



ARKANSAS
Department of Environmental Quality

CERTIFIED MAIL: 9489 0090 0027 6022 2427 07

October 25, 2017

Pat Sanders, Property Owner
Route 1 Box 238
Western Grove, AR 72685

RE: Reconnaissance Inspection (Newton County)
AFIN: 51-00000 NPDES Permit No.:

Dear Mr. Sanders:

On August 17 and October 4, 2017, I performed a Reconnaissance Inspection at your farm 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 this report and provide a written response for each violation noted. This case has been referred directly to the Enforcement Branch of the Office of Water Quality for further review. Please immediately initiate all actions necessary to resolve and correct the violations cited.

If you have any questions please contact Richard Healey, Enforcement Branch Manager, at 501-682-0649 or healeyr@adeq.state.ar.us.

Sincerely,

A handwritten signature in blue ink, reading "Garrett Grimes".

Garrett Grimes
District 1 Field Inspector
Office of Water Quality

CC: Stacie Wassell, Attorney, ADEQ Legal Division
Richard Healey, Enforcement Branch Manager, Office of Water Quality



ARKANSAS
Department of Environmental Quality

OFFICE OF WATER QUALITY INSPECTION REPORT

AFIN: 51-00000

PERMIT #:

DATE: 8/17/2017

COUNTY: 51 Newton

PDS #: 099746

MEDIA: W

GPS LAT: 36.10192 LONG: -93.01016 LOCATION: General Area

FACILITY INFORMATION

NAME:

Pat Sanders

LOCATION:

Pat Sanders Farm, Newton County Rd 50

CITY:

Western Grove, AR

RESPONSIBLE OFFICIAL

NAME: / TITLE

Pat Sanders / Property Owner

COMPANY:

MAILING ADDRESS:

Route 1 Box 238

CITY, STATE, ZIP:

Western Grove AR 72685

PHONE & EXT: / FAX:

870.577.0478 /

EMAIL:

CONTACTED DURING INSPECTION: Yes

INSPECTION INFORMATION

FACILITY TYPE:

INSPECTOR ID#:

104111 S - State

FACILITY EVALUATION RATING:

INSPECTION TYPE:

Reconnaissance

DATE(S):

8/17/2017

ENTRY TIME:

11:14

EXIT TIME:

12:30

PERMIT EFFECTIVE DATE:

10/04/2017

16:40

16:50

PERMIT EXPIRATION DATE:

FAYETTEVILLE SHALE RELATED: N

FAYETTEVILLE SHALE VIOLATIONS: N

INSPECTION PARTICIPANTS

NAME/TITLE/PHONE/FAX/EMAIL/ETC.:

Pat Sanders/ Property Owner/ 870.577.0478

Garrett Grimes/ District 1 Inspector/ ADEQ

AREA EVALUATIONS

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

**	PERMIT	**	FLOW MEASUREMENT	**	STORMWATER
**	RECORDS/REPORTS	**	LABORATORY	**	FACILITY SITE REVIEW
**	OPERATION & MAINTENANCE	**	EFFLUENT/RECEIVING WATER	**	SELF-MONITORING PROGRAM
**	SAMPLING	**	SLUDGE HANDLING/DISPOSAL	**	PRETREATMENT
**	OTHER:				

SUMMARY OF FINDINGS

ADEQ arrived on-site on August 17, 2017. Upon arrival swine were observed on the County Road 50 and throughout the property (Photos #1 - #3). Water was observed flowing across the property, onto County Road 50, and south towards Cedar Creek (Photos #4 - #9, Figure 1). Water accumulated on the property was observed running off through an area where swine as well as piles of animal waste were located (Photos #2 #10 & #11).

I met with Mr. Pat Sanders, Property Owner, during the inspection. According to Mr. Sanders the property was previously used for approximately 11 years for raising turkeys, but switched to raising swine in August, 2015. Mr. Sanders stated he was having difficulty selling the swine on the farm due to disease and slow growth. Mr. Sanders explained that he had approximately 440 sows, 700 - 800 piglets, 1000 market sized swine, and 1000 feeder sized swine; and, that he did not have enough room in the barns to house all the swine so he allowed them to roam the property and surrounding area.

Mr. Sanders stated that he had a Nutrient Management Plan (NMP) through the Arkansas Natural Resource Commission (ANRC). However, ANRC confirmed the NMP was for the previous turkey operation. According to Mr. Sanders, he had been pushing waste out of the barns onto the surrounding ground because there was not enough room in the barns and verified that the previous observations were of animal waste. Mr. Sanders also stated that there was approximately three feet of manure piled in one of the barns (Photo #12).



I returned to the property on October 4, 2017. Swine were still observed throughout the property and animal waste was still present, but no water was observed running off the property at the time of the inspection (Photos #13 - #15).



Due to the runoff and inability to manage waste generated from your operation, you may be 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 placed any sewage, industrial waste, or other wastes in a location where it is likely to cause pollution of any waters of this state."



You are in violation of Arkansas Water and Air Pollution Control Act § 8-4-217(b)(1)(c) which states, "It shall be unlawful for any person to construct, install, or operate any building, plant, works, establishment, or facility, or any extension or modification thereof, or addition thereto, the operation of which would result in discharge of any wastes into the waters of this state or would otherwise alter the physical, chemical, or biological properties of any waters of this state in any manner not already lawfully authorized." Furthermore, it has been determined that your operation is within the Buffalo National River Watershed. Per Arkansas Pollution Control and Ecology Commission Regulation 5 (Section 5.901) and Regulation 6 (Section 6.602), the Director shall not issue a permit pursuant to either regulation for a Confined Animal Feeding Operation in the Buffalo National River Watershed with: (1) 750 or more swine weighing 55 pounds or more; or, (2) 3,000 or more swine weighing less than 55 pounds.

GENERAL COMMENTS

INSPECTOR'S SIGNATURE: 	Garrett Grimes	DATE: 10/24/2017
SUPERVISOR'S SIGNATURE: 	Jason Bolenbaugh	DATE: 10/24/2017

Office of Water Quality Photographic Evidence Sheet				
Location:	Pat Sanders Farm			
Photographer:	Garrett Grimes, District 1 Inspector	Date:	08/17/2017	Time: 11:18
Witness:				Photo #: 1
Description:	Swine on property.			
				
Photographer:	Garrett Grimes, District 1 Inspector	Date:	08/17/2017	Time: 11:19
Witness:				Photo #: 2
Description:	Swine on the property. Animal waste is in the pen.			
				

Office of Water Quality Photographic Evidence Sheet																							
Location:	Pat Sanders Farm																						
Photographer:	Garrett Grimes, District 1 Inspector	Date:	08/17/2017	Time:	11:20																		
Witness:				Photo #:	3																		
Description:	Swine in the woods off the property on the south side of County Road 50 and in the Buffalo National River Watershed.																						
																							
<table border="1"> <tr> <td>Photographer:</td> <td>Garrett Grimes, District 1 Inspector</td> <td>Date:</td> <td>08/17/2017</td> <td>Time:</td> <td>11:20</td> </tr> <tr> <td>Witness:</td> <td></td> <td></td> <td></td> <td>Photo #:</td> <td>4</td> </tr> <tr> <td>Description:</td> <td colspan="5">Water running off the property onto County Road 50 looking north (location 1, Figure 5).</td> </tr> </table>						Photographer:	Garrett Grimes, District 1 Inspector	Date:	08/17/2017	Time:	11:20	Witness:				Photo #:	4	Description:	Water running off the property onto County Road 50 looking north (location 1, Figure 5).				
Photographer:	Garrett Grimes, District 1 Inspector	Date:	08/17/2017	Time:	11:20																		
Witness:				Photo #:	4																		
Description:	Water running off the property onto County Road 50 looking north (location 1, Figure 5).																						
																							

Office of Water Quality Photographic Evidence Sheet					
Location:	Pat Sanders Farm				
Photographer:	Garrett Grimes, District 1 Inspector	Date:	08/17/2017	Time:	11:20
Witness:				Photo #:	5
Description:	Water running off the property onto County Road 50 looking west (location 1, Figure 5).				
 <p>A photograph showing a dirt road with a large, muddy runoff of water flowing down its center. The road is flanked by green vegetation and trees. In the background, there are hills under a cloudy sky. An orange timestamp '08.17.2017 11:20' is visible on the left side of the image.</p>					
Photographer:	Garrett Grimes, District 1 Inspector	Date:	08/17/2017	Time:	11:23
Witness:				Photo #:	6
Description:	Water running off the property onto County Road 50 looking north (location 2, Figure 5).				
 <p>A photograph taken from inside a vehicle, looking out at a field. A wire fence is in the foreground, and a muddy runoff of water is visible in the middle ground. The background shows a line of trees and hills under a cloudy sky. An orange timestamp '08.17.2017 11:23' is visible in the bottom right corner of the image.</p>					

Office of Water Quality Photographic Evidence Sheet			
Location:	Pat Sanders Farm		
Photographer:	Garrett Grimes, District 1 Inspector	Date:	08/17/2017
Witness:		Time:	11:22
		Photo #:	7
Description:	Water running off the property onto County Road 50 looking west (location 2, Figure 5).		



Photographer:	Garrett Grimes, District 1 Inspector	Date:	08/17/2017
Witness:		Time:	11:24
		Photo #:	8
Description:	Water running off the property onto County Road 50 looking north (location 3, Figure 5).		



Office of Water Quality Photographic Evidence Sheet					
Location:	Pat Sanders Farm				
Photographer:	Garrett Grimes, District 1 Inspector	Date:	08/17/2017	Time:	11:24
Witness:				Photo #:	9
Description:	Water running off the property onto the County Road 50 looking west (location 3, Figure 5).				
					
Photographer:	Garrett Grimes, District 1 Inspector	Date:	08/17/2017	Time:	11:24
Witness:				Photo #:	10
Description:	Water flowing through the property. Darker ground is animal waste.				
					

Office of Water Quality Photographic Evidence Sheet			
Location:	Pat Sanders Farm		
Photographer:	Garrett Grimes, District 1 Inspector	Date:	08/17/2017
Witness:	Pat Sanders, Property Owner	Time:	11:57
		Photo #:	11
Description:	Continued from Photo #10. Water pooling on property in front of and between barns.		



Photographer:	Garrett Grimes, District 1 Inspector	Date:	08/17/2017
Witness:	Pat Sanders, Property Owner	Time:	12:13
		Photo #:	12
Description:	Inside of barn. Mr. Sanders indicated pile of waste inside was ~3 feet in height.		



Office of Water Quality Photographic Evidence Sheet				
Location:	Pat Sanders Farm			
Photographer:	Garrett Grimes, District 1 Inspector	Date:	10/04/2017	Time: 13:48
Witness:			Photo #:	13
Description:	Follow-up photo showing animal waste is still present (1 of 2).			
				
Photographer:	Garrett Grimes, District 1 Inspector	Date:	10/04/2017	Time: 13:48
Witness:			Photo #:	14
Description:	Follow-up photo showing animal waste is still present (2 of 2).			
				


Office of Water Quality Photographic Evidence Sheet					
Location:	Pat Sanders Farm				
Photographer:	Garrett Grimes, District 1 Inspector	Date:	10/04/2017	Time:	13:47
Witness:				Photo #:	15
Description:	Water was not flowing off property during the follow-up.				
					

Figure 1: Aerial view of the farm. The black line shown intersects the farm and is the dividing line for the Buffalo National River Watershed (USGS HUC 11010005) and Bull Shoals Lake Watershed (USGS HUC 11010003). The area to the south of the dividing line is the Buffalo National River Watershed and the area to the north of the dividing line is the Bull Shoals Lake Watershed.

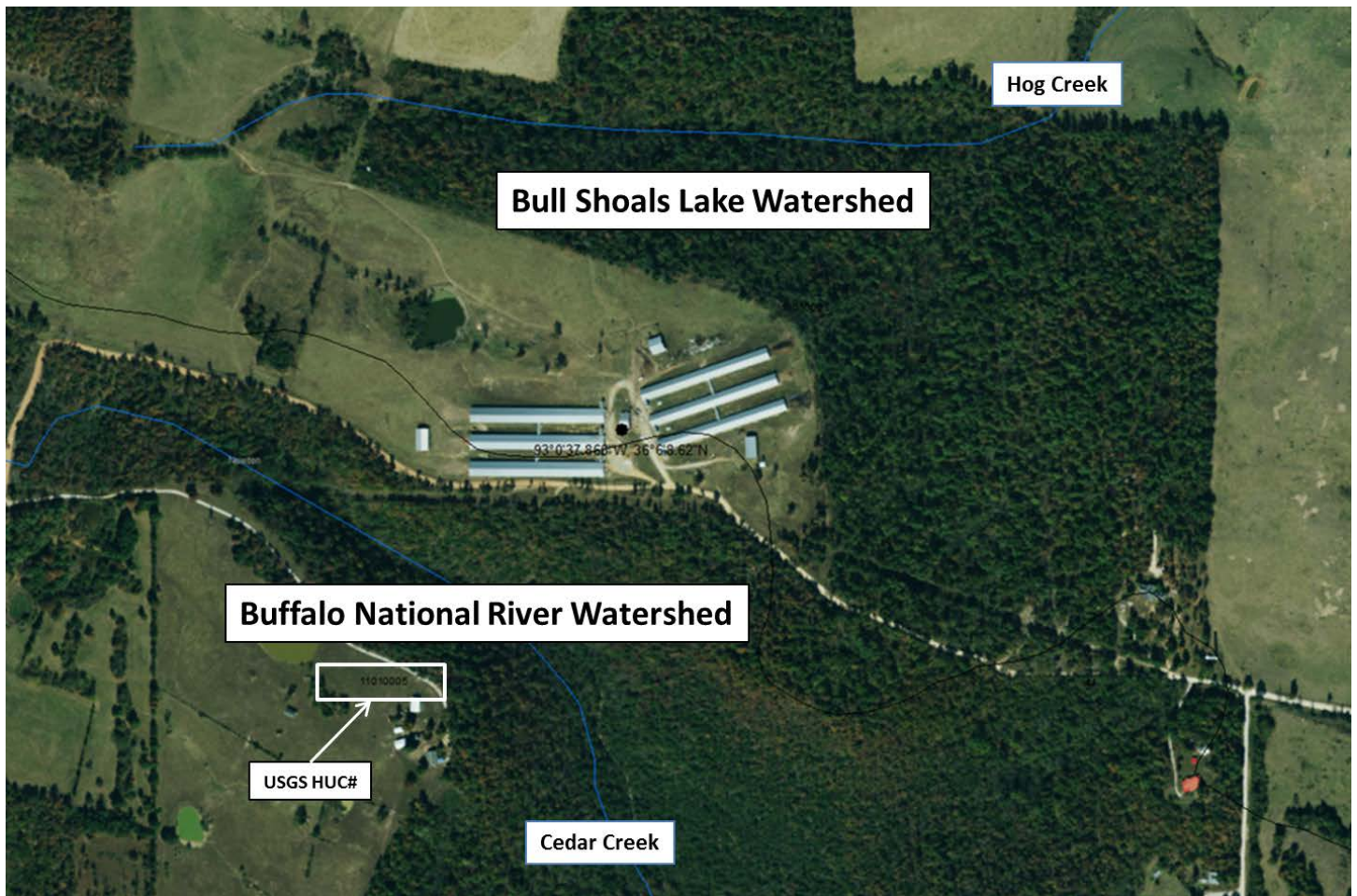


Figure 2: Close-up aerial view of the farm and the watersheds.

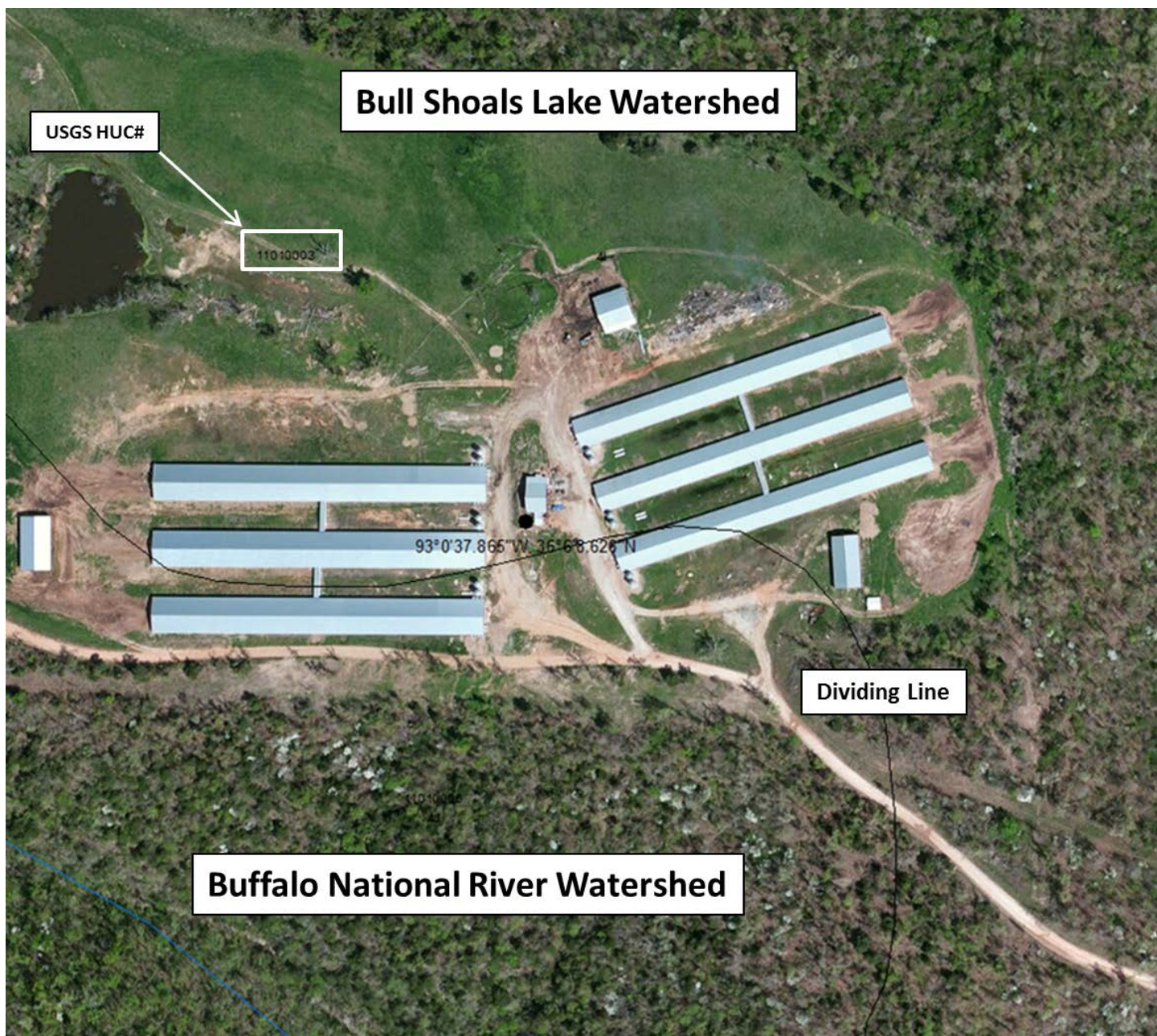


Figure 3: Aerial view of the farm. The red line is the watersheds dividing line and the area highlighted in yellow is the Buffalo National River Watershed.

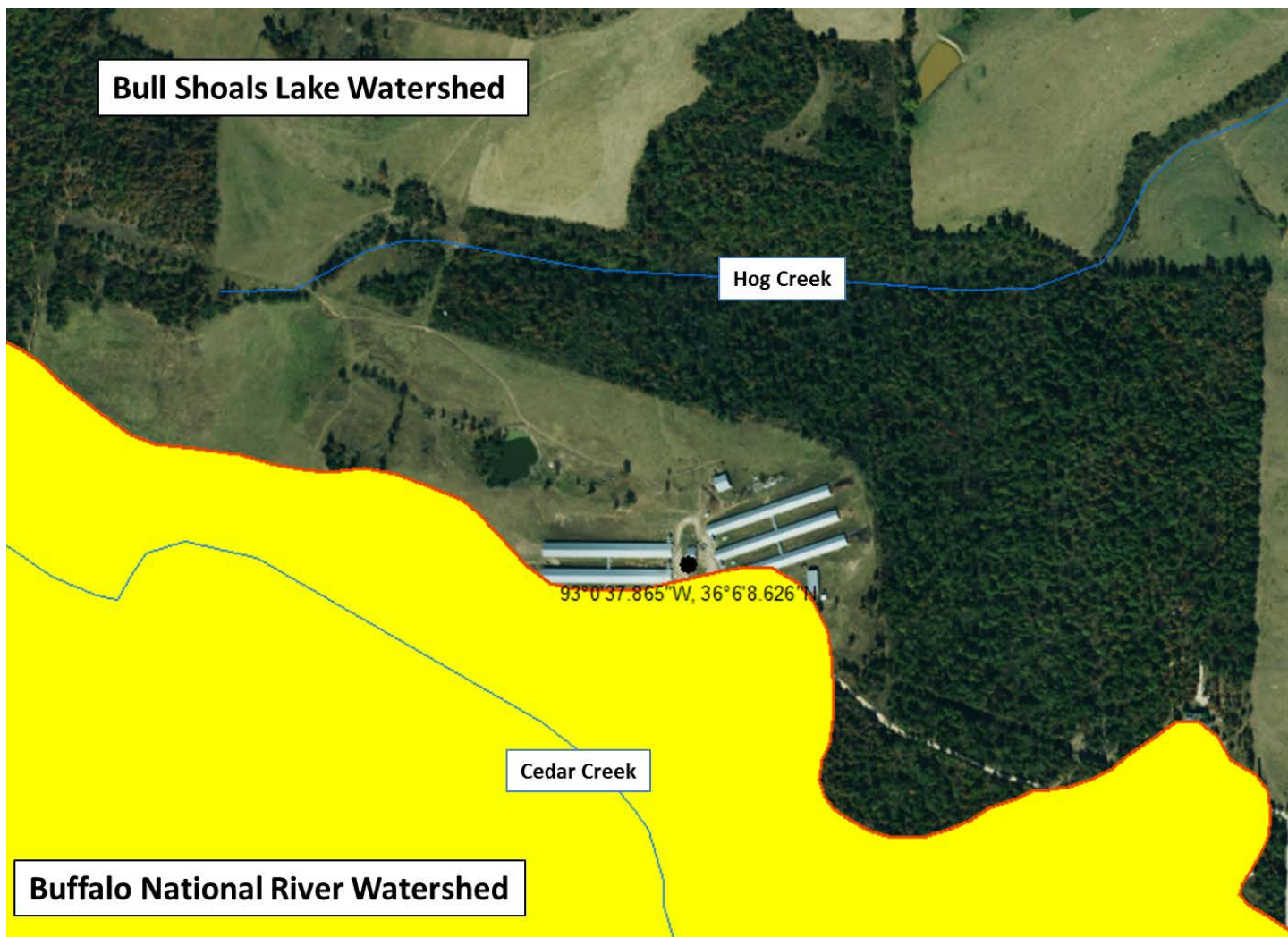


Figure 4: Topographic map showing the location of the farm (black dot and coordinates), elevations, watersheds dividing line, and the Buffalo National River Watershed and Bull Shoals Lake Watershed.

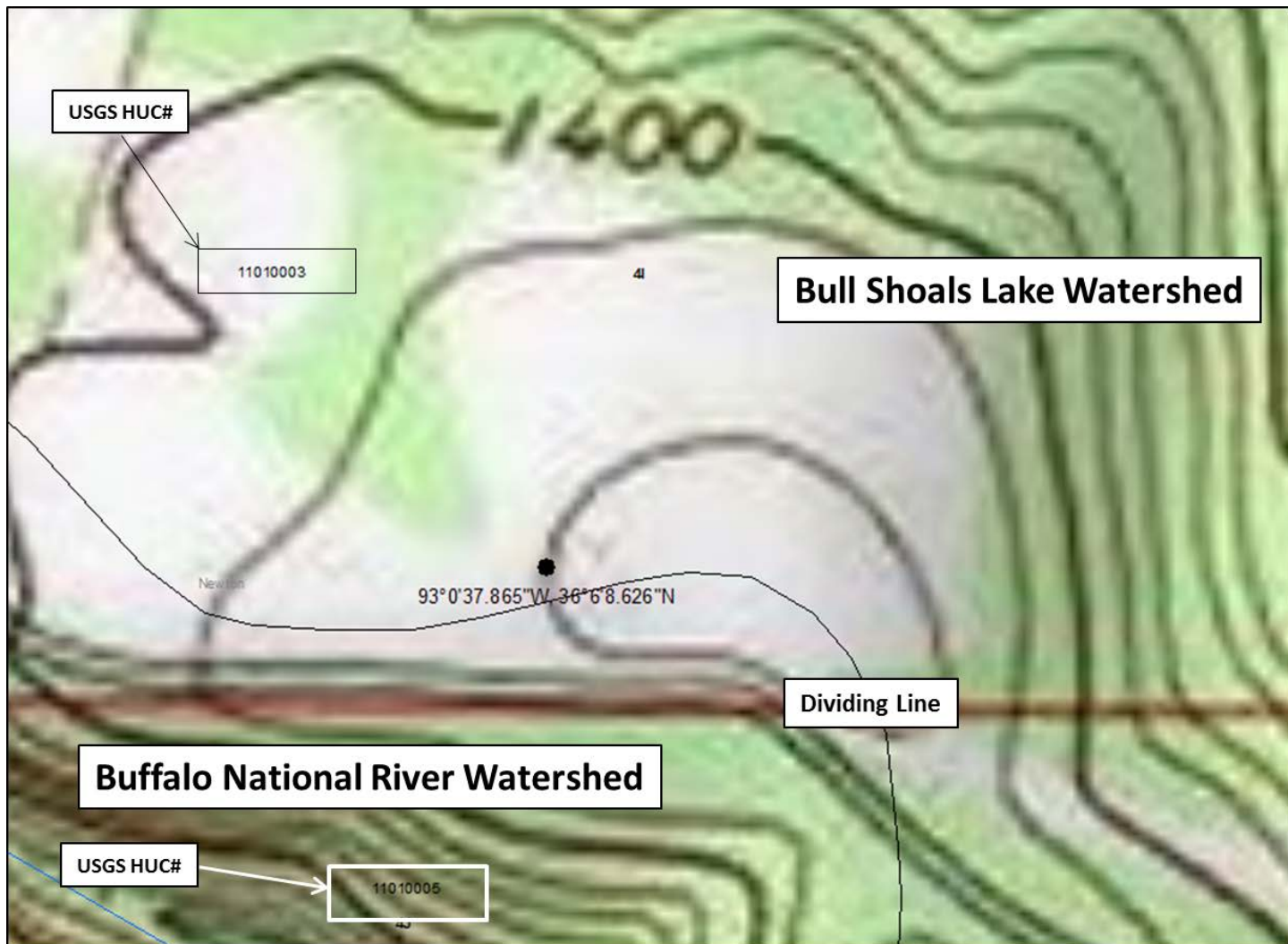


Figure 5: Map showing approximate runoff locations (red dots 1-3) from Photos #4 - #9 onto County Road 50. Area inside of the yellow box outlines pig and animal waste locations in Photos #2 & #10. All runoff observed was flowing towards Cedar Creek (blue line) in the Buffalo National River Watershed.

