



January 10, 2012

Mr. Kenton Treat, President
DAMCO, INC.
831 County Road 784
Mountain Home, AR 72653

RE: DAMCO, INC. Letter Dated December 12, 2011 (ADEQ doc id # 61355); Closure of Waste Tire Site.

Dear Mr. Treat:

The Arkansas Department of Environmental Quality has received and reviewed the above-mentioned letter regarding your waste tire site. ADEQ's position is that the dam project has already been completed and the remaining visible waste tires on-site are beyond what was required for the dam project. Your proposal is to close the waste tire site in place at the location of the dam. ADEQ will consider your proposal, however it must address the following conditions:

- DAMCO and/or the Ozark Mountain Regional Solid Waste Management District (hereinafter "District") must retain the services of a Professional Engineer to design the closure plan and schedule for closing the tire site. The closure plan and schedule must meet the minimum requirements of Regulation 22.1301 *et seq.* for proper closure, including the deed notation;
- The P.E. must address 40 C.F.R. Part 257 for location restrictions;
- Any necessary water permits or any other required permits will be obtained for the site prior to commencing closure activities;
- There will be a two-year post closure period for maintenance of the closure;
- A Construction Quality Assurance (CQA) Report must be submitted to ADEQ by the P.E. at the conclusion of closure activities and a final inspection report by the P.E. at the conclusion of the two-year post closure period;
- All requirements and agreements will be set out in a Consent Administrative Order. ADEQ is currently evaluating the need for a civil penalty for maintaining an unpermitted waste tire site; and
- The Ozark Mountain Regional Solid Waste Management District Board must approve of the closure plan and the requisite Consent Administrative Order.

In the event that ADEQ, DAMCO, and the District cannot reach resolution on this matter, ADEQ will initiate a formal enforcement action to compel all responsible parties into compliance.

A response to this letter, including a proposal addressing the conditions set out above, is required within thirty (30) days of the date of this letter.

Thank you for your attention to this matter. Should you have questions in this regard please feel to contact me at (501) 682-0600 or lawrence@adeq.state.ar.us.

Sincerely,



Roger Lawrence, Chief
Solid Waste Management Division

cc: Karen Bassett, Chief Deputy Director, ADEQ
Lorielle Gutting, Attorney, ADEQ
Bryan Leamons, Engineer Supervisor, SWMD, ADEQ
Scott McWilliams, Enforcement Coordinator, SWMD, ADEQ
Gary Meador, District Inspector, SWMD, ADEQ
The Honorable Tim McKinney, Chairman, Ozark Mountain RSWMB
Al Eckert, Attorney, Quattlebaum, Grooms, Tull and Burrow, PLLC