

ADEQ

ARKANSAS
Department of Environmental Quality

July 10, 2015

Ms. Donna Baker
1935 Dowell Ave.
Springdale, AR 72762

Ph: (479)601-5202

RE: Development of Land on Closed Landfill (Sunray #2)

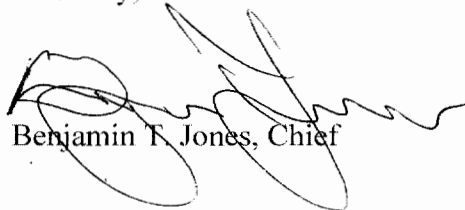
Dear Ms. Baker:

The Arkansas Department of Environmental Quality-Solid Waste Management Division received a submittal from Mr. Jerry Horton regarding the development of commercial property near the closed Sunray #2 Landfill. The Department has no issue regarding the proposed construction as long as the proposed activities do not violate A.C.A. § 8-6-1404. Specifically, six (6) months after August 13, 1993, it shall be unlawful for any person, partnership, company, corporation, or other entity to build, erect, or construct any house, home, or building to be used for residential purposes upon any land used as or which has been used as a solid waste landfill permitted under the Arkansas Solid Waste Management Act, § 8-6-201 et seq.

Additionally, Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation 22.1302(h) states that post-closure use of the property shall not disturb the integrity of the final cover, liner(s), or any other components of the containment system, or the function of the collection, control, processing, and monitoring systems unless necessary to comply with the requirements in these regulations. The Director may approve any other disturbance if the owner or operator demonstrates that disturbance of the final cover, liner or other component of the containment system, including any removal of waste, will not increase the potential threat to human health or the environment.

If you have any questions or comments regarding this correspondence, please contact me at (501) 682-0602.

Sincerely,



Benjamin F. Jones, Chief

cc: Jerry Horton, (jhorton@weichertgriffin.com)
Heidi Love, Inspector Supervisor SWMD
Scott McWilliams, Enforcement Branch Manager

Mathews, Barbara

From: Jerry Horton <jhorton@weichertgriffin.com>
Sent: Friday, July 10, 2015 12:42 PM
To: Mathews, Barbara
Cc: 'Rick Long'
Subject: FW: Development of Land on Closed Landfill Sunray #2.
Attachments: 67834.pdf

Barbara here are the commits from the buyer if you could please address them in your letter. Thanks Jerry

JERRY HORTON

Griffin Company Realtors, Commercial Division

jhorton@weichertgriffin.com

Cell 479-530-9922

From: Rick Long [<mailto:rick@elitetitle.com>]
Sent: Friday, July 10, 2015 12:21 PM
To: jhorton@weichertgriffin.com; Carla Atkins-Long
Cc: Rick Long
Subject: FW: Development of Land on Closed Landfill Sunray #2.

Jerry:

I appreciate the effort to get this letter. However, I don't believe it to be an "all clear to build on the former Sunray #2 site as it has some specifics that could be of issue. From my initial reading I am most concerned with the first sentence of the second referencing APC&EC Regulation 22.1302(h). The reference states "post-closure use of the property shall not disturb the integrity of the final cover, liners(s) and or other components of the containment system". Given the nature of the structures we are contemplating I feel certain that as a result of the foundation construction, a combination of piers and footing, what we would penetrate at minimum the "final cover". That said we need to know the position of ADEQ as it relates to the possibility of piers penetrating the "final cover" and the possibility of drilling entirely through the "fill" to undisturbed soil.

Thanks
Rick

From: Jerry Horton [<mailto:jhorton@weichertgriffin.com>]
Sent: Friday, July 10, 2015 11:51 AM
To: Rick Long
Subject: FW: Development of Land on Closed Landfill Sunray #2.

This is the letter we needed for the city to move forward, now all we need is the financing approved and we are ready to close. Please give me feedback. Thanks Jerry

JERRY HORTON

Griffin Company Realtors, Commercial Division

jhorton@weichertgriffin.com

Cell 479-530-9922

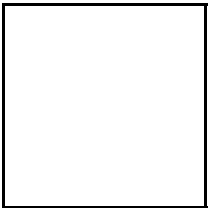
From: Mathews, Barbara [<mailto:MATHEWS@adeq.state.ar.us>]

Sent: Friday, July 10, 2015 11:46 AM

To: Jones, Benjamin

Cc: 'jhorton@weichertgriffin.com'; Love, Heidi; McWilliams, Scott

Subject: Development of Land on Closed Landfill Sunray #2.



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