



ARKANSAS
Department of Environmental Quality

November 4, 2011

Jerrel Maxwell, Public Works Director
Cabot, City Of
1 City Plaza, Suite A
Cabot, AR 72143

RE: Complaint Investigation

AFIN: 8800832,

NPDES Permit No.: ARR040013, ARR150000,
Small Construction Site (Drainage Improvements
From Highway 89 To City Park)

Dear Mr. Maxwell:

On October 28, 2011, I performed a routine compliance inspection of the above referenced site in response to a complaint. The complainant was concerned about the potential impact of the drainage improvements on the community pond at the city park. 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:

The drainage improvement involved a linear construction site of approximately 3600 feet long with an average width of 60 feet or 4.9 acres of disturbed land. Sites of this size are automatically covered by the NPDES Permit for the Discharge of Stormwater from Construction Activities (ARR.150000). The following violations of the permit were noted:

1. The construction site is not posted with the Notice of Coverage (NOC) as required by Part I, B.8 of the permit.
2. 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.
3. Inspection records were not onsite and available for review at the time of the inspection as required by Part II, A.4.M.3 of the permit.
4. Silt and sediment has been discharged to the waters of the state in violation of the Arkansas Water and Air Pollution Control Act (A.C.A. § 8-4-217(a)(2)). Specifically, silt and sediment has reached the Cabot Community Fishing Pond in the park.

Jerrel Maxwell, Public Works Director, City Of Cabot

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5. There were no visible temporary controls (silt fence, check dams, etc.) anywhere along the length of this project nor has the site been fully stabilized. Clearly, the site has been seeded and grass is germinating, however, the coverage is spotty at this time resulting in the formation of erosion reels. It appears the seed may have washed off of some parts of the project and other parts just weren't seeded. Typically, some kind of mulch such as hay or hydro-mulch will keep the seed from washing off and will also minimize the formation of erosion reels.

In addition to the above violations of the NPDES Permit for the Discharge of Stormwater from Construction Activities (ARR.150000), the inspection also reveals a violation of the MS4 Permit (ARR040013) which requires the City to fully implement the Storm Water Management Plan (SWMP). The City's failure to fully implement the requirements of the SWMP at a City project is a violation of Part 3.1.1.of the permit.

The above items require your immediate attention. Please submit a written response to these findings to the Water Division Enforcement Branch of this Department This response should be mailed to the address at the bottom of the first page of the letter or e-mailed to Water-Enforcement-Report@adeq.state.ar.us. 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 necessary documentations (i.e. photos) is due by November 14, 2011

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 benson@adeq.state.ar.us or 501-683-0827.

Sincerely,



Dennis Benson
District 9 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 <input type="text" value="N"/> 2 <input type="text" value="5"/> 3 <input type="text" value="A"/> <input type="text" value="R"/> <input type="text" value="R"/> 4 <input type="text" value="0"/> <input type="text" value="4"/> <input type="text" value="0"/> <input type="text" value="0"/> 5 <input type="text" value="1"/> 6 <input type="text" value="3"/> 11 <input type="text" value="1"/> 12 <input type="text" value="1"/> 13 <input type="text" value="1"/> 14 <input type="text" value="0"/> 15 <input type="text" value="2"/> 16 <input type="text" value="8"/> 17 <input type="text" value="18"/> 18 <input type="text" value="W"/> 19 <input type="text" value="S"/> 20 <input type="text" value="2"/>	Remarks					
Inspection Work Days	Facility Evaluation Rating	BI	QA	-----Reserved-----		
67 <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> 69	70 <input type="text" value="N"/>	71 <input type="text" value="N"/>	72 <input type="text" value="N"/>	73 <input type="text" value=""/> <input type="text" value=""/>	74 <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> 75 <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> 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>) Cabot, City Of – Drainage Improvements From Highway 89 To City Park	Entry Time/Date 10:30 am on 10/28/11	Permit Effective Date 8/01/09
	Exit Time/Date 11:15 am on 10/28/11	Permit Expiration Date 7/31/14
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) none	Other Facility Data PDS Inspection No 062063	
Name, Address of Responsible Official/Title/Phone and Fax Number Eddie Joe Williams Cabot, City Of 1 City Plaza, Suite A Cabot, AR 72143	Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Section C: Areas Evaluated During Inspection

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

N	Permit	N	Flow Measurement	U	Operations & Maintenance	N	Sampling
N	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)

The City of Cabot has failed to implement the requirements of the SWMP as it relates to erosion control. Specifically, a city drainage improvement project that involved ~ 4.5 acres was not in compliance with the NPDES Permit for the Discharge of Stormwater Related to Construction Activities.

Name(s) and Signature(s) of Inspector(s) Dennis Benson	Agency/Office/Telephone/Fax Arkansas Department of Environmental Quality	Date 10/28/11
Signature of Reviewer	Agency/Office/Phone and Fax Numbers	Date



CITY OF CABOT PUBLIC WORKS

1 City Plaza, Suite A • Cabot, Arkansas 72023
Telephone (501) 843-4819 • Fax (501) 941-1302



November 21, 2011

ADEQ - Enforcement Branch
Attn: Allen Anderson
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317

RE: AFIN: 8800832 (NPDES Permit No.: ARR040013, ARR150000)
Drainage Improvements from Hwy 89 to City Park
City of Cabot, Arkansas

Mr. Anderson:

This letter is in response to Mr. Dennis Benson's October 28, 2011 compliance investigation and his subsequent letter dated November 4, 2011. I will address each item in the order expressed in his letter.

- 1.) The Notice of Coverage is now posted on site.
- 2.) The SWPPP is also now on site.
- 3.) Inspection records are now being maintained properly and will be available for review.
- 4.) The intent of this project was to improve the Diamond Creek drainage ditch, which involved regarding, removing built up sediment, and cleaning some restrictive vegetation. If any additional sediment has washed downstream that is detrimental we will correct it immediately; however, we believe any sediment that made it off-site was contained in the City's Community Pond which was originally designed as a retention pond anyway.
- 5.) The city is in the process of utilizing a combination of straw mulch, seed, rip rap, & geotextiles to stabilize the areas where the seed has washed away. Pictures of the stabilized areas will be sent as soon as complete. We anticipate this work being complete no later than December 9, 2011. Please note, the construction phase of this project was complete as of Mr. Benson's inspection so the remaining work will strictly be focused on stabilization.

Please note, that the previous public works director Jerrel Maxwell recently retired & I am the interim director. This coupled with a new administration change and several new employees have contributed to the oversights on this project. Please let me assure you that we will make every effort that this does not happen again. To avoid future problems we have asked our

engineering consultant, Adam Whitlow, P.E. of Whitlow Engineering Services, Inc., to develop a SWPPP to be incorporated into our SWMP for our MS4 permit that will accommodate most of our routine drainage maintenance projects. Furthermore, he will be conducting a training session for our inspectors and myself on controls, documentation, & inspection of the SWPPP.

I am hopeful that this letter (and subsequent documentation) will adequately address the deficiencies on site. If I have inadvertently left anything out, please let me know & I will correct the problem immediately.

Sincerely,

A handwritten signature in black ink, appearing to read "Norma Naquin". The signature is fluid and cursive, with the first name "Norma" and last name "Naquin" clearly distinguishable.

Norma Naquin, Interim Public Works Director

ADEQ

ARKANSAS
Department of Environmental Quality

November 30, 2011

Mr. Jerrel Maxwell, Public Works Director
City of Cabot
1 City Plaza, Suite A
Cabot, AR 72143

RE: ADEQ Response to an Inspection

NPDES Permit: ARR040013

AFIN: 88-00832

Dear Mr. Maxwell,

The Department has received your response to the October 28, 2011 inspection of your construction job site by our District Field Inspector, Dennis Benson. The information submitted sufficiently addresses the concerns of the Department. Our Department expects 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 site 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. If you have any questions, please call 501-682-0636 or e-mail farmers@adeq.state.ar.us.

Sincerely,



Sandra J Farmer
Enforcement Analyst
Water Division Enforcement Branch