



**MISSOURI**  
DEPARTMENT OF  
NATURAL RESOURCES

Michael L. Parson  
Governor

Dru Buntin  
Director

July 12, 2023

Forbes Lake of the Ozarks Park  
Land Owners Association  
26506 Gardiner Road  
Edwards, MO 65326

RE: Disposal of Wastewater in Residential Housing Developments  
Forbes Lake of the Ozarks Park Residential Housing (Subdivision) Development  
Benton County, Missouri

Dear Forbes Lake of the Ozarks Park, Land Owners Association:

This letter is to discuss the method of wastewater treatment within the Forbes Lake of the Ozarks Park Residential Housing Development (RHD), Benton County.

On June 21, 2023, the Missouri Department of Natural Resources (Department) received a copy of an engineering report titled *Report for the Utilization of individual Wastewater Facilities for the Forbes Lake of the Ozarks Park, Located in Benton and Camden Counties, prepared by Miller/Williams & Works, Inc., Revised April, 1983.*

As previously discussed, the current residential housing development rule, 10 CSR 20-6.030, effective March 30, 1999, sets forth requirements for developers of residential housing developments for the method of wastewater disposal. The rule applies to all residential housing developments established after March 30, 1999. Subdivisions that were developed prior to March 30, 1999, were required to comply with the most recent version of the regulation in effect at that time. Prior versions of 10 CSR 20-6.030 became effective on June 30, 1974, June 26, 1975, and May 15, 1984.

As stated in 10 CSR 20-6.030(1)(C)2, “Subdivisions which were approved or exempted by the department under the subdivision regulations which were effective June 30, 1974, June 26, 1975 or May 15, 1984” are exempt under the current rule.

However, because the engineering report was not submitted in 1983, the Department never “approved or exempted” this subdivision in accordance with the 1975 regulations as required. Despite this omission, the Department is willing to excuse this oversight and evaluate the report as if it had been properly submitted forty years ago. Therefore, unless additional information arises that would demonstrate otherwise, the Department has reviewed the engineering report



and has determined that if this report had been submitted for approval in 1983, it would have satisfied the residential housing development rule in effect at that time. Therefore, the Department has determined that this report satisfies the exemption as contained in the current and effective rule, in accordance with 10 CSR 20-6.030(1)(C)2. Thus, at this time the existing Forbes at the Lake of the Ozarks Park RHD is exempt under the current residential housing development rule, 10 CSR 20-6.030, effective March 30, 1999, as the lots are currently sized and configured.

This letter pertains to the exemption as contained within 10 CSR 20-6.030(1)(C)2, with respect to the method of wastewater treatment only. There shall be no deviation or change to the lot sizes or their configuration as indicated in the 1983 engineering report without first securing written approval for those changes from the Department of Natural Resources.

This letter does not guarantee that the local onsite wastewater permitting authority or the Department of Health and Senior Services, Onsite Wastewater Treatment Program will approve the use of an individual onsite wastewater (septic) treatment system on lot(s) within the Forbes Lake of the Ozarks Park RHD.

The effluent from any 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.

This letter does not excuse any individual defined as a developer or any person from complying with or from liability for violations of the Missouri Clean Water Law and regulations or any other state or local laws. Any other interpretation beyond what is described in this letter or contained within the Residential Housing Development Rule 10 CSR 20-6.030 may be considered out of its scope and could result in a violation of the Missouri Clean Water Law and regulations.

If you were adversely affected by this decision, you may be entitled to an appeal before the Administrative Hearing Commission (AHC) pursuant to Section 621.250, RSMo. To appeal, you must file a petition with the AHC within 30 days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the AHC. Contact information for the AHC is: Administrative Hearing Commission, United States Post Office Building, Third Floor, 131 West High Street, P.O. Box 1557, Jefferson City, MO 65102; phone: 573-751-2422; fax: 573-751-5018; and website: <https://ahc.mo.gov>.

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Land Owners Association  
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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



John Hoke  
Director

JH:chv

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
- Joel Reschly, Missouri Department of Natural Resources
- Karla Pierce, Missouri Department of Natural Resources
- Aaron Winslow, Missouri Department of Health and Senior Services