



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Michael L. Parson
Governor

Dru Buntin
Director

August 9, 2023

Eagle Bay Property Owners Association, Inc.
Eagle Bay POA Board of Trustees
28451 Northwood Drive
Lincoln, MO 65338

RE: Eagle Bay Development, Unpermitted, Benton County, Unapproved Wastewater Handling and Disposal in a Residential Development

Dear Eagle Bay POA Board of Trustees:

This is a notification to the Eagle Bay Property Owners Association (POA) Board of Trustees, all residents, lot owners, and property owners of the Eagle Bay Development (Development) that the Missouri Department of Natural Resources' Compliance and Enforcement Section of the Water Protection Program has initiated enforcement action against the Eagle Bay POA and lot owner(s) of the residential Development known as Eagle Bay located in Lincoln, Benton County, Missouri, for violations of the Missouri Clean Water Law (MCWL) as a result of unapproved wastewater handling and disposal occurring throughout the Development.

On December 16, 2022, Department staff conducted an investigation of the Development in response to environmental concerns reported to the Department alleging discharges of raw sewage within the Development.

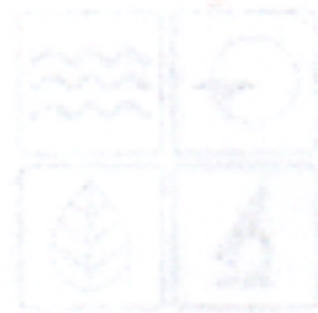
The Development is a residential Development subject to state regulation 10 CSR 20-6.030. Developers or any entity acting as a developer are required to receive written approval from the Department for the method of sewage treatment and disposal prior to the sale, lease, or start of construction on any 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.

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 Benton 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 Eagle Bay POA and individual lot owners, 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 Benton 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.
- 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.
- The Development must receive approval from the Department on the method of wastewater handling, treatment, and disposal to serve the entire campground.

The enforcement action against the Development will affect all lot owners. Additional information on steps to resolve the enforcement action will be provided in future correspondence.

For any questions regarding the enforcement process, please contact Erin Heidolph at the Department of Natural Resources, Water Protection Program, Compliance and Enforcement Section, P.O. Box 176, Jefferson City, MO 65102-0176; by phone at 573-751-8309; or by email at cwenf@dnr.mo.gov. If you would like to discuss this case further, you may call or schedule an online meeting with Erin Heidolph. Thank you for your attention to this matter.

Sincerely,

WATER PROTECTION PROGRAM

Joe Clayton
Compliance and Enforcement Section Chief

- c: Karen Rouse, Director, Kansas City Regional Office
Lance Dorsey, Public Drinking Water Branch, Compliance and Enforcement