



Tennessee Wastewater Systems, Inc.
Docket 15-00025
May 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. HOA board has approved the agreement and is awaiting execution with targeted start date in the Fall. 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Summit View – Docket 14-00136 – TDEC has rescinded the approval of the construction plans for the system expansion, however most of the drip had been replaced and/or relayed prior to TDEC notifying TWSI of its decision. The SOP remains under appeal by the HOA. Discussions are currently ongoing with TDEC to resolve this matter.

Cedar Hill – Docket 16-00096 – TDEC has issued approved plans and SOP. TDEC will inspect once system upgrades are complete.

Maple Green (NOV) – Docket 16-00096 – TDEC has issued approved plans and SOP. TDEC will inspect once system upgrades are complete.

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

Jackson Bend (NOV) – NOV for alleged violations for ponding and open piping in the sand filter area. TWSI disputes either are a violation of the SOP. NOV and TWSI's response are included in this report. TDEC and TWSI personnel are planning to meet onsite to discuss the matter.

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

Jeff Riden

From: HAWKMS Agent <agent@hawkms.com>
Sent: Monday, May 1, 2017 7:50 AM
To: Charles Hyatt; Brian Carter
Cc: Jeff Riden; Bob Pickney; Matt Pickney
Subject: TRA KPI Compliance Report for 5/1/2017 7:50:06 AM

TRA Flow KPI Report for 4/30/2017

Tracy Nichols	Permitted	Expected	Actual	% of Expected	AvgFlow	% o
Cedar Hill DCP	75000	18036	0	0.00	0.00	
Maple Green DCP	74000	40273	40780	1.01	44676.21	

Jeramy Stewart	Permitted	Expected	Actual	% of Expected	AvgFlow	% o
Starr Crest II BC	28000	23625	25963	1.10	23914.90	
Summit View RSF	8000	5600	4830	0.86	7295.33	

Brandon Dotson	Permitted	Expected	Actual	% of Expected	AvgFlow	% o
Smoky Village RSF	5600	4900	2669	0.54	3152.37	



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

April 4th, 2017

Certified Mail
7014 2870 0001 3664 1020
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.
Facility
UIC BL0000067 SOP01009
Blount County

Mr. Hyatt,

On 03/17/2017 I conducted a Compliance Inspection of the Jackson Bend Facility. I met with Staff of Tennessee Wastewater to review the operation of the system. My observations and comments are as follows:

There was ponding in the drip field area. The standing water was less than 5 feet a from a drip line in places. The gravel had been removed from the sand filter exposing a large area of the piping. This was explained as being part of some ongoing repairs.

These Deficiencies are 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.

It is requested that a written response be submitted to this office within thirty (30) days of receipt of this letter, stating necessary corrective action.

If you have any questions or need further assistance, please contact Allen Rather by phone at 615-532-5819 or allen.rather@tn.gov or Gabe Davis by phone at 423-494-7339 or gabe.davis@tn.gov.

Sincerely,

Mr. Charles Hyatt
Tennessee Wastewater Systems, Inc.
4/05/17
Page 2

A handwritten signature in black ink, appearing to read "R. Gabe Davis". The signature is fluid and cursive, with the first name "R." and last name "Davis" clearly distinguishable.

R. Gabe Davis
Division of Water Resources

cc:

DWR – Jessica Murphy, Compliance & Enforcement Section



851 Aviation Parkway
Smyrna, TN 37167

May 3, 2017

Mr. R. Gabe Davis
Tennessee Department of Environment and Conservation
Division of Water Resources
Knoxville Environmental Field Office
3711 Middlebrook Pike
Knoxville, TN 37921

VIA EMAIL: Gabe.Davis@tn.gov

Re: Notice of Violation – Jackson Bend Facility – SOP 01009

Mr. Davis:

This letter is in response to the Notice of Violation (“NOV”) received on April 18, 2017 regarding the conditions observed during a compliance inspection of the wastewater treatment system at the Jackson Bend Treatment Facility in Blount County, TN on March 17, 2017.

The NOV states ponding was observed in the drip field area and that gravel had been removed from the sand filter exposing a large area of piping. The NOV fails to state how either of these conditions constitute a violation of TWSI’s State Operating Permit (“SOP”). Ponding is not a violation of the SOP neither is repairing piping within the sand filter.

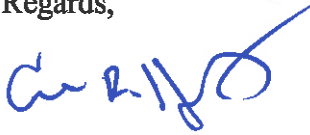
The location where ponding was observed is a drainage swale which is not part of the drip field or treatment facilities. It is expected, given the nature of the drainage swale, that water run-off from rain events will occasionally pond in that location. Further, the drip lines are contained within the original drip area identified in the TDEC approved plans for the site. The drainage swale where the ponding was observed is not utilized as part of drip field. Regardless, the drainage swale area is not part of the treatment facilities and thus is not subject to the terms and conditions of the SOP.

The exposed piping observed in the sand filter was part of ongoing maintenance conducted on the filter – as was noted in the NOV. This is not a violation of the permit either. Sand filter repairs must be made from time to time and some of those repairs require that pipes and other components of the treatment facilities be exposed so that work can be done.

If the Department has any proof or evidence of actual violations it wishes for TWSI to consider regarding this notice, please provide us with the information for consideration, otherwise we will consider this matter closed.

If you have any questions about the responses in this letter, feel free to reach me at 615-220-7200 or charles.hyatt@adenus.com.

Regards,



Charles Hyatt
President
Tennessee Wastewater Systems, Inc.

Cc: Brad Harris – brad.harris@tn.gov
Allen Rather – allen.rather@tn.gov

Jeff Ridsen

From: Allen Rather <Allen.Rather@tn.gov>
Sent: Monday, May 1, 2017 8:22 AM
To: Bob Pickney
Cc: Jeff Ridsen; Charles Hyatt; George Garden; Brad Harris
Subject: RE: SOP-01009 NOV

Bob,
I'm not trying to justify anything, just want to know what's there and where it is and what it's installed in because we have no records for any addition.
Thanks,
Allen

From: Bob Pickney [mailto:Bob.Pickney@Adenus.com]
Sent: Monday, May 01, 2017 8:18 AM
To: Allen Rather
Cc: Jeff Ridsen; Charles Hyatt; George Garden; Brad Harris
Subject: RE: SOP-01009 NOV

Allen,
I have talked with Mike Hines and he thinks he still has a copy of the soil map and plans –if he does, then I will forward it to you - TWSI does not have any of this information in our files that we can find - as far as meeting Gabe at the site – I just wanted to confirm the bases on the ground he used to issue the NOV - since he has already issued the NOV he must have a finding of fact that we violated the permit, so whatever information he based his NOV should be public record – I do not think is appropriate to try to justify his actions after the fact with more investigation– he issued an NOV based on his findings at the site at that time – so no further discovery should be needed to justify his actions – if it does the I suggest he should withdraw his NOV pending a better finding of fact –
Thanks,
Bob Pickney

From: Allen Rather [mailto:Allen.Rather@tn.gov]
Sent: Friday, April 21, 2017 1:08 PM
To: Bob Pickney
Cc: Jeff Ridsen; Charles Hyatt; George Garden; Brad Harris
Subject: RE: SOP-01009 NOV

Bob,
I'm inquiring about the modification that was done in late 2011/ early 2012. I was at the site 3/01/2012 after the new lines were installed. These lines were placed below the sand filter on each side of the swale where the ponding issue is occurring. We don't have anything in the file as far as soils info, plans, or an approval letter for the modification.

Thanks,

Allen

From: Bob Pickney [mailto:Bob.Pickney@Adenus.com]
Sent: Friday, April 21, 2017 10:53 AM
To: Allen Rather
Cc: Jeff Ridsen; Charles Hyatt; George Garden; Brad Harris
Subject: RE: SOP-01009 NOV

Allen,

There is a drainage ditch/swale that runs through our drip property – the ponding is in the drainage ditch – there are no drip lines close to the ponding – as far as soil map and plans the only ones that exist is the original ones submitted to TDEC. – I may be able to get a copy from Mike Hines – I thought TDEC had these on file? If you do not have them on file, let me know and I will try to locate a copy –

Thanks,

Bob

From: Allen Rather [<mailto:Allen.Rather@tn.gov>]

Sent: Friday, April 21, 2017 10:42 AM

To: Bob Pickney

Cc: Brad Harris; George Garden

Subject: SOP-01009 NOV

Bob,

You have requested a meeting with Gabe Davis, Knoxville EFO, relative to the Notice of Violation (NOV) issued for the Jackson Bend Treatment Facility SOP-01009 on April 4, 2017 for ponding issues. The area where the ponding is occurring is located in the part of the drip field that we have no soils information or plans on file. Prior to any meeting, it would be helpful if you could supply soils information and plans of the installation for review. This will allow us an opportunity to better assess the situation. Please give me a call if you have any questions.

Thanks,

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



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

April 28, 2017

Mr. Charles R. Hyatt
CEO
Adenus Group, LLC
e-copy: charles.hyatt@adenus.com
849 Aviation Parkway
Smyrna, TN 37167

Subject: **Draft of State Operating Permit No. SOP-01009**
Tennessee Wastewater Systems, Inc. d/b/a Jackson Bend Subdivision
Jackson Bend Subdivision
Louisville, Blount County, Tennessee

Dear Mr. Hyatt:

Enclosed please find one copy of the draft state operating permit, which the Division of Water Resources (the division) proposes to issue. The issuance of this permit is contingent upon your meeting all of the requirements of the Tennessee Water Quality Control Act and the rules and regulations of the Tennessee Water Quality, Oil and Gas Board.

If you disagree with the provisions and requirements contained in the draft permit, you have thirty (30) days from the date of this correspondence to notify the division of your objections. If your objections cannot be resolved, you may appeal the issuance of this permit. This appeal should be filed in accordance with Section 69-3-110, Tennessee Code Annotated.

If you have questions, please contact the Knoxville Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact Mr. Allen Rather at (615) 532-5819 or by E-mail at Allen.Rather@tn.gov.

Sincerely,

Brad Harris, P.E.
Manager, Water-Based Systems

Enclosure

cc: Permit File
Knoxville Environmental Field Office
Mr. Tony Smith, Operator, , 849 Aviation Parkway, Smyrna, TN 37167
Ms. Michelle Ramsey, Utilities Division, Tennessee Regulatory Authority, michelle.ramsey@tn.gov

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

Permit No. SOP-01009

PERMIT
For the operation of Wastewater Treatment Facilities

In accordance with the provision of Tennessee Code Annotated section 69-3-108 and Regulations promulgated pursuant thereto:

PERMISSION IS HEREBY GRANTED TO

Tennessee Wastewater Systems, Inc. d/b/a Jackson Bend Subdivision
Jackson Bend Subdivision
Louisville, Blount County, Tennessee

FOR THE OPERATION OF

Septic tanks, effluent collection system, recirculating sand filter and drip irrigation system located at latitude 35.842778 and longitude -84.039444 in Blount County, Tennessee to serve 100 homes in the Jackson Bend Subdivision. The design capacity of the system is .02 MGD.

This permit is issued as a result of the application filed on February 13, 2017, in the office of the Tennessee Division of Water Resources and in conformity with approved plans, specifications and other data submitted to the Department in support of the above application, all of which are filed with and considered as a part of this permit, together with the following named conditions and requirements.

This permit shall become effective on:

This permit shall expire on:

Issuance date:

for Tisha Calabrese Benton
Director

A. GENERAL REQUIREMENTS

The treatment system shall be monitored by the permittee as specified below:

<u>Parameter</u>	<u>Sample Type</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Measurement Frequency</u>
Flow *	Totalizer			Daily
BOD ₅	Grab	45 mg/l	N/A	Once/Year
Ammonia as N	Grab	Report	N/A	Once /Quarter

* Report average daily flow for each calendar month.

Sampling requirements in the table above apply to effluent being discharged to the drip irrigation plots.

This permit allows the operation of a wastewater collection, treatment, and storage system with disposal of treated wastewater through approved land application areas. Complete hydraulic infiltration within the soil profile is an expectation of the land application component. As such, the soil profile of the land application area is a permitted component of the system.

System compliance is reliant on the utilization and performance of the soil profile. Failure of the soil profile to allow for adequate transmission of the effluent away from the point of application or the presence/development of features allowing the effluent to bypass the soil profile constitutes permit violations. Indications of the soil profile's failure to allow for adequate transmission of effluent away from the point of application includes, but is not limited to, ponding or pooling on the ground surface, and surface flow or flow paths originating from points of application. Indications that effluent is bypassing the soil profile includes, but is not limited to, the appearance of conduits or flow channels extending from the ground surface into the soil profile and locations where discrete flow channels are discharging to the surface in association with system operation. Biomat development, soil profile saturation, point-specific or area-specific over application, altered or damaged soil structure, and mapping error are among the factors that may result in permit noncompliance.

Instances of surface saturation, ponding or pooling within the land application area as a result of system operation are not authorized by this permit. Instances of surface saturation, ponding or pooling shall be promptly investigated and noted on the Monthly Operations Report. The report shall include details regarding location(s), determined cause(s), the actions taken to eliminate the issue, and the date the corrective actions were made. Any instances of surface saturation, ponding or pooling not associated with a major precipitation event not corrected within three days of discovery shall be reported to the local Environmental Field Office at that time for investigation. Surface saturation, ponding or pooling resulting in the discharge of treated wastewater into Waters of the State or to locations where it is likely to move to Waters of the State shall be immediately reported to the local Environmental Field Office.

The site shall be inspected by the certified operator or his/her designee, at a minimum, once per fourteen days (default) OR in accordance with an operating and maintenance inspection schedule in the permit administrative file record. The default inspection frequency will apply if an operating and maintenance inspection schedule is not submitted to be a part of the permit administrative file record. The operating and maintenance inspection schedule shall at a minimum evaluate the following via onsite visits or telemetry monitoring or a combination of the two:

- the condition of the treatment facility security controls (doors, fencing, gates, etc.),
- the condition of the drip area security controls (doors, fencing, gates, etc.),
- the condition of the site signage,
- the operational status of the mechanical parts of the treatment system (pumps, filters, telemetry equipment, etc.)
- the condition of the UV bulbs (if applicable)
- the condition of the land application area including the location of any ponding
- the name of the inspector
- the description of any corrective actions

Submission of the schedule, or revisions to the schedule, may be submitted to the division electronically. The schedule shall be submitted on or before the effective date of the permit. The permittee is responsible for maintaining evidence that the schedule, or revisions, have been submitted to the division.

B. MONITORING PROCEDURES

1. Representative Sampling

Samples and measurements taken in compliance with the monitoring requirements specified above shall be representative of the volume and nature of the monitored discharge, and shall be taken at the following location(s):

Effluent to drip irrigation plots.

2. Test Procedures

Unless otherwise noted in the permit, all pollutant parameters shall be determined according to methods prescribed in Title 40, CFR, Part 136.

C. DEFINITIONS

The "daily maximum concentration" is a limitation on the average concentration, in milligrams per liter, of the discharge during any calendar day.

The "**monthly average concentration**", other than for *E. coli* bacteria, is the arithmetic mean of all the composite or grab samples collected in a one-calendar month period.

A "grab sample" is a single influent or effluent sample collected at a particular time.

For the purpose of this permit, "*continuous monitoring*" means collection of samples using a probe and a recorder with at least one data point per dosing cycle.

A "quarter" is defined as any one of the following three-month periods: January 1 through March 31, April 1 through June 30, July 1 through September 30, and/or October 1 through December 31.

"Wastewater" for the purpose of this permit means "sewage" as defined in TCA 69-3-103

D. REPORTING

1. Monitoring Results

Monitoring results shall be recorded consistent with the general requirements imposed in Part A above OR in accordance with the operating and maintenance inspection schedule in the permit administrative file record and submitted quarterly.

Submittals shall be postmarked no later than 15 days after the completion of the reporting period. A copy should be retained for the permittee's files. Monitoring results shall be reported in a format approved by the division. Operation reports and any communication regarding compliance with the conditions of this permit must be sent to:

Division of Water Resources
Knoxville Environmental Field Office
3711 Middlebrook Pike
Knoxville, TN 37921

The first operation report is due on the 15th of the month following the quarter containing the permit effective date.

2. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified in 0400-40-05-.07(2)(h)2, the results of such monitoring shall be included in the calculation and reporting of the values required in the Quarterly Operation Report. Such increased frequency shall also be indicated.

3. Falsifying Reports

Knowingly making any false statement on any report required by this permit may result in the imposition of criminal penalties as provided for in Section 69-3-115 of the Tennessee Water Quality Control Act.

4. Signatory Requirement

All reports or information submitted to the commissioner shall be signed and certified by the persons identified in Rules 0400-40-05-.05(6)(a-c).

E. SCHEDULE OF COMPLIANCE

Full operational level shall be attained after the construction of the treatment system is complete and the treatment system is placed into operation.

PART II

A. GENERAL PROVISIONS

1. Duty to Reapply

The permittee is not authorized to discharge after the expiration date of this permit. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit such information and forms as are required to the Director of Water Resources (the "Director") no later than 180 days prior to the expiration date.

2. Right of Entry

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

a. To enter upon the permittee's premises where an effluent source is located or where records are required to be kept under the terms and conditions of this permit, and at reasonable times to copy these records;

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

c. To sample at reasonable times any discharge of pollutants.

3. Availability of Reports

All reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division of Water Resources.

4. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory and process controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. Backup continuous pH and flow monitoring equipment are not required.

The monitoring frequency stated in this permit shall not be construed as specifying a minimum level of operator attention to the facility. It is anticipated that visits to the treatment facility by the operator will occur at intervals frequent enough to assure proper operation and maintenance, but in no case less than one visit every fourteen days OR in accordance with an operating and maintenance inspection schedule in the permit administrative file record. If monitoring reports, division's inspection reports, or other information indicates a problem with the facility, the permittee may be subject to enforcement action and/or the permit may be modified to include increased parameter monitoring, increased monitoring frequency or other requirements as deemed necessary by the division to correct the problem. The permittee shall ensure that the certified operator is in charge of the facility and observes the operation of the system frequently enough to ensure its proper operation and maintenance regardless of the monitoring frequency stated in the permit

Dilution water shall not be added to comply with effluent requirements.

5. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

6. Severability

The provisions of this permit are severable. If any provision of this permit due to any circumstance, is held invalid, then the application of such provision to other circumstances and to the remainder of this permit shall not be affected thereby.

7. Other Information

If the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, then he shall promptly submit such facts or information.

B. CHANGES AFFECTING THE PERMIT

1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.

2. Permit Modification, Revocation, or Termination

a. This permit may be modified, revoked and reissued, or terminated for cause as described in section 69-3-108 (h) The Tennessee Water Quality Control Act as amended.

b. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

3. Change of Ownership

This permit may be transferred to another person by the permittee if:

a. The permittee notifies the Director of the proposed transfer at least 30 days in advance of the proposed transfer date;

b. The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage, and liability between them; and

c. The Director, within 30 days, does not notify the current permittee and the new permittee of his intent to modify, revoke or reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

4. Change of Mailing Address

The permittee shall promptly provide to the Director written notice of any change of mailing address. In the absence of such notice the original address of the permittee will be assumed to be correct.

C. NONCOMPLIANCE

1. Effect of Noncompliance

Any permit noncompliance constitutes a violation of applicable State laws and is grounds for enforcement action, permit termination, permit modification, or denial of permit reissuance.

2. Reporting of Noncompliance

a. 24-Hour Reporting

In the case of any noncompliance which could cause a threat to public drinking supplies, or any other discharge which could constitute a threat to human health or the environment, the required notice of non-compliance shall be provided to the appropriate Division environmental field office within 24 hours from the time the permittee becomes aware of the circumstances. (The environmental field office should be contacted for names and phone numbers of emergency response personnel.)

A written submission must be provided within five days of the time the permittee becomes aware of the circumstances unless this requirement is waived by the Director on a case-by-case basis. The permittee shall provide the Director with the following information:

- i. A description of the discharge and cause of noncompliance;
- ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- iii. The steps being taken to reduce, eliminate, and prevent recurrence of the non complying discharge.

b. Scheduled Reporting

For instances of noncompliance which are not reported under subparagraph 2.a. above, the permittee shall report the noncompliance on the Quarterly Operation Report. The report shall contain all information concerning the steps taken, or planned, to reduce, eliminate, and prevent recurrence of the violation and the anticipated time the violation is expected to continue.

3. Overflow

a. "**Overflow**" means the unintended discharge to land or waters of Tennessee of wastes from any portion of the collection, transmission, or treatment system other than through permitted outfalls.

b. Overflows are prohibited.

c. The permittee shall operate the collection system so as to avoid overflows. No new or additional flows shall be added upstream of any point in the collection system, which experiences chronic overflows (greater than 5 events per year) or would otherwise overload any portion of the system.

d. Unless there is specific enforcement action to the contrary, the permittee is relieved of this requirement after: 1) an authorized representative of the Commissioner of the Department of Environment and Conservation has approved an engineering report and construction plans and specifications prepared in accordance with accepted engineering practices for correction of the problem; 2) the correction work is underway; and 3) the cumulative, peak-design, flows potentially added from new connections and line extensions upstream of any chronic overflow point are less than or proportional to the amount of inflow and infiltration removal documented upstream of that point. The inflow and infiltration reduction must be measured by the permittee using practices that are customary in the environmental engineering field and reported in an attachment to a Monthly Operating Report submitted to the local TDEC Environmental Field Office on a quarterly basis. The data measurement period shall be sufficient to account for seasonal rainfall patterns and seasonal groundwater table elevations.

e. In the event that more than 5 overflows have occurred from a single point in the collection system for reasons that may not warrant the self-imposed moratorium or completion of the actions identified in this paragraph, the permittee may request a meeting with the Division of Water Resources EFO staff to petition for a waiver based on mitigating evidence.

4. Upset

a. "**Upset**" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence that:

i. An upset occurred and that the permittee can identify the cause(s) of the upset;

ii. The permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;

iii. The permittee submitted information required under "Reporting of Noncompliance" within 24-hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days); and

iv. The permittee complied with any remedial measures required under "Adverse Impact."

5. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the waters of Tennessee resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

6. Bypass

- a. **"Bypass"** is the intentional diversion of wastewater away from any portion of a treatment facility.
- b. Bypasses are prohibited.

7. Washout

- a. For domestic wastewater plants only, a "washout" shall be defined as loss of Mixed Liquor Suspended Solids (MLSS) of 30.00% or more. This refers to the MLSS in the aeration basin(s) only. This does not include MLSS decrease due to solids wasting to the sludge disposal system. A washout can be caused by improper operation or from peak flows due to infiltration and inflow.
- b. A washout is prohibited. If a washout occurs the permittee must report the incident to the Division of Water Resources in the appropriate Environmental Field Office within 24 hours by telephone. A written submission must be provided within five days. The washout must be noted on the discharge monitoring report. Each day of a washout is a separate violation.

D. LIABILITIES

1. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this permit, the permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of wastewater to any surface or subsurface waters. Additionally, notwithstanding this Permit, it shall be the responsibility of the permittee to conduct its wastewater treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created.

2. Liability Under State Law

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law.

PART III OTHER REQUIREMENTS

A. CERTIFIED OPERATOR

The waste treatment facilities shall be operated under the supervision of a Biological Natural System certified wastewater treatment operator and collection system shall be operated under the supervision of a the grade I certified collection system operator in accordance with the Water Environmental Health Act of 1984.

B. PLACEMENT OF SIGNS

The permittee shall place a sign at the entrance to the land application area if fenced or all reasonable approaches to the land application area. The sign should be clearly visible to the public. The minimum sign size should be two feet by two feet (2' x 2') with one inch (1") letters. The sign should be made of durable material

**RECLAIMED WASTEWATER
(DRIP IRRIGATION OR SPRAY IRRIGATION)
(PERMITTEE'S NAME)
(PERMITTEE'S PHONE NUMBER)
TENNESSEE DIVISION OF WATER RESOURCES
Knoxville Environmental Field Office
PHONE NUMBER: 1-888-891-8332**

No later than sixty (60) days from the effective date of the permit, the permittee shall have the above sign(s) on display in the location specified. New facilities must have the signs installed upon commencing operation.

C. ADDITION OF WASTE LOADS

The permittee may not add wasteloads to the existing treatment system without the knowledge and approval of the division.

D. SEPTIC (STEP) TANK OPERATION

The proper operation of this treatment system depends, largely, on the efficient use of the septic tank. The solids that accumulate in the tank shall be removed at a frequency that is sufficient to insure that the treatment plant will comply with the discharge requirements of this permit.

E. SEPTAGE MANAGEMENT PRACTICES

The permittee must comply with the provisions of Rule 0400-48-01-.22. If the septage is transported to another POTW for disposal, the permittee shall note the amount of septage wasted in gallons and name of the facility the hauler intends to use for disposal of the septage on the monthly operation report. Sludge or any other material removed by any treatment works must be disposed of in a manner which prevents its entrance into or pollution of any surface or subsurface waters. Additionally, the disposal of such sludge or other material must be in compliance with the Tennessee Solid Waste Disposal Act, TCA 68-31-101 et seq. and Tennessee Hazardous Waste Management Act, TCA 68-46-101 et seq.

F. OWNERSHIP OF THE TREATMENT FACILITIES

a. The permittee shall own the treatment facilities (and the land upon which they are constructed) including the land to be utilized for drip or spray irrigation. A perpetual easement (properly recorded) may be accepted in lieu of ownership. Evidence of ownership of the treatment facility land application site(s) and/or a copy of the perpetual easement(s) must be furnished to the division for approval prior to construction of the wastewater collection and treatment system. Signed agreements stating the intent of the existing landowner to transfer ownership may be provided to support permit issuance. Final SOP's will not be issued without establishing ownership/access rights.

b. Where the treatment facility serves private homes, condominiums, apartments, retirement homes, nursing homes, trailer parks, or any other place where the individuals being served have property ownership, rental agreements, or other agreements that would prevent their being displaced in the event of abandonment or noncompliance of the sewerage system, ownership of the treatment facilities must be by a municipality, a public utility, a wastewater authority, or a privately owned public utility (having a Certificate of Convenience and Necessity from the Tennessee Regulatory Authority), or another public agency.

Attachment 1
STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES-LAND BASED SYSTEMS UNIT
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue
Nashville, Tennessee 37243

MEMORANDUM

TO: Brad Harris, P.E. Land Based Systems Unit

FROM: Allen Rather, DWR- Land Based Systems Unit

DATE: 3/30/2017

SUBJECT: LCSS/SFDS (Class V Injection) Approval
Tennessee Wastewater Systems, Inc. d/b/a/ Jackson Bend Subdivision
Louisville, Blount County, Tennessee
UIC File BLO 0000067 SOP-01009

The Division of Water Resources has reviewed the submittal of an Application for Authorization to Operate a Class V Underground Injection Well (Large Capacity Septic System/Subsurface Fluid Disposal System) utilizing drip dispersal for the waste water at the Jackson Bend Subdivision located at Louisville, Blount County, Tennessee. This Division approves the application dated 3/17/2017.

If at any time the Division learns that a ground water discharge system may be in violation of The Tennessee Water Quality Control Act, the Division shall:

- a. require the injector to apply for an individual permit;
- b. order the injector to take such actions including, where required, closure of the injection well as may be necessary to prevent the violation; or
- c. take enforcement action.

All groundwater discharge activities must operate in such a manner that they do not present a hazard to groundwater.

In accordance with Underground Injection Control (UIC) Rule 0400-45-06-.14 (3) "The owner of a Class V well shall be responsible for notifying the Department of change in ownership." This notification must be made to this Division within thirty (30) days of the change in ownership.

Also note that according to Underground Injection Control (UIC) Rule 0400-45-6-.14 (8)(d) "Upon completion of the well, the owner or operator must certify to the Department that the well has been completed in accordance with the approved construction plan, and must submit any other additional information required". The certification must be submitted to the UIC Program within thirty (30) days upon the completion/closure of the Class V well.

No drip emitters are to discharge directly into an open throat or crevice in the subsurface. All drip lines are to be installed on contour.

Our concurrence with your approach does not imply that this procedure is exempt from future changes or restrictions in the Underground Injection Control (UIC) Regulations, or any additional requirements set forth by the Division in order to protect the groundwater of Tennessee.

A copy of this authorization must be kept on site until the development has been completed and must be made available to inspection personnel.

Should you have any questions or comments please feel free to contact me at (615) 532-5819 or allen.rather@tn.gov.

c: file

Jeff Ridsen

From: Brad Harris <Brad.Harris@tn.gov>
Sent: Monday, May 1, 2017 10:28 AM
To: Bob Pickney
Cc: Jeff Ridsen; Charles Hyatt; George Garden; Gabe Davis; Allen Rather; George Bell
Subject: RE: SOP-01009 NOV

Bob,

If you don't think that the ponding is a violation of your permit, you can include that in your NOV response. Based on our records it looks like there is a history of standing water in and or around the 2012 addition to the system at least since 2014. We don't have any soil information associated with the 2012 addition. Our records indicate that you were handling the construction and oversight at that point; at least you were onsite during one of our visits in 2012 during some of the construction activity. I would think you would know if anyone generated engineering plans for the additional drip areas. I would also think you would know if you had a soils map made for the areas. If you did, it would be helpful for us to have a record of what was installed in what soils in the areas of the ponding. If you didn't; it is what it is, just let us know. We'll schedule a site visit with you once we have your response to the NOV.

Brad

From: Allen Rather
Sent: Monday, May 01, 2017 8:22 AM
To: Bob Pickney
Cc: Jeff Ridsen; Charles Hyatt; George Garden; Brad Harris
Subject: RE: SOP-01009 NOV

Bob,
I'm not trying to justify anything, just want to know what's there and where it is and what it's installed in because we have no records for any addition.
Thanks,
Allen

From: Bob Pickney [<mailto:Bob.Pickney@Adenus.com>]
Sent: Monday, May 01, 2017 8:18 AM
To: Allen Rather
Cc: Jeff Ridsen; Charles Hyatt; George Garden; Brad Harris
Subject: RE: SOP-01009 NOV

Allen,
I have talked with Mike Hines and he thinks he still has a copy of the soil map and plans –if he does, then I will forward it to you - TWSI does not have any of this information in our files that we can find - as far as meeting Gabe at the site – I just wanted to confirm the bases on the ground he used to issue the NOV - since he has already issued the NOV he must have a finding of fact that we violated the permit, so whatever information he based his NOV should be public record – I do not think is appropriate to try to justify his actions after the fact with more investigation– he issued an NOV based on his findings at the site at that time – so no further discovery should be needed to justify his actions – if it does the I suggest he should withdraw his NOV pending a better finding of fact –
Thanks,
Bob Pickney

From: Allen Rather [<mailto:Allen.Rather@tn.gov>]
Sent: Friday, April 21, 2017 1:08 PM
To: Bob Pickney
Cc: Jeff Ridsen; Charles Hyatt; George Garden; Brad Harris
Subject: RE: SOP-01009 NOV

Bob,
I'm inquiring about the modification that was done in late 2011/ early 2012. I was at the site 3/01/2012 after the new lines were installed. These lines were placed below the sand filter on each side of the swale where the ponding issue is occurring. We don't have anything in the file as far as soils info, plans, or an approval letter for the modification.

Thanks,

Allen

From: Bob Pickney [<mailto:Bob.Pickney@Adenus.com>]
Sent: Friday, April 21, 2017 10:53 AM
To: Allen Rather
Cc: Jeff Ridsen; Charles Hyatt; George Garden; Brad Harris
Subject: RE: SOP-01009 NOV

Allen,
There is a drainage ditch/swale that runs through our drip property – the ponding is in the drainage ditch – there are no drip lines close to the ponding – as far as soil map and plans the only ones that exist is the original ones submitted to TDEC. – I may be able to get a copy from Mike Hines – I thought TDEC had these on file? If you do not have them on file, let me know and I will try to locate a copy –

Thanks,
Bob

From: Allen Rather [<mailto:Allen.Rather@tn.gov>]
Sent: Friday, April 21, 2017 10:42 AM
To: Bob Pickney
Cc: Brad Harris; George Garden
Subject: SOP-01009 NOV

Bob,
You have requested a meeting with Gabe Davis, Knoxville EFO, relative to the Notice of Violation (NOV) issued for the Jackson Bend Treatment Facility SOP-01009 on April 4, 2017 for ponding issues. The area where the ponding is occurring is located in the part of the drip field that we have no soils information or plans on file. Prior to any meeting, it would be helpful if you could supply soils information and plans of the installation for review. This will allow us an opportunity to better assess the situation. Please give me a call if you have any questions.

Thanks,

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