

**RESOLUTION OF THE DESOTO COUNTY REGIONAL UTILITY  
AUTHORITY TO AMEND THE DESOTO COUNTY REGIONAL UTILITY  
AUTHORITY COMPREHENSIVE SEWER USE ORDINANCE,  
SECTION SIX**

The Desoto County Regional Utility Authority (“DCRUA”) considered the matter of amending the DCRUA Ordinances, specifically, SECTION 6 OF THE DESOTO COUNTY REGIONAL UTILITY AUTHORITY COMPREHENSIVE SEWER ORDINANCE (“Ordinance”)

Thereupon Commissioner Barry Bridgforth offered and moved the adoption of the following resolution:

**RESOLUTION OF THE DESOTO COUNTY REGIONAL UTILITY  
AUTHORITY TO AMEND THE DESOTO COUNTY REGIONAL UTILITY  
AUTHORITY COMPREHENSIVE SEWER USE ORDINANCE,  
SECTION SIX**

**WHEREAS**, the Desoto County Regional Utility Authority (“DCRUA”) is a political subdivision of the State of Mississippi created pursuant to Chapter 1039, Local and Private Laws of 1999 (“Legislation”); and,

**WHEREAS**, DCRUA has been charged with constructing and operating a county-wide wastewater collection, transportation and treatment system, which system is intended to greatly assist and improve the health, safety, and welfare of all the citizens of DeSoto County, Mississippi; and

**WHEREAS**, the Legislation, specifically Section 7(e) creating DCRUA authorizes it to make and enforce, and from time to time amend and repeal bylaws and rules and regulations for the maintenance and operation of any the systems under its management and control; and

**WHEREAS**, DCRUA’s current Ordinance does not allow for DCRUA to grant variances from enforcement of its permit requirements for industrial users; and

**WHEREAS**, consistent with DCRUA's mission to enhance economic and efficient growth, DCRUA desires to amend its Ordinance to allow for it to have the authority to grant variances to the permit requirements if such variances are warranted and will foster economic growth and not create harm to the DCRUA systems; and

**WHEREAS**, DCRUA notes that the Mississippi Department of Environmental Quality ("MDEQ") currently has the same authority to grant variances under its regulatory powers.

**NOW, THEREFORE BE IT ORDAINED** BY DCRUA THAT RESOLUTION OF DCRUA TO AMEND THE DESOTO COUNTY REGIONAL UTILITY AUTHORITY COMPREHENSIVE SEWER USE ORDINANCE, SECTION SIX SHALL STATE:

**Section 6.03.3 shall be added to the Ordinance and state:**

**The Authority in its sole discretion shall have the power upon sufficient evidence provided by the User to grant a variance to these Ordinances for any permit modification. The burden to provide all information to the Authority for its consideration of a permit variance shall be upon the User requesting the permit modification. In no event shall any permit modification extend beyond five (5) years of the grant of variance and all subsequent variances shall be approved by the Authority. However, in the event that the User has an MDEQ Pre-treatment Permit, the permit modification shall be consistent with the length of time for the MDEQ Pre-treatment Permit. Consideration of a variance from permit requirements shall be based on the following criteria as a minimum or other criteria that the Authority considers relevant:**

- (1) Total mass of pollutant discharged by the industry.**
- (2) Volume of industrial waste in proportion to the total wastewater flow in the system.**

**NOW, THEREFORE BE IT ORDERED** that the DCRUA Executive Assistant provide notice of the adoption of the code in the *Desoto Times* for one (1) time, a notice in substantially the following form:

Notice is given that DCRUA, on the 16th day of October, 2013, adopted the amendment to the DCRUA COMPREHENSIVE SEWER USE ORDINANCE, SECTION SIX:

Section 6.03.3 shall be added to the Ordinance and state:

The Authority in its sole discretion shall have the power upon sufficient evidence provided by the User to grant a variance to these Ordinances for any permit modification. The burden to provide all information to the Authority for its consideration of a permit variance shall be upon the User requesting the permit modification. In no event shall any permit modification extend beyond five (5) years of the grant of variance and all subsequent variances shall be approved by the Authority. However, in the event that the User has an MDEQ Pre-treatment Permit, the permit modification shall be consistent with the length of time for the MDEQ Pre-treatment Permit. Consideration of a variance from permit requirements shall be based on the following criteria as a minimum or other criteria that the Authority considers relevant:

- (1) Total mass of pollutant discharged by the industry.
- (2) Volume of industrial waste in proportion to the total wastewater flow in the system.

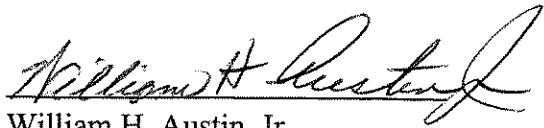
The foregoing Resolution was seconded by Commissioner Wade Carter and brought to a vote.

Having received a majority of affirmative votes, the Executive Director declared that the Resolution was carried and adopted as set forth above on this the 16<sup>th</sup> day of October 2013.

Commissioner Donnie Chambliss	<u>Yes</u>
Commissioner Barry Bridgforth	<u>Yes</u>
Commissioner Spencer Shields	<u>Absent</u>
Commissioner B.J. Page	<u>Yes</u>
Commissioner Joe Frank Lauderdale	<u>Absent</u>

Commissioner Ray Dennison Absent

Commissioner Wade Carter Yes



William H. Austin, Jr.

DeSoto County Regional Utility Authority  
Executive Director