

Kes-05-492

MAY-19-2005 10:14 FROM:NORTHSTAR ENGINEERIN 8709327850

TO:9320492

P:1/5



**Fax**

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**To:** Randall Hooton, **From:** Dennis John Burks

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**Fax:** 1 (870) 932-0492 **Date:** 05/19/05

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**Phone:** **CC:** Northstar Engineering - Bentonville Office

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**Re: City of Jonesboro Class 4 Solid Waste Permit # 0305-04** **No. of Pages** 5

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Randall,

Per our discussion, please find attached a copy of a April 15, 2005 letter from Attorney Ralph Ohm to ADEQ with Resolution No. 2005:30 from the City of Jonesboro authorizing the Mayor and City Clerk to enter into an agreement with the Craighead County Solid Waste Disposal Authority. The letter also asked the State to "suspend all efforts to secure this permit".

ADEQ responded with a May 5, 2005 letter to Mr. Ohm voiding the permit (also attached).

I looked at the ADEQ web site this morning and it showed Permit # 0305-04 in void status.

If you need any further information, please advise.

Dennis

# ADEQ

ARKANSAS  
Department of Environmental Quality

May 5, 2005

Ralph C. Ohm  
General Counsel  
APERMA Legal Defense Group  
211 Hobson Ave.  
Hot Springs National Park, AR 71902-1558

**RE: Voiding of Solid Waste Permit 0305-S4  
City of Jonesboro, Arkansas, Permit 0305-S4; AFIN 16-00457  
Document Identification Number 28097; Document Cross Reference Number 27666**

Dear Mr. Ohm:

The ADEQ Solid Waste Management Division (SWMD) is in receipt of your letter of April 15, 2005 regarding the City of Jonesboro's request to have Solid Waste Permit Number 0305-S4 voided by the department. It is the SWMD understanding that the landfill associated with Permit Number 0305-S4 was not constructed and disposal of waste material has not been performed at the site. Based on your request and the understanding that no disposal related activities occurred on the permit landfill site, the SWMD hereby voids Solid Waste Permit Number 0305-S4.

Since your permit has been voided regulatory requirements such as facility inspections, annual reporting, permit fees and financial assurance will no longer be required for this facility. Despite the voiding of Solid Waste Permit 0305-S4, the facility may still be subject to additional ADEQ permits including Stormwater and Mining permits associated with any site activities. In addition the City of Jonesboro shall keep facilities in place to prevent the illegal dumping of waste materials at the property.

Please call me at (501) 682-0598 should you have any questions regarding this matter.

Sincerely,

  
J. Ryan Benefield, P.E.  
Engineer Supervisor  
Solid Waste Management Division

  
Steve Martin  
Chief  
Solid Waste Management Division

Cc Susan Speake, Programs Manager, ADEQ  
Jim Purvis, Permit Fee Coordinator, Fiscal Division  
Heidi Love, Inspector Supervisor, SWMD  
Harry Elliott, Enforcement Branch Manager, SWMD  
Mona Partman, SWMD  
Ann Weinstein, ADEQ Legal Division

**Arkansas Public Entities Risk Management Association  
(APERMA)  
Legal Defense Group**

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**RALPH C. OHM - GENERAL COUNSEL**

**C. BURT NEWELL**  
Direct Dial: (501) 321-2222

**ANGELA R. BICHOIS**  
Direct Dial: (501) 321-2222

April 15, 2005

Mr. Steve Martin  
ADEQ  
Chief Solid Waste Management Division  
P.O. Box 8913  
Little Rock, AR 72219-8913

AFIN: 16-00457  
Pmt #: 0305-S4  
REC'D  
SCAN  APR 15 2005  
Doc ID#: 276666  
To: SMZ file

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Re: City of Jonesboro - Proposed Class IV Landfill Permit No. 0305-S4  
Steve:

Please be advised that I recently met with Mayor Doug Formon with the City of Jonesboro, Arkansas. Mayor Formon has informed me that the City of Jonesboro has entered into an agreement with the Craighead County Solid Waste Authority for the disposal of solid waste. Furthermore, I have been advised that the City of Jonesboro no longer has a necessity for the above-referred to described Permit. In fact, I am enclosing a copy of the Resolution recently passed by the Jonesboro City Council reflecting a desire to abandon the proposed Class IV landfill on the eighty-five acre tract described above.

After weighing all the options, the City of Jonesboro has since concluded that it is in the City's best interest to abandon plans to develop a Class IV landfill as described in Permit No. 0305-S4. Instead, the City has decided to enter into an agreement with the Craighead County Solid Waste Authority for the disposal of all of the City's solid waste.

Please consider this letter as a request on behalf of the City of Jonesboro to suspend all efforts to secure this Permit. As I know you are aware, there is currently litigation pending concerning the decision of the Commission to affirm ADEQ's decision to issue this Permit. I have had a chance to talk with Mr. Hanshaw about this and he indicated that he would be willing to non-suit his claim in the event ADEQ agreed to rescind the Permit that is the subject matter of that litigation. This can be done with the consent and approval of the City of Jonesboro.

*Mr. Steve Martin*  
*Page 2*  
*April 15, 2005*

I want to thank you in advance for your time and cooperation in this matter. Your assistance throughout this whole process has been invaluable.

After you have had the opportunity to review this letter and enclosure, should you have any questions or if I can be of assistance to you in any way, please do not hesitate to contact me.

Respectfully,

*Ralph C. Ohm/dw*  
Ralph C. Ohm

RCO/dw

Enclosure

cc: Mayor Doug Forman  
Mr. Brian Wadley  
Mr. Hunter Hanshaw  
Ms. Lacey Nix  
Ms. Anne Weinstein

**RESOLUTION NO. 2005:30****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A MEMORANDUM OF UNDERSTANDING AND AGREEMENT FOR CAPITAL CONTRIBUTION, IMPROVEMENTS, AND DEBT INCURRENCE ON CRAIGHEAD COUNTY SOLID WASTE DISPOSAL AUTHORITY**

**WHEREAS, The City of Jonesboro has filed a closure plan with the Arkansas Department of Environmental Quality to close its Class 4 landfill located at 1624 Strawfloor Drive by December 31, 2005 and must find a new facility that will accept for management and disposal the Class 4 Waste stream generated within the City of Jonesboro; and**

**WHEREAS, Craighead County Solid Waste Disposal Authority (CCSDWA) operates a landfill on behalf of the citizens of Craighead County, Arkansas located off Highway 1 South, Craighead County, Arkansas that has an expected useful life in excess of one hundred (100) years; and**

**WHEREAS, The City of Jonesboro currently disposes its Class 1 Waste stream at CCSWDA's landfill. The Jonesboro City Council, pursuant to Resolution No. 2005:12 (February 15, 2005) notified CCSWDA that it will begin directing all or part of its Class 4 Waste currently accepted at the Strawfloor Landfill to CCSWDA's landfill; and**

**WHEREAS, the Craighead County Solid Waste Disposal Authority and the City of Jonesboro are committed to working together to ensure that the best and safest waste disposal service is provided to the citizens of Jonesboro and Craighead County, Arkansas, at the most feasible rates possible.**

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:**

- 1. That the Mayor and City Clerk, be and are hereby authorized to execute the Memorandum of Understanding and Agreement for Capital Contribution, Improvements, and Debt Incurrence on the Craighead County Solid Waste Disposal Authority.**
- 2. This resolution shall take effect immediately upon its ~~passage and approval.~~**

**PASSED AND APPROVED this 5<sup>th</sup> day of April, 2005.**