



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

March 7, 2023

Mr. Charles Waltz
Sites Manager
BASF Corporation
e-copy: charles.waltz@basf.com

Subject: **Draft of State Operating Permit No. SOP-06041**
BASF Corporation
Morristown, Hamblen County, Tennessee

Dear Mr. Waltz:

Enclosed please find one copy of the draft state operating permit, which the Division of Water Resources (the division) proposes to issue. The issuance of this permit is contingent upon your meeting all of the requirements of the Tennessee Water Quality Control Act and the rules and regulations of the Tennessee Water Quality, Oil and Gas Board.

If you disagree with the provisions and requirements contained in the draft permit, you have thirty (30) days from the date of this correspondence to notify the division of your objections. If your objections cannot be resolved, you may appeal the issuance of this permit. This appeal should be filed in accordance with Section 69-3-110, Tennessee Code Annotated.

If you have questions, please contact the Knoxville Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact Ms. Sarah Terpstra at (615) 532-3634 or Sarah.Terpstra@tn.gov.

Sincerely,

Vojin Janjić
Manager, Water-Based Systems

Enclosure

cc: Permit File
Knoxville Environmental Field Office
Mr. Vernon Burrows, Remediation Specialist Sr. II, BASF Corporation, vernon.burrows@basf.com
Mr. Barry Calfee, Lead Operator/Pretreatment Coordinator, Morristown Utility Systems, bcalfee@musfiber.net



**State of Tennessee Operating Permit
Permit Number SOP-06041**

Issued by
**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**

In accordance with the provisions of Tennessee Code Annotated Section §69-3-108 and regulations promulgated pursuant thereto, permission is hereby granted to:

Permittee: **BASF Corporation**

for the operation of: a pump and haul system of landfill leachate from BASF north and south landfill cells

from a facility located at: 4900 Enka highway, Morristown, Hamblen County, Tennessee
adjacent to waters named: Nolichucky River

This permit shall become effective on:

This permit shall expire on:

Issuance date:

DRAFT

for Jennifer Dodd
Director

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PART 1

BASF Corporation is hereby authorized to operate a pump and haul system for landfill leachate from the BASF north and south landfill cells located at 4900 Enka highway. The operation should be such that there is no discharge of wastewater to any surface or subsurface stream, watercourse, or drainage ditch because of an overflow, spills, and/or because of the occurrence of any other condition, that singly or in combination with any of the aforementioned conditions, causes such discharge to any surface or subsurface stream, watercourse, or drainage ditch. In addition, said system must be operated in a manner preventing the creation of a public health hazard.

This authorization is in accordance with the application filed with the Nashville Central Office of the Division of Water Resources (Division) on 18-NOV-22. This authorization is consistent 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.

1. PERMIT CONDITIONS AND REQUIREMENTS

1.1. GENERAL PROVISIONS

The system must be operated and maintained in a fashion which will ensure that the system does not cause any violations of the conditions or requirements of this permit.

The discharge of wastewater in any way to waters of the state from any portion of the facility constitutes a violation of this permit.

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. All records and information required by this permit must be kept at the facility for review by the Division.

Sludge or any other material removed by the wastewater treatment system must be disposed of in a manner which prevents its entrance into or pollution of any surface or subsurface waters. Additionally, the disposal of such sludge or other material must be in compliance with the Tennessee Solid Waste Disposal Act, TCA 68-31-101 et seq. and the Tennessee Hazardous Waste Management Act, TCA 68-46-101 et seq. The permittee must keep records of the Publicly Owned Treatment Works (POTW) or treatment facility that receives the wastewater discharge.

All records and monitoring required by this permit must be kept by the permittee for review by the Division. A copy of these records must be sent to the Division's Knoxville Environmental Field Office (EFO) within fifteen days of a request.

This permit is subject, at any time, to review by the Tennessee Department of Environment and Conservation, Division of Water Resources.

The permittee must keep a log of the following:

- a) Date of pump and haul,
- b) Facility name where wastewater is disposed/hailed,
- c) Facility address where wastewater is disposed/hailed,
- d) Amount of wastewater hauled,
- e) Amount of sludge generated,
- f) How sludge is disposed, and
- g) Any operational problems encountered during pumping and hauling.

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 or spill of wastewater to any surface or subsurface waters. Additionally, it shall be the responsibility of the permittee to conduct its wastewater treatment and/or disposal activities in a manner such that public or private health hazards or nuisances will not be created.

When a pump and haul system is used, the following conditions shall be followed:

- 1) The wastewater must be disposed of at a facility which has been approved by the Knoxville EFO. The transport and ultimate disposal of the wastewater must be documented by a manifest system on forms approved by the EFO. The permittee shall also record on the manifest forms the number of loads hauled, the volume of each load, the dates of hauling, and the names of people present. A copy of the manifest must be submitted to the EFO on a monthly basis. If there is no wastewater disposed of during any given month, this shall be documented and submitted to the EFO as well.
- 2) The permittee must provide for wastewater to be pumped from the collection and retention system on a regular schedule sufficient to ensure that a reasonable margin of safety is provided against the possibility of an overflow.



- 3) Records of when pumping takes place must be kept at the facility for review by the Division. Monthly operation reports will be submitted to the Knoxville EFO by the 15th day of the month following data collection.
- 4) A representative of the facility shall be present at all times when waste is being transferred to a haul truck to ensure that waste spills do not occur. The residuals should be treated or remediated in a manner approved by the Knoxville EFO.
- 5) The permittee or his/her waste hauling contractor must clean up any spillage of wastewater that results from the operation of this pump and haul system.
- 6) It is the responsibility of the permittee to ensure that his/her pump and haul contractor performs his/her work relative to this system in accordance with this permit and good operating procedures.

Noncompliance with the no discharge provision of this permit due to excessive rainfall, equipment failure, etc., must be reported within 24 hours to the nearest EFO by phone. A written submission must be provided within five days to the Knoxville EFO by email or to the following address:

*STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
Knoxville Environmental Field Office
3711 Middlebrook Pike
Knoxville, Tennessee 37921*

1.2. ADDITION OF WASTE LOADS

The permittee shall not add waste loads from other sources without approval by the Division.

1.3. PLACEMENT OF SIGNS

Within 60 days of the effective date of this permit, the permittee shall place and maintain a sign at the landfill leachate storage tanks. The sign 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.

The sign is to provide notice that the treatment system is regulated by the Tennessee Department of Conservation, Division of Water Resources. The



following is given as an example of the minimum amount of information that must be included on the sign:

Pump and haul system
BASF Corporation
(973) 245-6595
State Operating Permit NO. SOP-06041
TENNESSEE DIVISION OF WATER RESOURCES
1-888-891-8332 ENVIRONMENTAL FIELD OFFICE - Knoxville



PART 2

2. STANDARD CONDITIONS

2.1. GENERAL PROVISIONS

2.1.1. Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Water Quality Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

2.1.2. 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 Division Director no later than 180 days prior to the expiration date. Such forms shall be properly signed and certified.

2.1.3. 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. 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.

2.1.4. 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, to:

- a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records shall be kept under the conditions of this permit;



- b) Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this permit;
- c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d) Sample or monitor at reasonable times for the purposes of assuring permit compliance or as otherwise authorized by the Director.

2.1.5. Availability of Reports

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

2.1.6. Property Rights

This permit does not convey property rights of any sort, or any exclusive privilege.

2.1.7. 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.

2.1.8. Other Information

If the permittee becomes aware of failure to submit any relevant facts in a permit application, or of submission of incorrect information in a permit application or in any report to the Director, then the permittee shall promptly submit such facts or information.

2.2. CHANGES AFFECTING THE PERMIT

2.2.1. Permit Modification, Revocation, or Termination

- a) This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. Causes for such permit action include but are not limited to the following:
 - i. Violation of any terms or conditions of the permit;
 - ii. Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and



- iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

- 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.

2.2.2. Change of Ownership

Individual permits are not transferable to any person except after notice to the Commissioner, as specified below. The Commissioner may require modification or revocation and reissuance of the permit to change the name of the permittee.

- 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 permittee shall provide the following information to the Director in their formal notice of intent to transfer ownership:
 - i. The permit number of the subject permit;
 - ii. The effective date of the proposed transfer;
 - iii. The name, address, and contact information of the transferor;
 - iv. The name, address, and contact information of the transferee;
 - v. The names of the responsible parties for both the transferor and transferee;
 - vi. A statement that the transferee assumes responsibility for the subject permit;
 - vii. A statement that the transferor relinquishes responsibility for the subject permit;
 - viii. The signatures of the responsible parties for both the transferor and transferee pursuant to the signatory requirements of subparagraph (i) of Rule [0400-40-05-.07\(2\)](#); and
 - ix. 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.



2.2.3. 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.

2.3. NONCOMPLIANCE

2.3.1. Effect of Noncompliance

Any permit noncompliance constitutes a violation of applicable State and Federal laws and is grounds for enforcement action, permit termination, or denial of permit reissuance.

2.3.2. Reporting of Noncompliance

a) 24-hour Reporting:

In the case of any noncompliance, or any release (whether or not caused by improper operation and maintenance), which could cause a threat to human health or the environment, the permittee shall:

- i. Report the noncompliance to the «EFO_Name» EFO within 24 hours from the time the permittee becomes aware of the circumstances.
- ii. Submit a written report within five days of the time the permittee becomes aware of the noncompliance unless this requirement is waived by the Director on a case-by-case basis. The permittee shall provide the following information:
 1. A description of and the cause of the noncompliance or release;
 2. The period of noncompliance or release, including start and end dates and times i.e. duration or, if not corrected, the anticipated time the noncompliance or release is expected to continue;
 3. The steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance or release.

b) Scheduled Reporting:

For instances of noncompliance which are not reported under a) above, the permittee shall report the noncompliance on an annual basis. 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.

2.3.3. 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.

2.4. LIABILITIES

2.4.1. 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.

2.4.2. 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.

RATIONALE

BASF Corporation
State Operating Permit No. SOP-06041
Permit Writer: Sarah Terpstra
Date: March 7, 2023

FACILITY CONTACT INFORMATION:

Mr. Charles Waltz
Sites Manager
Phone: (973) 245-6595
charles.waltz@basf.com
4900 Enka highway

Facility Location:	4900 Enka highway
Name of nearest stream:	Nolichucky River - No discharge allowed
Treatment System:	pump and haul system for landfill leachate
Permit Period:	This permit will be issued for a five-year period effective from the issuance date on the cover page.
Monitoring and reporting:	Record (log book) keeping only, unless noted otherwise in the permit above. The language for record-keeping requirements has been updated to provide more clarity.
Annual Maintenance Fee:	This permit includes an annual maintenance fee pursuant to Rule 0400-40-11, payable each fiscal year (July 1 st – June 30 th) upon receipt of an invoice.
Updates to the permit:	Language and conditions in this permit have been updated to ensure consistency between municipal and industrial pump and haul permits.