



JIM STRICKLAND
MAYOR

DIVISION OF PUBLIC WORKS

TENNESSEE

August 11, 2022

VIA E-MAIL

Ariel Wessel-Fuss
State of Tennessee
Department of Environment and Conservation
Division of Water Resources
William R. Snodgrass – Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

Re: Draft NPDES Permit - City of Bartlett
NPDES Permit No. TN0066800

Dear Mrs. Wessel-Fuss:

The City of Memphis owns a municipal wastewater treatment plant that receives flows from portions of the collection system located in the City of Bartlett (“Bartlett”) and owned and operated by Bartlett. The City of Memphis has an Inter-Jurisdictional Agreement Program (“IJAP”) as required by the 2012 Consent Decree entered into by the U.S. Environmental Protection Agency, Tennessee Department of Environment and Conservation (“TDEC”), the Tennessee Clean Water Network, and the City of Memphis. Memphis has had discussions with the City of Bartlett, but Bartlett is averse to making any changes to the existing agreement with Memphis to incorporate IJAP provisions. The City of Memphis is concerned that, among other things, there are no provisions in place that will assure that peak and other flows from the City of Bartlett to Memphis will not cause overflows or otherwise be problematic.

As such, the City of Memphis submits the following comments on the Bartlett draft NPDES permit.

1. **Section 1.1.2 0 – Collection System Requirements**: Section 1.1.2 of the draft NPDES permit addresses collection system requirements and provides that the City of Bartlett is authorized to operate a sewage collection system and that operation and discharges from the collection system shall be limited and monitored by the permittee as indicated by the two tables. The permit should clarify that this reporting applies to the full collection system owned or operated by Bartlett within its City boundaries whether or not that part of the collection system flows to Bartlett STP No. 1.
2. **Section 2.3.3 – Overflow**: Section 2.3.3.d of the draft NPDES permit provides, in part:

No new or additional flows shall be added upstream of any point in the collection or transmission system that experiences chronic sanitary sewer overflows *or releases* (greater than 5 events per year) *or would otherwise overload any portion of the system.* (Emphasis added.)

We request that the permit further address the “otherwise overload any portion of the system” as it pertains to a downstream municipality. As such, we request that the following language be added to the permit:

For portions of the collection or transmissions system owned or operated by the permittee that flow to a collection system and/or treatment plant owned or operated by another municipality, a determination of the amount of flow that would cause an overload to the downstream municipality’s system shall be based on peak or other flows as set forth in a written agreement between the permittee and the downstream municipality or, in the absence of a written agreement identifying acceptable flows, such flows as the downstream municipality identifies in a letter to the permittee as being acceptable.

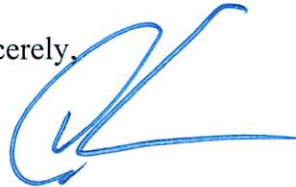
3. **Other**: While the above requested provision would address flows, it does not address other provisions EPA and TDEC require Memphis to implement through its IJAP. As such we also request that a more comprehensive provision be included in the Bartlett NPDES permit as follows:

The permittee shall not transmit wastewater *from any portion of the collection or transmission system owned or operated by the permittee* to a collection system or treatment plant owned by another municipality unless the permittee has a written agreement with the owner of the treatment plant which addresses (1) proper operation and maintenance of the permittee’s collection and transmission system including peak and other flows and provisions for future growth, if allowed; (2) compliance with the other municipality’s limits on flows that could cause or contribute to a sanitary sewer overflow, exceed that municipality’s pumping capacity or cause or contribute to a violation of that municipality’s NPDES permit; (3) flow metering; and (4) regulation of users and pretreatment requirements.

This provision could be added to § 1.1.2 Collection System Requirements, § 2.1.3 O&M provision, or to other appropriate parts of the permit. Further, in light of the fact that this would be a new requirement for Bartlett, we would suggest that the permit provide the permittee and downstream municipality six months to address these issues.

The City of Memphis appreciates your consideration of these comments. We look forward to the Bartlett NPDES permit addressing these important issues to protect the downstream municipality's interest at its wastewater collection and transmission system, including its WWTP.

Sincerely,



Robert Knecht
Public Works Director

cc: Vojin Janjic
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