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Washington County Landfill/Expansion: Request for Adjudicatory Hearing/Commission Review - Motion for Relief from Automatic Stay

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As previously noted in [April 19th](#) and [April 18th](#) blogs, the Mayor of Tontitown and certain individuals have filed separate requests for adjudicatory hearing and Commission review (collectively “Petitions”) before the Arkansas Commission on Pollution Control & Ecology (“Commission”) challenging the Arkansas Department of Energy & 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 has been described as involving the expansion of the Eco-Vista Landfill.

The Petitions allege certain grounds in support of their challenge to the permit.

Eco-Vista filed an April 21st before the Commission pursuant to Rule 8.612(B) a Motion for Relief from Automatic Stay (“Motion”) of the previously issued Permit. The Permit is stated to authorize an additional 12.2 acres expansion of Eco-Vista’s existing Class 4 landfill.

The Motion challenging the issuance of the Eco-Vista Permit is stated to impose an automatic stay pursuant to Commission Rule 8.612(A)(2). Eco-Vista is requesting that the Commission lift the stay arguing that it:

. . . and its customers would suffer substantial prejudice in the form of adverse business impacts and increased costs if the stay is allowed to remain in place while the City appeals the Class 4 Permit.

Eco-Vista also identifies in the Motion the adverse effects of the stay :

- The exhaustion of existing capacity of the Class 4 permitted space
- An additional 12.2 acres authorized by the Permit are needed immediately for the proper disposal of Class 4 material generated throughout the region
- No option but to continue turning away customers which will cause a serious loss of revenue forcing customers to transport material to more distant facilities
- Risk of Eco-Vista being in breach of contract to various third parties
- Class 4 material from Eco-Vista’s affiliate will have to be placed in valuable Class 1 space

Eco-Vista requests that:

- The Commission Chairperson immediately lift the stay until the Commission's next regularly scheduled meeting; or
- A Special Commission Meeting be called as soon as practicable for the purpose of considering the request.

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