

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



Aste Management						***		
County Garla	and	PDS ID 009345	AFIN 26-00	0000	Page 1	of 2		
Date Received	08/20/2009		Received By	J Lewis				
Complainant Na	me / Address / Ph	one			X Anon	ymous		
-								
Complaint Lodg	jed Against / Addre	ss / Phone						
Wenzel M. Woch Debra Curtis Pro 3408 Timberland Royal, AR 7196	oto d Drive	ed as property owners)						
<b>Location Descri</b>	ption			Complai	nt Description of W	aste		
From Little Rock take I-30 South then take Hwy 70 exit toward Hot Springs.  Take the 270 bypass and then take Albert Pike exit. Go under overpass, then approximately 5-6 miles to Sunshine Road (aka 227) turn Right on Sunshine - when you see a very sharp curve to your Left, you will turn Right on Timberlake Drive - less than 1/2 mile (unknown as to which side of road)  Complainant approximately 5-6 miles to Sunshine - permit and has been built nex flows to Lake					alleges that property was sed as a landfill without a as been covered. A pond has at to Little Mazarn creek that a Hamilton. Concerns achate from covered landfill.			
Investigation Section								
Date Investigate	ed 08/24/09		Time Investigate	ed 1020 - 1	1040			
SECTION 1	_	Size of W	Vaste Mass	-	Violation Ranking	Points		
Length		>640 yd³			5			
Width		320 yd³ to 640 yd³	= 16 roll offs		5			
Height		,	= 8 roll offs = 4 roll offs		3			
Total		12 12 12	= 4 roll offs = 2 roll offs		2			
~yd3			= 1 roll off		1			
				Size of Wa	ste Mass Score	0		
SECTION 2		Contents of	f Waste Mass		Violation Ranking	Points		
Household W					5			
Hazardous items (i.e. paint thinner, cleaning chemicals, oil cans, herbicides, medical waste, asbestos)  White Waste (i.e. Refrigerators and appliances that may contain Freon)					5			
	3							
Construction/ Approximate	3							
Abandoned V	3 2							
Other Bulky V	2							
Yard Waste	1							
Dead Animals	<u> </u>				4			
Other	-				•			

**Contents of Waste Mass Score** 

Inspector Signature:

ADE	Q Complaint/Illega	I Dump Investigation \	<b>Norksheet</b>	PDS ID	009345	Pag	e 2 of 2
SEC	TION 3	Site A	ssessment		_	Violation Ranking	Points
Air Pollution Open Burning 5							
Air P	ollution	Evidence of Open Burning				4	
Air P	ollution	Strong; Foul Order Present				3	
Wate	er Pollution	Waste in or near standing or	flowing water			5	
Wate	er Pollution	Probability of leachate (run-	off) into ground/s	surface water	er	5	
Public	c Health Risk Assessment	Vectors sighted				5	
Public	c Health Risk Assessment	Evidence of Vectors (i.e. rats,	flies, mosquitoes, sr	nakes, scaven	gers}	4	
Site I	Usage Assessment	Site attended or maintained	for a fee			5	
Site I	Usage Assessment	History of previous complain	nts			5	
	Usage Assessment	Active, attractive nuisance;		nt dumping		5	
	Usage Assessment	Dumping resumed at cleane				4	
	Usage Assessment	Old Site; no evidence of rec	•			2	
		,	1 0,		Site As	sessment Score	0
*Vi	olation Ranking: 1 (Leas	st Serious Violation) to 5 (Mos	t Serious Violation	on)	TOTA	SCORE	0
GP	S Reading N 34° 28	43.6"; W 93° 13' 50.5"					
SEC	TION 4	Vic	lations				
(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 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  I arrived at this address and could not make contact with anyone at the home. I then looked around the property and did not							
Final Disposition  x INVALID COMPLAINT VALID COMPLAINT							
	No evidence found		Letter Sent				
	No illegal disposal occur	ring		Investigatio	n		
	Salvageable materials		Response				
	8-6-205(a)(3) exemption No further action						

**Complaint Forwarded To** 

Inspector Signature:

Unknown violator - No further action

Wenzel Wochos 3408 Timberlake Drive Royal, AR 71968 (501)-767-7550, fax (501)-767-3119 22OCT2009

COPY

J. H. Vanderburg 401 Ford Road Royal, AR 71968

Subject: Attached

Dear Jim:

Pmt #:\_\_\_\_\_\_ S
REC'D
SCAN OCT 2 7 2009 M
Dog ID#: 009345-cmp

I have become aware of an anonymous complaint (attached) made to ADEQ alleging that I have been naughty. "Anonymous" alleges that my land (purchased from you) "was previously used as a landfill without a permit and has been covered." I remind you that your Disclosure Statement #42, prior to our purchase of your land, specifically denies that your land was ever used as a "landfill". Accordingly, all this is news to us and smells like some clumsy retribution for the heat I have brought down on your neighbor Darrell Smith. I particularly enjoyed the fact that the ADEQ "complainant" was so gutless as to remain "anonymous" in identical fashion to those responsible for previously placing a copperhead snake on my front porch.

I hope that you had no involvement in any of this given your 'status' hereabouts. However, I do advise that you counsel your various acquaintances that the presence of any "covered landfill" at this address is your responsibility and liability, not mine. You may also wish to share that filing false complaints is criminally actionable. Thank you.

W. M. Wochos

CC:

Irene Drallmeier, Realtor
Lenders Title Company
Teresa Marks, ADEQ Director
Doug Meredith
Denise Potts, Manager GCDES
Colonel Michael Wehr, Director USACE



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



Wilde Management During	Общр	9		Workshe		110	
County Garland	PD	OS ID 009345	AFIN 26-0	AFIN 26-00000 Page 1 of			
Date Received 08/2	20/2009		Received By	J Lewis			
Complainant Name /	Address / Phone				X Anonyn	nous	
Complaint Lodged Ag Venzel M. Wochos Debra Curtis Proto 8408 Timberland Driv Royal, AR 71968	(Both are listed as		,	-			
Take the 270 bypass approximately 5-6 mi when you see a very	e I-30 South then to and then take Albeiles to Sunshine Ro sharp curve to you	take Hwy 70 exit towar ert Pike exit. Go unde toad (aka 227) turn Rig eur Left, you will turn F unknown as to which s	er overpass, then ght on Sunshine - Right on	Complain previousl permit an been buil flows to L	mplaint Description of Was nant alleges that property of ly used as a landfill without not has been covered. A po It next to Little Mazarn cree Lake Hamilton. Concerns g leachate from covered la	was ut a ond has ek that	
		Investig	ation Section				
Date Investigated	08/24/09		Time Investigat	ed 10	020 - 1040		
SECTION 1			Waste Mass		Violation Ranking	Point	
Length		640 yd³ *	40 11 - 46-		5		
Width		20 yd <sup>3</sup> to 640 yd <sup>3</sup> 60 yd <sup>3</sup> to 320 yd <sup>3</sup>	= 16 roll offs = 8 roll offs		5 4		
Height		80 yd³ to 320 yd³	= 8 roll offs		3		
Total		40 yd³ to 160 yd³	= 4 roll offs		2		
~yd3		40 yd 10 00 yd 40 yd <sup>3</sup> or <	= 1 roll off		1		
		7,	V	Size o	of Waste Mass Score	0	
SECTION 2		Contents	of Waste Mass		Violation Ranking	Poin	
Household Waste			4		5		
Pronsenoid Maste			Hazardous items (i.e. paint thinner, cleaning chemicals, oil cans, herbicides, medical waste, asbestos)				
		ning chemicals, oil cans, i	herbicides, medical was	to aspestos)	5		
Hazardous items (	(i.e. paint thinner, clear			te, asbestos)			
Hazardous items ( White Waste (i.e. Re	(i.e. paint thinner, clear efrigerators and applia	aning chemicals, oil cans, I ances that may contain Fr		ite, asbestos)	3		
Hazardous items ( White Waste (i.e. Re Construction/Dem	(i.e. paint thinner, clear efrigerators and applia nolition Waste			ite, asbestos)	3 3		
Hazardous items ( White Waste (i.e. Ro Construction/Dem Approximate Num	(i.e. paint thinner, clear refrigerators and applia nolition Waste nber of Tires:	ances that may contain Fro	reon}		3 3 3		
Hazardous items ( White Waste (i.e. Ro Construction/Dem Approximate Num Abandoned Vehic	(i.e. paint thinner, clear efrigerators and applia nolition Waste aber of Tires: les /Auto Parts:	ances that may contain From the second secon	reon}		3 3 3 2		
Hazardous items ( White Waste (i.e. Ro Construction/Dem Approximate Num	(i.e. paint thinner, clear efrigerators and applia nolition Waste aber of Tires: les /Auto Parts:	ances that may contain From the second secon	reon}		3 3 3		

Contents of Waste Mass Score

Inspector Signature:

**Dead Animals** 

Other

ADE	Q Complaint/Illega	I Dump Investigation Worksheet	PDS ID	009345	Pag	je 2 of 2
SEC	CTION 3	Site Assessment			Violation Ranking	Points
Air I Air I Air I Wat Wat Pub Site Site Site	Pollution Pollution Pollution ter Pollution ter Pollution lic Health Risk Assessment lic Health Risk Assessment Usage Assessment Usage Assessment Usage Assessment Usage Assessment	Open Burning Evidence of Open Burning Strong; Foul Order Present Waste in or near standing or flowing water Probability of leachate (run-off) into groun Vectors sighted Evidence of Vectors (i.e. rats, flies, mosquitoes Site attended or maintained for a fee History of previous complaints Active, attractive nuisance; evidence of rec Dumping resumed at cleaned up or closed Old Site; no evidence of recent dumping; of	d/surface wat , snakes, scave cent dumping site	ngers}	5 4 3 5 5 5 4 5 5 5 4 2 ssessment Score	0
*1	Violation Ranking: 1 (Lea	st Serious Violation) to 5 (Most Serious Viol	ation)	TOTA	L SCORE	0
GI	PS Reading N 34° 28	' 43.6"; W 93° 13' 50.5"		/-		-
	CTION 4	Violations			-	
	without a permit from to  (a)(3) To dispose of solution been issued by the dep  (a)(3) Individual's house city ordinance or other  (a)(4) To dump, deposity person without the write a)(5) To sort, collect, to department, or create or air pollution (Ark. With (a)(5)(b) A rebuttal precommitted the unlawful committed the unlawful committed the control of some control of some committed the control of some cont	tall, alter, modify, use or operate any solid with department lid wastes at any disposal site or facility oth partment lehold disposal that creates a public or privariant law and/or involves the open dumping of get, throw, or in any manner leave or abandon ten permission of the owner or upon public ransport, process, or dispose of solid waste or likely to create a public nuisance or publicater and Air Pollution Control Act §8-4-101 esumption when one (1) or more items of sol	er than a disp ate nuisance of arbage any solid was property contrary to to the alth hazar t seq)	osal site or a hazar stes upon he rules, rd or to ca	or for which a permind to health and/or violation property owned by regulations or orders ause or likely to caus	olates a another s of the
	5)(a) No person shall c	ause or permit the open burning of refuse, g	arbage, trade	wastes o	or other waste mater	ial, or
	ved at this address and co	Investigation Commo ould not make contact with anyone at the ho With the observations I made, the complain	me. I then lo nt is Invalid at			l did not
		Final Disposition			WI _ 13	
x	INVALID COMPLAINT No evidence found No illegal disposal occu Salvageable materials 8-6-205(a)(3) exemption	Letter S Follow- Respon	ent up Investigation se Received er action	on		

Complaint Forwarded To

Inspector Signature:

Unknown violator - No further action

WOCHOS 1331 Airport Rd, PMB # 202 Hot Springs, AR 71913

LITTLE ROCK AR 722

25 OCT 2000 PM 2 L

ADEQ Inspector 5301 Northshore Drive North Little Rock, AR 72118-5317 Kenneth Burks

Wenzel Wochos 3408 Timberlake Drive Royal, AR 71968 (501)-767-7550, fax (501)-767-3119 26OCT2009

J. H. Vanderburg 401 Ford Road Royal, AR 71968

Subject: Your visit of Saturday re "Anonymous" ADEQ complaint

Dear Jim:

Thanks for stopping by last Saturday. You mentioned a few things that I wanted to memorialize. First, thanks for the assurance that you sold me property that is not a toxic waste dump and/or landfill. My wife and I are greatly relieved as, no doubt, are Mister Burks of ADEQ and our neighbors. Of course we remain baffled as to how such an "anonymous" and erroneous complaint could have been so 'mistakenly' filed with ADEQ.

Next we discussed the copperhead snake left on my front porch. You noted that cats commonly bring them onto peoples' porches. I am embarrassed to say that possibility had not occurred to stupid me. I never thought of a live, 4 foot long, and unmarked copperhead being gently carried onto a porch in the middle of the night by a cat (obviously declawed, toothless, and a close friend of the snake). Regrettably, the copperhead didn't like my dog who took a face full of venom protecting me in the darkness. Did I mention \$900 worth of emergency vet bills and my dog with 'grapefruit sized' swelling?

Next you mentioned that "Kelly Creek always dries out in the summer". This drivel has been promulgated by Darrell Smith for his own illegal purposes. I am sorry to see you similarly on board. Of course, this claptrap is at odds with years of satellite photos and affidavits. You might wish to review the August 2008 article in the Democrat Gazette for yet 'another view'. Oh, did I mention that Darrell had "no comment" despite repeated requests by the reporter? Doubtless there is an explanation for how Darrell's dam and leaky lake (of 10+ acres) doesn't affect water flow to all of us downstream. Sadly, I am again too stupid to grasp it. Also, you are welcome to come by and look at all the rubble dumped on my property and my neighbors by Darrell and his illegal project. Oh, and all the dead vegetation too.

Just so you don't think I am picking on Darrell, he did have a great idea. Darrell told me that if I wanted water on my property, I should dam up Kelly Creek like he did. Of course, that seems to be at odds with Darrell's response when I asked him how he would like it if I dammed up Kelly Creek upstream of his property. He told me that I "can't do it". Oh, and unlike Darrell, I would first get a permit and check with my neighbors. But, then again, I am stupid. Thanks.

W. M. Wochos

CC: Kenneth Burks, ADEQ Inspector

Irene Drallmeier, Realtor

Doug Meredith

WOCHOS 1331 Airport Rd, PMB # 202 Hot Springs, AR 71913

26 OCT 2009 PW 3 L



Kenneth Burks
ADEQ Inspector
5301 Northshore Drive
North Little Rock, AR 72118-5317

ようではなるのいとし

Hadalda Hadbed Ala Ballan Hamilton Hal