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**Date:** 12/06/2010  
**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) from TDEC to Aqua Green were received by TRA Staff on December 3 & 6, 2010.

**From:** Dart Kendall <dartken@att.net>  
**To:** Robert Odette <Robert.Odette@tn.gov>  
**CC:** Bob Faulhaber <bob@fesconsulting.com>, michael sorrells <sorrells@cbvnl...  
**Date:** 12/3/2010 5:02 PM  
**Subject:** Re: Stonebridge page 1  
**Attachments:** scan0001.jpg; scan0002.jpg; scan0003.jpg; scan0004.jpg; scan0005.jpg; scan0006.jpg; scan0007.jpg; scan0008.jpg

Attached is the response letter to the Letter November 15, 2010. Hard copies are in the mail. I will let you know as soon as I hear back about the soil scientist.  
Dart Kendall

10-00145



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

November 15, 2010

Certified Mail # 7007 2680 0000 8142 6580

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

**Subject: SOP Permit No. SOP-10042  
Aqua Green Utility Inc.  
Dandridge, Jefferson County, Tennessee**

Dear Mr. Kendall:

The Division of Water Pollution Control acknowledges receipt of your initial and revised applications for a State Operating Permit (signed July 16, 2010, and August 6, 2010, respectively) for a sewerage system to serve 107 units in a residential development called Stonebridge on Douglas Lake and located at 1700 Stonebridge in Dandridge, Jefferson County, Tennessee. The engineering report required (by the application) for land application treatment systems was also submitted in initial and revised forms (signed July 20, 2010, and August 6, 2010, respectively). We consider the Year 2008 soils map attached to the revised application to be a preliminary soils map until the following actions are complete:

- The physical properties of the soil horizons and soil map units are confirmed via soil borings and pits.
- The confirmation is verified by a soil scientist representing TDEC, and
- The confirmation is certified by your soil scientist on a final map.

The division reviewed the engineering reports accompanying the applications and finds that the proposed drip area design prescribes soil types and areas that would not conform to the state design criteria. The design consultant who prepared and submitted the revised engineering report, Faulhaber Engineering & Sustainability in Cookeville, TN, was notified of this by letter dated August 10, 2010. Since August 10, 2010, we have had no response from Mr. Faulhaber. Additionally, your letter dated August 30, 2010 and email dated September 11, 2010 to Mr. O'Dette, do not provide a substantive response to Mr. O'Dette's August 10, 2010 letter. As such, your application for a permit is deemed incomplete and unacceptable for developing permit terms and conditions for the proposed sewerage system.



## AquaGreen Utility Inc.

3350 Galts Road . Acworth, Georgia . 30102

December 2, 2010

To : Vojin Janjic

Thank you for your correspondence on November 15, it was good to finally hear something about my SOP application. I appreciate the opportunity to respond to your concerns. This was the first I have heard that you considered my soil map to be a preliminary soils map. It has been far more than 30 days since I have turned in my application. I have enclosed a section of what I will refer to as a bill of rights which states:

Permit applicants shall have the right to a timely completeness determinations for their applications. Permit applicants shall have the right to know exactly how their applications are incomplete and what further information is needed to make their applications complete. **Absent extraordinary circumstances, the commissioner shall notify the applicant within (30) days of any permit application deficiencies, or determine that the application is complete.**

That being said I would be glad to address any issues that TDEC has. As for the letter dated August 10, 2010, you did receive a response letter. Since Mr. O'Dette did not want to communicate with me, I had my engineer Bob Faulhauber forward the letter to him. I have enclosed the letter dated August 16, 2010. Let me try to summarize my response to Mr. O'Dette letter. Mr. O'Dette and Mr Roach are obviously looking at something that is not included in my application. In an attempt for accuracy, I have gone back to S&ME and obtained a file signed copy of my soil report and map. I have included these also for your review. You will see this is the same soil report as the one sent in with my application. If you look over my S&ME soil report, you will see there is no soil named Muskingum and Mr. O'Dettes assumptions are base on soils with a restrictive layer at less than 24 inches. On page 2 of my S&ME report it clearly states auger refusal was not encountered within 24" of the surface through out the site, this conforms with TDEC rules.

I will attempt to address your response to Mr. O'Dettes letter dated August 10, 2010 as best I can, since he is obviously looking at something that is not in my application. As for his first bullet mark, I understand that drip disposal may be new to Tennessee. The calculations made by my engineer are based on good science from the EPA as well as experience from other state requirements.

His second bullet point clearly addresses your page 2 comments about justification to support deviation from those criteria. If you look at his last line, it states for 107 homes you have used the correct design flow rate of 32,100 GPD. If you will look at our engineering report included, second page bottom paragraph, we expect a flow of 160 GPD but the system design is based on 300 GPD which gives us a safety margin for the system. We clearly did not request any reduction or deviation.

As for the third bullet point, we have no Muskingum soil in our report. we have no soil showing 14 to 24 inches. I don't know how to respond and look for your guidance.

As for the next bullet point, Mr. O'Dettes assumptions are based on soil with depths less than 23 inches. Our report that is included, shows the Dandridge soils at 28 inches, the Sequoia soils at 30-36 inches and the Apison soils at 30-36 inches.

As for the last bullet point, he states the Delta Environmental Bio-Pods system will not be approved as the secondary treatment. If you look at the enclosed engineering report, first page fourth paragraph, it reads fixed film , low rate trickle filter. We never mentioned Bio-Pods and I don't know how to respond. I look for your guidance on this item.

As for your comments about my email dated September 11, 2010, that was a response to Mr. O'Dettes email on 9/1/2010 in which he states different reasons than what I am now being told is the problem with my application. It would be much easier for me to respond if TDEC would make up its' mind on what the problem is. I have included that email response also for your review.

I am sorry for the frankness of my response but don't seem to know a better way to express my confusion over what seems to be information clearly contained in my application. I look forward to your reply and I am willing and ready to provide any additional information available.

The developer for the Stonebridge subdivision has requested in writing that S&ME send a soil scientist to meet with TDEC on site. I will inform TDEC as soon as I hear a response.

Dart Kendall



President

Aqua Green Utility Inc.

cc. Bob Faulhaber PE.

Patsy Fulton TRA

## Patsy Fulton - Re: Stonebridge

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**From:** Robert Odette  
**To:** dart@adseptic.com  
**Date:** 12/6/2010 7:26 AM  
**Subject:** Re: Stonebridge  
**CC:** Calabrese, Tisha; Davis, Paul.Estill; Dotson, Britton; Faulhaber, Bob; Fulton, Patsy; Leiserson, Alan; Lockhart, Meg; Sloan, Paul; sorrells, michael

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Good Morning Mr. Kendall:

This is to acknowledge receipt of your email and attachments.  
I will ensure that Mr. Janjic and the Permit Section get copies.

Robert G. O'Dette, M.S., P.E.  
Assistant Manager, Municipal Facilities  
and State of Tennessee Biosolids Coordinator  
Tennessee Department of Environment and Conservation  
Division of Water Pollution Control  
6th Floor, L & C Annex  
401 Church Street  
Nashville, TN 37243-1534  
TEL: (615) 253-5319  
FAX: (615) 532-0686  
Email: [Robert.Odette@TN.GOV](mailto:Robert.Odette@TN.GOV)

100145

>>> Dart Kendall <dartken@att.net> 12/3/2010 4:54 PM >>>  
Attached is the response letter to the Letter November 15, 2010. Hard  
copies are in the mail. I will let you know as soon as I hear back  
about the soil scientist.  
Dart Kendall