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May 5, 2023

Electronically Filed in TPUC Docket
Room on May 5, 2023 at 9:08 a.m.

VIA ELECTRONIC FILING

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

RE: *Limestone Water Utility Operating Company, LLC Notice Regarding Extension of Service to Contiguous Territory Pursuant to Rule 1220-04-01-.13, TPUC Docket No. 22-00073*

Dear Chairman Hilliard:

Attached for filing please find the *Report Demonstrating Compliance with Filing Requirements of Order Acknowledging Qualification to Serve Contiguous Territory* in the above-captioned matter.

As required, the original plus four (4) hard 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.

Sincerely,

BUTLER SNOW LLP



Katherine Barnes

clw

Attachments

cc: Russ Mitten, Limestone Water Utility Operating Company, LLC
Vance L. Broemel, Consumer Advocate Division
Karen H. Stachowski, Consumer Advocate Division

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

IN RE:

**LIMESTONE WATER UTILITY)
OPERATING COMPANY, LLC’S)
NOTICE REGARDING EXTENSION) DOCKET NO. 22-00073
OF SERVICE TO CONTIGUOUS)
TERRITORY PURSUANT TO)
RULE 1220-04-01-.13)**

**REPORT DEMONSTRATING COMPLIANCE WITH FILING REQUIREMENTS OF
ORDER ACKNOWLEDGING QUALIFICATION TO SERVE CONTIGUOUS
TERRITORY**

On August 19, 2022, the Hearing Officer of the Tennessee Public Utility Commission (“Commission” or “TPUC”) issued an *Order Acknowledging Qualification to Serve Contiguous Territory* (“Order”). In the Order, the Hearing Officer found that Limestone Water Utility Operating Company, LLC (“Limestone”) complied with Rule 1220-04-01-.13 for the contiguous extension of service of its Grasslands wastewater system to two residences located at 102 Bobby Drive and 104 Bobby Drive. The Order requires Limestone to file certain documents with the Commission, specifically outlined in paragraphs 1a, 1b, and 1c.¹ This report is to demonstrate Limestone’s compliance with all of the required filings.

Paragraph 1a. A copy of the Notice of Violation received from the Tennessee Department of Environment and Conservation, Limestone’s response to the Notice of Violation, and the Consent Order & Assessment resolving the Notice of Violation are attached as **Exhibit 1** to this report.

¹ *Order Acknowledging Qualification to Serve Contiguous Territory*, p. 2, TPUC Docket No. 22-00073 (Aug. 19, 2022).

Paragraphs 1b and 1c. Correspondence from the Nolensville/College Grove Utility District, the City of Brentwood, and Cartwright Creek, LLC, demonstrating that the contiguous territory is neither receiving similar services from another utility nor is in the service area of another utility is attached as **Exhibit 2** to this report.

Therefore, Limestone has complied with all the filing requirements listed in the Order.

Respectfully submitted,

BUTLER SNOW LLP



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COUNSEL FOR LIMESTONE WATER UTILITY
OPERATING COMPANY, LLC

EXHIBIT 1



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

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

Nashville, Tennessee 37216

Phone 615-687-7000

Statewide 1-888-891-8332

Fax 615-687-7078

June 8, 2022

Mr. Josiah Cox | Director
e-copy: jcox@cswrgroup.com
Central States Water Resources (CSWR)
500 Northwest Plaza Drive, Suite 500
St. Ann, MO 63074

RE: Compliance Evaluation Inspection and Notice of Violation
Limestone Water Utility Operating Company, LLC
Grassland Sewage Treatment Plant (STP)
NPDES Permit #TN0027278
Franklin, Williamson County

Dear Mr. Cox,

On May 17, 2022, Mr. Jordan Fey and Ms. Jenny Strobel, with the Division of Water Resources (Division), performed a Compliance Evaluation Inspection on the Grassland STP, operated by Limestone Water Utility Operating Company, LLC, to determine compliance with National Pollutant Discharge Elimination System (NPDES) Permit #TN0027278. The Minor Modification Permit transferred the permit from Cartwright Creek, LLC to Limestone Water Utility Operating Company, LLC. This permit became effective on January 1, 2022 and will expire on November 30, 2026.

The time period covered by this inspection is from January 2022 to April 2022. While on site, Division staff were assisted by Mr. Delmar Reed and Mr. Mark Butler. The Division is appreciative of everyone's time and courtesy demonstrated during the course of the inspection.

Permit and Records Review

A current copy of the NPDES permit and records required by the permit were available on site and the facility retains more than three years of effluent data. A review of the facility's Discharge Monitoring Reports (DMRs) and EPA's Integrated Compliance Information System (ICIS) shows that the facility has reported the following violations of the permit effluent limits:

- 1 Carbonaceous Biochemical Oxygen Demand (CBOD) – March 2022

Compliance Evaluation Inspection and Notice of Violation

Grassland STP

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Review of testing documentation found that information does not transfer accurately from laboratory benchsheets to Monthly Operation Reports (MORs) to DMRs. Discrepancies were observed in February, March, and April 2022:

February 2022

- Settleable Solids mL/L daily maximum was reported as 0.0 on the DMR; however, the MOR indicated <0.1 for each analysis for the month. The value for the daily maximum should have been reported on the DMR as <0.1 instead of 0.0.
- The Ammonia lbs/day monthly average and weekly average were reported as 0.0 on the DMR. There was no lbs/day data entered on the MOR. Based on the lab results for the month, there should have been values other than 0.0 on the DMR.
- *E. coli* monthly geomean and daily maximum was reported as 0 on the DMR. For the purpose of determining the geometric mean, individual samples having an *E. coli* group concentration of less than 1 per 100 mL shall be considered as having a concentration of 1 per 100 mL.
- BOD lbs/day monthly average was reported as 0.0 but there was a weekly average reported as 15.71. If there is a weekly average, there should be a monthly average.

March 2022

- Settleable Solids mL/L daily maximum was reported as 0.0 on the DMR; however, the MOR indicated <0.1 for each analysis for the month. The value for the daily maximum should have been reported on the DMR as <0.1 instead of 0.0.
- Ammonia Total Nitrogen (as N) lbs/day monthly average and weekly average was reported as 0.0 on the DMR where a value other than 0.0 should have been submitted.
- The Ammonia mg/l weekly average was also reported as 0.0 on the DMR. There were values on the DMR for monthly average and daily maximum and therefore should have had a value for weekly average.
- The Total Phosphorus lbs/day monthly average and daily maximum were reported as 0.0 on the DMR when values were reported on the Pace lab reports.
- Total Chlorine Residual monthly average was reported as 0.0 mg/l on the DMR, but the daily maximum was reported as 0.08 mg/l. If there is a daily maximum value, there should also be a monthly average value. Also, the MOR had several days with values that should have equaled a monthly average other than 0.0.

April 2022

- Total Suspended Solids lbs/day monthly average was reported on the DMR as 0.0 but the weekly average was reported as 2.4. If there was a weekly average, there should also be a monthly average.
 - Settleable solids mL/L daily maximum was reported as 0.0 on the DMR; however, the MOR indicated <0.1 for each analysis for the month.
 - Ammonia Total Nitrogen (as N) lbs/day monthly average and weekly average was reported as 0.0 on the DMR where a value other than 0.0 should have been submitted.
 - Total Chlorine residual monthly average was reported as 0.0 mg/l, but the daily maximum was reported as 0.13 mg/l. If there is a daily max value, there should also be a monthly average value. Also, the MOR had several days with values that should have equaled a monthly average other than 0.0.
-

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- BOD lbs/day monthly average was reported as 0.0 but there was a weekly average reported as 13.63. If there is a weekly average, there should be a monthly average. Also, the lab results had several values that should have equaled a monthly average other than 0.0.

There were some instances where 0.0 was reported on the MOR when Pace Analytical lab reports indicated Non-Detect (ND). This is allowable; however, if all results within the month were ND or Below Detection Limit (BDL), the permittee should report NODI=B on the DMR instead of 0.0.

The Permittee has reported the Total Nitrogen rolling annual average as 13.31 lbs/day for January, February, March, and April on the DMRs. The MORs indicate that this reported value is incorrect. The Division believes that the discrepancies noted during the file review of this inspection can be avoided in the future by enrolling the permittee in the eMOR program. The Division will contact Grassland STP separately about the enrollment process.

When asked if a Standard Operating Procedure (SOP) was available for review, Mr. Reed stated that the Hach Equipment Manuals for the lab instruments were used as SOPs. While the permittee should utilize the Hach Manuals to accurately use the equipment, an SOP establishing Quality Assurance/Quality Control procedures to reduce reporting, transcription, and calculating errors should be available. The previous inspection indicated an SOP was available for review.

Mr. Reed expressed concerns about how Total Nitrogen is calculated by Pace Analytical. The Division is researching the concern and will report their findings as soon as possible.

Site Review

No changes in the wastewater treatment process have been established since the last inspection. The treatment of domestic wastewater at Grassland STP consists of extended aeration activated sludge and chlorination and dechlorination. The influent stream enters a compartmentalized aboveground aeration treatment unit that contains an aeration basin, a clarifier, and one digester unit. The interior walls surrounding the digester unit have rusted out and therefore the unit is inoperable. A polyethylene tank is utilized to hold solids until they are hauled offsite.

There is no screening at the facility. Mr. Reed manually removes inorganic material from the basin and disposes of it in a dumpster that goes to the landfill and/or collected by Onsite Environmental. Recently, Grassland STP has contracted Onsite Environmental to pump and haul inorganic material and excess solids in the aeration basin from the facility. A "island" of solids was observed in the aeration basin near the stairs.

The clarifier was observed in poor condition. The weirs around the clarifier had a build-up of algae. The clarifier does not have a skimmer arm but does have a bottom rake. Grit, grease, pin floc, and debris were observed floating in the clarifier. The floating grit and grease were observed in the chlorination/dechlorination basin as well.

Chlorine gas is used for disinfection and sulfur dioxide gas for dechlorination. Chlorination/dechlorination occurs in what used to be the aboveground "tertiary filtration" unit of the plant. According to Mr. Reed, the internal components of the tertiary filter have been removed for years. Mr. Reed manually adjusts chlorine dosing based on flow and chlorine residual results. Flow proportional control is preferred over manual control for smaller facilities. The chlorine and sulfur dioxide cylinders are stored in the same room with a

Compliance Evaluation Inspection and Notice of Violation

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dividing wall in the southeast corner of the control building. The room is secure and equipped with a ventilation system and cylinders are properly secured with chains.

A significant amount of corrosion of the aboveground units was observed. Mr. Butler stated that CSWR was in the beginning stages of designing a new facility but that it could take approximately 5 years or more before the facility is constructed. The structural integrity of the treatment unit walls and equipment is questionable. This issue has been a continuing problem noted in previous inspections.

Influent flow is measured by a strap-on meter and effluent flow is measured by ultrasonic meter. The meters are calibrated on a yearly basis by Independent Controls. An Inflow and Infiltration (I/I) project was completed in September 2019 and June 2020 that rehabilitated 20 manholes and lined 15 pipe segments. Mr. Reed stated that the project helped with I/I issues in the summer months, but no improvements were noted in winter months, when rainfall was the heaviest.

Lab Review

The lab was reviewed during this inspection. Analysis for pH, dissolved oxygen (DO), settleable solids, and total chlorine residual are performed on site and the remaining effluent parameters are contracted out to Pace Analytical.

Dead gnats were observed in the pH storage solution cup. The solution should be changed on a routine basis. The bottle containing distilled water was discolored and had what appeared to be mold growing on the side of the container. The cap on the Luminescent DO probe was scratched. Extra caps were not available on site. Having an additional cap available at the facility is recommended. There was not an IDEXX Quanti-Tray comparator available on site. The comparator is used for distinguishing threshold positive results from negative results by comparison. The refrigerator used to store samples until Pace collects them also contained drink and food items. The facility must purchase a separate refrigerator for samples.

The facility uses pH 7.0 and 10.0 buffer solutions. The containers were marked with an open date and were within the expiration date. The equipment in the lab is serviced by LabtronX on a yearly basis with the latest date being March 1, 2022. Temperature ranges for incubators and ovens were within the appropriate range except the *E. coli* incubator which read at 37.1°C. The incubator temperature should read at 35±.05°C. Don't forget to include the correction factor on the LabtronX tag when reading temperatures.

Lab bench sheets and daily records for analysis conducted contained the appropriate information including the lab technician's initials, date, and time of analysis. The benchsheets should also include the analysis method number or reference the current edition of *Standard Methods for Water and Wastewater Analyses*. The influent and effluent samplers are kept in good operational condition. Both samplers are flow proportional. Temperature ranges for the samplers were well below 6°C.

Conclusion

Compliance with NPDES Permit #TN0027278 helps ensure discharges that are protective of downstream fish and aquatic life and water quality. The treatment units have surpassed their useful lifetime. Mr. Reed's ability to operate the wastewater treatment plant in its current condition is commendable. The permit requires proper operation and maintenance of the treatment facility. Corrosion, I/I, inaccurate reporting, and lack of maintenance are ongoing issues at the treatment plant and are a violation of the permit. As such,

Compliance Evaluation Inspection and Notice of Violation

Grassland STP

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June 8, 2022

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this letter serves as a **Notice of Violation** of the NPDES permit and the *Tennessee Water Quality Control Act*.

Action Items and Recommendations

- Review February, March, and April MORs and DMRs and make appropriate corrections.
- Develop and keep an SOP at the facility.
- Change pH storage solution on a routine basis.
- Change or thoroughly clean distilled water containers.
- Keep a spare LDO cap on site.
- Purchase an IDEXX Quanti-Tray comparator.
- Purchase a separate refrigerator for samples.
- Adjust *E. coli* incubator temperature to read $35 \pm .05^{\circ}\text{C}$.
- The lab benchsheets should include the analysis method number or reference the current edition of *Standard Methods for Water and Wastewater Analyses*.
- Proper Operation and Maintenance of the facility must improve.

The division requests that you develop and submit, by **July 15, 2022**, a detailed action plan and proposed implementation schedule detailing what corrective actions have been taken or will be taken to address the action items. The plan should also update the Division on the current status of plans to upgrade the facility.

Thank you for your efforts to ensure permit compliance and to protect state water quality. If you have questions or concerns about the inspection or this letter, please contact Jenny Strobel at (615) 289-0384 or via email at Jenny.Strobel@tn.gov.

Sincerely,



Michael P. Murphy
Program Coordinator
Division of Water Resources

e-copy: Delmar Reed, Certified Operator in Charge, dreed@midwestwaterop.com
Charles Steffen, DMR Signatory, csteffen@midwestwaterop.com
Joe Stoops, Regulatory Compliance Manager, jstoops@midwestwaterop.com
Jordan Fey, TDEC DWR, Jordan.Fey@tn.gov
Michael Lancaster, TDEC DWR, Michael.Lancaster@tn.gov
Cassi Savage, TDEC DWR, Cassi.Savage@tn.gov



LIMESTONE WATER

Utility Operating Company

A CSWR Managed Utility

July 12, 2022

Department of Environment and Conservation
Division of Water Resources
Nashville Environmental Field Office
711 R.S. Gass Blvd.
Nashville, TN 37216

RE: Response to Compliance Evaluation Inspection and Notice of Violation of Limestone Water Utility Operating Company, LLC, Grassland Sewage Treatment Plant (STP), NPDES Permit #TN0027278, Franklin, Williamson County

Dear Ms. Strobel,

Please see Central States Water Resources response to the Notice of Violation issued to Grassland Sewage Treatment Plant.

1. Feb, March, April MORs & DMRs have been corrected the DMRs. We've changed from Pace to Waypoint, which will be completing the reporting moving forward
2. SOP has been updated and are available for use
3. pH storage solution will be changed regularly
4. New distilled water containers were ordered and are available for immediate use (see Photo)
5. Spare luminescent DO caps were ordered and are available
6. An IDEXX Quanti Tray comparator was order and is available
7. A separate refrigerator is available onsite for the use of only wastewater samples (see Photo)
8. The temperature of the *E. coli* incubator has been adjusted (see Photo).
9. The newest version of *Standard Methods for Water and Wastewater Analyses* was ordered
10. To improve proper O&M, training has been scheduled

Please contact me if you need any additional items to address the violations in the report of inspection for the Grasslands Sewer Treatment Plant.

Sincerely,

Lori Gale
Environmental Compliance Officer

c: Midwest Water Operations, LLC



LIMESTONE WATER

Utility Operating Company

A CSWR Managed Utility







LIMESTONE WATER

Utility Operating Company

A CSWR Managed Utility



**STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

IN THE MATTER OF:)	DIVISION OF WATER RESOURCES
)	
)	
LIMESTONE WATER UTILITY OPERATING COMPANY, LLC,)	
)	
)	
RESPONDENT.)	CASE NO. WPC22-0086

CONSENT ORDER AND ASSESSMENT

This Consent Order and Assessment is entered into between the Department of Environment and Conservation (“Department”) and Limestone Water Utility Operating Company, LLC (“Respondent”), for the purpose of resolving the issues set forth herein. The parties stipulate and agree as follows:

PARTIES

I.

The Commissioner is responsible for administering and enforcing the Water Quality Control Act, Tenn. Code Ann. §§ 69-3-101 to -148 (“Act”). The Commissioner may delegate to the Director any of the powers, duties, and responsibilities of the Commissioner under the Act, Tenn. Code Ann. § 69-3-107(13), and has delegated such authorities to Jennifer Dodd.

II.

The Respondent owns and operates the Grasslands sewage treatment plant (“Plant”) and the associated collection system in Williamson County, Tennessee. The Respondent is duly registered with the Secretary of State to conduct business in Tennessee. Process may be served on the Respondent through its Registered Agent, C T Corporation System, 300 Montvue Rd, Knoxville, Tennessee 37919.

JURISDICTION

III.

Whenever the Commissioner has reason to believe that a violation of the Act has occurred, is occurring, or is about to occur, the Commissioner may issue a complaint to the violator and the Commissioner may order corrective action be taken. Tenn. Code Ann. § 69-3-109(a). Further, the Commissioner has authority to assess civil penalties against any violator of the Act, Tenn. Code Ann. § 69-3-115, and has authority to assess damages incurred by the State resulting from the violation, Tenn. Code Ann. § 69-3-116. The Board of Water Quality, Oil and Gas (“Board”) has promulgated rules governing general water quality criteria and use classifications for surface waters. Tenn. Comp. R. & Regs. Chapters 0400-40-03 and 0400-40-04.

IV.

The Respondent is a “person” under the Act. Tenn. Code Ann. § 69-3-103.

V.

Harpeth River and its tributaries constitute “waters” of the state and “streams.” Tenn. Code Ann. §§ 69-3-103 (41) and (45). Harpeth River has been classified by the Board for the following uses: domestic water supply, industrial water supply, fish and aquatic life, recreation, irrigation, and livestock watering and wildlife. Harpeth River in Williamson County, Tennessee is included on the 2020 303(d) list of impaired streams due to elevated levels of total phosphorus and low concentrations of dissolved oxygen.

VI.

Any person engaged in or planning to engage in the discharge of sewage, industrial wastes, or other wastes into waters, or to a location from which it is likely that the discharged substance will move into waters, must obtain and comply with a permit from the Department. Tenn. Code

Ann. § 69-3-108. Each permit requires a set of effluent limitations to indicate adequate operation or performance of treatment units used and to appropriately limit those harmful parameters present in the wastewater. Tenn. Comp. R. & Regs. 0400-40-05-.08. The permittee shall at all times properly operate and maintain all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the permittee to achieve compliance with the conditions of the permit. Tenn. Comp. R. & Regs. 0400-40-05-.07. It is unlawful for any person to violate the conditions of a discharge permit issued by the Department. Tenn. Code Ann. §§ 69-3-108(b) and -114(b).

FACTS

VII.

On August 30, 2021, the Division issued National Pollutant Discharge Elimination System (NPDES) permit TN0027278 (“Permit”) to Cartwright Creek, LLC. The Permit became effective December 1, 2021, and expires November 30, 2026. A minor modification transferred the Permit to the Respondent on January 1, 2022. The Permit authorizes the discharge of treated domestic wastewater from Outfall 001 to Harpeth River at mile 68.8 in accordance with all effluent limitations and monitoring requirements set forth.

VIII.

On May 17, 2022, Division staff conducted a Compliance Evaluation Inspection (CEI) of the Plant. Staff noted discrepancies in the operational monitoring data submitted for February, March, and April, 2022, and determined that information was not transferred accurately from laboratory bench sheets to Monthly Operation Reports (MORs) to Discharge Monitoring Reports (DMRs). Staff noted several other instances of reporting, transcription, and calculation errors, and that a Standard Operating Procedure (SOP) was not available on site for review.

During inspection of the treatment processes, staff noted significant corrosion of the above ground units, such that the structural integrity of the treatment unit walls and equipment was questionable. During an interview with Division staff, the operator stated that an inflow and infiltration (“I/I”) project completed in 2019 and 2020 had improved I/I issues during the summer months, but not during winter months when rainfall was heaviest.

Staff observed that no influent screening mechanism existed. Inorganic material was removed by hand and disposed of in a dumpster, which was periodically hauled off site, and an “island” of inorganic solids remained in the aeration basin. Staff observed that the interior walls surrounding the digester unit were rusted to the point where the unit was inoperable; digester function had been replaced by a polyethylene tank which held solids until they were trucked from the Plant. Staff noted that the clarifier was in poor condition: algae had accumulated on the weirs; no skimmer arm was present; grit, grease, pin floc, and debris floated on the clarifier surface.

Staff observed that chlorination and dechlorination processes were conducted in what was previously the above ground, “tertiary filtration” unit of the Plant. Staff observed grit and grease floating in the basin. In the interview, the operator stated that the internal components of this unit were removed years ago. Staff noted that the operator used chlorine gas for disinfection of effluent, manually adjusting chlorine dosing based on flow and the results of chlorine residual testing. The operator achieved dechlorination by similar manual dosing adjustments of sulfur dioxide gas.

During review of the laboratory and lab processes, staff observed that the temperature of the *E. coli* incubator was not within the correct range. Staff observed that the bottle containing distilled water was discolored and was contaminated with mold. Staff also observed dead insects in the pH storage solution cup. The cap on the meter used to measure dissolved oxygen (DO) was scratched, and no extra caps were available on site. A comparator, necessary for comparing *E. coli*

test results to distinguish threshold positive results from negative results, was not available on site. Staff found food and drink items next to lab samples in the same refrigerator.

IX.

On June 8, 2022, the Division issued a Notice of Violation (NOV) to the Respondent detailing the violations noted during the inspection of May 17, 2022. The NOV advised the Respondent that operation and maintenance of the facility must improve, and instructed the Respondent to:

- review MORs and DMRs for February, March, and April 2022, and make appropriate corrections;
- develop an SOP and keep it at the facility;
- change pH storage solution on a regular basis;
- change or thoroughly clean distilled water containers;
- keep a spare cap for the DO meter on site;
- purchase an IDEXX Quanti-Tray comparator;
- purchase a separate refrigerator for storage of lab samples;
- adjust the *E. coli* incubator to the proper temperature;
- on lab bench sheets, include the analysis method number, or reference the current edition of Standard Methods for Water and Wastewater Analyses.

The NOV further instructed the Respondent to submit a plan of action detailing the corrective actions necessary to address the violations and conditions noted to the Division by July 15, 2022.

X.

From January 2022 through July 15, 2022, the Plant incorrectly reported the following tests on its DMRs, resulting in non-receipt violations:

Parameter	Monitoring Period	Number of Test Values Incorrectly Reported
Carbonaceous BOD, 5-day	February 2022	2
	March 2022	4
	April 2022	3
<i>E. coli</i>	February 2022	2
Nitrogen, Ammonia Total	February 2022	2
	March 2022	4
	April 2022	3
Settleable Solids	February 2022	1
	March 2022	1
	April 2022	1
Chlorine, Total Residual	March 2022	1
	April 2022	1
Phosphorus, Total	March 2022	2
Suspended Solids, Total	April 2022	2
Total Violations		29

The Respondent submitted corrections for all these violations on June 21, 2022, following receipt of the NOV.

XI.

From January 2022 through July 15, 2022, the Plant reported the following effluent limitation exceedances on its Discharge Monitoring Reports:

Parameter	Effluent Exceedances
Carbonaceous BOD, 5-day	4
Chlorine, Total Residual	1
Nitrogen, Ammonia Total	5
Total	10

VIOLATIONS

XII.

By failing to properly operate and maintain the treatment facility (missing screening structures, digester, clarifier, tertiary filtration unit), failing to properly maintain laboratory

equipment, and manually adjusting chlorine dosing, the Respondent has violated the Permit, which states in relevant part:

Section 2.1.3 a

The permittee shall at all times properly operate and maintain all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory and process controls and appropriate quality assurance procedures.

XIII.

By discharging pollutants to waters of the state in excess of permitted effluent limitations, and by failing to properly report the results of required monitoring, the Respondent has violated the Act:

Tenn. Code Ann. § 69-3-108(b):

It is unlawful for any person, other than a person who discharges into a publicly owned treatment works or a person who is a domestic discharger into a privately owned treatment works, to carry out any of the following activities, except in accordance with the conditions of a valid permit:

- (3) The increase in volume or strength of any wastes in excess of the permissive discharges specified under any existing permit;

Tenn. Code Ann. § 69-3-114(b):

In addition, it is unlawful for any person to act in a manner or degree that is violative of any provision of this part or of any rule, regulation, or standard of water quality promulgated by the Board of any permits or orders issued pursuant to this part; or fail or refuse to file an application for a permit as required in § 69-3-108; or to refuse to furnish, or to falsify any records, information, plans, specifications, or other data required by the Board or the Commissioner under this part.

ORDER AND ASSESSMENT

XIV.

Pursuant to sections 69-3-109, -115, and -116 of the Act, the Director orders, and the Respondent agrees, as follows:

For all payments submitted, please include reference to case number **WPC22-0086**.

1. The Respondent is assessed a **total civil penalty of \$63,264.00**. **The Respondent shall pay \$10,544.00 to the Division as an upfront allocation of this penalty on or before the thirty-first day following the effective date of this Order.** The remaining \$52,720.00 shall only become due if the Respondent fails to comply with Items 2-6, listed below:
2. On or before the ninetieth day following the effective date of this Order, the Respondent shall develop and submit to the Division for approval an SOP for the monitoring of operational parameters at the Plant. The SOP shall include processes for the collection of samples, recording of sample data, maintenance of monitoring records, maintenance of laboratory stores and equipment, and appropriate quality assurance/quality control practices, according to EPA-approved procedures. The approved SOP shall be kept on the Plant premises available for review. If the Respondent fails to comply with this Item, the Respondent shall pay \$ 231.00 to the Division for each day the SOP is late, not to exceed a total of \$6,930.00.
3. On or before the ninetieth day following the effective date of this Order, the Respondent shall submit to the Division a corrective action plan / engineering report (CAP/ER) describing all steps necessary to address the degraded conditions of treatment structures, laboratory conditions, observations noted in section VIII above, and the effluent limitation exceedances listed in section XI. The CAP/ER shall include a schedule with a specific date of completion for each action. Any changes or modifications to the CAP/ER requested by the Division shall be submitted by the Respondent within 30 days following the request. Final completion of all actions in the CAP/ER shall not exceed three years from Division approval. If the Respondent fails to comply with this Item, the Respondent shall pay \$232.00 to the Division for each day the CAP/ER is late, not to exceed a total of \$6,960.00.

4. Upon Division approval of the CAP/ER, each milestone date of the project schedule shall become an enforceable component of this Order. For each calendar quarter – ending March 31, June 30, September 30, and December 31 – the Respondent shall write a concise progress report detailing the actions taken to that point. The Respondent shall submit each report to the Division not later than the fifteenth business day of the month following the end of the previous quarter. If the Respondent fails to comply with this Item, the Respondent shall pay \$575.00 for each quarterly report that is late, not to exceed a total of \$6,900.00.
5. Within 180 days following completion of all measures in the CAP/ER, the Respondent shall submit a Final Report to the Division for approval. The Final Report shall describe the completion of each scheduled action and shall include a detailed study evaluating the success of the CAP/ER in achieving substantial compliance with the Permit. If the Respondent fails to comply with this Item, the Respondent shall pay \$231.00 for each day that the Final Report is late, not to exceed a total of \$6,930.00.
6. For one year following completion of the CAP/ER, the Respondent shall maintain substantial compliance with the Permit. If the Respondent fails to comply with this Item, as evidenced by effluent violations on the Discharge Monitoring Reports, the Respondent shall pay \$5,000.00 per effluent violation, not to exceed a total of \$25,000.00.

All payments shall be made payable to the “Treasurer, State of Tennessee” and sent to the Division of Fiscal Services - Consolidated Fees Section, Tennessee Department of Environment and Conservation, 10th Floor Snodgrass Bldg., 312 Rosa Parks Avenue, Nashville, Tennessee

37243. The case number, **WPC22-0086**, should be written on all correspondence regarding this matter.

This Order shall be considered closed one year after Division receipt of the Final Report, so long as the Respondent has complied with all Order requirements, all penalties owed have been paid, and the Respondent is in substantial compliance with the Act.

The Effective Date of this Order shall be the date it is signed by Jennifer Dodd, Director of the Division of Water Resources. The Department may, for good cause shown, extend the compliance dates contained within this Order. To be eligible for this time extension, the Respondent shall submit a written request to be received in advance of the compliance date. The written request must include sufficient detail to justify such an extension and include at a minimum the anticipated length of the delay, the precise cause or causes of the delay, and all preventative measures taken to minimize the delay. Any such extension by the Department will be in writing. Should the Respondent fail to meet the requirement by the extended date, any associated civil penalty shall become due 30 days thereafter.

Failure to comply with any of the requirements of this Order could lead to further enforcement actions, which may include additional civil penalties, assessment of damages, and/or recovery costs.

DEPARTMENT'S RESERVATION OF RIGHTS

In entering into this Consent Order, the Department does not implicitly or expressly waive any provision of the Act or the regulations promulgated thereunder or the authority to assess costs, civil penalties, and/or damages incurred by the State against the Respondent. The Department expressly reserves all rights it has at law and in equity to order further corrective action, assess civil penalties and/or damages, and to pursue further enforcement action including, but not limited

to, monetary and injunctive relief. Compliance with this Order will be considered as a mitigating factor in determining the need for future enforcement action(s).

WAIVER OF RIGHT TO APPEAL

The Respondent understands that it has the right to appeal this Order pursuant to sections 69-3-109, -115, and -116 of the Act. By signing below, the Respondent knowingly and voluntarily waives any right it may have to appeal this Order.

RESPONDENT'S RESERVATION OF RIGHTS

The Respondent does not admit or deny the factual allegations or the alleged violations of law contained in this Order. The Respondent reserves its rights to contest the factual allegations and alleged violations contained in this Order in any proceeding other than a proceeding brought by the Department to enforce the terms of this Order.

AUTHORITY TO SIGN

The undersigned representatives of the Department and the Respondent represent and warrant that they are fully authorized and competent to execute this Consent Order and Agreement on behalf of the entity for which they are signing.

Agreed to by Limestone Water Utility Operating Company, LLC, as evidenced by the signature below, and issued by the Director of the Division of Water Resources, on this 13th _____ day of February _____, 2023.


Jennifer Dodd (Feb 13, 2023 13:33 CST)

Jennifer Dodd, Director
Division of Water Resources
Department of Environment and
Conservation



(Representative) Josiah Cox
Limestone Water Utility Operating
Company, LLC

Reviewed by:

Samantha Buller-Young

Samantha Buller-Young
BPR # 040466
Assistant General Counsel
Department of Environment & Conservation
Knoxville Environmental Field Office
3711 Middlebrook Pike
Knoxville, TN 37921
p. (865)-440-8303
Samantha.Buller-Young@tn.gov

67866159.v1

Reviewed by:

Katherine Barnes

Katherine Barnes
BPR # 032456
Butler Snow LLP
150 3rd Avenue South, Suite1600
Nashville, TN 37201
D: (615) 651-6797
Katherine.Barnes@butlersnow.com

EXHIBIT 2

Aaron Silas

From: NCGUD Support <support@ncgud.com>
Sent: Tuesday, March 28, 2023 1:28 PM
To: Eric Rocchio
Subject: RE: Nolensville/College Grove Utility District - Service Territory

That is not one of ours. You might want to try Mallory Valley Utility (615-628-0237), or Franklin Utility (615-794-4554).

Have a good day!

From: Eric Rocchio <erocchio@cswrgroup.com>
Sent: Tuesday, March 28, 2023 1:08 PM
To: NCGUD Support <support@ncgud.com>
Subject: Nolensville/College Grove Utility District - Service Territory

Good afternoon,

My name is Eric Rocchio. My company is currently working in an area near the Nolensville/College Grove Utility District. I wanted to reach out to see if the follow addresses are in your service territory. Would you be able to verify if either 104 & 102 Bobby Dr., Franklin, TN 37069 is in your service territory?

Thank you in advance for your assistance!



Eric Rocchio

Regulatory Project Coordinator

Email: erocchio@cswrgroup.com

O: (314) 380 - 8517 Ex : 225

1630 Des Peres Rd., Suite 140, Des Peres, MO 63131

www.centralstateswaterresources.com"

Aaron Silas

From: Milton, Chris <chris.milton@brentwoodtn.gov>
Sent: Tuesday, March 28, 2023 2:25 PM
To: Eric Rocchio
Subject: RE: City of Brentwood - Service Territory

It is not the City of Brentwood. City of Franklin is the water service provider. Cartwright Creek, LLC is that areas sewer provider. Not sure if they have sewer on Bobby Drive or if on septic.



Chris Milton

Water Services Director | City of Brentwood

Main: 615-371-0080

Direct:

1750 General George Patton Drive | Brentwood, TN 37027

www.brentwoodtn.gov



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From: Eric Rocchio <erocchio@cswrgroup.com>
Sent: Tuesday, March 28, 2023 1:12 PM
To: Milton, Chris <chris.milton@brentwoodtn.gov>
Subject: City of Brentwood - Service Territory

Warning: External Email – Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good afternoon,

My name is Eric Rocchio. My company is currently working in the area near the City of Brentwood. I wanted to reach out to see if the follow addresses are in your service territory. Would you be able to verify if either 104 & 102 Bobby Dr., Franklin, TN 37069 is in your service territory?

Thank you in advance for your assistance!



Eric Rocchio

Regulatory Project Coordinator

Email: erocchio@cswrgroup.com

O: (314) 380 - 8517 Ex : 225

1630 Des Peres Rd., Suite 140, Des Peres, MO 63131

www.centralstateswaterresources.com"

Disclaimer

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February 7, 2023

Electronically Filed in TPUC Docket Room
on February 7, 2023 at 2:00 p.m.

Hon. Herbert H. Hilliard, Chairman
c/o Ectory Lawless, Docket Room Manager
Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, TN 37243

RE: Cartwright Creek, LLC
Notice of Surrender of Certificate

Dear Chairman Hilliard:

As counsel for Cartwright Creek L.L.C., I received on February 6, 2023, an email from Mr. Thomas Kolschowsky, Senior Vice President and Corporate Counsel for Cartwright Creek, with instructions to notify the Commission that Cartwright Creek is surrendering its certificate of convenience and necessity, effective upon the date of this filing.

Since Cartwright Creek no longer serves or offers to serve any wastewater customers in Tennessee and does not own, operate, manage or control any wastewater system, plant or equipment in the state, Cartwright Creek is no longer a "public utility" (T.C.A. §65-4-101(6)), and therefore surrenders its certificate, effective February 7, 2023. Please file a copy of this letter in Dockets 04-00358, 07-00180, 19-00061 and 21-00053.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry Walker". The signature is fluid and cursive, written over the printed name.

Henry Walker
Attorney for Cartwright Creek, LLC

cc: Thomas L. Kolschowsky
SVP/Corporate Counsel
Stahelihn Properties
(c) 630-605-2346
tom@stahelin.com

All parties in Docket 21-00053

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:

Vance L. Broemel, Esq.
Senior Assistant Attorney General
Office of the Tennessee Attorney General
Consumer Advocate Division
P.O. Box 20207
Nashville, TN 37202-0207
Vance.Broemel@ag.tn.gov

Karen H. Stachowski, Esq.
Senior Assistant Attorney General
Office of the Tennessee Attorney General
Consumer Advocate Division
P.O. Box 20207
Nashville, TN 37202-0207
Karen.Stachowski@ag.tn.gov

This the 5th day of May 2023.



Katherine Barnes