



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

Form Approved  
OMB No. 2040-0003  
Approval Expires 7-31-85

## NPDES Compliance Inspection Report

### Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspec. Type	Inspector	Fac Type
1 <input type="text" value="N"/> 2 <input type="text" value="5"/> 3 <input type="text" value="A"/> <input type="text" value="R"/> <input type="text" value="R"/> - - - - - 11 12 <input type="text" value="0"/> <input type="text" value="7"/> <input type="text" value="0"/> <input type="text" value="3"/> <input type="text" value="2"/> <input type="text" value="7"/> 17 18 <input type="text" value="W"/> 19 <input type="text" value="S"/> 20 <input type="text" value="2"/>					
Remarks					
<input type="text" value="u"/> <input type="text" value="n"/> <input type="text" value="p"/> <input type="text" value="e"/> <input type="text" value="r"/> <input type="text" value="m"/> <input type="text" value="i"/> <input type="text" value="t"/> <input type="text" value="t"/> <input type="text" value="e"/> <input type="text" value="d"/>					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 <input type="text"/> <input type="text"/> <input type="text"/> 69	70 <input type="text" value="N"/>	71 <input type="text" value="N"/>	72 <input type="text" value="N"/>	73 <input type="text"/> <input type="text"/> <input type="text"/>	74 75 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> 80

### Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) <b>Don Brick Excavating, Inc.</b> <b>2520 W. Perry Rd.</b> <b>Rogers, Arkansas 72758</b>	Entry Time/Date <b>1405/03-27-07</b>	Permit Effective Date <b>Not permitted</b>
	Exit Time/Date <b>1455/03-27-07</b>	Permit Expiration Date <b>October 31, 2008</b>
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) <b>Jerry Thomas, 479-636-0481</b>		Other Facility Data
Name, Address of Responsible Official/Title/Phone and Fax Number <b>Don Brick, 2520 W. Perry Rd., Rogers, AR 72758/Owner/(479)636-4655; (479)619-9855</b>		Entrance Location: <b>36 18' 05.57"</b> <b>-94 09' 21.64"</b>
Contacted Yes <input type="text"/> No <input checked="" type="text"/>		

### Section C: Areas Evaluated During Inspection

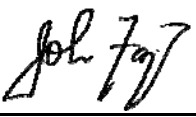
(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

<input type="text" value="N"/> Permit	<input type="text" value="N"/> Flow Measurement	<input type="text" value="N"/> Operations & Maintenance	<input type="text" value="N"/> CSO/SSO
<input type="text" value="N"/> Records/Reports	<input type="text" value="N"/> Self-Monitoring Program	<input type="text" value="N"/> Sludge Handling/Disposal	<input type="text" value="U"/> Pollution Prevention
<input type="text" value="U"/> Facility Site Review	<input type="text" value="N"/> Compliance Schedules	<input type="text" value="N"/> Pretreatment	<input type="text" value="N"/> Multimedia
<input type="text" value="N"/> Effluent/Receiving Waters	<input type="text" value="N"/> Laboratory	<input type="text" value="U"/> Storm Water	<input type="text" value="N"/> Other:

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

#### The following violations were noted:

1. Failure to obtain a NPDES Storm Water Discharge permit.
2. Placement of waste in such a manner that it has the potential to enter the waters of the State.

Name(s) and Signature(s) of Inspector(s) <b>John Fazio</b>	Agency/Office/Telephone/Fax <b>Arkansas Dept. of Environmental Quality/Fayetteville/ 479-267-0816/479-267-0819(fax)</b>	Date <b>03/28/07</b>
		
Signature of Reviewer	Agency/Office/Phone and Fax Numbers	Date



ARKANSAS  
Department of Environmental Quality

# NPDES Storm Water Construction Site Assessment

<b>Site Name:</b> <u>Don Brick Dirt Storage</u>																	
<b>Permit #:</b> <u>Unpermitted</u>	<b>Lat:</b> <u>36 18' 05.57"</u> °N	<b>Date:</b> <u>03/27/2007</u>															
	<b>Long:</b> <u>-94 09' 21.64"</u> °W																
<b>Total Acreage:</b> <u>&gt;6</u>	<b>Acreage Disturbed:</b> <u>~5</u>	<b>Starting Date:</b> <u>no records</u>															
<b>Project Type:</b> <table border="0" style="width: 100%;"><tr><td><input type="checkbox"/> Residential</td><td><input type="checkbox"/> Industrial</td></tr><tr><td><input checked="" type="checkbox"/> Commercial</td><td><input type="checkbox"/> Roadway</td></tr><tr><td><input type="checkbox"/> Other: _____</td><td></td></tr></table>		<input type="checkbox"/> Residential	<input type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Roadway	<input type="checkbox"/> Other: _____		<b>Construction Stage:</b> <table border="0" style="width: 100%;"><tr><td><input type="checkbox"/> Clearing</td><td><input type="checkbox"/> Building Const.</td></tr><tr><td><input type="checkbox"/> Rough Grading</td><td><input type="checkbox"/> Final Stabilization</td></tr><tr><td><input type="checkbox"/> Infrastructure</td><td><input type="checkbox"/> Inactive</td></tr><tr><td><input checked="" type="checkbox"/> Other: <u>Stockpiled soil</u></td><td></td></tr></table>		<input type="checkbox"/> Clearing	<input type="checkbox"/> Building Const.	<input type="checkbox"/> Rough Grading	<input type="checkbox"/> Final Stabilization	<input type="checkbox"/> Infrastructure	<input type="checkbox"/> Inactive	<input checked="" type="checkbox"/> Other: <u>Stockpiled soil</u>	
<input type="checkbox"/> Residential	<input type="checkbox"/> Industrial																
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<input type="checkbox"/> Infrastructure	<input type="checkbox"/> Inactive																
<input checked="" type="checkbox"/> Other: <u>Stockpiled soil</u>																	
<b>Permit Type:</b> <table border="0" style="width: 100%;"><tr><td><input type="checkbox"/> General</td></tr><tr><td><input type="checkbox"/> Individual</td></tr><tr><td><input checked="" type="checkbox"/> Unpermitted</td></tr></table>	<input type="checkbox"/> General	<input type="checkbox"/> Individual	<input checked="" type="checkbox"/> Unpermitted	<b>Site Posted:</b> <table border="0" style="width: 100%;"><tr><td><input type="checkbox"/> Yes</td></tr><tr><td><input checked="" type="checkbox"/> No</td></tr><tr><td><input type="checkbox"/> Improper</td></tr></table>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Improper	<b>SWPPP:</b> <table border="0" style="width: 100%;"><tr><td><input type="checkbox"/> Yes</td></tr><tr><td><input checked="" type="checkbox"/> No</td></tr><tr><td><input type="checkbox"/> Incomplete</td></tr></table>		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Incomplete					
<input type="checkbox"/> General																	
<input type="checkbox"/> Individual																	
<input checked="" type="checkbox"/> Unpermitted																	
<input type="checkbox"/> Yes																	
<input checked="" type="checkbox"/> No																	
<input type="checkbox"/> Improper																	
<input type="checkbox"/> Yes																	
<input checked="" type="checkbox"/> No																	
<input type="checkbox"/> Incomplete																	
<b>Are stabilization practices satisfactory?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A List ( <i>seeding, mulching, geotextiles, etc.</i> ): <u>unpermitted</u>																	
<b>Are erosion and sediment controls satisfactory?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A List ( <i>silt fences, hay/straw bales, sedimentation ponds, riprap, etc.</i> ): <u>unpermitted</u>																	
<b>Proper operation and maintenance of all facility's systems of treatment &amp; control?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No Comments: <u>unpermitted</u>																	
<b>Evidence of sediment leaving the site?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Evidence of off-site tracking?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No															
<b>Evidence of sediment entering the Waters of the State?</b>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No															
<b>Are inspections conducted and records kept as required in the permit?</b> <table border="0" style="width: 100%;"><tr><td><input type="checkbox"/> Yes</td><td><input checked="" type="checkbox"/> No</td><td>Date of Last Inspection: _____</td></tr></table>				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Date of Last Inspection: _____											
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Date of Last Inspection: _____															
<b>Is there a rain gauge on-site?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Are daily rainfall totals recorded?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No															
<b>Comments:</b> <u>Site is unpermitted, therefore no SWPPP to evaluate.</u>																	



ARKANSAS  
Department of Environmental Quality

March 28, 2007

Mr. Don Brick  
2520 W. Perry Rd.  
Rogers AR 72758

RE: Don Brick Excavating, Inc., 2520 W. Perry Rd., Rogers  
NPDES Permit Tracking No.: unpermitted

Dear Mr. Brick:

On March 27, 2007, Alison West, District Field Inspector and I investigated a complaint related to the subject site and performed a storm water discharge permit compliance inspection of this site in accordance with the provisions of the federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated there under. This inspection revealed the following violations:

1. Failure to obtain an NPDES Storm Water Discharge Permit for the site. This is a violation Arkansas Water and Pollution Control Act and is required in Part I.A of the permit. Based on the disturbed acreage, this appears to be a medium construction site. You will be required to submit a Notice of Intent (Part I.B.7), submit a permit fee (ADEQ Regulation No. 9), post the site (Part I.B.7.e) and develop a storm water pollution prevention plan (SWPPP) which complies with the requirements of Part II.A of the permit. If the disturbed acreage is actually less than 5 acres and remains less than 5 acres, you will need to post the site and develop, implement and maintain a SWPPP.
2. Placement of waste in such a manner that it has the potential to enter the waters of the State. This is in violation of the Arkansas Water and Air Pollution Control Act 8-4-217,(a)(1). There are small areas where petroleum-based products have been spilled onto the ground. These contaminated soils need to be removed and disposed of properly. There are several above-ground storage tanks containing diesel fuel and waste oil. These tanks and any barrels/containers containing hazardous substances or hazardous wastes need to be identified in your SWPPP and measures must be implemented to prevent leakage/spills. Secondary containment is highly recommended for the fuel tanks. The drums should be under cover or contained in such a manner that any leakage/spills from these containers does not come into contact with the ground surface or waters of the State. Automobile batteries were found outside exposed to possible rainfall. These should be stored under cover until removed for recycling.

The above items require your immediate attention. Please submit a written response to these findings to the NPDES Enforcement Section of this Department when the violations have been corrected. This response should contain documentation describing the course of action taken to correct the items noted. This corrective action should be completed as soon as possible, and the written response is due April 18, 2007.

WATER DIVISION

Page 2  
Don Brick  
March 28, 2007

If I can be of any assistance, please contact me at 479-267-0816.



Sincerely,

A handwritten signature in black ink, appearing to read "John Fazio". The signature is stylized with a large "J" and "F".



John Fazio  
District Field Inspector  
Water Division

cc: NPDES Enforcement Branch  
NPDES Permit Branch



**Arkansas Department of Environmental Quality (ADEQ)**  
**Official Photograph Sheet**

<b>Location:</b>	Don Brick Excavating, Inc.						
<b>Photographer:</b>	John Fazio				<b>Witness:</b>	Alison West	
<b>Photo #</b>	1	<b>Of</b>	8		<b>Date:</b>	03/27/07	<b>Time:</b> 1437
<b>Description:</b>	MVC-001S: Two ASTs containing diesel fuel east of office.						
							
<b>Photographer:</b>	John Fazio				<b>Witness:</b>	Alison West	
<b>Photo #</b>	2	<b>Of</b>	8		<b>Date:</b>	03/27/07	<b>Time:</b> 1438
<b>Description:</b>	MVC-002S: Exposed automobile batteries on pallet.						
							

**Arkansas Department of Environmental Quality (ADEQ)**  
**Official Photograph Sheet**



<b>Location:</b>	Don Brick Excavating, Inc.						
<b>Photographer:</b>	John Fazio				<b>Witness:</b>	Alison West	
<b>Photo #</b>	3	<b>Of</b>	8		<b>Date:</b>	03/27/07	<b>Time:</b> 1438
<b>Description:</b>	MVC-003S: AST containing waste oil used for heating office.						
							
<b>Photographer:</b>	John Fazio				<b>Witness:</b>	Alison West	
<b>Photo #</b>	4	<b>Of</b>	8		<b>Date:</b>	03/27/07	<b>Time:</b> 1438
<b>Description:</b>	MVC-004S: Drum behind office with spilled petroleum product on ground surface beside it.						
							

**Arkansas Department of Environmental Quality (ADEQ)**  
**Official Photograph Sheet**

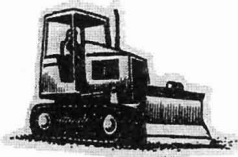
<b>Location:</b>	Don Brick Excavating, Inc.						
<b>Photographer:</b>	John Fazio				<b>Witness:</b>	Alison West	
<b>Photo #</b>	5	<b>Of</b>	8		<b>Date:</b>	03/27/07	<b>Time:</b> 1438
<b>Description:</b>	MVC-005S: Empty drums behind office.						
							
<b>Photographer:</b>	John Fazio				<b>Witness:</b>	Alison West	
<b>Photo #</b>	6	<b>Of</b>	8		<b>Date:</b>	03/27/07	<b>Time:</b> 1439
<b>Description:</b>	MVC-006S: Empty drums and engine parts behind office.						
							



**Arkansas Department of Environmental Quality (ADEQ)**  
**Official Photograph Sheet**

<b>Location:</b>	Don Brick Excavating, Inc.						
<b>Photographer:</b>	John Fazio				<b>Witness:</b>	Alison West	
<b>Photo #</b>	7	<b>Of</b>	8		<b>Date:</b>	03/27/07	<b>Time:</b> 1442
<b>Description:</b>	MVC-010S: Former waste oil storage tank. Had been used to transfer waste oil to heater oil storage tank.						
							
<b>Photographer:</b>	John Fazio				<b>Witness:</b>	Alison West	
<b>Photo #</b>	8	<b>Of</b>	8		<b>Date:</b>	03/27/07	<b>Time:</b> 1446
<b>Description:</b>	MVC-015S: Stock pile of dirt west of office. No BMPs at facility.						
							





## Don Brick Excavating, Inc.

2520 West Perry Road  
Rogers, AR 72758  
479-636-4655

FAX 479-636-1655 CELL 479-619-9955

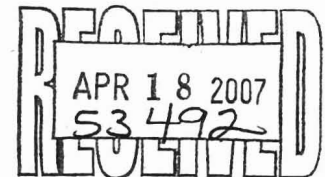


April 16, 2007

031438

U804

NPDES Enforcement Section  
Mr. John Fazio, District Field Inspector  
Arkansas Department of Environmental Quality  
8001 National Drive  
Post Office Box 8913  
Little Rock, AR 72219-8913



Dear Mr. Fazio:

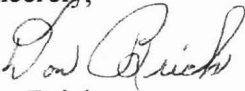
This letter seeks to comply with your request for a written response following a recent site inspection to property utilized by Don Brick Excavating, Inc. In response to your written letter dated March 28, 2007, it was noted that there were two violations as a result of this inspection. This letter seeks to address corrective actions taken to comply with the violations as follows:

1. **VIOLATION:** Failure to obtain an NPDES Storm Water Discharge Permit for the site.
  - **CORRECTIVE ACTION TAKEN:** The disturbed acreage in question is actually less than 5 acres (Benton Co. Parcel# 02-01714-000). The original parcel is recorded as 5 acres, however, land has been acquired by the City of Rogers on the west and north sides of this parcel for road expansion. As a result of this land sale by the Brick Trust, the parcel of land for which Don Brick Excavating, Inc is utilizing is approx. 4.33 acres. Per Permit requirements for NPDES Storm Water Discharge, this site is considered a Small Construction Site. In compliance with Permit Regulations, a storm water pollution prevention plan (SWPPP) has been developed and implemented. Per permit regulations summary flowchart, a NOI and fee are not required, nor is the SWPPP submittal required. A signed Construction Site Notice has been posted near the construction site in a prominent place for public viewing as required and the SWPPP will be maintained and on file with Don Brick Excavating, Inc.
2. **VIOLATION:** Placement of waste in such a manner that it has the potential to enter the waters of the State.
  - **CORRECTIVE ACTION TAKEN:** 1. (a) small areas where petroleum-based products had been spilled onto the ground were found during the site inspection. Corrective actions were initiated by removing and disposing of all empty petroleum drums found on the property following the inspection.

Additionally, efforts were initiated by removing and disposing of those soils found to be contaminated. Automobile batteries found outside on property were removed and disposed of. In an effort to correct and reduce the risk of future spills/leakage, efforts will be made to adhere to Spill Prevention Controls and Countermeasures within the SWPPP Plan. As noted in the violation recommendation, secondary containment measures will be considered and further evaluated for the fuel tanks.

I appreciate the opportunity given to initiate these corrective actions and welcome further feedback should additional measures be needed to resolve these violations. It is my intent to comply with ADEQ regulations and believe that the above corrective actions implemented document and support my intentions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Don Brick".

Don Brick  
President