

## FOOTHILLS POINTE OWNERS' ASSOCIATION

### WASTE TREATMENT MANAGEMENT RESPONSIBILITIES

A. **Purpose:** To define responsibilities for maintenance support tasks associated with the Foothills Pointe Owners' Association (FPOA) Waste Treatment System.

B. **Applicable CC&R and References:**

- 1 Article III, Section H. Utility and Maintenance Service Assessment (page 10): "Electricity, gas, water, telecommunication, refuse pick-up services and sewage treatment services may be provided by a third-party vendor to the Association."
- 2 Article III, Section J. Initial Contribution Assessment (page 10): "There shall be a one-time sewer tap assessment to be paid by the Owner of a Lot or Living Unit to the Association to allow the house to be tied into the wastewater treatment collection system."
3. Article IV, Section A, paragraph 1 (page 10). "If, due to the act or neglect of an Owner, or of his/her agent, servant, tenant, family member, invitee or licensee, damage shall be caused to the Common Elements, then such Lot or Living Unit Owner shall pay for such damage or necessary resulting repair or replacements, as may be determined by the Association."
4. Article IV, Section B. Access at Reasonable Hours (page 11): "For the purpose solely of performing such maintenance, repair and replacement as specified in Section A of this Article, the Association, through its duly authorized agents or employees, shall have a right, after a 10-day electronic or written notice to Owner or Owners affected by such work, to enter on any Lot or exterior of any Living Unit at reasonable hours on any day....In emergencies, the ten day notice provision shall not apply and emergency access shall be automatically granted until the emergency is addressed."
5. Article VI, Section C. Rules for Common Areas. (page 12): "The Association is authorized to adopt rules governing the use of the Common Areas and to provide penalties for violation of the same."
6. Article IX, Section A, paragraph 2, Utility Connections (Page 13): "Water, natural gas, electricity, and sewage disposal systems are provided with each Lot and Living Unit. All Lot and Living Unit Owners must use these and no other utility connection. The use of cesspools, septic tanks and septic tank drain fields, are prohibited except those installed and maintained by the Association."
7. National Pollutant Discharge Elimination System (NPDES) Permit No. TN0062316, March 1, 2023.
8. Water Quality Control Act of 1977 as Amended
9. Agreement Between FPOA and Kings Throne Septic Work (KTS), January 1, 2023.

C. **Introduction:** The FPOA waste treatment facilities consist of the Waste Collection System and the Waste Water Treatment System. The Waste Water Collection System is composed of the Septic Tank Effluent Pump (STEP) tank at each residence and all connectivity from that tank to the Waste Water Treatment facility input splitter box. The Input Splitter Box and the rest of the components in the "Wetlands" comprise the Waste Water Treatment System. FPOA maintains the entire system

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while the individual homeowner maintains everything inside their residence and the sewer line extending from their house to the STEP tank.

#### **D. Responsibilities of the Maintenance Contractor for System Management:**

1. Provide routine operation and maintenance of the collection and treatment systems.
2. Perform an inspection and operational check of each residential STEP tank, pump, and control panel on an annual basis. This requires inspections of approximately 12 tanks each month. Sludge and scum levels will be measured and recorded. KTS will schedule and supervise septage pumping at a separate charge as required.
3. Conduct an operational check of the wetlands system once each month and perform minor maintenance and adjustments as requested by FPOA. FPOA will collect and report the daily flow meter data each month for inclusion in the Monthly Operation Report (MOR) provided to the Tennessee Department of Environment and Conservation (TDEC).
4. FPOA will recommend to KTS minor repairs and equipment maintenance or replacement. Repairs, maintenance, or equipment replacement considered to be both non-routine and with costs estimated to exceed \$500 will be submitted to FPOA for approval prior to initiation. Examples of such non-routine items include but are not limited to Sewer Main excavation and/or repair, cleaning or vacuuming of the wetland's influent splitter box, influent manifolds, effluent chambers, or chlorine contact chamber.
5. Respond to service calls from homeowners or FPOA regarding STEP tanks, pumping units, or other collection or treatment emergencies.
6. Upon request, KTS will provide engineering support to FPOA including attending one FPOA meeting per calendar year. For attendance at more than one FPOA meeting or any other engineering support, such as meetings or negotiations with TDEC, KTS will charge its hourly engineering rate set forth in the current KTS /FPOA contract for time beyond the one meeting per calendar year.

#### **E. Responsibilities of the Testing Contractor for NPDES Testing:**

1. The Testing Contractor (Environmental Management Group) will conduct all operational and compliance monitoring, sampling, and reporting and collect flow data from FPOA, then construct and provide a signed/certified copy of the monthly MOR to TDEC postmarked no later than the 15<sup>th</sup> of each month.
2. Maintain the tablet chlorinators as required by the NPDES permit issued by TDEC.

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#### F. Responsibilities of FPOA as required by The Tennessee Department of Environment and Conservation, Division of Water Resources:

1. Place and maintain a sign at the wastewater outfall. The sign should be clearly visible to the public from the bank and the receiving stream. The sign is to provide notice to the public as to the nature of the discharge and in the case of the permitted outfall, that the discharge is regulated by the Tennessee Department of Environment and Conservation, Division of Water Resources.
2. Operate the Wetlands Waste Treatment Facility under the supervision of a certified wastewater treatment operator in accordance with the Water Quality Control Act of 1977 as Amended.
3. Operate the Waste Water Collection System under the supervision of a certified collection system operator in accordance with the Water Quality Control Act of 1977 as Amended.
4. Record NPDES testing results and submit results using Monthly Operation Report Forms (MOR) supplied by the Division of Water Resources. Submittals shall be postmarked no later than 15 days after the completion of the reporting period. A copy should be retained for the permittee's files. Monthly Operation Reports and any communication regarding compliance with the conditions of this permit must be sent to: Attention: Division of Water Resources Knoxville Environmental Field Office, 3711 Middlebrook Pike Knoxville, TN 37921.
5. The first MOR is due on the 15<sup>th</sup> of the month following permit effectiveness.
6. Monthly Operation Report must be signed and certified by a principal elected officer or duly authorized representative. Such authorization must be submitted in writing and must explain the duties and responsibilities of the authorized representative.
7. Properly operate and maintain the Waste Treatment System in accordance with the provisions of the NPDES permit and all applicable federal and state regulations and law.
8. Levy and collect any assessments needed to provide the funds required to properly operate and maintain the collection and/or treatment system. Funds required to properly operate and maintain the system shall include monies to fund all operation, maintenance, principle and interest of debt service and depreciation. Should the levied assessments fail to provide the required funds, the Homeowners' Association shall levy additional assessments as necessary.
9. Account for O&M funding in a separate account for in the financial management and accountability of the system. The O&M fund shall exist for the anticipated life of the collection and/or treatment system.
10. Submit a breakdown to TDEC of the estimated operation and maintenance costs as specified above along with documentation of the annual assessments to be levied in order to provide the required funds. This information shall be submitted within sixty (60) days of the effective date of a new permit or upon request by TDEC.
11. Grant authority to the officers of the Association, via the governing documents of the Association and/or its Bylaws, to levy and collect such assessments and/or tap fees in an amount to be determined by the FPOA Board of Directors. Each purchaser of a unit in the Association area shall be assessed a tap fee. All revenue from tap fees shall be placed in an escrow account to

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establish the reserve fund. The reserve fund shall be restricted to capital expenses, and thus, it may not be applied to operating expenses in the ordinary course of business.

12. Create, maintain and use reserve funds that are readily available to repair the collection system, in the event of damages, destruction or repair needs that are not considered to be normal maintenance. The reserve funds shall also be adequate to pay any penalties, fines or damage assessments. In determining the adequate amount of reserve funds, the Homeowners' Association must consider life expectancy of equipment, depreciation and replacement costs.
13. The reserve fund shall be separately accounted for in the financial management and accountability of the system. The reserve fund shall exist for the anticipated life of the collection and/or treatment system.
14. The amount of the reserve funds specified above shall be submitted to TDEC for review and approval within sixty (60) days of the effective date of this permit. The Homeowners' Association shall submit to TDEC an audit of the Association within sixty (60) days of the effective date of this permit. Thereafter, the Association shall submit an audit to TDEC annually.
15. The Homeowners' Association, in its Bylaws, or on publicly recorded Plats, shall identify the collection system as a common area which will receive the highest priority for expenditures by the Association except for federal, state and local taxes and insurance. In addition, the governing documents of the Association shall grant the Association the authority to obtain and execute a lien on any property where the owner fails or refuses to pay the necessary fees and assessments.
16. Financial Security:
  - a. FPOA shall obtain, maintain, and demonstrate adequate bond or financial security, in an amount equal to the amount of the reserve fund plus 5 years of operation and maintenance costs as defined in this section, for a term that is not less than the anticipated life of the collection and/or treatment system. The Homeowner's Association may obtain a Surety bond, Insurance and Risk Retention Group Coverage, Letter of credit or other financial security acceptable to TDEC.
  - b. Proof of adequate bond or financial security shall be submitted to TDEC in the form of a notarized copy of the instrument within sixty (60) days of the effective date of this permit. The Homeowner's Association shall also submit a notarized copy of the bond or financial security, should the term of the security be canceled, extended, the terms changed, or the Association obtains alternative security within thirty (30) days of the said change.
  - c. The Homeowners' Association must notify TDEC if the adequate bond or financial security is canceled. The Homeowner's Association shall have thirty (30) days from the notification of cancellation to obtain alternate adequate bond or financial security acceptable to TDEC.
  - d. Submit to TDEC the names, addresses and phone numbers of the Homeowners' Association officers within thirty (30) days of the effective date of the NPDES permit. The Homeowners' Association shall also notify TDEC of any change in status of the Homeowners' Association officers within thirty (30) days of such a change and have readily available for inspection, a list of names and mailing addresses of all active members of the association.

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#### G. Responsibilities of the FPOA Waste Treatment Chairperson:

1. Generally, coordinate Waste Treatment support for FPOA.
2. Work with maintenance contractor to determine when it is necessary to clean out the debris and settled sludge present in the wetland effluent chambers and the combined effluent chlorine contact chamber.
3. Remove perimeter trees and brush contributing to accumulation of biological materials (pine straw, cones, leaves, etc.) in the treatment cells.
4. Work with maintenance contractor to determine when it is necessary to clean/vacuum cell inlet distribution header in each cell to remove accumulated sludge.
5. Cut cell plants and remove plant material and other accumulated biological materials annually after the first frost.
6. Conduct a bi-weekly check for burrowing animal activity and coordinate removal/extermination as necessary.
7. Monitor contractor mowing and weed whipping in the Wastewater Treatment area and report any problems to the Grounds Chairperson.
8. Remove weeds from cells and from cell banks manually or using "Roundup" sparingly.
9. Support contractor installation of new STEP systems as required; including assisting contractor to find sewer taps, coordinating any required accesses with adjoining homeowners and similar support activities.
10. Coordinate with FPOA Roads Chairperson to clean out Waste Treatment Area servicing culverts as required.
11. Remove brush around "Treated Community Wastewater Discharge" sign to ensure the sign is visible from the lake in compliance with NPDES permit.
12. Conduct a bi-weekly walk through of the cell areas to remove fallen sticks and other biological material or as required following storms.
13. Summarize significant events and potential future actions in a report to the FPOA Board of Directors prior to the scheduled monthly meeting.
14. Provide inputs/requests to the Board for projects outside the scope of normal operations (e.g., additional contractor support, equipment rental or other items not included in the scope of the annual budget).
15. Coordinate any required fence repair with the Grounds Chairperson.