



NWA UTILITY SERVICES, INC  
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[www.nwautilityservices.com](http://www.nwautilityservices.com)

June 25, 2018


Arkansas Department of Environmental Quality  
Office of Water Quality, Enforcement Branch  
5301 Northshore Drive  
North Little Rock, AR 72118-5317

Re: Deer Haven Subdivision  
Permit No 4908-WR-2

In regards the referenced facility, please find the enclosed submittals for the NDSTW requirements. This should complete the Section B Schedule of Compliance for the permit issued on Dec 1, 2017

Thank you for your attention to this matter. If there is any further information you require feel free to contact me directly.

Regards

  
Kathy Bartlett  
Internal Operations Manager  
NWA Utility Services  
Office: 479-530-5926

## Nonmunicipal Domestic Sewage Treatment Works Trust Fund Requirement Form

Permittee (Legal) Name: First Asset Holding LLC  
Facility Name: Deer Haven Subdivision  
Permit No. 4908-WR-2

### ***Section A – Information Requiring Engineering Certification***

#### **Part I – Operating and Maintenance Expenses**

O & M Expense	Frequency/Year	Unit Cost	Annual Cost	5-Year Cost
Labor	12	350.00	4200.00	22386.00
Electricity	12	230.00	2760.00	14710.80
Analytical Sampling and Testing	12	127.00	1524.00	8122.93
Mowing Dripfield	7	485.00	3395.00	18095.35
Insurance Liability and WC	1		360.00	1918.80
Propane	1 time every 2 to 3 years	325.00		650.00
Replacement Pumps				1000.00
Sludge Pumping				1000.00
Property Taxes	1	505.68	505.68	2680.10
ADEQ Permit & Trust Fund	1	700.00	700.00	3500.00
<b>Total</b>				<b>74,063.88</b>

The above O & M costs are based on actual historical figures for this facility and are a true representation of forecasted costs based on similar facilities utilizing the same treatment technology and equipment.

#### **Part II – Capital Expenditures**

- The wastewater treatment plant (WWTP) must be examined by a Professional Engineer registered in the State of Arkansas to determine all necessary capital expenditures, system upgrades, or significant repairs which may be needed within the following five (5) years. A list of all of these items must be attached to this document.

ENGINEERS STATEMENT:

*CHP*

*This facility has no planned repairs, upgrades, capital expenditures or significant repairs required for the next five years.*

- A milestone schedule for completion of the capital expenditures, system upgrades, or significant repairs must be attached to this document.

*Not Applicable*

**Nonmunicipal Domestic Sewage Treatment Works Trust Fund Requirement Form**

**Part III – Financial Plan**

A financial plan that demonstrates to the Department's satisfaction the permittee's ability to operate and maintain the WWTP for five (5) years must be prepared. This plan should also include a comprehensive connection summary listing the number of connections and types of connections based on Appendix B of the Arkansas Department of Health Rules and Regulations Pertaining to Onsite Wastewater Systems. The summary should include the number of existing connections and an estimated number of new connections for the next five (5) years. The financial plan must be attached to this document.

*See Attachment B*

**Part IV – Certification**

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.

Printed Name of AR Professional Engineer: Charles L. Presley

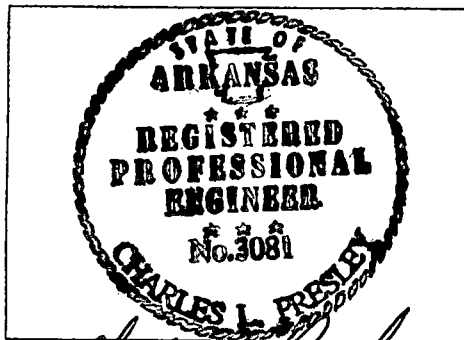
Registration License Number: 3081

Signature of AR Professional Engineer: Charles L. Presley

Date: 6/22/2018 Telephone Number: 479-738-2979

E-mail: cjpres@madisoncounty.net Fax Number: \_\_\_\_\_

Stamp of AR Professional Engineer



*Charles L. Presley*  
*6/22/18*

# Nonmunicipal Domestic Sewage Treatment Works Trust Fund Requirement Form

## **Section B – Service Area Information and Certification of Compliance**

### **Part I – Legal Description**

A legal description of the service area *must be attached to this document*. This requirement may be satisfied by providing a plat for the area served by the non-municipal domestic sewage treatment works.

*See Attachment A*

### **Part II – Potable Water Sources**

A list of the sources of the potable water for the service area *must be attached to this document*.

*See Attachment C*

### **Part III – Certification of Compliance**

Has the permit applicant complied with all local zoning ordinances, local planning authority regulations, local permitting requirements, and any other applicable local regulations necessary for the construction and operation of this facility?

Yes X No \_\_\_\_\_

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.

Printed Name of Permittee Responsible Official: Kenneth Gregory

Signature of Permittee Responsible Official: Kenneth E. Gregory

Date: 6/20/18 Telephone Number: (479) 790-3813

E-mail: Ken@aquatechsys.com Fax Number: \_\_\_\_\_

## LEGAL DESCRIPTION OF PROPERTY

## PROPERTY DESCRIPTION

Part of the East Half of the Northeast Quarter, Section 15, Township 20 North, Range 29 West, Benton County, Arkansas being more particularly described as follows:

Beginning at a point marking the Northeast Corner of the Southeast Quarter of the Northeast Quarter. Thence along the east line of said forty, South 02 degrees 01 minutes 19 seconds West, 1,320.79 feet to a point marking the Southeast Corner of the Southeast Quarter of the Northeast Quarter. Thence along the south line of said forty, North 87 degrees 02 minutes 08 seconds West, 1,329.01 feet to a point marking the Southwest Corner of the Southeast Quarter of the Northeast Quarter. Thence along the west line of said forty, North 02 degrees 32 minutes 30 seconds East, 1,303.71 feet. Thence leaving said west line, South 86 degrees 27 minutes 30 seconds East, 228.78 feet. Thence North 82 degrees 49 minutes 44 seconds East, 58.48 feet. Thence North 88 degrees 31 minutes 10 seconds East, 28.31 feet. Thence North 50 degrees 31 minutes 55 seconds East, 73.38 feet. Thence North 39 degrees 08 minutes 01 seconds East, 150.53 feet. Thence North 50 degrees 38 minutes 32 seconds East, 62.10 feet. Thence North 75 degrees 29 minutes 23 seconds East, 62.10 feet. Thence South 87 degrees 11 minutes 18 seconds East, 170.00 feet. Thence South 86 degrees 14 minutes 14 seconds East, 105.72 feet. Thence South 78 degrees 42 minutes 42 seconds East, 35.87 feet. Thence South 71 degrees 39 minutes 10 seconds East, 98.42 feet. Thence South 67 degrees 55 minutes 00 seconds East, 306.76 feet. Thence South 87 degrees 25 minutes 44 seconds East, 59.88 feet to a point on the east line of the Northeast Quarter of the Northeast Quarter. Thence along the east line of said forty, South 02 degrees 33 minutes 16 seconds West, 101.99 feet to the Point of Beginning, containing 44.06 acres and subject to Road Rights of Way and any Easements of Record.

## LEGAL DESCRIPTION OF SEWER TREATMENT PLANT AND ALTERNATE AREA

## PROPERTY DESCRIPTION

## Sewer Plant Tract

Part of the Southeast Quarter of the Southeast Quarter of Section 10, Township 20 North, Range 29 West, Benton County, Arkansas being more particularly described as follows:

Commencing at an existing rebar marking the Northeast Corner of the Southeast Quarter of the Southeast Quarter. Thence along the East line of said Forty, South 02 degrees 30 minutes 04 seconds West, 522.04 feet. Thence leaving said East line West, 480.49 feet to a set rebar with cap and the Point of Beginning. Thence South 59 degrees 16 minutes 03 seconds West, 81.34 feet to a set rebar with cap. Thence South 48 degrees 17 minutes 26 seconds West, 291.10 feet to a set rebar with cap. Thence North 30 degrees 47 minutes 24 seconds West, 120.86 feet to a set rebar with cap. Thence North 40 degrees 03 minutes 57 seconds West, 139.58 feet to a set rebar with cap. Thence North 49 degrees 59 minutes 23 seconds West, 268.15 feet to a set rebar with cap. Thence North 40 degrees 26 minutes 03 seconds East, 200.38 feet to a set rebar with cap. Thence North 53 degrees 39 minutes 31 seconds East, 232.42 feet to a set rebar with cap. Thence South 41 degrees 46 minutes 48 seconds East, 404.14 feet to a set rebar with cap. Thence South 22 degrees 49 minutes 26 seconds East, 148.55 feet to the Point of Beginning, containing 4.98 acres and subject to Road Rights of Way and any Easements of Record.

## Alternate Area

Part of the Southeast Quarter of the Southeast Quarter of Section 10, Township 20 North, Range 29 West, Benton County, Arkansas being more particularly described as follows:

Commencing at an existing rebar marking the Northeast Corner of the Southeast Quarter of the Southeast Quarter. Thence along the East line of said Forty, South 02 degrees 30 minutes 04 seconds West, 684.54 feet. Thence leaving said East line West, 391.27 feet to a set rebar with cap and the Point of Beginning. Thence South 25 degrees 48 minutes 57 seconds East, 260.00 feet to a set rebar with cap. Thence South 64 degrees 11 minutes 03 seconds West, 260.00 feet to a set rebar with cap. Thence North 25 degrees 48 minutes 57 seconds West, 260.00 feet to a set rebar with cap. Thence North 64 degrees 11 minutes 03 seconds East, 260.00 feet to the Point of Beginning, containing 1.55 acres and subject to any Easements of Record.

FINANCIAL PLAN FOR LONG TERM OPERATIONS AND MAINTENANCE

As per the terms of the contract executed between First Asset Holding, LLC and Deer Haven Utility LLC, a NWA Utility Services company; this facility has secured long term operations and maintenance for the facility. The following pertinent language is defined in the terms of the executed agreement.

*This Agreement (this "Agreement") is entered into as of this 1 day of March, 2017 by and between FIRST ASSET HOLDING, LLC an Arkansas company ("OWNER") and DEER HAVEN UTILITY, LLC, an Arkansas limited liability company ("UTILITY").*

*This Agreement is binding upon execution and inures to the benefit of, the parties and their respective successors and assigns. Said successor can be established by merger, consolidation, or any other legal succession as defined in the covenants and restrictions of the subdivision filed and of record in Benton County, AR Book 2008 Page 18616*

*WHEREAS, OWNER is the governing authority of that real estate subdivision that is described on Exhibit A-1, attached hereto (the "Subdivision");*

*WHEREAS, OWNER desires to retain UTILITY to operate and maintain the wastewater treatment plant that is located in the subdivision described in Exhibit A-2 ( the "Plant") in accordance with Applicable Laws and this Agreement; and*

*WHEREAS, UTILITY is willing to provide said services in exchange for that compensation that is referenced herein.*

*NOW, THEREFORE, in consideration of the covenants and conditions referenced and exchanged herein, and for other good and valuable consideration received, and intending to be fully and legally bound hereby, the parties hereto covenant and agree as follows:*

*1. OWNER Responsibilities. OWNER shall be responsible for the following duties and obligations in connection with the operations and maintenance of the Plant:*

- a. Allowing UTILITY and its agents and employees unlimited access to the Plant at any time for routine maintenance or at any time in order to perform its duties in an alarm situation hereunder.*
- b. Pay annual ADEQ permit fee and make payments into ADEQ trust fund as per the ADEQ billing*
- c. Pay for capital repairs as necessary to keep Plant in compliance with current or future Arkansas Department of Environmental Quality (ADEQ) permit conditions. Funds for said repairs can be paid for from the reserve fund established by the UTILITY referenced in Item 2 (i) of this Agreement*
- d. Mow drip field in accordance with the Permit Conditions for AFIN NO 04-01681 Permit No 4908-WR-2.*
- e. Supply and pay for water service to plant*
- f. Owner shall guarantee to UTILITY a monthly payment of \$700.00 for wastewater operations and maintenance. The Owners payment to Deer Haven Utility shall cease when 30 lots have become subject to the wastewater fee.*

*2. UTILITY Responsibilities. UTILITY shall be responsible for the following duties and obligations in connection with the operations and maintenance of the Plant (collectively, the "Operations and Maintenance Services"):*

- a. Providing all Plant operations and maintenance as outlined, which are attached hereto as Exhibit C that are in accordance with current Applicable Laws as outlined in the Permit Conditions for AFIN NO 04-01681 Permit No 4908-WR-1 and subsequently issued permits during the term of the contract*
- b. Maintaining records and files as required by all Applicable Laws including, but not limited to, ADEQ monthly monitoring reports as outlined in the Permit Conditions for AFIN NO 04-01681 Permit No 4908-WR-1 and subsequently issued permits during the term of the contract*

## Attachment B

- c. Utilizing the Plant only for its intended and approved purposes.*
- d. Paying lab to obtain wastewater samples and authorize lab to forward copies of their Chain of Custody and Lab Analysis to UTILITY in a timely manner*
- e. Pay electrical and propane costs associated with the plant and lift station*
- f. Maintaining all necessary licenses associated with the operation of the Plant.*
- g. Billing and collecting a monthly wastewater service fee directly to all homeowners with an active water meter in the subdivision.*
- h. Supplying a copy of UTILITY's Rules and Regulations which are attached hereto as Exhibit B, to all property owners in the subdivision.*
- i. Coordinate with lab for times to obtain all samples in accordance with Permit Conditions for AFIN NO 04-01681 Permit No 4908-WR-1*
- j. Collect as part of fee referenced in 2f, a POA Reserve Fund fee of \$5.00, and hold the collected fee in an account for the purpose of paying for any capital repairs. Report on a monthly basis to the OWNER, all reserve funds collected and expended.*

### **FORECASTED CONNECTION SUMMARY**

YEAR	ESTIMATED CONNECTIONS	CONNECTION TYPE	MONTHLY SEWER RATE	ANNUAL REVENUE
2018	50	Residential	60.00	36,000.00
2019	70	Residential	60.00	50,400.00
2020	80	Residential	60.00	57,600.00
2021	100	Residential	50.00	60,000.00
2022	120	Residential	50.00	72,000.00

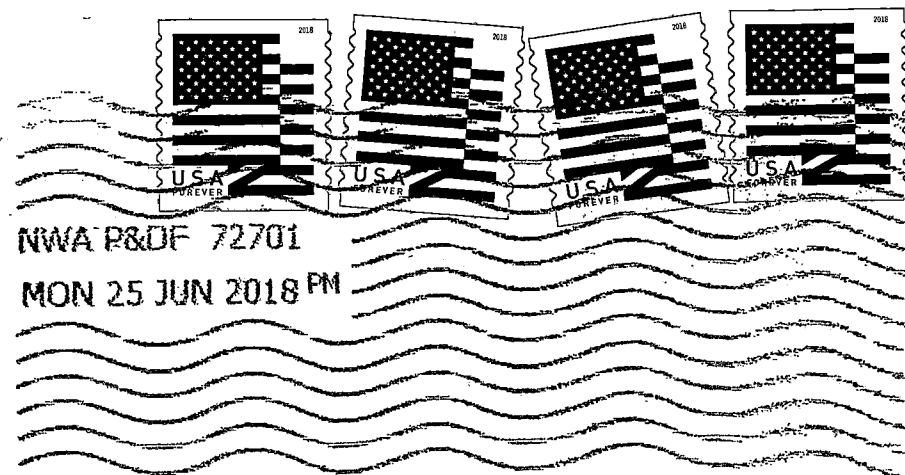
**LIST OF POTABLE WATER SOURCE**

Benton County Water District #1



PO BOX 9299  
Fayetteville, AR

72703



ADEQ  
Office of Water Quality  
Enforcement Branch  
5301 Northshore Dr  
N. Little Rock, AR

72118 - 5317