

ADEQ

ARKANSAS
Department of Environmental Quality

November 15, 2011

The Hon. Tim McKinney, Chairman
Ozark Mountain Regional Solid Waste District
305 East Madison Avenue
Berryville, AR 72616

RE: Follow-up to meeting held September 14, 2011; Northwest Arkansas Solid Waste Management District Waste Tire Baling and Processing Facility; AFIN: 03-00208; Permit No. 0022-SWTP

Dear Mr. McKinney:

This letter is to follow up on our meeting held September 14, 2011. As discussed, the facility is in violation of its permit. Pursuant to Site Specific Permit Condition 3, "The facility shall be limited to the least of the following conditions:

- a. The inflow of waste tires from all sources shall immediately cease in the event the volume of whole tires at the facility exceeds thirty (30) times the average daily throughput of the processing facility.
- b. The number of tires at the site shall not exceed 28,000 automobile and truck tires at any time.
- c. The facility shall not store more than 1,680 tons of processed tires at the site."

An inspection on August 23, 2011, revealed that the facility has an estimated 4,000 bales (each containing 100 tires per bale) for a total of 400,000 tires on site, which far exceeds the storage limit for the permitted area pursuant to Site Specific Permit Condition 3(b) above.

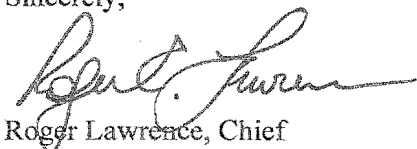
A waste tire processing facility may not accept any waste tires for processing if it has reached its storage limit pursuant to Arkansas Pollution Control and Ecology Commission (hereinafter "APC&EC") Reg. 14.204. It was noted in the inspection report on September 2, 2010, that the district has ceased all operations at the waste tire processing facility.

An owner or operator of any waste tire site that does not meet the requirements of APC&EC Regulation 14, or any facility permitted under APC&EC Regulation 14 that will no longer accept, collect, or process tires shall close such site in accordance with APC&EC Regulation 14, Chapter 15: Closure Requirements within sixty (60) days.

A response to this letter, including a timeline for initiating the closure plan and complying with the procedures as set out by APC&EC Reg. 14.1502, is required within thirty (30) days of the date of this letter or the Department may proceed with formal enforcement action.

We have also contacted Mr. Kenton Treat, the owner of the property in question, notifying him of the violation and requesting his immediate attention. A copy of the letter is enclosed.

Sincerely,



Roger Lawrence, Chief
Solid Waste Management Division

Ozark Mountain Regional Solid Waste District
September 28, 2011
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cc: Karen Bassett, Chief Deputy Director
Lorielle Gutting, Attorney, ADEQ Legal Division
Elizabeth Hoover, Environmental Program Coordinator, SWD
Scott McWilliams, Enforcement Coordinator, SWD
Melinda Caldwell, Program Director, Northwest Arkansas Solid Waste Management District
Al Eckert, Attorney, Quattlebaum, Grooms, Tull and Burrow, PLLC
Mr. Kenton Treat, DAMCO, Inc.