

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

IN THE MATTER OF:	)	DIVISION OF WATER RESOURCES
	)	
DEPARTMENT OF ENVIRONMENT	)	
AND CONSERVATION,	)	CASE NUMBER DWS24-0111
<i>Petitioner,</i>	)	
	)	
v.	)	
	)	
TOWN OF BELL BUCKLE,	)	
<i>Respondent.</i>	)	

AGREED FINAL ORDER

On April 26, 2025, Order and Assessment DWS24-0111 (the “Order”) was issued to the Town of Bell Buckle (the “Respondent”). The Respondent and the Department of Environment and Conservation (“Department”) shall be collectively called the “Parties.”

On May 27, 2025, the Respondent filed a timely appeal of the Order. The Department and Respondent hereby resolve this matter pursuant to Tennessee Code Annotated sections 4-5-105. By entering this Agreed Final Order, the Department hereby dismisses the Order, and the Respondent hereby waives the right to a contested case hearing and withdraws the appeal of the Order. This Agreed Final Order supersedes the Order. The Parties further stipulate and agree as follows:

PARTIES

I.

David W. Salyers, P.E., is the duly appointed Commissioner of the Tennessee Department of Environment and Conservation (“Department”) and is charged with administering and enforcing the Safe Drinking Water Act, Tenn. Code Ann. §§ 68-221-701 to -720 (“Act”). April Grippo is the

duly appointed Director of the Tennessee Division of Water Resources (“Division”) and has received written delegation from the Commissioner to administer and enforce the Act pursuant to Tennessee Code Annotated section 68-221-705(12).

II.

The Town of Bell Buckle (the “Respondent”) owns, operates, and/or controls a community public water system (the “System”) Bell Buckle Water System existing in Bedford County, Tennessee. The System’s Public Water System Identification (PWSID) number is TN0000044. Process may be served on the Respondent through the Honorable Ronnie Lokey, Mayor, Town of Bell Buckle, 8 Railroad Square, P. O. Box 276, Bell Buckle, Tennessee 37020.

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 order that the violator take corrective action. Tenn. Code Ann. §§ 68-221-705 and 68-221-712. Further, the Commissioner has authority to assess civil penalties against any violator of the Act, Tenn. Code Ann. §§ 68-221-705 and 68-221-713, and has authority to assess damages incurred by the State resulting from the violation. Tenn. Code Ann. § 68-221-713. The Board of Water Quality, Oil and Gas (“Board”) has promulgated rules governing operation of public water systems. Tenn. Comp. R. & Regs. Chapter 0400-45-01.

IV.

The Respondent is a “person” under the Act. Tenn. Code Ann. § 68-221-703(17). The Respondent is a “supplier of water” under the Act, because it owns, operates, and/or controls a

“public water system.” Tenn. Code Ann. §§ 68-221-703(22) and 68-221-703(19). The System is a “community water system.” Tenn. Comp. R. & Regs. 0400-45-01-.04(11).

FACTS

V.

The Respondent obtains its source water from the City of Wartrace, which in turn gets its water from the City of Tullahoma. Tullahoma receives its water from the Duck River Utility Commission which withdraws from the Duck River. The System also gets its water from Bedford County Utility District which withdraws from the Duck River as well. The Respondent’s System is classified as a Subpart H system, which includes systems using surface water sources and those systems purchasing from systems with surface water sources. The Respondent’s System serves 895 connections and a population of approximately 2,633.

VI.

Division personnel performed a sanitary survey of the System on August 13, 2020. The Division issued a sanitary survey letter to the Respondent on August 24, 2020. The 2020 sanitary survey letter identified the following violations:

- Two construction projects were completed; however, there were no records describing disinfection practices, flushing or sampling for the projects.
- Three backflow devices were not tested in 2019.

VII.

Division personnel performed a sanitary survey of the System on July 14, 2022. The Division issued a sanitary survey letter to the Respondent on July 26, 2022, and requested a compliance review meeting which was held on August 30, 2022. The 2022 sanitary survey letter identified the following violations:

- The Cascade Tank roof vent screen and overflow screen were of improper size according to the tank inspection reports.
- The construction project 21-0125, Hannah Street Water Line Replacement, was completed, however, there were no records describing disinfection practices, flushing or sampling for the project. The lack of proper documentation on new lines was a redundant issue that was also identified in the 2020 sanitary survey.
- The Cascade and Covered Bridge Tanks were inspected by remotely operated vehicle (ROV) on September 25, 2020. No documentation of disinfection procedures was available for the ROV, and no bacteriological samples were collected from the tanks following the inspection.
- At the time of the survey, 14 backflow devices were not tested in 2021. Eight devices that had a test status of failed in 2021 were not retested in 2021. Several of these devices were tested in 2022 and failed again. No follow-up had been conducted at the time of the survey.

VIII.

Division personnel performed a file review and determined that the Respondent failed to timely perform a Level 1 Assessment under the Revised Total Coliform Rule after the total coliform positive samples exceeded the 5 percent level on April 21, 2023, during the monthly monitoring period of April 2023. After this exceedance, the System was required to undergo a Level 1 Assessment within 30 days, on or before May 21, 2023. The Respondent completed the Assessment on June 9, 2023, which was 18 days late. The Division notified the Respondent of the Level 1 Assessment violation in a letter dated June 17, 2023.

IX.

Division personnel performed a sanitary survey of the System on July 10, 2024. The Division issued the 2024 sanitary survey letter and Notice of Violation to the Respondent on July 30, 2024. The letter identified the following violations:

- The system incurred a treatment technique violation of the Revised Total Coliform Rule for failure to conduct a Level 1 Assessment within 30 days of exceeding the trigger as required by Rule 0400-45-01-.41(9)(b)3. The system was notified by an advisement letter dated June 17, 2023.
- Numerous tank maintenance issues were noted:
- Covered Bridge Tank had a leak. Covered Bridge Tank had debris packed around the flapper on the overflow.
- The fence at Covered Bridge Tank needed repair; overhanging tree limbs needed to be trimmed; vines and brush removed. Small trees around the Covered Bridge Tank needed to be removed.
- The exterior paint at the Cascade Tank is severely chalked. Painting is needed.

The Notice of Violation in the sanitary survey letter addressed the Respondent's failure to follow their Division-approved Cross Connection Control Plan. The System's Cross Connection Control Plan requires that backflow prevention devices be tested every twelve months. Failure to conduct testing every twelve months is a recurring deficiency, having been noted in sanitary surveys in 2020 and 2022. Records reviewed during the 2024 sanitary survey showed that five backflow prevention devices were past due for testing. Four of the five past due devices were last tested in 2022. One of the past due devices was tested in February 2023. Records for 2024 show three devices tested on March 27, 2024, failed and were not repaired or replaced and re-tested.

X.

Division personnel performed a file review and determined that the calendar year 2023 consumer confidence report (CCR) did not contain the failure to timely perform the Level 1 Assessment after the positive total coliform results. The Division notified the Respondent of the CCR violation in a letter dated November 8, 2024.

VIOLATIONS

By failing to document and properly disinfect and perform bacteriological monitoring for tank inspections and new line construction, the Respondent violated Rule 0400-45-01-.17(8)(a).

Rule 0400-45-01-.17(8)(a) states:

- (8) (a) General-Public water systems, construction contractors, and engineers shall follow and document sanitary practices used in inspecting, constructing or repairing water lines, finished water storage facilities, water treatment facilities, and wells. Public water systems, construction contractors, and engineers shall follow the latest edition of the AWWA standards C-651, C-652, C-653, C-654, or equivalent methods provided the method has been approved in writing by the Department and is available during the inspection, construction, maintenance, or repair activity. In lieu of following AWWA standards or approved equivalent methods, public water systems, construction contractors, and engineers may write their own disinfection standard operating procedures. Disinfection standard operating procedures shall be approved in writing by the Department and be available during the inspection, construction, maintenance, or repair activity.

The documentation shall include disinfection procedures used, bacteriological sample results, construction logs, and repair logs and may include photographs where appropriate. All wells, pipes, tanks, filters, filter media and other materials shall be properly disinfected prior to being placed in service. Any disinfectant used to disinfect shall be NSF approved or plain household bleach and used in a manner that assures sufficient contact time and concentration to inactivate any pathogens present. Bacteriological results including line repair records indicating adequacy of disinfection shall be maintained on file by the public water system for five years. Procedures to ensure that water containing excessive concentrations of disinfectant is not supplied to the customers or discharged in such manner as to harm the environment shall be implemented.

All materials used for new or repaired water lines, storage facilities, water treatment facilities, and wells will be inspected prior to use for any evidence of gross

contamination. Any contamination observed shall be removed and the materials protected during installation.

XII.

By failing to timely perform a Level 1 Assessment, the Respondent violated Rule 0400-45-01-.41(9)(b)3., which states, in pertinent part:

3. Level 1 Assessments. A system must conduct a Level 1 assessment consistent with Department requirements if the system exceeds one of the treatment technique triggers in part (a)1. of this paragraph.
 - (i) The system must complete a Level 1 assessment as soon as practical after any trigger in part (a)1. of this paragraph. In the completed assessment form, the system must describe sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed. The assessment form may also note that no sanitary defects were identified. The system must submit the completed Level 1 assessment form to the Department within 30 days after the system learns that it has exceeded a trigger. . .

XIII.

By failing to properly maintain the water storage tanks in the distribution system and follow tank inspection recommendations from the 2021 professional inspections referenced in the 2022 and 2024 sanitary surveys, the Respondent violated Rule 0400-45-01-.17(33).

Rule 0400-45-01-.17(33) states, in pertinent part:

- (33) All public water systems shall properly maintain their distribution system finished water storage tanks and clearwells. Each community water system shall establish and maintain a maintenance file on each of its distribution storage tanks and clearwells. These maintenance files must be available for inspection by Department personnel. These files must include records of all routine water storage tank and clearwell inspections by system personnel, any reports of detailed professional inspections of the water storage facilities by contractor personnel, dates and details of routine tank cleanings and surface flushings, and dates and details of all tank and clearwell maintenance activities. The tank and clearwell inspection records shall include dates of the inspections; the sanitary, coating and structural conditions of the water storage facility; and all recommendations for needed maintenance activities. Community water systems shall have a professional inspection performed and a written report produced on each of their distribution storage tanks and clearwells at least once every five years. Non-community water systems shall have a professional inspection performed and written report produced on each of

their atmospheric pressure and distribution storage tanks and clearwells no less frequently than every five years. Records of these inspections shall be available to the Department personnel for inspection. Persons conducting underwater inspections of distribution system finished water storage tanks and clearwells shall comply with AWWA standard C-652-11 or later versions of the standard.

XIV.

By failing to test backflow devices and repair or replace failed backflow devices during three sanitary survey periods, the Respondent violated Rule 0400-45-01-.17(6)(b), which states in pertinent part:

- (b) 1. All community water systems must adopt an ordinance or policy outlining the prohibitions in subparagraph (a) of this paragraph and submit a copy of the executed ordinance or policy to the Department for written approval. All community water systems shall develop a written plan for a cross-connection control program to detect and eliminate or protect the system from hazards associated with cross-connections. The written plan must be approved by the Department.
2. After adoption and approval of the cross-connection ordinance or policy and plan, each community water system must establish an ongoing program to detect and eliminate or protect the system from hazards associated with cross-connections. Records of the cross-connection control program must be maintained by the supplier of water and shall include such items as date of inspection, person contacted, recommendations, follow-up, and testing results. . .
4. Community water systems shall ensure that cross-connections between the distribution system and a consumer's plumbing are surveyed and/or inspected and determined not to exist or contain a significant risk or are eliminated or controlled by the installation of an approved backflow preventer commensurate with the degree of hazard...

XV.

By failing to include System violations in the calendar year 2023 CCR, the Respondent violated Rule 0400-45-01-.35(3)(f), which states:

- (f) Compliance with NPDWR. In addition to the requirements of part (d)7. of this paragraph, the report must note any violation that occurred during the year covered by the report of a requirement listed in parts 1 through 7 of this subparagraph, and include a clear and readily understandable explanation of the violation, any

potential adverse health effects, and the steps the system has taken to correct the violation.

ORDER AND ASSESSMENT

XVI.

Pursuant to the authority vested by sections 68-221-705 and -712 of the Act, the Director orders, and the Respondent agrees, as follows:

This case number, DWS24-0111, should be written on all correspondence concerning this matter. All documentation relating to compliance schedule items in this Order should be sent electronically to DWRWater.Compliance@tn.gov or in duplicate to both addresses 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
500 James Robertson Parkway, 9th Floor
Nashville, Tennessee 37243

Payments 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, DWS24-0111, should appear in the memo line of the check.

**Treasurer, State of Tennessee
Division of Fiscal Services - Consolidated Fees Section
TN Department of Environment and Conservation
500 James Robertson Pkwy, 6th Floor
Nashville, Tennessee 37243**

- (1) The Respondent is assessed a total civil penalty of \$15,435.00. **The Respondent shall pay \$3,087.00, which is the upfront portion of this penalty to the Division, no later than 31 days after the effective date of this Agreed Final Order.** The

Respondent shall pay the remaining \$12,348 only if the Respondent fails to comply with the following corrective action Items 2 through 8.

- (2) If the Respondent fails to timely perform a Level 1 Assessment or Level 2 Assessment, the Respondent shall pay \$1,452.00 to the Division within 30 days of noncompliance.
- (3) No later than 60 days after the effective date of this Agreed Final Order, the Respondent shall submit a corrective action plan (CAP) with milestones not to exceed 24 months for having the maintenance performed on all storage tanks that were recommended from the professional inspections and the 2024 sanitary survey. Bell Buckle will provide a list of the action items identified and dates of completion, including Backflow Prevention Device Testing Reports as part of the CAP. If the Respondent fails to timely submit the CAP, the Respondent shall pay \$1,000.00 to the Division within 30 days of noncompliance. Upon Division approval, the milestones shall become an enforceable part of this Order. If the Respondent fails to perform the recommended maintenance items within the time specified, the Respondent shall pay \$500.00 for each missed milestone, not to exceed \$2,000.00 to the Division within 30 days of noncompliance.
- (4) If the Respondent fails to have individual backflow prevention device tested and retested after repair/replacement (within 12 months of the previous test), the Respondent shall pay \$500.00, for each test that was not conducted timely, not to exceed \$2,000.00, to the Division within 30 days of noncompliance.
- (5) If the Respondent fails to test a backflow prevention device annually (within 12 months of the previous test), the Respondent shall pay \$300.00 for each backflow

prevention device not tested annually, not to exceed \$2,000.00, to the Division within 30 days of noncompliance.

- (6) The Respondent shall submit a summary of the backflow prevention devices tested on or before December 31, 2025, June 30, 2026, and December 31, 2026. If the Respondent fails to timely submit a summary, the Respondent shall pay \$500.00 for the failure to submit each summary, not to exceed \$1,500, to the Division within 30 days of noncompliance
- (7) The Respondent shall properly disinfect line repairs, new lines, new taps, tank inspections, and tank repairs affecting the water quality integrity, as well as collect and document all disinfection procedures, required bacteriological samples, and disinfectant residual samples. The Respondent shall pay \$524.00 for each failure to properly perform and document disinfection for line repairs and new lines or failure to take chlorine residual at new taps, not to exceed a total of \$2,096.00, payable within 30 days of the Division's demand for payment.
- (8) The Respondent shall timely publish to its customers and submit to the Division accurate CCRs on or before July 1 of each year and provide certification of distribution on or before October 1 of each year this Order is in effect. The Respondent shall pay \$100.00 for the failure timely submit and distribute the CCR to include required information and for the failure to timely submit the certification of distribution, not to exceed \$300.00, to the Division within 30 days of noncompliance.
- (9) This Agreed Final Order is final for purposes of Tennessee Code Annotated sections 8-221-712(a)(4), -713(b).

- (10) Each of the undersigned representatives is fully authorized by the Party he or she represents to enter into the terms and conditions of this Agreed Final Order and is authorized to legally bind such Party to this agreement.

DEPARTMENT'S RESERVATION OF RIGHTS

XVII.

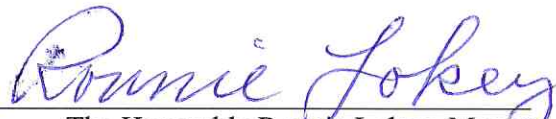
In entering this Agreed Final Order, the Department does not implicitly or expressly waive any provision of the Act or the regulations promulgated thereunder or the authority to assess costs, civil penalties, and/or damages incurred by the State against the Respondents. The Department expressly reserves all rights it has at law and in equity to order further corrective action, assess civil penalties and/or damages, and to pursue further enforcement action including, but not limited to, monetary and injunctive relief. Compliance with this order will be considered as a mitigating factor in determining the need for future enforcement action(s).

Issued by the Director of the Division of Water Resources and agreed to by the Town of Bell Buckle on this 16th day of October, 2025. **17 day of 10 , 2025**



April Grippo (Oct 17, 2025 09:20:32 CDT)

April Grippo
Director, Division of Water Resources
Department of Environment and Conservation



The Honorable Ronnie Lokey, Mayor
Town of Bell Buckle

Reviewed by:

Catherine W. Anglin

Catherine W. Anglin (Oct 17, 2025 10:15:29 EDT)

Catherine W. Anglin

Senior Associate Counsel

BPR Number 028120

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