



June 9, 2008

Mr. Robert Kyzer, Developer
62 South Shore Lane
Conway, AR 72032

RE: Robert Kyzer site, Casa, AR

Dear Mr. Kyzer:

On April 2, 2008, I performed a compliance inspection of the above referenced construction site in regards to a complaint. The complaint alleged that sediment from your housing development was entering the complainant's ponds. This investigation was conducted in accordance with the provisions of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated thereunder. While no substantial evidence could be found to verify the described complaint, the following violations were found:

- 1. On the day of inspection, your construction site, which is categorized as a large construction site, was operating without an NPDES storm water runoff permit.**
- 2. Evidence of sediment runoff from your site was observed in an ephemeral drainage west of the project. There is a high potential for this sediment to enter the waters of the State. This is a violation of Section 8-4-217(a)(2) of the Arkansas Water and Air Pollution Control Act 472.**

The above items require your immediate attention. Please submit a written response to these findings to the Water Division Enforcement Section of this Department. This response should contain detailed 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 by July 3, 2008.

For additional information on obtaining a storm water permit from ADEQ, you can access our website at the following address:
http://www.adeq.state.ar.us/water/branch_npdes/stormwater/construction/construction.htm

For additional information you may contact the enforcement section by telephone at 501-682-0639 or by fax at 501-682-0910.

Robert Kyzer
June 9, 2008
Page 2

If I can be of any assistance, please contact me at 479-968-7339 or by e-mail at kremers@adeq.state.ar.us.

Sincerely,

A handwritten signature in black ink that reads "Greg Kremers". The signature is written in a cursive, slightly slanted style.

Greg Kremers
District 5 Field Inspector
Water Division

cc: Water Division Enforcement Branch
Water Division Permits Branch


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

 Form Approved
 OMB No. 2040-0003

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	N	O		P	E	R	M	I	T	11	12	0	8	0	4	0	2	17	18	W	19	S	20	2
Remarks																												
<div> <div>Inspection Work Days</div> <div>67 0 0 1 69</div> </div> <div> <div>Facility Evaluation Rating</div> <div>70 N</div> </div> <div> <div>BI</div> <div>71 N</div> </div> <div> <div>QA</div> <div>72 N</div> </div> <div> <div>Reserved</div> <div>73 74 75 76 77 78 79 80</div> </div>																												

Section B: Facility Data

Name and Location of Facility Inspected (<i>For industrial users discharging to POTW, also include POTW name and NPDES permit number</i>) Robert Kyzer site Off Casa/Aplin Road Casa, AR Perry County		Entry Time/Date 1240 / 4-2-2008	Permit Effective Date
		Exit Time/Date 1350 / 4-2-2008	Permit Expiration Date
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) No construction site representatives were present.			Other Facility Data
Name, Address of Responsible Official/Title/Phone and Fax Number Robert Kyzer 62 South Shore Lane Conway, AR 72032 501-450-9296		Contacted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Section C: Areas Evaluated During Inspection

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

U	Permit	N	Flow Measurement	N	Operations & Maintenance	N	Sampling
N	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
N	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)

I spoke with Mr. Kyzer by phone on 4-7-2008 to inform him of my visit to his development site in regards to the complaint. He stated that he was developing a housing addition that would cover approximately 50 acres. I explained to him that he would need to apply for coverage under the NPDES Storm Water Permit since that would be considered a large construction site. I also stated to Mr. Kyzer that there were some sediment runoff issues that needed to be addressed.

Name(s) and Signature(s) of Inspector(s) Greg Kremers	Agency/Office/Telephone/Fax Arkansas Department of Environmental Quality / Russellville / 479-968-7339 / 479-968-7321	Date April 9, 2008
Signature of Reviewer	Agency/Office/Phone and Fax Numbers	Date

A. General InformationSite Name: **Robert Kyzer site**Latitude: **N35 00' 52.5"**Longitude: **W93 02' 25.0"**Total Acreage: **50 acres**Acreage Disturbed: **~ 2**Starting Date: **N/A**

Project Type:

☒ **Residential** ☐ **Commercial** ☐ **Industrial** ☐ **Roadway** ☐ **Other:**

Construction Stage:

☐ **Clearing** ☐ **Rough Grading** ☒ **Infrastructure** ☐ **Building Construction** ☐ **Final Stabilization**☐ **Inactive** ☐ **Other:**

Permit Type:

☐ **General** ☐ **Individual** ☒ **Unpermitted**

Site Posted:

☐ **Yes** ☒ **No** ☐ **Improper****B. Storm Water Pollution Prevention Plan (SWPPP)** [Part II Section A of Permit]SWPPP Developed and Onsite? ☐ **Yes** ☒ **No** ☐ **Incomplete** ☐ **Not Updated as Needed**

Comments:

Are Stabilization Practices Satisfactory? ☐ **Yes** ☒ **No** ☐ **NA**

Comments:

Are erosion controls Satisfactory? ☐ **Yes** ☒ **No** ☐ **NA**Comments: **A few straw bales were observed on site.**Evidence of sediment leaving the site? ☒ **Yes** ☐ **No** ☐ **NA**Comments: **Sediment observed leaving the site via an ephemeral drainage west of the site.**Evidence of off-site tracking? ☐ **Yes** ☒ **No** ☐ **NA**

Comments:

Evidence of sediment entering the Waters of the State? ☐ **Yes** ☒ **Likely** ☐ **No** ☐ **NA**Comments: **Sediment observed in ephemeral drainage that leads to a tributary of Big Creek.**Are inspections conducted and records kept as required in the permit? ☐ **Yes** ☐ **No** ☒ **NA**

Comments:

Is corrective action taken based on results of inspections? ☐ **Yes** ☐ **No** ☒ **NA**

Comments:

Are daily rainfall totals recorded? ☐ **Yes** ☐ **No** ☒ **NA**Rainfall measured using: ☐ **On-site Rain Gauge** ☒ **NA** ☐ **Other:**

Comments:

General Comments:

ADEQ Const. Storm Water Insp.	AFIN:	Permit #:
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Water Division Construction Storm Water Photographic Evidence Sheet

Location: Robert Kyzer site, Casa, AR

Photographer: Greg Kremers **Witness:** Dennis Dodgen

Photo # 1 **Of** 6 **Date:** 4-2-2008 **Time:** 1244

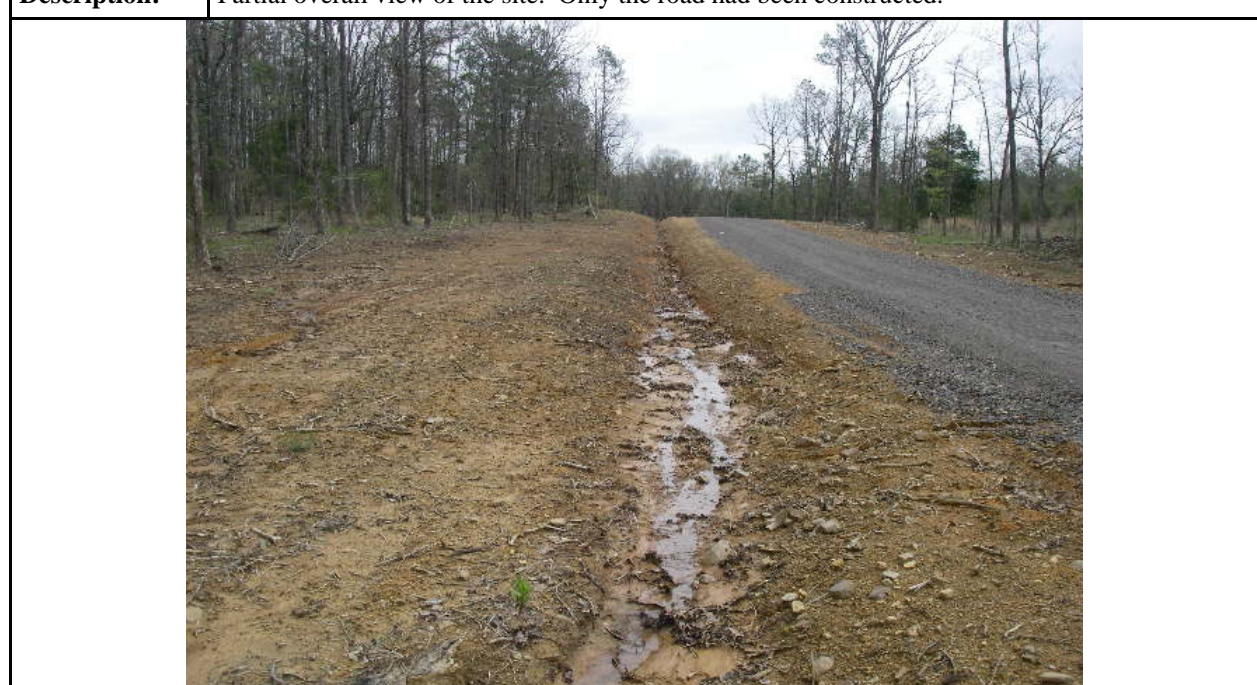
Description: Front entrance of site.





Photographer: Greg Kremers **Witness:** Dennis Dodgen

Photo # 2 **Of** 6 **Date:** 4-2-2008 **Time:** 1317

Description: Partial overall view of the site. Only the road had been constructed.



ADEQ Const. Storm Water Insp.	AFIN:	Permit #:
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Water Division Construction Storm Water Photographic Evidence Sheet							
Location:	Robert Kyzer site, Casa, AR						
Photographer:	Greg Kremers			Witness:	Dennis Dodgen		
Photo #	3	Of	6	Date:	4-2-2008	Time:	1323
Description:	Beginnings of sediment runoff from the road. Path of sediment is seen at upper left.						
							
Photographer:	Greg Kremers			Witness:	Dennis Dodgen		
Photo #	4	Of	6	Date:	4-2-2008	Time:	1324
Description:	Sediment runoff from the road.						
							

ADEQ Const. Storm Water Insp.	AFIN:	Permit #:
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Water Division Construction Storm Water Photographic Evidence Sheet							
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Location:	Robert Kyzer site, Casa, AR						
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Photographer:	Greg Kremers			Witness:	Dennis Dodgen		
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Photo #	5	Of	6	Date:	4-2-2008	Time:	1329
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Description:	Sediment from the road in ephemeral drainage.						
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Photographer:	Greg Kremers			Witness:	Dennis Dodgen		
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Photo #	6	Of	6	Date:	4-2-2008	Time:	1317
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Description:	Sediment from the road traveling towards pond on Mr. Kyzer's property.						
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June 19th 2008

Robert Kyzer
62 Southshore Lane
Conway, AR 72032-8832
501-837-0983



Greg Kremers
Dist 5 Water Division
5301 North Shore Dr
North Little Rock, AR 72118

Reference: Letter dated June 9th 2008 and received June 18th 2008.

1. I am, according to the information on your web site in violation of operating a large construction site, without a notice of intent or permit. I was not aware of this requirement. I am registered with the Secretary of State and never have received any information regarding this process. I occasionally use Thomas Engr., but only for waterline specifications and no mention of this has ever come up. If you or someone on your staff will help me, I'll attempt to get this corrected.

2. I have viewed your photos. I placed straw at several sites on my property out of my own concern for erosion. I did not place straw at photo #3 because the water drains into my pond apxly 200 feet from this point. Anything coming out of the pond should be free of sediment and any overflow from the pond would travel apxly 450 feet through heavy ground cover before it leaves my property. After our conversation, I went to satellite to view my neighbors pond. This revealed to me that his pond was dingy in color from his own run off coming from the East with little or no ground cover and dropping apxly 40 feet to his pond. The photo I viewed was before I began road construction several years earlier.

I just want to humbly tell you and your staff that I will do my best to correct this, but I need a little guidance.

Respectfully,

A handwritten signature in black ink, appearing to read "Robert E. Kyzer".

Robert E. Kyzer

ADEQ

ARKANSAS
Department of Environmental Quality

8/22/08
039955

August 8, 2008

Robert Kyzer
62 Southshore Lane
Conway, AR 72032-8832

RE: Unpermitted construction site in Casa, AR,
Inspection of April 2, 2008

Dear Mr. Kyzer:

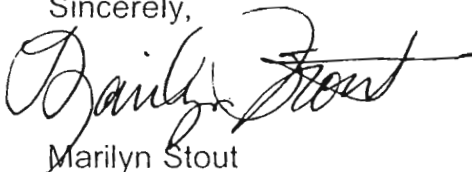
The Department has received your response to the April 2, 2008 inspection of your construction site in Casa, Arkansas. The response has been deemed deficient for the following reasons:

The response did not contain enough information for the Department to determine if the violations have been adequately addressed. The response must specifically state how the violations have been corrected. Photo documentation showing evidence of this work is required to substantiate the written response.

Regarding the lack of an NPDES Stormwater Construction Permit, the inspection report and cover letter had information on obtaining a permit. You may also contact our Stormwater Permit Engineer Supervisor, Mr. Jamal Solaimanian at (501) 682-0620 if you need additional help. A copy of the inspection report and the inadequate response is included with this letter for your review. Please submit an adequate response by **August 22, 2008**. Failure to adequately respond by this date will be considered in determining the enforcement action, if required, for this construction site.

Thank you for your attention to this matter. Should you have any questions, feel free to contact me at 501-682-0630 or you may e-mail me at stout@adeq.state.ar.us.

Sincerely,



Marilyn Stout
Program Support Manager
Water Division Enforcement Section

Cc: Eric Fleming, Technical Assistance Manager
Water Division, Field Services Branch

Spoke to Mr. Kyzer
8/12/08
He will send photos
Didn't know how to
obtain a permit. Site
is finished but 3 lots
still not sold. Gave
him web site info,
Jamal's name/# and
Jennifer's.

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

5301 NORTHSHORE DRIVE / NORTH LITTLE ROCK / ARKANSAS 72118-5317 / TELEPHONE 501-682-0744 / FAX 501-682-0880

www.adeq.state.ar.us



RECEIVED
AUG 21 2008
RECEIVED

Ms Stuart I
attempted to
photo the scene
as the report
with corresponding
photo #s
Thanks
Robert K.





Mailroom