



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, EPA Arel Simpson and Frederick Martin, USACE	Time In	8:50 AM	Start Date	June 22, 2022
		Time Out	11:05 AM	End Date	June 22, 2022
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	City of Hot Springs				
Site Address*	102 Forest View CT				
City*	Hot Springs National Park	County*	Garland	State*	AR Zip Code* 71913
Mailing Address*	133 Convention Boulevard				
City*	Hot Springs National Park	County*	Garland	State*	AR Zip Code* 71901
Latitude*	34.46636		Longitude*	-93.04335	
Estimated Size of Site (acres)	2	Is there a home on the site?	☒ Yes ☐ No		
Inspector Signature				Date	8/15/2022
Supervisor Signature				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	City of Hot Springs	Start Date	June 22, 2022
		End Date	June 22, 2022
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 Jerlene McCoig, jmccoig501@aol.com			
Notes from Opening Conference We discussed with Ms. McCoig her observations and concerns. Ms. McCoig showed us potential issues of concern along her property and the City of Hot Springs project area.			
☐ Access Issues if Any Describe N/A			
Inspection Observations and Sample Collection			
Site Owner/Site Operator/Responsible Party (Name, title and contact information) City of Hot Springs, Bobby Harris, Field Operations Manager, 501-321-6200, email: bharris@cityhs.net			
Additional Persons Present at Inspection Jimmy Davis and Gary Carnahan, City of Hot Spring Staff			
General Site Characteristics (layout of property, etc.) The site is east of 102 Forest View CT and is along Ms. McCoig's property boundary and on the City of Hot Springs property. This project area is primarily forested with a relatively permanent tributary to Hot Springs Creek flowing west to east through the project area. Refer to map attachments for details.			
Purpose and Need for Discharge of Dredged and/or Fill Material Recreation. A trail is in the process of being built.			
Site Overview (Past inspections, site description, permits, etc.) The proposed project was permitted by the Corps and an extension was granted in the past. It has now expired and the City of Hot Springs is working with the Corps to get another permit.			
Scope of Inspection (Areas inspected or not inspected) We inspected the stream from where it crosses Forest View CT road to the confluence with Hot Springs Creek, approximately 294 linear feet of stream. We also inspected stream crossings, adjacent wetland area, and the outside maintenance done to the sewer			



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	City of Hot Springs	Start Date	June 22, 2022
		End Date	June 22, 2022
holes related to Sanitary Sewer Overflows.			

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	City of Hot Springs	Start Date	June 22, 2022
		End Date	June 22, 2022
Environmental Conditions (e.g., wind, rain, smoke, dust, temperature, snow)			
~84 degrees F with a high of 96, partly cloudy, last rainfall event was June 11, 2022.			
Field Work Conducted			
We inspected the stream from where it crosses Forest View CT road to the confluence with Hot Springs Creek, approximately 294 linear feet of stream. We also inspected stream crossings, adjacent wetland area, and the outside maintenance done to the sewer holes related to Sanitary Sewer Overflows. We walked the site and discussed the areas of concern and 404 violations with the City of Hot Springs staff and provided compliance assistance. Refer to attachments.			
Closing Conference			
Documents Received and/or Requested During the Inspection			
N/A			
Compliance Assistance Provided (If any)			
We discussed the areas of concern and 404 violations with the City of Hot Springs staff and what actions needed to be taken to be in compliance.			
Observations Relayed to Site Owner/Operator			
We relayed to the City of Hot Springs staff that the work that had been conducted was within jurisdictional waters and thus a violation and a 404 permit is needed to fill or discharge material into Waters of the United States.			
Actions Taken by Owner/Operator During the Inspection (If any)			
The City of Hot Springs staff contacted the site operator and relayed the actions needed to obtain compliance. They were going to take necessary action later that day and send those photographs and proper documentation to the Corps.			
Potential Issues of Concern Including Regulatory Citations			
Several 404 violations were observed: 1) Fill had been placed below the Ordinary High Water Mark and pushed into Hot Springs Creek; 2) Fill material was placed below the Ordinary High Water Mark to create a berm approximately 3 feet high and 7 feet wide along the unnamed tributary of Hot Springs Creek; 3) Fill had been placed in the stream channel of the unnamed tributary of Hot Springs Creek impeding flow; and 4) Rock fill was placed in wetland area approximately 2 feet deep and 10 feet wide. A 404 permit is needed for filling and dredging of Waters of the U.S. Hot Springs Creek is a tributary of the Ouachita River, a traditional navigable water. Potential issues of concern include: 1) Impacts to water quality and aquatic life. 2) The stream channel west of Forest View CT had been concreted and large rocks placed throughout channel and along river banks. This decreases lateral connectivity to its floodplain, encourages channel incision, tends to increase the speed of water flow, amplifying energy downstream, and potentially causes increased erosion downstream. This was already being observed. 3) Where the stream channel exits the culvert, there is headcutting, the culvert has become perched, and concrete pieces had eroded and fallen into the stream. The perched culvert is a potential fish barrier. 4) River right bank adjacent to Ms. McCoig's yard was highly eroded and undercutting with parts of landscape edging falling into stream 5) Fill placed in the unnamed tributary to Hot Springs Creek was impeding flow. 6) Fill placed in wetland area had disconnected the unnamed tributary from its floodplain. Refer to photographs and maps for details.			
Attachments*			
☒ Maps and Sketches ☒ Photographs (including location) and Photo Log ☐ Other (SSIP, Wetlands Delineation Forms, etc.)			



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	City of Hot Springs	Start Date	June 22, 2022
		End Date	June 22, 2022
N/A			
Additional Notes			
This case has not been referred to EPA. They are currently working with the COE to resolve. Sewer holes had large boulders placed on top of covers to prevent further overflows, trash had been cleaned up, and lime had been spread around area.			