



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

March 1, 2015

Honorable Rex Pesnell, Mayor  
Town of Kimball  
e-copy: [rpesnell@townofkimball.com](mailto:rpesnell@townofkimball.com)  
675 Main Street  
Kimball, TN 37347

**Re: State Operating Permit No. SOP-89059  
Kimball Collection System  
Kimball, Marion County, Tennessee**

Dear Mayor Pesnell:

In accordance with the provisions of the Tennessee Water Quality Control Act, Tennessee Code Annotated (T.C.A.), Sections 69-3-101 through 69-3-120, the Division of Water Resources hereby issues the enclosed State Operating Permit. The continuance and/or reissuance of this Permit is contingent upon your meeting the conditions and requirements as stated therein.

Please be advised that a petition for permit appeal may be filed, pursuant to T.C.A. Section 69-3-105, subsection (i), by the permit applicant or by any aggrieved person who participated in the public comment period or gave testimony at a formal public hearing whose appeal is based upon any of the issues that were provided to the commissioner in writing during the public comment period or in testimony at a formal public hearing on the permit application. Additionally, for those permits for which the department gives public notice of a draft permit, any permit applicant or aggrieved person may base a permit appeal on any material change to conditions in the final permit from those in the draft, unless the material change has been subject to additional opportunity for public comment. Any petition for permit appeal under this subsection (i) shall be filed with the technical secretary of the Water Resources Board within thirty (30) days after public notice of the commissioner's decision to issue or deny the permit. A copy of the filing should also be sent to TDEC's Office of General Counsel.

If you have questions, please contact the Chattanooga Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact Mr. Jim McAdoo at (615) 532-0684 or by E-mail at [Jim.McAdoo@tn.gov](mailto:Jim.McAdoo@tn.gov).

Sincerely,

Vojin Janjić  
Manager, Water-based Systems

Enclosure

cc/ec: Water-based Systems File  
Chattanooga Environmental Field Office  
Mr. Howard O. Chance, Jr., South Pittsburg Wastewater Treatment Plant, [MNGhalchance@MARIONGAS.COM](mailto:MNGhalchance@MARIONGAS.COM)

**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

**Permit No. SOP-89059**

**PERMIT**

**For the operation of Wastewater Treatment Facilities**

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In accordance with the provision of Tennessee Code Annotated section 69-3-108 and Regulations promulgated pursuant thereto:

**PERMISSION IS HEREBY GRANTED TO**

Kimball Collection System  
Kimball, Marion County, Tennessee

**FOR THE OPERATION OF**

A municipal wastewater collection system.

This permit is issued as a result of the application filed on October 23, 2014, in the office of the Tennessee Division of Water Resources and in conformity with approved plans, specifications and other data submitted to the Department in support of the above application, all of which are filed with and considered as a part of this permit, together with the following named conditions and requirements.

**his permit shall become effective on: May 1, 2015**

**This permit shall expire on: April 30, 2020**

**Issuance date: March 1, 2015**



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for Tisha Calabrese Benton  
Director

The Town of Kimball is authorized to collect and transport untreated municipal wastewater to the South Pittsburg Sewage Treatment Plant. The operation of this collection system will be governed by the following requirements:

The wastewater collection system shall be operated under the supervision of a Grade I collection system operator in accordance with the public Water Environmental Health Act of 1984 and the rules promulgated thereunder.

All pump/lift stations shall be inspected on a daily basis. The inspector shall note the date, time, and inspector's initials in a bound log book. Alternately, the permittee may provide telemetering devices for any pump station in order to reduce the frequency of actual inspections.

Daily flow data collected at the tie-in/discharge point shall be reported quarterly to:

Division of Water Resources,  
Chattanooga Environmental Field Office,  
540 McCallie Avenue, Suite 550,  
Chattanooga, TN 37402.

Submittals shall be postmarked no later than 15 days after the completion of the reporting period.

A "dry weather overflow" (other than for wet weather) is defined as one day or any portion of a day in which discharge of wastewater from the collection or treatment system other than through the permitted outfall occurs. Discharge from more than one point within any 24-hour period shall be counted as separate events.

A "rainfall event" is defined as any occurrence of rain, preceded by 10 hours without precipitation, that results in an accumulation of 0.01 inches or more. Instances of rainfall occurring within 10 hours of each other will be considered a single rainfall event.

A "sanitary sewer overflow event" is defined as an unpermitted discharge of wastewater from the collection or treatment system other than through the permitted outfall that is directly related to a specific rainfall event. Multiple discharge occurrences within a single rainfall event are considered a single sanitary sewer overflow event.

A "collection system" for the purposes of this permit' includes septic tanks, pump tanks, and sewer lines.

This permit does not relieve the permittee from any requirements of the municipality or utility where the sewage is ultimately disposed. The permittee must obtain approval for the connection from that municipality or utility and must comply with all their requirements including pretreatment regulations, the exclusion of storm and other extraneous water, etc.

For the purpose of this permit, a "quarter" is defined as any one of the following three-month periods: January 1 through March 31, April 1 through June 30, July 1 through September 30, and/or October 1 through December 31.

**A. GENERAL PROVISIONS**

1. Duty to Reapply

Permittee is not authorized to operate after the expiration date of this permit. In order to receive authorization to operate beyond the expiration date, the permittee shall submit such information and forms as are required to the Director no later than 180 days prior to the expiration date.

2. Right of Entry

The permittee shall allow Director of the Division of Water Resources, or 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, transport, 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

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. All reports and data shall be kept for minimum of three years.

4. Proper Operation and Maintenance

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. 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.

5. 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.

6. Severability

The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit 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.

7. 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. Permit Modification, Revocation, or Termination

- a. This permit may be modified, revoked and reissued, or terminated for cause as described in Tennessee Code Annotated 69-3-108(f).
- b. The permittee shall furnish to the Director or his representative, within a reasonable time, any information which may be requested to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

2. Change of Ownership

This permit may be transferred to another person 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 the 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 and reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

3. 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 would 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 noncompliance shall be provided to the appropriate Division Environmental Assistance Center 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 emergency response personnel.)

A written submission must be provided within five days of the time the permittee becomes aware of the circumstances unless this requirement is waived by the Director on a case-by-case basis. 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.

This written notice shall not be considered as excusing or justifying the failure to comply with this permit.

This noncompliance shall also be reported on the Quarterly Report. The details may be incorporated by referenced to the written five-day notification.

### b. Scheduled Reporting

For instances of noncompliance which are not reported under subparagraph 2. a. above, the permittee shall report the noncompliance on the Quarterly 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 of wastes from any portion of the collection or treatment system other than through permitted outfalls. "*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 an overflow. Severe property damage does not mean economic loss caused by delays in production.
- 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. 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 overflow 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 quarterly operational 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.

#### 4. 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.

### **D. LIABILITIES**

#### 1. Civil and Criminal Liability

The permittee is subject to civil and criminal liability for violation of this permit. 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.

### **E. PROHIBITIVE DISCHARGE STANDARDS**

#### 1. Under no circumstances shall the permittee allow introduction of the following wastes into the waste treatment system:

- a. Pollutants which create a fire or explosion hazard in the POTW.

- b. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 unless the works is specifically designed to accommodate such discharges.
  - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.
  - d. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
  - e. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40° C (104° F) unless the Division, upon request of the POTW, approves alternate temperature limits.
  - f. Any priority pollutant in amounts that will contaminate the treatment works sludge.
  - g. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
  - h. Pollutants which results in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
  - i. Any trucked or hauled pollutants except at discharge points designated by the POTW.
2. The permittee shall notify the Tennessee Division of Water Resources of any of the following changes in user discharge to the system no later than 30 days prior to change of discharge:
- a. New introductions into such works of pollutants from any source which would be a new source as defined in Section 306 of the Act if such source were discharging pollutants.
  - b. New introductions of pollutants into such works from a source which would be subject to Section 301 of the "Federal Water Pollution Control Act as Amended" if it were discharging such pollutants.
  - c. A substantial change in volume or character of pollutants being introduced into such works by a source already discharging pollutants into such works at the time the permit is issued.

This notice will include information on the quantity and quality of the wastewater introduced by the new source into the publicly owned treatment works, and on any anticipated impact on the effluent discharged from such works.

## **F. PLACEMENT OF SIGNS**

The permittee shall place and maintain a sign at each bypass/overflow point in the collection system. For the purposes of this requirement, any bypass/overflow point that has discharged five (5) or more times in the last year must be so posted. The sign(s) should be clearly visible to the



public. 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.

Unpermitted bypass/overflow point:

<p><b>MUNICIPAL/SANITARY WASTEWATER KIMBALL COLLECTION SYSTEM PERMITTEE'S TELEPHONE NUMBER SOP PERMIT NO. SOP-89059 TENNESSEE DIVISION OF WATER RESOURCES 1-888-891-8332 ENVIRONMENTAL FIELD OFFICE - Chattanooga</b></p>
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The permittee shall have the above sign(s) on display in the location(s) specified above by the effective date of this permit.

**G. INTER-JURISDICTIONAL AGREEMENT PROGRAM**

The permittee shall maintain a valid contract for service with South Pittsburg.

This requirement will apply upon the effective date of the permit, and the quantity and quality of flows from the Kimball's collection to the South Pittsburg shall be consistent with the terms of the service agreement. A copy of the service agreement shall be sent to the division, Chattanooga EFO, within 90 days of the effective date of this permit.

On each quarterly flow report submitted to the Chattanooga EFO, the permittee shall itemize any/all terms of the service agreement that limit or surcharge flow quantity or wastewater quality. For each itemized term of the agreement that limits or surcharges flow quantity or quality, the permittee shall report the following: 1) the date(s) that each itemized limit was exceeded during the quarterly reporting period, 2) the reportable value and unit associated with each date of occurrence and whether the value is measured or estimated, 3) the known or suspected cause(s) of each occurrence, and 4) how each reported occurrence was, or will, be addressed by the permittee.