



851 Aviation Parkway  
Smyrna, TN 37167

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T.R.A. DOCKET ROOM

Date: October 31, 2014

Mr. David Foster  
Tennessee Regulatory Authority  
502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, TN 37243

re: Docket No 14-00006 Monthly Update

Mr. Foster,

The following is an update to the information request associated with the "Scales Project"  
Docket 14-00006:

1. We have not seen the final permit as of this date.
2. Williamson County has approved the site for decentralized sewer.
3. Attached is an Notice of Violation for Legacy Mountain East received 10/1/2014 and the response sent on October 30, 2014.
4. The response to the Directors Order on Summit View has been filed.

Sincerely,

Charles Hyatt



TENNESSEE DEPARTMENT OF ENVIRONMENT & CONSERVATION  
**DIVISION OF WATER RESOURCES**

William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue  
Nashville, TN 37243

10/01/2014

**CERTIFIED MAIL**  
**7099 3220 0007 9314 6486**  
**Return Receipt Requested**

Mr. Charley Hyatt, CEO  
Adenus Group, LLC  
849 Aviation Parkway  
Smyrna, Tennessee 37167

Re: **Notice of Violation**  
Sampling Requirements  
Tennessee Wastewater Systems, LLC  
Legacy Mountain East  
State Operations Permit SOP-04004  
Sevier County

Mr. Hyatt:

On March 20, 2014 the Division of Water Resources received an application for renewal of the State Operations Permit (SOP-04004) at the Legacy Mountain East site. We are reviewing the operation and maintenance of the system prior to the reissuance of the SOP. Compliance inspections were conducted on April 4 and August 14, 2014. My observations and comments are as follows:

The system consists of a Bioclere Unit with drip dispersal, with no disinfection or fence. Drip lines are installed on the surface of the ground and cross several small drains. No ponding or overflow was observed.

The site is classified as inhibited access per the Agreed Order Docket No. 04.30-095289A. The SOP requires E. coli and BOD<sub>5</sub> sampling quarterly. Daily maximum limits for BOD<sub>5</sub> is to be less than 45 mg/l and E. coli of less than 941 CFU's.

**Inhibited Access:** Where drip areas are allowed to return to natural vegetation and are used for wildlife food plots or similar uses and where routine access by humans is discouraged by vegetation. Disinfection is required of the treated effluent prior to discharge in the drip field.

Mr. Charles Hyatt, CEO  
Adenus Group, LLC  
10/01/2014  
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**Effluent limitation:** No limitation, but quarterly sampling is required, which includes the proper collection and analysis of samples, and submission of the results to the Division. Proper sampling requires retrieving a representative sample of what the system is producing with no maintenance on the system being performed immediately prior to the sample being obtained, including, but not limited to, cleaning the Ultraviolet ("UV") disinfection device.

In the event there are three consecutive E. coli samplings exceeding 941 CFU per 100 ml, sampling will be required monthly. When there are six (6) consecutive months of satisfactory E. coli readings (such period to include warm and cool/cold months and periods of high occupancy (if seasonal occupancy is expected), the Respondent shall be allowed to return to quarterly sampling.

The MOR's submitted to the Knoxville Field Office for the time period of October 2013, March 2014, and April 2014 all confirm E. coli concentrations in excess of 2420 CFU/100ml and BOD<sub>5</sub> in excess of the 45mg/l limit. Per the Agreed Order, monthly sampling should have been submitted.

Failure to meet the sampling requirements is a violation of your State Operation Permit, and of the Water Quality Control Act. This letter will serve as a formal **Notice of Violation** (NOV) and by copy will inform our Enforcement Section of the violations. This NOV is not a legal action in itself, but such violations may lead to enforcement action. It is requested that a written response be submitted to this office within thirty (30) days of receipt of this letter, stating the necessary corrective action.

If you have any questions, or if I can be of further assistance, please contact me by phone at 615-532-5819 or by email at [allen.rather@tn.gov](mailto:allen.rather@tn.gov).

Sincerely,



Allen Rather  
Land Based Systems Unit  
Division of Water Resources

cc: DWR – Dana Waits, Compliance & Enforcement Section



851 Aviation Parkway  
Smyrna, TN 37167

October 29, 2014

Mr. Alan Rather  
Division of Water Resources  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue  
Nashville, TN 37243

Dear Mr. Rather

This letter responds to your Notice of Violation dated October 1, 2014 related to Legacy Mountain East Subdivision. We have installed a fence around the drip area. We will submit for a permit modification requesting the elimination of the E-Coli requirement.

Please let me know if anything additional is needed.

Thank you,

Charles Hyatt  
President