

ADEQ

ARKANSAS
Department of Environmental Quality

July 31, 2009

Mr. Toby Troutman
Troutman Development Company, Inc. (Gateway MHP)
PO Box 390
Cabot, AR 72023



RE: Complaint Investigation, Gateway MHP

AFIN: 60-01312

Dear Mr. Troutman:

On July 30, 2009, I performed an investigation of the Gateway Mobile Home Park in response to a complaint. The complaint alleged that a wastewater pumping station was not functioning resulting in the discharge of untreated sewage to the waters of the state.

This investigation revealed that you are in violation of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated thereunder. Specifically, I found the following violation:

- The wastewater pumping station at the end of Gatewood Drive is discharging untreated sewage to the waters of the state in violation of A.C.A. § 8-4-217. There is a significant leak where pipes leave the wet well. Based upon the amount of wastewater pooled around the pumping station and the fact that the wastewater is septic is a good indication that this problem has been going on for some time. It will be necessary to clean up the area around the pump station. The clean up should include vacuuming the septic wastewater from the surrounding area and disposing of the wastewater properly. If you elect to put the wastewater back into the pump station wet well, you will need to notify the City of Cabot of this action before it is untaken. **This is a repeat violation also noted on September 23, 2008.**

In addition to the above violation, it was noted the wastewater pumping station does not meet the requirements of the "Recommended Standards for Wastewater Facilities". The Arkansas Pollution Control and Ecology Commission in Minute Order 80-21 adopted the "Recommended Standards for Wastewater Facilities" by Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers (also known as the 10-States Standards). The specific noncompliances with these standards include:

1. The pumping station does not have auxiliary power or sufficient storage capacity to prevent the discharge of untreated sewage as required by Section 47 Emergency Operations of the 10-States Standards. **This issue was raised during in my September 23, 2008 correspondence to you but has not been addressed.**

Mr. Toby Troutman, Troutman Development Company (Gateway MHP)

July 30, 2009

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2. It appears the alarm system is inadequate since it does not directly notify you or your designee of emergency conditions. The alarm is an audio visual alarm. The light on the station was not on, yet the level of wastewater in the station was high enough to allow for the discharge of untreated wastewater to the waters of the state. **A direct notification alarm, such as an auto-dialer will be required.**

I am concerned that your operator is not checking this pump station with sufficient frequency to ensure that it is properly operated and maintained. Please submit with your response to this complaint investigation any maintenance logs or other information you may have which demonstrates that the station is being checked by a qualified individual at a frequency sufficient enough to prevent what is apparently an ongoing problem.

The above items require your immediate attention. Please submit a written response to these findings to Cindy Garner, Water Division Enforcement Branch Manager. This response should be mailed to the address below. This response should contain 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 necessary documentation (i.e. pictures) is due by **August 10, 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 any assistance, please contact me at benson@adeq.state.ar.us or 501-683-0827.

Sincerely,



Dennis Benson
District 9 Field Inspector
Water Division
Water Division

cc: Water Division Enforcement Branch
Water Division Permits Branch

Water Division Photographic Evidence Sheet

Location:	Gateway Mobile Home Park
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Photographer:	Dennis Benson	Witness:	None
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Photo #	1	Of	3	Date:	07/30/09	Time:	10:05 am
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Description:	Septic wastewater that has pooled around pump station. This wastewater needs to be vacuumed up and disposed of properly
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Photographer:	Dennis Benson	Witness:	None
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Photo #	2	Of	3	Date:	07/30/09	Time:	10:05 am
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Description:	Wastewater is coming out of wet well at this pipe. This is the same location where wastewater was being released in September 2008.
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Water Division Photographic Evidence Sheet							
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Location:	Gateway MHP						
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Photographer:	Dennis Benson			Witness:	None		
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Photo #	3	Of	3	Date:	07/30/09	Time:	10:07 am
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Description:	Overgrown pump station, alarm light not on, station not fenced and without signage.						
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COMPLAINT INFORMATION

GPS LOCATION: 34 57 19.61 N 92 03 59.10 W	AFIN: 60-01312 PERMIT#:
DATE RECEIVED: July 30, 2009	COUNTY: Lonoke
COMPLAINANT NAME: Anonymous	COMPLAINT AGAINST: <u>Gateway MHP (Troutman Development Company, Inc.)</u>
ADDRESS:	ADDRESS: PO Box 390, Cabot, AR 72023
PHONE:	PHONE: 501-580-8496

TRACKING & REFERRAL INFORMATION

PERSON RECEIVING REPORT: Dennis Benson	DATE: 07/30/09	SUPERVISOR REFERRAL:	DATE:
INSPECTOR REFERRAL:	DATE:	MEDIA SUPERVISOR REFERRAL:	DATE:
PHONE REFERRAL CONTACT:	DATE:	RECEIVING INSPECTOR: Dennis Benson	DATE: 07/30/09

DETAILED DESCRIPTION

Pumping station at the satellite collection system operated by Gateway MHP is overflowing and discharging raw sewage to the waters of the state.


LOCATION

Take Highway 67 and 167 North from I-40 to the Highway 5 exit in Cabot. Go west on Highway 5 approximately ¼ mile to the Exxon Station, turn right just past Exxon Station (Gateway Drive) and go to end of road to entrance to MHP, turn right on Gatewood Drive. Go to end of street. Pumping station is approximately 100 feet straight ahead.

PREVIOUS COMPLAINT: YES NO DATES: **09/23/08**

DISCHARGE TO STREAM: YES NO NAME OF STREAM: **Unnamed Stream**

COMPLAINT RECEIVED BY: PHONE LETTER VERBAL INTERNET EMAIL

COMPLAINT INVESTIGATION	
COMPLAINT#:	AFIN: 60-01312 PERMIT#: none
INSPECTOR: Dennis Benson	DATE: 07/30/09
ACTION TAKEN:	PHOTOS TAKEN: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<p>Investigated complaint and determined it to be valid. It does not appear that much has changed since September 23, 2008 investigation except wet well is locked and pump is no longer sitting on top of wet well. Alarm system does not appear to be working (level high enough to allow for discharge, but alarm light was off) and the facility has not been fenced or signage installed as agreed to by Mr. Troutman in October 10, 2008 letter to the Department.</p>	
FURTHER ACTION:	
<p>Write noncompliance letter for unpermitted discharge and pumping station not meeting standards.</p>	
INSPECTOR SIGNATURE:  Dennis Benson	DATE: 07/30/09

TROUTMAN DEVELOPMENT COMPANY INC.

P.O. BOX 390

CABOT, ARKANSAS 72023

501-843-3632 OFFICE

501-843-4669 FAX

August 10, 2009

Cindy Garner
Water Division Enforcement Manager
ADEQ
5301 Northshore Drive
N. Little Rock, AR 72118-5317

RE: Complaint Investigation, Gateway MHP

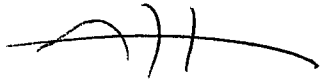
I am in receipt of the Departments' Field Inspector, Mr. Dennis Benson, of July 30, 2009. This letter serves as our response per the letters' request.

1. RE: Discharge of Untreated Waters. Upon received your letter we immediately went to the pump station and discovered that the reset breaker had been thrown and electric power was not coming to the pump station. We reset the power and the station began operating properly. We employed Mr. Mike Goode of Brenda's Toilets to vacuum the septic wastewater from around the pump station and dispose of it properly. We disagree with your assessment that "this problem has been going on for some time". To the contrary I personally had been at the pump station and checked everything to insure it was working properly on Monday July 27. On Tuesday evening and Thursday evening of that week we had severe storms in the area that must have tripped the reset breaker and allowed the pump station to not operate properly.
2. We agree with your assessment that the Pump Station needs a Direct Notification Alarm system. We will make an effort to receive a quote from a qualified installer and move in the direction of assessing the cost of such and having installed.
3. Because of excessive rains this summer the grass had grown up around the pump station. We have since your letter mowed the grass as evidenced by the accompanying pictures. We will make every effort to keep the area around the pump station free of tall grass and weeds.

4. In my follow-up phone conversation with Mr. Benson, he informed me that verifiably the City of Cabot had provided one of the complaints about the pump station and had probably provided the second complaint. We have been in direct negotiation with the City of Cabot's Water and Wastewater Department about the sale and purchase by them of this pump station and the associated lines. It is ironic to me that we would directly try to sabotage these negotiations, when a simple phone call to me, to notify me of the problem would have solved any problem and would have probably eliminated any discharge. Since Mr. Benson has been apprised of this situation, the City of Cabot should be reprimanded of their under-handed involvement in this situation. The pump station has been there for over 10 years with no problems or complaints, yet in the last 9 months during these negotiations with the City of Cabot, we have had two complaints. This is not right.

If you have any questions please feel free to call.

Sincerely;

A handwritten signature in black ink, appearing to be 'Toby Troutman', written over a horizontal line.

Toby Troutman



08/09/2009

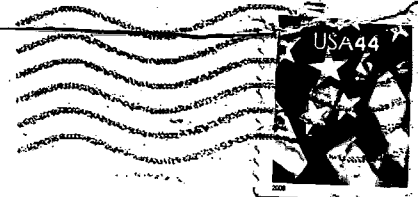


08/09/2009

Troutman Development Co. Inc.
P.O. box 390
Cabot, AR 72023

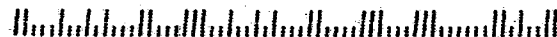
LITTLE ROCK AR 720

13 AUG 2009 PM 1 T



Cindy Garner
Water Division Enforcement Manager
ADEQ
5301 Northshore Drive
N. Little Rock, AR 72118-5317

72118+5317



ADEQ

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

August 25, 2009

Mr. Toby Troutman
Troutman Development Company, Inc.
Gateway MHP
P.O. Box 390
Cabot, AR 72023

RE: Gateway Mobile Home Park, NPDES Permit No. N/A, AFIN 60-01312,
Response to Inspection

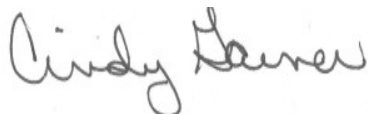
Dear Mr. Troutman:

The Department has received your response to the July 30, 2009 inspection of your facility by our District Field Inspector, Dennis Benson. 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 501-682-0640 or you may e-mail me at garner@adeq.state.ar.us.

Sincerely,



Cindy Garner
Water Enforcement Branch Manager
Water Division Enforcement Branch