



Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

This report includes only factual information gained by documentation, onsite observations, and/or onsite interviews.

Inspector Name(s)	Chelsey Sherwood	Time In	1:00 PM	Start Date	October 9, 2024		
		Time Out	1:35 PM	End Date	October 9, 2024		
Inspector's Organization	EPA Region 6, Enforcement and Compliance Division, Water Resources Section						
Organization Requesting Inspection (if different)	N/A						
Inspection Type	Evaluation	Inspection Status	Original				
Site Name	Pinnacle Springs, LLC						
Site Address*	South 46th Street						
City*	Rogers	County*	Benton	State*	AR	Zip Code*	72758
Mailing Address*	1115 Howell Mill Road NW, STE 777						
City*	Atlanta	County*	Fulton	State*	GA	Zip Code*	30318
Latitude*	36.31514		Longitude*	-94.18079			
Estimated Size of Site (acres)	22		Is there a home on the site?	☐ Yes		☒ No	
Inspector Signature	CHELSEY SHERWOOD			Digitally signed by CHELSEY SHERWOOD Date: 2024.12.05 13:27:26 -06'00'		Date	12/4/2024
Supervisor Signature	RUBEN ALAYON-GONZALEZ			Digitally signed by RUBEN ALAYON-GONZALEZ Date: 2024.12.05 16:35:47 -06'00'		Date	

Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

Site Name	Pinnacle Springs, LLC	Start Date	October 9, 2024
		End Date	October 9, 2024
Inspection Purpose	Initial site visit		
Opening Conference			
☐ Presentation of Inspector Credentials Name and Title (Use N/A if owner/operator not available to join the inspection) N/A			
☐ Opening Conference Name of person authorizing access if applicable N/A			
Notes from Opening Conference N/A			
☐ Access Issues if Any Describe N/A			
Inspection Observations and Sample Collection			
Site Owner/Site Operator/Responsible Party (Name, title and contact information) Pinnacle Springs, LLC - Jeffrey DeHart, Owner/Responsible Party. Patrick Barber, Consultant with Acer Environmental, LLC. Email is pbarber@acerenv.net			
Additional Persons Present at Inspection Pablo Bacon with the Little Rock District of the US Army Corps of Engineers			
General Site Characteristics (layout of property, etc.) This property is north of W New Hope Road and west of S Promenade Boulevard adjacent to the Osage Spring and Osage Spring impoundment, a tributary to Osage Creek. Refer to map attachments and photographs for details.			
Purpose and Need for Discharge of Dredged and/or Fill Material The purpose is for development.			
Site Overview (Past inspections, site description, permits, etc.) The Corps had inspected the site on November 21, 2023 concerning Section 404 permitting. A permit application was submitted and a jurisdictional determination was requested for this site by the developer and/or their authorized agent; however, the permit application was withdrawn. Also, Arkansas Division of Environmental Quality inspected on December 21, 2023 concerning Construction Stormwater - NPDES permitting.			



Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

Site Name	Pinnacle Springs, LLC	Start Date	October 9, 2024
		End Date	October 9, 2024
Scope of Inspection (Areas inspected or not inspected)			
I inspected the site from the road and photos were taken for documentation.			

Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

Site Name	Pinnacle Springs, LLC	Start Date	October 9, 2024
		End Date	October 9, 2024
Environmental Conditions (e.g., wind, rain, smoke, dust, temperature, snow)			
~81 degrees F, sunny			
Field Work Conducted			
I assessed the construction activities and Osage Spring and the impoundment from the road. Pictures were taken for documentation.			
Closing Conference			
Documents Received and/or Requested During the Inspection			
N/A			
Compliance Assistance Provided (If any)			
N/A			
Observations Relayed to Site Owner/Operator			
N/A			
Actions Taken by Owner/Operator During the Inspection (If any)			
N/A			
Potential Issues of Concern Including Regulatory Citations			
The Corps and I did a joint inspection and documented unauthorized construction activities in Osage Spring and the Osage Spring impoundment, which included the placement of a fill dam for dewatering operations and the construction of a culverted crossing. An Approved Jurisdictional Determination (AJD) was issued for this site on December 22, 2023, regarding approximately 35 linear feet of stream (Osage Springs) and approximately 0.73 acres of impounded waters, which are considered waters of the United States and subject to regulatory jurisdiction pursuant to Section 404 of the Clean Water Act. According to the Corps, a permit application was submitted but then withdrawn and no Section 404 permit was obtained for the discharge of fill material into Waters of the United States. EPA is taking the lead for enforcement at this site. Under the 1989 Memorandum of Agreement Section III(D)(1) between EPA and the Corps, the EPA will be the lead enforcement agency for repeat and flagrant violators. Refer to photos and map attachments for site inspection details.			
Attachments*			
☒ Maps and Sketches ☒ Photographs (including location) and Photo Log ☐ Other (SSIP, Wetlands Delineation Forms, etc.)			
N/A			



Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

Site Name	Pinnacle Springs, LLC	Start Date	October 9, 2024
		End Date	October 9, 2024
Additional Notes			
N/A			

Appendix 1

Photograph Log



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Location: 36.31509, -94.18109		
City: Rogers	County/Parish: Benton	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_001.JPG	10/09/2024, 1:04 PM	Chelsey Sherwood	Showing dam built across the Osage Spring impoundment and dewatering activities. Note: circled in red is the Osage cultural site. Picture taken facing east.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Location: 36.31510, -94.18108		
City: Rogers	County/Parish: Benton	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_002.JPG	10/09/2024, 1:05 PM	Chelsey Sherwood	Showing construction activities and the impoundment dewatered. Picture taken facing north.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

Location: 36.31510, -94.18108		
City: Rogers	County/Parish: Benton	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_003.JPG	10/09/2024, 1:05 PM	Chelsey Sherwood	Showing fill material and construction activities. Picture taken facing northwest.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 4

Location: 36.31519, -94.181112		
City: Rogers	County/Parish: Benton	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_004.JPG	10/09/2024, 1:09 PM	Chelsey Sherwood	Showing perched culverted crossing built across the impoundment. Picture taken facing northwest.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 5

Location: 36.31535, -94.18134		
City: Rogers	County/Parish: Benton	State: Arkansas

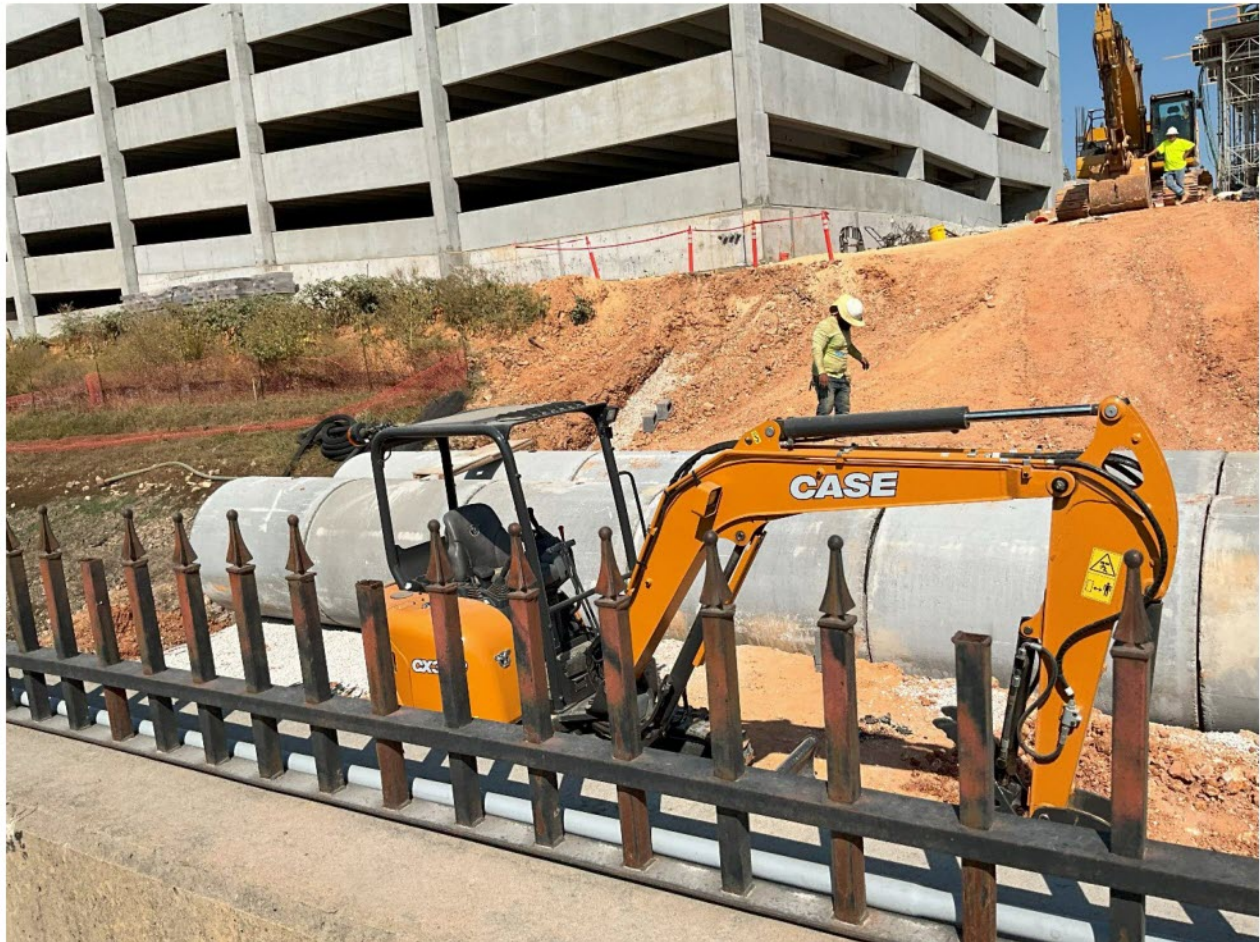


Photo File Name	Date and Time of Photo	Photographer	Description
IMG_005.JPG	10/09/2024, 1:11 PM	Chelsey Sherwood	Showing fill material consisting of a culverted crossing being built in the impoundment. Picture taken facing north.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 6

Location: 36.31550 -94.18197		
City: Rogers	County/Parish: Benton	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_006.JPG	10/09/2024, 1:15 PM	Chelsey Sherwood	Showing downstream of culverted crossing, where impoundment would flow into Osage Creek. Picture taken facing west.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 7

Location: 36.31550, -94.18196		
City: Rogers	County/Parish: Benton	State: Arkansas

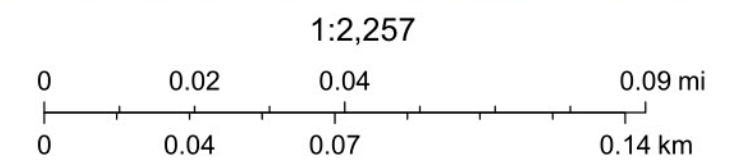


Photo File Name	Date and Time of Photo	Photographer	Description
IMG_007.JPG	10/09/2024, 1:15 PM	Chelsey Sherwood	Showing dewatered impoundment and construction activities on site. Picture taken facing east.

Pinnacle Springs, LLC Photo Locations Map



12/4/2024, 6:48:32 PM



© 2024 Microsoft Corporation © 2024 Maxar ©CNES
(2024) Distribution Airbus DS © 2024 TomTom

Legend

- Osage Nation Burial Grounds
- Project Area

