

July 13, 2009

Kevin Horton
HJH Properties, LLC
240 Unit Apartment Complex (Rose Haven Apts)
10603 Maumelle Blvd.
North Little Rock, AR 72113



RE: Compliance Inspection

AFIN: 73-01042, NPDES Permit No.: ARR152723

Dear Mr. Horton:

On July 9, 2009, I performed a routine compliance inspection of the above referenced facility in response to a complaint. The complaint alleged that silt and sediment was getting into the waters of the state from unstabilized areas of the site. The 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. The construction site is not posted with the Notice of Coverage (NOC) as required by Part I, B.8 of the permit. The mailbox containing the SWPPP was found on the construction site; however, it appears the NOC has been removed from the outside of the mailbox. In addition, the mailbox is inside the construction site. When you re-post the site, it will be necessary to post the site at the entrance as required by Part II, A.2.D of the permit. This is a repeat violation also noted during a February 19, 2009 inspection.
2. The stormwater pollution prevention plan (SWPPP) is not properly signed as required by Part II, B.1.B of the permit. The SWPPP on site has "sign here" tabs on it for the contractor and inspector certification; however, these pages were not signed as required.
3. The stormwater pollution prevention plan (SWPPP) is not being updated as required by Part II, A. 3 of the permit. This is a repeat violation also noted during a February 19, 2009 inspection. Specifically:
 - a. The site map in the mailbox still indicates that drop inlet protection will be installed and maintained. The site map needs to be updated to indicate these have been removed.

- b. The site map does not include all the elements required by the permit such as location where stabilization practices are expected to occur, locations of equipment and fuel storage and areas where final stabilization has been accomplished and no further construction phase permit requirements apply. See Section II, D of the attached inspection form for the 11 elements required on the site map.
4. Onsite inspections are not being conducted in accordance with the SWPPP and Part II, A.4.M of the permit. The last documented inspection report in the mailbox was dated April 9, 2009. This is a repeat violation also noted during a February 19, 2009 inspection.
5. The SWPPP indicates an inspection frequency of once every 14 days and after a 0.5 inch rainfall. However, a rain gauge is not onsite as required by Part II, A.4.M.1.b of the permit.
6. Not all stormwater controls have been installed as described in the SWPPP as required by Part II, A.4.H of the permit. Specifically, drop inlet protection has not been installed.
7. Erosion control measures are not being properly maintained as required by Part II, B.17.A of the permit. Problems with silt fencing were noted. This is a repeat violation also noted during a February 19, 2009 inspection.
8. Barren areas of the site have not been stabilized in a timely manner as required by Part II, A.4.H.2 of the permit. While it appears stabilization efforts have been made since the last inspection, clearly these efforts have failed in some areas of the site. Without proper inspections to identify this type of problem, corrective actions can be significantly delayed.
9. Solid waste is not being controlled as required by Part II, A.4.H.1.f of the permit. While it appears that most of the solid waste issues I noted were due to the residents littering the grounds, I did note an abandoned and decaying silt fence in one of the main flow channels on the east side of the property.
10. Temporary erosion controls (silt fence, hay bales, sand bags, etc.) have not been removed from areas that have been finally stabilized as required by Part II, A.4.H of the permit.
11. A waste oil spill was noted in the area where the temporary fuel storage tank was located. The stained ground needs to be cleaned up and disposed of properly. This is a violation of the Arkansas Water and Air Pollution Control Act (A.C.A. §8-4-217(a)(2)).

Kevin Horton, 240 Unit Apartment Complex (Rose Haven Apts)

Date of letter

Page - 3 -

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. picture) is due by **July 23, 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

cc: Water Division Enforcement Branch
Water Division Permits Branch



Form Approved
OMB No. 2040-0003

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

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code				NPDES								Yr/Mo/Day						Inspec. Type		Inspector		Fac. Type												
1	N	2	5	3	A	R	R	1	5	2	7	2	3	11	12	0	9	0	7	0	9	17	18	W		19	S	20	2					
Remarks																																		
Inspection Work Days				Facility Evaluation Rating								BI		QA		-----Reserved-----																		
67				69										71	N	72	N	73								74	75							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>) <u>240 Unit Apartment Complex (Rose Haven Apts)</u> – ~0.5 miles west of Country Club Road on Hwy 36 West in Searcy.		Entry Time/Date 11:10 am on 07/09/09	Permit Effective Date 11/1/2008
		Exit Time/Date 11:50 am on 07/09/09	Permit Expiration Date 10/31/2011
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Shawn Jefford, Maintenance Man			Other Facility Data
Name, Address of Responsible Official/Title/Phone and Fax Number Kevin Horton 240 Unit Apartment Complex (Rose Haven Apts) 10603 Maumelle Blvd. North Little Rock, AR 72113 501-539-3100		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)

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

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

See NPDES Page 7 for details.

Name(s) and Signature(s) of Inspector(s) Dennis Benson 	Agency/Office/Telephone/Fax Arkansas Department of Environmental Quality	Date 7/9/2009
Signature of Reviewer	Agency/Office/Phone and Fax Numbers	Date

SECTION I: SITE POSTING AND SITE INFORMATION**SITE NAME: 240 Unit Apartment (Rose Haven Apts) TOTAL ACREAGE 13.5 ACREAGE DISTURBED 13.5****LATITUDE**35.247739**LONGITUDE**-91.783108**STARTING DATE** unknown

- A. Is site is posted with Notice Of Coverage (NOC) (Part II, A.2.D) ☐Y ☒N ☐NA ☐NE
- B. Is posting at construction entrance and visible to the public (Part II, A.2.D) ☐Y ☐N ☒NA ☐NE
- C. If project is linear, is posting at area actively under construction? (Part I, B.8.C) ☐Y ☐N ☒NA ☐NE
- D. If project is part of larger common plan of development, what is development name and permit number
Development Name: Development Permit No:

SECTION II: STORM WATER POLLUTION PREVENTION PLAN EVALUATION AND IMPLEMENTATION

- A. Is the SWPPP being maintained on site from 08:00 am to 5:00 pm (Part II, A.2.A) ☒Y ☐N ☐NA ☐NE
- B. Is the SWPPP properly signed as required by Part II, B.1B of the permit? ☐Y ☒N ☐NA ☐NE
- C. Is the SWPPP being updated as required by Part II, A.3 of the permit? ☐Y ☒N ☐NA ☐NE

D. Site map in SWPPP (Part II, A.4.G)

- 1) Direction of stormwater flow (i.e., use arrows to show which direction stormwater will flow) and approximate slopes anticipated after major grading activities (Part II, A.4.G.1); ☒Y ☐N ☐NA ☐NE
- 2) Delineate on the site map areas of soil disturbance and areas that will not be disturbed under the coverage of this permit (Part II, A.4.G.2) ☒Y ☐N ☐NA ☐NE
- 3) Location of major structural and nonstructural controls identified in the plan (Part II, A.4.G.3) ☒Y ☐N ☐NA ☐NE
- 4) Location of main construction entrance and exit (Part II, A.4.G.4) ☒Y ☐N ☐NA ☐NE
- 5) Location where stabilization practices are expected to occur (Part II, A.4.G.5) ☐Y ☒N ☐NA ☐NE
- 6) Locations of off-site materials, waste, borrow area, or equipment storage area (Part II, A.4.G.6) ☐Y ☒N ☐NA ☐NE
- 7) Location of areas used for concrete wash-out (Part II, A.4.G.7) ☐Y ☒N ☐NA ☐NE
- 8) Location of all surface water bodies (including wetlands) (Part II, A.4.G.8) ☒Y ☐N ☐NA ☐NE
- 9) Locations where stormwater is discharged to a surface water and/or municipal separate storm sewer system if applicable (Part II, A.4.G.9) ☒Y ☐N ☐NA ☐NE
- 10) Locations where stormwater is discharged off-site (should be continuously updated) (Part II, A.4.G.10) ☒Y ☐N ☐NA ☐NE
- 11) Areas where final stabilization has been accomplished and no further construction phase permit requirements apply (Part II, A.4.G.11) ☐Y ☒N ☐NA ☐NE

E. Stormwater Controls

- 1) Are all controls installed as described in the SWPPP (Part II, A.4.H) (drop inlets) ☐Y ☒N ☐NA ☐NE
- 2) Silt fences properly installed and maintained (Part II, B.17.A) ☐Y ☒N ☐NA ☐NE
- 3) Check dams and velocity dissipation devices properly installed and maintained (Part II, B.17.A) ☒Y ☐N ☐NA ☐NE
- 4) Sedimentation basins and sediment traps properly installed and maintained (sediment removed when 50% capacity) (Part II, B.17.A) and (Part II, A.4.N) ☒Y ☐N ☐NA ☐NE
- 5) Has sediment that has gotten offsite been removed? (Part II, A.4.H.1.d) ☐Y ☐N ☒NA ☐NE
- 6) Is construction site entrance sufficiently stabilized to prevent off site tracking? (Part II, A.4.I.2) ☒Y ☐N ☐NA ☐NE
- 7) Are stabilization methods described in SWPPP being implemented in a timely manner? (Part II, A.4.H.2) ☐Y ☒N ☐NA ☐NE

F. Inspections1) Inspection Frequency in SWPPP – ☐ Once every 7 days ☒ 14 days and after ½ inch rain event

1a) If inspection frequency is every 14 days, do they have a rain gauge on site? (Part II, A.4.M.1.b)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
1b) Is rain gauge properly installed? (nothing obstructing rain gauge) (Part II, B.17.A)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
2) Are inspection records being maintained on site? (Part II, A.4.M.3)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3) Are ADEQ inspection forms being used or do the forms contain the elements required by the permit? (Part II, A.4.M.2)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3a) Inspector Name and Title (Part II, A.4.M.2.a)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3b) Date of Inspection (Part II, A.4.M.2.b)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3c) Amount of Rainfall and Days Since Last Rain Event (only if inspection frequency is 14 days) (Part II, A.4.M.2.c)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3d) BMPs used on-site (Part II, A.4.M.2.d)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3e) If the BMPs are in working order and if maintenance is required (when scheduled and completed) (Part II, A.4.M.2.e)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3f) Location and Dates When Major Construction Activities Begin, Occur or Cease (Part II, A.4.M.2.f)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3g) Report Signature of Inspector (Part II, A.4.M.2.g)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
4) Are inspections conducted in accordance with the requirements of the SWPPP? (Part II, A.4.M)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
5) Are corrective actions being implemented within 3 days? (Part II, A.4.N)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input checked="" type="checkbox"/> NE

G. Stormwater management

1) Is solid waste being controlled as described in SWPPP (Part II, A.4.H.1.f)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
2) Are stabilized buffer zones being maintained? (25 feet from stream, 50 feet if 303 d, TMDL, ERW, ESW or NSW) (Part II, A.4.H.2.b)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3) Have velocity dissipation devices been installed at discharge points, within concentrated flow areas serving two or more acres and along drainage courses where required to prevent erosive flows (Part II, A.4.H.3.b)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
4) Has silt or sediment gotten off the construction site? A.C.A. § 8-4-217(a)(2)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
5) Has silt and sediment been discharged to the waters of the state? A.C.A. § 8-4-217(a)(2)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
If yes, give the name of the stream or water body: _____	
6) Is the washout of concrete being done at the designated location? (Part II, A.4.G.7)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input checked="" type="checkbox"/> NE
7) Does the liquid waste from concrete washout reach the waters of the state? (Part II, A.4.I.5)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input checked="" type="checkbox"/> NE
8) Are fuel storage areas protected as described by SWPPP? (Part II, A.4.I.6)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
9) Have temporary erosion controls been removed from areas finally stabilized? (Part II, A.4.H)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
10) Are there any allowable non-stormwater discharges that have not been addressed in the SWPPP (Part II, A.4.J)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input checked="" type="checkbox"/> NE
11) Are there any process waters or non-stormwater discharges that are not allowed under the permit being discharged? A.C.A. § 8-4-217(b)(1)(E)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input checked="" type="checkbox"/> NE

E. Comments and Observations:

NPDES Compliance Inspection Report Further Explanation

1. The construction site is not posted with the Notice of Coverage (NOC) as required by Part I, B.8 of the permit. The mailbox containing the SWPPP was found on the construction site; however, it appears the NOC has been removed from the outside of the mailbox. In addition, the mailbox is inside the construction site. When you re-post the site, it will be necessary to post the site at the entrance as required by Part II, A.2.D of the permit. This is a repeat violation also noted during a February 19, 2009 inspection.
2. The stormwater pollution prevention plan (SWPPP) is not properly signed as required by Part II, B.1.B of the permit. The SWPPP on site has "sign here" tabs on it for the contractor and inspector certification; however, these pages were not signed as required.
3. The stormwater pollution prevention plan (SWPPP) is not being updated as required by Part II, A. 3 of the permit. This is a repeat violation also noted during a February 19, 2009 inspection. Specifically:
 - a. The site map in the mailbox still indicates that drop inlet protection will be installed and maintained. The site map needs to be updated to indicate these have been removed.
 - b. The site map does not include all the elements required by the permit such as location where stabilization practices are expected to occur, locations of equipment and fuel storage and areas where final stabilization has been accomplished and no further construction phase permit requirements apply. See Section II, D of the attached inspection form for the 11 elements required on the site map.
4. Onsite inspections are not being conducted in accordance with the SWPPP and Part II, A.4.M of the permit. The last documented inspection report in the mailbox was dated April 9, 2009. This is a repeat violation also noted during a February 19, 2009 inspection.
5. The SWPPP indicates an inspection frequency of once every 14 days and after a 0.5 inch rainfall. However, a rain gauge is not onsite as required by Part II, A.4.M.1.b of the permit.
6. Not all stormwater controls have been installed as described in the SWPPP as required by Part II, A.4.H of the permit. Specifically, drop inlet protection has not been installed.
7. Erosion control measures are not being properly maintained as required by Part II, B.17.A of the permit. Problems with silt fencing were noted. This is a repeat violation also noted during a February 19, 2009 inspection.

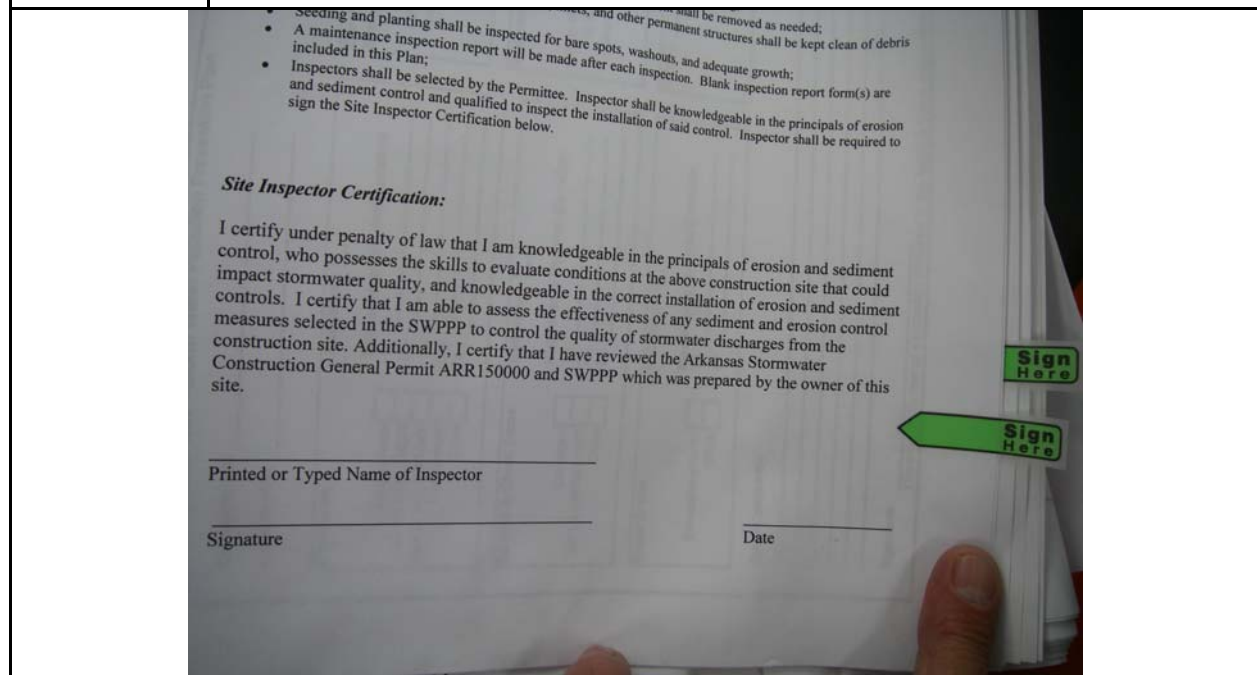
8. Barren areas of the site have not been stabilized in a timely manner as required by Part II, A.4.H.2 of the permit. While it appears stabilization efforts have been made since the last inspection, clearly these efforts have failed in some areas of the site. Without proper inspections to identify this type of problem, corrective actions can be significantly delayed.
9. Solid waste is not being controlled as required by Part II, A.4.H.1.f of the permit. While it appears that most of the solid waste issues I noted were due to the residents littering the grounds, I did not an abandoned and decaying silt fence in one of the main flow channels on the east side of the property.
10. Temporary erosion controls (silt fence, hay bales, sand bags, etc.) have not been removed from areas that have been finally stabilized as required by Part II, A.4.H of the permit.
11. A waste oil spill was noted in the area where the temporary fuel storage tank was located. The stained ground needs to be cleaned up and disposed of properly. This is a violation of the Arkansas Water and Air Pollution Control Act (A.C.A. §8-4-217(a)(2)).

Water Division NPDES Photographic Evidence Sheet

Location:	240 Unit Apartment Complex (Rose Haven Apts)						
Photographer:	Dennis Benson				Witness:	None	
Photo #	1	Of	6		Date:	7/9/2009	Time: 11:12 am
Description:	Posting not on SWPPP mailbox						



Photographer:	Dennis Benson				Witness:	None	
Photo #	2	Of	6		Date:	7/9/2009	Time: 11:18 am
Description:	Portions of SWPPP that have not been signed. Note "sign here" tabs on the SWPPP.						



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

Location:	240 Unit Apartment Complex (Rose Haven Apts)								
------------------	----------------------------------------------	--	--	--	--	--	--	--	--

Photographer:	Dennis Benson				Witness:	None			
----------------------	---------------	--	--	--	-----------------	------	--	--	--

Photo #	3	Of	6	Date:	7/9/2009	Time:	11:25 am		
----------------	---	-----------	---	--------------	----------	--------------	----------	--	--

Description:	Oil spill in fuel storage area that has not been properly cleaned up.								
---------------------	-----------------------------------------------------------------------	--	--	--	--	--	--	--	--



Photographer:	Dennis Benson				Witness:	None			
----------------------	---------------	--	--	--	-----------------	------	--	--	--

Photo #	4	Of	6	Date:	7/9/2009	Time:	11:40 am		
----------------	---	-----------	---	--------------	----------	--------------	----------	--	--

Description:	Silt fencing that requires maintenance.								
---------------------	-----------------------------------------	--	--	--	--	--	--	--	--



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

Location:	240 Unit Apartment Complex (Rose Haven Apts)								
------------------	----------------------------------------------	--	--	--	--	--	--	--	--

Photographer:	Dennis Benson				Witness:	None			
----------------------	---------------	--	--	--	-----------------	------	--	--	--

Photo #	5	Of	6		Date:	7/9/2009	Time:	11:42 am	
----------------	---	-----------	---	--	--------------	----------	--------------	----------	--

Description:	Abandoned silt fence that needs to be disposed of as solid waste.								
---------------------	-------------------------------------------------------------------	--	--	--	--	--	--	--	--



Photographer:	Dennis Benson				Witness:	None			
----------------------	---------------	--	--	--	-----------------	------	--	--	--

Photo #	6	Of	6		Date:	7/9/2009	Time:	11:10 am	
----------------	---	-----------	---	--	--------------	----------	--------------	----------	--

Description:	Field in front of property where stabilization has failed.								
---------------------	------------------------------------------------------------	--	--	--	--	--	--	--	--





WHITLOW ENGINEERING SERVICES, INC.
301 EAST LINCOLN AVENUE # 2
SEARCY, ARKANSAS 72143
(501) 279-9200 • (501) 279-9205 FAX

July 30, 2009

ADEQ-NPDES Enforcement Section
Attn: Ms. Cindy Garner
5301 Northshore Drive
North Little Rock, AR 72118-5317

Re: NPDES Permit No. ARR152723

Ms. Cindy Garner,

This letter is in response to Mr. Dennis Benson's July 9, 2009 inspection letter. I will attempt to address the deficiencies in the order expressed in his letter. Most of the deficiencies are due to poor timing. The site was being prepared for terminating the permit when the inspection was done (contractor was moving equipment out, final cleanup, etc...). Because of this the site was in a bit of disarray. So although I have addressed the deficiencies in writing below, we are also submitting the NOT which negates some of the items. After reviewing the attached pictures I'm sure you'll agree the site no longer requires the permit.

- 1.) The Site Posting was moved inside on June 15 when the site was opened. The NOC is no longer needed since the NOT (pending) has been submitted.
- 2.) This was simply a paperwork over site by the owner/contractor. The record copy of the SWPPP is signed.
- 3a.) This was previously addressed and documented in my April 3, 2009 response letter. Mr. Benson apparently had reviewed the previous inspection, but not my responses. It is not typical to remove elements from the site map as they are completed or no longer needed since this technically is not a change in the plan. It is better to simply document when these items are no longer needed in the inspection reports or letters (as was this case).
- 3b.) The site map in the box was the erosion control plan that was originally submitted, reviewed, and approved with the SWPPP. All items were sufficient at that time.
- 4.) According to the owner the site supervisor performed routine inspections from April to June 26, 2009. Attached is a letter from the site supervisor confirming the above. These reports may have been lost when the contractor was moving out.
- 5.) The rain gauge was taken down in anticipation of terminating the permit, once again, a victim of bad timing.
- 6.) See comment 3a above.
- 7.) The silt fences were removed from the site the day after the inspection because they were no longer required. This was already scheduled to take place prior to the inspection.
- 8.) I disagree. The attached pictures clearly show the site stabilization in good order. Grass has been established across approximately 95% of the site.
- 9.) The silt fence has been removed and the site is clean as demonstrated by the attached pictures. The contractor has moved all his equipment off the site as well.
- 10.) All silt fences have been removed.

July 30, 2009
Ms. Cindy Garner
Page 2 of 2

11.) The contractor has removed all his equipment & the fuel storage tank. The area that was used for storage has been cleaned.

I am hopeful that this letter as well as the attached pictures have adequately addressed your concerns about the site and provided evidence that the site is ready to terminate the permit. I honestly think most of the deficiencies in the inspection report were simply due to bad timing since the owner was literally two days from submitting the NOT when the inspection took place. The attached pictures as well as the pictures from my April 3, 2009 correspondence clearly demonstrate that the owner has made substantial efforts to stay in compliance.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Whitlow". The signature is fluid and cursive, with a long horizontal stroke at the end.

Adam Whitlow, P.E.



Figure 1: Vegetation re-established south east side of site



Figure 2: Silt fence adjacent to stream bed has been removed



Figure 3: Established vegetation in open area southwest side of site



Figure 4: Contractor equipment & fuel storage tank has been removed



Figure 5: Established site vegetation sw corner of site looking north



Figure 6: Landscape beds in front of south buildings looking east



Figure 7: Established site vegetation sw corner of site looking west



Figure 8: Established site vegetation in south courtyard



Figure 9: Landscape beds south side of middle parking area looking east



Figure 10: Established site vegetation in nw courtyard area looking sw



Figure 11: Established site vegetation in ne courtyard area looking south

Note Pictures were taken July 29, 2009

**HORTON DRYWALL COMPANY
10603 MAUMELLE BLVD
P.O. BOX 13620
NORTH LITTLE ROCK, AR 72113**

June 17, 2009

ROSELAWN APARTMENTS

To Whom It May Concern:

I hereby certify that I, Walter Pankey, the Project Supervisor, did inspect and fill out the Reporting Form from April until June 26, 2009. I placed each report in the mailbox.

Walter Pankey
Project Supervisor

Walter Pankey

Arkansas Department of Environmental Quality
NPDES Branch, Water Division
5301 Northshore Drive
North Little Rock, AR 72118
(501) 682-0623

NOTICE OF TERMINATION (NOT)
FOR DISCHARGERS OF STORMWATER RUNOFF ASSOCIATED WITH
CONSTRUCTION ACTIVITY
AUTHORIZED UNDER NPDES GENERAL PERMIT ARR150000

Permit Tracking Number to be Terminated: ARR15 2723

I. PERMITTEE INFORMATION

Permittee Legal Name: Kevin Horton, HJH Properties, LLC Permittee Type:
Permittee Mailing Address: 10603 Maumelle Blvd ☒ STATE ☐ PARTNERSHIP
City: North Little Rock ☐ FEDERAL ☐ CORPORATION*
State: AR Zip: 72113 ☐ SOLE PROPRIETORSHIP
Permittee Telephone Number: (501) 539-3100 *State of Incorporation: _____
Permittee Fax Number: (501) 758-9976 E-mail: _____

II. CONSTRUCTION SITE INFORMATION

Project Name: 240 Unit Apt Complex (Rose Lawn) Project Contact Person: Kevin Horton
Project County: White Project Physical Address: Beebe-Capps
Project City: Searcy Zip: _____
Telephone Number: _____

Have you established vegetation cover with 70% density? ☒ YES ☐ NO
Have all discharges associated with construction activities been eliminated? ☒ YES ☐ NO
Have you included pictures of vegetation coverage and stabilized areas? ☒ YES ☐ NO

III. PERMITTEE CERTIFICATION

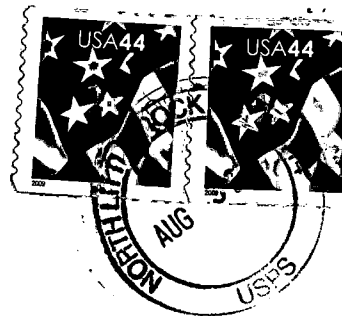
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

"In addition, I understand that by submitting this Notice of Termination that I am no longer authorized to discharge storm water by general permit, and that discharging pollutants in stormwater associated with construction activity to Waters of the State is unlawful under the Clean Water Act and the Arkansas Water and Air Pollution Control Act where the discharge is not authorized by an NPDES permit."

Typed or Printed Name: Adam Whitlow Title: Project Engineer
Signature: [Signature] Date: 7-30-09

Whitlow Engineering Services, Inc.
301 E. Lincoln Ave #2
Searcy, AR 72143

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



721185317 R015





August 19, 2009

Kevin Horton
HJH Properties, LLC
240 Unit Rose Haven Apartments
10603 Maumelle Blvd.,
North Little Rock, AR 72113

RE: Rose Haven Apartments NPDES Permit No. ARR152723, AFIN 73-014042,
Response to Inspection

Dear Mr. Horton:

The Department has received your response to the July 9, 2009 inspection of your site 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 501-682-0636 or you may e-mail me at boycej@adeq.state.ar.us.

Sincerely,

David Boyce
Enforcement Analyst
Water Division Enforcement Branch

