



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



Complaint Lodged Against:

Timothy Young  
14022 Hwy 16 W  
Fayetteville Ar. 72704

Page 1 of 2

County: Washington

AFIN: 72-00000

PDS ID: 2646

Access ID:

Complainant Name & Address:

Washington County Environmental Affairs Office

Phone: 479-444-1725

x

Valid

Invalid

Unknown

Location Description:

14022 Hwy 16 W  
Fayetteville Ar. 72704

Complaint Description of Waste:

Dumping and burying of construction debris, shingles, white waste, and yard waste.

Complaint Received by: Directors Office

Date Received: 7-6-05

Section 1: Size of Waste Mass

Pts

Points

Total

Length	>640 yd <sup>3</sup>	5		0
Width	320 yd <sup>3</sup> to 640 yd <sup>3</sup> = 16 roll offs	5		0
Height	160 yd <sup>3</sup> to 320 yd <sup>3</sup> = 8 roll offs	4	4	20
Total	80 yd <sup>3</sup> to 160 yd <sup>3</sup> = 4 roll offs	3		0
Approx. Cyd	40 yd <sup>3</sup> to 80 yd <sup>3</sup> = 2 roll offs	2		0
	40 yd <sup>3</sup> or < = 1 roll off	1		0
{Section 1 Multiplier=5}		Size of Waste Mass Score		20

Section 2: Contents of Waste Mass

Pts

Points

Total

Household Waste	5	5	15	
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	3	9	
Construction/Demolition Waste	3	3	9	
Approximate Number of Tires:	3		0	
Abandoned Vehicles /Auto Parts: {May contain gasoline, oil, antifreeze or other automotive fluids}	2	2	6	
Other Bulky Waste: {i.e. TV's, Furniture, Mattresses, etc.}	2		0	
Yard Waste	1	1	3	
Dead Animals	4		0	
Other			0	
{Section 2 Multiplier = 3}		Contents of Waste Mass Score		42

Section 3: Site Assessment		Pts	Points	Total
Air Pollution	Open Burning	5		0
Air Pollution	Evidence of Open Burning	4	4	16
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	5	20
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	3	12
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	5	20
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}		<b>SITE ASSESSMENT SCORE</b>		<b>68</b>
		<b>TOTAL for Section 1 &amp; 2</b>		<b>62</b>
Date Investigated: 7-6-05		Time Investigated: 1300		(F9) <b>TOTAL SCORE</b> <b>130</b>
GIS:36.080831034N; 94.302016941W				
<b>Section 4: 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			
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)			
	(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>Waste Tire Regulations #14 §9, Prohibitions:</b>				
	Tires disposed unless part of a permitted processing/collection facility			
	Caused or permitted the open burning of tires			
<b>Air Pollution Control Code §8-4-310(a)(1)(2)(3)</b>				
X	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>Litter Act §8-6-406</b>				
	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			
<b>Final Disposition</b>				
X	Investigated – Letter Sent		Investigated – No Evidence Found	
	No Further Action Required		Complaint Forwarded To:	

*Grate Samson*

## **Complaint Investigation and Illegal Dump Form Attachment**

<b>Location:</b> Timothy Young 14022 Hwy 16 W Fayetteville Ar. 72704	<b>County:</b> Washington
<b>Inspector:</b> J. Sparrow	<b>Date:</b> 7-7-05 <b>PDS:</b> 2646

### **COMMENTS:**

*On July 6, 2005, I inspected Mr. Young's property with Shawn Shrum, Washington County Illegal Dump Control Officer. Mr. Young has accumulated a substantial amount of material stacked and piled around his home. Behind Mr. Young's home is an unpermitted fill operation containing buried sheetrock, shingles, car body parts and yard waste. Also noted in several parts of Mr. Young's property were burn piles containing household waste.*

*According to Mr. Shrum, Washington County currently has legal action pending against Mr. Young regarding the condition of his property. In telephone conversations with Washington County Judge Jerry Hunton and Washington County Attorney George Butler, I advised them the Department would investigate and provide a copy of the report as requested.*

### **FURTHER ACTION TAKEN/TO BE TAKEN:**

*Mr. Young will be contacted by mail regarding these violations.*

**Inspector Signature**



ADEQ dump form att. 9/99

**Date** 7-7-05      **Hours** 1.0



ARKANSAS  
Department of Environmental Quality

July 8, 2005

Timothy Young  
14022 West Hwy 16  
Fayetteville Ar, 72704

Dear Mr. Young:

On July 6, 2005, I performed an investigation of your property located at 14022 West Hwy 16, in Washington County. This investigation was in response to a complaint alleging illegal dumping and burning of waste. My investigation revealed that you are in violation of the Arkansas Air Pollution Control Code A.C.A. §8-4-310, and the Arkansas Solid Waste Management Act, A.C.A. §8-6-205. 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) (3), (4) and (5). The waste dumped at this site consists of construction debris, car parts, yard waste and household waste. **"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. Open burning of this waste which is in violation of the Arkansas Air Pollution Control Code, A.C.A. § 8-4-310(a)(1)(2), and (3).

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 P.O. Box 11045, Fort Smith, Ar 72917, or call (479 ) 452-4822 ext. 12, **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,

Justin Sparrow, Inspector  
Solid Waste Division

cc: Heidi Love, Inspector Supervisor, SWD  
Flora Wrather, Illegal Dump Program, SWD  
Jay Ellis, Air Inspector, ADEQ

October 19, 2005

Justin Sparrow, Inspector  
Solid Waste Division  
ADEQ  
P.O. Box 11045  
Fort Smith, AR 72917-1045

AFIN: 72-00000  
Pmt #: NA  
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SCAN  
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DocID#: 002646-Comp  
To: HLY JWS file

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Dear Mr. Sparrow:

We are writing concerning your report DATED JULY 6, 2005 #AFIN 72-00000 in Washington County PDSID# 2646 for the complaint lodged against Timothy Young of 14022 Hwy. 16 W, Fayetteville, AR. In this report Mr. Young was found to be in violation of the Arkansas Air Quality Pollution Control Code and the Arkansas Solid Waste Management Act. The letter submitted by ADEQ that accompanied the report indicated that he was to correct the violations.

During conversation with you about this initial report you indicated we could monitor the progress of actions/responses via your agencies web site. However, we have not been able to identify any additional visits or actions since the initial report.

We have placed numerous phone calls to your office in regard to this matter, just trying to receive a status report and have had no response.

We spoke on August 17 concerning gas bottles that are now placed behind the school bus. As I mentioned to you I work in the health care field and medical gases are highly regulated and controlled. These containers appear that they might contain/have contained medical gases. You stated at that time you would do another visit and investigate and that we could obtain that report on your web site, the following week.

On 9/6, a message was left asking about the 2nd visit since we could not locate your report on the web site, we called again on 9/26 and left a message if you could give us an update since we are still not able to locate the 2nd report or any follow-up in regard to the above violations. At that time there was a request that if you were not the correct party to contact in regard to this matter to please let us know who we should contact.

As of 10/17/05 we have not heard from you or your office via phone call or emails nor have we been able to find any additional information on your web site.

As concerned property owners adjoining Mr. Young property, we have kept in close contact with our County Officials and the status of their claim against Mr. Young for the illegal junk yard and they have been most cooperative in keeping us updated, however we understand your findings are separate from the county in that your findings indicated that he was operating a non permitted solid waste disposal facility and that he was performing open burning of waste. The report mentioned above described findings of dumping and burying of construction debris, shingles, white waste and yard waste and described as 8 rollofs.

The above mentioned report also mentions in the Solid Waste Violation Section, Section #4, that Mr. Young has violated 4 of the 6 listed portions of the Solid Waste Management Act.

Justin, we have expressed our concern also to you regarding run off and leaching of all of this waste into a pond that provides a source of water to a vast array of wildlife and pets in the Wedington Woods area.

We are proud to live in Arkansas known as the "Natural State", however, the allowed continued violations of Mr. Young does not support this slogan of our State nor does it support citizens and taxpayers who uphold and abide by the laws enacted or your agencies commitment to us to protect and enhance Arkansas's environment from the threat of pollution.

We would appreciate a response and update in regard to the status of your department's actions in regard to these continued violations of Mr. Young.

Sincerely,



Mr. & Mrs. Gilbert Bloyed  
15433 Red Fox Drive  
Fayetteville, AR 72704

CC: Heidi Love, Inspection Supervisor  
ADEQ  
P.O. Box 8913  
Little Rock, AR 72219

Marcus C. Divine, Director  
ADEQ  
P.O. Box 8913  
Little Rock, AR 72219



October 26, 2005

Mr. & Mrs. Gilbert Bloyed  
15433 Red Fox Drive,  
Fayetteville, AR 72704

Re: Timothy Young complaint

Mr. & Mrs. Bloyed:

I received your letter dated October 19, 2005, concerning the condition on Mr. Young's property on Hwy. 16 W. in Fayetteville. This letter is to inform you of the status of this complaint and to summarize the efforts to resolve this matter.

On July 6, 2005 the original complaint was received in our Department's Directors Office and forwarded to me. I then spoke with Washington County Judge Jerry Hunton, Washington County Attorney George Butler, and Washington County Environmental Enforcement Officer Shawn Shrum regarding this complaint. Mr. Shrum and I then performed a joint inspection of Mr. Young's property and found the complaint to be valid.

On July 8, 2005 I sent Mr. Young a letter notifying him he was in violation of the Solid Waste Management Act, and advised him to cease the activity and undertake measures to correct the violations. Again I spoke with George Butler about Mr. Young's situation and I agreed to send a copy of my report to the Washington County Attorney's Office. During this conversation, Mr. Butler and I discussed the County's options in prosecuting Mr. Young for violations of the Solid Waste Management Act. Mr. Butler informed me of the pending case against Timothy Young for violations of the County's Junkyard Ordinance, and I agreed to assist the County in the event charges were filed for the Solid Waste Management Act violations.

On July 13, 2005 Mr. Young sent a response letter addressing the violations but did not provide a plan of action for correcting these violations. I then spoke with Shawn Shrum about the status of the County's case against Mr. Young regarding the Junkyard Ordinance. Mr. Shrum informed me that Timothy Young was in contempt of court for these violations and owed fines of several thousand dollars in fines for these violations.

As you mentioned in your letter, we spoke on the phone on August 17, and you expressed your concerns about some gas bottles that were brought in after the initial inspection on July 6. I made a second visit to Mr. Young's property on August 26, 2005. During the second visit I did

not see any changes to the site and did not see any gas bottles on the property. However, this complaint was also marked valid and forwarded to the Washington County Attorney's Office. (This second complaint was listed as 14022 Hwy 16 W. PDS ID 2690.)

Currently our office (ADEQ) has not initiated any formal enforcement action against Mr. Young and is satisfied that the Washington County Prosecuting Attorney's Office is taking all routes to take action against Mr. Young regarding these violations.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Sparrow", with a stylized, cursive script.

Justin Sparrow, Inspector, SWD

cc:     Marcus Devine, Director, ADEQ  
          Harry Elliott, Enforcement Branch Manager, SWD  
          Heidi Love, Inspector Supervisor, SWD  
          Scott McWilliams, Enforcement Administrator, SWD  
          Flora Wrather, Illegal Dump Coordinator, SWD



# ADEQ

ARKANSAS  
Department of Environmental Quality

November 8, 2005

Mr. & Mrs. Gilbert Bloyed  
15433 Red Fox Drive  
Fayetteville, AR 72704

Mr. & Mrs. Bloyed:

Thank you for writing with your concerns about the waste disposal issues at the property of Timothy Young. I was disappointed to hear that you weren't satisfied with the responsiveness of our agency.

As you are aware, Justin Sparrow, our Solid Waste Division Inspector for your area, visited Mr. Young's property on July 6 of this year along with Shawn Shrum, a Washington County Illegal Dump Control Officer. Mr. Sparrow and Mr. Shrum found numerous violations of both the Solid Waste Management Act and Washington County Solid Waste ordinances. Mr. Young was notified of the findings from the inspection and given 20 days to respond with a plan of action for correcting the violations. Mr. Young sent a response on July 13 stating that he had removed the open containers and ceased open burning, but did not address removing the rest of the materials at his property. A follow-up inspection on August 26 by Mr. Sparrow after another complaint showed that there had been no changes to the site.

While researching information for this property, Mr. Sparrow found that George Butler, a Washington County Prosecuting Attorney, had already been pursuing legal action against Mr. Young for violations of the Washington County Junkyard Ordinance. Mr. Butler's office has already assessed fines of almost \$10,000 against Mr. Young, but has been unsuccessful in collecting the money. As Mr. Sparrow pointed out in his letter of October 26, ADEQ feels it is best to let Mr. Butler's office continue to prosecute Mr. Young to remedy this issue rather than have our agency duplicate the work of the Washington County Prosecuting Attorney. I would recommend that you contact Mr. Butler's office at (479) 444-1570 or Shawn Shrum's office at (479) 444-1725 for information on their legal proceedings against Mr. Young.

I hope that this has helped to explain the background and issues involved in this matter. I will instruct my Solid Waste Division staff to continue to monitor this situation and work with Washington County to make sure this issue is addressed. Please contact me in the future if you have concerns about any actions taken by my agency that you feel may be lacking.

Sincerely,



Marcus C. Devine  
Director

cc: Steve Martin, Solid Waste Division (SWD) Chief  
Harry Elliott, Enforcement Branch Manager, SWD  
Heidi Love, Inspector Supervisor, SWD  
Justin Sparrow, Inspector, SWD

AFIN: \_\_\_\_\_  
Pmt #: Misc  
REC'D  
SCAN ☒ NOV 10 2005  
Doc ID#: 30889  
o: SM7 file

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December 13, 2005

Dear Mr. Devine and Mr. Sparrow:

Thank you for your letters of November 8 and October 27, 2005. Although we appreciate your office working with our Washington County Officials, we do not understand the lack of follow-up from your office with Mr. Young directly, when he failed to submit a plan of correction to your letter outlining his violations. I have included a copy of the October 27, 2005 for reference.

Perhaps we do not understand how your mission and processes work at our State level or maybe your processes do not allow for follow-up from your office. Whichever, we would appreciate an explanation. If it happens to be that our State process does not allow for follow-up, we are ready to bring in our Senators and Representatives that have taken a firm stand on environmental issues.

When we look at the process taken from your office, as laypersons to the governmental processes, we think Mr. Young would consider the old cliché "no news is good news" from your office and would consider that your letter was no big deal and your office is only available to identify but not pursue.

We look forward to hearing from you and assist as necessary.

Sincerely,

  
Gilbert & Donna Bloyed



October 27, 2005

Mr. & Mrs. Gilbert Bloyed  
15433 Red Fox Drive,  
Fayetteville, AR 72704

Re: Timothy Young complaint

Mr. & Mrs. Bloyed:

I received your letter dated October 19, 2005, concerning the condition on Mr. Young's property on Hwy. 16 W. in Fayetteville. This letter is to inform you of the status of this complaint and to summarize the efforts to resolve this matter.

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Sincerely,

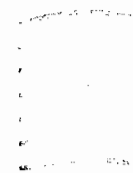
A handwritten signature in black ink, appearing to read "Justin Sparrow", written over a faint, dotted grid background.

Justin Sparrow, Inspector, SWD

cc: Marcus Devine, Director, ADEQ  
Harry Elliott, Enforcement Branch Manager, SWD  
Heidi Love, Inspector Supervisor, SWD  
Scott McWilliams, Enforcement Administrator, SWD  
Flora Wrather, Illegal Dump Coordinator, SWD



Gilbert M. Bloyed  
15433 Red Fox Dr.  
Fayetteville, AR 72704-8448



Justin Spencer  
A B E C  
P.O. Box 11045  
Fort Smith, AR 72917-1045

72917+1045

















7-13-00

Dear Mr Sparrow,

I am responding to the letter you have sent. I've thrown away all the open containers that you mention and have sent burning trash.

Thank You  
Timothy Young