

**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
CIVIL DIVISION**

**GEOFFREY B. TREECE, as Receiver for
OZARK MOUNTAIN SOLID WASTE DISTRICT**

APPELLANT

v. CASE NO.: 60CV-19-_____

**ARKANSAS POLLUTION CONTROL AND
ECOLOGY COMMISSION**

APPELLEE

NOTICE OF APPEAL

Geoffrey B. Treece (the “Receiver”), as receiver for Ozark Mountain Solid Waste District (the “District”), for this notice of appeal, states as follows:

1. The District is a regional solid waste management district created pursuant to Arkansas Code Annotated §§ 8-6-701, *et seq.*, and it is currently comprised of Baxter, Boone, Carroll, Marion, Newton, and Searcy Counties.

2. Arkansas Pollution Control and Ecology Commission (the “Commission”) is a state commission established pursuant to the Arkansas Water Pollution Control Act.

3. On February 11, 2019, the Carroll County Solid Waste Authority (“CCSWA”) filed a petition with the Commission to allow CCSWA to become a single-county solid waste management district.

4. On May 10, 2019, the Receiver, on behalf of the District, filed a petition to intervene, which was granted on May 13, 2019.

5. Administrative Law Judge Charles Moulton held a hearing on CCSWA’s petition on August 20, 2019.

6. On October 2, 2019, Judge Moulton issued Order No. 7, which recommended that the Commission approve CCSWA's petition, and on October 25, 2019, the Commission unanimously voted to approve CCSWA's petition and entered Minute Order No. 19-19. *See* Exhibit A, Order.

7. This notice of appeal is filed pursuant to Arkansas District Court Rule 9(f), which governs appeals from a final decision of any governmental body or agency.

8. This Court has jurisdiction over the subject matter hereof and the parties hereto. Venue is proper in this Court pursuant to Arkansas Code Annotated §§ 16-60-101 and 104.

9. This Court should reverse Minute Order No. 19-19 and deny CCSWA's petition.

WHEREFORE, Geoffrey B. Treece, as Receiver for Ozark Mountain Solid Waste District, prays that this Court hear this appeal and grant the relief requested above and for all other just and proper relief to which Ozark Mountain Solid Waste District may be entitled.

Respectfully submitted,

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*Attorneys for Geoffrey B. Treece, as
Receiver for the Ozark Mountain Solid
Waste District*

CERTIFICATE OF SERVICE

I do hereby certify that on this 20th day of November, 2019, a true and correct copy of the foregoing was served *via* U.S. Mail, return receipt requested, upon the following:

Arkansas Pollution Control
and Ecology Commission
Attn: Doug Melton, Chairman
101 E. Capitol Avenue, Suite 205
Little Rock, Arkansas 72201

Judge Charles Moulton
101 E. Capitol Avenue, Suite 205
Little Rock, Arkansas 72201

Samuel E. Ledbetter
MCMATH WOODS P.A.
711 West Third Street
Little Rock, Arkansas 72201

Carroll County Solid
Waste Authority
Attn: Tim McKinney, Chairman
3190 E. Van Buren
Eureka Springs, Arkansas 72632

Michael McAlister
Arkansas Department of
Environmental Quality
5301 Northshore Drive
N. Little Rock, Arkansas 72118

/s/ Mary-Tipton Thalheimer

Mary-Tipton Thalheimer