

To successfully weaponize Vulcan's history of water pollution against their expansion, you must translate community complaints into exact regulatory violations. When you submit your dossier to the Southern Environmental Law Center (SELC) and federal agencies, you cannot simply say, "They made the creek muddy." You have to cite the specific sections of their permits that they violated.

Vulcan operates the Dixie Lee Quarry under a National Pollutant Discharge Elimination System (NPDES) permit (Permit TN0026484). This permit acts as a legal contract: it allows them to discharge water into Hickory Creek, but only if that water is treated and clear of rock dust.

Here is the extensive breakdown of the regulatory failures surrounding the July and November 2024 incidents, and the exact statutory language you need to use in your legal dossier.

1. The July 2024 Incident: BMP Failure and Basin Overtopping

During the summer, heavy rain events test a quarry's water management infrastructure. Quarries are required to use sediment retention basins—massive ponds where muddy pit water sits until the heavy silica rock dust sinks to the bottom, allowing only clean water to flow out the top into the creek.

The Regulatory Failure: In July 2024, Vulcan's stormwater management failed. Whether the retention ponds were undersized, already choked with too much un-dredged mud, or poorly maintained, the system was overwhelmed. This resulted in an uncontrolled release of sediment-heavy runoff directly into the Hickory Creek watershed. The TDEC Citation (What to put in the dossier): "Failure to Properly Operate and Maintain Best Management Practices (BMPs)." Under TDEC regulations, an industrial mine must engineer its stormwater ponds to handle standard heavy storm events. When a pond fails and dumps mud into a creek, TDEC classifies it as a failure of their legally mandated BMPs. **The USFWS Angle:** This is a "smothering" event. Sudden dumps of fine sediment act like wet concrete on the creek floor, instantly burying the clean gravel beds where endangered darters and freshwater mussels lay their eggs.

2. The November 2024 Incident: Dewatering Turbidity and Visible Plumes

To keep an 80-foot blast pit dry, a quarry must constantly pump groundwater out of the hole and discharge it. Because the pit is full of pulverized rock, this water is effectively a thick, gray slurry.

The Regulatory Failure: In November, complaints were logged regarding severe discoloration and siltation in the creek. This occurs when a quarry pumps turbid (muddy) pit water out too fast, bypassing the necessary settling time. The result is a visible, opaque plume of gray rock dust flowing down the public waterway. The TDEC Citation (What to put in the dossier): "Violation of Narrative Water Quality Criteria." Tennessee law explicitly dictates that an industrial discharge cannot alter the visual clarity of a stream. If residents or inspectors can see a visible color contrast or "objectionable bottom deposits" (a layer of mud on the creek bed) originating from the quarry outfall, Vulcan has violated their permit. **The USFWS Angle:** This is an "asphyxiation" event. Suspended rock dust clogs the gills of sensitive benthic fish and

filter-feeding mussels, literally suffocating them as they try to breathe the creek water. 3. The Statutory Violations to List in Your Legal Brief

When drafting your summary for the SELC or the Army Corps of Engineers, list these three specific legal statutes that Vulcan's sediment runoff violates:

Federal Clean Water Act (Section 402): Discharging water that exceeds the permitted Total Suspended Solids (TSS) limit, or discharging from an unpermitted outfall point. Tennessee Water Quality Control Act (Tenn. Code Ann. § 69-3-114): Unlawfully altering the physical, chemical, or biological properties of state waters without authorization. TDEC General Water Quality Criteria (Rule 0400-40-03-.03): Creating a condition of pollution that alters the natural color of a waterway or degrades the habitat for aquatic life. The Strategic Argument Against the Expansion

You tie these past violations to the 58-acre expansion using this exact logic:

"Vulcan Materials has a documented inability to manage the sediment and groundwater from its existing footprint, as evidenced by the July and November 2024 TDEC complaints. Expanding the clear-cutting, topsoil stripping, and karst dewatering across an additional 58 acres will exponentially multiply the sediment load. If they cannot keep Hickory Creek clean now, Knox County and the federal government cannot legally trust them with 58 more acres of endangered species habitat."