



ARKANSAS ENERGY & ENVIRONMENT

January 29, 2021

Mr. Kendrick Ketchum
District Manager
Waste Connections of Arkansas, Inc.
734 S. 4th Street
Heber Springs, AR 72543

Re: Issuance of Draft Permit Decision for Cleburne County Transfer Station
Proposed Permit No. 0032-STSW-R1; AFIN: 12-00090
Document ID: 79447; Reference Document ID: 76290, 76720,
77025, 77141, 77440, and 78991

Dear Mr. Ketchum:

The Division of Environmental Quality Office of Land Resources (DEQ) has made a decision to issue a draft permit for the above referenced facility. In accordance with the requirements of Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation No. 8.207, the enclosed legal notice must be published in a newspaper of general circulation in the county the Solid Waste Transfer Station is located. As the applicant you must:

1. Arrange for publication of the notice in the newspaper of general circulation in the County in which the facility is proposed to be located or another newspaper approved by the DEQ;
2. Pay the cost of publishing the notice; and
3. Furnish proof of publication of the notice and paid receipt to the DEQ.

At the end of the comment period designated in the notice and when all costs of publication have been paid, the DEQ will develop a final permit decision. All written comments received during this designated comment period will be considered in developing the final permit decision. If there is sufficient public interest, a public hearing may be scheduled before a final permit decision is made.

As a reminder, this draft permit decision did not include any changes proposed in the submitted minor permit modification application for the construction of a new transfer station building at the Cleburne County Transfer Station. Therefore, this draft permit decision does not authorize to make any modifications at the facility proposed in the submitted minor permit modification application.

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT

After reviewing the updated closure cost estimate under Document ID 78991, DEQ determined that the facility is required to maintain a minimum of \$23,474.54 in a Financial Assurance (FA) Mechanism required by Chapter 14 of the APC&EC Regulation No. 22.

Prior to issuance of the final permit, Waste Connections of Arkansas, Inc. is required to make the proper arrangements to post the FA to cover the amount noted within this letter and to submit documentation to DEQ. Please contact Ms. Susan Speake, Branch Manager, DEQ Office of Land Resources, at (501) 682-0594 or speake@adeq.state.ar.us for further assistance regarding the facility FA.

Your cooperation in this matter is appreciated. Should you have any questions or wish to discuss this permit, feel free to contact Cristina Coker at (501) 682-0603 or coker@adeq.state.ar.us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dw', followed by a long horizontal flourish.

David Witherow, P.E.
Regulated Waste Operations Senior Manager, Division of Environmental Quality
5301 Northshore Drive, North Little Rock, AR 72118-5317

Enclosures: Notice of Draft Permit Decision
Draft Permit and Permit Application Summary and Rationale

cc: DEQ – Witherow, Rich, Cusher, Krou, Speake, Norton, and Coker
Mr. Matt Crockett, Waste Connections of Arkansas, Inc.
Mr. Dillon Baird, P.E. SCS Engineer
Mr. Floyd E. Cotter, P.E. SCS Engineer
Ms. Jan Smith, Executive Director of White River RSWMD

**NOTICE OF DRAFT PERMIT DECISION FOR COVERAGE UNDER AN
INDIVIDUAL PERMIT FOR A TRANSFER STATION (TS)
DRAFT PERMIT NO. 0032-STSW-R1; AFIN: 12-00090**

In accordance with provisions of Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation No. 8.207, public notice is hereby given that the Division of Environmental Quality (DEQ) has made a preliminary decision to issue a draft permit in response to permit renewal application submitted by Cleburne County Transfer Station. The transfer station is located at 154 Old Libby Road, Heber Springs, AR 72534, and located in SE ½ of Section 13, Township 10 North, Range 10 West, in Cleburne County, Arkansas. The name/address of the applicant is: Waste Connections of Arkansas, Inc./154 Old Libby Road, Heber Springs, AR 72534.

Pending a final permit decision by the Director, the transfer station facility will be permitted to accept solid wastes for transfer to a permitted disposal sites. The facility will serve the White County Regional Solid Waste Management District as well as Lonoke and Faulkner Counties.

Any interested person may submit written comments, data, views or arguments to the Division regarding the draft permit decision within thirty (30) calendar days of the publication of this notice. Other than the permit applicant, only those persons who submit written comments on the draft permit decision during this designated 30-day comment period, or who make comments for the record at any formal public hearing called by the DEQ, shall have legal standing to appeal any final permitting decision made by the Director.

Written comments concerning the permit decision should be mailed or delivered to **David Witherow, P.E., Senior Manager, Office of Land Resources (OLR), Division of Environmental Quality, 5301 Northshore Drive, North Little Rock, AR 72118-5317.** Additional information regarding this draft permit, including copies of the permit application and documents concerning the review process by the DEQ, can be made available for inspection by contacting the Office of Land Resources at the above address or by calling (501) 682-0744. There may be a charge to cover photocopying costs for documents. The facility file may be viewed at: https://www.adeq.state.ar.us/sw/permits/p_facil_report.aspx#Display

A final written decision on this permit application will be issued by the DEQ after the close of the designated public comments period provided for in this notice. The final decision will include a response to each issue raised during the public comment period, and will include an explanation of the rationale for any technical requirements or standards involved in making the final decision. Any person with legal standing in this matter may appeal the final decision to the APC&EC. Appeals must be in writing, must be filed within thirty (30) calendar days of the date of the final permit decision, and must conform to all of the requirements set forth in applicable laws and Regulations. General information on appeal procedures may be obtained by contacting the Legal Division of the DEQ at the above address or by phone at (501) 682-0892, however, specific legal advice cannot be provided.

Dated this **[Insert Date of Publication]** day of _____, 2021

Becky W. Keogh, Director,
Division of Environmental Quality

DRAFT PERMIT
FOR THE CONSTRUCTION AND OPERATION OF A
SOLID WASTE TRANSFER STATION

ISSUED BY

STATE OF ARKANSAS
DIVISION OF ENVIRONMENTAL QUALITY
Office of Land Resources

Cleburne County Transfer Station

Permit Number:	0032-STSW-R1
AFIN:	12-00090
Effective Date:	
Expiration Date:	[10 years]
Permit Owner and Address:	Waste Connections of Arkansas, Inc., 154 Old Libby Road, Heber Springs, AR 72543
Facility Name and Location:	Cleburne County Transfer Station 154 Old Libby Road, Heber Springs, AR 72543
Location:	SE ¼ of Section 13, Township 10 North, Range 10 West, Cleburne County, AR
Financial Assurance:	\$23,474.54
Latitude/Longitude:	35°29'32"/92°00'26"

This permit authorizes the construction and operation of the solid waste transfer station as set forth in the permit application submitted by Waste Connections of Arkansas, Inc., hereinafter called "owner" or "permittee," and received by the Division of Environmental Quality (DEQ) on May 14, 2019. The application was completed through a series of documents furnished by the applicant beginning on May 14, 2019 and Document ID # 76290 and follow-up documents received on July 15, 2019, September 16, 2019, October 4, 2019, December 27, 2019, and September 30, 2020. This permit is issued pursuant to the provisions of the Arkansas Solid Waste Management Act (Arkansas Code Annotated § 8-6-201 et seq.) as amended, hereinafter called the "Act"; Regulation No. 22, Arkansas Solid Waste Management Code, as adopted by the Arkansas Pollution Control and Ecology Commission (APC&EC), hereinafter called "Regulation No. 22"; and all other applicable rules and regulations of the Division of Environmental Quality, hereinafter called "Division", and the following terms and conditions.

GENERAL CONDITIONS FOR TYPE TS – SOLID WASTE TRANSFER STATION

1. The solid waste transfer station shall be maintained and operated in accordance with the conditions of this permit and in compliance with all applicable provisions of the Arkansas Code Annotated § 8-6-201 – § 8-6-1504 (Code), as amended, APC&EC Regulation No. 22, and all other applicable rules and regulations.
2. This permit may be modified, revoked and reissued, or terminated for cause in accordance with the requirements of APC&EC Regulation No.8 and Regulation No. 22. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes, does not stay any condition.
3. The permit holder shall pay an annual permit fee as provided in APC&EC Regulation No. 9.
4. Any change in ownership or control of the operation of the facility will require submittal of a disclosure statement in accordance with Arkansas Code Annotated § 8-1-106 and APC&EC Regulation No. 8. Transfer of this permit will require submittal of a request for permit transfer in accordance with APC&EC Regulation No. 22.307. Failure to notify the Division of a change in ownership or control, or a change in responsibility for the operation of the processing facility will be cause for termination of coverage under this permit.
5. The Division has no responsibility for the adequacy or proper operation of the transfer station. Nothing herein contained shall be construed as releasing the permittee from any liability for damage to persons or property by reason of the installation, maintenance, or operation of the transfer station. The transfer station shall be operated by qualified personnel and maintained in good condition at all times.
6. Whenever it shall be necessary for the purpose of implementing or monitoring the enforcement of any permit condition, law or regulation duly adopted by the APC&EC, any authorized employee or agent of the Division may enter the facility property for the purpose of obtaining information, conducting investigations or inspections, taking of samples, or examining and copying records pertaining to the operation of the facility. Investigations or inspections by authorized employees or agents shall be conducted without interference or delay from the permittee or the property owner, and will be conducted during daylight, during regular business hours: or, under emergency or extraordinary circumstances, at a time necessary to observe the suspected violation or unauthorized conduct.
7. The facility shall be operated in accordance with the provisions of the site specific Operations Plan as approved by the Division and the requirements of APC&EC Regulation No. 22.904. All changes to the site specific Operations Plan must be approved in writing by the Division.
8. The facility shall be constructed in accordance with the Design Narrative and Permit Plans and Specifications as approved by the Division. Any changes to the approved design for the facility must be approved in writing by the Division prior to implementation.

9. Coverage under this permit shall automatically terminate unless construction of the processing facility has been commenced within 180 days and completed within 365 days from coverage under the permit. Coverage under this permit shall be considered terminated if the facility fails to operate for sixty (60) consecutive calendar days. If the facility does not operate for sixty (60) consecutive calendar days the facility shall implement the procedures of the approved closure plan and APC&EC Regulation No. 22.

10. Recordkeeping Requirements-

- a. Required Records – The owner or operator must record and retain at the facility in an operating record or in an alternative location approved by the Director the following information as it becomes available.
 - (i) The current approved APC&EC Regulation No. 22.
 - (ii) This Permit.
 - (iii) The Certificate of Need for the facility.
 - (iv) Any required location restriction demonstrations of the permitted facility.
 - (v) Approved Operations Plan.
 - (vi) Approved Design Narrative.
 - (vii) Approved Closure Plan.
 - (viii) Waste Receipt and Disposal records.
 - (ix) Records of any periodic inspections required by this Regulation or by permit conditions.
 - (x) Any cost estimates and financial assurance documentation requires by Chapter Fourteen of APC&EC Regulation No. 22.
- b. Access to Records - All information contained in the operating record must be furnished upon request to the Division or be made available at all reasonable times for inspection by the Division.
- c. Waste Receipt Records - All owner or operators shall provide an adequate means of recording the amount of waste that is received by the facility.
- d. Retention Period - The records required under this section shall be maintained by owner or operator until coverage under this Permit is terminated unless otherwise stated.

11. Construction and Demolition Debris – If the facility handles only construction and demolition debris, each load must be inspected before receipt to insure that the waste meets that definition. If the facility handles solid waste in addition to construction and demolition debris, separate areas must be provided for the storing of the construction and demolition debris and no mixing with other wastes shall be allowed to occur.

12. Storage of Solid Waste – All solid waste passing through the facility must ultimately be recycled or disposed of at a solid waste management facility properly licensed or permitted by the Division. Solid waste shall not be stored at the facility for more than three (3) days and the amount of solid waste stored on site not excluding source separated recyclables shall not exceed 103 cubic yards/day at any time.

13. Annual Reporting – The facility owner or operator shall prepare and file with the Division annual reports by March 31 covering the period from the previous January through December. Contents of the reports shall at a minimum include the:

- a. Source, volume or weight, and class of solid waste received at the facility;
- b. The volume or weight and type of recyclables recovered, if any; and
- c. The volume or weight of solid waste removed from the facility and the disposal location.

14. Owners or operators shall notify the Director if the facility ceases operation and/or if coverage under the permit is no longer necessary. The Division shall be notified in writing sixty (60) days prior to the proposed termination date of the permit.

15. Within ten (10) days of ceasing operations, all wastes shall be removed from the site and disposed at a properly permitted disposal facility, and the facility and equipment shall be brought to a sanitary condition. The operator shall then arrange for a final cleaning of any containers, equipment, machines, floors, and facility surfaces having come in contact with solid waste. All closure activities shall be completed not later than forty-five (45) days after the termination date of facility operations unless otherwise approved by the Division.

SITE SPECIFIC CONDITIONS

1. The approved application documents are filed under the SWMD Document Identification Number 77440, 78991, and Site Plan under Document ID 32526.

2. The Owner/Operator shall provide to the Division financial assurance for this facility in the amount of \$23,474.54. The amount may be reviewed by the Director or Owner/Operator for adequacy and may be adjusted in accordance with the provisions of APC&EC Regulation No. 22.906. An acceptable financial assurance mechanism in accordance with Chapter fourteen (14) APC&EC Regulation No. 22 will be maintained by the Owner/Operator at all times for the full amount.

- a. The instruments used must be in one of the forms set forth in APC&EC Regulation No. 22 or as otherwise approved by the Division.
 - b. Operations allowed under this permit shall not commence until all financial assurance is satisfactorily filed with the Division.
 - c. A portion or all the financial assurance may be held by the Division beyond the time of cessation of disposal operations at the site to ensure satisfactory closure care in accordance with APC&EC Regulation No. 22.
3. This site is limited to 24,960 tons of total waste received annually.

APPROVED BY: **Division of Environmental Quality**
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317

Jarrod Zweifel, P.G

Date

CERTIFICATE OF SERVICE

I, _____ hereby certify that a copy of this permit has been mailed by first-class mail to Mr. Kendrick Ketchum at 734 S. 4th Street, Heber Springs, AR 72543, on or before this _____ day of _____, 2021.

Permit Application Summary and Rationale
Waste Connections of Arkansas, Inc. / Cleburne County Transfer Station

Draft Permit No. 0032-STSW-R1; AFIN No. 12-00090
Permit Application Summary

This summary form consists of information submitted during the permitting process. It represents basic information from the administrative record utilized in forming recommendations from the Solid Waste Management Division. The entire file for the solid waste permit application specified below should be reviewed for complete details on the proposed facility.

Permit Application Summary	
Name and mailing address of Applicant:	Waste Connections of Arkansas, Inc. 154 Old Libby Road Heber Springs, AR 72534
Type of Facility:	Transfer Station
Engineering Firm:	SCS Engineers
Application Date:	May 14, 2019
Site Location	General: The site is located 1/4 mile South on Libby Road from Highway 110, Heber Springs, Arkansas 72543 Specific: SE ¼ S13 T10N R10W
RSWMD	White River RSWMD
Certificate of Need (CON)? If not, why not?	No, Operation previous to 1995.
Site meets Regulation No. 22.902 siting requirements?	Yes – Requirement 22.902(1) waived due to operations previous to 1995.
Site meets Regulation No. 22.903 application requirements?	Yes
Operating plan meets Regulation No. 22.905? Engineering notes on plan?	Yes
Closure Plan on file?	Yes
Initial financial assurance amount	\$ 23,474.54

Rationale For Draft Permit No. 0032-STSW-R1; General Permit Conditions	
Condition No.	General Conditions
1	Lists applicable APC&EC Regulations. The list is not all inclusive.
2	Permit may be modified or revoked. [§22.308(f), §22.309(e)]
3	Annual fee required. [§9.604]
4	Details transfer provisions. [§22.307]
5	Division is not responsible for adequacy, operation, or proper functionality. Licensed operators required. [A.C.A. 8-6-201 et seq., Regulation 8, §22.904(h)]
6	Division reps have right to entry. [§22.1501]
7	Site must comply with the approved operating plan. [§22.904(p)]
8	Site must be constructed according to approved plans and designs. [§22.901]
9	Timeframes are applicable to this permit. [§22.309(d)]
10	SWRF records are required. [§22.907]
11	Construction and demolition waste procedures are required. [§22.1001]
12	Storage requirements are in effect. [§22.904(f)]
13	Annual reports are required. [§22.904(n)]
14 and 15	Timeframes are applicable to this permit. [§22.906(d)]

Rationale For Draft Permit No. 0032-STSW-R1; Site Specific Conditions	
Condition No.	Conditions
1	Site must operate in accordance with approved application materials. [§22.901]
2	Site must maintain \$ 23,474.54 in financial assurance. [§22.1007, §22.1401]
3	Waste receipt is limited. Increases in capacity may require site design changes that would necessarily require review. Increases may be performed through the minor modification process at the sole discretion of the Director. Tonnage is based on application form – application lists 80 tons per day 6 days per week 52 weeks per year = 24,960 tons/year [§22.901]