

## **Milestone in Madisonville Treatment Plant Litigation**

The Water Quality Improvement Committee (WQIC) of the Watershed Association of the Tellico Reservoir (WATeR) is pleased to announce that terms of an agreement with Madisonville have been accepted by the U.S. Eastern District Court in Knoxville. WATeR teamed with the Tennessee Clean Water Network (TCWN) in 2014 to initiate litigation against Madisonville to insure proper treatment of the city's wastewater.

Madisonville's current treatment plant is old and has been poorly maintained. In addition, the sewer collection system throughout the city is in dire need of repair and upgrading. As a result, stormwater and groundwater seepage into the collection network have frequently caused sewer overflows and overloads at the treatment plant allowing untreated sewer to flow directly into the nearby Bat Creek. Madisonville has reported thousands of discharge violations of wastewater over the past decade.

The WQIC has a mission of protecting and improving the water quality of the watershed. The WQIC objected to Madisonville's plan to build a new treatment plant and discharge directly into Tellico Lake. The prevailing strategy for solving such environmental problems was to first treat wastewater and then discharge to the largest body of water available for dispersion. Both regulators and plant designers failed to recognize that this approach could have devastating environmental effects because of the unique hydrologic features of Tellico Reservoir. Given Madisonville's past history of environmental violations and the State's inability to enforce environmental regulations, the WQIC felt it was imperative to oppose this proposal and help to develop an acceptable plan. This lake is a huge asset and economic driver for the three-county area, and must be protected.

In November 2014, WATeR teamed with the TCWN to initiate litigation against Madisonville in Federal Court for previous violations of the Federal Clean Water Act. These violations were well documented in public records making them easy to prove. The goal of this litigation was to assure the best possible plan to protect and improve the water quality of both Bat Creek and Tellico Lake. Through this legal process, WATeR and TCWN could exert influence and involve the Federal court to assure compliance with environmental regulations. The intent was not to punish or embarrass Madisonville, but to correct a long-standing environmental problem. The existing enforcement by the Tennessee Department of Environment and Conservation (TDEC) has not proven effective.

Shortly after filing litigation, WATeR and TCWN initiated negotiations with Madisonville to explore terms of a settlement agreeable to all three parties. The basic common denominator was the need to construct a new, modern treatment plant as soon as possible. Other details were established through negotiations and compromises. A proposed Consent Decree was signed by all three parties and lodged with the court on May 5, 2015. A 45-day review period was required for review and approval by the US Environmental Protection

Agency and the US Department of Justice. With minor modifications, the Consent Decree was accepted by the Federal Court on June 29, 2015.

The Consent Decree includes several significant terms which are now in effect:

- Madisonville will build a new wastewater treatment plant near their existing plant in Madisonville and continue to discharge into Bat Creek;
- Madisonville will upgrade/repair the sewage collection system to reduce overflows at both the plant site and throughout the city;
- A schedule of milestones for design and construction are specified. The new plant is to be completed and operational by June 30 2017;
- WATeR and TCWN have rights to review and comment on the engineering plans prior to construction, as well as to observe startup of the new treatment plant. A member of WQIC who recently retired from a career of designing and managing construction of water and wastewater treatment plants has volunteered to serve this role;
- A schedule of monetary fines are specified for violations of pollution discharge limits from the new treatment plant;
- The consent decree will remain in effect for 3 ½ years after the plant becomes operational;
- Madisonville will reimburse TCWN \$25,000 for part of their litigation cost;
- In lieu of fines for previous permit violations, Madisonville will contribute \$10,000 to a Supplemental Environmental Project (SEP) to identify other non-point sources of pollution to Bat Creek.

The SEP will consist of a water sampling project performed by WATeR volunteers to help identify sources and loadings of other pollutants to Bat Creek. Over the next two years, volunteers will collect water samples at selected sites throughout the Bat Creek Watershed for laboratory analysis of bacteria and nutrients. Madisonville will pay the cost of laboratory analysis. Results from this SEP will help promote and justify potential follow-up cost-share grants to eliminate other sources of pollution after the current problems with the Madisonville plant are corrected. WQIC has initiated preliminary discussions to promote an appropriate local agency to obtain a grant to address non-point sources of pollution to Bat Creek as they have previously done for Fork Creek and Baker Creek.

Detailed plans for the SEP sampling program are being formulated by the WQIC. The program will be consistent with TDEC protocol such that results can be added to the TDEC and EPA databases. When plans are complete, the WQIC may ask for volunteers to help perform the water sampling. The goal is to improve water quality and ecology of Bat Creek sufficiently to have it removed from the TDEC list of impaired streams.

Bill Waldrop, Chair  
Water Quality Improvement Committee of WATeR