



# Arkansas Department of Environmental Quality

## Solid Waste Management Division

### Complaint/Illegal Dump Investigation Worksheet



County	Johnson	PDS ID	009470	AFIN	36-00000	Page 1 of 2
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Date Received	8-28-09	Received By	Kevin Nance via email from EPA
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Complainant Name / Address / Phone	Anonymous
John Robert McAuley 1024 County Road 3411 Clarksville, AR 72830	

Complaint Lodged Against / Address / Phone
Johnson County Regional Medical Center

Location Description	Complaint Description of Waste
Johnson County Regional Medical Center	Disposing of "wasted" narcotics and other drugs in the facility's sewer system.

### Investigation Section

Date Investigated	9-1-09	Time Investigated	1000 - 1100
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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	
	40 yd <sup>3</sup> or < = 1 roll off	1	
<b>Size of Waste Mass Score</b>			<b>0</b>

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	
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			
<b>Contents of Waste Mass Score</b>			<b>0</b>

**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	
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	
<b>Site Assessment Score</b>			<b>0</b>
*Violation Ranking: 1 (Least Serious Violation) to 5 (Most Serious Violation)		<b>TOTAL SCORE</b>	<b>0</b>

GPS Reading

**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)**

	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**

9-1-09 – On this date, I investigated the referenced complaint and noted the following:

Complaint was originally made to the Water Division by Mr. McAuley on 8-18-09. Inspector Amy Beck investigated on 8-26-09 (PDS: 009431). I received the complaint on 8-28-09. See attached.

**Final Disposition**

<b>INVALID COMPLAINT</b>	<b>VALID COMPLAINT</b>
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	Complaint Forwarded To

## Nance, Kevin

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**From:** Deatley.Glenn@epamail.epa.gov  
**Sent:** Friday, August 28, 2009 2:54 PM  
**To:** jmcauley@centurytel.net  
**Cc:** Kelley.Willie@epamail.epa.gov; Oldham.Margaret@epamail.epa.gov;  
Hazle.Donnie@epamail.epa.gov; Wren.Charles@epamail.epa.gov;  
Sanchez.Darlene@epamail.epa.gov; Nance, Kevin; ".@mintra01.rtp.epa.gov  
**Subject:** FY09-66525-3709-CV-Reply  
**Importance:** High

EPA Region 6 Internet Feedback (<http://www.epa.gov/earthlr6>)

Original Message: 8/18/2009 1:29 PM HQ LEAD NUMBER:

FY09-66525-3709-CV SUBJECT: Referred to Region - Arkansas FROM:

jmcauley@centurytel.net TO: Name: John Robert McAuley Address:

1024 County Road 3411 City: Clarksville State: Arkansas Zip: 72830

Phone: 4797544721 Alleged Violator's Name: JOhnson Regional Hospital Alleged Violator's

Address: 1100 Poplar St Alleged Violator's City:

Clarksville Alleged Violator's State: Arkansas Alleged Violator's Zip:

72830 Tip or Complaint: Our local Hospital intentional disposes of "wasted " narcotics and other drugs in the sewer system.Perhaps you could point out a safer way to dispose of narcotics and drugs other than dumping them in the water supply. Sincerely, John Robert McAuley

1024 County Road 3411 Clarksville, AR 72830 Violation Still Occurring?

Yes State DEP/DEQ/DEM Notified? Yes

Response by EPA:

To: John Robert McAuley

From: Glenn DeAtley, Solid Waste Coordinator  
U.S. Environmental Protection Agency, Region 6  
New Mexico, Oklahoma, Arkansas, Louisiana, Texas  
<deatley.glenn@epamail.epa.gov>  
1-800-887-6063 Extension 7142  
214-665-7263 FAX  
214-665-7142 Direct Line

Subject: Disposal of Narcotics and Hospital Pharmaceutals

John, this is in response to your e-mail dated Monday, August 23, 2009, reporting that the Johnson Regional Hospital in Clarksville, Arkansas disposes of narcotics and hospital pharmaceuticals by flushing them into the city sewer system. You would like to know if there is a safer way to dispose of narcotics and drugs other than dumping them in the water supply.

I am the EPA Region 6 contact person for medical waste and can tell you that the issue of proper pharmaceutical drug disposal is an emerging issue in the environmental arena. While flushing medicine down a toilet does prevent misuse of the substance, the practice can cause other problems. Specifically, when medicines are flushed, they usually go to one of two places -- a septic tank or through a series of sanitary sewers into a wastewater treatment plant (WWTP). Medicines can harm the beneficial bacteria that are responsible for breaking down waste in the septic system or at a WWTP.

When medicines go to a WWTP, several other problems can result. Many medicines are not captured or are only partially captured during a WWTP treatment process, so they can pass through a WWTP intact. Municipal sewage treatment plants are not engineered for pharmaceutical removal.

These substances are then released into a nearby lake, river or ground water with the treated waste water.

Some medications may contain heavy metals, such as mercury containing compounds. For the past several decades, mercury has received increasing attention as a serious pollutant of

concern due to its toxic and bioaccumulative properties. In aquatic systems mercury is often converted by bacteria to methylmercury (an organic form of mercury) which can be magnified up the aquatic food chain hundreds of thousands of times, posing a potential risk to humans and wildlife that consume fish. For all of these reasons, any and all disposal of drugs down a drain or toilet is strongly discouraged.

Most hospitals have state approved and permitted incinerators to be used for the disposal of medical waste. This is a safer way to dispose of drugs and pharmaceuticals.

I don't know what your relationship is with the Johnson Regional Hospital, but you might want to discuss the hospital's disposal program with Kevin Nance, the District Manager of the Arkansas Department of Environmental Quality (ADEQ) District #004 Office in Russellville.

The District #004 Office has jurisdiction for Clarksville and Johnson County. You can reach Kevin by telephone at 479-968-7339 or e-mail <nance@adeq.state.ar.us>.

Household pharmaceuticals can be disposed of in municipal solid waste landfills, under certain conditions, and I believe the same can be true of hospital waste if the hospital is designated as either a Large Quantity Generator (LQG) or Small Quantity Generator (SQG) and the collection, storage, processing, exporting, or disposal, of this medical waste is in accordance with all permits required by ADEQ.

L800.09

# ADEQ

ARKANSAS  
Department of Environmental Quality

September 8, 2009

Mr. Larry Morse, Hospital Administrator  
Johnson Co. Regional Medical Center  
P.O. Box 738  
Clarksville, AR 72830

RE: Complaint Investigation

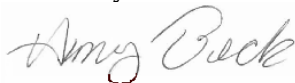
Dear Mr. Morse:

On August 26, 2009, I performed an investigation in response to a complaint. The complaint alleged that the hospital has a policy of dumping wasted narcotics in the sewer system. The investigation revealed that you are not in violation of the Arkansas Water and Air Pollution Control Act and the regulations promulgated thereunder.

The Department would appreciate your continued efforts to minimize the volume of pharmaceuticals introduced to the environment through the city sewer system.

If you should have any questions, feel free to contact me at 479-968-7339.

Sincerely,



Amy Beck  
District 5 Field Inspector  
Water Division

cc: Ms. Pam Crow, Clarksville Light and Water Co.  
Permits Branch  
Enforcement Branch

**ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**5301 Northshore Drive, North Little Rock, AR 72118**

**COMPLAINT REPORT**

<b>GPS:</b>	<b>AFIN#: 36-00019</b>	<b>PERMIT#: NA</b>
<b>DATE RECEIVED: August 18, 2009</b>	<b>COUNTY: Johnson</b>	
<b>COMPLAINANT NAME: John McAuley</b>	<b>COMPLAINT AGAINST: Johnson Co. Regional Medical Center</b>	
<b>ADDRESS: 1024 CR 3411, Clarksville, AR 72830</b>	<b>ADDRESS: 1100 E. Poplar St., Clarksville, AR 72830</b>	
<b>PHONE: 479-754-4721</b>	<b>PHONE: 479-754-5454</b>	

<b>PERSON RECEIVING REPORT:</b>	<b>DATE:</b>	<b>SUPERVISOR REFERRAL:</b> <i>Dale Washam</i>	<b>DATE:</b> <i>8-18-09</i>
<b>INSPECTOR REFERRED:</b>	<b>DATE:</b>	<b>MEDIA SUPERVISOR REFERRAL:</b>	<b>DATE:</b>
<b>PHONE REFERRAL CONTACT:</b>	<b>DATE:</b>	<b>RECEIVING INSPECTOR:</b> <i>Amy Beck</i>	<b>DATE:</b> <i>8-18-09</i>

**DESCRIPTION (IN DETAIL)**

Complainant states "Johnson Regional Hospital in Clarksville has a policy of dumping wasted narcotics in the sewer system...Perhaps you could point out a safer way to dispose of narcotics and other drugs than dumping them in the water supply."

**LOCATION (IN DETAIL)**

1100 E. Poplar St.  
Clarksville, AR 72830

**PREVIOUS COMPLAINT?**  YES  NO **DATES:**

**DISCHARGE TO STREAM?**  YES  NO **NAME OF STREAM:** *through POTW to backwaters of Lake Dardanelle.*

**HOW COMPLAINT WAS RECEIVED:**  PHONE  LETTER  VERBAL  FAX  E-MAIL

**FOLLOW UP ON COMPLAINT**

**COMPLAINT #:**

**AFIN #: 36-00019**

**INSPECTOR: Amy Beck**

**DATE: 08-26-2009**

**ACTION TAKEN:**

**PHOTOS TAKEN: no**

On August 26, 2009, I spoke with Ms. Pam Crow, Pretreatment Coordinator for Clarksville's wastewater treatment plant about this complaint. She informed me the hospital's policy is to return unused pharmaceuticals to the manufacturer. However, in the event narcotics are incorrectly dosed, the excess is disposed of into the sewer system. It is her understanding this is a small quantity of narcotics. At this time the city does not have an ordinance against this practice.

I also spoke with Jerry Jones, PD, contact for the Arkansas Dept. of Health, Pharmacy Services. Dr. Jones directed me to the Arkansas Department of Health Rules and Regulations Pertaining to Controlled Substances, A.C.A. §5-64-702, §20-64-219, and §20-64-317, which regulate this situation. Describing the complaint to Dr. Jones, he did not see a violation of the regulations, but volunteered to contact the hospital pharmacy and remind them of proper disposal options.

I have contacted Mr. McAuley, the complainant, and advised him of my findings.

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

None at this time.

**INSPECTOR SIGNATURE:**



**DATE: 8-26-2009**

**HOURS WORKED: 3.0**