



ARKANSAS
Department of Environmental Quality

January 25, 2010

Robin Ward, President
Robin Dee Enterprises, Inc.
767 W. McAuley Dr.
West Memphis, AR 72301

RE: Hydraulic Fluid Spill – Jonesboro, AR

AFIN: N/A NPDES Permit No.: N/A

Dear Mr. Ward:

On December 30, 2009, I performed a complaint investigation near the intersection of W. Mathews and Walnut St. in Jonesboro, AR in accordance with the provisions of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated thereunder. This investigation was in response to a complaint alleging a hydraulic oil spill from a piece of your equipment had not been properly cleaned or reported. The following violations were revealed:

Placing or cause to be placed any sewage, industrial waste, or other wastes in a location where it is likely to cause pollution of any waters of this state in violation of the Arkansas Water and Air Pollution Control Act - A.C.A. §8-4-217 (a)(2).

In October 2009, while performing underground boring for CenterPoint Energy, a piece of equipment operated by your company had a mechanical failure releasing an unknown volume of hydraulic oil to the grass and curb/street in front of 814 Walnut St., Jonesboro, AR. There was no immediate action taken to remediate the spill. Eventually, at the request of officials with CenterPoint Energy, absorbent was deployed, however the spent/contaminated material was never collected for proper disposal and was still visible at the time of my visit. Additionally, contaminated soil was not removed until late December 2009.

Failure to report this incident may have violated the Arkansas Hazardous and Toxic Materials Emergency Notification Act - A.C.A. §12-79.

The above items require your immediate attention. Please submit a written response to these findings to Cindy Garner, Water Division Enforcement Branch Manager, of this Department. This response should be mailed to the address below. **This response should contain detailed documentation describing all corrective action taken as of the date of your response and any planned future corrective action. This documentation should contain proof of proper disposal**

Robin Ward, Robin Dee Enterprises, Inc.

January 15, 2010

Page 2

for all removed materials (absorbents, soil, etc.) Additionally, please provide documentation explaining how any future spills/releases will be managed. This corrective action should be completed as soon as possible, and the written response is due by **February 5, 2010.**

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 walker@adeq.state.ar.us or 870-935-7221 ext.-12.

Sincerely,



Brent L. Walker

District 3 Field Inspector

Water Division

cc: Water Division Enforcement Branch
Director's Office - Emergency Response Section

ADEQ - Water Division Spill/Incident Report

ADEQ Incident #: N/A	NRC #: N/A	County: Craighead
Date and Time of Incident: Unknown exact date - Mid/Late October 2009		Date & Time Reported: Afternoon of 12/30/2009
Responsible Party: (Name/Company, Address, Phone) Robin Ward/President Robin Dee Enterprises, Inc. 767 W. McAuley Dr. West Memphis, AR 72301 888-323-2366		Reported by: (Name/Company, Address, Phone) Tom Lackey 1003 W Matthews Ave Jonesboro, AR 72401 870-932-0767
Location: Edge of grass/curb in front of 814 Walnut St., Jonesboro, AR		
Source: <input type="checkbox"/> Highway <input type="checkbox"/> Rail <input type="checkbox"/> Pipeline <input type="checkbox"/> Fixed Facility <input type="checkbox"/> Air <input type="checkbox"/> Vessel <input type="checkbox"/> UST <input type="checkbox"/> Unknown <input checked="" type="checkbox"/> Other: Underground boring equipment failure		
Reported Cause: <input type="checkbox"/> Transportation Accident <input type="checkbox"/> Operational Error <input checked="" type="checkbox"/> Equipment Failure <input type="checkbox"/> Natural Phenomenon <input type="checkbox"/> Dumping <input type="checkbox"/> Unknown <input type="checkbox"/> Other: <u> </u>		
Medium Affected: <input type="checkbox"/> Within Facility Only <input type="checkbox"/> Air <input checked="" type="checkbox"/> Land <input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Water (Name): Jonesboro MS4		
List Materials and Volumes: Unknown volume of hydraulic fluid (reporting party estimates ~10 gallons)		
Brief Incident Description: Hydraulic line failed on boring machine resulting in release of hydraulic oil to edge of yard and curb/street.		
Damages: <input type="checkbox"/> Injuries #: <u> </u> <input type="checkbox"/> Deaths #: <u> </u> <input type="checkbox"/> Property Damage >\$50,000 <input type="checkbox"/> Evacuations: <u> </u>		
Corrective Action Taken: Unsatisfactory - None at time of incident; absorbent (kitty litter) deployed after several days; soil removed in late December after request by CenterPoint Energy		
Responding Agencies/Parties: ADEQ Water Division		
Additional Comments: Robin Dee Enterprises, Inc. was operating as a contractor for Centerpoint Energy at the time of the incident. See the attached letter and complaint report for additional details.		
Inspector: <i>Brent L Walker</i> Brent L. Walker		Date: January 15, 2010

Water Division NPDES Photographic Evidence Sheet

Location: Robin Dee Enterprises, Inc. – Spill at Edge of grass/curb in front of 814 Walnut St., Jonesboro, AR

Photographer: Brent Walker **Witness:** None

Photo # 1 **Of** 2 **Date:** 12/30/2009 **Time:** 1122

Description: Site of spill with contaminated soil removed.




Photographer: Brent Walker **Witness:** None

Photo # 2 **Of** 2 **Date:** 12/30/2009 **Time:** 1123

Description: Site of spill with contaminated soil removed; remnants of contaminated absorbent at edge of street/curb.



WATER DIVISION NPDES COMPLAINT REPORT			
GPS LOCATION: N/A		AFIN: N/A	
DATE RECEIVED: December 29, 2009		PERMIT#: N/A	
COMPLAINANT NAME: Tom Lackey		COUNTY: Craighead	
ADDRESS: 1003 W. Mathews, Jonesboro, AR 72401		COMPLAINT AGAINST: Robin Ward/President/Robin Dee Enterprises, Inc.	
PHONE: 870-932-0767 Cell 870-273-8115		ADDRESS: 767 W. McAuley Dr., West Memphis, AR 72301	
		PHONE: 888-323-2366	
TRACKING & REFERRAL INFORMATION			
PERSON RECEIVING REPORT: Brent Walker	DATE: 12/29/2009	SUPERVISOR REFERRAL:	DATE:
INSPECTOR REFERRAL:	DATE:	MEDIA SUPERVISOR REFERRAL:	DATE:
PHONE REFERRAL CONTACT:	DATE:	RECEIVING INSPECTOR: Brent Walker	DATE: 12/29/2009
COMPLAINT RECEIVED BY: <input checked="" type="checkbox"/> PHONE <input type="checkbox"/> LETTER <input type="checkbox"/> VERBAL <input type="checkbox"/> INTERNET <input type="checkbox"/> EMAIL			
DETAILED DESCRIPTION			
Complainant stated that workers for the above referenced company failed to adequately cleanup a hydraulic oil spill that occurred in mid-late October 2009. Complainant also alleges that a second similar spill on Warner St. was also not properly cleaned.			
LOCATION			
Edge of grass/curb in front of 814 Walnut St., Jonesboro, AR			
PREVIOUS COMPLAINT: <input type="checkbox"/> YES <input type="checkbox"/> NO DATES:			
DISCHARGE TO STREAM: <input type="checkbox"/> YES <input type="checkbox"/> NO NAME OF STREAM:			
INVESTIGATION			
INSPECTOR: Brent Walker		DATE: December 30, 2009	
ACTION TAKEN: Onsite Investigation		PHOTOS TAKEN: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<p>On December 30, 2009, I met with the complainant at the above location. I also spoke via telephone with Garreth James – Construction and Maintenance Supervisor for CenterPoint Energy – 870-897-3751 and Wayne Tillie – Operation Supervisor for CenterPoint Energy – 870-926-8016. The following violation(s) were noted:</p> <p>Placing or cause to be placed any sewage, industrial waste, or other wastes in a location where it is likely to cause pollution of any waters of this state in violation of the Arkansas Water and Air Pollution Control Act - A.C.A. §8-4-217 (a)(2). In October 2009, while performing underground boring for CenterPoint Energy, a piece of equipment operated by Robin Dee Enterprises had a mechanical failure releasing an unknown volume of hydraulic oil to the grass and curb/street in front of 814 Walnut St., Jonesboro, AR. There was no immediate action taken to remediate the spill. Eventually, at the request of officials with CenterPoint Energy, absorbent was deployed however the spent/contaminated material was never collected for proper disposal and was still visible at the time of my visit. Additionally, contaminated soil was not removed until late December 2009.</p> <p>Failure to report this incident may have violated the Arkansas Hazardous and Toxic Materials Emergency Notification Act - A.C.A. §12-79.</p> <p>A letter notifying Mr. Dee of the above violation(s) and requesting a detailed explanation of past and anticipated corrective action has been sent.</p>			
FURTHER ACTION: Referred to Enforcement			
The matter has been referred to the Enforcement Branch for their review and consideration. Further action will depend on the responsible party's response.			
SIGNATURE:  Brent L. Walker		DATE: January 15, 2010	



June 23, 2010

CERTIFIED MAIL 7002 0860 0007 6833 7838
Return Receipt Requested

Robin Ward, President
Robin Dee Enterprises, Inc.
767 W. McAuley Dr.
West Memphis, AR 72301

RE: Hydraulic Fluid Spill – Jonesboro, AR
Failure to Respond

Dear Mr. Ward:

On December 30, 2009 Brent Walker, District Field Inspector, Water Division performed a complaint investigation near the intersection of W. Mathews and Walnut St. in Jonesboro, AR in accordance with the provisions of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated there under. This investigation was in response to a complaint alleging a hydraulic oil spill from a piece of your equipment had not been properly cleaned or reported.

Mr. Walker sent you a letter dated January 25, 2010 (copy enclosed) informing you of the results of the inspection and requesting a written response by February 5, 2010. As of the date of this letter, the response has not been received. Please submit the required response to the inspection to the Department by **June 30, 2010.**

Thank you for your attention to this matter. Should you have any questions, feel free to contact me at 501-682-0635 or you may e-mail me at anderson@adeq.state.ar.us.

Sincerely,

A handwritten signature in cursive script that reads "Alan Anderson".

Alan Anderson
Enforcement Analyst
Water Division / Enforcement Branch



September 8, 2010

Allen Anderson
Arkansas Department of Environmental Quality (ADEQ)
Water Division, Enforcement
5301 Northshore Drive
North Little Rock, AR 72118

Dale Woodall
CenterPoint Energy
276 Commerce Park Drive
Ridgeland, MS 39157

RE: Jonesboro AR Spill Complaint Dated 12-30-2009

In response to your phone call from the week of August 30, 2010, regarding the spill complaint in Jonesboro, AR dated December 30, 2009, CenterPoint Energy is pleased to present the following summary.

Robin Dee Enterprises, Inc. (Robin Dee) was installing gas distribution piping on behalf of CenterPoint in Jonesboro AR. A small hydraulic hose leak (less than 1 gallon estimated) occurred during the course of the work. The ADEQ was contacted by others to report an oil spill as well as oil residue on the pavement in the city street. As a result of the complaint and contact by the ADEQ, CenterPoint instructed Robin Dee to contract with US Environmental Services, Inc., (USES) Little Rock AR to abate the spill because they were solely responsible for the operation of their equipment and the hydraulic line.

Excavation of impacted soils was conducted and those soils were profiled and disposed by USES for Robin Dee. In addition, USES sprayed the street and area with MicroBlaze to abate oil stained areas on pavement. A copy of the USES report is attached. Interviews with Robin Dee indicated that the oil stained pavement was likely due to the leaks originating from the operation of a transmission repair shop in the area and were not a result of their construction activities.

Because the release was the sole responsibility of the contractor, they took full responsibility for the spill and paid for the cleanup.

CenterPoint is happy to assist the ADEQ with this inquiry. Please contact me if you have any questions at 601-853-4295 ext 235.

Dale Woodall

A handwritten signature in blue ink that reads "Dale Woodall".

Environmental Specialist
Attachment

cc: Robin Dee Enterprises
CenterPoint Energy, Jonesboro AR



Robin Dee Ent. Inc.

P.O. Box 360
Centralla, IL 62801

618-532-3745
618-532-3775

FAX TRANSMITTAL FORM

To: Centerpoint
Name: Dale Woodall
Fax: 601-853-0102
Phone: 601-421-4258

From: Robin Ward
Date Sent: 09/03/10

Message:

Mr. Woodall,

Please find attached the invoice and description on the incident of 12/30/09, 814 Walnut St, Jonesboro Ar.

If you have any questions or concern, please contact me at the phone number listed above or by e-mail rward_rde@sbcglobal.net

My apologies that you did not receive this sooner.

Robin Ward

United States Environmental Services, LLC

**365 Canal Street, Suite 2500
New Orleans, LA 70130**

Phone (501) 945-0092

Fax (501) 945-0202



ROB104

Robin Dee Enterprises Inc.
P.O. Box 360
Centralia, IL 62801

			Invoice Date	Invoice No.
			1/31/2010	075100003
P. O. Number	Terms	Due Date	Service Site / Vessel	Job Number
Brent Ward	Net 30	3/2/2010		075100003
Description		Quantity	Rate:	Amount
January 6, 2010 Jonesboro, AR				
Provided labor, equipment and materials to clean up hydraulic spill in Jonesboro, AR.				
Personnel				\$512.50
Equipment				\$487.00
Materials				\$225.00
Subcontractors				\$311.52

**REMIT TO: US Environmental Services
P.O. Box 201903
Dallas, TX 75320-1903**

Invoice Total: \$1,536.02

Conditions: If the account is not paid in full within 30 days from the date of the sales/service, the purchaser agrees to pay interest on the balance due at the rate of 1 1/2% per month (18% annual percentage rate) until the account is paid in full. Purchaser hereby agrees that if this account is referred to an attorney or collection agency for collection, that the purchaser will pay all cost of collection, including reasonable attorney's fees, which are hereby stipulated to be 1/3 of the amount or a minimum of \$500, whichever amount is greater. Submission of this invoice constitutes presentation of a claim to the Responsible Party under Section 1013(1) of the Oil Pollution Act, 33 U.S.C 2713(a). Should this claim not be paid within 90 days, it may be submitted to the National Pollution Fund Center for Payment.

MAR. 24. 2010 10:36AM

U. S. SERVICES GROUP

NO. 9222 P. 3/4



United States Environmental Services LLC

261 Newman Drive; Sherwood, Arkansas 72117

24-Hour Emergency Response (888) 279-9930

Office (501) 945-0092 Fax (501) 945-0202

Job Number	Customer Information		Day
075-10-0003	Robin D Enterprise	Mr. Brent Ward	Wednesday
	816 Walnut Street	Hydraulic Spill	Date
	Jonesboro, Arkansas	Craighead County	1/6/10

Name	Title	Start	Stop	S/T Hours	O/T Hours	S/T Rate	O/T Rate	Total
Jamie Mays	Foreman	13:00	18:30	4.00	1.50	\$47.67	\$71.50	\$297.93
Micheal Harris	Recovery Technician	13:00	18:30	4.00	1.50	\$37.31	\$55.96	\$233.16

Personnel Total \$531.09

Quantity	Description	Units	Rate	Total
1	Cellular Phone	Day	\$15.54	\$15.54
260	Mileage, Pick-up Trucks & Auto (Diesel \$2.51 - \$3.00)	Mile	\$0.93	\$242.49
1	Pick-up Truck, 4WD (F-150 to F-350 or equivalent)	Day	\$207.25	\$207.25
1	Sprayer, Pump	Job	\$39.38	\$39.38

Equipment Total \$504.66

Quantity	Description	Units	Rate	Total
1	Micro Blaze, 5-Gallon	5-Gallons	\$233.16	\$233.16

Material Total \$233.16

Quantity	Description	Units	Rate	Markup	Total
1	TCLP Metals Analysis; Arkansas Analytical	1	\$130.00	20%	\$156.00
1	Disposal; WSI	1	\$129.60	20%	\$155.52
					\$0.00
					\$0.00

Subcontracted Total \$311.52

Total for 1/6/10 \$1,580.43

NOTES: Hydraulic Spill

FIELD ESTIMATE ONLY - NOT AN INVOICE
SUBJECT TO ADMINISTRATIVE CORRECTION

USES:
Mr. Jodie Allen

CUSTOMER: Robin D Enterprise
Mr. Brent Ward

MAR. 24. 2010 10:36AM U. S. SERVICES GROUP

NO. 9222 P. 4/4



United States Environmental Services LLC
1309 North Hills Blvd. Suite 212, North Little Rock, AR 72114

SUMMARY: Robin D Enterprise

Job #: 075-10-0003
 As of: 3/24/2010 10:27

Day	Date	Personnel	Equipment	Materials	Subcontractors	Daily Total	Running Total
Wednesday	01/06/10	\$531.09	\$504.66	\$233.16	\$311.52	\$1,580.43	\$1,580.43
Thursday	01/07/10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Friday	01/08/10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Saturday	01/09/10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sunday	01/10/10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Monday	01/11/10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Tuesday	01/12/10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Wednesday	01/13/10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Thursday	01/14/10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Friday	01/15/10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Saturday	01/16/10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sunday	01/17/10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Monday	01/18/10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Tuesday	01/19/10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL		\$531.09	\$504.66	\$233.16	\$311.52	\$1,580.43	\$0.00

SALES TAX

GRAND TOTAL

ADEQ

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

September 15, 2010

Dale Woodall, Environmental Specialist
Centerpoint Energy
276 Commerce Park Drive
Ridgeland, MS 39157

RE: Hydraulic Spill, Jonesboro, Arkansas, December 30, 2009.

Dear Mr. Woodall:

The Department has received your response dated September 8, 2010 to the December 30, 2009 complaint investigation of the above referenced hydraulic spill by District Field inspector Brent Walker. Your letter appears to adequately address the corrective actions taken to remediate the spill. 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 site 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 501-682-0635 or you may e-mail me at anderson@adeq.state.ar.us.

Sincerely,



Alan Anderson
Enforcement Analyst
Water Division Enforcement Branch