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November 29, 2016

Monica Smith-Ashford, Hearing Officer  
Tennessee Regulatory Authority  
502 Deaderick St., 4<sup>th</sup> Floor  
Nashville, TN 37243

Re: In Re: Petition of Tennessee Wastewater Systems Inc. for Approval of Capital  
Improvement Surcharges and Financing Arrangements  
Docket 14-00136

Dear Monica:

On October 28, 2016, the Tennessee Department of Environment and Conservation ("TDEC") issued a new State Operating Permit ("SOP") to Tennessee Wastewater Systems Inc. ("TWSI") authorizing the operation of a larger, wastewater treatment facility at Summit View Resort. On November 8, 2016, a copy of that SOP was filed in the above-captioned docket.

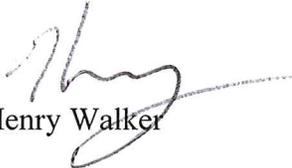
On November 22, 2016, the Summit View Home Owners' Association filed an appeal challenging the new SOP. A copy of the appeal is attached. Under state law, the appellant is now entitled to a contested case hearing before the Water Resources Board. The appeal effectively suspends the new SOP since TDEC will not release stamped/approved construction plans until the appeal has been resolved.

We will continue to keep you informed of developments as they occur.

Sincerely,

BRADLEY ARANT BOULT CUMMINGS LLP

By:

  
Henry Walker

HW/dbi

Attachments

cc: Kevin A. Dean, Esq.  
Erin Merrick

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November 22, 2016

**Via FedEx Overnight**

Tennessee Department of Environment and Conservation  
Division of Water Resources  
Attn: Technical Secretary/Water Resources Board  
William R. Snodgrass—Tennessee Tower  
312 Rosa L. Parks Avenue, 11<sup>th</sup> Floor  
Nashville, TN 37243-1102

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TN DEPT. OF ENVIRONMENT  
AND CONSERVATION  
DIVISION OF WATER RESOURCES

**Via FedEx Overnight and e-mail to: [George.Bell@TN.GOV](mailto:George.Bell@TN.GOV)**

Tennessee Department of Environment and Conservation  
Office of General Counsel  
Attn: George S. Bell, III, Esq.  
William R. Snodgrass—Tennessee Tower  
312 Rosa L. Parks Avenue, 2<sup>nd</sup> Floor  
Nashville, TN 37243

Re: State Operating Permit No. SOP-06035  
Tennessee Wastewater Systems, Inc.  
Summit View Resort  
Sevierville, Sevier County, Tennessee

Dear Technical Secretary/Water Resources Board:

As you are aware, our firm represents the Summit View Home Owners' Association (hereafter "Summit View"), who has elected to file this "Petition for Permit Appeal" related to TDEC's approval of the above-captioned State Operating Permit no. SOP-06035 (the "Permit") pursuant to Tenn. Code Ann. §69-3-105(i) as an "aggrieved person<sup>1</sup> who participated in the public comment period" and who "gave testimony at a formal public hearing". Pursuant to Tenn. Code Ann. §69-3-105(i), this appeal is based, in part, on upon the issues that were provided to the commissioner in writing during the public comment period and/or in testimony at the formal public hearing on the permit application. For ease of reference, I have included a copy of Mr. Brad Harris' October 28, 2016 letter with Permit no. SOP-06035.

<sup>1</sup> My client is included within the definition of "Person" under Tenn. Code Ann. §69-3-103(26), which defines "Person" to include "associations" as well as "officers thereof".

On behalf of Summit View, we would respectfully request an administrative review by the Water Resources Board of the above-captioned approval of the Permit on the following bases, including but not limited to the following:

- (1) Reliability (unreliability) of the usage data which reflected no less usage even after Summit View installed low-flow shower heads;
- (2) Continued noncompliance by Tennessee Wastewater Systems, Inc. (hereafter "TWSI") on multiple items, including but not limited to TWSI's failure to remedy both odor and flow issues with the present system and TWSI's lack of signatures on multiple reports; and
- (3) Lack of documented ownership of real property (via easement or otherwise) or personal property/equipment by TWSI (the Permit itself grants no ownership rights);

If anything further is needed from Summit View to process this appeal request under Tenn. Code Ann. §69-3-105(i), please do not hesitate to contact us.

Very truly yours,



Arthur G. Seymour, Jr.  
Kevin A. Dean  
FRANTZ, McCONNELL & SEYMOUR, LLP

KAD:kad  
Enc.

cc: Jamie Roth (via e-mail w/enc.)