

Ashworth Law Firm, PLLC

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Robert C. Ashworth
Attorney at Law
rob@ashworthfirm.com

January 10, 2019

Mr. Earl Taylor, Executive Director
c/o Sharla Dillon
Tennessee Public Utility Commission
502 Deaderick St., 4th Floor
Nashville, TN 37243

Docket NO. 19-00008

Re: Petition of Sloan Farm Company, LLC: Petition of Determination to Determine That a Certificate of Public Convenience and Necessity is Not Required for a Rural Retreat Project – Sloan Farm Company, LLC

Dear Mr. Taylor:

Enclosed for filing, please find an original and four (4) copies of Sloan Farm Company, LLC's ("Petitioner") Petition of Determination to Determine That a Certificate of Public Convenience and Necessity is Not Required for a Rural Retreat Project, along with sworn testimony, site plan, draft state operating permit, and an engineer's letter.

As required, we have also enclosed a check in the amount of \$25.00 for the filing fee.

We have also emailed a copy of this letter and enclosed petition to Sharla Dillon (sharla.dillon@tn.gov). An extra copy of this cover letter will also follow to be filed-stamped for our records. Should you have any questions concerning this filing, or require additional information, please do not hesitate to contact our office.

Regards,

Ashworth Law Firm, PLLC



Robert C. Ashworth

Enclosures

cc: Sloan Farm Company, LLC

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
AT NASHVILLE, TENNESSEE**

IN RE: SLOAN FARM COMPANY, LLC)	
PETITION OF DETERMINATION)	
)	DOCKET NO. _____
TO DETERMINE THAT A)	
CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY IS)	
NOT REQUIRED FOR THE RURAL)	
RETREAT PROJECT)	

PETITION OF DETERMINATION

Pursuant to Tenn. Code Ann. § 65-2-103, *et seq.* and Tenn. Code Ann. § 65-4-201, *et seq* (collectively, the “Code”), Sloan Farm Company, LLC, a Delaware limited liability company (“Petitioner”), by and through counsel, submits this Petition of Determination (“Petition”) requesting the Tennessee Public Utility Commission (“Commission” or “TPUC”) to determine that a Certificate of Public Convenience and Necessity (“CCN”) is not required or necessary for Petitioner’s proposed Rural Retreat – Extensive Use project to be located on a portion of real property municipally known as 3240 Carl Road, Franklin, Tennessee 37064, and being more particularly described in Section II(6) hereof (the “Project”). In support of Petitioner’s position that a CCN is not required, Petitioner states as follows:

I.

DESCRIPTION OF PETITIONER, SLOAN FARM COMPANY, LLC

1. Petitioner is a single member Delaware limited liability company formed on January 25, 2016.
2. The sole member and owner of Petitioner is Anna Sloan Smith.

3. Petitioner's principal place of business is located at 3240 Carl Road, Franklin, Tennessee 37064.

4. Petitioner's services include, but are not limited to, managing, supervising, and obtaining entitlements, consents, licenses, permits, and approvals necessary for the operation of the Project.

5. All correspondence and communication with respect to this Petition should be sent to the following:

Sloan Farm Company, LLC
Attn: Anna Sloan Smith, Sole Member
3240 Carl Road
Franklin, Tennessee 37064
anna@derlangerandsloan.co.uk
(615) 440-0895

Ashworth Law Firm, PLLC
Attn: Robert C. Ashworth
237 2nd Avenue South
Franklin, Tennessee 37064
rob@ashworthfirm.com
(615) 810-8150 (office)
(615) 810-8151 (fax)

II.

DESCRIPTION OF PROJECT AND SYSTEM

6. Petitioner is in the process of making an application to Williamson County Planning and Zoning to construct and operate the Project, which is described as a Rural Retreat – Extensive Use, as defined in the Williamson County Zoning Ordinance (the “Ordinance”), at 3240 Carl Road, Franklin, Tennessee 37064, which will consist of a central clubhouse with bar, an event barn with kitchen, overnight cottages, and a wellness center.

7. The purpose of the Project is to provide a rural retreat within the description of the Ordinance, which is defined as follows:

“These are facilities owned and operated by a non-governmental entity for the purpose of providing a rural setting in which lodging, camping and/or conference, meeting, and event facilities are provided for compensation. The use may also include recreational amenities of a rural nature.” Williamson County, Tennessee Zoning Ordinance. §11.03(D)(5)(B)(IV), p. 11-53.

8. Petitioner has engaged James C. Hailey & Company as the consulting engineers for the Project and System.

9. The proposed wastewater system servicing the Project will consist of an on-site non-traditional wastewater treatment and drip disposal system, septic tanks, pump tanks, recirculating packed bed treatment filters, ultraviolet disinfection back-up storage pond, subsurface drip irrigation disposal field, and reserve subsurface drip irrigation disposal field (“System”).

10. The estimated peak daily wastewater flow is 9,484 gallons per day.

11. The System will not serve any permanent residences and will be constructed to serve only the Project.

12. The System will be privately owned by Petitioner and Petitioner will contract with a licensed and certified operator to perform the day-to-day operations, maintenance, and periodic testing of the system in accordance with the Permit, as hereafter defined.

13. The System will not serve as a public utility (as defined in the Code) providing wastewater service.

14. Petitioner will not charge or collect any fees, rates, or dues for use of the System, and if Petitioner, in the future, considers providing public utility services, Petitioner shall promptly file a petition for a CCN pursuant to the Code and Commission’s rules and regulations.

15. Petitioner has the financial capability to construct and install the System.

16. Petitioner has made application with the Tennessee Department of Environment and Conservation to obtain the State Operating Permit (the "Permit") for the System, which is attached hereto as Exhibit C, and incorporated herein by reference.

17. In further support of its Petition, the following exhibits are attached hereto:

- a. Exhibit A: Pre-Filed Testimony of Anna Sloan Smith
- b. Exhibit B: Site Plan for Sloan Farm Retreat dated February of 2017
- c. Exhibit C: Draft State Operating Permit (Permit No. SOP-18014)
- d. Exhibit D: Letter from James C. Hailey dated August 6, 2018

THEREFORE, Petitioner respectfully requests:

- 1. That the Commission determine that a CCN is not required for the construction, installation, or operation of the System for the Project;
- 2. That the Commission provide written confirmation to Petitioner that a CCN is not required so that Petitioner may submit the same to the Tennessee Department of Environment and Conservation, Williamson County Planning and Zoning, and any other regulatory agencies or municipalities involved with approving the Project and the System; and
- 3. That the Commission grants such other and/or further relief as may be warranted.

This the 9th day of January, 2019.

Respectfully Submitted,



Robert C. Ashworth (BPR No. 31952)
Counsel for Petitioner
237 2nd Avenue South
Franklin, Tennessee 37064
(615) 810-8150
rob@ashworthfirm.com

VERIFICATION OF PETITIONER

I, Anna Sloan Smith, sole member of Sloan Farm Company, LLC, a Delaware limited liability company, the Petitioner, verify that based on information and belief, I have knowledge of the statements in the foregoing Petition, and I declare that they are true and correct.

Anna Sloan Smith

Anna Sloan Smith, Sole Member

Sworn to and subscribed before me, the undersigned Notary Public, on this 9 day of January, 2019.

Kate Williams
Notary Public

11-16-2020
My Commission Expires



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the forgoing has been served upon the person(s) listed below this 10th day of January, 2019

Sharla Dillon, Docket Manager
Tennessee Public Utility Commission
502 Deaderick, 4th Floor
Nashville, Tennessee 37243
sharla.dillon@tn.gov

By the following indicated methods, in compliance with the requirements of Tenn. R. Civ. Proc. 5 and/or 5A:

- ☐ U.S.P.S. first class postage pre-paid
- ☐ Hand delivery to the addresses shown above
- ☒ Overnight Courier
- ☐ Certified Mail, Return Receipt Requested
- ☐ Facsimile pursuant to T.R.C.P. 5.02
- ☒ Electronic mail



Robert C. Ashworth

EXHIBIT A

Pre-Filed Testimony of Anna Sloan Smith

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE**

IN RE:)	
)	
SLOAN FARM COMPANY, LLC)	DOCKET NO. _____
PETITION OF DETERMINATION)	
)	
TO DETERMINE THAT A)	
CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY IS)	
NOT REQUIRED FOR THE RURAL)	
RETREAT PROJECT)	

PRE-FILED TESTIMONY OF ANNA SLOAN SMITH

Q1. What is your name and business address?

A. My name is Anna Sloan Smith. My business address is 3240 Carl Road, Franklin, Tennessee 37064.

Q2. What is your relationship to Sloan Farm Company, LLC?

A. I am the sole member and owner of Sloan Farm Company, LLC.

Q3. Have you previously filed testimony before this Commission or any other commission?

A. No.

Q4. Please state your educational and professional background.

A. University of Edinburgh MA Hons degree, with over 10 years of experience in real estate design and development. Owner of interior design company D'Erlanger and Sloan, a creative problem solver, with a demonstrated ability to manage complex projects.

Q5. How long has Sloan Farm Company, LLC been in existence?

A. Sloan Farm Company, LLC was formed in Delaware on January 25, 2016 and registered in Tennessee on October 17, 2017.

Q6. What is the purpose of Sloan Farm Company, LLC?

A. Sloan Farm Company, LLC is responsible for obtaining the necessary entitlements, consents, permits, licenses, and approvals related to the proposed Rural Retreat Project and

also for coordinating the installation and construction of the Project's infrastructure, wastewater system, and other improvements related to the Project.

Q7: Please describe the proposed project to be located at 3240 Carl Road, Franklin, Tennessee 37064.

A: The proposed project is considered a Rural Retreat – Extensive Use (as defined in the Williamson County Zoning Ordinance) to be located at 3240 Carl Road, Franklin, Tennessee 37064, which will consist of a central clubhouse with bar, an event barn with kitchen, overnight cottages, and a wellness center (the "Project"). The proposed wastewater system servicing the Project will consist of an on-site non-traditional wastewater treatment and drip disposal system, septic tanks, pump tanks, recirculating packed bed treatment filters, ultraviolet disinfection back-up storage pond, subsurface drip irrigation disposal field, and reserve subsurface drip irrigation disposal field (the "System"). The estimated peak daily wastewater flow is 9,484 gallons per day.

Q8. What is the purpose of the Petition Sloan Farm Company, LLC has filed?

A. That the Commission determine that a CCN is not required for the construction, installation, or operation of the System for the Project, which would allow Sloan Farm Company, LLC to proceed with obtaining the necessary approvals, licenses, permits, and consents from the Tennessee Department of Environment and Conservation, Williamson County Planning and Zoning, and any other regulatory bodies and municipalities having jurisdiction over the Project and System.

Q9. What is the purpose of your testimony in this proceeding?

A. The purpose of my testimony is to provide information on Sloan Farm Company, LLC and explain the intent and scope of the Project and System.

Q10. What is the status of the Project?

A. Fixed concept design, including outline proposals for building services systems, outline specifications and preliminary cost information. Collating all information for the Williamson County Site Plan approval process with the Planning Commission which requires confirmation that a CCN is not required.

Q11. Will the System be provided as a public utility?

A. No. The System will not serve as a public utility providing wastewater service. The System will be privately owned, will not serve any permanent residences, and will be constructed to serve only the Project.

Q12. Will the Petitioner charge, collect fees, rates, or dues for the use of the System?

A. No. Petitioner will not charge or collect any fees, rates, or dues for use of the System. If Petitioner, in the future, considers providing public utility services, Petitioner will promptly file a petition for a CCN pursuant to the Code and Commission's rules and regulations.

Q13. Who will own, operate, and maintain the System?

A. The System will be privately owned by Petitioner. Petitioner will contract with a licensed and certified waste treatment operator to perform the day-to-day operations, maintenance, and periodic testing of the System in accordance with the Permits and the Water Environmental Health Act of 1984.

Q14. Are you sponsoring any exhibits other than this Pre-Filed Testimony?

A. Yes. I am sponsoring the following exhibits:

Exhibit B: Site Plan for Sloan Farm Retreat dated February of 2017

Exhibit C: Draft State Operating Permit (Permit No. SOP-18014)

Exhibit D: Letter from James C. Hailey dated August 6, 2018

Q15. Were the exhibits listed above prepared by you or under your direction and supervision?

A. Yes.

Q16. What do you recommend with regard to the Petition?

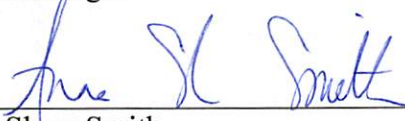
A. I recommend that the Petition be approved to not require a CCN.

Q17. Does this complete your testimony?

A. Yes, and I am ready to provide any additional information the Commission may need in making its decision.

AFFIDAVIT

My name is Anna Sloan Smith and the attached direct testimony is true and correct to the best of my knowledge.



Anna Sloan Smith

State of Tennessee)
County of Williamson)

On this 9 day of January, 2019, personally appeared before me, Kate Williams, a notary public, the above-named Anna Sloan Smith known to me personally who was duly sworn and on oath executed the above Affidavit.


Notary

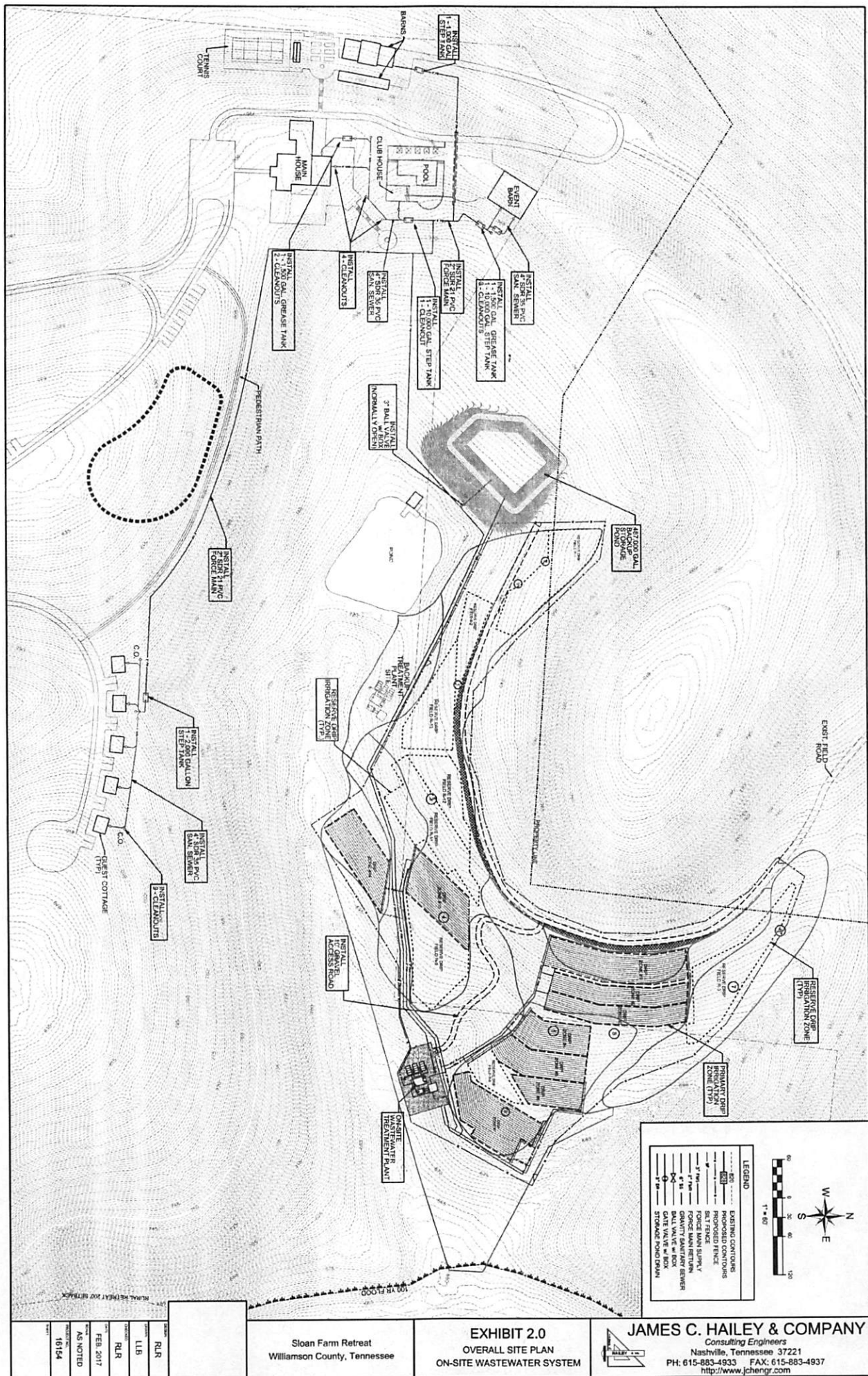
My commission expires: 11-16-2020



My Comm. Expires
November 16, 2020

EXHIBIT B

Site Plan for Sloan Farm Retreat dated February of 2017



16154	AS NOTED	FEB. 2017	LLB	RJR
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Sloan Farm Retreat
Williamson County, Tennessee

EXHIBIT 2.0
OVERALL SITE PLAN
ON-SITE WASTEWATER SYSTEM

JAMES C. HAILEY & COMPANY
Consulting Engineers
Nashville, Tennessee 37221
PH: 615-883-4933 FAX: 615-883-4937
<http://www.jchenr.com>

EXHIBIT C

Draft State Operating Permit (Permit No. SOP-18014)



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

August 28, 2018

Ms. Anna Smith
Owner
Sloan Farm Company, LLC
e-copy: anna@derlangerandsloan.co.uk
3240 Carl Rd.
Franklin, TN 37064

Subject: Draft of State Operating Permit No. SOP-18014
Sloan Farm Company, LLC
The Jockey Club
Franklin, Williamson County, Tennessee

Dear Ms. Smith:

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 Nashville Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact Ms. Anastasia Sharp at (615) 532-1508 or by E-mail at Anastasia.Sharp@tn.gov.

Sincerely,

Brad C. Harris, P.E.
Manager, Land-Based Systems

Enclosure

cc: Permit File
Nashville Environmental Field Office
Robert Ramsey, P. E., James C. Hailey & Company, Consulting Engineers, bramsey@jchengr.com
Mr. Edward Smith, Owner, Sloan Farm Company, LLC, edwardjbsmith@gmail.com

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-18014

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

Sloan Farm Company, LLC
Franklin, Williamson County, Tennessee

FOR THE OPERATION OF

system located at latitude 35.88657 and longitude -86.96597 in Williamson County, Tennessee to serve a resort consisting of 5 cottages, an events barn with restaurant, clubhouse, and fitness center. The design capacity of the system is 0.01215 MGD.

This permit is issued as a result of the application filed on May 16, 2018, in the office of the Tennessee Division of Water Resources. This permit is contingent on the submission and department approval of construction plans, specifications and other data in accordance with rules of the department. Updated plans and specifications must be approved before any further construction activity.

This permit shall become effective on:

This permit shall expire on:

Issuance date:



for Jennifer Dodd
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. There shall be no discharge of wastewater to any surface waters or to any location where it is likely to enter surface waters. There shall be no discharge of wastewater to any open throat sinkhole. In addition, the drip irrigation system shall be operated in a manner preventing the creation of a health hazard or a nuisance.

The land application component shall be operated and maintained to ensure complete hydraulic infiltration within the soil profile, transmission of the effluent away from the point of application, and full utilization of the soil profile as a portion of the treatment system.

Instances of surface saturation, ponding or pooling within the land application area as a result of system operation are prohibited. 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, unless the discharge is separately authorized by a NPDES permit."

All drip fields shall be fenced sufficiently to prevent or impede unauthorized entry as well as to protect the facility from vandalism. Fencing shall be a minimum of four feet in height. Fencing

shall be constructed of durable materials. Gates shall be designed and constructed in a manner to prevent or impede unauthorized entry. All designs are subject to division approval. Fence shall be installed prior to beginning of operation.

All drip lines shall be buried and maintained 6 to 10 inches below the ground surface.

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
Nashville Environmental Field Office
711 R.S. Gass Boulevard
Nashville, TN 37216

The first operation report is due on the 15th of the month following the quarter containing the permit effective date. Until the construction of the treatment system is complete and the treatment system is placed into operation, operational reports shall report "monitoring not required".

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 Rule 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).

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) of 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 discharge of wastewater 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.

d. 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. 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, unless:
 - i. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - iii. For anticipated bypass, the permittee submits prior notice, if possible at least ten days before the date of the bypass; or
 - iv. For unanticipated bypass, the permittee submits notice of an unanticipated bypass within 24 hours from the time that the permittee becomes aware of the bypass.
- c. A bypass that does not cause effluent limitations to be exceeded may be allowed only if the bypass is necessary for essential maintenance to assure efficient operation.
- d. "Severe property damage" when used to consider the allowance of a bypass means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

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.

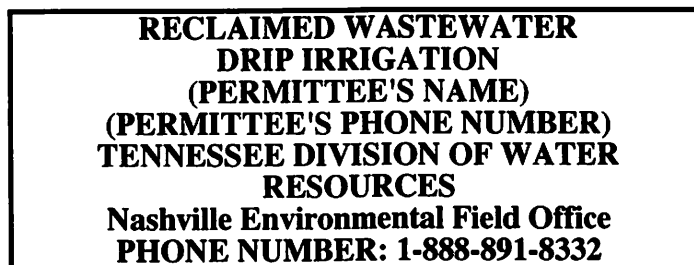
**PART III
OTHER REQUIREMENTS**

A. CERTIFIED OPERATOR

The waste treatment facilities shall be operated under the supervision of a Biological Natural System certified wastewater treatment operator 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



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

The purpose of this document is to provide a clear and concise description of the procedures and processes that are used to ensure the quality and safety of the products produced by Sloan Farm Company, LLC.

This document is intended to be used as a reference for all employees of Sloan Farm Company, LLC, and it is the responsibility of each employee to ensure that they are following the procedures and processes outlined in this document.

The procedures and processes outlined in this document are designed to ensure that the products produced by Sloan Farm Company, LLC are of the highest quality and are safe for consumption.

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RATIONALE

Sloan Farm Company, LLC
STATE OPERATION PERMIT NO. SOP-18014
Franklin, Williamson County, Tennessee

Permit Writer: Ms. Anastasia Sharp

FACILITY CONTACT INFORMATION:

Ms. Anna Smith
Owner
Phone: (615) 440-1831
anna@derlangerandsloan.co.uk
3240 Carl Rd.
Franklin, TN 37064

Activity Description: Treatment of domestic wastewater via a decentralized waste water system to support construction of

Facility location: Latitude 35.88657 and Longitude -86.96597

Name of the nearest stream: No discharge allowed.

Treatment system:

Permit period: This permit will be issued for a five year period effective from the issuance date on the title page.

Terms & Conditions: BOD₅ is a standard measure of sewage strength. The 45 mg/L daily maximum limit is the required treatment standard for domestic waste water in Tennessee. Ammonia and BOD₅ reporting serve to demonstrate the treatment system is meeting minimum treatment standards. Land application, versus stream discharge, enables reduced monitoring frequency for these parameters. Narrative conditions for drip disposal and septage management are proposed in support of proper system operation to prevent runoff to streams and avoidance of nuisance conditions.

Financial Security: Municipalities and Utility Districts are government entities exempt from the financial security requirement in TCA 69-3-122. (or) Privately-owned public utilities provide financial security to the Public Utility Commission to comply with TCA 69-3-122.

Annual Maintenance Fee: An annual maintenance fee for the permit will apply after permit issue and upon receipt of an invoice. The fee is currently \$350.00 for non-discharging facilities with influent flow less than 0.075 MGD.

Items Requisite for Operation: This draft permit proposes terms and conditions for planning purposes and to seek public comment on the potential water quality impacts of the proposed activity. Actual operation of the sewerage system is contingent on the following items (items may occur in any order):

- Approval of sewerage system construction plans and specifications per TCA 69-3-108(i),
- Final construction inspection and submission of O & M manual per Rule 0400-40-02-.09,
- Issuance of a Certificate of Convenience and Necessity (CCN) by the Public Utility Commission,
- Utility ownership of sewerage system assets consistent with Rule 0400-40-16-.02(8). Sewerage system assets broadly consist of those units integral to the collection, treatment and disposal of both the solid and liquid component of sewage (i.e. septic tanks and pumps, collection lines, treatment system and drip irrigation area and related appurtenances), and
- Final issue of the permit.

EXHIBIT D

Letter from James C. Hailey dated August 6, 2018

JAMES C. HAILEY & COMPANY

Consulting Engineers

7518 Hwy. 70 S
Suite 100
Nashville, Tennessee 37221
Telephone: 615-883-4933
Fax: 615-883-4937

JAMES C. HAILEY, P.E.

ROBERT L. RAMSEY, P.E.
MATTHEW R. TUCKER, P.E.
MICHAEL N. GREEN, P.E.

August 6, 2018

Ms. Patsy Fulton
Tennessee Public Utility Commission
502 Deaderick St., 4th Floor
Nashville, TN 37243

**RE: The Jockey Club
On-Site Wastewater System
Williamson County, TN
Project No. 16154**

Dear Patsy,

Sloan Farm Company, LLC proposes to construct a Rural Retreat – Extensive Use with an on-site non-traditional wastewater treatment and drip disposal system in Williamson County at 3240 Carl Road, Franklin, TN 37064. This letter is a request for confirmation from the Tennessee Public Utility Commission that a Certificate of Convenience and Necessity (CCN) is not required for this development.


The Rural Retreat will consist of a central clubhouse with bar, an events barn with kitchen, five cottages, a fitness center, and a barn/maintenance building. The proposed wastewater system will consist of septic tanks, pump tanks, recirculating packed-bed treatment filters, ultraviolet disinfection, back-up storage pond, drip irrigation disposal field, and reserve drip irrigation disposal field. The estimated peak daily wastewater flow is 9,484 gallons per day.

The system will be owned by Sloan Farm Company, LLC and it will contract with a licensed operator to perform the day to day operation, maintenance, and periodic testing of the system. Retreat employees will also assist with the day-to-day maintenance.

As the system will only serve the retreat facilities and there are no permanent residents, it is our understanding that a CCN is not required for the development. We would appreciate your confirmation which is required to obtain a State Operating Permit (SOP) from the State of Tennessee. Thank you for your assistance in this matter. Please contact me at 883-4933 (ext. 218) if you have any questions.

Sincerely,

JAMES C. HAILEY & COMPANY
Consulting Engineers



Robert L. Ramsey, P.E.

cc: Mr. Eddie Smith