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T.R.A. DOCKET ROOM

June 5, 2009

VIA HAND DELIVERY

Honorable Kelly Cashman Grams, Hearing Officer
c/o Sharla Dillon, Docket & Records Manager
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

**RE: In Re: Petition for Approval to Transfer HC Sewage Treatment LLC's
Authority to Provide Wastewater Utility Services to Greeneville Sewage
LLC, TRA Docket No. 08-00222**

Dear Hearing Officer Grams:

I am writing to advise the Authority that the Tennessee Department of Environment and Conservation has approved the transfer of NPDES Permit No. 0075094 from Jack Strickland to Greeneville Sewage LLC. Pursuant to the Authority's Initial Order, the parties submit the transfer letter along with the modified permit to the Authority.

Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,



Sarah Lodge Tally

SLT/sc

ENCLOSURE

cc: T. Arthur Scott, Jr.



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
401 CHURCH STREET
L & C ANNEX 6TH FLOOR
NASHVILLE TN 37243
JUNE 1, 2009

Mr. Allen Johnson,
President
Greeneville Sewage, LLC
860 West Andrew Johnson Highway
Greeneville, TN 37745

COPY

Subject: **Modified NPDES Permit No. TN0075094 (Transfer)**
Greeneville Sewage, LLC
Hampton, Carter County, Tennessee

Dear Mr. Johnson:

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

You have the right to appeal any of the provisions established in this NPDES 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 Akunuri at (615) 532-0650 or by E-mail at Hari.Akunuri@tn.gov.

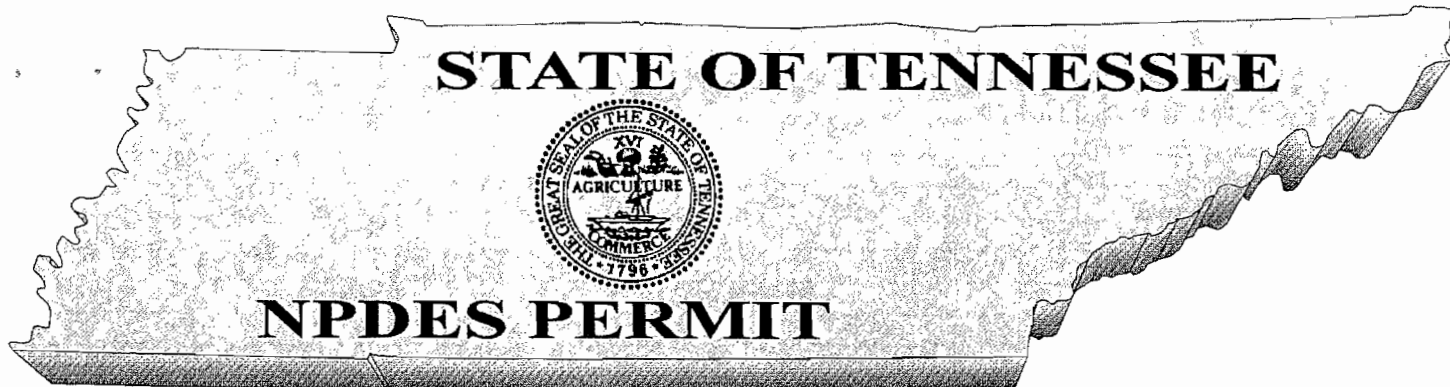
Sincerely,

A handwritten signature in black ink, appearing to read "Vojin Janjic".

Vojin Janjic
Manager, Permit Section
Division of Water Pollution Control

Enclosure

cc: Division of Water Pollution Control, Permit Section
Division of Water Pollution Control, Johnson City Environmental Field Office
Mr. Jack Strickland, President, Hampton Carter Commercial Center, 4718 Lake Park Drive, Suite 3, Johnson City, TN 37615
Mr. Dennie Mathes, PG, Greeneville Oil & Petroleum, Inc., 860 West Andrew Johnson Highway, Greeneville, TN 37745
Mr. T. Arthur Scott, Jr. Attorney At Law, 130 Nevermore Lane, Kingsport, TN 37664
Mrs. Sarah Lodge Tally, Attorney, Miller & Martin PLLC, 1200 One Nashville Place, Nashville, TN 37219



Transfer

No. TN0075094

Reissuance

Authorization to discharge under the
National Pollutant Discharge Elimination System

COPY

Issued By

**Tennessee Department of Environment and Conservation
Division of Water Pollution Control
401 Church Street
6th Floor, L & C Annex
Nashville, Tennessee 37243-1534**

Under authority of the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.) and the delegation of authority from the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.)

Discharger: **Greeneville Sewage, LLC**

is authorized to discharge: treated domestic wastewater from discharge 001

from a facility located: Hampton, Carter County, Tennessee

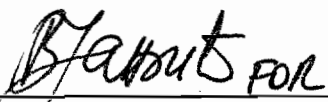
to receiving waters named: Laurel Fork Creek mile 0.1

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on: July 1, 2006

This permit shall expire on: May 31, 2011

Issuance date: May 31, 2006



Paul E. Davis, Director
Division of Water Pollution Control
RDAs 2352 and 2366

CN-0759

PART 1

A. EFFLUENT LIMITATION AND MONITORING REQUIREMENTS

Discharge 001 consists of domestic wastewater from a treatment facility with a design capacity of 0.015 MGD. Discharge 001 shall be limited and monitored by the permittee as specified below.

<u>Effluent Characteristics</u>	<u>Effluent Limitations</u>			<u>Monitoring Requirements</u>		
	Monthly Avg. Conc. <u>mg/l</u>	Weekly Avg. Conc. <u>mg/l</u>	Daily Max. Conc. <u>mg/l</u>	Measurement Frequency	Sample Type	Sampling Point
CBOD ₅	10	---	15	2/month	grab	effluent
Ammonia, as N	3	---	6	2/month	grab	effluent
Suspended Solids	10	---	15	2/month	grab	effluent

<u>Effluent Characteristics</u>	<u>Effluent Limitations</u>			<u>Monitoring Requirements</u>		
	Monthly Average	Daily Min.	Daily Max.	Measurement Frequency	Sample Type	Sampling Point
Flow (MGD)	Report	---	Report	5/week	instantaneous	effluent
<i>E. coli</i> *	126/100 ml (see following paragraphs)		487/100 ml	2/month	grab	effluent

* In the absence of a method in 40 CFR, Part 136 for measuring *E. coli* in effluent matrices, the permittee shall use methods proposed or added to Part 136 for measuring *E. coli* in ambient water.

The wastewater discharge must be disinfected to the extent that viable coliform organisms are effectively eliminated. The concentration of the *E. coli* group after disinfection shall not exceed 126 cfu per 100 ml as the geometric mean calculated on the actual number of samples collected and tested for *E. coli* within the required reporting period. The permittee may collect more samples than specified as the monitoring frequency. Samples may not be collected at intervals of less than 12 hours. For the purpose of determining the geometric mean, individual samples having an *E. coli* group concentration of less than one (1) per 100 ml shall be considered as having a concentration of one (1) per 100 ml. In addition, the concentration of the *E. coli* group in any individual sample shall not exceed a specified maximum amount.

There shall be no distinctly visible floating scum, oil or other matter contained in the wastewater discharge.

The wastewater discharge must result in no other materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.

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.

The wastewater discharge must not cause an objectionable color contrast in the receiving stream.

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):

nearest accessible point after final treatment but prior to actual discharge to or mixing with the receiving waters.

CBOD₅ samples can be collected before disinfection to avoid having to seed the samples and dechlorinate if chlorine is used.

2. Test Procedures

- a. Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304 (h) of the Clean Water Act, as amended, under which such procedures may be required.
- b. Unless otherwise noted in the permit, all pollutant parameters shall be determined according to methods prescribed in Title 40, CFR, Part 136, as amended, promulgated pursuant to Section 304 (h) of the Act.

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 Pollution Control
Johnson City Environmental Field Office
2305 Silverdale Road
Johnson City, TN 37601**

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

Monthly Operation Report must be signed and certified by a responsible corporate officer, as defined at 40 CFR 122.22, or a general partner or proprietor, or a principal municipal executive officer or ranking elected officer, or a duly authorized representative. Such authorization must be submitted in writing and must explain the duties and responsibilities of the authorized representative.

2. Additional Monitoring by Permittee

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 Monthly Operation Report Form (MOR). Such increased frequency shall also be indicated. The Permittee is also required to perform and report influent and operation tests in accordance with the schedule listed on the Monthly Operation Report/Schedule for Analysis for Package Sewage Treatment Facilities or as developed by the design engineer.

3. 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 309 of the Federal Water Pollution Control Act, as amended, and 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, the Regional Administrator of the U.S. Environmental Protection Agency, or their authorized representatives, upon the presentation of credentials:

7. 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.

8. 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. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).

2. Permit Modification, Revocation, or Termination

- a. This permit may be modified, revoked and reissued, or terminated for cause as described in 40 CFR 122.62 and 122.64, Federal Register, Volume 49, No. 188 (Wednesday, September 26, 1984), 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.
- c. If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established for any toxic pollutant under Section 307(a) of the Federal Water Pollution Control Act, as amended, the Director shall modify or revoke and reissue the permit to conform to the prohibition or to the effluent standard, providing that the effluent standard is more stringent than the limitation in the permit on the toxic pollutant. The permittee shall comply with these effluent standards or prohibitions within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified or revoked and reissued to incorporate the requirement.

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 Division of Water Pollution Control in the appropriate Environmental Field Office within 24 hours from the time the permittee becomes aware of the circumstances. (The Environmental Field Office should be contacted for names and phone numbers of environmental response team.)

A written submission must be provided within five days of the time the permittee becomes aware of the circumstances unless the Director on a case-by-case basis waives this requirement. 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 noncomplying 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

- a. **"Overflow"** means the discharge to land or water of wastes from any portion of the collection, transmission, or treatment system other than through permitted outfalls
- b. Overflows are prohibited.
- c. The permittee shall operate the collection system so as to avoid overflows. No new or additional flows shall be added upstream of any point in the collection system, which experiences chronic overflows (greater than 5 events per year) or would otherwise overload any portion of the system.
- d. Unless there is specific enforcement action to the contrary, the permittee is relieved of this requirement after: 1) an authorized representative of the Commissioner of the Department of Environment and Conservation has approved an engineering report and construction plans and specifications prepared in accordance with accepted engineering practices for correction of the problem; 2) the correction work is underway; and 3) the cumulative, peak-design, flows potentially added from new connections and line extensions upstream of any chronic bypass point are less than or proportional to the amount of inflow and infiltration removal documented upstream of that point. The inflow and infiltration reduction must be measured by the permittee using practices that are customary in the flow measurement industry and reported in an attachment to a Monthly Operating Report submitted to the

resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- b. Bypasses are prohibited unless all of the following three (3) conditions are met:
 - i. The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. There are not feasible alternatives to bypass, such as the construction and use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment down-time or preventative maintenance;
 - iii. The permittee submits notice of an unanticipated bypass to the Division of Water Pollution Control in the appropriate Environmental Field Office within 24 hours of becoming aware of the bypass (if this information is provided orally, a written submission must be provided within five days). When the need for the bypass is foreseeable, prior notification shall be submitted to the Director, if possible, at least ten (10) days before the date of the bypass.
- c. Bypasses not exceeding permit limitations are allowed **only** if the bypass is necessary for essential maintenance to assure efficient operation. All other bypasses are prohibited. Allowable bypasses not exceeding limitations are not subject to the reporting requirements of 6.b.iii, above.

7. Washout

- a. For domestic wastewater plants only, a "washout" shall be defined as loss of Mixed Liquor Suspended Solids (MLSS) of 30.00% or more. This refers to the MLSS in the aeration basin(s) only. This does not include MLSS decrease due to solids wasting to the sludge disposal system. A washout can be caused by improper operation or from peak flows due to infiltration and inflow.
- b. A washout is prohibited. If a washout occurs the permittee must report the incident to the Division of Water Pollution Control in the appropriate Environmental Field Office within 24 hours by telephone. A written submission must be provided within five days. The washout must be noted on the Monthly operation report. EFO day of a washout is a separate violation.

D. LIABILITIES

1. Civil and Criminal Liability

Except as provided in permit conditions or "***Bypassing***," "***Overflow***," "***Upset***," "***Diversion***," and "***Treatment Facility Failures***," 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

septage wasted in gallons, % solids of septage wasted and the name of the facility to which the septage was taken.

The proper operation of this treatment system depends, largely, on the efficient use of the septic tank. The solids that accumulate in the tank shall be removed at a frequency that is sufficient to insure that the treatment plant will comply with the discharge requirements of this permit.

E. ANTIDegradation

Pursuant to the Rules of the Tennessee Department of Environment and Conservation, Chapter 1200-4-3-.06, titled "Tennessee Antidegradation Statement," and in consideration of the Department's directive in attaining the greatest degree of effluent reduction achievable in municipal, industrial, and other wastes, the permittee shall further be required, pursuant to the terms and conditions of this permit, to comply with the effluent limitations and schedules of compliance required to implement applicable water quality standards, to comply with a State Water Quality Plan or other State or Federal laws or regulations, or where practicable, to comply with a standard permitting no discharge of pollutants.

January 2006

* The effluent is disinfected via ultraviolet radiation. A limit of 0.16 mg/l for residual chlorine will be applied only if chlorine is used for disinfection.