

nabors SANITATION

1305 Rossi Road
Mountain Home, AR 72653

9-19-2011

Roger Lawrence
ADEQ Chief Solid Waste
5301 Northshore Drive
North Little Rock, AR 72118

AFIN: 03-00051
Pmt #: 0249-54
REC'D
SCAN ☒ SEP 20 2011
Doc ID#: 600912
To: BL > File

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RE: Transfer of Permit

Enclosed you will find a copy of the North Arkansas Board Of Regional Sanitation certificate of establishment and its application. This should show where this entity is a publicly owned facility. As far as documentation of ownership, that cannot be provided until the day of closing. If you should have any questions please contact me. Thanks.

Sincerely,

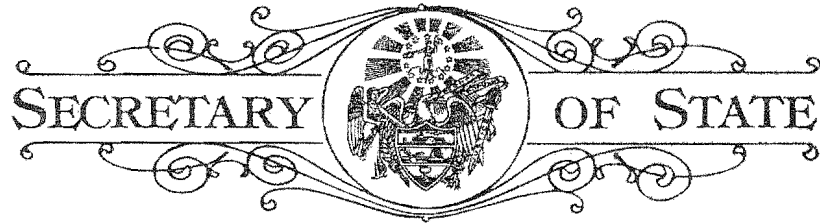


Jason Kincade
General Manager
Nabors Landfill

Ph: 870.425.3213 • Fax: 870.425.2864

www.naborssanitation.com

STATE OF ARKANSAS



To All to Whom these Presents Shall Come, Greetings:

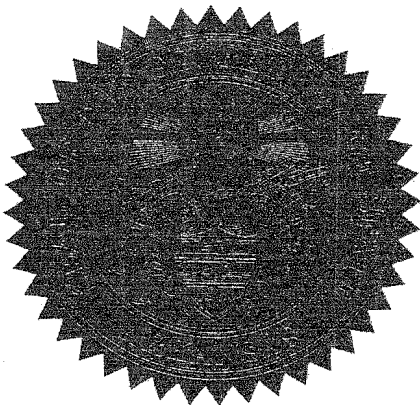
I, Charlie Daniels, Secretary of State of Arkansas, do hereby certify that the following and hereto attached instrument of writing is a true and perfect copy of

Certificate of Establishment
of
NORTH ARKANSAS BOARD OF REGIONAL SANITATION
Under Act 699 of 1979
(A.C.A. 14-233-101 et seq.)

For
Baxter County
Marion County
and
For the City of
Mountain Home

Original Application to form a Sanitation Authority Filed
October 26, 2010

In Testimony Whereof, I have
hereunto set my hand and affixed
my official seal. Done at my office
in the city of Little Rock, this 26th
day of October, 2010.



Charlie Daniels
Secretary of State

OCT 26 2010

APPLICATION TO FORM SANITATION AUTHORITY

SECRETARY OF STATE
STATE OF ARKANSAS

BY _____

We, the undersigned acting as the Elected Mayor or County Judge of the respective City or Counties an on their behalf under the authority granted in Arkansas Code 14-233-102et.seq. Do make application to form the North Arkansas Board of Regional Sanitation, a sanitation authority and to become a Public Body and a Body Corporate and politic under the proposed in this application.

The Name of the Authority: **NORTH ARKANSAS BOARD OF REGIONAL SANITATION.**

This entity shall be a **PUBLIC BODY AND A BODY CORPORATE AND POLITIC.**

The City of **MOUNTAIN HOME ARKANSAS, BAXTER COUNTY ARKANSAS AND MARION COUNTY ARKANSAS** shall make up the initial members of the authority.

DIRECTORS: The Board of Directors shall consist of seven (7) persons two from each member one selected by the legislative body of each member and the Mayor and Judge of the respective members. Those six (6) shall select the seventh (7th) member. The Mayor or Judge of each member may to appoint a representative to serve in his or her place on the Board. Each Board Member shall have one (1) vote. Should any member withdraw from the Authority, their Board Position will be eliminated. Should any member be added, the Board Position can be added.

POWERS: The Board shall have full authority to sue and be sued in its own name. To borrow funds, to issue bonds, to spend such sums as it thinks reasonable to achieve its purpose. It shall have full authority to own, operate, maintain, and improve the hauling company and the landfill, as well as any other thing, real property, or device necessary or desirable to carry out its purpose of picking up and disposing of trash as allowed by the State of Arkansas and Federal Government. The board powers will not be limited other than by State Law.

The term of each board member shall be four years except for the initial term of each County Judge and Mayor or his/her appointee whose initial term shall be only two years. The terms shall run on a calendar year basis and the first (initial) term shall be deemed to start on January 1, 2011 or when the appointment takes place, whichever shall first occur. Any vacancies occurring during the term or at the end of the term shall be filled by the same method as the initial board members' appointment or election. Any seated board member may be removed only by the position or group that appointed him/her. (i.e. only a county judge or mayor can remove his/her appointee and only the Quorum Court or City Council, as the case may be, can remove its elected designee. No one who is an owner, part owner, employee, or stockholder of a competitor of the hauling company or the landfill operated by the Solid Waste Authority shall be a member of the Board; neither shall any elected official (other than the County Judges of Baxter and Marion Counties and the Mayor of Mountain Home, Arkansas) Spouses or immediate family members of such prohibited persons, shall not be appointed to the board of the Solid Waste Authority. Removal guidelines of the Arkansas Code as applicable to elected officials. These guidelines may be amended from time to time by the board if ratified by the Baxter County Quorum Court, the Marion County Quorum Court, and the Mountain Home City Council.

BAXTER COUNTY OF ARKANSAS

MARION COUNTY OF ARKANSAS

By: Joe Federhauer

County Judge

By: James Peter Little

County Judge

ATTEST: [Signature]

Baxter
County
Clerk

CITY OF MOUNTAIN HOME, ARKANSAS

ATTEST: [Signature]

Marion County Clerk

By: David L. Sumner

Mayor

ATTEST: [Signature]

City of Mountain Home Clerk



ARKANSAS
Department of Environmental Quality

September 16, 2011

North Arkansas Board of Regional Sanitation
Attn: Mr. Jason Kincade
1305 Rossi Road
Mountain Home, AR 72653

RE: Notice of Deficiency-Request for Permit Transfer NABORS Class 1 Landfill
Permit Number: 0249-S1-R2 **AFIN: 03-00051**
Document Number: 60892 **Cross Reference Number: 60863**

Dear Mr. Kincade:

The Arkansas Department of Environmental Quality-Solid Waste Management Division has received and reviewed the request to transfer to above reference permit to North Arkansas Board of Regional Sanitation. After review, the following deficiencies were noted:

1. Regulation 22.307(a)(3) requires adequate documentation from the current permittee that the proposed permittee shall have ownership or control of the site for which transfer of permit has been requested. The submittal did not include the appropriate documentation.
2. Disclosure statements are not required for governmental entities including federal, state, county, municipal or regional solid waste authorities. It is the Department's understanding that the proposed permittee will consist of two counties and a city, however, this information was not provided in the transfer request. Please provide information regarding the organization and structure of the proposed permittee and a copy of the local agreement.
3. Regulation 22.307(a)(5) requires the current and proposed permittees to provide documentation of adequate Financial Assurance in compliance with Chapter 14 of Regulation 22. This information was not provided in the submittal.

Please address the above deficiencies and submit the information requested. If you have any comments or questions, please contact me at (501) 682-0608.

Sincerely,

Maria Matoska
Permit Engineer

Bryan Leamons, P.E.
Engineer Supervisor

cc: Mayor Tim McKinney, Ozark Mountain Solid Waste District
Karen Bassett, Chief Deputy Director ADEQ
Roger Lawrence, Chief SWMD
Susan Speake, Programs Branch Manager SWMD
Gary Meador, District Field Inspector SWMD



ARKANSAS
Department of Environmental Quality

September 16, 2011

North Arkansas Board of Regional Sanitation
Attn: Mr. Jason Kincade
1305 Rossi Road
Mountain Home, AR 72653

RE: Notice of Deficiency-Request for Permit Transfer NABORS Class 4 Landfill
Permit Number: 0249-S4 **AFIN: 03-00051**
Document Number: 60893 **Cross Reference Number: 60862**

Dear Mr. Kincade:

The Arkansas Department of Environmental Quality-Solid Waste Management Division has received and reviewed the request to transfer to above reference permit to North Arkansas Board of Regional Sanitation. After review, the following deficiencies were noted:

1. Regulation 22.307(a)(3) requires adequate documentation from the current permittee that the proposed permittee shall have ownership or control of the site for which transfer of permit has been requested. The submittal did not include the appropriate documentation.
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cc: Mayor Tim McKinney, Ozark Mountain Solid Waste District
Karen Bassett, Chief Deputy Director ADEQ
Roger Lawrence, Chief SWMD
Scott McWilliams, Enforcement Coordinator SWMD
Gary Meador, District Field Inspector SWMD