

Appendix I

1200-4-10-.04 GENERAL NPDES PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY

(1) Coverage under this General Permit Rule.

- (a) This rule addresses all new and existing discharges of storm water runoff associated with industrial activity, as defined in 40 CFR 122.26(b)(14), promulgated in *Federal Register*, Vol. 55, No. 222, on November 16, 1990, to waters of the State of Tennessee or to a municipal separate storm sewer located in the State of Tennessee.
- (b) Permit Area. This general permit rule covers all areas of the State of Tennessee.
- (c) Eligibility. Except for storm water discharges identified in subparagraph (d) below, this rule applies to all new and existing point source storm water discharges associated with industrial activity to waters of the State of Tennessee or to a municipal separate storm sewer located in the State of Tennessee.
- (d) Limitations on Coverage- This rule does not apply to the following:
 - 1. Storm water discharges that are regulated by existing individual NPDES permits;
 - 2. Storm water that receives wastewater treatment along with non-storm water,
 - 3. Storm water discharges for which the Division has received an individual application;
 - 4. Storm water discharges for which storm water effluent limitations guidelines have been promulgated by EPA;
 - 5. Storm water discharges for which the Water Quality Control Board has promulgated a general permit rule specific to that type of industrial activity,
 - 6. Storm water discharges that the Director finds to be contributing to a violation of a water quality standard;
 - 7. Storm water discharges for which the Director determines that requirements of this Rule do not meet provisions of Section 301 and 402 of the Federal Water Pollution Control Act (BCT and BAT requirements); and
 - 8. Storm water discharges associated with mining operations.
- (e) This general permit rule is issued to be effective for a term of five years.
- (f) A facility may request termination of coverage under this rule if storm water discharges associated with industrial activity have been eliminated. The discharger must submit facts in support of the request. Unless the discharger is notified otherwise, coverage under the rule terminates 30 days after submission of the request and facts.

(2) Authorization to Discharge under this Rule

- (a) The operator of existing or proposed storm water discharges associated with industrial activity must submit a Notice of Intent (NOI) in order to be covered under this general permit rule. Upon review of the NOI, the Division may deny coverage under this rule and require application for an individual NPDES permit.

September, 1992 (Revised)

(Rule 1200-4-10-.04, continued)

- (b) Except as provided in subparagraph (1)(d) above, if the NOI is submitted as in paragraph (3) below, the storm water discharges associated with industrial activity as stated in paragraph (1)(a) are permitted in accordance with the terms of this rule and of T.C.A. §69-3-108(b) November 1, 1992, for an NOI received by October 1, 1992; or 30 days after receipt for an NOI received after October 1, 1992.

(3) Notice of Intent Requirements

(a) Deadlines

1. For an existing storm water discharge associated with industrial activity, one shall submit an NOI by October 1, 1992.
2. For new storm water discharges associated with industrial activity, one shall submit an NOI at least 30 days prior to beginning industrial activity at the site.
3. Where the operator of a facility with storm water discharges associated with industrial activity covered under this permit changes, the new operator must submit an NOI at least 30 days prior to the change of operator.
4. Operators of oil and gas operations, that are not required to submit a Permit application as of October 1, 1992 in accordance with 40 CFR 122.26(c)(1)(iii), but that after October 1, 1992 have a discharge of a reportable quantity of oil or a hazardous substance for which notification is required pursuant to 40 CFR 110.6, 40 CFR 17.21 or 40 CFR 302.6, must submit an NOI within 14 calendar days of the first knowledge of such release.
5. The Director of the Division of Water Pollution Control may allow coverage under this permit in cases where an NOI is submitted after the dates provided above

- (b) The following information, in addition to that required at 1200-4-10-.03(2)(d), must be included in an NOI. The NOI must be signed by one who meets signatory requirements of subparagraph (9)(h) of this rule.

1. Name, mailing address, and location of the facility for which notification is submitted;
2. Up to four 4-digit Standard Industrial Classification (SIC) codes that best represent the principal products or activities provided by the facility. and a brief narrative description of the business;
3. The operator's name, mailing address, telephone number, ownership status as federal, state, private public. or other entity;
4. The latitude and longitude of the approximate center of the facility to the nearest 15 seconds; a map on 9 1/2 inch by 11 inch sized paper with boundaries 1-2 miles outside the facility property and with the facility outlined and highlighted and the receiving water or receiving storm sewer highlighted and identified;
5. The name of the receiving waters of the discharge;

September, 1992 (Revised)

(Rule 1200-4-10-.04, continued)

6. Existing quantitative data that describe the concentration of pollutants in storm water discharges; and
 7. The area in square feet or acres of the facility, minus the area of undeveloped land; and the area of impervious surfaces on facility property.
- (c) The Division may require additional information to be submitted.
- (d) The NOI shall be submitted to the following address:

Storm Water NOI Processing
Division of Water Pollution Control
401 Church Street,
Department of Environment and Conservation
Nashville, TN 372-43-1534.

- (e) Facilities that discharge storm water associated with industrial activity through large or medium municipal separate storm sewer system (MS4's) (Memphis, Nashville/Davidson County, Knoxville and Chattanooga) shall also submit a signed copy of the NOI to the operator of the MS4.

Attn: Storm Water NOI/City of Memphis/Div. of Public Works/125 No. Mid-America Mall/
Memphis, TN 38103

Attn: Storm Water NOI/Metro Nashville and Davidson Co./Dept. of Public Works,
Engineering/720South Fifth St./Nashville, TN 37206

Attn: Storm Water NOI/City of Knoxville/Dept. of Engineering/City County Bldg./P.O. Box
1631/Knoxville, TN 37901

Attn: Storm Water NOI/City of Chattanooga/Dept. of Public Works/City Hall/11th St., Suite
200/Chattanooga, TN 37402

- (4) Releases in Excess of Reportable Quantities

This rule does not relieve the discharger of the reporting requirements of 40 CFR Part 117 and 40 CFR Part 302 (1990). The discharge of hazardous substances in the storm water discharges from a facility shall be minimized in accordance with the applicable storm water pollution prevention plan for the facility, and in no case, during any 24-hour period, shall the discharges contain a hazardous substance equal to or in excess of reporting quantities.

- (5) Storm Water Pollution Prevention Plan

The discharger shall develop, document and maintain a storm water pollution control plan, which shall contain at a minimum the following items. The plan shall be signed by one who meets signatory requirements of subparagraph (9)(h) of this rule.

- (a) A description of potential pollutant sources and the path(s) by which these pollutants may be carried by storm water to outfalls from the permittee's property. Essential elements are the following.

September, 1992 (Revised)

(Rule 1200-4-10-.04, continued)

1. A site map indicating an outline of the drainage area of each storm water outfall; each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, and sinkholes;
 2. A narrative description of significant materials (as defined at 40 CFR 122.26, November 16, 1990) that are currently or in the past have been treated, stored or disposed outside; method of on site storage or disposal; materials management practices used to minimize contact of these materials with storm water runoff for the past three years and presently-, materials loading and access areas; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff, and a description of any treatment the storm water receives;
 3. A list of significant spills and leaks of toxic or hazardous pollutants at the facility that have taken place after the effective date of the permit;
 4. For each area of the plant that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity, and
 5. A record of available sampling data describing pollutants in storm water discharges.
- (b) Each facility covered by this rule shall develop and implement storm water management controls to minimize the discharge of pollutants and to maintain compliance with paragraph (8) of this rule. These shall include the following minimum elements and activities.
1. A pollution prevention committee with named individuals who will develop the storm water pollution prevention plan and assist the plant manager in its implementation, maintenance and revision.
 2. An inventory of the types of materials handled and associated potential of release to storm water. Each of the following shall be evaluated for the reasonable potential for contributing pollutants to runoff: loading and unloading operations, outdoor storage activities; outdoor manufacturing or process activities; significant dust or particulate generating processes; and on site waste disposal practices. Factors to consider include the toxicity of chemicals; quantity of chemicals used, produced, or discharged; history of significant leaks or spills of toxic or hazardous pollutants.
 3. A preventive maintenance program that includes regular inspection and maintenance of storm water management devices (eg., cleaning grit chambers, catch basins) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.
 4. The discharger shall maintain a clean, orderly facility.
 5. The discharger shall have spill prevention and response procedures. Areas where spills can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan.

September, 1992 (Revised)

(Rule 1200-4-10-.04, continued)

- The plan shall specify material handling procedures and storage requirements. Procedures for cleaning up spills shall be identified in the plan and be made available to the responsible personnel. Responsible personnel must be available at all times when the facility is in operation. The necessary equipment to implement a clean up should be available to personnel.
6. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the source of pollutants). For example, grass swales, catch basins, infiltration devices, retention or detention basins, cisterns and water reuse.
 7. The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for soil erosion, and identify measures to limit erosion.
 8. Employees at all levels of responsibility shall be trained in the components and goals of the storm water pollution prevention plan. A pollution prevention plan shall identify periodic dates for such training.
 9. Qualified plant personnel shall be identified to inspect designated equipment and plant areas. Material handling areas shall be inspected for evidence of, or the potential for, pollutants' entering the drainage system. A tracking or follow-up procedure should be used to ensure that adequate response and corrective actions have been taken in response to the inspection. Records of inspections shall be maintained.
 10. A designated person named in the plan shall keep record of incidents such as spills or other discharges, along with other information describing the quality and quantity of storm water discharges. Inspections and maintenance activities shall be documented and recorded.
 11. The plan shall contain a certification that the discharge has been tested for the presence of nonstorm water discharges. The certification shall include a description of the results of any test for the presence of non-storm water discharges, the method used, the date of any testing, and the on-site drainage points that were directly observed during the test. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the storm water pollution plan shall indicate why the certification required by this part was not feasible. A discharger that is unable to provide the certification required by this paragraph must notify the Division within one year of the effective date of this general permit rule of why adequate tests were not feasible.
- (c) Designated person(s) named in the plan shall inspect the facility at least semi-annually to check the accuracy of the plan, maps, and whether measures in the plan to reduce pollutants in storm water runoff are adequate and properly implemented or whether additional controls are needed. The facility shall maintain a record of when inspections are conducted, the findings of the inspections, and of any corrective actions taken. These records shall be retained as part of the storm water pollution prevention plan for three years.

September, 1992 (Revised)

(Rule 1200-4-10-.04, continued)

- (d) Storm water management programs may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans under section 311 of the CWA or Best Management Practices (BMP) Programs otherwise required by an NPDES permit and may incorporate any part of such plans into the storm water pollution prevention plan by reference.
- (e) The plan shall be reviewed and updated by the facility at least annually. The plan and all accompanying records, reports and changes shall be retained for at least three years after expiration of this permit rule.
- (f) The plan should be developed and available for review within 180 days after permit coverage, or in the case of new facilities, prior to submitting a NOI to be covered under this rule. Facilities should implement management practices as soon as possible but not later than one year after permit coverage. Where construction of structural controls is specified, these should be installed as soon as possible according to the scope of the project. A schedule for such construction shall be included in the pollution prevention plan.
- (g) The plan shall be maintained by the discharger on the site or at a nearby office. Copies of the plan shall be submitted to the Division within ten working days (post marked) of a request.
- (h) The storm water pollution prevention plan shall be modified as required by the Director of the Division of Water Pollution Control.
- (i) A storm water monitoring plan that conforms to the requirements set forth in paragraph (7) of this rule. All outfalls that convey storm water associated with industrial activity must be identified. Storm water sampling locations shall be chosen to describe the quality of industrial storm water discharged from the site. All outfalls shall be monitored, except where the discharger expects two or more outfalls to convey substantially similar storm water effluent, the discharger may monitor at a reduced number of outfalls. The discharger shall incorporate into the monitoring plan justification for the outfall sampling locations chosen.

For each outfall monitored, the surface area and type of cover, for example, roof, pavement, grassy areas, gravel, etc. shall be identified.

- (6) Storm water pollution prevention plans for facilities subject to reporting requirements under SARA Title III, Section 313 for chemicals which are classified as Section 313 water priority chemicals in accordance with the definition in subparagraph (d) of this paragraph shall, in addition to information required in paragraph (5) above, describe and ensure the implementation of practices which are necessary to provide for conformance with the following guidelines:
 - (a) In areas where Section 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided. At a minimum, one of the following preventive systems or its equivalent shall be used:
 1. Curbing, culverting, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water run-on to contact significant sources of pollutants;
and

September, 1992 (Revised)

(Rule 1200-4-10-.04, continued)

2. Roofs, covers or other forms of protection to prevent storage piles from exposure to storm water and wind.
- (b) In addition, the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with the following applicable guidelines:
1. Liquid storage areas where storm water comes into contact with any equipment, tank container, or other vessel used for Section 313 water priority chemicals.
 - (i) No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc..
 - (ii) Liquid storage areas for Section 313 water priority chemicals shall be operated to discharges of Section 313 chemicals. Appropriate measures may include secondary containment for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a spill contingency and integrity testing plan, and/or other equivalent measures.
 2. Material storage areas for Section 313 water priority chemicals other than liquids. Material storage areas for Section 313 water priority chemicals other than liquids which are subject to runoff, leaching, or wind shall incorporate drainage or other control features which will minimize the discharge of Section 313 water priority chemicals by reducing storm water contact with Section 313 water priority chemicals.
 3. Muck and rail car loading and unloading arm for Section 313 water priority liquid chemicals shall be operated to minimize discharges of Section 313 water priority chemicals. Appropriate measures may include placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage occurs (such as hose connections, hose reels and filler nozzles) for use when making and breaking hose connections; a spill contingency plan and integrity testing plan; and/or other equivalent measures.
 4. In plant areas where Section 313 water priority chemicals are transferred, processed or otherwise handled, piping, processing equipment and materials handling equipment shall be operated so as to minimize discharges of Section 313 water priority chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling area shall minimize storm water contact with Section 313 water priority chemicals. Additional protection shall be provided as appropriate, such as the following- covers or guards to prevent exposure to wind, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system; overhangs or door skirts to enclose trailer ends at truck loading and unloading docks. Visual inspections or leak tests shall be conducted for overhead piping that conveys Section 313 water priority chemicals without secondary containment.
 5. Discharges from area covered by parts 1., 2., 3. or 4.

September, 1992 (Revised)

(Rule 1200-4-10-.04, continued)

- (i) Drainage from areas covered by parts 1., 2., 3. or 4. of this part should be restrained by valves or other positive means to prevent the discharge of a spill or other excessive leakage of Section 313 chemicals. Where containment units are employed, such units may be emptied by pumps or ejectors; however, these shall be manually activated.
 - (ii) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment area should, as far as is practical, be of manual, open-and-closed design.
 - (iii) If facility drainage is not engineered as above, the final discharge of all in-facility storm sewers should be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.
 - (iv) Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment areas.
6. Facility site runoff other than from areas covered by parts 1., 2., 3. and 4.. Other areas of the facility (those not addressed in parts 1., 2., 3., or 4.), from which runoff which may contain Section 313 water priority chemicals or spills of Section 313 water priority chemicals could cause a discharge shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.
7. All areas of the facility shall be inspected at specific intervals for leaks or conditions that could lead to discharges of Section 313 water priority chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage areas shall be examined for any conditions or failures which could cause a discharge. Inspection shall include examination for leaks, wind blowing, corrosion, support or foundation failure, or other forms of deterioration or noncontainment. Inspection intervals shall be specified in the plan and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered which may result in significant releases of Section 313 water priority chemicals to the drainage system, corrective action shall be immediately taken or the unit or process shut down until corrective action can be taken. When a leak or noncontainment of a Section 313 water priority chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with Federal, State, and local requirements, and as described in the plan.
8. Facilities shall have the necessary security systems to prevent accidental or intentional entry which could cause a discharge. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.
9. Facility employees and contractor personnel that work in areas where SARA Title 111, Section 313 water priority chemicals are used or stored shall be trained in and informed of preventive measures at the facility.

September, 1992 (Revised)

(Rule 1200-4-10-.04, continued)

Employee training shall be conducted at intervals specified in the plan, but not less than once per year, in matters of pollution control laws and regulations, and in the storm water pollution prevention plan and the particular features of the facility and its operation which are designed to minimize discharges of Section 313 water priority chemicals. The plan shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 water priority chemicals can be isolated and contained before a discharge of a Section 313 water priority chemical can occur. Contractor or temporary personnel shall be informed of facility operation and design features in order to prevent discharges or spills from occurring.

10. The storm water pollution prevention plan for a facility subject to SARA Title III, Section 313 requirements for chemicals which are classified as Section 313 water priority chemicals shall be reviewed by a Registered Professional Engineer and certified to by such Professional Engineer. A Registered Professional Engineer shall certify the plan every three years thereafter or as-soon-as practicable after significant modifications are made to the facility. By means of these certifications, the engineer, having examined the facility and being familiar with the provisions of this part, shall attest that the storm water pollution prevention plan has been prepared in accordance with good engineering practices. Such certifications shall in no way relieve the owner or operator of a facility covered by the plan of their duty to prepare and fully implement such plan.

(d) *Section 313 water priority chemical* means the following chemicals or chemical categories: 1) listed at 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986; 2) present at or above threshold levels at a facility subject to SARA Title 111, Section 313 reporting requirements; and 3) that meet at least one of the following criteria: (i) are listed in Appendix D of 40 CFR 122 on either Table 11 (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 toxicity criteria.

(7) Monitoring Requirements

(a) Monitoring Frequencies

The discharger shall monitor at least annually the storm water outfalls identified for monitoring in the storm water pollution prevention plan. Facilities identified in subpart (b)2.(iv) Landfills shall monitor at least semi-annually.

(b) Parameters to be Monitored

1. All dischargers covered by this rule shall test storm water samples for the following parameters:

5-Day Biochemical Oxygen Demand;
Total Suspended Solids;
Ammonia as Nitrogen;

September, 1992 (Revised)

(Rule 1200-4-10-.04, continued)

Oil and Grease; and
pH;

and make a visual observation for floating material, color, foam, and oil sheen.

2. Certain other facilities as identified below shall test storm water samples for additional parameters.

(i) Pollutants limited under an NPDES permit issued to the facility for process water, except for biomonitoring requirements and Dissolved Oxygen.

(ii) Pollutants limited in an effluent guideline to which the industry is subject.

(iii) SARA Title III Section 313 Reporting Facilities

For discharges of storm water associated with industrial activity that comes into contact with any storage equipment, tank, container, etc., or other storm water runoff from storage areas, or from truck or rail car loading and unloading areas where a Section 313 water priority chemical is handled:

Chemical Oxygen Demand (COD), and any Section 313 water priority chemical for which the facility is subject to reporting requirements.

(iv) Landfills

For storm water discharges associated with industrial activity from an active or inactive landfill, land application site or open dump without a stabilized final cover, that has received any industrial waste from a facility with an SIC code of between 20-39:

Chemical Oxygen Demand (COD), magnesium (total and dissolved), nitrate plus nitrite nitrogen, total dissolved solids, total organic carbon, total arsenic, total barium, total cadmium, total chromium, total cyanide, total lead, total mercury, total selenium, and total silver, plus any site-specific pollutants at dedicated industrial waste landfills.

The discharger shall address runoff from landfills in the monitoring plan required in subparagraph (5)(i) of this rule, indicating sampling locations, parameters and monitoring procedures.

(v) Incinerators and Boiler Industrial Furnaces

For storm water discharges associated with industrial activity from incinerators (including Boiler Industrial Furnaces) that burn hazardous waste and operate under interim status or a permit under Subtitle C of RCRA: Chemical Oxygen Demand (COD), magnesium (total and dissolved), nitrate plus nitrite nitrogen, total dissolved solids, total organic carbon, total arsenic, total barium, total cadmium, total chromium, total cyanide, total lead, total mercury, total selenium, and total silver; plus any site-specific pollutants at dedicated industrial waste landfills.

September, 1992 (Revised)

(Rule 1200-4-10-.04, continued)

(vi) Primary Metal Industries (SIC Group 33)

Chemical Oxygen Demand (COD), total lead, total cadmium, total copper, total arsenic, and total chromium.

(vii) Wood Treatment Operations

For storm water discharges from areas that are used for wood treatment, wood surface application or storage of treated or surface-protected wood at any wood preserving or wood surface facility that currently uses the following formulations:

Formulation	Parameters
Chlorophenolic	Chemical Oxygen Demand (COD) pentachlorophenol

Chromium-arsenic	Chemical Oxygen Demand (COD), total arsenic, total chromium, total copper
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(viii) Coal Pile Runoff

For storm water discharges associated with industrial activity consisting of runoff or through any coal pile

Total copper, total nickel and total zinc.

(ix) Battery Reclaimers

For runoff from areas used for storage of lead acid batteries, reclamation products, or products and areas used for lead acid battery reclamation (including material handling

Chemical Oxygen Demand (COD), total copper and total lead.

(x) Coal-fired Steam Electric Facilities

Total copper, total nickel and total zinc.

3. As an alternative to analyzing for individual toxic compounds, the Director may allow acute toxicity biomonitoring tests be conducted on 100% storm water.

(c) Storm Water Monitoring Procedures

1. Samples shall be collected from discharges resulting from a storm event that is greater than 0.1 inch in magnitude and that occurs at least 72 hours after any previous storm events of 0.1 inch or greater. Where feasible, the difference in the total rainfall of the event should not exceed 50 percent from the average or median rainfall event in the area. Runoff events resulting from snow or ice melt cannot be used to meet the minimum annual monitoring requirement.

September, 1992 (Revised)

Grab samples shall be used for monitoring pH, temperature, cyanide, total phenols, residual chlorine, total recoverable petroleum hydrocarbons, oil & grease, bacterial counts, xylene and compounds in the volatile fraction of the total toxic organic parameter. Composite samples shall be used to monitor for all other compounds, unless specified otherwise by the Division. Grab samples shall be collected in the first 30 minutes of a storm event discharge. Composite samples shall consist of at least three aliquots taken during the first hour of a storm event discharge. Either samples composited by time (equal volume aliquots collected at a constant time interval) or flow-proportioned composite samples may be used.

2. Storm Event Information

The following information shall be collected for the storm events monitored:

- (i) The date, weather temperature, duration (in hours), starting and ending times, and magnitude (in inches) of the storm event sampled;
- (ii) The duration between the storm event sampled and the end of the previous measurement (greater than 0.1 inch rainfall) storm event.

3. Test Procedures

- (i) Unless otherwise noted in this rule, all pollutant parameters shall be determined according to methods prescribed in Title 40, CFR, Part 136 (1990), promulgated pursuant to Section 30.4 (h) of the Federal Water Pollution Control Act.
- (ii) Recording of Results

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

- (I) The place, date, and time of sampling;
- (II) The person(s) collecting samples;
- (III) The dates and times the analyses were performed;
- (IV) The person(s) or laboratory who performed the analyses;
- (V) The analytical techniques or methods used, and;
- (VI) The results of all required analyses.

4. Records Retention

All records and information resulting from the monitoring activities required by this rule 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 Pollution Control.

(d) Reporting Requirements

September, 1992 (Revised)

(Rule 1200-4-10-.04, continued)

1. All storm water monitoring results shall be submitted on a copy of the storm water monitoring report form attached to this permit. Results shall be submitted at least annually, and not later than 30 days after the end of each monitoring year. A monitoring result that exceeds the report level shall be reported within 30 days of analysis. The discharger shall provide the Division with an explanation of the pollutant's origin when the report level is exceeded. Monitoring years start on promulgation date of this general permit rule, unless a different date is specified by the Division in written correspondence to the permittee, and anniversaries.

2. Additional Monitoring by Discharger

If the discharger monitors any pollutant at the location(s) designated herein more frequently than required by this permit rule, 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 storm water monitoring report form. Such increased frequency shall also be indicated.

3. Falsifying Reports

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

(e) Data collected for the purpose of completing the Environmental Protection Agency Form 2F prior to the effective date of this general permit rule may serve to meet the first year monitoring required by this rule, except where a numerical limit is established for a given parameter.

(Rule 1200-4-10-.04, continued)
 (f)

TABLE 7.1

PARAMETER REPORTING LEVELS FOR STORM WATER DISCHARGES

<u>Effluent Parameters</u>	<u>Report (l) Levels (mg/l)</u>	<u>Minimum Measurement Frequency</u>	<u>Sample Type</u>
Biochemical Oxygen Demand(5-Day)	50	Annually	Composite
Chemical Oxygen Demand	100	Annually	Composite
Total Suspended Solids	200	Annually	Composite
Ammonia as Nitrogen	4	Annually	composite
Oil and Grease	15	Annually	Grab
pH Range (2)	4.0 to 9.0	Annually	Grab
Floating Material, Color Foam, Oil Sheen		Annually	Visual Observation
Priority Pollutant (3)	(4)	Annually	(5)

FOOTNOTES:

- (1) Pollutants levels exceeding a report level shall be reported to the Tennessee Division of Water Pollution Control within 30 days after the discharger becomes aware of the results. The discharger shall provide the Division with an explanation of the pollutant's origin. Monitoring results shall be submitted on the storm water monitoring report form.
- (2) pH values outside the range of 4.0 to 9.0 standard units shall be considered to exceed the report level and shall be reported as such.
- (3) Priority pollutant. for the purpose OF this rule, means a toxic pollutant identified in Tables 11 and III of 40 CFR Part 122, Appendix D (1990). Priority pollutants need only be analyzed if they are identified in part (7)(b)2.
- (4) Report levels an the criterion maximum concentrations (CMC) for fish and aquatic life established in Tennessee Department of Environment and Conservation, Rule 1200-4-3. Where no CMC is established. the report levels are 0.100 mg/l for Volatiles, Acid Extractables, and Base Neutrals; 0.010 mg/l for Pesticides, PCB's and 2,3,7,8-TCDD Dioxin; or 1.0 mg/l for any other parameters. For metals. criterion maximum concentrations shall be figured based on a hardness of 100 mg/l as CaCO3
- (5) Cyanide and the volatile friction of the Total Toxic Organic compounds shall be sampled by grab sample. All other priority pollutants shall be sampled by composite simple.
- (8) Other Requirements
 - (a) There shall be no distinctly visible floating scum, oil or other matter contained in the storm water discharge.
 - (b) The storm water discharge must result in no 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.

September, 1992 (Revised)

(Rule 1200-4-10-.04, continued)

- (c) 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, T.C.A. 168-46-101 et seq.
- (d) The storm water discharge must not cause an objectionable color contrast in the receiving stream.

(9) General Provisions

(a) Renotification

Upon issuance of a new general permit, the discharger is required to notify the Director of his intent to be covered under the new general permit.

(b) Right of Entry

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

1. To enter on the discharger's premises where an effluent source is located or where records are required to be kept under the terms and conditions of this rule, and at reasonable times to copy these records;
2. To inspect at reasonable times any monitoring equipment or method or any collection, treatment, pollution management, or discharge facilities required under this rule; and
3. To sample at reasonable times any discharge of pollutants.

(c) Availability of Reports

Except for data determined to be confidential under T.C.A. §69-3-113 of the Tennessee Water Quality Control Act, all reports submitted in accordance with the terms of this rule shall be available for public inspection at the offices of the Division of Water Pollution Control. As required by the Federal Act, operational data shall not be considered confidential.

(d) Proper Operation and Maintenance

The discharger 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 discharger to achieve compliance with the terms and conditions of this rule and with the requirements of the storm water pollution prevention plan. 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 discharger only when the operation is necessary to achieve compliance with the conditions of the rule.

(f) Property Rights

September, 1992 (Revised)

(Rule 1200-4-10-.04, continued)

This general permit rule 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.

(f) Severability

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

(g) Other Information

If the discharger becomes aware that he failed to submit any relevant facts in a Notice of Intent, or submitted incorrect information in a NOI or in any report to the Director, then he shall promptly submit such facts or information.

(h) Signatory Requirements

1. A Notice of Intent submitted to the Director shall be signed as follows:

- (i) For a corporation: by a responsible corporate officer. For the purpose of this subpart, a responsible corporate officer means: (i) 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 (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1990 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- (ii) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively, or
- (iii) For a municipality, State, Federal, or other public facility- by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. All reports required by the permit or information submitted to the Director shall be signed by a person designated in part I above or a duly authorized representative of such person, if:

- (i) The representative so authorized is responsible for the overall operation of the facility from which the discharge originated, eg., a plant manager, superintendent or person of equivalent responsibility,

September, 1992 (Revised)

(Rule 1200-4-10-.04, continued)

- (ii) The authorization is made in writing by the person designated under part I above; and
 - (iii) The written authorization is submitted to the Director.
 - 3. Any changes in the written authorization submitted to the Director under part 2 above which occur after the issuance of a permit shall be reported to the Director by submitting a copy of a new written authorization which meets the requirements of parts I and 2 above.
 - 4. Any person signing any document under parts 1 or 2 above shall make the following certification: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in the attached document; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment!"
- (10) Changes Affecting Coverage under this Rule
 - (a) Planned Changes

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

 - 1. 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) (1990); or
 - 2. 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 rule, nor to notification requirements under 40 CFR 122.42(a)(1) (1990).
 - (b) Change of Ownership

If a facility is sold or transferred to a new owner or operator, the new owner or operator shall submit a new NOI in accordance with paragraph 1200-4-10-.04(2) of this rule.
 - (c) Change of Mailing Address

The discharger 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 discharger will be assumed to be correct.
- (11) Noncompliance
 - (a) Duty to Comply

September, 1992 (Revised)

(Rule 1200-4-10-.04, continued)

The discharger must comply with all conditions of this rule. Any noncompliance constitutes a violation of applicable State and Federal laws and is grounds for enforcement action, or for the Director to require an individual permit.

(b) Reporting of Discharges that Cause Emergencies

24-Hour Reporting

In the case of any discharge which would cause a threat to public drinking supplies, or any other discharge which could constitute a threat to human health or the environment, notice shall be provided to the appropriate Division field office within 24 hours from the time the discharger becomes aware of the circumstances. (The field office should be contacted for names and phone numbers of emergency response personnel.)

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

1. A description of the discharge;
2. The period of discharge, including exact dates and times or, if not corrected, the anticipated time the discharge is expected to continue; and
3. The steps being taken to reduce, eliminate, and prevent recurrence of the discharge,

(c) Adverse Impact

The discharger shall take all reasonable steps to minimize any adverse impact to the waters of Tennessee resulting from noncompliance with paragraph (8), Other Requirements, of this rule, including such accelerated or additional monitoring as necessary to determine the nature and impact of the discharge. It shall not be a defense for the discharger in an enforcement action that it would have been necessary to halt or reduce the facility's industrial activity in order to maintain compliance with the conditions of this rule.

(12) Liabilities

(a) Civil and Criminal Liability

Nothing in this rule shall be construed to relieve the discharger from civil or criminal penalties for noncompliance. Notwithstanding this rule, 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 storm water to any surface or subsurface waters. Additionally, notwithstanding this permit, it shall be the responsibility of the discharger to conduct its storm water treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created.

(b) Liability under State Law

September, 1992 (Revised)

(Rule 1200-4-10-.04, continued)

Nothing in this rule shall be construed to preclude the institution of 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 (1990).

Authority: T.C.A. §69-3-105(b). Administrative History: Original rule filed August 12, 1992; effective September 26, 1992.