

ADEQ

ARKANSAS
Department of Environmental Quality

January 14, 2009

Document ID # 008084-comp

Bee Branch Water Department
PO Box 180
Bee Branch, AR 72013

Dear Sir:

On January 7, 2009, I performed an investigation of the Bee Branch Water Department located at 11208 Highway 65 South in Van Buren County. This investigation was in response to a complaint alleging the open dumping of waste behind the water department building. The investigation revealed that you are in violation of the Arkansas Solid Waste Management Act, A.C.A. §8-6-205. Specifically, the following violations were noted:

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 activities described and undertake measures to correct the above solid waste violation. You should notify me, in writing, at PO Box 442, Mountain Home, AR 72654, or call 870-424-3322, within 14 days of the date of this letter, with a plan of action for the clean up and proper disposal of the waste 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



Arkansas Department of Environmental Quality

Solid Waste Management Division

Complaint/Illegal Dump Investigation Worksheet



| | | | | | | |
|--------|-----------|--------|--------|------|----------|-------------|
| County | Van Buren | PDS ID | 008084 | AFIN | 71-00000 | Page 1 of 2 |
|--------|-----------|--------|--------|------|----------|-------------|

| | | | |
|---------------|------------|-------------|--------------|
| Date Received | 12/15/2008 | Received By | Janice Lewis |
|---------------|------------|-------------|--------------|

| | |
|--|-----------|
| Complainant Name / Address / Phone | Anonymous |
| Jarrod Sweifel, Inspector ADEQ Regulated Storage Tanks Division 5301 Northshore Drive North Little Rock, AR 72118 | |

| |
|---|
| Complaint Lodged Against / Address / Phone |
| Bee Branch Water Department PO Box 180 Bee Branch, AR 72013 |

| | |
|---|---|
| Location Description The office is located on Highway 65 just south and west of the junction with Highway 92 next door to the local fire station. | Complaint Description of Waste The Bee Branch Water Department has been dumping trash behind their offices for quite some time. |
|---|---|

Investigation Section

| | | | |
|-------------------|--------|-------------------|------|
| Date Investigated | 1-7-09 | Time Investigated | 1310 |
|-------------------|--------|-------------------|------|

| 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 | |
| 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 | 1 |
| Size of Waste Mass Score | | | | 1 |

| SECTION 2 | | Contents of Waste Mass | Violation Ranking | Points |
|-------------------------------------|---|------------------------|-------------------|-----------|
| | Household Waste | | 5 | 5 |
| | Hazardous items {i.e. paint thinner, cleaning chemicals, oil cans, herbicides, medical waste, asbestos} | | 5 | |
| | White Waste {i.e. Refrigerators and appliances that may contain Freon} | | 3 | |
| | Construction/Demolition Waste | | 3 | 3 |
| | Approximate Number of Tires: | | 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 |

SECTION 3 Site Assessment 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 | 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 | |
| Site Assessment Score | | | 15 |
| *Violation Ranking: 1 (Least Serious Violation) to 5 (Most Serious Violation) | | TOTAL SCORE | 27 |

GPS Reading 35° 26' 58.77" N 92° 23' 39.89" W

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 |

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

Investigation Comments

I investigated the site on this date and observed waste dumped along the edge of the parking lot behind the building. Also met Virginia Watson, Secretary, at the Water Department and explained the complaint investigation and requirements for clean up and proper disposal.
 1-14-09, Scott from the water department called and stated that they have already started cleaning up the waste and asked if they could burn the brush cleared from the site. I informed him that it was legal to burn the brush and only the brush as a result from clearing the site.

Final Disposition

| | | | |
|--------------------------|--------------------------------------|-------------------------------------|-------------------------|
| <input type="checkbox"/> | INVALID COMPLAINT | <input checked="" type="checkbox"/> | VALID COMPLAINT |
| <input type="checkbox"/> | No evidence found | <input checked="" type="checkbox"/> | Letter Sent |
| <input type="checkbox"/> | No illegal disposal occurring | <input type="checkbox"/> | Follow-up Investigation |
| <input type="checkbox"/> | Salvageable materials | <input type="checkbox"/> | Response Received |
| <input type="checkbox"/> | 8-6-205(a)(3) exemption | <input type="checkbox"/> | No further action |
| <input type="checkbox"/> | Unknown violator – No further action | <input type="checkbox"/> | Complaint Forwarded To |







From: Love, Heidi
Sent: Monday, December 15, 2008 10:03 AM
To: Lewis, Janice
Subject: FW: Solid waste issue in Van Buren County
[Please prepare complaint report and task for Gary.](#)

-----Original Message-----

From: Zweifel, Jarrod
Sent: Friday, December 12, 2008 3:39 PM
To: Love, Heidi
Cc: McDuffie, Sam
Subject: Solid waste issue in Van Buren County

I visited a tank removal in Bee Branch earlier this week, and found something that may be of interest to the local inspector. The Bee Branch Water Department has been dumping trash behind their offices for quite some time. The office is located on Highway 65 just south and west of the junction with Highway 92 next door to the local fire station. I have attached two photos of my observations. Please let me know if I can be of any further assistance.

Thank you,

Jarrod Zweifel
Inspector, Regulated Storage Tanks Division
Arkansas Department of Environmental Quality
5301 Northshore Dr.
North Little Rock, AR 72118-5317
Tel-501.682.0610 Fax-501.682.0971

**Arkansas Department of Environmental Quality (ADEQ)
Official Photograph Sheet**

| | | | | | | | |
|----------------------|---|----|---|-----------------|----------|--------------|------|
| Location: | BEE BRANCH WATER DEPARTMENT | | | | | | |
| Photographer: | JARROD ZWEIFEL | | | Witness: | | | |
| Photo # | 1 | of | 2 | Date: | 12/08/08 | Time: | 1300 |
| Description: | SOLID WASTE STOCKPILE BEHIND BEE BRANCH WATER DEPT. | | | | | | |



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| Photographer: | JARROD ZWEIFEL | | | Witness: | | | |
| Photo # | 2 | of | 2 | Date: | 12/08/08 | Time: | 1300 |
| Description: | SOLID WASTE STOCKPILE BEHIND BEE BRANCH WATER DEPT. | | | | | | |

