



April 24, 2009

Mr. Tom Post
Bibler Bros. Lumber Company
P.O. Box 490
Russellville, AR 72811

RE: Complaint Investigation

Dear Mr. Post:

On April 17, 2009, I performed a complaint investigation alleging that a branch running behind your pole yard was being filled in with bark and brush from your facility. 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:

I observed a wet branch running along the south side of your pole yard and there was bark that had been pushed into the branch from at least 2 different areas. There was also sediment that had washed off of your pole yard into the branch. This is a violation of the Arkansas Water and Air Pollution Control Act (8-4-217) a, 2.

You will need to remove the bark and other wood waste from the branch and take whatever measures necessary to prevent any further pollution to waters of the state. You will need to submit a plan informing the Department on how you plan to remove the waste and how it will be disposed.

The above item requires your immediate attention. Please submit a written response to this finding to Cindy Garner, Technical Assistance 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 the item noted. This corrective action should be completed as soon as possible, and the written response is due by May 15, 2009.

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

Tom Post
Bibler Bros. Lumber Company
April 24, 2009
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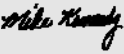
If I can be of any assistance, please contact me at 870-793-5819.

Sincerely,



A handwritten signature in black ink, appearing to read "Mike Kennedy".



Mike Kennedy
District 11 Field Inspector
Water Division

cc: Water Division Enforcement Branch
Water Division Permits Branch

WATER DIVISION COMPLAINT REPORT			
GPS LOCATION:		AFIN: None	
DATE RECEIVED: April 10, 2009		PERMIT#: None	
COMPLAINANT NAME: Anonymous		COUNTY: Cleburne	
ADDRESS: N/A		COMPLAINT AGAINST: Bibler Bros. Lumber Company	
PHONE: N/A		ADDRESS: P.O. Box 490 Russellville, AR. 72811	
		PHONE: 501-362-0360	
TRACKING & REFERRAL INFORMATION			
PERSON RECEIVING REPORT: Mike Kennedy	DATE: 4-10-09	SUPERVISOR REFERRAL:	DATE:
INSPECTOR REFERRAL: Mike Kennedy	DATE: 4-10-09	MEDIA SUPERVISOR REFERRAL:	DATE:
PHONE REFERRAL CONTACT:	DATE:	RECEIVING INSPECTOR:	DATE:
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			
The complaint alleged that a branch behind their property was being filled in with wood waste and possibly causing pollution to waters of the state. The pole yard was owned by Bibler Bros. Lumber Company.			
LOCATION			
Drive on Highway #25 west from Heber Springs, Arkansas, approximately 4 miles. The pole yard borders the highway on the south side. Physical address of pole yard -- 395 Heber Springs Road West (Cleburne Co.)			
PREVIOUS COMPLAINT: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO DATES:			
DISCHARGE TO STREAM: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO NAME OF STREAM: Unknown wet weather branch			
INVESTIGATION			
INSPECTOR: Mike Kennedy		DATE: April 17, 2009	
ACTION TAKEN:		PHOTOS TAKEN: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<p>The Water Inspector met with Mr. Johnny Hall, wood Yard Technician and informed him of the complaint that had been filed against the facility. The Inspector along with Mr. Hall walked around the facility, which accepts pine logs to be processed into lumber at another location.</p> <p>The Inspector observed pine bark and other wood waste at various points in a wet weather branch that runs east to west along the south side of the pole yard. Mr. Hall stated that the company pushed the bark into the branch in order to extend the size of the pole yard. There was also sediment that had washed into the branch from the pole yard. Mr. Hall was informed that the pine bark, other wood waste and sediment observed in the branch was a violation of The Arkansas Water and Air Pollution Control Act (8-4-217) a, 2. He was also informed that his company immediately needed to take whatever measures necessary to prevent further pollution to waters of the state.</p>			
FURTHER ACTION:			
A cover letter will be forwarded to Mr. Tom Post, Procurement Manager requiring a written response addressing the violation of the Arkansas Water and Air Pollution Control Act.			
SIGNATURE:  Mike Kennedy		DATE: April 24, 2009	

Water Division NPDES Photographic Evidence Sheet									
Location:		Approx. 4 miles west of Heber Springs, AR. bordering Highway #25 (Cleburne County)							
Photographer:		Mike Kennedy				Witness:		Johnny Hall	
Photo #	1	Of	7		Date:	4-17-09	Time:	1441	
Description:		This view shows the office at the weight scales of the pole yard located on the south side of Highway #25.							
									
Photographer:		Mike Kennedy				Witness:		Johnny Hall	
Photo #	2	Of	7		Date:	4-17-09	Time:	1441	
Description:		This is a view of the length of the pole yard looking from west to east.							
									

Water Division NPDES Photographic Evidence Sheet									
Location:		Approx. 4 miles west of Heber Springs, AR. bordering Highway #25 (Cleburne County)							
Photographer:		Mike Kennedy				Witness:		Johnny Hall	
Photo #	3	Of	7		Date:	4-17-09	Time:	1343	
Description:		This view shows pine bark and other wood waste that had been pushed into a wet weather branch that flows from east to west along the south side of the pole yard.							
									
Photographer:		Mike Kennedy				Witness:		Johnny Hall	
Photo #	4	Of	7		Date:	4-17-09	Time:	1344	
Description:		Another view a little farther west of the picture above showing part of a large mound of pine bark that had been pushed into the branch.							
									

Water Division NPDES Photographic Evidence Sheet									
Location:		Approx. 4 miles west of Heber Springs, AR. bordering Highway #25 (Cleburne County)							
Photographer:		Mike Kennedy				Witness:		Johnny Hall	
Photo #	5	Of	7		Date:	4-17-09	Time:	1344	
Description:		Another view of the branch showing bark and other wood waste in the branch taken from the opposite side of the branch looking north at the pole yard.							
									
Photographer:		Mike Kennedy				Witness:		Johnny Hall	
Photo #	6	Of	7		Date:	4-17-09	Time:	1346	
Description:		Pine bark was pushed into the branch from this area. Mr. Hall stated that this was done to increase the size of the pole yard. The branch flows directly behind the bent down tree.							
									

Water Division NPDES Photographic Evidence Sheet

Location:	Approx. 4 miles west of Heber Springs, AR. bordering Highway #25 (Cleburne County)						
Photographer:	Mike Kennedy			Witness:	Johnny Hall		
Photo #	7	Of	7	Date:	4-17-09	Time:	1346
Description:	Part of this pile of pine bark was pushed into the branch shown directly behind the pile of bark.						





BIBLER BROS. LUMBER COMPANY

MANUFACTURERS OF QUALITY LUMBER PRODUCTS



2401 South Arkansas
P.O. Box 490
Russellville, AR 72811-0490
Telephone: (479) 968-4986
Fax: (479) 968-5281

Sales Dept. (479) 968-4990
Sales Fax (479) 967-8139
Timber Dept. (479) 968-1825
Timber Fax (479) 968-1732

May 12, 2009

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

RE: Complaint Investigation

Dear Ms. Garner

On April 17, 2009, Mike Kennedy, District 11 Field Inspector, performed a complaint investigation at our wood yard near Heber Springs, AR. He discovered bark and brush from our facility along with some sediment that had washed off into a wet branch running along the south side of facility. Mr. Kennedy stated that we will need to remove the bark and other wood waste from the branch and take whatever measures necessary to prevent any further pollution to waters of the state.

On April 22, 2009, Johnny Hall, Wood Yard Foreman, placed approximately 40 bales of hay and secured them in and around the areas that were question. This will prevent any further bark and sediment from getting into the areas. (I have sent you pictures via your e-mail)

In regards to the removal of the bark and other wood waste Mr. Kennedy made clear to Mr. Hall that the area and the natural flow of the water should not be disturbed while we are removing the waste. Due to heavy rain events over the last several weeks, it has made any and all efforts to remove the waste material impossible at this time. The bark and wood waste will be removed once we can safely enter the area with no disturbance of the surrounding areas.

Once the waste is removed, we will evaluate the best management practice to prevent further wood waste or sediment from entering the wet branch. Housekeeping measures will be initiated to reduce the amount of bark coming off of the logs as they are moved from truck to ground and then from ground to truck.

We will keep you informed of further measures that we take to remedy this situation. If you need further information, you may contact me by phone at 479-968-4986 or by fax at 479-967-9989.

Sincerely,

Terry Freeman, President
Bibler Bros. Lumber Company

Cc: Keith Zimmerman, EEG



BIBLER BROS
Manufacturers
P.O. Box 490
Russellville, Ark

CERTIFIED MAIL™



7008 0150 0003 3219 6773



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HASLE

\$5.540

05/12/2009

Mailed From 72802

US POST/ GE

Water Division Enforcement Branch
Arkansas Department of Environmental Quality
Attn; Cindy Garner, Technical Assistance Manager
5301 Northshore Drive
North Little Rock, AR 72118-5317

721185317 8015















ARKANSAS
Department of Environmental Quality

May 21, 2009

Mr. Terry Freeman, President
Bibler Bros. Lumber Company
P.O. Box 490
Russellville, AR 72811-0490

RE: Complaint Investigation, Response to Inspection

Dear Mr. Freeman:

The Department has received your response dated May 12, 2009 to the complaint investigation conducted at your firm's wood yard near Heber Springs on April 17, 2009 by our District Field Inspector, Mike Kennedy. Your letter appears to adequately address the discrepancies identified during the visit *at the time it was sent*. The letter states that removal of the bark and other wood waste would be delayed due to heavy rain the previous several weeks and the desire to follow Mr. Kennedy's instructions not to disturb the area and natural flow of the water during the removal. The letter further indicated that the bark and wood waste would be removed once the site could be entered with no disturbance of the surrounding areas.

Please submit a written response confirming the removal of the waste, with photographic evidence, to the Water Division Enforcement Branch by **June 5, 2009**.

The Department will keep the investigation and response on file. If future violations occur that require enforcement action, the Department will consider the investigation 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.

Thank you for your attention to this matter. Should you have any questions, feel free to contact me at 501-682-0649 or via e-mail at sawyer@adeq.state.ar.us.

Sincerely,

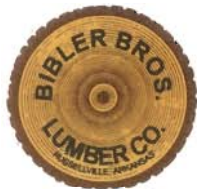
A handwritten signature in black ink, appearing to read "SPS", with a long horizontal line extending to the right.

Samuel P. Sawyer
Program Support Manager
Enforcement Section
Water Division

008796

58-00014

6-5 11



BIBLER BROS. LUMBER COMPANY

MANUFACTURERS OF QUALITY LUMBER PRODUCTS



2401 South Arkansas
P.O. Box 490
Russellville, AR 72811-0490
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Fax: (479) 968-5281

Sales Dept. (479) 968-4990
Sales Fax (479) 967-8139
Timber Dept. (479) 968-1825
Timber Fax (479) 968-1732

June 2, 2009

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

RE: Complaint Investigation

Dear Mr. Sawyer:

This letter is in response to your letter dated May 21, 2009, regarding the April 17, 2009 complaint inspection of our wood yard near Heber Springs Arkansas by Mike Kennedy, District 11 filed Inspector. The waste in the area of the wet branch that Mr. Kennedy identifies has been removed. (See attached photos)

In a previous letter dated May 6, 2009 to Cindy Garner, we provided steps taken to prevent further waste and sediment from entering the wet branch. Photos were also sent. Those measures are still in place and will remain so.

We will continue to evaluate the best management practice to alleviate any potential recurrence of this problem without disturbance of the surrounding wet branch.

If you need further information please contact me at 479-968-4986.

Sincerely,

Terry Freeman, President
Bibler Bros. Lumber Co.

Cc: Keith Zimmerman, EEG







