



DEPARTMENT OF ENVIRONMENT AND CONSERVATION T.R.A. DOCKET ROOM

401 CHURCH STREET L & C ANNEX 6TH FLOOR NASHVILLE TN 37243-1534 June 22, 2009

RECEIVED

Mr. Dart Kendall President Aqua Green Utility, Inc. 3350 Galts Road Acworth, GA 30102

JUL 0 1 2009

TN REGULATORY AUTHORITY
LITILITIES DIVISION

Re: Draft of State Operating Permit No. SOP-09022

Aqua Green Utility, Inc. - Peninsula Dandridge, Jefferson County, Tennessee

Dear Mr. Kendall:

Enclosed please find one copy of the draft state permit, which the Division of Water Pollution Control (the division) proposes to issue. The issuance of this permit is contingent upon your meeting all of the requirements of the Tennessee Water Quality Control Act and the rules and regulations of the Tennessee Water Quality Control Board.

If you disagree with the provisions and requirements contained in the draft permit, you have twenty-five (25) days from the date of this correspondence to notify the division of your objections. If your objections cannot be resolved, you may appeal the issuance of this permit. This appeal should be filed in accordance with Section 69-3-110, Tennessee Code Annotated.

If you have questions, please contact the division's local Environmental Field Office 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,

Waded, Mughe / for Mr. Vojin Janjić

Manager, Permit Section

Division of Water Pollution Control

P/WAT/3S

cc: DWPC, Permit Section & Knoxville Environmental Field Office

Ms. Michelle Ramsey, Tennessee Regulatory Authority, 460 James Robertson Parkway,

Nashville, TN 37243

TENNESSEEE 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-09022

C



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

Aqua Green Utility, Inc. - Peninsula Dandridge, Jefferson County, Tennessee

FOR THE OPERATION OF

Septic tanks, effluent collection system, fixed film, UV disinfection and 1.62 acre drip irrigation system located at latitude 35.944722 and longitude -83.437361 in Jefferson County, Tennessee to serve 70 homes in the Peninsula Subdivisions. The design capacity of the system is .0175 MGD.

This permit is issued as a result of the application filed on May 28, 2009, 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:

This permit shall expire on:

Issuance date:

Director
Division of Water Pollution Control

CN-0759

RDAs 2352 & 2366

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.

C. DEFINITIONS

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.

A "quarter" is defined as any one of the following three-month periods: January 1 through March 31, April 1 through June 30, July 1 through September 30, and/or October 1 through December 31.

D. REPORTING

1. Monitoring Results

Monitoring results shall be recorded monthly and submitted quarterly. Submittals shall be postmarked no later then 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 Knoxville Environmental Field Office 3711 Middlebrook Pike Knoxville, TN 37921

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

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 in 1200-4-5-.07(4)(h)2, 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. 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.

The monitoring frequency stated in this permit shall not be construed as specifying a minimum level of operator attention to the facility. It is anticipated that visits to the treatment facility by the operator will occur at intervals frequent enough to assure proper operation and maintenance, but in no case less than one visit per month. If discharge monitoring reports, WPC inspection reports, or other information indicates a problem with the facility, the permittee may be subject to enforcement action and/or the permit may be modified to include increased parameter monitoring, increased monitoring frequency or other requirements as deemed necessary by the division to correct the problem. 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.

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 Quarterly 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 overflow 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 environmental engineering field and reported in an attachment to a Monthly Operating Report submitted to the local TDEC Environmental Field Office. The data measurement period shall be sufficient to account for seasonal rainfall patterns and seasonal groundwater table elevations.
- e. In the event that more than 5 overflows have occurred from a single point in the collection system for reasons that may not warrant the self-imposed moratorium or completion of

- i. The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;
- ii. There are no 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 downtime 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 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 discharge monitoring report. Each day of a washout is a separate violation.

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.

E. SEPTAGE MANAGEMENT PRACTICES

The permittee must comply with the provisions of 40 CFR Part 503. If the septage is transported to another POTW for disposal, the permittee shall note the amount of septage wasted in gallons, % solids of septage wasted and the name of the facility to which the septage was taken on the monthly operation report. 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.

F. DRIP SITE MANAGEMENT

The drip irrigation system must have appropriate site management practices to ensure that the nitrogen design assumptions will be achieved. The cover crop must be able to uptake the prescribed amount of nitrogen (303 lbs/acre/year). This requirement shall not be construed to warrant any use of the harvested product and the permittee shall assume full responsibility for its proper use or disposal.

G. OWNERSHIP OF THE TREATMENT FACILITIES

- a. The permittee shall own the treatment facilities (and the land upon which they are constructed) including the land to be utilized for drip or spray irrigation. A perpetual easement (properly recorded) may be accepted in lieu of ownership. If the permittee is authorized to make the treated wastewater available for reuse (irrigation of a golf course for example) a backup dedicated land application site must be provided or a perpetual easement must be obtained for the property where reuse is to take place. The perpetual easement must allow year-round application of the wastewater except where the permittee has provided (and the division has approved) storage facilities for periods when reuse is not available. Evidence of ownership of the treatment facility land application site(s) and/or a copy of the perpetual easement(s) must be furnished to the division for approval prior to construction of the wastewater collection and treatment system.
- b. Where the treatment facility serves private homes, condominiums, apartments, retirement homes, nursing homes, trailer parks, or any other place where the individuals being served have property ownership, rental agreements, or other agreements that would prevent their being displaced in the even of abandonment or noncompliance of the sewerage system, ownership of the treatment facilities must be by a municipality, a public utility, a wastewater authority, or a privately owned public utility (having a Certificate of Convenience and Necessity from the Tennessee Regulatory Authority), or another public agency.

STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION DIVISION OF WATER POLLUTION CONTROL

PUBLIC NOTICE OF AVAILABILITY OF PROPOSED TOTAL MAXIMUM DAILY LOADS (TMDLs) FOR SILTATION IN THE SOUTH FORK CUMBERLAND RIVER WATERSHED (HUC 05130104), TENNESSEE

Announcement is hereby given of the availability of Tennessee's proposed Total Maximum Daily Loads (TMDLs) for siltation in the South Fork Cumberland River Watershed located in Northeast Tennessee. Section 303(d) of the Clean Water Act requires states to develop TMDLs for waters on their impaired waters list. TMDLs must determine the allowable pollutant load that the water can assimilate, allocate that load among the various point and nonpoint sources, include a margin of safety, and address seasonality.

A number of waterbodies in the South Fork Cumberland River Watershed are listed on Tennessee's final Year 2008 303(d) list as not supporting designated use classifications due, in part, to loss of biological integrity due to siltation associated with abandoned mining, siviculture, and channelization. The TMDLs utilize Tennessee's general water quality criteria, ecoregion reference site data, land use data, digital elevation data, a sediment loading and delivery model, and an appropriate Margin of Safety (MOS) to establish reductions in sediment loading which will result in reduced in-stream concentrations and the attainment of water quality standards. The TMDLs require reductions in sediment loading of approximately 27% to 84% in the listed waterbodies.

The proposed siltation TMDLs may be downloaded from the Department of Environment and Conservation website:

http://www.state.tn.us/environment/wpc/tmdl/proposed.shtml

Technical questions regarding this TMDL should be directed to the following members of the Division of Water Pollution Control staff:

Bruce R. Evans, P.E., Watershed Management Section Telephone: 615-532-0668 e-mail: Bruce.Evans@state.tn.us

Sherry H. Wang, Ph.D., Watershed Management Section Telephone: 615-532-0656 e-mail: Sherry.Wang@state.tn.us

Persons wishing to comment on the TMDLs are invited to submit their comments in writing no later than July 27, 2009 to:

Division of Water Pollution Control Watershed Management Section 7th Floor, L & C Annex 401 Church Street Nashville, TN 37243-1534

All comments received prior to that date will be considered when revising the TMDL for final submittal to the U.S. Environmental Protection Agency.

The TMDL and supporting information are on file at the Division of Water Pollution Control, 6th Floor, L & C Annex, 401 Church Street, Nashville, Tennessee. They may be inspected during normal office hours. Copies of the information on file are available on request.

Public Participation Opportunity Tennessee Department of Environment and Conservation (TDEC) **Division of Water Pollution Control** Notice Requesting Public Comments on Draft Permit Actions

June 22, 2009

Public Notice Number:

MMIX-012

Expiration Date:

July 27, 2009

The purpose of this notice is to advise the public of the following proposed permit actions and to solicit comments and information necessary to evaluate the potential impact of the proposed activities on human health and the environment. A list of Notices of Intent (NOIs) that were recently received by the DWPC is available on our web page:

http://state.tn.us/environment/wpc/wpcppo/

Individual NPDES Permits

Proposed New Issuances

Applicant Name Monteagle STP #3

Permit Number TN0080985 Permit Writer Initials MTS

Discharger rating Minor

County Grundy EFO Name Chattanooga

Street Address/Location

Highway 64 West Monteagle, TN 37356

City and/or Zip Code

Description of Activity

Discharge of treated municipal wastewater to Juanita Creek (Outfall 001) and to an

unnamed tributary mile 1.0 to Trussell Creek (Outfall 002); This facility will replace the

current discharges permitted via NPDES #TN0021806 and TN0064815.

Effluent Description

treated municipal wastewater

Receiving Stream

Juanita Creek mile 1.3 and an unnamed tributary mile 1.0 to Trussell Creek

Facility Latitude

35.232000

-85.863000 **Facility Longitude**

Proposed Reissuances

Applicant Name Caryville-Jacksboro Utilities Commission STP

Permit Number TN0026263 Permit Writer Initials MTS

Discharger rating Minor

County Campbell

EFO Name Knoxville

Street Address/Location 450 Queener Road

City and/or Zip Code

Caryville, TN 37714

Description of Activity

Effluent Description

Treatment of municipal sewage

Receiving Stream

treated municipal wastewater from Outfall 001

Facility Latitude

Cove Creek Embayment of Norris Lake at mile 15.9 36.350000

Facility Longitude

-84.264444

Applicant Name Whiteville STP

Permit Number TN0026590 Permit Writer Initials MTS Discharger rating Major

County Hardeman EFO Name Jackson

Street Address/Location 95 Newsome Road
City and/or Zip Code Whiteville, TN 38075

Description of Activity Treatment of municipal sewage

Effluent Description treated municipal wastewater from Outfall 001

Receiving Stream Hickory Creek at mile 7.7

Facility Latitude 35.327222 Facility Longitude -89.133889

Applicant Name Williamson County Schools - Bethesda Elementary School

Permit Number TN0064475 Permit Writer Initials HVA Discharger rating Minor

County Williamson EFO Name Nashville

Street Address/Location 4907 Bethesda Road

City and/or Zip Code Thompson Station, TN 37179

Description of Activity Septic tank, recirculating sand filter and UV disinfection

Effluent Description treated domestic wastewater from Outfall 001

Receiving Stream unnamed tributary at mile 0.46 to Rutherford Creek at mile 27.9

Facility Latitude 35.764444 Facility Longitude -86.801944

State Operation Permits

Proposed New Issuances

Applicant Name Aqua Green Utility - Peninsula

Permit Number SOP-09022 Permit Writer Initials HVA Discharger rating Minor

County Jefferson EFO Name Knoxville

Street Address/Location Douglas Lake off Parrotts Chapel Road in the Shady Grove Area

City and/or Zip Code Dandridge, TN 37725

Description of Activity Septic tanks, effluent collection system, fixed film biological treatment, UV disinfection and

1.62 acre drip irrigation

Wastewater Description No discharge allowed from this system

Receiving Stream N/A

Facility Latitude 35.944722 Facility Longitude -83.437361

Applicant Name Richardo F. Quaries - Express Auto Detailing

Permit Number SOP-09023 Permit Writer Initials WDM Discharger rating Minor

County Blount EFO Name Knoxville

Street Address/Location 1316 Remsen Street
City and/or Zip Code Alcoa, TN 37701

Description of Activity mobile washing of cars, trucks, trailers, boats and recreational vehicles; collection and

transport of wash water to municipal/city treatment facilities

Wastewater Description untreated pressure wash water concentrated via recycling

Receiving Stream NA - no discharge allowed

Facility Latitude Facility Longitude

Proposed Reissuances

POTW - Pretreatment Program Approvals:

None			

The Division of Water Pollution Control is authorized to approve local POTW Pretreatment Programs for the administration and enforcement of the National Pretreatment Standards of Performance for industrial users of the respective Publicly Owned Treatment Works listed in this notice. Additionally, the POTW Programs are required to prevent the introduction of pollutants into the POTW's which will interfere with their operation, including the use or disposal of sludge, and prevent the introduction of pollutants into the POTW's which will pass through the treatment works or be otherwise incompatible. All POTW Pretreatment Programs approved are in accordance with the Tennessee Water Quality Control Act, the federal Clean Water Act, and appropriate regulations.

End of List

How to Comment:

TDEC is requesting public comment on this permit action. Obtaining a broad range of facts and opinions on Agency actions is one of the best ways to ensure quality decisions. Persons wishing to comment on the proposed action are invited to submit comments in writing to the Division of Water Pollution Control at 6th Floor, L&C Tower, 401 Church Street, Nashville, TN 37243, Attn: Public Notice Coordinator, by fax number (615) 532-0686, or by E-mail at environment@state.tn.us. Comments must be received by the public notice expiration date (July 27, 2009).

How to Request a Public Hearing:

Interested persons may request in writing that the Director of the Division of Water Pollution Control hold a public hearing on any application. The request must be filed by the public notice expiration date (July 27, 2009) and must indicate the interest of the party filing it and the reasons why such a hearing is warranted. When there is significant public interest for a hearing, a hearing will be conducted according to Division of Water Pollution Control Rule 1200-4-5-.06(12). Public hearings will be announced through another public notice.

How the Department will Proceed:

The Director of the Division of Water Pollution Control will determine the final permit action after considering comments submitted during the comment period, the hearing record, if any, and the requirements of the Federal and State acts and regulations.

To Obtain Permit Details:

Copies of the application(s) and draft permit(s) are also available for public inspection by contacting TDEC at http://state.tn.us/environment/org/, by calling 1-888-891-TDEC (8332), or by visiting the following locations during normal business hours:

Environmental Field Office - Chattanooga 540 McCallie Avenue, Suite 550 Chattanooga, TN 37402 (423) 634-5745 Bledsoe, Bradley, Grundy, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, Sequatchie

Environmental Field Office - Columbia 2484 Park Plus Drive Columbia, TN 38401 (931) 380-3371 Bedford, Coffee, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Perry, Wayne

SEF	Ms.	Souraya Fathi	(615) 532-0485	Souraya.Fathi@tn.gov
TLT	Mr.	Trent Thomas	(615) 532-0700	Trent.Thomas@tn.gov
VMJ	Mr.	Vojin Janjic	(615) 532-0670	Vojin.Janjic@tn.gov
WDM	Mr.	Wade Murphy	(615) 532-0666	Wade.Murphy@tn.gov
WML	Mr.	Mike Lee	(615) 532-0712	Mike.Lee@tn.gov

State of Tennessee Antidegradation Policy:

Antidegradation determinations have been made in regard to the permits referenced in this Public Notice. Tennessee's Antidegradation Statement is found in Chapter 1200-4-3-.06 of the Rules of the Tennessee Department of Environment and Conservation. The primary purpose of the antidegradation policy is to establish a greater level of protection for those waters that are identified to be of high quality. Generally, there are two types of high quality waters. Some high quality waters are those at near pristine conditions. These Outstanding National Resource Waters (ONRWs) are specifically designated by the Water Quality Control Board and are afforded the greatest level of protection. No new discharges or expansion of existing discharges are allowed to result in degradation of the existing water quality. Waters determined to be high quality due to specialized uses and/or unique features and are identified by the Department as Exceptional Tennessee Waters are also protected against degradation.

Some degradation may be allowed in the Exceptional Tennessee Waters only if the Water Quality Control Board deems it economically and socially necessary. Other surface waters not specifically identified and/or designated as high quality are referred to as waters with available or unavailable conditions. Generally, new discharges or increases in existing discharges may be allowed in waters not identified as ONRWs or Exceptional Tennessee Waters. The Division of Water Pollution Control's evaluation of such discharges may include the following provisions:

- The proposed lowering of water quality by the discharge is necessary for economic growth or community benefit; the proposed discharge can not be mitigated by reasonable pollution prevention measures; and
- There is no other reasonable non-discharge alternative available to prevent the new/increased discharge to waters with available or unavailable conditions.

In all cases, the proposed discharge must meet water quality standards and fully protect all classified uses. Information used by the Division of Water Pollution Control in evaluating any of the above provisions is available upon request.

State of Tennessee Policy of Non-Discrimination:

Pursuant to the State of Tennessee's policy of non-discrimination, the Tennessee Department of Environment and Conservation does not discriminate on the basis of race, sex, religion, color, national or ethnic origin, age, disability, or military service in its policies, or in the admission or access to, or treatment or employment in its programs, services or activities. Equal Employment Opportunity/Affirmative Action inquiries or complaints should be directed to the EEO/AA Coordinator, Office of General Counsel, 401 Church Street, 20th Floor L & C Tower, Nashville, TN 37243, 1-888-867-7455. ADA inquiries or complaints should be directed to the ADA Coordinator, Human Resources Division, 401 Church Street, 12th Floor L & C Tower, Nashville, TN 37243, 1-866-253-5827. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

Please bring this notice to the attention of persons you believe will be interested.