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June 6, 2008

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

filed electronically in docket office on 06/06/08

Subject: Response to TRA's May 23, 2008 Letter to Cartwright Creek requesting permit status for Docket No. 96-00758, No. 04-00358, and No. 06-00005

Dear Ms. Standley,

Following are the responses to your May 23, 2008 letter to Robert Cochrane requesting copies of final TDEC permits and project status information.

1. Old Cartwright Creek Utility, Docket No. 96-00758, TDEC Permit TN-0027278

The existing Cartwright Creek system, in operation for over 30 years, operates under a TDEC-issued NPDES discharge permit, which has been renewed on a regular basis. The current permit, a copy of which is attached, was issued November 30, 2001. In May 2006, Cartwright Creek submitted the renewal request to TDEC in anticipation of the scheduled renewal date of November 30, 2006. As of this writing, TDEC has not renewed the permit due to its evaluation of the permits and discharge limits on the entire Harpeth River watershed. Although we have made verbal and written inquiries, TDEC has not been able to estimate the renewal date. The attached permit remains in effect until TDEC issues the new permit.

A detailed update of the system's operational and financial status was submitted as part of the CCN application to extend Cartwright Creek's service area for the Stillwater project, Docket No. 07-00180.

2. Waterbridge Development, Docket No. 04-00358, TDEC SOP-04019

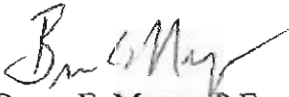
TDEC issued the original state operating permit (SOP), a copy of which is attached, on October 10, 2004. The permit has a five year duration, and will be renewed on October 31, 2009. The developer started project construction of the wastewater treatment and collection systems in December 2007. Construction completion of the wastewater system is expected by late 2008.

3. Burrus Ridge, Docket No. 06-00005, TDEC SOP-05063

The Burrus Ridge project and TDEC permit have been canceled when the developer decided to annex the development to the City of White House, which will provide sewer service. We do not know the current status of this development since we are no longer involved. On September 7, 2006, Cartwright Creek withdrew its petition to amend its CCN to serve Burrus Ridge. On December 5, 2006, the TRA issued an Order Accepting Withdrawal of Petition. Since the state operating permit, issued on April 4, 2006 (copy attached), was no longer needed, Cartwright Creek requested TDEC cancel the permit. A copy of the TDEC letter, dated April 30, 2008 cancelling the State Operating Permit is attached.

Please contact me if you have any questions.

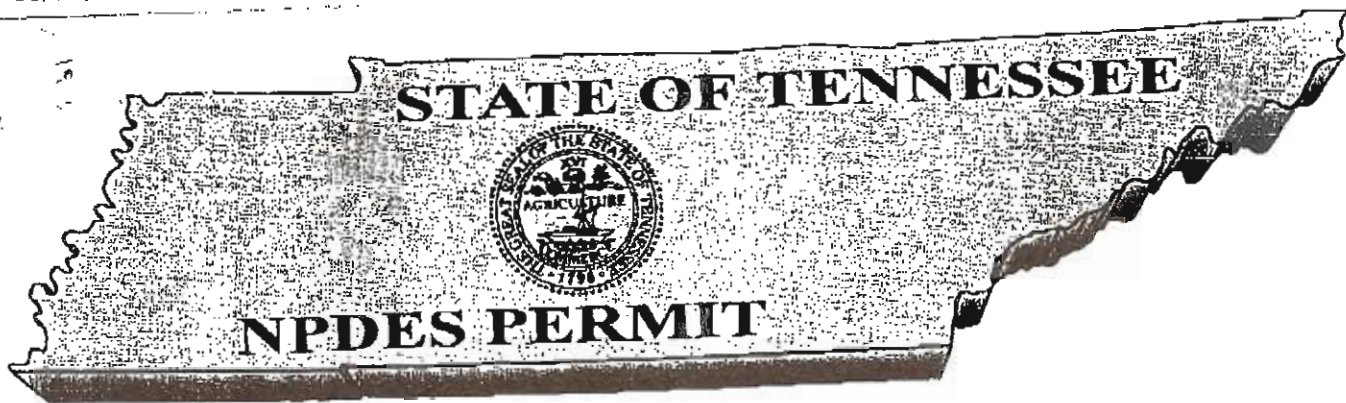
Thank you,

A handwritten signature in black ink, appearing to read "Bruce E. Meyer", with a stylized flourish at the end.

Bruce E. Meyer, P.E.
Vice President, Operations
Cartwright Creek, LLC

Attachment for Response to Question 1

Old (Existing) Cartwright Creek Utility NPDES Permit



No. TN0027278

Authorization to discharge under the
National Pollutant Discharge Elimination System (NPDES)

Issued By

**Tennessee Department of Environment and Conservation
Division of Water Pollution Control
401 Church Street
6th Floor, L & C Annex
Nashville, Tennessee 37243-1534**

Under authority of the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.) and the delegation of authority from the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.)

Discharger: **Cartwright Creek Utility Co. STP**
is authorized to discharge: **Treated domestic wastewater**
from a facility located: **in Franklin, Williamson County, Tennessee**
to receiving waters named: **Harpeth River at mile 68.8**

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on: **January 1, 2002**

This permit shall expire on: **November 30, 2006**

Issuance date: **November 30, 2001**



Paul E. Davis, Director
Division of Water Pollution Control

TABLE OF CONTENTS**Page****PART I**

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS	1
B. MONITORING PROCEDURES	4
1. Representative Sampling	4
2. Sampling Frequency	5
3. Test Procedures	5
4. Recording of Results	5
5. Records Retention	5
C. DEFINITIONS	6
D. REPORTING	7
1. Monitoring Results	7
2. Additional Monitoring by Permittee	8
3. Falsifying Reports	8
4. Monthly Report of Operation	8
5. Bypass and Overflow Reporting	8
a. Report Requirements	8
b. Anticipated Bypass Notification	8
6. Reporting Less Than Detection	9
E. COMPLIANCE WITH SECTION 208	9
F. REOPENER CLAUSE	9

PART II

A. GENERAL PROVISIONS	10
1. Duty to Reapply	10
2. Right of Entry	10
3. Availability of Reports	10
4. Proper Operation and Maintenance	10
5. Treatment Facility Failure (Industrial Sources)	11
6. Property Rights	11
7. Severability	11
8. Other Information	11

B.	CHANGES AFFECTING THE PERMIT	11
1.	Planned Changes	11
2.	Permit Modification, Revocation, or Termination	12
3.	Change of Ownership	12
4.	Change of Mailing Address	13
C.	NONCOMPLIANCE	13
1.	Effect of Noncompliance	13
2.	Reporting of Noncompliance	13
3.	Overflow	14
4.	Upset	15
5.	Adverse Impact	15
6.	Bypass	16
7.	Washout	16
D.	LIABILITIES	17
1.	Civil and Criminal Liability	17
2.	Liability Under State Law	17

PART III

A.	CERTIFIED OPERATOR	17
B.	POTW PRETREATMENT PROGRAM GENERAL PROVISIONS	17
C.	SLUDGE MANAGEMENT PRACTICES	19
D.	PLACEMENT OF SIGNS	21
E.	ANTIDEGRADATION	22
F.	ADDITIONAL SAMPLING	22

RATIONALE

I.	DISCHARGER	1
II.	RECEIVING WATERS	1
III.	PREVIOUS PERMIT	2
IV.	DMR REVIEW	2
V.	PROPOSED EFFLUENT LIMITS & RATIONALE	3
A.	CBOD ₅ and D.O.	3
B.	AMMONIA AS N	3

C. CHLORINATION.....	4
VI. OTHER REQUIREMENTS & CONDITIONS	5
A. GRADE 3 CERTIFIED WASTEWATER TREATMENT OPERATOR	5
B. GRADE 1 COLLECTION SYSTEM CERTIFIED OPERATOR.....	5
C. PRETREATMENT PROGRAM.....	5
D. MINIMUM PERCENT REMOVALS	5
E. PERMIT APPLICATION	5
F. PERMIT TERM.....	6
VII. COMPLIANCE SCHEDULE SUMMARY	6

MTS
TN0027278PMT.DOC

Effluent Characteristics	Effluent Limitations			Monitoring Requirements		
	Monthly Average	Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type	Sampling Point
Fecal Coliform (31616)	✓ 200/100 ml (see the following paragraphs)		1000/100 ml	3/week	grab	effluent
E. coli (31648)	✓ 126/100 ml (see the following paragraphs)			3/week	grab	effluent
Chlorine residual (Total) (50060)			0.25 mg/l instantaneous	5/week	grab	effluent
Settleable solids (00545)			1.0 ml/l	5/week	composite	effluent
Dissolved oxygen (00300)		6.0 mg/l instantaneous		5/week	grab	effluent
pH (Standard Units) (00400)		5.0	9.0	5/week	grab	effluent
Flow (MGD) (50050)	Report Report		Report Report	7/week 7/week	continuous continuous	influent effluent

Note: See next page for percent removal calculations.

Cartwright Creek Utility Co. STP
 NPDES Permit TN0027278
 Page 3 of 22

The wastewater discharge must be disinfected to the extent that viable coliform organisms are effectively eliminated. The concentration of the fecal coliform group after disinfection shall not exceed 200 per 100 ml, nor shall the *E. coli* concentration exceed 126 per 100 ml as the geometric mean based on a minimum of 10 samples, collected from a given sampling site over a period of not more than 30 consecutive days with individual samples being collected at intervals of not less than 12 hours. For the purpose of determining the geometric mean, individual samples having a fecal coliform or *E. coli* group concentration of less than one (1) per 100 ml shall be considered as having a concentration of one (1) per 100 ml. In addition, the concentration of the fecal coliform group in any individual sample shall not exceed 1,000 per 100 ml.

There shall be no distinctly visible floating scum, oil or other matter contained in the wastewater discharge. The wastewater discharge must not cause an objectionable color contrast in the receiving stream.

The wastewater discharge shall not contain pollutants in quantities that will be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.

Sludge or any other material removed by any treatment works must be disposed of in a manner that 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 the Tennessee Hazardous Waste Management Act, TCA 68-46-101 et seq.

For the purpose of evaluating compliance with the permit limits established herein, where certain limits are below the State of Tennessee published required detection levels (RDLs) for any given effluent characteristics, the results of analyses below the RDL shall be reported as Below Detection Level (BDL), unless in specific cases other detection limits are demonstrated to be the best achievable because of the particular nature of the wastewater being analyzed.

For CBOD₅ and TSS, the treatment facility shall demonstrate a minimum of 85% removal efficiency on a monthly average basis. This is calculated by determining an average of all daily influent concentrations and comparing this to an average of all daily effluent concentrations. The formula for this calculation is as follows:

$$\left[1 - \frac{\text{average of daily effluent concentration}}{\text{average of daily influent concentration}} \right] \times 100\% = \% \text{ removal}$$

The treatment facility will also demonstrate 40% minimum removal of the CBOD₅ and TSS based upon each daily composite sample. The formula for this calculation is as follows:

$$\left[1 - \frac{\text{daily effluent concentration}}{\text{daily influent concentration}} \right] \times 100\% = \% \text{ removal}$$

B. MONITORING PROCEDURES

1. Representative Sampling

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to insure that the accuracy of the measurements is consistent with accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than plus or minus 10% from the true discharge rates throughout the range of expected discharge volumes.

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):

Influent samples must be collected prior to mixing with any other wastewater being returned to the head of the plant, such as sludge return. Those systems with more than one influent line must collect samples from each and proportion the results by the flow from each line.

Effluent samples must be representative of the wastewater being discharged and collected prior to mixing with any other discharge or the receiving stream. This can be a different point for different parameters, but must be after all treatment for that parameter or all expected change:

- a. CBOD₅ samples can be collected before chlorination to avoid having to dechlorinate and seed the samples.
- b. The chlorine residual must be measured after the chlorine contact chamber and any dechlorination. It may be to the advantage of the permittee to measure at the end of any long outfall lines.
- c. Samples for fecal coliform can be collected at any point between disinfection and the actual discharge.
- d. The dissolved oxygen can drop in the outfall line; therefore, D.O. measurements are required at the discharge end of outfall lines greater than one mile long. Systems with outfall lines less than one mile may measure dissolved oxygen as the wastewater leaves the treatment facility. For systems with dechlorination, dissolved oxygen must be measured after this step and as close to the end of the outfall line as possible.
- e. Total suspended solids and settleable solids can be collected at any point after the final clarifier.
- f. Biomonitoring tests (if required) shall be conducted on final effluent.

Cartwright Creek Utility Co. STP
NPDES Permit TN0027278
Page 5 of 22

2. Sampling Frequency

Where the permit requires sampling and monitoring of a particular effluent characteristic(s) at a frequency of less than once per day or daily, the permittee is precluded from marking the "No Discharge" block on the Discharge Monitoring Report if there has been any discharge from that particular outfall during the period which coincides with the required monitoring frequency; i.e. if the required monitoring frequency is once per month or 1/month, the monitoring period is one month, and if the discharge occurs during only one day in that period then the permittee must sample on that day and report the results of analyses accordingly.

3. Test Procedures

- a. Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304 (h) of the Clean Water Act (the "Act"), as amended, under which such procedures may be required.
- b. Unless otherwise noted in the permit, all pollutant parameters shall be determined according to methods prescribed in Title 40, CFR, Part 136, as amended, promulgated pursuant to Section 304 (h) of the Act.
- c. Composite samples must be proportioned by flow at time of sampling. Aliquots may be collected manually or automatically. The sample aliquots must be maintained at 4 degrees Celsius during the compositing period.

4. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date and time of sampling;
- b. The exact person(s) collecting samples;
- c. The dates and times the analyses were performed;
- d. The person(s) or laboratory who performed the analyses;
- e. The analytical techniques or methods used, and;
- f. The results of all required analyses.

5. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation shall be retained for a minimum of three (3) years, or longer, if requested by the Division of Water Pollution Control.

C. DEFINITIONS

The "**instantaneous minimum concentration**" is the minimum allowable concentration, in milligrams per liter, of a pollutant parameter contained in the wastewater discharge determined from a grab sample taken from the discharge at any point in time.

The "**instantaneous maximum concentration**" is a limitation on the concentration, in milligrams per liter, of any pollutant contained in the wastewater discharge determined from a grab sample taken from the discharge at any point in time.

The "**daily maximum concentration**" is a limitation on the average concentration in milligrams per liter, of the discharge during any calendar day. When a proportional-to-flow composite sampling device is used, the daily concentration is the concentration of that 24-hour composite; when other sampling means are used, the daily concentration is the arithmetic mean of the concentrations of equal volume samples collected during any calendar day or sampling period.

A "**one week period**" (or "**calendar-week**") is defined as the period from Sunday through Saturday. For reporting purposes, a calendar week that contains a change of month shall be considered part of the latter month.

The "**weekly average concentration**", is the arithmetic mean of all the composite samples collected in a one-week period. The permittee must report the highest weekly average in the one-month period.

The "**weekly average amount**", shall be determined by the summation of all the measured daily discharges by weight divided by the number of days during the calendar week when the measurements were made.

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

The "**monthly average amount**", shall be determined by the summation of all the measured daily discharges by weight divided by the number of days during the calendar month when the measurements were made.

A "**composite sample**" is a combination of not less than 8 influent or effluent portions, of at least 100 ml, collected over a 24-hour period. Under certain circumstances a lesser time period may be allowed, but in no case, less than 8 hours.

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

The "**geometric mean**" of any set of values is the n^{th} root of the product of the individual values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For the purposes of calculating the geometric mean, values of zero (0) shall be considered to be one (1).

Cartwright Creek Utility Co. STP
NPDES Permit TN0027278
Page 7 of 22

A "**calendar day**" is defined as any 24-hour period.

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.

A "**bypass**" is defined as the intentional diversion of waste streams from any portion of a treatment facility.

A "**dry weather overflow event**" is defined as one day or any portion of a day in which discharge of wastewater from the collection or treatment system other than through the permitted outfall occurs and is not directly related to a rainfall event. Discharge from more than one point within a 24-hour period shall be counted as separate events.

A "**rainfall event**" is defined as any occurrence of rain, preceded by 10 hours without precipitation that results in an accumulation of 0.01 inches or more. Instances of rainfall occurring within 10 hours of each other will be considered a single rainfall event.

A "**sanitary sewer overflow event**" is defined as an unpermitted discharge of wastewater from the collection or treatment system other than through the permitted outfall that is directly related to a specific rainfall event. Multiple discharge occurrences within a single rainfall event are considered a single sanitary sewer overflow event.

D. REPORTING

1. Monitoring Results

Monitoring results shall be recorded monthly and submitted monthly using Discharge Monitoring Report (DMR) forms supplied by the Division of Water Pollution Control. Submittals shall be postmarked no later than 15 days after the completion of the reporting period. The top two copies of each report are to be submitted. A copy should be retained for the permittee's files. DMRs and any communication regarding compliance with the conditions of this permit must be sent to:

**TENNESSEE DEPT. OF ENVIRONMENT & CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
COMPLIANCE REVIEW SECTION
401 CHURCH STREET
L & C ANNEX 6TH FLOOR
NASHVILLE TN 37243-1534**

The first DMR is due on the 15th of the month following permit effectiveness.

DMRs must be signed and certified by a responsible corporate officer as defined in 40 CFR 122.22, a general partner or proprietor, or a principal municipal executive officer or ranking

Cartwright Creek Utility Co. STP
NPDES Permit TN0027278
Page 8 of 22

elected official, or his duly authorized representative. Such authorization must be submitted in writing and must explain the duties and responsibilities of the authorized representative.

2. Additional Monitoring by Permittee

If the permittee monitors any pollutant specifically limited by this permit more frequently than required at the location(s) designated, using approved analytical methods as specified herein, the results of such monitoring shall be included in the calculation and reporting of the values required in the DMR form. Such increased frequency shall also be indicated on the form.

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 309 of the Federal Water Pollution Control Act, as amended, and in Section 69-3-115 of the Tennessee Water Quality Control Act.

4. Monthly Report of Operation

Monthly operational reports shall be submitted on standard forms to the appropriate Division of Water Pollution Control Environmental Assistance Center in Jackson, Nashville, Chattanooga, Columbia, Cookeville, Memphis, Johnson City, or Knoxville. Reports shall be submitted by the 15th day of the month following data collection.

5. Bypass and Overflow Reporting

a. Report Requirements

A summary report of known or suspected instances of overflows in the collection system or bypass of wastewater treatment facilities shall accompany the Discharge Monitoring Report. The report must contain the date and duration of the instances of overflow and/or bypassing and the estimated quantity of wastewater discharged and/or bypassed.

The report must also detail activities undertaken during the reporting period to (1) determine if overflow is occurring in the collection system, (2) correct those known or suspected overflow points and (3) prevent future or possible overflows and any resulting bypassing at the treatment facility.

On the DMR, the permittee must report the number of sanitary sewer overflows, dry-weather overflows and in-plant bypasses separately. Three lines must be used on the DMR form, one for sanitary sewer overflows, one for dry-weather overflows and one for in-plant bypasses.

b. Anticipated Bypass Notification

If, because of unavoidable maintenance or construction, the permittee has need to create an in-plant bypass which would cause an effluent violation, the

Cartwright Creek Utility Co. STP
NPDES Permit TN0027278
Page 9 of 22

permittee must notify the Division as soon as possible, but in any case, no later than 10 days prior to the date of the bypass.

6. Reporting Less Than Detection

A permit limit may be less than the accepted detection level. If the samples are below the detection level, then report "BDL" or "NODI =B" on the DMRs. The permittee must use the correct detection levels in all analytical testing required in the permit. The required detection levels are listed in the Rules of the Department of Environment and Conservation, Division of Water Pollution Control, Chapter 1200-4-3-.05(8).

For example, if the limit is 0.02 mg/l with a detection level of 0.05 mg/l and detection is shown; 0.05 mg/l must be reported. In contrast, if nothing is detected reporting "BDL" or "NODI =B" is acceptable.

E. COMPLIANCE WITH SECTION 208

The limits and conditions in this permit shall require compliance with an area-wide waste treatment plan (208 Water Quality Management Plan) where such approved plan is applicable.

F. REOPENER CLAUSE

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 307(a)(2) and 405(d)(2)(D) of the Clean Water Act, as amended, if the effluent standard, limitation or sludge disposal requirement so issued or approved:

1. Contains different conditions or is otherwise more stringent than any condition in the permit; or
2. Controls any pollutant or disposal method not addressed in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

The permit may be reopened or revoked and reissued based on any new analytical data obtained.

Cartwright Creek Utility Co. STP
NPDES Permit TN0027278
Page 10 of 22

PART II

A. GENERAL PROVISIONS

1. Duty to Reapply

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 Pollution Control (the "Director") no later than 180 days prior to the expiration date.

2. Right of Entry

The permittee shall allow the Director, the Regional Administrator of the U.S. Environmental Protection Agency, or their authorized representatives, upon the 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

Except for data determined to be confidential under Section 308 of the Federal Water Pollution Control Act, as amended, 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 Pollution Control. As required by the Federal Act, effluent data shall not be considered confidential.

4. Proper Operation and Maintenance

- 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. 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.

Cartwright Creek Utility Co. STP
NPDES Permit TN0027278
Page 11 of 22

- b. Dilution water shall not be added to comply with effluent requirements to achieve BCT, BPT, BAT and or other technology based effluent limitations such as those in State of Tennessee Rule 1200-4-5-.03.

5. Treatment Facility Failure (Industrial Sources)

The permittee, in order to maintain compliance with this permit, shall control production, all discharges, or both, upon reduction, loss, or failure of the treatment facility, until the facility is restored or an alternative method of treatment is provided. This requirement applies in such situations as the reduction, loss, or failure of the primary source of power.

6. 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.

7. 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.

8. 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. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants, which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).

Cartwright Creek Utility Co. STP
NPDES Permit TN0027278
Page 12 of 22

2. Permit Modification, Revocation, or Termination

- a. This permit may be modified, revoked and reissued, or terminated for cause as described in 40 CFR 122.62 and 122.64, Federal Register, Volume 49, No. 188 (Wednesday, September 26, 1984), 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.
- c. If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established for any toxic pollutant under Section 307(a) of the Federal Water Pollution Control Act, as amended, the Director shall modify or revoke and reissue the permit to conform to the prohibition or to the effluent standard, providing that the effluent standard is more stringent than the limitation in the permit on the toxic pollutant. The permittee shall comply with these effluent standards or prohibitions within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified or revoked and reissued to incorporate the requirement.

3. Change of Ownership

This permit may be transferred to another party (provided there are neither modifications to the facility or its operations, nor any other changes which might affect the permit limits and conditions contained in the permit) 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.

Pursuant to the requirements of 40 CFR 122.61, concerning transfer of ownership, the permittee must provide the following information to the Division in their formal notice of intent to transfer ownership: 1) the NPDES permit number of the subject permit; 2) the effective date of the proposed transfer; 3) the name and address of the transferor; 4) the name and address of the transferee; 5) the names of the responsible parties for both the transferor and transferee; 6) a statement that the transferee assumes responsibility for the subject NPDES permit; 7) a statement that the transferor relinquishes responsibility for the subject NPDES permit; 8) the signatures of the responsible parties for both the transferor and transferee pursuant to the requirements of 40 CFR 122.22(a), "Signatories to permit applications"; and, 9) a statement

Cartwright Creek Utility Co. STP
NPDES Permit TN0027278
Page 13 of 22

regarding any proposed modifications to the facility, its operations, or any other changes which might affect the permit limits and conditions contained in 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

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

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 Division of Water Pollution Control in the appropriate Environmental Assistance Center within 24-hours from the time the permittee becomes aware of the circumstances. (The Environmental Assistance Center should be contacted for names and phone numbers of environmental response team).

A written submission must be provided within five days of the time the permittee becomes aware of the circumstances unless the Director on a case-by-case basis waives this requirement. 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 noncomplying discharge.

b. Scheduled Reporting

Cartwright Creek Utility Co. STP
NPDES Permit TN0027278
Page 14 of 22

For instances of noncompliance which are not reported under subparagraph 2.a above, the permittee shall report the noncompliance on the Discharge Monitoring 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 wastes from any portion of the collection, transmission, or treatment system other than through permitted outfalls. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of an overflow. Severe property damage does not mean economic loss caused by delays in production.
- b. Both sanitary sewer overflows and dry-weather overflows are prohibited unless all of the following three (3) conditions are met:
 - i. The overflow is unavoidable to prevent loss of life, personal injury, or severe property damage. Overflows caused by a lack of capacity or improper management, operation, or maintenance do not qualify as meeting this condition;
 - ii. There are no feasible alternatives to overflow, such as the construction and use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent an overflow which occurred during normal periods of equipment downtime or preventative maintenance;
 - iii. The permittee submits notice of an unanticipated overflow to the Division of Water Pollution Control in the appropriate environmental assistance center within 24-hours of becoming aware of the overflow (if this information is provided orally, a written submission must be provided within five days). When the need for the overflow is foreseeable, prior notification shall be submitted to the Director, if possible, at least ten (10) days before the date of the overflow.
- c. The permittee shall operate the collection system so as to avoid overflows. 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 bypass point are less

Cartwright Creek Utility Co. STP
NPDES Permit TN0027278
Page 15 of 22

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 flow measurement industry and reported in an attachment to a Monthly Operating Report submitted to the local TDEC Environmental Assistance Center. The data measurement period shall be sufficient to account for seasonal rainfall patterns and seasonal groundwater table elevations. In the event that more than five (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 Pollution Control EAC 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.

Cartwright Creek Utility Co. STP
NPDES Permit TN0027278
Page 16 of 22

6. Bypass

- a. **"Bypass"** is the intentional diversion of wastewater away from any portion of a treatment facility.
- b. Bypasses are prohibited unless all of the following three (3) conditions are met:
 - i. The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. There are not feasible alternatives to bypass, such as the construction and use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up 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 preventative maintenance;
 - iii. The permittee submits notice of an unanticipated bypass to the Division of Water Pollution Control in the appropriate environmental assistance center within 24-hours of becoming aware of the bypass (if this information is provided orally, a written submission must be provided within five days). When the need for the bypass is foreseeable, prior notification shall be submitted to the Director, if possible, at least ten (10) days before the date of the bypass.
- c. Bypasses not exceeding permit limitations are allowed **only** if the bypass is necessary for essential maintenance to assure efficient operation. All other bypasses are prohibited. Allowable bypasses not exceeding limitations are not subject to the reporting requirements of 6.b.iii, above.

7. Washout

- a. For domestic wastewater plants only, a "washout" shall be defined as loss of Mixed Liquor Suspended Solids (MLSS) of 30.00% or more. This refers to the MLSS in the aeration basin(s) only. This does not include MLSS decrease due to solids wasting to the sludge disposal system. A washout can be caused by improper operation or from peak flows due to infiltration and inflow.
- b. A washout is prohibited. If a washout occurs the permittee must report the incident to the Division of Water Pollution Control in the appropriate Environmental Assistance Center within 24-hours by telephone. A written submission must be provided within five days. The washout must be noted on the discharge monitoring report. Each day of a washout is a separate violation.

Cartwright Creek Utility Co. STP
NPDES Permit TN0027278
Page 17 of 22

D. LIABILITIES

1. Civil and Criminal Liability

Except as provided in permit conditions for "**Bypassing**," "**Overflow**," "**Upset**," "**Diversion**," and "**Treatment Facility Failures**," 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 or the Federal Water Pollution Control Act, as amended.

PART III

OTHER REQUIREMENTS

A. CERTIFIED OPERATOR

The waste treatment facilities shall be operated under the supervision of a Grade 3 certified wastewater treatment operator and the collection system operated under the supervision of a Grade 1 Collection System certified operator in accordance with the Water Environmental Health Act of 1984.

B. POTW PRETREATMENT PROGRAM GENERAL PROVISIONS

As an update of information previously submitted to the Division, the permittee will undertake the following activity.

1. The permittee shall submit the results of an Industrial Waste Survey (IWS) in accordance with 40 CFR 403.8(f)(2)(i), including any industrial users (IU) covered under Section 310(i)(2) of the Act. As much information as possible must be obtained relative to the character and volume of pollutants contributed to the POTW by the IUs. This information will be submitted to the Division of Water Pollution Control, Pretreatment section within one hundred twenty (120) days of the effective

Cartwright Creek Utility Co. STP
NPDES Permit TN0027278
Page 18 of 22

date of this permit. Development of a pretreatment program may be required after completion of the industrial user review. All requirements and conditions of the pretreatment program are enforceable through the NPDES permit.

2. The permittee shall enforce 40 CFR 403.5, "prohibited discharges". Pollutants introduced into the POTW by a non-domestic source shall not cause pass through or interference as defined in 40 CFR Part 403.3. These general prohibitions and the specific prohibitions in this section apply to all non-domestic sources introducing pollutants into the POTW whether the source is subject to other National Pretreatment Standards or any State or local Pretreatment Requirements.

Specific prohibitions. Under no circumstances shall the permittee allow introduction of the following wastes in the waste treatment system:

- a. Pollutants which create a fire or explosion hazard in the POTW;
 - b. Pollutants which will cause corrosive structural damage to the treatment works, but in no case discharges with pH less than 5.0 unless the system is specifically designed to accept such discharges.
 - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the treatment system resulting in interference.
 - d. Any pollutant, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the treatment works.
 - e. Heat in amounts which will inhibit biological activity in the treatment works resulting in interference, but in no case heat in such quantities that the temperature at the treatment works exceeds 40°C (104°F) unless the works are designed to accommodate such heat.
 - f. Any priority pollutant in amounts that will contaminate the treatment works sludge.
 - g. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
 - h. Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - i. Any trucked or hauled pollutants except at discharge points designated by the POTW.
3. The permittee shall notify the Tennessee Division of Water Pollution Control of any of the following changes in user discharge to the system no later than 30 days prior to change of discharge:

Cartwright Creek Utility Co. STP
NPDES Permit TN0027278
Page 19 of 22

- a. New introductions into such works of pollutants from any source which would be a new source as defined in Section 306 of the Act if such source were discharging pollutants.
- b. New introductions of pollutants into such works from a source which would be subject to Section 301 of the "Federal Water Quality Act as Amended" if it were discharging such pollutants.
- c. A substantial change in volume or character of pollutants being introduced into such works by a source already discharging pollutants into such works at the time the permit is issued.

This notice will include information on the quantity and quality of the wastewater introduced by the new source into the publicly owned treatment works, and on any anticipated impact on the effluent discharged from such works. If this discharge necessitates a revision of the current NPDES permit or pass-through guidelines, discharge by this source is prohibited until the Tennessee Division of Water Pollution Control gives final authorization.

C. SLUDGE MANAGEMENT PRACTICES

1. The permittee must comply with 40 CFR 503 et seq. Sludge shall be sampled and analyzed at a frequency dependant both on the amount of sludge generated annually and on the disposal practice utilized. Whenever sampling and analysis are required of 40 CFR 503, the permittee shall report to the Division the quantitative data for the following parameters:

1) Arsenic	7) Nickel
2) Cadmium	8) Selenium
3) Copper	9) Zinc
4) Lead	10) Nitrite plus Nitrate, NO_2 + NO_3 as N
5) Mercury	11) Total Kjeldahl Nitrogen, as N
6) Molybdenum	12) Ammonia, NH_3 , as N

This sludge analysis must be submitted by February 19th of each calendar year. This information shall be submitted to the Division of Water Pollution Control, Central Office, 401 Church Street, 6th Floor Annex, Nashville TN 37243-1534, Attention: Sludge Coordinator, Municipal Facilities Section.

2. Land application of sludge shall halt immediately if any of the following concentrations are exceeded:

Cartwright Creek Utility Co. STP
NPDES Permit TN0027278
Page 20 of 22

POLLUTANT	CONCENTRATION (mg/kg ¹)
Arsenic	75
Cadmium	85
Zinc	7500
Copper	4300
Lead	840

POLLUTANT	CONCENTRATION (mg/kg ¹)
Mercury	57
Molybdenum	75
Nickel	420
Selenium	100

1 Dry Weight Basis

- a) Monthly average pollutant concentrations shall not exceed Table 3 of 40 CFR §503.13. If they are exceeded cumulative pollutant loading rates are to be calculated and recorded and shall not exceed Table 2 of 40 CFR §503.13 for the life of the land application site.
3. If land application is the final disposition of the wasted sludge, the permittee shall provide pathogen reduction, sludge stabilization and comply with land and crop usage controls as listed in 40 CFR Part 503, as authorized by the Clean Water Act. Records must be maintained by the permittee that indicates compliance or non-compliance with this rule. If the permittee is required to report to EPA, copies of all reports should be sent to the Division, at the address listed in paragraph 1 of this section.
4. Before land applying municipal sludge the permittee must obtain approvals for each site(s) in writing from the Division using the latest revision of Guidelines for Land Application or Surface Disposal of Biosolids, unless the sludge being land applied meets the pollutant concentrations of 40 CFR 503.13(b)(3), the Class A pathogen requirements in 40 CFR 503.32(a), and one of the vector attraction reduction requirements in 40 CFR 503.33 (b)(1) through (b)(8).
5. Reopener: If an applicable "acceptable management practice" or numerical limitation for pollutants in sewage sludge promulgated under Section 405(d)(2) of the Clean Water Act, as amended by the Water Quality Act of 1987, is more stringent than the sludge pollutant limit or acceptable management practice in this permit, or controls a pollutant not limited in this permit, this permit shall be promptly modified or revoked and reissued to conform to the requirements promulgated under Section 405(d)(2). The permittee shall comply with the limitations by no later than the compliance deadline specified in the applicable regulations as required by Section 405(d)(2) of the Clean Water Act.
6. Notice of change in sludge disposal practice: The permittee shall give prior notice to the Director of any change planned in the permittee's sludge disposal practice. If land application activities are suspended permanently and sludge disposal moves to a municipal solid waste landfill, the permittee shall contact the local Division of Solid Waste Management office address for other permitting and approvals (see table below):

Cartwright Creek Utility Co. STP
NPDES Permit TN0027278
Page 21 of 22

Division of Solid Waste Management			
Office	Location	Zip Code	Phone No.
Chattanooga	540 McCallie Avenue, Suite 550	37402-2013	(423) 634-5745
Jackson	362 Carriage House Drive	38305-2222	(901) 512-1300
Cookeville	1221 South Willow Avenue	38506	(931) 432-4015
Columbia	2484 Park Plus Drive	38401	(931) 380-3371
Johnson City	2305 Silverdale Road	37601	(423) 854-5400
Knoxville	2700 Middlebrook Pike, Suite 220	37921	(865) 594-6035
Memphis	2510 Mt. Moriah Road, Suite E-645	38115-1511	(901) 368-7939
Nashville	711 R.S. Gass Boulevard	37243-1550	(615) 687-7000

D. PLACEMENT OF SIGNS

Within sixty (60) days of the effective date of this permit, the permittee shall place and maintain a sign(s) at each outfall and any bypass/overflow point in the collection system. For the purposes of this requirement, any bypass/overflow point that has discharged five (5) or more times in the last year must be so posted. The sign(s) should be clearly visible to the public from the bank and the receiving stream. 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 and have a white background with black letters.

The sign(s) are to provide notice to the public as to the nature of the discharge and, in the case of the permitted outfalls, that the discharge is regulated by the Tennessee Department of Environment and Conservation, Division of Water Pollution Control. The following is given as an example of the minimal amount of information that must be included on the sign:

Permitted CSO or unpermitted bypass/overflow point:

UNTREATED WASTEWATER DISCHARGE POINT
Cartwright Creek Utility Co. STP
(615) 383-9070
NPDES Permit NO. TN0027278
TENNESSEE DIVISION OF WATER POLLUTION CONTROL
1-888-891-8332 WPC ENVIRONMENTAL ASSISTANCE CENTER

NPDES Permitted Municipal/Sanitary Outfall:

TREATED MUNICIPAL/SANITARY WASTEWATER
Cartwright Creek Utility Co. STP
(615) 383-9070
NPDES Permit NO. TN0027278
TENNESSEE DIVISION OF WATER POLLUTION CONTROL
1-888-891-8332 WPC ENVIRONMENTAL ASSISTANCE CENTER

No later than sixty (60) days from the effective date of this permit, the permittee shall have the above sign(s) on display in the location specified.

Attachment for Response to Question 2

Waterbridge Development State Operating Permit



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

401 CHURCH STREET
L & C ANNEX 6TH FLOOR
NASHVILLE TN 37243-1534

December 8, 2004

Mr. Reese Smith III
President
Cartwright Creek Utility Company, Inc. - Waterbridge Development
2033 Richard Jones Road
Nashville, TN 37215

Re: State Operating Permit No. SOP-04019
Cartwright Creek Utility Company, Inc. - Waterbridge Development
Triune, Williamson County, Tennessee

Dear Mr. Smith:

In accordance with the provisions of the "Tennessee Water Quality Control Act" (Tennessee Code Annotated Sections 69-3-101 through 69-3-120) the enclosed State Operating Permit is hereby issued by the Division of Water Pollution Control. The continuance and/or reissuance of this Permit is contingent upon your meeting the conditions and requirements as stated therein.

Please be advised that you have the right to appeal any of the provisions established in this State Permit, in accordance with Tennessee Code Annotated, Section 69-3-110, and the General Regulations of the Tennessee Water Quality Control Board. If you elect to appeal, you should file a petition within thirty (30) days of the receipt of this permit.

If you have questions, please contact the Division of Water Pollution Control at your local Environmental Assistance Center at 1-888-891-TDEC; or, at this office, please contact Mr. Hari Akunuri at (615) 532-0650 or by E-mail at Hari.Akunuri@state.tn.us.

Sincerely,

A handwritten signature in black ink, reading "Edward M. Polk Jr.", is written over a horizontal line.

Edward M. Polk Jr., P.E.
Manager, Permit Section
Division of Water Pollution Control

SOP-04019
P/WAT/SS

Enclosure

cc: Division of Water Pollution Control, Permit Section
Division of Water Pollution Control, Environmental Assistance Center - Nashville

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER POLLUTION CONTROL**

6th Floor, L & C Annex
401 Church Street
Nashville, TN 37243-1534

Permit No. SOP-04019

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

Cartwright Creek Utility Company, Inc. - Waterbridge Development, LLC
Triune, Williamson County, Tennessee

FOR THE OPERATION OF

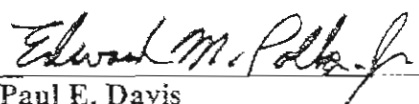
grinder pump low pressure collection system, aerated treatment lagoons, storage, disinfection and spray irrigation system located at latitude 35.886111 and longitude - 86.673056 in Williamson County, Tennessee. The design capacity of the system is 0.0749 MGD.

This permit is issued as a result of the application filed on March 29, 2004, in the office of the Tennessee Division of Water Pollution Control and in conformity with approved plans, specifications and other data submitted to the Department in support of the above application, all of which are filed with and considered as a part of this permit, together with the following named conditions and requirements.

This permit shall become effective on: December 01, 2004

This permit shall expire on: October 31, 2009

Issuance date: November 10, 2004


for Paul E. Davis
Director
Division of Water Pollution Control

Cartwright Creek U.D. - Waterbridge
SOP-04019
Page 2

PART I

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>Sampling Point</u>	<u>Measurement Frequency</u>
Flow	calculated**	report gallons	*	daily
CBOD ₅	grab	10 mg/l	*	1/month
Ammonia as N	grab	5 mg/l	*	1/month
Total nitrogen as N	grab	15 mg/l	*	1/month
<i>E. coli</i>	grab	941 colonies/100 ml	*	1/month
<i>E. coli-see note</i>	grab	23 colonies/100 ml	*	1/month

* effluent to the spray irrigation plots

**calculated per day via pump run times and pump rates or via continuous measurement

Note: The more stringent E. coli limit shall apply to treated effluent used for reuse purposes. For the purpose of this permit, reuse will be defined as any use other than spray irrigation on the designated, fenced, irrigation plots.

The spray fields must be fenced or otherwise bordered sufficiently to prevent pedestrian or vehicular trespass.

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.

This permit allows the operation of a wastewater spray irrigation system. The operation should be such that there is no contamination of and no direct wastewater discharge to any surface or subsurface stream because of improper irrigation or because of collected pools of water called "ponding". Any runoff due to improper operation must be reported in writing to the Division of Water Pollution Control, Environmental Assistance Center - Nashville within 5 days of the incident. In addition, the spray irrigation system must be operated in a manner preventing the creation of a public health hazard or a public/private nuisance.

Cartwright Creek U.D. – Waterbridge
SOP-04019
Page 3

As part of the facility operation, the permittee shall maintain sufficient records to demonstrate that any visible ponding on the irrigation plots is the result of natural occurrences and not of improper irrigation. See Part D.2. for more specific reporting requirements.

B. MONITORING PROCEDURES

1. Representative Sampling

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

Effluent to spray irrigation plots.

2. Retest Sampling

Whenever a monthly grab sample results in atypical value(s) (see definition) that exceed the effluent limitation(s), the permittee shall resample for the specific parameter(s) within two weeks and provide results of the additional test(s) on the monthly operation report for the monitoring period in which the sample was collected. Values exceeding the effluent limits due to known causes or upsets need not be retested. Refer to part D.3. for additional discussion on reporting requirements.

C. DEFINITIONS

An "atypical value" shall mean a valid laboratory analysis value that is either unexpected for the type of treatment used and/or unexpected because of no known upset of the treatment processes.

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

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

"Month" means a calendar month.

"Overflow," means the discharge of wastes from any portion of the collection, transmission, or treatment system other than engineered spray fields at appropriate hydraulic and/or nitrogen loading rates and at authorized setbacks from drains, waters of the state, and property lines.

D. REPORTING

1. Monitoring Results

Monitoring results shall be recorded monthly and submitted monthly. 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. Operation reports and any communication regarding compliance with the conditions of this permit must be sent to:

Division of Water Pollution Control
Environmental Assistance Center - Nashville
711 R.S. Gass Boulevard
Nashville, TN 37243-1550

The first operation report is due on the 15th of the month following the month of permit effectiveness.

For the initial months of operation where the aerated treatment lagoons are filling and there is zero discharge to the spray fields, the permittee shall report "no discharge to the spray fields - monitoring not required", or equivalent, on the monthly operating report.

2. Additional Monitoring by Permittee

The permittee shall maintain records of its spray irrigation controls. The records shall include daily data collected for temperature, soil moisture, rainfall and wind sensors and stored in the central controller(s) for the irrigation system. This data shall be included in the monthly operation report submitted to the division and should be presented in a format that readily compares the weather and soil data with discharges to the spray fields by date. Additionally, a copy of such records must be maintained onsite for the number of years applicable to other wastewater monitoring and reporting records or not less than three (3) years.

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 above, 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. Retest Reporting

The permittee shall detail both the values of any atypical monitoring result(s) and the associated retest(s) in the monthly operating reports. The details may be in the same report or consecutive monthly reports depending on the month of effluent sampling. Details for the retest action shall identify the cause of the atypical value(s) if known or otherwise state that the cause is undetermined.

Cartwright Creek U.D. – Waterbridge
SOP-04019
Page 5

4. Overflow Reporting

A summary report of known or suspected instances of overflows in the collection system shall accompany the Monthly Operation Report (MOR). The report must contain the date and duration of the instances of overflow, the estimated quantity of wastewater discharged, and the location of the overflow.

5. 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.

E. SCHEDULE OF COMPLIANCE

Full operational level shall be attained from the effective date of this permit.

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 Pollution Control (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 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 Pollution Control.

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. The permittee shall ensure that the certified operator is in responsible charge of the facility and observes the operation of the system

frequently enough to ensure its proper operation and maintenance regardless of the effluent monitoring frequency stated in the permit."

- b. 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 69-108-(F) 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:

Cartwright Creek U.D. – Waterbridge

SOP-04019

Page 8

- 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 assistance center within 24 hours from the time the permittee becomes aware of the circumstances. (The environmental assistance center 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 Monthly 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

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

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.

Cartwright Creek U.D. - Waterbridge
SOP-04019
Page 10

PART III OTHER REQUIREMENTS

A. CERTIFIED OPERATOR

The waste treatment facilities shall be operated under the supervision of a biological natural system operator and the collection system operated under the supervision of a Grade I collection system certified operator in accordance with the Water Environmental Health Act of 1984.

B. PLACEMENT OF SIGNS

The permittee shall place a sign at all approaches to the spray irrigation lots. 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 and have a white background with black letters.

<p>TREATED DOMESTIC WASTEWATER SPRAY IRRIGATED LOTS (PERMITTEE'S NAME) (PERMITTEE'S PHONE NUMBER) TENNESSEE DIVISION OF WATER POLLUTION CONTROL Environmental Assistance Center - Nashville PHONE NUMBER: 1-888-891-8332</p>
--

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.

C. ADDITION OF WASTE LOADS

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

Attachments for Response to Question 3

- Burrus Ridge State Operating Permit
- TDEC Letter Canceling Permit

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER POLLUTION CONTROL**

6th Floor, L & C Annex
401 Church Street
Nashville, TN 37243-1534

Permit No. SOP-05063

**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

Cartwright Creek LLC/Burrus Ridge Sheaffer System
White House, Robertson County, Tennessee

FOR THE OPERATION OF

effluent collection system, deep cell aerated lagoons and ultraviolet disinfection and spray irrigation system located at latitude 36.449167 and longitude -86.708333 in Robertson County, Tennessee. The design capacity of the system is 0.217 MGD.

This permit is issued as a result of the application filed on October 28, 2005, in the office of the Tennessee Division of Water Pollution Control and in conformity with approved plans, specifications and other data submitted to the Department in support of the above application, all of which are filed with and considered as a part of this permit, together with the following named conditions and requirements.

This permit shall become effective on: May 1, 2006

This permit shall expire on: March 31, 2011

Issuance date: March 31, 2006

for 
Paul E. Davis
Director
Division of Water Pollution Control

PART I

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>Sampling Point</u>	<u>Measurement Frequency</u>
Flow	calculated**	report gallons	*	daily
CBOD ₅	grab	10 mg/l	*	1/month
Ammonia as N	grab	5 mg/l	*	1/month
Total nitrogen as N	grab	15 mg/l	*	1/month
<i>E. coli</i>	grab	23 colonies/100 ml	*	1/month

* effluent to the golf course irrigation holding pond.

**calculated per day via pump run times and pump rates or via continuous measurement

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

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.

This permit allows the operation of a wastewater spray irrigation system. The operation should be such that there is no contamination of and no direct wastewater discharge to any surface or subsurface stream because of improper irrigation or because of collected pools of water called "ponding". Any runoff due to improper operation must be reported in writing to the Division of Water Pollution Control, Nashville Environmental Field Office within 5 days of the incident. In addition, the spray irrigation system must be operated in a manner preventing the creation of a public health hazard or a public/private nuisance.

Treated domestic wastewater must be used for golf course irrigation and shall not be used for any other use. Prior to operation of the treatment system and spray irrigation system, the permittee must demonstrate an ability to control the operation of the golf course irrigation system by either ownership of the land or long term agreement with the owner of the land for its use as a dedicated disposal site.

As part of the facility operation, the permittee shall maintain sufficient records to demonstrate that any visible ponding on the irrigation plots is the result of natural occurrences and not of improper irrigation. See Part D.2. for more specific reporting requirements.

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 golf course.

2. Retest Sampling

Whenever a monthly grab sample results in atypical value(s) (see definition) that exceed the effluent limitation(s), the permittee shall resample for the specific parameter(s) within two weeks and provide results of the additional test(s) on the monthly operation report for the monitoring period in which the sample was collected. Values exceeding the effluent limits due to known causes or upsets need not be retested. Refer to part D.3. for additional discussion on reporting requirements.

C. DEFINITIONS

An "atypical value" shall mean a valid laboratory analysis value that is either unexpected for the type of treatment used and/or unexpected because of no known upset of the treatment processes.

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

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

"Month" means a calendar month.

"Overflow" means the discharge of wastes from any portion of the collection, transmission, or treatment system other than engineered spray fields at appropriate hydraulic and/or nitrogen loading rates and at authorized setbacks from drains, waters of the state, and property lines.

D. REPORTING

1. Monitoring Results

Monitoring results shall be recorded monthly and submitted monthly. 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. Operation reports and any communication regarding compliance with the conditions of this permit must be sent to:

Division of Water Pollution Control
Nashville Environmental Field office
711 R.S. Gass Boulevard
Nashville, TN 37243-1550

The first operation report is due on the 15th of the month following the month of permit effectiveness.

For the initial months of operation where the aerated treatment lagoons are filling and there is zero discharge to the spray fields, the permittee shall report “no discharge to the spray fields – monitoring not required”, or equivalent, on the monthly operating report.

2. Additional Monitoring by Permittee

The permittee shall maintain records of its spray irrigation controls. The records shall include daily data collected for temperature, rainfall and wind sensors and stored in the central controller(s) for the irrigation system. This data shall be included in the monthly operation report submitted to the division and should be presented in a format that readily compares the weather and soil data with discharges to the spray fields by date. Additionally, a copy of such records must be maintained onsite for the number of years applicable to other wastewater monitoring and reporting records or not less than three (3) years.

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 1200-4-5-.07(4)(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. Retest Reporting

The permittee shall detail both the values of any atypical monitoring result(s) and the associated retest(s) in the monthly operating reports. The details may be in the same report or consecutive monthly reports depending on the month of effluent sampling. Details for the retest action shall identify the cause of the atypical value(s) if known or otherwise state that the cause is undetermined.

4. Overflow Reporting

A summary report of known or suspected instances of overflows in the collection system shall accompany the Monthly Operation Report (MOR). The report must contain the date and duration of the instances of overflow, the estimated quantity of wastewater discharged, and the location of the overflow.

5. 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.

E. SCHEDULE OF COMPLIANCE

Full operational level shall be attained from the effective date of this permit.

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 Pollution Control (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 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 Pollution Control.

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. The permittee shall ensure that the certified operator is in responsible charge of the facility and observes the operation of the system frequently enough to ensure its proper operation and maintenance regardless of the effluent monitoring frequency stated in the permit."

- b. 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 69-108-(F) 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 assistance center 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 to land or water of wastes 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. 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.
- d. 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. 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 Pollution Control EFC 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. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause 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.

b. Bypasses are prohibited unless all of the following 3 conditions are met:

i. The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;

ii. There are no feasible alternatives to bypass, such as the construction and use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up 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 preventative maintenance;

iii. The permittee submits notice of an unanticipated bypass to the Division of Water Pollution Control in the appropriate Environmental Field Office within 24 hours of becoming aware of the bypass (if this information is provided orally, a written submission must be provided within five days). When the need for the bypass is foreseeable, prior notification shall be submitted to the director, if possible, at least 10 days before the date of the bypass.

c. Bypasses not exceeding permit limitations are allowed **only** if the bypass is necessary for essential maintenance to assure efficient operation. All other bypasses are prohibited. Allowable bypasses not exceeding limitations are not subject to the reporting requirements of 6.b.iii, above.

7. Washout

a. For domestic wastewater plants only, a "washout" shall be defined as loss of Mixed Liquor Suspended Solids (MLSS) of 30.00% or more. This refers to the MLSS in the aeration basin(s) only. This does not include MLSS decrease due to solids wasting to the sludge disposal system. A washout can be caused by improper operation or from peak flows due to infiltration and inflow.

b. A washout is prohibited. If a washout occurs the permittee must report the incident to the Division of Water Pollution Control in the appropriate Environmental Field Office within 24 hours by telephone. A written submission must be provided within five days. The washout must be noted on the discharge monitoring report. Each day of a washout is a separate violation.

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.

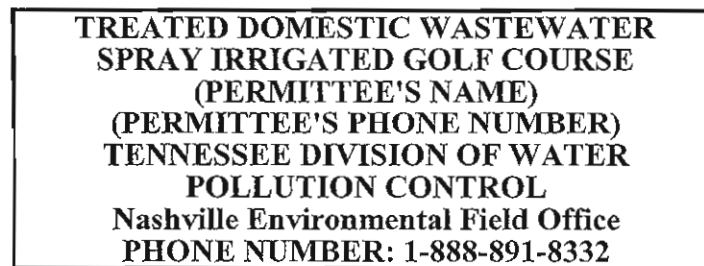
**PART III
OTHER REQUIREMENTS**

A. CERTIFIED OPERATOR

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

B. PLACEMENT OF SIGNS

The permittee shall place a sign at all approaches to golf course. 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 and have a white background with black letters.



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.

D. ADDITION OF WASTE LOADS

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

REQUIREMENTS FOR MAKING A PERMIT APPEAL

Permit Appeal (Tennessee Department of Conservation, Chapter 1200-4-1.05(6), and T.C.A. Section 69-3-110)

1. Petitions must be made within 30 days of the receipt of the final permit.
2. Petitions shall contain the following:
 - (a) The name, mailing address, and telephone number of the person mailing the request and the names and addresses of all persons he or she represents;
 - (b) A clear and concise statement of each legal or factual matter alleged to be issue; and
 - (c) Specific reference to each permit condition which the petitioner contests. The petitioner may suggest alternate permit terms which would meet the requirements of the Water Quality Control Act; if the petitioner challenges permit conditions which are justified in the fact sheet (or Rationale), the petitioner should indicate how the basis for the permit condition is in error or indicate why an alternate condition is necessary.
3. Petitions should be addressed to the Water Quality Control Board and filed in duplicate at the following address: Paul E. Davis, Director; Division of Water Pollution Control; Department of Environment and Conservation; 401 Church Street; L&C Annex, Sixth Floor; Nashville, Tennessee 37243-1534.
4. The appeal of a permit or a permit condition has the effect of staying the contested provisions. Therefore, if a permit is being reissued, the permittee will be considered to be authorized under the terms of the old permit and/or any unappealed terms of the reissued permit. If it is a new permit, the applicant will be considered to be without a permit for the activity until final agency action.

E8060092-D4WPC1



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
401 CHURCH STREET
L & C ANNEX 6TH FLOOR
NASHVILLE TN 37243-1534
April 30, 2008

Mr. Bruce Meyer,
Regional Manager
Cartwright Creek, LLC
1551 Thompson's Station Road West
Thompson's Station, TN 37179

Re: Termination of State Operating Permit No. SOP-05063
Cartwright Creek, LLC - Burrus Ridge Sheaffer System
Robertson County

Dear Mr. Meyer:

This letter is to inform you the Division of Water Pollution Control (the division) is terminating the above referenced permit effective the date of this letter.

If you have questions, please contact the Division of Water Pollution Control at your local Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact Mr. Hari Akunuri at (615) 532-0650 or by E-mail at Hari.Akunuri@state.tn.us.

Sincerely,

A handwritten signature in blue ink, which appears to read "Vojin Janjić", is written over the word "Sincerely,".

Mr. Vojin Janjić
Manager, Permit Section
Division of Water Pollution Control

SOP-05063
PWAT28tdt.DOC

cc: Division of Water Pollution Control, Permit Section
Division of Water Pollution Control, Nashville Environmental Field Office
Mr. Ron L. Graham, Tennessee Regulatory Authority, 460 James Robertson Parkway, Nashville, TN 37243
Mr. Bob Cochrane, Chief Financial Officer, Cartwright Creek, 800 Roosevelt Road, Suite B-214, Glen Ellyn, IL 60137



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

401 CHURCH STREET
L & C ANNEX 6TH FLOOR
NASHVILLE TN 37243-1534

APR 04 2006

Mr. Bruce Meyer
Engineer
Cartwright Creek LLC/Burrus Ridge Sheaffer System
1565 Thompson's Station Road North
Thompson's Station, TN 37179

**Re: State Operating Permit No. SOP-05063
Cartwright Creek LLC/Burrus Ridge Sheaffer System
White House, Robertson County, Tennessee**

Dear Mr. Meyer:

In accordance with the provisions of the "Tennessee Water Quality Control Act" (Tennessee Code Annotated Sections 69-3-101 through 69-3-120) the enclosed State Operating Permit is hereby issued by the Division of Water Pollution Control. The continuance and/or reissuance of this Permit is contingent upon your meeting the conditions and requirements as stated therein.

Please be advised that you have the right to appeal any of the provisions established in this State Permit, in accordance with Tennessee Code Annotated, Section 69-3-110, and the General Regulations of the Tennessee Water Quality Control Board. If you elect to appeal, you should file a petition within thirty (30) days of the receipt of this permit.

If you have questions, please contact the Division of Water Pollution Control at your local Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact Mr. Hari Akunuri at (615) 532-0650 or by E-mail at Hari.Akunuri@state.tn.us.

Sincerely,

A handwritten signature in blue ink, reading "Edward M. Polk, P.E.", is positioned above the typed name.

Edward M. Polk, P.E.
Manager, Permit Section
Division of Water Pollution Control

SOP-05063
P/WAT/5S

Enclosure

cc: Division of Water Pollution Control, Permit Section
Division of Water Pollution Control, Nashville Environmental Field Office
Mr. Ron L. Graham, 460 James Robertson Parkway, Nashville, TN 37243
Mr. Bob Cochrane, Chief Financial Officer, 800 Roosevelt Road, Suite B-214, Glen Ellyn, IL 60137