



Tennessee Wastewater Systems, Inc.  
Docket 15-00025  
February 2017 Report Overview

Systems subject to Notice of Violations and other Corrective Orders:

**Starr Crest II (NOV)** – Repairs made. TDEC has issued the modified SOP and approved the construction plans for upgraded system. Awaiting final agreement with HOA on assessments so that work can begin. TDEC will inspect once system upgrades are complete.

**Smoky Village\*** (NOV) – Docket 16-00096 – TDEC will inspect once system upgrades are complete.

**Summit View** – Docket 14-00136 – Summit View HOA has appealed the final SOP to the Water Resources Division of TDEC. Construction plans have been approved by TDEC for the system expansion and some mitigation repair work has commenced to repair the drip field. TDEC will inspect once system upgrades are complete. TDEC issued TWSI a new NOV for the site on January 13 which is included in this report along with TWSI's response denying the allegations and explaining among other things how the allegations are not violations of the permit or construction plans.

**Cedar Hill\*** – Docket 16-00096 - TDEC will inspect once system upgrades are complete.

**Maple Green\*** (NOV) – Docket 16-00096 – TDEC will inspect once system upgrades are complete.

**River Road\*\*** (NOV) – TWSI responded to the NOV and provided a CAP as requested.

\* TWSI has received the commitment letter from the bank for the loan necessary to secure the funds to make the repairs to the systems in Docket 16-00096. TWSI and CAD have reached a settlement in the docket and that settlement is awaiting the Attorney General's signature before submitting to the TRA for approval.

\*\* River Road is not included in the KPI Report because there is no discharge from the facility and is not monitored.

**Jeff Ridsen**

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**From:** HAWKMS Agent <agent@hawkms.com>  
**Sent:** Wednesday, February 1, 2017 7:50 AM  
**To:** Charles Hyatt; Brian Carter; Roy Denney  
**Cc:** Jeff Ridsen; Bob Pickney; Matt Pickney  
**Subject:** TRA KPI Compliance Report for 2/1/2017 7:50:10 AM

## TRA Flow KPI Report for 1/31/2017

Tracy Nichols	Permitted	Expected	Actual	% of Expected	AvgFlow	% of
Cedar Hill DCP	75000	18036	0	0.00	0.00	
Maple Green DCP	74000	40098	46340	1.16	51867.00	

Jeremy Stewart	Permitted	Expected	Actual	% of Expected	AvgFlow	% of
Starr Crest II BC	28000	23625	14840	0.63	20335.03	
Summit View RSF	8000	5775	6320	1.09	6163.00	

Brandon Dotson	Permitted	Expected	Actual	% of Expected	AvgFlow	% of
Smoky Village RSF	5600	4900	2422	0.49	2716.83	

## Jeff Ridsen

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**From:** Charles Hyatt  
**Sent:** Tuesday, January 17, 2017 8:33 AM  
**To:** Jeff Ridsen; Bob Pickney  
**Subject:** Fwd: Complaint Investigation  
**Attachments:** Summit View NOV 1\_13\_17.pdf

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**From:** Allen Rather <Allen.Rather@tn.gov>  
**Sent:** Tuesday, January 17, 2017 7:46:10 AM  
**To:** Charles Hyatt  
**Cc:** Brad Harris; George Garden; George Bell; Jessica Murphy  
**Subject:** Complaint Investigation

Charles,  
We had a complaint on Summit View a while back. This NOV is a result of that visit. Please let me know if you have any questions.

Thanks,

Allen Rather, LPSS  
Environmental Consultant  
Land Based Systems Unit  
Division of Water Resources  
615-532-5819



TENNESSEE DEPARTMENT OF ENVIRONMENT & CONSERVATION  
**DIVISION OF WATER RESOURCES**  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue  
Nashville, TN 37243

1/13/2017

**CERTIFIED MAIL**  
**7099 3220 0007 9314 6615**  
**Return Receipt Requested**

Mr. Charles Hyatt, President  
Tennessee Wastewater Systems, Inc.  
e-copy: charles.hyatt@adenus.com  
849 Aviation Pkwy.  
Smyrna, TN 37167

**Re: Notice of Violation**  
Compliance Inspection  
Tennessee Wastewater Systems, Inc.  
Summit View Treatment Facility  
UIC # SEV 0000047 SOP06035  
Sevier County

Mr. Hyatt:

On 11/15/2016 Michael Caudill and Billy Roach from the Knoxville EFO conducted a complaint investigation at the Summit View Treatment Facility. The complainant stated that a drain was being installed below the drip area and routing surface flow of effluent into the pond located in the common area.

Staff investigated the complaint and observed that the operators had installed a subsurface drain below the drip field and had routed the outlet into the pond about a foot below the surface. Water current could be seen flowing from the outlet end of the drain. Surfacing effluent was observed flowing downhill from the drip field into the drain and subsequently to the pond.

Recent plans submitted to and approved by the Department for the repair and upgrades to this facility did not include the installation of a draw down drain. Per the permit "The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility." Deviations from the approved plan documents must be submitted and approved before such changes are made.

Ponding and overflow from the facility to Waters of the State is a violation of your State Operation permit, and of the Water Quality Control Act. This letter will serve to formally notify you of these violations as identified on the above-listed dates 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.

Mr. Charles Hyatt  
Tennessee Wastewater Systems, Inc.  
1/13/2017  
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It is requested that a written response be submitted to this office within thirty (30) days of receipt of this letter, stating the purpose of the drain installed and corrective action necessary to prevent treated effluent from entering the drain and being discharged to the pond.

If you have any questions or need further assistance, please contact Allen Rather by phone at 615-532-5819 or [allen.rather@tn.gov](mailto:allen.rather@tn.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Harris", with a stylized flourish at the end.

Brad Harris, P.E.  
Manager, Land Based Systems Unit  
Division of Water Resources

cc:

Jessica Murphy, Compliance & Enforcement Section  
George Bell, OGC, TDEC  
George Garden P.E., DWR





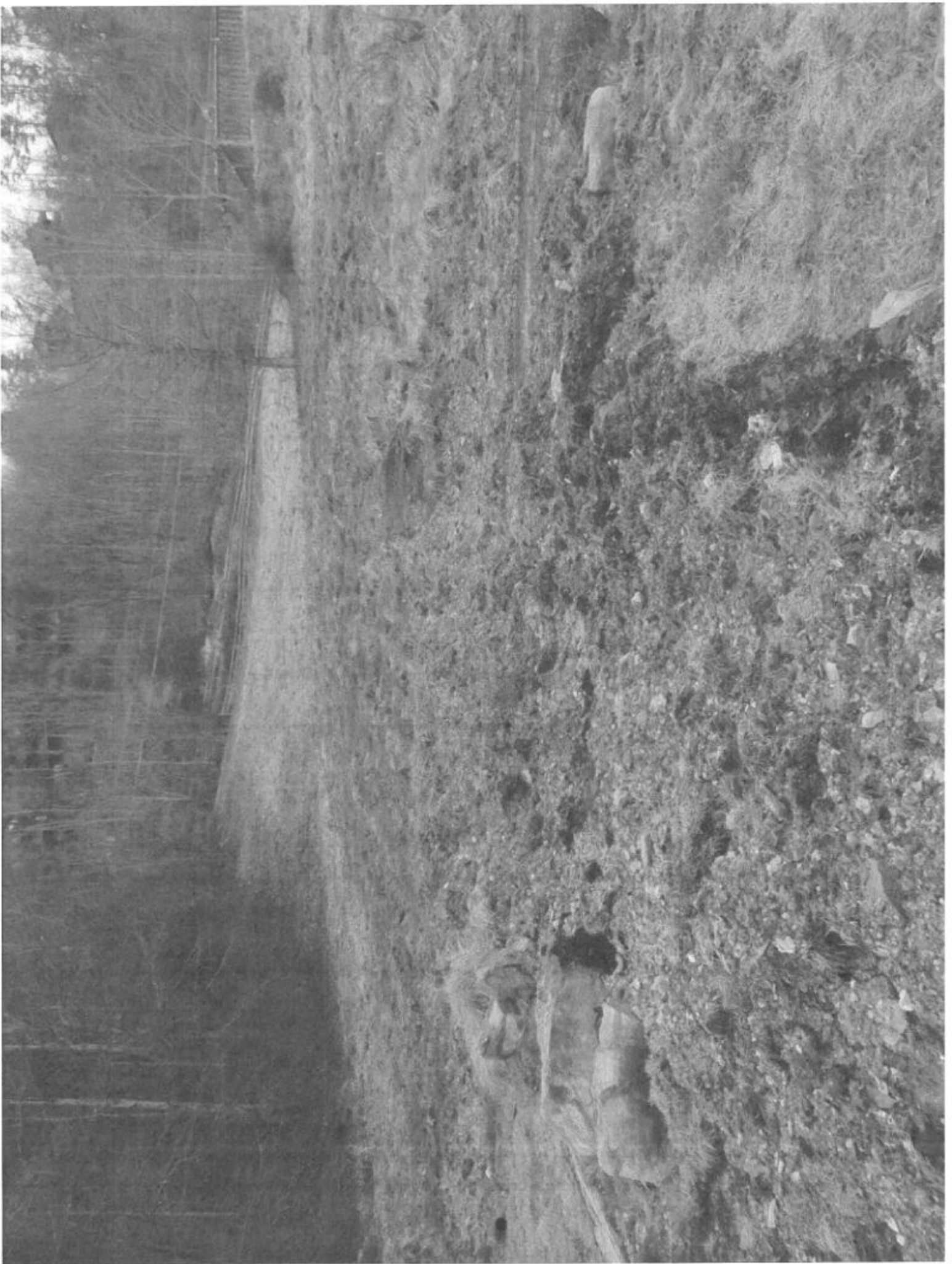


















February 3, 2017

Allen Rather  
Tennessee Department of Environment and Conservation  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue, 11<sup>th</sup> Floor  
Nashville, TN 37243

VIA EMAIL: [allen.rather@tn.gov](mailto:allen.rather@tn.gov)

RE: Response to Notice of Violation at Summit View Treatment Facility SOP 06035

Dear Mr. Rather:

Tennessee Wastewater Systems, Inc. ("TWSI") received a Notice of Violation ("NOV") on January 13, 2017 alleging certain violations of the above referenced state operating permit ("SOP"). TWSI was not provided with the required notice of the inspection conducted by TDEC personnel at Summit View. Notice by the Department to the Permittee is required under the SOP for this facility. Part II A (2)(b) of the SOP states:

The permittee shall allow the Director, or authorized representatives, upon notification and presentation of credentials:

- b. To inspect at reasonable times any monitoring equipment or method or any collection, treatment, pollution management, or discharge facilities required under this permit.

The inspection of the Summit View facility by TDEC employees without the required notice is a violation of TWSI's rights under the permit. Based on information provided to TWSI by the Department, several days had passed between the Department being made aware of the concerns raised at Summit View and when the inspection was conducted. There was adequate time for notice to be given, however it is plain to see from the lapse of time, the Department simply chose not to provide it though it is required by the permit. Because TWSI did not receive notice of the inspection its representatives were not present so our ability to respond to the allegations, observations, and conclusions made by the inspectors are somewhat limited. It is also worth noting this is the second-time Michael Caudill has conducted a site inspection without providing the required notice to TWSI.

TWSI's ability to adequately respond to the NOV is further complicated due to inaccuracies and misstatements made by the Department in the NOV. The NOV states the inspection at the site was conducted on November 15, 2016. It is doubtful this NOV resulted from any inspection conducted on that date. Based on the inspection records provided to TWSI a complaint was filed by the Summit View HOA on December 7, 2016. This complaint was the basis for an inspection which was conducted on December 12, 2016. It is important to point out the date discrepancy because the NOV states that the violations were

identified on the inspection date which is stated as November 15 – 3 weeks before the complaint was filed.

In addition, the NOV states that the plans approved by the Department did not include the installation of a draw down drain. The approved plans clearly show a Soil Improvement Practices (“SIP”) drain contemplated to be installed at the site. A draw down drain is a type of SIP drain in that its purpose is to help improve the soil quality so that the soils work more effectively.

The drain installed at the Summit View site is not part of the sewer treatment system and is not installed on property designated for the system. The drain was installed to allow access to the area for the repair to the drip field. As this drain is not part of the sewer system or installed on land designated for the treatment facility, no permit or Department approval is necessary for its installation. The discharge from the drain is ground water, not treated effluent. The issue of ponding at the site is the subject of current litigation between TWSI and TDEC.

Should the Division have any questions or need any further clarification about anything contained in this response, please do not hesitate to contact me at 615-220-7200 or [charles.hyatt@adenus.com](mailto:charles.hyatt@adenus.com).

Sincerely,



Charles Hyatt  
President  
Tennessee Wastewater Systems, Inc.

Ec: Brad Harris – [brad.harris@tn.gov](mailto:brad.harris@tn.gov)  
George Garden – [George.garden@tn.gov](mailto:George.garden@tn.gov)  
Michael Caudill – [Michael.caudill@tn.gov](mailto:Michael.caudill@tn.gov)  
Billy Roach – [billy.roach@tn.gov](mailto:billy.roach@tn.gov)  
Jessica Murphy – [Jessica.murphy@tn.gov](mailto:Jessica.murphy@tn.gov)  
George Bell, Esq. – [George.bell@tn.gov](mailto:George.bell@tn.gov)