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November 29, 2016

Monica Smith-Ashford, Hearing Officer
Tennessee Regulatory Authority
502 Deaderick St., 4th 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:

A handwritten signature in black ink, appearing to read "Henry Walker", written over a horizontal line.

Henry Walker

HW/dbi

Attachments

cc: Kevin A. Dean, Esq.
Erin Merrick

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7/3914044.1

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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, 11th Floor
Nashville, TN 37243-1102

Via FedEx Overnight and e-mail to: 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, 2nd 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"¹ 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.

¹ 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".

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TN DEPT. OF ENVIRONMENT
AND CONSERVATION
DIVISION OF WATER RESOURCES

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.*)

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