49ers RESOURCE RECOVERY and FORTY-NINER METALS MANAGEMENT, LLC

STATE PRIORITY LIST SITE PARAGOULD, ARKANSAS

ADEQ
5301 Northshore Drive
North Little Rock, Arkansas 72118

EPA RCRA ID No: ARR000021766
EPA CERCLA ID No: N/A
AFIN: 28-00471
County: Greene
Arkansas Senate District: 20
Arkansas House District: 57
US Congressional District: 1

Current Status

Mr. Lukashuk is owner of 49ers Resource Recovery, Inc. a/k/a Forty-Niner Metals Management, L.L.C., and Forty-Niner Recycling, Inc. Beginning in 2010, Arkansas Department of Environmental Quality (ADEQ) has conducted three (3) separate Compliance Evaluation Investigations (CEIs). Multiple APC&EC (Arkansas Pollution Control and Ecology Commission) Regulation 23 violations were noted during those CEIs. As of today, Mr. Lukashuk has not complied with ADEQ notices leaving the property with potential human health risks and environmental effects associated with unknown contaminants from universal waste and used oil activities.

State Priority List History

The Arkansas Remedial Action Trust Fund Act (Ark. Code Ann. § 8-7-500 et seq.), or RATFA provides authority and funding for identifying, investigating, and remediating hazardous substance sites throughout the State. The RATFA Hazardous Substances State Priority List (SPL) identifies those hazardous substance sites eligible for State-funded investigation and remedial actions, if necessary, on a case-by-case basis; it is not an inclusive site inventory or historical list. The 49ers Resource Recovery
Site was added to the Investigative and Remediation categories of the SPL on December 19, 2014 in order to identify the nature and extent of human health risks and other risks associated with the possible presence of lead and unknown contaminants from universal waste.

**Site Description**

**Location:** The Site is located approximately five (5) miles north of Paragould, (36.10525 north latitude, -90.450823 east longitude) Arkansas. Street address: 4722 Highway 49 North.

**Population:** Paragould has approximately 27,000 residents.

**Setting:** The Site is comprised of approximately seventeen (17) acres. There is one (1) main recycling building and multiple over the road (OTR) open trailers. Mr. Lukashuk has his own family dwelling on the Site.

**Hydrology:** The Site is relatively flat and surrounded on the east and south by agricultural farmland and the west by forestry land. There is an unnamed creek at the back of the property.

**Aerial Photo:**

![Aerial Photo](image-url)
49ers Resource Recovery is a Large Quantity Handler (LQH) of Universal Waste and scrap metal. Mr. Lukashuk (owner) has owned ten (10) acres since approximately 1996 and has been accumulating consumer electronics (i.e. Computers, cathode ray tubes (CRTs), printed circuit boards, printers, copiers, radios, and televisions, etc.), other scrap metal and used tires on that portion of the property since

**Waste and Volumes**

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approximately 2001. Mr. Lukashuk purchased another seven (7) acres adjoining his original ten (10) acres on the east side. Site investigations revealed computer parts were being stored in the OTR trailers, in open wire and cardboard bins and in piles directly on the ground.

**Health Considerations**

During multiple inspections of the Site, ADEQ observed broken CRTs. CRTs and CRT glass exhibit a toxic characteristic of Lead (D008). The glass envelope portions of television screens contain toxic lead and barium. The phosphors can also contain toxic elements such as cadmium. Contaminated soils have remained on-site and pose a potential threat of release to the environment.

**ADEQ Response Actions**

On October 5, 2010, ADEQ Hazardous Waste Division conducted a CEI at 49ers Resource Recovery. The CEI observations revealed Mr. Lukashuk was handling and managing solid waste and electronic waste at the site. On January 3, 2011, the CEI Report was mailed to the facility which required immediate actions to be taken to correct the multiple alleged violations of APC&EC Regulation 23.

In addition, an ADEQ Solid Waste Division Illegal Dump Investigation was conducted on October 5, 2010. Conditions were observed that included waste being dumped at the Site, consisting of tires, household trash, electronic components, construction debris, and other bulky waste without the requisite Permit. Mr. Lukashuk was also openly burning the waste on his property in violation of Ark. Code Ann. § 8-6-205, APC&EC Regulation 18.602, and Ark. Code Ann. § 8-4-310. An ADEQ Water Division National Pollutant Discharge Elimination System (NPDES) Compliance Inspection was conducted the same day. The Water Division observed that Mr. Lukashuk was operating the facility without the required NPDES Permit.

On March 18, 2011, ADEQ conducted a second CEI at the property. The CEI observations revealed most of the electronic waste continued to be stored outside, uncovered and uncontained. On April 19, 2011 the CEI Report was mailed to Mr. Lukashuk informing him that immediate actions were needed to resolve and correct the multiple alleged violations of APC&EC Regulation 23. To date, Mr. Lukashuk has not addressed the hazardous and solid waste violations at the property.

On November 11, 2011 ADEQ filed a Complaint in the Circuit Court of Greene County, Arkansas to eradicate an illegal dump pursuant to the Arkansas Illegal Dump Eradication and Corrective Action Program Act, Ark. Code Ann. § 8-6-503 et seq., to require the removal of hazardous wastes at said illegal dump as required by the Arkansas Hazardous Waste Management Act, Ark. Code Ann. § 8-7-201 et seq., to require the removal of solid wastes at said illegal dump as required by the Arkansas Solid Waste Management Act, Ark. Code Ann. § 8-6-201 et seq. and to seek remedial action to investigate, control, prevent, abate, treat, or contain any releases or threatened releases of hazardous substances as required by the Remedial Action Trust Fund Act, Ark. Code Ann. § 8-7-501 et seq. This case remains open in the Circuit Court of Greene County, Arkansas pending the outcome of a related case.

On May 6, 2014, ADEQ conducted a follow-up inspection at the Site. The observations noted during this inspection revealed there are continuing violations of applicable hazardous and solid waste environmental laws.
On January 21, 2015 ADEQ conducted an initial site assessment to evaluate the waste on the surface and to view the overall condition of the site. This assessment shows that there is a substantial amount of material (i.e. electronic waste, used tires, and other miscellaneous debris) on site that would hinder future sampling from being performed.

**ADEQ Anticipated Future Activities**

The next course of action on site would be the removal and disposal of material from the site to support performing a Comprehensive Site Assessment.

**Site Contacts**

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