



July 31, 2009

Rick Korte
5608 Copper Creek
Little Rock, AR 72223

RE: Compliance Inspection

AFIN: 60-00000

NPDES Permit No.: ARR150000 (5020 Copper Creek)

Dear Mr. Korte:

On July 24, 2009, I performed a routine compliance inspection of the above referenced facility in response to a complaint. The complaint alleged clear cutting was taking place and there were no erosion controls. The complaint was found to be valid. The inspection 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. This inspection revealed the following violations:

1. You are operating a construction site without a valid NPDES Stormwater Permit for Construction Activities. This is a violation of the Arkansas Water and Air Pollution Control Act (A.C.A. § 8-4-217(b)(1)).
2. Silt and sediment was getting off site and into the waters of the state in violation of the Arkansas Water and Air Pollution Control Act (A.C.A. § 8-4-217 (a)(2)).

In addition to the above violations the following construction site stormwater management deficiencies were noted:

1. The stormwater pollution prevention plan (SWPPP) is not being maintained onsite from 8:00 am to 5:00 pm as required by Part II, A.2.A of the permit.
2. Erosion control measures are not being properly installed, operated and maintained as required by Part II,B.17.A of the permit.
3. Onsite inspections are not being conducted in accordance with the SWPPP and Part II, A.4.M of the permit.

«Cognizant_Official», «Facility_Name»

Date of letter

Page - 2 -

The above items require your immediate attention. Please submit a written response to these findings to Cindy Garner, Enforcement Branch Manager, Water Division, at the address at the bottom of the page.

This response should contain detailed documentation including photographs 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 August 9, 2009.

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

If I can be any assistance, please contact me at stoker@adeq.state.ar.us or 501-682-0657.

Sincerely,



Lindsay Stoker
District 9 Field Inspector
Water Division

cc: Water Division Enforcement Branch
Water Division Permits Branch

Permit #: «Permit »

SECTION I: SITE POSTING AND SITE INFORMATION**SITE NAME: 5020 Copper Creek TOTAL ACREAGE unknown ACREAGE DISTURBED 5 acres****LATITUDE 34.804****LONGITUDE 92.585****STARTING DATE unknown**

A. Is site is posted with Notice Of Coverage (NOC) (Part I,B.8)

☐Y ☒N ☐NA ☐NE

B. Is posting at construction entrance and visible to the public (Part I,B.8)

☐Y ☐N ☒NA ☐NE

C. If project is linear, is posting at area actively under construction? (Part I,B.8.C)

☐Y ☐N ☒NA ☐NED. If project is part of larger common plan of development, what is development name and permit number
Development Name: Development Permit No:**SECTION II: STORM WATER POLLUTION PREVENTION PLAN EVALUATION AND IMPLEMENTATION**

A. Is the SWPPP being maintained on site from 08:00 am to 5:00 pm (Part II,A.2.A)

☐Y ☒N ☐NA ☐NE

B. Is the SWPPP properly signed as required by Part II, B.1B of the permit?

☐Y ☐N ☒NA ☐NE

C. Is the SWPPP being updated as required by Part II, A.3 of the permit?

☐Y ☐N ☒NA ☐NE**D. Site map in SWPPP (Part II,A.4.G)**☐Y ☐N ☒NA ☐NE

1) Direction of stormwater flow (i.e., use arrows to show which direction stormwater will flow) and approximate slopes anticipated after major grading activities (Part II,A.4.G.1);

☐Y ☐N ☒NA ☐NE

2) Delineate on the site map areas of soil disturbance and areas that will not be disturbed under the coverage of this permit (Part II,A.4.G.2)

☐Y ☐N ☒NA ☐NE

3) Location of major structural and nonstructural controls identified in the plan (Part II,A.4.G.3)

☐Y ☐N ☒NA ☐NE

4) Location of main construction entrance and exit (Part II,A.4.G.4)

☐Y ☐N ☒NA ☐NE

5) Location where stabilization practices are expected to occur (Part II,A.4.G.5)

☐Y ☐N ☒NA ☐NE

6) Locations of off-site materials, waste, borrow area, or equipment storage area (Part II,A.4.G.6)

☐Y ☐N ☒NA ☐NE

7) Location of areas used for concrete wash-out (Part II,A.4.G.7)

☐Y ☐N ☒NA ☐NE

8) Location of all surface water bodies (including wetlands) (Part II,A.4.G.8)

☐Y ☐N ☒NA ☐NE

9) Locations where stormwater is discharged to a surface water and/or municipal separate storm sewer system if applicable (Part II,A.4.G.9)

☐Y ☐N ☒NA ☐NE

10) Locations where stormwater is discharged off-site (should be continuously updated) (Part II,A.4.G.10)

☐Y ☐N ☒NA ☐NE

11) Areas where final stabilization has been accomplished and no further construction phase permit requirements apply (Part II,A.4.G.11)

☐Y ☐N ☒NA ☐NE**E. Stormwater Controls**

1) Are all controls installed as described in the SWPPP (Part II,A.4.H)

☐Y ☐N ☒NA ☐NE

2) Silt fences properly installed and maintained (Part II,B.17.A)

☐Y ☐N ☒NA ☐NE

3) Check dams and velocity dissipation devices properly installed and maintained (Part II,B.17.A)

☐Y ☐N ☒NA ☐NE

4) Sedimentation basins and sediment traps properly installed and maintained (sediment removed when 50% capacity) (Part II,B.17.A) and (Part II,A.4.N)

☐Y ☐N ☒NA ☐NE

5) Has sediment that has gotten offsite been removed? (Part II,A.4.H.1.d)

☐Y ☐N ☒NA ☐NE

6) Is construction site entrance sufficiently stabilized to prevent off site tracking? (Part II,A.4.I.2)

☒Y ☐N ☐NA ☐NE

7) Are stabilization methods described in SWPPP being implemented in a timely manner? (Part II,A.4.H.2)

☐Y ☐N ☒NA ☐NE

F. Inspections1) Inspection Frequency in SWPPP – ☐ Once every 7 days ☐ 14 days and after ½ inch rain event

1a) If inspection frequency is every 14 days, do they have a rain gauge on site? (Part II, A.4.M.1.b)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
1b) Is rain gauge properly installed? (nothing obstructing rain gauge) (Part II, B.17.A)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
2) Are inspection records being maintained on site? (Part II, A.4.M.3)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3) Are ADEQ inspection forms being used or do the forms contain the elements required by the permit? (Part II, A.4.M.2)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
3a) Inspector Name and Title (Part II, A.4.M.2.a)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
3b) Date of Inspection (Part II, A.4.M.2.b)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
3c) Amount of Rainfall and Days Since Last Rain Event (only if inspection frequency is 14 days) (Part II, A.4.M.2.c)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
3d) BMPs used on-site (Part II, A.4.M.2.d)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3e) If the BMPs are in working order and if maintenance is required (when scheduled and completed) (Part II, A.4.M.2.e)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
3f) Location and Dates When Major Construction Activities Begin, Occur or Cease (Part II, A.4.M.2.f)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
3g) Report Signature of Inspector (Part II, A.4.M.2.g)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
4) Are inspections conducted in accordance with the requirements of the SWPPP? (Part II, A.4.M)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
5) Are corrective actions being implemented within 3 days? (Part II, A.4.N)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE

G. Stormwater management

1) Is solid waste being controlled as described in SWPPP (Part II, A.4.H.1.f)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
2) Are stabilized buffer zones being maintained? (25 feet from stream, 50 feet if 303 d, TMDL, ERW, ESW or NSW) (Part II, A.4.H.2.b)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
3) Have velocity dissipation devices been installed at discharge points, within concentrated flow areas serving two or more acres and along drainage courses where required to prevent erosive flows (Part II, A.4.H.3.b)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
4) Has silt or sediment gotten off the construction site? A.C.A. § 8-4-217(a)(2)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
5) Has silt and sediment been discharged to the waters of the state? A.C.A. § 8-4-217(a)(2)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
If yes, give the name of the stream or water body: <u>Copper Creek</u>	
6) Is the washout of concrete being done at the designated location? (Part II, A.4.G.7)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
7) Does the liquid waste from concrete washout reach the waters of the state? (Part II, A.4.I.5)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
8) Are fuel storage areas protected as described by SWPPP? (Part II, A.4.I.6)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
9) Have temporary erosion controls been removed from areas finally stabilized? (Part II, A.4.H)	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
10) Are there any allowable non-stormwater discharges that have not been addressed in the SWPPP (Part II, A.4.J)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
11) Are there any process waters or non-stormwater discharges that are not allowed under the permit being discharged? A.C.A. § 8-4-217(b)(1)(E)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE

E. Comments and Observations: **Mr. Korte was not aware that construction stormwater rules apply in the country.**

Water Division NPDES Photographic Evidence Sheet									
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Location:	5020 Copper Creek								
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Photographer:	Lindsay Stoker				Witness:	None			
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Photo #	1	Of	2		Date:	7/24/09	Time:	10:20 am	
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Description:	Cleared area with no erosion controls in place								
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Photographer:	Lindsay Stoker				Witness:	None			
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Photo #	2	Of	2		Date:	7/24/09	Time:	10:24 am	
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Description:	Creek showing signs of disturbance.								
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August 25, 2009

Mr. Rick Korte
5608 Copper Creek
Little Rock, AR 72223

RE: Compliance Inspection at 5020 Copper Creek, Permit Number ARR150000,
AFIN 60-00000, Inspection of July 24, 2009

Dear Mr. Korte:

On July 24, 2009, a compliance inspection was conducted at the site located at 5020 Copper Creek, Pulaski County, Arkansas.

Notice of the inspection was mailed to you on July 31, 2009. A response was requested by August 9, 2009. 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 **September 9, 2009**.

Thank you for your attention to this matter. Should you have any questions, feel free to contact me at 501-682-0636 or you may e-mail me at boycej@adeq.state.ar.us.

Sincerely,

James D. Boyce
Enforcement Analyst
Water Division Enforcement Section



September 23, 2009

Mr. Rick Korte
5608 Copper Creek
Little Rock, AR 72223

RE: 5020 Copper Creek, AFIN 60-00000, Inspection of July 24, 2009.

Dear Mr. Korte:

The Department has received your response to the inspection of your site: 5020 Copper Creek, dated September 1, 2009. This response was deemed deficient for the following reason:

1. Photos are needed of Erosion Control Devices and Methods to protect creek.

Please submit an adequate response by **October 8, 2009**. Failure to respond by this date will be considered in determining the enforcement action, if required, for this site.

Thank you for your attention to this matter. Should you have any questions, feel free to contact me at 501-682-0636 or you may e-mail me at boycej@adeq.state.ar.us.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Boyce", with a long horizontal flourish extending to the right.

James D. Boyce
Enforcement Administrator
Water Division Enforcement Section

OCT 6 09 12:25PM M&T



K&W

Construction

5608 Copper Creek Lane

Little Rock AR 72223

(501) 680-9491 (501) 821-4745

Cell Home

10-6-09

Mr Boyce,

I had called and left you a message yesterday, concerning the letter I had gotten from Mr Nicholas Willis. I have copied it for you to see and also sent a copy of the site with Automatic coverage (Less than 5 Acres) that he said that's what I needed to do. I Also sent you some extra photo's As you Asked for, If you have any questions please feel free to call.

Thanks

Rick Korte

K&W Const.

(C) 680-9491

ADEQ

ARKANSAS
Department of Environmental Quality

September 23, 2009

Mr. Rick Korte
5608 Copper Creek
Little Rock, AR 72223

RE: 5020 Copper Creek, AFIN 60-00000, Inspection of July 24, 2009.

Dear Mr. Korte:

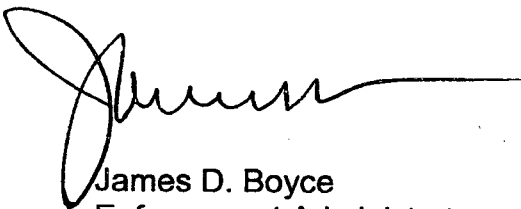
The Department has received your response to the inspection of your site: 5020 Copper Creek, dated September 1, 2009. This response was deemed deficient for the following reason:

1. Photos are needed of Erosion Control Devices and Methods to protect creek.

Please submit an adequate response by **October 8, 2009**. Failure to respond by this date will be considered in determining the enforcement action, if required, for this site.

Thank you for your attention to this matter. Should you have any questions, feel free to contact me at 501-682-0636 or you may e-mail me at boycej@adeq.state.ar.us.

Sincerely,



James D. Boyce
Enforcement Administrator
Water Division Enforcement Section

ADEQ

ARKANSAS
Department of Environmental Quality

September 30, 2009

Richard Korte
Korte Wood Construction, Inc.
5608 Copper Creek
Little Rock, AR 72223

RE: Small Construction Site Permit Coverage, Korte, Little Rock, AR (Permit Number **ARR150000**)

Dear Mr. Korte:

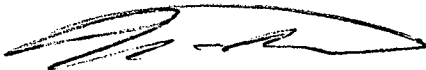
The Department is in receipt of an initial permit fee, Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) for coverage under the Stormwater Runoff Construction General Permit (ARR150000). The NOI has been reviewed and determined to be complete. Coverage under the general storm water runoff permit (ARR150000) was effective immediately. As outlined in Part I.B.6.A, of the general permit, an NOI and permit fee are not required for small construction site permit coverage. Therefore, the NOI and SWPPP are being returned.

By signing the NOI, you certified that a Storm Water Pollution Prevention Plan (SWPPP) was developed for the construction site in accordance with Part II.A of the general permit. Due to Departmental time constraints, SWPPP review was not completed at this time.

Also enclosed for your convenience is a blank posting for a site with Automatic Coverage. This should be completed and posted at the entrance to the construction site. The SWPPP should be maintained on-site, along with the completed inspection forms.

If you have any questions concerning this matter, please feel free to contact me at (501) 682-0619, or email me at willis@adeq.state.ar.us.

Respectfully submitted,



Nicholas Willis
Permit Writer, General Permits Section
Water Division

cc: Public Records (ARR150000)

SITE WITH AUTOMATIC COVERAGE (LESS THAN 5 ACRES) CONSTRUCTION SITE NOTICE

FOR THE
Arkansas Department of Environmental Quality (ADEQ)
Storm Water Program
NPDES GENERAL PERMIT NO. ARR150000

The following information is posted in compliance with **Part I.B.8.b** of the ADEQ General Permit Number **ARR150000** for discharges of stormwater runoff from sites with automatic coverage. Additional information regarding the ADEQ stormwater program may be found on the internet at:

www.adeq.state.ar.us/water/branch_npdes/stormwater

Permit Number	ARR150000
Contact Name: Phone Number:	RICK KORTE / K&W Const. (c) 680-9491 (off) 821-4745
Project Description (Name, Location, etc.): Start Date: End Date: Total Acres:	KORTE-5020 Copper Creek 7-15-09 9-30-09 (orig. + thought end date, but rain is delaying) 1 1/2 Acres
Location of Stormwater Pollution Prevention Plan:	Office - 5608 Copper Creek and one in mail box at driveway at 5020 Copper Creek

For Construction Sites Authorized under **Part I.B.6.a** (Automatic Coverage) the following certification must be completed:

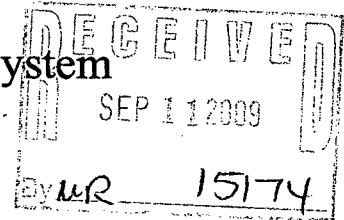
I RICK KORTE (Typed or Printed Name of Person Completing this Certification) certify under penalty of law that I have read and understand the eligibility requirements for claiming an authorization under Part I.B.2. of the ADEQ General Permit Number ARR150000. A stormwater pollution prevention plan has been developed and implemented according to the requirements contained in Part I.B.8.b of the permit. I am aware there are significant penalties for providing false information or for conducted unauthorized discharges, including the possibility of fine and imprisonment for knowing violations.

Rick Korte President
Signature and Title

10-5-09
Date

Stormwater Pollution Prevention Plan
For
Construction Activity

National Pollution Discharge Elimination System
General Permit # ARR150000



Prepared for:

Korte O Wood Const. Inc.

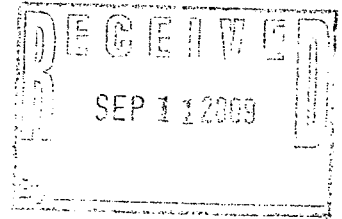
SEP - 8 2009

JP

2:08 pm

Date: *9-1-09*

StormWater Pollution Prevention Plan
General Permit # ARR150000



Project Name and Location:

KORTE

Operator Name and Address:

RICK KORTE
5608 Copper Creek L.R. Ar 72223

A. Site Description

- 1) Vicinity Map and Pre-construction Topographic view:

Map inserted: ☒ Yes ☐ No

- 2) Project Description and Intended Use after NOT is filed:

CLEAR Land and plant grass

- 3) Sequence of Activities:

Silt fence placed in areas where needed
to reduce or eliminate the runoff from the site

- 4) Total Acres Available/Total Disturbed Area:

5 AC 1 1/2 AC

- 5) Existing Site Information:

- a. Runoff Coefficient Based on attachment C:

Before construction starts, the site has a runoff coefficient of .92

After construction is completed, the site will have a runoff coefficient of .411

- b. Soil Information Carnasaw, mountainberg series
soil, and weathered shale

B. Responsible Parties-General Contractors, Inspectors, etc:

RICK Korte - President Korte & Wood Const Inc
(C) 680-9491 (Hm) 821-4745 (Fax) 821-4745

C. Receiving Waters: (pg 19 of Part II)

- 1) Location of Surface Water on Construction Site

The following surface waters are located on the construction site:

Only a seasonal wet weather creek is on side
of property.

- 2) The following bodies of water receive runoff from the construction site:

Eventually this seasonal wet weather
Creek runs into Rennerly Creek

D. TMDL and 303(d) list: (http://www.adeg.state.ar.us/water/branch_planning/default.htm)

The storm water from the const. site discharges to Kennerly Creek (rec. stream). This water body is not on List of impaired water bodies.

E. Attainment of Water Quality Standards after Authorization: (pg 20 of Part II)

F. Endangered Species: US Fish & Wildlife checklist inserted:

☐ Yes ☒ No

G. Site Map: See Attachment A for items to be included.

H. Stormwater Controls

1. Initial Site Stabilization, Erosion, & Sediment Controls: (pg 21 of Part II)

a. Initial disturbed areas:

b. Erosion and Sediment controls to retain sediment on-site: silt fence

c. Replacement of inadequate controls:

d. Removal of off-site accumulations:

e. Maintenance of sediment traps/basins @ 50% capacity:

f. Litter, construction debris and chemicals properly handled: ☒ Yes ☐ No collected & emptied by Trash

g. Off-site storage areas: ☐ Yes ☒ No company

If yes, then what controls are being used:

2. Stabilization Practices: (pg 21 of Part II)

a. Description and schedule for stabilization:

b. Are Buffer Areas required:

☐ Yes ☒ No

If yes, are the Buffer Areas being used:

☐ Yes ☐ No

If they are required but not being used, please indicate the reason:

c. Records of Stabilization will be retained for: years

d. Deadlines for site stabilization:

3. Structural Practices: (pg 22 of Part II)

a. Are more than 10 acres draining to a common point:

☐ Yes ☒ No

If yes, are sediment basins included for the project:

☐ Yes ☐ No

Are the calculations and design for the basin included:

☐ Yes ☐ No

Are the calculations and design for the outfall included:

☐ Yes ☐ No

If a basin is required but not included/practicable, please indicate the reason:

b. Are velocity dissipation devices provided at the discharge points from the site: ☐ Yes ☒ No

If yes, please describe:

If no, please explain why not: NOT Required













March 18, 2010

Mr. Rick Korte
5608 Copper Creek
Little Rock, AR 72223

RE: Permit No.: ARR150000 (5020 Copper Creek)
Response to Inspection

Dear Mr. Korte:

The Department has received your response to the July 24, 2009 inspection of your facility by our District Field Inspector, Lindsey Stoker. Your letter appears to adequately address the discrepancies identified during the visit. The Department assumes the corrective actions taken will be maintained to ensure consistent compliance with the requirements of the permit. Acceptance of this response by the Department does not preclude any future enforcement action deemed necessary at this site or any other site.

The Department will keep the inspection and response on file. If future violations occur that require enforcement action, the Department will consider the inspection and response as required by the Pollution Control and Ecology Commission Regulation No. 7, Civil Penalties. This regulation requires the Department to consider the past history of your facility and how expeditiously the violations were addressed in determining any civil penalty that may be necessary for any future violations.

If we need further information concerning this matter, we will contact you. Thank you for your attention to this matter. Should you have any questions, feel free to contact me at 501-682-0631 or you may e-mail me at little@adeq.state.ar.us.

Sincerely,

Gene Little
Enforcement Analyst
Water Division Enforcement Branch