



February 7, 2013

Nicholas Renner, Director of Operations
Fort Smith Petro Environmental, LLC
2816 South O Street
Fort Smith, AR 72901

Re: Compliance Inspection in response to a complaint.
AFIN: 66-01656, NPDES Permit No.: ARR000851

Dear Mr. Renner:

On January 17, 2013, Angela Coats, Oil & Gas Field Inspector and I performed an Industrial Storm Water inspection in response to a complaint. The complaint alleged the facility had numerous discharges from the permitted outfalls during the 2012 calendar year, but submitted a Discharge Monitoring Report (DMR) that stated "No Discharges Occurred." This inspection was conducted in accordance with the provisions of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated thereunder. This inspection revealed the following violations:

1. Facility manager was unable to provide documentation confirming that routine facility inspections were conducted during the 2012 calendar year. Permit requires that these inspections must be performed not less than four times per year. This is violation of Part 4.6.10 of the permit.
2. During inspection a suspected third outfall was identified located east of the driveway. Currently the facility is not authorized to discharge from this location. This is violation of Part 1.6 of the permit.
3. The site map located within the Storm Water Pollution Prevention Plan does not indicate the frac tank used to store fluids which are initially unloaded by the trucks. This is a violation of Part 4.6.4.1 of the permit.

In regards to the complaint, the 2012 DMRs indicated "No Discharge" for Outfalls 001 and 002. According to the Plant Manager, all industrial processes are located within secondary containment. Since no stormwater that came in contact with industrial processes was discharged, DMRs were submitted with "No Discharge" indicated.

The above items require your immediate attention. Please submit a written response to these findings to the Water Division Inspection Branch. This response should be mailed to the address

Renner, Fort Smith Petro Environmental
February 5, 2013
Page - 2 -

at the bottom of page 1, or e-mailed to Water-Inspection-Report@adeq.state.ar.us. 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 with all necessary documentations is due by **February 21, 2013**.

Sincerely,



Jeff Tyler
District 4 Field Inspector
Water Division

cc: Water Division Permits Branch



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

Form Approved
OMB No. 2040-0003

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES	Yr/Mo/Day	Inspec. Type	Inspector	Fac. Type
1 <input type="text" value="N"/> 2 <input type="text" value="5"/> 3 <input type="text" value="A"/> <input type="text" value="R"/> <input type="text" value="R"/> <input type="text" value="0"/> <input type="text" value="0"/> <input type="text" value="0"/> <input type="text" value="8"/> <input type="text" value="5"/> <input type="text" value="1"/>	11 <input type="text" value="1"/> 12 <input type="text" value="3"/> <input type="text" value="0"/> <input type="text" value="1"/> <input type="text" value="1"/> <input type="text" value="7"/>	17 <input type="text" value="W"/>	18 <input type="text" value="S"/>	19 <input type="text" value="2"/>	
Remarks					
Inspection Work Days		Facility Evaluation Rating		BI QA -----Reserved-----	
67 <input type="text" value="N"/> 69		70 <input type="text" value="N"/>		71 <input type="text" value="N"/> 72 <input type="text" value="N"/> 73 <input type="text" value="N"/> 74 <input type="text" value="N"/> 75 <input type="text" value="N"/> 80	

Section B: Facility Data

Name and Location of Facility Inspected (<i>For industrial users discharging to POTW, also include POTW name and NPDES permit number</i>) Fort Smith Petro Environmental, LLC 11802 Roberts Blvd. Fort Smith, AR 72916	Entry Time/Date 1040 / January 17, 2013	Permit Effective Date July 1, 2009
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Rich Bumgarner, Plant Manager / 479-242-9645 / cell / 501-499-1424	Other Facility Data PDS# 069931	
Name, Address of Responsible Official/Title/Phone and Fax Number Nicholas Renner, Director of Operations / 479-262-9645 Fort Smith Petro Environmental, LLC 2816 South O Street Fort Smith, AR 72901	Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	Permit	N	Flow Measurement	S	Operations & Maintenance	U	Sampling
U	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	M	SWPPP
N	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	S	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

1. During inspection a suspected third outfall was observed east of the driveway which is currently not permitted.
2. Facility did not have any documentation to confirm that any facility inspections were conducted during in 2012.
3. Facility failed to monitor and sample stormwater outfalls 001 and 002 during 2012.
4. Site map within the SWPPP does not indicate the frac tank which receives the fluids which are initially unloaded.

Name(s) and Signature(s) of Inspector(s) Jeff Tyler	Agency/Office/Telephone/Fax Arkansas Department of Environmental Quality / 479-424-0325 / fax / 479-424-0330	Date January 30, 2013
Signature of Reviewer	Agency/Office/Phone and Fax Numbers	Date

Inspection Form Legend:

S = Satisfactory, M = Marginal, U = Unsatisfactory, Y = Yes, N = No, NI = Not Implemented, NA = Not Applicable,
NE = Not Evaluated –

If Y and a NI are checked it means it is in the SWPPP but not implemented in the field which is a violation.

SECTION A: PERMIT VERIFICATION

PERMIT SATISFACTORILY ADDRESSES OBSERVATIONS	<input type="checkbox"/> S <input type="checkbox"/> M <input checked="" type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
1.CORRECT NAME AND MAILING ADDRESS OF PERMITTEE:	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
2.NOTIFICATION GIVEN TO EPA/STATE OF NEW DIFFERENT OR INCREASED DISCHARGES:	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
3.NUMBER AND LOCATION OF DISCHARGE POINTS AS DESCRIBED IN PERMIT:	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
4.ALL DISCHARGES ARE PERMITTED:	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE

Comments: During inspection a suspected third stormwater outfall was identified east of driveway which is not permitted. Coordinates are 35 18 17.5 and 94 18 13.0.

SECTION B: STORM WATER POLLUTION PREVENTION PLAN EVALUATION

PERMITTEE SWPPP MEETS PERMIT REQUIRMENTS	<input type="checkbox"/> S <input type="checkbox"/> M <input checked="" type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
1. Is the SWPPP available for review by ADEQ? (Part 4.2)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
2. Does the SWPPP contain facility name, general permit tracking number, facility physical address, and SIC and NAICS codes? (Part 4.6.1)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
3. Pollution Prevention Team	
A. Does the SWPPP identify specific individuals or positions?(Part 4.6.2)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
B. Does the SWPPP outline the responsibilities of each member of the Pollution Prevention Team? (Part 4.6.2)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
4. Does the SWPPP contain a facility description (process diagram, general layout, storage of raw materials, the flow of goods and materials through the facility and seasonal variations)? (Part 4.6.3)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
5. Does the facility site map contain the following items?	
A) The size of the property in acres? (Part 4.6.4.a)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
B) The location and extent of significant structures and impervious surfaces? (Part 4.6.4.b)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
C) The direction of stormwater flow using arrows? (Part 4.6.4.c)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
D) The locations of all existing structural control measures? (Part 4.6.4.d)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
E) The locations of all receiving wasters in the immediate vicinity of the facility? (Part 4.6.4.e)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
F) The locations of all stormwater conveyances including ditches, pipes, and swales? (Part 4.6.4.f)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
G) The locations of potential pollutant sources? (Part 4.6.4.g)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
H) The locations of all stormwater monitoring points? (Part 4.6.4.h)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
I) The locations of stormwater inlets and outfalls with unique identification code for each outfall with indications if one or more outfall is being treated as "substantially identical" and an approximate outline of the areas draining to each outfall? (Part 4.6.4.i)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
J) Where the stormwater discharges to municipal separate storm sewer system (MS4), if applicable? (Part 4.6.4.j)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
K) The locations and descriptions of all non-stormwater discharges identified in the SWPPP? (Part 4.6.4.k)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
L) The locations of the following activities if they are exposed to precipitation? (Part 4.6.4.l)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
Fueling Stations	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
Vehicle and equipment maintenance and/or cleaning areas	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
Loading and unloading areas	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
Locations used for the treatment, storage, or disposal of waste	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
Liquid storage tanks	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
Processing and storage areas	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input checked="" type="checkbox"/> NE
Transfer areas for substances in bulk	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
Machinery	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
M) The locations and sources of run-on to the site from adjacent property that contains significant quantities of pollutants? (Part 4.6.4.m)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE

6. A description of potential pollutant sources	
A) An inventory of industrial activities which have been or may potentially be sources of significant amounts of pollutants? (Part 4.6.5.1)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
B) An inventory of all types of materials handled at the site that might potentially be exposed to precipitation? (Part 4.6.5.2)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
C) A list of significant spills and significant leaks of toxic or hazardous pollutants that have occurred in areas exposed to precipitation or drained to a stormwater conveyance for three years prior to the effective date of the permit. (Part 4.6.5.3)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
D) A summary of existing discharge sampling data (Part 4.6.5.4)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
E) Risk Identification and Summary of Potential Pollutant Sources (Part 4.6.5.5)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
7. Measures and Controls –SWPPP must describe how these are used.	
A) Best Management Practices (BMPs) (Part 4.6.6.1)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
B) Exposure Minimization (Part 4.6.6.2)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
C) Good Housekeeping (Part 4.6.6.3)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
D) Preventative Maintenance (Part 4.6.6.4)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
E) Spill Prevention and Response Procedures (Part 4.6.6.5)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
F) Employee Training Procedures (Part 4.6.6.6)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input checked="" type="checkbox"/> NE
G) Erosion and Sediment Control (Part 4.6.6.7)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
H) Management of Run-on and Runoff (Part 4.6.6.8)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
I) Additional Requirements for Salt Storage (Part 4.6.6.9)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
8. Authorized Non-stormwater Discharges (Part 4.6.7) – list must be in SWPPP	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
9. Evaluations and Inspections (Part 4.6.10)	
A) Visual Site Inspections (minimum 4/year) (Part 4.6.10.1)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
At least one visual inspection conducted during a rain event	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
Inspections recorded and include: date of inspection, person doing inspection; major observations, and corrective actions required.	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
B) Comprehensive Site Compliance Evaluation (Annual) (Part 4.6.10.2)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
Comments:	
SECTION C: MONITORING	
PERMITTEE MONITORING MEETS PERMIT REQUIRMENTS	<input type="checkbox"/> S <input type="checkbox"/> M <input checked="" type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
1. Is the facility one of the four Effluent Guideline Facilities in the Permit? (Cement MFG, Fertilizer MFG, Steam Electric coal pile, or Paving and Roofing Materials)(Part 3.1.1)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
A) Are all outfalls from the regulated process being sampled? (Part 3.1.3)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
B) If coal pile run off is monitored, are all other stormwater flows excluded? (Part 3.1.1)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
2 Which of the monitoring categories is this facility subject to: (Part 3.3)	
A) Are samples being collected for each semi-annual monitoring period (Part 3.5)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
B) Are samples being collected from the location specified in the NOI and SWPPP (Part 3.6)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
C) Has the permittee determined that some of the outfalls are similar? (Part 3.7.1)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
Are the conditions on the ground still the same as documented for the similar outfalls (Part 3.7.1)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
D) Are all parameters for the monitoring category being sampled and analyzed? (Part 3.7.2)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
E) Were the samples collected during a measureable storm event? (Part 3.7.2.b)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
F) Were the samples properly preserved and analyzed? (Part 3.7.2)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
G) Are the sample locations suitable for the collection of a representative sample? (Part 3.3)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
3. Has any of the monitoring revealed an exceedance of the benchmark values for this facility?(Part 3.11.2)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
A) Has a process to develop a corrective action plan been started within 30 days of exceedances? (Part 3.11.2)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
B) If four monitoring periods have passed without an exceedance of a benchmark value, has the permittee requested a reduction in monitoring? (Part 3.11.1)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
Comments: No samples were collected during 2012.	

SECTION D: RECORD KEEPING AND REPORTING

PERMITTEE RECORD KEEPING AND REPORTING MEETS PERMIT REQUIREMENTS	<input type="checkbox"/> S <input type="checkbox"/> M <input checked="" type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
1. Have DMRs for the previous year of monitoring been submitted to ADEQ and is a copy in the file? (Part 3.12.3.a)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
Are the DMRs properly completed?	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
Does the permittee have copies of lab reports and chain of custody records?	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
Are the appropriate records of the measureable storm event and sampling being kept? (Part 3.7.2.e)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
2. Has a copy of the annual comprehensive evaluation been submitted to the agency and is a copy on file? (Part 3.12.3.b)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
3. Is permittee keeping copies of inspections and corrective actions on file? (Part 4.6.10.1)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
4. Are copies of training records being kept on file? (Part 4.6.6.6)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input checked="" type="checkbox"/> NE
5. Is there a list of significant spills and leaks being maintained? (Part 4.6.5.3)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE

Comments: Facility had no records of inspections for 2012.

SECTION E: FACILITY TOUR

PERMITTEE FACILITY TOUR MEETS PERMIT REQUIREMENTS	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
1. Any evidence of spills or leaks that have not been properly cleaned up as required by the SWPPP?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
2. Any evidence of erosion or un-stabilized ground?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
3. Any controls, structures, or storage areas that are not as identified in the SWPPP?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
4. Any non-stormwater discharges <u>not</u> identified in the SWPPP? (see Part 1.7 of permit for list of allowable non-stormwater discharges)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
5. Any non-stormwater discharges that are not allowed under this permit? (see Part 1.7 of permit for list of allowable non-stormwater discharges)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
6. Are BMPs being properly operated and maintained? (Part 6.1)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE
7. Are housekeeping procedures being implemented and are they sufficient?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NI <input type="checkbox"/> NA <input type="checkbox"/> NE

Comments:

The 2012 DMR was reviewed during the inspection; it noted "No Discharge" for outfalls 001 and 002. Inspection confirmed that all above ground storage tanks as well as the unloading areas for trucks are located within a concrete berm. The permitted stormwater outfalls are located on the south side of the site and would most likely discharge during a significant rain event.

WATER DIVISION COMPLAINT REPORT

GPS LOCATION: N 35 18' 17.5" W -94 18 13.0"	AFIN: 66-01656
DATE RECEIVED: January 15, 2013	PERMIT#: ARR000851
COMPLAINANT NAME: Anonymous	COUNTY: Sebastian
ADDRESS: NA	COMPLAINT AGAINST: Ft. Smith Petro Environmental
PHONE: NA	ADDRESS: 11802 Roberts Blvd-Fort Smith
	PHONE: 479-242-9645

TRACKING & REFERRAL INFORMATION

PERSON RECEIVING REPORT: Jason Bolenbaugh	DATE: 01-16-13	SUPERVISOR REFERRAL:	DATE:
INSPECTOR REFERRAL:	DATE:	MEDIA SUPERVISOR REFERRAL:	DATE:
PHONE REFERRAL CONTACT:	DATE:	RECEIVING INSPECTOR: Jeff Tyler	DATE: 01-16-13

COMPLAINT RECEIVED BY: ☐PHONE ☐LETTER ☐VERBAL ☒INTERNET ☐EMAIL**DETAILED DESCRIPTION**

Complainant stated that facility had numerous discharges from permitted outfalls in 2012, but reported "No Discharge" on the 2012 Discharge Monitoring Report.

LOCATION

11802 Roberts Blvd. in Fort Smith.

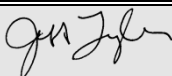
PREVIOUS COMPLAINT: ☐YES ☒NO DATES:DISCHARGE TO WATERS OF THE STATE: ☐YES ☒NO NAME OF WATERBODY: **No discharge observed.****INVESTIGATION**

INSPECTOR: Jeff Tyler	DATE: January 17, 2013
ACTION TAKEN: On-site inspection	PHOTOS TAKEN: <input checked="" type="checkbox"/>YES <input type="checkbox"/>NO

Refer to inspection report for findings.

FURTHER ACTION:

Letter will be sent to the facility.

SIGNATURE: **Jeff Tyler**DATE: **January 29, 2013**

Water Division Photographic Evidence Sheet

Location:	Fort Smith Petro Environmental located at 11802 Roberts Blvd. in Fort Smith.						
Photographer:	Angela Coats			Witness:	Jeff Tyler		
Photo #	1	Of	6	Date:	01-17-13	Time:	1043
Description:	Sign located at the entrance to the facility.						



Photographer:	Angela Coats			Witness:	Jeff Tyler		
Photo #	2	Of	6	Date:	01-17-13	Time:	1050
Description:	Frac tank and above ground storage tanks utilized in the recovery process.						



Location:	Fort Smith Petro Environmental located at 11802 Roberts Blvd. in Fort Smith.						
Photographer:	Angela Coats			Witness:	Jeff Tyler		
Photo #	3	Of	6	Date:	01-17-13	Time:	1050
Description:	Suspected third outfall which is currently not authorized by the permit or listed by the facility.						



Photographer:	Angela Coats			Witness:	Jeff Tyler		
Photo #	4	Of	6	Date:	01-17-13	Time:	1051
Description:	South side of site where outfalls 001 and 002 are located.						



Location:	Fort Smith Petro Environmental located at 11802 Roberts Blvd. in Fort Smith.					
Photographer:	Angela Coats			Witness:	Jeff Tyler	
Photo #	5	Of	6	Date:	01-17-13	Time: 1115
Description:	Above ground storage tanks located within a concrete berm.					



Photographer:	Angela Coats			Witness:	Jeff Tyler	
Photo #	6	Of	6	Date:	01-17-13	Time: 1052
Description:	Location where trucks pull in to unload, concrete apron /containment surrounds this area.					





February 21, 2013

Nicholas Renner, Director of Operations
Fort Smith Petro Environmental, LLC
11802 Roberts Blvd.
Fort Smith, AR 72916

Re: Compliance Inspection in response to a complaint.
AFIN: 66-01656 NPDES Permit No.: ARR000851

Dear Mr. Renner:

On January 17, 2013, Angela Coats, Oil & Gas Field Inspector and I performed an Industrial Storm Water inspection in response to a complaint. The complaint alleged that the facility had numerous discharges from the permitted outfalls during the 2012 calendar year, but submitted a Discharge Monitoring Report that stated "No Discharges occurred". This inspection was conducted in accordance with the provisions of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated thereunder. This inspection revealed the following violations:

1. Facility manager was unable to provide documentation confirming that routine facility inspections were conducted during the 2012 calendar year. Permit requires that these inspections must be performed not less than four times per year. This is violation of Part 4.6.10 of the permit.
2. During inspection a suspected third outfall was identified located east of the driveway, currently the facility is not authorized to discharge from this location. This is violation of Part 1.6 of the permit.
3. The site map located within the Storm Water Pollution Prevention Plan does not indicate the frac tank used to store fluids which are initially unloaded by the trucks. This is a violation of Part 4.6.4 l of the permit.

In regards to the complaint, the 2012 DMRs indicated "No Discharge" for Outfalls 001 and 002. According to the Plant Manager, all industrial processes are located within secondary containment. Since no stormwater in contact with industrial processes was discharged, DMRs were submitted with "No Discharge" indicated.

The above items require your immediate attention. Please submit a written response to these findings to the Water Division Inspection Branch. This response should be mailed to the address

Renner, Fort Smith Petro Environmental
February 21, 2013
Page - 2 -

at the bottom of page 1, or e-mailed to Water-Inspection-Report@adeq.state.ar.us. 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 with all necessary documentations is due by **March 8, 2013**.

Sincerely,



Jeff Tyler
District 4 Field Inspector
Water Division

cc: Water Division Permits Branch

McCabe, Kerri

From: Nick Renner <nrenner@fspetro.com>
Sent: Thursday, February 21, 2013 2:26 PM
To: McCabe, Kerri
Subject: Re: Inspection in response to a complaint at Fort Smith Petro Environmental, LLC (Permit# ARR000851; Sebastian Co)

Perfect. Thank you for your help.

On Thu, Feb 21, 2013 at 3:10 PM, McCabe, Kerri <MCCABE@adeq.state.ar.us> wrote:

Mr. Renner,

Due to receiving the letter back in the mail, I have already adjusted the date to March 8, 2013. Let me know if this is an adequate amount of time. Thank you!

Kerri McCabe

ADEQ—North Little Rock Office

Water Division

Field Services Branch

Inspector Supervisor

mccabe@adeq.state.ar.us

Office Location: 5th Floor (5W37)

Office: [501.682.0642](tel:501.682.0642)

Cell: [501.352.5641](tel:501.352.5641)

Fax: [501.682.0880](tel:501.682.0880) (address to Kerri McCabe)

From: Nicholas Renner [mailto:nrenner@fspetro.com]

Sent: Thursday, February 21, 2013 1:53 PM

To: McCabe, Kerri

Subject: Re: Inspection in response to a complaint at Fort Smith Petro Environmental, LLC (Permit# ARR000851; Sebastian Co)

Kerri,

This is obviously the first day I have seen this since it was sent to the wrong address. I thought I had changed that address to our physical plant address, the one you had listed was the home address of a former manager who was removed over a year ago.

The due date for response is dated today, which I will not be able to make because I just received it today, and am on a plane about to leave on vacation for the weekend. Can this be extended? I only would need about a week to complete this.

Thanks for your understanding,

Nick Renner

Sent from my iPhone

On Feb 21, 2013, at 1:31 PM, "McCabe, Kerri" <MCCABE@adeq.state.ar.us> wrote:

Please find attached the original inspection/complaint report submitted by Inspector Tyler. The original letter was returned and could not be forwarded, and an alternate address was used. Thank you!

Kerri McCabe

ADEQ—North Little Rock Office

Water Division

Oil & Gas Field Inspector Supervisor

mccabe@adeq.state.ar.us

Office Location: 5th Floor (5W37)

Office: [501.682.0642](tel:501.682.0642)

Cell: [501.352.5641](tel:501.352.5641)

Fax: [501.682.0880](tel:501.682.0880) (address to Kerri McCabe)

<069931-insp.pdf>

--

Nicholas Renner

Director of Operations

Fort Smith Petro Environmental

Phone: (479) 242-9645

Cell: (267) 446-5776

Fax: (479) 242-4504

nrenner@fspetro.com

Bolenbaugh, Jason

From: Nick Renner <nrenner@fspetro.com>
Sent: Thursday, February 28, 2013 10:54 AM
To: Water-Inspection-Report
Subject: Fort Smith Petro Response
Attachments: ADEQ response.pdf

Mr. Tyler,

Here is our response to your inspection. I hope it finds you well.

Best,
Nick

--



Nicholas Renner
Director of Operations
Fort Smith Petro Environmental
Phone: (479) 242-9645
Cell: (267) 446-5776
Fax: (479) 242-4504
nrenner@fspetro.com

THIS ELECTRONIC MAIL TRANSMISSION AND ANY ATTACHMENTS MAY CONTAIN PRIVILEGED, CONFIDENTIAL, OR PROPRIETARY INFORMATION INTENDED ONLY FOR THE PERSON(S) NAMED. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE AUTHORIZED REPRESENTATIVE OF THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION, COPYING, OR DISCLOSURE OF THIS COMMUNICATION IS STRICTLY PROHIBITED.



February 28, 2013

Jeff Tyler, District 4 Field Inspector, Water Division

Arkansas Department of Environmental Quality

5301 North Shore Drive

North Little Rock, AR 72118-5317

Re: Compliance Inspection in response to a complaint.
AFIN: 66-01656, NPDES Permit No.: ARR000851

Dear Mr. Tyler:

This is my response to the three complaints detailed in your letter previously this month.

1. Our plant manager has discussed with you how to properly inspect the facility. These inspections will be done quarterly and reports will be submitted as necessary.
2. The Professional Engineer who created our original SWPPP has been contracted to make the necessary adjustments, including adding the newly installed frac tank and containment area, as well as the third suspected outfall.
3. See 2.

I hope this information meets your needs. If there are any problems please feel free to call me at (267)-446-5776 or e-mail me at nicholassrenner@gmail.com. I will be ready and willing to make any adjustments as necessary.

Thank you,

A handwritten signature in black ink, appearing to be 'NR' with a long horizontal stroke extending to the right.

Nicholas Renner

Director of Operations

Fort Smith Petro Environmental

11802 Roberts Blvd

Fort Smith, AR 72913



February 28, 2013

Nicholas Renner, Director of Operations
Fort Smith Petro Environmental, LLC
11802 Roberts Blvd.
Fort Smith, AR 72916

RE: Response Letter (Sebastian Co)
AFIN: 66-01656 NPDES Permit No.: ARR000851

Dear Mr. Renner:

I have reviewed the response pertaining to my January 17, 2013, inspection of your facility. The information provided sufficiently addresses the violations referenced in my inspection report. At this time the Department has no further comment concerning this particular inspection. Acceptance of this response by the Department does not preclude any future enforcement action deemed necessary at this site or any other site.

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 479-424-0325 or you may e-mail me at tyler@adeq.state.ar.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Tyler".

Jeff Tyler
District 4 Field Inspector
Water Division

cc: Water Division Permits Branch