

From: [Healey, Richard](#)
To: [Trotta, Jacqueline](#); [Bolenbaugh, Jason](#)
Cc: [Johnson, Miles](#); [McDonald, Scott](#)
Subject: FW: Email from Water Division Main Webpage
Date: Friday, November 03, 2017 7:36:59 AM
Attachments: [Sample Letter to Commercial Establishments - LS Relinquishment.docx](#)
[POLICY - Private Vs. Public Lift Stations \(002\).docx](#)
[Address List of Private-User, Commercial LS - Relinquishment.xlsx](#)

Jackie & Jason

FYI – The City of Benton is in the process of relinquishing maintenance of private-user lift stations in the City of Benton. They have 11 commercial businesses, 30 residential, and even 4 churches. Mr. Hawkins told me the City of Benton has been providing electricity and maintenance of private-user lift stations for many years. The City does not have any contacts with the private lift stations on who has responsibility.

Jackie – please save this email and attachments to the web for future reference when any disputes arise.

Thanks

Richard C. Healey
Enforcement Branch Manager
Office of Water Quality
Arkansas Department of Environmental Quality
501-682-0640
healeyr@adeq.state.ar.us

From: Randy Hawkins [mailto:rhawkins@bentonar.org]
Sent: Thursday, November 02, 2017 6:05 PM
To: Healey, Richard
Cc: David Vondran; Brent Houston
Subject: Email from Water Division Main Webpage

Dear Mr. Healey,

Thank you very much for your time and guidance regarding our process of relinquishing maintenance of private-user lift stations in the City of Benton. We have 11 commercial businesses, 30 residential, and even 4 churches that have been identified. There are many other businesses and residential customers who own and maintain their own lift stations with no other customer connections, thus, being private-users. Often, it is the case that one homeowner has had a small, private lift station that has been maintained by the City, while their neighbor across the street has assumed full responsibility for the operation and maintenance of theirs. Again, I have only been manager of the sewer department for four years, but I believe it is important to treat our entire customer base with equity and fairness. This is one point that has driven this process, but there are many other important reasons that you will find in the following attachments: (1) a sample letter to the commercial establishments that we are in the process of relinquishing, (2) *Clarification of Policy: Private-user Lift Stations Versus Public Lift Stations*, adopted by the Benton Utilities Public

Utilities Commission on July 17, 2017, and (3) an address list of the commercial lift stations involved.

The attached sample letter is typical of that which I have personally distributed to the commercial establishments today. They all seemed to be very understanding, and I found no resistance thus far. We will continue to maintain and operate these 13 commercial lift stations (2 hp to 5 hp) for another month and more if need be. We are making ourselves available to assist in the transition with technical assistance and to be helpful otherwise. All of the stations will be left in good repair, cleaned and vacuumed, and we will see that signage for public reporting of alarms and SSO's is posted at each of these lift stations. If there is a problem with a sanitary sewer overflow, we will deal with the owners promptly to rectify the issue and intervene if need be to ensure the public health and protection of the environment. We will do this with the understanding of our responsibilities as a municipal utilities provider under permits with the State.

It is my desire to establish good communication with ADEQ concerning this matter and seek guidance. I will also establish communication with the Arkansas Department of Health tomorrow, informing them of this process. We feel that our reproach is in the interest of fairness, consistency and adherence to City Ordinances and State Law (e.g., expending public funds on privately owned assets), while at the same time ensuring the public health and protection of the environment.

Please contact me with questions or concerns. In addition to the information below, my cell phone number is 501-317-7150.

Sincerely,

Randy Hawkins

Wastewater Conveyance Manager

Benton Utilities

616 West Hazel Street

Benton, Arkansas 72210

501.776-5955 office; 501.776-5919 fax

rhawkins@bentonar.org



Wastewater Conveyance Department

616 West Hazel Street
Benton, Arkansas 72015
(501) 776-5955; Fax: (501) 776-5919
Email: rhawkins@bentonar.org

November 1, 2017

I-30 Frontage Road
Benton, Arkansas 72015

RE: Notice of relinquishment of private, sewer lift station at _____

Dear Owner(s),

Benton Utilities is in the process of relinquishing a number of private-user lift stations that do not meet the criteria for maintenance and repair by the Wastewater Conveyance (Sewer) Department. The lift station that serves the _____ is on this list.

Please find included in this correspondence a copy of *Clarification of Policy: Private-User Lift Stations Versus Public Lift Stations* that was adopted by the Benton Utilities, Public Utilities Commission on July 17, 2017. In essence, this document serves to clarify City Ordinance 19 of 1995 regarding the responsibilities of the Wastewater Conveyance Department and those of private homeowners and businesses. There are a number of reasons why we must relinquish all responsibilities for the maintenance and repair of this lift station on your property. They are as follows:

- This private business is the only connection to this lift station.
- There are not multiple customers with accounts for Benton Utilities sewer.
- Based on Ordinance 19 of 1995, this lift station is part of your “building sewer” and, as such, it is your responsibility to maintain and operate.
- This department cannot work on private property.
- This lift station is not listed as a financial asset of the City of Benton. This department cannot expend public resources (labor, equipment, purchasing of parts, etc.) on private owned assets.
- This department must have unfettered access to sewer infrastructure through public easements.

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There are many private-user lift stations in Benton, both residential and commercial, wherein the owners assume complete responsibility for their lift stations. One local example is the Harps Food store at Hwy 5 and Salem Road. Coors Industries is another example. There are many others. I hope you can understand that we must treat all our customers equally.

We have repaired and replaced pumps and equipment in the lift station over the years. Both pumps in this duplex station are functioning properly. I will have the crew vacuum out this station and clean it with our jet-vac truck before we relinquish responsibility. Your station should be in good working order.

In the spirit of fairness, Benton Utilities will continue to maintain your lift station for another month. On Friday, December 1, 2017, you will be responsible for all future maintenance and repairs. You need to open up your own Benton Utilities Electric account for this lift station before that date. You should also make arrangements with a qualified service company, unless you are capable of doing the work with maintenance staff. You will be responsible to ensure that there are no sanitary sewer overflows.

Please contact me with any questions or concerns you may have. I will be very glad to assist you in this transition process.

Sincerely,

Randy Hawkins, Manager

Cc: David Vondran, General Manager
Brent Houston, Benton City Attorney
Phil Miller, Public Utilities Chairman

Enclosure: *Clarification of Policy: Private-user Lift Stations Versus Public Lift Stations*

CLARIFICATION OF POLICY

PRIVATE-USER LIFT STATIONS VERSUS PUBLIC LIFT STATIONS

There are specific, contrasting distinctions between a private-user, sewer lift station and a public, sewer lift station. Such are defined as follows:

A Private-User Lift Station

A private-user lift station serves only one customer. It is located on private property and is part of the building sewer (service line). The “building sewer” is defined in City Ordinance 19 of 1995 as follows: “‘Building sewer’ shall mean the extension from the building drain to the public sewer or other place of disposal, also called the house connection” (Article I, Section 4). As such, the same Ordinance specifies:

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Article IV, Section 3).

The building sewer may be pressure or gravity, or even a combination of both. However, the private-user lift station is still between the structure served and the public sewer and is therefore covered under the above cited Ordinance.

Moreover, the *Benton Utilities Master Specifications for the Design and Construction of Water and Sewer Utilities*, adopted by the Public Utilities Commission in 2015, states:

The maintenance of the grinder pump station and building force main to the point of connection with Benton Utilities sewer infrastructure shall be the responsibility of the home owner. (Section 3500, Part 1.5B).

Therefore, the private-user lift station is owned, operated and maintained by the owner(s) as a sole user(s). It is not part of the City’s sewer infrastructure, and, as such, the owner(s) bears all the expenses thereof.

A Public Lift Station

By contrast, a public lift station serves more than one customer and is typically greater in capacity. It is situated on a small parcel of land that is deeded to the City (cf. *Benton Utilities Master Specification*, Section 3500, Part 1.2B). Both the influent sewer(s) and the effluent pressure (force) main must be within a permanent easement granted to Benton Utilities for maintenance and operational purposes.

Therefore, the public lift station serves more than one customer. It is owned, operated, and maintained as part of the City’s sewer infrastructure as a financial asset, and, as such, the City bears all expenses thereof. These assets of land and equipment are received by Ordinance into the City as public property.

Adopted by the Benton Utilities Public Utilities Commission in regular session on July 17, 2017.

**Eleven Private-User, Commercial Lift Station Addresses
to Be Relinquished to the Owner(s) for Maintenance and Operation in Benton**

ADDRESS
7800 N. Alcoa Road
20038 I-30 Frontage Road
20183 I-30 Frontage Road
3141 Salem Road
1900 Dale Ave #1
1900 Dale Ave #2
1900 Dale Ave #3
1107 Airlane
1307 Airlane
1511 Airlane
19719 I-30 Frontage Road