



## Water

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Dear Reader:

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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](http://www.mtas.tennessee.edu)

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## Water

**Reference Number:** MTAS-1459

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## Non-Metered Water Usage

**Reference Number:** MTAS-588

Water loss in municipal water systems is not new and is in fact a common problem faced by most Tennessee cities that operate a water utility. Cities, as a general rule, purchase or treat more water than they sell to customers through metered billing. The State of Tennessee has authorized the Water and Wastewater Financing Board with Municipal Water Loss requirements.

## Bill of Rights-Water Quality Control Act Permit

**Reference Number:** MTAS-1241

With drought affecting communities across the nation in recent years, the abundance of our state's water resources and the need to protect them has become increasingly apparent. Essential to protecting these valuable resources is a responsible, understandable and navigable regulation structure. Taking a step toward this goal, the Tennessee Legislature enacted protections in T.C.A. § 69-3-141 for permit applicants under the Water Quality Control Act.

Municipal utility and public works departments commonly file Water Quality Control Act permits with the Department of Environment and Conservation (TDEC), Division of Water Resources. Generally, this occurs in one of three circumstances, when: (1) a municipal construction or utility project has an impact on public waterways or watersheds, (2) a municipality needs a stormwater permit as mandated by the federal National Pollutant Discharge Elimination System (NPDES) program, or (3) a municipal wastewater plant is renewing or modifying an existing permit under the NPDES. Traditionally, this process has been burdensome.

The statute attempts to ease this burden by creating the following bill of rights for permit applicants:

- Right to assistance from the department 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 either the application is complete or there are deficiencies;
- Right to timely decision. Aquatic Resource Alteration Permits (ARAPs) will be issued or denied within 90 days. Reissuance of NPDES permits will be issued or denied within 180 days. New or modified NPDES 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. Through this appeal, applicants may obtain a set date for a decision on their permit, and where the board finds good cause, appropriate relief, including, but not limited to, a refund of all application fees; and
- Right to know who will be reviewing application and time required to complete the full review.

These protections guarantee a balance of the Water Quality Control Act's goal of unpolluted waters while protecting the rights of NPDES permit holders. For greater detail, review T.C.A. § 69-3-141.

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