



August 18, 2014

Gary Rowlands, Property Owner
Gary R. Rowlands Trust
P.O. Box 10220
Russellville, AR 72812

RE: 831 Cedar Grove Road (Pope Co)
AFIN: 58-00189 State Permit No.: 3873-WR-3 (Not Transferred)

Dear Mr. Rowland:

On July 10, 2014, I performed a compliance evaluation inspection of the above referenced facility in accordance with the provisions of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated thereunder. A copy of the inspection report is enclosed for your records.


Please refer to the “Summary of Findings” section of the attached inspection report and provide a written response for each violation that was noted. This response should be mailed to the attention of the Water Division Inspection Branch at the address at the bottom of this letter or e-mailed to Water-Inspection-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 documentation (i.e. photos) is due by **September 2, 2014**.

If I can be of any assistance, please contact me at beck@adeq.state.ar.us or (479) 968-7339 extension 16.

Sincerely,

A handwritten signature in cursive script that reads "Amy Beck".

Amy Beck
District 5 Field Inspector
Water Division

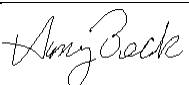
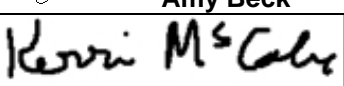
 A R K A N S A S Department of Environmental Quality		WATER DIVISION INSPECTION REPORT							
		AFIN: 58-00189		PERMIT #: 3873-WR-3		DATE: 7/10/2014			
		COUNTY: 58 Pope			PDS #: 079279		MEDIA: WS		
		GPS LAT: 35.44123° LONG: -92.98394@ LOCATION: Entrance							
FACILITY INFORMATION				INSPECTION INFORMATION					
NAME: Gary Rowland LOCATION: 831 Cedar Grove Road CITY: Hector				FACILITY TYPE: 3 - Agricultural		INSPECTOR ID#: 36537 S - State			
RESPONSIBLE OFFICIAL NAME / TITLE: Gary Rowlands / Property Owner COMPANY: Gary R. Rowlands Trust MAILING ADDRESS: P.O. Box 10220 CITY, STATE, ZIP: Russellville AR 72812 PHONE & EXT: / FAX: 479-968-5211 / EMAIL:				FACILITY EVALUATION RATING: N		INSPECTION TYPE: Compliance Evaluation			
				DATE(S): 7/10/2014		ENTRY TIME: 11:00		EXIT TIME: 11:30	
				PERMIT EFFECTIVE DATE: 11/03/99		PERMIT EXPIRATION DATE:			
				FAYETTEVILLE SHALE RELATED: N					
FAYETTEVILLE SHALE VIOLATIONS: N				INSPECTION PARTICIPANTS					
CONTACTED DURING INSPECTION: No				NAME/TITLE/PHONE/FAX/EMAIL/ETC.: N/A					
AREA EVALUATIONS									
(S=Satisfactory, M=Marginal, U=Unsatisfactory, N=Not Applicable/Evaluated)									
U	PERMIT	N	FLOW MEASUREMENT	N	STORMWATER				
N	RECORDS/REPORTS	N	LABORATORY	N	FACILITY SITE REVIEW				
U	OPERATION & MAINTENANCE	U	EFFLUENT/RECEIVING WATER	N	SELF-MONITORING PROGRAM				
N	SAMPLING	U	SLUDGE HANDLING/DISPOSAL	N	PRETREATMENT				
**	OTHER:								
SUMMARY OF FINDINGS									
1. The waste treatment facility consisting of a settling basin and holding pond on your property has been purposely compromised releasing the entire liquid portion of the ponds to surrounding drainages and exposing the solid portion of the pond to the environment. This is a violation of the Arkansas Water and Air Pollution Control Act, A.C.A. 8-4-217 (a) (2), which states: "It shall be unlawful for any person to place or cause to be placed any sewage, industrial waste, or other wastes in a location where it is likely to cause pollution of any waters of this state."									
2. Pope County Assessor's data revealed the property was sold by Kenny Bull to Rowlands Trust on April 22, 2009. Department records indicate Permit 3873-WR-3 is active, but was not transferred as required by APC&E Regulation 8, Part 8.212, which requires the transfer form be submitted to the Department thirty days prior to the proposed transfer date.									

GENERAL COMMENTS

On July 10, 2014 I arrived at the site intending to perform a routine CEI at the facility. The facility is not in operation as noted in the last inspection dated May 13, 2010. Behind the empty houses, I observed the pond levees had been cut to allow wastewater to flow out of the ponds. I observed a trench dug from the north levee of the holding pond to the adjoining pasture. Solids from the former hog operation were observed on the ground. Fill dirt was staged north of the former holding pond. The inspection report shows the ponds were intact during the 2010 inspection.

A review of historical aerial photos shows the settling basin/holding pond was not compromised on 10/13/2010. The next aerial photo dated 11/12/12 shows the holding pond with both the north and east levees cut, and the settling basin is gone. I have attached these aerial photos for reference.

Wastewater from the ponds appears to flow into an unnamed tributary (UT) of Clear Creek.

INSPECTOR'S SIGNATURE:  Amy Beck		DATE: 8/15/2014
SUPERVISOR'S SIGNATURE:  Kerri McCabe		DATE: 8/15/2014

Water Division Photographic Evidence Sheet			
Location:	831 Cedar Grove Road, Hector, AR (f.k.a. K & G Farm).		
Photographer:	Amy Beck	Date:	7/10/2014
Time:	11:14	Witness:	N/A
Photo #:	1	Description:	View of the hog houses and pond location looking SW.



Photographer:	Amy Beck	Date:	7/10/2014
Time:	11:15	Witness:	N/A
Photo #:	2	Description:	Trench dug in north holding pond levee.



Water Division Photographic Evidence Sheet			
Location:	831 Cedar Grove Road, Hector, AR (f.k.a. K & G Farm).		
Photographer:	Amy Beck	Date:	7/10/2014
Witness:	N/A	Time:	11:08
		Photo #:	3
Description:	Beginning of the trench looking into the former holding pond.		



Photographer:	Amy Beck	Date:	7/10/2014
Witness:	N/A	Time:	11:16
		Photo #:	4
Description:	Large area of solids south of the trench. Possibly the former settling basin.		




Water Division Photographic Evidence Sheet			
Location:	831 Cedar Grove Road, Hector, AR (f.k.a. K & G Farm).		
Photographer:	Amy Beck	Date:	07/10/2014
Time:	11:16	Witness:	N/A
Photo #:	5	Description:	Another view of the solids.



Photographer:	Amy Beck	Date:	07/10/2014	Time:	11:16
Witness:	N/A	Photo #:	6	Description:	Stormwater gully formed through middle of solids.



Water Division Photographic Evidence Sheet					
Location:	831 Cedar Grove Road, Hector, AR (f.k.a. K & G Farm).				
Photographer:	Amy Beck	Date:	07/10/2014	Time:	11:19
Witness:	N/A		Photo #:	7	
Description:	View of the solids looking west.				
					

Attachment 1. Aerial photograph (Google Earth) dated October 13, 2010.



Attachment 2. Aerial photograph (Google Earth) dated November 12, 2012.

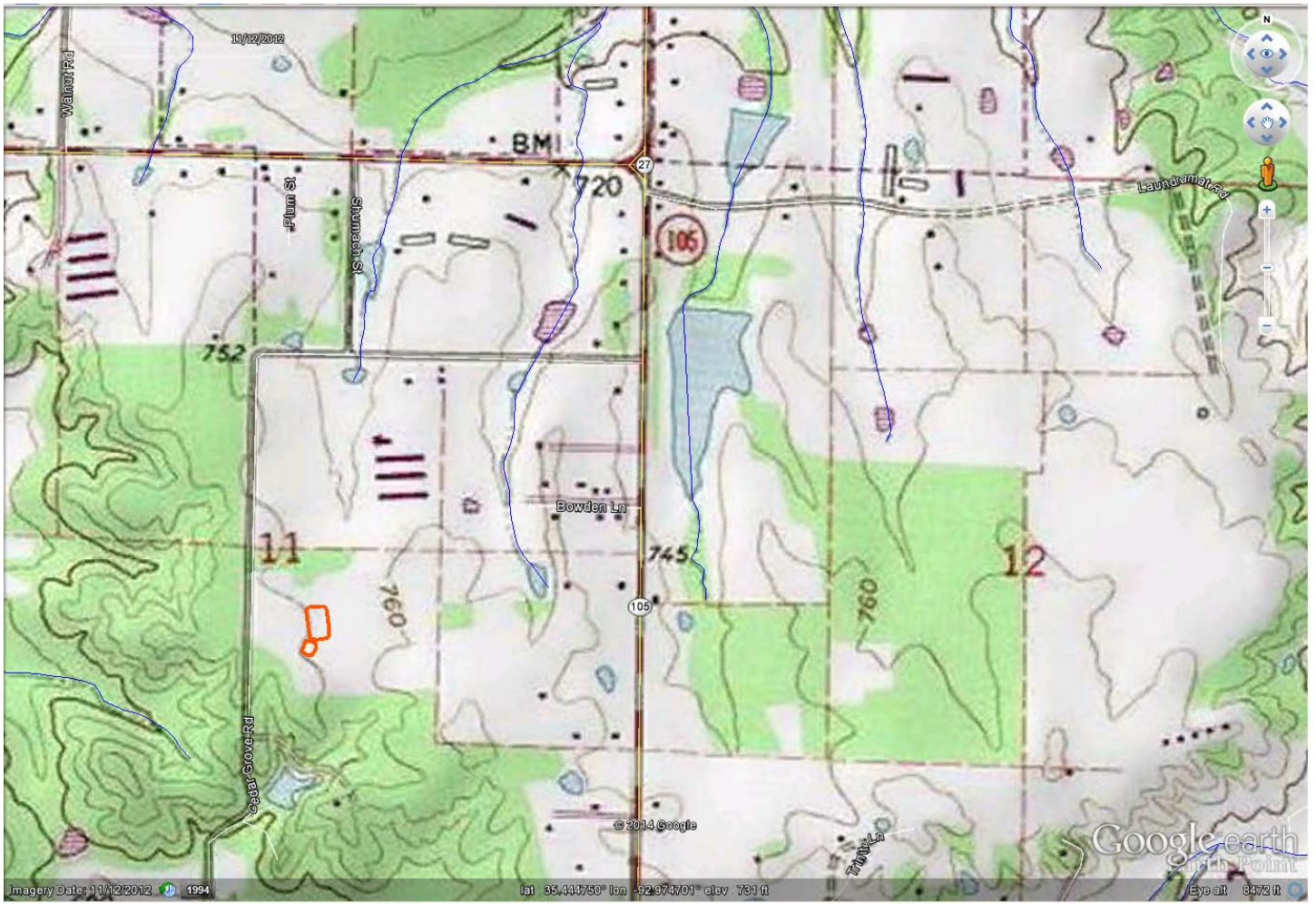


Attachment 3. Aerial photograph (Google Earth) dated November 12, 2012 with pond boundaries overlaid.



Attachment 4. Aerial map with pond boundaries (orange) and NHD streams (blue) overlaid.





McCabe, Kerri

From: Beck, Amy
Sent: Friday, August 29, 2014 10:08 AM
To: McCabe, Kerri
Subject: FW: Permit Termination Update

Should we attach this too? WID 14835

-----Original Message-----

From: Gary Rowlands [<mailto:gary.rowlands@coldwellbanker.com>]
Sent: Friday, August 29, 2014 10:02 AM
To: Vickerson, Casey
Cc: Yarberry, Katherine; Bolenbaugh, Jason; Shafii, Mo; Beck, Amy
Subject: Re: Permit Termination Update

Thank you for your timely response. I am completing the application to transfer the permit to my name and will have it sent to you next week. Ms.

Beck has been very helpful in providing contact and procedural information on this process. I will work in a timely manner to follow the instruction of ADEQ and USDA NRCS personnel.

Thanks,
Gary R. Rowlands

----- Original Message -----

Received: 12:48 PM CDT, 08/28/2014
From: "Vickerson, Casey" <Vickerson@adeq.state.ar.us>
To: "gary.rowlands@coldwellbanker.com" <gary.rowlands@coldwellbanker.com>Cc:
"Yarberry, Katherine" <YARBERRYK@adeq.state.ar.us>, "Bolenbaugh, Jason"
<BOLENBAUGH@adeq.state.ar.us>, "Shafii, Mo" <SHAFII@adeq.state.ar.us>, "Beck,
Amy" <BECK@adeq.state.ar.us>
Subject: Permit Termination Update

Mr. Rowlands,

The Department understands that you wish to close your hog farm pond so that your permit may be terminated; however, the permit is currently in the previous owner's name. The Department has also been made aware that the pond levees have been cut, and therefore, the USDA NRCS cannot approve a closure plan for your pond. To resolve this issue, you must first transfer the permit into your name. Then, you must sample the solids and soils of the land application area and submit the results to the Department for review. You may then land apply the solids upon Department approval. Next, ADEQ personnel will inspect the pond and facility to verify the solids have been properly disposed of. Once these steps are complete, you can request to terminate your permit.

Thanks,

Casey Vickerson
Permit Engineer
ADEQ Water Division
501-682-0653

McCabe, Kerri

From: Bolenbaugh, Jason
Sent: Tuesday, September 02, 2014 3:44 PM
To: Beck, Amy
Cc: McConnell, Melissa; McCabe, Kerri
Subject: FW: Permit Termination Update
Attachments: ScannedImage.jpg; ScannedImage-2.jpg

Amy,

Just forwarding you some information from Mr. Rowlands to Casey.

Melissa, please attach this email and the attachments to WATER ID 14835.

Thanks,

Jason Bolenbaugh
Inspection Branch Manager
ADEQ Water Division
Phone: 501-682-0659
bolenbaugh@adeq.state.ar.us

-----Original Message-----

From: Vickerson, Casey
Sent: Tuesday, September 02, 2014 2:19 PM
To: Bolenbaugh, Jason
Subject: FW: Permit Termination Update

FYI, Gary Rowlands is beginning to submit forms to transfer the permit.

What was the permit number or AFIN for this again?

-----Original Message-----

From: Gary Rowlands [<mailto:gary.rowlands@coldwellbanker.com>]
Sent: Tuesday, September 02, 2014 2:08 PM
To: Vickerson, Casey
Subject: Re: Permit Termination Update

Casey,
See attached documents.
Gary Rowlands

----- Original Message -----

Received: 12:48 PM CDT, 08/28/2014
From: "Vickerson, Casey" <Vickerson@adeq.state.ar.us>
To: "gary.rowlands@coldwellbanker.com" <gary.rowlands@coldwellbanker.com>, "Bolenbaugh, Jason" <YARBERRYK@adeq.state.ar.us>, "Shafii, Mo" <SHAFII@adeq.state.ar.us>, "Beck,

Amy" <BECK@adeq.state.ar.us>

Subject: Permit Termination Update

Mr. Rowlands,

The Department understands that you wish to close your hog farm pond so that your permit may be terminated; however, the permit is currently in the previous owner's name. The Department has also been made aware that the pond levees have been cut, and therefore, the USDA NRCS cannot approve a closure plan for your pond. To resolve this issue, you must first transfer the permit into your name. Then, you must sample the solids and soils of the land application area and submit the results to the Department for review. You may then land apply the solids upon Department approval. Next, ADEQ personnel will inspect the pond and facility to verify the solids have been properly disposed of. Once these steps are complete, you can request to terminate your permit.

Thanks,

Casey Vickerson
Permit Engineer
ADEQ Water Division
501-682-0653

Arkansas Department of Environmental Quality
No-Discharge Section Permit Application
Liquid Animal Waste Management Systems

Permit No.:	AFIN:	SIC Code:	NAICS Code:
(Office Use Only)	(Office Use Only)		

1. Permit Action and Type (Please check one of the following):

Operator Type: <input type="checkbox"/> Corporation (State of Incorporation: _____) <input type="checkbox"/> Limited Liability Company (State of LLC: _____)			
<input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Sole Proprietorship/Private <input type="checkbox"/> Public Entity (Type: _____)			
<input type="checkbox"/> New Permit <input type="checkbox"/> Renewal <input checked="" type="checkbox"/> Modification of Permit, Describe: <u>Closing out Permit</u>			
<input type="checkbox"/> Cattle Feedlot <input checked="" type="checkbox"/> Swine <input type="checkbox"/> Dairy <input type="checkbox"/> Poultry <input type="checkbox"/> Other _____			

2. Permittee Legal Name and Mailing Address: (Must Match Arkansas's Secretary of State)

Owner Name: <u>Gary Rowlands</u>			
Address: <u>PO Box 10220</u>		Phone Number: <u>479-970-4915</u>	
City: <u>Russellville</u>	State: <u>AR</u>	Zip Code: <u>72812</u>	
Contact Person: (Mr. / Mrs. / Ms.) <u>Gary Rowlands</u>		Email: _____	
Title: <u>OWNER</u>	Phone Number: <u>479-968-5211</u>	Cell Number: <u>479-970-4915</u>	

3. Facility Location (physical address is required; NO P.O. BOX):

Facility Name: _____			
Address (911 Address): <u>831 Cedar Grove Road</u>		Phone Number: <u>479-970-4915</u>	
City: <u>Hector</u>	State: <u>AR</u>	Zip Code: <u>72843</u>	
1/4 Sec.: <u>NE</u>	Section: <u>11</u>	Township: <u>9N</u>	Range: <u>19W</u>
Latitude: <u>35</u> Deg <u>44</u> Min <u>123</u> Sec.		Longitude <u>92</u> Deg <u>98</u> Min <u>394</u> Sec. Source Datum: _____	
County: <u>Pope</u>		Nearest Town: <u>Hector</u>	
Nearest Stream: <u>un known</u>		Distance: _____ (ft)	Stream Segment: _____

4. Consultant Information:

Name: _____		Consulting Firm: _____	
Email: _____		Phone Number: _____	
Address: _____		Cell Number: _____	
City: _____	State: _____	Zip Code: _____	

Please read the following carefully and sign below.

I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, which may include fines and/or imprisonment.

SIGNATORY REQUIREMENTS:

The information contained in this form must be certified by a **responsible official** as defined below:

Corporation: principal officer at least the level of vice president (must be an officer or register agent with the secretary of state)

Partnership: a general partner

Sole Proprietorship: the proprietor/owner

Municipal, state, federal, or other public facility: principal executive officer, or ranking elected official

Responsible Official: Gary Rowlands Title: OWNER
Responsible Telephone: 479-970-4915 Email: _____
Responsible Signature: [Signature] Date: 8/26/14

Cognizant Official is an individual that is given signature authority from the Responsible Official

Cognizant Official: _____ Title: _____
Cognizant Telephone: _____ Email: _____
Cognizant Signature: _____ Date: _____

PERMIT REQUIREMENT VERIFICATION (Please check the following to verify the completion of permit requirements.)

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Submittal of Complete Application
		Does the Organization name match the Secretary of State (Corporation or Limited Liability Company)?
		Does the Responsible Official match the Secretary of State?
<input type="checkbox"/>	<input type="checkbox"/>	Submittal of Nutrient Management Plan
<input type="checkbox"/>	<input type="checkbox"/>	Submittal of Disclosure Statement (completed and executed)
		Not required for public entity
<input type="checkbox"/>	<input type="checkbox"/>	Submittal of Land use Contract/Deed/Lease
<input type="checkbox"/>	<input type="checkbox"/>	Arkansas Department of Health notification letter (letter transmitting documents to ADH)
		(New permits or modified permits)
<input type="checkbox"/>	<input type="checkbox"/>	Adjacent Landowner Notifications
<input type="checkbox"/>	<input type="checkbox"/>	Provide Certificate of Good Standings with the Arkansas Secretary of State
		(If foreign corporation, provide Certificate of Good Standings from the state of Origin)

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

From: [Beck, Amy](#)
To: [McConnell, Melissa](#)
Subject: FW: Hog Farm
Date: Wednesday, September 10, 2014 9:02:49 AM

Please attach to WID 14835.

-AB

-----Original Message-----

From: Gary Rowlands [<mailto:gary.rowlands@coldwellbanker.com>]

Sent: Tuesday, September 02, 2014 2:13 PM

To: Beck, Amy

Subject: Hog Farm

Amy,

I have completed the modified application on the Cedar Lane Hog Farm & emailed to Little Rock today. Monica gave me the paperwork to send with the solid waste sample to U. of A. for testing. The results will be made available to Monica and anyone at ADEQ when requested.

Thank you,
Gary Rowlands

From: [Beck, Amy](#)
To: [McConnell, Melissa](#)
Subject: FW: Hog Farm
Date: Friday, September 12, 2014 1:57:42 PM

Please attach to WID 14835.

-AB

-----Original Message-----

From: Gary Rowlands [<mailto:gary.rowlands@coldwellbanker.com>]
Sent: Friday, September 12, 2014 12:55 PM
To: Beck, Amy
Subject: Hog Farm

Amy,

This is a written response to your inspection.

1. I have sent a sample of solid waste to U.of A. for analysis, after having met with Monica Dickerson at NRCS. She is helping me prepare a plan to properly dispose of solid waste. This will be finishing as quickly as possible under supervision of NRCS and anyone at ADEQ.

2. I have submitted a permit transfer form showing new ownership. Mr. Bull has signed off and the form is in the mail to ADEQ.

Respectfully,

Gary R. Rowlands

From: [Beck, Amy](#)
To: [McConnell, Melissa](#)
Subject: FW: Hog Farm
Date: Friday, September 12, 2014 1:58:12 PM

Please attach to WID 14835

-AB

-----Original Message-----

From: Gary Rowlands [<mailto:gary.rowlands@coldwellbanker.com>]
Sent: Friday, September 12, 2014 1:54 PM
To: Beck, Amy
Subject: Hog Farm

Amy,

I drained the water from the hog lagoon by using a drain line using this method: (1) setting a metal stake maybe 50-60 feet out in the lagoon and tying the drain line to the stake. (2) Filling the hose with water and allowing it to siphon onto the ground outside the lagoon. I did this several times each summer from 2010-2012. The water had drained, I cut the levee in two places to prevent rain water from accumulating.

Respectfully submitted,

Gary Rowlands



CERTIFIED MAIL: 91 7199 9991 7030 4936 5849

September 22, 2014

Gary Rowlands, Property Owner
Gary R. Rowlands Trust
P.O. Box 10220
Russellville, AR 72812

RE: Response to Inspection at 831 Cedar Grove Road (Pope Co)
AFIN: 58-00189 State Permit No.: 3873-WR-3

Dear Mr. Rowlands:

I have reviewed the response pertaining to my July 10, 2014 inspection of the above referenced facility. At this time, the Water Division Inspection Branch has no further comment concerning this particular inspection.

This case has been referred directly to the Water Division Enforcement Branch for further review. All correspondence should be routed through Richard Healey, Enforcement Branch Manager, by phone at 501-682-0649 or by email at healey@adeq.state.ar.us.

If I can be of any assistance, please contact me at beck@adeq.state.ar.us or (479) 968-7339 extension 16.

Sincerely,

Amy Beck
District 5 Field Inspector
Water Division