



Arkansas Department of Environmental Quality

Solid Waste Management Division

Complaint/Illegal Dump Investigation Worksheet



Complaint Lodged Against:
 Davis Fitzhugh – Prestige Homes
 6405 Hwy. 5 North
 Bryant, AR 72022

Prestige Homes Real Estate
 4003 Stonybrook Drive
 Bryant, AR 72022

Page 1 of 2

County: Saline

AFIN: 63-00000

PDS ID: 5002

Access ID:

Complainant Name & Address:

Mandy & Ronnie Rowlett
 3300 Lowery Lane
 Alexander, AR 72002

Phone: 501 – 847-4305

<input checked="" type="checkbox"/>	Valid
<input type="checkbox"/>	Invalid
<input type="checkbox"/>	Unknown

Location Description: Lowery Lane, off of Hwy. 5 in Bryant.

Complaint Description of Waste: Construction waste from Stonybrook building edition is being dumped on the Rowlett property.

Complaint Received by: Ken Burks

Date Received: 03/16/07

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	5	15
White Waste {i.e. Refrigerators and appliances that may contain Freon}		3		0
Construction/Demolition Waste		3	3	9
Approximate Number of Tires:		3		0
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		0
Yard Waste		1		0
Dead Animals		4		0
Other				0
{Section 2 Multiplier = 3}		Contents of Waste Mass Score		24

Ken Burks

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	5	20
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		0
Public Health Risk Assessment	Public Nuisance {i.e. feces and/or eggs and/or tunnels}	3		0
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		60
		TOTAL for Section 1 & 2		29
Date Investigated: 03/16/07		Time Investigated: 1030 - 1200		(F9) TOTAL SCORE 89

GIS: N 34° 37' 53.2"; W 92° 29' 43.5"

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
X	(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:

	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
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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: Lowery Lane	County: Saline	
Inspector: Ken Burks	Date: 03/16/07	
Follow-Up Investigation	PDS ID: 5002	Access ID:

Comments:

03/15/07 – On this date, I arranged a meeting place with Mr. Ronny Rowlett at the Harvest Foods store in Bryant. After meeting Mr. Rowlett here, we drove to his residence on Lowery Lane in Bryant. Mr. Rowlett stated that a new housing edition named Stonybrook was being built on the east side of his property. He said that ever since construction ad begun, he had problems with construction materials such as plastic bags, paper, and paint cans being either thrown over the fence on his property or washing onto his property via a creek that passed through the construction area and crossed his property. I noted a lot of plastic and other debris against his fence directly behind a home that was being constructed. In the yard of this partly-constructed home was plastic debris and empty 5 gallon buckets lying uncontained on the ground. I did note one gallon can of paint that had been thrown over the fence onto his property with a small amount of paint spillage apparently originating from the can. We walked down the winding creek across his property and I further noted plastic material and food and drink containers in several bends of the creek.

FURTHER ACTION TAKEN/TO BE TAKEN:

I will send a letter to Mr. Davis Fitzhugh, owner of Prestige Homes Construction.

Inspector Signature: *Kenneth Burks* **Date:** 03/16/07



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



County	Saline	PDS ID	5002	Date	03/16/07	Follow-up Investigation	x	Page 3
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Location	Lowery Lane
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Investigation Comments

04/09/07 – On this date, I met with Mr. Billy Kumpe of Prestige Homes on the property of Ronnie and Mandy Rowlett. Mr. Kumpe removed approximately one cubic yard of paper, plastic, and Styrofoam from the fence, pasture, and creek. I informed Ms. Rowlett that all visible waste had been removed from the property before I left the scene. No further action is planned in this matter.

Final Disposition

All waste has been removed and no further action is planned.



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

Document ID # - 005002-comp

March 19, 2007

Mr. Davis Fitzhugh
Prestige Homes Construction
6405 Hwy. 5 North
Bryant, AR 72022

Dear Mr. Fitzhugh:

On March 16, 2007, I performed an investigation on property located at 3300 Lowery Lane in Saline 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) (1)(2)(3)(4) and (5). The waste dumped at this site consists of construction debris and food and drink containers. **"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 address below or call (501)682-0581 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,

Kenneth Burks, Inspector
Solid Waste Division

cc: Enforcement Branch Files, SWD
Flora Wrather, Illegal Dump Coordinator, SWD











