



Baxter County Judge

One East Seventh St. - Suite 303
Courthouse Square
Mountain Home, AR 72653

July 13, 2023

Mr. Caleb Osborne, Director
Division of Environmental Quality
Department of Energy and Environment
5301 Northshore Drive
North Little Rock, AR 72118

AFIN: 03-00051

PMT#: 0249-S1-R2

Received

By Karen Blue at 1:07 pm, Jul 26, 2023

DOC ID#: 84386

TO: AC>FILE <KMB

Re: NABORS Landfill – Baxter County, Arkansas
Request for Certificate of Closure

Dear Director Osborne:

As you are aware, the Ozark Mountain Solid Waste Management District (“the District”) is currently the owner of the NABORS Landfill located in Baxter County, Arkansas. You are also probably aware that, after a long period of operation, the Landfill ceased accepting solid wastes in approximately 2012.

Since that time, due to the insolvency of the District, the Department and its successor, the Division of Environmental Quality (“DEQ”), have conducted post-closure activities and post-closure care of the Landfill facility by use of funds from the Arkansas Landfill Post-Closure Trust Fund. In January, 2020, DEQ’s contractor, SCS Engineers, submitted a 2,763 page report entitled “Construction Quality Assurance Report for Closure of Inactive NABORS Landfill” regarding closure of the Landfill. That report is found at Doc. #79243 in the data records of Permit No. 0249-S1-R2. DEQ has, for all intents and purposes, considered and treated the Landfill as officially closed, although a Certificate of Closure has never been issued by DEQ.

The Landfill is located in an area of the State of Arkansas underlaid by karst geology, which is well-known to allow liquids containing contaminants to easily migrate through the karst to aquifers that may be sources of drinking water and surface waters, including streams and lakes. The north-central area of Arkansas in which the Landfill is located has two major lakes (Bull Shoals and Norfolk) in close proximity to the Landfill, and which are very popular tourist and recreational destinations. The tailwaters of the dams forming those lakes are nationally-known trout streams (the White and North Fork Rivers) that attract sportsmen from across the country.

Obviously, it would be an environmental and economic disaster for this area should those lakes and rivers become contaminated. There is a real potential for that contamination to occur, as samples of the large quantities of leachate collected from the Landfill containing high levels of numerous toxic chemicals.

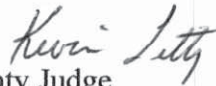
There is interest on the part of a commercial waste disposal company to reopen a portion of the landfill for future waste disposal. I, as County Judge of Baxter County, believe that renewed operation of the Landfill would not be in the best interest of the citizens and environment of North Arkansas, nor would it be consistent with the actions taken by DEQ in the past ten years regarding closure and post-closure maintenance of the Landfill.

As County Judge of Baxter County, I hereby formally request that DEQ make official the *de facto* closed status that it has given the Landfill since 2012. Although Commission Regulation 22.1301(1) and (m) were drawn in anticipation of the traditional "owner or operator" conducting the closing activities and submitting a certification of closure to the Director, DEQ acted in place of the owner/operator in performing the closure of the NABORS Landfill, and its contractor (SCS Engineers) verified that closure was completed. Thus, DEQ should issue a Division Certificate of Closure in accordance with Reg. 22.1301(m). Doing so would provide additional protection against the future active use of the Landfill, which would complicate and potentially exacerbate the environmental impact of the Landfill.

I ask that you give this your immediate attention, as a delay in issuing the closure certificate may result in renewed efforts to reopen the landfill, which will cause long-term irreparable injury to the health and welfare of our citizens, our area environment and economy.

If you have any questions concerning this request, please do not hesitate to contact me at 1-870-425-2755.

Sincerely,



County Judge
Baxter County, Arkansas

RESOLUTION NO. 2023 - 15

A RESOLUTION AUTHORIZING THE BAXTER COUNTY JUDGE TO SEND A LETTER IN SUPPORT OF CLOSURE OF THE NABORS LANDFILL IN BAXTER COUNTY, ARKANSAS.

BE IT RESOLVED BY THE QUORUM COURT OF BAXTER COUNTY, ARKANSAS, THAT:


WHEREAS, the landfill is located in an area of Baxter County in the State of Arkansas overlaid by karst geology, which is well-known to allow liquids containing contaminants to easily migrate through the karst to aquifers that may be sources of drinking water and surface waters, including streams and lakes; and

WHEREAS, the north-central area of Arkansas in which the Landfill is located has two major lakes (Bull Shoals and Norfolk) in close proximity to the Landfill, and which are very popular tourist and recreational destinations; and

WHEREAS, the Quorum Court of Baxter County recognizes the need for a formal request that the DEQ make official the *de facto* closed status that it has given the Landfill since 2012. Also requesting DEQ should issue a Division Certificate of Closure in accordance with Reg. 22.1301(m).


NOW THEREFORE BE IT RESOLVED, that the Baxter County Judge is hereby authorized to submit a letter of formal request to the Division of Environmental Quality for a certificate of closure of the Nabors Landfill in Baxter County, Arkansas.

APPROVED:



KEVIN LITTY, COUNTY JUDGE
Date Signed: 6/11/2023

ATTEST:



CANDA J. REESE, COUNTY CLERK
SPONSOR: D. Waldrop - JP - 4 + Albright - JP 6
Date Adopted: 07/11/2023
Votes: For: 11 Against: 0
Abstain: 0 Present: 0 Absent: 0



F202300075
BAXTER CO, AR FEE \$0.00
PRESENTED: 07-12-2023 10:17:44 AM
RECORDED: 07-12-2023 10:17:44 AM
CANDA REESE
CIRCUIT CLERK
BY: AMANDA SCHILLING
DEPUTY

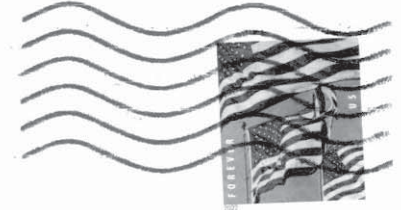
RESOLUTION
1 Page



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72118-531793

