

STATE OF TENNESSEE

## Office of the Attorney General



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September 10, 2019

Charles B. Welch, Jr.  
Farris Bobango, PLC  
414 Union Street, Suite 1105  
Nashville, Tennessee 37219  
Email: [cwelch@farris-law.com](mailto:cwelch@farris-law.com)

Re: Tennessee Public Utility Commission, Docket No. 19-00043, *Petition of King's Chapel Capacity, LLC to Amend Service Territory to Include the Hill Parcel and Roberts Parcel for the Kings Chapel Development in Williamson County*

Dear Mr. Welch:

The Consumer Advocate recently filed its Petition to Intervene in the above-referenced docket. As part of our review for intervention, we examined the Petition's compliance with the minimum requirements for an amendment to a Certificate of Convenience and Necessity (CCN) under TPUC Rule 1220-04-13-.17. In our review of the Petition, we could not locate, or we need clarification on a number of the filing requirements, which are set out in Attachment A to this letter. The Consumer Advocate appreciates the time and attention of the Petitioners to this correspondence. If you have questions regarding this request, please contact me at (615) 741-2370.

Respectfully,

A handwritten signature in blue ink that reads "Karen H. Stachowski".

Karen H. Stachowski  
Assistant Attorney General

cc: David Foster, TPUC  
Docket File

## ATTACHMENT A

### Rule 1220-04-13-.17(2)(a) General Information

1. *Rule 1220-04-13-.17(2)(a)2.* The Consumer Advocate could not locate an organizational chart showing each officer and key personnel by name and title.
2. *Rule 1220-04-13-.17(2)(a)3.* The Consumer Advocate could not locate a list of owners, members and officers of the utility including the address, telephone number and percentage of ownership of each individual.
3. *Rule 1220-04-13-.17(2)(a)4.* Although King's Chapel/Superior Wastewater mentions affiliates in its testimony<sup>1</sup> in support of the Petition, the Consumer Advocate cannot locate either "a corporate organization chart showing all affiliate relationships" or a description detailing "transactions, direct or indirect, that occur or are expected to occur between affiliated entities."
4. *Rule 1220-04-13-.17(2)(a)5.* The Consumer Advocate could not locate King's Chapel/Superior Wastewater's articles of incorporation and/or bylaws.
5. *Rule 1220-04-13-.17(2)(a)6.* The Consumer Advocate could not locate King's Chapel/Superior Wastewater's license to engage in business within the State of Tennessee through registration with the Tennessee Secretary of State.
6. *Rule 1220-04-13-.17(2)(a)7.* Although King's Chapel/Superior Wastewater's provided a map in its Petition,<sup>2</sup> it does not provide the information set out in the Rule's subparts (i)-(v):
  - Subpart (i). The location of the wastewater system (i.e. treatment plant, pre-application facilities, collection infrastructure, building(s) for equipment, drip fields, disposal fields and/or wetland cells. The map should include the physical address of the system and associated longitude and latitude coordinates.
  - Subpart (ii). Although there are some names of streets and roads, it is unclear if all streets surrounding the additional land are provided on the map.
  - Subpart (iii). Location of access roads and names of access roads, if available, and other utilities necessary to provide service.
  - Subpart (iv). The testimony in support of the Petition mentions 170 residences are anticipated for this area but the map provides no such detail.
  - Subpart (v). Any portion of the area that will not be served by the wastewater system.
7. *Rule 1220-04-13-.17(2)(a)8.* In its testimony in support of the Petition, King's Chapel/Superior Wastewater describes the system and refers to the "amended SOP<sup>3</sup> amendment."<sup>4</sup> However, no copy of the amended SOP application was provided.
8. *Rule 1220-04-13-.17(2)(a)9.* In its testimony supporting the Petition, King's Chapel/Superior Wastewater states that it is waiting on the Tennessee Department of

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<sup>1</sup> John Powell Direct Testimony, p. 4, line 18 – p. 5, line 3.

<sup>2</sup> *Petition*, Exhibit 1.

<sup>3</sup> SOP is an acronym for State Operation Permit which is issued by the Tennessee Department of Environment and Conservation (TDEC).

<sup>4</sup> John Powell Direct Testimony, p. 2, lines 17-22.

Environment and Conservation (TDEC) and Williamson County approval for construction activity to commence and expect construction to begin in late 2019.<sup>5</sup> There is no estimate on the timeframe for construction once it begins.

9. *Rule 1220-04-13-.17(2)(a)10.* The Consumer Advocate could not locate information on whether the system will be built in phases, and any details of such phases.
10. *Rule 1220-04-13-.17(2)(a)11.* King's Chapel/Superior Wastewater refers to a "developer" in its Petition and supporting testimony.<sup>6</sup> In addition, a copy of a letter from Nashville Land and Housing Group, LP (NLHG) was provided as a part of the Petition. However, it is unclear if the developer is NLHG. It is unclear if John Waits, the signatory to the letter, is the primary contact for NLHG. In addition, there is no email and telephone number provided for NLHG.

#### Rule 1220-04-13-.17(2)(b) Property Rights and Public Need

1. *Rule 1220-04-13-.17(2)(b)2.* The Consumer Advocate could not locate information on any application for a county or city franchise and the franchise agreement, if applicable.
2. *Rule 1220-04-13-.17(2)(b)3.* The Consumer Advocate could not locate any contracts or agreements between the builder(s) of the treatment and/or collections system, the utility, and the property and/or subdivision developer with specified terms. Although in supporting testimony, the Company states it will have ownership of the collection system upon completion of construction, it is unclear whether the property rights of the wastewater systems being transferred is ownership in fee or a perpetual easements. For example, the State Operating Permit for the wastewater system requires that ownership be either in fee or a properly recorded easement.<sup>7</sup>

#### Rule 1220-04-13-.17(2)(c) Sufficient Managerial Ability

1. *Rule 1220-04-13-.17(2)(c)1.* The Consumer Advocate could not locate biographies of officers and/or key wastewater utility staff that demonstrate managerial ability. Nor could the Consumer Advocate locate a list of certifications or professional licenses held by officers or wastewater utility staff with documentation.
2. *Rule 1220-04-13-.17(2)(c)2.* The Consumer Advocate could not locate information identifying all the states where the applicant is certified as a wastewater provider and/or the status of certification in a state(s) where an application is pending.
3. *Rule 1220-04-13-.17(2)(c)3.* The Consumer Advocate could not locate information about any pending mergers or acquisitions of the applicant, corporate parent or affiliate.

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<sup>5</sup> *Id.* at p. 3, lines3-6.

<sup>6</sup> *Petition* at pp. 1-2 and John Powell Direct Testimony, p. 3, line 22.

<sup>7</sup> SOP-03032, pg. 12, Part III. Section F. Ownership of Treatment Facilities (March 12, 2018). The permit can be accessed at [http://tdec.tn.gov:8080/pls/enf\\_reports/f?p=9034:34051::NO:34051:P34051\\_PERMIT\\_NUMBER:SOP-03032](http://tdec.tn.gov:8080/pls/enf_reports/f?p=9034:34051::NO:34051:P34051_PERMIT_NUMBER:SOP-03032). A copy of SOP-03032 is provided as Attachment A-1.

4. *Rule 1220-04-13-.17(2)(c)4.* The Consumer Advocate could not locate proof that the party contracted to install the proposed system (or expansion of existing system) has a valid and current contractor's license by the applicable licensing board of the State of Tennessee.

Rule 1220-04-13-.17(2)(d) Sufficient Technical Ability

1. *Rule 1220-04-13-.17(2)(d)1.* The Consumer Advocate could not locate a copy of the current SOP issued by TDEC in the Petition filed by King's Chapel/Superior Wastewater.<sup>8</sup> Nor could the Consumer Advocate locate the SOP amendment referenced in the Company's testimony.<sup>9</sup> Additionally, the Consumer Advocate could not locate any engineering and/or design reports submitted to TDEC.<sup>10</sup>
2. *Rule 1220-04-13-.17(2)(d)2.* The Consumer Advocate could not locate a copy of the State Operator Certificate for the wastewater system of record nor could we locate whether the operator of record is a contract employee.<sup>11</sup>
3. *Rule 1220-04-13-.17(2)(d)3.* Although John Powell states that he is responsible for the day-to-day operations of the system, Mr. Powell refers to an unnamed engineer that is engaged as the operator of the system. So, it is unclear if he is the technical contact responsible for and knowledgeable about the applicant's operations in Tennessee.
4. *Rule 1220-04-13-.17(2)(d)4.* In the Petition, the Consumer Advocate could not locate a list of complaints, notice of violations or administrative action filed with or issued by a regulatory agency. Nor could it locate any details of such items as required under this subpart. However, in a review of the TDEC Dataviewer for Permits, TDEC issued a Compliance Evaluation Inspection letter on September 10, 2018.<sup>12</sup> Although TDEC found the system to be "well maintained and operated", it did note the following: (1) one effluent violation for Biological Oxygen Demand (March 15, 2018); (2) a leak observed in the Sani

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<sup>8</sup> According to the TDEC Dataviewer for Permits, the current SOP shall expire on June 30, 2021 and authorizes the operation of "Septic tanks, effluent collection system, recirculating sand filter, UV disinfection and drip irrigation system located at latitude 35.87006 and longitude -86.69482 in Williamson County, Tennessee to serve approximately 228 homes in the Kings Chapel, LLC. The design capacity of the system is .0684 MGD." The SOP-03032 issued on May 15, 2016 can be accessed at

[http://tdec.tn.gov:8080/pls/enf\\_reports/f?p=9034:34051::NO:34051:P34051\\_PERMIT\\_NUMBER:SOP-03032](http://tdec.tn.gov:8080/pls/enf_reports/f?p=9034:34051::NO:34051:P34051_PERMIT_NUMBER:SOP-03032).

<sup>9</sup> John Powell Direct Testimony, p. 2, lines 17-22. According to a letter with a document date of April 18, 2019 in the TDEC Dataviewer, the expansion of the treatment capacity will occur using "Orenco Advantex units and additional soils area for drip irrigation. The final treatment system will service High Park Hill SD and Kings Chapel SD for a total of 631 lots." A copy of this letter is attached as Attachment A-2 and can be accessed at

[http://tdec.tn.gov:8080/pls/enf\\_reports/f?p=9034:34051::NO:34051:P34051\\_PERMIT\\_NUMBER:SOP-03032](http://tdec.tn.gov:8080/pls/enf_reports/f?p=9034:34051::NO:34051:P34051_PERMIT_NUMBER:SOP-03032).

<sup>10</sup> TDEC directed the Company to incorporate items discussed in an April meeting when the Company provides TDEC with the preliminary engineering report, engineering report and preliminary plans prior to the preparation of the final construction document. See Attachment A-2.

<sup>11</sup> There is a copy of a Certified Operator Notification form 2017, but there is no documentation more recent regarding a Certified Operator. A copy of this 2017 Certified Operator Notification is attached as Attachment A-3 and can be accessed at

[http://tdec.tn.gov:8080/pls/enf\\_reports/f?p=9034:34051::NO:34051:P34051\\_PERMIT\\_NUMBER:SOP-03032](http://tdec.tn.gov:8080/pls/enf_reports/f?p=9034:34051::NO:34051:P34051_PERMIT_NUMBER:SOP-03032).

<sup>12</sup> A copy of this letter is attached as Attachment A-4 and can be accessed at

[http://tdec.tn.gov:8080/pls/enf\\_reports/f?p=9034:34051::NO:34051:P34051\\_PERMIT\\_NUMBER:SOP-03032](http://tdec.tn.gov:8080/pls/enf_reports/f?p=9034:34051::NO:34051:P34051_PERMIT_NUMBER:SOP-03032).

Tron Filter Pump which was repaired<sup>13</sup> subsequent to the inspection; and (3) the need for a sign posted at the entrance of the drip field.<sup>14</sup> Also, there is a Wastewater Collection Overflow Report from February 28, 2018.<sup>15</sup> The Report states that a “pipe accidentally broke while paving ruts in road.” The broken pipe was replaced, and the event occurred in the fenced-in area of the drip field.

5. *Rule 1220-04-13-.17(2)(d)5*. The Consumer Advocate could not locate, in the Petition, a certification from a design engineer that the wastewater system was constructed in accordance with TDEC-approved construction plans.

#### Rule 1220-04-13-.17(2)(e) Sufficient Financial Ability

1. *Rule 1220-04-13-.17(2)(e)1*. The Consumer Advocate could not locate a Balance Sheet Income Statement or Statement of Cash Flow in the Petition.
2. *Rule 1220-04-13-.17(2)(e)2*. The Consumer Advocate could not locate Income Statements for three years.
3. *Rule 1220-04-13-.17(2)(e)3*. The Consumer Advocate could not locate a chart of accounts for the wastewater utility, following the NARUC Uniform System of Accounts (USoA) for wastewater utilities.
4. *Rule 1220-04-13-.17(2)(e)4*. The Consumer Advocate could not locate a list of plant-in-service account numbers and account names. Nor could it locate estimated account balances as of the state of operations.
5. *Rule 1220-04-13-.17(2)(e)5*. The Consumer Advocate could not locate the depreciation rates that King’s Chapel/Superior Wastewater intends to use for each plant account, including the estimated useful life for each account.
6. *Rule 1220-04-13-.17(2)(e)6*. In its testimony, King’s Chapel/Superior Wastewater stated that the construction of the system will be funded by the developer. However, the Consumer Advocate could not locate the total estimated detailed cost of construction for the wastewater system (or expansion of system).
7. *Rule 1220-04-13-.17(2)(e)7*. In its testimony, King’s Chapel/Superior Wastewater stated it would be responsible for the ownership and operation of the system once it is completed. However, the Consumer Advocate could not locate a detailed breakdown of the estimated amount to contributed capital to be recorded on King’s Chapel/Superior Wastewater’s books.

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<sup>13</sup> Although the letter refers to photo documentation of the repairs, such documentation is not available in the TDEC Dataviewer.

<sup>14</sup> The letter does not reference that this issue had been addressed and there is no documentation on the TDEC Dataviewer indicating that the requested sign had been posted.

<sup>15</sup> A copy of this Overflow Report is attached as Attachment A-5 and can be accessed at

[http://tdec.tn.gov:8080/pls/enf\\_reports/f?p=9034:34051::NO:34051:P34051\\_PERMIT\\_NUMBER:SOP-03032](http://tdec.tn.gov:8080/pls/enf_reports/f?p=9034:34051::NO:34051:P34051_PERMIT_NUMBER:SOP-03032)

8. *Rule 1220-04-13-.17(2)(e)8.* Although King's Chapel/Superior Wastewater stated that it will apply current rates to the new development, the Consumer Advocate could not locate a copy of the current tariff.
9. *Rule 1220-04-13-.17(2)(e)9.* The Consumer Advocate could not locate estimates of costs and customers added by month for the first five years.
10. *Rule 1220-04-13-.17(2)(e)10.* The Consumer Advocate could not locate a description of any bonding requirements imposed by local governments for the proposed system or that the local government does not have such a bonding requirement.
11. *Rule 1220-04-13-.17(2)(e)11.* The Consumer Advocate could not locate documentation that demonstrates that King's Chapel/Superior Wastewater has acquired a performance bond from the developer.
12. *Rule 1220-04-13-17(2)(e)12.* King's Chapel/Superior Wastewater lists only one funding source for the wastewater system which is the developer. It is not made clear if this is the only funding source.
13. *Rule 1220-04-13-17(2)(e)13.* The Consumer Advocate could not locate information which demonstrates compliance with the requirement of financial security under Rule 1220-04012-.07.

Rule 1220-04-13-.17(2)(f) Sworn Pre-filed Testimony

1. *Rule 1220-04-13-.17(2)(f)3.* Although King's Chapel/Superior Wastewater states that it has engaged an engineer (unnamed) to operate the system in compliance with TDEC rules,<sup>16</sup> the Consumer Advocate could not locate a statement by King's Chapel/Superior Wastewater, that it is aware and will comply with all applicable Tennessee statutes and Commission rules.
2. *Rule 1220-04-13-.17(2)(f)4.* In discussing its managerial capability, the Company states that "never had a customer complaint regarding KCC's operations."<sup>17</sup> However in 2007, Turnberry Homes, LLC filed a formal complaint for injunctive relief regarding access to the Company's wastewater system for specific lots in King's Chapel Subdivision.<sup>18</sup> Prior to the formal complaint in TPUC Docket No. 07-00199, Turnberry Homes, LLC had filed informal complaints with the Commission's Consumer Services Division.<sup>19</sup>
3. *Rule 1220-04-13-.17(2)(f)5.* The Consumer Advocate could not locate a statement by King's Chapel/Superior Wastewater that it is aware of the requirement to complete construction of the system within three years of the Commission's approval of a CCN, which is set out in Rule 1220-04-12-.09(7).

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<sup>16</sup> John Powell Direct Testimony, p. 4, lines 9-11.

<sup>17</sup> John Powell Direct Testimony, p. 3, lines 13-14.

<sup>18</sup> The docket was resolved through an *Agreed Order of Dismissal with Prejudice* which was approved by the Commission. *Order Granting Motion to Dismiss with Prejudice*, TPUC Docket No. 07-00199 (November 2, 2007).

<sup>19</sup> A copy of the Consumer Services Division's informal complaint file can be found on the Commission's Docket Page for TPUC Docket No. 07-00199.

4. *Rule 1220-04-13-.17(2)(f)6.* The Consumer Advocate could not locate a signed affidavit stating that all information submitted for this Petition is true and correct to the best of the witness' knowledge and belief. Nor is the testimony provided in support of the Petition notarized.

TPUC Docket No. 19-00043  
Minimum Filing Requirements Letter, Attachment A  
September 10, 2019

## **ATTACHMENT A-1**





STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER RESOURCES

William R. Snodgrass - Tennessee Tower  
312 Rosa L. Parks Avenue, 11<sup>th</sup> Floor  
Nashville, Tennessee 37243-1102

May 31, 2016

Mr. John Powell, Managing Member  
Kings Chapel Capacity, LLC  
e-copy: john-powell@comcast.net  
PO Box 34  
Arrington, TN 37014

**Re: State Operating Permit No. SOP-03032  
Kings Chapel Capacity LLC  
College Grove, Williamson County, Tennessee**

Dear Mr. Powell:

In accordance with the provisions of the Tennessee Water Quality Control Act, Tennessee Code Annotated (T.C.A.), Sections 69-3-101 through 69-3-120, the Division of Water Resources hereby issues the enclosed State Operating Permit. The continuance and/or reissuance of this Permit is contingent upon your meeting the conditions and requirements as stated therein.

Please be advised that a petition for permit appeal may be filed, pursuant to T.C.A. Section 69-3-105, subsection (i), by the permit applicant or by any aggrieved person who participated in the public comment period or gave testimony at a formal public hearing whose appeal is based upon any of the issues that were provided to the commissioner in writing during the public comment period or in testimony at a formal public hearing on the permit application. Additionally, for those permits for which the department gives public notice of a draft permit, any permit applicant or aggrieved person may base a permit appeal on any material change to conditions in the final permit from those in the draft, unless the material change has been subject to additional opportunity for public comment. Any petition for permit appeal under this subsection (i) shall be filed with the technical secretary of the Water Resources Board within thirty (30) days after public notice of the commissioner's decision to issue or deny the permit. A copy of the filing should also be sent to TDEC's Office of General Counsel.

If you have questions, please contact the Nashville Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact Mr. Hari Akunuri at (615) 532-0650 or by E-mail at [Hari.Akunuri@tn.gov](mailto:Hari.Akunuri@tn.gov).

Sincerely,

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

Enclosure

cc/ec: Land-based Systems File  
Nashville Environmental Field Office  
Ms. Michelle Ramsey, Utilities Division, Tennessee Regulatory Authority, [michelle.ramsey@tn.gov](mailto:michelle.ramsey@tn.gov)  
Ms. Patsy Fulton, Utility Rate Specialist, Tennessee Regulatory Authority, [Patsy.Fulton@tn.gov](mailto:Patsy.Fulton@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-03032**

**PERMIT**  
**For the operation of Wastewater Treatment Facilities**

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

**PERMISSION IS HEREBY GRANTED TO**

Kings Chapel Capacity LLC  
College Grove, Williamson County, Tennessee

**FOR THE OPERATION OF**

Septic tanks, effluent collection system, recirculating sand filter, UV disinfection and drip irrigation system located at latitude 35.87006 and longitude -86.69482 in Williamson County, Tennessee to serve approximately 228 homes in the Kings Chapel, LLC. The design capacity of the system is .0684 MGD.

This permit is issued as a result of the application filed on March 29, 2016, 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: July 31, 2016**

**This permit shall expire on: June 30, 2021**

**Issuance date: June 3, 2016**



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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 <sub>5</sub>	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 drip irrigation system. There shall be no discharge of wastewater to any surface stream or 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.

Instances of ponding or pooling within the drip dispersal area not associated with a recent rainfall event 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 ponding, and the date the corrective actions were made. Ponding resulting in the discharge of treated wastewater into the Waters of the State or to locations where it is likely to move to Waters of the State shall be considered a violation of your State Operating 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.

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)

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.

## **D. REPORTING**

### **1. Monitoring Results**

Monitoring results shall be recorded monthly OR in accordance with the operating and maintenance inspection schedule in the permit administrative file record and submitted quarterly. The quarterly report shall detail the following:

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. 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 15<sup>th</sup> 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 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.

The drip dispersal area shall not be used for vehicular traffic or vehicular parking. Dozers, trucks, tractors, and other heavy vehicles shall not be allowed to run over the drip dispersal area lines or other parts of the system.

#### 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 assistance center 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. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause 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.

b. Bypasses are prohibited unless all of the following 3 conditions are met:

i. The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;

ii. There are no feasible alternatives to bypass, such as the construction and use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up 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 preventative maintenance;

iii. The permittee submits notice of an unanticipated bypass to the Division of Water Resources in the appropriate Environmental Field Office within 24 hours of becoming aware of the bypass (if this information is provided orally, a written submission must be provided within five days). When the need for the bypass is foreseeable, prior notification shall be submitted to the director, if possible, at least 10 days before the date of the bypass.

c. Bypasses not exceeding permit limitations are allowed **only** if the bypass is necessary for essential maintenance to assure efficient operation. All other bypasses are prohibited. Allowable bypasses not exceeding limitations are not subject to the reporting requirements of 6.b.iii, above.

## 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 if the drip area if fenced or all reasonable approaches to the drip irrigation lot. 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  
(PERMITTEE'S NAME)  
(PERMITTEE'S PHONE NUMBER)  
TENNESSEE DIVISION OF WATER  
RESOURCES  
Nashville Environmental Field Office  
PHONE NUMBER: 1-888-891-8332**

**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 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.

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 even 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-WATER SUPPLY BRANCH**  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue  
Nashville, Tennessee 37243

**MEMORANDUM**

TO: Hari Akunuri, WPC-CO

FROM: Allen Rather, DWS- Ground Water Management Section

DATE: 9/16/2013

SUBJECT: LCSS/SFDS (Class V Injection) Approval  
King's Chapel Capacity, LLC  
Arrington, Williamson County, Tennessee  
UIC File WIL 0000057 SOP-03032

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 conventional disposal for the waste water at the King's Chapel Capacity located at Arrington, Williamson County, Tennessee. This Division approves the application dated 6/08/2013.

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.

King's Chapel Capacity, LLC shall also conduct a monthly visual inspection of the complete drip field looking for any signs of failure.

In accordance with Underground Injection Control (UIC) Rule 1200-4-6-.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 1200-4-6-.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.

This Division will require a minimum of seven (7) working days advance notice before the construction on the drip system is to begin to allow for a witness from this Division to be present.

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](mailto:allen.rather@tn.gov).

c: file



TPUC Docket No. 19-00043  
Minimum Filing Requirements Letter, Attachment A  
September 10, 2019

## **ATTACHMENT A-2**



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER RESOURCES

William R. Snodgrass - Tennessee Tower  
312 Rosa L. Parks Avenue, 11<sup>th</sup> Floor  
Nashville, Tennessee 37243-1102

Ms. Linda Sullivan, P.E.  
Engineer  
Civil Infrastructure Associates, LLC  
e-copy: lsullivan@cia-engineers.com  
307 Hickerson Dr.  
Murfreesboro, TN 37129

Subject: **Preliminary Project Discussion Meeting Minutes for Kings Chapel SOP modification**  
**Wastewater Project Number: 19.0207**  
**County: Williamson**

Dear Ms. Sullivan:

Attached please find the preliminary project discussion meeting minutes for the Superior Wastewater - Kings Chapel SOP modification. This project will include an expansion of treatment capacity utilizing Orenco Advantex units and additional soils area for drip irrigation. The final treatment system will service High Park Hill SD and Kings Chapel SD for a total of 631 lots. The preliminary engineering report, engineering report and preliminary plans should incorporate the items discussed at the meeting and be submitted to the Division for comment prior to the preparation of final construction documents. The preliminary engineering report should be in accordance with Appendix 1-E, the engineering report in accordance with Appendix 1-D-2 and the preliminary plans in accordance with Appendix 1-D-3 of the Design Criteria.

The Division's most recent TDEC Technical/Engineering Documents, including "Design Criteria for Sewage Works Construction Plans and Documents", Chapters 1-17 is available on our website:

<https://www.tn.gov/environment/program-areas/wr-water-resources/water-quality/water-quality-reports---publications.html>.

To expedite matters, please reference the assigned wastewater project number 19.0207 on any future correspondence. If we may be of any assistance, please feel free to contact Ms. Anastasia Sharp at (615) 532-5819 or by E-mail at *Anastasia.Sharp@tn.gov*.

Sincerely,

Anastasia Sharp, E.I.  
Land-Based Systems Unit

cc: Allen Rather, TDEC Central Office, *Allen.Rather@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, TN 37243-1102

MEETING MINUTES

PRELIMINARY PLANNING DISCUSSION

**PROJECT NAME:** Superior Wastewater Systems/Kings Chapel Expansion

**COUNTY:** Williamson

**DATE REQUESTED:** April 8, 2019

**DATE HELD:** April 9, 2019

**MEETING LOCATION:** William R. Snodgrass Tennessee Tower

**MEETING TIME:** 2:00 PM CST

**PARTICIPANTS/REPRESENTING:** (checklist ITEM I.A)

Allen Rather/TDEC

Anastasia Sharp/TDEC

Linda Sullivan, P.E./Civil Infrastructure and Associates

**PROJECT BACKGROUND AND PURPOSE:** (checklist ITEM B)

The purpose of this project is to expand the treatment capacity of an existing system located in the Kings Chapel Subdivision in Williamson County. The existing treatment system was composed of septic tanks, effluent collection system, and recirculating sand filter to UV disinfection and drip irrigation to accommodate a design flow rate of 68,400 gpd. The new facility, with the addition of Orenco Advantex media filters and approved soils areas, will service 631 lots in the Kings Chapel and High Park Hill subdivisions for a total design capacity of 190,800 gpd.

**SUMMARY OF PRELIMINARY ENGINEERING REPORT CONSIDERATIONS** (checklist ITEMS C, D, E):

The service area, surrounding areas, adjacent properties, hindering geological features and property boundaries involved will all be considered and evaluated in the Preliminary Engineering Report. A life cycle cost analysis is not required since this is a modification to an existing treatment system.

**SUMMARY OF RECEIVING WATERS OR SITE SUITABILITY:** (checklist ITEM F)

Soil maps of the proposed drip areas will be submitted with the engineering report. The site will be evaluated for suitability of wastewater assimilation via land application. The existing drip areas have already been approved based on suitability of the soil.

**SUMMARY OF ANTICIPATED PERMITTING NEEDS:** (checklist ITEM G, I, J, K):

This will be a modification to the existing State Operation Permit SOP-03032. This is a permit for land application, there will not be any direct discharge therefore an NPDES and other permits are not required. A CCN is required and has been applied for. A Class V Injection Well permit was previously obtained.

**DWR ORGANIZER:** Allen Rather

**MINUTES PREPARED BY:** Anastasia Sharp

**DATE MINUTES PREPARED:**

4/16/19

TPUC Docket No. 19-00043  
Minimum Filing Requirements Letter, Attachment A  
September 10, 2019

## **ATTACHMENT A-3**



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER RESOURCES  
WATER SUPPLY SECTION

William R. Snodgrass Tennessee Tower, 11<sup>th</sup> Floor  
312 Rosa L. Parks Avenue  
Nashville, Tennessee 37243

August 27, 2017

Jim Johnson  
Goose Creek Inn  
~~1011 Rossmont Terrace~~ 307 Stafford Ct.  
Smyrna, TN 37167

Re: Certified Operator in Direct Charge – Wastewater Facilities

Mr. Johnson;

The Water and Wastewater Operator Certification Act and rules promulgated pursuant to the Act require waste water facilities to report the name of the person in direct charge of the treatment facility and/or the collection system to the Board each year.

You are receiving this letter because your name has been associated with the following permit(s). For each permit listed below, please confirm or provide the person(s) designated as the operator(s) in direct charge.

<u>Permit #</u>	<u>Facility Name</u>	<u>Operator in Charge</u>	<u>Oper ID</u>	<u>Correct?</u>
SOP-03032	Kings Chapel Capacity LLC	James B Johnson	1186	(Y) - N
TN0060216	RNM, LLC	James B Johnson	1186	(Y) - N
TN0073580	Franklin TravelCenter	James B Johnson	1186	(Y) - N

Name and signature of person verifying or updating the information above:

James B. Johnson James B. Johnson Operator 08-27-2017  
Name (Please Print) Signature Title Date

Please update, sign and return this form to the above address, or scan and e-mail to: [DWRwater.compliance@tn.gov](mailto:DWRwater.compliance@tn.gov)

The Division appreciates your assistance with collecting and updating this information. If you have any questions, please contact the Division at 615-532-0625.

Sincerely,

Jeff Bagwell  
Environmental Consultant  
Division of Water Resources

Note change of address.

TPUC Docket No. 19-00043  
Minimum Filing Requirements Letter, Attachment A  
September 10, 2019

## **ATTACHMENT A-4**



**STATE OF TENNESSE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
Division of Water Resources**

Nashville Environmental Field Office  
711 R.S. Gass Blvd.

Nashville, Tennessee 37216

Phone 615-687-7000

Statewide 1-888-891-8332

Fax 615-687-7078

September 10, 2018

Mr. John Powell, Managing Member  
Kings Chapple Capacity, LLC  
PO Box 34  
Arrington, TN 37014

**RE: Compliance Evaluation Inspection**

Dear Mr. Powell,

On August 8, 2018, I conducted a Compliance Evaluation Inspection (CEI) for Kings Chapel Capacity LLC Wastewater Treatment System. The purpose of this inspection was to determine compliance with the State Operating Permit SOP-03032, which became effective on July 31, 2016, and will expire on June 30, 2021. The time period covered by this inspection is from September 2013, to July 2018. During the inspection we were assisted by Jim Johnson and Rusty Temple. I'd like to thank your staff for their time and courtesy shown during the inspection.

**Record Review**

Records required by the permit and a current copy of the permit are maintained at Kings Chapel Capacity LLC's main office. A review of Quarterly Operation Reports from July 2015 to July 2018 indicates that sampling for each parameter is occurring at the required frequencies. During this time period, one effluent violation was reported under SOP – 03032:

- 1 Biological Oxygen Demand; March 15, 2018

Routine inspections of the treatment system are conducted at least every fourteen days as per permit requirements.

**Site Review**

Treatment of domestic wastewater is achieved by recirculating sand filtration system and effluent disposal by drip irrigation. There were no indications of leaks or ponding on the surface of the sand filter. The area around the treatment unit was sufficiently vegetated.

A leak was observed in the Sani Tron filter pump. Mr. Temple explained that the filter pump shutters when it begins pumping and the subsequent vibration loosens the gaskets, causing it to leak. Since the inspection, all of the filter pump gaskets and couplings have been replaced. On August 31, 2018, Mr. Temple provided photo documentation of the repairs and relayed that the pump had not leaked for 6 days.

UV disinfection is not used prior to land disposal. The drip fields are fenced as per permit requirements. I did not observe any anomalies in the drip field; however, a sign needs to be posted at the entrance of the drip field. Please post a sign at the entrance of the drip field **within 30 days of receipt** of this letter. Please see Part III, Section B. in your State Operating Permit.

### Conclusion

Overall, Kings Chapel Capacity LLC Wastewater Treatment System is well maintained and operated, providing sufficiently clean effluent to the drip fields for final disposal.

I would like to thank Mr. Johnson and Mr. Temple for their time and courtesy shown during the inspection. If you have any questions or concerns, please contact me at 615-687-7123.

Sincerely,



Virginia D. Lawrence  
Environmental Scientist  
Division of Water Resources

e Copy: Jim Johnson, Kings Chapel Capacity LLC, james-johnson@comcast.net



TPUC Docket No. 19-00043  
Minimum Filing Requirements Letter, Attachment A  
September 10, 2019

## **ATTACHMENT A-5**

**Wastewater Collection System Overflow  
Or Treatment Unit Bypass  
Report Form**

System Name:		Kings Chapel Capacity LLC	
County:		Williamson	
Date & Time Reported To DWR:		about 1000 Am 03-27-2018	
System Contact:		James B Johnson 1186	
Title:		Plant Operator	
Phone Number(s):		615-419-7404 (cell) 615-355-0279 (home)	
<b>Location --- Cause --- Corrective Action</b>			
Location of Pump Station, Manhole, Other:		discharge line approximately 300' from discharge pumps at the plant site.	
Date & Time Overflow or Bypass of Treatment Units Began:		approximately 9:00 Am 03-27-2018	
Date & Time Overflow / Bypass Ended:		approximately 9:45 Am 03-27-2018	
Estimated Volume:		estimated in excess of 500 gallons.	
Treatment Unit(s) Bypassed:		distribution in drip irrigation fields.	
Cause of Overflow or Bypass:		pipe accidentally broken while removing rats in road.	
Corrective Action or Repairs:		Broken pipe removed and replaced.	
Time & Date Completed, or Estimated:		about 2:30 PM 03-27-2018	
Volume Contained or Recovered:		all contained in fenced area of drip field.	
<b>Potential Impact</b>			
Wastewater Entered Stream:		None	
Name of Stream:		N/A	
Stream Conditions Observed:		N/A	
Fish or Aquatic Life Killed:		N/A	
Distance of Impact:		estimated 20 sq. yds.	
Actions Taken to Minimize Health Hazards or Impact to Water Quality:		N/A	
Cleanup, Disinfection of Area:		soaked into drip field.	
Public Notified, Signs Posted, or Access Restricted:		N/A	
Stream Sampling Conducted:		N/A	
Comments:			
Person Preparing Report & Date Prepared:		James B. Johnson operator 1186 03-28-2018 8:30 Am	