



October 8, 2010

Mr. Jimmy Johnson, Engineer
City of Fort Smith Utilities Department
3900 Kelley Highway
Fort Smith, AR 72904

RE: Complaint Investigation at Highway 282 near Mountainburg in Crawford County

Dear Mr. Johnson:

On September 30, 2010, I performed an investigation at the above referenced site in response to a complaint. The complaint alleges that turbid water was being discharged into Hurricane Creek from the job site by the construction crew. This inspection was performed in accordance with the Arkansas Water and Air Pollution Control Act, the federal Clean Water Act and the regulations promulgated thereunder. The inspection revealed the following violation:

Upon arrival at the job site, I observed the construction crew dewatering very turbid water from an open excavated trench near the corner of Highway 282 and Dollard Road. A pump and four inch hoses were being utilized in the process. It was noted that hay bales were placed in a location to serve as a filter media for the discharged water; however due the drainage channel for the water and the excessive sediment in the road ditch, these efforts were unsuccessful. By definition, this is considered to have placed or caused to be placed waste in a location where it likely to cause pollution to any waters of the State. This is a violation of Section 8-4-217(a) (2) of the Arkansas Water and Air Pollution Control Act 472.

The above item requires your immediate attention. Please submit a written response to this finding to Cindy Garner, Water Division Enforcement Branch Manager. The response should be mailed to the address below. In your response, please provide documentation (i.e. photos) describing the course of action taken to address the item noted. The written response is due by October 18, 2010.

If I can be of any assistance, please contact me at 479-452-4822 ext. 11

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Tyler", is written over the printed name.

Jeff Tyler
District 4 Field Inspector
Water Division

cc: Water Division Enforcement Branch
Water Division Permits Branch

Water Division Photographic Evidence Sheet									
Location:		Highway 282 project near Mountainburg in Crawford County							
Photographer:		Jeff Tyler				Witness:		None	
Photo #	1	Of	8		Date:	09-30-10	Time:	1254	
Description:		Excavated trench, source of water being discharged from site.							
									
Photographer:		Jeff Tyler				Witness:		None	
Photo #	2	Of	8		Date:	09-30-10	Time:	1254	
Description:		Pumps and hoses utilized in dewatering process.							
									

Water Division Photographic Evidence Sheet							
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Location:	Highway 282 project near Mountainburg in Crawford County						
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Photographer:	Jeff Tyler			Witness:	None		
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Photo #	3	Of	8	Date:	09-30-10	Time:	1254
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Description:	Drainage channel from site flowing towards Highway 282 road ditch.						
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Photographer:	Jeff Tyler			Witness:	None		
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Photo #	4	Of	8	Date:	09-30-10	Time:	1300
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Description:	Discharged water flowing through the entrance /exit to the job site.						
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Water Division Photographic Evidence Sheet							
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Location:	Highway 282 project near Mountainburg in Crawford County						
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Photographer:	Jeff Tyler			Witness:	None		
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Photo #	5	Of	8	Date:	09-30-10	Time:	1311
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Description:	Drainage ditch along Highway 282 conveying the turbid water to Hurricane Creek.						
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Photographer:	Jeff Tyler			Witness:	None		
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Photo #	6	Of	8	Date:	09-30-10	Time:	1312
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Description:	Turbid water flowing down drainage ditch, rock check dams have been implemented.						
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Water Division Photographic Evidence Sheet							
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Location:	Highway 282 project near Mountainburg in Crawford County						
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Photographer:	Jeff Tyler			Witness:	None		
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Photo #	7	Of	8	Date:	09-30-10	Time:	1314
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Description:	Turbid water in Hurricane Creek which was discharged from job site.						
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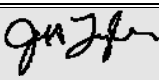


Photographer:	Jeff Tyler			Witness:	None		
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Photo #	8	Of	8	Date:	09-30-10	Time:	1434
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Description:	Excessive sediment in drainage ditch along Highway 282 after hoses were relocated and flow was diverted.						
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WATER DIVISION COMPLAINT REPORT			
GPS LOCATION: N 35°36'27.4" W 94°11'07.6"		AFIN: NA	
DATE RECEIVED: September 30, 2010		PERMIT#: NA	
COMPLAINANT NAME: Jim Jones		COUNTY: Crawford	
ADDRESS: NA		COMPLAINT AGAINST: City of Fort Smith	
PHONE: 479-651-6075		ADDRESS: 3900 Kelley Highway-Fort Smith	
		PHONE: 479-784-2337	
TRACKING & REFERRAL INFORMATION			
PERSON RECEIVING REPORT: Jeff Tyler	DATE: 09-30-10	SUPERVISOR REFERRAL:	DATE:
INSPECTOR REFERRAL:	DATE:	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			
Complainant stated that muddy water was being discharged in to Hurricane Creek from job site on Highway 282 near Mountainburg.			
LOCATION			
Corner of Highway 282 and Dollard Road near Mountainburg			
PREVIOUS COMPLAINT: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO DATES:			
DISCHARGE TO WATERS OF THE STATE: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO NAME OF WATERBODY: Hurricane Creek			
INVESTIGATION			
INSPECTOR: Jeff Tyler		DATE: September 30, 2010	
ACTION TAKEN: On-site Investigation		PHOTOS TAKEN: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<p>Upon arrival, I met with Tim LeMonier, with TNT Construction. I advised him of the complaint. At that time I observed the dewatering activity and noted that the discharge flowing into Hurricane Creek was very turbid. Mr. LeMonier stated that the existing water line was being relocated to allow the AHDT to construct a bridge over Hurricane Creek. He also advised that his crew was working under the AHDT storm water permit in regards to the project. It was apparent that the drainage channel and the excessive sediment in the road ditch was the source of the turbid water. Mr. LeMonier stated that they would relocate the hoses to discharge the water across the existing pasture and then into the Hurricane Creek. This should allow for the water to be much cleaner. At that time John Sharum with the AHDT arrived at the site and we discussed the complaint; he advised that this relocation of the water line was occurring outside of their right of way. He contacted Jimmy Johnson, City of Fort Smith Engineer in order for me to discuss the site with him. I spoke with Mr. Johnson and informed him of the complaint and my concerns in regards to the turbid water being discharged into Hurricane Creek. I also requested that he provide me the SWPPP for the project. He advised that the total site disturbance was far less than 1.0 acre. This was the only section of the water line that was being relocated and it was to allow for the construction of the new bridge. Due to the site being less than 1 acre, it was apparent that a storm water permit was not necessary. I did advise Mr. Johnson that placing waste, in this case very turbid water, in a location which was likely to cause pollution to the waters of the State was a violation of the Arkansas Water and Air Pollution Control Act 472. I also advised him to instruct their contractors to employ all needed BMP's in an effort to prevent sediment impact into Hurricane Creek.</p>			
FURTHER ACTION:			
Violation letter will be sent to the City of Fort Smith and the report to the Enforcement Branch.			
SIGNATURE: Jeff Tyler 		DATE: October 6, 2010	



October 18, 2010

Arkansas Department of
Environmental Quality
Cindy Garner
Water Division Enforcement Branch
5301 Northshore Drive
North Little Rock, AR 72118-5817

Re: Complaint Investigation at Highway 282 near Mountainburg in Crawford County

Dear Ms. Garner:

Attached is a response prepared by Atkins Engineering, Inc., who is the city's on site representative at the above referenced site, regarding a site inspection by Jeff Tyler, District 4 Field inspector.

If you have any questions or need any additional information, please contact me at (479) 784-2231.

Sincerely,

A handwritten signature in black ink that reads "Jimmie B. Johnson".

Jimmie b. Johnson
Project Engineer, Utilities

enclosures

ATKINS ENGINEERING, INC.

P.O. Box 23640 • 1101 "H" Street • Barling, Arkansas 72923 • (479) 484-0822 • Fax 484-0823 • atkengr@sbcglobal.net

October 14, 2010

Mr. Jimmie Johnson
City of Fort Smith
Utilities Department
3900 Kelley Hwy
Fort Smith, Arkansas 72904

Subject: Complaint Investigation at Hwy 282 near Mountainburg in Crawford County

Dear Mr. Johnson:

In response to a letter dated October 8, 2010 from Mr. Jeff Tyler of ADEQ, the Contractor, T-N-T Construction, is installing a relocation of a 27-inch City of Fort Smith waterline in order to construct a new AHTD Hwy 282 bridge across Hurricane Creek. As part of the waterline relocation, a 72-inch steel casing is being bored under Dollard Road. As part of the bore operation, a 45-ft long, 15-ft wide, 10-ft deep bore pit was excavated. A silt fence was constructed around the excavation.

Mountainburg experienced a heavy rainfall (approximately 5 inches in 12 hours) on September 10, 2010. From this rainfall, flow in Hurricane Creek overtopped Dollard Road. This corresponds to depth of flow greater than 12 feet, a top width greater than 500 feet and a cross-sectional area greater than 2100 square feet. The slope of the creek is around 1.0 %. With a Manning's n-value of 0.035, the storm would have a velocity around 12 ft/sec and a flow rate around 25,000 cfs. The creek storm flow filled the bore pit with water.

The Contractor used a pump to pump approximately 70,000 gallons of water out of the bore pit and approximately 100 feet of casing pipe. A check dam of straw bales was constructed at the end of the pump discharge to trap sediment. Rock dam checks were installed in the drainage ditch downstream of the hay bales. There were subsequent rainfalls on Sep 16 and Sep 24-25. Water entered the bore from these two rainfalls to a depth of approximately one foot. The pump was used again to pump the water out of the bore pit from these two storms.

It is impossible to determine how much silt was deposited into the drainage ditches that is associated with the major storm and the two other rainfall events from that associated with the bore pit pump discharge. Considering the magnitude of the storm, there was considerable more deposition from the storm than from the pump discharge.

The bore has been completed and the bore pit has been backfilled. The installation of the portion of the waterline between Hurricane creek and Dollard Road has been completed. The ground surface over this portion of the waterline is scheduled to be restored with grass seed and straw mulch by November 1, 2010. The contractor has also cleaned the silt from the drainage ditches

Four photographs of the site were taken on October 13, 2010 and are attached hereto. All photographs were taken from the vicinity of the Construction Entrance located on the West side of Hwy 282 approximately 200 feet South of Dollard Road.

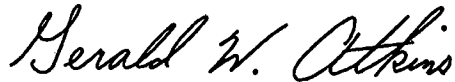
Photograph 1 is looking East at the graveled Construction Entrance onto Hwy 282.

Photograph 2 is looking Northwest from the Construction Entrance at the straw bale check dam. The restored ground surface associated from the backfilling of the lies Northwest of the straw bales.

Photograph 3 is looking North from the Construction Entrance along the drainage ditch on the West side of Hwy 282. The photograph shows the extent of the cleaning of the silt from the drainage ditch.

Photograph 4 is looking South from the Construction Entrance along the drainage ditch on the West side of Hwy 282. The photograph also shows the extent of the cleaning of the silt from the drainage ditch.

Sincerely,

A handwritten signature in cursive script that reads "Gerald W. Atkins". The signature is written in dark ink and is positioned above the printed name.

Gerald Atkins, PE



Photo 1: Looking East at Construction Entrance onto Hwy 282



Photo 2: Looking Northeast from Construction Entrance at straw bale check dam and restored ground surface above previous bore pit



Photo 3: Looking North from Construction Entrance at drainage ditch along west side of Hwy 282



Photo 4: Looking South from Construction Entrance at drainage ditch along west side of Hwy 282

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10/19/2010

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Fort Smith
ARKANSAS
UTILITY DIVISION
3900 Kelley Highway
Fort Smith, Arkansas 72904

TO

Arkansas Department of Environmental Quality
Ms. Cindy Garner
Water Division Enforcement Branch
5301 Northshore Drive
North Little Rock, Arkansas 72118-5817



December 10, 2010

Arkansas Department of
Environmental Quality
Cindy Garner
Water Division Enforcement Branch
5301 Northshore Drive
North Little Rock, AR 72118-5817

Re: Complaint Investigation at Highway 282 near Mountainburg in Crawford County
Inspection by Jeff Tyler, District 4 Field inspector

Dear Ms. Garner:

Attached are additional photos of the restored construction site for the above referenced complaint. Please note that there is an ongoing state highway construction project east of the water line construction site. The construction activities pictured in the photo are related to the road project and not the water line construction project.

If you have any questions or need any additional information, please contact me at (479) 784-2231.

Sincerely,

A handwritten signature in black ink that reads "Jimmie B. Johnson".

Jimmie B. Johnson
Project Engineer, Utilities

enclosures



Photo 4: Looking North from North side of Hurricane Creek along alignment of waterline



Photo 5: Looking North from South side of Hurricane Creek along alignment of waterline



Photo 6: Looking South from North side of Hurricane Creek at restored ground surface



Photo 1: Looking North from Dollard Road along
West side of Drive (Old Hwy 282)



Photo 3: Looking South from Dollard Road at
restored ground surface



Photo 2: Looking North from Dollard Road along
East side of Drive (Old Hwy 282)



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Fort Smith
ARKANSAS
UTILITY DIVISION
3900 Kelley Highway
Fort Smith, Arkansas 72904

TO



Ms Cindy Garner
Arkansas Department of Environmental Quality
Water Division Enforcement Branch
5301 Northshore Drive
North Little Rock, Arkansas 72118-5817