Washington County Landfill/Expansion: Tontitown Motion to Strike Motions to Dismiss/Alternative Motion to Extend Time



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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'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.

DEQ filed a Motion to Dismiss the Tontitown Petition. It had argued that the Petition filed by Tontitown was untimely.

Tontitown filed on May 23rd a pleading styled:

Motion to Determine Service Date, Motion to Strike Motions to Dismiss, and Alternative Motion to Extend Time ("Motion")

Tontitown's Motion argues that the motion:

. . . states facts demonstrating that ADEQ actually served the Applicant or Mayor Russell and the City of Tontitown on March 17, 2023.

It further argues that the Commission's Administrative Officer should determine that DEQ did not serve Mayor Angie Russell and the City of Tontitown until March 20, 2023. It requests that the Administrator Officer strike the pending Motion to Dismiss for either:

1. Failing to state the requisite service day
2. Inaccurately stating the date of service on mayor Russell and the City

A copy of the Motion can be downloaded here.