



# ARKANSAS

## ENERGY & ENVIRONMENT

December 28, 2022

Stephanie Orman, Mayor  
City of Bentonville  
1000 SW 14th Street  
Bentonville, AR 72712

RE: City of Bentonville Inspection  
AFIN: 04-00154 Permit No.: AR0022403

Dear Ms. Orman:

On January 31, 2021, DEQ performed a Reconnaissance 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](mailto:Water-Inspection-Report@adeq.state.ar.us). This response should contain documentation describing the course of action taken to correct each noted item. 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 **January 18, 2023**.

If I can be of any assistance please contact me at Jason [Bolenbaugh@adeq.state.ar.us](mailto:Bolenbaugh@adeq.state.ar.us) or (501) 682-0659.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason Bolenbaugh'.

Jason Bolenbaugh  
Compliance Branch Manager, Office of Water Quality  
5301 Northshore Drive, North Little Rock, AR, 72118

 <b>ENVIRONMENTAL QUALITY</b>	<b>OFFICE OF WATER QUALITY</b>		
	AFIN: <b>04-00154</b>		PERMIT #: <b>AR0022403</b>
	COUNTY: <b>04 Benton</b>	PDS #: <b>123941</b>	DATE: <b>1/31/2022</b>
	GPS LAT: <b>36.392413</b> LONG: <b>-94.191719</b> LOCATION: <b>General Area</b>		

FACILITY INFORMATION	INSPECTION INFORMATION
NAME: <b>City of Bentonville</b> LOCATION: <b>East of Chapel Hill Road</b> CITY: <b>Bentonville</b>	FACILITY TYPE: <b>1 - Municipal</b>
	INSPECTOR ID#: <b>127361 S - State</b>
	FACILITY EVALUATION RATING: <b>N</b>
	INSPECTION TYPE: <b>Reconnaissance</b>
	DATE(S): <b>1/31/2022</b>
	ENTRY TIME: <b>09:30</b>
	EXIT TIME: <b>10:30</b>
	PERMIT EFFECTIVE DATE: <b>2/1/2021</b>
	PERMIT EXPIRATION DATE: <b>1/31/2026</b>
RESPONSIBLE OFFICIAL	FAYETTEVILLE SHALE RELATED: <b>N</b>
NAME: / TITLE <b>Stephanie Orman / Mayor</b> COMPANY: <b>City of Bentonville</b> MAILING ADDRESS: <b>1000 SW 14<sup>th</sup> Street</b> CITY, STATE, ZIP: <b>Bentonville AR 72712</b> PHONE & EXT: / FAX:  EMAIL:  	FAYETTEVILLE SHALE VIOLATIONS: <b>N</b>
CONTACTED DURING INSPECTION: <b>No</b>	INSPECTION PARTICIPANTS
	NAME/TITLE/PHONE/FAX/EMAIL/ETC.: <b>Cole Southerland/ Inspector/ DEQ</b>

AREA EVALUATIONS					
(S=Satisfactory, M=Marginal, U=Unsatisfactory, N=Not Applicable/Evaluated)					
**	PERMIT	**	FLOW MEASUREMENT	**	STORMWATER
**	RECORDS/REPORTS	**	LABORATORY	**	FACILITY SITE REVIEW
**	OPERATION & MAINTENANCE	**	EFFLUENT/RECEIVING WATER	**	SELF-MONITORING PROGRAM
**	SAMPLING	**	SLUDGE HANDLING/DISPOSAL	**	PRETREATMENT
**	OTHER:				

**SUMMARY OF FINDINGS**



The following violations were observed during inspection:

- Untreated wastewater was discharged from a diversion pipe while maintenance of manhole was being performed. This is an unpermitted discharge and is in violation of the Arkansas Water and Air Pollution Control Act - A.C.A. §8-4-217 (b)(1)(E).
- Wet concrete was observed within the manhole maintenance area actively being exposed to waters of the State (Photos #3 & #6). This is considered "placing waste" in a location likely to cause pollution to waters of the State and is in violation of the Arkansas Water and Air Pollution Control Act A.C.A. §8-4-217 (a)(2).

**GENERAL COMMENTS**

On January 31, 2022 I arrived at the location just East of Chapel Hill road along an unnamed tributary of McKisic Creek in response to a complaint of a discharge of untreated wastewater from a diversion pipe that was being used while manhole maintenance was being performed. I spoke with Chris Earle, WWTP Manager with the City of Bentonville, via phone about the complaint. Mr. Earle stated that NEC Inc., a construction company out of Rogers, was contracted to complete maintenance of manholes within the City of Bentonville collection system. City employees were monitoring the maintenance, but after the city employees left the site the order was given to release the excess wastewater from the diversion pipes into the unnamed tributary by a manager with NEC Inc. According to the complainant this happened on two occurrences. One occurrence was on January 27, 2022 and the other occurrence was on January 28, 2022. Video evidence of the discharge was received on January 31, 2022 from the complainant. While conducting my investigation no evidence of the dumping was observed. Dewatering of the area around the manhole was occurring at the time of the investigation (Photos #1 - #3). Wet concrete was observed within the manhole maintenance area exposed to the groundwater that was being pumped into the unnamed tributary (Photo #3). More wet concrete had been dumped on the ground near the manhole with no Best Management Practice's (BMP's) installed and was exposed to stormwater (Photo #6). The violations noted during the investigation were performed by NEC Inc. Because the City of Bentonville holds the permit with the Department (ARR0022403), they are the responsible party for the violations observed during the investigation.

A complaint report was completed with this investigation. Please refer to the complaint report for more information.

INSPECTOR'S SIGNATURE:  <b>Cole Southerland</b>	DATE: <b>2/25/2022</b>
SUPERVISOR'S SIGNATURE:  <b>Jason Bolenbaugh</b>	DATE: <b>12/22/2022</b>



**Office of Water Quality Photographic Evidence Sheet**

Location:	<b>City of Bentonville</b>				
Photographer:	<b>Cole Southerland</b>	Date:	<b>1/31/2022</b>	Time:	<b>9:55</b>
Witness:				Photo #:	<b>1</b>
Description:	<b>Dewatering of groundwater around the manhole construction.</b>				



Photographer:	<b>Cole Southerland</b>	Date:	<b>1/31/2022</b>	Time:	<b>9:55</b>
Witness:				Photo #:	<b>2</b>
Description:	<b>Unnamed tributary to McKisic creek where dewatering pipe is discharging.</b>				





**Office of Water Quality Photographic Evidence Sheet**

Location:	<b>City of Bentonville</b>				
Photographer:	<b>Cole Southerland</b>	Date:	<b>1/31/2022</b>	Time:	<b>9:56</b>
Witness:				Photo #:	<b>3</b>
Description:	<b>Concrete being molded for manhole.</b>				



Photographer:	<b>Cole Southerland</b>	Date:	<b>1/31/2022</b>	Time:	<b>9:57</b>
Witness:				Photo #:	<b>4</b>
Description:	<b>Access road to manhole.</b>				





**Office of Water Quality Photographic Evidence Sheet**

Location:	<b>City of Bentonville</b>				
Photographer:	<b>Cole Southerland</b>	Date:	<b>1/31/2022</b>	Time:	<b>9:57</b>
Witness:				Photo #:	<b>5</b>
Description:	<b>Equipment located near construction.</b>				



Photographer:	<b>Cole Southerland</b>	Date:	<b>1/31/2022</b>	Time:	<b>10:03</b>
Witness:				Photo #:	<b>6</b>
Description:	<b>Wet concrete washout near manhole.</b>				



**From:** [Chris Earl](#)  
**To:** [Water-Inspection-Report](#)  
**Cc:** [Mike Bender](#); [Preston Newbill](#); [Jason Bolenbaugh \(adpce.ad\)](#)  
**Subject:** Response to 1/31/2022 Inspection permit #AR0022403  
**Date:** Thursday, January 5, 2023 10:56:29 AM  
**Attachments:** [image001.png](#)  
[1660\\_001.pdf](#)

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Jason,

In response to the letter dated 12/28/2022, I have attached the following information in response to the Summary of Finding section of the inspection report.

There were 2 incidents that occurred at 1617 McCollum Rd, Bentonville, AR 72712 in the month of January 2022, this location is just to the east of Chapel Hill Dr, Bentonville, AR

1/3/2022

You will see in the SSO Report Confirmation Number: [4374af8d-9a68-4f54-930b-0667374e758b](#), this was a new church under construction. The sewer line installed for this project had not been accepted by the City of Bentonville.

The manhole that the overflow occurred was not given a number at the time. There was no direct connection to the city sewer system. With that being said, the contractor and subcontractors were using a sewer line

with no means of draining the line. The overflow occurred at a manhole west of the property leading to a small amount of waste reaching a creek. The city of Bentonville's crew pumped all the sewer matter from the

private manhole over to the city owned manhole to stop the issue. The city of Bentonville crew then cleaned the sewer matter around the manhole and spread lime to the affected area. Contractor was notified and instructed

to not let this happen again. There was no Evidence of Adverse Health/Environmental Impact. This was reported in the SSO dated 1/3/2022.

1/27/2022

In response to SSO Confirmation Number: [b8e0a8de-ec3c-4569-b6c1-517f7a45ced2](#), Loran Shipman was notified by a caller that worked for or previously worked for NEC, Inc Construction, the caller stated that the contractor

had dumped raw sewer from a 300' section of discharge hose into the creek west of the property.

The discharge hose was a 6" diameter hose, if the hose was full that would have been 440 gallon capacity. A pump was set up

for a bypass while the City of Bentonville performed a point repair earlier that day. The caller also stated that his boss had told his crew to empty the remaining sewer in the discharge pipe in the creek after the City personnel

leave the job site. City personnel went back to the scene and did not see any evidence of a discharge from a hose. There was no evidence of adverse health/environmental impacts at the time of the inspection.

As far as the statement by Cole Southerland, I Chris Earl have no recollection of any statement given to this particular situation. I have never spoken with Mr. Southerland on this matter.

As for the photos that are dated 1/28/2022 and 1/31/2022, the City was never notified or made aware of these photos or this particular situation. Would the City have been notified we would have definitely responded to the situation.



Also, attached are photos that were taken on 1/5/2023 of the area in question. Should you need further explanation or correspondence please feel free to contact me at the email or phone number provided below.

*Chris Earl, Manager  
Water Resource Recovery Facility  
City of Bentonville  
Phone: 479-696-0273  
Fax: 479-271-3163  
cearl@bentonvillear.com*



The following information has been sent.

## CONFIRMATION NUMBER

**4374af8d-9a68-4f54-930b-0667374e758b**

(NOTE: You will need this number should you ever need to contact ADEQ concerning this report)

### Date/Time Overflow Range

\*Date Overflow Began:

1/3/2022

\*Time:

8:00 am

Date Overflow Ended:

1/3/2022

Time:

4:00 pm

### Facility/Permit Information

\*Facility Name:

City of Bentonville

\*Permit Number:

AR0022403

### Location Information

Provide address and manhole number if numbered. Include where the overflow went into a yard, ditch, stream, storm sewer, building, or other. Be specific as possible.

Address of overflow is 1617 McCollum Rd. This is a new church that is under construction. The sewer line installed for this project has not been accepted by the City of Bentonville. The manhole that the overflow occurred has not been given a manhole number yet. There is no direct connection to the city sewer system. With that being said, the contractor and subcontractors were using a sewer line with no way of draining. The overflow occurred at a manhole west of property leading to a small amount reaching a creek. Our team pumped the sewer matter from the private manhole over to a city owned manhole to stop the issue. Cleaned up sewer matter around manhole and spread lime on the affected area. Contractor was notified and should not happen again.

### Description of Problem (check all items that apply)

#### Type of Overflow

Manhole Overflow  Lift Station Overflow  Main Line Overflow  Service Line Overflow

Other:

#### Cause of Overflow

I & I - Rainfall  Roots  Grease  Debris  Equipment Failure

Construction  Vandalism  Power Failure  Line Failure/Break  Other:

Volume of Overflow:

500  
Impact of SSO Overflow Incident  
SSO Reached Receiving Water (river,stream)

Environmental Damage (check all items that apply)

- OEHC - Observed or Evidence of Human Contact
- OEEI - Observed or Evidence of Environmental Impact
- EFK - Evidence of Fish Kill Manhole
- NEAH - No Evidence of Adverse Health/Environmental Impact

Action Taken (check all items that apply)

Short term and long-term action, including clean-up and any plans to remediate I & I.

- Machine Rodded
- Jet-Vac
- Hand Rodded
- Used Generator to Power Pumps/Equipment
- Disinfected and Deodorized
- Hydro Cleaned
- Spread Lime on Affected Area
- Public Notification
- Other:

Reported By

"I certify" under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name:  
Loran Shipman  
Title:  
Wastewater Collection Supervisor  
Phone:  
4792713140  
Email a Copy of This Report to the Email Address:  
lshipman@bentonvillear.com

Additional Comments:



The following information has been sent.

## CONFIRMATION NUMBER

**b8e0a8de-ec3c-4569-b6c1-517f7a45ced2**

(NOTE: You will need this number should you ever need to contact ADEQ concerning this report)

### Date/Time Overflow Range

\*Date Overflow Began:

01/27/2022

\*Time:

5:00 pm

Date Overflow Ended:

01/27/2022

Time:

5:10 pm

### Facility/Permit Information

\*Facility Name:

City of Bentonville

\*Permit Number:

AR0022403

### Location Information

Provide address and manhole number if numbered. Include where the overflow went into a yard, ditch, stream, storm sewer, building, or other. Be specific as possible.

The address the overflow occurred is 1617 McCollum Dr. I was told by a caller on the phone that a contractor had dumped raw sewer from a 300" discharge hose into a creek west of this property. The discharge hose was 6" in diameter. If the discharge hose was full it had a 440 gallon capacity. The pump was set up for a bypass while the city of Bentonville performed a point repair earlier that day. The caller on the phone said that his boss told him to empty the remaining sewer in the discharge hose in the creek after the city of Bentonville employees left the job. I do not know if this statement is true but I figure I would report just in case.

### Description of Problem (check all items that apply)

#### Type of Overflow

Manhole Overflow  Lift Station Overflow  Main Line Overflow  Service Line Overflow  Other: discharge hose from pump

#### Cause of Overflow

I & I - Rainfall  Roots  Grease  Debris  Equipment Failure

Construction  Vandalism  Power Failure  Line Failure/Break  Other: Contractor's poor decisions

Volume of Overflow:

440

Impact of SSO Overflow Incident  
SSO Reached Receiving Water (river,stream)

Environmental Damage (check all items that apply)

- OEHC - Observed or Evidence of Human Contact  OEEI - Observed or Evidence of Environmental Impact
- EFK - Evidence of Fish Kill Manhole  NEAH - No Evidence of Adverse Health/Environmental Impact

Action Taken (check all items that apply)

Short term and long-term action, including clean-up and any plans to remediate I & I.

- Machine Rodded  Jet-Vac  Hand Rodded  Used Generator to Power Pumps/Equipment
- Disinfected and Deodorized  Hydro Cleaned  Spread Lime on Affected Area  Public Notification  Other: Did not see any evidence

Reported By

"I certify" under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name:

Loran Shipman

Title:

Wastewater Collection Supervisor

Phone:

4792713140

Email a Copy of This Report to the Email Address:

lshipman@bentonvillear.com

Additional Comments:





























# ARKANSAS

## ENERGY & ENVIRONMENT

January 30, 2023

Stephanie Orman, Mayor  
City of Bentonville  
1000 SW 14<sup>th</sup> St.  
Bentonville, AR 72712

RE: Response to Inspection  
AFIN: 04-00154

Permit No.: AR0022403

Dear Mayor Orman:

I have reviewed the response pertaining to the January 31, 2022 inspection. The information provided sufficiently addresses the items referenced in my inspection report. At this time, the Division has no further comment concerning this particular inspection. Acceptance of this response by the Division does not preclude any future enforcement action deemed necessary at this site or any other site.

If I require further information concerning this matter, I will contact you. Thank you for your attention to this matter. Should you have any questions please contact me at (501) 682-0659 or you may email me at [Jason.Bolenbaugh@adeq.state.ar.us](mailto:Jason.Bolenbaugh@adeq.state.ar.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason Bolenbaugh'.

Jason Bolenbaugh  
Compliance Branch Manager, Office of Water Quality  
5301 Northshore Drive, North Little Rock, AR, 72118

CC: Chris Earl, Manager, City of Bentonville WRRF, [cearl@bentonvillear.com](mailto:cearl@bentonvillear.com)