

ARKANSAS DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY

IN THE MATTER OF:
SUNRAY SERVICES, INC.
PERMIT NO. 0123-SR-2
PERMIT NO. 0162-SR-2

LIS 96-054-01

AMENDMENT TO CONSENT ADMINISTRATIVE ORDER

This is an amendment to Consent Administrative Order No. LIS 96-054 which was issued on April 26, 1996 (the "Order"), pursuant to the authority of the Arkansas Solid Waste Management Act (Act 237 of 1971, as amended, A.C.A. § 8-6-201, et seq.) and ADPC&E Regulation No. 22. The issues herein as they pertain to Sunray Services, Inc. (hereinafter "Sunray"), having been settled by the agreement of Sunray and the Director of the Arkansas Department of Pollution Control and Ecology (hereinafter "ADPC&E"), it is hereby agreed and stipulated by all parties that the following Findings of Fact and Order and Agreement be entered herein.

Findings of Fact

1. The Findings of Fact set forth Paragraphs 1-3 of the Order, attached hereto as Exhibit "A," are incorporated herein by reference in their entirety.
2. ADPC&E has determined that approximately six (6) acres of Site 4 under Permit No. 162-SR-2 has experienced settlement and has depressed areas that require certain engineering design improvements to improve run-off and minimize the infiltration of surface water into the waste mass.

THEREFORE, the parties do hereby stipulate and agree to the following:

Order and Agreement

1. The Order and Agreement provisions of Paragraphs 1-7 of the Order are incorporated herein by reference as if set forth in their entirety.

2. Sunray shall promptly submit to ADPC&E a plan certified by a registered professional engineer for correcting the design deficiencies noted regarding Site 4 of the landfill. The environmental landfill enhancements as presented to ADPC&E for Site 4 shall be comparable to those previously submitted to and approved by ADPC&E for Site 3 pursuant to the Order.

3. In accordance with ADPC&E Regulation No. 8, this amendment to the Order shall become effective immediately upon execution by the Director.

SO ORDERED this 14th day of February, 1997.

Randall Mathis

Randall Mathis, as Director

ACCEPTED AND AGREED:

SUNRAY SERVICES, INC.

By: *Glenn R. Holcomb* 2/14/97
Glenn R. Holcomb, as District Manager

ARKANSAS DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY

IN THE MATTER OF:
SUNRAY SERVICES INC.
PERMIT NO. 0123-SR-2

LIS 96-054

CONSENT ADMINISTRATIVE ORDER

This Consent Administrative Order ("Order") is issued pursuant to the authority of the Arkansas Solid Waste Management Act (Act 237 of 1971, as amended; A.C.A. § 8-6-201 et seq.) and ADPC&E Regulation 22. The issues herein as they pertain to Sunray Services, Inc., (hereinafter "Sunray"), having been settled by the agreement of Sunray and the Director of the Arkansas Department of Pollution Control and Ecology (hereinafter "ADPC&E"), it is hereby agreed and stipulated by all parties that the following Findings of Fact and Order and Agreement be entered herein.

Findings of Fact

1. Sunray operates a Class I regional landfill under Permit No. 0123-SR-2 in Washington County.
2. At Sunray's request, on March 8, 1996, ADPC&E technical staff performed an investigation at the Site 3 Sunray landfill which revealed that 5 to 7 acres of the site is flat and has depressions. Sunray proposed to prepare a plan to provide for the shedding of water to prevent the infiltration of surface water runoff into the waste mass.



3. On March 21, 1996, an ADPC&E inspector performed an investigation at the Sunray landfill which revealed a satisfactory score of 52. Significant settling problems were noted that contributed to the final landfill score and supported findings of March 8, 1996 investigation.

THEREFORE, the parties do hereby stipulate and agree to the following:

Order and Agreement

1. Sunray shall submit to ADPC&E a plan certified by an Engineer for correcting the settlement condition noted in Site 3 portions of the landfill. The plan shall be mailed to Legal Division, attention of: Martin Eisele, Attorney, Legal Division, Arkansas Pollution Control and Ecology, 8001 National Drive, P. O. Box 8913, Little Rock, AR 72219-8913.
2. Any environmental landfill enhancements presented to ADPC&E as a modification shall not commence until Department approval is granted
3. If any event occurs which causes or may cause delay in the achievement and completion by Sunray of the requirements of the deadlines established in this Consent Administrative Order, Sunray shall notify ADPC&E, in writing, within five (5) days of knowledge of such delay, specifying in detail the anticipated length of the delay, the precise cause of the delay and measures being taken to correct and minimize the delay.

4. ADPC&E may grant an extension of any provision of the Consent Administrative Order, in its discretion, provided that the delay has been or will be caused by circumstances beyond the control of and without the fault of Sunray. The burden of proving such cause of delay rests with Sunray. Failure to notify ADPC&E of any delay within the time frames specified in this Order may be grounds for denying an extension.

5. Sunray shall pay to ADPC&E civil penalties as authorized by the Arkansas Solid Waste Management Act and Solid Waste Reg. 22, for failure to meet any deadlines required by this Order as follows:

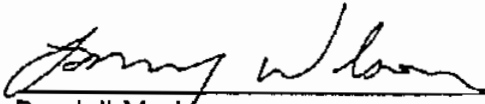
- | | | |
|-----|---|--------------------|
| (a) | First day through the tenth day: | \$250.00 per day |
| (b) | Eleventh day through the twentieth day: | \$500.00 per day |
| (c) | Twenty-first day through the thirtieth day: | \$750.00 per day |
| (d) | Each day beyond the thirtieth day: | \$1,000.00 per day |

Any such penalties shall be due and payable upon demand to ADPC&E except for good cause shown as specified in paragraph 3. These stipulated penalties for delay in performance shall be in addition to any other remedies or sanctions which may be available to ADPC&E by reason of the Sunray's failure to comply with this Order.

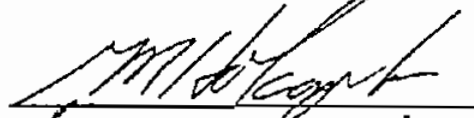
6. Nothing contained in this Consent Administrative Order shall be construed as a waiver by ADPC&E of its enforcement authority over alleged violations not specifically addressed herein. Also, this Consent Administrative Order does not purport in any way to relieve Sunray of its responsibility for obtaining any necessary permits; nor does it exonerate any past, present, or future conduct which is not expressly addressed.

7. Sunray and ADPC&E agree that this Consent Administrative Order is subject to public review and comment. In accordance with Regulation No. 8, Part 2.3.8, this Order is effective upon the Director's signature. ADPC&E retains the right and discretion to rescind this Consent Administrative Order based on comments received within the thirty-day comment period.

SO ORDERED this 26th day of April, 1996


pd Randall Mathis
Director

APPROVED AS TO FORM AND CONTENT:

By 
Title District Manager 5/1/96