

**ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT,
DIVISION OF ENVIRONMENTAL QUALITY**

IN THE MATTER OF:

AFIN: 59-00036

LIS No. 24-139

WASTE CORPORATION OF ARKANSAS, LLC
–WCA ROLLING MEADOWS LANDFILL
1420 HAMRIC ROAD
HAZEN, AR 72064

CONSENT ADMINISTRATIVE ORDER

This Consent Administrative Order (CAO) is issued pursuant to the authority delegated under the federal Clean Air Act, 42 U.S.C. § 7401 *et seq.*, and the federal regulations issued thereunder. In addition, this CAO is issued pursuant to the authority of the Arkansas Water and Air Pollution Control Act (the Act), Ark. Code Ann. § 8-4-101 *et seq.*, Arkansas Pollution Control and Ecology Commission (APC&EC) Rule 7, APC&EC Rule 8, APC&EC Rule 18, APC&EC Rule 19, and APC&EC Rule 26.

The issues herein having been settled by agreement of Waste Corporation of Arkansas, LLC – WCA Rolling Meadows Landfill (Respondent) and the Director of the Division of Environmental Quality (DEQ), it is hereby agreed and stipulated that the following FINDINGS OF FACT and ORDER AND AGREEMENT be entered.

FINDINGS OF FACT

1. Respondent owns and operates a municipal solid waste landfill located at 1420 Hamric Road in Hazen, Prairie County, Arkansas.
2. The Air Permit referenced in this CAO is 1888-AOP-R3 (the Permit). The Permit was issued on December 19, 2022.

3. Ark. Code Ann. § 8-4-217(a)(3) provides:
 - (a) It shall be unlawful for any person to:
 - ...
 - (3) Violate any provisions of this chapter or of any rule or order adopted by the Arkansas Pollution Control and Ecology Commission under this chapter or of a permit issued under this chapter by DEQ;
4. Ark. Code Ann. § 8-4-103(c)(1)(A) provides, “Any person that violates any provision of this chapter and rules, permits, or plans issued pursuant to this chapter may be assessed an administrative civil penalty not to exceed ten thousand dollars (\$10,000) per violation.”
5. Pursuant to Ark. Code Ann. § 8-4-103(c)(1)(B) as referenced by Ark. Code Ann. § 8-4-304, “Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessment.”
6. On February 1, 2024, DEQ personnel performed a routine compliance inspection of Respondent’s facility for the reporting period of July 2022 through January 2024.
7. Specific Condition 21 of the Permit states that Respondent shall maintain monthly records and shall update these records by the fifteenth day of the month following the month to which the records pertain. The twelve-month rolling totals and each individual month’s data shall be maintained on-site, made available to DEQ personnel upon request, and submitted in accordance with General Provision 7.
8. General Provision 7 of the Permit states that Respondent must submit reports of all required monitoring every six (6) months.
9. During the inspection, it was revealed that Respondent failed to provide monthly records showing compliance with the landfill gas throughput limit at the Solar Spark Passive Vent Flares (SN-04) for the entire reporting period (18 months). Respondent also failed to provide gas

flow throughput records in two (2) Semi-Annual Monitoring (SAM) reports, which were due on July 1, 2023, and January 1, 2024. Such failures violate Specific Condition 21 and General Provision 7 of the Permit and therefore violate Ark. Code Ann. § 8-4-217(a)(3) as referenced by Ark. Code Ann. § 8-4-304.

10. In correspondence dated February 27, 2024, DEQ informed Respondent of the compliance issues identified during the February 1, 2024 inspection. This was intended to provide Respondent with the opportunity to review the violations and submit any additional information Respondent deemed appropriate regarding the compliance issues.

11. In correspondence dated March 7, 2024, Respondent stated that it would submit a permit renewal application by April 12, 2024. The permit renewal application would revise the permit to calculate emissions on the full capacity of each solar flare.

12. In correspondence dated April 5, 2024, DEQ informed Respondent that formal enforcement action was proceeding regarding this matter.

13. In correspondence dated April 12, 2024, Respondent stated that the permit renewal application had been submitted.

14. On April 23, 2024, the permit renewal was deemed administratively complete.

15. On May 28, 2024, DEQ requested dates and results of opacity tests for SN-02 (landfill gas collection) and passive solar flares.

16. On June 5, 2024, a meeting was held via teleconference between DEQ, Respondent, and SCS Engineers (SCS) to discuss proposed permit conditions for the Solar-Spark passive vent flares. Respondent and SCS provided information on the construction and operation of the flares. DEQ requested information on permitting for these devices in other jurisdictions.

17. On June 10, SCS provided examples of passive solar flare permit conditions in other states to DEQ.

18. On June 25, 2024, DEQ sent Respondent a proposed CAO for the failure to provide gas flow throughput records in two (2) Semi-Annual Monitoring (SAM) reports, which were due on July 1, 2023, and January 1, 2024.

19. On July 3, 2024, a meeting was held via teleconference between DEQ and Respondent to discuss the proposed CAO. Respondent provided updated contact information to DEQ. Respondent requested changes to the proposed CAO.

20. In correspondence dated July 12, 2024, Respondent submitted a timeline and summary of events regarding this matter. Respondent provided a revised proposed CAO. Respondent requested that this matter be withdrawn; in the case of withdraw denial, Respondent requested that DEQ accept the revisions to the proposed CAO.

ORDER AND AGREEMENT

WHEREFORE, Respondent, neither admitting nor denying the factual and legal allegations contained in this CAO, and DEQ do hereby agree and stipulate as follows:

1. Respondent shall comply with the permit conditions under Air Operating Permit 1888-AOP-R3, with the requested modifications as noted in the permit renewal application submitted on April 12, 2024, until either the effective date of the renewal permit or until the permit is denied. Should the permit renewal application be denied, passive vent flares will be disconnected from service and the air permit will be revised once again to reflect the removal of the passive vent flares.

2. In compromise and full settlement of the violations specified in the FINDINGS OF

FACT, Respondent agrees to pay a civil penalty of **ONE THOUSAND SIX HUNDRED EIGHTY DOLLARS (\$1,680.00)**. Payment is due within thirty (30) calendar days after the effective date of this CAO. Such payment shall be made payable to:

DEQ, Fiscal Division
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317.

In the event that Respondent fails to pay the civil penalty within the prescribed time, DEQ shall be entitled to attorneys' fees and costs associated with collection.

3. All applicable submissions required by this CAO are subject to approval by DEQ. In the event of any deficiency, Respondent shall, within fifteen (15) calendar days of notification by DEQ, submit any additional information requested. Failure to respond adequately to the notice of deficiency within fifteen (15) calendar days constitutes a failure to meet a deadline and is subject to the civil penalties established in the following Paragraph.

4. Failure to meet the limits, requirements, or deadlines of this CAO or the applicable approved schedules provided for herein constitutes a violation of this CAO. If Respondent fails to meet any limits, requirements, or deadlines, Respondent shall pay, on demand, to DEQ civil penalties according to the following schedule:

- | | |
|--|----------------|
| (a) First day through the fourteenth day: | \$100 per day |
| (b) Fifteenth day through the thirtieth day: | \$500 per day |
| (c) More than thirty days: | \$1000 per day |

Stipulated penalties shall be paid within thirty (30) calendar days of receipt of DEQ's demand to Respondent for such penalties. These stipulated penalties may be imposed for delay in scheduled performance and shall be in addition to any other remedies or sanctions that may be available to DEQ by reason of Respondent's failure to comply with the requirements of this CAO. DEQ reserves

its rights to collect other penalties and fines pursuant to its enforcement authority in lieu of the stipulated penalties set forth above.

5. If any event, including, but not limited to, an occurrence of nature, causes or may cause a delay in the achievement of compliance by Respondent with the requirements or deadlines of this CAO, Respondent shall notify DEQ in writing as soon as reasonably possible after it is apparent that a delay will result, but in no case after the due dates have passed. The notification shall describe in detail the anticipated length of the delay, the precise cause of the delay, the measures being taken and to be taken to minimize the delay, and the timetable by which those measures will be implemented.

6. DEQ may grant an extension of any provision of this CAO, provided that Respondent requests such an extension in writing and provided that the delay or anticipated delay has or will be caused by circumstances beyond the control of and without the fault of Respondent. The time for performance may be extended for a reasonable period, but in no event longer than the period of delay resulting from such circumstances. The burden of proving that any delay is caused by circumstances beyond the control of and without the fault of Respondent and the length of the delay attributable to such circumstances shall rest with Respondent. Failure to notify DEQ promptly, as provided in the previous Paragraph of the ORDER AND AGREEMENT, shall be grounds for a denial of an extension.

7. This CAO is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d), and therefore is not effective until thirty (30) calendar days after public notice of the CAO is given. DEQ retains the right and discretion to rescind this CAO based on comments received within the thirty (30) day public comment period.

8. As provided by APC&EC Rule 8, this matter is subject to being reopened upon Commission initiative or in the event a petition to set aside this CAO is granted by the Commission.

9. Nothing contained in this CAO shall relieve Respondent of any obligations imposed by any other applicable local, state, or federal laws. Except as specifically provided herein, nothing contained in this CAO shall be deemed in any way to relieve Respondent of responsibilities contained in the permit.

10. Nothing in this CAO shall be construed as a waiver by DEQ of its enforcement authority over alleged violations not specifically addressed herein. In addition, this CAO neither exonerates Respondent from any past, present, or future conduct that is not expressly addressed herein, nor relieves Respondent of the responsibilities for obtaining any necessary permits.

11. By virtue of the signature appearing below, the individual represents that he or she is a Managing Member of Respondent, being duly authorized to execute and bind Respondent to the terms contained herein. Execution of this CAO by an individual other than a Managing Member of Respondent shall be accompanied by a resolution granting signature authority to that individual as duly ratified by the governing body of the entity.

SO ORDERED THIS 11 DAY OF September, 2024.

Bailey Taylor
BAILEY TAYLOR

~~INTERIM~~ CHIEF ADMINISTRATOR OF ENVIRONMENT AND DEQ DIRECTOR
ARKANSAS DEPARTMENT OF ENERGY & ENVIRONMENT

APPROVED AS TO FORM AND CONTENT:

WASTE CORPORATION OF ARKANSAS, LLC
-WCA ROLLING MEADOWS LANDFILL

BY: Lana Alderdice (Signature)

Lana Alderdice (Typed or printed name)

TITLE: Regional vice President

DATE: 8/27/24