



March 4, 2009

Jonathan Huber
Huber Rental Properties, LLC
324 Cherry Street
Arkadelphia, AR 71923

RE: White Elephant Apartments

Dear Mr. Huber:

On March 3, 2009, I performed a routine complaint investigation 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 complaint alleged that the White Elephant Apartments had an unpermitted discharge leaving the property. This inspection revealed that there is and has been an unpermitted discharge at the aforementioned location. After discussing this complaint with Arkansas Health Department officials, it is evident that you were aware of this unpermitted discharge since August 2008 and have failed to obtain a permit.

This requires your **immediate** attention. An individual NPDES permit must be obtained through this Department. Contact Kim Fuller, Engineer Supervisor at 501-682-0643 if permitting assistance is needed.

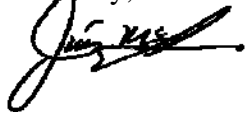
The above item requires your immediate attention. Please submit a written response to these findings to Cindy Garner, Technical Assistance Manager, Water Division Enforcement Branch of this Department. This response should contain documentation describing the course of action taken to correct the items noted. This corrective action should be completed as soon as possible, and the written response is due by March 23, 2009.

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

Jonathan Huber, White Elephant Apartments
March 4, 2009
Page 2

If I can be of any assistance, please contact me at 501-520-0541.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim McSwain", with a horizontal line extending from the end of the signature.

Jim McSwain
District 7 Field Inspector
Water Division

cc: Water Division Enforcement Branch
Water Division Permits Branch

White Elephant Apartments	AFIN: n/a	Permit #: not permitted
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Water Division NPDES Photographic Evidence Sheet									
Location:		White Elephant Apartments (Huber Rental Properties, LLC)							
Photographer:		Jim McSwain				Witness:		John Morgan (Health Dept.)	
Photo #	1	Of	6		Date:	3/3/09	Time:	1021	
Description:		Illegally installed Rock Plant Filter							
									
Photographer:		Jim McSwain				Witness:		John Morgan (Health Dept.)	
Photo #	2	Of	6		Date:	3/3/09	Time:	1023	
Description:		Chlorination unit with no chlorine.							
									

White Elephant Apartments	AFIN: n/a	Permit #: not permitted
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Water Division NPDES Photographic Evidence Sheet									
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Location:	White Elephant Apartments (Huber Rental Properties, LLC)								
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Photographer:	Jim McSwain				Witness:	John Morgan (Health Dept.)			
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Photo #	3	Of	6	Date:	3/3/09	Time:	1024		
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Description:	Effluent at the Discharge point.								
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Photographer:	Jim McSwain				Witness:	John Morgan (Health Dept.)			
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Photo #	4	Of	6	Date:	3/3/09	Time:	1025		
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Description:	RPF and housing in the background								
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White Elephant Apartments	AFIN: n/a	Permit #: not permitted
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Water Division NPDES Photographic Evidence Sheet									
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Location:	White Elephant Apartments (Huber Rental Properties, LLC)								
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Photographer:	Jim McSwain				Witness:	John Morgan (Health Dept.)			
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Photo #	5	Of	6		Date:	3/3/09	Time:	1025
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Description:	8 bedroom unit								
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Photographer:	Jim McSwain				Witness:	John Morgan (Health Dept.)			
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Photo #	6	Of	6		Date:	3/3/09	Time:	1028
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Description:	Sewage onto the ground								
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ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY
5301 NORTSHORE DRIVE, NORTH LITTLE ROCK
WATER DIVISION – FIELD SERVICES
COMPLAINT REPORT



LOG #:		AFIN #: n/a		PERMIT #:	
DATE RECEIVED: March 3, 2009		COUNTY: Clark			
COMPLAINANT NAME: Arkansas Dept. of Health		COMPLAINT AGAINST: Jonathan Huber (White Elephant Apartments)			
ADDRESS: 605 S. 10 th Street, Arkadelphia, AR		ADDRESS: 324 Cherry Street, Arkadelphia, AR 71923			
PHONE: 870-245-6106	FAX:	PHONE: 870-403-1034	FAX:		
HOW COMPLAINT WAS RECEIVED: <input type="checkbox"/> PHONE <input type="checkbox"/> LETTER <input type="checkbox"/> VERBAL <input type="checkbox"/> FAX <input type="checkbox"/> E-MAIL					
PERSON RECEIVING REPORT:	DATE:	SUPERVISOR REFERRAL:	DATE:		
PHONE REFERAL CONTACT:	DATE:	RECEIVING INSPECTOR: Jim McSwain	DATE: 3/3/09		
DESCRIPTION (IN DETAIL)					
Complainant stated that Mr. Huber owns the White Elephant Apartments which currently has an unpermitted septic system and this system discharges directly off-site into a natural drainage.					
LOCATION (IN DETAIL)					
4090 HWY 67S Arkadelphia, AR (N 34 ° 00.788"; W 93° 06.610').					
PREVIOUS COMPLAINT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO DATES:					
DISCHARGE TO STREAM? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO NAME OF STREAM:					
FOLLOW UP ON COMPLAINT					
PHOTOS TAKEN: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		WERE ANY VIOLATIONS OBSERVED DURING THE INVESTIGATION? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (IF YES, SPECIFY BELOW)			
<u>My investigation on 3/3/09 revealed that the White Elephant Apartments consisted of a eight bedroom unit apartment complex, a one bedroom residence, a two bedroom mobile home, and a three bedroom mobile home tied into a single 1000 gallon septic tank that flows into an unpermitted (RPF) rock plant filter bed (newly constructed without Health Department approval). The RPF flows thru a chlorination unit which had no chlorine in it and then surface discharges at the property line into a natural drainage.</u> <u>The Health Department has repeatedly attempted since August 2008 to bring Mr. Huber into compliance with no success.</u>					
FURTHER ACTION TAKEN/TO BE TAKEN: <input type="checkbox"/> VERBAL WARNING <input checked="" type="checkbox"/> WARNING LETTER SENT					
INSPECTOR'S SIGNATURE:		DATE: 3/4/09		HOURS WORKED: 1	



Clark County Health Unit
605 S. 10th Street
Arkadelphia, AR 71923-7053
Office: 870-246-4471
Fax: 870-246-9619
Email: John.Morgan2@arkansas.gov

15 August 2008

Mr. Jonathon Huber
324 Cherry ST
Arkadelphia, AR 71923

RE: Sewage Malfunction at "White Elephant" Apartments 4090 HWY 67S Arkadelphia.

Dear Mr. Huber:

This letter is to inform you that on 14 August 2008 I verified that raw, untreated sewage is discharging on the ground from structures at the above location. This is a violation of Arkansas Law, and could pose a significant public health risk for the occupants at this location and people in vicinity.

I am providing a list of Designated Representatives (DR's) with this letter, these individuals are licensed to evaluate the site conditions and design a sewage treatment system. One of these individuals must be hired by 29 August 2008 to design a sewage treatment system for this site. After the Arkansas Department of Health has issued a permit for that system, then a licensed septic system installer from the enclosed list must be hired to install that system within the prescribed time period.

Gum Springs Water Department will be notified of this malfunction and could choose to lock out water service if the sewage problem is not corrected.

Please contact me for additional information you may need and also to keep me informed of the progress to correct this sewage problem.

Sincerely,

John R Morgan
Environmental Health Specialist #740
Arkansas Department of Health

Enclosures
CC: Gum Springs Water Department



Clark County Health Unit
605 S. 10th Street
Arkadelphia, AR 71923-7053
Office: 870-246-4471
Fax: 870-246-9619
Email: John.Morgan2@arkansas.gov

26 September 2008

Mr. Jonathan Huber
324 Cherry Street
Arkadelphia, AR 71923

RE: White Elephant Apartments Curtis, AR; Clark Co.

Dear Mr. Huber:

My original contact with you concerning the sewage malfunction at the above location was 15 August 2008, and currently no progress has been made in correcting this public health risk. It is my understanding that Designated Representative Sean Deputy has been contacted about performing the work to design a repair. Mr. Deputy has indicated that he has had some difficulty in obtaining needed information to proceed, and that he has not been able to contact you in person. Following is all contact information that I have for Mr. Deputy:

- 36 Deputy RD Amity, AR 71921
- Home Phone: 870-398-4786
- Cell Phone: 870-815-2132

As we discussed the above location has a severe existing sewage malfunction while several people are living in these apartments. The situation creates a substantial public health risk, and therefore, it is urgent that this it is adequately corrected. Should Mr. Deputy be unable to perform the work for you, it is imperative you hire someone ASAP.

Due to the nature of this malfunction and the fact that the Department of Health has received a complaint from the public, I will need a permit application for the repair to these apartments in my office no later than 7 October 2008. After this date, if no permit is received, I will file charges through the Prosecuting Attorney's Office and notify Gum Springs Water of the situation, so they may evaluate whether or not to disconnect water service to this location.

I will be happy to meet your representative at this site if it will help us work out a solution. I am providing another Designated Representatives list; please let me know if you need anything else.

John R Morgan
Environmental Health Specialist #740
Arkansas Department of Health

Enclosures



Clark County Health Unit
605 South 10th Street
Arkadelphia, AR 71923-7053
Office: 870-246-4471
Fax: 870-246-9619
Email: John.Morgan2@arkansas.gov

25 November 2008

Mr. Jonathan Huber
Huber Rental Properties, LLC.
324 Cherry Street
Arkadelphia, AR 71923

RE: White Elephant Apartments 4090 HWY 67 S Arkadelphia, AR

Dear Mr. Huber:

The enclosed permit issued by our Little Rock office must be installed by a licensed Septic System Installer within thirty (30) days of the issue date found in the approval letter. Said installer shall be currently licensed by the State of Arkansas, and certified by the manufacturer of the unit to install their product. Said installer shall notify this office at least one business day in advance of the installation and be present when the Department makes the inspection.

This permit is valid for ten (10) bedroom units only and requires a valid ongoing maintenance contract by a state Certified Maintenance Person for as long as the system is in use. No additional units at this location may be legally added to this system.

Failure to install this system within the prescribed time period, or to maintain the system, or adding additional units will put you in violation of Arkansas Law. Public water service may be terminated and legal fines and penalties will be sought pursuant to Arkansas Law should any of these situations arise.

An additional permit from the Arkansas Department of Environmental Quality (ADEQ) is required for this system as well (National Pollutant Discharge Elimination System-NPDES). A copy of this system permit is being provided to the Permits branch of the Water division of ADEQ. You will be provided information directly from ADEQ regarding the NPDES permit, and it will be your responsibility to provide the necessary information and pay the fees for this permit.

John R. Morgan

Environmental Health Specialist # 740
Arkansas Department of Health

Enclosures



ARKANSAS DEPARTMENT OF

Health*Keeping Your Hometown Healthy*

Clark County Health Unit
605 South 10th Street
Arkadelphia, AR 71923-7053
Office: 870-246-4471
Fax: 870-246-9619
Email: John.Morgan2@arkansas.gov
25 November 2008

RE: Jonathan Huber – White Elephant Apartments, 4090 HWY 67S Arkadelphia, AR.

Dear Carl Graves/ Deryl Godwin:

Robbie Crocker is currently on vacation and has authorized me to write this site evaluation letter for the above wastewater permit application that will be a non-individual permit for an ATU with chlorinated discharge.

I have pre-sited the location and have verified there is no satisfactory soil available to use for any type of subsurface renovation (greater than 40% clay at 5 inches). The discharge point is greater than one hundred (100) feet from any wells, or bodies of water, and is more than two hundred (200) feet from any other homes or dwellings.

This system design will correct an existing sewage malfunction and subsequent illegal repair, and is the only legal option available.

Please contact if you need additional information.

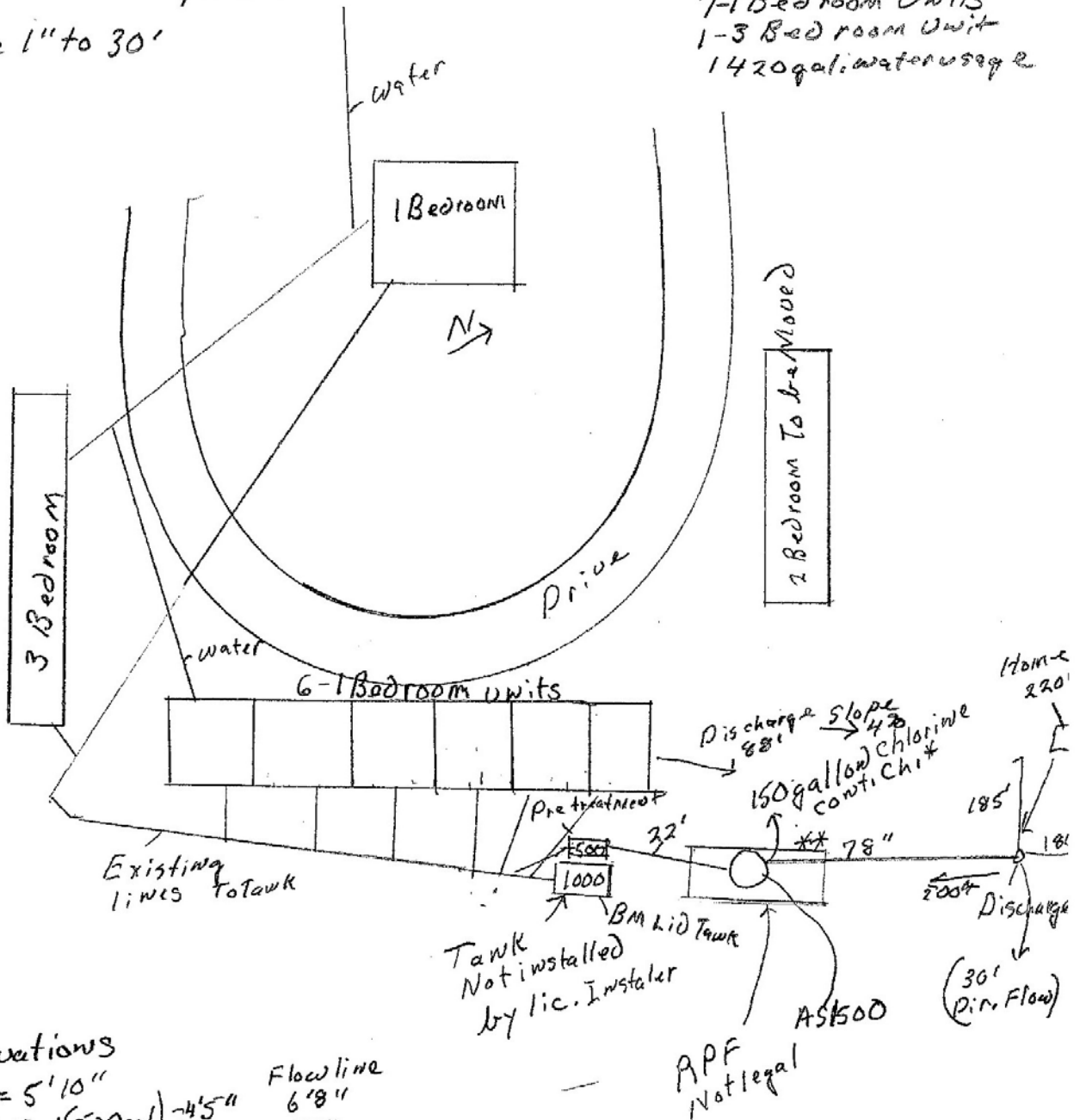
John R. Morgan

Environmental Health Specialist # 740
Arkansas Department of Health

Huber Rental Prop. LLC

Scale 1" to 30'

7-1 Bedroom Units
 1-3 Bedroom Unit
 1420 gal. water usage



Elevations

BM = 5'10"
 Tank IN (500 gal) = 4'5"
 Tank out = 4'5"
 AS1500 = 5'8"
 Discharge = 7'3"

Flowline
 6'8"
 7'1"
 7'2" (IN & out)
 7'3"

* Pipe see attachment or 150 gal. Cont. + Tank,
 ** Chlorinated Discharge

APF
 Not legal



April 10, 2009

Certified Mail No: 7006 3450 0003 4074 4133

Jonathan Huber
Huber Rental Properties, LLC
324 Cherry Street
Arkadelphia, AR 71923

RE: Complaint Investigation, White Elephant Apartments, Inspection #:008412
AFIN: 10-00000 **No Response Received**

Dear Mr. Huber:

On **March 4, 2009**, we sent a letter (copy enclosed) with the findings from a complaint investigation of your *property*. A reply was requested by **March 23, 2009**, but as of today we have not received a response.

*If you have already replied, please send a copy of your letter so we may update our files. If you have not answered our letter, please do so by **April 30, 2009**.*

A continued lack of cooperation in this matter could subject you to formal enforcement action. Such action could include but would not be limited to monetary civil penalties.

ADEQ will consider the inspection and your response as required by Pollution Control and Ecology Commission Regulation No. 7, Civil Penalties. This regulation requires ADEQ to consider the past compliance history of your company and how expeditiously the violations were addressed, in determining any civil penalty that may be necessary

Thank you for your attention to this matter. If you have any questions, please feel free to contact me at (501)682-0667 or e-mail: blaket@adeq.state.ar.us.

Sincerely,

Tracey Blake
Enforcement Administrator
Water Division

Enclosure