

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

IN THE MATTER OF:

**EATON-MOERY ENVIRONMENTAL SERVICES, INC.
DEWITT CLASS 1 LANDFILL;
BRYAN MOERY, INDIVIDUALLY;
AND
GLEN EATON, INDIVIDUALLY**

**LIS No. 25 - 051
AFIN: 01-00117**

NOTICE OF VIOLATION

**TO: Eaton-Moery Environmental Services, Inc.
Mr. Glen Eaton
Registered Agent
500 Pintail Cove
Harrisburg, AR 72432**

**Mr. Bryan Moery
1784 Highway 1 North
Wynne, AR 72396**

**Mr. Glen Eaton
500 Pintail Cove
Harrisburg, AR 72396**

NOTICE is hereby given that the Director of the Division of Environmental Quality (DEQ) has determined that there are reasonable grounds to believe that Eaton-Moery Environmental Services, Inc.; Bryan Moery, Individually; and Glen Eaton, Individually (Respondents) have committed the following violations of the Arkansas Pollution Control and Ecology Commission (PC&EC) Rule No. 22: Solid Waste, now codified in the Code of Arkansas rules as 8 CAR part 60.

This Notice of Violation (NOV) is issued pursuant to the authority of the Arkansas Solid Waste Management Act, Ark. Code Ann. § 8-6-201 *et seq.*, and in accordance with the

requirements of PC&EC Rule No. 7, now codified as 8 CAR part 10; Rule No. 8, now codified as 8 CAR part 11; and Rule No. 22, now codified as 8 CAR part 60.

PROPOSED FINDINGS OF FACT

1. Respondents own a Class 1 Landfill at 203 Possum Waller Road, Dewitt, Arkansas County, Arkansas (Site).
2. On January 14, 2003, DEQ issued Permit 0198-S1-R2 to Respondents for the construction and operation of a solid waste disposal facility.
3. Ark. Code Ann. § 8-6-204(c) provides that a person who violates any provision of this subchapter and rules, permits, or plans issued pursuant to this subchapter may be assessed an administrative civil penalty not to exceed ten thousand dollars (\$10,000.00) per violation and that each day of a continuing violation may be deemed a separate violation for purposes of civil penalty assessment.
4. Pursuant to Ark. Code Ann. § 8-6-205 (a)(1), "it shall be illegal for any person 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."
5. On March 14, 2024, DEQ conducted an inspection at the Site. The following violations were identified during the inspection:
 - a. DEQ observed areas along the south slopes of Cells 1-4 and along the north and west slopes of Cell 4 with no berms, swales, or benches observed in place to control surface water. Erosion cuts were observed. This condition of inadequate erosion controls violates 8 CAR § 60-427(d) and Ark. Code Ann. § 8-6-205(a)(1).

- b. DEQ observed areas along the south slopes of Cells 1-3 and the north slope of Cell 4 with exposed waste due to an insufficient compacted layer of cover soil of at least twelve (12) inches in total thickness. These areas of exposed waste have increased in size over the past five (5) years. These failures to maintain interim cover material requirements violates 8 CAR § 60-413(c), and Ark. Code Ann. § 8-6-205(a)(1).
- c. DEQ observed that vegetation still needs to be established in several areas along all slopes of Cells 1-4. Exposed waste was observed. The landfill has deteriorated to the point of being unsafe to conduct an accurate inspection of some areas because of the landfill's unstable slopes. DEQ also observed trees of 4 feet to 10 feet in height growing on the landfill. The failure to maintain appropriate vegetation violates 8 CAR § 60-411(i), and Ark. Code Ann. § 8-6-205(a)(1).
- d. DEQ observed recurring leachate leaks along all slopes of Cell 4. These leaks were observed flowing into the stormwater ponds, which have a continuous off-site flow into a boundary ditch that discharges into Lagrue Bayou. Erosion cuts with exposed waste also observed along all lower levels of north, south, and east slopes of Cells 1-3 and the north slope of Cell 4. Waste from these erosion areas was washing into the borrow pit along the north slope of Cell 4. Failure to maintain cover maintenance violates 8 CAR § 60-411(o), and Ark. Code Ann. § 8-6-205(a)(1).
- e. DEQ observed leachate leaks from all slopes of Cell 4 flowing directly into storm water ponds and borrow pit areas. Failure to maintain surface water requirements violates 8 CAR § 60-419(a)(5), and Ark. Code Ann. § 8-6-205(a)(1).

- f. DEQ observed no readings on all leachate control panel pumps. It appears that there is no power to the units. Failure to maintain system requirements violates 8 CAR § 60-429(a), and Ark. Code Ann. § 8-6-205(a)(1).
6. In a letter dated April 2, 2024, DEQ notified Respondents of the findings of the investigation.
7. On July 26, 2024, DEQ mailed to Respondent a Proposed Consent Administrative Order (CAO).
8. To date, Respondents have failed to adequately respond to DEQ.

PROPOSED CIVIL PENALTY ASSESSMENT

1. For the violations described in Paragraphs 5.a. and 5.b. of the Proposed Findings of Fact, a civil penalty in the amount of Two Thousand Two Hundred Dollars (\$2,200.00) is proposed to be assessed against Respondents pursuant to Ark. Code Ann. § 8-6-204(c).
2. For the violations described in Paragraph 5.c. of the Proposed Findings of Fact, a civil penalty in the amount of Two Thousand Dollars Two Hundred (\$2,200.00) is proposed to be assessed against Respondents pursuant to Ark. Code Ann. § 8-6-204(c).
3. For the violations described in Paragraphs 5.d. and 5.e. of the Proposed Findings of Fact, a civil penalty in the amount of Two Thousand Dollars Two Hundred (\$2,200.00) is proposed to be assessed against Respondents pursuant to Ark. Code Ann. § 8-6-204(c).
4. For the violations described in Paragraph 5.f. of the Proposed Findings of Fact, a civil penalty in the amount of Two Thousand Dollars Two Hundred (\$2,200.00) is proposed to be assessed against Respondents pursuant to Ark. Code Ann. § 8-6-204(c).

5. For all the violations described, Respondents shall pay a total civil penalty in the total amount of Eight Thousand Dollars Eight Hundred (\$8,800.00) as provided by Ark. Code Ann. § 8-6-204(c).

6. Payment of the proposed civil penalty shall be due within thirty (30) calendar days of the effective date of the final Order entered in this matter, made payable to the Division of Environmental Quality and mailed to:

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

PROPOSED CORRECTIVE ACTION

1. Respondents shall immediately repair all leachate leaks to prevent discharge into stormwater ponds and into Lagrue Bayou.

2. Respondents shall re-establish a leachate collection system to prevent further leachate from leaving the Site.

3. Respondents shall submit to DEQ for review and approval, a Corrective Action Plan (CAP). The CAP shall include, at a minimum:

- a. A plan for maintaining interim cover, vegetation, and cover system integrity in accordance with 8 CAR § 60-413(c); 8 CAR § 60-411(i); and 8 CAR § 60-411(o); and,
- b. A plan for controlling surface water by using berms, swales, or benches in accordance with 8 CAR § 60-427(d).

4. Final compliance shall be achieved no later than ninety (90) calendar days from the effective date of the final Order in this matter.

5. On or before the fifteenth (15th) day of the month following the approval of the CAP, and each quarter thereafter for a period lasting until a final Order is closed, Respondents shall submit quarterly progress reports detailing the progress with the CAP.
6. Failure by Respondents to comply with the requirements of the final Order entered in this matter shall result in DEQ's denial of any further extensions of time and in Respondents' immediate initiation of closure activities for the Site in accordance with 8 CAR § 60-1301.
7. This NOV does not purport in any way to relieve Respondents of their responsibilities for obtaining any necessary permits; nor does it exonerate any past, present, or future conduct except as expressly addressed herein.
8. Nothing in this NOV shall be construed as a waiver by DEQ of its authority to recover from any responsible party costs incurred for undertaking corrective action in connection with the sites described herein, nor of its authority over violations not specifically addressed herein.

THEREFORE, TAKE NOTICE THAT:

If Respondents wish to dispute the allegations or the proposed civil penalty assessment, Respondents must file a written request for a hearing with the Secretary of the Arkansas Pollution Control and Ecology Commission, 3800 Richards Rd., North Little Rock, Arkansas 72117, within twenty (20) calendar days of the receipt of this NOV or the allegations herein will be deemed proven. Upon filing a written response within the time provided, Respondents will be entitled to an adjudicatory hearing upon the allegations and other matters stated in the Notice of Violation. If no timely request for a hearing is filed with the Secretary of the PC&EC, the Director may issue a Default Administrative Order affirming the allegations as Findings of Fact, assessing the civil penalty, and ordering the corrective action as stated herein.

SO ORDERED THIS 19 DAY OF June, 2025.

Bailey Taylor
BAILEY TAYLOR

CHIEF ADMINISTRATOR OF ENVIRONMENT AND DEQ DIRECTOR
ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT