



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

June 28, 2019

Mr. Barnet Hall
Maintenance Supervisor
e-copy: bhall@tipton-county.com
Tipton County School - Brighton Elementary School
1580 Highway 51 South
Covington, TN 38019

Subject: **FINAL MODIFIED NPDES Permit No. TN0058092**
Tipton County Board of Education (Drummonds Elementary School)
Drummonds, Tipton County, Tennessee

Dear Mr. Hall:

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 modified NPDES Permit to add Outfall 002. The continuance and/or reissuance of this NPDES 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 Quality, Oil and Gas 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 Memphis Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact Mr. Wade Murphy at (615) 532-0666 or by E-mail at wade.murphy@tn.gov.

Sincerely,

Vojin Janjić
Manager, Water-Based Systems

Enclosure

cc: Dr. John Combs, Superintendent, Tipton County Schools, jcombs@tipton-county.com
Mr. Pete Collins, City Manager of Munford, pcolin@munford.com
Mr. George Watson, Executive Utilities Director for Munford, gwatson@munford.com
Dr. Ed Hargraves, P.E., A2H, Inc., edwardh@a2h.com
Mr. Ken King, P.E., King Engineering, kingengineering@bellsouth.net
EPA Region IV, Atlanta; NPDES Permit Section; r4npdespermits@epa.gov
EFO-Memphis-DWR, Joellyn.brazile@tn.gov; eddy.bouzeid@tn.gov
Permit File, Sarah.Elias@tn.gov

STATE OF TENNESSEE



NPDES PERMIT

MODIFICATION

No. TN0058092

Authorization to discharge under the
National Pollutant Discharge Elimination System

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

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: **Tipton County Board of Education (Drummonds Elementary School)**

is authorized to discharge: treated domestic wastewater from Outfall 002 or alternatively Outfall 001

from a facility located: Drummonds Road, Drummonds, Tipton County, Tennessee

to receiving waters named: Mississippi River at Mile 761 (002) or Hurricane Creek at mile 10.4 (001)

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

This permit shall become effective on: **July 01, 2019**

This permit shall expire on: **April 30, 2024**

Issuance date: **June 28, 2019**

Wade O. Mughry / for

for Jennifer Dodd
Director

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PART I

A. EFFLUENT LIMITATION AND MONITORING REQUIREMENTS

Outfall 002 (Interconnect to Munford Outfall) to Mississippi River at mile 761 via (See next page for limitations for Outfall 001)

Discharge 002 consists of domestic wastewater from a treatment facility with a design capacity of .0285 MGD. Discharge 002 shall be limited and monitored by the permittee as specified below.

Description : External Outfall, Number: 001, Monitoring: Effluent Gross, Season: All Year							
Code	Parameter	Qualifier	Value	Unit	Sample Type	Monitoring Frequency	Statistical Base
00300	Oxygen, dissolved (DO)	>=	1.0	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
50050	Flow	Report		Mgal/d	Instantaneous	Five Per Week	Monthly Average
50050	Flow	Report		Mgal/d	Instantaneous	Five Per Week	Daily Maximum
50060	Total Chlorine Residual (TRC)	<=	2.0	mg/L	Grab	Five Per Week	Daily Maximum
51040	E. coli	<=	126	CFU/100mL	Grab	Twice Every Month	Monthly Average
51040	E. coli	<=	941	CFU/100mL	Grab	Twice Every Month	Daily Maximum
80082	BOD, 5-day, 20 C	<=	30	mg/L	Grab	Twice Every Month	Monthly Average
80082	BOD, 5-day, 20 C	<=	45	mg/L	Grab	Twice Every Month	Daily Maximum

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.

Limitations in this table apply in any calendar month in which the Tipton County Board of Education discharges to the Mississippi River via the Munford Outfall interconnect. If the permittee does not discharge at all via the interconnect in a calendar month, the permittee shall report no discharge for Outfall 002 on the discharge monitoring report.

Outfall 001 to Hurricane Creek at mile 10.4

Discharge 001 consists of domestic wastewater from a treatment facility with a design capacity of .0285 MGD. Discharge 001 shall be limited and monitored by the permittee as specified below.

Description : External Outfall, Number: 001, Monitoring: Effluent Gross, Season: All Year							
Code	Parameter	Qualifier	Value	Unit	Sample Type	Monitoring Frequency	Statistical Base
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)	<=	45	mg/L	Grab	Twice Every Month	Daily Maximum
00530	Total Suspended Solids (TSS)	<=	30	mg/L	Grab	Twice Every Month	Monthly Average
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	mg/L	Grab	Twice Every Month	Monthly Average
50050	Flow	Report		Mgal/d	Instantaneous	Five Per Week	Daily Maximum
50050	Flow	Report		Mgal/d	Instantaneous	Five Per Week	Monthly Average
50060	Total Chlorine Residual (TRC)	<=	0.5*	mg/L	Grab	Five Per Week	Daily Maximum
50060	Total Chlorine 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	<=	25	mg/L	Grab	Twice Every Month	Daily Maximum
80082	CBOD, 5-day, 20 C	<=	15	mg/L	Grab	Twice Every Month	Monthly Average

***See Part I-E of this permit for conditions.**

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.

Limitations in this table apply in any calendar month in which the Tipton County Board of Education discharges to Hurricane Creek. If the permittee does not discharge to Hurricane Creek at all during a calendar month, the permittee shall report no discharge for Outfall 001 on the discharge monitoring report.

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.

A "composite sample" is a combination of not less than 8 influent or effluent portions, of at least 100 ml, collected over a 24-hour period. Under certain circumstances a lesser time period may be allowed, but in no case, less than 8 hours.

D. REPORTING

1. Monitoring Results

Monitoring results shall be recorded monthly and submitted monthly using Monthly Operation Report Forms (MOR) supplied by the Division of Water Resources. Submittals shall be postmarked no later than 15 days after the completion of the reporting period. A copy should be retained for the permittee's files. Monthly Operation Reports and any communication regarding compliance with the conditions of this permit must be sent to:

**Attention: Division of Water Resources
Memphis Environmental Field Office
8383 Wolf Lake Drive
Memphis, TN 38133**

The first MOR is due on the 15th of the month following permit effectiveness.

Monthly Operation Report must be signed and certified by a responsible corporate officer, as defined at 40 CFR 122.22, or a general partner or proprietor, or a principal municipal executive officer or ranking elected officer, or a duly authorized representative. Such authorization must be submitted in writing and must explain the duties and responsibilities of the authorized representative.

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. Compliance with the Total Residual Chlorine (TRC) limit of 0.02 mg/L must be achieved within **one year** of 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 wastewater treatment operator in accordance with the Water Environmental Health Act of 1984.

B. PLACEMENT OF SIGNS

The permittee shall place and maintain a sign at Outfall 001 to Hurricane Creek. 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>TREATED DOMESTIC WASTEWATER (PERMITTEE'S NAME) (PERMITTEE'S PHONE NUMBER) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT # _____ TENNESSEE DIVISION OF WATER RESOURCES Memphis Environmental Field Office PHONE NUMBER : 1-888-891-8332</p>

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. 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.

E. INTERCONNECTION AGREEMENT

The discharge to the Mississippi River is enabled per agreement between the Tipton County Board of Education and the City of Munford for shared use of Munford's outfall line operated pursuant to NPDES # TN0062499. Therefore, this permit only authorizes the Tipton County of Board of Education to discharge to the Mississippi River under terms of a legally binding agreement between the two parties for use of Munford's outfall line. It is the sole responsibility of the board and city to negotiate the terms of and to renew this agreement. The Tipton County Board of Education must maintain sewer infrastructure consistent with terms and conditions of the agreement.

MODIFICATION RATIONALE SHEET**NPDES PERMIT No. TN0058092****Permit Writer: WDM**

April 30, 2019

I. DISCHARGER

NAME: Tipton County Board of Education (Drummonds Elementary School)
 REPRESENTATIVE: Mr. Barnet Hall
 LOCATION: Drummonds, COUNTY: Tipton, PHONE NUMBER: 901- 475-5975
 WASTEWATER:
 Discharge number: 002; Alternatively 001 Type: Domestic
 WATERSHED: Hatchie-Lower HUC: 08010208
 Average design flow: 0.0285 MGD
 PRESENT TREATMENT: Lagoon system
 STATUS: Reissuance

II. RECEIVING WATERS

STREAM: Hurricane Creek at mile 10.4
CLASSIFICATION: 002 & 001: Fish and aquatic life, recreation, irrigation, livestock watering and wildlife uses; 002 only: Domestic and industrial water supply, navigation
LOW FLOW: 002: 1Q10 = 67,000 MGD (104,000 CFS); 001: 7Q10= Zero MGD/CFS
ESTABLISHED FROM: 002: USGS Water-Resource Investigation Report 95-4293, Station #07032000 001: BPJ estimation based on limited drainage area.
WATER QUALITY STATUS: 002: Not supporting of Fish and Aquatic Life and Recreation designated uses due to dredging for navigation and contaminated sediments; 001: Fully supportive of its designated use classifications.
WATER QUALITY DESIGNATION: 002: Unavailable Conditions Water
 001: Available Conditions Waters.

BACKGROUND FOR ADDING AN OUTFALL:

The division, the permittee and the City of Munford began dialogue a year ago regarding the possibility of the Tipton County Board of Education discharging its treated lagoon effluent of the Drummonds Elementary School to the Mississippi River via Munford's outfall line that runs by the Drummond's school site. Munford discharges to the Mississippi River via NPDES permit # TN0062499. Tipton County's interest is protecting water quality resources with its existing treatment plant resource.

Both the Board of Education and the City of Munford utilize lagoon technology to treat their respective wastewaters. Lagoon technology does not reliably nitrify ammonia whose oxidation depends on types of bacteria that do not thrive in colder temperatures. Nitrification of ammonia to less toxic forms of nitrogen is important to protect fish and aquatic life in Hurricane Creek which has little or no assimilative capacity during low flow conditions. On the other hand, there is no reasonable potential of treated domestic waste water to result in ammonia toxicity in the Mississippi River whose low flow has historically been measured at 67,000 MGD.

The Board of Education and the City of Munford reached an agreement in February 2019, whereby the City of Munford will allow the Tipton County Board of Education to connect to Munford's outfall line. The agreement requires that the Board of Education retain the ability to discharge into

Hurricane Creek should Munford have need to terminate the connection via terms of their agreement.

The Board of Education hired A2H Engineers, Architects and Planners, Lakeland, TN, to design the sewerage system improvements needed to transfer treated effluent to the City of Munford outfall line. The division received the final set of construction drawings for the sewerage system improvements on April 15, 2019. These plans are being tracked as WPN #18.0323R.

Division statute and regulation make plan approval a prerequisite to issue of a permit modification. It also makes public notice of the permit a prerequisite to plan approval. The division proposes the permit modifications summarized below.

EFFLUENT LIMITS AND RATIONALE:

The division proposes to add an outfall designation for monitoring and reporting purposes. The added outfall, 002, is essentially a virtual outfall since the location of the sampling point for treated effluent is not changing. The division will revise the board's monthly discharge monitoring report (DMR) to include two Outfalls. The permittee will sample its effluent per the frequencies prescribed in the permit and report the results as follows:

- Outfall 002 when there is discharge to the Munford outfall line on any day during a calendar month;
- Outfall 001 when there is discharge to Hurricane Creek on any day during a calendar month; and
- The coding for no discharge for either outfall if there has been no discharge through that outfall during a calendar month.

The division proposes the following limits and rationale revisions for Outfall 002 discharging to the Mississippi River via the Munford outfall line. In summary, where applicable, limits for discharges to Outfall 002 are being revised to match effluent limits applied to the City of Munford.

Value, Unit, Parameter, Statistical Base	Rationale
30 mg/l BOD ₅ Monthly Average (vs. 15 mg/L CBOD ₅)	Rule 0400-40-05-.09, Refer to A. below
45 mg/L BOD ₅ Daily Maximum (vs. 25 mg/L CBOD ₅)	
1.0 mg/L D.O. Daily Minimum (vs. 6.0 mg/L)	Refer to B. below
2.0 m/L TRC Daily Maximum (vs. 0.02 mg/L)	Refer to C. below
Ammonia; No monitoring or reporting	Refer to D. below
Outfall Sign: No Sign for the interconnect point	Agreement required. See Part III.D. of the permit.

- A. BOD₅: The assimilative capacity in the Mississippi River justifies the application of technology-based effluent limits versus water-quality based effluent limits. These limits of 30 and 45 mg/L for 5-day, biochemical oxygen demand are promulgated treatment standards for conventional treatment of municipal wastewater which includes domestic sewage. The division is not applying the less stringent standards promulgated for equivalent to secondary treatment technology because this lagoon was designed for, and consistently meets, water-quality standards which are more stringent than technology-based standards. Because the technology has demonstrated capability of removing pollutants to the conventional treatment level, there is no justification to apply the less stringent equivalent to secondary standards.

- B. D.O.: The dissolved oxygen effluent limitation of 1.0 mg/l is a practical limit achievable by the facility rather than a water-quality based limit necessary to protect fish and aquatic life. A minimum oxygen level of 1.0 mg/l is necessary in a lagoon treatment system to prevent nuisance conditions associated with anaerobic conditions.
- C. Total Residual Chlorine: Chlorination is used to disinfect the wastewater in order to protect the receiving stream from pathogens. Because chlorine can be toxic to aquatic life, the division limits residual chlorine. However, when water quality is not the limiting factor due to the large dilution afforded by the receiving stream, an effluent concentration of 2.0 mg/l shall not be exceeded as an operational control of treatment facilities.

$$\frac{0.019(Q_d + Q_s)}{Q_d} = \text{Limit (mg/l)} = \frac{0.019(0.0285 + 67000)}{0.0285} = 45,000 \text{ mg/l}$$

where:

$$\begin{aligned} 0.019 &= \text{instream protection value (acute)} \\ 0.0285 &= Q_d, \text{ design flow of STP (MGD)} \\ 67,000 &= Q_s, 1Q_{10} \text{ flow of receiving stream (MGD)} \end{aligned}$$

This calculation shows that the effluent limit of 2.0 mg/l that is based on good operational practices is more stringent than the calculated water-quality based effluent limit. Therefore, the 2.0 mg/l applies.

- D. Ammonia: Similar to the chlorine calculation above, there is no reasonable potential for ammonia in the Drummond Elementary School effluent to cause or contribute to violation of the acute and chronic criteria for ammonia in the state water quality standards due to the assimilative capacity of the Mississippi River. The City of Munford does not monitor or report effluent ammonia for this same reason. Therefore, this permit proposes to require limiting, monitoring and reporting of ammonia only on discharges from outfall 001 to Hurricane Creek.
- E. Unavailable Conditions: This proposed discharge will not cause or contribute to unavailable conditions in the Mississippi River. This permit does not authorize any dredging activity. Treated effluent from elementary schools is not a source of the pollutants that contaminate sediments in the Mississippi River (PCBs, dioxin, chlordane).

RATIONALE SHEET
NPDES PERMIT No. TN0058092
Permit Writer: RGO
 November 30, 2018

I. DISCHARGER

NAME: Tipton County Board of Education (Drummonds Elementary School)
 REPRESENTATIVE: Mr. Barnet Hall
 LOCATION: Drummonds, COUNTY: Tipton, PHONE NUMBER: 901- 475-5975
 WASTEWATER:
 Discharge number: 001 type: Domestic
 WATERSHED: Hatchie-Lower HUC: 08010208
 Average design flow: 0.0285 MGD
 PRESENT TREATMENT: Lagoon system
 STATUS: Reissuance

II. RECEIVING WATERS

STREAM: Hurricane Creek at mile 10.4
 CLASSIFICATION: Fish and aquatic life, recreation, irrigation, livestock watering and wildlife uses.
 LOW FLOW: 7Q10= Zero CFS
 ESTABLISHED FROM: BPJ estimation based on limited drainage area.
 WATER QUALITY STATUS: According to the division’s most recent assessment of water quality on May 01, 2017, the Hurricane Creek at mile 10.4 is considered fully supportive of its designated use classifications (see chart below).
 WATER QUALITY DESIGNATION: Available Conditions Waters.

ID305b (GIS Link) : TN08010208002_0900 , Use Desc : Fish and Aquatic Life							
Water Name	Location Description	Cause Name	Source Name	Attainment Desc	Assmnt Date	User Flag	Current cycle
Hurricane Creek	Hurricane Creek from Indian Creek to headwaters. Ecoregion 74a Tipton County	-	-	Not Assessed	-	-	2017
ID305b (GIS Link) : TN08010208002_0900 , Use Desc : Irrigation							
Water Name	Location Description	Cause Name	Source Name	Attainment Desc	Assmnt Date	User Flag	Current cycle
Hurricane Creek	Hurricane Creek from Indian Creek to headwaters. Ecoregion 74a Tipton County	-	-	Fully Supporting	01-MAY-17	-	2017
ID305b (GIS Link) : TN08010208002_0900 , Use Desc : Livestock Watering and Wildlife							
Water Name	Location Description	Cause Name	Source Name	Attainment Desc	Assmnt Date	User Flag	Current cycle
Hurricane Creek	Hurricane Creek from Indian Creek to headwaters. Ecoregion 74a Tipton County	-	-	Fully Supporting	01-MAY-17	-	2017
ID305b (GIS Link) : TN08010208002_0900 , Use Desc : Recreation							
Water Name	Location Description	Cause Name	Source Name	Attainment Desc	Assmnt Date	User Flag	Current cycle
Hurricane Creek	Hurricane Creek from Indian Creek to headwaters. Ecoregion 74a Tipton County	-	-	Fully Supporting	01-MAY-17	-	2017

III. PREVIOUS PERMIT

ISSUANCE: 01-FEB-14
EXPIRATION: 30-APR-19

PARAMETERS	MONTHLY AVERAGE CONCENTRATION (MG/L)	MAXIMUM CONCENTRATION (MG/L)
CBOD ₅	15	25
NH ₃ -N	5	10
Total Suspended Solids	30	45
Dissolved Oxygen	6.0 (daily minimum)	
Total Residual Chlorine (TRC)		0.5 (daily maximum)
<i>E. coli</i>	126/100 mL	941/100 mL
Settleable Solids (ml/L)		1.0 (daily maximum)
pH (standard units)	6.0-9.0	
Effluent Flow (MGD)	Report	Report

IV. PROPOSED EFFLUENT LIMITS & RATIONALE**A. HISTORICAL BACKGROUND AND NEW CONDITIONS****BACKGROUND**

TDEC received an unsigned application for permit modification on March 20, 2018. The modification requested discharge to the Mississippi River via the City of Munford's existing outfall line, and replacement of the effluent limitations on ammonia as nitrogen, established for Hurricane Creek, to report only parameters to the Mississippi River. Besides being unsigned, the application included a draft tri-party agreement proposed for the Tipton County Board of Education (TCBE), City of Munford, and TDEC. Besides all the documentation being unsigned, TDEC does not have jurisdiction to be a party to the terms of the proposed agreement and the agreement allows for termination of the TCBE's use of Munford's outfall line.

On May 17, 2018, TDEC received 2 copies of plans, WPN 18.0323, for construction of a pump station and force main to the City of Munford line. Plan approval is a prerequisite to permitting, but there was still not complete application for a permit modification under which plans could be approved.

On July 31, 2018, a representative of the TCBE advised TDEC that terms and conditions for an agreement between TCBE and Munford are still being developed.

As long as discharge to Hurricane Creek is a possibility, and there is not new information on which to derive new permit terms and conditions, the effluent limitations developed for Hurricane Creek will apply per the renewed permit. In essence, the application for permit modification for discharge to the Mississippi River via the City of Munford is denied. It should be noted that per Rule 0400-40-05-.06(5), TDEC does not have to public notice a denial for a modification which is not justified, but does have to give the permittee written notice of the decision.

NEW CONDITIONS

The Total Residual Chlorine (TRC) limit of 0.5 mg/L (daily maximum) will be changed to 0.02 mg/L in order to protect water quality (see Section IV-C below). Additionally, a compliance schedule relative to TRC will be contained in the renewed permit allowing one year for compliance with the 0.02 mg/L daily maximum TRC limit (see Part I-E).

Nutrients are naturally occurring and essential components of healthy aquatic systems. Excessive amounts of nutrients, however, can impact water quality. The enrichment of a waterbody with nutrients, called eutrophication, can result in dense, rapidly multiplying growths, or blooms, of algal species and other nuisance aquatic plants. These have potential for negatively impacting the habitat for fish and aquatic life and degrading the water quality for drinking water supply and recreation uses. These impacts can present both locally from an individual activity and much further downstream from the cumulative impact of multiple activities.

The division has developed and begun to implement a draft framework to accomplish long-term nutrient reduction in Tennessee waters. The framework considers impacts from both point and non-point sources of nutrients and recommends reduction goals for both point and non-point sources. This nutrient reduction framework approach is intended to utilize an adaptive management approach in consideration of the facts presenting within a watershed and reevaluation of the effectiveness of progress being made. Regular reassessments of goals and action plans will be conducted by reviewing monitoring data, modeling results and other measures of success.

For small domestic systems, such as Drummonds Elementary School, who may 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. 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, effluent characterization may be requested pursuant to T.C.A. § 69-3-107(10) by the division during the permit term or included in a permit action with site-specific rationale for its inclusion. The draft framework may be reviewed on the division's webpage at <http://www.tn.gov/environment/article/wr-ws-tennessee-nutrient-reduction-framework>.

Therefore, the division is not including nutrient monitoring and reporting in the renewed permit. Thus, with the **exception of TRC**, 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.

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:

$$\frac{0.019 (Q_d + Q_s)}{Q_d} = \text{Limit (mg/L)} = \frac{0.019(0.0285 + 0.0)}{0.0285} = 0.019 \text{ mg/L} \approx 0.02 \text{ mg/L}$$

where:

$$\begin{aligned} 0.019 &= \text{instream protection value (acute)} \\ 0.0285 &= \text{Qd, design flow of STP (MGD)} \\ 0.0 &= \text{Qs, 7Q10 flow of receiving stream (MGD)} \end{aligned}$$

V. OTHER REQUIREMENTS & CONDITIONS

A. Certified Wastewater Treatment Operator

The waste treatment facilities shall be operated under the supervision of a Grade I 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 to expire in **2024** in order to coordinate its reissuance with other permits located within the Hatchie-Lower 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# TN08010208002_0900.

The Department has made a determination of the receiving waters associated with the subject discharge and has found the receiving stream to be an available conditions water. Additionally, this water is fully supporting of its designated uses. The Department has maintained, and shall continue to assess, the water quality of the stream to assure that the water quality is adequate to protect the existing uses of the stream fully, and to assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint source control.

No TMDLs have been developed or approved for this waterbody segment.

VII. COMPLIANCE SCHEDULE SUMMARY

<u>Section</u>	<u>Description</u>
I. D 1	DMR/MOR Reports, monthly
I. E	Total Chlorine Residual (TRC), 0.02 mg/L (Daily Maximum)
II. B	Placement of Sign(s), within 60 days from the effective date of this permit