



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES

Davy Crockett Tower
500 James Robertson Parkway, 9th Floor
Nashville, Tennessee 37243-1102

December 17, 2025

Priscilla Sherrill Morgan
2895 New Lake Road
Spring City, Tennessee 37381

CERTIFIED MAIL
RETURN RECEIPT REQUESTED:
9414 7266 9904 2152 3402 13

Subject: **DIRECTOR'S ORDER WPC25-0132**
Morgan Ready Mix LLC
PERMIT # TNG110502
Rhea County, Tennessee

Dear Ms. Morgan

Enclosed is a Director's Order and Assessment issued by the Tennessee Department of Environment and Conservation, Division of Water Resources for violation of the Water Quality Control Act.

The above violation has resulted in a **full penalty assessment of \$23,800.00, with an upfront civil penalty payment of \$4,760.00, due on or before the thirty-first day after receipt of this Order.** The upfront penalty is an allocated portion of the total penalty. Additional penalties may be assessed if the requirements of this Order are not timely met, or if the Site does not stay in compliance with the Act.

Please read the Order carefully and pay special attention to the Notice of Rights section. The required due dates in the Order are based on the date the Respondent receives the Order, and not the date that the Order was signed by the Director. The Division appreciates your cooperation in this matter. Should you have any questions, please contact Joelle Ciriacy at (615) 659-8777 or by email at Joelle.Ciriacy@tn.gov, or you may contact me at (615) 532-0676 or by email at Jessica.Murphy@tn.gov.

Sincerely,

Jessica Murphy, Manager
Compliance and Enforcement Unit

EJM: JEC

cc: DWR – Case File WPC25-0132
DWR – Jessica Murphy, Jessica.Murphy@tn.gov
DWR – Joelle Ciriacy, Joelle.Ciriacy@tn.gov
OGC – Patrick Parker, Patrick.Parker@tn.gov

DWR – Jennifer Innes, Jennifer.Innes@tn.gov
DWR – Jennifer Dulin, Jennifer.Dulin@tn.gov
DWR – Elias Vaden, Elias.Vaden@tn.gov

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

IN THE MATTER OF:) **DIVISION OF WATER RESOURCES**
)
MORGAN READY MIX, LLC,)
)
RESPONDENT.) **CASE NO. WPC25-0132**

DIRECTOR’S ORDER AND ASSESSMENT

NOW COMES April Grippo, Director of the Tennessee Division of Water Resources, and states:

PARTIES

I.

April Grippo is the duly appointed Director of the Division of Water Resources (“Division”) by the Commissioner of the Department of Environment and Conservation (“Department”). The Commissioner is responsible for administering the Water Quality Control Act of 1977 (“Act”), Tenn. Code Ann. §§ 69-3-101 to -148.

II.

Morgan Ready Mix LLC (“Respondent”) owns a Ready Mix Concrete Facility in Rhea County at 170 Payne Lane, Evensville, Tennessee 37332 (“Site”). Service of process may be made on the Respondent through its registered agent, Priscilla Sherrill Morgan, 2895 New Lake Road, Spring City, Tennessee 37381.

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. § 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. The Commissioner may delegate to the Director any of the powers, duties, and responsibilities of the Commissioner under the Act, Tenn. Code Ann. § 69-3-107(13), and has delegated such authorities to April Grippo.

IV.

The Respondent is a “person” under the Act. Tenn. Code Ann. § 69-3-103(27).

V.

The unnamed tributaries to Little Richland Creek constitute “waters” of the state and “streams.” Tenn. Code Ann. §§ 69-3-103 (42) and (48). The Board classifies the unnamed tributaries to Little Richland Creek for the following uses: fish and aquatic life, recreation, livestock watering and wildlife, and irrigation. Tenn. Comp. R. & Regs. Chapter 0400-40-04.

VI.

A person must obtain coverage under a permit from the Department prior to discharging any substances to waters of the state, or to a location from which it is likely that the discharged substance will move into waters of the state. Tenn. Code Ann. § 69-3-108(b). Coverage under the General National Pollutant Discharge Elimination System permit for Ready Mix Concrete Facilities (“RMCP”) is required for operation of ready mixed concrete facilities with discharges of process wastewater and stormwater runoff, or operation of ready mixed concrete facilities with a no-discharge recycle system. An RMCP may be obtained by submitting a Notice of Intent (NOI)

and the appropriate fee. 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. 0400-40-05-.07. The RMCP requires the maintenance of a Stormwater Pollution Prevention Plan (SWPPP) at the Site. 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.

VII.

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. 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. 0400-40-05-.07. 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.

FACTS

VIII.

On November 24, 2023, the Division received a complaint regarding possible unpermitted ready mix concrete plant operations at the Site.

IX.

On December 1, 2023, the Division issued a Notice of Violation (NOV) to the Respondent for failure to obtain coverage under the RMCP. The NOV requested the Respondent submit an

NOI to obtain coverage under the RMCP within 15 days of receipt of the NOV. The Respondent submitted an NOI on March 6, 2024.

X.

On April 1, 2024, the Division issued a Notice of Coverage under the RMCP to the Respondent and assigned permit tracking number TNG110502 (“Permit”). The Permit became effective April 2, 2024, and expires on October 31, 2027. The Permit authorizes no discharge from the Site.

XI.

On November 20, 2024, the Division issued an NOV to the Respondent for failure to submit Discharge Monitoring Reports (DMRs) during the quarterly monitoring period of July 1, 2024, to September 30, 2024 (“Quarter 3 2024 DMR”).

XII.

On March 11, 2025, Division staff performed a Compliance Evaluation Inspection at the Site. Division staff observed a drainpipe that representatives of the Respondent, present at the Site during the inspection, reported drains the sediment pond and discharges into an area adjacent to Richland Creek. Additionally, the Respondent had not developed or implemented a SWPPP at the Site. Photographs from the inspection include the end of a black corrugated pipe located in a grassy area alongside Little Richland Creek.

XIII.

On March 21, 2025, the Division issued an NOV to the Respondent for unpermitted discharges of process wastewater from the sediment pond and a failure to develop and implement a SWPPP at the Site. The NOV requested the Respondent immediately cease discharging process wastewater or submit a modified NOI requesting permit coverage to discharge stormwater runoff

and process wastewater. The NOV also requested the Respondent develop, implement, and submit a copy of the Site's SWPPP within 45 days of receipt of the letter. The Division received a SWPPP from the Respondent on May 1, 2025.

XIV.

On May 9, 2025, Division staff sent a reminder email to the Respondent explaining that the Site had coverage as a non-discharging system and that the Respondent must either:

1. Submit a new NOI for coverage as a discharging facility under the RMCP within 30 days of receipt of the email; or,
2. Modify the Site such that all process wastewater and stormwater from the facility is retained on Site and send pictures of the modifications within 10 days of the receipt of the email.

XV.

On May 21, 2025, the Division issued an NOV to the Respondent for failure to submit a DMR during the quarterly monitoring period of January 1, 2025, to March 31, 2025 ("Quarter 1 2025 DMR").

XVI.

On August 27, 2025, the Division issued an NOV to the Respondent for failure to submit a DMR during the quarterly monitoring period of April 1, 2025, to June 30, 2025 ("Quarter 2 2025 DMR").

XVII.

On September 24, 2025, the Division received the Quarter 2 2025 DMR; this DMR was submitted over 30 days after the due date.

XVIII.

During the monitoring period of July 1, 2024, to June 30, 2025, the Respondent failed to report timely DMRs for the following quarters:

Parameter	Total Violations July 1, 2024 – June 30, 2025
Failure to submit Quarter 3 2024 DMR	1
Failure to submit Quarter 1 2025 DMR	1
Late submission of Quarter 2 2025 DMR, greater than 30 days late	1
Total	3

VIOLATIONS

XIX.

By violating the terms of the Permit as described herein, the Respondent has violated Tennessee Code Annotated sections 69-3-108(b) and -114(b), which state in relevant 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:

- (3) The increase in volume or strength of any wastes in excess of the permissive discharges specified under any existing 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 of any permits or orders issued pursuant to this part; or 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

XX.

Pursuant to the authority vested by sections 69-3-109, -115, and -116 of the Act, I, April Grippo, hereby issue the following Order and Assessment (“Order”) to the Respondent. The case number is **WPC25-0132** and should be written on all correspondence regarding this matter. All documentation relating to compliance schedule items in this Order shall be received by the Division by the date(s) specified herein and should be submitted electronically to DWRWater.Compliance@tn.gov **OR** in duplicate to the addresses listed below:

Jennifer Innes, Manager
Chattanooga Environmental Field Office
Division of Water Resources
1301 Riverfront Parkway, Suite #206
Chattanooga, Tennessee 37402

AND

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

Payment of all penalties and damages shall be submitted to the following address:

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

For all payments submitted, please include reference to case number **WPC25-0132**.

1. The Respondent is assessed a total civil penalty of \$23,800.00. **The Respondent shall pay an upfront allocation of this penalty of \$4,760.00 to the Division on or before the thirty-first day after receipt of this Order.**
2. The Respondent shall as soon as possible, but not later than 31 days after receipt of this Order, complete one of the two following options:
 - a. Submit a modified NOI for RMCP coverage to discharge stormwater runoff and process wastewater; or,
 - b. Complete modifications to the Site such that the facility meets all the requirements of a non-discharging system and submit a report of the activities completed to end

discharges. The report shall include written descriptions and photographs of the modifications completed.

If the Respondent fails to timely complete one of the above options (Item 2.a or 2.b), the Respondent shall pay \$5,570.00

3. Within 45 days of receipt of this Order, the Respondent shall submit the late electronic DMRs for the monitoring periods of July 1, 2024, to September 30, 2024, and January 1, 2025, to March 31, 2025, in alignment with Permit conditions. If no discharge occurred in a quarter, the Respondent shall report “no discharge” on the quarterly DMR. If the Respondent fails to timely submit the late quarterly DMRs, the Respondent shall pay \$2,295.00 for each unsubmitted DMR, not to exceed \$4,590.00.
4. The Respondent shall develop and submit for approval within 90 days of receipt of this order, a standard operating procedural (SOP) manual for the plant detailing the actions required for routine compliance with the Permit, including:
 - a. Required monitoring and reporting;
 - b. Day-to-day good housekeeping practices;
 - c. Regular inspections of the Site;
 - d. A timeline detailing any planned maintenance or updates to the existing plant if needed;
 - e. A list of any corrective actions that may be needed to ensure the plant is capable of meeting compliance with the Permit on a continual basis; and,
 - f. A designated staff member responsible for evaluating the need for updates to the SWPPP in accordance with conditions at the Site.

The manual should address staffing and job duties for each person at the plant, routine training of staff, annual updates to the manual, and templates for any monitoring forms. If the Respondent fails to comply with this item, the Respondent shall pay \$4,380.00.

5. For a period of 180 days following Division approval of the SOP manual, the Respondent shall implement the actions detailed in the SOP manual. Within 30 days of the completion of the 180-day implementation period (i.e., within 210 days from Division approval of the SOP manual), the Respondent shall submit a concise final report. The final report shall describe actions taken to implement the SOP and ensure continued compliance with the permit. If the Respondent fails to timely submit the final report, the Respondent shall pay \$150.00 for each day the final report is late, not to exceed a total of \$4,500.00.

This Order shall be considered closed upon Division approval of the final report, provided all requirements of the Order have been met, any outstanding penalties have been paid, and the Respondent is in substantial compliance with the Act.

The Division 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 preventative measures taken to minimize the delay. Any such extension by the Division will be in writing. Should the Respondent fail to meet the requirement by the extended date, any 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 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, and 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 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).

NOTICE OF RIGHTS

The Respondent may appeal this Order and Assessment. Tennessee Code Annotated §§ 69-3-109, -115, and -116. To do so, the Respondent must ensure that the Commissioner receives, within 30 days of the date the Respondent received this Order, a written petition setting forth the reasons for requesting a hearing, or this Order will become final.

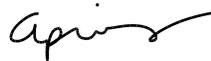
If the Respondent appeals, an Administrative Judge will conduct an initial hearing of this matter as a contested case hearing. Tennessee Code Annotated § 69-3-110; Tennessee Code Annotated §§ 4-5-301 to -326 (the Uniform Administrative Procedures Act); Tenn. Comp. R. & Regs. 1360-04-01 (the Department 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. Artificial Respondents (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 and Assessment. 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 hourly 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, General Counsel, Davy Crockett Tower, 500 James Robertson Parkway, 5th Floor, Nashville, Tennessee 37243. An appeal may also be filed by sending the petition to the following email address: TDEC.Appeals@tn.gov. Attorneys should contact the undersigned counsel of record. The case number **WPC25-0132**, should be written on all correspondence concerning this matter.

Issued by the Director of the Division of Water Resources, Department of Environment and Conservation on this 9 day of December, 2025.



[April Grippo \(Dec 9, 2025 08:20:15 CST\)](#)

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

Reviewed by:



[Patrick Parker \(Dec 9, 2025 08:21:50 CST\)](#)

Patrick N. Parker BPR #014981

Senior Associate Counsel

Department of Environment & Conservation

Office of General Counsel

Davy Crockett Tower, 5th Floor

500 James Robertson Parkway

Nashville, Tennessee 37243

615-532-0129

patrick.parker@tn.gov