

16. The nonprofit entity should be capable of raising revenue by setting and collecting user charges.
17. Board of director requirements:
 - a. For ETPS nonprofit O&M entities, the board of directors should contain one permanent position required to be filled by a corporate officer, general partner, or owner of the manufacturer of the treatment technology.
 The only exemption to this requirement shall be for cases where manufacturers are no longer in business. In this case, the existing board members and associated membership shall vote in a new board member to ensure that the minimum position requirement is fulfilled.
 - b. The board of directors should include a minimum of three board member positions.
18. The board of directors should be able to raise revenue for emergency operation and maintenance of community owned systems without majority vote.
19. The nonprofit entity must be capable of suing and of being sued, maintain the capability to impose liens on those members (shareholders) who become delinquent in user charges, and suspend services, providing such suspension will not jeopardize other members' use.
20. The nonprofit entity should provide an O&M manual that shall be approved by the Director.
21. The O&M manual should be provided to all new members for ETPSs and shall include the monitoring requirements as outlined in section 4.10.3.
22. Conditions for dissolution of the nonprofit entity should be specified. Dissolution should be limited to connection to a municipal wastewater treatment facility or merger with another approved nonprofit entity with management capability.
23. Except as provided in item 22, the nonprofit entity should not be able to vote itself out of existence.
24. For nonprofit entities, a third party (i.e., maintenance entity or service provider) should be identified to execute the specified O&M functions.
25. Service providers for nonprofit entities overseeing ETPSs should be certified in writing by the manufacturer for the servicing of their technology. The certification should be provided to the Director prior to approval.
26. The nonprofit entity should be able to plan and control how and at what time additional service functions will be extended or added.
27. The articles of incorporation and/or bylaws should provide for proxy voting.
28. Proxies should not be binding on new purchasers.
29. For community systems, the project developer should be required to contribute to the operation and maintenance until the nonprofit entity is self-sustaining. Consider either a specified period of time or when a specified number of lots have been sold.
30. The nonprofit entity should have a defined service area boundary.