



ARKANSAS
Department of Environmental Quality

October 5, 2009

Mr. Robert Pennington
555 Pearce Road
Quitman, AR 72131

RE: Complaint Investigation and Compliance Inspection

AFIN: 12-00000 NPDES Permit No.: ARR150000

Dear Mr. Pennington:

On September 16, 2009, I performed a complaint investigation along with a compliance inspection of your facility. The complaint alleged that sediment was washing from the site onto neighboring property and into waters of the state. 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.

Your construction activity is automatically covered under the referenced Storm Water General Permit. This inspection revealed the following violations:

1. The facility did not have a Notice of Coverage (NOC) posted near the main entrance of the site. This is a violation of Part II, Section A, Item 2, D, of the permit.
2. The Stormwater Pollution Prevention Plan (SWPPP) was not being retained on the site. This is a violation of Part II, Section A, Item 2, A, of the permit.
3. The facility was not properly maintaining control measures to achieve compliance with conditions of the permit. This is a violation of Part II, Section B, Item 17, A, of the permit.
4. The facility was not maintaining Inspection Records on the site as part of the SWPPP. This is a violation of Part II, Section A, Item 4, M, 3, of the permit.

The above items require your immediate attention. Please submit a written response to these findings to Cindy Garner, Water Division Enforcement Branch Manager, of this Department. This response should be mailed to the address below. This response should contain documentation describing the course of action taken to correct each item noted. This corrective action should be completed as soon as possible, and the written response with all documentation (i.e. pictures) is due by October 16, 2009.

Mr. Robert Pennington
September 22, 2009
Page 2

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, feel free to contact me at 870-446-6170.

Sincerely,



Bruce Kirkpatrick
District 2 Field Inspector
Water Division


cc: Water Division Enforcement Branch
Water Division Permits Branch
Ms. Melanie White (1491 Vinton, Memphis, TN 38104)
Mr. Ron Pearce (6070 Hwy. 110 W, Heber Springs, AR 72543)
Mike Kennedy, Water Div. Inspector

 <p style="text-align: center;">UNITED STATES ENVIRONMENTAL PROTECTION AGENCY Washington, D.C. 20460</p> <h2 style="text-align: center;">NPDES Compliance Inspection Report</h2>	Form Approved OMB No. 2040-0003
--	------------------------------------

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	1	5	0	0	0	0	11	12	0	9	0	9	1	6	17	18	R	19	S	20	2
Remarks																												
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 <i>(For industrial users discharging to POTW, also include POTW name and NPDES permit number)</i> Robert Pennington Construction Site 555 Pearce Road Quitman, AR. 72131 (Cleburne County)	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">Entry Time/Date 1605 9/16/09</td> <td style="width:50%;">Permit Effective Date November 1, 2008</td> </tr> <tr> <td>Exit Time/Date 1803 9/16/09</td> <td>Permit Expiration Date October 31, 2011</td> </tr> </table>	Entry Time/Date 1605 9/16/09	Permit Effective Date November 1, 2008	Exit Time/Date 1803 9/16/09	Permit Expiration Date October 31, 2011
Entry Time/Date 1605 9/16/09	Permit Effective Date November 1, 2008				
Exit Time/Date 1803 9/16/09	Permit Expiration Date October 31, 2011				
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) No on-site representative on time of inspection	Other Facility Data				
Name, Address of Responsible Official/Title/Phone and Fax Number Robert Pennington, Owner 501-206-9152 555 Pearce Road Quitman, AR 72131	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)							
S	Permit	N	Flow Measurement	N	Operations & Maintenance	N	Sampling
U	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
U	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
U	Effluent/Receiving Waters	N	Laboratory	U	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)		
An observation of the facility revealed that sediment was washing into Pearce Road ditch then toward Greers Ferry Lake. The water flowing in Pearce Road ditch from the site was very turbid.		
The following items are violations of the Construction General Permit (Small Site):		
1. The facility did not have a Notice of Coverage (NOC) posted near the main entrance to the site. This is a violation of Part II, Section A, Item 2, D, of the permit.		
2. The Stormwater Pollution Prevention Plan (SWPPP) was not being retained on the site. This is a violation of Part II, Section A, Item 2, A, of the permit.		
3. The facility was not properly maintaining control measures to achieve compliance with conditions of the permit. This is a violation of Part II, Section B, Item 17, A, of the permit.		
4. The facility was not maintaining Inspection Records on the site required in the SWPPP. This is a violation of Part II, Section A, Item 4, M, 3, of the permit.		
Mr. Pennington was contacted on 9/18/09 by phone and informed that he would receive a letter citing the violations discovered during this inspection.		
Name(s) and Signature(s) of Inspector(s)  Bruce Kirkpatrick	Agency/Office/Telephone/Fax Arkansas Department of Environmental Quality/ Jasper / 870-446-6170 / 870/446-2181	Date September 20, 2009
Signature of Reviewer	Agency/Office/Phone and Fax Numbers	Date

Water Division NPDES Photographic Evidence Sheet

Location:	Robert Pennington construction site						
Photographer:	Bruce Kirkpatrick			Witness:	none		
Photo #	1	Of	16	Date:	9/16/09	Time:	1721 h4s
Description:	Photo of road below permittee's site and corner of complainant's shed						



Photographer:	Bruce Kirkpatrick			Witness:	none		
Photo #	2	Of	16	Date:	9/16/09	Time:	1722
Description:	Photo of road below permittee's site						



Water Division NPDES Photographic Evidence Sheet

Location: Robert Pennington construction site

Photographer: Bruce Kirkpatrick **Witness:** none

Photo # 3 **Of** 16 **Date:** 9/16/09 **Time:** 1722

Description: Photo of turbid water and soil deposits below complainant's shed



Photographer: Bruce Kirkpatrick **Witness:** none

Photo # 4 **Of** 16 **Date:** 9/16/09 **Time:** 1723

Description: Photo of construction site and temporary utility lines installed since landslide on 4-27-09



Water Division NPDES Photographic Evidence Sheet

Location:	Robert Pennington construction site						
Photographer:	Bruce Kirkpatrick			Witness:	none		
Photo #	5	Of	16	Date:	9/16/09	Time:	1739
Description:	Photo of site where spoiled soil from construction site was deposited. Soils were not stabilized.						



Photographer:	Bruce Kirkpatrick			Witness:	none		
Photo #	6	Of	16	Date:	9/16/09	Time:	1741
Description:	Run-off from soil spoils deposit with no sediment controls						



Water Division NPDES Photographic Evidence Sheet

Location:	Robert Pennington construction site
------------------	-------------------------------------

Photographer:	Bruce Kirkpatrick	Witness:	none
----------------------	-------------------	-----------------	------

Photo #	7	Of	16	Date:	9/16/09	Time:	1742
----------------	---	-----------	----	--------------	---------	--------------	------

Description:	Photo of ineffective sediment controls
---------------------	--



Photographer:	Bruce Kirkpatrick	Witness:	none
----------------------	-------------------	-----------------	------

Photo #	8	Of	16	Date:	9/16/09	Time:	1742
----------------	---	-----------	----	--------------	---------	--------------	------

Description:	Photo of ineffective sediment controls
---------------------	--



Water Division NPDES Photographic Evidence Sheet

Location:	Robert Pennington construction site						
Photographer:	Bruce Kirkpatrick			Witness:	none		
Photo #	9	Of	16	Date:	9/16/09	Time:	1742
Description:	Sand bags installed by complainant						



Photographer:	Bruce Kirkpatrick			Witness:	none		
Photo #	10	Of	16	Date:	9/16/09	Time:	1742
Description:	Photo of ineffective sediment controls						



Water Division NPDES Photographic Evidence Sheet

Location: Robert Pennington construction site

Photographer: Bruce Kirkpatrick **Witness:** none

Photo # 11 **Of** 16 **Date:** 9/16/09 **Time:** 1743

Description: Portion of construction site with exposed soils which had not been stabilized



Photographer: Bruce Kirkpatrick **Witness:** none

Photo # 12 **Of** 16 **Date:** 9/16/09 **Time:** 1743

Description: Run-off from construction site



Water Division NPDES Photographic Evidence Sheet

Location:	Robert Pennington construction site						
Photographer:	Bruce Kirkpatrick			Witness:	none		
Photo #	13	Of	16	Date:	9/16/09	Time:	1743
Description:	Run-off from construction site						



Photographer:	Bruce Kirkpatrick			Witness:	none		
Photo #	14	Of	16	Date:	9/16/09	Time:	1747
Description:	Run-off in complainant's yard						



Water Division NPDES Photographic Evidence Sheet

Location: Robert Pennington construction site

Photographer: Bruce Kirkpatrick **Witness:** none

Photo # 15 **Of** 16 **Date:** 9/16/09 **Time:** 1747

Description: Run-off in complainant's yard



Photographer: Bruce Kirkpatrick **Witness:** none

Photo # 16 **Of** 16 **Date:** 9/16/09 **Time:** 1749

Description: Photo of area of disturbed soils adjacent to Pearce Road where permittee brought equipment to/from construction site

