



**STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Water Resources**

Nashville Environmental Field Office
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Nashville, Tennessee 37216

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February 18, 2022

Todd Daigle, COO
eCopy: tdaigle@theconcreteco.com
Foley Products
PO Box 2447
Columbus, GA 31902

RE: Compliance Evaluation Inspection and Notice of Violation
Foley Products Company- Franklin Plant
NPDES# TNG110406
Williamson County

Dear Mr. Daigle,

On Thursday, February 10, 2022, Ms. Christina Wingett and Mr. Jordan Fey, with the Division of Water Resources (Division), performed a Compliance Evaluation Inspection (CEI) at the Foley Products Company-Franklin Plant to assess compliance with the National Pollutant Discharge Elimination System (NPDES) general Ready-Mix Concrete Plant (RMCP) Permit TNG110406. The Notice of Coverage (NOC) was issued to Foley Products Company on February 15, 2018. The current RMCP General Permit expires on October 31, 2022. This inspection covers the time from February 15, 2018, to December 31, 2021. While on site we met with Mr. Tony Jackson and Mr. Levi Binford. The Division would like to thank you for your personnel's time and courtesy shown during the inspection.

Permit and Records Review

A current copy of the NOC was available in the office. A Stormwater Pollution Prevention Plan (SWPPP) was printed at the time of inspection but had not been updated since 2013 and was under a different company name, Sherman-Dixie. The SWPPP must be updated to include up to date contact information, a current pollution prevention team, a list of significant spills and leaks of toxic and hazardous pollutants, and an updated site map that corresponds with the NOC which will be discussed in more detail in the section below.

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Monthly site inspection records were available upon request and were well organized and maintained. Annual comprehensive site compliance evaluations were present for previous years but not for the most recent year due to staff turnover and should be resumed immediately. Employee training records were present and up to date.

Site Review

This facility does not provide ready-mix concrete to mixer trucks but uses similar materials to produce pre-cast pipe and other concrete structures. The site was partially surrounded by a concrete wall and fence. The site was generally graded for water to flow into multiple stormwater drains around the facility. Erosion eels should be inspected for wear and replaced where necessary as the eels present at the outfall labelled 002 are degraded. Within the grates are erosion eels used as filters and site personnel indicated these drains were cleaned every 1-2 months. This is not sufficient as multiple suspended solids violations have been reported at outfalls SW2, SW3, and SW4 with values in excess of 2,500 mg/L at SW3. The benchmark for Total Suspended Solids is 150 mg/L. During the site inspection, the outfalls labelled 001 and 002 had solids in the discharge channel but were not discharging. A benchmark exceedance plan was submitted to the Division on July 12, 2021, but a sample has not been taken from outfall 003 since the action and implementation plan. If suspended solid violations persist, the plan was not adequate and more corrective measures must be taken.

The Notice of Intent (NOI) was submitted on December 19, 2017, by Mr. Mark Carpenter with 1 process water outfall and 4 stormwater outfalls. The NOI was then updated in 2018 due to a company name change but the outfall number and type remained the same. Listed on the current NOC there are four stormwater outfalls SW1, SW2, SW3, SW4, and one process outfall 001, however on site there were only four outfalls labelled as process water outfalls #1, #2, #3, and #4. There are a multitude of grates on the site, and it was unclear what outfall each drain led to.

Mr. Binford had a pH meter, but the calibration solutions expired in 2015. Reported values for pH should be considered questionable. All other parameters are shipped to Pace Analytical Labs for analysis.

Conclusions

The major discrepancy between the NOC and physical site layout, failure to maintain an up-to-date SWPPP, multiple suspended solids violations, and improper pH analysis are violations of the permit and the Tennessee Water Quality Control Act. As such, this letter serves as a **Notice of Violation**.

Action Items and Recommendations

A study to correct the discrepancy between the NOC and actual site must be completed to correctly label all outfalls and if they are a process water outfall or stormwater outfall within **60 days** of the receipt of this letter.

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An updated SWPPP with a correct site map, outfall classifications and locations, and contact information that reflects current ownership of the property must be completed and submitted to the Division within **30 days** of the outfall study. Once the SWPPP is updated, site personnel should be trained on the SWPPP requirements with continuing training happening at least annually. Annual site inspections should be resumed. New pH calibration solutions should be purchased before a pH sample is needed. Please provide a photo of the erosion eels present in the storm drains during the next cleaning. Find and correct the issue of repeated suspended solids violations and update the Best Management Practices (BMPs).

I would again like to thank Mr. Jackson and Mr. Binford for their courtesy and cooperation shown during the inspection, and for Foley Products' proactive attention to the requirements of the RMCP permit. If you have any questions or concerns, please contact Mrs. Christina Wingett at 615-961-3875 or Christina.Cagle@tn.gov.

Sincerely,



Michael Murphy
Program Coordinator
Division of Water Resources

e-copy:

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