

December 13, 2023

OFFICIAL COPY VIA EMAIL

Indian Creek Hills Property Owners Association, Inc.
P.O. Box 638
Eldon, MO 65026
Via email at Ichpoa2013@gmail.com

NOTIFICATION LETTER

RE: Indian Creek Hills Development, Unpermitted, Morgan County, Unapproved Wastewater Handling and Disposal in a Residential Development

Dear Indian Creek Hills Property Owners Association, Inc.:

This is a notification to the Indian Creek Hills Property Owners Association, Inc. (POA), all residents, lot owners, and property owners of the Indian Creek Hills subdivision that the Missouri Department of Natural Resources' Central Field Operations has conducted an investigation of the recreational Development known as Indian Creek Hills located in Rocky Mount, Morgan County, Missouri, and issued a Letter of Warning to the Indian Creek Hills Property Owners Association for violations of the Missouri Clean Water Law (MCWL) as a result of unapproved wastewater handling and disposal occurring throughout the Development.

On June 8, 2023, department team members conducted an investigation of the Development in response to environmental concerns reported to the department alleging discharges of raw sewage within the Development.

The Development is a recreational Development subject to state regulation 10 CSR 20-6.030, the Residential Housing Development Rule. Developers or any entity acting as a developer are required to receive written approval from the department for the method of sewage treatment and disposal prior to the sale, lease, or start of construction on any lot within the Development. The Development has never received any approval from the department for the method of wastewater handling and disposal being used in the Development, and therefore each lot within the Development is in violation of the MCWL.

No holding tanks, septic tank subsurface disposal systems, or other wastewater handling or disposal methods currently in use in the Development have been approved by the department or are approvable by the department at this time even if it is approvable through Morgan County.

Because the Development has not received the required approvals from the department, the sale of lots within the Development and all installations of wastewater handling containers and drinking water lines must stop until these issues are resolved. All property owners who choose to ignore this notice are individually acting in violation of the MCWL and Morgan County ordinances and may be subject to fines or penalties brought through individual enforcement action(s) against them.



The use of unapproved and improperly installed wastewater handling containers has led to unsafe conditions in the Development that are a threat to human health and the environment. If conditions become a severe threat to the health and safety of the residents or the environment, or if we are unable to reach a solution with Indian Creek Hills POA, the department will pursue further legal action.

To resolve this issue, either:

- A centralized wastewater treatment plant and collection system approved by the department must be installed to serve the entire Development, and all unapproved wastewater handling containers must be removed in accordance with department-approved plans; or
- An engineered and department-approved cluster system must be installed to serve the populated lots within the Development, with the agreement to construct additional cluster systems as populated areas within the Development expand, and all unapproved wastewater handling containers are removed in accordance with plans approved by the department; or
- Every lot must be re-platted to accommodate a Morgan County Health Department-approved standard individual onsite wastewater treatment system, and all unapproved wastewater handling containers must be removed in accordance with the department-approved plans; or
- All permanent residences, dwellings, and wastewater handling containers are removed, and the Development is not used for continuous, year-round living.

In summary,

- The Development is operating in violation of the MCWL.
- None of the lots within the Development have received the required approvals from the department for sewage treatment and disposal.
- The totes, tanks, barrels, etc. used in the Development for handling wastewater are not approvable by the department.
- All sales, subdivisions, or rentals of lots within the Development are additional violations of the MCWL and must stop until the matter has been resolved in one of the four methods identified above, or a department approved Development-wide plan for a permanent solution is in place.
- All installations of onsite wastewater handling containers and drinking water lines are additional violations of the MCWL, or the Missouri Safe Drinking Water Law, and must stop until the matter has been resolved in one of the four methods identified above, or a department approved Development-wide plan for a permanent solution is in place.
- The Development must receive approval from the department on the method of wastewater handling, treatment, and disposal to serve the entire campground.

Connecting the Development to the Rocky Mount Sewer District could be a potential resolution option for Indian Creek Hills, but there is also no a guarantee that Phase 6 and 7 will come to fruition and when, nor is there any guarantee the Sewer District would be agreeable to allow the connection of the Development. If the Indian Creek Hills POA is interested in pursuing connection to the Rocky Mount Sewer District, the department encourages the POA Board to contact the Sewer District to start this conversation.

The department has requested a geohydrologic evaluation be conducted for the Development by Missouri Geological Survey staff. This evaluation is a necessary component of an engineering

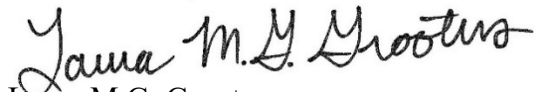
evaluation to determine the method of wastewater handling, treatment, and disposal that will be used to serve the entire Development. The findings of the evaluation are currently pending. Until the engineering evaluation for the entire Development is submitted by the POA Board to the department's Engineering Section for review and approval, and a department approved Development-wide plan for a permanent solution is in place, the department requests that all property owners postpone any construction activities or modifications planned for their properties until further notice. Property owners who elect to move forward with construction activities or modifications to their properties before a department approved Development-wide plan for a permanent solution is in place will be doing so at their own risk. The department also requests all sales, leases, or otherwise transfer of use or ownership of lots that cannot be postponed include a clear disclosure provided to the potential buyer, lessee, tenant, steward, or otherwise, informing them of the wastewater violations occurring in the Development.

To reiterate, no wastewater disposal systems currently installed and in use in the Development have been approved by the department – this includes systems approved by the Board and/or the Morgan County Health Department and installed by licensed, professional installers.

If you have any questions or would like to schedule a time to meet with a department team member to discuss compliance requirements, please contact Laura Grootens by phone at 573-522-3322; by email at DNRCFO.WPC@dnr.mo.gov; or by mail at the Missouri Department of Natural Resources, Central Field Operations, P.O. Box 176, Jefferson City, MO 65102. Thank you.

Sincerely,

CENTRAL FIELD OPERATIONS



Laura M.G. Grootens
Environmental Supervisor

c: Erin Heidolph, Compliance and Enforcement
Gabriel Sante, Operating Permits Section
Jim Miller, Morgan County Health