

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION
IN THE MATTER OF APC&EC 8 CAR pt. 60)
“SOLID WASTE MANAGEMENT RULES”) DOCKET NO. 25-001-R

RESPONSIVE SUMMARY

Comes now the Department of Energy and Environment, Division of Environmental Quality (DEQ), by and through Michael McAlister, Managing Attorney, and provides this Responsive Summary as required under Pollution Control and Ecology Commission Rule 8 CAR § 11-815:

I. INTRODUCTION

The public comment record for Docket No. 25-001-R contains one (1) comment pertaining to Arkansas Pollution Control and Ecology Commission to 8 CAR § 60-1304, “Landfill post-closure clean-up restrictions,”

The Notice of Proposed Rule Changes, Public Hearing, and Public Comment Period was published on January 31 and February 1, 2026. The Arkansas Pollution Control and Ecology Commission conducted one (1) public hearing on the proposed amendments to 8 CAR § 60-1304, “Landfill post-closure clean-up restrictions,” in North Little Rock on February 25, 2026. The public comment period ended on March 11, 2026, at 4:30 p.m. (Central Time).

II. RESPONSES TO WRITTEN COMMENTS

The following people or organizations made written comments during the public comment period:

EXHIBIT B

COMMENT 1: Kenneth Lovett, 18702 Clear Water Rd., Fayetteville, Arkansas 72704 (Oral comment at Public Hearing):

“I am Kenneth Lovett, from Washington County. On December 29, 2021, I was exposed to hazardous vapors while driving on a public roadway. Now five years later, ADEQ is proposing an amendment to quadruple the approval setting for money spent on post-closure clean up from 50,000 to 200,000 before there is any oversight. ADEQ will not add proper regulations to protect citizens from specific toxins, but they will quadruple excessive spending on post-closure clean up before needing approval. Eco-Vista landfill has been allowed to break the cap on the closed Class 1 landfill that has no liner to incorporate it to the rest of the surrounding piles. When doing so in breaking the cap the air in the community is horrendous. There are no neighbor or community notifications and citizens first clue of a problem is the vapor in their face. If proper notification were given, they could prepare scheduled activities around the timeframe or be away or at least purchase oxygen to breathe during the plume from Eco-Vista breaking the cap. Eco-Vista is an uncontrolled operation and must have oversight. I ask that the spending approval never be allowed to exceed one-hundred thousand dollars without approval from the PC&EC Commission. Allowing two million dollars to be spent on post-closure without oversight is negligence in my opinion and should not be allowed. There have been four air quality tests performed in the area now and ADEQ still cannot pinpoint the emission points, but I can. It is the Waste Management in my opinion. Eco-Vista landfill incinerator, flares, and fugitive vapors from the inappropriate operated landfill. Benzene and acrolein and other chemicals and vapors that have been identified in the testing on the area are not chemicals to be ignored. And should not be included in the total VOC accounting for this process. What I am asking is that you do not exceed one hundred thousand

dollars before approval or any kind of oversight, and that these chemicals be added to these regulations so they're not a part of the total VOC's from the entire system. Thank you, Sir.”

RESPONSE: DEQ acknowledges the comment and responds as follows: The commenter's request to limit the expenditure threshold from \$50,000.00 to \$100,000.00 is inconsistent with Act 791 of 2025, Section 39. The commenter's concerns regarding Post-Closure Trust Fund oversight are not related to this rule amendment as this Post-Closure Trust Fund is governed by 8 CAR pt. 61. The Commission approved the Landfill Post-Closure Trust Fund Prioritization list in 2010, therefore, there is no need for redundant approvals for routine expenditures at prioritized sites. In the future, should DEQ contract post-closure corrective action as a new site, the Commission would then have a chance to provide input as these types of expenditures exceed the \$2,000,000.00 threshold establish by the special language in Act 791 of 2025. The complaints regarding the Eco-Vista landfill are not related to expenditures from the Landfill Post-Closure Trust Fund or the proposed rule amendment. The commenter's request to add air contaminants within the Solid Waste Management Rules is inappropriate, duplicative, and contrary to the rules administered by Arkansas's delegated air program. The basis for this rule amendment is to make the rule consistent with special language in Act 791 of 2025, Section 39.

Respectfully Submitted,

By:  _____

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