



Via email to: gary.weeks@lawgroupnwa.com
Gary V. Weeks, Attorney for BTS Equipment, LLC

September 5th, 2018

Cletus and Karena Wilkins, co-owners
BTS Equipment, LLC
PO Box 3114
Bentonville, AR 72811

RE: Complaint Investigation conducted on August 2, 8 and 15, 2018
Complaint #024195
ERC #18-0372
AFIN 04-02528

Dear Mr./Ms. Wilkins:

The Arkansas Department of Environmental Quality Office of Land Resources (ADEQ) conducted an investigation of your facility on Trafalgar Road in Bella Vista, AR, pursuant to the Arkansas Solid Waste Management Act (Arkansas Code, Annotated, § 8-6-201 *et seq.*), of 1971, as amended, and the Arkansas Pollution Control & Ecology Commission Regulation 22 (Solid Waste Management) on August 2 and 8, 2018. The investigation identified conditions at your facility which the ADEQ alleges constitute violations of APC&EC Regulation No. 22. A copy of the investigation report is attached.

A copy of the investigation report has been referred to the Office of Land Resources' Enforcement Section. ADEQ will pursue formal enforcement for the alleged violations observed during the above referenced investigation. If you have any questions regarding the enforcement process, please contact Scott McDonald at (501) 682-0633.

Sincerely,

A handwritten signature in blue ink that appears to read "Chris Krou".

Chris Krou
Compliance Branch Manager
Office of Land Resources
Arkansas Department of Environmental Quality

cc: Charles M. Johnson, Senior Manager, Regulated Waste Operations, Office of Land Resources
Tracy Rothermel, General Counsel
Scott McDonald, Enforcement Branch Manager, Office of Land Resources



AR K A N S A S
Department of Environmental Quality



Arkansas Department of Environmental Quality
5301 Northshore Drive, North Little Rock, AR 72118

Office of Land Resources

HAZARDOUS WASTE MINING REGULATED STORAGE TANKS SOLID WASTE

COMPLAINT REPORT

COMPLAINT# 024195 AFIN# 04-02528 DATE RECEIVED 8/2/2018

PERMIT# / RST ID# / EPA ID# COUNTY Benton

PERSON RECEIVING REPORT Ryan Hayden DATE 8/2/2018

HOW COMPLAINT WAS RECEIVED PHONE LETTER EMAIL/WEBSITE EPA VERBAL

COMPLAINANT NAME	ADDRESS	PHONE
In-house referral from ADEQ Air Division		

COMPLAINT AGAINST	ADDRESS	PHONE
BTS Equipment, LLC, dba Brown's Tree Service or Brown's Tree Care	Trafalgar Road, Belle Vista, AR	(479) 273-0202

COMPLAINT DESCRIPTION Complainant has a concern about a fire that is located at an old dump, she referred to as "the stump dump", near the corner of Trafalgar and Commonwealth in Bella Vista. She is concerned about the air quality. She stated that the land is possibly owned by Brown's Tree Service. She also stated that the fire has been burning for 3 days now. She also said that someone told her the fire is burning underground around fifty feet???. She also has filed a complaint on line.

LOCATION (In Detail) possible address is Trafalgar Road, close to the Bella Vista fire station #2

SUPERVISOR REFERRAL Chris Krou DATE 8/8/2018

MEDIA SUPERVISOR REFERRAL DATE

RECEIVING INSPECTOR Chris Krou DATE 8/8/2018

PREVIOUS COMPLAINT YES NO MEDIA Air DATE concurrent

DISCHARGE TO STREAM YES NO NAME OF STREAM Not currently

ADDITIONAL INFORMATION

FOLLOW UP ON COMPLAINT

COMPLAINT# 024195

INSPECTOR Chris Krou

DATE 8/6/2018

INVESTIGATION FINDINGS

ADEQ Air Inspector conducted an investigation at the site on August 2, 2018, and another visit was made to the site on August 8, 2018. Mr. Ellis provided six (6) photos taken at the site, three (3) on each day, to show the current conditions he observed while there. (Refer to attached Photolog.) Mr. Ellis described this facility as a "Stump Dump" that was allegedly begun by local authorities years ago. This property was purchased by BTS Equipment, LLC. in January 2018. BTS Equipment LLC is co-owned by Cletus Wilkins and Karena Wilkins, according to Mr. Ellis who made contact with Karena Wilkins through a telephone conversation concerning the fire. A multi-media site visit was conducted by ADEQ personnel on August 15, 2018. Photographs of the site were taken in order to record current conditions/observations. (Refer to Attached Photolog.)

APC&EC Regulation 22.102 defines Class 4 solid wastes as nonhazardous, bulky, inert, nonputrescible solid wastes that do not degrade, or degrade very slowly, and are permitted by the Department to be disposed of in a Class 4 landfill. Class 4 wastes include construction and demolition wastes, appliances, furniture, stumps, limbs, and other bulky wastes that are not normally collected with other household, commercial, or industrial waste.

APC&EC Regulation 22.102 and A.C.A. § 8-6-203 defines a disposal site, in part, as any place at which solid waste is dumped, abandoned, or accepted, or disposed of for final disposition by incineration, landfilling, composting, or any other method.


The property on Trafalgar Road meets the definition of a disposal site. This disposal site is filled with various wastes, and therefore, must have a permit from the ADEQ. Upon review of current records, it was revealed BTS Equipment, LLC, does not possess a valid permit for this disposal site of various wastes from the ADEQ. This is a violation of APC&EC Regulation 22.1502(a) and A.C.A. § 8-6-205(a)(2) which states, in part, it is unlawful to construct, install, alter, modify, use or operate, any solid waste disposal or processing facility or site without a permit from the Department.

Upon referencing the photos, newly deposited materials (tree logs, limbs) were observed on the landing, near where the smoke is rising into the air. This is a violation of A.C.A. § 8-6-205(a)(3) which states it shall be illegal for any person to dispose of solid wastes at any disposal site or facility other than a disposal site or facility for which a permit has been issued by the Department.



Again referencing the photos, smoke can clearly be seen rising just beyond the northern edge of the platform, along the eastern edge of the platform, along the north-western edge of the platform, and also to the south of the northern edge. (Refer to Photos #1 - #6.) The rising smoke and/or the contents within it, is construed to create a public nuisance as evidenced by the original complaint being made to the ADEQ, possibly a public health hazard due to unknown materials burning from within the waste mass, and is the cause of air pollution. This is a violation of A.C.A. § 8-6-205(a)(5) which states it shall be illegal for any person to sort, collect, transport, process, or dispose of solid waste contrary to the rules, regulations, or orders of the Department or in such a manner or place as to create or be likely to create a public nuisance or a public health hazard or to cause or be likely to cause water or air pollution within the meaning of the Arkansas Water and Air Pollution Control Act, § 8-4-101 et seq.

FUTURE ACTIONS

PHOTOS	<input type="checkbox"/> YES (Attached) <input type="checkbox"/> NO	FUNCTION CODE	10401
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INSPECTOR SIGNATURE		DATE	8/9/2018	HOURS WORKED	12.0
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**Arkansas Department of Environmental Quality (ADEQ)
Official Photograph Sheet**

Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Jay Ellis, Air Inspector			Witness	N/A		
Photo #	1	Of	27	Date	08/02/2018	Time	a.m.
Description	Bella Vista stump dump fire, looking north.						
							
Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Jay Ellis, Air Inspector			Witness	N/A		
Photo #	2	Of	27	Date	08/02/2018	Time	a.m.
Description	Bella Vista stump dump fire looking northeast – smoke visible south of north edge.						
							

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Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Jay Ellis, Air Inspector			Witness	N/A		
Photo #	3	Of	27	Date	08/02/2018	Time	a.m.
Description	Bella Vista stump dump fire, looking north.						



Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Jay Ellis, Air Inspector			Witness	N/A		
Photo #	4	Of	27	Date	08/08/2018	Time	a.m.
Description	Wide view of Bella Vista stump dump fire, looking north.						



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Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Jay Ellis, Air Inspector			Witness	N/A		
Photo #	5	Of	27	Date	08/08/2018	Time	a.m.
Description	Closer/tighter view from same place Photo #4 was taken, looking north.						





Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Jay Ellis, Air Inspector			Witness	N/A		
Photo #	6	Of	27	Date	08/08/2018	Time	a.m.
Description	Bella Vista stump dump fire, looking a little more northeast from Photo #5.						





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Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Chris Krou, Compliance Branch Manager			Witness	N/A		
Photo #	7	Of	27	Date	08/15/2018	Time	1050
Description	Overall view of the site from the entrance road.						
							
Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Chris Krou, Compliance Branch Manager			Witness	N/A		
Photo #	8	Of	27	Date	08/15/2018	Time	1054
Description	Overall view looking toward the northern edge.						
							



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Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Chris Krou, Compliance Branch Manager		<i>CK</i>	Witness	N/A		
Photo #	9	Of	27	Date	08/15/2018	Time	1056
Description	Looking directly west down the city parcel's northern property line.						
							
Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Chris Krou, Compliance Branch Manager		<i>CK</i>	Witness	N/A		
Photo #	10	Of	27	Date	08/15/2018	Time	1056
Description	Looking southwest at the city's pad and equipment from their parcel's northeast corner.						
							


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Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Chris Krou, Compliance Branch Manager		<i>gk</i>	Witness	N/A		
Photo #	11	Of	27	Date	08/15/2018	Time	1058
Description	Overall view looking toward the northern edge.						
							
Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Chris Krou, Compliance Branch Manager		<i>gk</i>	Witness	N/A		
Photo #	12	Of	27	Date	08/15/2018	Time	1059
Description	Overall view of the most easterly of three (3) solid waste piles, looking north.						
							


Arkansas Department of Environmental Quality (ADEQ) Official Photograph Sheet

Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Chris Krou, Compliance Branch Manager		<i>CK</i>	Witness	N/A		
Photo #	13	Of	27	Date	08/15/2018	Time	1101
Description	View of a vent coming up through the pad from the waste below.						
							
Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Chris Krou, Compliance Branch Manager		<i>CK</i>	Witness	N/A		
Photo #	14	Of	27	Date	08/15/2018	Time	1104
Description	Overall view of the most westerly of three (3) solid waste piles on the platform, looking west. Another vent from waste below is located below the logs in the foreground (red arrow).						
							

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Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Chris Krou, Compliance Branch Manager			Witness	N/A		
Photo #	15	Of	27	Date	08/15/2018	Time	1107
Description	View of the western edge, looking west, south-west.						







Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Chris Krou, Compliance Branch Manager			Witness	N/A		
Photo #	16	Of	27	Date	08/15/2018	Time	1109
Description	View of the western edge, looking more north, north-west from Photo #15.						





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Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Chris Krou, Compliance Branch Manager		<i>CK</i>	Witness	N/A		
Photo #	17	Of	27	Date	08/15/2018	Time	1111
Description	Examples of the hundreds of black plastic pieces of solid waste observed scattered on the ground.						
							
Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Chris Krou, Compliance Branch Manager		<i>CK</i>	Witness	N/A		
Photo #	18	Of	27	Date	08/15/2018	Time	1113
Description	Overall view along the north-west corner/edge.						
							





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Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Chris Krou, Compliance Branch Manager			Witness	N/A		
Photo #	19	Of	27	Date	08/15/2018	Time	1114
Description	Overall view just before the northern edge, looking west.						
							
Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Chris Krou, Compliance Branch Manager			Witness	N/A		
Photo #	20	Of	27	Date	08/15/2018	Time	1114
Description	Overall view from the lip on the northern edge, looking north/down at the valley floor below.						
							

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Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Chris Krou, Compliance Branch Manager		<i>gk</i>	Witness	N/A		
Photo #	21	Of	27	Date	08/15/2018	Time	1116
Description	Overall view from just below the lip on the northern edge, looking east/south-east.						
							
Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Chris Krou, Compliance Branch Manager		<i>gk</i>	Witness	N/A		
Photo #	22	Of	27	Date	08/15/2018	Time	1116
Description	Overall view from just below the lip on the northern edge, looking west.						
							


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Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Chris Krou, Compliance Branch Manager			Witness	N/A		
Photo #	23	Of	27	Date	08/15/2018	Time	1116
Description	Closer view of solid wastes observed in Photo #22.						
							
Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Chris Krou, Compliance Branch Manager			Witness	N/A		
Photo #	24	Of	27	Date	08/15/2018	Time	1116
Description	Closer view of solid wastes observed in Photo #23.						
							

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Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Chris Krou, Compliance Branch Manager		<i>gk</i>	Witness	N/A		
Photo #	25	Of	27	Date	08/15/2018	Time	1121
Description	Overall view of the northern most of three (3) solid waste piles observe don the platform, looking toward the south/south-east.						
							
Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Chris Krou, Compliance Branch Manager		<i>gk</i>	Witness	N/A		
Photo #	26	Of	27	Date	08/15/2018	Time	1122
Description	Close-up view of the solid waste pile contents shown in Photo #25.						
							

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Location	BTS Equipment, LLC, Trafalgar Road, Bella Vista, Arkansas			Complaint #	024195	County	Benton
Photographer	Chris Krou, Compliance Branch Manager			Witness	N/A		
Photo #	27	Of	27	Date	08/15/2018	Time	1126
Description	Overall view along the eastern edge of the platform, looking down the valley toward the north/north-west.						
