



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Continuing Authority

Emily Carpenter
Engineering Section

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Continuing Authorities

*“All applicants for construction permits or operating permits shall show, as part of their application, that **a permanent organization exists which will serve as the continuing authority for the operation, maintenance, and modernization of the facility** for which the application is made. Construction and first-time operating permits shall not be issued unless the applicant provides such proof to the department and the continuing authority has submitted a statement indicating acceptance of the facility.”*

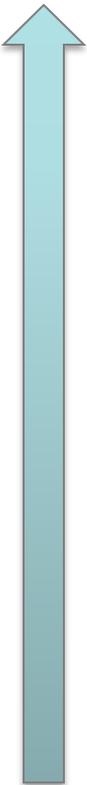
10 CSR 20-6.010(3)(A)

Outline

- Levels 1 – 5
- Waivers
- Acceptance



Summary



Level 1 = 208

Level 2 = Commission approved

Level 3 = Cities and Sewer Districts

Level 4 = 1 individual (person, corporation, 393 nonprofit sewer company, industry) with complete control of and responsibility for the wastewater system

Level 5 = Property owners association



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LEVEL 1

Level 1

“A municipality or public sewer district which has been designated as the area-wide management authority under section 208(c)(1) of the Federal Clean Water Act.”

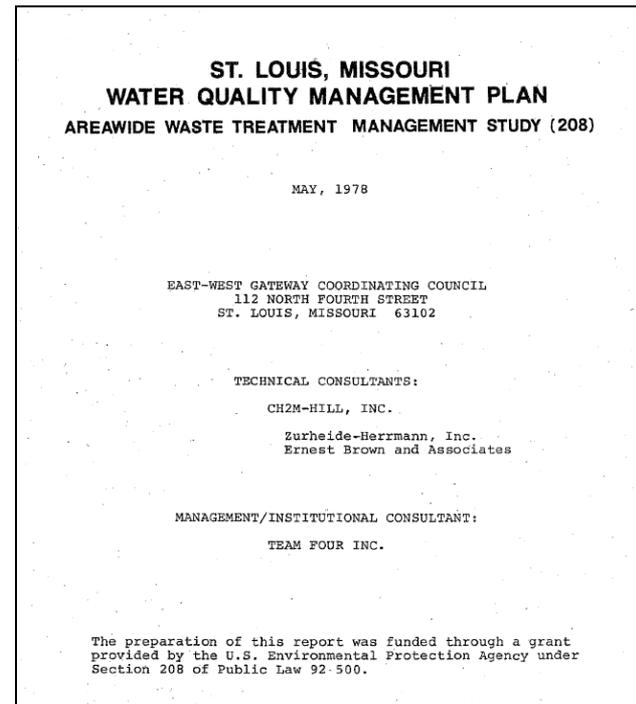
10 CSR 20-6.010(3)(B)1.

Approved 208s

- East-West Gateway Coordinating Council
- Mid-America Regional Council (MARC)
- Ozark Gateway Council of Governments

East-West Gateway

- 1974 designated by Governor
- 1980 approved by Clean Water Commission (CWC)
- www.ewgateway.org

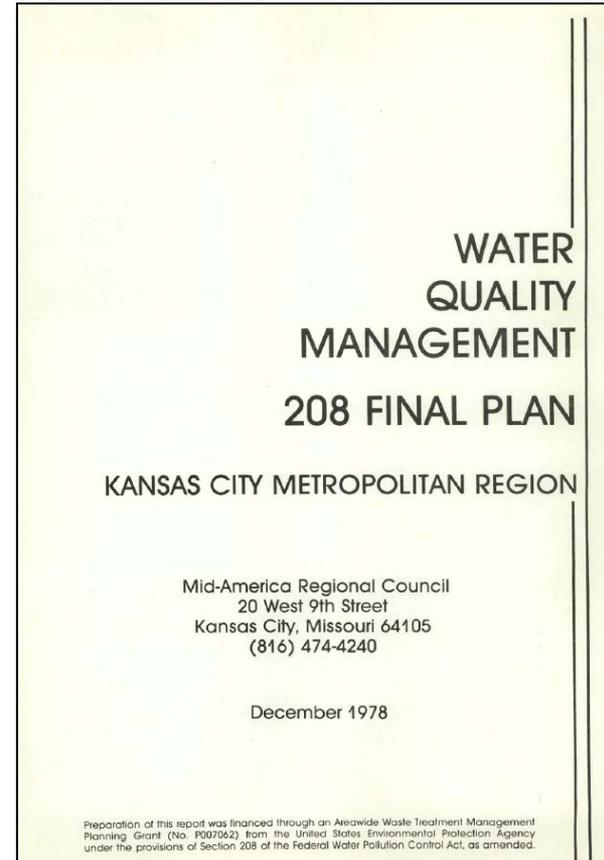


East-West Gateway

- Berger
- De Soto
- Duckett Creek
Sanitary District
- Eureka
- Festus-Crystal
City
- Gerald
- Glaize Creek
- Sewer District
- Herculaneum
- Leslie
- MSD
- New Haven
- O'Fallon
- Olympian Village
- Pacific
- Pevely
- Portage Des
Sioux
- St. Charles
- St. Clair
- St. Peters
- Sullivan
- Union
- Washington
- Wentzville

Mid-America Regional Council

- 1975 designated by Governor
- 1979 approved by CWC
- www.marc.org



Mid-America Regional Council

- Archie
- Belton
- Blue Springs
- Buckner
- Cleveland
- Creighton
- Dearborn
- Drexel
- East Lynne
- Edgerton
- Excelsior Springs
- Freeman
- Garden City
- Hardin
- Harrisonville
- Independence
- Kansas City
- Kearney
- Lawson
- Liberty
- LBVSD
- Oak Grove
- Parkville
- Peculiar
- Platte City
- Richmond
- Smithville
- Weston

Ozark Gateway

- 1975 designated by Governor
- Unsure if/when officially approved by CWC

Ozark Gateway

- Alba
- Carl Junction
- Carthage
- Center Creek
- Diamond
- Jasper
- Joplin
- Neosho
- Sarcoxie



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LEVEL 2

Level 2

“A municipality, public sewer district, or sewer company regulated by the Public Service Commission (PSC) which currently provides sewage collection and/or treatment services on a regional or watershed basis as outlined in 10 CSR 20-6.010(3)(C) and approved by the Clean Water Commission.”

10 CSR 20-6.010(3)(B)2.

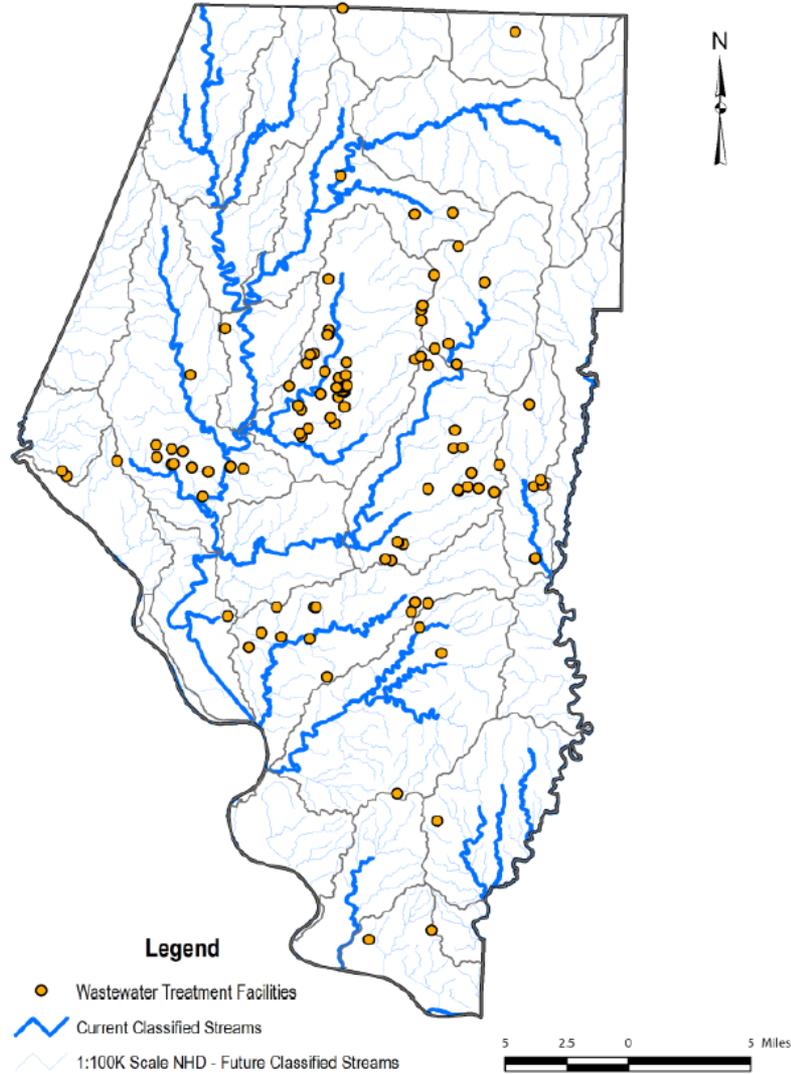
Level 2 Process

1. Preliminary request to CWC
2. Applicant develops comprehensive plan
3. Applicant conducts public hearing
4. Final request to CWC
5. CWC decision
6. Operating permit modification

Level 2 Approved

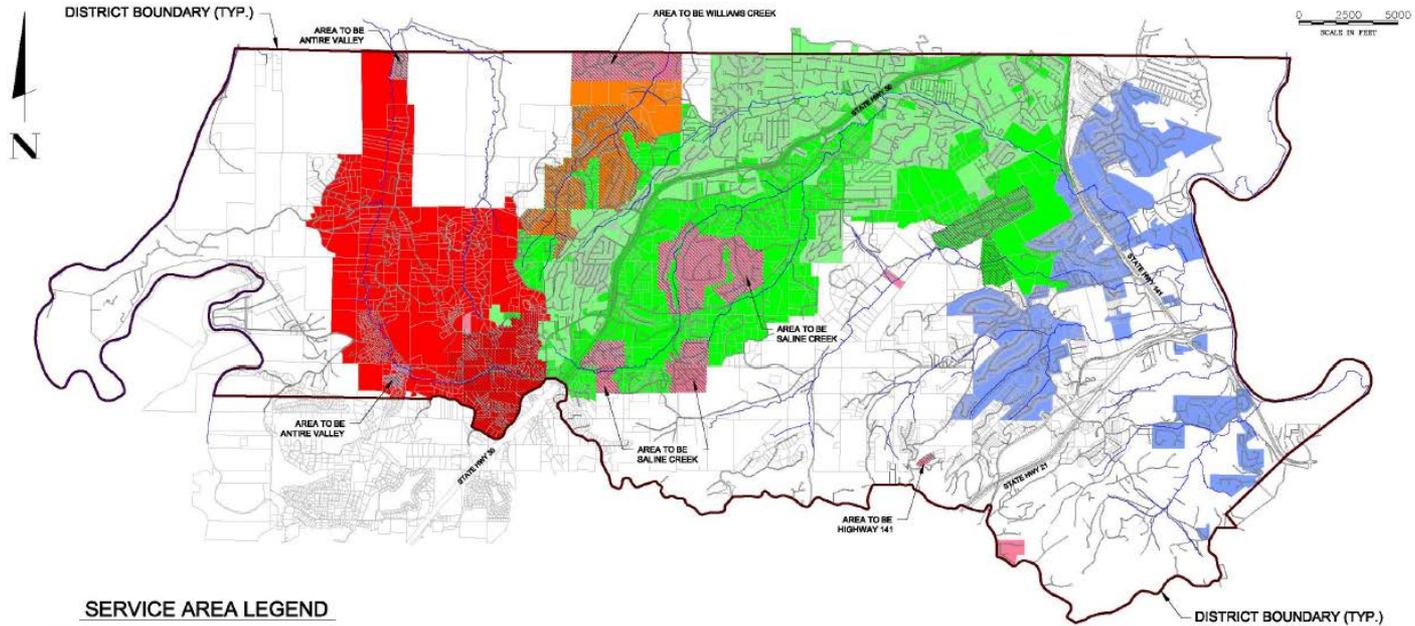
- Boone County Regional Sewer District
 - CWC approved January 6, 2010
 - Includes City of Columbia
- Northeast Public Sewer District
 - CWC approved April 1, 2015

BCRSD





NPSD



SERVICE AREA LEGEND

- EXISTING HIGHWAY 141 WWTP SERVICE AREA
- EXISTING SALINE CREEK REGIONAL WWTP SERVICE AREA
- PROPOSED SALINE CREEK REGIONAL WWTP SERVICE AREA
- PROPOSED SALINE CREEK REGIONAL WWTP SERVICE AREA (FORMERLY EXISTING HIGHWAY 141 WWTP SERVICE AREA)
- PROPOSED ANTIRE VALLEY SERVICE AREA
- PROPOSED ANTIRE VALLEY SERVICE AREA (FORMERLY EXISTING SALINE CREEK)
- PROPOSED WILLIAMS CREEK SERVICE AREA
- PROPOSED WILLIAMS CREEK SERVICE AREA (FORMERLY EXISTING SALINE CREEK)
- EXISTING OTHER NPSD SERVICE AREA
- EXISTING OTHER NPSD SERVICE AREA TO BE REASSIGNED (SEE NOTE FOR ASSIGNMENT)

Level 2 Under Development

- Taney County Regional Sewer District
 - Preliminary request to CWC on Oct. 7, 2015
 - Drafting comprehensive plan
- Jefferson County Sewer District
 - Preliminary requests were received by the department
 - Drafting comprehensive plan



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LEVEL 3

Level 3

“A municipality, public sewer district, or sewer company regulated by the PSC other than one which qualifies under paragraph (3)(B)1. or 2. of this rule or a public water supply district.”

10 CSR 20-6.010(3)(B)3.

Public Service Commission (PSC)

“Permits shall not be issued to a continuing authority regulated by the PSC until the authority has obtained a certificate of convenience and necessity from the PSC”.

10 CSR 20-6.010(3)(B)2. – 3.

PSC Facilities

- The Missouri PSC regulates investor-owned wastewater treatment facilities
 - psc.mo.gov
- Verify if the entity is listed as a PSC facility
- Must provide a certificate of convenience & necessity
- Verify the entity is in good standing registered with the MO Secretary of State
 - bsd.sos.mo.gov/BusinessEntity/BESearch.aspx?SearchType=0



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LEVEL 4

Level 4

“Any person with complete control of, and responsibility for, the water containment source, point source, or wastewater treatment facility and all property served by it. The person may constitute a continuing authority only by showing that the authorities listed under paragraphs (3)(B)1.–3. of this rule are not available, do not have jurisdiction, are forbidden by statute or ordinance from providing service to the person or, if available, have submitted written waivers as provided for in subsection (3)(B) of this rule”.

10 CSR 20-6.010(3)(B)4.

Level 4 (cont.)

- Verify the entity is in good standing registered with the MO Secretary of State.
 - bsd.sos.mo.gov/BusinessEntity/BESearch.aspx?SearchType=0
- Verify ownership of a property, if believed necessary:
 - County plat maps; or
 - Contact the County Recorder of Deeds or Assessor.

Nonprofit Sewer Companies

- Level 4
- Section 393.825, RSMo 2016
 - (www.moga.mo.gov/mostatutes/stathtml/39300008251.html)
 - Nonprofit sewer companies formed for the purpose of supplying wastewater disposal and treatment services. Five or more may organize a nonprofit sewer company.

Nonprofit Sewer Companies (cont.)

- Must provide a copy of the signed articles of incorporation containing:
 - Name of the company;
 - Address of principal office;
 - Names and addresses of incorporators;
 - Number of years the company is to continue;
 - Names and addresses of first board of directors;
 - Whether the company operates under Chapter 347 or 355, RSMo; and
 - Any provisions necessary to conduct business.

Industries

- Level 4
- Industries are continuing authorities for the collection and treatment of industrial type wastewater and incidental domestic wastewater associated with their operation.

10 CSR 20-6.010(3)(D)



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LEVEL 5

Level 5

“An association of property owners served by the wastewater treatment facility...”

10 CSR 20-6.010(3)(B)5.

Property Owner Association (POA)

- Must provide the following:
 - Written waiver from higher continuing authorities (if applicable);
 - Owns the WWTF and has valid easements for all of the collection system;
 - As-filed copy with county recorder's office of the warranty deed, quitclaim deed, or other legal instrument which transfers ownership of the land for the WWTF to the association.
 - As-filed plat validating easements.

POA (cont.)

- Enforceable covenants and restrictions assuring proper operation, maintenance, and modernization of the system; and
 - As-filed copy with county recorder's office.
- The association is in good standing registered with the MO Secretary of State.
 - A copy of the MO Secretary of State's nonprofit corporation certificate.
 - bsd.sos.mo.gov/BusinessEntity/BESearch.aspx?SearchType=0

POA Covenants & Restrictions

- Must include the following:
 - Power to regulate the use of the collection system & treatment facility;
 - Power to levy user charges and enforce them by liens on the properties of each owner;
 - Power to convey treatment facility to a higher continuing authority, when available; and
 - Require members to connect to the collection system and be bound by the rules of the property owners association.



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WAIVERS

Waivers

*“An applicant may utilize a lower preference continuing authority by submitting, as part of the application, **a statement waiving preferential status from each existing higher preference authority**, providing the waiver does not conflict with any area-wide management plan approved under section 208 of the Federal Clean Water Act or any other regional sewage service and treatment plan approved for the higher preference authority by the department.”*

10 CSR 20-6.010(3)(B)

When is a waiver needed?

- Any new treatment facilities.
- Where a higher continuing authority has indicated availability.
 - See 10 CSR 20-6.010(8)(A)10.



ACCEPTANCE



Acceptance

*“Construction and first-time operating permits shall not be issued unless the applicant provides such proof to the department and the continuing authority has submitted a statement indicating **acceptance** of the facility.”*

10 CSR 20-6.010(3)(A)

Questions?



*Thank
You*