

attached to my agenda



STATE OF ARKANSAS
DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY
8001 NATIONAL DRIVE, P.O. BOX 9583
LITTLE ROCK, ARKANSAS 72209

PHONE: (501) 562-7444

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

September 27, 1985

The Honorable Neil J. Stallings
Mayor, City of Jonesboro
Post Office Box 580
Jonesboro, AR 72401

Re: City of Jonesboro Landfill - Consent Administrative Order

Dear Mayor Stallings:

Thank you for the opportunity to discuss your concerns over the Consent Administrative Order as originally proposed. Based upon our meeting of September 19, 1985 we have made a revision to Section 2 of the Findings of Fact.

Please review the amendment and contact us with your concerns within the next week. Do not hesitate to contact Vince Blubaugh of my staff with any questions you may have.

Sincerely,

Phyllis J. Garnett, Ph.D.
Director



ARKANSAS DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY

IN THE MATTER OF:

CITY OF JONESBORO, ARKANSAS
SOLID WASTE PERMIT NO. 0139-S

LIS 85-065

CONSENT ADMINISTRATIVE ORDER

This Administrative Order is issued by the Director of the Arkansas Department of Pollution Control and Ecology ("ADPC&E") pursuant to the authority of the Arkansas Solid Waste Management Act (Act 237 of 1971, as amended) [Ark. Stat. Ann. §§82-2701 et seq] and the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended) [Ark. Stat. Ann §§82-1901 et seq] and the regulations promulgated pursuant to such acts.

FINDINGS OF FACT

1. The City of Jonesboro (the City) operates a solid waste disposal facility on certain real property located in Section 22, Township 14N, Range 3E in Craighead County, Arkansas, pursuant to Solid Waste Permit (No. 0139-S) issued to the City by ADPC&E on July 28, 1978 pursuant to the authority of the Arkansas Solid Waste Management Act.

2. During the course of operating the facility, the City accepted for disposal containers of substances which have been determined to be hazardous. The disposal of these containers was performed in a manner which resulted in the release of hazardous substances into the environment.

Subsequently the City effected the removal of the identified hazardous substance containers from the facility.

However, unknown quantities of hazardous substances were released from the containers prior to the City's removal of the containers.

The release of these hazardous substances at the facility threatens to cause contamination of the waters of the State and, therefore, constitutes a violation of Ark. Stat. Ann. §§82-2710(f) and Ark. Stat. Ann. §82-1908 subdivision 1.

ORDER

The City of Jonesboro, therefore, consents and agrees to the following:

1. Within 45 days from the date hereof, the City shall submit to ADPC&E for approval a detailed written proposal for a hydrogeologic assessment of the City of Jonesboro Landfill ("the site"), to evaluate the areal extent (width and depth) of surface water and groundwater contamination existing at or emanating from the site and to identify and assess the hydrogeological site factors pertinent to such groundwater contamination. This proposal must include a proposal for a groundwater monitoring system and shall also address the following:

- a) The local and site specific geological characteristics;
- b) The characteristics of the water bearing zones beneath the site;
- c) The placement and construction of a system of groundwater monitoring wells;
- d) The sampling and analysis plan to be used in the groundwater monitoring program;
- e) The locations and characteristics of leachate streams on the site or emanating from the site;
- f) The sampling and analysis plan for identified leachate streams;
- g) The sampling and analysis plan for soils and surface water in the containment area of the drum removal area.

2. The City shall complete the assessment as outlined in the approved proposal and shall submit a report of the assessment including all data and findings generated by the assessment to ADPC&E within 120 days of approval of the proposal by the ADPC&E.

3. If, in the opinion of the Director, the hydrogeologic assessment reveals an imminent environmental endangerment or should such an endangerment become otherwise apparent, the Director may require hereunder such immediate remedial actions by the City as are necessary to meet the emergency. Nothing herein shall limit the authority of the Department to issue emergency or imminent hazard orders as necessary.

4. Within 60 days of ADPC&E approval of the assessment report the City shall submit a proposed remedial action plan, which shall include a proposed implementation schedule. The plan shall describe all proposed measures to abate, contain, or eliminate all soil, groundwater or surface water contamination identified at the site. The recommended remedial measures must permanently eliminate the contamination or threat thereof of the waters of the State of Arkansas.

5. The City shall submit modifications to the proposed plan or additional information needed to evaluate the plan within thirty (30) days of a written request therefore by ADPC&E.

6. The City shall carry out the remedial action plan upon approval by ADPC&E and in accordance with the approved implementation schedule and any conditions of approval.

7. The City consents and agrees to pay to ADPC&E civil penalties as authorized by Ark. Stat. Ann. §§82-2711 for failure to meet any deadlines required by this Order including any approved implementation schedules as follows:

- a) First day through the tenth day: \$100.00 per day
- b) Eleventh day through the twentieth day: \$150.00 per day
- c) Twenty-first day through the thirtieth day: \$250.00 per day
- d) Each day beyond the thirtieth day: \$500.00 per day

Any such penalties shall be due and payable upon demand to ADPC&E.

8. If any event occurs which causes or may cause delay in the achievement of compliance by the City with the requirements of this Administrative Order, it shall notify ADPC&E, in writing as soon as reasonably possible after it is apparent that delay will result, describing in detail the anticipated length of the delay, the precise cause of the delay and the measures being taken to minimize the delay.

9. The ADPC&E may grant an extension of any provision of this Administrative Order, provided sufficient cause therefore has been shown. Failure to notify the ADPC&E promptly, as provided in paragraph (8), may be grounds for denying an extension.

SO ORDERED _____ day of _____, 1985.

Director

APPROVED AS TO FORM AND CONTENT:

CITY OF JONESBORO

BY: _____

DATE: _____