

TENNESSEE DEPARTMENT OF ENVIRONMENT & CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
OFFICE MEMORANDUM

DATE: February 12, 2003
TO: EAC, Water Pollution Control Managers
FROM: Permit Section, Water Pollution Control, Nashville
SUBJECT: Storm Water Runoff from Sewage Treatment Works

For approximately ten years, publicly owned sewage treatment works (POTWs) have been exempt from storm water runoff permitting. That exemption expires on March 10, 2003, when POTWs:

- with design flow of 1.0 MGD or more; or
- that are required to have an approved pretreatment program (any design flow);

have to submit a notice of intent (NOI) to obtain coverage under the Tennessee Multi-Sector General Permit (TMSP), under [Sector T](#).

The NOI submittal requirement applies only if there is exposure of raw materials (chemicals), processes or process equipment, or waste products to precipitation and a resulting point source discharge of this storm water runoff to waters of the state (other than the main POTW outfall). Rainwater collected for treatment in the main plant, such as in sludge drying bed drains or grit collection wash areas, does not need to be covered by the TMSP.

Land used for the disposal of sludge at the facility is considered process-related material. Therefore, this permitting requirement applies to runoff from areas of the facility where sludge is disposed. Sludge placed off-site is subject to the permitting requirement as well, except where it is beneficially reused, such as on farm land and gardens, or where the application of the sludge is in compliance with [40 CFR Part 503](#).

POTWs can qualify for a [No Exposure](#) (NoEx) exemption. If the POTW can qualify for the NoEx, it must submit a NoEx certification form to the state by March 10, 2003. In general, the no exposure exemption can be claimed if no raw materials (chemicals), processes or process equipment, or waste products are exposed to rainwater. See the NoEx form referenced below for more detail.

The NOI and the NoEx form are available on the Water Pollution Control industrial storm water web page, <http://www.state.tn.us/environment/permits/strmh2o.htm>.

The following text is included for reference purposes. There are no chemical monitoring requirements for [Sector T](#), only quarterly visual inspection of storm water runoff. All new and existing facilities that request coverage under this permit must have a storm water pollution prevention plan (SWPPP) prepared and implemented prior to NOI submittal. A copy of the SWPPP should not be included with the NOI submission (except as required by Part IV.F of the TMSP, for discharges which constitute an increase of pollutant loading into 303(d) listed waters or high quality waters). Upon a showing of good cause, the division may establish a later date in writing for preparing and compliance with the SWPPP.

The definition of “Storm water associated with industrial activity,” as included in the TMSF, taken verbatim from [40 CFR 122.26\(b\)14](#), states, in part:

Storm water associated with industrial activity means the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of industries identified in paragraphs (i) through (x) of this definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at [40 CFR Part 401](#)); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. [...]

(ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under [40 CFR Part 403](#). Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and that are not physically located in the confines of the facility, or areas that are in compliance with [40 CFR Part 503](#);

During the EPA’s NPDES Permit Application Workshop (notebook dated July 10, 1992), the above definition was presented in a following “user-friendly” language:

(ix) Treatment works

This category [category ix, see above definition] covers sewage treatment plants that treat domestic sewage, or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage.

Includes:

- *Facilities with design flow of 1.0 MGD or more*
- *Facilities required to have an approved pretreatment program*
- *Land used for the disposal of sludge at the facility*

Does Not Include:

- *Beneficially re-used sludge*

If sludge is beneficially reused on, for example, farms or home gardens, the facility is not required to apply. To be considered beneficially reused, the sludge must be used off-site. Beneficial sludge reuse is the application of sludge as a nutrient builder or soil conditioner.

Wastewater treatment facilities that collect their stormwater and process it through headworks of a plant do not need to apply for a stormwater permit.

Municipalities serving less than 100,000 persons have been granted exemption and extension for obtaining coverage for sewage treatment plants (and various other industrial activities) by EPA rule of April 2, 1992, pursuant to the Intermodal Transportation and Efficiency Act of 1991, and by EPA rule of August 7, 1995. The recent phase II rule published at the [Federal Register, p.68780, on Wed. Dec. 8, 1999](#) (searchable at http://www.access.gpo.gov/su_docs/aces/aces140.html) removes the extension and sets a deadline for permitting:

3. ISTEA Sources

Provisions within the Intermodal Surface Transportation and Efficiency Act (ISTEA) of 1991 temporarily exempted storm water discharges associated with industrial activity that are owned or operated by municipalities serving populations less than 100,000 people (except for airports, power plants, and uncontrolled sanitary landfills) from the need to apply for or obtain a storm water discharge permit (section 1068(c) of ISTEA). Congress extended the NPDES permitting moratorium for these facilities to allow small municipalities additional time to comply with NPDES requirements for certain sources of industrial storm water. The August 7, 1995 storm water final rule (60 FR 40230) further extended this moratorium until August 7, 2001. However, today's rule changes this deadline so that previously exempted industrial facilities owned or operated by municipalities serving populations less than 100,000 people, must now submit an application for a permit within 3 years and 90 days from date of publication of today's rule.

As a result, the new deadline for a [Notice of Intent](#) submittal for category (ix) facilities is Monday, March 10, 2003.

The TMSP is located at <http://www.state.tn.us/environment/permits/tmsp.htm>. Question & Answer document about the TMSP is at <http://www.state.tn.us/environment/wpc/stormh2o/tmspsh2o.htm>.

Questions regarding the TMSP can be E-mailed to Storm.Water@state.tn.us.

cc: Permit Section, TMSP General File