



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

Davy Crockett Tower, 9<sup>th</sup> Floor  
500 James Robertson Parkway  
Nashville, Tennessee 37243

June 28, 2024

Mr. Jerry Byerley  
Owner/President  
e-copy: [byerleyconstr@aol.com](mailto:byerleyconstr@aol.com)  
532 Walnut Street  
Mt. Carmel, TN 37645

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Subject: **Notice of Violation – Failure to Obtain Permit Coverage**  
**NPDES Permit Tracking No. TNG110140**  
**Byerley Construction Company**  
**Kingsport, Sullivan County, Tennessee**

Dear Mr. Byerley:

According to our records, the Byerley Construction Company has been conducting business without Ready Mix Concrete Permit (RMCP) coverage since the previous general permit expired on October 31, 2022.

On October 31, 2023, Ms. Tricia Swaney sent an email to Mr. Jerry Byerley, as a reminder to reapply for RMCP coverage. On January 29, 2024, Ms. Priyaa Dhasarathy sent a follow-up email notification that an application was due. In addition, several attempts were made to reach Mr. Byerley by phone. On April 5, 2024, Ms. Dhasarathy spoke to Mr. Byerley by phone and explained the process of submitting the RMCP Notice of Intent (NOI) through the Division's online portal (myTDEC Forms) and followed up with an email that included a link to the permit application, documentation, and directions for submittal.

To date, the Division of Water Resources has not received an application for coverage under the RMCP. Operating or discharging without permit coverage is a violation of the *Tennessee Code Annotated § 69-3-108(b)(6)*, which states, in part:

*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.*

This letter serves as formal Notice of Violation and by copy will inform our Compliance and Enforcement Unit of the violation. **Byerley Construction Company must submit a complete application to our office no later than Monday, August 12, 2024.** Alternatively, if your facility has ceased operation and is no longer in need of a permit, please let us know.

Failure to comply with this Notice of Violation may result in escalation of enforcement, including potential civil or monetary penalties. Application forms can be obtained and submitted at: [MyTDEC Forms System - TDEC \(tn.gov\)](#). If you have questions, please contact Ms. Priyaa Dhasarathy at (615) 913-0076 or by E-mail at [Priyaa.Dhasarathy@tn.gov](mailto:Priyaa.Dhasarathy@tn.gov).

Sincerely,



Vojin Janjić

Manager, Water-Based Systems

cc: Permit File  
Jessica Murphy, Compliance & Enforcement Unit, [jessica.murphy@tn.gov](mailto:jessica.murphy@tn.gov)  
Cookeville Environmental Field Office, [william.hale@tn.gov](mailto:william.hale@tn.gov)