

University of Tennessee, Knoxville

Illicit Discharge Policy

Applies to all water entering the storm drain system generated on any university owned lands unless explicitly exempted by a coinciding university permit.

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POLICY

This policy provides guidelines to ensure the health, safety, and general welfare of the students, staff and visitors of the University of Tennessee, Knoxville, through the regulation of non-stormwater or contaminated stormwater discharges to the storm drainage system per Federal and State law.

This policy establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the State of Tennessee National Pollutant Discharge Elimination System (NPDES) permit for the University of Tennessee, Knoxville.

The objectives of this policy are:

1. To regulate the contribution of pollutants to the MS4 by storm water discharges by any user.
2. To prohibit Illicit Connections and Discharges to the MS4.
3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this policy.

DEFINITIONS

1. **Best Management Practices (BMPs)** - schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to Stormwater, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage, leaks, sludge, water disposal, or drainage from raw materials storage.
2. **Entity** - any activity, facility, individual, operation, business, or contractor which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States.
3. **Hazardous Materials** - any material, including any substance, waste, or combination, which because of its quantity, concentration, physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment.
4. **Illegal Discharge** - any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section A of this policy.
5. **Municipal Separate Storm Sewer System (MS4)** - the system of conveyances (including, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by The University of Tennessee and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.
6. **National Pollutant Discharge Elimination System (NPDES) Permit** - a permit issued by the Tennessee Department of Environment and Conservation (TDEC) that authorizes the discharge of pollutants to waters of the State.

7. **Non-Stormwater Discharge** - any discharge to the storm drain system that is not composed entirely of storm water.
8. **Pollutant** - any substance which causes or contributes to pollution. Pollutants may include, but are not limited to: sediment, paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes or yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wasteland residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
9. **Storm Drainage System** - University owned or publicly owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
10. **Stormwater** - any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
11. **University of Tennessee, Knoxville** - refers to the lands shown on the MS4 map located on the University of Tennessee Facilities Services Stormwater Web site, which include but are not limited to, the University of Tennessee Knoxville campus and the adjacent University of Tennessee Institute of Agriculture campus.
12. **Wastewater** - any water or other liquid, other than uncontaminated Stormwater, discharged from a facility.
13. **Construction** - land disturbing activity that has the potential to introduce sediment or other contaminants into the University of Tennessee storm sewer system.

POLICY GUIDELINES

Section A: Prohibition of Illicit Discharges

1. No university employee, student, visitor or contractor shall throw, drain, or otherwise discharge, or allow others under its control to throw, drain, or otherwise discharge into the University of Tennessee's storm water drainage system any pollutants or waters containing any pollutants, other than storm water. It is the responsibility of the Units of Facilities Services and Environmental Health and Safety to train employees to recognize the hazards associated with illicit discharges and to identify illicit discharge sources. Additionally, Facilities Services is responsible for performing outfall inspections and surveys, including observation, documentation, and sampling (if deemed necessary).

Any illegal discharge into The University of Tennessee's storm drain system is prohibited except as described:

- a. Water line flushing, landscape/ lawn irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, uncontaminated pumped Stormwater, foundation drains, air conditioning condensation, springs, footing drains, and flows from riparian habitats and wetlands.
- b. Discharges or flow from firefighting, fire suppression system testing, and other discharges specified in writing by the University of Tennessee as necessary to protect public health and safety.
- c. Discharges associated with dye testing; this activity requires prior notification to The Tennessee Department of Environment and Conservation.
- d. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger complies with all requirements of the

permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted.

Section B: Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices

1. The University has adopted requirements identifying Best Management Practices for any activity, operation, or facility that may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. All responsible Entities shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the storm drain system or watercourses through the use of structural and non-structural BMPs. Further, any Entity which is, or may be, the source of an illicit discharge, may be required to implement, at said entity's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4.

Section C: Notification of Spills

1. Notwithstanding other requirements of law, as soon as any entity responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or potential release of materials, which are resulting or may result in illegal discharges or pollutants discharging into Stormwater, the storm drain system, or waters of the United States, said entity shall take all necessary steps to ensure the discovery, containment, mitigation, and proper reporting of such release.
2. In the event of a release of non-hazardous materials; said entity shall notify the Facilities Services Stormwater Management Coordinator upon discovery via the web page (stormwater.utk.edu). If hazardous material of any amount enters a storm sewer; said entity shall immediately notify the Stormwater Management Coordinator and Environmental Health and Safety. Failure to provide notification of a release as provided above is a violation of this Policy.

Section D: Monitoring of Discharges

1. Applicability:

This section applies to any Entity that may cause or contribute to pollution or contamination of storm water, The University of Tennessee's storm drain system, or waters of the United States.

2. Access to Sites:

- a. The University of Tennessee may inspect projects subject to regulation under this policy as often as it deems necessary to determine compliance with this policy.
- b. Entities shall allow The University of Tennessee ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- c. The University of Tennessee shall have the right to set up sampling and monitoring devices as are necessary in the opinion of the University to conduct monitoring and/or sampling of the facility's storm water discharge.
- d. The University of Tennessee has the right to require the Entity to install sampling and monitoring equipment as necessary. The Entities' sampling and monitoring equipment shall be calibrated at all times and maintained in a safe and proper operating condition by the Entity at its own expense.
- e. Any temporary or permanent obstruction to safe and easy access to the project site to be inspected and/or sampled shall be promptly removed by the Entity at the written or oral request of The University of Tennessee and

shall not be replaced. The costs of clearing such access shall be paid for by the Entity. Unreasonable delays in allowing The University of Tennessee access to a project site is a violation of a storm water discharge permit and of this policy.

- f. If The University of Tennessee is refused access to any part of the premises from which storm water is discharged, and is able to demonstrate probable cause to believe that there may be a violation of this policy, or that there is a need to inspect and/or sample, or to protect the overall public health, safety, and welfare of the community, then The University of Tennessee may seek appropriate relief from any court of competent jurisdiction.

Section E: Compliance

1. All construction activity must adhere to the terms and conditions of the Most Current Construction General Permit (CGP).
2. The University of Tennessee may suspend or cease activities and operations that are not in full compliance with this Policy.
3. Whenever the University of Tennessee finds that a violation of this Policy has occurred, The University of Tennessee may order compliance by written notice to the responsible Entity. Such notice may require, but is not limited to, the following actions:
 - a. Performance of monitoring, analyses, and reporting;
 - b. Elimination of prohibited discharges or connections;
 - c. Discontinuance of any violating discharges, practices, or operations;
 - d. Abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
 - e. Payment of any fee, penalty, or fine assessed against the University to cover remediation cost;
 - f. Implementation of new Stormwater management practices;
 - g. Disciplinary action up to and including dismissal, where appropriate; and
 - h. Payment of any fee, penalty, or fine assessed by the University.
4. Such notification will set forth the nature of the violation(s) and establish a time limit for correction of these violation(s).
5. Said notice may further advise that, if applicable, should the violator fail to take the required action within the established deadline, The University of Tennessee will then initiate work orders for the appropriate corrective actions at the responsible entities expense.
6. The remedies listed in this Policy are not exclusive of any other remedies available under any applicable federal, state, or local law.

Section F: Enforcement

1. Enforcement on University Construction, or Maintenance Projects (Contractor/ Vendor):

Pursuant to the Tennessee Code Annotated 68-221-1106, The University of Tennessee Knoxville has the authority to impose a civil penalty of not less \$50 or more than \$5,000 per day each day of a violation. Damage assessments are determined based on any reasonable expenses incurred in investigating and enforcing violations of this part, or any other actual damages caused by the violation. More detailed information can be found in the University of Tennessee Enforcement Response Plan.

2. Enforcement for Students:

Enforcement for Student shall follow the University of Tennessee Knoxville Student Conduct & Community Standards, and the Uniform Administrative Procedures Act, as outlined in the Student Handbook.

3. Enforcement for Employees (Faculty and Staff):

Enforcement for Employees shall follow the HR0580 Code of Conduct. Disciplinary action for all exempt and non-exempt employees shall follow the Disciplinary Action Policy HR0525.

4. Enforcement for Visitors (third party individuals):

Enforcement issues pertaining to Visitors will be referred to the University of Tennessee Police Department.