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Safe Drinking Water Act Enforcement: Tennessee Department of Environment and Conservation Issues Order to Smith County, Tennessee Utility District Addressing Alleged Violations

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The Director of the Tennessee Division of Water Resources of the Department of Environment and Conservation ("Department") issued a January 25th Director's Order and Assessment ("Order") to Twenty-Five Utility District ("District") addressing alleged Tennessee Safe Drinking Water Act violations.

The Order states that the District owns, operates and/or controls a public water system ("system") in Smith County, Tennessee.

The District is stated to obtain its water from Smith Utility District and serves 842 connections and a population of approximately 2,181 people.

Department personnel are stated to have conducted file reviews of the District for certain compliance periods:

- Third quarter of 2014 (July 1, 2014 – September 30, 2014)
- Fourth quarter of 2014 (October 1, 2014 – December 31, 2014)

The file reviews are stated to have enabled Department staff to determine that the District failed to maintain the disinfectant byproduct residuals below the maximum contaminate levels ("MCL"). The Order further notes that:

... a MCL exists on the locational running annual average (hereinafter "LRAA") for total halo acetic acids (hereinafter "HAA5") monitoring sites. The LRAA is calculated as the average of analytical results for samples taken at a particular monitoring location during the previous 4 calendar quarters. The MCL for HAA5 is 0.060 mg/L.

The Order provides that for the third quarter of 2014, the LRAA for HAA5 exceeded the MCL of 0.060 mg/L for site #206, with a testing result of 0.061 mg/L.

As to the fourth quarter of 2014, the Order provides that the LRAA for HAA5 exceeded the MCL of 0.060 mg/L for site #206, with a test result of 0.061 mg/L.

The alleged violations include the failure to maintain a LRAA below the MCL for HAA5, therefore violating T.C.A. § 68-221-711(1) and Rule 0400-45-01-.06(6)(b)(2).

The Order further notes:

T.C.A. § 68-221-711(1) states:

The following acts are prohibited:

1. Failure by a supplier of water to comply with this part, any order issued hereunder, or the drinking water regulations.

Rule 0400-45-01-.06(6)(b)(2) states:

1. LRAA compliance (Rule 0400-45-01-.38)
 1. Compliance dates. The subpart V MCLs for TTHM and HAA5 must be complied with as a locational running annual average (LRAA) at each monitoring location beginning the date specified for subpart V compliance in subparagraph (1)(c) of Rule 0400-45-01-.38.

The Order requires that within 90 days the District submit to the Department a written Corrective Action Plan ("CAP") outlining methods the system has taken or will take to ensure that the MCL for HAA5 is not exceeded. It must include a deadline for completion of the CAP within at least one year of approval. Further, District must have the approved CAP fully implemented and operational by the CAP deadline. The Order assesses a civil penalty of \$3,200.00.

[Click here to download a copy of the Order.](#)