



Arkansas Department of Health

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Governor Mike Beebe

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October 12, 2009

Mr. Steve Mallett, P.E.
Deputy City Manager
City of Hot Springs
P.O. Box 700
Hot Springs, AR 71902

RE: Follow up to 10-8-09 Meeting
Water Source Planning
Hot Springs Waterworks

Mr. Mallett:

This letter is in response to your request in our October 8, 2009 meeting concerning clarifying two issues concerning sanitary buffer areas and also requesting input prior to an Engineering Report being submitted concerning evaluation of potential sources.

First, protective sanitary buffer areas must be free from potential sources of pollution as is outlined in Section IX.B. of the Arkansas Department of Health's Rules and Regulations Pertaining to Public Water Systems. These regulations are specific and in section IX.B.5.c, these regulations specifically mention residences as being prohibited in the required buffer areas. Also, the presence a parking area and boat launch area within the required buffer areas would be prohibited by Section IX.B.5.a concerning "Objectionable Substances" due to the various substances that boating activity can deposit into the reservoir. Please note that these regulations also require a more tightly controlled "restricted intake zone" around the intake structure that only allows activities relating to operation of the water supply, see Section IX.B.2. Please note, the regulations require that all restricted buffer zone areas be owned and controlled by the utility.

Second, the Arkansas Department of Health has not retroactively required the acquisition of required buffer areas where previously existing intakes are concerned. Improvements of existing intake sites will be allowed without triggering the current buffer area requirements as long as the new infrastructure is located immediately adjacent to the existing infrastructure and the proposed improvements do not substantially change the location of the withdrawals.

It was apparent from yesterday's meeting that the utility and it's consultant plan to more fully develop the alternatives of both the upper and lower intake sites and cost compare the alternatives in the form of a report to this office. This office has previously made clear, and reiterates again, that the proposed lower Lake Hamilton intake site does not provide the required buffer areas and is a less desirable location based upon greater health risks associated with development and human activity in the watershed.

The buffer zone requirements for a lower Lake Hamilton intake were spelled out in Robert Hart's letter to you dated July 29, 2009. Our office does not have the authority to approve a waiver of those requirements.

Should you have any questions in this regard, feel to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "J Stone", with a long horizontal flourish extending to the right.

Jeff Stone, P.E.
Chief Engineer
Engineering Section

RH:JS:DT

Cc: Office of General Counsel, Arkansas Department of Health