



Arkansas Department of Environmental Quality

Solid Waste Management Division

Complaint/Illegal Dump Investigation Worksheet



County	Washington	PDS ID	008118	AFIN	72-00000	Page 1 of 2
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Date Received	01/06/2009	Received By	Janice Lewis
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Complainant Name / Address / Phone	Anonymous
Tom Smith PO Box 1700 Lowell, AR 72745 479-927-4960	

Complaint Lodged Against / Address / Phone	
Mark Industries 3507 North Arkansas Street Rogers, AR	

Location Description	Complaint Description of Waste
3507 North Arkansas Street Rogers, AR	Complainant states that Kent Longly is dumping putrescible solid waste and sorting the material with no permit issued by ADEQ

Investigation Section

Date Investigated	1-7-09	Time Investigated	1000
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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	
~yd ³		40 yd ³ to 80 yd ³ = 2 roll offs	2	
		40 yd ³ or < = 1 roll off	1	
Size of Waste Mass Score			0	

SECTION 2		Contents of Waste Mass	Violation Ranking	Points
Household Waste			5	
Hazardous items {i.e. paint thinner, cleaning chemicals, oil cans, herbicides, medical waste, asbestos}			5	
White Waste {i.e. Refrigerators and appliances that may contain Freon}			3	
Construction/Demolition Waste			3	
Approximate Number of Tires:			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	
Dead Animals			4	
Other				
Contents of Waste Mass Score			0	

SECTION 3 Site Assessment Violation Ranking Points

Air Pollution	Open Burning	5	
Air Pollution	Evidence of Open Burning	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	
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	
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			0
*Violation Ranking: 1 (Least Serious Violation) to 5 (Most Serious Violation)			TOTAL SCORE 0

GPS Reading 36°22'5.43"N; 94° 6'6.21"W

SECTION 4 Violations

Solid Waste Management Act §8-6-205

	(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
	(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
	(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
	(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)

	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

No Putrescible waste on site at this time.
 Facility appears to meet the exemption from permitting as found in Reg. 22.1001(b)(1)
 This facility also has implemented an Unauthorized Waste Exclusion Plan- (attached)

Final Disposition

<input checked="" type="checkbox"/>	INVALID COMPLAINT	<input type="checkbox"/>	VALID COMPLAINT
<input checked="" type="checkbox"/>	No evidence found	<input type="checkbox"/>	Letter Sent
<input type="checkbox"/>	No illegal disposal occurring	<input type="checkbox"/>	Follow-up Investigation
<input type="checkbox"/>	Salvageable materials	<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



MARCK INDUSTRIES, INC.

A Recycling Company

Non-Accepted Waste Handling Plan

This plan is to serve as our guideline and policy regarding the event we receive any waste materials that are hazardous, putrescible (organic in nature), or dangerous in any way.

If any of the above materials are received they will be placed in a designated rack area and quarantined while the shipper is being contacted. The shipper will be notified of the non-acceptable materials and immediate arrangements will be made for the shipper to pick the materials up and remove them from our premises.

302 WEST SECOND STREET • CASSVILLE, MISSOURI • 65625

PHONE: (417) 847-5900 • FAX: (417) 847-5990

WWW.MARCKRECYCLING.COM

Mathews, Barbara

From: Robinson, Mike
Sent: Wednesday, January 07, 2009 3:42 PM
To: Mathews, Barbara
Subject: FW: 008118 Mark Industries

Categories: Justin

Rec'd Digitally	
AFIN: 00-00000	
PMT#: Misc.	
RECEIVED <small>By Barbara Mathews at 3:48 pm, Jan 07, 2009</small>	S
DOC ID#: 54395	W
TO: MR> file	M
	D

-----Original Message-----

From: Sparrow, Justin
Sent: Wednesday, January 07, 2009 3:19 PM
To: Lewis, Janice
Cc: Love, Heidi; Robinson, Mike; Leamons, Bryan
Subject: Task Status Report: 008118 Mark Industries

It appears to me that this facility meets the Exemption from Permitting as described in Reg. 22.1001(b)(1)
Also, The facility has implemented an Unauthorized Waste Exclusion Plan that will be attached to the complaint report.
JS

-----Original Task-----

Subject: 008118 Mark Industries

Start date: Tue 1/6/2009
Due date: Mon 1/19/2009

Status: Completed
% Complete: 100%
Date completed: Wed 1/7/2009

Total work: 0 hours
Actual work: 0 hours

Requested by: Lewis, Janice

Mathews, Barbara

From: Robinson, Mike
Sent: Wednesday, January 07, 2009 8:12 AM
To: Solid Waste Division
Subject: FW: Examples Mark Industries Complaint

Rec'd Digitally		
AFIN: 00-00000		
PMT#: Misc.		
<div style="border: 1px solid gray; padding: 2px; display: inline-block;"> RECEIVED <i>By Barbara Mathews at 9:45 am, Jan 07, 2009</i> </div>		S
DOC ID#: 54388		W
TO: MR> file		M
		D

-----Original Message-----

From: Tom Smith [mailto:tom.smith@rolloffnow.com]
Sent: Wednesday, January 07, 2009 6:13 AM
To: Robinson, Mike
Subject: Examples Mark Industries Complaint

Mr. Robinson,

Please find attached some examples of material that the Walmart return center has shipped to some of our facilities in error. I believe because of human error, qualified people should be in place to prevent this material from entering into the storm water and landfills.

I appreciate your consideration in this matter.

Tom Smith

MessageFrom: Leamons, Bryan
Sent: Tuesday, January 06, 2009 9:46 AM
To: Lewis, Janice; Sparrow, Justin; Love, Heidi; Elliott, Harry; Robinson, Mike
Subject: FW: Information

I'd recommend we treat as a citizen complaint since he did mention a formal complaint. Technical Branch would be glad to go to the inspection and participate however needed.

Bryan Leamons, P.E.

Engineer Supervisor

ADEQ - Solid Waste Management Division

501-682-0601

-----Original Message-----

From: Robinson, Mike
Sent: Tuesday, January 06, 2009 9:27 AM
To: Leamons, Bryan
Subject: FW: Information

-----Original Message-----

From: Tom Smith [mailto:tom.smith@rolloffnow.com]
Sent: Tuesday, January 06, 2009 9:19 AM
To: Robinson, Mike
Subject: Information

Mr. Robinson,

Please find attached information on a great concern I have for your review.







Thank you,

Tom Smith

479-927-4960

Tom Smith

***Post Office Box 1700
Lowell AR 72745***

Phone 479-927-4960

January 5, 2009

Via Fax & US Mail 501-682-0880

**Bryan Leamons
Engineer Supervisor, Solid Waste Management
Arkansas Department of Environmental Quality
5301 Northshore Drive
Little Rock, AR 72118-5317**

RE: Mark Industries Complaint 3507 North Arkansas Street Rogers AR

Dear Mr. Leamons,

I hereby lodge a complaint against Mark Industries located at 3507 North Arkansas Street Rogers AR.

Kent Longly is dumping putrescible solid waste and sorting the material at this location with no permit issues by ADEQ. Kent Longly was awarded business from Walmart Return center 8098 that I previously had. According to Walmart he is scheduled to start dumping Walmart trash at this site on Monday January 5, 2009 and run it down a recycle line to pull out the recyclables from the trash. The Walmart material is not source separated material and is considered solid waste by Walmart when it is put into one of four 40 yard trash compactors at this site.

I believe it is critical for this operation to be regulated and inspected by ADEQ for the following reasons.

1. When I had the business many times our licensed operators found non compliance material mixed in the trash such as Fertilizer and Seven Dust.
2. The Walmart material generally has Deer Corn and other putrescible solid waste in the mix.
3. My General Manager reported to me on Saturday January 3, 2009 that Walmart (Texas) shipped non compliant material to our SWMRF in Waco TX. I traveled to the Solid Waste Material Recovery Facility in Waco TX that recycles Walmart material exclusively and discovered over 30 pallets of Hazardous Waste that Walmart shipped to our location with direction to take it to the local landfill. This was clearly a mistake and is being corrected and reported as required.

Mark Industries does not have a permit for such operations nor does it have licensed operators and it is within 1000 ft of an airport that services jet aircraft.

In 2005 I presented this exact operation to ADEQ and the opinion was to require a permit. I do not think ADEQ was presented with all of the facts when a letter was issued from ADEQ that this facility does not require a permit.

Please call if you have any questions or would like to see pictures of the material I am referring to.

Sincerely,

A handwritten signature in black ink that reads "Tom Smith". The signature is written in a cursive, slightly slanted style.

Tom Smith

CC:

Teresa Marks, Director
Wendy Cravens Director Benton County Solid Waste District

Material Recycling Facility or MRF means a facility engaged solely in practices related to the management or diversion of source separated recoverable materials from the waste stream including storage, processing, marketing or reuse of recovered materials. Such term shall not include a solid waste recovery or 1-6 handling facility provided; however, that any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

Tom Smith

***Post Office Box 1700
Lowell AR 72745***

Phone 479-927-4960

January 5, 2009

Via E-Mail & US Mail

**Mike Robinson
Chief
Solid Waste Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
Little Rock, AR 72118-5317**

RE: Mark Industries Complaint 3507 North Arkansas Street Rogers AR

Dear Mr. Robinson,

I am very concerned that Kent Longly provided false information to Bryan Leamons in order to get a letter from ADEQ that stated that his recycle center was not required to request a Solid Waste Material Recovery Facility permit to bring in solid waste from Walmart.

I have been the recycler of this material for the past year at my permitted Solid Waste Material Recovery Facility permit number 0009-SWRF. I lost the Walmart business to Mark Industries and he is taking the material to his location listed above.

In January 2006 I approached Walmart about recycling their waste when they agreed to move forward in the project I presented all of the facts to ADEQ to get guidance on permitting. It was determined in late 2006 that this operation would require a permit for a SWRF.

Over the past year our ADEQ licensed operators have screen out non compliant material from Walmart trash at this location.

I believe that it is critical that this operation is required to be permitted and regulated by ADEQ. I have attached a picture of a pallet of fertilizer with Ant Killer that was received at our Solid Waste Material Recovery facility located in Waco Texas from the Walmart Return Center located in Waco TX in error by Walmart. This is a common problem with Walmart. I have also attached a letter I wrote to Mr. Leamons.

If you need additional information or have any questions please feel free to call or e-mail any time.

Sincerely,

A handwritten signature in black ink that reads "Tom Smith". The signature is written in a cursive, slightly slanted style.

Tom Smith