



August 29, 1996

**MEMORANDUM**

**FROM:** Steven L. Parker, Director

**TO:** Board Members

**SUBJECT:** Recommended Decision on Sunray Services' request for a Class 1 Certificate of Need

Sunray Services has requested a Certificate of Need for additional Class 1 landfill capacity at their Tontitown site. The proposed project would provide an additional 7.5 to 9 years of disposal capacity to the District. Based on the information submitted by the applicant, public comments, state law and the District's certificate of need procedures, I have determined that the District should grant the Certificate of Need. Below is a factor by factor evaluation of the proposal.

**1. Is the proposed facility consistent with the adopted solid waste management plan**

Yes. On page 36 of the solid waste management plan it states that "...new landfill capacity is central to a regional solid waste management system and to the Four-County District's needs." As of June 1996, the District's estimated disposal capacity was 0.18 years. State law requires a district with less than 5 years capacity to issue requests for proposals for additional capacity. Public commenters pointed to Recommendation 1 found on page 37 of the plan which states "[t]he District, cities, and counties should arrange for transport of unrecoverable Class I solid wastes out-of-district for a five-year planning time frame." This short-term recommendation made the assumption that no other short-term capacity was available and that potential new landfills were only long-term solutions.

Granting this Certificate of Need will not impair the District's current landfill siting project. Should the District make the determination to go ahead and develop a District-owned landfill, it would not be operational for several years. This proposal would provide us with disposal capacity in the interim.

**2. Does the proposed facility conflict with existing comprehensive land use plans of any local government**

No Washington County does not have a comprehensive land use plan.

**3. Does the proposed facility disturb an archeological site or a rare and endangered species habitat**

No. There are no endangered species habitats known on the proposed site. Nor are there archeological sites known on the proposed footprint. There is a site recognized by the Arkansas Archeological Survey (3WA1015) on the northwest portion of Sunray's property. This site is not located on the proposed footprint. This Certificate of Need should be granted with the provision that the recommendations of Mid-Continental Research Associates be followed and that the site not be disturbed or if that is not possible, then the site be further investigated to determine if it is eligible for nomination to the National Register of Historic Places.

**4. Does the proposed facility adversely affect the public use of any local, state or federal facility**

No. There are no federal, state or local facilities near the proposed landfill.

**5. Does the proposed facility conflict with laws or regulations on the location of disposal facilities**

No. The proposed facility is in compliance with federal, state and district requirements on the location of landfills.

**6. If the proposed facility is located within a 100-year floodplain, does it restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste so as to pose a hazard to human health or the environment**

No. The proposed facility is not located within the 100-year floodplain.

**7. Is the proposed facility consistent with any needs assessment**

Yes. See answer to No. 1 above.

**8. How does the proposed facility conform with the District's needs and its road system**

The District currently has only 0.18 years of disposal capacity and has need for additional disposal capacity. The proposed facility is located between two existing class I landfill sites and roads to the facility are maintained to withstand landfill traffic. Since a portion of the waste delivered to the landfill currently is transported to Oklahoma, it is possible that granting the Certificate of Need would reduce the amount of traffic on the road due to a decrease in traffic going to Oklahoma.

**9. Is there a need for the landfill based on the District's excess projected capacity**

Yes. The District's current capacity is estimated to be 0.18 years. This facility will provide between 7.5 and 9 years capacity.

**10. What is the history of the applicant with respect to violations of environmental laws**

Sunray Services' Tontitown facility has one of the best compliance records in the state over the last two years. Commenters raised concerns about Sunray's recent purchase by USA Waste. USA Waste has also recently purchased troubled landfills elsewhere in the country. However, it would be unfair to judge Sunray's compliance history based on the record of landfills over which Sunray and USA Waste have previously had no control. Commenters also raised concerns about Sunray disposing of waste on 13 acres of adjacent land and excessive runoff from the landfill. Neither of these issues are relevant to determining the need for additional landfill capacity. In addition, concerns have been voiced about Sunray being in an assessment monitoring state. Statistically significant increases in one or more groundwater monitoring parameters have been found in the groundwater monitoring network at the Tontitown site. Should Sunray be granted a permit for the additional capacity, they will be required to install improved liner and final cover systems which should actually improve the overall facility as far as leachate generation is concerned.

Based on the above, I recommend that Sunray's request for a Certificate of Need for additional Class 1 capacity be granted.





July 12, 1996

Mr. Steve Parker, Director  
Four County (NW) Regional Solid  
Waste Management District  
2 College Ave N  
Fayetteville, AR 72701

RE: Class I Certificate of Need, Additional Information

Dear Mr. Parker:

This letter is written in reference to your July 9, 1996, letter requesting additional information for the petitioned Class I Certificate of Need. The Board has requested that the expected capacity of the proposed facility be provided. It should first be noted that the actual airspace volume will be calculated when the final plans are prepared. Preliminary estimates indicate that approximately 2.5 to 3 million cubic yards of airspace could be available at the facility.

Based on an in-situ waste mass density of 1,100 pounds per cubic yard, a wastestream of approximately 650 tons per day, and utilizing 280 days per year of landfill operation, the estimated life expectancy of the proposed facility is approximately 7.5 to 9 years.

If you have any questions or comments, please feel free to contact me at (501) 751-7024.

Sincerely,

Kevin E. Hodges, P.E.  
District Engineer

pc Al Eckert  
Acting Chief, Solid Waste Division  
Arkansas Department of Pollution Control & Ecology

Hon. Charles A. Johnson  
Washington County Judge

Wm. Jackson Butt II  
Davis, Cox, and Wright

Glenn R. Holcomb  
District Manager, USA Waste Services, Inc.

July 9, 1996

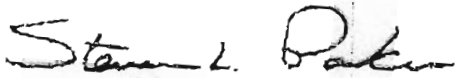
Mr. Glenn R. Holcomb  
Sunray Services, Inc.  
P.O. Box 1310  
Springdale, AR 72765-1310

Re: Class I Certificate of Need

Dear Mr. Holcomb:

I have reviewed the information you submitted in support of your application for a Certificate of Need for a Class I landfill at Tontitown. The only additional information I need is a better idea of the expected capacity of the new facility. Your letter merely states that it will not exceed the 25-year limitation. I need information from you in writing providing a more precise range of capacity. This is information that the Board will require to grant the Certificate of Need. If you have any questions, please feel free to call.

Sincerely,



Steven L. Parker  
Director

Arkansas Statewide Resource Council

2 N. College Ave. Room 202 - Fayetteville, AR 72701 - TEL: (501) 444-1880 - FAX: (501) 444-1880

MEMBER LOCALITIES: Sevier County, Carroll County, Madison County, Washington County, Bentonville, Berryville, Eureka Springs, Fayetteville, Gentry, Green Forest, Huntsville, Rogers, Steam Springs, Springdale, W.