



Arkansas Department of Environmental Quality

Solid Waste Management Division

Complaint/Illegal Dump Investigation Worksheet



Complaint Lodged Against:
 Tony Taylor C/o Beaman Realty
 5897 Hwy. 178 Wset [PO Box 168]
 Lakeview, AR 72642

Page 1 of 2

County: Baxter

AFIN: 03-00000

PDS ID: 236

Access ID: 2222

Complainant Name & Address:

Ann Jones
 420 Jims Road
 Lakeview, AR 72642
 Phone: 870-431-5775

Valid

Invalid

Unknown

Location Description:

In Lakeview turn right onto Eastgate; turn into Crestwood Estates, continue to the "T", turn right on Jims Road and continue around the road; waste approximately 50ft on the right from the complainant address.
 Lots 39 & 40

Complaint Description of Waste: Dumping tires, glass and tin in a ravine in the subdivision.

Complaint Received by: Flora Wrather

Date Received: July 12, 2004

Section 1: Size of Waste Mass			Pts	Points	Total
Length		>640 yd ³	5		0
Width		320 yd ³ to 640 yd ³ = 16 roll offs	5		0
Height		160 yd ³ to 320 yd ³ = 8 roll offs	4		0
Total		80 yd ³ to 160 yd ³ = 4 roll offs	3		0
Approx. Cyd		40 yd ³ to 80 yd ³ = 2 roll offs	2		0
		40 yd ³ or < = 1 roll off	1	1	5
{Section 1 Multiplier=5}			Size of Waste Mass Score		5

Section 2: Contents of Waste Mass			Pts	Points	Total
Household Waste			5		0
Hazardous items {i.e. paint thinner, cleaning chemicals, oil cans, herbicides, medical waste, asbestos}			5		0
White Waste {i.e. Refrigerators and appliances that may contain Freon}			3		0
Construction/Demolition Waste			3	3	9
Approximate Number of Tires: 1			3	3	9
Abandoned Vehicles /Auto Parts: {May contain gasoline, oil, antifreeze or other automotive fluids}			2		0
Other Bulky Waste: {i.e. TV's, Furniture, Mattresses, etc.}			2	2	6
Yard Waste			1	1	3
Dead Animals			4		0
Other					0
{Section 2 Multiplier = 3}			Contents of Waste Mass Score		27

Section 3: Site Assessment		Pts	Points	Total
Air Pollution	Open Burning	5		0
Air Pollution	Evidence of Open Burning	4		0
Air Pollution	Strong; Foul Order Present	3		0
Water Pollution	Waste in or near standing or flowing water	5		0
Water Pollution	High probability of leachate (run-off) into ground/surface water	5	5	20
Public Health Risk Assessment	Vectors sighted	5		0
Public Health Risk Assessment	Evidence of Vectors {i.e. rats, flies, mosquitoes, snakes, scavengers}	4	4	16
Public Health Risk Assessment	Public Nuisance {i.e. feces and/or eggs and/or tunnels}	3	3	12
Site Usage Assessment	Site attended or maintained for a fee	5		0
Site Usage Assessment	History of previous complaints	5		0
Site Usage Assessment	Active, attractive nuisance; evidence of recent dumping	5	5	20
Site Usage Assessment	Dumping resumed at cleaned up or closed site	4		0
Site Usage Assessment	Old Site; no evidence of recent dumping; overgrown	2		0
{Section 3 Multiplier = 4}		SITE ASSESSMENT SCORE		68
		TOTAL for Section 1 & 2		32
Date Investigated: 7-15-04		Time Investigated: 1130		(F9) TOTAL SCORE
				100

GIS:

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

Waste Tire Regulations #14 §9, Prohibitions:

X	Tires disposed unless part of a permitted processing/collection facility
	Caused or permitted the open burning of tires

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
--	---

Litter Act §8-6-406

	Dispose of litter upon any public or private property or into any body of water
	Vehicle is not covered to prevent the contents from departing from vehicle

Final Disposition

X	Investigated – Letter Sent	Investigated – No Evidence Found
	No Further Action Required	Complaint Forwarded To:



Complaint Investigation and Illegal Dump Worksheet Attachment

Location: Tony Taylor Lakeview, AR.		County: Baxter	
Inspector: Gary Meador		Date: 7-15-04	
Follow-Up Investigation	PDS ID:	Access ID:	

Comments:
I investigated the site and found mostly yard waste and some C & D waste, a broken lawn mower deck, and a tire dumped into a ravine along Jims Road.

8-3-04 Spoke with Mr. Taylor and explained the complaint investigation. He stated that when he bought the property people in the neighborhood were dumped their brush and leaves in the ravine and have continued to do so over the years. He stated that he would clean up the site and post no dumping signs. I informed him that I would follow up the investigation with a letter giving him 30 days to clean up the site. The letter will be mailed to Beaman Realty, PO Box 168, Lakeview, AR. C/o Tony Taylor.

8-25-04 I re-inspected the site and observed that Mr. Taylor has posted a no dumping sign. However, no evident signs of waste removal or clean up was noted at this time.

FURTHER ACTION TAKEN/TO BE TAKEN:

Inspector Signature:  **Date** 7-15-04
 Form Revised 12-12-03

ADEQ

ARKANSAS
Department of Environmental Quality

August 3, 2004

Tony Taylor
C/o Beaman Realty
PO Box 168
Lakeview, AR. 72642

Dear Mr. Taylor

On July 15, 2004, I performed an investigation of your property, Lots 39 & 40, in Crestwood Estates Subdivision, located in Baxter County. This investigation was in response to a complaint alleging the open dumping of solid waste. 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):

1. Operation of an unpermitted solid waste disposal facility, which is in violation of §8-6-205 (a)(3), (4) and (5). **"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 and undertake measures to correct the above violation. You should notify me, in writing, at PO Box 442, Mtn. Home, AR. 72654, or call 870-424-3322, **within 30 days of the date of this letter, when all the waste has been cleaned up and disposed of properly at a permitted disposal facility. Copies of your waste disposal receipt will be required.**

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,



Gary Meador, Inspector
Solid Waste Division

cc: Heidi Love, Inspector Supervisor, SWD
Flora Wrather, Illegal Dump Program, SWD











