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**Michael C. Patrick
Executive Director**

October 25, 2024

EES Case Management Unit
Environment and Natural Resources Division
U.S. Department of Justice
Box 7611
Washington, D.C. 20044-7611

Re: DJ # 90-5-1-1-11394 – Amendment to Private Service Lateral Program Graduated Enforcement Responses Deliverable

EES Case Management Unit:

The Hamilton County WWTA has completed a draft deliverable in accordance with the Consent Decree entered into by the United States District Court for the Eastern District of Tennessee (Southern Division), titled *PSLP Program Graduated Enforcement Responses*.

The deliverable has been submitted for public comment to the Public Document Repository (PDR) located on the WWTA's website here: <https://wwta.hamiltontn.gov/178/Public-Document-Repository> and also as a physical hard copy in a Public Document Repository at the Chattanooga-Hamilton County Library as of **October 25, 2024**. As this requirement is part of the overall Legal Support Program that is due within 31 months (by February 16, 2027) of the effective date of the Consent Decree, there was no public advertisement or comment period associated with this partial delivery as this will occur with the overall Legal Support Plan deliverable.

Sincerely,

Michael Patrick, P.E.
WWTA Executive Director

Enclosure

cc:

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STATE OF TENNESSEE
Hamilton County

September 25, 2024

HAMILTON COUNTY WATER & WASTEWATER TREATMENT AUTHORITY

RESOLUTION

NO. 0924-10

A HAMILTON COUNTY WATER & WASTEWATER TREATMENT AUTHORITY (WWTA) BOARD RESOLUTION TO REVISE SECTION VIII: INSPECTIONS, MONITORING, AND ENTRY; SUBSECTION F. SERVICE LATERAL PROGRAM (SLP).

WHEREAS, the WWTA has regulations regarding the PSLP program; and,

WHEREAS, WWTA staff recommends revising Section VIII: Inspections, Monitoring and Entry; subsection F. Sewer Lateral Program (SLP), in order to comply with Concent Decree requirements; and,

WHEREAS, Amending Section VIII: Inspections, Monitoring and Entry; subsection F. Sewer Lateral Program (SLP) to include Tennessee Code Annotated (TCA), Section 68-221-607(a), for the enforcement of penalties for failure to comply; and,

WHEREAS, Section VIII: Inspections, Monitoring and Entry; subsection F. Sewer Lateral Program (SLP) shall be changed in accordance with the attachment.

WHEREAS, subsection F. Sewer Lateral Program (SLP) shall be renamed subsection F. Private Sewer Lateral Program (PSLP).

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE HAMILTON COUNTY WATER & WASTEWATER TREATMENT AUTHORITY:

A resolution of the WWTA that Section VIII: Inspections, Monitoring and Entry; subsection F. Sewer Lateral Program (SLP) shall be changed as noted above.

Approved:


Chair

09-25-24
Date

F. Private Service Lateral Program (PSLP)

The PSLP provides for the location, evaluation, repair, and/or the replacement of private service laterals to meet EPA and TDEC mandates to reduce inflow, Infiltration, discharges of wastewater to the environment, and service interruptions. The program is financed by the PSLP Fee on the monthly sewer bill.

General Requirements

- 1) The program applies to private service lines in the WWTa system. The program may be initiated by the customer as a result of a service interruption or the WWTa during collection system rehabilitation.
 - a. WWTa will evaluate, repair, and/or replace the gravity service line from the connection to the sewer main to five (5) horizontal feet from the building foundation.
 - b. The WWTa is not responsible for making evaluations or repairs to service line segments that are less than five (5) horizontal feet from the building foundation or inside the building foundation.
 - c. The WWTa will correct issues that are not a result of the actions of a contractor, owner, or tenant of the property. The correction of service line issues that are a result of actions of a contractor, owner, or tenant are the responsibility of the property owner.
 - d. All customers that either utilize or are able to utilize a gravity connection in-whole or in-part to the WWTa wastewater collection system are required to pay the PSLP fee.
 - e. Defective sewer laterals with prohibited connections to the sewer system that violate area plumbing codes, WWTa regulations, and/or federal regulations that are as a result of the actions of the builder, the owner, or the tenant of the property these conditions must be corrected at the owner's expense.
 - f. Property owners are required to either allow the WWTa to make repairs or use a contractor with the appropriate Hamilton County Tennessee plumbing credentials to correct service line defects in a timely manner. "Timely" shall be defined as follows:
 - i. Defects resulting in a wastewater discharge from the private service line or an inability to discharge wastewater into the main sewer line shall be corrected as soon as possible not to exceed seven (7) calendar days of discovery.

- ii. Defects that have the potential to result in a discharge or interruption of service must be corrected as soon as possible but not to exceed one hundred eighty (180) calendar days of discovery.
- iii. The connection of roof drains, foundation drains, and general surface water drainage to the sanitary sewer system must be removed as soon as possible but not to exceed sixty (60) calendar days of discovery.

2) **Enforcement**

- a. The property owner will be notified immediately either in -person or in-writing via a door hanger to be followed up with a written formal notification within thirty (30) days of a defect discovery.
- b. Per Tennessee Code Annotated (TCA), Section 68-221-607(a), failure to allow the WWTa access or failure of the property owner to make the necessary service line repairs to correct a discharge of wastewater to the environment will result in a multiplier of five (5) times the current wastewater charge to the account holder of the property. The multiplier charge will begin immediately upon the refusal of the property owner to allow access. Refusal to respond will be considered refusal to allow access. The WWTa will seek any and all remedies authorized in TCA Section 68-221-607(a).
- c. Per Tennessee Code Annotated (TCA), Section 68-221-607(a), failure to allow the WWTa or failure of the property owner to make the necessary repairs to correct excessive inflow and or infiltration will result in a multiplier of five (5) times the current wastewater charge to the account holder of the property. The multiplier will begin immediately upon the refusal of the property owner to allow access. Refusal to respond will be considered refusal to allow access. The WWTa will seek any and all remedies authorized in TCA Section 68-221-607(a).