



851 Aviation Parkway
Smyrna, TN 37167

October 16, 2023

Mr. David Foster, Director
Utilities Division
Tennessee Public Utility Commission
Andrew Jackson State Office Bldg.
502 Deaderick Street, 4th Floor
Nashville, TN 37243-0001
Email: david.foster@tn.gov; tpuc.docketroom@tn.gov

VIA EMAIL

In Re: *Docket No. 23-00073, Petition of Tennessee Wastewater Systems, Inc. to Amend its Certificate of Convenience and Necessity to Include the Wyelea Farms Subdivision in Williamson County, Tennessee.*

Dear Mr. Foster:

Please find below Tennessee Wastewater's responses to Commission Staff's data requests.

1. Regarding Commission Rule 1220-04-13-.17(2)(a)(11): Page 2 of the Petition lists Trevor Cross as the authorized representative of "Wyelea Development Group" while Exhibit 11 identifies Trevor Cross as the authorized representative of "West Harpeth Partners, GP" and represents West Harpeth Partners, GP as being the Developer requesting service from the Utility. Please confirm which of these two entities is the Developer for this project and explain Mr. Cross's affiliation with both entities.

RESPONSE: West Harpeth Partners, GP is the ownership entity of the property of which Trevor Cross is a part via a trust. Wyelea Development Group is an LLC which consist of the three GP's. It is essentially an empty entity that serves as a conduit for the three partners to receive development fees from West Harpeth Partners, GP. West Harpeth Partners, GP functions as owner and developer and pays all of the bills.

2. Regarding Commission Rule 1220-04-13-.17(2)(b)(3): Provide a copy of the construction agreement for the wastewater facility.

RESPONSE: The developer recently chose Adenus Solutions Group, LLC to construct the system. The construction agreement is under review by the developer's attorney. Once it has been executed, a copy will be filed in the docket.

3. Regarding Commission Rule 1220-04-13-.17(2)(c)(4): Provide a copy of a valid contractor's license for the contractor that is being utilized to build the wastewater system.

RESPONSE: Adenus Solutions Group, LLC's contractor's license is attached.

4. Regarding Commission Rule 1220-04-13-.17(2)(d)(1): Provide a letter from TDEC indicating receipt of a complete SOP application for this project. In addition, if a draft permit has been issued, provide a copy.

RESPONSE: The complete application letter (email) and draft permit are attached.

5. Regarding Commission Rule 1220-04-13-.17(2)(d)(4): Provide copies of all unresolved notices of violation (NOV's) issued by TDEC to Tennessee Wastewater Systems Inc.

RESPONSE: Attached are the latest NOV's received by TWSI.

6. Regarding Commission Rule 1220-04-13-.17(2)(d)(4): Provide Tennessee Wastewater Systems, Inc's responses to TDEC for all unresolved NOV's, including any corrective action plans.

RESPONSE: Attached are TWSI's responses to the NOV's provided above.

7. Regarding Commission Rule 1220-04-13-.17(2)(e)(6): Provide an estimated detailed cost of construction of the wastewater system to be constructed for the proposed service area.

RESPONSE: See attached budget.

8. Regarding Commission Rule 1220-04-13-.17(2)(e)(11): Demonstrate that the applicant has acquired a performance bond from the developer or builder of the wastewater system made payable to the Utility to ensure construction of the wastewater system. The performance bond should be for an amount equal to or greater than the cost of the system as provided in contracts between the builder, developer and/or utility.

RESPONSE: The developer will obtain a performance bond prior to the commencement of construction of the wastewater facility. At this early stage of the planning and approvals process, Williamson County requires the developer to have a utility with a CCN for the property to show sewer availability to the property. Once the County approves the project and it is viable, the developer will obtain the performance bond for the wastewater system. A

copy of the performance bond will be filed in the docket as soon as it is received from the developer.

Regards,



Jeff Riden
General Counsel

C: Karen Stachowski – karen.stachowski@tn.ag.gov

#3



ADENUS SOLUTIONS GROUP LLC.
849 AVIATION PARKWAY
SMYRNA, TN 37167



#4

Jeff Ridsen

From: bryan.pope@tn.gov
Sent: Wednesday, August 23, 2023 10:40 AM
To: Jeff Ridsen
Cc: bryan.pope@tn.gov
Subject: TDEC-DWR - Notice of Complete Permit Application

Follow Up Flag: Follow up
Flag Status: Flagged

*** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ***

State of Tennessee
Department of Environment and Conservation Division of Water Resources

Permit Number SOP-23022
Permittee Name Tennessee Wastewater Systems Inc.
Project Name Wyelea Subdivision

The Division of Water Resources (the division) acknowledges the receipt of a permit application in our office on 22-AUG-23.

Rules of the Tennessee Department of Environment and Conservation, Division of Water Resources, Chapter 0400-40-5-.05 (2): Permit Application, Issuance, state, in part: "The applicant will be provided notice of completeness of the application and re-submitted material within 30 days of a determination that such material constitutes a complete application. This provision does not preclude the commissioner from later requesting additional material that subsequent to the notice of completeness is determined to be necessary for permit processing."

Your application was deemed complete on 23-AUG-23.

Details regarding this permit application and associated documents can be viewed at:
https://dataviewers.tdec.tn.gov/dataviewers/f?p=2005:34051::::34051:P34051_PERMIT_NUMBER:SOP-23022

If you have questions, please contact Bryan Pope at 931-224-3098 or by E-mail at bryan.pope@tn.gov.

Thank you for helping us protect Tennessee waters.

We accept and encourage electronic document submittals via Water.Permits@tn.gov

Please tell us how you think we're doing by completing TDEC Customer Satisfaction Survey at:
<https://www.surveymonkey.com/r/TDECSurvey>



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

September 15, 2023

Mr. Jeff Ridsen
Chief Executive Officer
Tennessee Wastewater Systems, Inc.
e-copy: jeff.ridsen@adenus.com
849 Aviation Pkwy
Smyrna, TN 37167

Subject: **Draft of State Operating Permit No. SOP-23022**
Tennessee Wastewater Systems Inc.
Wyelea Subdivision
Franklin, Williamson County, Tennessee

Dear Mr. Ridsen:

Enclosed please find one copy of the draft state operating permit, which the Division of Water Resources (the division) proposes to issue. The issuance of this permit is contingent upon your meeting all of the requirements of the Tennessee Water Quality Control Act and the rules and regulations of the Tennessee Water Quality, Oil and Gas Board.

TDEC's approval of this land application waste treatment system shall not be construed as creating a presumption of correct operation nor as warranting by the commissioner that the approved facilities will reach the designated goals. T.C.A. § 69-3-108(i). Similarly, TDEC's issuance of a state operating permit in no way guarantees that this land application system will function properly. Notwithstanding these approvals, owners and operators are required to ensure that operation of this system does not result in pollution of waters of the state, including groundwater.

If you disagree with the provisions and requirements contained in the draft permit, you have thirty (30) days from the date of this correspondence to notify the division of your objections. If your objections cannot be resolved, you may appeal the issuance of this permit. This appeal should be filed in accordance with Section 69-3-110, Tennessee Code Annotated.

If you have questions, please contact the Nashville Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact Mr. Bryan Pope at (931) 224-3098 or by E-mail at Bryan.Pope@tn.gov.

Sincerely,



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

Enclosure

cc: Permit File
Nashville Environmental Field Office

**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-23022

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

Tennessee Wastewater Systems Inc.
Wyelea Subdivision
Franklin, Williamson County, Tennessee

FOR THE OPERATION OF

A fenced drip dispersal system with recirculating media filter system located at latitude 35.95213 and longitude -86.91446 in Williamson County, Tennessee to serve approximately 69 homes and some commercial flow by the Wyelea Treatment Facility. The design capacity of the system is .0336 MGD and will be dispersed on approximately 7.71 acres of suitable soils.

This permit is issued as a result of the application filed on August 22, 2023, 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:

This permit shall expire on:

Issuance date:

for Jennifer Dodd
Director

A. GENERAL REQUIREMENTS

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

<u>Parameter</u>	<u>Sample Type</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Measurement Frequency</u>
Flow *	Totalizer			Daily
BOD ₅	Grab	45 mg/l	N/A	Once/Year
Ammonia as N	Grab	Report	N/A	Once /Quarter

No E. Coli monitoring if fields are fenced

* Report average daily flow for each calendar month.

Sampling requirements in the table above apply to effluent being discharged to the drip irrigation plots.

This permit allows the operation of a wastewater drip irrigation, treatment, and storage system with disposal of treated wastewater through approved drip dispersal areas. There shall be no discharge of wastewater to any surface waters or to any location where it is likely to enter surface waters. There shall be no discharge of wastewater to any open throat sinkhole. In addition, the drip irrigation system shall be operated in a manner preventing the creation of a health hazard or a nuisance.

TDEC's approval of this land application waste treatment system shall not be construed as creating a presumption of correct operation nor as warranting by the commissioner that the approved facilities will reach the designated goals. T.C.A. § 69-3-108(i). Similarly, TDEC's issuance of a state operating permit in no way guarantees that this land application system will function properly. Notwithstanding these approvals, owners and operators are required to ensure that operation of this system does not result in pollution of waters of the state, including groundwater.

The land application component shall be operated and maintained to ensure complete hydraulic infiltration within the soil profile, transmission of the effluent away from the point of application, and full utilization of the soil profile as a portion of the treatment system.

Instances of surface saturation, ponding or pooling within the land application area as a result of system operation are prohibited. Instances of surface saturation, ponding or pooling shall be promptly investigated and noted on the Monthly Operations Report. The report shall include details regarding location(s), determined cause(s), the actions taken to eliminate the issue, and

the date the corrective actions were made. Any instances of surface saturation, ponding or pooling not associated with a major precipitation event not corrected within three days of discovery shall be reported to the local Environmental Field Office at that time for investigation. Surface saturation, ponding or pooling resulting in the discharge of treated wastewater into Waters of the State or to locations where it is likely to move to Waters of the State shall be immediately reported to the local Environmental Field Office, unless the discharge is separately authorized by a NPDES permit.”

All drip fields shall be fenced sufficiently to prevent or impede unauthorized entry as well as to protect the facility from vandalism. Fencing shall be a minimum of four feet in height. Fencing shall be constructed of durable materials. Gates shall be designed and constructed in a manner to prevent or impede unauthorized entry. All designs are subject to division approval. Fence shall be installed prior to beginning of operation.

All drip lines shall be buried and maintained 6 to 10 inches below the ground surface.

The site shall be inspected by the certified operator or his/her designee, at a minimum, once per fourteen days (default) OR in accordance with an operating and maintenance inspection schedule in the permit administrative file record. The default inspection frequency will apply if an operating and maintenance inspection schedule is not submitted to be a part of the permit administrative file record. The operating and maintenance inspection schedule shall at a minimum evaluate the following via onsite visits or telemetry monitoring or a combination of the two:

- the condition of the treatment facility security controls (doors, fencing, gates, etc.),
- the condition of the drip area security controls (doors, fencing, gates, etc.),
- the condition of the site signage,
- the operational status of the mechanical parts of the treatment system (pumps, filters, telemetry equipment, etc.)
- the condition of the UV bulbs (if applicable)
- the condition of the land application area including the location of any ponding
- the name of the inspector
- the description of any corrective actions

Submission of the schedule, or revisions to the schedule, may be submitted to the division electronically. The schedule shall be submitted on or before the effective date of the permit. The permittee is responsible for maintaining evidence that the schedule, or revisions, have been submitted to the division.

B. MONITORING PROCEDURES

1. Representative Sampling

Samples and measurements taken in compliance with the monitoring requirements specified above shall be representative of the volume and nature of the monitored discharge, and shall be taken at the following location(s):

Effluent to drip irrigation plots.

2. Test Procedures

Unless otherwise noted in the permit, all pollutant parameters shall be determined according to methods prescribed in Title 40, CFR, Part 136.

C. DEFINITIONS

The "daily maximum concentration" is a limitation on the average concentration, in milligrams per liter, of the discharge during any calendar day.

The "*monthly average concentration*", other than for *E. coli* bacteria, is the arithmetic mean of all the composite or grab samples collected in a one-calendar month period.

A "grab sample" is a single influent or effluent sample collected at a particular time.

For the purpose of this permit, "*continuous monitoring*" means collection of samples using a probe and a recorder with at least one data point per dosing cycle.

A "quarter" is defined as any one of the following three-month periods: January 1 through March 31, April 1 through June 30, July 1 through September 30, and/or October 1 through December 31.

"Wastewater" for the purpose of this permit means "sewage" as defined in TCA 69-3-103

D. REPORTING

1. Monitoring Results

Monitoring results shall be recorded consistent with the general requirements imposed in Part A above OR in accordance with the operating and maintenance inspection schedule in the permit administrative file record and submitted quarterly.

Submittals shall be postmarked no later than 15 days after the completion of the reporting period. A copy should be retained for the permittee's files. Monitoring results shall be reported in a format approved by the division. Operation reports and any communication regarding compliance with the conditions of this permit must be sent to:

Division of Water Resources
Nashville Environmental Field Office
711 R.S. Gass Boulevard
Nashville, TN 37216

Sampling results may be submitted electronically to: DWRWW.Report@tn.gov.

The first operation report is due on the 15th of the month following the quarter containing the permit effective date. Until the construction of the treatment system is complete and the treatment system is placed into operation, operational reports shall report "monitoring not required".

2. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified in Rule 0400-40-05-.07(2)(h)2, the results of such monitoring shall be included in the calculation and reporting of the values required in the Quarterly Operation Report. Such increased frequency shall also be indicated.

3. Falsifying Reports

Knowingly making any false statement on any report required by this permit may result in the imposition of criminal penalties as provided for in Section 69-3-115 of the Tennessee Water Quality Control Act.

4. Signatory Requirement

All reports or information submitted to the commissioner shall be signed and certified by the persons identified in Rules 0400-40-05-.05(6)(a-c).

PART II

A. GENERAL PROVISIONS

1. Duty to Reapply

The permittee is not authorized to discharge after the expiration date of this permit. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit such information and forms as are required to the Director of Water Resources (the "Director") no later than 180 days prior to the expiration date.

2. Right of Entry

The permittee shall allow the Director, or authorized representatives, upon the notification of permittee and presentation of credentials:

a. To enter upon the permittee's premises where an effluent source is located or where records are required to be kept under the terms and conditions of this permit, and at reasonable times to copy these records;

b. To inspect at reasonable times any monitoring equipment or method or any collection, treatment, pollution management, or discharge facilities required under this permit; and

c. To sample at reasonable times any discharge of pollutants.

3. Availability of Reports

All reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division of Water Resources.

4. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory and process controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. Backup continuous pH and flow monitoring equipment are not required.

The monitoring frequency stated in this permit shall not be construed as specifying a minimum level of operator attention to the facility. It is anticipated that visits to the treatment facility by the operator will occur at intervals frequent enough to assure proper operation and maintenance, but in no case less than one visit every fourteen days OR in accordance with an operating and maintenance inspection schedule in the permit administrative file record. If monitoring reports, division's inspection reports, or other information indicates a problem with the facility, the permittee may be subject to enforcement action and/or the permit may be modified to include increased parameter monitoring, increased monitoring frequency or other requirements as deemed necessary by the division to correct the problem. The permittee shall ensure that the certified operator is in charge of the facility and observes the operation of the system frequently enough to ensure its proper operation and maintenance regardless of the monitoring frequency stated in the permit

Dilution water shall not be added to comply with effluent requirements.

5. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

6. Severability

The provisions of this permit are severable. If any provision of this permit due to any circumstance, is held invalid, then the application of such provision to other circumstances and to the remainder of this permit shall not be affected thereby.

7. Other Information

If the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, then he shall promptly submit such facts or information.

B. CHANGES AFFECTING THE PERMIT

1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.

2. Permit Modification, Revocation, or Termination

a. This permit may be modified, revoked and reissued, or terminated for cause as described in Section 69-3-108 (h) of the Tennessee Water Quality Control Act as amended.

b. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

3. Change of Ownership

This permit may be transferred to another person by the permittee if:

a. The permittee notifies the Director of the proposed transfer at least 30 days in advance of the proposed transfer date;

b. The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage, and liability between them; and

c. The Director, within 30 days, does not notify the current permittee and the new permittee of his intent to modify, revoke or reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

4. Change of Mailing Address

The permittee shall promptly provide to the Director written notice of any change of mailing address. In the absence of such notice the original address of the permittee will be assumed to be correct.

C. NONCOMPLIANCE

1. Effect of Noncompliance

Any permit noncompliance constitutes a violation of applicable State laws and is grounds for enforcement action, permit termination, permit modification, or denial of permit reissuance.

2. Reporting of Noncompliance

a. 24-Hour Reporting

In the case of any noncompliance which could cause a threat to public drinking supplies, or any other discharge which could constitute a threat to human health or the environment, the required notice of non-compliance shall be provided to the appropriate Division environmental field office within 24 hours from the time the permittee becomes aware of the circumstances. (The environmental field office should be contacted for names and phone numbers of emergency response personnel.)

A written submission must be provided within five days of the time the permittee becomes aware of the circumstances unless this requirement is waived by the Director on a case-by-case basis. The permittee shall provide the Director with the following information:

- i. A description of the discharge and cause of noncompliance;
- ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- iii. The steps being taken to reduce, eliminate, and prevent recurrence of the non complying discharge.

b. **Scheduled Reporting**

For instances of noncompliance which are not reported under subparagraph 2.a. above, the permittee shall report the noncompliance on the Quarterly Operation Report. The report shall contain all information concerning the steps taken, or planned, to reduce, eliminate, and prevent recurrence of the violation and the anticipated time the violation is expected to continue.

3. **Overflow**

a. **"Overflow"** means the discharge of wastewater from any portion of the collection, transmission, or treatment system other than through permitted outfalls.

b. Overflows are prohibited.

c. The permittee shall operate the collection system so as to avoid overflows.

d. No new or additional flows shall be added upstream of any point in the collection system, which experiences chronic overflows (greater than 5 events per year) or would otherwise overload any portion of the system. Unless there is specific enforcement action to the contrary, the permittee is relieved of this requirement after: 1) an authorized representative of the Commissioner of the Department of Environment and Conservation has approved an engineering report and construction plans and specifications prepared in accordance with accepted engineering practices for correction of the problem; 2) the correction work is underway; and 3) the cumulative, peak-design, flows potentially added from new connections and line extensions upstream of any chronic overflow point are less than or proportional to the amount of inflow and infiltration removal documented upstream of that point. The inflow and infiltration reduction must be measured by the permittee using practices that are customary in the environmental engineering field and reported in an attachment to a Monthly Operating Report submitted to the local TDEC Environmental Field Office on a quarterly basis. The data measurement period shall be sufficient to account for seasonal rainfall patterns and seasonal groundwater table elevations.

e. In the event that more than 5 overflows have occurred from a single point in the collection system for reasons that may not warrant the self-imposed moratorium or completion of the actions identified in this paragraph, the permittee may request a meeting with the Division of Water Resources EFO staff to petition for a waiver based on mitigating evidence.

4. **Upset**

a. **"Upset"** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the permittee

demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- i. An upset occurred and that the permittee can identify the cause(s) of the upset;
- ii. The permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;
- iii. The permittee submitted information required under "Reporting of Noncompliance" within 24-hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days); and
- iv. The permittee complied with any remedial measures required under "Adverse Impact."

5. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the waters of Tennessee resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

6. Bypass

- a. "**Bypass**" is the intentional diversion of wastewater away from any portion of a treatment facility.
- b. Bypasses are prohibited, unless:
 - i. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - iii. For anticipated bypass, the permittee submits prior notice, if possible at least ten days before the date of the bypass; or
 - iv. For unanticipated bypass, the permittee submits notice of an unanticipated bypass within 24 hours from the time that the permittee becomes aware of the bypass.

c. A bypass that does not cause effluent limitations to be exceeded may be allowed only if the bypass is necessary for essential maintenance to assure efficient operation.

d. "Severe property damage" when used to consider the allowance of a bypass means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

D. LIABILITIES

1. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this permit, the permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of wastewater to any surface or subsurface waters. Additionally, notwithstanding this Permit, it shall be the responsibility of the permittee to conduct its wastewater treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created.

2. Liability Under State Law

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law.

PART III OTHER REQUIREMENTS

A. CERTIFIED OPERATOR

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

B. PLACEMENT OF SIGNS

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

**RECLAIMED WASTEWATER
DRIP IRRIGATION
(PERMITTEE'S NAME)
(PERMITTEE'S PHONE NUMBER)
TENNESSEE DIVISION OF WATER
RESOURCES
Nashville Environmental Field Office
PHONE NUMBER: 1-888-891-8332**

No later than sixty (60) days from the effective date of the permit, the permittee shall have the above sign(s) on display in the location specified. New facilities must have the signs installed upon commencing operation.

C. ADDITION OF WASTE LOADS

The permittee may not add wasteloads to the existing treatment system without the knowledge and approval of the division.

D. SEPTIC (STEP) TANK OPERATION

The proper operation of this treatment system depends, largely, on the efficient use of the septic tank. The solids that accumulate in the tank shall be removed at a frequency that is sufficient to insure that the treatment plant will comply with the discharge requirements of this permit.

E. SEPTAGE MANAGEMENT PRACTICES

The permittee must comply with the provisions of Rule 0400-48-01-.22. If the septage is transported to another POTW for disposal, the permittee shall note the amount of septage wasted in gallons and name of the facility the hauler intends to use for disposal of the septage on the monthly operation report. Sludge or any other material removed by any treatment works must be disposed of in a manner which prevents its entrance into or pollution of any surface or subsurface waters. Additionally, the disposal of such sludge or other material must be in compliance with the Tennessee Solid Waste Disposal Act, TCA 68-31-101 et seq. and Tennessee Hazardous Waste Management Act, TCA 68-46-101 et seq.

F. OWNERSHIP OF THE TREATMENT FACILITIES

a. The permittee shall own the treatment facilities (and the land upon which they are constructed) including the land to be utilized for wastewater dispersal. A perpetual easement (properly recorded) may be accepted in lieu of ownership. Evidence of ownership of the treatment facility land application site(s) and/or a copy of the perpetual easement(s) must be furnished to the division for approval prior to construction of the wastewater collection and dispersal system. Signed agreements stating the intent of the existing landowner to transfer

ownership may be provided to support permit issuance. Evidence of such ownership or access rights must be provided to, and approved by, the Commissioner prior to commencement of operation.

b. Where the treatment facility serves private homes, condominiums, apartments, retirement homes, nursing homes, trailer parks, or any other place where the individuals being served have property ownership, rental agreements, or other agreements that would prevent their being displaced in the event of abandonment or noncompliance of the sewerage system, ownership of the treatment facilities must be by a municipality, a public utility, a wastewater authority, or a privately owned public utility (having a Certificate of Convenience and Necessity from the Tennessee Public Utility Commission) or another public agency.

Attachment 1

RATIONALE

Tennessee Wastewater Systems Inc.
STATE OPERATION PERMIT NO. SOP-23022
Franklin, Williamson County, Tennessee

Permit Writer: Mr. Bryan Pope

FACILITY CONTACT INFORMATION:

Mr. Jeff Riden
Chief Executive Officer
Phone: (615) 220-7171
jeff.riden@adenus.com
3021 Del Rio Pike
Smyrna, TN 37167

Activity Description: Treatment of domestic wastewater via a decentralized waste water system to support construction of Wyelea Subdivision with 69 house connections and some commercial flow available.

Facility location: Latitude 35.95213 and Longitude -86.91446

Name of the nearest stream: No discharge allowed.

Treatment system:

Permit period: This permit will be issued for a five year period effective from the issuance date on the title page.

Terms & Conditions: BOD₅ is a standard measure of sewage strength. The 45 mg/L daily maximum limit is the required treatment standard for domestic waste water in Tennessee. Ammonia and BOD₅ reporting serve to demonstrate the treatment system is meeting minimum treatment standards. Land application, versus stream discharge, enables reduced monitoring frequency for these parameters. Narrative conditions for drip disposal and septage management are proposed in support of proper system operation to prevent runoff to streams and avoidance of nuisance conditions. E.coli limits apply when the diposal area is not fenced.

Financial Security: Municipalities and Utility Districts are government entities exempt from the financial security requirement in TCA 69-3-122.

Annual Maintenance Fee: An annual maintenance fee for the permit will apply after permit issue and upon receipt of an invoice.

**Items Requisite for
Operation:**

This draft permit proposes terms and conditions for planning purposes and to seek public comment on the potential water quality impacts of the proposed activity. Actual operation of the sewerage system is contingent on the following items (items may occur in any order):

- Approval of sewerage system construction plans and specifications per TCA 69-3-108(i),
- Final construction inspection and submission of O & M manual per Rule 0400-40-02-.09,
- Utility ownership of sewerage system assets consistent with Rule 0400-40-16-.02(8). Sewerage system assets broadly consist of those units integral to the collection, treatment and disposal of both the solid and liquid component of sewage (i.e. septic tanks and pumps, collection lines, treatment system and drip irrigation area and related appurtenances), and
- Final issue of the permit.

#516



**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

September 6, 2023

Mr. Jeff Riden, Chief Executive Officer
Tennessee Wastewater Systems, Inc.
e-copy: jeff.riden@adenus.com
849 Aviation Pkwy
Smyrna, TN 37167

RE: Compliance Evaluation Inspections
Tennessee Wastewater Systems, Inc.
Pebble Brooke Golf Course
Permit #SOP-01029
Robertson County

Dear Mr. Riden,

On Wednesday August 30, 2023, I performed a Compliance Evaluation Inspection at the Tennessee Wastewater Systems, Inc - Pebble Brooke Golf Course treatment facility for compliance with State Operating Permit SOP-01029, which became effective on September 1, 2022, and will expire on August 31, 2027. I met with Mr. Tracy Nichols and Ms. Jenny Nichols on site. The Division would like to thank Mr. and Ms. Nichols for their time and courtesy shown while on site.

Permit and Records Review

A current copy of the permit was able to be electronically accessed. The permit must be modified to include *E. coli* monitoring as a requirement since the drip fields are not fenced and are under active golf course greens.

Copies of quarterly reports and maintenance logs were provided via email on August 29, 2023. All permit parameters are analyzed by a contract laboratory. During review of the quarterly operating reports, it was noted there is a likely typo on June 7, 2022, 3 was reported for the flow average. Excessive *E. coli* values of 1600 and 2000 were reported in 2021 and 2022 for an unfenced field where the public comes into contact with the drip area.

The other reporting issues noted such as placing an 'X' in the column when the sample was below the detection limit rather than the MDL were corrected before submitting the reports. In reviewing the site inspection data, the column "dripfield fenced" and "facility fenced" are regularly checked yes and no alternatingly, this is incorrect and greater care should be taken to correctly fill out inspection documentation. This facility's drip fields are not fenced but the sand filter area is. It is recommended to add a column to inspection sheet to clarify if both the facility sign is present as well as signs indicating the drip fields.

Mr. and Ms. Nichols were made aware of the permit requirements regarding reporting of ponding water on drip fields on Operating Reports and instances that cannot be repaired within three days must be reported to the Nashville Environmental Field Office and to report overflows and releases in the collections system to the Nashville Environmental Field Office per permit requirements.

Site Review

The sand filters appeared well maintained with no divots visible in the surface and service approximately 135 homes. A second filter has been added since the last inspection and the original filter replaced. The grounds around the filter tanks are sufficiently vegetated with no woody growths, and there were no observable indications of leaks. I observed pumps and wet wells and there were no signs of corrosion or other problems. Mr. Nichols indicated that site is visited every month at the minimum, and logbooks confirmed this. Preventative maintenance measures are in place. Effluent was clear and free of solids and odors. UV Disinfection is in use with spare bulbs available. Telemetry is in use.

The field lines for the ~5.7 acres of active drip are not fenced. There is no reserve drip area. There are three different areas drip is present including on the greenway, in a "rough area" between two greenways, and in a forested area. Additional signage should be placed to notify the public of drip lines since a fence is not present. Photos of signage in the forested area were provided via email after the inspection. I observed a wet spot in the golf course greenway area, but Mr. Nichols was already aware of the issue. In the "rough golf course area" vegetation was tall and hindered the ability for inspection and is supposed to be maintained by the golf course. The cutting schedule should be amended for more frequent maintenance. Multiple damp spots were present in the forested drip area due to recent repairs.

Conclusions and Action Items

This facility is generally well maintained. Please provide a written response to the following action items within 30 days of the receipt of this letter or by October 9, whichever occurs first:

1. Maintain communication with the Division to correct the permit to match the site, copy your inspector on all correspondence for this facility, --- --
2. Report overflows and releases if they occur, record ponding water in the drip fields on operating reports, and report instances of ponding water that cannot be repaired within three days per permit requirements.

3. Investigate the cause of the two significant *E. coli* exceedances as well as *E. coli* sampling technique.
4. Correct all reports mentioned and resubmit.

I would like to thank Mr. and Ms. Nichols again for their courtesy and cooperation shown during these inspections. If you have any questions or concerns, please contact me at 615-961-3875 or christina.wingett@tn.gov.

Sincerely,

Christina Wingett

Christina Wingett
Environmental Scientist
Division of Water Resources

e-copy: Matt Nicks, Project Coordinator, matthew.nicks@adenus.com
 Jenny Nichols, Quality Control Technologist, jenny.nichols@adenus.com
 Tracy Nichols, Operator, tracy.nichols@adenus.com

October 9, 2023

Ms. Christina Wingett
Tennessee Department of Environment and Conservation
Nashville Environmental Field Office
711 R.S. Gass Blvd.
Nashville, TN 37216

VIA EMAIL: christina.wingett@tn.gov

Re: Compliance Evaluation Inspection
Pebble Brooke Golf Course – SOP #01029
Robertson County, Tennessee

Ms. Wingett:

This letter is in response to the Compliance Evaluation Inspection (“CEI”) conducted at the Pebble Brooke Golf Course treatment facility on August 30, 2023. You identified four action items in the report and requested a response by October 7, 2023.

Action Item Responses:

1. This action item does not state what is wrong with the permit and in need of correction. If this is a reference to the UV/fencing concern, the permit states that E.coli monitoring is not required if the drip fields are fenced. The drip fields are not fenced thus, TDEC regulations require E.coli monitoring for unfenced drip fields (whether stated in the permit or not). As noted in the CEI, the facility utilizes UV and monitors for E.coli. This is consistent with the permit and State regulations. If the Department wishes to modify the permit to clarify this language it is free to do so on its own. . .
2. TWSI reports ponding and overflows when observed and consistent with TDEC’s rules and regulations.

3. The two E.coli exceedances were a result of burned out UV bulbs. The bulbs were replaced after each occurrence.

4. The low flow noted in the June 7, 2022, was not a typo. The system was under construction at that time and that was the amount of flow recorded – which may be inaccurate due to the effects of construction on the flow meter, but it's correct based on the data collected.

If you have any further questions or concerns, please contact Matthew Nicks at matthew.nicks@adenus.com or 615-220-7700

Regards,



Jeff Riden
General Counsel

Cc: Matthew Nicks – matthew.nicks@adenus.com
Jenny Nichols – jenny.nichols@adenus.com
Tracy Nichols – tracy.nichols@adenus.com



**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

September 7, 2023

Jeff Ridsen, Owner
e-copy: jeff.ridsen@adenus.com
Adenus Group, LLC
849 Aviation Parkway
Smyrna, TN 37167

RE: Compliance Evaluation Inspection, Notice of Violation, and Compliance Review Meeting
Tennessee Wastewater Systems – River Road Lagoon
NPDES Permit # TN0074764
Cheatham County

Dear Mr. Ridsen,

On Thursday, July 5, 2023, Mr. Jordan Fey and Mr. Daniel Pleasant, with the Division of Water Resources (Division), performed a Compliance Evaluation Inspection (CEI) at the Tennessee Wastewater Systems River Road Lagoon to assess compliance with the National Pollutant Discharge Elimination System (NPDES) Permit #TN0074764. This permit became effective on November 1, 2010, expired on September 30, 2015, and the permit renewal has been incomplete since April 15, 2015. Therefore, this letter serves as a **Notice of Violation** for operating without permit coverage. The time period covered by this inspection is from July 2020 to June 2023. While on-site, they met with Mrs. Jenny Nichols and Mr. Tracy Nichols. I would like to thank your personnel for their time and courtesy shown during this inspection.

Permit and Records Review

This facility is currently unpermitted. The facility retains at least three years of effluent data as required by the expired permit. Maintenance records, Discharge Monitoring Reports (DMRs), and Monthly Operational Reports (MORs) from July 2020 through June 2023 were reviewed. The facility reported "No Discharge" from Outfall 001 during that time.

No copy of the expired permit was available due to the application process being deemed incomplete. A notice of an incomplete application was sent by letter dated April 9, 2015. The expired NPDES permit was issued to Tennessee Wastewater Systems, Inc. (TWSI), a corporation owned by Adenus

River Road Lagoon NOV & CRM

NPDES #TN0074764

September 7, 2023

Page 2 of 3

Group, LLC. However, the facility is located on property owned by Lost Hollow Limited Partnership. A letter dated October 19, 2016, from Mr. Charles Hyatt, indicated the required information for the permit renewal will be forthcoming in the next thirty days, and an easement has been drafted and will be executed granting permanent access and rights to TWSI for the land encompassing the wastewater treatment facilities, including the lagoon. It was anticipated the easement would be completed and recorded within thirty days of the letter, and once recorded, a copy of the easement would be provided to the Division. A report overview from TWSI was submitted on October 5, 2018, to the Tennessee Public Utility Commission (TPUC), stating TWSI is awaiting a signed easement for the land occupied by the sewer system. There is no record the Division has received the required documentation for the permit renewal and easement as of the date of this letter.

Site Review

The facility receives sewerage from five residences in the surrounding area. The lagoon consists of one facultative cell separated by an earthen berm. Disinfection is to be achieved from the facility's chlorine contact chamber. However, the control building has not been constructed from the approved design plans, and no power supply is available to transfer the lagoon's effluent into the chlorine contact chamber or flow measurement. This has been noted from prior inspections conducted in 2001, 2003, 2008, 2015, and 2016. The lagoon and chlorine contact chambers are adequately fenced and locked to prevent unauthorized access.

The fact that the lagoon does not hold water, even after major flooding events like in 2010, indicate the lagoon liner is failing or was not installed.

There is no level gauge installed within the lagoon. The Division's design criteria require a level gauge installed to a stationary structure. This is necessary to determine when significant water level drops occur to indicate potential leakage. A level gauge must be installed, and the gauge readings be documented during each facility inspection. This was detailed in the 2015 and 2016 Notice of Violations (NOVs). The lagoon had significant vegetation surrounding the berm, preventing a proper assessment of the embankment's integrity. During the inspection, significant rodent activity was discovered on the southern, eastern, and northern perimeter. Keeping the embankments clear of heavy vegetation is necessary to allow routine inspection of the structure for damage caused by burrowing animals, erosion, or leakage. This was explained in the 2016 NOV. The location of the outfall was inaccessible due to overgrown vegetation. An accessible path must be maintained to assess the condition of the outfall and its required.

Lab and Sampling Review

Mrs. Nichols provided the requested MORs electronically on June 6, 2023. Sampling has not been occurring due to the facility not actively discharging to its outfall—the appropriate No Data Indicator (NODI) code has been recorded for the facility not discharging to its outfall.

Conclusions

The treatment facility is incomplete per the approved engineering specification; no operational control exists. The violations and compliance items cited in the previous inspections have not been corrected. The lagoon and surrounding property are not properly maintained to allow for the routine inspections

River Road Lagoon NOV & CRM

NPDES #TN0074764

September 7, 2023

Page 3 of 3

detailed in this letter. Not providing proper maintenance of the wastewater system and failure to complete system construction per the approved engineering plans and specifications are violations of the *Tennessee Water Quality Control Act*.

Action Items and Recommendations

The lagoon liner must be evaluated for its presence and integrity. This must be completed by a qualified third party. The evaluation and an official report must be completed by October 5, 2023, and submitted to the Division, to the attention of Mr. Daniel Pleasant at his email address below, by the same date. After the evaluation, if warranted, a Corrective Action Plan (CAP) must be developed and submitted to the Division within 30 days of the final report. The CAP must detail how the liner will be repaired or installed, with a completion date no longer than 120 days from the plan submittal.

Due to the repeat and ongoing nature of the violations outlined in this letter, Adenus Group, LLC is required to attend a Compliance Review Meeting to outline what is being done to correct and prevent the violations from continuing and to show why the Division should not pursue further enforcement action. Attendees should include yourself or your designee, as well as any other personnel that you feel would be helpful for this meeting. The Compliance Review Meeting will be held at the Nashville Environmental Field Office; the address is provided at the top of this letter, on **September 20, 2023, at 10:30 AM**. You should be prepared to discuss all the violations outlined in this letter and any other items related to the operation of the facility at your site.

The Division would like to thank your staff for their time and cooperation while on site and for Adenus Group's attention to these matters. If you have any questions or concerns, please contact Mr. Daniel Pleasant at 615-970-1222 or Daniel.Pleasant@tn.gov

It is requested a written response be provided to this office by September 2, 2023, detailing specific actions with completion dates taken or estimated to address these concerns. The response letter can be submitted by email to Mr. Daniel Pleasant. If you have any questions or concerns, please contact Mr. Daniel Pleasant at 615-970-1222 or daniel.pleasant@tn.gov

Sincerely,



Michael Murphy
Program Coordinator
Division of Water Resources

e-copy: Matthew Nicks, Adenus, matthew.nicks@adenus.com
 Jenny Nichols, Adenus, jenny.nichols@adenus.com
 Tracy Nichols, Adenus, tracy.nichols@adenus.com
 Jordan Fey, TDEC DWR, jordan.fey@tn.gov
 Michael Murphy, TDEC DWR, michael.p.murphy@tn.gov
 Timmy Jennette, TDEC-DWR, tim.jennette@tn.gov

October 9, 2023

**Mr. Daniel Pleasant
Tennessee Department of Environment and Conservation
Nashville Environmental Field Office
711 R.S. Gass Blvd.
Nashville, TN 37216**

VIA EMAIL: daniel.pleasant@tn.gov

**Re: Compliance Evaluation Inspection and Notice of Violation, and
Compliance Review Meeting
Tennessee Wastewater Systems – River Road Lagoon
NPDES Permit #TN0074764
Cheatham County, Tennessee**

Mr. Pleasant:

This letter is in response to the Compliance Evaluation Inspection (“CEI”) conducted at the River Road Lagoon (“System”) on July 5, 2023. You identified certain action items in the report and requested a response by October 7, 2023.

As a preliminary matter, some comments about the system and the CEI report:

- 1. The status of the permit was noticed by TWSI several months ago. At that time TWSI contacted the Department and began discussions as to how to remedy the situation. Those talks have been ongoing. Current TWSI leadership was not involved with the permit renewal in 2016. The person responsible at that time for the renewal ceased employment with Adenus/TWSI shortly after the application was made. The renewal application for the NPDES permit was made within the required 180-day window. Attached is the only communication TWSI has from the Department regarding the application. The document seeks some additional information, but no additional required documentation. While**

its renewal application has been pending with the Department, TWSI has continued to operate the system in compliance with the permit that was in effect at the time the renewal application was made. MOR's have been provided to the Department monthly to this effect.

2. As noted in the report, the System only has 5 residences connected to it. This results in an average daily flow of around 875 gpd into the lagoon. Calculations based solely on evaporation loss shows evaporation exceeds the amount of daily flow into the plant and a decrease in water over time should be expected.
3. The System is a non-discharging system, meaning no effluent is discharged into any receiving waters. This is due to how few connections there are to the system and the size of the lagoon. All necessary treatment for the effluent happens within the lagoon ecosystem.
4. Because the System is non-discharging, items such as the control building are not yet needed because there is nothing to control within the system to achieve the level of treatment required for discharge or disposal in general. The plan has always been to add those components once discharge is necessary.
5. The report states that the lagoon does not hold water and a liner is not present yet provides no evidence of such claims. It was mentioned at the Compliance Review Meeting that the belief that the lagoon leaks is based on aerial photographs taken after the 2010 flood, however how the loss was calculated and how much water loss occurred could not be explained to the TWSI representative. Current photographs of the lagoon clearly show it is holding water.
6. The report states that the level gauge is a requirement under the design criteria. The design criteria are guidelines, not requirements.
7. Lost Hollow Limited Partnership is a partnership formed by the Pickney family. Adenus Group, LLC which is the sole shareholder of TWSI is owned by three of the Pickney's involved with Lost Hollow (River Road is the family property of the Pickneys). The easement over the System property was drafted back in 2016 and has been waiting on the partnership to execute it. There is and has been no issue with TWSI ever ~~having access to the property for any purpose. TWSI has always owned and operated the system.~~
8. The NPDES permit is silent about vegetation and rodent control around the facility.

Action Item Responses:

1. The lagoon contains a compacted clay liner that was installed when the lagoon was first constructed. The Department should have record of this from any construction inspection report made when the Department inspected the construction as required under Tenn. Comp. R. & Regs 0400-40-02-.08. Furthermore, the fact that the lagoon is holding water despite such low flow into the lagoon is further evidence of the presence of a liner.
2. TWSI will file a copy of the executed easement for the System property once received from Lost Hollow General Partnership.
3. The vegetation around the lagoon will be cut down.
4. A water level gauge will be installed in the lagoon (one had been installed but was washed away).

If you have any further questions or concerns, please contact Matthew Nicks at matthew.nicks@adenus.com or 615-220-7700

Regards,



Jeff Riden
General Counsel

Cc: Matthew Nicks – matthew.nicks@adenus.com
Jenny Nichols – jenny.nichols@adenus.com
Tracy Nichols – tracy.nichols@adenus.com
Jordan Fey – jordan.fey@tn.gov
Michael Murphy – michael.murphy@tn.gov
Timmy Jennette – tim.jennette@tn.gov



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
William R. Snodgrass - Tennessee Tower
312 Ross L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

April 9, 2015

Mr. Roy Denney, Chief Technical Officer
e-copy: roy.denney@adamsus.com
Adamsus Group LLC
849 Aviation Parkway
Smyrna, TN 37167

Subject: NPDES Permit No. TN0074764
Notice of Incomplete Application
TN Wastewater Systems - River Road STP - Lost Hollow Subdivision
Ashland City, Cheatham County, Tennessee

Dear Mr. Denney:

The Division of Water Resources (the division) has received your application for the above referenced project on March 24, 2015. We have reviewed the application for completeness in accordance with TDEC rule 0400-40-5-.05 (2) and find the application to be incomplete. The processing of this application has been suspended until the following information has been submitted:

1. Regarding signatory to the application: EPA and TN rules require the application to be submitted "by a responsible corporate officer, i.e., president, secretary, treasurer, or vice president of the corporation in charge of a principal business function....". Because this facility is owned by Lost Hollow Limited Partnership and is located on property owned by the Partnership, Parcel 065-099.00, we request that you submit evidence that Mr. Denney holds a role as a "responsible corporate officer" for Lost Hollow Limited Partnership.
2. Because the lagoon has not discharged to surface waters but apparently discharges to ground water, please explain why you are applying for a surface water discharge permit rather than a State Operating Permit for a subsurface discharge.

A complete application should be submitted at the address above within 30 days of the date of this letter. You should be aware that in accordance with TDEC Rule 0400-40-5-.05 (2), your receipt of this notice does not preclude the division from later requesting additional material that subsequent to the notice of completeness is determined to be necessary for permit processing.

If you have questions, please contact the Nashville Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact Mr. Bob Alexander at (615) 532-0659 or by E-mail at Robert.Alexander@tn.gov.

Sincerely,

Vojin Janjic
Manager, Water-Based Systems

cc: Permit File & Nashville Environmental Field Office
Land-based Systems (brad.harris@tn.gov)
Mr. Charles R. Hyatt, CEO, Adamsus Group, LLC, Charles.Hyatt@adamsus.com



**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

September 15, 2023

**Mr. Jeff Riden, Chief Executive Officer
Tennessee Wastewater Systems, Inc.
e-copy: jeff.riden@adenus.com
849 Aviation Pkwy
Smyrna, TN 37167**

**RE: Compliance Evaluation Inspections and Notice of Violation
Tennessee Wastewater Systems, Inc.
The Bluff at Bradbury Farms
Permit #SOP-11020
Montgomery County**

Dear Mr. Riden,

On Wednesday August 30, 2023, Mrs. Christina Wingett performed a Compliance Evaluation Inspection at The Bluff at Bradbury Farms treatment facility for compliance with State Operating Permit SOP-11020, which became effective on December 2, 2021, and will expire on November 30, 2026. She met with Mr. Tracy Nichols and Mrs. Jenny Nichols on site. The Division would like to thank Mr. and Mrs. Nichols for their time and courtesy shown while on site.

Permit and Records Review

A current copy of the permit was able to be electronically accessed. The permit description differs from the as-built site. The permit description incorrectly states ultraviolet (UV) is present and does not provide an approximated drip field acreage. Mrs. Nichols has emailed the Division to correct this issue.

Copies of quarterly reports and maintenance logs were provided via email on August 29, 2023. All permit parameters are analyzed by a contract laboratory. During review of the quarterly operating reports, it was noted a sample was collected on February 24, 2021, on the contract laboratory report but February 4, 2021, was reported on the Operating Report. The other reporting issues noted such as placing an 'X' in the column when the sample was below the detection limit rather than the MDL were corrected before submitting the reports.

-----Mr. and Mrs. Nichols were made aware of the permit requirements regarding reporting of ponding water on drip fields on Operating Reports and instances that cannot be repaired within three days must be reported to the Nashville Environmental Field Office and to report overflows and releases in the collections system to the Nashville Environmental Field Office per permit requirements.

Site Review

The sand filter appeared well maintained and services approximately 50 homes. No divots were visible in the surface and the grounds around the filter tanks are sufficiently vegetated with no woody growths or observable indications of leaks. Pumps and wet wells were observed with no signs of corrosion or other problems. Mr. Nichols indicated that site is visited every month at the minimum, and logbooks confirmed this. Preventative maintenance measures are in place. Effluent was slightly turbid but clear and free of excessive odors. UV Disinfection is not present, in contrast to the permit description. Telemetry is in use and the field lines for the ~2.4 acres of active drip are fenced and locked with a sign present with ~1 acre of reserve drip. I observed multiple wet and damp spots across all three zones, including on hill slopes. When questioning Mr. Nichols, he replied that the soils are causing the ponding water. The reserve area may need to be utilized to prevent oversaturation of the current zones.

Conclusions and Action Items

Failure to report the ponding water in the drip fields, and the presence of the saturated soils are violations of the permit. Therefore, this letter also serves as a notice of violation.

Please provide a written response to the following action items within 30 days of the receipt of this letter or by October 15, 2023, whichever occurs first:

1. Maintain communication with the Division to correct the permit to match the site, copy your inspector on all correspondence for this facility.
2. Resubmit a corrected 1st Quarter 2021 Operating Report to the Division.
3. Report overflows and releases if they occur, record ponding water in the drip fields on operating reports, and report instances of ponding water that cannot be repaired within three days per permit requirements.
4. Operate the facility in a way as to not violate permit parameters for ponding water on the drip fields potentially through use of the reserve capacity.

The Division would like to thank Mr. and Mrs. Nichols again for their courtesy and cooperation shown during these inspections. If you have any questions or concerns, please contact your inspector at 615-961-3875 or christina.wingett@tn.gov.

Sincerely



Michael Murphy
Program Coordinator
Division of Water Resources

e-copy: Matt Nicks, Project Coordinator, matthew.nicks@adenus.com
Jenny Nichols, Quality Control Technologist, jenny.nichols@adenus.com
Tracy Nichols, Operator, tracy.nichols@adenus.com
Timmy Jennette, TDEC, tim.jennette@tn.gov
Brad Harris, TDEC, brad.harris@tn.gov

October 13, 2023

Ms. Christina Wingett
Tennessee Department of Environment and Conservation
Nashville Environmental Field Office
711 R.S. Gass Blvd.
Nashville, TN 37216

VIA EMAIL: christina.wingett@tn.gov

Re: Compliance Evaluation Inspection and Notice of Violation
The Bluffs at Bradbury Farms – SOP #11020
Montgomery County, Tennessee

Ms. Wingett:

This letter is in response to the Compliance Evaluation Inspection and Notice of Violation ("Report") conducted at the Bluffs at Bradbury Farms treatment facility on August 30, 2023. You identified four action items in the report and requested a response by October 15, 2023.

Action Item Responses:

1. The Report states "Mrs. Nichols has emailed the Division to correct this issue".
2. The corrected 1st Quarter 2021 Operations Report has been submitted to the Division.
3. TWSI is aware of the reporting requirements for ponding. Ponding was not observed in the drip fields at the time of the inspection. Saturated soils and "wet and damp spots" are not violations of the permit.
4. The system is being operated in compliance with the permit. Operators will continue to monitor any issues related to ponding.



851 Aviation Parkway
Bryna, TN 37167

If you have any further questions or concerns, please contact Matthew Nicks at matthew.nicks@adenus.com or 615-220-7700

Regards,

Jeff Riden
General Counsel

Cc: Matthew Nicks – matthew.nicks@adenus.com
Jenny Nichols – jenny.nichols@adenus.com
Tracy Nichols – tracy.nichols@adenus.com
Timmy Jennette – tim.jennette@tn.gov
Brad Harris – brad.harris@tn.gov



**STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
KNOXVILLE ENVIRONMENTAL FIELD OFFICE
DIVISION OF WATER POLLUTION CONTROL
3711 MIDDLEBROOK PIKE
KNOXVILLE, TN 37921
PHONE 865-594-6035 STATEWIDE 1-888-891-8332 FAX 865-594-6105**

9-19-2023

Tennessee Wastewater Systems Inc

RE: State Operating Permit No. SOP-99016
Tennessee Wastewater Systems Inc – Townsend Town Square
Townsend, Blount County, Tennessee

To Whom it may concern:

On September 19, 2023, William Luke from the Tennessee Division of Water Resources conducted a complaint investigation due to the discharge of sewage from failing treatment facilities and drip fields from Townsend Town Square operating under State Operating Permit 99016. Mr. Luke met with a member of Tennessee Wastewater Inc and discussed the state of the system. Below are the findings.

Investigation Findings

During the investigation the day of September 19, 2023, the Townsend Town Square wastewater treatment plant was observed overflowing sewage from the dip field pump station and running into drainage leading to the Little River. Also noted in this investigation the effluent is flowing on the surface of the ground in the drip field area and not assimilating into the soil profile. The recirculating sand filter appeared to have some minor ponding. The representative from TWI stated they had been exceeding 4000 gallons per day in wastewater flow Based on these observations the following are violations of the effluent limits established in State Operating Permit 99016.

Part II.A.4. of the State Operating Permit states:

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.

Part II.C.2.a & 3.b Reporting of Noncompliance & Overflow

SOP-99016

Tennessee Wastewater Systems Inc – Townsend Town Square

2.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 appropriate Division environmental field office within 24 hours from the time the permittee becomes aware of the circumstances.

3.b. Overflows are prohibited.

SOP-99016

Tennessee Wastewater Systems Inc – Townsend Town Square



SOP-99016

Tennessee Wastewater Systems Inc – Townsend Town Square

Tennessee Wastewater Systems Inc must respond in writing to this Notice of Violation by December 31, 2023 with a plan for correcting the violations documented in this letter. At this time, a Corrective Action Plan (CAP) must be developed and implemented to ensure compliance with current State Operating Permit 99016. The CAP should include, but not be limited to, modifications to operation and maintenance necessary to eliminate violations and a timeline in which the modifications will be put into operation.

If you have any questions concerning this investigation or if we may be of any further assistance to you in any way, please feel free to contact Michael Caudill by phone at (865) 594-5476 or by email at Michael.caudill@tn.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Atchley", written in a cursive style.

Michael Atchley

Environmental Program Manager

Knoxville Environmental Field Office

Division of Water Resources

cc: Enforcement & Compliance Section, Nashville, WPC



881 Aviation Parkway
Smyrna, TN 37157

October 13, 2023

Michael Caudill
Tennessee Department of Environment and Conservation
Division of Water Resources
Knoxville Environmental Field Office
3711 Middlebrook Pike
Knoxville, TN 37921

VIA EMAIL: michael.caudill@tn.gov

Re: State Operating Permit No. SOP-99016
Tennessee Wastewater Systems, Inc. – Townsend Town Square
Townsend, Blount County, Tennessee

Mr. Caudill:

This letter is in response to the Notice of Violation ("NOV") issued to Tennessee Wastewater Systems, Inc. ("TWSI") on September 19, 2023 related to the Townsend Town Square Treatment Facility in Blount County, Tennessee. The NOV requests a response by December 31, 2023

The Investigative Findings states that "the Townsend Town Square wastewater treatment plant was observed overflowing sewage from the drip field pump station and running into drainage leading to the Little River". This is not possible because the system does not have a pump station.

Furthermore, the system operator, Jeremy Stewart, was present for and accompanied Mr. Luke during the site inspection. According to Mr. Stewart, there was no water observed coming out of the drip field to any drainage and in fact, the fence line where the drainage ditch and storm drains are located was not inspected at this site visit.

Treated effluent was observed ponded on the drip field which was muddy. This aligns with Mr. Stewart's observations as well as one of the two photos that were provided with the NOV. The other photo contains no context and looks to be a photo of the drip field. If the Department has additional photos or video of the purported overflow from the drip field to the drainage to the Little River, TWSI requests that documentation be provided so the utility can evaluate these allegations more fully.

As for corrective action, the area with the ponded water was limed and straw was spread. TWSI will continue to monitor the site for additional ponding issues and any overflows.



851 Aviation Parkway
Smyrna, TN 37167

TWSI will also attempt to locate additional land that may be utilized for additional drip in the event there are continued soils issues.

If you have any further questions or concerns, please contact Matt Nicks at matthew.nicks@adenus.com or 615-220-7200.

Regards,


Jeff Riden
General Counsel

Cc: Matthew Nicks – matthew.nicks@adenus.com
Jeremy Stewart – jeramy.stewart@adenus.com
Michael Atchley – michael.atchley@tn.gov

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CONFIDENTIAL FILING

EXHIBIT 28

(Response No. 7 to Staff Data Requests)