



Arkansas Department of Environmental Quality

Solid Waste Management Division

Complaint/Illegal Dump Investigation Worksheet



Complaint Lodged Against:
Gaylon Gibson

Phone: 870-926-0532

Page 1 of 2

County Craighead

AFIN: 16-00000

PDS ID: 3573

Access ID:

Complainant Name & Address:

Brent L. Walker
District 3 Field Inspector
Waste Division – Jonesboro Field Office
ADEQ
Phone: 870-935-7221

Valid

Invalid

Unknown

Location Description:

West of Jonesboro on Hwy. 349 South of Westside School, turn onto the field road (West side of Hwy.) immediately across from CR 114. Follow the field road pass the white PVC fence and the dump will be visible to the left approximately 100 yards before the road ends.

Complaint Description of Waste: Demolition waste (lumber, shingles, wiring, carpet, insulation and a few tires) from several condemned houses in Jonesboro.

Complaint Received by: Flora Wrather

Date Received: May 22, 2006

Section 1: Size of Waste Mass

		Pts	Points	Total
Length		>640 yd ³	5	0
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	0
Total		80 yd ³ to 160 yd ³ = 4 roll offs	3	0
Approx. Cyd		40 yd ³ to 80 yd ³ = 2 roll offs	2	0
		40 yd ³ or < = 1 roll off	1	0
		{Section 1 Multiplier=5}	Size of Waste Mass Score	
				25

Section 2: Contents of Waste Mass

		Pts	Points	Total
Household Waste		5		0
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		0
Construction/Demolition Waste		3	3	9
Approximate Number of Tires:		3	3	9
Abandoned Vehicles /Auto Parts: {May contain gasoline, oil, antifreeze or other automotive fluids}		2		0
Other Bulky Waste: {i.e. TV's, Furniture, Mattresses, etc.}		2		0
Yard Waste		1		0
Dead Animals		4		0
Other				0
		{Section 2 Multiplier = 3}		Contents of Waste Mass Score
				18

George Fowner

Section 3: Site Assessment		Pts	Points	Total
Air Pollution	Open Burning	5		0
Air Pollution	Evidence of Open Burning	4		0
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		0
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		0
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	4	16
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}		SITE ASSESSMENT SCORE		16
		TOTAL for Section 1 & 2		43
Date Investigated: 5-31-06		Time Investigated: 13:45		(F9) TOTAL SCORE 59

GIS:

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

Waste Tire Regulations #14 §9, Prohibitions:

	Tires disposed unless part of a permitted processing/collection facility
	Caused or permitted the open burning of tires

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
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Litter Act §8-6-406

	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

Final Disposition

X	Investigated – Letter Sent	Investigated – No Evidence Found
	No Further Action Required	Complaint Forwarded To:

George Finner

Complaint Investigation and Illegal Dump Worksheet Attachment

Location: Gibson – Hwy 349		County: Craighead	
Inspector: G. Turner		Date: 6-1-06	
Follow-Up Investigation	PDS ID: 3573	Access ID:	

Comments: On May 31, 2006, I investigated the Gaylon Gibson property in Craighead County. Mr. Gibson has allowed demolition waste to be disposed on his land. I am writing Mr. Gibson and advising him that he is in violation of the Arkansas Solid Waste Management Act.

FURTHER ACTION TAKEN/TO BE TAKEN: Letter Sent

Inspector Signature George Turner **Date:** June 1, 2006 _____
 Form Revised 12-12-03

From: Walker, Brent

Sent: Monday, May 22, 2006 2:52 PM

To: Wrather, Flora; Turner, George; Chiarizzio, Denise

Cc: Love, Heidi; Dobson, Coy; Washam, Dale; Moore, Lindsay

Subject: Craighead County Demolition Complaint

Last Thursday (May 18) I received an anonymous complaint on a highway project borrow pit/fill area and dump site that was likely to cause pollution to the Waters of the State. I investigated the complaint and found that several thousand cubic yards of dirt will be excavated and used as highway base and fill material. I also found that demolition waste (lumber, shingles, wiring, carpet, insulation & a few tires) from several condemned houses in Jonesboro had been hauled to the site. The complainant stated that there was asbestos siding on the houses and was unsure if proper procedures had been followed regarding removal and disposal. I spoke with the property owner Friday morning and he stated that the demolition wastes were going to be burned that evening. He was immediately informed by me and later by Air Division inspector Coy Dobson that burning the wastes would result in enforcement action by the department. The owner's intentions were to burn the demolition wastes and to bury the remaining material in the borrow pit once all excavation was complete. He was told to contact solid waste regarding proper disposal of the material which would most likely require him to take it to an approved landfill. I will be working with the highway department contractor regarding proper permitting of the borrow pit as it relates to the Water Division, but the site definitely warrants investigation by the Solid Waste Division and likely the Air Division - Asbestos Section.

Property owner: Gaylon Gibson / 870-926-0532 cell / 870-935-4135 home

Location: West of Jonesboro on Hwy 349 South of Westside School, turn onto the field road (West side of Hwy) immediately across from CR 114. Follow the field road past the white PVC fence and the dump will be to visible to the left approximately 100 yards before the road ends. 35.829784°, -90.813458°

The demolition wastes allegedly originated from Olive St., Cherry St. and Washington Ave. in Jonesboro.

Attached are some photos of the site.

Be advised that Mr. Gibson was rather uncooperative and almost hostile.

Feel free to contact me if you need additional information or clarification.

Thank you,
Brent

Brent L. Walker
District 3 Field Inspector
Water Division - Jonesboro Field Office
Arkansas Dept. of Environmental Quality
(870) 935-7221 ext.-12



ARKANSAS
Department of Environmental Quality

June 2, 2006

Document ID # - 003573-comp

Gaylon Gibson
1645 Hwy 349
Jonesboro, AR 72404

Dear Mr. Gibson:

On May 31, 2006, I performed an investigation of your property located west of Hwy 349 in Craighead County. This investigation was in response to a complaint alleging that you are allowing others to dump waste at this location. My investigation revealed that you are in violation of the Arkansas Solid Waste Management Act, A.C.A. § 8-6-205. Specifically, I found the following violation(s):

Operation of an unpermitted solid waste disposal facility, which is in violation of §8-6-205 (a) (1),(2)&(5). The waste dumped at this site consists of Demolition 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".**

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 above and undertake measures to correct the violation. You should notify me in writing at the above letterhead address or call (870) 935-7221 EXT 13, within **20 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,

George Turner, Inspector, SWD

cc: Heidi Love, Inspector Supervisor, SWD
Flora Wrather, Illegal Dump Coordinator, SWD

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

From: Elliott, Harry
Sent: Friday, June 30, 2006 1:52 PM
To: Allen, Ron
Cc: Martin, Steve
Subject: 003573-comp.pdf

<http://www.adeq.state.ar.us/ftpoot/Pub/WebDatabases/Complaints/003573-comp.pdf>

Ron: This person called me and wanted George Turner whom is on vacation. He said he was going to burn this site and I advised him that would be a violation of law and not to do so. He will need to respond to Turners compliance letter with a plan to haul material to landfill, not burn it. Just letting you know. h











