STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

IN THE MATTER OF:	**)**	**DIVISION OF WATER RESOURCES**
	)	
CITY OF MANCHESTER,	**)**	
	)	
RESPONDENT.	**)**	**CASE NO. WPC25-0158**

COMMISSIONER'S ORDER AND ASSESSMENT

David W. Salyers, P.E., Commissioner of the Department of Environment and Conservation, states:

PARTIES

I.

David W. Salyers, P.E., is the duly appointed Commissioner ("Commissioner") of the Department of Environment and Conservation ("Department") and is charged with administering and enforcing the Water Quality Control Act, Tenn. Code Ann. §§ 69-3-101 to -148 ("Act").

II.

The City of Manchester ("Respondent") owns and operates a Publicly Owned Treatment Works ("POTW") located in Coffee County, Tennessee at 736 West High Street, Manchester, Tennessee 37355. A Wastewater Collection and Transmission System ("WCTS") connects to the Respondent's POTW. The Respondent may be served through the Honorable Joey Hobbs at 200 West Fort Street, Manchester, Tennessee 37355.

JURISDICTION

III.

Whenever the Commissioner has reason to believe that a violation of the Act has occurred, is occurring, or is about to occur, the Commissioner may issue a complaint to the violator, and the Commissioner may order that the violator take corrective action. Tenn. Code Ann. § 69-3-109(a). Further, the Commissioner has authority to assess civil penalties against any violator of the Act, Tenn. Code Ann. § 69-3-115, and has authority to assess damages incurred by the state resulting from the violation, Tenn. Code Ann. § 69-3-116. The Board of Water Quality, Oil, and Gas ("Board") has promulgated rules governing general water quality criteria and use classifications for surface waters. Tenn. Comp. R. & Regs. Chapters 0400-40-03 and 0400-40-04.

IV.

The Respondent is a "person" under the Act. Tenn. Code Ann. § 69-3-103(28).

V.

The Duck River constitutes "waters" of the state and a "stream." Tenn. Code Ann. §§ 69-3-103 (42) and (48). The Board classifies the Duck River for the following uses: fish and aquatic life; livestock watering and wildlife; irrigation; industrial water supply; and recreation. The Duck River at the location of Respondent's discharge is an Exceptional Tennessee Water supporting the state endangered Longhead Darter and Hellbender, and the state threatened Coppercheek Darter and Flame Chub.

VI.

Any person engaged in or planning to engage in the discharge of sewage, industrial wastes, or other wastes into waters, or to a location from which it is likely that the discharged substance will move into waters must obtain and comply with a permit from the Department. Tenn. Code

Ann. § 69-3-108. Each permit requires a set of effluent limitations and standards. Tenn. Comp. R. & Regs. 0400-40-05-.08. The permittee shall at all times properly operate and maintain all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the permittee to achieve compliance with the conditions of the permit. Tenn. Comp. R. & Regs. 0400-40-04-.07(c). For POTWs, sanitary sewer overflows and releases caused by improper operation and management are prohibited. Tenn. Comp. R. & Regs. 0400-40-04-.07(n). It is unlawful for any person to violate the conditions of a discharge permit issued by the Department. Tenn. Code Ann. §§ 69-3-108(b) and -114(b).

FACTS

VII.

On July 31, 2014, the Division issued National Pollutant Discharge Elimination System (NPDES) permit TN0025038 ("Permit") to the Respondent, which became effective September 1, 2014. The Division has since reissued the Permit several times, most recently on February 9, 2024, with an effective date of March 1, 2024, expiring February 28, 2029. The Permit authorizes the Respondent to discharge treated municipal wastewater from Outfall 001 to Duck River at mile 268.5 in accordance with all effluent limitations and monitoring requirements set forth.

VIII.

Part 4.1 of the Permit defines "sanitary sewer overflow" ("SSO") as "an unpermitted discharge of wastewater from the collection or treatment system other than through the permitted outfall." SSOs release untreated wastewater, which contains wastewater solids, sewage debris, nutrients (ammonia, nitrates, phosphorus), and *E. coli*, directly into waters of the state.

IX.

Part 2.3.2.(e) of the Permit states, in part: "No new or additional flows shall be added upstream of any point in the collection, transmission, or treatment system that experiences greater than 5 sanitary sewer overflows and/or releases per year or would otherwise overload any portion of the system." Implementation of this condition is referred to as a "self-imposed moratorium."

X.

A review of WCTS records shows that since March 15, 2024, the Respondent reported more than five SSOs in less than a 12-month period at seven manholes in the WCTS: A39, A43, I141A, B43, B49, I141, and G113.

XI.

In a letter dated April 30, 2024, the Division informed the Respondent that because of the number of SSOs reported at manholes A39 and A43, the Respondent was required to enforce a self-imposed moratorium on connections to the WCTS that ultimately flow to these points.

XII.

In a letter dated May 7, 2024, the Division informed the Respondent that because of the number of SSOs reported at manhole I141A, the Respondent was required to enforce a self-imposed moratorium on connections to the WCTS that ultimately flow to this point.

XIII.

In a letter dated May 16, 2024, the Division informed the Respondent that because of the number of SSOs reported at manhole B43, the Respondent was required to enforce a self-imposed moratorium on connections to the WCTS that ultimately flow to this point.

XIV.

In a letter dated October 2, 2024, the Division informed the Respondent that because of the number of SSOs reported at manhole B49, the Respondent was required to enforce a self-imposed moratorium on connections to the WCTS that ultimately flow to this point.

XV.

On October 21, 2024, inspectors from United States Environmental Protection Agency ("EPA"), accompanied by Division staff, conducted a Compliance Evaluation Inspection of the Respondent's POTW and WCTS to evaluate the Respondent's compliance with the requirements of section 301 of the Clean Water Act ("CWA"), 33 U.S.C. § 1311, the regulations promulgated thereunder, and the Permit. Through review of records in the EPA's integrated Compliance Information System database, inspectors determined that from January 2024 through December 2024, the Respondent failed to properly operate its WCTS, resulting in SSOs as detailed in Table 1 below.

Table 1. Sanitary Sewer Overflow (SSO) events reported by the Respondent from January 2024 through December 2024.

Month	Wet Weather SSOs	Dry Weather SSOs	Volume (gal)
January	9		48,747
February	7		51,000
March	32		2,953,450
April	28		2,616,400
May	13		957,600
June	4		288,000
July			1,620,000
August			15,700
September	6		526,500
October		4	48,747
November			51,000
December	2		2,953,450
Totals:	**101**	**4**	**9,077,397**

XVI.

In a letter dated February 19, 2025, the Division informed the Respondent that because of the number of SSOs reported at manhole I141, the Respondent was required to enforce a self-imposed moratorium on connections to the WCTS that ultimately flow to this point.

XVII.

In a letter dated April 9, 2025, the Division informed the Respondent that because of the number of SSOs reported at manhole G113, the Respondent was required to enforce a self-imposed moratorium on connections to the WCTS that ultimately flow to this point.

XVIII.

On June 2, 2025, the Division issued a Notice of Coverage under the General Permit for Discharges of Stormwater Associated with Construction Activities to Little Leaf NC, LLC ("Little Leaf") for disturbance of 103.4-acres of the 210.4 acre site located at 1778 Asbury Road in Manchester, Tennessee. The Division assigned tracking number TNR183297 to this coverage. The Little Leaf facility will connect to the WCTS in a sewershed upstream of several chronic overflow poisnts.

XIX.

On October 29, 2025, the EPA executed Administrative Order on Consent CWA-309-2025-08 ("AOC") with the Respondent to address 105 violations of the Permit's SSO limitations from January 2024 through December 2024.

XX.

From January 2025 through December 2025, the Respondent self-reported 108 SSOs, discharging an estimated 25,333,795 gallons of untreated wastewater to waters of the state. Table

2 lists all SSO events during this period. Table 3 lists the subset of SSO events during this period that occurred at each chronic overflow point identified in paragraph X.

Table 2. Sanitary Sewer Overflow (SSO) events reported by the Respondent from January 2025 through December 2025.

Month	Number Reported	Volume (gal)
2025	**SSO**	**SSO**
January	4	84,400
February	17	6,190,020
March	51	13,500,000
April	22	4,969,000
June	1	9,600
July	1	1,200
August	4	575
September	5	390,000
December	3	179,000
Total Reported:	**108**	**25,333,795**

Table 3. Sanitary Sewer Overflow (SSO) events at identified chronic overflow locations from January 2025 through December 2025.

Location	Number SSOs Reported	Volume (gal)
A 39	9	2,481,200
A 43	9	2,726,450
B 43	9	2,760,100
B 49	6	2,347,200
G 113	6	540,200
I 141	4	763,200
I 141 A	5	1,915,200

XXI.

To analyze the effectiveness of any previous actions taken by the Respondent to reduce influent flow/infiltration ("I/I") into the WCTS, the Division analyzed annual MOR data provided by the Respondent from 2012, and from 2019 through 2022. Table 4 below shows that from 2012

through 2022, I/I consistently comprised between 70% and 76% of total inflow to the POTW, indicating no evidence of reduction in I/I and improper operation and maintenance of the collection system. Reduction of I/I is a critical element of reducing wet-weather SSOs, and eliminating chronic overflow locations.

Table 4. Results of influent flow/infiltration (I/I) regression analysis of annual MOR data provided by the Respondent.

	Year				
	2012	**2019**	**2020**	**2021**	**2022**
Total Rain (in)	41.92	57.36	59.12	54.84	50.41
Largest 2-day storm (in)	3.93	3.6	3.93	6.75	5.19
Annual total influent flow to POTW (MG)	827	1052	1099	1006	960
Daily average flow to POTW (MG)	2.27	2.88	3.01	2.76	2.63
ADDWF*-7 (MGD)	1.254	1.534	1.488	1.554	1.460
Total Annual I/I (MG)	367	492	555	438	427
Daily average I/I (MG)	1.01	1.35	1.52	1.20	1.17
I/I as % of annual flow	75%	74%	74%	70%	76%
Annual I/I per inch of annual rain	8.8	8.6	9.4	8.0	8.5

*Average Daily Dry Weather Flow (7 consecutive valid days with lowest flow)

VIOLATIONS

XXII.

By failing to comply with the effluent limitations and conditions set forth in the Permit from January to December 2025, the Respondent has violated Tenn. Code Ann. §§ 69-3-108(b) and -114(b), which state in part:

> § 69-3-108(b):
>
> It is unlawful for any person, other than a person who discharges into a publicly owned treatment works or a person who is a domestic discharger into a privately owned treatment works, to carry out any of the following activities, except in accordance with the conditions of a valid permit:
>
> > (6) The discharge of sewage, industrial wastes or other wastes into waters, or a location from which it is likely that the discharged substance will move into waters;

§ 69-3-114(b):

> In addition, it is unlawful for any person to act in a manner or degree that is violative of any provision of this part or of any rule, regulation, or standard of water quality promulgated by the board or of any permits or orders issued pursuant to this part; or to fail or refuse to file an application for a permit as required in § 69-3-108; or to refuse to furnish, or to falsify any records, information, plans, specifications, or other data required by the board or the commissioner under this part.

ORDER AND ASSESSMENT

XXIII.

Pursuant to sections 69-3-109, -115, and -116 of the Act, the Commissioner issues the following Order and Assessment ("Order"). This case number, WPC25-0158, should be written on all correspondence concerning this matter. All documentation relating to compliance schedule items in this Order should be submitted electronically to DWRWater.Compliance@tn.gov or in duplicate to the addresses listed below:

Sherry Glass, Manager
Columbia Environmental Field Office
Division of Water Resources
1421 Hampshire Pike
Columbia, Tennessee, 38401

AND

Jessica Murphy, Manager
Enforcement and Compliance Unit
Division of Water Resources
Davy Crockett Tower, 9th Floor
500 James Robertson Parkway
Nashville, Tennessee 37243

Payment of all penalties and damages shall be made payable to the "Treasurer, State of Tennessee" and sent to the address listed below. The case number should appear in the memo line of the check.

Treasurer, State of Tennessee
Division of Fiscal Services – Consolidated Fees
Davy Crockett Tower
500 James Robertson Parkway, 6th Floor
Nashville, Tennessee 37243

1) **The Respondent is assessed a total civil penalty of $146,000.[1] The Respondent shall pay an upfront allocation of $29,200 of this penalty to the Division within 31 days after the effective date of this Order.**
2) When the Respondent submits documentation to the EPA in compliance with the AOC, the Respondent shall concurrently provide copies to the Division of all documents submitted.
3) Within 31 days after the effective date of this order, the Respondent shall submit to the Division a record of all connections to the WCTS approved since closure of enforcement order WPC12-0138 on March 15, 2024, including for each connection listed the location information, estimated flow added, the date the Respondent approved the connection, and the date the connection was completed. If an approved connection has not yet been built, the record shall state the anticipated time frame to complete the connection. If the Respondent fails to submit the record, the Respondent shall pay $20,000.
4) On or before April 27, 2026 (within 180 days of the effective date of the AOC), the Respondent shall submit to the Division an updated map of the WCTS, identifying all connections and all points of chronic overflow. If the Respondent fails to submit the map as required herein, the Respondent shall pay $20,000.
5) The moratorium established for the Respondent's WCTS will be updated using the list of SSOs provided by the Respondent to the EPA in compliance with the AOC and shall remain in effect until modified or rescinded in writing by the Division. The moratorium shall no longer be self-

[1] This civil penalty covers only SSO violations in 2025, thus excluding the 2024 violations addressed in EPA's AOC.

administered. Until this order is closed by the Division, the Respondent shall not approve any new connections proposed anywhere in the WCTS that is subject to the moratorium unless it has first obtained written approval from the Division for each connection. As of the date of this Order and until it is closed, any approval for a new connection issued by the Respondent in violation of this requirement is null and void.

6) Within 31 days after the effective date of this order, the Respondent shall submit annual MOR data, collected from approved flow monitoring devices and compiled in Excel spreadsheets, for calendar years 2023, 2024, and 2025. To determine whether moratorium relief credit is warranted, the Division will develop annual regression curves from these data and compare them over multiple years to quantitatively assess reduction of I/I. If the Respondent fails to submit any year of data, the Respondent shall pay $6,667, not to exceed a total of $20,000.

7) The AOC defines adequate capacity as "that capacity [of the WCTS] needed to collect, convey and treat anticipated peak wet weather flows, without causing SSOs." The Little Leaf facility will connect to the WCTS in a sewershed upstream of several chronic overflow points, identified in paragraph X above, and wastewater collected from Little Leaf will pass through these points prior to reaching the POTW. Until the Respondent completes approved corrective actions on the WCTS in compliance with the AOC, this sewershed does not demonstrate adequate capacity for the projected flow from the Little Leaf connection. Within 31 days of the effective date of this Order, the Respondent shall submit proposals for interim solutions to alleviate the potential for downstream SSOs caused by wastewater collected from the Little Leaf facility. Possible measures may include but are not limited to construction and utilization of an equalization basin on site to hold wastewater during periods of high flow until adequate capacity is demonstrated downstream. Each project proposed shall include a schedule with

specific dates of completion for all project milestones. If the Respondent fails to timely submit proposals in accordance with these requirements, the Respondent shall pay $20,000.

8) Upon Division approval of an interim solution submitted to comply with Item 7, each milestone date of the project schedule shall become an enforceable component of this Order. The Respondent shall complete each milestone of the approved project by no later than the corresponding date in the Division-approved schedule. By the 15th day of each month, until construction of the Little Leaf facility is completed and it is connected to the WCTS, the Respondent shall submit a report detailing progress toward approved milestones. For each report not submitted, submitted late, or for each project milestone not completed by the approved date, the Respondent shall pay $1,000, not to exceed a total of $20,000.

9) Following completion of the Little Leaf facility and its connection to the WCTS, until the Respondent demonstrates adequate capacity of the sewershed for the Little Leaf facility connection – through demonstration of reduced I/I as detailed in Item 6 above – the Respondent shall submit, by the 15th day of each month, documents verifying the effectiveness of the alleviation project installed at the Little Leaf site. Acceptable documentation may include, but is not limited to, daily records of wastewater volumes stored and released, and documentation of SSOs reported at chronic overflow points downstream. For each month that the Respondent fails to verify effectiveness of the completed interim solution, the Respondent shall pay $1,680, not to exceed a total of $16,800

This Order shall be considered closed five years from the date of service, provided the Respondent has met all requirements, paid all outstanding penalties, and is in substantial compliance with the Act.

The Department may, for good cause shown, extend the compliance dates contained within this Order. To be eligible for this time extension, the Respondent shall submit a written request to be received in advance of the compliance date. The written request must include sufficient detail to justify such an extension and include, at a minimum, the anticipated length of the delay, the precise cause or causes of the delay, and all preventive measures taken to minimize the delay. Any such extension by the Director will be in writing. Should the Respondent fail to meet the requirement by the extended date, an associated Civil Penalty shall become due 30 days thereafter.

Failure to comply with any of the requirements of this Order could lead to further enforcement actions, which may include additional civil penalties, assessment of damages, and/or recovery of costs.

RESERVATION OF RIGHTS

In issuing this Order, the Department does not implicitly or expressly waive any provision of the Act or the regulations promulgated thereunder or the authority to assess costs, civil penalties, or damages incurred by the State against the Respondent. The Department expressly reserves all rights it has at law and in equity to order further corrective action, assess civil penalties or damages, and to pursue further enforcement action including, but not limited to, monetary and injunctive relief. Without limitation of the foregoing, the Department expressly reserves its right to seek injunctive relief to enforce the requirements of this Order. Compliance with this Order will be considered as a mitigating factor in determining the need for future enforcement action.

NOTICE OF RIGHTS

The Respondent may appeal this Order. Tenn. Code Ann. §§ 69-3-109, -115, and -116. To do so, a written petition setting forth the reasons for requesting a hearing must be received by the

Commissioner within 30 days of the date the Respondent(s) received this Order, or this Order will become final.

If the Respondent files an appeal, an Administrative Judge will conduct an initial hearing of this matter as a contested case hearing. Tenn. Code Ann. § 69-3-110; Tenn. Code Ann. §§ 4-5-301 to -326 (the Uniform Administrative Procedures Act); Tenn. Comp. R. & Regs. 1360-04-01 (the Department of State's Uniform Rules of Procedure for Hearing Contested Cases before State Administrative Agencies). Such hearings are legal proceedings in the nature of a trial. Individual respondents may represent themselves or be represented by an attorney licensed to practice law in Tennessee. Governments and artificial persons (corporations, limited partnerships, limited liability companies, etc.) cannot engage in the practice of law and therefore may only pursue an appeal through an attorney licensed to practice law in Tennessee. Low-income individuals may be eligible for representation at a reduced or no cost through a local bar association or legal aid organization.

At the conclusion of any initial hearing, the Administrative Judge has the authority to affirm, modify, or deny the Order. Furthermore, the Administrative Judge on behalf of the Board has the authority to assess additional damages incurred by the Department including, but not limited to, all docketing expenses associated with the setting of the matter for a hearing and the fees incurred due to the presence of the Administrative Judge and a court reporter.

Any petition for review must be directed to the Commissioner of the Department of Environment and Conservation, c/o Jenny L. Howard, Deputy Commissioner and General Counsel. **An appeal should be filed by sending the petition to the following email address: TDEC.Appeals@tn.gov.** Alternatively, the appeal may be sent to the Department of Environment and Conservation, Davy Crockett Tower, 500 James Robertson Parkway, 5th Floor,

Nashville, Tennessee 37243. Attorneys should contact the undersigned counsel of record. The case number, WPC25-0158, should be written on all correspondence regarding this matter.

Issued by the Commissioner of the Department of Environment and Conservation on this 9th day of February, 2026.

David W. Salyers P.E., Commissioner
Department of Environment and Conservation

Reviewed by:

Patrick (Feb 10, 2026 09:20:08 CST)

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