

**CITY OF TONTITOWN  
RESOLUTION 2010-04-178R**

**BE IT RESOLVED BY THE CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS, A RESOLUTION ENTITLED:**

**A RESOLUTION ACCEPTING THE ADDITIONAL ACREAGE AND LOCATION OF THE PROPOSED ECO-VISTA CLASS 1 LANDFILL EXPANSION AREA.**

**A RESOLUTION EXPRESSING THE SUPPORT OF THE CITY OF TONTITOWN, ARKANSAS, FOR THE FOLLOWING:**

**WHEREAS**, the City of Tontitown, Arkansas, ("City") acknowledges that Eco-Vista, LLC owns and operates the Eco-Vista Class 1 Landfill in Washington County, Arkansas, which is located in Sections 14 and 23, Township 17 North, Range 31 West ("Landfill"). The existing Class 1 Landfill currently operates in accordance with Solid Waste Permit No. 0290-S1-R2, issued by the Arkansas Department of Environmental Quality on July 14, 2006 (hereafter "the 2006 ADEQ Permit").

**WHEREAS**, the 2006 ADEQ Permit gave Eco-Vista, LLC the authority to expand the Landfill by adding 10,490,000 cubic yards of capacity to the Landfill waste acceptance footprint.

**WHEREAS**, the 2006 ADEQ Permit revised the design of the Landfill expansion area proposed by Eco-Vista, LLC such that Eco-Vista was only able to use approximately 4,500,000 cubic yards of the 10,490,000 cubic yards of airspace approved by the 2006 ADEQ Permit.

**WHEREAS**, in recognition of the redesign of the expansion area and the loss of approved airspace, condition number 36 of the 2006 ADEQ Permit authorizes Eco-Vista, LLC to submit additional modification applications for expansions to the permitted capacity of the Landfill without obtaining a certificate of need from the local regional solid waste management district up to an additional permitted landfill waste disposal capacity of 5,500,000 cubic yard.

**WHEREAS**, Eco-Vista, LLC now seeks to add approximately thirty-three and one-half (33.5) acres to its permitted Landfill, which will allow Eco-Vista, LLC to use the 5,500,000 cubic yards of airspace that ADEQ has already approved in the 2006 ADEQ Permit.

**WHEREAS**, Eco-Vista, LLC's proposal to expand the Landfill by adding approximately 33.5 acres complies with the zoning requirements of the City in that this additional 33.5 acres is zoned R-MH and use of the land as a landfill is a permitted use by right under the City's zoning ordinances.

**WHEREAS**, Eco-Vista, LLC wishes to expand the existing Landfill operations to include the planning, permitting, design, and development of the Class 1 Landfill adjacent to the existing permitted landfill area presently owned by Eco-Vista, LLC and previously permitted by Waste Management Landfill, LLC. Pursuant to Arkansas Pollution Control and Ecology Regulation 22 (Arkansas Regulation 22), the Class 1 landfill will receive only acceptable Class 1 waste as defined by Arkansas Regulation 22.

**WHEREAS**, in accordance with A.C.A. 8-6-1501 et. seq. and Arkansas Regulation 22.204(a), the City hereby acknowledges the fact that a rebuttable presumption exists against permitting the construction or operation of any new landfill within twelve miles of any existing high-impact solid waste facility, or increasing the landfill acreage of an existing landfill.

**WHEREAS**, the City is the nearest governmental unit, as measured along the major facility access roads and highways, possessing zoning authority encompassed within a twelve-mile radius of the proposed Class 1 landfill as per Arkansas Regulation 22.204(b)(3). As such, the City is the Host Community for the purposes of Arkansas Regulation 22.204.

**WHEREAS**, Arkansas Regulation 22.204(c) does not allow ADEQ to process any pre-application by an owner seeking increased landfill acreage or capacity until the Host Community has provided definitive findings concerning the acceptance or denial of the proposed landfill siting in the form of a formal resolution.

**WHEREAS**, Arkansas Regulation 22.203(a) and (b) may require the City to provide specific written geographic site approval or denial of Eco-Vista, LLC's proposed additional 33.5 acres.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS;**

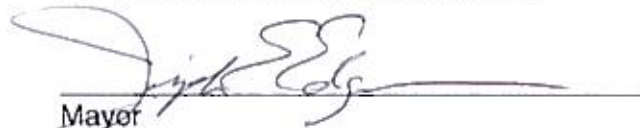
That, the City hereby resolves to accept the location of the proposed expansion to include approximately 33.5 additional acres to the Eco-Vista Class 1 landfill as required by Arkansas Regulation 22.204(c) due to incentives as per 22.204(a)(2). The City understands that the proposed expansion and addition of the approximate 33.5 acres will allow Eco-Vista, LLC to continue to provide convenient and economical long-term waste disposal for the City, County, and surrounding communities as well as continued employment opportunities to citizens of the City and surrounding communities.

The City also hereby resolves to approve the specific geographic site where this additional 33.5 acres is located as per Arkansas Regulation 22.203.

**ADOPTED AND APPROVED THIS 6th DAY OF APRIL 2010:**

**APPROVED:**

CITY OF TONTITOWN, ARKANSAS

  
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Mayor

**ATTEST:**

  
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