



October 5, 2009

Gary Deaton  
2066 Hwy 53 North  
Gurdon, AR 71743

Dear Gary Deaton:

On October 5, 2009, I performed an investigation of your property located at the end of May Ridge Road west of Gurdon, Arkansas in Clark County. This investigation was in response to a complaint alleging the illegal disposal of waste. 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)(4) and (5). The waste dumped at this site consists of household waste, construction/demolition waste and green 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 (870)777-75858 ext. 3 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,

A handwritten signature in black ink, appearing to read "Sheldon Hadley".

Sheldon Hadley, Inspector  
Solid Waste Division



# Arkansas Department of Environmental Quality

## Solid Waste Management Division

### Complaint/Illegal Dump Investigation Worksheet



<b>County</b>	Clark	<b>PDS ID</b>	009558	<b>AFIN</b>	10-00000	Page 1 of 2
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<b>Date Received</b>	10/01/2009 10-2-09 Sheldon Hadley	<b>Received By</b>	J Lewis
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<b>Complainant Name / Address / Phone</b>	X	Anonymous
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<b>Complaint Lodged Against / Address / Phone</b>
Gary Deaton 2066 Hwy 53 North Gurdon, AR 71743

<b>Location Description</b>	<b>Complaint Description of Waste</b>
Go West on 53 until the road T's into 51 - turn Right on 51 and go approximately 3 miles; the road is very flat and when you see the only hill in the road (you will see a hayfield (approx 1 acre) with a barn - you will turn Right on May Ridge Road and that road dead ends at the Deaton's property	Complainant states that tires and other debris are being dumped by the dump truck loads at the Deaton's property at the end of May Ridge Road - allegedly a LARGE mound of tires. Complainant states that Gary Deaton owns South Fork Truck Stop at the Gurdon exit off of I-30 and that his brother owns a tire/service station in Arkadelphia - see previous complaint # 009374 against South Fork Truck Stop investigated on 08/27/2009

### Investigation Section

<b>Date Investigated</b>	10-5-09	<b>Time Investigated</b>	0855
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SECTION 1		Size of Waste Mass	Violation Ranking	Points
<b>Length</b>		>640 yd <sup>3</sup>	5	
<b>Width</b>		320 yd <sup>3</sup> to 640 yd <sup>3</sup> = 16 roll offs	5	
<b>Height</b>		160 yd <sup>3</sup> to 320 yd <sup>3</sup> = 8 roll offs	4	
<b>Total</b>		80 yd <sup>3</sup> to 160 yd <sup>3</sup> = 4 roll offs	3	
<b>~yd3</b>		40 yd <sup>3</sup> to 80 yd <sup>3</sup> = 2 roll offs	2	
		40 yd <sup>3</sup> or < = 1 roll off	1	1
<b>Size of Waste Mass Score</b>				<b>1</b>

SECTION 2		Contents of Waste Mass	Violation Ranking	Points
<b>Household Waste</b>			5	5
<b>Hazardous items</b> {i.e. paint thinner, cleaning chemicals, oil cans, herbicides, medical waste, asbestos}			5	
<b>White Waste</b> {i.e. Refrigerators and appliances that may contain Freon}			3	
<b>Construction/Demolition Waste</b>			3	3
<b>Approximate Number of Tires:</b>			3	
<b>Abandoned Vehicles /Auto Parts:</b> {May contain gasoline, oil, antifreeze or other automotive fluids}			2	
<b>Other Bulky Waste:</b> {i.e. TV's, Furniture, Mattresses, etc.}			2	
<b>Yard Waste</b>			1	1
<b>Dead Animals</b>			4	
<b>Other</b>				
<b>Contents of Waste Mass Score</b>				<b>9</b>

**SECTION 3 Site Assessment Violation Ranking Points**

Air Pollution	Open Burning	5	
Air Pollution	Evidence of Open Burning	4	
Air Pollution	Strong; Foul Order Present	3	
Water Pollution	Waste in or near standing or flowing water	5	
Water Pollution	Probability of leachate (run-off) into ground/surface water	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	
<b>Site Assessment Score</b>			<b>5</b>
*Violation Ranking: 1 (Least Serious Violation) to 5 (Most Serious Violation)		<b>TOTAL SCORE</b>	<b>15</b>

**GPS Reading** N34°03.600' W093°11.938'

**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**

Drove to the end of May Ridge Road where I noted a waste pile approximately 40 cubic yards in size and consisted of mostly green waste but also contained lumber, metal, cardboard, household waste and plastic items. Nobody was available at the time of inspection. Pictures were taken, GPS data collected and the site was exited.

**Final Disposition**

<b>INVALID COMPLAINT</b>		<b>VALID COMPLAINT</b>	
No evidence found	X	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	







