

Document ID # 008374-comp

March 09, 2009

Ms. Rhonda Bayless 220 Little Hollow Trail Hot Springs, AR 71913

Dear Ms. Bayless:

On March 03, 2009, I performed an investigation of your property located on Little Hollow Trail in Hot Spring 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)(1),(2), (3), and (5). The waste dumped at this site consists of remnants of burned material. "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 the address below or call (501)682-0581 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,

Kenneth Burks, Inspector Solid Waste Division

Kennett Burks



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



County Hot Spring		PDS ID 0	008374	AFIN	30-00	000	Page 1 of 2		
Date Received 02/25/09 Received By Janice Lewis									
Complainant Name / Address / Phone							Anonymous		
Gary Lee Adams 232 Little Hollow Trail Hot Springs, AR 71913 501-525-4792 Home 501-620-0202									
Complaint Lodged Ag	ainst / Addre	ss / Phone							
Rhonda Bayless 220 Little Hollow Trail Hot Springs, AR 71913									
Location Description Complaint Descript							nt Description of W	aste	
From Hope take I-30N							ning and burying a	ll types of	
Meadowlark Lane, tak the road which will be						trash and debr	is.		
about 1 city block the									
take a hard left. The r	netal gate is	the complaina							
property is to the righ	t of his prope	erty.							
			Investigat	tion Secti	on				
Date Investigated	Date Investigated 03/03/09 Time Investigated 1045 – 1055								
SECTION 1			Size of W	Vaste Mass	6	_	Violation Ranking	Points	
Length		>640 yd³					5		
Width		320 yd³ to		= 16 roll off			5		
Height		160 yd <sup>3</sup> to 3		= 8 roll off = 4 roll off			3		
Total		40 yd <sup>3</sup> to		= 4 roll off = 2 roll off			2		
~yd3		40 yd³ or		= 1 roll off			1	1	
	ste Mass Score	1							
SECTION 2			Contents of	Waste Ma	ISS		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		
Approximate Number of Tires:  Abandoned Vehicles (Auto Parts: (May contain goodline oil entifecate or other outomative fluide)							3		
Abandoned Vehicles /Auto Parts: {May contain gasoline, oil, antifreeze or other automotive fluids}  Other Bulky Waste: {i.e. TV's, Furniture, Mattresses, etc.}							2		
							7		
	: {i.e. TV's, Fu	rniture, Mattresse	es, etc.}				2 1		
Yard Waste Dead Animals	: {I.e. IV'S, Fu	rniture, Mattresse	es, etc.}				1 4		
Yard Waste	: {i.e. IV's, Fu	rniture, Mattresse	es, etc.}				1		

Inspector Signature:

ADEQ Complaint/Illega	08374	Page 2 of						
SECTION 3	SECTION 3 Site Assessment							
Air Pollution Open Burning 5								
Air Pollution	Evidence of Open Burning		$\rightarrow$	4	4			
Air Pollution	Strong; Foul Order Present		$\rightarrow$	3				
Water Pollution								
Water Pollution	Probability of leachate (run-off) into ground/surface	ce water	$\rightarrow$	5 5				
Public Health Risk Assessment		t water	$\rightarrow$	5				
Public Health Risk Assessment	Evidence of Vectors (i.e. rats, flies, mosquitoes, snakes, s	scavenger	·el	4				
Site Usage Assessment	Site attended or maintained for a fee	3000001190.	31	5				
Site Usage Assessment	History of previous complaints							
Site Usage Assessment	, , , , , , , , , , , , , , , , , , , ,	Active, attractive nuisance; evidence of recent dumping						
Site Usage Assessment	Dumping resumed at cleaned up or closed site			5 4				
Site Usage Assessment	Old Site; no evidence of recent dumping; overgrow							
			ite As	ssessment Score	4			
*Violation Ranking: 1 (Lea	ast Serious Violation) to 5 (Most Serious Violation)	TO	ATC	L SCORE	10			
GPS Reading N 34° 23	3' 20.2"; W 93° 04' 31.7"							
SECTION 4	Violations							
Solid Waste Manageme	ent Act §8-6-205							
(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  (a)(3) To dispose of solid wastes at any disposal site or facility other than a disposal site or for which a permit has								

- 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
- (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**

03/03/09 – I entered the site on this date and contacted the property owner, Ms. Rhonda Bayless. She pointed out a burn area behind her home where she said she used to burn household waste, but hadn't done that in a couple of years. There was a small amount of waste around the area, but no signs of fresh burning. She stated that she did burn leaves, and I told her that was not against regulations. I looked over the property and did not see any evidence of buried waste. I explained to her that I would send her a letter explaining the violations and asked her to cease any burning besides yard waste, and she agreed. She also stated she would place the remaining waste in the burn area in her trash cans for pickup.

Final Disposition					
	INVALID COMPLAINT	х	VALID COMPLAINT		
	No evidence found	Х	Letter Sent		
	No illegal disposal occurring		Follow-up Investigation		
	Salvageable materials		Response Received		
	8-6-205(a)(3) exemption		No further action		
	Unknown violator – No further action		Complaint Forwarded To		





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



County	Hot Springs	PDS ID	008374	Date	03/03/09	Follow-up Investigation		Page 3		
Location	Little Hollow Tra	il						,		
Investigation Comments										
04/07/09 – action ant	04/07/09 – I received a voice message from Rhonda Bayliss (not Baliff) that the burn area has been cleaned up. No further action anticipated in this matter.									
action antiospated in the matter.										
Final Disposition										

Kennett Burks