



National Pollutant Discharge Elimination System (NPDES)

General Permit for Discharges of Stormwater Runoff and Process Wastewater Associated with Ready-Mix Concrete Facilities

Permit Number TNG100000

Issued by
Department of Environment and Conservation
Division of Water Resources
William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

Under authority of the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.) and the authorization by 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.) and the Water Quality Act of 1987, P.L. 100-4, except as provided in Subpart 1.2 of this general permit, operators of point source discharges of stormwater runoff and process wastewater associated with ready mixed concrete facilities into waters of the State of Tennessee, are authorized to discharge stormwater runoff and process wastewater in accordance with the following permit monitoring and reporting requirements, effluent limitations, and other provisions as set forth in Parts 1 through 11 herein, from the subject outfalls to waters of the State of Tennessee..

This permit is issued on:

This permit is effective on:

This permit expires on:

Draft

for Jennifer Dodd
Director

Tennessee General Permit No. TNG100000
Stormwater Runoff and Process Wastewater
Associated with Ready-Mix Concrete Facilities

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PART 1

1. COVERAGE UNDER THIS GENERAL PERMIT

1.1. PERMIT AREA

The Ready Mix Concrete Permit (RMCP) covers all areas of the State of Tennessee.

1.2. ELIGIBILITY

1.2.1. Discharges Covered by this Permit

1.2.2. Limitations on Coverage

This permit addresses any new or existing discharges of process wastewater, and/or any new or existing discharges of stormwater runoff associated with the operations of ready mixed concrete facilities to waters of the State of Tennessee or to a municipal separate storm sewer system (MS4) located in the State of Tennessee. Discharges of stormwater that meet the conditions of this permit are considered de minimis.

This permit also allows the operation of non-discharging treatment systems (e.g. reclaim/recycle systems), under conditions defined in Section [1.2.3](#).

Under this permit, process wastewater that has been combined with stormwater runoff may be discharged. However, discharges of this type will be referred to as process wastewater discharges and all permit requirements will apply, including the requirements of Section 1.2.3 for Non-Discharging Treatment Systems Operations if the facility was designed as a non-discharging system.

This permit also prohibits washout of concrete trucks into waters of the state, which would be a violation of state law. The discharge of washout of concrete trucks is regulated under conditions set forth in Section 1.2.4

The Division of Water Resources (the division) may allow coverage under this permit for discharges of process wastewater and/or stormwater from industrial operations similar to ready mixed concrete facilities; that is, operations that use or store sand, gravel and cement as the primary raw materials. Examples are facilities with SIC codes of 3271 (Concrete Block and Brick) and 3272 (Concrete Products other than Block and Brick). This permit serves as a National Pollutant Discharge Elimination System (NPDES) general permit and is issued to be effective for a term of five years.

1.2.3. Non-Discharging Treatment Systems Operations

This permit allows the operation of non-discharging process wastewater at ready mixed concrete facilities. All facilities applying for coverage under the non-discharging treatment systems operations Section of the permit must operate in

accordance with plans filed with a Notice of Intent (NOI), the following enumerated requirements, the applicable requirements of Tenn. Code Ann. 69-3-108, and all other applicable permit requirements:

- (a) The operation should be such that there is no discharge of process wastewater to any surface or subsurface stream, watercourse, storm sewer, or drainage ditch.
- (b) Should any discharge of process wastewater occur from the non-discharging treatment system to the waters of the State, such discharge is subject to the process wastewater requirements and regulations, as presented in Parts (4.), (5.), and (6.) of this permit. Any discharge that does not meet all the terms and conditions of (4.), 5.), and 6.) of this permit is a violation of this permit and the Act.
- (c) Any discharge of wastewater from the non-discharging treatment system, (such as resulting from excessive rainfall, equipment failure, etc.), must be reported by telephone within 24-hours to the division's Environmental Field Office responsible for the county where the site is located (see list of EFOs in the Part **Error! Reference source not found.**). Additionally, all discharges from non-discharging treatment systems must be monitored according to Parts 4, 5 and 6. The permittee must submit a written notice which details the cause, approximate volume, and the monitoring results, to the division within 15 days of receipt of the monitoring results.
- (d) Operators of non-discharging systems are required to report according Section 6.1 using Discharge Monitoring Report (DMR) forms for each reporting period, regardless of whether or not discharge occurred. If the system did not discharge during the monitoring period, the permittee must indicate "No Discharge," sign it and submit it to the division.
- (e) Any treatment system must be operated in a manner which prevents the creation of a public health hazard.
- (f) Treatment and reclaim/recycle system(s) must be constructed, maintained, and operated in accordance with plans and specifications approved by the division and in accordance with this permit as promulgated pursuant to the Act. The system(s) must be operated and maintained in a fashion which will ensure that the system(s) do not cause any violations of the conditions or requirements of this permit rule or the Act.
- (g) A freeboard sufficient to prevent overflow discharges resulting from 2-HR, 10 Year rain event must be maintained around sediment ponds. The freeboard must be measured and recorded on a weekly basis.

- (h) The permittee should make provisions for a back-up pump (such as a spare or available rental) to be available to address any mechanical problem with the primary pump. This condition applies where proper operation of the recycle system requires a pump.
- (i) Sludge or any other material removed by the treatment works must be disposed of in a manner which prevents its entrance into or pollution of any surface or subsurface waters, and in accordance with the Act and regulations. Additionally, the disposal of such sludge or other material must be in compliance with the Tennessee Solid Waste Disposal Act, Tenn. Code Ann. 68-31-101, et seq. and the Tennessee Hazardous Waste Management Act, Tenn. Code Ann. 68-46-101, et seq.
- (j) The permittee shall not add waste loads to the system(s) from sources other than operations of its own concrete plant, without approval by the division.

1.2.4. Truck Washout at Remote Sites and at Job Sites

1.2.4.1. Conditions of Truck Washout

Truck washout residue must be used as a fill material and it must meet the following conditions. Water from the washout fill material must not reach waters of the state, either surface or ground waters. No washout material may be placed in a sink hole or its drainage basin. No washout material may be placed on public property, along roadsides, in roadside ditches, on stream banks, or into streams or other waters of the state. In addition to the applicable requirements of this permit, washout activities covered by this permit must comply with applicable requirements of Municipal Separate Storm Sewer Systems (MS4) if the facility discharges to an MS4.

1.2.4.2. Written permission necessary for remote sites

A remote washout site is a washout site other than the plant site itself and other than an active job site. Washout of ready-mixed concrete trucks at remote sites is covered by this permit subject to the following conditions:

- the permittee must identify the location of the proposed sites on the Notice of Intent (NOI), or by later written notice to the division for sites selected after the NOI is submitted;
- the remote washout site must be on privately owned property;
- the permittee must obtain written permission to use the remote washout site from the property owner;
- the permittee must have written approval from the division that the site is acceptable as a washout site; in the case of sites listed on the permittee's NOI, this permission is granted upon transmittal of the Notice of Coverage

(NOC) to the facility; for sites identified after the NOI is submitted, the division will approve the site in writing; and

- The permittee must retain copies of these written permissions at the plant site for review by the division upon request.

1.2.4.3. Inspections of Remote Washout Sites

The permittee must ensure, as a part of the annual stormwater pollution prevention plan review and update (see Subpart 7.3 of this permit) that remote washout sites are in compliance with the conditions of this Subpart.

1.2.5. Discharges to Waters with Unavailable Parameters or Exceptional Tennessee Waters

This Section of the permit applies to all existing or proposed discharges into waters designated by the division as waters with unavailable parameters (previously referred to as impaired waters). Waters designated as such have been assessed by the division as failing to support classified uses due to the presence of pollutants. Pollutants of concern associated with the discharges of process wastewater, and/or stormwater runoff from the operations of ready mixed concrete facilities are pH, siltation (TSS), and iron. This Section also applies to discharges into waters designated as Exceptional Tennessee Waters according to Tennessee State Rule Chapter 0400-40-03.

Requesting coverage under this permit means that an applicant has obtained and examined a copy of this permit, and thereby acknowledges applicant's claim of ability to comply with permit terms and conditions.

1.2.5.1. Discharges from Existing Facilities to waters with unavailable parameters (with or without an Approved TMDL) and to Exceptional Waters

These are discharges other than expanded discharges from facilities that were in existence on October 31, 2022 (expiration date of the previous RMCP general permit). This Subsection applies to both Exceptional Tennessee Waters and waters with unavailable parameters. This general permit does not authorize the discharge of pollutants in such a manner as to cause or contribute to a violation of any water quality standards. Therefore, in order to obtain coverage under this permit, the owner or operator must review the current wastewater and stormwater runoff treatment methods and control measures in use at the site and, by filing the Notice of Intent, signify that the facility, to the best of the owner/operator's knowledge, is able to comply with the permit. A failure to implement treatment methods and control measures so as to minimize contributions of those pollutants is a violation of this permit.

1.2.5.2. New or Expanded Discharges to Exceptional Waters and Unavailable Parameters Waters without a TMDL

New discharges are ones from facilities that were not in existence on October 31, 2022. Expanded discharges are ones from sites that since October 31, 2022, have increased loading of a pollutant of concern from the facility. Permit coverage for new or expanded discharges of a pollutant of concern to Exceptional or waters with unavailable parameters is available only under the non-discharging option described in Section 1.2.3. In order to determine whether an anticipated discharge may fall under this category, an owner/operator may contact the appropriate Environmental Field Office as indicated in the list in Part **Error! Reference source not found..**

1.2.5.3. New or Expanded Discharges to Waters with Unavailable Parameters with a TMDL

New discharges are ones from facilities that were not in existence on October 31, 2022. Expanded discharges are ones from sites that since October 31, 2022, have increased loading of a pollutant of concern from the facility. This general permit does not authorize the discharge of pollutants in such a manner as to cause or contribute to a violation of any water quality standards. Therefore, in order to obtain coverage under this permit, the owner or operator must review the current wastewater and stormwater runoff treatment methods and control measures in use at the site and, by filing the Notice of Intent, signify that the facility, to the best of the owner/operator's knowledge, is able to comply with the permit. A failure to implement treatment methods and control measures so as to minimize contributions of those pollutants is a violation of this permit.

1.2.6. Issuance of a Notice of Coverage (NOC)

Issuance of a NOC for this general permit will constitute confirmation of the division's finding that the discharges authorized by this general permit are either:

- not into water quality impaired waters; or
- the nature of the discharge is not likely to contribute pollutants of concern, for which the receiving water is impaired, in amounts measurable in the impaired segment and the facility discharges are in compliance with all applicable TMDLs.

1.2.7. Violation of Water Quality Standards

If the division determines at any time that the discharge is causing or contributing to a violation of water quality standards or if the division has any other grounds for modifying or revoking this permit, the division may require corrective action or require the discharge be permitted differently in accordance with subpart 8.6 (Requiring an Individual Permit, an Alternative General Permit, or Other Corrective Action).

1.2.8. Threatened and Endangered Species Protection

- 1.2.8.1. Issuance of a Notice of Coverage (NOC) under this permit will constitute confirmation of the division's finding that, with properly developed and implemented wastewater and stormwater runoff treatment methods and control measures selected for the pollutants of concern, the discharges authorized hereunder are not likely to result in the taking of threatened and endangered species.
- 1.2.8.2. Should the division later determine that the discharges covered by this permit would result in the taking of threatened or endangered species, or are otherwise not in compliance with the Endangered Species Act, the director, upon written notification to the permittee, shall either:
- a. Notify the permittee that it is no longer eligible for coverage under this permit and require coverage under an individual NPDES permit. The permittee will continue to be covered under this permit until the division issues an individual NPDES permit for its stormwater discharges associated with industrial activity, provided a timely application for an individual permit is made. A timely application is defined as submitting to the division a complete individual stormwater permit application, including sampling, within 90 days of the notice from the director requiring the application. A permittee may request a later date for the timely submission of an individual stormwater permit application for just cause; or

Notify the permittee that it must modify its wastewater and stormwater runoff treatment methods and control measures selected for the pollutants of concern. As a consequence, the discharges authorized by this permit will not result in the taking of threatened and endangered species and otherwise be in compliance with the Endangered Species Act. The permittee shall have 60 days after such notice to make such modifications to the wastewater and stormwater runoff treatment methods and control measures, and then 12 weeks to implement these modifications, unless a longer time is necessary for their implementation. Should a longer time be required, the permittee shall submit to the division's local Environmental Field Office (see Part **Error! Reference source not found.**) a brief summary of the proposed modifications of wastewater and stormwater runoff treatment methods and control measures, including a timetable for implementation.

PART 2

2. AUTHORIZATION TO DISCHARGE UNDER THIS PERMIT

Except as provided in Section 1.2.2, if the Notice of Intent is submitted as set forth in Part 3, a facility is permitted to discharge stormwater runoff and process wastewater associated with the operation of ready mixed concrete facilities to the waters of the State of Tennessee in accordance with the terms of this permit and of T.C.A 69-3-108(b). Any such discharges not permitted under this permit or by an individual permit are unlawful under T.C.A 69-3-108(b). The division may grant or deny coverage under this permit or require an application for an individual permit. Upon notice from the division to the applicant, the applicant is covered under this general permit. General permits may be issued, modified, revoked, reissued or terminated in accordance with this permit and the applicable requirements of T.C.A 69-3-108.

PART 3

3. REQUESTING AND ISSUING COVERAGE

3.1. FORMAT AND SUBMITTAL

3.1.1. Electronic Submittal

The Notice of Intent (NOI) shall be submitted electronically via [MyTDEC Forms](#) and must conform to the signatory requirements in Subpart 8.4 unless a waiver is granted in accordance with [40 C.F.R. 127.15](#) (see Section 8.9.3).

MyTDEC Forms may be found at the following link
<https://forms.tdec.tn.gov/>

3.1.2. Hard Copy Option

Only after a waiver (see Section 8.9.3) is approved by the Division, a hard copy of the Notice of Intent (NOI), which indicates facility compliance with and requests coverage under the general permit, shall be completed and submitted using the form provided by the Division. The NOI must signed in accordance with the signatory requirements of Subpart 8.4 of this permit and should be mailed to the division at the following address:

| |
|---|
| <p>Tennessee Division of Water Resources RMCP NOI Processing William R. Snodgrass Tennessee Tower, 11th Floor 312 Rosa L. Parks Ave. Nashville, TN 37243</p> |
|---|

3.2. DEADLINES

1. For a new facility or a facility with expanded discharge that is eligible for coverage according to Subpart 1.2, an NOI shall be submitted 30 days before any discharge.
2. For a facility presently covered by the general permit, an NOI shall be submitted within 60 days of the effective date of this general permit. In the case of a change of contact information, change in facility name without change in management, and/or a change in other facility information, an NOI shall be submitted within 30 days of the change. The current permit tracking number should be included on an NOI submitted for any currently covered facility.
3. For a new owner/operator of an existing facility, the new owner/operator must submit a completed NOI as soon as possible but not later than 5 days after the change in owner/operator.

3.3. SIGNATORY REQUIREMENTS FOR THE NOI

The NOI must be signed according to signatory requirements of Section 8.4.1 of this permit.

3.4. TDEC ENVIRONMENTAL FIELD OFFICES (EFOS) AND CORRESPONDING COUNTIES

| EFO Name | Division of Water Resources Environmental Field Office Address ¹ | List of Counties |
|-----------------------------|---|---|
| Chattanooga | 1301 Riverfront Parkway, Suite 206 Chattanooga, TN 37402 (423) 634-5745 | Bledsoe, Bradley, Grundy, Hamilton, McMinn, Marion, Meigs, Polk, Rhea, Sequatchie |
| Columbia | 1421 Hampshire Pike Columbia, TN 38401 (931) 380-3371 | Bedford, Coffee, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Perry, Wayne |
| Cookeville | 1221 South Willow Ave Cookeville, TN 38506 (931) 520-6688 | Cannon, Clay, Cumberland, DeKalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Trousdale, Van Buren, Warren, White |
| Jackson | 1625 Hollywood Drive Jackson, TN 38305-2222 (731) 512-1300 | Benton, Carroll, Chester, Crockett, Decatur, Dyer, Gibson, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, McNairy, Madison, Obion, Weakly |
| Johnson City | 2305 Silverdale Rd Johnson City, TN 37601 (423) 854-5400 | Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Unicoi, Washington |
| Knoxville | 3711 Middlebrook Pike Knoxville, TN 37921 (865) 594-6035 | Anderson, Blount, Campbell, Claiborne, Cocke, Grainger, Hamblen, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, Union |
| Memphis | 8383 Wolf Lake Drive Bartlett, TN 38133-4119 (901) 371-3000 | Fayette, Hardeman, Shelby, Tipton |
| Nashville | 711 R.S. Gass Boulevard Nashville, TN 37216 (615) 687-7000 | Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Williamson, Wilson |
| Nashville Central Office | William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue 11 th Floor Nashville, TN 37243 | Statewide |

¹ Contact information is correct at the time of issuance. See the Department's webpage for changes <https://www.tn.gov/environment/contacts/about-field-offices.html>

TDEC may be reached by telephone at the toll-free number 1-888-891-8332 (TDEC). Local [EFOs](#) may be reached directly when calling this number from the construction site, using a land line.

3.5. ADMINISTRATIVE PROCEDURE FOR OBTAINING NOTICE OF COVERAGE (NOC)

The Notice of Coverage (NOC) is a notice from the division to the permittee informing them that the Notice of Intent (NOI) was received and accepted. The permittee is authorized to discharge stormwater and process wastewater associated with ready mix concrete facilities as of the effective date listed on the NOC.

The division reserves the right to deny coverage to artificial entities (e.g., corporations or partnerships, excluding entities not required to register with the Tennessee Secretary of State) that are not properly registered and in good standing (i.e., listed with an entity status of “active”) with the Tennessee Secretary of State, Division of Business Services. The division also reserves the right to issue permit coverage in the correct legal name of the individual or entity seeking coverage, including each general partner of a general partnership in addition to the general partnership.

It is the responsibility of the applicant to thoroughly and accurately identify all waterbodies (see definition of streams) located on the site and to provide a determination of the water’s status.

The division will review each NOI for completeness and accuracy. Except as provided in Section 1.2.2, a complete and accurate NOI shall be processed as described below.

Upon receipt of a complete and accurate NOI, the division will transmit to the permittee a NOC, which shall specify the effective dates of coverage under the permit. The term of coverage shall end not later than the expiration date of this general permit.

If the division determines the submitted NOI is incomplete, or denies an applicant coverage under this general permit, the division shall notify the applicant of this determination in writing.

3.6. SCHEDULE OF COMPLIANCE

Full compliance and operational levels shall be attained from the effective date of this permit.

PART 4

4. EFFLUENT LIMITS

4.1. NUMERIC EFFLUENT LIMITATIONS FOR PROCESS WASTEWATER

Discharges of process wastewater covered by this permit must comply with the following numerical effluent limits:

| Parameter | Qualifier | Value | Unit | Sample Type | Monitoring Frequency | Statistical Base |
|------------------------------|-----------|-------|------|---------------|----------------------|------------------|
| pH | >= | 6.5 | SU | Grab | Quarterly | Daily Minimum |
| pH | <= | 9 | SU | Grab | Quarterly | Daily Maximum |
| Total Suspended Solids (TSS) | <= | 50 | mg/L | Grab | Quarterly | Daily Maximum |
| Iron, total (as Fe) | <= | 5 | mg/L | Grab | Quarterly | Daily Maximum |
| Flow | Report | - | MGD | Instantaneous | Quarterly | Daily Maximum |

4.2. NARRATIVE LIMITATIONS FOR PROCESS WASTEWATER AND STORMWATER DISCHARGES

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

The wastewater and stormwater runoff 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. Additionally, the disposal of such sludge or other material must be in compliance with the Tennessee Solid Waste Disposal Act, T.C.A 68-31-101, et seq. and the Tennessee Hazardous Waste Management Act, Tenn. Code Ann. 68-46-101, et seq.

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

The permittee shall use best management practices (BMPs) and good engineering practices to prevent contamination of the wastewater and stormwater runoff discharge from materials associated with activities at ready mixed concrete plants.

PART 5

5. MONITORING REQUIREMENTS

5.1. PROCESS WASTEWATER MONITORING REQUIREMENTS

The permittee must monitor the treated wastewater for the parameters set forth in Part 4 of this permit. The monitoring frequency for these parameters shall be quarterly. For the purposes of this permit, quarters are defined as calendar quarters: January through March, April through June, July through September, and October through December. Monitoring frequency for any and all parameters may be changed at the discretion of the director. Changes to the monitoring frequency will be communicated in writing.

Monitoring process wastewater shall be performed in dry weather, when the dilution effect of stormwater is minimal.

For reporting purposes, the flow value reported shall be the total volume discharged in a one day period in units of million gallons per day (MGD). The permittee may estimate the flow rate, through the use of recognized conventional flow equations; for example, cross-sectional area, surface speed and distance traveled of a float, and estimated friction loss (80%) as in:

$$\frac{A \text{ [ft}^2\text{]} * D \text{ [ft]} * 0.646 * 0.8}{T \text{ [sec]}} = Q \text{ [MGD]}$$

If the division determines that a discharge will not accurately be characterized by grab samples, the division may require the permittee to sample by composite sample. This requirement shall be given by a written notice to the permittee.

Monitoring at facilities shall be required only during monitoring periods in which a discharge occurs. During a month in which no discharge occurs, the permittee must indicate "No Discharge," sign it and submit it to the division

The division may require the permittee to sample for additional parameters, by either grab or composite sample. This requirement shall be given by a written notice to the permittee.

5.2. STORMWATER MONITORING REQUIREMENTS

The frequency of monitoring shall be once per calendar year for all parameters. The first monitoring period shall be calendar year 2023. Permittees shall collect a sample of stormwater runoff and run the appropriate tests for the following parameters:

| Parameter | Qualifier | Benchmark | Unit | Sample Type | Monitoring Frequency | Statistical Base |
|------------------------------|-----------|-----------|------|-------------|----------------------|------------------|
| pH | Report | 6 | SU | Grab | Annual | Daily Minimum |
| pH | Report | 9 | SU | Grab | Annual | Daily Maximum |
| Total Suspended Solids (TSS) | Report | 150 | mg/L | Grab | Annual | Daily Maximum |
| Iron, total (as Fe) | Report | 5 | mg/L | Grab | Annual | Daily Maximum |

A minimum of one grab sample shall be obtained for each monitoring event. The sample should be taken within the first 30 to 60 minutes after representative discharge from the outfall begins, unless it is not practical to do so. The practicality of obtaining samples may be influenced by such factors as the severity of weather and the availability of monitoring personnel. However, the permittee must make every reasonable effort to schedule and obtain annual stormwater samples. If it is not practical to obtain a sample within that time frame, please note the approximate elapsed time from the beginning of the discharge to the sampling action during NetDMR submittal or on the DMR form.

Samples shall be collected during a representative storm event. A representative storm event is a discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. Runoff events resulting from snow or ice melt cannot be used to meet the minimum yearly monitoring requirement.

The following information shall be collected for each stormwater monitoring event and included on each DMR:

- the date, storm duration (in hours), and the total rainfall of the storm event sampled; and
- the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

Storm Water Monitoring and Reporting is not applicable if all storm water discharges associated with other areas requiring storm water monitoring is routed to and adequately treated by approved wastewater treatment structures.

All outfalls shall be monitored, except where the permittee expects two or more outfalls to convey substantially similar storm water effluent, the permittee may monitor at a reduced number of outfalls. The permittee shall incorporate into the monitoring plan justification for the outfall sampling locations chosen.

5.3. **STORMWATER MONITORING EVALUATION**

The permittee shall evaluate the results obtained from sampling and monitoring following the required annual sampling events to determine whether the facility is below, meets, or exceeds the monitoring benchmarks as shown in the table above. If the results demonstrate that the facility has exceeded the benchmark(s), the permittee must inform the division's local Environmental Field Office (see Part **Error! Reference source not found.**) in writing within 30 days from the time stormwater monitoring results were received, describing the likely cause of the exceedance(s). Additionally if the benchmarks are exceeded, within 60 days from the time stormwater monitoring results were received, the facility must:

- review its stormwater pollution prevention plan, make any modifications or additions to the plan which would assist in reducing specific effluent concentrations which are equal to or greater than benchmarks for that facility, and
- submit to the division's local EFO a brief summary of the proposed Stormwater Pollution Prevention Plan (SWPPP) modifications (including a timetable for implementation).

5.4. **AFFECT OF SAFETY CONSIDERATIONS ON MONITORING REQUIREMENTS**

The division does not require the permittee to jeopardize the safety or health of an individual in order to carry out any monitoring or surveillance requirement of this permit. If the permittee cannot complete any requirement of the permit during the required monitoring period due to severe weather concerns or other precarious site conditions, the permittee must submit the appropriate monitoring form or report along with a detailed explanation of the situation that prevented the permittee from completing the requirement.

PART 6

6. REPORTING

6.1. MONITORING RESULTS

6.1.1. Reporting Procedures

Process wastewater monitoring results shall be recorded and submitted quarterly based on the effluent limits in Subpart 4.1 of the permit. Stormwater monitoring results, if applicable, shall be recorded and submitted annually using DMRs based on the effluent limits in Subpart 5.2 of the permit. DMRs and DMR attachments, including any supporting laboratory data, shall be submitted electronically using NetDMR no later than the 15th of the month following the end of the monitoring period. All NPDES program reports must be signed and certified by a responsible official or a duly authorized representative, as defined in 40 CFR 122.22.

The [NPDES Electronic Reporting Rule](#), which became effective on December 21, 2016, replaces most paper-based application and reporting requirements with electronic reporting requirements. NetDMR allows NPDES permittees to submit DMRs electronically to EPA through a secure internet application and has been approved by Tennessee as the official electronic reporting tool for DMRs.

According to 40 CFR 127.15, states have the flexibility to grant temporary or episodic waivers from electronic reporting to NPDES permittees who are unable to meet the electronic reporting requirements. To obtain an electronic reporting waiver, an electronic reporting waiver request must be submitted by email to DWRwater.compliance@tn.gov or by mail to the following address:

| |
|---|
| Tennessee Division of Water Resources Compliance and Enforcement Unit William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 11th Floor Nashville, TN 37243 |
|---|

For contact and training information about NetDMR electronic reporting, visit TDEC's website at [NetDMR and Electronic Reporting \(tn.gov\)](#).

6.1.2. Stormwater Runoff Reporting Procedures

Monitoring results of stormwater runoff monitoring shall be recorded annually and submitted annually using NetDMR. The first DMR is due 15 days after the end of a calendar year following the effective term of this permit (i.e., monitoring for 2022 calendar year is due in January 2023, monitoring for 2023 calendar is due in January 2024, etc.). DMRs must be signed and certified pursuant to the signatory requirements described in Subpart 8.4.

6.2. ADDITIONAL MONITORING BY DISCHARGER

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods according to section 8.9.5, the results of such monitoring shall be included in the calculations and reporting of the values required in the Discharge Monitoring Report (DMR) form. Such increased frequency shall also be indicated upon NetDMR submittal or in the "Frequency" column of the DMR.

PART 7

7. STORMWATER POLLUTION PREVENTION PLAN

The permittee shall develop, document and maintain a stormwater pollution prevention plan (SWPPP), which shall contain at a minimum the following items. The plan shall be signed by one who meets signatory requirements of Subpart 8.4 of this permit.

7.1. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) REQUIREMENTS

The plan shall include, at a minimum, the following items:

7.1.1. Identification of Pollution Prevention Responsibilities

The plan shall identify a specific individual or individuals who are responsible for developing the stormwater pollution prevention plan and for its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities individual with responsibility. The activities and responsibilities of the team shall address all aspects of the facility's stormwater pollution prevention plan.

7.1.2. Description of Potential Pollutant Sources

Each plan shall provide a description of potential sources that may reasonably be expected to add significant amounts of pollutants to stormwater discharges or that may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials that may potentially be significant pollutant sources. This description must contain an inventory of the types of materials handled at the site that potentially may be exposed to precipitation. This inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to stormwater.

7.1.3. Site Map

A site map indicating an outline of the portions of the drainage area of each stormwater outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in stormwater runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under part 7.1.5 of this permit have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas. Facilities shall also identify, on the site map, the location of any: bag house or other dust control device; recycle/sedimentation pond, clarifier or other device used for the treatment of process wastewater and the areas that drain to the treatment device. The map must indicate the outfall locations and the types of discharges contained in the drainage areas of the outfalls.

For each area of the facility that generates stormwater discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants that are likely to be present in stormwater discharges associated with industrial activity.

7.1.4. Spills and Leaks

A list of significant spills and significant leaks of toxic or hazardous pollutants (Section 313 Water Priority Chemicals) that have occurred in areas that are exposed to precipitation or that otherwise drain to a stormwater conveyance at the facility. The list shall document spills and leaks during the preceding three years, or from the date the facility was permitted if less than three years, and shall be updated as appropriate during the term of the permit.

7.1.5. Sampling Data

A summary of existing discharge sampling data describing pollutants in stormwater discharges from the facility, including a summary of sampling data collected during the term of this permit.

7.2. IDENTIFICATION OF POLLUTANT POTENTIAL FOR PLANT OPERATIONS

Each facility must develop a narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and onsite waste disposal practices. The description shall specifically list each source and the appropriate pollutants of concern.

7.3. MEASURES AND CONTROLS

Each facility covered by this permit shall develop a description of stormwater management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of stormwater management controls shall address the following minimum components, including a schedule for implementing such controls:

7.3.1. Good Housekeeping

Good housekeeping requires the maintenance of areas that may contribute pollutants to stormwater. Regular, frequent, and timely cleaning of leaks and spills prior to contact with stormwater are essential to controlling pollutants in stormwater discharges.

Facilities shall prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), kiln dust, fly ash, settled dust and other significant

stormwater pollutants for all areas of the facility including paved portions of the site. Measures used to minimize the presence of these materials may include regular sweeping, or other equivalent measures. The plan shall indicate the frequency of sweeping or other measures. The frequency shall be determined based upon consideration of the amount of industrial activity occurring in the area and frequency of precipitation, but shall not be less than once per week when cement, aggregate, kiln dust or fly ash are being handled or otherwise processed in the area.

Facilities shall prevent the exposure of fine granular solids such as cement, fly ash, and kiln dust to stormwater. Where practicable, these materials shall be stored in enclosed silos, hoppers or buildings, in covered areas, or under covering and conveyed in enclosed equipment.

7.3.2. Preventive Maintenance

A preventive maintenance program shall involve routine inspection and maintenance of stormwater management devices (e.g., cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants.

7.3.3. Spill Prevention and Response Procedures

Areas where spills can potentially contribute pollutants to stormwater discharges, and their accompanying drainage points, shall be identified clearly in the stormwater pollution prevention plan. Where appropriate, specification of material handling procedures, storage requirements, and use of equipment such as diversion valves should be considered. Procedures and equipment for spill cleanup shall be identified in the plan and made available to the appropriate personnel.

7.3.4. Inspections

Qualified facility personnel shall be identified to inspect designated equipment and areas of the facility specified in the plan. The inspection frequency shall be specified in the plan based upon a consideration of the level of industrial activity at the facility, but shall be once per month, at a minimum. The inspection shall take place while the facility is in operation and shall at a minimum include all of the following areas that are exposed to stormwater at the site: material handling areas, above ground storage tanks, hoppers or silos, dust collection/containment systems, truck wash down and equipment cleaning areas. Written records of the inspection date(s), the inspector(s), and any problem areas located must be maintained according to section 8.9.2.

7.3.5. Employee Training

All employees in any way responsible for the implementation of any part of the SWPPP must be trained. Training should address topics such as spill response,

good housekeeping, truck wash out procedures, equipment wash down procedures and material management practices. The pollution prevention plan shall identify periodic dates for such training. Records of training activities shall be maintained according to section 8.9.2.

7.3.6. Recordkeeping and Internal Reporting Procedures

A description of incidents (such as spills, or other discharges), along with other information describing the quality and quantity of stormwater discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan and maintained according to section 8.9.2.

7.4. NON-STORMWATER DISCHARGES

The following evaluation and certification requirement applies only to stormwater outfalls from the facility. All stormwater discharges that are permitted as such must be evaluated for the presence of non-stormwater (which includes process wastewater, sewage, potable water, and other wastewaters). After it is determined that the stormwater outfall doesn't contain non-stormwater, the fact must be certified. The evaluation may be done by testing or by inspection.

7.4.1. Non-stormwater Discharges Certification

The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-stormwater discharges. The certification shall include the identification of potential significant sources of non-stormwater at the site, a description of the results of any test and/or evaluation for the presence of non-stormwater discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the onsite drainage points that were directly observed during the test. Certifications shall be signed in accordance with subpart 8.4 of this permit. This certification may not be feasible if the facility operating does not have access to an outfall, manhole, or other point of access to the ultimate conduit that receives the discharge. In such cases, the stormwater pollution prevention plan shall indicate why the certification was not feasible, along with the identification of potential significant sources of non-stormwater at the site. A discharger that is unable to provide the certification required by this paragraph must notify the Division of Water Resources in accordance with paragraph "Failure to Certify" (below).

Facilities engaged in production of concrete block, brick or other products shall include in the certification a description of measures that insure that process waste water that results from washing of trucks, mixers, transport buckets, forms or other equipment are discharged in accordance with NPDES requirements or are recycled.

7.4.2. Failure to Certify

Any facility that is unable to provide the certification required (testing for non-stormwater discharges), must notify the Division of Water Resources not later than 180 days after submitting an NOI to be covered by this permit. If the failure to certify is caused by the inability to perform adequate tests or evaluations, the notification shall describe: the procedure of any test conducted for the presence of non-stormwater discharges; the results of the test or other relevant observations; the potential sources of non-stormwater discharges to the storm sewer; and why adequate tests for such storm sewers were not feasible. Non-stormwater discharges to waters of the State that are not authorized by an NPDES permit are unlawful, and must be terminated.

7.5. SEDIMENT AND EROSION CONTROL

The plan shall identify areas that, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

7.6. MANAGEMENT OF RUNOFF

The SWPPP must identify reasonable and appropriate measures that the facility has identified to control stormwater runoff at the site. Appropriate measures may include: vegetative swales and practices, reuse of collected stormwater (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), infiltration devices, and wet detention/retention devices or other equivalent measures.

7.7. COMPREHENSIVE SITE COMPLIANCE EVALUATION

Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the plan, but, in no case less than once a year. Such evaluations shall provide:

7.7.1. Visual Inspection

Conduct a visual inspection of areas contributing to a stormwater discharge associated with industrial activity including but not limited to: material handling areas, above ground storage tanks, hoppers or silos, dust collection/containment systems, truck wash down and equipment cleaning areas. These areas shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented. Structural stormwater management measures, sediment and erosion control measures, and other structural pollution prevention measures such as recycle ponds, identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

7.7.2. Evaluation of Findings and SWPPP Modifications

Based on the results of the evaluation, appropriate modifications to the measures and controls specified in the SWPPP shall be identified, documented and implemented within 12 weeks of the evaluation.

7.7.3. Inspection and Modification Report

A report summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the stormwater pollution prevention plan, and the actions taken including changes to the plan shall be written and retained as part of the stormwater pollution prevention plan for at least 3 years after the date of the evaluation. The report should include any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall state that the facility is in compliance with the stormwater pollution prevention plan and this permit. The report shall be signed in accordance with subpart 8.4 of this permit.

Where compliance evaluation schedules overlap with inspections required under this permit the compliance evaluation may be conducted in place of one such inspection.

PART 8

8. STANDARD PERMIT CONDITIONS

8.1. DUTY TO COMPLY

8.1.1. Permittee's Duty to Comply

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

8.1.2. Penalties for Violations of Permit Conditions

Pursuant to T.C.A 69-3-115 of The Tennessee Water Quality Control Act of 1977, as amended:

- a. any person who violates an effluent standard or limitation or a water quality standard established under this Section (T.C.A 69-3-101, et. seq.); violates the terms or conditions of this permit; fails to complete a filing requirement; fails to allow or perform an entry, inspection, monitoring or reporting requirement; violates a final determination or order of the board, panel or commissioner; or violates any other provision of this Section or any rule or regulation promulgated by the board, is subject to a civil penalty of up to ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs;
- b. any person unlawfully polluting the waters of the state or violating or failing, neglecting, or refusing to comply with any of the provisions of this Section (T.C.A 69-3-101, et. seq.) commits a Class C misdemeanor. Each day upon which such violation occurs constitutes a separate offense;
- c. any person who willfully and knowingly falsifies any records, information, plans, specifications, or other data required by the board or the commissioner, or who willfully and knowingly pollutes the waters of the state, or willfully fails, neglects or refuses to comply with any of the provisions of this Section (T.C.A 69-3-101, et. seq.) commits a Class E felony and shall be punished by a fine of not more than twenty-five thousand dollars (\$25,000) or incarceration, or both.

Nothing in this permit shall be construed to relieve the discharger from civil or criminal penalties for noncompliance. Notwithstanding this permit, the discharger

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 treated wastewater to any surface or subsurface waters. Additionally, notwithstanding this permit, it shall be the responsibility of the discharger 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. Furthermore, nothing in this permit shall be construed to preclude the State of Tennessee from any legal action or relieve the discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or the Federal Water Pollution Control Act.

8.2. DUTY TO REAPPLY

8.2.1. Permittee's Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new individual permit or a new permit coverage.

8.2.2. Continuation of the Expired General Permit

This permit expires on October 31, 2027. However, an expired general permit continues in force and effect until a new general permit is issued.

8.3. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the division, within a time specified by the division, any information which the division 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 commissioner upon request, copies of records required to be kept by this permit.

8.4. SIGNATORY REQUIREMENTS

All Notices of Intent (NOI), requests for termination of permit coverage, discharge monitoring report (DMR) forms, NetDMR submittals, certifications and/or any other information either submitted to the division, or that this permit requires be maintained by the permittee, shall be signed and dated.

8.4.1. Signatory Requirements for a Notice of Intent (NOI)

Notice of Intent (NOI) shall be signed as follows:

1. For a corporation, by a responsible corporate officer. For the purpose of this Subsection, a responsible corporate officer means:
 - a. a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

- b. the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE: The division does not require specific assignments or delegations of authority to responsible corporate officers. The division will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

1. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively.
2. For a municipality, State, Federal, or other public agency, by either
 - a. A principal executive officer (i.e. the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency); or
 - b. ranking elected official.

8.4.2. Changes to Authorization

If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subpart 8.4 must be submitted to the director prior to or together with any reports, information, or applications to be signed by an authorized representative.

8.4.3. Certification

Any person signing a document under subpart 8.4 above shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the

information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury”.

8.5. 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 is considered a new source as defined in Tennessee State Rule Chapter 0400-40-5-.02;
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged; or
- c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices.

8.6. REQUIRING AN INDIVIDUAL PERMIT, AN ALTERNATIVE GENERAL PERMIT, OR OTHER CORRECTIVE ACTION

8.6.1. Division of Water Resources Designation

If the division has notified the owner or operator in writing before or after the filing of a Notice of Intent (NOI) that the facility's discharges will cause or contribute to a violation of water quality standard or that coverage under this general permit is subject to being modified or revoked for any grounds under Tenn. Code Ann. 69-3-108(f), the discharger has the following options:

1. Provide a demonstration to the division within 60 days of the notification that the discharge does not cause or contribute to a violation of water quality standard;
2. Modify treatment methods and control measures at the facility to address the division's concerns within 120 days of the notification; or
3. Apply for coverage under other general permit (if available) or file an individual permit application within 180 days of the notification. Individual permit applications shall be submitted to the following address:

**NPDES Individual Permit Processing
Tennessee Division of Water Resources
Tennessee Tower, 11th Floor
312 Rosa L. Parks Ave.
Nashville, TN 37243**

The permittee does not lose coverage under the general permit while exercising the above options. Although a permittee may exercise more than one of these three options, if the division does not approve the actions taken under (1) or (2), the permittee must comply with (3) within the stated time or an extension thereof granted by the division. If the owner or operator fails to submit in a timely manner an individual NPDES permit application as required by the division, the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.

Any interested person may petition the division (in writing, providing valid justification) to take action under this subsection.

8.6.2. Individual Permit Application

Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application (Forms 1, 2E, 2F and any other applicable forms) with reasons supporting the request to the division. Individual permit applications shall be submitted to the address listed in Section 8.6.1. The request may be granted by the issuance of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.

8.6.3. Individual/Alternative General Permit Issuance

When an individual NPDES permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is authorized for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the division.

8.7. STATE/ENVIRONMENTAL LAWS

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 Tennessee law or regulation under

authority preserved by the Section 510 of the Clean Water Act. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

8.7.1. Oil and Hazardous Substance Liability

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 to which the permittee is or may be subject under Section 311 of the Clean Water Act or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). This permit does not relieve the person of the reporting requirements for releases in excess of reportable quantities as described in 40 CFR 117 and 40 CFR 302.

8.7.2. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges.

8.7.3. Severability

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

8.8. PROPER OPERATION AND MAINTENANCE

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related equipment) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

8.9. MONITORING AND RECORDS

8.9.1. Representative Samples/Measurements

Samples and measurements taken in compliance with the monitoring requirements specified herein shall be representative of the volume and nature of the monitored discharge, and shall be taken after treatment and:

- prior to mixing with uncontaminated stormwater runoff or the receiving stream;
- prior to effluent leaving the facility boundary.

8.9.2. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of sample, measurement, report or application. This period may be extended by request of the director at any time. If practicable, the records should be kept on-site or locations owned/operated by the permittee, such as a corporate office. Permittees must submit any such records to the division within 15 days upon written request.

8.9.3. Electronic Submission of Documents

This permit requires electronic submission of forms developed by the Director in order for a person to comply with certain requirements, including, but not limited to, making reports, submitting monitoring results, and applying for permit coverage.

The Notice of Intent (NOI) and Notice of Termination (NOT) shall be submitted electronically via [MyTDEC Forms](#) and must conform to the signatory requirements in Subpart 8.4 unless a waiver is granted in accordance with [40 C.F.R. 127.15](#) (see Section 8.9.3).

MyTDEC Forms may be found at the following link
<https://forms.tdec.tn.gov/>

All electronic submissions shall comply with the requirements of Tennessee State Rule Chapter [0400-01-40](#). Electronic submission is required when available unless waived by the Commissioner in accordance with 40 C.F.R. § 127.15.

In the event of large-scale emergencies and/or prolonged electronic reporting system outages, an episodic electronic reporting waiver may be granted by the Commissioner in accordance with 40 C.F.R. § 127.15. A request for a deadline extension or episodic electronic reporting waiver should be submitted to DWRWater.Compliance@tn.gov, in compliance with the Federal NPDES Electronic Reporting Rule.

If an episodic electronic reporting waiver is granted, reports with wet-ink original signatures shall be mailed to the following address:

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| TENNESSEE DIVISION OF WATER RESOURCES COMPLIANCE & ENFORCEMENT UNIT William R. Snodgrass - Tennessee Tower 312 Rosa L. Parks Avenue, 11th Floor Nashville, Tennessee 37243-1102 |
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For purposes of determining compliance with this permit, data provided to the Division electronically is legally equivalent to data submitted on signed and certified forms. A copy must be retained for the permittee's files.

8.9.4. Records Contents

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

1. The date, exact place, and time of sampling or measurements;
2. The name(s) of the individual(s) who performed the sampling and measurements;
3. The date(s) analyses were performed;
4. The time(s) analyses were initiated;
5. The name(s) of the individual(s) who performed the analyses;
6. References and written procedures, when available, for the analytical techniques or methods used; and
7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

8.9.5. Approved Monitoring Methods

Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136.

8.9.6. Reporting

Regular reporting (at a frequency of not less than once per year) to assure that compliance is being achieved will normally be required of the discharger in any permit as indicated below:

- a. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the commissioner. Monitoring may also be reported via electronic reporting methods established by the commissioner.
- b. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136, or as specified in the permit, the results of this monitoring shall be included in

the calculation and reporting of the data submitted in the DMR or other reporting form specified by the commissioner.

- c. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in the permit.

8.9.7. Penalties for Falsification of Reports

Section 69-3-115 of the Tennessee Water Quality Control Act and in Section 309 of the Federal Water Pollution Control Act provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine and, or, by imprisonment for not more than two years, or by both.

8.10. INSPECTION AND ENTRY

The permittee shall allow the commissioner, or an authorized representative, or an authorized EPA representative, upon presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must 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 commissioner.

8.11. PERMIT ACTIONS

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:

- a. Violation of any terms or conditions of the permit;
- b. Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and

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

8.12. BYPASS OF TREATMENT FACILITY

Bypass, as defined in Tennessee State Rule Chapter 0400-40-5-.02, is prohibited unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c. For anticipated bypass, the permittee submits prior notice, if possible at least ten days before the date of the bypass; or
- d. For unanticipated bypass, the permittee submits notice of an unanticipated bypass within 24 hours from the time that the permittee becomes aware of the bypass to the appropriate EFO.

8.13. NONCOMPLIANCE

In the case of any noncompliance which could cause a threat to human health or the environment, the permittee shall report the noncompliance to the commissioner within 24 hours from the time the permittee becomes aware of the circumstances. A written submission must be provided within five days of the time the permittee becomes aware of the noncompliance. The permittee shall provide the following information to the appropriate EFO:

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

8.14. UPSET

An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based numeric effluent limitations if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that the permittee can identify the cause(s) of the upset;
- b. 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;
- c. The permittee submitted information to the appropriate EFO 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
- d. The permittee complied with any remedial measures required under "Adverse Impact."

8.15. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

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 non-complying 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.

8.16. PLACEMENT OF SIGNS

Within sixty (60) days of obtaining a Notice of Coverage under this general permit, the permittee shall place and maintain a sign at each process wastewater discharge outfall. The sign(s) should be clearly visible to the public from the bank and the receiving stream or from the nearest public property/right-of-way, if applicable. The minimum sign size should be two feet by two feet (2'x2') 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:

PROCESS WASTEWATER DISCHARGE
(PERMITTEE'S NAME)
(PERMITTEE'S PHONE NUMBER)
NPDES PERMIT TRACKING # TNG11 _ _ _
TENNESSEE DIVISION OF WATER RESOURCES
1-888-891-8332 ENVIRONMENTAL FIELD OFFICE - (EFO NAME)

PART 9

9. REOPENER CLAUSE

9.1. POTENTIAL OR REALIZED IMPACTS ON WATER QUALITY

If there is evidence indicating potential or realized impacts on water quality or on a listed endangered species due to any effluent discharge covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or an alternative general permit in accordance with subpart 8.6.

9.2. APPLICABLE REGULATIONS

Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5.

PART 10

10. TERMINATION OF COVERAGE

10.1. NOTICE OF TERMINATION

A permittee shall request termination of coverage under this permit if and when discharges of process wastewater associated with the operation of ready mixed concrete facilities and/or stormwater runoff to the surface waters of the State have been eliminated. The permittee must submit facts in support of the notice, which shall be signed in accordance with subpart 8.4 of this permit. The division retains the right to deny termination of coverage under this general permit upon receipt of the necessary notice and information from the permittee. If discharges have ceased but coverage under the general permit is still in effect because the permittee has not requested termination of permit coverage, the permittee will continue to be responsible for annual permit maintenance fees billed according to Tennessee State Rule Chapter 0400-40-11 - Environmental Protection Fund Fees.

The notice of termination shall be submitted electronically via [MyTDEC Forms](#) and must conform to the signatory requirements in Subpart 8.4 unless a waiver is granted in accordance with [40 C.F.R. 127.15](#) (see Section 8.9.3).

MyTDEC Forms may be found at the following link
<https://forms.tdec.tn.gov/>

PART 11

11. DEFINITIONS

2-HOUR, 10 YEAR DESIGN STORM EVENT The estimated design rainfall amounts, for any return period interval (i.e., 2-yr, 5-yr, 25-yr, etc.) in terms of either 24-hour depths or intensities for any duration, can be found by accessing the data available at https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html. Other data sources may be acceptable with prior written approval by TDEC Division of Water Resources.

BEST MANAGEMENT PRACTICES Best Management Practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants to waters of the state. BMPs also include treatment requirements, operating procedures; and practices to control plant site runoff, spillage, leaks, sludge or waste disposal, or drainage from raw material storage. BMPs include source control practices (non-structural BMPs) and engineered structures designed to treat runoff.

Structural BMPs are facilities that help prevent pollutants in stormwater runoff from leaving the site.

Non-structural BMPs are techniques, activities and processes that reduce pollutants at the source.

BYPASS means the intentional diversion of waste streams from any portion of a treatment facility.

A **CALENDAR DAY** means the 24-hour period from midnight to midnight or any other 24-hour period that reasonably approximates the midnight to midnight time period.

COMPOSITE SAMPLE means a combination of not less than eight influent or effluent portions (aliquots), collected over a 24-hour period. Under certain circumstances a lesser time period may be allowed, but in no case less than eight hours. A sufficient volume of sample to perform all required analyses plus any additional amount for quality control must be obtained. For automatic samplers that use a peristaltic pump, a minimum 100 ml aliquot must be obtained.

CWA means the Clean Water Act of 1977 or the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.)

DAILY MAXIMUM CONCENTRATION is a limitation on the average concentration in units of mass per volume (e.g. milligrams per liter) of the discharge during any calendar day. When a proportional-to-flow composite sampling device is used, the

daily maximum concentration is the concentration of that 24-hour composite; when other sampling means are used, the daily maximum concentration is the arithmetic mean of the concentrations of equal volume samples collected during any calendar day or sampling period.

DIRECTOR means the director of the Tennessee Division of Water Resources, or an authorized representative.

EXCEPTIONAL TENNESSEE WATERS AND OUTSTANDING NATIONAL RESOURCE WATERS are surface waters of the State of Tennessee that satisfy characteristics as listed in Tennessee State Rule Chapter 0400-40-3-.06 of the official compilation - rules and regulations of the State of Tennessee. Characteristics include waters designated by the Water Quality Control Board as Outstanding National Resource Waters (ONRW); waters that provide habitat for ecologically significant populations of certain aquatic or semi-aquatic plants or animals; waters that provide specialized recreational opportunities; waters that possess outstanding scenic or geologic values; or waters where existing conditions are better than water quality standards.

GRAB SAMPLE (PROCESS WASTEWATER), for the purpose of this permit, is defined as a single effluent sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes. The sample(s) shall be collected at the period(s) most representative of the total discharge.

GRAB SAMPLE (STORMWATER RUNOFF), is a single influent or effluent sample collected at a particular time.

LOAD ALLOCATION (LA): The portion of a receiving water's loading capacity that is attributed either to one of its existing or future nonpoint sources of pollution or to natural background (40 CFR 130.2(g)).

MONTHLY AVERAGE CONCENTRATION, means the arithmetic mean of all samples collected in a one calendar-month period, expressed in units of mass per volume of any pollutant other than bacteria.

NEW SOURCE means any building, structure, facility, area, or installation from which there is or may be a "discharge of pollutants," the construction of which commenced after the publication of state or federal regulations prescribing a standard of performance.

NON-DISCHARGING SYSTEM Ready Mixed Concrete process is a system which is designed, through use of proper engineering and BMP controls including some form of reuse or recycling, to prevent a facility from discharging process wastewater under normal operational conditions. This permitting option is provided under the RMCP permit to offer permittees the option to locate in areas

where receiving streams may be sensitive the normal pollutants of concern discharged by RMCP facilities. Facilities must be designed to retain stormwater runoff from a 2-hour 10-year storm event in addition to normal process and stormwater loadings.

NONPOINT SOURCE is essentially any source of pollutant(s) that is not a point source. Examples are sheet flow from pastures and runoff from paved areas.

POINT SOURCE means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

PROCESS WASTEWATER is any water used to wash or rinse the interior or exterior of any vehicle or equipment that is used to manufacture, mix, contain, convey, process, transport, or deliver concrete or products made from concrete such as concrete blocks, bricks and structural/ornamental concrete objects. Water used for cooling any part of the equipment or processes listed above; which in any way contacts the concrete, intermediates, or transient pollutants generated by the manufacturing processes during any part of the manufacturing process; is considered contact cooling water and shall be regulated as process wastewater.

SECTION 313 WATER PRIORITY CHEMICAL means a chemical or chemical categories that: 1) are listed at 40 CFR 372.65 pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986); 2) are present at or above threshold levels at a facility subject to EPCRA Section 313 reporting requirements; and 3) meet at least one of the following criteria: (i) are listed in Appendix D of 40 CFR Part 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) are listed as a hazardous substance pursuant to Section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or (iii) are pollutants for which EPA has published acute or chronic water quality criteria. See Addendum A of this permit. This addendum is based on the final rulemaking EPA published in the Federal Register November 30, 1994.

SIGNIFICANT SPILLS includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (see 40 CFR 110.10 and 40 CFR 117.21) or Section 102 of CERCLA (see 40 CFR 302.4).

STORMWATER means contaminated or uncontaminated stormwater runoff, snow melt runoff, and surface runoff and drainage.

TOTAL MAXIMUM DAILY LOAD (TMDL) is the sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background (40 CFR 130.21(1)). TMDL is a study that: (1.) quantifies the amount of a pollutant in a stream, (2.) identifies the sources of the pollutant, (3.) recommends regulatory or other actions that may need to be taken in order for the stream to no longer be polluted. Following are actions that might be recommended: Re-allocate limits on the sources of pollutants documented as impacting streams. It might be necessary to lower the amount of pollutants being discharged under NPDES permits or to require the installation of other control measures, if necessary, to insure that standards will be met. For sources the division does not have regulatory authority over, such as ordinary non-point source agricultural and forestry activities, provide information and technical assistance to other state and federal agencies that work directly with these groups to install appropriate Best Management Practices. Even for the impacted streams. TMDL development is not considered appropriate for all bodies of water: if enforcement has already been taken and a compliance schedule has been developed; or if best management practices have already been installed for non-regulated activities, the TMDL is considered not applicable. In cases involving pollution sources in other states, the recommendation may be that another state or EPA perform the TMDL analysis. TMDLs can be described by the following equation:

$$\text{TMDL} = \text{sum of non-point sources (LA)} + \text{sum of point sources (WLA)} + \text{margin of safety}$$

UPSET means an exceptional incident in which there is unintentional and temporary noncompliance with the numeric effluent limitations as described in Part 4 above this permit 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.

WASTELOAD ALLOCATION (WLA): The portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. WLAs constitute a type of water quality-based effluent limitation. (40 CFR 130.2(h)).

WATER QUALITY-LIMITED SEGMENTS: Those water segments that do not or are not expected to meet applicable water quality standards even after the application of technology-based effluent limitations required by sections 301(b) and 306 of the Clean Water Act. (40 CFR 130.2(j)) Technology-based controls include, but are not limited to, best practicable control technology currently available (BPT) and secondary treatment.

WATERS OF THE STATE or simply **WATERS** means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow

through, or border upon Tennessee or any portion thereof, except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

WATERS WITH UNAVAILABLE PARAMETERS means any segment of surface waters that has been identified by the division as failing to support classified uses. The division periodically compiles a list of such waters. The division will notify applicants and permittees if their discharge is into, or is affecting, waters with unavailable parameters.

12. ACRONYMS

BAT – best available technology economically achievable
BCT – best conventional pollutant control technology
BDL – below detection level
BPT – best practicable control technology currently available
CFR – code of federal regulations
CFS – cubic feet per second
CIU – categorical industrial user
CSO – combined sewer overflow
DMR – discharge monitoring report
D.O. – dissolved oxygen
EFO – environmental field office
LB(lb) - pound
MDL – method detection level
MGD – million gallons per day
ML – minimum level of quantification
ml – milliliter
MOR – monthly operating report
NODI – no discharge
NPDES – national pollutant discharge elimination system
PL – permit limit
POTW – publicly owned treatment works
RDL – required detection limit
STP – sewage treatment plant
Tenn. Code Ann. – Tennessee code annotated
TDEC – Tennessee Department of Environment and Conservation
TMDL – total maximum daily load
TRC – total residual chlorine
TSS – total suspended solids