STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
401 CHURCH STREET
L & C ANNEX 6TH FLOOR
NASHVILLE TN 37243-1534

April 27, 2011

Mr. Bobby York
Bobby Gene York, III Poultry Farm
PO Box 158
Grimsley, TN 38565

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
RECEIPT #7000 0520 0018 7649

Subject: **NOTICE OF VIOLATION**
Failure to Obtain Permit Coverage
Permit Number TN0080284
Fentress County, Tennessee

FIL

Dear Mr. York:

A recent file review indicates that your current permit is expired and you are therefore operating a Concentrated Animal Feeding Operation without coverage under a valid permit.

The Tennessee Water Quality Control Act, T.C.A. §69-3-108 (a) and (b) states, in part:

(a) Every person who is or is planning to carry on any of the activities outlined in subsection (b), other than a person who discharges into a publicly owned treatment works or who is a domestic discharger into a privately owned treatment works, or who is regulated under a general permit as described in subsection (j), shall file an application for a permit with the commissioner or, when necessary, for modification of such person's existing permit.

(b) It is unlawful for any person, other than a person who discharges into a publicly owned treatment works or a person who is a domestic discharger into a privately owned treatment works, to carry out any of the following activities, except in accordance with the conditions of a valid permit:

(6) The discharge of sewage, industrial wastes or other wastes into waters, or a location from which it is likely that the discharged substance will move into waters;

Our records indicate that your facility has failed to submit a completed application for coverage under an appropriate permit.

By failing to submit a completed application for permit coverage, you are in violation of the Tennessee Water Quality Control Act. Violations of the Act, pursuant to T.C.A. 69-3-115, may subject you to civil penalties of up to $10,000.00 per day for each day the violation occurs or continues.

Within 15 days of receipt of this Notice of Violation, a completed application should be submitted to:

CAFO Permit Application Processing
Tennessee Division of Water Pollution Control
6th Floor L & C Annex
401 Church Street Nashville, TN 37243.

Copies of application forms can be obtained at: http://tn.gov/environment/permits. If you don't have access to the internet, you can contact Ms. Erin O'Brien at (615) 253-2245.

If we do not receive a completed application from you within fifteen (15) days of receipt of this NOV, the Division of Water Pollution Control is obligated to initiate formal enforcement proceedings in accordance with T.C.A. §§ 69-3-101, et seq. If you have questions regarding this correspondence, you may contact Jessica Murphy at (615)532-0676.

Sincerely,

Jessica Murphy
Environmental Specialist IV
Enforcement & Compliance Section
Division of Water Pollution Control

cc: WPC Cookeville EFO
WPC E&C Central Office Compliance File