

SUPERIOR WASTEWATER SYSTEMS, LLC
DOCKET NO. 23-00051 – PETITION FOR A CCN TO PROVIDE SERVICE TO TRIUNE
SWS RESPONSES TO TPUC STAFF’S 3RD DISCOVERY REQUEST

- 3-1. *During the November 6th meeting, changes to Williamson County regulations applicable to requested service area were discussed, e.g., housing density per acre, zoning allowances for drip fields, etc. Please provide a copy of the current Williamson County code, ordinance, resolution, or other regulation applicable to the requested service area and a brief description of any recent changes to such code, ordinance, resolution, or regulation as discussed in the November 6, 2023 meeting.*

RESPONSE:

Please see Attachment 3-1a for a copy of the Williamson County Zoning Ordinance regarding sewer needs that may be served by nontraditional wastewater treatment and disposal systems. This Zoning Ordinance allows drip fields to be placed within the RD-5 district when they serve properties located within the Triune Character Area.

In addition, please see Attachment 3-1b for a later amendment to the Williamson County Zoning Ordinance regarding the types of uses that may be served by nontraditional wastewater treatment and disposal systems. This amendment permits new residences built on 5+ acre tracts (“Large-Lot Easement Subdivisions”). This ordinance would also permit any failed septic systems to be connected to a non-traditional wastewater treatment and disposal system.

FILED 2/15/23
ENTERED 3:00 p.m.
JEFF WHIDBY, COUNTY CLERK *JW*

RESOLUTION NO. 3-23-1

Requested by: **Regional Planning Commission
Planning Department**

**A RESOLUTION TO AMEND ARTICLE 11 OF THE WILLIAMSON COUNTY
ZONING ORDINANCE REGARDING USES THAT MAY BE SERVED BY
NONTRADITIONAL WASTEWATER TREATMENT AND DISPOSAL SYSTEMS**

WHEREAS, on May 14, 2012, the Board of County Commissioners adopted the current Zoning Ordinance and Official Zoning Map, and established an effective date of January 1, 2013; and

WHEREAS, Section 11.03(E)(5) of the Zoning Ordinance outlines specific standards for Nontraditional Wastewater Treatment and Disposal Systems beyond those required in Section 20 of the Ordinance; and

WHEREAS, currently, such systems are only permitted in the Rural Development-5 (RD-5) Zoning District if they are single, on-site systems serving non-residential uses (e.g. churches and schools), or if they are developed in conjunction with a Conservation Subdivision; and

WHEREAS, it is the recommendation of the Planning Department that Nontraditional Wastewater Treatment and Disposal Systems be allowed in the RD-5 district when they will serve properties located within the Triune Character Area and College Grove Village Zoning Districts because the Triune Special Area Plan and the College Grove Village Special Area Plan suggest that such systems would be appropriate in order to facilitate development consistent with the recommendations of those plans and it is more appropriate for the systems to be located just outside of these areas, on properties zoned RD-5, rather than to locate these systems in areas where walkable, mixed-use development is proposed; and

WHEREAS, it is also the recommendation of the Planning Department that these systems be allowed to serve Major Traditional Subdivisions because generally the use of these systems, as opposed to the utilization of traditional septic systems, can result in better subdivision design where the lot location and building envelopes are not dependent upon the location of suitable; and

WHEREAS, the Planning Department believes that this proposed Text Amendment will result in better subdivision design as well as help to implement the recommendations of the Triune and College Grove Village Special Area Plans; and

WHEREAS, based upon its consideration of all the information, the recommendation of Planning Staff, public comment and its own Public Hearing, the Williamson County Regional Planning Commission has recommended the adoption of the amendment as presented; and

WHEREAS, the Board of County Commissioners finds and determines that the best interests of Williamson County and its citizens will be served by the adoption of this amendment to the Zoning Ordinance as recommended by the Regional Planning Commission; and

WHEREAS, due notice has been published and a public hearing has been held as required by the Tennessee Code Annotated, Title 13, Chapter 7, Part 1.

NOW, THEREFORE, BE IT RESOLVED, that the Williamson County Board of Commissioners at its regular meeting on this the 13th day of March, 2023, after conducting the public hearing as required by law, hereby adopts the amendment to the Williamson County Zoning Ordinance, which is attached hereto and

incorporated herein as if included verbatim, in accordance with its authority in Tennessee Code Annotated, Title 13, Chapter 7, Part 1.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the amendment will be effective and enforced on this the 13th day of March 2023.


County Commissioner

COMMITTEES REFERRED TO AND ACTION TAKEN:

Regional Planning Commission: For: 9 Against: 0

Commission Action Taken: For: _____ Against: _____ Pass: _____ Out: _____

Jeff Whidby, County Clerk

Brian Beathard, Commission Chairman

Rogers C. Anderson, County Mayor

Date

FILED 5/26/23
 ENTERED 4:30 p.m.
 JEFF WHIDBY, COUNTY CLERK

RESOLUTION NO. 6-23-1
 Requested by: Regional Planning Commission
 Planning Department

**RESOLUTION TO AMEND ARTICLE 11 OF THE WILLIAMSON COUNTY ZONING
 ORDINANCE REGARDING USES THAT MAY BE SERVED BY NONTRADITIONAL
 WASTEWATER TREATMENT AND DISPOSAL SYSTEMS**

- WHEREAS,** on May 14, 2012, the Board of County Commissioners adopted the current Zoning Ordinance and Official Zoning Map, and established an effective date of January 1, 2013; and
- WHEREAS,** Section 11.03(E)(5) of the Zoning Ordinance outlines specific standards for Nontraditional Wastewater Treatment and Disposal Systems beyond those required in Section 20 of the Ordinance; and
- WHEREAS,** at its March, 2023 meeting, the Board of Commissioners approved a Text Amendment which expanded the uses that may be served by such systems in the Rural Development-5 (RD-5) Zoning District; and
- WHEREAS,** that Amendment continued to exclude Large-Lot Easement Subdivisions; and
- WHEREAS,** after further evaluation, Staff recommends the addition of Large-Lot Easement Subdivisions to the list of allowable uses, but only in cases where the wastewater system components are on or adjacent to the subject property; and
- WHEREAS,** it is Staff's opinion that this addition is appropriate, as the County's On-Site Sewage Disposal System Regulations do not allow septic systems to be constructed on property where sewer (including Nontraditional Systems) is available; and
- WHEREAS,** based upon its consideration of all the information, the recommendation of Planning Staff, public comment and its own Public Hearing, the Williamson County Regional Planning Commission has recommended the adoption of the amendment as presented; and
- WHEREAS,** the Board of County Commissioners finds and determines that the best interests of Williamson County and its citizens will be served by the adoption of this amendment to the Zoning Ordinance as recommended by the Regional Planning Commission; and
- WHEREAS,** due notice has been published and a public hearing has been held as required by the Tennessee Code Annotated, Title 13, Chapter 7, Part 1.
- NOW, THEREFORE, BE IT RESOLVED,** that the Williamson County Board of Commissioners at its regular meeting on this the 8th day of May, 2023, after conducting the public hearing as required by law, hereby adopts the amendment to the Williamson County Zoning Ordinance, which is attached hereto and incorporated herein as if included verbatim, in accordance with its authority in Tennessee Code Annotated, Title 13, Chapter 7, Part 1.
- AND, BE IT FURTHER RESOLVED,** that the amendment will be effective and enforced on this the 12th day of June, 2023.


 Brian Clifford-County Commissioner

COMMITTEES REFERRED TO AND ACTION TAKEN:

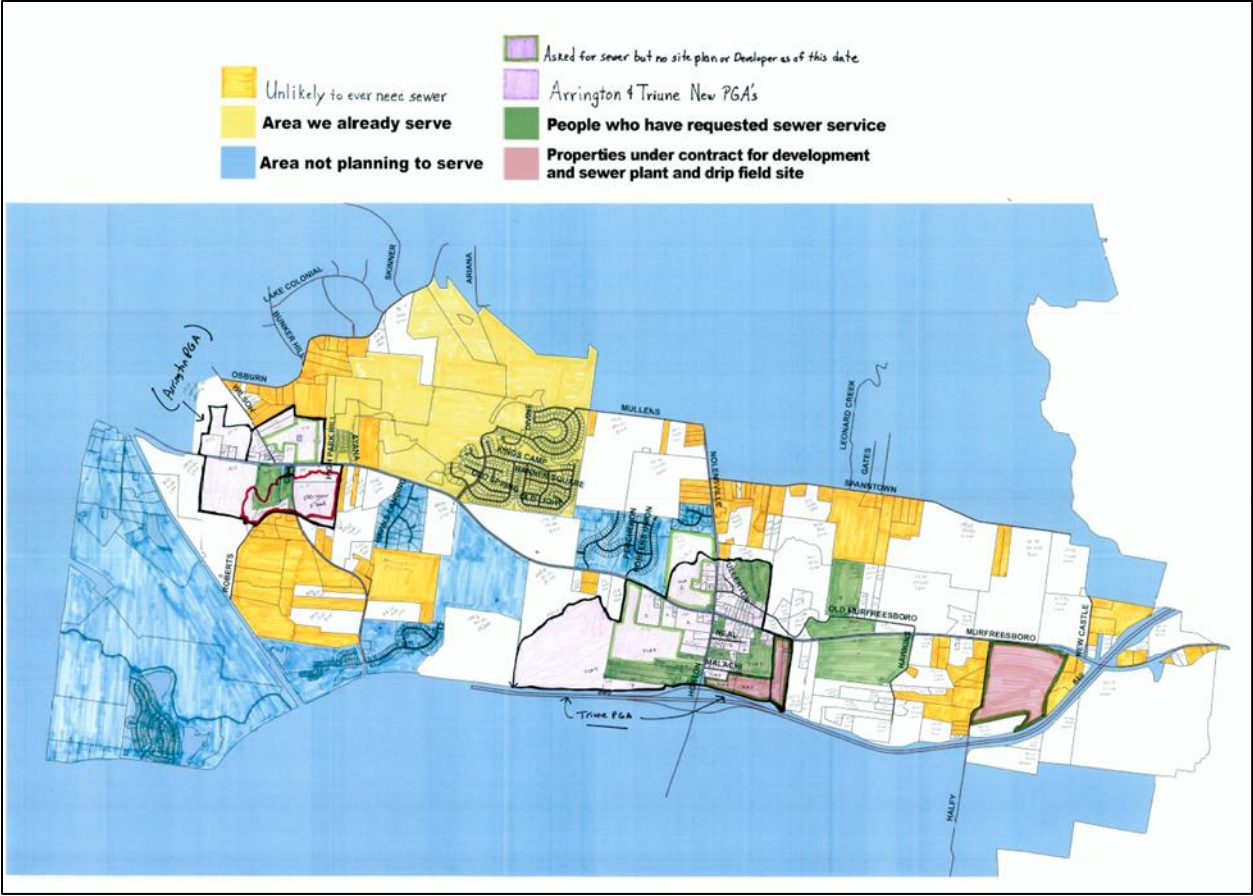
Regional Planning Commission: For: 9 Against: 0

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- 3-2. *During the November 6th meeting, Superior representatives stated that additional parcel owners in the identified service area, have requested that Superior provide wastewater service. The map provided in Exhibit 1.8 to the Petition, identifies parcels that have requested sewer service from Superior in green. Parcels that appear as white on the map are within the requested geographic service area but had not requested wastewater service at the time of the filing. Please provide an updated map identifying any additional parcels that have requested wastewater service.*

RESPONSE:

Please see Attachment 3-2a for an updated service area map. The update for the new parcels requesting service since our original filing are colored in purple and outlined in green. Superior has discussed providing wastewater service with each of these landowners, with some requesting service in writing.



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- 3-3. *During the November 6th meeting, Superior representatives stated that the system to be installed is different from systems that have typically been installed by Superior and other TPUC regulated wastewater utility providers. Please describe the differentiation between how the proposed system will provide wastewater utility service and how other systems operated by Superior provide wastewater service. Include in the description the significance of the distinction between the types of systems described.*

RESPONSE:

The differentiation primarily involves the way that the wastewater effluent is treated.

Superior currently operates its wastewater treatment facility by using a Recirculating Sand Filtration (RSF) system. Most of the other wastewater utilities in Tennessee use this same type of RSF system.

Superior has now built a new BioMicrobic (BM) treatment system to provide wastewater service to Kings Chapel Subdivision. It is Superior’s intention to build another separate BM treatment system to provide wastewater service to the Triune Area. Unlike an RSF system, which can only treat wastewater, the BM systems can actually process raw sewage. In addition, the BM system operates with air blowers whereas the RSF systems rely on multiple hydraulics from electric pumps.

A significant advantage of the BM system is the ability of an operator to continually inspect the wastewater treatment from the bottom to the top of the treatment process. This continual inspection is not possible with RSF treatment methods. Further, the BM system allows the solids to be moved over to a separate zone for handling and removal. In addition, there are fewer moving parts to a BM treatment system, which reduces the costs for repairs and replacement.

Finally, the BM system employs an equalization tank. This tank allows the system to treat wastewater on a consistent basis during any 24-hour period. The BM treatment system along with our drip system allows Superior to regulate the water flow in and then out of the entire treatment system. In contrast, RSF systems only treat wastewater on demand as it enters the treatment process and then is sent to drip fields.

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- 3-4. *The TPUC has established policy that a Certificate of Public Convenience and Necessity (“CCN”) will be granted only where a present and actual intent to provide service to the location exists rather than a desire to “lock up” a service area. Since many parcels on the map provided in Exhibit 1.8 to the Petition are within the requested service area but have not currently requested that Superior provide wastewater service (i.e., white parcels on the map), please state and describe Superior’s present and actual intent to provide service to the entire service area identified (i.e., excluding areas shaded blue on the Exhibit 1.8 map for which are identified as “area not planning to serve”).*

RESPONSE:

It is Superior’s intent to provide wastewater service to the entire area requested in our Petition.

As discussed during the November 6th meeting, Superior’s capacity to provide service is ultimately determined by the treated wastewater (measured in gallons per day or GPD) that it may dispose of in its drip fields. Currently, our initial treatment capacity will be 300,000 GPD. However, with the addition of approximately 40 more acres of reserve drip fields, Superior will be able to increase this capacity by another 300,000 GPD, bringing the potential treatment capacity to 600,000 GPD. Additionally Superior intends to apply for an NPDES permit which will further increase our disposal capacity for highly treated and clarified water. We believe that this potential treatment capacity adequately addresses both the current and potential wastewater needs for the Triune area.