



Document ID # 008373-comp

March 04, 2009

Mr. Mitch Annette  
248 Little Hollow Trail  
Hot Springs, AR 71913

Dear Mr. Annette:

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. 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) and (5). The waste dumped at this site consists of furniture, lumber, and other assorted 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 (501)682-0581 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 that reads "Kenneth Burks". The signature is written in a cursive, flowing style.

Kenneth Burks, Inspector  
Solid Waste Division



# Arkansas Department of Environmental Quality

## Solid Waste Management Division

### Complaint/Illegal Dump Investigation Worksheet



County	Hot Spring	PDS ID	008373	AFIN	30-00000	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 Cell						
Complaint Lodged Against / Address / Phone						
Mitch Annette 248 Little Hollow Trail Hot Springs, AR 71913						
Location Description				Complaint Description of Waste		
From Hope, take I-30 to Hwy. 7N. Take Hwy 290 E, go 1.3 miles, turn right on Meadowlark Ln., take 1 <sup>st</sup> left on Knife Factory Rd., you will come to a T in the road which will be Little Hollow Trail. Turn right toward the mountain, after about 1 city block, the pavement ends. Cross a small creek and the road will take a hard left. The metal gate is the complainant's drive, Mr. Annette's property is to the left of his property.				Have an open pit and bringing in debris from old mobile home – wire, insulation, metal, etc.		
Investigation Section						
Date Investigated	03/03/09			Time Investigated	1035 – 1045	
SECTION 1						
Size of Waste Mass		Violation Ranking		Points		
Length	>640 yd <sup>3</sup>		5			
Width	320 yd <sup>3</sup> to 640 yd <sup>3</sup>	= 16 roll offs	5			
Height	160 yd <sup>3</sup> to 320 yd <sup>3</sup>	= 8 roll offs	4			
Total	80 yd <sup>3</sup> to 160 yd <sup>3</sup>	= 4 roll offs	3			
~yd3	40 yd <sup>3</sup> to 80 yd <sup>3</sup>	= 2 roll offs	2	2		
	40 yd <sup>3</sup> 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		3		
Construction/Demolition Waste		3		3		
Approximate Number of Tires:		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		2		
Yard Waste		1				
Dead Animals		4				
Other						
Contents of Waste Mass Score			8			

## 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	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	
Site Assessment Score			10
*Violation Ranking: 1 (Least Serious Violation) to 5 (Most Serious Violation)		TOTAL SCORE	20

GPS Reading	N 34° 23' 21.6"; W 93° 04' 30.9"
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## 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
	(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
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### Investigation Comments

03/03/09 – I entered the site and failed to make contact with the property owner. I observed an apparently freshly excavated pit containing furniture, plastic sheeting, mattresses, lumber, and a refrigerator. I will send the property owner a letter advising of the apparent violations.

## Final Disposition

	INVALID COMPLAINT	x	VALID COMPLAINT	
	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	



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



County	Hot Spring	PDS ID	008373	Date	03/03/09	Follow-up Investigation		Page 3
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Location	Little Hollow Trail
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**Investigation Comments**

03/19/09 – I spoke with Mr. Annette on this date by telephone. He stated that he had dug the hole to burn tree stumps off of his property and also had given another person permission to bring in construction wood waste to burn. He said that when he returned home from out of town, he noticed all of the waste mentioned in this report in the hole, so he contacted the person that had done the dumping. He had this person remove all waste from the hole and take it off the premises, and he filled the hole in with dirt. Mr. Annette wants me to come back to the property to inspect the area at a future date. I will call Mr. Annette at a later date and set up an appointment to meet him.

**Final Disposition**

*Kenneth Burck*













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



County	Hot Spring	PDS ID	008373	Date	03/03/09	Follow-up Investigation	X	Page 4
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Location	Little Hollow Trail
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**Investigation Comments**

04/17/09 – At Mr. Annette's request, I met him on his property on this date. He explained that he had been out of town when an acquaintance of his had placed the C/D in the hole he had dug to place stumps in. He said that when he arrived home from his trip, he saw the material and had his acquaintance come back and remove the waste. He then filled the hole in with dirt.

I took Mr. Annette's statement, photographed the area, and departed.

**Final Disposition**



