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STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

401 CHURCH STREET
L & C ANNEX 6TH FLOOR
NASHVILLE TN 37243-1534

December 8, 2004

Mr. Reese Smith III
President
Cartwright Creek Utility Company, Inc. - Waterbridge Development
2033 Richard Jones Road
Nashville, TN 37215

Re: State Operating Permit No. SOP-04019
Cartwright Creek Utility Company, Inc. - Waterbridge Development
Triune, Williamson County, Tennessee

Dear Mr. Smith:

In accordance with the provisions of the "Tennessee Water Quality Control Act" (Tennessee Code Annotated Sections 69-3-101 through 69-3-120) the enclosed State Operating Permit is hereby issued by the Division of Water Pollution Control. The continuance and/or reissuance of this Permit is contingent upon your meeting the conditions and requirements as stated therein.

Please be advised that you have the right to appeal any of the provisions established in this State Permit, in accordance with Tennessee Code Annotated, Section 69-3-110, and the General Regulations of the Tennessee Water Quality Control Board. If you elect to appeal, you should file a petition within thirty (30) days of the receipt of this permit.

If you have questions, please contact the Division of Water Pollution Control at your local Environmental Assistance Center at 1-888-891-TDEC; or, at this office, please contact Mr. Hari Akumuri at (615) 532-0650 or by E-mail at Hari.Akumuri@state.tn.us.

Sincerely,

Edward M. Polk Jr., P.E.
Manager, Permit Section
Division of Water Pollution Control

SOP-04019
P/WAT/SS

Enclosure

cc: Division of Water Pollution Control, Permit Section
Division of Water Pollution Control, Environmental Assistance Center - Nashville

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
6th Floor, L & C Annex
401 Church Street
Nashville, TN 37243-1534**

Permit No. SOP-04019

**PERMIT
For the operation of Wastewater Treatment Facilities**

In accordance with the provision of Tennessee Code Annotated section 69-3-108 and Regulations promulgated pursuant thereto:

PERMISSION IS HEREBY GRANTED TO

**Cartwright Creek Utility Company, Inc. - Waterbridge Development, LLC
Triune, Williamson County, Tennessee**

FOR THE OPERATION OF

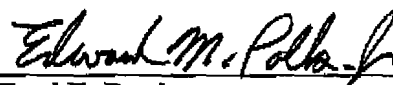
grinder pump low pressure collection system, aerated treatment lagoons, storage, disinfection and spray irrigation system located at latitude 35.886111 and longitude - 86.673056 in Williamson County, Tennessee. The design capacity of the system is 0.0749 MGD.

This permit is issued as a result of the application filed on March 29, 2004, in the office of the Tennessee Division of Water Pollution Control and in conformity with approved plans, specifications and other data submitted to the Department in support of the above application, all of which are filed with and considered as a part of this permit, together with the following named conditions and requirements.

This permit shall become effective on: December 01, 2004

This permit shall expire on: October 31, 2009

Issuance date: November 10, 2004


for **Paul E. Davis**
Director
Division of Water Pollution Control

CN-0759

RDAs 2352 & 2366

PART I

A. GENERAL REQUIREMENTS

The treatment system shall be monitored by the permittee as specified below:

<u>Parameter</u>	<u>Sample Type</u>	<u>Daily Maximum</u>	<u>Sampling Point</u>	<u>Measurement Frequency</u>
Flow	calculated**	report gallons	*	daily
CBOD ₅	grab	10 mg/l	*	1/month
Ammonia as N	grab	5 mg/l	*	1/month
Total nitrogen as N	grab	15 mg/l	*	1/month
<i>E. coli</i>	grab	941 colonies/100 ml	*	1/month
<i>E. coli</i> -see note	grab	23 colonies/100 ml	*	1/month

* effluent to the spray irrigation plots

**calculated per day via pump run times and pump rates or via continuous measurement

Note: The more stringent E. coli limit shall apply to treated effluent used for reuse purposes. For the purpose of this permit, reuse will be defined as any use other than spray irrigation on the designated, fenced, irrigation plots.

The spray fields must be fenced or otherwise bordered sufficiently to prevent pedestrian or vehicular trespass.

Sludge or any other material removed by any treatment works must be disposed of in a manner which prevents its entrance into or pollution of any surface or subsurface waters. Additionally, the disposal of such sludge or other material must be in compliance with the Tennessee Solid Waste Disposal Act, TCA 68-31-101 et seq. and Tennessee Hazardous Waste Management Act, TCA 68-46-101 et seq.

This permit allows the operation of a wastewater spray irrigation system. The operation should be such that there is no contamination of and no direct wastewater discharge to any surface or subsurface stream because of improper irrigation or because of collected pools of water called "ponding". Any runoff due to improper operation must be reported in writing to the Division of Water Pollution Control, Environmental Assistance Center - Nashville within 5 days of the incident. In addition, the spray irrigation system must be operated in a manner preventing the creation of a public health hazard or a public/private nuisance.

As part of the facility operation, the permittee shall maintain sufficient records to demonstrate that any visible ponding on the irrigation plots is the result of natural occurrences and not of improper irrigation. See Part D.2. for more specific reporting requirements.

B. MONITORING PROCEDURES

1. Representative Sampling

Samples and measurements taken in compliance with the monitoring requirements specified above shall be representative of the volume and nature of the monitored discharge, and shall be taken at the following location(s):

Effluent to spray irrigation plots.

2. Retest Sampling

Whenever a monthly grab sample results in atypical value(s) (see definition) that exceed the effluent limitation(s), the permittee shall resample for the specific parameter(s) within two weeks and provide results of the additional test(s) on the monthly operation report for the monitoring period in which the sample was collected. Values exceeding the effluent limits due to known causes or upsets need not be retested. Refer to part D.3. for additional discussion on reporting requirements.

C. DEFINITIONS

An "atypical value" shall mean a valid laboratory analysis value that is either unexpected for the type of treatment used and/or unexpected because of no known upset of the treatment processes.

The "daily maximum concentration" is a limitation on the average concentration, in milligrams per liter, of the discharge during any calendar day.

A "grab sample" is a single influent or effluent sample collected at a particular time.

"Month" means a calendar month.

"Overflow" means the discharge of wastes from any portion of the collection, transmission, or treatment system other than engineered spray fields at appropriate hydraulic and/or nitrogen loading rates and at authorized setbacks from drains, waters of the state, and property lines.

D. REPORTING

1. Monitoring Results

Monitoring results shall be recorded monthly and submitted monthly. 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. Operation reports and any communication regarding compliance with the conditions of this permit must be sent to:

Division of Water Pollution Control
Environmental Assistance Center - Nashville
711 R.S. Gass Boulevard
Nashville, TN 37243-1550

The first operation report is due on the 15th of the month following the month of permit effectiveness.

For the initial months of operation where the aerated treatment lagoons are filling and there is zero discharge to the spray fields, the permittee shall report "no discharge to the spray fields - monitoring not required", or equivalent, on the monthly operating report.

2. Additional Monitoring by Permittee

The permittee shall maintain records of its spray irrigation controls. The records shall include daily data collected for temperature, soil moisture, rainfall and wind sensors and stored in the central controller(s) for the irrigation system. This data shall be included in the monthly operation report submitted to the division and should be presented in a format that readily compares the weather and soil data with discharges to the spray fields by date. Additionally, a copy of such records must be maintained onsite for the number of years applicable to other wastewater monitoring and reporting records or not less than three (3) years.

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Quarterly Operation Report. Such increased frequency shall also be indicated.

3. Retest Reporting

The permittee shall detail both the values of any atypical monitoring result(s) and the associated retest(s) in the monthly operating reports. The details may be in the same report or consecutive monthly reports depending on the month of effluent sampling. Details for the retest action shall identify the cause of the atypical value(s) if known or otherwise state that the cause is undetermined.

4. Overflow Reporting

A summary report of known or suspected instances of overflows in the collection system shall accompany the Monthly Operation Report (MOR). The report must contain the date and duration of the instances of overflow, the estimated quantity of wastewater discharged, and the location of the overflow.

5. Falsifying Reports

Knowingly making any false statement on any report required by this permit may result in the imposition of criminal penalties as provided for in Section 69-3-115 of the Tennessee Water Quality Control Act.

E. SCHEDULE OF COMPLIANCE

Full operational level shall be attained from the effective date of this permit.

PART II

A. GENERAL PROVISIONS

1. Duty to Reapply

The permittee is not authorized to discharge after the expiration date of this permit. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit such information and forms as are required to the Director of Water Pollution Control (the "Director") no later than 180 days prior to the expiration date.

2. Right of Entry

The permittee shall allow the Director, or authorized representatives, upon the presentation of credentials:

- a. To enter upon the permittee's premises where an effluent source is located or where records are required to be kept under the terms and conditions of this permit, and at reasonable times to copy these records;
- b. To inspect at reasonable times any monitoring equipment or method or any collection, treatment, pollution management, or discharge facilities required under this permit; and
- c. To sample at reasonable times any discharge of pollutants.

3. Availability of Reports

All reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division of Water Pollution Control.

4. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory and process controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. Backup continuous pH and flow monitoring equipment are not required.

The monitoring frequency stated in this permit shall not be construed as specifying a minimum level of operator attention to the facility. The permittee shall ensure that the certified operator is in responsible charge of the facility and observes the operation of the system

frequently enough to ensure its proper operation and maintenance regardless of the effluent monitoring frequency stated in the permit."

- b. Dilution water shall not be added to comply with effluent requirements

5. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

6. Severability

The provisions of this permit are severable. If any provision of this permit due to any circumstance, is held invalid, then the application of such provision to other circumstances and to the remainder of this permit shall not be affected thereby.

7. Other Information

If the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, then he shall promptly submit such facts or information.

B. CHANGES AFFECTING THE PERMIT

1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.

2. Permit Modification, Revocation, or Termination

a. This permit may be modified, revoked and reissued, or terminated for cause as described in section 69-108-(F) The Tennessee Water Quality Control Act as amended.

b. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

3. Change of Ownership

This permit may be transferred to another person by the permittee if:

- a. The permittee notifies the Director of the proposed transfer at least 30 days in advance of the proposed transfer date;
- b. The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage, and liability between them; and
- c. The Director, within 30 days, does not notify the current permittee and the new permittee of his intent to modify, revoke or reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

4. Change of Mailing Address

The permittee shall promptly provide to the Director written notice of any change of mailing address. In the absence of such notice the original address of the permittee will be assumed to be correct.

C. NONCOMPLIANCE

1. Effect of Noncompliance

Any permit noncompliance constitutes a violation of applicable State laws and is grounds for enforcement action, permit termination, permit modification, or denial of permit reissuance.

2. Reporting of Noncompliance

a. 24-Hour Reporting

In the case of any noncompliance which could cause a threat to public drinking supplies, or any other discharge which could constitute a threat to human health or the environment, the required notice of non-compliance shall be provided to the appropriate Division environmental assistance center within 24 hours from the time the permittee becomes aware of the circumstances. (The environmental assistance center should be contacted for names and phone numbers of emergency response personnel.)

A written submission must be provided within five days of the time the permittee becomes aware of the circumstances unless this requirement is waived by the Director on a case-by-case basis. The permittee shall provide the Director with the following information:

- i. A description of the discharge and cause of noncompliance;
- ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- iii. The steps being taken to reduce, eliminate, and prevent recurrence of the non complying discharge.

b. **Scheduled Reporting**

For instances of noncompliance which are not reported under subparagraph 2.a. above, the permittee shall report the noncompliance on the Monthly Operation Report. The report shall contain all information concerning the steps taken, or planned, to reduce, eliminate, and prevent recurrence of the violation and the anticipated time the violation is expected to continue.

3. **Overflow**

The permittee shall operate the collection system so as to avoid overflows.

D. LIABILITIES

1. **Civil and Criminal Liability**

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this permit, the permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of wastewater to any surface or subsurface waters. Additionally, notwithstanding this Permit, it shall be the responsibility of the permittee to conduct its wastewater treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created.

2. **Liability Under State Law**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law.

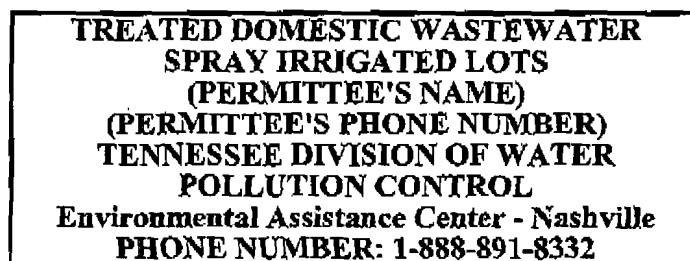
PART III OTHER REQUIREMENTS

A. CERTIFIED OPERATOR

The waste treatment facilities shall be operated under the supervision of a biological natural system operator and the collection system operated under the supervision of a Grade I collection system certified operator in accordance with the Water Environmental Health Act of 1984.

B. PLACEMENT OF SIGNS

The permittee shall place a sign at all approaches to the spray irrigation lots. The sign should be clearly visible to the public. The minimum sign size should be two feet by two feet (2' x 2') with one inch (1") letters. The sign should be made of durable material and have a white background with black letters.



No later than sixty (60) days from the effective date of the permit, the permittee shall have the above sign(s) on display in the location specified.

C. ADDITION OF WASTE LOADS

The permittee may not add wasteloads to the existing treatment system without the knowledge and approval of the division.