



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202-2733

JUN 27 2013

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7011 3500 0000 0359 9809

Mr. Greg Smith, President  
Logan Development, LLC  
3616 Hay Field Circle  
Fayetteville, AR 72704

Re: Administrative Order, Docket Number: CWA-06-2013-1824  
NPDES Facility Number: ARR153431

Dear Mr. Smith:

Enclosed is an Administrative Order (AO) issued to Logan Development, LLC, for violation of the Clean Water Act (CWA), 33 U.S.C. §§ 1251–1387. Violations were identified during an April 16, 2013, inspection conducted by the Environmental Protection Agency (EPA) of the construction site for your Osage Creek Events Center located in Siloam Springs, Arkansas. The violations were discussed with you at the time of the inspection. The violations alleged include, but are not limited to, the following:

- a) Failure to stabilize the disturbed soil on-site when the project was halted for six months; and
- b) failure to conduct storm water inspections at the construction site during six months of inactivity.

In addition, between October 2012 and May 2013, there were twenty-one rain events of one-half inch or greater at the facility, which resulted in a discharge of pollutants from the site into waters of the United States.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within thirty days of receipt of this AO. The AO also contains other compliance deadlines and information demands. The EPA is committed to ensuring compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) program, and my staff will assist you in any way possible. Please reference AO Docket Number CWA-06-2013-1824 and NPDES Facility Number ARR153431 in your response.

Also enclosed is an "Information Sheet" relating to the Small Business Regulatory Enforcement Fairness Act and a "Notice of Registrant's Duty to Disclose" relating to the disclosure of environmental legal proceedings to the Securities and Exchange Commission.

Re: Administrative Order  
Logan Development, LLC

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If you have any questions, please contact Mr. Everett H. Spencer, of my staff,  
at (214) 665-8060.

Sincerely,



John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

Enclosure

cc: Mr. Ryan Benefield  
Acting Chief, Water Division  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
Little Rock, AR 72118-5317

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**1445 Ross Avenue, Suite 1200, Dallas, TX 75202**  
**FINDINGS OF VIOLATION AND COMPLIANCE ORDER AND**  
**INFORMATION DEMAND**

Docket Number: CWA-06-2013-1824, NPDES Permit Number: ARR153431

STATUTORY AUTHORITY

The following findings are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA"), by Sections 308 and 309(a) of the Clean Water Act ("the Act"), 33 U.S.C. §§ 1318 and 1319(a). The Administrator of EPA delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who further delegated this authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Logan Development, LLC ("Respondent") is a "person," as defined by Section 502(5) of the Act, 33 U.S.C. § 1362(5).

2. At all times relevant to the violations alleged herein, Respondent owned or operated the Osage Creek Events Center, a 39 acre construction site, located at 14700 Logan Cave Road, Siloam Springs, Benton County, Arkansas ("facility") and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2. The mailing address for Respondent is 3616 Hay Field Circle, Fayetteville, AR 72704.

3. At all times relevant to this Order, the facility was a "point source" of a "discharge" of "pollutant[s]" as defined by Section 502(12) & (14), 33 U.S.C. § 1362(12) & (14) into the receiving waters of Osage Creek, thence to the Illinois River, which are "waters of the United States" as defined by 40 C.F.R. § 122.2. As a result, Respondent and the facility were subject to the Act and the National Pollutant Discharge Elimination System ("NPDES") program.

4. The facility is considered an industry by code, as identified under 40 C.F.R. § 122.26(b)(14)(x) and is subject to the General Permit for Storm Water Discharges Associated with Construction Activity issued by the Arkansas Department of Environmental Quality ("ADEQ") on October 31, 2011.

5. Respondent applied for and was issued coverage under the Permit, and was assigned NPDES Permit No. ARR153431 by the ADEQ. Beginning on March 16, 2012, Respondent was authorized to discharge pollutants to waters of the United States, but only in compliance with the specific terms and conditions of the permit. During the time period of

October 2012, and May 2013, there were twenty-one rain events of one half inch or greater at the facility, which resulted in a discharge of pollutants from the site into waters of the United States.

6. On April 16, 2013, the facility was inspected by EPA storm water inspectors. As a result of this inspection, the facility was found to be in violation of Section 402 of the Act, 33 U.S.C. § 1342.

7. Part I.B, Section 12.B of the permit was violated in that Respondent failed to stabilize the 39 acre construction site within the fourteen-day time period after construction had ceased at the site (temporarily or permanently).

8. Part II.A, Section 4.L.1 of the permit was violated in that Respondent failed to conduct storm water inspections on the inactive and unstabilized construction site as required by their permit, which was still in force and active.

9. Each violation of the conditions of the permit described above is a violation of Section 402 of the Act, 33 U.S.C. § 1342.

SECTION 309(a)(3) COMPLIANCE ORDER

Based on these findings and pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), EPA orders that Respondent take the following actions upon receipt of this Order:

A. Within thirty (30) days of the effective date of this Order, Respondent shall stabilize those areas of the site that were unstabilized at the time of the inspection.

B. Within thirty (30) days of the effective date of this Order, Respondent shall begin conducting storm water inspections of the entire construction site.

C. Within thirty (30) days of the effective date of this Order, Respondent shall submit a response to this Order detailing corrective actions taken.

SECTION 308 INFORMATION DEMAND

Based on the foregoing Findings and pursuant to the authority of Section 308 of the Act, 33 U.S.C. § 1318, Respondent is required to do the following:

A. Within thirty (30) days of the effective date of this Order, Respondent shall submit a written certification of compliance to the EPA, Region 6. All correspondence should be addressed to:

Mr. Everett H. Spencer  
Water Enforcement Branch (6EN-WM)  
EPA, Region 6  
1445 Ross Ave., Suite 1200  
Dallas, TX 75202-2733

GENERAL PROVISIONS

Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Section 706, which is set forth at <http://uscode.house.gov/download/pls/05C7.txt>, states the scope of such review.

Issuance of this Section 309(a)(3) Compliance Order and the Section 308 Information Demand shall not be deemed an election by EPA to waive any administrative or judicial, civil or criminal action to seek penalties, fines, or other relief under the Act for the violations cited herein, or other violations that become known to EPA. EPA reserves the right to seek any remedy available under the law that it deems appropriate.

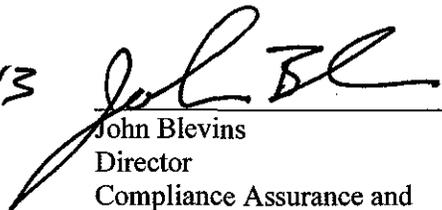
Failure to comply with this Section 309(a)(3) Compliance Order, or the Section 308 Information Demand, or the Act can result in further administrative action, or a civil judicial action initiated by the United States Department of Justice.

Compliance with the terms and conditions of this Order does not relieve Respondent of its obligation to comply with all applicable federal, state, or local laws or regulations.

The effective date of this Order is the date it is received by Respondent.

Date

6.27.13

  
John Blevins

Director

Compliance Assurance and  
Enforcement Division