


ADEQ

ARKANSAS
Department of Environmental Quality

September 9, 2009

Mike Cutrer, Owner
Cutrer Pressure Washing and Constructi 
12 Fabero Lane
Hot Springs Village, Arkansas 71909

Re: Complaint Investigation

Dear Mr. Cutrer:

On August 10, 2009, I performed a complaint investigation regarding overspray from an oil based boat dock sealant getting into the lake. This was in response to a citizen's complaint and 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 revealed that based on the complainant's photos the **overspray from your operation was entering the waters of the state** causing a sheen on Lake Cortez. This is a violation of the aforementioned acts and specifically:

Reg. 2.410 of Regulation Number 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas, which states that "Oil, grease or petrochemical substances shall not be present in receiving waters to the extent that they produce globules or other residue or any visible, colored film on the surface or coat the banks and/or bottoms of the water body or adversely affect any of the associated biota."

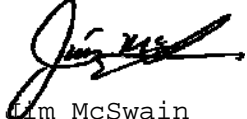
The above item requires your immediate attention. Please submit a written response to these findings to Cindy Garner, Water Division Enforcement Branch Manager, of this Department. This response should be mailed to the address below. This response should contain documentation describing the course of action taken to correct each item noted. This corrective action should be completed as soon as possible, and the written response is due by September 19, 2009.

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

If you have any questions concerning this matter, please feel free to contact me at (501) 520-0541.

Mike Cutrer
August 31, 2009
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Jim McSwain". The signature is stylized with a large initial "J" and a long horizontal stroke extending to the right.

Jim McSwain
District Field Inspector
Water Division

cc: Water Division Enforcement Branch
Water Division Permits Branch



**ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY
5301 NORTSHORE DRIVE, NORTH LITTLE ROCK
WATER DIVISION – FIELD SERVICES
COMPLAINT REPORT**



GPS LOCATION:		AFIN #:	PERMIT #: n/a
DATE RECEIVED: 724/09		COUNTY: Garland	
COMPLAINANT NAME: Art Laib		COMPLAINT AGAINST: Mike Cutrer Pressure Washing and Construction.	
ADDRESS: 15 Champions Blvd., Rogers, AR		ADDRESS: 12 Fabero Lake, Hot Springs Village, 71909	
PHONE: 479-464-9227	FAX:	PHONE: 501-922-6657	FAX:

HOW COMPLAINT WAS RECEIVED: PHONE LETTER VERBAL FAX E-MAIL

PERSON RECEIVING REPORT:	DATE:	SUPERVISOR REFERRAL:	DATE:
PHONE REFERAL CONTACT:	DATE:	RECEIVING INSPECTOR: Jim McSwain	DATE: 7/27/09

DESCRIPTION (IN DETAIL)

“Dock contractor used spray gun to seal recently built boat dock with an oil based stain. This improper application of the sealer resulted in a 50' x 50' drifting slick of sealer that stuck to seawalls, neighbor's docks, and neighbor's boats. My concern is that according to the workmen that applied the sealer to the dock, using a spray tank has always been the way Mike Cutrer Dockbuilders has sealed docks. I have pictures of the slick that can be e-mailed to your attention if so desired.”

LOCATION (IN DETAIL)

2 Rubi Place, Hot Springs Village, Arkansas. In Hot Springs Village follow Desoto to Carmona go North on Carmona and take first right on Santistaban. Follow Santistaban 0.7 miles to the second Rubi Circle turn and turn left. Follow Rubi Circle to the top of the hill (bear right) and Rubi Place is on the right. 2 Rubi Place is the 2nd house on Rubi Place from the right (has carport).

PREVIOUS COMPLAINT? YES NO **DATES:**

DISCHARGE TO STREAM? YES NO **NAME OF STREAM:** Lake Cortez

INVESTIGATION

PHOTOS TAKEN: <input 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)
---	---

Complaint was initially sent to the county MS4, but due to the time that had passed from the time of the incident and the time of their investigation there was little evidence of the sheen except what was left on the sides of the docks and boats. After receiving a call from Mr. Laib on 8/31/09, it appeared that he was not satisfied with the county's response. I told him that based off of his pictures that I would send Mr. Cutrer a letter documenting the violation and that he is in violation of Reg. 2. and refer this to enforcement so they can decide if further action is necessary.

FURTHER ACTION TAKEN/TO BE TAKEN: VERBAL WARNING WARNING LETTER SENT

INSPECTOR: Jim McSwain	DATE: 8/31/09	HOURS WORKED: 1
-------------------------------	----------------------	------------------------

Water Division NPDES Photographic Evidence Sheet							
---	--	--	--	--	--	--	--

Location:	Lake Cortez – 2 Rubi Place, Hot Springs Village						
------------------	---	--	--	--	--	--	--

Photographer:	Art Laib	Witness:				
----------------------	----------	-----------------	--	--	--	--

Photo #	1	Of	5	Date:	7/9/09	Time:	1311
----------------	---	-----------	---	--------------	--------	--------------	------

Description:	Oil based stain floating around the freshly sprayed dock						
---------------------	--	--	--	--	--	--	--



Photographer:	Art Laib	Witness:	John Morgan (Health Dept.)			
----------------------	----------	-----------------	----------------------------	--	--	--

Photo #	2	Of	5	Date:	7/9/09	Time:	1311
----------------	---	-----------	---	--------------	--------	--------------	------

Description:	Oil based stain floating around the freshly sprayed dock						
---------------------	--	--	--	--	--	--	--



Water Division NPDES Photographic Evidence Sheet							
--	--	--	--	--	--	--	--

Location:	Lake Cortez – 2 Rubi Place, Hot Springs Village						
------------------	---	--	--	--	--	--	--

Photographer:	Art Laib			Witness:			
----------------------	----------	--	--	-----------------	--	--	--

Photo #	3	Of	5	Date:	7/9/09	Time:	1312
----------------	---	-----------	---	--------------	--------	--------------	------

Description:	Photo of the oil based scum collected on a stick after dipping it in the water						
---------------------	--	--	--	--	--	--	--



Photographer:	Art Laib			Witness:	John Morgan (Health Dept.)		
----------------------	----------	--	--	-----------------	----------------------------	--	--

Photo #	4	Of	5	Date:	7/9/09	Time:	1312
----------------	---	-----------	---	--------------	--------	--------------	------

Description:	Oil based stain floating around below the freshly sprayed dock						
---------------------	--	--	--	--	--	--	--



Water Division NPDES Photographic Evidence Sheet

Location:	Lake Cortez – 2 Rubi Place, Hot Springs Village
------------------	---

Photographer:	Art Laib	Witness:	
----------------------	----------	-----------------	--

Photo #	5	Of	5		Date:	7/9/09	Time:	1317
----------------	---	-----------	---	--	--------------	--------	--------------	------

Description:	Oil based stain floating around the freshly sprayed dock
---------------------	--



--

Photos after clean up









ADEQ

ARKANSAS
Department of Environmental Quality

September 9, 2009

*Mrs. Stout
501-682-0630
Turn in by 25th*

Mike Cutrer, Owner
Cutrer Pressure Washing and Construction
12 Fabero Lane
Hot Springs Village, Arkansas 71909

Re: Complaint Investigation

Dear Mr. Cutrer:

On August 10, 2009, I performed a complaint investigation regarding overspray from an oil based boat dock sealant getting into the lake. This was in response to a citizen's complaint and 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 revealed that based on the complainant's photos the overspray from your operation was entering the waters of the state causing a sheen on Lake Cortez. This is a violation of the aforementioned acts and specifically:

Reg. 2.410 of Regulation Number 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas, which states that "Oil, grease or petrochemical substances shall not be present in receiving waters to the extent that they produce globules or other residue or any visible, colored film on the surface or coat the banks and/or bottoms of the water body or adversely affect any of the associated biota."

The above item requires 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 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 is due by September 19, 2009.

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

If you have any questions concerning this matter, please feel free to contact me at (501) 520-0541.

In Response to your letter,

The film on Lake Cortez was not from over spray it was from an accidental spill when one of my sub-contractors knock a bucket of sealer in the water which had about a quart of sealer in it. This was brought to the attention of David Harper 922-1418 or 915-2271 who is over the lakes in the Village and with the P.O.A. Mr. Harper went down and seen what had happened and told me the action I needed to take to correct the problem. After the spill the wind had blew all the seal against the set wall. Mr Harper instructed me to have it cleaned. We went a moped brushed & scrubbed everything and removed all sealer. Mr Harper went back to inspect and found no sign of any contamination anywhere. He checked with all the neighbors and there was no other complaints except for Mr. Lamb. Since there was no vegetation hurt, no fish kill, & no harm to any wild life he cleared me of any wrong doing, I apologized and told him that would never happen again. He contacted Mr. Lamb and told him of his findings and that I was clear. That didn't make Mr. Lamb happy, so that's when he contacted you. The pictures I've sent shows no sign of any sealer left behind.

Having said that:

I signed a contract with Mr. Lrib to build his dock. After it was done he wanted a sealer on his dock. We applied the sealer and Mr. Lrib wanted a second coat. I had told him that I would as soon as I could. Well it rained for the next week and I could not apply the sealer when he wanted it done. So he got very mad and told me he was going to report me to the P.O.H. for spilling sealer in the lake. That's when he called Mr. Harper and after I guess Mr. Harper cleared me that's when Mr. Lrib decided to call you. You see he's using anybody he can to get back at me. If Mr. Lrib would have been a little more patient he would have got his second coat of sealer and you would not have heard of this problem. I've got to say I'll never set foot on his property again. And as for as the picture that you have of the stick with sealer on it. Looks like he wrapped it with a rag and dipped it in the lake until it looked like that. The stick was not stationary in the lake.

I can assure you this will not happen again and I apologize for any inconvenience I have caused. Again, you can check and there is no sign what so ever that there was a spill.

You can contact David Harper/POH
at 501-922-1418 or his
cell - 501-915-2271

Thanks, Mike Cutrer ^{cell} 501-922-8785
12 Farnham Ln.
Hot Springs Village, Ar.
501-922-6657 71909

Mike CUTRER
12 FABERO LANE
HOTSPRINGS Vlg. AR. 71909

FIRST CLASS MAIL

**RETURN RECEIPT
REQUESTED**



ADEQ
5301 Northshore Drive
North Little Rock, AR. 72118-5317

1000
72118

U.S. POSTAGE
PAID
HOT SPRINGS, AR.
SEP 23, 09
AMOUNT
\$6.15
00023547-07