



**MISSOURI**  
DEPARTMENT OF  
NATURAL RESOURCES

**Michael L. Parson**  
Governor

**Dru Buntin**  
Director

August 8, 2022

Russell Giudicessi  
Forbes Environmental Control Committee  
26506 Gardiner Road  
Edwards, MO 65326

RE: Correction to August 2, 2022, Letter for Disposal of Wastewater in Residential Housing Developments  
Forbes Lake of the Ozarks Park Residential Housing (Subdivision) Development  
Benton County, Missouri

Dear Russell Giudicessi:

This letter is correcting citations within the August 2, 2022, letter. Please note this letter supersedes the previous letter.

This letter is to discuss the method of wastewater treatment within the Forbes Lake of the Ozarks Park Residential Housing Development (RHD), specifically lots that have either been developed with an individual residence or where a home is currently under construction as described in the documentation titled “Lots with Homes,” dated July 1, 2022, provided by the Forbes Environmental Control Committee received on July 11, 2022. A copy of the list is enclosed.

As identified in the documentation provided to the Missouri Department of Natural Resources, lots with existing homes served by an individual onsite wastewater treatment (septic) system (OWTS) are labeled with an M. While those lots with homes still under construction are labeled as UC.

As we’ve discussed, the Residential Housing Development Rule, 10 CSR 20-6.030, has been in place since 1974 with the current rule being effective on March 30, 1999, and unless specifically stated otherwise, the rule applies to all developers who propose a new development with 7 or more lots each less than 5 acres that will use OWTS with subsurface soil dispersal as the method of wastewater treatment. When a development is subject to the rule, it applies to all lots less than 5 acres and they must receive written approval from the Department for the method of wastewater treatment prior to the sale, lease, or the commencement of construction on any lot by the developer or any person.



As reported, the Forbes Lake of the Ozarks Park RHD, Benton County, was developed in 1983, consisting of 3,460 lots covering approximately 12,800 acres with the proposed method of wastewater treatment to be individual OWTS on the individual lots serving a single family residence.

It was then reported that the majority of lots within the Forbes Lake of the Ozarks Park RHD have been sold but only 80 lots have been developed with an individual residence and each served by an individual OWTS. It was then reported that 9 homes are currently under construction on individual lots. Regrettably, it cannot be demonstrated to the Department that the Forbes Lake of the Ozarks Park RHD received written approval for the method of wastewater treatment as required under 10 CSR 20-6.030 effective 1975. It was also reported that the original developer is no longer connected to the development property; thereby, making any subsequent developer(s) within the subdivision subject to the current rule, 10 CSR 20-6.030, effective March 30, 1999.

The Department recognizes that individual OWTS were installed on lots where the method of wastewater treatment was not approved under the Residential Housing Development Rule, 10 CSR 20-6.030; therefore, to protect public health the Benton County Department of Health or the Missouri Department of Health and Senior Services' Onsite Wastewater Treatment Program (DHSS) shall maintain oversight for those existing individual OWTS within the Forbes Lake of the Ozarks Park RHD.

As contained in 10 CSR 20-6.030, the Department has jurisdiction of determining the method of wastewater treatment on lots in a RHD; however, the Department also has the discretion to waive that jurisdiction over some or all of a RHD in specific cases.

To ensure the construction of the individual OWTS on the 9 lots listed as still under construction, the Benton County Health Department or the DHSS will have jurisdiction for the installation, operation, and maintenance of those systems following the criteria contained in the DHSS regulations, 19 CSR 20-3.060, Minimum Standards for On-Site Sewage Disposal Systems.

This letter should not be construed as an approval for the method of wastewater treatment on any lot within the Forbes Lake of the Ozarks Park RHD. This letter also does not guarantee that any of the lots currently under construction within this development will be approved for the use of an individual OWTS by the Benton County Health Department or the DHSS.

The effluent from any individual onsite wastewater treatment system constructed within the Forbes Lake of the Ozarks Park RHD shall be handled in such a manner that there is no violation of the Missouri Clean Water Law and its regulations.

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This letter does not excuse any person defined as a developer offering lots for sale or lease within the Forbes Lake of the Ozarks Park RHD from complying with or from liability for violations of the Missouri Clean Water Law and regulations or any other state or local laws.

If you have any questions, please contact Charles Harwood of my staff by phone at 573-751-9155, by email at [charles.harwood@dnr.mo.gov](mailto:charles.harwood@dnr.mo.gov), or by mail at Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Michael J. Abbott, Chief  
Operating Permits Section

MJA:chp

Enclosure

c: Eric Folks, Missouri Department of Health and Senior Services  
TJ Graven, Missouri Department of Natural Resources  
Richard Hamby, Benton County Health Department  
Rachelle Kuster, Missouri Department of Health and Senior Services  
Karla Pierce, Missouri Department of Natural Resources