

ADEQ

ARKANSAS
Department of Environmental Quality

February 3, 2017

Greg Holman, Reg. Agents
BOTO- AR Properties, LLC
17901 Chenal Parkway
Little Rock , AR 72223

RE: Emerald Mountain Inspection
AFIN: 63-00820 Permit No.: ARR151435

Dear Mr. Holman:

On January 23, 2017, 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 case has been referred directly to the Water Division Enforcement Branch for further review. BOTO-AR Properties, LLC should immediately initiate all actions necessary to resolve and correct the alleged violations cited in the inspection report. Written notification of the corrective actions taken for the alleged violations must be submitted immediately upon receipt of this letter to the attention of Richard Healey, Water Division Enforcement Branch Manager, at (501) 682-0649 or healeyr@adeq.state.ar.us. This written notification should include; but not limited to, photographs and/or copies of other documentation.

Sincerely,



Keith Waters
District 9 Field Inspector
Office of Water Quality

CC: Richard Healey, ADEQ Water Enforcement Coordinator, healeyr@adeq.state.ar.us
Jackie Trotta, ADEQ Water Enforcement Analyst, trotta@adeq.state.ar.us



ARKANSAS
Department of Environmental Quality

WATER DIVISION INSPECTION REPORT

AFIN: 63-00820	PERMIT #: ARR151435	DATE: 1/23/2017
COUNTY: 63 Saline	PDS #: 095114	MEDIA: WN
GPS LAT: 34.611232 LONG: -92.436733 LOCATION: General Area		

FACILITY INFORMATION	INSPECTION INFORMATION
NAME: Emerald Mountain LOCATION: Valley Ridge Drive CITY: Alexander, AR	FACILITY TYPE: 1 - Municipal INSPECTOR ID#: 97072 S - State FACILITY EVALUATION RATING: 1 - Unsatisfactory INSPECTION TYPE: Construction Stormwater
	DATE(S): 1/23/2017 ENTRY TIME: 13:00 EXIT TIME: 13:40 PERMIT EFFECTIVE DATE: 5/18/2010 PERMIT EXPIRATION DATE: 10/31/2021
RESPONSIBLE OFFICIAL	
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	FAYETTEVILLE SHALE RELATED: N FAYETTEVILLE SHALE VIOLATIONS: N
CONTACTED DURING INSPECTION: No	INSPECTION PARTICIPANTS
	NAME/TITLE/PHONE/FAX/EMAIL/ETC.: Keith Waters/ ADEQ Water Inspector/ 501-683-6629

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	N	SELF-MONITORING PROGRAM
N	SAMPLING	N	SLUDGE HANDLING/DISPOSAL	N	PRETREATMENT
N	OTHER:				

SUMMARY OF FINDINGS
<ol style="list-style-type: none"> 1. The SWPPP was not in SWPPP box on site in violation of Part II, Section A.3 of the permit. 2. The site map has not been updated to show the current locations of stormwater controls in violation of Part II, Section A.4.F of your permit. 3. Inspection reports show signs of BMPs in need of maintenance with a time line to be corrected in 3 business days, but they are still in need of maintenance. This is in violation of Part II, A.4.M of your permit (see photos 13 and 14). 4. Silt fences, Check dams, and velocity dissipation devices are not properly installed or maintained as required by Part I, Section B.12.A and Part II, Section B.17.A of your permit (see photos 1-5 and 9-12). 5. Sedimentation basins are not properly maintained as required by Part II Section A.4.G.1.e and Part II Section B.17.A of your permit (see photos 6-8).

GENERAL COMMENTS

INSPECTOR'S SIGNATURE: <i>Keith Waters</i> Keith Waters	DATE: 1/25/2017
SUPERVISOR'S SIGNATURE: <i>Clark Baker</i> Clark Baker	DATE: 2/2/2017

SECTION I: SITE POSTING AND SITE INFORMATION	
SITE NAME: Emerald Mountain TOTAL ACREAGE: 668 acres ACREAGE DISTURBED: 668 acres	
LATITUDE: 34.611232	LONGITUDE: -92.436733 STARTING DATE: 12/14/2005
1. Is site posted with Notice of Coverage (NOC)? <i>(Part II, A.2.D)</i>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
2. Is posting at construction entrance and visible to the public? <i>(Part II, A.2.D)</i>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3. If project is linear, is posting at area actively under construction? <i>(Part I, B.8.C)</i>	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
4. If project is part of larger common plan of development, what is development name and permit number? Development Name: _____ Development Permit No: _____	
SECTION II: STORMWATER POLLUTION PREVENTION PLAN EVALUATION AND IMPLEMENTATION	
A. Is the SWPPP being maintained onsite from 08:00 am to 5:00 pm? <i>(Part II, A.2.A)</i>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
B. Is the SWPPP properly signed as required by Part II, A.2.A of the permit?	Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
C. Is the SWPPP being updated as required by Part II, A.3 of the permit?	Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
D. Site Map in SWPPP <i>(Part II, A.4.F)</i>	
1) Pre-construction topographic view <i>(Part II, A.4.F.1);</i>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input checked="" type="checkbox"/> NE
2) Direction of stormwater flow (i.e., use arrows to show which direction stormwater will flow) and approximate slopes anticipated after major grading activities <i>(Part II, A.4.F.2);</i>	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input checked="" type="checkbox"/> NE
3) Delineate on the site map areas of soil disturbance and areas that will not be disturbed under the coverage of this permit <i>(Part II, A.4.F.3)</i>	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input checked="" type="checkbox"/> NE
4) Location of major structural and nonstructural controls identified in the plan <i>(Part II, A.4.F.4)</i>	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input checked="" type="checkbox"/> NE
5) Location of main construction entrance and exit <i>(Part II, A.4.F.5)</i>	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input checked="" type="checkbox"/> NE
6) Location where stabilization practices are expected to occur <i>(Part II, A.4.F.6)</i>	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input checked="" type="checkbox"/> NE
7) Locations of off-site materials, waste, borrow area, or equipment storage area <i>(Part II, A.4.F.7)</i>	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input checked="" type="checkbox"/> NE
8) Location of areas used for concrete washout <i>(Part II, A.4.F.8)</i>	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input checked="" type="checkbox"/> NE
9) Location of all surface waterbodies (including wetlands) <i>(Part II, A.4.F.9)</i>	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input checked="" type="checkbox"/> NE
10) Locations where stormwater is discharged to a surface water and/or municipal separate storm sewer system if applicable <i>(Part II, A.4.F.10)</i>	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input checked="" type="checkbox"/> NE
11) Locations where stormwater is discharged offsite (should be continuously updated) <i>(Part II, A.4.F.11)</i>	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input checked="" type="checkbox"/> NE
12) Areas where final stabilization has been accomplished and no further construction phase permit requirements apply <i>(Part II, A.4.F.12)</i>	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input checked="" type="checkbox"/> NE
E. Stormwater Controls	
1) Are all controls installed as described in the SWPPP? <i>(Part II, A.4.G)</i>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
2) Silt fences properly installed and maintained? <i>(Part II, B.17.A)</i>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3) Check dams and velocity dissipation devices properly installed and maintained? <i>(Part II, B.17.A)</i>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
4) Sedimentation basins and sediment traps properly installed and maintained (sediment removed when 50% capacity)? <i>(Part II, B.17.A)</i> and <i>(Part II, A.4.G.1.e)</i>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
5) Has sediment that has gotten offsite been removed? <i>(Part II, A.4.G.1.d)</i>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
6) Is construction site entrance sufficiently stabilized to prevent offsite tracking? <i>(Part II, A.4.H.2)</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
7) Are stabilization methods described in SWPPP being implemented in a timely manner? <i>(Part II, A.4.G.2)</i>	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input checked="" type="checkbox"/> NE

F. Inspections	
1) Inspection Frequency in SWPPP – <input type="checkbox"/> Once every 7 days <input checked="" type="checkbox"/> 14 days and after ½ inch rain event	
1a) If inspection frequency is every 14 days, do they have a rain gauge onsite? (Part II, A.4.L.1.b)	<input checked="" type="checkbox"/> Y <input 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 checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
2) Are inspection records being maintained onsite? (Part II, A.4.L.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.L.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.L.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.L.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.L.2.c)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3d) Approximate beginning and duration of the storm event (Part II, A.4.L.2.d)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3e) Description of any discharges during inspection (Part II, A.4.L.2.e)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3f) Locations of discharges of sediment/other pollutants (Part II, A.4.L.2.f)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3g) Locations of BMPs in need of maintenance or where maintenance was performed (Part II, A.4.L.2.g)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3h) If the BMPs are in working order and if maintenance is required (when scheduled and completed) (Part II, A.4.L.2.h)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3i) Locations that are in need of additional controls (Part II, A.4.L.2.i)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3j) Location and Dates When Major Construction Activities Begin, Occur, or Cease (Part II, A.4.L.2.j)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3k) Report Signature of Inspector (Part II, A.4.L.2.k)	<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.L)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
5) Are corrective actions being implemented within 3 business days? (Part II, A.4.M)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
G. Stormwater management	
1) Is solid waste being controlled as described in SWPPP? (Part II, A.4.H.1)	<input checked="" type="checkbox"/> Y <input 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.G.2.b)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input checked="" 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.G.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 checked="" type="checkbox"/> Y <input 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 checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
If yes, give the name of the stream or waterbody: <u>Unnamed tributary to Otter Creek</u>	
6) Is the washout of concrete being done at the designated location? (Part II, A.4.F.8)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
7) Does the liquid waste from concrete washout reach the waters of the State? (Part II, A.4.H.5)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
8) Are fuel storage areas protected as described by SWPPP? (Part II, A.4.H.6)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
9) Have temporary erosion controls been removed from areas finally stabilized? (Part II, A.4.G)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" 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.I)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input 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 checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
12) Does the SWPPP include the required information about employee training (dates of training, records of training, etc.)? (Part II, A.4.N)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE

Water Division Photographic Evidence Sheet

Location:	Emerald Mountain		
Photographer:	Keith Waters	Date:	1/23/2017
Witness:	N/A	Time:	N/A
		Photo #:	1
Description:	Silt fence at the edge of lot 53 is loaded with accumulated sediment and in need of maintenance.		



Photographer:	Keith Waters	Date:	1/23/2017
Witness:	N/A	Time:	N/A
		Photo #:	2
Description:	Erosion gullies behind lots 52 and 53 have not had any corrective actions since my previous inspections.		



Water Division Photographic Evidence Sheet			
Location:	Emerald Mountain		
Photographer:	Keith Waters	Date:	1/23/2017
Witness:	N/A	Time:	N/A
		Photo #:	3
Description:	Erosion gullies behind lots 52 and 53 have not had any corrective actions since my previous inspections.		



Photographer:	Keith Waters	Date:	1/23/2017
Witness:	N/A	Time:	N/A
		Photo #:	4
Description:	Erosion gullies behind lots 52 and 53 have not had any corrective actions since my previous inspections.		



Water Division Photographic Evidence Sheet			
Location:	Emerald Mountain		
Photographer:	Keith Waters	Date:	1/23/2017
Witness:	N/A	Time:	N/A
		Photo #:	5
Description:	Erosion gullies behind lots 52 and 53 have not had any corrective actions since my previous inspections.		



Photographer:	Keith Waters	Date:	1/23/2017
Witness:	N/A	Time:	N/A
		Photo #:	6
Description:	The sediment basin between lots 33 and 89 is still in need of maintenance.		



Water Division Photographic Evidence Sheet

Location:	Emerald Mountain		
Photographer:	Keith Waters	Date:	1/23/2017
Witness:	N/A	Time:	N/A
		Photo #:	7
Description:	The sediment basin between lots 96 and 97 is still in need of maintenance		



Photographer:	Keith Waters	Date:	1/23/2017
Witness:	N/A	Time:	N/A
		Photo #:	8
Description:	The sediment basin between lot 109 and 111 is still in need of maintenance		



Water Division Photographic Evidence Sheet

Location:	Emerald Mountain		
Photographer:	Keith Waters	Date:	1/23/2017
Time:			N/A
Witness:	N/A		Photo #:
			9
Description:	Sock filter BMP is in need of maintenance		



Photographer:	Keith Waters	Date:	1/23/2017
Time:			N/A
Witness:	N/A		Photo #:
			10
Description:	Sock filter BMP is in need of maintenance		



Water Division Photographic Evidence Sheet

Location:	Emerald Mountain		
Photographer:	Keith Waters	Date:	1/23/2017
Witness:	N/A	Time:	N/A
		Photo #:	11
Description:	Drainage ditch and rock check dam west of lot 86 full of sediment and in need of maintenance		



Photographer:	Keith Waters	Date:	1/23/2017
Witness:	N/A	Time:	N/A
		Photo #:	12
Description:	Drainage ditch and rock check dam west of lot 86 full of sediment and in need of maintenance		



Water Division Photographic Evidence Sheet

Location:	Emerald Mountain		
Photographer:	Keith Waters	Date:	1/23/2017
Witness:	N/A	Time:	N/A
		Photo #:	13
Description:	Inspection with locations of BMPs in need of maintenance and installation, which have not been completed in 3 business days		



Photographer:	Keith Waters	Date:	1/23/2017
Witness:	N/A	Time:	N/A
		Photo #:	14
Description:	Inspection with locations of BMPs in need of maintenance and installation, which have not been completed in 3 business days		

