



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

June 28, 2019

Mr. Joshua Adair
Owner / Operator
Adair Services, LLC
e-copy: adairservices.24@gmail.com
786 Columbia Hwy
Hohenwald, TN 38462

Subject: **Modification of State Operating Permit No. SOP-18018**
Adair Services, LLC and Joshua Clark Adair
Hohenwald, Lewis County, Tennessee

Dear Mr. Adair:

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 modified 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.

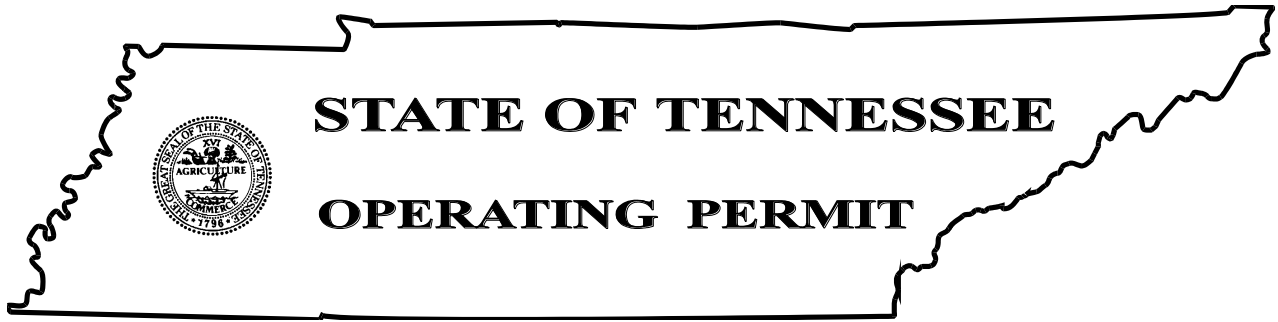
If you have questions, please contact the Columbia Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact Mr. Wade Murphy at (615) 532-0666 or by E-mail at Wade.Murphy@tn.gov.

Sincerely,

Vojin Janjić
Manager, Water-Based Systems

Enclosure

cc: Mr. James Ashmore, Owner / Investor, Adair Funeral & Cremation Service, ashmore38462@yahoo.com
City of Hohenwald Interested Parties, dmcknight@hohenwald.com; jdye@hohenwald.com
EFO-Columbia-DWR, gary.horne@tn.gov
Permit File



**STATE OF TENNESSEE
OPERATING PERMIT**

MODIFICATION

No. SOP-18018

Issued By

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

In accordance with the provisions of Tennessee Code Annotated Section 69-3-108 and regulations promulgated pursuant thereto, permission is hereby granted to:

**Adair Services, LLC and Joshua Clark Adair
d/b/a Adair Funeral & Cremation Services**

for the operation of: **A collection and temporary storage system for process wastewater (embalming fluids) for pickup, transport, and disposal by others**
from facility located at: **1537 Linden Hwy, Hohenwald, Lewis County, Tennessee**
adjacent to waters named: **NA.**

This permit shall become effective on: July 01, 2019

This permit shall expire on: October 31, 2023

Issuance date: June 28, 2019

for Jennifer Dodd
Director

Adair Services, LLC and Joshua Clark Adair dba Adair Funeral & Cremation Services in Hohenwald, Lewis County, Tennessee is hereby authorized to operate a collection and temporary storage system for process wastewater (embalming fluids), located at 1537 Linden Hwy, latitude 35.550699 and longitude -87.623025. This authorization is in accordance with the application filed on 28-AUG-18, and the supplemental application information received on 04-SEP-18, 05-MAY-19, and 14-MAY-19, by the Tennessee Division of Water Resources. This authorization is consistent with approved plans (WPN 18.0787), 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 allows the operation of a collection and temporary storage system for process wastewater (embalming fluids) for pickup, transport, and disposal by others. The operation should be such that there is no discharge of wastewater to any surface or subsurface stream, watercourse, or drainage ditch because of an overflow, spills, and/or because of the occurrence of any other condition, that singly or in combination with any of the aforementioned conditions, causes such discharge to any surface or subsurface stream, watercourse, or drainage ditch. In addition, said system must be operated in a manner preventing the creation of a public health hazard.

PART I

PERMIT CONDITIONS AND REQUIREMENTS

This pump and haul collection system shall be exclusively used for management of waste water directly related to embalming and cremation. This permit neither authorizes, nor implies authorization of any collection and storage of toilet or lavatory wastes now or in the future.

This permit does not authorize any alteration of the existing subsurface disposal system located on property identified as Map 037 and Parcel 038.01 or any subdivided portion of the parcel.

The system must be operated and maintained in a fashion, which will insure that the system does not cause any violations of the conditions or requirements of this permit.

The discharge of wastewater in any way to waters of the state from any portion of the facility constitutes a violation of this permit.

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation shall be retained for a minimum of three (3) years, or longer if requested by the Division of Water Resources. All records and information required by this permit must be kept at the facility for review by the Division of Water Resources.

Sludge or any other material removed by the wastewater treatment system must be disposed of in a manner, which prevents its entrance into or pollution of any surface or subsurface waters. Additionally, the disposal of such sludge or other material must be in compliance with the Tennessee Solid Waste Disposal Act, TCA 68-31-101 et seq. and the Tennessee Hazardous Waste Management Act, TCA 68-46-

101 et seq. The permittee must keep records of the Publicly Owned Treatment Works or treatment facility that receives the wastewater discharge.

All records and monitoring required by this permit must be kept by Adair Services, LLC and Joshua Clark Adair dba Adair Funeral & Cremation Service for review by the Division of Water Resources. A single set of records will suffice to meet this requirement when Joshua Clark Adair is the official contact for Adair Services LLC. A copy of these records must be sent to the Water Resources Columbia Environmental Field Office within fifteen days of the request.

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

The permittee must keep a log of the following:

- i. date of pump and haul
- ii. facility name where wastewater is disposed/hailed
- iii. facility address where wastewater is disposed/hailed
- iv. amount of wastewater hauled
- v. amount of sludge generated
- vi. how sludge is disposed
- vii. any operational problems encountered during pump and haul must be noted in the log.

Notwithstanding this permit, 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 or spill 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.

i. The wastewater must be disposed of at a facility, which has been approved by the Columbia Environmental Field Office. The transport and ultimate disposal of the wastewater must be documented by a manifest system on forms approved by the Columbia Environmental Field Office. The permittee shall also record on the manifest forms, the number of loads hauled, the volume of each load, the dates of hauling, and the names of people present. A copy of the manifest must be submitted to the Columbia Environmental Field Office on a monthly basis. If there is no wastewater disposed of during any given month, this shall be documented and submitted to the Environmental Field Office as well.

ii. The permittee must provide for wastewater to be pumped from the collection and retention system on a regular schedule sufficient to ensure that a reasonable margin of safety is provided against the possibility of an overflow.

iii. Records of when pumping takes place must be kept at the facility for review by the Division of Water Resources. Monthly operation reports will be submitted to the Columbia Environmental Field Office by the 15th day of the month following data collection.

iv. A representative of the facility shall be present at all times when waste is being transferred to the haul truck to insure that waste spills do not occur. The residuals should be treated or remediated in a manner approved by the Columbia Environmental Field Office.

v. The permittee or his waste hauling contractor must clean up any spillage of wastewater that results from the operation of this pump and haul system.

vi. It is the responsibility of the permittee to ensure that his pump and haul contractor performs his/her work relative to this system in accordance with this permit and good operating procedures.

Noncompliance with the no discharge provision of this permit due to equipment failure, etc., must be reported within 24 hours to the nearest Water Resources Environmental Field Office by telephone. A written submission must be provided within five days to the local Division of Water Resources office address:

**Columbia Environmental Field Office
Division of Water Resources
1421 Hampshire Pike
Columbia, TN 38401**

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

ADDITION OF WASTE LOADS

The permittee shall not add waste loads from other sources without approval by the division.

PLACEMENT OF SIGNS

Within sixty (60) days of the effective date of this permit, the permittee shall place and maintain a sign at the storage tank. 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 letters. The sign should be made of durable material and has a white background with black letters.

The sign is to provide notice that the collection and storage system is regulated by the Tennessee Department of Environment and Conservation, Division of Water Resources. The following is given as an example of the minimal amount of information that must be included on the sign:

**Collection and temporary storage of process wastewater
Adair Funeral & Cremation Services
(PERMITTEE'S PHONE NUMBER)
SOP PERMIT NO. SOP-18018
TENNESSEE DIVISION OF WATER RESOURCES
1-888-891-8332 DWR Columbia Environmental Field Office**

MODIFICATION RATIONALE

**Adair Services, LLC and Joshua Clark Adair
d/b/a Adair Funeral & Cremation Services
STATE OPERATION PERMIT NO. SOP-18018
Hohenwald, Lewis County, Tennessee**

Permit Writer: Mr. Wade Murphy

This permit action modifies the permit issued October 31, 2018. That permit was issued with the effective date to be determined by construction completion of the system embalming waste collection system and proof of ownership whichever date was latest. This action follows the following facts:

- Division staff documented construction completion of the sewerage system for process wastewater on March 6, 2019.
- On May 5, 2019, the owner submitted documentation business filing with the Tennessee Secretary of State indicating the official business name is Adair Services, LLC.
- On May 14th, 2019, the division received a copy of the commercial lease between the lessor, James Ashmore and Joyce Ashmore, and the lessee, Adair Services, LLC and Joshua Clark Adair. The commercial lease is effective May 14, 2019, for 10 years. This modification changes the permittee name to match terms of the commercial lease which conveys ownership rights to the funeral home operation.

The official change of owner name from Joshua Adair (sole proprietor) to Adair Services, LLC and Joshua Clark Adair cannot be done automatically per division regulation. Notification was not given at least 30 days ahead of the effective date of the change as the regulation requires for automatic transfers.

This modified permit reflects the new business names on the business filing and commercial lease. This modification also removes the effective date contingences. The division intends to issue this permit for a five year period after the 30 day comment period associated with this public notice.

RATIONALE

Joshua Adair (sole proprietor) d/b/a Adair Funeral & Cremation Service

STATE OPERATION PERMIT NO. SOP-18018

Hohenwald, Lewis County, Tennessee

Permit Writer: Mr. Wade Murphy

FACILITY CONTACT INFORMATION:

Mr. Joshua Adair

Owner / Operator

Phone: (931) 628-0434

adairservices.24@gmail.com

1537 Linden Hwy

Hohenwald, TN 38462

- Activity Description:** A collection and temporary storage system for waste products created during the embalming process for intermittent pickup, transport, and disposal by others. Waste generation is estimated at 3-20 gallons per embalming with 2-5 embalming cases expected per week. The applicant has initially arranged for wastes to be hauled by Sealy Septic Tank Services to the Hohenwald POTW.
- Facility location:** Latitude 35.550699 and Longitude -87.623025. This site is located more than 2 miles from the nearest public sewer.
- Name of the nearest stream:**No discharge allowed.
- Treatment system:** A 1,500 gallon, concrete, holding tank with visual and audible high level alarms and pumping connections.
- Permit period:** This permit will be issued for a five year period effective from the issuance date on the title page.
- Terms & Conditions:** This permit only authorizes management of waste waters directly related to embalming and cremation. Pump and haul technology does not meet minimum treatment standards for domestic sewage.
- Financial Security:** Privately-owned systems must post financial security pursuant to TCA 69-3-122 not to exceed \$75,000.00. The security for this activity is set at zero dollars for the following reasons: 1) The

system serves only the commercial need of the proprietor, so system maintenance is accounted for as a business function, 2) The proprietor has capability to temporarily cease business in the event of a system failure which is readily remedied by replacement of system components, and 3) The system does not support any building construction (i.e. establishment with plumbing for domestic sewage).

Annual Maintenance Fee: An annual maintenance fee for the permit will apply after permit issue and upon receipt of an invoice. The fee is currently \$350.00 for non-discharging facilities with influent flow less than 0.075 MGD.

Items Requisite for Operation:

This draft permit proposes terms and conditions for planning purposes and to seek public comment on the potential water quality impacts of the proposed activity. Actual operation of the sewerage system is contingent on the following items (items may occur in any order):

- Final construction inspection per Rule 0400-40-02-.09,
- Demonstration of ownership by the proprietor, and
- Final issue of the permit.