

Village of



Board of Public Works

Rules & Regulations Wastewater Treatment Systems

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**Board of Public Works
Rules & Regulations
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**Board of Public Works
Rules and Regulations
Adopted March 10, 2004
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Article 1. Introduction and purpose.

A. Purpose.

It is the purpose of these rules and regulations to provide for the safe and healthful construction, operation, and on-going maintenance of all private and publicly owned wastewater treatment systems in the Village of Indian Point. It is the further purpose of these rules and regulations to

1. Eliminate public health hazards, including surfacing wastewater;
2. Prevent the contamination of groundwater, surface water, and drinking water supplies by improperly treated wastewater;
3. Ensure that all wastewater treatment systems are designed, constructed, operated, and maintained in a manner that promotes sanitary and healthful conditions, and to provide for the long-term operation of these systems; and
4. Provide education and assistance to the public in support of these purposes.

B. Conditions on Indian Point.

As of the effective date of these rules and regulations, wastewater from the majority of residences on Indian Point is treated by traditional septic systems, which consist of a septic tank and laterals. However, native soils generally do not provide adequate treatment of wastewater discharged into them when treatment in soil is preceded only by a septic tank and laterals, and for this reason the majority of these systems are not functioning properly.

C. Specific goals of these rules and regulations.

1. To establish procedures for replacement or upgrade of all failing wastewater treatment systems within ten years;
2. To regulate the types of wastewater treatment systems discharging 3,000 gallons per day treated effluent or less which are installed, and their operations and maintenance procedures, in order to guarantee long-term adequate treatment of wastewater;

3. To regulate the design, installation, ownership, operations and maintenance procedures of wastewater systems discharging more than 3,000 gallons of treated effluent per day which are installed after the effective date of these rules and regulations in order to guarantee long-term adequate treatment of wastewater;
4. To ensure that the Village is kept informed of all permits, correspondence, and other actions pertaining to wastewater systems discharging more than 3,000 gallons of treated effluent per day, which are already permitted as of the effective date of these rules and regulations and which are regulated by the MoDNR, without imposing further design, installation, operation, or maintenance requirements on said systems;
5. To facilitate the construction and operation of both public and shared public/private wastewater treatment systems.

Article 2. Authority to issue rules and regulations.

A. Statutory authority.

The Board of Public Works, pursuant to Ordinance No. 03-14 and 03-15 and the powers conferred under Chapters 91 and 250 RSMo, shall make all necessary regulations for the administration and operation of public works within the Village of Indian Point not inconsistent with the general laws of this state and the Village ordinances.

B. Modification.

These rules and regulations may be changed or amended by a majority vote of the Board of Public Works, provided that the proposed changes are in writing and have been provided to the Board of Public Works at least thirty (30) days before a scheduled meeting.

C. Authority to establish rates.

The Board of Public Works shall have the authority to establish, make and collect any and all charges related to the regulation and provision of wastewater services, including but not limited to construction and operating permit fees, renewal fees, and user fees. Said charges may be imposed on both publicly and privately owned-systems in accordance with these rules and regulations and any failure to pay said charges in a timely manner will be deemed a violation of Village ordinances and shall be punishable according to Village ordinances in effect at that time.

Article 3. Scope.

These rules and regulations shall apply to all wastewater treatment systems located within the boundaries of the Village, whether publicly or privately owned, regardless of the gallons per day discharged by said system.

Article 4. Employees.

The Board of Public Works may appoint a chief superintendent, but is not required to do so. In addition, the Board of Public Works may appoint or hire other persons, including inspectors, engineers, or clerks, on either an ongoing or an as-needed basis. The number and compensation of said employees shall be as provided by Village ordinance.

Article 5. Licenses.

A. Who must be licensed.

Any person engaged in the installation, construction, maintenance, or inspection of any wastewater system located within the Village boundaries shall be licensed by the Board of Public Works to perform such services within the boundaries of the Village of Indian Point.

B. Qualifications for installer.

An applicant for an installer license shall demonstrate a thorough knowledge of the Board of Public Work's minimum standards for construction, shall be licensed as an installer by the Stone County Health Department and shall pay the fee set forth in Table 1.

C. Qualifications for maintenance provider/inspector.

An applicant for a maintenance provider/inspector license is required to complete training and/or a written examination provided or approved by the Board of Public Works and to pay the fee set forth in Table 1.

D. LPP Systems, Drip Dispersal Systems, Alternative Mounds.

Separate training and examination may be required for certification to install and/or maintain low pressure pipe (LPP) systems, drip dispersal systems or alternative mounds.

Wastewater systems, not included on Table 2.

Special training may be required for installers or maintenance providers/inspectors of systems not listed on Table 2.

E. Term.

The term of license is to be established by the Board of Public Works.

F. Renewal.

The procedures and requirements for renewing licenses shall be the same as those for obtaining a new license.

G. Termination or suspension.

Any licensed installer or maintenance provider/inspector failing to comply with any and all regulations, rules, orders, and decisions of the Board of Public Works relative to the type of systems installed, constructed, maintained, or inspected shall be subject to termination or suspension of license. Installers found installing any system without the required permit shall be subject to termination or suspension of license.

H. Reporting violations.

The installer shall report promptly to the Board of Public Works any conditions not in accordance with the construction permit and shall cease construction of any installation until Board of Public Works' approval to proceed is obtained.

Article 6. Construction and operation requirements for small wastewater treatment systems (discharging 3,000 gallons per day of treated effluent or less) serving one equivalent dwelling unit installed after the effective date of these rules and regulations.

A. Construction permit requirements.

Any person engaged in the construction or major repair of any wastewater treatment system which discharges 3,000 gallons per day of treated effluent or less and serves only one equivalent dwelling unit as defined by the Missouri Department of Natural Resources shall obtain a construction permit from the Board of Public Works. The technology used shall be pursuant to section C.

1. Construction of new systems.

Permit application shall be made by submitting the items described below and the application form completed by the designer and owner to the Board of Public Works or its agent, along with the appropriate fee.

a. The following items shall be submitted for new construction permits:

- (i) Soil analysis as performed by a soil scientist, as defined by 19 CSR 20-3.080
- (ii) Site plan: A site plan must be prepared by the installer or a licensed professional engineer pursuant to subsection c. below, showing to scale the following minimum information:
 - (a) Lot lines, dimensions, and total lot area, or acres.
 - (b) North arrow.
 - (c) Location of proposed dwelling or building (show distance from at least 3 building corners).

- (d) Location and dimensions and/or actual sizes (i.e. volume, length, and width) of all proposed system components, including the proposed septic tank and absorption field or other proposed system.
 - (e) Location of soil analysis pits.
 - (f) Slope of ground surface across absorption field area. Spot elevations or topographic contours may be used. Show grade to nearest 1/2 percent.
 - (g) Arrows showing direction of surface drainage.
 - (h) Flowing or intermittent streams or water courses, ponds, lakes, and floodplain boundaries.
 - (i) Location of proposed and/or existing wells (in use or abandoned) located within proximity to the required setback distances of the proposed system, pursuant to the planning and zoning ordinances of the Village of Indian Point.
 - (j) Location and distance of springs, sinkholes, and caves located within proximity to the proposed system.
 - (k) Existing utility lines and easements.
 - (l) Existing or proposed swimming pools.
 - (m) Existing or proposed drives, parking lots, or other paved or gravel surfaced areas.
 - (n) Any other conditions which may affect the design or performance of the system.
 - (o) Location of existing wells on adjoining property if said well is within 150 feet of the proposed wastewater system components.
- (iii) Plans: Two sets of plans, at a minimum. The wastewater treatment system design shall clearly indicate which, if any, setback distances or other design criteria in these regulations or incorporated by reference are not met by the proposed wastewater treatment system.
 - (iv) Three copies of the manufacturer's operations and maintenance manual for any components of the system which come with such manuals. One copy of the manual shall be retained by the Board of Public Works and the other shall be sent to the system owner along with the operating permit.
 - (v) A proposed operations and maintenance plan for the system, along with justification for the same. The plan shall include a procedure for ensuring that the septic tank is pumped at sufficient intervals to ensure that accumulated sludge and scum do not exceed 35% of tank volume.
 - (vi) Additional data pursuant to section C, if the wastewater treatment technology type is not listed in Table 2.

- b. All plans submitted to the Board of Public Works shall be reviewed by a licensed professional engineer to be specified by the Board of Public Works, and said review shall be paid for by the system owner.
- c. All plans must be designed and sealed by a licensed professional engineer where the natural soil in the proposed dispersal area is less than 4 feet deep, and a system design proposes to incorporate low pressure pipe (LPP) systems, drip dispersal systems, or an alternative mound system. Design for such systems must follow 10 CSR 20-8.021 Individual Sewage Treatment Systems Standards, 19 CSR 20-3.060 Minimum Construction Standards for On-Site Sewage Disposal Systems or any subsequent revisions by the Missouri Department of Natural Resources, Greene County Regulations and Standards for On-Site Wastewater Systems, and TVA Wastewater Subsurface Drip Distribution: Peer Reviewed Guidelines for Design, Operations and Maintenance (www.onsite.tennessee.edu) where applicable.

B. Upgrades and major repairs.

- 1. Before performing an upgrade or major repair of a wastewater treatment system, the owner of the system or his/her authorized representative shall apply for a construction permit and operating permit, pursuant to this regulation.
- 2. An upgrade is defined as the redesigning and alteration of a wastewater treatment system by addition of any treatment component except an effluent filter.
- 3. A major repair is defined as the redesigning and alteration of a wastewater treatment system by relocation of the system or a part of the system, replacement of the septic tank, or construction of a new absorption field.
- 4. All plans for an upgrade or major repair must be designed and sealed by a licensed professional engineer where the natural soil in the proposed dispersal area is less than 4 feet deep, and a system design proposes to incorporate low pressure pipe (LPP) systems, drip dispersal systems, or an alternative mound system. Design for such systems must follow 10 CSR 20-8.021 Individual Sewage Treatment Systems Standards, 19 CSR 20-3.060 Minimum Construction Standards for On-Site Sewage Disposal Systems or any subsequent revisions by the Missouri Department of Natural Resources, Greene County Regulations and Standards for On-Site Wastewater Systems, and TVA Wastewater Subsurface Drip Distribution: Peer Reviewed Guidelines for Design, Operations and Maintenance (www.onsite.tennessee.edu) where applicable.

C. Types of wastewater treatment systems permitted.

Because of the shallow soil cover and karst geology of Indian Point, wastewater treatment systems which consist solely of septic tanks and lateral lines in an absorption field are deemed inadequate to protect public health and the environment.

1. The wastewater treatment systems listed in Table 2 are permitted, with no effluent quality monitoring required unless the Board of Public Works determines that special circumstances apply.
2. The Board of Public Works may, at its discretion, add types of wastewater treatment systems to Table 2, remove types of wastewater treatment systems, or otherwise modify Table 2. Any modification applies to construction permit applications not yet approved by the Board of Public Works at the time of the modification, without affecting construction permits already approved.
3. Other systems.
 - a. Wastewater treatment systems, other than those specifically listed in Table 2, may be used, provided that all of the following conditions are met:
 - (i) Reasonable assurance of performance of the system is presented to the Board of Public Works. Such assurance may be provided through data from a neutral testing agency or organization or data on performance from other jurisdictions. The Board of Public Works retains final authority on whether the data presented provide reasonable assurance of system performance. The Board of Public Works may reject any system not specifically authorized in Table 2, and the Board of Public Works may approve systems subject to monitoring and reporting requirements. Disinfection of the effluent before it is discharged to the soil may be required by the Board of Public Works where the risk of groundwater contamination is high.
 - (ii) There is no discharge of effluent to the ground surface or surface waters.
 - (iii) The system complies with all applicable requirements of these rules and regulations, with all other local codes and ordinances, including but not limited to the underground setbacks set forth in the Zoning Code of Indian Point Village, and with all applicable requirements of Chapter 701 sections 025-055 and Chapter 644 (Missouri Clean Water Law), RSMo.
 - (iv) A plan for operation and maintenance of the system is submitted along with the design and approved by the Board of Public Works.

- b. In no case shall a wastewater treatment system consisting only of a septic tank and laterals be approved.
 - c. In evaluating proposed wastewater treatment systems which are not listed in Table 2, the Board of Public Works will give preference to systems which achieve, prior to distribution, effluent quality equivalent to that typically achieved by sand filters: 10 mg/l or less BOD, 10 mg/l or less TSS, and fecal coliforms 1000 or less MPN/100 ml. For systems employing significant water flow reduction measures, the Board of Public Works may choose to base its evaluation on a mass balance approach rather than effluent concentration.
4. Construction standards.
- a. Construction of the wastewater treatment system shall conform to the Stone County Wastewater Treatment Systems Ordinance with respect to
 - (i) Setback distances
 - (ii) Flow rates
 - (iii) Building sewers
 - (iv) Sewage tanks
 - (v) Absorption systems
 - (vi) Distribution boxes
 - (vii) Stepdowns
 - (viii) Dosing
 - (ix) Gravelless systems
 - (x) Bed systems
 - b. Sewage tanks shall be outfitted with risers to or above grade on all access ports.
 - c. Where there is any conflict between the Stone County Wastewater Treatment Systems Ordinance and the Village of Indian Point ordinances or these rules and regulations, the Village of Indian Point ordinances and these rules and regulations shall apply.

D. Review of construction permit applications.

- 1. The Board of Public Works or its agent shall review and respond to applications for a Construction Permit within sixty (60) days. This may include the review of the plans by a licensed professional engineer selected by the Board of Public Works. Applicant will be charged for the cost of the engineering review.

2. If the Board of Public Works rejects an application, it shall explain in writing the grounds for rejection.
3. The Board of Public Works may approve an application on the condition that specific changes are made in the design and/or the operations and maintenance plan.
4. If an application is rejected, the applicant may resubmit the same application with a response to the Board of Public Work's grounds for rejection within thirty (30) days of the rejection.
5. A rejected application may be resubmitted with modifications. The applicant will be charged for the cost of additional engineering review required, if any, by the Board.
6. Upon approval of the plans, construction may begin after issuance of a construction permit by the Board of Public Works. All construction, repair, or upgrade work shall be performed by a licensed installer.

E. Construction inspections.

The Board of Public Works or its agent shall conduct inspections during the construction of the wastewater treatment system to ensure proper construction. The components and activities to be inspected will vary depending on the site and type of wastewater treatment system to be installed, and a list will be provided to the installer at the time the construction permit is issued. The components and activities will include, at a minimum: watertightness of tanks; excavation of soil in dispersal area; location and elevation of dispersal area; and testing and operation of treatment device, floats, and alarms (if present).

F. Time of inspections.

It shall be the responsibility of the installer to arrange with the Board of Public Works or its agent for inspections:

1. After excavation of soil absorption system area;
2. After placement of fill in which the system is to be constructed; and
3. After construction is complete but before backfilling.

G. Backfilling the system.

If the inspector and the designer determine that the system has been constructed satisfactorily, permission shall be given to backfill the system.

H. Operating permit.

Upon completion of the construction and inspections as set forth in Sections E, F, and G, the property owner may apply for an operating permit on a form to be provided by the Board of Public Works. The wastewater system may not be used to treat any wastewater until the operating permit is issued. The Board of Public Works shall not issue an operating permit until they have received an as-built plan and approved a written plan for operations and maintenance. For changes to the approved plan which deviate with respect to the leaching and distribution mechanisms, an as-built plan shall be drawn by the designer. For changes to the approved plan with respect to septic tank location, as-built plans may be drawn by the designer or installers.

1. The operating permit will not be issued until the system owner provides the BPW with an executed contract with a licensed service provider for at least the life of the operating permit. A system owner who is a licensed service provider may submit a signed statement agreeing to perform the operation and maintenance for at least the life of the operating permit.
2. As a condition of the operating permit, the Board of Public Works or its agent will be allowed to conduct inspections of the wastewater treatment system. If the engineer for the Board of Public Works recommends it based on the technology selected by the system owner or the natural soils of the dispersal area are less than 4 feet deep, then the Board of Public Works may also in its discretion require the system owner to have effluent samples tested at a certified lab and a copy of said test results filed with the Board of Public Works. Said effluent sampling may be required annually or on such other schedule as the Board of Public Works determines is necessary.
3. The fee for an operating permit is contained in Table 1.
4. Operating permits shall be issued on a calendar year basis, with all permits expiring December 31, except that permits issued after September 30 shall expire December 31 of the following year.
5. Permit renewal.
 - a. All operating permits shall be renewed annually. Permit renewal applications will be accepted from November 1 to January 31.
 - b. An operating permit renewal application shall include
 - (i) a completed application, on a form provided by the Board of Public Works,
 - (ii) an annual report on the operations and maintenance performed by the service provider, including the performance status of the

- system and any deficiencies, filed on the report form provided by the Board of Public Works; and
- (iii) a copy of an executed contract with a licensed service provider for at least the life of the operating permit. A system owner who is a licensed service provider may submit a signed statement agreeing to perform the operation and maintenance for at least the life of the operating permit.
- c. The operating permit shall not be renewed until the licensed service provider certifies that any deficiencies noted in the annual report are corrected. Any deficiency that requires an upgrade or major repair must be corrected pursuant to section B.
 - d. In order to provide adequate assurance of performance for each system or type of technology, the Board of Public Works may change monitoring requirements when an operating permit is renewed or upon reapplication for an operating permit, after the permit has been revoked.
6. Enforcement of operating permit.
- a. In the event that any of the requirements of the operating permit are not met, repairs to a system are not made, or the operating permit is not renewed in a timely manner, the Board of Public Works may disconnect a system, impose fines, or revoke the operating permit.
 - b. In the event that an operating permit is revoked for any of the reasons set forth above, the property owner may reapply for an operating permit pursuant to the procedures set forth above for application for renewal of an operating permit.

Article 6A. Ownership, construction and operation requirements for small wastewater treatment systems (discharging 3,000 gallons per day of treated effluent or less) serving more than one equivalent dwelling unit installed after March 10, 2004.

A. Construction permit requirements.

Any person engaged in the construction or major repair of any wastewater treatment system which discharges 3,000 gallons per day of treated effluent or less and serves more than one equivalent dwelling unit as defined by the Missouri Department of Natural Resources shall obtain a construction permit from the Board of Public Works and shall be governed by all relevant portions of Section 6 above, except Section 6(H).

B. Transfer of Ownership.

Upon completion of the construction of the system, ownership of the system shall be transferred to the Board of Public Works, Village of Indian Point. The Board of Public Works will then assume all responsibility of ownership and will operate and maintain the system in accordance with all applicable state and local standards and will set and collect monthly user fees for all system users. The system installer and the system owner will warrant the construction of the system for a period of 2 years from the date of completion and will be financially responsible for any repairs to the system which the Board of Public Works determines must be made during that period of time.

C. Easement

Concurrent with the transfer of ownership, the system owner shall execute and deliver to the Board of Public Works an executed easement for ingress and egress to the system site, for purposes of operations and maintenance.

D. Mechanics' Liens.

Upon completion of the installation work in accordance with the provisions of these rules and regulations, the system owner shall furnish to the Board of Public Works mechanics' lien waivers or other evidence satisfactory to the Board of Public Works showing that all persons and other entities who have furnished labor, materials, supplies and equipment used in performance of said work have been paid in full, and system owner agrees to indemnify and forever hold the Board of Public Works harmless from any loss or damage, including attorney fees arising out of or resulting from any mechanics' lien filed upon any of wastewater treatment system installed pursuant to these rules and regulations on account of labor, materials, supplies and equipment furnished and used by the system owner.

E. Water Meter.

In addition to the design specifications set forth in Paragraph 6 above, each system permitted pursuant to this section shall be required to have a water meter installed at each residence connected to the system. The specifications for the water meter shall be provided by the Board of Public Works. The water meter shall be installed at the cost of the system owner.

F. Sealed Plans.

All plans for system constructed pursuant to this Article must be designed and sealed by a licensed professional engineer.

Article 7. Requirements for all wastewater treatment systems installed prior to March 10, 2004 which receive and/or discharge less than 3,000 gallons per day of treated effluent or which receive and/or discharge more than 3,000 gallons per day of treated effluent but are not otherwise regulated by MoDNR.

A. Maintenance and inventory of existing wastewater treatment systems.

1. Pursuant to this section, no later than December 31 of the calendar year all systems installed prior to March 10, 2004 which receive and/or discharge less than 3,000 gallons per day and which consist of a septic tank and lateral lines in an absorption field, must have the septic tank and absorption field inspected by an inspector hired by the Board of Public Works every 5 years. The system owner will be billed for the cost of the inspection. This Article becomes effective January 1, 2007, with all initial inspections under this Article to be completed by December 31, 2007. All subsequent inspections are to be completed by December 31 of successive calendar years.
2. The first time the system is inspected pursuant to this Article, the septic tank must be pumped at the time of inspection and the inspector will complete and sign the inspection form provided by the Board of Public Works. The inspector must indicate whether or not the septic tank and the absorption field appear to be in satisfactory condition and capable of treating the wastewater generated by the household. The septic tank must be located by identifying two building corners and measuring the distance to the tank and this information must be included on the inspection form. If the system has been previously inspected pursuant to this Article, the inspector must fill out the inspection form provided by the Board of Public Works, but is not required to pump out the tank unless, in his opinion, it is necessary. The inspector must note any repairs to the system which need to be made in order to maintain the system in proper operating condition.
3. Upon completion of the inspection form, the inspector is required to deliver a copy of the completed and signed form to the Board of Public Works and a copy to the homeowner. If repairs or upgrades are required as a result of the inspection report, the system owner must follow the procedures set forth in Article 6 for repair or upgrade of a wastewater system which receives and/or discharges less than 3,000 gallons per day and is used for one equivalent dwelling unit.
4. In the event that a property owner fails to comply with Sections 1 through 3 the system may be deemed to constitute a major threat to public health and the Board of Public Works may require an upgrade or major repair to the system as if a complaint had been filed and findings issued pursuant to Article 10.

5. An inspection does not constitute any type of permit or authority to operate a system pursuant to Article 6 of these rules and regulations, and all provisions of Article 10 apply even if an inspection has been performed.

B. Mandatory repair and replacement of existing wastewater treatment systems.

1. All systems installed prior to March 10, 2004, which discharge less than 3,000 gallons per day or which discharge more than 3,000 gallons per day but are not otherwise regulated by MoDNR, including but not limited to all systems which consist solely of septic tanks and lateral lines in an absorption field shall be replaced or upgraded by January 1, 2015, pursuant to the procedures set forth in Article 6 above, unless said system has previously been replaced or upgraded between 2004 and 2015 pursuant to this Article. This Section applies even if all inspections have been performed according to this Article.
2. Systems which use advanced treatment, i.e., any treatment of sewage that goes beyond the secondary or biological water treatment stage and includes the removal of nutrients such as phosphorus and nitrogen and a high percentage of suspended solids, may petition for an exemption to this requirement and for issuance of an operating permit pursuant to Article 6 above. The petition shall follow the same procedures as an application for a Construction Permit for a new system and an operating permit pursuant to Article 6 above.
3. The Board of Public Works shall grant an exemption if the Board of Public Works judges that the system meets the standards set forth in Article 6.

Article 8. Privately-owned wastewater systems permitted by MoDNR.

A. Scope.

This Article shall apply to any privately-owned wastewater treatment system which operates under a permit pursuant to the requirements set out by the Missouri Department of Natural Resources (MoDNR), and which is in existence as of March 10, 2004. This Article is intended to govern all privately-owned systems which discharge more than 3,000 gallons per day of treated effluent as well as any other systems which MoDNR may require to be permitted. The owners of said privately-owned systems will not be required to comply with the construction and operation permit application process set forth in Article 7 of these rules and regulations, however, the owners will be required to provide ongoing documentation to the Board of Public Works as set forth below and may have the option pursuant to this Article of transferring ownership of the system to the Board of Public Works.

B. Filing requirements for existing systems.

For any such system which is under construction or which is already operating pursuant to a MoDNR permit as of March 10, 2004, the owner of such system shall in addition to the requirements set forth below, be required to file copies of the operating permit documents with the Board of Public Works within thirty (30) days of the adoption of these rules and regulations.

C. Filing requirements for all systems.

The owners of all systems which are governed by this Article shall deliver to the Board of Public Works copies of all correspondence with MoDNR and any other regulatory body concerning the operation or performance of the system, including but not limited to sampling reports, notices of violation, changes in operation status, etc. This is an ongoing obligation and said documents must be delivered within fifteen (15) days of receipt or sending. If the owner of the system chooses to do so, he/she may request that MoDNR send copies of all correspondence that it generates directly to the Board of Public Works. However, the system owner is responsible for insuring that the Board of Public Works receives copies of all required documentation.

D. Licensed operations and maintenance.

All operations and maintenance on any system which is governed by this Article must be performed under the supervision of a licensed and certified maintenance provider pursuant to Article 5 of these rules and regulations. Nothing in this section shall be deemed to prevent the owner of a system governed by this Article from becoming a licensed and certified service provider.

E. Violation of operating permit.

In the event that a system which is governed by this Article violates the terms of the MoDNR operating permit to the extent that MoDNR issues an abatement or other correction notice, the Board of Public Works may request that the Village Board of Trustees revoke the business license of the owner of the system until such time as the system is repaired or comes back into compliance with MoDNR regulations.

F. Transfer of Ownership.

The owner of any system which is governed by this Article has the option of transferring ownership of said system to the Board of Public Works and the Board of Public Works has the option of accepting ownership provided the system meets the operational and design standards as determined by inspection by the Board of Public Works. Upon completion of said transfer, the Board of Public Works will assume all responsibility for the operations and maintenance of said system, will accept transfer of any operating permit issued by MoDNR, and will set and collect monthly user fees for the system. However, prior to acceptance of the system, the Board of Public Works will conduct a due diligence inspection of the system and the

owner of the system will be required to make any repairs needed to bring the system in compliance with MODNR regulations. In addition, the owner of the system agrees to indemnify and forever hold the Board of Public Works harmless from any loss or damage, including attorney fees, arising from any faulty workmanship or materials installed by the owner of the system.

G. Easement

Concurrent with the transfer of ownership, the system owner shall execute and deliver to the Board of Public Works an executed easement for ingress and egress to the system site, for purposes of operations and maintenance.

Article 8A. Privately-owned wastewater systems permitted by MoDNR and constructed after March 10, 2004.

A. Scope.

This Article shall apply to any privately-owned wastewater treatment system which operates under a permit pursuant to the requirements set out by the Missouri Department of Natural Resources (MoDNR), and which is constructed after March 10, 2004. This Article is intended to govern all privately-owned systems which discharge more than 3,000 gallons per day of treated effluent as well as any other systems which MoDNR may require to be permitted.

B. Mandatory Connection Requirement

Any individual, corporation or other entity (collectively known as “the developer”) who desires to construct such a system in order to provide wastewater service to a development must first notify the Board of Public Works of their intent in writing. The Board of Public Works shall then determine whether or not it is feasible to connect the proposed development to any existing or proposed wastewater treatment facility owned by the Village. If it is feasible, then the developer shall be required to connect the development to the Village-owned system and the developer shall enter into a contract with the Board of Public Works whereby he is responsible for the costs of connecting to the wastewater treatment system, including but not limited to expanding the treatment capacity and construction of the necessary collection system inside and leading up to development property line. The developer shall also be required to turn over ownership of the collection system inside the development to the Board of Public Works pursuant to the contract. Ownership of the system, easements and customer billing shall be handled in substantially the same manner as Article 6A above, where applicable.

C. Filing requirements and design of systems.

In the event that the Board of Public works determines that a new development cannot be connected to a Village-owned wastewater treatment system, then the developer shall have the option of applying to MoDNR for all appropriate permits and design approval. For any such system which is permitted by MoDNR, the developer/system owner must file duplicate copies of all permit applications and system plans and specifications filed with MoDNR. Article 6 Sections A through G shall also apply to all systems designed and constructed pursuant to this Article and the Board of Public Works will have final approval of the type of technology installed. The Board of Public Works will coordinate its design review with MoDNR so that the system owner will not experience any additional delay as a result of this Article.

C. Transfer of Ownership.

Upon completion of construction and issuance of an operating permit by MoDNR, the system owner shall be required to transfer ownership of said system to the Board of Public Works, if the Board of Public Works opts to take over ownership and operation of the system. Upon said transfer, the Board of Public Works will assume all responsibility for the operations and maintenance of said system, will accept transfer of the operating permit issued by MoDNR, and will set and collect monthly user fees for the system. In the event that the Board of Public Works does not opt to assume ownership of the system, the system owner or any subsequent owner or transferee shall be required to file duplicate copies of all documents required by received from any state agency with the Board of Public Works in a timely manner.

G. Easement

Concurrently with the transfer of ownership, the system owner shall execute and deliver to the Board of Public Works an executed easement for ingress and egress to the system site, for purposes of operations and maintenance.

H. Mechanics' Liens.

Upon completion of construction in accordance with the provisions of these rules and regulations, the system owner shall furnish to the Board of Public Works mechanics' lien waivers or other evidence satisfactory to the Board of Public Works showing that all persons and other entities who have furnished labor, materials, supplies and equipment used in performance of said work have been paid in full, and system owner agrees to indemnify and forever hold the Board of Public Works harmless from any loss or damage, including attorney fees arising out of or resulting from any mechanics' lien filed upon any of wastewater treatment system installed pursuant to these rules and

regulations on account of labor, materials, supplies and equipment furnished and used by the system owner.

Article 9. Publicly-owned wastewater treatment systems.

A. Construction of publicly-owned systems.

The Board of Public Works may within its discretion construct wastewater collection and treatment systems which serve one or more users and may require that land-owners connect to said system pursuant to the conditions set forth below. Said systems shall be owned, operated and maintained by the Board of Public Works, and the Board of Public Works shall set wastewater service charges which cover the operation and maintenance, depreciation and/or replacement and debt service of both the collection and treatment components of the system and may also set connection or tap-on fees, treatment capacity fees, and surcharges for high-strength wastewater. The user charge shall be that proportion of the wastewater service charge which is levied for operations and maintenance, shall be based on the amount of water supplied to the premises and shall be in addition to those charges levied and collected for depreciation and/or replacement and debt service of both the collection and treatment components of the system, connection or tap-on fees, treatment capacity fees, and surcharges for high-strength wastewater.

B. Permits.

Publicly-owned wastewater treatment systems discharging 3,000 gallons per day of treated effluent or less shall be subject to the requirements set forth in Article 6, with the Board of Public Works acting as the permit holder. Publicly-owned wastewater treatment systems discharging more than 3,000 gallons per day of treated effluent shall be subject to all applicable state and federal statutes and regulations.

C. Wastewater service charges.

Prior to establishing any such wastewater service charges, public hearings shall be held thereon pursuant to Section 250.233 RSMo and any other applicable state or federal statutes, and at least thirty (30) days notice shall be given prior to the date of the hearing.

D. Failure to pay wastewater service charges.

Failure to pay any wastewater service charges as set forth above may result in the imposition of fines and liens, and any other penalties authorized by ordinance or state law, as well as a physical disconnect from the system. All agents or employees of the Board of Public Works shall be deemed to have the right to access any property which is connected to such a system for the purposes of disconnecting said property for nonpayment of wastewater service charges.

E. State and federal funding.

Notwithstanding the previous sections, the Board of Public Works, by and through the Village of Indian Point, may apply for any state and federal funding for construction of wastewater systems, even if the methods required by the funding agency to calculate the wastewater service charges differ from those set forth above.

F. Connection requirements.

In the event that the Board of Public Works constructs a treatment system within an identified project area, the Board of Public Works will develop uniform project criteria governing connection of existing and proposed buildings located within the service area of the project. Owners of property located within the project area shall be required to connect to said treatment system in accordance with those project criteria. Failure to connect to the system after notification by the Board of Public Works may result in the imposition of fines and liens and any other penalties authorized by ordinance or state law. The criteria governing connection to a treatment system may vary from project to project depending on the source of funding and any other relevant variables.

G. Exceptions for existing systems permitted pursuant to Article 8.

In the event that an existing privately-owned wastewater treatment system which is covered by Article 8 (i.e. a system operated pursuant to a permit from MoDNR) is located within the boundaries of a project as set forth above, and so long as said system is in compliance with the MoDNR operating permit, the owner of such system shall not be required to connect to the new wastewater system. However, in the event that such a system is not in compliance with the operating permit, the system owner shall either connect to the public system or have the system brought into compliance within a reasonable period of time to be set by the Board of Public Works. In addition, the Board of Public Works may assess the costs of such connection, including treatment capacity fees, connection or tap fees or any other costs to the property owner and treat the collection of said costs in the same manner as collection of wastewater service charges.

H. Exceptions for existing systems permitted pursuant to Article 6.

In the event that an existing wastewater treatment system which has been permitted pursuant to Article 6 (i.e. a system discharging 3,000 gallons per day of treated effluent or less) is located within the boundaries of a project as set forth in Section F, and so long as such system is in compliance with the operating permit, the Board of Public Works will at its discretion either exempt that system from mandatory connection or compensate the property owner a pro-rated amount of the installation cost of said system. Said pro-rated costs shall not include any expenses, such as septic tanks, which are expenses that a property owner would otherwise bear as a participant in the project. Said amount shall not include the cost of the septic tank. However, in

the event that such a system is not in compliance with the operating permit, the system owner shall either connect to the public system or have the system brought into compliance within a reasonable period of time to be set by the Board of Public Works.

I. Shared public/private systems.

In addition to the construction of wastewater collection and treatment systems as set forth in Section A, the Board of Public Works, may, at its discretion, lease or purchase treatment capacity from the owners of privately-owned wastewater systems defined in Article 8, construct collection systems, and require property owners to connect to same, subject to the exemptions set forth in Sections G and H, above. The Board of Public Works shall develop uniform connection criteria and shall follow substantially the same procedures for connection and setting wastewater service charges as set forth in Sections A through H above.

J. Public/private lease or purchase.

Any such lease or purchase agreement as set forth under Section I must in general address issues concerning the legal liability of the Village of Indian Point, the wastewater service charges, the term of such an agreement, the expected useful life of the treatment system, and enforcement action against the system owner in the event of system failure or non-compliance with operating permits. Issues to be addressed in any such agreement must include but are not limited to the following:

1. Proportion of treatment capacity allocated to Village, definition of unit of measurement and guaranteed time frame during which said capacity will be made available;
2. Consequences if Village customers exceed the treatment capacity allocation;
3. Consequences if system owner exceeds the treatment capacity allocation;
4. Mechanism for replacement of treatment capacity in the event of failure or replacement of system;
5. Method for calculation of rates to be paid by Village to system owner, including future increases;
6. Method for calculation of rates to be paid by property owners required to connect to system, and allocation of funds to cover operations and maintenance, depreciation and/or replacement and debt service for the collection system;

7. Mechanism for billing system and determination of direct billing by system-owner to Village or to property owner;
8. Rights, obligations, and expectations of property owners who connect to system and liability of Village in the event treatment capacity is not made available.
9. What role or authority Village has in how the system is operated, maintained, monitored;
10. What legal recourse and/or liability the Village faces in the event that the system operation does not meet the permit standards or that an abatement order is issued by MoDNR.

Article 10. Public complaint procedure for wastewater systems

A. Scope.

This section covers the procedures for complaints against any wastewater system located within the boundaries of the Village of Indian Point, except for systems covered under Article 8. Complaints against systems covered under Article 8 must be filed with the appropriate department of the MoDNR, except that a copy of said complaint must be filed with the Board of Public Works.

B. Signed complaint in writing.

A complaint against a wastewater system must be submitted in writing on a form provided by the Board of Public Works and must be signed by the individual making the complaint.

C. Notice and inspection to property owner.

A copy of the complaint and a notice of the initial inspection date must be provided to the property owner where the system is located within seven (7) working days of the receipt of the complaint by the Board of Public Works. The property owner may request that he/she be present during the inspection and the initial inspection date may be re-set within the discretion of the Board of Public Works in order to accommodate the property owner's schedule. In any event, the initial inspection shall take place no more than fifteen (15) days after the receipt of the complaint. The Board of Public Works may conduct more than one inspection if necessary in order to make a proper determination of the condition of the system.

D. Written findings.

Written findings or an explanation of the reasons for a delay in preparing written findings and a proposed completion date shall be provided to both the complainant and the property owner within thirty (30) days of the initial inspection. The written findings shall address the issues raised in the complaint and shall state whether or not the system is in compliance with

these rules and regulations, ordinances or state law. In the event that the system is not in compliance, the written findings must include a proposed solution, including but not limited to interim repair, replacement pursuant to Article 7 or any other action within the discretion of the Board of Public Works.

E. Appeal process.

Upon receipt of written findings, either the property owner or the complainant may appeal the decision in writing within thirty (30) days of receipt of the written findings. Any appeal of the actions of the Board of Public Works must first be made to the Village Board of Trustees. Further appeal must be made to the Circuit Court of Stone County, Missouri. The Board of Public Works and the non-appealing party shall be notified in writing by the appealing party at the time an appeal is filed. The Board of Public Works shall defend the written findings during any appeal. Either party may be represented by counsel and may introduce testimony or evidence concerning the system in question during an appeal before the Village Board of Trustees.

F. Enforcement.

If an appeal is not taken by the property owner or if the property owner does not prevail on appeal, an application for a construction permit to make the changes required by the Board of Public Works shall be made within sixty (60) days. In no event shall construction of the replacement, upgrade, or major repair be completed more than six months of the resolution of the complaint process. If construction is not finished within six (6) months after the resolution of the complaint process, the Board of Public Works may impose fines and liens in accordance with ordinances and state law. In addition, the Board of Public Works may pursue any other legal remedy available at law to enforce compliance with these rules and regulations.

Article 11. Long-term planning.

A. Comprehensive Plan.

The Board of Public Works shall prepare a comprehensive plan for wastewater improvements and as part of that plan shall conduct an ongoing survey of systems located within the Village boundaries, pursuant to Article 8 Section B and shall indicate on appropriate maps the type and locations of existing systems and whether or not said systems are functioning in accordance with Village, county and state requirements.

B. Updates.

Both the comprehensive plan and the system survey maps shall be updated as necessary and shall set out the priority analysis of project areas within the Village as well as projected time frames for future projects.

C. Availability.

The comprehensive plan shall be made available to the public and the system survey maps shall be displayed in the Village or Board of Public Works offices.

Article 12. Community outreach.

The Board of Public Works will make available information on types of technology available for wastewater treatment, lists of certified service providers, funding options, public projects, and other pertinent information to the public. The Board of Public Works may from time to time recommend that the Village Board of Trustees conduct a public hearing on any issue related to wastewater or water quality.

Article 13. Community financial assistance.

A. Financial assistance eligibility criteria.

The Board of Public Works may design and propose to the Village Board of Trustees a program for financial assistance to be made available to individuals or businesses for the repair, replacement or upgrade of wastewater systems. Said financial assistance plan could include a revolving loan fund or outright grants, but the Board of Public Works must recommend eligibility criteria to the Village Board of Trustees for participation in the program.

B. Ineligibility.

Notwithstanding any eligibility criteria, no person shall be eligible to receive financial assistance if they have failed to cooperate with the inspection of a wastewater system or if they have a wastewater system that violates any section of these Rules and Regulations but they refuse to repair said system.

Any violation of any portion of these rules and regulations may be punished in accordance with Village ordinances and state law. In addition, the Board of Public Works may pursue any other legal remedy available at law to enforce compliance with these rules and regulations.

Article 14. Enforcement.

Any violation of any portion of these rules and regulations may be punished in accordance with Village ordinances and state law. In addition, the Board of Public Works may pursue any other legal remedy available at law to enforce compliance with these rules and regulations.

Table 1. Fees

Permit Fees	Amount
Construction permit	\$100.00
Operating permit	\$25.00 Annual
License Fees	
Installer	\$25.00
Maintenance provider/inspector	\$25.00

Table 2. Wastewater treatment systems which will be permitted, with no requirement for effluent quality monitoring unless the Board of Public Works determines that special circumstances apply.

System Type	Design Specifications
Recirculating sand filter	See 19 CSR 20-3.060 (6)(G)
TVA constructed wetland	
Recirculating fabric filter system	
Drip soil absorption system	See 10 CSR 20-8.021; See 19 CSR 20-3.060 (6)(H)
Pressure dosing system	

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