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## Stormwater Enforcement: Tennessee Department of Environment and Conservation Proposed Order/Assessment Related to DeKalb County Scrap Recycling Operation

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The Tennessee Department of Environment and Conservation (“TDEC”) issued a proposed Director’s Order and Assessment (“Order”) addressing alleged Clean Water Act stormwater permitting violations by Sequatchie County Scrap (“SCS”). See Case Number WPC18-0127.

The Order provides that SCS operates a scrap recycling operation (“Facility”) in DeKalb County, Tennessee.

The Facility is stated to be operating without coverage under the Tennessee Multi-Sector Permit for Stormwater Discharges Associated with Industrial Activity (“TMSP”).

TDEC Division of Water Resources (“Division”) personnel are stated to have undertaken an inspection of the Facility on June 6, 2017. They were accompanied by personnel from the Division of Air Pollution Control. A complaint had alleged open burning was occurring at the Facility.

Inspection personnel are stated to have observed:

- Burned scrap material
- Chemical drums
- Other uncontained scrap exposed to stormwater

Division personnel are stated to have provided a June 28, 2017 letter to SCS requiring submittal of a completed Notice of Intent and site-specific Stormwater Pollution Prevention Plan (“SWPPP”) within 30 days of receipt. The company is stated to have submitted the Notice of Intent to the Division. However, the Division is stated to have determined that it was incomplete because it lacked an SWPPP. Division personnel are stated to have notified SCS that the Notice of Intent was incomplete.

Division personnel are stated to have conducted on August 14, 2017 a site visit. They are stated to have determined that the Facility scrap recycling activities were still in operation. Further, the Facility is stated to have failed to obtain TMSP coverage.

The Order references communications regarding assistance that SCS had requested to help with the SWPPP. Assistance is stated to have been provided by TDEC personnel. The Order references additional attempts by Division personnel to contact SCS which received no response.

Division personnel are stated to have conducted a site Facility visit on November 27, 2018. The scrap recycling Facility is stated to have continued in operation. Further, an exposure to stormwater and puddled water with a visible chemical sheen were stated to have been observed. A Notice of Violation was subsequently issued for SCS's alleged operation of an industrial site without TMSP Sector "N" coverage.

The Order alleges that by failing to obtain coverage under the TMSP, placing chemical and material in a location that increases the likelihood of causing a condition of pollution, and allowing an unpermitted discharge, that SCS has violated:

- Tenn. Code Ann. § 69-3-108(a)
- Tenn. Code Ann. § 69-3-108(b)
- Tenn. Code Ann. § 69-3-114(a)
- Tenn. Code Ann. § 69-3-114(b)

The Order requires that SCS:

- Submit a complete Notice of Intent and site-specific SWPPP to the Division
- Conduct all chemical monitoring required by the TMSP and submit the results to the Division

A total civil penalty of \$7,360 is assessed as outlined in the Order.

The Order provides SCS certain appeal rights.

A copy of the Order can be downloaded [here](#).