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Safe Drinking Water Act Enforcement: Tennessee Department of Environment and Conservation Proposed Order Addressing Moore County Public Water System

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The Tennessee Department of Environment and Conservation (“TDEC”) issued a June 7th proposed Director’s Order and Assessment (“Order”) to Metro Moore County Utility Department (“Moore”) addressing alleged violations of the Safe Drinking Water Act. See Case No. DWS23-0016.

The Order provides that Moore owns, operates and/or controls a community public water system (“System”) in Moore County, Tennessee.

The System is stated to obtain its source water from Tims Ford Lake. Such System is stated to be classified as a Subpart H system. The System uses surface water sources or groundwater sources under the direct influence of surface water.

The TDEC Division of Water Resources (“Division”) is stated to have issued a chemical waiver/triennial monitoring schedule letter to Moore dated January 31, 2020, notifying it of the requirements for sampling during the 2020 through 2022 triennial period that included the Synthetic Organic Chemicals (“SOCs”) Atrazine, Simazine, 2,4-D, Lasso (Alachlor) as well as nitrate.

The letter is stated to have instructed Moore to monitor for Atrazine annually during the April through June period of 2020, for nitrate annually during the second quarter of each year and for 2,4-D, Lasso (Alachlor) and Simazine during the April through June period of 2022.

The Division is stated to have performed a file review and determined that the required SOCs and nitrate had not been monitored in the April through June period of 2022 as required.

Division personnel are stated to have performed file reviews and determined that Moore had failed to complete total coliform monitoring for the monthly compliance periods ending August 31 and September 30, 2020. Certain missed total coliform samples are referenced. Further, a Division file review is stated to have been conducted and determined that Moore failed to include violations in the calendar year 2020 Consumer Confidence Report (“CCR”). The CCR is stated to have failed to include the violations for the failure to perform disinfectant residual monitoring as the result of missing total coliform samples in the monthly compliance periods ending August 31 and September 30, 2020.

An additional file review is stated to have determined that Moore had not followed the Division approved disinfection byproduct sampling plan for the first quarter of 2022, ending March 31, 2022. Moore is stated to have conducted sampling for total trihalomethanes and haloacetic acids on January 14, 2022, instead of the week of February 9, 2022.

A sanitary survey is stated to have been conducted by Division personnel on November 29, 2022. It is stated to have determined that Moore failed to install duplicate pumps at one of the substations to adequately supply certain water storage tanks. Division personnel are also stated to have determined that the bacteriological sampling after disinfection for a new line extension was not properly performed.

Finally, Division personnel are stated to have performed a file review and determined that Moore failed to perform total coliform monitoring during the compliance month ending February 28, 2023.

The Order proposes to require that Moore pay \$12.40 in damages to the Division and a total civil penalty of \$18,765.

Further, the Order requires certain additional actions that include:

- Properly maintain equipment
- Within 45 days of the receipt of the Order, have the tube settlers cleared of sediment and provide proof of clearing of the sediment
- Within 60 days of the receipt of the Order, submit engineering plans for the installation of duplicate pumps at the Coy Hill pump station
- Within 60 days of the Division approval of the engineering plans for the duplicate pumps at the Coy Hill pump station, have the pumps installed and provide proof of installation
- Publish accurate CCRs
- Monitor for disinfection byproducts TTHM and HAA5 in accordance with the Division approved monitoring plan
- Properly disinfect and document new line installations and line repairs
- Perform bacteriological monitoring and accompanying disinfectant residual in accordance with the Division approved monitoring plan

The Order provides certain appeal rights.

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