



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



Complaint Lodged Against:  
Mildred Banks  
13319 Hwy 15 North  
England, AR. 72046 Ph# 501-842-9604

Page 1 of 2

County: Jefferson

AFIN: 35-0000

PDS ID: 2977

Access ID:

Complainant Name & Address:  
John Scarlett

Phone:

☒ Valid

☐ Invalid

☐ Unknown

Location Description:

One mile South of the Jefferson/Lonoke county line on Hwy 15 North. Turn left on Red Hall Road site at the end of road on left.

Complaint Description of Waste: Demolition waste from old torn down house.

Complaint Received by: B. Gentry

Date Received: January 2, 2006

| Section 1: Size of Waste Mass |        |                                                           | Pts                      | Points | Total |
|-------------------------------|--------|-----------------------------------------------------------|--------------------------|--------|-------|
| Length                        | 70'    | >640 yd <sup>3</sup>                                      | 5                        |        | 0     |
| Width                         | 25'    | 320 yd <sup>3</sup> to 640 yd <sup>3</sup> = 16 roll offs | 5                        | 5      | 25    |
| Height                        | 6'     | 160 yd <sup>3</sup> to 320 yd <sup>3</sup> = 8 roll offs  | 4                        |        | 0     |
| Total                         | 10,500 | 80 yd <sup>3</sup> to 160 yd <sup>3</sup> = 4 roll offs   | 3                        |        | 0     |
| Approx. Cyd                   | 388    | 40 yd <sup>3</sup> to 80 yd <sup>3</sup> = 2 roll offs    | 2                        |        | 0     |
|                               |        | 40 yd <sup>3</sup> or < = 1 roll off                      | 1                        |        | 0     |
| {Section 1 Multiplier=5}      |        |                                                           | Size of Waste Mass Score |        | 25    |

| Section 2: Contents of Waste Mass                                                                       |  |  | Pts                          | Points | Total |
|---------------------------------------------------------------------------------------------------------|--|--|------------------------------|--------|-------|
| Household Waste                                                                                         |  |  | 5                            |        | 0     |
| Hazardous items {i.e. paint thinner, cleaning chemicals, oil cans, herbicides, medical waste, asbestos} |  |  | 5                            | 5      | 15    |
| White Waste {i.e. Refrigerators and appliances that may contain Freon}                                  |  |  | 3                            |        | 0     |
| Construction/Demolition Waste                                                                           |  |  | 3                            | 5      | 15    |
| 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                            | 2      | 6     |
| Yard Waste                                                                                              |  |  | 1                            |        | 0     |
| Dead Animals                                                                                            |  |  | 4                            |        | 0     |
| Other                                                                                                   |  |  |                              |        | 0     |
| {Section 2 Multiplier = 3}                                                                              |  |  | Contents of Waste Mass Score |        | 36    |

*B. Gentry*

| Section 3: Site Assessment                             |                                                                                                                                                                                                                                                                                                                                 | Pts                                | Points                           | Total                                 |
|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|----------------------------------|---------------------------------------|
| Air Pollution                                          | Open Burning                                                                                                                                                                                                                                                                                                                    | 5                                  |                                  | 0                                     |
| Air Pollution                                          | Evidence of Open Burning                                                                                                                                                                                                                                                                                                        | 4                                  |                                  | 0                                     |
| Air Pollution                                          | Strong; Foul Order Present                                                                                                                                                                                                                                                                                                      | 3                                  | 3                                | 12                                    |
| Water Pollution                                        | Waste in or near standing or flowing water                                                                                                                                                                                                                                                                                      | 5                                  | 5                                | 20                                    |
| 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                                  |                                  | 0                                     |
| 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}                             |                                                                                                                                                                                                                                                                                                                                 | <b>SITE ASSESSMENT SCORE</b>       |                                  | <b>52</b>                             |
|                                                        |                                                                                                                                                                                                                                                                                                                                 | <b>TOTAL for Section 1 &amp; 2</b> |                                  | <b>61</b>                             |
| Date Investigated:<br>1-11-06                          |                                                                                                                                                                                                                                                                                                                                 | Time Investigated:<br>3:00pm       |                                  | (F9) <b>TOTAL SCORE</b><br><b>113</b> |
| GIS: N 34-27'58.977 W91-56'36.156                      |                                                                                                                                                                                                                                                                                                                                 |                                    |                                  |                                       |
| <b>Section 4: Violations</b>                           |                                                                                                                                                                                                                                                                                                                                 |                                    |                                  |                                       |
| <b>Solid Waste Management Act §8-6-205</b>             |                                                                                                                                                                                                                                                                                                                                 |                                    |                                  |                                       |
|                                                        | (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                                                                                                                                    |                                    |                                  |                                       |
|                                                        | (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                                                                                                                                                                     |                                    |                                  |                                       |
| <b>Waste Tire Regulations #14 §9, Prohibitions:</b>    |                                                                                                                                                                                                                                                                                                                                 |                                    |                                  |                                       |
|                                                        | Tires disposed unless part of a permitted processing/collection facility                                                                                                                                                                                                                                                        |                                    |                                  |                                       |
|                                                        | Caused or permitted the open burning of tires                                                                                                                                                                                                                                                                                   |                                    |                                  |                                       |
| <b>Air Pollution Control Code §8-4-310(a)(1)(2)(3)</b> |                                                                                                                                                                                                                                                                                                                                 |                                    |                                  |                                       |
|                                                        | 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                                                                                                                                                           |                                    |                                  |                                       |
| <b>Litter Act §8-6-406</b>                             |                                                                                                                                                                                                                                                                                                                                 |                                    |                                  |                                       |
| X                                                      | 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                                                                                                                                                                                                                                                      |                                    |                                  |                                       |
| <b>Final Disposition</b>                               |                                                                                                                                                                                                                                                                                                                                 |                                    |                                  |                                       |
| X                                                      | Investigated – Letter Sent                                                                                                                                                                                                                                                                                                      |                                    | Investigated – No Evidence Found |                                       |
|                                                        | No Further Action Required                                                                                                                                                                                                                                                                                                      |                                    | Complaint Forwarded To:          |                                       |

*Billy J.ENTRY*

|                                                                      |
|----------------------------------------------------------------------|
| <b>Complaint Investigation and Illegal Dump Worksheet Attachment</b> |
|----------------------------------------------------------------------|

|                                |                                |                          |                   |
|--------------------------------|--------------------------------|--------------------------|-------------------|
| <b>Location: Red Hall Road</b> |                                | <b>County: Jefferson</b> |                   |
| <b>Inspector: B. Gentry</b>    |                                | <b>Date: 4-11-06</b>     |                   |
| <b>x</b>                       | <b>Follow-Up Investigation</b> | <b>PDS ID:</b>           | <b>Access ID:</b> |

**Comments:**

*I have received more information regarding the dumpsite on the Banks property located off of Red Hall road in Tucker, Arkansas. According to a taped conversation between John Scarlett(Jefferson County Solid Waste Dump Officer) and Carl Banks(Son of Mildred Banks) Carl Banks admitted to allowing Fred Love with Love Trucking Company to dump demolition waste from two houses demolished in England, Arkansas onto Mildred Banks property off of Red Hall Road. Fred Love was issued a citation for illegal dumping from Mr. Scarlett for Mildred Banks dumpsite. According to Jefferson County court records I obtained on April 3, 2006 Fred Love plead guilty on February 26, 2006 to this case and was fined \$500 including court cost. There are no provisions in judgment for the clean-up of dumpsite. I have also obtained copies of checks from Mark Tidwell (Contractor over the England demolition sites) showing Fred Love was paid to carry demolition was to a proper deposal site. Mr. Tidwell stated that Fred Love told him that what it would cost to carry demolition waste to THI Landfill in Jefferson County.*

**FURTHER ACTION TAKEN/TO BE TAKEN:**

**Inspector Signature:**

*Billy Gentry*

**Date:** Aril 11, 2006

## Complaint Investigation and Illegal Dump Worksheet Attachment

|                                |                          |                   |  |
|--------------------------------|--------------------------|-------------------|--|
| <b>Location:</b> Red Hall Road | <b>County:</b> Jefferson |                   |  |
| <b>Inspector:</b> B. Gentry    | <b>Date:</b> 1-11-06     |                   |  |
| <b>Follow-Up Investigation</b> | <b>PDS ID:</b> 2977      | <b>Access ID:</b> |  |

**Comments:**

On January 11, 2006 I followed John Scarlett(Jefferson County Illegal Dump Officer) to site located north of Tucker on Red Hall Road. The property is owned by Mildred Banks address 13319 Hwy 15 North England, AR. 72046. I noted a large pile of demolition waste measuring 70'x25'x6' located at the back of a roll crop field next to Wabbaseka Bayou. The waste at this site consisted of old lumber, carpet, shingles, conduit, insulation, electrical wires, scrap metal, and possible asbestos siding. I talked to Mark Banks (Mildred's son) regarding dumpsite. Mark Banks said I need to talk to Carl Banks his brother about the dumpsite. I instructed Mark Banks to cease all dumping at site and the waste would have to be taken to a permitted landfill and copy of the waste receipts be mailed to my office. Mr. Banks said he would relay the message to his brother and his mother.

**FURTHER ACTION TAKEN/TO BE TAKEN:**

I mailed a letter to Mildred Banks regarding illegal waste disposal site.

**Inspector Signature:**



**Date:** 1-11-06



January 18, 2006

Document ID # - 2977

Mildred Banks  
13319 Hwy 15 North  
England, AR. 72046

Dear Mrs. Banks:

On January 11, 2006, I performed an investigation of your property located at the end of Red Hall Road North of Tucker, Arkansas, in Jefferson County. This investigation was in response to a complaint alleging of illegal dumping of demolition 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 old lumber, carpet, shingles, conduit, insulation, electrical wires, scrap metal, and possible asbestos siding. **"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 ADEQ Solid Waste Division P.O. Box 8913 Little Rock, AR. 72209 or call (870) 673-8846, 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 "Bobby Gentry".

Bobby Gentry, Inspector, SWD

cc: Heidi Love, Inspector Supervisor, SWD  
Flora Wrather, Illegal Dump Coordinator, SWD

January 24, 2006

ADEQ  
Solid Waste Division  
P.O. Box 8013  
Little Rock, AR 72209  
(870) 673-8846

Document ID # - 2977

Dear Bobby Gentry, Inspector, SWD:

In reference to the letter dated January 18, 2006 giving an explanation of the investigation performed on January 11, 2006. The letter states, "Investigation was in response to a complaint alleging of illegal dumping of demolition waste. The agency states, "Bobby's investigation revealed that I am in violation of the Arkansas Solid Waste Management Act, A.C.A. § 8-6-205."

I have been violated and trespassed against. I did not give authorization to anyone in regards to dumping anything. In respect to the investigation I personally did not have any knowledge of the illegal dumping.

In order to clear up this matter I respectfully request an extension of time to investigate that trespassing was committed on my property. According to A.C.A. § 18-60-102 - Injuring, destroying, or carrying away property of another. (a) A person trespassing as follows shall pay a person injured treble the value of a thing damaged, broken destroyed, or carry away, with costs, ...

I am contacting the Attorney General Mike Beebe and Congressman Mike Ross to investigate illegal dumping on my property, and the necessary steps in order to clear this matter. I am a law-biding citizen.

If you know of the person responsible of this act I will be deeply appreciated it, and your kindness will never be forgotten.

Respectfully Submitted:

By: Mildred Banks  
Mildred Sloan Banks  
13319 Hwy 15 North  
England, AR 72046  
(501) 842-0191

*Copy received in  
Congressman Mike Ross's  
JAN 25 2006 office*

*R.J. Lightsey*

**CERTIFICATE SERVICE**

Honorable Mike Ross  
2300 W. 29<sup>th</sup> Street  
Pine Bluff, AR 71601  
(870) 536-3376

Honorable Mike Beebe  
Attorney General of Arkansas  
Tower Building  
323 Center Street  
Suite 200  
Little Rock, AR 72201  
(501) 682-2007

I, Mildred Banks, do hereby declare: I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. (See Supreme Court Rules 29; 28 U.S.C. § 1746)

Executed on:

(Date)

(Signature)

















