

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
(Southern Division)

THE UNITED STATES OF AMERICA)
and THE STATE OF TENNESSEE, *ex rel.*)
JONATHAN SKRMETTI, in his)
official capacity as the Attorney General)
and Reporter of Tennessee,)

Plaintiffs,)

v.)

Case No. _____

HAMILTON COUNTY WATER &)
WASTEWATER TREATMENT)
AUTHORITY,)

Defendant.)

COMPLAINT

The United States of America, by authority of the Attorney General of the United States and through the undersigned attorneys, acting at the request of the Administrator of the United States Environmental Protection Agency (“EPA”), and the State of Tennessee (“State”), *ex rel.* Jonathan Skrmetti, Attorney General and Reporter of Tennessee, acting at the request of the Tennessee Department of Environment and Conservation (“TDEC”), file this Complaint and allege as follows:

NATURE OF ACTION

1. This is a civil action for penalties and injunctive relief brought under Sections 301 and 309 of the Clean Water Act (the “Act” or “CWA”), 33 U.S.C. §§ 1311 and 1319, and under Tenn. Code Ann. §§ 69-3-107, 69-3-115, and 69-3-117 of the Tennessee Water Quality Control Act (“TWQCA”), Tenn. Code Ann. §§ 69-3-101 through 69-3-148, against the Hamilton County

Water and Wastewater Treatment Authority (“WWTA”). The action seeks penalties and injunctive relief for numerous events where untreated or partially treated sewage escaped from the wastewater collection, transmission and treatment system owned and operated by WWTA from at least July 22, 2011, through the date this Complaint was filed. These events violated Sections 301 and 309 of the CWA, 33 U.S.C. §§ 1311 and 1319, Tenn. Code Ann. §§ 69-3-108 and 69-3-114, and conditions established in the National Pollutant Discharge Elimination System Permit No. TN0021211 (“NPDES Permit”) issued to WWTA by TDEC pursuant to its EPA-approved permit program under CWA Section 402, 33 U.S.C. § 1342. This action also seeks penalties and injunctive relief under Tenn. Code Ann. §§ 69-3-107, 69-3-115, and 69-3-117 for violations of conditions of Tennessee State Operating Permit No. SOP-89044 (“SOP”), which authorizes the operation of a municipal wastewater collection system under state law.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over this action pursuant to Section 309(b) of the Act, 33 U.S.C. § 1319(b), and 28 U.S.C. §§ 1331, 1345, and 1355. Pursuant to 28 U.S.C. § 1367(a), this Court has supplemental jurisdiction over Tennessee’s state law claims under the TWQCA because the state law claims are related to the federal law claims and form part of the same case or controversy.

3. The United States has authority to bring this action on behalf of the Administrator of EPA (“Administrator”) under Section 506 of the Act, 33 U.S.C. § 1366. The Tennessee Attorney General has the authority to bring this suit on behalf of the State of Tennessee in accordance with Tenn. Code Ann. §§ 8-6-109 and 8-6-110 and the common law of Tennessee.

4. Venue is proper in the Eastern District of Tennessee pursuant to 28 U.S.C. §§ 1391(b) and 1395 because it is the judicial district in which WWTa is located and in which the alleged violations occurred.

5. Notice of the commencement of this action has been provided to the State pursuant to Section 309(b) of the Act, 33 U.S.C. § 1319(b).

**DEFENDANT HAMILTON COUNTY WATER AND WASTEWATER TREATMENT
AUTHORITY**

6. Defendant WWTa is an “authority” within the meaning of the Tennessee Water and Wastewater Treatment Authority Act, Tenn. Code Ann. §§ 68-221-601 through 68-221-620, and a “municipality” within the meaning of Section 502(4) of the CWA, 33 U.S.C. § 1362(4). WWTa owns, operates, and maintains a sanitary sewer system consisting of the Signal Mountain Wastewater Treatment Plant (“WWTP”) along with a wastewater collection and transmission system (“WCTS”) comprising approximately 394 miles of gravity sanitary sewer lines, 91 miles of pressurized sewer lines, 10,443 manholes, 57 sanitary sewer pump stations, and associated appurtenances designed to collect and convey municipal sewage (domestic, commercial, and industrial) to the WWTP or to the City of Chattanooga’s Moccasin Bend Wastewater Treatment Plant (“Chattanooga WWTP”). WWTa is permitted to discharge pollutants into waters of the United States and waters of the State from the WWTP and from the portions of the WCTS that transmit wastewater to the Signal Mountain WWTP pursuant to the terms of the NPDES Permit. TDEC issued the NPDES Permit to WWTa under Section 402(b) of the CWA, 33 U.S.C. § 1342(b), and Tenn. Code Ann. §69-3-108(g). The NPDES Permit authorizes the discharge of pollutants from an outfall at the WWTP. WWTa is also permitted to operate its WCTS, including portions of the WCTS that transmit wastewater to the Chattanooga WWTP pursuant to the terms

of the SOP. The SOP authorizes the operation of a collection and transmission system which transmits municipal wastewater to the WWTP and to the Chattanooga WWTP. TDEC issued the SOP to WWTa under Tenn. Code Ann. § 69-3-108 and the regulations promulgated pursuant thereto.

**CLEAN WATER ACT, TENNESSEE WATER QUALITY CONTROL ACT, AND
REGULATORY PROVISIONS**

7. The CWA's objective is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. § 1251(a). The CWA establishes a national goal to eliminate the discharge of pollutants into navigable waters. 33 U.S.C. § 1251(a)(1).

8. CWA Section 301(a), 33 U.S.C. § 1311(a), prohibits the "discharge of any pollutant by any person" into waters of the United States except in compliance with that Section, including, where applicable, an NPDES permit issued under CWA Section 402, 33 U.S.C. § 1342.

9. CWA Section 502(12) defines "discharge of a pollutant" to include "any addition of any pollutant to navigable waters from any point source." 33 U.S.C. § 1362(12).

10. CWA Section 502(6) defines "pollutant" to include sewage, biological materials, and industrial, municipal, and agricultural waste. 33 U.S.C. § 1362(6).

11. CWA Section 502(7) defines "navigable waters" as the "waters of the United States, including the territorial seas." 33 U.S.C. § 1362(7).

12. Tenn. Code Ann. § 69-3-108(b)(6) prohibits the discharge of pollutants to waters of the State or to "a location from which it is likely that the discharged substance will move into waters" without a valid permit. Tenn. Code Ann. § 69-3-114(b) provides that it is illegal to act "in a manner or degree" that violates any permit provision. Tenn. Code Ann. § 69-3-114(a) prohibits the discharge or placement of substances in a location where the substances, by themselves or in

combination with others, could cause pollution to the waters of the State, as defined in Tenn. Code Ann. § 69-3-103(45).

NPDES Program

13. CWA Section 402(b), 33 U.S.C. § 1342(b), provides that EPA may approve state NPDES permitting programs. The State of Tennessee, through TDEC, is authorized to issue NPDES permits in Tennessee, and does so in accordance with the TWQCA, Tenn. Code Ann. §§ 69-3-105(h), 69-3-107(14), and 69-3-108(g), and Tenn. Comp. R. & Reg., chs. 0400-40-01, 0400-40-03, and 0400-40-05.

14. CWA Section 402(a), 33 U.S.C. § 1342(a), provides that the permit-issuing authority may issue an NPDES permit authorizing the discharge of any pollutant, but only in compliance with the applicable requirements of CWA Section 301(a), 33 U.S.C. § 1311(a), and such other conditions as the Administrator determines are necessary to carry out the provisions of the Act.

15. CWA Section 402(a)(2), 33 U.S.C. § 1342(a)(2), directs the Administrator to prescribe conditions and limitations, including effluent limitations and reporting requirements, for NPDES permits to ensure compliance with certain requirements of the Act, including Section 301(a), 33 U.S.C. § 1311(a).

16. CWA Section 301(b), 33 U.S.C. § 1311(b), requires publicly owned treatment works (“POTWs”) to achieve effluent limitations based on secondary treatment of wastewater.

17. Effluent limitations, as defined in CWA Section 502(11), 33 U.S.C. § 1362(11), are restrictions on the quantity, rate, and concentration of chemical, physical, biological, and other constituents that are discharged from point sources.

18. Pursuant to 40 C.F.R. § 122.41(a), a permittee must comply with all conditions of its NPDES permit and any permit noncompliance is a violation of the CWA.

19. Pursuant to 40 C.F.R. § 122.41(e), a permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with the conditions of its NPDES permit, including backup or auxiliary facilities.

20. CWA Section 308, 33 U.S.C. § 1318, and Tenn. Code Ann. §§ 69-3-108 and 69-3-113, authorize EPA and TDEC to require a permittee to, *inter alia*, (i) establish and maintain records, (ii) complete reports, (iii) install, use, and maintain monitoring equipment, (iv) monitor and report the pollutant levels in its discharged wastewater, and (v) provide related information.

21. Pursuant to 40 C.F.R. § 122.41(l)(4), a permittee must report the results of monitoring required by its NPDES permit to the permitting authority at intervals specified in its permit. Such reports are referred to as Discharge Monitoring Reports (“DMRs”).

State Permitting Program

22. Under state authority independent of the CWA and NPDES program, TDEC issues state permits to operate wastewater treatment facilities, including wastewater collection and transmission systems, pursuant to the TWQCA, Tenn. Code Ann. § 69-3-108, and regulations promulgated pursuant thereto.

Enforcement

23. The United States Department of Justice has authority to bring this action on behalf of EPA pursuant to CWA Section 506, 33 U.S.C. § 1366.

24. CWA Section 309(b), 33 U.S.C. § 1319(b), authorizes the Administrator to commence a civil action for appropriate relief, including a permanent or temporary injunction, when any person violates CWA Section 301, 33 U.S.C. § 1311, or any condition or limitation in an NPDES permit issued pursuant to CWA Section 402, 33 U.S.C. § 1342. The TWQCA, Tenn. Code Ann. §§ 69-3-107, 69-3-114, 69-3-115, and 69-3-117, provides similar authority to the TDEC Commissioner.

25. CWA Section 309(d), 33 U.S.C. § 1319(d), provides that any person who violates CWA Section 301, 33 U.S.C. § 1311, or violates any condition or limitation in an NPDES permit issued pursuant to CWA Section 402, 33 U.S.C. § 1342, shall be subject to a civil penalty. The civil penalty amount has been adjusted so that such violations are subject to a civil penalty not to exceed \$37,500 per day for each violation occurring after January 12, 2009, and before November 2, 2015, and a civil penalty not to exceed \$64,618 for violations occurring after November 2, 2015. Federal Civil Penalties Inflation Adjustment Act of 1990, Pub. L. No 101-410, 104 Stat. 890 (1990), as amended by Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, § 31001(s)(1), 110 Stat. 1321-373 (1996); Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Pub. L. No. 114-74, § 701, 129 Stat. 584, (28 U.S.C. § 2461 note); and Statutory Civil Monetary Penalties, as Adjusted for Inflation, and Tables, 40 C.F.R. § 19.4 and 88 Fed. Reg. 986, 989 (Jan. 6, 2023).

26. The TWQCA provides that any person that violates effluent standards, water quality standards, permit terms or conditions, or filing requirements, or that fails to allow or perform entry, inspecting, monitoring or reporting requirements, is subject to a civil penalty of up to \$10,000 per day for each day during which the act or omission continues or occurs. Tenn. Code

Ann. § 69-3-115(a)(1). Polluters or violators can also be liable for damages including state investigation and enforcement costs, the costs of removing any pollution, and compensation for loss of wildlife, fish, aquatic life, and any other actual damages caused by the pollution or violation. Tenn. Code Ann. § 69-3-116.

GENERAL ALLEGATIONS

27. At all times relevant herein, WWTa has had the responsibility to operate and maintain the WWTP and the WCTS. A portion of the WCTS receives wastewater from residential, commercial, and industrial sources within Hamilton County, Tennessee (“Hamilton County”) and transmits such wastewater for treatment to the WWTP. A portion of WWTa’s WCTS receives wastewater from residential, commercial, and industrial sources within Hamilton County and transmits such wastewater to the Chattanooga WWTP for treatment and discharge. WWTa discharges treated, partially treated, and untreated wastewater into the Tennessee River and its system of tributaries and river basins.

28. EPA initially learned of WWTa’s compliance problems through WWTa’s voluntary participation in EPA Region 4’s Management, Operation, and Maintenance (“MOM”) Programs Project. Through this program, WWTa completed a self-assessment inspection and began reporting potential violations to EPA and TDEC.

29. At all times relevant herein, WWTa is a “person” within the meaning of CWA Section 502(5), 33 U.S.C. § 1362(5), and Tenn. Code Ann. § 69-3-103(27).

30. The WWTP and WCTS are “point sources” within the meaning of CWA Section 502(14), 33 U.S.C. § 1362(14), and “sources” within the meaning of Tenn. Code Ann. § 69-3-103(38).

31. At all times relevant herein, WWTa has “discharged pollutants” from the WCTS and WWTP within the meaning of CWA Sections 502(6) and 502(12), 33 U.S.C. §§ 1362(6) and 1362(12), and Tenn. Code Ann. § 69-3-103(10), into the Tennessee River and/or tributaries to the Tennessee River. Specifically, WWTa has released pollutants into Baylor Lake, Chattanooga Creek, Chickamauga Creek, Gillespie Springs Branch, Middle Creek, Poe Branch, Rogers Branch, South Chickamauga Creek, Spring Creek, Stringers Branch, and Wolftever Creek. All of these waters are tributaries or river basins of the Tennessee River, a navigable water within the meaning of CWA Section 502(7), 33 U.S.C. § 1362(7), and 40 C.F.R. § 122.2. This discharge of pollutants includes but is not limited to sewage, as defined in CWA Section 502(6), 33 U.S.C. § 1362(6), and Tenn. Code Ann. § 69-3-103(35).

32. The Tennessee River and the water bodies referenced in paragraph 31, are waters of the United States within the meaning of CWA Section 502(7), 33 U.S.C. § 1362(7), and 40 C.F.R. §§ 120.2 and 122.2.

33. The Tennessee River and its system of tributaries and river basins are “waters” of the State under Tenn. Code Ann. § 69-3-103(45), which is defined as “any and all water, public or private, on or beneath the surface of the ground, that are contained within, flow through, or border upon Tennessee or any portion thereof, except those bodies of water confined to and retained within the limits of private property in single ownership that do not combine or effect a junction with natural surface or underground waters.”

34. Pursuant to CWA Section 402, 33 U.S.C. § 1342, and Tenn. Code Ann. § 69-3-108(g), TDEC issued the NPDES Permit to WWTa for the WWTP on August 31, 2009. That permit expired on August 29, 2014, but was administratively continued until TDEC reissued a

permit (Permit Number TN0021211) on March 1, 2016, with an expiration date of February 28, 2019. TDEC issued the current permit for the WWTP (Permit Number TN0021211) on March 1, 2019, effective April 1, 2019, and expiring March 31, 2024.

35. At all relevant times herein, the NPDES Permit has authorized WWTa to discharge pollutants from a specified outfall to the Tennessee River at mile 453.7, subject to effluent limitations, monitoring requirements, and other conditions set forth in the NPDES Permit.

36. The NPDES Permit provides that “[a]ll discharges shall be consistent with the terms and conditions of this permit.” A discharge “refers to the addition of pollutants to waters from a source.”

37. The NPDES Permit defines “waters” as “any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.”

38. The NPDES Permit establishes limitations on the mass and concentration of pollutants that WWTa may discharge from the WWTP during a given period. The NPDES permit also requires WWTa to submit periodic DMRs to TDEC.

39. The NPDES Permit prohibits “sanitary sewer overflows,” which the permit defines as “an unpermitted discharge of wastewater from the collection or treatment system other than through the permitted outfall.” The NPDES Permit also requires the permittee to operate the collection system so as to avoid any sanitary sewer overflows and releases of sewage other than through permitted outfalls.

40. The NPDES Permit prohibits bypass, which it defines as the intentional diversion of waste streams from any portion of a treatment facility, unless the following three conditions are met: (1) the bypass is required to prevent loss of life, personal injury, or severe property damage; (2) there are no feasible alternatives to bypass; and (3) the permittee submits notice of an unanticipated bypass to TDEC's Division of Water Resources in the appropriate field office within 24 hours of becoming aware of the bypass.

41. The NPDES Permit requires WWTa, at all times, to properly operate and maintain all collection and treatment facilities and systems (and related appurtenances) that WWTa installs or uses to achieve compliance with the permit terms and conditions.

42. Tenn. Code Ann. § 69-3-108(c) requires WWTa to obtain a permit from TDEC to operate its WCTS. On August 1, 2014, TDEC issued the SOP, effective October 1, 2014, through July 31, 2019, to WWTa. On April 1, 2019, TDEC issued the current SOP, effective August 1, 2019, and expiring July 31, 2024, to WWTa.

FIRST CLAIM FOR RELIEF
(UNPERMITTED DISCHARGES FROM SANITARY SEWER SYSTEM)

43. Paragraphs 1 through 42 are realleged and incorporated herein by reference.

44. From at least July 22, 2011, and continuing through the date this Complaint was filed, WWTa has reported at least 393 sanitary sewer overflows ("SSOs") from its WCTS that discharged into waters of the United States and waters of the State, within the meaning of CWA Section 502, 33 U.S.C. § 1362, and Tenn. Code Ann. § 69-3-103(45). These SSOs are catalogued in Appendix A, which draws factual information from WWTa's self-reporting documents.

45. Each of the SSOs referred to in the preceding paragraph constitutes a discharge of pollutants from a point source into waters of the United States and waters of the State that was not

authorized by an NPDES permit or another exception specified in CWA Section 301, 33 U.S.C. § 1311, in violation of CWA Section 301, 33 U.S.C. § 1311, and Tenn. Code Ann. §§ 69-3-108(b)(6) and 69-3-114.

46. Each day of unpermitted overflow by WWTa referred to in Paragraph 44 constitutes a separate violation of CWA Section 301, 33 U.S.C. § 1311, and Tenn. Code Ann. §§ 69-3-108 and 69-3-114.

47. WWTa is liable for a civil penalty of up to \$37,500 per day for each violation of CWA Section 301, 33 U.S.C. § 1311, occurring on or after January 12, 2009, and before November 2, 2015, and a civil penalty not to exceed \$64,618 for violations occurring after November 2, 2015. Section 309 of the Act, 33 U.S.C. § 1319; 40 C.F.R. § 19.4. Additionally, WWTa is liable for a civil penalty of up to \$10,000 per day during which a violation of Tenn. Code Ann. §§ 69-3-108 and 69-3-114 occurs.

48. Unless enjoined by an order of the Court, WWTa will continue to violate CWA Section 301, 33 U.S.C. § 1311, and Tenn. Code Ann. §§ 69-3-108 and 69-3-114, by discharging untreated sewage containing pollutants from unpermitted point sources within its WCTS into the Tennessee River and/or its tributaries.

SECOND CLAIM FOR RELIEF
(FAILURE TO COMPLY WITH NPDES PERMIT CONDITIONS:
PROPER OPERATION AND MAINTENANCE)

49. Paragraphs 1 through 42 are realleged and incorporated herein by reference.

50. On numerous occasions between July 2011 and the date this Complaint was filed, in addition to the discharges referred to in Paragraph 44, WWTa has allowed SSOs and other releases of sewage from its WCTS to occur from various points within its WCTS.

51. From at least July 2011, continuing through the date this Complaint was filed, WWTa failed to comply with Section 2.1.4 of its NPDES Permit by failing to properly operate and maintain all of its permitted facilities and systems of treatment and control (and related appurtenances) that are installed or used by WWTa to achieve compliance with the conditions of the NPDES Permit. This failure to comply is evidenced, in part, by the discharges and releases referred to in Paragraphs 44 and 50.

52. Each day WWTa failed to comply with the operation and maintenance provisions of Section 2.1.4 of its NPDES Permit constitutes a separate violation of a condition or limitation in an NPDES permit issued under Section 402 of the Act, 33 U.S.C. §§ 1311 and 1342, and Tenn. Code Ann. §§ 69-3-108 and 69-3-114.

53. WWTa is liable for a civil penalty of up to \$37,500 per day for each violation of a permit issued under CWA Section 402, 33 U.S.C. § 1342, occurring on or after January 12, 2009, and before November 2, 2015, and a civil penalty not to exceed \$64,618 for violations occurring after November 2, 2015. Section 309 of the Act, 33 U.S.C. § 1319; 40 C.F.R. § 19.4. WWTa is liable for a civil penalty of up to \$10,000 per day during which a violation of Tenn. Code Ann. §§ 69-3-108 and 69-3-114 occurs.

54. Unless enjoined by an order of the Court, WWTa will continue to violate its NPDES Permit by failing to properly operate and maintain all of its permitted facilities and systems of treatment and control (and related appurtenances) that are installed or used by WWTa to achieve compliance with the conditions of Section 2.1.4 of its NPDES Permit.

THIRD CLAIM FOR RELIEF
(FAILURE TO COMPLY WITH BYPASS NPDES PERMIT CONDITIONS)

55. Paragraphs 1 through 42 are realleged and incorporated herein by reference.

56. On at least 87 occasions between January 2012 and the date this Complaint was filed, WWTa self-reported bypasses of sewage into waters of the United States and waters of the State.

57. From at least January 2012 through the date this Complaint was filed, WWTa violated the bypass permit conditions of Part 2.3.6 of its NPDES Permit by failing to have in place mechanisms and specific procedures to prevent bypasses.

58. WWTa is liable for a civil penalty of up to \$37,500 per day for each violation of a condition or limitation of a permit issued under CWA Section 402 occurring on or after January 12, 2009, and before November 2, 2015, and a civil penalty not to exceed \$64,618 for violations occurring after November 2, 2015. Section 309 of the Act, 33 U.S.C. § 1319; 40 C.F.R. § 19.4. WWTa is liable for a civil penalty of up to \$10,000 per day during which a violation of Tenn. Code Ann. §§ 69-3-108 and 69-3-114 occurs.

59. Unless enjoined by an order of the Court, WWTa will continue to violate its NPDES Permit by failing to comply with permit conditions concerning bypasses.

FOURTH CLAIM FOR RELIEF
(VIOLATIONS OF EFFLUENT LIMITS IN NPDES PERMIT)

60. Paragraphs 1 through 42 are realleged and incorporated herein by reference.

61. From March 2018 through May 2021, WWTa failed to comply with the effluent limit conditions of Part 1.1 of its NPDES Permit for the WWTP by discharging, on at least 189 occasions, effluent which failed to meet the NPDES Permit's effluent limits. WWTa self-reported the effluent limitation violations in its DMRs. Such effluent limitation violations are listed in the Table of Effluent Limit Violations attached as Appendix B hereto.

62. WWTa is liable for a civil penalty of up to \$37,500 per day for each violation of a condition or limitation of a permit issued under CWA Section 402 occurring on or after January 12, 2009, and before November 2, 2015, and a civil penalty not to exceed \$64,618 for violations occurring after November 2, 2015. Section 309 of the Act, 33 U.S.C. § 1319; 40 C.F.R. § 19.4. Additionally, WWTa is liable for a civil penalty of up to \$10,000 per day during which a violation of Tenn. Code Ann. §§ 69-3-108 and 69-3-114 occurs.

63. Unless enjoined by an order of the Court, WWTa will continue to violate its NPDES Permit by failing to comply with the effluent limits in its permit.

FIFTH CLAIM FOR RELIEF
(FAILURE TO COMPLY WITH PROPER OPERATION AND MAINTENANCE
PROVISIONS OF STATE OPERATING PERMIT)
(By Tennessee Only)

64. Paragraphs 1 through 42 are realleged and incorporated herein by reference.

65. The State of Tennessee, through TDEC, is authorized to issue State Operating Permits for Wastewater Treatment Facilities, including municipal wastewater collection systems.

66. WWTa is required to obtain a permit from TDEC to operate a “sewerage system” pursuant to Tenn. Code Ann. § 69-3-108(c). A “sewerage system” is defined at Tenn. Code Ann. § 69-3-103(36) as “the conduits, sewers, and all devices and appurtenances by means of which sewage and other waste is collected, pumped, treated, or disposed.”

67. WWTa is permitted to operate the WCTS pursuant to the terms of the SOP, authorizing the operation of its collection and transmission system, which collects and transmits municipal wastewater to its WWTP and to Chattanooga’s WWTP.

68. Between July 2014 and the date this Complaint was filed, WWTa allowed at least 343 SSOs to occur from various points within the portion of the WCTS that sends flow to the Chattanooga WWTP.

69. From July 2014 to the date this Complaint was filed, WWTa failed to comply with Section C.3.b. of the SOP, which prohibits SSOs and releases from the WCTS caused by improper operation or maintenance of the permittee's collection and transmission system, and Section A.4. of the SOP, which requires that WWTa "at all times properly operate and maintain all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit." "Releases" are defined at page 2 of the SOP as "the flow of sewage from any portion of the collection or transmission system owned or operated by the permittee other than through permitted outfalls that does not add pollutants to waters." In addition, a "release" includes a backup into a building or private property that is caused by blockages, flow conditions, or other malfunctions originating in the collection and transmission system owned or operated by the permittee." WWTa's failure to comply with Sections C.3.b. and A.4 of the SOP is evidenced, in part, by the SSOs referred to in Paragraph 68.

70. Each day WWTa failed to comply with the operation and maintenance provisions of Sections A.4 and C.3.b. of the SOP constitutes a separate violation of Tenn. Code Ann. §§ 69-3-108 and 69-3-114.

71. Pursuant to Tenn. Code Ann. § 69-3-115, WWTa is liable for a civil penalty of up to \$10,000 per day during which a violation of Tenn. Code Ann. §§ 69-3-108 and 69-3-114 occurs.

72. Unless enjoined by an order of the Court, WWTa will continue to violate Tenn. Code Ann. §§ 69-3-108 and 69-3-114 by failing to properly operate and maintain all of its permitted facilities and systems of treatment and control (and related appurtenances) that are installed or used by WWTa to achieve compliance with Sections A.4. and C.3.b. of the SOP.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, the United States of America and the State of Tennessee, request that the Court enter judgment on their behalf as follows:

A. Pursuant to CWA Section 309(b), 33 U.S.C. § 1319(b), and Tenn. Code Ann. § 69-3-117, order WWTa to undertake a program to achieve permanent and consistent compliance with all terms and conditions of its NPDES Permit, the Clean Water Act, the Tennessee Water Quality Control Act, the SOP, and the regulations promulgated thereunder for its sanitary sewer system.

B. Pursuant to CWA Section 309(b) and (d), 33 U.S.C. §1319(b) and (d), assess civil penalties against WWTa of up to \$37,500 per day for each day of violation that occurred after June 1, 2009, and before November 2, 2015, and a civil penalty not to exceed \$64,618 for violations occurring after November 2, 2015. *See also* 40 C.F.R. § 19.4. Pursuant to Tenn. Code Ann. § 69-3-115, assess civil penalties of up to \$10,000 per day during which WWTa violated Tenn. Code Ann. §§ 69-3-108 and 69-3-114.

C. Grant the United States and the State of Tennessee such other relief as the Court deems appropriate.

Respectfully submitted,

TODD KIM
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09/29/2023

s/ Peter Krzywicki
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APPENDIX A

WWTA OVERFLOWS REACHING WATERS OF THE UNITED STATES

The table below lists each of the overflows that the Complaint alleges reached waters of the United States. All factual information in this Appendix comes from information provided by WWTa in its self-reporting documents. Where WWTa left a blank in its report, did not report a quantity of gallons, or did not report an end date, these overflows are provided exactly as WWTa reported them.

	Facility ID¹	Start Date	End Date	Gallons	Waters of US
1.	03342-02	12/15/2022		8250	Stringers Branch
2.	03342-02	2/23/2022		116313	Stringers Branch
3.	1264A	2/23/2022		108984	Spring Creek
4.	LM283	2/23/2022		111328	Gillespie Springs Branch
5.	LM284	2/23/2022		144727	Gillespie Springs Branch
6.	03342-02	3/31/2021		7500	Stringers Branch
7.	LM283	3/31/2021		49500	Gillespie Springs Branch
8.	LM284	3/31/2021		33000	Gillespie Springs Branch
9.	03342-02	3/18/2021		6375	Stringers Branch
10.	LM283	3/18/2021		86063	Gillespie Springs Branch
11.	LM284	3/18/2021		57375	Gillespie Springs Branch
12.	1264A	3/17/2021		57000	Spring Creek
13.	LM284	11/27/2019			Gillespie Springs Branch
14.	LM283	11/27/2019			Gillespie Springs Branch
15.	90301-1	11/27/2019			Rogers Branch
16.	LM327	11/23/2019	11/24/2019		Gillespie Springs Branch
17.	LM326	11/23/2019	11/24/2019	39000	Gillespie Springs Branch
18.	LM284	11/23/2019	11/24/2019	39000	Gillespie Springs Branch
19.	LM283	11/23/2019	11/24/2019	87750	Gillespie Springs Branch
20.	90301-01	5/11/2019	5/13/2019	6750	Rogers Branch (Wolftever Creek Tributary)

¹ It is the understanding of the United States that every overflow from a particular facility ID occurs at the same location.

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	Facility ID¹	Start Date	End Date	Gallons	Waters of US
21.	LM283	5/11/2019	5/13/2019	284882	Gillespie Springs Branch
22.	LM284	5/11/2019	5/13/2019	219094	Gillespie Springs Branch
23.	15	5/11/2019	5/12/2019	67500	Spring Creek
24.	LM283	4/19/2019	4/20/2019	82688	Gillespie Springs Branch
25.	LM284	4/19/2019	4/20/2019	82688	Gillespie Springs Branch
26.	FM8648	4/9/2019	4/9/2019	10000	Rogers Branch (Wolftever Creek Tributary)
27.	LM283	3/9/2019	3/11/2019	233203	Gillespie Springs Branch
28.	LM284	3/9/2019	3/11/2019	167906	Gillespie Springs Branch
29.	LM326	3/9/2019	3/11/2019	74625	Gillespie Springs Branch
30.	LM283	3/3/2019	3/5/2019	120750	Gillespie Springs Branch
31.	LM284	3/3/2019	3/5/2019	120750	Gillespie Springs Branch
32.	1264A	3/3/2019	3/4/2019	67300	Spring Creek
33.	1257	2/23/2019	2/23/2019	563	Spring Creek
34.	1264A	2/23/2019	2/25/2019	85938	Spring Creek
35.	03342-02	2/20/2019	2/25/2019	262188	Stringers Branch
36.	RB9132	2/20/2019	2/25/2019	562889	Stringers Branch
37.	LM326	2/20/2019	2/23/2019	168281	Gillespie Springs Branch
38.	1264A	2/20/2019	2/21/2019	37344	Spring Creek
39.	LM283	2/18/2019	2/25/2019	799313	Gillespie Springs Branch
40.	LM284	2/18/2019	2/25/2019	1052156	Gillespie Springs Branch
41.	LM283	2/12/2019	2/13/2019	186785	Gillespie Springs Branch
42.	LM284	2/12/2019	2/13/2019	116016	Gillespie Springs Branch
43.	LM326	2/12/2019	2/13/2019	55688	Gillespie Springs Branch
44.	15	1/24/2019	1/25/2019	101063	Spring Creek
45.	LM283	1/19/2019	1/20/2019	57375	Gillespie Springs Branch
46.	LM284	1/19/2019	1/20/2019	38250	Gillespie Springs Branch
47.	15	1/19/2019	1/20/2019	112852	Spring Creek

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	Facility ID¹	Start Date	End Date	Gallons	Waters of US
48.	LM283	1/4/2019	1/5/2019	83531	Gillespie Springs Branch
49.	LM284	1/4/2019	1/5/2019	55688	Gillespie Springs Branch
50.	LM283	12/28/2018	12/29/2018	111319	Gillespie Springs Branch
51.	LM284	12/28/2018	12/29/2018	80138	Gillespie Springs Branch
52.	1264A	12/28/2018	12/29/2018	29250	Spring Creek
53.	15	12/28/2018	12/29/2018	265550	Spring Creek
54.	RB9132	12/28/2018	12/29/2018	110156	Stringers Branch
55.	MH90301-1	12/28/2018	12/28/2018	75469	Rogers Branch (Wolftever Creek Tributary)
56.	03342-02	12/28/2018	12/28/2018	110156	Stringers Branch
57.	15	12/9/2018		48000	Spring Creek
58.	1264A	12/9/2018		15000	Spring Creek
59.	15	11/15/2018	11/16/2018	140250	Spring Creek
60.	RB9132	11/15/2018	11/15/2018	9200	Stringers Branch
61.	LM283	11/12/2018	11/16/2018	893072	Gillespie Springs Branch
62.	LM284	11/12/2018	11/16/2018	738773	Gillespie Springs Branch
63.	LM327	11/12/2018	11/16/2018	333281	Gillespie Springs Branch
64.	15	11/12/2018	11/13/2018	42938	Spring Creek
65.	03342-02	11/12/2018	11/12/2018	1200	Stringers Branch
66.	RB9132	9/26/2018	9/29/2018	299406	Stringers Branch
67.	RB9905	9/26/2018	9/29/2018	1100032	Stringers Branch
68.	03342-01	9/26/2018	9/28/2018	162938	Stringers Branch
69.	LM283	9/25/2018	9/30/2018	214875	Gillespie Springs Branch
70.	LM284	9/25/2018	9/30/2018	429750	Gillespie Springs Branch
71.	15	9/24/2018	9/28/2018	106125	Spring Creek
72.	99326-A09X	8/26/2018	8/26/2018	500	Rogers Branch (Wolftever Creek Tributary)
73.	1264A	6/28/2018	6/28/2018	21200	Spring Creek
74.	15	6/28/2018	6/28/2018	71000	Spring Creek

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	Facility ID¹	Start Date	End Date	Gallons	Waters of US
75.	LM283	5/30/2018	5/31/2018	79312.5	Gillespie Springs Branch
76.	LM284	5/30/2018	5/31/2018	35250	Gillespie Springs Branch
77.	RB9189	4/24/2018	4/24/2018	2275	Stringers Branch
78.	LM283	4/23/2018	4/25/2018	573645	Gillespie Springs Branch
79.	LM284	4/23/2018	4/25/2018	194906	Gillespie Springs Branch
80.	RB9132	4/23/2018	4/24/2018	135094	Stringers Branch
81.	03342-02	4/23/2018	4/24/2018	29000	Stringers Branch
82.	15	4/23/2018	4/24/2018	212188	Spring Creek
83.	LM283	4/15/2018	4/16/2018	202819	Gillespie Springs Branch
84.	LM284	4/15/2018	4/16/2018	1181	Gillespie Springs Branch
85.	15	4/15/2018	4/16/2018	280333	Spring Creek
86.	93307-C01	3/12/2018	3/12/2018	1250	Tennessee River
87.	RB9132	3/1/2018	3/2/2018	27188	Stringers Branch
88.	RB9478	3/1/2018	3/2/2018	6950	Stringers Branch
89.	LM283	2/28/2018	3/2/2018	127969	Gillespie Springs Branch
90.	LM284	2/28/2018	3/2/2018	127696	Gillespie Springs Branch
91.	1264A	2/28/2018	3/2/2018	27750	Spring Creek
92.	15	2/28/2018	3/2/2018	500560	Spring Creek
93.	LP8009	2/15/2018	2/16/2018	9525	Middle Creek
94.	15	2/11/2018	2/11/2018	57969	Spring Creek
95.	LM283	2/10/2018	2/11/2018	127969	Gillespie Springs Branch
96.	LM284	2/10/2018	2/11/2018	127696	Gillespie Springs Branch
97.	LM283	2/7/2018	2/7/2018	9938	Gillespie Springs Branch
98.	LM284	2/7/2018	2/7/2018	9938	Gillespie Springs Branch
99.	15	2/7/2018	2/7/2018	6469	Spring Creek
100.	15	10/8/2017	10/10/2017	391452	Spring Creek
101.	LM283	10/8/2017	10/10/2017	203414	Gillespie Springs Branch

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	Facility ID¹	Start Date	End Date	Gallons	Waters of US
102.	LM284	10/8/2017	10/10/2017	203414	Gillespie Springs Branch
103.	LM283	5/4/2017	5/6/2017	294063	Gillespie Springs Branch
104.	LM284	5/4/2017	5/6/2017	380538	Gillespie Springs Branch
105.	03342-02	5/1/2017	5/2/2017	131431	Stringers Branch
106.	RB9132	5/1/2017	5/2/2017	116025	Stringers Branch
107.	RB9181	5/1/2017	5/2/2017	938	Stringers Branch
108.	LM283	4/23/2017	4/26/2017	530206	Gillespie Springs Branch
109.	LM284	4/23/2017	4/26/2017	710775	Gillespie Springs Branch
110.	RB9181	4/23/2017	4/24/2017	31250	Stringers Branch
111.	RB9132	4/23/2017	4/24/2017	210680	Stringers Branch
112.	1264A	4/23/2017	4/23/2017	286818	Spring Creek
113.	15	4/23/2017	4/4/2017	360363	Spring Creek
114.	LM284	4/3/2017	4/5/2017	278515	Gillespie Springs Branch
115.	LM283	4/3/2017	4/5/2017	368719	Gillespie Springs Branch
116.	15	4/3/2017	4/4/2017	168328	Spring Creek
117.	LM283	3/28/2017	3/29/2017	96750	Gillespie Springs Branch
118.	LM284	3/28/2017	3/29/2017	51600	Gillespie Springs Branch
119.	LM284	3/1/2017	3/2/2017	28350	Gillespie Springs Branch
120.	LM283	1/20/2017	1/26/2017	429900	Gillespie Springs Branch
121.	LM284	1/20/2017	1/25/2017	203700	Gillespie Springs Branch
122.	LM283	1/3/2017	1/4/2017	54000	Gillespie Springs Branch
123.	LM284	1/3/2017	1/4/2017	54000	Gillespie Springs Branch
124.	LM283	12/6/2016	12/7/2016	143250	Gillespie Springs Branch
125.	LM284	12/6/2016	12/7/2016	143250	Gillespie Springs Branch
126.	LM283	11/30/2016	12/1/2016	222750	Gillespie Springs Branch
127.	LM284	11/30/2016	12/1/2016	222750	Gillespie Springs Branch
128.	15	11/30/2016	11/30/2016	22500	Spring Creek

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	Facility ID¹	Start Date	End Date	Gallons	Waters of US
129.	RB9181	10/29/2016	10/29/2016	2500	Stringers Branch
130.	93307-C01	9/4/2016	9/4/2016	5520	Tennessee River
131.	99326-A09X	5/24/2016	5/25/2016	12000	Rogers Branch (Wolftever Creek Tributary)
132.	LM284	3/31/2016	4/1/2016	14850	Gillespie Springs Branch
133.	MH90301-1	3/28/2016	3/28/2016	12000	Rogers Branch (Wolftever Creek Tributary)
134.	99326-A09X	3/21/2016	3/21/2016	24000	Rogers Branch (Wolftever Creek Tributary)
135.	99326-A09X	3/16/2016	3/16/2016	84000	Rogers Branch (Wolftever Creek Tributary)
136.	LM283	2/24/2016	2/25/2016	177500	Gillespie Springs Branch
137.	LM284	2/24/2016	2/25/2016	110000	Gillespie Springs Branch
138.	LM327	2/24/2016	2/25/2016	18000	Gillespie Springs Branch
139.	15	2/24/2016	2/25/2016	66000	Spring Creek
140.	1264A	2/24/2016	2/25/2016	198000	Spring Creek
141.	RB9132	2/24/2016	2/24/2016	27973	Stringers Branch
142.	RB9354	2/17/2016	2/17/2016	1200	Stringers Branch
143.	LM283	2/16/2016	2/17/2016	36000	Gillespie Springs Branch
144.	LM284	2/16/2016	2/17/2016	36000	Gillespie Springs Branch
145.	LM283	2/3/2016	2/5/2016	336000	Gillespie Springs Branch
146.	LM284	2/3/2016	2/5/2016	213000	Gillespie Springs Branch
147.	LM326	2/3/2016	2/5/2016	84000	Gillespie Springs Branch
148.	LM327	2/3/2016	2/5/2016	84000	Gillespie Springs Branch
149.	15	2/3/2016	2/4/2016	37500	Spring Creek
150.	1257	2/3/2016	2/4/2016	7200	Spring Creek
151.	1264A	2/3/2016	2/4/2016	180000	Spring Creek
152.	LM283	1/26/2016	1/27/2016	50100	Gillespie Springs Branch
153.	LM284	1/26/2016	1/27/2016	50100	Gillespie Springs Branch
154.	LM326	1/26/2016	1/27/2016	2850	Gillespie Springs Branch
155.	LM327	1/26/2016	1/27/2016	2850	Gillespie Springs Branch

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	Facility ID¹	Start Date	End Date	Gallons	Waters of US
156.	LM283	1/22/2016	1/24/2016	144000	Gillespie Springs Branch
157.	LM284	1/22/2016	1/24/2016	144000	Gillespie Springs Branch
158.	RB9181	12/29/2015	12/30/2015	294053	Stringers Branch
159.	LM327	12/29/2015	12/30/2015	36000	Gillespie Springs Branch
160.	15	12/25/2015	12/31/2015	1014000	Spring Creek
161.	RB9132	12/25/2015	12/27/2015	310564	Stringers Branch
162.	RB9724	12/25/2015	12/27/2015	441782	Stringers Branch
163.	RB9181	12/25/2015	12/27/2015	967797	Stringers Branch
164.	1264A	12/25/2015	12/27/2015	342000	Spring Creek
165.	LM326	12/24/2015	12/26/2015	180000	Gillespie Springs Branch
166.	LM283	12/23/2015	12/31/2015	2256000	Gillespie Springs Branch
167.	LM284	12/23/2015	12/31/2015	1246200	Gillespie Springs Branch
168.	1264A	12/2/2015	12/2/2015	192000	Spring Creek
169.	RB9181	12/2/2015	2/3/2015	568895	Stringers Branch
170.	LM326	12/1/2015	12/3/2015	312000	Gillespie Springs Branch
171.	15	12/1/2015	12/2/2015	340500	Spring Creek
172.	RB9132	12/1/2015	12/2/2015	196744	Stringers Branch
173.	RB9189	12/1/2015	12/2/2015	114226	Stringers Branch
174.	RB9724	12/1/2015	12/2/2015	185376	Stringers Branch
175.	LM327	12/1/2015	12/2/2015	168000	Gillespie Springs Branch
176.	LM283	11/30/2015	12/4/2015	690000	Gillespie Springs Branch
177.	LM284	11/30/2015	12/4/2015	1197000	Gillespie Springs Branch
178.	LM283	11/18/2015	11/20/2015	450000	Gillespie Springs Branch
179.	LM284	11/18/2015	11/20/2015	311400	Gillespie Springs Branch
180.	LM326	11/18/2015	11/19/2015	27900	Gillespie Springs Branch
181.	15	11/18/2015	11/19/2015	121980	Spring Creek
182.	LM283	11/9/2015	11/11/2015	241770	Gillespie Springs Branch

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	Facility ID¹	Start Date	End Date	Gallons	Waters of US
183.	LM284	11/9/2015	11/11/2015	253950	Gillespie Springs Branch
184.	LM284	11/1/2015	11/4/2015	136800	Gillespie Springs Branch
185.	LM283	11/1/2015	11/3/2015	12000	Gillespie Springs Branch
186.	LM283	10/10/2015	10/10/2015	17600	Gillespie Springs Branch
187.	LM284	10/10/2015	10/10/2015	17600	Gillespie Springs Branch
188.	LM283	10/2/2015	10/4/2015	114600	Gillespie Springs Branch
189.	LM284	10/2/2015	10/4/2015	114600	Gillespie Springs Branch
190.	LM283	8/23/2015	8/23/2015	7200	Gillespie Springs Branch
191.	LM284	8/23/2015	8/23/2015	7250	Gillespie Springs Branch
192.	15	8/17/2015	8/17/2015	6750	Spring Creek
193.	LM283	4/19/2015	4/21/2015	454500	Gillespie Springs Branch
194.	LM284	4/19/2015	4/21/2015	342000	Gillespie Springs Branch
195.	LM327	4/19/2015	4/21/2015	137700	Gillespie Springs Branch
196.	15	4/19/2015	4/20/2015	108000	Spring Creek
197.	1264A	4/19/2015	4/20/2015	108000	Spring Creek
198.	LM326	4/19/2015	4/20/2015	32100	Gillespie Springs Branch
199.	LM284	4/16/2015	4/18/2015	297000	Gillespie Springs Branch
200.	LM326	4/16/2015	4/18/2015	171000	Gillespie Springs Branch
201.	LM327	4/16/2015	4/18/2015	174600	Gillespie Springs Branch
202.	15	4/16/2015	4/17/2015	66000	Spring Creek
203.	1264A	4/16/2015	4/17/2015	66000	Spring Creek
204.	RB9131	4/16/2015	4/17/2015	45000	Stringers Branch
205.	LM283	4/16/2015	4/15/2015	490500	Gillespie Springs Branch
206.	LM283	4/14/2015	4/15/2015	84000	Gillespie Springs Branch
207.	LM284	4/14/2015	4/15/2015	84000	Gillespie Springs Branch
208.	LM327	4/14/2015	4/15/2015	5040	Gillespie Springs Branch
209.	LM284	3/11/2015	3/14/2015	183000	Gillespie Springs Branch

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	Facility ID¹	Start Date	End Date	Gallons	Waters of US
210.	LM283	3/11/2015	3/12/2015	63000	Gillespie Springs Branch
211.	LM326	3/11/2015	3/12/2015	63000	Gillespie Springs Branch
212.	LM327	3/11/2015	3/12/2015	111000	Gillespie Springs Branch
213.	LM283	3/5/2015	3/6/2015	226000	Gillespie Springs Branch
214.	LM284	3/5/2015	3/6/2015	270000	Gillespie Springs Branch
215.	LM326	3/5/2015	3/6/2015	54000	Gillespie Springs Branch
216.	LM327	3/5/2015	3/6/2015	180000	Gillespie Springs Branch
217.	LM283	2/22/2015	2/23/2015	12000	Gillespie Springs Branch
218.	LM284	2/22/2015	2/23/2015	22500	Gillespie Springs Branch
219.	RB9474	1/14/2015	1/14/2015	2625	Stringers Branch
220.	LM283	1/4/2015	1/6/2015	387000	Gillespie Springs Branch
221.	LM284	1/4/2015	1/6/2015	315000	Gillespie Springs Branch
222.	LM326	1/4/2015	1/5/2015	87000	Gillespie Springs Branch
223.	LM327	1/4/2015	1/5/2015	174000	Gillespie Springs Branch
224.	15	1/4/2015	1/4/2015	144000	Spring Creek
225.	1264A	1/4/2015	1/4/2015	11250	Spring Creek
226.	05320-03	12/27/2014	12/27/2014	60000	Poe Branch
227.	LM283	12/24/2014	12/26/2014	434100	Gillespie Springs Branch
228.	LM284	12/24/2014	12/26/2014	298500	Gillespie Springs Branch
229.	LM326	12/24/2014	12/25/2014	6120	Gillespie Springs Branch
230.	LM327	12/24/2014	12/25/2014	193500	Gillespie Springs Branch
231.	15	12/24/2014	12/24/2014	66000	Spring Creek
232.	MH90301-1	10/15/2014	10/15/2014	16800	Rogers Branch (Wolftever Creek Tributary)
233.	15	10/14/2014	10/15/2014	158000	Spring Creek
234.	LM283	10/14/2014	10/15/2014	151200	Gillespie Springs Branch
235.	LM284	10/14/2014	10/15/2014	43200	Gillespie Springs Branch
236.	LM326	10/14/2014	10/14/2014	1500	Gillespie Springs Branch

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	Facility ID¹	Start Date	End Date	Gallons	Waters of US
237.	LM327	10/14/2014	10/14/2014	3000	Gillespie Springs Branch
238.	CO8500	9/8/2014	9/8/2014	500	Rogers Branch (Wolftever Creek Tributary)
239.	15	9/1/2014	9/1/2014	857062	Spring Creek
240.	LM283	4/7/2014	4/8/2014	390000	Chattanooga Creek
241.	LM284	4/7/2014	4/8/2014	234000	Chattanooga Creek
242.	LM326	4/7/2014	4/8/2014	78000	Chattanooga Creek
243.	LM327	4/7/2014	4/8/2014	117000	Chattanooga Creek
244.	1264A	4/7/2014	4/8/2014	65100	South Chickamauga Creek
245.	LM283	2/21/2014	2/23/2014	360000	Chattanooga Creek
246.	LM284	2/21/2014	2/23/2014	88000	Chattanooga Creek
247.	LM326	2/21/2014	2/22/2014	36000	Chattanooga Creek
248.	LM327	2/21/2014	2/22/2014	36000	Chattanooga Creek
249.	1264A	2/3/2014	2/4/2014	70100	South Chickamauga Creek
250.	LM283	2/3/2014	2/4/2014	360000	Chattanooga Creek
251.	LM284	2/3/2014	2/4/2014	144000	Chattanooga Creek
252.	LM326	2/3/2014	2/4/2014	108000	Chattanooga Creek
253.	LM327	2/3/2014	2/4/2014	144000	Chattanooga Creek
254.	LM283	1/11/2014	1/12/2014	14400	Chattanooga Creek
255.	LM284	1/11/2014	1/12/2014	36000	Chattanooga Creek
256.	LM283	12/29/2013	12/30/2013	36000	Chattanooga Creek
257.	LM284	12/29/2013	12/30/2013	36000	Chattanooga Creek
258.	LM283	12/22/2013	12/23/2013	96000	Chattanooga Creek
259.	LM284	12/22/2013	12/23/2013	96000	Chattanooga Creek
260.	LM326	12/22/2013	12/23/2013	9600	Chattanooga Creek
261.	LM327	12/22/2013	12/23/2013	48000	Chattanooga Creek
262.	LM284	12/9/2013	12/10/2013	108000	Chattanooga Creek
263.	LM327	12/9/2013	12/10/2013	144000	Chattanooga Creek

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	Facility ID¹	Start Date	End Date	Gallons	Waters of US
264.	LM283	12/9/2013	12/10/2013	288000	Chattanooga Creek
265.	RB9181	12/5/2013	12/5/2013	1000	Stringers Branch
266.	LM283	11/26/2013	11/27/2013	240000	Chattanooga Creek
267.	LM284	11/26/2013	11/27/2013	120000	Chattanooga Creek
268.	LM326	11/26/2013	11/27/2013	4080	Chattanooga Creek
269.	LM327	11/26/2013	11/27/2013	84000	Chattanooga Creek
270.	FM8648	8/24/2013	8/24/2013	76200	Rogers Branch (Wolftever Creek Tributary)
271.	LM283	7/8/2013	7/13/2013	528000	Chattanooga Creek
272.	LM326	7/8/2013	7/13/2013	90000	Chattanooga Creek
273.	LM327	7/8/2013	7/13/2013	91200	Chattanooga Creek
274.	RB9189	7/7/2013	7/9/2013	198000	Stringers Branch
275.	1264A	7/7/2013	7/8/2013	127500	Spring Creek
276.	RB9132	7/6/2013	7/9/2013	505500	Stringers Branch
277.	LM326	7/6/2013	7/8/2013	249000	Chattanooga Creek
278.	LM327	7/6/2013	7/8/2013	160500	Chattanooga Creek
279.	LM284	7/5/2013	7/13/2013	816000	Chattanooga Creek
280.	LM283	7/5/2013	7/10/2013	1425000	Chattanooga Creek
281.	LM283	6/10/2013	6/10/2013	30900	Chattanooga Creek
282.	LM284	6/10/2013	6/10/2013	21000	Chattanooga Creek
283.	LM327	6/10/2013	6/10/2013	30900	Chattanooga Creek
284.	LM283	5/20/2013	5/21/2013	28800	Chattanooga Creek
285.	1264A	5/5/2013	5/6/2013	139000	Spring Creek
286.	LM283	5/4/2013	5/8/2013	1056000	Chattanooga Creek
287.	LM284	5/4/2013	5/8/2013	510000	Chattanooga Creek
288.	LM326	5/4/2013	5/6/2013	22800	Chattanooga Creek
289.	LM327	5/4/2013	5/6/2013	24600	Chattanooga Creek
290.	LM283	4/28/2013	4/30/2013	420000	Chattanooga Creek

Appendix A: WWTa Overflows Reaching Waters of the United States, July 2011 – December 2022

	Facility ID¹	Start Date	End Date	Gallons	Waters of US
291.	LM284	4/28/2013	4/30/2013	336000	Chattanooga Creek
292.	LM326	4/28/2013	4/29/2013	88500	Chattanooga Creek
293.	LM327	4/28/2013	4/29/2013	219000	Chattanooga Creek
294.	93307-C01	4/23/2013	4/23/2013	1200	Tennessee River
295.	LM283	4/19/2013	4/20/2013	189000	Chattanooga Creek
296.	LM284	4/19/2013	4/20/2013	102000	Chattanooga Creek
297.	LM327	4/19/2013	4/20/2013	87000	Chattanooga Creek
298.	LM284	4/4/2013	4/6/2013	60750	Chattanooga Creek
299.	LM283	3/24/2013	3/25/2013	72000	Chattanooga Creek
300.	LM284	3/24/2013	3/25/2013	36000	Chattanooga Creek
301.	FM8648	3/7/2013	3/7/2013	1500	Chickamauga waters
302.	LM283	2/26/2013	2/27/2013	36000	Chattanooga Creek
303.	LM284	2/26/2013	2/27/2013	36000	Chattanooga Creek
304.	LM326	2/26/2013	2/27/2013	36000	Chattanooga Creek
305.	LM327	2/26/2013	2/27/2013	144000	Chattanooga Creek
306.	LM283	1/30/2013	1/31/2013	111000	Chattanooga Creek
307.	LM284	1/30/2013	1/31/2013	55500	Chattanooga Creek
308.	LM326	1/30/2013	1/31/2013	29950	Chattanooga Creek
309.	LM327	1/30/2013	1/31/2013	295500	Chattanooga Creek
310.	1264A	1/15/2013	1/17/2013	187800	Spring Creek
311.	RB9181	1/15/2013	1/16/2013	240000	Stringers Branch
312.	RB9132	1/15/2013	1/16/2013	117000	Stringers Branch
313.	LM283	1/14/2013	1/18/2013	1011000	Chattanooga Creek
314.	LM284	1/14/2013	1/18/2013	237600	Chattanooga Creek
315.	LM327	1/14/2013	1/18/2013	1050000	Chattanooga Creek
316.	LM326	1/14/2013	1/17/2013	346500	Chattanooga Creek
317.	LM283	12/26/2012	12/27/2012	207000	Chattanooga Creek

Appendix A: WWTAs Overflows Reaching Waters of the United States, July 2011 – December 2022

	Facility ID¹	Start Date	End Date	Gallons	Waters of US
318.	LM284	12/26/2012	12/27/2012	138000	Chattanooga Creek
319.	LM326	12/26/2012	12/27/2012	69000	Chattanooga Creek
320.	LM327	12/26/2012	12/27/2012	138000	Chattanooga Creek
321.	LM284	12/20/2012	12/21/2012	10000	Chattanooga Creek
322.	LM327	12/20/2012	12/21/2012	51000	Chattanooga Creek
323.	90301-01	11/11/2012	11/11/2012	3375	South Chickamauga Creek
324.	LM284	10/1/2012	10/2/2012	4050	Chattanooga Creek
325.	LM327	10/1/2012	10/2/2012	13500	Chattanooga Creek
326.	RB9132	9/25/2012	9/25/2012	1000	Stringers Branch
327.	RB9181	9/18/2012	9/18/2012	66000	Stringers Branch
328.	LM283	9/17/2012	9/19/2012	540000	Chattanooga Creek
329.	LM284	9/17/2012	9/19/2012	162000	Chattanooga Creek
330.	LM326	9/17/2012	9/19/2012	432000	Chattanooga Creek
331.	LM327	9/17/2012	9/19/2012	432000	Chattanooga Creek
332.	90301-01	8/9/2012	8/8/2012	250	South Chickamauga Creek
333.	FM8648	8/8/2012	8/8/2012	1000	Rogers Branch (Wolftever Creek Tributary)
334.	LM283	7/21/2012	7/22/2012	60750	Chattanooga Creek
335.	LM284	7/21/2012	7/22/2012	30375	Chattanooga Creek
336.	LM326	7/21/2012	7/22/2012	30375	Chattanooga Creek
337.	LM327	7/21/2012	7/22/2012	30375	Chattanooga Creek
338.	LM283	6/11/2012	6/12/2012	145500	Chattanooga Creek
339.	LM326	6/11/2012	6/12/2012	24420	Chattanooga Creek
340.	LM327	6/11/2012	6/12/2012	201000	Chattanooga Creek
341.	LM283	3/8/2012	3/9/2012	124500	Chattanooga Creek
342.	LM284	3/8/2012	3/9/2012	10500	Chattanooga Creek
343.	LM327	3/8/2012	3/9/2012	43500	Chattanooga Creek
344.	LM284	1/27/2012	1/28/2012	19575	Chattanooga Creek

Appendix A: WWTAs Overflows Reaching Waters of the United States, July 2011 – December 2022

	Facility ID¹	Start Date	End Date	Gallons	Waters of US
345.	LM283	1/26/2012	1/28/2012	372000	Chattanooga Creek
346.	LM326	1/26/2012	1/28/2012	108450	Chattanooga Creek
347.	LM327	1/26/2012	1/28/2012	205500	Chattanooga Creek
348.	RB9181	1/26/2012	1/27/2012	6375	Stringers Branch
349.	RB9181	1/23/2012	1/23/2012	10875	Stringers Branch
350.	LM283	1/21/2012	1/25/2012	673200	Chattanooga Creek
351.	LM284	1/21/2012	1/25/2012	25920	Chattanooga Creek
352.	LM327	1/21/2012	1/25/2012	338400	Chattanooga Creek
353.	LM326	1/21/2012	1/21/2012	98640	Chattanooga Creek
354.	LM283	1/17/2012	1/20/2012	390000	Chattanooga Creek
355.	LM284	1/17/2012	1/19/2012	12300	Chattanooga Creek
356.	LM326	1/17/2012	1/19/2012	50700	Chattanooga Creek
357.	LM327	1/17/2012	1/19/2012	166500	Chattanooga Creek
358.	LM283	1/11/2012	1/12/2012	61500	Chattanooga Creek
359.	LM326	1/11/2012	1/12/2012	28950	Chattanooga Creek
360.	LM327	1/11/2012	1/12/2012	166500	Chattanooga Creek
361.	LM283	12/27/2011	12/30/2011	282000	Chattanooga Creek
362.	LM327	12/27/2011	12/30/2011	213000	Chattanooga Creek
363.	LM284	12/27/2011	12/29/2011	32520	Chattanooga Creek
364.	LM326	12/27/2011	12/29/2011	141900	Chattanooga Creek
365.	LM284	12/23/2011	12/25/2011	27000	Chattanooga Creek
366.	LM283	12/21/2011	12/25/2011	324000	Chattanooga Creek
367.	LM327	12/21/2011	12/25/2011	454500	Chattanooga Creek
368.	LM326	12/21/2011	12/24/2011	279000	Chattanooga Creek
369.	LM283	12/16/2011	12/17/2011	141000	Chattanooga Creek
370.	LM326	12/16/2011	12/17/2011	41400	Chattanooga Creek
371.	LM327	12/16/2011	12/17/2011	118000	Chattanooga Creek

Appendix A: WWTAs Overflows Reaching Waters of the United States, July 2011 – December 2022

	Facility ID¹	Start Date	End Date	Gallons	Waters of US
372.	LM283	12/6/2011	12/9/2011	453000	Chattanooga Creek
373.	LM327	12/6/2011	12/9/2011	321000	Chattanooga Creek
374.	LM284	12/6/2011	12/9/2011	71000	Chattanooga Creek
375.	LM326	12/6/2011	12/9/2011	312000	Chattanooga Creek
376.	LM283	12/1/2011	12/2/2011	90000	Chattanooga Creek
377.	LM284	12/1/2011	12/2/2011	10800	Chattanooga Creek
378.	LM327	12/1/2011	12/2/2011	61200	Chattanooga Creek
379.	RB9181	11/28/2011	11/30/2011	432000	Stringers Branch
380.	1264A	11/28/2011	11/29/2011	74050	Spring Creek
381.	RB9132	11/28/2011	11/29/2011	144000	Stringers Branch
382.	LM283	11/27/2011	12/2/2011	183000	Chattanooga Creek
383.	LM284	11/27/2011	12/2/2011	945000	Chattanooga Creek
384.	LM327	11/27/2011	12/2/2011	765000	Chattanooga Creek
385.	LM326	11/27/2011	11/30/2011	366000	Chattanooga Creek
386.	LM283	11/16/2011	11/17/2011	13500	Chattanooga Creek
387.	LM284	11/16/2011	11/17/2011	2700	Chattanooga Creek
388.	LM283	9/5/2011	9/8/2011	633000	Chattanooga Creek
389.	LM326	9/5/2011	9/8/2011	22800	Chattanooga Creek
390.	LM327	9/5/2011	9/8/2011	390000	Chattanooga Creek
391.	LM284	9/5/2011	9/8/2011	210000	Chattanooga Creek
392.	1264A	9/5/2011	9/6/2011	53900	Spring Creek

APPENDIX B**WWTA EFFLUENT LIMITATION VIOLATIONS**

The table below lists each of the Signal Mountain Wastewater Treatment Plant effluent limitation violations alleged in the Complaint. All factual information in this Appendix derives from information provided by WWTa in its self-reporting documents.

	Monitoring Period¹	Parameter	Limit	Units	Reported Value	Percent Exceed.	Value Type²
1	04/30/2021	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	203.7	53%	Q2 WKLY AVG
2	04/30/2021	00530 - Solids, total suspended	<=133	lb/d	332.6	150%	Q2 WKLY AVG
3	04/30/2021	81010 - BOD, 5-day, percent removal	>=40	%	24.7	26%	C1 DAILY MN
4	04/30/2021	81011 - Solids, suspended percent removal	>=40	%	.6	66%	C1 DAILY MN
5	04/30/2021	81011 - Solids, suspended percent removal	>=85	%	83.9	7%	C2 MO AV MN
6	03/31/2021	00310 - BOD, 5-day, 20 deg. C	<=100	lb/d	203.5	104%	Q1 MO AVG
7	03/31/2021	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	382.1	187%	Q2 WKLY AVG
8	03/31/2021	00530 - Solids, total suspended	<=100	lb/d	275.7	176%	Q1 MO AVG
9	03/31/2021	00530 - Solids, total suspended	<=133	lb/d	439.9	231%	Q2 WKLY AVG
10	03/31/2021	00545 - Solids, settleable	<=1	ml/l	4	300%	C3 DAILY MX
11	03/31/2021	51040 - E. coli	<=487	mpn/100ml	>2,419.6	99,999%	C3 DAILY MX
12	03/31/2021	81010 - BOD, 5-day, percent removal	>=40	%	-71.1	185%	C1 DAILY MN
13	03/31/2021	81010 - BOD, 5-day, percent removal	>=85	%	73.2	79%	C2 MO AV MN
14	03/31/2021	81011 - Solids, suspended percent removal	>=40	%	-59.5	166%	C1 DAILY MN
15	03/31/2021	81011 - Solids, suspended percent removal	>=85	%	66.2	125%	C2 MO AV MN
16	02/28/2021	00310 - BOD, 5-day, 20 deg. C	<=100	lb/d	160.7	61%	Q1 MO AVG
17	02/28/2021	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	258.4	94%	Q2 WKLY AVG
18	02/28/2021	00530 - Solids, total suspended	<=100	lb/d	200.4	100%	Q1 MO AVG

¹ Monitoring Period is reported by end date.

² “Value Type” refers to the type of maximum allowable discharge limit, based on parameter concentration and loading during a certain time period (e.g., monthly, weekly, or daily), set forth in the applicable NPDES permit.

Appendix B: WWTa Effluent Limitation Violations, March 2018 – April 2021

	Monitoring Period¹	Parameter	Limit	Units	Reported Value	Percent Exceed.	Value Type²
19	02/28/2021	00530 - Solids, total suspended	<=133	lb/d	371.6	179%	Q2 WKLY AVG
20	02/28/2021	00545 - Solids, settleable	<=1	ml/l	2.5	150%	C3 DAILY MX
21	02/28/2021	51040 - E. coli	<=487	mpn/100ml	>2,419.6	99,999%	C3 DAILY MX
22	02/28/2021	81010 - BOD, 5-day, percent removal	>=85	%	75	67%	C2 MO AV MN
23	02/28/2021	81011 - Solids, suspended percent removal	>=40	%	30	17%	C1 DAILY MN
24	02/28/2021	81011 - Solids, suspended percent removal	>=85	%	63.9	141%	C2 MO AV MN
25	01/31/2021	00310 - BOD, 5-day, 20 deg. C	<=100	lb/d	105.2	5%	Q1 MO AVG
26	01/31/2021	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	223.7	68%	Q2 WKLY AVG
27	01/31/2021	00530 - Solids, total suspended	<=100	lb/d	129.2	29%	Q1 MO AVG
28	01/31/2021	00530 - Solids, total suspended	<=133	lb/d	333.7	151%	Q2 WKLY AVG
29	01/31/2021	00545 - Solids, settleable	<=1	ml/l	5	400%	C3 DAILY MX
30	01/31/2021	51040 - E. coli	<=487	mpn/100ml	2,419.6	397%	C3 DAILY MX
31	01/31/2021	81010 - BOD, 5-day, percent removal	>=40	%	19.9	34%	C1 DAILY MN
32	01/31/2021	81010 - BOD, 5-day, percent removal	>=85	%	81.5	23%	C2 MO AV MN
33	01/31/2021	81011 - Solids, suspended percent removal	>=40	%	-35.4	126%	C1 DAILY MN
34	01/31/2021	81011 - Solids, suspended percent removal	>=85	%	78.9	41%	C2 MO AV MN
35	12/31/2020	00310 - BOD, 5-day, 20 deg. C	<=100	lb/d	217.7	118%	Q1 MO AVG
36	12/31/2020	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	390.4	194%	Q2 WKLY AVG
37	12/31/2020	00530 - Solids, total suspended	<=100	lb/d	165.3	65%	Q1 MO AVG
38	12/31/2020	00530 - Solids, total suspended	<=133	lb/d	450.7	239%	Q2 WKLY AVG
39	12/31/2020	00530 - Solids, total suspended	<=45	mg/l	56.5	26%	C3 DAILY MX
40	12/31/2020	00545 - Solids, settleable	<=1	ml/l	2	100%	C3 DAILY MX
41	12/31/2020	51040 - E. coli	<=487	mpn/100ml	2,419.6	397%	C3 DAILY MX
42	12/31/2020	81010 - BOD, 5-day, percent removal	>=40	%	-25.3	109%	C1 DAILY MN
43	12/31/2020	81010 - BOD, 5-day, percent removal	>=85	%	55.9	194%	C2 MO AV MN
44	12/31/2020	81011 - Solids, suspended percent removal	>=40	%	26.3	23%	C1 DAILY MN

Appendix B: WWTa Effluent Limitation Violations, March 2018 – April 2021

	Monitoring Period ¹	Parameter	Limit	Units	Reported Value	Percent Exceed.	Value Type ²
45	12/31/2020	81011 - Solids, suspended percent removal	>=85	%	74.7	69%	C2 MO AV MN
46	11/30/2020	00310 - BOD, 5-day, 20 deg. C	<=100	lb/d	243.7	144%	Q1 MO AVG
47	11/30/2020	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	444.3	234%	Q2 WKLY AVG
48	11/30/2020	00310 - BOD, 5-day, 20 deg. C	<=30	mg/l	34.8	16%	C1 MO AVG
49	11/30/2020	00310 - BOD, 5-day, 20 deg. C	<=45	mg/l	62.2	38%	C3 DAILY MX
50	11/30/2020	00530 - Solids, total suspended	<=133	lb/d	285.4	115%	Q2 WKLY AVG
51	11/30/2020	00545 - Solids, settleable	<=1	ml/l	1.5	50%	C3 DAILY MX
52	11/30/2020	81010 - BOD, 5-day, percent removal	>=40	%	-22.2	104%	C1 DAILY MN
53	11/30/2020	81010 - BOD, 5-day, percent removal	>=85	%	52.9	214%	C2 MO AV MN
54	10/31/2020	00310 - BOD, 5-day, 20 deg. C	<=100	lb/d	160.9	61%	Q1 MO AVG
55	10/31/2020	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	399.8	201%	Q2 WKLY AVG
56	10/31/2020	00310 - BOD, 5-day, 20 deg. C	<=40	mg/l	40.1	0%	C2 WKLY AVG
57	10/31/2020	00310 - BOD, 5-day, 20 deg. C	<=45	mg/l	46.1	2%	C3 DAILY MX
58	10/31/2020	00530 - Solids, total suspended	<=133	lb/d	337.8	154%	Q2 WKLY AVG
59	10/31/2020	00545 - Solids, settleable	<=1	ml/l	1.3	30%	C3 DAILY MX
60	10/31/2020	81010 - BOD, 5-day, percent removal	>=40	%	-59.9	167%	C1 DAILY MN
61	10/31/2020	81010 - BOD, 5-day, percent removal	>=85	%	76.9	54%	C2 MO AV MN
62	10/31/2020	81011 - Solids, suspended percent removal	>=40	%	26.2	23%	C1 DAILY MN
63	09/30/2020	00310 - BOD, 5-day, 20 deg. C	<=100	lb/d	126.4	26%	Q1 MO AVG
64	09/30/2020	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	273.1	105%	Q2 WKLY AVG
65	09/30/2020	00310 - BOD, 5-day, 20 deg. C	<=30	mg/l	31.4	5%	C1 MO AVG
66	09/30/2020	00310 - BOD, 5-day, 20 deg. C	<=45	mg/l	47.1	5%	C3 DAILY MX
67	09/30/2020	00530 - Solids, total suspended	<=133	lb/d	241.5	82%	Q2 WKLY AVG
68	09/30/2020	00530 - Solids, total suspended	<=45	mg/l	45.5	1%	C3 DAILY MX
69	09/30/2020	00545 - Solids, settleable	<=1	ml/l	1.2	20%	C3 DAILY MX
70	09/30/2020	81010 - BOD, 5-day, percent removal	>=85	%	84.9	1%	C2 MO AV MN

Appendix B: WWTa Effluent Limitation Violations, March 2018 – April 2021

	Monitoring Period¹	Parameter	Limit	Units	Reported Value	Percent Exceed.	Value Type²
71	06/30/2020	81010 - BOD, 5-day, percent removal	>=40	%	34.8	9%	C1 DAILY MN
72	06/30/2020	81010 - BOD, 5-day, percent removal	>=85	%	83.8	8%	C2 MO AV MN
73	05/31/2020	00310 - BOD, 5-day, 20 deg. C	<=100	lb/d	111.5	12%	Q1 MO AVG
74	05/31/2020	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	155.8	17%	Q2 WKLY AVG
75	05/31/2020	00545 - Solids, settleable	<=1	ml/l	2	100%	C3 DAILY MX
76	05/31/2020	81010 - BOD, 5-day, percent removal	>=85	%	78.6	43%	C2 MO AV MN
77	04/30/2020	00310 - BOD, 5-day, 20 deg. C	<=100	lb/d	129.1	29%	Q1 MO AVG
78	04/30/2020	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	212.2	60%	Q2 WKLY AVG
79	04/30/2020	00545 - Solids, settleable	<=1	ml/l	1.5	50%	C3 DAILY MX
80	04/30/2020	51040 - E. coli	<=487	mpn/100ml	1,299.7	167%	C3 DAILY MX
81	04/30/2020	81010 - BOD, 5-day, percent removal	>=85	%	73.1	79%	C2 MO AV MN
82	03/31/2020	00310 - BOD, 5-day, 20 deg. C	<=100	lb/d	224	124%	Q1 MO AVG
83	03/31/2020	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	355.9	168%	Q2 WKLY AVG
84	03/31/2020	00530 - Solids, total suspended	<=100	lb/d	104.4	4%	Q1 MO AVG
85	03/31/2020	00530 - Solids, total suspended	<=133	lb/d	182.5	37%	Q2 WKLY AVG
86	03/31/2020	00545 - Solids, settleable	<=1	ml/l	5	400%	C3 DAILY MX
87	03/31/2020	51040 - E. coli	<=487	mpn/100ml	2,419.6	397%	C3 DAILY MX
88	03/31/2020	81010 - BOD, 5-day, percent removal	>=40	%	-2.6	71%	C1 DAILY MN
89	03/31/2020	81010 - BOD, 5-day, percent removal	>=85	%	51.9	221%	C2 MO AV MN
90	03/31/2020	81011 - Solids, suspended percent removal	>=85	%	84.3	5%	C2 MO AV MN
91	02/29/2020	00310 - BOD, 5-day, 20 deg. C	<=100	lb/d	320.5	221%	Q1 MO AVG
92	02/29/2020	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	411.4	209%	Q2 WKLY AVG
93	02/29/2020	00530 - Solids, total suspended	<=100	lb/d	196.9	97%	Q1 MO AVG
94	02/29/2020	00530 - Solids, total suspended	<=133	lb/d	392	195%	Q2 WKLY AVG
95	02/29/2020	00545 - Solids, settleable	<=1	ml/l	2.5	150%	C3 DAILY MX
96	02/29/2020	51040 - E. coli	<=487	mpn/100ml	2,419.6	397%	C3 DAILY MX

Appendix B: WWTa Effluent Limitation Violations, March 2018 – April 2021

	Monitoring Period ¹	Parameter	Limit	Units	Reported Value	Percent Exceed.	Value Type ²
97	02/29/2020	81010 - BOD, 5-day, percent removal	>=40	%	-59.9	167%	C1 DAILY MN
98	02/29/2020	81010 - BOD, 5-day, percent removal	>=85	%	69.9	101%	C2 MO AV MN
99	02/29/2020	81011 - Solids, suspended percent removal	>=40	%	7.9	54%	C1 DAILY MN
100	02/29/2020	81011 - Solids, suspended percent removal	>=85	%	69.9	101%	C2 MO AV MN
101	01/31/2020	00530 - Solids, total suspended	<=100	lb/d	116.3	16%	Q1 MO AVG
102	01/31/2020	00530 - Solids, total suspended	<=133	lb/d	190.4	43%	Q2 WKLY AVG
103	01/31/2020	00545 - Solids, settleable	<=1	ml/l	2.5	150%	C3 DAILY MX
104	01/31/2020	81011 - Solids, suspended percent removal	>=85	%	82	20%	C2 MO AV MN
105	12/31/2019	00310 - BOD, 5-day, 20 deg. C	<=100	lb/d	171	71%	Q1 MO AVG
106	12/31/2019	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	254.1	91%	Q2 WKLY AVG
107	12/31/2019	00530 - Solids, total suspended	<=100	lb/d	154.1	54%	Q1 MO AVG
108	12/31/2019	00530 - Solids, total suspended	<=133	lb/d	207.9	56%	Q2 WKLY AVG
109	12/31/2019	00545 - Solids, settleable	<=1	ml/l	4	300%	C3 DAILY MX
110	12/31/2019	50060 - Chlorine, total residual	<=2	mg/l	2.02	1%	C3 DAILY MX
111	12/31/2019	51040 - E. coli	<=126	mpn/100ml	132.5	5%	C2 MO GEOMN
112	12/31/2019	51040 - E. coli	<=487	mpn/100ml	2,419.6	397%	C3 DAILY MX
113	12/31/2019	81010 - BOD, 5-day, percent removal	>=85	%	73.8	75%	C2 MO AV MN
114	12/31/2019	81011 - Solids, suspended percent removal	>=40	%	34.1	10%	C1 DAILY MN
115	12/31/2019	81011 - Solids, suspended percent removal	>=85	%	66.6	123%	C2 MO AV MN
116	11/30/2019	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	221.8	67%	Q2 WKLY AVG
117	11/30/2019	00530 - Solids, total suspended	<=133	lb/d	266.1	100%	Q2 WKLY AVG
118	11/30/2019	00545 - Solids, settleable	<=1	ml/l	3.5	250%	C3 DAILY MX
119	11/30/2019	51040 - E. coli	<=487	mpn/100ml	2,419.6	397%	C3 DAILY MX
120	06/30/2019	00545 - Solids, settleable	<=1	ml/l	1.6	60%	C3 DAILY MX
121	05/31/2019	00545 - Solids, settleable	<=1	ml/l	1.2	20%	C3 DAILY MX
122	04/30/2019	00545 - Solids, settleable	<=1	ml/l	1.5	50%	C3 DAILY MX

Appendix B: WWTa Effluent Limitation Violations, March 2018 – April 2021

	Monitoring Period¹	Parameter	Limit	Units	Reported Value	Percent Exceed.	Value Type²
123	03/31/2019	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	154.73	16%	Q2 WKLY AVG
124	03/31/2019	00530 - Solids, total suspended	<=133	lb/d	165.37	24%	Q2 WKLY AVG
125	03/31/2019	00545 - Solids, settleable	<=1	ml/l	1.5	50%	C3 DAILY MX
126	03/31/2019	31648 - E. coli, MTEC-MF	<=487	#/100ml	655.3	35%	C3 DAILY MX
127	03/31/2019	81011 - Solids, suspended percent removal	>=85	%	84.6	3%	C2 MO AV MN
128	02/28/2019	00310 - BOD, 5-day, 20 deg. C	<=100	lb/d	131.8	32%	Q1 MO AVG
129	02/28/2019	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	233.9	76%	Q2 WKLY AVG
130	02/28/2019	00530 - Solids, total suspended	<=100	lb/d	166.4	66%	Q1 MO AVG
131	02/28/2019	00530 - Solids, total suspended	<=133	lb/d	316.5	138%	Q2 WKLY AVG
132	02/28/2019	00545 - Solids, settleable	<=1	ml/l	1.5	50%	C3 DAILY MX
133	02/28/2019	81010 - BOD, 5-day, percent removal	>=40	%	35.01	8%	C1 DAILY MN
134	02/28/2019	81010 - BOD, 5-day, percent removal	>=85	%	68.9	107%	C2 MO AV MN
135	02/28/2019	81011 - Solids, suspended percent removal	>=40	%	26.92	22%	C1 DAILY MN
136	02/28/2019	81011 - Solids, suspended percent removal	>=85	%	64.4	137%	C2 MO AV MN
137	01/31/2019	00310 - BOD, 5-day, 20 deg. C	<=100	lb/d	113.9	14%	Q1 MO AVG
138	01/31/2019	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	213.2	60%	Q2 WKLY AVG
139	01/31/2019	00530 - Solids, total suspended	<=100	lb/d	191.5	92%	Q1 MO AVG
140	01/31/2019	00530 - Solids, total suspended	<=133	lb/d	446.07	235%	Q2 WKLY AVG
141	01/31/2019	00530 - Solids, total suspended	<=45	mg/l	45.5	1%	C3 DAILY MX
142	01/31/2019	00545 - Solids, settleable	<=1	ml/l	1.5	50%	C3 DAILY MX
143	01/31/2019	81010 - BOD, 5-day, percent removal	>=40	%	37.15	5%	C1 DAILY MN
144	01/31/2019	81010 - BOD, 5-day, percent removal	>=85	%	79.1	39%	C2 MO AV MN
145	01/31/2019	81011 - Solids, suspended percent removal	>=40	%	26.34	23%	C1 DAILY MN
146	01/31/2019	81011 - Solids, suspended percent removal	>=85	%	76.2	59%	C2 MO AV MN
147	12/31/2018	00530 - Solids, total suspended	<=100	lb/d	237.2	137%	Q1 MO AVG
148	12/31/2018	00530 - Solids, total suspended	<=133	lb/d	559.5	321%	Q2 WKLY AVG

Appendix B: WWTa Effluent Limitation Violations, March 2018 – April 2021

	Monitoring Period¹	Parameter	Limit	Units	Reported Value	Percent Exceed.	Value Type²
149	12/31/2018	00530 - Solids, total suspended	<=45	mg/l	72.5	61%	C3 DAILY MX
150	12/31/2018	31648 - E. coli, MTEC-MF	<=487	#/100ml	2,419.6	397%	C3 DAILY MX
151	12/31/2018	81011 - Solids, suspended percent removal	>=40	%	7.05	55%	C1 DAILY MN
152	12/31/2018	81011 - Solids, suspended percent removal	>=85	%	80.7	29%	C2 MO AV MN
153	11/30/2018	00310 - BOD, 5-day, 20 deg. C	<=100	lb/d	106.2	6%	Q1 MO AVG
154	11/30/2018	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	262.53	97%	Q2 WKLY AVG
155	11/30/2018	00530 - Solids, total suspended	<=100	lb/d	120.1	20%	Q1 MO AVG
156	11/30/2018	00530 - Solids, total suspended	<=133	lb/d	230.13	73%	Q2 WKLY AVG
157	11/30/2018	81010 - BOD, 5-day, percent removal	>=85	%	83.2	12%	C2 MO AV MN
158	11/30/2018	81011 - Solids, suspended percent removal	>=40	%	34.09	10%	C1 DAILY MN
159	11/30/2018	81011 - Solids, suspended percent removal	>=85	%	75.5	63%	C2 MO AV MN
160	10/31/2018	00545 - Solids, settleable	<=1	ml/l	1.3	30%	C3 DAILY MX
161	09/30/2018	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	239.1	80%	Q2 WKLY AVG
162	09/30/2018	00530 - Solids, total suspended	<=100	lb/d	106.1	6%	Q1 MO AVG
163	09/30/2018	00530 - Solids, total suspended	<=133	lb/d	384.03	189%	Q2 WKLY AVG
164	09/30/2018	00545 - Solids, settleable	<=1	ml/l	1.5	50%	C3 DAILY MX
165	09/30/2018	81010 - BOD, 5-day, percent removal	>=40	%	27.97	20%	C1 DAILY MN
166	09/30/2018	81010 - BOD, 5-day, percent removal	>=85	%	81.3	25%	C2 MO AV MN
167	09/30/2018	81011 - Solids, suspended percent removal	>=40	%	15.38	41%	C1 DAILY MN
168	09/30/2018	81011 - Solids, suspended percent removal	>=85	%	82.4	17%	C2 MO AV MN
169	06/30/2018	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	221.63	67%	Q2 WKLY AVG
170	06/30/2018	00530 - Solids, total suspended	<=133	lb/d	342.13	157%	Q2 WKLY AVG
171	06/30/2018	00545 - Solids, settleable	<=1	ml/l	1.5	50%	C3 DAILY MX
172	06/30/2018	81010 - BOD, 5-day, percent removal	>=40	%	7.73	54%	C1 DAILY MN
173	06/30/2018	81010 - BOD, 5-day, percent removal	>=85	%	77.4	51%	C2 MO AV MN
174	06/30/2018	81011 - Solids, suspended percent removal	>=85	%	84.7	2%	C2 MO AV MN

Appendix B: WWTa Effluent Limitation Violations, March 2018 – April 2021

	Monitoring Period¹	Parameter	Limit	Units	Reported Value	Percent Exceed.	Value Type²
175	05/31/2018	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	226.2	70%	Q2 WKLY AVG
176	05/31/2018	00530 - Solids, total suspended	<=133	lb/d	245.1	84%	Q2 WKLY AVG
177	05/31/2018	81010 - BOD, 5-day, percent removal	>=85	%	83.7	9%	C2 MO AV MN
178	04/30/2018	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	182.53	37%	Q2 WKLY AVG
179	04/30/2018	00530 - Solids, total suspended	<=133	lb/d	242.2	82%	Q2 WKLY AVG
180	04/30/2018	81010 - BOD, 5-day, percent removal	>=40	%	30.4	16%	C1 DAILY MN
181	04/30/2018	81010 - BOD, 5-day, percent removal	>=85	%	71.2	92%	C2 MO AV MN
182	04/30/2018	81011 - Solids, suspended percent removal	>=40	%	12.5	46%	C1 DAILY MN
183	03/31/2018	00310 - BOD, 5-day, 20 deg. C	<=133	lb/d	195.63	47%	Q2 WKLY AVG
184	03/31/2018	00310 - BOD, 5-day, 20 deg. C	<=30	mg/l	82.7	176%	C1 MO AVG
185	03/31/2018	00530 - Solids, total suspended	<=133	lb/d	308.3	132%	Q2 WKLY AVG
186	03/31/2018	81010 - BOD, 5-day, percent removal	>=40	%	32.93	12%	C1 DAILY MN
187	03/31/2018	81010 - BOD, 5-day, percent removal	>=85	%	82.7	15%	C2 MO AV MN
188	03/31/2018	81011 - Solids, suspended percent removal	>=40	%	29.17	18%	C1 DAILY MN
189	03/31/2018	81011 - Solids, suspended percent removal	>=85	%	82.3	18%	C2 MO AV MN