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

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The Tennessee Department of Environment and Conservation (“TDEC”) issued an August 11th proposed Director’s Order and Assessment (“Order”) to West Point Utility District (“West Point”) alleging violations of the Tennessee Safe Drinking Water Act and its implementing regulations. See Case No. DWS23-0057.

The Order describes West Point as a domestic nonprofit corporation that owns, operates, and/or controls a community public water system (“System”) in Lawrence County, Tennessee.

The System is stated to obtain its water from the town of Loretto whose water source is two springs which have been classified as groundwater under the direct influence of surface water.

West Point is described as a Subpart H system. This is a system using surface water sources or groundwater sources under the direct influence of surface water and those systems purchasing from systems with such sources. It is stated to serve 156 connections and a population of approximately 324 persons.

TDEC Division of Water Resources (“Division”) personnel are stated to have performed a file review and determined that West Point had failed to perform the lead consumer notice to tap sampling participants after sampling that occurred during the June 1 through September 30, 2018, monitoring period. Further, West Point is stated to have failed to perform a Tier 3 public notice for the consumer notice violation by November 19, 2019.

Division personnel are stated to have performed a file review and determined that West Point had not followed the Division approved disinfection byproduct sampling plan for Haloacetic Acids 5 (“HAA5”) and total Trihalomethanes (“TTHM”) for the third quarter of 2021. West Point conducted sampling for these materials on September 17, 2021, instead of the week of August 4, 2021, as stated in the plan.

Division personnel performed a file review and determined that West point failed to provide the lead consumer notice to the participants of tap sampling after the June 1 – September 30, 2021, monitoring period. Further, Division personnel performed a file review and determined that West Point failed to submit the calendar year 2021 Consumer Confidence Report to the Division by July 1, 2021, and

certification of the distribution of the Consumer Confidence Report to customers to the Division by October 1, 2021. In addition, West Point is stated to have failed to perform a required disinfection byproduct monitoring for HAA5 and TTHM in the third quarter of 2022.

The Division personnel performed a file review and determined that West Point failed to include the failure to follow the Division approved disinfection byproduct sampling plan for HAA5 and TTHM in the third quarter of 2021. Further, Division personnel performed a file review and determined that West Point failed to provide a Tier 3 public notice before November 1, 2022, for failure to follow the Division approved disinfection byproduct sampling plan for HAA5 and TTHM in the third quarter of 2021. In addition, a failure to perform a Tier 3 public notice before December 1, 2022, for the lead and copper consumer notice violation is cited.

Division personnel performed a sanitary survey for the System on October 18, 2019, and determined that West Point failed to update the 2014 water distribution map every five years as required by regulation.

The Division is alleged to have incurred \$12.40 in damages while investigating these violations. Further, West Point is assessed a civil penalty of \$3,450. In addition, West Point is required to:

- Perform required consumer notification for lead and copper tap sampling
- Perform public notices as required
- Submit an updated water distribution map to the division

The Order provides certain appeal rights.

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