



ENVIRONMENTAL ASSISTANCE CENTER
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
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June 30, 2008

Certified Mail

7006 3450 0002 9923 7977

The Honorable Ron Littlefield, Mayor
City of Chattanooga
Suite 100, City Hall
Chattanooga, Tennessee 37402

Re: **NOTICE OF VIOLATION**
NPDES Permit No. TNS068063
NPDES Permit No. TN0024210
Illicit Discharges on Merriam St.
Hamilton County

Dear Mayor Littlefield:

Ms. Angela Young, Ms. Leefna Abazid and Ms. Mae Kile of my staff visited the above referenced site on June 25, 2008. At least two sewer service lines are broken and are sheet flowing across 806 Merriam Street and entering the storm sewer system on Peak Street.

These illicit discharges pose a threat to human health and the environment. The Division collected and analyzed two water samples collected from down gradient of 812 Merriam Street and 808 Merriam Street. Both yielded *E.coli* concentrations that greatly exceeded the State water quality criteria. The division has learned that the homeowner of 806 Merriam Street has repeatedly called the City of Chattanooga over the past year. It is our understanding that it was determined the problem was associated with laterals lines.

The Division acknowledges that the maintenance of lateral lines is the responsibility of the property owner. However, since these are illicit discharges there are mechanisms via the Phase I MS4-NPDES Permit to correct such illicit discharges. These discharges only travel a short distance in storm sewers before entering North Market Street Branch upstream of Renaissance Park. As you are aware considerable effort has been expended to locate sources of *E. coli* bacteria entering North Market Street; hence, the Division was surprised that such obvious sources were not immediately addressed.

Notices of Violations have also been sent to the owners of 808 and 812 Merriam Street instructing that the repairs to the sewer lines are required. The Division requests that the City assists in correcting these illicit discharges. Please provide a report once the corrections have been completed.

If you have any questions, please contact me at (423) 634-5702.

Sincerely,

Richard D. Urban, Ph.D.
Field Office Manager
Division of Water Pollution Control
Chattanooga Environmental Assistance Center

cc. DWPC Permits Section, Nashville Central Office
cc. DWPC Enforcement & Compliance Section, Nashville Central Office

From: Angela Young [mailto:Angela.Young@state.tn.us]
Sent: Wednesday, July 02, 2008 10:35 AM
To: Minkara Mounir; Stewart Jerry
Cc: Mike Kelley; Richard Urban
Subject: Fwd: Scanned image from Chat FO 5 East Copier- DO NOT REPLY

Gentlemen,

As a courtesy, attached is the Notice of Violation that has been sent out. As you know nothing is sent out of this office without investigation, and thorough discussion with Dr. Urban.

Thanks

Angela

DEVICE NAME: BG3033P7020724
DEVICE MODEL: im3511
LOCATION: 5th Floor Chatt EFO East

FILE FORMAT: PDF MMR(G4)
RESOLUTION: 300dpi x 300dpi

Attached file is scanned image in PDF format.
This file can be read by Adobe Acrobat Reader.
The reader can be downloaded from the following URL:

<http://www.adobe.com/>

>>> "Minkara Mounir" <minkara_m@mail.chattanooga.gov> 7/2/2008 11:58 AM
>>> >>>

Thanks for head's up. However, I don't understand which section in my MS4 NPDES permit No. TNS068063 was violated!!!

Based on our thorough investigation, 808 and 818 Merriam Street sanitary laterals are intact (through visual observation, smoke testing and dye testing). As concluded by our thorough investigation, the e. coli source is most likely contributed by Pet Waste (dogs and cats) and Wildlife Animal Waste (raccoons) and 806 Merriam St. (the guy who was out crying on TV last week!!) sanitary lateral (as determined through smoke testing). As for the water source, it was determined that is potable water coming from leaking potable water lines of 812 Merriam St. This potable water leak has been corrected by this property owner. No sheet flow from sanitary sewer has been observed.

We will follow up with a more detailed report and a Request to Rescind this NOV. We will be sending the proper enforcement letter to the appropriate property owner (806 Merriam St.).

The sanitary service lines program has been our top priority for over two years and we have invested huge amount of resources into it. Any misjudgment on this program could negatively impact my staff morals and their performance. We appreciate your patience in future events allowing us proper time to conduct the proper investigation. I look forward to continue working with you in this area and I always appreciate your feedback into my program.

Regards, Mo.

Mounir (Mo) Minkara, Ph.D., P.E.

Water Quality Manager

Water Quality Program

City of Chattanooga

(423) 643-5877 phone

(423) 643-5862 fax

-----Original Message-----

From: Richard Urban [mailto:Richard.Urban@state.tn.us]

Sent: Wednesday, July 02, 2008 2:08 PM

To: Minkara Mounir

Subject: Re: Chattanooga NOV - July 30, 2008

Mounir,

As we state in the NOV this was an illicit discharge and the MS4 has a specific section dealing with the identification and correction of illicit discharges.

It is staffs firm belief that backyard pets were not the source of the E. coli samples that maxed out. When we conducted source tests in the past from the North Market Street Branch Watershed it was not pets but human waste- some new and some aged after passing through septic tanks - that was the source.

You mentioned that "our thorough investigation" was used to draw conclusions. I would appreciate receiving copies of the analyses that were made on the waters flowing across the three properties.

Before a decision was made to issue a NOV staff talked with City staff in two different Departments. The information that was provided indicated that one Department recognized this was a sewer problem several months ago and had referred it to the other Department at that time to address as an illicit discharge. Staff in that Department stated they had visited the properties but didn't see anything. The complainant when interviewed by my staff stated he had reported the problem several times to the City and nothing happened to resolve the problem. The fact that some type of water was entering the Chattanooga Storm Water Sewer System at times other than rain events points directly to an illicit discharge. Only by testing the water can it be determined if it a potable water leak or a sewage leak. In either case actions should be taken to have the property owner make the needed repairs.

We are very aware that considerable efforts has been dedicated to the sewer collection system in the North Market Street Branch Watershed and those efforts are appreciated. But the E.coli levels in the Market Street Branch remain problematic. Consequently, vigilance must continue.

Your concern and assistance in working to improve the water quality of the waters within the boundaries of the City are greatly appreciated.

Dick