



2 Victory Avenue, Suite 500
Nashville, TN 37213
615-921-9470
Fax 615-921-8011
SouthernEnvironment.org

January 13, 2014

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Cartwright Creek, LLC
1551 Thompson's Station Road West
Thompson's Station, TN 37179

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

Sheaffer Wastewater Solutions, LLC
Manger, Cartwright Creek, LLC
800 Roosevelt Road, Suite A120
Glen Ellyn, IL 60137

Sheaffer International, LLC
c/o Corporation Service Company
2711 Centerville Rd, Suite 400
Wilmington, DE 19808

Re: 60-Day Notice of Violations and Intent to File Citizen Suit under Section 505 of the Clean Water Act

To Whom It May Concern:

This letter is sent to notify Cartwright Creek, LLC, the Tennessee Department of Environment and Conservation, the United States Environmental Protection Agency, and the other entities and individuals named in this letter that the Harpeth River Watershed Association ("HRWA" or the "Watershed Association") and its members have identified violations of the Clean Water Act,¹ the Tennessee Water Quality Control Act,² and regulations promulgated by the Board of Water Quality, Oil & Gas³ at the Cartwright Creek - Grasslands Sewage Treatment Plant ("Cartwright Creek STP" or "the Sewage Treatment Plant"). The Harpeth River Watershed Association hereby notifies you that it is prepared to file an action in the U.S. District Court for

¹ 33 U.S.C. §§ 1251-1387.

² Tenn. Code Ann. § 69-3-101 *et seq.*,

³ See Tenn. Code Ann. § 69-3-105 (2013). This board was previously known as the "Tennessee Water Quality Control Board." See Tenn. Code Ann. § 69-3-104 (2011).

the Middle District of Tennessee pursuant to § 505(a) of the Clean Water Act,⁴ sixty days from the date of this letter or soon thereafter. This lawsuit will seek injunctive relief, appropriate monetary penalties, fees and costs of litigation, and such other relief as the Court deems appropriate, in order to address and correct the violations that are described in this letter.⁵

I. LOCATION OF VIOLATIONS

A. The Harpeth River

The Harpeth River, which flows for 125 miles through middle Tennessee, has been partially designated for special protection as a State Scenic River.⁶ It is home to freshwater mussels, fish, insects, crustaceans, beavers, and otters; it runs through Harpeth River State Park for forty miles, “connect[ing] several natural, archeological and historic sites including nine access points,”⁷ such as those used by fishermen and paddlers.

Unfortunately, in Williamson County, the Harpeth River appears on the Tennessee’s 303(d) list of waterways that do not meet water quality standards under the Clean Water Act. The river is impaired because of organic enrichment (perhaps more appropriately classified as “nutrient enrichment”)⁸ and low dissolved oxygen.⁹

B. The Cartwright Creek-Grasslands Sewage Treatment Plant

According to its permit application, Cartwright Creek STP is located on the Harpeth River in the River Rest Subdivision in Franklin, Williamson County, Tennessee 37069. Its mailing address is 1551 Thompson’s Station Rd. West, P.O. Box 147, Thompson’s Station, TN 37179, but it appears to be located near Cartwright Creek at the end of Recreation Road, Franklin, TN 37069. NPDES Permit No. TN0027278 authorizes this sewage treatment plant to discharge wastewater from Outfall 001 into the Harpeth River at river mile 68.8. This is where a majority of the violations identified in this letter have occurred. Violations also occurred at overflow sites (*i.e.*, where sewage was released from any portion of the collection, transmission, or treatment system other than through permitted outfalls), as described the chart labeled

⁴ 33 U.S.C. § 1365(a)(1).

⁵ *See* 33 U.S.C. §§ 1365, 1319.

⁶ Certain rivers have “outstanding scenic, recreational, geological, fish and wildlife, botanical, historical, archaeological and other scientific and cultural values of great present and future benefit to the people.” Such rivers are designated “State Scenic Rivers.” *See* Tenn. Code Ann. § 11-13-101(b); Tenn. Code Ann. § 11-13-104. The Tennessee General Assembly decided to provide special protection for these rivers because, “Few . . . are left in the eastern United States and the general assembly feels . . . it must not deny the people of this generation and their descendants the opportunity to refresh their spirits with the infinite beauties of the unspoiled stream.” *Id.*

⁷ *Harpeth River State Park*, <http://tnstateparks.com/parks/about/harpeth-river> (last visited Jan. 9, 2014).

⁸ *Final Organic Enrichment/Low Dissolved Oxygen: Total Maximum Daily Load (TMDL) for Waters in the Harpeth River Watershed (HUC 05130204)*, p. 9 (EPA Sept. 2004).

⁹ *See* 33 U.S.C. § 1313; 40 C.F.R. § 130.10; *see also* TDEC Proposed Final Year 2012 303(d) List *available at* http://tn.gov/environment/water/docs/wpc/2012_pf_303d_list.pdf (last visited Jan. 9, 2014). Some sections that are designated scenic are also on the 303(d) list.

“Numeric Violations, Bypasses, and Overflows.” *See infra* Section II.A. The specific segment of the Harpeth River—No. TN05130204009_3000—that receives the sewage plant’s discharge is currently impaired as a result of low dissolved oxygen and organic enrichment.¹⁰ In 2009, Cartwright Creek served 1575 customers.¹¹ That year, it wrote a letter to TDEC which stated, “The treatment and collection systems for Cartwright Creek Grasslands are over 30 years old and in need of significant repairs and/or replacement.”¹²

II. DESCRIPTION OF THE VIOLATIONS

Section 301(a) of the Clean Water Act¹³ prohibits the discharge of a pollutant to waters of the United States except, in relevant part, pursuant to a National Pollutant Discharge Elimination System (“NPDES”) permit issued pursuant to § 402.¹⁴ “Discharge of a pollutant” means “any addition of any pollutant to navigable waters from any point source,”¹⁵ and “pollutant” includes “solid waste, . . . sewage, garbage, sewage sludge, . . . chemical wastes, biological materials, . . . heat, . . . rock, sand, . . . and industrial, municipal, and agricultural waste discharged into water.”¹⁶

Under authority of the Tennessee Water Quality Control act of 1977 and the authority delegated to the State of Tennessee from the U.S. Environmental Protection Agency,¹⁷ TDEC has issued NPDES permit number TN0027278 for the Cartwright Creek-Grasslands STP on October 22, 2010. This permit limits discharges into the Harpeth River and sets specific

¹⁰ “2010 Waterbody Report for Harpeth River,” USEPA, *available at* http://watersgeo.epa.gov/mwm/?layer=305B&feature=TN05130204016_1000&extraLayers=null (last visited Dec. 30, 2013); http://iaspub.epa.gov/tmdl/attains_index.search_wb?p_area=TN&p_cycle=2010 (last visited Jan. 9, 2014); http://ofmpub.epa.gov/tmdl/attains_waterbody.control?p_list_id=TN05130204009_3000&p_cycle=&p_report_type= (last visited Jan. 9, 2014).

¹¹ (08/10/2009 Email from TRA to TDEC) (“Sheaffer has engaged in discussions with TDEC on adding additional taps to the System. We are proposing to add 150 new taps with all proceeds to fund treatment plant and collection system improvements.”).

¹² (12/07/2009 Ltr. from Cartwright Creek to TDEC re: Draft Permit).

¹³ 33 U.S.C. § 1311(a).

¹⁴ 33 U.S.C. § 1342. In addition to the Clean Water Act, Tennessee state law recognizes that water is a resource held in a public trust, such that no one, not even a permittee, has the absolute right to use, divert, or contaminate it. *See* Tenn. Code Ann. §§ 69-3-102, 68-221-702. *Cf.* Tenn. Code Ann. § 69-1-110 (2013); *Cox v. Howell*, 65 S.W. 868, 869 (Tenn. 1901) (“What is a reasonable and permissible diversion of the water of a running stream, with respect to the rights of riparian proprietors, depends upon the size and character of the stream, the purpose for which the diversion is made, and, as a general proposition, upon the circumstances of the particular case.”). Cartwright Creek’s conduct may implicate other federal and state laws, and the Watershed Association reserves the right to add additional claims based on the same or similar pattern of violations and to seek additional remedies under state and federal law; it does not intend, by giving this notice, to waive any other rights or remedies.

¹⁵ 33 U.S.C. § 1362(12)(A).

¹⁶ 33 U.S.C. § 1362(6).

¹⁷ 33 U.S.C. § 1342(b).

requirements for monitoring and reporting these discharges.¹⁸ The most recent version of this permit was issued in 2010 and was set to expire on November 30, 2011. It required Cartwright Creek to apply for a new permit no later than 180 days prior to the expiration date. *See* Permit § 2.1. (2010).

On November 9, 2010, Cartwright Creek informed TDEC that “While at this time [it] will not file an appeal, the Company would like to provide . . . comments, which are consistent with previous written and verbal comments given to TDEC.”¹⁹ After the permit issued, Cartwright Creek requested that TDEC help it find funding to allow Cartwright Creek to comply with the terms of its permit.²⁰ Based on a review of TDEC’s files, there is no indication that Cartwright Creek ever appealed any portion of the permit.

Upon information and belief, the 2010 permit has been administratively extended by TDEC pending issuance of a new permit. Its application was stamped “received” on July 14, 2011, less than 180 before November 30, 2011. That application was deemed incomplete.²¹ A supplemental permit application packet was received December 3, 2011. Although the Commissioner of the Department of Environment and Conservation may accept alternative submittal materials, “Timely receipt of a completed application for an NPDES or state operating permit is necessary for permit continuance.” Tenn. Comp. R. & Regs. 1200-40-05-.11 (Duration and Reissuance of Permits) (2013); Tenn. Comp. R. & Regs. 0400-40-05-.11 (2014). *See also* Tenn. Comp. R. & Regs. 0400-40-04-.07 (Terms and Conditions of Permits). To the extent that Cartwright Creek failed to timely re-apply, it has been discharging without a permit since November 30, 2011.

The 2010 permit states that “[a]ny 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.” *See* Permit § 2.3.1 (2010). Cartwright Creek is required to record and submit Discharge Monitoring Reports (“DMRs”) and Monthly Operating Reports (“MORs”) to show that it is complying with the permit. *See* Permit §§ 1.3.1; 1.3.4 (2010). These reports must be signed and certified. *See* Permit § 1.3.1 (2010).²² Cartwright Creek must also report any permit non-compliance on the DMRs. *See* Permit § 2.3.2 (2010).

¹⁸ These requirements are examples of the State of Tennessee’s exercise of its delegated authority to impose permitting limitations in furtherance of the objectives of the Clean Water Act. *See, e.g.*, Tenn. Comp. R. & Regs. 1200-04-05-.07 (Terms and Conditions of Permits) (2013); Tenn. Comp. R. & Regs. 0400-40-05-.07 (2014). As a result, the permit is enforceable through a citizen suit under the Clean Water Act. *See* 33 U.S.C. §§ 1370, 1311(b)(1)(B).

¹⁹ (11/15/2010 Ltr. from Sheaffer Wastewater to TDEC). *See also* (11/06/2010 Email from Cartwright Creek to TDEC) (“I don’t think Cartwright Creek was going to appeal any of the conditions at this time. However, we probably would like to register a couple of comments for the record. One would be on the Nutrient Management Plan and then the timing to meet the new total nitrogen standards.”).

²⁰ (01/27/2011 Ltr. from Cartwright Creek/Sheaffer Wastewater Solutions to TDEC).

²¹ (08/16/2011 Ltr. from TDEC to Cartwright Creek). *See also* (08/23/2011 Ltr. from Cartwright Creek to TDEC).

²² *See also* 40 C.F.R. § 122.22(d) (requiring certification by authorized agent of permittee that information submitted with DMR is “true, accurate, and complete”); Tenn. Comp. R. & Regs. 1200-04-10-.03(e)(4) (2013); Tenn. Comp. R. & Regs. 0400-40-05-.07(f) (2014).

Based on the Watershed Association’s review of these reports and other records prepared or kept by TDEC, Cartwright Creek has violated the terms of NPDES Permit No. TN0027278. First, Cartwright Creek has failed to ensure that all discharges “shall be limited and monitored by the permittee as specified” in Section 1.1, which contains a table detailing effluent limitations by pollutant and monitoring parameter. Second, Cartwright Creek has failed to comply with narrative requirements of the permit. Third, Cartwright Creek has submitted incomplete or inconsistent reports. Fourth, Cartwright Creek has sometimes failed to report its noncompliance on the DMRs and make sure that any such 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.” *See* Permit § 2.3.2 (2010).

A. Each day in which the Cartwright Creek Sewage Treatment Plant has operated in violation of its permit and each unauthorized discharge of a pollutant constitutes a separate violation.

Each violation of the permit—and each discharge that is not expressly authorized by the permit—constitute a separate violation of the Clean Water Act. *See, e.g.*, 33 U.S.C. § 1319(d) (“penalty . . . per day for each violation”); *Sierra Club, Hawaii Chapter v. City & Cnty. of Honolulu*, 486 F. Supp. 2d 1185, 1190 (D. Haw. 2007) (summarizing holdings).

B. The Cartwright Creek Sewage Treatment Plant’s own reports reveal numeric, monitoring, reporting, and narrative violations.

Based on a review of the DMRs, MORs, and other reports prepared by the Cartwright Creek Sewage Treatment Plant and sent to TDEC, the Watershed Association has identified approximately 700 numeric violations (including bypasses and overflows), 2,000 narrative and duty to report non-compliance violations, 10,000 monitoring violations, and 145 reporting violations of the permit held by Cartwright Creek, LLC to discharge pollutants into the Harpeth River. 40 C.F.R. § 135.3(a).²³

i. Cartwright Creek reported numeric violations, bypasses, and overflows

Cartwright Creek violated § 1.1’s numeric effluent limitations and prohibition on overflows. *See also* Permit §§ 2.3.3 & 2.3.6 (2010). The first two columns of the chart show the date of the violations and the number of days Cartwright Creek was in violation. The next columns identify the “**Permit Parameter Violated**” (*i.e.*, which Permit § 1.1 effluent limitation or overflow/bypass prohibition was violated); the “**Permit Limit**” (*i.e.*, the maximum or minimum effluent parameter value that the permit requires Cartwright Creek to achieve); whether the information was “**Reported on DMR (or MOR)**” (*i.e.*, the numeric quantity for the parameter as reported on the DMR or MOR; if derived from an MOR, the information is placed in parentheses); and additional detail, particularly where there is a conflict between the MOR and

²³ These charts are compilations of information from public records, and each is intended to provide notice of the pattern of violations described in this letter. These charts are not intended to be a definitive legal representation of all material facts.

DMR. All alleged violations of numeric limitations are based on the permittee's DMR submissions, except where the MOR supplements or indicates an error in the DMR, in which case reliance on the MOR is noted.²⁴

Date of Violation(s)	Number of Violations	Permit Parameter Violated	Permit Limit	Reported on DMR (or MOR)	Additional Detail from DMR, MOR or Noncompliance Report
July 22, 2009	1	Daily Total Suspended Solids % removal min.	40%	(15.8%)	DMR states 98.1%
September 1 - September 30, 2009	30	Monthly Carbonaceous Biochemical Oxygen Demand lb/day avg.	10	12	MOR states 11.6
September 1 - September 30, 2009	30	Monthly Total Suspended Solids % removal avg.	85%	(84.3%)	DMR states 86.5%
September 27 - October 3, 2009	7	Weekly Carbonaceous Biochemical Oxygen Demand lb/day avg.	16	16.1	MOR indicates 17.1 lb/day average
September 27 - October 3, 2009	7	Weekly Total Suspended Solids lb/day avg.	83	(87.96)	DMR states 74.8
November 24, 2009	1	Daily Dissolved Oxygen mg/L min.	6	5.5	
February 1-5, 8-12, 15-19, 22-26, 2010	20	Daily Chlorine mg/L max.	0.25	0.60	MOR indicates 20 days in violation, not 15 as on DMR
March 1 - March 31, 2010	31	Monthly Total Suspended Solids % removal avg.	85%	75.5%	
November 1 - November 30, 2010	30	Monthly Total Suspended Solids % removal avg.	85%	80.4%	
December [?], 2010	1	Bypass	0	1	Listed on DMR but not on MOR, no noncompliance report, date and location unknown
December 1 - December 31, 2010	31	Monthly Total Suspended Solids % removal avg.	85%	75.3%	
May 1 - May 31, 2011	31	Monthly Total Suspended Solids % removal avg.	85%	82.1%	
July 7, 2011	1	Daily Chlorine mg/L max.	0.24	0.41	
July 1 - July 31, 2011	31	Monthly Total Suspended Solids % rem. avg.	85%	83.9%	
December 1 - December 31, 2011	31	Monthly Total Suspended Solids % removal avg.	85%	77.1%	
January 4, 2012	1	Daily Chlorine mg/L max.	0.24	0.30	
January 1 - January 31, 2012	31	Monthly Total Suspended Solids % removal avg.	85%	82.6%	

²⁴ The last DMRs and MORs available are from October 2013.

Date of Violation(s)	Number of Violations	Permit Parameter Violated	Permit Limit	Reported on DMR (or MOR)	Additional Detail from DMR, MOR or Noncompliance Report
February 1 - February 29, 2012	29	Monthly Total Suspended Solids % removal avg.	85%	81.6%	
April 27, 2012	1	Daily Chlorine mg/L max.	0.24	9.00	
May 1, 2012	1	Daily Chlorine mg/L max.	0.24	0.60	
May 6 - May 12, 2012	7	Weekly Carbonaceous Biochemical Oxygen Demand lb/day avg.	15	18.05	
May 13 - May 19, 2012	7	Weekly Carbonaceous Biochemical Oxygen Demand lb/day avg.	15	(15.2)	2nd weekly violation of month not noted on DMR
May 1 - May 31, 2012	31	Monthly Carbonaceous Biochemical Oxygen Demand lb/day avg.	10	13.4	
May 1 - May 31, 2012	31	Monthly Total Nitrogen mg/L avg.	1.9	3.1	
May 27 - June 2, 2012	7	Weekly Carbonaceous Biochemical Oxygen Demand lb/day avg.	15	16.55	
June 3 - June 9, 2012	7	Weekly Carbonaceous Biochemical Oxygen Demand lb/day avg.	15	(16.3)	2nd weekly violation of month not noted on DMR
June 1 - June 30, 2012	30	Monthly Total Nitrogen mg/L avg.	1.9	(1.92)	DMR states 1.9
July 1 - July 31, 2012	31	Monthly Total Nitrogen mg/L avg.	1.9	(1.92)	DMR states 1.9
Aug. 1 - Aug. 31, 2012	31	Monthly Total Nitrogen mg/L avg.	1.9	4.5	
September 1 - September 30, 2012	30	Monthly Total Nitrogen mg/L avg.	1.9	4.6	MOR states 4.51
October 1 - October 31, 2012	31	Monthly Total Nitrogen mg/L avg.	1.9	5.6	MOR states 4.58
December 23 - December 29, 2012	7	Weekly Total Suspended Solids lb/day avg.	83	97.2	
December 1 - December 31, 2012	31	Monthly Total Suspended Solids % removal avg.	85%	84.7%	
January 7, 2013	1	Daily Total Suspended Solids % removal min.	40%	15%	
January 15, 2013	1	Daily Total Suspended Solids % removal min.	40%	(10%)	MOR indicates 10% daily removal not shown by DMR
January 1 - January 31, 2013	31	Monthly Total Suspended Solids % removal avg.	85%	83.7%	MOR states 83.5%
February 1 - February 28, 2013	28	Monthly Total Suspended Solids % removal avg.	85%	84.0%	MOR states 82.6%

Date of Violation(s)	Number of Violations	Permit Parameter Violated	Permit Limit	Reported on DMR (or MOR)	Additional Detail from DMR, MOR or Noncompliance Report
March [?], 2013	1	Dry Weather Overflow	0	1	Listed on DMR but not on MOR, no noncompliance report, date and location unknown
March 1 - March 31, 2013	31	Monthly Total Suspended Solids % removal avg.	85%	83%	
April 1, 2013	1	Dry Weather Overflow	0	0	Not indicated in DMR or MOR, but in noncompliance report; 1035 Boxwood Drive
May 14, 2013	1	Daily Total Suspended Solids % removal min.	40%	33.3%	
May 14, 2013	1	Dry Weather Bypass	0	1	DMR lists excursion & footnotes algae in effluent on 5/14; no MOR or other indication of bypass
September 19, 2013	1	Daily Dissolved Oxygen mg/L min.	6	5.9	

ii. *Cartwright Creek's reports reveal monitoring violations*

Cartwright Creek's reports show that it violated the permit's requirement that all discharges "shall be . . . monitored . . . as specified" in § 1.1. This section of the permit includes a table that specifies how frequently and where to monitor each parameter. It also contains notes and instructions for certain parameters. For example, in addition to the daily, weekly, and monthly limitations on Total Nitrogen and Total Phosphorus discharges that are listed in the table, Section 1.1 appears to require (1) quarterly nutrient monitoring,²⁵ (2) limits on Nitrogen, which must be monitored and reported for the first 18 months of the permit's term, thereafter be achieved,²⁶ and (3) limits on Phosphorus, which must be monitored and reported for the first 18 months of the permit's term, thereafter be achieved.²⁷ These limits are coordinated with the TMDL.²⁸

²⁵ Permit § 1.1 requires Cartwright Creek to "report quarterly influent and effluent average concentrations, mass loadings, and percentage removals based on quarterly monitoring" for Total Nitrogen and Total Phosphorus. *See* (Note, Page 1).

²⁶ Permit § 1.1 note (b) requires Cartwright Creek to achieve Total Nitrogen limits 18 months after the current permit's effective date. However, "[f]or the first 18 months of the permit, the permittee shall monitor and report the total nitrogen."

²⁷ Permit § 1.1 note (b) requires Cartwright Creek to achieve Total Nitrogen limits 18 months after the current permit's effective date. However, "[f]or the first 18 months of the permit, the permittee shall monitor and report the total nitrogen."

²⁸ The limit in the permit is the same in the TMDL (*i.e.*, 15 lbs/day). *Final Organic Enrichment/Low Dissolved Oxygen: Total Maximum Daily Load (TMDL) for Waters in the Harpeth River Watershed (HUC 05130204)*, p. 55 (EPA Sept. 2004).

The first two columns of the chart show the date of the violations and the number of days Cartwright Creek was in violation. The next columns show the “*Parameter Violated*” (i.e., the monitoring provision violated during the relevant monitoring period); the “*Monitoring Required by the Permit*” (i.e., the minimum number of measurements per monitoring period); and the “*Monitoring Actually Reported*” (i.e., the actual number of measurements performed by the permittee during the monitoring period, as listed in the permittee’s MOR and used in the permittee’s DMR to satisfy the permit’s reporting requirements).²⁹

Date of Violations	Number of Violations	Parameter Violated	Monitoring Required by Permit	Monitoring Actually Reported
May 31 - June 6, 2009	7	Effluent Carbonaceous Biochemical Oxygen Demand monitoring	3/week	0/week
May 31 - June 6, 2009	7	Influent Carbonaceous Biochemical Oxygen Demand monitoring	3/week	0/week
May 31 - June 6, 2009	7	Effluent Total Suspended Solids monitoring	3/week	0/week
May 31 - June 6, 2009	7	Influent Total Suspended Solids monitoring	3/week	0/week
June 28 - July 4, 2009	7	Effluent Carbonaceous Biochemical Oxygen Demand monitoring	3/week	0/week
June 28 - July 4, 2009	7	Influent Carbonaceous Biochemical Oxygen Demand monitoring	3/week	0/week
June 28 - July 4, 2009	7	Effluent Total Suspended Solids monitoring	3/week	0/week
June 28 - July 4, 2009	7	Influent Total Suspended Solids monitoring	3/week	0/week
August 2 - August 8, 2009	7	Effluent Chlorine monitoring	5/week	0/week
August 9 - August 15, 2009	7	Effluent Chlorine monitoring	5/week	0/week
August 16 - August 22, 2009	7	Effluent Chlorine monitoring	5/week	0/week
August 23 - August 29, 2009	7	Effluent Chlorine monitoring	5/week	0/week
August 30 - September 5, 2009	7	Effluent Chlorine monitoring	5/week	4/week
August 30 - September 5, 2009	7	Effluent Dissolved Oxygen monitoring	5/week	4/week
November 22 - November 28, 2009	7	Effluent Chlorine monitoring	5/week	4/week
March 28 - April 3, 2010	7	Effluent Carbonaceous Biochemical Oxygen Demand monitoring	3/week	2/week
March 28 - April 3, 2010	7	Influent Carbonaceous Biochemical Oxygen Demand monitoring	3/week	2/week
April 25 - May 1, 2010	7	Effluent Carbonaceous Biochemical Oxygen Demand monitoring	3/week	0/week
April 25 - May 1, 2010	7	Influent Carbonaceous Biochemical Oxygen Demand monitoring	3/week	0/week
May 2 - May 8, 2010	7	Effluent Carbonaceous Biochemical Oxygen Demand monitoring	3/week	0/week
May 2 - May 8, 2010	7	Influent Carbonaceous Biochemical Oxygen Demand monitoring	3/week	0/week

²⁹ The last DMRs and MORs available were October 2013.

Date of Violations	Number of Violations	Parameter Violated	Monitoring Required by Permit	Monitoring Actually Reported
May 2 - May 8, 2010	7	Effluent Ammonia as Nitrogen monitoring	3/week	0/week
May 2 - May 8, 2010	7	Influent Total Suspended Solids monitoring	3/week	0/week
May 2 - May 8, 2010	7	Effluent Total Suspended Solids monitoring	3/week	0/week
May 2 - May 8, 2010	7	Effluent Settleable Solids monitoring	5/week	2/week
May 2 - May 8, 2010	7	Effluent Dissolved Oxygen monitoring	5/week	1/week
May 2 - May 8, 2010	7	Effluent pH monitoring	5/week	1/week
May 2 - May 8, 2010	7	Effluent <i>E. coli</i> monitoring	3/week	0/week
May 2 - May 8, 2010	7	Effluent Chlorine monitoring	5/week	0/week
May 9 - May 15, 2010	7	Effluent Chlorine monitoring	5/week	0/week
May 16 - May 22, 2010	7	Effluent Chlorine monitoring	5/week	0/week
May 23 - May 29, 2010	7	Effluent Chlorine monitoring	5/week	0/week
May 30 - June 5, 2010	7	Effluent Chlorine monitoring	5/week	4/week
August 1 - August 7, 2010	7	Effluent Chlorine monitoring	5/week	4/week
August 8 - August 14, 2010	7	Effluent <i>E. coli</i> monitoring	3/week	1/week
September 5 - September 11, 2010	7	Effluent pH monitoring	5/week	4/week
January 9 - January 15, 2011	7	Effluent Settleable Solids monitoring	5/week	4/week
January 16 - January 22, 2011	7	Effluent Settleable Solids monitoring	5/week	4/week
February 13 - February 19, 2011	7	Effluent Settleable Solids monitoring	5/week	4/week
January 1 - March 31, 2011	90	Quarterly Influent Total Nitrogen mg/L monitoring	1/quarter	0/quarter
January 1 - March 31, 2011	90	Quarterly Effluent Total Nitrogen mg/L monitoring	1/quarter	0/quarter
January 1 - March 31, 2011	90	Quarterly Influent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
January 1 - March 31, 2011	90	Quarterly Effluent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
January 1 - March 31, 2011	90	Quarterly Total Nitrogen % removal monitoring	1/quarter	0/quarter
January 1 - March 31, 2011	90	Quarterly Total Phosphorus % removal monitoring	1/quarter	0/quarter
January 1 - March 31, 2011	90	Quarterly Effluent Total Nitrogen lb/day monitoring	1/quarter	0/quarter
January 1 - March 31, 2011	90	Quarterly Effluent Total Phosphorus lb/day monitoring	1/quarter	0/quarter
April 3 - April 9, 2011	7	Effluent <i>E. coli</i> monitoring	5/week	2/week
April 10 - April 16, 2011	7	Effluent <i>E. coli</i> monitoring	5/week	2/week
April 17 - April 23, 2011	7	Effluent <i>E. coli</i> monitoring	5/week	2/week
April 24 - April 30, 2011	7	Effluent <i>E. coli</i> monitoring	5/week	4/week
May 1 - May 31, 2011	31	Total Nitrogen monitoring	2/month	1/month
May 1 - May 31, 2011	31	Total Phosphorus monitoring	2/month	1/month

Date of Violations	Number of Violations	Parameter Violated	Monitoring Required by Permit	Monitoring Actually Reported
May 1 - May 31, 2011	31	Insoluble Total Kjeldahl Nitrogen monitoring ³⁰	2/month	0/month
May 1 - May 31, 2011	31	Insoluble Phosphorus monitoring	2/month	0/month
June 1 - June 30, 2011	30	Total Phosphorus monitoring	2/month	1/month
April 1 - June 30, 2011	91	Quarterly Influent Total Nitrogen mg/L monitoring	1/quarter	0/quarter
April 1 - June 30, 2011	91	Quarterly Effluent Total Nitrogen mg/L monitoring	1/quarter	0/quarter
April 1 - June 30, 2011	91	Quarterly Influent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
April 1 - June 30, 2011	91	Quarterly Effluent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
April 1 - June 30, 2011	91	Quarterly Total Nitrogen % removal monitoring	1/quarter	0/quarter
April 1 - June 30, 2011	91	Quarterly Total Phosphorus % removal monitoring	1/quarter	0/quarter
April 1 - June 30, 2011	91	Quarterly Effluent Total Nitrogen lb/day monitoring	1/quarter	0/quarter
April 1 - June 30, 2011	91	Quarterly Effluent Total Phosphorus lb/day monitoring	1/quarter	0/quarter
June 26 - July 2, 2011	7	Effluent Chlorine monitoring	5/week	4/week
June 26 - July 2, 2011	7	Effluent Settleable Solids monitoring	5/week	4/week
July 24 - July 30, 2011	7	Effluent Settleable Solids monitoring	5/week	4/week
August 7 - August 13, 2011	7	Effluent Dissolved Oxygen monitoring	5/week	4/week
August 7 - August 13, 2011	7	Effluent pH monitoring	5/week	4/week
August 7 - August 13, 2011	7	Effluent Chlorine monitoring	5/week	4/week
August 1 - August 31, 2011	31	Insoluble Total Kjeldahl Nitrogen monitoring	2/month	0/month
August 1 - August 31, 2011	31	Insoluble Phosphorus monitoring	2/month	0/month
August 28 - September 3, 2011	7	Influent Carbonaceous Biochemical Oxygen Demand monitoring	3/week	2/week
August 28 - September 3, 2011	7	Effluent Carbonaceous Biochemical Oxygen Demand monitoring	3/week	2/week
August 28 - September 3, 2011	7	Effluent Settleable Solids monitoring	5/week	4/week
September 11 - September 17, 2011	7	Influent Carbonaceous Biochemical Oxygen Demand monitoring	3/week	2/week
September 11 - September 17, 2011	7	Effluent Carbonaceous Biochemical Oxygen Demand monitoring	3/week	2/week
September 11 - September 17, 2011	7	Effluent Dissolved Oxygen monitoring	5/week	4/week
September 11 - September 17, 2011	7	Effluent Chlorine monitoring	5/week	4/week

³⁰ For each of the “Insoluble Total Kjeldahl Nitrogen monitoring” and “Insoluble Phosphorus monitoring” entries in this chart, the HRWA characterizes the “monitoring actually reported” as “0/month.” These parameters require twice monthly monitoring and reporting. Although Cartwright Creek reported “0.0” twice per month for these parameters on its MORs, Total Nitrogen and Total Phosphorus were not monitored on the same days.

Date of Violations	Number of Violations	Parameter Violated	Monitoring Required by Permit	Monitoring Actually Reported
September 18 - September 24, 2011	7	Effluent Ammonia as Nitrogen monitoring	3/week	2/week
September 1 - September 30, 2011	30	Insoluble Total Kjeldahl Nitrogen monitoring	2/month	0/month
September 1 - September 30, 2011	30	Insoluble Phosphorus monitoring	2/month	0/month
July 1 - September 30, 2011	92	Quarterly Influent Total Nitrogen mg/L monitoring	1/quarter	0/quarter
July 1 - September 30, 2011	92	Quarterly Effluent Total Nitrogen mg/L monitoring	1/quarter	0/quarter
July 1 - September 30, 2011	92	Quarterly Influent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
July 1 - September 30, 2011	92	Quarterly Effluent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
July 1 - September 30, 2011	92	Quarterly Total Nitrogen % removal monitoring	1/quarter	0/quarter
July 1 - September 30, 2011	92	Quarterly Total Phosphorus % removal monitoring	1/quarter	0/quarter
July 1 - September 30, 2011	92	Quarterly Effluent Total Nitrogen lb/day monitoring	1/quarter	0/quarter
July 1 - September 30, 2011	92	Quarterly Effluent Total Phosphorus lb/day monitoring	1/quarter	0/quarter
September 25 - October 1, 2011	7	Influent Carbonaceous Biochemical Oxygen Demand monitoring	3/week	2/week
September 25 - October 1, 2011	7	Effluent Carbonaceous Biochemical Oxygen Demand monitoring	3/week	2/week
September 25 - October 1, 2011	7	Influent Total Suspended Solids monitoring	3/week	2/week
September 25 - October 1, 2011	7	Effluent Total Suspended Solids monitoring	3/week	2/week
October 16 - October 22, 2011	7	Effluent Dissolved Oxygen monitoring	5/week	4/week
October 16 - October 22, 2011	7	Effluent pH monitoring	5/week	4/week
October 16 - October 22, 2011	7	Effluent Chlorine monitoring	5/week	3/week
October 23 - October 29, 2011	7	Effluent Settleable Solids monitoring	5/week	4/week
October 23 - October 29, 2011	7	Effluent Dissolved Oxygen monitoring	5/week	4/week
October 23 - October 29, 2011	7	Effluent pH monitoring	5/week	4/week
October 1 - October 31, 2011	31	Insoluble Total Kjeldahl Nitrogen monitoring	2/month	0/month
October 1 - October 31, 2011	31	Insoluble Phosphorus monitoring	2/month	0/month
October 30 - November 5, 2011	7	Effluent Ammonia as Nitrogen monitoring	3/week	2/week
October 30 - November 5, 2011	7	Effluent Dissolved Oxygen monitoring	5/week	4/week
October 30 - November 5, 2011	7	Effluent pH monitoring	5/week	4/week
October 30 - November 5, 2011	7	Effluent Chlorine monitoring	5/week	4/week
October 30 - November 5, 2011	7	Effluent <i>E. coli</i> monitoring	5/week	4/week

Date of Violations	Number of Violations	Parameter Violated	Monitoring Required by Permit	Monitoring Actually Reported
November 20 - November 26, 2011	7	Influent Total Suspended Solids monitoring	3/week	2/week
November 20 - November 26, 2011	7	Effluent Total Suspended Solids monitoring	3/week	2/week
November 1 - November 30, 2011	30	Total Nitrogen monitoring	2/month	1/month
November 1 - November 30, 2011	30	Total Phosphorus monitoring	2/month	1/month
December 1 - December 31, 2011	31	Total Nitrogen monitoring	2/month	0/month
December 1 - December 31, 2011	31	Total Phosphorus monitoring	2/month	0/month
October 1 - December 31, 2011	92	Quarterly Influent Total Nitrogen mg/L monitoring	1/quarter	0/quarter
October 1 - December 31, 2011	92	Quarterly Effluent Total Nitrogen mg/L monitoring	1/quarter	0/quarter
October 1 - December 31, 2011	92	Quarterly Influent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
October 1 - December 31, 2011	92	Quarterly Effluent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
October 1 - December 31, 2011	92	Quarterly Total Nitrogen % removal monitoring	1/quarter	0/quarter
October 1 - December 31, 2011	92	Quarterly Total Phosphorus % removal monitoring	1/quarter	0/quarter
October 1 - December 31, 2011	92	Quarterly Effluent Total Nitrogen lb/day monitoring	1/quarter	0/quarter
October 1 - December 31, 2011	92	Quarterly Effluent Total Phosphorus lb/day monitoring	1/quarter	0/quarter
January 29 - February 4, 2012	7	Influent Total Suspended Solids monitoring	3/week	2/week
January 29 - February 4, 2012	7	Effluent Total Suspended Solids monitoring	3/week	2/week
January 29 - February 4, 2012	7	Effluent <i>E. coli</i> monitoring	5/week	3/week
February 19 - February 25, 2012	7	Influent Total Suspended Solids monitoring	3/week	2/week
February 19 - February 25, 2012	7	Effluent Total Suspended Solids monitoring	3/week	2/week
February 19 - February 25, 2012	7	Effluent Dissolved Oxygen monitoring	5/week	4/week
March 18 - March 24, 2012	7	Influent Total Suspended Solids monitoring	3/week	2/week
March 18 - March 24, 2012	7	Effluent Total Suspended Solids monitoring	3/week	2/week
March 25 - March 31, 2012	7	Effluent Chlorine monitoring	5/week	1/week
March 1 - March 31, 2012	31	Total Nitrogen monitoring	2/month	0/month
March 1 - March 31, 2012	31	Total Phosphorus monitoring	2/month	0/month
January 1 - March 31, 2012	91	Quarterly Influent Total Nitrogen mg/L monitoring	1/quarter	0/quarter
January 1 - March 31, 2012	91	Quarterly Effluent Total Nitrogen mg/L monitoring	1/quarter	0/quarter

Date of Violations	Number of Violations	Parameter Violated	Monitoring Required by Permit	Monitoring Actually Reported
January 1 - March 31, 2012	91	Quarterly Influent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
January 1 - March 31, 2012	91	Quarterly Effluent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
January 1 - March 31, 2012	91	Quarterly Total Nitrogen % removal monitoring	1/quarter	0/quarter
January 1 - March 31, 2012	91	Quarterly Total Phosphorus % removal monitoring	1/quarter	0/quarter
January 1 - March 31, 2012	91	Quarterly Effluent Total Nitrogen lb/day monitoring	1/quarter	0/quarter
January 1 - March 31, 2012	91	Quarterly Effluent Total Phosphorus lb/day monitoring	1/quarter	0/quarter
April 8 - April 14, 2012	7	Influent Total Suspended Solids monitoring	3/week	2/week
April 8 - April 14, 2012	7	Effluent Total Suspended Solids monitoring	3/week	2/week
April 8 - April 14, 2012	7	Effluent Dissolved Oxygen monitoring	5/week	4/week
May 1 - May 31, 2012	31	Insoluble Total Kjeldahl Nitrogen monitoring	2/month	0/month
May 1 - May 31, 2012	31	Insoluble Phosphorus monitoring	2/month	0/month
June 17 - June 23, 2012	7	Influent Total Suspended Solids monitoring	3/week	2/week
June 17 - June 23, 2012	7	Effluent Total Suspended Solids monitoring	3/week	2/week
June 1 - June 30, 2012	30	Insoluble Total Kjeldahl Nitrogen monitoring	2/month	0/month
June 1 - June 30, 2012	30	Insoluble Phosphorus monitoring	2/month	0/month
April 1 - June 30, 2012	91	Quarterly Influent Total Nitrogen mg/L monitoring	1/quarter	0/quarter
April 1 - June 30, 2012	91	Quarterly Effluent Total Nitrogen mg/L monitoring	1/quarter	0/quarter
April 1 - June 30, 2012	91	Quarterly Influent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
April 1 - June 30, 2012	91	Quarterly Effluent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
April 1 - June 30, 2012	91	Quarterly Total Nitrogen % removal monitoring	1/quarter	0/quarter
April 1 - June 30, 2012	91	Quarterly Total Phosphorus % removal monitoring	1/quarter	0/quarter
April 1 - June 30, 2012	91	Quarterly Effluent Total Nitrogen lb/day monitoring	1/quarter	0/quarter
April 1 - June 30, 2012	91	Quarterly Effluent Total Phosphorus lb/day monitoring	1/quarter	0/quarter
July 1 - July 7, 2012	7	Effluent <i>E. coli</i> monitoring	5/week	4/week
July 1 - July 31, 2012	31	Insoluble Total Kjeldahl Nitrogen monitoring	2/month	0/month
July 1 - July 31, 2012	31	Insoluble Phosphorus monitoring	2/month	0/month
August 19 - August 25, 2012	7	Effluent <i>E. coli</i> monitoring	5/week	4/week

Date of Violations	Number of Violations	Parameter Violated	Monitoring Required by Permit	Monitoring Actually Reported
August 1 - August 31, 2012	31	Insoluble Total Kjeldahl Nitrogen monitoring	2/month	0/month
August 1 - August 31, 2012	31	Insoluble Phosphorus monitoring	2/month	0/month
August 26 - September 1, 2012	7	Effluent Chlorine monitoring	5/week	4/week
September 2 - September 8, 2012	7	Effluent Total Suspended Solids monitoring	3/week	2/week
September 16 - September 22, 2012	7	Influent Total Suspended Solids monitoring	3/week	2/week
September 1 - September 30, 2012	30	Insoluble Total Kjeldahl Nitrogen monitoring	2/month	0/month
September 1 - September 30, 2012	30	Insoluble Phosphorus monitoring	2/month	0/month
July 1 - September 30, 2012	92	Quarterly Influent Total Nitrogen mg/L monitoring	1/quarter	0/quarter
July 1 - September 30, 2012	92	Quarterly Effluent Total Nitrogen mg/L monitoring	1/quarter	0/quarter
July 1 - September 30, 2012	92	Quarterly Influent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
July 1 - September 30, 2012	92	Quarterly Effluent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
July 1 - September 30, 2012	92	Quarterly Total Nitrogen % removal monitoring	1/quarter	0/quarter
July 1 - September 30, 2012	92	Quarterly Total Phosphorus % removal monitoring	1/quarter	0/quarter
July 1 - September 30, 2012	92	Quarterly Effluent Total Nitrogen lb/day monitoring	1/quarter	0/quarter
July 1 - September 30, 2012	92	Quarterly Effluent Total Phosphorus lb/day monitoring	1/quarter	0/quarter
September 30 - October 6, 2012	7	Effluent <i>E. coli</i> monitoring	5/week	3/week
October 1 - October 31, 2012	31	Insoluble Total Kjeldahl Nitrogen monitoring	2/month	0/month
October 1 - October 31, 2012	31	Insoluble Phosphorus monitoring	2/month	0/month
October 28 - November 3, 2012	7	Influent Total Suspended Solids monitoring	3/week	2/week
October 28 - November 3, 2012	7	Effluent Total Suspended Solids monitoring	3/week	2/week
December 23 - December 29, 2012	7	Effluent Settleable Solids monitoring	5/week	4/week
December 23 - December 29, 2012	7	Effluent Dissolved Oxygen monitoring	5/week	4/week
December 23 - December 29, 2012	7	Effluent pH monitoring	5/week	4/week
December 23 - December 29, 2012	7	Effluent Chlorine monitoring	5/week	4/week
December 23 - December 29, 2012	7	Effluent <i>E. coli</i> monitoring	5/week	4/week
October 1 - December 31, 2012	92	Quarterly Influent Total Nitrogen mg/L monitoring	1/quarter	0/quarter
October 1 - December 31, 2012	92	Quarterly Effluent Total Nitrogen mg/L monitoring	1/quarter	0/quarter

Date of Violations	Number of Violations	Parameter Violated	Monitoring Required by Permit	Monitoring Actually Reported
October 1 - December 31, 2012	92	Quarterly Influent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
October 1 - December 31, 2012	92	Quarterly Effluent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
October 1 - December 31, 2012	92	Quarterly Total Nitrogen % removal monitoring	1/quarter	0/quarter
October 1 - December 31, 2012	92	Quarterly Total Phosphorus % removal monitoring	1/quarter	0/quarter
October 1 - December 31, 2012	92	Quarterly Effluent Total Nitrogen lb/day monitoring	1/quarter	0/quarter
October 1 - December 31, 2012	92	Quarterly Effluent Total Phosphorus lb/day monitoring	1/quarter	0/quarter
January 1 - January 31, 2013	31	Total Phosphorus phosphorus monitoring	2/month	1/month
January 27 - February 2, 2013	7	Effluent Settleable Solids monitoring	5/week	4/week
February 17 - February 23, 2013	7	Effluent Settleable Solids monitoring	5/week	4/week
February 17 - February 23, 2013	7	Effluent Chlorine monitoring	5/week	4/week
February 1 - February 28, 2013	28	Total Nitrogen monitoring	2/month	0/month
February 1 - February 28, 2013	28	Total Phosphorus monitoring	2/month	0/month
March 3 - March 9, 2013	7	Effluent <i>E. coli</i> monitoring	5/week	4/week
March 10 - March 16, 2013	7	Effluent Settleable Solids monitoring	5/week	4/week
March 1 - March 31, 2013	31	Total Nitrogen monitoring	2/month	0/month
March 1 - March 31, 2013	31	Total Phosphorus monitoring	2/month	0/month
January 1 - March 31, 2013	90	Quarterly Influent Total Nitrogen mg/L monitoring	1/quarter	0/quarter
January 1 - March 31, 2013	90	Quarterly Effluent Total Nitrogen mg/L monitoring	1/quarter	0/quarter
January 1 - March 31, 2013	90	Quarterly Influent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
January 1 - March 31, 2013	90	Quarterly Effluent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
January 1 - March 31, 2013	90	Quarterly Total Nitrogen % removal monitoring	1/quarter	0/quarter
January 1 - March 31, 2013	90	Quarterly Total Phosphorus % removal monitoring	1/quarter	0/quarter
January 1 - March 31, 2013	90	Quarterly Effluent Total Nitrogen lb/day monitoring	1/quarter	0/quarter
January 1 - March 31, 2013	90	Quarterly Effluent Total Phosphorus lb/day monitoring	1/quarter	0/quarter
April 1 – April 30, 2013	30	Total Nitrogen monitoring	2/month	0/month ³¹
April 1 – April 30, 2013	30	Total Phosphorus monitoring	2/month	0/month ³²
May 12 - May 18, 2013	7	Effluent <i>E. coli</i> monitoring	5/week	3/week
May 19 - May 25, 2013	7	Effluent <i>E. coli</i> monitoring	5/week	4/week

³¹ Unavailable/missing pages.

³² Unavailable/missing pages.

Date of Violations	Number of Violations	Parameter Violated	Monitoring Required by Permit	Monitoring Actually Reported
May 1 - May 31, 2013	31	Total Nitrogen monitoring	2/month	0/month
May 1 - May 31, 2013	31	Total Phosphorus monitoring	2/month	0/month
May 1 - May 31, 2013	31	Insoluble Total Kjeldahl Nitrogen monitoring	2/month	0/month
May 1 - May 31, 2013	31	Insoluble Phosphorus monitoring	2/month	0/month
June 1 - June 30, 2013	30	Total Nitrogen monitoring	2/month	0/month
June 1 - June 30, 2013	30	Total Phosphorus monitoring	2/month	0/month
June 1 - June 30, 2013	30	Insoluble Total Kjeldahl Nitrogen monitoring	2/month	0/month
June 1 - June 30, 2013	30	Insoluble Phosphorus monitoring	2/month	0/month
April 1 - June 30, 2013	91	Quarterly Influent Total Nitrogen mg/L monitoring	1/quarter	0/quarter
April 1 - June 30, 2013	91	Quarterly Effluent Total Nitrogen mg/L monitoring	1/quarter	0/quarter
April 1 - June 30, 2013	91	Quarterly Influent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
April 1 - June 30, 2013	91	Quarterly Effluent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
April 1 - June 30, 2013	91	Quarterly Total Nitrogen % removal monitoring	1/quarter	0/quarter
April 1 - June 30, 2013	91	Quarterly Total Phosphorus % removal monitoring	1/quarter	0/quarter
April 1 - June 30, 2013	91	Quarterly Effluent Total Nitrogen lb/day monitoring	1/quarter	0/quarter
April 1 - June 30, 2013	91	Quarterly Effluent Total Phosphorus lb/day monitoring	1/quarter	0/quarter
July 1 - July 31, 2013	31	Total Nitrogen monitoring	2/month	0/month
July 1 - July 31, 2013	31	Total Phosphorus monitoring	2/month	0/month
July 1 - July 31, 2013	31	Insoluble Total Kjeldahl Nitrogen monitoring	2/month	0/month
July 1 - July 31, 2013	31	Insoluble Phosphorus monitoring	2/month	0/month
August 1 - August 31, 2013	31	Total Nitrogen monitoring	2/month	0/month
August 1 - August 31, 2013	31	Total Phosphorus monitoring	2/month	0/month
August 1 - August 31, 2013	31	Insoluble Total Kjeldahl Nitrogen monitoring	2/month	0/month
August 1 - August 31, 2013	31	Insoluble Phosphorus monitoring	2/month	0/month
September 1 - September 30, 2013	30	Total Nitrogen monitoring	2/month	0/month ³³
September 1 - September 30, 2013	30	Total Phosphorus monitoring	2/month	0/month ³⁴
September 1 - September 30, 2013	30	Insoluble Total Kjeldahl Nitrogen monitoring	2/month	0/month ³⁵

³³ Unavailable/missing pages.

³⁴ Unavailable/missing pages.

³⁵ Unavailable/missing pages.

Date of Violations	Number of Violations	Parameter Violated	Monitoring Required by Permit	Monitoring Actually Reported
September 1 - September 30, 2013	30	Insoluble Phosphorus monitoring	2/month	0/month ³⁶
July 1 - September 30, 2013	92	Quarterly Influent Total Nitrogen mg/L monitoring	1/quarter	0/quarter
July 1 - September 30, 2013	92	Quarterly Effluent Total Nitrogen mg/L monitoring	1/quarter	0/quarter
July 1 - September 30, 2013	92	Quarterly Influent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
July 1 - September 30, 2013	92	Quarterly Effluent Total Phosphorus mg/L monitoring	1/quarter	0/quarter
July 1 - September 30, 2013	92	Quarterly Total Nitrogen % removal monitoring	1/quarter	0/quarter
July 1 - September 30, 2013	92	Quarterly Total Phosphorus % removal monitoring	1/quarter	0/quarter
July 1 - September 30, 2013	92	Quarterly Effluent Total Nitrogen lb/day monitoring	1/quarter	0/quarter
July 1 - September 30, 2013	92	Quarterly Effluent Total Phosphorus lb/day monitoring	1/quarter	0/quarter
October 1 - October 31, 2013	31	Total Nitrogen monitoring	2/month	0/month
October 1 - October 31, 2013	31	Total Phosphorus monitoring	2/month	0/month
October 1 - October 31, 2013	31	Insoluble Total Kjeldahl Nitrogen monitoring	2/month	0/month
October 1 - October 31, 2013	31	Insoluble Phosphorus monitoring	2/month	0/month

iii. *Cartwright Creek violated narrative provisions of the permit and the duty to report non-compliance violations*

Cartwright Creek’s reports show narrative violations and the failure to report non-compliance. The column labeled “***Date of Violation***” indicates both the month during which a noncompliance report was required to be submitted alongside the DMR and the days Cartwright has been in violation for failing to comply with the NMP provisions of its permit; the “***Number of Days in Violations***” column quantifies the number of days in violation for each instance of noncompliance with the permit requirement; the “***Permit Requirement Violated***” column identifies the applicable permit section; and the “***Explanation of Reporting Violation***” column provides additional information on the alleged violation from Cartwright Creek’s MORs and DMRs. The duty to report non-compliance violations is only accounted for from December 2010 until the present, because of the three-year record retention requirement of the permit *See* Permit § 1.2.5 (2010).³⁷

This chart also includes violations related to Cartwright Creek’s duty to develop a Nutrient Management Plan (“NMP”) pursuant to the requirements of Permit § 3.5 and Attachment 1. These provisions required submission of the NMP within nine months of the permit’s effective date and submission of updates to the report each year by February 15. Based

³⁶ Unavailable/missing pages.

³⁷ The last DMRs and MORs available were October 2013.

on the materials reviewed by the Watershed Association, Cartwright Creek never fully developed or implemented a Nutrient Management Plan. On December 9, 2011, months *after* the NMP was originally due, Cartwright Creek requested an additional six months. Cartwright Creek STP wrote a letter to TDEC stating, “While Cartwright Creek has begun work on the NMP, present resources have delayed completion. The Company is hereby requesting that the date for submittal for the NMP be extended to May 31, 2012.”³⁸ In July 2013, Cartwright Creek informed TDEC that the NMP requirement re-included in the new draft permit was infeasible:

Cartwright Creek understands that the purpose of the Nutrient Management Plan is to establish a technical and managerial path by which the new treatment limits can be met. At the present time, Cartwright Creek does not have the ability to contract for the extensive engineering and technical evaluation required in Attachment 1 However, even if all the work described in Attachment 1 was completed, without a construction funding ability, the upgrades defined in a Nutrient Management Plan cannot be installed.³⁹

Each day that Cartwright Creek Sewage Treatment Plant has discharged wastewater into the Harpeth River since August 2011 (9 months after its permit was granted) and failed to make an annual report is a violation. The request for an extension was not the equivalent of an appeal and, having made the request after the deadline was already passed, did not absolve the duty to develop or implement a plan.

Dates of Violation	Number of Violations	Permit Requirement Violated	Additional Detail of Violation
December 2010	1	Overflow/Bypass Report	Bypass date unknown
December 2010	2	Duty to Report Noncompliance	Monthly Total Suspended Solids % removal average; bypass
January 2011	2	Duty to Report Noncompliance	Settleable solids monitoring (2 weeks)
February 2011	1	Duty to Report Noncompliance	Settleable solids monitoring (1 week)
March 2011	8	Duty to Report Noncompliance	Quarterly nutrient monitoring (8 violations)
April 2011	4	Duty to Report Noncompliance	<i>E. coli</i> monitoring (4 weeks)
May 2011	5	Duty to Report Noncompliance	Total Nitrogen & Total Phosphorus monitoring; Total Kjeldahl Nitrogen & Insoluble Phosphorus monitoring; Monthly Total Suspended Solids % removal average
June 2011	9	Duty to Report Noncompliance	Total Phosphorus monitoring; quarterly nutrient monitoring (8 violations)

³⁸ See (12/09/2011 Ltr. from Cartwright Creek to TDEC).

³⁹ (07/05/2013 Ltr. from Cartwright Creek to TDEC re: Comments on draft of NPDES Permit No. TN0027278).

Dates of Violation	Number of Violations	Permit Requirement Violated	Additional Detail of Violation
July 2011	5	Duty to Report Noncompliance	Chlorine monitoring (1 week); settleable solids monitoring (2 weeks); chlorine daily mg/L maximum; Monthly Total Suspended Solids % removal average
August 1 – August 31, 2011	31	Nutrient Management Plan submission requirement	
August 2011	6	Duty to Report Noncompliance	Dissolved Oxygen monitoring (1 week); pH monitoring (1 week); chlorine monitoring (1 week); Total Kjeldahl Nitrogen & Insoluble Phosphorus monitoring; Nutrient Management Plan submission requirement
September 1 – September 30, 2011	30	Nutrient Management Plan submission requirement	
September 2011	19	Duty to Report Noncompliance	Influent & Effluent CBOD monitoring (2 weeks each); settleable solids monitoring (1 week); Dissolved Oxygen monitoring (1 week); chlorine monitoring (1 week); Ammonia as Nitrogen monitoring (1 week); Total Kjeldahl Nitrogen & Insoluble Phosphorus monitoring; quarterly nutrient monitoring (8 violations); Nutrient Management Plan submission requirement
October 1 – October 31, 2011	31	Nutrient Management Plan submission requirement	
October 2011	13	Duty to Report Noncompliance	Influent & Effluent CBOD monitoring (1 week each); Influent & Effluent Total Suspended Solids monitoring (1 week each); Dissolved Oxygen monitoring (2 weeks); pH monitoring (2 weeks); chlorine monitoring (1 week); settleable solids monitoring (1 week); Total Kjeldahl Nitrogen & Insoluble Phosphorus monitoring; Nutrient Management Plan submission requirement
November 1 – November 30, 2011	30	Nutrient Management Plan submission requirement	
November 2011	10	Duty to Report Noncompliance	Ammonia as Nitrogen monitoring (1 week); Dissolved Oxygen monitoring (1 week); pH monitoring (1 week); chlorine monitoring (1 week); <i>E. coli</i> monitoring (1 week); Influent & Effluent Total Suspended Solids monitoring (1 week each); Total Nitrogen & Total Phosphorus monitoring; Nutrient Management Plan submission requirement
December 1 – December 31, 2011	31	Nutrient Management Plan submission requirement	
December 2011	13	Duty to Report Noncompliance	Monthly Total Suspended Solids % removal average; Total Nitrogen & Total Phosphorus monitoring; quarterly nutrient monitoring (8 violations); annual Total Nitrogen; Nutrient Management Plan submission requirement

Dates of Violation	Number of Violations	Permit Requirement Violated	Additional Detail of Violation
January 1 – January 31, 2012	31	Nutrient Management Plan submission requirement	
January 2012,	2	Duty to Report Noncompliance	Chlorine daily mg/L maximum; Nutrient Management Plan submission requirement
February 1 – February 29, 2012	29	Nutrient Management Plan submission requirement	
February 16 – February 29, 2012	14	Nutrient Management Plan annual update (2012)	
February 2012	9	Duty to Report Noncompliance	Influent & Effluent Total Suspended Solids monitoring (2 weeks each); <i>E. coli</i> monitoring (1 week); Dissolved Oxygen monitoring (1 week); Monthly Total Suspended Solids % removal average; Nutrient Management Plan submission requirement; Nutrient Management Plan annual update (2012)
March 1 – March 31, 2012	31	Nutrient Management Plan submission requirement	
March 1 – March 31, 2012	31	Nutrient Management Plan annual update (2012)	
March 2012	15	Duty to Report Noncompliance	Influent & Effluent Total Suspended Solids monitoring (1 week each); chlorine monitoring (1 week); Total Nitrogen & Total Phosphorus monitoring; quarterly nutrient monitoring (8 violations); Nutrient Management Plan submission requirement; Nutrient Management Plan annual update (2012)
April 1 – April 30, 2012	30	Nutrient Management Plan submission requirement	
April 1 – April 30, 2012	30	Nutrient Management Plan annual update (2012)	
April 2012	6	Duty to Report Noncompliance	Influent & Effluent Total Suspended Solids monitoring (1 week each); Dissolved Oxygen monitoring (1 week); chlorine daily mg/L maximum; Nutrient Management Plan submission requirement; Nutrient Management Plan annual update (2012)
May 1 – May 31 2012	31	Nutrient Management Plan submission requirement	
May 1 – May 31, 2012	31	Nutrient Management Plan annual update (2012)	

Dates of Violation	Number of Violations	Permit Requirement Violated	Additional Detail of Violation
May 2012	9	Duty to Report Noncompliance	Chlorine daily mg/L maximum; weekly Carbonaceous Biochemical Oxygen Demand lb/day average (2 weeks); monthly CBOD lb/day average; Monthly Total Nitrogen mg/L average; Total Kjeldahl Nitrogen & Insoluble Phosphorus monitoring; Nutrient Management Plan submission requirement; Nutrient Management Plan annual update (2012)
June 1 – June 30, 2012	30	Nutrient Management Plan submission requirement	
June 1 – June 30, 2012	30	Nutrient Management Plan annual update (2012)	
June 2012	17	Duty to Report Noncompliance	Weekly Carbonaceous Biochemical Oxygen Demand lb/day average (2 weeks); Monthly Total Nitrogen mg/L average; Influent & Effluent Total Suspended Solids monitoring (1 week each); Total Kjeldahl Nitrogen & Insoluble Phosphorus monitoring; quarterly nutrient monitoring (8 violations); Nutrient Management Plan submission requirement; Nutrient Management Plan annual update (2012)
July 1 – July 31, 2012	31	Nutrient Management Plan submission requirement	
July 1 – July 31, 2012	31	Nutrient Management Plan annual update (2012)	
July 2012	6	Duty to Report Noncompliance	Monthly Total Nitrogen mg/L average; <i>E. coli</i> monitoring (1 week); Total Kjeldahl Nitrogen & Insoluble Phosphorus monitoring; Nutrient Management Plan submission requirement; Nutrient Management Plan annual update (2012)
August 1 – August 31, 2012	31	Nutrient Management Plan submission requirement	
August 1 – August 31, 2012	31	Nutrient Management Plan annual update (2012)	
August 2012	6	Duty to Report Noncompliance	Monthly Total Nitrogen mg/L average; <i>E. coli</i> monitoring (1 week); Total Kjeldahl Nitrogen & Insoluble Phosphorus monitoring; Nutrient Management Plan submission requirement; Nutrient Management Plan annual update (2012)
September 1 – September 30, 2012	30	Nutrient Management Plan submission requirement	
September 1 – September 30 2012	30	Nutrient Management Plan annual update (2012)	

Dates of Violation	Number of Violations	Permit Requirement Violated	Additional Detail of Violation
September 2012	16	Duty to Report Noncompliance	Monthly Total Nitrogen mg/L average; Influent & Effluent Total Suspended Solids monitoring (1 week each); chlorine monitoring (1 week); Total Kjeldahl Nitrogen & Insoluble Phosphorus monitoring; quarterly nutrient monitoring (8 violations); Nutrient Management Plan submission requirement; Nutrient Management Plan annual update (2012)
October 1 – October 31, 2012	31	Nutrient Management Plan submission requirement	
October 1 – October 31, 2012	31	Nutrient Management Plan annual update (2012)	
October 2012	6	Duty to Report Noncompliance	Monthly Total Nitrogen mg/L average; <i>E. coli</i> monitoring (1 week); Total Kjeldahl Nitrogen & Insoluble Phosphorus monitoring; Nutrient Management Plan submission requirement; Nutrient Management Plan annual update (2012)
November 1 – November 30, 2012	30	Nutrient Management Plan submission requirement	
November 1 – November 30, 2012	30	Nutrient Management Plan annual update (2012)	
November 2012	4	Duty to Report Noncompliance	Influent & Effluent Total Suspended Solids monitoring (1 week each); Nutrient Management Plan submission requirement; Nutrient Management Plan annual update (2012)
December 1 – December 31, 2012	31	Nutrient Management Plan submission requirement	
December 1 – December 31, 2012	31	Nutrient Management Plan annual update (2012)	
December 2012	18	Duty to Report Noncompliance	Weekly Total Suspended Solids lb/day average (1 week); Monthly Total Suspended Solids % removal average; settleable solids monitoring (1 week); Dissolved Oxygen monitoring (1 week); pH monitoring (1 week); chlorine monitoring (1 week); <i>E. coli</i> monitoring (1 week); quarterly nutrient monitoring (8 violations); annual Total Nitrogen; Nutrient Management Plan submission requirement; Nutrient Management Plan annual update (2012)
January 1 – January 31, 2013	31	Nutrient Management Plan submission requirement	
January 1 – January 31, 2013	31	Nutrient Management Plan annual update (2012)	

Dates of Violation	Number of Violations	Permit Requirement Violated	Additional Detail of Violation
January 2013	6	Duty to Report Noncompliance	Daily Total Suspended Solids % removal minimum (2 days); Monthly Total Suspended Solids % removal average; Total P monitoring; Nutrient Management Plan submission requirement; Nutrient Management Plan annual update (2012)
February 1 – February 28, 2013	28	Nutrient Management Plan submission requirement	
February 1 – February 28, 2013	28	Nutrient Management Plan annual update (2012)	
February 16 – February 28, 2013	13	Nutrient Management Plan annual update (2013)	
February 2013	9	Duty to Report Noncompliance	Monthly Total Suspended Solids % removal average; settleable solids monitoring (2 weeks); chlorine monitoring (1 week); Total Nitrogen & Total Phosphorus monitoring; Nutrient Management Plan submission requirement; Nutrient Management Plan annual update (2012 & 2013)
March 1 – March 31, 2013	31	Nutrient Management Plan submission requirement	
March 1 – March 31, 2013	31	Nutrient Management Plan annual update (2012)	
March 1 – March 31, 2013	31	Nutrient Management Plan annual update (2013)	
March 2013	1	Overflow/Bypass Report	Dry weather overflow date unknown
March 2013	16	Duty to Report Noncompliance	Monthly Total Suspended Solids % removal average; <i>E. coli</i> monitoring (1 week); settleable solids monitoring (1 week); Total Nitrogen & Total Phosphorus monitoring; quarterly nutrient monitoring (8 violations); Nutrient Management Plan submission requirement; Nutrient Management Plan annual update (2012 & 2013)
April 1 – April 30, 2013	30	Nutrient Management Plan submission requirement	
April 1 – April 30, 2013	30	Nutrient Management Plan annual update (2012)	
April 1 – April 30, 2013	30	Nutrient Management Plan annual update (2013)	
April 2013	5	Duty to Report Noncompliance	Total Nitrogen & Total Phosphorus monitoring; Nutrient Management Plan submission requirement; Nutrient Management Plan annual update (2012 & 2013)
May 1- May 31 2013	31	Nutrient Management Plan submission requirement	

Dates of Violation	Number of Violations	Permit Requirement Violated	Additional Detail of Violation
May 1- May 31, 2013	31	Nutrient Management Plan annual update (2012)	
May 1- May 31, 2013	31	Nutrient Management Plan annual update (2013)	
May 2013	1	Overflow/Bypass Report	Dry weather bypass; DMR notes algae in effluent on May 14 with no additional detail
May 2013	10	Duty to Report Noncompliance	Daily Total Suspended Solids % removal (1 day); <i>E. coli</i> monitoring (2 weeks); Total Nitrogen & Total Phosphorus monitoring; Total Kjeldahl Nitrogen & Insoluble Phosphorus monitoring; Nutrient Management Plan submission requirement (8 violations); Nutrient Management Plan annual update (2012 & 2013)
June 1 – June 30, 2013	30	Nutrient Management Plan submission requirement	
June 1 – June 30, 2013	30	Nutrient Management Plan annual update (2012)	
June 1 – June 30, 2013	30	Nutrient Management Plan annual update (2013)	
June 2013	15	Duty to Report Noncompliance	Total Nitrogen & Total Phosphorus monitoring; Total Kjeldahl Nitrogen & Insoluble Phosphorus monitoring; quarterly nutrient monitoring (8 violations); Nutrient Management Plan submission requirement; Nutrient Management Plan annual update (2012 & 2013)
July 1 – July 31, 2013	31	Nutrient Management Plan submission requirement	
July 1 – July 31, 2013	31	Nutrient Management Plan annual update (2012)	
July 1 – July 31, 2013	31	Nutrient Management Plan annual update (2013)	
July 2013	7	Duty to Report Noncompliance	Total Nitrogen & Total Phosphorus monitoring; Total Kjeldahl Nitrogen & Insoluble Phosphorus monitoring; Nutrient Management Plan submission requirement; Nutrient Management Plan annual update (2012 & 2013)
August 1 – August 31, 2013	31	Nutrient Management Plan submission requirement	
August 1 – August 31, 2013	31	Nutrient Management Plan annual update (2012)	
August 1 – August 31, 2013	31	Nutrient Management Plan annual update (2013)	

Dates of Violation	Number of Violations	Permit Requirement Violated	Additional Detail of Violation
August 2013	7	Duty to Report Noncompliance	Total Nitrogen & Total Phosphorus monitoring; Total Kjeldahl Nitrogen & Insoluble Phosphorus monitoring; Nutrient Management Plan submission requirement; Nutrient Management Plan annual update (2012 & 2013)
September 1 – September 30, 2013	30	Nutrient Management Plan submission requirement	
September 1 – September 30, 2013	30	Nutrient Management Plan annual update (2012)	
September 1 – September 30, 2013	30	Nutrient Management Plan annual update (2013)	
September 2013	8	Duty to Report Noncompliance	D.O. mg/L daily min.; Total Nitrogen & Total Phosphorus monitoring; Total Kjeldahl Nitrogen & Insoluble Phosphorus monitoring; Nutrient Management Plan submission requirement; Nutrient Management Plan annual update (2012 & 2013);
October 1 – October 31, 2013	31	Nutrient Management Plan submission requirement	
October 1 – October 31, 2013	31	Nutrient Management Plan annual update (2012)	
October 1 – October 31, 2013	31	Nutrient Management Plan annual update (2013)	
October 2013	7	Duty to Report Noncompliance	Total Nitrogen & Total Phosphorus monitoring; Total Kjeldahl Nitrogen & Insoluble Phosphorus monitoring; Nutrient Management Plan submission requirement; Nutrient Management Plan annual update (2012 & 2013)

iv. *Cartwright Creek’s reporting violations.*

Cartwright Creek violated the reporting requirements contained in its permit. The “*Month of Reporting Violation*” column indicates the DMR that contained the reporting violation; the “*Number of Violations*” column states how many violations stem from the DMR’s report; the “*Reporting Parameter Violated*” column identifies what should have been reported; and the “*Explanation of Reporting Violation*” column provides a brief description of how the information reported on the DMR violates the reporting obligations of the permit. The reporting violations in this chart stem from DMR entries left blank, the incorrect entry of monitoring data, the failure to properly report an excursion, and reporting the failure to monitor a parameter as an effluent discharge measurement of “0.0.”⁴⁰

⁴⁰ The last DMRs and MORs available were October 2013.

Month of Reporting Violation	Number of Violations	Reporting Parameter Violated	Explanation of Reporting Violation
January 2009	2	Total Suspended Solids Effluent reporting	Total Suspended Solids weekly lb/day and mg/L averages DMR entries left blank
January 2009	1	Total Suspended Solids % removal reporting	Total Suspended Solids % removal daily minimum entry on DMR lists Total Suspended Solids % removal monthly average
January 2009	1	Carbonaceous Biochemical Oxygen Demand % removal reporting	Carbonaceous Biochemical Oxygen Demand % removal daily minimum entry on DMR lists Carbonaceous Biochemical Oxygen Demand % removal monthly average
February 2009	2	Total Suspended Solids Effluent reporting	Total Suspended Solids weekly lb/day and mg/L averages DMR entries left blank
February 2009	1	Chlorine Residual reporting	Chlorine daily mg/L maximum DMR entry left blank
February 2009	1	Total Suspended Solids % removal reporting	Total Suspended Solids % removal daily minimum entry on DMR lists Total Suspended Solids % removal monthly average
February 2009	1	Carbonaceous Biochemical Oxygen Demand % removal reporting	Carbonaceous Biochemical Oxygen Demand % removal daily minimum entry on DMR lists Carbonaceous Biochemical Oxygen Demand % removal monthly average
March 2009	1	Total Suspended Solids % removal reporting	Total Suspended Solids % removal daily minimum entry on DMR lists Total Suspended Solids % removal monthly average
March 2009	1	Carbonaceous Biochemical Oxygen Demand % removal reporting	Carbonaceous Biochemical Oxygen Demand % removal daily minimum entry on DMR lists Carbonaceous Biochemical Oxygen Demand % removal monthly average
May 2009	1	Total Suspended Solids Effluent reporting	Total Suspended Solids weekly lb/day average DMR entry lists 14.71; MOR indicates an entry of 34.3
July 2009	1	Total Suspended Solids % removal reporting	Total Suspended Solids % removal daily minimum entry on DMR lists Total Suspended Solids % removal daily maximum
July 2009	1	Carbonaceous Biochemical Oxygen Demand % removal reporting	Carbonaceous Biochemical Oxygen Demand % removal daily minimum entry on DMR lists Carbonaceous Biochemical Oxygen Demand % removal daily maximum
September 2009	1	Total Suspended Solids % removal reporting	Total Suspended Solids % removal monthly average DMR entry lists 86.5%; MOR indicates an entry of 84.3%
September 2009	1	Total Suspended Solids Effluent reporting	Total Suspended Solids weekly lb/day average DMR entry lists 17.00; MOR indicates an entry of 56.8
September 2009	1	Total Suspended Solids Effluent reporting	Total Suspended Solids weekly mg/L average DMR entry lists 80.3; MOR indicates an entry of 17.2
September 2009	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand monthly lb/day average of 12 violates permit limit, excursion not indicated on DMR

Month of Reporting Violation	Number of Violations	Reporting Parameter Violated	Explanation of Reporting Violation
October 2009	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand weekly lb/day average of 16.1 violates permit limit, excursion not indicated on DMR
October 2009	1	Total Suspended Solids Effluent reporting	Total Suspended Solids weekly mg/L average DMR entry lists 80.3; MOR indicates an entry of 15.3
October 2009	1	Total Suspended Solids Effluent reporting	Total Suspended Solids weekly lb/day average DMR entry lists 74.80; MOR indicates an entry of 88.0
December 2009	1	Total Suspended Solids Effluent reporting	Total Suspended Solids weekly mg/L average DMR entry lists 80.3; MOR indicates an entry of 6.3
December 2009	1	Total Suspended Solids Effluent reporting	Total Suspended Solids weekly lb/day average DMR entry lists 17.00; MOR indicates an entry of 26.3
January 2010	1	Total Suspended Solids Effluent reporting	Total Suspended Solids weekly lb/day average DMR entry lists 6.29; MOR indicates an entry of 62.9
February 2010	5	Chlorine Residual reporting	Chlorine daily mg/L maximum DMR entry lists 15 excursions; MOR indicates 20 excursions
March 2010	1	Total Suspended Solids Effluent reporting	Total Suspended Solids weekly mg/L average DMR entry lists 80.3; MOR indicates an entry of 13.2
May 2010	1	Total Suspended Solids Effluent reporting	Total Suspended Solids weekly mg/L average DMR entry lists 80.3; MOR indicates an entry of 9.1
May 2010	1	Total Suspended Solids Effluent reporting	Total Suspended Solids weekly lb/day average DMR entry lists 17.00; MOR indicates an entry of 35.3
May 2010	1	Overflow reporting	DMR and MOR indicate zero overflows or bypasses
June 2010	1	Total Suspended Solids Effluent reporting	Total Suspended Solids weekly mg/L average DMR entry lists 7.9; MOR indicates an entry of 5.9
June 2010	1	Total Suspended Solids Effluent reporting	Total Suspended Solids weekly lb/day average DMR entry lists 23.09; MOR indicates an entry of 17.4
January 2011	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand monthly lb/day average DMR entry lists total (121.2) instead of monthly average (10.1)
March 2011	2	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand weekly lb/day and mg/L averages DMR entries left blank
April 2011	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand monthly lb/day average DMR entry lists total (95.2) instead of monthly average (7.9)
May 2011	1	Total Suspended Solids % removal reporting	Total Suspended Solids monthly average % removal of 82.1% violates permit limit, excursion not indicated on DMR

Month of Reporting Violation	Number of Violations	Reporting Parameter Violated	Explanation of Reporting Violation
May 2011	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand monthly lb/day average DMR entry lists total (119.8) instead of monthly average (8.6)
July 2011	1	Chlorine Residual reporting	Chlorine daily mg/L of .41 violates permit limit, excursion not indicated on DMR
September 2011	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand monthly lb/day average DMR entry lists total (75.1) instead of monthly average (6.8)
September 2011	4	Total Suspended Solids Effluent reporting	TSS DMR entries has data mixed and entered in wrong columns
October 2011	1	Ammonia as Nitrogen effluent reporting	Ammonia as Nitrogen weekly mg/L average DMR entry lists 0.2 ; MOR indicates an entry of 0.06
October 2011	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand monthly lb/day average DMR entry lists total (67.5) instead of monthly average (5.6)
November 2011	1	Ammonia as Nitrogen effluent reporting	Ammonia as Nitrogen weekly mg/L average DMR entry lists 0 ; MOR indicates an entry of 0.41
November 2011	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand monthly lb/day average DMR entry lists total (159.3) instead of monthly average (11.4)
December 2011	1	Ammonia as Nitrogen effluent reporting	Ammonia as Nitrogen weekly mg/L average DMR entry lists 0 ; MOR indicates an entry of 0.06
January 2012	1	Total Suspended Solids Effluent reporting	Total Suspended Solids weekly mg/L average DMR entry lists 16.3 ; MOR indicates an entry of 10.0
February 2012	1	Total Suspended Solids % removal reporting	Total Suspended Solids monthly average % removal of 81.6% violates permit limit, excursion not indicated on DMR
February 2012	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand monthly lb/day average DMR entry lists total (147.8) instead of monthly average (11.4)
February 2012	1	Ammonia as Nitrogen effluent reporting	Ammonia as Nitrogen weekly mg/L average DMR entry lists .743 (applies for subseq. month); MOR indicates an entry of 0.54
March 2012	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand monthly lb/day average DMR entry lists total (160.4) instead of monthly average (12.3)
April 2012	1	Chlorine Residual reporting	Chlorine daily mg/L of 9.00 violates permit limit, excursion not indicated on DMR
April 2012	1	Ammonia as Nitrogen effluent reporting	Ammonia as Nitrogen weekly mg/L average DMR entry lists .743; MOR indicates an entry of 0.05
April 2012	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand monthly lb/day average DMR entry lists total (107.1) instead of monthly average (9.7)
May 2012	1	Chlorine Residual reporting	Chlorine daily mg/L of .60 violates permit limit, excursion not indicated on DMR

Month of Reporting Violation	Number of Violations	Reporting Parameter Violated	Explanation of Reporting Violation
May 2012	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Two Carbonaceous Biochemical Oxygen Demand weekly mg/L average limits and monthly mg/L average violated, but only one excursion listed
May 2012	1	Ammonia as Nitrogen effluent reporting	Ammonia as Nitrogen weekly mg/L average DMR entry lists .743; MOR indicates an entry of 0.2
July 2012	1	Total Nitrogen reporting	Total Nitrogen monthly mg/L average of 1.92 violates permit limit, excursion not indicated on DMR
July 2012	1	Ammonia as Nitrogen effluent reporting	Ammonia as Nitrogen weekly mg/L average DMR entry lists 2.69; MOR indicates an entry of 1.19
August 2012	1	Total Nitrogen reporting	Total Nitrogen monthly mg/L average of 4.5 violates permit limit, excursion not indicated on DMR
August 2012	1	Ammonia as Nitrogen effluent reporting	NH3 daily mg/L maximum DMR entry lists 1.6; MOR indicates four days with higher values
August 2012	1	Ammonia as Nitrogen effluent reporting	Ammonia as Nitrogen weekly mg/L average DMR entry lists 2.69; MOR indicates an entry of 0.88
August 2012	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand weekly mg/L average DMR entry lists 5.1; MOR indicates an entry of 2.4
September 2012	1	Total Nitrogen reporting	Total Nitrogen monthly mg/L average of 4.6 violates permit limit, excursion not indicated on DMR
September 2012	1	Total Suspended Solids Effluent reporting	Total Suspended Solids weekly lb/day average DMR entry lists 39.26; MOR indicates an entry of 26.1
September 2012	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand monthly lb/day average DMR entry lists total (101.2) instead of monthly average (8.4)
October 2012	1	Total Nitrogen reporting	Total Nitrogen monthly mg/L average of 5.6 violates permit limit, excursion not indicated on DMR
October 2012	1	Ammonia as Nitrogen effluent reporting	Ammonia as Nitrogen weekly mg/L average DMR entry lists 0.88; MOR indicates an entry of 1.10
October 2012	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand monthly lb/day average DMR entry lists total (133.0) instead of monthly average (8.9)
November 2012	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand monthly lb/day average DMR entry lists total (75.1) instead of monthly average (6.3)
December 2012	1	Total Suspended Solids % removal reporting	Total Suspended Solids monthly average % removal of 84.7% violates permit limit, excursion not indicated on DMR
January 2013	1	Total Suspended Solids % removal reporting	Two TSS minimum % removal limits and monthly % removal average violated, but only one excursion listed

Month of Reporting Violation	Number of Violations	Reporting Parameter Violated	Explanation of Reporting Violation
January 2013	1	Total Suspended Solids % removal reporting	Total Suspended Solids % removal minimum DMR entry lists 15.0%; MOR indicates an entry of 10.0%
February 2013	1	Total Suspended Solids % removal reporting	Total Suspended Solids monthly average % removal of 84.0% violates permit limit, excursion not indicated on DMR
April 2013	1	Overflow reporting	Overflow noted in noncompliance report, but not listed on DMR
May 2013	3	Total Nitrogen reporting	Failure to monitor reported as 0.0
May 2013	3	Total Phosphorus reporting	Failure to monitor reported as 0.0
May 2013	1	Insoluble TKN reporting	Failure to monitor reported as 0.00 ⁴¹
May 2013	1	Insoluble Phosphorus reporting	Failure to monitor reported as 0.00 ⁴²
May 2013	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand monthly lb/day average DMR entry lists total (121.5) instead of monthly average (8.7)
May 2013	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand weekly lb/day average DMR entry lists 31; MOR indicates an entry of 12.0
May 2013	1	Ammonia as Nitrogen effluent reporting	Ammonia as Nitrogen weekly mg/L average DMR entry lists 1; MOR indicates an entry of 0.80
June 2013	3	Total Nitrogen reporting	Failure to monitor reported as 0.0
June 2013	3	Total Phosphorus reporting	Failure to monitor reported as 0.0
June 2013	1	Insoluble TKN reporting	Failure to monitor reported as 0.00
June 2013	1	Insoluble Phosphorus reporting	Failure to monitor reported as 0.00
June 2013	1	Total Suspended Solids Effluent reporting	Total Suspended Solids weekly lb/day average DMR entry lists 40.67; MOR indicates an entry of 45.7
June 2013	1	Ammonia as Nitrogen effluent reporting	Ammonia as Nitrogen weekly mg/L average DMR entry lists 0; MOR indicates an entry of 0.42
June 2013	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand monthly lb/day average DMR entry lists total (75.4) instead of monthly average (6.3)
July 2013	1	Total Nitrogen reporting	Failure to monitor reported as 0.0
July 2013	1	Total Phosphorus reporting	Failure to monitor reported as 0.0
July 2013	1	Insoluble TKN reporting	Failure to monitor reported as 0.00
July 2013	1	Insoluble Phosphorus reporting	Failure to monitor reported as 0.00
July 2013	1	Ammonia as Nitrogen effluent reporting	Ammonia as Nitrogen weekly lb/day average DMR entry lists 0.529; MOR indicates an entry of 1.13

⁴¹ For this and similar allegations in this chart, there are “0.00” measurements marked on the MOR but no reported monitoring for Total Nitrogen.

⁴² For this and similar allegations in this chart, there are “0.00” measurements marked on the MOR but no reported monitoring for Total Phosphorus.

Month of Reporting Violation	Number of Violations	Reporting Parameter Violated	Explanation of Reporting Violation
July 2013	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand monthly lb/day average DMR entry lists total (108.6) instead of monthly average (7.2)
August 2013	1	Total Nitrogen reporting	Total N daily mg/L, monthly mg/L, & monthly lb/day reported as 0.0 on DMR
August 2013	1	Total Phosphorus reporting	Total P daily mg/L, monthly mg/L, & monthly lb/day reported as 0.0
August 2013	1	Insoluble TKN reporting	Insoluble TKN monthly mg/L reported as 0.00
August 2013	1	Insoluble Phosphorus reporting	Insoluble Phosphorus monthly mg/L reported as 0.00
August 2013	1	Total Suspended Solids Effluent reporting	Total Suspended Solids weekly lb/day average DMR entry lists 40.49; MOR indicates an entry of 44.7
August 2013	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand monthly lb/day average DMR entry lists total (93.6) instead of monthly average (7.8)
September 2013	1	D.O. Effluent reporting	D.O. daily mg/L of 5.9 violates permit limit, excursion not indicated on DMR
September 2013	3	Total Nitrogen reporting	Total N daily mg/L, monthly mg/L, & monthly lb/day not reported on DMR
September 2013	3	Total Phosphorus reporting	Total P daily mg/L, monthly mg/L, & monthly lb/day not reported on DMR
September 2013	1	Insoluble TKN reporting	Insoluble TKN monthly mg/L not reported on DMR
September 2013	1	Insoluble Phosphorus reporting	Insoluble Phosphorus monthly mg/L not reported on DMR
September 2013	1	E-Coli reporting	E-Coli daily maximum not reported on DMR
October 2013	1	Total Suspended Solids Effluent reporting	Total Suspended Solids weekly lb/day average DMR entry lists 47.3; MOR indicates an entry of 62.3
October 2013	1	Total Suspended Solids Effluent reporting	Total Suspended Solids weekly mg/L average DMR entry lists 15.0; MOR indicates an entry of 17.7
October 2013	1	Ammonia as Nitrogen effluent reporting	Ammonia as Nitrogen weekly lb/day average DMR entry lists 19.43; MOR indicates an entry of 2.53
October 2013	1	Ammonia as Nitrogen effluent reporting	Ammonia as Nitrogen weekly mg/L average DMR entry lists 5; MOR indicates an entry of .66
October 2013	3	Total Nitrogen reporting	Total N daily mg/L, monthly mg/L, & monthly lb/day reported as 0.0 on DMR
October 2013	3	Total Phosphorus reporting	Total P daily mg/L, monthly mg/L, & monthly lb/day reported as 0.0
October 2013	1	Insoluble TKN reporting	Insoluble TKN monthly mg/L reported as 0.00
October 2013	1	Insoluble Phosphorus reporting	Insoluble Phosphorus monthly mg/L reported as 0.00

Month of Reporting Violation	Number of Violations	Reporting Parameter Violated	Explanation of Reporting Violation
October 2013	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand monthly lb/day average DMR entry lists total (114.5) instead of monthly average (7.6)
October 2013	1	Carbonaceous Biochemical Oxygen Demand effluent reporting	Carbonaceous Biochemical Oxygen Demand weekly lb/day average DMR entry lists 8.57; MOR indicates entry of 9.1

Other violations have also occurred: Cartwright Creek has submitted its DMRs late, a violation of Permit § 1.3.1;⁴³ overflows may not always have been reported.⁴⁴

C. TDEC observed additional violations at the Cartwright Creek Sewage Treatment Plant and found evidence of questionable or unreliable data.

Additional violations are premised on TDEC’s observations and conclusions that much of the data reported by Cartwright Creek has been questionable or unreliable. TDEC’s files also contain expert third-party analysis of Cartwright Creek’s data that confirms this problem.⁴⁵

First, while Cartwright Creek’s DMRs and MORs show hundreds of numeric and reporting violations based on its data, that very data is questionable and there are likely many, many more violations. For example, for years, the influent data reported by Cartwright Creek to TDEC were unreliable because the operator put a “contraption” in the headworks chamber.⁴⁶ Correspondence between Cartwright Creek and TDEC indicates that the trashcan over the influent sampler was removed in 2011.

However, Cartwright Creek continues to have a very serious and significant Inflow and Infiltration (“I/I”) problem. I/I refers to excess water in the sewer system, usually related to an aging infrastructure that needs maintenance or replacement. One effect of I/I is that, because of too much dilution, the treatment system cannot remove enough Total Suspended Solids or Biochemical Oxygen Demand to meet a permit requirements (such as percentage removal or pounds per day). As a result, an I/I problem may mask significant violations of a permittee’s

⁴³ See (07/23/2012 Ltr. from TDEC to Cartwright Creek).

⁴⁴ See (06/28/2013 Email from Ratepayers to TDEC and related correspondence re: waste contamination of creek and property).

⁴⁵ See George E. Kurz, “Cartwright Creek, LLC – Grassland STP – I&I Analysis” (Oct. 27, 2013) [TDEC’s files].

⁴⁶ (04/25/2011 Ltr. from TDEC to Cartwright Creek re: Compliance Sampling Inspection, p. 2) (“The contraption at the headworks where the influent sample had been collected has been removed, thus providing a more representative influent sample.”); (01/18/2010 Ltr. from Cartwright Creek to TDEC) (quoting TDEC letter) (“Due to the turbulence, design and other considerations, accurate influent flow measurements with this setup [described earlier in letter] appears to be impossible. . . . The headworks chamber contains an old round plastic trash container with holes bored into it. The influent sampler was placed inside this contraption. This integrity of the influent sample is compromised by heavy algae buildup and other debris present in these holes. The influent composite sample collection must be improved to provide a representative sample as required by the permit.”). See also (01/18/2010 Ltr. from Cartwright Creek to TDEC, at pp. 4, 5, 8, 11) (asserting that identified problems had been fixed).

effluent limitations. The review by the third-party expert of the last five years' of Cartwright Creek's operating reports indicates that flow through this sewage treatment plant is double its design capacity. In fact, using Cartwright Creek's MORs, the Watershed Association has calculated that, in 2011 and 2012, the Cartwright Creek Sewage Treatment Plant discharged an annual Total Nitrogen mass 2.2 and 1.4 times greater than the 15 lbs/day allocated to it by the TMDL.⁴⁷

Cartwright Creek's response to TDEC's 2013 proposed draft permit specifically acknowledges that the facility cannot meet its Total Nitrogen limits. The STP will continue to violate this permit limitation until the I/I problem is remedied. Finally, because of the I/I problem, Cartwright Creek's data are questionable, suggesting additional permit violations.

D. Many of the Cartwright Creek Sewage Treatment Plant's violations have prevented TDEC from obtaining sufficient information to determine whether the NPDES permit's parameters are able to meet the TMDL and prevent the Harpeth River's further degradation.

The Cartwright Creek Sewage Treatment Plant has violated its permit, and these violations must be redressed. Many of the violations have effectively prevented TDEC from obtaining sufficient information to determine whether the NPDES permit's parameters are able to meet the TMDL standards and prevent the Harpeth River's further degradation. Cartwright Creek is on the 303(d) list,⁴⁸ and so is the specific segment of the Harpeth River—No. TN05130204009_3000—that receives the Cartwright Creek Treatment Plant's discharge is currently impaired as a result of low dissolved oxygen and organic enrichment; one of the issues identified by the Watershed Association is that the Sewage Treatment Plant does not sufficiently know how its discharges are affecting the river, particularly with respect to nutrients, because it has failed to conduct all of the required monitoring.

Further, the Harpeth River's continued problems suggest that the maximum amount of pollutants that TDEC and the EPA say the Harpeth River can tolerate,⁴⁹ and the wasteload allocations in the permit held by the Cartwright Creek Sewage Treatment Plant are stringent for the river to be able to attain the requisite water quality standards. Section 3.7 of the permit incorporates the anti-degradation provisions of Tennessee law into the limitations on Cartwright Creek's authority to discharge pollutants into the Harpeth River. This law requires Cartwright Creek to comply with the effluent limitations and schedules of compliance required to implement applicable water quality standards, to comply with a State Water Quality Plan or other state or federal laws or regulations, or where applicable, to comply with a standard permitting no discharge of pollutants.

⁴⁷ See (11/13/2013 Ltr. from HRWA to TDEC, p. 15).

⁴⁸ Section TN05130204009 -0500 is listed due to physical habitat alteration from land development.

⁴⁹ The relevant Total Maximum Daily Load ("TMDL") was established in 2004. *Final Organic Enrichment/Low Dissolved Oxygen: Total Maximum Daily Load (TMDL) for Waters in the Harpeth River Watershed (HUC 05130204)*, p. 9 (EPA Sept. 2004).

In general, adding nutrients to a river feeds algae, the presence of which affects dissolved oxygen levels. Since 2002 if not long before, it has been well documented that the Harpeth River experiences “*significant* diurnal fluctuations with periodic deviations from the minimum concentration of 5 mg/l specified by state water quality standards [for dissolved oxygen].”⁵⁰ In addition, “the soil in its watershed is already rich in phosphorus. In order to discharge into the Harpeth River, therefore, the permit required Cartwright Creek to “develop/implement a Nutrient Management Plan (“NMP”) with appropriate reporting for its wastewater treatment plant” in accordance with requirements set forth in an attachment to the permit. As discussed above, Cartwright Creek did not do this. Therefore, TDEC and the U.S. Environmental Protection Agency do not have sufficient information to determine whether the discharge activities of Cartwright Creek are further degrading the Harpeth River.

III. THESE VIOLATIONS ARE LIKELY TO CONTINUE

There is a reasonable likelihood that the violations identified in this letter will continue. *See Gwaltney of Smithfield v. Chesapeake Bay Found.*, 484 U.S. 49 (1987). The Tennessee Department of Environment and Conservation is aware of some of these violations, *see* (05/11/2009 Ltr. from TDEC to Cartwright Creek re: Performance Audit Inspection, p. 4) (“Due to the delay in sending this notification, this letter will not be considered a Notice of Violation.”), but has failed to sufficiently address them. The extent of the violations as laid out above, and the fact that they have been occurring consistently over time, indicate that they are ongoing and continuing violations.

IV. PERSONS RESPONSIBLE FOR VIOLATIONS

Cartwright Creek—Grasslands STP is owned by Cartwright Creek, LLC (Tennessee Secretary of State Control No. 000472078). Its principal office is located at 800 Roosevelt Road, Suite A120 in Glen Ellyn, IL 601137-584. Delmar Reed is the certified operator.⁵¹ Bruce Meyer is the Operations Manager and Cartwright Creek, LLC’s Registered Agent in Tennessee. Mr. Meyer is also the registered agent for Sheaffer Wastewater Solutions, LLC (active; Tennessee domestic) and Sheaffer International, LLC (inactive—revoked in Tennessee; foreign).⁵² Sheaffer Wastewater Solutions, LLC,⁵³ with its principal office at 800 Roosevelt Rd, Building A, Suite 120, Glen Ellyn, IL 60137, is also a manger of Cartwright Creek, LLC.

Cartwright Creek, LLC sometimes self-identifies as a manager-managed company (2008, 2009, 2010, 2011, and 2013) and sometimes as a member-managed company (2006, 2007, and 2012). Its managers and members have been listed in documents filed with the Tennessee

⁵⁰ *Final Organic Enrichment/Low Dissolved Oxygen: Total Maximum Daily Load (TMDL) for Waters in the Harpeth River Watershed (HUC 05130204)*, p. 13 (EPA Sept. 2004).

⁵¹ *See, e.g.*, (07/05/2011 Permit Contact Information).

⁵² *See* (12/07/2009 Letter, Attachment AD-1 to Permit); Articles of Incorporation. This LLC’s status was also revoked in Illinois in March 2010, according to the Illinois Secretary of State’s website.

⁵³ *See* (12/09/2011 Ltr. from Cartwright Creek to TDEC re: Supplemental Permit Application Information). TN Secretary of State status: active; 2011 Limited Liability Company Annual Report (Tenn. Sec’y of State).

Secretary of State as including: Sheaffer International, LLC,⁵⁴ 800 Roosevelt Rd. Suite B214, Glen Ellyn, IL 60137; M.R.S. LLC,⁵⁵ 2033 Richard Jones Rd., Nashville, TN 37215; Michael A. Stahelin, President,⁵⁶ 800 Roosevelt Rd. Suite A200, Glen Ellyn, IL 60137; John R. Sheaffer,⁵⁷ 800 Roosevelt Rd. Suite B214, Glen Ellyn, IL 60137; R. Glen McMaster, VP,⁵⁸ 800 Roosevelt Rd. Suite A200, Glen Ellyn, IL 60137; Robert I. Cochrane, Treasurer,⁵⁹ 800 Roosevelt Rd. Suite B214, Glen Ellyn, IL 60137.

Based on the information currently available, Cartwright Creek LLC, Sheaffer International LLC, Sheaffer Wastewater Solutions LLC, and the individuals and entities listed in this section are responsible for the violations at the Cartwright Creek-Grasslands Sewage Treatment Plant.

V. PERSONS GIVING NOTICE

The Harpeth River Watershed Association is a non-profit corporation organized under the laws of the State of Tennessee with its principal office at 215 Jamestown Park, Brentwood, TN 37027. The Watershed Association's mission is to protect the State Scenic Harpeth River and clean water in Tennessee. The Watershed Association is a science-based conservation organization; it is a membership organization with members who live along the Harpeth River near the Cartwright Creek-Grasslands sewage treatment plan and its outfall or who recreate on the Harpeth River near the STP. The violations identified above have negatively impacted the Harpeth River, its watershed, the Watershed Association, and the Watershed Association's members. The name, address, and telephone number of the person giving notice is:

Harpeth River Watershed Association
215 Jamestown Park, Suite 101
Franklin, TN 37027 (615) 790-9767

⁵⁴ See (12/07/2009 Letter, Attachment AD-1 to Permit); Articles of Incorporation (2006). Status in Illinois: Revoked. Status in Tennessee: Revoked in 2011; 2006 Limited Liability Company Annual Report (Tenn. Sec'y of State); 2007 Limited Liability Company Annual Report (Tenn. Sec'y of State); 2008 Limited Liability Company Annual Report (Tenn. Sec'y of State); 2009 Limited Liability Company Annual Report (Tenn. Sec'y of State).

⁵⁵ See 2006 Limited Liability Company Annual Report (Tenn. Sec'y of State); 2007 Limited Liability Company Annual Report (Tenn. Sec'y of State); 2008 Limited Liability Company Annual Report (Tenn. Sec'y of State).

⁵⁶ See 2006 Limited Liability Company Annual Report (Tenn. Sec'y of State); 2007 Limited Liability Company Annual Report (Tenn. Sec'y of State); 2008 Limited Liability Company Annual Report (Tenn. Sec'y of State); 2009 Limited Liability Company Annual Report (Tenn. Sec'y of State); 2010 Limited Liability Company Annual Report (Tenn. Sec'y of State); 2011 Limited Liability Company Annual Report (Tenn. Sec'y of State); 2012 Limited Liability Company Annual Report (Tenn. Sec'y of State); 2013 Limited Liability Company Annual Report (Tenn. Sec'y of State)

⁵⁷ See 2006 Limited Liability Company Annual Report (Tenn. Sec'y of State).

⁵⁸ See 2006 Limited Liability Company Annual Report (Tenn. Sec'y of State); 2007 Limited Liability Company Annual Report (Tenn. Sec'y of State); 2008 Limited Liability Company Annual Report (Tenn. Sec'y of State)

⁵⁹ See 2006 Limited Liability Company Annual Report (Tenn. Sec'y of State); 2007 Limited Liability Company Annual Report (Tenn. Sec'y of State); 2008 Limited Liability Company Annual Report (Tenn. Sec'y of State); 2010 Limited Liability Company Annual Report (Tenn. Sec'y of State).

Ms. Dorene Bolze
Executive Director
Harpeth River Watershed Association
P.O. Box 1127
Franklin, TN 37065
(615) 790-9767

Mr. Matt Dobson
Chairman, Board of Directors
Harpeth River Watershed Association
P.O. Box 1127
Franklin, TN 37065
(615) 790-9767

VI. CONCLUSION

If you have any questions concerning this letter or the described violations, or if you believe it is incorrect in any respect, please contact the undersigned counsel at the Southern Environmental Law Center. During the notice period, we are available to discuss this matter with you. For many years, the Harpeth River Watershed Association has worked with sewage treatment plants, local municipalities, and state and federal agencies on projects to study, maintain, restore, and protect the Harpeth River. This letter is not meant to disrupt these productive relationships. Although sent pursuant to 33 U.S.C. § 1365, the Watershed Association believes a negotiated settlement of the identified violations, codified through a court-approved agreement, would be more productive than protracted litigation. Injunctive relief, appropriate monetary penalties, fees and costs of litigation are potentially available remedies, *see* 33 U.S.C. §§ 1365, 1319, 1365, but the Watershed Association would prefer to work with City and the other relevant parties to come up with a plan to further study, develop and implement a plan that ensures the Harpeth River meets all requisite water quality standards.

Thank you for your prompt attention to this matter.

Sincerely,



Delta Anne Davis
Managing Attorney
Southern Environmental Law Center
2 Victory Avenue, Suite 500
Nashville, TN 37213



Anne E. Passino
Staff Attorney
Southern Environmental Law Center
2 Victory Avenue, Suite 500
Nashville, TN 37213

cc (via mail or email):

Ms. Regina A. McCarthy
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue
Mail Code: 1101A
Washington, D.C. 20460

Mr. A. Stanley Meiburg
Acting Regional Administrator
U.S. EPA, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S.W.
Main Code: 9T25
Atlanta, GA 30303-8960

Mr. Robert J. Martineau, Jr.
Commissioner
Tennessee Department of Environment and
Conservation
312 Rosa L. Parks Avenue
Tennessee Tower, 2nd Floor
Nashville, TN 37243

Delmar Reed
Plant Operator
1551 Thompson's Station Rd. West
Thompson's Station, TN 37179

Bruce E. Meyer
Registered Agent
Cartwright Creek, LLC
1551 Thompson's Station Rd. W
Thompson's Station, TN 37179

Thomas L. Kolschowsky
Corporate Counsel
Cartwright Creek, LLC
(630) 469-3331

Ms. Shari Meghreblian
Deputy Commissioner, TDEC

M.R.S., LLC
2033 Richard Jones Road
Nashville, TN

Ms. Sandra Dudley
Director, Division of Water Resources, TDEC

Michael A. Stahelin
Manager
Cartwright Creek, LLC
800 Roosevelt Road, Building A,
Suite 120
Glen Ellyn, IL 60137

Mr. Joseph Sanders
General Counsel, TDEC

Mr. Gary Davis
Division of Water Pollution Control, TDEC

Mr. Vojin Janjin
Manager Permit Section, TDEC

Mr. Robert E. Cooper, Jr.
Tennessee Attorney General