

## Wastewater Enforcement: Tennessee Department of Environment and Conservation and Minor Hill, Tennessee, Car Wash Enter into Consent Order



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The Tennessee Department of Environment and Conservation (“TDEC”) and James Derek Black D/B/A Rope’em and Soap’em Car Wash (“RSCW”) entered into a January 16th Consent Order and Assessment (“COA”) addressing alleged violations of certain Tennessee statutory/regulatory provisions related to wastewater discharges. See Case No. WPC17-0103.

RSCW is stated to own a car wash facility (“Facility”) in Minor Hill, Tennessee.

The COA provides that RSCW mailed a Standard Operating Permit (“SOP”) application for the Facility to renew a current SOP permit on February 8, 2010. The SOP application is described as stating:

... that wastewater generated during operations of the three bay car wash would be collected by a wastewater system (“the system”) comprised of three 1,500 gallon filtered, septic holding tanks. The grey water would then be land applied to pasture and hay ground through a sprinkler irrigation system.

The SOP reissued in 2010 had a five year permit term. Further, this permit required RSCW to record the date of sprinkler plot alternation and submit a copy to the Columbia Environmental Field Office upon request.

The Tennessee Division of Water Resources (“Division”) is stated to have conducted a Compliance Evaluation Inspection (“CEI”) at the Facility on March 12, 2015. The Division is stated to observed the site was operating in compliance with the permit. However, it is also determined a permit renewal application had not been submitted within 180 days of expiration as required by the permit. Also referenced is a contact by a car wash manager to Division staff requesting a change in contact person and a blank SOP application.

Division staff is stated to have conducted a subsequent CEI at the Facility on February 1, 2017. The Division is stated to have reminded RSCW of the permit expiration date and language in this document that prohibits a discharge after its expiration. Further referenced is a determination that the spray irrigation system was not functioning properly, resulting in ponded water. Additionally referenced was a possible back-up in the collection system which was noted as a potential reason for floor drains not draining properly.

An additional Division Facility visit is stated to have been conducted on January 25, 2018. The treatment system is characterized as still having operational issues along with ponding along the tank areas. Two bays of the car wash were stated to be operational during the visit.

The COA provides that certain Tennessee statutes and regulations were violated by the alleged failure of RSCW to apply for the renewal of the SOP permit and subsequent discharges without a permit after permit expiration.

The COA assesses a civil penalty of \$515.00. Further, it requires that RSCW pay damages to the TDEC in the amount of \$487.80.

A copy of the COA can be found [here](#).