



ARKANSAS
Department of Environmental Quality

April 8, 2014

Mr. Kenny Treat
Treat Family Trust
C/O Kerry D. Chism, Esq.
701 S. Church St.
Mountain Home, AR 72653

Re: Waste tire site, formerly DAMCO project

Dear Mr. Treat:

We have reviewed the narrative submittal proposed by Nelson Engineering regarding disposal of waste tires as part of the DAMCO project. In addition, the Department received the drawings for the proposal late Monday, March 24. The review of those documents has not been completed. To expedite the process we have chosen to send this letter requesting information based on our review of the narrative submittal.

ADEQ's response herein does not address any concerns or regulatory authority of the Arkansas Natural Resources Commission (ANRC). You must provide documentation from ANRC to ADEQ to demonstrate whether ANRC will provide an exemption from permitting for the dam or not.

Please provide a written response to ADEQ within fifteen (15) days of receipt of this letter to address the following items. If you believe that the submittal received by the Department on Monday addresses an item please respond telling us where in the submittal it is addressed.

1. In order to minimize infiltration and reduce risk of internal heating or contaminant migration, the updated plans should specify low permeability clay barrier, free of large particles and supply construction methods and material quality and placement standards with adequate field testing to verify QA/QC. Reports should be submitted to ADEQ.
2. The updated design should consider a textile material, or textile/soil or aggregate combination to provide a separation between overlying soil cover layer and tire bales in order to prevent loss of cover soil through void spaces in and between bales and to provide a stable subgrade to support the installation of the clay cover. Further, the design should denote sufficient topsoil to provide vegetation.
3. Certified cost estimates and financial ability demonstration should be provided to verify funding is fully available to complete the work. If work stops before completion, the

site may be in much worse condition than it is currently. The work should not start if adequate funds for the full scope of work cannot be verified.

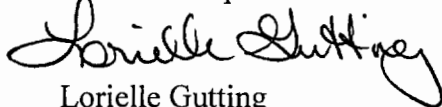
4. A fire safety plan with contacts at local fire department should be provided and kept on-site. The owner should notify local fire responders when the work is scheduled.
5. A final site survey should be provided documenting as-built conditions.
6. A deed notification of fill areas and restriction on residential construction should be filed.
7. ADEQ stormwater permitting requirements must be met.
8. Parties need to sign the CAO attached hereto which specified the "Dam Extension" may proceed.

This letter and accompanying CAO is an attempt to resolve the issues surrounding the DAMCO site without resorting to litigation and intervention by a court. If the above issues are not addressed in writing as requested above, ADEQ will pursue formal legal enforcement.

We look forward to working with you to bring an effective and efficient resolution to this situation.

Sincerely,

Arkansas Department of Environmental Quality



Lorielle Gutting
Attorney

Cc: Mayor Jeff Crockett, Chairman, Ozark Mountain Regional SWD
Melinda Caldwell, Executive Director, Ozark Mountain Regional SWD
Mr. John Verkamp, Esq.
Ryan Benefield, Deputy Director, ADEQ
Benjamin T. Jones, SWD Chief, ADEQ