

Document ID # 007480-comp

August 15, 2008

Doug Potts, Owner Oakland Marina 9924 Oakland Road Oakland, AR. 72661

Dear Mr. Potts

On August 15, 2008, I performed an investigation of your property located at 9194 Oakland Road, Oakland, in Marion County, AR. This investigation was in response to a complaint for the open dumping and burning of solid waste. Be advised 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, the following violations were noted:

- 1. Operation of an unpermitted solid waste dump site or disposal facility, which is in violation of §8-6-205 (a)(3), (4) and (5). "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 activities described and undertake measures to correct the above solid waste violation. You must notify me, in writing, at PO Box 442, Mtn. Home, AR. 72654, or call 870-424-3322, within 15 days of the date of this letter, when all the waste has been cleaned up and disposed of properly at a permitted landfill or disposal facility. Copies of your waste disposal receipt will be required.

Please be advised, that failure to correct this violation and contact with me in regard to this notification will warrant formal enforcement action. Your cooperation is appreciated.

Sincerely.

Gary Meador, Inspector Solid Waste Division



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



aste Management V						***					
County Marion		PDS ID 007480	AFIN 45-0	00000	Page 1	of 2					
Date Received	7-31-08		Received By	Steve Cochran							
Complainant Name	e / Address / Ph	one			X Anony	ymous					
Complaint Lodged	Against / Addres	ss / Phone									
Doug Potts, Owner Oakland Marina 9924 Oakland Road Oakland, AR. 726	d										
Location Descripti	on			Complai	int Description of Waste						
Open burning at 9	urning trash, C&D waste, etc. land Marina.										
Investigation Section											
Date Investigated	8-15-08		Time Investigat	ed							
SECTION 1		Size of Wa	aste Mass		Violation Ranking	Points					
Length		>640 yd ³			5						
Width		320 yd³ to 640 yd³ =			5						
Height		160 yd ³ to 320 yd ³ = 80 yd ³ to 160 yd ³ =			3						
Total		$80 \text{ yd}^3 \text{ to } 160 \text{ yd}^3 = 40 \text{ yd}^3 \text{ to } 80 \text{ yd}^3 = 60 \text{ yd}^3 = 6$			2	2					
~yd3		40 yd ³ or < =			1						
				Size of Wa	ste Mass Score	2					
SECTION 2		Contents of	Waste Mass		Violation Ranking	Points					
Household Was	te				5						
Hazardous items (i.e. paint thinner, cleaning chemicals, oil cans, herbicides, medical waste, asbestos)					5						
White Waste (i.e.	3										
Construction/De	3	3									
Approximate Nu	3										
Abandoned Veh	2										
Other Bulky Wa Yard Waste	2										
Dead Animals	1 4										

Inspector Signature:

Contents of Waste Mass Score

ADEQ Complaint/Illegal Dump Investigation Worksheet PDS ID 007480 Page								e 2 of 2			
	TION 3			sment			Violation Ran		Points		
II 	Pollution	Open Burning					5		4		
Air Pollution		Evidence of Open Burning					4		4		
Air Pollution		Strong; Foul Order Present		• • • • • • • • • • • • • • • • • • • •			3				
	er Pollution	Waste in or near standing of					5				
-	er Pollution	Probability of leachate (run-off) into ground/surface water					5		5		
	ic Health Risk Assessment	Vectors sighted					5				
Public Health Risk Assessment		Evidence of Vectors (i.e. rats, flies, mosquitoes, snakes, scavengers)					4				
	Usage Assessment	Site attended or maintained for a fee					5				
-	Usage Assessment	History of previous complaints					5		_		
	Usage Assessment	Active, attractive nuisance; evidence of recent dumping					5		5		
	Usage Assessment	Dumping resumed at cleaned up or closed site Old Site; no evidence of recent dumping; overgrown					4				
Site	Usage Assessment	Old Site; no evidence of re	cent d	umping; ove	ergrown	0:4 - 4	2				
							ssessment Sco	ore			
*V	iolation Ranking: 1 (Leas	st Serious Violation) to 5 (Mo	st Sei	ious Violati	on) -	ΓΟΤΑ	AL SCORE		19		
GF	S Reading 36 26' 2	3.66" N 92 37' 08.07"W									
SEC	TION 4	Vi	olatio	ons							
Soli	d Waste Manageme	ent Act 88-6-205									
	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										
X	without a permit from t		i ato a	ny sona was	ne processii	ig or are	sposal facility of	uisp	osai sito		
	(a)(2) To dispose of solid wastes at any disposal site or facility other than a disposal site or for which a permit has										
X	been issued by the dep			_	-		-				
		ehold disposal that creates a				a hazar	rd to health and/	or vic	olates a		
	city ordinance or other law and/or involves the open dumping of garbage										
		t, throw, or in any manner lea tten permission of the owner				es upon	n property owne	d by a	another		
		ransport, process, or dispos				e rules,	regulations or o	rders	of the		
Х		or likely to create a public nu				or to ca	ause or likely to	caus	e water		
		ater and Air Pollution Contro					- (- ! ! ()				
	(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										
Δir I	Pollution Control C	ode §8-4-310(a)(1)(2)(3)								
				refuse, garl	bage, trade v	vastes d	or other waste m	nateri	al. or		
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											
		Investiga	ation	Comment	s						
I investigated the site on this date and observed the burned remains of waste near the back of the parking / drive area.											
Final Disposition											
	No evidence found		X								
No evidence found No illegal disposal occurring		⊢^	Letter Sent Follow-up Investigation								
Salvageable materials		ming		Response		1					
	8-6-205(a)(3) exemption			No further							
			<u> </u>								
	No further action			Complaint	Forwarded ⁻	Го					



