



Municipal Technical Advisory Service
INSTITUTE for PUBLIC SERVICE

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Water Pollution and Sewers / Wastewater

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

The University of Tennessee
Municipal Technical Advisory Service
1610 University Avenue
Knoxville, TN 37921-6741
865-974-0411 phone
865-974-0423 fax
www.mtas.tennessee.edu

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Sewer Lateral Maintenance

To control sewer inflow and seepage, cities may require the owner, tenant, or occupant of each land parcel to properly maintain the portion of a sewer connection located on the private property. Cities may cut off water service if the customer fails to make repairs after being notified to do so. T.C.A. § 7-35-201(2), T.C.A. § 68-221-209 (a) (1) (B).

Water Pollution Control Permits and Pre-treatment Programs

Federal EPA regulations require municipal sewage treatment plant operators to establish programs requiring businesses and industries discharging into the city sewers to pre-treat their effluent to meet the sewer plant's treatment standards. The state code gives cities authority to administer pre-treatment programs and assess civil penalties of up to \$10,000 per day for violations. T.C.A. §§ 69-3-101, *et seq.*

A municipality that applies for a permit under T.C.A. Title 69, Chapter 3 has these rights:

- Right to assistance from the Department of Environment and Conservation in understanding regulatory and permit requirements;
- Right to know the projected fees for review of applications and how any costs will be determined and billed;
- Right to access, via the department's website, complete and clearly written guidance, opinions, and department policies explaining the regulatory jurisdiction and requirements;
- Right to timely completeness determinations for applications. Absent extraordinary circumstances, the commissioner will notify the applicant within 30 days that the application is complete or of the existence of any deficiencies;
- Right to timely decision. Aquatic Resource Alteration Permits will be issued or denied within 90 days. Reissuance of National Pollutant Discharge Elimination System permits will be issued or denied within 180 days. New or modified National Pollutant Discharge Elimination System permits will be issued or denied within 365 days;
- Right to appeal to the board any permit review time limits that have been violated for good cause; and
- Right to know who will be reviewing the application and the time required to complete the full review. T.C.A. § 69-3-141.

Loan Programs

The state is authorized to make repayable grants to municipalities for constructing sewage treatment works based on the unobligated amount of the municipality's annual state-shared taxes. T.C.A. § 68-221-202.

T.C.A. §§ 68-221-1001, *et seq.* created a self-sustaining, low-interest, revolving loan program for wastewater facility construction. The program is administered by the Department of Environment and Conservation's Division of Community Assistance and the Tennessee Local Development Authority.

Combined Billings

A city that has both a sewer system and a water system is authorized to combine water and sewer bills (if the contractual obligations of water revenue bonds are not impaired) and to enforce the payment of both charges as a unit, including discontinuance of water service. T.C.A. § 7-35-201(3).

Bonds for Self-contained Wastewater Systems

The Tennessee Public Utility Commission must require the posting of a bond or other security for a public utility providing wastewater service or for a particular project by such a utility. The purpose of the bond is to ensure the proper operation of the utility or project. The Tennessee Public Utility Commission establishes the amount of the bond. T.C.A. § 65-4-201.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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