

Continuing Authorities

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Section



Common Issues with Tier 3

Municipalities, public sewer and water supply districts and wastewater utility companies regulated by the Public Service Commission

- Lack of technical expertise to operate and maintain the system properly
- Lack of financial understanding to set appropriate rates and budget for routine maintenance and future capital expenditures

PSC Wastewater Utility

- 7 facilities located in Jefferson and Franklin Counties
- Extended Aeration Plants & two lagoons
- Serving a total of 480 customers
- Violations:
 - Operating without a permit
 - Causing pollution to waters of the state
 - Violation of water quality standards
 - Failure to operate and maintain



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Common Issues with Tier 4

Any person with complete control of, and responsibility for, the water contaminant source, point source, or wastewater treatment facility and all property served by it.

- Land disturbance/construction sites
- Mobile Home Parks/RV Parks
- Commercial/Industrial

Land Disturbance Case

- 26 acre land site planned for 180 duplexes and abandoned for past 7 years
- Large gullies from top of steep slope to the Lake (800 feet long)
- No best management practices to stabilize site
- Sediment plume in cove of the Lake from the site
- Homeowners along the cove are paying to dredge the sediment from cove

Land Disturbance Case

- **May 1, 2007** -Permit issued to an limited liability company
- **April 24, 2009** – Referred for enforcement
 - Failure to maintain best management practices
 - Violation of water quality standards general criteria

Land Disturbance Case

- **June 18, 2009** – referred case to Attorney General's Office
- **October 26, 2009** – Petition filed against the company
- **February 16, 2011** – Default Judgment entered against the company
- **July 11, 2014** – Petition served against owner, individually



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03/26/2009



03/26/2009



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

Association of property owners served by the wastewater treatment facility, provided the applicant shows:

- The association owns the facility and has valid easements for all sewers
- A document establishing that the association imposes covenants on the land of each property owner
 - Power to levy assessments and enforce assessments
 - Power to regulate the use of the facility and convey the facility to other authorities.
- The association is a corporation in good standing registered with the Secretary of State

Common Issues with Tier 5

- Association is not registered with Secretary of State or has been administratively dissolved by the Secretary of State
- Association lacks covenants and restrictions or unwilling to enforce assessments
- Board members lack knowledge necessary to operate and maintain a sewer system

Association Case

- Extended Aeration serving 27 single family homes on 40 total lots with 89 residents
- **September 23, 2008** – Referred for enforcement action
- **September 23, 2008** - Permit Expired
- Violations
 - Discharging sludge to waters of the state
 - Failed to operate & maintain the facility
 - Failed to submit Discharge Monitoring Reports
 - Failed to maintain a valid Continuing Authority
 - Failed to pay permit fees

Association Case

February 17, 2011- Abatement Order on Consent

June 21, 2012 – Referred to AGO

August 1, 2014 – AGO closed case violations
have not been resolved



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Association Case

- Unpermitted lagoon and failing collection system serving approximately 20 homes
- Lagoon is not maintained
- Manhole near the lagoon overflows during wet weather, and discharges onto neighboring property



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Association Case

Permit expired in 1996

April 1997 – Referred for enforcement action

- Operating without a permit
- Causing pollution to waters of the state

December 1997 – Referred to Attorney General's Office

May 2007 – Judge dismissed the state's case because the Association had been administratively dissolved.

Association Case

March 29, 2012 – AGO closed case to allow a newly created district time to address the issues

- District is not charging fees so there is no budget for repair, maintenance, or improvements
- District will not qualify for funding if they are not charging a user fee

Common Compliance Issues

- Lack technical expertise to operate and maintain the system properly
- Lack financial understanding to set appropriate rates and budget for routine maintenance and future capital expenditures
- The continuing authority listed on the application has been administratively dissolved



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