

March 10, 2009

ENVIRONMENTAL COMMITTEE REPORT

An Environmental Committee meeting was held on Tuesday, March 1, 2009 at 4:30 p.m. in the County Administration Building, Quorum Court Meeting Room, 215 East Central, Bentonville, Arkansas

Committee Members Present: Blaty, Douglas, Lewis, Wozniak

Others Present: County Judge David Bisbee, Comptroller Richard McComas, Chris Glass, JP Shirley Sandlin, Fire Marshall, Will Hanna

Media: Tabatha Hunter - Daily Record; Scarlet Simms - Morning News

JP Jim Wozniak called the meeting to order at 4:30 p.m.

PUBLIC COMMENTS:

None

NEW BUSINESS:

JP Wozniak stated that this is an organizational meeting to see if the County can provide a countywide ordinance to make it legal to burn old buildings, chicken houses and barns, establish legal procedures and permits, and if someone would need to supervise and sign off with each burn. He stated that he had asked JP Blaty to check with the Health Department to see what procedures they might have.

JP Douglas reported that he prepared a presentation for the committee members and that he had taken pictures of Bermuda grass fields, brush piles, old barns, and old buildings in Benton County that need to be burnt and disposed of. He explained that you can legally burn vegetative debris, old brush piles which consist of wood, but you cannot legally burn old buildings, chicken houses, or barns, even though the buildings are made out of wood. He reported the only way to get rid of these old buildings is to get a dumpster that costs about \$400.00, fill the dumpster and send it to the land fill. He explained that even though these old buildings are built out wood and are a present fire and safety hazard, you still cannot burn them because of the materials on the sides of them such as old shingles. He said that he received an estimate to tear down an old chicken house, load the materials in a dumpster and haul it to a landfill and the estimate was approximately \$6,000.00. He further explained that inspections had to be made of the old buildings to make sure they are not full of old tires, chemicals and other hazardous materials, and that Arkansas Department of Environmental Quality said property owners cannot burn it themselves, but that they can get the fire department to burn them down as a practice burn. He reported that the fire department requires the buildings to be pushed down before they will come out and burn. JP Douglas reported that these are some of the problems, concerns, and expenses that property owners face in destroying old buildings.

JP Wozniak reported that JP Blaty contacted the Health Department and Arkansas Department of Environmental Quality and that the committee members have been provided a copy of *Chapter 6: Emissions From Open Burning, Reg. 18.603 Exemptions (G) which states Fires set or authorized by any public officer, board, council, or commission when the fire is set or permission to burn is given in the performance of the duty of the officer for the purpose of weed abatement, or the prevention or*

elimination of a fire hazard; or fires set for the purposes of the instruction in methods of firefighting or for civil defense instructions. JP Blaty explained that if it is private property and it is considered household waste, they can burn it, but if it is a commercial farm then it follows totally different regulations. She stated that using the voluntary fire department for training purposes was suggested.

Further lengthy discussion was had on creating an ordinance, establishing permits and penalties for burning old buildings, barns, and chicken houses. Discussion was held on what type of inspections would be involved and who and when they would be done.

Fire Marshall Will Hanna stated that creating an ordinance would be the best thing and would rid the county of a lot of potentially dangerous places. He reported last year 14 chicken houses were burnt accidentally. He stated the best part is that this is a finite number and once they are gone they are gone, and that it would be good to have control over what is burnt. He stated that the burning of old houses would be handled in a different manner. More discussion was had regarding fire departments and the handling of inspections of the old barns and buildings.

Chris Glass stated that having someone to come back at the end of the day to check on clean up is a good thing. He explained at this time CENCOM is called when someone wants to burn and then CENCOM communicates the information out to the public. He said that there are already many steps in place, and that they would need to place another component to what the county already has. The committee requested that County Attorney George Spence draft an ordinance and have it ready for the next Environmental meeting.

County Attorney George Spence stated that he wanted to put a penalty provision in the ordinance and then if the committee does not agree with it then they can strike it. He said that he wanted to look at the reckless burning statute and see what the general penalties are. He said that that he would prepare a draft ordinance and have it ready for the next Environmental meeting held on Tuesday, April 7, at 4:30 p.m.

JP Douglas asked if there was going to be a spring clean-up day and that he would like to have information on how to get rid of prescription drugs. JP Wozniak reported that 1,290 pounds of prescription drugs had been burned last year and that it would be beneficial to have more than one of the burn units available in the area. Chris Glass stated that there would be a spring clean-up but currently they are trying to get the ice storm clean up done first.

Meeting adjourned at 5:15 p.m.