

Carroll County Solid Waste Authority Arkansas Pollution Control and Ecology Commission Petition: Ozark Mountain Solid Waste District Receiver Request to Intervene



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The Receiver (Geoffrey B. Treece) for the Ozark Mountain Solid Waste District (“Ozark”) filed a May 10th Petition to Intervene and for Continuance of Hearing (“Petition”) in proceedings before the Arkansas Pollution Control and Ecology Commission (“Commission”) related to a previously filed Carroll County Solid Waste Authority (“Carroll County”) Petition.

Carroll County had previously submitted a Petition to the Commission to be designated the Carroll County Solid Waste District. (See previous blog post [here](#).)

The Carroll County Petition was submitted pursuant to Ark. Code Ann. 8-6-707 which provides the Commission the authority to designate a county or counties within each district or counties within two or more districts as a new Regional Solid Waste Management District.

Carroll County is currently a part of the Ozark District. Arkansas has had in place since the late 1980s various statutory authorities whose intent is to stimulate recycling, or through various programs encourage a regional approach to solid waste management.

The Receiver for Ozark argues that the departure of Carroll County would negatively impact the financial condition of the district. Consequently, Ozark argues that Carroll County should not be permitted to withdraw from the Ozark District.

The Brief in Support of the Petition of the Receiver argues in part that pursuant to the terms of a previously issued Court Order:

. . . the Receiver was authorized to cause an annual service fee of \$18 (the “Service Fee”) to be assessed against and collected from each residence and business parcel located within each county comprising the District (including all such parcels in Carroll County), all as more particularly provided in the Order.

The service fee is a critical component of a multi-year plan approved by the Court that will permit the District to pay for certain post-closing monitoring obligations at the Nabors Landfill and to satisfy claims of the Arkansas Department of Environmental Quality (“ADEQ”) and bondholders. The departure of Petitioner from the District would significantly affect the amount of revenue collected thereby causing additional financial stress to the District. . .

A copy of the Petition can be found [here](#) and Brief in Support [here](#).