



**ARKANSAS**  
Department of Environmental Quality

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](mailto: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](mailto:beck@adeq.state.ar.us) or (479) 968-7339 extension 16.

Sincerely,

-Amy Becke

Amy Beck  
District 5 Field Inspector  
Water Division

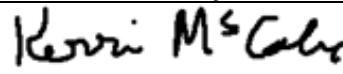
<b>ADEQ</b> <b>ARKANSAS</b> Department of Environmental Quality		<b>WATER DIVISION INSPECTION REPORT</b>			
		AFIN: 58-00189	PERMIT #: 3873-WR-3	DATE: 7/10/2014	
<b>COUNTY: 58 Pope</b>		<b>PDS #: 079279</b>		<b>MEDIA: WS</b>	
<b>GPS LAT: 35.44123° LONG: -92.98394@ LOCATION: Entrance</b>					
<b>FACILITY INFORMATION</b>			<b>INSPECTION INFORMATION</b>		
NAME: <b>Gary Rowland</b> LOCATION: <b>831 Cedar Grove Road</b> CITY: <b>Hector</b>			FACILITY TYPE: <b>3 - Agricultural</b>	INSPECTOR ID#: <b>36537 S - State</b>	
<b>RESPONSIBLE OFFICIAL</b>			FACILITY EVALUATION RATING: <b>N</b>	INSPECTION TYPE: <b>Compliance Evaluation</b>	
NAME: / TITLE <b>Gary Rowlands / Property Owner</b> COMPANY: <b>Gary R. Rowlands Trust</b> MAILING ADDRESS: <b>P.O. Box 10220</b> CITY, STATE, ZIP: <b>Russellville AR 72812</b> PHONE & EXT: / FAX: <b>479-968-5211</b> / EMAIL:			DATE(S): <b>7/10/2014</b> ENTRY TIME: <b>11:00</b> EXIT TIME: <b>11:30</b>	PERMIT EFFECTIVE DATE: <b>11/03/99</b> PERMIT EXPIRATION DATE:	
<b>CONTACTED DURING INSPECTION: No</b>			FAYETTEVILLE SHALE RELATED: <b>N</b> FAYETTEVILLE SHALE VIOLATIONS: <b>N</b>		
<b>INSPECTION PARTICIPANTS</b> NAME/TITLE/PHONE/FAX/EMAIL/ETC.: <b>N/A</b>					
<b>AREA EVALUATIONS</b> <small>(S=Satisfactory, M=Marginal, U=Unsatisfactory, N=Not Applicable/Evaluated)</small>					
<b>U</b>	<b>PERMIT</b>	<b>N</b>	<b>FLOW MEASUREMENT</b>	<b>N</b>	<b>STORMWATER</b>
<b>N</b>	<b>RECORDS/REPORTS</b>	<b>N</b>	<b>LABORATORY</b>	<b>N</b>	<b>FACILITY SITE REVIEW</b>
<b>U</b>	<b>OPERATION &amp; MAINTENANCE</b>	<b>U</b>	<b>EFFLUENT/RECEIVING WATER</b>	<b>N</b>	<b>SELF-MONITORING PROGRAM</b>
<b>N</b>	<b>SAMPLING</b>	<b>U</b>	<b>SLUDGE HANDLING/DISPOSAL</b>	<b>N</b>	<b>PRETREATMENT</b>
** OTHER:					
<b>SUMMARY OF FINDINGS</b>					
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 &amp; 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 &amp; G Farm).

Photographer: Amy Beck Date: 7/10/2014 Time: 11:08

Witness: N/A Photo #: 3

Description: Beginning of the trench looking into the former holding pond.



Photographer: Amy Beck Date: 7/10/2014 Time: 11:16

Witness: N/A 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 &amp; 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: <b>831 Cedar Grove Road, Hector, AR (f.k.a. K &amp; G Farm).</b>					
Photographer:	<b>Amy Beck</b>	Date:	<b>07/10/2014</b>	Time:	<b>11:19</b>
Witness:	<b>N/A</b>			Photo #:	<b>7</b>
Description: <b>View of the solids looking west.</b>					
					

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



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



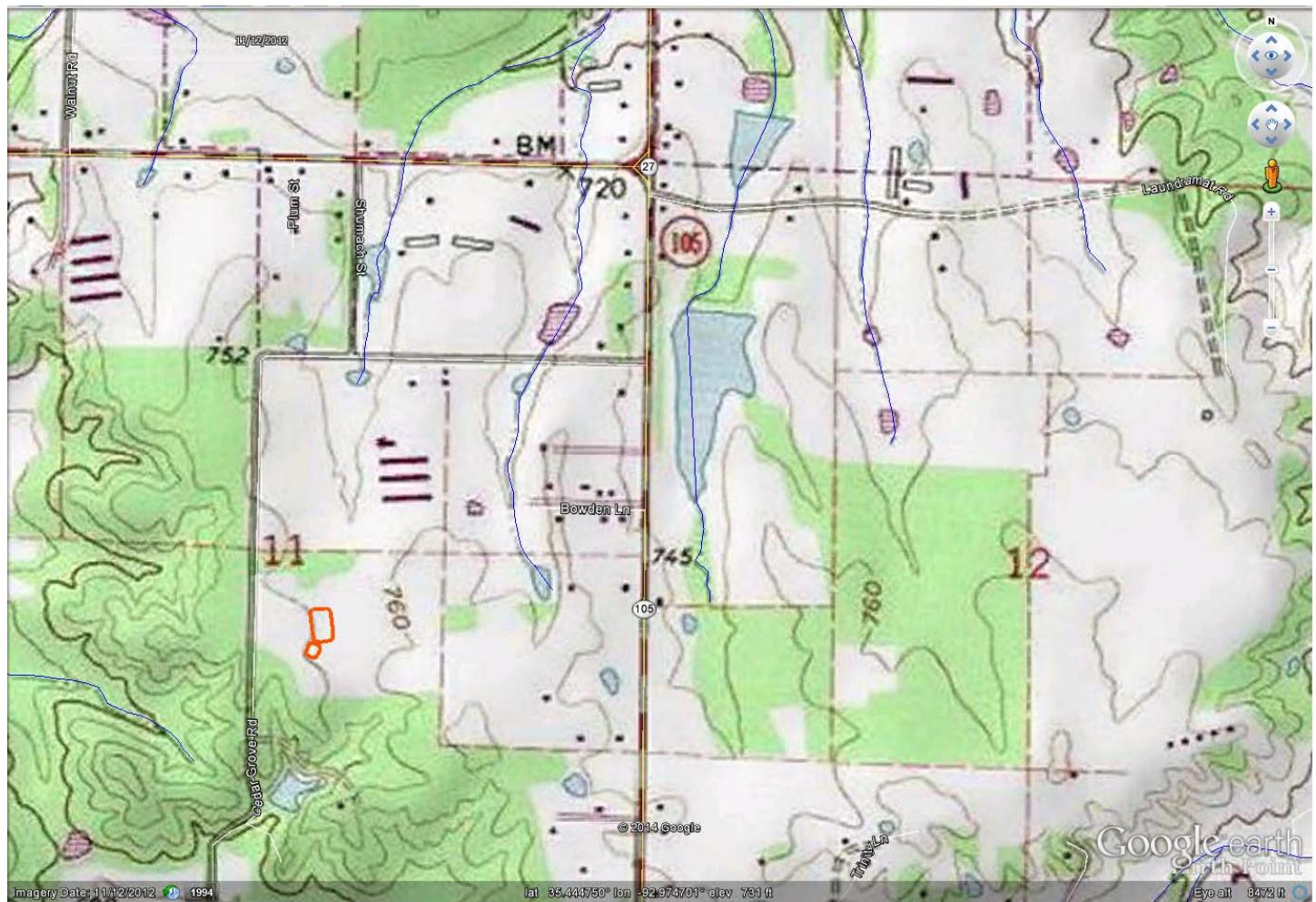
**Attachment 3. Aerial photograph (Google Earth) dated November 12, 2012 with pond boundaries overlaid.**



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



**Attachment 5. Topographic map with pond boundaries (orange) and NHD streams (blue) overlaid.**



## McCabe, Kerri

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**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](mailto:Vickerson@adeq.state.ar.us)>  
To: "[gary.rowlands@coldwellbanker.com](mailto:gary.rowlands@coldwellbanker.com)" <[gary.rowlands@coldwellbanker.com](mailto:gary.rowlands@coldwellbanker.com)>Cc:  
"Yarberry, Katherine" <[YARBERRYK@adeq.state.ar.us](mailto:YARBERRYK@adeq.state.ar.us)>, "Bolenbaugh, Jason"  
<[BOLENBAUGH@adeq.state.ar.us](mailto:BOLENBAUGH@adeq.state.ar.us)>, "Shafii, Mo" <[SHAFII@adeq.state.ar.us](mailto:SHAFII@adeq.state.ar.us)>, "Beck,  
Amy" <[BECK@adeq.state.ar.us](mailto: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

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**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](mailto: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](mailto:Vickerson@adeq.state.ar.us)>  
To: "[gary.rowlands@coldwellbanker.com](mailto:gary.rowlands@coldwellbanker.com)" <[gary.rowlands@coldwellbanker.com](mailto:gary.rowlands@coldwellbanker.com)>Cc:  
"Yarberry, Katherine" <[YARBERRYK@adeq.state.ar.us](mailto:YARBERRYK@adeq.state.ar.us)>, "Bolenbaugh, Jason"  
<[BOLENBAUGH@adeq.state.ar.us](mailto:BOLENBAUGH@adeq.state.ar.us)>, "Shafii, Mo" <[SHAFII@adeq.state.ar.us](mailto:SHAFII@adeq.state.ar.us)>, "Beck,

Amy" <[BECK@adeq.state.ar.us](mailto: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>479-900-4915</u>

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

Facility Name:			
Address (911 Address): <u>831 CedarGrove 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: Gary Rowlands 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 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 NORTHSORE DRIVE / NORTH LITTLE ROCK / ARKANSAS 72118-5317 / TELEPHONE 501-682-0744 / FAX 501-682-0880  
[www.adeq.state.ar.us](http://www.adeq.state.ar.us)

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

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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

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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

# ADEQ

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

**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](mailto:healey@adeq.state.ar.us).**

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

Sincerely,



Amy Beck  
District 5 Field Inspector  
Water Division