

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

IN THE MATTER OF:

**West River Valley RSWMD
24087 Highway 164
Clarksville, AR 72830**

**LIS No. 25- 057
Permit No. 0027-SWTP
AFIN 36-00461**

CONSENT ADMINISTRATIVE ORDER

This Consent Administrative Order (Order) is issued pursuant to the authority of the Used Tire Recycling and Accountability Act (Tire Act), Ark. Code Ann. § 8-9-401 *et seq.*; Ark. Code Ann. § 8-9-105; the Arkansas Solid Waste Management Act (ASWMA), Ark. Code Ann. § 8-6-201 *et seq.*; and the Arkansas Pollution Control and Ecology Commission (PC&EC) Rule No. 7, now codified as 8 CAR § 10-101, Rule No. 8, now codified as 8 CAR § 11-101, and Rule No. 36, now codified as 8 CAR § 64-101.

The issues herein having been settled by the agreement of West River Valley Regional Solid Waste Management District (Respondent) and 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. DEQ regulates the hauling, collection, storage, recycling, and disposal of recyclable tires, waste tires, and used tires culled for resale pursuant to the Tire Act and PC&EC Rule No. 36, now codified as 8 CAR § 64-101.
2. DEQ is the state agency charged with ensuring compliance with the Tire Act, Ark. Code Ann. § 8-9-401 *et seq.*, and the rules promulgated thereunder, including PC&EC Rule No. 36, now codified as 8 CAR § 64-101.

3. Ark. Code Ann. § 8-9-402 (27)(A) defines a waste tire site as “a location where unpermitted used tires are accumulated, whether loosely stored, compacted and baled, or a combination of both loosely stored and compacted and baled.”
4. Ark. Code Ann. § 8-9-105(a) states “any person who violates any provision of § 8-9-301 *et seq.* or the Used Tire Recycling and Accountability Act, § 8-9-401 *et seq.*, or of any rule or order issued pursuant to this chapter, shall be subject to the same penalty and enforcement provisions as are contained in § 8-6-204.
5. Respondent owns a tire processing facility located at 24087 Highway 164, Clarksville, Johnson County, Arkansas (Facility).
6. On September 3, 2013, DEQ issued Permit 0027-SWTP to Respondent. The permit is for the operation of a waste tire processing facility. The permit expired on September 3, 2023.
7. To date, Respondent has not submitted a permit renewal application form.
8. On February 22, 2024, DEQ conducted a routine inspection at the Facility with the following findings:
 - a. Respondent’s waste tire processing permit expired on September 3, 2023. Operating a waste tire processing facility without an active permit from DEQ violates Ark. Code Ann. § 8-9-401 *et seq.*, and PC&EC Rule No. 36.1601(E), now codified as 8 CAR § 64-101. The act also was cited during subsequent inspections conducted on April 17, 2024, August 23, 2024, October 23, 2024, and January 8, 2025.
 - b. DEQ observed piles of tires, extra-large tires, and tire residuals in one single continuous pile with dimensions greater than 100’L x 50’W x 15’H. Exceeding the maximum allowable tire storage area dimensions violates PC&EC Rule No.

36.1602(E), now codified as 8 CAR § 64-1408(d). The act also was cited during subsequent inspections conducted on April 17, 2024, August 23, 2024, October 23, 2024, and January 8, 2025.

- c. DEQ observed no fire lanes between the piles of tires nor a separation between the piles of tires and the processing building. Failure to maintain unobstructed fire lanes of fifty (50) feet wide around the perimeter of each tire storage area violates PC&EC Rule No. 36.1602(F), now codified as 8 CAR § 64-1408(e), and General Permit Condition #7. The failure was cited during subsequent inspections conducted on April 17, 2024, August 23, 2024, October 23, 2024, and January 8, 2025.

- 9. In a letter dated March 22, 2024, DEQ notified Respondent of the inspection findings.
- 10. On August 7, 2024, DEQ mailed a proposed Order to Respondent.
- 11. In a letter dated August 26, 2024, Respondent submitted to DEQ a request for an extension regarding signing the proposed Order. Respondent also requested a meeting with DEQ to discuss the inspection findings. Respondent states the Facility is in the process of obtaining a permit renewal.
- 12. On September 26, 2024, DEQ met with Respondent to discuss the proposed Order and Respondent's current compliance status.
- 13. In a letter dated September 30, 2024, DEQ requested Respondent submit for review and approval a proposed plan and milestone schedule to reach compliance.
- 14. In a letter dated September 30, 2024, Respondent submitted to DEQ a response regarding the August 23, 2024, inspection. Respondent stated a contractor has been hired to assist them in the application process for obtaining a permit renewal from DEQ. Respondent also has advertised a

request for bids for equipment to process extra-large tires. Respondent further stated residuals from tire shreds were removed and disposed of at Ozark Ridge Landfill.

15. In a letter dated October 10, 2024, Respondent submitted to DEQ a proposed plan and milestone schedule to reach compliance.

16. In a letter dated December 10, 2024, Respondent states the renewal form will be submitted to DEQ upon completion of the emergency action plan. Respondent stated approximately 600 extra-large tires have been processed.

17. In a letter dated March 3, 2025, Respondent submitted to DEQ a response regarding the January 8, 2025 inspection. Respondent stated a contractor has been hired to assist them in the application process for obtaining a permit renewal from DEQ. Respondent also has acquired an excavator and shear to quarter the tires for disposal. Respondent stated approximately 800 extra-large tires have been processed since October 2024 and that Respondent continues to process extra-large tires.

18. On May 5, 2025, DEQ requested from Respondent a new Consent Order Project Timeline and a TAP-4 application within thirty (30) calendar days.

ORDER AND AGREEMENT

WHEREFORE, the parties stipulate and agree as follows:

1. Respondent shall immediately implement the plan and milestone schedule, dated October 10, 2024. In addition, Respondent shall submit:
 - a. A weekly report on activities to maintain fire lanes and reduce tire and processed material storage. The weekly report shall be submitted each Friday until this Order is closed.
 - b. A monthly progress report that includes manifests documenting the number of tires processed and applicable receipts indicating proper disposal at a permitted solid

waste facility. The monthly progress report shall be submitted on the first day of the month until this Order is closed.

- c. A TAP-4 permit renewal form no later than thirty (30) days from the effective date of this Order.
 - d. A report documenting all extra-large tires have been processed no later than thirty (30) days from the effective date of this Order.
2. Compliance shall be achieved no later than October 31, 2025. Upon achieving compliance, Respondent shall submit to DEQ a final compliance certification report. This report shall certify:
 - a. A permit renewal application has been submitted to DEQ;
 - b. Compliance with the expired permit, including but not limited to the tire pile dimensions and fire lane requirements;
 - c. If a renewed permit is effective, compliance with the renewed permit, including but not limited to tire pile dimensions and fire lane requirements.
3. All documents required by this Order to be submitted to DEQ, excluding the penalty payment required by Paragraph 4 below, shall be emailed to OLREnforcement@arkansas.gov, submitted by Certified Mail, or hand-delivered to Office of Land Resources Enforcement Branch, DEQ, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317.
4. In compromise and full settlement for instances of noncompliance specified in the Findings of Fact, Respondent agrees to pay a civil penalty of Six Thousand Eight Hundred dollars (\$6,800.00), or one-half of the full civil penalty of Three Thousand Four Hundred dollars (\$3,400.00) if this Order is signed and returned to Office of Land Resources Enforcement Branch, DEQ, 5301 Northshore Drive, North Little Rock, Arkansas, 72118-5317, within twenty (20) calendar days of receipt of this Order. Even if the conditions for receiving a reduced penalty of

Three Thousand Four Hundred dollars (\$3,400.00) have been met, failure to otherwise comply with this Order will result in the penalty reverting to the full civil penalty of Six Thousand Eight Hundred dollars (\$6,800.00) and shall become due immediately and payable to DEQ. Payment is due within thirty (30) calendar days of the effective date of this Order. Such payment of the penalty shall be made payable to the Division of Environmental Quality, and mailed to the attention of:

Division of Environmental Quality
Fiscal Division
5301 Northshore Drive
North Little Rock, AR 72118

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

5. Failure to meet any requirement or deadline of this Order constitutes a violation of this Order. If Respondent should fail to meet any such requirements or deadlines, Respondent consents and agrees to pay on demand to DEQ stipulated penalties according to the following schedule:

- a. First day through fourteenth day: \$100.00 per day
- b. Fifteenth day through the thirtieth day: \$500.00 per day
- c. Each day beyond the thirtieth day: \$1000.00 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 failure by Respondent to comply with the requirements of this Order.

6. If any event, including but not limited to an act of nature, occurs that causes or may cause a delay in the achievement of compliance by Respondent with the requirements or deadlines of this Order, Respondent shall so 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 specified in this Order. 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.

7. DEQ may grant an extension of any provision of this Order if Respondent requests such an extension in writing, and 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. Respondent has the burden of proving that any delay is caused by circumstances beyond the control and without the fault of Respondent, as well as the length of the delay attributable to such circumstances. Failure to notify DEQ promptly, as provided in the preceding paragraph of this Section, shall be grounds for a denial of an extension.

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

9. This Order is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and PC&EC Rule No. 8, now codified as 8 CAR § 11-101, and shall not be effective until thirty (30) calendar days after public notice is given. DEQ retains the right to rescind this Order based upon the comments received within the thirty (30) calendar day public comment period. Notwithstanding the public notice requirements, the corrective actions necessary to achieve compliance shall be taken immediately. The publication of this Order shall occur on or about the 10th or 25th day of the month following the date this Order is executed. As provided by PC&EC

Rule No. 8, now codified as 8 CAR § 11-101, this matter is subject to being reopened upon Commission initiative, or in the event a petition to set aside this Order is granted by the Commission.

10. Nothing in this Order shall be construed as a waiver by DEQ of its enforcement authority over alleged violations not specifically addressed herein. Also, this Order does not exonerate Respondent from any past, present, or future conduct that is not expressly addressed herein, nor does it relieve Respondent of its responsibilities for obtaining any necessary permits.

11. This Order has been reviewed and approved by the copy of meeting minutes or resolution by the West River Valley RSWMD Board in a duly convened meeting with a quorum present. It is the intention of the West River Valley Board to be bound by the terms appearing in the Order. See Exhibit A.

12. The West River Valley RSWMD Board has authorized the Board member named below to sign this Order on behalf of the Board. See Exhibit A.

SO ORDERED THIS 10 DAY OF July, 2025.

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

APPROVED AS TO FORM AND CONTENT:
WEST RIVER VALLEY REGIONAL SOLID WASTE MANAGEMENT DISTRICT

BY:
Signature J. Nart
Print Name Jimmy Nart
Title CHAIRMAN BOARD WRUSWMD
Date 7-1-2025

Special Called - Executive Board of Directors Meeting

Meeting Held Virtually
6/30/25 10:00 am

RECEIVED

JUL 01 2025

C. Hart
@ 12:14

Executive Board Members Present: Chairman, Judge Jimmy Hart (Virtually)
Vice-Chair, Judge Rickey Bowman (Virtually)
Secretary, Mayor Allen Lipsmeyer (Virtually)
Judge Ben Cross (Virtually)
Judge Ray Gack (In Person, Clarksville Facility)
Judge Herman Houston (In Person, Clarksville Facility)

Executive Board Members Absent: Mayor David Rieder

I. Call to Order:

10:00 a.m. – Judge Hart calls to order the Executive Board of Directors of the West River Valley RSWMD

II. Discussion of Proposed Consent Order:

Sparrow reviews meeting of Executive Board, September 26, 2024
Sparrow updates Executive Board of progress towards processing of XL Tires and renewal of permit

III. Motion:

Mayor Lipsmeyer makes a motion to accept the terms of the revised Consent Order received June 13, 2025 and to allow Judge Hart to sign this order on behalf of the District

Second: Judge Houston seconds Mayor Lipsmeyer's motion

Judge Hart calls for a vote-

Motion passed- all present vote yes

H. Hart

IV. **Adjournment:**

Motion:

Judge Cross makes a motion to adjourn

Second:

Judge Gack seconds Judge Cross' motion

Motion Passes- Meeting Adjourned

Executive Board Meeting WRV Solid Waste District held June 30, 2025


Certification:

I certify that the foregoing is a true and correct copy of the minutes approved by the Board of Directors.

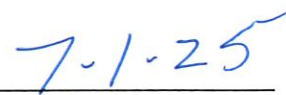

Justin Sparrow, Executive Director
Preparer's Signature


Date

 CHAIRMAN
Board Member


Date


Justin Sparrow
District Director


Date