



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Ground Water Protection
10th Floor, L & C Tower
401 Church Street
Nashville, Tennessee 37243 - 1540

July 31, 2006

Certified Mail
7002 2030 0002 8966 6371

Mr. Tim Bean
Regions Bank of East Tennessee
P.O. Box 3115
Cordova, TN 38088

RE: Variance request for 6705 Morganton Road, Loudon County

Dear Mr. Bean:

On June 23, 2006, this office received your letter requesting a variance from the **Regulations To Govern Subsurface Sewage Disposal (SSD) Systems**. Specifically:

Rule 1200-1-6-.10(1): which requires a minimum of twenty-five (25) feet distance of separation between the disposal field and a cut bank and

Rule 1200-1-6-.06 (4)(s): The area of the disposal field shall not be used for vehicular traffic or vehicular parking. Dozers, trucks, and other heavy vehicles shall not be allowed to run over the septic tank, field lines or other parts of the system.

Mr. Randall Masters, who works for the Central Office of the Division of Ground Water Protection (GWP), made an on-site visit to your lot while he was working in Loudon County on July 6, 2006. Prior to his visit, he secured copies of the documents pertaining to your property that are on file at the Loudon County GWP Office.

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Ms. Valerie McFall, Environmental Specialist with the Loudon County Ground Water Protection Office, initially made a visit to evaluate the property for a repair of the existing SSD system. Ms. McFall found that the only area on the property that is not currently covered with asphalt is the area where the failing SSD system is located.

Septic tank effluent from this existing SSD system is flowing into the footer drains and then pumped back to the septic tank. The disposal trenches of this SSD system are located closer than the required twenty-five (25) feet from the basement cut. A new repair of the SSD system in the vicinity of the existing system would not have a realistic chance of functioning properly because there is no area available after considering the required setbacks. Therefore, I must deny your request to allow installation of disposal field trenches for the purpose of repairing your existing SSD system in this proposed location.

In regards to your options, you may wish to have an area underneath the asphalt parking lot evaluated for repair of your SSD system. Since Rule 1200-1-6-.06(4)(s) states that area would no longer be available for parking the asphalt would be removed permanently if that area is utilized. Secondly, if you have access to any additional property, which has not been evaluated, you may wish to have it evaluated for a subsurface sewage disposal system by an approved soil consultant. If you are not the owner of this property, I suggest you have it evaluated prior to obtaining an easement or purchase of the property. If an easement is obtained, it must be recorded along with the deed to your property at the County Register of Deeds Office. The local Environmental Specialist can assist you with information on evaluations, soil maps and easement requirements.

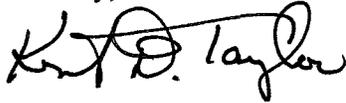
If you wish to contest the denial of your variance request, you have the right to appeal, in accordance with Tennessee Code Annotated Section 68-221-410, and request in writing a hearing before the Commissioner or the duly authorized representative. This hearing will be conducted pursuant to the Uniform Administrative Procedures Act, Tennessee Code Annotated Sections 4-5-101 et seq. and Rule 1360-4-1 et seq. You have the right to be represented by counsel at such hearings. Free or low-cost counsel may be available from Legal Services Offices or local bar associations for persons who qualify for such services.

Your written request for a hearing must be filed within thirty (30) days of your receipt of this letter. If you fail to file a written request for a hearing within thirty (30) days, this action will become final and not subject to further review. Such written request should be sent, in duplicate, to Kent D. Taylor, Director of the Division of Ground Water Protection, at the following address: 10th Floor L & C Tower, 401 Church Street, Nashville, TN 37243-1540.

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If you have any questions regarding this matter, please feel free to contact Mr. Masters at (615) 532-0768.

Sincerely,

A handwritten signature in black ink that reads "Kent D. Taylor". The signature is written in a cursive style with a large, stylized initial "K".

Kent D. Taylor
Director
Division of Ground Water Protection

KDT/RMM

CC: Mr. Isaac Russell, Knoxville Regional Environmental Field Office
Ms. Valerie McFall, Loudon County Environmental Office