



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



County **Conway** PDS ID **007611** Date **8/28/08** Follow-up Investigation **x** Page **1**

Location **South side of State Hwy 64 between Cedar and Walnut streets in Morrilton, AR.**

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, only a small amount of waste and tires, which are to be removed, were left. It appeared additional shaping up of the area had been done. No one was present at this time. I photographed and exited the site.

8-28-08

On this date, I conducted a follow-up visit to the site. The wastes appeared to have been removed. The site has been leveled and is now vegetated. Completion of the work was done in a timely manner. The site has been viewed in the interim. This visit was to document, via photograph, the completion of the work.

Final Disposition

No further action required.







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 <sup>3</sup>		5			
Width		320 yd <sup>3</sup> to 640 yd <sup>3</sup> = 16 roll offs		5		5	
Height		160 yd <sup>3</sup> to 320 yd <sup>3</sup> = 8 roll offs		4			
Total		80 yd <sup>3</sup> to 160 yd <sup>3</sup> = 4 roll offs		3			
~yd3		40 yd <sup>3</sup> to 80 yd <sup>3</sup> = 2 roll offs		2			
		40 yd <sup>3</sup> 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

<b>ADEQ Complaint/Illegal Dump Investigation Worksheet</b>		PDS ID	006968	Page 2 of 2
<b>SECTION 3</b>		<b>Site Assessment</b>		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	5	
Water Pollution	Probability of leachate (run-off) into ground/surface water	5	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		
<b>Site Assessment Score</b>			<b>10</b>	
*Violation Ranking: 1 (Least Serious Violation) to 5 (Most Serious Violation)		<b>TOTAL SCORE</b>		<b>26</b>
GPS Reading	N35°09'26.1" ; W92°45'25.7"			
<b>SECTION 4</b>				
<b>Violations</b>				
<b>Solid Waste Management Act §8-6-205</b>				
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			
<b>Air Pollution Control Code §8-4-310(a)(1)(2)(3)</b>				
	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			
<b>Investigation Comments</b>				
See Complaint Attachment.				
<b>Final Disposition</b>				
	<b>INVALID COMPLAINT</b>	X	<b>VALID COMPLAINT</b>	
	No evidence found	X	Letter Sent	
	No illegal disposal occurring	X	Follow-up Investigation	
	Salvageable materials		Response Received	
	8-6-205(a)(3) exemption		No further action	
	Unknown violator – No further action		Complaint Forwarded To	



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Final Disposition













































