



October 8, 2008

Jason Kuncel
1800 S. Stirman Ave., Suite 115
Fayetteville, Arkansas 72701

RE: Lightning Electric Warehouse Construction Site

AFIN: 72-01867

NPDES Permit No.: ARR152624

Dear Mr. Kuncel:

On October 7, 2008, I performed a storm water discharge permit compliance inspection of the above-referenced facility in accordance with the provisions of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated thereunder. The inspection was conducted in response to a complaint. This inspection revealed the following violations:

1. Transport of sediment from the construction site causing pollution to the waters of the State. This is in violation of the Arkansas Water and Air Pollution Control Act 8-4-217,(a)(1). Sediment eroded from large unstabilized areas of your site has been transported over the silt fencing at the outfall located at the southeast corner of your site into the natural drainage that flows southward from your site. This drainage is a tributary to the pond on the north end of the complainant's property. This pond has been impacted from the sediment. I received a telephone call from your site inspector following our inspection. He contended that the sediment in the drainage and pond originated from a resident's driveway located on the east side of N. Double Springs Rd. Although gravel from the resident's driveway was observed in the road, it was evident from the site conditions observed during the inspection that sediment present in the drainage and pond originated from your construction site.
2. Sediment and erosion controls were not being maintained and were inadequate in critical areas. This is a violation of Part I.C.3 of the permit. The silt fencing used at the outfall described in #1 above was ineffective in eliminating or minimizing pollutants in the storm water discharges from your site and was largely inappropriate for use in that area. The silt fencing created a dam across the drainage. As a result, pollutants in the storm water were caused to discharge untreated over the dam and into the drainage course and pond south of your site. Your storm water pollution prevention plan (SWPPP) map indicates that rip-rap coupled with filter fabric were to be used at this outfall location. These controls would have allowed for treatment of the storm water prior to discharge from your site. In addition, silt fencing in the drainage before the outfall was nearly buried in sediment. It is strongly recommended that while grading activities continue temporary stabilization measures be employed as necessary to prevent further erosion of the slopes at your site.

3. The SWPPP was not being kept current. This is in violation of Part II.A.3 of the permit. The SWPPP map identifies and locates many sediment and erosion controls that have not been implemented at your site including 18 check dams and two rip-rap pads with filter fabric. The plan must be amended whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to the waters of the State. Compliance with this requirement can be accomplished by indicating on the SWPPP map where, in what manner, and on what date modifications of the plan occurred. Each amendment should be initialed by the responsible official.
4. Inspections of the construction site were not being performed as required by the SWPPP and the permit. This is in violation of Part II.A.4.e of the permit. An inspection had been conducted by your site inspector on October 7, 2008 prior to our arrival on the site. The inspection report indicated that there were no problems with the condition or effectiveness of the sediment and erosion controls. Conditions observed in the drainage at the site and down stream from the site indicated otherwise.
5. No record of the dates indicating when major grading activities occurred, when construction activities temporarily or permanently ceased on a portion of the site, and when stabilization measures were initiated was available for review. This is in violation of Part II.A.4.b.i of the permit.

The above items require your immediate attention. Please submit a written response to these findings to the 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 the items noted. This corrective action should be completed as soon as possible, and the written response is due by October 29, 2008.

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

Jason Kunch, Lightning Electric Warehouse
October 8, 2008
Page 3

If I can be of any assistance, please contact me at 479-267-0811, ext. 16.

Sincerely,

A handwritten signature in black ink, appearing to read "John Fazio". The signature is stylized with a large "J" and "F".

John Fazio
District 1 Field Inspector
Water Division

cc: Water Division Enforcement Branch
Water Division Permits Branch



Form Approved
OMB No. 2040-0003

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code				NPDES								Yr/Mo/Day						Inspec. Type		Inspector		Fac. Type												
1	N	2	5	3	A	R	R	1	5	2	6	2	4	11	12	0	8	1	0	0	7	17	18	W	19	S	20	2						
Remarks																																		
Inspection Work Days				Facility Evaluation Rating								BI		QA		-----Reserved-----																		
67				69										71	N	72	N	73								74	75							80

Section B: Facility Data

Name and Location of Facility Inspected <i>(For industrial users discharging to POTW, also include POTW name and NPDES permit number)</i> Lightning Electric Warehouse NW of Intersection of N. Double Springs Rd. & W. Jess Anderson Rd. Fayetteville, Arkansas		Entry Time/Date 0850 / 10-07-08	Permit Effective Date 02/26/08
		Exit Time/Date 0940 / 10-07-08	Permit Expiration Date 10/31/08
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) No-one present			Other Facility Data 36.0929, -94.2517
Name, Address of Responsible Official/Title/Phone and Fax Number Jason Kuncel 1800 S. Stirman Ave., Suite 115 Fayetteville, Arkansas 72701 479-695-1322		Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Section C: Areas Evaluated During Inspection

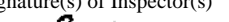
(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	Permit	N	Flow Measurement	U	Operations & Maintenance	N	Sampling
U	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	U	Pollution Prevention
U	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
U	Effluent/Receiving Waters	N	Laboratory	U	Storm Water		Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

The following violations were noted:

1. Transport of sediment from the construction site to the waters of the State.
2. Sediment and erosion controls were not being maintained and were inadequate in areas.
3. The SWPPP was not being kept current.
4. Inspections of the construction site were not being performed as required by the SWPPP and the permit.
5. No record of the dates indicating when major grading activities occurred, when construction activities temporarily or permanently ceased on a portion of the site, and when stabilization measures were initiated was available for review.

Name(s) and Signature(s) of Inspector(s)  John Fazio	Agency/Office/Telephone/Fax AR Dept. of Environmental Quality-Fayetteville 479-267-0811, ext. 16 / 479-267-0819	Date 10/08/08
Signature of Reviewer	Agency/Office/Phone and Fax Numbers	Date

A. General InformationSite Name: **Lightning Electric Warehouse**Latitude: **36.0929**Longitude: **-94.2517**Total Acreage: **5**Acreage Disturbed: **5**Starting Date: **~2/26/08**

Project Type:

☐Residential ☒Commercial ☐Industrial ☐Roadway ☐Other:

Construction Stage:

☐Clearing ☒Rough Grading ☐Infrastructure ☐Building Construction ☐Final Stabilization☐Inactive ☐Other:

Permit Type:

☒General ☐Individual ☐Unpermitted

Site Posted:

☒Yes ☐No ☐Improper**B. Storm Water Pollution Prevention Plan (SWPPP)** [Part II Section A of Permit]SWPPP developed and onsite? ☒Yes ☐No ☒Incomplete ☒Not Updated as Needed

Comments:

Are stabilization practices satisfactory? ☐Yes ☒No ☐NAComments: **Large, steeply sloped areas are actively eroding.**Are sediment controls satisfactory? ☐Yes ☒No ☐NAComments: **Outfall control is ineffective and inappropriate. The silt fencing crosses a natural drainage.**Evidence of sediment leaving the site? ☒Yes ☐No ☐NAComments: **Impact to drainage at and below site. Impact to pond downgradient from site.**Evidence of off-site tracking? ☐Yes ☒No ☐NAComments: **Construction entrance pad needs maintenance.**Evidence of sediment entering the waters of the State? ☒Yes ☐Likely ☐No ☐NA

Comments:

Are inspections conducted and records kept as required in the permit? ☐Yes ☒No ☐NA

Comments:

Is corrective action taken based on results of inspections? ☐Yes ☐No ☒NAComments: **Unknown.**Are daily rainfall totals recorded? ☒Yes ☐No ☐NARainfall measured using: ☒On-site Rain Gauge ☐NA ☐Other:Comments: **Rainfall amounts recorded on inspections.**

General Comments:

Water Division Construction Storm Water Photographic Evidence Sheet									
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Location:	Lighting Electric Warehouse								
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Photographer:	John Fazio				Witness:	Alison West			
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Photo #	1	Of	8	Date:	10/07/08	Time:	0858		
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Description:	The complainant's spring-fed pond. Stated that oil from site present in pond. None observed.								
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Photographer:	John Fazio				Witness:	Alison West			
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Photo #	2	Of	8	Date:	10/07/08	Time:	0903		
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Description:	Overview of construction site. Looking west from N. Double Springs Rd.								
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Water Division Construction Storm Water Photographic Evidence Sheet							
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Location:	Lighting Electric Warehouse						
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Photographer:	John Fazio			Witness:	Alison West		
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Photo #	3	Of	8	Date:	10/07/08	Time:	0907
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Description:	Erosion occurring along steep eastward facing slope. Outfall to right (south) of construction site entrance at bottom of hill.
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Photographer:	John Fazio			Witness:	Alison West		
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Photo #	4	Of	8	Date:	10/07/08	Time:	0904
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Description:	Sediment filling drainage south of construction entrance. Note ponding at silt fencing at outfall.
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Water Division Construction Storm Water Photographic Evidence Sheet									
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Location:	Lighting Electric Warehouse								
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Photographer:	John Fazio				Witness:	Alison West			
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Photo #	5	Of	8		Date:	10/07/08	Time:	0905	
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Description:	Sediment visible beyond silt fence (outfall) in drainage offsite. Looking south from construction entrance. This is above impacted pond (next photo). According to SWPPP, riprap and filter fabric were to be used at outfall.								
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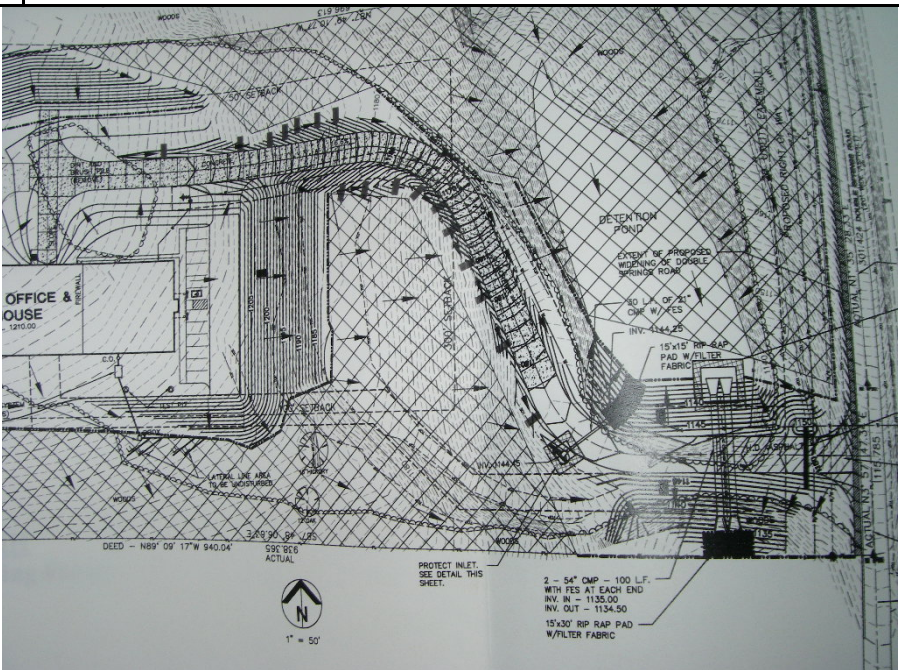
Photographer:	John Fazio				Witness:	Alison West			
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Photo #	6	Of	8		Date:	10/07/08	Time:	0911	
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Description:	Turbid pond conditions on north end of complainant's property. Receives storm water discharge from construction site outfall seen in previous photo.								
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Water Division Construction Storm Water Photographic Evidence Sheet									
Location:		Lighting Electric Warehouse							
Photographer:		John Fazio				Witness:		Alison West	
Photo #	7	Of	8		Date:	10/07/08	Time:	0909	
Description:		No sediment and erosion controls in drainage upstream of construction site entrance. Culvert visible.							
									

Photographer:		John Fazio				Witness:		Alison West	
Photo #	8	Of	8		Date:	10/07/08	Time:	0935	
Description:		SWPPP map: series of check dams (dark rectangles) and areas where rip-rap w/ filter fabric are depicted but not used. Bottom right of map shows a 15' X 30' rip-rap pad w/ filter fabric at outfall within drainage.							
									

Schluterman, Amy

From: Schluterman, Amy
Sent: Monday, June 01, 2009 12:39 PM
To: 'jkuncl@lightning-electric.com'
Subject: RE: October 7, 2008 inspection of Lightning Electric Warehouse Site

Mr. Kuncl,

Actually I do not. I still have not received a response to the October inspection that I last emailed you about on May 6, 2009. If this is being mailed in, I'm not sure why it is not getting to our Department. I have been watching for it since the last due date of May 14th but we have not received anything. Could you send it to me by email or fax?

Thanks,

Amy

-----Original Message-----

From: jkuncl@lightning-electric.com [mailto:jkuncl@lightning-electric.com]
Sent: Monday, June 01, 2009 10:12 AM
To: Schluterman, Amy
Subject: RE: October 7, 2008 inspection of Lightning Electric Warehouse Site

Do you have everything you need? I haven't gotten any responses.

Thank You,

Jason Kuncl, President



Lightning Electric, Inc./ LEI Lightning Electric, Inc.
1800 S. Stirman, Suite 115, Fayetteville, AR 72701
phone: 479-695-1322
mobile: 479-601-5127
fax: 479-695-1324
email: jkuncl@lightning-electric.com
www.lightning-electric.com

From: Schluterman, Amy [mailto:SCHLUTERMAN@adeq.state.ar.us]
Sent: Friday, February 20, 2009 10:23 AM
To: Jason Kuncl
Subject: October 7, 2008 inspection of Lightning Electric Warehouse Site

Mr. Kuncl,

I was reviewing my files and have not received a response to the 10/7/2008 inspection. I had sent you an earlier email back on 12/12/2008 requesting this response by 1/9/2009. Please submit this response to me by **2/27/2009**. If the response is not received by this date, I will pursue further enforcement action.

If you have any questions, you may contact me at Schluterman@adeq.state.ar.us or 501-682-0633.

Thanks,

Amy Schluterman
Water Enforcement, ADEQ

Schluterman, Amy

From: Schluterman, Amy
Sent: Wednesday, May 06, 2009 12:30 PM
To: 'jkuncl@lightning-electric.com'
Subject: RE: October 7, 2008 inspection of Lightning Electric Warehouse Site

Mr. Kuncl,

I've waited a little while hoping the response would show up in our office but as of this date neither the first nor second time you have sent this response has it reached our Department for some reason. Therefore, I will need you to resend this response again by May 14, 2009. You may email it to me if you would like since it is not getting here by mail for some reason. My email is Schluterman@adeq.state.ar.us or you may try mail again and please put to my attention. The mailing address is :

Arkansas Department of Environmental Quality
 Attn: Amy Schluterman
 5301 Northshore Drive
 Little Rock, AR 72118-5317

Thank you,

Amy Schluterman
 Water Enforcement

-----Original Message-----

From: jkuncl@lightning-electric.com [mailto:jkuncl@lightning-electric.com]
Sent: Friday, February 20, 2009 3:22 PM
To: Schluterman, Amy
Subject: RE: October 7, 2008 inspection of Lightning Electric Warehouse Site

This response was already sent to you. I will resend the original.

Thank You,

Jason Kuncl, President



Lightning Electric, Inc./ LEI Lightning Electric, Inc.
 1800 S. Stirman, Suite 115, Fayetteville, AR 72701
 phone: 479-695-1322
 mobile: 479-601-5127
 fax: 479-695-1324
 email: jkuncl@lightning-electric.com
www.lightning-electric.com

From: Schluterman, Amy [mailto:SCHLUTERMAN@adeq.state.ar.us]
Sent: Friday, February 20, 2009 10:23 AM
To: Jason Kuncl
Subject: October 7, 2008 inspection of Lightning Electric Warehouse Site

Mr. Kuncl,

5/6/2009

I was reviewing my files and have not received a response to the 10/7/2008 inspection. I had sent you an earlier email back on 12/12/2008 requesting this response by 1/9/2009. Please submit this response to me by **2/27/2009**. If the response is not received by this date, I will pursue further enforcement action.

If you have any questions, you may contact me at Schluterma@adeq.state.ar.us or 501-682-0633.

Thanks,

Amy Schluterma
Water Enforcement, ADEQ

5/6/2009

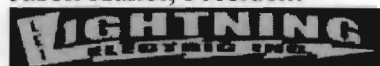
Schluterman, Amy

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Thank You,

Jason Kuncl, President



Lightning Electric, Inc./ LEI Lightning Electric, Inc.
1800 S. Stirman, Suite 115, Fayetteville, AR 72701
phone: 479-695-1322
mobile: 479-601-5127
fax: 479-695-1324
email: jkuncl@lightning-electric.com
www.lightning-electric.com

From: Schluterman, Amy [mailto:SCHLUTERMAN@adeq.state.ar.us]
Sent: Friday, February 20, 2009 10:23 AM
To: Jason Kuncl
Subject: October 7, 2008 inspection of Lightning Electric Warehouse Site

Mr. Kuncl,

I was reviewing my files and have not received a response to the 10/7/2008 inspection. I had sent you an earlier email back on 12/12/2008 requesting this response by 1/9/2009. Please submit this response to me by **2/27/2009**. If the response is not received by this date, I will pursue further enforcement action.

If you have any questions, you may contact me at Schluterman@adeq.state.ar.us or 501-682-0633.

Thanks,

Amy Schluterman
Water Enforcement, ADEQ

5/6/2009

2/27/09

Schluterman, Amy

From: Schluterman, Amy
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To: 'jkuncl@lightning-electric.com'
Subject: October 7, 2008 inspection of Lightning Electric Warehouse Site

Mr. Kuncl,

I was reviewing my files and have not received a response to the 10/7/2008 inspection. I had sent you an earlier email back on 12/12/2008 requesting this response by 1/9/2009. Please submit this response to me by **2/27/2009**. If the response is not received by this date, I will pursue further enforcement action.

If you have any questions, you may contact me at Schluterman@adeq.state.ar.us or 501-682-0633.

Thanks,

Amy Schluterman
Water Enforcement, ADEQ

2/20/2009

Schluterman, Amy

From: Schluterman, Amy
Sent: Friday, December 12, 2008 2:26 PM
To: 'jkuncl@lightning-electric.com'
Subject: October 7,2008 inspection of Lightning Electric Warehouse Site

Mr. Kuncl,

Attached is the October 7, 2008 that was conducted at the Lightning Electric Warehouse site. You will need to respond to each violation noted in the inspection by explaining how each of these violations was corrected and how it is intended to keep them from occurring again in the future. You will also need to provide photo documentation of any corrections that have taken place. If you would like for your engineer to respond to these violations, that will be fine. You will just need to send me a letter or email giving him the authorization to do so. Please respond by January 9, 2009.

If you have any questions, you may contact me by email at schluterman@adeq.state.ar.us or by phone at 501-682-0633.

Thanks,

Amy Schluterman
Water Enforcement, ADEQ

12/12/2008



Lightning Electric



Lightning Electric



Lightning Electric



Lightning Electric



Lightning Electric



Lightring Electric



Lightning Electric



Lightning Electric



Lightning Electric



Lightning Electric



Lightning Electric



Lightning Electric



Lightning Electric



Lightning Electric



Lightning Electric



August 17, 2009

Jason Kuncel
1800 S. Stirman Ave., Suite 115
Fayetteville, AR 72701

RE: Lightning Electric Warehouse Construction Site, NPDES Permit Tracking Number
ARR152624, AFIN 72-01867 Response to Inspection

Dear Mr. Kuncel:

The Department has received your response to the October 7, 2008 inspection of your site by our District Field Inspector, John Fazio. 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 Administrator
Water Division, Enforcement Branch