



June 21, 2010

Keith Fry  
721 Hwy 174 North  
Hope, Ar. 71801

Dear Keith Fry:

On June 24, 2010, I performed an investigation of your property located on County Road 242 in Hempstead Co. North of Hope off Hwy 174. This investigation was in response to a complaint alleging the illegal dumping of 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 construction/demolition 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 (870)777-7585 ext. 3 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, appearing to read "Sheldon Hadley".

Sheldon Hadley, Inspector  
Solid Waste Division



# Arkansas Department of Environmental Quality

## Solid Waste Management Division

### Complaint/Illegal Dump Investigation Worksheet



County	Hempstead	PDS ID	\$\$, (%)	AFIN	& !\$\$\$\$	DU Y 1 of 2
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Date Received	06/24/2010	Received By	S Hadley
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Complainant Name / Address / Phone	X	Anonymous
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Complaint Lodged Against / Address / Phone
Keith Fry 721 Hwy 174 North Hope, Ar. 71801 870-703-4892

Location Description	Complaint Description of Waste
Hwy 174 north of the Experiment Station go east on County Road 242 0.7 miles to the end of the Co. Rd.	Tearing down house and putting it in a hole.

### Investigation Section

Date Investigated	6-24-10	Time Investigated	0908
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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	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>3</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	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>3</b>

**SECTION 3**

**Site Assessment**

**Violation Ranking**

**Points**

Air Pollution	Open Burning	5	
Air Pollution	Evidence of Open Burning	4	
Air Pollution	Strong; Foul Odor 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	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>5</b>
*Violation Ranking: 1 (Least Serious Violation) to 5 (Most Serious Violation)		<b>TOTAL SCORE</b>	<b>11</b>

**GPS Reading** | N3° 43.443 W093° 31.074'

**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

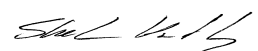
**Investigation Comments**

6-24-10

Upon arrival I noted approximately 120 cubic yards of construction/demolition waste on the ground next to a pit. While at the site a dump truck came to the site and the driver was told that the waste had to be taken to a permitted landfill, he agreed and left with the load. Howard Tippet owns the house that was being torn down and Keith Fry owns the property where the waste was taken. I spoke with both Mr. Tippet and Mr. Fry on the phone, both were agreeable that the waste would be taken to the landfill and to clean up the site where the waste was dumped, as well as keep their landfill receipts. They both said that they would contact me when the site is clean for a follow up inspection. Pictures were taken, GPS data was gathered and the site was exited.

**Final Disposition**

<input type="checkbox"/>	<b>INVALID COMPLAINT</b>	<input checked="" type="checkbox"/>	<b>VALID COMPLAINT</b>
<input type="checkbox"/>	No evidence found	<input checked="" type="checkbox"/>	Letter Sent
<input type="checkbox"/>	No illegal disposal occurring	<input type="checkbox"/>	Follow-up Investigation
<input type="checkbox"/>	Salvageable materials	<input type="checkbox"/>	Response Received
<input type="checkbox"/>	8-6-205(a)(3) exemption	<input type="checkbox"/>	No further action
<input type="checkbox"/>	Unknown violator – No further action	<input type="checkbox"/>	Complaint Forwarded To











To. Whom it May Concern

On June 23 2010 We began to tear down abandon house that belong to Howard Tippitt and proceeded to haul it to Keith + Laci Fry's property for disposal not knowing we were in violation of any codes or laws set by the ADEQ. A complaint was made by a over concerned citizen to the ADEQ office. Mr. Sheldon Hadley responded on June 24 and notified us we were in violation of a Solid Waste Management Act A.C.A. § 8-6-205. We immediately responded and began removing material and taking it to the city Landfill. Since then Mr. Hadley has come and re-inspected the site.

P.S.

Pictures, Receipts from Landfill and times recorded of disposal are also included with this letter.

Sincerely, Thanks

AFIN: \_\_\_\_\_

Pmt #: \_\_\_\_\_

REC'D  
SCAN

JUL 26 2010

S  
W  
M  
D

Property Owner  
House Owner

Keith + Laci Fry  
Howard Tippitt  
Howard Tippitt

JC D#: \_\_\_\_\_

To: \_\_\_\_\_

**Honeycutt Printing, Inc.**

502 West Compass • Hope, Arkansas 71801  
(970) 777-5000 • honeycuttprinting@yahoo.com

Howard Tippitt 6-24-2010

1- Dumpster 11:20 20cys  
1- " " 1:35 20cys

6-25-2010

1- Dumpster 9:15/ 20cys  
1- " " 10:45 20cys  
1- " " 12:50 20cys

# 400.<sup>00</sup>  
35.00 TAX,  
# 400.<sup>00</sup> 435.<sup>00</sup>

5 loads  
100 cys

We make a good impression!

7-1-2010

Receipt No 81550

Received From Howard Tippitt

Four Hundred Thirty Five Dollars and 00/100 cents (\$ 435.<sup>00</sup> )  
Check # 1472

To Apply For

Dump Trailer 20cys

Class 4 #300

uncompacted

By Chris Rose

Landfill  
City of Hope, Arkansas









