



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

William R. Snodgrass - Tennessee Tower  
312 Rosa L. Parks Avenue, 11<sup>th</sup> Floor  
Nashville, Tennessee 37243-1102

October 21, 2021

Mr. Cliff Norville  
Director of Public Works  
e-copy: [Cliff.Norville@shelbycountyttn.gov](mailto:Cliff.Norville@shelbycountyttn.gov)  
Shelby County Government  
160 North Main Street, Suite 1127  
Memphis, TN 38103

Subject: **Transfer of NPDES Permit No. TN0026361**  
**Shelby County Government d/b/a Chapel Hill S.D. STP (new permittee)**  
**City of Memphis d/b/a Chapel Hill S.D. STP (original permittee)**  
**Memphis, Shelby County, Tennessee**

Dear Mr. Norville:

On September 30, 2021, the Division of Water Resources received an agreement for transfer of the above referenced NPDES permit from the City of Memphis to Shelby County that substantially complies with the transfer notification requirement in Part II.B.3 of the permit. The notice of transfer includes a Memorandum of Understanding (MOU) between the parties effective September 27, 2021, and both city and county resolutions authorizing the MOU activities. The permit transfer from the City of Memphis d/b/a Chapel Hill S.D. STP to Shelby County Government d/b/a Chapel Hill S.D. STP will be effective on November 1, 2021. Enclosed is the permit for your files.

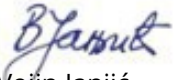
As the new permittee, you agree to comply with the terms and conditions of the permit and to follow all monitoring and reporting requirements. You also agree that there will be no change in any operation at the site covered by this permit. Before any major modification or change in your operation occurs, the division must approve revised plans and appropriate NPDES permit application forms.

Pursuant to Rule 0400-40-05-.07(2)(e), this permit does not convey property rights of any sort, or any exclusive privilege. Therefore, this permit does not waive any lawful responsibility of any person for violations of the Act pertaining to operation of a sewerage system and/or unlawful discharges to waters. The Division looks forward to receiving the evidence of ownership of the sewerage system assets to be provided to TDEC according to Item 10 of the MOU.

The division's receipt and incorporation into division files of the MOU and its attachments, inclusive of engineering drawings, does not constitute Division approval of engineering plans for sewerage system modifications. Division records do not appear to include approval of the lift station and force main design conveying sewage from the Youth Villages-Dogwood Campus to the City of Memphis Schaeffer force main or any plans for upgrades at the Chapel Hill STP. This notice of transfer does not waive any responsibility under the Act or rules relative to public sewer system plans review.

If you have questions, please contact the Memphis Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact Ms. Maybelle T. Sparks, P.E. at (615) 532-0651 or by E-mail at [Maybelle.Sparks@tn.gov](mailto:Maybelle.Sparks@tn.gov).

Sincerely,

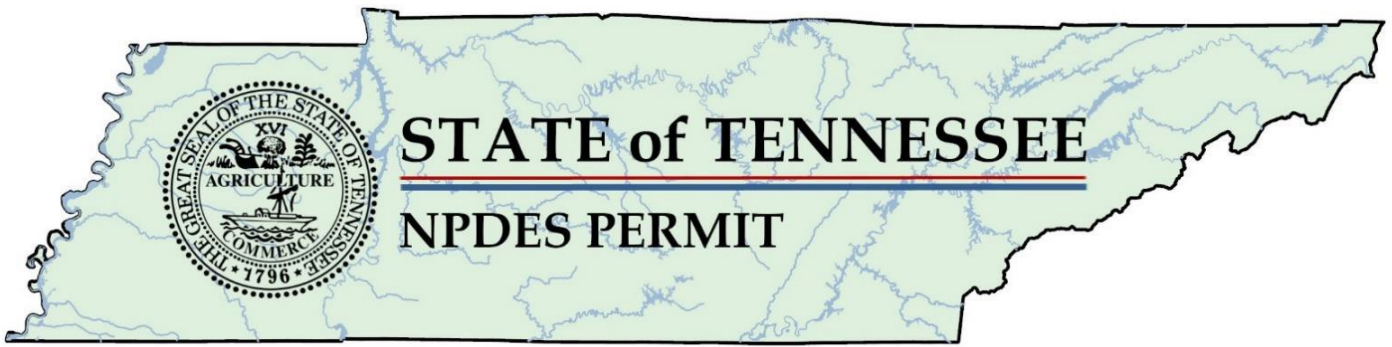


Vojin Janjić

Manager, Water-Based Systems

Enclosure

cc: Mr. Robert Knecht, Director of Public Works, City of Memphis, [Robert.Knecht@memphistn.gov](mailto:Robert.Knecht@memphistn.gov)  
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**Authorization to Discharge Under the  
National Pollutant Discharge Elimination System (NPDES)  
Permit Number TN0026361  
Transfer of Ownership**

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Issued by  
**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**

Under authority of the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.) and the delegation of authority from the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.)

Discharger: Transferred to: **Shelby County Government d/b/a Chapel Hill S.D. STP(new permittee)  
Chapel Hill S.D. STP**

From: **City of Memphis d/b/a Chapel Hill S.D. STP (original permittee)  
Chapel Hill S.D. STP**

is authorized to: treated domestic wastewater from Outfall001  
from a facility located at: 9856 Bette Lu Drive, Memphis, Shelby County, Tennessee  
to receiving waters named: unnamed stream at mile 0.2 to an unnamed tributary at mile 2.1 to Crooked Creek at mile 3.0

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on: **November 1, 2021**

This permit shall expire on: **July 31, 2022**

Issuance date: **October 19, 2021**

  
for Jennifer Dodd  
Director

<b>PART 1</b> .....	<b>3</b>
A. EFFLUENT LIMITATION AND MONITORING REQUIREMENTS .....	3
B. MONITORING PROCEDURES .....	4
1. REPRESENTATIVE SAMPLING.....	4
2. TEST PROCEDURES.....	4
3. SAMPLING FREQUENCY.....	4
4. RECORDING OF RESULTS .....	5
5. RECORDS RETENTION .....	5
C. DEFINITIONS .....	5
D. REPORTING .....	5
1. MONITORING RESULTS .....	5
2. ADDITIONAL MONITORING BY PERMITTEE .....	6
3. FALSIFYING REPORTS.....	6
4. REPORTING LESS THAN DETECTION; REPORTING SIGNIFICANT FIGURES.....	6
E. SCHEDULE OF COMPLIANCE .....	6
<b>PART II</b> .....	<b>6</b>
A. GENERAL PROVISIONS .....	6
1. DUTY TO REAPPLY .....	6
2. RIGHT OF ENTRY .....	6
3. AVAILABILITY OF REPORTS.....	7
4. PROPER OPERATION AND MAINTENANCE.....	7
5. TREATMENT FACILITY FAILURE(INDUSTRIAL SOURCES) .....	7
6. PROPERTY RIGHTS .....	7
7. SEVERABILITY .....	7
8. OTHER INFORMATION .....	7
B. CHANGES AFFECTING THE PERMIT .....	8
1. PLANNED CHANGES .....	8
2. PERMIT MODIFICATION, REVOCATION, OR TERMINATION.....	8
3. CHANGE OF OWNERSHIP .....	8
4. CHANGE OF MAILING ADDRESS .....	9
C. NONCOMPLIANCE .....	9
1. EFFECT OF NONCOMPLIANCE .....	9
2. REPORTING OF NONCOMPLIANCE.....	9
3. OVERFLOW .....	10
4. UPSET .....	10
5. ADVERSE IMPACT.....	11
6. BYPASS .....	11
7. WASHOUT .....	12
D. LIABILITIES .....	12
1. CIVIL AND CRIMINAL LIABILITY .....	12
2. LIABILITY UNDER STATE LAW .....	12
<b>PART III OTHER REQUIREMENTS</b> .....	<b>12</b>
A. CERTIFIED OPERATOR.....	12
B. PLACEMENT OF SIGNS.....	12
C. ADDITION OF WASTE LOADS.....	13
D. SLUDGE MANAGEMENT PRACTICES .....	13
E. ANTIDegradation .....	13

**PART 1****A. EFFLUENT LIMITATION AND MONITORING REQUIREMENTS**

Discharge 001 consists of domestic wastewater from a treatment facility with a design capacity of 0.045 MGD. Discharge 001 shall be limited and monitored by the permittee as specified below.

<b>Description : External Outfall, Number : 001, Monitoring : Effluent Gross, Season : All Year</b>							
<b>Code</b>	<b>Parameter</b>	<b>Qualifier</b>	<b>Value</b>	<b>Unit</b>	<b>Sample Type</b>	<b>Monitoring Frequency</b>	<b>Statistical Base</b>
00300	Oxygen, dissolved (DO)	>=	6.0	mg/L	Grab	Five Per Week	Daily Minimum
00400	pH	>=	6.0	SU	Grab	Two Per Week	Daily Minimum
00400	pH	<=	9.0	SU	Grab	Two Per Week	Daily Maximum
00530	Total Suspended Solids (TSS)	<=	30	mg/L	Grab	Twice Every Month	Monthly Average
00530	Total Suspended Solids (TSS)	<=	45	mg/L	Grab	Twice Every Month	Daily Maximum
00545	Settleable Solids	<=	1.0	mL/L	Grab	Two Per Week	Daily Maximum
00610	Nitrogen, Ammonia total (as N)	<=	10	mg/L	Grab	Twice Every Month	Daily Maximum
00610	Nitrogen, Ammonia total (as N)	<=	5.0	mg/L	Grab	Twice Every Month	Monthly Average
00665	Phosphorus, total (as P)	Report	-	mg/L	Grab	Quarterly	Daily Maximum
50050	Flow	Report	-	Mgal/d	Instantaneous	Five Per Week	Daily Maximum
50050	Flow	Report	-	Mgal/d	Instantaneous	Five Per Week	Monthly Average
50060	Chlorine, total residual (TRC)	<=	0.02	mg/L	Grab	Five Per Week	Daily Maximum
51040	E. coli	<=	941	CFU/100mL	Grab	Twice Every Month	Daily Maximum
51040	E. coli	<=	126	CFU/100mL	Grab	Twice Every Month	Monthly Average
80082	CBOD, 5-day, 20 C	<=	20	mg/L	Grab	Twice Every Month	Daily Maximum
80082	CBOD, 5-day, 20 C	<=	10	mg/L	Grab	Twice Every Month	Monthly Average

The acceptable methods for analysis of TRC are any methods specified in Title 40 CFR, Part 136 as amended. The method detection level (MDL) for TRC shall not exceed 0.05 mg/l unless the permittee demonstrates that its MDL is higher. The permittee shall retain the documentation that justifies the higher MDL and have it available for review upon request.

The wastewater discharge must be disinfected to the extent that viable coliform organisms are effectively eliminated. The concentration of the E. coli group after disinfection shall not exceed 126 cfu per 100 ml as the geometric mean calculated on the actual number of samples collected and tested for E. coli within the required reporting period. The permittee may collect more samples than specified as the monitoring frequency. Samples may not be collected at intervals of less than 12 hours. For the purpose of determining the geometric mean, individual samples having an E. coli group concentration of less than one (1) per 100 ml shall be considered as having a concentration of one (1) per 100 ml. In addition, the concentration of the E. coli group in any individual sample shall not exceed a specified maximum amount. A maximum daily limit of 487 colonies per 100 ml applies to lakes and exceptional Tennessee waters. A maximum daily limit of 941 colonies per 100 ml applies to all other recreational waters.

There shall be no distinctly visible floating scum, oil or other matter contained in the wastewater discharge.

The wastewater discharge must result in no other materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.

Sludge or any other material removed by any treatment works must be disposed of in a manner which prevents its entrance into or pollution of any surface or subsurface waters.

The wastewater discharge must not cause an objectionable color contrast in the receiving stream.

## **B. MONITORING PROCEDURES**

### **1. Representative Sampling**

Samples and measurements taken in compliance with the monitoring requirements specified above shall be representative of the volume and nature of the monitored discharge, and shall be taken at the following location(s):

- nearest accessible point after final treatment but prior to actual discharge to or mixing with the receiving waters.

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to insure that the accuracy of the measurements is consistent with accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than plus or minus 10% from the true discharge rates throughout the range of expected discharge volumes.

### **2. Test Procedures**

- a. Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304 (h) of the Clean Water Act, as amended, under which such procedures may be required.
- b. Unless otherwise noted in the permit, all pollutant parameters shall be determined according to methods prescribed in Title 40, CFR, Part 136, as amended, promulgated pursuant to Section 304 (h) of the Act.

### **3. Sampling Frequency**

- a. Where the permit requires sampling and monitoring of a particular effluent characteristic(s) at a frequency of less than once per day or daily, the permittee is precluded from marking the "No Discharge" block on the

Discharge Monitoring Report if there has been any discharge from that particular outfall during the period which coincides with the required monitoring frequency; i.e. if the required monitoring frequency is once per month or 1/month, the monitoring period is one month, and if the discharge occurs during only one day in that period then the permittee must sample on that day and report the results of analyses accordingly.

#### **4. Recording of Results**

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of sampling;
- b. The exact person(s) collecting samples;
- c. The dates and times the analyses were performed;
- d. The person(s) or laboratory who performed the analyses;
- e. The analytical techniques or methods used, and;
- f. The results of all required analyses.

#### **5. Records Retention**

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation shall be retained for a minimum of three (3) years, or longer if requested by the Division of Water Resources.

### **C. DEFINITIONS**

The "instantaneous concentration" is a limitation on the concentration, in milligrams per liter, of any pollutant contained in the wastewater discharge determined from a grab sample taken of the discharge at any point in time.

The "daily maximum concentration" is a limitation on the average concentration, in milligrams per liter, of the discharge during any calendar day.

The "monthly average concentration" is the arithmetic mean of all samples collected in a one-month period. If only one sample is required per month, the permittee is required to report compliance against the monthly average limit other than *E coli*.

For the purpose of this permit a "calendar day" is defined as any 24-hour period.

### **D. REPORTING**

#### **1. Monitoring Results**

During the term of this permit, the permittee is required to submit Discharge Monitoring Reports (DMRs) electronically through NetDMR in addition to MORs submitted as required above. EPA published the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule, which will modernize Clean Water Act reporting for municipalities, industries and other facilities. The rule was published in the Federal Register on October 22, 2015 and became effective on December 22, 2015. The rule replaces most paper-based NPDES reporting requirements with electronic reporting.

The electronic submission of DMR (discharge monitoring report) data will be accepted only if formally approved beforehand by the division. More information is available at: <http://www.tn.gov/environment/topic/wr-netdmr-and-electronic-reporting>:

Getting Started on NetDMR,  
Electronic reporting schedule,  
Training Opportunities,

NetDMR User Guide and other supporting information.

## **2. Additional Monitoring by Permittee**

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Monthly Operation Report Form (MOR). Such increased frequency shall also be indicated. The Permittee is also required to perform and report influent and operation tests in accordance with the schedule listed on the Monthly Operation Report/Schedule for Analysis for Package Sewage Treatment Facilities or as developed by the design engineer.

## **3. Falsifying Reports**

Knowingly making any false statement on any report required by this permit may result in the imposition of criminal penalties as provided for in Section 309 of the Federal Water Pollution Control Act, as amended, and in Section 69-3-115 of the Tennessee Water Quality Control Act.

## **4. Reporting Less Than Detection; Reporting Significant Figures**

A permit limit may be less than the accepted detection level. If the samples are below the detection level, then report "BDL" or "NODI =B" on the DMRs. The permittee must use the correct detection levels in all analytical testing required in the permit. The required detection levels are listed in the Rules of the Department of Environment and Conservation, Division of Water Resources, Chapter 0400-40-03-.05(8).

For example, if the limit is 0.02 mg/l with a detection level of 0.05 mg/l and detection is shown; 0.05 mg/l must be reported. In contrast, if nothing is detected reporting "BDL" or "NODI =B" is acceptable.

Reported results are to correspond to the number of significant figures (decimal places) set forth in the permit conditions. The permittee shall round values, if allowed by the method of sample analysis, using a uniform rounding convention adopted by the permittee.

## **E. SCHEDULE OF COMPLIANCE**

Full operational level shall be attained from the effective date of this permit.

## **PART II**

### **A. GENERAL PROVISIONS**

#### **1. Duty to Reapply**

The permittee is not authorized to discharge after the expiration date of this permit. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit such information and forms as are required to the Director of Water Resources (the "Director") no later than 180 days prior to the expiration date.

#### **2. Right of Entry**

The permittee shall allow the Director, the Regional Administrator of the U.S. Environmental Protection Agency, or their authorized representatives, upon the presentation of credentials:

- a. To enter upon the permittee's premises where an effluent source is located or where records are required to be kept under the terms and conditions of this permit, and at reasonable times to copy these records;



- b. To inspect at reasonable times any monitoring equipment or method or any collection, treatment, pollution management, or discharge facilities required under this permit; and
- c. To sample at reasonable times any discharge of pollutants.

### **3. Availability of Reports**

Except for data determined to be confidential under Section 308 of the Federal Water Pollution Control Act, as amended, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division of Water Resources. As required by the Federal Act, effluent data shall not be considered confidential.

### **4. Proper Operation and Maintenance**

- a. The permittee shall at all times properly operate and maintain all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory and process controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. Backup continuous pH and flow monitoring equipment are not required.
- b. Dilution water shall not be added to comply with effluent requirements to achieve BCT, BPT, BAT and/or other technology based effluent limitations such as those in State of Tennessee Rule 0400-40-05-.03.

### **5. Treatment Facility Failure (Industrial Sources)**

The permittee, in order to maintain compliance with this permit, shall control production, all discharges or both, upon reduction, loss, or failure of the treatment facility, until the facility is restored or an alternative method of treatment is provided. This requirement applies in such situations as the reduction, loss, or failure of the primary source of power.

### **6. Property Rights**

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

### **7. Severability**

The provisions of this permit are severable. If any provision of this permit due to any circumstance, is held invalid, then the application of such provision to other circumstances and to the remainder of this permit shall not be affected thereby.

### **8. Other Information**

If the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, then he shall promptly submit such facts or information.

## **B. CHANGES AFFECTING THE PERMIT**

### **1. Planned Changes**

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).

### **2. Permit Modification, Revocation, or Termination**

- a. This permit may be modified, revoked and reissued, or terminated for cause as described in 40 CFR 122.62 and 122.64, Federal Register, Volume 49, No. 188 (Wednesday, September 26, 1984), as amended.
- b. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- c. If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established for any toxic pollutant under Section 307(a) of the Federal Water Pollution Control Act, as amended, the Director shall modify or revoke and reissue the permit to conform to the prohibition or to the effluent standard, providing that the effluent standard is more stringent than the limitation in the permit on the toxic pollutant. The permittee shall comply with these effluent standards or prohibitions within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified or revoked and reissued to incorporate the requirement.
- d. The filing of a request by the permittee for a modification, revocation, reissuance, termination, or notification of planned changes or anticipated noncompliance does not halt any permit condition.

### **3. Change of Ownership**

This permit may be transferred to another party (provided there are neither modifications to the facility or its operations, nor any other changes which might affect the permit limits and conditions contained in the permit) by the permittee if:

- a. The permittee notifies the Director of the proposed transfer at least 30 days in advance of the proposed transfer date;
- b. The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage, and liability between them; and

- c. The Director, within 30 days, does not notify the current permittee and the new permittee of his intent to modify, revoke or reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

Pursuant to the requirements of 40 CFR 122.61, concerning transfer of ownership, the permittee must provide the following information to the division in their formal notice of intent to transfer ownership: 1) the NPDES permit number of the subject permit; 2) the effective date of the proposed transfer; 3) the name and address of the transferor; 4) the name and address of the transferee; 5) the names of the responsible parties for both the transferor and transferee; 6) a statement that the transferee assumes responsibility for the subject NPDES permit; 7) a statement that the transferor relinquishes responsibility for the subject NPDES permit; 8) the signatures of the responsible parties for both the transferor and transferee pursuant to the requirements of 40 CFR 122.22(a), "Signatories to permit applications"; and, 9) a statement regarding any proposed modifications to the facility, its operations, or any other changes which might affect the permit limits and conditions contained in the permit.

#### **4. Change of Mailing Address**

The permittee shall promptly provide to the Director written notice of any change of mailing address. In the absence of such notice the original address of the permittee will be assumed to be correct.

### **C. NONCOMPLIANCE**

#### **1. Effect of Noncompliance**

All discharges shall be consistent with the terms and conditions of this permit. Any permit noncompliance constitutes a violation of applicable State and Federal laws and is grounds for enforcement action, permit termination, permit modification, or denial of permit reissuance.

#### **2. Reporting of Noncompliance**

##### **a. 24-Hour Reporting**

In the case of any noncompliance which could cause a threat to public drinking supplies, or any other discharge which could constitute a threat to human health or the environment, the required notice of non-compliance shall be provided to the Division of Water Resources in the appropriate Environmental Field Office within 24 hours from the time the permittee becomes aware of the circumstances. (The Environmental Field Office should be contacted for names and phone numbers of environmental response team.)

A written submission must be provided within five days of the time the permittee becomes aware of the circumstances unless the Director on a case-by-case basis waives this requirement. The permittee shall provide the Director with the following information:

- i. A description of the discharge and cause of noncompliance;
- ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- iii. The steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

b. Scheduled Reporting

For instances of noncompliance which are not reported under subparagraph 2.a. above, the permittee shall report the noncompliance on the Monthly operation report. The report shall contain all information concerning the steps taken, or planned, to reduce, eliminate, and prevent recurrence of the violation and the anticipated time the violation is expected to continue.

### 3. Overflow

- a. "**Overflow**" means the discharge to land or water of wastes from any portion of the collection, transmission, or treatment system other than through permitted outfalls
- b. Overflows are prohibited.
- c. The permittee shall operate the collection system so as to avoid overflows. No new or additional flows shall be added upstream of any point in the collection system, which experiences chronic overflows (greater than 5 events per year) or would otherwise overload any portion of the system.
- d. Unless there is specific enforcement action to the contrary, the permittee is relieved of this requirement after: 1) an authorized representative of the Commissioner of the Department of Environment and Conservation has approved an engineering report and construction plans and specifications prepared in accordance with accepted engineering practices for correction of the problem; 2) the correction work is underway; and 3) the cumulative, peak-design, flows potentially added from new connections and line extensions upstream of any chronic bypass point are less than or proportional to the amount of inflow and infiltration removal documented upstream of that point. The inflow and infiltration reduction must be measured by the permittee using practices that are customary in the flow measurement industry and reported in an attachment to a Monthly Operating Report submitted to the local TDEC Environmental Field Office. The data measurement period shall be sufficient to account for seasonal rainfall patterns and seasonal groundwater table elevations.
- e. In the event that more than 5 overflows have occurred from a single point in the collection system for reasons that may not warrant the self-imposed moratorium or completion of the actions identified in this paragraph, the permittee may request a meeting with the Division of Water Resources EFO staff to petition for a waiver based on mitigating evidence.

### 4. Upset

- a. "**Upset**" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - i. An upset occurred and that the permittee can identify the cause(s) of the upset;

- ii. The permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;
- iii. The permittee submitted information required under "Reporting of Noncompliance" within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days); and
- iv. The permittee complied with any remedial measures required under "Adverse Impact."

## 5. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the waters of Tennessee resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

## 6. Bypass

- a. "**Bypass**" is the intentional diversion of wastewater away from any portion of a treatment facility. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b. Bypasses are prohibited unless all of the following three (3) conditions are met:
  - i. The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;
  - ii. There are not feasible alternatives to bypass, such as the construction and use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment down-time or preventative maintenance;
  - iii. The permittee submits notice of an unanticipated bypass to the Division of Water Resources in the appropriate Environmental Field Office within 24 hours of becoming aware of the bypass (if this information is provided orally, a written submission must be provided within five days). When the need for the bypass is foreseeable, prior notification shall be submitted to the Director, if possible, at least ten (10) days before the date of the bypass.
- c. Bypasses not exceeding permit limitations are allowed **only** if the bypass is necessary for essential maintenance to assure efficient operation. All other bypasses are prohibited. Allowable bypasses not exceeding limitations are not subject to the reporting requirements of 6.b.iii, above.

## 7. Washout

- a. For domestic wastewater plants only, a "washout" shall be defined as loss of Mixed Liquor Suspended Solids (MLSS) of 30.00% or more. This refers to the MLSS in the aeration basin(s) only. This does not include MLSS decrease due to solids wasting to the sludge disposal system. A washout can be caused by improper operation or from peak flows due to infiltration and inflow.
- b. A washout is prohibited. If a washout occurs the permittee must report the incident to the Division of Water Resources in the appropriate Environmental Field Office within 24 hours by telephone. A written submission must be provided within five days. The washout must be noted on the Monthly operation report. Each day of a washout is a separate violation.

## D. LIABILITIES

### 1. Civil and Criminal Liability

Except as provided in permit conditions or "*Bypass*," "*Overflow*," "*Upset*," "*Diversion*," and "*Treatment Facility Failures*," nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this permit, the permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of wastewater to any surface or subsurface waters. Additionally, notwithstanding this Permit, it shall be the responsibility of the permittee to conduct its wastewater treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created.

### 2. Liability Under State Law

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or the Federal Water Pollution Control Act, as amended.

## PART III OTHER REQUIREMENTS

### A. CERTIFIED OPERATOR

The waste treatment facilities shall be operated under the supervision of a certified operator in accordance with the Water Environmental Health Act of 1984.

### B. PLACEMENT OF SIGNS

The permittee shall place and maintain a sign at each outfall. The sign(s) should be clearly visible to the public from the bank and the receiving stream. The minimum sign size should be two feet by two feet (2' x 2') with one inch (1") letters. The sign should be made of durable material and have a white background with black letters.

The sign(s) are to provide notice to the public as to the nature of the discharge and in the case of the permitted outfalls, that the discharge is regulated by the Tennessee Department of Environment and Conservation, Division of Water Resources. The following is given as an example of the minimal amount of information that must be included on the sign:

NPDES permitted domestic outfall:

<p><b>TREATED DOMESTIC WASTEWATER</b>  <b>(PERMITTEE'S NAME)</b>  <b>(PERMITTEE'S PHONE NUMBER)</b>  <b>NATIONAL POLLUTANT DISCHARGE ELIMINATION</b>  <b>SYSTEM PERMIT # _____</b>  <b>TENNESSEE DIVISION OF WATER RESOURCES</b>  <b>Memphis Environmental Field Office</b>  <b>PHONE NUMBER : 1-888-891-8332</b></p>
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No later than sixty (60) days from the effective date of the permit, the permittee shall have the above sign(s) on display in the location specified.

**C. ADDITION OF WASTE LOADS**

The permittee may not add wasteloads to the existing treatment system without the knowledge and approval of the division.

**D. SLUDGE MANAGEMENT PRACTICES**

The permittee must comply with the provisions of 40 CFR Part 503. If the sludge is transported to another POTW for disposal, the permittee shall note on the monthly operation report the amount of sludge wasted in gallons, % solids of sludge wasted and the name of the facility to which the sludge was taken.

The proper operation of this treatment system depends, largely, on the efficient use of the septic tank. The solids that accumulate in the tank shall be removed at a frequency that is sufficient to insure that the treatment plant will comply with the discharge requirements of this permit.

**E. ANTIDegradation**

Pursuant to the Rules of the Tennessee Department of Environment and Conservation, Chapter 0400-40-03-.06, titled "Tennessee Antidegradation Statement," which prohibits the degradation of high quality surface waters and the increased discharges of substances that cause or contribute to impairment, the permittee shall further be required, pursuant to the terms and conditions of this permit, to comply with the effluent limitations and schedules of compliance required to implement applicable water quality standards, to comply with a State Water Quality Plan or other state or federal laws or regulations, or where practicable, to comply with a standard permitting no discharge of pollutants.





#### IV. PROPOSED EFFLUENT LIMITS & RATIONALE

##### A. NEW CONDITIONS

The conditions under which this permit was issued 31-MAY-12 have changed. The new language relative to electronic DMR (discharge monitoring report) reporting in Part D.1 will enable permittee compliance with the EPA electronic reporting rule issued on October 22, 2015.

Other than that, the permit will be reissued with existing permit conditions.

##### B. TEST METHOD FOR *E. COLI*

Disinfection of wastewater is required to protect the receiving stream from pathogenic microorganisms. *E. Coli* are indicator organisms used as a measure of bacteriological health of a receiving stream and the effectiveness of disinfection.

As of September 30, 2004, the criterion for fecal coliform has been removed from the State's Water Quality Standards. Thus, the division imposes an *E. coli* limit on discharges of treated sewage for the protection of recreational use of the stream in lieu of the fecal coliform limit.

Unless otherwise noted in the permit, all pollutant parameters shall be determined according to methods prescribed in Title 40, CFR, Part 136, as amended, promulgated pursuant to Section 304 (h) of the Act.

##### C. CHLORINATION

The residual chlorine limit is derived using the mass balance formula and the EPA instream protection value of 0.019 mg/l for fish and aquatic life. Applying this formula yields the following calculation:

$$\frac{0.019 (Q_d + Q_s)}{Q_d} = \text{Limit (mg/l)} = \frac{0.019(0.045 + 0)}{0.045} = 0.023 \text{ mg/l} \approx 0.02 \text{ mg/l}$$

where:

$$\begin{aligned} 0.019 &= \text{instream protection value (acute)} \\ 0.045 &= Q_d, \text{ design flow of STP (MGD)} \\ 0 &= Q_s, 7Q_{10} \text{ flow of receiving stream (MGD)} \end{aligned}$$

#### V. OTHER REQUIREMENTS & CONDITIONS

##### A. Certified Wastewater Treatment Operator

The waste treatment facilities shall be operated under the supervision of a certified wastewater treatment operator in accordance with the Water Environmental Health Act of 1984. Operator grades are under jurisdiction of the Water and Wastewater Operators Certification Board. This NPDES permit is under jurisdiction of the Tennessee Board of Water Quality, Oil and Gas. Operator grades are rated and recommended by the Division of Water Resources pursuant to Rule 0400-49-01 (formerly 1200-05-03) and are included in this fact sheet for reference. The grades are intentionally not specified in the permit so that the operation certification board can authorize changes in grade without conflicting with this permit.

B. The permittee is required to install a sign notifying the public of its permitted discharge point.

##### C. PERMIT TERM

This permit is being reissued for 5 years in order to coordinate its reissuance with other permits located within the Loosahatchie Watershed.

## VI ANTIDegradation Statement/Water Quality Status

Tennessee's Antidegradation Statement is found in the Rules of the Tennessee Department of Environment and Conservation, Chapter 0400-40-03-.06. It is the purpose of Tennessee's standards to fully protect existing uses of all surface waters as established under the Act.

Stream determinations for this permit action are associated with the waterbody segment identified by the division as segment ID# TN08010209021\_0600.

The division has made a water quality assessment of the receiving waters associated with the subject discharge(s) and has found the receiving stream to be neither an exceptional nor outstanding national resource water. Additionally, this water does not support designated uses due to low dissolved oxygen, physical substrate habitat alterations, total phosphorus and E coli from non-irrigated crop production, channelization, municipal point source discharges and on-site treatment systems (Septic Systems and Similar Decentralized Systems).

The effluent limits are protective of instream dissolved oxygen. This permit does not authorize physical substrate habitat alterations to the stream. Sediments/silts are produced as a result of stream channelization and bank erosion. The TSS component of wastewater treatment facility discharges is generally composed of primarily organic material and is considered to be different in nature than the sediments produced from erosional processes. Therefore, TSS discharges from wastewater treatment facilities are not sources of sediment/silt. STPs are sources of pathogens, but must meet water quality standards at the end of the discharge pipe by disinfecting the effluent.

For small domestic systems who apply using Form 2E (facilities which do not discharge process wastewater), the division will generally make a conservative estimate and not require effluent monitoring and reporting for nutrients. This is especially true for discharges whose users would reasonably be accounted for in watershed loading another way (e.g. municipal discharges or the septic systems inherent in nonpoint source loads from urban and agricultural lands). However, since the receiving stream is impaired for total phosphorus, effluent monitoring and reporting for total phosphorus is retained.

## VII. COMPLIANCE SCHEDULE SUMMARY

<u>Section</u>	<u>Description</u>
I. D 1	DMR/MOR Reports, monthly
III. B	Placement of Sign(s), within 60 days from the effective date of this permit
III. D	Sludge management practices, monthly