



JOSEPH K. WOOD
County Judge

280 N. College Ave, Ste 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

10/05/2020

Dear Quorum Court:

In response to the questions that have been raised regarding the County's dirt pit in Winslow, I have prepared a history of that project to update each of you on the progress made.

In early 2016, the Washington County Road Department ("WCRD") began the search for a source of dirt to expedite and economize the construction of dirt to payment roads and the continece of maintaining the unpaved roads in the southeast area of the County. Various locations were investigated and the final site selected was the Paul Reed property. Garver Engineers ("Garver") performed a feasibility study of the Paul and Allen Reed Property in 2016.

A contract was signed between Washington County and the Reeds on February 18, 2016. Due the fact that Paul and Allen Reed are the brothers of WCRD employee Travis Reed, then County Judge Marilyn Edwards requested that the Quorum Court pass an ordinance approving of this business relationship. That ordinance passed with 12 JPs voting in favor (including current JPs S. Madison, B. Pond, L. Ecke, and A. Harbison). Ordinance 2016-31 was passed on May 23, 2017. A lease agreement was prepared and signed on August 21, 2016.

On May 17, 2016, Washington County executed a contract with Garver to provide engineering services for the investigation, development of plans and specifications, and permitting of this 80 acre site.

Garver completed the plans for Phase 1 and Phase 2, which was located on the east side of the dry weather stream that traverses the property from the southeast boundary and meanders to the northwest boundary of the property.

After reviewing several design modifications, the Arkansas Department of Environmental Quality ("ADEQ") approved the plans and required the construction of a haul road to access Phases 1 and 2. This haul road required a construction dike that needed a permit from the U.S. Corps of Engineers. The dyke was required to be tall enough to prevent it from being destroyed by a 100 year flood and would not cause excessive turbidity into the receiving stream (West Fork of the White River). A permit for this dike was granted on December 9, 2016 by the U.S. Corps of Engineers.

On July 20, 2016, ARDOT issued a driveway permit to WCRD to grant access from AR Highway 71 to the property. In order to access the property, it was necessary for the WCRD to obtain a roadway easement across the private properties of two landowners: Sharon Styron and Allen Reed. These easements were obtained and documented. An access road permit from ADEQ was obtained on July 20, 2016. Construction of this entrance began in 2017 and was completed in 2018.

Garver began the permitting process with an application for permit to the Environmental Protection Agency (“EPA”) for the discharge of storm water and an application to ADEQ for the removal of earthen soil in February, 2017. An ADEQ permit was issued for the site on August 22, 2017. The discharge authorization was granted on August 21, 2017 by the EPA.

In the fall of 2017, the staff of WCRD reviewed the Garver plans for constructability and determined that the cost of building the dike road to Phase 1 was greater than the value of the estimated yearly production of 5,000 cubic yards from this phase. The decision was made at that time to start operation in the Phase 5 area, which was the most western phase of the total site plan. Garver prepared the detailed plans for this site consisting of a storm water retention pond with a continuous monitoring discharge pipe and flow turbidity meter. The construction of the retention pond was started midyear in 2018 and the soil from this pond was hauled to various roads for improvement of the unpaved roads.

In the fall of 2018, WCRD met with the Arkansas Department of Transportation (“ARDOT”) and discussed the placement of the Wallin Mountain Road (CR 32) into the ARDOT State Aid program. ARDOT placed Wallin Mountain Rd in the program and agreed to pay 80 percent of the cost for stone aggregate base course and asphalt payment. The 80 percent amount is \$272,993.17, and it was a tremendous saving for the County. ARDOT also placed Trace Branch Road into the program and the ARDOT amount of this road is \$368,821.98. The total amount of \$641,815.15 is a direct cost saving to Washington County.

Plans for these two roads were prepared in-house by WCRD, therefore saving additional \$50,000 in engineering fees. The preparation of these plans were made possible by having a professional engineer and registered land surveyor on staff and utilizing the latest surveying and drone techniques in the field surveying.

Final plans, Contract Documents, Bid Documents, and Specifications were prepared and the project was bid and awarded to APAC-Central (“APAC”) construction contractors. One of the contractual agreements was that WCRD would furnish the earth fill material for the subgrade. The two possible sources of this material was the Winslow Dirt Pit and the Morrow Quarry. A cost analysis of the transportation cost was made and it was determined that the Winslow Pit was the most economical source of material.

On July 7, 2020, APAC began hauling dirt from the Winslow Pit Phase 5 area with WCRD loading the dump trucks. The daily hauling was intense with 15 to 20 APAC trucks daily. The earthwork for the Wallin Mountain Road Project was completed on August 24, 2020 with a final quantity of approximately 29,000 cubic yards. A problem arose during the excavation of

the Phase 5 pit - approximately 5,000 cubic yards of overburden had to be removed in order to supply earth backfill that would meet ARDOT specifications. Large rock boulders were encountered, which also, required removal from the pit area.

When Garver selected the phase of operations, they selected Phase 1 upon the quality and volume of fill material that would meet ARDOT specifications. It was determined that the next pit that should be opened was the Phase 1 area and that it would be economical to construct the construction dike with this 5,000 cubic yards of overburden from the Phase 5 pit area. The construction of the construction dike was done at the same time as the construction of the Wallin Mountain Road Project, therefore utilizing down times and slow hauling days for the APAC construction progress.

It is the intent of WCRD to complete the removal of earth from Phase 5 for the remainder of this year which is estimated to 1,000 to 2,000 cubic yards, and begin the necessary permitting to open the Phase 1 pit in the spring of 2021. It is estimated that WCRD will haul approximately 5,000 cubic yards from the Winslow Dirt pit in 2021 for the repair and maintenance of the unpaved roads located in the southeast area of Washington.

In December of 2019, Washington County was notified of several violations of the ADEQ permits and, subsequently, entered into a Corrective Action Plan ("CAP") to remedy these violations. Last week, Washington County received notification that if the County has no further violations over the next 90 days, ADEQ will terminate the CAP.

After concerns were raised regarding the Winslow Dirt Pit, Washington County requested ADEQ to review the project to confirm compliance with all permits. On September 29, 2020, ADEQ provided Washington County with their report. Washington County is currently working with Garver to address the five violations noted in the report. Washington County will provide responses by the due date of October 13, 2020. A copy of the ADEQ report is attached to this letter.

Should any of you have any questions or wish to discuss this matter further, please do not hesitate to contact me or contact my office to schedule a meeting.

Sincerely,



Joseph K. Wood
Washington County Judge