve alternative liner design proposals if they are determined by the staff to meet or exceed minimum standards. The conflict between guidance document and Regulation 22 should be addressed.

Management Response:

As stated above, Regulation 22 is currently undergoing the first redrafting since its inception in 1995. The Division will take into account the technical development and viability of alternative liners in karst environments, and propose to the ADEQ Policy Review Committee language for updating the Guidance Document.

ADEQ requested an alternative liner demonstration in August 1999 after Waste Management had already installed a liner other than the type specified in the regulations. ADEQ never responded to Waste Management’s alternative liner demonstration and Waste Management assumed approval of the liner based upon Section 22.428(i) of Regulation 22 which states “If no notice to the contrary is received by the owner or operator within 14 days after receipt by the Department of the report, the report shall be deemed to be acceptable and disposal operations may commence.” Consideration should be given to revising Section 22.428(i), which allows for approval based upon no response from ADEQ.

Management Response:

As stated above, Regulation 22 is currently undergoing the first redrafting since its inception in 1995. The provision allowing approval based on no response from the Department will be addressed at that time.

In April 2001 Waste Management applied for a certificate of need from the Four-County Solid Waste District for the expansion of its Tontitown Landfill. Regulation 22 requires a certificate of need for the modification of permits. The Four-County Solid Waste District denied the certificate based upon a study conducted that determined the geology of Northwest Arkansas was unsuitable for landfills. Waste Management appealed the decision and ADEQ’s Director ruled in favor of Waste Management, allowing the company to proceed with the permit process. The Four-County Solid Waste District Board appealed the Director’s decision to the Pollution Control and Ecology Commission in accordance with Section 22.207 of Regulation 22. The Commission’s Administrative Hearing Officer denied the appeal stating the District Board did not properly appeal the decision. The appropriateness of appealing a certificate of need ruling issued by the Director is not clear. Section 22.207 of Regulation 22 states an “Appeal of the Director’s decision shall be conducted with the requirements of Regulation 8 of the Department.” However, Regulation 8 does

Regulation 8 does not specifically address the issue of appealing a certificate of need decision.

not specifically address the issue of appealing a certificate of need decision. We recommend that the Pollution Control and Ecology Commission examine the language of Regulation 22 and Regulation 8 as it relates to the appeal of a certificate of need decision to eliminate any confusion in filing such appeals.

The Tontitown Landfill was inspected in accordance with guidelines set forth within the Enforcement Branch. However, those guidelines allow for inconsistency in evaluating landfills since scores can differ based upon the discretion of individual inspectors. For example, guidelines indicate, "In instances of repetitive violations, such as follow-up inspections, the assigned points will double." However, when reviewing inspection reports for the Tontitown Landfill, this practice was not applied consistently. Leachate leaks were noted at the landfill on several of the inspection reports and in many cases on consecutive reports. However, scores were doubled for this violation only occasionally. Interviews with the Enforcement Branch Manager, Enforcement Administrator, and Inspector Supervisor indicated this occurred due to the interpretation of what constitutes a repeat violation. If in one report leachate leaks were noted on the south side of the landfill and in the next leachate leaks were noted on the north side, then the inspector may not consider this to be a repeat violation since the leaks were in different parts of the landfill. Efforts should be made to clarify this issue to allow for consistent evaluation of landfills.

Management Response:

The Solid Waste Management Division agrees that there is a need to clearly define when to double points. The Division proposes to amend language in the Inspector's Manual to read: "If a violation is repeated per line item, within a specific time frame, this may constitute a separate offense and the points would be doubled." This change would lessen the subjectivity in determining when to double points. The Enforcement Branch is committed to improving our methodologies to provide for more efficient and consistent operations.

Formal enforcement action was taken against the Tontitown Landfill in the form of a Notice of Violation issued April 26, 2002. This action was taken after a former Waste Management employee reported to ADEQ that a part of the landfill's liner had failed. A subsequent investigation revealed that the landfill was not properly recording leachate accumulation readings and had exceeded the action leakage rate (ALR). The landfill also failed to stop fill operations and report the violation to ADEQ when the ALR was exceeded. Both the Class 1 and Class 4 facilities were ordered to cease landfill operations in the Notice of Violation. The Notice of Violation also required Waste Management to pay a civil penalty of \$558,000 for violations at both facilities. In a Consent Administrative Order (CAO) dated May 28, 2002, the Class 4 facility was allowed to reopen and

Waste Management was assessed a \$50,000 civil penalty. In a CAO dated August 30, 2002, the Class 1 facility was allowed to reopen and Waste Management was assessed a civil penalty of \$175,000 with an additional \$125,000 to be spent on supplemental environmental projects. Although guidelines exist within the Enforcement Branch for determining the amount of civil penalty to be assessed, the only statutory requirement for such is that the penalty shall not exceed \$10,000 per violation. The determination of civil penalties is at the discretion of ADEQ's Director.

The determination of civil penalties is at the discretion of ADEQ's Director.

BACKGROUND

Waste Management, Incorporated, through a subsidiary known as Waste Management Tontitown Landfill, LLC, operates a landfill facility near Tontitown, Arkansas, known as the Waste Management Tontitown Landfill. The facility includes an active Class 1 landfill, an active Class 4 landfill and two inactive historic landfills. The 66-acre Class 1 Tontitown landfill is permitted to dispose of household, commercial and some industrial solid wastes. The Class 4 landfill is permitted to accept and dispose of construction debris, household appliances and other inert wastes. The Tontitown Landfill site is the only facility in the Tri-County Solid Waste District permitted for the disposal of municipal solid waste. The Tri-County Solid Waste District covers Benton, Madison and Washington counties in Northwest Arkansas. The Arkansas Department of Environmental Quality, pursuant to Arkansas Code Annotated 8-6-207, is responsible for regulating solid waste landfills in the state of Arkansas. The Pollution Control and Ecology (PC&E) Commission has authority to promulgate rules and regulations applicable to the Arkansas Department of Environmental Quality per Arkansas Code Annotated 8-6-207.

Waste Management sought, beginning in April 2001, to expand its Class 1 facility at Tontitown from 66 acres to 112 acres. The Four-County Solid Waste District, which is now the Tri-County Solid Waste District, denied a certificate of need for expansion and the expansion has been opposed by a group of citizens who live near the facility. The Arkansas Department of Environmental Quality on April 26, 2002 ordered both the Class 1 and Class 4 facilities closed based upon an investigation that revealed the landfill had failed to record

leachate accumulation and had also exceeded the action leakage rate (ALR). The landfill failed to cease fill operations and report the violation to ADEQ as required by its permit. The investigation was initiated after a former Waste Management employee alleged that part of the landfills liner system had failed. The investigation could not determine the validity of that complaint. The Class 4 facility was subsequently reopened in May 2002 and the Class 1 facility was reopened in August 2002 per agreements reached between ADEQ and Waste Management. The expansion of the facility is on hold as of the date of this report.

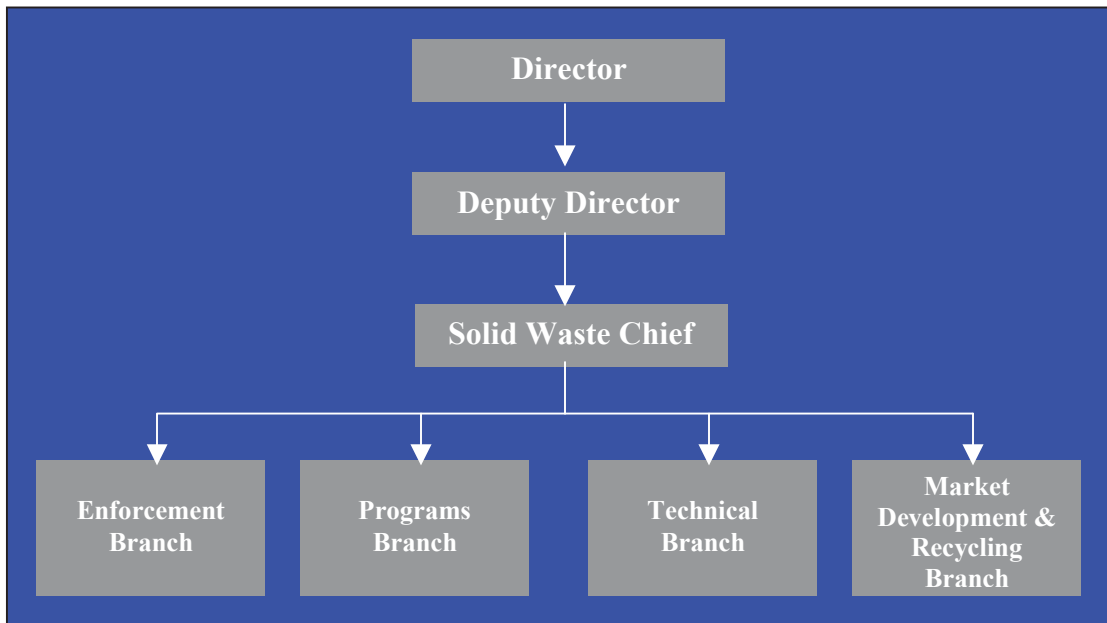
ORGANIZATIONAL STRUCTURE

The Arkansas Department of Environmental Quality (ADEQ), the agency charged with enforcing Arkansas' environmental laws and regulations, employs 372 people agency-wide. The Solid Waste Management Division of ADEQ is responsible for regulating the disposal of non-hazardous solid waste. The division consists of 38 employees and is organized as shown in **Exhibit I on page 2**.

The responsibilities of the four branches of the Solid Waste Management Division are:

Enforcement Branch - Responsible for ensuring permitted facilities are operating according to federal and state requirements and specific requirements identified in the permit, complaint investigations, and illegal dumping enforcement action. This branch consists of a manager, an Enforcement Administrator, an Inspector Supervisor and eight District Inspectors.

**Exhibit I
Solid Waste Management Division
Organizational Chart**



Market Development & Recycling Branch - Provides staff support for the Arkansas Marketing Board for Recyclables and assists in the development of markets for recycled materials. This branch consists of Market Development and Recycling each headed by Section Managers.

Programs Branch - Provides administrative, financial, and programmatic assistance to the division. It manages the collection of fees and distribution of grant funds, the Waste Tire Management Program, and the licensure programs for Solid Waste Management Facility Operators and Illegal Dump Control Officers. A Program Support Manager heads this branch of eight employees.

Technical Branch - Provides technical assistance during facility permitting and is primarily responsible for permitting all solid waste management facilities. This branch consists of five engineers, three geologists and an administrative assistant.

GOVERNING LAWS AND REGULATIONS

Title 8, Chapter 6 of the Arkansas Code Annotated governs the disposal of solid waste in the State of Arkansas. Arkansas Code Annotated 8-6-207 identifies the powers of the Pollution Control and Ecology Commission and the Arkansas Department of Environmental Quality with respect to solid waste. The Commission is authorized to promulgate rules and regulations while the Department is charged with administering and enforcing all laws, rules and regulations relating to solid waste. The Pollution Control and Ecology Commission's Regulation Number 22 is the guiding document for ADEQ's Solid Waste Management Division. During the course of our review, we examined multiple sections of Regulation 22 to determine if the regulations applicable to the Tontitown Landfill were properly enforced.

One area brought to our attention was the approval of an alternative liner in 1999 that was installed prior to ADEQ's approval. Documents show that in 1999 the Tontitown Landfill was given conditional authorization to begin disposal operations in an area known as the North Phase. This area utilized a geosynthetic clay liner (GCL) in place of a two-foot thick clay liner (CCL). In an August 6, 1999 letter from the Solid Waste Management Division Chief to Waste Management's District Manager, conditional authorization was given to begin disposal contingent upon, among other conditions, that an alternative liner demonstration be submitted "...with sufficient documentation and justification to satisfy Regulation 22 conditions and Department guidance for any liner system other than that specifically delineated for the Boone - St. Joe formation..." The Boone and St. Joe formations underlie the majority of Northern Arkansas according to the Arkansas Geological Commission. The formation is known as a karst formation, which means that it is fractured and water easily flows through it.

ADEQ's guidance document for alternative liner design and demonstration dated December 12, 1994 states that alternative liner demonstrations **shall not** be approved in karst formations. However, Section 22.425(j) allows the Department to approve alternative designs proposals if they are determined by the staff to meet or exceed the minimum standards set forth in Section 22.425. Such a conflict between published guidance documents and regulations should be addressed. The alternative liner demonstration was submitted on August 11, 1999 but ADEQ never responded in writing to Waste Management concerning the report. Waste Management assumed approval of the demonstration based upon Section 22.428(i) of Regulation 22

that states "If no notice to the contrary is received by the owner or operator within 14 days after receipt by the Department of the report, the report shall be deemed to be acceptable and disposal operations may commence." This section appears only to apply to reports that are submitted only to the commencement of disposal. Since disposal had already begun at the site it is unclear whether this section should apply in this circumstance. Also, consideration should be given to revise this section of Regulation 22 to allow for confirmation from ADEQ before disposal is allowed instead of allowing confirmation to be assumed by the passage of time. Additionally, we found no language in Regulation 22 that gives ADEQ the authority to issue conditional authorizations for disposal.

In a June 8, 1999 letter ADEQ's permit engineer conditionally authorized Waste Management to begin waste filling in an area known as the South Phase. It is unclear what authority exists to issue such an authorization or from what law or regulation such an approval comes. In an August 6, 1999 letter the Solid Waste Management Division Chief granted conditional authorization for Waste Management to begin fill operations in an area known as the North Phase. Again, although this conditional authorization came from management, it is unclear what authority exists to issue conditional authorization. Prior to the issuance of this conditional authorization, the permit engineer wrote two memos in July that documented some of his concerns with the construction of the North Phase. He noted in a July 14, 1999 memo "The substitution of GCL for 2' of compacted clay in one of the double composite liners, without development of an alternative liner demonstration by the designer and without submittal of it for the necessary approval by ADEQ, is particularly disturbing."

LANDFILL PERMITTING PROCEDURES

The Tontitown Landfill is currently operating under the permits shown in **Exhibit II**. The current permits terminate on the expiration dates indicated or when the authorized fill elevations have been reached, whichever occurs first.

Regulation 22 (22.1502) states, "No person shall construct, install, alter, modify or operate any solid waste processing or disposal facility or disposal site without a permit from the Department." The process to permit landfills in Arkansas can be divided into two phases, pre-application and application.

**Exhibit II
Current Tontitown Landfill Permits**

	Permit Class	Permit Number	Effective Date	Expiration Date
1.	Class 1	0290-S1-R1	July 31, 1997	July 31, 2007
2.	Class 4	0290-S4-R1	April 16, 1997	April 16, 2007

Pre-application

This phase is intended to inform ADEQ and the public that a facility is in the planning process. During this phase, the applicant is required to submit:

- Host community approval
- Certificate of need from local Solid Waste Management District
- Pre-application form and fee
- Proof of right of entry
- Compliance with local restrictions
- Ownership disclosure statement
- Maps of site
- Preliminary soil conditions report

A preliminary site investigation is also required and consists of the following:

- Public meeting held to informally discuss the project
- Determination of general suitability of the site
- Input from other interested local, state and federal agencies

A findings report must then be issued by ADEQ indicating whether the site is considered suitable for continuing the permit process. If ADEQ approves the site, then the application phase begins.

Application

The application phase begins with an application meeting prior to the submission of the application. The Solid Waste Management Division of ADEQ then reviews the submitted application and prepares a draft permit. The decision to issue a final permit is done by ADEQ and includes a time frame for a public hearing. The requirements for the application phase of the permitting process are shown in **Exhibit III on page 5**.

In April 2001 Waste Management applied for a certificate of need from the Four-County Solid Waste District for the expansion of its Tontitown Landfill. Per Regulation 22 all applicants for a new solid waste landfill permit or for an expansion of the permitted capacity of an existing landfill must obtain a certificate of need from the regional board with jurisdiction over the proposed

Exhibit III

Application Phase	
1.	Application meeting in which the applicant and Solid Waste Management Division staff discuss any issues identified in the pre-application phase and landfill design requirements
2.	Application submitted with: <ul style="list-style-type: none">• Hydrological report• Groundwater monitoring plan• Construction plans and specifications• Operating plans• Closure and 30-year post-closure plan• Application form and fee
3.	The application is declared “administratively complete” which requires the following: <ul style="list-style-type: none">• Staff determination that all required application documents are submitted• Publication of a legal notice in local newspaper by the applicant giving the public 10 business days to request a hearing
4.	The Solid Waste Management Division staff reviews the application documents for technical merit in which: <ul style="list-style-type: none">• The applicant responds to technical deficiencies in application submittals• Staff determines whether the landfill can be safely built and managed according to environmental regulations
5.	Solid Waste Management Division staff prepares a draft permit <ul style="list-style-type: none">• Draft permit contains specific conditions for building and operating the landfill• Applicant publishes a legal notice that begins a 30-day comment period• Public hearing may be called depending on comments received
6.	Final permit decision is made <ul style="list-style-type: none">• ADEQ considers public comments and a response is mailed to those who submitted comments• Beginning of 30-day appeal window for the applicant and others with standing to appeal

site. Regulation 22 guidelines state that the application must establish at a minimum that the facility:

1. Is consistent with the regional planning strategy adopted by the board in the regional needs assessment or the regional solid waste management plan;
2. Does not conflict with existing comprehensive land-use plans of any local governmental entities;

3. Does not disturb an archaeological site as recognized by the Arkansas Archaeological Survey, or a rare and endangered species habitat as recognized by the Arkansas State Game and Fish Commission or the United States Fish and Wildlife Service;
4. Will not adversely affect the public use of any local, state, or federal facility, including, but not limited to, parks and wildlife management areas;

5. Does not conflict with the requirements of local, state, or federal laws and regulations on the location of disposal facilities as outlined in Regulation 22.

Waste Management submitted its application with documentation pertaining to the above criteria. Regulation 22 states that the regional board may issue or deny the certificate of need based upon:

1. The information provided by the applicant in the petition for a certificate of need;
2. The requirements and considerations of any needs assessments;
3. The location of the applicant's proposed landfill based on the district's needs and its highway and road system;
4. The need for the landfill based upon the district's projected capacity which is currently permitted for operation, but in no event shall the district's permitted projected capacity exceed thirty (30) years;
5. Any solid waste management system plans, promulgated and approved pursuant to A.C.A. 8-6-211 and 8-6-212 to the extent these plans conform to an overall regional planning strategy;
6. A detailed history of the applicant's record and that of the stockholders and officers with respect to violations of environmental laws and regulations of the United States or any state or any political subdivision of any state; and
7. Any procedures adopted by the board for issuance of certificate of need.

The Four-County Solid Waste District's Board denied Waste Management's

certificate of need based upon its determination that the geology of Northwest Arkansas is unsuitable for development of additional landfills. In a letter dated July 20, 2001 from Steven Parker, Director of the Four-County Solid Waste District, to Waste Management, the Board based its decision largely on a study conducted in 1997 to look for suitable landfill sites within the district. The study resulted in a finding stating that no such sites existed.

As a result of this study the Board included in its 1998 Solid Waste Management Plan the following statement: *"During the next five years, the District will not attempt to locate a District-owned Class 1 landfill within the District's boundaries. The District will focus its efforts on minimizing the amount of wastes requiring Class 1 disposal and relying on current private and public landfills both within and outside the District for disposal capacity."* The Board reasoned that since its regional planning strategy called for no additional landfill capacity and one of the criteria for determining the issuance of a certificate a need is based upon the regional planning strategy, then Waste Management's request for a certificate of need did not satisfy all requirements. The Board denied the certificate of need even though its staff recommended its issuance. The staff determined that the planning strategy called for no new landfills and did not apply to expanding existing ones.

Regulation 22 (22.207) provides for the appeal of a certificate of need determination pursuant to A.C.A. 8-6-706. The procedures for appeal state:

1. Any person with standing to appeal may file an appeal within thirty days of the board's written determination. The appeal may be in the form of a pleading or a letter

containing: (a) A copy of the board's written determination; (b) The date of the board's determination; (c) The factual and legal grounds that form the basis for the appeal; (d) Copies of all exhibits and other supporting documents; and (e) A certificate of service showing that the appeal has been served upon the board. The appealing party must serve the board, by certified mail, a copy of the appeal and all supporting documentation.

2. Any board served with an appeal may file a written response to the appeal with the Director of ADEQ. The response must be received no later than thirty (30) days after the board receives the appeal. The response is to contain a reply to each of the grounds for appeal.
3. The Director may issue a Notice of Hearing if he feels that a hearing on the matter is necessary after reviewing the submissions by the parties.
4. The Director shall issue a written decision after determining whether the board's decision is supported by substantial evidence.

Waste Management appealed the board's decision to ADEQ's Interim Director, Richard Weiss, who then ruled in a November 30, 2001 written decision that the Four-County Solid Waste District Board did not use the proper criteria when it denied Waste Management's request for a certificate of need. The Director cited two main points in his reasoning for his ruling: (1) The board's decision to deny the certificate of need was based on technical factors which are not relevant matters for a regional solid waste district to consider during its certificate of need review, and (2) the board did not take into account criteria

required by law to be considered in its review process.

The Director determined that the board's decision to deny the certificate on the basis of geology was not appropriate and that those matters should be addressed during ADEQ's permit review process. The Director also pointed out that the board's staff had recommended the issuance of a certificate of need based on the criteria listed in Arkansas statutes and that there was no evidence to support that the board had used the criteria as a basis for denial. The Director's decision allowed Waste Management to proceed with the permit process without a certificate of need from the regional board.

Regulation 22 (22.207) states that an appeal of the Director's decision shall be conducted in accordance with the requirements of Regulation 8 of the Department. In December 2001, the Four-County Solid Waste District appealed the Director's decision to the Arkansas Pollution Control and Ecology Commission. Waste Management and ADEQ both filed motions for the appeal to be dismissed based upon the fact Regulation 8 only allows for the appeal of a final permitting decision and denial of a certificate of need does not fit that criteria since the issuance of a certificate is only a prerequisite for a permit. Waste Management contended that the board's appeal was premature and should wait until a final permit decision is made before appealing. Regulation 8 does not specifically address the issue of appealing a certificate of need decision although Regulation 22 cross-references to Regulation 8.

ADEQ in an informational brochure dated November 30, 2001 concerning the Tontitown Landfill indicated that both Waste Management and the Four-County Solid Waste District were entitled to appeal the Director's decision.

The PC&E Commission's Hearing Officer ruled that the District did not properly appeal the decision under Regulation 8. The District later requested a review of the Director's decision based upon Arkansas Code Annotated 8-4-201. The Commission voted to allow both the Solid Waste District and concerned citizens to be heard in a hearing in December 2002. We recommend that the Pollution Control and Ecology Commission examine the language of Regulation 22 and Regulation 8 as it relates to the appeal of a certificate of need decision

to eliminate any confusion as to the appropriateness of filing such appeals.

POLLUTION CONTROL AND ECOLOGY COMMISSION

The Arkansas Pollution Control and Ecology Commission is responsible under Arkansas Code Annotated 8-6-207 for the promulgation of rules and regulations to be carried out by the Arkansas Department of Environmental Quality. The Commission is comprised of thirteen (13) members as shown in **Exhibit IV**.

Exhibit IV

Pollution Control and Ecology Commission
<p>Agency directors, or designee, of the:</p> <ul style="list-style-type: none"> • Arkansas Game and Fish Commission • Arkansas Oil and Gas Commission • Arkansas Department of Health • Arkansas Geology Commission • Arkansas Soil and Water Conservation Commission • Arkansas Forestry Commission
<p>Appointed by the Governor:</p> <ul style="list-style-type: none"> • Seven members representing the four Congressional districts of Arkansas • Each district must have at least one representative • No district may have more than two representatives

The Commission also employs people in the following positions:

1. Administrative Hearing Officer;
2. Commission Secretary; and
3. Legal Secretary.

The Administrative Hearing Officer is employed by the Commission in accordance with Arkansas Code Annotated 8-1-204. The law states that the Administrative Hearing Officer is to direct and advise the Commission on matters of law and procedure that may arise during the conduct of Commission duties. The law also requires the Administrative Hearing Officer to be

selected and hired by the Commission and to be independent of and not an employee of the Arkansas Department of Environmental Quality. The office space of the hearing officer must be at a location other than the department.

In addition to prescribing rules and regulations charged to ADEQ, the Commission serves as the governing body for the challenging or contesting of Department actions. The Commission is also allowed to make recommendations to the Director regarding policy and administration. However, the Director remains under the authority of the Governor.

An objective of this review was the determination of whether the Commission carried out its role in relation to the Tontitown Landfill. Arkansas Code Annotated 8-6-207 requires the Commission to set rules and regulations governing the administrative procedures for challenging or contesting department actions which the Commission has done with the issuance of Regulation 8. The Commission is also required to establish policies and standards for effective solid waste disposal and management systems, which it has done with the issuance of Regulation 22.

INSPECTIONS

The Enforcement Branch of the Solid Waste Management Division is responsible for ensuring permitted facilities are

operating according to federal and state requirements and specific requirements identified in the permit. The Enforcement Branch has eight district inspectors statewide who perform inspections of all permitted facilities including landfills. The Tontitown Landfill is located in District 5, which covers the following counties: Benton, Carroll, Crawford, Franklin, Logan, Madison, Polk, Scott, Sebastian and Washington. The Arkansas Department of Environmental Quality is required by Arkansas Code Annotated 8-6-207 "To make periodic inspections not less than quarterly... of all solid waste disposal facilities or sites permitted under this subchapter...." **Exhibit V** reflects inspections of the Tontitown Landfill under the current Class 1 facility permit.

Exhibit V
Tontitown Landfill
Number of Inspections per Quarter

Year	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
1997	N/A	N/A	1	1
1998	1	1	1	2
1999	1	1	1	1
2000	1	1	1	1
2001	1	1	1	1
2002	1	1	2	*

* Inspection yet to be performed.

Per ADEQ, the Tontitown Landfill was inspected in the first and second quarters of 1997 under the previous permit. Our examination of inspection reports for the period January 1, 1997 to present for the Tontitown Landfill are shown in **Schedule 1** on page 13.

Inspections are scored on a numerical basis with higher scores indicating more severe or numerous violations. The system was developed in 1996 in order to provide a statistical method for rating landfills. Landfills are evaluated by inspectors on a Facility Evaluation form that has violations grouped into three

categories: 1) least serious; 2) mid-range; and 3) most serious. Each line item is assigned a point value. Category 1 items receive 1 point, category 2 items receive 2 points and category 3 items receive 3 points. In instances of repeat violations the assigned points values should double according to ADEQ inspection guidelines. The forms utilize the scoring system to determine the status of the landfill. Total scores fall within one of three ranges:

1. Satisfactory (0 to 16),
2. Marginal (17 to 24), or
3. Unsatisfactory (25 and up).

Those facilities with a score of 20 or above are inspected monthly. Since the scores for the Tontitown Landfill never exceeded that level, it was inspected quarterly as required by Arkansas law. The score for the Tontitown Landfill never exceeded 15, which put the landfill consistently in the satisfactory range.

We were provided with inspection guidelines dated January 14, 1999 that outline certain procedures inspectors are to follow when conducting an inspection. Per those guidelines, inspectors are to perform a thorough walk through of the facility and make visual observations of the following:

- Surface water management
- Leachate management and disposal
- Cover requirements
- Ground water and gas monitoring devices
- General operating requirements

After the walking tour of the site the inspector should determine compliance based on record keeping. The following items should be reviewed:

- Groundwater monitoring reports
- Liner certification reports
- Engineering reports
- Random inspection documentation for hazardous waste
- Methane monitoring reports
- Special waste disposals
- Leachate disposal
- Waste receipt records
- Records specific to the facility

At the conclusion of the inspection the inspector is to complete the appropriate forms and review all aspects of the inspection with the manager/operator. Noted violations are to be discussed in detail on site so that the facility can address them promptly. The facility manager should sign the inspection report and a copy of the report is left with the facility. The inspector retains a

copy of the report and a copy is sent to the ADEQ office in Little Rock. An example of an inspection report is shown at **Appendix A**.

The inspector is responsible for determining the severity of violations witnessed during the inspection and whether those violations warrant some sort of corrective action. If the inspector felt that a major problem existed or the facility was not attempting to correct problems noted then he may initiate some sort of corrective action against the facility. However, no formal guidelines exist as to when or what type of corrective action is to be issued. Tontitown inspectors noted the evidence of leachate leaks in several of the inspection reports. Inspectors have the option of doubling points for repeat violations occurring at the facility. There is no formal guideline for what constitutes a repeat violation or when or if an inspector must double the points. It is the sole discretion of the inspector. In some instances the scores for leachate violations were doubled at the Tontitown Landfill and in some instances they were not. Also, in an interview with Enforcement Branch employees, it was noted that some violations could have been missed. Improper leachate disposal records may not have been detected due to either the volume of documents the inspector had to examine or failure by Waste Management to include all pertinent data in those records.

ENFORCEMENT ACTIONS

The Enforcement Branch of the Solid Waste Management Division consists of thirteen personnel including the eight district inspectors and is the enforcement arm of the Division. This branch is responsible for ensuring permitted facilities are operating according to federal and state requirements as well as specific requirements in the permit. The

Enforcement Branch also investigates complaints and illegal dumping activities.

An enforcement action is defined by ADEQ as “Any action taken by the Division to compel a facility to be in compliance with a permit, statutes, rules and regulations of the Department.” Those actions may consist of inspection reports, compliance letters, corrective action notices (CAN’s), consent administrative orders (CAO’s), or notice of violations (NOV’s). Enforcement actions may be either informal or formal. Informal enforcement actions include compliance letters, information requests, corrective action notices and compliance meetings. Corrective action notices are written letters that require the submittal of a plan for correcting existing violations. These actions are initiated by the Solid Waste Chief or a Branch Manager based upon information obtained through District Inspectors and are signed by the Enforcement Administrator. If the District Inspector feels that informal enforcement actions have not been successful he will then consult with the Inspector Supervisor to determine if formal corrective action may be necessary. Formal enforcement actions utilized by the Division are Notice of Violations, Consent Administrative Orders, Emergency Orders and injunctions. These formal actions require the assistance of ADEQ’s Legal Division and are signed by the Director.

The District Inspector, Inspector Supervisor and the Enforcement Administrator will meet to determine an appropriate category for the violator. Violators are grouped into three categories:

1. Low Priority Violators
2. Medium Priority Violators
3. High Priority Violators

After the violator is ranked into one of the above categories then an appropri-

ate penalty is determined for the noted violations. Regulation 7 is used as a guide for assessing penalties. Section 4 of Regulation 7 states “The amount of any civil penalty to be assessed for any person for the violation of any provision of the Arkansas Solid Waste Management Act...shall not exceed \$10,000.00 per violation. Each day of a continuing violation may be deemed a separate violation.” The Enforcement Branch uses the following guideline in assessing penalties:

Category Ranking	Penalty Range
1	\$300-\$3,000
2	\$500-\$5,000
3	\$1,000-\$10,000

Section 9 of Regulation 7 requires the Department to consider the following factors when determining the amount of penalty to be assessed:

1. The seriousness of the noncompliance and its effect upon the environment, including the degree of potential or actual risk or harm to the public health;
2. Whether the cause of the non-compliance was an unavoidable accident;
3. The violator’s cooperativeness and expeditious efforts to correct the violation;
4. The history or a violator in taking all reasonable steps or procedures necessary or appropriate to correct any noncompliance;
5. The violator’s history of previous documented violations regardless of whether or not any administrative, civil, or criminal proceeding was commenced;

6. Whether the cause of the violation was an intentional act or omission on the part of the violator;
7. Whether the noncompliance has resulted in economic benefit or pecuniary gain to the violator, including but not limited to cost avoidance;
8. Whether the pursuit and the execution of the enforcement action has resulted in unusual or extraordinary costs to the Department or the public;
9. Whether any part of the non-compliance is attributable to the action or inaction of the state government;
10. Whether the violator has delayed corrective action.

The penalty, as determined by the Enforcement Branch, is subject to review by the Solid Waste Management Division Chief, the Deputy Director, the Legal Division and the Director. Penalties are often negotiated down from their original amount but there are no set written guidelines for this procedure. The amount of penalty assessed by ADEQ is under the discretion of the Director. A Notice of Violation was issued for the Tontitown Landfill on April 26, 2002. Per ADEQ,

there were no other enforcement actions, informal or formal brought against the Tontitown Landfill in recent history.

The notice identified the allegations against the landfill and called for a civil penalty of \$558,000. It also ordered the landfill to cease all fill operations at the Class 1 and Class 4 facilities and called for the submission of a Corrective Action Plan. In May 2002 ADEQ issued a Consent Administrative Order allowing the Class 4 facility to reopen and requiring Waste Management to pay a civil penalty of \$50,000. In August 2002 ADEQ issued a Consent Administrative Order allowing the Class 1 facility to reopen and requiring Waste Management to pay a civil penalty of \$175,000 plus an additional expenditure of \$125,000 to be spent on supplemental environmental projects.

The \$50,000 civil penalty was paid and deposited into the State Treasury by ADEQ on June 18, 2002. ADEQ received \$175,000 as payment for the civil penalty related to the Class 1 facility on September 24, 2002 but cannot deposit the check until November 10, 2002 due to public notice policy. Waste Management has submitted proposals for the supplemental environmental projects; however, as of the date of this report Waste Management's proposals have not been reviewed by ADEQ.

TONTITOWN LANDFILL			
Class 1 Inspection Dates and Results			
Date	Score	Inspector	Findings
June 17, 1997	4	T. Coleman	<ul style="list-style-type: none"> ○ Road must be upgraded to allow easy access in all weather conditions ○ Not enough random inspections for hazardous waste disposal
August 20, 1997	3	T. Coleman	<ul style="list-style-type: none"> ○ Leachate seeps noted
September 11, 1997	0	T. Coleman	
October 28, 1997	3	T. Coleman	<ul style="list-style-type: none"> ○ Leachate seeps noted
February 4, 1998	3	T. Coleman	<ul style="list-style-type: none"> ○ Several leachate seeps noted
April 14, 1998	3	T. Coleman	<ul style="list-style-type: none"> ○ Several leachate seeps noted
August 6, 1998	3	T. Coleman	<ul style="list-style-type: none"> ○ Minor leachate seeps noted
October 27, 1998	6	S. McWilliams	<ul style="list-style-type: none"> ○ Leachate leaks noted
October 29, 1998	3	S. McWilliams	<ul style="list-style-type: none"> ○ Hazardous waste disposal not detected
January 15, 1999	15	S. McWilliams	<ul style="list-style-type: none"> ○ Several leachate leaks noted ○ Erosion resulting in exposed refuse
May 10, 1999	0	R. Parker	
August 26, 1999	3	R. Parker	<ul style="list-style-type: none"> ○ Leachate seeps noted
October 19, 1999	6	R. Parker	<ul style="list-style-type: none"> ○ Leachate seeps noted
March 7, 2000	6	S. McWilliams	<ul style="list-style-type: none"> ○ Leachate seeps noted ○ Leachate levels not recorded
May 16, 2000	12	S. McWilliams	<ul style="list-style-type: none"> ○ Leachate leaks noted ○ Leachate levels not recorded
September 12, 2000	0	J. Sparrow	
November 2, 2000	2	J. Sparrow	<ul style="list-style-type: none"> ○ No notes available (Form indicates litter control)
February 28, 2001	9	J. Sparrow	<ul style="list-style-type: none"> ○ No notes available (Form indicates litter control, final vegetation cover and leachate leaks)
May 31, 2001	7	J. Sparrow	<ul style="list-style-type: none"> ○ No notes available (Form indicates final vegetations cover and daily cover)
September 25, 2001	2	J. Sparrow	<ul style="list-style-type: none"> ○ No notes available (Form indicates final vegetation cover)
December 6, 2001	4	J. Sparrow	<ul style="list-style-type: none"> ○ No notes available (Form indicates final vegetation cover)
March 12, 2002	2	J. Sparrow	<ul style="list-style-type: none"> ○ No notes available (Form indicates litter control)
June 20, 2002	3	J. Sparrow	<ul style="list-style-type: none"> ○ No notes available (Form indicates leachate disposal records)
July 29, 2002	0	J. Sparrow	<ul style="list-style-type: none"> ○ Facility not accepting waste
August 27, 2002	0	J. Sparrow	<ul style="list-style-type: none"> ○ Facility not accepting waste

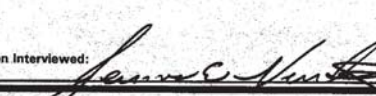

Appendix A
Example of a
Class 1 Inspection Report
And
Corresponding Letter

Appendix A

Arkansas Department of Pollution Control and Ecology Facility Evaluation			
Name of Site: WASTE MNGT. - TONTITOWN	County: Washington	CSN # 72-0144	Permit # 290-SL-R1
Location: WCR 865	Address of Permittee: J. M. Dunbar 100 Two Pines NLR AR 72117		
Telephone Number: 501-361-2069	Licensed Operator & No: Mike McCloud	Date: 9-25-01	
CLASS 1 LANDFILL		Entry Time: 1330 Exit Time: 1530	

OPERATIONAL STANDARDS	
<p style="text-align: center;">CATEGORY 1 VIOLATIONS</p> <p>1 2 4</p> <p>___ Adequate employee facilities 411(i)</p> <p>___ Record keeping meets requirements specified by regulations 421(a)(b)</p> <p>___ Feeding of farm or domestic animals prohibited 411(f)(2)</p> <p>___ Salvage operations meet approved conditions 411(e)</p> <p>___ Required facilities, fencing and information signs posted 417(b)</p> <p>___ Access confined to hours of operation 417(d)</p> <p>___ Scavenging of waste prohibited 411(f)(1)</p> <p>___ Proper wet weather repairs 411(p)</p> <p>___ Operations by licensed on-site personnel at all times 411(b)</p> <p>___ Waste spread and compacted as unloaded 411(d)</p> <p>___ Adequate all weather operational roads 417(c)</p> <p>___ Adequate provisions for backup equipment 411(j)</p> <p>___ Waste receipt records, ticket system maintained 421(d)</p> <p>___ Telephone system and written emergency response plan on site 411(k)</p>	<p style="text-align: center;">CATEGORY 3 VIOLATIONS</p> <p>3 6 12</p> <p>___ Operations in accordance with permit documents 411(a)</p> <p>___ Gas monitoring program 415</p> <p>___ Facility implements operating plan and narrative 422</p> <p>___ Hazardous waste exclusion plan 412</p> <p>___ Satisfactory daily cover 413(a)</p> <p>___ Open burning prohibited 416(b), 411(f)(4)</p> <p>___ Cause discharge 419</p> <p>___ Leachate disposal records 421(f)</p> <p>___ Special waste disposal and procedures records 421(g), 701</p> <p>___ Depositing waste in standing water prohibited 411(f)(3), 419(a)(4)</p> <p>___ Erosion or other cover defects resulting in exposed refuse 411(o)</p> <p>___ Leachate leaks or evidence of leachate seepage 411(o)</p> <p>___ Satisfactory alternative cover 413(b)</p> <p>___ Leachate discharge leaving landfill 419(a)(5)</p>
<p style="text-align: center;">CATEGORY 2 VIOLATIONS</p> <p>2 4 8</p> <p>___ Adequate access control 417(a)</p> <p>___ Smallest practical area, unloading supervised, single working face 411(c)</p> <p>___ Litter control provisions maintained 411(g)</p> <p>___ Disease vectors controlled 414(a)</p> <p>___ Contouring prevents surface water flowing into or through waste 411(h)(1)</p> <p>___ Plans and narrative updated to reflect current operation 422(c)</p> <p>___ Annual compliance inspection by registered professional engineer 423(b)</p> <p>___ Run-on/run-off control system present and adequate 418(a)(b)</p> <p>___ Surface water control prevents off-site sediment accumulation 411(h)(2)</p> <p>___ Landfill complies with liquid restrictions 420</p> <p>___ Adequate maintenance of final cover vegetation 411(i)</p>	<p>TOTAL POINTS <u>2</u></p> <p>Point Scale 0-16 (S) 17-24 (M) ≥25 (U)</p>

RECORDS/OTHER CRITERIA/COMMENTS	
Date of last groundwater monitoring report	July 01
Date of last liner certification report	9 Sept 01 for North Phase (2A Site) 421(a)(8), 1204(b)
Date of last engineering report	9-28-01 421(a)(8), 428(h)
Date of last random inspection for hazardous waste	9-25-01 Total # for month 19 for Aug 423(b)
Date of last quarterly methane monitoring	6/12/01 Detection level >100 % LEL 412(a)
Date of last special waste received	9-25-01 Sludge Disposal location CLASS 415, 421(a)
Date of leachate disposal	10080 method TRUCK location Moss Kogee 421(g), 412(a)(2)
Last months reported waste received	(Aug) Tons 18771 Cy 81424 421(f)
Corrective Action letter from WM Dated 6-14-01	

Signature of Person Interviewed: 	Signature of Inspector: 
--	--

Appendix A



ARKANSAS
Department of Environmental Quality

October 19, 2001

Jimmy Hendrix
Tontitown Landfill
P.O. Box 1310
Springdale, AR 72765

RE: CSN 72-0144 Permit Nbr. 0290-S1-R1

Dear Mr. Hendrix:

On September 25, 2001, I performed a routine inspection of your facility pursuant to the Arkansas Solid Waste Management Reg. 22, and the above referenced permit. A copy of the inspection report is enclosed for your review.

Refer to the report to note any allegations of deficiencies that require corrective action. Please send a written response to the corrective action taken. **Failure to respond to this letter in writing shall be construed as an admission of any allegations contained therein. Any items noted that are neglected and persistent may warrant enforcement action.**

If I can be any further assistance, feel free to contact me at (501) 452-4882 or P.O. Box 11045, Ft. Smith, AR., 72917-1045.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Sparrow", is written over a horizontal line.

Justin Sparrow, Inspector
Solid Waste Division

cc: Central Files
Enforcement Branch Files, SW

D:\Inspector Files\Inspections\Class 1\0290-S1-R1\Letter\0290-S1-R1.wpd

SOLID WASTE MANAGEMENT DIVISION
8001 NATIONAL DRIVE / POST OFFICE BOX 8913 / LITTLE ROCK, ARKANSAS 72219-8913 / TELEPHONE 501-682-0602 / FAX 501-682-0611
www.adeg.state.ar.us

Murillo, Kacy

Subject: RE: WM Eco-Vista Class 4 Landfill - Draft Permit Comments

AFIN: 72-00144
PMT#: 0290-S4-R1
Received <i>By Kacy Murillo at 8:09 am, Sep 6, 2022</i>
DOC ID#: 82560
TO: AC>FILE <KM

----- Original message -----

From: "Conrad, David" <DConrad@wm.com>
Date: 9/2/22 9:53 AM (GMT-06:00)
To: "Cusher, Annette" <Cusher@adeq.state.ar.us>
Cc: "Reynolds, Jodi" <jreyno10@wm.com>
Subject: WM Eco-Vista Class 4 Landfill – Draft Permit Comments

Dear Ms. Cusher, attached is the comment letter from Eco-Vista, LLC regarding the draft permit. Should you have any questions, please call me at any time. 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
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Eco-Vista Landfill
2210 Waste Management Drive
Springdale, Arkansas 72762

September 2, 2022

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

Dear Ms. Cusher,

**Subject: Eco-Vista Landfill – Class 4
Draft Permit Decision - Draft Permit #: 0290-S-R2; AFIN: 72-00144**

This letter is in response to the above-mentioned Draft Permit. With this letter Eco-Vista, LLC (EVLf) offers the following comments:

Site Specific Condition 1: Sheet 11 of 12 was not included in the list of approved permitted plans. Please clarify this omission.

Site Specific Condition 4: The condition references 'paper waste including cardboard' as being not authorized for acceptance at this facility. EVLF believes it would be difficult to control/enforce this restriction since paper wastes and cardboard are common wastes from construction and demolition projects. EVLF would ask that this language be removed from the permit.

Site Specific Condition 13: EVLF would ask that the condition be edited as follows:

- 1) The second sentence change to: 'The quality and quantity of leachate produced shall be monitored during the active life of the landfill and during the post-closure period.' EVLF believes this is an adequate condition and eliminates any ambiguity.
- 2) The fifth sentence change to: 'When and if the Class 4 facility begins to truck its leachate to an off-site disposal facility, EVLF will monitor on a quarterly basis the parameters noted in the following table.'

General Condition 29: Please change December 30 to December 31.

General Condition 31: Typographical error. The word 'practicable' should be replaced with 'practical'.

Should you have any questions, please contact me at 501-804-0806 or dconrad@wm.com. Thank you!

Eco-Vista, LLC

A handwritten signature in black ink that reads '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

AFIN: 72-00144

PMT#: 0290-S4-R1

Received

By Kacy Murillo at 3:30 pm, Sep 1, 2022

DOC ID#: 82558

TO: AC>FILE <KM

August 22, 2022

Nick Jones, P.E., Senior Operations Manager
Office of Land Resources (OLR), Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Mr. Jones,

We live in Tontitown, AR. Please be advised that we **DO NOT** want the Class 4 expansion of Eco Vista Waste Management Landfill to be approved.

Tontitown is a very small town that is now growing quickly. Eco Vista has been here for 40 years. We should not be allowing other states to bring their trash to a transfer station that is then brought to the Tontitown Eco Vista Landfill. It is time they move on to an area that does not have the growth that Tontitown has now.

Families that live near the landfill have been complaining for a long time of the horrible odor, dangerous fumes, and debris from the landfill.

At the very least we should be granted a public meeting before a decision is made to expand the landfill.

Thank you,

Marty + Karen Phillips
752 Via Sangro Rd
Tontitown, AR 72762

AFIN: 72-00144
PMT#: 0290-84-12

AUG 31 2022

August 22, 2022

DOC ID#: 02551
TO: AC'S FIVE LITER

Nick Jones, P.E., Senior Operations Manager
Office of Land Resources (OLR), Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Mr. Jones,

We live in Tontitown, AR. Please be advised that we **DO NOT** want the Class 4 expansion of Eco Vista Waste Management Landfill to be approved.

Tontitown is a very small town that is now growing quickly. Eco Vista has been here for 40 years. We should not be allowing other states to bring their trash to a transfer station that is then brought to the Tontitown Eco Vista Landfill. It is time they move on to an area that does not have the growth that Tontitown has now.

Families that live near the landfill have been complaining for a long time of the horrible odor, dangerous fumes, and debris from the landfill.

At the very least we should be granted a public meeting before a decision is made to expand the landfill.

Thank you,

Melma Buf
689 Via Sangro
Tontitown, AR 72762

AFIN: 72-00144
PMT#: 0290-84-R1

AUG 31 2022

August 22, 2022

DOC ID#: 82550
TO: ACS FILE 46M

Nick Jones, P.E., Senior Operations Manager
Office of Land Resources (OLR), Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Mr. Jones,

We live in Tontitown, AR. Please be advised that we **DO NOT** want the Class 4 expansion of Eco Vista Waste Management Landfill to be approved.

Tontitown is a very small town that is now growing quickly. Eco Vista has been here for 40 years. We should not be allowing other states to bring their trash to a transfer station that is then brought to the Tontitown Eco Vista Landfill. It is time they move on to an area that does not have the growth that Tontitown has now.

Families that live near the landfill have been complaining for a long time of the horrible odor, dangerous fumes, and debris from the landfill.

At the very least we should be granted a public meeting before a decision is made to expand the landfill.

Thank you,

Laurie & Garin Jennings

AFIN: 72-00144
PMT#: 0095-54-21

AUG 30 2022

August 22, 2022

DOC ID#: 82534
TO: ALS ALE ckm

Nick Jones, P.E., Senior Operations Manager
Office of Land Resources (OLR), Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Mr. Jones,

We live in Tontitown, AR. Please be advised that we **DO NOT** want the Class 4 expansion of Eco Vista Waste Management Landfill to be approved.

Tontitown is a very small town that is now growing quickly. Eco Vista has been here for 40 years. We should not be allowing other states to bring their trash to a transfer station that is then brought to the Tontitown Eco Vista Landfill. It is time they move on to an area that does not have the growth that Tontitown has now.

Families that live near the landfill have been complaining for a long time of the horrible odor, dangerous fumes, and debris from the landfill.

At the very least we should be granted a public meeting before a decision is made to expand the landfill.

Thank you,

Aminda Roberts

AFIN: 72-00144
PMT#: 0096-84-2

AUG 30 2022

DOC ID#: 82533
TO: AC FILE CMM

Leah Etchison
18573 Clearwater RD
Fayetteville, AR 72704

Nick Jones, P.E.
Senior Operations Manager
Office of Land Resources (OLR)
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Mr. Jones,

I have lived near Eco Vista landfill for 22 years and I do not want the Class 4 expansion of Eco Vista Waste Management landfill to be approved. The Tontitown area is growing rapidly around the landfill. Because of this growth, I feel the landfill should be relocated away from residential areas. Waste Management has yet to control the odor coming from the landfill. We now have a new school located 1.5 miles northeast of the landfill. Increasing the size of the landfill will have a negative impact on property values in the area. The landfill has caused us to have to replace countless tires due to debris from the landfill being on the road.

Sincerely

Leah Etchison



AFIN: 72-00144
PMT#: 0290-54-121

AUG 30 2022

DOC ID#: 82532
TO: AC > FILE LEM

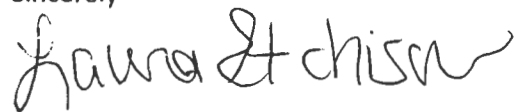
Laura Etchison
18573 Clearwater RD
Fayetteville, AR 72704

Nick Jones, P.E.
Senior Operations Manager
Office of Land Resources (OLR)
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Mr. Jones,

I have lived near Eco Vista landfill for 22 years and I do not want the Class 4 expansion of Eco Vista Waste Management landfill to be approved. The Tontitown area is growing rapidly around the landfill. Because of this growth, I feel the landfill should be relocated away from residential areas. Waste Management has yet to control the odor coming from the landfill. We now have a new school located 1.5 miles northeast of the landfill. Increasing the size of the landfill will have a negative impact on property values in the area. The landfill has caused us to have to replace countless tires due to debris from the landfill being on the road.

Sincerely



Laura Etchison

AFIN: 72-00144
PMT#: 0090-84-21

AUG 30 2022

Dear Mr. Jones

DOC ID#: 82531
TO: ACT FILE COM

I am writing this letter concerning the Tontitown landfill class 4 expansion. I have grew up on clearwater road and in the past two years built a house on my families land. We are about 1 mile west of Waste Management. Growing up I remember passing the landfill and it being small and not ever much about it. However as it begin to grow so did the problems. To start the debris in the roads I have become a pro in patching tires for my whole family I usually fix one a month. Along with that is the smell. At night and in the mornings when there is no wind the smell of gas is very strong. When the wind is blowing in our direction you can smell gas and depending on the day you can smell the trash, it is like walking next to a dumpster. Even though we are down from the landfill you can still here the noise of equipment running all day and sometimes into the night. With our cattle we struggle worse with flies when they are here versus when we have them on our land in Siloam. The landfill attracts vultures which means black headed vultures that are known to kill calves and even calving mothers. I have always wanted to live close to family however I regret building a house here now because the fear of the landfill expanding and how that is going to continue to be a problem for us and the residents of Tontitown and Washington county. I ask you to please decline the request for the landfill expansion.

Thank You,
Jacob Etchison



Danny Etchison
18573 Clearwater RD
Fayetteville, AR 72704

AFIN: 72-00144
PMT#: 0290-84-21

AUG 30 2022

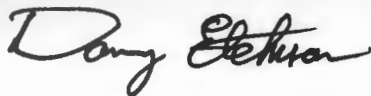
DOC ID#: 82530
TO: AC FILE LRM

Nick Jones, P.E.
Senior Operations Manager
Office of Land Resources (OLR)
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Mr. Jones,

I have lived near Eco Vista landfill for 22 years and I do not want the Class 4 expansion of Eco Vista Waste Management landfill to be approved. The Tontitown area is growing rapidly around the landfill. Because of this growth, I feel the landfill should be relocated away from residential areas. Waste Management has yet to control the odor coming from the landfill. We now have a new school located 1.5 miles northeast of the landfill. Increasing the size of the landfill will have a negative impact on property values in the area. The landfill has caused us to have to replace countless tires due to debris from the landfill being on the road.

Sincerely



Danny Etchison

Bonyon



Kathia Robles
1416 N Fieldstone Ave
Fayetteville, AR 72704

Nick Jones

5301 Northshore Dr

N. Little Rock, AR 72118-5317

Dear Mr Jones,

I am writing to you to let
you know that I do NOT want
the Class 4 expansion of Eco-
Vista Waste Management Landfill
to be Approved.

Best Regards,

Kathia Robles

Kathia Robles A

AFIN:

PMT#:

~~12-00144~~

~~0210-82-11~~

AUG 30 2022

DOC ID#:

TO:

82529

~~AC STATE EXAM~~

Please do not let
Class 4 expansion of
Oces - Vista Waste
management Landfill
to be approved.
Thank you
Velma Opela



AFIN: 72-00144
PMT#: 0290-54-21

AUG 30 2022

DOC ID#: 82528
TO: ACTIVE FIRM

8-19-2022

Nick Jones,
Senior Operations Manager OLR
Division of Environmental Quality

AFIN: ~~72-012144~~
PMT#: ~~0000-34-21~~

AUG 30 2022

DOC ID#: 82527
TO: ~~ACF/NE/OM~~

Please Do Not allow the
Class 4 expansion of Eco Vista Waste
Management Landfill in Tontitown Ar. !

DO NOT APPROVE This Expansion

Jim Brown

1851 S. Pinalto Rd
Tontitown, Ar.



AFIN: 72-00144
PMT#: 0290-84-12

AUG 30 2022

DOC ID#: 82526
TO: AC FILE LHM

Nick Jones / ADEQ

To Whom it may concern,

I would like to strongly oppose the class 4 expansion of the waste management landfill, located on Arbor Acres Avenue in Tontitown, Arkansas.

The landfill is encroaching on the residential community and because of this, there have been multiple issues.

Citizens are complaining of odor, gasses and toxic fumes being emitted in the air causing headaches, dizziness, nausea, burning eyes and other health symptoms, which are very concerning.

Our health is important. I hope you will take this into consideration. We must live with this daily.

There is muddy everywhere. On surrounding houses and roads. We live with trash and other debris in our yards and roads causing flat tires and broken windshields.

Currently waste management would not be allowed to put a landfill in this area. So, why would you allow an expansion?

Citizens of Tontitown no longer want a landfill in this location.

No expansion to the waste management eco vista landfill in Tontitown, Arkansas.

Thank you,

A handwritten signature in blue ink that reads "Angela Russell".

Mayor Angela Russell
City of Tontitown
235 E Henri De Tonti Blvd
Tontitown, AR 72770
Phone 479-361-2700

AFIN: 72-00144
PMT#: 0290-84-R1

AUG 30 2022

August 22, 2022

DOC ID#: 82525
TO: AC>FILE LRM

Nick Jones, P.E., Senior Operations Manager
Office of Land Resources (OLR), Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Mr. Jones,

We live in Tontitown, AR. Please be advised that we **DO NOT** want the Class 4 expansion of Eco Vista Waste Management Landfill to be approved.

Tontitown is a very small town that is now growing quickly. Eco Vista has been here for 40 years. We should not be allowing other states to bring their trash to a transfer station that is then brought to the Tontitown Eco Vista Landfill. It is time they move on to an area that does not have the growth that Tontitown has now.

Families that live near the landfill have been complaining for a long time of the horrible odor, dangerous fumes, and debris from the landfill.

At the very least we should be granted a public meeting before a decision is made to expand the landfill.

Thank you,

The Gilmores
753 Malbee Rd
Springdale, AR 72762

AFIN: 72-00144
PMT#: 0290-84-21

AUG 30 2022

August 22, 2022

DOC ID#: 82524
TO: AR FILE 4CM

Nick Jones, P.E., Senior Operations Manager
Office of Land Resources (OLR), Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Mr. Jones,

We live in Tontitown, AR. Please be advised that we **DO NOT** want the Class 4 expansion of Eco Vista Waste Management Landfill to be approved.

Tontitown is a very small town that is now growing quickly. Eco Vista has been here for 40 years. We should not be allowing other states to bring their trash to a transfer station that is then brought to the Tontitown Eco Vista Landfill. It is time they move on to an area that does not have the growth that Tontitown has now.

Families that live near the landfill have been complaining for a long time of the horrible odor, dangerous fumes, and debris from the landfill.

At the very least we should be granted a public meeting before a decision is made to expand the landfill.

Thank you,

Brooke Dahnert

Brooke Dahnert

798 Via Perona RD, Tontitown AR 72162

AFIN: 72-00144
PMT#: 0290-84-21

AUG 30 2022

August 22, 2022

DOC ID#: 82523
TO: AC FILE LRM

Nick Jones, P.E., Senior Operations Manager
Office of Land Resources (OLR), Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Mr. Jones,

We live in Tontitown, AR. Please be advised that we **DO NOT** want the Class 4 expansion of Eco Vista Waste Management Landfill to be approved.

Tontitown is a very small town that is now growing quickly. Eco Vista has been here for 40 years. We should not be allowing other states to bring their trash to a transfer station that is then brought to the Tontitown Eco Vista Landfill. It is time they move on to an area that does not have the growth that Tontitown has now.

Families that live near the landfill have been complaining for a long time of the horrible odor, dangerous fumes, and debris from the landfill.

At the very least we should be granted a public meeting before a decision is made to expand the landfill.

Thank you,

Jackie and Barbara Clement
648 Malbec Rd.
Tontitown, AR 72762

AFIN: 72-00144
PMT#: 0790-54-11

AUG 30 2022

August 22, 2022

DOC ID#: 82522
TO: ACS FILE CKM

Nick Jones, P.E., Senior Operations Manager
Office of Land Resources (OLR), Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Mr. Jones,

We live in Tontitown, AR. Please be advised that we **DO NOT** want the Class 4 expansion of Eco Vista Waste Management Landfill to be approved.

Tontitown is a very small town that is now growing quickly. Eco Vista has been here for 40 years. We should not be allowing other states to bring their trash to a transfer station that is then brought to the Tontitown Eco Vista Landfill. It is time they move on to an area that does not have the growth that Tontitown has now.

Families that live near the landfill have been complaining for a long time of the horrible odor, dangerous fumes, and debris from the landfill.

At the very least we should be granted a public meeting before a decision is made to expand the landfill.

Thank you,

Healy & Kim Young

AFIN: 72-00144
PMT#: 0290-84-R1

AUG 30 2022

August 22, 2022

DOC ID#: 82521
TO: ACT FILE 4m

Nick Jones, P.E., Senior Operations Manager
Office of Land Resources (OLR), Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Mr. Jones,

We live in Tontitown, AR. Please be advised that we **DO NOT** want the Class 4 expansion of Eco Vista Waste Management Landfill to be approved.

Tontitown is a very small town that is now growing quickly. Eco Vista has been here for 40 years. We should not be allowing other states to bring their trash to a transfer station that is then brought to the Tontitown Eco Vista Landfill. It is time they move on to an area that does not have the growth that Tontitown has now.

Families that live near the landfill have been complaining for a long time of the horrible odor, dangerous fumes, and debris from the landfill.

At the very least we should be granted a public meeting before a decision is made to expand the landfill.

Thank you,

Glen ~~Staff~~ Daniels
736 Via Sangro Rd
Springdale (Tontitown) AR
72762

AFIN: 72-00144
PMT#: ~~0290-84-21~~

AUG 30 2022

August 22, 2022

DOC ID#: 82526
TO: ~~AC > FILE CRM~~

Nick Jones, P.E., Senior Operations Manager
Office of Land Resources (OLR), Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Mr. Jones,

We live in Tontitown, AR. Please be advised that we **DO NOT** want the Class 4 expansion of Eco Vista Waste Management Landfill to be approved.

Tontitown is a very small town that is now growing quickly. Eco Vista has been here for 40 years. We should not be allowing other states to bring their trash to a transfer station that is then brought to the Tontitown Eco Vista Landfill. It is time they move on to an area that does not have the growth that Tontitown has now.

Families that live near the landfill have been complaining for a long time of the horrible odor, dangerous fumes, and debris from the landfill.

At the very least we should be granted a public meeting before a decision is made to expand the landfill.

Thank you,

Gene Lawrence
[Signature]

683 Malbec Rd.
Springdale, AR 72762

AFIN: 72-00144
PMT#: 0290-84-01

AUG 30 2022

August 22, 2022

DOC ID#: 82519
TO: AC FILE CCM

Nick Jones, P.E., Senior Operations Manager
Office of Land Resources (OLR), Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Mr. Jones,

We live in Tontitown, AR. Please be advised that we **DO NOT** want the Class 4 expansion of Eco Vista Waste Management Landfill to be approved.

Tontitown is a very small town that is now growing quickly. Eco Vista has been here for 40 years. We should not be allowing other states to bring their trash to a transfer station that is then brought to the Tontitown Eco Vista Landfill. It is time they move on to an area that does not have the growth that Tontitown has now.

Families that live near the landfill have been complaining for a long time of the horrible odor, dangerous fumes, and debris from the landfill.

At the very least we should be granted a public meeting before a decision is made to expand the landfill.

Thank you,

Jimmie & Kimberly Cooke

AFIN: 72-00144
PMT#: 0290-84-121

AUG 30 2022

August 22, 2022

DOC ID#: 82518
TO: AC FILE LHM

Nick Jones, P.E., Senior Operations Manager
Office of Land Resources (OLR), Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Mr. Jones,

We live in Tontitown, AR. Please be advised that we **DO NOT** want the Class 4 expansion of Eco Vista Waste Management Landfill to be approved.

Tontitown is a very small town that is now growing quickly. Eco Vista has been here for 40 years. We should not be allowing other states to bring their trash to a transfer station that is then brought to the Tontitown Eco Vista Landfill. It is time they move on to an area that does not have the growth that Tontitown has now.

Families that live near the landfill have been complaining for a long time of the horrible odor, dangerous fumes, and debris from the landfill.

At the very least we should be granted a public meeting before a decision is made to expand the landfill.

Thank you,

*Dale & Jean Hawkins
471 Via Liriosa Ave.
Tontitown, AR 72762*

AFIN: 72-00144
PMT#: 0290-84-121

AUG 30 2022

DOC ID#: 82517
TO: AC 7 FILE 2 KM

August 22, 2022

Nick Jones, P.E., Senior Operations Manager
Office of Land Resources (OLR), Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Mr. Jones,

We live in Tontitown, AR. Please be advised that we **DO NOT** want the Class 4 expansion of Eco Vista Waste Management Landfill to be approved.

Tontitown is a very small town that is now growing quickly. Eco Vista has been here for 40 years. We should not be allowing other states to bring their trash to a transfer station that is then brought to the Tontitown Eco Vista Landfill. It is time they move on to an area that does not have the growth that Tontitown has now.

Families that live near the landfill have been complaining for a long time of the horrible odor, dangerous fumes, and debris from the landfill.

At the very least we should be granted a public meeting before a decision is made to expand the landfill.

Thank you,

David C. Jones
Cathy F. Hecke

Aug 20, 2022

DEAR MR JONES:

AFIN: 72-00144

PMT#: 0290-S4-R1

Received

By Kacy Murillo at 2:14 pm, Aug 29, 2022

DOC ID#: 82515

TO: AC>FILE <KM'

As many of the citizens
in TONTITOWN, I ALSO DO NOT
WANT THE DUMP (WASTE MGMT) TO
ENLARGE.

I'M HOPING YOU WOULD
CONSIDER A MEETING WITH CITIZENS
REGARDING CONCERNS ABOUT THE
DUMP.

FEEL FREE TO CONTACT ME
WITH ANY INFO. OR FACTS.

WITH ALL SINCERITY,
REBECCA TIMMONS

rgtimmi@gmail.com

August 22, 2022

Nick Jones, P.E., Senior Operations Manager
Office of Land Resources (OLR), Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

AFIN: 72-00144
PMT#: 0290-S4-R1
Received
By Kacy Murillo at 2:04 pm, Aug 29, 2022
DOC ID#: 82514
TO: AC>FILE <KM

Mr. Jones,

We live in Tontitown, AR. Please be advised that we **DO NOT** want the Class 4 expansion of Eco Vista Waste Management Landfill to be approved.

Tontitown is a very small town that is now growing quickly. Eco Vista has been here for 40 years. We should not be allowing other states to bring their trash to a transfer station that is then brought to the Tontitown Eco Vista Landfill. It is time they move on to an area that does not have the growth that Tontitown has now.

Families that live near the landfill have been complaining for a long time of the horrible odor, dangerous fumes, and debris from the landfill.

At the very least we should be granted a public meeting before a decision is made to expand the landfill.

Thank you,

Alisha Langleey



618 malbec Rd.

Tontitown, AR 72762

August 22, 2022

Nick Jones, P.E., Senior Operations Manager
Office of Land Resources (OLR), Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

AFIN: 72-00144

PMT#: 0290-S4-R1

Received

By Kacy Murillo at 1:16 pm, Aug 29, 2022

DOC ID#: 82513

TO: AC>FILE <KM

Mr. Jones,

We live in Tontitown, AR. Please be advised that we **DO NOT** want the Class 4 expansion of Eco Vista Waste Management Landfill to be approved.

Tontitown is a very small town that is now growing quickly. Eco Vista has been here for 40 years. We should not be allowing other states to bring their trash to a transfer station that is then brought to the Tontitown Eco Vista Landfill. It is time they move on to an area that does not have the growth that Tontitown has now.

Families that live near the landfill have been complaining for a long time of the horrible odor, dangerous fumes, and debris from the landfill.

At the very least we should be granted a public meeting before a decision is made to expand the landfill.

Thank you,

Charles & Charlene Shuster
Charles & Charlene Shuster

August 20, 2022

Nick Jones P.E.
Senior Operating Manager
Office of Land Resources
Division of Environmental Quality
5301 Northshore Dr
N. Little Rock, AR 72118-5317

AFIN: **72-00144**

PMT#: **0290-S4-R1**

Received

By Kacy Murillo at 12:49 pm, Aug 29, 2022

DOC ID#: **82512**

TO: **AC>FILE <KM**

RE: Expansion of the Class 4 Eco Vista Landfill

Mr. Jones,

We are writing this as concerned citizens/residents of the State of Arkansas/Tontitown, Washington County, who live near the Eco Vista Waste Management Landfill located in Tontitown, AR.

This landfill is already causing health issues from the gas odors that they are leaking into the air, and nothing being done by the ADEQ. As a rapidly growing area, this expansion would continue to affect more and more citizens/residents in the surrounding area.

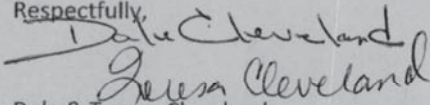
For the last several years; at times, it is unbearable to be outside our home or have our windows or doors open. Even when pulling into our garage, at times, it fills with the gas. We experience nausea, headaches & raw throats. You should be able to read the many complaints that have been filed.

We would, respectfully, request that you decline this request for Class 4 expansion of the Eco Vista Waste Management Landfill. If it would be of help in your decision; you could come to the Tontitown area and stay for a week and get a dose of what is actually going on. As I have dealt with the ADEQ inspectors whom have said they come out and inspect the air, and report all is well. (I am sure they come during times when WM is not leaking the gas.) You have to be a resident in this area to get the full effect. It is usually not during working hours.

A good solution, in our opinion, and many others in the area, would be to look at moving the landfill rather than expanding, due to the health issues this is, and will continue, to cause and the "continued" growth in the NWA/Tontitown area.

Thank you for your attention to our concerns before making you decision.

Respectfully,



Dale & Teresa Cleveland
608 Bausinger Rd
Tontitown, AR 72762

Dear MR. Jones,
my husband and I
have lived at this
address (612 ARBOR ACRES AVE)
for 36 years. We have
to live with bad road:
Smells, ETC for so long.
We do not want the
Class 4 expansion of waste
management to be approved.
We are concerned for
our health also.

AFIN: 72-00144

PMT#: 0290-S4-R11

Received

By Kacy Murillo at 12:22 pm, Aug 29, 2022

DOC ID#: 82511

TO: AC>FILE <KM

no one living here
should have to
put up with
this. People
RAY well
it has
to be
somewhere. That's true.
But would they want it
by their homes? There is
so much land west
of
Boen that is
1612 Arbor Acres Ave.
Springdale, AR 72762
not populated, that

Would be ideal,
Please consider all
of us who have
made this our
home for so many
years, and deny
another expansion.
Thank you so much,
Mr. & Mrs. Gene Boen



Boen
1612 Arbor Acres Ave.
Springdale, AR 72762

August 22, 2022

Nick Jones, P.E., Senior Operations Manager
Office of Land Resources (OLR), Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Mr. Jones,

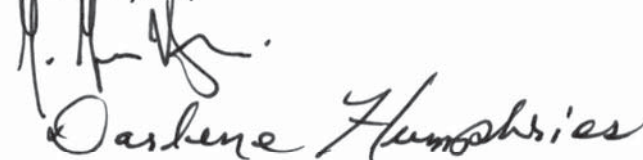
We live in Tontitown, AR. Please be advised that we **DO NOT** want the Class 4 expansion of Eco Vista Waste Management Landfill to be approved.

Tontitown is a very small town that is now growing quickly. Eco Vista has been here for 40 years. We should not be allowing other states to bring their trash to a transfer station that is then brought to the Tontitown Eco Vista Landfill. It is time they move on to an area that does not have the growth that Tontitown has now.

Families that live near the landfill have been complaining for a long time of the horrible odor, dangerous fumes, and debris from the landfill.

At the very least we should be granted a public meeting before a decision is made to expand the landfill.

Thank you,



Greg and Darlene Humphries
690 Via Sangro Road
Tontitown, AR 72762

AFIN: 72-00144
PMT#: 0290-S4-R1
Received
By Kacy Murillo at 10:29 am, Aug 29, 2022
DOC ID#: 82508
TO: AC>FILE <KM

AFIN: 72-00144
PMT#: 0290-89-21

AUG 22 2022

DOC ID#: 82491
TO: AC 7 FIVE 4M

August 14, 2022

Dear Mr Jones:

We are sending this letter in regards to the decision that is coming up regarding the expansion of the landfill in Tontitown.

We currently live just west of the landfill and have lived in our current home for 7 years. We have a 4 year-old son and hopefully will be adding to our family soon. We are greatly concerned about the effects the landfill is having and will have on us, our family, our neighbors and the environment. We smell a bad odor that is sickening that comes from the landfill. We are constantly having trash blown in the yards and fields. The roads are hazardous due to debri. This debri often ends up in our tires. They are very rough in spots, and even though the trucks are supposed to follow specific routes, they are often seen on roads they are not supposed to be on.

When the landfill was built it was way out of town. As we all know, that is no longer the case. The landfill is now in an area where many people live and raise families. It is time for the landfill to be closed and moved to another location.

Thank you for your time,
Danielle and Heston McFatrige
18595 Clearwater Road
Fayetteville, AR 72704

AFIN: 72-00144
PMT#: 0290-84-21

AUG 22 2022

August 15, 2022

Dear Mr Jones:

DOC ID#: 02490
TO: AC > FILE LKM

I am sending this letter in regards to the decision that is coming up regarding the expansion of the landfill in Tontitown.

I currently live in Washington County just west of the landfill. I have lived in our current home for 19 years. Like many others in our community, we were told when we considered buying our property that there would be no expansion of the landfill. The landfill was hardly noticeable to us unless we were driving by it. All that has changed over the last several years. The landfill has become much more than just something bad to look at or smell as you pass.

The gas smell coming from the landfill is noticeable at night from our house. It emits a very sickening odor that is smelled worse in the evenings. On windy days, there is trash in our fields and surrounding fields where my family has livestock. This trash is potentially very harmful to the animals. The landfill also makes the roads in our area hazardous. I have had numerous nails and screws in tires, and there is often debris in the roads. The roads are rough and unmanaged from all the truck traffic.

Thank you for your time,
Fern Etchison
18617 Clearwater Road
Fayetteville, AR 72704

AFIN: 72-07144
PMT#: 0290-84-21

AUG 22 2022

DOC ID#: 82429
TO: AC > FILE LHM

August 14, 2022

Mr Jones:

We are writing this letter in regards to the upcoming decision regarding the expansion of the Tontitown Landfill.

We currently live in Washington County just west of the landfill. We have lived in our current home for over 20 years. We were told when we purchased our land that there would be no expansion of the landfill and the landfill would eventually close. This of course has not been the case. When we moved to our house initially, we hardly even noticed the landfill. But, as time has gone on, the problems have become increasingly bad. The last several years have been by far the worst.

The gas smell coming from the landfill is very noxious, especially in the evenings. The trash blows into the surrounding fields, and we and our neighbors are constantly having to make sure that our animals do not ingest the trash. We have replaced and plugged more tires than we could count because of the debris on the roads. The trucks do not follow the assigned routes. They are making the roads rough with numerous potholes.

The landfill is much more than just an "eye sore" to us. We are concerned about our safety and well-being as well as the safety and well-being of our animals.

Thank you for your time,
David and Renee Etchison
18491 Clearwater Road
Fayetteville, AR 72704

8/15/22

Mr. Nick Jones & others at ADEQ to whom it may concern,

We want to go on record that we strongly oppose the class 4 expansion currently being considered, as well as any future expansion of the Eco-Vista Waste Management landfill located in Tontitown, AR.

We are land owners & family members of those who live at 12525 & 12553 Arbor Acres Rd, Springdale, AR. We are concerned for our health & safety, as well as our declining property value.

Please do the right thing for our neighborhood & vote "NO" on the proposed expansion(s) AND start holding WM accountable for their daily operations to meet code, especially require them to cover daily to eliminate the odors & protect us from toxic fumes/gases!

AFIN: 72-00144
PMT#: 0210-84-12

Respectfully,

AUG 22 2022

For a reply-
Contact info:

Donna Pianalto
12525 Arbor Acres Rd
Springdale, AR 72762

(479) 200-2200

dovepianalto@gmail.com

Joseph S. Simco
Vernon J. Pianalto
Donna J. Pianalto
Larry Gibson
Debbie L. Gibson

Jonathon & Sara Pianalto
Anthony & Elizabeth Pianalto
Jeremy & Tera Pianalto
Chase & Miranda Gibson
Jordan Gibson

DOC ID#: 82488
TO: AC>FILE 47M

Nick Jones, P.E.
Senior Operations Manager
Office of Land Resources (OLR)
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

AFIN: 72-00144
PMT#: 0290-84-21

AUG 22 2022

DOC ID#: 82437
TO: As File CEM

To Arkansas Division of Environmental Quality,

I am writing to request a denial of the Class 4 or any other permit that is in draft, and the revocation of any current permit in use for Eco Vista Waste Management site at 2210 Arbor Acers Road, Springdale Arkansas.

My concerns, I have reached out to several in the past year, have gone unanswered, ignored or pointed to another entity for discussion. The citizens need answers to these issues before allowing the Landfill to continue any longer.

Some of the issues are:

Air Pollution, odor

Unknown Vapors causing burning throat, headaches, nausea

Improper cover

Poor Management

Equipment not properly operated

Improper navigation of equipment to and from the site

Improper or lack of air testing

Trash on neighboring properties causing danger to wildlife and cattle

Vector population

Water Quality in the area – There is a “Plan” that has been in effect for years. Levels are still out of Compliance.

ETC.

There is nothing that can withstand Nature that is created by Man. The liner has leaked in the past, and will leak again.

The only reasonable option is closure and remediation.

My understanding of the Process goes from Boston Mountain Waste service, Certificate of Need permit, to Tontitown City Council and the approval by State agencies. Boston Mountain did not verify proper area for the landfill as required in Regulation 22, 22.203 – Local Authority Approval of Site Selection and Expansion.

Also, Tontitown or Boston Mountain did not complete a Health survey of the area after multiple complaints from resident concerning the issues.

There are many issues here that have gone on for years. Please deny the permit until further investigation and conversation has been completed and the proper steps moving forward are identified and implemented. This Landfill was first permitted in 1979. The Area is growing and the Community is growing. The landfill should have never been allowed over a KARST Area and has been in service too long. Everyone is aware of the issue but keeps allowing it because of money or Click. The landfill should be closed and other options used, regardless of cost. It should be about Human Safety overall.

You cannot control gas prices, and should not hold citizens hostage in their own homes. Someone needs to investigate the area properly, and close the landfill to accepting anything until the investigation is complete and new avenues are in place. Then close it permanently.

Thank you,
Kenneth Lovett

Kenneth Lovett
8/15/2022

18902 Clear Water Road
Fayetteville, AR 72704



L
 Class 1
 2 mile radius
 Structure
 Radius

W
 0 1

Figure
 Eco-
 Tontit
 Map Cre
 FTN No



Coordinate System - NAD83 (Feet) Arkansas State Plane, North Zone, Vertical Datum - NAVD 88

©2025-10-14 10:11 AM CLASS.TIF gis 5 Drawings 51x17.mxd

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Nick Jones, P.E.
Senior Operations Manager
Office of Land Resources (OLR)
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

To Arkansas Division of Environmental Quality,

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Air Pollution, odor

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Improper cover

Poor Management

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Improper navigation of equipment to and from the site

Improper or lack of air testing

Trash on neighboring properties causing danger to wildlife and cattle

Vector population

Water Quality in the area – There is a “Plan” that has been in effect for years. Levels are still out of Compliance.

ETC.

There is nothing that can withstand Nature that is created by Man. The liner has leaked in the past, and will leak again.

The only reasonable option is closure and remediation.

My understanding of the Process goes from Boston Mountain Waste service, Certificate of Need permit, to Tontitown City Council and the approval by State agencies. Boston Mountain did not verify proper area for the landfill as required in Regulation 22, 22.203 – Local Authority Approval of Site Selection and Expansion.

Also, Tontitown or Boston Mountain did not complete a Health survey of the area after multiple complaints from resident concerning the issues.

There are many issues here that have gone on for years. Please deny the permit until further investigation and conversation has been completed and the proper steps moving forward are identified and implemented. This Landfill was first permitted in 1979. The Area is growing and the Community is growing. The landfill should have never been allowed over a KARST Area and has been in service too long. Everyone is aware of the issue but keeps allowing it because of money or Click. The landfill should be closed and other options used, regardless of cost. It should be about Human Safety overall.

You cannot control gas prices, and should not hold citizens hostage in their own homes. Someone needs to investigate the area properly, and close the landfill to accepting anything until the investigation is complete and new avenues are in place. Then close it permanently.

Thank you,
Kenneth Lovett

Murillo, Kacy

Subject: RE: Public Comment Against a Major Modification of an Existing Class 4 Landfill Facility
Draft Permit NO: 0290-S4-R2; AFIN: 72-00144

AFIN: 72-00144

PMT#: 0290-S4-R1

Received

By Kacy Murillo at 11:03 am, Aug 16, 2022

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

Sent: Monday, August 15, 2022 2:46 PM

To: Jones, Nicholas; Cusher, Annette

Subject: Public Comment Against a Major Modification of an Existing Class 4 Landfill Facility Draft Permit NO: 0290-S4-R2; AFIN: 72-00144

DOC ID#: 82463

TO: AC>FILE <KM

I am writing to request a denial of the Class 4 or any other permit that is in draft, and the revocation of any current permit in use for Eco Vista Waste Management site at 2210 Arbor Acers Road, Springdale Arkansas.

Please see attached Letter:

Nick Jones P.E.
Senior Operations Manager
Office of Land Resources
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

AFIN: 72-00144

PMT#: 0290-S4-R1

Received

By Kacy Murillo at 11:02 am, Aug 16, 2022

DOC ID#: 82462

TO: AC>FILE <KM

Mr. Jones,

Please accept this letter as a request to deny the permit application for a major modification to a solid waste disposal facility, Eco-Vista, LLC Class 4 Landfill , permit number 1884-AOP-R9.

During a past citizens meeting at Eco-Vista, an employee of WM (Waste Management) stated that "they are aware of damage that has occurred to the aquifer under Northwest Arkansas by the landfill in Tontitown". If we know that the landfill is damaging our water source, why would we allow WM to expand the landfill?

I had a discussion with one of the inspectors from ADEQ (ADEE) recently and he stated that landfills in Arkansas usually last for 20 years. The landfill in Tontitown has been in operation since 1979. That's 43 years. Isn't it time to find a space that is outside a city limit and away from dense housing? I realize the current location is convenient for area cities and industries. It costs them less to deliver to a site that is centrally located in the middle of one of the fastest growing areas in the US, but it is not very convenient for those of us who live in the area.

I would also point out that if WM wasn't so obtuse and would abide by Rule 22 by covering the awful, smelly trash, the landfill might not be such a problem for the community. I also don't understand ADEQ's interpretation of covering class 4. Rule 22, (22.609[b]) says,

(b) Cover Thickness - A compacted layer of cover soil of sufficient quantity, but not less than six inches, to ensure there is not exposed waste (in addition to the six inches of daily cover) shall be applied upon surfaces that will not receive an additional application of waste or final cover within thirty (30) days.

WM has gone months without covering the current class 4 landfill. I realize it is because dirt costs money and they can get more trash on the site without adding the required dirt, but a rule is a rule, and they (WM) should follow the rules and ADEQ should enforce the rules.

Please at least listen to the people who live around the landfill. Some have been there for generations. We complain when the smell is so bad, we can't go outside our houses, and nothing is done. If WM doesn't follow the rules and start being a good steward of the environment here in Northwest Arkansas, it won't be one of the fastest growing areas in the United States.

Please consider these facts when deciding to approve WM's application to expand Eco-Vista Landfill.

Respectfully submitted,



Daryle "Russ" Greene, RN

12246 Red Oak Dr

Fayetteville, AR 72704

To Whom It May Concern,

My name is Mikaila Calcagni. I am a local Internal Medicine physician, wife, mother, Tontitown resident living on Arbor Acres Rd., and community member. I am writing today in opposition of the proposed expansion of the landfill. Amongst many other reasons that have been stated by other community members and long-time residents, my strong opposition of the expansion stands strongly on the health implications for current residents and generations to come.

First, multiple studies (as cited in this letter with references provided) have stated the short-term and long-term health implications are directly linked to living within the vicinity of a landfill. Starting with current residents, many are over the age of 65 or approaching this age. As medical co-morbidities increase with age, living next to a landfill directly increasing your risk of developing new medical conditions and worsening your pre-existing conditions. A large scale study entitled *Socio-Economic and Hematologic Profile of Landfill Residents* published in 2017 in the *International Journal of Environmental Research and Public Health* (Wanderly et.al) showed that people living near a landfill had much higher incidence of lymphocytosis (increased white blood cell count), neutropenia (decreased immune fighting cells precluding to multiple infections), and anemia (low red blood cell count leading to poor oxygenation). This has been directly evidenced by multiple of our neighbors living near the landfill. We have had one neighbor become severely ill requiring multiple hospitalizations after a diagnosis of cancer. We have also, unfortunately, had another neighbor pass away. We are unable to say that these illnesses were not in part, if not entirely, caused by waste from the landfill whether through polluted air, polluted water, or polluted ground.

Next, and most importantly to myself and my family, the impact this has on our children. As the new mother of an 11 month old, his health and the health of all children, is my utmost concern. Another large study published in *International Journal of Epidemiology* looked at more than 240,000 people over a 12 year period. This study showed a "strong association between hydrogen sulphide and deaths caused by lung cancer, as well as deaths and hospitalizations for respiratory diseases. The results were **especially prominent in children.**" As a mother of child with a family history of severe asthma, this is highly concerning. There is no debate over whether keeping children safe and healthy is every person's top priority, so why would we intentionally do anything that would raise the risk of a child being hospitalized, suffering, or even directly causing their death? By expanding the landfill knowing that there has been a drastic increase in families moving into the new residential areas directly next to the landfill, you are choosing to ignore the health risks to children and are thereby culpable in their illness.

Finally, the most pressing of all of these due to the COVID19 pandemic, too numerous to count studies have directly proven that the closer you live to a landfill, the greater your increase in respiratory illnesses. As evidenced by the Centers for Disease Control Public Health Assessment for Bridgeton Sanitary Landfill, "ambient air near the landfill... have harmed the health of people living or working near the landfill by aggravating chronic respiratory disease (e.g., asthma), aggravating chronic cardiopulmonary disease." Working at a local hospital that has been plagued by COVID19 and continues to see numbers increase, this is highly concerning. With United States deaths from COVID19 over 400,000 and climbing, nobody wants to say that they knowingly contributed to increasing the likelihood of someone contracting the virus by dampening their respiratory system's ability to ward off the virus. As a healthcare professional, I must strongly oppose the landfill's expansion for the above mentioned reasons.

Thank you for your concern and attention to the matter.

Sincerely,

Mikaila Calcagni, MD

Jacqui Calcagni

12642 Arbor Acres Road
Springdale, AR 72762
(479) 601-5474

AFIN: 72-00144

PMT#: 0290-S4-R1

Received

By Kacy Murillo at 11:01 am, Aug 16, 2022

DOC ID#: 82461

TO: AC>FILE <KM

August 8, 2022

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

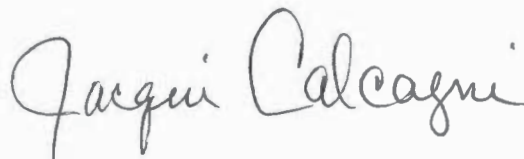
Please use this letter in opposition to allowing Eco-Vista Waste Management to expand. Permit 0290-S4-R2; AFIN 72-00144.

My opposition is due to my asthma like many who have trouble breathing in the area. Most mornings and evenings the smell of sour trash and gassy smell makes it hard for me to breathe. My grandchildren live next door and I worry about them along with other children in the area. A Springdale elementary school is a mile away from the landfill. Is it safe to live near a landfill? Not only is there odor/gassy smells, heavy landfill traffic alongside school buses, and residential traffic exists.

Eco-Vista has not been a good neighbor. They stopped meeting with our citizen group several months ago as we questioned WM about their practice of not covering the trash properly and also questioned them about the chemicals in the misting system that they spray. This system does not help the odors.

Due to the fact that Waste Management has no regard for the neighbors as they do not do what they are required to do that is set forth by ADEQ regulations, I want this to be on record I oppose the permitted expansion. This area has grown too populated for a landfill and this landfill has been here over 40 years,

Sincerely,



Jacqui Calcagni

Mr. Nick Jones
Engineer Supervisor
Arkansas Energy and Environment
5301 Northshore Drive
North Little Rock , AR 72118-5317

February 11, 2022

Dear Mr. Jones

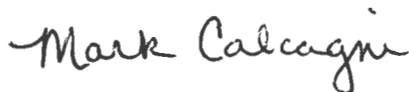
Per our phone conversation on February 8, 2022, we , our neighboring citizens/Citizens Advocating A Safe Environment (C.A.S.E.) are requesting a Public Hearing before the final legal permit expansion of the Eco-Vista/Waste Management Tontitown, AR Class 1 Landfill expansion.

The reason we request a Public Hearing is due to our concerns with regards to health and safety. Many homes, subdivisions , and an elementary school are within close proximity of this landfill. The area is not rural and the city of Tontitown has planned many more homes/subdivisions in the area. The odor and gas in the air has made people sick/nausea along with headaches which is very concerning. The local traffic has increased along with the heavy truck landfill traffic. Road conditions deteriorate with debris on the highly traveled roads. Health and safety is the citizens' concerns.

In closing, we request not to permit such an expansion and to have a Public Hearing to discuss what this expansion means to the residential area please.

Thank You.

Sincerely,



Mark Calcagni
12642 Arbor Acres Road
Springdale, AR 72762
Phone# 479-236-8539

Mark Calcagni

12642 Arbor Acres Road
-Springdale, AR 72762 PH# 479-236-8539

August 8 , 2022

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

I am writing in disagreement of allowing Permit No: 0290-S4-R2;AFIN 72-00144 to be approved for Eco-Vista Waste Management. Also I request a public hearing before a decision is made here in NW Arkansas..

This landfill should not be allowed to expand, but should not be in this location due to karst topography which was determined in the 2002 audit. This landfill operates with no regards to regulations set forth with doing the proper cover of class 1 and class 4 trash. Multiple examples of this have been brought forth to ADEQ by the citizens that live in the area as we have to live with odors and gasses that exist. Trash blown on the roads that end up in neighbors property occurs as well. Multiple photos and examples of this have been brought to the attention of ADEQ.

This area has grown and is heavily populated unlike the landfills in Little Rock and Fort Smith as these locations have very few homes near these sites.

The main reason to disallow this permitted expansion is due to Eco-Vista Waste Management does not follow the regulations set forth by ADEQ. Waste Management choses to cut costs in order to maximize profits with no regards to operating safely. A cancer cluster study is being performed by ADH to see if cancer is occurring more in this area as we have had many neighbors who have contracted cancer or have died from cancer. Please take this letter as opposition to this expansion.

Thank You

Sincerely,


Mark Calcagni

AFIN: 72-00144
PMT#: 0290-S4-R1
Received
<i>By Kacy Murillo at 11:01 am, Aug 16, 2022</i>
DOC ID#: 82460
TO: AC>FILE <KM

Thank You

Sincerely,

FOIA00088481.xml

ARKANSAS

ENERGY & ENVIRONMENT

PUBLIC COMMENT REGISTRATION CARD

ENTITY: _____

DATE: 11/2/22

SPEAKER #: _____
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: Salle ADEQ / WMY / Tonitown

YOUR NAME: Donna Pianto

STREET ADDRESS: 12525 Arbor Acres Rd

CITY, STATE, ZIP CODE: Springdale, AR 72702

EMAIL ADDRESS: dovepianto@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.

[00:00:00.610] - Speaker 1

And I will apologize if I say anybody's name wrong. I'm going to do my best.

[00:00:10.590] - Donna Pianatto

My name is donna Pianatto, and I'm here to represent my family who has been living and operating a farm that is adjacent to a waste management landfill for 60 years. And so the last time I was in a room meeting with adeq was three decades ago. And I'm going to just assume that probably none of you guys were there. And at that time, at that meeting, we were pretty much told that there was going to be a landfill coming into our community. And we saw models that were beautiful. It showed that there were going to be fishing lakes and wildlife refuges and mountains with green grass and wildflowers. And it was going to be our privilege to get to see neighbors with them for about ten to twelve years. That was three decades ago. So here we are, fast forward 30 plus years, and I would just stand here before you and say that our concerns, our complaints are growing exponentially faster than the mountains of trash are growing. So three decades later and so respectfully, I'd like to ask that you not to permit them to expand any further. I realized that we're talking about class four trash here, but as a business owner and a business operator, it's the whole of the landfill that includes class one and class four. If they have not been able to operate in a way that keeps our complaints and our observations, if they haven't been able to do it right in three decades, why would we let them continue on until they can get things under control? So you have our written statement from our family. I've sent letters to explain what some of our concerns are. But I would just say that as an operator of a family farm, it's questionable to me whether our cattle is our produce. We've grown chickens before, we've grown grapes before, we've grown produce to sell. We grow beef cattle. Is it safe? Is it safe to sell it? Would you want to eat it? Is our water clean? Is our air clean? I know personally this summer we had so many times that we could enjoy our own yard, our own pool, our own home, to be able to just enjoy because of the smell, the few, the odors that are coming into our homes, into our yards. And so I know you said class four doesn't smell, but there again, I want you to realize that this is a business that's operating as a whole. You can't separate class one from class four. It's all together. And my question to you would be whether or not our community is going to be safe and be able to live with some help in the future if you allow this to be granted as a growing business. I do appreciate the fact that they are offering a service to our community like I said, we felt like for ten years that it was our civic duty to allow them to operate and have a service to our community. But as it goes on and on and on, it's questionable whether or not they earned the right to have the responsibility to carry out their business. So I would just urge you, I thank you for listening to us. It's been many years in the making. The first few years we didn't feel like we were listening to at all. So I appreciate the fact that you become somebody that we can actually be listened to. But I think we're looking for more than just listeners. We're looking for people to take action and to help waste management and tiny town and the citizens be able to live together and be citizens that can do life together in a healthy and safe way. So thank you and time to tell whether or not you're just going to be listeners or whether you're going to take some action. Thank you.

ARKANSAS

ENERGY & ENVIRONMENT

PUBLIC COMMENT REGISTRATION CARD

ENTITY: _____

DATE: Nov. 2, 2022

SPEAKER #: _____
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: Springdale Senior Center

YOUR NAME: Nicole Burress

STREET ADDRESS: 2861 S. Barrington Rd.

CITY, STATE, ZIP CODE: Tontitown, AR 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.

[00:04:22.740] - Speaker 1

Thank you for your comments. And again, I want to remind everyone while we are recording the hearing tonight, that technology is at best, sometimes hard to hear or maybe we don't capture everything. So you're all encouraged to submit your full comments in writing. I just want to reiterate that, but thank you. Nicole Burress.

[00:04:59.290] - Nicole Burress

Thank you so much. I'm a homeschooling mother and a nurse in Tonti Town and I've been reading this book, *The Great Trouble*, to my children over the past week. It's one I've read before. It's a children's story explaining the historic event of the cholera outbreak in London in 1854. This outbreak was a turning point in both epidemiology and public health, but you may not remember studying that in school. So in the summer of 1854, over 600 people died in just over a week from cholera. Originally, people suspected that it was caused by exposure to bad air. However, Dr. John Snow stepped in. He was the personal physician to Queen Victoria. So Snow mapped out London and documented where each symptomatic person lives. He himself was just half a mile away from the outbreak, but he never had any symptoms of cholera. Other people who lived a mile away from the epicenter didn't experience symptoms of the disease either. But Snow noticed that all the people who experienced symptoms were congregated around one central point. It was immediately clear to this renowned physician that the central point that these people had in common was the source of their illness. Unfortunately, it was very difficult to convince the people and the city workers. At the time, people thought cholera was spread by bad air. In truth, contaminated matter leached through the soil, through the dirt and the rock until it mixed with the water supply as a broad stream pump. All the people who were directly exposed to the contamination manifested symptoms of illness. When people who were half a mile away didn't realize that entire communities were suffering from their exposure. Now today, as I'm sitting on my couch and reading this to my children, I am overcome with the similarities that I see between this historic event and our public health concern in Tonti TOWN. I attend every city council meeting every month, and we have people who report every month complaints against the ecosystem landfill. They report nausea, dizziness, coughing, vomiting, watery eyes, and even spells of unconsciousness when they smell some of the gachest odors. Living up on a hill, I have not experienced much more than severe coughing or need to run inside where I have medical grade air filters running 24/7. However, as a former nurse, I can't help but realize that all the people who report these symptoms lived within a direct radius of the Ecodistland show there are no other businesses in that area. Logic would deduce that these symptoms are related to what these people share a proximity to the landfill. But in public health, we don't just examine proximity to a shared source. We also look for patients who express symptoms who are outliers residing far from the potential contaminants. In this case, that means we try to find people who don't live near the dome, but who present with the same symptoms when they're exposed to a gaseous odor. We in TontiTown housemap. Ronza Downapp is an example. She was a city councilwoman who had no concerns about the landfill. Her husband was a great city councilman who had no concerns about the landfill. Rhonda lived miles away and didn't have any symptoms of illness. However, she visited her friend Angela Russell, who lived

next door to the dump. She immediately noticed that she began presented the same symptoms as those who lived within the dumps near radius. She reported up to last night in a city council meeting that her eyes sung and watered and she felt ill when she smelled the gas driving past the Eco Vista landfill. Now understandably, city council members, both of our former mayors, city workers, city planners, state representatives and senators, and our governor have been able to disregard the citizen complaints until now. Just like people who were half a mile away from the cholera outbreak of London didn't even realize it was a problem because it didn't affect them directly and they didn't have symptoms of illness. Much of our city has not experienced a tremendously debilitating, nausea, vomiting, headaches and more that people who are directly near Ecommista experience. I don't fault you for that. However, as those who are entrusted with the safety of our citizens, this can't be ignored any longer. During COVID we took extensive measures to protect people out of an abundance of caution, and we need to do the same again. I want Waste Management to be wildly successful. I want Waste Management to make millions. But if their productive and necessary business is harming any of our citizens, it seems that it would be prudent in the name of of Public Health to halt the expansion of the landfill in its current location and instead focus its continuing expansion in an area that's a little more remote. Arkansas is large, with plenty of untapped land. Used to be that. But as our population is boomed, we can no longer just joyfully accept Waste Management's more than 300,000 dollar hosting fee without considering how it impacts our residents. They offer this fee because their business has been recognizably a nuisance to many, and they don't wish to go to the efforts of relocating an hour further down the road. But without an impetus for change, your impetus for change, waste Management, will continue in their current course. Our town will continue to suffer. We risk becoming the next king. Legume. Hinkley, california. And Flint, Michigan. I ask you to remember that even though you don't live directly within the radius of Waste Management, even though you have no symptoms at all, there are people who are and there are people who do. This isn't just about business or money. Those things can be altered and we can all still thrive. It's about public health protection, logic, and using your power to protect those who have no ability to protect themselves. Thank you very much.

ARKANSAS

ENERGY & ENVIRONMENT

PUBLIC COMMENT REGISTRATION CARD

ENTITY: _____

DATE: 10/2/22

SPEAKER #: _____
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: _____

YOUR NAME: Kenneth Lovett

STREET ADDRESS: 18702 Clear Water Rd

CITY, STATE, ZIP CODE: Fayetteville, AR

EMAIL ADDRESS: Kenneth.Lovett@att.net

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[00:11:40.380] - Speaker 1

Yes, and I don't mean to cut you or anybody else off, but we are going to try to stick to this timer. But thank you for your comments, Kenneth Lovett.

[00:12:03.940] - Kenneth Lovett

Good evening. Double half a mile from the Waste Management. When you state that our comments will be addressed in the final permit, it sounds like you already made a decision. Is that correct? You all answer that

[00:12:23.670] - Speaker 1

a final permitting decision has not been made that will be made at the close of the permit process.

[00:12:33.860] - Kenneth Lovett

One of the issues that I feel I see here is we have two completely different worlds combined. We have paperwork and procedures and we have the real world actions that happen out in the field. This decision comes down to the integrity versus money. It's about human decency to me. Currently, laws and regulations are twisted and conformed to a specific group's translations. And if it's a purpose class four went 16 days without coverage. We have pictures of proof of that. The way that they cover it, they covered a piece at a time. There's different things in there. They've had cardboard in there that they've been called out on. That's never covered. There's something there that's working down that we're smelling. Even from class four, the flow test that we've done, when you're going to put in extra sample wells. If it gets to that sample. Well, that waste has already passed the landfill, so we're already contaminated to carstaria and it's no telling where that stuff's going from there. What I'm requesting is I want them to shut down intake until they can stop the vapors. If they can't stop the vapors, they shouldn't be able to take in anything. There's other landfills around. One of the landfills in another county is taking it to Kansas and it is actually cheaper for them to take it to Kansas than it is to take it to existing. So if we could shut that gate, they either shut down or they find their property. I believe that would be an incentive for them. The leash is not treated till after it leaves Tonti town. I know there's an agreement that there's NACCO that's going to be treated there's 14 miles between NACO and Tonti town Landfield. The drainage system goes through the middle of Tonti town, so you've got whatever that is into the air. So you're talking about Miss Burris. People that don't know what they're getting into is getting into this stuff. They've hired Terracon to do their testing. All they're doing as far as I'm aware of is odor, intensity. They're taking their butanol or whatever it is and they're saying, which one smells worse? That's not testing. I need to know what the area is. I need to know what's causing me to call my headache to hurt and that type of stuff. Miss Kushner and Nick, there are some coming comments on the website that you're going back and forth with David Conrad and it seems more like he's writing the permit than anybody else. There's a lot of statements in there about this word needs to be changed. This word needs

to be changed. Why would you allow an engineer with a waste treatment company to write it on permit? That's what it seems to be. Whether or not it is fugitive gases are not neutralized. They're affecting our lives every day. If you got benzene and you breathe that, can anybody tell me there's no benzene out there? Benzene's got the perfect example of symptoms I can't talk symptoms that will make you hit or I don't know that that's it, but it's a possibility nobody's checked for. Where do we go with that? There's nothing I can say here that hasn't already been discussed 10,000 times. The answer always comes back to one point. That point being nobody likes to get thrown under the bus. In my opinion, ADEQ issue was thrown under the bus, had run over several times May 2nd 2018 when Miss Ellen Carpenter comments on the proposed draft, regulation 37 was submitted. Instead of fixing the problem, the ADEQ director at the time, Becky Kellogg, built a case against this lady Pio public information officer. She had a perfect record and within a month she was fired. So in my opinion, the problem starts with the adeq not directing the people in the field. The people in the field are not doing their job. Mr. Blake Small sitting back here, loves to talk about his pet skunk. There's a big difference between a skunk and an ogre. It's not just an odor either. It's a gas. It's a vapor. There's no scrubbers on that equipment out there, on that base gas boiler. There's no way that that chemical goes through there. When it burns, it produces another chemical. There's problems out there, folks, and whether I have to break it out to you and call you out, I'm sorry, but the responsibility sets you right here. Thank you.

ARKANSAS ENERGY & ENVIRONMENT

PUBLIC COMMENT REGISTRATION CARD

ENTITY: _____

DATE: Nov 2, 2022

SPEAKER #: _____
(FOR STAFF USE ONLY)



VERBAL COMMENT



WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: Community Center

YOUR NAME: Rhonda Doudna (Doudna)

STREET ADDRESS: 462 Pozza Lane

CITY, STATE, ZIP CODE: Spvg/Jointtown 72762

EMAIL ADDRESS: _____

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[00:17:36.490] - Rhonda Doudna

I've lived in Tonti town since 1994. I lived since 99, about a mile and a quarter from the landfill. I don't know even where to start. I've lived here that long, and we never had this gas. Never at all. There's a difference between the egg smell that's gas. We know what that is. We know what the trash smell is. There's an odor that started about two and a half to three years ago. And I'm not exaggerating. It is terrible. It is like a butane smell. And as soon as it hits you, you're like, holy smoke. It hits about this time of the year because of the weather, because when it's windy and summer, it just kind of goes through there, and we're not smelling it. It's pressuring down. You can see a haze at night because of this. And it's not just a little smell. It is so bad, Angie can't even enjoy her home, her yard, 35% of the year. Could you guys handle that? Find a beautiful home, live in there forever, and you can't even enjoy your property. Something's going on. Don't know what it is, but it used to not be there. So I'm a layman. I'm a simple person, but I'm not stupid. And you guys aren't stupid. You have landfills. This is what you do for a living, and you're telling me you don't know what this gas is? This isn't the only place this has ever happened. I can't imagine that. So what I'm saying to you is stop the expansion. Make them accountable, make them work faster to fix this issue. Let's figure this out together. Work together. I made a statement last night, I guess, that maybe came out wrong at the council meeting that said we need waste management. I put here, we need a landfill. We don't necessarily need it in Tonti town. Like Donna has said, I've read all that literature about, oh, we're going to do this, we're going to do that. We'll be here ten years. We're three decades into it. When are you going to say, this landfill is done? I mean, everybody said, oh, well, they built right next to a landfill. No, they did not like it. The landfilled was a little tiny dump on a rural road and sunray. They started dumping there. That was our trash people at the time. Waste Management bought it, and they went from a few acres to 600 plus acres they're encroaching on us. And \$300,000 a year for hosting fee is a joke. Between the trash, we pick up the debris on our road. The poor people that have the route down the road, they have to wash off their mailboxes. They can't even get their mailboxes when it rains because it's so bad. But that's not my issue. It is the gas. Something's wrong. When I drove by two weeks ago, I'm not exaggerating, by no means, and I should have took a picture. There was five, oh, probably 500 to 600 vultures flying. It looked like a horror movie. They're all over the landfill. They're going and there's so much trash stuck to the fence line. And I'm like, this is a weekend that should be covered up. It takes six inches of dirt. That's it. And they can't seem to do it. But when a drone goes over the other side where we can't see it's not covered up, vultures would not be fling over this if it was covered up. We're asking them to be better neighbors, to listen to their citizens and do the right thing, to figure out what this gas is. Don't pass this. Make them accountable. Make them listen to us this time, and let's figure this out together. We got a new mayor. We've got a new guy at Waste Management. I love Jamie. I think he's a great guy. He's got a job that's probably harder than anything else, and so does Angie. He said to me, they don't trust me when I do tell them I'm telling them the truth and they're still not listening. I said, you got to think what was present before the mayor before, and your other person that ran your Waste Management, they lied. They spun us. They manipulated to get this past. And it was wrong, and we all know it. And we've been tasting it forever. It needs to stop. And it's up to you guys, because 20 years from now, I'm going to keep all your names. Somebody ends up sick, I'm going to send you a funeral announcement and say what they happened, because these people are really suffering. It's not a joke. This is Serious. Please don't pass this. Stop it, and let's work together to fix it. Thank you.

ARKANSAS ENERGY & ENVIRONMENT

PUBLIC COMMENT REGISTRATION CARD

ENTITY: Self

DATE: 11.2.22

SPEAKER #: _____
(FOR STAFF USE ONLY)



VERBAL COMMENT



WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: Springdale

YOUR NAME: Daryle "Russ" Greene

STREET ADDRESS: 12246 Red oak Dr.

CITY, STATE, ZIP CODE: Fayetteville, AR

EMAIL ADDRESS: DRuss@greene@gmail.com

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[00:22:04.030] - Speaker 1

Thank you for your comments. Daryle Russ Greene.

[00:22:25.130] - Daryle Russ Greene

I'm Daryle Russ Greene. I live at 12246 Red Oak Drive in the Red Oak Estates, and that's right behind the current class four. I represent the neighbors that are directly south of the landfill. The property Waters ecovista landfill can see here and smell the class four mountains. I want to thank you all for the meeting to allow us to say something. Waste Management anticipated your visit by adding dirt to places that needed it, put gravel on the landfills to help control some of the red dirt that's all over tonti town's roads and even planted some trees replacing the ones that were dead. Even worked last Sunday to make sure that landfill looked good. Citizens of tonti town and adjoining properties around. Landfill have tried to get Waste Management to do what arkansas rule 22 says they don't cover the trash property and was noted a couple of weekends ago when we had really high winds, contaminated trash through all over the area and around the landfill. Why didn't they prepare for this? I knew that there was going to be windy that weekend. You can see it on the television. During a past citizens meeting at Echo Vista, an employee of Waste Management stated that quote they are aware of damage that has occurred to the aquifer under northwest Arkansas by the landfill in Tonti TOWN. End quote. I believe he was a chemist from Houston. He said that the CO2 levels are starting to go up because of the landfill. If we know that the landfill is damaging our water source, why would we allow them to expand it? I once had a discussion with one of the inspectors from ADEQ and he stated that landfills in Arkansas usually lasts for about 20 years. Landfill in Tonti town has been in operations since 1979. That's 43 years. Business time fund space is outside of city limit, away from dense housing. I realized the current location is convenient for area citizens and industries because that's where we're side. That is centrally located in the middle of one of the fastest growing areas in the United States, but it is not very convenient for those of us who live in the area. Also point out that if Waste Management wasn't so obtuse to abide by the rule of 22 by covering the office amount of trash, the landfill might not be such a problem for the community. The ADEQ's rule 22.609b says a compacted layer of covered soil is sufficient quantity but not less than six inches to ensure there is not exposed waste. In addition to the six inches of daily coverage shall be applied upon services that will not receive an additional application of waste to final cover within 30 days. Waste Management has gone months without covering the current class for landfill. I have pictures of it, its right out side my doorback. I realize it is because dirt costs money and they can get more trash on the side without adding the required dirt. But a rule is a rule. You need to follow the rules. These are these. Listen to the people who live around the landfill. Some have lived there for generations. We complain when smells bad. We can't go outside our houses and nothing is done. Waste Management does follow the rules. Start being a good student. Environment northwest Arkansas won't be one of the fastest growing areas in the United States. Please consider these facts when making the decision to approve or not to prove that Waste Management's application.

[00:26:01.940] - Speaker 1

Thank you, sir. Dennis Boyer.

ARKANSAS ENERGY & ENVIRONMENT

PUBLIC COMMENT REGISTRATION CARD

ENTITY: Me

DATE: 11/2/22

SPEAKER #: _____
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: _____

YOUR NAME: Dennis Boyer

STREET ADDRESS: 1969 Dowell

CITY, STATE, ZIP CODE: Jenitown, AR

EMAIL ADDRESS: dboyer02@yahoo.com

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Regarding population encroachment

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[00:26:26.310] - Dennis Boyer

Good afternoon. Dennis Boyer, 1969 Dow Road. Thank you for coming. Thank you for listening. This is such an incredibly serious matter. I'm not going to address a lot of things the others have addressed. Hopefully, I'm going to bring something up that hasn't been given a whole lot of direct attention, which is population. The population in Tonti Town has just become too dense for a landfill, I would think, according to any standard. And I think that's the reason we have so many problems. I think we might be in a situation where there really is no answer just because of the density. Northwest, to put perspective, northwest Arkansas, as we know, is the fastest growing region in the state. Within that region is Tonti town, which is the fastest growing town in that region, and massively so. Its population grew by 19% last year alone, and over the last many, many years it's been an average of 12%. And you think, well, okay, it's increasing, but it's going to increase more for a lot of reasons, irrespective of the economy. For example, Tyson Foods right down the street for us in Springdale, a whole highway or a corridor is coming over right from Tyson Food's headquarters where they're bringing in a minimum required of a thousand executive workers that are coming in. That'll be three or 4000 people, plus any add ons that could come and they're bringing a quarter right into the doorstep of Tonti town. So a lot of those people are going to want to move to Tonti town and build their homes there. So there's just a lot going on and a lot of people coming to Northwest Arkansas in general. When Waste Management landfill was cited here in the first place, the population of Tonti town was 510 people. In 1990, it was more known for chickens than people. There were probably, I don't know, 100- 200,000 chickens. And so even if the landfill didn't stink, I mean, even if it did stink, you wouldn't know it because if you've been around chickens, you know that they can actually overwhelm a landfill. So now the population is around 6,000. And according to statistics that are in the packet there, it's going to double or triple in the next ten years. And like I say, northwest Arkansas, you know, may be very resilient to the current economy, that's in a dip. Economies are cyclical, it will come out of the dip, blah, blah, blah. You have to ask yourself, why is the trend here? And if you look at Northwest AR, you know that if any place in this country is going to grow, it's going to be Northwest Arkansas. Even if the other place is diminished, they're going to come here. So it's really kind of a mecca. 4300 people live within 2 miles of the landfill right now. And in ten years that number is expected to be anywhere between 8000 and 14000, depending on whether you use a 6% increase factor per year or a 12%. It's been twelve, but if you want to drop it to six just to play it, say we'd have 8000 people within 2 miles. I mean, tiny town is not that big. There's not that many places to build houses, so it's coming. Okay. By comparison, Fort Smith landfill has fewer than a thousand people within 2 miles of it. I seriously doubt that another landfill in all of Arkansas has this kind of population density. I mean, it's getting really serious when you think about that many people. To compound matters, Icovisa has shown itself to be an irresponsible and unresponsive neighbor, to put it mildly. In the last three years, despite with cow's complaints, odors have become stronger and more. Not just birds and trees die, people get sick, and cows eat the Walmart bags. Immediately after promising specific open and aggressive air monitoring regimen, Waste Management promises they abruptly, without notice, abandoned doing that. Quit meeting with the neighbors, sent us to their public relations agency. They came down here through questions, and they didn't know what we were talking about. But they will not meet with us anymore. Waste Management will not they're done with us. Okay, everyone knows the waste smells. Why does Eco Vista bring raw

feces in and leave it uncovered for days? And I mean it's. Raw feces. Why doesn't Eco Vista cover the trash at night and on the weekends? That's the law. They don't do it. Everybody in this room knows it. Why does proper coverage of trash only occur when you folks are in town? Why does the Eco Vista bring trash in from surrounding states? There's no way to get around the fact that probably all Waste Managements landfills everywhere emit similar noxious and dangerous odors. That's why they are supposed to be cited in rural areas like Tonti town. Was not is. Okay,

[00:32:31.790] - Speaker 1

I'm sorry to interrupt you that's time.

[00:32:35.200] - Dennis Boyer

That's fine.

[00:32:36.080] - Speaker 1

But please submit your complete comments.

[00:32:38.830] - Dennis Boyer

Right. And you have my hand up there with projections, so that's basically what I wanted to say.

ARKANSAS ENERGY & ENVIRONMENT

PUBLIC COMMENT REGISTRATION CARD

ENTITY: Citizen

DATE: 11/2/2022

SPEAKER #: _____
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VERBAL COMMENT



WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: _____

YOUR NAME: Tammy Cochran

STREET ADDRESS: 1984 S. Pinnacle

CITY, STATE, ZIP CODE: Springdale AR 72762

EMAIL ADDRESS: - N/A -

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WRITE YOUR COMMENT HERE:

I Live Approximately 1/4 mile North
of the "SOOVISTA" Landfill Front Gate.
When the wind is out of the South,
the stench is NAVIGATING. Now, there
appear to be sprayers spewing something
I am breathing. AIR Freshener?
WHAT other chemicals ARE we
inhaling? MORE stench, MORE
TRAFFIC, MORE wind blown TRASH
AND A DETRIMENT TO THE VALUE of

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my Property.

[00:32:44.090] - Speaker 1

Thank you, sir. Tammy, I apologize. I can't really read your last name very clearly.

[00:32:54.580] - Tammy Graham

Does this look like Graham?

[00:32:56.840] - Speaker 1

Yes. Thank you.

[00:33:05.150] - Tammy Graham

I'm Tammy Graham. I live about a quarter of a mile from landfill. It's that much. And if you spit and then the wind is blown in the right direction, I could spit up and hit the gate. I got three day headaches, and I'm wondering why now after hearing everybody, when I travel, when I go to Mississippi, where is my home? Not a problem. That's not what I want to bring up construction waste. And I don't know about y'all, but I haven't been able to hear real well. Y'all need to hear, too. Construction waste, you showed a picture of a brick. You did. Bricks are benign. Construction waste also includes solid tar pipe center, asbestos. Who's gonna be checking in trucks? They ain't going to be ecovista way. And another thing that showed up that really piqued my interest in my concern, a dye test. I suspect that that dye was found north and west. Would that be wildcat creek? Would that be wildcat creek? I didn't grow up in Tonti town, i've been there 20 years. Wildcat creek runs in the Illinois river. We're just going to be checking on water quality. Arkansas has already been sued by Oklahoma once. But here's what really concerns me. There's a little place on the wildcat creek called the blue holes. Every county's got a blue hole. Children swim in that blue hole. Who's going to be checking water quality? Who's going to be making sure that the paint center ain't in that water and the children aren't swimming at it and drinking? I want to know. This construction waste includes bricks. It also includes toxins. And your children, maybe not y'all, but ever who's down there on the weekends that I see you're up in the middle of it. And these people deserve better than that. And I do appreciate this opportunity, and I sure hope you listen.

ARKANSAS
ENERGY & ENVIRONMENT

**PUBLIC COMMENT
REGISTRATION CARD**

ENTITY: _____

DATE: 11/02/22

SPEAKER #: _____
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: Springdale Senior Center

YOUR NAME: Erik M. Greene

STREET ADDRESS: 2016 W. Berry St.

CITY, STATE, ZIP CODE: Fayetteville AR 72701

EMAIL ADDRESS: _____

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[00:35:32.490] - Speaker 1

Thank you for your comments. Erik Greene.

[00:35:46.190] - Erik Greene

Hello. I'm Erik Greene. I'm speaking on behalf of Jamie Morgan. Whether or not the ecovision landfill should be allowed to expand is a multifaceted issue. NWA needs a place to dispose of its trash, but the solution to this problem must be handled responsibly. Northwest Arkansas is a part of the region called the Boone limestone formation, an unique geological formation known as Karstrophography, which is a series of underground caves and occupiers. What does this mean? National park service states karst is a type of landscape where the dissolving of the bedrock has created sinkholes, sinking streams, caves, springs, and other characteristic features. CARST is associated with soluble rock types such as limestone, marbled, and gypsy. In general, a typical CARST landscape forms when much of the water falling on the surface interacts with and enters the subsurface to cracks, fractures, and holes that have dissolved into the bedrock. After traveling underground, sometimes for long distances, this water is then just discharged from springs, many of which are cave entrances. Now think about sitting on landfill on top of this formation, where the rocks pores and dissolves, where sinkholes and fractures exist, and where underground water flows for miles and pops up to its springs. They're also known in danger species in this cave network. When it rains, water works its way down through the trash mound and collects with other liquids in the trash mound. This is called leachate. The old closed class one mound on the back of the property is unlined because at the time, there were no liner requirements. The current inuse class one mound has had at least one liner breach, which was reported by whistleblower to the state. There were no ramifications from ADEQ because they did not get their letters out in accordance with their own rules. They missed it by a day. The current requirements for Class Four landfills is the only compact class. I'm sorry, compacted. Clay as a liner. A dye test required by adeq for expansion class Four resulted in wildcat Greek carrying red pink earlier this year. This was confirmed by adeq, despite Waste Management trying to deny it per adeq. The test was to be completed with a notification to the agency and in the presence of their personnel. This was ignored. If the purpose of the dye test is to see where the dye flows, why did they have no idea where it went? This is bigger than trash smells and blown bags and dirt trapped out. This is the future of our region, in our communities, and our future and generations. Multiple citizens have reported complaints, many with photo, video proof of noncompliance, and repeatedly nothing has been done because by the time Enforcement inspects the issue, it has been resolved and adeq remains that they are unable to use submitted proof to enforce regulations. One neighbor submit submitted weekly photos, as requested, directly to an adeq supervisor at their request for seven months from February to September, showing that the Class Four landfill was consistently not being covered before the weekend, as Waste Management repeatedly told us that it was. No actions were taken by adeq during this time. Waste Management mentioned several times in citizens meetings that drywall breaking down has a strong egg like odor. Yet ADEQ staff has dismissed our concerns surrounding the lack of cover of Class Four. This location is not appropriate for a landfill. It is increasingly residential. In addition to a poor choice geologically, waste Management has displayed flagrant disregard for its neighbors, and as the statues are currently neighbors are left without assistance from the state. Continuous air quality and environmental concerns have prompted Tonti Town to no longer support the expansion of Lumped

Landfill. We ask the expansion I'm sorry that the expansion process be halted until questions surrounding landfill are properly investigated. And I ask you to put in place more stringent requirements for the protection of the car system and amend the investigation process to be able to support the surrounding residents appropriately. Two questions. I would like to know why the department has repeatedly allowed alternative permits for regulations when there are dozens of complaints that have been filed? Second question is what? Why has the investigator failed to issue violations when issues have been apparent at the investigation? The patchwork process of covering the Class Four one section at a time was not implemented until late last summer. The box for management of liquid was also not implemented until this summer. Which means that despite numerous complaints since 2020, the investigator never reported these issues. Thank you.

ARKANSAS

ENERGY & ENVIRONMENT

PUBLIC COMMENT REGISTRATION CARD

ENTITY: _____

DATE: _____

SPEAKER #: _____
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: _____

YOUR NAME: Mark Calcagni

STREET ADDRESS: 12642 Arbor Acres

CITY, STATE, ZIP CODE: Springdale AR 72762

EMAIL ADDRESS: calhog18@gmail

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WRITE YOUR COMMENT HERE:

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[00:41:08.690] - Speaker 1

Thank you, sir. Sir. Mark Calcagni.

[00:41:21.160] - Mark Calcagni

Mark Calcagni. Twelve, 642 arbor acers rd for 34 years. I live less than a half a mile from the landfill. I want to thank you all for coming tonight and taking this time to hear of public hearing. More people would have been here. There was a 05:00 meeting on the east side of tonti town. People work, have a tough time getting here at 05:00. Also, it was on a church night. And so, like I said, there have been more people here because I know a lot of them would like to have been here. You've heard the complaints and seen the passed out pictures of trash blown in, neighbor shards, debris on the road, complaints on odors and gases that making people sick with watery ice and headaches. Even Mrs Link, your director of DEQ, told us it made her sick with a headache and watery eyes on a Saturday as she sat in Waste Management parking lot. Y'all remember that? You do. I want to bring up health and safety issues as they are important and I know they're important to you, but I want to bring up the environmental issue. Environmental is in your entity's name. The February 24 ADEQ report that concerns the Waste Management dye test that the red dye ended up in the Wildcat Creek flows into the Illinois River. I think that's a big concern. I might add that Lee Kinberg, the director of Illinois River Watershed, and Shannon Phillips of the director of the Oklahoma Conservation Commission are both concerned. You may have probably already heard from them, and if you haven't already, they probably will be reaching out to you. This is the Cars area that someone has mentioned. And you know what? Someone mentioned this too, that the testing point has already been released into the environment. And Nick, I know you had the picture of that red dye test that you had there, so thank you for sharing it with us. The creeks and ponds and rivers should be tested regularly by ADEQ. I know you have had numerous complaints the last three years from neighbors. It seems to have gotten worse. Sometimes us neighbors feel like these complaints have gone to deaf ears or the inspection is done days later, which is too late. Waste Management has stopped meeting with us neighbors. They were meeting with us and we were learning a lot. I've learned way too much about landfills, and I shouldn't have to have. But I'm concerned about our safety. Their ears are plugged. What type of business doesn't listen to complaints? What type of neighbor is that? They gave us an 800 number that we call, and it's in Indiana. As you have heard, this area has grown and is no longer rural. More housing is being built. In future, plan call for even more homeowners. I brought this big thick packet here because it's 1200 signed petitions of many Tonti town residents and then also of residents that live around the landfill that opposed the landfill. Some of us have visited landfills in Fort Smith, Little Rock and Tulsa. These landfills do not. Have the housing and residential traffic. Unlike tonti town. The plant manager in fort Smith said roughly 350 homes were within a mile radius of the landfill. Please don't allow this expansion for many of the reasons discussed tonight, especially for the health, safety and welfare of the growing residential area and for the environment. I'm going to ask you this question. If there wasn't a landfill here, would we put one there? Probably not. So why would we want an expanded thank you.

ARKANSAS ENERGY & ENVIRONMENT

PUBLIC COMMENT REGISTRATION CARD

ENTITY: None

DATE: 11-2-22

SPEAKER #: _____
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: Springdale Senior Center

YOUR NAME: Steven M Peck

STREET ADDRESS: 108 N. Barber St.

CITY, STATE, ZIP CODE: Practic Grove AR. 72753

EMAIL ADDRESS: SPECK@wm.com

PLEASE PRINT LEGIBLY | **TURN COMMENT CARD INTO STAFF**

WRITE YOUR COMMENT HERE:

SUPPORT For Permit To Be Issued with
OUT conditions

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[00:44:45.030] - Speaker 1

Thank you for your comments, sir. Stephen Peck.

[00:44:57.550] - Stephen Peck

My name is Stephen Peck. I live at 108 north border street, prairie Grove, Arkansas. I am here on my own behalf. I do work for waste. I'm not related to the landfill side. I actually work for the power plant. Prairie Grove. Towni town farmington. Bella Vista. All the local areas are going through an extreme building boom at the moment. There has got to be a place local where people can take construction debris and stuff from building projects. The Tonti town landfill, class four is suited for that. I know it's on the Boone St. Joe limestone formation. That's why it does have a clay liner and a leachate system. They've been built like that since I've worked for them, since 92. At least each class four that has been made or built and constructed since I've been there has had a leachate system collection. The Leachate is collected, pipes shipped, goes off site now to Nasca. Used to be we would truck it offsite. It's always went offsite, though. I would urge that the permit be moved from the draft to the final status and approved, because once again, they do meet the requirements for the Boone Saint Jo limestone formation in this area, and there is a need for the facility in this area. And that's all I've got to say.

[00:46:37.080] - Speaker 1

Thank you for your comment, sir Paul, is it? Colvin.

ARKANSAS

ENERGY & ENVIRONMENT

PUBLIC COMMENT REGISTRATION CARD

ENTITY: _____

DATE: 11-2-22

SPEAKER #: _____
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: _____

YOUR NAME: Paul Colby

STREET ADDRESS: 2771 W. Henri De Toussaint Blvd

CITY, STATE, ZIP CODE: Toutoune AR 72266

EMAIL ADDRESS: paul@blockauction.com

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WRITE YOUR COMMENT HERE:

Michael Talstrom

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[00:46:55.490] - Paul Colvin

Hi. Thank you. And thank you all for tuning this evening. A lot of it's been talked about this evening about landfill and addressing the issues and complaints that we feel in Tonti town throughout the years. I think what it's important to recognize, and some have already stated this application is for class four, and currently there's five separate entities that work within and around the landfill. And I'm very appreciative of the fact that the landfill waste management cells throughout this application process has went on above and beyond some of the requirements that's been required in through ADEQ. Specifically, they're managing their surface water controls based on 100 year flood versus 25 year flood, which is mandated by the state, not that they don't need to do more. And over the past four years, city of tonti town has implemented nine pages of legislation to try to help the citizens of Tonti Town and try to make the landfill a better place. And I'm appreciative that the landfill has accommodated several of those requests, putting in over four and a half million dollars worth of infrastructure within the facility. Now, that's not to say that everything is right at the landfill. The class one operations definitely need some help, need to be looked at a little stronger. But as far as class four, I'm glad Mr. Boyer was able to speak about the growth in northwest Arkansas, because currently for Tonti town, near 40, 45, we're going to have 15000 people, presumably located as Long as Council approves Grove. But in northwest Arkansas, this is a regional landfill, and we're estimated having a million people living inside of the region in itself. So a question that I had that hasn't been addressed or answered, if this application is denied, where will class four go and what is the economic impact to the region for it to be moved somewhere else? What will the cost effect be on the citizens, not only a Tonti town, but the region in and of itself? Now, again, more needs to be done that nobody seems to have answers or have had answers as to what we should do or will do in the future. Our growth that we see in northwest Arkansas in and of itself. Mr. Boyer is correct. People are wanting to move. Specifically, they're wanting to move to Tonti town. And the landfill in and of itself was brought in to Tonti town several years ago. Actually, the city, I guess one of them annexed in. So maybe one step is to de annex that back out in the county. So it's county's problem, I guess, but it's ours to deal with at this time. So I wish I asked that you consider this permit process carefully and also offer advice to the citizens in the cities. Any of the waste management stuff that they could do that might possibly help. There is improvement. Thank you so much.

ARKANSAS ENERGY & ENVIRONMENT

PUBLIC COMMENT REGISTRATION CARD

ENTITY: _____

DATE: 11-2-22

SPEAKER #: _____
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: Springdale Sr Center

YOUR NAME: Allison Scott

STREET ADDRESS: 2914 S Barrington Rd

CITY, STATE, ZIP CODE: Tontitown

EMAIL ADDRESS: scottgeorgefly52@hotmail.com

PLEASE PRINT LEGIBLY | GIVE COMMENT CARD TO E&E STAFF

WRITE YOUR COMMENT HERE:

The smell of methane is strong
over 1 mile away at our house.

I would like air quality test results
to be posted quarterly at minimum.

Expansion will only worsen the above and
the trash scattered on Barrington.

This information will be included in the public record and will provide contact information
to respond to your comment.

[00:50:01.610] - Speaker 1

Thank you for your comments, sir. Alison Scott.

[00:50:12.440] - Alison Scott

My Comments were just written

ARKANSAS ENERGY & ENVIRONMENT

PUBLIC COMMENT REGISTRATION CARD

ENTITY: PRIVATE Citizen

DATE: NOV 2, 2022

SPEAKER #: _____
(FOR STAFF USE ONLY)



VERBAL COMMENT



WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: Springdale Ark

YOUR NAME: Maylon RICE

STREET ADDRESS: 1265 Pepper Tree Lane - Fayetteville, Ar. 72704

CITY, STATE, ZIP CODE: Fayetteville Ark 72704

EMAIL ADDRESS: rice4ARKHOUSE85@gmail.com

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WRITE YOUR COMMENT HERE:

I HAVE A WRITTEN letter to
include at the conclusion of my
comments.

I wish^{tho} letter be entered into
the record of this meeting

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[00:50:12.440] - Speaker 1

Thank you. Maylon rice.

[00:50:26.490] - Maylon Rice

Good evening. I'm Maylon Rice. I'm the former director of the Boston Mountain Solid Waste District. I want to thank the ADEQ panel for coming tonight, listening. I want to focus this comment tonight, especially my remarks on the Class four operations. That's what we're here tonight to decide, or ask the panel to decide in the future date to expand the construction and debris class four permit. Now, there are problems with the landfill appearance and the people I'm hearing tonight. I understand that, but that's a separate issue. It's a very emotional issue, and I understand where everyone that's open to night is coming from. But I want to remind you something that this is a significant piece of our infrastructure in Northwest Arkansas, similar to Beaver Lake. Why does Beaver Lake, told the city of TOnTi town, they're going to raise the water rates. They don't have a chance to do it, but they raise the water rates, or they're not going to start selling water. So this is a regional piece of our infrastructure that needs to continue. The Class four application that's talked about. The night was made over ten years ago or started over ten years ago under my tutorage when I was a waste director. It's taken that long to get through the process to permit it to have a hearing here tonight. You guys on the panel know that this didn't happen overnight. The population increase in northwest Arkansas is set to double in the next 20 years. The landfill is not located in Tonti town ,Tonti town came to the landfill. There are annexations. They wanted to annex the landfill and it was a cash grab. Then later it's also a beautiful part of the city. So they want people to move out there. And you encourage developers and other people to develop houses closer and closer to the landfill. That's why people hung to build a house in the middle of Beaver Lake. It's beautiful out there, but, oh, we got to deal with corporate engineers, we got to deal with this, we got to deal with that.

[00:52:42.390]

chatter

[00:52:42.390] - Maylon Rice

So the board time used to focus on the necessity of a class four permit. That's your bark lounges, that's your mattresses. That's your construction debris . That's from your house. That you can't find the front yard like they once did in northwest ar. Just ride a fire in Burn up, shortcut two and four s and one six s. You can't do that. They said, well, why don't you haul it to Oklahoma? Oklahoma might say we don't want so that's a problem as well. I do want to leave my written comments with the board tonight, but I want to focus this entire thing. Like I said at the start, if there are problems with the landfill, I'm sure there are, but we need to focus tonight on the expansion of the class for permit. That's what this hearing is for. Thank you very much.

ARKANSAS

ENERGY & ENVIRONMENT

PUBLIC COMMENT REGISTRATION CARD

ENTITY: _____

DATE: _____

SPEAKER #: _____
(FOR STAFF USE ONLY)



VERBAL COMMENT



WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: _____

YOUR NAME: Mayor Angela Russell

STREET ADDRESS: 1497 Arbor Acres Ave.

CITY, STATE, ZIP CODE: Tontitown, AR 72762

EMAIL ADDRESS: angie.russell44@aol.com

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[00:53:28.460] - Speaker 1

Thank you. for your comment., Sir. Mayor Angela Russell.

[00:53:49.140] - Mayor Angela Russell

I hope I can see you guys over there. Hello. My name is Angela Russell. I am currently the mayor of the city of Tonti Town, Arkansas. Tonti TOWN is the host city for waste management vista landfills. For several years, many citizens of Tonti town have experienced multiple problems being caused by the landfill on Abors acres road. There has been gassy vapors and admitting from the landfill causing many residents to have dizzy nauseous and headaches and other symptoms. I've had it done. It's happened to me. I'm not talking about the sour trash smell, the leachate smell, or the burning rubber smell. I'm talking about a toxic vapor that's making people sick. There is a case group which has consistent residents that live in and around the landfill. They have contacted Waste Management multiple times. The group has contacted ADEQ multiple times. There were many complaints. They were followed up by ADEQ several days or a week later. Citizens produced pictures, videos and other documentation that has gone to no good. That has done no good. The citizens were told to contact Boston Mountain. Solid waste. Several in the case group have gone to every Boston Mountain Solid waste meeting. They have voiced their concerns, produced pictures and other documentation that has done no good. They were told to contact ADEQ. Citizens have gone to the Tonti Town city council meetings and voiced their concerns almost every month for three years. Pictures, other documents they all provide proof. Last month I presented an approval of a resolution expressing the intent of the Tonti Town city council related to the ecovista one and four landfill expansion in the city of Tonti town, Arkansas. This resolution states whereas with the approval of the above resolutions and ordinances, the Tonti town city council has become aware of continuous problems and issues related to the landfill operations that cannot be regulated by municipalities under the Arkansas law, which was problems and issues affecting count, safety and welfare of the residents surrounding the Landfill and other than cities. Whereas Tonti town city council is aware of the problems and issues related to the council, we are now being heard. We are now hearing our citizens. There have been years that this has happened, that it's not limited to there's noise, there's debris, there's serious air quality, concern, obnoxious gases, odors, pollutants, groundwater issues and other issues. These problems and the issues have been continued and communicated to proper authorities and the eco, Vista and others to date have not been mitigated or addressed. Tonti Town City Council is aware that the growth in the region and the city grows up and more people will negatively be impacted by the increased landfill operations. Tonti TOWN acknowledges that the city has become administratively burdened through the receipt of the continuous complaints regarding the landfill operations. Tonti TOWN city council acknowledged that a municipality has significantly limited role in the regulations of the landfill, but it believes necessary to protect the safety, health, welfare of each of the citizens in Tonti Town, even though that you live in other areas, they're not experiencing what we're experiencing. The Tonti town city council now recognizes that there is issues there. 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 desire to withdraw their support of the landfill. Tonti town is now going to retract their support for the landfill. The resolution passed last night. I gave you a copy. There is a copy for each of you. Please, I ask you drive by before

you leave tonight. Smell. While we are smelling, the odors, the gasses are there, but the gasses are sometimes so extreme that you choke. Your eyes burns, your throat burns. These people are not experiencing that. And just for the note, my husband's family has lived on that land for over 60 plus years. They are encroaching on us we're not encroaching on them. Yes, we need a landfill not in Tonti town where it's affecting the health of the citizens. Please, I ask you to stop this expansion. Thank you for listening. Please drop by before you go home tonight. I appreciate it.

[00:58:39.810] - Speaker 1

Thank you for your comments, Mayor. And we do have a copy of that resolution that will be included. Ken Canfield

ARKANSAS

ENERGY & ENVIRONMENT

PUBLIC COMMENT REGISTRATION CARD

ENTITY: _____

DATE: 11/2/2022

SPEAKER #: _____
(FOR STAFF USE ONLY)

VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: Springdale Senior Center

YOUR NAME: KEN CAWFIELD

STREET ADDRESS: 12254 Red Oak Drive

CITY, STATE, ZIP CODE: Fayetteville, AR 72704

EMAIL ADDRESS: _____

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[00:58:56.680] - Ken Confield

Thank you for your diligence and listening. I think recording as you are, these comments are going to be very helpful. I'm a relatively newbie I'm meeting some of my fellow neighbors tonight. I moved here a year ago from Portland, Oregon. I live about 400 yards from the landfill. When we were looking at the home, we smelled something very peculiar and I was told by the real estate agent, which I may not hold legally responsible, it depends that there wouldn't be any expansion. Now, of course, I didn't go to the trouble of checking with tonti town and so forth. But what I want you to know is that all the things you have heard historically are true. Personally, for my wife and I, the noxiousness, the smell, the loud noise, all of those inhibit growth that we want. Because if Arkansas wants to set a precedent, it needs to focus as you are on the quality. And so I appreciate even the opposing opinions, which I disagree with. When you do the same thing over and over again and it gets worse, that's called craziness. It's time to look outside of the box. In Oregon and many other progressive states not talking about any wokeness that you may associate there. They are very environmentally and health conscious that needs to come to Arkansas. And so I would encourage you to deny the expansion of the landfill and in some ways protect Arkansas as well as this company who profits because I can just feel the possibility of a class action lawsuit in the future. It could be avoided. If you think outside of the box environmentally how to handle this waste and also encourage the continued growth of northwest Arkansas. Thank you very much.

ARKANSAS ENERGY & ENVIRONMENT

PUBLIC COMMENT REGISTRATION CARD

ENTITY: _____

DATE: 11/2/2022

SPEAKER #: _____
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VERBAL COMMENT

WRITTEN COMMENT (REFER TO BACK)

HEARING/MEETING LOCATION: Springdale Senior Center

YOUR NAME: Tim Burfess

STREET ADDRESS: 2861 S. Barrington Rd.

CITY, STATE, ZIP CODE: Tontitown, AR 72762

EMAIL ADDRESS: Ward3-2@tontitownar.gov

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[01:01:10.610] - Speaker 1

Thank you for your comment, sir. Tim Burs.

[01:01:22.290] - Tim Burress

Thank you so much. Appreciate you being here. Coming back. Back in August, I met several of you may remember when we met up in Bentonville and I appreciate you all coming back. I wish Julie was here tonight. Do miss Seeing her. I want to mention a couple of things. Waste management is a multibillion dollar corporation. I'm a capitalist. I have no problem with that whatsoever. What I do have a problem with is when people decide to make money by harming other people. And I don't think they intend per say to harm other people, but they are negligent. So if somebody hit somebody with a car, for instance, and didn't mean for them to die, that's called manslaughter. And I'm not necessarily saying that we're talking about manslaughter here but I don't think they're trying to kill anybody. I just don't think they're doing what's best for our citizens. You are the Division of Environmental Quality. We're talking about the environment of tonti Town. I fully understand that it makes sense to have a place where we can put our solid waste. It makes perfect sense to me. Here's what doesn't make sense to me that you all can go put your household waste in my backyard or in their backyard. Mr. Vernon seems to be a very nice young man, but Mr. Vernon doesn't live in tonti town. His office is at the Waste Management site, but he doesn't try to sleep there at night like our mayor does and can't. There are people who live right by this facility that are having horrible issues. I'm just slightly far enough away that I don't have the same problem. But we do have medical grade whole house filtration systems. Why? Because we live near a dump. Now, we hear it all the time when you moved there. But here's how this thing started. And Mrs. Phil also can explain this to you quite well, she remembers, but a guy had a piece of property that will divot it, and he didn't want to divot it there, so he started putting his own trash there instead of burning it. And he told his neighbors that you can put your trash there. And then Solar Ray bought it. And then Waste Management bought it. And here we are. So this tiny little issue, by the way, I would say it was very shortsighted of the farmer to try to fill in a hole with trash, but that's how it began, and yet here we are. And Waste Management, a multibillion dollar organization, wants to keep doing what they do to make more billions of dollars. Again, I don't necessarily have a problem with that. But here's what I notice and here's what I see when I talk to people who work there and people who used to work there. I see they really don't care. On October 6, 2020, there came before the City Council of Tonti town. Two weeks before I was appointed to my role on City Council, there this little rezone for 417 acres that seemed relatively innocuous. The City council at the time, five members strong, voted to approve that. They were told, as I was two weeks later when I was appointed, that we'd all have an opportunity to vote on it again after it came through planning. The Planning department, by the way, was told in a workshop that if you don't vote for this, you personally will be sued. Now, by the way, I could sue you because I don't like the color of your hair or ties. That correct. Thank you, Councilman. Okay, so what? So what does that mean? But there were three new members of the planning commission, all of them waiting in their boots. One of them said, and I quote, if I could vote my conscience, I would vote against it, but they did. They didn't have that opportunity. They didn't feel they were pressured to make the decision they made. Lo and behold, a special loophole was found later that kept us as a council from being able to vote on that at all. And here we are two years later. I can tell you, waste Management is a bad neighbor. Not long after we approved this, within a matter of weeks,

really, I was awakened in the 05:00 hour. My bed is nearly a mile from the dump site, and I hear clang, clang, clang, clang. My wife, the most beautiful woman in the room. You heard from earlier? Heard the same thing. We hopped in the car. We drove over to the dump side. I called the mayor at the time. Hey, just wanted you to know, as I was leaving the dump, here's what happened. I walk into the dump, music is blaring, trucks are flaming. And I said, do you guys realize we just said you could do this thing, and this is how you treat us? Oh, we're so sorry. We try to tell the guys, but, ah, you know. You know how it is. You know, you guys are like a bad girlfriend, right? We just patch things up. We bring you back, and then you do it again. They've consistently been terrible. They don't drive when they're supposed to. They don't clean up the mud when they're supposed to. The wheel wash they put in place, well, it broke, and so they didn't fix it. They don't cover up trash. They don't do what our city codes have asked them to do. One on Earth makes you think they're going to do what you ask them to do. They're in our backyard. They're not in yours. They just don't do right. But they should. That's just part of it. They are bad neighbors. They also talk about this newsletter. Mr. Veron last night mentioned how many thousands of people have signed up for the newsletter. By the way, I apparently signed up for the newsletter. I didn't. I still get it, and I get it really weird times. I got 1. May 31, July 22, September 14. Oh, I got one yesterday to tell us how wonderful we are. Let me close with this. We as a city have unanimously passed a resolution withdrawing our support of this business. We have attempted to work with them for years. They don't want to work with us. We have health concerns. We have to take care of our people. And one day we're going to have a campaign situation where people are dying, and we have a fiduciary responsibility, both as a city and you, as the division of environmental equality, to take care of the people in this room. And I hope that you'll take it seriously. Thank you.

[01:07:56.650] - Speaker 1

Thank you for your comments. That is all of the comment cards I've received. Are there any other cards or anyone else in the room that wants to make a public comment on the record. Okay, I want everyone to have an opportunity, and let me reiterate what I said before. We are recording. We're going to do our best to capture all of the oral comments that have been presented. But just to make sure that your concerns and your comments are clear and included in the record, I encourage you to submit your complete comments in writing to the division so they can be fully reflected in the permitting record. That's an important step in this process. And thank you for the comments that have been made, for the written information that has been provided already. Just, again, a few housekeeping things. This public hearing is solely to allow public comments on the permit record. This is not an adjudicatory hearing. We don't make the decision now. The final permitting decision will be made, and when it is, it will include responses to the comments that we have received. Yes.

[01:09:40.750]

Is there a specific date when that will be processed and delivered?

[01:09:46.150] - Speaker 1

There's not a date certain, depending on again, we take all the comments we receive, the staff reviews, those in detail, prepares written response, and that's included as part of the final permitting decision.

[01:10:03.020]

Thank you.

[01:10:05.350] - Speaker 1

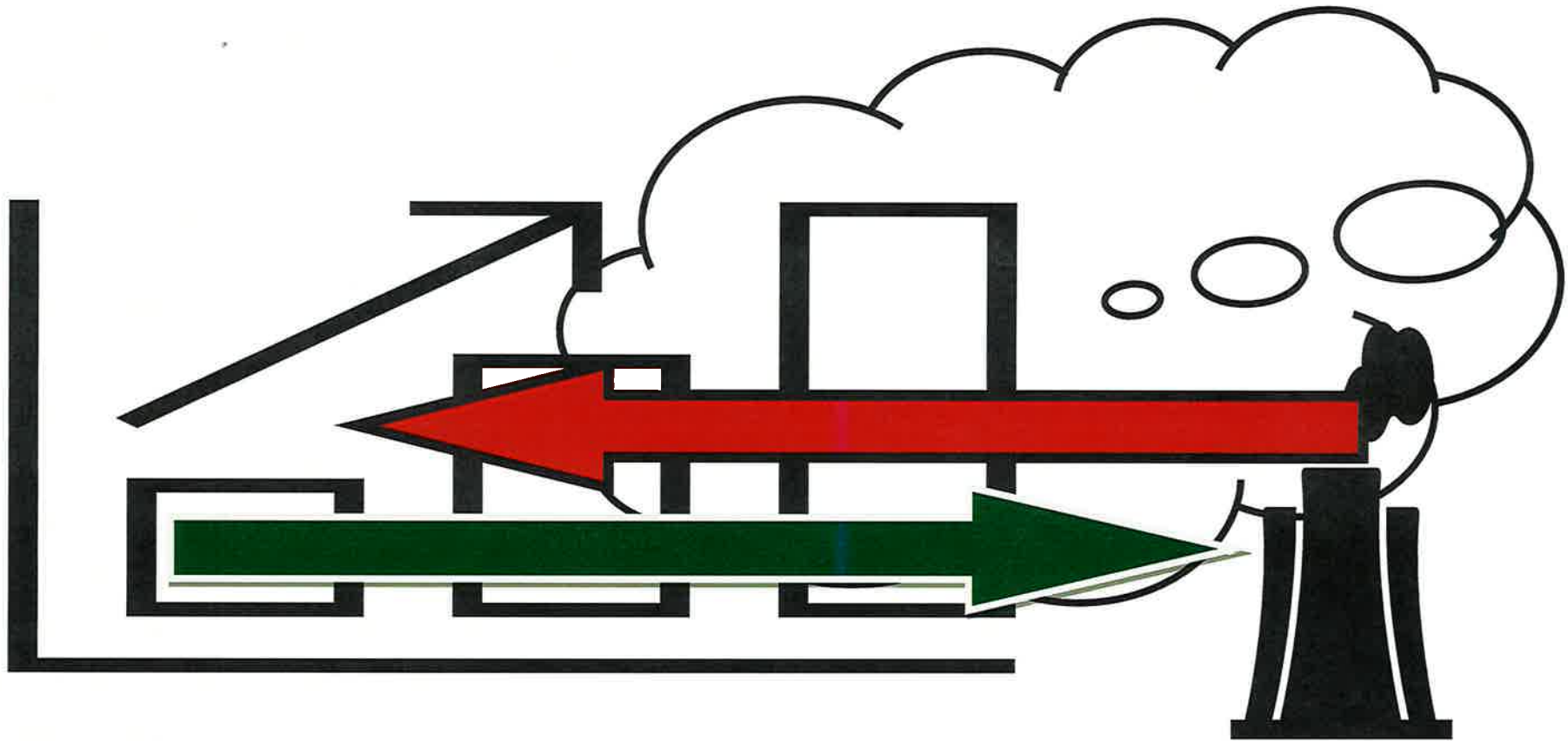
As the presiding officer over this hearing, under Pollution Control and Ecology Commission Rule Eight, which is the rule for procedures like this, specifically Rule 8.209 B Six, I have the authority to extend the public comment period to give you all time to get your full comments submitted in writing, so I can do that. Now I want to do that. I want everybody to get all of your concerns on the record. So I'm going to extend the comment period until midnight Friday. That's November 4, 2022. You can submit them by email. The email address is up there. We will take the written comments some of you have submitted. Those will be included. Anything you send in to us by midnight on Friday will be included in the record. I encourage you to please supplement any comments you made tonight with written comments so we can make sure we have a complete record. Other than that, I thank you all for your time. Your concerns are important. Your interest, your input, and your participation is important, and I thank you for that. And with that, we will conclude the hearing. Thanks very much.

The following presentations were submitted to staff at the November 2, 2023 public hearing. These presentations are opinions of the presenters, not the opinion DEQ staff members.

Eco-Vista Landfill & Tontitown, AR Population Growth 11.1.22



An Inevitable Environmental Catastrophe





Our Changing Population: Arkansas

The ages, races, and population density of Arkansas tell a story. Understand the shifts in demographic trends with these charts visualizing decades of population data.

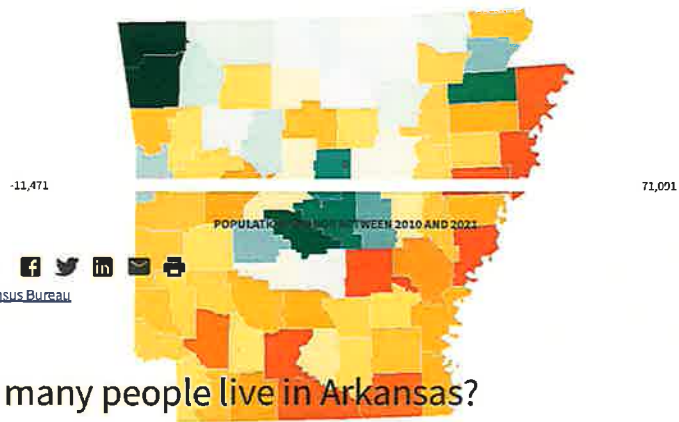
2010 POPULATION	2021 POPULATION	POPULATION CHANGE
2,921,998	3,025,891	+ 3.6%

Data Updated July 2022

NATIONAL/ / Year TO

How has the population changed in Arkansas?

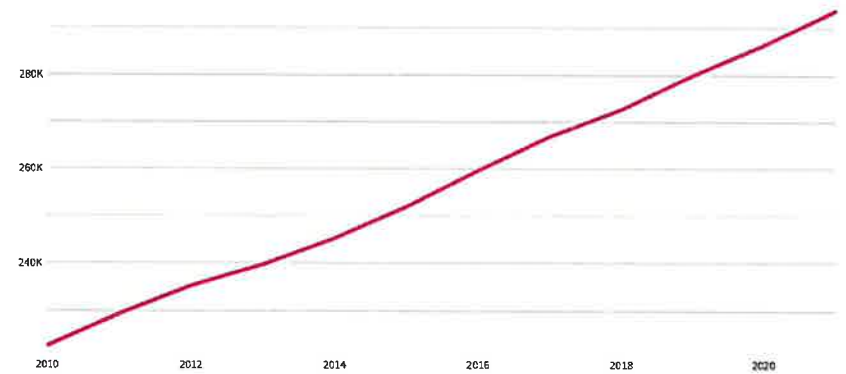
In Arkansas between 2010 and 2021, **Benton County** had the **largest growth** with **71,091** more residents. **Jefferson County** had the **largest decline** with **11,471** fewer people.



SHARE THIS Source: [Census Bureau](#)

How many people live in Arkansas?

Arkansas's population **grew 3.6%** from the **2.9 million** people who lived there in **2010**. For comparison, the population in the US **grew 7.3%** during that period.



SHARE THIS Source: [Census Bureau](#)

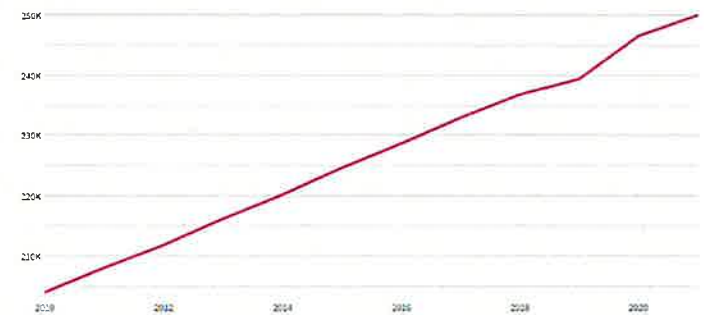
How has Benton County's population changed over the years?

Benton County's population increased **11** out of the **11** years between year **2010** and year **2021**. Its largest annual population increase was **3.1%** between **2015** and **2016**. Between **2010** and **2021**, the county grew by an average of **2.6%** per year.

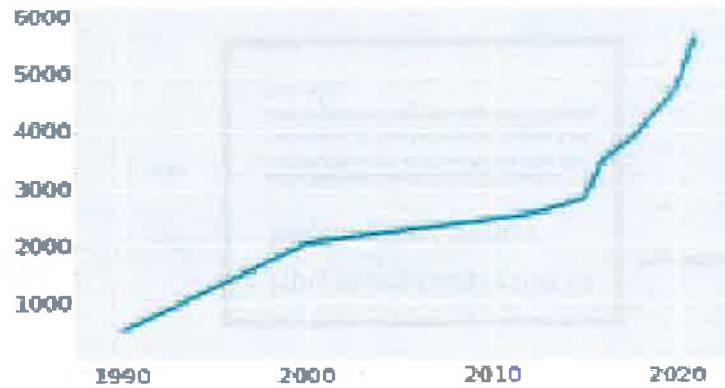
How many people live in Washington County?

Washington County's population grew 22.6% from the **204,021** people who lived there in **2010**. For comparison, the population in the US **grew 7.3%** and the population in Arkansas **grew 3.6%** during that period.

Population in Washington County



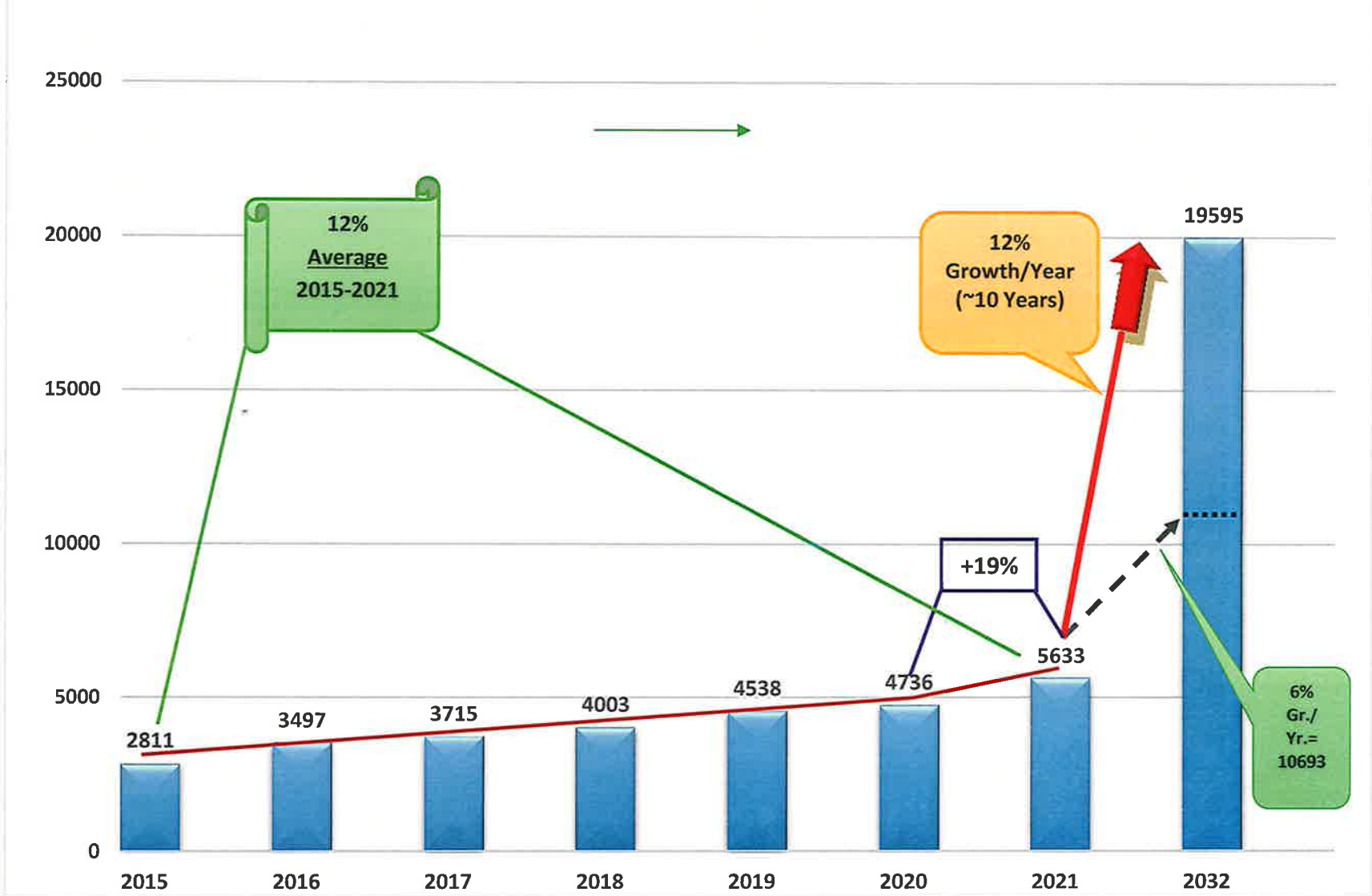
Tontitown Population By Year



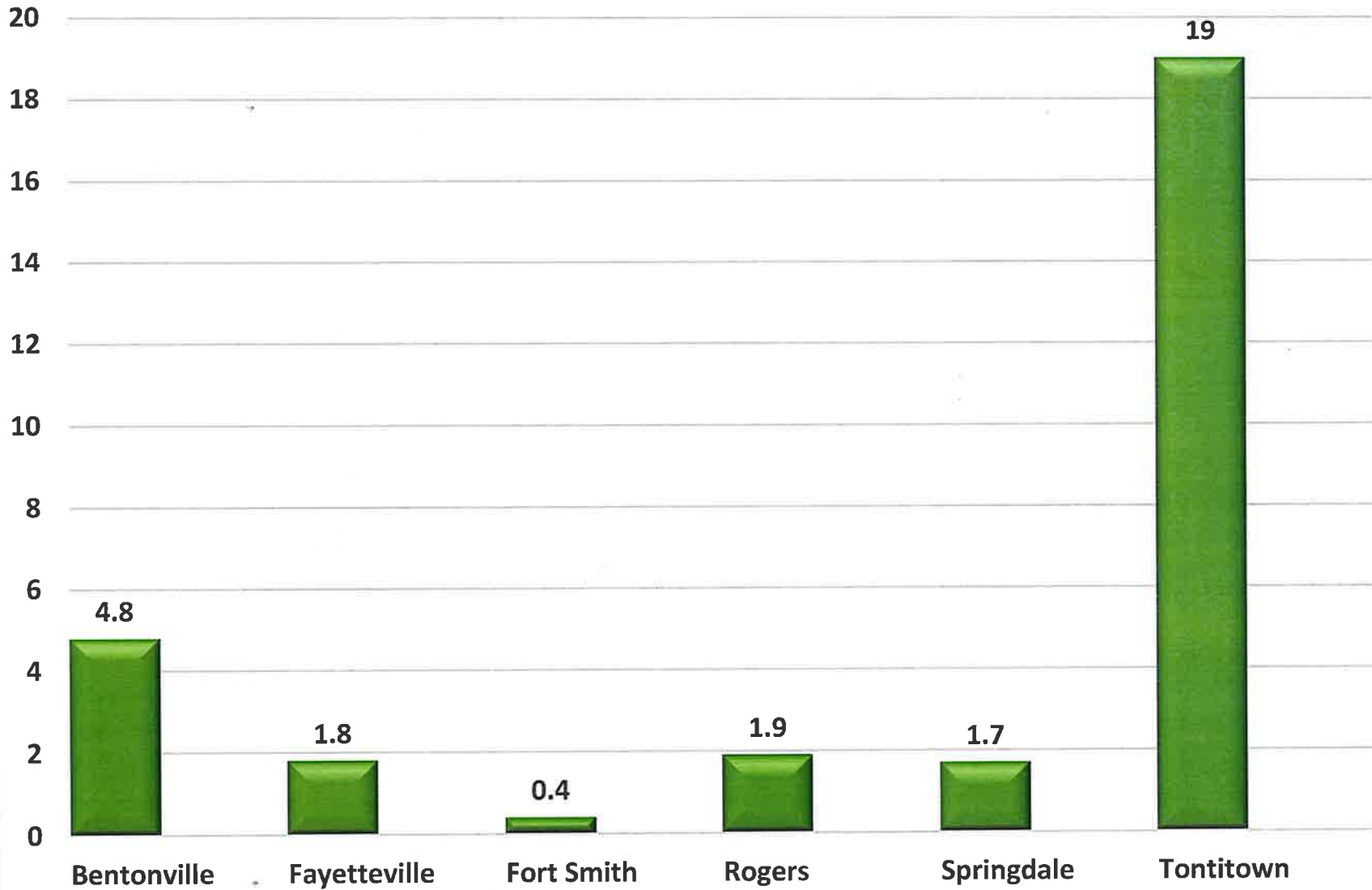
Year	Population	Rank in US
2021	5,633	4,488
2020	4,736	4,958
2019	4,358	5,142
2018	4,003	5,375
2017	3,715	5,577
2016	3,497	5,747
2015	2,811	6,402
2014	2,719	6,493
2013	2,625	6,500
2012	2,548	6,578
2011	2,508	6,734
2010	2,460	6,786
2000	2,045	7,289
1990	510	12,989

Source: US Census Data

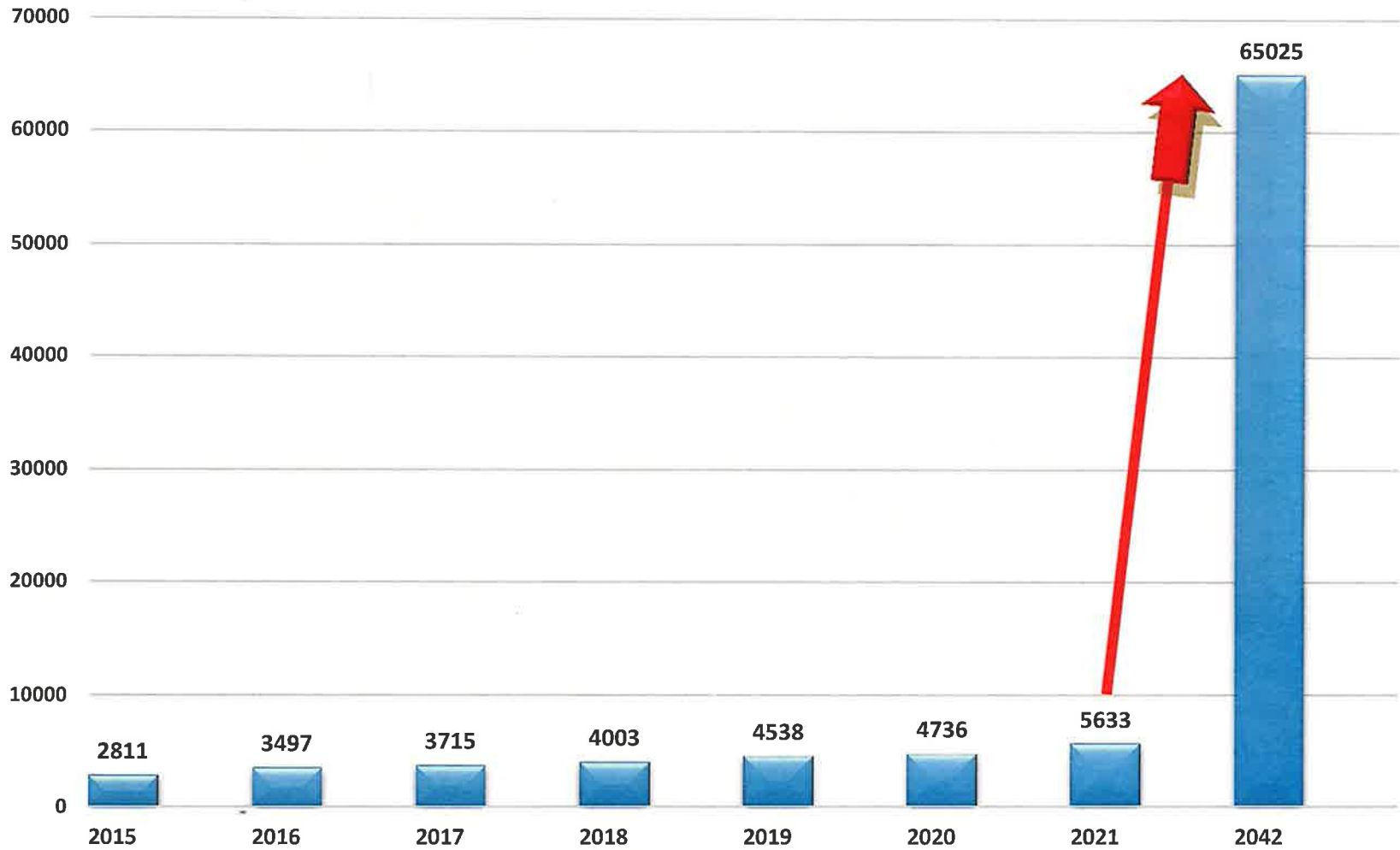
Tontitown Population & 10 Year Projection (12% annual growth starting in 2015)



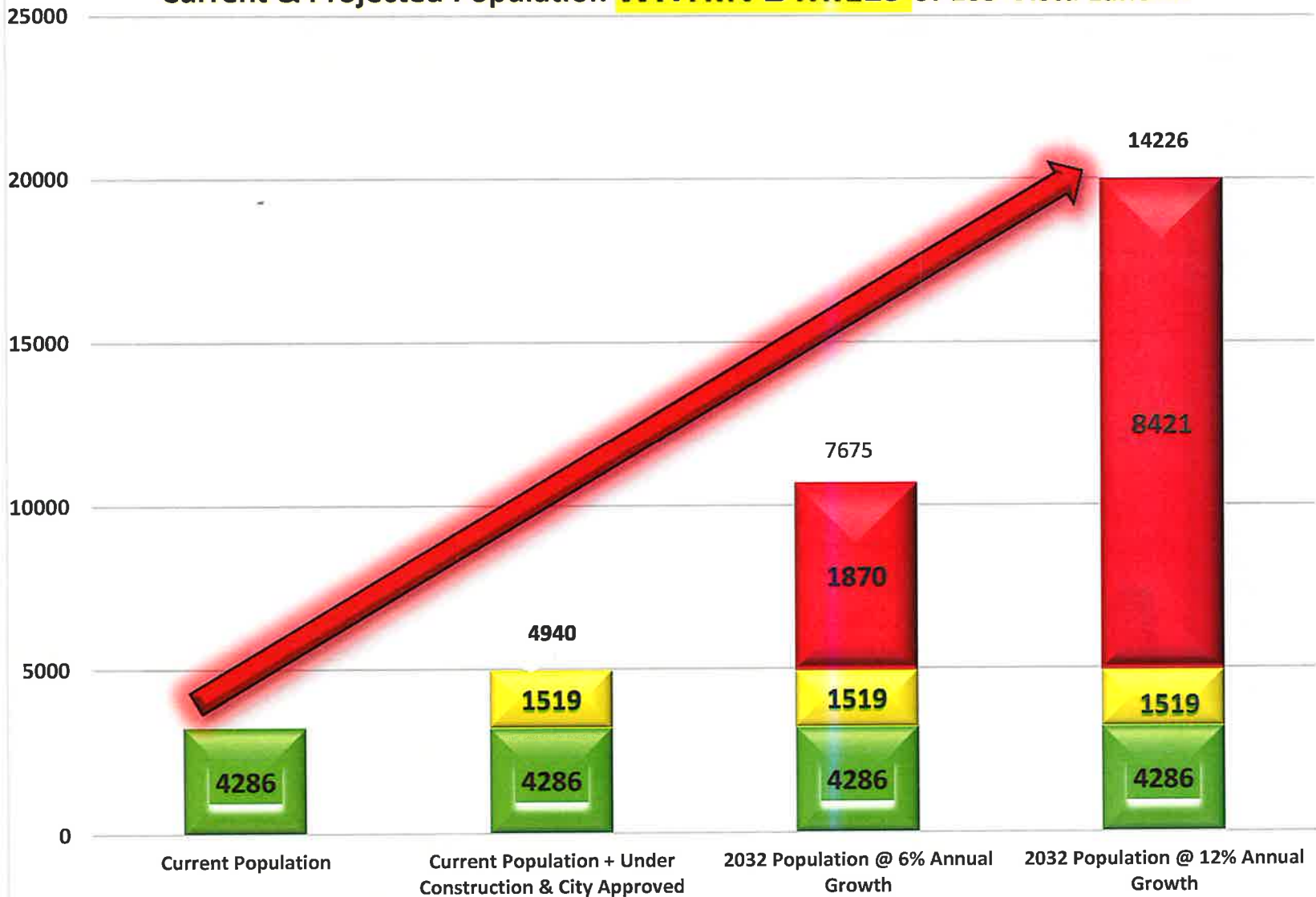
NWA Cities Percentage (%) Growth 2020-2021

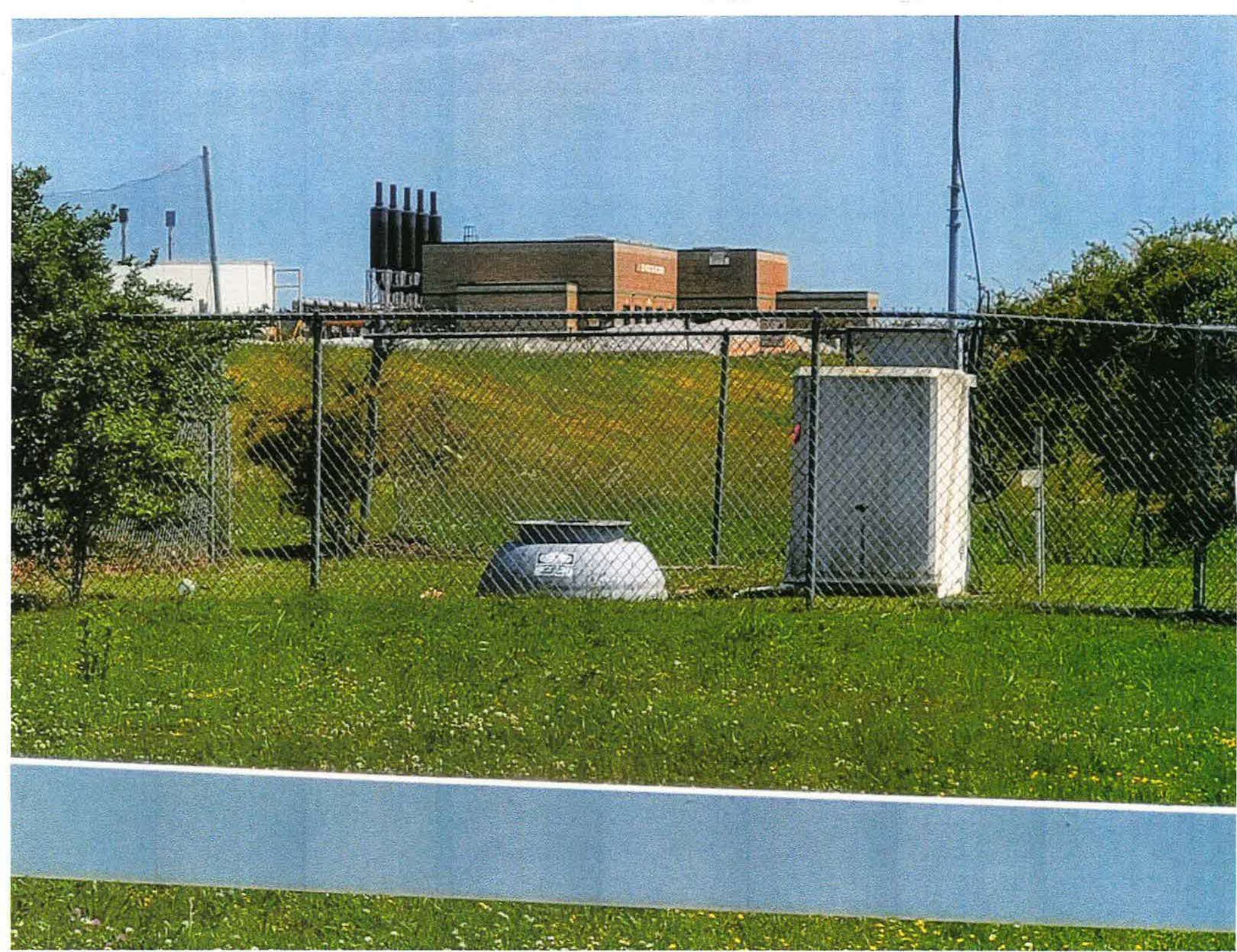


Tontitown Population & 20 Year Projection (12% annual growth starting in 2015)



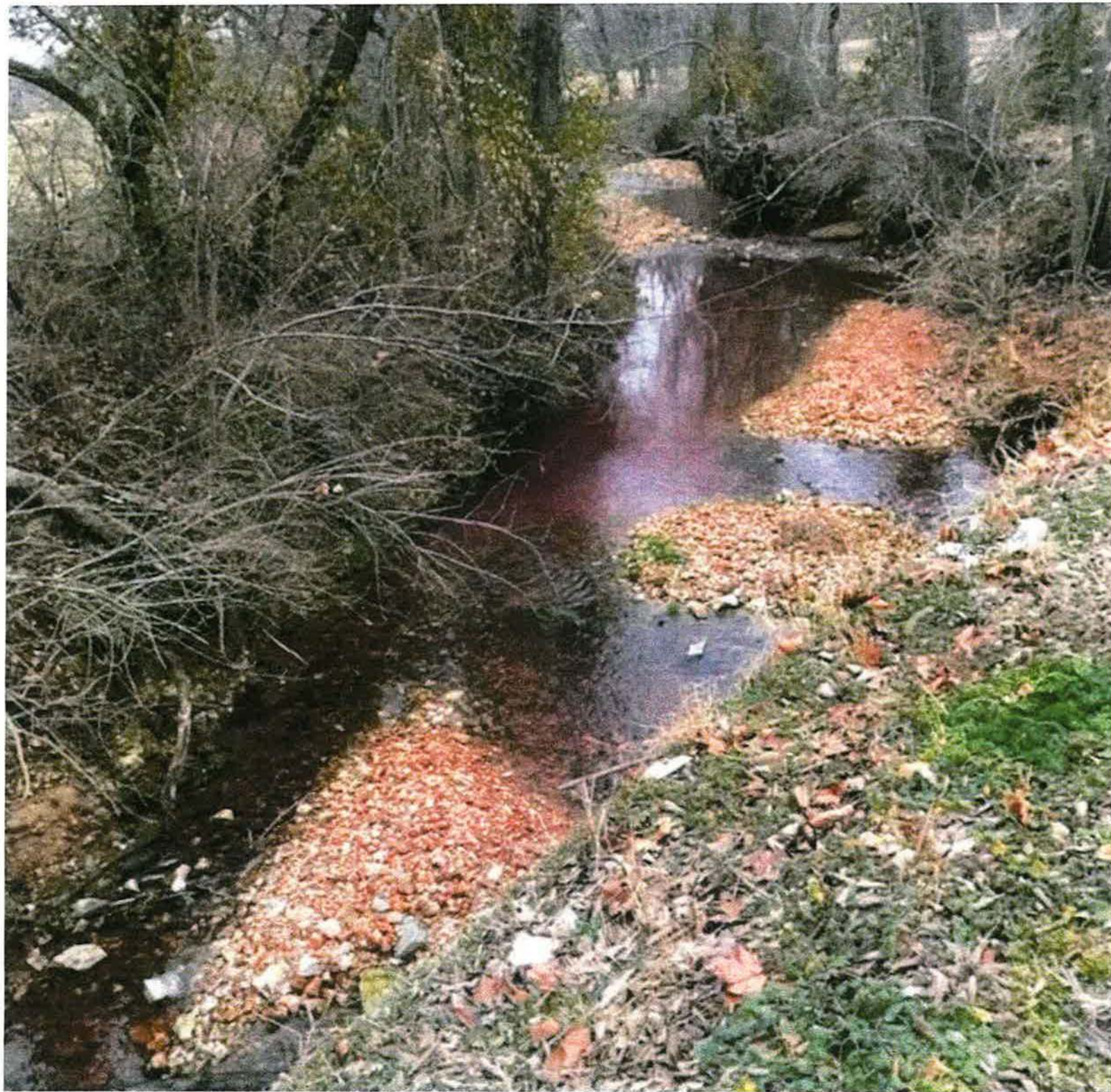
Current & Projected Population **WITHIN 2 MILES** of Eco-Vista Landfill







Dye
Test



Dye
Test
Went
into
Little
Wild
Cat
Creek



Dye
in
Wild
cat
Creek

February 2021

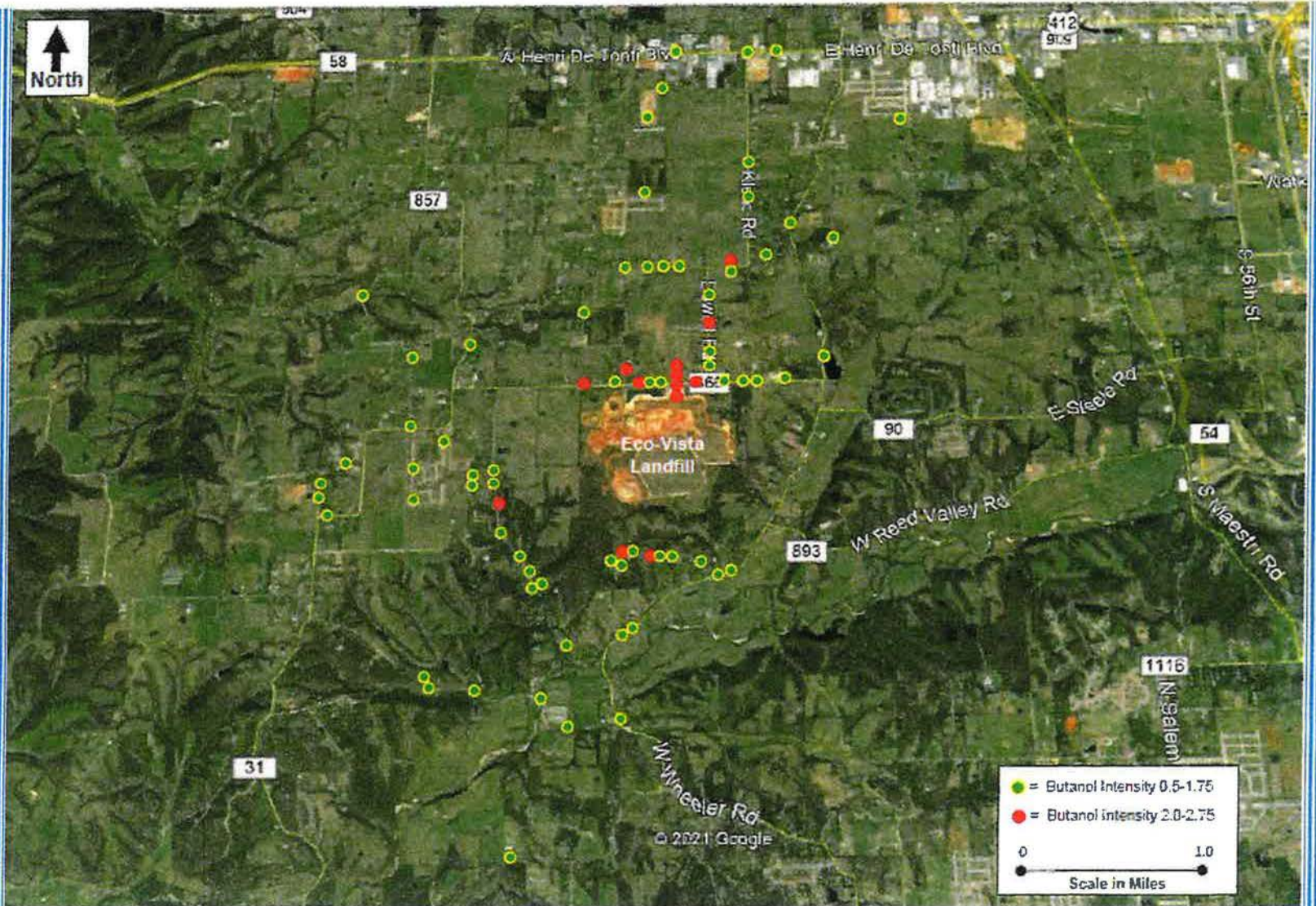


Figure 3-12. Location of all observed EVL-related odors based on intensity

Locations with Butonal

June 2021

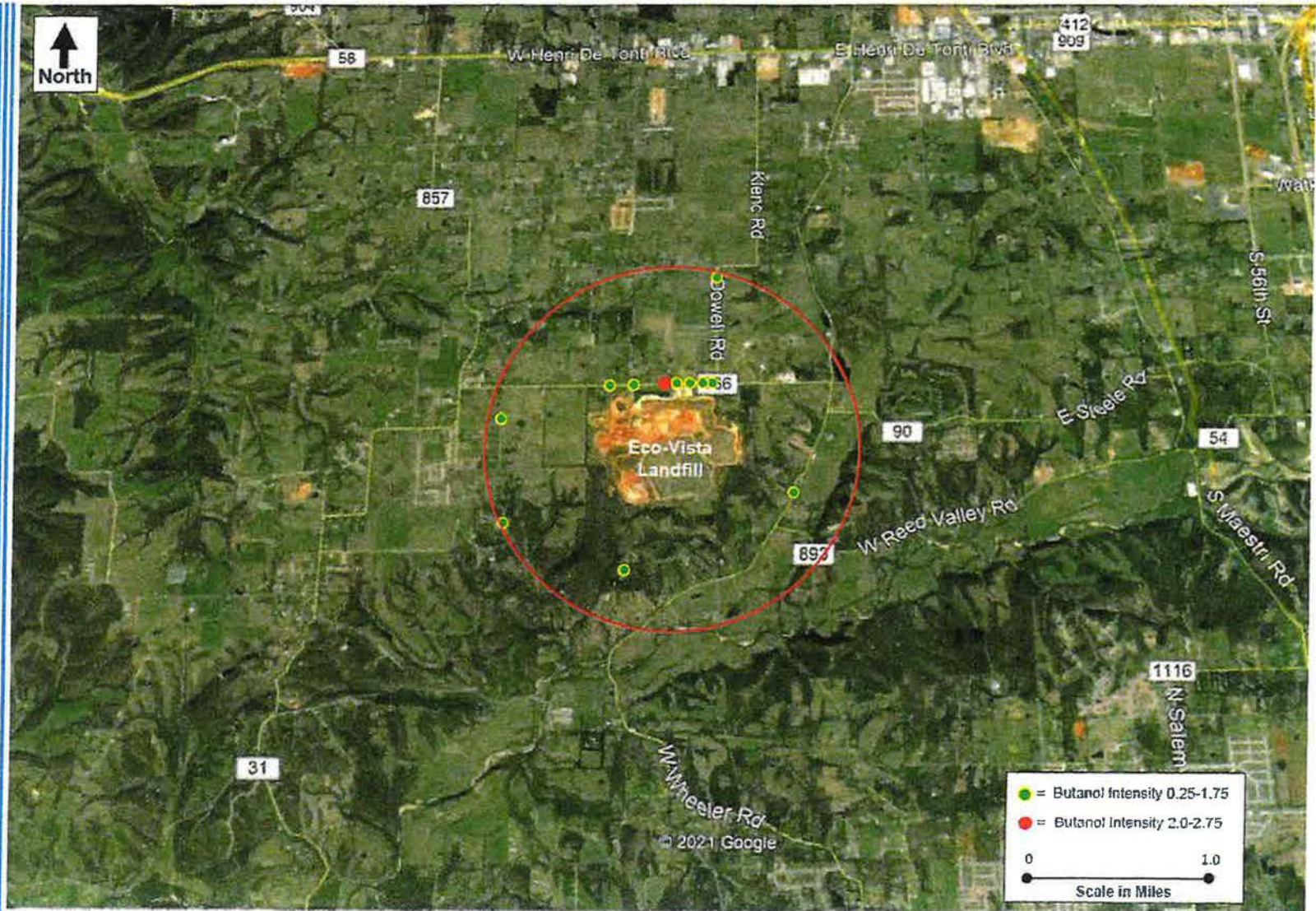


Figure 3-1. Location of EVL related odors based on Intensity- Follow-up Survey June 2021



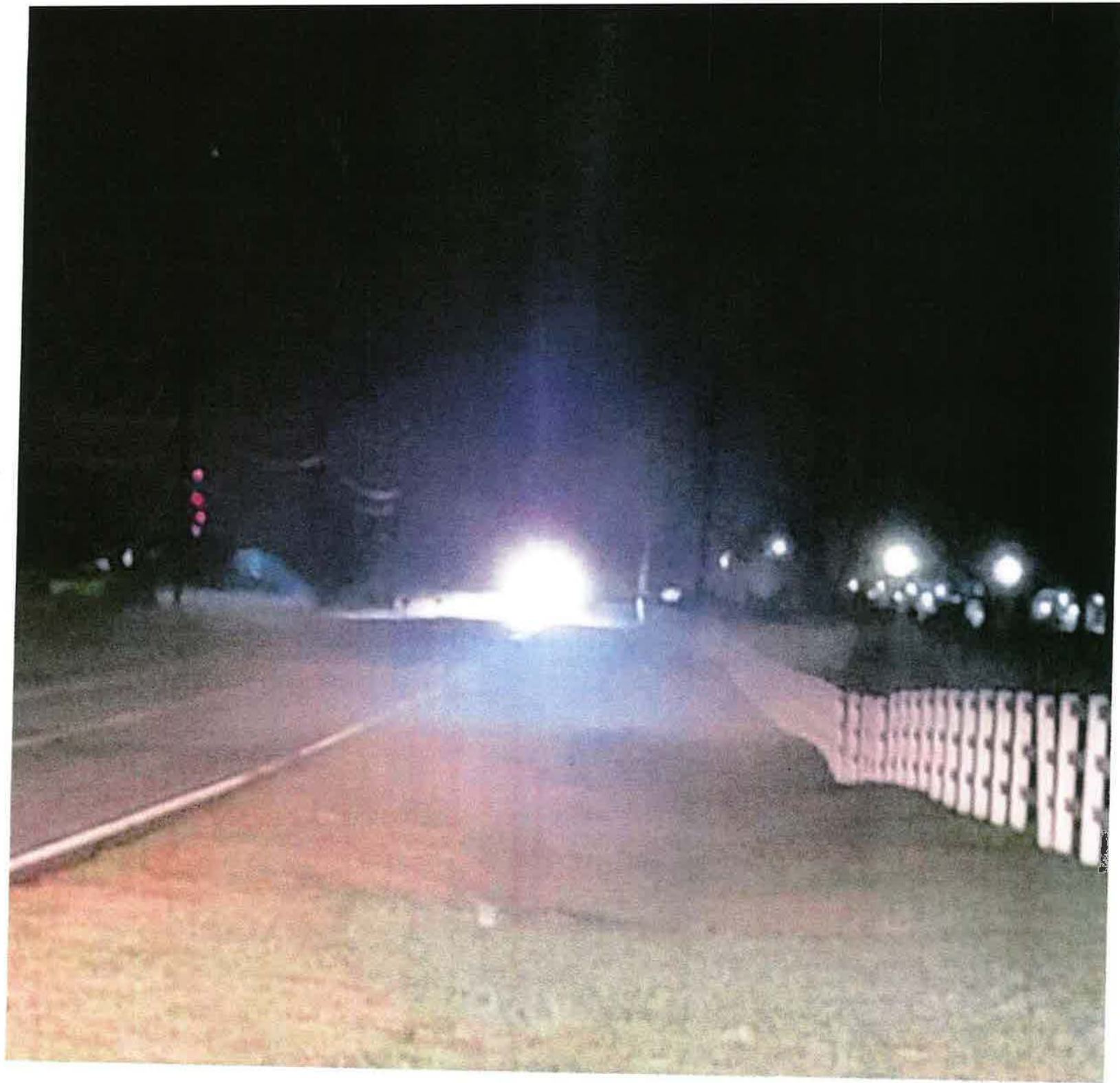
- Legend**
- Class 1 E
 - 2 mile radius
 - Structure
 - Radius



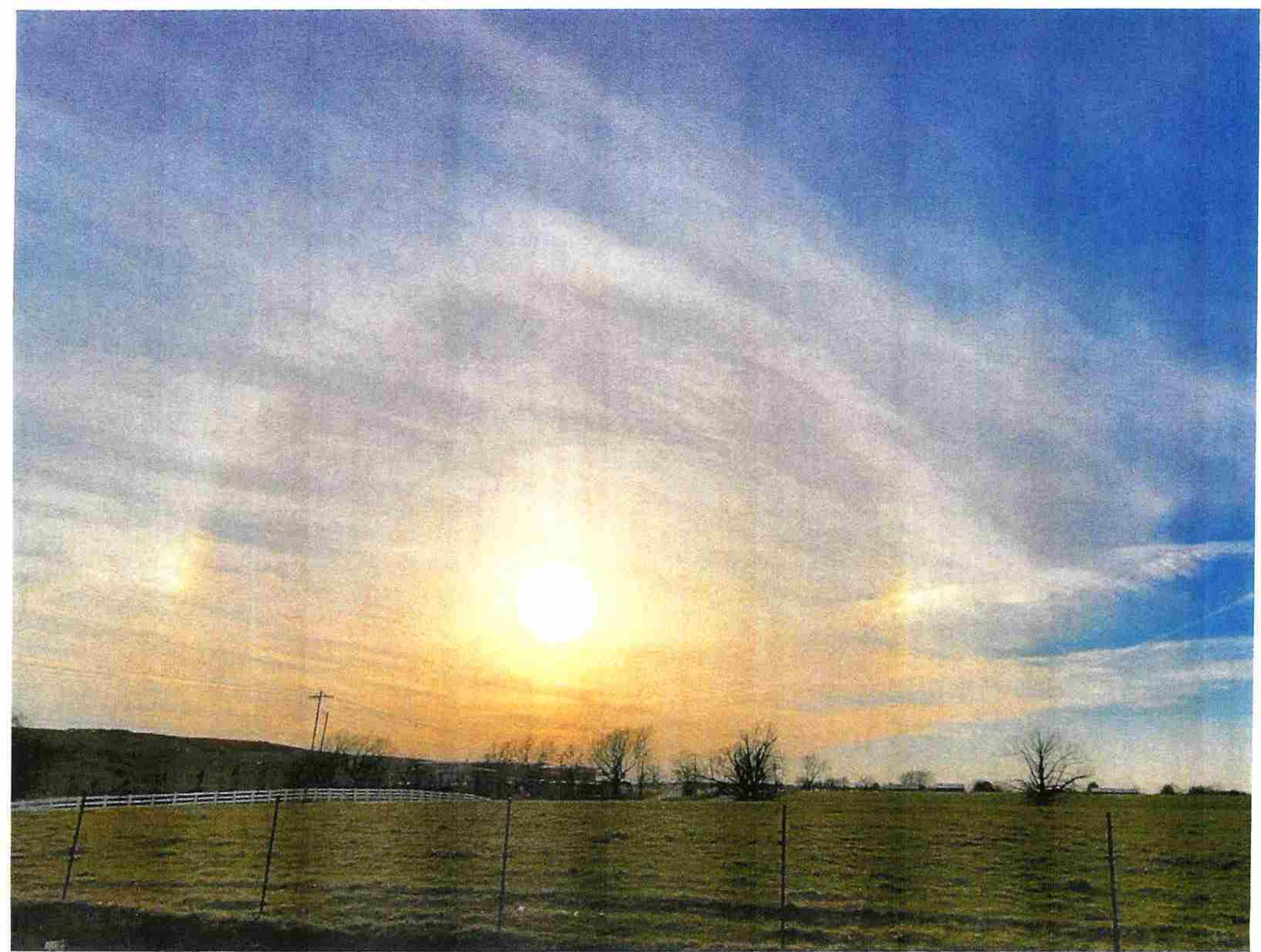
Figure 1
Eco-Vision
Tontitown
Map Created
FTN No. 01

Coordinate System - NAD83 (Feet) Arkansas State Plane, North Zone, Vertical Datum - NAVD 88





Dangerous
Vapors



Not Following
Rules

LANDFILL
TRAFFIC
MUST USE
KLENE ROAD

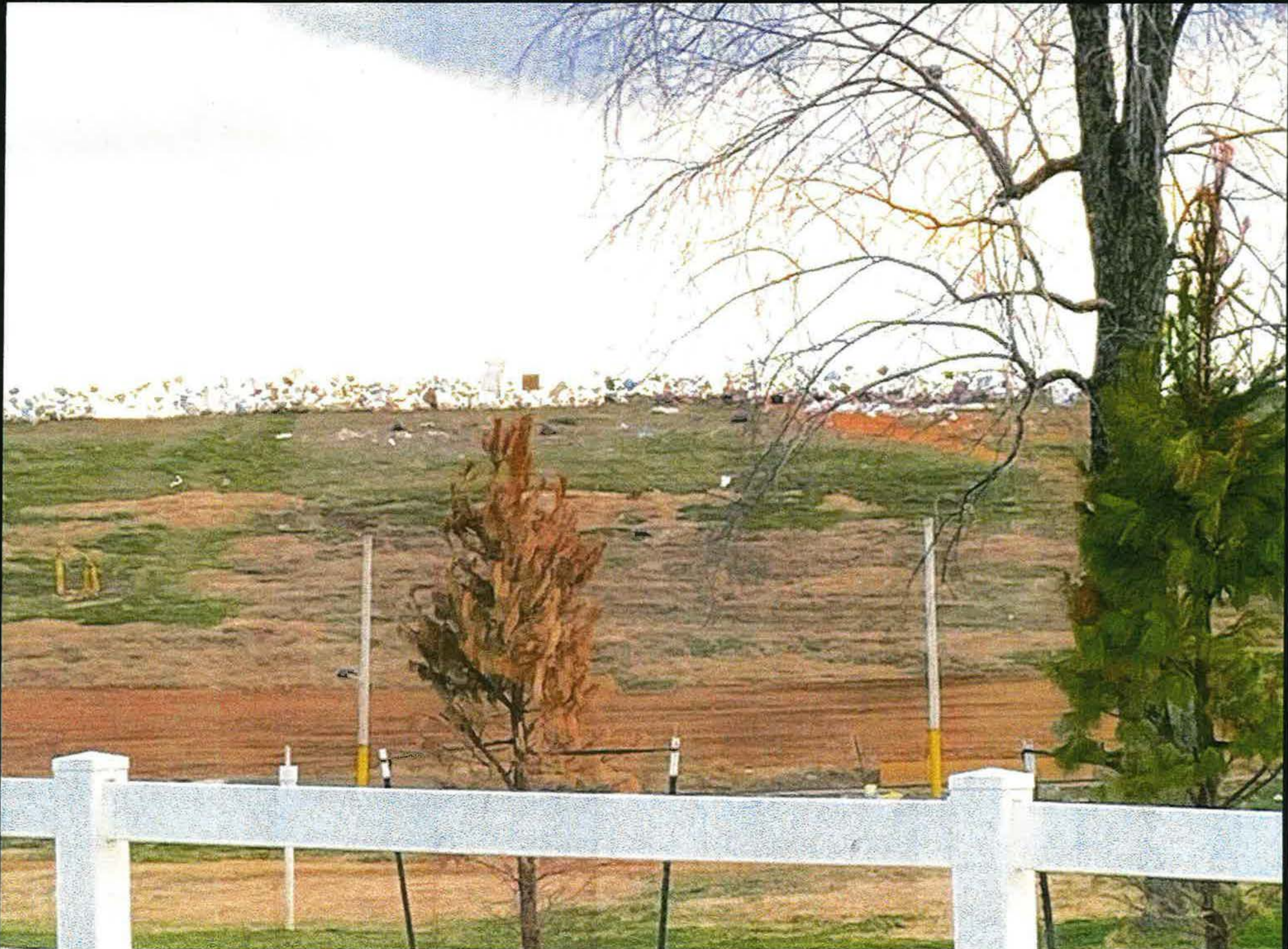


This is what Eco Vista Waste Management considers "Proper" cover at the end of the day.
APRIL 8, 2022.

NOW YOU SEE WHY TRASH IS BLOWN ALL
OVER THE COMMUNITY.



Friday April 8, 2022





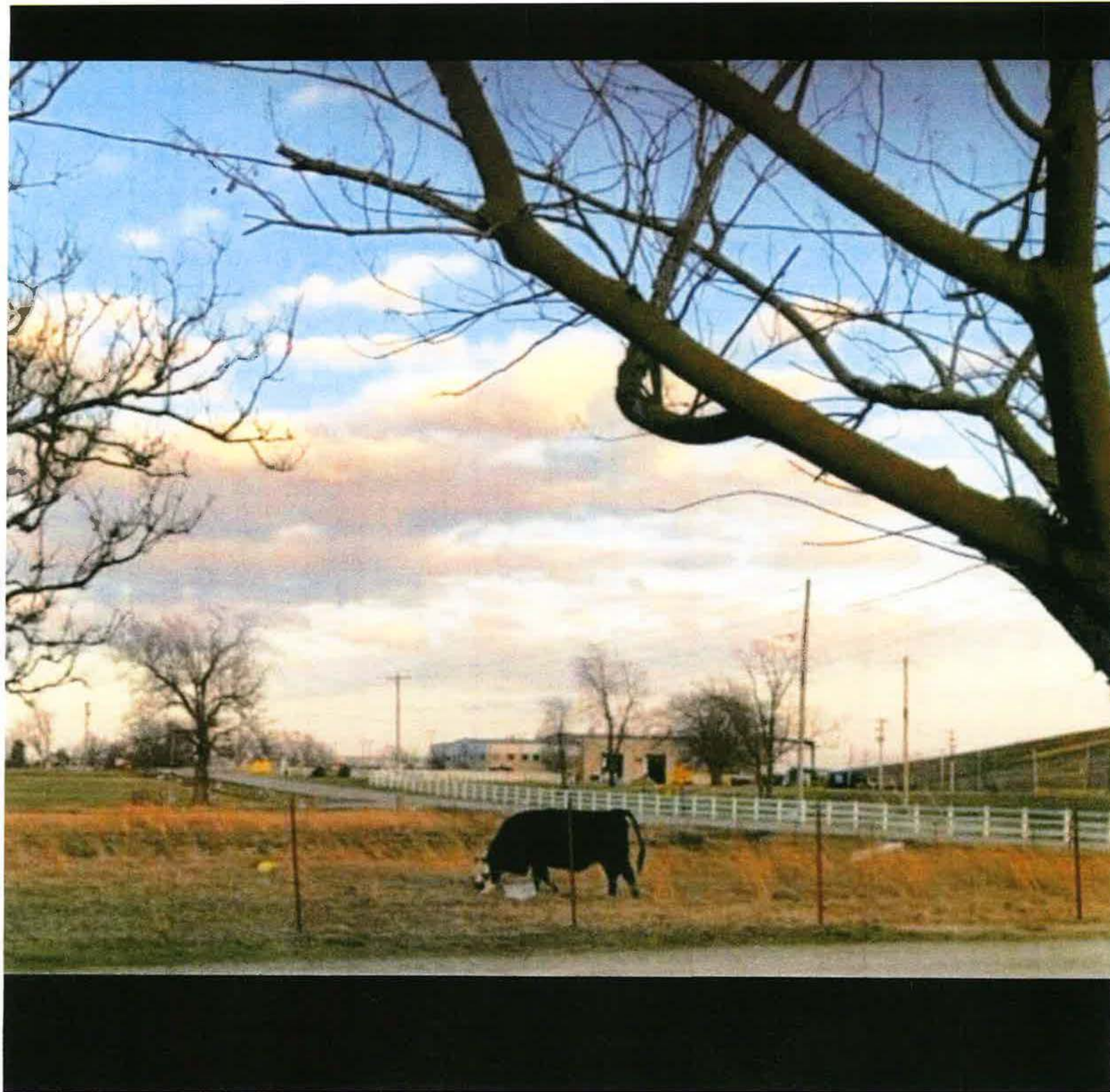


More proof this has gone on a long, long time.
Keep up the good fight yall... Don't forget to
share AND sign the petition! [Change.org/
TontitownLandfill](https://change.org/petitions/stop-the-tontitown-landfill)



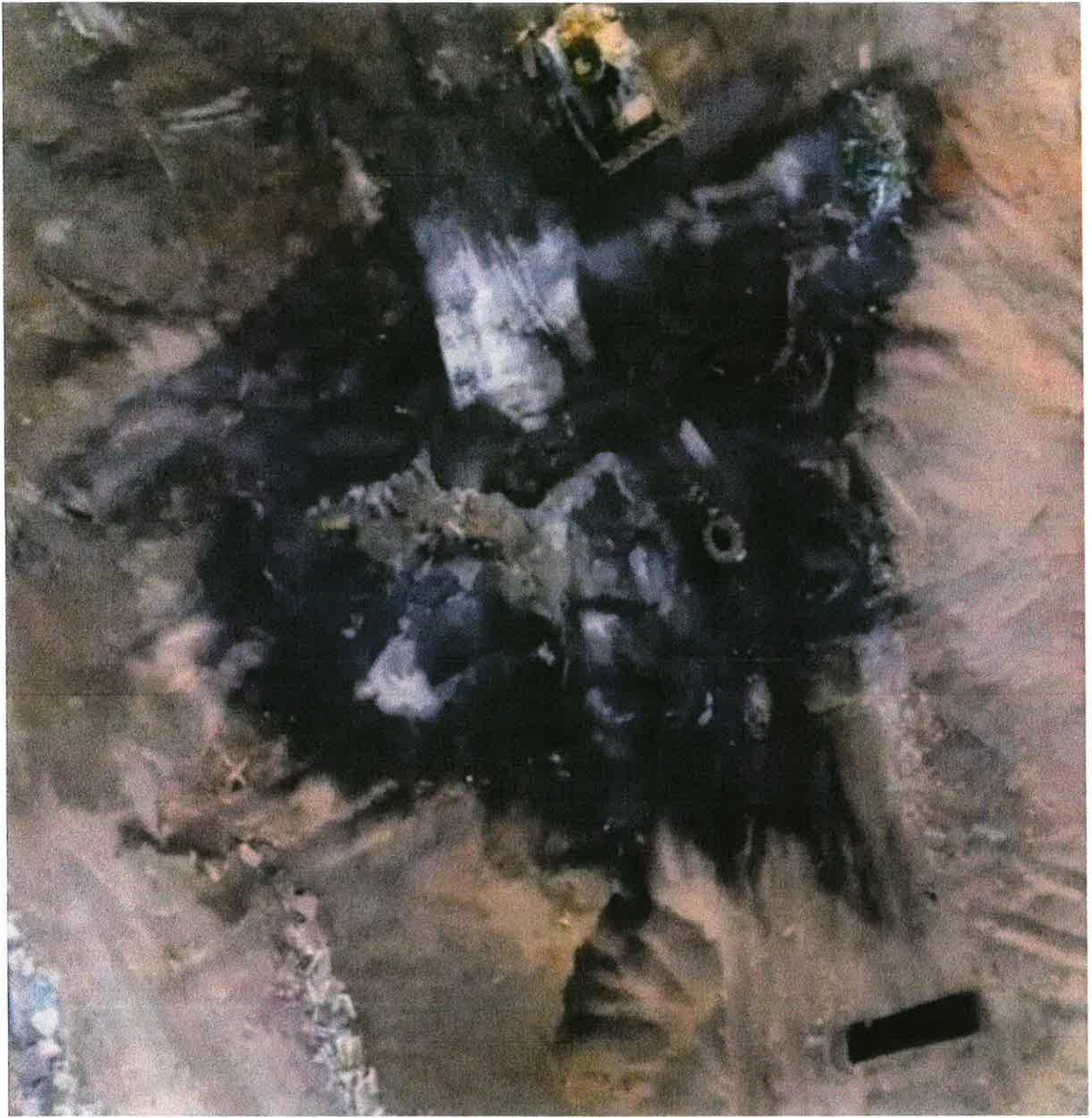
nwahomepage.com

**Strong Winds Blow Trash Out of Waste
Management Facility**





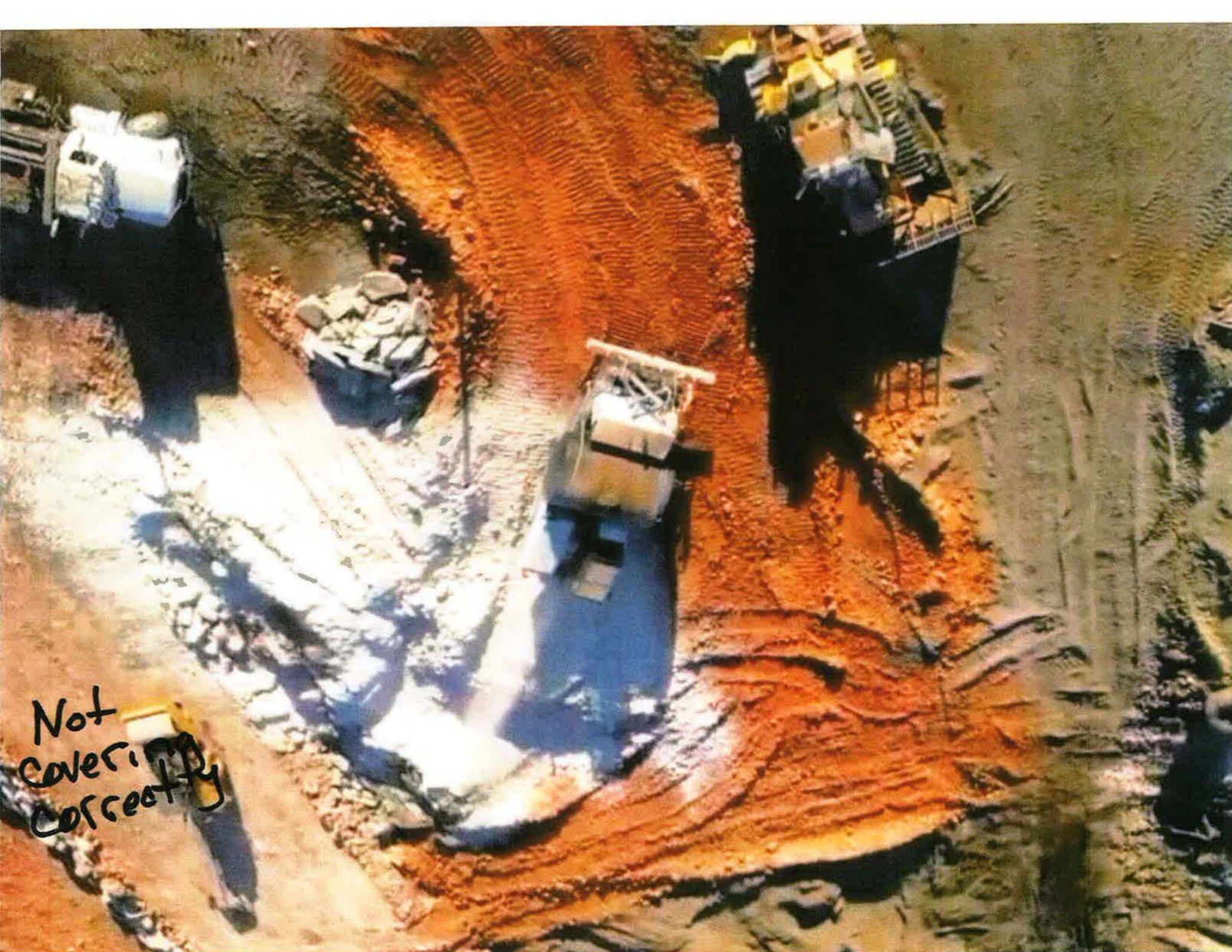




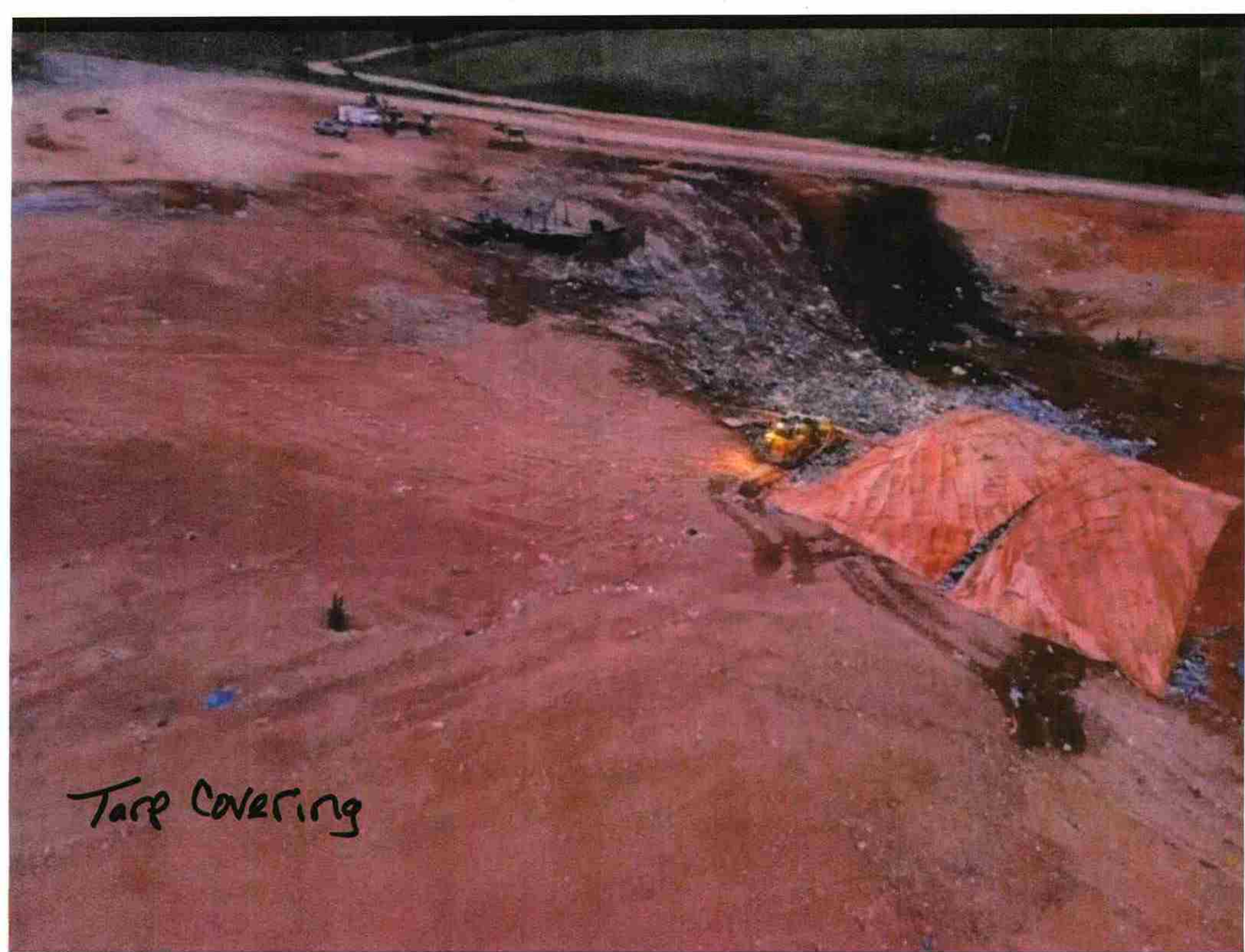




Not covering
correctly



Not covering correctly



Tarp covering

Charles Hurt (adpce.ad)

From: Kenneth Lovett <kenneth.lovett@att.net>
Sent: Friday, November 4, 2022 11:57 PM
To: Nicholas Jones (adpce.ad)
Subject: Class 4 Eco Vista

NO expansion for Class 4.

1. WM is not separating incoming material to Class 4. Dump and pack. There is hazardous materials going unchecked into the landfill in Both Class 4 and Class 1 currently.
2. There are no scrubbers on the Waste Gas to energy plant. Emissions are released from 7 exit points unchecked. Atmospheric conditions are not controlled and thus affect community.
3. Common sense. Landfill should not be allowed in Karst environment, period. No man-made liner is protection in this environment prone to earthquake, sinkholes, etc.
4. Dye test has proven to go directly into an Illinois River tributary. Once any Waste leaks to the sample points, it will already be released into the environment..environment...

Thank you
Kenneth Lovett

Charles Hurt (adpce.ad)

From: Carri Scott <carrilulu77@gmail.com>
Sent: Friday, November 4, 2022 4:26 PM
To: Nicholas Jones (adpce.ad)
Subject: Class 4 expansion of Eco Vista Tontitown

Mr. Jones,

I am emailing you in regards to the Class 4 expansion of the Eco Vista landfill in Tontitown, AR. I have never emailed my comments regarding anything before, preferring to let my vote be my comment. In this case, I have no vote. My residence is outside of Tontitown City limits so I am unable to vote for a mayor or city council member or any other leadership position in the city. I am, however, affected by the landfill. I have lived on the same seven acres northwest of the landfill for 41 of my 45 years. The route to Fayetteville from my house takes me past the landfill on Arbor Acres Rd. I work in Fayetteville, so I drive that road twice a day, 5 days a week, at minimum. Over the years I have seen the effects of the landfill on the surrounding area worsen. The condition of the roads used by trucks going to the landfill is terrible. Trash trucks pull out of the driveway and onto Arbor Acres from Klenc with little regard to traffic. Both roads are covered in red dirt and have many holes and are usually lined with trash. The trash and dust blow from the landfill across Arbor Acres road and into the properties to the north. It's apparent when a governing entity is coming to town because the street sweeper appears, as do the clean up crews. According to Google Maps, my house is 1.69 air miles to the northwest and frequently the stench of the landfill makes it there. I know there have been fires at the landfill this year and several since 2020. I've learned that a dye test turned Little Wildcat Creek red so there's obviously problems with leaking in the current situation. I am aware that the population of the Northwest Arkansas region is growing and this landfill is the only one. The trash has to go somewhere, but the current situation at this landfill with the fires, escaping trash, and road destruction seems out of control. My concern is that any type of expansion at this landfill will only make it all worse and I hope there is a better solution than to make it bigger and accept additional types of waste. I appreciate the opportunity to give voice to my concerns. I hope the ADEQ will take mine and other citizen's concerns into consideration as well as the City of Tontitown government withdrawing their support of the landfill.

Carri Scott

Charles Hurt (adpce.ad)

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Carri Scott

Charles Hurt (adpce.ad)

From: D Russ Greene <drussgreene@gmail.com>
Sent: Friday, November 4, 2022 12:00 PM
To: Nicholas Jones (adpce.ad)
Subject: Copy of Speech to ADEE 11.2.22
Attachments: Speech to ADEE.docx

Please find attached a copy of my presentation to ADEE on 11.2.22.

Respectfully,

Daryle "Russ" Greene, RN

Daryle "Russ" Greene, 12246 Red Oak Drive in Red Oak Estates.

I represent the neighbors directly south of the landfill right behind the current Class 4 Landfill. My property borders Eco Vista Landfill and can see, hear, and smell the Class 4 mountain.

I want to thank you ADEE management staff for meeting with the public today.

Waste Management has anticipated your visit by adding dirt to places that needed it, put gravel on the landfills to help control some of the red dirt that is all over Tontitown's roads and even planted some trees replacing the ones that were dead. They even worked last Saturday to make sure the landfill looks legal.

The citizens of Tontitown and adjoining properties around the landfill, have tried to get Waste Management to do what Arkansas Rule 22 says. They don't cover the trash properly as was noted a couple of weekends ago when we had high winds. Contaminated trash flew all over the area around the landfill. Why didn't they prepare? I knew it was going to be windy that weekend.

During a past citizens meeting at Eco-Vista, an employee of Waste Management stated that "they are aware of damage that has occurred to the aquifer under Northwest Arkansas by the landfill in Tontitown". If we know that the landfill is damaging our water source, why would we allow WM to expand the landfill?

I once had a discussion with one of the inspectors from ADEQ (ADEE) and he stated that landfills in Arkansas usually last for 20 years. The landfill in Tontitown has been in operation since 1979. That's 43 years. Isn't it time to find a space that is outside a city limit and away from dense housing? I realize the current location is convenient for area cities and industries. It costs them less to deliver to a site that is centrally located in the middle of one of the fastest growing areas in the US, but it is not very convenient for those of us who live in the area.

I would also point out that if Waste Management wasn't so obtuse and would abide by Rule 22 by covering the awful, smelly trash, the landfill might not be such a problem for the community. I also don't understand ADEQ's interpretation of covering class 4. Rule 22, (22.609[b]) says,

(b) Cover Thickness - A compacted layer of cover soil of sufficient quantity, but not less than six inches, to ensure there is not exposed waste (in addition to the six inches of daily cover) shall be applied upon surfaces that will not receive an additional application of waste or final cover within thirty (30) days.

Waste Management has gone months without covering the current class 4 landfill. I realize it is because dirt costs money and they can get more trash on the site without adding the required dirt, but a rule is a rule, and they (WM) should follow the rules and ADEQ should enforce the rules.

Please at least listen to the people who live around the landfill. Some have been there for generations. We complain when the smell is so bad, we can't go outside our houses, and nothing is done. If WM doesn't follow the rules and start being a good steward of the environment here in Northwest Arkansas, it won't be one of the fastest growing areas in the United States.

Please consider these facts when making the decision to approve or not approve WM's application to expand Class 4 landfill at Eco-Vista Landfill.

Thank you.

Charles Hurt (adpce.ad)

From: Jami Morgan <jmorgan3592@gmail.com>
Sent: Friday, November 4, 2022 4:41 PM
To: Nicholas Jones (adpce.ad)
Subject: Eco Vista Class 4 Expansion Comment

To all it may concern:

Whether or not the Eco Vista landfill should be allowed to expand is a multi-faceted issue. NWA needs a place to dispose of its trash, but the solution to this problem must be handled responsibly. NWA is a part of the region called the Boone Limestone Formation, a unique geological formation known as Karst Topography which is a series of underground caves and aquifers.

What does this mean?

The National Park Services states "Karst is a type of landscape where the dissolving of the bedrock has created sinkholes, sinking streams, caves, springs, and other characteristic features. Karst is associated with soluble rock types such as limestone, marble, and gypsum. In general, a typical karst landscape forms when much of the water falling on the surface interacts with and enters the subsurface through cracks, fractures, and holes that have been dissolved into the bedrock. After traveling underground, sometimes for long distances, this water is then discharged from springs, many of which are cave entrances."

Now... think about sitting a landfill on top of a formation where the rock is porous and dissolves, where sinkholes and fractures exists, and where underground water flows for miles and pop up as springs. There are also known endangered species in the cave network.

When it rains, water works its way down through the trash mound and collects with other liquids in the trash mound creating leachate.

-The current requirements for class 4 landfills is only compacted clay as a "liner."

-A dye test required by ADEQ for expansion (of class 4) resulted in Wildcat Creek turning red/pink earlier this year. This was confirmed by ADEQ DESPITE WM TRYING TO DENY IT.

-Per ADEQ the dye test was to be completed with notification to the agency AND IN THE PRESENCE OF their personnel. This was IGNORED with no ramifications.

-If the purpose of the dye test is to see where the dye flows, why did they have no idea where it went? Shouldn't surrounding creeks and springs be monitored for dye?

This is bigger than trash smells and blown bags and dirt track out. This is the future of our region and our communities and our future generations.

Multiple citizens have reported complaints, many with photo and video proof of non compliance and repeatedly nothing has been done because by the time enforcement inspects the issue it has been resolved and ADEQ remains that they are unable to use submitted proof to enforce regulations. One

neighbor submitted weekly photos as requested directly to an adeq inspector supervisor, at their request, for 7 months (February-September) showing that the class 4 landfill was consistently not being covered before the weekend as Waste Management repeatedly told us it was. No actions were taken or violations cited during this time.

WM mentioned several times in citizens meetings that drywall breaking down has a strong sulfur/ egg like odor, yet ADEQ staff has dismissed our concerns surrounding lack of cover of class 4 and any potentially related odor.

This location is not appropriate for a landfill. It is increasingly residential in addition to a poor choice geologically. Waste Management has displayed flagrant disregard for its neighbors and as the statutes are currently, neighbors are left without assistance from the state.

-The City Of Tontitown has passed a resolution stating they no longer support the expansion of class 1 and class 4 at Eco Vista.

We ask that the expansion process be halted until questions surrounding the landfill are properly investigated and I ask you to put in place more stringent requirements for the protection of the Karst system and amend the investigation process to be able to support the surrounding residents appropriately. Waste Management has repeatedly violated regulations in both landfills and does not deserve the ability to expand operating as is.

Additional questions

I would like to know why the department has repeatedly allowed alternative permits to the regulations when there are dozens of complaints that have been filed?

Why has the investigator failed to issue violations when issues have been apparent at investigation? The patchwork process of covering the class 4, one section at a time was not implemented until late summer 2022 but we have been told by the department this is the "standard" and how it is supposed to be. The box for management of liquid in class 1 was also not implemented until this summer, which means that despite numerous complaints since 2020 the investigator never reported these issues.

Signed,
Jami Morgan

Charles Hurt (adpce.ad)

From: Greg Humphries <gdchumphries@msn.com>
Sent: Friday, November 4, 2022 5:39 PM
To: Nicholas Jones (adpce.ad)
Subject: Eco Vista Waste Management in Tontitown

Mr. Jones,

Comments we wish to make about Waste Management applying for expansion to accept construction debris:

- Construction debris will include paint, turpentine, caulking, and other chemicals that are used in construction. Since only a compacted clay liner is required, that is going to allow chemicals to leach through and eventually end up in Wildcat Creek.
- Wildcat Creek has already had a dye test which turned the creek red.
- Other waste ends up in Class 4 because people will throw their trash into any dumpster that is available. Waste Management does not pick up the brown yard waste bags anymore. They expect residents to bring their bags to the landfill twice a year. I'm sure many people will use a construction dumpster if its available near their home.
- Waste Management has had two fire issues in the last few months. Burning debris and chemicals is dangerous to the environment and neighbors.
- The Tontitown City Council has listened to their citizens and has withdrawn their support of the landfill expansion.

I realize that the comments you want are to be directed to the application for expansion by Waste Management. However, your job is to protect the environment and the citizens, and you are not doing anything to protect our town, our citizens, or our environment. Citizens have been complaining for a long time about the odor, the debris, and the dangerous fumes. By the time you come to Tontitown to investigate, they temporarily clean up their act. Are you going to just wait until people get cancer or even die from the fumes and pollution?

Tontitown is our city where we live and have invested a lot in home ownership which is being destroyed by Waste Management. Tontitown is a very small town. Waste Management said they would only be here for ten years. Now forty years later they are asking for another expansion. The City Council and the citizens of Tontitown should be able to say it is time for Waste Management to move to another area that is less populated. Please do not let them continue to destroy our town and endanger the health of citizens as well as continue to pollute the environment.

Thank you,

Greg and Darlene Humphries
690 Via Sangro Rd.
Tontitown, AR 72762
gdchumphries@msn.com



11

2 Comments

Like

Comment

Share

Charles Hurt (adpce.ad)

From: Nina Brown <nenekat22@gmail.com>
Sent: Thursday, November 3, 2022 7:44 PM
To: Nicholas Jones (adpce.ad)
Subject: Eco-Vista in Tontitown Ar.

Nick Jones,

I am writing as a longtime resident of Tontitown. I, We are asking our State ADEQ to consider the health and safety of the people in and around the Eco-Vista landfill and all of northwest Arkansas ! We are becoming more and more concerned about our health and safety living close to whatever is coming from the landfill... gases.. trash.. dirty trucks tracking all over the streets and roads...litter.... water runoff carrying ?? No one seems to be willing to test for each and every gas that it might be... As citizens we are trying, but by the time we smell it, get someone out to test it, gas has moved, dispersed, went up or down..... or we are too ill from gases...our wells have been polluted as the creeks and rivers. Please do NOT allow this expansion to move forward.

Not only for the environment, but most importantly our people !!

The City of Tontitown Council has voted against the class 1 and 4 expansions. Please hear us and help our city& NW Arkansas breathe and live more confident with our state department's . Make Eco-Vista accountable..! My 40 years of living here opinion....

Thank You,
Nina Brown
1851 S Pinalto
Tontitown Ar.

Charles Hurt (adpce.ad)

From: Rebecca Timmons <rgtimmi@gmail.com>
Sent: Friday, November 4, 2022 12:25 PM
To: Nicholas Jones (adpce.ad)
Subject: **Eco-Vista/WM expansion**

R. Timmons
2024 S Pinalto Rd
Tontitown, Ar 72762

Greetings Mr. Jones:

Below I have listed some of my issues with Eco-Vista/WM, I appreciate your consideration in this matter.

#1. The dissolution of chemicals, metals, plastics & solids from the dump are finding their way into the creeks, water wells and eventually rivers and lakes. Leaching causes elevated levels of asbestos, metals and many other negative compounds in water that we eventually drink! I have driven by the Little Wild Cat Creek, here in Tontitown and seen mountains of suds, foaming up over the sides of the creek, to the point where the water in the creek wasn't visible.

#2. Another big concern is, why are we taking trash from other states? Oh, I know that they can't be brought directly to WM in Tontitown, so Oklahoma, Louisiana & other states take it to Boston Mtn. transfer station, then it comes to WM in Tontitown. This is a shady practice!

#3. On a daily basis, for many years we have endured the noise, dirt, debris and odors from WM. The loud banging that starts in early am, the fine "dirt dust" that floats in the air and settles in the bottom of your pool or on the front of your home, your vehicles. If WM was a good neighbor they might consider contracting with a carwash place, to allow the most severely affected residents free car washes. Many trucks & trailers arrive at the dump daily, without tarps, their debris blows out along the road (e.i. styrofoam insulation, boards, drywall with the nails etc). Why can't WM sell tarps to those who arrive without them, before allowing them to dump their trash, so they will understand that this is required. When the wind blows the Walmart grocery bags are caught in the fencing of residents that live in the vicinity. It reminds me of Spanish moss hanging from the trees in Louisiana. The odors are overwhelming. I've had service workers come to my home and while they were here, ask me, "do you ever get used to that smell of methane" or in the middle of the night, the smell of raw sewage waking you up. You can't hardly take a breath.

#4. Are birds supposed to be able to access open pits of rubbish, seems to me that's a way to spread disease. I've seen photos where the birds are all over the garbage before it gets buried. They carry and drop that bacteria ridden garbage everywhere.

Please don't think, "that if I didn't want to endure the problems from the dump, I shouldn't have moved here", I'm tired of hearing this statement. The 1st time I heard it was from a WM employee, when I called to complain about a smell that

was on going for days! The practices of WM have far reaching consequences. To be clear, I have lived at this location for 45 years, well before WM ever thought about being in Tontitown.

Thank you for listening,

Rebecca Timmons

Charles Hurt (adpce.ad)

From: Manning, Jenny <Jenny.Manning@arkansashouse.org>
Sent: Friday, November 4, 2022 4:47 PM
To: Nicholas Jones (adpce.ad)
Cc: 'Alison Williams'; Becky Keogh (adpce.ad); Julie Linck (adpce.ad); Bailey Taylor (adpce.ad); Ladyman Jack; Bledsoe Cecile; Fite Lanny; Stubblefield Gary; 'mayor@tontitownar.gov'; 'Renee.Mallory@Arkansas.gov'; 'Robin Lundstrum'
Subject: From Rep. Robin Lundstrum - Tontitown Landfill
Attachments: sharpmx6070N@arkleg.state.ar.us_20221104_163347.pdf

Nick-
Please see the attached letter from Rep. Robin Lundstrum. Let me or Rep. Lundstrum know if you have any questions.
Thank you.

Jenny
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

Robin Lundstrum

P. O. Box 14

Elm Springs, Arkansas 72728-0014

479-957-1959 Business

479-248-1080 FAX

robin.lundstrum@arkansashouse.org

DISTRICT 87

Counties:

Part Benton

Part Washington

COMMITTEES:

Revenue and Taxation

Complaints and Remediation

Subcommittee

Insurance and Commerce

Chairperson,

Financial Institutions Subcommittee

Joint Committee on Advanced

Communications and Information

Technology

Legislative Joint Auditing Committee

1st Alternate,

Arkansas Legislative Council

November 4, 2022

Mr. Nick Jones, Senior Manager

Land Resources

Arkansas Division of Environmental Quality

5301 Northshore Drive

North Little Rock, AR 72118-5317

Dear Mr. Jones:

I am very concerned about that the citizens of Tontitown and the lack of respect that has been shown to them over the last three years regarding the air and landfill environment. Up until a few years ago, I never heard any complaints from area residents and now I hear criticism weekly. This population has been diplomatic and asked for reasonable requests. They want to see that compliance issues are addressed such as: consistent daily cover, noxious fumes, leachate issues with water runoff, constant noise issues, and trash cleanup. All have repeatedly been given token action without long-term positive outcomes. Due to these repeated complaints, I would ask that the request for the permit be denied and a short-term conditional use permit with measurable time sensitive outcomes be issued.

A conditional use permit with restrictions based on the following would be allowed in a Class I and Class IV area if:

1. Only construction waste were allowed at this landfill with no paint, tar, asbestos or liquid chemicals etc. permitted as these are hazardous waste items (Class IV).
2. The noise issue is addressed immediately with no excuses for breaking these ordinances (Class I).
3. Daily cover rules are adhered to so that at any time citizens could fly a drone across the property (Class I).
4. There is an effort to honestly address the gaseous issues and publicly publish the results of the actual compounds in the gases released in the air (Class I).

Eco Vista Landfill has stated that the landfill is an essential piece of the infrastructure in Northwest Arkansas and approving the Class I and Class IV expansion is important to our growing region. Therefore, it is imperative that



STATE OF ARKANSAS

House of Representatives

measures be taken immediately to secure the quality and safety of Tontitown's citizen's health and Eco Vista Landfill's viability.

The planning must begin now due to the area's continued development. We must be proactive on many levels concerning our waste issues. The lifespan of the landfill has almost reached its capacity and the time has come to begin a search for a new location and thank the people of Tontitown for the 40 years of service to Northwest Arkansas and many of the surrounding states.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin Lundstrum".

Robin Lundstrum
State Representative
District 87

RL/jnm

cc: Governor Asa Hutchinson
Secretary Becky Keogh, Department of Energy and Environment
Secretary Renee Mallory, Department of Health
Julie Link, ADEQ
Bailey Taylor, ADEQ
Representative Jack Ladyman, Chairman, Public Health, Welfare,
and Labor Committee
Senator Cecile Bledsoe, Chairwoman, Public Health, Welfare, and
Labor Committee
Representative Lanny Fite, Chairman, City, County, and Local
Affairs Committee
Senator Gary Stubblefield, Chairman, City, County, and Local
Affairs Committee
Mayor Angie Russell, City of Tontitown
Boston Mountain Solid Waste District

From: [Annette Cusher \(adpce.ad\)](#)
To: [Charles Hurt \(adpce.ad\)](#)
Subject: FW: Eco-vista comments from 11/2 to 11/4
Date: Thursday, February 16, 2023 3:42:16 PM
Attachments: [Eco-Vista in Tontitown Ar..msg](#)
[Please DONT allow the Eco-Vista extension .msg](#)
[VOTE NO to EcoVista Class 4 application.msg](#)
[Tontitown City Council Votes Unanimously to Deny support of the Class 1 4 WM Eco Vista Landfill Expansion - Resolution .msg](#)
[Fwd Deny the Waste Management Eco Vista Landfill Expansion .msg](#)
[Copy of Speech to ADEE 11.2.22.msg](#)
[NO to WM expansion!!!.msg](#)
[Fwd Deny the Waste Management Eco Vista Landfill Expansion .msg](#)
[RE VOTE NO to EcoVista Class 4 application.msg](#)
[Eco-VistaWM expansion.msg](#)
[RE Public Hearing Eco-Vista Recap Talk-- Mark Calcagni.msg](#)
[RE Public Meeting Comments - Kenneth Lovett.msg](#)
[letter about Eco-Vista Landfill Expansion.msg](#)
[RE Air Quality Eco Vista.msg](#)
[Late Notice of Public Meeting.msg](#)
[RE Late Notice of Public Meeting.msg](#)
[Tontitown landfill expansion.msg](#)
[Re Air Quality Eco Vista.msg](#)
[Re Late Notice of Public Meeting.msg](#)
[Re Class 4 Public meeting and Status.msg](#)
[Letter and Information Opposing Tontitown WM Eco-Vista Class 4 Landfill Expansion.msg](#)
[Letter and Information Opposing Tontitown WM Eco-Vista Class 4 Landfill Expansion.msg](#)
[Fwd Public Hearing Eco-Vista Recap Talk-- Mark Calcagni.msg](#)
[Class 4 expansion of Eco Vista Tontitown.msg](#)
[Class 4 expansion of Eco Vista Tontitown.msg](#)
[Eco Vista Class 4 Expansion Comment.msg](#)
[From Rep. Robin Lundstrum - Tontitown Landfill .msg](#)
[Pianalto family letter opposing Class IV Eco-Vista Expansion in Tontitown AR.msg](#)
[Eco Vista Waste Management in Tontitown.msg](#)
[Waste Management Class 4 expansion in Tontitown AR.msg](#)
[Landfill expansion.msg](#)
[Fwd In Regards to Public Hearing Eco-vista Recap Talk -- Calcagni Family.msg](#)
[Fwd Failure Notice.msg](#)
[Fwd In Regards to Public Hearing Eco-vista Recap Talk -- Calcagni Family.msg](#)
[Please do not expand Tontitown Landfill.msg](#)
[Re Complaint #029934 - Eco Vista Class 1 Landfill - No Violations.msg](#)
[Fwd Karst Formation in District.msg](#)
[Halt Class 4 landfill expansion.msg](#)
[Fwd Emissions from the Eco Vista Waste Management Tontitown Arkansas.msg](#)
[Class 4 Eco Vista.msg](#)
[Fwd Reasons Not To Expand Eco-Vista Class 4 Landfill.msg](#)
[Fwd Reasons Not To Expand Eco-Vista Class 4 Landfill.msg](#)
[Landfill.msg](#)
[Fwd Public Hearing Eco-Vista Recap Talk-- Mark Calcagni.msg](#)
[Fwd Reasons Not To Expand Eco-Vista Class 4 Landfill.msg](#)
[image001.png](#)

From: Nicholas Jones (adpce.ad)
Sent: Wednesday, November 9, 2022 2:39 PM
To: Annette Cusher (adpce.ad)
Cc: Kacy Murillo (adpce.ad); Jarrod Zweifel (adpce.ad)
Subject: Eco-vista comments from 11/2 to 11/4

Annette,

I am sending you all of the comments I received from the subject comment period allowed by our hearing officer. I have the written ones as well that we need to figure what to do with.

Thanks,

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: jonesn@adeq.state.ar.us



ARKANSAS
ENERGY & ENVIRONMENT

Charles Hurt (adpce.ad)

From: Angie Russell <angie.russell44@aol.com>
Sent: Friday, November 4, 2022 12:05 PM
To: Annette Cusher (adpce.ad); Bailey Taylor (adpce.ad); Becky Keogh (adpce.ad); David Witherow (adpce.ad); Jarrod Zweifel (adpce.ad); Julie Linck (adpce.ad); Nicholas Jones (adpce.ad); Beth Thompson (adpce.ad); Helpdesk – Do Not Reply; Richard Goheen (adpce.ad)
Subject: Fwd: Deny the Waste Management Eco Vista Landfill Expansion

Subject: Deny the Waste Management Eco Vista Landfill Expansion

To whom it may concern,

I, Angela Russell, a citizen of Tontitown for 32 years, would like to deny the waste management Eco Vista Landfill Expansion.

For several years, the toxic odors, methane, butane, and other vapors coming from the landfill have been making my family and other citizens living around the landfill sick.

We have experienced headaches, nausea, dizziness, burning eyes, burning throat and other symptoms.

This alone should be enough to close the landfill. Any vapors effecting the health of the citizens should be tested. Health should be the utmost priority.

There are serious air quality concerns. Not only the noxious gasses, but the odors are horrible several times each week. There are several different odor smells. Sour trash smell, burning rubber smell, rotten egg smell, and others.

Neighbors around the landfill have experienced, trash blowing everywhere. All over yards, farms, roads, and the city. Loud banging, beeping and other noises are coming from the Landfill all hours of the day and night. Neighbors cannot rest. The water quality is also at risk. Many farm wells have had to be closed.

The landfill in Tontitown needs to be closed and moved to a different location that is less populated.

Thank you for your time.

Angie Russell – Citizen of Tontitown
1497 Arbor Acres Avenue
Tontitown, AR 72762
479-466-6994

Charles Hurt (adpce.ad)

From: Angie Russell <angie.russell44@aol.com>
Sent: Friday, November 4, 2022 11:50 AM
To: Nicholas Jones (adpce.ad)
Subject: Fwd: Deny the Waste Management Eco Vista Landfill Expansion

Subject: Deny the Waste Management Eco Vista Landfill Expansion

To whom it may concern,

I, Angela Russell, a citizen of Tontitown for 32 years, would like to deny the waste management Eco Vista Landfill Expansion.

For several years, the toxic odors, methane, butane, and other vapors coming from the landfill have been making my family and other citizens living around the landfill sick.

We have experienced headaches, nausea, dizziness, burning eyes, burning throat and other symptoms. This alone should be enough to close the landfill. Any vapors effecting the health of the citizens should be tested. Health should be the utmost priority.

There are serious air quality concerns. Not only the noxious gasses, but the odors are horrible several times each week.

There are several different odor smells. Sour trash smell, burning rubber smell, rotten egg smell, and others.

Neighbors around the landfill have experienced, trash blowing everywhere. All over yards, farms, roads, and the city.

Loud banging, beeping and other noises are coming from the

Landfill all hours of the day and night. Neighbors cannot rest. The water quality is also at risk. Many farm wells have had to be closed.

The landfill in Tontitown needs to be closed and moved to a different location that is less populated.

Thank you for your time.

Angie Russell – Citizen of Tontitown

1497 Arbor Acres Avenue

Tontitown, AR 72762

479-466-6994

Charles Hurt (adpce.ad)

From: Kenneth Lovett <kenneth.lovett@att.net>
Sent: Friday, November 4, 2022 11:48 PM
To: Nicholas Jones (adpce.ad)
Cc: Julie Linck (adpce.ad); Becky Keogh (adpce.ad); press@governor.arkansas.gov; Michael McAlister (adpce.ad); Annette Cushner (adpce.ad); Bailey Taylor (adpce.ad); Angie Russell; Robin Lundstrum; Clint Penzon; simms.gloria@epa.gov; Heinz Braun (adpce.ad); Charlene Fite; Stephen Foster (adpce.ad)
Subject: Fwd: Emissions from the Eco Vista Waste Management, Tontitown Arkansas

Karst is subject to causing sink holes. What is the plan when the landfill sinks?

No expansion. Close this Hazard when the currently used Class 1 and Class 4 is full. No new expansion.

People state, " We need this landfill".

Wrong!

We need a safe waste disposal facility. There are other landfills currently open that can handle the current input. Close Eco Vista. Turn it into a transfer station. Transfer trash to another safe landfill till facilities are built that properly handle or breakdown trash into usable byproducts.

Act Environmentally responsible now!

Kenneth Lovett

From: Taylor, Bailey
Sent: Friday, June 24, 2022, 11:35 AM
To: 'Kenneth Lovett'
Subject: RE: Emissions from the Eco Vista Waste Management, Tontitown Arkansas

Mr. Lovett,

I appreciate your interest in DEQ's procedures. We encourage community involvement in the permitting process. As the environmental regulatory agency for the state of Arkansas, we permit facilities within state and federal law as well as EPA guidance.

The draft Eco-Vista Class 4 Landfill permit will be out for public comment soon. At each juncture in the permitting process is an opportunity for citizen engagement.

Thank you,

Bailey Taylor | Associate Environment Administrator

Energy & Environment | **Division of Environmental Quality**
5301 Northshore Drive | North Little Rock, AR 72118

t: [501.682.0639](tel:501.682.0639) | e: bailey.taylor@adeq.state.ar.us



From: Kenneth Lovett [mailto:kenneth.lovett@att.net]
Sent: Wednesday, June 15, 2022 9:46 PM
To: Taylor, Bailey; Keogh, Becky
Cc: Charlene Fite; Robin Lundstrum; Grappe, Michael; Mark Calcagni; Jami Morgan; Angie Russell; Penny Baskin; D. Russ Greene; Donna Pianalto; E&E Comms; simms.gloria@epa.gov; Braun, Heinz; Foster, Stephen; press@governor.arkansas.gov; Steve Unger; media@sos.arkansas.gov; Perry Elyaderani; Clint Penzon; Ellis, Jay; Rheume, Thomas; montgomery@adeq.state.ar.us; Moulton, Charles
Subject: Re: Emissions from the Eco Vista Waste Management, Tontitown Arkansas

Ms Taylor,

Again reaching out to see if you willing to advocate for the changes needed in our community or why you seem to be siding with the expansion of Waste Management and continued pollution in our community.

I have been attempting to get proper action on hazardous emissions since I was gassed on December 29th, 2021. How do we get in contact with the department responsible for Arkansas pollution control. We have been told the ADEQ and APC&EC do not have responsibility in this area.

Secretary Keogh,

Would you be able to assist us in understanding who/what department to discuss landfill vapors/gasses polluting the community?

Thank you,

Kenneth Lovett

From: Kenneth Lovett <kenneth.lovett@att.net>
Sent: Wednesday, June 8, 2022, 10:08 AM
To: Taylor, Bailey <Bailey.Taylor@adeq.state.ar.us>
Subject: Re: Emissions from the Eco Vista Waste Management, Tontitown Arkansas

Ms Taylor,

You are correct in regards to the quote. As you know, it was a Legislative auditor.

But ADEQ is Aware of the issues we face in the Tontitown community. I am reaching out to you to ask for help in correcting those issues.

As the Associate Environmental Administrator of the ADEQ, Are you willing to advocate for the changes needed in our community?

Thank you,

Kenneth Lovett

From: Taylor, Bailey <Bailey.Taylor@adeq.state.ar.us>
Sent: Wednesday, June 8, 2022, 8:23 AM
To: kenneth.lovett@att.net <kenneth.lovett@att.net>
Subject: RE: Emissions from the Eco Vista Waste Management, Tontitown Arkansas

Mr. Lovett,

DEQ did not make the quoted statement from the 2002 Audit and is not aware of any evidence supporting that claim. As you know, APC&EC Rule 22 was updated in 2002 to include Boone and St. Joe formation design requirements (Rule 22.425).

Regarding emissions from the surrounding area, the Arkansas Department of Health could be of service for any health concerns.

There are procedures for third-party rulemaking for the issuance, amendment, or repeal of any rule outlined in APC&EC Rule 8.809-8.811. Any issuance, amendment, or repeal of APC&EC Rules should be consistent with state and federal laws and regulations. Your State Representative could be of assistance regarding any legislative action.

Thank you,

Bailey Taylor | Associate Environment Administrator

Energy & Environment | **Division of Environmental Quality**
5301 Northshore Drive | North Little Rock, AR 72118

t: [501.682.0639](tel:501.682.0639) | e: bailey.taylor@adeq.state.ar.us



ARKANSAS
ENERGY & ENVIRONMENT

From: Kenneth Lovett [<mailto:kenneth.lovett@att.net>]
Sent: Monday, June 6, 2022 9:57 AM
To: Taylor, Bailey
Subject: Re: Emissions from the Eco Vista Waste Management, Tontitown Arkansas

Good Morning,

I appreciate your responses.

When the statement in the reports states "no suitable site in the district for a Landfill due to the KARST Formation of the area", how does adding a liner requirement make it acceptable? Liners fail and allow pollution that may be years before the results are noticed.

Also, there are emissions from the landfill that need to be tested around the area. Just testing stack emission based on an "average" does not meet the need in this situation. Is there an entity in ADEQ or other regulators in the State of Arkansas that can and will do this task, or is this left to the citizens.

The current regulations are failing us. Can you help or suggest options?

Thank you,

Kenneth Lovett

From: Taylor, Bailey <Bailey.Taylor@adeq.state.ar.us>
Sent: Monday, June 6, 2022, 9:28 AM
To: kenneth.lovett@att.net <kenneth.lovett@att.net>
Subject: FW: Emissions from the Eco Vista Waste Management, Tontitown Arkansas

Mr. Lovett,

Eco-Vista's DEQ permit requires on-site stack testing to be conducted annually. Should Eco-Vista have an emission exceedance reported in their stack test, appropriate enforcement action would be taken.

The permitted emission limits for the engine stacks were evaluated for their ambient impact when permitted. Predicted impacts were well below established ambient limits. All Eco-Vista stack tests have passed within permitted limits.

APC&EC Rule 19 defines fugitive emissions as "those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening." Eco-Vista's DEQ permit accounts for these emissions in the allowances.

Thank you,

Bailey Taylor | Associate Environment Administrator

Energy & Environment | **Division of Environmental Quality**
5301 Northshore Drive | North Little Rock, AR 72118

t: [501.682.0639](tel:501.682.0639) | e: bailey.taylor@adeq.state.ar.us



ARKANSAS
ENERGY & ENVIRONMENT

From: Kenneth Lovett [<mailto:kenneth.lovett@att.net>]
Sent: Monday, May 23, 2022 11:15 PM
To: Taylor, Bailey
Cc: Grappe, Michael; Charlene Fite
Subject: Re: Emissions from the Eco Vista Waste Management, Tontitown Arkansas

Good evening Ms. Taylor,

I appreciate you forwarding the link to the information concerning Eco Vista records.

I understand that there are several areas that are sampled/recorded each day. My concern is what happens when there are issues in those results. Also why are permits written to control the stack emissions of the Waste Gas Plant and once they leave the stack, they "Seem" to no longer be a concern to DEQ. Once emissions leave the Eco Vista Property they should have been dealt with and neutralized or acceptable to the environment. Is that a correct statement?

These Fugitive emissions we are experiencing are not neutralized. They are affecting our lives daily. Who is responsible for testing the PPM of these gasses. Is that left to the individuals of the area? If the DEQ is not responsible for tracking and testing these gasses, who is?

Thank you,

Kenneth Lovett

On Monday, May 23, 2022, 10:13:50 AM CDT, Taylor, Bailey <bailey.taylor@adeq.state.ar.us> wrote:

Representative Fite and Mr. Lovett,

DEQ appreciates your contact in regards to the Eco-Vista Landfill. The permit modification request for expansion is currently under technical review with our Solid Waste Engineers. You can access solid waste records regarding Eco-Vista communications, inspection reports, and permit information here:

https://www.adeq.state.ar.us/sw/permits/p_facil_report.aspx?PermitNumber=0290-S1-R3

In accordance with Rule 8.207, the draft permitting decision will be public noticed and any interested person may submit written comments, data, views, or arguments on the draft permitting decision during the public comment period.

DEQ does not have the capabilities to sample or continuously monitor the Eco-Vista Landfill site. Eco-Vista is permitted to emit certain compounds, within limit, from their engines and flares in a controlled manner in accordance with the Clean Air Act. These emissions are tested annually by the facility.

Thank you,

Bailey Taylor | Associate Environment Administrator

Energy & Environment | **Division of Environmental Quality**
5301 Northshore Drive | North Little Rock, AR 72118

t: [501.682.0639](tel:501.682.0639) | e: bailey.taylor@adeq.state.ar.us



ARKANSAS
ENERGY & ENVIRONMENT

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

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

Sent: Thursday, May 12, 2022 9:49 AM

To: Grappe, Michael

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

Charlene Fite, Chairman

House Committee on Aging, Children and Youth,

Military and Legislative Affairs

Begin forwarded message:

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

Date: May 12, 2022 at 8:24:36 AM CDT

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

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

Thank you!

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

Sent: Thursday, May 12, 2022 8:18:54 AM

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

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

Mr. Lovett,

I am reaching out to my best contact to try to get answers.

Charlene Fite, Chairman

House Committee on Aging, Children and Youth,

Military and Legislative Affairs

On May 11, 2022, at 5:38 PM, Kenneth Lovett <kenneth.lovett@att.net> wrote:

Good afternoon,

I am following up on an email I sent March 23rd.

Please take time to read the Special Report attached in conjunction with following email string.

The Waste Management landfill was sited for violations and temporarily suspended for Waste disposal in 2002. Now 20 years later citizens are still forced to deal with environmental issues, gasses and odors.

Per Regulation 8, the citizens need the opportunity to voice their concerns to the pollution Commission before a permit is approved for continued use of the landfill and expansion.

I am currently unaware of the current status of the permit and Expansion process. We, the citizens of the community, keep getting stonewalled and ignored.

Former Tontitown Mayor Paul Colvin, worked to slip the new zoning and land use by the citizens without explaining using techniques that although controversial, allowed him to pass zoning to allow host city approval.

We, the citizens, need your help. We need testing equipment available.

We need to block approval of further expansion or permit approval for the continuation of operation of the landfill Waste facility until we have these test completed and the results verified.

Steven Foster stated the following were permitted emissions from the Eco Vista Waste Gas Plant:

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.

I have reached out to educate and request the closing of Eco Vista or at least control of gasses permitted to release because of the continued harassment to the community.

Please let me know how we can correct this issue.

Thank you,

Kenneth Lovett

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

Sent: Wednesday, March 23, 2022, 1:20 AM

To: rcinton@tontitownar.gov <rcinton@tontitownar.gov>; mayor@tontitownar.gov <mayor@tontitownar.gov>; ward1-2@tontitownar.gov <ward1-2@tontitownar.gov>; ward1-1@tontitownar.gov <ward1-1@tontitownar.gov>; ward2-1@tontitownar.gov <ward2-1@tontitownar.gov>; ward2-2@tontitownar.gov <ward2-2@tontitownar.gov>; codeenforcement@tontitownar.gov <codeenforcement@tontitownar.gov>; pbaskin@tontitownar.gov <pbaskin@tontitownar.gov>; mlunford@tontitownar.gov <mlunford@tontitownar.gov>; ward3-1@tontitownar.gov <ward3-1@tontitownar.gov>; tjoseph@tontitownar.gov <tjoseph@tontitownar.gov>; permits@tontitownar.gov

<permits@tontitownar.gov>; jmorgan3592@gmail.com <jmorgan3592@gmail.com>; calcagnijacqui@gmail.com <calcagnijacqui@gmail.com>; Mark Calcagni <calhog18@gmail.com>; Angie Russell <angie.russell44@aol.com>; Jami Morgan <tontitownareacase@gmail.com>; D. Russ Greene <drussgreene@gmail.com>; Donna Pianalto <dovepianalto@gmail.com>; Dennis Boyer <dboyer01@yahoo.com>; Josh Craine <jcraine@tontitownar.gov>; Tim Burress <ward3-2@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; Robin Lundstrum <robin@lundstrum.us>; Leslee Bohannan <adminasst@tontitownar.gov>; Don Newman <donniesm4@gmail.com>; Geni Boyer <gboyer@boyerlearning.com>; Patrick Calcagni <pccalcagni@hotmail.com>; clint penzo@arkansashouse.org <clint.penzo@arkansashouse.org>; comment@adeq.state.ar.us <comment@adeq.state.ar.us>; Steve Unger <unger1958@gmail.com>; Jay Ellis <ellisj@adeq.state.ar.us>; Nick Jones. (Engineer Supervisor) <jonesn@adeq.state.ar.us>; Michael Grappe <grappem@adeq.state.ar.us>; jason.gilkey@adeq.state.ar.us <jason.gilkey@adeq.state.ar.us>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; Thomas Rheume <rheume@adeq.state.ar.us>; Braun <braun@adeq.state.ar.us>; Stephen Foster <fosters@adeq.state.ar.us>; Charlene Fite <charlene.fite@arkansashouse.org>; Doug Sprouse <dsprouse@springdalear.gov>; Jeff LeMaster <jeff.lemaster@adeq.state.ar.us>; Recycle <recycle@bmswd.com>; Robyn Reed <reed@bmswd.com>; Mike Harp - Environmental Enforcement Officer <mharp@bmswd.com>; tconklin.nwarpc@gmail.com <tconklin.nwarpc@gmail.com>; Jo Ellison <jo.ellison@kfsm.com>; publicworks@westforkar.gov <publicworks@westforkar.gov>; joseph.wood@washingtoncountyar.gov <joseph.wood@co.washington.ar.us>; r.hulse@lincolnkansas.com <r.hulse@lincolnkansas.com>; johnsonmayor@live.com <johnsonmayor@live.com>; mcarckjudge@gmail.com <mcarckjudge@gmail.com>; Ted Thomas <ted.thomas@arkansas.gov>; bruceledford@elkins.arkansas.gov <bruceledford@elkins.arkansas.gov>; Edge Nowlin <edgenowlin@gmail.com>; keogh@adeq.state.ar.us <keogh@adeq.state.ar.us>; Mason Goheen <richard.goheen@adeq.state.ar.us>; Jason Rapert <jason.rapert@senate.ar.gov>; Dan.Pearson@aogc.state.ar.us <dan.pearson@aogc.state.ar.us>; hopkins@adeq.state.ar.us <hopkins@adeq.state.ar.us>; hayden@adeq.state.ar.us <hayden@adeq.state.ar.us>; KITCHENS@adeq.state.ar.us <kitchens@adeq.state.ar.us>; spetich@adeq.state.ar.us <spetich@adeq.state.ar.us>; shay.randolph@adeq.state.ar.us <shay.randolph@adeq.state.ar.us>; press@governor.arkansas.gov <press@governor.arkansas.gov>; j.westmoreland@adeq.state.ar.us <j.westmoreland@adeq.state.ar.us>; jennifer.parslow@adeq.state.ar.us <jennifer.parslow@adeq.state.ar.us>; news@knwa.com <news@knwa.com>; Krou@adeq.state.ar.us <krou@adeq.state.ar.us>; MOULTON@adeq.state.ar.us <moulton@adeq.state.ar.us>; treece@adeq.state.ar.us <treece@adeq.state.ar.us>; montgomery@adeq.state.ar.us <montgomery@adeq.state.ar.us>; adh.ehs@arkansas.gov <adh.ehs@arkansas.gov>; ratley@adeq.state.ar.us <ratley@adeq.state.ar.us>; hunting@adeq.state.ar.us <hunting@adeq.state.ar.us>; CLARKD@adeq.state.ar.us <clarkd@adeq.state.ar.us>; sstein@edf.org <sstein@edf.org>; redican@adeq.state.ar.us <redican@adeq.state.ar.us>; cusher@adeq.state.ar.us <cusher@adeq.state.ar.us>; spdcomment@epa.gov <spdcomment@epa.gov>; joseph.wood@washingtoncountyar.gov <joseph.wood@washingtoncountyar.gov>; kimbrough@adeq.state.ar.us <kimbrough@adeq.state.ar.us>; commissioners@adeq.state.ar.us <commissioners@adeq.state.ar.us>; travis.atwood@adeq.state.ar.us <travis.atwood@adeq.state.ar.us>; alison.williams@governor.arkansas.gov <alison.williams@governor.arkansas.gov>; Michael.Day@adeq.state.ar.us <michael.day@adeq.state.ar.us>; ODS-tips@epa.gov <ods-tips@epa.gov>; news@4029tv.com <news@4029tv.com>; jamie.belcourt@adeq.state.ar.us <jamie.belcourt@adeq.state.ar.us>; EComms@adeq.state.ar.us <eecomms@adeq.state.ar.us>; media@sos.arkansas.gov <media@sos.arkansas.gov>; Bart Hester <bart.hester@senate.ar.gov>; Jim Hendren <jim.hendren@senate.ar.gov>; David Witherow <witherow@aseq.state.ar.us>; Washington County Emergency Operations Center (EOC) <eoc@co.washington.ar.us>; joyce.elliott@senate.ar.gov <joyce.elliott@senate.ar.gov>; Krou@adeq.state.ar.us <krou@adeq.state.ar.us>; EComms@adeq.state.ar.us <eecomms@adeq.state.ar.us>; KITCHENS@adeq.state.ar.us <kitchens@adeq.state.ar.us>; MOULTON@adeq.state.ar.us <moulton@adeq.state.ar.us>; ODS-tips@epa.gov <ods-tips@epa.gov>; Dan.Pearson@aogc.state.ar.us <dan.pearson@aogc.state.ar.us>; hotline.iris@epa.gov <hotline.iris@epa.gov>; oig_hotline@epa.gov <oig_hotline@epa.gov>; planning@washingtoncountyar.gov

<planning@washingtoncountyar.gov>; jluther@washingtoncountyar.gov <jluther@washingtoncountyar.gov>; lance.jones@arkansas.gov <lance.jones@arkansas.gov>; James Clark <pwdirector@tontitownar.gov>; simms.gloria@epa.gov <simms.gloria@epa.gov>; Krou@adeq.state.ar.us <krou@adeq.state.ar.us>; EEComms@adeq.state.ar.us <eecomms@adeq.state.ar.us>; KITCHENS@adeq.state.ar.us <kitchens@adeq.state.ar.us>; help-air@adeq.state.ar.us <help-air@adeq.state.ar.us>

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

Hello again,

The community living around Eco Vista Waste Management need your attention and reply to the issues in Tontitown community around the Eco Vista Waste Management property, Please.

I am forwarding a message in which Jodi Reynolds, Environmental Protection Manager, Arkansas, replied to a message from me to Representative Fite on February 4, 2022.

Steven Foster stated the following were permitted emissions from the Eco Vista Waste Gas Plant:

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.

Since the message below where Jodi explained all the positive things they (Waste Management) have done, the trash smell has now gotten worse. I am placing my responses in Red following the items Jodi listed below. Also, Waste Management canceled our last regular meeting in March for the second Tuesday of each month due to adding, what I understand, is a PR Group that could not make the meeting time and date. So instead of following up with the citizens with the test results they promised, We (the citizens) are having to wait another month for answers while gasping for clean air.

We need air testing for specific Gasses being emitted from Eco Vista Gas Plant and property. Who should take this process on to get the testing done correctly and immediately? What division of ADEQ is responsible for this process?

A few questions I have on the process: When were the instruments in the Gas Plant last calibrated and by who? Are they correct? Does the operator have the access to make changes to the calibration of the controls? Do they calibrate the instruments themselves? Where is the calibration log and confirmation dates?

I requested information directly from Jodi, Matt and Blake and was told this info was Proprietary:

Please send me the information on the temperature readings of the methane wells, locations and composition of gasses collected last few months.

I followed up with the following question and they will not respond:

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

Sent: Thursday, March 17, 2022 1:34:20 PM

To: Small, Blake <bsmall@wm.com>; Reynolds, Jodi <jreyno10@wm.com>; Berner, Matt <mberner@wm.com>

Subject: Wednesday, 03/16/2022

What was the cause of the sour trash odor last night?

Was the working face covered? If so, what was it covered with?

Would you send me the photo that was taken after coverage at end of day, March 16th, 2022, Please?

Thank you,

Kenneth Lovett

Please take time to review information and setup a town hall for citizens in the community dealing with the issues WM is causing. There are more than 4-6 citizens affected and concerned in the community.

Thank you,

Kenneth Lovett

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 (Already had several complaints that were not recorded. Dealing with the ADEQ and Waste Management is difficult and if you don't document the details, they are buried in bureaucracy). 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 (Last meeting was canceled) so community members can ask questions and communicate concerns. (Questions are not answered. The last "Answer to our questions was, "IF we have a problem, we will fix it." The issues are getting worse!) Our next meeting is February 8, 2022 at 4:30-5:30 pm at the landfill. (Next meeting should be second Tuesday in April) 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. (Still tracking dirt out on the city roadway for several miles.)
2. Installed an industrial wheel wash to control dirt track out. (Appears to have issues maintaining or using wheelwash or vehicles not owned by WM are refusing to use the wash. Police are needed to enforce the code on trackout.)
3. Installed 3500 feet of Benzaco odor neutralizing system. (Bicyclist this past week, stated they were sprayed in the face and mouth while traveling on Arbor Acres Road. Was concerned what the ingredients of the spray consisted of. Stated it was Nasty in his mouth.)
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. (Litter is not controlled. Continues to blow around Bull fence and over the 25 foot containment net. Bull fences are not doing the job, Trash is blowing onto neighboring properties. People hired to pickup trash are not picking up the trash from the neighboring properties in a timely manor. 25 foot net is not properly positioned or not tall enough in its current position. Needs to be moved further away from Trash Mountain to keep the trash from going over it, or made to go higher. As the mountain grows taller the issue will get worse. Air space is not an issue as the limit above the landfill foe NWA traffic is above 400 ft.)
5. Added an employee to walk public roads M-F/8-5 and pick up litter that falls from trucks. (Need to add cleaning adjacent properties to this employees priorities. Also need to get this person a road approved utility vehicle so they can cover more area quicker.)
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. (What were the results? Were these surveys Odor Intensity only or do we have true measurements available to share with the public?)
7. Engaged Terracon Consultants to perform weekly odor surveys and for on-call surveys to respond to complaints. (What are the results of the surveys? How many complaints have been answered and documented results by the "On Call" surveys?)
8. Added soil cover to the north and western portions of the landfill. (Why are cracks appearing in the surface? Did the area have any testing before and after the soil cover? What are the results?)

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. (Has the area been tested for Ground Level Ozone? There are studies that have been done and this same issue has been documented in other areas around landfills. Although the permit requirements appear to be met for the permit requirements, what happens when the emissions are not lifted into the atmosphere and are forced down on residents and environment? Trees dies, people are sick. How do we address and how? Waste management is responsible and we need ADEQ to have a Town Hall in the community to discuss issues and options). The GTE Plant provides both environmental and economic benefits to our local communities, such as:

1. Reduction in greenhouse gas emissions (There is no scrubber or filter on the Waste Gas emissions from the 5 Engines or 2 flares.)
2. Efficient use of waste (By what standard?)

3. Reduction of air pollution by offsetting the use of non-renewables. (Documentation? How do you state Pollution is reduced without testing data?)
4. Relatively cost effective (This is the driving force that is causing Human Beings to suffer in the community.)
5. Improvement to overall air quality (Where is documentation?)
6. Reduction of landfill odor (Where is documentation? Odors have been getting worse)

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@kfsn.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 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.

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

Recycling is a good thing. Please recycle any printed emails.

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<<mailto:%20fosters@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 [\[mailto:kenneth.lovett@att.net\]](mailto:kenneth.lovett@att.net)<[\[mailto:kenneth.lovett@att.net\]](mailto:[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 exaust 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 Pianalto, 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<<mailto:simms.gloria@epa.gov>>
<simms.gloria@epa.gov<<mailto:simms.gloria@epa.gov>>>

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

To: kenneth.lovett@att.net<<mailto:kenneth.lovett@att.net>>

Cc: braun@adeq.state.ar.us<<mailto: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<<mailto:simms.gloria@epa.gov>>

TO: kenneth.lovett@att.net<<mailto:kenneth.lovett@att.net>>

CC: braun@adeq.state.ar.us<<mailto: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<<mailto: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: <http://www.adeq.state.ar.us/complaints/> Or call the ADEQ Air Pollution contact at 501-682-0923 Sincerely Gloria Simms EPA Region, Air Enforcement

-----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<<mailto: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 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. 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.

Charles Hurt (adpce.ad)

From: Kenneth Lovett <kenneth.lovett@att.net>
Sent: Friday, November 4, 2022 9:46 PM
To: Nicholas Jones (adpce.ad)
Subject: Fwd: Failure Notice
Attachments: Re: Request-No Expansion for Class IV at WM EC Landfill

From: MAILER-DAEMON@yahoo.com
Sent: Friday, November 4, 2022, 4:45 PM
To: kenneth.lovett@att.net
Subject: Failure Notice

Sorry, we were unable to deliver your message to the following address.

:
550: permanent failure for one or more recipients (nicholas.jones@adeq.state.ar.us:blocked)

----- Forwarded message -----

Charles Hurt (adpce.ad)

From: Kenneth Lovett <kenneth.lovett@att.net>
Sent: Friday, November 4, 2022 4:45 PM
To: dovepianalto@gmail.com; Nicholas Jones (adpce.ad); Julie Linck (adpce.ad); Becky Keogh (adpce.ad); Bailey Taylor (adpce.ad); David Witherow (adpce.ad); Jarrod Zweifel (adpce.ad); Annette Cusher (adpce.ad)
Cc: calhog18@gmail.com; 'Jami Morgan'; Robin Lundstrum; Clint Penzon; 'Dennis Boyer'; 'Angie Russell'; 'Angie Russell'; pbaskin@tontitownar.gov; tburress@tontitownar.gov
Subject: Re: Request-No Expansion for Class IV at WM EC Landfill

I am forwarding this message from the Pianalto families. It seems the ADEQ Server has blocked her messages.

From: dovepianalto@gmail.com
Sent: Friday, November 4, 2022 2:55:03 PM
To: 'Nicholas Jones (adpce.ad)'; 'Julie Linck'; 'Becky Keogh'; 'Bailey Taylor'; 'Witherow, David'; 'Jarrod Zweifel'; 'Annette Cusher - Landfill Expert'
Cc: calhog18@gmail.com; 'Jami Morgan'; 'Robin Lundstrum'; 'Clint Penzon'; 'Kenneth Lovett'; 'Dennis Boyer'; 'Angie Russell'; 'Angie Russell'; pbaskin@tontitownar.gov; tburress@tontitownar.gov
Subject: Request-No Expansion for Class IV at WM EC Landfill

Mr. Jones and others concerned,

Thanks for hosting and allowing citizens to share at the recent meeting/hearing before the decision is made whether or not to expand the Class IV section at the WM Eco Vista Landfill in Tontitown in the near future.

As I stated, my parents invested in land and started a farm business over 60 years ago at the current address of 12553 Arbor Acres Rd. My husband and I built our home on the farm and joined the business 40 years ago and it had been our desire and hope that our 3 sons along with their families, as well sister and her family would also join us in the future. Because of dangerous gases/odors that are frequently emitted from the landfill, we are being forced to breath in those daily! We are no longer able to enjoy our own homes, yards, and nearby creeks or work outside in our own business many days/nights because of dust, noise, and gases. And we can't even think about building new homes for our family for fearing that of our own health and safety and the harm to our property value being next to a growing landfill! It is our opinion that ADEQ and/or WM and/or the City of Tontitown cannot (or will not?) determine the source of these gases/fumes/odors. Nor does ADEQ and/or the City of Tontitown/ EPA/ Boston Mountain Solid Waste hold WM accountable to controlling those gases/fumes/odors as well as dust, trash and seeds that grow into weeds that are carried onto their neighbors' property. And we believe that those gases/fumes/odors, dust, trash components are most certainly making us nauseous, experience headaches, and can possibly be the source of our own and many neighbors' illnesses, as well as the cause of death from cancer for some. We do not believe it is in the best interest of anyone living in the growing area of Tontitown to allow WM to expand ANY part of their operations at this time or until the source of the concerns is found and rectified. This should not come at ANY cost to the taxpayers and neighbors but at the total expense of WM to be transparent and operate in a way that brings no harm to our environment and people!

At the public meeting you mentioned that class IV trash didn't have odors, leachate and wasn't dangerous! We have attended citizen meetings with WM where they admitted that trucks do allow Class IV trash to litter our roadways and property, but WM can't do anything about it unless they see it or it comes from their own WM trucks-our broken windshields, flat tires and dirty vehicles prove to be a danger, nuisance and expense to those traveling on the same roads as these trucks hauling Class IV trash. On 11/3/22 at 7AM, I had to personally slam my brakes and stop my westbound vehicle to avoid being hit by 2 eastbound WM trucks leaving the landfill and breaking the law to come into my lane. WM has admitted to us during those meetings (which, by the way, have been discontinued) that there have been multiple fires at the Class IV sections from combustible materials and that the sheetrock does have a strong odor as it decomposes, and this has been the site of many sightings of thousands of birds scavenging and even bird deaths. Are you saying there is absolutely NO asbestos, paint, chemical, human waste/trash in that Class IV area??? Since there

is no control over exactly what comes into the unlined Class IV area- those items hiding inside trash bags from building sites, or loose items inside huge dumpsters, dump trucks/trailers, then how does ADEQ or anyone know exactly how Class IV can be exempt from adding to the gases, fumes and odor, leachate, air quality and other concerns for our health and safety?

Why would WM management be allowed to even continue to operate 'as is'- let alone expand ANY part of their business until we have answers to what exactly is harming -or even killing us- as we breathe contaminated air and possibly consume dangerous water or meat and produce from nearby soil EVERY DAY? How can all concerned entities work together to have safe disposal of trash AND keep their citizens and neighbors healthy and safe so that they are able to enjoy their lives/work their own businesses? The City of Tontitown has recently passed a resolution against the WM expansion at this time. We believe their action shows that they are willing to admit that there are serious concerns AND to be part of the solution for seeing the issues corrected. Is the appropriate division of ADEQ and WM willing to do the same with ACTION, not just words, sponsorships at community events or nice, yet unrecorded presentations at public meetings that are scheduled at times and places making it difficult for local citizens to attend?

In the interest of making wise use of our own personal time and rather than bombarding you with several letters to read by this sudden deadline, we are combining our thoughts into this one letter. Please note that these thoughts and the request represents each of us because we have each been, and continue to be, greatly impacted! Each member in our family would respectfully ask that you DENY the request that WM has made to expand the Class IV forever, or at the very least until we all have answers/solutions to the serious problems already at hand and can co-exist as good neighbors.

Thanks for your time – we look forward to your reply and learning of your decision and the action taken!

Vernon and Donna Pianalto
12525 Arbor Acres Rd
Springdale, AR 72762
(479)200.2200

dovepianalto@gmail.com

Jonathon and Sara Pianalto, Emalena and Ian
12985 Randolph Rd
Fayetteville, AR 72704

Anthony and Elizabeth Pianalto, Addison and Hayden
311 Ketch
Springdale, AR 72762

Jeremy and Tera Pianalto, Norah and Elsie
606 S Oak Hill St
Siloam Springs, AR 72761

Joe Simco
12553 Arbor Acres Rd
Springdale, AR 72762

Larry and Debbie Gibson
2600 Truitt Lane
Springdale, AR 72762

Chase and Miranda Gibson
118 Angus Dr

Prairie Grove, AR 72753

Jordan Gibson
4048 F Glenstone Terrace
Springdale, AR 72762

Charles Hurt (adpce.ad)

From: Patrick Calcagni <pcalcagni@hotmail.com>
Sent: Friday, November 4, 2022 9:45 PM
To: Nicholas Jones (adpce.ad)
Subject: Fwd: In Regards to Public Hearing Eco-vista Recap Talk -- Calcagni Family

Please see below. Thank you

Get [Outlook for Android](#)

From: Patrick Calcagni
Sent: Thursday, November 3, 2022, 8:54 PM
To: nicholas.jones@adeq.state
Cc: Mark Calcagni ; mcalcagnimd@gmail.com ; mayor@tontitown.ar ; kenneth.lovett@att.net
Subject: In Regards to Public Hearing Eco-vista Recap Talk -- Calcagni Family

Good Afternoon Mr. Jones,

At this time, I believe you've probably received a few emails from concerned citizens on why the Eco-vista Landfill expansion needs to be denied. I appreciate you taking the time to read this email and others from the community. If concerned citizens and now the City Council believe this expansion should be denied I think ADEQ should step back and fully assess the situation a little deeper. Tontitown is no longer a rural area and thousands of people are moving into houses/developments around the Landfill each year. I believe the longevity of the lives of our citizens far outweighs this expansion and there are clear impacts to health living close to Waste Management. I hope this does not come off as a threat or falls on deaf ears, but I have two small children (3yr old and a 4wk old) who I have to protect at all cost and think of their future. Please put yourself in the local citizens shoes and assess this situation as if you were living next door with your family.

I myself was born and raised here locally and live less than a mile west of the entrance on Arbor Acres. I am one of the few who chose to build with in the last 10 years knowing the landfill was there, however I built on my family farm which we've owned for over 35 years. This has always been a dream and I believe you'll find most people given the option would try to stay on family-owned land. I will be here for life and plan to continue to push for the landfill to slow/end expansion and eventually out run its space. Keep in mind citizens have been involved in expansions since the late 90s, pushing for each request to be denied. We need someone to help us finally put a stop to these expansions and say Eco-vista has served its purpose for NWA and it's time for another city to take the burden.

I remember growing up here through the 90s hearing the landfill had an expectancy of 10 years, 5 years, 3 years, then new expansions would allow them a new lease on that expectation. All I ask is to stop this current and, possibly, any future expansions that would allow them to extend their tenure. We would also ask to hold them accountable to be a good neighbor for the remainder of their time in Tontitown.

I appreciate you taking the time to read this and thinking of our citizens.

Thank you,
Patrick, Mikaila, Preston (3yrs) and Reese(4wks) Calcagni



Charles Hurt (adpce.ad)

From: Mark Calcagni <calhog18@gmail.com>
Sent: Friday, November 4, 2022 9:23 PM
To: Nicholas Jones (adpce.ad); Nicholas Jones (adpce.ad)
Cc: Bailey Taylor (adpce.ad); Patrick Calcagni; Kenneth Lovett
Subject: Fwd: In Regards to Public Hearing Eco-vista Recap Talk -- Calcagni Family

Mr. Jones ,

Some of us have had trouble sending you emails for some reason as they get rejected .

I wanted to forward you this email from Patrick Calcagni . This is the reason I have sent multiple emails to you .
Sorry/Thank You
Mark Calcagni

Sent from my iPhone

Begin forwarded message:

From: Patrick Calcagni
Date: November 3, 2022 at 8:56:40 PM CDT
To: nicholas.jones@adeq.state.ar
Cc: Mark Calcagni , mcalcagnimd@gmail.com, mayor@tontitown.ar, kenneth.lovett@att.net
Subject: In Regards to Public Hearing Eco-vista Recap Talk -- Calcagni Family

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I appreciate you taking the time to read this and thinking of our citizens.

Thank you,
Patrick, Mikaila, Preston (3yrs) and Reese(4wks) Calcagni



Charles Hurt (adpce.ad)

From: Kenneth Lovett <kenneth.lovett@att.net>
Sent: Friday, November 4, 2022 11:30 PM
To: Nicholas Jones (adpce.ad)
Subject: Fwd: Karst Formation in District
Attachments: 81906.pdf; audit.pdf

From: Kenneth Lovett
Sent: Monday, May 23, 2022, 11:17 PM
To: cusher@adeq.state.ar.us; Nick Jones. (Engineer Supervisor)
Cc: Mark Calcagni; Angie Russell; Jami Morgan; Donna Pianalto; D. Russ Greene; Mayor; Gene McCartney; Amber Ibarra; Arthur Penzo; Larry Ardemagni; Penny Baskin; Tim Burrell; Rocky Clinton; Tom Joseph; James Dean; Kevin Boortz; Robin Lundstrum; Charlene Fite; Michael Grappe; Michael Lunsford; Josh Craine; James Clark; Permits Department; Planning Department; Leslee Shadrick; bailey.taylor@adeq.state.ar.us; Charles Moulton
Subject: Karst Formation in District

Good Evening,

Annette and Nick,

I am concerned why you would continue to consider allowing Waste Management Eco Vista to expand. In the Audit report that was released October 11, 2002 (Attached) it clearly states that there is no suitable site in the district for a Landfill due to the KARST Formation of the area. Yet in the latest communication (Attached) from May 6th, there are options to continue moving forward with a liner. A liner that also shows to have degraded due to the area conditions.

Also why are permits written to control the stack emissions of the Waste Gas Plant and once they leave the stack, they "Seem" to no longer be a concern to DEQ. Once emissions leave the Eco Vista Property they should have been dealt with and neutralized or acceptable to the environment. Is that a correct statement?

These Fugitive emissions we are experiencing are not neutralized. They are affecting our lives daily. Who is responsible for testing the PPM of these gasses. Is that left to the individuals of the area? If the DEQ is not responsible for tracking and testing these gasses, who is?

Thank you,
Kenneth Lovett

Murillo, Kacy

To: Cusher, Annette; OLRAdmin
Subject: RE: Eco-Vista Class 4 Major Mod Review

AFIN: 72-00144

PMT#: 0290-S1-R3

Received

By Kacy Murillo at 8:24 am, May 9, 2022

DOC ID#: 81906

TO: AC>FILE <KM

From: Melissa Vaught [mailto:mmv@ftn-assoc.com]
Sent: Friday, May 6, 2022 11:49 AM
To: Cusher, Annette
Cc: Conrad, David; Nick Schoggin; Paul Crawford; Jones, Nicholas
Subject: RE: Eco-Vista Class 4 Major Mod Review

Annette – Good morning. Again, I apologize for disturbing you yesterday and hope you are feeling better today! Circling back to our discussion about GCLs, WM has decided to pursue only the clay liner option and eliminate the GCL option in the class 4 landfill. For the class 1 landfill, WM wants to only include the DEQ-approved liner with GCL in the primary liner of the double-composite liner. Specifically, the liner configurations would be as follows:

Class 4 bottom liner system (top to bottom):

Geocomposite
18-inches of compacted clay, permeability less than 10^{-5} cm/sec

Class 4 sideslope bottom liner system (top to bottom):

18-inches of compacted clay, permeability less than 10^{-5} cm/sec

Class 1 bottom double composite liner system within the 10 acre valley fill (top to bottom):

12 inches of protective cover
Geocomposite (leachate collection)
Primary 60-mil HDPE
GCL
Geocomposite (leak detection)
Secondary 60-mil HDPE
24-inches of compacted clay, permeability less than 10^{-7} cm/sec

For clarity, the bottom liner systems options for the overlay of existing Sites 3 and 4 are below, but aren't changing from the permit application.

Option 1 : Class 1 double composite liner system overlay for existing Sites 3 and 4 (top to bottom):

12 inches of protective cover
Geocomposite
Primary 60-mil HDPE
GCL
Geocomposite
Secondary 60-mil HDPE
GCL
6 inches of existing compacted clay

Option 2: Class 1 single composite liner system overlay for existing Sites 3 and 4 (top to bottom) – Preferred option since previously approved by DEQ as discussed in Attachment 2 of the Design Report (Appendix H) of the permit modification application:

12 inches of protective cover
Geocomposite

60-mil HDPE
GCL
6 inches of existing compacted clay

When you get a chance, please let us know if this decision should be reflected in the permit modification applications or if it can be handled in DEQ's approval of the applicable liner configurations.

Regarding your questions below, the first question no longer applies to the class 4 landfill based on the decision above.

Regarding the top of clay contours – As the clay liner for the class 4 landfill is 18 inches thick, it might be difficult to see the elevation differences between the top of subgrade (Sheet 3) and top of clay (Sheet 4), but the contours are different. On Sheet 3, the first contour outside of the leachate collection sump is 1238, while on Sheet 4, the 1240 contour line is shown, farther from the sump. Also, the elevation at the toe of the slope in the southwest corner of the cell is 1246 on Sheet 3 and shown as 1248 on Sheet 4.

Should you have additional questions regarding these items or would like to discuss further, please let us know. Otherwise, please continue to send us additional questions as you encounter them.

Thank you,

Melissa Vaught, P.E.*
FTN Associates
Environmental Engineer
124 W. Sunbridge Drive, Suite #3
Fayetteville, Arkansas 72703
Office: (479) 571-3334
Fax: (479) 571-3338
*Arkansas and Oklahoma

From: Cusher, Annette <Cusher@adeq.state.ar.us>
Sent: Monday, April 11, 2022, 6:48 PM
To: Nick Schoggin <nvs@ftn-assoc.com>; 'Conrad, David' <DConrad@wm.com>
Cc: Jones, Nicholas <jonesn@adeq.state.ar.us>
Subject: Eco-Vista Class 4 Major Mod Review

I have reviewed the GCL study performed by GEC numerous years ago. As you are aware, the water in the soil at the site degraded the GCL liner to 10-8. Are there additional studies that demonstrate the GCL will not further degrade at the site? I have found no studies addressing the issue.

Also, Figure 4 of the site drawings seems to show the top of clay at the same elevation as Figure 3 (the subgrade drawing). Is this correct, or did I miss an elevation line?

I may have additional questions as my technical review continues.

Annette Cusher, P.E. | Solid Waste Engineer Supervisor
Division of Environmental Quality | **Office of Land Resources**
5301 Northshore Drive | North Little Rock, AR 72118
t: 501.682.0841 | c: [501.680.8760](tel:501.680.8760) | e: cusher@adeq.state.ar.us



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Special Report

Arkansas Department of Environmental Quality – Solid Waste Management Division

Tontitown Landfill



ARKANSAS DIVISION OF LEGISLATIVE AUDIT

OCTOBER 11, 2002



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Senate Co-Chair
Rep. Danny W. Ferguson
House Co-Chair
Sen. Henry "Hank" Wilkins, IV
Senate Co-Vice Chair
Rep. Tommy Roebuck
House Co-Vice Chair

Arkansas



Charles L. Robinson, CPA, CFE
Legislative Auditor

LEGISLATIVE JOINT AUDITING COMMITTEE DIVISION OF LEGISLATIVE AUDIT

October 11, 2002

Members of the Legislative Joint Auditing Committee:

We have conducted a review of the Arkansas Department of Environmental Quality procedures and regulations in regard to the Tontitown Landfill. This special report is being issued in response to a request from Representative Jim Holt and Representative Jan Judy.

The conclusions and recommendations resulting from our review are contained in the attached report. We trust this report will assist you in your legislative decision-making process.

DIVISION OF LEGISLATIVE AUDIT

A handwritten signature in blue ink, appearing to read "Charles L. Robinson".

Charles L. Robinson, CPA, CFE
Legislative Auditor

October 11, 2002
PSSR02802

Executive Summary

Arkansas Department of Environmental Quality Solid Waste Management Division Tontitown Landfill

INTRODUCTION

This report is being issued in response to a request by Representative Jim Holt and Representative Jan Judy for the Legislative Joint Auditing Committee to determine whether the Arkansas Department of Environmental Quality (ADEQ) adhered to established procedures and regulations in regard to the Tontitown Landfill.

OBJECTIVES

Our objectives in conducting this special report of the Tontitown Landfill were as follows:

- *Analyze the organizational structure of the Arkansas Department of Environmental Quality and its Solid Waste Management Division and determine if employees acted within the scope of their job duties in relation to the Tontitown Landfill;*
- *Determine regulations applicable to the Tontitown Landfill were properly enforced;*
- *Determine the landfill permitting procedures for the Arkansas Department of Environmental Quality and whether the Tontitown Landfill was permitted in accordance with such procedures;*
- *Determine compliance with policies of the Arkansas Pollution Control and Ecology Commission;*
- *Determine the types and frequency of inspections required by the Arkansas Department of Environmental Quality regulations and whether the Tontitown Landfill was properly inspected in accordance with those regulations; and*
- *Review enforcement actions taken by the Arkansas Department of Environmental Quality relating to the Tontitown Landfill.*

SCOPE AND METHODOLOGY

The Arkansas Department of Environmental Quality (ADEQ) through its Solid Waste Management Division is the regulatory agency charged with permitting and enforcing the rules and regulations concerning landfills. This review was conducted by examining documents on file with the Arkansas Department of Environmental Quality, interviewing agency staff and conducting interviews with concerned citizens who live around the Tontitown Landfill. We also examined relevant sections of Arkansas Code Annotated and Arkansas' environmental regulations to determine compliance with such. Our report focuses on compliance with those laws and regulations as they relate to the Waste Management landfill at Tontitown.

The Arkansas Department of Environmental Quality through its Solid Waste Management Division is the regulatory agency ... concerning landfills.

CONCLUSIONS

ADEQ's permit engineer authorized **conditional approval** for waste disposal in an area of the Tontitown Landfill known as the South Phase in a June 8, 1999 letter. In a letter dated August 6, 1999, the Solid Waste Management Division Chief authorized conditional approval for waste disposal in the North Phase. The Pollution Control and Ecology Commission's Regulation Number 22, the guiding document for ADEQ's Solid Waste Management Division, does not provide for conditional authorization.

Management Response:

The Department states that while conditional authorization was granted to allow fill operations only in permitted areas for which plans and specifications had been submitted for approval, issuance of the conditional authority did not relieve the permittee of any responsibilities for submitting the Engineering Certification Reports for construction of those fill areas as per Regulation 22.428(i).

A.C.A. 8-6-207 (6) provides the Department the authority to issue, continue in effect, revoke, modify or deny under such conditions as it may prescribe, permits for the establishment construction operation, or maintenance of solid waste management systems, disposal sites and facilities. Conditional approvals have been consistently implemented under this statute to achieve regulatory requirements.

Regulation 22 is currently undergoing the first redrafting since its inception in 1995. The redrafting will include language addressing conditional approvals.

A conflict exists between guidance documents and regulations concerning the use of alternative liners in the Boone-St. Joe formation. ADEQ's guidance document for alternative liner demonstration dated December 12, 1994 states that "Alternative liner demonstrations shall not be approved in karst formations." Karst formations are geological formations that are fractured and through which water easily flows. The Tontitown Landfill is located in an area of the state that is included in the Boone and

A conflict exists between guidance documents and regulations concerning the use of alternative liners in the Boone-St. Joe formation.

St. Joe formations. According to the Arkansas Geological Commission these are karst formations. Section 22.425(j) of Regulation 22 allows ADEQ to approve alternative liner design proposals if they are determined by the staff to meet or exceed minimum standards. The conflict between guidance document and Regulation 22 should be addressed.

Management Response:

As stated above, Regulation 22 is currently undergoing the first redrafting since its inception in 1995. The Division will take into account the technical development and viability of alternative liners in karst environments, and propose to the ADEQ Policy Review Committee language for updating the Guidance Document.

ADEQ requested an alternative liner demonstration in August 1999 after Waste Management had already installed a liner other than the type specified in the regulations. ADEQ never responded to Waste Management's alternative liner demonstration and Waste Management assumed approval of the liner based upon Section 22.428(i) of Regulation 22 which states "If no notice to the contrary is received by the owner or operator within 14 days after receipt by the Department of the report, the report shall be deemed to be acceptable and disposal operations may commence." Consideration should be given to revising Section 22.428(i), which allows for approval based upon no response from ADEQ.

Management Response:

As stated above, Regulation 22 is currently undergoing the first redrafting since its inception in 1995. The provision allowing approval based on no response from the Department will be addressed at that time.

In April 2001 Waste Management applied for a certificate of need from the Four-County Solid Waste District for the expansion of its Tontitown Landfill. Regulation 22 requires a certificate of need for the modification of permits. The Four-County Solid Waste District denied the certificate based upon a study conducted that determined the geology of Northwest Arkansas was unsuitable for landfills. Waste Management appealed the decision and ADEQ's Director ruled in favor of Waste Management, allowing the company to proceed with the permit process. The Four-County Solid Waste District Board appealed the Director's decision to the Pollution Control and Ecology Commission in accordance with Section 22.207 of Regulation 22. The Commission's Administrative Hearing Officer denied the appeal stating the District Board did not properly appeal the decision. The appropriateness of appealing a certificate of need ruling issued by the Director is not clear. Section 22.207 of Regulation 22 states an "Appeal of the Director's decision shall be conducted with the requirements of Regulation 8 of the Department." However, Regulation 8 does

Regulation 8 does not specifically address the issue of appealing a certificate of need decision.

not specifically address the issue of appealing a certificate of need decision. We recommend that the Pollution Control and Ecology Commission examine the language of Regulation 22 and Regulation 8 as it relates to the appeal of a certificate of need decision to eliminate any confusion in filing such appeals.

The Tontitown Landfill was inspected in accordance with guidelines set forth within the Enforcement Branch. However, those guidelines allow for inconsistency in evaluating landfills since scores can differ based upon the discretion of individual inspectors. For example, guidelines indicate, "In instances of repetitive violations, such as follow-up inspections, the assigned points will double." However, when reviewing inspection reports for the Tontitown Landfill, this practice was not applied consistently. Leachate leaks were noted at the landfill on several of the inspection reports and in many cases on consecutive reports. However, scores were doubled for this violation only occasionally. Interviews with the Enforcement Branch Manager, Enforcement Administrator, and Inspector Supervisor indicated this occurred due to the interpretation of what constitutes a repeat violation. If in one report leachate leaks were noted on the south side of the landfill and in the next leachate leaks were noted on the north side, then the inspector may not consider this to be a repeat violation since the leaks were in different parts of the landfill. Efforts should be made to clarify this issue to allow for consistent evaluation of landfills.

Management Response:

The Solid Waste Management Division agrees that there is a need to clearly define when to double points. The Division proposes to amend language in the Inspector's Manual to read: "If a violation is repeated per line item, within a specific time frame, this may constitute a separate offense and the points would be doubled." This change would lessen the subjectivity in determining when to double points. The Enforcement Branch is committed to improving our methodologies to provide for more efficient and consistent operations.

Formal enforcement action was taken against the Tontitown Landfill in the form of a Notice of Violation issued April 26, 2002. This action was taken after a former Waste Management employee reported to ADEQ that a part of the landfill's liner had failed. A subsequent investigation revealed that the landfill was not properly recording leachate accumulation readings and had exceeded the action leakage rate (ALR). The landfill also failed to stop fill operations and report the violation to ADEQ when the ALR was exceeded. Both the Class 1 and Class 4 facilities were ordered to cease landfill operations in the Notice of Violation. The Notice of Violation also required Waste Management to pay a civil penalty of \$558,000 for violations at both facilities. In a Consent Administrative Order (CAO) dated May 28, 2002, the Class 4 facility was allowed to reopen and

Waste Management was assessed a \$50,000 civil penalty. In a CAO dated August 30, 2002, the Class 1 facility was allowed to reopen and Waste Management was assessed a civil penalty of \$175,000 with an additional \$125,000 to be spent on supplemental environmental projects. Although guidelines exist within the Enforcement Branch for determining the amount of civil penalty to be assessed, the only statutory requirement for such is that the penalty shall not exceed \$10,000 per violation. The determination of civil penalties is at the discretion of ADEQ's Director.

The determination of civil penalties is at the discretion of ADEQ's Director.

BACKGROUND

Waste Management, Incorporated, through a subsidiary known as Waste Management Tontitown Landfill, LLC, operates a landfill facility near Tontitown, Arkansas, known as the Waste Management Tontitown Landfill. The facility includes an active Class 1 landfill, an active Class 4 landfill and two inactive historic landfills. The 66-acre Class 1 Tontitown landfill is permitted to dispose of household, commercial and some industrial solid wastes. The Class 4 landfill is permitted to accept and dispose of construction debris, household appliances and other inert wastes. The Tontitown Landfill site is the only facility in the Tri-County Solid Waste District permitted for the disposal of municipal solid waste. The Tri-County Solid Waste District covers Benton, Madison and Washington counties in Northwest Arkansas. The Arkansas Department of Environmental Quality, pursuant to Arkansas Code Annotated 8-6-207, is responsible for regulating solid waste landfills in the state of Arkansas. The Pollution Control and Ecology (PC&E) Commission has authority to promulgate rules and regulations applicable to the Arkansas Department of Environmental Quality per Arkansas Code Annotated 8-6-207.

Waste Management sought, beginning in April 2001, to expand its Class 1 facility at Tontitown from 66 acres to 112 acres. The Four-County Solid Waste District, which is now the Tri-County Solid Waste District, denied a certificate of need for expansion and the expansion has been opposed by a group of citizens who live near the facility. The Arkansas Department of Environmental Quality on April 26, 2002 ordered both the Class 1 and Class 4 facilities closed based upon an investigation that revealed the landfill had failed to record

leachate accumulation and had also exceeded the action leakage rate (ALR). The landfill failed to cease fill operations and report the violation to ADEQ as required by its permit. The investigation was initiated after a former Waste Management employee alleged that part of the landfills liner system had failed. The investigation could not determine the validity of that complaint. The Class 4 facility was subsequently reopened in May 2002 and the Class 1 facility was reopened in August 2002 per agreements reached between ADEQ and Waste Management. The expansion of the facility is on hold as of the date of this report.

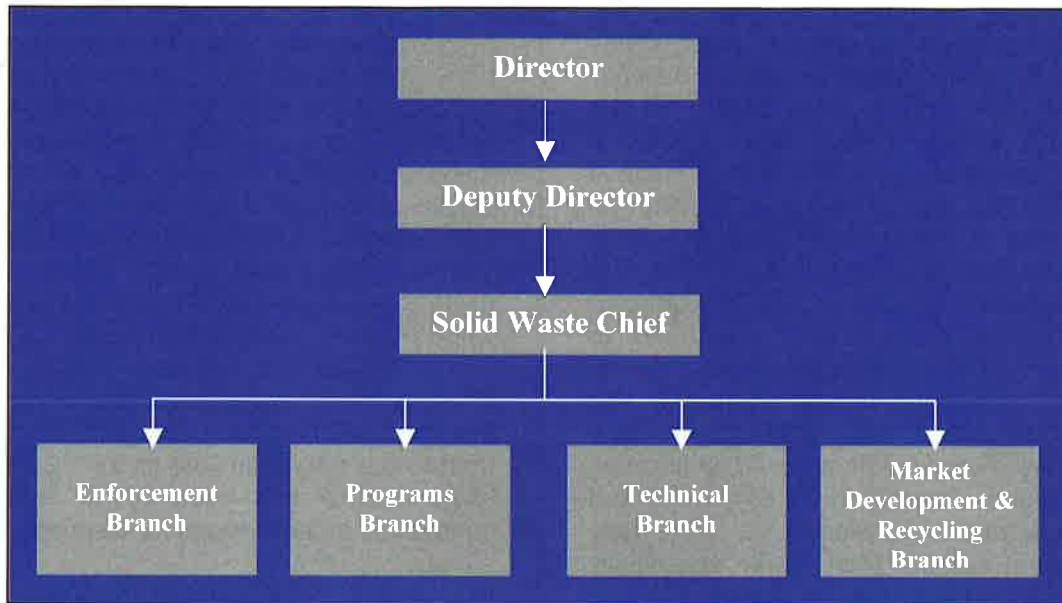
ORGANIZATIONAL STRUCTURE

The Arkansas Department of Environmental Quality (ADEQ), the agency charged with enforcing Arkansas' environmental laws and regulations, employs 372 people agency-wide. The Solid Waste Management Division of ADEQ is responsible for regulating the disposal of non-hazardous solid waste. The division consists of 38 employees and is organized as shown in **Exhibit I on page 2**.

The responsibilities of the four branches of the Solid Waste Management Division are:

Enforcement Branch - Responsible for ensuring permitted facilities are operating according to federal and state requirements and specific requirements identified in the permit, complaint investigations, and illegal dumping enforcement action. This branch consists of a manager, an Enforcement Administrator, an Inspector Supervisor and eight District Inspectors.

Exhibit I
Solid Waste Management Division
Organizational Chart



Market Development & Recycling Branch - Provides staff support for the Arkansas Marketing Board for Recyclables and assists in the development of markets for recycled materials. This branch consists of Market Development and Recycling each headed by Section Managers.

Programs Branch - Provides administrative, financial, and programmatic assistance to the division. It manages the collection of fees and distribution of grant funds, the Waste Tire Management Program, and the licensure programs for Solid Waste Management Facility Operators and Illegal Dump Control Officers. A Program Support Manager heads this branch of eight employees.

Technical Branch - Provides technical assistance during facility permitting and is primarily responsible for permitting all solid waste management facilities. This branch consists of five engineers, three geologists and an administrative assistant.

GOVERNING LAWS AND REGULATIONS

Title 8, Chapter 6 of the Arkansas Code Annotated governs the disposal of solid waste in the State of Arkansas. Arkansas Code Annotated 8-6-207 identifies the powers of the Pollution Control and Ecology Commission and the Arkansas Department of Environmental Quality with respect to solid waste. The Commission is authorized to promulgate rules and regulations while the Department is charged with administering and enforcing all laws, rules and regulations relating to solid waste. The Pollution Control and Ecology Commission's Regulation Number 22 is the guiding document for ADEQ's Solid Waste Management Division. During the course of our review, we examined multiple sections of Regulation 22 to determine if the regulations applicable to the Tontitown Landfill were properly enforced.

One area brought to our attention was the approval of an alternative liner in 1999 that was installed prior to ADEQ's approval. Documents show that in 1999 the Tontitown Landfill was given conditional authorization to begin disposal operations in an area known as the North Phase. This area utilized a geosynthetic clay liner (GCL) in place of a two-foot thick clay liner (CCL). In an August 6, 1999 letter from the Solid Waste Management Division Chief to Waste Management's District Manager, conditional authorization was given to begin disposal contingent upon, among other conditions, that an alternative liner demonstration be submitted "...with sufficient documentation and justification to satisfy Regulation 22 conditions and Department guidance for any liner system other than that specifically delineated for the Boone - St. Joe formation..." The Boone and St. Joe formations underlie the majority of Northern Arkansas according to the Arkansas Geological Commission. The formation is known as a karst formation, which means that it is fractured and water easily flows through it.

ADEQ's guidance document for alternative liner design and demonstration dated December 12, 1994 states that alternative liner demonstrations **shall not** be approved in karst formations. However, Section 22.425(j) allows the Department to approve alternative designs proposals if they are determined by the staff to meet or exceed the minimum standards set forth in Section 22.425. Such a conflict between published guidance documents and regulations should be addressed. The alternative liner demonstration was submitted on August 11, 1999 but ADEQ never responded in writing to Waste Management concerning the report. Waste Management assumed approval of the demonstration based upon Section 22.428(i) of Regulation 22

that states "If no notice to the contrary is received by the owner or operator within 14 days after receipt by the Department of the report, the report shall be deemed to be acceptable and disposal operations may commence." This section appears only to apply to reports that are submitted prior to the commencement of disposal. Since disposal had already begun at the site it is unclear whether this section should apply in this circumstance. Also, consideration should be given to revise this section of Regulation 22 to allow for confirmation from ADEQ before disposal is allowed instead of allowing confirmation to be assumed by the passage of time. Additionally, we found no language in Regulation 22 that gives ADEQ the authority to issue conditional authorizations for disposal.

In a June 8, 1999 letter ADEQ's permit engineer conditionally authorized Waste Management to begin waste filling in an area known as the South Phase. It is unclear what authority exists to issue such an authorization or from what law or regulation such an approval comes. In an August 6, 1999 letter the Solid Waste Management Division Chief granted conditional authorization for Waste Management to begin fill operations in an area known as the North Phase. Again, although this conditional authorization came from management, it is unclear what authority exists to issue conditional authorization. Prior to the issuance of this conditional authorization, the permit engineer wrote two memos in July that documented some of his concerns with the construction of the North Phase. He noted in a July 14, 1999 memo "The substitution of GCL for 2' of compacted clay in one of the double composite liners, without development of an alternative liner demonstration by the designer and without submittal of it for the necessary approval by ADEQ, is particularly disturbing."

LANDFILL PERMITTING PROCEDURES

The Tontitown Landfill is currently operating under the permits shown in **Exhibit II**. The current permits terminate on the expiration dates indicated or when the authorized fill elevations have been reached, whichever occurs first.

Regulation 22 (22.1502) states, "No person shall construct, install, alter, modify or operate any solid waste processing or disposal facility or disposal site without a permit from the Department." The process to permit landfills in Arkansas can be divided into two phases, pre-application and application.

**Exhibit II
Current Tontitown Landfill Permits**

	Permit Class	Permit Number	Effective Date	Expiration Date
1.	Class 1	0290-S1-R1	July 31, 1997	July 31, 2007
2.	Class 4	0290-S4-R1	April 16, 1997	April 16, 2007

Pre-application

This phase is intended to inform ADEQ and the public that a facility is in the planning process. During this phase, the applicant is required to submit:

- Host community approval
- Certificate of need from local Solid Waste Management District
- Pre-application form and fee
- Proof of right of entry
- Compliance with local restrictions
- Ownership disclosure statement
- Maps of site
- Preliminary soil conditions report

A preliminary site investigation is also required and consists of the following:

- Public meeting held to informally discuss the project
- Determination of general suitability of the site
- Input from other interested local, state and federal agencies

A findings report must then be issued by ADEQ indicating whether the site is considered suitable for continuing the permit process. If ADEQ approves the site, then the application phase begins.

Application

The application phase begins with an application meeting prior to the submission of the application. The Solid Waste Management Division of ADEQ then reviews the submitted application and prepares a draft permit. The decision to issue a final permit is done by ADEQ and includes a time frame for a public hearing. The requirements for the application phase of the permitting process are shown in **Exhibit III on page 5**.

In April 2001 Waste Management applied for a certificate of need from the Four-County Solid Waste District for the expansion of its Tontitown Landfill. Per Regulation 22 all applicants for a new solid waste landfill permit or for an expansion of the permitted capacity of an existing landfill must obtain a certificate of need from the regional board with jurisdiction over the proposed

Exhibit III

Application Phase

1. Application meeting in which the applicant and Solid Waste Management Division staff discuss any issues identified in the pre-application phase and landfill design requirements
2. Application submitted with:
 - Hydrological report
 - Groundwater monitoring plan
 - Construction plans and specifications
 - Operating plans
 - Closure and 30-year post-closure plan
 - Application form and fee
3. The application is declared "administratively complete" which requires the following:
 - Staff determination that all required application documents are submitted
 - Publication of a legal notice in local newspaper by the applicant giving the public 10 business days to request a hearing
4. The Solid Waste Management Division staff reviews the application documents for technical merit in which:
 - The applicant responds to technical deficiencies in application submittals
 - Staff determines whether the landfill can be safely built and managed according to environmental regulations
5. Solid Waste Management Division staff prepares a draft permit
 - Draft permit contains specific conditions for building and operating the landfill
 - Applicant publishes a legal notice that begins a 30-day comment period
 - Public hearing may be called depending on comments received
6. Final permit decision is made
 - ADEQ considers public comments and a response is mailed to those who submitted comments
 - Beginning of 30-day appeal window for the applicant and others with standing to appeal

site. Regulation 22 guidelines state that the application must establish at a minimum that the facility:

1. Is consistent with the regional planning strategy adopted by the board in the regional needs assessment or the regional solid waste management plan;
2. Does not conflict with existing comprehensive land-use plans of any local governmental entities;
3. Does not disturb an archaeological site as recognized by the Arkansas Archaeological Survey, or a rare and endangered species habitat as recognized by the Arkansas State Game and Fish Commission or the United States Fish and Wildlife Service;
4. Will not adversely affect the public use of any local, state, or federal facility, including, but not limited to, parks and wildlife management areas;

5. Does not conflict with the requirements of local, state, or federal laws and regulations on the location of disposal facilities as outlined in Regulation 22.

Waste Management submitted its application with documentation pertaining to the above criteria. Regulation 22 states that the regional board may issue or deny the certificate of need based upon:

1. The information provided by the applicant in the petition for a certificate of need;
2. The requirements and considerations of any needs assessments;
3. The location of the applicant's proposed landfill based on the district's needs and its highway and road system;
4. The need for the landfill based upon the district's projected capacity which is currently permitted for operation, but in no event shall the district's permitted projected capacity exceed thirty (30) years;
5. Any solid waste management system plans, promulgated and approved pursuant to A.C.A. 8-6-211 and 8-6-212 to the extent these plans conform to an overall regional planning strategy;
6. A detailed history of the applicant's record and that of the stockholders and officers with respect to violations of environmental laws and regulations of the United States or any state or any political subdivision of any state; and
7. Any procedures adopted by the board for issuance of certificate of need.

The Four-County Solid Waste District's Board denied Waste Management's

certificate of need based upon its determination that the geology of Northwest Arkansas is unsuitable for development of additional landfills. In a letter dated July 20, 2001 from Steven Parker, Director of the Four-County Solid Waste District, to Waste Management, the Board based its decision largely on a study conducted in 1997 to look for suitable landfill sites within the district. The study resulted in a finding stating that no such sites existed.

As a result of this study the Board included in its 1998 Solid Waste Management Plan the following statement: *"During the next five years, the District will not attempt to locate a District-owned Class 1 landfill within the District's boundaries. The District will focus its efforts on minimizing the amount of wastes requiring Class 1 disposal and relying on current private and public landfills both within and outside the District for disposal capacity."* The Board reasoned that since its regional planning strategy called for no additional landfill capacity and one of the criteria for determining the issuance of a certificate a need is based upon the regional planning strategy, then Waste Management's request for a certificate of need did not satisfy all requirements. The Board denied the certificate of need even though its staff recommended its issuance. The staff determined that the planning strategy called for no new landfills and did not apply to expanding existing ones.

Regulation 22 (22.207) provides for the appeal of a certificate of need determination pursuant to A.C.A. 8-6-706. The procedures for appeal state:

1. Any person with standing to appeal may file an appeal within thirty days of the board's written determination. The appeal may be in the form of a pleading or a letter

containing: (a) A copy of the board's written determination; (b) The date of the board's determination; (c) The factual and legal grounds that form the basis for the appeal; (d) Copies of all exhibits and other supporting documents; and (e) A certificate of service showing that the appeal has been served upon the board. The appealing party must serve the board, by certified mail, a copy of the appeal and all supporting documentation.

2. Any board served with an appeal may file a written response to the appeal with the Director of ADEQ. The response must be received no later than thirty (30) days after the board receives the appeal. The response is to contain a reply to each of the grounds for appeal.
3. The Director may issue a Notice of Hearing if he feels that a hearing on the matter is necessary after reviewing the submissions by the parties.
4. The Director shall issue a written decision after determining whether the board's decision is supported by substantial evidence.

Waste Management appealed the board's decision to ADEQ's Interim Director, Richard Weiss, who then ruled in a November 30, 2001 written decision that the Four-County Solid Waste District Board did not use the proper criteria when it denied Waste Management's request for a certificate of need. The Director cited two main points in his reasoning for his ruling: (1) The board's decision to deny the certificate of need was based on technical factors which are not relevant matters for a regional solid waste district to consider during its certificate of need review, and (2) the board did not take into account criteria

required by law to be considered in its review process.

The Director determined that the board's decision to deny the certificate on the basis of geology was not appropriate and that those matters should be addressed during ADEQ's permit review process. The Director also pointed out that the board's staff had recommended the issuance of a certificate of need based on the criteria listed in Arkansas statutes and that there was no evidence to support that the board had used the criteria as a basis for denial. The Director's decision allowed Waste Management to proceed with the permit process without a certificate of need from the regional board.

Regulation 22 (22.207) states that an appeal of the Director's decision shall be conducted in accordance with the requirements of Regulation 8 of the Department. In December 2001, the Four-County Solid Waste District appealed the Director's decision to the Arkansas Pollution Control and Ecology Commission. Waste Management and ADEQ both filed motions for the appeal to be dismissed based upon the fact Regulation 8 only allows for the appeal of a final permitting decision and denial of a certificate of need does not fit that criteria since the issuance of a certificate is only a prerequisite for a permit. Waste Management contended that the board's appeal was premature and should wait until a final permit decision is made before appealing. Regulation 8 does not specifically address the issue of appealing a certificate of need decision although Regulation 22 cross-references to Regulation 8.

ADEQ in an informational brochure dated November 30, 2001 concerning the Tontitown Landfill indicated that both Waste Management and the Four-County Solid Waste District were entitled to appeal the Director's decision.

The PC&E Commission's Hearing Officer ruled that the District did not properly appeal the decision under Regulation 8. The District later requested a review of the Director's decision based upon Arkansas Code Annotated 8-4-201. The Commission voted to allow both the Solid Waste District and concerned citizens to be heard in a hearing in December 2002. We recommend that the Pollution Control and Ecology Commission examine the language of Regulation 22 and Regulation 8 as it relates to the appeal of a certificate of need decision

to eliminate any confusion as to the appropriateness of filing such appeals.

POLLUTION CONTROL AND ECOLOGY COMMISSION

The Arkansas Pollution Control and Ecology Commission is responsible under Arkansas Code Annotated 8-6-207 for the promulgation of rules and regulations to be carried out by the Arkansas Department of Environmental Quality. The Commission is comprised of thirteen (13) members as shown in **Exhibit IV**.

Exhibit IV

Pollution Control and Ecology Commission	
Agency directors, or designee, of the:	<ul style="list-style-type: none"> • Arkansas Game and Fish Commission • Arkansas Oil and Gas Commission • Arkansas Department of Health • Arkansas Geology Commission • Arkansas Soil and Water Conservation Commission • Arkansas Forestry Commission
Appointed by the Governor:	<ul style="list-style-type: none"> • Seven members representing the four Congressional districts of Arkansas • Each district must have at least one representative • No district may have more than two representatives

The Commission also employs people in the following positions:

1. Administrative Hearing Officer;
2. Commission Secretary; and
3. Legal Secretary.

The Administrative Hearing Officer is employed by the Commission in accordance with Arkansas Code Annotated 8-1-204. The law states that the Administrative Hearing Officer is to direct and advise the Commission on matters of law and procedure that may arise during the conduct of Commission duties. The law also requires the Administrative Hearing Officer to be

selected and hired by the Commission and to be independent of and not an employee of the Arkansas Department of Environmental Quality. The office space of the hearing officer must be at a location other than the department.

In addition to prescribing rules and regulations charged to ADEQ, the Commission serves as the governing body for the challenging or contesting of Department actions. The Commission is also allowed to make recommendations to the Director regarding policy and administration. However, the Director remains under the authority of the Governor.

An objective of this review was the determination of whether the Commission carried out its role in relation to the Tontitown Landfill. Arkansas Code Annotated 8-6-207 requires the Commission to set rules and regulations governing the administrative procedures for challenging or contesting department actions which the Commission has done with the issuance of Regulation 8. The Commission is also required to establish policies and standards for effective solid waste disposal and management systems, which it has done with the issuance of Regulation 22.

INSPECTIONS

The Enforcement Branch of the Solid Waste Management Division is responsible for ensuring permitted facilities are

operating according to federal and state requirements and specific requirements identified in the permit. The Enforcement Branch has eight district inspectors statewide who perform inspections of all permitted facilities including landfills. The Tontitown Landfill is located in District 5, which covers the following counties: Benton, Carroll, Crawford, Franklin, Logan, Madison, Polk, Scott, Sebastian and Washington. The Arkansas Department of Environmental Quality is required by Arkansas Code Annotated 8-6-207 "To make periodic inspections not less than quarterly... of all solid waste disposal facilities or sites permitted under this subchapter...." **Exhibit V** reflects inspections of the Tontitown Landfill under the current Class 1 facility permit.

Exhibit V
Tontitown Landfill
Number of Inspections per Quarter

Year	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
1997	N/A	N/A	1	1
1998	1	1	1	2
1999	1	1	1	1
2000	1	1	1	1
2001	1	1	1	1
2002	1	1	2	*

* Inspection yet to be performed.

Per ADEQ, the Tontitown Landfill was inspected in the first and second quarters of 1997 under the previous permit. Our examination of inspection reports for the period January 1, 1997 to present for the Tontitown Landfill are shown in **Schedule 1** on page 13.

Inspections are scored on a numerical basis with higher scores indicating more severe or numerous violations. The system was developed in 1996 in order to provide a statistical method for rating landfills. Landfills are evaluated by inspectors on a Facility Evaluation form that has violations grouped into three

categories: 1) least serious; 2) mid-range; and 3) most serious. Each line item is assigned a point value. Category 1 items receive 1 point, category 2 items receive 2 points and category 3 items receive 3 points. In instances of repeat violations the assigned points values should double according to ADEQ inspection guidelines. The forms utilize the scoring system to determine the status of the landfill. Total scores fall within one of three ranges:

1. Satisfactory (0 to 16),
2. Marginal (17 to 24), or
3. Unsatisfactory (25 and up).

Those facilities with a score of 20 or above are inspected monthly. Since the scores for the Tontitown Landfill never exceeded that level, it was inspected quarterly as required by Arkansas law. The score for the Tontitown Landfill never exceeded 15, which put the landfill consistently in the satisfactory range.

We were provided with inspection guidelines dated January 14, 1999 that outline certain procedures inspectors are to follow when conducting an inspection. Per those guidelines, inspectors are to perform a thorough walk through of the facility and make visual observations of the following:

- Surface water management
- Leachate management and disposal
- Cover requirements
- Ground water and gas monitoring devices
- General operating requirements

After the walking tour of the site the inspector should determine compliance based on record keeping. The following items should be reviewed:

- Groundwater monitoring reports
- Liner certification reports
- Engineering reports
- Random inspection documentation for hazardous waste
- Methane monitoring reports
- Special waste disposals
- Leachate disposal
- Waste receipt records
- Records specific to the facility

At the conclusion of the inspection the inspector is to complete the appropriate forms and review all aspects of the inspection with the manager/operator. Noted violations are to be discussed in detail on site so that the facility can address them promptly. The facility manager should sign the inspection report and a copy of the report is left with the facility. The inspector retains a

copy of the report and a copy is sent to the ADEQ office in Little Rock. An example of an inspection report is shown at **Appendix A**.

The inspector is responsible for determining the severity of violations witnessed during the inspection and whether those violations warrant some sort of corrective action. If the inspector felt that a major problem existed or the facility was not attempting to correct problems noted then he may initiate some sort of corrective action against the facility. However, no formal guidelines exist as to when or what type of corrective action is to be issued. Tontitown inspectors noted the evidence of leachate leaks in several of the inspection reports. Inspectors have the option of doubling points for repeat violations occurring at the facility. There is no formal guideline for what constitutes a repeat violation or when or if an inspector must double the points. It is the sole discretion of the inspector. In some instances the scores for leachate violations were doubled at the Tontitown Landfill and in some instances they were not. Also, in an interview with Enforcement Branch employees, it was noted that some violations could have been missed. Improper leachate disposal records may not have been detected due to either the volume of documents the inspector had to examine or failure by Waste Management to include all pertinent data in those records.

ENFORCEMENT ACTIONS

The Enforcement Branch of the Solid Waste Management Division consists of thirteen personnel including the eight district inspectors and is the enforcement arm of the Division. This branch is responsible for ensuring permitted facilities are operating according to federal and state requirements as well as specific requirements in the permit. The

Enforcement Branch also investigates complaints and illegal dumping activities.

An enforcement action is defined by ADEQ as "Any action taken by the Division to compel a facility to be in compliance with a permit, statutes, rules and regulations of the Department." Those actions may consist of inspection reports, compliance letters, corrective action notices (CAN's), consent administrative orders (CAO's), or notice of violations (NOV's). Enforcement actions may be either informal or formal. Informal enforcement actions include compliance letters, information requests, corrective action notices and compliance meetings. Corrective action notices are written letters that require the submittal of a plan for correcting existing violations. These actions are initiated by the Solid Waste Chief or a Branch Manager based upon information obtained through District Inspectors and are signed by the Enforcement Administrator. If the District Inspector feels that informal enforcement actions have not been successful he will then consult with the Inspector Supervisor to determine if formal corrective action may be necessary. Formal enforcement actions utilized by the Division are Notice of Violations, Consent Administrative Orders, Emergency Orders and injunctions. These formal actions require the assistance of ADEQ's Legal Division and are signed by the Director.

The District Inspector, Inspector Supervisor and the Enforcement Administrator will meet to determine an appropriate category for the violator. Violators are grouped into three categories:

1. Low Priority Violators
2. Medium Priority Violators
3. High Priority Violators

After the violator is ranked into one of the above categories then an appropri-

ate penalty is determined for the noted violations. Regulation 7 is used as a guide for assessing penalties. Section 4 of Regulation 7 states "The amount of any civil penalty to be assessed for any person for the violation of any provision of the Arkansas Solid Waste Management Act...shall not exceed \$10,000.00 per violation. Each day of a continuing violation may be deemed a separate violation." The Enforcement Branch uses the following guideline in assessing penalties:

Category Ranking	Penalty Range
1	\$300-\$3,000
2	\$500-\$5,000
3	\$1,000-\$10,000

Section 9 of Regulation 7 requires the Department to consider the following factors when determining the amount of penalty to be assessed:

1. The seriousness of the noncompliance and its effect upon the environment, including the degree of potential or actual risk or harm to the public health;
2. Whether the cause of the noncompliance was an unavoidable accident;
3. The violator's cooperativeness and expeditious efforts to correct the violation;
4. The history of a violator in taking all reasonable steps or procedures necessary or appropriate to correct any noncompliance;
5. The violator's history of previous documented violations regardless of whether or not any administrative, civil, or criminal proceeding was commenced;

6. Whether the cause of the violation was an intentional act or omission on the part of the violator;
7. Whether the noncompliance has resulted in economic benefit or pecuniary gain to the violator, including but not limited to cost avoidance;
8. Whether the pursuit and the execution of the enforcement action has resulted in unusual or extraordinary costs to the Department or the public;
9. Whether any part of the non-compliance is attributable to the action or inaction of the state government;
10. Whether the violator has delayed corrective action.

The penalty, as determined by the Enforcement Branch, is subject to review by the Solid Waste Management Division Chief, the Deputy Director, the Legal Division and the Director. Penalties are often negotiated down from their original amount but there are no set written guidelines for this procedure. The amount of penalty assessed by ADEQ is under the discretion of the Director. A Notice of Violation was issued for the Tontitown Landfill on April 26, 2002. Per ADEQ,

there were no other enforcement actions, informal or formal brought against the Tontitown Landfill in recent history.

The notice identified the allegations against the landfill and called for a civil penalty of \$558,000. It also ordered the landfill to cease all fill operations at the Class 1 and Class 4 facilities and called for the submission of a Corrective Action Plan. In May 2002 ADEQ issued a Consent Administrative Order allowing the Class 4 facility to reopen and requiring Waste Management to pay a civil penalty of \$50,000. In August 2002 ADEQ issued a Consent Administrative Order allowing the Class 1 facility to reopen and requiring Waste Management to pay a civil penalty of \$175,000 plus an additional expenditure of \$125,000 to be spent on supplemental environmental projects.

The \$50,000 civil penalty was paid and deposited into the State Treasury by ADEQ on June 18, 2002. ADEQ received \$175,000 as payment for the civil penalty related to the Class 1 facility on September 24, 2002 but cannot deposit the check until November 10, 2002 due to public notice policy. Waste Management has submitted proposals for the supplemental environmental projects; however, as of the date of this report Waste Management's proposals have not been reviewed by ADEQ.

TONTITOWN LANDFILL Class 1 Inspection Dates and Results			
Date	Score	Inspector	Findings
June 17, 1997	4	T. Coleman	<ul style="list-style-type: none"> ○ Road must be upgraded to allow easy access in all weather conditions ○ Not enough random inspections for hazardous waste disposal
August 20, 1997	3	T. Coleman	<ul style="list-style-type: none"> ○ Leachate seeps noted
September 11, 1997	0	T. Coleman	
October 28, 1997	3	T. Coleman	<ul style="list-style-type: none"> ○ Leachate seeps noted
February 4, 1998	3	T. Coleman	<ul style="list-style-type: none"> ○ Several leachate seeps noted
April 14, 1998	3	T. Coleman	<ul style="list-style-type: none"> ○ Several leachate seeps noted
August 6, 1998	3	T. Coleman	<ul style="list-style-type: none"> ○ Minor leachate seeps noted
October 27, 1998	6	S. McWilliams	<ul style="list-style-type: none"> ○ Leachate leaks noted
October 29, 1998	3	S. McWilliams	<ul style="list-style-type: none"> ○ Hazardous waste disposal not detected
January 15, 1999	15	S. McWilliams	<ul style="list-style-type: none"> ○ Several leachate leaks noted ○ Erosion resulting in exposed refuse
May 10, 1999	0	R. Parker	
August 26, 1999	3	R. Parker	<ul style="list-style-type: none"> ○ Leachate seeps noted
October 19, 1999	6	R. Parker	<ul style="list-style-type: none"> ○ Leachate seeps noted
March 7, 2000	6	S. McWilliams	<ul style="list-style-type: none"> ○ Leachate seeps noted ○ Leachate levels not recorded
May 16, 2000	12	S. McWilliams	<ul style="list-style-type: none"> ○ Leachate leaks noted ○ Leachate levels not recorded
September 12, 2000	0	J. Sparrow	
November 2, 2000	2	J. Sparrow	<ul style="list-style-type: none"> ○ No notes available (Form indicates litter control)
February 28, 2001	9	J. Sparrow	<ul style="list-style-type: none"> ○ No notes available (Form indicates litter control, final vegetation cover and leachate leaks)
May 31, 2001	7	J. Sparrow	<ul style="list-style-type: none"> ○ No notes available (Form indicates final vegetations cover and daily cover)
September 25, 2001	2	J. Sparrow	<ul style="list-style-type: none"> ○ No notes available (Form indicates final vegetation cover)
December 6, 2001	4	J. Sparrow	<ul style="list-style-type: none"> ○ No notes available (Form indicates final vegetation cover)
March 12, 2002	2	J. Sparrow	<ul style="list-style-type: none"> ○ No notes available (Form indicates litter control)
June 20, 2002	3	J. Sparrow	<ul style="list-style-type: none"> ○ No notes available (Form indicates leachate disposal records)
July 29, 2002	0	J. Sparrow	<ul style="list-style-type: none"> ○ Facility not accepting waste
August 27, 2002	0	J. Sparrow	<ul style="list-style-type: none"> ○ Facility not accepting waste

**Appendix A
Example of a
Class 1 Inspection Report
And
Corresponding Letter**

Appendix A

Arkansas Department of Pollution Control and Ecology Facility Evaluation			
Name of Site: <i>WASTE MNGT. - TONTITOWN</i>	County: <i>Washington</i>	CSN # <i>72-0144</i>	Permit # <i>290-51-R1</i>
Location: <i>WCR 865</i>	Address of Permittee: <i>J. M. DUNBAR 100 TWO PINES NLR AR 72117</i>		
Telephone Number: <i>501-361-2069</i>	Licensed Operator & No: <i>Mike McCloud</i>	Date: <i>9-25-01</i>	Entry Time: <i>1330</i>
CLASS 1 LANDFILL		Exit Time: <i>1530</i>	

OPERATIONAL STANDARDS	
<p>CATEGORY 1 VIOLATIONS</p> <p>1 2 4</p> <p>----- Adequate employee facilities 411(i)</p> <p>----- Record keeping meets requirements specified by regulations 421(a)(b)</p> <p>----- Feeding of farm or domestic animals prohibited 411(f)(2)</p> <p>----- Salvage operations meet approved conditions 411(e)</p> <p>----- Required facilities, fencing and information signs posted 417(b)</p> <p>----- Access confined to hours of operation 417(d)</p> <p>----- Scavenging of waste prohibited 411(f)(1)</p> <p>----- Proper wet weather repairs 411(p)</p> <p>----- Operations by licensed on-site personnel at all times 411(b)</p> <p>----- Waste spread and compacted as unloaded 411(d)</p> <p>----- Adequate all weather operational roads 417(c)</p> <p>----- Adequate provisions for backup equipment 411(j)</p> <p>----- Waste receipt records, ticket system maintained 421(d)</p> <p>----- Telephone system and written emergency response plan on site 411(k)</p>	<p>CATEGORY 3 VIOLATIONS</p> <p>3 6 12</p> <p>----- Operations in accordance with permit documents 411(a)</p> <p>----- Gas monitoring program 415</p> <p>----- Facility implements operating plan and narrative 422</p> <p>----- Hazardous waste exclusion plan 412</p> <p>----- Satisfactory daily cover 413(a)</p> <p>----- Open burning prohibited 416(b), 411(f)(4)</p> <p>----- Cause discharge 419</p> <p>----- Leachate disposal records 421(f)</p> <p>----- Special waste disposal and procedures records 421(g), 701</p> <p>----- Depositing waste in standing water prohibited 411(f)(3), 419(a)(4)</p> <p>----- Erosion or other cover defects resulting in exposed refuse 411(o)</p> <p>----- Leachate leaks or evidence of leachate seepage 411(o)</p> <p>----- Satisfactory alternative cover 413(b)</p> <p>----- Leachate discharge leaving landfill 419(a)(5)</p>
<p>CATEGORY 2 VIOLATIONS</p> <p>2 4 8</p> <p>----- Adequate access control 417(s)</p> <p>----- Smallest practical area, unloading supervised, single working face 411(c)</p> <p>----- Litter control provisions maintained 411(g)</p> <p>----- Disease vectors controlled 414(a)</p> <p>----- Contouring prevents surface water flowing into or through waste 411(h)(1)</p> <p>----- Plans and narrative updated to reflect current operation 422(c)</p> <p>----- Annual compliance inspection by registered professional engineer 423(b)</p> <p>----- Run-on/run-off control system present and adequate 418(a)(b)</p> <p>----- Surface water control prevents off-site sediment accumulation 411(h)(2)</p> <p>----- Landfill complies with liquid restrictions 420</p> <p>----- <u>2</u> Adequate maintenance of final cover vegetation 411(ii)</p>	<p align="right">TOTAL POINTS <u>2</u></p> <p align="right">Point Scale 0-16 (S) 17-24 (M) >25 (U)</p>

RECORDS/OTHER CRITERIA/COMMENTS	
Date of last groundwater monitoring report	<i>July 01</i>
Date of last liner certification report	<i>9 Sept 01 for North Phase (2A Site)</i>
Date of last engineering report	<i>9-25-01</i>
Date of last random inspection for hazardous waste	<i>9-25-01</i>
Date of last quarterly methane monitoring	<i>6/12/01</i>
Date of last special waste received	<i>9-25-01 Sludge</i>
Date of leachate disposal	<i>10080</i>
Last months reported waste received	<i>(Aug) 18771 Tons</i>
	<i>31424 Cy</i>
<i>Corrective Action letter from W M Dated 6-14-01</i>	

Signature of Person Interviewed: <i>James C. Hunter</i>	Signature of Inspector: <i>[Signature]</i>
--	---

CLASS 1 rev. 4/97 FOR ADPC&E USE ONLY Page 1 of 1 Total Hours 2

Appendix A



ARKANSAS
Department of Environmental Quality

October 19, 2001

Jimmy Hendrix
Tontitown Landfill
P.O. Box 1310
Springdale, AR 72765

RE: CSN 72-0144 Permit Nbr. 0290-S1-R1

Dear Mr. Hendrix:

On September 25, 2001, I performed a routine inspection of your facility pursuant to the Arkansas Solid Waste Management Reg. 22, and the above referenced permit. A copy of the inspection report is enclosed for your review.

Refer to the report to note any allegations of deficiencies that require corrective action. Please send a written response to the corrective action taken. **Failure to respond to this letter in writing shall be construed as an admission of any allegations contained therein. Any items noted that are neglected and persistent may warrant enforcement action.**

If I can be any further assistance, feel free to contact me at (501) 452-4882 or P.O. Box 11045, Ft. Smith, AR., 72917-1045.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Sparrow", is written over a horizontal line.

Justin Sparrow, Inspector
Solid Waste Division

cc: Central Files
Enforcement Branch Files, SW

D:\Inspector Files\Inspections\Class 1\0290-S1-R1\Letter\0290-S1-R1.wpd

SOLID WASTE MANAGEMENT DIVISION
8001 NATIONAL DRIVE / POST OFFICE BOX 8913 / LITTLE ROCK, ARKANSAS 72219-8913 / TELEPHONE 501-682-0602 / FAX 501-682-0611
www.adeq.state.ar.us



Charles Hurt (adpce.ad)

From: Mark Calcagni <calhog18@gmail.com>
Sent: Monday, November 7, 2022 5:01 AM
To: Nicholas Jones (adpce.ad); Nicholas Jones (adpce.ad); Bailey Taylor (adpce.ad)
Subject: Fwd: Public Hearing Eco-Vista Recap Talk-- Mark Calcagni
Attachments: Landfill Class 4 Expansion Feedback Dennis Boyer.pdf

Nick,

Sorry if you got a bunch of emails from me. I have had issues with your email (probably a user error - me).

Enlight of the ADEQ letter we all received late last week for the ADEQ Public Hearing, we hope you will accept these emails late this week?

Also, a question we had, has the Class 1 expansion been approved this year for Eco-Vista?

Thank you and I am sorry if I have bombed you with emails as I keep getting a mail delivery problem when I send you an email.

Thank You

Sincerely,

Mark Calcagni
479-236-8539

----- Forwarded message -----

From: Mark Calcagni <calhog18@gmail.com>
Date: Fri, Nov 4, 2022 at 4:02 PM
Subject: Fwd: Public Hearing Eco-Vista Recap Talk-- Mark Calcagni
To: Julie Linck <linck@adeq.state.ar.us>, Michael Grappe <grappem@adeq.state.ar.us>, Michael McAlister <MCALISTER@adeq.state.ar.us>, David Witherow <witherow@adeq.state.ar.us>, Jarrod Zweifel <zweifel@adeq.state.ar.us>, Nick Jones. (Engineer Supervisor) <jonesn@adeq.state.ar.us>, <nicholas.jones@adeq.state.ar.us>, Bailey Taylor <bailey.taylor@adeq.state.ar.us>
Cc: Dennis Boyer <dboyer01@yahoo.com>, Kenneth Lovett <kenneth.lovett@att.net>, Paul Colvin <mayor@tontitownar.gov>

----- Forwarded message -----

From: Mark Calcagni <calhog18@gmail.com>
Date: Thu, Nov 3, 2022 at 12:13 PM
Subject: Public Hearing Eco-Vista Recap Talk-- Mark Calcagni (PLEASE SEE ATTACHMENT)
To: <nicholas.jones@adeq.state.ar.us>
Cc: Bailey Taylor <bailey.taylor@adeq.state.ar.us>, Paul Colvin <mayor@tontitownar.gov>, <angie.russell44@gmail.com>, Kenneth Lovett <kenneth.lovett@att.net>, Donna Pianalto <dovepianalto@gmail.com>, Penny Baskin <sugarbearsmommy4jesus@yahoo.com>, Russ Greene

<Drussgreene@gmail.com>, Jami Morgan <jmorgan3592@gmail.com>, Tim Burress <ward3-2@tontitownar.gov>, Robin Lundstrum <robin@lundstrum.us>

Mr. Jones,

I wanted to give you just the bullet points from my speech against the expansion of Eco-Vista::

- **THE CITY OF TONTITOWN VOTED AGAINST EXPANSION.** You went over the process for expansion as I understand -1ST Boston Mountain Solid Waste provides need/approval then it goes - 2ND to the CITY OF TONTITOWN for approval then - 3RD to ADEQ approval if I have that correct?
- First and foremost health and safety reasons
- Poor Air Quality (gases and odors) Ms. Linck experienced this - headache/watery eyes!
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- Concerns from the Directors of the Illinois Watershed Partnership and the Oklahoma Conservation Commission as water flows to Oklahoma
- Debris on the heavily traveled residential road along with heavy truck traffic and blown debris in neighbors' yards. ADEQ has pictures of these issues.
- GROWTH of the Area as it has become RESIDENTIAL unlike the landfills in Ft Smith, Little Rock, and Tulsa (1500 homes in Fayetteville/Springdale/Tontitown -VS- 350 homes in Fort Smith are that are less than a mile from their landfill). Many more houses are being built in Tontitown
- Poor Management of Landfill. Improper cover or no cover. Many examples have been brought to the attention of ADEQ
- Poor Communication by Eco-Vista WM to the neighbors. WM has stopped our bi-monthly meetings and requires us to go through a third party to communicate with them that is in the state of Indiana. Is WM a good neighbor? Answer: No!

Again, thank you for taking the time to allow a public hearing. Our community's hope is that ADEQ will not allow expansion and listen to the City of Tontitown that has voted down the expansion for all the reasons you have heard and seen.

Thank You

Sincerely,

Mark Calcagni
12642 Arbor Acres Road Springdale, AR 72762
479-236-8539

November 4, 2022

Arkansas Dept. of Energy and Environment
5301 North Shore Drive
North Little Rock, Arkansas 72118-5317
ATTN: Mr. Nick Jones – Engineering Supervisor
jonesn@adeq.state.ar.us

REF: Proposed Class 4 Landfill Expansion
Eco-Vista/Waste Management, Tontitown, AR

Dear Sir,

As a resident of Tontitown, I would like to make the following points in opposition to the proposed Class 4 Eco-Vista Landfill expansion:

1. One of the requirements for approval of a landfill expansion in a municipality is local City support. While this was expressed in Resolution No. 2018-11-815R on November 2018, such support has now been WITHDRAWN and REVERSED by formal Resolution of the Tontitown City Council, November 1, 2022. This reversal was by unanimous vote. Not only does support for the expansion not exist, but official and unequivocal OPPOSITION to it is now on the books:

**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 (Nov. 1, 2022)**

2. There are abundant rural areas around, and even within, Northwest Arkansas to place a new Class 4, as well as a Class 1, landfill. Tontitown is ground zero IN THE ENTIRE STATE for population growth, which is clearly not true of ALL of Northwest Arkansas and neighboring counties/states.
3. The initial Resolution in support of the expansion was the result of misleading information given to the Council by an agenda-driven mayor who subsequently resigned under pressure. His appointed protégé replacement was resoundingly voted out of office. Those individuals never represented community, but rather their own personal agendas, which is why we now have a new mayor and a Resolution supporting the true will of the people. Investigations of those matters are now officially underway separately.
4. Tontitown is the fastest growing city in the fastest growing region, Northwest Arkansas, of the entire state. *Please refer to subsequent pages reporting regional and local growth.*
5. The Landfill was rationally sited in the Tontitown area many decades ago when the ‘city’ was exceptionally rural (population 510 in 1990). That is no longer the case. Tontitown’s population is now 6000, and is growing by 12%-19% per year. Within a 2 mile radius of the landfill itself, the population has grown from a few scattered chicken farms decades ago to over 4,000 residents now, and is expected to balloon to 10,000 and 20,000 within the next ten years, based on current projections. Having a landfill here, let alone expanding one, violates every foundational environmental tenet I can imagine.
6. To my knowledge, no other landfill in Arkansas exists within such a densely packed population center—and for good reason.
7. The Eco-Vista site has proven itself to be a serial violator of the neighboring environment. Any serious investigation unequivocally prove this.

8. Eco-Vista has a documented history of being unresponsive to the community's complaints, thus expansion will only add to the current unresolved issues.
9. When I visited Eco-Vista, Matt Burner, site director, told me that the only possible odor he could think of coming off the ENTIRE SITE was that of rotting drywall, which of course is a Class 4 issue.
10. Multiple spontaneous fires erupt from the Class 4 section of the landfill, none of which should occur were the materials there being properly managed.
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12. The landfill sits atop an environmentally dubious karst formation.
13. Asbestos, lead, and other carcinogenic materials are being dumped amidst a fast-growing urban population. Not only is this dangerous on its own, but the multiple unexplained Class 4 fires no doubt spread these chemicals far and wide, and no measurements have been taken to account for their impact on nearby residents.
14. Boston Mountain's support for the expansion is purely self-serving in that every city/region in Northwest Arkansas benefits, at Tontitown's expense, by keeping the trash right where it is.
15. Expanding this landfill is a case of kicking the can down the road. The Class 1 portion of the landfill is itself nearing capacity. Waste Management is already preparing an application of expansion of that. Given the City's position on this matter, this will fail.
16. The argument that Northwest Arkansas needs a place to dump its construction materials is hollow. Of course it does. In no way does that support WHERE they should be dumped.

Respectfully,

Dennis Boyer

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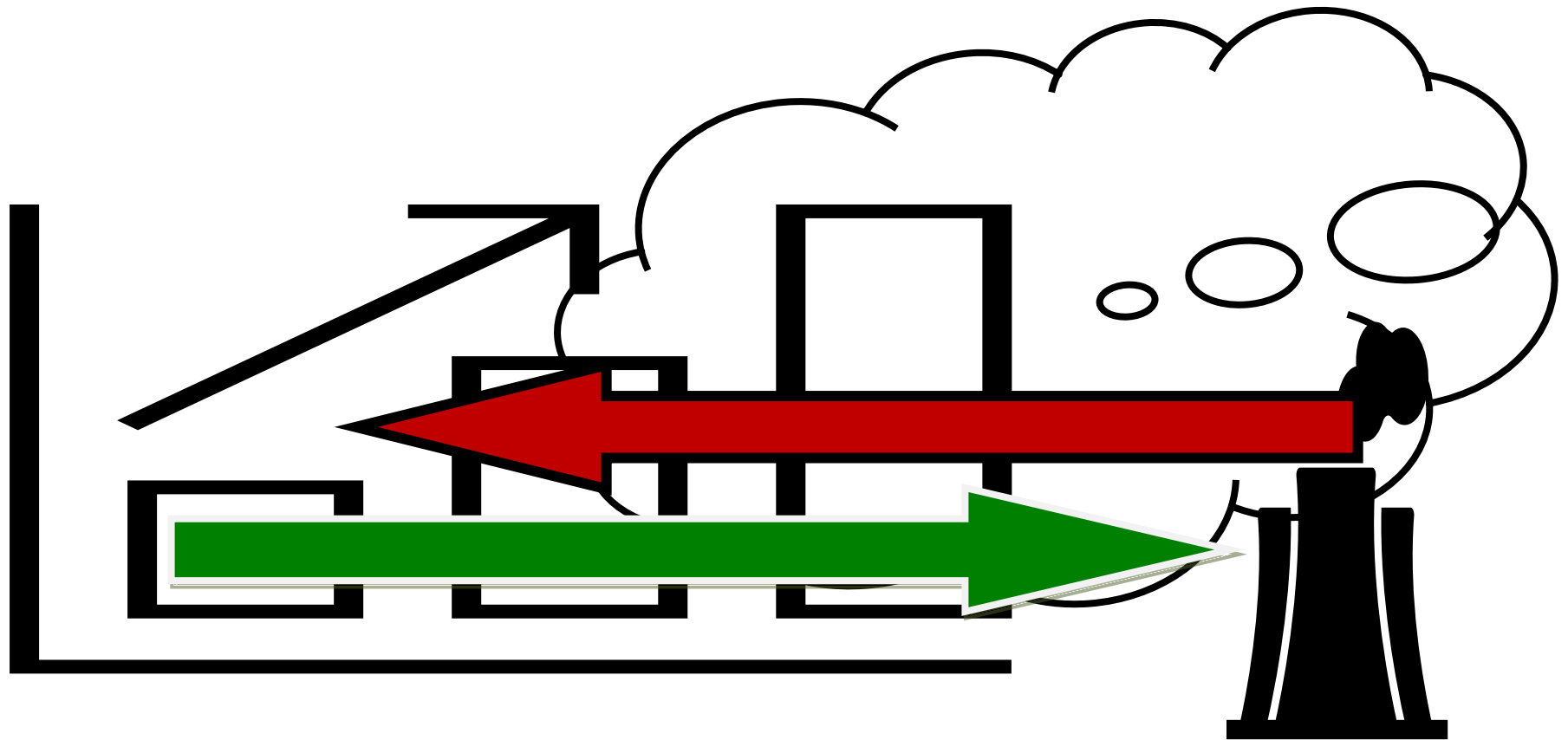
1969 Dowell Road

Tontitown, CA 72762

Eco-Vista Landfill & Tontitown, AR Population Growth 11.1.22



An Inevitable Environmental Catastrophe





Our Changing Population: Arkansas

The ages, races, and population density of Arkansas tell a story. Understand the shifts in demographic trends with these charts visualizing decades of population data.

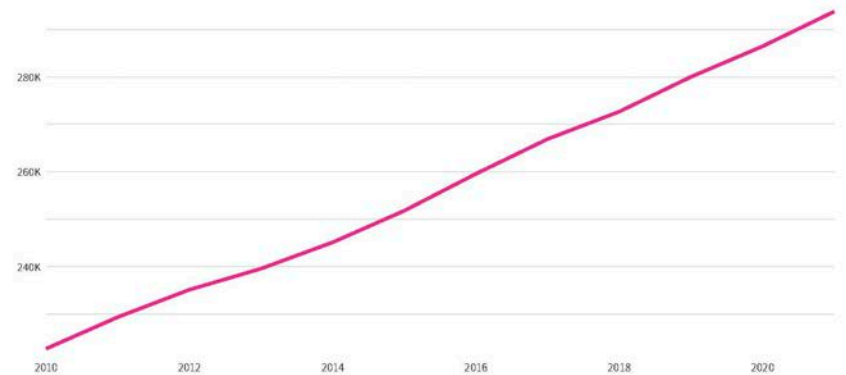
2010 POPULATION	2021 POPULATION	POPULATION CHANGE
2,921,998	3,025,891	+ 3.6%

Data Updated July 2022

NATIONAL/ / Year TO

How has the population changed in Arkansas?

In Arkansas between 2010 and 2021, **Benton County** had the **largest growth** with **71,091** more residents. **Jefferson County** had the **largest decline** with **11,471** fewer people.

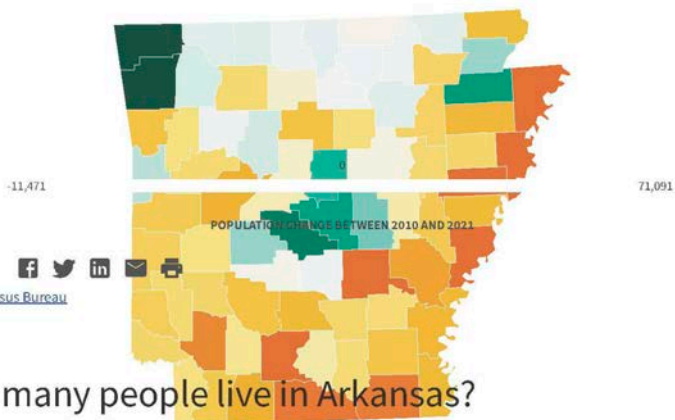


SHARE THIS

Source: [Census Bureau](#)

How has Benton County's population changed over the years?

Benton County's population increased **11** out of the **11** years between year **2010** and year **2021**. Its largest annual population increase was **3.1%** between **2015** and **2016**. Between **2010** and **2021**, the county grew by an average of **2.6%** per year.



SHARE THIS

Source: [Census Bureau](#)

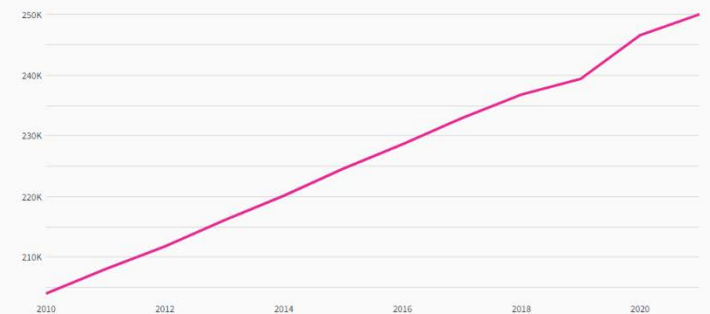
How many people live in Arkansas?

Arkansas's population **grew 3.6%** from the **2.9 million** people who lived there in **2010**. For comparison, the population in the US **grew 7.3%** during that period.

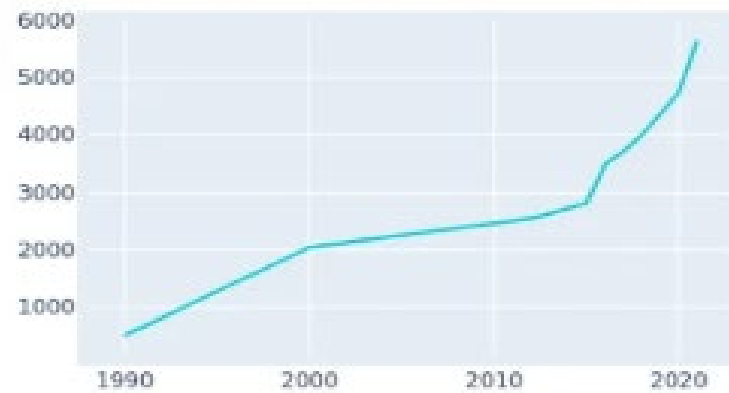
How many people live in Washington County?

Washington County's population grew 22.6% from the **204,021** people who lived there in **2010**. For comparison, the population in the US **grew 7.3%** and the population in Arkansas **grew 3.6%** during that period.

Population in Washington County



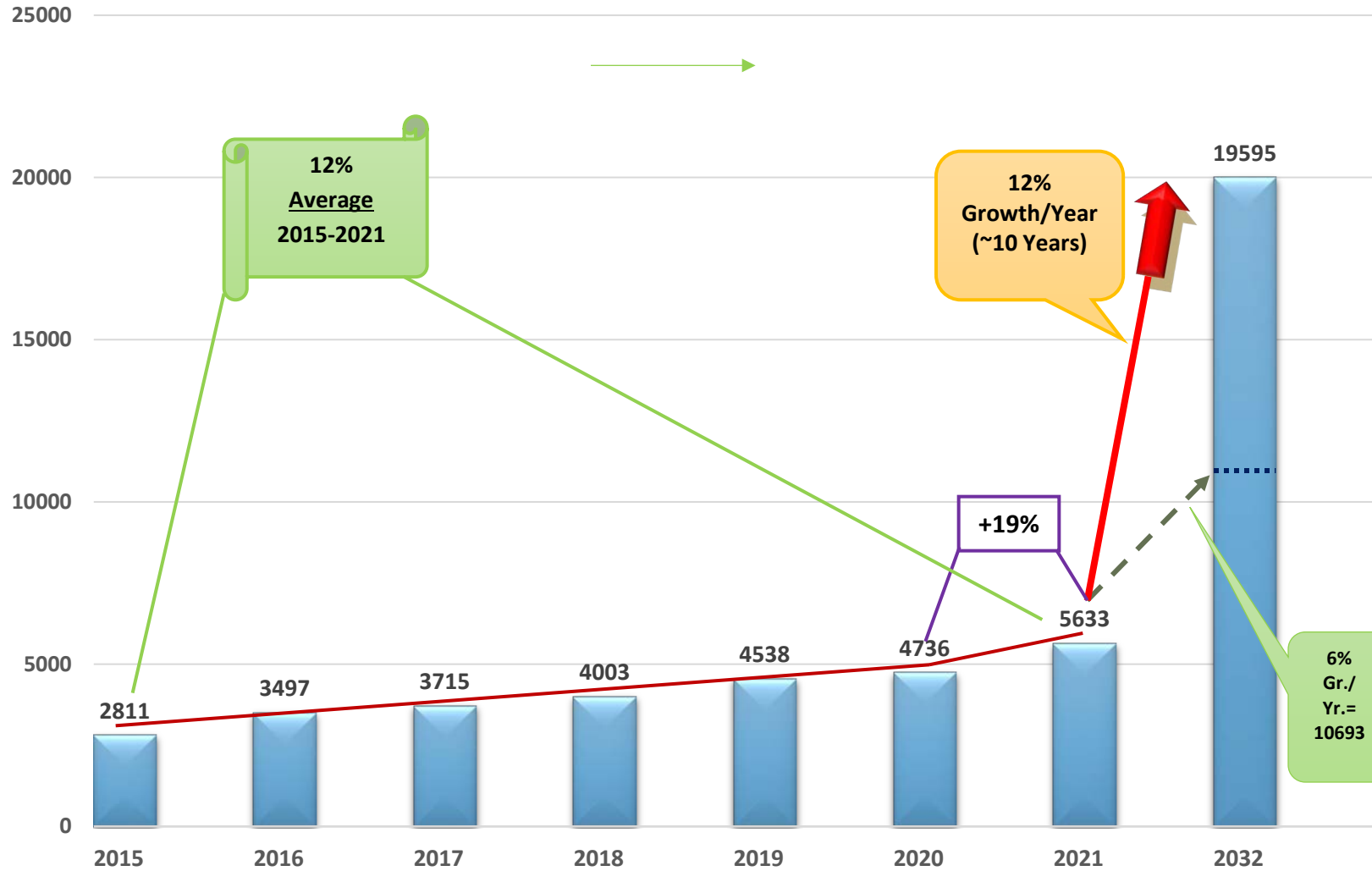
Tontitown Population By Year



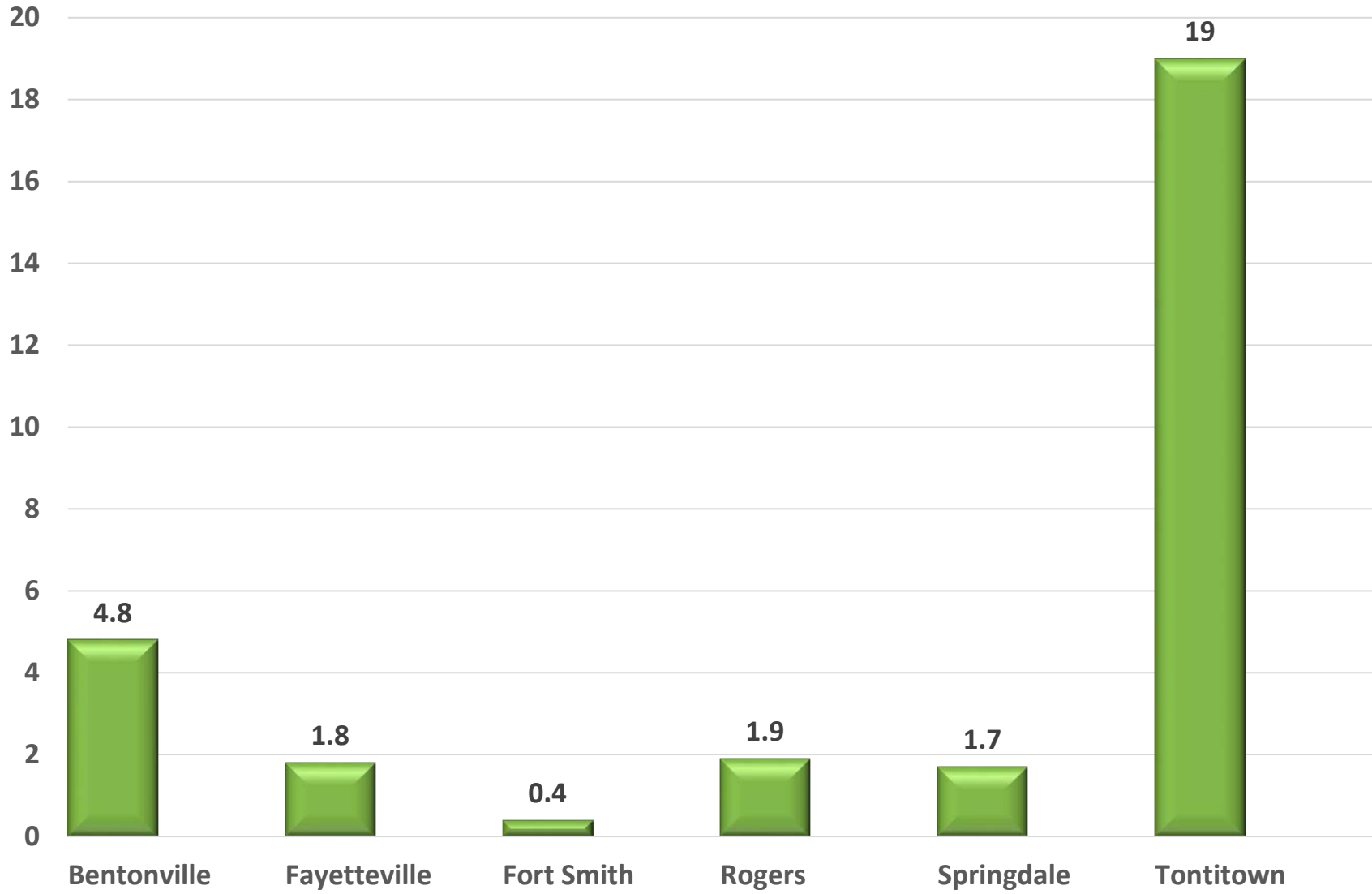
Year	Population	Rank in US
2021	5,833	4,488
2020	4,736	4,956
2019	4,358	5,142
2018	4,003	5,375
2017	3,715	5,577
2016	3,497	5,747
2015	2,811	6,402
2014	2,719	6,493
2013	2,625	6,600
2012	2,548	6,678
2011	2,506	6,734
2010	2,460	6,796
2000	2,045	7,289
1990	510	12,989

Source: US Census Data

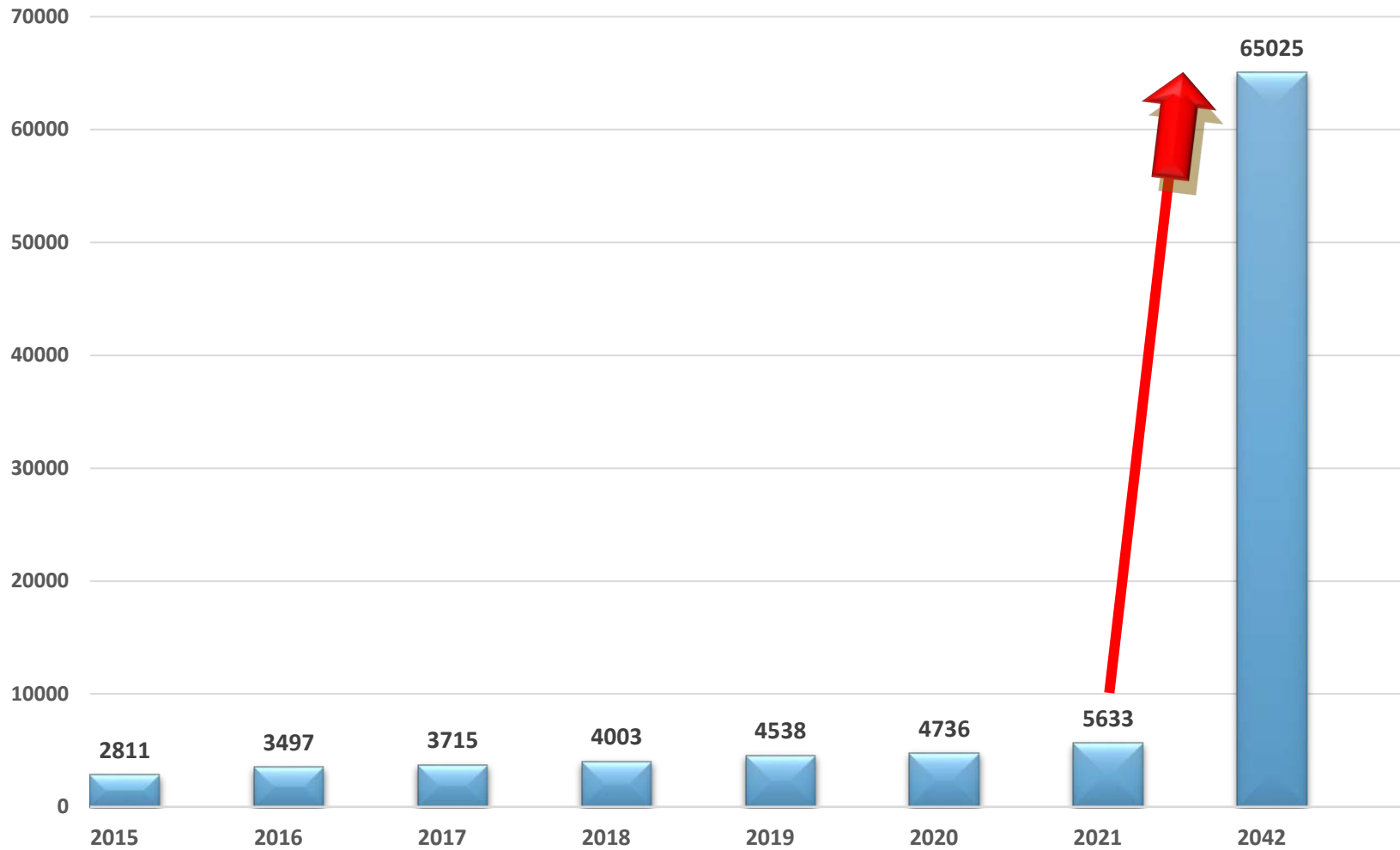
Tontitown Population & 10 Year Projection (12% annual growth starting in 2015)



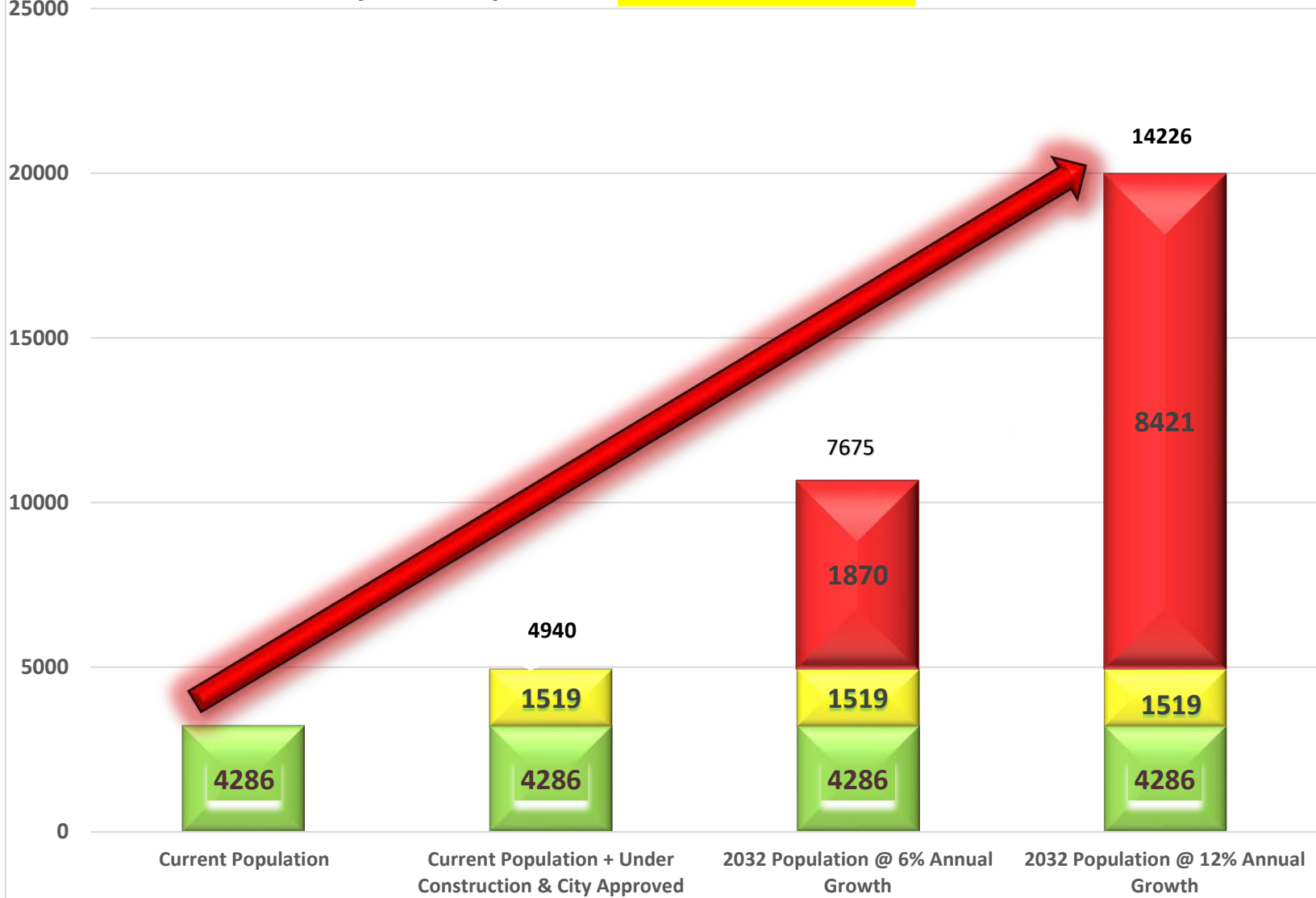
NWA Cities Percentage (%) Growth 2020-2021



Tontitown Population & 20 Year Projection (12% annual growth starting in 2015)



Current & Projected Population **WITHIN 2 MILES** of Eco-Vista Landfill



Charles Hurt (adpce.ad)

From: Mark Calcagni <calhog18@gmail.com>
Sent: Friday, November 4, 2022 4:03 PM
To: Julie Linck (adpce.ad); Michael Grappe (adpce.ad); Michael McAlister (adpce.ad); David Witherow (adpce.ad); Jarrod Zweifel (adpce.ad); Nicholas Jones (adpce.ad); nicholas.jones@adeq.state.ar; Bailey Taylor (adpce.ad)
Cc: Dennis Boyer; Kenneth Lovett; Paul Colvin
Subject: Fwd: Public Hearing Eco-Vista Recap Talk-- Mark Calcagni
Attachments: Landfill Class 4 Expansion Feedback Dennis Boyer.pdf

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To: <nicholas.jones@adeq.state.ar>
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479-236-8539

November 4, 2022

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5301 North Shore Drive
North Little Rock, Arkansas 72118-5317
ATTN: Mr. Nick Jones – Engineering Supervisor
jonesn@adeq.state.ar.us

REF: Proposed Class 4 Landfill Expansion
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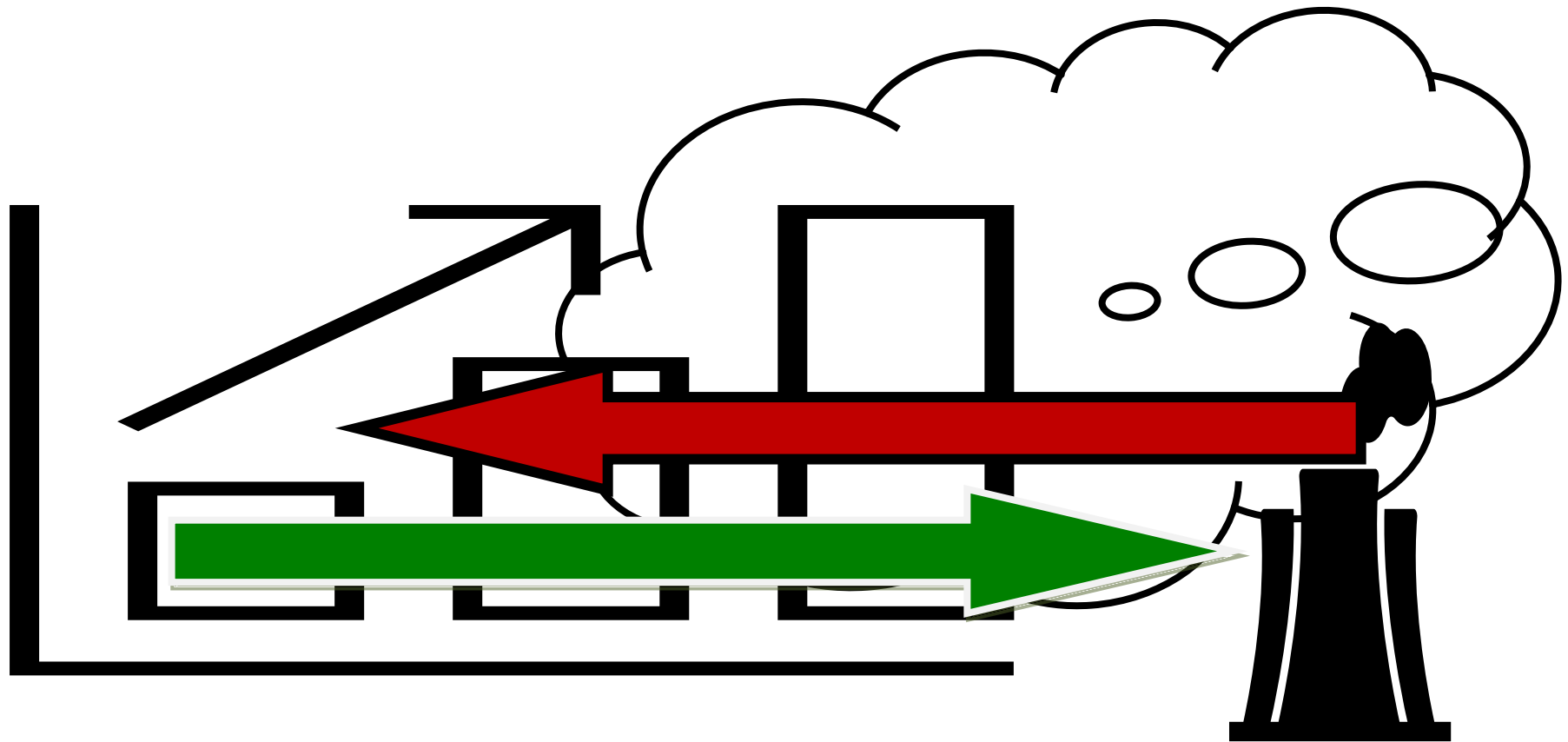
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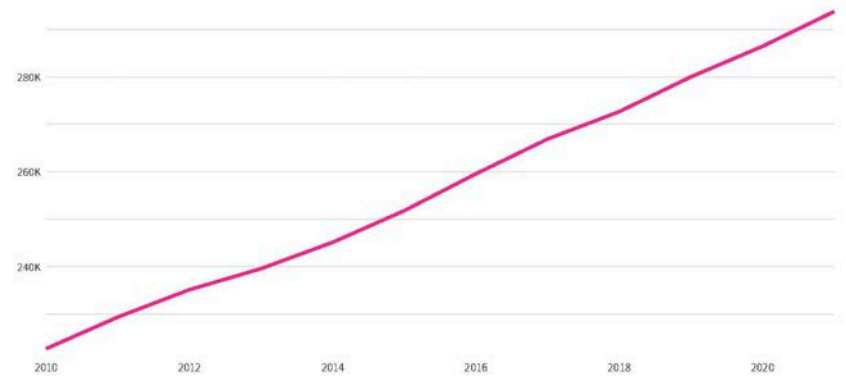
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Data Updated July 2022

NATIONAL/ / Year TO

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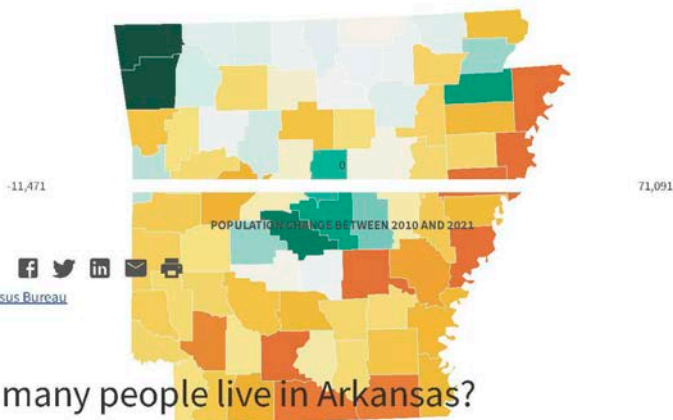
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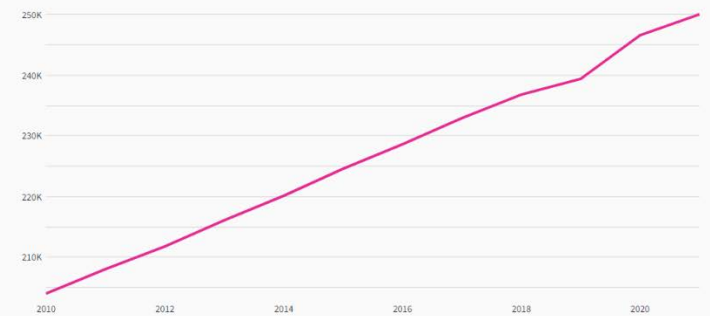
How many people live in Arkansas?

Arkansas's population **grew 3.6%** from the **2.9 million** people who lived there in **2010**. For comparison, the population in the US **grew 7.3%** during that period.

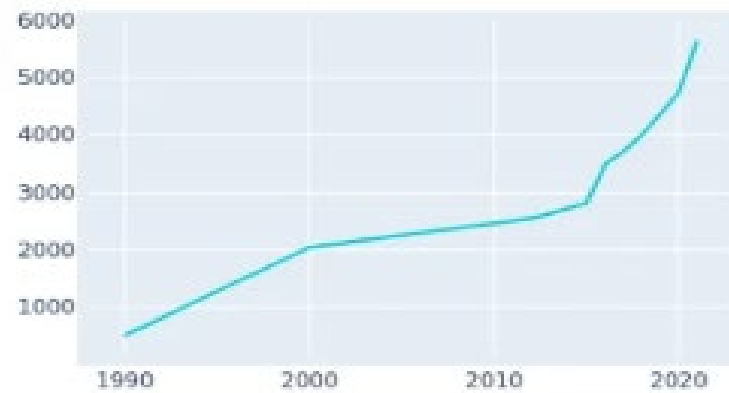
How many people live in Washington County?

Washington County's population grew 22.6% from the **204,021** people who lived there in **2010**. For comparison, the population in the US **grew 7.3%** and the population in Arkansas **grew 3.6%** during that period.

Population in Washington County



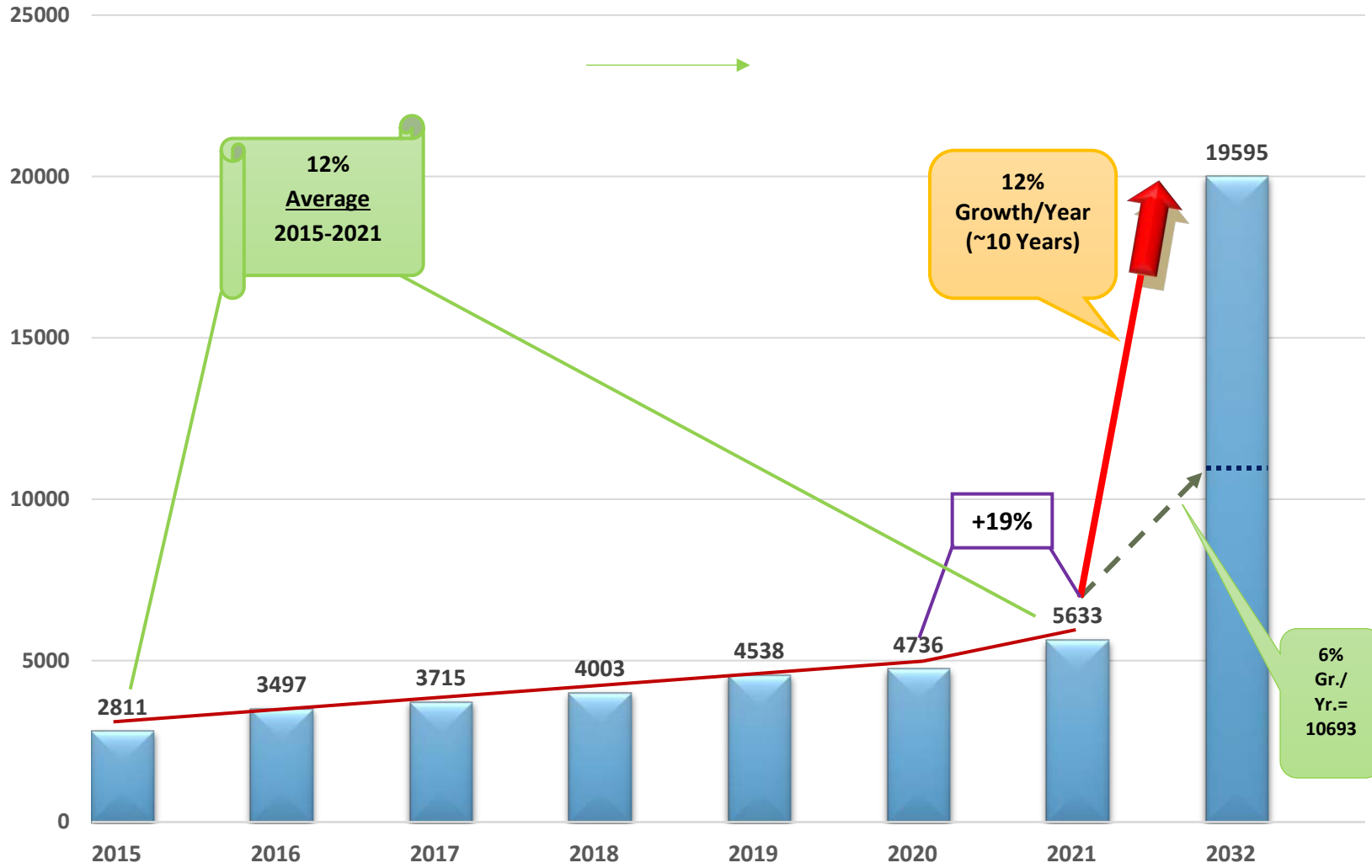
Tontitown Population By Year



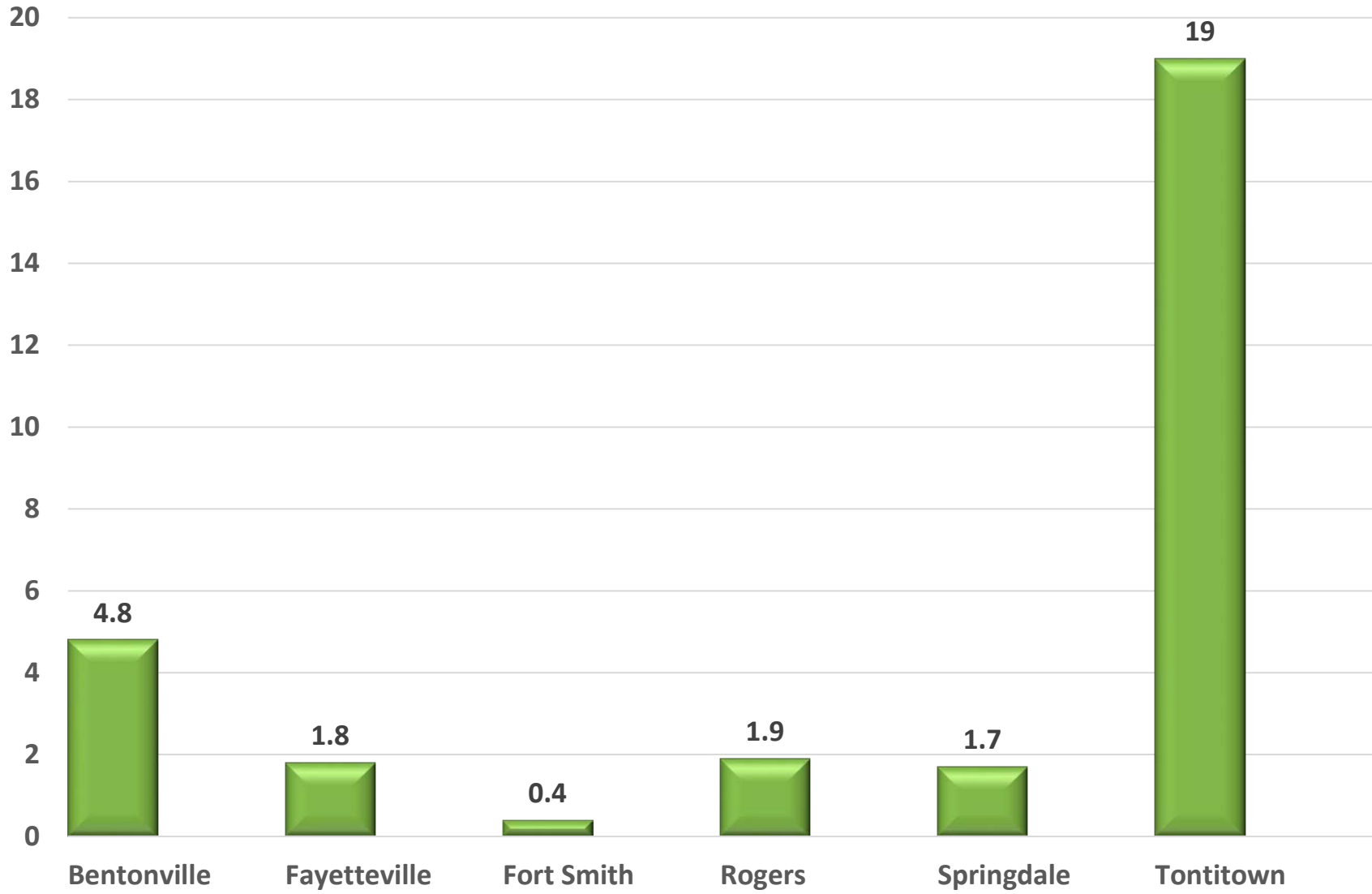
Year	Population	Rank in US
2021	5,833	4,488
2020	4,736	4,956
2019	4,358	5,142
2018	4,003	5,375
2017	3,715	5,577
2016	3,487	5,747
2015	2,811	6,402
2014	2,719	6,493
2013	2,625	6,600
2012	2,548	6,678
2011	2,506	6,734
2010	2,460	6,796
2000	2,045	7,289
1990	510	12,989

Source: US Census Data

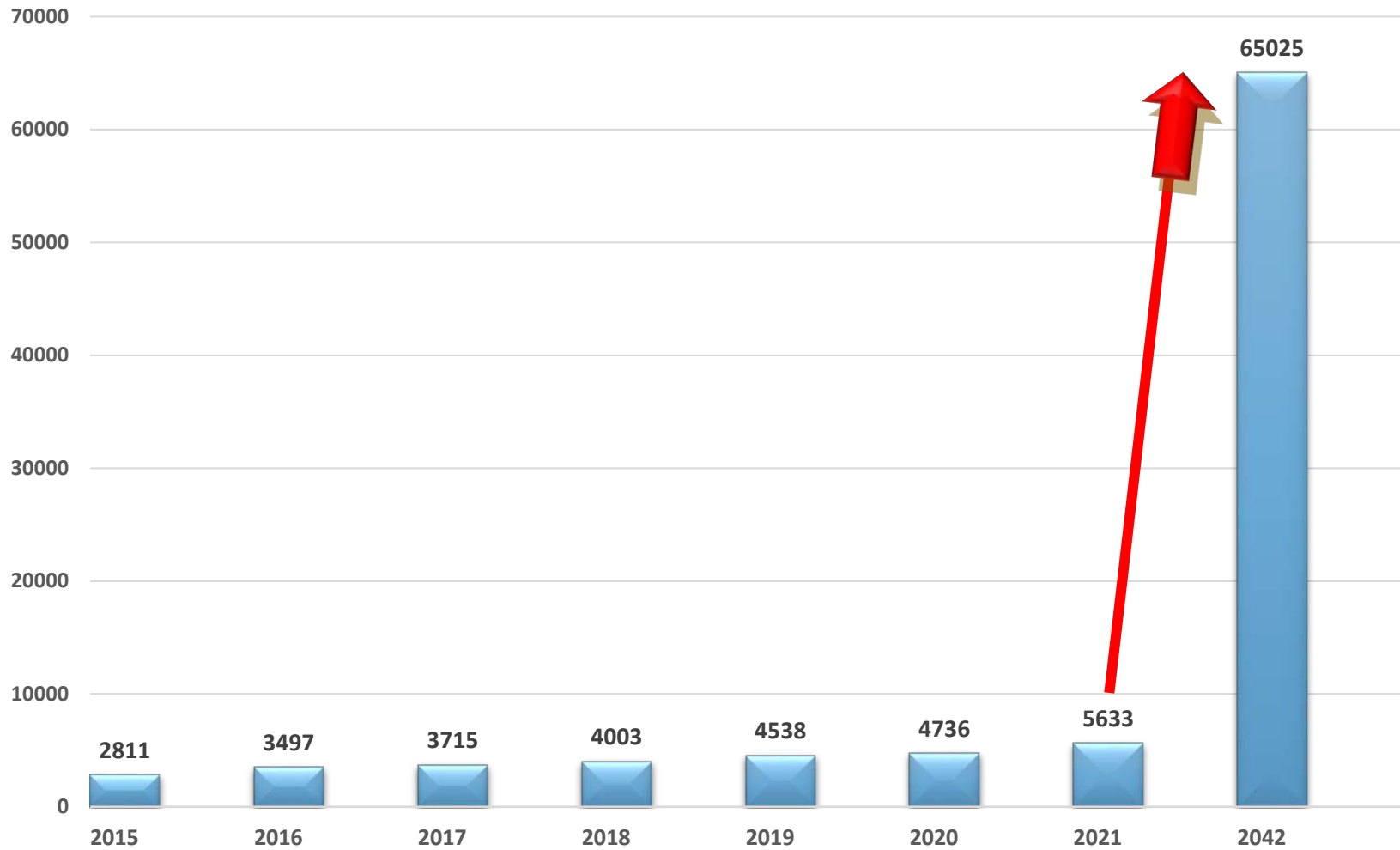
Tontitown Population & 10 Year Projection (12% annual growth starting in 2015)



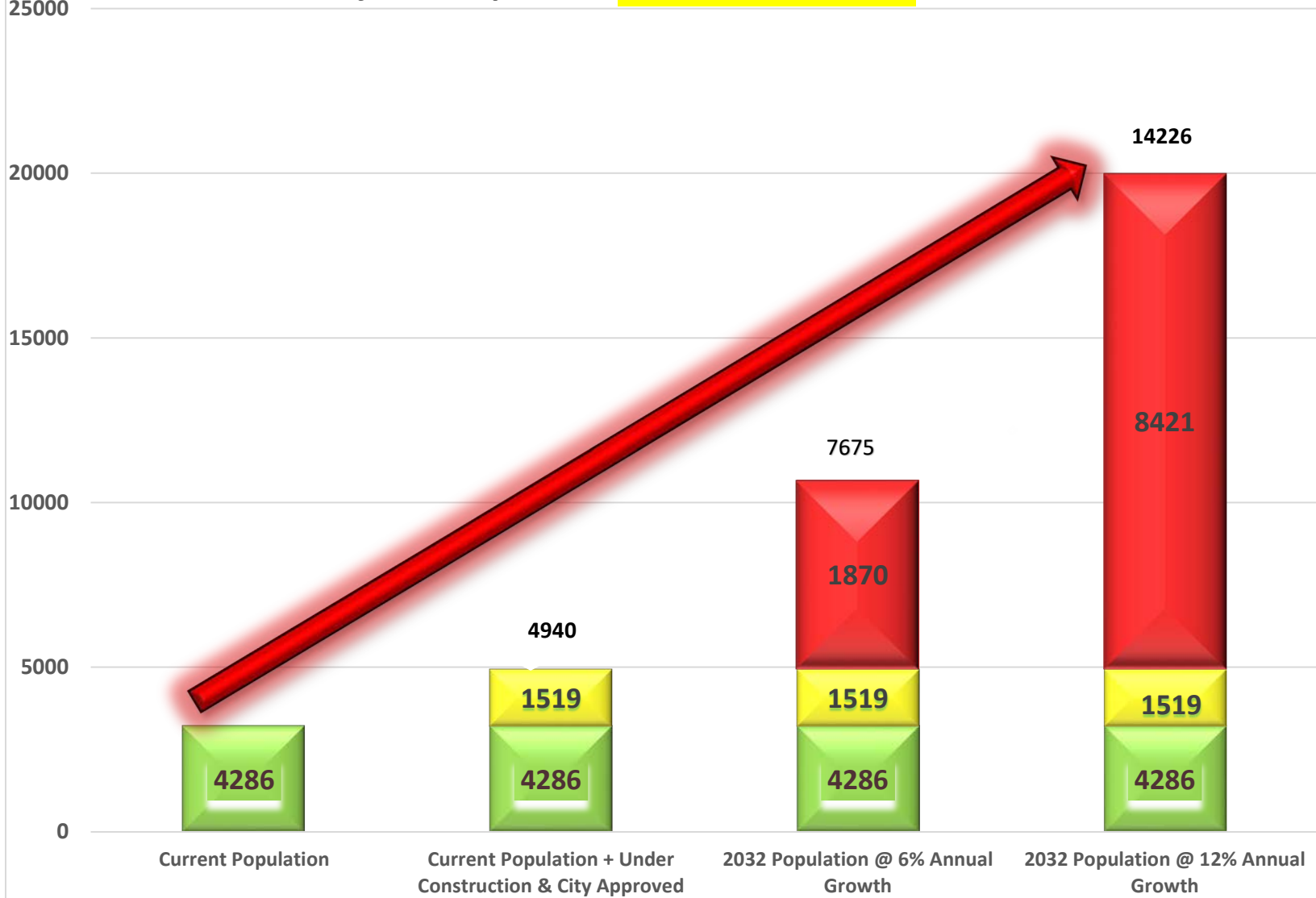
NWA Cities Percentage (%) Growth 2020-2021



Tontitown Population & 20 Year Projection (12% annual growth starting in 2015)



Current & Projected Population **WITHIN 2 MILES** of Eco-Vista Landfill



Charles Hurt (adpce.ad)

From: Jacqui Calcagni <calcagnijacqui@gmail.com>
Sent: Saturday, November 5, 2022 5:42 PM
To: Nicholas Jones (adpce.ad)
Subject: Fwd: Reasons Not To Expand Eco-Vista Class 4 Landfill

Sorry if you got this several times

----- Forwarded message -----

From: **Jacqui Calcagni** <calcagnijacqui@gmail.com>
Date: Thu, Nov 3, 2022 at 3:15 PM
Subject: Reasons Not To Expand Eco-Vista Class 4 Landfill
To:
Cc: Mark Calcagni <calhog18@gmail.com>, <mayor@tontitown.ar>

Mr. Jones,

I am expressing my opposition on the expansion of the Tontitown Landfill. My family and I have lived at our home on Arbor Acres Road for 35 years. We were here before Waste Management. When we first moved here Sunray Sanitation ran the landfill and you could not see their operations from the road or even know a landfill existed. The area has grown greatly with houses and it's not rural anymore. I can not believe this area has grown so fast and they are building many houses currently and have future plans for more houses. If the landfill was not here they would not put one here due to all the residents close to the landfill.

I have asthma and it is getting hard for me to breathe. I have this nagging cough that has gotten worse, I told my doctor about it and I think it's due to the air issues we have out here and the doctor felt that it is possible. I tried to avoid being outside too long during covid as I know people with pre-existing ailments were affected worse. My husband spends a great deal time outside and gets headaches. I have known him for almost 40 years and he never got headaches. The odor and gas smell is getting worse. I am worried as there are children all along our road that could be affected with health issues not to mention the big landfill truck traffic. There are concerns with the groundwater and that is scary since we know the liner issue before Waste Management took over. There is trash in the ground without a liner in a porous ground area.

This area has endured the landfill long enough. I know a landfill is needed, but it should not be in a residential area with an elementary school less than 1.5 miles away. My husband made me drive around the Fort Smith landfill and we could not find houses as it is in an industrial park. He even talked to the manager there and she told my husband that there are less than 300 houses in a 1.5 mile radius since it's out of the city's residential area.

I would think ADEQ would not expand this landfill due to all the complaints with air, water, debris, and environmental issues. The fact that the City of Tontitown (City Council) voted against the expansion should be reason alone. The previous mayor slipped the expansion by the people and city council by threatening the planning department that if they did not pass the expansion they would be sued personally and the city would not represent them in a lawsuit so the planning department voted under duress to expand. Dirty Politics! This has since been corrected by the City Council passing the resolution written by the City Attorney not to expand.

Please hear us and do not allow this not so good neighbor to expand their business because they do not operate properly.

Thank You

Jacqui Calcagni

Charles Hurt (adpce.ad)

From: Mark Calcagni <calhog18@gmail.com>
Sent: Monday, November 7, 2022 5:06 AM
To: Nicholas Jones (adpce.ad); Bailey Taylor (adpce.ad)
Subject: Fwd: Reasons Not To Expand Eco-Vista Class 4 Landfill

My wife's submission against expansion. We must have had the wrong email address.....?

Sorry for our confusion.

Sincerely,

Jacqui and Mark Calcagni
479-236-8539

From: Jacqui Calcagni <calcagnijacqui@gmail.com>
Date: November 3, 2022 at 3:15:46 PM CDT
To: nicholas.jones@adeq.state
Cc: Mark Calcagni <calhog18@gmail.com>, mayor@tontitown.ar
Subject: **Reasons Not To Expand Eco-Vista Class 4 Landfill**

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Charles Hurt (adpce.ad)

From: Jacqui Calcagni <calcagnijacqui@gmail.com>
Sent: Saturday, November 5, 2022 5:40 PM
To: Nicholas Jones (adpce.ad)
Subject: Fwd: Reasons Not To Expand Eco-Vista Class 4 Landfill

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From: Jacqui Calcagni <calcagnijacqui@gmail.com>
Date: Thu, Nov 3, 2022 at 3:15 PM
Subject: Reasons Not To Expand Eco-Vista Class 4 Landfill
To:
Cc: Mark Calcagni <calhog18@gmail.com>, <mayor@tontitown.ar>

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Thank You

Jacqui Calcagni

Charles Hurt (adpce.ad)

From: Karen's Gmail <markarph@gmail.com>
Sent: Friday, November 4, 2022 11:39 PM
To: Nicholas Jones (adpce.ad)
Subject: Halt Class 4 landfill expansion

-Only liner required is compacted clay
-Dye test at Class 4 turned Little Wildcat Creek red -Other waste ends up in Class 4 (ie people using construction dumpsters to throw their trash into) -Asbestos, paints, and chemicals disposed of -WM clearly has a fire issue (2 within last few months, several since 2020) and burying asbestos and debris is dangerous to the neighbors
- Tontitown has withdrawn support of landfill expansion -WM repeatedly blamed odors on drywall breaking down, ADEQ claims Class 4 doesn't smell

Marty & Karen Phillips
752 Via Sangro Rd
Tontitown AR

Charles Hurt (adpce.ad)

From: David Etchison <dretchison1@gmail.com>
Sent: Friday, November 4, 2022 8:31 PM
To: Nicholas Jones (adpce.ad)
Subject: Landfill expansion

Mr Jones,

My family has lived west of the landfill for over 20 years. The last few years the odor, noise, and pollution has gotten worse each year.

Class 4 points:

only liner required is compacted clay

Dye test at class 4 turned Little Wildcat Creek red

Other waste ends up in class 4 Asbestos, paints, and chemicals disposed of

Tontitown has withdrawn support of the landfill expansion.

The community of Tontitown continues to grow around the landfill putting more people in harm's way. The landfill needs to be in a more remote area. Waste Management is not a good neighbor

David Etchison

18491 Clear Water Rd.

Fern Etchison

18617 Clear water Rd.

Jacob Etchison

18679 Clear Water Rd.

Heston Mcfatridge

18959 Clear Water Rd.

.

Charles Hurt (adpce.ad)

From: Kenneth Lovett <kenneth.lovett@att.net>
Sent: Monday, November 7, 2022 1:24 AM
To: Bailey Taylor (adpce.ad); Nicholas Jones (adpce.ad)
Subject: Landfill

<https://www.facebook.com/groups/tontitowncase/permalink/702341144205990/>

Charles Hurt (adpce.ad)

From: dovepianalto@gmail.com
Sent: Friday, November 4, 2022 12:39 PM
To: Bailey Taylor (adpce.ad); Nicholas Jones (adpce.ad); Julie Linck (adpce.ad)
Cc: calhog18@gmail.com; 'Jami Morgan'; Robin Lundstrum; Clint Penzon; 'Kenneth Lovett'; 'Angie Russell'
Subject: Late Notice of Public Meeting

To whom it may concern,

Although I appreciate the public meeting about the WM expansion held this week in NWA, I wanted to make you aware of a situation. I did receive an invitation to attend that was postmarked Monday, 10/31/22; however, it actually appeared in my rural mailbox on Thursday, 11/3/22 – the day AFTER the meeting! IF I had not been networked locally, I would have missed the meeting all together! I have to wonder how many others who had written to you missed the meeting because of the late notice. Please consider using this example of how long the USPS takes to delivery mail and send the communication much earlier in the future so that citizens can be prepared and make arrangements to attend important meeting.

Thanks for your time!

Donna Pianalto
12525 Arbor Acres Rd
Springdale, AR 72762
(479)200.2200
dovepianalto@gmail.com

Charles Hurt (adpce.ad)

From: Jim Enns <ennsjim53@gmail.com>
Sent: Friday, November 4, 2022 12:32 PM
To: Nicholas Jones (adpce.ad)
Subject: letter about Eco-Vista Landfill Expansion
Attachments: Jim-Nick Jones P.docx

Please find attached my comments about the expansion of class 4 landfill at Eco-Vista Landfill.
James B. Enns, MSED

Nick Jones P.E.
Senior Operations Manager
Office of Land Resources
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Mr. Jones,

Please accept this letter as a request to deny the permit application for a major modification to a solid waste disposal facility, Eco-Vista, LLC Class 4 Landfill, permit number 1884-AOP-R9.

I have been a neighbor of WM landfill for almost 12 years and was told by my realtor when the house was purchased that the landfill would be closed within 5 to 10 years at that time. At first, the noise and smells were rare and not really a problem. In the past three years the odor has increased dramatically, and the noise seems to be much louder and start earlier in the day. I can now hear the low thumping of the generators most of the night. When I make coffee in the early morning, I can see the vibrations in my coffee cup on my granite kitchen counter!

Some of the neighbors living near the landfill have been there for generations. We complain when the smell is so bad, we can't go outside our houses, and nothing is done. It would be helpful if complaints were evaluated within a few days, rather than at least a week or 10 days after the complaint is made. If WM won't follow the rules and start being a better neighbor in Northwest Arkansas, this area won't be one of the fastest growing areas in the United States.

Please consider these facts when deciding to approve WM's application to expand Class 4 at Eco-Vista Landfill.

Respectfully submitted,

James B. Enns, MSED

12246 Red Oak Dr

Fayetteville, AR 72704

Charles Hurt (adpce.ad)

From: Dennis Boyer <dboyer01@yahoo.com>
Sent: Friday, November 4, 2022 3:26 PM
To: Nicholas Jones (adpce.ad)
Cc: Julie Linck (adpce.ad); Becky Keogh (adpce.ad); Bailey Taylor (adpce.ad); David Witherow; Jarrod Zweifel (adpce.ad); Annette Cusher (adpce.ad); Mark Calcagni; Jami Morgan; Robin Lundstrum; Clint Penzon; Kenneth Lovett; Angie Russell; Paul Colvin Colvin; Penny Baskin; Tim Burress; Donna Pinalto; Russ From Red Oak; Steve Unger
Subject: Letter and Information Opposing Tontitown WM Eco-Vista Class 4 Landfill Expansion
Attachments: Landfill Class 4 Expansion Feedback.pdf

November 4, 2022

Arkansas Dept. of Energy and Environment
5301 North Shore Drive
North Little Rock, Arkansas 72118-5317
ATTN: Mr. Nick Jones – Engineering Supervisor

jonesn@adeq.state.ar.us, nicholas.jones.@adeq.state.ar.us

REF: Proposed Class 1 Landfill Expansion
Eco-Vista/Waste Management, Tontitown, AR

Please include the attached letter and documentation (pdf) as input opposing the above-referenced matter. Also, thank you for the fine public meeting at the Springdale Senior Center Wednesday night.

I appreciated the presentation, and especially the gracious manner in which the Department's Attorney conducted the meeting.

Sincerely,

Dennis Boyer

1969 Dowell Road

Tontitown, CA 72762

949-836-0462

November 4, 2022

Arkansas Dept. of Energy and Environment
5301 North Shore Drive
North Little Rock, Arkansas 72118-5317
ATTN: Mr. Nick Jones – Engineering Supervisor
jonesn@adeq.state.ar.us

REF: Proposed Class 4 Landfill Expansion
Eco-Vista/Waste Management, Tontitown, AR

Dear Sir,

As a resident of Tontitown, I would like to make the following points in opposition to the proposed Class 4 Eco-Vista Landfill expansion:

1. One of the requirements for approval of a landfill expansion in a municipality is local City support. While this was expressed in Resolution No. 2018-11-815R on November 2018, such support has now been WITHDRAWN and REVERSED by formal Resolution of the Tontitown City Council, November 1, 2022. This reversal was by unanimous vote. Not only does support for the expansion not exist, but official and unequivocal OPPOSITION to it is now on the books:

**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 (Nov. 1, 2022)**

2. There are abundant rural areas around, and even within, Northwest Arkansas to place a new Class 4, as well as a Class 1, landfill. Tontitown is ground zero IN THE ENTIRE STATE for population growth, which is clearly not true of ALL of Northwest Arkansas and neighboring counties/states.
3. The initial Resolution in support of the expansion was the result of misleading information given to the Council by an agenda-driven mayor who subsequently resigned under pressure. His appointed protégé replacement was resoundingly voted out of office. Those individuals never represented community, but rather their own personal agendas, which is why we now have a new mayor and a Resolution supporting the true will of the people. Investigations of those matters are now officially underway separately.
4. Tontitown is the fastest growing city in the fastest growing region, Northwest Arkansas, of the entire state. *Please refer to subsequent pages reporting regional and local growth.*
5. The Landfill was rationally sited in the Tontitown area many decades ago when the ‘city’ was exceptionally rural (population 510 in 1990). That is no longer the case. Tontitown’s population is now 6000, and is growing by 12%-19% per year. Within a 2 mile radius of the landfill itself, the population has grown from a few scattered chicken farms decades ago to over 4,000 residents now, and is expected to balloon to 10,000 and 20,000 within the next ten years, based on current projections. Having a landfill here, let alone expanding one, violates every foundational environmental tenet I can imagine.
6. To my knowledge, no other landfill in Arkansas exists within such a densely packed population center—and for good reason.
7. The Eco-Vista site has proven itself to be a serial violator of the neighboring environment. Any serious investigation unequivocally prove this.

8. Eco-Vista has a documented history of being unresponsive to the community's complaints, thus expansion will only add to the current unresolved issues.
9. When I visited Eco-Vista, Matt Burner, site director, told me that the only possible odor he could think of coming off the ENTIRE SITE was that of rotting drywall, which of course is a Class 4 issue.
10. Multiple spontaneous fires erupt from the Class 4 section of the landfill, none of which should occur were the materials there being properly managed.
11. Kenneth Lovett, another concerned citizen, has submitted to your office numerous drone pictures proving that Eco-Vista DOES NOT COVER the Class 4 area per regulations. This proof is irrefutable, yet ADEQ does nothing to stop it. Nor does it cover the Class 1 area per regulations, which only adds further to Eco-Vista's disregard for the rules.
12. The landfill sits atop an environmentally dubious karst formation.
13. Asbestos, lead, and other carcinogenic materials are being dumped amidst a fast-growing urban population. Not only is this dangerous on its own, but the multiple unexplained Class 4 fires no doubt spread these chemicals far and wide, and no measurements have been taken to account for their impact on nearby residents.
14. Boston Mountain's support for the expansion is purely self-serving in that every city/region in Northwest Arkansas benefits, at Tontitown's expense, by keeping the trash right where it is.
15. Expanding this landfill is a case of kicking the can down the road. The Class 1 portion of the landfill is itself nearing capacity. Waste Management is already preparing an application of expansion of that. Given the City's position on this matter, this will fail.
16. The argument that Northwest Arkansas needs a place to dump its construction materials is hollow. Of course it does. In no way does that support WHERE they should be dumped.

Respectfully,

Dennis Boyer

Dennis Boyer

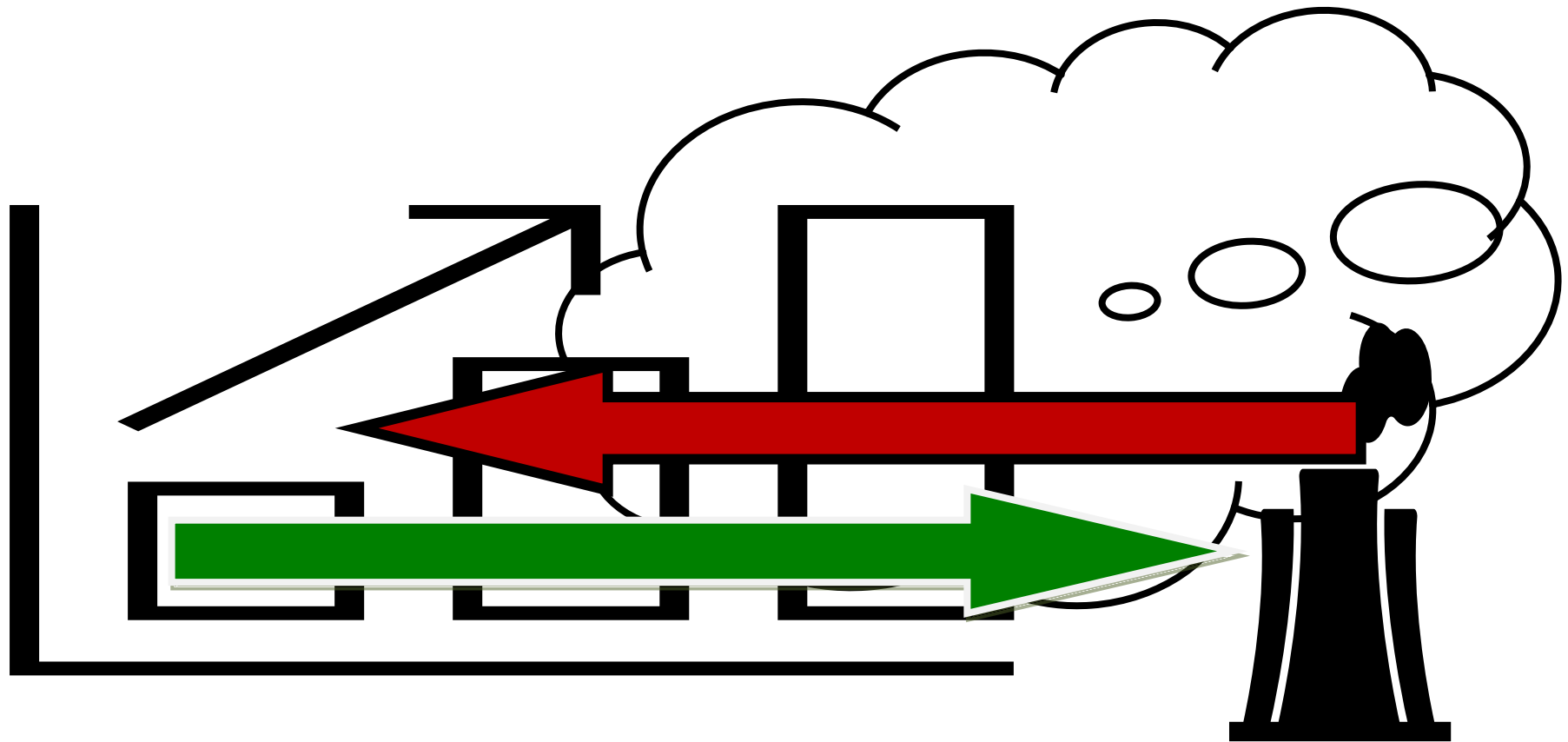
1969 Dowell Road

Tontitown, CA 72762

Eco-Vista Landfill & Tontitown, AR Population Growth 11.1.22



An Inevitable Environmental Catastrophe





Our Changing Population: Arkansas

The ages, races, and population density of Arkansas tell a story. Understand the shifts in demographic trends with these charts visualizing decades of population data.

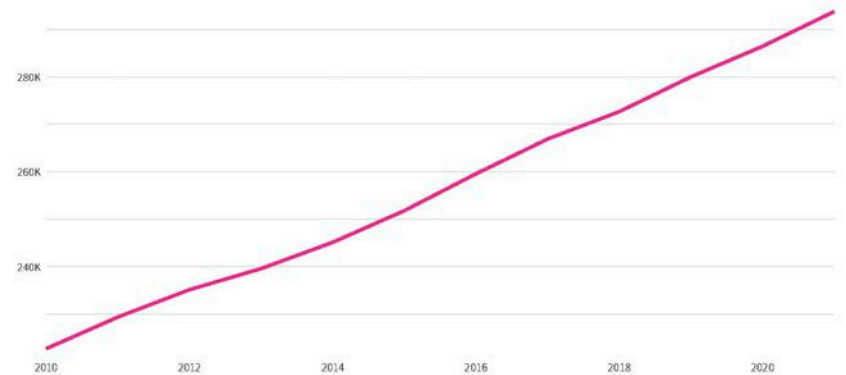
2010 POPULATION	2021 POPULATION	POPULATION CHANGE
2,921,998	3,025,891	+ 3.6%

Data Updated July 2022

NATIONAL/ / Year TO

How has the population changed in Arkansas?

In Arkansas between 2010 and 2021, **Benton County** had the **largest growth** with **71,091** more residents. **Jefferson County** had the **largest decline** with **11,471** fewer people.

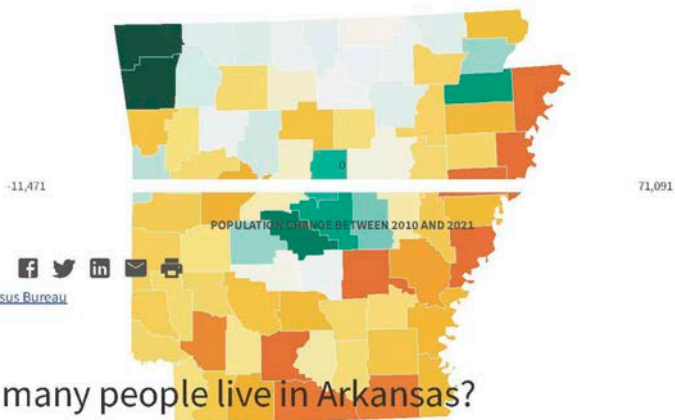


SHARE THIS

Source: [Census Bureau](#)

How has Benton County's population changed over the years?

Benton County's population increased **11** out of the **11** years between year **2010** and year **2021**. Its largest annual population increase was **3.1%** between **2015** and **2016**. Between **2010** and **2021**, the county grew by an average of **2.6%** per year.



SHARE THIS

Source: [Census Bureau](#)

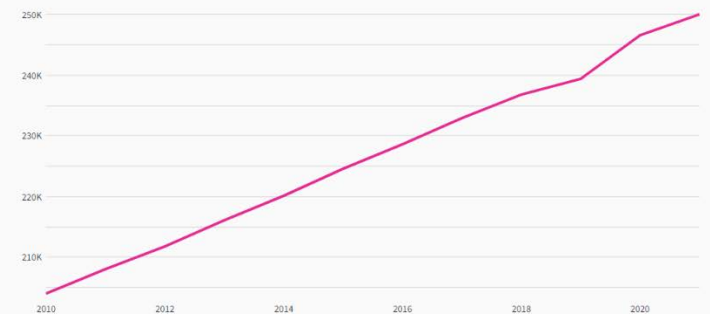
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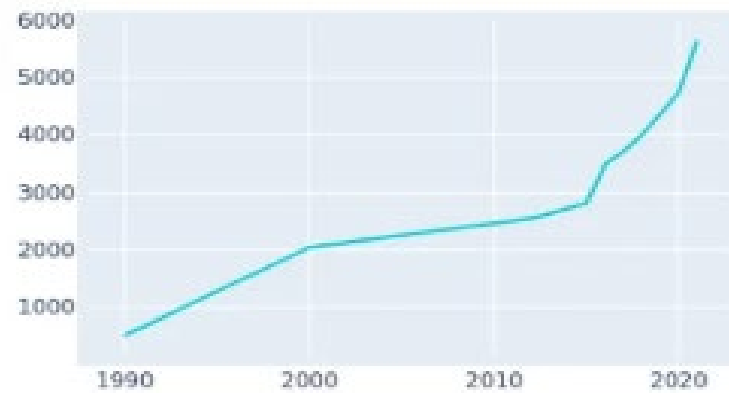
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Washington County's population grew 22.6% from the **204,021** people who lived there in **2010**. For comparison, the population in the US **grew 7.3%** and the population in Arkansas **grew 3.6%** during that period.

Population in Washington County



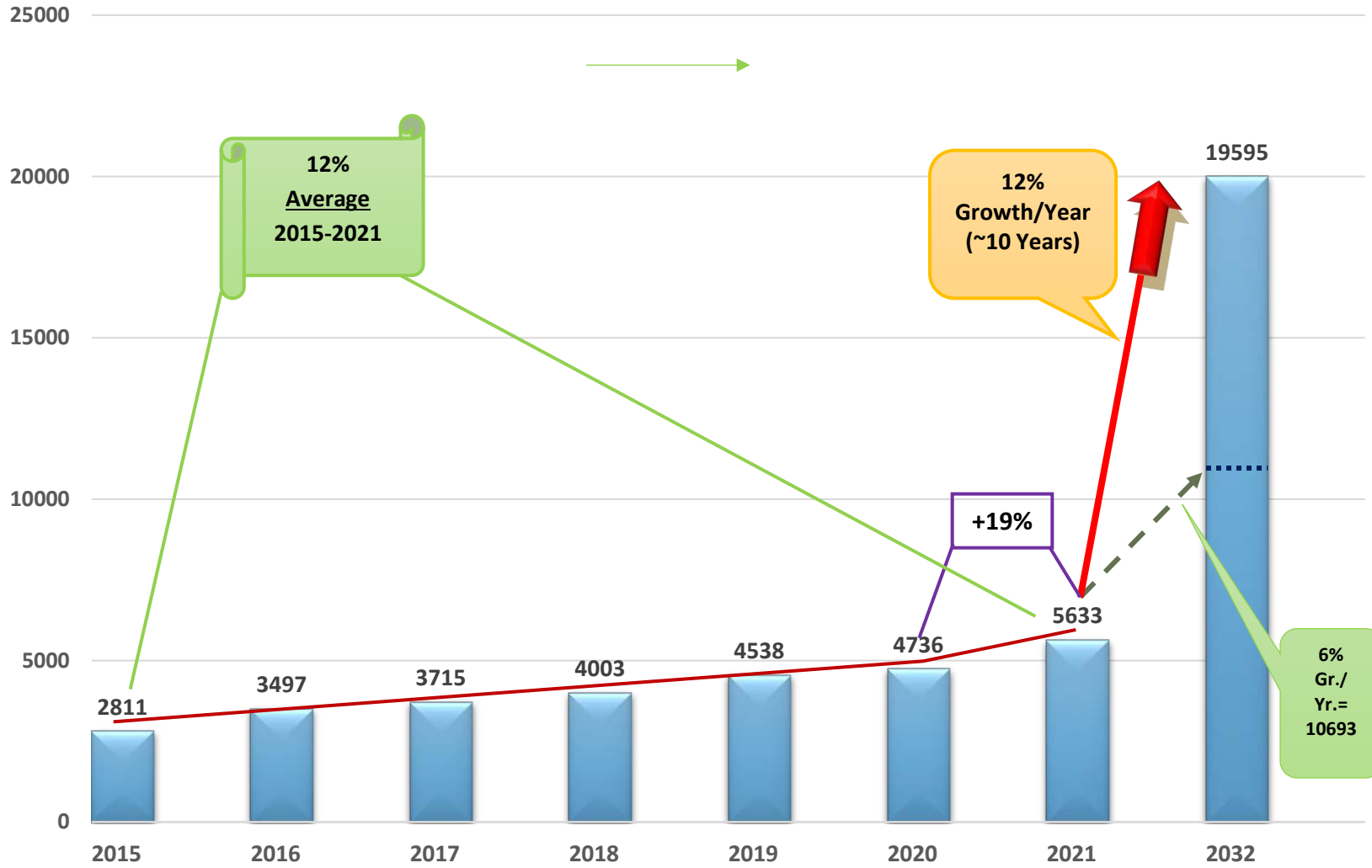
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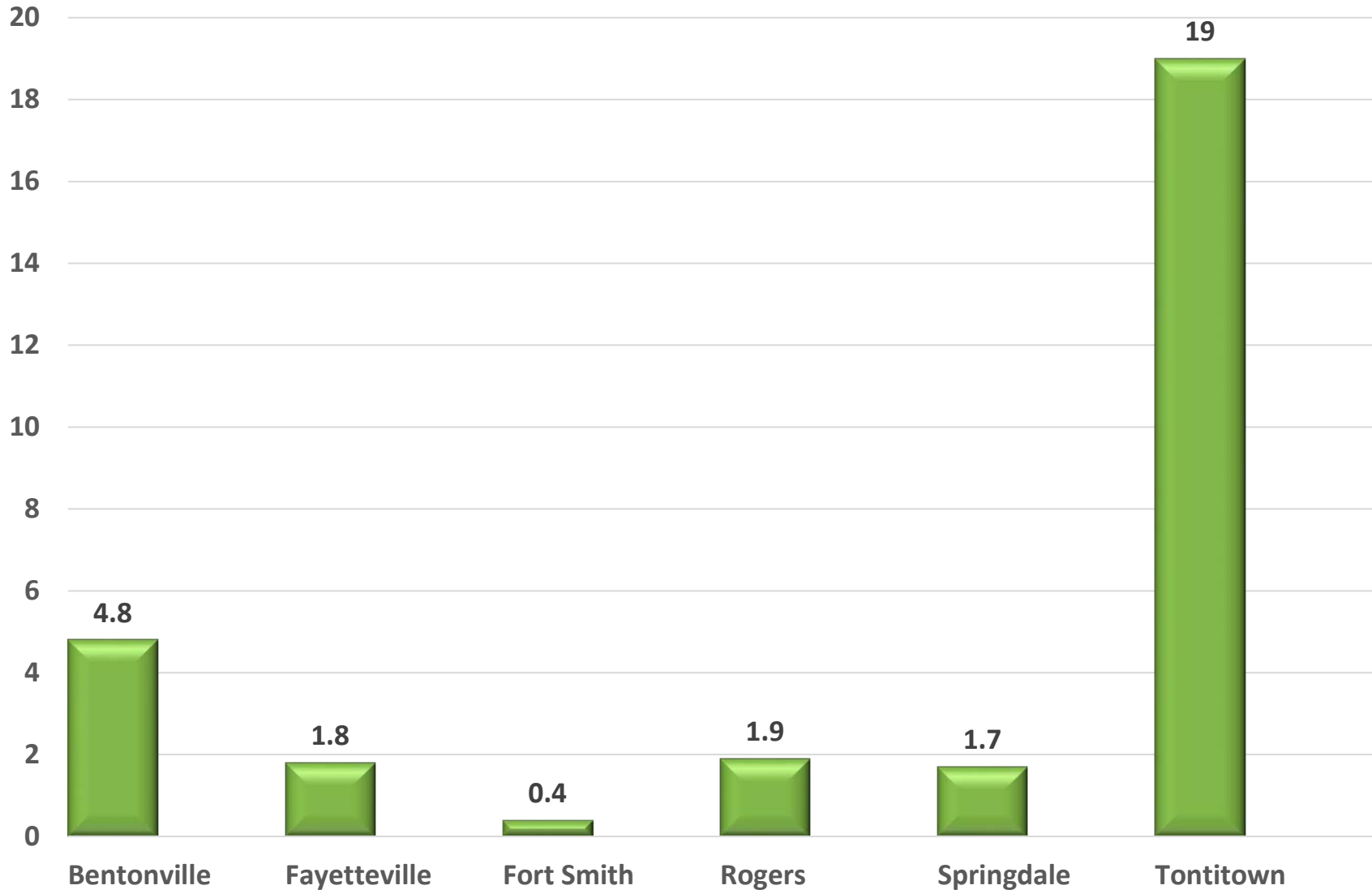
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Source: US Census Data

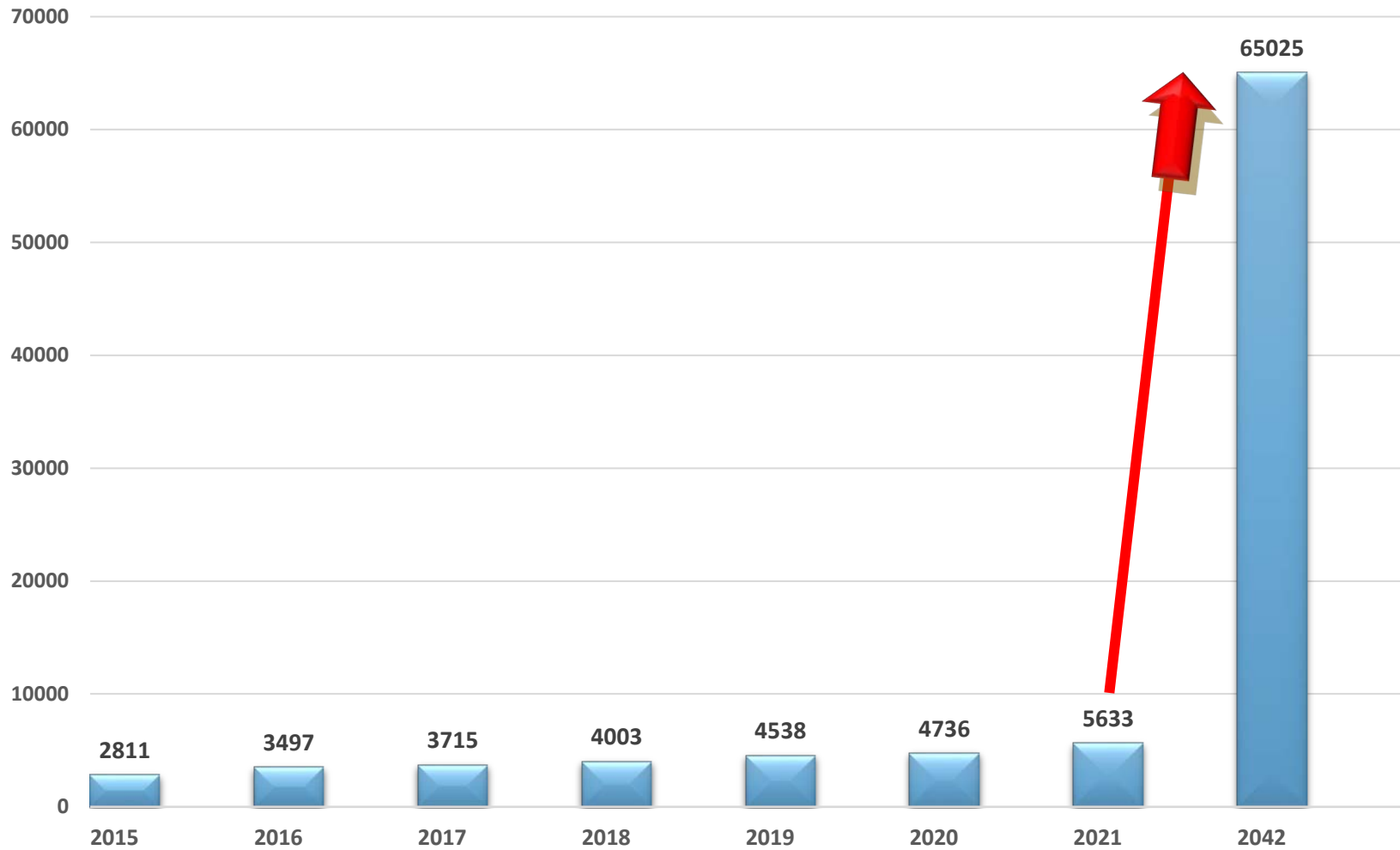
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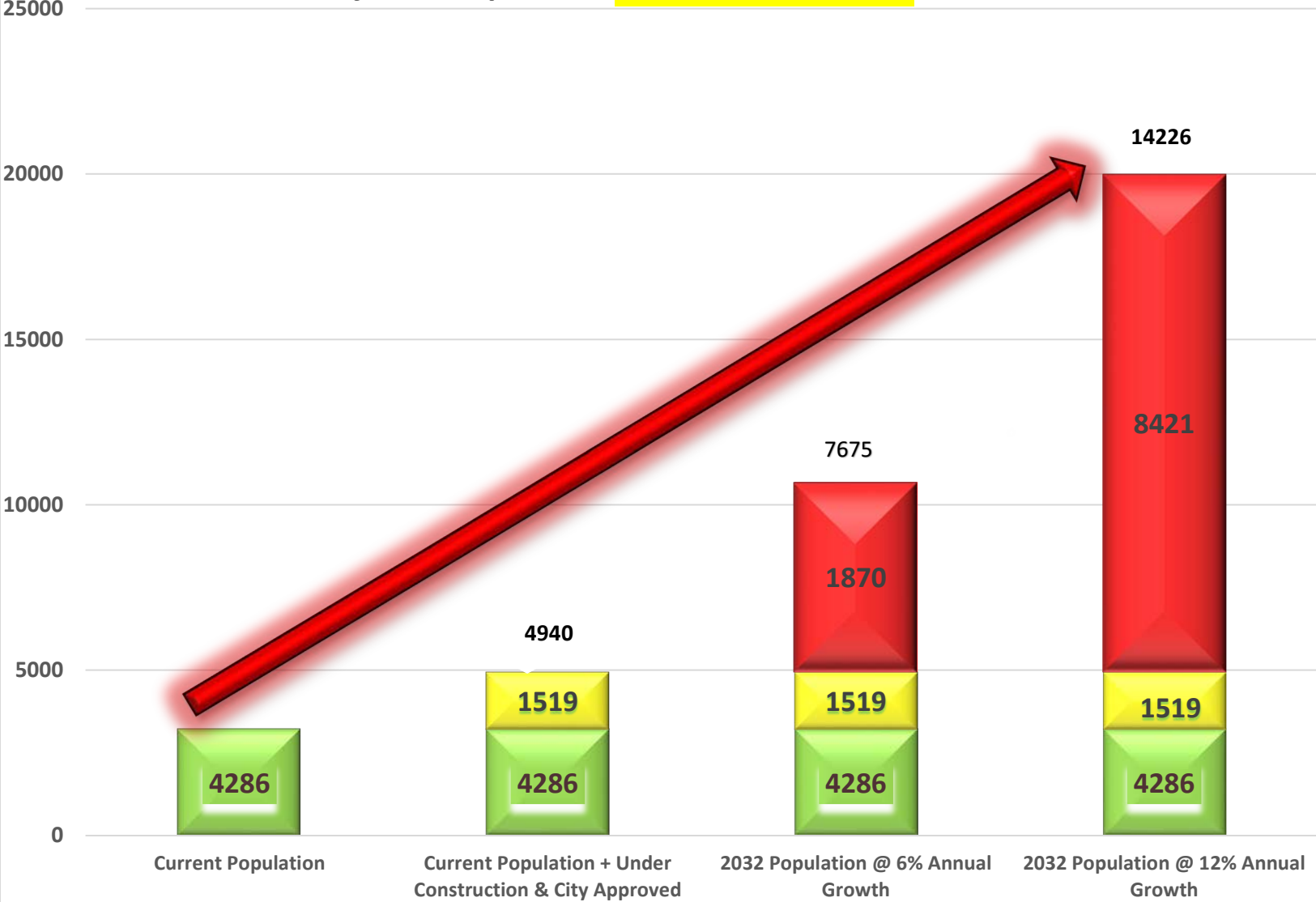
NWA Cities Percentage (%) Growth 2020-2021



Tontitown Population & 20 Year Projection (12% annual growth starting in 2015)



Current & Projected Population **WITHIN 2 MILES** of Eco-Vista Landfill



Charles Hurt (adpce.ad)

From: Dennis Boyer <dboyer01@yahoo.com>
Sent: Friday, November 4, 2022 1:46 PM
To: Nicholas Jones (adpce.ad)
Subject: Letter and Information Opposing Tontitown WM Eco-Vista Class 4 Landfill Expansion
Attachments: Landfill Class 4 Expansion Feedback.pdf

November 4, 2022

Arkansas Dept. of Energy and Environment

5301 North Shore Drive

North Little Rock, Arkansas 72118-5317

ATTN: Mr. Nick Jones – Engineering Supervisor

jonesn@adeq.state.ar.us

REF: Proposed Class 1 Landfill Expansion
Eco-Vista/Waste Management, Tontitown, AR

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Eco-Vista/Waste Management, Tontitown, AR

Dear Sir,

As a resident of Tontitown, I would like to make the following points in opposition to the proposed Class 4 Eco-Vista Landfill expansion:

1. One of the requirements for approval of a landfill expansion in a municipality is local City support. While this was expressed in Resolution No. 2018-11-815R on November 2018, such support has now been WITHDRAWN and REVERSED by formal Resolution of the Tontitown City Council, November 1, 2022. This reversal was by unanimous vote. Not only does support for the expansion not exist, but official and unequivocal OPPOSITION to it is now on the books:

**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 (Nov. 1, 2022)**

2. There are abundant rural areas around, and even within, Northwest Arkansas to place a new Class 4, as well as a Class 1, landfill. Tontitown is ground zero IN THE ENTIRE STATE for population growth, which is clearly not true of ALL of Northwest Arkansas and neighboring counties/states.
3. The initial Resolution in support of the expansion was the result of misleading information given to the Council by an agenda-driven mayor who subsequently resigned under pressure. His appointed protégé replacement was resoundingly voted out of office. Those individuals never represented community, but rather their own personal agendas, which is why we now have a new mayor and a Resolution supporting the true will of the people. Investigations of those matters are now officially underway separately.
4. Tontitown is the fastest growing city in the fastest growing region, Northwest Arkansas, of the entire state. *Please refer to subsequent pages reporting regional and local growth.*
5. The Landfill was rationally sited in the Tontitown area many decades ago when the 'city' was exceptionally rural (population 510 in 1990). That is no longer the case. Tontitown's population is now 6000, and is growing by 12%-19% per year. Within a 2 mile radius of the landfill itself, the population has grown from a few scattered chicken farms decades ago to over 4,000 residents now, and is expected to balloon to 10,000 and 20,000 within the next ten years, based on current projections. Having a landfill here, let alone expanding one, violates every foundational environmental tenet I can imagine.
6. To my knowledge, no other landfill in Arkansas exists within such a densely packed population center—and for good reason.
7. The Eco-Vista site has proven itself to be a serial violator of the neighboring environment. Any serious investigation unequivocally prove this.

8. Eco-Vista has a documented history of being unresponsive to the community's complaints, thus expansion will only add to the current unresolved issues.
9. When I visited Eco-Vista, Matt Burner, site director, told me that the only possible odor he could think of coming off the ENTIRE SITE was that of rotting drywall, which of course is a Class 4 issue.
10. Multiple spontaneous fires erupt from the Class 4 section of the landfill, none of which should occur were the materials there being properly managed.
11. Kenneth Lovett, another concerned citizen, has submitted to your office numerous drone pictures proving that Eco-Vista DOES NOT COVER the Class 4 area per regulations. This proof is irrefutable, yet ADEQ does nothing to stop it. Nor does it cover the Class 1 area per regulations, which only adds further to Eco-Vista's disregard for the rules.
12. The landfill sits atop an environmentally dubious karst formation.
13. Asbestos, lead, and other carcinogenic materials are being dumped amidst a fast-growing urban population. Not only is this dangerous on its own, but the multiple unexplained Class 4 fires no doubt spread these chemicals far and wide, and no measurements have been taken to account for their impact on nearby residents.
14. Boston Mountain's support for the expansion is purely self-serving in that every city/region in Northwest Arkansas benefits, at Tontitown's expense, by keeping the trash right where it is.
15. Expanding this landfill is a case of kicking the can down the road. The Class 1 portion of the landfill is itself nearing capacity. Waste Management is already preparing an application of expansion of that. Given the City's position on this matter, this will fail.
16. The argument that Northwest Arkansas needs a place to dump its construction materials is hollow. Of course it does. In no way does that support WHERE they should be dumped.

Respectfully,

Dennis Boyer

Dennis Boyer

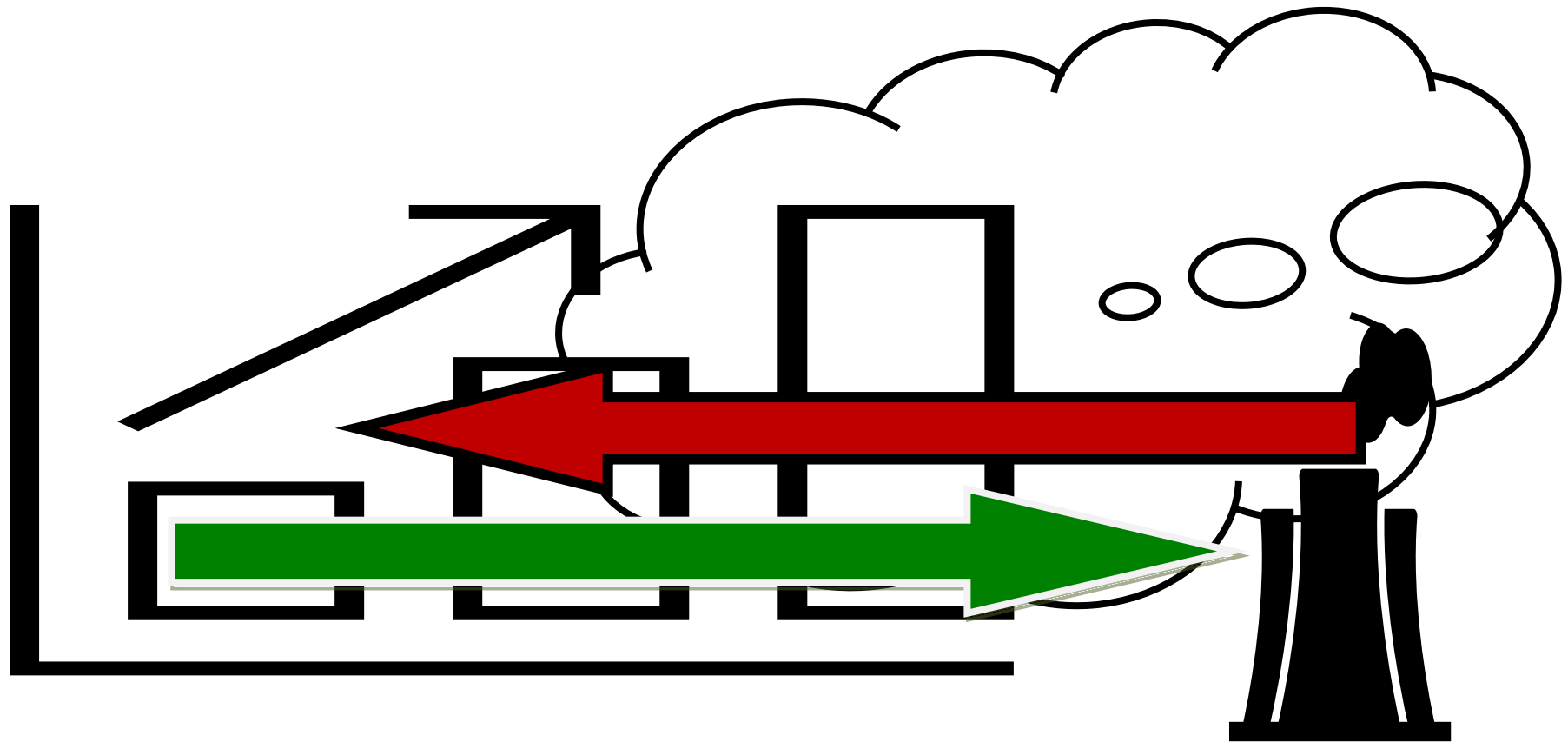
1969 Dowell Road

Tontitown, CA 72762

Eco-Vista Landfill & Tontitown, AR Population Growth 11.1.22



An Inevitable Environmental Catastrophe





Our Changing Population: Arkansas

The ages, races, and population density of Arkansas tell a story. Understand the shifts in demographic trends with these charts visualizing decades of population data.

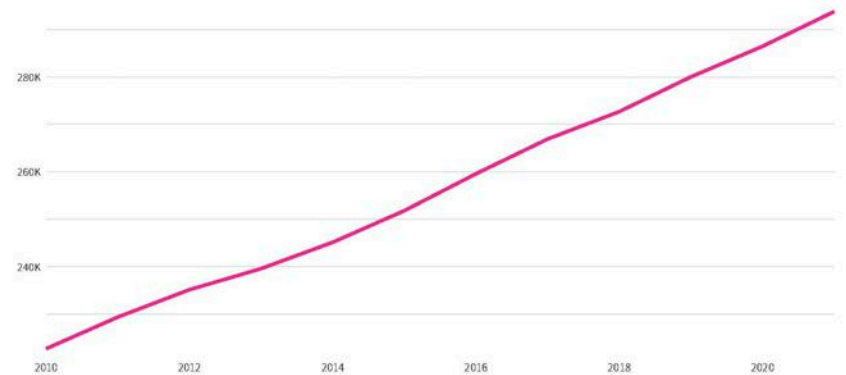
2010 POPULATION	2021 POPULATION	POPULATION CHANGE
2,921,998	3,025,891	+ 3.6%

Data Updated July 2022

NATIONAL/ / Year TO

How has the population changed in Arkansas?

In Arkansas between 2010 and 2021, **Benton County** had the **largest growth** with **71,091** more residents. **Jefferson County** had the **largest decline** with **11,471** fewer people.

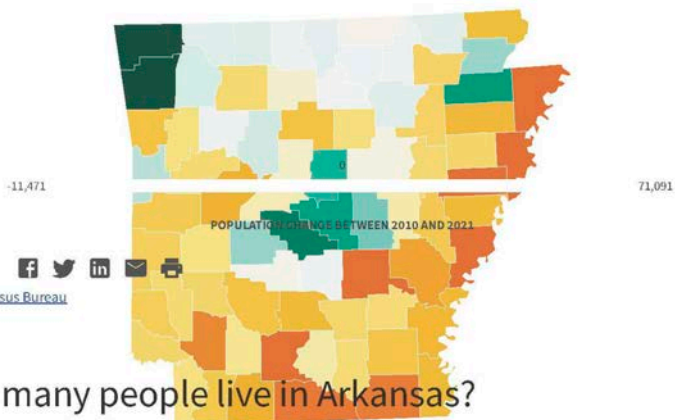


SHARE THIS

Source: [Census Bureau](#)

How has Benton County's population changed over the years?

Benton County's population increased **11** out of the **11** years between year **2010** and year **2021**. Its largest annual population increase was **3.1%** between **2015** and **2016**. Between **2010** and **2021**, the county grew by an average of **2.6%** per year.



SHARE THIS

Source: [Census Bureau](#)

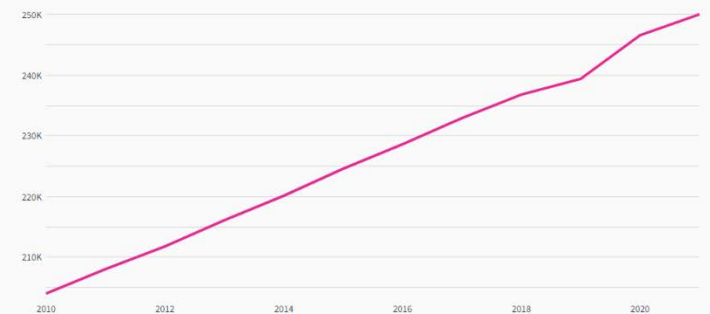
How many people live in Arkansas?

Arkansas's population **grew 3.6%** from the **2.9 million** people who lived there in **2010**. For comparison, the population in the US **grew 7.3%** during that period.

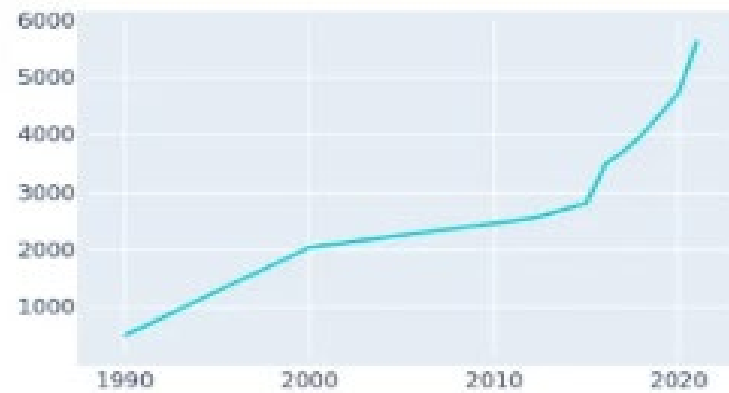
How many people live in Washington County?

Washington County's population grew 22.6% from the **204,021** people who lived there in **2010**. For comparison, the population in the US **grew 7.3%** and the population in Arkansas **grew 3.6%** during that period.

Population in Washington County



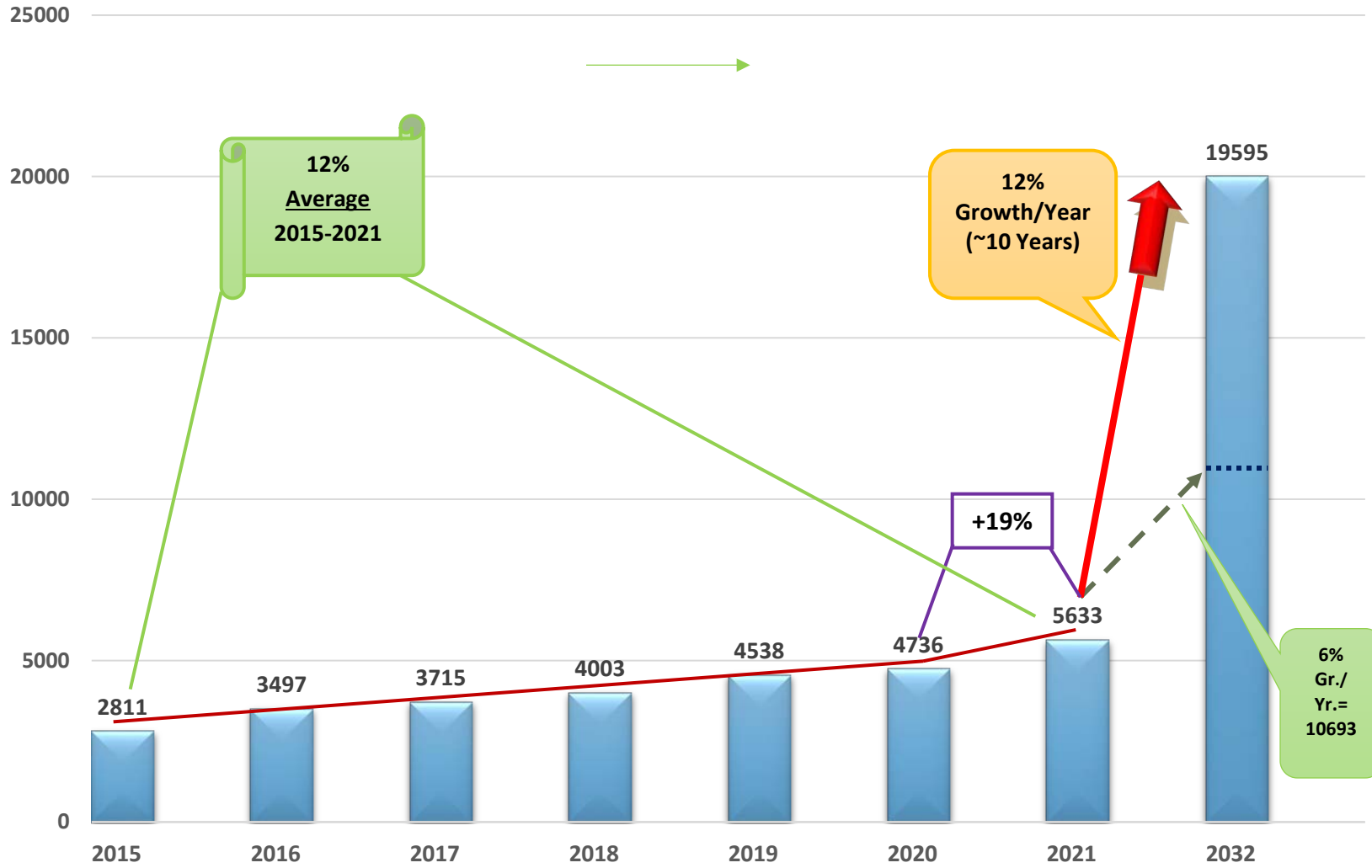
Tontitown Population By Year



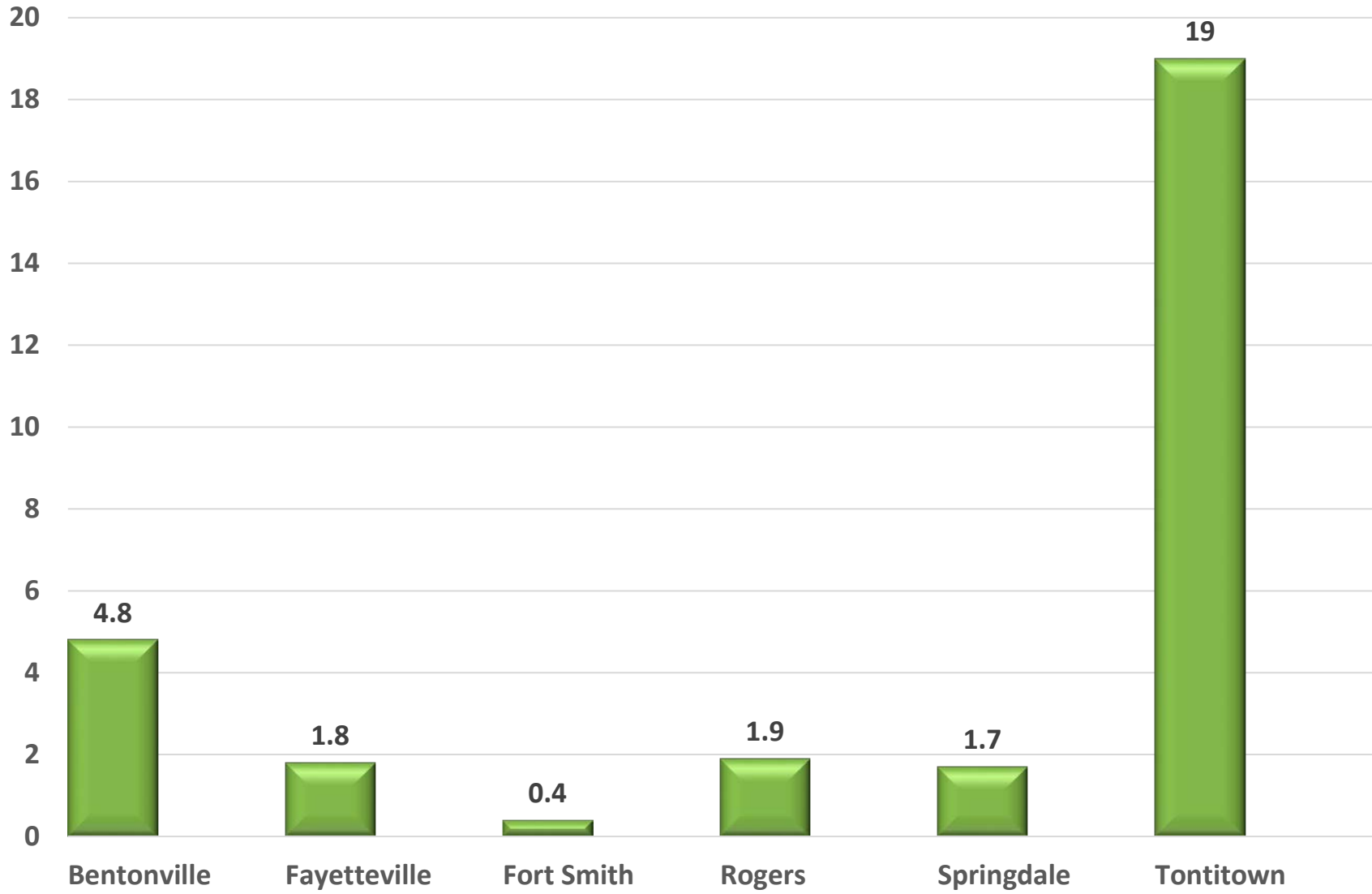
Year	Population	Rank in US
2021	5,833	4,488
2020	4,736	4,956
2019	4,358	5,142
2018	4,003	5,375
2017	3,715	5,577
2016	3,497	5,747
2015	2,811	6,402
2014	2,719	6,493
2013	2,625	6,600
2012	2,548	6,678
2011	2,506	6,734
2010	2,460	6,796
2000	2,045	7,289
1990	510	12,989

Source: US Census Data

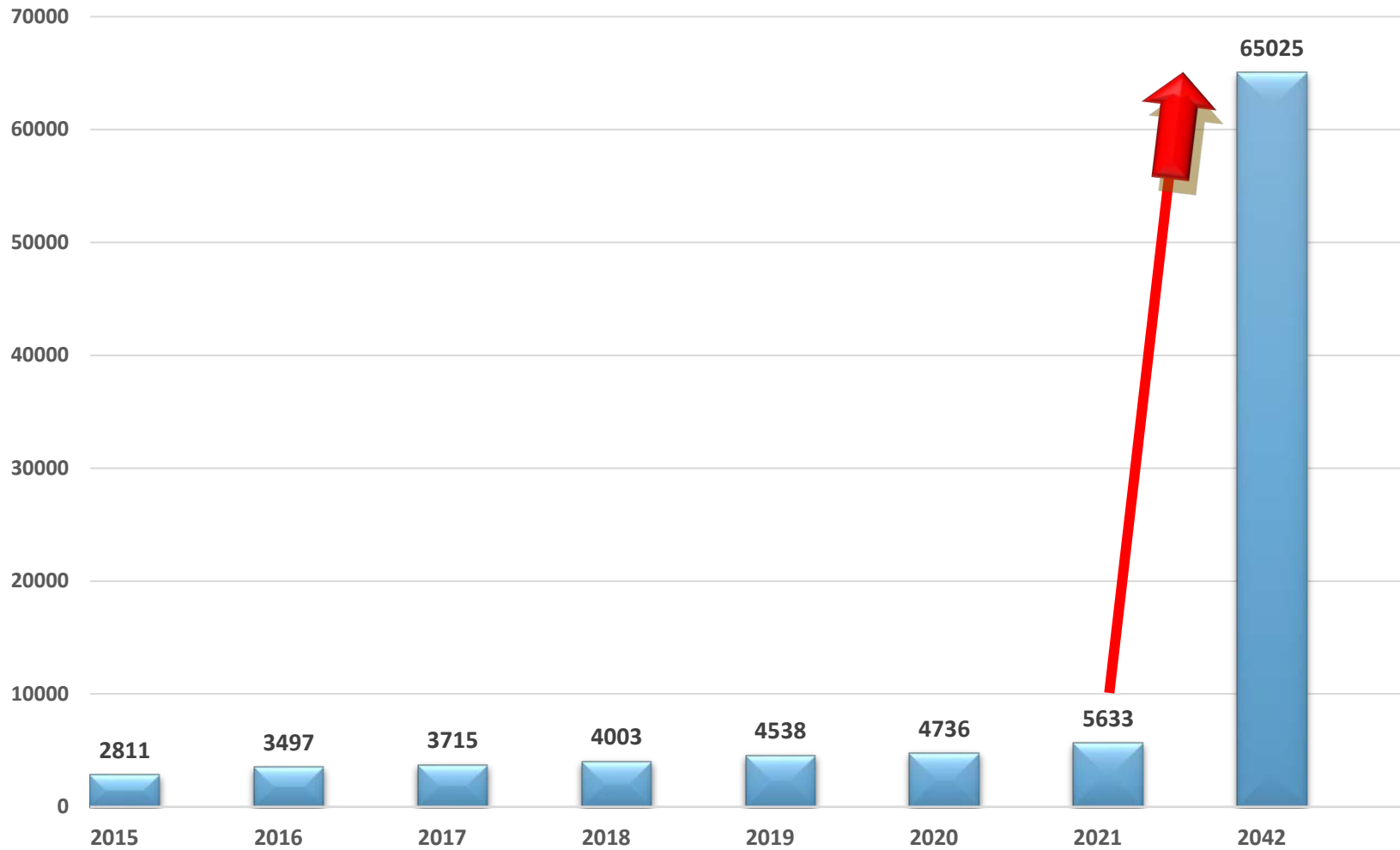
Tontitown Population & 10 Year Projection (12% annual growth starting in 2015)



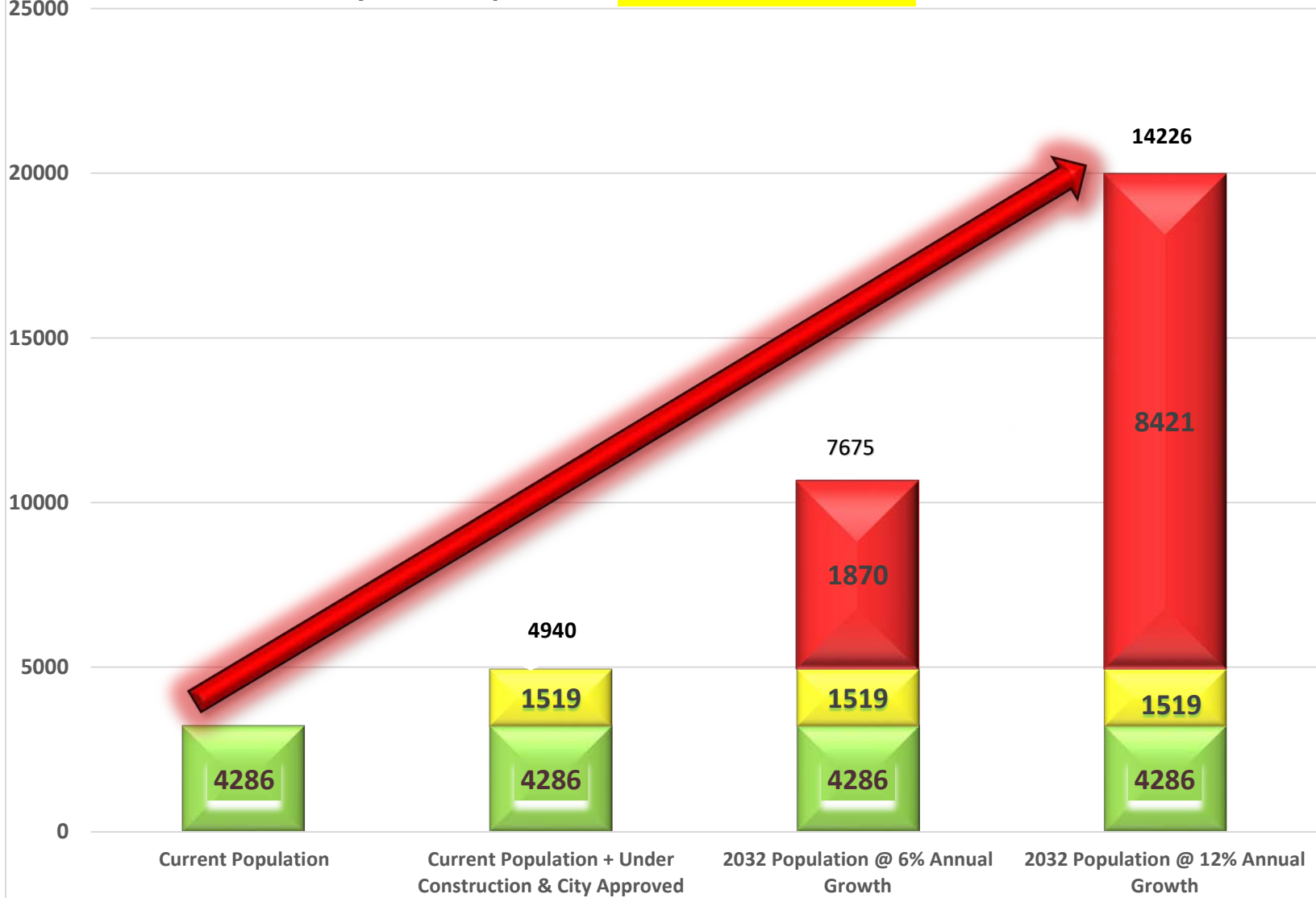
NWA Cities Percentage (%) Growth 2020-2021



Tontitown Population & 20 Year Projection (12% annual growth starting in 2015)



Current & Projected Population **WITHIN 2 MILES** of Eco-Vista Landfill



Charles Hurt (adpce.ad)

From: Lindsay Thorne <l-wyndih@hotmail.com>
Sent: Friday, November 4, 2022 12:03 PM
To: Nicholas Jones (adpce.ad)
Subject: NO to WM expansion!!!
Attachments: NO to WM expansion!!!

Charles Hurt (adpce.ad)

From: Lindsay Thorne <l-wyndih@hotmail.com>
Sent: Friday, November 4, 2022 11:04 AM
To: nicolas.jones@adeq.state.ar.us
Subject: NO to WM expansion!!!

I live on Clear Water road near the dump and any expansion consideration is just disgusting. We live with dangerous odors many evenings and mornings, our wildcat creek turned red from a test they did, the area is always filthy and trash cluttered, the odors can be smelled all the way to hwy 412, arbor acres road constantly has large rocks on it from the dump trucks that damaged one of my tires, wildlife are always seen eating the uncovered trash and why would NWA and Tontitown want to keep this wart on the face of this area? It's a beautiful area with expanding residential homes. See more factual evidence below.

Class 4 Points:

- Only liner required is compacted clay
- Dye test at Class 4 turned Little Wildcat Creek red
- Other waste ends up in Class 4 (ie people using construction dumpsters to throw their trash into)
- Asbestos, paints, and chemicals disposed of
- WM clearly has a fire issue (2 within last few months, several since 2020) and burying asbestos and debris is dangerous to the neighbors
- **Tontitown has withdrawn support of landfill expansion**
- WM repeatedly blamed odors on drywall breaking down, ADEQ claims Class 4 doesn't smell

Disgusted neighbor of WM,
Lindsay Thorne

Get [Outlook for iOS](#)

Charles Hurt (adpce.ad)

From: Dennis Boyer <dboyer01@yahoo.com>
Sent: Friday, November 4, 2022 4:56 PM
To: Nicholas Jones (adpce.ad); Nicholas Jones (adpce.ad)
Cc: Kenneth Lovett; Mark Calcagni; Dennis Boyer; Jami Morgan; Angie Russell; Russ From Red Oak
Subject: Pinalto family letter opposing Class IV Eco-Vista Expansion in Tontitown, AR
Attachments: Pinalto.ADEQ letter 11-4-22.pdf

November 4, 2022

Arkansas Dept. of Energy and Environment
5301 North Shore Drive
North Little Rock, Arkansas 72118-5317
ATTN: Mr. Nick Jones – Engineering Supervisor
jonesn@adeq.state.ar.us

REF: Proposed Class 4 Landfill Expansion
Eco-Vista/Waste Management, Tontitown, AR

Dear Mr. Jones,
Please accept the attached PDF which I, as a citizen of Tontitown, am forwarding to you on behalf of my neighbors, the Pinalto family. I am sending this to you directly because for some reason, Ms. Pinalto's email to you keeps getting rejected and sent back to her.

This letter is in opposition to the WM Eco-Vista Landfill expansion.

Thank you,
Dennis Boyer
1969 Dowell Rd.,
Tontitown, AR 72763
949-836-0462

11/4/2022

Mr. Jones and others concerned,

Thanks for hosting and allowing citizens to share at the recent meeting/hearing before the decision is made whether or not to expand the Class IV section at the WM Eco Vista Landfill in Tontitown in the near future.

As I stated, my parents invested in land and started a farm business over 60 years ago at the current address of 12553 Arbor Acres Rd. My husband and I built our home on the farm and joined the business 40 years ago and it had been our desire and hope that our 3 sons along with their families, as well sister and her family would also join us in the future. Because of dangerous gases/odors that are frequently emitted from the landfill, we are being forced to breath in those daily! We are no longer able to enjoy our own homes, yards, and nearby creeks or work outside in our own business many days/nights because of dust, noise, and gases. And we can't even think about building new homes for our family for fearing that of our own health and safety and the harm to our property value being next to a growing landfill!

It is our opinion that ADEQ and/or WM and/or the City of Tontitown cannot (or will not?) determine the source of these gases/fumes/odors. Nor does ADEQ and/or the City of Tontitown/ EPA/ Boston Mountain Solid Waste hold WM accountable to controlling those gases/fumes/odors as well as dust, trash and seeds that grow into weeds that are carried onto their neighbors' property. And we believe that those gases/fumes/odors, dust, trash components are most certainly making us nauseous, experience headaches, and can possibly be the source of our own and many neighbors' illnesses, as well as the cause of death from cancer for some. We do not believe it is in the best interest of anyone living in the growing area of Tontitown to allow WM to expand ANY part of their operations at this time or until the source of the concerns is found and rectified. This should not come at ANY cost to the taxpayers and neighbors but at the total expense of WM to be transparent and operate in a way that brings no harm to our environment and people!

At the public meeting you mentioned that class IV trash didn't have odors, leachate and wasn't dangerous! We have attended citizen meetings with WM where they admitted that trucks do allow Class IV trash to litter our roadways and property, but WM can't do anything about it unless they see it or it comes from their own WM trucks-our broken windshields, flat tires and dirty vehicles prove to be a danger, nuisance and expense to those traveling on the same roads as these trucks hauling Class IV trash. On 11/3/22 at 7AM, I had to personally slam my brakes and stop my westbound vehicle to avoid being hit by 2 eastbound WM trucks leaving the landfill and breaking the law to come into my lane. WM has admitted to us during those meetings (which, by the way, have been discontinued) that there have been multiple fires at the Class IV sections from combustible materials and that the sheetrock does have a strong odor as it decomposes, and this has been the site of many sightings of thousands of birds scavenging and even bird deaths. Are you saying there is absolutely NO asbestos, paint, chemical, human waste/trash in that Class IV area??? Since there is no control over exactly what comes into the unlined Class IV area- those items hiding inside trash bags from building sites, or loose items inside huge dumpsters, dump trucks/trailers, then how does ADEQ or anyone know exactly how Class IV can be exempt from adding to the gases, fumes and odor, leachate, air quality and other concerns for our health and safety?

Why would WM management be allowed to even continue to operate 'as is'- let alone expand ANY part of their business until we have answers to what exactly is harming -or even killing us- as we breathe contaminated air and possibly consume dangerous water or meat and produce from nearby soil EVERY DAY? How can all concerned entities work together to have safe disposal of trash AND keep their citizens and neighbors healthy and safe so that they are able to enjoy their lives/work their own businesses? The City of Tontitown has recently passed a resolution against the WM expansion at this time. We believe their action shows that they are willing to admit that there are serious concerns AND

to be part of the solution for seeing the issues corrected. Is the appropriate division of ADEQ and WM willing to do the same with ACTION, not just words, sponsorships at community events or nice, yet unrecorded presentations at public meetings that are scheduled at times and places making it difficult for local citizens to attend?

In the interest of making wise use of our own personal time and rather than bombarding you with several letters to read by this sudden deadline, we are combining our thoughts into this one letter. Please note that these thoughts and the request represents each of us because we have each been, and continue to be, greatly impacted! Each member in our family would respectfully ask that you DENY the request that WM has made to expand the Class IV forever, or at the very least until we all have answers/solutions to the serious problems already at hand and can co-exist as good neighbors.

Thanks for your time – we look forward to your reply and learning of your decision and the action taken!

Vernon and Donna Pianalto
12525 Arbor Acres Rd
Springdale, AR 72762
(479)200.2200
dovepianalto@gmail.com

Jonathon and Sara Pianalto, Emalena and Ian
12985 Randolph Rd
Fayetteville, AR 72704

Anthony and Elizabeth Pianalto, Addison and Hayden
311 Ketch
Springdale, AR 72762

Jeremy and Tera Pianalto, Norah and Elsie
606 S Oak Hill St
Siloam Springs, AR 72761

Joe Simco
12553 Arbor Acres Rd
Springdale, AR 72762

Larry and Debbie Gibson
2600 Truitt Lane
Springdale, AR 72762

Chase and Miranda Gibson
118 Angus Dr
Prairie Grove, AR 72753

Jordan Gibson
4048 F Glenstone Terrace
Springdale, AR 72762

Charles Hurt (adpce.ad)

From: Holleigh Belvardi <holleigh.ms@gmail.com>
Sent: Friday, November 4, 2022 10:48 PM
To: Nicholas Jones (adpce.ad)
Subject: Please do not expand Tontitown Landfill

Hello,

My name is Holleigh and I am a Tontitown resident living less than 3 miles away from the current landfill and I am emailing you to ask you to prevent this landfill from expanding. I have a two month old son and it terrifies me that his breathing will be affected if we live any closer to a landfill, especially considering how much trash there will be if it expands.

Thank you,

Holleigh Belvardi

Charles Hurt (adpce.ad)

From: Nicole Burress <nicoleburress@gmail.com>
Sent: Friday, November 4, 2022 8:17 AM
To: Nicholas Jones (adpce.ad)
Subject: Please DON'T allow the Eco-Vista extension

To Whom It May Concern,

I want to thank you for your attention to this matter, and implore you to deny the Eco Vista landfill expansion.

I'm a homeschooling mother and nurse in Tontitown, and I have been reading a book (The Great Trouble) to my children over the past week. It's one I've read before. It's a children's story explaining the historic event of the Cholera outbreak of London in 1854.

This outbreak was a turning point in both epidemiology and public health, but you may not recall studying it in school. In the summer of 1854, over 600 people died in just over a week from cholera. Originally, people suspected that the disease was caused by exposure to "bad air".

However, Dr. John Snow stepped in. He was the personal physician to Queen Victoria. Snow mapped out London and documented where each symptomatic person lived. He himself lived just half a mile away from the outbreak, but he never had any symptoms of cholera. Other people who lived a mile away from the epicenter, didn't experience symptoms of the disease either. But Snow noticed that all the people who experienced symptoms were congregated around one central point. It was immediately clear to this renowned physician that the central point that these people had in common was the source of their illness.

Unfortunately, it was difficult to convince the people and city workers. At the time, people thought cholera was spread by "bad air". In truth, contaminated matter leached through the soil, through the dirt and rock, until it mixed with the water supply at the Broad Street water pump. All people who were directly exposed to the contamination manifested symptoms of illness, when people who were half a mile away didn't even realize that entire communities were suffering from their exposure.

Today, I was overcome with the similarities I see between this historic event and our public health concern in Tontitown. I attend every city council meeting, and every month, we have people who report complaints against the Eco Vista Landfill. They report nausea, dizziness, coughing, vomiting, watering eyes, and even spells of unconsciousness when they smell some gaseous odor. Living up on a hill, I have not experienced much more than coughing, or a need to run inside where I have medical-grade air filters running 24/7. However as a former nurse, I can't help but realize that all of the people who report these symptoms live within a direct radius of the Eco Vista Landfill. There are no other businesses in that area. Logic would deduce that these symptoms are related to what these people share: a proximity to the landfill.

But in public health, we don't just examine proximity to a shared source, we also look for patients who express symptoms who are outliers—residing far from the potential contaminant. In this case, that means we try to find people who don't live near the dump who present with the same symptoms when they are exposed to the gaseous odor. We have that.

Rhonda Doudna is one example. She was a city councilwoman who had no concerns about the landfill. Her husband was a city councilman who had no concerns about the landfill. Rhonda lives miles away and didn't have any symptoms of illness. However, when she visited her friend, Angela Russell, who lives next door to the dump, she immediately noticed that she began to present with the same symptoms as those who live within the dump's near radius. She reported to us last night that her eyes stung and watered and she felt ill when she smelled a gas while driving past Eco Vista.

Now understandably, the city council members, both of our former mayors, city workers, city planners, state representatives and senators, and even our Governor have been able to disregard the complaints of citizens until now. Just as people 1/2 a mile away from the cholera outbreak of London didn't even realize it was a problem because it didn't affect them directly and they didn't have symptoms of illness, much of our city has not experienced the tremendously debilitating nausea, vomiting, headaches, and more that people directly near Eco Vista have experienced. I don't fault you for that. However, as those entrusted with the safety of our citizens, this can not be ignored any longer.

During Covid, we took extensive measures to protect people, out of an abundance of caution. We need to do the same again.

I want Waste Management to be wildly successful. I want them to make millions. But if their productive and necessary business is harming any of our citizens, it seems that it would be prudent, in the name of public health, to halt the expansion of the landfill in its current location, and instead focus its continuing expansion into an area that's more remote. Arkansas is large, with plenty of untapped land. Tontitown used to be like that. But as our population has boomed, we can no longer just joyfully accept Waste Management's more than \$300,000 hosting fee without considering how it impacts our citizens. They offer this fee because their business has been recognizably a nuisance to many, and they don't wish to go to the efforts of relocating an hour further down the road. But without an impetus for change, Waste Management will continue in their current course, our town will continue to suffer, and we risk becoming the next Camp Lejune, the next Hinkley, California, the next Flint, Michigan.

When a patient presents to me with symptoms, I evaluate bacterial, viral, parasitic, and environmental toxins which may lead to their current presentation. It seems obvious to me that while we haven't identified the specific noxious agent, the patients have clearly identified for us their common exposure, their similar symptoms, and their relief when proximity to the landfill is removed. While I do not suffer from their specific struggles, as a nurse, and as a citizen who cares deeply for the people of this city, I implore you to take action on their behalf.

A class 4 expansion could include items such as products of demolition (which may inadvertently include paint solvents, Freon accidentally not drained from appliances, unknown asbestos, lead paint, and other unmonitored chemicals), and when this company has already proven untrustworthy at following the rules, we have no guarantees that they will adhere to any guidelines going forward. My children play in our yard near this site; they used to swim in the creek nearby before the landfill's dye presented in the waters. I worry not only about the environmental impact from this company, but on the profound health impacts we are already beginning to witness.

I ask you to remember that even though you don't live directly within the radius of Waste Management, even though you have no symptoms, there are people who are and there are people who do. This isn't just about business or money—those things can be altered and we can all still thrive. It's about public health protection, logic, and using your power to protect those who have no ability to protect themselves.

Thank you again for your dedication to this matter. I dearly hope that you will heavily weigh our health concerns as you evaluate the expansion pursuits of Waste Management in Tontitown.

Best Regards,

Nicole Burress, RN, BSN
2861 S. Barrington Rd.
Tontitown, AR 72762

Charles Hurt (adpce.ad)

From: Dennis Boyer <dboyer01@yahoo.com>
Sent: Friday, November 4, 2022 1:14 PM
To: Angie Russell; Jami Morgan
Cc: Nicholas Jones (adpce.ad); Julie Linck (adpce.ad); Becky Keogh (adpce.ad); Bailey Taylor (adpce.ad); David Witherow (adpce.ad); Jarrod Zweifel (adpce.ad); Annette Cusher (adpce.ad); Cc: Perry Elyaderani; Mark Calcagni; Jami Morgan; Angie Russell; D. Russ Greene; Donna Pianalto; Angie Russell; Gene McCartney; Amber Ibarra; Arthur Penzo; Larry Ardemagni; Penny Baskin; Tim Burress; Kevin Boortz; Tom Joseph; Josh Craine; Michael Lunsford; James Dean; Candy Black; Permits Department; Planning Department; press@governor.arkansas.gov; James Clark; Charlene Fite; Corey Jenison; Robin Lundstrum; Clint Penzon
Subject: Re: Air Quality / Eco Vista

Ms. Morgan,

I heartily agree regarding the built-in inefficaciousness of the air quality committee. While the concept of having such a committee is completely laudable, it lacks the tools and expertise to achieve anything meaningful.

Plus, and very worrisome, is the pointed criticism it received at last week's City Council meeting from Alderman Penzo, who pointed a finger at Mr. Lovett, highly respected air committee volunteer leader, harshly criticizing him for having produced zero results from testing thus far, asking WHY the air committee has achieved NOTHING from the DOLLARS the city has given the committee for testing.

This highlights the problem. The committee, as well intentioned as it is, and with full respect and appreciation to Mr. Lovett for his untiring dedication, will NEVER produce results that will stand up to scientific challenge by WM or ADEQ. Nor will it be able to satisfy sadly valid questions such as that posed by Alderman Penzo.

The only way to produce USEFUL results that can be professionally respected by all, is to enlist a qualified consulting team of acknowledged experts in this field of science combined with lawyers that know what to do with the information once obtained.

I implore the City, on behalf of its citizens, more than half of whom are directly affected by the Landfill, to use Host fees to pay for this consulting work.

Otherwise, and understandably, criticisms such as those from Alderman Penzo and others, will cast increasing, and damaging, doubt on the merits of having an air committee itself, and eventually doom the very purpose for which it was formed.

Before this happens, let's get to the bottom of this issue which will not go away until all our our serious questions are properly addressed and answered scientifically and legally.

Respectfully,
Dennis Boyer 1969 Dowell Rd.
Tontitown.

[Sent from Yahoo Mail for iPhone](#)

On Friday, November 4, 2022, 12:36 PM, Angie Russell wrote:

Ms. Morgan,

Thank you for your email. I will pass this along to the ADEQ representatives.

Sincerely,

~Mayor Angela Russell



A Little Town, A Lot of Tradition

Mayor Angela Russell

City of Tontitown

235 E Henri De Tonti Blvd

Tontitown, AR 72770

Phone 479-361-2700

www.tontitown.com

From: Jami Morgan

Sent: Wednesday, November 2, 2022 11:13 PM

To: Angie Russell

Subject: Air Quality / Eco Vista

Madam Mayor,

First and foremost, thank you so much for introducing the resolution regarding the landfill expansion to city council. I am beyond grateful for a city who is willing to listen to the constituents.

I wanted to bring to your attention that the gas smell surrounding the landfill has been horrible this week. I hope (but also doubt) that the ADEQ officials took a drive by on their way out of town. My mom got a headache just as she was pulling in her driveway Monday night around 9:30pm. I have heard report of the gas being terrible every night this week. This brings into question the procedures involving the Air Quality Committee. I understand the city has purchased some testing materials but at this time I am unaware of any policies or procedures in place regarding who to contact for testing, chain of command, etc. As you know, a majority of the issues arise after standard business hours and on the weekend.

I don't necessarily have answers to how this should be handled, but I can offer my brainstormed ideas.

-A 24/7 phone number or cell phone designated as the Air Quality Hotline would be helpful

-A system of being "on call" for people approved to do testing

-A buddy system or recording of testing for proof of procedures

I would also like to suggest that an environmental consultant or lawyer be retained or consulted with for a revised Host Agreement and other issues surrounding the landfill. Perhaps the consultant or a scientist (maybe from the U of A?) could be questioned on possible gasses to test for since WM continues to not be transparent about the issue.

Jamie Vernon mentioned that he has given his phone number to the council and will at the moments notice call out their 3rd party to test the air. This may be another viable option if we had a way to contact them. I am also curious what exactly they would be testing for, since in the past their testing was a jar sniff test... is this the same type of testing or is it more like what the city has obtained?

Again, I thank you so much for your leadership and comittment to a better Tontitown. I humbly offer you my thoughts and hope in some way it will help.

Have a wonderful day!

Sincerely,

Jami Morgan

Charles Hurt (adpce.ad)

From: Angie Russell <mayor@tontitownar.gov>
Sent: Friday, November 4, 2022 12:36 PM
To: Jami Morgan
Cc: Nicholas Jones (adpce.ad); Julie Linck (adpce.ad); Becky Keogh (adpce.ad); Bailey Taylor (adpce.ad); David Witherow (adpce.ad); Jarrod Zweifel (adpce.ad); Annette Cusher (adpce.ad); Cc: Perry Elyaderani; Mark Calcagni; Jami Morgan; Angie Russell; D. Russ Greene; Donna Pianalto; Dennis Boyer; Angie Russell; Gene McCartney; Amber Ibarra; Arthur Penzo; Larry Ardemagni; Penny Baskin; Tim Burress; Kevin Boortz; Tom Joseph; Josh Craine; Michael Lunsford; James Dean; Candy Black; Permits Department; Planning Department; press@governor.arkansas.gov; James Clark; Charlene Fite; Corey Jenison; Robin Lundstrum; Clint Penzon
Subject: RE: Air Quality / Eco Vista

Ms. Morgan,

Thank you for your email. I will pass this along to the ADEQ representatives.

Sincerely,

~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

From: Jami Morgan
Sent: Wednesday, November 2, 2022 11:13 PM
To: Angie Russell
Subject: Air Quality / Eco Vista

Madam Mayor,

First and foremost, thank you so much for introducing the resolution regarding the landfill expansion to city council. I am beyond grateful for a city who is willing to listen to the constituents.

I wanted to bring to your attention that the gas smell surrounding the landfill has been horrible this week. I hope (but also doubt) that the ADEQ officials took a drive by on their way out of town. My mom got a headache just as she was pulling in her driveway Monday night around 9:30pm. I have heard report of the gas being terrible every night this week.

This brings into question the procedures involving the Air Quality Committee. I understand the city has purchased some testing materials but at this time I am unaware of any policies or procedures in place regarding who to contact for testing, chain of command, etc. As you know, a majority of the issues arise after standard business hours and on the weekend.

I don't necessarily have answers to how this should be handled, but I can offer my brainstormed ideas.

-A 24/7 phone number or cell phone designated as the Air Quality Hotline would be helpful

-A system of being "on call" for people approved to do testing

-A buddy system or recording of testing for proof of procedures

I would also like to suggest that an environmental consultant or lawyer be retained or consulted with for a revised Host Agreement and other issues surrounding the landfill. Perhaps the consultant or a scientist (maybe from the U of A?) could be questioned on possible gasses to test for since WM continues to not be transparent about the issue.

Jamie Vernon mentioned that he has given his phone number to the council and will at the moments notice call out their 3rd party to test the air. This may be another viable option if we had a way to contact them. I am also curious what exactly they would be testing for, since in the past their testing was a jar sniff test... is this the same type of testing or is it more like what the city has obtained?

Again, I thank you so much for your leadership and comittment to a better Tontitown. I humbly offer you my thoughts and hope in some way it will help.

Have a wonderful day!

Sincerely,

Jami Morgan

Charles Hurt (adpce.ad)

From: Robin Lundstrum
Sent: Friday, November 4, 2022 3:28 PM
To: Bailey Taylor (adpce.ad)
Cc: Bailey Taylor (adpce.ad); Nicholas Jones (adpce.ad); Julie Linck (adpce.ad); calhog18@gmail.com; Jami Morgan; Donna Pianalto; Clint Penzon; Kenneth Lovett; Mark Calcagni
Subject: Re: Class 4 Public meeting and Status
Attachments: image001.png; image002.png; image001.png; image002.png; image002.png; 11B.-Resolution-about-landfill.pdf

Bailey,

First all thank you for setting up the Public Hearing. I will be sending my letter of concern along shortly. I wanted to let you know that in the future Tontitown has a great city hall and a Tontitown Catholic Church at has a parish hall with lots of parking both would make perfect locations for hearing spaces and much more accessible to area residents.

I understand from talking to Ms. Linck yesterday that there is the ability to request a second hearing at the proper time. I want to be notified immediately when to make that request.

Also, just a heads up, citizens received a letter in the mail November 3 alerting them of the meeting November 2. The letters were post marked Oct 31, please let whoever is in charge know that letters of this nature need to be sent 2-3 weeks in advance.

Again, thank you for all you do to serve the people of Arkansas,

Go Hogs!
Robin

Robin Lundstrum
479-957-1959

On Nov 1, 2022, at 11:59 PM, Kenneth Lovett <kenneth.lovett@att.net> wrote:

This is the Resolution approved tonight by Tontitown City Council. This resolution is just that, A Resolution. A statement that Tontitown needs ADEQ and Waste Management to determine what the fugitive gasses are that are released on everyone in the community.

My preference is to halt all incoming loads until this gas is identified and resolved. The ADEQ only regulates known odors. They stack test once per year for known odors and then WM is wide open on their own till next year or a complaint comes in.

Lock the gates! I Guarantee you then, somebody will recognize that smell.

Matt Berner is no longer with WM. I would love to hear his thoughts...

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

Sent: Tuesday, November 1, 2022, 4:21 PM

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

Cc: 'calhog18@gmail.com' <calhog18@gmail.com>; 'Jami Morgan' <tontitownareacase@gmail.com>; 'Donna Pianalto' <dovepianalto@gmail.com>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; Clint Penzon <clint.penzo@arkansashouse.org>

Subject: RE: Class 4 Public meeting and Status

Please see the attached agenda for tomorrow's public meeting and hearing.

Thank you,

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

From: Bailey Taylor (adpce.ad)

Sent: Monday, October 17, 2022 12:14 PM

To: 'Kenneth Lovett'

Cc: calhog18@gmail.com; Jami Morgan; Donna Pianalto; Robin Lundstrum; Clint Penzon

Subject: RE: Class 4 Public meeting and Status

Yes sir, that is correct.

The public meeting and hearing will be held at Springdale Senior Activity Wellness Center, 203 Park Street, Springdale, AR 72764 on November 2, 2022 from 5:00 p.m. to 7 p.m regarding the Eco-Vista Class IV landfill draft permit.

Thank you,

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

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

Sent: Thursday, October 13, 2022 10:05 PM

To: Bailey Taylor (adpce.ad)

Cc: Nicholas Jones (adpce.ad)

Subject: Re: Class 4 Public meeting and Status

Is this the meeting you were going to forward me the info for, once it was scheduled?

November 2nd, 5 to 7 pm.

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

Sent: Monday, October 3, 2022, 9:14 AM

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

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

Subject: RE: Class 4 Public meeting and Status

Mr. Lovett,

We are in the process of scheduling the requested public meeting and public hearing. I'll be sure to forward you that date and time once it is scheduled. We are trying to secure meeting space in NWA.

There were 38 comments received during the public comment period.

Thank you,

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

From: Kenneth Lovett [mailto:kenneth.lovett@att.net]<mailto:[mailto:kenneth.lovett@att.net]>
Sent: Sunday, October 2, 2022 2:11 PM
To: Nicholas Jones (adpce.ad)
Cc: Bailey Taylor (adpce.ad)
Subject: Re: Class 4 Public meeting and Status

Simple question. Looking for a quicker response, Please

From: Kenneth Lovett <kenneth.lovett@att.net<mailto:kenneth.lovett@att.net>>
Sent: Wednesday, September 28, 2022, 2:18 PM
To: Nick Jones. (Engineer Supervisor) <jonesn@adeq.state.ar.us<mailto:jonesn@adeq.state.ar.us>>
Cc: Bailey Taylor <bailey.taylor@adeq.state.ar.us<mailto:bailey.taylor@adeq.state.ar.us>>
Subject: Class 4 Public meeting and Status

Good afternoon!

What is the status of the Class 4 situation?
How many letters from Citizens were received?
Will there be a public meeting opportunity?

Thank you
Kenneth Lovett

Charles Hurt (adpce.ad)

From: Kenneth Lovett <kenneth.lovett@att.net>
Sent: Friday, November 4, 2022 11:28 PM
To: Richard Goheen (adpce.ad); Nicholas Jones (adpce.ad)
Cc: Christopher Krou (adpce.ad); Ryan Hayden (adpce.ad); Bailey Taylor (adpce.ad); Julie Linck (adpce.ad); Michael McAlister (adpce.ad); Clint Penzon; Robin Lundstrum; Angie Russell; Scott McWilliams (adpce.ad); Becky Keogh (adpce.ad); press@governor.arkansas.gov; Annette Cusher (adpce.ad)
Subject: Re: Complaint #029934 - Eco Vista Class 1 Landfill - No Violations
Attachments: audit.pdf; Screenshot_20221104-224600_Gallery.jpg; Screenshot_20221104-224405_Gallery.jpg

Who is responsible to background check the state ADEQ Investigators?
I have lost faith in the system for several reasons.

1. Waste Management is not concerned with environment. They do just enough to get by. They despise being questioned and think they got enough money and power to pay their way out of any situation. And they are allowed to continue operation 8 months after a major issue in the area no one feels the need to investigate or regulate.

2. ADEQ has obvious internal issues but continues to be allowed to continue operations without proper Investigation.

Note example: May 2, 2018 when Ellen Carpenter's comments on The proposed draft Regulation No. 37 was submitted.

<https://arktimes.com/news/arkansas-reporter/2018/06/28/adeq-pio-fired>

Also the Legislative audit from 2002, ignored as the ADEQ Director approved the continued operation of the landfill without further proper analysis or review.

3. The same investigator is sent to the same area repeatedly, always stating no violation, when obviously there is an issue in the area and with his credibility. He is just there when the vapors aren't and references Codes that need revisions.

This investigator has made threatening statements publicly on his Facebook page and disrespects police authority. See attachments. As a public State official there are expectations or higher morals and credibility, and proper self censorship.

How can the public have faith in the system when the system is working against the community?

Thank you,
Kenneth Lovett

From: Richard Goheen (adpce.ad)
Sent: Friday, November 4, 2022, 1:17 PM
To: 'bsmall@wm.com'
Cc: Christopher Krou (adpce.ad) ; Ryan Hayden (adpce.ad) ; Jason Gilkey (adpce.ad) ; Scott McWilliams (adpce.ad) ; 'kenneth.lovett@att.net'
Subject: Complaint #029934 - Eco Vista Class 1 Landfill - No Violations

Attached: 10/18/2022 - Complaint #029934 - Eco Vista Class 1 Landfill - 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

Special Report

Arkansas Department of Environmental Quality – Solid Waste Management Division

Tontitown Landfill



ARKANSAS DIVISION OF LEGISLATIVE AUDIT

OCTOBER 11, 2002



Sen. Kevin A. Smith
Senate Co-Chair
Rep. Danny W. Ferguson
House Co-Chair
Sen. Henry "Hank" Wilkins, IV
Senate Co-Vice Chair
Rep. Tommy Roebuck
House Co-Vice Chair

Arkansas



Charles L. Robinson, CPA, CFE
Legislative Auditor

LEGISLATIVE JOINT AUDITING COMMITTEE DIVISION OF LEGISLATIVE AUDIT

October 11, 2002

Members of the Legislative Joint Auditing Committee:

We have conducted a review of the Arkansas Department of Environmental Quality procedures and regulations in regard to the Tontitown Landfill. This special report is being issued in response to a request from Representative Jim Holt and Representative Jan Judy.

The conclusions and recommendations resulting from our review are contained in the attached report. We trust this report will assist you in your legislative decision-making process.

DIVISION OF LEGISLATIVE AUDIT

A handwritten signature in blue ink, appearing to read "Charles L. Robinson".

Charles L. Robinson, CPA, CFE
Legislative Auditor

October 11, 2002
PSSR02802

Executive Summary

Arkansas Department of Environmental Quality Solid Waste Management Division Tontitown Landfill

INTRODUCTION

This report is being issued in response to a request by Representative Jim Holt and Representative Jan Judy for the Legislative Joint Auditing Committee to determine whether the Arkansas Department of Environmental Quality (ADEQ) adhered to established procedures and regulations in regard to the Tontitown Landfill.

OBJECTIVES

Our objectives in conducting this special report of the Tontitown Landfill were as follows:

- *Analyze the organizational structure of the Arkansas Department of Environmental Quality and its Solid Waste Management Division and determine if employees acted within the scope of their job duties in relation to the Tontitown Landfill;*
- *Determine regulations applicable to the Tontitown Landfill were properly enforced;*
- *Determine the landfill permitting procedures for the Arkansas Department of Environmental Quality and whether the Tontitown Landfill was permitted in accordance with such procedures;*
- *Determine compliance with policies of the Arkansas Pollution Control and Ecology Commission;*
- *Determine the types and frequency of inspections required by the Arkansas Department of Environmental Quality regulations and whether the Tontitown Landfill was properly inspected in accordance with those regulations; and*
- *Review enforcement actions taken by the Arkansas Department of Environmental Quality relating to the Tontitown Landfill.*

SCOPE AND METHODOLOGY

The Arkansas Department of Environmental Quality (ADEQ) through its Solid Waste Management Division is the regulatory agency charged with permitting and enforcing the rules and regulations concerning landfills. This review was conducted by examining documents on file with the Arkansas Department of Environmental Quality, interviewing agency staff and conducting interviews with concerned citizens who live around the Tontitown Landfill. We also examined relevant sections of Arkansas Code Annotated and Arkansas' environmental regulations to determine compliance with such. Our report focuses on compliance with those laws and regulations as they relate to the Waste Management landfill at Tontitown.

The Arkansas Department of Environmental Quality through its Solid Waste Management Division is the regulatory agency ... concerning landfills.

CONCLUSIONS

ADEQ's permit engineer authorized **conditional approval** for waste disposal in an area of the Tontitown Landfill known as the South Phase in a June 8, 1999 letter. In a letter dated August 6, 1999, the Solid Waste Management Division Chief authorized conditional approval for waste disposal in the North Phase. The Pollution Control and Ecology Commission's Regulation Number 22, the guiding document for ADEQ's Solid Waste Management Division, does not provide for conditional authorization.

Management Response:

The Department states that while conditional authorization was granted to allow fill operations only in permitted areas for which plans and specifications had been submitted for approval, issuance of the conditional authority did not relieve the permittee of any responsibilities for submitting the Engineering Certification Reports for construction of those fill areas as per Regulation 22.428(i).

A.C.A. 8-6-207 (6) provides the Department the authority to issue, continue in effect, revoke, modify or deny under such conditions as it may prescribe, permits for the establishment construction operation, or maintenance of solid waste management systems, disposal sites and facilities. Conditional approvals have been consistently implemented under this statute to achieve regulatory requirements.

Regulation 22 is currently undergoing the first redrafting since its inception in 1995. The redrafting will include language addressing conditional approvals.

A conflict exists between guidance documents and regulations concerning the use of alternative liners in the Boone-St. Joe formation. ADEQ's guidance document for alternative liner demonstration dated December 12, 1994 states that "Alternative liner demonstrations shall not be approved in karst formations." Karst formations are geological formations that are fractured and through which water easily flows. The Tontitown Landfill is located in an area of the state that is included in the Boone and

A conflict exists between guidance documents and regulations concerning the use of alternative liners in the Boone-St. Joe formation.

St. Joe formations. According to the Arkansas Geological Commission these are karst formations. Section 22.425(j) of Regulation 22 allows ADEQ to approve alternative liner design proposals if they are determined by the staff to meet or exceed minimum standards. The conflict between guidance document and Regulation 22 should be addressed.

Management Response:

As stated above, Regulation 22 is currently undergoing the first redrafting since its inception in 1995. The Division will take into account the technical development and viability of alternative liners in karst environments, and propose to the ADEQ Policy Review Committee language for updating the Guidance Document.

ADEQ requested an alternative liner demonstration in August 1999 after Waste Management had already installed a liner other than the type specified in the regulations. ADEQ never responded to Waste Management's alternative liner demonstration and Waste Management assumed approval of the liner based upon Section 22.428(i) of Regulation 22 which states "If no notice to the contrary is received by the owner or operator within 14 days after receipt by the Department of the report, the report shall be deemed to be acceptable and disposal operations may commence." Consideration should be given to revising Section 22.428(i), which allows for approval based upon no response from ADEQ.

Management Response:

As stated above, Regulation 22 is currently undergoing the first redrafting since its inception in 1995. The provision allowing approval based on no response from the Department will be addressed at that time.

In April 2001 Waste Management applied for a certificate of need from the Four-County Solid Waste District for the expansion of its Tontitown Landfill. Regulation 22 requires a certificate of need for the modification of permits. The Four-County Solid Waste District denied the certificate based upon a study conducted that determined the geology of Northwest Arkansas was unsuitable for landfills. Waste Management appealed the decision and ADEQ's Director ruled in favor of Waste Management, allowing the company to proceed with the permit process. The Four-County Solid Waste District Board appealed the Director's decision to the Pollution Control and Ecology Commission in accordance with Section 22.207 of Regulation 22. The Commission's Administrative Hearing Officer denied the appeal stating the District Board did not properly appeal the decision. The appropriateness of appealing a certificate of need ruling issued by the Director is not clear. Section 22.207 of Regulation 22 states an "Appeal of the Director's decision shall be conducted with the requirements of Regulation 8 of the Department." However, Regulation 8 does

Regulation 8 does not specifically address the issue of appealing a certificate of need decision.

not specifically address the issue of appealing a certificate of need decision. We recommend that the Pollution Control and Ecology Commission examine the language of Regulation 22 and Regulation 8 as it relates to the appeal of a certificate of need decision to eliminate any confusion in filing such appeals.

The Tontitown Landfill was inspected in accordance with guidelines set forth within the Enforcement Branch. However, those guidelines allow for inconsistency in evaluating landfills since scores can differ based upon the discretion of individual inspectors. For example, guidelines indicate, "In instances of repetitive violations, such as follow-up inspections, the assigned points will double." However, when reviewing inspection reports for the Tontitown Landfill, this practice was not applied consistently. Leachate leaks were noted at the landfill on several of the inspection reports and in many cases on consecutive reports. However, scores were doubled for this violation only occasionally. Interviews with the Enforcement Branch Manager, Enforcement Administrator, and Inspector Supervisor indicated this occurred due to the interpretation of what constitutes a repeat violation. If in one report leachate leaks were noted on the south side of the landfill and in the next leachate leaks were noted on the north side, then the inspector may not consider this to be a repeat violation since the leaks were in different parts of the landfill. Efforts should be made to clarify this issue to allow for consistent evaluation of landfills.

Management Response:

The Solid Waste Management Division agrees that there is a need to clearly define when to double points. The Division proposes to amend language in the Inspector's Manual to read: "If a violation is repeated per line item, within a specific time frame, this may constitute a separate offense and the points would be doubled." This change would lessen the subjectivity in determining when to double points. The Enforcement Branch is committed to improving our methodologies to provide for more efficient and consistent operations.

Formal enforcement action was taken against the Tontitown Landfill in the form of a Notice of Violation issued April 26, 2002. This action was taken after a former Waste Management employee reported to ADEQ that a part of the landfill's liner had failed. A subsequent investigation revealed that the landfill was not properly recording leachate accumulation readings and had exceeded the action leakage rate (ALR). The landfill also failed to stop fill operations and report the violation to ADEQ when the ALR was exceeded. Both the Class 1 and Class 4 facilities were ordered to cease landfill operations in the Notice of Violation. The Notice of Violation also required Waste Management to pay a civil penalty of \$558,000 for violations at both facilities. In a Consent Administrative Order (CAO) dated May 28, 2002, the Class 4 facility was allowed to reopen and

Waste Management was assessed a \$50,000 civil penalty. In a CAO dated August 30, 2002, the Class 1 facility was allowed to reopen and Waste Management was assessed a civil penalty of \$175,000 with an additional \$125,000 to be spent on supplemental environmental projects. Although guidelines exist within the Enforcement Branch for determining the amount of civil penalty to be assessed, the only statutory requirement for such is that the penalty shall not exceed \$10,000 per violation. The determination of civil penalties is at the discretion of ADEQ's Director.

The determination of civil penalties is at the discretion of ADEQ's Director.

BACKGROUND

Waste Management, Incorporated, through a subsidiary known as Waste Management Tontitown Landfill, LLC, operates a landfill facility near Tontitown, Arkansas, known as the Waste Management Tontitown Landfill. The facility includes an active Class 1 landfill, an active Class 4 landfill and two inactive historic landfills. The 66-acre Class 1 Tontitown landfill is permitted to dispose of household, commercial and some industrial solid wastes. The Class 4 landfill is permitted to accept and dispose of construction debris, household appliances and other inert wastes. The Tontitown Landfill site is the only facility in the Tri-County Solid Waste District permitted for the disposal of municipal solid waste. The Tri-County Solid Waste District covers Benton, Madison and Washington counties in Northwest Arkansas. The Arkansas Department of Environmental Quality, pursuant to Arkansas Code Annotated 8-6-207, is responsible for regulating solid waste landfills in the state of Arkansas. The Pollution Control and Ecology (PC&E) Commission has authority to promulgate rules and regulations applicable to the Arkansas Department of Environmental Quality per Arkansas Code Annotated 8-6-207.

Waste Management sought, beginning in April 2001, to expand its Class 1 facility at Tontitown from 66 acres to 112 acres. The Four-County Solid Waste District, which is now the Tri-County Solid Waste District, denied a certificate of need for expansion and the expansion has been opposed by a group of citizens who live near the facility. The Arkansas Department of Environmental Quality on April 26, 2002 ordered both the Class 1 and Class 4 facilities closed based upon an investigation that revealed the landfill had failed to record

leachate accumulation and had also exceeded the action leakage rate (ALR). The landfill failed to cease fill operations and report the violation to ADEQ as required by its permit. The investigation was initiated after a former Waste Management employee alleged that part of the landfills liner system had failed. The investigation could not determine the validity of that complaint. The Class 4 facility was subsequently reopened in May 2002 and the Class 1 facility was reopened in August 2002 per agreements reached between ADEQ and Waste Management. The expansion of the facility is on hold as of the date of this report.

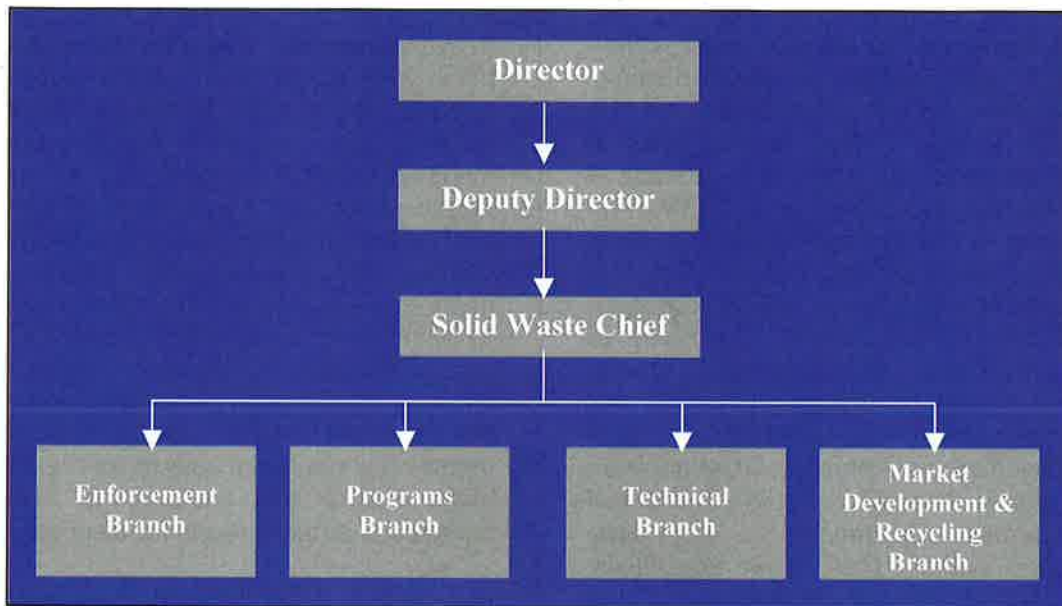
ORGANIZATIONAL STRUCTURE

The Arkansas Department of Environmental Quality (ADEQ), the agency charged with enforcing Arkansas' environmental laws and regulations, employs 372 people agency-wide. The Solid Waste Management Division of ADEQ is responsible for regulating the disposal of non-hazardous solid waste. The division consists of 38 employees and is organized as shown in **Exhibit I on page 2**.

The responsibilities of the four branches of the Solid Waste Management Division are:

Enforcement Branch - Responsible for ensuring permitted facilities are operating according to federal and state requirements and specific requirements identified in the permit, complaint investigations, and illegal dumping enforcement action. This branch consists of a manager, an Enforcement Administrator, an Inspector Supervisor and eight District Inspectors.

Exhibit I
Solid Waste Management Division
Organizational Chart



Market Development & Recycling Branch - Provides staff support for the Arkansas Marketing Board for Recyclables and assists in the development of markets for recycled materials. This branch consists of Market Development and Recycling each headed by Section Managers.

Programs Branch - Provides administrative, financial, and programmatic assistance to the division. It manages the collection of fees and distribution of grant funds, the Waste Tire Management Program, and the licensure programs for Solid Waste Management Facility Operators and Illegal Dump Control Officers. A Program Support Manager heads this branch of eight employees.

Technical Branch - Provides technical assistance during facility permitting and is primarily responsible for permitting all solid waste management facilities. This branch consists of five engineers, three geologists and an administrative assistant.

GOVERNING LAWS AND REGULATIONS

Title 8, Chapter 6 of the Arkansas Code Annotated governs the disposal of solid waste in the State of Arkansas. Arkansas Code Annotated 8-6-207 identifies the powers of the Pollution Control and Ecology Commission and the Arkansas Department of Environmental Quality with respect to solid waste. The Commission is authorized to promulgate rules and regulations while the Department is charged with administering and enforcing all laws, rules and regulations relating to solid waste. The Pollution Control and Ecology Commission's Regulation Number 22 is the guiding document for ADEQ's Solid Waste Management Division. During the course of our review, we examined multiple sections of Regulation 22 to determine if the regulations applicable to the Tontitown Landfill were properly enforced.

One area brought to our attention was the approval of an alternative liner in 1999 that was installed prior to ADEQ's approval. Documents show that in 1999 the Tontitown Landfill was given conditional authorization to begin disposal operations in an area known as the North Phase. This area utilized a geosynthetic clay liner (GCL) in place of a two-foot thick clay liner (CCL). In an August 6, 1999 letter from the Solid Waste Management Division Chief to Waste Management's District Manager, conditional authorization was given to begin disposal contingent upon, among other conditions, that an alternative liner demonstration be submitted "...with sufficient documentation and justification to satisfy Regulation 22 conditions and Department guidance for any liner system other than that specifically delineated for the Boone - St. Joe formation..." The Boone and St. Joe formations underlie the majority of Northern Arkansas according to the Arkansas Geological Commission. The formation is known as a karst formation, which means that it is fractured and water easily flows through it.

ADEQ's guidance document for alternative liner design and demonstration dated December 12, 1994 states that alternative liner demonstrations **shall not** be approved in karst formations. However, Section 22.425(j) allows the Department to approve alternative designs proposals if they are determined by the staff to meet or exceed the minimum standards set forth in Section 22.425. Such a conflict between published guidance documents and regulations should be addressed. The alternative liner demonstration was submitted on August 11, 1999 but ADEQ never responded in writing to Waste Management concerning the report. Waste Management assumed approval of the demonstration based upon Section 22.428(i) of Regulation 22

that states "If no notice to the contrary is received by the owner or operator within 14 days after receipt by the Department of the report, the report shall be deemed to be acceptable and disposal operations may commence." This section appears only to apply to reports that are submitted prior to the commencement of disposal. Since disposal had already begun at the site it is unclear whether this section should apply in this circumstance. Also, consideration should be given to revise this section of Regulation 22 to allow for confirmation from ADEQ before disposal is allowed instead of allowing confirmation to be assumed by the passage of time. Additionally, we found no language in Regulation 22 that gives ADEQ the authority to issue conditional authorizations for disposal.

In a June 8, 1999 letter ADEQ's permit engineer conditionally authorized Waste Management to begin waste filling in an area known as the South Phase. It is unclear what authority exists to issue such an authorization or from what law or regulation such an approval comes. In an August 6, 1999 letter the Solid Waste Management Division Chief granted conditional authorization for Waste Management to begin fill operations in an area known as the North Phase. Again, although this conditional authorization came from management, it is unclear what authority exists to issue conditional authorization. Prior to the issuance of this conditional authorization, the permit engineer wrote two memos in July that documented some of his concerns with the construction of the North Phase. He noted in a July 14, 1999 memo "The substitution of GCL for 2' of compacted clay in one of the double composite liners, without development of an alternative liner demonstration by the designer and without submittal of it for the necessary approval by ADEQ, is particularly disturbing."

LANDFILL PERMITTING PROCEDURES

The Tontitown Landfill is currently operating under the permits shown in **Exhibit II**. The current permits terminate on the expiration dates indicated or when the authorized fill elevations have been reached, whichever occurs first.

Regulation 22 (22.1502) states, "No person shall construct, install, alter, modify or operate any solid waste processing or disposal facility or disposal site without a permit from the Department." The process to permit landfills in Arkansas can be divided into two phases, pre-application and application.

**Exhibit II
Current Tontitown Landfill Permits**

	Permit Class	Permit Number	Effective Date	Expiration Date
1.	Class 1	0290-S1-R1	July 31, 1997	July 31, 2007
2.	Class 4	0290-S4-R1	April 16, 1997	April 16, 2007

Pre-application

This phase is intended to inform ADEQ and the public that a facility is in the planning process. During this phase, the applicant is required to submit:

- Host community approval
- Certificate of need from local Solid Waste Management District
- Pre-application form and fee
- Proof of right of entry
- Compliance with local restrictions
- Ownership disclosure statement
- Maps of site
- Preliminary soil conditions report

A preliminary site investigation is also required and consists of the following:

- Public meeting held to informally discuss the project
- Determination of general suitability of the site
- Input from other interested local, state and federal agencies

A findings report must then be issued by ADEQ indicating whether the site is considered suitable for continuing the permit process. If ADEQ approves the site, then the application phase begins.

Application

The application phase begins with an application meeting prior to the submission of the application. The Solid Waste Management Division of ADEQ then reviews the submitted application and prepares a draft permit. The decision to issue a final permit is done by ADEQ and includes a time frame for a public hearing. The requirements for the application phase of the permitting process are shown in **Exhibit III on page 5**.

In April 2001 Waste Management applied for a certificate of need from the Four-County Solid Waste District for the expansion of its Tontitown Landfill. Per Regulation 22 all applicants for a new solid waste landfill permit or for an expansion of the permitted capacity of an existing landfill must obtain a certificate of need from the regional board with jurisdiction over the proposed

Exhibit III

Application Phase

1. Application meeting in which the applicant and Solid Waste Management Division staff discuss any issues identified in the pre-application phase and landfill design requirements
2. Application submitted with:
 - Hydrological report
 - Groundwater monitoring plan
 - Construction plans and specifications
 - Operating plans
 - Closure and 30-year post-closure plan
 - Application form and fee
3. The application is declared "administratively complete" which requires the following:
 - Staff determination that all required application documents are submitted
 - Publication of a legal notice in local newspaper by the applicant giving the public 10 business days to request a hearing
4. The Solid Waste Management Division staff reviews the application documents for technical merit in which:
 - The applicant responds to technical deficiencies in application submittals
 - Staff determines whether the landfill can be safely built and managed according to environmental regulations
5. Solid Waste Management Division staff prepares a draft permit
 - Draft permit contains specific conditions for building and operating the landfill
 - Applicant publishes a legal notice that begins a 30-day comment period
 - Public hearing may be called depending on comments received
6. Final permit decision is made
 - ADEQ considers public comments and a response is mailed to those who submitted comments
 - Beginning of 30-day appeal window for the applicant and others with standing to appeal

site. Regulation 22 guidelines state that the application must establish at a minimum that the facility:

1. Is consistent with the regional planning strategy adopted by the board in the regional needs assessment or the regional solid waste management plan;
2. Does not conflict with existing comprehensive land-use plans of any local governmental entities;

3. Does not disturb an archaeological site as recognized by the Arkansas Archaeological Survey, or a rare and endangered species habitat as recognized by the Arkansas State Game and Fish Commission or the United States Fish and Wildlife Service;
4. Will not adversely affect the public use of any local, state, or federal facility, including, but not limited to, parks and wildlife management areas;

5. Does not conflict with the requirements of local, state, or federal laws and regulations on the location of disposal facilities as outlined in Regulation 22.

Waste Management submitted its application with documentation pertaining to the above criteria. Regulation 22 states that the regional board may issue or deny the certificate of need based upon:

1. The information provided by the applicant in the petition for a certificate of need;
2. The requirements and considerations of any needs assessments;
3. The location of the applicant's proposed landfill based on the district's needs and its highway and road system;
4. The need for the landfill based upon the district's projected capacity which is currently permitted for operation, but in no event shall the district's permitted projected capacity exceed thirty (30) years;
5. Any solid waste management system plans, promulgated and approved pursuant to A.C.A. 8-6-211 and 8-6-212 to the extent these plans conform to an overall regional planning strategy;
6. A detailed history of the applicant's record and that of the stockholders and officers with respect to violations of environmental laws and regulations of the United States or any state or any political subdivision of any state; and
7. Any procedures adopted by the board for issuance of certificate of need.

The Four-County Solid Waste District's Board denied Waste Management's

certificate of need based upon its determination that the geology of Northwest Arkansas is unsuitable for development of additional landfills. In a letter dated July 20, 2001 from Steven Parker, Director of the Four-County Solid Waste District, to Waste Management, the Board based its decision largely on a study conducted in 1997 to look for suitable landfill sites within the district. The study resulted in a finding stating that no such sites existed.

As a result of this study the Board included in its 1998 Solid Waste Management Plan the following statement: *"During the next five years, the District will not attempt to locate a District-owned Class 1 landfill within the District's boundaries. The District will focus its efforts on minimizing the amount of wastes requiring Class 1 disposal and relying on current private and public landfills both within and outside the District for disposal capacity."* The Board reasoned that since its regional planning strategy called for no additional landfill capacity and one of the criteria for determining the issuance of a certificate a need is based upon the regional planning strategy, then Waste Management's request for a certificate of need did not satisfy all requirements. The Board denied the certificate of need even though its staff recommended its issuance. The staff determined that the planning strategy called for no new landfills and did not apply to expanding existing ones.

Regulation 22 (22.207) provides for the appeal of a certificate of need determination pursuant to A.C.A. 8-6-706. The procedures for appeal state:

1. Any person with standing to appeal may file an appeal within thirty days of the board's written determination. The appeal may be in the form of a pleading or a letter

containing: (a) A copy of the board's written determination; (b) The date of the board's determination; (c) The factual and legal grounds that form the basis for the appeal; (d) Copies of all exhibits and other supporting documents; and (e) A certificate of service showing that the appeal has been served upon the board. The appealing party must serve the board, by certified mail, a copy of the appeal and all supporting documentation.

2. Any board served with an appeal may file a written response to the appeal with the Director of ADEQ. The response must be received no later than thirty (30) days after the board receives the appeal. The response is to contain a reply to each of the grounds for appeal.
3. The Director may issue a Notice of Hearing if he feels that a hearing on the matter is necessary after reviewing the submissions by the parties.
4. The Director shall issue a written decision after determining whether the board's decision is supported by substantial evidence.

Waste Management appealed the board's decision to ADEQ's Interim Director, Richard Weiss, who then ruled in a November 30, 2001 written decision that the Four-County Solid Waste District Board did not use the proper criteria when it denied Waste Management's request for a certificate of need. The Director cited two main points in his reasoning for his ruling: (1) The board's decision to deny the certificate of need was based on technical factors which are not relevant matters for a regional solid waste district to consider during its certificate of need review, and (2) the board did not take into account criteria

required by law to be considered in its review process.

The Director determined that the board's decision to deny the certificate on the basis of geology was not appropriate and that those matters should be addressed during ADEQ's permit review process. The Director also pointed out that the board's staff had recommended the issuance of a certificate of need based on the criteria listed in Arkansas statutes and that there was no evidence to support that the board had used the criteria as a basis for denial. The Director's decision allowed Waste Management to proceed with the permit process without a certificate of need from the regional board.

Regulation 22 (22.207) states that an appeal of the Director's decision shall be conducted in accordance with the requirements of Regulation 8 of the Department. In December 2001, the Four-County Solid Waste District appealed the Director's decision to the Arkansas Pollution Control and Ecology Commission. Waste Management and ADEQ both filed motions for the appeal to be dismissed based upon the fact Regulation 8 only allows for the appeal of a final permitting decision and denial of a certificate of need does not fit that criteria since the issuance of a certificate is only a prerequisite for a permit. Waste Management contended that the board's appeal was premature and should wait until a final permit decision is made before appealing. Regulation 8 does not specifically address the issue of appealing a certificate of need decision although Regulation 22 cross-references to Regulation 8.

ADEQ in an informational brochure dated November 30, 2001 concerning the Tontitown Landfill indicated that both Waste Management and the Four-County Solid Waste District were entitled to appeal the Director's decision.

The PC&E Commission's Hearing Officer ruled that the District did not properly appeal the decision under Regulation 8. The District later requested a review of the Director's decision based upon Arkansas Code Annotated 8-4-201. The Commission voted to allow both the Solid Waste District and concerned citizens to be heard in a hearing in December 2002. We recommend that the Pollution Control and Ecology Commission examine the language of Regulation 22 and Regulation 8 as it relates to the appeal of a certificate of need decision

to eliminate any confusion as to the appropriateness of filing such appeals.

POLLUTION CONTROL AND ECOLOGY COMMISSION

The Arkansas Pollution Control and Ecology Commission is responsible under Arkansas Code Annotated 8-6-207 for the promulgation of rules and regulations to be carried out by the Arkansas Department of Environmental Quality. The Commission is comprised of thirteen (13) members as shown in **Exhibit IV**.

Exhibit IV

Pollution Control and Ecology Commission	
Agency directors, or designee, of the:	<ul style="list-style-type: none"> • Arkansas Game and Fish Commission • Arkansas Oil and Gas Commission • Arkansas Department of Health • Arkansas Geology Commission • Arkansas Soil and Water Conservation Commission • Arkansas Forestry Commission
Appointed by the Governor:	<ul style="list-style-type: none"> • Seven members representing the four Congressional districts of Arkansas • Each district must have at least one representative • No district may have more than two representatives

The Commission also employs people in the following positions:

1. Administrative Hearing Officer;
2. Commission Secretary; and
3. Legal Secretary.

The Administrative Hearing Officer is employed by the Commission in accordance with Arkansas Code Annotated 8-1-204. The law states that the Administrative Hearing Officer is to direct and advise the Commission on matters of law and procedure that may arise during the conduct of Commission duties. The law also requires the Administrative Hearing Officer to be

selected and hired by the Commission and to be independent of and not an employee of the Arkansas Department of Environmental Quality. The office space of the hearing officer must be at a location other than the department.

In addition to prescribing rules and regulations charged to ADEQ, the Commission serves as the governing body for the challenging or contesting of Department actions. The Commission is also allowed to make recommendations to the Director regarding policy and administration. However, the Director remains under the authority of the Governor.

An objective of this review was the determination of whether the Commission carried out its role in relation to the Tontitown Landfill. Arkansas Code Annotated 8-6-207 requires the Commission to set rules and regulations governing the administrative procedures for challenging or contesting department actions which the Commission has done with the issuance of Regulation 8. The Commission is also required to establish policies and standards for effective solid waste disposal and management systems, which it has done with the issuance of Regulation 22.

INSPECTIONS

The Enforcement Branch of the Solid Waste Management Division is responsible for ensuring permitted facilities are

operating according to federal and state requirements and specific requirements identified in the permit. The Enforcement Branch has eight district inspectors statewide who perform inspections of all permitted facilities including landfills. The Tontitown Landfill is located in District 5, which covers the following counties: Benton, Carroll, Crawford, Franklin, Logan, Madison, Polk, Scott, Sebastian and Washington. The Arkansas Department of Environmental Quality is required by Arkansas Code Annotated 8-6-207 "To make periodic inspections not less than quarterly... of all solid waste disposal facilities or sites permitted under this subchapter...." **Exhibit V** reflects inspections of the Tontitown Landfill under the current Class 1 facility permit.

Exhibit V
Tontitown Landfill
Number of Inspections per Quarter

Year	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
1997	N/A	N/A	1	1
1998	1	1	1	2
1999	1	1	1	1
2000	1	1	1	1
2001	1	1	1	1
2002	1	1	2	*

* Inspection yet to be performed.

Per ADEQ, the Tontitown Landfill was inspected in the first and second quarters of 1997 under the previous permit. Our examination of inspection reports for the period January 1, 1997 to present for the Tontitown Landfill are shown in **Schedule 1** on page 13.

Inspections are scored on a numerical basis with higher scores indicating more severe or numerous violations. The system was developed in 1996 in order to provide a statistical method for rating landfills. Landfills are evaluated by inspectors on a Facility Evaluation form that has violations grouped into three

categories: 1) least serious; 2) mid-range; and 3) most serious. Each line item is assigned a point value. Category 1 items receive 1 point, category 2 items receive 2 points and category 3 items receive 3 points. In instances of repeat violations the assigned points values should double according to ADEQ inspection guidelines. The forms utilize the scoring system to determine the status of the landfill. Total scores fall within one of three ranges:

1. Satisfactory (0 to 16),
2. Marginal (17 to 24), or
3. Unsatisfactory (25 and up).

Those facilities with a score of 20 or above are inspected monthly. Since the scores for the Tontitown Landfill never exceeded that level, it was inspected quarterly as required by Arkansas law. The score for the Tontitown Landfill never exceeded 15, which put the landfill consistently in the satisfactory range.

We were provided with inspection guidelines dated January 14, 1999 that outline certain procedures inspectors are to follow when conducting an inspection. Per those guidelines, inspectors are to perform a thorough walk through of the facility and make visual observations of the following:

- Surface water management
- Leachate management and disposal
- Cover requirements
- Ground water and gas monitoring devices
- General operating requirements

After the walking tour of the site the inspector should determine compliance based on record keeping. The following items should be reviewed:

- Groundwater monitoring reports
- Liner certification reports
- Engineering reports
- Random inspection documentation for hazardous waste
- Methane monitoring reports
- Special waste disposals
- Leachate disposal
- Waste receipt records
- Records specific to the facility

At the conclusion of the inspection the inspector is to complete the appropriate forms and review all aspects of the inspection with the manager/operator. Noted violations are to be discussed in detail on site so that the facility can address them promptly. The facility manager should sign the inspection report and a copy of the report is left with the facility. The inspector retains a

copy of the report and a copy is sent to the ADEQ office in Little Rock. An example of an inspection report is shown at **Appendix A**.

The inspector is responsible for determining the severity of violations witnessed during the inspection and whether those violations warrant some sort of corrective action. If the inspector felt that a major problem existed or the facility was not attempting to correct problems noted then he may initiate some sort of corrective action against the facility. However, no formal guidelines exist as to when or what type of corrective action is to be issued. Tontitown inspectors noted the evidence of leachate leaks in several of the inspection reports. Inspectors have the option of doubling points for repeat violations occurring at the facility. There is no formal guideline for what constitutes a repeat violation or when or if an inspector must double the points. It is the sole discretion of the inspector. In some instances the scores for leachate violations were doubled at the Tontitown Landfill and in some instances they were not. Also, in an interview with Enforcement Branch employees, it was noted that some violations could have been missed. Improper leachate disposal records may not have been detected due to either the volume of documents the inspector had to examine or failure by Waste Management to include all pertinent data in those records.

ENFORCEMENT ACTIONS

The Enforcement Branch of the Solid Waste Management Division consists of thirteen personnel including the eight district inspectors and is the enforcement arm of the Division. This branch is responsible for ensuring permitted facilities are operating according to federal and state requirements as well as specific requirements in the permit. The

Enforcement Branch also investigates complaints and illegal dumping activities.

An enforcement action is defined by ADEQ as "Any action taken by the Division to compel a facility to be in compliance with a permit, statutes, rules and regulations of the Department." Those actions may consist of inspection reports, compliance letters, corrective action notices (CAN's), consent administrative orders (CAO's), or notice of violations (NOV's). Enforcement actions may be either informal or formal. Informal enforcement actions include compliance letters, information requests, corrective action notices and compliance meetings. Corrective action notices are written letters that require the submittal of a plan for correcting existing violations. These actions are initiated by the Solid Waste Chief or a Branch Manager based upon information obtained through District Inspectors and are signed by the Enforcement Administrator. If the District Inspector feels that informal enforcement actions have not been successful he will then consult with the Inspector Supervisor to determine if formal corrective action may be necessary. Formal enforcement actions utilized by the Division are Notice of Violations, Consent Administrative Orders, Emergency Orders and injunctions. These formal actions require the assistance of ADEQ's Legal Division and are signed by the Director.

The District Inspector, Inspector Supervisor and the Enforcement Administrator will meet to determine an appropriate category for the violator. Violators are grouped into three categories:

1. Low Priority Violators
2. Medium Priority Violators
3. High Priority Violators

After the violator is ranked into one of the above categories then an appropriate

penalty is determined for the noted violations. Regulation 7 is used as a guide for assessing penalties. Section 4 of Regulation 7 states "The amount of any civil penalty to be assessed for any person for the violation of any provision of the Arkansas Solid Waste Management Act...shall not exceed \$10,000.00 per violation. Each day of a continuing violation may be deemed a separate violation." The Enforcement Branch uses the following guideline in assessing penalties:

Category Ranking	Penalty Range
1	\$300-\$3,000
2	\$500-\$5,000
3	\$1,000-\$10,000

Section 9 of Regulation 7 requires the Department to consider the following factors when determining the amount of penalty to be assessed:

1. The seriousness of the noncompliance and its effect upon the environment, including the degree of potential or actual risk or harm to the public health;
2. Whether the cause of the non-compliance was an unavoidable accident;
3. The violator's cooperativeness and expeditious efforts to correct the violation;
4. The history of a violator in taking all reasonable steps or procedures necessary or appropriate to correct any noncompliance;
5. The violator's history of previous documented violations regardless of whether or not any administrative, civil, or criminal proceeding was commenced;

6. Whether the cause of the violation was an intentional act or omission on the part of the violator;
7. Whether the noncompliance has resulted in economic benefit or pecuniary gain to the violator, including but not limited to cost avoidance;
8. Whether the pursuit and the execution of the enforcement action has resulted in unusual or extraordinary costs to the Department or the public;
9. Whether any part of the non-compliance is attributable to the action or inaction of the state government;
10. Whether the violator has delayed corrective action.

The penalty, as determined by the Enforcement Branch, is subject to review by the Solid Waste Management Division Chief, the Deputy Director, the Legal Division and the Director. Penalties are often negotiated down from their original amount but there are no set written guidelines for this procedure. The amount of penalty assessed by ADEQ is under the discretion of the Director. A Notice of Violation was issued for the Tontitown Landfill on April 26, 2002. Per ADEQ,

there were no other enforcement actions, informal or formal brought against the Tontitown Landfill in recent history.

The notice identified the allegations against the landfill and called for a civil penalty of \$558,000. It also ordered the landfill to cease all fill operations at the Class 1 and Class 4 facilities and called for the submission of a Corrective Action Plan. In May 2002 ADEQ issued a Consent Administrative Order allowing the Class 4 facility to reopen and requiring Waste Management to pay a civil penalty of \$50,000. In August 2002 ADEQ issued a Consent Administrative Order allowing the Class 1 facility to reopen and requiring Waste Management to pay a civil penalty of \$175,000 plus an additional expenditure of \$125,000 to be spent on supplemental environmental projects.

The \$50,000 civil penalty was paid and deposited into the State Treasury by ADEQ on June 18, 2002. ADEQ received \$175,000 as payment for the civil penalty related to the Class 1 facility on September 24, 2002 but cannot deposit the check until November 10, 2002 due to public notice policy. Waste Management has submitted proposals for the supplemental environmental projects; however, as of the date of this report Waste Management's proposals have not been reviewed by ADEQ.

TONTITOWN LANDFILL			
Class 1 Inspection Dates and Results			
Date	Score	Inspector	Findings
June 17, 1997	4	T. Coleman	<ul style="list-style-type: none"> o Road must be upgraded to allow easy access in all weather conditions o Not enough random inspections for hazardous waste disposal
August 20, 1997	3	T. Coleman	<ul style="list-style-type: none"> o Leachate seeps noted
September 11, 1997	0	T. Coleman	
October 28, 1997	3	T. Coleman	<ul style="list-style-type: none"> o Leachate seeps noted
February 4, 1998	3	T. Coleman	<ul style="list-style-type: none"> o Several leachate seeps noted
April 14, 1998	3	T. Coleman	<ul style="list-style-type: none"> o Several leachate seeps noted
August 6, 1998	3	T. Coleman	<ul style="list-style-type: none"> o Minor leachate seeps noted
October 27, 1998	6	S. McWilliams	<ul style="list-style-type: none"> o Leachate leaks noted
October 29, 1998	3	S. McWilliams	<ul style="list-style-type: none"> o Hazardous waste disposal not detected
January 15, 1999	15	S. McWilliams	<ul style="list-style-type: none"> o Several leachate leaks noted o Erosion resulting in exposed refuse
May 10, 1999	0	R. Parker	
August 26, 1999	3	R. Parker	<ul style="list-style-type: none"> o Leachate seeps noted
October 19, 1999	6	R. Parker	<ul style="list-style-type: none"> o Leachate seeps noted
March 7, 2000	6	S. McWilliams	<ul style="list-style-type: none"> o Leachate seeps noted o Leachate levels not recorded
May 16, 2000	12	S. McWilliams	<ul style="list-style-type: none"> o Leachate leaks noted o Leachate levels not recorded
September 12, 2000	0	J. Sparrow	
November 2, 2000	2	J. Sparrow	<ul style="list-style-type: none"> o No notes available (Form indicates litter control)
February 28, 2001	9	J. Sparrow	<ul style="list-style-type: none"> o No notes available (Form indicates litter control, final vegetation cover and leachate leaks)
May 31, 2001	7	J. Sparrow	<ul style="list-style-type: none"> o No notes available (Form indicates final vegetations cover and daily cover)
September 25, 2001	2	J. Sparrow	<ul style="list-style-type: none"> o No notes available (Form indicates final vegetation cover)
December 6, 2001	4	J. Sparrow	<ul style="list-style-type: none"> o No notes available (Form indicates final vegetation cover)
March 12, 2002	2	J. Sparrow	<ul style="list-style-type: none"> o No notes available (Form indicates litter control)
June 20, 2002	3	J. Sparrow	<ul style="list-style-type: none"> o No notes available (Form indicates leachate disposal records)
July 29, 2002	0	J. Sparrow	<ul style="list-style-type: none"> o Facility not accepting waste
August 27, 2002	0	J. Sparrow	<ul style="list-style-type: none"> o Facility not accepting waste

**Appendix A
Example of a
Class 1 Inspection Report
And
Corresponding Letter**

Appendix A

Arkansas Department of Pollution Control and Ecology Facility Evaluation			
Name of Site: <i>WASTE MNGT. - TONTITOWN</i>	County: <i>Washington</i>	CSN # <i>72-0144</i>	Permit # <i>290-51-R1</i>
Location: <i>WCR 865</i>	Address of Permittee: <i>J. M. DUNBAR 100 TWO PINES NLR AR 72117</i>		
Telephone Number: <i>501-361-2069</i>	Licensed Operator & No: <i>MIKE MCCLLOUD</i>	Date: <i>9-25-01</i>	
CLASS 1 LANDFILL		Entry Time: <i>1330</i>	
		Exit Time: <i>1530</i>	

OPERATIONAL STANDARDS	
<p style="text-align: center;"><u>CATEGORY 1 VIOLATIONS</u></p> <p>1 2 4</p> <p>___ Adequate employee facilities 411(i)</p> <p>___ Record keeping meets requirements specified by regulations 421(a)(b)</p> <p>___ Feeding of farm or domestic animals prohibited 411(f)(2)</p> <p>___ Salvage operations meet approved conditions 411(e)</p> <p>___ Required facilities, fencing and information signs posted 417(b)</p> <p>___ Access confined to hours of operation 417(d)</p> <p>___ Scavenging of waste prohibited 411(f)(1)</p> <p>___ Proper wet weather repairs 411(p)</p> <p>___ Operations by licensed on-site personnel at all times 411(b)</p> <p>___ Waste spread and compacted as unloaded 411(d)</p> <p>___ Adequate all weather operational roads 417(c)</p> <p>___ Adequate provisions for backup equipment 411(j)</p> <p>___ Waste receipt records, ticket system maintained 421(d)</p> <p>___ Telephone system and written emergency response plan on site 411(k)</p> <p style="text-align: center;"><u>CATEGORY 2 VIOLATIONS</u></p> <p>2 4 B</p> <p>___ Adequate access control 417(a)</p> <p>___ Smallest practical area, unloading supervised, single working face 411(c)</p> <p>___ Litter control provisions maintained 411(g)</p> <p>___ Disease vectors controlled 414(a)</p> <p>___ Contouring prevents surface water flowing into or through waste 411(h)(1)</p> <p>___ Plans and narrative updated to reflect current operation 422(c)</p> <p>___ Annual compliance inspection by registered professional engineer 423(b)</p> <p>___ Run-on/run-off control system present and adequate 418(a)(b)</p> <p>___ Surface water control prevents off-site sediment accumulation 411(h)(2)</p> <p>___ Landfill complies with liquid restrictions 420</p> <p>___ <u>2</u> Adequate maintenance of final cover vegetation 411(i)</p>	<p style="text-align: center;"><u>CATEGORY 3 VIOLATIONS</u></p> <p>3 6 12</p> <p>___ Operations in accordance with permit documents 411(a)</p> <p>___ Gas monitoring program 415</p> <p>___ Facility implements operating plan and narrative 422</p> <p>___ Hazardous waste exclusion plan 412</p> <p>___ Satisfactory daily cover 413(a)</p> <p>___ Open burning prohibited 416(b), 411(f)(4)</p> <p>___ Cause discharge 419</p> <p>___ Leachate disposal records 421(f)</p> <p>___ Special waste disposal and procedures records 421(g), 701</p> <p>___ Depositing waste in standing water prohibited 411(f)(3), 419(a)(4)</p> <p>___ Erosion or other cover defects resulting in exposed refuse 411(o)</p> <p>___ Leachate leaks or evidence of leachate seepage 411(c)</p> <p>___ Satisfactory alternative cover 413(b)</p> <p>___ Leachate discharge leaving landfill 419(a)(5)</p>
<p>TOTAL POINTS <u>2</u></p> <p>Point Scale 0-16 (S) 17-24 (M) ≥25 (U)</p>	

RECORDS/OTHER CRITERIA/COMMENTS	
Date of last groundwater monitoring report	<i>July 01</i>
Date of last liner certification report	<i>9 Sept 01 for North Phase (2A Site)</i>
Date of last engineering report	<i>9-28-01</i>
Date of last random inspection for hazardous waste	<i>9-25-01</i>
Date of last quarterly methane monitoring	<i>6/12/01</i>
Date of last special waste received	<i>9-25-01 / Sludge</i>
Date of leachate disposal	<i>10080</i>
Last months reported waste received	<i>(Aug)</i>
	method <i>TRUCK</i> location <i>MISS ROGER</i>
	Tons <i>18771</i> Cy <i>81424</i>
<i>Corrective Action letter from W M Dated 6-14-01</i>	

Signature of Person Interviewed: <i>[Signature]</i>	Signature of Inspector: <i>[Signature]</i>
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CLASS 1
rev. 4/97

FOR ADPC&E USE ONLY

Page 1 of 1
Total Hours 2

Appendix A



October 19, 2001

Jimmy Hendrix
Tontitown Landfill
P.O. Box 1310
Springdale, AR 72765

RE: CSN 72-0144 Permit Nbr. 0290-S1-R1

Dear Mr. Hendrix:

On September 25, 2001, I performed a routine inspection of your facility pursuant to the Arkansas Solid Waste Management Reg. 22, and the above referenced permit. A copy of the inspection report is enclosed for your review.

Refer to the report to note any allegations of deficiencies that require corrective action. Please send a written response to the corrective action taken. **Failure to respond to this letter in writing shall be construed as an admission of any allegations contained therein. Any items noted that are neglected and persistent may warrant enforcement action.**

If I can be any further assistance, feel free to contact me at (501) 452-4882 or P.O. Box 11045, Ft. Smith, AR., 72917-1045.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Sparrow", is written over a horizontal line.

Justin Sparrow, Inspector
Solid Waste Division

cc: Central Files
Enforcement Branch Files, SW

D:\Inspector Files\Inspections\Class 1\0290-S1-R1\Letter\0290-S1-R1.wpd

SOLID WASTE MANAGEMENT DIVISION
8001 NATIONAL DRIVE / POST OFFICE BOX 8913 / LITTLE ROCK, ARKANSAS 72219-8913 / TELEPHONE 501-682-0602 / FAX 501-682-0611
www.deq.state.ar.us



Charles Hurt (adpce.ad)

From: Mark Calcagni <calhog18@gmail.com>
Sent: Friday, November 4, 2022 2:33 PM
To: Angie Russell
Cc: dovepianalto@gmail.com; Nicholas Jones (adpce.ad); Julie Linck (adpce.ad); Becky Keogh (adpce.ad); Bailey Taylor (adpce.ad); David Witherow (adpce.ad); Jarrod Zweifel (adpce.ad); Annette Cusher (adpce.ad); Jami Morgan; Robin Lundstrum; Clint Penzon; Kenneth Lovett
Subject: Re: Late Notice of Public Meeting

I also got it a day late . I live across the street from Donna . I believe all of us got it a day late

Mark Calcagni.

Sent from my iPhone

On Nov 4, 2022, at 12:44 PM, Angie Russell wrote:

Mrs. Pianalto,

Thank you for making us aware of the late notice concerning the public meeting. I have had multiple citizens contact me about this very issue.

I have included ADEQ representatives on this email, to make them aware of this.

Sincerely,

~Mayor Angela Russell



A Little Town, A Lot of Tradition

Mayor Angela Russell

City of Tontitown

235 E Henri De Tonti Blvd

Tontitown, AR 72770

Phone 479-361-2700

www.tontitown.com

From: dovepianalto@gmail.com

Sent: Friday, November 4, 2022 12:39 PM

To: 'Bailey Taylor (adpce.ad)'; 'Nick Jones. (Engineer Supervisor)'; 'Julie Linck'

Cc: calhog18@gmail.com; 'Jami Morgan'; 'Robin Lundstrum'; 'Clint Penzon'; 'Kenneth Lovett'; Angie Russell

Subject: Late Notice of Public Meeting

To whom it may concern,

Although I appreciate the public meeting about the WM expansion held this week in NWA, I wanted to make you aware of a situation. I did receive an invitation to attend that was postmarked Monday, 10/31/22; however, it actually appeared in my rural mailbox on Thursday, 11/3/22 – the day AFTER the meeting! IF I had not been networked locally, I would have missed the meeting all together! I have to wonder how many others who had written to you missed the meeting because of the late notice. Please

consider using this example of how long the USPS takes to delivery mail and send the communication much earlier in the future so that citizens can be prepared and make arrangements to attend important meeting.

Thanks for your time!

Donna Pianalto

12525 Arbor Acres Rd

Springdale, AR 72762

(479)200.2200

dovepianalto@gmail.com

Charles Hurt (adpce.ad)

From: Angie Russell <mayor@tontitownar.gov>
Sent: Friday, November 4, 2022 12:44 PM
To: dovepianalto@gmail.com; Nicholas Jones (adpce.ad); Julie Linck (adpce.ad); Becky Keogh (adpce.ad); Bailey Taylor (adpce.ad); David Witherow (adpce.ad); Jarrod Zweifel (adpce.ad); Annette Cusher (adpce.ad)
Cc: calhog18@gmail.com; 'Jami Morgan'; Robin Lundstrum; Clint Penzon; 'Kenneth Lovett'
Subject: RE: Late Notice of Public Meeting

Mrs. Pianalto,

Thank you for making us aware of the late notice concerning the public meeting. I have had multiple citizens contact me about this very issue.

I have included ADEQ representatives on this email, to make them aware of this.

Sincerely,

~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

From: dovepianalto@gmail.com
Sent: Friday, November 4, 2022 12:39 PM
To: 'Bailey Taylor (adpce.ad)'; 'Nick Jones. (Engineer Supervisor)'; 'Julie Linck'
Cc: calhog18@gmail.com; 'Jami Morgan'; 'Robin Lundstrum'; 'Clint Penzon'; 'Kenneth Lovett'; Angie Russell
Subject: Late Notice of Public Meeting

To whom it may concern,

Although I appreciate the public meeting about the WM expansion held this week in NWA, I wanted to make you aware of a situation. I did receive an invitation to attend that was postmarked Monday, 10/31/22; however, it actually appeared in my rural mailbox on Thursday, 11/3/22 – the day AFTER the meeting! IF I had not been networked locally, I would have missed the meeting all together! I have to wonder how many others who had written to you missed the meeting because of the late notice. Please consider using this example of how long the USPS takes to delivery mail and send the communication much earlier in the future so that citizens can be prepared and make arrangements to attend important meeting.

Thanks for your time!

Donna Pianalto

12525 Arbor Acres Rd
Springdale, AR 72762
(479)200.2200
dovepianalto@gmail.com

Charles Hurt (adpce.ad)

From: Angie Russell <mayor@tontitownar.gov>
Sent: Friday, November 4, 2022 12:27 PM
To: Mark Calcagni
Cc: Nicholas Jones (adpce.ad); Julie Linck (adpce.ad); Becky Keogh (adpce.ad); Bailey Taylor (adpce.ad); David Witherow (adpce.ad); Jarrod Zweifel (adpce.ad); Annette Cusher (adpce.ad)
Subject: RE: Public Hearing Eco-Vista Recap Talk-- Mark Calcagni

Mr. Calcagni,

Thank you for your email. I will pass this along to the ADEQ representatives.

Sincerely,

~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

From: Mark Calcagni
Sent: Thursday, November 3, 2022 12:14 PM
To: nicholas.jones@adeq.state.ar
Cc: Bailey Taylor ; Angie Russell ; angie.russell44@gmail.com; Kenneth Lovett ; Donna Pianalto ; Penny Baskin ; Russ Greene ; Jami Morgan ; Tim Burrell ; Robin Lundstrum
Subject: Public Hearing Eco-Vista Recap Talk-- Mark Calcagni

Mr. Jones,

I wanted to give you just the bullet points from my speech against the expansion of Eco-Vista::

- **THE CITY OF TONTITOWN VOTED AGAINST EXPANSION.** You went over the process for expansion as I understand -1ST Boston Mountain Solid Waste provides need/approval then it goes - 2ND to the CITY OF TONTITOWN for approval then - 3RD to ADEQ approval if I have that correct?
- First and foremost health and safety reasons
- Poor Air Quality (gases and odors) Ms. Linck experienced this - headache/watery eyes!
- Environmental issues
- Water runoff/leachate into the stream that runs into the Illinois River.

- Concerns from the Directors of the Illinois Watershed Partnership and the Oklahoma Conservation Commission as water flows to Oklahoma
- Debris on the heavily traveled residential road along with heavy truck traffic and blown debris in neighbors' yards. ADEQ has pictures of these issues.
- GROWTH of the Area as it has become RESIDENTIAL unlike the landfills in Ft Smith, Little Rock, and Tulsa (1500 homes in Fayetteville/Springdale/Tontitown -VS- 350 homes in Fort Smith are that are less than a mile from their landfill). Many more houses are being built in Tontitown
- Poor Management of Landfill. Improper cover or no cover. Many examples have been brought to the attention of ADEQ
- Poor Communication by Eco-Vista WM to the neighbors. WM has stopped our bi-monthly meetings and requires us to go through a third party to communicate with them that is in the state of Indiana. Is WM a good neighbor?
Answer: No!

Again, thank you for taking the time to allow a public hearing. Our community's hope is that ADEQ will not allow expansion and listen to the City of Tontitown that has voted down the expansion for all the reasons you have heard and seen.

Thank You

Sincerely,

Mark Calcagni
12642 Arbor Acres Road Springdale, AR 72762
479-236-8539

Charles Hurt (adpce.ad)

From: Angie Russell <mayor@tontitownar.gov>
Sent: Friday, November 4, 2022 12:30 PM
To: Kenneth Lovett; Nicholas Jones (adpce.ad); Julie Linck (adpce.ad); Becky Keogh (adpce.ad); Bailey Taylor (adpce.ad); David Witherow (adpce.ad); Jarrod Zweifel (adpce.ad); Annette Cusher (adpce.ad)
Cc: Perry Elyaderani; Mark Calcagni; Jami Morgan; Angie Russell; Penny Baskin; D. Russ Greene; Donna Pianalto; Dennis Boyer; Gene McCartney; Amber Ibarra; Arthur Penzo; Larry Ardemagni; Penny Baskin; Tim Burress; Kevin Boortz; Tom Joseph; Josh Craine; Michael Lunsford; James Dean; Candy Black; Permits Department; Planning Department; press@governor.arkansas.gov; James Clark; Charlene Fite; Corey Jenison; Robin Lundstrum; Clint Penzo
Subject: RE: Public Meeting Comments - Kenneth Lovett
Attachments: image004.emz

Thank you, Mr. Lovette.

I appreciate your concerns on this matter.

Sincerely,

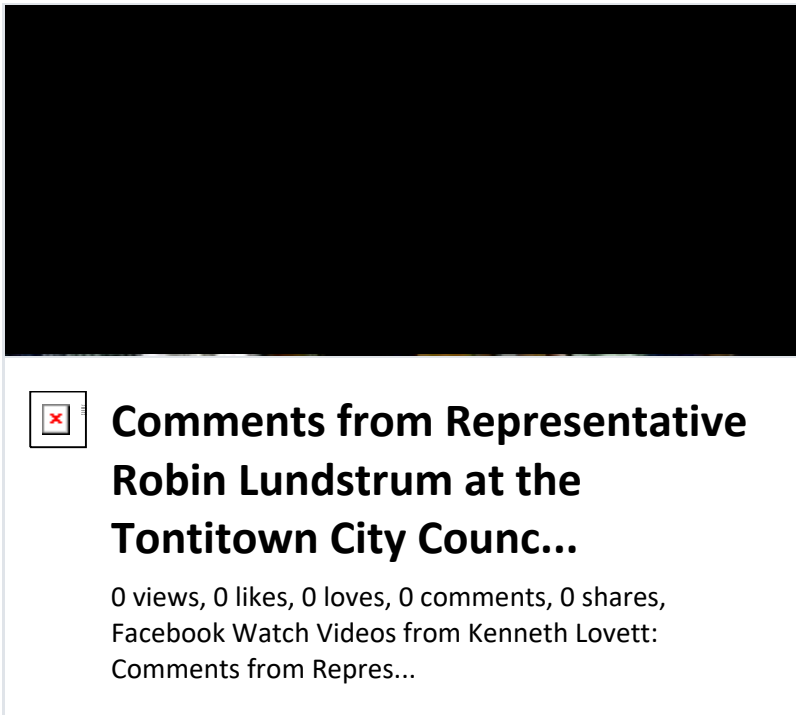
~Mayor Angela Russell



Mayor Angela Russell
City of Tontitown
235 E Henri De Tonti Blvd
Tontitown, AR 72770
Phone 479-361-2700
www.tontitown.com

From: Kenneth Lovett
Sent: Thursday, November 3, 2022 9:58 AM
To: Nicholas Jones (adpce.ad) ; Julie Linck ; Becky Keogh ; Bailey Taylor ; Witherow, David ; Jarrod Zweifel ; Annette Cusher - Landfill Expert
Cc: Perry Elyaderani ; Mark Calcagni ; Jami Morgan ; Angie Russell ; Penny Baskin ; D. Russ Greene ; Donna Pianalto ; Dennis Boyer ; Angie Russell ; Gene McCartney ; Amber Ibarra ; Arthur Penzo ; Larry Ardemagni ; Penny Baskin ; Tim Burress ; Kevin Boortz ; Tom Joseph ; Josh Craine ; Michael Lunsford ; James Dean ; Candy Black ; Permits Department ; Planning Department ; press@governor.arkansas.gov; James Clark ; Fite, Charlene ; Corey Jenison ; Lundstrum, Robin ; Clint Penzo
Subject: Re: Public Meeting Comments - Kenneth Lovett

Attached is a link to the CASE group. This link goes to the comments made by Representative Robin Lundstrum in the Tontitown City Council Meeting on 11/01/2022.



Thank you,
Kenneth Lovett

On Thursday, November 3, 2022 at 12:01:16 AM CDT, Kenneth Lovett <kenneth.lovett@att.net> wrote:

There have been 4 occasions in the past few weeks where the gas was obvious. The problem with this is we don't know what this gas is. I want you to consider this. If this unknown gas is Benzene, the PPM for 8 Hour exposure is 1 ppm. Do you know how small that concentration is? Do you want this to continue and affect your family personally?

When you state our comments will be addressed in the final permit, it sounds like you have already made a decision.

THE ISSUE I SEE HERE IS WE HAVE TWO COMPLETELY DIFFERENT WORLDS COLLIDING.

PAPERWORK AND PROCEDURES from ADEQ Leaders.

REAL WORLD ACTIONS by WM and ADEQ Inspectors.

This decision comes down to integrity vs money. It's about human decency.

Currently, Laws and regulations are twisted to conform to a specific groups translation to fit their purpose. CLASS 4 went 16 days without coverage. Class 4 is never covered properly. Foreign materials not classified for Class 4 are dumped there and never separated. Cardboard, paints, general trash, etc.

You say flow test are done to know where to put sample wells. Too late once it gets to the well. Already released to environment.

We don't need this landfill. Anyone who says we do is uninformed on options.

Madison County sends to Kansas.

When ask, No one wants to discuss details.

There are other options that we have pointed out but people like Quitter Paul Colvin and FIRED Boston Mountain Solid Waste District Board director, Maylon Rice, keep talking and not listening.

I want ADEQ to shutdown intake to Eco Vista Waste Management, until they can stop the vapors. Can't stop vapors, no intake...

The Tontitown City Council has voted a resolution to halt Eco Vista Expansion until all issues have been corrected.

Leachate NOT Treated till after it travels through Tontitown 14 miles to NACA.

Benzene PPM limits:

Airborne: The maximum time-weighted average (TWA) exposure limit is 1 part of benzene vapor per million parts of air (1 ppm) for an 8-hour workday and the maximum short-term exposure limit (STEL) is 5 ppm for any 15-minute period.

Shutdown intake till vapors are identified and properly addressed.

If there was any apparent attempt to do the right thing, i might consider listening to WM. But there is none. They hired Terracon Consultants, Inc.

<https://www.terracon.com/> to test for odor intensity. Intensity only! Sniff this, then sniff this, which one smells worse...

People live here and have to live through the effects you allow if it continues. Are you OK being responsible for early deaths of human beings in this area due to Landfill?

The regulations are written for and by Waste Management. Reference an email between Annette Cusher and David Conrad.

Jamie Vernon, David Thorley and 7 or 8 others stood at mystery gas intersection (South Pianalto and Arbor Acres) to test with gas tubes selected by me. Jamie stated he would do all he could to identify the mystery gas.

Nothing has been done.

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

Sent: Monday, May 23, 2022, 11:17 PM

To: cusher@adeq.state.ar.us <cusher@adeq.state.ar.us>; Nick Jones. (Engineer Supervisor) <jonesn@adeq.state.ar.us>

Subject: Karst Formation in District

Good Evening,

Annette and Nick,

I am concerned why you would continue to consider allowing Waste Management Eco Vista to expand. In the Audit report that was released October 11, 2002 (Attached) it clearly states that there is no suitable site in the district for a Landfill due to the KARST Formation of the area. Yet in the latest communication from May 6th, there are options to continue moving forward with a liner. A liner that also shows to have degraded due to the area conditions.

Also why are permits written to control the stack emissions of the Waste Gas Plant and once they leave the stack, they "Seem" to no longer be a concern to DEQ. If current regulations are being met year around, the regulations are not correctly designed for this operation.

They need scrubbers on each engine exhaust and both flares. Burying the gasses exiting the landfill just causes another chemical reaction. Burning does not neutralize the reaction or the gasses and vapors. Once emissions leave the Eco Vista Property they should have been dealt with and neutralized or acceptable to the environment.

These Fugitive emissions we are experiencing are not neutralized. They are affecting our lives daily. Who is responsible for testing the PPM of these gasses. Is that left to the individuals of the area? If the DEQ is not responsible for tracking and testing these gasses, who is?

Nothing I can say here hasn't already been discussed 10,000 times. The answer always comes back to one point. That point being, Nobody likes to get thrown under the bus. In my opinion the ADEQ issue was thrown under the bus and run over multiple times on May 2, 2018 when Ellen Carpenter's comments on The proposed draft Regulation No. 37 was submitted.

Instead of fixing the problem, the ADEQ Director, at the time, Becky Keogh, built a case against the public information officer for ADEQ that had a perfect record, then fired her WITHIN A MONTH.

Thank you,

Kenneth Lovett

PS: Nobody likes to get thrown under the bus. In my opinion the ADEQ issue was thrown under the bus and run over multiple times on May 2, 2018 when Ellen Carpenter's comments on The proposed draft Regulation No. 37 was submitted.

<https://arktimes.com/news/arkansas-reporter/2018/06/28/adeq-pio-fired>

Are you familiar with Ellen Carpenter. She wrote a comment on May 2 2018.

But one critical comment, submitted May 2 by former ADEQ employee Ellen Carpenter, also marshaled publicly available figures to question whether the agency was capable of establishing a complex new system.

"The proposed draft Regulation No. 37 introduces an entirely new statewide trading program without considering the costs in terms of resources and staff to ADEQ to administer such a program," Carpenter wrote. "ADEQ has undergone significant reorganization in the past two to three years. New management positions have been created in the Director's Office, most of the senior managers who were career employees either are no longer with the agency or are no longer in the program area over which they have extensive experience, and a large number of staff positions occupied by those who perform the agency's work on the ground went unfilled during 2017[.]"

Carpenter's comment didn't mention the names of specific employees, but it hinted at a complaint circulating among some ADEQ staffers for years: That veteran employees have been replaced by individuals with personal connections to Governor Hutchinson's office or the Republican Party of Arkansas.

ADEQ needs reorganization with qualified individuals that can get the job done.

Lock the gates at Eco Vista and clean up this mess, Please!

Charles Hurt (adpce.ad)

From: Angie Russell <mayor@tontitownar.gov>
Sent: Friday, November 4, 2022 12:11 PM
To: Tammy Graham
Cc: Nicholas Jones (adpce.ad); Julie Linck (adpce.ad); Becky Keogh (adpce.ad); Bailey Taylor (adpce.ad); David Witherow (adpce.ad); Jarrod Zweifel (adpce.ad); Annette Cusher (adpce.ad)
Subject: RE: VOTE NO to EcoVista Class 4 application

Ms. Graham,

Thank you for your email. I will pass this along to the ADEQ representatives.

Sincerely,

~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

From: Tammy Graham
Sent: Friday, November 4, 2022 8:46 AM
To: Angie Russell
Subject: Fwd: VOTE NO to EcoVista Class 4 application

Sent from my iPhone

Begin forwarded message:

From: Tammy Graham <summerbee60@gmail.com>
Date: November 4, 2022 at 8:22:31 AM CDT
To: nicholas.jones@adeq.state.ar.us
Cc: tammy graham <summerbee60@gmail.com>
Subject: VOTE NO to EcoVista Class 4 application

Sir,

After hearing the impassioned pleas to stop the expansion of the residents of Tontitown at the meeting last Wednesday, you understand how badly we wish to be assured ADEQ will protect our health and our property.

EcoVista has NOT been a good neighbor. They do not keep their word and, apparently, feel they are free to run rough-shod over our community. And, thus far, they have.

If the class four application is approved, we are not gullible enough to believe anyone will be checking the trucks' loads to assure only "bricks" or scrap lumber is being hauled in.

ADEQ admitted the dye test revealed evidence of water communication from the dump with Little Wildcat creek, a tributary to the Illinois river. Oklahoma has sued Arkansas once over contamination.

As I said when I spoke, there is an old swimming hole on Little Wildcat where families have taken their kids for generations to play in the water during the Summer. Think about that, please. Do you have kids?

I will not be convinced Waste Management is so poor they cannot find a less populated area to open a new landfill. For many of us, our homes represent the largest asset we have and the situation is bad enough now. We do not want to wake up hearing we live next to a super fund site.

At some point, this area will have developed to the point there will be a landfill in the middle of a city. That make absolutely no sense.

I don't know what else to say.

All we can do now is pray and hope our voices have been heard.

Thank you,

Tammy Graham

Charles Hurt (adpce.ad)

From: Angie Russell <mayor@tontitownar.gov>
Sent: Friday, November 4, 2022 11:21 AM
To: Nicholas Jones (adpce.ad); Julie Linck (adpce.ad); Becky Keogh (adpce.ad); Bailey Taylor (adpce.ad); David Witherow (adpce.ad); Jarrod Zweifel (adpce.ad); Annette Cusher (adpce.ad)
Subject: Tontitown City Council Votes Unanimously to Deny support of the Class 1 & 4 WM Eco Vista Landfill Expansion - Resolution
Attachments: Resolution - signed and stamped.pdf

To All It May Concern:

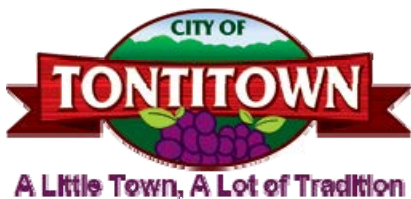
On November 1, 2022, the Tontitown City Council voted on a resolution to deny the final approval of the Waste Management Eco Vista Landfill Expansion. This is the first time the City Council has voted on the expansion, and the vote was unanimous. I have attached the Resolution which has been signed by Tontitown officials, stamped, and filed at the Washington County Courthouse.

The host city, Tontitown, Arkansas, does not support the expansion of the class 4 Waste Management Eco Vista Landfill. The reasons we do not support the expansion are listed in the Resolution.

The city council has determined that the location of the Landfill expansion gives rise 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.

Sincerely,

~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

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

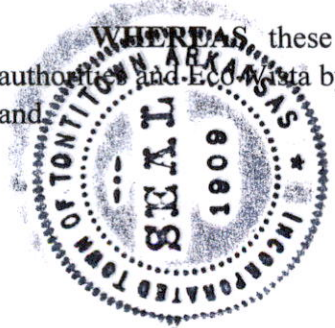
WHEREAS, on October 6, 2020, the Tontitown City Council adopted Ordinance No. 2020-10-900 to rezone approximately 417.1 Acres of the Landfill property from R-MH and R-1 zoning districts to EU-L, Exclusive Use-Landfill; and

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:

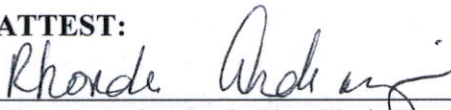
Section 1. It is hereby the express desire of the Tontitown City Council, for the reasons set forth above and to the extent possible, that the final approval of the Landfill expansion be denied, or in the alternative delayed until such issues which are negatively affecting the health, safety and welfare 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



Charles Hurt (adpce.ad)

From: Janet Taylor <arrunner@gmail.com>
Sent: Friday, November 4, 2022 12:46 PM
To: Nicholas Jones (adpce.ad)
Subject: Tontitown landfill expansion

My name is Janet Stockton-Taylor. I have lived at 992 Klenc Rd, Tontitown, AR 72762 since 1985. I was born and raised in Tontitown. My grandparents were the original settlers here. Over the years I've seen an increase in the amount of trash and smells coming from the landfill. The last few years have gotten much worse. It's not every day but I've noticed that I can smell the landfill more and more. Sometimes I can't smell it at my house but when I walk to the back of my field the odor has settled where the land slopes back. Or it's at the top of my driveway next to the road. I'd like to know what is entering my lungs!

The amount of landfill trash I pick up off my property is ridiculous. I appreciate that WM has people walking the road picking up trash occasionally. Although I have called WM when I witnessed them doing nothing but walking with their noses in their phones instead of picking up trash. But when they do pick up the trash, they only pick up what's in the ditch. They don't get all the trash that the wind has blown into my yard and field. It's a daily task to keep the front of my property clean.

WM used to be a pretty good neighbor. But I don't think they care anything about what damage they're doing to this town or the residents here. They've become the trashy, smelly neighbor that you don't want guests to know you have.

I'm asking that you disapprove their request for a landfill expansion. Or at the very least, put it on hold until they've adequately addressed the constant trash and odors they make the citizens of this town endure.

Respectfully, Janet Stockton-Taylor

Charles Hurt (adpce.ad)

From: Tammy Graham <summerbee60@gmail.com>
Sent: Friday, November 4, 2022 8:23 AM
To: Nicholas Jones (adpce.ad)
Cc: tammy graham
Subject: VOTE NO to EcoVista Class 4 application

Sir,

After hearing the impassioned pleas to stop the expansion of the residents of Tontitown at the meeting last Wednesday, you understand how badly we wish to be assured ADEQ will protect our health and our property.

EcoVista has NOT been a good neighbor. They do not keep their word and, apparently, feel they are free to run roughshod over our community. And, thus far, they have.

If the class four application is approved, we are not gullible enough to believe anyone will be checking the trucks' loads to assure only "bricks" or scrap lumber is being hauled in.

ADEQ admitted the dye test revealed evidence of water communication from the dump with Little Wildcat creek, a tributary to the Illinois river. Oklahoma has sued Arkansas once over contamination.

As I said when I spoke, there is an old swimming hole on Little Wildcat where families have taken their kids for generations to play in the water during the Summer. Think about that, please. Do you have kids?

I will not be convinced Waste Management is so poor they cannot find a less populated area to open a new landfill. For many of us, our homes represent the largest asset we have and the situation is bad enough now. We do not want to wake up hearing we live next to a super fund site.

At some point, this area will have developed to the point there will be a landfill in the middle of a city. That make absolutely no sense.

I don't know what else to say.

All we can do now is pray and hope our voices have been heard.

Thank you,

Tammy Graham

Charles Hurt (adpce.ad)

From: Debbie <dmjm361@cox.net>
Sent: Friday, November 4, 2022 6:18 PM
To: Nicholas Jones (adpce.ad)
Subject: Waste Management Class 4 expansion in Tontitown, AR

First, I am 100% opposed to the proposed expansion. Why?

-asbestos, paints, and various chemicals associated with construction waste are health hazards and flammable. There have been numerous fires already at the facility and this could increase fires with dispersement of gases and fumes to residents particularly nearby which I am (directly across street, so within several feet)

-the only liner required is a clay type liner so therefore especially with the karst formation, the disintegrated material can move outside of WM boundaries to private property and again be hazardous.

-the city of Tontitown has withdrawn support of the expansion

-ADEQ claims class 4 has no odors but WM blamed citizen complaints of smell were related to drywall breakdown which is construction material

Again I am completely opposed to the expansion and would appreciate support from my state office that deals with this

Debbie Blaylock

Sent from my iPhone

August 17, 2022

AFIN: 72-00144
PMT#: 0290-54-RI

Mr. Nick Jones
Office of Land Resources
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

AUG 22 2022

DOC ID#: 81734
TO: AC > FILE < KM

Dear Mr. Jones,

I am writing this letter in opposition of Waste Management Tontitown AR expansion. My wife/family and I have lived at our home and farm for close to 40 years. I have seen this area grow extremely fast over the last several years. I am one of the very few farms left and feel this area has become heavy residential and I understand more homes are being built or planned.

We have experienced horrible odors and gas smells along with blown trash in neighbor's properties and mud dirt on the roads due to heavy landfill truck traffic. I have noticed my cattle have had diseases that I believe our associated with the landfill. I worry about the ponds and creeks my animals drink out of as I know there is runoff from the landfill that gets into the creeks in the area. I see many people using Little Wildcat Creek as a swimming hole. I would not recommend anyone swimming there as I believe there is runoff there.

The landfill has been here too long and I am worried my wife's health issues are related to the landfill. Please make a decision not to expand this landfill for the health of our growing neighborhoods.

Thank You.

Sincerely,



Glen Odglen
12601 Arbor Acres Road
Springdale, AR 72762
PH# 479-200-2677
glenodglen@cox.net

From: Penny Baskin <sugarbearsmommy4jesus@yahoo.com>
Sent: Thursday, November 3, 2022 11:19 AM
To: Nicholas Jones (adpce.ad)
Subject: Landfill expansion

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr Jones,

I am writing to request that ADEQ make the decision to not approve the expansion at this time. I further request that you shutdown trash coming from out of state and out her areas of our state until they can fix things for Tontitown citizens, giving them peace of mind that the vapor gases that were at my home waiting on me as I arrived home last night after the meeting. I find it totally irresponsible on the DEQ part to force citizens to live with these problems and dangers. We Have repeatedly asked for waste management to do things by regulation 22 and they continually find way around things. The complaint process is 100% fail proof for them so it really is just a joke and waste of time because they refuse to say the gases/vapors/odors are actually from WM so ADEQ has to do a no finding even though they fully know there is a gas/vapor harming us.

Wm is allowed to follow any rule they want with no fear of correction. They laugh in the face of citizens over many issue like noise, trash blowing, muddy roads and houses, misters, operation hours, PR, buying local sponsorships to said see we helped our community. Recycling is a joke as they are dumping that stuff in the dump along with regular trash as witnessed by many that are paying for it.

Wm doesn't care about being a good neighbor or about the health and safety of our city and county.

WM is only concerned about making money so they can afford to move 20-30 mins out in country and only use our local for NWA trash under the current plan. Send the rest further out would allow many years to finish filling this area but citizens will be harmed if it is not changed to help our town. They say stop building but that also stops people from selling and I have heard stop developers but that would harm our city as well. We could all move in that 1-2 mile radius but that to would destroy our city so I request you say no to the expansion until things can improve. We the citizens deserve to be safe. We also deserve to be able to communicate with a real person with issues.

Our air quality and water drainage is being damaged by this business and ADEQ chooses how that looks for all of us in that 2 mile radius. It's more than a job for us, it's our lives and our children and grandchildren's lives. Please make a difference for our area by denying the expansion until things are fixed and safe. Deny it because it is the right thing to do and people are more important than dumps or we would be trash too!

Thank you for your consideration in this matter. If you need to reach me for questions please call 918-724-4661. Have a blessed day!

Penny Baskin
1539 S Pianalto rd
Tontitown AR, 72762

Sent from my iPhone

From: Allison Gochenour <agochenour20@yahoo.com>
Sent: Thursday, November 3, 2022 11:47 AM
To: Nicholas Jones (adpce.ad)
Subject: Eco-Vista Landfill

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Jones,

I am inquiring about the possible expansion of the Eco-Vista Landfill. I believe that the expansion should NOT be granted nor accepted for the following reasons:

1. Biogas is not only poor for our environment, but the combination of methane gas and carbon dioxide are found to cause climate change and global warming as well. An increase in these fumes is detrimental to every single individual breathing it in, our society, and our world as a whole.
2. The City of Tontitown Council has voted against the landfill expansion as well as expressed their concerns at multiple public hearings about the planned expansion, citing worries about odor control, ground pollution, and toxins.
3. The environmental issues that the Eco-Vista Landfill has ALREADY contributed to include contamination of local groundwater. Moreover, this mixture is found to de-oxygenate water which means that once it reaches our local creeks, rivers and lakes, it results in the death of aquatic life. Choosing to move forward with the expansion of the Evo-Vista Landfill would not only continue to significantly increase the contamination in groundwater, but it would continue to negatively impact our soil fertility as well.
4. The safety of our Tontitown residents as well as the individuals who work at the dump are compromised. Potential fires, gas leaks, and injuries are all situations that could be prevented, especially if the dump were not to expand. Why would we knowingly continue to put those in jeopardy?

All in all, the negatives that would arise from expanding the Eco-Vista Landfill greatly outweigh the positives. I believe that the ethical and moral thing should be to consider the health and safety of our local residents; and by doing so, it should be easily concluded that the Eco-Vista Landfill should NOT be expanded.

Thank you for taking the time to read this email.

From: Mark Calcagni <calhog18@gmail.com>
Sent: Wednesday, November 2, 2022 8:56 PM
To: Nicholas Jones (adpce.ad)
Cc: angie.russell44@gmail.com; Kenneth Lovett; Donna Pianalto; Russ
Greene; Tim Burress; ward3-1@tontitwnar.gov
Subject: Waste District Director Fired

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Jones

The comments made by Maylon Rice should not go on record as he said he worked for Boston Solid Waste District , but was fired some time ago due to fraud . Please see article below:

That is truly wrong and I hope that should be discredited as being deceitful in swaying your decision on the expansion. It's lying !

Thank You again for this opportunity to make public comment. Hope you had safe travels.

Sincerely

Mark Calcagni

<https://www.nwaonline.com/news/2012/sep/14/waste-district-director-fired/>

Sent from my iPhone

**FINAL PERMIT
FOR THE CONSTRUCTION AND OPERATION OF A
SOLID WASTE DISPOSAL FACILITY**

**ISSUED BY
STATE OF ARKANSAS
DEPARTMENT OF ENERGY AND ENVIRONMENT
DIVISION OF ENVIRONMENTAL QUALITY
OFFICE OF LAND RESOURCES**

Class 4 Landfill

Permit Number	0290-S4-R2
AFIN	72-00144
Modification Effective Date	March 17, 2023
Original Issue Date	April 16, 1997
Modifications	0290-S4-R1 Dated April 11, 2000
Permit Owner & Address	Eco-Vista, LLC 2210 Waste Management Drive Springdale, Arkansas, 72762
Facility Site Name & Address	Eco-Vista, LLC Class 4 Landfill 2210 Waste Management Drive Springdale, Arkansas, 72762
Location	Section 23, Township 17 North, Range 31 West, Washington County, Arkansas
Permitted Waste Disposal Area	40.7 Acreage
Property Area	609 Acreage
Latitude/Longitude	36°08'23.97364"/94°15'23.68158"

By this permit Eco-Vista, LLC, hereinafter called "owner" or "permittee," is authorized for the construction and operation of the solid waste disposal facility as set forth in the permit modification application to the Division of Environmental Quality (DEQ) received on July 6, 2021 (Document ID 80453). The application was completed through a series of documents furnished by the applicant which includes Document ID 81907 (May 9, 2022), Document ID 80395 (June 28, 2021), Document ID 82167 (June 17, 2022), Document ID 82353 (June 22, 2022), and Document ID 82354 (July 13, 2022). This permit is issued pursuant to the provisions of the Arkansas Solid Waste Management Act (Arkansas Code Annotated § 8-6-201 et seq.) as amended, hereinafter called the "Act"; Rule No. 22, Arkansas Solid Waste Management Code, as adopted by the Arkansas Pollution Control and Ecology Commission (APC&EC), hereinafter called APC&EC Rule No. 22; all other applicable Rules of the Division of Environmental Quality, hereinafter called "Division" or "DEQ"; and the following terms and conditions:

DESCRIPTION OF THIS PERMIT ACTION

This permit modification is for a lateral expansion of the permittee's Class 4 landfill. This permit modification expansion will allow disposal on an additional 12.2 acres and approximately 11.6 years of continued disposal of waste eligible for a Class 4 landfill as defined in APC&EC Rule No. 22. On the effective date, this permit modification supersedes all prior permits and permit modifications issued by the Division for this Class 4 Permit.

SITE SPECIFIC CONDITIONS

1. This permit is for an approximately 609-acre site with a permitted waste disposal area of approximately 40.7 acres as indicated on the approved design plans (Document ID 80453). The final grades and elevations shown on the approved plans shall not be exceeded in anticipation of settlement and consolidation of the waste mass. This permit will expire when the disposal area described in the approved plans has been filled to design capacity, is closed, and post closure care is completed in accordance with the provision of APC&EC Rule No. 22.
 - a. The Division shall be notified in writing upon construction of each disposal unit and upon facility closure in order that it may be inspected.
 - b. Changes to or deviations from the construction/layout and operation of the facility, as indicated on the approved facility plans indicated below, and on the approved permit application documentation, are not authorized unless approved in writing by the Division.
 - c. The approved permitted plans for Eco-Vista, LLC Class 4 Landfill include the following:

i).	Existing Conditions and Site Map	Sheet 2 of 12, Document ID 80453
ii).	Subgrade Plan	Sheet 3 of 12, Document ID 80453
iii).	Top of Clay Liner	Sheet 4 of 12, Document ID 80453
iv).	Final Cover	Sheet 5 of 12, Document ID 80453
v).	Storm Water Plan	Sheet 6 of 12, Document ID 80453
vi).	Cross section A	Sheet 7 of 12, Document ID 80453
vii).	Cross Section B	Sheet 8 of 12, Document ID 80453
viii).	Liner and Final Cover Details	Sheet 9 of 12, Document ID 80453
ix).	Liner and Final Cover Details cont.	Sheet 10 of 12, Document ID 80453
x).	Leachate Collection Details	Sheet 11 of 12, Document ID 80453
xi).	Erosion Control Details	Sheet 12 of 12, Document ID 80453
2. The facility is permitted for 4,590,000 cubic yards of solid waste disposal, including daily and intermediate cover material.
3. The initial total amount of financial assurance is **\$1,234,162**. Of this amount, **\$1,092,022** will be required for closure costs; **\$142,140** will be required for post-closure costs. An 80% reduction in financial assurance for post-closure care is available to facilities that contribute to the post-closure trust fund. 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 financial instruments used must be in one of the forms set forth in APC&EC Rule No. 22 or as otherwise approved by the Division;
 - b. Operations allowed under this permit shall not commence until all financial assurance is satisfactorily filed with the Division; and
 - c. A portion or all of the financial assurance may be held by the Division beyond the time of cessation of disposal operations at the site to ensure satisfactory closure and post closure care (APC&EC Rule No. 22.1402(b) & 1403(b)).
4. This permit is for the disposal of bulky inert, non-putrescible Class 4 solid waste as defined by APC&EC Rule No. 22. This waste includes non-compostable wood waste such as tree trunks, stumps, demolition and construction debris, shredded or processed tires as defined by APC&EC Rule No. 36, Rules and Administrative Procedures for the Waste Tire Program, and furniture and other inert wastes that the Division may approve for disposal. Appliances may be disposed provided polychlorinated biphenyls (PCBs) and chlorofluorocarbons (CFCs) are removed from the appliance prior to disposal in accordance with applicable state and federal regulations. Hazardous and/or toxic waste materials, liquid or semi-liquid waste, household wastes of any kind, putrescible waste, paper waste including bulk cardboard and "Special Materials" as these terms may be used by APC&EC Rule No. 22 are not authorized for acceptance and disposal at the facility. Cardboard mixed with construction and demolition waste may be disposed in the landfill.
 5. At a minimum, a weekly cover of six (6) inches of compacted soil shall be applied to all exposed waste or on a regular schedule authorized by the Division. Cover material shall be applied on a more frequent basis if necessary to provide for the control of leachate, blowing litter, disease vectors, fires, odors, scavenging, or to prevent harm to human health or the environment. An intermediate cover of sufficient quantity but not less than twelve (12) inches of soil cover (including six (6) inches of daily cover) shall be applied over disposed waste in any area that is not to receive an additional application of waste or final cover within one hundred eighty (180) days in accordance with Section 22.609(b) of APC&EC Rule No. 22.
 6. Prior to construction of any cell of the lateral expansion, the permittee must notify the DEQ Office of Water Quality of the proposed changes in the storm water collection system and submit an application for a revision of the permittee's National Pollutant Discharge Elimination System (NPDES) permit(s) to establish compliance with APC&EC Rule No. 22.615.
 7. The permittee shall implement the Construction Quality Assurance (CQA) Plan under Document ID 82167. In addition to the implementation of the approved CQA Plan, the facility shall fully meet all requirements of APC&EC Rule No. 22.624. The facility shall be required to submit construction plans and specifications to the Division prior to each construction event at the facility.

8. The bottom liner system shall be eighteen (18) inches or more of compacted clay material exhibiting permeability equal to or less than 1.0×10^{-5} cm/sec. The approved bottom liner configuration is shown on Sheet 4 of 12, Document ID 80453 (APC&EC Rule No. 22.621(c)).
 - a. Proper construction of the bottom clay liner of each waste cell shall be observed and certified to the Division by a Registered Professional Engineer in a Construction Certification Report in accordance with the approved CQA Plan whenever a cell is prepared for use.
 - b. The Construction Certification Report shall include Construction Quality Assurance/Quality Control (CQA/QC) test results as indicated in the approved CQA Plan; drawings indicating the location, designation, and extent of area(s) actually constructed for use; and test locations.
 - c. The Certification Report shall be submitted to the Division at least fourteen (14) days prior to waste placement in that cell.
9. The permittee shall implement the requirements detailed in the Operating Plan and Narrative submitted to the Division under Document ID 80453. In addition to the implementation of the approved Operating Plan and Narrative, the facility shall fully meet all operating requirements of APC&EC Rule No. 22 unless specifically addressed by a permit condition.
10. After the final elevations are attained, the final cover system shall be constructed and a thick vegetation cover shall be established and maintained. Following establishment of cover vegetation, the vegetation shall be mowed at least annually or as needed during the growing season to control undesirable annual weeds and woody vegetative growth, and to facilitate proper inspection of the final cover system (APC&EC Rule No. 22.607(i)).
11. The Final Cover system will consist of either eighteen (18) inches of compacted clay with a permeability of 1×10^{-5} cm/sec or less and six (6) inches of topsoil or a geosynthetic clay liner, twelve (12) inches of soil and six (6) inches of topsoil. A suitable vegetative cover of perennial grasses shall be established and maintained.
12. The post-closure maintenance period for this facility shall be a minimum of two (2) years starting on the date the Division accepts closure of the facility. The length of the post closure period may be decreased or increased by the Director in accordance with APC&EC Rule 22.1302(c)(4).

13. Leachate shall be trucked to a sewage treatment plant or disposed in an alternate manner approved by the Division. The quality and quantity of leachate produced shall be monitored during the active life of the landfill and during the post-closure period for as long as significant amounts of leachate are produced. Leachate storage capability is subject to Division approval based upon actual leachate flow rates. Division approval must be obtained prior to any changes in leachate disposal methods. The following shall be monitored for each leachate disposal event:

Monitored Parameters and Constituents	
Volume Disposed	Cadmium
COD (or TOC)	Chloride
BOD5	Chromium
pH	Copper
Total Dissolved Solids	Lead
	Nickel
	Sulfate
	Zinc

Monitoring results shall be submitted directly from the contract laboratory to the Division after each monitoring event. For disposal of leachate at publicly owned treatment works [POTW] with approved industrial wastewater pre-treatment programs, testing requirements of the POTW may be substituted for tests required herein.

Drainage material used in the leachate collection system must be free of organic and carbonate material and meet the requirements of Section 22.425 (d) (2) of Rule No. 22.

14. A groundwater monitoring system shall be established and maintained to include the Class 4 area. Because of the proximity of the Class 4 landfill 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. The groundwater monitoring system will follow the requirements of Chapter 12 of APC&EC Rule 22. The Division reserves the right to require changes to the groundwater monitoring system based upon a review of the pending Class 1 permit modification application and the results of monitoring at existing monitoring wells.
15. Spring/Creek Sampling – The facility shall conduct surface water sampling of the location where dye was documented to be discharging in a February 22, 2022 complaint for Wildcat Creek (see Document ID 82225). The dye had previously been injected into a pit in the Class 4 landfill expansion area. This Wildcat Creek location is 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 (Document ID 82354). The sampling location will be near this rebar and downstream of the entrance of the spring discharge into Wildcat Creek (Document ID 82354).

The sampling results for this location will be for informational purposes and will not be subject to the groundwater monitoring regulations within Chapter 12 of APC&EC Rule 22. However, if concentrations within the spring and creek indicate impacts, the Division may

require the landfill facility to perform additional investigations to determine if the facility is the source of the impacts.

This location will be sampled semi-annually for iron, manganese, and the Assessment Monitoring Constituent (AMC) list as defined in APC&EC Rule 22 for the conjoined Class 4 and Class 1 groundwater monitoring system. The AMC list consists of APC&EC Rule 22 Appendix 1 parameters and any APC&EC 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 iron, manganese and the APC&EC 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.

16. Additional Monitoring Wells – Within sixty (60) calendar days of effective date of this 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.

GENERAL CONDITIONS FOR CLASS 4 FACILITIES

17. 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 employee or agents.
18. The disposal facility shall be constructed, maintained, and operated in accordance with the final plans, specifications, and operating plan and narrative submitted in the application, and in compliance with all applicable provisions of the Act, APC&EC Rule No. 22, and all other applicable rules and regulations.
19. Any statements in the operating narrative, specifications, and/or engineering plans that conflict with APC&EC Rule No. 22, permit conditions herein, or other applicable laws and regulations shall not be considered authorized by the Division.
20. At all times the disposal facility shall be maintained in good condition and operations shall be conducted by licensed, qualified on-site operators holding the appropriate license as required by APC&EC Rule No. 27, Licensing of Operators of Solid Waste Management Facilities and Illegal Dump Control Officers.
21. All disposal fees shall be paid to the Division in accordance with APC&EC Rule No. 11.
22. The bottom liner shall be eighteen (18) inches or more of compacted clay material exhibiting permeability equal to or less than 1.0×10^{-5} cm/sec (APC&EC Rule No. 22.621(c)).
23. The final grades and elevations shown on the approved plans shall not be exceeded at any time or in anticipation of settlement and consolidation of the waste mass.
 - a. Timely initiation and completion of closure of landfill cells or units shall be made in accordance with APC&EC Rules No. 22.1301(f) and (g).
 - b. Proper construction of the final cover system shall be observed and certified in writing to the Division by a Registered Professional Engineer in a Construction Certification Report in accordance with the approved Construction Quality Assurance (CQA) Plan whenever a cell, module, area or phase of the landfill is closed-out (APC&EC Rule No. 22.624).
 - c. The Certification Report shall include CQA/QC test results as indicated in the approved CQA Plan; drawings indicating the location, designation and extent of closed area(s); and test locations (APC&EC Rule No. 22.624).
24. The permittee shall maintain an Operating Record at the location indicated in the permit application, or at an alternate location approved in writing by the Division.

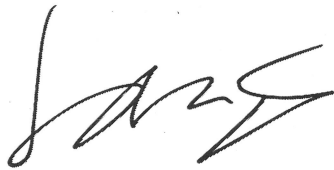
- a. At a minimum, the following documents and materials shall be permanently retained in the facility operating record for review by authorized representatives of the Division:
 - i. The approved facility operating plan, approved permit plans and specifications, CQA reports, site inspection reports, operator licenses, this disposal permit and written authorizations issued by the Division that provide modifications to the facility or its operations, all environmental monitoring or test results, and other pertinent records, certifications and correspondence as required by APC&EC Rule No. 22 or other permit conditions herein;
 - ii. All construction test results, certifications, acceptances, construction reports, photographs, layout drawings, record (as-constructed) drawings, shop drawings, construction drawings, and other documentation required by the specifications, and CQA/QC plans, reports and documents; and
 - iii. Other documents that pertain to the operation and maintenance closure and/or post-closure of the facility, or as directed by the DEQ.
 - b. The permittee shall forward a copy of information from the Operating Record when requested by the Division.
25. This permit may be revoked or modified whenever, in the opinion of the Division, the facility is no longer in compliance with the Act, APC&EC Rule No. 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 APC&EC Rule No. 22 (APC&EC Rule No. 22.309(e)).
26. 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 incorporated into this permit and shall be fully maintained and enforceable as a condition or conditions of this permit (APC&EC Rule No. 22.308(f)).
27. The Division has received an initial permit fee from the permittee. Annual permit fees are due thereafter and shall be assessed in accordance with APC&EC Rule No. 9, Fee System for Environmental Permits. The Permittee shall remit quarterly payments for disposal fees no later than January 15, April 15, July 15, and October 15 following the quarter to which the payments pertain (APC&EC Rule No. 11.207(a)). Failure to pay permit fees when due may result in revocation of this permit (APC&EC Rule No. 22.309(e)).
28. Any change in the ownership of the facility or control of the operation may be considered a permit modification and shall be fully disclosed to the Division. For purposes of this evaluation, ownership or control may result from a change in the debt or equity of the permittee of five percent (5%) or more. 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 Disclosure Statement or similar disclosure.

29. The permittee shall furnish the Division annual engineering inspection reports in accordance with APC&EC Rule No. 22.619. This report is due on June 30 of each year and shall cover the preceding period beginning January 1 and ending December 31.
30. A survey control system shall be established and maintained at the landfill site that complies with APC&EC Rule No. 22.622 and No. 22.426.
31. The landfill working face shall be confined to the smallest practical area (APC&EC Rule No. 22.607(c)).
32. The permittee may engage in or allow salvage operations at the facility in accordance with the approved salvage plan. The Division may review and approve requests for future salvage of disposed materials for recycling purposes on a case-by-case basis (APC&EC Rule No. 22.607(e)).
33. Disposal of bulk liquid waste in the landfill is prohibited. Liquid waste is waste that contains "free liquids" as defined by Method 9095 (Paint Filter Liquids Test) in EPA Publication No. SW-846 (APC&EC Rule No. 22.616).
34. 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 (APC&EC Rule No. 22.614, No. 22.615 and No. 22.623).
35. The Permittee shall comply with the air criteria requirements of APC&EC Rule No. 22.612. Those requirements include meeting the State Implementation Plan (SIP) pursuant to Section 110 of the Clean Air Act, prohibiting open burning of solid waste, unless authorized by the Division, and establishing fire safety procedures.
36. The permittee shall implement a hazardous waste screening and detection program at the facility in accordance with the approved operating plan and APC&EC Rule No. 22. The program shall include procedures for the evaluation of any questionable wastes prior to disposal to determine whether the waste complies with the APC&EC Rule No. 22 requirements for disposal in the facility.
37. Erosion and sediment controls shall be implemented and maintained on an ongoing basis at each borrow site (whether on-site or off-site) to minimize sediment losses until final reclamation/stabilization of the borrow site is accomplished and final reclamation of the borrow site is determined to be acceptable by the Division. Final reclamation/stabilization of each borrow site shall include final grading to promote proper drainage and establishment of suitable perennial grasses such that all disturbed area are fully stabilized, or reclamation through other means approved in writing by the Division. Final side slopes at borrow pits shall not be any steeper than 3:1 (horizontal:vertical).
38. Measures to control and prevent storm water from running through or into the active fill area shall be constructed and maintained at the site and no waste shall be deposited in standing

water or within five (5) feet of the ground water table (APC&EC Rule No. 22.607(h) and 22.615(5)).

39. 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 APC&EC Rule No. 22 for the purposes of, including but not limited to, taking samples, reviewing the operating record, inspecting the facility, and performing other enforcement or engineering action without interference or delay from the permittee (APC&EC Rule No. 22.1501).
40. The Division's decision to issue this permit is final for purposes of appeal as of the date indicated in the Certificate of Service below. If any provision of these conditions or the application of these conditions thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these conditions that can be given effect without the invalid provision or application. Therefore, to this end, the provisions of these conditions are declared to be severable.

APPROVED BY: **Division of Environmental Quality**
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317



Jarrod Zweifel, P.G.
Associate Director

March 17, 2023
Date

CERTIFICATE OF SERVICE

I, Ken Blue, hereby certify that a copy of this permit has been mailed by first-class mail to David Conrad at 100 Two Pine Drive, North Little Rock, AR, 72117, on or before this 17th day of March, 2023.

PERMIT MODIFICATION APPLICATION SUMMARY AND RATIONALE

**ECO-VISTA, LLC CLASS 4 LANDFILL
PERMIT NO. 0292-S4-R2
AFIN NO. 72-00144
February 2023**

PERMIT MODIFICATION APPLICATION SUMMARY

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

PERMIT APPLICATION SUMMARY	
Name of Applicant:	Eco-Vista, LLC
Name of Facility:	Eco-Vista, LLC, Class 4 Landfill
Application Date:	July 6, 2021
General Site Location:	2210 Waste Management Drive, Springdale, Arkansas
Specific Site Location:	S 23 T 17 N R 31 W, Washington County, AR
Class 4 Permit Area:	609 property acres; Area to be used for waste disposal: 40.7 acres
Type of Landfill Operation:	This landfill is for Class 4 non-putrescible waste. The landfill will be an area fill type landfill.
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 Johnsbury silt loam associations. A portion of these soils has been excavated and utilized in the landfilling operations. Test pits showed the site generally covered with silty clay, clay, and abundant chert.
Geology:	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 ranges from zero to over 90 feet at the site. 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. 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. 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. Examples of karst features include 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 past dye studies). Competent bedrock pinnacles extending upward into the weathered residuum are common in borings and borrow areas across the site.
Groundwater:	<p>The facility is located on the Boone-St. Joe 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. 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.</p> <p>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 that they only transport groundwater during periods with high groundwater elevations.</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.</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>
Types and Sources of Wastes:	Non-putrescible (Class 4) waste from various sources
Projected Average Quantity:	117,000 tons/year 180,000 cubic yards/year
Design Capacity:	4,590,000 Cubic Yards
Projected Site Life:	11.6 years <u>±</u> after this modification

PERMIT SUMMARY AND RATIONALE

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

- Permit Modification Application dated July 6, 2021, along with supporting documents and revised documents submitted up to the time of preparation of the notice of draft permit decision dated July 28, 2022.
- Correspondence:
 - Groundwater Related: 80395, 80453, 81948, 81908, 82353, 82354
 - Dye Testing Related: 81172, 81264, 81306, 81425, 81436, 81435, 81434, 82225, 83123
- Specifically but not limited to APC&EC Rule No. 8; Rule No. 9; Rule No. 11; Rule No. 36; Rule No. 22; and Rule No. 27.

Site Specific Permit Conditions for this Class 4 Landfill Facility	
Condition No.	
1	Refers to the landfill disposal area for the Class 4 facility as shown in the approved application and permit plans in accordance with Sections 22.303(c)(12), 22.308, and 22.309 of APC&EC Rule No. 22.
2	Permitted disposal volume as calculated by design engineer based on permitted bottom and waste grades. Sections 22.303(c)(12), 22.303(c)(14), 22.308, and 22.309 of APC&EC Rule No. 22.
3	Concerns posting of financial assurance by the owner/operator to assure proper closure when the facility is filled to the authorized final elevations and for maintenance of the closed facility during the post-closure care period. The amount of financial assurance is based upon closure and post-closure care cost estimates by a registered engineer. These estimates are based upon performance of the work by a third party. Chapters Thirteen and Fourteen of APC&EC Rule No. 22 set forth financial assurance requirements.
4	Concerns the types of wastes that can be accepted at the facility. The facility is permitted as a Class 4 landfill and may accept bulky, inert, non-putrescible waste. Hazardous and/or toxic waste materials, liquid or semi-liquid wastes, household garbage, and putrescible wastes are not authorized for acceptance and disposal at the facility. Sections 22.102 and 22.103(c) of APC&EC Rule No. 22.
5	Requires weekly cover over disposed waste in accordance with Section 22.609 of APC&EC Rule No. 22.
6	Requires the permittee to obtain appropriate NPDES permits for storm water discharges in accordance with Sections 22.614, 22.615, and 22.623 of Rule No. 22.
7	Concerns the implementation of the Construction Quality Assurance Plan. Sections 22.621, 22.624, and 22.428 of APC&EC Rule No. 22.
8	The minimum requirements of the approved bottom liner system. Sections 22.621, 22.624, and 22.428 of APC&EC Rule No. 22.
9	Concerns the approved operating plan and narrative. Sections 22.607 and 22.619 of APC&EC Rule No. 22.
10	Requires proper installation and maintenance of final cover. Section 22.607(i) of APC&EC Rule No. 22.
11	Concerns the final cover requirements. Section 22.621(d) of APC&EC Rule No.22.

12	Requires a post-closure maintenance period of a minimum of two (2) years after closure of the facility in accordance with Section 22.1302 of APC&EC Rule No. 22.
13	Requires leachate management Section 22.425(d)(2) of APC&EC Rule No. 22.
14	Requires groundwater monitoring following the requirements of Chapter 12 of APC&EC Rule 22. The Division is requiring the groundwater monitoring as allowed in APC&EC Rule 22.1201(a) and APC&EC Rule 22.621(e). The details of the monitoring system will be incorporated within the Class 1 permit for the facility. The Class 4 and Class 1 landfills are adjacent to each other and wells could theoretically be monitoring both the Class 4 and Class 1 landfills given the uncertainty of the groundwater flow paths at the facility.
15	Requires the sampling of the location where dye was documented to be discharging in a February 22, 2022 complaint (see Document 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 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 January 5, 2023 (Document ID 83123). The approved work plan for the test is a February 14, 2022 letter from DEQ within Document 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 for informational purposes and will not be subject to regulation per Chapter 12 of Rule 22. If concentrations within the spring indicate impacts, additional investigations may be required by the landfill facility to determine if it is the source of the impacts.
16	Requires the installation of four additional monitoring wells in identified gaps in the monitoring system near the Class 4 landfill. The additional wells are required based on data obtained during the recent dye trace investigation and nature and extent investigation at the facility.

General Conditions for Class 4 Landfill Facilities	
Condition No.	
17	Concerns Division reliance upon the permit application and accompanying documents and disclaims any Division responsibility in the operation of the facility. Condition No. 12 also concerns the permit holder's potential liabilities to other parties in the event of damage to persons or property as a result of facility operation.
18	Notes that waste disposal operations are to be conducted within the limits as described on the approved engineering plans and in accordance with the operating narrative as per Section 22.607 of APC&EC Rule No. 22.
19	Notes that the requirements of the permit or APC&EC Rule No. 22 shall prevail in the event there is a conflict between them and the documents submitted with the permit application. This is in accordance with Sections 22.103 and 22.301 of APC&EC Rule No. 22.
20	Concerns the requirement that the facility be operated by personnel who are appropriately licensed by the Division. This is a requirement of the APC&EC Rule No. 22 and Rule No. 27, Licensing of Operators of Solid Waste Management Facilities and Illegal Dump Control Officers.

General Conditions for Class 4 Landfill Facilities	
21	Concerns payment of disposal fees to the Division.
22 & 23	Concern requirements for construction of bottom liner and final cover systems in accordance with Section 22.621(c) of APC&EC Rule No. 22. Condition No. 18 also notes that the landfill facility construction must be within the limits set forth in the approved plans in accordance with Sections 22.301, 22.308, and 22.607 of APC&EC Rule No. 22.
24	Requires the permittee to maintain operating records at the facility in accordance with Section 22.617 of APC&EC Rule No. 22.
25 & 26	The Division may revoke or modify the permit in the event the facility is no longer in compliance with APC&EC Rule No. 22 in accordance with Section 22.308 of APC&EC Rule No. 22.
27	Concerns the permit holder's responsibility to pay annual permit fees. This is a requirement of APC&EC Rule No. 9, Fee System for Environmental Permits. Also, the permittee shall remit quarterly payments for disposal fees. This is a requirement of APC&EC Rule No. 11.207(a).
28	Requires that the Division be notified in the event there is a change in the ownership of the facility or control of the operation involving persons or entities not previously disclosed to the Division in a Disclosure Statement in accordance with Section 22.307 of APC&EC Rule No. 22.
29	Requires submission of annual engineering inspection reports in accordance with Section 22.619 of APC&EC Rule No. 22.
30	Requires establishment of a survey control system at the facility in accordance with Sections 22.622 and 22.426 of APC&EC Rule No. 22.
31 & 32	Are in accordance with Section 22.607 of APC&EC Rule No. 22.
33	Prohibits disposal of bulk liquid waste in the landfill in accordance with Section 22.616 of APC&EC Rule No. 22.
34 & 35	Require the permittee to obtain appropriate NPDES permits for storm water discharges and to implement effective sediment and erosion controls in accordance with Sections 22.614, 22.615, 22.623, and 22.625 of APC&EC Rule No. 22.
36	Requires the permittee to comply with applicable air criteria in accordance with Section 22.612 of APC&EC Rule No. 22.
37	Requires the permittee to implement a hazardous waste screening program in accordance with Section 22.608 of APC&EC Rule No. 22.
38	Requires the permittee to comply with proper surface water requirements in accordance with Section 22.607 and 22.615 of APC&EC Rule No. 22.
39	Concerns the Division's right of entry onto facility property and its authority to make whatever inspections, visits and studies necessary to monitor compliance. This is in accordance with Section 22.1501 of APC&EC Rule No. 22.
40	Concerns commencement of the time interval in which the permit can be appealed. This is in accordance with APC&EC Rule No. 8, Administrative Procedures. Condition No. 22 also concerns severability. This is in accordance with Section 22.1601 of APC&EC Rule No. 22.

ADEQ

ARKANSAS
Department of Environmental Quality

December 9, 2008

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

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

Dear Mr. Thompson:

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

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

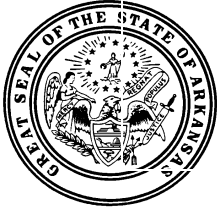
Sincerely,



Michael Robinson
Chief, SWMD

Enclosures

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



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



PERMIT CLASS : Class 4 Landfill

AFIN : 72-0144

PERMIT NUMBER : 0290-S4-R1

EFFECTIVE DATE : April 16, 1997

REISSUED COVER PAGE : April 11, 2000 [Permit Transfer to New Owner]

NAME CHANGED : December 9, 2008

PERMIT OWNER AND ADDRESS:

Eco-Vista, LLC
P.O. Box 1310
Springdale, AR 72765

FACILITY ADDRESS:

Eco-Vista, LLC
18200 Stutts Road/Washington County No. 865
Springdale, AR 72765

LOCATION: Approximately two and one half miles south of Tontitown in Section 23, Township 17 North, Range 31 West, Washington County, Arkansas.

DESIGN ENGINEER: Genesis Environmental Consulting, Inc., Little Rock, Arkansas.

DESCRIPTION OF THIS PERMIT ACTION: Permit Transfer to New Owner

PERMIT CONDITIONS: This permit is your authority to construct and/or operate the Solid Waste Disposal Facility set forth in your application dated September 1996. This permit is issued pursuant to the provisions of the Arkansas Solid Waste Management Act (Arkansas Code Annotated 8-6-201 et seq.) as amended, hereinafter called the "Act"; Regulation Number 22, Arkansas Solid Waste Management, as adopted by the Pollution Control and Ecology Commission, hereinafter called "Regulation 22"; and all other applicable rules and regulations of the Department of Environmental Quality, hereinafter called "Department", and the following terms and conditions:

- 1) The disposal facility shall be constructed, maintained, and operated in accordance with the final plans, specifications and operation narrative as approved by the Department and in compliance with all applicable provisions of the Act, Regulation 22, and all other applicable rules and regulations.
- 2) This permit shall automatically terminate unless construction of the disposal facility has been commenced within 180 days of the original effective date of the permit and is completed with all reasonable diligence or; when the authorized fill elevations have been attained. The Department shall be notified in writing when the initial construction has been completed and upon facility closure in order that it may be inspected.
- 3) At all times the disposal facility shall be maintained in good condition and operations shall be conducted by licensed, qualified on-site operators holding the appropriate license as required by Regulation Number 27, Certification of Sanitary Landfill Operators. Copies of the approved operating narrative, plans, specifications, operator licenses, and this disposal permit shall be maintained at the site for reference.
- 4) This permit may be revoked or modified whenever, in the opinion of the Department, the facilities are no longer in compliance with the Act, Regulation 22, and applicable rules and regulations. This permit shall not relieve the permittee, its agents or employees, from compliance with all provisions of the Act and Regulation 22.

- 5) This permit is issued in reliance upon the statements and representations made in the application, operating narrative, the plans, specifications and related documents and the Department has no responsibility for the adequacy or proper functioning of the disposal facility. Nothing herein contained shall be construed as releasing the permittee from any liability for damage to persons or property by reason of the installation, maintenance, or operation of the disposal facility.
- 6) This permit is for a 60-acre site with disposal to be in approximately 28.5 acres as indicated on the plans. Disposal is not authorized within the gas pipeline right of way. The permit will expire when the disposal area described in the final engineering plans has been filled to design capacity and is closed out in accordance with the provisions of Regulation 22. The final grades and elevations shown on the plans shall not be exceeded in anticipation of settlement and consolidation of the waste mass.
- 7) The initial amount of financial assurance required is \$543,844. This amount is subject to annual adjustment and may be increased at the discretion of the Department, depending upon the estimated cost for a third party to close the largest area of all permitted facilities ever requiring final cover during the active life and the cost for a third party to perform post closure care. The instruments used must be in the exact form set forth in Regulation 22 and must be filed with the Department before the permit can become effective. 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.
- 8) Preparation of the site shall be supervised and reported in writing to the Department by a Registered Professional Engineer prior to the placement of wastes. See Condition No. 16. for Construction Quality Assurance [CQA] requirements.
- 9) An initial permit fee has been received by the Department. Annual permit fees due thereafter shall be assessed in accordance with Regulation Number 9, Fee System for Environmental Permits. Failure to pay annual fees when due may result in revocation of this permit.
- 10) This facility is for the disposal of bulky inert, non-putrescible Class 4 waste as defined by Regulation 22. This waste includes non-compostable wood waste such as tree trunks and stumps, demolition and construction debris, shredded or processed tires as defined by Regulation Number 14, Regulations and Administrative Procedures for the Waste Tire Program, furniture and appliances provided polychlorinated biphenyls (PCB's) and chlorofluorocarbons (CFC's) are removed from the appliance prior to disposal in accordance with applicable state and federal regulations, and other inert wastes that the Department may approve for disposal. Hazardous and/or toxic waste materials, liquid or semi-liquid waste, household wastes of any kind, putrescible waste, paper waste including cardboard and "Special Materials" as these terms may be defined by Regulation 22 are not authorized for acceptance and disposal at the facility.
- 11) A weekly cover of six (6) inches of compacted soil shall be applied to all exposed waste on a regular schedule acceptable to the Department.
- 12) Measures to control and prevent stormwater from running through or into the active fill area shall be constructed and maintained at the site and no waste shall be deposited in standing water or within five (5) feet of the seasonal high groundwater table.
- 13) Best management practices shall be implemented to control erosion at the site and to prevent off-site deposition of sediment, leachate and waste. In addition to other measures that may be necessary to control erosion, seeding of suitable perennial grasses and soil stabilization shall be conducted in the spring and fall on all exposed surfaces that are not to receive additional waste placement during the next

14. The final cover shall, at a minimum, consist of eighteen (18) inches of clay material constructed to a permeability of 1×10^{-5} cm/sec or less and overlain with six (6) inches of topsoil. After final elevations are attained, the final cover system shall be constructed and a vegetation cover of suitable perennial grasses shall be established and maintained. Testing and certification of construction of the final cover system shall be in accordance with the Construction Quality Assurance Plan submitted as part of the operating narrative and Section 22.428 (b) Soil Liner Material Criteria of Regulation No. 22, except that the permeability of the cover system must be 1×10^{-5} cm/sec or less in accordance with Section 22.621. Closure and construction of the final cover system shall also be in accordance with Chapter 13 of Regulation No. 22.

15. Interim and final cover vegetation shall be properly mowed as necessary to control undesirable annual weed and woody vegetation growth and to facilitate proper inspection of the cover.

16. The liner bottom shall be 24" or more of compacted clay material exhibiting a permeability equal to or less than 1×10^{-5} cm/sec. In the event bedrock is encountered during the excavation, the bedrock shall be removed to a depth of at least 12" below the bottom of the liner and a proper subgrade prepared for construction of the liner, or alternately the bottom of the liner shall be raised a minimum of 24" above the bedrock. Testing and certification of construction of the bottom liner system shall be in accordance with the Construction Quality Assurance Plan submitted as part of the operating narrative and Section 22.428 (b) Soil Liner Material Criteria of Regulation No. 22, except that the permeability of the liner system must be 1×10^{-5} cm/sec or less in accordance with Section 22.621.

17. Leachate shall be trucked to a sewage treatment plant or disposed in an alternate manner approved by the Department. The quality and quantity of leachate produced shall be monitored during the active life of the landfill and during the post closure period for as long as significant amounts of leachate are produced. Leachate storage capability is subject to Department approval based upon actual leachate flow rates. Department approval must be obtained prior to any changes in leachate disposal methods. The following shall be monitored for each leachate disposal event:

Volume disposed	C OD (or TOC)	Zinc	Lead	Sulfate
Chloride	BOD5	Copper	Chromium	
Total Dissolved Solids	pH	Nickel	Cadmium	

Monitoring results shall be submitted directly from the contract laboratory to the Department after each monitoring event. For disposal of leachate at publicly owned treatment works [POTW] with approved industrial wastewater pre-treatment programs, testing requirements of the POTW may be substituted for tests required herein.

Drainage material used in the leachate collection system must be free of organic and carbonate material and meet the requirements of Section 22.425 (d) (2) of Regulation No. 22.

18. A ground water monitoring system shall be incorporated to include the Class 4 area as proposed in the permit application. The Department reserves the right to require changes to the groundwater monitoring system based upon a review of the pending Class 1 permit modification application and the results of monitoring at existing monitoring wells.

19. Any change in the ownership of the facilities or control of the operation may be considered a permit modification and shall be fully disclosed to the Department. For purposes of this permit, ownership or control shall be determined by a change in the debt or equity of the permittee of five percent (5%) or more. Notwithstanding the above, the permittee is not required to disclose a change in ownership

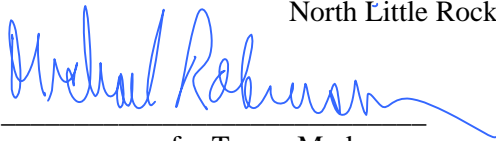
or control of the facility if the change is among the persons and/or entities previously disclosed to the Department in Section E of the Disclosure Statement or similar disclosure.

20. Any statements in the operational narrative, specifications, and/or engineering plans that conflict with Regulation 22, permit conditions herein, or other applicable laws and regulations shall not be considered authorized by the Department.

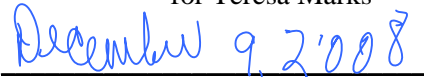
21. The Department, its employees, agents, or any authorized person shall have the right to enter the property at any time for any reason as set out in Regulation 22 for purposes of, including but not limited to, taking of samples, inspection, and any other enforcement or engineering action, without interference or delay from the permittee.

22. The Department's decision to issue this permit is final for purposes of appeal as of the date indicated in the Certificate of Service below.

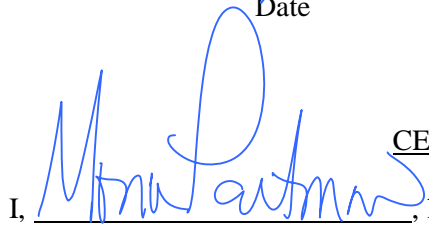
APPROVED BY: Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72218



for Teresa Marks



Date



CERTIFICATE OF SERVICE

I, Mona Paulina, hereby certify that a copy of this permit has been mailed by first-class mail to Kirby Thompson, Eco-Vista, LLC, P. O. Box 1310, Springdale, Arkansas 72765 on or before this 10th day of Dec., 2008.