

RESOLUTION
REVISING REGULATION OF PRIVATE SANITARY SEWER SYSTEMS

Now on this ____ day of _____, 2022, Boone County Regional Sewer District acting by and through its Board of Trustees adopts the following revision to section 2.6.2.3 of chapter 2 of its Sewer User Regulations:

Be it resolved by the Board of Trustees of the Boone County Regional Sewer District that that section 2.6.2.3 be revised to read as follows:

2.6.2.3 Private Sanitary Sewer Systems - A private sanitary sewer system is a system that is not under the jurisdiction of the District or other governmental entity and which is regulated by the Department and, when applicable, the Missouri Public Service Commission. **[No private sanitary sewer system shall operate within the boundaries of the District without written consent of the District when the District is willing and able to provide wastewater collection and treatment services. No sanitary sewer system within the boundaries of the District operated by a municipal, governmental, private or other entity shall be sold or otherwise transferred to a private person, entity or organization without the District's written consent.]** If neither the District under the provisions of these regulations nor any other public or governmental agency having jurisdiction is willing and/or able to provide wastewater collection and treatment services, but wastewater collection and treatment services are nonetheless required in the geographic area to which a Department issued operating permit is applicable and it is demonstrated that a competent, qualified and solvent private person, entity or organization is ready, willing and available to provide such services as Continuing Authority pursuant to Department regulations, then such other person, entity or organization may act as Continuing Authority without objection of the District if approved by the Department. Provided, however, that as authorized by section 644.027, RSMo, **[when the District operates and maintains a public sanitary sewer collection and treatment system to which the private sanitary sewer system can be connected that is located within a reasonable distance of a District owned or operated public sanitary sewer to which connection is practicable,]**no private sanitary sewer system which is regulated by the Department shall be granted a new operating permit or renewal of an existing operating permit issued by the Department**[, nor shall any existing operating permit be transferred to a private sanitary sewer system,] if [unless] the District gives notice [provides written consent] to the Department and the Continuing Authority to whom such operating permit has been or will be issued [or transferred] ~~that the District operates and maintains a public sanitary sewer collection and treatment system to which the private sanitary sewer system can be connected located within a reasonable distance of a District owned or operated public sanitary sewer to which connection is practicable.~~** A District owned or operated public sanitary sewer shall be presumed to be within a reasonable distance of a private sanitary sewer system to which connection is practicable if the District determines that a) the operation of a private sanitary sewer system is or has not been in compliance with a Department issued operating permit or otherwise has been declared a public health nuisance or hazard by state or local authorities having jurisdiction, b) a connection to a District public sewer can be designed and constructed, c) the expense of connection to the District public sanitary sewer, either individually or in combination with one or more other new connections in close proximity to the private sanitary sewer system is no greater than the cost of installing a new private sanitary sewer system or repairing or reconstructing the existing private sanitary sewer system which complies with Department regulations and permit issued under such regulations as well as applicable District regulations, or d) that no private sanitary sewer system can be constructed or reconstructed which complies with all applicable state and local water pollution control regulations and applicable local zoning or land use regulations. In circumstances in

which an existing private sanitary sewer system cannot be repaired or reconstructed to comply with all state and local water pollution control regulations and/or due to topography, local zoning, or other land use regulations, it is impracticable to repair or reconstruct the private sanitary sewer system which complies with all such applicable state and local regulations, then in such circumstances it shall be presumed that connection to a District public sanitary sewer is practicable. In such cases the Department shall deny issuance of a new operating permit, ~~or~~ terminate or deny renewal of an existing operating permit[, **or deny transfer of an existing operating permit**] in accordance with Department policies and regulations and the operator of such private sanitary sewer system shall connect to the District system within a reasonable time established by the District. (Revised 11-15-05[, & 4-19-07[, & __-__-22])

The Secretary to the Board and District staff are hereby authorized and directed to insert the foregoing in the District's published regulations.

BOONE COUNTY REGIONAL SEWER DISTRICT

For its Board of Trustees:

Randy Chann, Chairman

ATTEST:

(Assistant) Secretary