



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

Knoxville Environmental Field Office  
3711 Middlebrook Pike  
Knoxville, TN 37921  
Phone 865-594-6035 Statewide 1-888-891-8332 Fax 865-594-6105

November 21, 2023

**CERTIFIED MAIL RETURN RECEIPT**  
**# 9489 0090 0027 6129 2592 95**

Rodney Murphy, Owner/Developer  
Murphy's Bobcat, Inc.  
4921 US Hwy 411S  
Maryville, Tennessee 37801

RE: **Notice of Violation/Compliance Review Meeting** \*  
Whispering Springs S/D  
NPDES Permit Tracking #TNR 136870 and TNR 136972  
2936 Montvale Rd  
Blount County, Tennessee

Dated  
Nov. 21  
6

Dear Mr. Murphy:

On November 13, 2023, Valerie McFall, and Doug Lawrence, with the Tennessee Department of Environment and Conservation, Division of Water Resources (the Division) conducted a complaint investigation of the above referenced property. The investigation was conducted in response to a complaint received concerning unauthorized alterations to Maltby Branch.

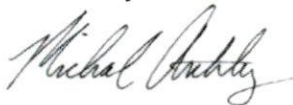
You have been authorized to discharge stormwater associated with construction activity for Whispering Springs under the *Tennessee Construction General Permit (CGP)* tracking numbers TNR#136870 & TNR136972. During the on-site visit, Valerie McFall and Doug Lawrence observed several violations and issues of noncompliance with the terms and conditions of the CGP and the *Tennessee Water Quality Control Act of 1977* on your construction site, such as:

1. Unauthorized alterations to Maltby Branch;
2. Failure to properly maintain erosion control measures on site;
3. Disturbance of buffer and failure to stabilize soil adjacent to Maltby Branch;
4. Failure to submit site assessments monthly until all best management practices (BMPs) are installed per the SWPPP. The site assessment submitted on September 18, 2023, did not address the lack of surface dewatering device in the sediment basin and was not signed.
  - a. Site assessment requirement in Section 5.5.3.8 of the CGP states: The site assessment is a documented site inspection conducted by a qualified individual to verify the installation, functionality, and performance of the EPSC measures described in the SWPPP.
5. Failure to properly construct the outfall for the sediment basin to properly treat sediment before discharging off-site

The discharge of untreated stormwater into Malty Branch can impair the stream and its designated uses, including the support of fish and aquatic life, livestock and wildlife, recreation, and irrigation. Discharging sediment into waters of the state is a violation of the *Tennessee Water Quality Control Act of 1977*. Discharging sediment into waters of the state is a violation of the *Tennessee Water Quality Control Act of 1977*. This letter serves as a formal Notice of Violation and by copy will inform our Enforcement and Compliance Unit of the violations.

In order to begin to remedy the violation, the division requests that you immediately stabilize the stream buffer and properly maintain effective erosion prevention and sediment control measures on-site to ensure no further sediment is discharged to Malty Branch and off-site. Given the nature of the violations documented during this site investigation, please plan to attend a compliance review meeting with Division personnel on December 7, 2023 at 9:00 a.m. The purpose of this meeting will be for you to outline a strategy and schedule to bring your property into compliance with the *Tennessee Water Quality Control Act of 1977*. You are encouraged to bring all relevant operator(s) and information to the meeting such as a corrective action plan to retain sediment on site and remove sediment from the stream. The meeting will be held at the Knoxville Environmental Field Office, which is located at 3711 Middlebrook Pike in Knoxville. Please contact Valerie McFall at 865-606-3696 or by email at Valerie.McFall@tn.gov to confirm your attendance of this meeting and to get directions to this office. \*

Sincerely,



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

cc : File : County : TNR#136870 & TNR136972  
Enforcement and Compliance Unit, Nashville (e-copy)  
Chase Boruff, Murphy's Bobcat, [cboruff@murphysbobcat.com](mailto:cboruff@murphysbobcat.com)  
Micah Waters, [Water\\_Micah@yahoo.com](mailto:Water_Micah@yahoo.com)  
Jeff Chapman, Blount County MS4 Program Manager, [jchapman@blounttn.org](mailto:jchapman@blounttn.org)  
Harold Mears, Blount County Inspector, [hmears@blounttn.org](mailto:hmears@blounttn.org)

**Project Name:** Whispering Springs Subdivision: TNR136870 & TNR136972

**Inspector:** Valerie McFall and Daniel Lawrence

**Inspection Date:** 11/13/2023



Unauthorized alterations to Malty Branch



2<sup>nd</sup> location of unauthorized alterations to Malty Branch

Project Name:  
Inspector:  
Inspection Date:

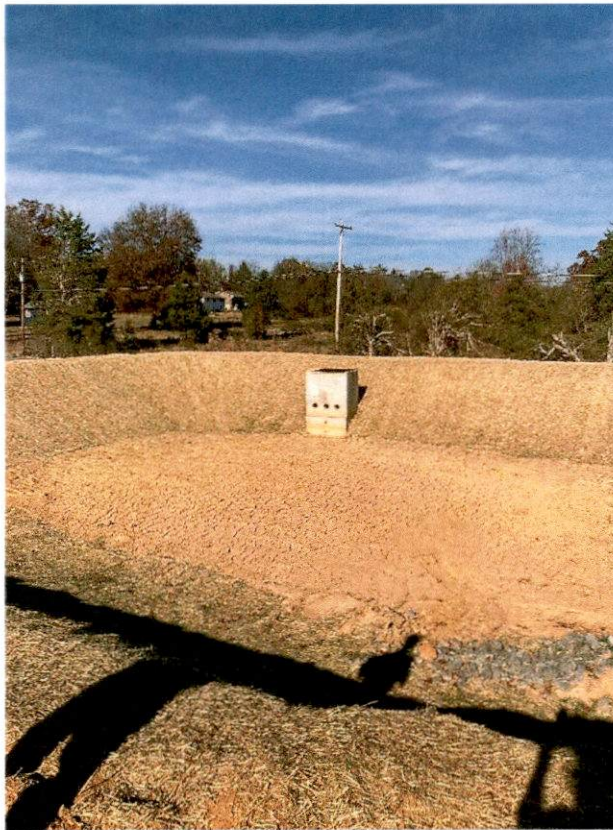


Failure to maintain BMPs above stream buffer and stabilize soil within the buffer



Disturbed soil below limits of disturbance which is also within the stream buffer. Potential for sediment discharge into Waters of the State

Project Name:  
Inspector:  
Inspection Date:



No surface dewatering device installed in sediment basin



Evidence of sediment discharge at the sediment basin outfall