

ADEQ

ARKANSAS
Department of Environmental Quality

June 16, 2008

Carl Walker, Owner
ARC Construction and Development, Inc
P.O. Box 339
Fayetteville, AR 72701



RE: Lots in Clabber Creek Subdivision Phase 5

AFIN: NA NPDES Permit No.: ARR150000

Dear Mr. Walker:

On May 2, 2008, I performed a complaint/routine compliance storm water inspection of the above referenced construction 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. Since your construction site is less than five acres you are automatically covered under the permit; however, you must meet the conditions of the permit. This inspection revealed the following violations:

1. The Storm Water Pollution Prevention Plan (SWPPP) was not developed and implemented prior to construction activities (i.e. the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities). The Storm Water Pollution Prevention Plan (SWPPP) is required to be maintained on site by the NPDES permit. This is a violation of Part II, Section A, item 2a and Section B, 1, and b of the permit.
2. The completed Small Construction Site Notice was not posted indicating that storm water discharges from the site are covered under an NPDES permit. It is required under the NPDES permit that this information is posted in a prominent place for public viewing. This is a violation of Part 1, Section B, item 7, and e of the permit.
3. Inspections of the construction site that is required to be performed every 14 days of after a storm event with a rainfall greater than 0.5 inches were not being performed. The inspection records were not being kept on site. The inspections are required by the permit in Part II, Section A, item 4, and e.
4. Stabilization measures and/or sedimentation controls must be installed and maintained to prevent sediment from leaving the construction site and entering the drainage courses. In addition, the sediment on the roads throughout the subdivision needs to be properly cleaned up.
5. No record of the dates indicating when major grading activities occurred, when construction activities temporarily or permanently ceased on a portion of the site, and when stabilization measures were initiated was available for review. This is in violation of

Part II.A.4.b.i of the permit.

6. At the time of inspection, there was no documentation of rainfall data on site.

In addition, the storm water pollution prevention plan also requires a site map indicating drainage patterns, areas of soil disturbance, the location of major structural and nonstructural controls identified in the plan, the location where stabilization practices are expected to occur, surface water, and locations where storm water is discharged to a surface water.

You may locate a small construction storm water guidelines package at the following internet address: http://www.adeg.state.ar.us/water/branch_npdes/stormwater/construction/construction.htm. A small construction storm water permit is required when the construction site will result in disturbance of greater than or equal to one acre and less than five acres or less than one acre of total land area that is part of a larger common plan of development. If you are building on additional lots not mentioned in the letter at this subdivision, those lots must be covered under the small construction storm water permit as well.

The above items require your immediate attention. Please submit a written response to these findings to the Water Division Enforcement Section of this Department at the following address:

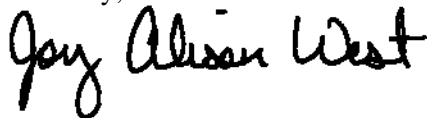
Water Division Enforcement Section
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

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 10, 2008.

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

If I can be of any assistance, please contact me at 479-267-0819 (west@adeq.state.ar.us).

Sincerely,



Alison West
District 1 Field Inspector
Water Division

cc: Water Division Enforcement Branch
Water Division Permits Branch

A. General Information

Site Name: Clabber Creek Subdivision Phase 5		
Latitude: NA	Longitude: NA	
Total Acreage: NA	Acreage Disturbed: Lots are <1 acre w/i common plan of dev.	Starting Date: Unknown
Project Type: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Roadway <input type="checkbox"/> Other:		
Construction Stage: <input type="checkbox"/> Clearing <input checked="" type="checkbox"/> Rough Grading <input type="checkbox"/> Infrastructure <input checked="" type="checkbox"/> Building Construction <input type="checkbox"/> Final Stabilization <input type="checkbox"/> Inactive <input type="checkbox"/> Other:		
Permit Type: <input checked="" type="checkbox"/> General <input type="checkbox"/> Individual <input type="checkbox"/> Unpermitted	Site Posted: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Improper	

B. Storm Water Pollution Prevention Plan (SWPPP) [Part II Section A of Permit]

SWPPP Developed and Onsite? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Incomplete <input type="checkbox"/> Not Updated as Needed	
Comments: SWPPP has not been developed for lots.	
Are Stabilization Practices Satisfactory? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
Comments: Appears to be under active construction.	
Are erosion controls Satisfactory? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	
Comments: No erosion controls on-site.	
Evidence of sediment leaving the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	
Comments:	
Evidence of off-site tracking? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	
Comments: Dirt along Indian Creek Road needs to be properly cleaned up and corner of Indian Oaks and Puppy Creek.	
Evidence of sediment entering the Waters of the State? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Likely <input type="checkbox"/> No <input type="checkbox"/> NA	
Comments:	
Are inspections conducted and records kept as required in the permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	
Comments:	
Is corrective action taken based on results of inspections? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
Comments:	
Are daily rainfall totals recorded? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	
Rainfall measured using: <input type="checkbox"/> On-site Rain Gauge <input checked="" type="checkbox"/> NA <input type="checkbox"/> Other:	
Comments:	
General Comments:	

Water Division Construction Storm Water Photographic Evidence Sheet							
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Location:	Clabber Creek Subdivision Phase 5						
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Photographer:	Alison West	Witness:	NA			
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Photo #	1	Of	6	Date:	5-2-08	Time:	8:58 a.m.
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Description:	IMG1049. Dirt exposed on N. Indian Oaks Road.						
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Photographer:	Alison West	Witness:	NA			
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Photo #	2	Of	6	Date:	5-2-08	Time:	8:57 a.m.
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Description:	IMG1046. Dirt work exposed on N. Indian Oaks Road.						
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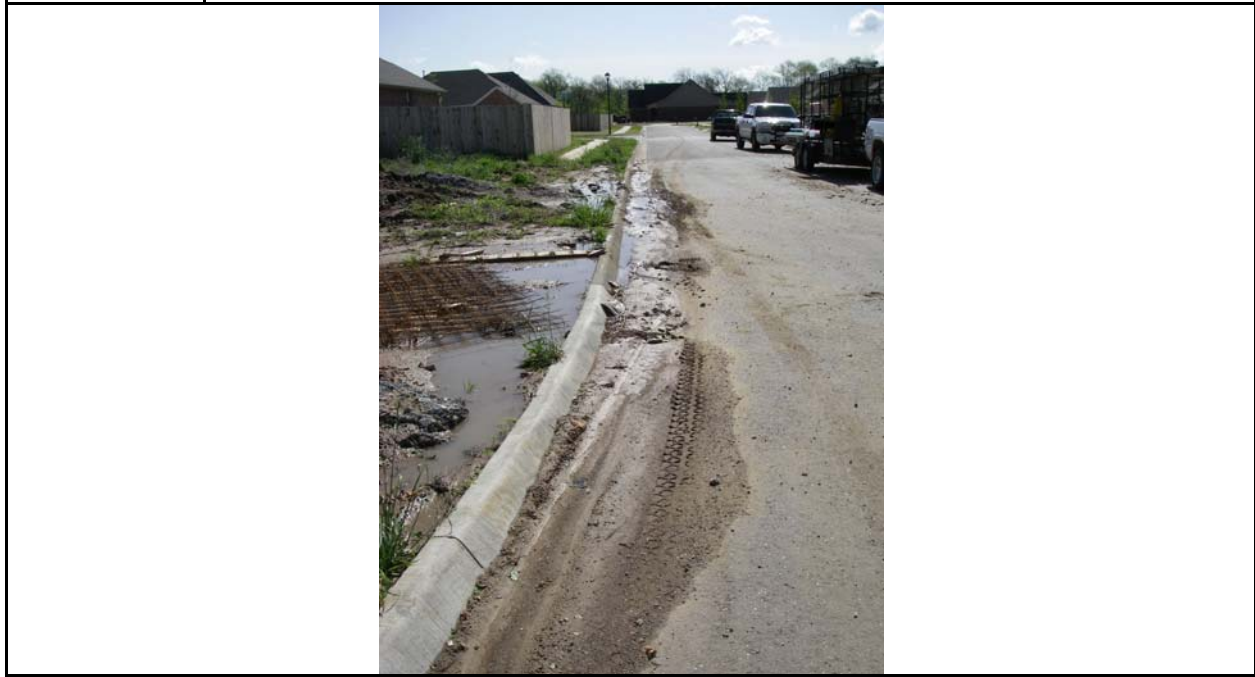
Water Division Construction Storm Water Photographic Evidence Sheet

Location: Clabber Creek Subdivision Phase 5

Photographer: Alison West **Witness:** NA

Photo # 3 **Of** 6 **Date:** 5-2-08 **Time:** 8:58 a.m.

Description: IMG1050. Need controls at the corner of Puppy Creek and N. Indian Oaks Road.



Photographer: Alison West **Witness:** NA

Photo # 4 **Of** 6 **Date:** 5-2-08 **Time:** 8:59 a.m.

Description: IMG1051. Walker sign for home construction.



Water Division Construction Storm Water Photographic Evidence Sheet

Location:	Clabber Creek Subdivision Phase 5
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Photographer:	Alison West	Witness:	NA
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Photo #	5	Of	6	Date:	5-2-08	Time:	8:59 a.m.
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Description:	IMGP1052. Need controls for home at N. Indian Oaks/Puppy Creek Road.
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Photographer:	Alison West	Witness:	NA
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Photo #	6	Of	6	Date:	5-2-08	Time:	8:57 a.m.
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Description:	IMGP1045. Need controls on Indian Oaks Road.
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ADEQ

A R K A N S A S
Department of Environmental Quality

September 19, 2008

Carl Walker, Owner
ARC Construction and Development, Inc.
P O Box 339
Centeron, AR

RE: Lots in Clabber Creek Subdivision Phase 5, Permit Number ARR150000,
AFIN 72-00000 Inspection of May 2, 2008

Dear Mr. Walker:

On May 2, 2008, a compliance inspection was conducted at the site located at Clabber Creek Subdivision Phase 5. A copy of the inspection report is included with this letter.

Notice of the Inspection was mailed to you on June 16, 2008. A response was requested by July 10, 2008. As of the date of this letter, a response has not been received.

Please submit a response to the inspection findings, and any mitigating circumstances you wish the Department to consider prior to initiating formal enforcement actions, to the Department, by October 3, 2008.

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

ARC Construction & Development, Inc.

P.O. Box 339

Centerton, AR 72719

479-795-0405 office

877-795-0199 toll free

479-795-1016 fax



September 30, 2008

ADEQ
5301 Northshore Drive
North Little Rock, AR 72118
Attn: Marilyn Stout

RE: Lots in Clabber Creek Subdivision Phase 5
AFIN: NA NPDES Permit No.: ARR150000

We did receive your letter dated June 16, 2008. I contacted Alison West, District 1 Field Inspector at that time.

I requested that we meet at the site to make sure I understand exactly what we are to do to be in compliance. Ms. West and I have not been able to arrange to meet since that conversation. All of the areas mentioned in her complaint I am pretty sure have been completed with yards in and fully sodded.

However, we do have other lots in that area to finish and want to make sure we are within guidelines. I will be out of town until October 8th but anytime after that I would, at Ms. West convenience, like to meet in this area to review our future plans.

Sincerely,

Carl W. Walker
Vice President