

Industrial Storm Water Pollution in Wolf River Harbor

April 2003



Large photo: James H. Baker Small photo: Scott Dye

Top Photo: *Wolf River Harbor is a slack water harbor that receives its recharge from the influx of the Mississippi River at its open southern terminus and from storm water discharges from its four square mile watershed.*

Bottom Photo: *Warning sign at Wolf River Harbor.*

Water Sentinels Campaign
April 2003

NOTE: The following information in the following file audits is based strictly on the information in the public record files located at the Memphis office of the Tennessee Department of Environment and Conservation. These audits were conducted from February to March 2003.

20 – The total number of industrial facilities identified as discharging storm water into the Wolf River Harbor.

Facility Name	Address & TMSP # If Known
1) Bunge Corporation Grain Elevator	1079 N. Second St. File could not be located
2) Buzzard Used Auto Parts	78 Looney Ave. File could not be located
3) Cargill Grain Elevator	1387 N. Second St. File could not be located
4) Classic American Hardwood	1245 N. Seventh St. File could not be located
5) Conwood Company L.P.	46 Keel Ave. – TNR054448
6) Dunlap St.Used Auto Parts	431 N.Dunlap St. File could not be located
7) Hawkins Machinery	(Hawkins Equip. 1489 Thomas St.) – TNR051064
8) Iskiwitz Metals	604 Marble Ave. – TNR054012
9) Jorgensen Bennett Mfg.	1230 N. Seventh St. – TNR051863
10) Lane Auto Salvage & Parts (a.k.a.McKenzie Lane Auto Parts)	433 N.Waldran Blvd. – TNR050557
11) Levee Auto Parts & Salvage	1336 N. Second St. File could not be located
12) Lone Star Industries	6 Poplar Ave. – TNR050703
13) Memphis Recyclery	1245 Morehead – TNR053454
14) Metal Management (Perlco)	540 Weakley Ave. – TNR053315
15) Owens Laminated Flooring	1240 N. Seventh St. – TNR053990
16) Patton Tully Transportation	1242 N. Second St. – TNR051611
17) Ponderosa of Tennessee	1531 N.Thomas St. – TNR051116 File could not be located
18) River City Chrome	600 Monroe Ave. – TNR051020
19) Westway Terminal Co. Inc.	1315 N. Second St. – TNR053167
20) Yarbrough Cable	850 N.Main St. – TNR054311 File could not be located

8 – The number of facilities where TDEC’s clerical personnel could not locate the respective public record file. These facilities are:

1) Bunge Corporation Grain Elevator
2) Buzzard Used Auto Parts
3) Cargill Grain Elevator
4) Classic American Hardwood
6) Dunlap St.Used Auto Parts
11) Levee Auto Parts & Salvage
17) Ponderosa of Tennessee-appears to be out of business
20) Yarbrough Cable

9 – The number of facilities that have TMSP’s requiring storm water sampling and reporting in the first 5-year permit cycle, yet, no data during that permitting period was present in the public record files. These facilities are:

7) Hawkins Machinery
8) Iskiwitz Metals
9) Jorgensen Bennett Mfg.
10) Lane Auto Salvage & Parts (a.k.a.McKenzie Lane Auto Parts)
12) Lone Star Industries
13) Memphis Recyclery-appears to be out of business
14) Metal Management (Perlco)
15) Owens Laminated Flooring-appears to be out of business
16) Patton Tully Transportation

10 – The number of facilities that operated for 3 to 5 years without a TMSP in the first 5-year permit cycle. These facilities are:

1) Bunge Corporation Grain Elevator
2) Buzzard Used Auto Parts
3) Cargill Grain Elevator
4) Classic American Hardwood
5) Conwood Company L.P.
6) Dunlap St.Used Auto Parts
8) Iskiwitz Metals
10) Lane Auto Salvage & Parts (a.k.a.McKenzie Lane Auto Parts)
11) Levee Auto Parts & Salvage
15) Owens Laminated Flooring-appears to be out of business

2 – The number of TDEC’s Notices of Violation (NOV) found in all the files audited for these 20 facilities.

7) Hawkins Machinery	TDEC letter-NOV – 9/11/96-No sampling for Monitoring Year 1994-1995.
10) Lane Auto Salvage & Parts (a.k.a.McKenzie Lane Auto Parts)	TDEC letter-NOV – 1/10/94-Facility inspection, complaint of waste oil leaving facility.

3 – The number of facilities that appear to be out of business. One of these facilities was one where no file was found. These facilities are:

13) Memphis Recyclery-appears to be out of business
15) Owens Laminated Flooring-appears to be out of business
17) Ponderosa of Tennessee-appears to be out of business

From the file audits, of the 20 industrial facilities identified, **only one, River City Chrome,** appeared to have complied with the TMSP and its predecessor, the Tennessee Baseline General Permit.

Points to be made – Questions to be asked:

1) In regards to the **eight (8)** facilities where the clerical personnel could not find the files:

Question: The entire first 5-year Permit cycle came and went and it is now 14 months into the second 5-Year Permit cycle and **eight (8)** industrial facilities that should be covered under the Tennessee Multi-Sector Storm Water Permit are still lacking Permits. Why were those facilities not covered in the first 5-Year cycle and why are they still not covered? Or have the files on eight of the facilities just been mislaid? Will any enforcement actions for violations of the Clean Water Act commence as a result of these facilities having no Permits yet discharging storm water? In addition, **four (4)** facilities obtained TMSP's in the Year 2000 and 2001. As a result, they discharged storm water for 3 to 4 years without a Permit. Will any enforcement actions for violations of the Clean Water Act commence as a result of these facilities having no Permits yet discharging storm water?

2) In regards to no self-monitoring sampling data being present in the files of **nine (9)** facilities as required by the TMSP's.

Question: Where is all the data? Will any enforcement actions for violations of the Permit commence as a result of these facilities lack of submittal of data or submittal of data that is incomplete?

3) **Question:** Does TDEC believe that once-per-year storm water runoff sampling of those sectors that require it will show that the quality of the receiving waters are being protected? The information of pollutants entering the Wolf River Harbor is very sparse and the self-monitoring data is quite dated. Much of the data is **five (5)** or more years old and the latest data was collected in 2001. The data collected by the Chickasaw Group's Water Sentinels Program for the **two** Permitted facilities shows substantial amounts of pollutants washing off of these sites. Yet, there is data missing from **nine (9)** facility Public Record files as well as no files to be found for the additional **eight (8)** facilities.

4) **Question:** Does TDEC believe that "quarterly visual monitoring" will show that the quality of the receiving waters is being protected?

5) **Question:** In light of the sampling data collected at the Metal Management and Levee Auto Parts facilities, what actions will the Tennessee Department of Environment and Conservation be taking in regards of these two facilities?

Sampling results:

On Tuesday, March 18, 2003, representatives of the Sierra Club's Water Sentinels Program conducted storm water sampling from two discharge points that conveys storm runoff from the property of Metal Management at 540 Weakley Ave., TMS # TNR053315. See map below for sampling locations. These locations were chosen so as to remain on the public street and collect a representative sample as possible.

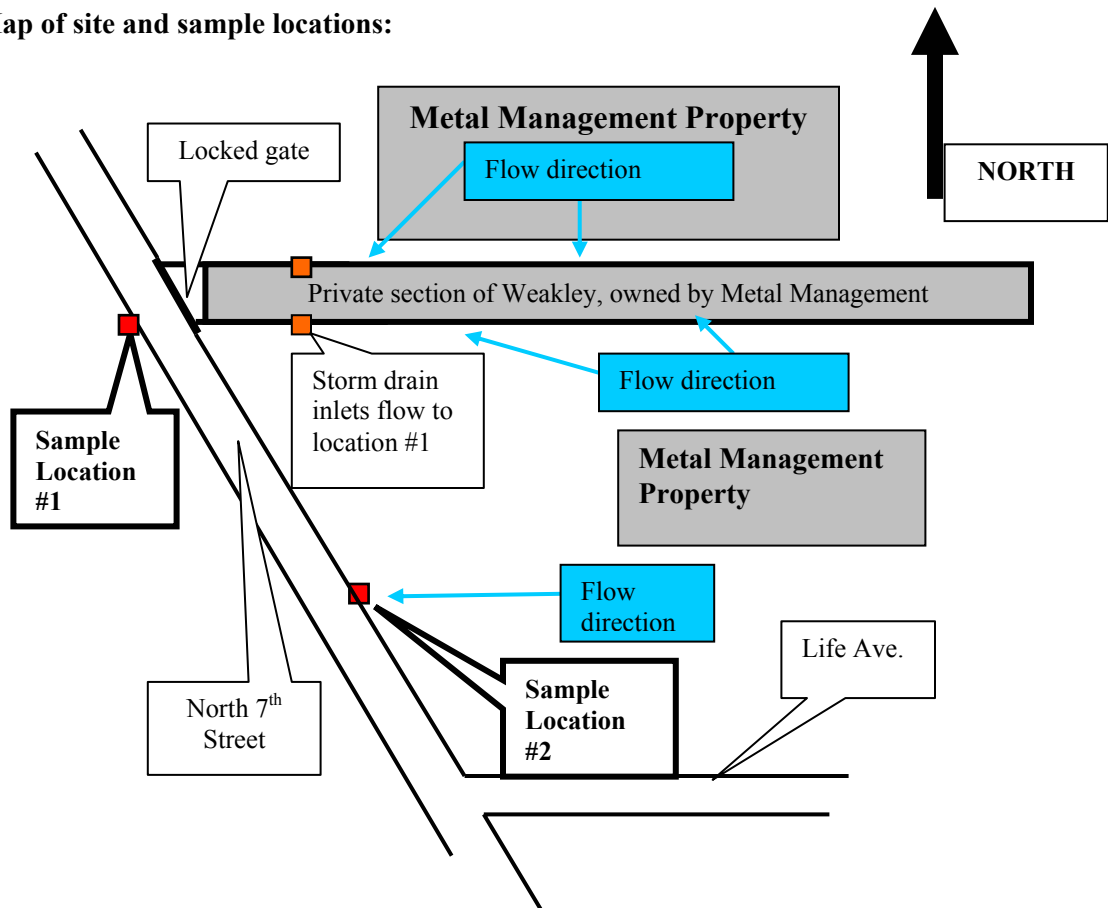
The samples were collected in accordance with the requirements for sampling under the Tennessee Multi-Sector Permit for Storm Water Discharges.

Location #1: is pipes discharging from a "headwall" on the west side of North 7th St. at Weakley Ave. This location does appear to have some off-site water that would dilute the discharge from Metal Management. However, to avoid trespassing onto the site, and to collect the most representative sample of the runoff from the north and south side of Weakley, this site was chosen.

Location #2: is at the facility's fence-line in a ditch on the easternmost side of North 7th that conveys storm water off the Metal Management site. The nearest address is 1270 North 7th St. This location is unaffected by off-site water.

There may be other outfalls from this facility, but they would have been impossible to sample due to access and/or trespass issues. The results are in the following tables. All analytical results exceeded the "cut-off concentration."

Map of site and sample locations:



**Metal Management at 540 Weakley Ave. TNR053315, Sector N.
Location #1**

Chemical Analyses and “Cut-off Concentration”	Result – mgs/L
Total Suspended Solids – 200mgs/L	1,860
Chemical Oxygen Demand – 120mgs/L	984
Total Recoverable Aluminum – 0.75mgs/L	60.3
Total Recoverable Copper – 0.0636mgs/L	2.13
Total Recoverable Iron – 5.00mgs/L	222
Total Recoverable Lead – 0.156mgs/L	3.16
Total Recoverable Zinc – 0.395mgs/L	14.0
Visual Analyses	Result
Color	Dark brown-gray
Odor	Odor of oil
Clarity	Opaque
Floating Solids	Present
Settled Solids	Present: Some reacted to a magnet
Suspended Solids	Present
Foam	None observed
Oil Sheen	Present
Other storm water pollution indicators	None observed

**Metal Management at 540 Weakley Ave. TNR053315, Sector N.
Location #2**

Chemical Analyses and “Cut-off Concentration”	Result – mgs/L
Total Suspended Solids – 200mgs/L	728
Chemical Oxygen Demand – 120mgs/L	803
Total Recoverable Aluminum – 0.75mgs/L	22.0
Total Recoverable Copper – 0.0636mgs/L	6.33
Total Recoverable Iron – 5.00mgs/L	57.2
Total Recoverable Lead – 0.156mgs/L	4.29
Total Recoverable Zinc – 0.395mgs/L	3.58
Visual Analyses	Result
Color	Brown-gray-slightly lighter in color than #1 above
Odor	Odor of oil
Clarity	Opaque
Floating Solids	None observed
Settled Solids	Present: Some reacted to a magnet
Suspended Solids	Present
Foam	None observed
Oil Sheen	Present
Other storm water pollution indicators	None observed

Rain event information:

Rainfall estimated to begin at site at 10:30-11:00 PM. Based on web-site radar and rain beginning at Water Sentinel Project Director’s home at 11:00PM.

Arrived at site at 11:35PM, runoff strong at both selected outfalls.

Sampled Location #1 at 11:40PM.

Sampled Location #2 at 11:45PM.

Only rain for March 18, 2003 occurred from about 10:30-12:00 Midnight. Rainfall at National Weather Service for 3/18/03 was 0.67”.

Previous rainfall of greater than 0.1” (at National Weather Service) was 3/13/03 = 0.21”.

No site inspection from the public street was made at sampling time due to poor visibility. Daylight photos made to show sample locations and for site inspection purposes.

A site inspection from the street was made on March 23, 2003:

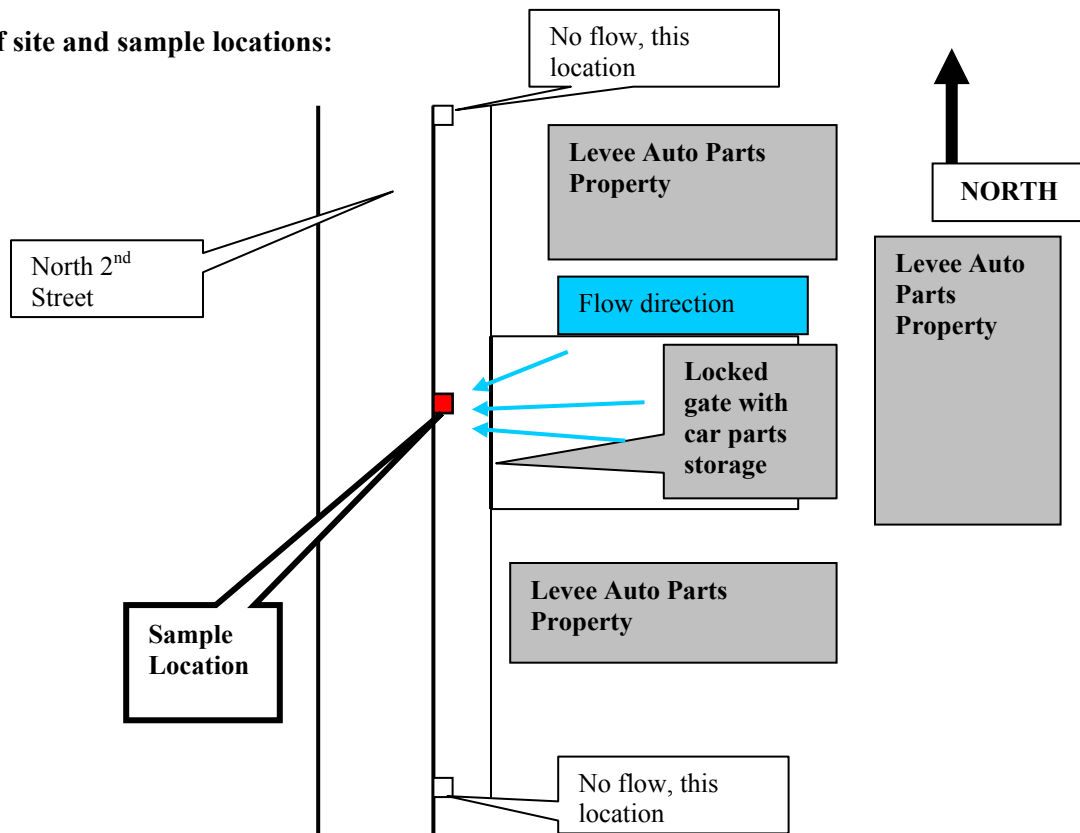
Metal Management: On the privately owned section of Weakley, silt fence and hay bales have been installed. However, it appears that the installation and maintenance of these Best Management Practices (BMPs) are ineffective. In a majority of the silt fence sags and gaps can be seen. Mud was observed in the easternmost part of the private section of Weakley. Junk metal parts and large piles of various metals are on the property on both sides of Weakley. Any pollutants from this section of the property will migrate to Sample Location #1 in the stormwater runoff. On the Metal Management property near 1270 North 7th St., there were no BMPs visible. Large piles of various metals are on site, including a large pile of car and truck radiators. Any pollutants from this section will migrate to Sample Location #2 in the stormwater runoff.

On Tuesday, March 25, 2003, a representative of the Sierra Club’s Water Sentinels Program conducted storm water sampling from a discharge point that conveys storm runoff from the property of Levee Auto Parts and Salvage at 1336 North Second St. This location is at the edge of the public street. Two other outfalls next to North Second St. had no flow at the time of the above sample was collected. See map below for sampling location.

The samples were collected in accordance with the requirements for sampling under the Tennessee Multi-Sector Permit for Storm Water Discharges.

There may be other outfalls from this facility, but they would have been impossible to sample due to access and/or trespass issues. The results are in the following table. All analytical results exceeded the “cut-off concentration.”

Map of site and sample locations:



Levee Auto Parts and Salvage at 1336 North Second Street. No file was located at TDEC on this facility.

Chemical Analyses and “Cut-off Concentration”	Result – mgs/L
Total Suspended Solids – 200mgs/L	204
Total Recoverable Aluminum – 0.75mgs/L	4.01
Total Recoverable Iron – 5.00mgs/L	8.44
Total Recoverable Lead – 0.156mgs/L	0.363
Visual Analyses	Result
Color	Tan
Odor	Odor of oil
Clarity	Moderate Clarity
Floating Solids	None observed
Settled Solids	Present-Few: Some reacted to a magnet
Suspended Solids	Present
Foam	None observed
Oil Sheen	Present
Other storm water pollution indicators	None observed

Rain event information:

Rainfall estimated to begin at site at 6:25PM. Water Sentinels representative was en-route to site when rain began.

Arrived at site at 6:35PM, runoff began at 6:40PM.

Sample taken at 6:55PM, with moderate runoff.

Only rain for March 25, 2003 occurred from about 6:20PM to 12:00 Midnight. Rainfall at National Weather Service for 3/25/03 was 1.28”.

Previous rainfall of greater than 0.1” (at National Weather Service) was 3/20/03 = 0.13”.

No site inspection from the public street was made at sampling time due to poor visibility. Daylight photos made to show sample location and for site inspection purposes.

A site inspection from the street was made on March 30, 2003.

Levee Auto Parts and Salvage: In area that is serviced by the outfall sampled, cars and car parts are on racks and the ground. There are no BMPs visible. A solid metal fence prevents observation for BMPs at the other two outfalls near North Second St.

Facility Photos:

These facilities were the ones that were sampled. Their data is on pages 6 & 8 above.

Metal Management at 540 Weakley Ave. TNR053315, Sector N.

Sample Location #1

(Top) Location #1 is red square. Pipes discharge from a “headwall” on the westernmost side of North Seventh St. at Weakley Ave.



(Bottom Left) Close up photograph of this headwall with storm water runoff from Metal Management facility. Note the oil sheen on the water (orange arrow).

(Bottom Right) Sample of this runoff.



Photos: James H. Baker

Metal Management at 540 Weakley Ave. TNR053315, Sector N.

Sample Location #2

(Top left) Location #2 is red square at the facility's fence-line in a ditch on the easternmost side of North Seventh that conveys storm water off the Metal Management site. The nearest address is 1270 North Seventh St.

Note: No Best Management Practices (BMPs) are visible. Note debris in ditch.

(Top right) Sample of this runoff.



(Bottom) **Metal Management:** A view of Best Management Practices (BMPs): Photo from public section of Weakley. One can see sagging silt fence (the BMP) and dirt in the street (orange arrows). Stormwater from this section flows to Sample Location #1.



Photos: James H. Baker

Levee Auto Parts and Salvage at 1336 North Second Street. No file was located at TDEC on this facility.

Note: No Best Management Practices visible.

Sample location is red square at edge of North Second St.



Photos: James H. Baker

Letter that accompanied the Wolf River Harbor Report:

**Chickasaw Group, Sierra Club
P.O. Box 111094, Memphis, TN 38111**

April 22, 2003

**Tennessee Department of Environment and Conservation
21st Floor, L&C Tower
401 Church St.
Nashville, TN 37243
Attn.: Commissioner Betsy Child**

RE: Investigation Report-Industrial facilities that discharge storm water into the Wolf River Harbor (part of the Mississippi River) in Memphis, Shelby County, Tennessee. (Waterbody I.D.# TN08010100001-1000)

Dear Commissioner Child;

On various dates in February and March 2003, the public record files were audited at the Memphis' office of the Tennessee Department of Environment and Conservation (TDEC) on the facilities listed in the tables in the accompanying report. This was done in keeping with the Sierra Club's National Priority Campaign on improving water quality in the United States. This report is also the first involving a new national Sierra Club program – Water Sentinels.

The Mississippi River is listed on the Draft 2002, 303(d) list of impaired waterbodies that is published by your department. The Wolf River Harbor is connected with the Mississippi. People have been observed fishing in the Wolf River Harbor. The Wolf River Harbor has a fishing advisory posted as per this same 303(d) list.

Representatives of the Chickasaw Group checked to see if the facilities had either a Tennessee Multi-Sector General Permit (TMSP) for Storm Water discharges or an individual NPDES Permit for storm water discharges. The self-monitoring data that was in the files was audited as well.

Representatives of the Water Sentinels from the Chickasaw Group collected storm water runoff samples from two of the facilities (Metal Management & Levee Auto Parts and Salvage) that are in the sampling and analyses section of this report. We request that representatives from the Memphis EAC follow-up these samples with their own. This would be to confirm or refute our results that showed levels of pollutants being discharged to the Wolf River Harbor by these facilities are for the most part far in excess of the "cut-off concentration", for each analyte that is required to be analyzed under each facility's respective sector of the TMSP.

The Chickasaw Group of the Sierra Club is deeply concerned with the lack of recent information and data on the twenty facilities identified as discharging storm water into the Wolf River Harbor.

The Riverfront Development Corporation's Master Plan calls for a land bridge to be constructed and the existing Wolf River Harbor to become a major new amenity in the form of a recreational lake for new riverfront development. The Chickasaw Group of the Sierra Club is concerned that due to the apparent lack of enforcement of the Clean Water Act and the lack of sufficient water quality data, then the decision to construct this proposed lake is premature and ill-advised.

A written response to each of these points listed in the attached report is respectfully requested.

Sincerely;
Charles A.Rond; Chair, Chickasaw Group

- c. Copy to the U.S.EPA Region 4, Water Management Division
- Copy to the TDEC office in Memphis
- Copy to the City of Memphis

The Tennessee Department of Environment and Conservation's Response:



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NASHVILLE, TENNESSEE 37243-0435

BETSY L. CHILD
COMMISSIONER

PHIL BREDESEN
GOVERNOR

May 7, 2003

Mr. Charles Rond
Chickasaw Group - Sierra Club
P.O. Box 111094
Memphis, Tennessee 38111

Subject: Storm Water Discharges to Wolf River Harbor
Memphis, Shelby County, Tennessee

Dear Mr. Rond:

In response to your April 22, 2003, correspondence regarding storm water discharges from industrial facilities to the Wolf River Harbor, Division of Water Pollution Control (WPC) staff conducted a file review of the twenty facilities of concern listed in your correspondence. I have attached a table prepared by WPC that outlines the compliance status of those facilities

One of the questions you have raised regards unpermitted facilities. Please be aware that identifying unpermitted facilities is an unending task for this department. In 2001, WPC sent out over 6,000 letters notifying selected businesses of their potential responsibility under storm water discharge regulations. Approximately 2,800 were subject to regulation and either obtained coverage under the Tennessee Multi Sector Permit (TMSP) for industrial storm water discharges, or submitted "no-exposure" certification. The department will continue to target unpermitted sites as we become aware of them, and advise those business owners of regulator requirements.

Rather than establishing effluent limits on storm water discharges, the TMSP incorporates cut-off concentrations as one component of a permit designed to maximize protection of surface waters in Tennessee. The department believes the best practice for managing potential pollution associated with storm water discharges from industrial facilities is through implementation of a site specific storm water pollution prevention plan (SWPPP), coupled with discharge monitoring to verify SWPPP effectiveness. The TMSP only requires analytical monitoring for those industry sectors or sub-sectors that demonstrated a potential to discharge pollutants at concentrations of concern.

Mr. Charles Rond
May 7, 2003
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Further, these data show that there is not a statistically significant difference between samples taken at different times of the year, hence the change in monitoring frequency from quarterly, every other year, to annual monitoring. Cut-off concentrations are benchmark values established by the state and EPA, developed from data submitted by industries throughout the nation. These cut-off concentrations are intended for use by the permit holder to assist in evaluation of the effectiveness of their SWPPP as implemented. In the event of a cut-off concentration exceedance, the permittee is required to notify WPC and submit proposed modifications to the SWPPP.

The department took enforcement action against TMSP permit holders that failed to report during the previous permitting cycle, and intends to do so during the current cycle. As mentioned in my last letter to you, WPC is in the process of reviewing the 2002 storm water monitoring reports from facilities statewide. Facilities that do not report will be subject to enforcement action.

I appreciate your interest in the Wolf River watershed and the quality of Tennessee's waters. If you require additional information, please contact Mr. Paul Davis, WPC division director, at (615) 532-0625.

Sincerely,



Betsy L. Child

BLC:JMS:CSM:blt

Enclosure

cc: James Giattina, USEPA Region 4
Mr. Jerry Collins, Jr., Director, Public Works, City of Memphis
Jim Chaney, TDEC, EAC-M

WOLF RIVER HARBOR AREA INDUSTRIAL STORM WATER DISCHARGE SITES

Facility Name	Permit #	Status
1) Bunge Corporation Grain Elevator	*****	The Memphis Environmental Assistance Center (MEAC) does not have a file for this facility. A site visit is being scheduled to determine if this facility must obtain coverage under the Tennessee Multi-Sector Storm Water Permit (TMSP).
2) Buzzard Used Auto Parts	*****	This facility was not permitted under the TMSP. An NOV was issued on March 20, 2003. A second (2 nd) NOV was issued on April 25, 2003 for failing to respond to the deadline of the March 20, 2003 NOV. Enforcement action will be initiated if the Division does not receive a response from the Facility.
3) Cargill Grain Elevator	*****	The MEAC does not have a file for this facility. A site visit is being scheduled to determine if this facility must obtain coverage under the TMSP.
4) Classic American Hardwood	*****	The MEAC does not have a file for this facility. A site visit is being scheduled to determine if this facility must obtain coverage under the TMSP.
5) Conwood Company L.P.	TNR054448	This facility has renewed coverage under the TMSP. Only quarterly visual examination is required.
6) Dunlap Street Used Auto Parts	*****	This facility was not permitted under the TMSP. An NOV was issued on March 20, 2003. On April 4, 2003, the MEAC received a copy of the completed Notice of Intent (NOI). The NOI will be processed in order to issue coverage under the TMSP.
7) Hawkins Machinery	TNR051064	This facility has renewed coverage under the TMSP. Quarterly visual examination and sampling is required. The MEAC has not received the annual monitoring results. A site visit will be scheduled to determine the facility's compliance under the TMSP.
8) Iskiwitz Metals	TNR054012	This facility has renewed coverage under the TMSP. Quarterly visual examination and sampling is required. The MEAC has not received the annual monitoring results. A site visit will be scheduled to determine the facility's compliance under their TMSP.
9) Jorgensen Bennett Mfg.	TNR051863	This facility has renewed coverage under the TMSP. Quarterly visual examination and sampling is required. The MEAC has not received the annual monitoring results. A site visit will be scheduled to determine the facility's compliance under the TMSP.

10) Mckenzie – Lane Auto Salvage	TNR050557	This facility has renewed coverage under the TMSP. Quarterly visual examination and sampling is required. The MEAC has not received the annual monitoring results. A site visit will be scheduled to determine the facility's compliance under the TMSP.
11) Levee Auto Parts & Salvage	*****	The MEAC does not have a file for this facility. A site visit is being scheduled to determine if this facility must obtain coverage under the TMSP.
12) Lone Star Industries	TNR050703	This facility has renewed coverage under the TMSP. Quarterly visual examination and sampling is required. The MEAC has not received the annual monitoring results. A site visit will be scheduled to determine the facility's compliance under the TMSP.
13) Memphis Recyclery	TNR053454	This facility has renewed coverage under the TMSP. Quarterly visual examination and sampling is required. The MEAC has not received the annual monitoring results. A site visit will be scheduled to determine the facility's compliance under the TMSP.
14) Metal Management (Perleo)	TNR053315	This facility has renewed coverage under the TMSP. Quarterly visual examination and sampling is required. The MEAC has not received the annual monitoring results. A site visit will be scheduled to determine the facility's compliance under the TMSP.
15) Owens Laminated Flooring	TNR053990	This facility has not renewed coverage under the TMSP. According to the Sierra Club inspection, this facility appears to be out of business. The Division will schedule a site visit to confirm that the facility is no longer in operation prior to terminating the file.
16) Patton Tully Transportation	TNR051611	This facility has renewed coverage under the TMSP. Quarterly visual examination and sampling is required. The MEAC has not received the annual monitoring results. A site visit will be scheduled to determine the facility's compliance under the TMSP.
17) Ponderosa of Tennessee	TNR051116	This facility is now known as American Fibre Mill of Tennessee under the same tracking number. This facility has renewed coverage under the TMSP. Only quarterly visual examination is required. According to the Sierra Club inspection, this facility appears to be out of business. The Division will schedule a site visit to confirm the status of the new facility.
18) River City Chrome	TNR051020	This facility has renewed coverage under the TMSP. Quarterly visual examination and sampling is required. The MEAC has not received the annual monitoring results. A site visit will be scheduled to determine the facility's compliance under the TMSP.

19) Westway Terminal Co.	TNR053167	This facility has renewed coverage under the TMSP. Quarterly visual examination and sampling is required. The MEAC has not received the annual monitoring results. A site visit will be scheduled to determine the facility's compliance under the TMSP.
20) Yarbrough Cable	TNR054311	This facility has renewed coverage under the TMSP. Quarterly visual examination and sampling is required. The MEAC has not received the annual monitoring results. A site visit will be scheduled to determine the facility's compliance under the TMSP.

No written responses received from the U.S. EPA or the City of Memphis.

To view what TDEC has done since their response, please see the follow-up report: "Fouling the Father of Waters, 2003 in Review-Industrial Storm Water Pollution and the Failure to Regulate" at the website:

<http://www.sierraclub.org/watersentinels/tennessee/fouling.pdf>

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