

ADEQ

ARKANSAS
Department of Environmental Quality

December 11, 2009

Rick and Patty McGuire
Fortier, Inc.
P.O. Box 1418
Conway, AR 72033

RE: Complaint Investigation

Dear Mr. McGuire:

On November 4, 2009, I performed a complaint investigation alleging that sediment was washing off of the site of your new home construction. The investigation was performed in accordance with the provisions of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated thereunder. At the time of the inspection, I observed the following violation:

Silt fencing that had been installed across 2 different areas to prevent sediment from leaving the site had been washed out. These 2 areas were in natural drains flowing off of the hillside. Just a few yards downhill of one of the washed out areas there was a flowing branch that flowed toward Greers Ferry Lake. This is a violation of the Arkansas Water and Air Pollution Control Act (8-4-217) a, 2. These areas were shown to Mr. Dellos Clemons, your builder and it was suggested that more control measures needed to be implemented to prevent further pollution to waters of the state.

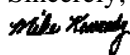
The above item requires your immediate attention. Please submit a written response to this finding to Cindy Garner, Enforcement Branch Manager, Water Division Enforcement Branch of this Department at the following address:

Water Division Enforcement Branch
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

This response should contain detailed documentation describing the course of action taken to correct each item noted. This corrective action should be completed as soon as possible, and the written response with all documentation (i.e. pictures) is due by December 21, 2009.

For additional information you may contact the Enforcement Branch by telephone at 501-682-0639 or by fax at 501-682-0910.

If I can be of any assistance, please contact me at 870-793-5819.

Sincerely,


Mike Kennedy
District 11 Field Inspector
Water Division

WATER DIVISION COMPLAINT REPORT

GPS LOCATION:	AFIN: None
DATE RECEIVED: October 30, 2009	PERMIT#: None
COMPLAINANT NAME: Anonymous	COUNTY: Cleburne
ADDRESS: N/A	COMPLAINT AGAINST: Rick & Patty McGuire
PHONE: N/A	ADDRESS: Fortier, Inc. P.O. Box 1418 Conway, AR 72033
	PHONE: 501-328-7322

TRACKING & REFERRAL INFORMATION

PERSON RECEIVING REPORT: Mike Kennedy	DATE: 10-30-09	SUPERVISOR REFERRAL:	DATE:
INSPECTOR REFERRAL: Mike Kennedy	DATE: 10-30-09	MEDIA SUPERVISOR REFERRAL:	DATE:
PHONE REFERRAL CONTACT:	DATE:	RECEIVING INSPECTOR:	DATE:

COMPLAINT RECEIVED BY: PHONE LETTER VERBAL INTERNET EMAIL

DETAILED DESCRIPTION

The complaint alleged that sediment was washing off of a new home construction site toward Greers Ferry Lake.

LOCATION

Drive on Highway #16 southwest of Greers Ferry, Arkansas approx. 6 miles then turn east onto Diamond Bluff Road and drive approx. 2.8 miles to Lakefront Road and drive to the end of the road at the bottom of the mountain. The new home construction is being performed on the north side of the road.

PREVIOUS COMPLAINT: YES NO DATES:

DISCHARGE TO STREAM: YES NO NAME OF STREAM:

INVESTIGATION

INSPECTOR: Mike Kennedy	DATE: November 4, 2009
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ACTION TAKEN: PHOTOS TAKEN: YES NO

The Water Inspector met with Mr. Dellos Clemons, Builder of the house for Rick and Patty McGuire. He was informed of the complaint that had been filed. He showed the inspector the boundary lines of the lot where the home construction was being performed.

The Inspector noted that the lot slopes north downhill toward Greers Ferry Lake. The Inspector observed 2 different areas on the north side of the lot where silt fencing had been installed across 2 hollows and the fencing had been washed out. These areas were shown to Mr. Clemons who was informed of the violation of the Arkansas Water and Air Pollution Act (8-4-217) a, 2. The Inspector suggested to Mr. Clemons that he needed to implement whatever pollution control measures to prevent further pollution to waters of the state, as the washed out silt fencing was installed across 2 natural drainage areas leaving the site. The disturbed area was approx. ¾ of an acre in size.

The Inspector was able to make contact with Mr. Rick McGuire a few days later and informed him of the complaint that had been filed and the violation of the Arkansas Water and Air Pollution Control Act.

FURTHER ACTION:

A letter will be forwarded to Mr. McGuire requiring a detailed written response back to the Department addressing the violation of the Act (8-4-217) a, 2.

SIGNATURE:  Mike Kennedy	DATE: December 4, 2009
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Water Division NPDES Photographic Evidence Sheet

Location:	Approx. 5 miles southwest of Greers Ferry, Arkansas off Highway #16 bordering Lakefront Road (Cleburne County)						
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Photographer:	Mike Kennedy			Witness:	Dellos Clemons (Builder)		
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Photo #	1	Of	4	Date:	11-4-09	Time:	1303
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Description:	This view shows the new home construction on the north side of Lakefront Road with Greers Ferry Lake in the background.						
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Photographer:	Mike Kennedy			Witness:	Dellos Clemons (Builder)		
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Photo #	2	Of	4	Date:	11-4-09	Time:	1301
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Description:	This view in front of the house is looking back southeast at the site.						
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Water Division NPDES Photographic Evidence Sheet

Location:	Approx. 5 miles southwest of Greens Ferry, Arkansas off Highway #16 bordering Lakefront Road (Cleburne County)
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Photographer:	Mike Kennedy	Witness:	Dellos Clemons (Builder)
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Photo #	3	Of	4	Date:	11-4-09	Time:	1258
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Description:	This view at the front of the lot shows where silt fencing had been installed, but the fencing has been washed out.
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Photographer:	Mike Kennedy	Witness:	Dellos Clemons (Builder)
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Photo #	4	Of	4	Date:	11-4-09	Time:	1259
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Description:	Another view of the front of the lot showing where more silt fencing has been washed out in another hollow. Note there was a flowing wet weather branch located just past the west end of the lot boundary.
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Dellos Clemons Custom Homes, Inc.
501 Dug Hill Road
Drasco, AR 72530
870-830-2071 mbl.
870-668-3383 Fax

December 18, 2009

Water Division Enforcement Branch
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Attn: Cindy Garner

Re: Response to complaint investigation
Homeowner: Rick and Patty McGuire
New Home Construction

Dear Ms. Garner,

On the day following Mr. Kennedy's visit this course of action was implemented:

- 1) 45 to 50 bales of hay were put on the area of concern**
- 2) Silt fencing was repaired and properly placed**
- 3) Additional silt fencing added**
- 4) Gravel added on platform**
- 5) Grass planted**

It is with my utmost desire that the enclosed photographs will be acceptable documentation in compliance with the Federal Clean Water Act, and the Arkansas Water and Air Pollution Control Act.

Please accept this response for Mr. and Mrs. McGuire and myself as it is our hope that we have fulfilled our obligation.

If I can be of further assistance, please contact me at 870-830-2071.

Sincerely,



Dellos Clemons, owner
Dellos Clemons Custom Homes, Inc.







Dellos Clemons Custom Homes, Inc.
501 Dug Hill Road
Drasco, AR 72530



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Water Division Enforcement Branch
Arb. Dept of Environmental Quality
5301 Northshore Drive
No. Little Rock, AR 72118-5317

Attn: Cindy Garner



A R K A N S A S
Department of Environmental Quality

January 20, 2010

Rick and Patty McGuire
Fortier, Inc.
P.O. Box 1418
Conway, AR 72033

RE: Rick and Patty McGuire Property, Response to Inspection

Dear Mr. and Mrs. McGuire:

The Department has received your response to the November 4, 2009 inspection of your site by our District Field Inspector, Mike Kennedy. Your letter appears to adequately address the discrepancies identified during the visit. The Department assumes the corrective actions taken will be maintained to ensure consistent compliance with the requirements of the permit. Acceptance of this response by the Department does not preclude any future enforcement action deemed necessary at this site or any other site.

The Department will keep the inspection and response on file. If future violations occur that require enforcement action, the Department will consider the inspection and response as required by the Pollution Control and Ecology Commission Regulation No. 7, Civil Penalties. This regulation requires the Department to consider the past history of your company and how expeditiously the violations were addressed in determining any civil penalty that may be necessary for any future violations.

If we need further information concerning this matter, we will contact you. Thank you for your attention to this matter. Should you have any questions, feel free to contact me at 501-682-0633 or you may e-mail me at schluterman@adeq.state.ar.us.

Sincerely,

Amy Schluterman
Enforcement Analyst
Water Division Enforcement Branch