



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



Complaint Lodged Against:
S.A. Potter, Jr.
c/o Patricia K. Potter Farms, Inc.
P.O. Box 1328
Benton, AR 72018

Page 1 of 2

County: Saline

AFIN: 63-00000

PDS ID: 2735

Access ID:

Complainant Name & Address:
Gary Ballard, Saline Co. Environmental Office

Valid

Invalid

Phone:

Unknown

Location Description: West Jackman Trail Road

Complaint Description of Waste: Various types of waste being buried and burned.

Complaint Received by: Ken Burks

Date Received: 09/19/05

Section 1: Size of Waste Mass			Pts	Points	Total
Length		>640 yd ³	5		0
Width		320 yd ³ to 640 yd ³ = 16 roll offs	5		0
Height		160 yd ³ to 320 yd ³ = 8 roll offs	4		0
Total		80 yd ³ to 160 yd ³ = 4 roll offs	3		0
Approx. Cyd		40 yd ³ to 80 yd ³ = 2 roll offs	2	2	10
		40 yd ³ or < = 1 roll off	1		0
{Section 1 Multiplier=5}			Size of Waste Mass Score		10

Section 2: Contents of Waste Mass			Pts	Points	Total
Household Waste			5	5	15
Hazardous items {i.e. paint thinner, cleaning chemicals, oil cans, herbicides, medical waste, asbestos}			5		0
White Waste {i.e. Refrigerators and appliances that may contain Freon}			3	3	9
Construction/Demolition Waste			3	3	9
Approximate Number of Tires:			3		0
Abandoned Vehicles /Auto Parts: {May contain gasoline, oil, antifreeze or other automotive fluids}			2		0
Other Bulky Waste: {i.e. TV's, Furniture, Mattresses, etc.}			2		0
Yard Waste			1		0
Dead Animals			4		0
Other					0
{Section 2 Multiplier = 3}			Contents of Waste Mass Score		33

Ken Burks

Section 3: Site Assessment		Pts	Points	Total
Air Pollution	Open Burning	5		0
Air Pollution	Evidence of Open Burning	4	4	16
Air Pollution	Strong; Foul Order Present	3	3	12
Water Pollution	Waste in or near standing or flowing water	5		0
Water Pollution	High probability of leachate (run-off) into ground/surface water	5	5	20
Public Health Risk Assessment	Vectors sighted	5		0
Public Health Risk Assessment	Evidence of Vectors {i.e. rats, flies, mosquitoes, snakes, scavengers}	4		0
Public Health Risk Assessment	Public Nuisance {i.e. feces and/or eggs and/or tunnels}	3		0
Site Usage Assessment	Site attended or maintained for a fee	5		0
Site Usage Assessment	History of previous complaints	5		0
Site Usage Assessment	Active, attractive nuisance; evidence of recent dumping	5	5	20
Site Usage Assessment	Dumping resumed at cleaned up or closed site	4		0
Site Usage Assessment	Old Site; no evidence of recent dumping; overgrown	2		0
{Section 3 Multiplier = 4}		SITE ASSESSMENT SCORE		68
		TOTAL for Section 1 & 2		43

Date Investigated: 09/20/05	Time Investigated: 1325 through 1345	(F9) TOTAL SCORE	111
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GIS: N 34° 33' 34.2"; W 092° 39' 08.6"

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

Waste Tire Regulations #14 §9, Prohibitions:

	Tires disposed unless part of a permitted processing/collection facility
	Caused or permitted the open burning of tires

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
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Litter Act §8-6-406

	Dispose of litter upon any public or private property or into any body of water
	Vehicle is not covered to prevent the contents from departing from vehicle

Final Disposition

X	Investigated – Letter Sent	Investigated – No Evidence Found
	No Further Action Required	Complaint Forwarded To:

Complaint Investigation and Illegal Dump Worksheet Attachment

<i>Location: West Jackman Trail</i>	<i>County: Saline</i>
<i>Inspector: Ken Burks</i>	<i>Date: 09/20/05</i>
<i>Follow-Up Investigation</i>	<i>PDS ID: 2735</i>
	<i>Access ID:</i>

Comments:

09/20/05 – Saline County Environmental Officer Gary Ballard, an officer from the Saline County Sheriff’s Department, and I entered the site at approximately 1325 and proceeded through a mobile home park to an area consisting of what appeared to be a large berm of earth across a small valley between two ridges. The top of the berm appeared to be in service as a private roadway. On the East side of the berm, there was waste visible embedded in the berm and all the way down to the bottom of the valley, approximately 60 feet. Some of the waste had been burned and a burning odor was noted. The waste included all types of household waste, appliances, sheet metal, burn barrels, carpet, and construction/demolition debris. Mr. Ballard, the Saline County Deputy, and I exited the area without making contact with Mr. Potter.

Officer Ballard and Saline County have jurisdiction in this matter and I will defer any action, other than informing Mr. Potter that he is in violation of the Solid Waste Management Act, pending the outcome of this matter at the present time.

FURTHER ACTION TAKEN/TO BE TAKEN:

A letter will be sent to Mr. S.A. Potter, Jr.

Inspector Signature *Ken Burks* **Date** 09/20/05

ADEQ

ARKANSAS
Department of Environmental Quality

September 30, 2005

Document ID # - 002735-comp

Mr. S.A. Potter, Jr.
c/o Patricia K. Potter Farms, Inc.
P.O. Box 1328
Benton, AR 72018

Dear Mr. Potter:

On September 20, 2005, I performed an investigation of your property located on West Jackman Trail in Saline County. This investigation was in response to a complaint alleging illegal dumping and burning of waste. My investigation revealed 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, I found the following violation(s):

1. 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 appliances, construction/demolition, and household 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."**
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 activity described and undertake measures to correct the above 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 these violations.

Please be advised, that failure to make contact with me in regard to this notification may warrant formal enforcement action. Your cooperation is appreciated.

Sincerely,



Kenneth Burks, Inspector
Solid Waste Division

cc: Enforcement Branch Files
Flora Wrather, Illegal Dump Program





















