

## ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

### NOTICE OF ENFORCEMENT ACTIONS

Public notice is hereby given that the Arkansas Department of Environmental Quality (ADEQ) has entered into the Consent Administrative Orders and has issued the Notices of Violation listed below. Documents for these enforcement matters can be made available for inspection or copying by contacting ADEQ's Legal Division, P.O. Box 8913, Little Rock, Arkansas 72219-8913. There may be a charge to cover photocopying costs for some documents. Copies of enforcement documents, including those referenced in this notice, also are available for viewing on the ADEQ website at [http://www.adeq.state.ar.us/legal/cao\\_info.asp](http://www.adeq.state.ar.us/legal/cao_info.asp). Further, ADEQ is accepting written comments from the public regarding these matters. Such comments must be sent to ADEQ, Legal Division, at the above address within 30 days after publication of this Notice. If a comment on any Consent Administrative Order is received by ADEQ within this time period, in accordance with Act 163 of 1993, the person submitting the comment may request the Pollution Control and Ecology Commission to set aside the order in the matter by filing a petition with the Commission Secretary. If a comment on any Notice of Violation is received by ADEQ within this time period, the person submitting the comment will be given notice of any hearings held on the matter and shall have the right to intervene in any hearing in the matter by filing a petition for intervention with the Commission Secretary. Any such petition must be filed in accordance with applicable regulations and sent to the Commission Secretary, 101 East Capitol, Suite 205, Little Rock, Arkansas 72201.

### CONSENT ADMINISTRATIVE ORDERS

Barling, City of, Sebastian County  
NPDES/Water Division, \$1,200.00 Penalty

Barger Construction-Silver Creek Subdivision and Nick Barger, Individually and as President of Barger Construction, Lonoke County, NPDES/Water Division, \$1,875.00 Penalty

Dennis H. Everett, Individually and as President of Everett Brothers, Inc. – Everett Brothers SEW II, Izard County, NPDES/Water Division, \$1,000.00 Penalty

Doug Loftin, Individually and as Partner Hometex LLC, Carrington Place Subdivision, Saline County, NPDES/Water Division, \$4,500.00 Penalty

Earl Fotchman, Individually and as President of Fotchman Enterprises, Inc. –

Creekwood Manor Subdivision, Benton County, NPDES/Water Division,  
\$1,600.00 Penalty

Environmental Protection Associates of Russellville, Inc., Washington County,  
Asbestos, \$1,500.00 Penalty

Fred Kirk, President, Kirk Stone, Inc., d/b/a Eureka Stone Company, Carroll  
County, State Permits/Water Division, \$1,500.00 Penalty

Freshour Construction Co., Inc., Lonoke County  
Regulated Storage Tanks Divison, \$5,000.00 Penalty

Gerald Haire, Individually and as Owner of Gerald Haire Realty-Heatherwood  
Subdivision, Miller County, NPDES/Water Division, \$1,000.00 Penalty

HSG Holdings, LLC – Pinnacle Hills Tower & Promenade-and Mr. Bill  
Schwyhart, Individually and as Registered Agent of HSG Holdings, LLC, Benton  
County, NPDES/Water Division, \$2,100.00 Penalty

J.B. Hunt, Individually and as President of Trout Farms, LLC-Pinnacle Springs,  
Benton County, NPDES/Water Division, \$2,970.00 Penalty

John Warmack Individually and as the Permittee for Warmack & Co. – Southern  
Hills Mall, Craighead County, NPDES/Water Division, \$4,950.00 Penalty

Kensington L.L.C. – Kensington Subdivision Phases I, II, and III and Mr. Ralph  
Vernetti, Individually and as President of Kensington L.L.C, Benton County  
NPDES/Water Division, \$12,300.00 Penalty

Magness Creek Development Group, LLC-Magness Creek Subdivision (North)  
and Mr. Ben Utley, Individually and as Managing Partner of Magness Creek  
Development Group, LLC, Lonoke County, NPDES/Water Division, \$4,620.00  
Penalty

Mako Marine International, Inc., d/b/a Kenner Boats/Tracker Marine, Johnson  
County, Hazardous Waste Division, \$22,005.00 Penalty

Mountain View Ready Mix, Inc., Stone County  
Mining Division, \$500.00 Penalty

Mr. Frank Robinson, Individually and as President, Robinson Construction  
Company, Malvern Water Treatment Plant, Hot Spring County, NPDES/Water  
Division, \$7,000.00 Penalty

Nathan Abernathy, Nathan Abernathy Farm, Yell County,  
State Permits/Water Division, \$500.00 Penalty

Philip Brandon, Individually and as President of Brandon Bright Properties, LLC-  
Quarry at Clear Creek, Washington County,  
NPDES/Water Division, \$3,000.00 Penalty

Reynolds Metals Company, Clark County,  
Air Division, No Penalty

Rowland Construction Co., Inc. –West Oak Village, Garland County,  
NPDES/Water Division, \$7,500.00 Penalty

Sandy Jolly, Faulkner County,  
State Permits/Water Division, \$1,000.00 Penalty

Terry Ryan, Individually and as Authorized Representative Monte Ne Bay  
Subdivision Project, Benton County, NPDES/Water Division, \$2,750.00 Penalty

William P. Joseph Individually and as the Permittee for Birch Tree Acres, Carroll  
County, NPDES/Water Division, \$3,300.00 Penalty

W.R. Newman, General Contractors-Tractor Supply Company, Batesville, and Mr.  
E. Bryan Knuckles, Individually and as Project Manager for W.R. Newman,  
General Contractors, Independence County  
NPDES/Water Division, \$400.00 Penalty

#### AMENDMENTS TO CONSENT ADMINISTRATIVE ORDERS

North Little Rock Wastewater Utility Five Mile Creek Treatment Plant, Pulaski  
County, NPDES/Water Division, No Penalty

#### NOTICES OF VIOLATION

City of Arkadelphia Water Utilities, Clark County  
Regulated Storage Tanks Division, \$3,500.00 Penalty

Frost Oil Company, Crawford County  
Regulated Storage Tanks Division, \$750.00 Penalty

Gill Johnson, Johnson Oil Company, Union County

Regulated Storage Tanks Division, \$77,875.68 Penalty

Jerel Driscoll, Crawford County  
Regulated Storage Tanks Division, \$500.00 Penalty

Dated this 10th day of October, 2005,  
Marcus C. Devine, Director  
Arkansas Department of Environmental Quality