

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

IN RE:)
)
PETITION OF TENNESSEE) DOCKET NO. 15-00025
WASTEWATER SYSTEMS, INC.)
TO AMEND ITS CERTIFICATE)
OF CONVENIENCE AND NECESSITY)

RESPONSE TO DISCOVERY REQUESTS FROM THE CONSUMER ADVOCATE

1. In light of the Tennessee Regulatory Authority's ("TRA") concerns regarding the further expansion of your certificate of public convenience and necessity ("CCN") as expressed in its *Order Approving Petition to Amend Certificate of Public Convenience And Necessity* in Docket 14-00006 at pages 5-6, quoted below, please set forth the steps you have taken (including the dates of each step), the monetary amounts expended, and the status of the repairs at the Maple Green facility and the Cedar Hill facility:

Further, while TWSI appears qualified to provide service at The Scales Project, in light of the [Tennessee Department of Environmental Conservation ("TDEC")] enforcement actions instituted against TWSI as a result of deficient conditions, maintenance problems, and major repairs required at its Maple Green and Cedar Hill wastewater facilities located in Robertson County, Tennessee, the panel noted its concern in further expanding TWSI's CCN at this time.

RESPONSE:

Maple Green:

Record of first level alarm at lagoon was recorded at 9:00 pm, 1-31-2014

Alarm came thru on call maintenance personnel email at 12:00 am, 2-1-2014

On call Maintenance personnel viewed alarm at 8:00 am, 2-1-2014

On call Maintenance personnel arrived at site at 9:00 am, 2-1-2014

On call Maintenance personnel viewed sinkhole in lagoon and immediately called Engineering and Management personnel.

Engineering personnel arrived onsite by 12:00 pm, 2-1-2014

TWRA and TDEC officials arrived onsite early afternoon, 2-1-2014

Construction personnel and equipment were brought in immediately to the site and emergency diversion of influent started.

A levee across the middle of the lagoon was constructed and influent directed to secure side of lagoon.

Bypass report was emailed to State at 7:00 pm , 2-1-2014

Emergency levee was in place by 8:00 pm, 2-1-2014

Construction to strengthen and build larger levee was ongoing until 2-4-2014.

Geotek engineering reviewed the site on 2-4-2014.

Preliminary engineering plans for wetlands was sent to TDEC on 2-14-2014.

Additional drip field was installed in fall of 2014.

Minor maintenance is ongoing to achieve the required permit operating results.

Cost of the emergency repairs were \$13,693.01

Cedar Hill:

On or about January 2, 2011 a leak was detected in the lagoon.

On or about January 7, 2011 a berm had been constructed across the lagoon.

Exploratory work was performed on January 14, 2011 and discovered a small seep in the lagoon.

Engineering report submitted to TDEC on June 29, 2011

TWSI request a change in material for correcting sinkhole in July 2011

Requested change in material was approved in Aug ,2011.

Repairs were completed the first week of September 2011.

A second sinkhole in a different location was observed on May 31, 2013.

A temporary berm was immediately to isolate the sinkhole from the remainder of the lagoon.

July 1, 2013 Crawford Hydrology Laboratory began a dye-trace investigation.

December 18, 2013 results of dye-trace was submitted to TDEC.

October 9, 2014 Plans for Wetland was submitted to TDEC.

November 4, 2014 Plans were denied by TDEC and appealed by TWSI.

Plans appeal are currently pending.

Drip field installed in Winter 2014.

Approximately \$57,000.00 has been expended on the Cedar Hill lagoon.

2. Please provide the monthly reports detailing repairs and improvements at the Maple Green and Cedar Hill facilities that the TRA requires per the *Order Approving Petition to Amend Certificate of Public Convenience And Necessity* in Docket 14-00006 at page 6:

In addition, the panel further found it appropriate that TWSI file detailed monthly reports that describe and explain all repairs and improvements made at its Maple Green and Cedar Hill wastewater facilities, the monetary amounts expended, and the manner in which those repairs are to be funded.

RESPONSE:

TWSI monthly reports have been filed with the TRA docket 14-00006 and are publicly available. Those reports can be found by the following web link:

<http://www.tn.gov/tra/dockets/1400006.htm>

TWSI has no objection to the Authority taking administrative notice of these reports in the agency's docket file.

3. The *Order Approving Petition to Amend Certificate of Public Convenience And Necessity* in 14-00006 at page 6 requires that "in the event other compliance issues arise concerning these or any other TWSI facilities, the panel further determined that the Utility should timely notify the Authority and provide similar information concerning all repairs and improvements to those facilities." Have you communicated to the TRA regarding any compliance issues at any of your TWSI facilities, including but not limited to the Notice of Violation from TDEC dated February 19, 2015, regarding your River Road Wastewater Treatment Lagoon ("River Road Lagoon")? If yes, please provide evidence of that communication(s), identify the date you learned of the compliance issue(s) and whom you notified.

RESPONSE:

The question refers to a "Notice of Violation from TDEC dated February 19, 2015, regarding River Road Wastewater Treatment Lagoon."

TWSI received a letter from TDEC inspector Ann Morbitt dated February 19, 2015 concerning the River Road Lagoon. The letter states at the top "Notice of Violation" and "Compliance Evaluation Inspection." Those are two different things. An NOV informs the defendant of a specific violation of the defendant's permit or TDEC's rules and cites to the section of the permit or rule at issue. A Compliance Evaluation Inspection ("CEI"), on the other hand, does not threaten to penalize the defendant but recommends suggested actions.

The letter from Ms. Morbitt appears to be a Compliance Evaluation Inspection, not a Notice of Violation. The only issue described in letter which may rise to the level of a violation is the fact that although TWSI inspects the lagoon each month, as required by the

TDEC permit, TWSI has been filing the monthly reports every quarter, ie., filing one piece of paper each quarter showing the results of three monthly inspections. TWSI is now filing a separate piece of paper each month.

Since it is not clear if this issue or any of the other issues discussed in the letter rises to the level of a violation, TWSI wrote to Ms. Morbitt on March 16, 2015 asking for clarification. In that letter, TWSI stated that it would begin filing the monthly inspection reports each month instead of each quarter and then asked her to "clarify" what other, if any, "permit violations" she had identified. Copies of both her February 19 letter and TWSI's March 16 response are attached. To date, TWSI has received no response to its March 16 letter.

At this time, TWSI believes that there are no violations at the River Road Lagoon. The monthly inspection reports are being filed each month, and the other issues described in the letter are not, absent further clarification from TDEC, permit violations, and do not require action by TWSI.

TWSI had been waiting for a response from TDEC to the March 16 letter before describing this matter to the TRA. In light of the Advocate's concerns, however, TWSI has provided copies of both letters to the TRA and informally discussed the issue with Ms. Patsy Fulton of the TRA Staff.

Finally, it is important to understand why the maintenance issues described in Ms. Morbitt's letter—which are the same issues described in the last Compliance Evaluation Inspection letter from TDEC concerning this site issued in 2008—are not permit violations and do not require any action by TWSI at this time.

The River Road Lagoon was constructed prior to 2001. It was designed to be a large, regional treatment facility and is currently permitted to handle 75,000 gallons of wastewater per day, which is the equivalent of about 250 houses. The first house was attached to the system in 2001. Today, there are only four houses attached to the system. The discharge from those four homes goes into the lagoon and is treated by natural biological processes. What remains is treated water which, over time, evaporates. It will require the addition of at least one hundred more houses and the accumulation of several years before there would be enough treated water in the lagoon to open the discharge pipe into the Cumberland River. There is no discharge now and, in fact, the discharge valve is shut.

The engineering plans submitted by TWSI and approved by TDEC require the installation of additional equipment and other improvements once the system reaches about 70% of capacity. At that point, TWSI would open the discharge valve and treated water would flow into the river. However, the TDEC-approved plans do not require that these improvements be made when the lagoon is only serving four houses, and it would be economically imprudent to do so.

Nothing in Ms. Morbitt's letter indicates otherwise. She notes that the same maintenance issues she found when she inspected the site in September, 2014 were also cited in a CEI letter in 2008. Moreover, although she inspected the site in September, 2014, she did not send her report to TWSI until February, 2015, further demonstrating that there are no current violations at this site.

If and when this very large, regional treatment system begins to serve more than a handful of residential customers, additional equipment will be added as required by

TWSI's state permit. At this time, however, TDEC's "Compliance Evaluation Inspection Letter" does not require any action by TWSI.



851 Aviation Parkway
Smyrna, TN 37167

March 16, 2015

Mrs. Ann Morbitt
Division of Water Pollution Control
711 R. S. Gass Blvd.
Nashville, TN. 37243

Re: Compliance Evaluation Inspection of River Road Lagoon NPDES #TN0074764

Dear Mrs. Ann Morbitt,

This letter is in response to the Compliance Evaluation Inspection letter written on February 19, 2015.

1. **Not providing proper maintenance of the wastewater system:** Please clarify what were the permit violations.
2. **Failure to submit MOR's at the required frequency:** Monthly submission of MOR's will begin immediately.

Please let me know if there are any questions.

Sincerely,

Brian Carter
Operations and Maintenance Manager
Adenus Utilities



TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NASHVILLE ENVIRONMENTAL FIELD OFFICE
711 R. S. GASS BOULEVARD
NASHVILLE, TENNESSEE 37243
PHONE (615) 687-7000 STATEWIDE 1-888-891-8332 FAX (615) 667-7078

February 19, 2015

Certified Mail Return Receipt
7012 3050 0000 3011 4005

Mr. Charles Hyatt, CEO
Tennessee Wastewater Systems, Inc.
Adenus Group, LLC
849 Aviation Parkway
Smyrna, TN 37167

Re: Notice of Violation
Compliance Evaluation Inspection
Tennessee Wastewater Systems – River Road / Lost Hollow Subdivision Lagoon
NPDES Permit # TN0074764, Cheatham County

Dear Mr. Hyatt:

On September 23, 2014, Ann Rochelle of this office met with Brian Carter of Adenus Operations, LLC, to conduct a Compliance Evaluation Inspection (CEI) of the Tennessee Wastewater Systems' River Road Wastewater Treatment Lagoon. Adenus has a contract with Tennessee Wastewater Systems (TWS) to provide a certified operator and to operate the wastewater treatment system. Mr. Carter is the wastewater treatment system certified operator who has been in charge of the facility. The CEI was conducted to determine facility compliance with the NPDES Permit regarding operation and maintenance, self-monitoring analysis and reporting, and permit effluent limits. Mr. Carter was contacted by telephone on January 14, 2015, to obtain any updates to system status. He stated there had been no changes at the facility since the date of the inspection.

The observations and information obtained during the inspection, from file review, or provided by Mr. Carter are included as follows.

1. The system is designed as an anaerobic lagoon with discharge to the Cumberland River. There are only four customers that discharge into the system, all residential.
2. The lagoon is checked on a monthly basis. Site inspection forms are completed electronically by iPhone and used to document the site visits. These entries are sent to a computer data recording system where the information is stored and can be printed out for use if needed.
3. The lagoon is fenced with a locked gate. There was some damage to the fence that had not been repaired after the 2010 flood. This damage should be repaired to secure the facility. Vegetation growing on, through and around the fence should be kept cleared to prevent additional damage to the fencing material, and to allow inspection for safety and security purposes.
4. The area inside the fence and the slopes of the lagoon as well as the area just outside the fence had recently been cut over with a bush hog. There was still a narrow area of heavy mixed vegetation just above the water level that had not been cut. From the appearance of the cut vegetation, there had been very heavy growth of woody brush and trees or saplings on the embankments of the lagoon. The woody debris had been left on the inside slopes of the lagoon.

- and some of the material had fallen down into the edge of the water. This woody debris should be removed from the inside slopes so it cannot enter the wastewater.
5. There was still heavy woody brush and saplings growing around the lagoon outlet structure and up through the walkway built over it to provide access from the top of the lagoon embankment. The walkway couldn't be used due to the overgrowth and the outlet standpipe was mostly obscured by the vegetation. This remaining vegetation should be cut and the debris removed to a point outside the embankments. All the area on and within the lagoon embankments must be kept cleared and free of deep rooted woody vegetation or trees. Only grasses or other low growing, shallow rooted vegetation should be allowed. This is necessary to prevent structural damage and the potential for leakage of the embankments, and to allow adequate inspection of the embankments.
 6. The outlet standpipe has a riser, made of much smaller PVC pipe, inserted in the top with a flexible boot connector. Due to the overgrown vegetation, the piping could not be observed well enough to inspect its condition or the connection. The PVC riser pipe was observed to be leaning at a steep angle. It extends through the access walkway floor, 18 inches to 2 feet above the walkway. The top of the riser is at an elevation well above the top of the lagoon embankments. The top elevation of the larger outlet pipe is very low on the lagoon embankment. It was not clear how flow could enter the outlet pipe. This piping does not conform to the approved engineering plans for the lagoon. The outlet standpipe should be returned to the structural design in the approved engineering plans.
 7. The operator explained that the valve on the discharge line for the effluent standpipe in the lagoon has been kept in the closed position. The valve should be checked during each inspection to verify that no leakage is occurring. These observations should be noted in the site inspection record.
 8. There is no control building or electrical service for the site. The discharge line has not yet been completed. An old, open excavation was observed leading away from the lagoon. There were sections of PVC piping in the excavation trench with disconnected pipe joints. This trench lead to the below ground disinfection unit structures, two tanks, which were partly exposed. The system was designed for tablet chlorination. The units are not yet functional. These structures are outside the fence around the lagoon and the area is thickly overgrown with trees and woody brush. The vegetation was so thick that the structures could not be accessed for inspection. The area surrounding any of the treatment structures should be kept cleared of vegetation and maintained. The deep rooted trees and woody vegetation can cause structural damage to the existing structures. The observed conditions indicate that repair or replacement of the units may be necessary before the units could be used in the future. Secure fencing should also be provided around all the treatment structures.
 9. The first home was connected to the lagoon in 2001, and the system has only had a total of the four customers since then. The lagoon wastewater level is still approximately half full. This would be expected due to the low influent flows. However, the operator explained that during the May 2010 flood, the floodwaters overflowing from the adjacent Cumberland River had put the lagoon five feet underwater. When the floodwaters receded, this would have left the lagoon full up to the top of the embankments. It would be expected that once the lagoon was full, from that point on it would have maintained a much higher water level if no discharge or leakage was occurring. The lagoon has dropped back to a pre-flood water level. This raises concerns about possible leakage. An inspection by division personnel conducted on June 25, 2008, noted that the lagoon was about half full at that time.

10. There were irregularities and notches just above the wastewater level on part of the embankments inside the lagoon adjacent to the river. After the vegetation is more closely cut along the water line, these areas should be carefully inspected and checked for any potential for leakage through the embankment. The burrowing of animal dens is a possibility based on the appearance of a couple of the points observed.
11. There is no wastewater level gauge installed at the lagoon. The division's engineering design criteria requires that a level gauge be located on outfall structures or be attached to stationary structures. A suitable level gauge should be installed and the gauge readings documented on the site visit forms during each facility inspection. This is necessary to determine when discharge will be necessary and to monitor for any significant water level drop to detect potential leakage.
12. The operator did not know the location of the outfall point on the adjacent Cumberland River bank. This point should be identified and marked. If an outfall structure is in place, some means should be devised to allow inspection of the outfall point. It should be checked to verify that it is still structurally sound. If any damage is found or erosion of the river bank occurs around the structure, it should be repaired and maintained. Any significant erosion of the river bank could over time threaten the structural integrity of the lagoon. The permit requires that a sign be posted to identify the discharge point. A double faced sign that contains the wording required in the permit should be installed.
13. The monthly operation reports (MORs) for the facility on file in our office were reviewed for the three years prior to the inspection. The MORs were submitted quarterly, with "no discharge" reported for three months, all recorded on one MOR form. The permit requires that the MORs be submitted on a monthly basis. The inspection date and time when the facility was visited and the "no discharge" observation should be recorded on each monthly report.
14. The electronically generated form used for reporting is not the appropriate MOR for this type facility and does not reflect the permit limits, sampling frequency, or reporting requirements that are in effect for the lagoon. If an appropriate electronic MOR form is not available to you, our office can provide paper copies of the MOR for your use.
15. Mr. Carter has been signing the MORs as certified operator. He advised that Larry Barnes is now the operator of record for this facility.
16. A letter dated September 24, 2008, cited several items which needed corrective action that were noted during the June 25, 2008, CEI. During this inspection, these same items were found which still have not been addressed.
 - The overgrowth of trees and other woody vegetation
 - Chlorine contact tank located outside the fence enclosing the lagoon
 - A flow monitoring device has not been specified nor installed
 - Submittal of MORs on a quarterly basis instead of monthly
 - This (wastewater treatment system) project must be completed to allow for proper operation when the lagoon does fill

Inadequate maintenance of the wastewater treatment lagoon can result in damage to the structural integrity of the lagoon. This can result in structural damage or failures and discharges of inadequately treated wastewater that would pose a threat to public health and water quality. Not submitting MORs at the required frequency can prevent the division from being made aware of compliance status or any operational problems in a timely manner.

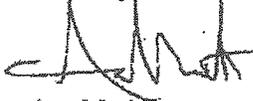
Mr. Charles Hyatt
February 19, 2015
Page 4

Not providing proper maintenance of the wastewater system, and not submitting self-monitoring reports at the required frequency are violations of the NPDES permit and of the *Tennessee Water Quality Control Act*. Failure to complete system construction in accordance with approved engineering plans and specifications is also a violation of the *Act*.

Please provide a written response within 30 days of receipt of this letter stating what actions have been or will be taken to correct the violations listed in this inspection letter. The corrective action plan (CAP) should include specific corrective measures and dates of completion or a scheduled completion date for each item.

Your prompt attention to these matters is appreciated. I would like to thank Mr. Carter for his assistance provided to division personnel during the inspection. If you should have any questions, or if I can be of further assistance, please contact me at 615-687-7119, or Ann Rochelle at 615-687-7123 or by e-mail at Ann.Rochelle@tn.gov.

Sincerely,



Ann Morbiti
Environmental Program Manager
Division of Water Resources

Cc: Brian Carter, Adenus Operations

4. The February 19, 2015, Notice of Violation identified "several items which need corrective action" that have persisted since TDEC's June 25, 2008, Compliance Evaluation Inspection of the River Road Lagoon, specifically:

- The overgrowth of trees and other woody vegetation
- Chlorine contact tank located outside the fence enclosing the lagoon
- A flow monitoring device has not been specified nor installed
- Submittal of [monthly operations reports] on a quarterly basis instead of monthly
- This (wastewater treatment system) project must be completed to allow for proper operation when the lagoon does fill

Please explain all steps, dates and corrective action you have taken regarding these items.

RESPONSE:

As explained in the Response to Question 3, the lagoon is currently operating in accordance with TWSI's permit and state-approved engineering plans. The permit and plans do not require that the additional equipment be added until the number of customers has substantially increased.

5. Please explain why you have not included information regarding the compliance issues at the River Road Lagoon facility on your monthly statements to the TRA pursuant to the final order in 14-00006.

RESPONSE:

TWSI has now included this information in its monthly reports to the TRA.

6. Please explain whether you have submitted to TDEC the corrective action plan requested in the February 19, 2015, Notice of Violation and what the specific corrective action plan is/was:

Please provide a written response within 30 days of receipt of this letter stating what actions have been or will be taken to correct the violations listed in this inspection letter. The corrective action plan (CAP) should include specific corrective measures and dates of completion or a scheduled completion date for each item.

If you have submitted the requested corrective action plan to TDEC, please provide documentation of that submission, the corrective action plan itself and the steps of the plan completed and the dates of completion.

RESPONSE:

As described in the Response to Question 3, TWSI notified TDEC on March 16, 2015 that TWSI would begin filing the monthly inspection reports every month instead of every quarter. A copy of that letter to TDEC is attached. The letter also asks TDEC to clarify whether there were any other violations at issue at this site. To date, TDEC has not responded.

7. In your *Petition* in TRA Docket 14-00006, you state regarding the Scales Project that "[n]o contracts have been signed at this point." Have any contracts been signed since the filing of your *Petition*, and if so, please provide such contracts.

RESPONSE:

The contract for the construction of the system has been signed. It has been filed in docket 14-00006 and is attached. (Confidential)

8. Please explain whether an engineering study has been performed at The Enclave at Dove Lake, and if so, whether the study identified any potential problems with sinkholes or other concerns. If not, please explain whether you are aware of any potential problems with sinkholes or other concerns at The Enclave at Dove Lake from any other source(s). Include the identification of any sources.

RESPONSE:

See the attached letter from the system engineer.

SEC, Inc.

SITE ENGINEERING CONSULTANTS

ENGINEERING · SURVEYING · LAND PLANNING
LANDSCAPE ARCHITECTURE

850 Middle Tennessee Blvd · Murfreesboro, TN 37129 · 615-890-7901 · www.sec-civil.com · Fax 615-895-2567

June 1, 2015

Mr. Charles Hyatt
Tennessee Wastewater
851 Aviation Parkway
Smyrna, TN 37167

RE: Nolensville-Dove Lake Treatment Facility
Consumer Advocate Discovery Question
Engineering Study

Mr. Hyatt,

As the design engineer for the Nolensville-Dove Lake Treatment Facility, I have been asked to answer the following request for discovery information per the Consumer Advocate's office. "Please explain whether an engineering study has been performed at The Enclave at Dove Lake, and if so, whether the study identified potential problems with sinkholes or other concerns. If not, please explain whether you are aware of any potential problems with sinkholes or other concerns at The Enclave at Dove Lake from any other source(s). Include the identification of any sources".

To date, the following reports and studies have been prepared:

- Design Development Report, Mark P. Lee, P.E., SEC, Inc.
- Detailed Soils Investigation Report, Lonnie Norrod, Professional Soil Scientist, Lonnie Norrod Soil Consulting.
- Hydrologic Determination, Tony Grow, Professional Geologist.
- Water Pollution Control Soils Map, by John Gibi, Licensed Professional Soil Scientist, Gibi Soil Mapping, LLC.
- Extra High Intensity Soils Map, the soil mapping and soil pedon descriptions were performed by Mr. John Gibi, Licensed Professional Soil Scientist, of Gibi Soil Mapping. Mr. Gibi was accompanied by Mr. Terry Henry of Tennessee Department of Environment and Conservation.

Within these reports and studies, no sinkholes were noted or discovered to be present. Also, other sources that typically indicate sinkholes, when they are present, were reviewed for possible sinkholes on the property and none were indicated. Those sources are as follows:

- Aerial topographic survey was performed by Continental Aerial Surveys, Inc.,
- USGS 7 ½ minute quadrangle topographic map,
- Williamson County GIS topographic map,
- National Resources Conservation Service National Cooperative Soil Survey, and
- Geologic Map, College Grove Quadrangle, Tennessee, GM 70-SW.

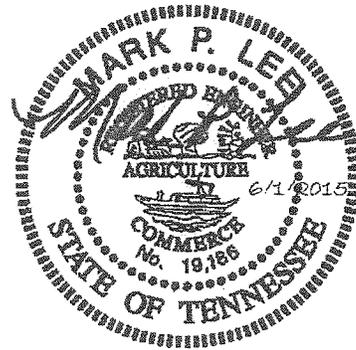
In summary, no sinkholes or karst depressions were found to be indicated in these published resources, reports or studies in the area of the proposed treatment facility. Should you need any clarification or additional information, feel free to let me know.

Sincerely,



Mark P. Lee, P.E.
New Business & Engineering Development
SEC, Inc.

Copy: Mr. Pete Ferrari



9. Please explain whether the proposed wastewater treatment system at The Enclave at Dove Lake is similar to the wastewater treatment system of any other TWSI project(s). If so, identify to which ones it is similar and identify any differences.

RESPONSE:

The RSF for Dove Lake is designed by SEC, Inc. of Murfreesboro. This is the second system that they have designed for TWSI. SEC has designed several RSF systems for Consolidated Utility District in Murfreesboro. TWSI has utilized the RSF system in the majority of its certificated sites. The RSF is a common method of decentralized treatment utilized throughout the United States and is an approved method by the EPA. This design has minimal differences compared to existing RSF's operated by TWSI.

10. Please explain whether you have any projections regarding the cost of future repairs and/or remediation of any of your systems, and if so, state those projections and the source of those projections.

- (a) Please explain what plans you have in place, if any, to execute future repairs and/or remediation.
- (b) Please identify how much cash you currently have on hand, if any, to pay for future repairs and/or remediation.

RESPONSE:

The operation and maintenance of TWSI systems fall in 3 distinct areas. 1. Regular ongoing routine maintenance is performed every day and is currently funded from current cash flow for rate payers. 2. Replaceable materials and parts are those that are needed as the unit(s) life cycle is depleted. These type of items, ie. Pumps, floats, electrical components, typically have a life cycle of greater than 1 year. They are funded from the escrow reserve account. The escrow reserve account is currently in a negative fund balance and therefore these repairs have been funded from the regular cash balance. 3. Catastrophic repairs. These repairs are major repairs as a result of non- controllable circumstances. Ie. Cedar Hill and Maple Green sink holes, Smoky Village drip field. TWSI current and past rate structure had no allowance to fund these type of repairs. TWSI has been operating for over 20 years and had not experienced any catastrophic failures until the sink hole at Cedar Hill. The escrow fund was not intended for catastrophic failures and does not have the funds to make the necessary repairs.

11. Please state whether you have informed the developer of The Enclave at Dove Lake and/or potential customer(s) and/or any other persons that their wastewater rates may be affected by repairs and/or remediation for other sites you manage. If you have so informed them, please provided any such communications or documents evidencing that they have been so informed.

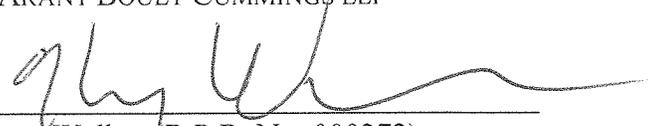
RESPONSE:

Counsel for TWSI has had several discussions with the attorney for The Enclave at Dove Lake both about this docket and Docket 14-00136. Counsel for the developer is aware that TWSI's petition for relief in Docket 14-00136 may result in a surcharge imposed on some or all of TWSI's customers in addition to the tariffed rates.

Respectfully submitted,

BRADLEY ARANT BOULT CUMMINGS LLP

By: _____


Henry Walker (B.P.R. No. 000272)
Bradley Arant Boulton Cummings, LLP
1600 Division Street, Suite 700
Nashville, TN 37203
Phone: 615-252-2363
Email: hwalker@babbc.com

VERIFICATION OF SUPPLEMENTAL INTERROGATORY RESPONSES

I, _____, being the authorized representative of TWSI for the purpose of responding to these interrogatories and requests for production of documents, being duly sworn, affirm that the Supplemental Responses set forth above are true, accurate and complete.

COUNTY OF _____)
STATE OF _____)

On this the ___ day of _____, 2015, personally appeared before me, the above-named _____ (please print or type name of person responding to these interrogatories on behalf of TWSI and identified in Question 33) known to me personally or made known to me by satisfactory proof who was duly sworn and on oath executed the above verification.

Notary Public

My Commission Expires:
