



Arkansas Department of Environmental Quality

Solid Waste Management Division

Complaint/Illegal Dump Investigation Worksheet



County Garland	PDS ID 009345	AFIN 26-00000	Page 1 of 2
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Date Received 08/20/2009	Received By J Lewis
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Complainant Name / Address / Phone	X	Anonymous

Complaint Lodged Against / Address / Phone
Wenzel M. Wochos (Both are listed as property owners) Debra Curtis Proto 3408 Timberland Drive Royal, AR 71968

Location Description	Complaint Description of Waste
From Little Rock take I-30 South then take Hwy 70 exit toward Hot Springs. Take the 270 bypass and then take Albert Pike exit. Go under overpass, then approximately 5-6 miles to Sunshine Road (aka 227) turn Right on Sunshine - when you see a very sharp curve to your Left, you will turn Right on Timberlake Drive - less than 1/2 mile (unknown as to which side of road)	Complainant alleges that property was previously used as a landfill without a permit and has been covered. A pond has been built next to Little Mazarn creek that flows to Lake Hamilton. Concerns regarding leachate from covered landfill.

Investigation Section

Date Investigated 08/24/09	Time Investigated 1020 - 1040
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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	
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

Kenneth Burk

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 N 34° 28' 43.6"; W 93° 13' 50.5"

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

I arrived at this address and could not make contact with anyone at the home. I then looked around the property and did not find any evidence of a landfill. With the observations I made, the complaint is invalid at this time.

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

Wenzel Wochos
3408 Timberlake Drive
Royal, AR 71968
(501)-767-7550, fax (501)-767-3119
22OCT2009



COPY

J. H. Vanderburg
401 Ford Road
Royal, AR 71968
Subject: Attached

IN: _____
Pmt #: _____
REC'D
SCAN OCT 27 2009

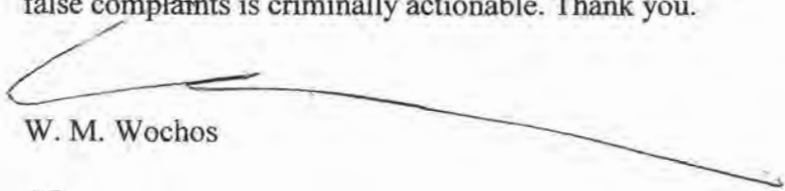
Doc ID#: 009345-comp

S
W
M
D

Dear Jim:

I have become aware of an anonymous complaint (attached) made to ADEQ alleging that I have been naughty. "*Anonymous*" alleges that my land (purchased from you) "*was previously used as a landfill without a permit and has been covered.*" I remind you that your Disclosure Statement #42, prior to our purchase of your land, specifically denies that your land was ever used as a "landfill". Accordingly, all this is news to us and smells like some clumsy retribution for the heat I have brought down on your neighbor Darrell Smith. I particularly enjoyed the fact that the ADEQ "*complainant*" was so gutless as to remain "anonymous" in identical fashion to those responsible for previously placing a copperhead snake on my front porch.

I hope that you had no involvement in any of this given your 'status' hereabouts. However, I do advise that you counsel your various acquaintances that the presence of any "covered landfill" at this address is your responsibility and liability, not mine. You may also wish to share that filing false complaints is criminally actionable. Thank you.


W. M. Wochos

CC:
Irene Drallmeier, Realtor
Lenders Title Company
Teresa Marks, ADEQ Director
Doug Meredith
Denise Potts, Manager GCDES
Colonel Michael Wehr, Director USACE



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



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x	INVALID COMPLAINT	VALID COMPLAINT
x	No evidence found	Letter Sent
	No illegal disposal occurring	Follow-up Investigation
	Salvageable materials	Response Received
	8-6-205(a)(3) exemption	No further action
	Unknown violator - No further action	Complaint Forwarded To

Kenneth Burch

WOCHOS
1331 Airport Rd, PMB # 202
Hot Springs, AR 71913

Kenneth Burks
ADEQ Inspector
5301 Northshore Drive
North Little Rock, AR 72118-5317

LITTLE ROCK AR 722
26 OCT 2009 PM 2 L



721185317



Wenzel Wochos
3408 Timberlake Drive
Royal, AR 71968
(501)-767-7550, fax (501)-767-3119
26OCT2009



J. H. Vanderburg
401 Ford Road
Royal, AR 71968

Subject: Your visit of Saturday re "Anonymous" ADEQ complaint

REC'D
SCAN
OCT 27 2009
Doc ID# 009345-comp
S
W
M
D

Dear Jim:

Thanks for stopping by last Saturday. You mentioned a few things that I wanted to memorialize. First, thanks for the assurance that you sold me property that is not a toxic waste dump and/or landfill. My wife and I are greatly relieved as, no doubt, are Mister Burks of ADEQ and our neighbors. Of course we remain baffled as to how such an "anonymous" and erroneous complaint could have been so 'mistakenly' filed with ADEQ.

Next we discussed the copperhead snake left on my front porch. You noted that cats commonly bring them onto peoples' porches. I am embarrassed to say that possibility had not occurred to stupid me. I never thought of a live, 4 foot long, and unmarked copperhead being gently carried onto a porch in the middle of the night by a cat (obviously declawed, toothless, and a close friend of the snake). Regrettably, the copperhead didn't like my dog who took a face full of venom protecting me in the darkness. Did I mention \$900 worth of emergency vet bills and my dog with 'grapefruit sized' swelling?

Next you mentioned that "Kelly Creek always dries out in the summer". This drivel has been promulgated by Darrell Smith for his own illegal purposes. I am sorry to see you similarly on board. Of course, this claptrap is at odds with years of satellite photos and affidavits. You might wish to review the August 2008 article in the Democrat Gazette for yet 'another view'. Oh, did I mention that Darrell had "no comment" despite repeated requests by the reporter? Doubtless there is an explanation for how Darrell's dam and leaky lake (of 10+ acres) doesn't affect water flow to all of us downstream. Sadly, I am again too stupid to grasp it. Also, you are welcome to come by and look at all the rubble dumped on my property and my neighbors by Darrell and his illegal project. Oh, and all the dead vegetation too.

Just so you don't think I am picking on Darrell, he did have a great idea. Darrell told me that if I wanted water on my property, I should dam up Kelly Creek like he did. Of course, that seems to be at odds with Darrell's response when I asked him how he would like it if I dammed up Kelly Creek upstream of his property. He told me that I "can't do it". Oh, and unlike Darrell, I would first get a permit and check with my neighbors. But, then again, I am stupid. Thanks.

W. M. Wochos

CC: Kenneth Burks, ADEQ Inspector
Irene Drallmeier, Realtor
Doug Meredith

WOCHOS
1331 Airport Rd, PMB # 202
Hot Springs, AR 71913

Kenneth Burks
ADEQ Inspector
5301 Northshore Drive
North Little Rock, AR 72118-5317

LITTLE ROCK AR 722
26 OCT 2009 PM 3 L



7700 1 4 4000 1 7

Handwritten return address: Kenneth Burks, ADEQ Inspector, 5301 Northshore Drive, North Little Rock, AR 72118-5317