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Wastewater Enforcement: Tennessee Department of Environment and Conservation Proposed Order/Assessment Addressing Kingsport Explosive Materials Manufacturing Facility

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The Tennessee Department of Environment and Conservation (“TDEC”) issued a November 15th Director’s Order and Assessment (“Order”) to BAE Systems Ordinance Systems, Inc. (“BAE”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See Case No. WPC21-0093.

The Order states that BAE operates Holston Army Ammunition Plant (“Site”) and manufactures explosive materials for the United States Department of Defense.

The TDEC Division of Water Resources (“Division”) is stated to have issued an NPDES permit to BAE which expired on March 31, 2014. The permit is stated to be administratively continued.

The NPDES permit is stated to authorize the discharge of treated industrial wastewater which includes:

- Coal pile runoff
- Landfill leachate
- Treated domestic wastewater overflow during peak flow conditions
- Stormwater runoff

The BAE Site is stated to have appeared on the United States Environmental Protection Agency Quarterly Non-Compliance Report for multiple quarters for the monitoring periods of September 30, 2019 to October 1, 2020, for effluent limitation exceedances.

BAE is stated to have self-reported effluent limitation exceedances on its Site Discharge Monitoring Reports during the previously referenced monitoring period as identified in the Order for the following outfalls:

- Outfall 020 to Holston River
- Outfall 025 to Holston River
- Outfall 036 to Arnott Branch
- Outfall 037 to Arnott Branch

The Order proposes to assess a civil penalty of \$49,980. Further, it requires the submission of a Corrective Action Plan/Engineering Report no later than 90 days after receipt of the Order. Progress reports are required to be submitted and a final report no later than 30 days after the previously referenced documents completion.

The Order provides certain appeal rights.

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