



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NASHVILLE, TENNESSEE 37243-0435

ROBERT J. MARTINEAU, JR.
COMMISSIONER

BILL HASLAM
GOVERNOR

June 15, 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
RECEIPT #7005 1820 0001 5799 6703

Ms. Renee Victoria Hoyos
Tennessee Clean Water Network
P.O. Box 1521
Knoxville, Tennessee 37901

Subject: Formal Complaint pursuant to the T.C.A. §69-3-118(a)
Mercy North/Dannaher Drive Extension TNR133683
Knox County, Tennessee

Dear Ms. Hoyos:

This correspondence addresses the complaint on the Dannaher Drive extension by Mercy Health Partners in Knox County, Tennessee, that you referred to me on April 11, 2011, under Section 69-3-118(a) of the Tennessee Water Quality Control Act. Your letter details concerns you have with the Permittee's compliance history with the Tennessee Construction General Permit (TNCGP) at this site.

My staff first inspected this site on February 24, 2011, along with personnel with the Knox County Stormwater Department and we observed several violations at the site including improperly implemented and maintained Erosion Prevention Sediment Controls (EPSCs); not adhering to the site's Stormwater Pollution Prevention Plan (SWPPP); not submitting a revised SWPPP; lack of temporary vegetative stabilization; and evidence of sediment discharge to the channel below the sediment pond.

A Notice of Violation was issued to the Permittee on March 3, 2011, and a Compliance Review Meeting (CRM) was held on March 23, 2011. We received a revised SWPPP on April 6, 2011. The Permittee has since that time cooperated well with us and with the Knox County Stormwater Department.

A follow-up inspection was conducted on April 13, 2011, and division personnel observed that the site was in compliance. However, a new issue had arisen: a sinkhole had opened on the property during the rain on Tuesday April 12, 2011, and the whole site was now discharging into the sinkhole. The sinkhole was located in the upper end of the sediment basin. During the inspection, division personnel informed the Titan Excavating contractor to contact the Division of Water Supply groundwater staff and follow their guidelines in plugging the sinkhole. On May 3, 2011, the division inspected the site and

Ms. Renee Hoyos
June 15, 2011
Page 2

observed that the sinkhole had been plugged and the sediment basin was again retaining water.

Another follow up inspection was conducted on May 31, 2011, and division personnel observed that the site had not had any discharges of sediment and that all erosion prevention and sediment controls were installed correctly and being properly maintained. However, division personnel observed and advised the Permittee that additional stabilization measures were needed in some areas that were near final grade.

Please contact Allen Wilkinson with any further questions on this site. He may be reached at Allen.Wilkinson@tn.gov or via telephone at 865-594-5588.

If you believe this action is inadequate, you may appeal to the Water Quality Control Board for a hearing conducted pursuant to T.C.A. §69-3-110. Such an appeal must be made within thirty days of receipt of this notification.

Sincerely,



Robert J. Martineau, Jr., Commissioner
Department of Environment and Conservation

RJM/jaw

cc: Mr. Norm Brinkman, Mercy Health Partners, 900 E. Oak Hill Avenue
Knoxville, Tennessee 37917
TDEC-WPC-Knoxville Paul Schmierbach
TDEC-WPC-CO-Jennifer Watson