



**HANCOCK COUNTY
UTILITY AUTHORITY**

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RULES AND REGULATIONS

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RULES AND REGULATIONS**

Table of Contents

I.	AUTHORITY	4
II.	PURPOSE/MISSION STATEMENT	4
III.	DEFINITIONS	4
IV.	ADMINISTRATIVE PROCESSES.....	7
	A. EFFECTIVE DATE OF RULES AND REGULATIONS	7
	B. EMERGENCY RULE ADOPTION.....	7
V.	STATUTORY REQUIREMENTS	8
	A. WATER.....	8
	1. Design.....	8
	2. Construction and Installation.....	12
	3. Operation	13
	4. Maintenance	13
	5. Performance Standards.....	13
	6. Operator Requirements.....	14
	B. WASTEWATER.....	15
	1. Individual Onsite Wastewater Disposal Systems (“IOWDS”)	15
	a. General	15
	b. Design	16
	c. Construction and Installation.....	17
	d. Operation.....	17
	e. Maintenance	17
	f. Performance Standards.....	18
	g. Operator Requirements.....	18
	2. Decentralized Wastewater Systems.....	18
	a. General	18
	b. Design	19
	c. Construction and Installation.....	20
	d. Operation.....	20
	e. Maintenance	20
	f. Performance Standards.....	21
	g. Operator Requirements.....	22
	3. Centralized Wastewater Systems.....	22
	a. General	22
	b. Design	22
	c. Construction and Installation.....	23
	d. Operation.....	23
	e. Maintenance	23
	f. Performance Standards.....	23
	g. Operator Requirements.....	24
	C. STORM WATER.....	24
	1. Design.....	24
	2. Construction, Installation, and Operation	29
	3. Maintenance	29
	4. Performance Standards.....	29

5. Operator Requirements.....	29
VI. PERMIT REQUIRED	29
VII. APPLICATION PROCESS.....	31
VIII. CENTRALIZED WASTEWATER SYSTEMS ENCOURAGED	31
IX. MULTIPLE PERMITS	32
X. DELEGATION OF PERMITTING DECISIONS; APPLICATIONS CONSIDERED BY THE BOARD; RECORD OF DECISIONS	32
XI. NOTIFICATION TO STATE AGENCIES; PRE-REVIEW CONFERENCE	32
XII. INSPECTION AND PLAN REVIEW	32
A. PUBLIC WATER SYSTEMS.....	32
B. INDIVIDUAL ONSITE WASTEWATER DISPOSAL SYSTEMS	33
C. DECENTRALIZED WASTEWATER SYSTEMS	33
D. CENTRALIZED WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL SYSTEMS	33
E. STORM WATER DISPOSAL SYSTEM	33
XIII. MONITORING AND REPORTING.....	34
XIV. SERVICE AND RATES	34
XV. ENFORCEMENT AND PENALTIES	35
A. GENERAL POWERS OF THE AUTHORITY.....	35
B. ADMINISTRATIVE PENALTIES	35
XVI. EXCEPTIONS, WAIVERS, AND VARIANCES.....	39
XVII. HEARINGS AND APPEALS.....	39
XVIII. SEVERABILITY.....	39
XIX. COMPLIANCE WITH LOCAL REQUIREMENTS INCLUDING CODE STANDARDS	40
XX. EFFECTIVE DATE OF REGULATION	40

HANCOCK COUNTY UTILITY AUTHORITY
RULES AND REGULATIONS

I. AUTHORITY

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

II. PURPOSE/MISSION STATEMENT

- A. The Hancock 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 Hancock 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 Hancock County and to the Gulf Coast region.

III. DEFINITIONS

- A. “Act” shall mean the Mississippi Gulf Coast Region Utility Act set forth at Miss. Code Ann. §§ 49-17-701, *et seq.* (Supp. 2006).
- B. “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.
- C. “Authority” shall mean the Hancock 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- 735. The Authority is composed of the geographic area of Hancock County as defined in Miss. Code Ann. § 19-1- 45.
- D. “Authority’s jurisdictional area” shall mean the geographical area of Hancock County as defined in Miss. Code Ann. § 19-1- 45.
- E. “Authority’s retail area” shall mean the area within the county where the Authority provides retail services.
- F. “Authority’s wholesale area” shall mean the area within the county where the Authority provides wholesale services.

- G. “Backflow” shall mean the reversal of normal flow direction where water flows from the intended point of delivery towards the public water supply.
- H. “Board” shall mean the Board of Directors for the Hancock County Utility Authority.
- I. “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.
- J. “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.
- K. “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.
- L. “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.
- M. “Development” shall mean any commercial or residential construction which requires installation of a water, wastewater, or storm water system.
- N. “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.
- O. “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.

- P. “Local Utility Provider” is the portion of the water or sewer system program of construction, operation, maintenance, and regulation within Hancock County which may be performed by the Authority or by a Municipality , or by a Public Agency; or by a Utility.
- Q. “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.
- R. “MDH” shall mean the Mississippi Department of Health.
- S. “MDEQ” shall mean the Mississippi Department of Environmental Quality.
- T. “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).
- U. “Permit Board” shall mean the Mississippi Environmental Quality Permit Board.
- V. “Permittee” shall mean any person that owns, operates, controls, or undertakes to construct, own, operate, or control any System as defined herein.
- W. “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.
- X. “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.
- Y. “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.
- Z. “Retail Sales” shall mean the provision of utility service directly to the consumer based on a metered or flat rate.
- AA. “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.
- BB. “Septic tank system” shall mean an individual onsite wastewater disposal system that utilizes a septic tank to provide primary treatment of a waste stream.

- CC. “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 collection, 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.
- DD. “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.
- EE. “Wholesale” shall mean for purposes of this Regulation the provision of utility service to a retail utility for resale to consumers.
- FF. “Utility” means all public and private entities which obtains a Public Convenience and Necessity Certification from the Mississippi Public Service Commission, a districted created pursuant to Section 51-9-101 through 51-9-163 or Section 19-5-151 through 19-5-257, or any other political subdivision or public agency which are not a Municipality, and which provide water, sewer or water and sewer service to any Person in Hancock County.

IV. ADMINISTRATIVE PROCESSES

A. EFFECTIVE DATE OF RULES AND REGULATIONS

1. These Rules and Regulations provide for the health and safety of the citizens of Hancock County and to immediately allow for the construction of homes without delay shall be effective upon execution upon passage by the Board of Directors and signed by the President. The Authority upon passage shall provide public notice by posting and publication as required by law.

B. EMERGENCY RULE ADOPTION

1. The Authority may adopt an emergency rule or ordinance if it finds an existing or threatened danger to the public health, safety and welfare exists which requires immediate action.
2. Unless it defeats the purpose of the emergency rule or ordinance, the Authority may provide notice to newspapers of general circulation in the Authority’s jurisdictional area, and notice all affected persons, before adopting an emergency rule. The Authority shall permit, if possible and upon request, all affected persons to present testimony, evidence, and submit written statements.

3. Notwithstanding, subsection (2), the Authority shall use any procedure which is fair under the circumstances in the adoption of an emergency rule, so long as it protects the public interest and otherwise complies with applicable statutory provisions.

V. STATUTORY REQUIREMENTS

All designs, construction and other considerations for all water, wastewater and storm water systems, modifications, demolition or other substantial actions related to this infrastructure shall be reviewed, approved and permitted by the Authority prior to the person providing any work.

A. WATER

1. Design

- a. No person shall erect, construct, or operate a public water system, nor undertake substantial 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. For purposes of these requirements "substantial" as used in this section shall not include routine maintenance. Prior to any consideration of a public water system, the wastewater system must be approved by MDEQ.
- b. No person shall occupy, lease, or permit the occupancy of any building or structure within the Authority's jurisdictional area without a connection to a public water system unless otherwise approved by the Authority. Under special circumstances for lots more than 300 feet from an available public water system and for lots of least one (1) acre in size, the Authority, may approve an individual water system based on site conditions submitted by the person requesting connection. 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 (800 gallons if landscaping is to be watered) 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.
- c. In cases of subdivided property, a public water system shall be required if there are at least 15 different service connections or at least 25 residents.

- d. The design of the components of a 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 “Recommended Minimum Design Criteria for Mississippi Public Water Systems” as published by MDH.
- e. Additional general standards that apply to the design of water systems shall include:
 - i. The Recommended Standards for Water Works, "Great Lakes Upper Mississippi River Board of State Public Health & Environmental Managers," commonly known as the "Ten-State Standards.”
 - ii. American Water Works Association (AWWA) Standards.
 - iii. “Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources”, U.S.E.P.A.
 - iv. “Manual of Small Public Water Supply Systems”, U.S.E.P.A.
- f. Performance standards of the Authority shall be included as part of the design criteria in conjunction with MDH requirements.
- g. Computerized hydraulic modeling of water system components of subdivision extensions 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.
- h. The design documents for any water system improvement shall be reviewed, approved, and permitted by the Authority prior to construction.
- i. The design shall comply with the standards of the Authority that shall be consistent to the extent possible among all Authorities for pipes, pumps, wells, and other water system components to achieve the highest quality materials with long life expectancy and for ease of operations, maintenance and repair.
- j. The design shall incorporate the use of SCADA systems for remote operation and monitoring using MODBUS protocol that is consistent among all Authorities.
- k. The design of extensions or connections to the Authority’s system shall be done in accordance with the requirements as determined by the Authority.
- l. To the extent possible the design of facilities shall allow for growth and expansion of the system in accordance to the Authority’s requirements or plans.

- m. Minimum Pipe Sizes:
 - i. Residential and Commercial Areas: The minimum pipe size for distribution mains within residential and commercial areas shall be 8 inches in diameter, for service to fire hydrants. On dead-end distribution mains between the last fire hydrant location and the end of the distribution main, the minimum pipe size for distribution mains shall be 4 inches in diameter.
 - ii. Industrial Areas: The minimum size of pipe for primary feeder mains and mains in industrial areas shall be 12 inches in diameter.
- n. Fire Hydrants: Fire safety measures shall be provided, which includes installation of fire hydrants on new water mains, in accordance with the requirements herein. Unless the local water system provider, or the local fire department has adopted more stringent requirements for the distribution of fire hydrants, the distribution of hydrants shall be as follows:
 - i. Residential Areas: Provide fire hydrants no further than 500 feet from any residential structure, AND at a maximum spacing between fire hydrants of 1,000 feet, (when measured along a route accessible to vehicles, for both cases).
 - ii. Commercial and Industrial Areas: Provide fire hydrants no further than 400 feet from any commercial or industrial structure, AND at a maximum spacing between fire hydrants of 500 feet, (when measured along a route accessible to vehicles, for both cases).
 - iii. Fire hydrants, complete with tees and valves, may be required on undeveloped property if, in the opinion of the Executive Director, the area may be developed within a reasonable time frame.
- o. No fire hydrant shall be installed on a water main of less than eight-inch (8") inside diameter. The hydrant run shall be a minimum six-inch (6") inside diameter. Hydrants shall be located as close to the mainline as possible and in no case shall be over 40 feet away unless protected by an approved backflow assembly. Fire hydrants shall meet the current AWWA Standard C502.
- p. Hydrants shall be located generally as follows:
 - i. As near as possible to the corner of street intersections.
 - ii. At the end of a dead-end line, unless the location of the hydrant conforms to the distance requirement to a structure as described above in paragraph A.1.n., and a blow-off valve assembly is installed at the dead end.
 - iii. At property lines extended into the right-of-way so as to not interfere with driveways.
 - iv. In-line valve locations shall correspond to hydrant locations wherever possible.

- v. Hydrants shall not be installed closer than five feet (5') from an existing utility pole or guy wire nor shall a guy wire or utility pole be placed less than five feet (5') from an existing hydrant.
- q. Auxiliary Valve. Each fire hydrant shall have an auxiliary valve and valve box which will permit repair of the hydrant without shutting down the main supplying the hydrant.
- r. Backflow prevention shall be provided by a double check valve, a 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. Typical required connections include: manufacturing and processing plants, medical facilities, laboratories (including school chemistry and biology labs) and buildings that have boilers, fire sprinkler systems, and irrigation systems. Sole residential facilities typically do not require backflow with the exception of lawn irrigation systems and multi-family residences with a boiler or fire sprinkler system.
- s. Air Release/Combination Air and Vacuum Release Valve. An air release valve or combination air and vacuum release valve shall be permanently installed at high points on all water mains where air can accumulate. The combination air and vacuum release valve shall be used where directed by the Authority. In general, the combination air and vacuum release valves are used in hilly terrain rather than gentle, rolling terrain.

The air release valve or combination air and vacuum release valves shall be installed in a manhole off the street where flooding of the manhole or chamber will not occur. The open end of an air release pipe from automatic valves shall extend to the top of the manhole to at least six inches (6") above grade and provided with a screened, downward facing elbow. Grade shall mean the existing ground elevation adjoining the manhole.
- t. Blow-Offs. Mains which are planned to be extended later shall have a blow-off assembly preceded by a valve. Where curbs exist, the blow-off shall be located behind the curb at least two feet (2') from the curb face. All low points and dead-end lines shall be provided with adequate means for flushing, either by using a fire hydrant or blow-off hydrant.
- u. Chamber Drainage. Design engineers shall provide for drainage in chambers or manholes containing valves, blow-offs meters or other such appurtenances to a distribution system.
- v. All water mains, including those not designed to provide fire protection, shall be sized after a hydraulic analysis based on flow demands and pressure requirements has been completed.
- w. The system must be designed to maintain a minimum pressure of 20 psi at each service connection and at all points in distribution system under all conditions of flow (residual). The normal working pressure in the

distribution system should be approximately 60 psi and not less than 40 psi. Wide variations in pressure above the minimum requirement of 20 psi may be inherent in the design of a distribution system but, pressures no greater than 100 psi should be delivered to the customer (unless higher pressures are requested.) The 100 psi maximum pressures can be met by pressure reducing valves in vicinity of each customer's source line, or by designing the distribution system to limit the maximum pressure. Class 160 psi pipe may be used for operating pressures not to exceed 80 psi. For operating pressures between 80 psi and 100 psi, Class 200 psi pipe shall be used. In all cases the rated capacity of a pipe or fitting shall be at least two times greater than the operating pressure of the system.

- x. Minimum fire flows shall be as follows:
 - i. Single Family: 500 gallons per minute
 - ii. Multi-Family Residential: 1000 gallons per minute
 - iii. Commercial: 3000 gallons per minute
 - iv. Industrial, Warehouse and Downtown areas: 5000 gallons per minute
 - v. The number of hours that the required fire flow shall be available also varies depending on the land use and ranges from 2-10 hours. Flow requirement and hours of fire flow shall be confirmed with the local fire department at the time of design. Water mains and distribution systems should be sized to meet instantaneous peak demand flows.
 - y. Where dead-end mains occur, they shall be provided with a fire hydrant, when fire flows are available, or with an acceptable flushing hydrant or blow-off for flushing purposes. The blow-off shall be at least 2 inches in diameter but, must be appropriately sized to provide flushing velocities of 2.5 feet per second or greater in the water main being flushed.
 - z. Valves are to be placed at all intersections of water mains. Valves should be located at not more than 500 foot intervals in commercial districts and at not more than one block or 800 foot intervals in other districts. Where systems serve widely scattered customers, the valve spacing should not exceed 4000 feet, and be marked with permanent posts. Valves shall meet the current AWWA Standards.
 - aa. Cross connections are prohibited.
2. Construction and Installation
- a. The construction of the water system components shall be completed in accordance with MDH criteria for each component. General construction guidance can be found in "Recommended Minimum Design Criteria for Mississippi Public Water Systems" as published by MDH. The design shall be submitted for review and approval by the Authority and MDH prior to construction.

- b. The construction shall conform to the plans and specifications approved by the Authority. Any non-compliance with the approved plans and specifications shall be corrected upon notice.
 - c. The construction of the water systems components shall be subject to review and inspection by the Authority at all times.
 - d. A letter of certification shall be submitted from a professional engineer to the Authority and the MDH stating that the project was constructed in substantial compliance with the approved plans and specifications.
 - e. Individual water systems which are intended for potable purposes shall be permitted only in areas which cannot feasibly connect to a public water system. All individual water systems must be constructed and installed in accordance with the applicable requirements of MDH and MDEQ.
3. Operation
- a. The Authority shall establish the necessary fee schedules, user charges and other revenue sources to support operation and maintenance activities on systems that the Authority owns or controls.
 - b. All personnel who operate facilities shall be duly licensed by the MDH and qualified for the work.
 - c. The monitoring of the water system components shall be centralized to a single location via radio, telephone or other communication mechanism. A consistent communication structure is required across the Authority's system, wherever possible.
4. Maintenance
- a. The Authority shall establish a routine maintenance schedule for all system components in accordance to manufacturer's instructions and requirements or as required by MDH.
 - b. Water systems maintained by agencies within the Authority's jurisdictional area shall establish a flushing program for water mains to ensure a high level of water quality by removing sediment. The program shall include a written procedure to include public notification and schedule prior to beginning flushing. The flushing program shall occur at least annually but no more than twice per year, once in the spring and fall. Flushing shall begin at the source and proceed away from the source. Flushing velocities of at 2.5 feet per second, preferably 5 feet per second shall be maintained in the water main being flushed.
5. Performance Standards
- a. All designs shall be reviewed and approved by the necessary federal, state and local jurisdictional agencies for appropriate areas affected by the proposed construction. If applicable, the Authority shall review and approve in writing all designs in accordance with the regional plan.

- b. Upon mutual agreement, the Permittee may dedicate the necessary facilities to the Authority in its discretion for operation and maintenance once complete. The design of the water system components shall comply with the requirements of the Authority and be duly approved prior to beginning construction. The Authority may require the Permittee to post a maintenance/performance surety for up to 100% of the construction costs of the facilities for a period of at least one year during the warranty period prior to the Authority accepting any facilities for operation and maintenance. For systems that are not dedicated to the Authority, the Permittee shall construct, operate, monitor, and maintain any water system in accordance with these regulations.
 - c. Applicant and/or Permittee shall provide an electronic and hard copy of all record drawings of water system components to the Authority.
 - d. 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.
 - e. The Authority must be provided five (5) working days notice prior to initiation of construction and again prior to start-up of all water systems. A designee of the Authority may be present during all critical times of construction to ensure compliance with the contract requirements and Authority regulations. The Authority may be present during the start-up of all major components of the water system to be operated and maintained by the Authority.
 - f. The Authority may provide to its water systems, and encourage water systems within the Authority's jurisdictional area, to provide for the fluoridation of public water systems consistent with the standards adopted by MDH.
6. Operator Requirements
- a. Any operator of the water system components shall comply with the appropriate jurisdictional state agency governing the operated component. As a minimum the operator of all major water components shall be duly licensed by the MDH.

B. WASTEWATER

1. Individual Onsite Wastewater Disposal Systems (“IOWDS”)

a. General

- i. It is the policy of the Authority that IOWDS shall be used only when no alternative is available to provide wastewater services. When public water is not available IOWDS may be installed under the following conditions:
 - (1) Subdivisions with less than five (5) lots IOWDS may be installed on a minimum of two (2) acres lots;
 - (2) Subdivisions with five (5) but less than thirty-five (35) lots, IOWDS may be installed on a minimum of three (3) acres lots, but no surface discharge will be allowed;
 - (3) IOWDS will be considered only for use in residential subdivisions consisting of 35 or fewer lots; and
 - (4) When calculating the acreage available for development, the area shall not include any wetlands, lakes, streams or other water bodies or flood plain, flood way or flood zone.
- ii. When public water is available IOWDS may be installed under the following conditions:
 - (1) Subdivisions with less than ten (10) lots, IOWDS may be installed on a minimum of one (1) acre lots;
 - (2) Subdivisions with ten (10) or more lots, IOWDS may be installed on a minimum of two (2) acre lots;
 - (3) IOWDS will be considered only for use in residential subdivisions consisting of 35 or fewer lots; and
 - (4) When calculating the acreage available for development, the area shall not include any wetlands, lakes, streams and other water bodies or flood plain, flood way or flood zone.
- iii. No IOWDS shall be constructed within a floodway, floodplain or within the 100-year flood zone;
- iv. All lots must be inspected by the Mississippi Department of Health and a determination made that an IOWDS can be constructed in accordance with these regulations and all requirements of the Mississippi Department Health; and;
- v. All single-family residential lots must submit with their application written proof of a percolation test conducted in accordance with the Authority’s “Septic Tank/Absorption Field Systems Manual”. All percolation tests for sewage systems required under this provision may only be conducted by registered engineers, geologists, soil scientist or

other persons who have received Department of Health or Authority training and certification.

- vi. All commercial developments, which have no alternative for sewer but IOWDS, may install IOWDS after submitting written proof of a percolation test conducted in accordance with the Authority's "Septic Tank/Absorption Field System Manual". All percolation tests for sewage systems required under this provision may only be conducted by registered engineers, geologists, soil scientist or other persons who have received Department of Health or Authority training and certification. IOWDS Individual onsite wastewater systems will only be considered for use in residential subdivisions consisting of 50 or fewer lots, all of which must exceed 1.5 acres in size. Such systems must comply with all applicable laws.
 - vii. Commercial developments and IOWDS not in subdivisions will be evaluated on a case by case basis. Such systems must comply with all applicable laws.
- b. Design
- i. The design of the selected type of IOWDS shall be provided by a professional engineer in accordance with the requirements of MDH and the Authority. Specific design criteria and requirements can be found in MDH "Regulation Governing Individual On-Site Wastewater Disposal Systems." IOWDS shall only be constructed by a professional engineer or installers licensed by MDH.
 - ii. 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 or the Authority for their analysis and use.
 - iii. The design shall be submitted for review and approval by the Authority and MDH prior to construction. The Authority may require that any proposed IOWDS be reviewed by the Authority's professional engineer. Notwithstanding any other provision of law, the Authority may rely on the judgment of its engineer as to the suitability of an IOWDS. The Authority shall require a master plan to be submitted by the developer for the area proposed to be developed and certifications as to future plans for development.
 - iv. All IOWDS constructed within the Authority's jurisdictional area on or after the effective date of this regulation must be permitted. Permits must be renewed on a schedule as determined by the Authority. All individual onsite wastewater disposal systems shall function properly and be in compliance with all requirements of the Authority and of MDH. The Authority, its contractor, or an Authority-approved inspector will make periodic inspections, conduct routine maintenance,

and make any necessary repairs to ensure compliance with the requirements of this regulation.

c. Construction and Installation

- i. The installation shall conform to the plans and specifications approved by the Authority.
- ii. The installation of IOWDS shall be provided by a professional engineer or certified installer of the type of system proposed.
- iii. 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.
- iv. Owner shall provide certification to the Authority that IOWDS system was installed in accordance with Authority rules and regulations.

d. Operation

- i. IOWDS shall be operated and managed to ensure compliance with these regulations. Such operation and maintenance may be consistent with one of five models established by EPA. *See Handbook for Management of Onsite and Clustered (Decentralized) Wastewater Treatment Systems, AppendixD, www.epa.gov/owm/septic/pubs/septic_management_handbook.pdf.*
- ii. In cases where the Authority is responsible for operation, monitoring and maintenance of IOWDS, a fee schedule, and user charge systems shall be developed to support operation activities.
- iii. Permits for IOWDS shall be for a period of not more than 5 years. Not later than 180 days prior to the expiration date of the permit, Permittee must file an application for renewal of the permit. A Permittee who files an application for renewal shall: allow inspection by the Authority or its designee (**or MDH**) to ensure proper operation, be responsible for any necessary maintenance and comply with any additional requirements of the Authority.

e. Maintenance

- i. Unless operated by the Authority, the Permittee shall be responsible for day-to-day maintenance of IOWDS. IOWDS shall be maintained so as to comply with these regulations and with permit conditions.
- ii. The Authority may sponsor training for proper maintenance of IOWDS.
- iii. As a condition of permitting, owners of individual onsite wastewater disposal systems may enter into a service agreement with the Authority or its designee. The owner shall be responsible for any expense for parts or labor not covered in the service agreement. The Authority's representative, or the representative of the Authority's

contractor, shall have right of entry onto the property of the owner, at reasonable times, to make inspections and conduct maintenance and repair operations.

- iv. All permitted IOWDS shall be inspected and certified for acceptable operations by the Authority or its contractor at intervals as defined in the permit but shall be provided at least once every five years and upon the sale or transfer of the permitted property. IOWDS owners shall be responsible for all costs of the operations, maintenance, inspections, repairs and replacement of IOWDS to be compliant with the requirements of the permit. If the IOWDS is determined to be inadequate and not functioning properly as determined by Authority or the Mississippi Department of Health written notice shall be mailed to property owner providing the findings. The permitted shall be compelled within 30 days from receipt to correct the problem or connect into public wastewater system within 90 days if one is available.

f. Performance Standards

- i. IOWDS shall not be permitted if a centralized wastewater system is available or if soil, site, or groundwater conditions are not conducive to the use of IOWDS. Within six (6) months of a public sanitary sewer system (either centralized or decentralized) becoming available to property being served by an individual on-site wastewater treatment system, a direct connection shall be made to the public sanitary sewer in accordance with these Rules and Regulations. At the time of the connection to the public sanitary sewer system, the individual on-site wastewater treatment system shall be abandoned as required by the Mississippi State Department of Health and Mississippi Department of Environmental Quality.

g. Operator Requirements

- i. The Permittee shall be aware of all requirements of the Authority contained in the permit issued by the Authority to include inspection and maintenance.

2. Decentralized Wastewater Systems

a. General

- i. Commercial and residential developments will be evaluated on a case-by-case basis to determine whether or not a decentralized wastewater system may be approved. The Authority may consider any factor, or information that it deems relevant to a determination of the suitability of a decentralized wastewater system. Such systems must be constructed in accordance with these regulations and all requirements of MDEQ and MS BOH.

b. Design

- i. For new developments, a centralized wastewater system shall be provided within the development unless site, soil or groundwater conditions dictate otherwise.
- ii. If a centralized wastewater system cannot be provided due to site conditions, an alternative collection system may be considered by the Authority.
- iii. MDEQ must approve decentralized systems. The developer shall provide any required testing and other design or supporting information to MDEQ.
- iv. The design of the selected type of decentralized system shall be provided by a professional engineer in accordance with the MDEQ requirements.
- v. The Authority shall require a master plan to be submitted by the developer for the area proposed to be developed and certifications as to future plans for development.
- vi. Treated effluent discharged to a surface water body or spray irrigation system must be disinfected.
- vii. 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.
- viii. To the extent possible, the decentralized wastewater systems shall be designed for expansion or consolidation of nearby developments as required by the Authority.
- ix. 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 approved Site Development Agreement.
- x. If the developer requests the Authority to install a decentralized treatment system the Authority shall design, install, own and operate the system in accordance with these Rules and Regulations. The Authority shall retain ownership of the completed decentralized treatment facility and all pumps, piping, and other mean of collection. The individual property owner receiving retail wastewater service shall retain ownership and maintenance responsibility for the individual service line to the collection system.

- c. Construction and Installation
 - i. Construction of decentralized wastewater treatment systems shall be in accordance with the Authority approved plans and specifications. Modifications to major elements during construction shall not be permitted without approval by the Authority.
 - ii. An installer of a decentralized wastewater system shall be certified in accordance with applicable state agency and manufacturer's requirements. The installer shall provide a certified statement that installation was completed in compliance with all applicable standards, laws and regulations.
- d. Operation
 - i. Decentralized wastewater systems shall be operated and managed to ensure compliance with these regulations. Such operation and maintenance may be consistent with one of the four models established by the EPA. *See Handbook for Management of Onsite and Clustered (Decentralized) Wastewater Treatment Systems*, Appendix D, www.epa.gov/owm/septic/pubs/septic_management_handbook.pdf.
 - ii. The Authority shall develop the necessary fee schedule and user charge to support operation activities of decentralized wastewater systems for systems the Authority owns or controls.
 - iii. The Authority may contract with appropriate qualified personnel to operate decentralized sewer systems.
 - iv. Permits for decentralized wastewater systems shall have expiration dates for renewal periods as determined by the Authority. Prior to renewal, the Permittee of the IOWDS shall allow inspection by the Authority or its designee (**or MDEQ**) to ensure proper operation.
- e. Maintenance
 - i. Unless operated by the Authority, the Permittee shall be responsible for day-to-day maintenance of the decentralized wastewater systems.
 - ii. The system shall be considered to be malfunctioning when it fails to meet one or more of its operation requirements, either continuously or intermittently.
 - iii. Systems which incorporate a septic tank for primary treatment shall be inspected by the Permittee, and the contents of the septic tank removed, periodically from all compartments, to ensure proper operation of the system. The contents shall be pumped whenever the solids level is found to be more than 1/3 of the liquid depth in any compartment. Systems which incorporate an aerobic treatment unit for secondary treatment shall be checked by a factory authorized maintenance provider and the solids pumped out as to manufacturers' recommendations.

- iv. As a condition of permitting, decentralized systems must be maintained by the Authority or under a contract for maintenance that is approved by the Authority.
 - v. Inspections of the system shall be performed at the frequency specified in the permit. The inspection report shall be filed with the Authority. Any violations discovered by the inspection shall be reported in writing to the Authority within 24 hours.
 - vi. The Permittee shall be responsible for assuring routine maintenance procedures and the monitoring requirements in accordance with these rules and any applicable permit conditions.
 - vii. A decentralized system shall be repaired within 30 days of notification to the Authority of any of the following: when it allows surfacing of effluent or the discharge of effluent directly into groundwater or surface waters; when it is partially or totally destroyed; or when it is in violation of any requirements of these regulations or permit conditions.
 - viii. When necessary to protect the public health, the Authority shall require the Permittee of a malfunctioning system to pump and haul sewage to an approved wastewater treatment system during the time needed to repair the system.
- f. Performance Standards
- i. All designs for decentralized wastewater systems shall be reviewed and approved by the necessary federal, state, and local jurisdictional agencies for appropriate areas affected by the proposed construction. If applicable, the Authority shall review and approve in writing all designs in accordance with the regional plan.
 - ii. Upon mutual agreement, the Permittee may dedicate the necessary facilities to the Authority in its discretion for operation and maintenance once complete. The design of the decentralized wastewater system components shall comply with the requirements of the Authority and be duly approved prior to beginning construction. The Authority may require the Permittee to post a maintenance/performance surety for up to 100% of the construction costs of the facilities for a period of at least one year during the warranty period prior to the Authority accepting any facilities for operation and maintenance. For systems not dedicated to the Authority, the Permittee shall construct, operate, monitor, and maintain any decentralized system in accordance with these regulations.
 - iii. All systems shall provide the infrastructure necessary in the opinion of the Authority to allow for easy future connection of the decentralized system to a centralized wastewater system. Once the decentralized system is connected to the centralized wastewater system, the Permittee will be responsible for any modifications, close-out and

removal of any components of the decentralized system as required by MDEQ and/or the Authority.

- iv. All treated wastewater from decentralized systems shall be contained within the development unless an NPDES permit is issued by the Permit Board.
- v. To the greatest extent possible, disposal of treated and disinfected wastewater shall occur through reuse applications, such as spray irrigation or subsurface drip irrigation into common green spaces that require landscape irrigation.
- vi. The Permittee shall provide the appropriate level of treatment, disinfection, retention and redundancy or backup components as required by MDEQ or the Authority.

g. Operator Requirements

- i. The operator for the decentralized wastewater systems shall be a certified wastewater operator. The operator shall be under contract with the Permittee to provide the necessary operations and routine maintenance of the decentralized system.

3. Centralized Wastewater Systems

a. General

- i. 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 and 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.

b. Design

- i. 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.”
- ii. Where specific guidance to certain elements are not provided by MDEQ, the Ten State Standards for Wastewater Design shall be used.
- iii. The design shall be submitted for review and approval by the Authority and MDEQ prior to construction.
- iv. 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.

- c. Construction and Installation
 - i. The construction shall conform to the plans and specifications approved by the Authority.
 - ii. The construction of the centralized wastewater system components shall be subject to review and inspection by the Authority at all times.
- d. Operation
 - i. The Authority shall establish the necessary fee schedules, user charges and other revenue sources for systems that the Authority owns or controls to support operation activities.
 - ii. All personnel who construct and/or operate facilities shall be duly certified by the appropriate agency and qualified for the work.
 - iii. The monitoring of the sewer system components operated by the Authority may be centralized in a single location via radio, telephone or other communication mechanism. A consistent communication structure may be required across the Authority's system.
 - iv. Permits for centralized wastewater systems shall have expiration dates for renewal periods as determined by the Authority. Prior to renewal, the Permittee shall allow inspection by the Authority or its designee (**or MDEQ**) to ensure proper operation.
- e. Maintenance
 - i. The Authority shall establish a routine maintenance schedule for all system components in accordance with instructions and requirements of the applicable manufacturer, local, state, and federal agencies.
- f. Performance Standards
 - i. All designs shall be reviewed and approved by the necessary federal, state, and local jurisdictional agencies for appropriate areas affected by the proposed construction. If applicable, the Authority shall review and approve in writing all designs in accordance with the regional plan.
 - ii. All plans and specifications shall be reviewed to determine the necessary environmental impacts.
 - iii. Upon mutual agreement, the developer and/or owner may dedicate the necessary facilities to the Authority at its option for operation and maintenance once complete. The design of the wastewater system components shall comply with the requirements of the Authority and duly approved prior to beginning construction. The Authority may require the developer to post a maintenance/performance surety for up to 100% of the construction costs of the facilities for a period of at least one year during the warranty period prior to the Authority accepting any facilities for operation and maintenance. Any Permittee that retains ownership shall construct, operate, monitor, and maintain

any centralized wastewater system in accordance with these regulations.

- iv. Applicant and/or Permittee shall provide an electronic and hard copy of all record drawings of water system components.
- v. All system components that are deemed critical to the integrity of the wastewater system shall be provided with backup power supply. All non-critical components of the wastewater 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.
- vi. A designee of the Authority may be notified by the Permittee in order to be present during all critical times during construction to ensure contract document and Authority compliance. The Authority may be present during the start-up of all major components of the wastewater water system component to be operated and maintained by the Authority.

g. Operator Requirements

- i. Any operator of the wastewater system shall be duly certified to operate the facility by MDEQ. Certifications shall be maintained current by the operator in order to continue to operate for the Authority. All operators shall carry the necessary professional liability insurance and provide proof thereof to the Authority.

C. STORM WATER

1. Design

a. Permit Issuance

- i. No applicant shall receive any county grading, clearing, building or other land development permit required for land disturbance activity without first meeting the requirements of the Authority with respect to the portion of the development project and the land disturbance activity to which the permit at issue would apply.

b. Extension of Public Storm Sewer Systems

- i. Public storm sewer systems shall be extended to the most distant upstream parcel boundary(s) to accommodate current and future storm flows entering the property, unless otherwise approved by the Authority. Except as otherwise provided, the extension of the public storm water systems to serve any parcel or tract of land shall be done by and at the expense of the applicant. The Authority may require that a storm water pipeline that serves or could serve more than one property in the future become a public system.

- c. Increase in Surface Water Runoff
 - i. 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.
- d. Review of Downstream System
 - i. For each development constructing new impervious surface of more than 5,000 square feet, 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. The design engineer must perform a capacity and condition analysis of the drainage system downstream of the development.
- e. Water Quantity Facility Design Criteria
 - i. All water quantity facilities shall be designed in accordance with the following:
 - (1) When required, storm water quantity on-site detention facilities shall be designed to capture runoff so the post-development runoff rates from the site do not exceed the pre-development runoff rates from the site, based on a 2 through 25-year, 24-hour return storm. Specifically, the 2, 10, and 25-year post development runoff rates will not exceed their respective 2, 10, and 25-year pre-development runoff rates; unless other criteria are identified in an adopted watershed management plan or sub basin master plan.
 - (2) 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.
 - (3) Construction of on-site detention shall not be allowed as an option if such a detention facility would have an adverse effect upon receiving waters in the basin or sub basin in the event of flooding, or would increase the likelihood or severity of flooding problems downstream of the site.
- f. Water Quality Facility Design Standards
 - i. All facilities shall be designed in accordance with MDEQ/MCEQ regulations and applicable federal laws and regulations.

g. Flood Management Design Standards

i. Purpose: The purpose of these standards is to reduce the risk of flooding, prevent or reduce the risk to human life and property, and maintain the functions and values of floodplains, such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems.

ii. Flood Management Areas Defined: Flood management areas shall include, but are not limited to, the following:

- (1) Land identified within the 100 year floodplain and floodway as shown on the Federal Emergency Management Agency Flood Insurance maps.
- (2) Land identified in updated flood studies or any other authoritative data documenting flood elevations as approved by the Authority. Applicants shall use the most recent and technically accurate watershed model information available from the Authority, or other updated data as approved by the Authority, to determine flood areas.
- (3) Design Criteria: The standards that apply to the flood management areas apply in addition to local, state, and federal restrictions governing floodplains and flood hazard areas.
- (4) All fill placed in a floodplain shall be balanced with an equal amount of soil material removal and shall not decrease floodplain storage capacity at any stage of a flood (2, 25, or 100-yr event). No net fill in any floodplain is allowed except when all of the following conditions are met:
 - When an area has received special protection from floodplain improvement projects which either lower the floodplain, or otherwise protect affected properties;
 - Where the exceptions comply with adopted master plans, watershed management plans, or sub basin plans, if any; and
 - When all required permits and approvals have been obtained in compliance with FEMA rules and other local, state, and federal laws regarding fill in floodplains.
- (5) Large areas may not be excavated in order to gain a small amount of fill in a floodplain. Excavation areas shall not exceed the fill areas by more than 50 percent of the square footage, unless approved by the Authority.
- (6) Any excavation dug below the winter "low water" elevation shall not count toward compensating for fill since these areas would be full of water in the winter and not available to hold storm water following a rain. Winter "low water" elevation is defined

as the water surface elevation during the winter when it has not rained for at least three days, and the flows resulting from storms have receded. This elevation may be determined from records, studies, or field observation. Any fill placed above the 100-year floodplain will not count towards the fill volume.

- (7) The excavated area must be designed to drain if it is an area identified to be dry in the summer, e.g., if it is used for a park or mowed in the summer. Excavated areas identified to remain wet in the summer, such as a constructed wetland, shall be designed not to drain. For areas that are to drain, the lowest elevation shall be at least 6 inches above the winter "low water" elevation, and sloped to drain. One percent slopes will be allowed in areas less than 1000 sq. ft.
- (8) Excavation to balance a fill shall be located on the same parcel as the fill unless it is not reasonable or practicable to do so. In such cases, the excavation shall be in the same drainage basin, within points of constriction on the conveyance system, if any, as near as practical to the fill site, and shall be constructed as a part of the same development project.
- (9) Short term parking (motor vehicles remain parked for less than 18 hours per day) in the floodplain may be located at an elevation of no more than one foot below the ten year floodplain so long as the parking facilities do not occur in a water quality sensitive area or vegetated corridor. Long term parking (motor vehicles remain parked for greater than 18 hours without being moved) in the floodplain may be located at an elevation of no more than one foot below the 100 year floodplain so long as the parking facilities do not occur in a water quality sensitive area or vegetated corridor.
- (10) Temporary fills permitted during construction shall be removed upon completion of construction.
- (11) Excavation and fill required for the construction of detention facilities or other facilities, such as levees, shall be specifically designed to reduce or mitigate flood impacts. Levees shall not be used to create vacant buildable land.
- (12) Excavation and fill required to restore or enhance floodplains, riparian areas, wetlands, uplands, and streams, including but not limited to the planting of vegetation and day lighting existing storm pipes, shall be permitted as long as the design complies with applicable federal, state and local standards.
- (13) The floodplain may not be modified to increase water velocities such that stream bank erosion will be increased, unless the stream banks are protected to prevent the increased erosion.

- (14) Uncontained areas of hazardous materials are prohibited within flood management areas.
- (15) Existing nonconforming uses are allowed to continue in the flood management area. Existing nonconforming uses may be modified with approval from the Authority.
- (16) Any proposed work within or modification to a floodway must be certified by a professional engineer as to how it conforms to these standards and all other local, state, and FEMA regulations.
- (17) For streams, creeks, rivers and other watercourses where the floodway has not been identified, the entire floodplain shall be treated as a floodway unless a study has been prepared by a professional engineer and approved by the Authority to define the floodway limits for a stream section.

h. Storm Water Management Plan

- i. 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”) in the following additional areas if applicable to the project:
 - (1) Erosion control on slopes;
 - (2) Erosion control on flat areas; or BMPs to prevent runoff from or to desilt runoff from flat areas;
 - (3) Runoff velocity reduction;
 - (4) Sediment control;
 - (5) Offsite sediment tracking control;
 - (6) Materials management;
 - (7) Waste management;
 - (8) Vehicle and equipment management;
 - (9) Water conservation;
 - (10) Structure construction and painting;
 - (11) Paving operations;
 - (12) Dewatering operations;
 - (13) Planned construction operations;
 - (14) Downstream erosion control;
 - (15) Prevention of non-storm water discharges;
 - (16) Protection of ground water; and

(17) Well Development

2. Construction, Installation and Operation
 - a. The construction shall conform to the plans and specifications approved by the Authority.
 - b. The construction of the storm water system components shall be subject to review and inspection by the Authority at all times.
 - c. Construction activities shall incorporate the BMPs and conform to requirements as outlined in the Guidance Manual for Construction Projects developed by MDEQ.
3. Maintenance
 - a. The Permittee shall be responsible for inspections and maintenance on the site as required by the Authority.
4. Performance Standards
 - a. All site designs shall establish storm water management practices to control the peak flow rates of storm water discharge associated with specified design storms and reduce the generation of storm water. These practices should seek to utilize pervious areas for storm water treatment and to infiltrate storm water runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
5. Operator Requirements
 - a. The operator of storm water facilities shall be certified as required by the Authority.

VI. PERMIT REQUIRED

- A. Before a building or development which requires the installation of a water, wastewater, or storm water system is constructed, a permit application for the system must be submitted to the Authority. If the Authority finds an application to be consistent with the requirements set forth in this regulation, the Authority shall certify the proposed project to the appropriate state agency subject to the applicable agency's review and approval. The Authority may issue general permits and, where appropriate, may consolidate multiple permits for the same facility or operation into a single permit. The Authority, in its discretion, may adopt regulations or permitting requirements more stringent than state or federal law and regulations.

Approved letters from the Mississippi Board of Health and the Mississippi Department of Environment Quality will be submitted to the Hancock County Utility Authority prior to initiating work. If the permitted project does not begin within one year of the date of the letter, the permit will become null and void, and the permittee will have to appear before the Hancock County Utility Authority and request a new permit to be issued.

- B. The Authority may:
1. Issue reissue, or transfer any permit under those conditions and limitations consistent with these regulations and as it reasonably deems necessary to effectuate the purposes of Miss. Code Ann. §§ 49-17-701, *et seq.* (Supp. 2006);
 2. Issue, reissue, or transfer any temporary or emergency permit for any period of time specified by the Authority where conditions make a temporary or emergency permit essential;
 3. Revoke any permit as the Authority deems appropriate for failure to adhere to permit conditions or these regulations;
 4. Deny the issuance, reissuance, transfer, or modification of any permit if the Authority finds that the applicant:
 - A. Has a history of financial instability;
 - B. Has been in violation of any order or regulatory requirement of any state or federal agency;
 - C. Has a history of non-compliance with regulatory requirements;
 - D. Has misrepresented or concealed any material fact in the permit application;
 - E. Has obtained a permit from the Authority by misrepresentation or concealment;
 - F. Has been convicted of a felony or pleaded guilty or nolo contendere to a felony involving any federal or state environmental laws, within the five-year period immediately preceding the filing of the application for the issuance, reissuance or transfer of a permit;
 - G. Has habitually violated any provisions of federal or state environmental laws, rules or regulations related to the management of a system within the five-year period immediately preceding the filing of the application for the issuance, reissuance or transfer of a permit; or
 - H. Has been adjudicated in contempt of an order of any court enforcing any state or federal environmental laws within the five-year period immediately preceding the filing of the application for the issuance, reissuance or transfer of a permit.
 5. Deny the issuance, reissuance, or modification of any permit if the proposed use is found to be contrary to public interest;
 6. Deny the issuance, reissuance, or modification and/or revoke or suspend any permit for any violation of this regulation or applicable law.

VII. APPLICATION PROCESS

- A. Application for permits of systems shall be on forms provided by the Authority. Applications shall be submitted to the President, or his designee, at the main offices of the Authority. 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 water, wastewater, or storm water system, or any other system within the jurisdiction of the Authority under any conditions as it deems necessary.
- B. Applications for individual on-site wastewater disposal systems, or applications for individual water systems shall be reviewed, and a determination made by the President, or his designee, within forty-five (45) days of the date such application is deemed complete by the Authority. 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.
- C. Applications for all systems, other than those addressed in subsection (B), shall be reviewed, and a determination made by the President, or his designee, within ninety (90) days of the date such application is deemed complete by the Authority. It shall be within the sole discretion of the Authority to determine whether the application is complete or whether more information is required. Said determination shall be communicated in writing to the applicable state regulatory agency.
- D. No state agency shall take any action or issue any approval with regard to any system until the system is approved by the Authority.

VIII. CENTRALIZED WASTEWATER SYSTEMS ENCOURAGED

- A. 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.
- B. All IOWDS, regardless of type or configuration, must comply with the design and maintenance criteria for such systems as adopted and published by MDH, and as set forth in this regulation.

IX. MULTIPLE PERMITS

- A. The Authority may issue multiple permits for the same facility, system, or operation simultaneously or in the sequence that it deems appropriate consistent with these regulations.

X. DELEGATION OF PERMITTING DECISIONS; APPLICATIONS CONSIDERED BY THE BOARD; RECORD OF DECISIONS

- A. The Authority, under any conditions that it may prescribe, may authorize the President, or his designee, to make decisions on permit applications. However, permit applications for centralized wastewater systems and public water systems must be considered by the Board. A decision by the President, or his designee, shall be a decision of the Authority and shall be subject to formal hearing and appeal as provided in this regulation. The President, or his designee, shall report all permit decisions to the Authority at its next regularly scheduled meeting and those decisions shall be recorded in the minutes of the Authority. The Authority's action of issuance, reissuance, denial, modification, suspension, or revocation of a permit as recorded in its minutes shall constitute a complete decision of the Authority.

XI. NOTIFICATION TO STATE AGENCIES; PRE-REVIEW CONFERENCE

- A. The Authority may provide notice to all applicable state agencies upon receipt of an application. In the discretion of the Authority, it may require the applicant to participate in a pre-review conference to discuss alternative options for the proposed project. Communication with state regulatory agencies during the review process will be encouraged by the Authority to ensure timely completion of each application.

XII. INSPECTION AND PLAN REVIEW

A. PUBLIC WATER SYSTEMS

- 1. Approval
 - a. The Authority, in its discretion, may continue to utilize existing plan review, and inspection services provided by MDH. The Authority may certify all public water systems that comply with MDH requirements.
- 2. Delegation of Approval
 - a. 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.

- B. INDIVIDUAL ONSITE WASTEWATER DISPOSAL SYSTEMS
 - 1. The Authority, in its discretion, may continue to utilize existing plan review, and inspection services provided by the County Health Department. The Authority may certify all IOWDS that comply with MDH requirements.
- C. DECENTRALIZED WASTEWATER SYSTEMS
 - 1. The Authority, in its discretion, may continue to utilize existing plan review, and inspection services provided by MDEQ. The Authority may certify all decentralized wastewater systems that comply with MDEQ requirements.
- D. CENTRALIZED WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL SYSTEMS
 - 1. Approval
 - a. The Authority may certify all centralized wastewater systems that comply with MDEQ requirements.
 - 2. Delegation of Approval
 - a. The Authority may delegate approval to a municipality, or publicly owned utility, located within the Authority’s jurisdictional area provided such project proposes to construct, expand, operate, or maintain a wastewater system under the control of such municipality, or publicly owned utility, and that municipality, or publicly owned utility, certifies to the Authority, through its engineer that such project complies with all federal, state, local, and Authority requirements.
- E. STORM WATER DISPOSAL SYSTEM
 - 1. Approval
 - a. The Authority, in its discretion, may continue to utilize existing plan review, and inspection services provided by MDEQ. The Authority may certify all storm water disposal systems that comply with MDEQ requirements.
 - 2. Delegation of Approval
 - a. The Authority may delegate approval to a municipality, or publicly owned utility, located within the Authority’s jurisdictional area provided such project proposes to construct, expand, operate, or maintain a storm water system under the control of such municipality, or publicly owned utility, and that municipality, or publicly owned utility, certifies to the Authority that such project complies with all federal, state, local, and Authority requirements.

XIII. MONITORING AND REPORTING

- A. The Authority requires monitoring and reporting of water, wastewater, and storm water systems as required by local, state, and federal law. The Authority additionally requires monitoring and reporting of water, wastewater, and storm water systems as required by all applicable provisions of all permits issued to such systems. The Authority may adopt more stringent monitoring and reporting requirements to protect human health and the environment. The Authority may require the installation, maintenance and use of such monitoring equipment and methods at such locations and intervals as the Authority deems necessary.

XIV. SERVICE AND RATES

- A. Municipalities, or persons within the Authority's jurisdictional area that hold a certificate of convenience and necessity from the Mississippi Public Service Commission, may continue to provide service and control the retail sale of utility service within their retail area. The Authority shall not provide local retail water, wastewater, or storm water services within the retail area of a municipality or certificated area. The Authority may not provide or be responsible for direct sales of those services to residences, businesses, and individuals within a municipality or certificated area, unless such area is relinquished or contracted to the Authority consistent with the Act.
- B. In all areas within the Authority's jurisdictional area that are not included within a certificate of convenience and necessity from the Mississippi Public Service Commission, or within the corporate limits of a municipality, the Authority may provide local retail water, wastewater, or storm water services and may provide or be responsible for direct sales of those services to residences, businesses and individuals. The Authority will not provide retail utility service to any area within a one (1) mile radius of the corporate limit of a municipality without first notifying the municipality in writing. If the municipality does not respond in writing within thirty (30) days of notification that it will provide services within a reasonable period of time, the Authority may commence to provide utility services within the area.
- C. The Authority may contract with a private or publicly owned entity to provide retail utility service within some portion of the Authority's jurisdictional area. In the event of a contract for the provision of such services, the Board may, in its discretion, retain control over the setting of rates and or fees to be charged to consumers.
- D. The Authority shall have no jurisdiction over the setting of rates for retail utility service within the corporate limits of municipalities, nor within any area served by a municipality, nor within any area previously certificated by the Public Service Commission unless such municipality or other provider of utility services specifically agrees to be governed by the Authority's rates, or if such system is connected to a system owned or controlled by the Authority.

XV. ENFORCEMENT AND PENALTIES

A. GENERAL POWERS OF THE AUTHORITY

1. 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.
2. 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.
3. 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 governor for appropriate action in accordance with applicable laws for protections against disaster situations.

B. ADMINISTRATIVE PENALTIES

1. Notice of Violation
 - a. 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.

2. Consent Orders

- a. 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 noncompliance. Such orders will include specific action to be taken by the Person to correct the noncompliance 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.

3. Show Cause Hearing

- a. 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.

4. 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.

5. Cease and Desist Orders

- a. 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:
 - i. Immediately comply with all requirements;
 - ii. 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.
- b. Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the Person.

6. 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 one thousand dollars (\$1,000.00), 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.

7. 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.

8. Termination of Services

- a. 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 Section XVII of these regulations.

9. Injunctive Relief

- a. 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.

10. Liability for Certain Costs Incurred by the Authority

- a. 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.

11. Remedies Nonexclusive

- a. 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.

XVI. EXCEPTIONS, WAIVERS, AND VARIANCES

- A. 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.

XVII. HEARINGS AND APPEALS

- A. Any Person, with standing, may appeal any decision of the President 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).

XVIII. SEVERABILITY

- A. 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.

XIX. COMPLIANCE WITH LOCAL REQUIREMENTS INCLUDING CODE STANDARDS

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

XX. EFFECTIVE DATE OF REGULATION

- A. This regulation shall be effective upon approval and execution and notice shall be posted and published as required by law.