

# RECEIVED

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TN REGULATORY AUTHORITY UTILITIES DIVISION

DSH & Associates, LLC Engineering/Construction/Utility Services

February 11, 2010

Patsy Fulton Utility Rate Specialist Tennessee Regulatory Authority 460 James Robertson Parkway Nashville, TN 37243-0505 615-741-2904 ext 193 Patsy.fulton@state.tn.us

**SUBJECT: CCN Submittal Package** 

PROJECT: Lakeside Estates Waste Water Treatment System

Dear Patsy,

Attached please find the sign performance bond (attachment 12) and our signed contract with Robert Young (attachment 16), the identified certified operator for this facility.

We look forward to working with you and the rest of the team in moving this approval for forward. Let me know if you require additional information.

Sincerely,

Douglas S. Hodge, Ph.D., PMP

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Manager

DSH & Associates, LLC 4028 Taliluna Avenue Knoxville, TN 37919 Operations Manager

P: 865-755-8066/F: 865-851-8351

Hodge.DSH@gmail.com

#### **CORPORATE SURETY BOND**

Tennessee Regulatory Authority

460 James Robertson Parkway Nashville, Tennessee 37243-0505 REFERENCE: DSH & Associates, LLC Company ID: Corporate Surety Bond #: 0010226 Effective Date: 1/31/11 Expiration Date: 1/31/12 DSH & Associates, LLC , as Principal, and Companion Property and Casualty Insurance Company, a corporation created and existing under the laws of \_\_\_\_\_, as Surety, (Hereinafter called "Surety") are bound to the State of Tennessee in the sum of exactly Twenty Thousand and 00/100 Dollars (\$20,000), and Principal and Surety hereby bind themselves, their successors and assigns, to pay in accordance with the following terms: THE CONDITION OF THIS BOND IS: The Principal is or intends to become a public wastewater utility subject to the laws of the State of Tennessee and the rules and regulations of the Tennessee Regulatory Authority ("Authority"), relating to the operation of a public wastewater utility: (describe utility and location\_

Tennessee Code Annotated § 65-4-201 requires the holder of a franchise for wastewater service to furnish a bond with sufficient surety, as approved by the Authority, conditioned as prescribed in Tenn. Comp. R. & Regs. Chapter 1220-4-13.

Lakeside Estates Wastewater Collection and Treatment System, LaFollette TN

The Principal and Surety have delivered to the Authority a Surety Bond with an endorsement as required by the Authority.

After notice to the Principal and Surety and a contested case hearing that results in the suspension or revocation of the Principal's Certificate of Public Convenience and Necessity (CCN), the replacement of an operator by the Authority, or the appointment of a receiver by a court, the Authority may assess a sum sufficient of this bond, up to its maximum sum, to enable the continued operation of the public wastewater utility.

The Principal and the Surety are held and firmly bound to the State of Tennessee, in accordance with the provisions of Tenn. Comp. R. & Regs. Chapter 1220-4-13, in the amount of Twenty Thousand Dollars (\$ 20,000 ) lawful money of the United States of America to be used for the full and prompt payment of any monetary obligation imposed against the Principal, its representatives, successors or assigns, in any contested case proceeding brought under Chapter 1220-4-13, by or on behalf of the Authority, for which obligation the Principal and the Surety bind themselves, their representatives, successors and assigns, each jointly and severally, firmly and unequivocally by these presents.

Upon entry of an Order that finds a monetary obligation pursuant to Chapter 1220-4-13, and delivery to the Surety of a Bond Notice, substantially in the form set forth below ("Notice"), the Surety promises to pay, by wire transfer of immediately available funds, the amount of the monetary obligation as stated in the Order and Notice.

If for any reason, the Surety Bond is not to be renewed upon its expiration, the Surety shall, at least sixty (60) days prior to the expiration date of the Surety Bond, provide written notification by means of certified mail, return receipt requested, to the Tennessee Regulatory Authority, that the Surety Bond will not be renewed beyond the then current maturity date for an additional period. Before the date of expiration, the public wastewater utility shall provide the Tennessee Regulatory Authority with a replacement Surety Bond or petition consistent with Rule 1220-4-13-.07(5). Failure to have approved financial security in effect will subject the public wastewater utility to daily penalties pursuant to Tenn. Code Ann. § 65-4-120.

The bond shall become effective after execution by the Principal and Surety and upon filing with the Authority, and shall continue from year to year unless the obligations of the Principal under this bond are expressly released by the Authority in writing.

The Principal and Surety consent to the conditions of this Bond and agree to be bound by them.

This 31st day of January 20 11.

(Principal)

Companion Property and Casualty Insurance Co.

(Surety)

By: Wawld H. Britte David R. Brett, Attorney-in-Fact

June, 2006

### **COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY**

P.O. Box 100165 (29202) 51 Clemson Road Columbia, SC 29229

#### **GENERAL POWER OF ATTORNEY**

Know all men by these Presents, that the COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY had made, Constituted and appointed, and by these presents does make, Constitute and appoint Andrew C. Heaner of Atlanta, Georgia; Richard L. Shanahan of Atlanta, Georgia; Stefan E. Tauger of Parker, Colorado; Arthur S. Johnson of Atlanta, Georgia; Martha G. Ross of Charlotte, North Carolina; James E. Feldner of West Lake, Ohio; Jeffery L. Booth of Parma, Ohio; Cheryl L. Torrao of Lutz, Florida; Melanie J. Stokes of Atlanta, Georgia; Garry W. Black of Murfreesboro, Tennessee; David R. Brett of Columbia, South Carolina; Donald J. Kersey of Birmingham, Alabama; Donald H. Gibbs of Atlanta, Georgia; Diane L. McLain of Fitchburg, Wisconsin; Julie Deupree of Birmingham, Alabama; Jason S. Centrella of Jacksonville, Florida; or Brian Clark of Charlotte, North Carolina, EACH as its true and lawful attorney for it and its name, place and stead to execute on behalf of the said company, as surety, bonds, undertakings and contracts of suretyship to be given to all obligees provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount of the sum of \$1,000,000 (One Million dollars).

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted pursuant to due authorization by the Executive Committee of the Board of Directors of the COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY on the 19th day of May, 2008.

RESOLVED, that the Chairman, President or any Vice President of the Company be, and that each or any of them hereby is, authorized to execute Powers of Attorney qualifying the attorney named in the given Power of Attorney to execute in behalf of the COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY bonds, undertakings and all contracts of suretyship; and that any Officer, Secretary or any Assistant Secretary be, and that each or any of them hereby is, authorized to attest the execution of any such Power of Attorney, and to attach thereto the seal of the Company.

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company when so affixed and in the future, with respect to any bond undertaking or contract of suretyship to which it is attached. In Witness Whereof, the COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY has caused its official seal to be hereto affixed, and these presents to be signed by its President and attested by its Vice President /67/ day of <u>AUGUST</u>, 2010. Attest: COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY Charles M. Potok, President STATE OF SOUTH CAROLINA Notary Public, State of SC, qualified in Richland County Commission Expires: OF SOUTH CAROLINA COUNTY, OF RIGHT AND I, the undersigned, an officer of COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY, a South Carolina Corporation DO HEREBY CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolution of the Executive Committee of the Board of Directors set forth in the Power of Attorney is now in force. Signed and sealed at the City of Columbia, Dated the  $\_31st$ . day of

Curtis C. Stewart, Vice President & CFO

**Number 28876** 

Bond No. 0010226

This agreement is entered into this, by and between ENVIRONMENTAL MANAGEMENT GROUP, P. O. Box 804, Vonore, TN 37885, hereinafter referred to as "EMG" and PSH1Associates, LLC hereinafter referred to as "owner".

In consideration of the terms, covenants, and conditions of this Agreement, it is hereby agreed as follows:

- 1. TERM: This agreement shall commence on and continue until cancelled by written notice thirty days in advance by either party.
- 2. LOCATION OF PROPERTY: This Agreement specially covers the operation and maintenance of the Wastewater Plant located at Lakeside Estates Development, LaFollette, TN
- 3. FEE: In consideration for the operation of the plant, OWNER agrees to pay EMG, #433 per month.
- 4. GOVERNMENTAL REGULATIONS: All maintenance, operation, and service performed by EMG under this Agreement shall be that as required by the State Department of Environment and Conservation and/or such other governmental agencies as shall exercise jurisdiction over said sewage treatment plant in accordance with appropriate departmental guidelines, testing procedures and operations during the effective date of this Agreement.

EMG will at all times operate and maintain the plant in accordance with the manufacture's recommended procedures to assure compliance with State, County, and local regulations. EMG will strive to exceed the discharge standards providing approved design parameters are not exceeded.

- 5. FREQUENCY: EMG will perform on-site inspections a minimum of per week.
- 6. SPECIFIC DUTIES: EMG shall perform on-site inspection, testing and reporting to fulfill regulatory requirements.

- 7. SUPERVISION: EMG will supervise any action by others at the PLANT. They will supervise sludge removal and pump down from any portion of the PLANT. They will ensure that the pump down is properly performed without destroying the beneficial bacteria action in the tanks.
- 8. NOTIFICATION OF PROBLEMS: EMG will immediately notify the appropriate authority including the "OWNER" by telephone, or any faster method available in the event of PLANT upset, need for PLANT pump down and/or untreated wastewater feed into improper areas, (including lakes, streams, rivers, real property, etc.)
- 9. REPAIRS: It is not intended that any pump, blower, or other piece of equipment be replaced or repaired by EMG.
- 10. INVENTORY: All costs for disinfection material (Chlorine, etc.) shall be billed to the OWNER. All costs for sludge removal shall be billed to the "OWNER"

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

Robert C. Young

ENVIRONMENTAL MANAGEMENT GROUP

DSH + Association, LLC, Manager

P.O. Box 10621

Knoxville, TN 37939

#### WATER AND WASTEWATER OPERATOR CERTIFICATE BOARD

NAME AND MAILING ADDRESS

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
WATER AND WASTEWATER OPERATOR CERTIFICATION BOARD

THIS IS TO CERTIFY THAT ROBERT C YOUNG AGRICULTURE SIN GOOD STANDING WITH BEBOARD FOR THE CLASSIFE TONS LISTED:

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Robert C Young, Jr. 145 Pointe Summit Drive Greenback, TN 37742

CN-0770 (REV. 2-99)

CN-0770 (REV. 2-99)

WHEN CORRESPONDING ALWAYS REFER TO YOUR I.D. NUMBER AND SEND NOTIFICATION OF ADDRESS CHANGE

## WATER AND WASTEWATER OPERATOR CERTIFICATE BOARD

NAME AND MAILING ADDRESS

Robin G Hetzel-Young 145 Pointe Summit Drive Greenback, TN 37742 STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
WATER AND WASTEWATER OPERATOR CERTIFICATION BOARD

THIS IS TO CERTIFY THAT ROBIN G HETZE AGRICULTURE

IS IN GOOD STANDING WITH BOARD FOR E CLASSIF FOR SLISTED:

WW4

WHEN CORRESPONDING ALWAYS REFER TO YOUR LD. NUMBER AND SEND NOTIFICATION OF ADDRESS CHANGE