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## Wastewater Enforcement: Tennessee Department of Environment and Conservation Proposed Order/Assessment Addressing Bledsoe County Limestone Quarry Operator

11/16/2020

The Tennessee Department of Environment and Conservation (“TDEC”) issued an October 16th Commissioner’s Order and Assessment (“Order”) to Dunlap Stone, Inc. (“DSI”) addressing alleged violations of a National Pollution Discharge Elimination System (“NPDES”) Permit (“Permit”). See Case No. WPC20-0086.

The Order provides that DSI operates a limestone quarry in Bledsoe County, Tennessee.

The TDEC Division of Water Resources (“Division”) is stated to have issued coverage to the DSI quarry on June 10, 2015. Such coverage provided for the discharge of treated wastewater and stormwater in accordance with:

- Effluent limitations
- Monitoring requirements
- Other conditions set forth in the Permit

Division personnel are stated to have inspected the quarry on July 14th and observed that limestone gravel had been stockpiled outside of the permitted boundary in the Northwest corner of the Site. It is further stated that a significant amount of gravel had eroded from the stockpiles and been deposited in a stream.

Division personnel are stated to have conducted a Natural Resource Damage Assessment on July 30th to determine the extent of damage caused by the alleged illicit discharge of gravel into the stream. The alleged impacts are described in Paragraph IX of the Order.

On September 1st the Division is stated to have issued a Notice of Violation to DSI for allegedly:

- Conducting mining activities outside the permitted area
- Failing to install/maintain best management practices
- Causing a condition of pollution

The Notice of Violation requires DSI to submit a Corrective Action Plan for review and approval no later than September 15th.

The Division is stated to have received a response from DSI on September 11th indicating that it planned to implement temporary stabilization measures within 30 to 60 days. Further, DSI stated that it planned to:

- Engage an engineering firm to develop a plan for stormwater best management practices and gravel removal
- Engage a separate environmental consultant to develop a Corrective Action Plan for stream restoration

The Order states that the Division incurred damages of \$1,588.50. Further, the Natural Resource Damages are stated to have been calculated to be \$426,767.25 as a result of alleged damage to 4,930 feet of the unnamed tributary to Skillern Creek.

The Order also provides that upon successful completion of a Division-approved stream restoration plan, the Natural Resource Damages may be recalculated based on temporal loss of resource values calculated at a rate of three percent per year.

A civil penalty of \$50,000 is assessed. Further, \$1,588.50 for alleged damages is assessed.

DSI is also required to submit a Corrective Action Plan/Engineering Report pursuant to a timeline addressing what is described as unpermitted discharge of gravel to the stream. Also described is the requirement to submit a stream restoration plan pursuant to a schedule and associated monitoring reports.

The Order provides DSI certain appeal rights.

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