

FOOTHILLS POINTE OWNERS' ASSOCIATION

WASTE TREATMENT MANAGEMENT RESPONSIBILITIES

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

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

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

C. **Introduction:** The FPOA waste treatment facilities consist of the Waste Collection System and the Waste Water Treatment System. The Wastewater Collection System is composed of the Septic Tank Effluent Pump (STEP) at each residence and all connectivity from that tank to the Wastewater Treatment facility sludge and effluence separation tanks. The sludge and effluence separation tanks and the rest of the components in the "Wetlands" comprise the Wastewater Treatment System.

FOOTHILLS POINTE OWNERS' ASSOCIATION

WASTE TREATMENT MANAGEMENT RESPONSIBILITIES

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

D. Responsibilities of the Septic Pumping Contractor for Residential and Wetlands Pumping:

1. Provide scheduled septic pumping as directed by FPOA while removing vaults with filters in order to completely pump all sludge from the tank.
2. Respond to service callbacks from FPOA at no charge regarding incomplete scheduled pump outs or failure to reassemble STEP components that were removed during pumping. Or any problem that arises caused by their equipment or employees.
3. The septic pumping Contractor will meet with FPOA, as needed at no charge, to discuss FPOA needs or problems when they occur.

E. Responsibilities of the Septic Sludge Testing Contractor for Residential and Wetlands Pumping:

1. Inspect and perform an operational check of each residential STEP tank, pump, and control panel on an annual basis. This requires inspections of approximately 12 tanks each month. Sludge and scum levels will be measured and recorded. FPOA will schedule and supervise monthly the homes that need to be inspected.
2. Submit in .PDF format monthly all scheduled testing data along with the home inspection report to the Waste Treatment Committee.
3. Respond to service callbacks from FPOA at no charge regarding incomplete scheduled or inaccurate testing or failure to reassemble any STEP components that were removed during wash down. Or any problem that arises caused by their equipment or employees

F. Responsibilities of the Plant Operator for NPDES Testing and General Operations:

1. The Plant Operator will conduct all operational and compliance monitoring, sampling, and reporting and collect flow data, chlorine data (CL2), dissolved oxygen (DO) and PH data from FPOA, then file electronically with TDEC the signed NetDMR and MOR and provide a signed/certified copy of the monthly MOR and NetDMR to FPOA no later than the 15th of each month.
2. Inspect and adjust the tablet chlorinators as required by the NPDES permit issued by TDEC.

FOOTHILLS POINTE OWNERS' ASSOCIATION

WASTE TREATMENT MANAGEMENT RESPONSIBILITIES

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

1. Place and maintain a sign at the wastewater outfall. The sign should be clearly visible to the public from the bank and the receiving stream. The sign is to provide notice to the public as to the nature of the discharge and in the case of the permitted outfall, that the discharge is regulated by the Tennessee Department of Environment and Conservation, Division of Water Resources.
2. Operate the Wetlands Waste Treatment Facility under the supervision of a certified wastewater treatment operator in accordance with the Water Quality Control Act of 1977 as Amended.
3. Operate the Waste Water Collection System under the supervision of a certified collection system operator in accordance with the Water Quality Control Act of 1977 as Amended.
4. Record NPDES testing results and submit results using Monthly Operation Report Forms (MOR) supplied by the Division of Water Resources. Submittals shall be postmarked no later than 15 days after the completion of the reporting period. A copy should be retained for the permittee's files. Monthly Operation Reports and any communication regarding compliance with the conditions of this permit must be sent to: Attention: Division of Water Resources Knoxville Environmental Field Office, 3711 Middlebrook Pike Knoxville, TN 37921.
5. The first MOR is due on the 15th of the month following permit effectiveness.
6. Properly operate and maintain the Waste Treatment System in accordance with the provisions of the NPDES permit and all applicable federal and state regulations and law.
7. Levy and collect any assessments needed to provide the funds required to properly operate and maintain the collection and/or treatment system. Funds required to properly operate and maintain the system shall include monies to fund all operation, maintenance, principle and interest of debt service and depreciation. Should the levied assessments fail to provide the required funds, the Homeowners' Association shall levy additional assessments as necessary.
8. Account for O&M funding in a separate account for in the financial management and accountability of the system. The O&M fund shall exist for the anticipated life of the collection and/or treatment system.
9. Submit a breakdown to TDEC of the estimated operation and maintenance costs as specified above along with documentation of the annual assessments to be levied in order to provide the required funds. This information shall be submitted within sixty (60) days of the effective date of a new permit or upon request by TDEC.
10. Grant authority to the officers of the Association, via the governing documents of the Association and/or its Bylaws, to levy and collect such assessments and/or tap fees in an amount to be determined by the FPOA Board of Directors. Each purchaser of a unit in the Association area shall be assessed a tap fee. All revenue from tap fees shall be placed in an escrow account to establish the reserve fund. The reserve fund shall be restricted to capital expenses, and thus, it may not be applied to operating expenses in the ordinary course of business.

FOOTHILLS POINTE OWNERS' ASSOCIATION

WASTE TREATMENT MANAGEMENT RESPONSIBILITIES

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

H. Responsibilities of the FPOA Waste Treatment Chairperson:

FOOTHILLS POINTE OWNERS' ASSOCIATION

WASTE TREATMENT MANAGEMENT RESPONSIBILITIES

1. Identify Waste Treatment Committee members. Recruit new members if needed. Encourage working as a team as you work through the daily activities that need to be performed. Get to know outside contractors' responsibilities and their contracts.
2. Generally, coordinate Waste Treatment support for FPOA.
3. Determine when it is necessary to clean out the debris and settled sludge present in the wetland leveling tanks and the combined effluent chlorine contact chamber.
4. Work with outside Contractor to remove perimeter trees and brush contributing to accumulation of biological materials (pine straw, cones, leaves, etc.) in the treatment cells.
5. Schedule yearly to clean/vacuum cell inlet/outlet distribution header in each cell to remove accumulated sludge.
6. Schedule the Contractor to cut cell plants and remove plant material and other accumulated biological materials annually after the first frost.
7. Conduct a bi-weekly check for burrowing animal activity and coordinate removal/extermination as necessary.
8. Monitor mowing and weed whipping in the Wastewater Treatment area and report any problems to the Grounds Chairperson.
9. Monitor weed control in cells and cell banks. Follow up with Contractor if needed.
10. Identify which committee member will take first call when notified of a residential STEP problem. Diagnose the problem and repair it if possible. Ask for the help of other waste treatment committee members if needed or seek an outside contractor. Installation of new STEP systems as required; including locating sewer taps, coordinating any required accesses with adjoining homeowners and similar support activities.
11. Coordinate with the board liaison pre and post inspections of new home installations of STEP system and its components to ensure they are in compliance with the CC&R rules.
12. Coordinate with FPOA Roads Chairperson to clean out Waste Treatment Area servicing culverts as required.
13. Coordinate with the board liaison pre and post inspections of new homes installations of STEP system to ensure they are in compliance with the CC&R rules.
14. Remove brush around "Treated Community Wastewater Discharge" sign to ensure the sign is visible from the lake in compliance with NPDES permit.
15. Conduct a bi-weekly walk through of the cell areas removing any debris and other biological material or as required following storms.

FOOTHILLS POINTE OWNERS' ASSOCIATION

WASTE TREATMENT MANAGEMENT RESPONSIBILITIES

16. Summarize significant events and potential future actions in a report to the FPOA Board of Directors prior to the scheduled monthly meeting. This information can be taken from monthly logs and data sheets.
17. Provide input/requests to the Board for projects outside the scope of normal operations (e.g., additional contractor support, rental equipment or other items not included in the scope of the annual budget).
18. Coordinate any required fence repair with the Grounds Chairperson.
19. Maintain the monthly sludge testing and pump out log. Schedule monthly what homes need to be sludge tested and what homes need to be pumped out by the Contractors.
20. Maintain the repair log for the STEP systems and Wetlands. Maintain an inventory of emergency repair parts.
21. On occasion accompany your contracted Contractors when working in FPOA and work with them to ensure standards are maintained.
22. Conduct a minimum of two chlorine tests, one dissolved oxygen test and one PH test each week. A redundancy test needs to be done once per month. Log all data on their respective forms and file.
23. Inspect and maintain the chlorine tablets every other day keeping chlorine levels at what is instructed by our Plant Operator.
24. Log weekly metered effluent flow on the respective form and file.
25. Review with the Plant Operator monthly wetland condition and test data. Discuss any problems, if any, and what needs to be done.