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Washington County Landfill/Expansion: Request for Adjudicatory Hearing/Commission Review Before Arkansas Commission on Pollution Control and Ecology Challenging Permit Issuance

04/18/2023

Several individuals (collectively “Petitioners”) filed a Request for Adjudicatory Hearing and Commission Review (“Petition”) on April 14th before the Arkansas Commission on Pollution Control and Ecology (“Commission”) challenging the Arkansas Department of Energy and Environment – Division of Environmental Quality’s (“DEQ”) issuance of a permit for the Eco-Vista Landfill (“Eco-Vista”) in or near the City of Tontitown, Washington County, Arkansas.

The permit is stated to be for the expansion of Eco-Vista.

Eco-Vista LLC, is stated to own and operate a landfill on approximately 609 acres in Washington County, Arkansas. The landfill is stated to include:

- An active Class 1 landfill
- A closed Class 1 landfill
- An active Class 4 landfill
- A closed Class 4 landfill
- A composting facility
- Various support facilities

The active Class 4 landfill is stated to have received a renewal permit on March 17th for its expansion. Such permit is stated to have been issued under NPDES Permit No. 0290-S-R2. This is stated to be the permit for which the Petition is being filed.

The Petition requests that the Commission determine that:

- The permit decision was contrary to the Commission’s rules and regulations and its governing statutory authority.
- DEQ failed to provide an adequate written explanation for its rationale for the permit decision.
- DEQ failed to demonstrate the permit decision was based upon generally accepted scientific knowledge and engineering practices.

- DEQ failed to address the issues raised and established by the Petitioners during the comment period as required by Commission Rule No. 8.

Arguments raised by the Petitioner include:

1. DEQ is not authorized by law to process Eco-Vista's application for increased landfill acreage.
2. The Certificate of Need supporting Eco-Vista's application for expansion was not valid.
3. The Certificate of Need issued by the waste management district was a result of a directive by DEQ.
4. The proposed permit does not address issues raised by the Petitioners' comments.

A copy of the Petition can be downloaded [here](#).