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Washington County Landfill Expansion/Class 1: Tontitown Mayor and City of Tontitown Request for Hearing/Adjudicatory Review Before the Arkansas Pollution Control & Ecology Commission

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Tontitown Mayor Angie Russell and the City of Tontitown (collectively, “Tontitown”) filed an August 29th Request for Hearing and Adjudicatory Review (“Request”) before the Arkansas Pollution Control & Ecology Commission (“APC&EC”) challenging the final permitting decision by the Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) to issue a modification to the Eco-Vista, LLC (“Eco-Vista”) Class 1 Landfill permit.

The permit allows Eco-Vista to expand its Class 1 landfill an additional 10 acres on its existing 600-acre site.

The Eco-Vista Landfill is located in Tontitown, Washington County, Arkansas.

The Request is Tontitown’s second challenge to a DEQ permitting decision regarding Eco-Vista’s Tontitown operation. Also, pending before the APC&EC is a challenge to DEQ’s issuance of a modification to Eco-Vista’s Class 4 Landfill permit modification.

Tontitown’s Request addresses the following issues in its challenge:

- APC&EC Rule 22.203(b): Municipal Approval Does Not Exist Here
- APC&EC Rule 8.211(A)(2): DEQ Fails to Properly Respond to the Tontitown Resolutions
- APC&EC Rule 22.204 and 22.401 Fail to Consider Alternative Locations
- APC&EC Rules 22.203 and 22.204 are Void for Vagueness, Lack Predictability and Fairness, and thus Result in Arbitrary and Capricious Application
- APC&EC Rule 22.607 and 8.211(A)(2) Fail to Consider Conditions Raised in Comments
- APC&EC Rule 22.612: Air Quality Concerns
- APC&EC Rule 22.615 and 22.620: Dye Testing and Ground and Surface Water Pollution Prohibitions
- APC&EC 22.403 Floodplains
- The Site is in a Karst area, Posing a Threat to Ground and Surface Water in Violation of APC&EC 22.204 (Wetlands and Water Quality), 22.407 (Unstable Areas), 22.419, and 22.427
- APC&EC Rule 22.1205(g) Statistically Significant Assessment Levels

- APC&EC Rule 22.1404 Financial Assurance for Corrective Action

In response to the Request, Eco-Vista has filed pursuant to APC&EC Rule 8.12(b) a Motion for Relief from Automatic Stay (“Motion”) of the Class 1 permit expansion.

Eco-Vista argues, in part, on behalf of its Request:

- Eco-Vista and its customers will suffer substantial prejudice in the form of adverse business impacts and increased costs if the stay is allowed to remain in place.
- Northwest Arkansas will likely pay higher solid waste disposal costs if the stay is not lifted because Eco-Vista will not be able to accept Class 1 materials in a few months.

A copy of Tontitown’s Request can be found [here](#) and Eco-Vista’s Motion [here](#).