

- If an existing MP lot has a 1000 gal tank, and therefore an allowance lot, does it require an additional 500 gallon tank, or does that pertain to a **new** tank on an MP lot? The 1982 approval from DNR for the use of holding tanks in BTH was based on the BTH's 1982 restrictive covenants submitted to DNR for review and approval with the original plan for the method of handling of wastewater. The restrictive covenants were clear that the size of the holding tanks would be determined by the usage of the lot. The tank sizes were delineated by the length of stay on the lot. The restrictive covenants stipulate that any lot owner who stays on their lot 140 days or less per year shall have a 1,000 gallon minimum capacity holding tank, and any lot owner who stays on their lot over 140 days per year shall have a 1,500 gallon minimum capacity holding tank. This stipulation was included in the AOC in paragraph 10 to establish what capacity holding tanks are allowed for the different usages of lots. This requirement was meant for all multi-purpose (aka "residential") lots in BTH as the camping lots were not approved for holding tanks at all and were not meant for extended stay usage. Since the majority of lot owners who own multi-purpose lots stay on their lot over 140 days out of the year, most will be required to have a 1,500 gallon holding tank. This requirement should also take into consideration fluctuations in lengths of stay and accommodate the most lengthy stay the lot owner or anyone the lot owner may lease to or allow to stay on their lot for any given time. This guidance and the 140 day delineation should be used for every question asked by BTH lot owners regarding holding tank sizes – it all comes down to the lot usage. Additionally, I'll reiterate that 500 gallon capacity holding tanks are not allowed and never have been on any lot in BTH.
- Once the TMP is in place and approved by MDNR, any future changes to the plan must be approved by MDNR before being approved by the HOA, correct? Correct. The TMP is a requirement of the AOC and approved by DNR for use. Future changes or modifications to the TMP after its initial approval by DNR would need to be submitted to DNR for consideration as a request for document modification re-review and re-approval.
- The ICC for grey water is not recognized by the State of Missouri/MDNR, correct? Grey water is a pollutant and must be discharged into the holding tank and not out on the surface or pits on your property, correct? Grey water is considered a pollutant just like black water, and both are considered wastewater. Neither are approved to discharge to the ground in BTH and both must be contained in an approved wastewater handling vessel and then treated and disposed of through a permitted wastewater treatment facility. There are no exceptions to this requirement. Grey water pits were never allowable in BTH's 1982 restrictive covenants and were not included in the 1982 approval from DNR. All existing grey water pits must be eliminated in BTH and the grey water must be redirected to the holding tank serving the lot.
- One member said they talked to the Director of MDNR, Dru Buntin and were told that grey water can be discharged on the ground. I am not aware of any conversations Director Buntin may have had with a lot owner about grey water discharges, and I cannot speculate as to the details of the conversation if it did or didn't occur, nor can I speak for Director Buntin on this alleged conversation; however, I can reiterate that grey water is a pollutant and is considered wastewater, therefore grey water is not approvable to discharge to the ground under any circumstances and grey water must be contained in an approved wastewater handling vessel and then treated and disposed of through a permitted wastewater treatment facility. Again, there are no exceptions to this requirement.

- Are the BCHD and MDNR on the same sheet of music when it comes to the regulations on tanks? Yes. The Benton County Health Department and DNR are coordinating closely to ensure the management of holding tanks in BTH is kept consistent with the 1982 approval from DNR that was based on BTH's 1982 restrictive covenants, and the original plats filed with Benton County for BTH.
- Does weekend residence status allow for a 1000 gal tank on a MP lot, as opposed a full time resident at 1500 gallons? Please refer back to the answer to the first question. If the total number of days the lot owner (or renter, or guest of the lot owner) stays on a multi-purpose lot for 140 days or less, a minimum 1,000 gallon capacity holding tank may be approvable for use on that lot; however, if there is a possibility of going over the 140 days in a year (which the potential is there for nearly every lot in BTH), the lot owner would be required to upgrade to a 1,500 gallon minimum capacity holding tank. Ultimately, if the POA Board determines a lot needs a larger holding tank installed due to lot usage or human health and/or environmental concerns, the Board can include this stipulation as one of the controls the POA Board puts in place to comply with the AOC and the Missouri Clean Water Law. Remember the tank capacities are minimums; increased storage capacities are not restricted.
- Please put in writing, within the AOC, the allowance of the piggybacking of tanks to meet the minimum of 1000 gallons. Kevin, is this a requested modification to the AOC you are asking for, or is this a request from a lot owner? As we've discussed on this topic, the state and county regulations do not specify that multiple tanks can be used to equal the capacity of one tank, but the regulations also do not explicitly prohibit the combining of multiple holding tanks to equal the capacity of one tank; therefore, it is left to DNR's enforcement discretion in coordination with the Benton County Health Department to establish what is allowable. We have determined that if the holding tanks are installed next to each other, the tanks are appropriately plumbed to connect them together and equalize, and the tanks are appropriately fitted with the high water alarm, etc. required by Benton County Health, then the combining of holding tanks may be allowed, but these situations would be on a case-by-case basis and would need to be scrutinized very closely as it may not be suitable for every lot owner who may request this conditional allowance for their lot. This is not something we can easily include in the AOC as a specific item outside of the already existing inclusion of conditional allowances in the AOC. Specifics on this may be better suited as a control the POA Board puts in place and made enforceable by the Board in the TMP and bylaws.
- Please elaborate on how the MDNR will enforce compliance on individual property owners if we don't sign the AOC. If the community votes down the voluntary signing of the AOC, the community will have demonstrated that they are not willing to cooperate with the POA Board or DNR in an effort to comply with the Missouri Clean Water Law by being willing to take corrective actions to correct the deviations that have occurred on the lots in BTH since BTH got its approval for the method of wastewater handling from DNR in 1982. In this circumstance, DNR would be forced to escalate enforcement action to move forward toward a solution to control the non-compliant handling of wastewater on the lots within BTH. This would usually result in DNR issuing the POA Board a unilateral, demand order to comply, but if the community is not willing to cooperate, we know the POA Board would not be able to comply with the demand order either, so this case would then be referred to the Attorney General's Office for a lawsuit to be filed against the POA Board and potentially each individual lot owner in an effort to compel compliance from the entire community to take corrective actions to address the non-compliant

handling of wastewater in BTH. DNR would always rather work with POAs and lot owners cooperatively to achieve compliance, but extreme steps can be taken, which include, but are not limited to, the filing of lawsuits against each individual lot owner in BTH if voluntary cooperation is not attained through the signing of an AOC. It should be known that if this were to happen, it is likely that all lot owners would have a lawsuit filed against them, even the lot owners who are currently compliant with what the AOC is requiring, and they would have to defend their position (compliant or not) in the court proceedings, so this truly would be an unfortunate circumstance for all involved.