

RESOLUTION NO. 2026-07-1309R

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS, ACTING AS THE CONTROL AUTHORITY FOR THE CITY'S PUBLICLY OWNED TREATMENT WORKS, GRANTING A LIMITED EXTENSION OF TIME TO ECO VISTA LANDFILL, LLC TO SUPPLEMENT ITS COMPLIANCE PLAN REGARDING INDUSTRIAL WASTE DISCHARGE PERMIT NO. 12-1-WM.

WHEREAS, the City Council of the City of Tontitown serves as the Control Authority responsible for administration and enforcement of the City's industrial pretreatment program for waste disposal pursuant to Chapter 52 of the Tontitown Municipal Code; and

WHEREAS, the Waste Management Eco Vista Landfill, LLC operates pursuant to Industrial Waste Discharge Permit No. 12-1-WM; and

WHEREAS, on June 9, 2026, the City issued a Notice of Noncompliance and Requirement for Pretreatment Facilities requesting that Waste Management Eco Vista Landfill, LLC submit a written Compliance Plan addressing specified pretreatment measures; and

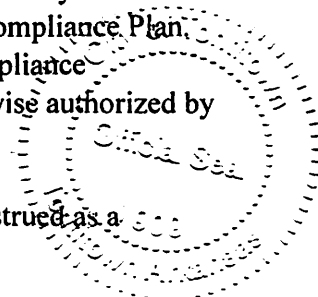
WHEREAS, on July 9, 2026, the Waste Management Eco Vista Landfill, LLC, through its legal counsel, submitted a Request for Extension of Time and Petition for Reconsideration requesting additional time until October 10, 2026, to supplement its compliance plan and provide additional engineering and technical information

WHEREAS, the Tontitown City Council finds that allowing a limited extension of time to receive additional engineering, design, scheduling, and compliance information will assist the City Council, as the Control Authority, in making informed regulatory decisions concerning pretreatment while preserving the City's authority to enforce its ordinances and permit requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS:

Section 1. Extension Granted. The request for an extension of time is granted solely for the purpose of allowing Eco Vista Landfill, LLC to supplement and complete its Compliance Plan. Waste Management Eco Vista Landfill, LLC shall submit all supplemental compliance information requested by the City no later than October 10, 2026, unless otherwise authorized by subsequent action of the Control Authority.

Section 2. Effect of Extension. The granting of this extension shall not be construed as a



determination that the Waste Management Eco Vista Landfill, LLC is presently in compliance with Industrial Waste Discharge Permit No. 12-1-WM nor shall it be construed as an approval or endorsement of any proposed pretreatment technology, future construction, operational plan, or compliance schedule beyond October 10, 2026. Further, this extension shall not constitute an acceptance or adoption of any factual or legal assertion contained in the Waste Management Eco Vista Landfill, LLC's July 9, 2026, correspondence or a waiver, relinquishment, or limitation of any enforcement authority, regulatory authority, or legal remedy available to the City under applicable federal law, state law, the Tontitown Municipal Code, or the Industrial Waste Discharge Permit.

Section 3. Reservation of Rights.

The City expressly reserves all rights under applicable federal law, Arkansas law, the Tontitown Municipal Code, and Industrial Waste Discharge Permit No. 12-1-WM.

Further, nothing contained herein shall:

- (a) modify Industrial Waste Discharge Permit No. 12-1-WM;
- (b) waive any permit condition;
- (c) waive, amend or alter any provision of Chapter 52 of the Tontitown Municipal Code;
- (d) waive any available civil, criminal, or administrative remedy;
- (e) estop the City from pursuing future enforcement; or
- (f) prejudice the City's position with respect to the pending Petition for Reconsideration.

Section 4. Preservation of Enforcement Authority.

The City Engineer, Public Works Director, City Attorney, and other authorized City officials, are authorized to continue reviewing Waste Management Eco Vista Landfill, LLC's submissions, meet with representatives of Waste Management Eco Vista Landfill, LLC and its consultants as reasonably necessary, request additional technical, engineering, operational, or legal information relevant to the City's pretreatment program, and evaluate proposed compliance measures. Such officials shall report their findings and recommendations to the City Council, acting in its capacity as the Control Authority for the City's publicly owned treatment works, for consideration of any future compliance schedules, permit modifications, enforcement actions, or other regulatory determinations. Nothing in this Resolution shall be construed as delegating to any City official the authority to modify the terms of Industrial Waste Discharge Permit No. 12-1-WM, approve a compliance schedule, grant additional extensions of time, or otherwise exercise the powers reserved to the City Council as the Control Authority.

Section 5. Effective Date

This Resolution shall take effect immediately upon its passage and approval.

PASSED AND APPROVED on this 21 day of July, 2026.

APPROVED:

Angela Russell
Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni
Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

SPONSORSHIP AND LEGISLATIVE HISTORY

Sponsor (Initiated By): Mick Wagner

Motion to Introduce Made By: Mick Wagner

Seconded By: Mike Washkowiak

Adopted / Passed: Yes

Vote: Ayes 10 Nays Abstain Absent

This requirement is in addition to, and does not supersede, any authentication, attestations, or signature requirements imposed by state law or other provisions of the Tontitown Municipal Code.



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July 9, 2026

Via Hand Delivery and Certified Mail,
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[Certified Mail]
Mr. James Clark
P.O. Box 127
Tontitown, Arkansas 72770

Re: Request for Extension of Time — June 9, 2026 Notice of Noncompliance and Requirement for Pretreatment Facilities; Industrial Waste Discharge Permit No. 12-1-WM and Petition for Reconsideration

Dear Mr. Clark:

I write on behalf of Eco Vista Landfill, LLC ("Eco Vista") regarding the City of Tontitown's June 9, 2026, Notice of Noncompliance and Requirement for Pretreatment Facilities concerning Industrial Waste Discharge Permit No. 12-1-WM (the "June 9 Notice"). The June 9 Notice states that Eco Vista is not in compliance with Chapter 52 of the Tontitown Municipal Code and Permit No. 12-1-WM, and requests that Eco Vista submit a written Compliance Plan within thirty days of receipt addressing, among other things, the proposed pretreatment system, engineering and design information, project milestones, an anticipated operational date, interim operational measures, and the responsible engineer or consultant. This letter responds to those requests, provides Eco Vista's current compliance plan, requests the extension described below, and preserves Eco Vista's rights and objections via a Petition for Reconsideration.

Prior to the issuance of Eco Vista's existing permit (issued in 2021), Eco Vista and the City of Tontitown ("City") had begun discussions regarding potential pretreatment measures. During that time, Eco Vista's consultant, PMI, performed a study evaluating pretreatment options. The resulting report was shared with City staff and Northwest Arkansas Conservation Authority

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("NACA"). Eco Vista is currently reevaluating that study, along with the associated 60% design drawings, to determine whether on-site pretreatment remains a viable option. Copies of those documents will follow.

Any on-site pretreatment solution would require permitting and approval from local and state regulatory agencies, which could result in delays outside of Eco Vista's control. However, based on Eco Vista's previous permitting experience, a fully permitted, operational pretreatment facility would not be expected before January 1, 2029.

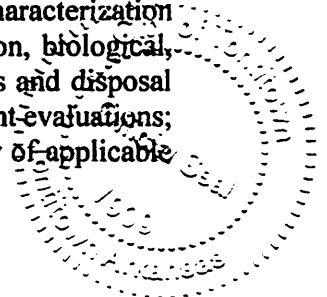
Interim operational measures may be achievable through chemical pretreatment; however, using chemical pretreatment to achieve compliance could adversely affect downstream treatment processes. Therefore, Eco Vista would need to coordinate with the City and NACA to evaluate and identify treatment methods that effectively reduce loading while minimizing impacts to downstream treatment operations.

Eco Vista respectfully requests an extension of time, until October 10, 2026, to supplement this response and submit any additional Compliance Plan detail requested by the City. This additional time will allow Eco Vista to confer with City staff regarding the appropriate scope, content, and timeline for a plan that is both technically sound and responsive to the City's stated concerns. Developing and implementing a compliance plan of the type requested by the City is a complex undertaking that requires engineering evaluation, design input, permitting and procurement considerations, construction and testing milestones, operational planning, and careful assessment of feasible interim measures, most of which requires consultation with third-party experts.

1. Response to the June 9 Notice and Compliance Plan

Eco Vista is actively evaluating two principal paths to address the City's stated concerns: (1) additional on-site pretreatment options for landfill leachate before discharge to the City's sewer system; and (2) temporary or permanent discontinuation of sewer discharges through off-site, non-sewer disposal methods. Eco Vista is proceeding in good faith to evaluate both paths because each may present different timing, permitting, cost, engineering, and operational implications, and because the most efficient path forward should be selected in coordination with the City based on reliable technical information.

With respect to on-site pretreatment, Eco Vista is evaluating what studies and engineering work are necessary to identify a feasible system that can be designed, permitted, constructed, tested, and operated reliably. That evaluation may include additional wastewater characterization and treatability review; assessment of flow, loading, storage, equalization, aeration, biological, chemical, physical, or other treatment alternatives; evaluation of process residuals and disposal requirements; preliminary engineering and conceptual design; vendor and equipment evaluations; cost and constructability review; bench-scale or pilot testing if needed; and review of applicable



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permits, approvals, procurement requirements, construction sequencing, commissioning, and operations and maintenance obligations. Eco Vista will also identify the engineer or consultant responsible for further design and implementation work once the appropriate technical scope is confirmed.

Eco Vista's current schedule for that path is to complete the preliminary technical scoping described above by September 10, 2026. Eco Vista has already requested proposals from three consulting firms to assist us with this process. Those three firms are: (1) Terracon (formerly PMI who worked on the Air Stripper Project)); (2) AECOM; and (3) SCS Engineers. Once this process is complete, Eco Vista would like to confer with the City on the proposals.

Eco Vista's current schedule for that path is to complete the preliminary technical scoping described above within six (6) months and then confer with City staff regarding any additional information the City believes is necessary to evaluate a proposed pretreatment process, and then develop a milestone schedule addressing design, permitting, procurement, construction, testing, startup, and routine operation. At this stage, Eco Vista cannot responsibly provide a final operational date for an on-site pretreatment system without completing the necessary engineering and feasibility review, but it will provide a more specific schedule as soon as the technical path is sufficiently defined. In the interim, Eco Vista will evaluate operational measures that may reduce or manage pollutant loading during the evaluation period, including optimization of existing storage, aeration, mixing, discharge timing, flow equalization, monitoring, and other practicable measures that can be implemented without prejudging the final compliance path.

Eco Vista is also evaluating whether it can temporarily or permanently discontinue sewer discharges by managing leachate through off-site, non-sewer disposal methods. That alternative would require identifying and confirming available capacity at appropriately permitted off-site treatment or disposal facilities; characterizing and profiling the leachate for acceptance; arranging transportation, hauling, manifests, contracts, and contingency capacity; evaluating storage and staging needs at the landfill; confirming any regulatory approvals or notifications required for off-site management; and assessing the operational impacts of diverting all or part of the leachate stream from the City's sewer system. Depending on facility availability, regulatory requirements, and logistics, this alternative may function as an interim measure, a bridge to on-site pretreatment, or a longer-term compliance option.

2. Petition for Reconsideration

Eco Vista is providing the above compliance plan in an effort to work cooperatively with the City. Eco Vista does not agree that the requirements in the June 9 Notice have a lawful basis for a variety of reasons. The City has not lawfully modified Permit No. 12-1-WM or eliminated any existing rights under that permit. The 2021 Permit authorizes Eco Vista's discharge to the Northwest Arkansas Conservation Authority ("NACA") through the City's publicly-owned treatment work ("POTW") in accordance with the permit and the Tontitown Code. The 2021

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Permit contemplates that exceedances will occur and includes a surcharge framework for specified exceedances, and prior Eco Vista correspondence to the City explained that those surcharge provisions are integral to the permit's compliance and billing structure and the parties past practice, which Eco Vista has reasonably relied on to its detriment. For those reasons, Eco Vista respectfully submits this Petition for Reconsideration pursuant to Tontitown Code § 52.057.

There are significant procedural irregularities in the City's current position that are unlawful and inconsistent with the requirements of due process (both state and federal). The City's October 22, 2025 letter requested planning discussions regarding pretreatment and acknowledged that the permit was "expired but remains in effect," and the November 10, 2025 letter identified numerical limits and requested a projected timeline, but neither correspondence provided adequate notice that the City intended to impose a final permit modification, eliminate the surcharge framework, or require immediate categorical compliance outside the existing permit process. Eco Vista's prior appeal explained that the City did not provide a statement of reasons, identify the legal authority or evidentiary basis for such a change, or provide an avenue, deadline, or forum for contesting the change before treating it as operative.

The City has not issued a modified permit in accordance with Tontitown Code § 52.058, which authorizes the Control Authority to modify a wastewater discharge permit only for good cause, including enumerated circumstances such as new or revised pretreatment standards, significant operational changes, changes in the POTW, information indicating a threat to the POTW or receiving waters, or violation of permit terms. The City has not complied with any of these requirements. Tontitown Code § 52.057 separately provides a petition-to-reconsider process for permit terms and identifies when certain decisions become final administrative actions for purposes of judicial review. Attempting to impose a de facto permit modification by letter, without issuing a modified permit, identifying the good-cause basis for the modification, and providing the procedural protections associated with reconsideration and finality, is contrary to Chapter 52 and the permit framework and due process and therefore is not allowed under Arkansas law (or federal law).

The City's position also raises substantive concerns under Arkansas administrative-law principles. Arkansas courts review municipal action to confirm that it is supported by substantial evidence and is not arbitrary, capricious, or characterized by an abuse of discretion. *Mountain Pure, LLC v. Little Rock Wastewater Util.*, 2011 Ark. 258, at 8, 383 S.W.3d 347, 353. Eco Vista has explained in prior submissions to the City that it had not identified changes in local limits, POTW capacity, or headworks analysis; had not furnished data showing interference, pass-through, or sludge contamination attributable to Eco Vista's discharge; and had not provided engineering analysis demonstrating that the City-approved 2022 pretreatment approach had become inadequate. Those matters should be identified, disclosed, and made part of the administrative record before the City imposes materially different permit obligations or proceeds with enforcement.

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Finally, Eco Vista has relied on the City's prior approvals and course of dealing. The City approved Eco Vista's pretreatment narrative in April 2022 as "sufficient to meet the requirement for pre-treatment," and Eco Vista thereafter provided additional pretreatment design materials addressing upgrades such as additional storage, aeration, and improved discharge controls. Eco Vista has also operated for years under the permit's surcharge framework, with the City billing and Eco Vista paying surcharges when applicable. If the City intends to reverse those prior approvals or alter that settled framework, fairness and the City's own procedures require clear notice, a stated technical and legal basis, and a meaningful opportunity for Eco Vista to respond before the City treats the change as final or enforceable. The City is equitably estopped from making a change to the 2021 Permit in the manner that it has.

Please confirm no later than July 9, 2026, whether the City will grant the requested extensions and, if so, the revised deadlines that the City will recognize. Eco Vista appreciates the City's consideration of this request and remains available to meet promptly with City staff to discuss the compliance paths identified above, the information the City needs to evaluate them, and the schedule for next steps.

Sincerely,

QUATTLEBAUM, GROOMS & TULL PLLC



Michael B. Heister

MBH:lsW

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