

Kacy Murillo (adpce.ad)

Subject: RE: Eco-Vista C1 public comment**From:** Kenneth Lovett [<mailto:kenneth.lovett@att.net>]**Sent:** Tuesday, May 30, 2023 6:27 PM**To:** Nicholas Jones (adpce.ad) <Nicholas.Jones@adeq.state.ar.us>; Jarrod Zweifel (adpce.ad) <Jarrod.Zweifel@adeq.state.ar.us>; David Witherow (adpce.ad) <David.Witherow@adeq.state.ar.us>; Bailey Taylor (adpce.ad) <Bailey.Taylor@adeq.state.ar.us>; Shane Khoury <Shane.Khoury@Arkansas.Gov>; Khoury, Shane <Shane.Khoury@adeq.state.ar.us>; Caleb Osborne <Caleb.Osborne@adeq.state.ar.us>; Caleb Osborne <Caleb.Osborne@arkansas.gov>; Michael McAlister (adpce.ad) <Michael.McAlister@adeq.state.ar.us>; Richard Goheen (adpce.ad) <richard.goheen@adeq.state.ar.us>; Jay Ellis (adpce.ad) <Jay.Ellis@adeq.state.ar.us>; Thomas Rheume (adpce.ad) <Thomas.Rheume@adeq.state.ar.us>**Cc:** Richard Mays <rmays@richmayslaw.com>; Ross Noland <ross@nolandfirm.com>; Angie Russell <mayor@tontitownar.gov>; ward1-1@tontitownar.gov; Amber Ibarra <ward1-2@tontitownar.gov>; ward2-1@tontitownar.gov; Larry Ardemagni <ward2-2@tontitownar.gov>; ward3-1@tontitownar.gov; Tim Burress <ward3-2@tontitownar.gov>; Kevin Boortz <kboortz@tontitownar.gov>; James Dean <jdean@tontitownar.gov>; James Clark <pwdirector@tontitownar.gov>; Josh Craine <jcraine@tontitownar.gov>; Planning Department <planning@tontitownar.gov>; permits@tontitownar.gov; Patrick Deakins <pdeakins@washingtoncountyar.gov>; Perry Elyaderani <PElyaderani@knwa.com>; Candy Black <cblack@tontitownar.gov>; Clint Penzo <clint.penzo@senate.ar.gov>; Robin Lundstrum <robin.lundstrum@arkansashouse.org>; ddavis@tontitownar.gov; Tyler Dees <tylerdees@senate.ar.gov>; Commissioners <Commissioners@adeq.state.ar.us>; Patricia Goff (adpce.ad) <Patricia.Goff@adeq.state.ar.us>; Tom Joseph <tjoseph@tontitownar.gov>**Subject:** Eco-Vista Landfill Expansion - Tontitown Resolution

Expansion of the Tontitown Landfill is not a viable solution. The unintended consequence is impacting negatively the environment and quality of life for those that call Tontitown their home.

It's time to plan/fund/build a new solid waste management strategy for NW Arkansas.

I challenge any previous paperwork, as that should be null and void with The November 2022 Tontitown City Council Resolution and January 2023 Resolution attached.

When laws change you don't hear anyone saying, we'll we are going to go with what we had before, the new law is immediately enacted when signed.

Kenneth Lovett
18702 Clear Water Road
Fayetteville, AR 72704



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 Fee Amt: \$20.00 Page 1 of 2
 Washington County, AR
 Kyle Sylvester Circuit Clerk

RESOLUTION NO. 2023-01-1027R

File 2023-00000530

TONTITOWN, WASHINGTON COUNTY, ARKANSAS

A RESOLUTION EXPRESSING THE INTENT OF THE TONTITOWN CITY COUNCIL RELATED TO THE ECO-VISTA CLASS 1 AND 4 LANDFILL EXPANSIONS IN THE CITY OF TONTITOWN, ARKANSAS.

WHEREAS, Eco-Vista, LLC (“Eco-Vista”) owns and operates a Class 1 and Class 4 Landfill (“Landfill”) which is located within the municipal limits of the City of Tontitown (“Tontitown”) and Tontitown has been considered a “Host Community” pursuant to Arkansas Department of Environmental Quality (“ADEQ”) Regulation 22.204 ; and

WHEREAS, Eco-Vista desires to expand the Class 1 and Class 4 Landfill and has been engaged in a process through the ADEQ for said expansion of the Landfill; and

WHEREAS, on July 3, 2018, the Tontitown City Council adopted Resolution No. 2018-07-797-R accepting the location of the proposed Landfill expansion; and

WHEREAS, on November 6, 2018, the Tontitown City Council adopted Resolution No. 2018-11-815R to approve a future land use and master street plan, called the “Vision Plan”, which identified the current Landfill site as a future use of “LE-Landfill Exclusive”; and

WHEREAS, on July 7, 2020, the Tontitown City Council adopted Ordinance No. 2020-7-892 to establish an Exclusive Use provide for a zoning district called “EU-L Exclusive Use-Landfill” which included various zoning regulations which would apply to any new landfill use in the City; and

WHEREAS, on October 6, 2020, the Tontitown City Council adopted Ordinance No. 2020-10-900 to rezone approximately 417.1 Acres of the Landfill property from R-MH and R-1 zoning districts to EU-L, Exclusive Use-Landfill; and

WHEREAS, in the fall of 2021, the Landfill received Large Scale Development approval from the Tontitown Planning Commission for the Landfill expansion project; and

WHEREAS, since the approval of the above resolutions and ordinances, the Tontitown City Council has become aware of continuous problems and issues related to the Landfill operation that cannot be regulated by a municipality under Arkansas law, with such problems and issues affecting the health, safety and welfare of the residents surrounding the Landfill and others in the city; and

WHEREAS, the Tontitown City Council is aware that such problems and issues related to the Landfill operation which have occurred with regularity over the course of the past number of years include, but are not limited to, loud noises, debris, serious air quality concerns including noxious gases and odors, pollutants in the ground, water quality issues and other issues; and

WHEREAS, these problems and issues have been communicated to proper regulatory authorities and Eco-Vista by citizens and others, but to date have not been mitigated or addressed;



WHEREAS, the Tontitown City Council is aware that growth in the region and the city is robust and more people will be negatively impacted by increased Landfill operations; and

WHEREAS, the Tontitown City Council acknowledges that the city has become administratively burdened through the receipt of continuous complaints regarding Landfill operations; and

WHEREAS, the Tontitown City Council acknowledges that a municipality has a significantly limited role in the regulation of Landfill operations, but believes it is necessary to protect the health, safety and welfare of the citizens of Tontitown by affirming to regulatory authorities that the Tontitown City Council, to the extent possible, desires to express its belief that the approval of the expansion of the Landfill will be detrimental to the public health, safety and welfare; and

WHEREAS, the final decision for the expansion of the Landfill has not been made; and

WHEREAS, after thorough consideration of the above, the City Council has determined that the location of the Landfill expansion gives rise to concern for potential limitations to the City's opportunity for growth and desires to withdraw their support of the Landfill expansion in order to protect the best interest and benefit of the citizens of Tontitown.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Tontitown, Arkansas:

Section 1. It is hereby the express desire of the Tontitown City Council, for the reasons set forth above and to the extent possible, that the final approval of the Landfill expansion be denied.


Section 2. The Mayor or her designee is hereby authorized to bring this Resolution to the attention of the regulatory authorities and to provide information to such regulatory authorities as is requested or necessary.

PASSED AND APPROVED this 3 day of January 2023.

APPROVED:


Angela Russell, Mayor

ATTEST:


Rhonda Ardemagni, City Clerk-Treasurer

Washington County, AR

I certify this instrument was filed on
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and recorded in Real Estate
File Number 2023-00000530
Kyle Sylvester - Circuit Clerk

by 