



ARKANSAS
Department of Environmental Quality

September 2, 2009

**Dillan Rowden
138 Jade Lane
Mountain Home, AR 72653**

Dear Mr. Rowden:

On September 1, 2009, I investigated a complaint concerning unpermitted dumping on CR 274 off Hwy 201 south of Mountain Home in Baxter County, Arkansas. My investigation revealed that this site is in violation of the Arkansas Solid Waste Management Act and Regulation 22.

There was evidence found at this dump site bearing you name and address, indicating that the waste belongs to you. You are in violation of the Solid Waste Management Act 8-6-205, (a) (3) which makes it unlawful to dispose of solid wastes at any disposal site that does not have a permit which 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 and undertake measures to correct the above violation. You should notify me in writing, at the address below, or call 870-424-3322 within 10 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,

A handwritten signature in black ink, appearing to read "Gary Meador", is written over a horizontal line.

**Gary Meador, Inspector
Solid Waste Division**



September 2, 2009

**John Robinson
JR's Construction
53 JR's Trail
Mountain Home, AR 72653**

Dear Mr. Robinson:

On September 1, 2009, I investigated a complaint concerning unpermitted dumping on CR 274 off Hwy 201 south of Mountain Home in Baxter County, Arkansas. My investigation revealed that this site is in violation of the Arkansas Solid Waste Management Act and Regulation 22.

There was evidence found at this dump site bearing your name and address, indicating that the waste belongs to you. You are in violation of the Solid Waste Management Act 8-6-205, (a) (3) which makes it unlawful to dispose of solid wastes at any disposal site that does not have a permit which has been issued by the Department.

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Please be advised that failure to make contact with me in regard to this notification may warrant formal enforcement. Your cooperation is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Meador".

**Gary Meador, Inspector
Solid Waste Division**



Arkansas Department of Environmental Quality

Solid Waste Management Division

Complaint/Illegal Dump Investigation Worksheet



County Baxter	PDS ID 009401	AFIN 03-00000	Page 1 of 2
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Date Received 8-31-09	Received By Gary Meador
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Complainant Name / Address / Phone Baxter County Road and Bridge Dept. Mountain Home, AR. 72653	Anonymous
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Complaint Lodged Against / Address / Phone Unknown
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Location Description Take Hwy 201 South to CR 274, turn left to dump site on right.	Complaint Description of Waste The County Road Foremen reported the road side dump stating someone is dumping a covering all types of waste next to the county road.
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Investigation Section

Date Investigated 9-1-09	Time Investigated 1200
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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	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				4

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	
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	2
Yard Waste			1	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	
Water Pollution	Probability of leachate (run-off) into ground/surface water	5	5
Public Health Risk Assessment	Vectors sighted	5	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	30

GPS Reading 36.280484° -92.383484°

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
X	(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)
X	(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 solid waste being dumped and covered with rocks, dirt and stumps. Several names and addresses were found in the waste. I will contact the two parties by mail.

John Robinson	Dillan Rowden
JR's Construction	138 Jade Lane
53 JR's Trail	Mountain Home, AR 72653
Mountain Home, AR 72653	

Final Disposition

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



Baxter CR274 Roadside Dump



Baxter CR274 Roadside Dump



Baxter CR274 Roadside Dump



Baxter CR274 Roadside Dump



Arkansas Department of Environmental Quality

Solid Waste Management Division

Complaint/Illegal Dump Investigation Worksheet



County Baxter	PDS ID 009401	AFIN 03-00000	Page 1 of 3
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Date Received 8-31-09	Received By Gary Meador
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Complainant Name / Address / Phone Baxter County Road and Bridge Dept. Mountain Home, AR. 72653	Anonymous
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Complaint Lodged Against / Address / Phone Randy West 28 Woodside Lane Mountain Home, AR. 72653

Location Description Take Hwy 201 South to CR 274, turn left to dump site on right.	Complaint Description of Waste The County Road Foremen reported a road side dump, stating someone is dumping and covering all types of waste next to the county road.
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Construction/Demolition Waste		3	3
Approximate Number of Tires:		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	2
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Dead Animals		4	
Other			
Contents of Waste Mass Score			11

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Water Pollution	Waste in or near standing or flowing water	5	
Water Pollution	Probability of leachate (run-off) into ground/surface water	5	5
Public Health Risk Assessment	Vectors sighted	5	5
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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)
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Investigation Comments

I investigated the site on this date and observed solid waste being dumped and covered with rocks, dirt and stumps. Several names and addresses were found in the waste. I will contact the two parties by mail.

John Robinson JR's Construction 53 JR's Trail Mountain Home, AR 72653	Dillan Rowden 138 Jade Lane Mountain Home, AR 72653
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Final Disposition

<input type="checkbox"/>	INVALID COMPLAINT	<input checked="" type="checkbox"/>	VALID COMPLAINT
	No evidence found	x	Letter Sent
	No illegal disposal occurring	X	Follow-up Investigation 10-22-09
	Salvageable materials		Response Received
	8-6-205(a)(3) exemption		No further action
	No further action		Complaint Forwarded To



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



County	Baxter	PDS ID	009401	Date	9-8-09	Follow-up Investigation	X	Page 3
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Location	Road side dump on CR 274
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Investigation Comments

9-4-09, John Robinson called. He stated that he is building a house for Leslie Sellers and the waste came from the Seller's construction site, but he did not dump the waste. He contacted Ms Sellers and she stated that she hired Randy West to clean up around the construction site and dispose of the waste. I informed Mr. Robinson that I would contact Randy West concerning the illegal disposal.

9-4-09, Dillan Rowden called concerning the letter he received about the illegal dumping. I informed him that he must clean up the waste he dumped at the site.

9-8-09, I discovered that Randy West is the property owner of the site and is allowing waste to be dumped in order to fill the area. I contacted Mr. West by phone, 870-405-6797, and informed him that all illegal dumping must stop and that all solid waste must be removed and disposed of properly at a permitted disposal facility. Also, he must provide receipts for proof of disposal. He stated that he would clean up the site but would like to continue to fill the site with legitimate fill material. I told him I would work with him on continuing the fill operation after remediation.

10-22-09, I conducted a follow up investigation and observed additional C & D waste dumped at the site. I could see little or no evident signs of any clean up activity. I will follow with a letter to Randy West.

11-10-09, I conducted a follow up investigation and observed no evident signs of clean up activity. I will follow up with another letter to Randy West.

Final Disposition

ADEQ

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

October 23, 2009

Randy West
28 Woodside Lane
Mountain Home, AR 72653

Dear Mr. West:

On September 8, 2009 I contacted you by phone regarding an investigation of your property located on CR 274, south of Mountain Home off Hwy 201, Baxter County, Arkansas. This investigation was in response to a complaint alleging the open dumping of solid waste in a ravine along the County Road. I informed you that you were 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."

In our phone conversation you stated that you would clean up the site and provide proof of disposal. On October 22, 2009 I conducted a follow up investigation of the site and observed no evident signs of clean up activity. Additional construction/demolition waste has been dumped at the site.

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 must immediately cease the activities described and undertake measures to correct the above solid waste violation. You must notify me, in writing, at PO Box 442, Mountain Home, AR 72654, or call 870-424-3322, within 10 days of the date of this letter, with a plan of action for the clean up and proper disposal of all the waste at a permitted disposal facility. Copies of your waste disposal receipt(s) will be required.

Please be advised that failure to make contact with me in regard to this notification will warrant formal enforcement action. Your cooperation is appreciated.

Sincerely,



Gary Meador, Inspector
Solid Waste Division

ADEQ

ARKANSAS
Department of Environmental Quality

November 13, 2009

**Randy West
28 Woodside Lane
Mountain Home, AR 72653**

Dear Mr. West:

I wrote you a letter dated October 23, 2009 regarding the open dump on your property located on CR 274, south of Mountain Home off Hwy 201, Baxter County, AR. A copy is enclosed for your review. You were instructed to cease all dumping activities at the site and contact me within 10 days of the date of the letter. As of the date of this letter, you have not contacted me regarding this matter.

On November 10, 2009 I conducted an additional follow up investigation of the site and observed no evident signs of clean up activity.

You must notify me, in writing, at PO Box 442, Mountain Home, AR 72654, or call 870-424-3322, within 10 days of the date of this letter, with a plan of action for the cleaned up and proper disposal of all the waste at a permitted disposal facility. Copies of your waste disposal receipt(s) will be required.

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ADEQ

A R K A N S A S
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Gary Meador, Inspector
Solid Waste Division



Complaint # 009401.Followup Insp.



Complaint # 009401.Followup Insp.



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



County	Baxter	PDS ID	009401	Date	9-8-09	Follow-up Investigation		Page 3
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Location	Road side dump on CR 274
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Investigation Comments

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11-10-09, I conducted a follow up investigation and observed no evident signs of clean up activity. I will follow up with another letter to Randy West.

12-10-09, I received a call from Bob Nault, Baxter County Road Foreman. Mr. Nault informed me that he inspected the site today and observed additional waste dumped and burned on the west side of the area. I conducted a follow up investigation on this date and observed the additional waste and documented the evidence of open burning.

Final Disposition

Open burning



Complaint 009401 Followup Insp.12-10-09

Open burning



Complaint 009401 Followup Insp.12-10-09

ADEQ

ARKANSAS
Department of Environmental Quality

February 2, 2010

**CERTIFIED MAIL NO. 7005 1160 0000 3833 3752
RETURN RECEIPT REQUESTED**

Randy West
28 Woodside Lane
Mountain Home, AR 72653

Dear Mr. West:

On October 23rd and November 13th of 2009, I wrote to you regarding site investigations I performed on your property. Copies of these letters are enclosed for your review. You will note that the letter required immediate action be taken to correct the violations noted. You were to advise me when the violations had been corrected. As of the date of this letter, I have not received any response.

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. Each day or part of a day during which such violation is repeated may constitute a separate offense.

Please be advised that you have 5 days from receipt of this letter to contact me, in writing at PO Box 442, Mountain Home, AR 72654 or call (870)424-3322 regarding this matter. Failure to do so will result in this matter being recommended for further enforcement action.

Sincerely,



Gary Meador, Inspector
Solid Waste Management Division

ADEQ

ARKANSAS
Department of Environmental Quality

October 23, 2009

Randy West
28 Woodside Lane
Mountain Home, AR 72653

Dear Mr. West:

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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."

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Solid Waste Division

ADEQ

ARKANSAS
Department of Environmental Quality

November 13, 2009

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Your failure to contact with me in regard to this notification will warrant formal enforcement action. Your cooperation is appreciated.

Sincerely,



**Gary Meador, Inspector
Solid Waste Division**

COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Randy West
 28 Woodside Lane
 Mountain Home, AL
 72653

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
 Randy West 2-11-10

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
 (Transfer from service label)

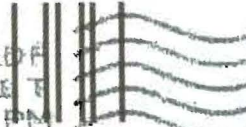
7005 1160 0000 3833 3752

UNITED STATES POSTAL SERVICE

NORTHWEST AR P&D

AR 727 1 T

11 FEB 2010 PM



First-Class Mail
Postage & Fees Paid
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Permit No. G-40

• Sender: Please print your name, address, and ZIP+4 in this box •

ADEQ
AR K A N S A S
Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118

009401-comp

Solid Waste - Lewis

