

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT, DIVISION OF  
ENVIRONMENTAL QUALITY

IN THE MATTER OF:

Little River County  
351 North 2<sup>nd</sup> Street  
Ashdown, AR 71822

LIS No. 25-012  
Permit No. 0003-STSW-B  
AFIN 41-00080

**CONSENT ADMINISTRATIVE ORDER**

This Consent Administrative Order (CAO) is issued pursuant to the authority of the Arkansas Solid Waste Management Act, Ark. Code Ann. § 8-6-201 *et seq.*, and the Arkansas Pollution Control and Ecology Commission (APC&EC) Rules 7, 8, and 22.

The issues herein having been settled by the agreement of Little River County (Respondent) and the Arkansas Department of Energy and Environment, 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. DEQ regulates the disposal of solid waste pursuant to Ark. Code Ann. § 8-6-201 *et seq.*, and APC&EC Rule No. 22.
2. DEQ, as administered by its Director, is the state agency charged with ensuring compliance with Ark. Code Ann. § 8-6-201 *et seq.*
3. Ark. Code Ann. § 8-6-203(18) defines “Solid Waste” as the following:
  - a. “Solid waste” means any garbage or refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities.

b. "Solid waste" does not include:

- (i) Solid or dissolved materials in domestic sewage;
- (ii) Solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. § 1342;
- (iii) Source material, special nuclear material, or byproduct material as defined by the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq.;
- (iv) Mill scale and slag; or
- (v) Post-use polymers and recovered feedstocks;

4. Ark. Code Ann. § 8-6-203(4) defines a "Disposal Site" as "any place at which solid waste is dumped, abandoned, or accepted or disposed of for final disposition by incineration, landfilling, composting, or any other method."

5. Ark. Code Ann. § 8-6-205 states in part:

(a) It shall be illegal for any person:

- (1) To violate any provision of this subchapter or any rule or order of the Arkansas Pollution Control and Ecology Commission issued pursuant to this subchapter or of a permit issued under this subchapter by the Division of Environmental Quality;
- (2) To construct, install, alter, modify, use, or operate any solid waste processing or disposal facility or disposal site without a permit from the division;
- (3) To dispose of solid wastes at any disposal site or facility other than a disposal site or facility for which a permit has been issued by the division. However, no provision of this subchapter shall be construed so as to prevent an individual from disposing of solid wastes resulting from his or her own household activities on his or her own land if the disposal does not create a public or private nuisance or a hazard to health and does not violate a city ordinance or other law and does not involve the open dumping of garbage;
- (4) To dump, deposit, throw, or in any manner leave or abandon any solid wastes, including, but not limited to, garbage, tin cans, bottles, rubbish,

refuse, or trash upon property owned by another person without the written permission of the owner or occupant of the property or upon any public highway, street, road, public park or recreation area, or any other public property except as designated for disposal of waste; or

(5) To sort, collect, transport, process, or dispose of solid waste contrary to the rules or orders of the division or in such a manner or place as to create or be likely to create a public nuisance or a public health hazard or to cause or be likely to cause water or air pollution within the meaning of the Arkansas Water and Air Pollution Control Act, § 8-4-101 *et seq.*

6. Respondent operates a solid waste transfer station (Facility) located at Hwy 108 and County Road 11, Ashdown, in Little River County, Arkansas.
7. Respondent previously entered into CAO LIS 15-118, CAO LIS 21-013, and CAO LIS 21-013-001.
8. On October 17, 2007, DEQ issued Permit No. 0003-STSW-MC to Respondent. The permit authorized the construction and operation of the solid waste transfer station at the Site. A minor modification became effective on May 13, 2021. The permit expired on May 31, 2022.
9. On May 29, 2024, DEQ conducted an inspection at Facility. During the inspection:
  - a. DEQ determined the last annual report submitted was the 2021 Annual Report submitted in March 2022. Failure to prepare and file annual reports by March 31, covering the previous period of January through December, violates APC&EC Rule 22.904(n).
  - b. DEQ observed leachate draining from an open-ended pipe into the woods. The facility also has not replaced the on-site septic system with an approved holding tank. Failure to route drainage to an approved collection and treatment system violates APC&EC Rule 22.904(d).

- c. DEQ observed standing water on the processing pad. Failure to discharge all drainage to sanitary sewers or permitted on-site treatment facilities violates APC&EC Rule 22.904(I).

10. In a letter dated June 24, 2024, DEQ notified Respondent of the findings of the inspection.

11. On June 14, 2024, Respondent met with DEQ regarding non-compliance with their current CAO, LIS 21-013-001. Respondent requested an amendment to revise the existing plan to rebuild the transfer station. DEQ requested the new plan to be submitted within fourteen (14) days.

12. In a letter dated June 25, 2024, Respondent submitted their plan to install drains, a roof cover, waste pumps, and a leachate holding tank; the Respondent's Professional Engineer will provide a detailed plan and project schedule to DEQ. Respondent notes that the existing septic tank has been capped to prevent discharge.

13. An estimated timeframe of twelve (12) months was provided to achieve compliance.

#### **ORDER AND AGREEMENT**

WHEREFORE, the parties stipulate and agree as follows:

1. Respondent shall immediately cease all operations generating drainage from cleaning, unloading, and processing areas.
2. On or before the effective date of this Order, Respondent shall submit a report, stamped by a Professional Engineer licensed in the state of Arkansas, stating that any discharge from the septic tank or any connected pipes has ceased.
3. Within thirty (30) calendar days of the effective date of this Order, Respondent shall submit to DEQ, for review and approval, a comprehensive Corrective Action Plan (CAP), developed by a Professional Engineer licensed in the state of Arkansas that, at a minimum, contains the methods

and best available technologies that will be used to correct the current violations and prevent future violations. The CAP shall include replacing the on-site septic system with an approved holding tank, a process for routing the collected wastewater to an approved treatment system, and a milestone schedule with a date of final compliance no later than July 1, 2025. The CAP shall include any necessary permit modification application submittal and approval by DEQ before construction may commence. The milestone schedule and final compliance date shall be fully enforceable as terms of this CAO.

4. Following DEQ's approval of the CAP, Respondent shall implement its CAP. In no instance may the facility operate in such a way that allows unpermitted discharge from the cleaning, unloading, and processing areas.

5. Within thirty (30) calendar days of the effective date of this Order, Respondent shall submit to DEQ its 2022 and 2023 annual reports.

6. Upon the effective date of this order, CAO LIS 21-013, as amended by CAO LIS 21-013-001, shall be closed and Respondent shall execute the terms contained herein.

7. All documents required by this CAO to be submitted to DEQ shall be emailed to Office of Land Resources, Enforcement Branch, at [OLRenforcement@arkansas.gov](mailto:OLRenforcement@arkansas.gov), submitted by Certified Mail, or hand-delivered to DEQ, Office of Land Resources, Enforcement Branch, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317.

8. All requirements of this CAO are subject to approval by DEQ. In the event of any deficiencies, Respondent shall submit any additional information or changes requested, or take additional actions specified by DEQ to correct any such deficiencies within the timeframe specified by DEQ. Failure to respond adequately in writing within the timeframe specified by DEQ constitutes a failure to meet the requirements established by this CAO.

9. If Respondent fails to meet any requirement of this CAO within the deadline established by the CAO, DEQ may assess stipulated penalties for the delay in the following amounts:

- a. First day through the fourteenth day: \$100.00 per day
- b. Fifteenth day through the thirtieth day: \$500.00 per day
- c. Each day beyond the thirtieth day: \$1,000.00 per day

These stipulated penalties for delay in performance 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 this CAO.

10. Respondent shall notify DEQ in writing within five (5) calendar days of knowledge of any delay or potential delay in complying with any provision of this CAO, specifying in detail the anticipated length of delay, the precise cause of delay, and the measures being taken to correct and minimize the delay.

11. 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 preceding paragraph of this Section, shall be grounds for a denial of an extension.

12. Nothing contained in this CAO shall be construed as a waiver by DEQ of its authority over alleged violations not specifically addressed herein. This CAO does not purport in any way to

relieve Respondent of its responsibilities for obtaining any necessary permits or licenses, nor does it relieve Respondent of any other obligations imposed by any local, state, or federal laws. This CAO does not exonerate any past, present, or future conduct not expressly addressed herein.

13. This CAO is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and APC&EC Rule 8 and shall not be effective until thirty (30) calendar days after public notice is given. DEQ retains the right to rescind this CAO based upon the comments received within the thirty (30) day public comment period.

14. Notwithstanding the public notice requirements, the corrective actions necessary to achieve compliance shall be taken immediately. The publication of this CAO shall occur on or about the 10th or 25th day of the month following the date this CAO is executed. As provided by APC&EC Rule 8, this matter is subject to being reopened upon APC&EC initiative or in the event a petition to set aside this CAO is granted by the APC&EC.

15. This CAO has been reviewed and approved by the Quorum Court of Respondent in a duly convened meeting with a quorum present. See copy of meeting minutes or resolution attached as Exhibit A.

16. The Quorum Court of Respondent has authorized the County Judge to sign this CAO on behalf of Respondent. See Exhibit A.

17. The Quorum Court of Respondent has authorized the County Judge to expend funds for compliance activities required by this CAO including, but not limited to, the payment of a civil penalty as set forth in this CAO. See Exhibit A.

SO ORDERED THIS 21 DAY OF February, 2025.

Bailey Taylor

**BAILEY TAYLOR**  
CHIEF ADMINISTRATOR OF ENVIRONMENT AND DEQ DIRECTOR  
ARKANSAS DEPARTMENT OF ENERGY & ENVIRONMENT

APPROVED AS TO FORM AND CONTENT:  
LITTLE RIVER COUNTY

BY:

Signature [Handwritten Signature]

Print Name Larry Cowling

Title County Judge

Date January 8, 2025





JOURNAL OF PROCEEDINGS  
FOR THE LITTLE RIVER COUNTY QUORUM COURT

Feb. 10, 2025

The Little River Quorum Court met on Monday Feb. 10, 2025, at 9:00 a.m. at the Little River County Court Room for the monthly meeting. Mr. Henderson led with Prayer followed by the Pledge of Allegiance by Judge Cowling. A Quorum was formed by Ardwin, Bowman, Hearn, Henderson, Phillips, Pullen and Ward.

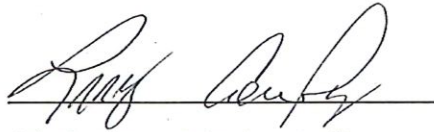
Mr. Pullen made the motion to approve Jan. 2025, minutes as mailed. Mr. Phillips seconded. Motion carried. The Jan. 2025 treasurer's report was passed out. Mr. Pullen made a motion to accept the Treasurer's report. Mr. Phillips seconded. Motion carried.

Ordinance 2025-4 was read. Mr. Pullen made a motion to accept the Ordinance. Mr. Henderson seconded the motion. Motion carried. An Admin. Order from ADEQ was read. The letter of response sent was also read. Mr. Henderson made a motion to adopt, and Mr. Pullen seconded. Motion carried. A contractor has been hired to build the structure over the loadout.

Judge Cowling announced that NEXTENEREGY will hold a public meeting at 5 P.M. Mar. 6, 2025, at the new courtroom concerning a Solar Farm located on Hwy. 108. Mr. Roger Quilty is retiring his position as the contact for the Ar. Heritage Barn Quilt Trail. Deanna Sivley is the new contact person for the Arkansas Heritage Quilt Trail in Little River County. There are currently 24 Arkansas counties that are participating in Quilt Trail. Little River's Quilt Trail is sponsored by the Foreman Community Foundation.

Community Events were reported by the Little River Chamber of Commerce and Domtar. Tammy Water thanked everyone for the participation and sponsorship for the Ashdown Community Auction. Tori Falls announced the Little River Chamber Banquet will be Feb. 20, 2025, at the Barbara Horn Civic Center.

Mr. Pullen made the motion to adjourn.



Little River County Judge, Larry Cowling



Little River County Clerk, Deanna Sivley