



April 4, 2016

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Director and State Health Officer
4815 West Markham Street
Little Rock, Arkansas 72205-3867

J. Terry Paul, R.S.
Environmental Director
4815 West Markham Street
Little Rock, Arkansas 72205-3867

Re: MEMO EHGS 0015
MEMORANDUM (Bulletin 9 Clarification and Procedures)

Dear Sirs,

It has come to my attention that the above-referenced Memorandum will result in changes in the way Bulletin 9 is implemented with regard to the installation of septic systems beginning April 4, 2016. The city of Bella Vista has a current population of roughly 27,642 residents, is comprised of roughly 38,969 platted and recorded lots, and has roughly 13,399 homes. The Bella Vista Village Property Owners Association (the "POA") provides benefits to many of these residents. This change in the implementation of septic system regulations will significantly and negatively impact the city of Bella Vista and its residents for the following reasons:

1. The vast majority of platted and recorded lots in Bella Vista are .25-.33 acres and owned by individuals, builders, and investors. These lots are grouped into roughly 315 subdivisions, which were platted, approved, and recorded over the course of nearly 3 decades beginning in the 1960's. Consequently, a large portion of the subdivisions were platted, approved, and recorded after July 1, 1977, which would subject them to the more stringent regulations of Bulletin 9, according to the recent Memorandum. With the size of the lots generally being less than .33 acres and allowing for the 10-foot setbacks for the city and the 10-foot septic setback from the residence, it is not physically possible to accommodate a 450 GPD septic system for the average-size 3-bedroom home.
2. The only other option afforded to these lots, which fall under the regulations of Bulletin 9, is to have a primary and secondary absorption area. The land surrounding these lots is owned by other individuals and investors, and hence could not serve as a secondary absorption area. Thus, these lots would now be rendered unbuildable and would dramatically lose their value for these numerous land owners.

3. A sewer system is only available for a small portion of Bella Vista. Because of the topography of Bella Vista, it is not feasible to build a city-wide sewer system. In addition, the sewer utility is privately owned and not owned by the City or POA; hence, the city and POA have no control over the expansion of the sewer system.
4. If these lots are rendered unbuildable, this would severely and negatively impact the land owners in Bella Vista, tax revenue for the city, county, and state, and the following industries:
 - Construction Companies (home builders, painters, roofers, plumbers, electricians, & excavators)
 - Septic System Designers & Installers
 - Septic Service Companies
 - Housing Developers
 - Landscapers
 - Architects
 - Realtors
 - Appraisers
 - Hardware & Lumber Stores
 - Banks & Loan Officers
 - Utility Companies
 - Commercial Businesses
5. Northwest Arkansas is the fastest growing area within the state of Arkansas, and Bella Vista's unique/natural beauty and amenities attract new homeowners from across the country. If the majority of these lots are rendered unbuildable for an average-size 3-bedroom home, the growth of Bella Vista will come to an abrupt halt, and the current land owners will see their land and homes diminish drastically in value.

The Mayor of Bella Vista and I appreciate the purpose of the Arkansas Department of Health and its contributions to the state. However, the negative and severe impact of this Memorandum should not be ignored. We hope that the preservation of our environment and the safety of our water supply can be accomplished through other means, such as regulations to develop the advancement and efficiency of smaller footprint and alternative septic systems.

Signed,



Tom Judson
Chief Operating Officer/President
Bella Vista Village POA



Peter Christie
Mayor of the City of Bella Vista