

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

**IN THE MATTER OF:**

**LIS: \_\_\_\_\_**

**CITY OF JONESBORO  
CRAIGHEAD COUNTY, ARKANSAS  
APRIL 1, 2020 VERBAL ORDER DATE**

**EMERGENCY ORDER OF THE DIRECTOR**

On March 29, 2020, because of the significant property damage from storms that occurred on March 28, 2020 in and around Craighead County, Arkansas Governor Asa Hutchinson issued Proclamation DR 20-06, declaring Craighead County a disaster area and suspending regulating statutes that could be a potential impediment to the rapid and orderly rendering of assistance to public subdivisions.

In compliance with the Governor's Proclamation, and after consideration of the necessary assistance required to assist the public subdivisions of this disaster area, the Director of the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ) has determined that emergency actions should be commenced.

Therefore, pursuant to authority provided by the Remedial Action Trust Fund Act as set forth in Ark. Code Ann. § 8-7-501 *et seq.*; the Arkansas Hazardous Waste Management Act as set forth in Ark. Code Ann. § 8-7-201 *et seq.*; the Arkansas Solid Waste Management Act as set forth in Ark. Code Ann. § 8-6-201 *et seq.*; the Arkansas Water and Air Pollution Control Act as set forth in Ark. Code Ann. § 8-4-101 *et seq.*, Ark. Code Ann. § 8-1-202, and the rules promulgated thereunder; the Director makes the following Findings of Fact and orders the following actions to be taken immediately to remedy the emergency conditions.

**FINDINGS of FACT**

1. On March 28, 2020, Craighead County and neighboring counties served by the Craighead County Regional Solid Waste Management District and the Craighead County Solid Waste Disposal Authority, including the city of Jonesboro, suffered significant property damage due to thunderstorms and a National Weather Service-confirmed tornado.
2. Due to the significant property damage in and around Craighead County, the Craighead Solid Waste Disposal Authority (Legacy Landfill) has communicated to DEQ that the current disposal capacity for its permitted disposal facilities could be exceeded and could severely impede the Legacy Landfill's ability to transport and dispose solid

waste pursuant to its current operating plan if the City, District, and Legacy Landfill do not have a new landfill immediately permitted by DEQ to receive storm debris.

3. The City has initiated the application process to permit a new Class 4 landfill on top of the current location of the closed Class 1 landfill located at 1624 Strawfloor Road, Jonesboro, Craighead County, Arkansas. Pursuant to Arkansas Pollution Control and Ecology Commission (APC&EC) Rule 8.216, Rule 22.301(a), and Rule 8.502, the City submitted a written request for interim authority to construct and commence use of a new landfill while its permit application is reviewed and the issuance of an Emergency Order by the Director of the Division of Environmental Quality.

4. The City has also initiated the application process for the DEQ stormwater permit that is necessary to operate a new landfill. Pursuant to APC&EC Rule 8.216 and Ark. Code Ann. § 8-4-230, the City submitted a written request for interim authority to construct a new landfill while its stormwater permit application is reviewed.

5. DEQ has reviewed these requests and determined that the interim authority requests are reasonable accommodations related to the emergency conditions.

6. Pursuant to Ark. Code Ann. § 8-1-202(b)(3) and APC&EC Rule 8.502, issuance of orders by the Director are allowed in such circumstances that reasonably require emergency measures to be taken to protect the environment or the public health and safety.

7. Based on the facts and nature of this situation, the Director has determined that an emergency exists and issues an order, as allowed by Ark. Code Ann. § 8-7-508(k), Ark. Code Ann. § 8-1-202(b)(3), § 8-4-220, § 8-4-304, § 8-6-202, § 8-7-213, § 8-7-214, APC&EC Rule 8.502, and § 8-7-508(h).

### **ORDER**

The DEQ Director orders the following:

1. Due to emergency conditions and pursuant to the legal authority referenced above, the City's requests for interim authority to construct and commence use of the new Class 4 landfill at 1624 Strawfloor Road, Jonesboro, Craighead County, Arkansas is hereby granted. As a contingency to the granting of the City's interim authority requests, the City shall be obligated to comply with the following requirements:

- a. Disposal may begin in the approved area as soon as the vegetative layer is removed.
- b. An operating plan shall be submitted within 7 business days of the date of execution of the Order.
- c. Disposal should progress in an orderly progression, utilizing compaction.

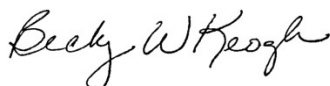
d. An application for a permit containing the documentation required by APC&EC Rule No. 22 Chapter 3 shall be submitted within 7 business days of the date of execution of the Order. This submittal shall include a closure plan containing the final design criteria for the landfill cover.

e. A Notice of Intent (NOI) for coverage of stormwater discharges under the Stormwater Industrial General Permit - ARR000000 (IGP), shall be submitted within 7 business days of the date of execution of the Order. This submittal shall include required components for submittal as specified by the Part 2 of the IGP. The required Stormwater Pollution Prevention Plan (SWPPP) shall include narrative written methods, illustrations as needed, and mapped locations of the type and locations of necessary Best Management Practices (BMPs) to be utilized for positive run-off control as necessary to meet permit requirements, to prevent exceedances of water quality standards, and to prevent off-site deposition of silt or sediment. The City shall comply with implementing these BMPs immediately and shall be subject to this requirement at all time before and after the final permit is issued by DEQ. The SWPPP shall also include a requirement for final engineering certification by a Professional Engineer (P.E.) registered in Arkansas that the final installation of the cap and cover system has reached stabilization. Stabilization shall require disturbed areas to reach a uniform perennial vegetative cover with a density of 80% of the native background vegetative cover, or equivalent permanent stabilization measures as allowed by approved Landfill plans. The final certification of stabilization shall be submitted with the Notice of Termination upon completion of permit requirements.

f. This Emergency Order is for the disposal of bulky inert, non-putrescible Class 4 solid waste as defined by APC&EC Rule No. 22. This waste includes non-compostable wood waste such as tree trunks, stumps, demolition and construction debris, shredded or processed tires as defined by APC&EC Rule No. 36, Rule and Administrative Procedures for the Waste Tire Program, furniture and other inert wastes that the Department may approve for disposal. Appliances may be disposed provided polychlorinated biphenyls (PCBs) and chlorofluorocarbons (CFCs) are removed from the appliance prior to disposal in accordance with applicable state and federal regulations. Hazardous and/or toxic waste materials, liquid or semi-liquid waste, household wastes of any kind, putrescible waste, paper waste including cardboard and "Special Materials" as these terms may be used by APC&EC Rule No. 22 are not authorized for acceptance and disposal at the facility. Asbestos containing material may be disposed of in the landfill. If asbestos containing material is identified, the disposal location shall be notated in the landfill records and cover material placed immediately over the asbestos containing material. The management of this waste shall be in accordance with the provisions of the permit documents, APC&EC Regulation No. 21, the Arkansas Asbestos Abatement Regulation, the Federal National Emission Standards for Hazardous Air Pollutants, and APC&EC Regulation No. 22.

- g. At a minimum, a weekly cover of six (6) inches of compacted soil shall be applied to all exposed waste or on a regular schedule authorized by the Department. Cover material shall be applied on a more frequent basis if necessary to provide for the control of leachate, blowing litter, disease vectors, fires, odors, scavenging, or to prevent harm to human health or the environment.
- h. At all times the disposal facility shall be maintained in good condition and operations shall be conducted by licensed, qualified on-site operators holding the appropriate license as required by APC&EC Rule No. 27, Licensing of Operators of Solid Waste Management Facilities and Illegal Dump Control Officers.
- i. All disposal fees shall be paid to the Department in accordance with APC&EC Rule No. 11.
- j. The landfill working face shall be confined to the smallest practicable area (APC&EC Rule No. 22.607(c)).
- k. The permittee shall not engage in or allow salvage operations at the facility.
- l. Disposal of bulk liquid waste in the landfill is prohibited. Liquid waste is waste that contains “free liquids” as defined by Method 9095 (Paint Filter Liquids Test) in EPA Publication No. SW-846 (APC&EC Rule No. 22.616).
- m. The City is otherwise obligated to comply with all applicable Arkansas law, including but not limited to, permit application and closure and post closure requirements for this landfill.
2. The ability to operate under the Director’s interim authority shall be effective for a 90-day period. Any request for further accommodations or waivers regarding this matter must be submitted to DEQ in writing.
3. This Order does not abrogate DEQ’s authority to commence necessary enforcement actions for violations of Arkansas law.
4. This Order was effective immediately upon verbal issuance on April 1, 2020, and is confirmed by signature of the Director.

DATED THIS 3rd DAY of April, 2020



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BECKY W. KEOGH  
Director  
Division of Environmental Quality