



**STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
KNOXVILLE ENVIRONMENTAL FIELD OFFICE  
DIVISION OF WATER POLLUTION CONTROL**

**3711 MIDDLEBROOK PIKE  
KNOXVILLE, TN 37921**

**PHONE 865-594-6035 STATEWIDE 1-888-891-8332 FAX 865-594-6105**

March 8, 2022

**CERTIFIED MAIL RETURN RECEIPT  
# 9489 0090 0027 6129 2685 01**

Mr. Daniel Jennette  
Smoky Mountain Outdoors Unlimited, Inc.  
103 Silverbell Lane  
Gatlinburg, Tennessee 37738

RE: Notice of Violation  
Failure to Obtain Permit Prior to Altering Stream  
Failure to Revise SWPPP  
TNR136379  
Donna Allen Way and Janice Allen Way  
Sevier County, Tennessee

Dear Mr. Jennette:

On March 2, 2022, Mr. Leigh Yates Jr., with the Tennessee Department of Environment and Conservation, Division of Water Resources (the division) investigated the above referenced property in response to work being done outside of the permitted work area. The investigation found that construction fill dirt was placed in the stream buffer zone between Donna Allen Way and Janice Allen Way. Fill dirt was also observed adjacent to the stream along Janice Allen Way and an existing culvert in the stream was extended. According to our records, no stormwater pollution plan revisions, and no aquatic resource alteration permit (ARAP) was obtained for this activity.

Under authority of Section 69-3-108 of the *Tennessee Water Quality Control Act of 1977*, including the 2000 Amendments, a valid permit is required for any activity which may result in the alteration of the physical, chemical, radiological, biological, or bacteriological properties of any waters of the State, including wetlands. Specifically, a General Aquatic Resource Alteration Permit (ARAP) for Construction or Removal of Minor Road Crossings, and minor alterations to wetlands, depending on your proposed scope of work.

Please be aware that continued violations of the *Tennessee Water Quality Act* will likely result in the assessment of civil penalties against you. In order to remedy this situation, you are required to install erosion controls at the site as soon as possible to prevent soil from washing into the stream. The existing SWPPP for permit TNR136379 must be revised to include the additional work area on the east end of the site. You must also submit a corrective action plan to describe how the fill material will be removed from the stream buffer zone along Donna Allen Way and Janice Allen Way.

Mr. Daniel Jennette

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Your prompt attention to these matters is greatly appreciated. Please provide a written response to this office within **30 days** which included the SWPPP revisions and corrective action plan. If you have any questions or concerns regarding this matter, you may contact Leigh Yates Jr. at 865-606-0678 or by email at Leigh.Yates@tn.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Atchley".

Michael Atchley, Environmental Program Manager  
Division of Water Resources  
Knoxville Field Office

Cc : File : Sevier County, TNR136379  
Enforcement and Compliance Unit, Nashville (e-copy)

Enclosure: Site photographs

### Photographic Log

<b>Jennette Property</b>	<b>TNR136379, Sevier County</b>	<b>Donna Allen Way and Janice Allen Way</b>	<b>3/2/22</b>
			
<b>Photo 1: Fill adjacent to stream facing extended culvert</b>			



**Photo 2: Fill soil adjacent to stream**



**Photo 3: Appropriate buffer zone adjacent to stream**