



# Arkansas Department of Health

4815 West Markham Street • Little Rock, Arkansas 72205-3867 • Telephone (501) 661-2000

Governor Sarah Huckabee Sanders

Renee Mallory, RN, BSN Secretary of Health

Jennifer Dillaha, MD, Director

Engineering Section, Slot 37  
[www.healthy.arkansas.gov/eng](http://www.healthy.arkansas.gov/eng)

Ph (501) 661-2623  
After Hours Emergency

Fax (501) 661-2032  
(501) 661-2136

## Memorandum of Agreement

### On the

### Delegation of Plan Review for Minor Improvements to Public Water Facilities

### Arkansas Department of Health & Bentonville Water Utilities of the City of Bentonville, Arkansas

#### I. Basis

This Memorandum of Agreement is between the Arkansas Department of Health/Engineering Section (ADH) and the City of Bentonville, Arkansas ("Also known as BWU or Bentonville Water Utilities"). The purpose is to allow BWU to review and approve minor additions and improvements to the City's water and sewer systems without requiring an additional review and approval by ADH. Authority for plan review delegation is found in the ADH's Rules Pertaining to Public Water Systems, Section XXI.A. and Rules Pertaining to General Sanitation, Section VII.B.1.

#### II. Applicability

Eligible projects for delegation of plan review are limited to the following infrastructure which will be owned, operated, and maintained by BWU:

- A. New conventional water and sewer line extensions along with associated appurtenances no longer than 2,000 feet in total length.
- B. Conventional water and sewer line extensions that will be incorporated into BWU's water and sewer system that will serve proposed commercial developments and/or residential developments with less than 100 living units. For any development that proposes an individual sewage disposal system, preliminary subdivision soil review and approval from the ADH Environmental Protection Branch shall be obtained prior to approval of the water extension.
- C. The replacement and/or rehabilitation of conventional water or sewer lines, no longer than 2,000 feet in length, that serve existing customers.
- D. Sewage pumping stations up to a maximum size of 50 gallons per minute.

### III. Terms

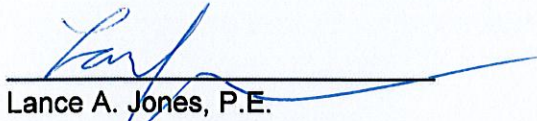
- A. The City of Bentonville shall employ one or more Professional Engineers (Engineer) registered in the state of Arkansas and competent in the field of water and wastewater engineering, who shall review and approve the construction plans and specifications and ensure that the design complies with American Water Works Association Standards, "Recommended Standards for Water Works" and "Recommended Standards for Wastewater Facilities" (Ten States Standards - water and wastewater), by the Great Lakes Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers the Standard Specifications, Standard Details issued by BWU, and the plastic pipe policies of the Arkansas Department of Health and the Arkansas Department of Health's Rules Pertaining to Public Water Systems and Rules Pertaining to General Sanitation.
- B. The City of Bentonville will specify in writing, and keep current with the ADH's Engineering Section, the licensed Professional Engineers in Bentonville's employment that will bear the approval responsibility.
- C. Specifically, separation distances between potable water lines and sewer lines must comply with Section XIV.A. of the Arkansas Department of Health's Rules Pertaining to Public water Systems. Exceptions due to obstructions must be submitted to and approved by the ADH.
- D. This Memorandum of Agreement is based upon the currently issued BWU *Water Utilities Department Specifications, Adopted on October 22, 2024*, as subsequently revised and amended. Any modification of these standard specifications must be reviewed and approved by the ADH prior to being utilized as a modification of this agreement.
- E. The BWU Engineer shall issue formal approval letters for the designs reviewed and approved under this agreement and must issue a copy of that letter to the ADH. These approval letters must contain an adequate description so that the scope/extent of improvements is understandable. In-house designs will require a letter of notification from the Engineer to the ADH concerning the work to be conducted. All city approved or in-house prepared designs must be stamped by a Professional Engineer who is registered in the state of Arkansas.
- F. ADH will not charge a plan review fee for projects reviewed and approved by BWU pursuant to the Agreement.
- G. Approvals by BWU must adequately document responsibilities for construction inspection.
- H. Within 30 days following substantial completion of the projects, the ADH must be supplied with "As-Built" drawings of the work completed for inclusion in the ADH records. Such "As-Built" drawings may be supplied in the form of a pdf document.
- I. At any time, the ADH may require the updating of the standard specifications so that changes in industry practice, changes in ADH policies, or updating of industry standards may be incorporated into the specifications.
- J. At any time, the ADH may require the submission of a proposed project for its review and may at any time request and receive all documents pertaining to BWU's review of a project whether proposed, in progress, or completed.
- K. At any time, BWU may request or require a review of a project by ADH regardless of delegation applicability. This provision shall apply to in-house or third-party design plans, and standard ADH plan review fees shall apply
- L. At any time, either party may petition that the agreement be modified.

- M. This agreement will be initially for a 7-month term starting on June 1, 2025 running through December 31, 2025. Renewal of the agreement will be dependent upon the continued interest of both parties and if renewed, will be for two-year terms thereafter.
- N. Either party may terminate this MOA with 30 days written notice.

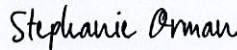
#### IV. Exclusions

Plan review delegation shall not apply to the following projects but shall require a submittal to and approval by the ADH prior to the start of construction:


- A. Projects consisting of source water development, water or wastewater treatment, potable water pumping systems, storage, on-site sewage disposal systems, or any design containing what is commonly understood to be "non-conventional". Uncertainties concerning the applicability of this agreement can be resolved via written communications with the ADH.

  
Lance A. Jones, P.E.  
Director, Engineering Section  
Arkansas Department of Health

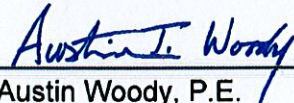
Date 6-9-2025

  
Mayor Stephanie Orman  
City of Bentonville

Date June 3, 2025 | 3:25 PM CDT

  
Mike Bender, P.E.  
Director  
Bentonville Water Utilities

Date 6/03/2025

  
Austin Woody, P.E.  
Staff Engineer  
Bentonville Water Utilities

Date 6-3-2025