

Mr. Arthur Rainey, Sr.
21765 Hwy. 114 East
Gould, AR 71643

ADEQ

A R K A N S A S
Department of Environmental Quality

Document ID # 007615-comp

September 10, 2008

Mr. Arthur Rainey, Sr.
21765 Hwy. 114 East
Gould, AR 71643

Dear Mr. Rainey:

On September 09, 2008, I performed an investigation of your property located on Highway 114 in Lincoln County. This investigation was in response to a complaint alleging dumping and burning of waste. My investigation revealed that you are in violation of the Arkansas Air Pollution Control Code A.C.A. §8-4-310, and the Arkansas Solid Waste Management Act, A.C.A. §8-6-205. Specifically, I found the following violation(s):

1. Operation of an unpermitted solid waste disposal facility, which is in violation of §8-6-205 (a)(1),(2),(3), and (5). The waste dumped at this site consists of lumber, household waste, and other various types of waste. **"No person shall dispose of solid waste at any disposal site or facility other than a disposal site or facility for which a permit has been issued by the Department."**
2. Open burning of this waste which is in violation of the Arkansas Air Pollution Control Code, A.C.A. § 8-4-310(a)(1)(2), and (3).

By law anyone who violates any provision of the Solid Waste Management Act may be subject to criminal, administrative and civil penalties up to \$10,000. You should immediately cease the activity described and undertake measures to correct the above violation. You should notify me in writing at the address below, or call (501)682-0581 **within 20 days of the date of this letter** with a plan of action for correcting these violations.

Please be advised, that failure to make contact with me in regard to this notification may warrant formal enforcement action. Your cooperation is appreciated.

Sincerely,



Kenneth Burks, Inspector
Solid Waste Division

Mr. Arthur Rainey, Sr.
c/o Mr. Arthur Rainey, Jr.
P.O. Box 226
Gould, AR 71643

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Kenneth Burks, Inspector
Solid Waste Division



Arkansas Department of Environmental Quality

Solid Waste Management Division

Complaint/Illegal Dump Investigation Worksheet



County	Lincoln	PDS ID	007615	AFIN	40-00000	Page 1 of 2
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Date Received	09/04/08	Received By	Janice Lewis
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Complainant Name / Address / Phone	Anonymous
Art and Darlene Collins P.O. Box 497 Gould, AR 71643 870-377-0167; Cell – 870-723-1618	

Complaint Lodged Against / Address / Phone	
Arthur Rainey, Sr. 21765 Hwy. 114 East Gould, AR 71643	

Location Description From 65 South, take the Gould exit – go left on Hwy 114 for 3 miles and the house will be on the left – it has a red tin roof. You may call Mr. Collins and he will be happy to assist you.	Complaint Description of Waste Bricks, old lumber, trees, and an old freezer.
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Investigation Section

Date Investigated	09/09/08	Time Investigated	0850 - 0910
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SECTION 1		Size of Waste Mass	Violation Ranking	Points
Length		>640 yd ³	5	
Width		320 yd ³ to 640 yd ³ = 16 roll offs	5	
Height		160 yd ³ to 320 yd ³ = 8 roll offs	4	
Total		80 yd ³ to 160 yd ³ = 4 roll offs	3	
~yd3		40 yd ³ to 80 yd ³ = 2 roll offs	2	
		40 yd ³ or < = 1 roll off	1	1
Size of Waste Mass Score				1

SECTION 2		Contents of Waste Mass	Violation Ranking	Points
Household Waste			5	5
Hazardous items {i.e. paint thinner, cleaning chemicals, oil cans, herbicides, medical waste, asbestos}			5	5
White Waste {i.e. Refrigerators and appliances that may contain Freon}			3	3
Construction/Demolition Waste			3	3
Approximate Number of Tires: 1			3	3
Abandoned Vehicles /Auto Parts: {May contain gasoline, oil, antifreeze or other automotive fluids}			2	
Other Bulky Waste: {i.e. TV's, Furniture, Mattresses, etc.}			2	
Yard Waste			1	1
Dead Animals			4	
Other				
Contents of Waste Mass Score				20

Kenneth Burk

SECTION 3 Site Assessment Violation Ranking Points

Air Pollution	Open Burning	5	
Air Pollution	Evidence of Open Burning	4	4
Air Pollution	Strong; Foul Order Present	3	
Water Pollution	Waste in or near standing or flowing water	5	
Water Pollution	Probability of leachate (run-off) into ground/surface water	5	5
Public Health Risk Assessment	Vectors sighted	5	
Public Health Risk Assessment	Evidence of Vectors {i.e. rats, flies, mosquitoes, snakes, scavengers}	4	
Site Usage Assessment	Site attended or maintained for a fee	5	
Site Usage Assessment	History of previous complaints	5	
Site Usage Assessment	Active, attractive nuisance; evidence of recent dumping	5	5
Site Usage Assessment	Dumping resumed at cleaned up or closed site	4	
Site Usage Assessment	Old Site; no evidence of recent dumping; overgrown	2	
Site Assessment Score			14
*Violation Ranking: 1 (Least Serious Violation) to 5 (Most Serious Violation)		TOTAL SCORE	35

GPS Reading N 34° 00' 56.8"; W 91° 32' 05.3"

SECTION 4 Violations

Solid Waste Management Act §8-6-205

x	(a)(2) To construct, install, alter, modify, use or operate any solid waste processing or disposal facility or disposal site without a permit from the department
x	(a)(3) To dispose of solid wastes at any disposal site or facility other than a disposal site or for which a permit has been issued by the department
x	(a)(3) Individual's household disposal that creates a public or private nuisance or a hazard to health and/or violates a city ordinance or other law and/or involves the open dumping of garbage
	(a)(4) To dump, deposit, throw, or in any manner leave or abandon any solid wastes upon property owned by another person without the written permission of the owner or upon public property
x	(a)(5) To sort, collect, transport, process, or dispose of solid waste contrary to the rules, regulations or orders of the department, or create or likely to create a public nuisance or public health hazard or to cause or likely to cause water or air pollution (Ark. Water and Air Pollution Control Act §8-4-101 et seq)
	(a)(5)(b) A rebuttal presumption when one (1) or more items of solid waste bear the name to indicate that the person committed the unlawful act of disposal

Air Pollution Control Code §8-4-310(a)(1)(2)(3)

x	5)(a) No person shall cause or permit the open burning of refuse, garbage, trade wastes or other waste material, or shall conduct a salvage operation by open burning
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Investigation Comments

See Comments Page

Final Disposition

<input type="checkbox"/>	INVALID COMPLAINT	<input checked="" type="checkbox"/>	VALID COMPLAINT
<input type="checkbox"/>	No evidence found	<input checked="" type="checkbox"/>	Letter Sent
<input type="checkbox"/>	No disposal occurring	<input type="checkbox"/>	Certified Letter Sent
<input type="checkbox"/>	Materials to be salvaged	<input type="checkbox"/>	Response Received
<input type="checkbox"/>	8-6-205(a)(3) exemption	<input type="checkbox"/>	No further action
<input type="checkbox"/>	Unknown violator – No further action	<input type="checkbox"/>	Complaint Forwarded To

Kenneth Burk



**Arkansas Department of Environmental Quality
Solid Waste Management Division
Complaint/Illegal Dump Investigation Worksheet Attachment**



County	Lincoln	PDS ID	007615	Date	09/09/08	Follow-up Investigation		Page 3
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Location	Hwy. 114 in Gould.
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Investigation Comments

09/09/08 – I entered the site on this date and did not find anyone at home. I noted a freezer, plastic drums, plastic buckets, cans, bricks, concrete blocks, lumber, large sections of tree trunks, wood waste, PVC pipe, an empty 5 gallon bucket of hydraulic fluid, one tire, and tin sheeting. There was also an area where burning has occurred.

I spoke with Ms. Darlene Collins by telephone on this date and she stated that Mr. Rainey brings materials into the property and burns them at night. She also stated that her attorney had sent Mr. Rainey several letters and Mr. Rainey had not responded to them. She gave me Mr. Rainey's address at this location and also an address for his son, Mr. Arthur Rainey, Jr.

I will send a letter to the resident, Mr. Arthur Rainey, Sr., and to Mr. Arthur Rainey, Jr., and inquire as to his activities regarding the burning and materials on site.

Final Disposition

Kenneth Burks











9/9/2008



9/9/2008









SEPTEMBER 24
TO SOLID WASTE DIVISION

ID 53852

DEAR MR BURKS:

I ARTHUR RAINEY AM RESPONDING
TO YOUR LETTER DATED SEPTEMBER
10th CONCERNING THE CONDITIONS
OF MY PROPERTY.

I USED TO SELL FIRE WOOD
SO SOME OF THAT WOOD WAS STILL
ON MY PROPERTY WHEN YOU VISITED.
I HAVE RECENTLY WENT OUT AND
CLEANED MY PROPERTY SINCE YOU
VISITED ON THE SEPTEMBER 9th.

I AM NOT UPSET OR ANGRY BUT I
BELIEVE MR COLLINS WAS MAD
BECAUSE HE COULDN'T SELL HIS
PROPERTY.