

BEFORE THE ARKANSAS STATE BOARD OF HEALTH

ARKANSAS DEPARTMENT OF HEALTH

PETITIONER

V.

LITTLE PORTION RETREAT CENTER – T0332  
MS. CARLEY PERRY

RESPONDENT

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND ORDER**

**Findings of Fact, Conclusions of Law**

1. Respondent, Little Portion Retreat Center, is a Transient Non-Community public water system, within the meaning of The Rules & Regulations Pertaining to Public Water Systems (Regulations). As a result of this classification under Arkansas regulations, respondent is required to comply with the federal Safe Drinking Water Act (SDWA), and the National Primary Drinking Water Regulations (NPDWR). Respondent is therefore subject to the requirements of these regulations.
2. In accordance with Section V., Paragraph A., Section VII, and Section XVII of the Regulations, Respondent is required to comply with the National Primary Drinking Water Regulations, 40 CFR § 141, et seq.
3. Respondent owns and operates Little Portion Retreat Center located in Carroll County, Arkansas.
4. Little Portion Retreat Center is supplied by a ground water source and that the source was Ground Water Under the Direct Influence (GWUDI) of Surface Water until August 4, 2003.

5. Respondent is and was required, to comply with 40 CFR § 141.74 through 40 CFR § 141.75 of the National Primary Drinking Water Regulations, (the surface water treatment rule) which requires the monthly monitoring and reporting, of entry chlorine residual in the water system.

6. Respondent violated 40 CFR § 141.74 through 40 CFR § 141.75 of the National Primary Drinking Water Regulations, (the surface water treatment rule) by failing to monitor entry chlorine residual during the months of May, June, July, and August of 2002.

7. Respondent is and was required by Sections V and VII of the Regulations, and 40 CFR Section 141.21 to have routine drinking water samples analyzed for coliform bacteria to demonstrate compliance with 40 CFR 141.63, the Maximum Contaminant Level for coliform bacteria. Furthermore, Section VII of the Regulations requires that before mentioned samples be submitted to the Department's Laboratory unless otherwise approved by the Department.

8. Respondent violated Sections V and Section VII of the Regulations by failing to submit water samples to the Arkansas Department of Health Laboratories for analysis for the months of December of 2001, and June of 2002.

9. On October 31, 2002, the Director, Division of Engineering, Arkansas Department of Health, issued Respondent an Administrative Order, Enforcement Action Number AO020100T0322, under the authority of A.C.A. § 20-7-101, et seq., and the Regulations. That Order addressed the above enumerated violations of the Regulations and its implementing regulations by requiring Respondent to comply with the Regulations and 40 CFR § 141.

10. Respondent violated that Administrative Order and Sections V, VII, and IX of the Regulations and 40 CFR § 141.74 by failing to monitor disinfectant residual adequately in water

entering the distribution system during the months of December 2002 and January, February, and March of 2003.

11. Respondent violated the Administrative Order and Sections V and VII of the Regulations by failing to submit water samples to the Arkansas Department of Health Laboratories for analysis for the month(s) of December 2003 and January 2004.

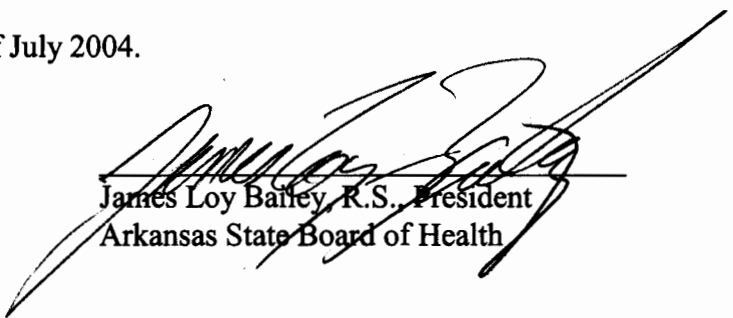
12. Respondent violated the Administrative Order and Sections V and VII of the Regulations by failing to submit the proper number of water samples to the Arkansas Department of Health Laboratories for analysis for the month(s) of December 2002, March 2003, and August 2003.

13. A hearing was conducted before officials of the Arkansas State Board of Health pursuant to Ark. Code Ann. 20-7-101, et seq., 20-57-201, et seq., and the administrative procedures of the Arkansas State Board of Health on May 13, 2004 at 10:00 a.m. in the 5th Floor Board Room of the Arkansas Department of Health, 4815 West Markham, Little Rock, Arkansas. Brother Tim McMillan appeared on behalf of the Little Portion Hermitage and Retreat Center after due notice. David Quattlebaum, the Compliance and Enforcement Officer for the Arkansas Department of Health, testified and presented evidence.

### **ORDER**

After due deliberation, the Board of Health adopted the recommendations of the Administrative Hearings Subcommittee that the proposed penalty of \$9,120.00 be imposed but suspended provided that the Respondent is in compliance with all applicable rules and regulations for twelve (12) months. Brother McMillan is a licensed water operator. He is now performing the monitoring and sampling instead of the former operator. If there are no violations within one year, then the penalty will expire.

IT IS SO ORDERED this 22<sup>nd</sup> day of July 2004.



James Loy Bailey, R.S., President  
Arkansas State Board of Health