

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

www.dnr.mo.gov

MAY 10 2016

Lost Canyon Lakes/Wildwood  
Lot Owners Association  
7233 Wildwood Estates Drive  
Steedman, MO 65077

RE: Lost Canyon Lakes, MO-0035645, Callaway County

Dear Lost Canyon Lakes/Wildwood Lot Owners Association Member:

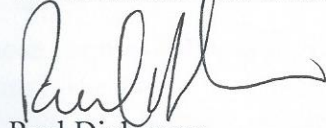
Enclosed with this correspondence, please find answers to the questions presented to the department in electronic correspondences on May 3, 2016 and May 4, 2016.

Please be advised that answers relayed to the Association in this letter are meant to be informational only and are in no way meant to be amendments to or alterations of the terms of AOC No. 2015-WPCB-1262 which became in effect and enforceable as of September 2, 2015.

If you have further questions, please contact Ms. Erin Meyer at [Erin.Meyer@dnr.mo.gov](mailto:Erin.Meyer@dnr.mo.gov) or (573)751-8309 or Department of Natural Resources, Water Protection Program, Compliance and Enforcement Section, P.O. Box 176, Jefferson City, Missouri 65102.

Sincerely,

WATER PROTECTION PROGRAM



Paul Dickerson  
Compliance and Enforcement Section Chief

PD:emc

Enclosure

c: Ms. Irene Crawford, Director, Northeast Regional Office  
Ms. Brittany Barrientos, Attorney  
Mr. David Bandre, Attorney



1. Section IV AGREEMENT letter H. What is the 120 days regarding? **The number of days designated in the AOC for the Association to takes steps to prohibit the installation of new holding tanks in new locations and new connections.** Does that allow us to install holding tanks for the 120 days following the signing of the AOC, which would expire on/around January 2, 2016? **No.**
2. Are we allowed to install holding tanks at all since September 2, 2015? The department has not approved the installation of holding tanks at this time. As part of the AOC the department agreed not take enforcement action on the condition the Association takes steps to prohibit the installation of new holding tanks in new locations and new connections and the other requirements of the AOC.
3. What is the procedure that Wildwood must follow to have a leaking holding tank replaced? The department does not have a procedure for Wildwood to follow to replace a leaking holding tank. **A holding tank existing prior to the date of the AOC is a violation that was resolved through the AOC. A leaking holding tank that existed prior to the date of the AOC must be replaced so that there is no discharge to surface or subsurface waters.**
4. How many replacement &/or new holding tank permit requests have been submitted from Wildwood to your office and how many DNR approvals have you granted since the AOC was signed 9-2-15 through our conversation on 5-2-16? **The department has not received any requests for approval of new holding tanks.**
5. Was our 2015 Board of Directors aware of all the AOC conditions? **Paragraph O of Section IV of the AOC states that all signatories assert that they have read and understood the terms of this AOC. This question may be best directed to the Board of Directors elected by the members of the Association.**
6. Was it clear to the 2015 BOD that not adhering to the conditions in the AOC would lead to fines and possible legal consequences? **The AOC clearly states that additional penalties could be imposed if conditions of the AOC are not followed. This question may be best directed to the Board of Directors elected by the members of the Association.**
7. Does the DNR have any problems with Wildwood lot owners calling your office with questions regarding the AOC? **The department is willing and able to answer questions about the AOC.**
8. Whose responsibility is it to inform the lot owners of the conditions of the AOC and to answer any of their questions? **The Board of Directors elected by the members of the Association negotiated and agreed to the terms of the AOC through legal counsel. It is up to the Association to determine how best to disseminate information about the AOC to lot owners.**
9. Is it at all possible that our current holding tanks can be utilized as "holding tanks" if it is suggested to do so in the engineer report? **The AOC does not prohibit the possible use of existing holding tanks as a permanent solution.**
10. What conditions of the AOC were to be written, approved by lot owners and added to our covenants and by what date? **The AOC required the Association to takes steps to prohibit the installation of new holding tanks in new locations and new connections but does not specify conditions to be added to your covenants.**
11. Are there any deadlines that Wildwood has not met to this time? **The deadline for prohibiting the installation of new holding tanks at new locations is the only deadline that has passed at this time. The department has**



received reports that holding tanks have or are planned to be installed after the deadline and will be investigating these reports.

12. If fines are to be levied, are they against the BOD or us as a whole? **The Association is the regulated entity named in the AOC. Fines resulting from noncompliance with the AOC would be imposed on the Association.**

13. If violations of AOC are excessive in numbers and severity, is there a possibility of criminal charges against those committing them? Section 644.076.1 of the Missouri Clean Water Law establishes criminal violations. The typical course of actions to enforce the requirements of an AOC is refer the matter the Attorney General's Office to pursue legal action under the civil court with the purpose of obtaining court order requiring the responsible party to comply with the requirements of the Missouri Clean Water Law.

14. If the answer to #13 is yes, what would be the repercussions for lot owners that are unaware of violations? **Criminal charges are brought against an individual committing the act.**

15. If the BOD is found to be willingly and knowingly violating the AOC, does the DNR turn our case over to the Attorney General's office and what would that entail? **The department has the option of referring the case to the Attorney General's Office if terms of the AOC are violated. If necessary, a lawsuit would be filed against the Association to compel compliance.**

16. Will the sewage lagoon be able to be utilized in the future if it is brought up to code and is part of our central sewer system? Would 28+ miles of sewer lines then need to be buried and ran in order to use lagoon? **There are several possibilities for future wastewater treatment at the development. The AOC requires the Association to submit report prepared by a professional engineer licensed to practice in Missouri evaluating the current wastewater collection and treatment system and recommend options that will result in compliance with current regulatory requirements.**

17. What are some alternate ways to dispose of waste besides central sewer lines and holding tanks? Are compost toilets a good alternative if part of the engineer report? **This is a question best directed to the Association's engineer.**

18. Have you been receiving the test results and monthly reports for the lagoon system? And are they meeting the standards set out in the AOC? **Yes, all DMRs since 9/2/15 have been submitted except for the January 2016 report which has yet to be received. The AOC requires both wastewater treatment facilities be upgraded to meet current limits. Plans for the upgrades should be included in the Engineering Report, so at this time, there have been some exceedances reported on the DMRs.**

19. Is the park administrator legally liable for any violations of the AOC? **The Association, as a regulated entity, bears primary responsibility for any violations of the AOC.**

20. Once the engineer report is submitted and the DNR accepts its terms, does everyone in Wildwood need to adhere to the terms or will it be possible for individuals to opt out and peruse their own waste elimination system? **No, the plan for the development must be approved as a whole.**

21. Is the BOD responsible to make sure that the terms of the AOC are adhered to? **The Association, as a regulated entity, is responsible for complying with the terms of the AOC.**

22. Who does the DNR communicate with at Wildwood? **During negotiation of the AOC, communications were primarily with the Associations attorneys. Recently, department staff has had contact with several lot owners.**



24. Is Wildwood still in litigation with the DNR and if not, when did it end? **The violations are being resolved through formal Administrative (AOC) action rather than through litigation. An AOC resolves past violations of the Missouri Clean Water Law and its implementing regulations on the condition the Association complies with the requirements of the AOC and achieves compliance with the Missouri Clean Water Law.**
25. If litigation has ended at the signing of the AOC 9-2-15, is there reason that Wildwood would still need an attorney to represent the park and/or communicate for Wildwood with the DNR? **The department cannot advise the Association on its need for legal representation.**
26. Was it clear to the Wildwood BOD and the attorneys representing Wildwood that all negotiations ended the day the AOC was signed 9-2-15? **This question is also likely best directed to the Board and the Association's attorneys.**
27. Would the lot owners that have received a new/replacement holding tank after the AOC was signed be held liable individually? **The Association is the regulated entity and would be responsible for violations of the AOC.**
28. Is there any legal/penalty difference between having a new holding tank installed or replacement of leaking existing holding tank not approved by the DNR after the AOC was signed 9-2-15? **The AOC resolved past violations, including the installation of holding tanks at the development. Replacing a leaking holding tank that was installed prior to the date of the AOC would not be considered a new violation of the AOC.**
29. If Wildwood's present BOD is found to have numerous violations with the AOC, fines potentially in the \$100,00's, could there be any lenience given with extensions and reduced fines, if the present BOD is removed and replaced with 7 new individuals? **The Association is responsible for compliance. Changes of leadership within the Association do not affect the requirements of the AOC.**
30. If after the AOC was signed 9-2-15, a lot owner with a previously installed holding tank that is connected to trailer #1 applies for a 2nd trailer permit, would they be allowed to connect the 2nd trailer to the existing holding tank? **The Association was required to prohibit new connections to existing holding tanks within 120 days of the AOC. This would be considered a new connection.**
31. If lot owner has an existing holding tank hooked up to trailer #1 prior to the signing of the AOC 9-2-15 and they either remove trailer #1 for winter months or replace it and bring in new trailer in its spot, is that considered to be in compliance with the AOC? **The holding tank in question would still be considered an existing tank and would not constitute a violation of the AOC.**
32. Has there been any lot owners that have called your office regarding lack of knowledge of the contents and interpretation of the AOC prior to my first phone call on April 27, 2016? If yes, how many would you estimate have called? **Yes, approximately a half dozen calls.**
33. Has there been any lot owners that have called your office regarding Wildwood's BOD not complying or committing violations with the AOC prior to my first phone call on April 27, 2016? If yes, how many would you estimate have called? **Yes, and any callers alleging violations of the AOC were requested to file a complaint with the Northeast Regional Office for further investigation.**
34. Who is the contact person & the address at Wildwood where all correspondence is sent pertaining to DNR? **The department sends correspondence to the park office. The contact name may vary depending on the nature of the correspondence.**



35. At anytime from the initial signing of the MSOP permit# MO-0035645 dated 3-30-07, was the address &/or contact person at Wildwood changed? **To our knowledge, the contact address has not changed. The permit cover letter was addressed to "Dear Permittee."**

36. Has a Wildwood maintenance manager ever requested to receive correspondence from DNR to his residential address instead of the Wildwood office address? **Not to our knowledge.**

37. Was Stan Altman or Bert Konle ever sent correspondence instead of park administrator Bill Griffith? **Correspondence has been directed to an association official at the park office.**

38. Who was responsible for sending in the application to renew permit# MO-0035645 180 days prior to the March 29, 2012 expiration date? **The Association is responsible for submitting the application. The department does not specify which individuals within the Association are responsible for fulfilling permit obligations.**