

STATE OF TENNESSEE

Office of the Attorney General



HERBERT H. SLATERY III
ATTORNEY GENERAL AND REPORTER

P.O. BOX 20207, NASHVILLE, TN 37202
TELEPHONE (615) 741-3491
FACSIMILE (615) 741-2009

August 28, 2019

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

Re: Tennessee Public Utility Commission, Docket No. 19-00062, *Joint Application of Aqua Utilities Company, Inc. and Limestone Water Utility Operating Company, LLC, for Authority to Sell or Transfer Title to the Assets, Property and Real Estate of a Public Utility and for a Certificate of Public Convenience and Necessity.*

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. Although TPUC Rule 1220-04-13-.17 addresses wastewater, the Consumer Advocate believes that the Commission will expect the same minimum filing requirements regarding the drinking water system that is also part of the proposed transaction. The review by the Consumer Advocate does not include a review of Exhibits 6, 7, and 9 of the Petition, which were filed under seal. The Parties filed a Joint Proposed Agreed Protective Order yesterday. Today, the Consumer Advocate received copies of the confidential exhibits, but it has not had time to conduct a review of these records.

In our review of the Petition and the publicly available documents, 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. Limestone/CSWR provided resumes of “key personnel” in Exhibit 8 of the Petition; however, it does not appear that these “key personnel” are employees of Limestone or CSWR except for Forrest Tomas whose resume states that he is Senior Vice President with CSWR.
2. *Rule 1220-04-13-.17(2)(a)3.* The Consumer Advocate could not find a list of owners, members and officers of the utility including the address, telephone number and percentage of ownership of each individual. Nor could the Consumer Advocate locate a list of the names of owners, members and officers located in Tennessee.
3. *Rule 1220-04-13-.17(2)(a)4.* Although Limestone provides an organizational chart of affiliates (Exhibit 4 of the Petition), it appears that Exhibit 4 may be an outdated affiliate organizational chart. According to testimony filed in this Docket, CSWR has applications pending in Kentucky and Louisiana.¹ However, the affiliates of Kentucky or Louisiana are not shown on the Petition’s Exhibit 4 of this Docket.² Additionally, the Consumer Advocate cannot locate descriptions detailing “transactions, direct or indirect, that occur or are expected to occur between affiliated entities.”
4. *Rule 1220-04-13-.17(2)(a)5.* Although Limestone provides its Articles of Organization in Exhibit 2 of the Petition, the Consumer Advocate could not locate a copy of Limestone’s bylaws.
5. *Rule 1220-04-13-.17(2)(a)6.* Limestone/CSWR provided a certificate of existence for Limestone Water UOC in Exhibit 3 of the Petition. Additionally, the Consumer Advocate located the certificates of existence for Limestone Water UHC and Tennessee CSWR on the Tennessee Secretary of State’s website. However, we could not locate CSWR’s license to engage in business within the State of Tennessee on the Secretary of State’s website.
6. *Rule 1220-04-13-.17(2)(a)7.* Aqua Utilities service territory is an approximately 3,000-acre development on the Tennessee River.³ In 2006, Aqua Utilities listed three developments within the service area: (1) North Shore, (2) Points of Pickwick, and (3) Preserve.⁴ In the current Petition, Aqua Utilities and Limestone list 10 subdivisions within the service area: (1) Points of Pickwick, (2) The Preserve, (3) Anchor Bay Pointe, (4) Grand Villas, (5) Grandview, (6) High Pointe, (7) Park Place, (8) Ridge Point, (9) Sailboat

¹ Corrected Pre-filed Testimony of Josiah Cox, p. 3, TPUC Docket No. 19-00062 (July 29, 2019).

² CSWR provided an affiliate organizational chart that included the Kentucky affiliates in a recent Kentucky docket. *Verified Joint Application for Approval of Acquisition and Transfer of Ownership and Control of Utility Assets*, JA Exhibit C, KPSC Case No. 2019-00104 (April 15, 2019). The Kentucky Joint Application can be accessed at https://psc.ky.gov/pseccf/2019-00104/kyunker%40mcbrayerfirm.com/04162019035651/JA_JtApp_with_Exhs_A-N.pdf.

³ Pre-Filed Testimony of James E. Clausel, p. 1, lines 13-14, TPUC Docket No. 15-00044 (April 10, 2015).

⁴ Response to Staff DR No. 35, TPUC Docket No. 06-00187 (Sept. 22, 2006). A copy of the map provided in Response to this Data Request is provided as Attachment A-1.

Pointe, and (10) Turtle Cove.⁵ In the multiple maps provided by Aqua Utilities and Limestone in Exhibit 1 of the Petition, the maps do not identify the subdivisions, but rather use parcel numbers with no explanation of the correlation of a particular parcel number and particular subdivision.

- Subpart (i). None of the maps provide 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. Nor do the maps include the physical address of the system and associated longitude and latitude coordinates.
 - Subpart (ii). Limestone/CSWR and Aqua Utilities provide only a few names of streets and roads on some of the maps.
 - Subpart (iii). The maps from Limestone/CSWR and Aqua Utilities do not provide the location of access roads and names of access roads, if available, and other utilities necessary to provide service on any of the maps.
 - Subpart (iv). The maps from Limestone/CSWR and Aqua Utilities do not provide all residence and habitable structures served by the water and wastewaters systems for all 10 subdivisions.
 - Subpart (v). The maps from Limestone/CSWR and Aqua Utilities do not indicate if any portion of the areas within each of the 10 subdivisions will not be served by the water or wastewater system.
7. *Rule 1220-04-13-.17(2)(a)8.* The Consumer Advocate could not locate a description of Aqua Utilities' water or wastewater systems and the number of customers for each of the systems that are subject to the proposed transaction.
8. *Rule 1220-04-13-.17(2)(a)10.* Although there are already existing water and wastewater systems, it is unclear if there are any remaining phases of construction for either the water or wastewater systems or are the systems completely built out. This is in question because Aqua Utilities discussed a "significant expansion" of its service lines into a new development known as "The Preserve" in its testimony for its 2006 Rate Case.⁶
9. *Rule 1220-04-13-.17(2)(a)11.* The Consumer Advocate could not locate the identity of the builder(s) or developer(s) being impacted by the proposed transaction in this Docket.⁷

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 or, if not applicable, a statement of such.

⁵ *Petition* at pp. 1, 3. It should be noted that the "North Shore" development listed in 2006 is not listed as one of the subdivisions in the current Docket.

⁶ Pre-Filed Testimony of James E. Clausel, p. 2, line 27 – p. 3, line 3, TPUC Docket No. 06-00187 (July 19, 2006).

⁷ Previously, Aqua Utilities named two developers within its service area. The developers were Montana Land Company and Pickwick Preserve, LLC. Response to Staff DR No. 45, TPUC Docket No. 06-00187 (Nov. 13, 2006). A copy of the Response to this Data Request is provided as Attachment A-2.

2. *Rule 1220-04-13-.17(2)(b)3.* The Consumer Advocate just received access to Confidential Exhibit 9, the Purchase and Sale Agreement, but it has not had time to conduct a review of the exhibit.⁸ However, in its review of Exhibit 10, the Assignment of Rights, it is unclear whether the property rights of the water and wastewater systems being transferred are ownership in fee or perpetual easements. For example, the State Operating Permit for the wastewater permit requires that ownership be either in fee or a properly recorded easement.⁹

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

1. *Rule 1220-04-13-.17(2)(c)1.* Limestone/CSWR provided resumes of “key personnel” in Exhibit 8 of the Petition; however, it does not appear that these “key personnel” are employees of Limestone except for Forrest Thomas whose resume states that he is Senior Vice President with CSWR. Except for Mr. Thomas, the exact contractual relationship between these “key personnel” and Limestone/CSWR is unclear since no explanation or contracts were provided in the Petition.
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. Rather, Limestone/CSWR simply states that it would hire a yet unnamed “local third-party Operations and Maintenance (O&M) firm.”¹⁰
3. *Rule 1220-04-13-.17(2)(c)3.* The Consumer Advocate just received access to Confidential Exhibit 9, the Purchase and Sale Agreement, but it has not had time to conduct a review of the exhibit.¹¹

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 documentation regarding the activation of the existing water system within the Petition or in a review of the Tennessee Department of Environment and Conservation (TDEC) Dataviewer.

⁸ On August 27, 2019, the Parties filed a Joint Proposed Agreed Protective Order in this Docket. Today, the Consumer Advocate received copies of the confidential exhibits, but it has not had time to conduct a review of those records.

⁹ SOP-92082, 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-92082. A copy of SOP-92082 is provided as Attachment A-3.

¹⁰ Pre-Filed Testimony of Josiah Cox, Petition, Exhibit 11, p. 5, TPUC Docket No. 19-00062 (July 26, 2019) and Corrected Pre-Filed Testimony of Josiah Cox, pp. 3-4, TPUC Docket No. 19-00062 (July 29, 2019).

¹¹ On August 27, 2019, the Parties filed a Joint Proposed Agreed Protective Order in this Docket. Today, the Consumer Advocate received copies of the confidential exhibits, but it has not had time to conduct a review of those records.

2. *Rule 1220-04-13-.17(2)(d)2.* As stated earlier, Limestone/CSWR simply states that it would hire a yet unnamed “local third-party Operations and Maintenance (O&M) firm.”¹² If an operator is a contract employee of the utility, a copy of the employment contract is to be filed.
3. *Rule 1220-04-13-.17(2)(d)4.* The Consumer Advocate could not locate in the Petition a list of complaints, notices of violation or other administrative action filed by a regulatory agency. In a search of the TDEC Dataviewer, the Consumer Advocate found the following:
 - TDEC Sanitary Survey (April 2, 2019).¹³
 - Although, Aqua Utilities received an approved rating in its last Sanitary Survey of its water system, TDEC deducted three points for from its overall score because Aqua Utilities’ failure to have a current distribution map showing lines, line sizes, valves, blow-offs and hydrants. The TDEC Dataviewer does not have any online, publicly available documentation showing if Aqua Utilities has submitted a current distribution map.
 - In this same letter, TDEC noted that Aqua Utilities could not provide any water loss information. This is especially concerning in light of the Commission’s determination that Aqua Utilities had a water loss rate of 49.94%¹⁴ in its 2005 rate case, TPUC Docket No. 05-00187.¹⁵ There is nothing in TPUC’s online, publicly available records that indicate the water loss rate has been addressed by Aqua Utilities.
 - Lead and Copper Monitoring (LCR) Correspondence.
 - In a letter dated January 5, 2018, Aqua Utilities was informed that it was required to keep a LCR Master Sampling Site list containing at least 20 approved sampling site locations.¹⁶ The list was to be submitted by June 1, 2018. The letter states that the estimated population served by the water system was 968. The TDEC Dataviewer does not have any online, publicly available documentation showing if Aqua Utilities submitted the LCR Master Sampling Site list.

¹² Pre-Filed Testimony of Josiah Cox, Petition, Exhibit 11, p. 5, TPUC Docket No. 19-00062 (July 26, 2019) and Corrected Pre-Filed Testimony of Josiah Cox, pp. 3-4, TPUC Docket No. 19-00062 (July 29, 2019).

¹³ The Sanitary Survey can be accessed on the TDEC Dataviewer at http://tdec.tn.gov:8080/pls/enf_reports/?p=9034:34031::NO:34031:P34031_SITE_ID:99687. A copy of the letter is also provided as Attachment A-4.

¹⁴ The Company provided the water loss rate to the Commission and explained that its calculation took “the rolling 12 months to date water purchases from the City of Savannah and subtracting the rolling 12 months to date recorded sales volumes for the same time period. The 49.94% amount represents the average of the monthly lost and unaccounted for water volumes from the 12 months ended November 2004 through the 12 months ended December 2005.” Response to Staff DR No. 14, TPUC Docket No. 06-00187 (Aug. 31, 2006). A copy of the Response to this Data Request is provided as Attachment A-5.

¹⁵ *Final Order Approving Rate Increase and Rate Design*, p. 8, TPUC Docket No. 05-00187 (Nov. 27, 2007). Water loss was not specifically addressed in Aqua Utilities’ last rate case, TPUC Docket No. 15-00044, which was a Staff assisted docket.

¹⁶ The January 5th letter can be accessed on the TDEC Dataviewer at http://tdec.tn.gov:8080/pls/enf_reports/?p=9034:34031::NO:34031:P34031_SITE_ID:99687. A copy of the letter is also provided as Attachment A-6.

- In an email from TDEC, Aqua Utilities was informed again that it was required to maintain a LCR Master Sampling Site List containing at least 20 Tier 1 sampling sites.¹⁷ The list was to be submitted by September 30, 2019. The letter states that the estimated population served by the water system was 993.
4. *Rule 1220-04-13-.17(2)(d)5.* The Consumer Advocate could not locate a certification from a design engineer that the water and wastewater systems were constructed in accordance with TDEC approved construction plans and specifications. This certification is important because it is not known if the original contractor, who built the water and wastewater systems, was licensed.¹⁸ However, Storey Utility Contractors Inc., which is the “primary subcontractor who installs all utility plant, including service line for customers”¹⁹ for Aqua Utilities, does not appear to be a contractor licensed with the Tennessee Department of Commerce and Insurance.²⁰

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

The Consumer Advocate just received access to Confidential Exhibits 6-7, the financials, but it has not had time to conduct a review of these exhibits.²¹ However, it has reviewed the publicly available information.

1. *Rule 1220-04-13-.17(2)(d)8.* Although Limestone/CSWR states that it intends to adopt rates currently in effect for all of Aqua Utilities’ systems, the Consumer Advocate could not find copies of the current tariffs for either the water or wastewater systems.
2. *Rule 1220-04-13-.17(2)(d)13.* Although Limestone/CSWR states that it “is familiar with the requirements of TPUC Rules 1220-04-12-.07 and .08 and 12-20-04-13-.17(2)(e) regarding the need for wastewater utilities to demonstrate acceptable financial security and pledges to provide the Commission financial stability sufficiently to satisfy the requirement of those rules,”²² the Consumer Advocate cannot locate any documentation of financial security.

¹⁷ The email is identified with a document date of May 30, 2019 and can be accessed on the TDEC Dataviewer at http://tdec.tn.gov:8080/pls/enf_reports/f?p=9034:34031::NO:34031:P34031_SITE_ID:99687. A copy of the email is also provided as Attachment A-7.

¹⁸ The current owner of Aqua Utilities does not have a copy of the original Certificate of Convenience and Necessity (CCN), and he is unfamiliar with its contents. See Response to Staff DR No. 45, TPUC Docket No. 06-00187 (Nov. 13, 2006). A copy of the Response to this Data Request is provided as Attachment A-2.

¹⁹ *Notice of Filing By Energy and Water Division of the Tennessee Regulatory Authority*, pp. 3, 12, TPUC Docket No. 00-01105 (Oct. 23, 2001). See also Response to Staff DR No. 64, TPUC Docket No. 06-00187 (Nov. 13, 2006). A copy of the Response to this Data Request is provided as Attachment A-8.

²⁰ The Consumer Advocate conducted a search for “Storey” in the License Search and Verification Database available online at <https://verify.tn.gov/>. This search resulted in two entities being listed: Storey Construction Company and Storey Custom Homes, LLLP. Both entities have expired licenses, and neither were licensed for “Municipal and Utility Construction.” The Classification System for Contractors License can be found in Appendix A of Rule 0680-01-.12. These rules can be accessed at <https://publications.tnsosfiles.com/rules/0680/0680-01.20180620.pdf>.

²¹ On August 27, 2019, the Parties filed a Joint Proposed Agreed Protective Order in this Docket. Today, the Consumer Advocate received copies of the confidential exhibits, but it has not had time to conduct a review of those records.

²² *Petition* at p. 9.

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

1. *Rule 1220-04-13-.17(2)(f)2.* The Consumer Advocate could not locate a description for the water and wastewater systems.
2. *Rule 1220-04-13-.17(2)(f)3.* Although Limestone/CSWR states it has familiarized itself with the Commission's rules and regulations and pledges to comply with all Commission requirements, it does not mention compliance with all applicable Tennessee statutes.
3. *Rule 1220-04-13-.17(2)(f)6.* Although Mr. Josiah Cox's testimony is notarized, he does not incorporate all information submitted with the Petition into his testimony.

Minimum Filing Requirements Letter, Attachment A
August 28, 2019

ATTACHMENT A-1

35. The Company provided a map of its service area on September 12, 2006 in response to Staff's data request # 3. Although the map includes the Northshore and Preserve developments, please clarify by indicating the service area with a dark bold line around the entire service area.

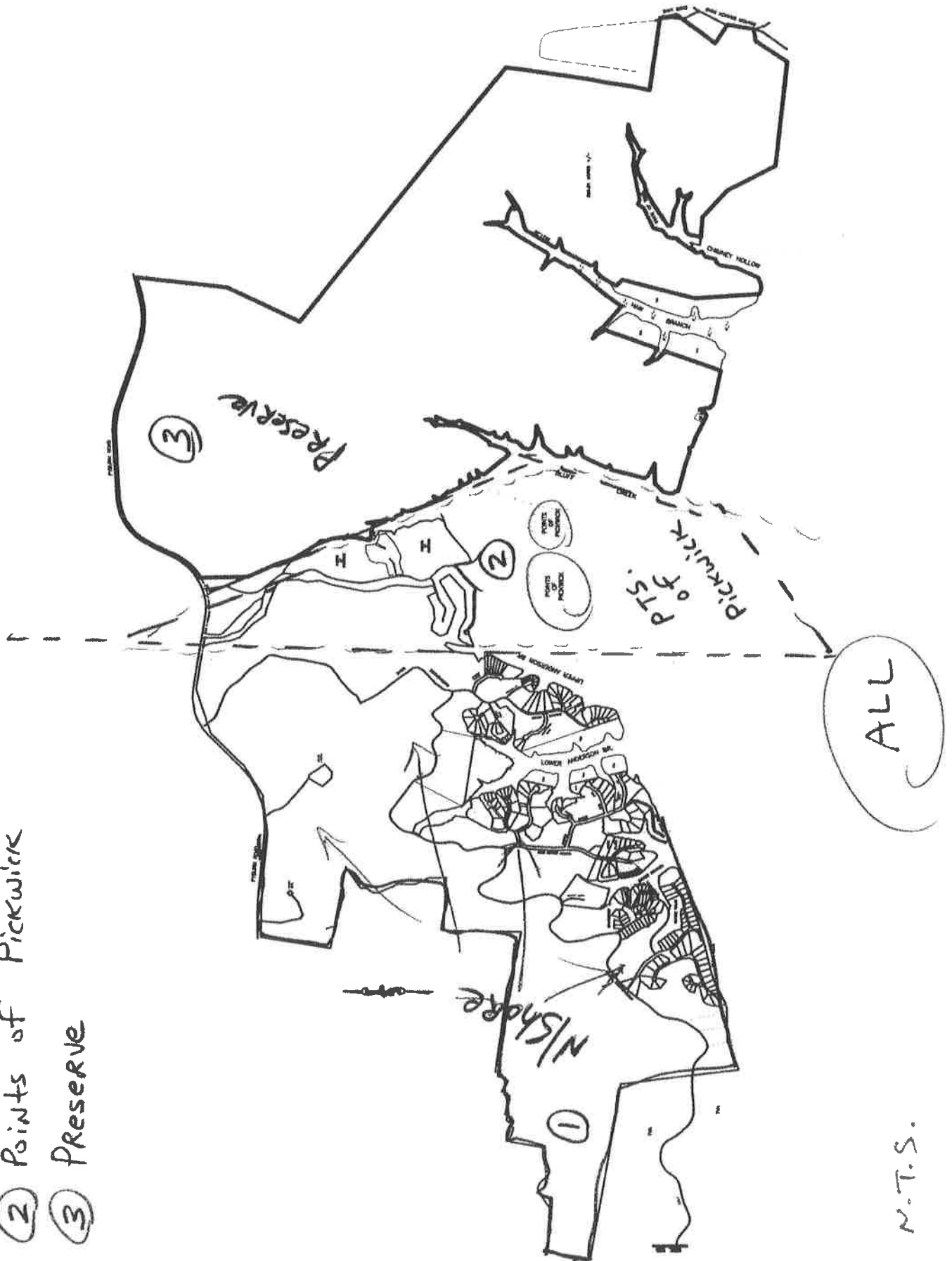
RESPONSE:

See attached.

The following map shows the three main areas of Aqua's service area.

1. – Northshore
2. Points of Pickwick
3. Preserve Development

- ① - North Shore
- ② Points of Pickwick
- ③ Preserve



N.T.S.

Minimum Filing Requirements Letter, Attachment A
August 28, 2019

ATTACHMENT A-2

WHN CONSULTING

19 Morning Arbor Place
The Woodlands, TX 77381

November 13, 2006

Ms. Darlene Standley, Chief
Utilities Division
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

Re: Petition of Aqua Utilities Company for Approval of Adjustment of its Rates and Charges and Revised Tariff. **Docket 06-00187.**

Dear Ms. Standley:

On behalf of Aqua Utilities Company, enclosed you will find an original and four (4) hard copies of the Company's Response to the TRA Advisory Staff's Data Request of October 31, 2006 in the above-referenced docket. An electronic copy of the Company's Response in PDF format is being provided to the TRA Docket Clerk.

If you questions regarding this electronic filing, please contact me at 713-298-1760.

Sincerely,



William H. Novak

Enclosures

45. Please provide a narrative describing the developments in Aqua's service territory. Your answer should include the following:

- a. Who is the owner of all undeveloped land in Aqua's service territory?
- b. Is Montana the only developer and home builder in Aqua's service territory? If not, please list the names of all other developers.
- c. According to your original CCN application there were approximately 300 customers in Aqua's service territory, with the potential to expand up to 1800 customers when the development was complete. Is this still accurate? If not, please explain any changes.
- d. Also, the original petition stated that it was anticipated that the City of Savannah would be able to operate the system when there were about 500 residences to be served. Please provide a letter from the City of Savannah stating their intentions to provide or not provide water and wastewater service in the territory currently defined as Aqua's service territory (current development plus expansion).
- e. Provide a timeline showing when each of the following components of the water/wastewater system are installed. Additionally, for each of the following, state who installs, who pays for, and who is responsible for maintaining and operating on a going forward basis:
 - Customer service meter
 - Water service line from meter to the water main
 - Water pumping station
 - STEG/STEP tank
 - Grinder pump
 - Effluent line from tank to property line
 - Service line from customer's property line to collector line
 - Collector line to main line
 - Main line
 - Treatment facility
 - Undefined Line 1 (Attachment 1)
 - Undefined Line 2 (Attachment 1)

RESPONSE:

To the Company's understanding, Pickwick Preserve, LLC owns 2,035 acres, and Montana Land Company owns another 350 acres of the undeveloped property in the Company's service territory. Any other owners of undeveloped property in the Company's service territory are unknown to Aqua.

Both Montana Land Company and Pickwick Preserve, LLC are developers of property in the Company's service territory. Typically, neither Montana Land Company nor Pickwick Preserve, LLC is a custom home builder.

The original petition for a CCN in Docket 90-00334, contained the representations of the original owner, Mr. Bernard Blasingame, who was responsible for its content. Aqua Utilities was transferred to its present owner, Mr. Eddie Clausel, in Docket 02-00387. Mr. Clausel does not have a copy of the original CCN application and is not familiar with its contents. The Company has no letter from the City of Savannah in its possession that addresses their desire to take over the operations of Aqua Utilities.

See attached for a timeline discussion regarding the installation of the Company's plant.

**AQUA UTILITIES COMPANY
TIMELINE DISCUSSION ON INSTALLATION OF PLANT**

1. The **Water Pumping Station** was constructed, installed and paid for by the Company when the development was first started. The Company is responsible for the continuing maintenance of the Water Pumping Station.
2. The **Wastewater Treatment Facility** was constructed, installed and paid for by the Company when the development was first started. The Company is responsible for the continuing maintenance of the Wastewater Treatment Facility.
3. The **Main Lines** (water and wastewater) are constructed, installed and paid for by the Company at different phases during the development down the larger roads. The Company is responsible for the continuing maintenance of the Main Lines.
4. The **Collector Lines** (water and wastewater) are constructed, installed and paid for by the Company at different phases during the development down the smaller roads. The Company is responsible for the continuing maintenance of the Collector Lines.
5. The **Service Line** (water and wastewater) is constructed, installed and paid for by the Company when service is requested from the builder/homeowner. The Company is responsible for the continuing maintenance of the Service Lines. Please note that the Company considers the Service Lines to encompass the entire length of line between the Company's Main Lines and the Company's Meter (water) or the Customer's Grinder Pump (wastewater) at the Customer's property (physical residence). Therefore, both Undefined Line #1 and Undefined Line #2 in Attachment 1 of the Staff's data request would be considered to be Service Lines by the Company.
6. The **Customer Service Meter** is installed and paid for by the Company when service is requested from the builder/homeowner at the same time that the Service Lines are installed. The Company is responsible for the continuing maintenance of the Customer Service Meter.
7. The **STEG/STEP Tank** (if necessary) is installed and paid for by the Company when service is requested from the builder/homeowner at the same time that the Service Lines are installed. The Company is responsible for the continuing maintenance of the STEG/STEP Tank.
8. The **Grinder Pump** is purchased and installed by the builder/homeowner as the residence is nearing completion. The customer is responsible for the continuing maintenance of the Grinder Pump.

Minimum Filing Requirements Letter, Attachment A
August 28, 2019

ATTACHMENT A-3



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

March 8, 2018

Mr. James E. Clausel, President
Aqua Utilities Company, Inc.
e-copy: jamesclausel@yahoo.com
408 Main Street
Savannah, TN 38372

Re: State Operating Permit No. SOP-92082
Aqua Utilities Company, Inc.
Adamsville, Hardin County, Tennessee

Dear Mr. Clausel:

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 Jackson Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact Mr. Allen Rather at (615) 532-5819 or by E-mail at *Allen.Rather@tn.gov*.

Sincerely,

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

Enclosure

cc/ec: Water-based Systems File
Jackson Environmental Field Office
Ms. Michelle Ramsey, Utilities Division, Tennessee Regulatory Authority, *michelle.ramsey@tn.gov*
Mr. Wilbur Storey, Maintenance, Aqua Utilities Co., Inc., *wstorey2@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-92082

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

Aqua Utilities Company, Inc.
Adamsville, Hardin County, Tennessee

FOR THE OPERATION OF

Aerated lagoon with spray irrigation system located at latitude 35.093111 and longitude - 88.225361 in Hardin County, Tennessee to serve approximately 49 homes. The design capacity of the system is .01481 MGD. No more than 444,300 gallons per month discharge is allowed.

This permit is issued as a result of the application filed on March 28, 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: March 12, 2018

This permit shall expire on: March 1, 2023

Issuance date: March 8, 2018



for Tisha Calabrese Benton
Director

A. GENERAL REQUIREMENTS

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

<u>Parameter</u>	<u>Sample Type</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Measurement Frequency</u>
Flow *	Totalizer			Daily
BOD ₅	Grab	45 mg/l	N/A	Once/Year
Ammonia as N	Grab	Report	N/A	Once /Quarter
<i>E. Coli</i>	Grab	941 colonies/100 ml	N/A	Once /Quarter

No E. Coli monitoring if fields are fenced

* 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."

The permittee must disinfect the wastewater in order to meet the above *E. Coli* limit.

All spray nozzles shall be configured to provide optimum utilization of all approved spray fields.

All facilities must maintain a minimum 30 day storage capacity for surface spray irrigation systems.

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 spray 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
Jackson Environmental Field Office
1625 Hollywood Drive
Jackson, TN 38305

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

2. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified in 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.

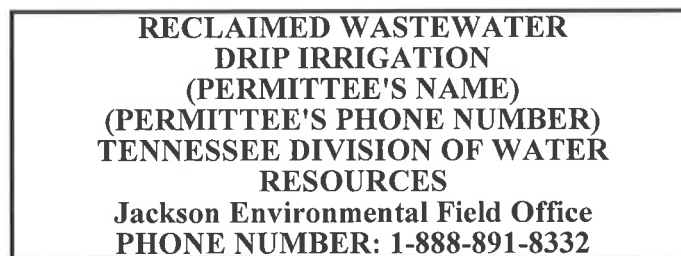
**PART III
OTHER REQUIREMENTS**

A. CERTIFIED OPERATOR

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

B. PLACEMENT OF SIGNS

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



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.

Minimum Filing Requirements Letter, Attachment A
August 28, 2019

ATTACHMENT A-4



**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Water Resources**

JACKSON ENVIRONMENTAL FIELD OFFICE

1625 Hollywood Drive
JACKSON, TENNESSEE 38305

PHONE (731) 512-1300

STATEWIDE 1-888-891-8332

FAX (731) 661-6283

April 2, 2019

Ms. Karen Godwin
Aqua Utilities Water System
408 Main St.
Savannah, Tennessee 38372

**Re: Sanitary Survey
Aqua Utilities Water System
PWSID #TN0000948
Hardin County**

Dear Ms. Godwin:

On March 29, 2019, Vaughn Duncan with the Division of Water Resources (DWR) completed a Sanitary Survey on the Aqua Utilities Water System. The survey consisted of a records review to document the operational performance of the water system.. The survey covered the time period from April 2017 to present. The Division appreciates the assistance provided during the survey by Mr. Clark Culver and Mr. William Story. I would like to thank them for their courtesy, willingness to work with the Division, and timely responses provided to Division requests. In accordance with the Sanitary Survey Manual, the Aqua Utilities Water System earned 418 points out of a possible 421 total points for a numerical score of ninety-nine (99%). This rating places the Aqua Utilities Water System in the State's **"Approved"** category.

As a reminder, in addition to calculating a sanitary survey rating score for each survey period, the State of Tennessee is also required to calculate and track an Enforcement Targeting Tool (ETT) score for each month for each Tennessee regulated water system. The ETT score is based upon an EPA calculation procedure. Unlike a deficiency point deduction for a violation that occurs during a survey period, the calculated ETT score accumulates monthly and highlights violations that continue unaddressed. When a violation becomes classified as addressed, the water system's calculated ETT score is reduced. For this survey period, the current ETT score for the Aqua Utilities Water System has been reported as 5. This information is presented as a reminder because when a water system reaches a confirmed score of 11, the State is required to take formal enforcement action which generally has financial penalties included.

Ms. Karen Godwin
April 2, 2019
Page 2

The following deficiencies, comments, and/or recommendations, as outlined in the attached Sanitary Survey Rating Form, were identified during this survey inspection and should be addressed as applicable:

1. Section 8: Distribution System and Cross Connection Controls

- **Subsection E. Map of Distribution System**

Division Rule 0400-45-.01-.17, (15): All Community Water Systems with 50 or more connections must have and maintain up-to-date maps of the distribution systems documenting locations and sizes of mains, valves, blow-offs or flush hydrants, air release valves and fire hydrants. Overall system distribution map(s) must be submitted to the DWR every 5 years.

During this sanitary survey, it was noted that the water system doesn't have a current distribution map showing lines, line sizes, valves, blow-offs, and hydrants on file.

Three (3) points are deducted for this deficiency.

2. Section 8: Distribution and Cross Connection

- **Subsection H. Unaccounted Water Loss**

Although not required by Rule, the Division recommends that public water systems initiate efforts to determine unaccounted water use or water loss. Annual unaccounted water use or loss in excess of levels established by the Water Finance Board should be investigated by the water provider.

During the sanitary survey, Aqua Utilities Water System could not provide any water loss information

General comments, recommendations and requests are listed for your information as follows:

1. During this sanitary survey, it was observed that files should be better organized in order to be readily available during inspection.
2. During this sanitary survey, Mr. William Story was observed conducting the chlorine residual test listed in your Drinking Water Monitoring Program, and is approved for the performance of this test.

Ms. Karen Godwin
April 2 2019
Page 3

Conclusion: This office appreciates the courtesy shown to members of our staff during this sanitary survey. As always, our staff is available to assist you with any questions you may have. For any specific concerns or questions regarding this letter and sanitary survey report, you can contact me directly at the Jackson Field Office at (731)512-1324 or 888-891-8332.

Sincerely,

A handwritten signature in cursive script that reads "Vaughn Duncan".

Vaughn Duncan, Environmental Consultant
Jackson Environmental Field Office
Division of Water Resources

Copy: Mr. Clark Culver, 408 Main St., Savannah Tennessee 38372
DWR - Nashville
DWR – JEFO, Waterlog

Sanitary Survey Rating

ATTACHMENT A-4

PWSID:	948	Water System Name:	Aqua Utilities Water System
Survey Date:	Mar 29, 2019	System Category (Points):	421

421 - Consecutive Systems/Distribution Only
 488 - Treatment Systems/Wholesalers
 599 - Both Treatment and Distribution

1. System Management and Operation (94)

Requirement	Points Range	Deduction	Comments
A. Record Keeping 0400-45-01-.20	(0)	Narrative	Files should be more organized
B. Construction Projects 0400-45-01-.05, 0400-45-01-.17	(1-5)	0	ok
C. Submission of Monthly Operations Reports 0400-45-01-.17	(0)	Narrative	ok
D. Reporting Requirements 0400-45-01-.18	(4-30)	0	ok
E. Public Notification 0400-45-01-.19	(3-10)	0	ok
F. Facility Maintenance Fee	(0)	Narrative	ok
G. Enforcement – TCA §68-221-701 et seq.	(4-10)	0	ok
H. Emergency Operations Plan 0400-45-01-.17	(3)	0	ok
	Deficiency Subtotal	0	

2. Operator Compliance (23)

Requirement	Points Range	Deduction	Comments
A. Certified Operator – Plant and Distribution System 0400-45-01-.17(1) and 0400-49-01-.04	(3-15)	0	ok
	Deficiency Subtotal	0	

3. Source (25)

Requirement	Points Range	Deduction	Comments
A. Source Adequacy 0400-45-01-.02, .05, .16, .17(13) and .34(3)	(3-5)	0	NA
B. Intake 0400-45-01-.05, .17	(2)	0	NA
C. Wellhead/Springbox Construction 0400-45-01-.05(12), .16 and .17(3) and (16)	(2)	0	NA
D. Source Protection Plans 0400-45-01-.34	(1-2)	0	NA
	Deficiency Subtotal	0	

4. Treatment (153)

ATTACHMENT A-4

<u>Requirement</u>	<u>Points Range</u>	<u>Deduction</u>	<u>Comments</u>
A. Aerator 0400-45-01-.05, .17	(2)	0	NA
B. Chemicals/Chemical Feeders 0400-45-01-.05(8), and .17, .36	(2)	0	NA
C. Mixing 0400-45-01-.02, .05, .17	(2)	0	NA
D. Flocculation 0400-45-01-.02, .05, .17	(2)	0	NA
E. Sedimentation 0400-45-01-.02, .05, .17	(2)	0	NA
F. Filtration/Alternative Technology 0400-45-01-.17(12) and (27)	(2-30)	0	NA
G. Re-wash/Filter-to-waste 0400-45-01-.17 (35)	(2)	0	NA
H. Turbidimeters/Calibration 0400-45-01-.05 (11).17, .31, .39	(2-4)	0	NA
I. Disinfection 0400-45-01-.02, .17, .31, .36	(2-30)	0	NA
J. Disinfection Contact Time 0400-45-01-.02, .17, .31	(2-4)	0	NA
K. Master Meter 0400-45-01-.17 (2) and (3)	(1-2)	0	ok
L. Maintenance of Equipment, Buildings and Grounds 0400-45-01-.02, .17(3), (17) and (19)	(1)	0	NA
M. Laboratory Facilities 0400-45-01-.02, .14, .17(3)	(1-3)	0	NA
N. Safety 0400-45-01-.02	(2)	0	NA
O. Sludge Handling/Backwash Handling 0400-45-1-.05	(2)	0	NA
P. Sanitary Conditions 0400-45-01-.17 (17)	(2)	0	NA
Q. Fluoridation Techniques 0400-45-01-.06, .12, .17	(2)	0	NA
R. Design Capacity 0400-45-01-.05 (10)	(2-4)	0	NA
S. Filter Backwash Recycling 0400-45-01-.31 (9)	(1)	0	NA
	Deficiency Subtotal	0	

5. Monitoring, Data Verification and Compliance (175)

ATTACHMENT A-4

Requirement	Points Range	Deduction	Comments
A. Laboratory-Process Monitoring (excluding Turbidity and Chlorine Residual) 0400-45-01-.17(3)	(5)	0	NA
B. Bacteriological Monitoring	(2-6)	0	ok
C. Bacteriological Compliance 0400-45-01-.06	(4-7)	0	ok
D. Turbidity Monitoring	(2-3)	0	NA
E. Turbidity Compliance	(4-7)	0	NA
F. Chlorine Residual Monitoring 0400-45-01-.17, .31, .36	(2-3)	0	ok
G. Primary Chemicals Monitoring	(2-3)	0	NA
H. Primary Chemicals Compliance	(4)	0	NA
I. Lead and Copper Monitoring 0400-45-01-.33	(2-3)	0	ok
J. Lead and Copper Action Level 0400-45-01-.33	(3-5)	0	ok
K. Disinfection/Disinfection By-Products and Precursors Monitoring 0400-45-01-.36, .37, .38	(2-3)	0	ok
L. Disinfection/Disinfection By-Products and Precursors Compliance 0400-45-01-.06, .36	(2-30)	0	ok
M. Secondary Chemicals 0400-45-01-.12	(2)	0	NA
N. Secondary Chemicals Compliance 0400-45-01-.12	(3)	0	NA
O. Cryptosporidium Monitoring 0400-45-01-.39	(0)	Narrative	NA
	Deficiency Subtotal	0	

6. Finished Water Storage (25)

Requirement	Points Range	Deduction	Comments
A. Adequate Storage 0400-45-01-.17 (14)	(2-4)	0	NA
B. Inspection and Maintenance of Reservoirs, Tanks and Clearwell 0400-45-01-.17 (16), (17), (33) and (34)	(1-10)	0	NA
	Deficiency Subtotal	0	

7. Pumps, Pump Facilities and Controls (18)

ATTACHMENT A-4

Requirement	Points Range	Deduction	Comments
A. Pump Facilities 0400-45-01-.17 (9) and (13)	(1-4)	0	NA
B. Maintenance of Pumping Equipment 0400-45-01-.17(13)	(1-3)	0	NA
	Deficiency Subtotal	0	

8. Distribution System and Cross Connection Controls (86)

Requirement	Points Range	Deduction	Comments
A. Notification, Inspection, Disinfection and Sample Collection of New or Existing Facilities 0400-45-01-.17 (8) and (19)	(3-5)	0	ok
B. Flushing Program/Blow Offs 0400-45-01-.17(10) and (23)	(3-4)	0	ok
C. Fire Hydrants 0400-45-01-.17 (18)	(0)	Narrative	ok
D. Adequate Pressure 0400-45-01-.17 (9)	(5)	0	ok
E. Map of Distribution System 0400-45-01-.17 (15)	(3)	3	No current distribution map
F. Approved Cross Connection Policy or Ordinance and Plan 0400-45-01-.17 (6)	(4)	0	ok
G. Working Cross Connection Program 0400-45-01-.17(6)	(3-9)	0	ok
H. Unaccounted Water Loss	(0)	Narrative	No info
	Deficiency Subtotal	3	


Total Deficiency Points: 3

Points Available: 421

Overall Rating: 99

Points Available421 - Consecutive Systems/Distribution Only
488 - Treatment Systems/Wholesalers
599 - Both Treatment and Distribution

Inspector: vpd



Additional Comments/Explanations:

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Minimum Filing Requirements Letter, Attachment A
August 28, 2019

ATTACHMENT A-5

14. Is the 49.94% calculated for “lost and unaccounted for water” on Company Schedule E-1.05 the result of excluding “water only” customer sales from the analysis? Did the Company experience any “lost and unaccounted for water” due to leakage in the system?

RESPONSE:

The lost and unaccounted-for water volumes are calculated by taking the rolling 12 months to date water purchases from the City of Savannah and subtracting the rolling 12 months to date recorded sales volumes for the same time period. The 49.94% amount represents the average of the monthly lost and unaccounted for water volumes from the 12 months ended November 2004 through the 12 months ended December 2005.

There are a number of possible reasons for lost and unaccounted-for volumes including leakage, theft, and inaccurate meters. However, the exact cause of the unaccounted-for volumes is unknown.

Minimum Filing Requirements Letter, Attachment A
August 28, 2019

ATTACHMENT A-6

January 5, 2018

Aqua Utilities Co., Inc
Karen Godwin, Contact
408 Main St
Savannah, TN 38372

Re: 1st Notice – Dissolution of Lead and Copper Monitoring Consolidations

PWSID: TN0000948
COUNTY: HARDIN

Dear Ms. Godwin:

The Division of Water Resources is dissolving all consolidation agreements for Lead and Copper monitoring effective February 1, 2018.

This document releases each water system involved in the previous consolidated sampling arrangement, therefore each system involved is now independently responsible for Lead and Copper sampling at consumer taps within your distribution system. Please familiarize yourself and your team with the Lead and Copper Rule §0400-45-01-.33.

The Aqua Utilities Co., Inc is required to keep a Master Sampling Site List containing at least 20 approved sampling site locations. **This list is due to the Nashville Central Office by June 1, 2018.** Please make a good faith effort to identify as many Tier 1 qualified sites as possible. For more information, see the unofficial Tiering Guide included with this letter or contact the Jackson Environmental Field Office at (731) 512 - 1300.

Once the Central Office approves the Lead and Copper Master Sampling Site List, the list must be kept on record at your facility and in the Nashville Central Office indefinitely or until updated. Site ID numbers are never to be changed or reused.

The Aqua Utilities Co., Inc is scheduled to sample **10 sites during June 1 – September 30, 2020.** This quantity is based on estimated population served of 968 calculated during your latest Sanitary Survey. Please arrange for sample analysis with an approved laboratory before this date. The Jackson Environmental Field Office has a current copy of the Division approved laboratories. We advise directly contacting the laboratories to verify specific services and testing methods offered.

In an effort to reduce labor and produce more consistent, complete information, the Division has several resources to aid the Aqua Utilities Co., Inc with deconsolidation efforts. Resources within this letter include the aforementioned unofficial Tiering Guide, Lead and Copper Approved Laboratory List, and Participant Plumbing Survey.

Resources currently available upon request include:

- **Excel Spreadsheet formatted for Master Sampling Site List Data** – digitized version optional; all of the following information must be included for approval of the Lead and Copper Master Sampling Site List:
 - Year of Plumbing Installation
 - Type of Plumbing Materials
 - Permanent Site ID
 - Lead Service Line Presence
 - Residency Type
 - Valid E911 Address
- **Participant Invitation Letter** – Optional, mailer encourages public participation, please edit to suit your needs
- **Examples of documents** that will be required after sampling is completed:
 - **Participant Notification** – 30 days to distribute to consumers after analytical results received. 10 days to submit to Nashville Central Office once distribution is complete.
 - **Certificate of Distribution** – 10 days to submit to Nashville Central Office after delivery of Participant Notifications have been distributed.
 - **Participant Notification for Single Site Action Level Exceedance** – 72 hours to distribute to consumers after a water system learns of exceedance, 10 days to submit to Nashville Central Office once distribution of notification is complete.

The Division appreciates your prompt attention and co-operation in this matter. As always, our staff is available to assist you with any questions. If you would like any of the above resources or have additional questions, please contact Sophia Britt in the Nashville Central Office at (615) 532-0649 or the Jackson Environmental Field Office at (731) 512 - 1300.

Sincerely,



Sophia Britt



Division of Water Resources
Tennessee Tower, 11th Floor
312 Rosa L. Parks Ave., Nashville, TN 37243
p. 615-532-0649
sophia.britt@tn.gov

**State of Tennessee
Laboratories Approved for Drinking Water Analyses**

Section 0400-45-01-.14 of the Regulations states that for the purpose of determining compliance with the regulations regarding maximum contaminant levels, samples may be considered only if they have been analyzed by a laboratory certified by the Department.

The Department has given approval for the following laboratories to provide the analyses of Lead and Copper.

Any questions concerning this list should be directed to the laboratory certification program at (615) 532-0191.

TEC Environmental Laboratories, Inc.
Lab ID#: 02046

Telephone: 731-423-5330
Email: billie.haynes@tecenvirolabs.com

Contact: Ms. Billie Haynes
2269 Dr. F.E. Wright Dr
Jackson, TN 38305

ESC (Environmental Lab Sciences)
Lab ID#: 02006

Telephone: 615-758-5858
Email: SPfalmer@esclabsciences.com

Contact: Shari Pfalmer / Steve Miller
12065 Lebanon Rd
Mount Juliet, TN 37122-2605

Microbac Laboratories, Inc.
Lab ID#: 02017

Telephone: 865-977-1200
Email: leanne.lee@microbac.com

Contact: LeAnne Lee
505 East Broadway Ave
Maryville, TN 37804

Waypoint Analytical, Inc.
Lab ID#: 02027

Telephone: 901-213-2400
Email: RMedina@WaypointAnalytical.com

Contact: Dr. Richard Medina
2790 Whitten Rd
Memphis, TN 38133

Site Tiers Quick Reference Sheet

Tier 1 = Highest risk; Non-Tier = Lowest risk

Tier 1: Systems are encouraged to identify as many Tier 1 sites as possible.

For community water systems: Single Family > 1982, Single family (or multiple-family when $\geq 20\%$ of connections served) residence containing copper pipe and lead solder installed after 1982 or lead pipes or are served by a lead service line.

For NTNC: Buildings containing copper pipe and lead solder installed after 1982 or lead pipe or are served by a lead service line.

Tier 2:

For community water systems: Buildings > 1982: Buildings (including multi-family residences when representing $\leq 20\%$ of connections served) containing copper pipe and lead solder installed after 1982 or lead pipe or served by a lead service line.

For NTNC: Buildings containing copper pipe and lead solder installed before 1983.

Tier 3:

For community water systems: Single Family < 1983: Single family residence containing copper pipe and lead solder installed before 1983.

Non-Tier (aka Tier 4):

Site does not satisfy any of the tier levels, includes: Multi-family residences older than 1983, structures built with PVC, Galvanized Steel or PEX line from the service line into the home

NEVER REUSE SITE #S. Any time a location is removed from the sampling pool, always issue a new site # to the replacement location. Site numbers do not need to be in any particular order.

When selecting sites for reduced sampling please consider the following: high risk (choose as many Tier 1 sites as possible), location within distribution system (ideally spread evenly), geographic location, population density

This is not an official document. Please see Rule §0400-45-01-.33(7)

http://tn.gov/assets/entities/environment/attachments/wr_wq_dw_lead-and-copper-sample-site-selection-primer.pdf

Lead and Copper Participant Survey

Thank you for your interest in participating with lead and copper monitoring. To maintain complete records and estimate your home's risk factor, we ask that you complete this survey.

Customer Name: _____

Phone Number: (_____) _____

Physical address: _____
Street Number and Street Name

Mailing Address: _____
Street City, State Zip

Year of plumbing: _____
Often same as the year the home was built; if unknown, write: UNKNOWN

Is a permanent water filter installed in your home? ☐ Yes ☐ No

Is a water softener installed in your home? ☐ Yes ☐ No

What type of plumbing material is used within the home? Plumbing material can be verified by inspecting the lines from the water meter, leading into your water heater, and connecting to faucets.

Check all that apply:

- ☐ Lead (dull, dark gray, similar to pencil lead. Easily scratched with hard object, shiny when scratched)
- ☐ Copper (copper color, green tarnish)
- ☐ Galvanized Iron/Steel (Black, some reddish-brown rust, hard to scratch)
- ☐ Plastic

After the free test kit is delivered, it is important that the sample be collected first thing in the morning **before any other water is run**. The ideal amount of time for water to have settled within the pipes is 8-18 hours. This allows for analyzing what is happening to the water and plumbing materials after the water was inactive overnight in the lines.

Improper sample collection will invalidate the result.

By signing below, I agree to the terms of sample collection and participation.

Name

Date

We greatly appreciate your participation in this survey,
 Aqua Utilities Co., Inc

Please contact us at (_____) _____ with any questions.

Minimum Filing Requirements Letter, Attachment A
August 28, 2019

ATTACHMENT A-7

Dear Mr. Culver:

The Division of Water Resources appreciates your commitment and hard work to deliver safe drinking water.

As you may be aware, the Lead and Copper Rule (LCR) requires all drinking water systems to maintain a master sampling site list EPA 40 CFR §141.86 and TN Public Water Systems Reg. 0400-45-01-33(7). Please read this rule carefully as it outlines the methods approved for finding, selecting, and reporting lead and copper sampling sites.

According to the latest sanitary survey, Aqua Utilities Co, Inc serves an estimated population of 993 and is required to maintain a LCR Master Sampling Site List containing at least 20 Tier 1 sampling sites.

Each sampling site must include detailed plumbing information for determining lead exposure risk including: year of plumbing, plumbing materials, residency type, presence of lead service line, etc. Sites with point-of-use or point-of-entry filter(s) cannot be included. Attached are documents to aid with identifying and submitting this information.

The LCR Master Sampling Site List is to be submitted in an electronic format by September 30, 2019. Digital files are to be sent to sophia.britt@tn.gov, copies of this list must also be kept at your facility and will be reviewed in future sanitary surveys.

Should you have any questions, please feel free to the Jackson Field Office at (731) 512 – 1300, or you may contact Sophia Britt in the Nashville Central Office at (615) 532–0649 or via email at sophia.britt@tn.gov.

Kindly,



Sophia Britt | Drinking Water Compliance
Division of Water Resources
Tennessee Tower, 11th Floor
312 Rosa L. Parks Ave., Nashville, TN 37243
sophia.britt@tn.gov

Tell us how we're doing! Please take 5-10 minutes to complete [this customer satisfaction survey](#).

 Please consider the environment before printing this email message.

Dear Ms. Godwin:

The Division of Water Resources appreciates your commitment and hard work to deliver safe drinking water.

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Kindly,



Sophia Britt | Drinking Water Compliance
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♻️ Please consider the environment before printing this email message.

Minimum Filing Requirements Letter, Attachment A
August 28, 2019

ATTACHMENT A-8

64. Please provide a detailed cost study based upon current rates to support the various tap charges included in the proposed tariff, TRA#1, Sheet 1.

RESPONSE:

See attached.

STOREY UTILITY CONTRACTORS, INC.
295 CALVARY LANE
SAVANNAH, TN 38372
PHONE (731) 925-2700 FAX (731) 925-9355
MOBILE PHONE (731) 607-1504

Aqua Utilities Company, Inc.
Attention: Kerry Williams
408 Main Street
Savannah, TN 38372

December 6, 2005

Re: estimated installation fees

Dear Kerry,

In response to your inquiry as to my expected fees for installation of water lines / water taps and sewer taps, I have listed below the charges for these.

¾ inch water line - \$475.00

1 inch water line - \$525.00

1 ½ inch water line - \$750.00

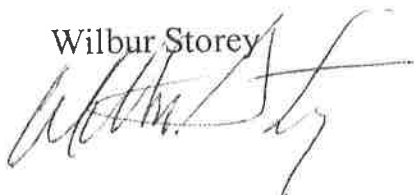
2 inch water line - \$1,500.00

Sewer taps - \$450.00

Road bore - \$450.00

If I can be of any additional assistance, please let me know.

Wilbur Storey

A handwritten signature in dark ink, appearing to read 'Wilbur Storey', is written over a light blue horizontal line.