

July 13, 2010

Humberto Guzman
U.S. Environmental Protection Agency – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Jonathan Burr
Tennessee Department of Environment and Conservation
711 Middlebrook Pike
Knoxville, TN 37921

Re: UT Sorority Village, TNR133481

Dear Mr. Guzman & Mr. Burr:

I am writing about the continued noncompliance by the University of Tennessee with its stormwater permit for the Sorority Village construction site in Knoxville, TN. Despite past citizen complaints to the Tennessee Department of Environment and Conservation (“TDEC”), the Tennessee Clean Water Network’s (“TCWN”) complaint to the University of Tennessee, and TDEC’s several inspections and notices of violation, the site continues to discharge muddy water directly to the Tennessee River during rain events.



James McMillan took this photograph from the North Outfall on June 9, 2010. The sample result was 560 NTU (see attached report) – double the allowable turbidity under the EPA’s new effluent limitations guideline.

On July 9, 2010, Knoxville had the first measurable rainfall in many weeks. The following photographs, taken by James McMillan late that afternoon, document ongoing stormwater violations at the site:



These photographs were taken at the North Outfall. Because the sample was taken late on Friday, we were not able to have the results analyzed within the 48-hour hold time. However, it is obvious that this discharge contains significant amounts of sediment in apparent violation of

TNCGP §§ 3.5.3.1(a) (SWPPP must be designed “to retain mobilized sediment on site”) and 3.1 (the “permittee must implement the SWPPP as written from commencement of construction activity until final stabilization is complete”).



This photograph demonstrates the objectionable color contrast in the Tennessee River on July 9, 2010 in apparent violation of TNCGP § 4.3.2(c).



This photograph is of the construction entrance on Neyland Drive. Obviously, the construction equipment has tracked mud into the street. This constitutes a failure to maintain construction entrances to reduce tracking of mud and dirt onto public roads as required by

TNCGP § 3.5.5(b). TCWN has additional documentation of this type of violation on numerous dates, even when it has not been raining.



Finally, Renée Hoyos took this photograph at Sediment Trap D on July 12, 2010. TCWN has not observed the pump and hoses before, and is concerned about whether this pumping arrangement complies with the SWPPP and the TNCGP. Also, this pump is not described in the SWPPP (including plan sheet C3.4 dated 4-2-09) that I obtained through my file reviews at TDEC.

TCWN is frustrated by the continued failure of the University of Tennessee to comply with basic permit requirements, particularly after having been issued several notices of violation by TDEC. TCWN respectfully requests TDEC and EPA to elevate the level of enforcement at this site – including the imposition of appropriate penalties - to ensure that our water quality is protected. If you have any questions, please do not hesitate to call me at 865-522-7007 x 102.

Sincerely,

Handwritten signature of Stephanie D. Matheny in black ink.

Stephanie D. Matheny
Staff Attorney

cc: Paul Schmierbach, TDEC
Paul Sloane, TDEC
James McMillan
George S. Criss, UT



Microbac Laboratories, Inc.
 Knoxville Division
 505 E. Broadway Avenue
 Maryville, TN 37804
 (865) 977-1200 phone
 (865) 984-8616 fax
<http://www.microbac.com>
 e-mail: knoxville@microbac.com

CHEMISTRY · MICROBIOLOGY · FOOD SAFETY · CONSUMER PRODUCTS · WATER · AIR · WASTES · FOOD · PHARMACEUTICALS · NUTRACEUTICALS

CERTIFICATE OF ANALYSIS

Renee Hoyos
 Tennessee Clean Water Network
 P.O. Box 1521
 Knoxville, TN 37902

Date Reported: 6/14/2010
 Date Received: 6/10/2010
 Cust #: RT072
 PO#: Paid Cash

Workorder: 1003700 Project: UT North Outfall

Analyte	Result	Units	Qualifier	Reporting Limit	Analyst	Analyzed	Method
---------	--------	-------	-----------	-----------------	---------	----------	--------

UT North Outfall Sampled: 06/09/2010 19:20
 1003700-01 (Water)

Wet Chemistry

Turbidity	560	NTU		0.200	KLD	06/11/2010 15:15	EPA 180.1
-----------	-----	-----	--	-------	-----	------------------	-----------

The data and information on this, and other accompanying documents, represent only the sample(s) analyzed and is rendered upon condition that it is not to be reproduced wholly or in part for advertising or other purposes without approval from the laboratory.
 USDA-EPA-NIOSH Testing Food Sanitation Consulting Chemical and Microbiological Analyses and Research

MEMBER





Microbac Laboratories, Inc.
 Knoxville Division
 505 E. Broadway Avenue
 Maryville, TN 37804
 (865) 977-1200 phone
 (865) 984-8616 fax
<http://www.microbac.com>
 e-mail: knoxville@microbac.com

CHEMISTRY · MICROBIOLOGY · FOOD SAFETY · CONSUMER PRODUCTS · WATER · AIR · WASTES · FOOD · PHARMACEUTICALS · NUTRACEUTICALS

CERTIFICATE OF ANALYSIS

Renee Hoyos
 Tennessee Clean Water Network
 P.O. Box 1521
 Knoxville, TN 37902

Date Reported: 6/14/2010
 Date Received: 6/10/2010
 Cust #: RT072
 PO#: Paid Cash

Workorder: 1003700 Project: UT North Outfall

Analyte	Result	Units	Qualifier	Reporting Limit	Analyst	Analyzed	Method
---------	--------	-------	-----------	-----------------	---------	----------	--------

Certifications

Code	Description	Number	Expires
IN_DW	Indiana State Department of Health	C-TN-03	04/30/2011
PA	Commonwealth of Pennsylvania	68-00725 (003)	03/31/2011
TN_DW	State of Tennessee	TN02017	04/30/2011
USDA	US Department of Agriculture		11/30/2010

The data and information on this, and other accompanying documents, represent only the sample(s) analyzed and is rendered upon condition that it is not to be reproduced wholly or in part for advertising or other purposes without approval from the laboratory.
 USDA-EPA-NIOSH Testing Food Sanitation Consulting Chemical and Microbiological Analyses and Research

MEMBER





Microbac Laboratories, Inc.
 Knoxville Division
 505 E. Broadway Avenue
 Maryville, TN 37804
 (865) 977-1200 phone
 (865) 984-8616 fax
 http://www.microbac.com
 e-mail: knoxville@microbac.com

CHEMISTRY · MICROBIOLOGY · FOOD SAFETY · CONSUMER PRODUCTS · WATER · AIR · WASTES · FOOD · PHARMACEUTICALS · NUTRACEUTICALS

CERTIFICATE OF ANALYSIS

Renee Hoyos
 Tennessee Clean Water Network
 P.O. Box 1521
 Knoxville, TN 37902

Date Reported: 6/14/2010
 Date Received: 6/10/2010
 Cust #: RT072
 PO#: Paid Cash

Workorder: 1003700 Project: UT North Outfall

Analyte	Result	Units	Qualifier	Reporting Limit	Analyst	Analyzed	Method
---------	--------	-------	-----------	-----------------	---------	----------	--------

Notes and Definitions

- U Undetected
- DET Analyte DETECTED
- ND Analyte NOT DETECTED at or above the reporting limit
- NR Not Reported
- dry Sample results reported on a dry weight basis
- RPD Relative Percent Difference

The data and information on this, and other accompanying documents, represent only the sample(s) analyzed and is rendered upon condition that it is not to be reproduced wholly or in part for advertising or other purposes without approval from the laboratory.
 USDA-EPA-NIOSH Testing Food Sanitation Consulting Chemical and Microbiological Analyses and Research

MEMBER





Microbac Laboratories, Inc.
 Knoxville Division
 505 E. Broadway Avenue
 Maryville, TN 37804
 (865) 977-1200 phone
 (865) 984-8616 fax
 http://www.microbac.com
 e-mail: knoxville@microbac.com

CHEMISTRY · MICROBIOLOGY · FOOD SAFETY · CONSUMER PRODUCTS · WATER · AIR · WASTES · FOOD · PHARMACEUTICALS · NUTRACEUTICALS

CERTIFICATE OF ANALYSIS

Renee Hoyos
 Tennessee Clean Water Network
 P.O. Box 1521
 Knoxville, TN 37902

Date Reported: 6/14/2010
 Date Received: 6/10/2010
 Cust #: RT072
 PO#: Paid Cash

Workorder: 1003700 Project: UT North Outfall

Analyte	Result	Units	Qualifier	Reporting Limit	Analyst	Analyzed	Method
---------	--------	-------	-----------	-----------------	---------	----------	--------

Microbac Knoxville

KAREN POWERS For BYRON EVANS, PROJECT MANAGER

Thank you for your business. We invite your feedback on our level of service to you. Please contact the Laboratory Director, Ashley Morris, at 865-977-1200, the COO, Robert Morgan, at rmorgan@microbac.com or the President, James Nokes, at jnokes@microbac.com with any comments or suggestions.

As regulatory limits change frequently, Microbac advises the recipient of this report to confirm such limits with the appropriate Federal, state, or local authorities before acting in reliance on the regulatory limits provided.

The data and information on this, and other accompanying documents, represent only the sample(s) analyzed and is rendered upon condition that it is not to be reproduced wholly or in part for advertising or other purposes without approval from the laboratory.
 USDA-EPA-NIOSH Testing Food Sanitation Consulting Chemical and Microbiological Analyses and Research

MEMBER





MICROBAC LABORATORIES, INC
 KNOXVILLE DIVISION
 505 EAST BROADWAY
 MARYVILLE, TN 37804
 PHONE: (865) 977-1200 FAX: (865) 984-8616

CHAIN OF CUSTODY

1003700-01 A UT North Outfall
 Tennessee Clean Water N Sampled: 06/09/2010 19:20
 Water-A-500ml Plastic Neat



Compliance Monitoring: Yes No
 Regulatory Program: NPDES PWSID RCRA OTHER
 Project ID: _____
 Permit #: _____

Report to: Tennessee Clean Water Network
 Address: P.O. Box 1521
 Knoxville, TN 37902
 Attn: Renee Hoyos
 Phone: 865-522-7007 Fax: 865-525-4988
 E-mail: renee@town.org

Invoice to: Same
 Address: _____
 P.O. #: paid cash
 Quote #: _____

(1) Sample Matrix Codes
 AR = Air OL = Oil SW = Storm Water
 DW = Drinking Water PC = Paint Chip WP = Wipe
 FO = Food SB = Swab WW = Waste Water
 FT = Filter SD = Soil/Solid FB = Field Blank
 GW = Ground Water SL = Sludge TB = Trip Blank
 (2) Sample Type G = Grab C = Composite

ANALYSIS REQUIRED

Sample Matrix	Sample Type	# of Containers	Turbidity
(1)(2)			

FOR LAB/CHECK-IN ONLY
 Temp. Recd: _____ °C
 Properly Preserved: Yes No
 Remarks: _____
 Sample #: _____

Sample Identification
UT North outfall
 Sample Date 6-9-10 Sample Time 7:20pm
 Collected By: James McMillan
 Please Print
 PRIORITY: Standard Next Day 2-3 Day
 (Surcharge may apply for non-standard TAT)

Please Mark Testing Required Below (X)

Sample Matrix	Sample Type	# of Containers	Turbidity
(1)(2)			

Special Instructions / Comments...
 Customer # 1072
 Project 1072-TOWN
 PM BTE

Relinquished By: James McMillan Date: 6-10-10
 Relinquished By: _____ Date: _____
 Received By: _____ Time: _____
 Received By: _____ Time: _____

Relinquished By: _____ Date: _____
 Relinquished By: _____ Date: _____
 Received By: _____ Time: _____
 Received By: _____ Time: _____

Received By: _____ Time: _____
 Received By: _____ Time: _____

Microbac Laboratories Inc.
505 E. Broadway Ave.
Maryville, TN 37804



Main: (865) 977-1200
Fax: (865) 984-8616
www.microbac.com

Cooler Inspection Form

Client Name: TCWN Date/Time Received: 6/10/10 12:45

Work Order: 1003700 No. of Samples: 1

Received By: AUB Checklist Completed By: AUB /

Carrier: FedEx() UPS() Client() Field Services() Other(): _____

- After-Hours Receipt? Yes No
- Shipping container in good condition? Yes No Not Present
- Custody seals intact on cooler? Yes No Not Present
- Custody seals intact on samples? Yes No Not Present
- Chain of custody present? Yes No
- Chain of custody includes proper client information? Yes No
- Chain of custody includes proper collection information and signatures? Yes No
- Chain of custody includes dates and times of sample collection? Yes No
- Chain of custody includes proper sample descriptions? Yes No
- Chain of custody agrees with sample labels? Yes No
- Chain of custody identifies proper sample matrix? Yes No
- Chain of custody identifies proper number of samples? Yes No
- Chain of custody includes required analysis? Yes No
- Chain of custody signed when relinquished and received? Yes No
- Samples are in proper containers/bottles? Yes No
- Sample containers are intact? Yes No
- Sufficient sample volume collected for requested analysis? Yes No
- VOA vials for aqueous samples have zero headspace? Yes No Not Present
- Samples received within holding times? Yes No
- Samples received on ice? Yes No
- Sample properly preserved? Yes No

If No, adjusted by? _____ Date/Time: _____

Remarks: _____

ANY "NO" EVALUATION REQUIRES CLIENT NOTIFICATION (excluding After-Hours Receipt).

Comments: _____

