

Spencer Sewage Treatment Plant Near Fall Creek Fall State Park

UPDATE - January 2004

It's been fairly quiet since the Summer of 2002 when the City began discharging to Lick Branch under a temporary 2-year agreement to find a final solution - and time is running out. Recently things have heated up again as it now looks pretty obvious that Spencer will not make the August 2004 deadline to stop discharging to Lick Branch and will have to ask the court for their first one year extension (of 2 possible).

At a status hearing before Judge Haynes on Friday January 16, 2004 it was explained that the city is awaiting a decision from a federal funding agency (EDA) on a grant to build a pipeline to the Caney Fork River. Meanwhile a citizen opposition group has organized on the river to stop the pipeline and this could jeopardize the funding. This means that Spencer will likely ask for an extension to stay in Lick Branch another year, and may have to look at another alternative - meaning land application might be back on the table.

Below are older stories and items on the issue:

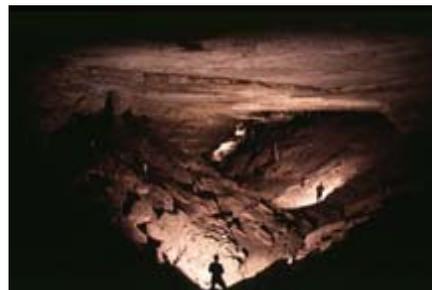
PEER PRESS RELEASE

April 26, 2002: Agreement Protects Tennessee's Dry
Fork Creek and Rumbling Falls Cave From Wastewater

In a surprising development, the Tennessee Water Quality Control Board decided that the vote on September 26, 2001 was not final and now have allowed Spencer to bring in a high priced law firm to argue why it is a good idea to dump sewage into the park and into a stream full of very rare animals.

The board voted on September 26, 2001 to reverse its 16-month-old decision to allow discharge of municipal waste water into Dry Fork Creek, which flows into Fall Creek Falls State Park. The original decision to allow the discharge was the first ever decision in Tennessee to permit intentional degradation of a known high quality water. The ruling was in response to a Petition for Declaratory Order by the environmental community.

Although the Board voted in favor of park visitors and the environment, there are strong rumors that the state will continue to fight for allowing the discharge into Dry Fork Creek - which flows into Fall Creek Falls State Park and flows into springs used for drinking water as well as into a fragile cave system



Cave that will be impacted

© Dr. Hal Love

A federal Lawsuit is still pending (filed in Sept. 2000) by 4 groups - **PEER, [Nashville Grotto of the National Speleological Society](#), [TN Environmental Council](#), and [TN Scenic Rivers Association](#)** - over claimed violations of NEPA for the funding and permitting of a sewer project in Van Buren County. At about the same time another state action was filed with the Water Quality Control Board over their first ever approval of degradation of a high quality stream.

The plan is (or was) to discharge wastewater to Dry Fork Creek, which then flows into a new portion of a state park and sinks into a newly discovered large cave - possibly the largest in the state if fully explored. With EPA supporting many of our positions and offering to assist in finding an alternative, the City of Spencer and TDEC are now re-considering the plan and looking for other disposal options - mainly land application.

For additional information, please contact TNPEER's Director Barry Sulkin.

- Spencer Case Settled
from the Nashville Tennessean 4/27/2002
- Judge keeps Spencer Plant from opening
Nashville Tennessean 3/1/2002
- Exposing Tennessee's Titanic Cave Chamber
National Geographic Adventure Magazine March 2002
- 20-story cave revealed under Fall Creek Falls State Park
Nashville Tennessean 11/21/01
- Press Release: Newly Discovered Cave
RoomLargest in Eastern U.S., Threatened by Sewage Plan 11/20/01
- Press Release: Board Reverses Decision 9/27/01
- Dry Fork Decision Reversed
Nashville Tennessean 9/28/01
- Wastewater discharge blocked in Dry Fork Creek
Chattanooga Times Free Press 10/2/01
- Press Release for Lawsuit 9/13/01
- Letter to Commissioner
- Petition for Declaratory Order
- 8/22/00 Letter from EPA



Dry Fork Creek. Sep. 2000
Approx 1.7 miles downstream
from proposed discharge point

More information:
Nashville Grotto of the NSS
www.SaveFallCreekFalls.org



excerpts from *PEER*review Summer 2000 Issue

Sewage Runs Through It

We're not making this up. Even if we tried to think up a way to show the need for environmental agency watchdogs, we could not have come up with all this.

Recently the town of Spencer, right next to Fall Creek Falls State Park, decided it needed a sewage system. The town received more than \$6.2 million in state and federal grants that carried the requirement to comply with the National Environmental Policy Act (NEPA). To obtain a discharge permit, the Tennessee Department of Environment and Conservation (TDEC) had to publish a notice and a hold public hearing if requested.

TDEC determined there were no significant environmental issues or major changes in land use as a result of the project, and therefore, no Environmental Impact Study (EIS) was needed under NEPA. The only public notice for the proposed permit was a misleading two-liner describing an existing facility, sent out to a very limited mailing list. No notice was published locally; no hearing was held.

Then *Tennessee* PEER, heard from some "concerned employees." It turns out that --

- * the receiving stream, Dry Fork, flows into Fall Creek Falls park;
- * there are sinks in Dry Fork and much of the flow goes into a huge cave system under Spencer Mountain;
- * this newly discovered cave is believed to be the largest in Tennessee and is home to at least two rare species - the Southern blind cave fish and the blind crayfish; and
- *water from the cave emerges several miles to the north at Swamp Springs and numerous smaller springs, some of which are used for drinking water.

Of course, none of these facts were reflected in the TDEC review. To compound matters, acres of the Dry Fork area are being clear-cut with miles of roads built for a (proposed) massive resort development, bigger than the town itself, including a golf course and man-made lake --all in anticipation of sewer service. Now, with all the encouraged sprawl there are plans to dam the upper part of Dry Fork for additional drinking water. Much of this is being done with public money.

PEER organized a coalition of environmental groups to petition TDEC and US EPA to halt issuance of any permits, properly notify the public, hold public hearings, re-do the NEPA process correctly and consider alternatives. Nonetheless, TDEC issued the permit, thus forcing the coalition to prepare legal actions to compel compliance with the law and to save Dry Fork. Fortunately, the federal grants provide the hook to get this matter before a federal court so to supplement the justice thus far dispensed by the state of Tennessee.