



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



Complaint Lodged Against:

Dan Mitchell

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County: Benton

AFIN: 04-00000

PDS ID: 5117

Access ID:

Complainant Name & Address:

Anissa Thacker
1304 NE Fairwinds
Bentonville, AR 72712

Phone: 479-271-6443

Valid

Invalid

Unknown

Location Description:

Lot is exactly ½ mile from Hwy. 540 on Hwy. 72 East (to Pea Ridge) on the right. The entrance to Kensington subdivision is immediately pass his property on the east side of lot.

Complaint Description of Waste: Dumping soil, rocks, broken-up concrete and other materials down from his lot into a natural ravine. He is operating a commercial dump by allowing 20-50 trucks per day dump from 7 am to 9 pm.

Complaint Received by: Flora Wrather

Date Received: April 3, 2007

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		0
{Section 1 Multiplier=5}			Size of Waste Mass Score		0

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		0
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		0

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		0
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		0
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		0
		TOTAL for Section 1 & 2		0
Date Investigated:		Time Investigated:		(F9) TOTAL SCORE
				0
GIS:				
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			
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			
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				
	Investigated – Letter Sent		Investigated – No Evidence Found	
	No Further Action Required	X	Complaint Forwarded To: Benton County Env. Office	

Grate Sano