

Safe Drinking Water Act/Environment: Tennessee Department of Environment and Conservation Proposed Director's Order and Assessment



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09/13/2024

The Tennessee Department of Environment and Conservation ("TDEC") issued a September 5th Proposed Director's Order and Assessment ("Order") to the City of Dayton, Tennessee addressing alleged violations of the Tennessee Safe Drinking Water Act regulations.

See Director's Order No. DWS24-0059.

The City of Dayton, Tennessee is stated to own, operate and/or control a community public water system ("System"), Dayton Water Department, existing in Rhea County, Tennessee.

The System is stated to obtain its source water from the Tennessee River. Further, the System is stated to be classified as a Subpart H System, which includes systems using surface water sources.

The System is stated to serve 9,100 connections and have a population of approximately 23,600.

TDEC personnel are stated to have performed a file review and determined that Dayton failed to submit a Certificate of Distribution by October 1, 2020, for the calendar year 2019 and Consumer Confidence Report ("CCR") to its customers by July 1, 2020. A letter is stated to have been issued notifying Dayton of the violation for not submitting the Certificate of Distribution on December 11, 2020.

TDEC personnel are stated to have performed a file review and determined that Dayton failed to perform consumer notice activities for those customers participating in tap sampling for lead and copper during the compliance period from June 1 through September 30, 2020. Dayton is stated to have been notified of the consumer notice violation in a letter dated December 15, 2020.

TDEC personnel are stated to have subsequently performed a file review and determined that Dayton sampled for the disinfection byproducts total trihalomethanes ("TTHM") and haloacetic acids five ("HAA5") on December 15, 2020, instead of November 11, 2020, as required in the approved monitoring plan.

TDEC personnel are stated to have conducted a file review for the quarterly compliance period ending March 31st and determined that Dayton failed to maintain water served to its customers below Maximum Contaminant Levels ("MCL") for the disinfection byproduct HAA5 for the quarterly compliance period.

Public water systems are required to maintain locational running annual average (“LRAA”) below the MCL for TTHM and HAA5 at each monitoring site.

The Order proposes to assess a total civil penalty of \$2,100.00. Further, Dayton is required to submit a Corrective Action Plan (“CAP”) to maintain water quality below the LRAA MCLs for TTHM and HAA5 within 60 days of the receipt of the Order. \$400.00 is assessed in the event of failure to submit the plan. In addition, Dayton is required to timely perform consumer notice for the lead and copper tap monitoring results and pay \$100.00 for each failure to timely perform consumer notice.

Additional requirements are to submit an accurate timely CCR or Certification of Distribution as a CCR and \$100.00 for each quarterly exceedance of the LRAA HAA5 MCL or LRAA TTHM MCL.

Dayton must demonstrate within two years of the effective date of this Order that the CAP is fully implemented by having four quarters of TTHM and HAA5 results below the LRAA MCL and notify TDEC in writing.

The Order provides certain appeal rights.

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