Private Lateral Legal Support Program

Including Enforcement Response Guide

Submitted to EPA April 14, 2005

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering such information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

D. Wayne Loveday — 4-14-05

D. Wayne Loveday — **Date**

KUB

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Partners Acting for a Cleaner Environment

A 10-year Program to Improve Our Waterways

Executive Summary

Per Section VII.D.1.(d).(iii) of the Consent Decree, KUB is required to prepare and submit within one hundred eighty (180) days after the Date of Entry an enforcement response guide (ERG). The ERG addresses private laterals that may contain defects and/or improper connections that meet the following guidelines:

- Are potential sources of inflow and infiltration (I/I) to KUB's wastewater collection treatment system and may cause or contribute to SSOs or other violations of KUB's NPDES permits
- Allow for the possible exfiltration of wastewater onto or below the surface of the ground that could then enter the stormwater system
- Allow roots and/or debris to enter KUB's wastewater collection treatment system through cracks, holes, or poorly sealed joints, thus restricting flow and increasing the likelihood of SSOs.

In addition to the ERG for the Private Laterals, KUB's Rules and Regulations for the Wastewater Division (the "Rules and Regulations") detail the appeals and enforcement processes for the ERG and outline KUB's rules for inspection and rehabilitation for private sewer service laterals. The EPA approved the Rules and Regulations on October 15, 2004. The KUB Board formally adopted the Rules and Regulations at its December 16, 2004 open meeting.

KUB entered into a Memorandum of Understanding (MOU) with the City of Knoxville on November 4, 2004. One item addressed by the MOU is the role of the City Plumbing Inspector in the process KUB will follow to require customers to repair or replace defective laterals and remove improper connections. This process is reflected in the ERG for Private Laterals. The MOU details KUB's graduated enforcement responses, which are also included in the ERG for Private Laterals.

Deliverable Requirement	Document Reference
Include an array of tools available to KUB to require customers to repair or replace Private Laterals identified as having such defects and/or improper connections	See ERG for Private Laterals and Rules and Regulations Section XIV, detailing the enforcement
Identify the process that KUB will follow to require customers to repair or replace the identified Private Laterals	See ERG for Private Laterals and Rules and Regulations Section V.2.(C)
Set forth a series of graduated enforcement responses by KUB, including termination of services, in the event a customer fails to repair or replace the identified lateral	See ERG for Private Laterals and MOU Section 4
Describe the notice KUB provides to customers to require repair or replacement of identified private laterals and the process a customer must follow to challenge KUB's determination that repair or replacement is necessary or KUB's enforcement response, such as termination of service	See ERG for Private Laterals, Rules and Regulations Sections V.2.(C) and XIV, and MOU Section 4

Deliverable Requirement	Document Reference
Identify the process a customer must follow to request a waiver of any of the obligations to properly operate and maintain private laterals imposed by KUB's Rules and Regulations and the process KUB will use to consider granting or revoking such waivers	See Rules and Regulations Section XV.1.B, detailing the process for the Appeals Board to grant exceptions
Maintain records of all decisions to grant or revoke such waivers and the basis for each such decision	See above. Also, see Rules and Regulations Section XV.3, pertaining to the hearing procedures, including the right to have the hearing recorded stenographically or electronically

This document has completed the 30-day public comment period in the Public Document Repository. One comment was received requesting the location of the Enforcement Response Guide for Private Laterals. A copy of the comment and KUB's response are attached.

Knoxville Utilities Board
Rules and Regulations - Wastewater
Enforcement Response Guide - Private Service Laterals

NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCEMENT RESPONSE	PERSONNEL
1.(a) Customer and/or user has improper connection to wastewater system that violates the Standard Plumbing Code of the City, the appropriate regulatory authority for the area of connection outside of the City, or KUB's standards and specifications for connections to its wastewater system	Allows for possible exfiltration of wastewater onto or below the surface of the ground that could then enter into the waters of the State and/or the separate storm sewer system of the appropriate regulatory agency, including but not limited to City of Knoxville's municipal separate storm sewer	NONC; copy to COK PI if within COK limits Publish*	I, PC PC
1.(b) Customer and/or user has a defective private service lateral that contains defects	Potential source(s) to the wastewater system of extraneous ground or surface water inflow and infiltration ("I/I") that may cause or contribute to wet weather overflows in the wastewater system	NONC; copy to COK PI if within COK limits Publish*	I, PC PC
	Allow roots/debris to enter the wastewater system through cracks, holes or poorly sealed joints	NONC; copy to COK PI if within COK limits Publish*	I, PC PC
2.(a) 30 days after mailing of 1st NONC, customer and/or user fails to fix improper connection or fails to request plumbing permit from COK PI	Allows for possible exfiltration of wastewater onto or below the surface of the ground that could then enter into the waters of the State and/or the separate storm sewer system of the appropriate regulatory agency, including but not limited to City of Knoxville's municipal separate storm sewer	NOV (within COK limits); NOV (outside COK limits but within KUB's wastewater service area) Publish*	COK PI PC PC

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NONCOMPLIANCE	NATURE OF VIOLATION	ENFORCMENT RESPONSES	PERSONNEL
2.(b) 30 days after mailing of 1st NONC, customer and/or user fails to fix defective private service lateral or contact COK PI for plumbing permit	Potential source(s) to the wastewater system of extraneous ground or surface water inflow and infiltration ("I/I") that may cause or contribute to wet weather overflows in the wastewater system	NOV (if within COK limits) NOV (if outside COK limits but within KUB's wastewater service area) Publish*	COK PI, PC PC
	Allow roots/debris to enter the wastewater systems through cracks, holes or poorly sealed joints	NOV (within COK limits) NOV (outside COK limits but within KUB's wastewater service area) Publish*	COK PI PC PC
3.(a) 90 days after mailing of 1st NONC, customer and/or user has failed to fix improper connection or apply for plumbing permit with COK PI	Allows for possible exfiltration of wastewater onto or below the surface of the ground that could then enter into the waters of the State and/or the separate storm sewer system of the appropriate regulatory agency, including but not limited to City of Knoxville's municipal separate storm sewer	Inspector visit Publish* AO Show cause hearing; Terminate service(s) SRH	I PC I, PC, DTPCS PC, COO PC, DTPCS
3.(b) 90 days from mailing 1st NONC, customer and/or user fails to fix defective private service lateral or apply for plumbing permit with COK PI	Potential source(s) to the wastewater system of extraneous ground or surface water inflow and infiltration ("I/I") that may cause or contribute to wet weather overflows in the wastewater system	Inspector visit Publish* AO Show cause hearing; Terminate service(s) SRH	I PC I, PC, DTPCS PC, COO PC, DTPCS
	Allow roots/debris to enter the wastewater system through cracks, holes or poorly sealed joints	Inspector visit Publish* AO Show cause hearing; Terminate service(s) SRH	I PC I, PC, DTPCS PC, COO PC, DTPCS

NOTES ON RESPONSES

The above enforcement responses are the probable initial ones.

A. Violations, which threaten health, property, or environmental quality, are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
B. For more complete information concerning enforcement, abatement, and appeals refer to sections XIV and XV of the Rules and Regulations.
C. * In the case of nonresident or unknown owners, service of the notice may be made by publication in a daily newspaper, published in the *City* or in a newspaper of general circulation within the service area, for a period of three (3) days. Upon completion of such publication, the notice requirement will be satisfied.

Key:
AO = Administrative Orders
COK = City of Knoxville
COK PI = City of Knoxville Plumbing Inspector
COO = KUB Chief Operating Officer
DTPCS = Director of Treatment Plants and Collection System
I = KUB Inspector
NONC = Notice of Non-compliance
NOV = Notice of Violation
PC = KUB Program Coordinator
SRH = Service Renewal Hearing

Patricia R Green/ODD/CSV/KUB

04/13/2005 12:57 PM

To "Kevin McIntyre" <kevin.mcintyre@regalcinemas.com>

cc Jason Brooks/CSI/EAO/KUB@KUB, Debbie Hickman/ODD/CSV/KUB@KUB

bcc BPRC

Subject RE: Document Question

Mr. McIntyre:

Thank you for your response. I have forwarded your concerns to our Collection System Improvement Team. If they have not already done so, they will follow-up with you on this matter.

Thank you

Pat Green
594-8233

"Kevin McIntyre" <kevin.mcintyre@regalcinemas.com>

"Kevin McIntyre" <kevin.mcintyre@regalcinemas.com>

04/12/2005 10:59 AM

To "Patricia R Green" <PRGreen@kub.org>

cc

Subject RE: Document Question

Well, I am having some sewer issues at the lateral that my line ties into (as proven by a licensed plumber who came to my property and camera-ed my sewer line from my cleanout to the road) and KUB is not really wanting to cooperate and frankly, I believe it is because of the PACE10 program. I live on Gresham Road which is slated for sewer improvement work between now and the end of the year and I think that KUB is just not wanting to spend the time to work on or fix the issue prematurely. I am trying to do some research to find out what my options are.

Thanks for the information.

Kevin McIntyre

From: Patricia R Green [mailto:PRGreen@kub.org]
Sent: Tuesday, April 05, 2005 5:22 PM
To: Kevin McIntyre
Subject: Fw: Document Question

Mr. McIntyre:

The Enforcement Response Guide (ERG) for Private Laterals can be found on pages 4-6 of the Private Lateral Legal Support Program document located on KUB's website, www.kub.org, under the Consent Decree Public Document Repository. I would be glad to answer any questions you may have about the ERG. I can be reached at 594-8233.

Thank you

Pat Green

----- Forwarded by Jason Brooks/CSI/EAO/KUB on 04/05/2005 03:02 PM -----

"Kevin McIntyre" <kevin.mcintyre@regalcinemas.com>

04/05/2005 02:30 PM

To<wastewater@kub.org>
cc
SubjectDocument Question

My name is Kevin McIntyre and I live at 811 Gresham Road in Knoxville. I am attempting to locate the *ERG for Private Laterals* document and would like to know if there is a link I can download this from or somewhere I can pick up a copy. I found the *Private Lateral Legal Support Program* on the KUB website which makes references to certain sections of the *ERG for Private Laterals* document and I am interested in following up on the information detailed in that document.

Please let me know if you need any other information.

Thanks
Kevin McIntyre