



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



County	Fulton	PDS ID	011515	AFIN	25-00000	Page 1 of 2
Date Received	11-17-10			Received By	Dean VanDerhoff ER# 8559	
Complainant Name / Address / Phone						Anonymous
Darrell Zimmer, Fulton County OES Coordinator						
Complaint Lodged Against / Address / Phone						
Shawn Batterton 823 Big Stone Rd Viola AR 72583 Home phone 870-458-2542 Cell 870-405-3249						
Location Description				Complaint Description of Waste		
Viola, Hwy. 62/412 east approx. 1.5 mi. turn south on Big Stone road go approx. 1.6 mi. to gravel mining pit on right.				Approximately 200 tires dumped in gravel pit and burned.		
Investigation Section						
Date Investigated	11-18-10			Time Investigated	0830	
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	
~yd3		40 yd ³ to 80 yd ³ = 2 roll offs			2	2
		40 yd ³ or < = 1 roll off			1	
Size of Waste Mass Score						2
SECTION 2						
		Contents of Waste Mass			Violation Ranking	Points
Household Waste					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:					3	3
Abandoned Vehicles /Auto Parts: {May contain gasoline, oil, antifreeze or other automotive fluids}					2	
Other Bulky Waste: {i.e. TV's, Furniture, Mattresses, etc.}					2	
Yard Waste					1	
Dead Animals					4	
Other						
Contents of Waste Mass Score						3

SECTION 3

Site Assessment

Violation Ranking

Points

Air Pollution	Open Burning	5	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	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	
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			10
*Violation Ranking: 1 (Least Serious Violation) to 5 (Most Serious Violation)		TOTAL SCORE	15
GPS Reading	36.381901° -91.965444°		

SECTION 4

Violations

Solid Waste Management 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 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)

X	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 investigated the site on 11-18-10 and observed mostly the charred remains of a waste tire pile located at a gravel mining pit off Big Stone road in Fulton County. Although most of the tires were completely burned the pile was still burning at this time. Also, at the site I observed a burning dozer deck with the remains of burned tires and below the dozer deck was several whole waste tires. I spoke with an Equipment Operator who was excavating gravel at the site and he stated that the property owner was Shawn Batterton. The operator was reluctant to provide any additional information about the tires.

11-18-10, Left a voice mail for Darrell Zimmer, Fulton County OEM, requesting additional information.

11-18-10, Received a return call from Darrell Zimmer. He confirmed that Shawn Batterton was the property owner and that he operated J&J Tire Shop in Salem. Mr. Zimmer will e-mail additional information to my office on Monday.

Final Disposition

	INVALID COMPLAINT	x	VALID COMPLAINT	
	No evidence found		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	x	Complaint Forwarded To	Air Division



Burned Tires in dozer deck @ Shawn Batterson Gravel Pit, Fulton Co. ER#8559



Burned Tires in dozer deck @ Shawn Batterson Gravel Pit, Fulton Co. ER#8559



Burning Waste Tires @ Shawn Batterson Gravel Pit, Fulton Co. ER#8559



Burning Waste Tires @ Shawn Batterson Gravel Pit, Fulton Co. ER#8559



Burning Waste Tires @ Shawn Batterson Gravel Pit, Fulton Co. ER#8559



Burning Waste Tires @ Shawn Batterson Gravel Pit, Fulton Co. ER#8559



Tires in ravine below dozer deck @ Shawn Batterson Gravel Pit, Fulton Co. ER#8559



Tires in ravine below dozer deck @ Shawn Batterson Gravel Pit, Fulton Co. ER#8559