



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	N	2	5	3	A	R	R	-	-	-	-	11	12	0	7	0	3	2	7	17	18	W	19	S	20	2
Remarks																										
u n p e r m i t t e d																										
Inspection Work Days				Facility Evaluation Rating				BI	QA	Reserved																
67				69				70	N	71	N	72	N	73		74	75							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) Don Brick Excavating, Inc. 2520 W. Perry Rd. Rogers, Arkansas 72758	Entry Time/Date 1405/03-27-07	Permit Effective Date Not permitted
	Exit Time/Date 1455/03-27-07	Permit Expiration Date October 31, 2008
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Jerry Thomas, 479-636-0481	Other Facility Data	
Name, Address of Responsible Official/Title/Phone and Fax Number Don Brick, 2520 W. Perry Rd., Rogers, AR 72758/Owner/(479)636-4655; (479)619-9855	Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Entrance Location: 36 18' 05.57" -94 09' 21.64"

Section C: Areas Evaluated During Inspection

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

N	Permit	N	Flow Measurement	N	Operations & Maintenance	N	CSO/SSO
N	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	U	Pollution Prevention
U	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	U	Storm Water	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) John Fazio	Agency/Office/Telephone/Fax Arkansas Dept. of Environmental Quality/Fayetteville/ 479-267-0816/479-267-0819(fax)	Date 03/28/07
Signature of Reviewer	Agency/Office/Phone and Fax Numbers	Date

NPDES Storm Water Construction Site Assessment

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

ADEQ

A R K A N S A S
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

8001 NATIONAL DRIVE / POST OFFICE BOX 8913 / LITTLE ROCK, ARKANSAS 72219-8913 / TELEPHONE 501-682-2199 / FAX 501-682-0910
www.adeq.state.ar.us

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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".

John Fazio
District Field Inspector
Water Division

cc: NPDES Enforcement Branch
NPDES Permit Branch

Arkansas Department of Environmental Quality (ADEQ)
Official Photograph Sheet

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

Arkansas Department of Environmental Quality (ADEQ)
Official Photograph Sheet

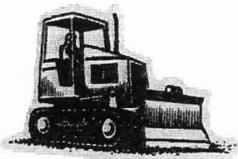
Location:		Don Brick Excavating, Inc.						
Photographer:		John Fazio			Witness:		Alison West	
Photo #	3	Of	8		Date:	03/27/07	Time:	1438
Description:		MVC-003S: AST containing waste oil used for heating office.						
								
Photographer:		John Fazio			Witness:		Alison West	
Photo #	4	Of	8		Date:	03/27/07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

Arkansas Department of Environmental Quality (ADEQ)
Official Photograph Sheet

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

Arkansas Department of Environmental Quality (ADEQ)
Official Photograph Sheet

Location:	Don Brick Excavating, Inc.							
Photographer:	John Fazio			Witness:	Alison West			
Photo #	7	Of	8		Date:	03/27/07	Time:	1442
Description:	MVC-010S: Former waste oil storage tank. Had been used to transfer waste oil to heater oil storage tank.							
		 27 2:42PM						
Photographer:	John Fazio			Witness:	Alison West			
Photo #	8	Of	8		Date:	03/27/07	Time:	1446
Description:	MVC-015S: Stock pile of dirt west of office. No BMPs at facility.							
		 27 2:46PM						



Don Brick Excavating, Inc.

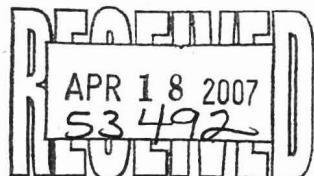
2520 West Perry Road
Rogers, AR 72758
479-636-4655
FAX 479-636-1655 CELL 479-619-9955



April 16, 2007

031438

4804



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:

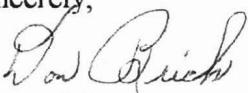
This letter seeks to comply with your request for a written response following a recent site inspection to property utilized by Don Brick Excavating, Inc. In response to your written letter dated March 28, 2007, it was noted that there were two violations as a result of this inspection. This letter seeks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



Don Brick
President