

# TENNESSEE REGULATORY AUTHORITY



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**Date:** July 29, 2011

**TO:** Docket File

**From:** Patsy Fulton, Utilities Division

**RE:** Docket No. 10-00145 Petition Of Aqua Green Utility Inc. To Amend  
Its CCN And Expand Its Service Area To Include A Portion Of  
Jefferson County In Tennessee, Known As Stonebridge On Douglas  
Lake

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Copies of the attached letters concerning Stonebridge, Jefferson County, Tennessee (SOP 10042) were received by TRA Staff via e-mail on July 29, 2011.

**From:** Robert Odette  
**To:** Fulton, Patsy  
**Date:** 7/29/2011 11:06 AM  
**Subject:** Stonebridge (Aqua Green Utility)  
**Attachments:** S&ME LTR-7 26 11.pdf

Good Afternoon Patsy,

FYI--attached is a very detailed letter I got from S&ME, the soil map preparer for Stonebridge. This letter sets the record straight and confirms what TDEC and Kevin Davis have been saying about the mapping and soil report done in 2008.

Hope this helps.

Bob O'

Robert G. O'Dette, M.S., P.E.  
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and State of Tennessee Biosolids Coordinator  
Tennessee Department of Environment and Conservation  
Division of Water Pollution Control  
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July 26, 2011

Tennessee Department of Environment and Conservation  
Division of Water Pollution Control  
6<sup>th</sup> Floor, J&C Annex  
401 Church Street  
Nashville, Tennessee 37243-1534

Attention: Mr. Bob O'Dette, PE

Subject: **Summary of S&ME Soil Mapping Services**  
Stonebridge and Peninsula Subdivisions  
Jefferson County, Tennessee  
S&ME Project No. 1434-08-434  
S&ME Project No. 1434-08-592

Dear Bob:

This letter is submitted to the Tennessee Department of Environment and Conservation, Division of Water Pollution Control (referred to herein as TDEC) in response to your request for information made during telephone conversations with Liz Porter of S&ME, Inc. (S&ME) during the week of May 23, 2011. During those conversations, you requested project timelines and a summary of services provided by S&ME for SouthEastern Development Group Inc. (SouthEastern) at the Stonebridge Subdivision and Peninsula Subdivision in Jefferson County, Tennessee.

S&ME understands that efforts to address the Stonebridge wastewater permitting issues have included some recent regulatory meetings with AquaGreen Utilities (AquaGreen) in which S&ME has had no participation. However, we understand that comments made by others in these meetings may have led to confusion regarding S&ME's role in the Stonebridge project.

We further understand that on March 23, 2011, TDEC issued a permit to AquaGreen to construct a wastewater disposal system at Stonebridge for 50 of the 107 lots requested in their original application. S&ME has recently learned from the Tennessee Regulatory Authority (TRA) Website that Dart Kendall has provided the preliminary, unsigned soils map of August, 2008 and the TDEC field-verified soils map included in S&ME's January 25, 2011 *Report for Extra High Intensity Soil Mapping for Proposed Decentralized Wastewater System* as evidence of "conflicting professional opinions" to TRA as part of AquaGreen's April 30, 2011 petition to amend its Certification of Convenience and Necessity (CCN) (TRA Docket No. 10-00145). S&ME is aware of only one signed, field-verified soils map (contained in the S&ME January 25, 2011 *Report for Extra High Intensity Soil Mapping for Proposed Decentralized Wastewater System*) for the Stonebridge Subdivision and the history of its development is outlined in this correspondence.

Prior to summarizing S&ME's involvement in this project, it is worthwhile to note that a June 14, 2011 e-mail from Mr. O'Dette to Ms. Patsy Fulton (Utilities Division, TRA) documents a July 23, 2008 *Certificate of Approval of Sewage System* signed by Tom Carter, Director of Environmental Health, Jefferson County Health Department. A similar plat certification was also made by Tom Carter on August 6, 2008, and is also documented in the referenced e-mail. Please note that both certifications pre-date S&ME's involvement in the project.

The following summarizes S&ME's services provided for SouthEastern at the referenced projects:

- **August 12, 2008:** S&ME submitted Proposal No. 3408517 to Mark Weston of SouthEastern for soil mapping of Lots 96, 97, 98, 99 and 100 at the Stonebridge Subdivision development. The Agreement for Services was signed by Mr. Weston on August 13, 2008.
- **August 28, 2008:** S&ME completed the *Report for Extra High Intensity Soil Mapping for Proposed Decentralized Wastewater System* for Stonebridge Lots 96, 97, 98, 99 and 100 which contained a preliminary soils map. The map was not signed at that time by Kevin Davis, the soil scientist, due to concerns expressed by TDEC soil scientist Billy Roach, following the S&ME field effort, regarding the suitability of the Dandridge soil series for wastewater disposal by drip irrigation.
- **Fall, 2008:** Kevin Davis of S&ME and Billy Roach (TDEC) discussed the Stonebridge soil findings, resulting in the TDEC determination that the Dandridge soil series would not be acceptable for drip irrigation wastewater disposal. Kevin Davis has indicated in his August 21, 2010 letter to the Jefferson County Commission that he discussed this information with Mark Weston.
- **October 31, 2008:** During a meeting between Mark Weston and Kevin Davis, Mr. Weston indicated the need for more wastewater disposal area at Stonebridge and requested that S&ME complete an extra high intensity soils evaluation of Lot 101 to add an additional 1.7 acres to the original soils map area.
- **November 3, 2008:** S&ME issued a change order to SouthEastern for the evaluation of soils at Lot 101 in the Stonebridge Subdivision.
- **Fall 2008 to Late Winter 2009:** Kevin Davis has stated that he continued to work with Mark Weston to evaluate soils for wastewater treatment at Stonebridge.

During this general timeframe, S&ME was also assisting SouthEastern with a similar scope of work for the Peninsula Subdivision, as summarized below:

- **December 2, 2008:** SouthEastern contracted S&ME's services for the evaluation of approximately six acres of land and the development of a soils map for the **Peninsula Subdivision** in Jefferson County, Tennessee (S&ME Proposal No. 3408716).

- **February 19, 2009:** Kevin Davis's employment at S&ME ended.
- **February, 2009:** Acting as an independent soil scientist, Kevin Davis issued the **Peninsula Subdivision** soils map to SouthEastern (initiated as S&ME Project No. 1434-08-592) and used the map for subsequent field verification.
- **March, 2009 to August, 2010:** During this period, S&ME was not involved in the Stonebridge or Peninsula projects. It is our understanding that Kevin Davis, as an independent soil scientist, continued to work with SouthEastern and subsequently Dart Kendall of AquaGreen on both the Peninsula and Stonebridge projects following the end of his employment with S&ME.

We also understand that during a site meeting involving Kevin Davis, Bob O'Dette, Billy Roach and others during the summer of 2010 at Stonebridge, Kevin Davis produced a soils map that reflected his discussions with Billy Roach and differed from the 2008 S&ME preliminary soils map contained in S&ME's August 28, 2008 *Report for Extra High Intensity Soil Mapping for Proposed Decentralized Wastewater System* for Stonebridge Lots 96, 97, 98, 99 and 100.

During this approximate time frame, public records indicate that Dart Kendall and/or his engineer (Bob Faulhaber, P.E., Faulhaber Engineering and Sustainability) submitted an unsigned and incomplete copy of S&ME's preliminary, unsigned soils map contained in the August 28, 2008 *Report for Extra High Intensity Soil Mapping for Proposed Decentralized Wastewater System* for Stonebridge Lots 96, 97, 98, 99 and 100 to obtain a State Operating Permit (SOP) for a drip irrigation wastewater disposal system at Stonebridge.

It is also worthwhile to note that in an August 6, 2010 letter from Mr. Faulhaber to Mr. O'Dette, Mr. Faulhaber acknowledges that "ultimately, the soil report that we used for the purpose of calculations will have to be approved by the state", thereby acknowledging that he recognized that the soils map had not yet received state approval, almost two years after it was prepared.

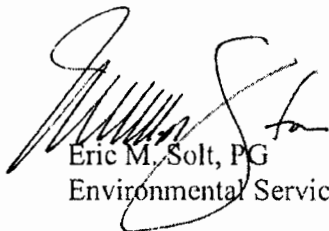
- **August through December, 2010:** Dart Kendall of AquaGreen made numerous requests for S&ME to sign the S&ME August 28, 2008 soils report, absent written authorization from our client and also absent of proper review or field verification by TDEC. During this time, S&ME made numerous attempts to inform Dart Kendall of the field verification process and stated that S&ME could not provide a signed or finalized map without completion of the TDEC soil scientist field verification.
- **December 6, 2010:** S&ME responded to a December 2, 2010 written request by Sam Pinner of SouthEastern to provide a "signed, stamped or sealed" copy of the August 28, 2008 report to Dart Kendall. Sam Pinner's letter also requested that S&ME "Be sure to provide a soil scientist to meet on site with TDEC if needed and any other actions needed to finalize this soil report."

July 26, 2011

- **December 20, 2010:** S&ME contracted the services of Kevin Davis to meet with TDEC, SouthEastern and their representatives at Stonebridge to have the soils map field reviewed and verified by the TDEC soil scientist.
- **December 20, 2010:** S&ME provided a *Change to Agreement for Services* to SouthEastern, to conduct field verification with TDEC and based on the findings of the field verification, provide a final soils map. The Change to Agreement for Services was executed by Mr. Sam Pinner and returned to S&ME on January 3, 2011.
- **January 4, 2011:** S&ME representatives Liz Porter, Eric Solt, Mike Stomer and Randy Martin, along with Kevin Davis, met with Sam Pinner of SouthEastern, Dart Kendall of AquaGreen, Bob Faulhaber, PE, of Faulhaber Engineering, Bob O'Dette and Billy Roach of TDEC, several homeowners from the Stonebridge subdivision and several Jefferson County Commissioners to have the soils map reviewed and field verified.
- **January 25, 2011:** S&ME issued a *Report for Extra High Intensity Soil Mapping for Proposed Decentralized Wastewater System* to SouthEastern that included a soils map (Lots 96, 97, 98, 99 and 100) that was field verified by the TDEC soil scientist and signed by Kevin Davis.
- **February 24, 2011:** S&ME issued a Project Closure letter to Sam Pinner of SouthEastern for the soils mapping services provided at the Stonebridge subdivision.


S&ME appreciates the opportunity to provide this information and hope that by doing so we have provided clarification regarding our role in the soil mapping projects at the Peninsula and Stonebridge subdivisions.

Sincerely,  
S&ME, Inc.



Eric M. Solt, PG  
Environmental Services Manager

EMP:EMS:RGM:MRS:emp



Elizabeth M. Porter, PG  
Vice President