

ADEQ

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

Document ID # 008726-comp

May 1, 2009

Robert Sartin
Sartin's Complete Lawn Service
3703 South Culberhouse
Jonesboro, AR 72404

Dear Mr. Sartin:

On April 27, 2009, I performed an investigation of property at 3703 South Culberhouse in Craighead County. This investigation was in response to a complaint alleging illegal dumping. My investigation revealed that you are in violation of the Arkansas Solid Waste Management Act, A.C.A. § 8-6-205. Specifically, I found the following violation(s):

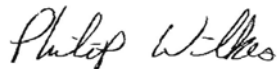
Operation of an unpermitted solid waste disposal facility, which is in violation of §8-6-205 (a)(2)(3) and (5). The waste dumped at this site consists of yard waste, logs, limbs, leaves, grass clippings, tires, treated plywood, plastics, metal and other assorted wastes. **"No person shall dispose of 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".**

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 above and undertake measures to correct the violation. You should notify me in writing at the letterhead address below or call (870) 935-7221, Ext. 13, within **20 days** of the date of this letter, with a plan of action for correcting the violation.

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

Sincerely,



Philip Wilkes, Inspector
Solid Waste Division



Arkansas Department of Environmental Quality

Solid Waste Management Division

Complaint/Illegal Dump Investigation Worksheet



County	Craighead	PDS ID	008726	AFIN	16-00000	Page 1 of 2
--------	-----------	--------	--------	------	----------	-------------

Date Received	04/23/2009	Received By	Philip Wilkes
---------------	------------	-------------	---------------

Complainant Name / Address / Phone	Anonymous
Amber Falls 870-974-2807	

Complaint Lodged Against / Address / Phone
Robert Sartin

Location Description	Complaint Description of Waste
Culberhouse	Illegal dumpsite

Investigation Section

Date Investigated	4-27-09	Time Investigated	0930 - 1130
-------------------	---------	-------------------	-------------

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	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	
Size of Waste Mass Score			4

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	3
Approximate Number of Tires: 2		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			4

Philip Wilkes

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	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			15
*Violation Ranking: 1 (Least Serious Violation) to 5 (Most Serious Violation)		TOTAL SCORE	23

GPS Reading N 35°48'00.09" W 90°43'04.09"

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
	(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)

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

Investigation Comments

4-27-09 – On this date, Solid Waste inspector, Kevin Nance and I investigated the complaint. We spoke with Mr. Robert Sartin, Rachel Sartin and Candi Wolford and informed them of the purpose of our investigation. We told Mr. Sartin that the yardwaste must be taken to a permitted compost facility. He explained that due to zoning issues with the city, he could not take the waste to his permitted compost facility (Permit # 0018-SCYW-MC). We then proceeded to the dumpsite where we noted and photographed several large piles of yard waste. These piles contained logs, limbs, leaves, grass clippings, tires, treated plywood, plastics, metal and other assorted wastes. This complaint will be forwarded to the Craighead Co. Department of Environmental Services.

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 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 See comments

Philip Wilkes

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

From: amber falls [mailto:arfalls@hotmail.com]
Sent: Thursday, April 23, 2009 8:50 AM
To: Wilkes, Philip; Robinson, Mike; Marks, Teresa
Subject: Illegal Dumpsite on Culberhouse

I witnessed Sartin Services trucks dumping yard waste in his gravel mine behind his nursery last night. You can drive up Parish Lane and see it perfectly without trespassing. If the City of Jonesboro doesn't shut him down today, (which I'm sure won't happen), the trucks will be lined up back there to dump at 6:00. I cannot find any solid waste permit for that location. If history repeats itself, the ADEQ will show up, give him a little slap on the hand and send him on his way to continue his destruction and this time, I'm all for it. Get him a permit for Culberhouse so he will stop terrorizing the residents in the Casey Springs area. I have a 15 acre hole beside my house from one of his illegal gravel mines that the ADEQ just can't seem to find a way to make him fix. On Monday night, he stated before the Board of Zoning Adjustments in Jonesboro(after being sworn in) that he has been burying yard waste for 27 years also next to my subdivision. I now have methane gas warning signs posted all over my neighborhood. Are you aware that grass clippings and whatever else was dumped back there have been underground that long on a supposed Compost site?????

My name is Amber Falls and I can be reached at 870-974-2807 if you have any questions. Please don't call if all you want is to give me the usual excuses of why what he's doing could possibly be within the law when I know it's not. It's insulting.

Rediscover Hotmail®: Now available on your iPhone or BlackBerry Check it out.

Sartin Complaint_008726



Sartin Complaint_008726



Sartin Complaint_008726



Sartin Complaint_008726



Sartin Complaint_008726



Sartin Complaint_008726



Sartin Complaint_008726



Sartin Complaint_008726



Sartin Complaint_008726



Sartin Complaint_008726



Sartin Complaint_008726



Sartin Complaint_008726



Sartin Complaint_008726



Sartin Complaint_008726



Sartin Complaint_008726



Sartin Complaint_008726



Sartin Complaint_008726



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

From: Leamons, Bryan
Sent: Tuesday, April 28, 2009 8:20 AM
To: Elliott, Harry; Love, Heidi
Subject: FW: Williams & Sartin Compost Site AFIN #16-00403

Should have cc you two on yesterday's email to Candi Wolford.

Bryan Leamons, P.E.

Engineer Supervisor

ADEQ - Solid Waste Management Division

501-682-0601

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

From: Leamons, Bryan
Sent: Monday, April 27, 2009 5:40 PM
To: 'Candi Wolford'
Cc: Robinson, Mike; Nance, Kevin; Wilkes, Philip
Subject: RE: Williams & Sartin Compost Site AFIN #16-00403

We don't have any approval process for staging or storage. Storage is just not an allowable management practice for solid waste.

You do have a compost permit that allows composting on the approved site; however, if you don't have zoning approval, then you need to discuss matters with the city not me. They have complete and greater authority on that matter if it is within their zoning jurisdiction.

You mentioned disposal activity separate from composting in the same statement which raises a few concerns. I doubt if your compost permit allows any type of fill activity using any type of waste, at least it shouldn't. The green waste has to be processed into compost then removed within a specified timeframe with the type of permit you have. You could be allowed to sort out things like firewood or other reusable materials but, all in all, it can't stay on-site under the type of permit you have. I may be misunderstanding the intent of you statements but you might want to check the conditions of your permit.

Bryan Leamons, P.E.

Engineer Supervisor

ADEQ - Solid Waste Management Division

501-682-0601

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

From: Candi Wolford [mailto:candiwolford@sartinservices.net]

Sent: Monday, April 27, 2009 5:13 PM

To: Leamons, Bryan

Cc: Robert Sartin

Subject: FW: Williams & Sartin Compost Site AFIN #16-00403

April 27, 2009

Dear Mr. Leamons:

Mr. Kevin Nance and Mr. Phil Wilkes came by our office today in response to a complaint regarding illegal green waste disposal adjacent to our Nursery.

Please see the attached Zoning Violation Letter from the City of Jonesboro ordering Sartin Services to stop all green waste disposal at the company's compost site located at 2918 Casey Springs Road. Since receiving this order, we have been disposing of our green waste on other property owned by Robert Sartin and located adjacent to Sartin Services' Nursery.

Since this letter, Sartin Services has been unable to dispose of any green waste or bring any equipment onto the Compost site to properly dispose of green waste already at the site. There is no other legal green waste disposal site in or around North East Arkansas that we are aware of to allow for disposal of yard waste from the normal daily business operations of Sartin Services Lawncare & Nursery, Inc. It is our understanding that the City of Jonesboro does not have a legal disposal site that allows for green waste disposal.

Since receiving this zoning violation notice, Robert Sartin, the owner, submitted a request for the property to be rezoned to I-2 Industrial so that Sartin Services could continue its waste disposal and composting activities. Mr. Sartin met with the Jonesboro City Council regarding this rezoning request on March 5, 2009 and was turned down. An appeal was filed and an application for Registration of Nonconforming Use was also submitted. The meeting for this was held April 21, 2009 with the Jonesboro City Council. The City Council decided at the Appeal Meeting to postpone making a final decision until the evidence submitted at the meeting could be reviewed and researched further. Sartin Services has another meeting on April 30, 2009 with the City of Jonesboro for final decision on the appeal.

Mr. Nance suggested that Sartin Services contact the ADEQ Solid Waste Division to submit a Request for a Temporary Staging Area at the location adjacent to Sartin Services' Nursery where we are temporarily disposing of the business' green waste until this matter is resolved. Mr. Nance inspected this area today while at Sartin Services' office.

Please let us know if this meets with your approval or if there is anything else we need to do.

Sincerely,

Candi Wolford, Accountant
Sartin Services Lawncare & Nursery, Inc.
870-935-3847
www.sartinservices.net

----[Sartin Services Lawncare & Nursery, Inc. E-mail Confidentiality Notice]----

This message was intended for leamons@adeq.state.ar.us from Candi Wolford.

This electronic mail transmission and any attachment is the property of the company and is not intended for transmission to or receipt by any unauthorized individual or entity. It may contain information that is privileged, confidential, and exempt from disclosure under applicable law. Unless expressly stated, opinions in this message are those of the individual sender and not of the company. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please delete it from your system without copying it, and notify the sender by replying to this message.

May 6th 2009

Phillip Wilkes, Inspector
Solid Waste Division, Jonesboro, AR
5301 Northshore Dr.
North Little Rock, AR 72118
870-935-7221

Mr. Wilkes,

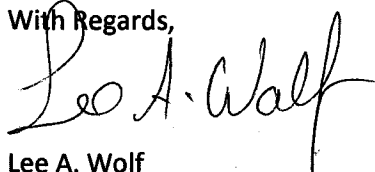
In response to your written request dated May 1st 2009, I am providing you with our swift plan of action to correct the issue at hand. I am providing you with an outline as listed below.

- 1) The wood waste (wood branches, wood trees, wood stumps and other tree wood material) will be ground using a chipping machine, at the 3701 S. Culberhouse location. This was ok'd per my conversation with Mr. Leamons on May 5th 2009.
- 2) The metal found on the site was being pulled aside to transport to Hummelstein Recycling at 105 Flint St. in Jonesboro.
- 3) The tires found on the site was being pulled aside to transport to Jonesboro Tire & Alignment for Proper recycling.
- 4) The plastics, plywood, and other assorted waste was being pulled aside to place in our 40 yard dumpster for proper disposal.
- 5) The yard waste is being pulled aside to transport to the landfill on Strawfloor Rd. , as they are advertising to accept this kind of waste at this time.

We have already started the cleanup process, and we expect it to be finalized by the end of June, 2008. At that time we would like to welcome you back to our site for a final examination of the premises.

It is our intentions to correct the matter at hand to your reasonable request. I trust that these steps will satisfy your request.

With Regards,



Lee A. Wolf
V.P. Special Projects
Sartin Services