



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

Memphis Environmental Field Office
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Bartlett, TN 38133
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7/14/2023

Mayor Eddie Noeman
Mayor, Town of Mason
12161 Main Street
Mason, TN 38049
Ecopy: Eddiecitymason82@gmail.com
Ecopy: enoeman@townofmasontn.org

CERTIFIED MAIL: 9489 0090 0027 6454 5644 15
RETURN RECEIPT REQUESTED

RE: Notice of Violation
Town of Mason
Community Public Drinking Water System
PWSID TN0000440
Tipton County, Tennessee

Dear Mayor Noeman;

This letter serves as a notice of violation for failing to maintain a certified operator in direct charge of the Town of Mason's Public Drinking Water System. This is a violation of Tennessee Code Annotated (TCA) § 68-221-904 the Tennessee Health, Safety and Environmental Protection, Water and Sewerage, Water and Wastewater Operator Certification Act, Chapter 0400-49-01-.04 of the Rules of the Tennessee Department of Environment and Conservation, Board of Water and Wastewater Operator Certification and Chapter 0400-45-01.17(1) of the Rules of the Tennessee Department of Environment and Conservation, Division of Water Resources, Public Water Systems. The enclosed attachment (Attachment A) shares the specific TCA and Rule references.

The Division of Water Resources (Division) has received numerous complaints about water quality and water quantity associated with the Town of Mason's Public Water System. Around January 2023, the Division was informed by the Town that the prior certified operator, Mr. Matalée Hall, had taken employment elsewhere and was no longer employed with the Town. It was explained that Mr. Rudolph Middlebrooks would continue to be on-site daily, but did not hold the appropriate certifications required for Water Treatment 2 or Distribution Systems 1. It was also explained that Mr. Mark Walker with the Town of Munford, who was not on-site routinely, would continue to assist with signing the required reports as the certified operator until a certified operator in direct charge could be obtained. Mr. Walker has not been acting as a certified operator to the effect that he is only signing the monthly reports and not providing direct oversight of water system personnel.

Failure to have a certified operator in direct charge of the Town of Mason's Public Water System is a violation of TCA § 68-221-904 and TDEC Rules. The relevant Rule citations are included as an attachment (Attachment A) to this letter.

The Division has inquired about the status of the certified operator that would replace Mr. Hall and has provided a list of certified operators, via the Fleming Training Center's website. To date, no certified operator agreement has been provided to the Division. Since no verification has been received that the Town of Mason has employed the services of a certified operator with the appropriate license, the system has violated the TN Water Environmental Health Act and Division Rules as stated above.

The Town of Mason must provide proof a certified operator in direct charge of the system has been hired to return to compliance. An operator agreement form must be completed and returned to the Division within 30 days of receipt of this letter, but no later than **August 15, 2023**. Failure to secure the services of a certified operator may result in formal enforcement, including civil penalties for each day the system remains out of compliance.

The Division appreciates your attention and cooperation in this matter. If you have any questions or need assistance please contact me at (901) 664-1464 or Kyle.Mabry@tn.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kyle Mabry', is positioned above the typed name and title.

Kyle Mabry
Environmental Program Manager
Division of Water Resources
Memphis Environmental Field Office

Enclosure: Attachment A

ec: TDEC/DWR/MEFO: file
TDEC/DWR/NCO-Enforcement and Compliance Unit

Attachment A

TCA § 68-221-904 states:

- (a) It is unlawful for any person, firm or corporation, both municipal and private, operating a water supply system or wastewater system, to operate the water treatment plant, wastewater treatment plant, water distribution system, or wastewater collection system unless the competency of the operators in direct charge of such system are duly certified by the commissioner under this part in effect on and after May 25, 1984, or under former chapter 13, part 3 of this title in effect prior to May 25, 1984.
- (b) Any municipality, utility district, corporation, or persons violating any provisions of this part or the rules and regulations adopted thereunder commits a Class C misdemeanor, and each day in violation constitutes a separate offense.
- (c) (1) Additionally, any municipality, utility district, corporation or persons violating any provisions of this part, or the rules and regulations adopted thereunder, shall be subject to civil penalties up to ten thousand dollars (\$10,000) per day, for each day during which the violation occurs.
(2) The commissioner has the duty and authority to levy civil penalties authorized in subdivision (c)(1), the duty and authority to issue orders requiring compliance with this part, and to hold show cause meetings with the persons or entities to whom the orders are proposed to be issued.

Chapter 0400-49-01-.04 of the Rules of the Tennessee Department of Environment and Conservation, Board of Water and Wastewater Operator Certification states:

- (2) Each person in direct charge at a water treatment plant, a wastewater treatment plant, a water distribution system or a wastewater collection system shall hold a certificate in a grade equal to or higher than the grade of the treatment plant, distribution system, or collection system he/she operates. The grade of the facility will be established by the criteria set forth in this chapter of rules.
- (3) All operating personnel making process control/system integrity decision about water quality or quantity that affect public health must be certified. A designated certified operator must be available for each operating shift.
- (4) Each water supply system and wastewater system required to have a certified operator shall, no later than the first day of August annually, inform the Board, through its designated agent, the Division of Water Resources, in writing of the name of each person who is a certified operator in direct charge of any water treatment plant, wastewater treatment plant, water distribution system or wastewater collection system it operates. A system shall notify the Division of Water Resources in writing within thirty (30) days of its loss of the services of a certified operator in direct charge.

Chapter 0400-45-01-.17 (1) of the Rules of the Tennessee Department of Environment and Conservation, Division of Water Resources, Public Water Systems states:

- (a) All iron removal plants with pressure filters and using a groundwater source from an approved sand and gravel formation will not be required to have an operator in attendance during all periods of operation provided suitable protection, acceptable to the Department, is provided.
- (c) Pursuant to T.C.A. § 68-221-904, all operators in direct responsible charge of a water supply system, including the treatment plant and/or distribution system, must be certified by the Department as competent to operate the water supply system.
- (d) Because the proper operation and maintenance of water systems is critical to a system's ability to provide safe water to the public and to comply with these rules, all water supply systems must comply with the provisions of Chapter 0400-49-01. A violation of those rules is a violation of this rule as well.