

January 10, 2008

Mr. Buzz Van Marion
201 North Division
Morrilton, AR 72110

Dear Mr. Van Marion:

On December 4, 2007, I performed an investigation of your property located south of Highway 64, between Cedar and Walnut Streets in Morrilton, Conway County. This investigation was in response to a complaint alleging dumping of demolition debris. My investigation revealed that you are in violation of the Arkansas Solid Waste Management Act, A.C.A. § 8-6-205, the Arkansas Solid Waste Management Act 237 of 1971 as amended, and Regulation 14. 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)(2)(3)(4) and (5). The waste dumped at this site consists of demolition debris, roofing material, lumber, metal, concrete, other assorted wastes and tires. **"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".**
2. **The Property mentioned above is not a permitted waste tire processing facility or a permitted waste tire collection center.** Please be advised that you are in violation of Act 749 of 1991, (c) (2), "It is unlawful for any person to dispose of used or waste tires or portions of used or waste tires in the state, unless such tires are disposed of for processing, or collected for processing at a permitted waste tire processing facility, at a tire collection center, or at a permitted solid waste disposal facility."

Regulation 14, Section 15 (Waste Tire Collector Requirements) states, "After July 1, 1992, any person engaged in collecting or transporting waste tires (25 or more tires) for the purpose of storage, disposal, or processing shall display a current decal with their waste tire collector registration number obtained from 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 the address below or call (479) 968-7339, Ext. 17, **within 20 days of the date of this letter** with a plan of action for correcting these violations.

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,



Kevin Nance, Inspector
Solid Waste Division



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



County	Conway	PDS ID	006968	AFIN	15-00000	Page 1 of 2
Date Received	12-3-07	Received By	Kevin Nance			
Complainant Name / Address / Phone						Anonymous
Greg Woodard, City Inspector 210 N. Moose Street PO Box 583 Morrilton, AR 72110 501-354-8020						
Complaint Lodged Against / Address / Phone						
Montie "Buzz" Vanmarion 201 North Division Morrilton, AR 72110 501-3544375						
Location Description				Complaint Description of Waste		
Property is located on south side of Hwy 64 between Cedar and Walnut streets in Morrilton.				Landowner allowed someone to dump waste from demolition of old bottling plant in Morrilton on his property for fill material.		
Investigation Section						
Date Investigated	12-4-07	Time Investigated	1015 - 1140			
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		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						5
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		5
White Waste {i.e. Refrigerators and appliances that may contain Freon}				3		
Construction/Demolition Waste				3		3
Approximate Number of Tires: <1,000				3		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						11

Points



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



County	Conway	PDS ID	006968	Date	12-4-07	Follow-up Investigation	x	Page 1
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Location	South side of State Hwy 64 between Cedar and Walnut streets in Morrilton, AR.
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Investigation Comments

On December 4, 2007, I investigated the referenced complaint. Upon arrival in Morrilton, I met with the Honorable Bobby Kirby, Mayor and Greg Woodard, City Inspector, of Morrilton. We then proceeded to the site and met with landowner, Mr. Buzz Van Marion. Mr. Van Marion explained that he had allowed the demolition material to be dumped the property. He stated he intended to segregate the rock and brick for other uses. He further stated that he was unaware that the other material could not be used for fill. I informed him of the types of materials that are considered acceptable fill. I further informed him that if no documented asbestos survey and abatement had been conducted all of the waste may be considered ACM. During the course of our conversation, Doug Corter, ADEQ Asbestos Inspector arrived and essentially restated what I had told Mr. Van Marion. Inspector Corter and I proceeded to examine the waste. It consisted primarily of wood, roofing material, rocks bricks, tin, and various other wastes. The roofing material appeared to be the most likely ACM. Inspector Corter explained he would seek out the persons involved in the demolition and find out if any asbestos survey had been completed.

A number of used tires (<1,000) were noted in 2 main piles on the property. I informed Mr. Van Marion the tires would need to be disposed of properly. He agreed to seek the help of the mayor in contacting the local solid waste district for assistance in proper disposal of the tires. I then photographed the site and exited.

12-13-07

On December 13, 2007, a follow-up visit was made to the site. Prior to the visit I spoke with Inspector Corter who informed me that no asbestos survey had been conducted prior to demolition, but the person responsible for the demolition, the building owner Mr. Doug Cahill, had contracted with Snyder Environmental to assess and test the debris piles for any ACM. The testing revealed 2 piles containing roofing were identified as ACM. Inspector Corter informed Mr. Cahill of the procedure necessary to satisfy ADEQ with the proper disposal. At the time of this follow-up investigation, Mr. Lloyd Elkins, the person who demolished and hauled the material to the site had removed the ACM containing piles as well as a portion of the other waste. I photographed the site and exited.

12-18-07

On December 18, 2007, a follow-up visit was made to the site. At this time, a few loads of the debris were all that remained. Mr. Van Marion had begun smoothing out the area with a small dozer. No one was present at this time. I photographed the site and exited.

12-20-07

On December 20, 2007, a follow-up visit was made to the site. At this time, the waste piles appeared to have all been removed. It appeared additional shaping up of the area had been done. No one was present at this time. I photographed and exited the site.

Final Disposition

Waste receipts will be attached to the report when they have been received. A follow-up investigation will be made to confirm removal of the waste tires when this has been done.













































12/13/2007





