



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES

Chattanooga Environmental Field Office

1301 Riverfront Pkwy, Suite 206

Chattanooga, TN 37402

Phone 423-634-5745

Statewide 1-888-891-8332

Fax 423-634-6389

January 30, 2024

Thunder Enterprises
Mr. Clarence Howard
104 Battle Creek Road
South Pittsburg, TN 37380
e-copy: clarence@thunderenterprises.com

CERTIFIED MAIL RECEIPT
7021 2720 0000 7080 3313

Subject: NOTICE OF VIOLATION
Complaint 130088
River Gorge Ranch 1A (TNR113846)
Whiteside Loop
Lower Tennessee River Watershed, Marion County

Mr. Howard,

On January 23, 2024, in response to a complaint, staff from the Division of Water Resources (division) made a visit to the above site and identified violations that are in need of corrective actions. The violations include sediment accumulating off site and failure to install EPSC measures. A complainant video showing runoff during a storm event was sent to the division on January 9, 2024. On this same day, River Gorge Ranch inspector reported a sediment release to TDEC. Following the sediment release and prior to division staff's site visit, additional EPSC measures have been added and partial removal of offsite sediment been conducted. Information related to these violations and the requested corrective actions can be found on the following pages.

During the inspection, division staff observed the following items:

1. EPSC failure/absence. Erosion prevention and sediment control (EPSC) measures have not been installed to prevent sediment release to State Waters.
 - On site sediment basin 1a has not been installed per engineering plans designed and submitted to division.
 - Construction entrance, check dams (along lower eastern portion of access road), and silt fence have not been installed in accordance with the EPSC handbook.
2. Insufficiently treated stormwater discharges at outfall locations and offsite impacts. Sediment was observed off site and has accumulated in a wet weather conveyance that drains to the Nickajack Reservoir. There is heavy track out below site entrance along Whiteside Loop.

Required Actions:

1. Immediately install or repair effective EPSC measures to prevent sediment from leaving site and provide photographic documentation that they have been installed within 14 days of receipt of this letter. This includes basins, silt fence, maintenance of all outfall areas, and temporary stabilization. Access to TDEC's EPSC Handbook can be found at <https://tnepsc.org/handbook.asp>.
2. Within 14 days of receipt of this letter, remove any sediment that has been deposited off site and provide photographic documentation. Per section 5.5.3.1 of the CGP, sediment that escapes the permitted area and offsite accumulations that have not reached a stream must be removed at a frequency sufficient to minimize offsite impacts to it does not wash into State Waters during the next rain event. This includes accumulations in wet weather conveyances and roadways. Please note that the division does not authorize access to private property and arrangements concerning the removal of sediment or other remediation efforts on adjoining properties must be settled between you and the adjacent landowners.
3. Per section 5.5.3.8 of the CGP, a site assessment should be conducted within 30 days of construction commencing at each qualified outfall. This should be submitted to the division upon completion of basins within required timeframes.
4. It is advised you consult with the site's design engineer for potential SWPPP modifications to prevent further sediment releases. The most up to date SWPPP should be available on site.

Please be aware that this letter serves as a formal Notice of Violation and by copy will inform our Enforcement and Compliance Unit of the violation(s).

Upon receipt, please contact Nikki Carpenter by phone at 423-661-5267 or by email at Nikki.Carpenter@tn.gov to discuss the items listed above. Your prompt attention to these matters is greatly appreciated. Failure to address the items above may result in further action.

Sincerely,



Jennifer Innes
Environmental Program Manager

Encl: CGP Compliance Inspection Report
Inspection Photo Document

cc: TDEC/DWR/Enforcement & Compliance Unit
TDEC/DWR/CHEFO – file
Nikki Carpenter, DWR, Nikki.Carpenter@tn.gov
Ryan Thornton, ryan@thunderenterprises.com
Tyler Jeffrey, tyler@thurstonjeffreyconsulting.com



TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Division of Water Resources

William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 11th Floor, Nashville TN 37243

1-888-891-8332 (TDEC)

Compliance Inspection for General NPDES Permit for Stormwater Discharges from Construction Activities (CGP)

Site/Project Name:	River Gorge Ranch (aka Aetna Mtn)	NPDES Tracking Number:	TNR113846	
		Date Coverage was Issued:	03-JUN-22	
Street Address or Location:	195 Whiteside Loop	Start Date:		
		Estimated End Date:		
Site Description:	development for approx. 195 lots	Latitude (dd.dddd):	35.0199	
		Longitude (-dd.dddd):	-85.5295	
County(ies): Marion	EFO: Chattanooga	MS4 Jurisdiction:	Acres Disturbed:	465.2
			Total Acres:	

Name of Permittee (Developer/Operator):	Thunder Enterprises		
Name of Official Contact: Clarence Howard	Email: clarence@thunderenterprises.com	Contact Phone: 423-421-9775	
Address: 104 Battle Creek Road	City: South Pittsburg	State: TN	Zip: 37380

Construction Phase:	<input type="checkbox"/> Site preparation <input checked="" type="checkbox"/> Grading <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Final Stabilization		
Inspection Purpose:	<input type="checkbox"/> Routine <input type="checkbox"/> Follow-up <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> NOT		complaint 130088

	Yes	No	Comments
Have all construction activities stopped and 70% uniform permanent cover established?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Notable impacts to waters as a result of site activities/discharges?	<input type="checkbox"/>	<input type="checkbox"/>	Unk; see notes.
Evidence of insufficiently treated stormwater discharges at outfall locations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Heavy sediment off site in WWC that flows to reservoir
Evidence of structural EPSC measure failure/absence?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Basin 1a not installed; footprint has been dug but no structures.
Evidence of non-structural EPSC measure failure/absence?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Construction entrance not installed per EPSC handbook.
Unauthorized discharges?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Evidence of offsite impacts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sediment off site; in process of being removed.
Evidence of construction buffer disturbance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Compliance Evaluation: Any Y = recommend NOV/EAR or follow-up - date: _____			
Any Y = recommend follow-up (email, letter, inspection, etc.) - date: _____			

	Yes	No	Comments
Are copies of the SWPPP & inspection reports on site or made available?	<input type="checkbox"/>	<input type="checkbox"/>	Plans available on site for review; did not look at biweekly inspections, but inspector present and familiar with site.
Has SWPPP been implemented & satisfactory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Are 2/week inspections being performed?	<input type="checkbox"/>	<input type="checkbox"/>	
Are inspection reports completed & signed?	<input type="checkbox"/>	<input type="checkbox"/>	
Are inspection reports filled out by a qualified EPSC inspector?	<input type="checkbox"/>	<input type="checkbox"/>	
Compliance Evaluation: Any N = recommend follow-up (email, letter, inspection, etc.) date: _____			
	Yes	No	Comments

Are there ARAP violations or unauthorized stream/wetland alteration?

Compliance Evaluation: Y = perform follow-up ARAP inspection - date: _____

Notes: partial site inspection (complaint 130088); not raining during inspection – off site sediment accumulated behind each row of silt fence and now appears to be settled below large culvert under hwy/connected to reservoir; silt fence has been installed across WWC to help manage sediment release; some sediment has been removed from off site, but still working to remove the rest; a small depression has recently been excavated in southeast portion of site where it is believed release came from and clean rock/silt fence has been added below. Significant track out along Whiteside loop – construction entrance not installed/maintained – gravel being placed while I was on site. Engineer should be consulted for potential SWPPP modifications/EPSC improvements to prevent further releases. Slopes are currently being stabilized with matting from top to bottom.

On-Site Contact (if available)

On-Site Contact Name (Print): Tyler Jeffrey & Ryan Thornton (RGR); Sam Parish & Hali Steinmann (DRG)	On-Site Contact Title:	Signature:	Date:
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TDEC Personnel/Information

Inspector's Name (Print): Nikki Carpenter	Signature: <i>Nikki Carpenter</i>	Date: 01/23/24	EFO: Chattanooga EFO 1301 Riverfront Parkway, Suite 206 Chattanooga, TN 37402
		Time: 1330	

Project Name: River Gorge Ranch 1a (TNR113846) – complaint 130088

Location: off Whiteside Loop

Date: 01/23/24

Inspector: Nikki Carpenter



Photo 1: Track out along Whiteside Loop.



Photo 2: Facing site entrance from Whiteside Loop.



Photo 3: Off site sediment in wet weather conveyance just below Photo 2. Flows to reservoir.



Photo 4: Evidence of sediment transport from culvert under site entrance in Photo 2 – connects directly to wet weather conveyance in sediment accumulation in Photo 3.



Photo 5: Evidence of off site sediment accumulation in WWC.



Photo 6: Evidence of off site sediment accumulation in WWC.



Photo 7: Facing south along access Rd at where check dams are shown on EPSC sheets.



Photo 8: Location of basin 1a on EPSC plans.



Photo 9: Facing down access road (below basin) towards recently excavated depression to temporarily help with sediment control.



Photo 10: Facing down access.



Photo 11: Matting currently being installed along slope above basin.



Photo 12: Facing down slope on east side of road where check dams are proposed on plans.

Notice of Violation: TNR113846 _River Gorge Ranch 1A

Nikki Carpenter <Nikki.Carpenter@tn.gov>

Tue 1/30/2024 9:31 AM

To: Clarence Howard <clarence@thunderenterprises.com>

Cc: Tyler Jeffrey <tyler@thurstonjeffreyconsulting.com>; Ryan <ryan@thunderenterprises.com>; Jennifer Innes <Jennifer.Innes@tn.gov>

 1 attachments (2 MB)

River Gorge Ranch 1A_Notice of Violation.pdf;

Mr. Howard,

Please find the attached Notice of Violation (NOV) for the above site. The NOV has been prepared from the findings of a complaint investigation performed on 01/23/24. A hard copy has also been sent via certified mail.

Please feel free to contact me if you have any questions.

Thank you,



Nikki Carpenter | Environmental Scientist

Division of Water Resources

Chattanooga Environmental Field Office

1301 Riverfront Parkway, Suite 206

Chattanooga, TN 37402

(423) 661-5267

Nikki.Carpenter@tn.gov

tn.gov/environment