

Overflows/Wastewater Enforcement: Tennessee Department of Environment and Conservation and Dyersburg, Tennessee Enter into Consent Agreement



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The Tennessee Department of Environment and Conservation (“TDEC”) and the City of Dyersburg, Tennessee (“City”) entered into an October 9th Consent Agreement and Assessment (“CAA”) addressing alleged violations involving sewage overflows. See Case No. WPC17-0074.

The CAA provides that the City owns and operates the Dyersburg Sewage Treatment Plant (“Plant”) and an associated collection system (“Collection System”).

The Director of the Tennessee Division of Water Resources (“Division”) is stated to have issued a National Pollution Discharge Elimination System (“NPDES”) permit to the City on January 1, 2013. Such permit is stated to authorize the City to discharge treated municipal wastewater from a particular outfall from the Plant into a named waterbody. The discharge is required to meet certain effluent limitations, monitoring requirements, and other conditions.

The City is stated to have been provided a May 17, 2016 letter summarizing findings of a previously conducted Compliance Evaluation Inspection (“CEI”). The CEI is alleged to have identified 13 overflows from the Collection System during the monitoring period of April 1, 2015 through March 31, 2016. The Division is stated to have recommended to the City that staff resources be dedicated toward ongoing Collection System repairs and maintenance.

Part 2.3.3 of the City’s NPDES permit is stated to define the overflow as “any release of sewage from any portion of the collection, transmission, or treatment system other than through permitted outfalls,” and provides that “overflows are prohibited.”

The CAA provides a list of alleged overflows that occurred during the monitoring period of May 15, 2015, through May 2017 which were reported by the City.

As a result, the CAA alleges a violation of Tenn. Code Ann. §§ 69-3-108(b) and 69-3-114(b).

The CAA contains an “Agreement and Assessment” section which requires that within 270 days of execution of the document that a detailed and updated Collective System Corrective Action Plan/Engineering Report be provided to the Division. The Report is required to include a project schedule with milestone dates for beginning and completing all activities and identifying the locations in the

Collection System to be repaired. Other details that must be addressed, such as accounting for population growth, reliability of pump stations, etc.

The Agreement and Assessment section also includes:

- Requirement for initiation of activities detailed in the Collection System Corrective Action Plan/Engineering Report
- Completion deadlines for the Collection System Corrective Action Plan/Engineering Report
- Items scheduled for submission of written elements of the City's Fats, Oils and Grease management program
- Implementation schedule for Fats, Oils and Grease management program
- Submission to the Division of a Sewer Overflow Response Plan
- Schedule for implementation of the Sewer Overflow Response Plan
- Preparation of a Sanitary Sewer Overflow Evaluation Report
- Submission of annual reports updating the Division on progress made toward permit compliance
- Initiation of reporting on electronic MOR forms
- Completion date for all CAA items

The CAA assesses a civil penalty of \$56,000.

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