



January 7, 2014

Jeff Clark, Director of Operations
Benton County Road Department
1206 SW 14th St.
Bentonville, AR 72712

Re: Complaint Investigation (Benton Co)
AFIN: 04-01593 NPDES Permit #: ARR151342 (TERMINATED)

Dear Mr. Clark:

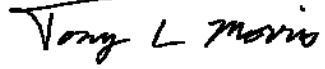
I am writing in regards to a recent complaint concerning a red dirt mining operation on a site southwest of Centerton in Benton County. The investigation found that you are in violation of the Arkansas Water and Air Pollution Control Act as well as the Federal Clean Water Act. Specifically, I found the following violation:

The operation falls within the "Sector J: Mineral Mining and Dressing" section of the Standard Industrial Activity Code. Therefore, this operation is required to have an Industrial Storm Water Permit (IGP). For your convenience, copies of the Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) template have been included with this report. For additional information obtaining an IGP, please contact Jamal Solaimanian of the Water Division's General Permits Branch at 501-682-0620 or via email at solaimanian@adeq.state.ar.us.

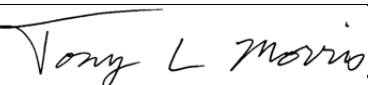
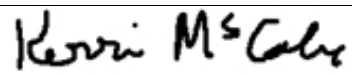
The above violation requires your immediate attention. You must submit a written response to this finding to the Water Division Inspection Branch of this Department. This response should be mailed to the address at the bottom of this letter or e-mailed to Water-Inspection-report@adeq.state.ar.us. The written response should contain a target date for submitting a permit application package to the ADEQ Water Division Permits Branch. The written response is due by **January 21, 2014.**

If you have any questions concerning this correspondence or would like to discuss this issue in greater detail, I can be reached at 870-446-2770 or by e-mail at morris@adeq.state.ar.us.

Sincerely,

A handwritten signature in black ink that reads "Tony L. Morris". The signature is written in a cursive style with a horizontal line above the first few letters.

Tony Morris
District 2 Field Inspector
Water Division

<h1>ADEQ</h1> <p>ARKANSAS Department of Environmental Quality</p>		WATER DIVISION COMPLAINT REPORT	
		AFIN: 04-01593	PERMIT #: ARR151342
		COUNTY: 04 Benton	PDS #: 016500
		GPS LOCATION: LAT: 36.3409 LONG: -94.3165 <input type="checkbox"/> Discharge Site / <input type="checkbox"/> General Area / <input checked="" type="checkbox"/> Entrance	
COMPLAINANT NAME: Anonymous		COMPLAINT AGAINST: Benton County Road Dept.	
RESPONSE REQUESTED BY COMPLAINANT: No		SITE ADDRESS: Huber Road southwest of Centerton	
MAILING ADDRESS:		MAILING 1206 SW 14th St. ADDRESS: Bentonville, AR	
CITY, STATE, ZIP:		CITY, STATE, ZIP: Bentonville AR 72712	
PHONE & EXT:	FAX:	PHONE & EXT: 479-271-1052	FAX:
EMAIL:		EMAIL:	
HOW WAS COMPLAINT RECEIVED BY ADEQ: PHON		<small>ADEQ = ADEQ Personnel EML = E-Mail FAX = Fax LTR = Letter PERS = Personal Contact PHON = Telephone WEB = ADEQ Website</small>	
PERSON RECEIVING REPORT:	DATE:	SUPERVISOR REFERRAL:	DATE:
Sarah Cousins	11/25/13		
MEDIA SUPERVISOR REFERRAL:	DATE:	RECEIVING INSPECTOR: (ID & Name)	DATE:
Alison West	11/25/13	26588 Tony Morris	12/03/13
DETAILED DESCRIPTION OF COMPLAINT			
The complaint stated that a dirt mine was permitted to Jimmy Jones Red Dirt Company. The permit was voided about a year ago. Recently someone has begun operating the pit again.			
DETAILED LOCATION			
The site is located southwest of Centerton in Benton County. Turn south off of Hwy 102 onto Vaughn Road (279), turn west onto Huber Road, the site is approximately 1.5 miles on the left at a right turn in road.			
PREVIOUS COMPLAINTS: No DATE(S):			
FOLLOW-UP ON COMPLAINT			
NUMBER OF SITE VISITS:	DATES: FIRST	SECOND	THIRD
PHOTOS TAKEN: Yes	DISCHARGE TO WATER OF THE STATE: No		SAMPLES COLLECTED: No
NAME OF WATERBODY: Tributary of Osage Creek			
FAYETTEVILLE SHALE RELATED: No		FAYETTEVILLE SHALE VIOLATIONS: No	
INVESTIGATION & ACTION TAKEN			
The site was visited on 12/18/13. The property owner, Mr. James Huber (479-644-0656), was met on site. Mr. Huber stated that the site was leased to Jimmy Jones as a red dirt pit which had an Industrial Storm Water permit (ARR153342). The lease was terminated and a Notice of Termination for the permit was submitted to ADEQ on 10/9/12. The Benton County Road Department recently leased the property and began hauling material from the site. Mr. Jeff Clark, the Director of Operations for the County Road Department, was contacted and advised that the operation must have an Industrial Storm Water Permit.			
REFERRED: No	TO WHOM: N/A		DATE REFERRED:
RESPONSE TRACKING			
RESPONSE REQUESTED: No	RESPONSE PROVIDED: ***	RESPONSE PROVIDED DATE:	
BY WHOM?(ID and Name):		ASSIGNED TO? (ID and Name):	
RESPONSE COMMENT: Investigated; evidence found and letter sent requesting response. NOI and SWPPP template provided.			
INSPECTOR:	 Tony L. Morris		DATE: 12/31/13
SUPERVISOR:	 Kerri McCabe		DATE: 1/6/2014

Water Division Photographic Evidence Sheet

Location:	Benton County Road Dept., Huber Red Dirt Pit; Benton County				
Photographer:	Tony Morris	Date:	12/18/13	Time:	13:37
Witness:	James Huber	Photo #:	1		
Description:	The gate to the red dirt pit on Huber Road.				



Photographer:	Tony Morris	Date:	8/22/13	Time:	12:37
Witness:	Keith Edmonds	Photo #:	2		
Description:	The red dirt pit as it appeared at the time of the complaint investigation.				



From: [Cindy Jones](#)
To: [Water-Inspection-Report](#)
Subject: Response letter
Date: Thursday, January 16, 2014 8:43:19 AM
Attachments: [response letter.docx](#)

Please see the attached letter as our response to a complaint investigation letter we have received from your department.

Thank-you,

Cindy Jones

Road Dept. Coordinator
Benton County Road Dept.
Office Phone - 271-1052
Cell Phone – 644-0012

"The only difference between a good day and a bad day is your attitude".

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BENTON COUNTY

STATE OF ARKANSAS

ROAD DEPARTMENT

Date: 1/16/14

Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR. 72118-5317

Attention Water Division Inspection Branch,

We are in receipt of a complaint investigation letter dated January 7th, 2014. We are submitting this response to state we are in the process of obtaining an Industrial Stormwater Permit which includes an NOI and SWPPP. We expect to have the completed paperwork in the mail to your office by January 21st, 2014.

If you have any questions, please contact our office at 479-271-1052.

Sincerely,

Cindy Jones

Road Dept. Coordinator
Benton County Road Dept.
Cell Phone 479- 644-0012

Jeff Clark

Director of Road and Bridge Construction
Benton County Road Dept.
Cell Phone 479- 372-0446