



STATE OF TENNESSEE  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**  
**DIVISION OF WATER RESOURCES**  
William R. Snodgrass - Tennessee Tower  
312 Rosa L. Parks Avenue, 11th Floor  
Nashville, Tennessee 37243-1102

August 22, 2022

Mr. Ned Jones, Dockmaster  
Black Oak Marina  
e-copy: [blackoakmarina@yahoo.com](mailto:blackoakmarina@yahoo.com)  
2511 Black Oak Road  
Jefferson City, TN 37760

Subject: **State Operating Permit No. SOP-22019**  
**Black Oak Marina**  
**Jefferson City, Jefferson County, Tennessee**

Dear Mr. Jones:

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

Please be advised that a petition for permit appeal may be filed, pursuant to T.C.A. Section 69-3-105, subsection (i), by the permit applicant or by any aggrieved person who participated in the public comment period or gave testimony at a formal public hearing whose appeal is based upon any of the issues that were provided to the commissioner in writing during the public comment period or in testimony at a formal public hearing on the permit application.

Additionally, for those permits for which the department gives public notice of a draft permit, any permit applicant or aggrieved person may base a permit appeal on any material change to conditions in the final permit from those in the draft, unless the material change has been subject to additional opportunity for public comment.

Any petition for permit appeal under this subsection (i) shall be filed with the technical secretary of the Water Resources Board within thirty (30) days after public notice of the commissioner's

decision to issue or deny the permit. A copy of the filing should also be sent to TDEC's Office of General Counsel.

TDEC has activated a new email address to accept appeals electronically. If you wish to file an appeal, you may do so by emailing the appeal and any attachments to [TDEC.Appeals@tn.gov](mailto:TDEC.Appeals@tn.gov). If you file an appeal electronically, you do not have to send a paper copy. If you have questions about your electronic filing, you can call 615-532-0131. Electronic filing is encouraged, but not required.

If you have questions, please contact the Knoxville Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact Mr. Wade Murphy at (615) 532-0666 or by E-mail at [Wade.Murphy@tn.gov](mailto:Wade.Murphy@tn.gov).

Sincerely,



Vojin Janjić  
Manager, Water-Based Systems

Enclosure

cc: Mr. Barry Calfee, Lead Operator/Pretreatment Coordinator, Morristown Utility Systems, [bcalfee@musfiber.net](mailto:bcalfee@musfiber.net)  
EFO-Knoxville-DWR, [robert.ramsey@tn.gov](mailto:robert.ramsey@tn.gov)  
Permit File

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER RESOURCES**  
William R. Snodgrass - Tennessee Tower  
312 Rosa L. Parks Avenue, 11th Floor  
Nashville, Tennessee 37243-1102

**Permit No SOP-22019**

**PERMIT  
for the operation of Wastewater Treatment Facilities**

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In accordance with the provision of Tennessee Code Annotated section 69-3-108 and Regulations promulgated pursuant thereto:

**PERMISSION IS HEREBY GRANTED TO**

Black Oak Marina  
Jefferson City, Jefferson County, Tennessee

**FOR THE OPERATION OF**

A holding tank/pump out system for sewage from houseboats from a facility located at latitude 36.195162 and longitude -83.428078, in Jefferson County, Tennessee.

This permit is issued as a result of the application filed on June 24, 2022, in the office of the Tennessee Division of Water Resources and in conformity with approved plans, specifications and other data submitted to the Department in support of the above application, all of which are filed with and considered as a part of this permit, together with the following named conditions and requirements.

**This permit shall become effective on:      September 01, 2022**

**This permit shall expire on:                      August 31, 2027**

**Issuance date:    August 22, 2022**



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for Jennifer Dodd  
Director

<b>PART I</b>
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This permit allows the operation of a holding tank/pump out system for sewage from houseboats at a marina. The result of this system is that there is no discharge of wastewater to a surface stream and no contamination of any subsurface waters.

The permittee must provide for wastewater to be pumped from this system on a regular schedule sufficient to ensure that a reasonable margin of safety is provided against the possibility of an overflow. Records of when pumping takes place must be kept at the facility for review by the Division of Water Resources over the entire life of this system. Quarterly operation reports will be submitted to Division of Water Resources, Knoxville Environmental Field Office, 3711 Middlebrook Pike, Knoxville, TN 37921, giving pumping dates and estimated volume of waste pumped on each trip. Pumping frequencies should be sufficient to ensure that the tank remains below 3/4 full, in terms of volume capacity, at all times. Reports shall be submitted by the 15th day of the month following the quarter of data collection. For reporting purposes, quarters are January-March, April-June, July-September, and October-December.

A representative of the owner or the sewage hauling contractor must be present at all times during the pumping of sewage from this system and must visually monitor the transfer operation to ensure that no spillage occurs.

The owner or the sewage hauling contractor must clean up any spillage of sewage that results from this operation of this system. Residuals should be treated with lime.

It is the owner's responsibility to ensure that the sewage hauling contractor performs all work relative to this system in accordance with this permit and good operating procedures.

Any disposal must be at a POTW in accordance with requirements imposed by the receiving wastewater treatment plant staff.

Notwithstanding this permit, the permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of wastewater to any surface or subsurface waters. Additionally, it shall be the

responsibility of the permittee to conduct its wastewater treatment and/or disposal activities in a manner such that public or private health hazards or nuisances will not be created.

This permit is subject, at any time, to review by the Tennessee Department of Environment and Conservation, Division of Water Resources.

## **PART II**

### **A. GENERAL PROVISIONS**

#### 1. Duty to Reapply

The permittee is not authorized to operate after the expiration date of this permit. In order to receive authorization to operate beyond the expiration date, the permittee shall submit such information and forms as are required to the director no later than 180 days prior to the expiration date.

#### 2. Right of Entry

The permittee shall allow the Director of the Division of Water Resources, or authorized representatives, upon the presentation of credentials:

a. To enter upon the permittee's premises where an effluent source is located or where records are required to be kept under the terms and conditions of this permit, and at reasonable times to copy these records; to review the record/log books of the permittee; and

b. To inspect at reasonable times any collection, transport, treatment, and pollution management equipment; and

c. To collect samples at reasonable times of any discharge of wastewater pollutants.

#### 3. Availability of Reports

All reports and log books submitted in accordance with the terms of this permit shall be available for public inspection at the offices of the Division of

Water Resources . All reports and data shall be kept for minimum of three years by the permittee.

#### 4. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. This provision requires the operation of backup or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

#### 5. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

#### 6. Severability

The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, then the application of such provision to other circumstances and to the remainder of this permit shall not be affected thereby.

#### 7. Other Information

If the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the director, then he shall promptly submit such facts or information.

### **B. CHANGES AFFECTING THE PERMIT**

#### 1. Permit Modification, Revocation, or Termination

- a. This permit may be modified, revoked and reissued, or terminated for cause as described in Tennessee Code Annotated 69-3-108(f).
  - b. The permittee shall furnish to the director or his representative, within a reasonable time, any information which may be requested to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit. The permittee shall also furnish to the director, upon request, copies of records required to be kept by this permit.
2. Change of Ownership

This permit may be transferred to another person by the permittee if:

- a. The permittee notifies the director in writing of the proposed transfer at least 30 days in advance of the proposed transfer date;
  - b. The notice includes a written agreement between the existing and the new permittees containing a specified date for transfer of permit responsibility, coverage, and liability between them; and
  - c. The director, within 30 days, does not notify the current permittee and the new permittee of his intent to modify, revoke and reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.
3. Change of Mailing Address

The permittee shall promptly provide to the director written notice of any change of mailing address, or contact information. In the absence of such notice the original address and telephone number(s) of the permittee will be assumed to be correct.

## **C. NONCOMPLIANCE**

1. Effect of Noncompliance

Any permit noncompliance constitutes a violation of applicable State and Federal laws and is grounds for enforcement action, permit termination, permit modification, or denial of permit reissuance.

## 2. Reporting of Noncompliance

### a. 24-Hour Reporting

In the case of any noncompliance, which would cause a threat to public drinking supplies, or any other discharge, which could constitute a threat to human health or the environment, the required notice of noncompliance shall be provided to the appropriate Division Field Office within 24 hours from the time the permittee becomes aware of the circumstances. (The Field Office should be contacted for names and phone numbers of emergency response personnel.)

A written submission must be provided within five days of the time the permittee becomes aware of the circumstances unless this requirement is waived by the director on a case-by-case basis. The permittee shall provide the director with the following information:

- i. A description of the discharge and cause of noncompliance;
- ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- iii. The steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

This written notice shall not be considered as excusing or justifying the failure to comply with this permit.

### b. Scheduled Reporting

For instances of noncompliance which are not reported under subparagraph 2. a. above, the permittee shall report the noncompliance on an annual basis. The report shall contain all information concerning the steps taken, or



planned, to reduce, eliminate, and prevent recurrence of the violation and the anticipated time the violation is expected to continue.

#### 4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the waters of Tennessee resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

### **D. LIABILITIES**

#### 1. Civil and Criminal Liability

The permittee is subject to civil and criminal liability for violation of this permit. Notwithstanding this permit, the permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of wastewater to any surface or subsurface waters. Additionally, notwithstanding this Permit, it shall be the responsibility of the permittee to conduct its wastewater treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created.

#### 2. Liability Under State Law

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law.

**PART III**Schedule of Compliance

Within thirty (30) days of the availability of public sewers at this site, the use of the holding tank/haul system will be discontinued. The tank will be emptied (with proper disposal of contents), cleaned and removed from the site.

Placement of Signs

The permittee shall place a sign at all approaches to the holding tanks. The sign should be clearly visible to the public. The minimum sign size should be two feet by two feet (2' x 2') with one inch (1") letters. The sign should be made of durable material and have a white background with black letters.

**HOLDING TANKS  
SANITARY WASTEWATER  
(Black Oak Marina)  
(PERMITTEE'S PHONE NUMBER)  
TENNESSEE DIVISION OF WATER RESOURCES  
ENVIRONMENTAL ASSISTANCE CENTER - Knoxville  
PHONE NUMBER: 1-888-891-8332**

**RATIONALE**

**Black Oak Marina**  
**STATE OPERATION PERMIT NO. SOP-22019**  
**Jefferson City, Jefferson County, Tennessee**

**Permit Writer: Wade Murphy**  
**July 18, 2022**

**FACILITY CONTACT INFORMATION:**

Mr. Ned Jones  
Dockmaster  
Phone: 865-475-3063  
blackoakmarina@yahoo.com

- Activity Description:** This system has been in service for more than 10 years, but not permitted. Typically the marina services houseboats with a pump-out boat and delivers septage to a lift station at the dock behind the maintenance building that transfers the sewage to a 1000 gallon holding tank on land also situated behind a building. Large houseboats discharge to the lift station directly. Quality Waste pumps the sewage when called by the marina and has arranged for disposal at the Morristown Turkey Creek POTW. The marina has the sewage pumped when the tank is  $\frac{3}{4}$  full or preemptively ahead of busy weekends. Remaining tank volume is visually measured from the top. The marina takes this system out of service during cold weather.
- Facility location:** 2511 Black Oak Rd
- Name of the nearest stream:** Black Oak Creek Embayment of Cherokee Lake.  
No discharge allowed
- Treatment system:** None. Holding tank for houseboat wastes.
- Permit period:** This permit will be effective for a five-year term (maximum term allowed in rule).

**Monitoring and reporting:** Quarterly monitoring and reporting to the EFO-Knoxville. The Division has attached a reporting form following this rationale.

**Financial Security:** The financial security pursuant to TCA § 69-3-122 is set at zero dollars on the basis of little risk to water quality from failure or abandonment of this system. The facility can temporarily cease receiving wastes while system repairs are made and repairs will largely consist of equipment replacement which is all above-ground.

**Annual Maintenance Fee:** An annual maintenance fee of \$350.00 applies to this non-discharging sewerage system pursuant to Rule 0400-40-11. The fee is payable upon receipt of an invoice.

