



Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

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NOV 21 2014

Mr. Larry Deis, President
Woodland Lakes Trusteeship, Inc.
12 Woodland Lakes
Sullivan, MO 63080

RE: 10 CSR 20-6.030 "Disposal of Wastewater in Residential Housing Developments"
Woodland Lakes Residential Housing Development, Washington County, Missouri

Dear Mr. Deis:

As requested, this letter is a follow up to a meeting held at the Woodland Lakes Residential and Recreational Housing Development on August 13, 2014, with representatives of the Woodland Lakes Trusteeship, Inc., the Washington County Department of Health and the Department of Natural Resources to discuss the method of wastewater treatment within the development. A copy of the attendance record is enclosed for your convenience.

Before we discuss the method of wastewater treatment within the Woodland Lakes Residential Housing Development (Development) we should review jurisdiction of domestic wastewater in Missouri and the residential housing development rule 10 CSR 20-6.030.

JURISDICITON of DOMESTIC WASTEWATER in MISSOURI

- The Department of Health and Senior Services, Onsite Wastewater Treatment Program or the Washington County Health Department have jurisdiction for permitting all single family onsite wastewater treatment (septic) systems, single family lagoons (one lagoon serving one house) and holding tanks.
- They also have jurisdiction for other sources of domestic wastewater when the maximum daily flows are less than or equal to 3,000 gallons per day from multiple-family developments (duplexes, apartments, hotels, dormitories), cluster systems serving more than one building or residences, commercial and restaurants that disperse effluent in a subsurface soil absorption system or holding tank.
- The Department of Natural Resources has jurisdiction for determining the method of wastewater treatment within residential housing developments (subdivisions), recreational developments, and multiple-family developments (duplexes, apartments, or individual residences on individual lots) connected to the same onsite wastewater treatment (cluster) system with subsurface soil dispersal when the maximum daily flows are less than or equal to 3,000 gallons per day.
- The Department of Natural Resources has jurisdiction for all lagoons other than single family, any source of domestic wastewater when the maximum daily flows is greater than 3,000 gallons per day, all direct discharges regardless of the maximum daily flows and all industrial wastewater, which is anything not defined as domestic wastewater.

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For your convenience the following is a link to the Department of Natural Resources technical bulletin "Who Regulates Domestic Wastewater in Missouri?" (PUB1296):
<http://dnr.mo.gov/pubs/pub1296.pdf>

10 CSR 20-6.030 "Disposal of Wastewater in Residential Housing Developments"

The purpose of 10 CSR 20-6.030 "Disposal of Wastewater in Residential Housing Developments" sets forth requirements to determine the method of wastewater treatment within new developments and existing subdivisions that had not received it. The regulation is a check and balance of geology and soils and how they interact within the soil/landscape model to ensure individual onsite wastewater treatment system(s) can function as a sustainable solution.

10 CSR 20-6.030 (1)(B) 2 states written approval is required when a developer or individual "Resubdivides land into more lots, adds additional lots to which when added to an existing group of lots which are contiguous, or which are known, designated or advertised as a common unit or by a common name, as part of a common promotional plan, will in total constitute a residential housing development."

10 CSR 20-6.030(1)(D) 1 states; "...developments with lots less than 0.92 acres (40,000 sq. ft.) only a centralized wastewater collection and treatment system is acceptable for the development."

10 CSR 20-6.030 (5) describes a recreational development when land is sold or leased for the purpose of camping in recreational vehicles. In order to be considered a recreational development the restrictive covenants must prohibit continuous year round living on the lot and no cabins or other structures will be allowed that could be used for year round residential purposes.

Lot sizes determined by 10 CSR 20-6.030 are not mitigated by proposing a specific type of individual onsite wastewater treatment system on any individual lot.

For your convenience the following is a link to the Department of Natural Resources technical bulletin "On-Site Waste Disposal in a Subdivision" (PUB2226):
<http://dnr.mo.gov/pubs/pub2226.htm>

PROJECT DISCUSSION

The Woodland Lakes Residential Housing Development is located within portions of Sections 5, 6, 7, 8, 17, 18, Township 39 North, Range 01 West and portions of Sections 1 and 12, Township 39 North, Range 02 West in Washington County, Missouri and covers approximately 3,024 acres.

For the purpose of the Woodland Lakes Residential Housing Development, the Woodland Lakes Trusteeship, Inc. have responsibility to ensure compliance of the Missouri Clean Water Law or any state or local regulation and that there shall be no violations.

During the August 13, 2014, meeting the Woodland Lakes Trusteeship, Inc. provided a letter from the Department of Natural Resources, dated April 7, 1980, approving the method of wastewater treatment with specific conditions that included;

- "Septic tanks followed by soil absorption fields will be allowed with individual water supply...where the lots are of 3 acres or more in size."

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- “An individual no discharge holding tank shall be used on lots with individual water supply... where the lots are 1/3 to 3 acres in size.”
- “On Lots that are or will be occupied temporary... a septic tank followed by a soil absorption field will be allowed if... the soil is suitable for use of a soil absorption field...”
- “On lots where a soil absorption field is to be used there must be at least four feet (4’) of soil beneath the proposed trench bottom and above rock formations, or any other impervious strata.”

That letter went on to state; “Although there are 4000 lots in the development ranging in size from 0.33 acre to 3.0 acres or more, information supplied to the Department reveals only 400 dwellings are to be built within the development. Of these, only 60 dwellings are expected to be occupied by permanent residents.”

The letter concluded by stating; “There shall be no significant deviation or change from the approved method of wastewater disposal without first securing written [sic] approval from the Department.”

A copy of the Department of Natural Resources April 7, 1980, letter is enclosed for your convenience.

Further review of documentation supplied by the Woodland Lakes Trusteeship, Inc. indicated that the original 4,000 lots described within the April 7, 1980 letter were not only resubdivided and reconfigured doubling the number of lots but the nature of use was also changed. The following table indicates the number of lots and nature of use as of August 13, 2014.

Table 1

Type of Lot	Number of Lots
Camping Only	4,866
Multi-Purpose	2,885
Building Only	396
Commercial	11
Common Ground	67
TOTAL	8,225

Unfortunately, there was no documentation demonstrating that the reconfiguration and additional lots received written approval from the Department of Natural Resources as required within the residential housing development rule 10 CSR 20-6.030.

CONCLUSION

Regrettably, the reconfiguration and additional lots along with the change in their nature of use was done without written approval for the method of wastewater treatment and the Development is therefore in violation of the Missouri Clean Water Law and 10 CSR 20-6.030 “Disposal of Wastewater in Residential Housing Developments”.

To ensure there are no further violations the Woodland Lakes Trusteeship, Inc. shall follow the ten conditions listed:

- 1) There shall be no further resubdivision, reconfiguration, or additional lots within the Development beyond what is designated in Table 1 without first receiving written approval for the method of wastewater treatment from the Department of Natural Resources.

- 2) The nature of use shall not be changed beyond what is designated in Table 1 without first receiving written approval for the method of wastewater treatment from the Department of Natural Resources.
- 3) The Department of Natural Resources recognizes that numerous individual onsite wastewater systems were installed on lots where the method of wastewater treatment was not approved. To ensure public health is protected the Washington County Department of Health has jurisdictional authority for all existing individual onsite wastewater treatment systems within the Development.
- 4) Camping lots, shall be considered recreational and used for camping only; without any type of wastewater treatment system.
 - Camping lots that have individual onsite wastewater treatment system installed before August 13, 2014 are subject to Condition 3 of this determination.
 - No new onsite wastewater treatment systems including "holding tanks" of any size or nature shall be installed on a camping lot without first securing written approval from the Department of Natural Resources for the method of wastewater treatment.
 - In order for the camping lots to be considered recreational the Development's restrictive covenants must prohibit continuous year round living on those lots and that no cabins or other structures will be allowed that could be used for year round residential purposes.
- 5) Multi-Purpose and Building lots in existence as of August 13, 2014, can be served by individual onsite wastewater treatment systems provided they meet and/or exceed all requirements set forth in RSMo 701.029 through 701.59 and regulations promulgated under those statutes as administered by Washington County Department of Health, or the Department of Health and Senior Services, Onsite Wastewater Treatment Program.
- 6) This determination should not be construed as to obligate the Washington County Department of Health, or the Department of Health and Senior Services, Onsite Wastewater Treatment Program to approve the use of any individual onsite wastewater treatment systems on any lot within the Development.
- 7) The effluent from any individual onsite wastewater treatment system on any lot within the Development shall be contained on the lot and handled in such a manner that there are no further violations of the Missouri Clean Water Law and regulations.
- 8) This determination should not be construed as approval for the method of wastewater treatment on any of the lots that were resubdivided, reconfigured, or where the nature of use was changed in violation of the Missouri Clean water Law and its regulations.
- 9) The Woodland Lakes Trusteeship, Inc. shall inform all current and future property owners of the conditions set forth in this determination and are responsible to ensure there are no further violations of the Missouri Clean Water Law, or any other state or local regulations.
- 10) Failure to obtain written approval from the Department of Natural Resources for the method of wastewater treatment for any change with respect to the nature of use, expansion, resubdivision or reconfiguration of any lot shall be considered a continued violation of the Missouri Clean Water Law and its regulations and will result in enforcement action.

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If the Woodland Lakes Trusteeship, Inc. or any current lot owners are affected by this decision, they may appeal this letter to have the matter heard by the Administrative Hearing Commission. To appeal, the affected party must file a petition with the Administrative Hearing Commission within thirty (30) days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the Administrative Hearing Commission.

Thank you and if I or the Department of Natural Resources can be of any further assistance, please contact Mr. Charles Harwood of my staff by phone at (573) 751-9155, by e-mail at charles.harwood@dnr.mo.gov, or by mail at the Missouri Department of Natural Resources, Water Protection Program, Operating Permits Section, P.O. Box 176, Jefferson City, Missouri 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



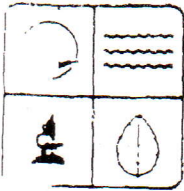
Chris Wieberg, Chief
Operating Permit Section

Enclosures

CW:chs

- c: Mr. Arthur Goodin, Southeast Regional Office
- Mr. Tim Mattingly, Southeast Regional Office
- Mr. Nicholas Hughey, Administrator, Washington County Department of Health
- Mr. Jesse Douglas, EPHS, Washington County Department of Health
- Mr. James Gaughan, PE, Department of Health and Senior Services
- Ms. Rachele Kuster, EPHS V, Department of Health and Senior Services
- File Copy

Celebrating 40 years of taking care of Missouri's natural resources. To learn more about the Missouri Department of Natural Resources visit www.dnr.mo.gov.



MISSOURI DEPARTMENT OF NATURAL RESOURCES
3160 WYATT ROAD, COLUMBIA, MISSOURI 65219 314 849-1313

3.100 Washington County
Woodland Lakes Subdivision ✓

April 7, 1980

National Development Company, Incorporated
2735 Villa Creek Drive
Dallas, Texas 75234

Gentlemen:

The engineering report submitted by E. A. Mueller Engineering Company, Sullivan, Missouri for sewage works to serve Woodland Lakes Subdivision located in Sections 5, 6, 7, 8, 17 and 18, T39N, R1W and Sections 1 and 12, T39N, R2W, Washington County, Missouri, has been reviewed by the staff of the Missouri Department of Natural Resources.

The report dated February, 1980 and as amended by addendums received March 25, 1980, has been found to satisfy the requirements of Subsections (3)(A)3 and (3)(C)2A of Clean Water Commission Regulation 10 CSR 20-6.030 (Disposal of Wastewater in Subdivisions) and is hereby approved.

Briefly the report as amended proposes the use of individual home septic tanks followed by soil absorption fields or individual no discharge holding tanks. The use of these systems is subject to the following conditions:

1. Septic tanks followed by soil absorption fields will be allowed on lots with individual water supply where the lots are or will be occupied by permanent (more than 140 days per calendar year) residents and where the lots are of 3 acres or more in size.
2. An individual no discharge holding tank shall be used on lots with individual water supply where the lots are or will be occupied by permanent (more than 140 days per calendar year) residents and where the lots are 1/3 acre to 3 acres in size.
3. On lots that are or will be occupied by temporary (140 days or less per calendar year) residents:
 - a. a septic tank followed by a soil absorption field will be allowed if the percolation test required by Section 3 of Article IV Restrictive Covenants shows that the soil is suitable for use of a soil absorption field.
 - b. an individual no discharge holding tank shall be used if the percolation test required by Section 3 of Article IV Restrictive Covenants shows that the soil is not suitable for use of a soil absorption field.
4. Each lot purchaser or owner shall be required to cause his/her

Two
Washington County
Land Lakes Subdivision

individual no discharge holding tank to be regularly pumped in order to assure compliance with the Missouri Clean Water Law and Regulations.

5. On lots where a soil absorption field is to be used there must be at least four feet (4') of soil beneath the proposed trench bottom and above rock formations, bedrock, or any other impervious strata.

Although there are 4000 lots in the development ranging in size from 0.33 acre to 3.0 acres or more, information supplied to the Department reveals only 400 dwellings are to be built within the development. Of these, only 60 dwellings are expected to be occupied by permanent residents.

These facilities are to be designed and installed as specified in the approved report and any addendums and are to be maintained and operated in such a way as to retain the wastewater generated on each individual lot within the boundaries of that lot and so as to not create violations of the Missouri Clean Water Law and Regulations.

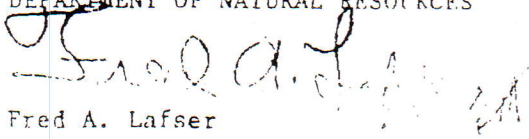
There shall be no significant deviation or change from the approved method of wastewater disposal without first securing written approval from the Department.

Approval of this report by the Missouri Department of Natural Resources does not relieve the developer from the obligation to satisfy any and all local city or county requirements applicable to the type of facilities approved.

Approval to utilize individual home sewage disposal facilities in any subdivision is considered interim. At such time as sewerage facilities operated by one of the authorities listed in Section (6) of Clean Water Commission Regulation 10 CSR 20-6.010 become available to the lots served, the individual home facilities shall be abandoned in accordance with the provisions contained in Section (2)(E) of Regulation 10 CSR 20-6.030.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES


Fred A. Lafser
Director

FAL/EFH/JK/dak

CC: E. A. Mueller Engineering Company
Washington County Health Department
Central Office, Water Pollution Control Program
Duke W. Ponick Jr., Attorney at Law, 24th Floor, Commerce Building
Kansas City, Missouri 64105

- 2) The nature of use shall not be changed beyond what is designated in Table 1 without first receiving written approval for the method of wastewater treatment from the Department of Natural Resources.
- 3) The Department of Natural Resources recognizes that numerous individual onsite wastewater systems were installed on lots where the method of wastewater treatment was not approved. To ensure public health is protected the Washington County Department of Health has jurisdictional authority for all existing individual onsite wastewater treatment systems within the Development.
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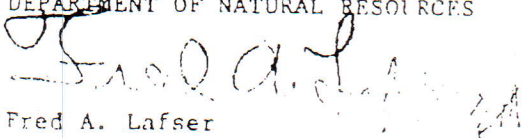
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DEPARTMENT OF NATURAL RESOURCES


Fred A. Lafser
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FAL/EFH/JK/dak

CC: E. A. Mueller Engineering Company
Washington County Health Department
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