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Citizen Suit Enforcement/Clean Water Act: Friends of Little Sugar Creek Notice of Intent to Sue Bentonville, Arkansas

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The Friends of Little Sugar Creek ("FOLSC") recently sent a Notice of Intent to Sue ("Notice") to the City of Bentonville, Arkansas, alleging violations of the Clean Water Act.

The Notice states that FOLSC intends to file a Clean Water Act citizen suit action against Bentonville unless it remedies certain alleged violations related to a dam on Little Sugar Creek.

FOLSC describes itself as an organization:

... working towards the removal of the failed Lake Bella Vista dam and the restoration of Little Sugar Creek as a free-flowing multi-use recreational area.

The Notice alleges that Bentonville is responsible for the breached dam on Little Sugar Creek. Further, it alleges that the dam has resulted in the:

... continued discharge of rock, dirt, concrete, asphalt, sediment, and other fill material into waters of the United States without a permit, in violation of CWA § 1344, which in turn constitutes an unlawful act under subsection (a) of § 1311 of the CWA.

Bentonville is alleged to have assumed responsibility for the care and maintenance of the dam pursuant to a conveyance agreement by which it acquired the 89-acre Lake Bella Vista Park in July 2005.

FOLSC states that if the alleged Clean Water Act violations are not corrected within 60 days of the date of the Notice it may file a Clean Water Act citizen suit in the appropriate United States District Court against Bentonville to enjoin the city to prevent further erosion of the dam and mandate other activities.

A copy of the Notice can be downloaded [here](#).