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Washington County Landfill/Expansion: Arkansas Department of Energy & Environment - Division of Environmental Quality Motion to Dismiss Request for Adjudicatory Hearing/Commission Review

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As previously noted in [April 18th](#) and [April 19th](#) blog posts, the Mayor of Tontitown and certain individuals filed separate (two) Requests for Adjudicatory Hearing and Commission Review (collectively, “Petitions”) before the Arkansas Pollution Control & Ecology Commission (“Commission”) challenging the Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) issuance of a permit for the Eco-Vista Landfill (“Eco-Vista”). See Docket No. 23-008-P and 23-009-P.

The permit has been described as involving the expansion of Eco-Vista which is located near the City of Tontitown, Washington County, Arkansas.

DEQ has filed separate Motions to Dismiss addressing each Petition. The state agency filed on May 9th Motions to Dismiss (“MTDs”) addressing each Petition.

The MTD filed in response to the Petition in Docket No. 23-008-P argues:

1. Petitioners have failed to present objections that have a legal and factual basis as required by Ark. Code Ann. § 8-4-205(b)(3) and APC&EC Rule 8.603(C)(1)(c); and,
2. Petitioner Brandt Burress lacks standing to appeal pursuant to Ark. Code Ann. § 8-4-205(b)(1) and APC&EC Rules 8.208(A) and 8.603(B)(2).

The MTD filed in response to the Petition in Docket No. 23-009-P argues:

- On April 17, 2023, thirty-one (31) calendar days after the issuance and effective date of the final permitting decision, Petitioners Mayor Angie Russell, and the City of Tontitown submitted a Request for Hearing and Adjudicatory Review on the permit decision.
- DEQ moves the Commission to dismiss Petitioners’ Appeal and Request for Hearing as untimely pursuant to Ark. Code Ann. § 8-4-205(b)(1) and APC&EC rule 8.603(B)(2).

A copy of the MTDs can be downloaded below:

https://www.adeg.state.ar.us/downloads/commission/p/23-008-P%20Eco-Vista%20Landfill/2023-05-09_DEQ's_Motion_to_Dismiss.pdf

https://www.adeg.state.ar.us/downloads/commission/p/23-009-P%20Eco-Vista,%20LLC%20Class%204%20Landfill/2023-05-09_DEQ's_Motion_to_Dismiss.pdf