



ARKANSAS
Department of Environmental Quality

August 11, 2015

Greg Holman
Boto AR Properties, LLC
17901 Chenal Parkway
Little Rock, AR 72223

RE: Valley Ridge Subdivision Inspection
AFIN: 63-00820 Permit No.: ARR151435

Dear Mr. Holman:

On July 9, 2015, I performed a Construction Stormwater Inspection of the above referenced facility in accordance with the provisions of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated thereunder. A copy of the inspection report is enclosed for your records.


Please refer to the "Summary of Findings" section of the attached inspection report and provide a written response for each violation that was noted. This response should be mailed to the attention of the Water Division Inspection Branch at the address at the bottom of this letter or e-mailed to Water-Inspection-Report@adeq.state.ar.us. 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. photos) is due by **August 25, 2015**.

If I can be of any assistance, please contact me at naus@adeq.state.ar.us or 501-682-0658.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Naus", is written over a horizontal line.

Chris Naus
District 9 Field Inspector
Water Division



 A R K A N S A S Department of Environmental Quality		WATER DIVISION INSPECTION REPORT						
		AFIN: 63-00820		PERMIT #: ARR151435		DATE: 7/9/2015		
		COUNTY: 63 Saline			PDS #: 085802		MEDIA: WN	
		GPS LAT: 34.611232 LONG: -92.436733 LOCATION: General Area						
FACILITY INFORMATION				INSPECTION INFORMATION				
NAME: Valley Ridge Subdivision LOCATION: Valley Ridge Drive CITY: Alexander, AR				FACILITY TYPE: 1 - Municipal		INSPECTOR ID#: 107625 S - State		
				FACILITY EVALUATION RATING: ***		INSPECTION TYPE: Compliance Evaluation		
				DATE(S): 7/9/2015	ENTRY TIME: 09:45	EXIT TIME: 11:50	PERMIT EFFECTIVE DATE: 12/29/2011	
				PERMIT EXPIRATION DATE: 10/31/2016				
RESPONSIBLE OFFICIAL				FAYETTEVILLE SHALE RELATED: N FAYETTEVILLE SHALE VIOLATIONS: N INSPECTION PARTICIPANTS NAME/TITLE/PHONE/FAX/EMAIL/ETC.: Chris Naus/ADEQ District 9 Water Inspector/ 501-682-0658/naus@adeq.state.ar.us				
NAME / TITLE Greg Holman / Reg. Agents COMPANY: Boto AR Properties, LLC MAILING ADDRESS: 17901 Chenal Parkway CITY, STATE, ZIP: Little Rock AR 72223 PHONE & EXT: / FAX: 501-339-0600 / EMAIL: gholman@bankozarks.com								
CONTACTED DURING INSPECTION: No								
AREA EVALUATIONS (S=Satisfactory, M=Marginal, U=Unsatisfactory, N=Not Applicable/Evaluated)								
U	PERMIT	N	FLOW MEASUREMENT	U	STORMWATER			
U	RECORDS/REPORTS	N	LABORATORY	U	FACILITY SITE REVIEW			
U	OPERATION & MAINTENANCE	N	EFFLUENT/RECEIVING WATER	U	SELF-MONITORING PROGRAM			
N	SAMPLING	N	SLUDGE HANDLING/DISPOSAL	**	PRETREATMENT			
**	OTHER:							


SUMMARY OF FINDINGS

Below is a list of violations of your Construction General Permit.

1. Part I, Section B, 4; The operator shall submit a complete and signed Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and application fee to the Department.
2. Part I, Section B, 6, B; Operator of a large construction site is required to submit a NOI, SWPPP, and permit fee two weeks prior to commencement of construction.
3. Part I, Section B, 12, A; The operator must design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. **Damaged silt fences were observed on lots 53/54, 64/65, and adjacent to Lot 75(Pictures 2-4); sediment traps were filled beyond capacity on 53 and 97 (Pictures 5 & 6), detention ponds/sediment basins were beyond capacity (Pictures 7-9) and check dam was filled beyond capacity (Picture10 & 11).**
4. Part I, Section B, 12, B; Stabilization of disturbed area must, at a minimum, be initiated immediately whenever and clearing, grading, excavating, or any other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 days. Work does not appear to have occurred since the last inspection dated 4/17/2015.
5. Part I, Section B, 12, D; Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, detergents, sanitary waste, and other materials present on site to precipitation and to stormwater. **Piles of construction waste was present on lots 90, 64, and 65 (Pictures 3 & 12).**
6. Part I, Section B, 12, E; Part I, Section B, 16, A; The operator is ultimately responsible for the runoff from the perimeter of the entire development. Regardless for the reason of the runoff, the operator is responsible for ensuring sufficient sediment controls of the development. **At the time of inspection, there was evidence that sediment had left lots and entered "Waters of the State" either directly or via storm drains (Pictures 13-17).**
7. Part II, Section A, 2; The SWPPP and inspection reports shall be signed by the operator in accordance with Part II.B.9 and be retained at the construction site during normal business hours. The operator must post a NOC near the main construction site entrance.
8. Part II, Section A, 4, G; Perimeter controls have not been actively maintained. **Sediment that has escaped site has not been removed. Sediment has not been removed from sediment traps. Litter, construction debris, and construction chemicals are exposed to stormwater.**
9. The following list of items are in violation of Part II, Section B, 17 of your permit (Proper Operation and Maintenance): Failure to control erosion on site, inappropriately installed or neglected erosion control structures, sediment traps passed capacity, failure to remove sediment that has escaped off site.
10. Improper placement of construction waste and silt and sediment where it is likely to discharge to the waters of the state due to off-site tracking and un-stabilized soil with inadequate storm water pollution prevention measures employed in violation of Arkansas Water and Air Pollution Control Act § 8-4-217(a)(2) which states, "It shall be unlawful for any person to place or cause to be place any sewage, industrial waste, or other wastes in a location where it is likely to cause pollution of any waters of this state."

GENERAL COMMENTS

INSPECTOR'S SIGNATURE: 	Chris Naus	DATE: 8/10/2015
SUPERVISOR'S SIGNATURE: 	Jason Bolenbaugh	DATE: 8/11/2015

Water Division Photographic Evidence Sheet					
Location:	Valley Ridge Subdivision				
Photographer:	Google Earth Modified by Chris Naus	Date:	7/20/2015	Time:	
Witness:				Photo #:	1
Description:	Aerial photograph with Boto AR Properties, LLC properties outlined. Stars represent approximate locations of detention ponds owned by Boto AR Properties.				
					
Photographer:	Chris Naus	Date:	7/9/2015	Time:	9:49
Witness:				Photo #:	2
Description:	Silt fence down on Lot 53/54 and a large pile of sediment left exposed to stormwater.				



Water Division Photographic Evidence Sheet			
Location:	Valley Ridge Subdivision		
Photographer:	Chris Naus	Date:	7/9/2015
Time:	10:23		Photo #:
Witness:			3
Description:	Unmaintained silt fence, construction wastes, and sediment on Lots 64/65.		
 <p>07.09.2015 10:23</p>			

Photographer:	Chris Naus	Date:	7/9/2015
Time:	11:13		Photo #:
Witness:			4
Description:	Unmaintained silt fence beginning on Lot 76.		
 <p>07.09.2015 11:13</p>			

Inspection Report: **Valley Ridge Subdivision**, AFIN: **Error! Reference source not found.**, Permit #: **Error! Reference source not found.**

Water Division Photographic Evidence Sheet			
Location:	Valley Ridge Subdivision		
Photographer:	Chris Naus	Date:	7/9/2015
Time:	9:54		Photo #:
Witness:			5
Description:	Sediment trap filled beyond capacity on Lot 53.		



Photographer:	Chris Naus	Date:	7/9/2015	Time:	10:53
Witness:			Photo #:	6	
Description:	Sediment trap and sediment basin filled beyond capacity adjacent to Lot 97.				



Inspection Report: **Valley Ridge Subdivision**, AFIN: **Error! Reference source not found.**, Permit #: **Error! Reference source not found.**


Water Division Photographic Evidence Sheet			
Location:	Valley Ridge Subdivision		
Photographer:	Chris Naus	Date:	7/9/2015
Time:	10:06		Photo #:
Witness:			7
Description:	Sediment basin near Lots 89/90 that is filled beyond capacity.		




Photographer:	Chris Naus	Date:	7/9/2015	Time:	10:56
Witness:			Photo #:	8	
Description:	Sediment basin adjacent to Lot 97 filled beyond capacity.				




Inspection Report: **Valley Ridge Subdivision**, AFIN: **Error! Reference source not found.**, Permit #: **Error! Reference source not found.**

Water Division Photographic Evidence Sheet				
Location:	Valley Ridge Subdivision			
Photographer:	Chris Naus	Date:	7/9/2015	Time: 11:16
Witness:				Photo #: 9
Description:	Sediment basin on far southeast corner of unfinished development that has not been maintained.			
				
Photographer:	Chris Naus	Date:	7/9/2015	Time: 10:44
Witness:				Photo #: 10
Description:	Check dam located along western property line (Lots 69-75), that has not been maintained.			




Water Division Photographic Evidence Sheet					
Location:	Valley Ridge Subdivision				
Photographer:	Chris Naus	Date:	7/9/2015	Time:	10:45
Witness:				Photo #:	11
Description:	End of check dam with evidence sediment had entered pipe leading to a storm drain.				
					
Photographer:	Chris Naus	Date:	7/9/2015	Time:	10:11
Witness:				Photo #:	12
Description:	Construction waste left on Lot 90, which has also not been stabilized.				




Water Division Photographic Evidence Sheet					
Location:	Valley Ridge Subdivision				
Photographer:	Chris Naus	Date:	7/9/2015	Time:	10:07
Witness:				Photo #:	13
Description:	Sediment that has escaped the site and entered "Waters of the State," near sediment basin adjacent to Lot 89/90.				
					
Photographer:	Chris Naus	Date:	7/9/2015	Time:	11:00
Witness:				Photo #:	14
Description:	Sediment leaving sediment basin adjacent to Lot 97.				

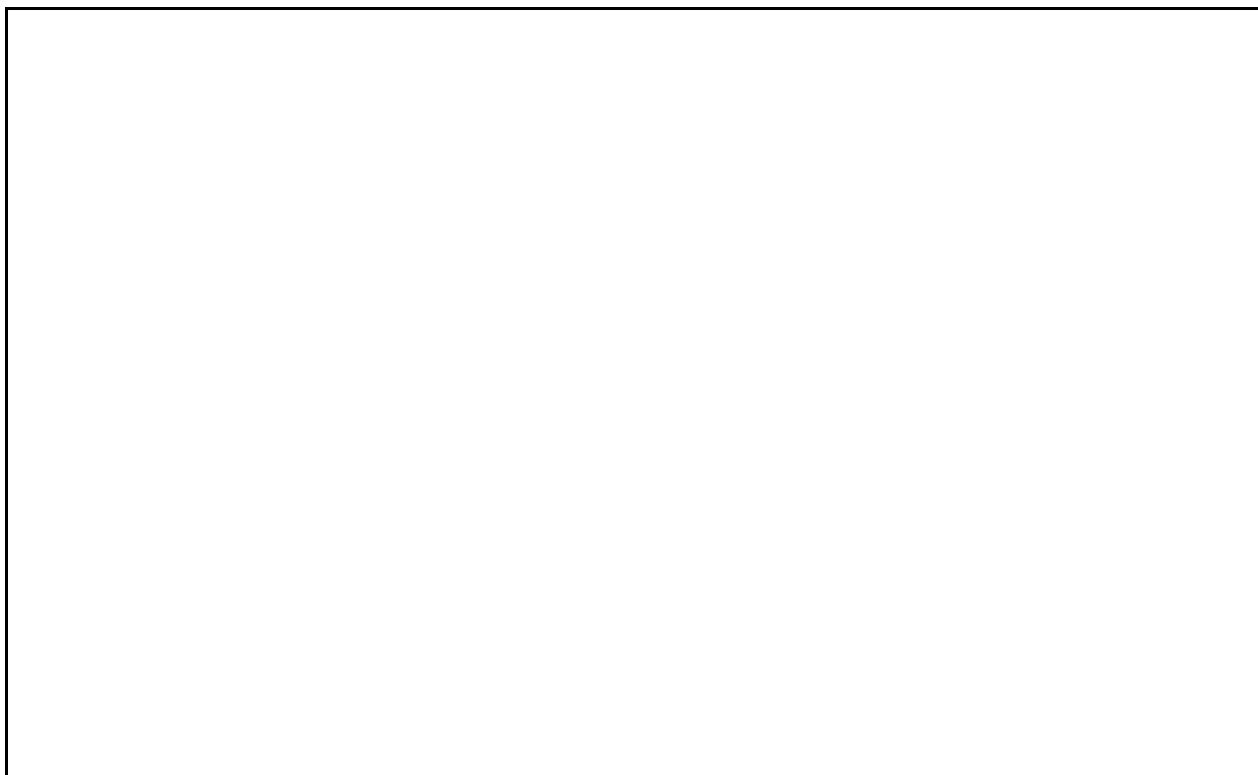


Water Division Photographic Evidence Sheet			
Location:	Valley Ridge Subdivision		
Photographer:	Chris Naus	Date:	7/9/2015
Time:	11:00		
Witness:			Photo #:
Description:		Sediment that has left the site near sediment basin adjacent to Lot 97.	
 A photograph showing a muddy, reddish-brown sediment area. In the foreground, there are some green plants and a tree trunk on the left. The sediment appears to be flowing or has recently flowed. A timestamp "07/09/2015 11:00" is visible in the bottom right corner of the photo.			

Photographer:	Chris Naus	Date:	7/9/2015
Time:	11:18		
Witness:			Photo #:
Description:		Sediment leaving farthest southeast sediment basin.	
 A photograph showing a pile of large, light-colored rocks in the center. To the right of the rocks, there is a muddy, reddish-brown sediment flow. Green grass and plants are visible around the rocks. A timestamp "07/09/2015 11:18" is visible in the bottom right corner of the photo.			

Inspection Report: **Valley Ridge Subdivision**, AFIN: **Error! Reference source not found.**, Permit #: **Error! Reference source not found.**

Water Division Photographic Evidence Sheet					
Location:	Valley Ridge Subdivision				
Photographer:	Chris Naus	Date:	7/9/2015	Time:	11:20
Witness:				Photo #:	17
Description:	Sediment that has left the site and entered "Waters of the State," near farthest southeast sediment basin.				
					
Photographer:		Date:		Time:	
Witness:				Photo #:	18
Description:					





August 25, 2015

Arkansas Department of Environmental Quality
Mr. Chris Naus, District 9 Field Inspector
5301 Northshore Drive
North Little Rock, AR 72118-5317

RECEIVED
AUG 25 2015
Kn 12:00

RESPONSE TO VALLEY RIDGE SUBDIVISION INSPECTION (AFIN: 63-00820) (Permit No.: ARR151435)

Dear Mr. Naus:

I am writing as a follow up to my previous letter dated August 5th concerning the above-mentioned inspection. As previously reported the correction work which is being performed by Jim Ort Construction has been ongoing for some time and is nearing completion. I routinely make visits to the property weekly sometimes numerous times each week, but yesterday made photos of the corrective work which will be referenced in this response and attached for your review. I believe you will find the corrective measures satisfactory, and they will be ongoing as progress is made on the new lots and when new weather events create the need for new measures.

Summary of Findings, Items 1. and 2.

These two findings appear to be just a miscommunication resulting from the transfer of the property from Hometex, LLC to BOTO AR Properties, LLC. A transfer of the permit that is noted above was granted by Mo Shafii, Assistant Chief, Water Division on June 18th. A copy of the Notice of Coverage is posted in the Subdivision's box which is located on Skyline Dr. adjacent to the Shannon Hills Water Towers. The box is located at the end of the service drive leading up to the water towers. A copy of the approval is attached for your records.

Summary of Findings, Item 3.

All items have been completed as shown in the attached pictures which are labelled to correspond with the finding. I did not make a picture of the new silt fence at lot 75, it is in place, but I did not make a picture which was on oversight on my part.

Summary of Findings, Item 4.

Work on the new lots (approximately 23 lots) has been halted since we acquired the property, however, it is expected that the construction will resume in the near future. I have provided as picture of the new rock checks that have been placed to deter future runoff of silt.

Summary of Findings, Item 5.

Pictures have are provided for lot 64, 65, and lot 90 showing that construction materials have been removed.

Summary of Findings, Item 6.

Your picture 13 is of the exit area behind the detention pond on Lot 97. A picture is provided that shown new slit fencing and additional rock checks to prevent this occurrence. Pictures are also provided showing the that the detention pond at lot 110 in the new area has been cleaned out and restored to a functional condition.

Summary of Findings, Item 7.

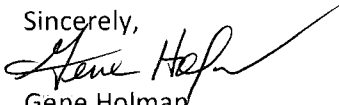
As previously mentioned the permit and inspection book are located on site on Skyline Dr.

Summary of Findings, Item 8.

This seems to be a general summary of items that are covered in the previous responses.

As previously stated, we are not land developers and are therefore not well versed in the many aspects of working with your Department. However, we will diligently strive to comply with all regulations and requests in a timely manner. I would point out that we started many of these items prior to being made aware of your inspection report, and we will be continuing these efforts as conditions warrant that corrections and preventive measures are needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Holman", with a long, sweeping horizontal line extending to the right.

Gene Holman
Authorized Agent



ARKANSAS
Department of Environmental Quality

Permit Tracking Number: **ARR151435**
AFIN: **63-00820**

NOTICE OF COVERAGE (NOC)
FOR NPDES STORMWATER CONSTRUCTION GENERAL PERMIT NUMBER ARR150000

BOTO-AR Properties, LLC
Attn: Gene Holman
17901 Chenal Parkway
Little Rock, AR 72223

This modification of the Notice of Coverage (NOC) to update ownership for the above General Permit is based on the information received on 04/29/2015 for the assigned permit tracking number **ARR151435** and AFIN **63-00820**. Any permit-related correspondence must include this Permit Tracking Number and AFIN. This NOC is issued to **BOTO-AR Properties, LLC** in reliance upon the statements and representations made in the submittal for the following project located in Saline County:

Carrington Place/Emerald Mountain
1 mile W of Vimy Ridge at the end of County Line Rd. out of Shannon Hills
Shannon Hills, AR 72002

This permit is for the construction of a **subdivision** only. In accordance with the modification there will be 668.00 acres disturbed out of 668.00 total acres. The Project Contact Person for this construction site is Gene Holman, 501-339-0600.

The permittee is responsible for compliance with all applicable terms and conditions of this NOC and General Permit ARR150000. Receipt of this NOC does not relieve any permittee of the responsibility to comply with any other applicable federal, state, and local statute, ordinance, policy, or regulation which includes but is not limited to Short Term Activity Authorizations (STAA) or 404 permits.

The SWPPP will be located on site.

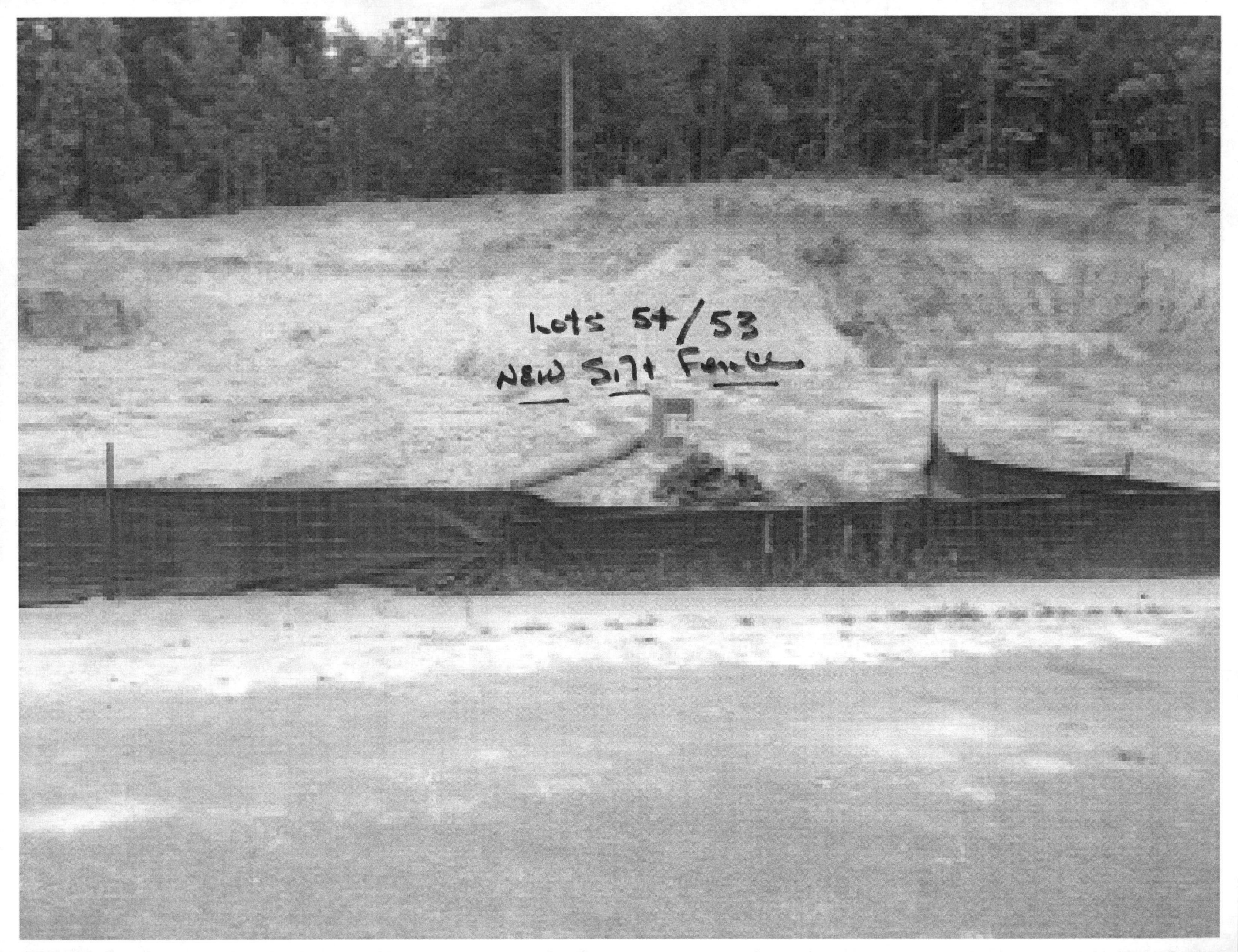
This authorization must be **posted** at the construction site in a prominent place per the general permit.

Coverage Date: 12/14/2005

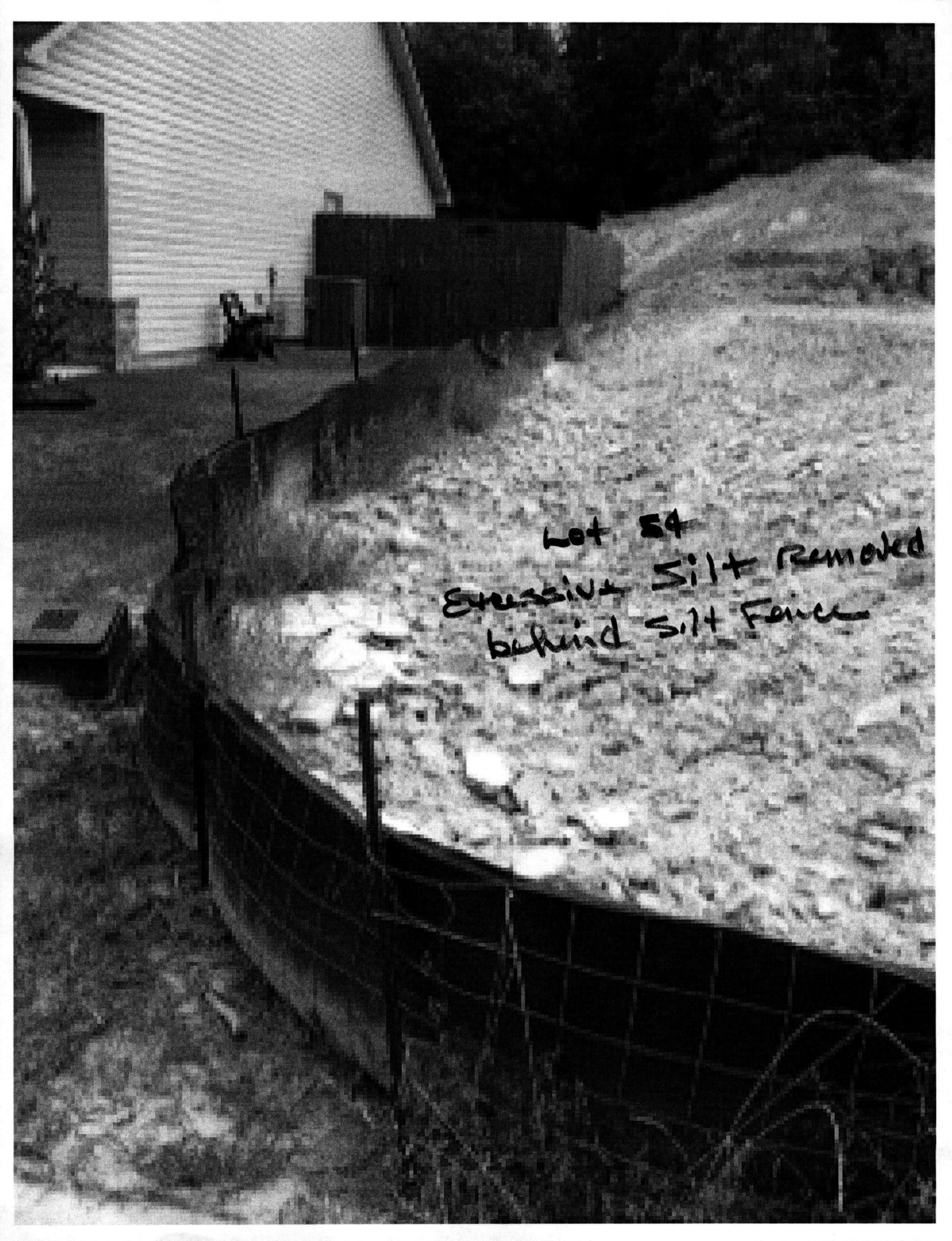
Expiration Date: 10/31/2016

Mo Shafii
Assistant Chief, Water Division
Arkansas Department of Environmental Quality

Modification Date



lots 54/53
NEW Silt Fence



Lot 54
Excessive Silt removed
behind Silt Fence



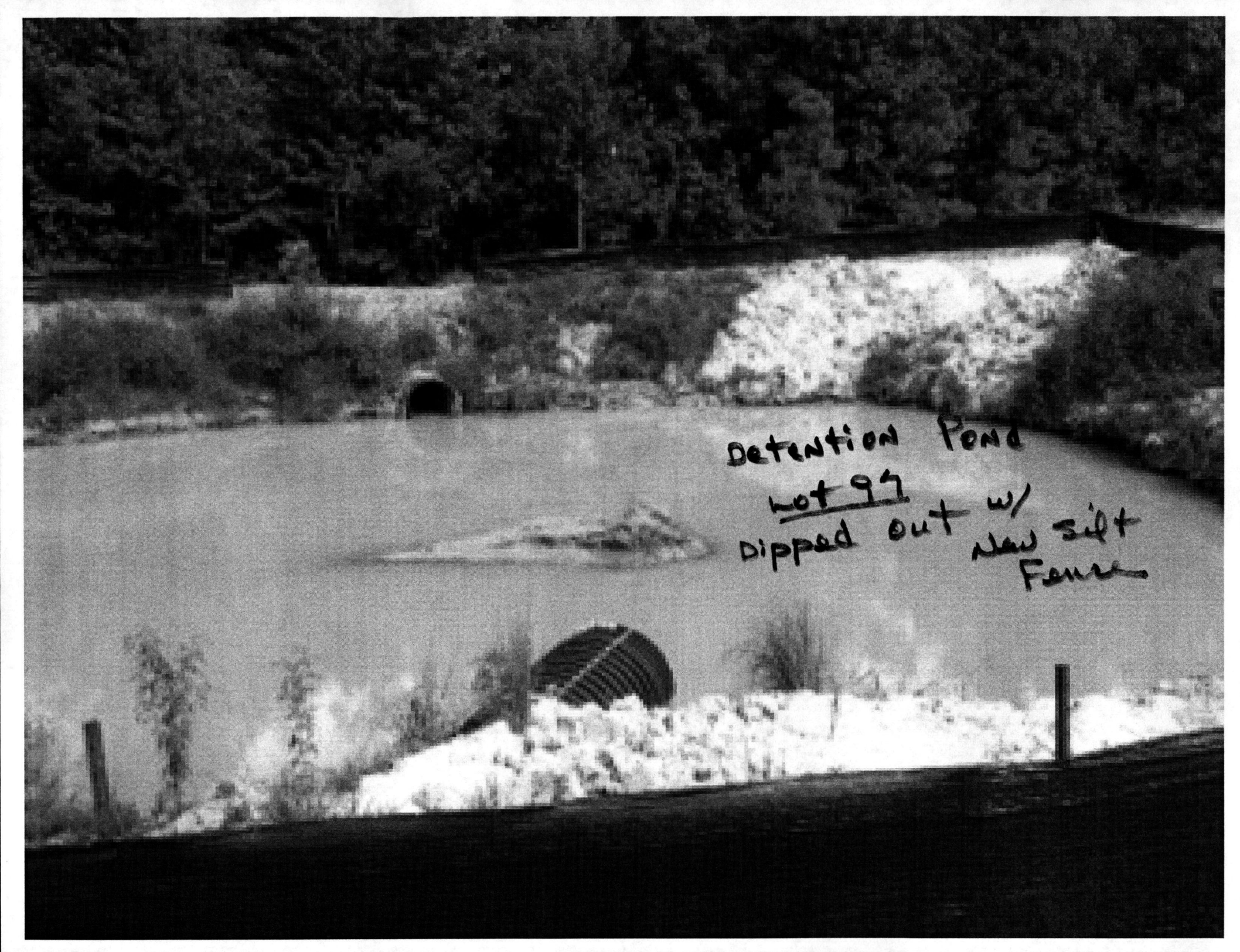
Lot 64
NEW Silt Fence



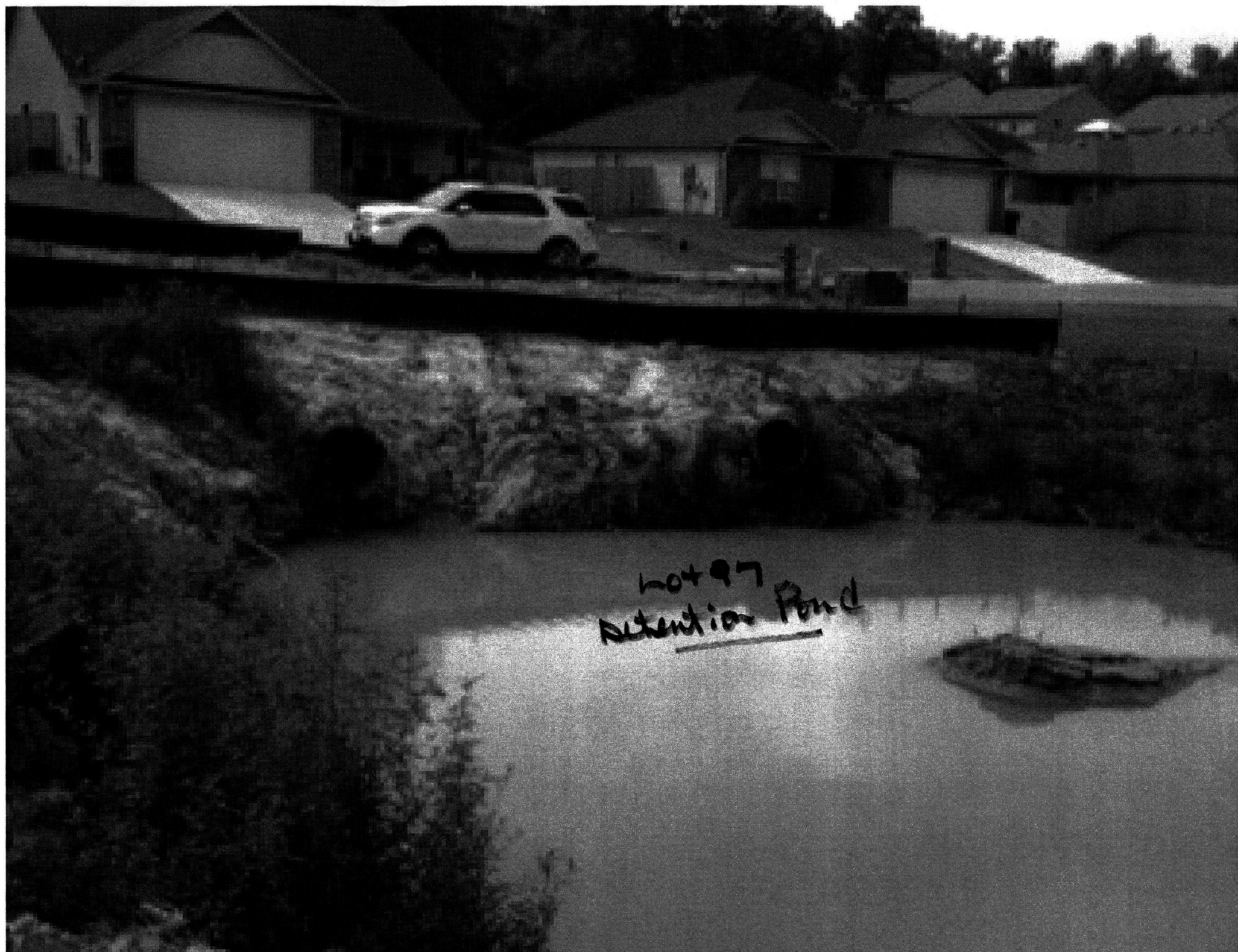
Lot 65

NEW 57+ Fence

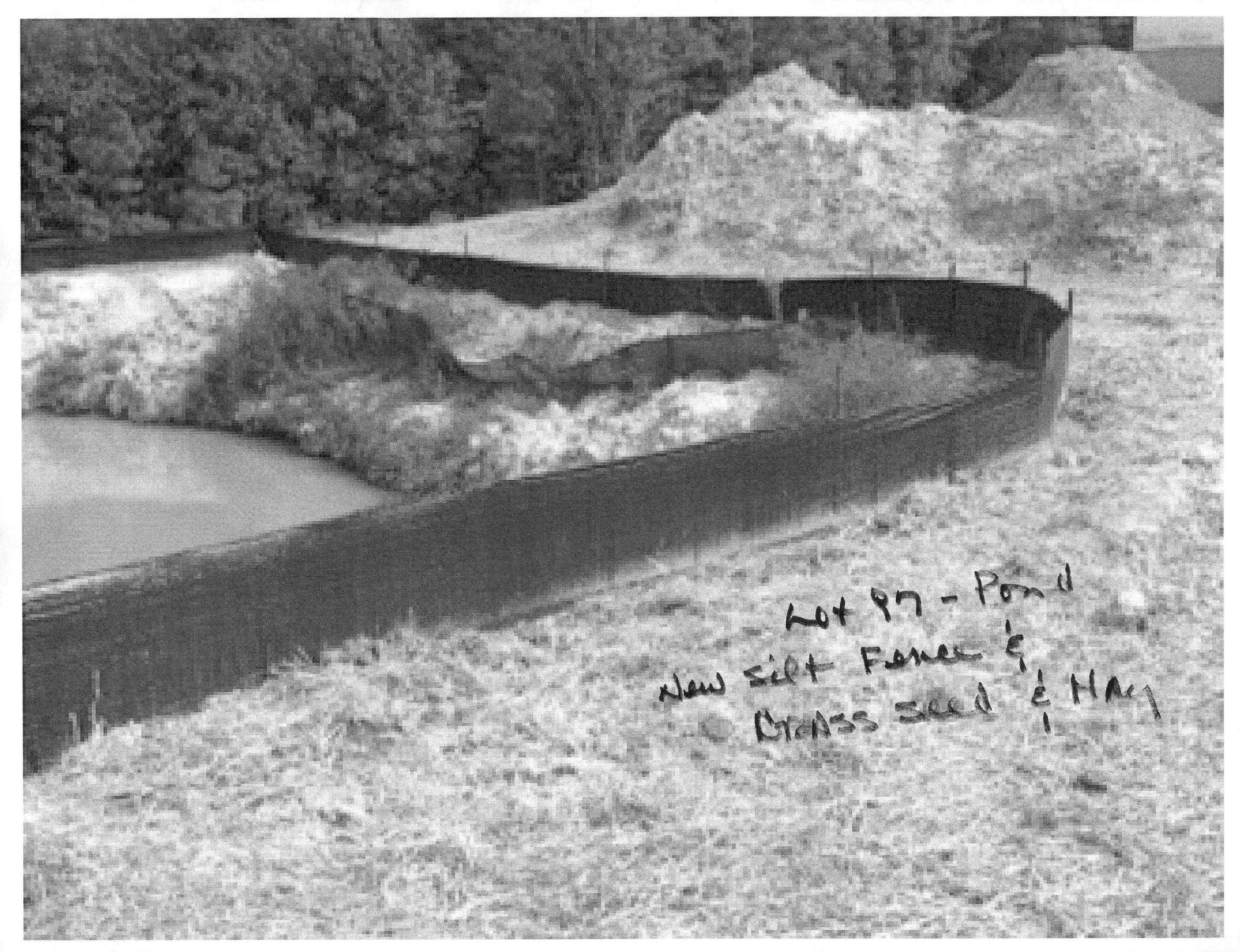
Construction materials removed



Detention Pond
lot 97
Dipped out w/
New silt
Fence



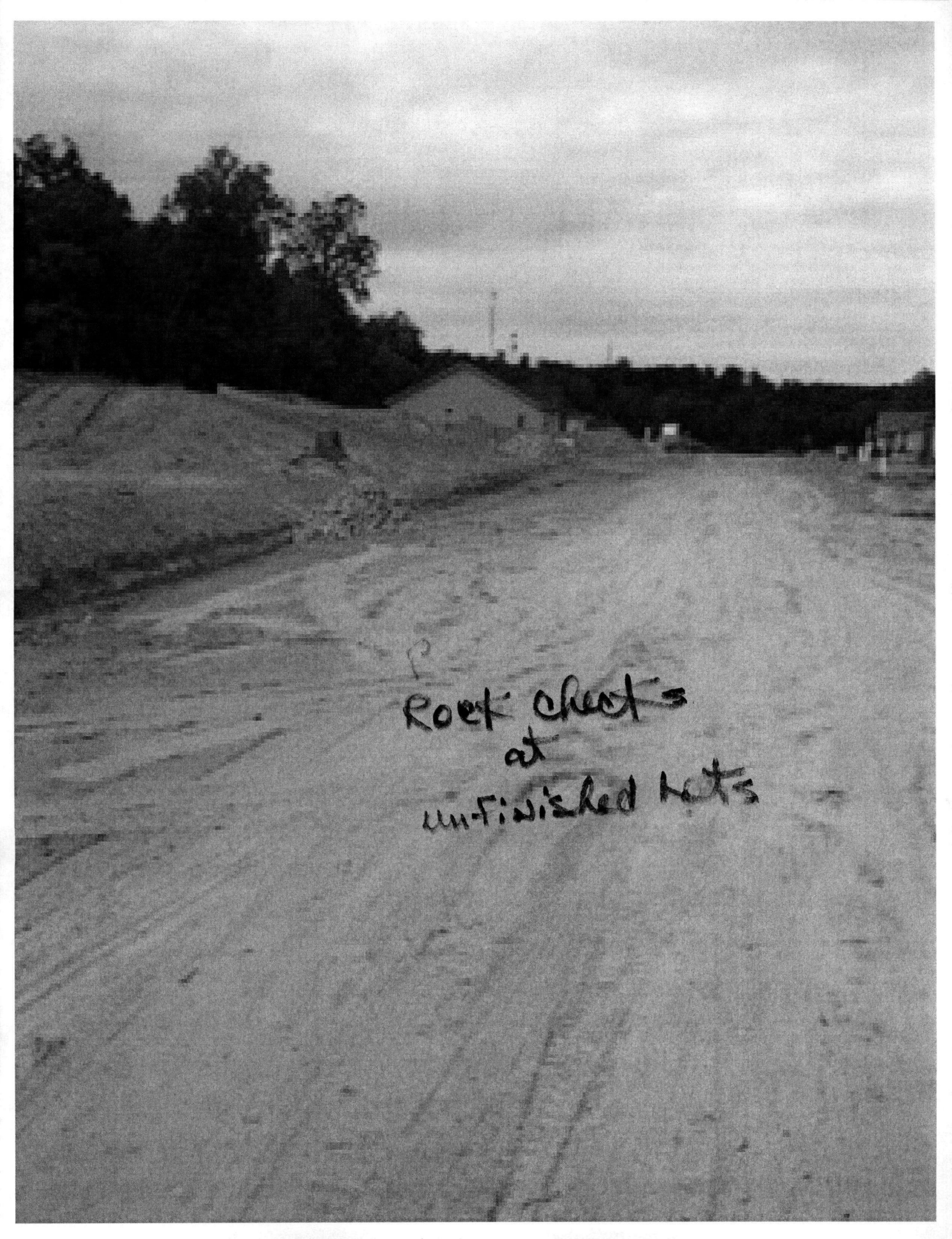
Lot 97
Retention Pond



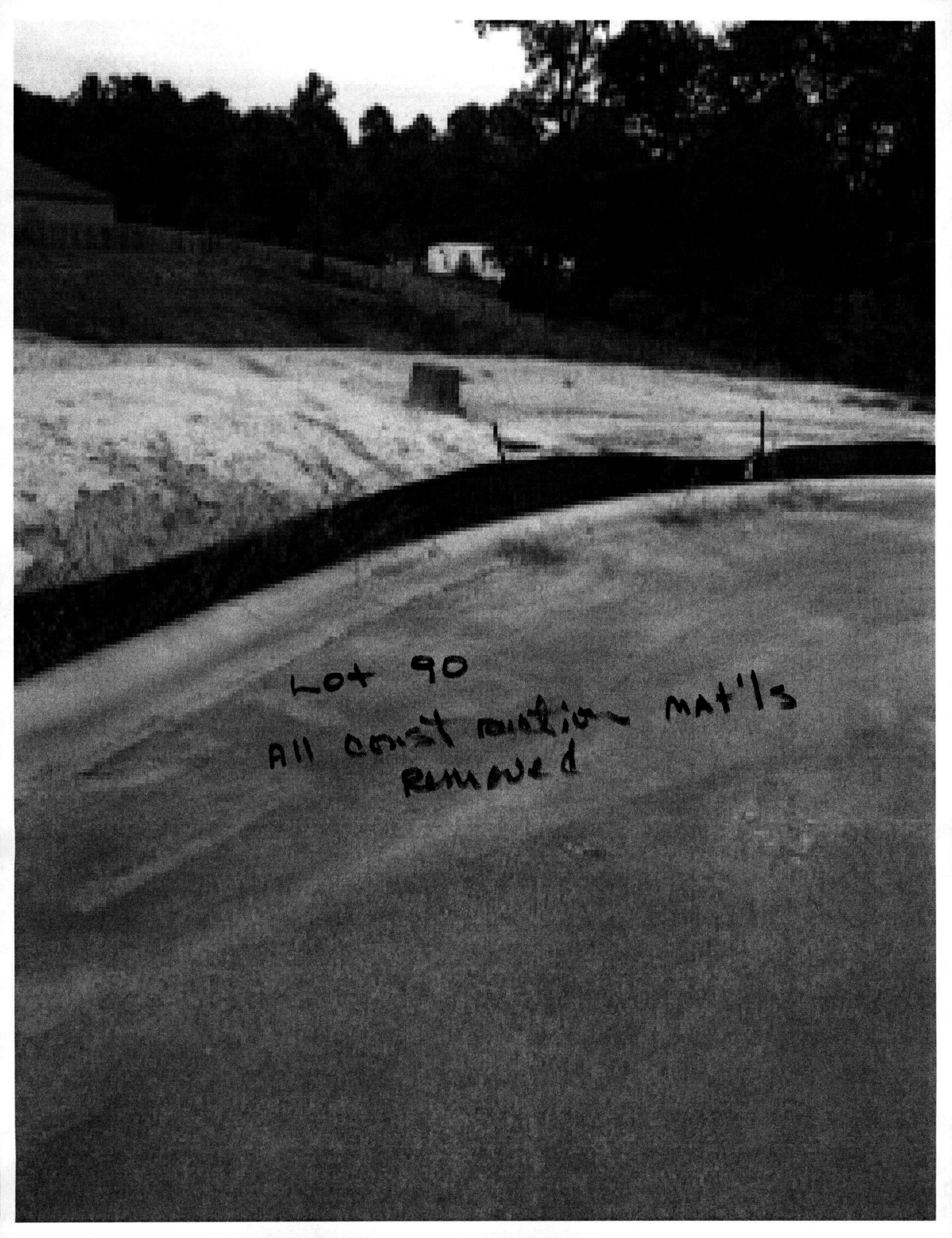
Lot 97 - Pond
New Silt Fence &
Grass Seed & Hay

Exit of lot 97
New Silt fence
and Additional
RCE






Rock checks
at
unfinished lots



Lot 90
All construction mat'ls
removed

A black and white photograph of a detention pond. The pond is in the middle ground, surrounded by grassy areas. In the background, there is a dense forest of tall trees. The image has a grainy, high-contrast appearance.

Detention Pond
LOT 110



Pond
Lot 110



September 8, 2015

Greg Holman
Boto AR Properties, LLC
17901 Chenal Parkway
Little Rock, AR 72223

RE: Valley Ridge Subdivision Inspection
AFIN: 63-00820 Permit No.: ARR151435

Dear Mr. Holman:

The Department is in receipt of correspondence dated August 25, 2015 pertaining to the July 9, 2015 inspection of the above referenced facility. The information provided sufficiently addresses the violations referenced in the 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 501-682-0658 or you may e-mail me at naus@adeq.state.ar.us.

Sincerely,

Chris Naus
District 9 Field Inspector
Water Division