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# Mining Enforcement: Tennessee Department of Environment and Conservation Proposed Order and Assessment Addressing Livingston Stone Rock Harvesting Quarry

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The Tennessee Department Environment & Conservation (“TDEC”) issued a February 27th Director’s Order and Assessment (“Order”) to Walnut Creek Timber, LLC (“Walnut Creek”).

The Order provides that Walnut Creek operates a dimension stone rock harvesting quarry in Livingston, Tennessee.

TDEC is stated to have issued a Notice of Violation (“NOV”) to Walnut Creek for allegedly:

- Conducting mining activities at the referenced site without a permit
- Failing to obtain an Aquatic Resource Alteration Permit (“ARAP”)

The NOV is stated to have required Walnut Creek to stabilize the site by November 26, 2020, and to apply for a Tennessee Multi-Sector Permit (“TMSP”) for rock harvesting activity by December 31, 2020.

TDEC is stated to have received a TMSP Notice of Intent (“NOI”) from Walnut Creek on April 1, 2021. The NOI requested a discharge of treated industrial wastewater from all point sources associated with rock harvesting and related facilities. However, TDEC is stated to have deemed the NOI to be incomplete.

TDEC Division of Mineral and Geologic Resources personnel (“Division”) are stated to have visited the site on January 19, 2023, to conduct an inspection and observed rock harvesting activities occurring without TMSP coverage.

The Division is stated to have issued a NOV to Walnut Creek that required them to either cease operations and stabilize the site or obtain TMSP coverage.

Division personnel are stated to have returned to the site on September 18, 2023, to conduct an inspection and observed four segments of the stream had been damaged due to vehicles crossing, in addition to rock harvesting activity without TMSP coverage.

A second NOV was issued which requested a complete TMSP NOI by October 26, 2023, and installation of Best Management Practices (“BMP”) by October 10, 2023. Further, the NOV required Walnut Creek to attend a Compliance Review Meeting (“CRM”) on October 26, 2023.

Walnut Creek is stated to have:

- Failed to attend the CRM
- Failed to submit a complete TMSP NOI
- Failed to provide proof of BMP installation

The Division is stated to have incurred damages in the amount of \$583.96 in the course of investigating the alleged violations.

The Order proposes a total civil penalty of \$56,160. Further, it provides a timeline for required activities that must be undertaken as previously referenced in the Order.

The Order provides Walnut Creek certain appeal rights.

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