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VIA ELECTRONIC FILING

Hon. Herbert H. Hilliard, Chairman
Ectory Lawless, Docket Manager
Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, TN 37243
TPUC.DocketRoom@tn.gov

RE: *Petition of Aqua Green Utility, Inc. to Amend its Certificate of Convenience and Necessity to Expand Its Service Area to Include a Portion of Sevier County Known as Thunder Mountain, TPUC Docket No. 22-00028*

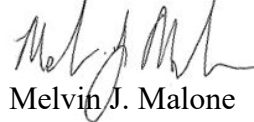
Dear Chairman Hilliard:

Attached for filing please find the *Response of Sapp Investments, LLC Opposing Aqua Green Utility, Inc.'s Amended Petition to Terminate CCN for Thunder Mountain*, as well as the *Pre-Filed Direct Testimony of Logan Sapp* and the *Pre-Filed Direct Testimony of Jason Sapp* in the above-captioned matter.

As required, copies will be mailed to your office. Should you have any questions concerning this filing or require additional information, please do not hesitate to contact me.

Very truly yours,

BUTLER SNOW LLP



Melvin J. Malone

clw

Attachments

cc: Charles B. Welch, Jr., Phelps Dunbar LLP

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

**PETITION OF AQUA GREEN UTILITY,)
INC. TO AMEND ITS CERTIFICATE OF)
CONVENIENCE AND NECESSITY TO)
EXPAND ITS SERVICE AREA TO)
INCLUDE A PORTION OF SEVIER)
COUNTY IN TENNESSEE KNOWN AS)
THUNDER MOUNTAIN LOCATED ON)
LITTLE COVE ROAD NEAR THE)
INTERSECTION OF THUNDER)
MOUNTAIN ROAD)**

DOCKET NO. 22-00028

**RESPONSE OF SAPP INVESTMENTS, LLC OPPOSING AQUA GREEN UTILITY,
INC.'S AMENDED PETITION TO TERMINATE CCN FOR THUNDER MOUNTAIN**

Pursuant to the Tennessee Public Utility Commission's ("TPUC" or "Commission") *Order on June 23, 2026, Status Conference and Establishing Deadline for Amended Petition*, Aqua Green Utility, Inc. ("Aqua Green") submitted its Amended Petition to Terminate CCN of Aqua Green Utility, Inc. for Thunder Mountain ("Amended Petition") on July 31, 2026. On July 10, 2026, the Commission granted Sapp Investments, LLC's ("Sapp Investments") intervention. Sapp Investments, by and through its counsel, hereby respectfully responds to Aqua Green's Amended Petition and, for the reasons set forth below, including the public interest, requests that the Commission deny the Amended Petition.

I.

PROCEDURAL HISTORY

On April 11, 2022, Aqua Green filed its *Petition of Aqua Green Utility, Inc. to Amend its Certificate of Convenience and Necessity* to include a portion of Sevier County known as Thunder

Mountain, located on Little Cove Road.¹ On June 18, 2022, Aqua Green submitted an amendment to the Petition. On August 25, 2022, Aqua Green filed a further amendment to the Petition. The Commission issued its *Order Approving Petition to Amend Certificate of Convenience and Necessity* on October 12, 2022, which memorialized the September 12, 2022, deliberations.² On March 20, 2026, Aqua Green submitted a letter to the Commission stating its desire to remove the Thunder Mountain Subdivision from its Certificate of Convenience and Necessity (“CCN”).³ On May 7, 2026, counsel for Sapp Investments submitted a Notice of Appearance advising the Commission that, among other things, Sapp Investments continues to desire for Aqua Green to provide wastewater services to the Thunder Mountain Subdivision. On July 10, 2026, the Commission granted Sapp Investments LLC’s (“Sapp Investments”) intervention.

II.

DISCUSSION AND ARGUMENT

A. Aqua Green’s Allegations of Unwarranted Delay Are Without Merit

In its Amended Petition, Aqua Green has represented to the Commission that in the almost four (4) years since the issuance of the *CCN Order* “[n]othing of significance has happened ... to proceed with the development[.]”⁴ On the other hand, Aqua Green provided steady progress updates to the Commission on April 21, 2023 (docketed April 23, 2023), May 20, 2023, September 5, 2023 (docketed Sept. 4, 2023), January 6, 2024, April 13, 2024, June 15, 2024, September 25, 2024, September 27, 2025, December 7, 2025, and January 16, 2026 (docketed Jan. 17, 2026).⁵

¹ *Petition of Aqua Green Utility, Inc. to Amend Us Certificate of Convenience and Necessity*, TPUC Docket No. 22-00028 (April 11, 2022) (Petition).

² *Order Approving Petition to Amend Certificate of Convenience and Necessity*, TPUC Docket No. 22-00028 (October 12, 2022) (hereinafter “*CCN Order*”).

³ *Aqua Green Utility, Inc.’s March 20, 2026, Letter*, TPUC Docket No. 22-00028 (Mar. 20, 2026).

⁴ *Amended Petition*, p. 3 ¶ 3.

⁵ Each of these updates by Aqua Green are contained in TPUC Docket No. 22-00028.

Not a single one of these Aqua Green updates – from April 2023 through January 2026 – suggested a problem with either the development or the developer, Sapp Investments. Moreover, in its May 20, 2023, update to the Commission, Aqua Green noted that “[t]he sewer plant has not yet begun construction.”⁶ Aqua Green commented in this same update that “There were some wetlands that had to be remediated[.]”⁷ On April 13, 2024, Aqua Green informed the Commission that “[c]onstruction of this system has begun.”⁸ So, while Aqua Green alleges that there has been an unreasonable nearly four (4) year delay since the approval of the CCN, according to Aqua Green construction on the wastewater system was not commenced until April 2024. Further, the Sevier County Planning & Zoning Department’s (“County”) Notice to Proceed was not issued until July 17, 2024, and is attached as **Sapp Investments Response Exhibit 3**. As evidenced by Sapp Investments Exhibits 1, 2, and 3, coupled with Aqua Green’s afore-referenced updates to the Commission, there was much work to be done, and being done, subsequent to the approval of the CCN in 2022, including the acceptance of the Final Plat in June 2026.⁹

There remained much work to be done in 2025 as well. For example, on October 27, 2025, Aqua Green informed TDEC that the system’s Phase 3 and 4 trickling filters would potentially need to be relocated; however, to Sapp Investment’s knowledge, Aqua Green still had not prepared or submitted a revised system layout to TDEC for review and regulatory approval, notwithstanding TDEC’s subsequent request for such information. Additionally, Aqua Green did not notify the

⁶ *Aqua Green’s May 20, 2023, Filing*, Response to No. 1(a), TPUC Docket No. 22-00028 (May 20, 2023).

⁷ *Id.* at Response 1(d). The Department of the Army Permit pertaining to the wetlands was issued to Sapp Investments on March 28, 2023, which is attached hereto as **Sapp Investments Response Exhibit 1**. The Tennessee Department of Environment and Conservation, Division of Water Resources (“TDEC”) issued its approval for Sapp Investments unavoidable impact to Waters of Tennessee on January 9, 2023, which is attached as **Sapp Investments Response Exhibit 2**. *See also, Aqua Green’s May 20, 2023, Filing (Letter to Chairman Hill)*, p. 2, TPUC Docket No. 22-00028 (May 20, 2023) (“There were some wetlands that had to be remediated which I understand caused delays[.]”).

⁸ *Aqua Green’s April 13, 2024, Filing*, TPUC Docket No. 22-00028 (April 13, 2024).

⁹ *June 22, 2026, Letter from the Sevier County Planning & Zoning Department*, TPUC Docket No. 22-00028 (June 23, 2026).

Commission until December 2025 that the wastewater system was “complete” and had been tested.¹⁰ Easements were recorded in 2025 too.¹¹ Even still, as of September 4, 2025, “no inspection reports” had been submitted to the County.¹²

Aqua Green issued Sapp Investments a “will serve” letter for Phase 2 on January 10, 2023, and another “will serve” letter for the 6-bedroom cabin on August 24, 2023,¹³ and notified the Commission that the system was “complete” in December 2025. As of the date of this filing, the County has not certified the system as “complete.”¹⁴ With a development project like this one, there are likely to be some unanticipated timing issues and even some hurdles. Notwithstanding the foregoing, and as outlined and demonstrated above, there were material steps that needed to be undertaken and accomplished subsequent to the CCN approval and prior to actual construction of the cabins in Phases 1 and 2. Any representation that “nothing significant” has happened with respect to the CCN and the development is unfortunate and likely attributable to either misunderstandings, miscommunications, or understandable frustrations.¹⁵ Aqua Green’s allegation in the Amended Petition that nothing of significance has happened since the approval

¹⁰ *Aqua Green’s December 7, 2025, Filing*, TPUC Docket No. 22-00028 (Dec. 7, 2025). *See also, e.g., Aqua Green’s January 16, 2026, Filing*, TPUC Docket No. 22-00028 (Jan. 17, 2026) (Mr. Kendall: “Plats have been stabilized and we have filed our easements with the county registrar.”). The Permanent Utility Easement and the Non-Exclusive Grant of Easement were executed on April 25, 2025, both attached hereto as **Sapp Investments Collective Response Exhibit 11**. It should be noted that the easements were executed *before* the November 17, 2025, cure letter from Aqua Green.

¹¹ *Aqua Green’s January 16, 2026, Filing*, TPUC Docket No. 22-00028 (Jan. 17, 2026) (Mr. Kendall: “Plats have been stabilized and we have filed our easements with the county registrar.”).

¹² *September 4, 2025, Letter from the Sevier County Planning & Zoning Department* attached as **Sapp Investments Exhibit 5**.

¹³ *See Sapp Investments Collective Response Exhibit 13*.

¹⁴ *See infra* n. 24.

¹⁵ While Mr. Kendall states in his Pre-filed Direct Testimony that Sapp Investments “failed to convey” the easements, he in fact expressly informed the Commission in January 2026 that the necessary easements have been obtained. *See Pre-Filed Direct Testimony of Aqua Green Witness Dart Kendall* at 2, TPUC Docket No. 22-00028 (July 31, 2026) (hereinafter “*Kendall Direct*”). *See also infra* n. 10.

of the CCN and that its request to abandon the CCN should be granted due to unwarranted delay are without sufficient context and without merit.

B. Aqua Green's Allegations of Failure to Perform are Not Sustainable

Aqua Green attached a contract between Aqua Green and Sapp Investments as Exhibit 1 to the Amended Petition. This contract provides that Sapp Investments agreed to transfer ownership of all land for drip disposal fields and for all wastewater facilities. Notably, this same contract also contains the provision that the transfer of all land for drip disposal and for all wastewater facilities should occur “*before the Work begins*”¹⁶ (emphasis added). Work began on the system sometime in April 2024.¹⁷ Although the contract anticipated that the work on the system would not begin until the land transfer, Aqua Green, and/or its affiliate, Advanced Septic, Inc.,¹⁸ moved forward with the work and accepted payment for the work performed. Having voluntarily moved forward with the work before the land transfer, Aqua Green should not be permitted to now refer to a contract provision that it previously deemed not material as the basis to abandon its obligations. In sum, Aqua Green has voluntarily relinquished its ability to characterize the lack of the land transfer as a failure to perform.¹⁹ Like the plaintiff in *Harlan*, Aqua Green began the work with full knowledge that the timing provision had not been satisfied. Accordingly, while Aqua Green has not waived its right to receive the land, it has knowingly waived the timing element of the land transfer provision and any right to abandon the contract. Aqua Green’s claim of a breach

¹⁶ *Amended Petition*, Exhibit 1, page 4, ¶ 3.

¹⁷ *Aqua Green April 13, 2024, Filing*, TPUC Docket No. 22-00028 (April 13, 2024).

¹⁸ Aqua Green is owned by Dart Kendall (50%) and Becky Kendall (50%). *See Petition to Amend Certificate of Convenience and Necessity*, TPUC Docket No. 22-00028 (April 8, 2022). Dart Kendall and Becky Kendall both own 50% each of Advanced Septic, Inc. *Id.*

¹⁹ *See, e.g., Tenn. Asphalt Co. v. Purcell Enter., Inc.*, 631 S.W.2d 439, 444 (Tenn. Ct. App. 1982) (Waiver occurs when a party performs a “voluntary relinquishment of a known right, established by express declarations or acts manifesting an intent not to claim the right.”); and *Harlan v. Hardaway*, 796 S.W.2d 953, 959 (Tenn. Ct. App. 1990) (If a timing clause is deemed to have been waived, that covenant may not be used as a basis to repudiate the contract.)

may be viewed differently if Sapp Investments is not in a legal position to transfer land that it does not own or is refusing to transfer the land. Neither is the case here.²⁰

Further, Tennessee law distinguishes between material and non-material breaches of contract to determine the remedy available to the injured party. *Tennessee Homes v. Welch*, 664 S.W.3d 1, 8 (Tenn. Ct. App. 2022). For a breach to be sufficient to allow the injured party to repudiate the contract, the breach must be material. *M & M Elec. Contractor, Inc. v. Cumberland Elec. Membership Corp.*, 529 S.W.3d 413, 423 (Tenn. Ct. App. 2016) (quoting *DePasquale v. Chamberlain*, 282, S.W.3d 47, 53 (Tenn. Ct. App. 2008)). If the provision regarding the land transfer was material, it follows that Aqua Green would not have begun or substantially completed the work absent the land transfer. In its March 20, 2026, letter to the Commission, Aqua Green stated that “The property was to be deeded to the utility before any sewage could be accepted to the plant.”²¹ First, the failure to perform allegation is not based on this letter but rather on the terms of the contract. Second, the plant has neither been certified by the County nor approved by TDEC. Therefore, Sapp Investments can still transfer the land before the plant is in operation.²²

Aqua Green is aware that the County had communicated that it would not sign off on the land transfer until certain other items were resolved or completed, such as an as-built survey,²³ the periodic inspection reports on the construction of the system, and information regarding the system installed drip lines. On December 18, 2025, the County requested additional information regarding

²⁰ See *Pre-filed Direct Testimony of Jason Sapp*, 5, TPUC Docket No. 22-00028 (Aug. 31, 2026).

²¹ *Aqua Green’s March 20, 2026, Filing*, TPUC Docket No. 22-00028 (Mar. 20, 2026).

²² Sapp Investments is not asking the Commission to formally resolve a breach of contract claim. Sapp Investments is merely demonstrating here – in full context - that it would be unconscionable to approve Aqua Green’s attempt to abandon the public interest.

²³ See *Aqua Green’s May 20, 2023, Filing (Letter to Chairman Hill)*, TPUC Docket No. 22-00028 (May 20, 2023) (“As built plans are developed *after* the plant is completed[.]”) (emphasis added).

the inspection reports.²⁴ This communication from the County regarding insufficient inspection reports regarding the work on the system was issued *after* Aqua Green’s November 17, 2025, “cure letter” to Sapp Investments.²⁵ Sapp Investments could not cure the alleged breach because all of the County’s requirements had not been satisfied, and the County would not sign off on the land transfer until the outstanding items were addressed.²⁶ Similarly, on April 10, 2026, well after Aqua Green’s cure date to Sapp Investments, the County noted that “As of today, no drainfields have [been] located in the field.”²⁷

Sapp Investments is not attempting to cast blame here. Rather, Sapp Investments is merely attempting to show that circumstances well beyond its control materially contributed to the reasons the land has not been transferred.²⁸ After Aqua Green communicated its desire to abandon its obligations to Sapp Investments, Sapp Investments determined that it would be futile to transfer the land until a mutually satisfactory resolution could be reached between Sapp Investments and Aqua Green. Otherwise, Sapp Investments would be left to ask that Aqua Green reverse the land transfer in the event that Aqua Green’s efforts to abandon the CCN are successful. When no resolution was reached, in a show of good faith and cooperation, Sapp Investments submitted a

²⁴ December 18, 2025, Letter from the Sevier County Planning & Zoning Department, **Sapp Investments Response Exhibit 4**. See also, e.g., September 4, 2025, Letter from the Sevier County Planning & Zoning Department, **Sapp Investments Response Exhibit 5** (“As of today, no inspection reports have been submitted to this Office as required by the Notice to Proceed, dated 7-17-2024. Please submit the reports as soon as possible.”).

²⁵ Amended Petition, Exhibit 2.

²⁶ See, e.g. Aqua Green’s February 2, 2026, Letter to Angela Jones, Manager, TDEC’s Engineering Services Unit, which is attached as **Sapp Investments Collective Response Exhibit 9** (Mr. Kendall: “[T]he developer is still trying to get plat approval, until that is registered, no quick claim deed can be registered.”).

²⁷ April 10, 2026, Letter from the Sevier County Planning & Zoning Department, **Sapp Investments Response Exhibit 6**.

²⁸ See, e.g., August 28, 2026, Letter from the Sevier County Planning & Zoning Department, **Sapp Investments Response Exhibit 8**.

letter from the County demonstrating that the County was prepared to sign off on and record the land transfer.²⁹

As demonstrated above, Aqua Green's allegation of failure to perform is misplaced and have been waived.

C. *Aqua Green's Reliance on the Outstanding Conditions of the CCN Order Are Misplaced*

As noted by Aqua Green in its Amended Petition, the approval of the CCN was conditional.³⁰ With respect to the conditions, Sapp Investments notes the following:

a. "The registered deed and/or easements for all the land and ownership rights to the wastewater system within fifteen (15) days of being issued and before the first customer is connected to the wastewater system;

The easements that have been executed are attached as Sapp Investments Collective Response Exhibit 11. *See also, infra* n. 15. The land has not yet been transferred but with the County's recent acknowledgement, Sapp Investments stands ready to transfer the land upon learning that Aqua Green will serve the public interest and not abandon its CCN.

b. A final copy of the State Operating Permit issued by the Tennessee Department of Environment and Conservation within fifteen (15) days of issuance;

Aqua Green submitted the SOP to the Commission on June 18, 2022, and again on April 23, 2023. TDEC has inspected the system but further

²⁹ June 22, 2026, *Letter from the Sevier County Planning & Zoning Department*, TPUC Docket No. 22-00028 (June 23, 2026). The contract attached as Exhibit 1 to the Amended Petition also requires Aqua Green to "build a sewage treatment system compatible of meeting [TDEC] requirements and standards." Rather than casting blame for the present circumstances, Sapp Investments wants to cooperate with Aqua Green to serve the Thunder Mountain project and the public interest.

³⁰ *CCN Order* at p. 6.

reviews are necessary after Aqua Green satisfies the outstanding issues identified by TDEC.

c. A copy of the as-built plans with signed certification by Aqua Green Utility, Inc. indicating the wastewater system has been inspected and is approved to begin operation;

To the best of Sapp Investments' knowledge, the wastewater system has not yet been inspected and approved to begin operations.³¹

d. A copy of the signed plat, once the area of development is approved by the City and/or County government within fifteen (15) days of being issued and before the first customer is connected to the wastewater system;

As shown in the County's June 22, 2026, letter, the County is prepared to record the Final Plat.³² Further, the system is not in operation.

e. A copy of any future contracts regarding phases three (3) and four (4) of the wastewater system at Thunder Mountain;

Due to the delay of getting the system approved by the County and TDEC, and the associated impact on Phases 1 and 2, there are currently no contracts for Phases 3 and 4. Nonetheless, Sapp Investments does intend on moving forward with Phases 3 and 4.

f. A copy of any future performance bonds from the developer or builder of the wastewater system made payable to the utility as needed to ensure the construction of phases three (3) and four (4) of the wastewater system. The

³¹ Attached for representative purposes as **Sapp Investments Response Exhibit 15** is a noncertified copy of the as-build plans.

³² See *supra* note 9.

performance bond should be for an amount equal to or greater than any costs of the system as provided in contracts between the builder, developer, and/or utility; and

Due to the delay of getting the system approved by the County and TDEC, and the associated impact on Phases 1 and 2, future performance bonds have not yet been obtained for Phases 3 and 4. Nonetheless, Sapp Investments does intend on moving forward with Phases 3 and 4.

g. The final amount of collection system costs and the cost of the land being transferred to Aqua Green Utility, Inc. no later than fifteen (15) days after the final plat is signed by the utility.”

To the best of Sapp Investments’ knowledge, a final plat has not been signed by Aqua Green. As of this filing, Sapp Investments has paid Aqua Green and/or Advanced Septic, Inc. approximately \$411,709.39.³³ The construction costs for the six-bedroom cabin, which has been paid in full by Sapp Investments, was approximately \$1.8 million dollars. The land that will be transferred to Aqua Green in relation to the wastewater system cost \$111,300.00.

In its Amended Petition, Aqua Green contends that “Almost four years have passed since the Commission issued its *Order Conditionally Approving CCN* in this docket. Sapp Investments, LLC (“Sapp” or “Owner”) has not filed required documentation to satisfy the conditions set forth in the Order Approving CCN for Thunder Mountain.”³⁴ As shown above, these conditions relate to a completed system that meets both the County’s and

³³ Included in this amount are invoices for \$8,452.00 to Sapp Investments from Aqua Green related to the costs of obtaining approval of the CCN and for 8,452.00 related to the costs of obtaining an SOP from TDEC.

³⁴ *Amended Petition*, p. 3.

TDEC's requirements. The allegations that Sapp Investments has disregarded or ignored the conditions of the *CCN Order* are misplaced.

D. Aqua Green's Claim of Unlawful Operation of the Wastewater System is Not Accurate

Surprisingly, Aqua Green alleges that Sapp Investments is operating the wastewater system constructed by Aqua Green, and/or its affiliate, Advanced Septic, Inc.³⁵ Sapp Investments is not operating the system. In its Amended Petition Aqua Green notes that "When Aqua Green visited the wastewater site, the system was connected to the cabin."³⁶ This statement is true, as Aqua Green, and/or its affiliate Advanced Septic, Inc., connected and tested the system.³⁷ At its own costs, Sapp Investments has contracted with Smokey Mountain Septic (TDEC Permit No. 959), a state-permitted vendor to pump and haul wastewater away from the six bedroom cabin for proper disposal offsite. This is necessary because the system is not operating. In fact, as Sapp Investments understands it, the system is not operational because neither the County nor TDEC has certified the system.³⁸ Aqua Green's claim that Sapp Investments is operating the wastewater system is simply not accurate.

E. Aqua Green's Assertions Regarding the Scope of the Development Are Misleading

Absent context, Aqua Green's Amended Petition provides a narrative, perhaps unintended, that results in an inaccurate impression that Sapp Investments changed the scope of the development without Aqua Green's knowledge and that the current proposal no longer conforms

³⁵ Amended Petition, pp. 5-6.

³⁶ *Id.* at 5.

³⁷ Aqua Green's December 7, 2025, Filing, TPUC Docket No. 22-00028 (Dec. 7, 2025) ("We have pressure tested the system and set all sensors.").

³⁸ See, e.g., April 10, 2026, Communication from the Sevier County Planning & Zoning Department, **Sapp Investments Response Exhibit 6** (Noting that there were items still under consideration before a Certificate of Completion could be issued).

to the project as approved by the Commission.³⁹ Moreover, Aqua Green contends that since it relied upon the original scope, the “unknown-to-Aqua Green” modified scope provides acceptable and reasonable grounds for it to abandon the CCN.⁴⁰

The original proposal is for Sapp Investments to develop a maximum of 693 bedrooms in four (4) phases, with phase 1 consisting of thirty (30) bedrooms.⁴¹ It is true that Sapp Investments, with Aqua Green’s knowledge, expertise, and cooperation, explored the feasibility of compliantly reducing the maximum of 693 bedrooms to a maximum of 591 bedrooms.⁴² This was not, however, a clandestine undertaking by Sapp Investments. There is nothing alarming expressed by Aqua Green in the letter from Aqua Green to Mr. Temple indicating that the mere exploration of a slightly modified concept was either unknown to Mr. Kendall or undertaken surreptitiously by Sapp Investments.⁴³ In fact, this exhibit clearly demonstrates quite the opposite –both knowledge and cooperation. Moreover, in cooperation with Aqua Green, the potential modification from a maximum of 693 bedrooms to 591 bedrooms was disclosed to the County and would have to also be submitted to TDEC for review and approval as a revision to Aqua Green’s previously approved plan documents.⁴⁴ If Aqua Green and Sapp Investments learned at any time that the explored modifications were not feasible to the Commission, to TDEC, or for other relevant reasons, Sapp Investments was always and remains committed to continue with the maximum build of 693 bedrooms.

³⁹ *Amended Petition* at 6.

⁴⁰ *Id.* See also, *id.* at 8-9.

⁴¹ *CCN Order* at 2.

⁴² See **Sapp Investments Collective Response Exhibit 7**, which is a letter to Mr. Temple from Mr. Kendall (with inspection reports attached) that acknowledged the exploration of moving from a maximum of 693 to a maximum of 591.

⁴³ See, e.g., *id.*

⁴⁴ See, e.g., **Sapp Investments Response Exhibit 6** (Noting the potential change in plant capacity revised from 693 bedrooms to 591 bedrooms.).

Further, attached as **Sapp Investments Response Exhibit 10** is a draft contract from Aqua Green to Sapp Investments and a then-potential new owner, Next Gen Properties LLC, regarding the exploration of a new owner being a part of the development that would connect to and be served by Aqua Green's wastewater system. Though never executed, this draft agreement certainly evidences that Aqua Green was very much aware of, and involved in, the evaluation of the feasibility of potentially bringing new owners into the development. Among other things, this draft contract contains the following provision on page 1:

The Utility will apply to the Tennessee Public Utility Commission (TPUC) to add the Additional Owner development to its necessity and convenience permit for the Thunder Mountain Project. This will include posting the necessary financial surety for permanent operation with the TPUC.

Page 2 of this draft contract provides:

New service may be refused if [Aqua Green Utility] determines the new service is or will cause a violation of the Tennessee Department of Environment and Conservation SOP permit. (emphasis omitted)⁴⁵

So, contrary to the incomplete narrative set forth in the Amended Petition, it is abundantly clear that not only was Mr. Kendall aware of and involved in the consideration of a potential change in scope but both Sapp Investments and Mr. Kendall anticipated that any changes that required further Commission and TDEC review and approval would in fact be timely and appropriately submitted to the Commission and TDEC. Aqua Green's narrative that it was not aware of the exploration of potential changes in the scope of the project, including the consideration of potential new owners in the project, is simply not accurate. Currently, Sapp Investments is the sole owner of the development project and no other new owners are involved.

⁴⁵ **Sapp Investments Response Exhibit 10** at 2.

It is noteworthy that TDEC has apparently not approved the wastewater system constructed by Aqua Green.⁴⁶ Of equal note here is Mr. Kendall's apparent frustrations with TDEC as clearly expressed in his February 2, 2026, letter to TDEC. Based on the tone of the letter, it may be that Mr. Kendall's frustrations with TDEC, and not any action or inaction by Sapp Investments, is the underlying reason for his attempt to abandon the public interest. While the Amended Petition complains of the lack of an approved plat,⁴⁷ Mr. Kendall expressly declared in this letter to TDEC that "This makes it [sic] very difficult for a developer to get plat approval now. It has not been unusual for us to complete a plant *before* final plat approval." (emphasis added).⁴⁸

Finally, there is nothing noted by Aqua Green either in its November 17, 2025, cure letter, its March 9, 2026, alleged breach letter, or its March 20, 2026, letter outlining its desire to abandon the CCN claiming that the exploration and evaluation of a potential change in project scope was of concern or disturbing to Aqua Green. As outlined above, Aqua Green's assertions regarding the changed scope of the development are misleading and do not provide credible grounds for abandoning the CCN.

F. Allowing Aqua Green to Abandon its CCN Does Not Serve the Public Interest

In his sworn testimony before the Commission, Mr. Kendall testified that "I have contacted the public utilities in the area and they have no plans to provide service to this location."⁴⁹ Aqua Green submitted a March 26, 2022, letter to the Commission expressing its commitment to serve

⁴⁶ See, e.g., *Aqua Green's February 2, 2026, Letter to Angela Jones, Manager, TDEC's Engineering Services Unit*, which is attached as **Sapp Investments Response Exhibit 9** (attached to this letter is TDEC's January 21, 2026, letter to Mr. Kendall regarding the Final Construction Inspection).

⁴⁷ *Amended Petition* at 6.

⁴⁸ **Sapp Investments Collective Response Exhibit 9** at 3. See also, *Aqua Green's May 20, 2023, Filing (Letter to Chairman Hill)*, p. 2, TPUC Docket No. 22-00028 (May 20, 2023) ("The county has not yet issued a signed plat. This usually happens *after* the subdivision is built[.]" (emphasis added)).

⁴⁹ *Pre-filed Direct Testimony of Aqua Green Witness Mr. Dart Kendall*, p. 2, Petition of Aqua Green Utility, Inc. to Amend its Certificate of Convenience and Necessity, TPUC Docket No. 22-00028 (Aug. 26, 2022).

the Thunder Mountain project.⁵⁰ Further, Aqua Green issued a January 10, 2023, letter and an August 24, 2023, letter underscoring its commitment to the project.⁵¹

Sapp Investments has the financial resources and plans to build and complete the Thunder Mountain development. Sapp Investments has invested substantial funding in this project, including the acquisition of the land in 2017, which it owns free and clear without any debt. In addition to the land acquisition and the completion of the six-bedroom cabin as a part of Phase 1, Sapp Investments has paid no less than approximately \$411,709.39 to Advanced Septic, Inc. for the construction of the wastewater system, which has not yet been approved by either the County or TDEC. Within this amount is \$8,452.00 for the SOP from TDEC and \$8,452.00 for TPUC approval.⁵² Further, Mr. Kendall requested an increase in the contract price due to rising costs, and Sapp Investments reluctantly agreed to a 10% increase in a show of cooperation and good faith.⁵³ By any standard, it would be unconscionable for Aqua Green and Advanced Septic, Inc., both owned by Mr. Kendall, to be permitted to prematurely walk away from the uncertified wastewater system after having been paid more than twice the original agreed-to contract price of \$202,840.00 for only partially performing its agreed-to scope-of-work.

To allow Mr. Kendall to prematurely walk away would result in Aqua Green and Advanced Septic, Inc. being unjustly enriched. Unjust enrichment is an equitable remedy “founded on the

⁵⁰ *Aqua Green Utility, Inc. March 26, 2026, letter to the Commission*, TPUC Docket No. 22-00028. *See also Pre-filed Direct Testimony of Aqua Green Witness Dart Kendall* at 1:22-23. TPUC Docket No. 22-000228 (Aug. 26, 2022) (Kendall: “I have contacted the public utilities in the area and they have no plans to provide service to this this location.”); Petition at 2 (Kendall: “There is a need for our service since there is no municipal sewage available in this area.”); and Petition, April 6, 2022, Letter From Sevier County Water Department Requested by Aqua Green (“The Sevier County Water Department does not provide wastewater and does not intend to provide Wastewater services at this time or anytime in the future.”).

⁵¹ *See Sapp Investments Collective Response Exhibit 13.*

⁵² *See Sapp Investments Collective Response Exhibit 12.*

⁵³ *Id.*

principle that a party receiving a benefit desired by him, under circumstances rendering it inequitable to retain it without making compensation, must do so.” *Paschall’s, Inc. v. Dozier*, 407 S.W.2d 150, at *54 (Tenn. 1966). The most significant requirement of an unjust enrichment claim is that the benefit to the defendant must be unjust. *Freeman Indus., LLC v. Eastman Chem. Co.*, 172 S.W.3d 512, 525 (Tenn. 2005). Here, it would be fundamentally unjust for Aqua Green and Advanced Septic, Inc. to essentially be paid twice for agreed-to services it has not fully provided, namely, the delivery of “a sewage treatment system compatible of meeting [TDEC] requirements and standards necessary for the disposal of wastewater for the Thunder Mountain Project.”⁵⁴ See *Charles Griggs Bldg. Materials, Inc. v. Wong*, 1989 Tenn. App. LEXIS 271, at *5 (Tenn. Ct. App. Apr. 14, 1989) (“Under no stretch of the imagination could it be said that ... equity demands [a party to a contract] be required to pay twice.”). Unless Aqua Green holds up its end of the bargain, Sapp Investments will have no choice but to recoup its substantial investment. See *Mitch Grissim & Assoc. v. Blue Cross Blue Shield of Tenn.*, 114 S.W.2d3d 531, 537 (Tenn. Ct. App. 2002) (finding that the termination of a contract rendered it unenforceable allowing plaintiff to seek quantum meruit recovery against defendant); see also *Taylor v. Taylor*, 1985 Tenn. App. LEXIS 3221, at *9 (Tenn. Ct. App. Oct. 25, 1985) (holding that “[a] partial performance of an agreement can be the basis of an action for unjust enrichment” if “the plaintiffs have enhanced the position of the defendant”).⁵⁵

It is true that TPUC Rule 1220-04-13-.09(7) contemplates scrutiny in certain circumstances in which a wastewater system is not completed or operational and providing service within three

⁵⁴ *Amended Petition*, Exhibit 1, page 1, ¶ 1.

⁵⁵ Sapp Investments is not asking the Commission to formally resolve a legal claim of unjust enrichment. Rather, Sapp Investments is only demonstrating here – in full context - that it would be unconscionable to approve Aqua Green’s attempt to abandon the public interest.

(3) years from the date of any CCN order. Even if the rule is applicable here, it only creates a “rebuttal presumption.” The unique circumstances presented in this case, and outlined with specificity herein, and in the accompanying pre-filed testimony, warrant against such a rebuttal presumption and in favor of Sapp Investments.

V.

CONCLUSION

Mr. Kendall is clearly frustrated. When people are frustrated, they sometime say things they would not otherwise say and do things they would not otherwise do. Mr. Kendall has complained to TPUC that no plat has been filed, yet he stated to TDEC that this is not unusual. Mr. Kendall has complained to TPUC about the potential scope of development changes, yet he was involved in the consideration of the feasibility of any such changes, as evidenced by the information from the County⁵⁶ and Mr. Kendall’s draft contract. Mr. Kendall has complained to TPUC about delay, but he stated to TDEC that he was aware of the delay caused by wetlands issues. Mr. Kendall complained to TPUC that the project has been stalled for nearly four (4) years, when Aqua Green did not begin construction of the system until nearly two (2) years after the CCN was granted. In its Amended Petition, Acqua Green complains that no as built survey has been filed with the Commission, while in its May 20, 2023, letter to Chairman Hill, Mr. Kendall noted that “[a]s built plans are developed *after* the plant is completed.”⁵⁷ (emphasis added)

Abandoning a CCN is serious, in part because there are no other available options.⁵⁸ This is likely why TDEC denied Aqua Green’s March 20, 2026, request to terminate the SOP for the

⁵⁶ See April 10, 2026, Communication from the Sevier County Planning & Zoning Department, **Sapp Investments Response Exhibit 6** (Noting the potential change in plant capacity revised from 693 bedrooms to 591 bedrooms.).

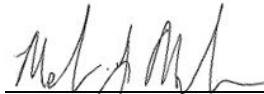
⁵⁷ See *supra* note 20.

⁵⁸ See Sevier County Water Department’s April 6, 2022, Letter (in response to request from Aqua Green), Petition of Aqua Green Utility, Inc. to Amend its Certificate of Convenience and Necessity, TPUC Docket No. 22-00028

Thunder Mountain Subdivision.⁵⁹ Under the circumstances presented, it is premature to permit Aqua Green to walk away from the Thunder Mountain Subdivision it swore under oath to serve.

For the foregoing reasons, and to support the public interest, Sapp Investment respectfully requests that the Commission deny Aqua Green's Amended Petition and perhaps consider the use of the alternative dispute resolution process set forth in Commission Rules Chapter 1220-01-03.

Respectfully submitted,



Melvin Malone (BPR No. 013874)
Butler Snow LLP
Neuhoff Building
1320 Adams Street, Suite 1400
Nashville, TN 37208
Phone: (615) 651-6700
Melvin.Malone@butlersnow.com

Attorneys for Sapp Investments, LLC

(April 11, 2022) ("The Sevier County Water Department does not provide wastewater and does not intend to provide wastewater services at this time or anytime in the future.").

⁵⁹ See TDEC May 22, 2026, Letter to Aqua Green (attached as **Sapp Investments Response Exhibit 14**).

Sapp Investments Response Exhibit 1

Sapp Investments Response Exhibit 1



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
REGULATORY DIVISION
3701 BELL ROAD
NASHVILLE, TENNESSEE 37214

March 28, 2023

SUBJECT: LRN-2021-00918, Sapp Investments, LLC; Proposed Residential Development, Little Cove Creek Watershed; 1441 Little Cove Road, Sevierville, Sevier County, Tennessee.

Sapp Investments, LLC
c/o Jason Sapp
101 West Court Street
Paragould, AR 72450

Dear Mr. Sapp:

Enclosed is a Department of the Army permit for the subject activity. If changes in the location or plans of the proposed work are necessary for any reason, revised plans should be submitted promptly to this office. No deviations should be made in the approved plans without first obtaining approval from this office.

If you have any questions or comments contact Ken M. Jones at the above address, e-mail ken.m.jones@usace.army.mil or phone (865) 333-1488.

Sincerely,

A handwritten signature in black ink, reading "Casey H. Ehorn", is positioned above the typed name.

CASEY EHORN
Deputy Chief, Regulatory Division
Nashville District
U.S. Army Corps of Engineers

Encls

1. Standard Permit Form
2. Water Quality Certification

Electronic Copies Furnished
Tennessee Division of Water Resources (claire.wainwright@tn.gov)

DEPARTMENT OF THE ARMY PERMIT

PERMITTEE: Sapp Investments, LLC
c/o Jason Sapp
101 West Court Street
Paragould, AR 72450

PERMIT NUMBER: LRN-2021-00918

ISSUING OFFICE: Nashville District Corps of Engineers

NOTE: The term you and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer. You are authorized to perform work in accordance with the terms and conditions specified below.

PROJECT DESCRIPTION: The proposed work consists of the permanent discharge of 2,816 cubic yards of fill into 0.987 acres of wetland associated with the proposed Thunderhead Mountain Residential Development in Sevier County, Tennessee as shown in attached Figures 1 through 4.

PROJECT LOCATION: Streams and wetlands adjacent to Cove Creek; HUC 060101070205 – Waldens Creek Watershed; Latitude N. 35.765925 °, Longitude W. - 83.592705 °; 1441 Little Cove Road, Sevierville, Sevier County, Tennessee.

PERMIT CONDITIONS:

1. The time limit for completing the work authorized ends on
28 March 2028 If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you must make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you may obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: See Page 5 "**Special Permit Conditions (File No. LRN-2021-00918)**".

Further Information:

Congressional Authorities. You have been authorized to undertake activity described above pursuant to:

- () Section 10 of the Rivers and Harbors Act of 1899
- (**X**) Section 404 of the Clean Water Act

Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

Sapp Investments Response Exhibit 1

- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. When significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as this specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(Permittee)

3/28/23
(Date)

Sapp Investments Response Exhibit 1

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Joe M. Sahl, LTC, Corps of Engineers
(District Commander)

By: 
Casey H. Ehorn
Deputy Chief, Regulatory Division
Nashville District

28 March 2023

(Date)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(Transferee)

(Date)

Special Permit Conditions (File No. 2021-00918)

Special Condition 1: Permit Drawings: The Permittee must construct the authorized activity in accordance with the attached permit drawings Sheets 1-4 and the plans submitted on October 12, 2021, in the application for "Thunder Mountain Subdivision". Work in waters of the U.S. that deviates from the approved plans must NOT occur without first obtaining approval from the U.S. Army Corps of Engineers, Nashville District, Regulatory Division (USACE).

Special Condition 2: Water Quality Certification: The Permittee must comply with the Tennessee Department of Environment and Conservation, Division of Water Resources, issued Individual Water Quality Certification NRS 21.291 Water Quality Certification, effective 9-Jan-2023.

Special Condition 3: Wetland Avoidance/Minimization Areas: The Permittee shall avoid the remaining 0.326 acres of onsite wetlands, the un-named tributary to Little Cove Creek and Little Cove Creek as detailed on the drawings "LRN-2021-00918 Pages 1-4".

Special Condition 4: Mitigation Bank Credit/ In Lieu Fee Program Credit Purchase: Prior to initiating the authorized work in waters of the United States, the Permittee shall provide verification to the U.S. Army Corps of Engineers, Nashville District Regulatory Division that 1.976 wetland mitigation bank credits have been purchased from the Lick Creek Wetland Mitigation Bank Number 2. The required verification shall reference this project's permit number (LRN-2021-00918).

Sapp Investments Response Exhibit 2



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

January 9, 2023

Sapp Investments, LLC
Attn: Jason Sapp
101 West Court Street
Paragould, AR 72450
e-copy: jsapp00@gmail.com

Subject: §401 Water Quality Certification
Aquatic Resource Alteration Permit Application NRS21.291
Thunder Mountain Subdivision

Location: 1441 Little Cove Rd
Sevierville, Sevier County, Tennessee
Unnamed wetlands, Lower French Broad River watershed
Latitude: 35.764890, Longitude: -83.595414

Mr. Sapp:

We have reviewed and approved your application for Sapp Investments, LLC's unavoidable impacts to Waters of Tennessee in the Lower French Broad River Watershed associated with the construction of a residential subdivision in Sevierville. Authorized alterations are permanent fill of 0.99 (rounded to the nearest hundredth) acres of wetland. Please note the following:

- **All mitigation credits must be fully purchased prior to the impacts to the resources in question in order to satisfy the mitigation requirements of this permit. Please be advised that the impacts are not authorized to proceed until all of the specified mitigation credits have been fully purchased.**
- **Wetlands and streams outside of the permitted impact area shall be clearly marked with signs, high visibility fencing, or similar structures so that all work performed by the contractor is solely within the permitted impact area.**
- **A one-time monitoring report is due to the Division approximately two years after the project's completion (see "Monitoring Requirements" section of the permit for details).**

Sapp Investments Response Exhibit 2

- **The permittee shall notify this office of project completion and supply photographs of the final structure within forty-five (45) days of completion.**

The planned activity was reviewed and the Division has reasonable assurance that the activity as proposed in accordance with all permit conditions herein will not violate applicable water quality standards and has issued the attached permit (enclosed). This permit may also serve as a §401 water quality certification (pursuant to 40 C.F.R. §121.2).

The state of Tennessee may modify, suspend or revoke this authorization or seek modification or revocation should the state determine that the activity results in more than an insignificant violation of applicable water quality standards or violation of the TWQCA. Failure to comply with permit terms may result in penalty in accordance with T.C.A. §69-3-115.

It is the responsibility of the permittee to read and understand all permit conditions before the project begins. If you need any additional information or clarification, please contact me at 615-476-3450 or by email at Claire.wainwright@tn.gov.

Sincerely,



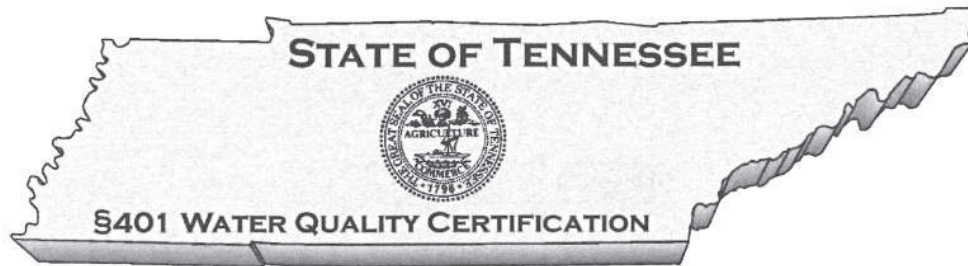
Claire Wainwright
Natural Resources Unit

Enclosure: §401 Water Quality Certification

Cc: Logan Sapp, Sapp Investments, LLC: logansapp00@gmail.com
Ben Swanner, CEC Inc.: bswanner@cecinc.com
Valerie McFall, TDEC DWR Knoxville EFO: valerie.mcfall@tn.gov
Doyle Clabo, Sevier County MS4: dclabo@seviercountyttn.gov
Ken Jones, US Army Corps of Engineers, Nashville District, Regulatory Division:
Ken.M.Jones@usace.army.mil
File Copy

Sapp Investments Response Exhibit 2

Thunder Mountain Subdivision; NRS21.291
§401 Water Quality Certification



AQUATIC RESOURCE ALTERATION PERMIT NRS 21.291

Pursuant to the Tennessee Water Quality Control Act of 1977 (T.C.A. §§ 69-3-101 et seq.) and supporting regulations, a permit is required to alter the properties of waters of the state. Also, pursuant to section 401 of the Clean Water Act (33 U.S.C. § 1341), an applicant for a federal license or permit which may result in a discharge into the waters of the U.S., shall provide the federal licensing or permitting agency a certification from the State in which the discharge will originate. Accordingly, the Division of Water Resources requires reasonable assurance that the activity will not violate provisions of the Tennessee Water Quality Control Act of 1977 (T.C.A. §§ 69-3-101 et seq.) or provisions of sections 301, 302, 303, 306 or 307 of the Clean Water Act.

Subject to conformance with accepted plans, specifications, and other information submitted in support of the application, the state of Tennessee hereby certifies pursuant to 33 U.S.C. § 1341, and permits pursuant to T.C.A. § 69-3-108(b), the activity described below:

PERMITTEE Sapp Investments, LLC

AUTHORIZED WORK: 0.99 acres of unavoidable permanent wetland impact associated with construction of a residential subdivision and associated roads and infrastructure. Wetland mitigation will be provided through a mitigation credit purchase from the Lick Creek Mitigation Bank.

LOCATION: 1441 Little Cove Rd
Sevierville, Sevier County, Tennessee
Unnamed wetlands, Lower French Broad River watershed
Latitude: 35.764890, Longitude: -83.595414

EFFECTIVE DATE: January 9, 2023
EXPIRATION DATE: January 8, 2028

A handwritten signature in dark ink, appearing to read "M. Lee Barker". The signature is written in a cursive, flowing style.

for Jennifer Dodd
Director, Division of Water Resources

Sapp Investments Response Exhibit 2

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PART I

Authorized Work:

WTL-1: Unnamed wetland, including area formerly labelled as WTL-6

Latitude: 35.766031, Longitude: -83.592475

Existing Conditions: 1.0 ac wetland

Authorized Conditions: Fill of 0.786 ac wetland, 0.204 ac to remain unimpacted

WTL-2: Unnamed wetland

Latitude: 35.766078, Longitude: -83.593350

Existing Conditions: 0.118 ac wetland

Authorized Conditions: Fill of 0.118 ac wetland

WTL-3: Unnamed wetland

Latitude: 35.766158, Longitude: -83.591047

Existing Conditions: 0.069 ac wetland

Authorized Conditions: Fill of 0.068 ac wetland

WTL-5: Unnamed wetland

Latitude: 35.765946, Longitude: -83.591245

Existing Conditions: 0.017 ac wetland

Authorized Conditions: Fill of 0.017 ac wetland

The total area of permanent impacts proposed to be covered by the TDEC Individual ARAP (rounded to nearest hundredth of an acre) is 0.99 acres.

Special Conditions:

- a. Unless stated otherwise, all work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of application NRS21.291.
- b. Written notification of the commencement of authorized work shall be provided to the local TDEC Environmental Field Office prior to, or within 24 hours after initiation.
- c. The permittee shall notify this office of project completion and supply as-constructed or record drawings of the final structure within forty-five (45) days of completion.
- d. **Streams and wetlands outside of the permitted impact area shall be clearly marked with signs, high visibility fencing, or similar structures so that all work performed by the contractor is solely within the permitted impact area.**
- e. The authorized alterations shall not cause measurable degradation to resource values and classified uses of hydrologically connected streams or wetlands, including disruption of sustaining surface or groundwater hydrology. Adjacent wetlands or streams determined likely to be measurably degraded by such hydrologic alteration must be included in the cumulative impact calculation, even if not filled or otherwise directly altered physically. **Documentation of evidence of the maintenance of**

Sapp Investments Response Exhibit 2

jurisdictional status in WTL-4 the remaining unimpacted portion of WTL-1 shall be submitted in a one-time monitoring report to the Division approximately two years after the project's completion (see "Monitoring Requirements" section below for details).

- f. No blasting will occur within 50 feet of wetlands or streams.
- g. Only earthen materials comprising native, uncontaminated soil or rock, or a combination thereof shall be "Acceptable Fill" to be placed as fill in the wetland. Acceptable Fill shall consist of only soil or rock in which all substances naturally occurring therein are present in concentrations not exceeding the concentrations of such substances occurring naturally in the local area. Acceptable Fill shall not contain any sewage, industrial wastes, additives or materials such as refuse, rubble, muck, metal, glass, concrete pieces, bricks, or asphalt paving materials, wood or other wastes. For the purposes of this permit, "other wastes" means any and all other substances or forms of energy, including, but not limited to, decayed wood, sand, garbage, silt, municipal refuse, sawdust, shavings, bark, lime, ashes, offal, oil, hazardous materials, tar, sludge, or other petroleum byproducts, radioactive material, chemicals, heated substances, dredged spoil, solid waste, incinerator residue, sewage sludge, munitions, biological materials, wrecked and discarded equipment, and cellar dirt.
- h. The use of monofilament-type erosion control netting or blanket is prohibited in the wetland, and in any stream channels, stream banks, or any disturbed riparian areas within 30 feet of top of bank.
- i. All spoil material from excavation, bore pits and other earth disturbing activities shall be deposited in an upland location and stabilized within 7 days in order to prevent erosion into waters of the state.
- j. Streambeds shall not be used as transportation routes for construction equipment.
- k. All dewatering activities shall be conducted in such a manner as to prevent the discharge of sediment-laden water into waters of the state.
- l. Erosion prevention and sediment control measures must be in place and functional before any earth moving operations begin, and shall be designed according to the department's Erosion and Sediment Control Handbook (<http://tnepsc.org/handbook.asp>). Permanent vegetative stabilization using native species of all disturbed areas in or near the stream channel must be initiated within 14 days of project completion (see also Landscaping with Natives at tnepsc.org). Non-native, non-invasive annuals may be used as cover crops until native species can be established.
- m. Erosion prevention and sediment control measures such as silt fences shall be removed following completion of construction.
- n. Best Management Practices (BMP's) shall be stringently implemented throughout the construction period to prevent sediments, oils, or other project-related pollutants from being discharged into waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater, should a spill occur.
- o. Equipment staging and maintenance areas shall be developed a sufficient distance from any jurisdictional waters to ensure that oil, gas, other petroleum products, and other hazardous materials do not enter the waters.

Sapp Investments Response Exhibit 2

- p. Work within the wetlands by heavy equipment shall be kept to a minimum. Equipment shall be free of noticeable leaks of fluids and oils; e.g., hydraulic, transmission, crankcase, and engine coolant, fluids, and oils.
- q. Where practicable, all activities shall be accomplished during drier times of year or when recent conditions have been dry at the impact location. All surface water flowing towards or from the construction activity shall be diverted using cofferdams and/or berms constructed of sandbags, steel sheeting, or other non-erodible, non-toxic material. All such diversion materials shall be located outside of the wetlands and streams and removed upon completion of the work. Activities may be conducted in the water if working in the dry will likely cause additional degradation. If work is conducted in the water it must be of a short duration and with minimal impact
- r. Clearing, grubbing, and other disturbance to riparian vegetation shall be kept at the minimum. Unnecessary native vegetation removal, including tree removal, and soil disturbance is prohibited. Native riparian vegetation must be reestablished in all areas of disturbance outside of any permanent authorized structures after work is completed. Coverage under this permit does not serve to waive any local riparian buffer protection requirement, and permittees are responsible for obtaining any necessary local approval.

General Conditions:

- a. **It is the responsibility of the applicant to convey all terms and conditions of this permit to all contractors. A copy of this permit, approved plans and any other documentation pertinent to the activities authorized by this permit shall be maintained on site at all times during periods of construction activity.**
- b. Work shall not commence until the permittee has obtained all necessary authorizations pursuant to applicable provisions of section 10 of The Rivers and Harbors Act of 1899, section 404 of the Clean Water Act, section 26a of The Tennessee Valley Authority Act, section 402 of the Clean Water Act (including, but not limited to, an NPDES permit for construction stormwater), or any other federal, state or local laws.
- c. All activities must be carried out in such a manner as will prevent violations of water quality criteria as stated in TDEC Rule Chapter 0400-40-03, or impairment of the uses of waters of the state as designated by Rule Chapter 0400-40-04.
- d. This activity may not result in a disruption or barrier to the movement of fish or other aquatic life and wetland dependent species upon project completion.
- e. Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat is prohibited.
- f. This permit does not authorize adverse impacts to cultural, historical, or archeological features or sites.
- g. This permit does not authorize access to public or private property. Arrangements concerning the use of public or private property shall be made with the landowner. The permittee is responsible for obtaining any additional permitting or maintenance agreements with other government or public agencies or lands.

PART II

Mitigation Requirements

Compensatory mitigation activities shall be carried out utilizing best professional efforts to comply with approved plans and the conditions of this permit. Mitigation activities shall be deemed complete at the end of the monitoring period or when the Division determines that the permitted impact on aquatic resources has been adequately addressed through successful achievement of the compensatory mitigation activities. When mitigation activities are deemed complete, a no further action letter will be provided to the permittee.

The goal of this permit and its mitigation success criteria is to ensure there is no net loss of resource value due to the impacts of the permitted activity. In accordance with adaptive management, the Division incorporates safety factors into compensatory mitigation requirements. Therefore, once successful mitigation has been achieved, the Division reserves the right to revise performance standards and mitigation criteria to account for any changes documented in the compensatory mitigation project. While final mitigation activities may not result in a net loss of resource value, they may be revised to reflect approved changes from the original mitigation proposal and the success criteria in the permit. Upon acceptance of closure of the project, the Division shall record any such revisions of the mitigation plan or success criteria through formal modification of the permit conditions with public notice.

Third-Party Mitigation

To offset the proposed impacts to 0.988 acres of wetland, the applicant shall purchase wetland mitigation credits at a 2:1 ratio (a total of 1.976 credits) from the Lick Creek Mitigation Bank, whose Service Area encompasses the impact site and is located in an adjacent watershed (Nolichucky River, HUC-8 code 06010108). Documentation from the Lick Creek Mitigation Bank of the reservation of 1.976 credits dated 22 July 2022 was supplied to the Division.

Please be advised that the impacts associated with this mitigation are not authorized to proceed until all of the specified mitigation credits have been fully purchased. Payment must be made within 60 days of invoice, or on an alternate schedule as approved by the Division. Proof of the completed credit purchase shall be submitted to this office within 30 days of payment. With the purchase of the mitigation credits, legal responsibility for completion of the mitigation is legally transferred to the Lick Creek Mitigation Bank.

Monitoring Requirements

a. An as-constructed report must be submitted within 45 days of the project's completion (per Special Condition c above). All reports must be submitted in report form to the Division's Natural Resources Unit located on the 11th Floor of the William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243, via email at water.permits@tn.gov, or to the permit writer Claire Wainwright at Claire.wainwright@tn.gov. Please be sure to indicate the ARAP permit number on your submittal.

b. A one-time monitoring report must be submitted to the Division of Water Resources approximately two years after the project's completion by October 31, 2025 documenting the maintenance of jurisdictional status in the remaining unimpacted portions of WTL-1 and WTL-4 (wetland delineations and photographs). If less than a year has passed since the project's completion, or the project impacts have otherwise not taken place by this date due, this must be conveyed in the monitoring report. The report should be submitted to the Division's Natural

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Resources Unit, 11th floor, William R. Snodgrass Tower, 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243-1102. Depending on monitoring results and consultation with the Division, adaptive management measures may be taken, including but not limited additional mitigation.

Duty to Reapply

If any portion of the permitted activities, including the authorized impacts to water resources, compensatory mitigation requirements, or post-project monitoring is not completed before the expiration date of this permit **the applicant must apply for permit re-issuance**. The permittee shall submit such information and forms as are required to the director of the Division of Water Resources at least ninety (90) days prior to its expiration date. Such applications must be properly signed and certified.

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.

Other Information

If the permittee becomes aware that he/she 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/she shall promptly submit such facts or information.

Changes Affecting the Permit

Transfer/Change of Ownership

- a. This permit may be transferred to another party, provided there are no activity or project modifications, no pending enforcement actions, or any other changes which might affect the permit conditions contained in the permit, by the permittee if:
- b. The permittee notifies the Director of the proposed transfer at least 30 days in advance of the proposed transfer date;
- c. The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage, and contractual liability between them; and
- d. The Director does not notify the current permittee and the new permittee, within 30 days, of his intent to modify, revoke, reissue, or terminate the permit, or require that a new application be filed rather than agreeing to the transfer of the permit.
- e. The permittee must provide the following information to the division in their formal notice of intent to transfer ownership:
 1. the permit number of the subject permit;
 2. the effective date of the proposed transfer;
 3. the name and address of the transferor;
 4. the name and address of the transferee;
 5. the names of the responsible parties for both the transferor and transferee;
 6. a statement that the transferee assumes responsibility for the subject permit;

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7. a statement that the transferor relinquishes responsibility for the subject permit;
8. the signatures of the responsible parties for both the transferor and transferee, and;
9. a statement regarding any proposed modifications to the permitted activities or project, its operations, or any other changes which might affect the permit conditions contained in the permit.

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.

Noncompliance

Effect of Noncompliance

All impacts shall be consistent with the terms and conditions of this permit. Any permit noncompliance constitutes a violation of applicable State and Federal laws and is grounds for enforcement action, permit termination, permit modification, or denial of permit reissuance.

Reporting of Noncompliance

24-Hour Reporting

- a. 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 Division of Water Resources in the appropriate 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 environmental response personnel).
- b. A written submission must be provided within five (5) 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:
 1. A description of the discharge and cause of noncompliance;
 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 3. The steps being taken to reduce, eliminate, and prevent recurrence of the non-complying discharge.

Scheduled Reporting

For instances of noncompliance which are not reported under subparagraph a. above, the permittee shall report the noncompliance by contacting the permit coordinator, and provide 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.

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 but not limited to, accelerated or additional monitoring as necessary to determine the nature and impact of the noncompliance. It

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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.

Liabilities

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 pollutants to any surface or subsurface waters. Additionally, notwithstanding this Permit, it shall be the responsibility of the permittee to conduct its discharge activities in a manner such that public or private nuisances or health hazards will not be created.

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 or the Federal Water Pollution Control Act, as amended.

This permit does not preclude requirements of other federal, state or local laws. This permit also serves as a State of Tennessee Aquatic Resource Alteration Permit (ARAP) pursuant to the Tennessee Water Quality Control Act of 1977 (T.C.A. § 69-3-101 et seq.).

The State of Tennessee may modify, suspend, or revoke this permit or seek modification or revocation should the state determine that the activity results in more than an insignificant violation of applicable water quality standards or violation of the act. Failure to comply with permit terms may result in penalty in accordance with T.C.A. § 69-3-115.

An appeal of this action may be made as provided in T.C.A. § 69-3-105(i) and Rule 0400-40-07-.04(9) by submitting a petition for appeal:

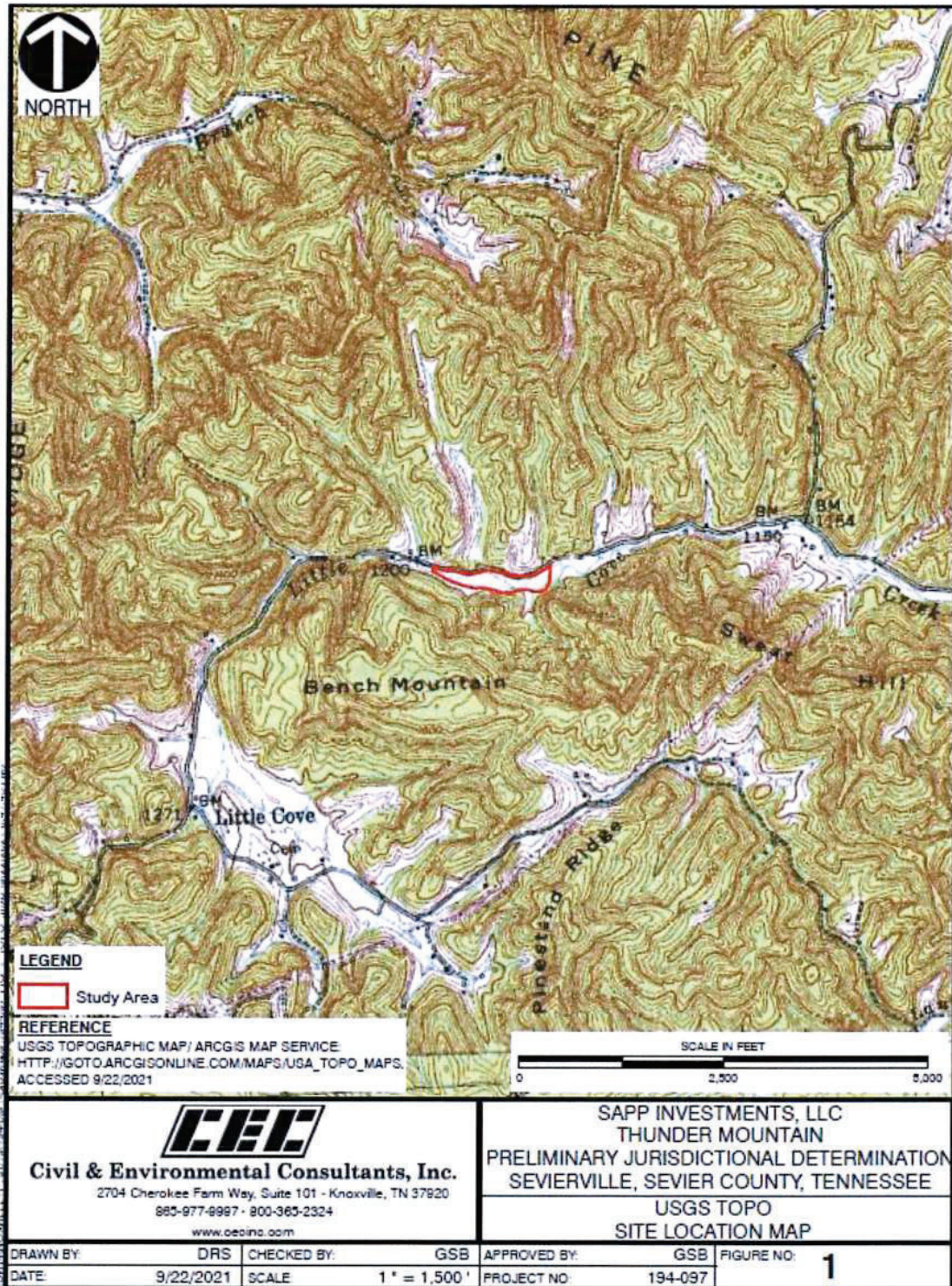
1. The petition must be filed within 30 days after public notice of the issuance of the permit.
2. The petition must specify the basis for the appeal and state a claim for relief based on an alleged violation of the Tennessee Water Quality Control Act or the rules promulgated thereunder. Third parties shall specify facts sufficient to establish that they have satisfied the statutory and regulatory preconditions and otherwise have standing to appeal.
3. The petition should be addressed to the technical secretary of the Tennessee Board of Water Quality, Oil and Gas at the following address: Jennifer Dodd, Director, Division of Water Resources, William R. Snodgrass - Tennessee Tower, 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243-1102, or you may submit such petition electronically to TDEC.Appeals@tn.gov. Any hearing would be in accordance with T.C.A. §§ 69-3-110 and 4-5-301 et seq.

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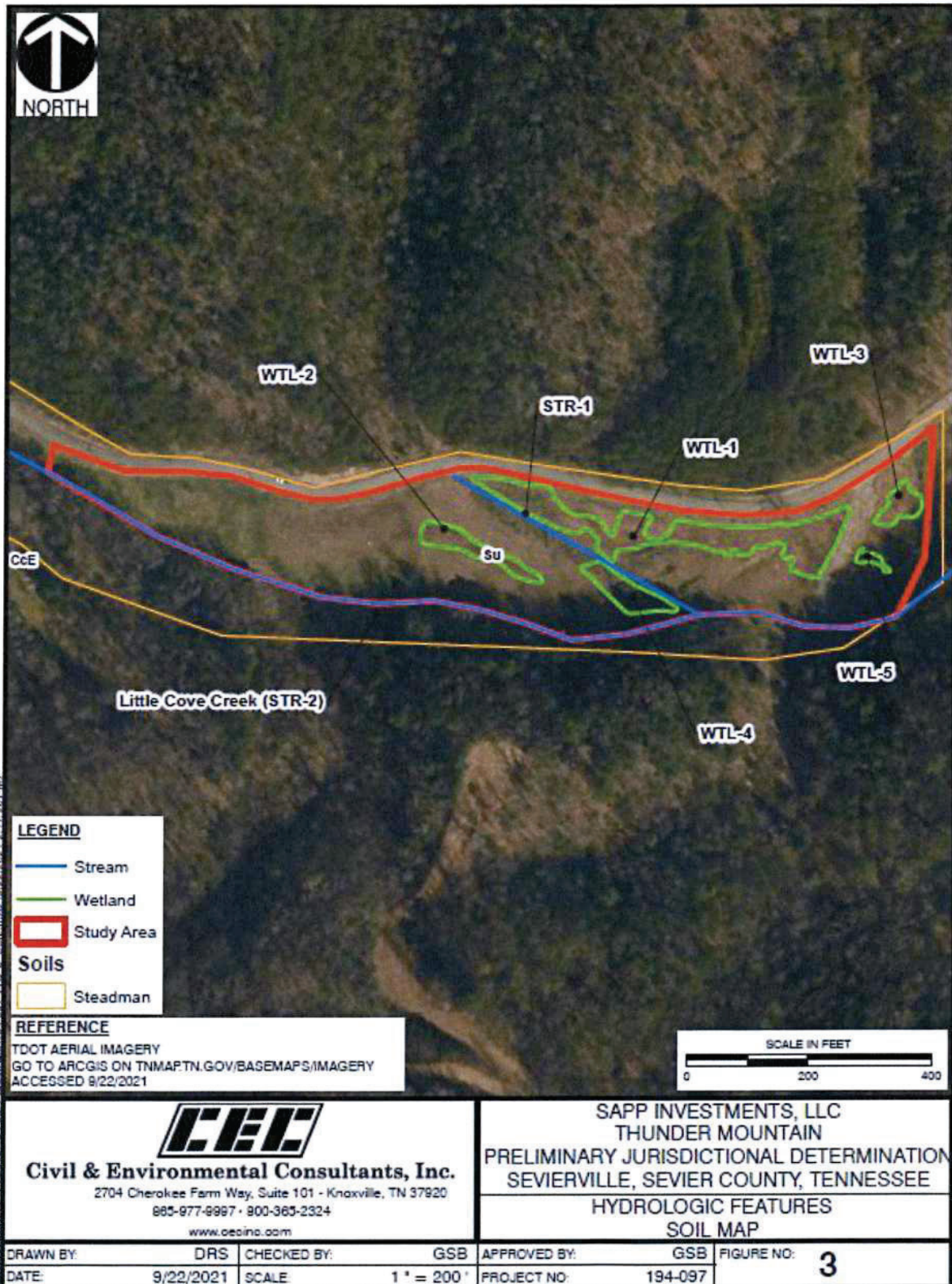
Thunder Mountain Subdivision; NRS21.291
§401 Water Quality Certification

APPENDIX

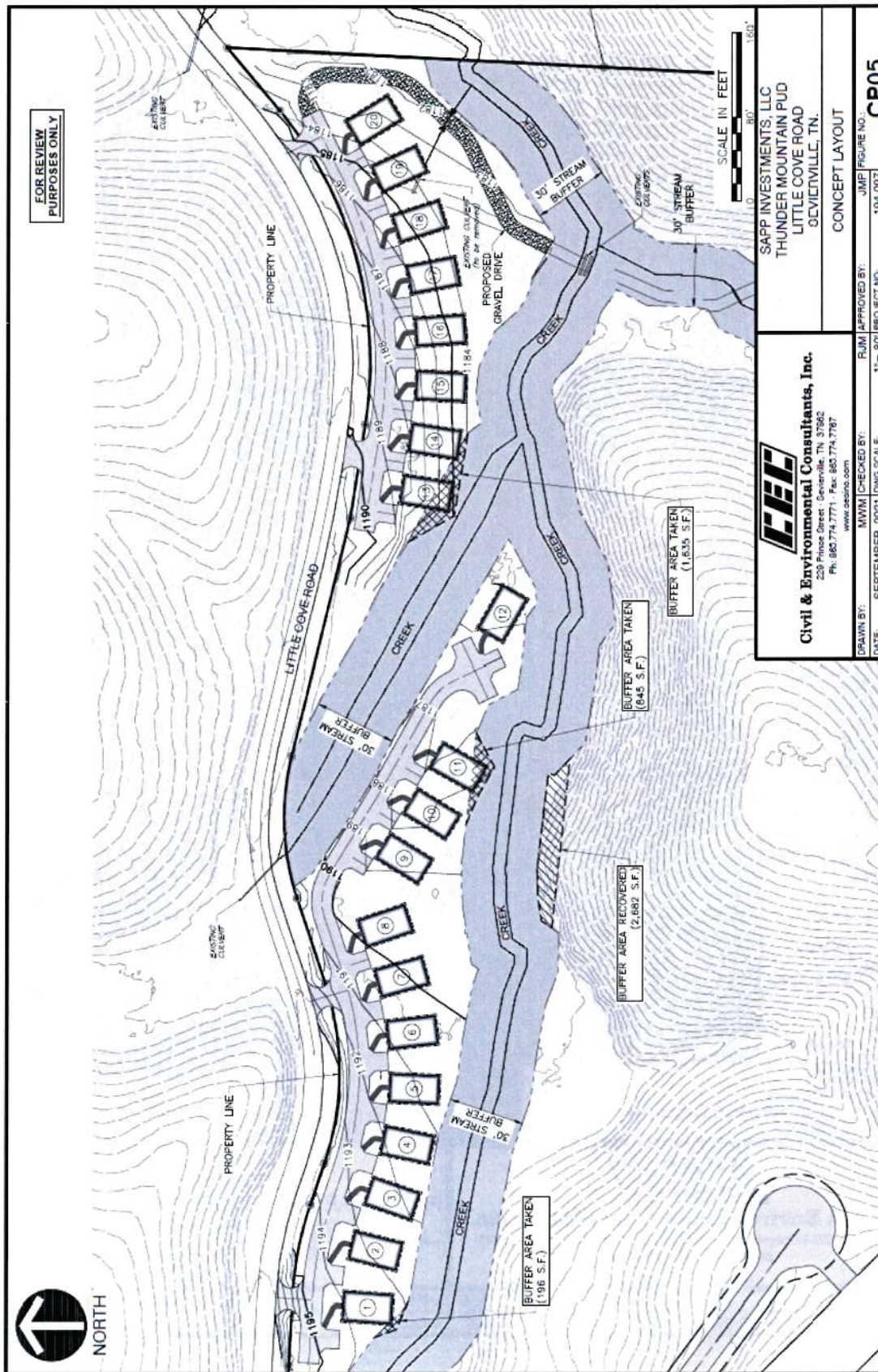
Site map, selected photographs, plans

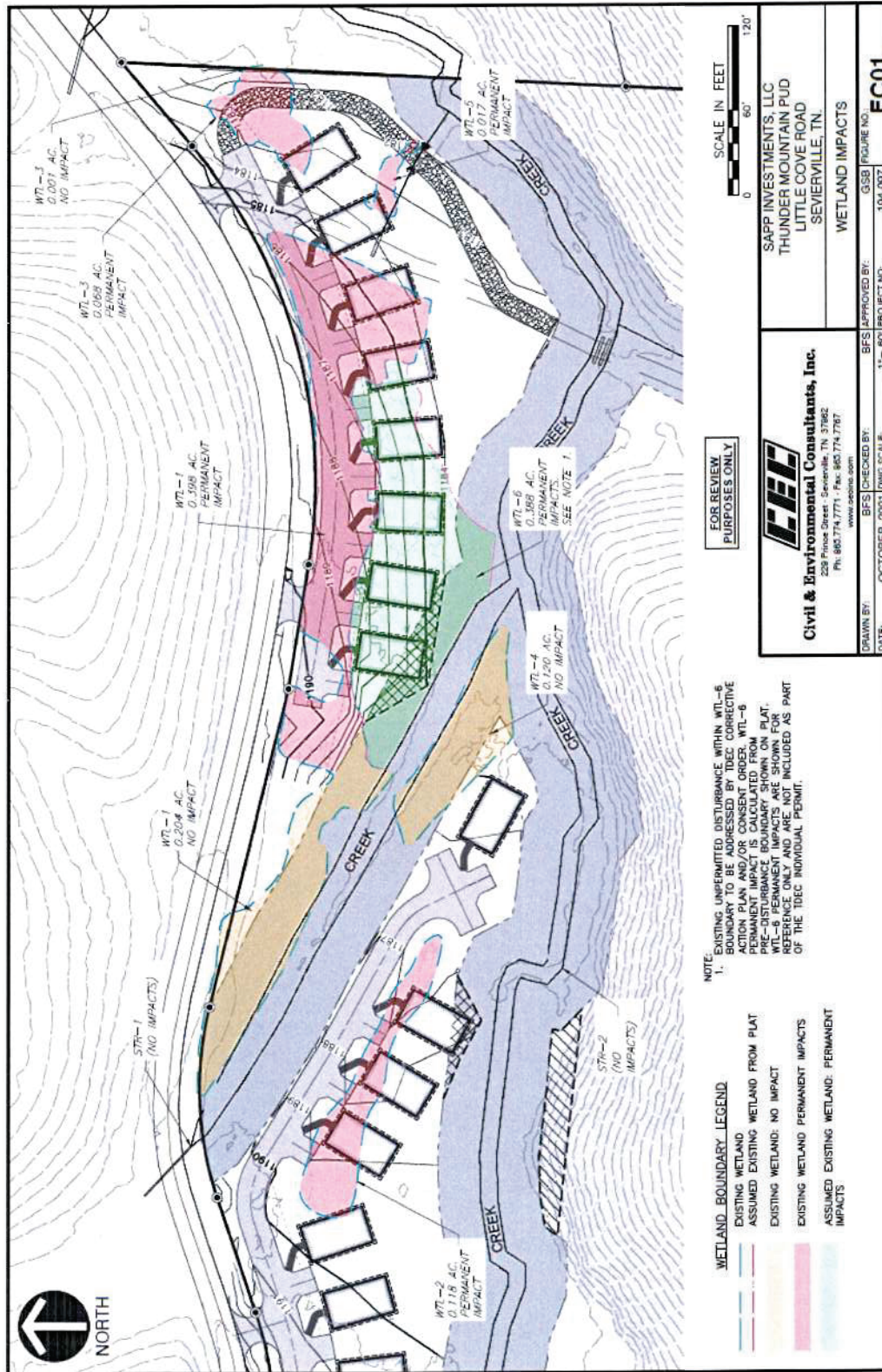


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Thunder Mountain Subdivision; NRS21.291
§401 Water Quality Certification





Note: previous unauthorized impacts to WTL-6 (0.388, green) were corrected by the applicant, and therefore the current Individual ARAP includes the proposed 0.388 acre impact resulting from the development of the site.

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Thunder Mountain Subdivision; NRS21.291
§401 Water Quality Certification

Thunder Mountain PJD – Photo Summary Thunder Mountain PJD; Project Number: 194-097



Photo 1: Photo Point 1 (PP-1) looking east at WTL-1



Photo 2: Photo Point 1 (PP-1) looking west at WTL-1

Sapp Investments Response Exhibit 2

Thunder Mountain PJD – Photo Summary Thunder Mountain PJD; Project Number: 194-097



Photo 3: Photo Point 1 (PP-1) looking south west at WTL-1



Photo 4: Photo Point 2 (PP-2) looking north at WTL-2

Sapp Investments Response Exhibit 2

Thunder Mountain PJD – Photo Summary Thunder Mountain PJD; Project Number: 194-097



Photo 5: Photo Point 2 (PP-2) looking northwest at WTL-2



Photo 6: Photo Point 3 (PP-3) looking south at WTL-3

Sapp Investments Response Exhibit 2

Thunder Mountain PJD – Photo Summary Thunder Mountain PJD; Project Number: 194-097



Photo 7: Photo Point 4 (PP-4) looking south at WTL-4



Photo 8: Photo Point 5 (PP-5) looking east at WTL-5

Sapp Investments Response Exhibit 2

Permit Rationale

FINAL PERMIT RATIONALE
Aquatic Resource Alteration Permit NRS21.291

Sapp Investments, LLC
Unnamed wetlands, Lower French Broad River Watershed
Sevierville, Sevier County, Tennessee
January 9, 2023
Permit Writer: Claire Wainwright

Summary

Names of Applicants:
Sapp Investments, LLC

Contact:
Jason Sapp
101 West Court Street
Paragould, AR 72450

Activity Location: 1441 Little Cove Rd, Sevierville, TN

Nature of Business: Construction of a residential housing development

Authorized Activity: Unavoidable fill of 0.99 acres of wetland associated with construction of housing and related infrastructure for a residential subdivision. Wetland mitigation will be provided through a credit purchase from Lick Creek Mitigation Bank.

Waterbody Name: Unnamed wetlands, Lower French Broad River Watershed, Sevier County, TN

Permit Status

ARAP NRS21.291 issued: January 9, 2023

ARAP NRS21.291 expires: January 8, 2028

Application for ARAP received: **October 8, 2021**

Application Complete: **October 21, 2022**

Sapp Investments Response Exhibit 2

Status of Affected Waters

Wetlands

WTL-1, WTL-2, WTL-3, WTL-5, and WTL-6 are palustrine emergent wetlands containing hydrophytic species such as Soft Rush and sedge (*Carex* sp.). The entire site has been cleared and used for agricultural purposes in the past.

The affected waters have been determined to have available parameters for habitat.

The affected waters are not known Exceptional Tennessee Waters.

Authorized Alterations

The applicant has provided the following information on the alterations and construction sequencing:

“Construction will include mass grading to construct building pads and necessary utilities, permanent access roads and multiple entrances, and parking as required by the local permitting authority. Proposed work also includes re-alignment of an existing gravel access road (from historical agricultural land use) that is required to maintain access to an undeveloped section of the parcel. Four existing emergent wetlands (WTL-1 [including area labelled as “WTL-6”], WTL-2, WTL-3, and WTL-5) ... will be permanently impacted due to site layout requirements. No impacts are proposed on WTL-4 (0.120 acres) and a northern section of WTL-1 (0.204 acres) located adjacent to STR-1. Both of these existing wetlands are partially within the regulated buffer zone and outside the extents of proposed grading. The boundaries of these wetlands will be marked during construction and be maintained in a condition similar to the adjacent buffer zone required by local regulations.”

“The proposed project start date is summer 2022. Mass grading and infrastructure installation is expected to be completed within one year of the construction start date, with residential housing construction to be completely separately over a multi-year period. Work includes construction of building foundations, access roads, parking, storm water culvert installation, and required utility infrastructure. Proposed work also includes re-alignment of an existing gravel access road (from historical agricultural land use) that is required to maintain access to an undeveloped section of the parcel. Site specific EPSC measures will be addressed by the proposed addendum to CGP TNR# 163114. Measures will include in part, a minimum of 2 construction entrances to allow site access to avoid a stream crossing on a STR-1, physical boundary marker (such as high-visibility fence) around wetlands that will not be impacted, and silt fence installation at the limits of grading. Stream buffer zones will be identified in the field and noted on the approved SWPPP.”

Alternatives Analysis and Selection of Least Impactful Practicable Alternative

The applicant has submitted potentially practicable alternatives to the activity. The overall stated goal and purpose of the activity is to construct a residential housing development in Sevierville, Sevier County, Tennessee.

The applicant has considered the following alternatives:

1. Encapsulate STR-1 to produce additional buildable lots.

“Impacts to STR-1 would include Tier 5 or Tier 6 impacts to approximately 461 linear feet of stream and an additional 0.324 acres of permanent wetland impacts to WTL-1 and WTL-4. To

avoid these impacts, the development plan was reduced by 6 units and the required parking/roadway layout was adjusted. The impacted length and areas in this alternative are greater than the chosen alternative. No social consequences are noted for this alternative. Detailed SQT Debit Tool analysis was not performed or required for this alternative, but it is inferred that construction and mitigation costs would be higher for the stream impacts in comparison to the chosen alternative. Long term economic benefit to the development is reduced by the chosen Alternative in comparison to the potential additional units available in Alternative 3.

2. Construct a permanent road crossing over STR-1, and provide two entrances to the development.

Impacts to STR-1 would include approximately 25 linear feet of Tier 5 impact with stream length loss and an additional 0.204 acres of permanent wetland impacts to WTL-1. To avoid this impact, the stream crossing was eliminated and the site designed to have two separate sets of entrances, east and west of STR-1, while still providing required parking and access points to meet local requirements. In comparison, the length and area of permanent impacts were reduced using the chosen Alternative. No social consequences are noted for this alternative. Construction costs and mitigation costs would be higher in comparison to the chosen alternative.

3. Iterative design of building and road layouts using the 4 entrance, no STR-1 crossing.

Building, entrance, road/parking layouts were evaluated within the developable area between Little Cove Road and the existing streams to remain. Further adjustments were made to the site layout to shift the road and unit layout away from WTL-4 while still maintaining local design guidelines. Shifting the existing gravel access road away from WTL-3 and WTL-5, and/or eliminating access was also considered. No adjustment were possible to avoid in this area due to the need to maintain existing access to the southern undeveloped portion of the property, and due to the fill material required to construct the road and entrance points required of the project.

Alternative 3 was selected as the least impactful alternative. Impacts to STR-1 and WTL-4 were eliminated, and permanent impacts to WTL-1 were minimized in the area west of STR-1. Attempts to minimize impacts to WTL-3 and WTL-5 were considered, and determined to be controlled by the site grading requirements as indicated above to maintain property access and construct development access as required. No positive or negative social consequences were noted for the chosen Alternative. The chosen Alternative reduces the potential environmental impacts while minimizing the economic impacts of additional units.”

“For clarification, the wetland area in the permit application will not be used as cut material for borrow. There is an overall net fill based on grading calculations and additional fill from offsite/outside the permitted area will be required.”

4. Alternative 4 – Reduction in impacts to WTL-3 and WTL-5 via relocation of proposed access road

“The existing STR-2 crossing provides access to the portion of the property located south of this stream, therefore eliminating some type of permanent access road is not possible. With consideration for maintaining this access point, the remaining upland area available for units 19 and 20 is not sufficient to accommodate the proposed design layout requirements. Changing the location of the gravel road and shifting the unit location was evaluated, but these alternative locations still impact the same wetland acreage in comparison to the chosen alternative, indicating further avoidance or reduction of impacts is not feasible. Constraints in this area resulting in this outcome are related to the required parking, building spacing, eastern property line, re-use of the existing STR-2 crossing, existing site topography, and the grading required to allow for development of the parcel. Reduction of impacts to the overall site, while still maintaining the

Sapp Investments Response Exhibit 2

minimum number of required units as shown in the chosen alternative, were considered through design iterations of alternative unit layouts. This analysis resulted in the elimination of 5 units from the maximum number of units possible within the developable footprint and avoidance of STR-1 and WTL-4.”

Based on the available information the Division has made a final determination that applicant has demonstrated that the activity represents the least impactful practicable alternative to accomplish the project purpose.

Existing Conditions/ Loss of Resource Values

Wetlands

The project includes 0.988 acres total of permanent wetland impact associated with residential structures and associated infrastructure.

WTL-1 and WTL-6 form an emergent wetland that is approximately 1 acre in size. Hydrology for both wetlands are predominantly influenced by overbank flow from Little Cove Creek (STR-2). Additional sources of hydrology include seepage from the adjacent hillslope across Little Cove Road, groundwater inputs, and surface runoff. Primary indicators of wetland hydrology such as water marks (B1) and saturation (A3) were present in WTL-1. Dominant vegetation documented comprised of common spike rush (*Eleocharis palustris*), soft rush (*Juncus effusus*), swamp smartweed (*Persicaria hydropiperoides*), and sedge (*Carex* sp.).

WTL-2 is an emergent wetland that is approximately 0.118 acres in size. Hydrology for WTL-2 is provided by overbank flow from Little Cove Creek (STR-2). Additional sources of hydrology include seepage from the adjacent hillslope across Little Cove Road, groundwater inputs, and surface runoff. Primary indicators of wetland hydrology such as oxidized rhizospheres (C3) were present in WTL-2. Dominant vegetation documented in WTL-2 was comprised of common spike rush (*Eleocharis palustris*), soft rush (*Juncus effusus*), tickseed sunflower (*Bidens frondosa*), and sedge (*Carex* sp.)

WTL-3 is an emergent wetland that is approximately 0.069 acres in size. WTL-3 is isolated by a gravel construction access road but resembles soil characteristics seen in WTL-1. Hydrology at WTL-3 is indicated by surface water and overbank flow from Little Cove Creek (STR-2). Dominant vegetation surrounding WTL-3 includes soft rush (*Juncus effusus*), swamp smartweed (*Persicaria hydropiperoides*), and sedge (*Carex* sp.).

WTL-5 is an emergent wetland that begins at the pipe outfall under the temporary gravel construction access road. WTL-5 is approximately 0.017 acres in size. WTL-5 appears to have altered hydrology via a shallow ditch excavated downstream of the pipe outfall. WTL-5 resembles soil and vegetative characteristics seen in WTL-1. WTL-5 appears to have hydrologic connection to WTL-1 and WTL-3 via surface runoff in addition to the pipe outfall at the gravel access road separating WTL-1 from WTL-3 and WTL-5.

The Division has made a final determination that the overall activities, if conducted in accordance with the submitted plans and permit conditions, including the required compensatory mitigation, will not result in appreciable permanent loss of resource values.

Mitigation Required

Sapp Investments Response Exhibit 2

To offset the impacts to 0.988 acres of wetland, the applicant shall purchase wetland mitigation credits at a 2:1 ratio (a total of 1.976 credits) from the Lick Creek Mitigation Bank, whose Service Area encompasses the impact site and is located in an adjacent watershed (Nolichucky River; HUC-8 code 06010108). Documentation from the Lick Creek Mitigation Bank of the reservation of 1.976 credits dated 22 July 2022 was supplied to the Division.

The Division has made a final determination that the mitigation will produce sufficient resource value offsets to compensate for the resource value loss associated with the project impacts.

Social and Economic Justification

The following discussion of social and economic justification for the project was provided by the applicant:

“The proposed project includes an overall phased residential subdivision development of a parcel that has historically been zoned and used for agricultural purposes. The work proposed under this phase includes construction of 20 cabins in the area adjacent to Little Cove Road to be used for rental and/or ownership purposes in support of the growing housing demand both within Pigeon Forge and Sevier County area.”

“Property development supplies additional housing needed to support the economic development and growing tourism industry surrounding the Great Smoky Mountains, Gatlinburg, and Pigeon Forge.”

Based on the available information the Division has made a final determination that the applicant has demonstrated that the degradation is necessary to accommodate important economic or social development in the area.

Antidegradation

In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the Division has made a final determination that the activities will result in greater than de minimis degradation of waters with available parameters. Any appreciable permanent loss of resource value associated with the impact is to be offset by sufficient mitigation to result in no overall net loss of resource value. Pursuant to Antidegradation Statement, in waters with available parameters for habitat, an activity that would cause degradation of habitat above the level of de minimis will only be authorized if applicant has demonstrated to the Department that there are no practicable alternatives to prevent or lessen degradation associated with the activity and the degradation is necessary to accommodate important economic or social development in the area and will not violate the water quality criteria for uses existing in the receiving waters.

For more information, please reference Tennessee's Antidegradation Statement which is found in Chapter 0400-40-03 of the Rules of the Tennessee Department of Environment and Conservation.

Sapp Investments Response Exhibit 3



SEVIER COUNTY PLANNING & ZONING DEPARTMENT
227 Cedar St. Sevierville, TN 37862

Ph: 865-453-3882
Fax: 865-453-5923

NOTICE TO PROCEED

to construct a

Decentralized Wastewater Treatment and Dispersal System

F

July 17, 2024

Site Plan Permit # 220289

Development Name: Thunder Mountain Subdivision

Developer name: Sapp Investments LLC

101 West Court St.

Paragould, AR 72450

Decentralized Wastewater Treatment and Dispersal System.

SOP - #22009

Parcel ID: Map 104 Par 126.02

Zoning District: A-1

Representatives of the Planning Department, the Water Department and the Stormwater Department have received and reviewed the documents required by the Sevier County Zoning Resolution to allow you to proceed with the construction of the DWTDS, including the following:

- A Site Plan (DWTDS) approved by the Planning Department.
- The TDEC approved Engineering Report.
- The TDEC approved Plans for the DWTDS.
- The TDEC approved Operating Permit.
- An agreement with a Professional Engineer to preform third party inspections monthly during the construction of the DWTDS.

Therefore, the NOTICE TO PROCEED to construct the DWTDS referenced above, is issued.

Inspections do not warrant workmanship. Inspections performed by any employee, agent or contractor of Sevier County are performed solely for purposes of enforcement of the applicable zoning regulations on the date of the inspection which may utilize a spot check performance standard, and do not provide comprehensive site inspection services, which are the responsibility of the owner.


James Temple, Jr.
Planning Department


David Carver
Stormwater Department


Brent Shults
Water Department

Sapp Investments Response Exhibit 4

Sapp Investments Response Exhibit 4



SEVIER COUNTY PLANNING & ZONING DEPARTMENT
227 Cedar St. Sevierville, TN 37862

Ph: 865-453-3882
Fax: 865-453-5923

December 18, 2025

Logan Sapp
870-215-8503

Project Name: Thunder Mtn Sewer System
Parcel ID: 078104 126.02
Address: Little Cove Rd
Submitted: 6-5-2022

Project No: 220289
Zoning Dist.: A-1
SOP# 22009

On 10-13-2025 we received the inspection reports for the DWTDS as required. The reports are dated from 12-4-2024 through 9-17-2025. The Public Works Committee reviewed these reports and are requesting a description of the work completed, any field reports and any photos taken during the inspections.

Submit a final inspection report certified by the Professional Engineer responsible for the inspections.

If you have any questions, please do not hesitate to contact our office at 865-453-3882.

A handwritten signature in black ink, appearing to read "James Temple, Jr.".

James Temple, Jr.
Planning Director
for the Public Works Committee
Email: jtemple2@seviercountyttn.gov

Sapp Investments Response Exhibit 5

Sapp Investments Response Exhibit 5



SEVIER COUNTY PLANNING & ZONING DEPARTMENT
227 Cedar St. Sevierville, TN 37862

Ph: 865-453-3882
Fax: 865-453-5923

PLAN REVIEW & COMMENTS #3

For

Decentralized Wastewater Treatment and Dispersal System

September 4, 2025

Logan Sapp
870-215-8503
Dart Kendall
dart@aquagreenutility.com

Re: Thunder Mountain Treatment Facility
SOP-22009
Map 104 Par 126.02
Little Cove Rd.
Notice to Proceed: July 17, 2024

Comments:

During the review of the Concept Plan for Thunder Mtn Phase 2 – Section 1B, I identified the following items must be addressed.

- The dripfields labeled Zone 7, 8 & 9 are being eliminated with the placement of Lots 1-4, as shown on the Concept Plan. The loss of these dripfields must be addressed, i.e. reduction in the capacity of the system.
- As of today, no inspection reports have been submitted to this Office as required by the Notice to Proceed, dated 7-17-2024. Please submit the reports as soon as possible.

Other items related to the DWTDS

- After the approval of the Concept Plan for Section 1B a Design Plan must be submitted. Design Plan includes all construction details to build the development including the sewage collection system from each lot to the sewer treatment plant, DWTDS.
- A certification must be shown on the Design Plan and the Final Plat, showing the number of bedrooms used and the number remaining.

Please submit the total number of bedrooms for the three developments that will be served by the DWTDS.

The Thunder Mtn PUD
Thunder Mtn Phase 2 – Section 1B
Thunder Mtn Phase 2 – Section 2

If you have any questions, please do not hesitate to contact our office at 865-453-3882.

A handwritten signature in black ink, appearing to read "James Temple, Jr.".

James Temple, Jr. Planning Director
Email: jtemple2@seviercountyttn.gov

Sapp Investments Response Exhibit 5



Logan Sapp <logansapp00@gmail.com>

Thunder Mountain

7 messages

Logan Sapp <logansapp00@gmail.com>

Tue, Dec 3, 2024 at 11:28 AM

To: Dart Kendall <dart@aquagreenutility.com>, Dart Kendall <dartkendall@gmail.com>, "Puckett, Jeremy" <jpuckett@cecinc.com>

All -

Is there any time we could all sit down and go over everything with the easement as well as anything else we need to discuss?

I would like to meet at CEC.

Logan Sapp
Legacy Realty Group
SA00083086
C: 870.215.8503



Dart Kendall <dart@aquagreenutility.com>

Tue, Dec 3, 2024 at 1:06 PM

To: Logan Sapp <logansapp00@gmail.com>, Dart Kendall <dartkendall@gmail.com>, "Puckett, Jeremy" <jpuckett@cecinc.com>

Here till Thursday afternoon
Dart

Sent from my T-Mobile 5G Device

Puckett, Jeremy <jpuckett@cecinc.com>

Tue, Dec 3, 2024 at 2:35 PM

To: Dart Kendall <dart@aquagreenutility.com>, Logan Sapp <logansapp00@gmail.com>, Dart Kendall <dartkendall@gmail.com>

I have tomorrow at 3:30 open.

Jeremy M. Puckett, PE* / Senior Project Manager

Civil & Environmental Consultants, Inc.

Sapp Investments Response Exhibit 5

100 E. Main St. Suite 500, Sevierville, TN 37862

Phone: (865) 774-7771 · Mobile: (865) 583-9500

<http://www.cecinc.com>

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Unintended Recipient

Logan Sapp <logansapp00@gmail.com>

Tue, Dec 3, 2024 at 2:37 PM

To: "Puckett, Jeremy" <jpuckett@cecinc.com>

Cc: Dart Kendall <dart@aquagreenutility.com>, Dart Kendall <dartkendall@gmail.com>

Works for me. What about you Dart?

Logan Sapp

Legacy Realty Group

SA00083086

C: 870.215.8503



Dart Kendall <dart@aquagreenutility.com>

Tue, Dec 3, 2024 at 2:45 PM

To: Logan Sapp <logansapp00@gmail.com>, "Puckett, Jeremy" <jpuckett@cecinc.com>

Cc: Dart Kendall <dartkendall@gmail.com>

Ok

Puckett, Jeremy <jpuckett@cecinc.com>

Tue, Dec 3, 2024 at 3:38 PM

To: Dart Kendall <dart@aquagreenutility.com>, Logan Sapp <logansapp00@gmail.com>

Cc: Dart Kendall <dartkendall@gmail.com>

Can we meet at my office?

Sapp Investments Response Exhibit 5

Logan Sapp <logansapp00@gmail.com>

Tue, Dec 3, 2024 at 3:38 PM

To: Dart Kendall <dart@aquagreenutility.com>

Cc: "Puckett, Jeremy" <jpuckett@cecinc.com>, Dart Kendall <dartkendall@gmail.com>

We will be at your office at 3:30 tomorrow

Logan Sapp

Legacy Realty Group

SA00083086

C: 870.215.8503

Sapp Investments Response Exhibit 6



SEVIER COUNTY PLANNING & ZONING DEPARTMENT
227 Cedar St. Sevierville, TN 37862

Ph: 865-453-3882
Fax: 865-453-5923

Plans Review & Comments
for
Decentralized Wastewater Treatment and Dispersal System

April 10, 2026

Logan Sapp

Thunder Mountain Treatment Facility
Parcel ID: 078104 12602
Address: Little Cove Rd

Project No: SP 220289
Zoning Dist.: A-1
SOP# 22009

While reviewing the plans, reports, as-builts for consideration of issuing a Certification of Completion the following items / concerns were noted.

Change in Plant capacity

Plant capacity, 693 bedrooms

- Phase 1 - 30 bedrooms
- Phase 2 - 220 bedrooms
- Phase 3 - 250 bedrooms
- Phase 4 - 193 bedrooms - **reduced to 91 bedrooms**

Revised capacity, 591 bedrooms, due to dripfield zones 7,8 & 9 being eliminated, reducing to capacity by 102 bedrooms. See Sect 1B which adds 8 lots.

The Final Inspection report stated the following:

Phase 1, including the plant and drip fields, is complete. The Dripfield for Phase 1 cannot be located, Mr. Kindall told the survey crew he didn't know where it is located.

The Phase 2 plant has also been completed, while the Phase 2 drip fields and fencing remain unfinished. Mr. Kindall confirmed this information in his 9-20-2025 letter.

As-built survey:

As of today, no drainfields have located in the field.

Summary

- The Certificate of Completion cannot be issued until the as-built survey is completed.
- If Phase 1 is complete the capacity of the system will allow only 10 of the buildings in the **PUD for Thunder Mountain**, approved on 7-24-2025, to be constructed.

Sapp Investments Response Exhibit 6



SEVIER COUNTY PLANNING & ZONING DEPARTMENT
227 Cedar St. Sevierville, TN 37862

Ph: 865-453-3882
Fax: 865-453-5923

If you have any questions, please do not hesitate to contact our office at 865-453-3882.

A handwritten signature in black ink, appearing to read "James Temple, Jr.", with a stylized, cursive script.

James Temple, Jr.
Planning Director
Email: jtemple2@seviercountyttn.gov



SEVIER COUNTY PLANNING & ZONING DEPARTMENT
227 Cedar St. Sevierville, TN 37862

Ph: 865-453-3882
Fax: 865-453-5923

PROCEDURE FOR PLANS REVIEW APPROVAL
for a
Decentralized Wastewater Treatment and Dispersal System
and
to receive a Notice to Proceed to begin construction
and
upon completion to receive a Certificate of Completion

1.0 A Plans Review application and the plans for the DWTDS have been submitted for your proposed development.

2.0 To receive a **Notice to Proceed**, which allows the construction of the **DWTDS**, the items listed below [\[which are required\]](#) must be completed and copies received by the Planning Department.

- Plans Review for the DWTDS is approved by the Planning Staff.
- Approval of the Land Disturbance Permit by the Sevier County Stormwater Department.
- [The TDEC approved Engineering Report and Final Plans for the DWTDS.](#)
- A surety, Performance Bond or Letter of Credit, for the cost to construct the DWTDS +20%.
- An agreement with a Professional Engineer to perform third party inspections monthly during the construction of the DWTDS.
- An agreement with a Professional Engineer or Registered Land Surveyor to prepare as-built surveys during the construction of the DWTDS.

3.0 To receive a **Certificate of Completion** and therefore a Final Site Plan approval, of the development, the items listed below [\[which are required\]](#) must be completed and copies received by the Planning Department.

- [A letter from TDEC verifying that the DWTDS was installed and is functioning.](#)
- [The third-party inspections, performed at least monthly, and the final inspection report.](#)
- [As-built drawings, including the entire Development, showing the location of all system components and a sealed certification, from the design engineer or a third-party inspector, that the DWTDS was constructed in accordance with the approved construction plans and specifications.](#)
- [A letter from the Owner/Utility Provider that states it has accepted the DWTDS and is currently operating same.](#)
- One of the following completed Certifications shall be shown on the Development Plan.



SEVIER COUNTY PLANNING & ZONING DEPARTMENT
227 Cedar St. Sevierville, TN 37862

Ph: 865-453-3882
Fax: 865-453-5923

CERTIFICATION FOR A DEVELOPMENT BE COMPLETED IN A SINGLE PHASE

**CERTIFICATION FOR
A DECENTRALIZED WASTEWATER TREATMENT AND DISPERSAL SYSTEM
FOR
DEVELOPMENT NAME**

I certify that the sewage disposal system installed, or proposed for installation, fully meets the requirements of the Tennessee Department of Environment and Conservation and is approved as shown with all restrictions/conditions as noted below.

The development contains _____ *buildings, units, sites, or lots.*

The maximum number of bedrooms varies per building, unit, site or lot. (see bedroom table)

The design wastewater flow per bedroom, _____ GPD.

The TDEC operating SOP # is _____.

Any revision, change, substitution, alteration etc. to this note shall be approved by the Sevier County Planning Department.

Date

Utility Owner

CAPACITY FOR THE ENTIRE SYSTEM

The Maximum number of bedrooms for the entire system _____

The entire system is designed for a total wastewater flow of _____



SEVIER COUNTY PLANNING & ZONING DEPARTMENT
227 Cedar St. Sevierville, TN 37862

Ph: 865-453-3882
Fax: 865-453-5923

CERTIFICATION FOR A DEVELOPMENT BE COMPLETED IN MULTIPLE PHASES

**CERTIFICATION FOR
A DECENTRALIZED WASTEWATER TREATMENT AND DISPERSAL SYSTEM
FOR
DEVELOPMENT NAME & PHASE #**

I certify that the sewage disposal system installed, or proposed for installation, fully meets the requirements of the Tennessee Department of Environment and Conservation and is approved as shown with all restrictions/conditions as noted below.

The development phase contains _____ buildings, units, site or lots.

The maximum number of bedrooms, in this phase, varies per building, unit, site or lot. (see bedroom table)

The design wastewater flow per bedroom, _____ GPD.

The TDEC operating SOP # is _____.

Any revision, change, substitution, alteration etc. to this note shall be approved by the Sevier County Planning Department.

Date

Utility Owner

CAPACITY FOR THE ENTIRE SYSTEM (ALL PHASES)

The Maximum number of bedrooms for the entire system _____

The entire system is designed for a total wastewater flow of _____

**Sapp Investments Collective
Response Exhibit 7**



3350 Galts Road Acworth, GA 30102 865-908-0432

Mr. Temple,

I have included the inspection report for the Thunder Mountain sewage treatment plant. These inspections were done by Tom Carter, currently the head of the environmental health department for Jefferson County. All work and inspections were completed per the approved plans provided by our PE, Bob Faulhaber.

If Zones 7,8 and 9 are removed from the soils that the utility may use, it would cause a reduction in the build out bedrooms total by 102 bedrooms. Thus, reducing the build out total from 693 to 591 total bedrooms, that is unless additional approved soils can be found and acquired.

As for construction of Phase 1, it is completed and we are currently adding creek water to the system in order to test and calibrate all needed components. The construction of all plant components for phase 2 is currently complete. Phase 2 only requires construction for the additional drip zones and control fencing for it to be ready for use.

Thank you for your attention to this matter. I will mail hard copies with original signatures to your office.

Sincerely



Dart Kendall
President, Aqua Green Utility Inc.

Sapp Investments Collective Response Exhibit 7

Logan Sapp
Sapp Investments

Date 9/17/25

Invoice: \$250.00

Inspector:



Tom Carter

Scope of work: Seveir County, TN required inspection of the sewer treatment plant for Thunder Mountain phase 2.

After inspecting the Aqua Green Utility job site at 1355 Little Cove Road, it has been found that the construction meets the requirements set forth in the plans and specifications.

cc. FES Consulting
Bob Faulhaber - P.E.

Sapp Investments Collective Response Exhibit 7

Logan Sapp
Sapp Investments

Date 8/6/25

Invoice: \$250.00

Inspector:


Tom Carter

Scope of work: Seveir County, TN required inspection of the sewer treatment plant for Thunder Mountain phase 2.

After inspecting the Aqua Green Utility job site at 1355 Little Cove Road, it has been found that the construction meets the requirements set forth in the plans and specifications.

cc. FES Consulting
Bob Faulhaber - P.E.

Sapp Investments Collective Response Exhibit 7

Logan Sapp
Sapp Investments

Date 7/3/25

Invoice: \$250.00

Inspector:



Tom Carter

Scope of work: Seveir County, TN required inspection of the sewer treatment plant for Thunder Mountain phase 2.

After inspecting the Aqua Green Utility job site at 1355 Little Cove Road, it has been found that the construction meets the requirements set forth in the plans and specifications.

cc. FES Consulting
Bob Faulhaber - P.E.

Sapp Investments Collective Response Exhibit 7

Logan Sapp
Sapp Investments

Date

6/4/25

Invoice:

\$250.00

Inspector:

Tom Carter



Scope of work: Sevier County, TN required inspection of the sewer treatment plant for Thunder Mountain phase 2.

After inspecting the Aqua Green Utility job site at 1355 Little Cove Road, it has been found that the construction meets the requirements set forth in the plans and specifications.

cc. FES Consulting
Bob Faulhaber - P.E.

Sapp Investments Collective Response Exhibit 7

Logan Sapp
Sapp Investments

Date 5/1/25

Invoice: \$250.00

Inspector:


Tom Carter

Scope of work: Sevier County, TN required inspection of the sewer treatment plant for Thunder Mountain phase 2.

After inspecting the Aqua Green Utility job site at 1355 Little Cove Road, it has been found that the construction meets the requirements set forth in the plans and specifications.

cc. FES Consulting
Bob Faulhaber - P.E.

Sapp Investments Collective Response Exhibit 7

Logan Sapp
Sapp Investments

Date 4/2/25

Invoice: \$250.00

Inspector:



Tom Carter

Scope of work: Seveir County, TN required inspection of the sewer treatment plant for Thunder Mountain phase 2.

After inspecting the Aqua Green Utility job site at 1355 Little Cove Road, it has been found that the construction meets the requirements set forth in the plans and specifications.

cc. FES Consulting
Bob Faulhaber - P.E.

Sapp Investments Collective Response Exhibit 7

Logan Sapp
Sapp Investments

Date 3/5/25

Invoice: \$250.00

Inspector:



Tom Carter

Scope of work: Seveir County, TN required inspection of the sewer treatment plant for Thunder Mountain phase 2.

After inspecting the Aqua Green Utility job site at 1355 Little Cove Road, it has been found that the construction meets the requirements set forth in the plans and specifications.

cc. FES Consulting
Bob Faulhaber - P.E.

Sapp Investments Collective Response Exhibit 7

Logan Sapp
Sapp Investments

Date 2/3/25

Invoice: \$250.00

Inspector:



Tom Carter

Scope of work: Sevier County, TN required inspection of the sewer treatment plant for Thunder Mountain phase 2.

After inspecting the Aqua Green Utility job site at 1355 Little Cove Road, it has been found that the construction meets the requirements set forth in the plans and specifications.

cc. FES Consulting
Bob Faulhaber - P.E.

Sapp Investments Collective Response Exhibit 7

Logan Sapp
Sapp Investments

Date

1/6/25

Invoice: \$250.00

Inspector:

Tom Carter

Scope of work: Sevier County, TN required inspection of the sewer treatment plant for Thunder Mountain phase 2.

After inspecting the Aqua Green Utility job site at 1355 Little Cove Road, it has been found that the construction meets the requirements set forth in the plans and specifications.

cc. FES Consulting
Bob Faulhaber - P.E.

Sapp Investments Collective Response Exhibit 7

Logan Sapp
Sapp Investments

Date 12/4/24

Invoice: \$250.00

Inspector:



Tom Carter

Scope of work: Seveir County, TN required inspection of the sewer treatment plant for Thunder Mountain phase 2.

After inspecting the Aqua Green Utility job site at 1355 Little Cove Road, it has been found that the construction meets the requirements set forth in the plans and specifications.

cc. FES Consulting
Bob Faulhaber - P.E.

Sapp Investments Response Exhibit 8

August 28, 2026

Logan Sapp

Thunder Mountain Treatment Facility
SOP-22009
Map 104 Par 126.02
Little Cove Rd.

Dear Mr. Sapp

I am the Planning Director of the Sevier County Planning and Zoning Department (the “County”), and I am personally aware that Sapp Investments LLC (“Sapp”) has been working with Aqua Green Utility Inc. (“Aqua Green”) to construct a fenced drip dispersal STEP/STEG with trickling filter wastewater treatment system (the “Wastewater System”) for purposes of servicing Sapp’s Thunder Mountain Subdivision in Sevier County, Tennessee.

Prior to construction, a developer is required to obtain a Notice to Proceed from the County pursuant to its regulations, which provide, in relevant part:

314.3.1 Preliminary Site Plan Review. The following provisions are required:

314.3.1.1. Schedule a meeting with the Planning Staff and the PWC to review the regulations of this Section.

314.3.1.2. Submit the Engineering Report and Preliminary Plans, as required by TDEC Rules Section 0400-40-02, for review by the Planning Staff, simultaneously with the submission to TDEC.

314.3.2. Site Plan Submission. Submit a Site Plan to the Planning Staff for review by the Planning Commission of jurisdiction. The Site Plan shall meet the following provisions.

314.3.2.1. The requirements for a Site Plan as defined in Section 303.

314.3.2.2. DWTDS. Submit the TDEC-approved Engineering Report and Final Plans for the DWTDS.

314.3.2.3. The Certification for a Decentralized Wastewater Treatment and Dispersal System, signed by the Utility Owner, indicating the total number of buildings, units, or sites; the maximum number of bedrooms per building, unit, or site; the maximum number of bedrooms for the system; and the design wastewater flow in gallons per day (GPD) per bedroom and the total wastewater flow in GPD for the development, shall be on the Site Plan.

314.3.3. Site Plan Approval by Planning Commission. Upon site plan approval by the Sevier County Planning Commission and approvals from all other local, state, and federal agencies required, construction of the DWTDS may begin.

After Sapp and Aqua Green satisfied the foregoing requirements, the County issued Aqua Green a Notice to Proceed to construct the Wastewater System on July 17, 2024.



During this timeframe, the County was also working with Sapp as it was seeking to obtain approval to construct its 20-unit planned unit development (“PUD”). The County understands that Aqua Green issued a Will Serve letter to Sapp for this 20-unit PUD, which the County approved for construction on July 24, 2024. I personally spoke with Sapp to discuss whether it would have been appropriate for it to begin construction on the 20-unit PUD before Aqua Green completed its construction of the Wastewater System. After discussing the potential issues associated with allowing construction on the 20-unit PUD prior to Aqua Green completing the Wastewater System, Sapp decided to delay construction on the development project pending confirmation that the 20-unit PUD could connect to the completed Wastewater System and receive service therefrom.

While Phase 1 of the Wastewater System can service 30 bedrooms, it currently does not, and cannot, service Sapp’s 20-unit PUD. Phase 2 of the Wastewater System, as proposed by Aqua Green, would be able to service Sapp’s 20-unit PUD because it will have capacity to serve 250 bedrooms, once completed. However, as of the date of this letter, the Phase 2 drip lines still have not been installed, or even located, by Aqua Green.

The County understands that Aqua Green also issued Sapp a Will Serve letter covering just the six-bedroom cabin that Sapp began constructing in December 2023. The land on which that cabin was erected is only approved for a four-bedroom unit with a traditional septic system.

Since Aqua Green initially filed its 2022 petition to amend its Certificate of Convenience and Necessity (“CCN”) to include the Thunder Mountain Subdivision in its service area, Sapp has also been working with David Hurst, Registered Land Surveyor, and me to obtain the requisite approvals for additional build sites across the Thunder Mountain Subdivision. Because the County’s building regulations have changed since 2022, Sapp was required to obtain additional approvals for the buildable lots, as well as land density for the total number of units. As a result, Sapp was required to make several revisions to its proposed development to obtain these additional approvals. The County was also aware that Sapp and Aqua Green were exploring the possibility and feasibility of decreasing the approved capacity for the Thunder Mountain Subdivision from 690 bedrooms to 593 bedrooms.

In October 2025, I received several inspection reports from Aqua Green that were supposed to be submitted while Aqua Green was constructing the Wastewater System. Only after the County requested these reports did Aqua Green submit them to the County all at once. Moreover, the engineer that produced the reports submitted a certification only several days later.



Additionally, while David Hurst's field crew was working on completing the as-built plans needed for Aqua Green to obtain a Certificate of Completion, the crew inquired with Aqua Green about the location of the remaining drip lines. Aqua Green indicated that they did not know where they were. Aqua Green claims that drip lines are finished for Phase 1 but not for Phase 2; however, neither drip lines have been located. The County cannot issue a Certificate of Completion until the as-built plans are completed and those cannot be completed until Aqua Green locates the drip lines. To obtain a Certificate of Completion, Aqua Green must satisfy the following requirements:

314.3.4 Certificate of Completion. Upon completion of the construction of the DWTDS, or components thereof, a Sewage Permit Certificate of Completion shall be required prior to the operation of the system. Prior to issuance of the Sewage Permit Certificate of Completion, the applicant shall provide the following:

314.3.4.1. A letter from TDEC indicating that the DWTDS was installed and is functioning.

314.3.4.2. As-built drawings showing the location of all system components and a sealed certification from the design engineer or a third-party inspector that the DWTDS was constructed in accordance with the approved construction plans and specifications.

314.3.4.3. A letter from the Owner/Utility Provider that it has accepted the DWTDS and is currently operating the same.

Lastly, Sapp notified me of the Notice to Cure it received from Aqua Green on November 17, 2025. At that time, the County had not received the requisite information from Aqua Green to issue it a Certificate of Completion for the Wastewater System. As of the date of this letter, the County still has not received that information from Aqua Green. Notwithstanding that fact, the land that Sapp is required to convey to Aqua Green pursuant to its conditionally approved CCN has been recorded and the County is prepared to sign off on the transfer at any time. Relatedly, the County is prepared to record the final plat, which was received in June 2026.

If you have any questions, please do not hesitate to contact our office at 865-453-3882.

James Temple, Jr.
Planning Director
Email: jtemple2@seviercountyttn.gov

Sapp Investments Response Exhibit 9



FEB 19 2026

2/2/2026

Ms Jones,

In response to your letter dated January 21, 2026 regarding your comments, I am so disappointed that you would make misleading and knowingly false statements. You obviously have not read my application or permit carefully to know these observations are irrelevant.

Since this was a construction inspection, I see no statements that the plant was not built per the approved plans. With so many TDEC personnel on site for a half day or more, they found nothing wrong with what we permitted and built. Unless you send me something stating the plant was not built per our permit, I am checking off that box.

Since you stated the following observations should be addressed as soon as possible, see the following:

1. It is noted that the treatment and disposal system is intended to be constructed in phases, as the cabin development builds out.

Subject of your letter **Final Construction Inspection Thunder Mountain** This seems to imply the plant being built in phases is something new that we are doing. Phases were discussed and it was agreed upon with the Division of Water Resources staff when it was permitted. The attached approved construction plans clearly shows the phases.

Provide an updated schedule for the amount of treatment and disposal that is currently installed and the associated available capacity of the system with respect to flows and bedroom counts.

As you clearly know, the approved permit (attached) reads 693 bedrooms. Phase 1 was for 25 bedrooms which was intended to allow the developer to start construction without a bond if that phase was finished. Now the county has decided to let him use a bond. Phase 2 of the plant is now built, which is 693 bedrooms divided by 3 Phases for a total of 231 bedrooms, plus the 25 for the Phase 1 plant. The plant treatment is clearly oversized as you should know. These are rentals and we were not comfortable with the standard amount of treatment. Zone 4 is installed with 13536 sq feet, allowing just over 33 bedrooms and will be the limiting factor until the rest of the Phase 2 drip zones are installed.

Sapp Investments Response Exhibit 9

Your statement:

Inspection of these facilities and this summary shall not be construed as creating a presumption of correct operation or as warranting by the commissioner that the approved facilities will reach the designed goals.

,,,until complete and final plans and specifications for such activities have been submitted and approved in writing by an authorized representative of the Commissioner

The rule 0400-40-02-.05:

,,,until complete and final plans and specifications for such activities have been submitted and approved in writing by an authorized representative of the Commissioner no such approval shall not be construed as creating a presumption of correct operation or as warranting by the commissioner that the approved facilities will reach the designed goals.

Note that the operating permit to Aqua-Green includes the collection system and additions must also be approved by the utility for incorporation into their infrastructure assets.

Once again, this is so misleading, as you know operating is not construction, yet you are trying to add it to the plant construction inspection.

3. It was stated by Mr. Kendall that most of the development will tie into a lift station just outside the treatment facility, a few cabins will tie directly into the trickling filters and others will connect to the dose/recirculation tank.

First of all, as you clearly know, the collection system is not built or permitted nor have I seen drawings. The collection system has no part in my treatment plant and drip zone construction inspection. It is false and deceiving, maybe even desperate for an excuse to use a hypothetical discussion to say I didn't pass this inspection. As for the discussion about the lift station that is not even built, there used to be a time when you could talk to TDEC personnel about ways to improve the system.

When I told the TDEC personnel (Note: there were around 7 of them) that it rained last night and that it will be slick on the mountain where the drip zone is located so there may be some ponding, I was told that is why we inspect in the winter. This makes it very clear to me that this is a gotcha hatchet job and not an objective inspection.

All raw water flows from the collection system must go through secondary treatment before entering the dose/recirculation tank. No blending or bypass of treatment can be allowed. This should be reflected in the design of the collection system, when submitted.

What a false statement. You know that this plant will not receive raw wastewater. Our application states septic tanks at each cabin. The approved plans show drawings of those septic tanks. You know in these size systems, septic tanks take the place of the components up through the primary clarifier in a

Sapp Investments Response Exhibit 9

The permitted design flow may be subject to modification based on the updated amount of treatment and disposal capacity installed.

Division of Water Resources has decided not to allow phased permits any more. That does not mean you can just go changing an existing one. The total lack of concern in this decision is raising the cost of homes in Tennessee and is very disappointing. Subdivisions have been built in phases for as long as I can remember. I recently had one project that had to pay an extra 1.5 million dollars, plus in upfront cost, clearly raising the price of every home in that subdivision. As you well know, the standard TDEC answer is that they will just have to pay it. My children and most people want to be able to afford a home, shouldn't that matter?

2. It was stated by Mr. Kendall that the collection system was to be designed by others.

My permit application clearly states that the collection system will be built by others, see attached. As a matter of fact with all the plants I have built, I have never permitted the sewer lines.

The Division has not received nor approved plans for the collection

As you know, I am not responsible for permitting work we don't do. Yet this is being very misleading in trying to add it to my plant inspection that we did permit.

Since the Division of Water Resources announced that half of these type systems are not compliant, the counties seem to have the attitude that the state is not capable of handling the problem now so the county must do it. This makes it is very difficult for a developer to get plat approval now. It has not been unusual for us to complete a plant before final plat approval. Some counties want the plant completed before they will allow any home construction. This developer has informed me of his difficulties. As you clearly know but conveniently seem to be forgetting, you can't lay out a sewer system when you don't have lot locations. I am sure they will permit the collection as soon as they can.

Note that Rule 0400-40-02-.05 states that "construction work shall not be commenced on any new construction...until complete and final plans and specifications for such activities have been submitted and approved in writing by an authorized representative of the Commissioner..."

As you well know, we have signed and approved plans for our **approved facilities and activities**, see attached, yet you are clearly trying to say we built without approved plans.

It is so misleading how you are inferring that we had no signed approval to build, and the collection system is part of this inspection. construction work shall not be commenced on any new construction You know as the application states collection system to be built by others. Look at what Rule 0400-40-02-.05 **actually states** and see the following attached. This is so dishonest to quote a rule and then misrepresent it.

Sapp Investments Response Exhibit 9

large trickle filter plant. With the anaerobic holding time in septic tanks probably doing a better job of pathogen reduction. I did make a statement to TDEC personel that this is how sand filters are designed, see attached. The EPA clearly shows that good BOD reduction can be achieved that way. You clearly know that you are not using the correct application of bypass. This is so deceiving and untrue. See attached.

"**Bypass**" is the intentional diversion of wastewater away from any portion of a treatment facility.

4. It was unclear if the property containing wastewater infrastructure had been deeded over to Aqua Green. Provide evidence of ownership of the applicable lots, easements, etc. for the treatment and disposal areas.

What a misleading smoke screen, you know TDEC accepts easements, see attached. As mentioned earlier, the developer is still trying to get plat approval, untill that is registered, no quick claim deed can be registered. AGU will own the land before the plant is put online

5. Note that the Knoxville Environmental Field Office (865) 594-6035 (kefo_wwp.reports@tn.gov) and the Land Based Permit Unit (landbased.systems@tn.gov) must be contacted for startup.

I was under the impression they were there. Will be glad to call though.

6. It was stated by Mr. Kendall that the phase 3 and 4 trickling filters may need to be relocated due to topography and proximity to the stream buffer. The revised layout, and any applicable calculations, must be submitted to and approved by the Division through MyTDEC forms as a revision to the previously approved project (per Rule 0400-40-02-.06), prior to construction. As-builts for the constructed infrastructure should be uploaded to MyTDEC Forms. Further questions regarding permitting can be directed to Bryan Pope at bryan.pope@tn.gov, for engineering, contact Tim Hill, PE at timothy.hill@tn.gov

For years we used to be able to do some slight site movements of tanks and the like with a call and cover them on the as builts. I guess I will expect no cooperation from the Division of Water Resources from this point forward. What a shame.

For years I have naively hoped that the Division of Water Resources would finally try to improve and look at the problems, espically the ones it created. I have tried many times to work with the department and all you seem to want to do is work against us, this is just another example.



Dart Kendall (cell 404-557-3170)
President, Aqua Green Utility

cc. April Grippo
David W. Salyers



State of Tennessee
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES

Davy Crockett Tower, 9th Floor
500 James Robertson Parkway
Nashville, Tennessee 37243-1204

January 21, 2026

Mr. Dart Kendall
e-copy: dart@aquagreenutility.com
3350 Galts Road
Acworth, GA 30102

Subject: **Final Construction Inspection Thunder Mountain**
WPN: 22.0155 under Permit No. SOP-22009
Sevierville, Sevier County, Tennessee

Dear Mr. Kendall:

On Monday, October 27, 2025, representatives with the Division of Water Resources conducted a final construction inspection of the Thunder Mountain wastewater treatment plant and land application site. The Division would like to thank site personnel for their courtesy, willingness to work with the Division, and timely responses to Division requests.

Inspection of these facilities and this summary shall not be construed as creating a presumption of correct operation or as warranting by the commissioner that the approved facilities will reach the designed goals.

The designed treatment and disposal system consists of four trickling filters in parallel and drip disposal over approximately 6.36 acres (20 zones). Only two of the trickling filters (noted as phase 1 and phase 2 on the approved plans), the dose/recirculation tank, sludge thickening box, control room and Zone 4 have been installed.

The following observations should be addressed as soon as possible:

1. It is noted that the treatment and disposal system is intended to be constructed in phases, as the cabin development builds out. Provide an updated schedule for the amount of treatment and disposal that is currently installed and the associated available capacity of the system with respect to flows and bedroom counts. The

Sapp Investments Response Exhibit 9

permitted design flow may be subject to modification based on the updated amount of treatment and disposal capacity installed.

2. It was stated by Mr. Kendall that the collection system was to be designed by others. The Division has not received nor approved plans for the collection system. Note that Rule 0400-40-02-.05 states that "construction work shall not be commenced on any new construction...until complete and final plans and specifications for such activities have been submitted and approved in writing by an authorized representative of the Commissioner...". Note that the operating permit to Aqua-Green includes the collection system and additions must also be approved by the utility for incorporation into their infrastructure assets.
3. It was stated by Mr. Kendall that most of the development will tie into a lift station just outside the treatment facility, a few cabins will tie directly into the trickling filters and others will connect to the dose/recirculation tank. All raw water flows from the collection system must go through secondary treatment before entering the dose/recirculation tank. No blending or bypass of treatment can be allowed. This should be reflected in the design of the collection system, when submitted.
4. It was unclear if the property containing wastewater infrastructure had been deeded over to Aqua Green. Provide evidence of ownership of the applicable lots, easements, etc. for the treatment and disposal areas.
5. Note that the Knoxville Environmental Field Office (865) 594-6035 (kefo_wwp.reports@tn.gov) and the Land Based Permit Unit (landbased.systems@tn.gov) must be contacted for startup.
6. It was stated by Mr. Kendall that the phase 3 and 4 trickling filters may need to be relocated due to topography and proximity to the stream buffer. The revised layout, and any applicable calculations, must be submitted to and approved by the Division through MyTDEC forms as a revision to the previously approved project (per Rule 0400-40-02-.06), prior to construction.

As-builts for the constructed infrastructure should be uploaded to MyTDEC Forms. Further questions regarding permitting can be directed to Bryan Pope at bryan.pope@tn.gov, for engineering, contact Tim Hill, PE at timothy.hill@tn.gov.

Sincerely,



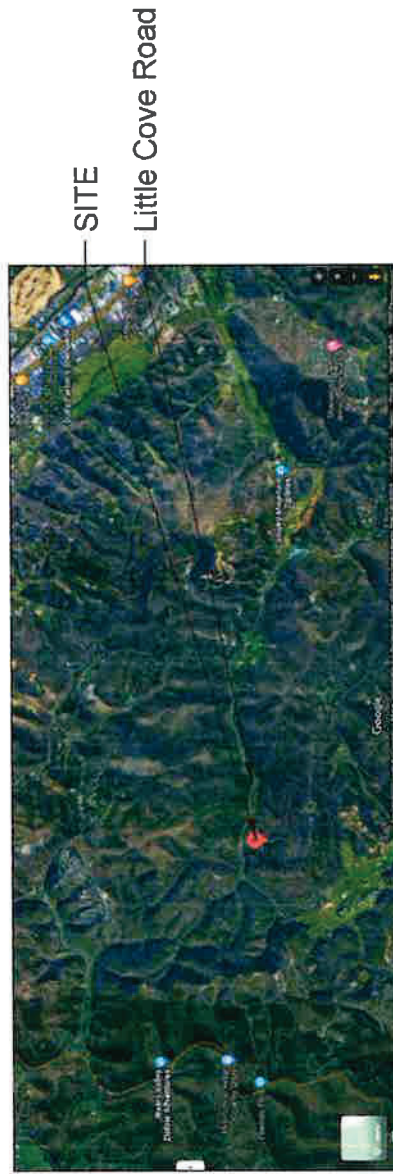
Angela Jones, P.E.
Manager, Engineering Services Unit

cc:

Ms. Shari Winburn, Field Office Manager, TDEC Division of Water Resources, shari.winburn@tn.gov

Thunder Mountain Subdivision

Sevier County, TN



VICINITY MAP

DRAWING INDEX:

- Site Layout
- Plant Layout
- Drip Field Layout
- Drip Field Details
- Treatment Plant - Phase 1
- Treatment Plant - Phase 2
- Treatment Plant - Phase 3, 4
- NOTES (multiple pages)

WPN 22.0155
Thunder Mountain WWTF
APPROVED FOR CONSTRUCTION

THE DOCUMENT BEARING THIS STAMP HAS BEEN RECEIVED AND REVIEWED BY THE
TENNESSEE DEPT. OF ENVIRONMENT & CONSERVATION
DIVISION OF WATER RESOURCES
 AND IS HEREBY APPROVED FOR CONSTRUCTION BY THE COMMISSIONER

[Signature]
 May 31, 2022

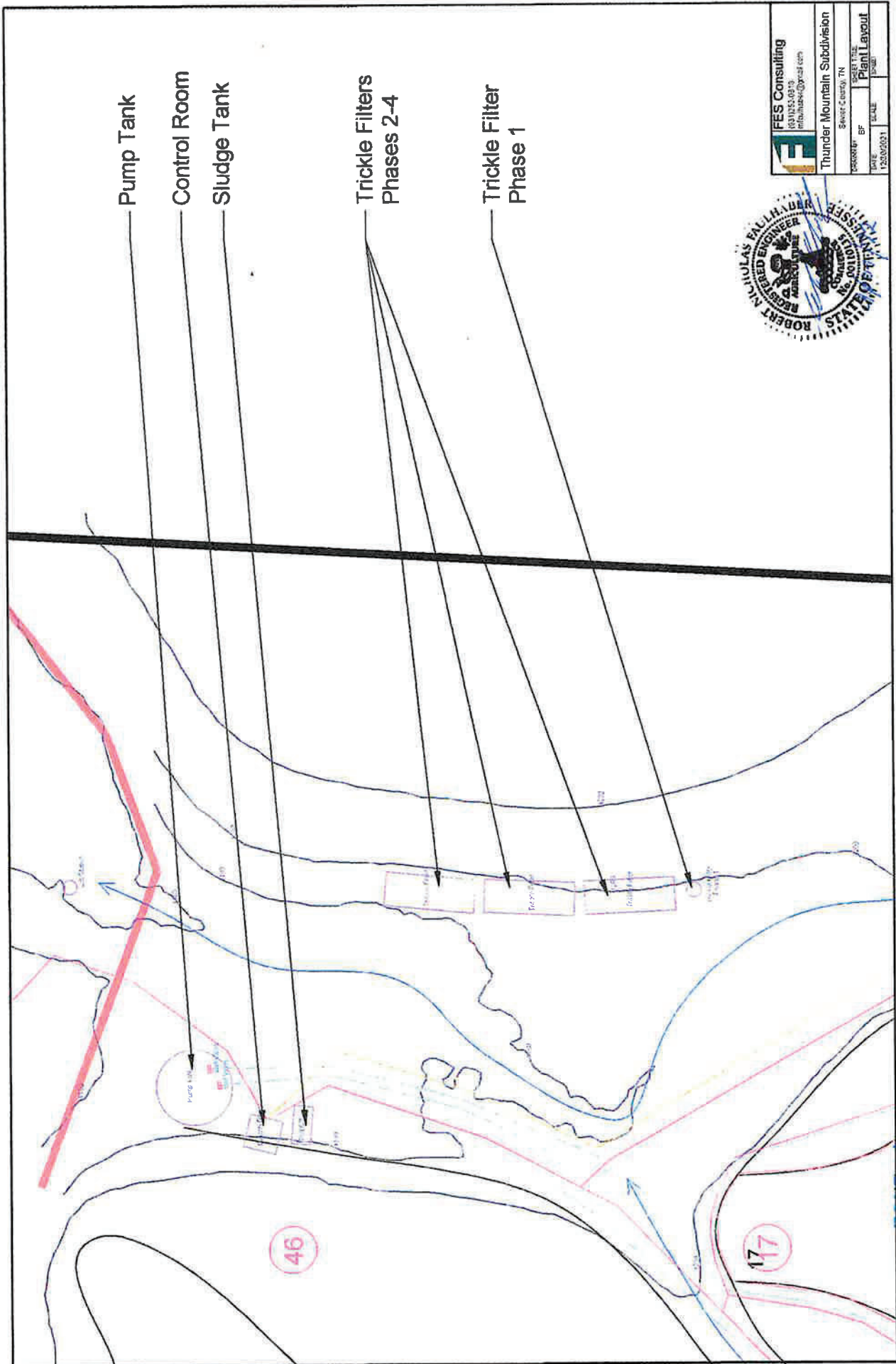
THIS APPROVAL SHALL NOT BE CONSTRUED AS CREATING A
 PRELIMINARY DESIGN OR AS A GUARANTEE OF THE ACCURACY OF THE
 INFORMATION PROVIDED OR AS A WARRANTY BY THE
 COMMISSIONER THAT THE APPROVED FACILITIES WILL REACH THE
 DESIGNED GOALS.

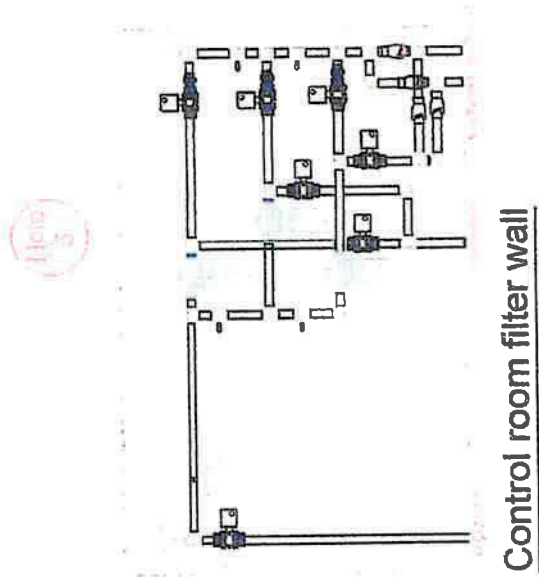
APPROVAL EXPIRES ONE YEAR FROM ABOVE DATE



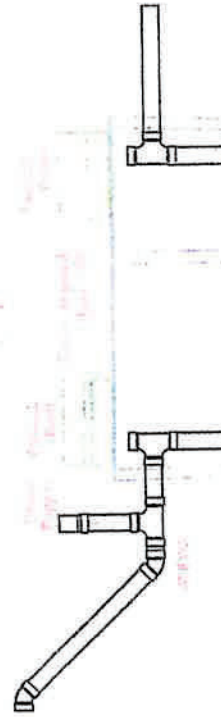
FES Consulting (857)252-0815 info@fes.com	
Thunder Mountain Subdivision Sevier County, TN	
DRAWN BY BF	SHEET TITLE SHEET
DATE 12/30/2021	SCALE SCALE

Sapp Investments Response Exhibit 9

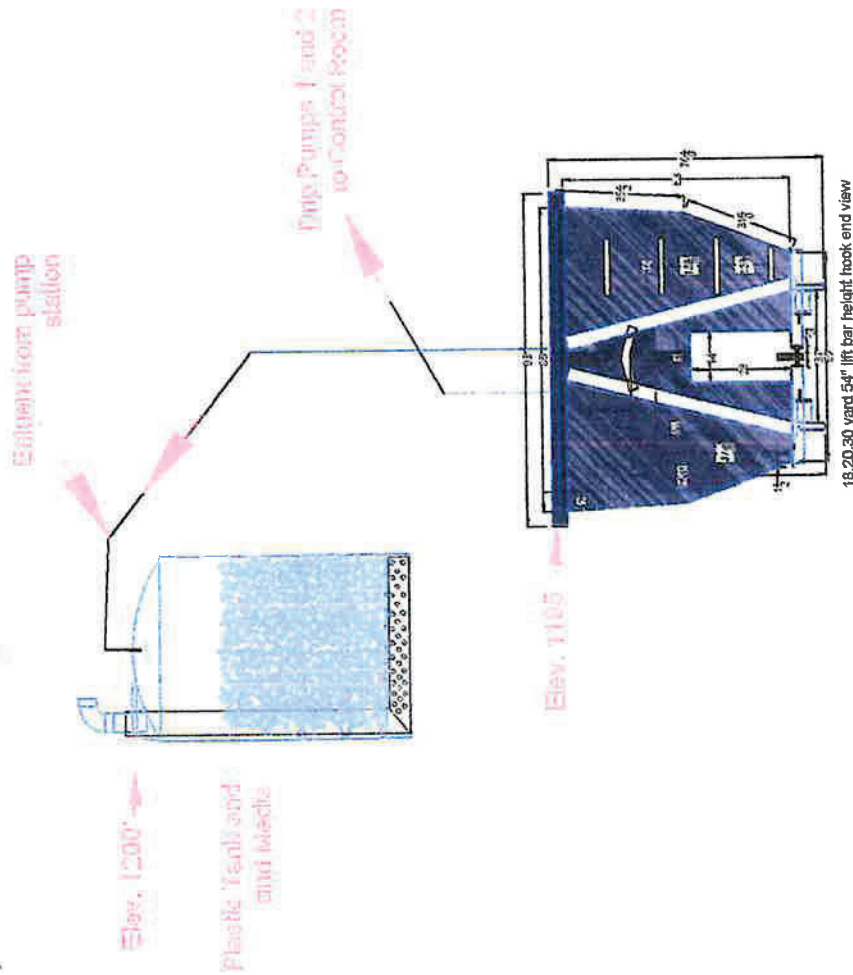




Control room filter wall



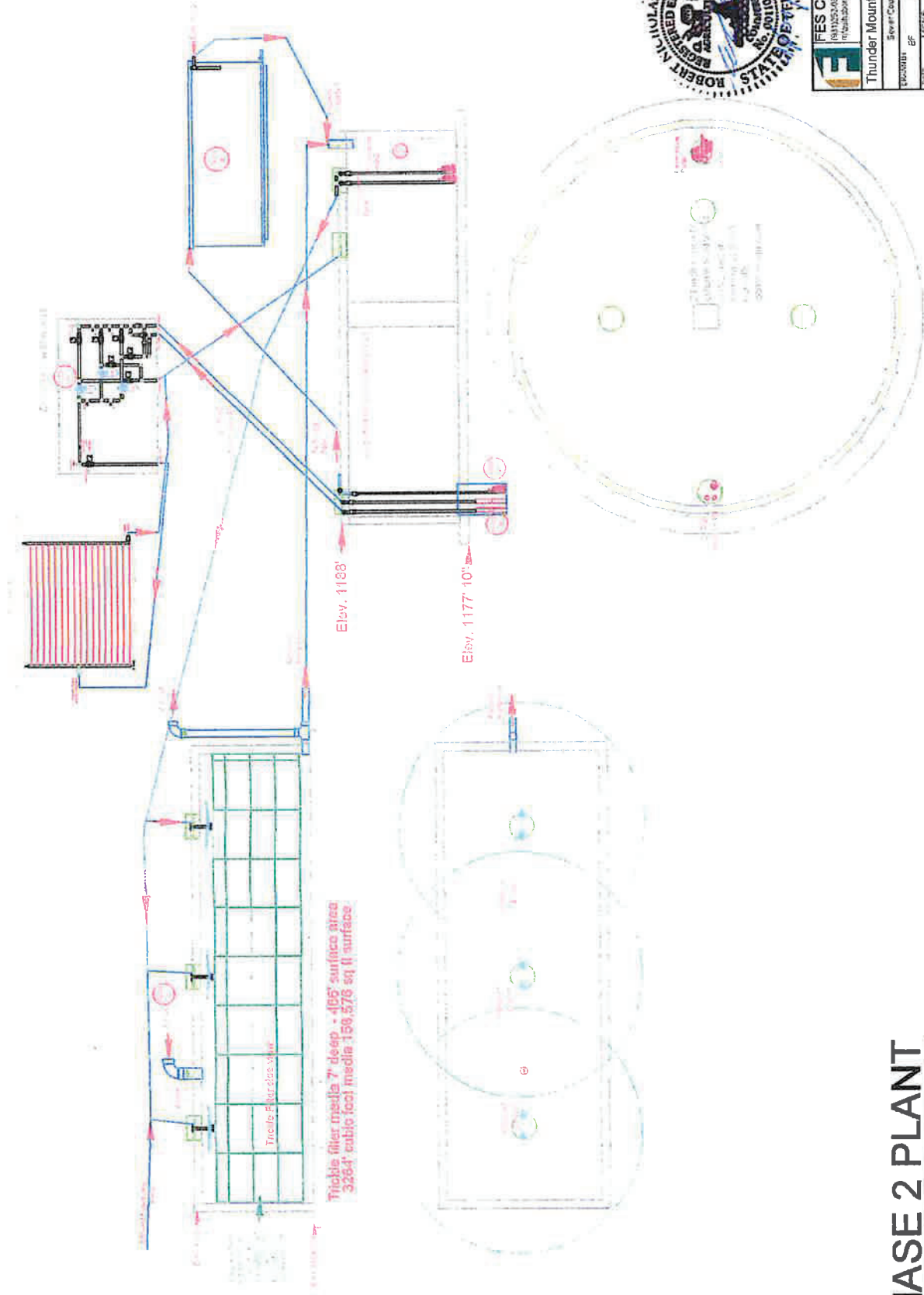
Individual Septic Tanks



PHASE 1 PLANT



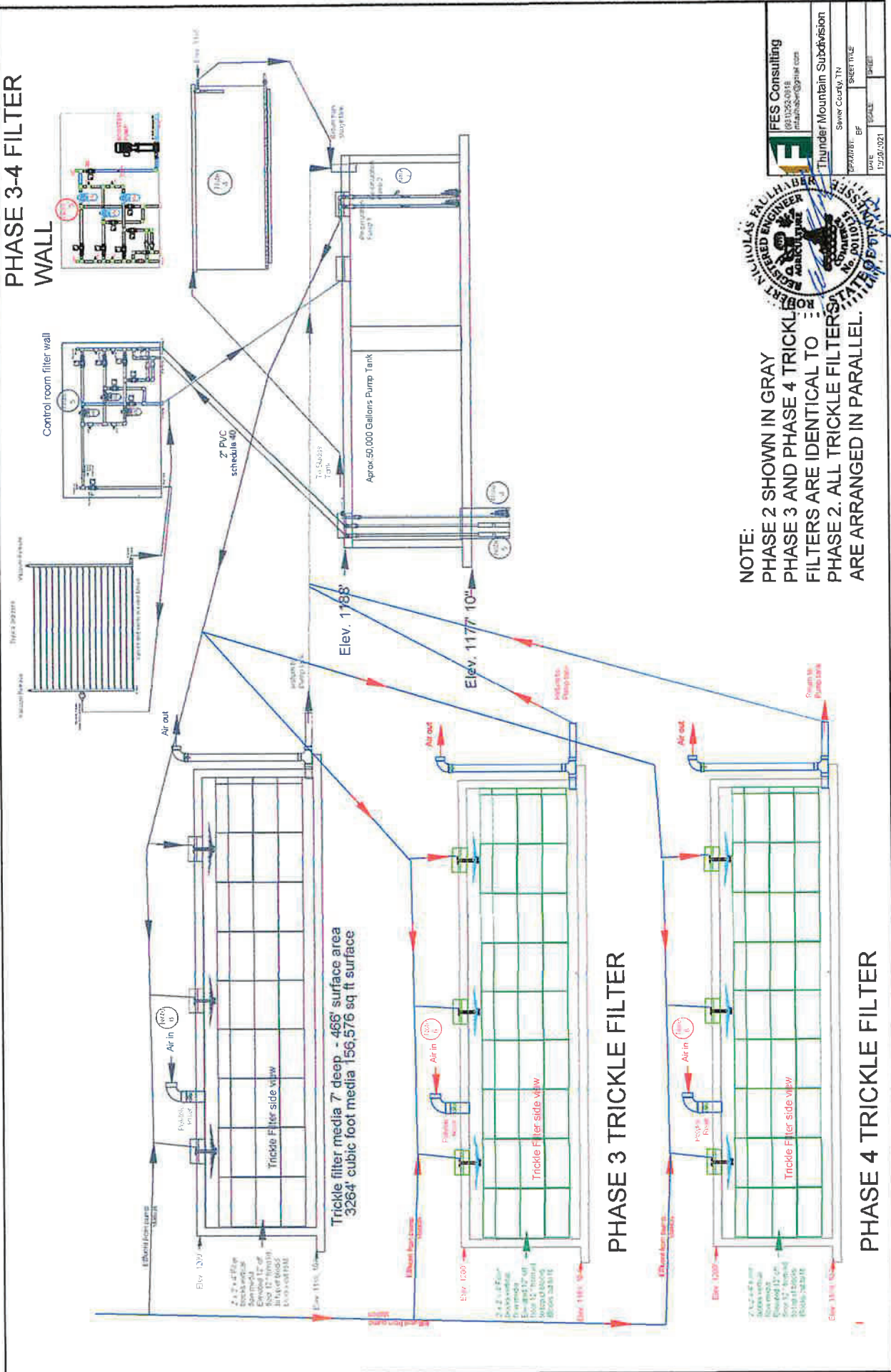
 FES Consulting (931) 553-3018 info@fesconsulting.com		Thunder Mountain Subdivision Sevier County, TN	
DATE 1/24/2024	EF	ENGINE PH-1	DRAIN PH-1



FES Consulting	
(931) 552-0319	
rnf@fes-consulting.com	
Thunder Mountain Subdivision	
Sevier County, TN	
PROJECT	PHASE
DATE	DATE
12/20/2021	12/20/2021

PHASE 2 PLANT

PHASE 3-4 FILTER WALL



**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-22009

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 Green Utility, Inc.
Sevierville, Sevier County, Tennessee**

FOR THE OPERATION OF

system located at latitude 35.765258 and longitude -83.591508 in Sevier County, Tennessee to serve Resort / Rental Cabins with 693 total bedrooms by the Thunder Mountain Treatment Facility. The design capacity of the system is .0693 MGD and will be dispersed on approximately 6.36 acres of suitable soils.

This permit is issued as a result of the application filed on March 14, 2022, in the office of the Tennessee Division of Water Resources. This permit is contingent on the submission and department approval of construction plans, specifications and other data in accordance with rules of the department. Updated plans and specifications must be approved before any further construction activity.

This permit shall become effective on: June 1, 2022

This permit shall expire on: May 31, 2027

Issuance date: May 27, 2022



**for Jennifer Dodd
Director**

Engineering Report (required for collection systems and/or land application treatment systems):	☐ N/A
☒ Prepared in accordance with Rule 0400-40-05-.03 and Section 1.2 of the State of Tennessee Design Criteria for Sewage Works	
☒ Attached, or	
☐ Previously submitted and entitled: _____	Approved? ☐ Yes. Date: _____ ☐ No
Operation and Maintenance Inspection Schedule Submitted: _____	Approved? ☐ Yes. Date: _____ ☐ No

Wastewater Collection System:	☐ N/A
System type (i.e., gravity, low pressure, vacuum, combination, etc.): <u>Combination</u>	
System Description: <u>Lift Stations & Gravity Flow STEG</u>	
Describe methods to prevent and respond to any bypass of treatment or discharges (i.e., power failures, equipment failures, heavy rains, etc.): <u>PLC Emails operator</u>	
In the event of a system failure describe means of operator notification: <u>Email & text</u>	
List the emergency contact(s) (name/phone): <u>Dart Kendall 404-557-3170</u>	
For low-pressure systems, who is responsible for maintenance of STEP/STEG tanks and pumps or grinder pumps (list all contact information)? <u>Aqua Green Utility</u>	
Approximate length of sewer (excluding private service lateral): <u>Built by others</u>	
Number/hp of lift stations: <u>3 /</u>	Number/hp of lift pumps <u>6 /</u>
Number/volume of low pressure and or grinder pump tanks <u>1</u>	
Number/volume septic tanks <u>1 / septic tank per unit</u>	
Attach a schematic of the collection system. ☐ Attached <u>Working</u>	
If this is a satellite sewer and you are tying in to another sewer system complete the following section, listing tie-in points to the sewer system and their location (attach additional sheets as necessary):	
Tie-in Point	Latitude (xx.xxxx°)
Longitude (xx.xxxx°)	

Sapp Investments Response Exhibit 9

REGULATIONS FOR PLANS, SUBMITTAL, AND APPROVAL; CONTROL
OF CONSTRUCTION; CONTROL OF OPERATION

CHAPTER 0400-40-02

0400-40-02-.03 ENGINEERING REPORT AND PRELIMINARY PLANS.

- (1) Unless exempted, an engineering report and preliminary plans must be prepared and presented in accordance with the requirements of the representatives of the Commissioner. The engineering report with preliminary plans must conform to the guidelines for such reports and plans as published by the Tennessee Department of Environment and Conservation. The report shall contain all required information for adequate design evaluation of the proposed waste treatment facilities and shall include such results of waste and water analyses, treatability or pilot treatment studies and investigations that may be required by the Commissioner's representatives. Three copies of the engineering report and preliminary plans shall be submitted to a representative of the Commissioner for approval 30 days prior to the date upon which action is desired. These data will be reviewed and, if sufficient to evaluate the effect of the project, the Commissioner's representative, will confirm acceptance of the preliminary information by official site approval letter and instruct the engineer to proceed with development of final plans and specifications. If final plans and specifications have not been submitted for review within one year from the date of approval of the engineering report, the approval shall be subject to re-evaluation and may be declared null and void.
- (2) The engineering report and preliminary plans shall be prepared in accordance with generally accepted wastewater engineering practices. The Design Criteria published from time to time are used internally by the Division as a compilation of such practices and are available to the public. Other designs may also be used if adequately supported by calculations and actual testing data.
- (3) For small domestic wastewater plants, the following restrictions apply:
 - (a) Activated sludge plants for design flows of 30,000 to 100,000 gallons per day will only be approved if all other treatment schemes have been demonstrated to be impractical due to non-economic considerations including but not limited to available space.
 - (b) No activated sludge plants will be approved for design flows less than 30,000 gallons per day.

Authority: T.C.A. § 69-3-101 et seq., 68-221-101 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed September 17, 2013; effective December 16, 2013. Rule originally numbered 1200-04-02.

0400-40-02-.04 SITE APPROVAL.

- (1) The proposed site for any treatment works or facilities shall be made available to representatives of the Commissioner for inspections at or prior to the time that the preliminary information and/or engineering report and preliminary plans are submitted for approval. The representative of the Commissioner may specify, in the letter of acceptance and approval of the preliminary report and preliminary plans, any specific requirements, such as effluent limitations or other restrictions which must be met by the proposed facilities. Preparation of final plans and specifications should not be commenced prior to receipt of an official site approval letter or notification to proceed.

Authority: T.C.A. § 69-3-101 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed September 17, 2013; effective December 16, 2013. Rule originally numbered 1200-04-02.

0400-40-02-.05 FINAL PLANS, CONTRACT DRAWINGS AND SPECIFICATIONS.

- (1) Construction work shall not be commenced on any new construction or major change of existing facilities or for any activity outlined in T.C.A. § 69-3-108 until complete and final plans

Sapp Investments Response Exhibit 9

REGULATIONS FOR PLANS, SUBMITTAL, AND APPROVAL; CONTROL
OF CONSTRUCTION; CONTROL OF OPERATION

CHAPTER 0400-40-02

(Rule 0400-40-02-.05, continued)

and specifications for such activities have been submitted to and approved in writing by an authorized representative of the Commissioner. No such approval shall be construed as creating the presumption of correct operation nor as warranting by the Commissioner or by his representative that the approved facilities will reach the design goals. The final contract drawings and specifications shall conform to the conditions outlined in the guidelines for preparing such plans as published by the Tennessee Department of Environment and Conservation. Final plans should be blue line on 24 inch by 36 inch sheets with all sheets the same size. Final plans and specifications must be submitted to a representative of the Commissioner in quadruplicate for review and comment or approval except for projects of sufficiently limited scope for which the Commissioner's representatives shall be allowed to accept final plans and specifications in duplicate. All submittals of final plans and specifications shall be made at least 30 days before action is desired. Upon approval of a submittal in quadruplicate, each complete set of plans and specifications will be stamped with the official stamp of approval; two sets will be retained by the Tennessee Department of Environment and Conservation and the other two sets will be returned to the person submitting the plans. Upon approval of a submittal in duplicate each complete set of plans and specifications will be stamped with the official stamp of approval; one set will be retained by the Tennessee Department of Environment and Conservation and the other set will be returned to the person resubmitting the plans. If construction has not commenced in accordance with approved plans and specifications within one year from the date of approval of said plans and specifications, the approval shall be subject to re-evaluation and may be declared null and void.

- (2) The final plans and specifications shall be prepared in accordance with generally accepted wastewater engineering practices. The Design Criteria published from time to time are used internally by the Division as a compilation of such practices and are available to the public. Other designs may also be used if adequately supported by calculations and actual testing data.

Authority: T.C.A. § 69-3-101 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed September 17, 2013; effective December 16, 2013. Rule originally numbered 1200-04-02.

0400-40-02-.06 REVISION OF PLANS.

In the event that it is necessary to require any material change in the submitted plans prior to approval, the Commissioner's representative will outline the required revisions by letter to the engineer and the plans shall be revised as required for approval. Copies of the original submission will be returned to the engineer for revision if deemed necessary. Otherwise, revision may be made by revised plan sheets and addenda to the specifications. In the event that it becomes necessary to make any material change, including equipment substitutions or the provision of "equals," in the approved plans and specifications, subsequent to the date of approval and to the placing of official stamp on such approved plans and specifications, revised plans and specifications in quadruplicate, or duplicate on a project of sufficiently limited scope, together with a statement for the reason for the changes shall be submitted to the Commissioner's representative for review and comment or approval. No part of the work affected by the change or changes shall be started or completed until the Commissioner's representative has given his approval in writing; except that emergency changes which are required as construction proceeds may be made upon verbal approval from the Commissioner's representative, provided that such changes are reflected in as-built plans and specifications which are submitted in the appropriate number of copies at the conclusion of project construction.

Authority: T.C.A. § 69-3-101 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed September 17, 2013; effective December 16, 2013. Rule originally numbered 1200-04-02.



Decentralized Systems Technology Fact Sheet Recirculating Sand Filters

DESCRIPTION

A recirculating sand filter (RSF) system is a modified version of the old-fashioned, single-pass open sand filter. It was designed to alleviate the odor problems associated with open sand filters. The noxious odors were eliminated through recirculation, which increases the oxygen content in the effluent that is distributed on the filter bed.

RSFs are a viable addition or alternative to conventional methods of treatment when soil conditions are not conducive to proper treatment or wastewater disposal through percolative beds/trenches. Sand filters can be used on sites that have shallow soil cover, inadequate permeability, high groundwater, and limited land area. RSFs

commonly serve subdivisions, mobile home parks, rural schools, small municipalities, and other generators of small wastewater flows.

Sand filters remove contaminants in wastewater through physical, chemical, and biological processes. Although the physical and chemical processes play an important role in the removal of many particles, the biological processes play the most important role in sand filters.

Figure 1 shows the three basic components of a RSF system. These three components are a pretreatment unit, a recirculation tank, and an open sand filter.

Wastewater first flows into a septic tank (or in the

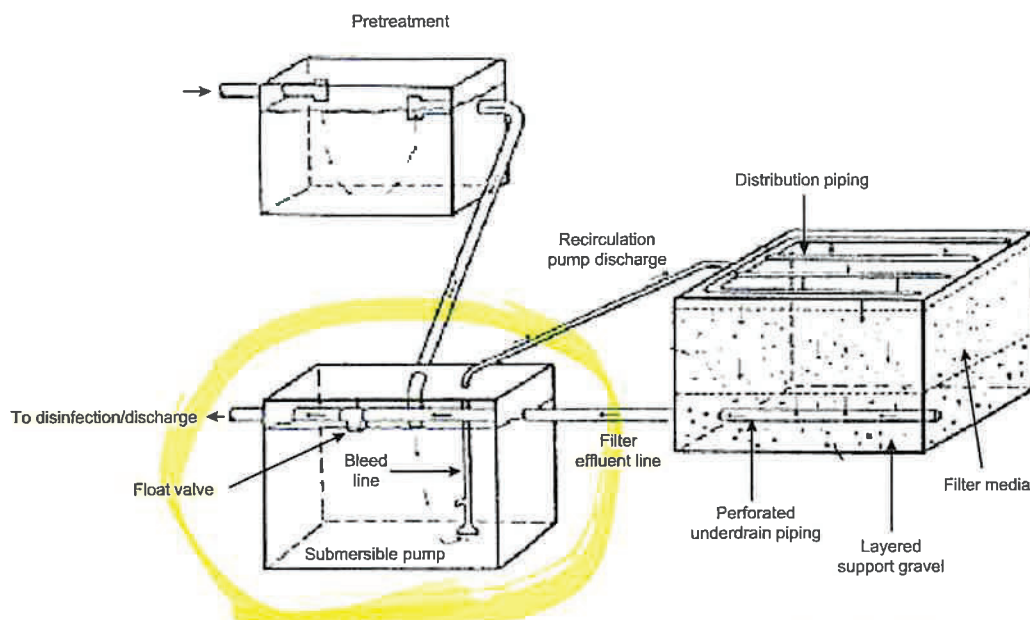


FIGURE 1 TYPICAL RECIRCULATING SAND FILTER

Sources: Hines, 1998 and NSFC, 1997.

Sapp Investments Response Exhibit 9

case of a clustered or community system, a number of septic tanks) for primary treatment. A standard concrete or fiberglass septic tank can be used, with size being relative to the home/facility served.

The partially clarified effluent from the pretreatment tank then flows into a recirculation tank. The volume of the recirculation tank should be equivalent to at least 1 day's raw wastewater flow (or follow local jurisdiction requirements). In the recirculation tank, raw effluent from the septic tank and the sand filter filtrate are mixed and pumped back to the sand filter bed.

APPLICABILITY

Stonehurst Development in Martinez, California

The Stonehurst development is a small residential subdivision near the City of Martinez in Contra Costa County, California. This subdivision is located in a hilly, rural area that did not have a wastewater collection system. Thus, an innovative decentralized wastewater system was designed to provide for wastewater collection, treatment, disinfection, and reuse.

The innovative system combines the use of septic tanks, screened effluent filter vaults, high-head effluent pumps, small-diameter variable grade sewers, pressure sewers, a recirculating granular medium filter, an ultraviolet (UV) disinfection unit, a subsurface drip irrigation system for wastewater reuse, and a community soil absorption field for wintertime disposal. The principle elements for treatment consisted of two sections of recirculating granular filter followed by disinfection.

Each filter was 24 inches deep with 3 millimeter gravel (washed and rounded with less than 2% fines) sandwiched between layers of drain rock, which was coarse, washed gravel approximately 1 to 2.5 inches in diameter. The wastewater was pumped from the recirculating tank to the filters for five minutes every half hour, and circulated approximately five times through the filter. Since one half of the filter was used during the time the study was conducted, the hydraulic loading was 1.2 gal/ft².

Performance data was calculated for 28 months from June 1994 to September 1996, based on an average of at least two samples per month for five-day BOD, and at least four samples per month for TSS, chemical oxygen demand (COD), pH, and total coliform. Table 1 summarizes the performance data of effluent samples that passed through the recirculating gravel filter and the UV system.

To date, the Stonehurst decentralized wastewater system has exceeded all expectations by performing beyond required standards.

**TABLE 1 PERFORMANCE DATA FOR
STONEHURST WASTEWATER
TREATMENT SYSTEM**

Constituent	Range
BOD ₅	0 - < 5 mg/L
COD	1 - 18 mg/L
TSS	2 - 15 mg/L
pH	6.96 - 8.65 unitless
Total coliform	< 2 - 12.5 MPN/100 mL
NH ₄	0 - 15 mg/L
NO ₃	3.55 - 37 mg/L
TKN	0 - 3 mg/L
Oil and grease	0 - 12 mg/L
TDS	340 - 770 mg/L
EC	433 - 1,200 μ mhos/cm

* TDS - total dissolved solids, EC = electrical conductivity, μ mhos/cm - micro mhos per centimeter

Source: Crites et al., 1997.

Elkton, Oregon

A RSF system was installed and monitored for a community in Elkton, which is located on the Umpqua River in Southwestern Oregon. The population of this community was 350, mostly residential with some commercial establishments. The wastewater generated from stores, restaurants, schools, and about 100 residences was first pretreated and screened in individual septic tanks. Partially clarified effluent was then collected and

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.

Prepared by
After Recording Return To:
Aqua Green Utility Inc.
3350 Galts Rd
Acworth, Georgia 30102
Attn: Dart Kendall

Sevier County Tennessee, Cyndi Pickel, Register

RECEIPT #: 741818 INSTRUMENT #: 26000686



CONSIDERATION:	0.00	EDP FEE:	2.00
MORTGAGE TAX:	0.00	REGISTER FEE:	0.00
TRANSFER TAX:	0.00	OTHER FEES:	0.00
RECORDING FEE:	15.00	TOTAL AMOUNT:	17.00

AGREEMENT

1/8/2026 at 9:33AM
Book 6856 Page 584-586

(For Recording Purposes)

NON-EXCLUSIVE GRANT OF EASEMENT

State of Tennessee
County of Williamson

PROJECT NAME: Thunder Mountain

This Easement Agreement is made and entered into this 25 day of April 2026, by and between SAPP Investments LLC hereinafter referred to as "Grantor(s)," and Aqua Green Utility Inc, a TPUC regulated Utility of the State of Tennessee, as party of the second part hereinafter referred to as "Grantee" (the term "Grantee" to include respective heirs, beneficiaries, legal representatives, employees, contractors, agents, tenants and subtenants, successors and assigns, where the context hereof requires or permits):

WITNESSETH

That Grantor(s) for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, does hereby grant, bargain, sell, and convey unto Grantee, a perpetual easement over and under Grantor's(s') property being more particularly described as follows:

All that tract or parcel of land lying and being all roads, shoulder, or right of way and all other easements, in the entire community known as Thunder Mountain Project and being improved property attached hereto as Exhibit "A" which shows this easement and which is made a part hereof by reference.

The sewer easement conveyed by this instrument is and includes the permission from Grantor(s) to use up to 20 feet in width for the construction and installation of the water/sewer Mains to be situated within the said easement.

This grant of easement shall include the right of ingress to and egress from the strip over and across the real property by means of roads and lanes on such property, if such exist, otherwise by such routes or routes as shall occasion the least practical damage and inconvenience to grantor. Grantee shall have the right of grading, improving and maintaining all such roads, including bridges, on or across the real property as grantee may deem necessary in the exercise of the right of ingress and egress or provide access to the subject real property.

Grantee shall not erect, maintain, or construct any buildings or other structures on the easement being granted herein; provided however, Grantee may construct a fence around the drip zones installed by Grantee.

The sewer easement conveyed herein by Grantor(s) is for the purpose of a sewer system and includes the rights to enter upon Grantor's(s') property to install and repair sewer lines and needed street repairs to be situated within the said easement, and to inspect, maintain, replace, or repair the same, as may from time to time be necessary, or whenever Grantee deems fit, with all rights, members and appurtenances to said easement and right-of-way in anywise appertaining or belonging thereto.

Sapp Investments Response Exhibit 9

Grantor(s) for both itself and its heirs and assigns understands and agrees in connection with this conveyance that any and all construction, digging, grubbing, clearing, filling or other earth moving or construction activities within or in the easement area conveyed herein are specifically in violation of the rights conveyed herein and are, therefore, prohibited without 3 days notice so the utility may locate pipes and service disruption may be avoided.

Grantor(s) hereby covenants with Grantee that it is lawfully seized and possessed of the real estate previously described herein and that it has good and lawful right to convey the easement covered by this document, or any part thereof, and that the said easement is free from all encumbrances. The easement herein granted shall bind the heirs and assigns of Grantor(s) and shall inure to the benefit of the successors in title of Grantee.

Additional Stipulations:

Grantor(s) for both itself and its heirs and assigns understands and agrees in connection with this conveyance that any and all property used for Utility purposes is exempt from any covenants and or restrictions and is not subject to any HOA, club or any other such fees.

Witness my hand and seal, this 25 day of April, 20 25.

GRANTOR(S):

(Signature)

Print

Title



Sworn & subscribed before me this 25 day of April, 2020.

Terry L. Ingram
Terry L. Ingram

****Attached "8 ½ x 11" Plat – Exhibit "A"*****

[illegible][illegible]

CLARK



SAPP INVESTMENT LLC
 3800 WEST GARDEN COUNTRY, SUITE 200
 DALLAS, TX 75246, US
 ATTENTION: MR. JAY COOPER
 10000 W. LBJ Fwy
 SUITE 1000 DALLAS, TX 75241
 APPROVED BY: J. JACOB
 DOWNSHIP 10.14.2017
 FIELD FILED ON 03/13/18
 DEPARTMENT OF REVENUE
 LAST FILED DATE 03/03/18
 LAST FILED DATE

DATE 1-1-1977
PROJECT NUMBER 6718

[illegible]

34.98 ACRES
1,522,798 SG. FY.

[illegible]

NORWELL & POE ENGINEERS
SPECIALIZED EXPERTISE IN SURVEYING
1228 Fox Meadows Boulevard, Suite 2
Riverside, Vermont 57463

Phone (407) 6-2323 FAX (407) 674-4114
and 270-0000 and 270-0000

Sapp Investments Response Exhibit 10

Sapp Investments Response Exhibit 10

CONTRACT AGREEMENT

THIS AGREEMENT made as of the fifth day of May in the year of 2025.

Between Parties:

Sapp Investments LLC ("Owner")
101 West Court St.
Paragould AR. 72450

and

Advanced Septic, Inc. ("Contractor")
3350 Galts Road
Acworth, Georgia 30102

and

Aqua Green Utility Inc. ("Utility")
3350 Galts Road
Acworth Georgia 30102

and

Next Gen Properties LLC. ("Additional Owner")
215 Center Park Drive
Knoxville TN 37922

For the following Project:

Thunder Mountain ("Project")

Addendum:

Sapp Investments agrees to transfer 72 bedrooms worth of capacity, that being 7200 gallons per day to Next Gen Properties LLC (Additional Owner). Sapp Investments LLC understands that this will be reduced from the gallons per day amount previously mentioned in the contract with Aqua Green Utility and Advanced Septic Inc. dated the fourteenth day of July 2021.

The Utility will apply to the Tennessee Public Utility Commission (TPUC) to add the Additional Owner development to its necessity and convenience permit for the Thunder Mountain Project. This will include posting the necessary financial surety for permanent operation with the TPUC. The Utility will be responsible for all future costs including electricity, internet telemetry, sludge removal, septic tank pumping, parts replacements and certified operator visits.

The Additional Owner understands that the Aqua Green Utility Inc. service contract, rule 5, will prohibit anyone from building a unit of higher water usage than the permit allows (72 bedrooms) or any type of residence that would jeopardize the wastewater permit for the Project. Rule 5 is listed below:

Sapp Investments Response Exhibit 10

5. *I accept the current Rules and Regulations and the Rates and Fees Schedule and agree to abide by any amendments to such Schedules as approved by the Tennessee Public Utility Commission. New service may be refused if AGU determines the new service is or will cause a violation of the Tennessee Department of Environment and Conservation SOP permit.*

Utility Customer Charges

The customer understands that the fee approved by the Tennessee Public Utility Commission is what will be charged. Any changes in the fee structure would need also to be approved by the TPUC. The fee where no home is built but a service connection exists is called a sewer access fee and is due each year. The owner of each property parcel, which is provided a service connection when the sewer system is built, will be required to pay a sewer access fee of \$150.00 per year. This fee will be payable each July 1st. As each Customer attaches to the service connection and signs up for service, they will pay a pro-rated sewer access fee for that year and thereafter a monthly fee will be charged.

The sewer line or sewer pipe installer must meet the specifications of Aqua Green Utility and a Utility representative must be allowed to inspect before being covered. The sewer line specifications can be found on the aquagreenutility.com website. If appropriate specifications cannot be found, contact Aqua Green Utility Inc. at 865-908-0432 for assistance. The sewer lines start at each home or occupancy and connect back to the wastewater plant. Sewer lines that the Utility determines not to meet specifications will not be permitted to be connected to the plant until corrections are made and inspected.

The Parties submit to the jurisdiction and venue of the Courts of The State of Tennessee for the resolution of any disputes.

ACCEPTED:

OWNER:

(Signature)

Print

Sworn & subscribed before me this
_____ day of _____, 2025.

ACCEPTED:

ADDITIONAL OWNER:

(Signature)

Print

Sworn & subscribed before me this
_____ day of _____, 2025.

Sapp Investments Response Exhibit 10

CONTRACTOR:

(Signature)
Dart Kendall
CEO, Advanced Septic Inc.

UTILITY:

(Signature)
Dart Kendall
President, Aqua Green Utility Inc.

Sworn & subscribed before me this
____ day of _____, 2025.

Sapp Investments Collective
Response Exhibit 11

BEFORE THE TENNESSEEPUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

January 16, 2026

**IN RE: PETITION OF AQUA GREEN UTILITY INC. TO AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY**

DOCKET NO: 22-00028

Petition of Aqua Green Utility Inc. to amend its Certificate of Convenience and Necessity

Aqua Green Utility Inc. would like add an update to our petition requesting to add Thunder Mountain to our service area. Plats have been stabilized and we have filed our easements with the county registrar.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Dart Kendall', with a long horizontal flourish extending to the right.

Dart Kendall
Aqua Green Utility Inc.

THIS INSTRUMENT PREPARED BY:
Tyler C. Huskey, Attorney
GENTRY, TIPTON & McLEMORE, P.C.
2540 Sand Pike Boulevard, Suite 2
Pigeon Forge, Tennessee 37863
(865) 525-5300

Sevier County Tennessee, Cyndi Pickel, Register
RECEIPT #: 741818 INSTRUMENT #: 26000687
 CONSIDERATION: 0.00 EDP FEE: 2.00
MORTGAGE TAX: 0.00 REGISTER FEE: 0.00
TRANSFER TAX: 0.00 OTHER FEES: 0.00
RECORDING FEE: 15.00 TOTAL AMOUNT: 17.00
EASEMENT 1/8/2026 at 9:33AM
Book 6856 Page 587-589

PERMANENT UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

This Permanent Utility Easement is entered into this 25 day of April, 2025, by and between SAPP INVESTMENTS, LLC, an Arkansas limited liability company (hereinafter referred to as the "Grantor"), and AQUA GREEN UTILITY, INC., a Tennessee corporation (hereinafter referred to as "Grantee").

For and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration paid to Grantor by Grantee, the receipt of which is hereby acknowledged, the Grantor hereby grants to Grantee, its successors and assigns, a perpetual non-exclusive easement for the purpose of installing wastewater sewer utility lines. The Plat for said Permanent Utility Easement is attached hereto as Exhibit A.

This Permanent Utility Easement shall include the right of reasonable ingress and egress over the adjacent lands of the Grantor, its successors and assigns, for the purposes of this easement and periodic construction, maintenance and inspection of the wastewater sewer utility line, including the right to remove impediments, such as trees and debris therefrom.

The consideration hereinabove recited, shall constitute payment in full for any damages to the land of the Grantor, its successors and assigns; provided, however, the Grantee covenants to maintain the easement in good repair so that no unreasonable damage will result from Grantee's use of this Permanent Utility Easement to the land of the Grantor, and their successors and assigns.

THE PERMANENT UTILITY EASEMENT created hereby shall: (1) run with the land and shall benefit and/or obligate each of the parties hereto, and their respective heirs, successors and assigns; (2) be perpetual, but shall not create any form of adverse possession; and (3) supersede any prior grant of easement, easement agreement or permissive use agreement, whether written or verbal.

Grantee shall not erect, maintain, or construct any buildings or other structures on the easement being granted herein; provided however, Grantee may construct a fence around the drip zones installed by Grantee.

This document contains the parties' entire understanding and agreement, and may be amended only by subsequent written modification executed by all parties then in interest.

IN WITNESS WHEREOF, the undersigned have executed this instrument on the dates shown below.

Sapp Investments Collective Response Exhibit 11

Grantor:

SAPP INVESTMENTS, LLC, an Arkansas limited liability company

By: [Signature]

Name: Jason Sapp

Title: Sole Member and Manager

Grantee:

AQUA GREEN UTILITY, INC., a Tennessee corporation

By: [Signature]

Name: Dart Kendall

Title: President

STATE OF Florida
COUNTY OF Okaloosa

Before me, the undersigned, a Notary Public in and for said County and State aforesaid, personally appeared JASON SAPP, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged himself to be the Sole Member and Manager of SAPP INVESTMENTS, LLC, the within named bargainor, an Arkansas limited liability company, and that he as Sole Member and Manager, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the company by himself as Sole Member and Manager.

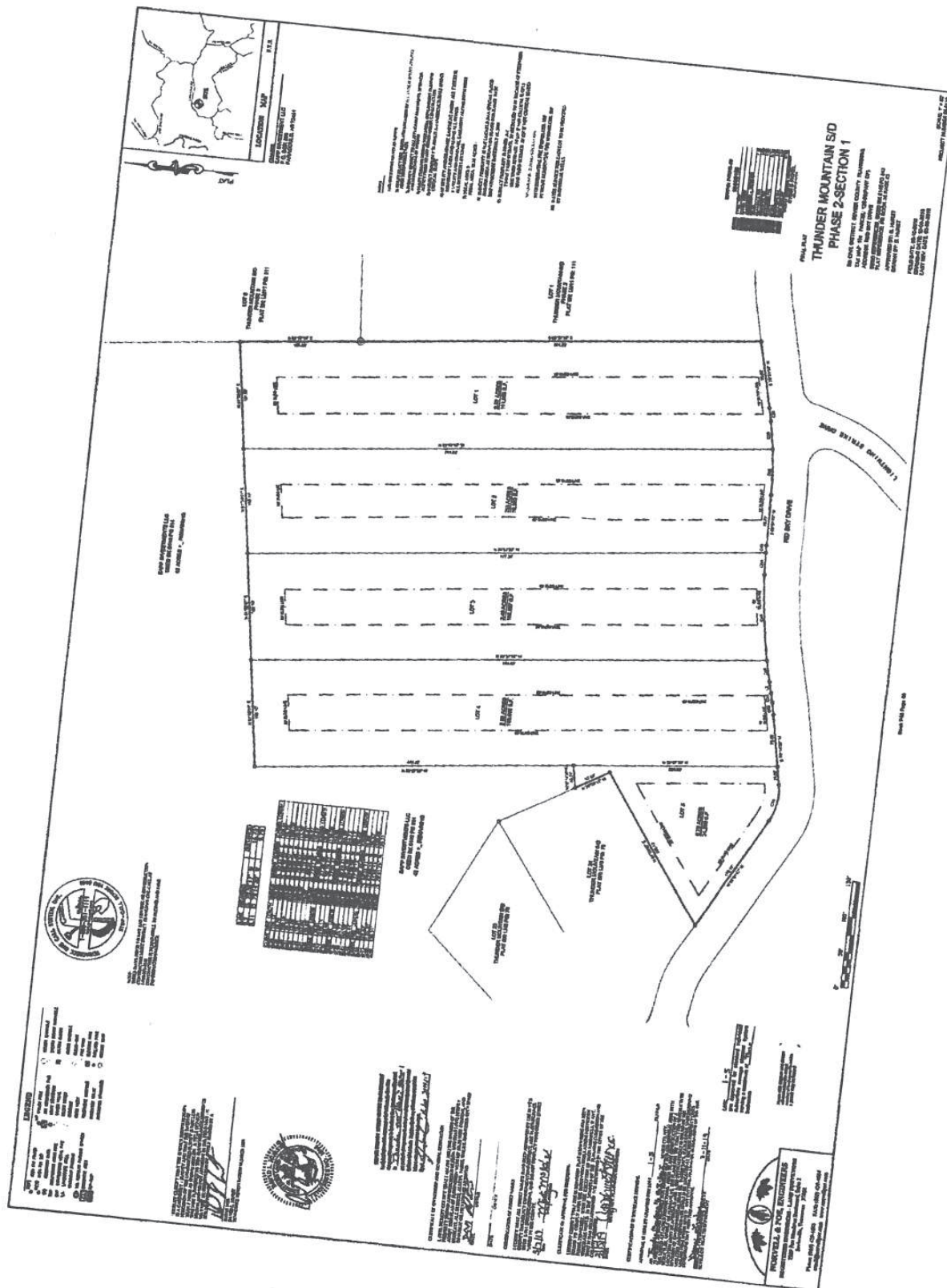
WITNESS, my hand and seal at office, this the 25 day of April, 2025.

[Signature]
Notary Public

Terry L. Ingram

My Commission Expires: _____





Prepared by
After Recording Return To:
Aqua Green Utility Inc.
3350 Galts Rd
Acworth, Georgia 30102
Attn: Dart Kendall

Sevier County Tennessee, Cyndi Pickel, Register
RECEIPT #: 741818 INSTRUMENT #: 26000686


CONSIDERATION:	0.00	EDP FEE:	2.00
MORTGAGE TAX:	0.00	REGISTER FEE:	0.00
TRANSFER TAX:	0.00	OTHER FEES:	0.00
RECORDING FEE:	15.00	TOTAL AMOUNT:	17.00

AGREEMENT 1/8/2026 at 9:33AM
Book 6856 Page 584-586

(For Recording Purposes)

NON-EXCLUSIVE GRANT OF EASEMENT

State of Tennessee
County of Williamson

PROJECT NAME: Thunder Mountain

This Easement Agreement is made and entered into this 25 day of April, 20 , by and between SAPP Investments LLC hereinafter referred to as "Grantor(s)," and Aqua Green Utility Inc., a TPUC regulated Utility of the State of Tennessee, as party of the second part hereinafter referred to as "Grantee" (the term "Grantee" to include respective heirs, beneficiaries, legal representatives, employees, contractors, agents, tenants and subtenants, successors and assigns, where the context hereof requires or permits):

WITNESSETH

That Grantor(s) for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, does hereby grant, bargain, sell, and convey unto Grantee, a perpetual easement over and under Grantor's(s') property being more particularly described as follows:

All that tract or parcel of land lying and being all roads, shoulder, or right of way and all other easements, in the entire community known as Thunder Mountain Project and being improved property attached hereto as Exhibit "A" which shows this easement and which is made a part hereof by reference.

The sewer easement conveyed by this instrument is and includes the permission from Grantor(s) to use up to 20 feet in width for the construction and installation of the water/sewer Mains to be situated within the said easement.

This grant of easement shall include the right of ingress to and egress from the strip over and across the real property by means of roads and lanes on such property, if such exist, otherwise by such routes or routes as shall occasion the least practical damage and inconvenience to grantor. Grantee shall have the right of grading, improving and maintaining all such roads, including bridges, on or across the real property as grantee may deem necessary in the exercise of the right of ingress and egress or provide access to the subject real property.

Grantee shall not erect, maintain, or construct any buildings or other structures on the easement being granted herein; provided however, Grantee may construct a fence around the drip zones installed by Grantee.

The sewer easement conveyed herein by Grantor(s) is for the purpose of a sewer system and includes the rights to enter upon Grantor's(s') property to install and repair sewer lines and needed street repairs to be situated within the said easement, and to inspect, maintain, replace, or repair the same, as may from time to time be necessary, or whenever Grantee deems fit, with all rights, members and appurtenances to said easement and right-of-way in anywise appertaining or belonging thereto.

Sapp Investments Collective Response Exhibit 11

Grantor(s) for both itself and its heirs and assigns understands and agrees in connection with this conveyance that any and all construction, digging, grubbing, clearing, filling or other earth moving or construction activities within or in the easement area conveyed herein are specifically in violation of the rights conveyed herein and are, therefore, prohibited without 3 days notice so the utility may locate pipes and service disruption may be avoided.

Grantor(s) hereby covenants with Grantee that it is lawfully seized and possessed of the real estate previously described herein and that it has good and lawful right to convey the easement covered by this document, or any part thereof, and that the said easement is free from all encumbrances. The easement herein granted shall bind the heirs and assigns of Grantor(s) and shall inure to the benefit of the successors in title of Grantee.

Additional Stipulations:

Grantor(s) for both itself and its heirs and assigns understands and agrees in connection with this conveyance that any and all property used for Utility purposes is exempt from any covenants and or restrictions and is not subject to any HOA, club or any other such fees.

Witness my hand and seal, this 25 day of April, 20 25.

GRANTOR(S):

(Signature)

Print

Title

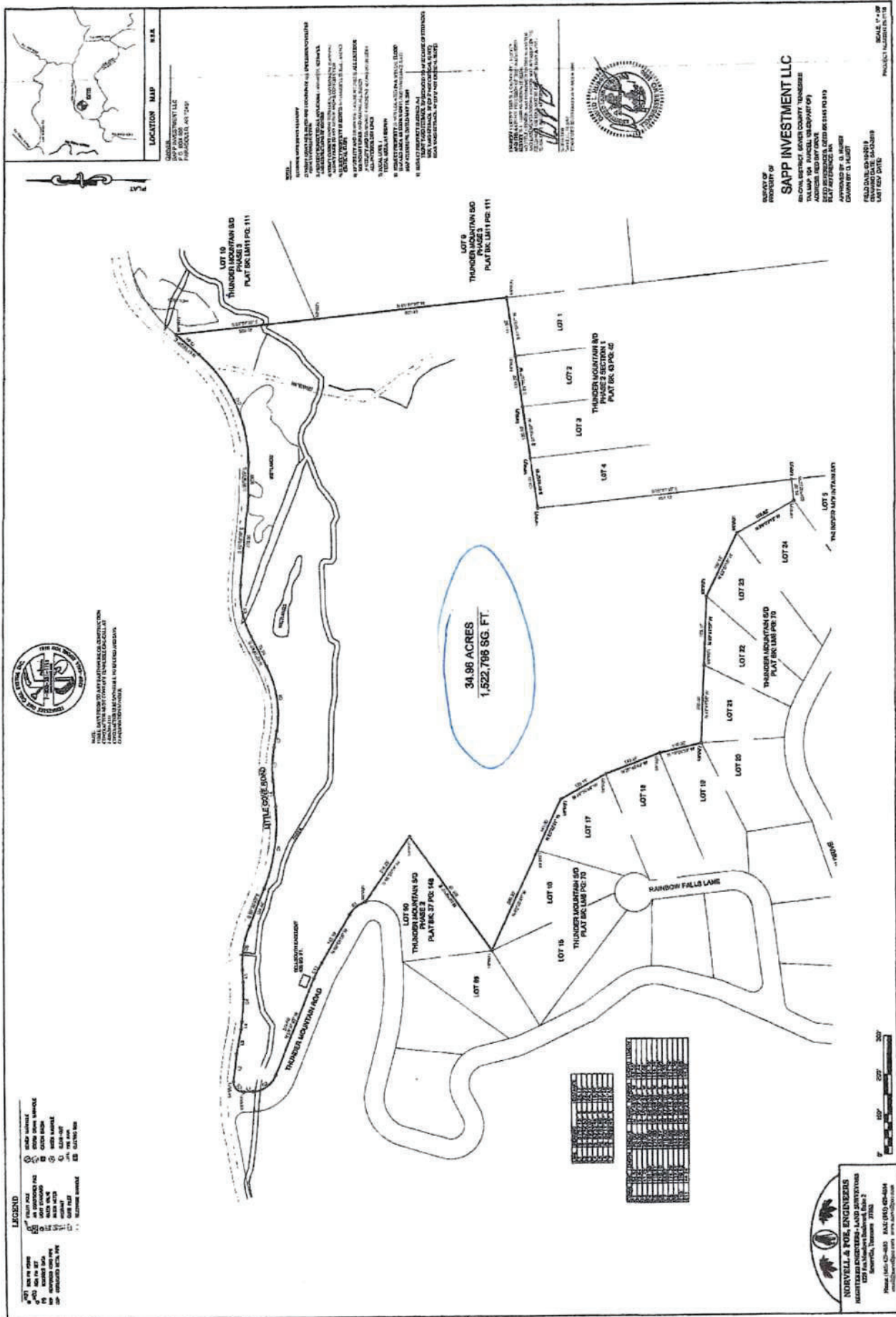


Sworn & subscribed before me this 25 day of April, 2020.

Terry L. Ingram
Terry L. Ingram

****Attached "8 1/2 x 11" Plat – Exhibit "A"*****

Sapp Investments Collective Response Exhibit 11



Sapp Investments Collective
Response Exhibit 12

Sapp Investments Collective Response Exhibit 12

3:18 PM
04/16/26

Sapp Investments, LLC
All Transactions for Advanced Septic, Inc.
All Transactions

Type	Num	Date	Account	Amount
Check	4972	12/03/2021	Centennial Bank	\$16,904.00
Check	5012	06/09/2022	Centennial Bank	\$8,452.00
Check	5034	09/26/2022	Centennial Bank	\$8,452.00
Check	5001*	02/13/2024	Thunder Mtn Construction Acct	\$15,730.00
Check	5002*	03/11/2024	Thunder Mtn Construction Acct	\$5,273.71
Check	5004*	03/20/2024	Thunder Mtn Construction Acct	\$18,594.40
Check	5009*	04/04/2024	Thunder Mtn Construction Acct	\$21,858.79
Check	5016*	05/02/2024	Thunder Mtn Construction Acct	\$15,730.00
Check	5018*	05/29/2024	Thunder Mtn Construction Acct	\$18,594.40
Check	5024*	07/09/2024	Thunder Mtn Construction Acct	\$7,569.20
Check	5025*	07/09/2024	Thunder Mtn Construction Acct	\$18,594.40
Check	5036*	08/21/2024	Thunder Mtn Construction Acct	\$37,188.80
Check	5043*	10/16/2024	Thunder Mtn Construction Acct	\$18,594.40
Check	5056*	12/18/2024	Thunder Mtn Construction Acct	\$47,190.00
Check	5065*	03/19/2025	Thunder Mtn Construction Acct	\$39,870.00
Check	1110	05/23/2025	Thunder Mtn Construction Acct	\$18,594.40
Check	1117	06/18/2025	Thunder Mtn Construction Acct	\$15,730.00
Check	1120	07/14/2025	Thunder Mtn Construction Acct	\$18,594.40
Check	1120	07/28/2025	Thunder Mtn Construction Acct	\$18,594.40
Check	1126	08/25/2025	Thunder Mtn Construction Acct	\$7,275.69
Check	1132	09/18/2025	Thunder Mtn Construction Acct	\$34,324.40
Total				\$411,709.39

-1

Sapp Investments Collective Response Exhibit 12**Advanced Septic Inc.**

3350 Galts Road
Acworth, GA 30102

Invoice

Date	Invoice #
6/7/2022	1908

Bill To
Sapp Investments LLC 101 West Court St. Paragould, AR 72450

Job Location:
<i>Thunder Mountain</i>

			Terms
			upon receipt
Description	Qty	Rate	Amount
SOP received from TDEC		8,452.00	8,452.00
Total			\$8,452.00
Balance Due			\$8,452.00

A Finance Charge of 1.50% per month will be charged on invoices that are 30 days Past Due.
\$25 service charge on all returned checks.
Not responsible for soil settling on sewer line from house to tank.

Phone #	Fax #
7709660998	770-966-0998

Sapp Investments Collective Response Exhibit 12**Advanced Septic Inc.**

3350 Galts Road
Acworth, GA 30102

Invoice

Date	Invoice #
9/23/2022	1916

Bill To

Sapp Investments LLC
101 West Court St.
Paragould, AR 72450

Job Location:

Thunder Mountain

Terms

upon receipt

Description	Qty	Rate	Amount
TPUC approvals		8,452.00	8,452.00
Total			\$8,452.00
Balance Due			\$8,452.00

A Finance Charge of 1.50% per month will be charged on invoices that are 30 days Past Due.
\$25 service charge on all returned checks.
Not responsible for soil settling on sewer line from house to tank.

Phone #

7709660998

Fax #

770-966-0998

Sapp Investments Collective Response Exhibit 12**Advanced Septic Inc.**

3350 Galts Road
Acworth, GA 30102

Invoice

Date	Invoice #
1/31/2024	1965

Bill To

Sapp Investments LLC
101 West Court St.
Paragould, AR 72450

Job Location:

Thunder Mountain

Terms

upon receipt

Description	Qty	Rate	Amount
Installation of silt fence with 10% adjustment		15,730.00	15,730.00
Total			\$15,730.00
Balance Due			\$15,730.00

A Finance Charge of 1.50% per month will be charged on invoices that are 30 days Past Due.
\$25 service charge on all returned checks.
Not responsible for soil settling on sewer line from house to tank.

Phone #

7709660998

Fax #

770-966-0998

Sapp Investments Collective Response Exhibit 12**Advanced Septic Inc.**

3350 Galts Road
Acworth, GA 30102

Invoice

Date	Invoice #
3/3/2024	1969

Bill To

Sapp Investments LLC
101 West Court St.
Paragould, AR 72450

Job Location:

Thunder Mountain

			Terms
			upon receipt
Description	Qty	Rate	Amount
February billing		5,273.71	5,273.71
Total			\$5,273.71
Balance Due			\$5,273.71

A Finance Charge of 1.50% per month will be charged on invoices that are 30 days Past Due.
\$25 service charge on all returned checks.
Not responsible for soil settling on sewer line from house to tank.

Phone #

7709660998

Fax #

770-966-0998

Phone #	Fax #
7709660998	770-966-0998

Sapp Investments Collective Response Exhibit 12**Advanced Septic Inc.**

3350 Galts Road
Acworth, GA 30102

Invoice

Date	Invoice #
4/1/2024	1973

Bill To

Sapp Investments LLC
101 West Court St.
Paragould, AR 72450

Job Location:

Thunder Mountain

Terms

upon receipt

Description	Qty	Rate	Amount
March billing		6,128.79	6,128.79
Total			\$6,128.79
Balance Due			\$6,128.79

A Finance Charge of 1.50% per month will be charged on invoices that are 30 days Past Due.
\$25 service charge on all returned checks.
Not responsible for soil settling on sewer line from house to tank.

Phone #**Fax #**

7709660998

770-966-0998

Sapp Investments Collective Response Exhibit 12**Advanced Septic Inc.**

3350 Galts Road
Acworth, GA 30102

Invoice

Date	Invoice #
4/2/2024	1974

Bill To

Sapp Investments LLC
101 West Court St.
Paragould, AR 72450

Job Location:

Thunder Mountain

Terms

upon receipt

Description	Qty	Rate	Amount
Land clearing and temporary roads with 10% adjustment		15,730.00	15,730.00
Total			\$15,730.00
Balance Due			\$15,730.00

A Finance Charge of 1.50% per month will be charged on invoices that are 30 days Past Due.
\$25 service charge on all returned checks.
Not responsible for soil settling on sewer line from house to tank.

Phone #

7709660998

Fax #

770-966-0998

Sapp Investments Collective Response Exhibit 12**Advanced Septic Inc.**

3350 Galts Road
Acworth, GA 30102

Invoice

Date	Invoice #
5/1/2024	1975

Bill To

Sapp Investments LLC
101 West Court St.
Paragould, AR 72450

Job Location:

Thunder Mountain

Terms

upon receipt

Description	Qty	Rate	Amount
Temporary Power with 10% adjustment		15,730.00	15,730.00
Total			\$15,730.00
Balance Due			\$15,730.00

A Finance Charge of 1.50% per month will be charged on invoices that are 30 days Past Due.
\$25 service charge on all returned checks.
Not responsible for soil settling on sewer line from house to tank.

Phone #

7709660998

Fax #

770-966-0998

Sapp Investments Collective Response Exhibit 12**Advanced Septic Inc.**

3350 Galts Road
Acworth, GA 30102

Invoice

Date	Invoice #
5/3/2024	1976

Bill To

Sapp Investments LLC
101 West Court St.
Paragould, AR 72450

Job Location:**Terms**

upon receipt

Description	Qty	Rate	Amount
Phase 1 tanks installed with 10% adjustment		18,594.40	18,594.40
Total			\$18,594.40
Balance Due			\$18,594.40

A Finance Charge of 1.50% per month will be charged on invoices that are 30 days Past Due.
\$25 service charge on all returned checks.
Not responsible for soil settling on sewer line from house to tank.

Phone #

7709660998

Fax #

770-966-0998

Sapp Investments Collective Response Exhibit 12**Advanced Septic Inc.**

3350 Galts Road
Acworth, GA 30102

Invoice

Date	Invoice #
5/21/2024	1977

Bill To

Sapp Investments LLC
101 West Court St.
Paragould, AR 72450

Job Location:

Thunder Mountain

Terms

upon receipt

Description	Qty	Rate	Amount
April billing		7,569.20	7,569.20
Total			\$7,569.20
Balance Due			\$7,569.20

A Finance Charge of 1.50% per month will be charged on invoices that are 30 days Past Due.
\$25 service charge on all returned checks.
Not responsible for soil settling on sewer line from house to tank.

Phone #

7709660998

Fax #

770-966-0998

Sapp Investments Collective Response Exhibit 12**Advanced Septic Inc.**

3350 Galts Road
Acworth, GA 30102

Invoice

Date	Invoice #
7/9/2024	1983

Bill To

Sapp Investments LLC
101 West Court St.
Paragould, AR 72450

Job Location:

Thunder Mountain

Terms

upon receipt

Description	Qty	Rate	Amount
Pump tank slab concrete complete with 10% adjustment		18,594.40	18,594.40
Total			\$18,594.40
Balance Due			\$18,594.40

A Finance Charge of 1.50% per month will be charged on invoices that are 30 days Past Due.
\$25 service charge on all returned checks.
Not responsible for soil settling on sewer line from house to tank.

Phone #

7709660998

Fax #

770-966-0998

Sapp Investments Collective Response Exhibit 12**Advanced Septic Inc.**

3350 Galts Road
Acworth, GA 30102

Invoice

Date	Invoice #
8/16/2024	1984

Bill To

Sapp Investments LLC
101 West Court St.
Paragould, AR 72450

Job Location:

Thunder Mountain

Terms

upon receipt

Description	Qty	Rate	Amount
Pump tank slab concrete complete with 10% adjustment		18,594.40	18,594.40
Total			\$18,594.40
Balance Due			\$18,594.40

A Finance Charge of 1.50% per month will be charged on invoices that are 30 days Past Due.
\$25 service charge on all returned checks.
Not responsible for soil settling on sewer line from house to tank.

Phone #

7709660998

Fax #

770-966-0998

Sapp Investments Collective Response Exhibit 12**Advanced Septic Inc.**

3350 Galts Road
Acworth, GA 30102

Invoice

Date	Invoice #
8/21/2024	1985

Bill To

Sapp Investments LLC
101 West Court St.
Paragould, AR 72450

Job Location:

Thunder Mountain

Terms

upon receipt

Description	Qty	Rate	Amount
Pump tank slab concrete complete with 10% adjustment		18,594.40	18,594.40
Total			\$18,594.40
Balance Due			\$18,594.40

A Finance Charge of 1.50% per month will be charged on invoices that are 30 days Past Due.
\$25 service charge on all returned checks.
Not responsible for soil settling on sewer line from house to tank.

Phone #

7709660998

Fax #

770-966-0998

Sapp Investments Collective Response Exhibit 12**Advanced Septic Inc.**

3350 Galts Road
Acworth, GA 30102

Invoice

Date	Invoice #
9/23/2024	1987

Bill To

Sapp Investments LLC
101 West Court St.
Paragould, AR 72450

Job Location:

Thunder Mountain

Terms

upon receipt

Description	Qty	Rate	Amount
All concrete work complete with 10% adjustment		18,594.40	18,594.40
Total			\$18,594.40
Balance Due			\$18,594.40

A Finance Charge of 1.50% per month will be charged on invoices that are 30 days Past Due.
\$25 service charge on all returned checks.
Not responsible for soil settling on sewer line from house to tank.

Phone #

7709660998

Fax #

770-966-0998

Phone #	Fax #
7709660998	770-966-0998

Sapp Investments Collective Response Exhibit 12**Advanced Septic Inc.**

3350 Galts Road
Acworth, GA 30102

Invoice

Date	Invoice #
3/10/2025	1999

Bill To

Sapp Investments LLC
101 West Court St.
Paragould, AR 72450

Job Location:

Thunder Mountain

Terms

upon receipt

Description	Qty	Rate	Amount
Install high pressure schedule 80 water line for 4 cabins with valve boxes. Install sewer line from 4 cabins to sewer plant with taps.		39,870.00	39,870.00
Total			\$39,870.00
Balance Due			\$39,870.00

A Finance Charge of 1.50% per month will be charged on invoices that are 30 days Past Due.
\$25 service charge on all returned checks.
Not responsible for soil settling on sewer line from house to tank.

Phone #

7709660998

Fax #

770-966-0998

Phone #	Fax #
7709660998	770-966-0998

Sapp Investments Collective Response Exhibit 12**Advanced Septic Inc.**

3350 Galts Road
Acworth, GA 30102

Invoice

Date	Invoice #
6/4/2025	2003

Bill To

Sapp Investments LLC
101 West Court St.
Paragould, AR 72450

Job Location:

Thunder Mountain

Terms

upon receipt

Description	Qty	Rate	Amount
Landscaping installed with 10% adjustment		15,730.00	15,730.00
Total			\$15,730.00
Balance Due			\$15,730.00

A Finance Charge of 1.50% per month will be charged on invoices that are 30 days Past Due.
\$25 service charge on all returned checks.
Not responsible for soil settling on sewer line from house to tank.

Phone #

7709660998

Fax #

770-966-0998

Sapp Investments Collective Response Exhibit 12**Advanced Septic Inc.**

3350 Galts Road
Acworth, GA 30102

Invoice

Date	Invoice #
7/11/2025	2006

Bill To

Sapp Investments LLC
101 West Court St.
Paragould, AR 72450

Job Location:

Thunder Mountain

Terms

upon receipt

Description	Qty	Rate	Amount
Drip tubing installation begins with 10% adjustment		18,594.40	18,594.40
Total			\$18,594.40
Balance Due			\$18,594.40

A Finance Charge of 1.50% per month will be charged on invoices that are 30 days Past Due.
\$25 service charge on all returned checks.
Not responsible for soil settling on sewer line from house to tank.

Phone #

7709660998

Fax #

770-966-0998

Sapp Investments Collective Response Exhibit 12**Advanced Septic Inc.**

3350 Galts Road
Acworth, GA 30102

Invoice

Date	Invoice #
8/21/2025	2011

Bill To

Sapp Investments LLC
101 West Court St.
Paragould, AR 72450

Job Location:

Thunder Mountain

Terms

upon receipt

Description	Qty	Rate	Amount
Pump & controls for water system		4,288.69	4,288.69
Pipe parts		487.00	487.00
Labor		2,500.00	2,500.00
Total			\$7,275.69
Balance Due			\$7,275.69

A Finance Charge of 1.50% per month will be charged on invoices that are 30 days Past Due.
\$25 service charge on all returned checks.
Not responsible for soil settling on sewer line from house to tank.

Phone #

7709660998

Fax #

770-966-0998

Sapp Investments Collective Response Exhibit 12**Advanced Septic Inc.**

3350 Galts Road
Acworth, GA 30102

Invoice

Date	Invoice #
8/29/2025	2015

Bill To

Sapp Investments LLC
101 West Court St.
Paragould, AR 72450

Job Location:

Thunder Mountain

Terms

upon receipt

Description	Qty	Rate	Amount
Phase 1 drip field is complete with 10% adjustment		18,594.40	18,594.40
Total			\$18,594.40
Balance Due			\$18,594.40

A Finance Charge of 1.50% per month will be charged on invoices that are 30 days Past Due.
\$25 service charge on all returned checks.
Not responsible for soil settling on sewer line from house to tank.

Phone #

7709660998

Fax #

770-966-0998

Sapp Investments Collective Response Exhibit 12**Advanced Septic Inc.**

3350 Galts Road
Acworth, GA 30102

Invoice

Date	Invoice #
9/17/2025	2016

Bill To

Sapp Investments LLC
101 West Court St.
Paragould, AR 72450

Job Location:

Thunder Mountain

Terms

upon receipt

Description	Qty	Rate	Amount
Area fencing started with 10% adjustment		15,730.00	15,730.00
Total			\$15,730.00
Balance Due			\$15,730.00

A Finance Charge of 1.50% per month will be charged on invoices that are 30 days Past Due.
\$25 service charge on all returned checks.
Not responsible for soil settling on sewer line from house to tank.

Phone #

7709660998

Fax #

770-966-0998

Sapp Investments Collective
Response Exhibit 13



AquaGreen Utility Inc.

3350 Galts Road . Acworth, Georgia . 30102

Date: 1/10/2023

To: Whom it may concern

Aqua Green Utility Inc. was asked by the developer to provide wastewater services for the proposed subdivision to be located on Thunder Mountain. We petitioned the Tennessee Public Utility Commission to add this subdivision to our service area and we were approved.

Our affiliate company has a contract with the developer to build the sewer plant and a irrevocable letter of credit guaranteeing payment.

Once the system is complete, Aqua Green Utility intends to provide sewer service for this development.

Sincerely,

Dart Kendall
President
AquaGreen Utility Inc.
865-908-0432
dart@aquagreenutility.com



AquaGreen
Utility Inc.

3350 Galts Road . Acworth, Georgia . 30102

Date: 8/24/2023

To: Whom it may concern

Aqua Green Utility Inc. was asked by the developer to provide wastewater services for the proposed subdivision to be located on Thunder Mountain. We petitioned the Tennessee Public Utility Commission to add this subdivision to our service area and we were approved.

Our affiliate company has a contract with the developer to build the sewer plant and a irrevocable letter of credit guaranteeing payment.

Once the system is complete, Aqua Green Utility intends to provide sewer service for this development. Including Lot 4 a 6 bedroom cabin on top of Thunder Mountain.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dart Kendall', with a large, stylized flourish extending to the right.

Dart Kendall
President
AquaGreen Utility Inc.
865-908-0432
dart@aquagreenutility.com

Sapp Investments Response Exhibit 14



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

Davy Crockett Tower, 9th Floor
500 James Robertson Parkway
Nashville, Tennessee 37243

May 22, 2026

Mr. Dart Kendall
President
Aqua Green Utilities
dart@aquagreenutility.com
3350 Galts Road
Acworth, GA 30102

Subject: **Intent to Deny Termination**
 SOP-22009 Thunder Mountain
 Aqua Green Utilities
 Sevierville, Sevier County, Tennessee

Mr. Kendall,

The Division of Water Resources has completed its review of Aqua Green Utility, Inc.'s (AGU) request, submitted on March 20, 2026, to terminate State Operating Permit (SOP) 22009 for the Thunder Mountain Subdivision. AGU sought termination on the basis that it has been unable to obtain deeded ownership of the property. After evaluating the information provided, the Division is unable to approve the termination request for the reasons outlined below.

Reasons for Termination Denial:

1. The Division cannot approve termination of a permit that has active service connections. As noted in AGU's March 20, 2026 letter, the system currently has one (1) active service connection.
2. The Tennessee Public Utilities Commission (TPUC) amended AGU's Certificate of Convenience and Necessity (CCN) on October 12, 2022, to include the service area within a portion of Sevier County known as Thunder Mountain. As of the date of this letter, the CCN for this service area remains in effect.

The SOP will remain in effect until the Tennessee Public Utilities Commission (TPUC) takes formal action on AGU's Certificate of Convenience and Necessity (CCN) for the Thunder Mountain service area, and until wastewater service obligations have been addressed in accordance with applicable regulatory requirements.

Resubmission of Termination Request:

Once TPUC's action on the CCN is complete and wastewater service responsibilities for the Thunder Mountain subdivision have been formally resolved with the appropriate parties, AGU may submit a new termination request for the Division's consideration.

If you have questions, please contact the Knoxville EFO at 1-888-891-8332; or, at this office, please contact Bryan Pope at (931) 224-3098 or by E-mail at *bryan.pope@tn.gov*.

Sincerely,

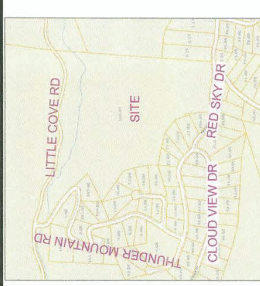
A handwritten signature in blue ink, appearing to read "Brad Harris", with a stylized flourish at the end.

Brad Harris, P.E.
Deputy Director, Land-Based Systems

cc: Permit File
Knoxville Environmental Field Office (EFO)
Mr. Cole McCormick, Tennessee Public Utilities Commission *cole.mccormick@tn.gov*

Sapp Investments Response Exhibit 15

Sapp Investments Response Exhibit 15



LOCATION MAP
N.T.S.

OWNER
SAPP INVESTMENTS LLC
P.O. BOX 866
PARAGOULD, AR 72451

NOTES

- 1) CORNER MONUMENTS AS SHOWN
- 2) VERIFY EXACT SIZE, DEPTH AND LOCATION OF ALL UNDERGROUND UTILITIES
- 3) PROPERTY SUBJECT TO ALL APPLICABLE EASEMENTS, SETBACKS, AND RESTRICTIONS OF RECORD
- 4) VERIFY CURRENT ZONING WITH LOCAL GOVERNMENT PLANNING AGENCY PRIOR TO ANY DESIGN AND/OR CONSTRUCTION
- 5) 15' UTILITY AND DRAINAGE EASEMENT INSIDE ALL EXTERIOR BOUNDARY LINES AND ALL ALL ROADS. 7.5' UTILITY AND DRAINAGE EASEMENT ALONG BOTH SIDES ALL INTERIOR LOT LINES.



I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON IS A CATEGORY 1 SURVEY AND THAT THE RATIO OF PERCENTAGE OF THE UNADJUSTED SURVEY IS NOT LESS THAN 1:10,000. THE SURVEYOR HAS REVIEWED THE SHOWN AND OR NOT APPARENT IN THE FIELD MAY OR MAY NOT BE DISCOVERED BY A TITLE SEARCH BY A TITLE INSURANCE COMPANY.

SURVEYOR
DAVID L. HURST
TENNESSEE REGISTRATION NUMBER 1886

AS BUILT SURVEY
DECENTRALIZED
SEWERAGE SYSTEM

THUNDER MOUNTAIN S/D

6th CIVIL DISTRICT, SEVIER COUNTY, TENNESSEE
TAX MAP: 104 PARCEL: 126.02
ADDRESS: 1441 LITTLE COVE RD
DEED REFERENCES: DEED BK 5:45 PG 813
PLAT REFERENCE: PLAT BK 33 PG 364

APPROVED BY: D. HURST
DRAWN BY: B. LANE

FIELD DATE: 01-20-2026
DRAWING DATE: 02-04-2026
LAST REV. DATE:

SCALE: 1" = 40'
PROJECT NUMBER: 05-0110



- ## LEGEND
- IRON PIN FOUND
 - IRON PIN SET
 - RECORDED DATA
 - REINFORCED CONC PIPE
 - CORRUGATED METAL PIPE
 - HYDRANT
 - LANDSCAPE AREA
 - HANDICAP PARKING
 - NO. REGULAR PARKING SPACES
 - CONCRETE AREA
 - RP-AP
 - UTILITY POLE
 - AIR CONDITIONER PAD
 - LIGHT STANDARD
 - WATER VALVE
 - WATER METER
 - HYDRANT
 - CURB INLET
 - TELEPHONE MANHOLE
 - IRRIGATION VALVE
 - AUTOMATIC SPRINKLER
 - SEWER MANHOLE
 - STORM DRAIN MANHOLE
 - CATCH BASIN
 - WATER MANHOLE
 - CLEAN-OUT
 - PIPE MAN
 - ELECTRIC BOX
 - BOLLARD POLE
 - GREASE TRAP



NOTE:
30 DAYS PRIOR TO ANY EARTHWORK OR CONSTRUCTION
CONTRACTOR MUST CONTACT TENNESSEE ONE-CALL AT
1-800-351-1111
CONTRACTOR IS RESPONSIBLE TO RECORD AND SAVE
CONTINUATION NUMBER

Anything built for phase 1-4
Needs to be located. According
to a letter from TDEC; there should
be a fence and a portion of the drip field
has been installed in zone 4. The highlighted
Section is where the drip field and test pits
for zone 4 should be located.

Aquagreen needs to provide
Locations of installed facilities
including any installed drip fields,
tanks, filters and any improvements
such as fences



ROBERT G. CAMPBELL & ASSOCIATES, L.P.
CONSULTING ENGINEERS
KNOXVILLE & SEVIERVILLE, TENNESSEE

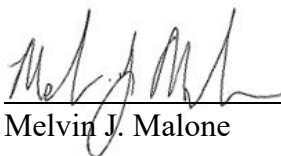
621 Wall Street
Sevierville, Tennessee 37862
Phone: (865) 429-4683 FAX: (865) 429-4684

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail or electronic mail upon:

Charles B. Welch, Jr.
Phelps Dunbar LLP
414 Union Street, Suite 1105
Nashville, TN 37219
chuck.welch@phelps.com

This the 31st day of August 2026.



Melvin J. Malone