

BEFORE THE ARKANSAS SOIL AND WATER COMMISSION

**IN THE MATTER OF: Town of Sunset, Arkansas
 WPC# 000207-001**


**FINAL DETERMINATION
ARKANSAS WATER PLAN COMPLIANCE**

On March 20, 2002, the Arkansas Soil and Water Conservation Commission heard the appeal of the Executive Director's Decision concerning the Town of Sunset. The Commissioners adopted the Executive Director's findings of facts and conclusions regarding this matter with the following changes:

1. Section 8 (D) of the Executive Director's Final Determination should read "Sunset has approximately 343 customers with annual water use of 2.5 MGM" rather than "Sunset has approximately 390 customers with annual water use of 2.5 MGD."


Given this 20th day of March, 2002.

Attest:


J. Randy Young, P.E.
Executive Director and Secretary

**ARKANSAS SOIL AND WATER
CONSERVATION COMMISSION**

by:


Neal Anderson
Chairman

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FINAL DETERMINATION
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This application was considered for Water Plan Compliance pursuant to Arkansas Code Annotated 15-22-503 (1993) and the Arkansas Soil & Water Conservation Commission's *Rules For Water Development Project Compliance With the Arkansas Water Plan*. Based upon the records of this matter, the Arkansas Soil & Water Conservation Commission does make the following findings of fact and conclusions of law:

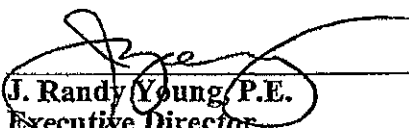
1. The applicant is the Town of Sunset, Arkansas.
2. The application was filed on February 7, 2000.
3. Notice of Hearing was published on September 20, 2001, in the West Memphis Evening Times, a newspaper of general circulation in Crittenden County.
4. A hearing was held on July 12, 2001 at 1:00 p.m. in the Sunset Town Hall in Crittenden County. A second hearing was held on October 4, 2001 at 1:00 p.m. at the ASWCC offices in Little Rock, Arkansas.
5. Mayor James Wilburn and other City representatives and staff were present at the first hearing. A Representative of Ellers, Oakley, Chester & Rike, the City's consulting engineering firm was also present at the first hearing. The applicant did not have any representatives at the second hearing.
6. This project involves drilling two wells, each with a 350 gpm capacity; installing a 3,500 gal. hydropneumatic tank, building a treatment plant consisting of phosphate addition and chlorination and extending their service area north, approximately between the Burlington-Northern R.R. track on the east and the western I-55 right-of-way on the west to the northern right-of-way of James Mill Rd.
7. The Commission staff has reviewed all supporting documentation pertaining to this proposal and in its opinion deems the project to be out of compliance with the Arkansas Water Plan because it:
 - (A) Does not implements the goals and objectives of the Arkansas Water Plan; and,
 - (B) Does not coordinate the efficient use of water resources in the project vicinity and surrounding region.
8. Specific findings concerning the project are:
 - (A) Sunset currently receives water from the City of Marion using a master meter Marion owns. Sunset has its own master meter on the line from the City of Marion and a distribution system. Marion has the capacity to provide Sunset the

water it wants and has never had to curtail the supply to Sunset due to a lack of capacity.

- (B) Sunset owns and operates its distribution system. It's system does provide service to parts of an area outside the city called Harvard Yards. Sunset is currently replacing some of its lines to improve service.
- (C) The aquifer used by Sunset would be the Mississippi River alluvial aquifer. The use of this aquifer will require the construction of a water treatment plant because of potential iron and manganese problems and/or turbidity problems.
- (D) Sunset has approximately 390 customers with annual water use of 2.5 MGD.
- (E) Sunset will have to start treating the water used in its distribution system. This means that Sunset will have to have a licensed operator, have a Department of Health permit, have monthly monitoring and compliance reports to complete and send to the state and have the operation and maintenance expenses of the wells and treatment plant added to their water rates. These items are all currently provided by Marion as the water supplier and the cost are spread out over all of Marion's customers instead of the small customer base of Sunset.
- (F) This project does not coordinate the water resources within the State. The current operation allows each water system to benefit from economies of scale, resulting in lower cost water for both systems. To allow the systems to disconnect will result in higher water rates for both systems and result in additional cost for Sunset. Over the next few years, additional public health requirements will make it more difficult for systems the size of Sunset to operate efficiently.
- (G) The project goes against the Commission's concept of regionalization of water systems that would allow the highest quality of water at the lowest cost possible for the citizens of the State.

Based upon the above findings and recommendations regarding this proposal, it is determined that this water development project does not meet the objectives of the Arkansas Water Plan and is hereby disapproved for Water Plan Compliance Certification.

This determination entered the 15th day of October, 2001.


J. Randy Young, P.E.
Executive Director

ARKANSAS SOIL & WATER
CONSERVATION COMMISSION
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