

Washington County Landfill/Expansion: Eco-Vista Motions to Dismiss Request for Adjudicatory Hearing/Commission Review



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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As previously noted in [April 18th](#) and [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 and Ecology Commission (“Commission”) challenging the Arkansas Department Energy & Environment – Division of Environmental Quality’s (“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.

Eco-Vista filed on May 16th separate Motions to Dismiss (“MTD”) addressing each Petition.

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

- Arguments based on host community approval identify no applicable law that DEQ violated.
- Petitioners’ collateral attack on the Certificate of Need is untimely and without merit.
- Claim that the Permit does not address Petitioners’ concerns identifies no violation of applicable law.

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

- Petitioners’ Request for Adjudicatory Hearing/Commission Review was not filed within 30 calendar days of issuance of the DEQ Director’s final decision as required by Commission Rule 8.603(B)(2) and is therefore time barred.

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