

The Honorable Jasper Jackson, Mayor
Luxora City Hall
P.O. Box 250
Luxora, AR 72358



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

Document ID # 008107-comp

December 30, 2008

The Honorable Jasper Jackson, Mayor
Luxora City Hall
P.O. Box 250
Luxora, AR 72358

Dear Mayor Jackson:

On December 29, 2008, I performed an investigation of city property located on Brinkley Street in Mississippi County. This investigation was in response to a complaint alleging illegal dumping. 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)(3) and (5). The waste dumped at this site consists of tires, construction debris, and other assorted 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 address below or call (501)682-0581 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,

Kenneth Burks, Inspector
Solid Waste Division



Arkansas Department of Environmental Quality

Solid Waste Management Division

Complaint/Illegal Dump Investigation Worksheet



County Mississippi	PDS ID 008107	AFIN 47-00000	Page 1 of 2
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Date Received 12/23/08	Received By Heidi Love and Ken Burks, through Mike Parette.
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Complainant Name / Address / Phone Mike Parette, ADEQ Emergency Response Section.	Anonymous
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Complaint Lodged Against / Address / Phone City of Luxora

Location Description Brinkley St., opposite of Hwy. 158N turn off on Highway 61, slightly north of Luxora.	Complaint Description of Waste Oil, tires, construction debris.
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Investigation Section

Date Investigated 12/29/08	Time Investigated 1200 - 1230
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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	
Total	80 yd ³ to 160 yd ³ = 4 roll offs	3	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			3

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	5
White Waste {i.e. Refrigerators and appliances that may contain Freon}		3	5
Construction/Demolition Waste		3	3
Approximate Number of Tires: 30 - 40		3	3
Abandoned Vehicles /Auto Parts: {May contain gasoline, oil, antifreeze or other automotive fluids}		2	2
Other Bulky Waste: {i.e. TV's, Furniture, Mattresses, etc.}		2	
Yard Waste		1	
Dead Animals		4	
Other			
Contents of Waste Mass Score			23

Kenneth Burks

SECTION 3 Site Assessment Violation Ranking Points

Air Pollution	Open Burning	5	
Air Pollution	Evidence of Open Burning	4	5
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			20
*Violation Ranking: 1 (Least Serious Violation) to 5 (Most Serious Violation)		TOTAL SCORE	46

GPS Reading N 35° 46' 01.6"; W 89° 55' 51.3"

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)
	(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

See Comments Page.

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



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



County	Mississippi	PDS ID	008107	Date	12/29/08	Follow-up Investigation		Page 3
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Location	Brinkley Street in Luxora
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Investigation Comments

12/29/08 – On this date, I investigated an illegal dumping complaint against the City of Luxora forwarded to me by Mike Parette of ADEQ’s Emergency Response Section. Mr. Trent Walker, an ADEQ Water Division Inspector, had inspected the site on 12/19/08 to ascertain the suitability of using it as a storm debris burn site by the City of Luxora, which apparently owns the property. He noted a large amount of what appeared to be illegally disposed of solid waste on the property and presented his findings to Mike Parette. Mr. Parette then forwarded the information as an illegal dumping complaint to Heidi Love, ADEQ Solid Waste Division Inspector Supervisor, and myself.

My investigation revealed approximately 30 – 40 truck and automobile tires, sheetrock, burn barrels and burned household waste, appliances, several empty 5 gallon containers of hydraulic fluid, paint cans, pallets, paper, unmarked 55 gallon drums, and an open washtub of what appeared to be used motor oil.

This material will need to be properly disposed of at a permitted disposal facility. I will send a letter to Luxora Mayor Jasper Jackson explaining the violations.

Final Disposition

Kenneth Burck



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



County	Mississippi	PDS ID	008107	Date	12/29/08	Follow-up Investigation		Page 3
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Location	Brinkley Street in Luxora
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Investigation Comments

01/07/09 – On this date, I returned a call to Mayor Jasper Jackson of Luxora. The mayor stated that he and the city were unaware of any dumping at the site and had not given anyone permission to do so. He also stated that he would block access to the area with two gates and that the Luxora Police Department would monitor the site. I suggested that he also post “No Dumping” signs at the site and he agreed.

While there is a violation of the Solid Waste Management Act at this site, there is no clear violator. This complaint will therefore fall under §8-6-205(c) of the Arkansas Code of 1987 Annotated.

Final Disposition

Kenneth Burck









































Burks, Kenneth

From: Parette, Michael
Sent: Tuesday, December 23, 2008 9:51 AM
To: Love, Heidi
Cc: Burks, Kenneth
Subject: Mississippi-Dumping-Luxora COMPLAINT

12-19-08 1409 08-0982 COMPLAINT
Mississippi-Dumping-Luxora

It appears that the site which the Mayor described to me as being City property where they want to burn vegetative debris is not acceptable per guidelines ER utilizes. I have not received the information back from the Mayor as to the exact location, but as the Water Inspector was passing the site, I asked that he stop and take a look. Based on what he said and the attached photos and description by the Inspector, there is an issue with this location BUT I defer the decision to use it as a burn site to you...

I am logging this site as a dumping COMPLAINT based on the following information:

- Miscellaneous demolition wastes,
- truck tires - apx 20 noticed (photo 1213)
- household garbage,
- rusted drums (photo 1198),
- oil containers,
- metal washtub full of oil (photo 1201),
- small dug hole appeared to reveal buried waste (photo 1210),
- site is not secured.

Parette, Michael
Cc: Washam, Dale
Subject: RE: Craighead-Debris Management-Luxora

Attached are my photos of the site. Obviously they need to clean up the dump site before using it as a storm debris burn site. There were miscellaneous demolition wastes, truck tires, household garbage, rusted drums, oil containers and a metal washtub full of oil. There was also a small hole that had been dug at the site that appeared to reveal buried waste at the site. The hole was full of water, but the removed dirt had remnants of solid waste mixed in.

Also Luxora is in Mississippi Co, not Craighead.

If you need anything else from me, please let me know,
Brent

Brent L. Walker
District 3 Field Inspector
Water Division - Jonesboro Field Office
Arkansas Department of Environmental Quality
870-935-7221 ext.-12
walker@adeq.state.ar.us

12/26/2008



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



County	Mississippi	PDS ID	009395	Date	08/27/2009	Follow-up Investigation		Page 3
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Location	Brinkley Street in Luxora
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Investigation Comments

08/27/09 – ADEQ Solid Waste Inspector Phil Wilkes and I entered the site on this date. Since my previous inspection, a gate with a chain and lock appears to have been installed. The gate was open at the time, as it appeared someone was working in the old building on the property, judging from the sounds we heard coming from this building.

The site is heavily vegetated at this time, making the photographing very difficult. However, judging from the photographs taken on 12/29/08, the waste, or a portion of this waste, appears to be still at this location.

See previous PDS #008107 investigated 12/29/2008

Final Disposition





















8/27/2009



