


FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JUN 20 2024

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
Central Division

TAMMY H. DOWNS, CLERK
By:  DEP CLERK
PLAINTIFF

CORNELIUS BROOKS

VS.

NO. 4:24-cv-523-LPR

DOLGENCORP, LLC, d/b/a DOLLAR GENERAL, This case assigned to District Judge Rudofsky
ROZIER CONSTRUCTION COMPANY, and to Magistrate Judge Harris
ARKANSAS DEPARTMENT OF TRANSPORTATION,
ENVIRONMENTAL PROTECTION AGENCY DEFENDANTS

COMPLAINT

Comes the Plaintiff, Cornelius Brooks *pro se*, and for his Complaint against the Defendants, Dolgencorp, LLC, d/b/a Dollar General, Rozier Construction Company, Arkansas Department of Transportation, Environmental Protection Agency, herein states:

JURISDICTION

1. That Plaintiff herein is a citizen and resident of Drew County, Arkansas, and a citizen of the State of Arkansas and of the United States of America;

2. That the complaint herein is brought by Plaintiff based upon actions of the Defendants, separately and in concert with one another, that results in damage to the land, water and health resources of Drew County, and therefore inures to a threat to the health, welfare and benefits to the Plaintiff;

3. That the Defendant, Dolgencorp, LLC is a foreign corporate entity located in Goodlettsville, Tennessee and doing business in Arkansas and Drew County, as Dollar General;

4. That Rozier Construction Company is a corporate entity doing business in Arkansas and Drew County, and located in Carrollton, Mississippi;

5. That the Arkansas Department of Transportation is an entity and/or arm of the State of Arkansas with jurisdiction over the State roads and rights of way in Arkansas and Drew County;

6. That the Environmental Protection Agency is a subdivision of the government of the United States of America and acts in Arkansas and Drew County through its affiliation with the State of Arkansas;

FACTS

7. That on or about April 12, 2024, the Defendant Dolgencorp began preparation and construction of a Dollar General store in the City of Wilmar, Arkansas, in Drew County, using the services of Rozier Construction Company;

8. That during and in the course of such construction, certain natural and/or manmade water drainage routes were damaged or rerouted which resulted in damage to the local topography and caused stagnation and erosion which has or will, likely affect the local waterways to the detriment of the ecology of the area and to the quality of the water and environment of the area;

9. That Plaintiff filed a formal complaint on May 8, 2024 with both the National Response Center and Arkansas Energy Environment Offices (See, Exhibits 1 and 2);

10. That based on investigation of the records, of previous construction by Dolgencorp, using the services of Defendant Rozier Construction, there have been four (4) previous projects by these Defendants in the Drew County area and neither of the construction projects comply with regulations intended to protect the environmental assets of the area. Plaintiff did investigate other projects inside Drew County to determine if there are other projects done in violation of the regulations. It is a common practice for the Defendants Dolgencorp and Rozier Construction to begin construction of a Dollar General without required permits (See, Exhibits 3, 4, 5, and 6);

11. That Rozier Construction, working under the direction and as a contractor for Dolgencorp, regularly releases gasoline, diesel fuels and petroleum onto the grounds in the area, which then soaks into the earth and/or is drained into the local streams and waterways, thereby contaminating the waters and adversely affecting the ground and foliage in the area;

12. That Plaintiff notified Defendants the Environmental Protection Agency on May 8, 2024 and the Arkansas Department of Transportation on May 16, 2024, (See, Exhibits 1 and 2), who both inspected the area but took no corrective action even though under the regulations of each agency they are charged with the responsibility to protect the natural resources of the area, while monitoring and protecting the property of the State in their respective areas of responsibility, including the land, water, and resource of Wilmar, in Drew County, Arkansas and that same is a nuisance to the people of the area and should be abated;

13. That subsequent to Plaintiff's complaint to Defendants Environmental Protection Agency and Arkansas Department of Transportation, each of these two agencies investigated and determined that Defendants Dolgencorp and Rozier Construction were in violation of state, local and federal regulations that require protection of these environmental properties, and monitoring of construction efforts, and, in response said Defendant Rozier Construction has concurred and admitted certain violations in this project (See, Exhibit 7);

14. That Defendant Environmental Protection Agency knowingly failed to follow its own regulations, which requires said Defendant to require prior clearance of its regulations and requirements before any permit be issued allowing the work herein to proceed;

RELIEF SOUGHT

15. That the Court should direct, order and monitor the Defendant Dolgencorp, to cease, desist, and discontinue its construction in the described site, pending abatement of the nuisance described herein;

16. That Defendant Rozier Construction be directed, ordered, and monitored to cease, desist, and discontinue any construction efforts herein, pending abatement of the nuisance described herein;

17. That Defendant Arkansas Department of Transportation be directed, ordered and monitored to require Defendants Dolgencorp and Rozier Construction to cease, desist and discontinue any construction efforts, pending abatement of the nuisance created and continuing herein;

18. That Defendant Environmental Protection Agency be ordered to require Defendants Dolgencorp and Rozier Construction to abate the nuisance created and ongoing herein, order soil and water samples for all adjacent property and;

19. That Defendants, jointly and severally, should be ordered to pay the costs, fees, and damages, including any applicable monetary damages associated with Plaintiff's bringing of this action and for all other just and proper relief.

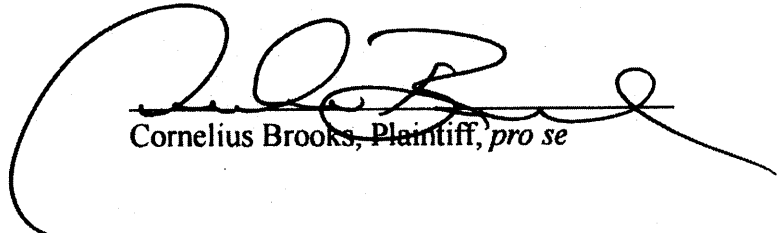
WHEREFORE, Plaintiff prays that Defendants, jointly and severally, be required to abate the nuisance as herein described, and for costs, fees, and monetary damages and for all other relief the Court deems just and proper.


Cornelius Brooks, Plaintiff, *pro se*

131 Mona Lisa Ct
Monticello, Ar 71655

CERTIFICATE OF TRUTH

I, Cornelius Brooks, state on both that the facts, matters and statements herein are true and correct to the best of my knowledge, information and belief.


Cornelius Brooks, Plaintiff, *pro se*

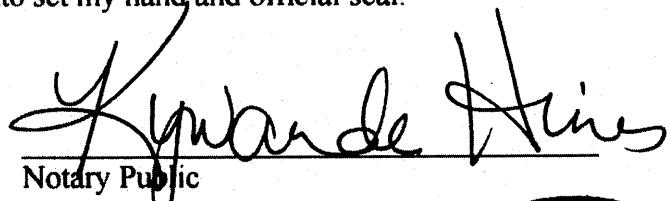
ACKNOWLEDGMENT

STATE OF ARKANSAS

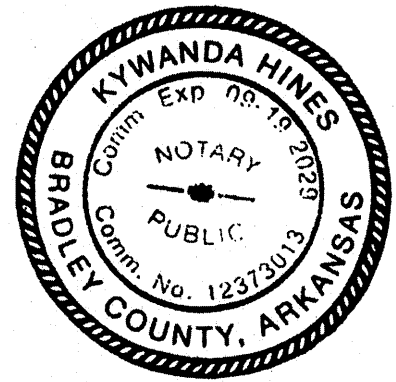
COUNTY OF DREW

On this the 19th day of June 2024, before me, the undersigned Notary Public in and for said County and State, personally appeared Cornelius Brooks, known to me to be the person whose name is subscribed to the within instrument and he acknowledged having executed the same for the consideration and purposes therein expressed..

IN WITNESS WHEREOF I hereunto set my hand and official seal.


Notary Public

My commission expires: Sept 19, 2029



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Complaint has been mailed to the Defendants, Dolgencorp, LLC, d/b/a Dollar General, Rozier Construction Company, Arkansas Department of Transportation, and Environmental Protection Agency, on this 19th day of June, 2024..

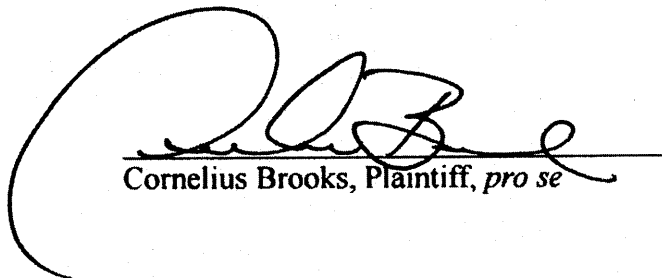

Cornelius Brooks, Plaintiff, *pro se*

Exhibit 1

[null <ctbrooks0121@yahoo.com>
om HQS-SMB-NRC@uscg.mil <HQS-SMB-NRC@uscg.mil>
ate: Wed, May 8, 2024 at 15:40

NATIONAL RESPONSE CENTER 1-800-424-8802

***** For Public Use *****

Information released to a third party shall comply with any applicable federal and/or state Freedom of Information and Privacy Laws

Incident Report # 1398406

INCIDENT DESCRIPTION

*Report taken by NRC on 08-MAY-24 at 16:24 ET.

Incident Type: FIXED

Incident Cause: UNKNOWN

Affected Area: STORM DRAIN

Incident was discovered on 02-MAY-24 at 14:00 local incident time.

Affected Medium: WATER / SOIL, GRASS, STORMM DRIAN

SUSPECTED RESPONSIBLE PARTY

Organization: GENERAL DOLLAR STORE

WILMAR, AR 71675

Type of Organization: PRIVATE ENTERPRISE

INCIDENT LOCATION

HIGHWAY 278 W & HIGHWAY 133 N County: DREW

City: WILMAR State: AR Zip: 71675

CONSTRUCTION

RELEASED MATERIAL(S)

CHRIS Code: OUN Official Material Name: UNKNOWN OIL

Also Known As:

Qty Released: 0 UNKNOWN AMOUNT

Qty in Water: 0 UNKNOWN AMOUNT

DESCRIPTION OF INCIDENT

THE CALLER IS REPORTING A RELEASE OF UNKNOWN OIL, ONTO THE GROUND AND INTO A WATERWAY, FROM MACHINERY ON THE CONSTRUCTION SITE. THE CAUSE OF THE RELEASE IS UNKNOWN AT THIS TIME.

Exhibit 1

Package: N/A
Building ID:
Type of Fixed Object: CONSTRUCTION SITE
Power Generating Facility: UNKNOWN
Generating Capacity:
Type of Fuel:
NPDES:
NPDES Compliance: UNKNOWN
---WATER INFORMATION---
Body of Water: STORM DRAIN
Tributary of:
Nearest River Mile Marker:
Water Supply Contaminated: UNKNOWN

IMPACT

Fire Involved: NO Fire Extinguished: UNKNOWN
INJURIES: NO Sent to Hospital: Empl/Crew: Passenger:
FATALITIES: NO Empl/Crew: Passenger: Occupant:
EVACUATIONS:NO Who Evacuated: Radius/Area:

Damages: NO

Hours Direction of
Closure Type Description of Closure Closed Closure

Air: NO

Road: NO Major Artery:NO

Waterway:NO

Track: NO

Passengers Transferred: NO
Environmental Impact: NO
Media Interest: NONE

REMEDIAL ACTIONS

NONE
Release Secured: UNKNOWN
Release Rate:

WEATHER

Weather: RAINY, °F

ADDITIONAL AGENCIES NOTIFIED

Federal:

State/Local: WILMAR LOCAL GOVERNMENT

State/Local On Scene:

State Agency Number:

NOTIFICATIONS BY NRC

AR DEPT OF ENVIRONMENTAL QUALITY (COMMAND CENTER)

08-MAY-24 16:39

ARKANSAS DEPT OF HEALTH & HUMAN SVC (MAIN OFFICE - DIVISION OF HEALTH)

08-MAY-24 16:39

ARKANSAS POISON CENTER (MAIN OFFICE)

08-MAY-24 16:39

AR STATE EMERGENCY SERVICES (MAIN OFFICE)

08-MAY-24 16:39

CENTERS FOR DISEASE CONTROL (GRASP)

08-MAY-24 16:39

ASST COMDT FOR INTELLIGENCE (CG-2) (OFFICE OF INTELLIGENCE PLANS AND POLICY

(CG-25))

08-MAY-24 16:39

DEPT OF HEALTH AND HUMAN SERVICES (SECRETARY OPERATION CENTER (SOC))

08-MAY-24 16:39

DHS CISA (CISA CENTRAL)

08-MAY-24 16:39

OFFICE OF ENV. POLICY & COMPLIANCE (OEPC REGION 6)

08-MAY-24 16:39

DOT CRISIS MANAGEMENT CENTER (MAIN OFFICE)

08-MAY-24 16:39

EPA CRIMINAL INVESTIGATION DIVISION (CID REGION 6 - BRAVO OFFICE)

08-MAY-24 16:39

J.S. EPA VI (MAIN OFFICE)

FEMA REGION 6 OFFICES (FEMA REGION 6 OFFICES)

08-MAY-24 16:39

JSCG NATIONAL COMMAND CENTER (MAIN OFFICE)

08-MAY-24 16:39

JOINT TASK FORCE CIVIL SUPPORT (CBRN ANALYSIS CELL)

Exhibit 1

- 08-MAY-24 16:39 OCCUPATIONAL SAFETY & HEALTH ADMIN (DALLAS OFFICE)
- 08-MAY-24 16:39 PIPELINE & HAZMAT SAFETY ADMIN (HAZARDOUS MATERIAL ACCIDENT INVESTIGATION)
- 08-MAY-24 16:39 REPORTING PARTY (RP SUBMITTER)
- 08-MAY-24 16:39 SHELBY SHERIFF'S OFFICE (CRIMINAL INTELLIGENCE UNIT)
- 08-MAY-24 16:39 TSA ARKANSAS (COMMAND CENTER)
- 08-MAY-24 16:39 TRANSPORTATION SECURITY ADMIN (REGION 4 SURFACE OPERATIONS)
- 08-MAY-24 16:39 JSCG DISTRICT 8 (MAIN OFFICE)
- 08-MAY-24 16:39 JS COURTS JUDICIAL SECURITY DIV (FACILITIES AND SECURITY OFFICE (FSO))
- 08-MAY-24 16:39 J.S. FISH AND WILDLIFE (ECOLOGICAL SERVICES LAFAYETTE LA)

ADDITIONAL INFORMATION
 WILMAR LOCAL GOVERNMENT STATED THEY WILL BE CONDUCTING AN INVESTIGATION.

*** END INCIDENT REPORT #1398406 ***
 Report any problems by calling 1-800-424-8802
 PLEASE VISIT OUR WEB SITE AT <http://nrc.uscg.mil>

David waters
 501-569-2000
~~501-569-2000~~ 504 1612

① call 5/17/24 13:24
 501-682-0744 Env8 / (Steven Folley) 5/28/24
 Haz wast / water qt Brad Tolter 501-682-0848 called
 Ark Dept of Trans 501-569-2000
 Ark Energy & Environment 888-233-0326
 501-682-0744
 Water Quality 501-682-0927 (5/28/24)

Exhibit 2



ARKANSAS

ENERGY & ENVIRONMENT

**Division of Environmental Quality
Office of Land Resources
5301 Northshore Drive, North Little Rock, AR 72118**

HAZARDOUS WASTE MINING REGULATED STORAGE TANKS SOLID WASTE

COMPLAINT REPORT

COMPLAINT#	032795	AFIN#	22-00000	DATE RECEIVED	05/08/2024
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<input type="checkbox"/> PERMIT# / <input type="checkbox"/> RST ID# / <input type="checkbox"/> EPA ID#	N/A	COUNTY	Drew
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PERSON RECEIVING REPORT	Mike Burton	DATE	05/13/2024
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HOW COMPLAINT WAS RECEIVED	<input type="checkbox"/> PHONE <input type="checkbox"/> LETTER <input checked="" type="checkbox"/> EMAIL/WEBSITE <input type="checkbox"/> EPA <input type="checkbox"/> VERBAL
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COMPLAINANT NAME	ADDRESS	PHONE
Cornelius Brooks	Wilmar	870-723-7622

COMPLAINT AGAINST	ADDRESS	PHONE
Dollar General	Corner of HWY 278 & HWY 133, 2576 US HWY 278 West Wilmar, 71675	N/A

COMPLAINT DESCRIPTION	On May 8 at 15:41, the NRC and ADEM notified EM that a private citizen had reported that on May 2, 2024, an unknown amount of oil was released onto the ground at the corner of Hwy 278 and Hwy 133 in Wilmar and into a nearby storm drain. The citizen stated that there is a construction site at this location and that one of the heavy machines had caused the leak for an unknown reason.
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LOCATION (In Detail)	Dollar General Construction Site
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SUPERVISOR REFERRAL	Ashley Hahn	DATE	05/13/2024
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MEDIA SUPERVISOR REFERRAL	Ashley Hahn	DATE	05/13/2024
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RECEIVING INSPECTOR	Mike Burton	DATE	05/13/2024
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PREVIOUS COMPLAINT	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	MEDIA	DATE
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DISCHARGE TO STREAM	<input type="checkbox"/> YES <input type="checkbox"/> NO	NAME OF STREAM
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ADDITIONAL INFORMATION

Exhibit 2

FOLLOW UP ON COMPLAINT

COMPLAINT# 032795	INSPECTOR Mike Burton	DATE 05/14/2024
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INVESTIGATION FINDINGS

On May 14, 2024, DEQ investigated the Dollar General construction site in response to a complaint about releasing used oil. The equipment operator, Michael Goodman, was on site and was given a DEQ complaint form. The land was being cleared and leveled for new store construction. The property was inspected, and no oil contamination or overly distressed vegetation was observed other than standard construction and land-clearing operations in the storm drain area mentioned in the complaint. No oil sheen, smell, or contamination was observed during the investigation near the storm drain.

The complainant, Cornelius Brooks, approached DEQ personnel while on-site for investigation. Mr. Brooks walked DEQ to the church property to show the damage to landscaping and the amount of mud, dirt, and water that had come over onto the church and nearby home's property. Mr. Brooks had many photos of previous days showing possible oil sheen in standing water. There was a significant amount more water on the property in prior days, but Mr. Brooks had stated that the construction crew had pushed dirt over to try and cover up the standing water. Mr. Brooks was informed that the next steps in the complaint process would be for DEQ to reach out to OWQ for further movement in the complaint investigation process.

FUTURE ACTIONS

It was recommended that OWQ investigate the construction site because a large amount of water had spilled onto a nearby home and church.

PHOTOS	<input type="checkbox"/> YES (Attached) <input type="checkbox"/> NO	FUNCTION CODE 11503
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INSPECTOR SIGNATURE Mike Burton	DATE 05/14/2024	HOURS WORKED 7
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Ownership Description
 Name: DG MONTICELLO AR LLC
 P.O BOX 230
 CARROLLTON MS 38917
 Subd.: 120715 15-12-07 RURAL METES & BOUNDS
 S-T-R: 15-12-07 Acres: 1.71
 T.D.: 118 MONTICELLO
 Location: Legal: A Part of the SE 1/4

Type: RV Res. Vac
 Taxable: Neigh: DCT2
 Owner: 113013 TID: 113013
 Status: Block: Lot:
 City: RURAL
 Map: Old PID:

Trend	Street	Utilities	Topography	Landscaping
<input type="checkbox"/> Improving	<input type="checkbox"/> Concrete	<input type="checkbox"/> No Water	<input type="checkbox"/> High	<input type="checkbox"/> Excellent
<input type="checkbox"/> Static	<input type="checkbox"/> Asphalt	<input type="checkbox"/> No Sewer	<input type="checkbox"/> Low	<input type="checkbox"/> Good
<input type="checkbox"/> Declining	<input type="checkbox"/> ChatSeal	<input type="checkbox"/> No Gas	<input type="checkbox"/> Rough	<input type="checkbox"/> Average
<input type="checkbox"/> New	<input type="checkbox"/> Gravel	<input type="checkbox"/> No Electric	<input type="checkbox"/> Flat	<input type="checkbox"/> Poor
<input type="checkbox"/> Old	<input type="checkbox"/> Dirt	<input type="checkbox"/> No Telephone	<input type="checkbox"/> Sloping	<input type="checkbox"/> None

Date	Amount	Purpose	Note
Building Permit Record			

Date	Book	Page/Inst#	Amount	Type	Grantee	Remarks
10/25/2023	2023-109727		175,000	WD	DG MONTICELLO AR LLC	

Sub PT	Size/Front	Size Pri/Sec	Depth	Adj	Rate Pri/Sec	O	Adj1	%	Adj2	%	Value	NC	HS
1	AC	1.710	1.710	.000	6000.00						10,260		
			0.000		0.00								

Year	Land	Bldgs	Total	2023	20%	%
	10,250	2,050	10,250	10,250	2,050	

Review Record

Date	By	Reason	Land	Buildings	Total
10/31/2023	BAM SP		10,250		10,250

split off 1.71 acres from 001-06556-000

Exhibit 3

Total: 10,250

Occupancy	Construction	1st Fir Total Liv Grade	Age YC	YR Cond	Replace	Rem %	Physical	Functional	External	Actual	NC	HS
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OB/YI Total Contributory Value (RCN x Accrued Depreciation x Market Adjustment + Flatted Items + Other Additives)

Total		Sketch Area		Building Computation								
Ext Wall	Roof Type	Roof Type	Sketch Area	Item	Adjustments to Base S.F./Qty	Total						
<input type="checkbox"/> Low Cost <input type="checkbox"/> Standard <input type="checkbox"/> Comb M/F <input type="checkbox"/> Mason/Ven <input type="checkbox"/> Foundation <input type="checkbox"/> Open Pier <input type="checkbox"/> Closed Pier <input type="checkbox"/> Slab <input type="checkbox"/> Floor Struct <input type="checkbox"/> Wood SubF <input type="checkbox"/> Elev Slab <input type="checkbox"/> Slab Grade <input type="checkbox"/> Other <input type="checkbox"/> Insulation <input type="checkbox"/> Floor <input type="checkbox"/> Wall <input type="checkbox"/> Ceiling <input type="checkbox"/> Heat/Cool <input type="checkbox"/> None <input type="checkbox"/> Hot Air/F <input type="checkbox"/> F/W Furn <input type="checkbox"/> Central <input type="checkbox"/> Elec Base <input type="checkbox"/> Elec Ceil <input type="checkbox"/> Floor Cover <input type="checkbox"/> None <input type="checkbox"/> Softwood <input type="checkbox"/> HW Sheath <input type="checkbox"/> HW Parq <input type="checkbox"/> Linoleum <input type="checkbox"/> Carpet/Tile <input type="checkbox"/> Cer Tile <input type="checkbox"/> Stone <input type="checkbox"/> Basement <input type="checkbox"/> Unfinished <input type="checkbox"/> Finished <input type="checkbox"/> Fin Part	<input type="checkbox"/> Hip <input type="checkbox"/> Mansard <input type="checkbox"/> Gambrel <input type="checkbox"/> Arched <input type="checkbox"/> Gable <input type="checkbox"/> Flat <input type="checkbox"/> Dormer <input type="checkbox"/> Hip/Gable <input type="checkbox"/> Roof Cover <input type="checkbox"/> Asp Shing <input type="checkbox"/> Fib Shing <input type="checkbox"/> Wd Shing <input type="checkbox"/> Wd Shakes <input type="checkbox"/> Clay/Slate <input type="checkbox"/> GalvAlum <input type="checkbox"/> Plumbing <input type="checkbox"/> Full <input type="checkbox"/> Half <input type="checkbox"/> Extra <input type="checkbox"/> Fireplaces <input type="checkbox"/> Type <input type="checkbox"/> Count			Base Price +/- Grade Story Hgt Factor Grade Adj Factor Composite Factor Adj Price per SF Total Base SF Base Value Item Foundation Floor Structure Ins Floor Ins Wall Ins Ceiling Heat & Cool Floor Cover Roof Cover Plumbing Fireplace Basement								
		Outbuildings and Yard Improvements										
Item	Type	Qty1	UMQR	Age	Rate	Grade	Rem %	Value	NC	HS		
Total of Above Market Adjustment Total Structure RCN Inspected: Revisited: Entered: Printed: 6/3/2024												

Contact:
Int.Est?:
Sk. File:
Status:

Ownership Description
 Name: DG WILMAR AR LLC
 P.O. BOX 230
 CARROLLTON
 Subd.: WL1050 WILMAR CITY
 S-T-R: 33-12-08
 T.D.: 025 WILMAR
 Location: ALL 6 & 7

Type: RV Res.Vac
 Taxable: Neigh: DCWIL
 Owner: 120468 TID: 120468
 Status: Block: 042 Lot: 006
 City: WILMAR
 Map: Old PID:

MS 38917
 Acres: 2.073

Trend	Street	Utilities	Topography	Landscaping
<input type="checkbox"/> Improving	Concrete	No Water	<input checked="" type="checkbox"/> High	<input type="checkbox"/> Excellent
<input checked="" type="checkbox"/> Static	<input checked="" type="checkbox"/> Asphalt	No Sewer	<input type="checkbox"/> Low	<input type="checkbox"/> Good
<input type="checkbox"/> Declining	ChatSeal	No Gas	<input type="checkbox"/> Rough	<input checked="" type="checkbox"/> Average
<input type="checkbox"/> New	Gravel	No Electric	<input type="checkbox"/> Flat	<input type="checkbox"/> Poor
<input type="checkbox"/> Old	Dirt	No Telephone	<input type="checkbox"/> Sloping	<input type="checkbox"/> None

Building Permit Record
 Date: 3/25/2024
 Amount: FC 2025 PER 911 ADDRESS @2576 US HWY 278
 Purpose: Note

Ownership Record

Date	Book	Page/Inst#	Amount	Type	Grantee	Remarks
2/23/2024	2024-110327		50,000	TD	DG WILMAR AR LLC	
1/12/2018	2018-94411			SW	BURKS, BEVERLY J AS TRUSTEE OF THE	
10/9/2017	2017-93826			BE	BURKS, JAMES H., ETAL	beneficiary deed to beverly jane burks and j.r burks
1/1/1983					BURKS, JAMES H., ETAL	

Land Record

Sub PT	Size/Front	Size Pri/Sec	Depth	Adj	Rate Pri/Sec	O	Adj1	%	Adj2	%	Value	NC	HS
1	AC	2.073	1.000	.000	9000.00						12,219		
			1.073		3000.00						215 X 420		

Assessment Summary

Year	2021	20%	2016	20%
Land	12,200	2,440	7,150	1,430
Bldgs				
Total	12,200	2,440	7,150	1,430

Review Record

Date	By	Reason	Land	Buildings	Total
7/15/2021	RKP	RV	12,200		12,200
7/1/2016	RKP	RV	7,150		7,150
7/5/2011	RKP	RV	7,150		7,150
7/2/2008	RKP	RV	7,150		7,150
7/1/2005	RKP	RV	7,150		7,150
7/9/2002	PJK	RV	7,200		7,200

Exhibit 4

Occupancy	Construction	1st Flr	Total Liv Grade	Age	YC	YR	Cond	Replace	Rem %	Physical	Functional	External	Actual	NC	HS
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OB/YI Total Contributory Value (RCN x Accrued Depreciation x Market Adjustment + Flatted Items + Other Additives)

Total		Sketch Area		Building Computation			
Ext Wall	Roof Type	Roof Type	Roof Type	Item	Adjustments to Base S.F./Qty	Rate	Total
<input type="checkbox"/> Low Cost <input type="checkbox"/> Standard <input type="checkbox"/> Comb M/F <input type="checkbox"/> MasonVen <input type="checkbox"/> Foundation <input type="checkbox"/> Open Pier <input type="checkbox"/> Closed Pier <input type="checkbox"/> Slab <input type="checkbox"/> Floor Struct <input type="checkbox"/> Wood SubF <input type="checkbox"/> Elev Slab <input type="checkbox"/> Slab Grade <input type="checkbox"/> Other <input type="checkbox"/> Insulation <input type="checkbox"/> Floor <input type="checkbox"/> Wall <input type="checkbox"/> Ceiling <input type="checkbox"/> Heat/Cool <input type="checkbox"/> None <input type="checkbox"/> Hot Air/F <input type="checkbox"/> F/W Furn <input type="checkbox"/> Central <input type="checkbox"/> Elec Base <input type="checkbox"/> Elec Ceil <input type="checkbox"/> Floor Cover <input type="checkbox"/> None <input type="checkbox"/> Softwood <input type="checkbox"/> HW Sheath <input type="checkbox"/> HW Parq <input type="checkbox"/> Linoleum <input type="checkbox"/> CarpetTile <input type="checkbox"/> Cer Tile <input type="checkbox"/> Stone <input type="checkbox"/> Basement <input type="checkbox"/> Unfinished <input type="checkbox"/> Finished <input type="checkbox"/> Fin Part	<input type="checkbox"/> Hip <input type="checkbox"/> Mansard <input type="checkbox"/> Gambrel <input type="checkbox"/> Arched <input type="checkbox"/> Gable <input type="checkbox"/> Flat <input type="checkbox"/> Dormer <input type="checkbox"/> HipGable <input type="checkbox"/> Roof Cover <input type="checkbox"/> Asp Shing <input type="checkbox"/> Fib Shing <input type="checkbox"/> Wd Shing <input type="checkbox"/> Wd Shakes <input type="checkbox"/> Clay/Slate <input type="checkbox"/> GalvAlum <input type="checkbox"/> Plumbing <input type="checkbox"/> Full <input type="checkbox"/> Half <input type="checkbox"/> Extra <input type="checkbox"/> Fireplaces <input type="checkbox"/> Type <input type="checkbox"/> Count	<input type="checkbox"/> Hip <input type="checkbox"/> Mansard <input type="checkbox"/> Gambrel <input type="checkbox"/> Arched <input type="checkbox"/> Gable <input type="checkbox"/> Flat <input type="checkbox"/> Dormer <input type="checkbox"/> HipGable <input type="checkbox"/> Roof Cover <input type="checkbox"/> Asp Shing <input type="checkbox"/> Fib Shing <input type="checkbox"/> Wd Shing <input type="checkbox"/> Wd Shakes <input type="checkbox"/> Clay/Slate <input type="checkbox"/> GalvAlum <input type="checkbox"/> Plumbing <input type="checkbox"/> Full <input type="checkbox"/> Half <input type="checkbox"/> Extra <input type="checkbox"/> Fireplaces <input type="checkbox"/> Type <input type="checkbox"/> Count	<input type="checkbox"/> Base Price <input type="checkbox"/> +/- Grade <input type="checkbox"/> Story Hgt Factor <input type="checkbox"/> Grade Adj Factor <input type="checkbox"/> Composite Factor <input type="checkbox"/> Adj Price per SF <input type="checkbox"/> Total Base SF <input type="checkbox"/> Base Value <input type="checkbox"/> Foundation <input type="checkbox"/> Floor Structure <input type="checkbox"/> Ins Floor <input type="checkbox"/> Ins Wall <input type="checkbox"/> Ins Ceiling <input type="checkbox"/> Heat & Cool <input type="checkbox"/> Floor Cover <input type="checkbox"/> Roof Cover <input type="checkbox"/> Plumbing <input type="checkbox"/> Fireplace <input type="checkbox"/> Basement				
				Outbuildings and Yard Improvements Item Type Qty1 Qty2 UMQR Age Rate Grade Rem % Value NC HS			
				Total of Above Market Adjustment Total Structure RCN Inspected: KRG 10/4/2019 Contact: VA Revisited: RKP 10/4/2019 Int. Est? Entered: KDS 11/25/2019 Sk. File: Printed: 6/3/2024 Status:			

Subject Drainage issue Hwy 278
To: [ctbrooks0121@yahoo.com <ctbrooks0121@yahoo.com>]
From Waters, David H. <David.Waters@ardot.gov>
Cc: [Stinnett, David K. <David.Stinnett@ardot.gov>, Hendricks, Chris P. <Chris.Hendricks@ardot.gov>]
Date: Thu, May 16, 2024 at 4:46 PM

Exhibit 7

On May 9 myself along with the supervisor of Drew Co traveled to Wilmer to look at a complaint about water drainage. The complaint was from a Mr. Brooks about water draining from hwy 278. While we were looking at the property I noticed 2 drains that are designed to drain from water from the property. Both of those drains are in the yard between 2 houses. While we where walking I noticed that one of those drains was stopped up with debris and grass clippings. I was able to clean off the drain to allow water to drain freely back into the storm drains. Also, we noticed that there was a washout underneath the sidewalk that runs parallel with the two houses along hwy 278. I notified our bridge crew to go down and repair those washouts. The bridge crew went down on May 15&16 to work on and make the repairs to the drop inlets and sidewalk. I noticed that there are 2 cut drains running towards the box drains located on the side if hwy 278 that drain into the backside of the storm drains. Those drains that are running through the yards appeared to be silted it in over the years inhibiting the water to properly drain into those storm drains. Mr. Brooks is very concerned about the water drainage from the Dollar General store that is being built alongside County Rd 133. I advised him that that dispute would be between the property owners and Dollar General.

David

Logo Description
automatically generated

David Waters, District 2 Maint. Superintendent

Counties: Arkansas, Ashley, Chicot, Desha, Drew, Grant, Jefferson, Lincoln

4900 Hwy 65 South | P.O. Box 6836| Pine Bluff, AR 71611

(: 870.534.1612| 7: 870.534.2038 |

*:david.waters@ardot.gov | www.ARDOT.gov





**DIVISION OF
ENVIRONMENTAL
QUALITY**

Sarah Huckabee Sanders
GOVERNOR

Shane E. Khoury
SECRETARY

June 17, 2024

Chris Logan, Mike Rozier Construction Company Inc.
Wilmar Dollar General Construction Project
PO Box 230
Carrollton, Mississippi 38917
Email Address: chris@rozierconstruction.com

RE: Dollar General Construction Inspection- PDS# 130732 (Drew County)
AFIN: 22-00000 NPDES Permit No.: ARR150000

Dear Mr. Chris Logan:

On June 6, 2024, I performed a Construction Stormwater 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 inspection report and provide a written response for each item that was noted. This response should be mailed to the attention of the Office of Water Quality Compliance Branch at the address below my signature or emailed to Water-Inspection-Report@adeq.state.ar.us. This response should contain documentation describing the course of action taken to correct each item noted. The corrective action(s) should be completed as soon as possible and the written response with all necessary documentation (i.e. photos) is due by **July 1, 2024**.


If I can be of any assistance, please contact me at Malcolm.Jackson@arkansas.gov or 501-514-0987.

Sincerely,

A handwritten signature in black ink, appearing to read 'M Jackson'.

Malcolm Jackson
Inspector, Office of Water Quality

Inspection Report: **Dollar General Construction**, AFIN: 22-00000, Permit #: **ARR150000**

 ENVIRONMENTAL QUALITY	OFFICE OF WATER QUALITY INSPECTION REPORT		
	AFIN: 22-00000	PERMIT #: ARR150000	DATE: 6/13/2024
	COUNTY: 22 Drew	PDS #: 130732	MEDIA: WN
	GPS LAT: 33.62982 LONG: -91.930000 LOCATION: General Area		
FACILITY INFORMATION		INSPECTION INFORMATION	
NAME: Dollar General Construction LOCATION: Corner of HWY 278 and HWY 133 CITY: Wilmar		FACILITY TYPE: 1 - Municipal INSPECTOR ID#: 151687 S - State FACILITY EVALUATION RATING: 1 - Unsatisfactory INSPECTION TYPE: Construction Stormwater	
RESPONSIBLE OFFICIAL		DATE(S): 6/13/2024 ENTRY TIME: 10:34 EXIT TIME: 11:36 PERMIT EFFECTIVE DATE: 11/1/2021 PERMIT EXPIRATION DATE: 10/31/2026	
NAME / TITLE: Chris Logan / Responsible Official COMPANY: Mike Rozier Construction Co. MAILING ADDRESS: PO 230 CITY, STATE, ZIP: Carrollton MS 38917 PHONE & EXT. / FAX: 601-408-2872 / EMAIL: chris@rozierconstruction.com		INSPECTION PARTICIPANTS	
CONTACTED DURING INSPECTION: No		NAME/TITLE/PHONE/FAX/EMAIL/ETC.: Malcolm Jackson/Inspector/501-514-0987/Malcolm.Jackson@arkansas.gov	

SUMMARY OF FINDINGS
<ol style="list-style-type: none"> 1.) Oil and hydraulic fluid appear to have been present in the run-off from the site onto the adjacent property. Oil is considered a prohibited discharge under the rules of the permit and allowing a discharge of any type of pollutant will be in violation of A.C.A. § 8-4-217 (a) (2.) 2.) The site did not have a Stormwater Pollution Prevention Plan(SWPPP), Notice of Coverage(NOC) or stormwater inspection forms readily available on site during this inspection. This is a violation of permit condition Part I. Section B.6.A. 3.) Inspections are not being conducted at the site. This is a violation of permit condition Part II, Section (A)(4)(N). 4.) The site did not feature any BMPs to control erosion, sedimentation, or stormwater run-off from the site. This is a violation of Part II.Section A.4.I.1 of the permit. 5.) Concrete washout was present at the construction site, concrete washout is considered a prohibited discharge under Part I.Section B.13.E.1.

GENERAL COMMENTS


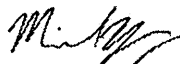
On May 14th, 2024, DEQ-Office of Land Resources investigated the Dollar General construction site in response to a complaint of spilled oil. An equipment operator, Michael Goodman, was on site and was given a DEQ complaint form. The land was being cleared and leveled for new store construction. The property was inspected, and no oil contamination or overly distressed vegetation was observed other than standard construction and land-clearing operations in the storm drain area mentioned in the complaint. No oil sheen, smell, or contamination was observed during the investigation in the immediate vicinity of the storm drain.

The complainant, Cornelius Brooks, approached DEQ personnel while on-site for investigation. Mr. Brooks walked DEQ to the church property to show the damage to landscaping and the amount of mud, dirt, and water that had come over onto the church and nearby home's property. Mr. Brooks had many photos of previous days showing possible oil sheen in standing water. There was a significant amount more water on the property in prior days, but Mr. Brooks had stated that the construction crew had pushed dirt over to try and cover up the standing water. Mr. Brooks was informed that the next steps in the complaint process would be for DEQ to reach out to the Office of Water Quality for further movement in the complaint investigation process.

After a period of waiting, Mr. Brooks visited the E&E Headquarters in-person. The Office of Water Quality- Compliance Branch Manager, Jason Bolenbaugh recorded and referred Mr. Brooks complaint to Inspector Supervisor Michael Young. This correspondence was shared with Inspector Malcolm Jackson on 05/30/2024. The complaint was investigated and an inspection was performed on 06/06/2024 beginning at approximately 10:34. It was warm, sunny day. Several issues were immediately apparent from a construction stormwater perspective. First, the site had none of the documentation required for a small site construction project. The site did not have a SWPPP, Notice of Coverage (NOC), or stormwater inspection forms present and readily available on-site. Despite, receiving automatic coverage as an apparent small site construction project, all this documentation must be posted prior to and throughout construction. Second, the site had no tangible BMPs to prevent the run-off of excess sedimentation or stormwater. This is a violation as all sites are required to mitigate the amount of run-off leaving a construction site. This includes but is not limited to: placing silt fencing along the perimeter, placing storm inlet protection, and building check dams, as needed. Part of Mr. Brooks' complaint stemmed from the fact that much of the water from the construction site was running off onto the adjacent property. This area was still wet at the time of my inspection. Due to the clear weather, the discharge of construction site run-off was not directly observed. However, no BMPs were present and the area was waterlogged in contrast to the dry surrounding area. Concrete Washout was also present in several areas along the perimeter nearest to HWY 133. This is a violation of the General Permit conditions.

Mr. Brooks original complaint stated that an oil spill occurred, and according to Jason Bolenbaugh's record of the complaint follow-up made at headquarters by Mr. Brooks, this oil continued to seep up even after the effected area was covered with dirt. During my inspection I did not find direct evidence of an oil spill, however several other items point to oil being present in the area. The water near the site of the spill generally has a dark tint that does not appear to be from mud or soil. Even though the area is covered with dirt, several puddles nearby still appear unnaturally dark. Also, the photos that Mr. Brooks have of the area from previous iterations of the project clearly show areas with this same characteristic tint and feature prominent oil sheen in various puddles. In some of Mr. Brooks' photos, the grass is stained. Another one of Mr. Brooks' concerns was that due to the lack of BMPs, some of this oil may be washed into the nearby storm drains.

The responsible official for the site, Mr. Chris Logan, was contacted at the Mike Rozier Construction Company. According to Mr. Logan, the oil that was present was hydraulic fluid from the machinery used on-site. Mr. Logan was informed that vehicles must be properly maintained and that proper inspections of the site could have clarified what the source of the oil was as it relates to the original complaint. Mr. Logan was informed that several violations have occurred at the construction site and corrective actions are required in the response to this report.

INSPECTOR'S SIGNATURE:  Malcolm Jackson	DATE: 06/13/2024
SUPERVISOR'S SIGNATURE:  Michael Young	DATE: 06/13/2024

Inspection Report: **Dollar General Construction** , AFIN: **22-00000**, Permit #: **ARR150000**

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SECTION A: SITE POSTING AND SITE INFORMATION	
Site Name: Dollar General Construction Project-Wilmar Total Acreage: 2.073 Acreage Disturbed: N/A	
Project Type: <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Municipal <input type="checkbox"/> Other	
Construction Phase: <input type="checkbox"/> Clearing <input type="checkbox"/> Rough Grading <input type="checkbox"/> Infrastructure <input checked="" type="checkbox"/> Building Construction <input type="checkbox"/> Final <input type="checkbox"/> Inactive <input type="checkbox"/> Other	
If project is part of larger common plan of development, what is development name and permit number (Part I, A.31)? Development Name: _____ Development Permit No: _____	
1. Is site properly posted with Notice of Coverage (NOC)? <u>Posting must be at the site entrance and visible to the public.</u> NOC is complete and reflects the correct location of the SWPPP (Part II, A.2.D). For linear sites, the posting is at the area actively under construction (Part II, A.2.D).	"Y <input checked="" type="checkbox"/> N "NA "NE
2. Do stormwater discharges from the site enter an ERW, NSW, or ESW, or a waterbody listed on the 303(d) list or a waterbody with an approved TMDL (Part I, B.11)?	"Y "N <input checked="" type="checkbox"/> NA "NE
A. If yes, have additional BMPs been implemented to sufficiently protect water quality or prevent to the maximum extent possible exposure to stormwater of pollutants that could potentially impact water quality (Part I, B.11.E-F)?	"Y "N "NA "NE
Comments:	
SECTION B: SWPPP AND INSPECTIONS	
1. Is the SWPPP being maintained onsite from 08:00 am to 5:00 pm (Part II, A.2.A)?	"Y <input checked="" type="checkbox"/> N "NA "NE
A. If yes, is a complete and updated SWPPP and site map maintained onsite (Part II, A.3)?	"Y "N "NA "NE
2. What is the inspection frequency selected in the SWPPP? " Once every 7 days OR " 14 days and within 24 hours of 0.25 inch rain event Inspections are not occurring	
3. If the inspection frequency is every 14 days or within 24 hours of a 0.25 inch rain event, is a rain gauge properly installed and checked (Part II, A.4.N.1.b)?	"Y "N <input checked="" type="checkbox"/> NA "NE
4. Are inspection records available for review (Part II, A.4.N.3)?	"Y <input checked="" type="checkbox"/> N "NA "NE
5. Is the chosen inspection frequency being followed by the permittee?	"Y "N <input checked="" type="checkbox"/> NA "NE
6. What is the date of the last inspection conducted by the permittee?	N/A
7. Are DEQ inspection forms being used?	"Y "N <input checked="" type="checkbox"/> NA "NE
A. If no, do the alternative inspection forms contain the required information (Part II, A.4.N.2)?	"Y "N "NA "NE
8. Do the inspections address the current site conditions (Part II, A.4.N)?	"Y "N <input checked="" type="checkbox"/> NA "NE
9. Do the inspections include all areas of the site and all applicable offsite areas (Part II, A.4.N)?	"Y "N <input checked="" type="checkbox"/> NA "NE
10. Does the inspector note pollution entering stormwater conveyances or discharges offsite (Part II, A.4.N)?	<input checked="" type="checkbox"/> Y "N "NA "NE
11. Does the inspector ensure all stormwater control measures are properly installed and maintained (Part II, A.4.N)?	"Y "N <input checked="" type="checkbox"/> NA "NE
12. Are all outfalls being inspected (Part II, A.4.N)?	"Y "N <input checked="" type="checkbox"/> NA "NE
13. Are all construction entrances and exits inspected for offsite tracking (Part II, A.4.N)?	"Y "N <input checked="" type="checkbox"/> NA "NE
14. Are all corrective actions being implemented within 3 business days (Part II, A.4.O)?	"Y "N <input checked="" type="checkbox"/> NA "NE

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Comments:

SECTION C: EFFLUENT LIMIT GUIDELINES AND BUFFER ZONES

1. Are all erosion and sediment controls installed and effective (Part I, B.13.A)?	"Y <input checked="" type="checkbox"/> N "NA "NE
2. Is offsite tracking of sediment occurring?	"Y <input checked="" type="checkbox"/> N "NA "NE
3. Has construction activities ceased in any areas previously disturbed (Part II, A.4.G.2)?	"Y <input checked="" type="checkbox"/> N "NA "NE
A. If yes, have construction activities ceased for more than 14 days?	"Y "N "NA "NE
i. If yes, have temporary or permanent stabilization measures been initiated?	"Y "N "NA "NE
4. Are any discharges from dewatering activities occurring?	"Y <input checked="" type="checkbox"/> N "NA "NE
A. If yes, are the dewatering discharges managed by using appropriate BMPs (Part I, B.13.C)?	"Y "N "NA "NE
5. Is the permittee minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters by using appropriate BMPs (Part I, B.13.D.1)?	"Y <input checked="" type="checkbox"/> N "NA "NE
6. Are any materials, products, or wastes associated with construction activities managed in a way that allows materials to discharge or leave the site (Part I, B.13.D.2)?	<input checked="" type="checkbox"/> Y "N "NA "NE
7. Are spills or leaks of potential pollutants evident (Part I, B.13.D.3)?	<input checked="" type="checkbox"/> Y "N "NA "NE
8. Are any of the following discharges occurring (Part I, B.13.E)? <input checked="" type="checkbox"/> Concrete Washout <input type="checkbox"/> Wash-out of Stucco, Paint, Oils, Curing Compounds <input checked="" type="checkbox"/> Fuel or Oil <input type="checkbox"/> Soaps, Solvents, or Detergents <input type="checkbox"/> Toxic or Hazardous Substances <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Y "N "NA "NE
9. Are there any process waters discharges or non-stormwater discharges occurring that are not allowed under this permit (A.C.A § 8-4-217(b)(1)(E) & Part I, B.10)?	"Y <input checked="" type="checkbox"/> N "NA "NE
10. Has sediment been discharged or placed off the construction site (A.C.A. § 8-4-217(a)(2))? If sediment has been discharged to waters of the State, provide the name of the waterbody.	<input checked="" type="checkbox"/> Y "N "NA "NE
11. Are natural buffer zones being maintained at all times (Part I, B.14.A-B)?	"Y "N <input checked="" type="checkbox"/> NA "NE
12. If a linear project, do the natural buffer zone setbacks meet the requirements established by the Department (Part I, B.14.C)?	"Y "N <input checked="" type="checkbox"/> NA "NE

Comments:

SECTION D: SEDIMENT BASINS

1. Is sediment basin required?	"Y <input checked="" type="checkbox"/> N "NA "NE
A. If yes, is the sediment basin installed and is it installed as described in the SWPPP?	"Y "N "NA "NE
2. Does the sediment basin have adequate storage capacity?	"Y "N <input checked="" type="checkbox"/> NA "NE
3. Are proper outlet structures (withdraw water from the surface) in place for the basin (Part I, B.13.F)?	"Y "N <input checked="" type="checkbox"/> NA "NE
4. Have velocity dissipation devices been installed at discharge points, within concentrated flow areas serving two or more acres, or along drainage courses where required to prevent erosive flows (Part II, A.4.I.3.b)?	"Y "N <input checked="" type="checkbox"/> NA "NE