



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

# Stormwater Enforcement: Tennessee Department of Environment and Conservation Proposed Order/Assessment Regarding White County Property

04/15/2021

The Tennessee Department of Environment and Conservation (“TDEC”) issued a March 29th Proposed Order and Assessment (“Order”) to Sergio Family Trust (“SFT”) regarding the alleged failure to obtain coverage under the General Permit for Discharges of Stormwater Associated with Construction Activities (“CGP”). See Case No. WPC21-0040.

The Order provides that SFT owns property (“Site”) listed in the White County Register of Deeds.

TDEC Division of Water Resources (“Division”) personnel are stated to have investigated a complaint of land disturbance on February 2nd at the Site. They are stated to have observed that more than one acre of soil had been disturbed for construction.

SFT is alleged to have not obtained CGP coverage from the Division for the land disturbance.

The Division is stated to have issued a Notice of Violation (“NOV”) to SFT on February 2nd. Such NOV is stated to have notified SFT that it had unlawfully disturbed more than one acre of soil at the Site. SFT is stated to have been given until February 14 to submit a Notice of Intent, a Stormwater Pollution Prevention Plan, and application fee to obtain coverage under the CGP.

The owner of SFT is stated to have submitted on February 4th the Notice of Intent, Stormwater Pollution Prevention Plan, and engineering plans for the Site to the Division. Division staff is stated to have sent an email to the owner of SFT and its consultant on February 8th requiring specific revisions to the permit document before a permit could be issued. The consultant is stated to have replied that he should be able to provide the revisions by the next day. However, the Order provides that the Division did not receive the revisions and construction on the Site is still not permitted.

The Order alleges that the Division has incurred damages in the amount of \$405.99 in the course of investigating the alleged violation. It further alleges that by discharging pollutants to waters of the state or placing substances at a location from which it is likely that a discharge substance will move into waters of the state without a permit, SFT has violated Section 69-3-108(b) and 114(b) of the Tennessee Code Annotated as specified in the Order.

The Order assesses a penalty of \$1,210. Further, SFT is assessed \$405.99 in damages.

SFT is required to submit to the Division the required revisions of the Stormwater Pollution Prevention Plan and obtain proper permitting for CGP at the Site.

The Order provides SFT certain appeal rights.

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