

**STONE COUNTY
UTILITY AUTHORITY**

RULES AND REGULATIONS

CHAPTER 1. PURPOSE AND DEFINITIONS

Section 1.01 Authority

These rules and regulations relating to construction, operation, and maintenance of water, wastewater, and storm water systems located within the service area of the Stone County Utility Authority are promulgated pursuant to Miss. Code Ann. §§ 49-17-701, et seq. (Supp. 2006).

Section 1.02 Purpose/Mission Statement

The Stone County Utility Authority's mission is to consolidate water, wastewater, and storm water services within its jurisdiction in order to reduce costs, promote resilience in the event of a disaster, improve the quality of the natural environment, and improve the planning and delivery of quality water, wastewater, and storm water services to the citizens of Stone County and to the Gulf Coast region, and to plan, acquire, construct, maintain, operate and coordinate water, wastewater, and storm water services in order to ensure protection of state waters and to ensure the delivery of these services to the citizens of Stone County and to the Gulf Coast region.

Section 1.03 Definitions

Section 1.03.01 "Act" shall mean the Mississippi Gulf Coast Region Utility Act set forth at Miss. Code Ann. §§ 49-17-701, et seq. (Supp. 2006).

Section 1.03.02 "Application" shall mean a request by any person to design, construct, operate, own, or control any System as defined in this Regulation. Such request must be in writing on forms approved by the Authority and accompanied by such supporting documentation as deemed appropriate.

Section 1.03.03 "Authority" shall mean the Stone County Utility Authority which is a public body corporate and politic constituting a political subdivision of the State of Mississippi and created by the Mississippi Legislature pursuant to Miss. Code Ann. § 49-17-723. The Authority is composed of the geographic area of Stone County as defined in Miss. Code Ann. § 19-1-131.

Section 1.03.04 "Authority's jurisdictional area" shall mean the geographical area of Stone County as defined in Miss. Code Ann. § 19-1-131.

Section 1.03.05 "Authority's retail area" shall mean the area within the county where the Authority provides retail services.

Section 1.03.06 "Authority's wholesale area" shall mean the area within the county where the Authority provides wholesale services.

Section 1.03.07 "Backflow" shall mean the reversal of normal flow direction where water flows from the intended point of delivery towards the public water supply.

Section 1.03.08 "Board" shall mean the Board of Directors for the Stone County Utility Authority.

Section 1.03.09 "Centralized wastewater system" shall mean a system of pipes or other collection devices designed to transport wastewater from residential or commercial premises to a treatment and disposal facility.

Section 1.03.10 "Connection" (water and sewer system) shall mean the physical act or process of

tapping a public water or public sewer line for the purpose of connecting private plumbing or industrial systems to the public water or sewer system.

Section 1.03.11 “Connection” (storm and surface water system) shall mean the physical act or process of tapping a public storm sewer line for the purpose of connecting private impervious surface or other storm and surface water sources or systems to the Public storm sewer system. “Connection” shall also include the construction of impervious surface or other human activity that cause, or likely is to cause, and increase from the natural state of storm water runoff quantity or pollution, a decrease in water quality, or a combination thereof, to the storm and surface water system.

Section 1.03.12 “Construction” shall mean any placement, assembly or installation of facilities or equipment, including contractual obligations to purchase those facilities or equipment, at the location where the equipment will be used, including any preparation work at any location.

Section 1.03.13 “Cross connection” shall mean any direct interconnection between a public water system and a non-public water system or other source which may result in the contamination of the drinking water provided by the public water system. This definition includes and arrangement of piping where a potable water line is connected to non-potable water; it may be a pipe-to-pipe connection where potable and non-potable water lines are directly connected, or a pipe-to-water connection where the potable water outlet is submerged in non-potable water. If the potable and non-potable source are separated by gate valves, check valves or devices other than the appropriate backflow preventer as outlined by this regulation, a cross connection exists. Bypass arrangements, jumper connections, swivel or change over assemblies, or other temporary or permanent assemblies through which, or because of which, backflow may occur are considered to be cross connections.

Section 1.03.14 “Decentralized wastewater system” shall mean clustered wastewater systems that are used to collect, treat, and dispose of relatively small volumes of wastewater, generally from dwellings and businesses that are not connected to a centralized wastewater system.

Section 1.03.15 “Development” shall mean any commercial or residential construction which requires installation of a water, wastewater, or storm water system.

Section 1.03.16 “Erosion” shall mean the movement of soil resulting from the flow or pressure from storm water, irrigation water, other water or wind.

Section 1.03.17 “Individual on-site wastewater disposal system” shall mean a sewage treatment and effluent disposal system that does not discharge into waters of the state, that serves only one legal tract, that accepts only human sanitary waste and similar waste streams maintained on the property of the generator, and that is designed and installed in accordance with Miss. Code Ann. §§ 41-67-1, et seq. and regulations of the Mississippi State Board of Health.

Section 1.03.18 “Individual water system” shall mean a well, other than a public water system, that is drilled, driven, bored, excavated, or otherwise penetrated into the ground to access, elevate, and/or withdraw groundwater. For purposes of this regulation, this definition does not pertain to wells constructed for the purpose of disposal of fluids or other materials.

Section 1.03.19 “Local Utility Provider” is the portion of the water or sewer system, program of construction, operation, maintenance, and regulation within Stone County which may be performed by the Authority, or by a Municipality or by a Public Agency, or by a Utility.

Section 1.03.20 “Mechanical treatment system” shall mean any individual onsite wastewater disposal system that utilizes an aerobic treatment unit as defined by National Sanitation Foundation (“NSF”) Standard 40 and is authorized for use or sale in Mississippi by MDH.

Section 1.03.21 “MDH” shall mean the Mississippi Department of Health.

Section 1.03.22 “MDEQ” shall mean the Mississippi Department of Environmental Quality.

Section 1.03.23 “MODBUS” shall mean a common, industry standard communications protocol used by programmers to connect electronic mechanical device(s) to a SCADA system(s) for the purpose of monitoring and/or controlling the function of the electronic mechanical device(s).

Section 1.03.24 “Permit Board” shall mean the Mississippi Environmental Quality Permit Board.

Section 1.03.25 “Permittee” shall mean any person that owns, operates, controls, or undertakes to construct, own, operate, or control any System as defined herein.

Section 1.03.26 “Person” shall mean the State of Mississippi, a county, a municipality, any public agency, or any other city, town, village, or political subdivision of governmental agency, governmental instrumentality of the State of Mississippi or of the United States of America, or any private utility, individual, co-partnership, association, firm, trust, estate or any other entity whatsoever.

Section 1.03.27 “Professional engineer” shall mean a person who has met the qualifications as required under Miss. Code Ann. § 73-13-23(1) and who has been issued a certificate of registration in the State of Mississippi as a professional engineer.

Section 1.03.28 “Public water system” shall mean a system for providing to the public water for human consumption through pipes or other constructed conveyances if the system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) individuals. The term includes but is not limited to: (1) Any collection, treatment, storage and distribution facilities under control of the operator of the system and used primarily in connection with the system; and (2) Any collection or pre-treatment storage facilities not under the control which are used primarily in connection with the system.

Section 1.03.29 “Retail Sales” shall mean the provision of utility service directly to the consumer based on a metered or flat rate.

Section 1.03.30 “SCADA” (Supervisory Control and Data Acquisition) shall mean a central, electronic control system that is utilized for monitoring, supervising and/or controlling remote mechanical devices such as pumping stations, metering stations, valves, etc. from a central, frequently staffed facility.

Section 1.03.31 “Septic tank system” shall mean an individual onsite wastewater disposal system that utilizes a septic tank to provide primary treatment of a waste stream.

Section 1.03.32 “Subdivision” shall mean any plot or tract of land that has been or is proposed to be divided into 2 or more lots.

Section 1.03.33 “System” shall mean any plants, structures, facilities and other real and personal property, used or useful in the generation, storage, transportation or supply of water: and the collec-

tion, transportation, treatment or disposal of wastewater and storm water, including, but not limited to, tanks, lakes, streams, ponds, pipes, trunk lines, mains, sewers, conduits, pipelines, pumping and ventilating stations, plants and works, connections and any other real and personal property and rights, therein necessary, useful or convenient for the purposes of the utility board or authorities in connection with the implementation of the Mississippi Gulf Coast Region Utility Act.

Section 1.03.34 “Waters of the State” shall mean all waters within the jurisdiction of this State, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, and all other bodies or accumulations of water, surface and underground, natural or artificial, situated wholly or partly within or bordering the State; except lakes, ponds, or other surface waters which are wholly landlocked and privately owned, and which are not regulated as waters of the United States under Section 404 of the Clean Water Act.

Section 1.03.35 “Wholesale” shall mean for purposes of this Regulation the provision of utility service to a retail utility for resale to consumers.

FLOW CHART FOR STIE PLAN DEVELOPMENT AND COMPLETION

Begin Developer or Representative

Step 1 (Informal Conference)
(Optional with Developer)

Step 2 Application
(Conceptual Plans Required)

Step 3 SCUA Review
(Approve for Preliminary Plan Development)

Step 4 Health Department Recommendations
(Required for IOWDS)

Step 5 Preliminary Plans and Outline Specifications
(Optional with Developer for simple plans)

Step 6 SCUA Review
(If Preliminary Plans are submitted, approve for further Development)

Step 7 Site Development Agreement

Step 8 Final Plans and Specifications
(Cost Estimate Required)

Step 9 SCUA Review
(Approve for State Review)

Step 10 State Review
(MDEQ and/or MDH)

Step 11 Site Plan Development Permit
(Issued by Authority)

- Step 12 Substantial Completion
 (Issued by Authority)
- Step 13 Completion Letter
 (Issued by Authority)
- Step 14 Record Plans
 (Developer to submit to Authority)
- Step 15 Final Plat Approval
 (SCUA stamp plat before filing)
- Step 16 Maintenance Assurances and or Agreement
 (Required for privately maintained systems)
- Step 17 Warranty Period Completion
 (One year warranty required)

CHAPTER 2. SITE DEVELOPMENT PLANS AND PERMITTING

Section 2.01 General

The requirements of this Chapter shall apply to all Subdivision Developments, commercial and industrial development, multi-family residential construction and to any construction activities that involves water systems, sewer systems, storm water systems, all construction which disturbs the land surface of one (1) acre or more. This Chapter does not include the construction of a single family residence.

Section 2.02 Site Development Permit

A Site Development Permit shall be obtained from the Authority prior to starting construction of a facility which requires connection to any water, sewer, or storm drainage system. To obtain a Site Development Permit, the Owner shall submit to the Authority the following documents:

- (a) Approved Construction Plans for Water Systems;
- (b) Approved Construction Plans for Sewer Systems;
- (c) Storm Water Notice of Intent, Proof of Coverage or NPDES Permit;
- (d) Storm Water Pollution Prevention Plan (SWPPP);
- (e) All easements (Clear Title);
- (f) Performance Assurances;
- (g) Construction Permit Agreement;
- (h) Pay all fees including Plan Review, Inspection and Development charges.

All of the above listed documents will not be required on all Projects. The applicant shall explain why a particular document is not relevant to his/her project.

Section 2.03 Steps for Obtaining a Site Development Permit

All Construction Plans shall be prepared by a Mississippi Registered Engineer. If a step, procedure or question on a form does not fit a particular project, acknowledge that such requirement was omitted and state the reason, such as Not Applicable (N/A).

STEP 1. Informal Conference or Pre-Application Conference

The Informal Conference is optional with the Developer. The Informal Conference shall be requested on SCUA Form 003. The purpose of the Informal Conference is to provide the Developer with an opportunity to consult early and informally with the Authority Staff, and other appropriate officials before development of Preliminary Plans. If the Developer chooses to skip the Informal Conference, he may proceed directly to an Application Form (SCUA Form 004 or Form 005).

To facilitate an effective conference, the developer shall provide drawings, sketches, pictures and other documents to convey to the Authority's Engineer the concept of the proposed Development. At a minimum, the Developer should have a 7.5 minute Quadrangle map and an Ownership Map of the area proposed.

STEP 2. Application Form

If the Developer desires to proceed with the project after the Informal Conference, the Developer shall complete an Application Form (SCUA Form 004) and deliver to the Authority. The Authority shall review the Application Form for conformity with the overall plan for Stone County and compliance with these rules and regulations.

STEP 3. Notification

The Authority shall notify the Developer in writing of any action taken by the Board.

STEP 4. Stone County Health Department

After review of the Application and conference with the Developer it becomes apparent that central sewer or decentralized sewer are not an option and the Developer proposes to use Individual On-Site Wastewater Disposal Systems (IOWDS), the Authority shall submit a request to the Mississippi Department of Health (MDH) to make a soil evaluation of the proposed Development and to make recommendations regarding the use of IOWDS.

STEP 5. Preliminary Plans

Preliminary Plans are not required for subdivisions less than 20 lots. The Developer may choose to omit preparation and review of Preliminary Plans when the Project is simple or routine or the Authority's Engineer determines that the Final Plans will not require extensive revisions.

In addition to the usual requirements for Preliminary Plans the following items shall be required on the Cover Sheet (sheet 1).

- Vicinity Map including adjacent ownership;
- Name of Development;
- Name and address and cell phone number of the Developer and the Engineer;
- Index of Plan Sheets; and
- Multiphase projects shall show overall project and each phase.

The following specific information shall be shown on the second sheet:

- Overall map of the subdivision showing boundary, layout of streets, street names and location of plan sheets;
- Accurate two (2) foot interval contours; and
- Natural features including streams, wetlands, flood plains and access to public roads.

Outline Specifications shall be submitted with Preliminary Plans.

STEP 6. Preliminary Plan Approval

Upon conditional approval by the Authority, the Developer shall coordinate the plans with the County Engineer. If there are conflicts with the Road Plans or the County Subdivision Ordinance, the Developer shall request a conference with the Authority and the County Engineer to resolve the conflict. The Developer shall make the agreed changes to the plans and resubmit to the Authority. The Authority shall then approve the plans for further development. The Developer may proceed to developing the Final Plans.

STEP 7. Site Development Agreement

Upon approval of the Preliminary Plans or before, the Authority shall prepare a draft "Site Development Agreement" for review and approval by the Authority, the Developer and if applicable, the Local Utility Provider. The Agreement shall set forth the responsibilities of each party for the design, construction, maintenance of the water, sewer and storm water facilities.

STEP 8. Final Plans and Specifications

Final Plans shall be complete plans suitable for construction, including layout and staking of facilities with suitable detail to purchase materials and bid the work. In addition, the Final Plans shall, among other things, provide detailed drawings, pipe sizes, schedules, tabulations, quantities, dimensioning, erosion control and channel protection plans as well as water quality and quantity control facilities.

Other items to be submitted with the Final Plans are:

1. A Design Manual which shall detail the reasoning and calculations for sizing water lines, sewer lines, storm water and other appurtenances. Explain any non-standard materials or construction.
2. A bound copy of the Final Construction Specifications shall be included in the submittals; and
3. The Developer's Engineer shall furnish a cost estimate for construction to the Authority for calculation of bonds and fees.

If there have been any changes to the Preliminary Plans approved by the County Engineer, the Developer's Engineer shall resubmit the Final Plans to the County Engineer and obtain his approval before submitting the Final Plans to SCUA for review.

STEP 9. Review of Final Plans

After SCUA has reviewed the Final Plans they will be stamped by the Authority: "Approved for Further Review". The Developer's Engineer shall forward the plans to MDEQ and MDH for approval. In event there are changes to be made, the Developer's Engineer shall make the changes and return the Plans and Specifications to the approving agency for approval.

STEP 10. State Approval

After the Final Plans have been approved by MDEQ, MDH and any other agencies having jurisdiction, each sheet of the Final Plans and the Specifications cover shall be stamped by the Authority: "For Construction". No changes shall be made to the Construction Plans except by change order and executed by all relative parties. All change orders shall be noted on the affected Plan Sheets.

STEP 11. Issuance of Site Development Permit

Upon approval of all the Final Plan Submittals, the Authority shall issue to the Developer a Site Development Permit, which shall set forth all requirements for construction of water, wastewater and storm water for the proposed development. The Authority shall stamp all approved plans and shall

forward said plans to the County for review. If the County changes or modifies the plan which affects the water, wastewater or storm water plans as approved by the Authority, the Developer shall submit any revisions to the Authority for approval. Upon issuance of final approval of the County, the Developer may proceed to construction in accordance with the approved Site Development Permit.

STEP 12. Substantial Compliance

A project shall be deemed substantially complete, and eligible for issuance of water, sewer and stormwater Connection Permits, when the Authority determines that all necessary required elements are in place.

STEP 13. Completion Letter

Upon acceptance by the Authority that the project is complete or substantially complete, the Authority shall issue a letter to the County stating that the construction phase is complete and in accordance with the rules and regulations of the Authority. The letter shall state any contingency items which remain the responsibility of the Developer to complete. Upon approval by the County, the Developer may proceed to the preparation of Record Drawings.

STEP 14. Record Drawings

(a) The Owner or Engineer shall submit a full set of reproducible record drawings on the project, stamped and signed by the Engineer of Record and in a form acceptable to the Authority. The record drawings shall accurately represent the constructed project as determined by a post-construction survey. Record survey notes may be required by the Authority if a discrepancy is noted between the submitted Record drawings and the Authority inspection notes.

(b) A CD of the electronic record drawings shall be submitted to include the geo-referenced plan with all sizes, valves, laterals and other pertinent system information as a separate file for inclusion into the Stone County's GIS system. The electronic version shall comply with all requirements of the Stone County Planning Department

(c) Electronic Record Drawings of the water and sewer system components of all Authority or dedicated projects shall be submitted by the Authority. A single hard copy of the record drawings shall be provided to the Authority by the submitting agency, developer or person. Record Drawings found not to be accurate or corrected for actual field conditions shall subject the submitting agency, developer or person to a fine of at least \$200 per noted violation.

STEP 15. Final Plat Approval

Prior to the filing of the final plat, the Authority shall review and stamp the final plat prior to filing with the Chancery Clerk.

STEP 16. Maintenance Assurance

Maintenance Assurances shall be required for work to ensure post construction quality. Assurances shall be in the form of a letter of commitment, bond, or cash deposit in form and substance satisfactory to the Authority.

The Authority shall perform a visual and video inspection of the gravity sewer and stormwater conveyance systems during the one-year warranty period and identify any defects in the systems. The owner shall pay for the cost of video inspections. The owner shall correct any defects identified prior to conclusion of the one-year warranty period. The one-year warranty and maintenance period shall begin again from the date of any correction of any defects identified during the warranty period. The maintenance assurance shall not be release until all defects have been corrected and inspected.

STEP 17. Warranty Period Completion

The one year warranty period shall be complete when all the requirements have been met, the one-year maintenance assurance period, including any extensions, has expired on all elements of the project, and any repairs required during the maintenance period have been completed and accepted.

Section 2.04 General Rules Regarding Design and Construction of Utilities

Section 2.04.01 Authority Inspection

(a) An Authority representative may inspect the project as necessary and shall check materials, equipment, and the construction of the project to determine whether the work is proceeding in accordance with the approved plans and the requirements of these rules. The purpose of these inspections is to monitor compliance with Authority construction standards and the inspections are for the benefit of the Authority.

(b) The Authority does not provide the primary inspection for the project, and only provides a level of inspection necessary to monitor the quality of work being performed by others. The Owner retains primary responsibility for project inspection.

Section 2.04.02 Change in Plans/Standards

The Authority shall have the right to require changes in the plans or in standards contained herein in order to protect the public interest or the normal operations of the Authority. Such changes shall be required at the sole discretion of the Authority and may include, but are not limited to, the allowance of new or different materials or products that are equivalent to or better than the product specified in the approved plans.

Section 2.04.03 Guaranty

If the Owner, after notice of defective work, fails within thirty (30) days to proceed to comply with the terms of Section 2.10, the Authority may have the defects corrected. The Owner's surety or issuer of the performance or maintenance assurances under Section 2.09 and Section 2.14 shall be liable for all expenses incurred, provided, however, that in case of an emergency where, in the opinion of the Authority, delay would cause serious loss or damage, repairs may be made without notice being given to the Owner, and the Owner and the Owner's surety shall be jointly and severally liable for the cost thereof.

Section 2.04.04 Easements

Off-site easements shall be granted to the Authority on an instrument approved by Authority Legal Counsel prior to issuance of the Site Development Permit. On-site exclusive easements shall be granted to the Authority and shown on the final plat before plat approval and recording. Easements for single lines shall be a minimum of twenty-five (25) feet wide unless otherwise approved by the Authority. Easements for multiple lines shall be a minimum of thirty (30) feet wide. When a pipe will be "deadheaded", the easement shall extend a minimum of five feet past the end of the structure. Access easements suitable to provide access for the maintenance vehicles and equipment used by the Authority or the Local Utility Provider are required for all water, sewer and storm water facilities.

Section 2.04.05 Performance Assurances

Performance assurances shall be required for work authorized by the Authority to ensure quality and completeness of the project and shall be submitted by the Owner as a performance assurance for such work. Assurances should be in the form of a letter of commitment, performance bond or cash deposit in form and substance satisfactory to the Authority. The amount of the performance assur-

ance shall be determined by the Authority. Modifications to plans approved by the Authority may require an increase in the performance bond amount.

Section 2.04.06 Project Construction Phase Completion and Acceptance

The construction phase of a project is complete when all of the following criteria are met, where applicable:

(a) All components of the water, sewer and stormwater systems have been constructed, tested, and accepted by the Authority or the Local Utility Provider according to the standards described in these rules;

(b) All water systems shall have been tested and certified by the Health Department;

(c) Water quantity and/or water quality facilities have been constructed, landscaped, and accepted by the Authority;

(d) Post construction erosion control measures as determined by the Authority have been installed and accepted by the Authority;

(e) Maintenance Assurances have been submitted and accepted by the Authority.

CHAPTER 3.

WATER SYSTEM REQUIREMENTS

SECTION 3.01 REQUIRED CONNECTION TO WATER SYSTEMS

Section 3.01.01 No Person shall erect, construct, or operate a public water system, nor undertake enlargements, extensions, additions, modifications, renovations or repairs to any public water system, including storage, distribution, purification, or treatment components, without having first secured MDH's and the Authority's approval of the following: the source of water supply; the means and methods of treating, purifying, storing and distributing said water; and obtaining a permit to operate a public water system. Prior to any consideration of a public water system, the wastewater system must be approved by MDEQ.

Section 3.01.02 No person shall occupy, lease, or permit the occupancy of any building or structure within Stone County without a connection to a public water system, where public water system is available, unless otherwise approved by the Authority.

Section 3.01.03 The owner of any house, building, structure, or property used for human occupancy, employment, recreation, or other purpose, within 365 days, after receiving written notice of the availability of a public water service, shall connect to the available public water system at his or her own expense. If connection is not made within 365 days, the Authority will send a second written notice requiring the owner to connect, to the public water service. Failure to connect after the second notice will be considered a violation of the Authority's rules.

Section 3.01.04 On a case by case basis, the Authority may approve the use of private water wells for an individual residence or building; however, private water wells may not be used for any Development unless the Development is more than 3000 feet from an available public water system and the Development is on lots of at least 1.5 acres in size. The Owner of a private water well, upon

written notice from the Authority, shall connect to a public water system.

Section 3.01.05 If an individual water system is approved the individual system owner shall have the necessary water rights and the system shall have the ability to supply a minimum of 400 gallons per day per household 365 days a year. For seasonally used recreational housing, the system shall meet the same requirements during the time period the housing is occupied. Seasonally used recreational housing shall not be occupied when the above requirements cannot be met. Individual water systems shall provide a minimum of 20 pounds per square inch of pressure at all times.

Section 3.01.06 Individual Water Systems may be used for irrigation, or other non-potable uses. All Individual Water Systems shall be installed in such a manner to prevent the possibility of backflow to a public water system.

Section 3.02 WATER SYSTEM DESIGN REQUIREMENTS

Section 3.02.01 The design of the components of a public water system must be submitted to MDH by a professional engineer in accordance with MDH requirements. Specific design criteria and requirements can be found in the current "Recommended Minimum Design Criteria for Mississippi Public Water Systems" as published by MDH.

Section 3.02.02 Computerized hydraulic modeling of water system components of the Development or significant water transport and distribution extensions may be required by the Authority and incorporated into the regional system model. Modeling and supporting calculations and documentation will require review and approval of the Authority prior to completion of design. All hydraulic modeling shall be done using KY Pipe software and shall be submitted in electronic format to the Authority. All modeling shall be referenced to the Mississippi State Plan Coordinate System East Zone and all elevations shall be referenced to Stone County Geodetic Control Network.

Section 3.02.03 The design documents for any water system improvement shall be reviewed, approved and permitted by the Authority prior to construction.

Section 3.02.04 The design shall incorporate the use of SCADA systems for remote operation and monitoring using MODBUS protocol that is consistent among all Authorities.

Section 3.02.05 All new water systems shall be designed to provide fire protection for the Development, in compliance with the Mississippi Rating Bureau for the classification sought. The following shall be considered the minimum requirements for residential fire protection:

- 1) 1000 gpm at any fire hydrant connection;
- 2) Fire hydrants shall be located no further than 500 feet from each residential home and the hydrants shall be approved by the Authority; and
- 3) Pipe shall be AWWA C-900, NSF approved or an approved equal or better pipe material. For multi-family, commercial and industrial Developments, the Owner's Professional Engineer shall design the water system to provide fire protection.

Section 3.02.06 All new water systems shall be designed to maintain a minimum pressure of 20 psi dynamic pressure and a maximum of 80 psi static pressure at each service connection.

Section 3.02.07 All systems components that are deemed critical to the integrity of the water system shall be provided with backup power supply. All non critical components of the water system that require power and could cause an environmental, operational or other emergency condition for non-operation shall be equipped with the necessary connection to a stand-by or portable power supply.

Section 3.02.08 Backflow prevention shall be provided by a double check valve reduced pressure assembly or other MDH approved devices to prevent contamination of the public potable water supply. Backflow prevention shall be utilized or installed at any service connection to the public water system when deemed necessary by the Authority or MDH.

Section 3.02.09 All water mains, including those not designed to provide fire protection, shall be sized based upon a hydraulic analysis based on flow demands and pressure requirements.

Section 3.02.10 All water lines shall be installed with tracer wires approved by the Authority.

CHAPTER 4. WASTEWATER REQUIREMENTS

Section 4.01 Individual On-site Wastewater Disposal Systems ("IOWDS")

Section 4.01.01 New IOWDS Installed

(a) It is the policy of the Authority that IOWDS shall be used only when no alternative is available to provide wastewater services. This section applies to installation of all IOWDS after April 18, 2006. All subdivisions, which on or before April 18, 2006, which have Preliminary Plat approval by Stone County and MHD approval letter for use on IOWDS shall be considered to have been approved by the Authority for the use of IOWDS, all subdivisions which do not have Preliminary Plat Approval or which do not have MHD approval letter before April 18, 2006 shall be required to comply with the requirements of this Section.

(b) The Authority may waive the lot size requirements for all existing lots which were plotted and filed with the County land records prior to April 18, 2006; however, all other requirements set forth in these regulations shall apply including the requirements of design and permitting of the IOWDS.

(c) When public water is not available; IOWDS will only be considered for new Development for lots with a minimum of 1.5 acres with suitable soil, otherwise 3 acres. When calculating the acreage available for development, shall not include any property located in a road or road right-of-way, wetlands, lakes, streams or other water bodies or flood plain, flood way or flood zone

(d) When public water is available; IOWDS shall only be considered for residential lots with a minimum of 1.0 acre. When calculating the acreage available for development, shall not include any property located in a road or road right-of-way, wetlands, lakes, streams and other water bodies or flood plain, flood way or flood zone;

(e) No IOWDS shall be constructed within a floodway, floodplain or within the 100 year flood zone;

(f) All lots must be inspected by the MDH and a determination made that an IOWDS can be constructed in accordance with this regulation and all requirements of the MDH; and

(g) Commercial Developments and residential lots not in subdivisions shall be evaluated on a case by case basis for a determination of whether or not an IOWDS may be approved.

Section 4.01.02 Design of New IOWDS

The specific type of IOWDS to be used for the given site and soil conditions of the Development shall be as required by MDH and the Authority. The permittee shall provide any required testing and other design or supporting information to MDH and the Authority for their analysis and use. All IOWDS shall be designed and constructed to be water tight and in accordance with approved designed specifications of the Authority.

Section 4.01.03 Installation of New IOWDS

(a) The installation of IOWDS shall conform to the plans and specifications approved by the Authority. The installation of IOWDS shall be provided by a installer certified by MDH of the type of system proposed. The installation of the IOWDS shall be subject to review and inspection by the Authority and/or its designee and/or MDH at all times.

(b) The owner of IOWDS shall provide the Authority with certification that the system was installed in accordance with the Authority's rules and regulations.

Section 4.01.04 Permits for IOWDS

Once a permit is required under these rules, the Authority will issue each newly constructed or certified existing IOWDS Owner an IOWDS Permit which shall be valid for a period of five (5) years. IOWDS Permits are non-transferable and new permit shall be required when change of ownership occurs. The Owner shall be responsible for all requirements set forth in the Permit.

Section 4.01.05 Existing Individual On-Site Wastewater Disposal Systems

(a) The Authority encourages all Owners of existing on-site systems to routinely have their system inspected by a qualified professional. However, the Authority has determined that due to the potential health and environmental issues from high density area, all existing on-site system within a Development of twenty (20) or more lots connected to IOWDS shall be inspected and certified to be operating properly by a competent licensed professional within 365 days of enactment of these rules.

(b) In addition, the Authority has determined that prior to any transfer of ownership of a property, building or structure which uses an IOWDS; the IOWDS shall be inspected and certified, by a licensed professional, to be operating properly prior to sale. The owner of the IOWDS shall submit to the Authority proof of certification within thirty (30) days of the transfer of ownership, failure to submit within thirty (30) days will be a violation of the Authority's rules. Failure to submit proof of certification within sixty (60) days of transfer of ownership, shall be a continuing violation of the Authority's rules and subject to a fine not to exceed \$100.00 per week until such certification is submitted to the Authority. 12 December 2006

(c) The Owner, of any such property required to be certified in subsection (a) and (b) above, shall submit a Permit Application to the Authority within the time period established by the Authority and shall be responsible for proper operation and maintenance of such system.

(d) Upon receipt of the Permit, the Owner shall follow the rules and regulations established by the Authority, the Stone County Health Department, the Mississippi Department of Health, the MDEQ or EPA concerning the maintenance, and operation of an IOWDS.

(e) All existing IOWDS shall be certified by a Person who holds a license from the Mississippi State Department of Health pursuant to Miss. Code Ann. §§43-3-15(3)(n) and 41-67-5.

(f) All IOWDS shall be adequately inspected at a frequency as specified in the Permit.

(g) The Owner of an IOWDS shall provide a copy of the inspection report to the Authority, along with a description of corrective actions taken if such actions are needed.

Section 4.01.06 Penalty for Falsifying IOWDS Inspection or Certification Report

Failure to comply with the IOWDS permitting requirements shall be a violation of the Authority's rules and may subject the Owner to a fine in the amount not to exceed \$100.00 per week. The preparation or filing of a false inspection report or certification shall be a violation of the Authority's Rules and shall subject the Person who prepared the false report or certification to a fine not to exceed \$10,000.00 per violation. In addition any such Person found to have knowingly prepared a false report or certification shall be placed on a list of disqualified professional and shall not be allowed to install, design or certify any water, sewer or stormwater system within Stone County for a period of two (2) years.

SECTION 4.02 DECENTRALIZED WASTEWATER SYSTEMS

Section 4.02.01 Decentralized wastewater systems shall be encouraged where centralized sewers are not available. Decentralized wastewater systems shall be constructed in accordance with this Regulation and all requirements of the MDEQ.

Section 4.02.02 Design of Decentralized Systems

(a) The design of the selected type of decentralized system shall be provided by a professional engineer in accordance with the MDEQ requirements.

(b) All decentralized wastewater treatment systems shall require MDEQ review and must obtain a permit from the Permit Board. All wastewater systems which are designed to discharge to waters of the State must obtain a National Pollutant Discharge Elimination System ("NPDES") permit from the Permit Board; all wastewater systems which are designed as "no discharge" must obtain a State Operating Permit from the Permit Board.

(c) To the extent possible, the decentralized wastewater systems shall be designed for expansion or consolidation of nearby Developments as required by the Authority.

(d) The Authority may establish a list of approved Decentralized Systems, Installers and Operators. A Developer shall select an approved System, Installer or Operator or may elect to have the Authority design, install and operate the Decentralized System provided that the Developer shall pay to the Authority the cost of the design, construction and operation of the system pursuant to the Site Development Agreement.

SECTION 4.03 CENTRALIZED WASTEWATER SYSTEMS

Section 4.03.01 It shall be the policy of the Authority to encourage the construction of centralized wastewater systems and to discourage the construction of individual onsite wastewater disposal systems. Any person that owns or controls an individual onsite or decentralized wastewater disposal system shall connect such system to a centralized wastewater system as soon as such centralized wastewater system becomes available. The determination of availability of such facility shall rest solely with the Authority.

Section 4.03.02 Centralized System Design

(a) The design components of a centralized wastewater system shall be provided by a professional engineer in accordance with MDEQ requirements. Specific design criteria and requirements can be found in the “MDEQ Guidance for the Design of Publicly Owned Wastewater Facilities.”

(b) Where specific guidance to certain elements are not provided by MDEQ, the Ten State Standards for Wastewater Design shall be used.

(c) The design shall be submitted for review and approval by the Authority and MDEQ prior to construction.

(d) The design of extensions or connections to the Authority’s system shall be done in accordance with the requirements as determined by the Authority including, but not limited to, pretreatment standards.

Section 4.03.03 National Pretreatment Standards

All industrial and commercial process wastewater shall, if necessary, be pretreated prior to discharge to the Authority’s System or Local Utility Provider’s Public Sewer in accordance with the provisions of the EPA, MDEQ, the Authority, or a Local Utility Provider, whichever is more stringent. The Authority may establish discharge limits for all industrial and commercial dischargers and may require the installation of grease traps on all restaurant and food service customers. All waste haulers shall obtain permission from the Authority prior to discharge into the Authority’s systems. The Authority may establish a fee for any discharge into the Authority’s systems.

CHAPTER 5. STORM WATER REQUIREMENTS

Section 5.01 Storm Water Permits Required for All Development

All applications to the Authority for a permit or approval associated with a land disturbance activity must be accompanied by a storm water management plan, on a form or in a format specified by the Authority. The storm water management plan shall specify the manner in which the applicant will implement the best management practices (“BMPs”).

Section 5.02 Storm Water System Design

Section 5.02.01 If the projected increase in surface water runoff leaving a proposed Development will cause or contribute to damage from flooding to existing buildings or dwellings, the downstream storm water system shall be enlarged to relieve the identified flooding condition prior to Development, or the permittee must construct an on-site detention facility.

Section 5.02.02 For each Development constructing new impervious surface of more than 5,000 square feet, or collecting and discharging more than 5,000 square feet of impervious area, the design engineer shall submit documentation, for review by the Authority, of the downstream capacity of any existing storm facilities impacted by the proposed Development, except for the construction of a detached single family dwelling or duplex. The design engineer must perform a capacity and condition analysis of the drainage system downstream of the Development.

Section 5.02.03 When required because of an identified downstream deficiency, storm water quantity on-site detention facilities shall be designed such that the peak runoff rates will not exceed pre-Development rates for the specific range of storms which cause the downstream deficiency.

Section 5.02.04 All facilities shall be designed in accordance with general engineering principles and shall be approved by the Authority prior to construction.

Section 5.02.05 As far as is practicable, the existing vegetation shall be protected and left in place, in accordance with the clearing limits on the approved Erosion Prevention and Sediment Control plans. Work areas shall be carefully located and marked to reduce potential damage. Trees shall not be used as anchors for stabilizing work equipment. Where existing vegetation has been removed, or

the original land contours disturbed, the site shall be revegetated, and the vegetation established, as soon as practicable.

Section 5.03 Storm Water System Inspection

Section 5.03.01 Initial Inspection

On a site development or any other type of project, the erosion prevention and sediment control measures shall be installed in accordance with an approved Storm Water Prevention Pollution Plan prior to the start of any permitted activity. The permittee shall call the Authority prior to the foundation inspection of a building for an inspection of the erosion prevention and sediment control measures for that property.

Section 5.03.02 Owner Inspections and Inspection Logs

The Owner shall be required to inspect Erosion Prevention and Sediment Control measures and provide information on log forms provided by the Authority. Inspections shall be completed as required by the Erosion Prevention and Sediment Control Planning and Design Manual or the approved plans. Logs are to be maintained on-site and available to MDEQ, or the Authority inspectors upon request. Inspections are required as follows:

- 1) Once every 7 days on exposed soil areas.
- 2) Within 24 hours after a one-half inch rain event over 24 hours.
- 3) Once every 30 days on stabilized areas.
- 4) As soon as runoff occurs or prior to resuming construction on frozen ground.

(b) Final Inspection

A final erosion control inspection shall be required prior to the sale or conveyance to new property Owner(s) or prior to the removal of Erosion Prevention and Sediment Control measurements.

Section 5.04 Erosion Prevention Techniques and Methods

The techniques and methods contained and prescribed in the latest addition of the Erosion Prevention and Sediment Control Planning and Design Manual, adopted by the Authority, including but not limited to the following:

Section 5.04.01 Gravel Construction Entrance

A gravel construction entrance is required. If there is more than one vehicle access point, a gravel construction entrance shall be required at each entrance. The responsibility for design and performance of the driveway remains the permittee. Vehicles or equipment shall not enter a property adjacent to a stream, watercourse, or storm and surface water facility, or wetlands unless adequate measures are installed to prevent physical erosion into the water or wetland.

Section 5.04.02 Protection Measure Removal

The erosion prevention and sediment control measures shall remain in place and be maintained in good condition until all disturbed soil areas are permanently stabilized by installation and establishment of landscaping, grass, mulching, or otherwise covered and protected from erosion.

Section 5.04.03 Wet Weather Measures

On sites where vegetation and ground cover have been removed, vegetative ground cover shall be planted and established by October 1, or as approved by the Authority. If ground cover is not established by October 1, the open area shall be protected through the winter with straw mulch, erosion blankets, or other material(s) approved by the Authority.

Section 5.04.04 Dust

Dust shall be minimized to the extent practicable, utilizing all measures necessary, including, but not

limited to:

- (a) Sprinkling haul and access road and other exposed dust producing areas with water.
- (b) Applying Authority approved dust palliatives on access and haul roads.
- (c) Establishing temporary vegetation cover.
- (d) Placing wood chips or other effective mulches on vehicle and pedestrian use areas.
- (e) Maintaining the proper moisture conditions on all fill surfaces.
- (f) Pre-wetting cut and borrow area surfaces.
- (g) Use of covered haul equipment.

Section 5.05 Small Construction Projects

This Section applies to only those construction activities that involve small construction projects, which are equal to or greater than one (1) acre and less than five (5) acres. Storm Water Control permits may be issued on all or portion of the site provided the following information is submitted to the Authority:

- (a) MDEQ Small Construction Notice of Intent (SCNOI);
- (b) Storm Water Pollution Prevention Plan as required by MDEQ Small Construction General Permit MSR15;
- (c) All other public agencies (County Department of Planning and Development, Board of Supervisors, City Board of Alderman, MDEQ, or COE) permits must have been issued for the portion of the site or development for which the Storm Water Control permit is being requested and a copy of these permits shall be provided to the Authority, prior to start of construction activities.

Section 5.06 Large Construction Projects

This Section applies to large construction projects, which are greater than five (5) acres. Storm Water Control permits may be issued by the Authority on all or a portion of the project provided the following information is submitted to the Authority.

- (a) MDEQ Large Construction Coverage and Notice of Intent or an Individual NPDES Stormwater Permit issued by MDEQ;
- (b) Prime Contractors Certification;
- (c) Storm Water Pollution Prevention Plan;
- (d) One set of folded plans, on 24" x 36" sheets;
- (e) The Storm Water Pollution Prevention Plan must show the methods and interim facilities to be constructed and used concurrently and to be operated during construction to control erosion. The Storm Water Pollution Prevention Plan shall be prepared using the techniques and methods contained and prescribed in the latest edition of the Storm Water Pollution Prevention Planning and Design Manual.
- (f) A preliminary site development plan shall have been submitted separately and have undergone initial review by the Authority for compliance with the Authority's rules. The site development plan shall be of sufficient detail to determine that no major revisions are required that may substantially affect grading, pipe alignments, water quality or quantity facilities, or vegetated corridor requirements.
- (g) All other public agency permits or approvals, including but not limited to Municipality, County, MDEQ or COE, must have been issued for the portion of the site or development for which the Storm Water Control permit is being requested and a copy of these permits shall be provided to the Authority.

Section 5.07 Additional BMPs for Land Disturbance Activities

Whether an Authority permit or approval is required or not, and whether a Stormwater Management Plan is required to be submitted or not, all discharges engaged in land disturbance activities shall

implement BMPs as detailed in the Authority's Stormwater Standards Manual in the following additional areas if applicable to the project:

- (a) Erosion control on slopes;
- (b) Erosion control on flat areas; or BMPs to prevent runoff from or to desilt runoff from flat areas;
- (c) Runoff velocity reduction;
- (d) Sediment control;
- (e) Offsite sediment tracking control;
- (f) Materials management;
- (g) Waste management;
- (h) Vehicle and equipment management;
- (i) Water conservation;
- (j) Structure construction and painting;
- (k) Paving operations;
- (l) Dewatering operations;
- (m) Planned construction operations;
- (n) Downstream erosion control;
- (o) Prevention of non-stormwater discharges;
- (p) Protection of ground water; and
- (q) Well development.

Section 5.08 Maintenance of Best Management Practices

Section 5.08.01 Existing Development

Residential, commercial, industrial, agricultural and municipal dischargers shall maintain the BMPs they rely upon to achieve and maintain compliance with these Rules.

Section 5.08.02 New Development

The owners and occupants of lands on which structural post-construction BMPs have been installed to meet the requirements of these Rules shall ensure the maintenance of those BMPs, and shall themselves maintain those BMPs if other persons or entities who are also obliged to maintain those BMPs (by contract or covenant, or pursuant to these Rules) fail to do so.

Section 5.09 Maintenance Obligations Assumed by Contract or Other Agreement

Primary responsibility to maintain a BMP may be transferred through a contract or other agreement. If that contract provides that it will be submitted to the Authority pursuant to these rules as part of a development permit application, and if that contract is so submitted, the Person or entity accepting a maintenance obligation in such a contact or agreement will also be legally obliged to maintain that BMP pursuant to these Rules.

Section 5.09.01 Obligation to Maintain BMPs Not Avoided by Contracts

For purposes of Authority enforcement, no contract or other agreement imposing an obligation to maintain a BMP can relieve a person or entity of any obligation to maintain a BMP imposed by these Rules.

Section 5.09.02 Disclosure of Maintenance Obligations

Any Developer who transfers ownership of land on which a BMP is located or will be located, or who otherwise transfers ownership of a BMP or responsibility for the maintenance of a BMP to another person or entity, shall provide clear written notice of the maintenance obligations associated with that BMP to the new or additional responsible party prior to that transfer.

Section 5.09.03 Maintenance Plans for Land Development Projects

The proponents of any land development project or significant redevelopment project that requires a discretionary Authority permit shall provide to the Authority for review and approval prior to issuance of such permit, a plan for maintenance of all post-construction structural BMPs associated with the project. The plan shall specify the persons or entities responsible for maintenance activity, the persons or entities responsible for funding, schedules and procedures for inspection and maintenance of the BMPs, worker training requirements, and any other activities necessary to ensure BMP maintenance. The plan shall provide for servicing of all post-construction structural BMPs at least annually and for the retention of inspection and maintenance records for at least three (3) years.

Section 5.09.04 Access Easement/Agreement

The proponents of any land development project or significant redevelopment project that requires a discretionary Authority permit, shall provide to the Authority for review and approval prior to issuance of such permit an executed, permanent, easement onto the land on which post-construction structural BMPs will be located (and across other lands as necessary for access), to allow inspection and/or maintenance of those BMPs.

Section 5.09.05 Assurance of Maintenance for Land Development Projects

Except as provided in subsection below, the proponents of any land development or significant redevelopment project that requires a discretionary Authority permit, shall provide to the Authority prior to issuance of such permit, proof of a mechanism acceptable to the Authority which will ensure ongoing long-term maintenance of all structural post construction BMPs associated with the proposed project. The proponents shall be responsible for maintenance, repair and replacement of BMPs unless and until an alternative mechanism for ensuring maintenance is accepted by the Authority and becomes effective.

Section 5.09.06 Acceptance of Maintenance Responsibilities by a Public Entity

The Authority or another public entity may accept responsibility for maintenance of any BMP, under such conditions as the Authority or other public entity determines are appropriate. Where a maintenance obligation is proposed to be accepted by a public entity other than the Authority, the Authority shall be involved in the negotiations with that agency, and in negotiations with the resource agencies responsible for issuing permits for the construction and/or maintenance of the BMP. The Authority must be identified as a third party beneficiary empowered to enforce any such maintenance agreement. Maintenance schedule for all disturbed areas, material storage areas, and erosion and sediment controls that were identified as part of the plan shall be included in the SWPPP. Non-functioning controls shall be repaired, replaced or supplemented with functional controls within 24 hours of discovery or as soon as field conditions allow. During permit coverage all erosion controls must be inspected at least once per week for a minimum of 4 inspections per month and as often as necessary to ensure that appropriate erosion and sediment controls have been properly constructed and maintained and determine if additional or alternative control measures are required. The Authority strongly recommends that coverage recipients perform a "walk through" inspection of the construction site before anticipated storm events. Controls must be in good operating condition until the area they protect has been completely stabilized and the construction activity is complete.

CHAPTER 6. SINGLE FAMILY RESIDENT PERMITS

Section 6.01 Before a Single Family Residence is constructed a permit application for the water, wastewater and stormwater system must be submitted to the Authority or its designee. The Authority may delegate to the Local Utility Provider the power to permit all connections to single family resi-

dences within the Local Utility Provider's service area, provided that the Local Utility Provider has executed a Local Utility Provider Agreement with the Authority.

Section 6.02 Application for permits of systems shall be on forms provided by the Authority. Applications shall be submitted to the Authority, or its designee, at the main offices of the Authority, its designee or the offices of the Local Utility Provider. The Authority may require the submission of those plans, specifications and other information as it deems necessary to implement the provisions of the Act, or to carry out the Authority's regulations adopted under those sections. The Authority, based upon any information as it deems relevant, shall issue, reissue, deny, modify, suspend, or revoke a permit for the design, construction, operation, and maintenance of a water, wastewater, or storm water system, or any other system within the jurisdiction of the Authority under any conditions as it deems necessary.

Section 6.03 Applications for individual on-site water and wastewater disposal systems, or applications for IOWDS shall be reviewed, and a determination made by the Authority or its designee. It shall be within the sole discretion of the Authority to determine whether the application is complete or whether more information is required. A copy of the Authority's determination on applications for individual on-site wastewater disposal systems, or individual water systems shall be transmitted to MDH, and all county agencies from which the Applicant must seek approval.

CHAPTER 7. GUIDELINES AND PROCEDURES FOR EXTENSION OF UTILITY SYSTEMS INTO PREVIOUSLY UNSERVED AREAS

SECTION 7.01 EXTENSION OF UTILITY SYSTEMS

SECTION 7.01.01 Purpose

The requirements and administrative provisions of this Chapter apply to all construction within Stone County of any extension of Utility Systems, water, wastewater or storm water systems.

SECTION 7.01.02 Connection to existing system

The Authority or Local Utility Provider shall notify a Developer or customers when Utility Services are available. Utility System shall be considered available to an existing or new residence, building, Development or facility when the individual unit or Development is within a designated Local Utility Provider's System service area. The Developer or the Developer's contractor may connect a utility line extension of the Authority's existing System. When a tapping sleeve is required for the connection to an existing utility, the following procedure is required:

(A) The contractor must perform the following:

- 1) excavation and dewatering;
- 2) provide lifting equipment on site for tapping machine;
- 3) furnish and install tapping sleeve and valve, under inspection of the Authority inspector;
- 4) pressure test tapping sleeve and valve, under inspection of the Authority inspector;
- 5) provide support blocking under tapping sleeve and valve; and
- 6) provide all equipment necessary to perform the tapping operations.

(B) Authority personnel shall observe the actual tapping operations.

(C) The Developer shall pay to the Authority, prior to any meter installation and tapping operation, all required connection charges, construction connection charges, and fees.

SECTION 7.01.03 Size of Utilities and Oversized Utility

(a) The size of any Utility System shall be determined by the Authority based upon engineering

analysis by the Authority.

(b) The Authority may participate in the cost of the installation of utilities that are deemed oversized at the request of the Authority, depending upon all attendant circumstances and provided that any such participation must be approved by the Board of Directors.

(c) The Authority reserves the right to oversize any extension and may pay for such oversizing on the basis of additional costs beyond that necessary to serve only the subject Development.

(d) The Authority may pay an established unit amount based upon the pipe size of a facility multiplied by the length of that facility, or in the case of a lift station or similar facility, the difference in cost based on the Authority Engineer's opinion of cost of the facility required for the Development versus that required by the Authority.

(e) The established unit amount may be determined by the Authority based on the flow requirements of the Developer, and the Authority may credit the Developer for the cost of the Authority's share of the oversized Sewers or lift stations. This credit at the option of the Authority will be in the form of a reduction of the system Development fees, tap fees, connection fees or cash payment.

(f) The Authority also reserves the right to limit the amount of its participation in the cost of oversizing, depending on economic conditions or other factors.

(g) The rates of credit will be related to the difference in cost between the facility required for the Developer's project and the facility required by the Authority to be installed.

SECTION 7.01.04 Materials and construction standards

All materials and labor shall meet the specifications required by the Authority; all construction shall be performed under the inspection of the Authority and in strict compliance with the standards of the Authority and the Authority's design manuals.

SECTION 7.01.05 Costs

The Developer will pay all fees and construction costs prior to connecting to the Authority's system unless otherwise specified in an agreement between the Developer and the Authority. Construction cost will be the cost of Utility System lines of sufficient capacity constructed by the Developer to supply, store and transport Utility System within the proposed Development.

SECTION 7.01.06 Testing

Water lines must have been pressure tested in accordance with ANSI/AWWA C600-93 and the Authority's Construction Specifications and passed disinfection testing, under the supervision of the Authority and the Mississippi Department of Health. All other utilities shall be tested in accordance with recognized engineering practices and requirements of the Authority, MDEQ or the Health Department.

SECTION 7.01.07 Inspection of facilities

The Utility System required for service pursuant to this Section shall be subject to inspection by the Authority or any other duly authorized officer at any and all reasonable times in accordance with the right of entry provisions of this code and in the event of refusal on the part of any licensee or user of Utility System to permit such inspection, the Utility service may be there upon discontinued.

SECTION 7.01.08 Conveyance and ownership

All Utility Systems and appurtenances to be owned by the Authority shall be conveyed to the Authority by proper bill of sale immediately after the Authority's acceptance, in writing, of the construction of the System. The Developer shall also provide copies of paid bills or lien waivers, releases or satisfactions, together with a breakdown of the actual cost of the facilities. Concurrently with the documents required in this subsection, the Developer shall furnish the Authority with one set of Mylar reproducible, record drawings showing specific locations, depth, etc., of all constructed Utility

Systems and appurtenances. When accepted and properly conveyed to the Authority for ownership, maintenance and operation, the Systems shall become and remain the property of the Authority, and no person shall, by the payment of any charges provided for in this article, or by causing any construction of facilities accepted by the Authority, acquire any interest or right in any of these facilities or any portion thereof, other than the privilege to have his property connected thereto for Utility System service in accordance with this article.

Section 7.01.09 Public easement required

No Utility System shall be installed under this Section and accepted by the Authority for operation and maintenance unless it is in a public right-of-way or an easement that has been accepted by the Authority with a minimum width of twenty-five (25) feet. Conveyance of all easements shall be by a separate document in recordable form to be approved by the Authority, and shall be accompanied by a written certification by an attorney licensed to practice law in the State of Mississippi that the Developer is the owner in fee simple of the property to be conveyed by the easements and that, upon its execution by the Developer, a valid and enforceable easement in the Developer's property will be vested in the Authority. No Utility System to be owned and operated by the Authority shall be installed under any building or appurtenance thereto.

Section 7.02 Utility Extension to Previously Unserved Areas

Where properties are to be served by extensions where no Utility previously existed, Utility Systems shall be extended on the following basis:

Section 7.02.01 Application

An application shall be required for extension of Utility System under this subsection and shall be in writing and signed by the Developer requesting the service. The application shall be filed with the Authority and shall include a legal description of the property and shall indicate the name, street address, lot and block number and the street frontage of each site, along with the proposed usage. Each applicant shall agree to connect to and use the Authority Utility System for his property. No utility or utilities will be extended until the charges for Utility System, as further outlined, have been provided for.

Section 7.02.02 Processing Application

Upon receipt by the Authority of a proper application requesting a Utility System extension, it will be evaluated, and, if feasible, the cost to the Developer will be estimated and submitted to the Developer for consideration. If the Developer decides to proceed further with the project and final zoning of the project has been approved, at the Developer's request, the Authority shall prepare and submit an agreement specifying all terms and conditions for service and related costs, other than construction costs, to the Developer. If the Utility System extension is determined not to be feasible by the Authority due to either costs or insufficient capacity at the treatment plant and the property is located in a designated service area, the Developer will be required to comply with subsection (c) of this section.

Section 7.02.03 Basis of payment for extensions

The cost to the Developer shall be the payment of the connection charges and construction costs as further outlined. The allocation of costs for oversizing waters and rebates in regard to off-site waters are outlined in this rule.

Section 7.03 Required Water Line Extensions

In addition to any required off-site Water System, each Developer or Owner of property who requests to extend water service shall install, as required by the Authority, a Water System line along one

entire boundary line of the property which actually abuts a public road or street. However, in its sole discretion, the Authority may require the Developer or property owner to install additional Water lines as the Authority may deem necessary to promote the public interest and the orderly Development of an Authority wide water system. Such additional water links may be required by the Authority to be installed along all or part of the boundaries of the remainder of the property or through the property which is to receive water service.

SECTION 7.04 Design, Construction and Installation of Extended Utilities

SECTION 7.04.01 Authority Shall Design, Construction and Install

The Authority shall contract for the installation and construction of all Utility System located on Authority property unless otherwise agreed. The landowner or Developer shall deposit with the Authority an amount equal to the estimated cost of the extensions applied for, which deposit shall include all usual and related costs of installation and construction including right-of-way. All engineering services shall be provided at the cost of the landowner or Developer. Therefore, the Authority shall advertise for bids and let a contract for the proposed construction to the lowest and best bidder in accordance with state statutes and in accordance with specifications of the Authority.

Once the contract price is determined by a competitive bid, any excess amount deposited shall be returned upon completion and acceptance of the extension by the Authority, and if the deposit is deficient then the landowner or Developer shall deposit additional funds sufficient to pay the contract prior to letting of the contract. Upon the completion of the installation, any such utility extension shall become the unqualified and sole property of the Authority and the Authority shall be responsible for the maintenance and repair of such utilities from the date of acceptance.

SECTION 7.05 Developer Reimbursed for Certain Extensions of Utilities

When a Developer finds it necessary to bring utility services from the existing systems through vacant property or property owned by persons unwilling to cooperate and participate in the cost of extension, or where it is necessary to construct lines on the perimeter of an area or subdivision, the landowner or Developer desiring the extension shall pay the entire cost of the original construction. At the time the property abutting such utilities is developed and connections are made to such utilities, the Authority may collect, in addition to the Authority's existing tap fee, an extension tap fee based on a charge per front foot based on the original construction cost and if so collected shall reimburse the original landowner or Developer who constructed the utility at his or her cost to the extent of the collection so made. In no event shall the actual amount so paid to the landowner or Developer by adjoining landowners through collection by the Authority exceed the original cost of the extension. The landowner or Developer's right to reimburse hereunder shall in no event exceed a period of ten (10) years from the date of final completion of the utilities and all payments shall cease at that time, regardless of the amount that has been received by the landowner or Developer at that time.

SECTION 7.05.01 Extension tap fees; computation and payment

Extension tap fees on such utilities, as provided above, shall be computed on the basis of the ratio of frontage of such constructed utilities to the entire frontage served by such utilities on a per-foot-of-frontage-cost basis. In computing the cost of an extension tap fee hereunder, all property fronting on the street or right-of-way wherein such utility is installed shall be considered in arriving at the cost of any particular tap. Upon completion of any such utilities, the Authority shall file a certified statement of all costs of construction of such utilities. Such cost figures as are determined proper by the Authority shall be used in computing the tap fees. No connection shall be permitted unless the proper extension tap fee and the Authority tap fee have been paid.

Section 7.06 EXTENSION THROUGH USE OF ASSESSMENTS

Section 7.06.01 Introduction

The Authority is governed by the provisions of the Mississippi Gulf Coast Region Utility Authority Act. The Chapter serves as guidance for the Board of Directors of the Authority and the public at large when the Board elects to extend Utility System or Storm Utility Systems into previously unserved areas and to equitably assess the costs of such improvement to the owner of lots or parcels directly served thereby. This process will generally be used in existing communities and neighborhoods or Developments lacking Public Utilities, water, sewer or storm water, or in which use individual on-site systems.

Section 7.06.02 Project Initiation Process

In general, the Authority shall use these guidelines to assess the costs of Utility System to be installed under the following circumstances:

- (a) Where the Authority is directed by the Mississippi Department of Health, Mississippi Department of Environmental Quality, the Environmental Protection Agency, court order or similar mandate to serve the area in question because of real or potential health and/or environmental problems; or
- (b) Where the Authority receives petition requesting Utility System services from the Authority, signed by two-thirds of the owners of lots or parcels to be directly served by the proposed extension(s) of Authority Systems where such lot or parcel owners are subject to payment of assessment costs for such extension(s).
- (c) Such other circumstances as the Authority believe will serve the public interest.

Section 7.06.03 Assessment Process

(a) Where additional Authority Systems are proposed by those lots or parcel owners to be directly served thereby, the owners of two-thirds of the lots or parcels to be directly served or duly elected representatives of the County or City in which such parcels are located shall petition the Authority to extend Authority's Systems to the area proposed. Preliminary discussions between any community or neighborhood and representatives of the Authority are permitted without the necessity of a petition. The Authority will accept and consider all such written petitions and shall forward such petitions to the designated Authority staff person(s) for preliminary evaluation and response including, but not limited to, (1) ascertaining the precise boundary of the area to be served by the proposed extension(s) and (2) where applicable, determining whether the petition contains the signatures of two-thirds of the owners of the lots or parcels to be directly served by the proposed extension(s) of Authority System.

(b) Authority staff will coordinate and meet with petitioners, as necessary, to initially determine the feasibility of the proposed project.

(c) The Authority staff will then prepare and deliver to the Board a written report summarizing the circumstances and feasibility of the petition and recommending that the petition be either rejected, withdrawn or accepted for further study. After Board review of said staff report concerning the feasibility of the proposed project, the Board may accept or reject the recommendation of the staff or request additional information. If accepted for further study, the Board will authorize Authority staff to prepare a non-binding cost estimate of the cost of the proposed Systems to each lot or parcel owner proposed to be served thereby and a nonbinding estimate of the cost of the Preliminary Engineering Report and communicate the amount thereof to Petitioners. Authority staff will also inform those persons signing the initial petition that the Authority will require persons whose family income is above applicable Federal poverty guidelines to advance 100 percent of the cost of the Preliminary Engineering Report. The amount advanced by each lot or parcel owner toward the cost of the Preliminary Engineering Report shall be deducted from the Guaranteed Maximum Assessment applicable to such lot or parcel owner in the event the project is undertaken and completed. If Authority staff determines that the Petitioners or any of them are willing to advance the cost of the Preliminary

Engineering Report, Authority staff will prepare or have prepared a Preliminary Engineering Report which will encompass the following objectives:

(d) Identify the Specific Area and each of the lots or parcels to be directly served by the proposed extension of Authority's Systems. For purposes of these guidelines, the phrase "lots or parcels to be directly served by the proposed extension of the Authority's Systems" includes those developed and undeveloped lots or parcels (as well as those publicly owned and/or normally tax exempt properties, to the extent permitted by law) which are to be served by those Systems.

(e) Determine the Total Estimated Cost of the Project. The amount to be assessed against all lots or parcels directly to be served by proposed extension will include the following project related costs:

- 1) Fees for engineering services, including geotechnical engineering;
- 2) Fee for all related legal services;
- 3) Fees for permits, licenses, performance bonds, payment bonds or other approvals and instruments usually associated with Storm Utility System facility construction, including applicable fees and assessments;
- 4) Costs for facility construction, including all labor, materials and equipment necessary for the completion of construction, including material or equipment purchased directly by the Authority for use in the project;
- 5) Fees for construction, inspection and construction management;
- 6) Costs of easements and land acquisition and surveys, and any related costs;
- 7) Costs related to issuance of bonds, if any;
- 8) Capitalized interest and interest on funds borrowed to finance the project; and
- 9) Other project related costs as may be authorized by applicable ordinances.

Section 7.06.04 Determine the Proposed Assessment Methodology.

The assessment costs shall be based upon the costs to serve the lots or parcels to be directly served by the proposed extension(s). The staff of the Authority may recommend that the Board adopt a First Resolution incorporating one (1) of the following assessment methodologies:

(a) If the staff of the Authority determine that groups of, or all of, the lots or parcels to be directly served by the proposed extension(s) will be affected or benefited in substantially the same manner and to substantially the same degree, that Board may adopt such determination of the staff as a finding of fact and classify such lots or parcels into one (1) or more assessment zones based upon the similarity of the benefits of the proposed extension(s) to the lots or parcels to be directly served thereby. If the Board has determined that all lots or parcels within an assessment zone are substantially equally benefited, the same assessment levy shall be made against each lot or parcel within each classified assessment zone; or

(b) If the staff of the Authority determines that all lots or parcels situated within the area to be served, as identified in the Preliminary Engineering Report, will not receive substantially equal benefits from the proposed project, the Board may adopt such determination as a finding of fact and thereafter assess such lots or parcels based upon the relative assessed valuation of each lot or parcel (land only) as it relates proportionately to the aggregated assessed land valuation of all lots or parcels within the area to be served by the proposed extension(s) of Authority Systems as shown by the records upon which city or county taxation may be based.

(c) Where there is no such record, as in the case of public property or property owned by religious, charitable or educational institutions, such property (except that owned by the United States Government) shall be specially assessed, to the extent permitted by law, by the proper assessing officers and for such assessment, reasonable compensation may be made. Any such special assessment shall be subject to all procedures for equalization and judicial review as may be provided by law in connection with ordinary assessments.

Section 7.06.05 Determine the Guaranteed Maximum Assessment.

It shall be the purpose of this policy to treat all developed and undeveloped lots and parcels within the project area equitably and to assign the lowest equitable guaranteed maximum assessment cost to each and all such lots or parcels. The amount determined by the Authority to be assessed against each lot or parcel to be directly served by the proposed extension(s) of the Authority's System shall constitute a Guaranteed Maximum Assessment. The Guaranteed Maximum Assessment shall be such that the total costs assessed equals the assessable project costs based upon the Preliminary Engineering Report. The actual assessment amount for any lot or parcel to be directly served by the proposed extension(s) of Authority's System shall not exceed the Guaranteed Maximum Assessment for the assessment zone in which that property is located. All Guaranteed Maximum Assessments shall be approved by the Board based upon the preconstruction costs estimate described in the Preliminary Engineering Report and shall be furnished to the respective owners of the lots or parcels to be assessed. When actual construction costs as determined from public bids exceed preconstruction estimates, the Authority may, at its sole option, (1) reject said bids and rebid the project or (2) go forward with the project with the Authority paying the cost overrun(s) on the project. If the actual construction costs as determined through public bids are less than the preconstruction estimate from which the Guaranteed Maximum Assessment was calculated, as assessment figure based upon the lower actual project costs will be calculated and owners of lots or parcels to be directly served by the proposed extension of Authority's System will be assessed the lesser sum.

Section 7.06.06 Board and Public Approval Process

(a) The Preliminary Engineering Report

The Preliminary Engineering Report will be presented to the Board in the form of a First Resolution. Upon approval by the Board, the First Resolution will be approved and published. In the First Resolution, the Board shall adopt an Assessment Methodology.

(b) The First Resolution

The First Resolution shall also provide for a public hearing at a time and place not less than a week after publication of the First Resolution, which publication shall give notice that, at the hearing, any owner of lots or parcels to be directly served by the proposed extension(s) of Authority System may appear and be heard as to (1) whether the proposed project should be undertaken or abandoned; (2) whether the nature and scope of the proposed project should be altered; or (3) whether the chosen Assessment Methodology should be altered. The First Resolution may designate the person(s) to preside at and conduct such public hearing. Such presiding person(s) shall make or cause to be made reasonable notes and minutes of the public hearing and shall submit same at a subsequent, regularly scheduled meeting of the Board for review and consideration. Any owner of a lot or parcel to be directly served by the proposed extension(s) of Authority's System may be heard at the public hearing in person, or by representative, and may submit any written statement in support of, or objecting to, any aspect of the proposed extension(s). All such written statements shall be attached to or included in, the written report of the hearing.

(c) Property Owner Vote

Notwithstanding the submission of any written statements at the public, as soon as practicable after the conclusion of the public hearing, the Authority shall send, by certified mail, written ballots to the owners of all lots or parcels to be directly served by the proposed extension(s) of Authority's Systems. Such ballots shall request the owners of such lots or parcels to be directly served (a) to vote in favor of, or against, the proposed extension(s) of Authority's Systems described in the First Resolution and (b) to return such ballots within seven (7) days of their respective receipt from the Authority.

(d) Board Approval and Second Resolution

If more than fifty (50%) percent of the property owners, both in numbers of lots or parcels and in aggregate assessed values (land only) of the properties to be benefited by the proposed extension(s) of Authority's Systems, cast votes in opposition to the proposed project within seven (7)

days of their receipt of ballots, the Board shall then have the right (a) to adopt a resolution abandoning the project or (b) to nevertheless go forward with the proposed project by only if five (5) or more of the seven (7) Board members vote in favor of said project. In the case of proposed extensions of Authority's Systems where it is alleged that such extension is necessary to help alleviate health concerns, the Board members may consider a letter from Mississippi Department of Health or MDEQ in determining whether or not to go forward with the proposed project where more than fifty (50%) percent of the property owners, both in numbers of lots or parcels and in aggregate assessed values (land only) of the properties to be benefited by the proposed extension cast votes in opposition to the proposed project.

However upon receipt of sufficient, timely ballots confirming that fewer than fifty (50%) percent of the property owners, both in numbers of lots or parcels and in aggregate assessed values (land only) of the properties to be benefited by the proposed extensions(s) of Authority's Systems object to the project, the Board may, at its next regularly scheduled meeting or at a special Board meeting, consider a Second Resolution providing for the undertaking of the proposed project in the manner described in the First Resolution. At such Board meeting, owners of lots or parcels to be directly served by the proposed extension(s) of Authority's Systems may again be heard, in person or by a representative, after which the Board may adopt a Second Resolution. In the alternative, the Board may adopt another resolution providing for the abandonment of the project or altering the nature and scope of the proposed project. In the event the scope or nature of the proposed project is altered during the review and approval process, a new Preliminary Engineering Report shall be prepared and the Board and public approval process described above shall be repeated. In all cases where property owner ballots, the Authority shall count a property owners' failure to cast a timely ballot as a vote in favor of the project. In the event that the Board adopts a Second Resolution approving the proposed extension(s) of Authority's Systems in the manner described in the First Resolution, the Board shall then request the approval of the Second Resolution by the Chancery Judge.

(e) Preparation of Bid Documents

Simultaneously with the Board seeking the approval of the Chancery Court, the Board shall direct the staff to prepare final engineering design and bid documents.

Section 7.06.07 Payment of Assessments and Project Financing

After final determination of the actual assessment amount for each lot or parcel to be directly served by the proposed extension(s) of Authority's Systems, owners of such lots or parcels are to be notified of their assessments in writing by certified mail. Owners may then pay the Authority the amount levied in full within ninety (90) days of receipt of said notice. Owners of benefited properties whose family income falls below applicable Federal poverty level guidelines, may elect to defer payment of the amount levied until such time as said property is conveyed by any means, at which point the Authority shall be entitled to receive the full amount levied, without interest, at the closing during which such conveyance takes place.

Section 7.06.08 Request for Waiver of Formalities.

(a) In the event the owner(s) of all lots or parcels which will be subject to assessment for an improvement proposed to be undertaken shall tender to the Authority their written request(s) that the improvements be undertaken and financed according to the provisions of these guidelines and shall waive the formalities of the First Resolution, the holding of public hearing, the Second Resolution, and the provisions permitting litigation, the Board may dispense with all of said proceedings and formalities and may proceed to the Third Resolution; but in all such instances, the written requests of the owners of all lots or parcels which will be subject to the assessment shall be in recordable form and shall be recorded in the office of the Chancery Clerk and said Clerk is authorized to record such

instruments as in the case of mortgages, and may charge and receive fees therefore as in the case of mortgages. Each Resolution by which an improvement is undertaken according to this waiver provision shall contain a recitation of the receiving of written requests and waivers from the owners of all lots or parcels which will be subject to assessments for each such improvement.

(b) Where adequate capacity is available, a Property Owner which is located within 500 feet of any existing public water or sewer system shall connect to the public sewer system within 365 days of receiving written notice to connect from the Authority. The property owner shall pay all fees prior to connection or at the time of issuance of a building permit, whichever occurs first. The property owner will be responsible for all costs of installing and maintaining the service connection from the building to the tap.

Section 7.06.09 Utility System Extension Policy

(a) The Developer will submit Plans to the Authority for review and to ensure compliance with the Authority's regulations and specifications for the extension of any public water, wastewater or storm water system.

(b) The Developer will be responsible for all costs associated with the construction and extension(s), including posting of a Performance Bond prior to start of construction in an amount to be determined by the Authority. Upon completion and acceptance by the Authority, said Performance Bond will be reduced to a Maintenance Bond, in an amount to be determined by the Authority. The Bond will include all associated structures, including, but not limited to, lift station, force utility, emergency generator and all costs associated with construction and installation.

(c) If the project is not commenced within one year, re-submission for approval will be required;

(d) As utility line extension(s) could possibly provide future service to contiguous areas, a twenty-five (25) foot permanent easement will be required on the Utility System lines to the property limits and/or within areas whereby Utility System could be provided to contiguous areas;

(e) The Utility easement(s) are to be dedicated to the Authority for ownership, operation and maintenance of the Utility System lines and facilities located therein. At the Developer's expense, the Authority's Legal Counsel shall prepare all necessary Deeds which shall upon acceptance by the Board of Commissioners, vests good, marketable title, free from encumbrances, in the Authority.

(f) The Developer shall pay all costs associated with the extension, including but not limited to, tap or connection fees and capital cost recovery fees for each building lot of record. Upon connection being completed and the extension placed into operation, the Developer shall be responsible for any monthly base rates imposed for Utility System usage until the building lot has been sold to an end-user.

(g) Commercial, industrial or institutional Storm Utility System users may be subject to additional requirements in order to comply with pretreatment standards.

Section 7.07 Privately Owned Water, Wastewater and Storm Water Systems

Section 7.07.01 Operation and maintenance of publicly-owned facilities

The Authority shall be responsible after written approval and acceptance for the operation and maintenance of all water, wastewater and drainage structures and improved courses which are part of the stormwater runoff management system under public ownership and which are not constructed and maintained by or under the jurisdiction of any Local Utility Provider, state or federal agency.

Section 7.07.02 Private Facilities: Operation and Maintenance Requirements

(a) The Owner of any water, wastewater, or storm water system, including any system constructed prior to the enactment of these rules, not dedicated to the Authority for operation and maintenance shall comply with this Section.

(b) Each Developer of land has a responsibility to provide on the Developer's property all approved

water, wastewater and stormwater systems.

(c) Each Developer, Owner or property owners association has a responsibility and duty before and after construction to properly operate and maintain any on-site stormwater runoff control facility which has not been accepted for maintenance by the public. Such responsibility is to be transmitted to subsequent Owners through appropriate covenants.

(d) All private systems not dedicated to the Authority shall have adequate easement to permit the Authority to inspect and, if necessary, to take corrective action should the responsible entity fail to properly maintain the system.

(e) All private systems shall be maintained in proper condition consistent with the performance standards for which they were originally designed.

Section 7.07.03 Private Facilities: Maintenance Agreement Required

(a) A proposed inspection and maintenance agreement shall be submitted to the Authority for all private on-site water, wastewater and stormwater systems prior to the approval of the issue any permit. For existing facilities, the Owner shall have one (1) year from date of enactment of these rules to enter into a maintenance agreement.

(b) Such agreement shall be in a form and content acceptable to the Authority and shall be the responsibility of the private Owner. Such agreement shall provide for access to the facility by virtue of a non-exclusive perpetual easement in favor of the Authority at reasonable times for regular inspection by the Authority. This agreement will identify who will have the maintenance responsibility. Possible arrangements for this maintenance responsibility might include the following:

- 1) Use of homeowner associations, if allowed under rules of association;
- 2) Arrangements to pay the Authority for maintenance;
- 3) Private maintenance by development Owner(s), or contracts with private maintenance companies.

(c) All maintenance agreements shall contain or uphold, without limitation, the following provisions:

- 1) A description of the property on which the water, wastewater and stormwater system is located and all easements from the site to the facility;
- 2) Size and configuration of the systems;
- 3) A statement that each lot served by the system is responsible for repairs and maintenance of the system and any unpaid ad valorem taxes, public assessments for improvements, any unsafe building and public nuisance abatement liens charged against the facility, including all interest charges together with attorney fees, costs and expenses of collection. If an association is delegated these responsibilities, then membership into the association shall be mandatory for each parcel served by the system and any successive buyer. The association shall have the power to levy assessments for these obligations, and that all unpaid assessments levied by the association shall become a lien on the individual parcel;
- 4) All water, wastewater and stormwater system shall be designed to minimize the need for maintenance, to provide easy vehicle and personnel access for maintenance purposes, and be structurally sound. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the facilities for inspection or maintenance;

Section 7.07.04 Private Facilities: Bonds and Maintenance Assurances

(a) Maintenance Assurances required in these rules shall be maintained for all privately owned Water, Wastewater and Storm Water Systems and shall not be released so long as the Systems remain privately owned.

(b) In the event that the Owner fails to maintain a privately owned stormwater facility in compliance with the Authority's rules or orders, the Authority may use the assurances to maintain or to repair the system.

(c) For purposes of Authority enforcement, no contract or other agreement imposing an obligation to maintain any Water, Wastewater or Storm Water System shall be a defense to any enforcement

action brought against the Owner for failure to maintain a privately owned stormwater system in compliance with the Authority's rules or orders.

CHAPTER 8. FEES, RATES AND OTHER CHARGES

Section 8.01 Purpose

The following fees, rates and charges are established, and shall be charged and collected at the time of issuance of the building permit or other special permit or at such other time as agreed to by the applicant and the Authority. Payment of fees and charges provided in this chapter shall be based on the fee schedule in effect on the date the appropriate permit is issued. All fees listed in this chapter will be adjusted annually on October 1, based on resolution of the board.

Section 8.02 Permit Review Fee

Section 8.02.01 Purpose for Permit Review Fee

The purpose of the Permit Review Fee is to cover the administrative cost of the authority to develop, review and to issue required Permits for water, sewer and storm water utilities. The Mississippi Gulf Coast Utility Authority Act requires that the Authority establish a process to review and approve all water, wastewater and storm water systems prior to construction. The Authority has established pursuant to these rules a permitting process for the review and approval of permits. To cover the administrative expenses, the Authority hereby establishes the following Permit Review Fees:

1. Residential Permit Fee of \$150.00 per unit
2. Site Plan Development Permit Fee
 - a. Residential Development of \$500.00 plus
 - i. \$65.00 per lot for subdivision with less than 50 lots;
 - ii. \$55.00 per lot for subdivision from 51 to 100 lots;
 - iii. \$50.00 per lot for subdivision from 101 to 250 lots; or
 - iv. \$45.00 for subdivision over 250 lots
 - b. Commercial Development of \$1500.00
 - c. Industrial Development of \$2500.00

Section 8.03 Bulk service Rates and Fees

Section 8.03.01 Each Local Utility Provider may enter into a contract with the Authority for the purchase and/or sale of water and sewer services. The Local Utility Provider shall submit to the Authority a written application indicating the amount of service to be required, the number of customers serviced, a description of the geographic territory to be served and the time at which and for which such service is requested.

Section 8.03.02 The Local Utility Provider agrees to make monthly payments within 15 days from receipt of invoice from the Authority for services rendered. In the event of a dispute the Local Utility Provider shall nevertheless promptly pay and, if it is subsequently determined by agreement, arbitration or court decision that such disputed payments should have been less, the Authority shall promptly refund the overpayment.

Section 8.04 Metering

Section 8.04.01 The Authority shall furnish, install, operate and maintain the Authority's Metering Station(s) at the Point(s) of Entry, and the necessary equipment and devices of standard type for measuring properly all Water purchased under this Agreement. The Authority's Metering Station(s)

and other measuring equipment shall remain the property of the Authority.

Section 8.04.02 Each Local Utility Provider shall have access to their respective Metering Station at all reasonable times for inspection and examination, but the reading, calibration and adjustment thereof shall be done only by employees or agents of the Authority, in the presence of a representative of the Member if requested by the Member. All readings of meters will be entered upon proper books of record maintained by the Authority. Upon written request, a Member may have access to said record books during reasonable business hours. Member(s) shall have the right to audit the Authority's record books once per Fiscal Year.

Section 8.05 MODIFICATIONS TO RATES, FEES AND OTHER CHARGES

For the purposes of carrying out the intent of this article, the Board of Directors shall have the power to fix, alter, change or modify, by resolution, rates, fees and other charges for the use of any utility services furnished or to be furnished by the Authority. However, such rates, fees and other charges shall not be fixed until after public hearing with all the users and owners, tenants and occupants of the property and all others interested having the opportunity to be heard concerning the rates, fees and charges. Notice of such public hearing setting forth a schedule of rates, fees and charges to be considered by the Board of Directors shall be authorized by the Board of Directors and shall be given one publication in a newspaper published in the Authority at least ten days before the date fixed for the hearing. After such hearing, such a schedule, either as considered after publication or as modified or amended, shall be adopted by resolution, or by ordinance, or shall be put into effect. Those rates, commitment fees, connection fees and other charges in effect at the time of adoption of the ordinance from which this article derives shall remain in effect until subsequently modified as provided in this section. Furthermore, and modifications of rates, fees and other charges as contemplated under this section may be accomplished simultaneously with and in conjunction with any modification to any other rates, fees, or other charges.

CHAPTER 9. ENFORCEMENT AND PENALTIES

Section 9.01 General Powers of the Authority

Section 9.01.01 The Authority or its duly authorized representative shall have the power to enter at reasonable times upon any private or public property, and the owner, managing agent or occupant of any such property shall permit such entry for the purpose of inspecting and investigating conditions relating to pollution, the possible pollution of waters of the state, or matters that could affect the public health and to have access to such records as the Authority may require under its regulations.

Section 9.01.02 The Authority may require the maintenance of records relating to the operation of water, wastewater, or storm water systems, and any authorized representative of the Authority may examine and copy any such records or memoranda pertaining to the operation of such systems. The records shall contain such information as the Authority may require. Copies of such records shall be submitted to the Authority upon request.

Section 9.01.03 In the event an emergency is found to exist by the Authority, it may issue an emergency order as circumstances may require. Said emergency order shall become operative at the time and date designated therein and shall remain in force until modified or canceled by the Authority or superseded by a regular order of the Authority or for a period of forty-five (45) days from its effective date, whichever shall occur first, and may be enforced by an injunction if necessary. When, in the opinion of the Authority or its President, or his designee, an emergency situation exists which creates an imminent and substantial endangerment threatening the public health and safety or the lives and property of the people of the Authority, notice shall be given immediately to local governing authorities, both county and municipal, the state emergency management organization, and the gov-

error for appropriate action in accordance with applicable laws for protections against disaster situations.

Section 9.02 Administrative Penalties

Section 9.02.01 Notice of Violation

Whenever the Authority finds that any Person has violated or is violating this regulation or any ordinance, permit, rule, or order issued by the Authority, the Authority may serve, by personal service, or by registered or certified mail, upon said Person a written notice of violation (NOV). Within thirty (30) days of the receipt of this notice, or such shorter period as may be prescribed in the NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the Person to the Authority. Submission of this plan in no way relieves the Person of liability for any violations occurring before or after receipt of the NOV. Nothing in this section shall limit the power of the Authority to take any action, including emergency actions or any other enforcement action, without first issuing a NOV, or before expiration of the response period.

Section 9.02.02 Consent Orders

The Authority is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any Person responsible for non-compliance. Such orders will include specific action to be taken by the Person to correct the non-compliance within specific time period. Consent orders shall have the same force and effect as the administrative orders issued pursuant to this regulation and shall be judicially enforceable.

Section 9.02.03 Show Cause Hearing

The Authority may order any Person which causes or contributes to any violation of a permit, rule, regulation or order issued hereunder to appear before the Authority and show cause why a proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any authorized representative of the Person. Whether or not the Person appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the Person.

Section 9.02.04 Compliance Order and Compliance Schedule

(a) The Authority, upon determination that a Person has violated or continues to violate a permit, rule, regulation, ordinance, or an order issued hereunder may issue an order to the Person responsible for the violation that the Person come into compliance within a time period specified by the Authority. If the Person does not come into compliance within the period so specified, water, sewer service and/or water service shall be discontinued until such time as the Person comes into compliance.

(b) Upon determination by the Authority that a Person has violated or continues to violate a permit, rule, regulation or an order issued hereunder and needs to construct and/or acquire and install equipment, the Authority may issue a compliance schedule which will, upon the effective date of the compliance schedule, amend the Person's permit. The compliance schedule may contain terms and conditions by which a Person must operate during its term and may provide specific dates for achieving compliance with each term and condition for construction and/or acquisition and installation of required equipment.

(c) Compliance orders and compliance schedules may also contain other requirements to address the noncompliance, including additional self-monitoring, submittal of drawings or reports, audit of waste minimization practices, or other provisions to ensure compliance with this regulation.

Compliance orders and compliance schedules may not extend the deadline for compliance established by federal or state standards or requirements, nor do they relieve the Person of liability for any violation, including any continuing violation. Issuance of a compliance order or a compliance schedule shall not be a prerequisite to taking any other action against the permittee or discharger.

Section 9.02.05 Cease and Desist Orders

When the Authority finds that any Person is violating this regulation, a permit, or any order issued hereunder, or that the Person's past violations are likely to recur, the Authority may issue an order to the Person directing it to cease and desist all such violations and direct the Person to:

- (a) Immediately comply with all requirements;
- (b) Take such appropriate remedial and preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- (c) Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the Person.

Section 9.02.06 Administrative Complaints

(a) The Authority may issue an administrative complaint to any Person who violates any provision of a permit, rule, regulation, ordinance, or order. The administrative complaint shall allege the act or failure to act that constitutes the violation of the Authority's requirements and the proposed administrative civil penalty.

(b) The Administrative Complaint shall be served by personal delivery or certified mail on the Person subject to the Authority's discharge requirements, and shall inform the Person served that a hearing shall be conducted within forty-five (45) days after the Person has been served. The hearing shall be before the Authority.

(c) If after the hearing, it is found that the Person has violated reporting or discharger requirements, the Authority may assess an administrative civil penalty against the Person. In determining the amount of the administrative civil penalty, the Authority may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective actions, if any, attempted by the Person.

(d) If any person knowingly refuses to comply with, or willfully violates any provision of this regulation, such person shall incur a penalty for each such offense of not more than Five Thousand dollars (\$5,000.00), to be fixed, imposed and collected by the Authority. However, any penalty assessed by the Authority for a violation of this regulation shall be reduced by any penalty assessed by any state agency for the same violation. Notwithstanding the foregoing, the Authority may assess and collect any penalty arising from a violation of its rules, regulations, permits, orders, or ordinances that require or set forth standards different from the state agency. Each day that such refusal or violation continues constitutes a separate offense. The proceeds from the enforcement of any such penalty shall be deposited in the general revenue fund of the Authority.

(e) Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within thirty (30) days.

(f) Counsel for the Authority, or other special counsel designated by the Authority Board, shall institute appropriate court actions authorized by the above referenced sections to affect statutorily authorized remedies, upon order of the Authority.

Section 9.02.07 Emergency Suspensions

(a) The Authority may immediately suspend a Person's permit to operate a system when such suspension is necessary in order to stop an actual or threatened imminent and substantial endangerment to the environment, or to the health or safety of Persons, or that threatens to interfere with the

operation of the Authority.

(b) Any Person notified of a suspension of its permit shall immediately stop or eliminate such actions as specified in the Authority's suspension order. In the event of a Person's failure to immediately comply voluntarily with the suspension order, the Authority shall take such steps as deemed necessary, including immediate severance of the sewer or water connection.

(c) A Person that is responsible in whole or in part, for any violation representing an imminent endangerment shall submit a detailed written statement describing the causes of the violation and the measures taken to prevent any future occurrence. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this action.

Section 9.02.08 Termination of Services

Any Person which violates the Authority's regulations, rules, a permit, ordinance, or an order issued hereunder, is subject to termination of services. Such Person will be notified of the proposed termination of utility services and of the right to a hearing pursuant to these regulations.

Section 9.02.09 Injunctive Relief

Whenever a Person has violated or continues to violate the provisions of an ordinance, permit, rule, regulation, or order issued hereunder, the Authority may petition the Court for the issuance of a temporary or permanent injunction, as appropriate, to restrain or compel the performance by the permittee of such acts as will bring the Person into compliance with the permit, order, or other requirement imposed by these regulations. Such other action as is appropriate for legal and/or equitable relief may also be sought by the Authority. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a Person.

Section 9.02.10 Liability for Certain Costs Incurred by the Authority

Any Person causing expense, loss, damage or other liability to the Authority as a result of any discharge in violation of this regulation shall be liable to the Authority for such expense, loss, damage or other liability and shall pay the same to the Authority within thirty (30) days of billing.

Section 9.02.11 Remedies Nonexclusive

The provisions of this section are not exclusive remedies. The Authority reserves the right to take any, all or any combination of these actions against any Person. The Authority is empowered to take more than one enforcement action against any Person.

Section 9.03 Hearings and Appeal

Any Person, with standing, may appeal any decision of the President or his designee to the full Board and may request a hearing on the appeal. A written Notice of Appeal shall be initiated and delivered to the President within ten (10) days of the subject action, decision or interpretation of these regulations. Said Notice of Appeal shall describe the action, decision or interpretation for which the appeal is being filed including times, dates and Persons involved, and the contentions of the Person filing the appeal. Upon receipt of such a request for hearing, a hearing shall be set at a regular or special meeting of the Board. The Board shall conduct a hearing on the appeal and appellant shall have the right to call witnesses and be represented by counsel. The Board shall render a decision in writing on the next regular meeting following the hearing. Said decision shall contain findings of fact and determination of the issues and shall provide notice to the appellant that the time which judicial review must be sought is governed by Miss. Code Ann. § 11-51-75 (Rev. 2001).

CHAPTER 10. GENERAL PROVISIONS

Section 10.01 Tracer Wires Required

Tracer wires shall be installed on all underground utilities.

Section 10.02 Additional Permit

Nothing in these standards alleviate the need for the Owner to obtain and comply with all required local, special district, state or federal permits. Any required permits for the project issued by other jurisdictions, including but not limited to the Mississippi Department of Environmental Quality, the Mississippi Department of Health, the Public Service Commission, and the US Army Corps of Engineers, shall be maintained on site and available to the Authority for inspection upon request.

Section 10.03 Exceptions, Waivers, and Variances

The requirements of these regulations are subject to exceptions, waivers, and variances in the discretion of the Authority. Such exceptions, waivers, and variances shall be based on site conditions and other factors deemed appropriate by the Authority.

Section 10.04 Delegation of Approval

The Authority may delegate approval to a municipality or utility located within the Authority's jurisdictional area provided such project proposes to construct, expand, operate, or maintain a public water system under the control of such municipality or utility, and that municipality or utility certifies to the Authority, through its engineer that such project complies with all federal, state, local, and Authority requirements. Prior to delegation of powers to a municipality or utility, the Local Utility Provider shall execute a Local Utility Provider Agreement with the Authority.

Section 10.05 Severability

If any clause, sentence, paragraph, section or part of the provisions of these regulations shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not invalidate the remaining provisions of these regulations.

Section 10.06 Compliance with Local Requirements Including Code Standards

In addition to these regulations, applicants shall comply with all other local requirements, including but not limited to, zoning and code standards.

Section 10.07 Effective Date of Rules and Regulations

These Rules and Regulations provide for the health and safety of the citizens of Stone County and to immediately allow for the construction of homes without delay and shall be effective December 15, 2006.