Tennessee Department of Environment and Conservation
Division of Water Pollution Control
L & C Tower Annex, 6th Floor
401 Church Street
Nashville, Tennessee 37243

Phase II Stormwater Permit Notice of Intent (NOI)

Phase II Municipal Separate Storm Sewer Systems (MS4)

PURPOSE

The purpose of this Notice of Intent (NOI) is for a Tennessee city, county, utility district, university or military base to apply for NPDES permit to discharge stormwater runoff from a Phase II municipal separate storm sewer system.

INSTRUCTIONS

You must provide the following information to the Division of Water Pollution Control as application material. You may either submit a hard copy of the original NOI as described in sub-part 2.3 of the MS4 Permit, signed in accordance with the signatory requirements of sub-part 6.7 of the permit, and a copy of the NOI, to the address shown in sub-part 1.2 of the permit for the EFO responsible for the county where the facility is located; or you may submit by e-mail, with the completed NOI and attachments (such as map and city ordinances) to phase.two@tn.gov.

In addition, send an original, hard copy letter, signed by the responsible official of the MS4, which makes reference to the e-mail transmission including date and time that the electronic submitted was made. The letter must contain the signatory statement found on the NOI form. The letter must be mailed to the Nashville Central Office address as defined in sub-part 1.2 of the MS4 permit.

After completing the questions in each section, list the Best Management Practices (BMPs) that you will implement in each area based on a set of priorities you have identified in the area. Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

After completing the BMP's in each section provide the administrative information to complete those BMP's as explained here:

Primary Contact and Position/Title	The person in your organization serving as the primary contact.
Other Department and Roles	Other departments within your organization involved in the project and how their role is identified.
Other Government Entity and Roles	Identification of other government entities responsible for implementing one or more of the BMP's. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.
Other Institutions and Roles	Identification of partnerships with another MS4 operator or institution (e.g., Chamber of Commerce, environmental interest organizations, civic groups) to achieve the BMP's.
Target Groups (if applicable)	Specific kinds of groups that will be targeted, such as service industries (i.e., carpet cleaning), civic groups, schools, and church groups, etc.

PART I
ADMINISTRATIVE INFORMATION

Name of city, county, stormwater utility district or other public institution that operates a Phase II MS4: City of Elizabethton

Fred R. Edens Jr.	City Manager
Responsible Elected Official or Officer	Title

136 South Sycamore	Elizabethton	TN	37643
Street Address	City	State	Zip Code

PROGRAM CONTACT	TECHNICAL CONTACT
Johann P. Coetzee, Director of Wastewater and Engineering	Joseph Barnett, Stormwater Coordinator
Name	Name
jcoetzee@cityofelizabethton.org	jbarnett@cityofelizabethton.org
Email Address	Email Address
(423) 547-6341	(423) 547-6340
Phone Number	Phone Number

☒ Attach an organizational chart that shows the different departments involved in stormwater management.

PART II
DESCRIPTION OF STORM SYSTEM

ITEM A
AREA SERVED (IN SQUARE MILES)

If city, town, university, or utility district: Give jurisdiction area within current corporate boundaries 9.69 sq mi

If city, town, university, or utility district: Give additional area of urban growth boundary 12.61 sq mi

If county: Give total area _____ Area unincorporated _____ Unincorporated, urbanized area (UA) _____

If county, indicate by checking the appropriate box if the permit will be used to regulate non-UA portions of your county:

Entire county (unincorporated) ☐ Non-UA portions, as follows (describe below) ☐

_____

ITEM B
STORM DRAINAGE INFRASTRUCTURE

Give figures for the following features of stormwater drainage infrastructure owned or operated by the local government. For a county government, indicate whether the figures represent the entire county or only the urbanized area. Figures for length and number of culverts and catch basins may be rough estimates.

For counties: Entire county ☐ Urbanized area only ☐

Storm Sewers	40 miles	Open Ditches	5 miles
Culverts	4 miles	Catch Basins	1000
Retention Basins	0	Detention Basins	0

ITEM C
MAPS

Please include a map or maps depicting the following information. A single map may be submitted, as long as the information is legible. If you are not able to provide all the information please mark the applicable check box and attach an explanation as to why the information has not been submitted:

Zoned areas for commercial or industrial activity	☐	State vocational, technical, college or universities	☐
Actual areas of commercial or industrial activity	☐	Federal vocational, technical, college or universities	☐
Other municipally owned/operated industrial activities	☐	City Roads	☐
Municipal or County Wastewater Treatment Plants	☐	County Roads	☐
Vehicle Fleet Maintenance Centers	☐	Perennial and intermittent streams	☐
Power Plants	N/A	Topography or Drainage Patterns	☐
Airports	☐	Landfills	☐
Military Installations	N/A		

ITEM D
IDENTIFYING IMPAIRED STREAMS AND OTHER WATER BODIES

Using the GIS mapping tool (http://tnmap.tn.gov/wpc/) along with the most current 303(d) list published on the division's web site (http://www.tn.gov/environment/wpc/publications/#wqassessment), identify whether stormwater discharges from any part of the MS4 contribute pollutants of concern to an impaired waterbody and list below: For any impairment, indicate the waterbody ID#, name of impacted waterbody, nature of pollution (cause), and the source. If you have additional streams to list, please include in a separate attachment.

WATERBODY ID# AND NAME OF IMPACTED WATERBODY	CAUSE OF IMPAIRMENT	SOURCE OF IMPAIRMENT
Davis Branch 008-0400	Habitat loss due to stream flow alteration Alteration in stream-side or littoral vegetative cover	Discharges from MS4 Area Upstream Impoundment
Gap Creek 008-0800	Nitrate+Nitrite Loss of biological integrity due to siltation Habitat loss due to alteration in stream-side or littoral vegetative cover Escherichia coli	Discharges from MS4 Area Streambank Modification Septic Tanks

ITEM E
HAS THE STATE OR EPA ISSUED A TDML FOR ANY STREAMS DIRECTLY AFFECTED BY RUNOFF FROM YOUR MS4?

Determine whether or not a TMDL has been established and approved by EPA and identify by checking the appropriate box. A list of EPA-Approved TMDLs as well as EPA-Established TMDLs for Tennessee waters can be found on the division's web site (http://www.tn.gov/environment/wpc/tmdl/approved.shtml).

Yes ☒ No ☐ If yes, list the waterbody ID#, name of impacted waterbody and parameter(s) of concern:

WATERBODY ID# AND NAME OF IMPACTED WATERBODY	PARAMETERS OF CONCERN
Davis Branch 008-0400	Siltation/Habitat Alteration
Gap Creek 008-0800	Siltation/Habitat Alteration

If you have additional streams to list, please include in a separate attachment.

PART III
EXISTING LEGAL AUTHORITY TO CONTROL STORMWATER DISCHARGES TO MS4

You must review ordinances that are associated with stormwater discharges to your MS4. Attach a copy of ordinances that give your MS4 the authority to control stormwater discharges into the MS4 storm sewer system. Ordinances that deal with stormwater issues might be found, for example, in conjunction with litter control, prohibition of dumping, clean up of spills, grading/building permits, sewer connection ordinances, erosion and sediment practices, subdivision regulations or other land use/development ordinances.

PART IV
SIGNATURE OF RESPONSIBLE CORPORATE OFFICER

This Notice of Intent (NOI) must be signed as follows: For a municipality, state, federal, other public agency, and/or co-permittees by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes one of the following:

i. The chief executive officer of the agency.

ii. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

"*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 the 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.*"

Signature	Title/Municipality	Date
FOR FRED R. Edens Jr.	City Manager, City of Elizabethton	12/13/2010

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PART V
YOUR PROPOSED STORMWATER QUALITY MANAGEMENT PROGRAM

This NOI requires you to provide a brief description of your current and proposed activities as well as your Best Management Practices (BMPs) for a stormwater management program. The following sections correspond to the six minimum control measures for a Phase II stormwater management program. If another MS4 will be responsible for implementing any or all portions of any or all following six minimum measures, then attach either the interlocutory agreement or the proposed agreement and schedule for adoption. You must still complete this NOI by answering the relevant questions for the six following measures.

For purposes of this NOI, the Public Education and Outreach and Public Participation and Involvement minimum measures have been combined.

SECTION 1
PUBLIC EDUCATION AND OUTREACH AND PUBLIC INVOLVEMENT/PARTICIPATION

A. Current Activities:

The following is a set of questions on your current Public Education and Outreach and Public Involvement/Participation. These questions are intended to highlight minimum program requirements under the MS4 permit. For MS4s who have not been previously covered under an MS4 permit, each element not currently performed must be implemented by the dates identified in Sub-part 4.1.1. of the permit. Thus, each question with a "No" answer must be addressed with a solution in the MS4's proposed program.

1. Does the municipality currently distribute educational materials on the topics of stormwater quality, stream water quality, pollution impacts, pollution prevention, etc.? If yes, briefly describe the materials, including media used (e.g., written brochures, public service announcements, etc.); the topic(s) covered, intended target audience(s), and the distribution method.

Yes ☒
No ☐

The City participates in TNSA public service announcements on water quality and pollution prevention are distributed on its behalf. The audience is the general public. Numbers of people reached are documented by Waterworks through Tennessee Association of Broadcasters reports which are provided to the City. The City supports stormwater education programs in the school by providing materials to the schools. In the past, education materials provided have included "Back the Brookie", Project WET and Project Webfoot programs. The target audience is school children in middle school and high school and materials are given to the schools annually. The schools verify that they have received and used the materials. The City participates in the newly-formed Elizabethton-Carter County Environmental Committee. As part of this committee the City sponsors a booth on stormwater at the Conservation Day, an annual two-day event for city and county fourth graders. Through the Committee, the City is participating in an anti-littering campaign, which will be backed by a numerical survey of litter so that problem is quantified and effectiveness can be measured. Currently the Committee sponsors an E-Waste Collection Day. In addition, in cooperation with Carter County, the City advertises household hazardous waste collection days through fliers posted in public locations like libraries and City Hall. The City gets affidavits that fliers were posted to ensure advertisement was completed. The target audience is the general public and the collection days are currently held once annually. The City provides information to the public on stormwater issues by means of Development Committee meetings for review of development plans. At these meetings, information on stormwater is provided to the developer and/or the developer's engineer. The audience is developers and engineers that are involved in development. The information is given orally during meetings and is followed up with written information. The frequency varies based on the frequency with which development occurs. The City includes information about stormwater on its website and will expand the information provided under this Permit.

2. Does the municipality currently conduct or participate in public outreach activities focusing on the topics of stormwater quality, stream water quality, pollution impacts, pollution prevention, etc.? If yes, briefly describe the outreach activities, topic(s) covered, intended target audience(s), and the frequency of activities.

Yes ☒
No ☐

As noted above, the City participates in Conservation Day and Household Hazardous Waste and E-Waste Collection Days. In addition, the City participates in the Boone Watershed Partnership, Inc. and in the Boone Lake Association, participating in lake cleanups as part of its role in the partnerships. The target audience is the general public and the cleanups are held once a year for Buffalo Creek and once a year for the Watauga River. The City has made presentations on stormwater to the Boone Lake Association. In addition, the City has partnered with the Boone Watershed Partnership, Inc. on a 319 grant to restore Gap Creek, which is 303(d) listed and has a TMDL for siltation and habitat alteration. The City has provided in-kind, cash, and project management to the project.

3. Does the current municipal stormwater management program comply with Local, State and Federal public notice requirements? If yes, describe how the public is notified.

Yes ☒
No ☐

Notice of the ordinance readings and public hearing is given in the city newspaper at least one week before passage. In addition the City uses its website and is going to begin using its public access channel for public notices.

B. Proposed Activities:

List the BMPs that you will implement in the areas of Public Education and Outreach and Public Participation and Involvement. These should be based on a set of priorities that you have identified in the areas of Public Education and Outreach and Public Participation and Involvement. Provide a short descriptive name to the BMP in the left column. In the right column, more fully describe the BMP.

For Public Participation and Involvement BMPs, you may not desire to dictate the ways in which the public participates or is involved in the stormwater quality management program; in this case, your proposed program should provide a forum and a structure by which to encourage or allow the public to participate. On the other hand, there may be specific ways you do want the public to be involved, based on your program needs. For instance, you may want stream watch groups to be organized. As such, your proposed program should describe how you will accomplish this, and the time schedule.

PROPOSED BEST MANAGEMENT PRACTICES FOR PUBLIC EDUCATION AND PUBLIC PARTICIPATION		
BMP	Name	DESCRIPTION
1A.	Continue Public Outreach and Education Program	Continue current public outreach and education program as required/defined by the first Small MS4 Permit and described in the City's latest Annual Report. Changes to the program will be made throughout the permit period as required by the current Small MS4 Permit and as indicated by the BMPs in this NOI.
1B.	PIE Plan Creation and Implementation	Create PIE Plan, which focuses on priority areas, groups, and pollutants and includes specific goals and public information events and activities. In accordance with PIE plan, implement public information events and activities. In accordance with permit requirements, PIE implementation will include outreach targeted at specific stream impairments within Elizabethton watersheds and IDDE outreach (inform public employees, businesses and general public of hazards associated with illegal discharges and improper disposal of waste).
1C.	Website	Implement a website to inform citizens of public outreach and involvement opportunities and provide basic information on stormwater pollution and pollution prevention.
1D.		

If you have additional BMPs to list, please include in a separate attachment.

What specific groups will be targeted (e.g., service industries such as carpet cleaning, lawn care, civic groups, schools, church groups) if applicable:

School children will be targeted as part of school outreach, developers, engineers and contractors to be targeted as part of impaired stream outreach for awareness of siltation and other impairments in specific watersheds, other target groups are to be determined as part of PIE Plan development

C. Measurable Goals and Implementation Milestones

Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

D. Administrative Information

ADMINISTRATIVE INFORMATION FOR PUBLIC EDUCATION AND PUBLIC PARTICIPATION	
PRIMARY CONTACT	POSITION OR TITLE
Joseph Barnett	Stormwater Coordinator

Identify other Department(s) that will be involved and their role.

OTHER DEPARTMENT(S)	ROLE
Planning and Development	Dissemination of stormwater information through Development Committee meetings, coordination of participation in stormwater groups

Identify if you will partner with another MS4 Operator, or with another institution (e.g. Chamber of Commerce, Environmental interest organizations, civic groups) in order to carry out the chosen BMPs.

ENTITY	BMP
Elizabethton-Carter	Partner in publicizing household hazardous waste, E-waste, litter projects. Hosts Conservation Day,

County Environmental Committee	for which the City provides a booth
Boone Watershed Partnership, Inc.	Restoration Project partner on 319 grant. (Accepted grant application showing Elizabethton's contribution and schedule for the project along with invoiced effort are attached.)

Will another governmental entity be responsible for implementing one or more chosen BMPs? If so, identify the entity and which BMP(s) it will implement. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.

ENTITY	BMP

SECTION 2
ILLICIT DISCHARGE DETECTION AND ELIMINATION

The following are common sources of illicit discharges to an MS4:

- Sanitary Wastewater
- Car wash wastewaters
- Radiator flushing disposal
- Spills from roadway accidents
- Carpet cleaning wastewaters
- Effluent from septic tanks
- Improper oil disposal
- Laundry Wastewaters/gray water
- Improper disposal of auto and household toxics

A. Current Activities

The following is a set of questions on your current Illicit Discharge Detection and Elimination Program. These questions are intended to highlight minimum program requirements under the MS4 permit. For MS4s who have not been previously covered under an MS4 permit, each element not currently performed must be implemented by the dates identified in Sub-part 4.1.1. of the permit. Thus, each question with a "No" answer must be addressed with a solution in the MS4's proposed program.

STORM SEWER SYSTEM MAP

Does the municipality currently have a storm sewer system map completed for the entire regulated municipal separate storm sewer system? The map must depict, at a minimum: city streets, topography or drainage patterns, streams, and outfalls (points where the city or county-operated MS4 discharges into the streams or adjacent MS4s).

Yes ☒ No ☐

ILLICIT DISCHARGE ORDINANCES

1. Does the municipality currently have an ordinance or regulatory mechanism that prohibits non-stormwater discharges into the storm sewer system? If yes, please attach a copy of the ordinance and give page number(s) of this section of ordinance. If No, proceed to the next section (inspections and enforcement).

Yes ☒ No ☐ pg 3 Page Number 18-503 (2) (a) Ordinance Section Number

2. Does the ordinance or regulatory mechanism clearly define non-stormwater discharges, either through a written description of a non-stormwater discharge or through a listing of unallowable or allowable non-stormwater discharges?

Yes ☒ No ☐

3. Does the ordinance or regulatory mechanism allow right-of-entry on private property for inspection of suspected discharges?

Yes ☒ No ☐

4. Does the ordinance or regulatory mechanism prohibit dumping?

Yes ☒ No ☐

5. Does the ordinance or regulatory mechanism give the MS4 owner/operator the authority to eliminate non-stormwater discharges in the event of violations? If yes, please note page number and paragraph number.

Yes ☒ No ☐ pg 5 Page Number 18-506 all Paragraph Number

6. Does the ordinance or regulatory mechanism define penalties for violations? If yes, please note maximum penalty, page number and paragraph number.

Yes ☒ No ☐ $5,000 per day Maximum Penalty pg 6 Page Number 18-506 (3) (f) Paragraph Number

7. Does the municipality have ordinance or other regulatory mechanism that prohibits contamination of stormwater runoff from "hot spots" including industrial and commercial properties, restaurants, auto repair shops, auto supply shops, and large commercial parking areas?

Yes ☒ No ☐

INSPECTION/SCREENING AND ENFORCEMENT PROCEDURES

1. Does the municipality presently have personnel and procedures in place for inspection and/or screening for non-stormwater discharges? If yes, please describe and indicate percentage of system inspected and/or screened.

Yes ☒
No ☐

The City inspects/screens for non-stormwater discharges in accordance with the City's Illicit Discharge Detection and Elimination SOP. The City's Stormwater Coordinator is responsible for performing inspections/screening. The SOP provides information on inspections for outfalls, hotspots and complaint response, and includes details on source tracking/follow-up and documentation. Inspection forms are provided with the SOP. For each outfall, the city collects information such as: location; upstream land use; outfall type; material; shape, dimensions; damage; and discharge. The City performs dry weather screening on a certain percentage of its outfalls every year, such that 100% of outfalls and hotspots are screened at least once in every 5 year permit period.

2. Does the municipality presently have procedures and personnel in place for enforcement of violations of the illicit discharge ordinance? If yes, please describe.

Yes ☒
No ☐

Section 5 of the City's IDDE SOP addresses enforcement and provides a listing of the enforcement tools available to the City for IDDE purposes, as well as information on the origin or authority of each tool.

3. How are enforcement actions documented?

Enforcements are documented through written work records and through the NOV process. Records of IDDE enforcement actions are kept on file with the Stormwater Coordinator.

4. Has the municipality defined "hot spots" for non-stormwater discharge screening and inspections? If yes, please describe and provide a map of illicit discharge screening hot spots.

Yes ☒
No ☐

The City has identified hotspots, defined in the City Code section18-604 (5), within the City and cross-referenced the addresses of these hotspots with a commercially-available street index map. The resultant list has been mapped and is used to direct resources for screening. The City's index map, reference list to the index map and hotspot map are attached to this document.

PUBLIC INPUT AND COMPLAINTS

1. Does the municipality presently have procedures in place to receive and consider information and complaints about non-stormwater discharges that are submitted by the public? If so, provide brief description: responsible departments, personnel, steps followed.

Yes ☒
No ☐

Section 2 of the City's IDDE SOP provides guidance and a documentation form for handling IDDE complaints. All complaints are funneled to the City's Stormwater Coordinator, who is housed in the Engineering Department and is responsible for complaint response, documentation and storage of documentation. When a complaint is lodged, the Stormwater Coordinator inspects the complaint to determine if a discharge occurred, attempts to find the source of the discharge and take steps to eliminate the discharge. Enforcement actions occur when appropriate and necessary, in accordance with the SOP.

EDUCATION

1. Has the municipality educated the public and businesses including auto parts supply, auto repair shop and restaurants, regarding ways to detect, prevent and eliminate illicit discharges? If yes, briefly describe the educational materials, including media used

(e.g., written brochures, public service announcements, etc.), the topic(s) covered, intended target audience(s), and the distribution method.

Yes ☒
No ☐

The City uses public service announcements (PSAs) created by Waterworks for this education. The PSAs are distributed via television and focus on education of the general public. Topics include: keeping grass clippings out of waterways, limiting soil erosion, and the importance of vehicle maintenance and used oil recycling.

B. Proposed Activities:

List the best management practices (BMPs) that you will implement in the area of Illicit Discharge Detection and Elimination. These should be based on a set of priorities that you have identified in the area of Illicit Discharge Detection and Elimination. Provide a short descriptive name to the BMP in the left column and more description in the right column.

PROPOSED BEST MANAGEMENT PRACTICES FOR ILLICIT DISCHARGE DETECTION AND ELIMINATION		
BMP	Name	DESCRIPTION
2A.	Continue current IDDE program	The City will continue to implement the IDDE program, as required/defined by the first Small MS4 General NPDES Permit and as described in the City's latest Annual Reports. Changes to the program will be made throughout the permit period as required by the current Small MS4 General NPDES Permit and as indicated by the BMPs in this NOI.
2B.	Storm sewer system map maintenance	The storm sewer system map will be updated on an annual basis to reflect the addition or elimination of any system outfalls and inputs. Stormwater inputs, as defined by the current Small MS4 General NPDES Permit, are not currently included on this map. Data on stormwater inputs located within the MS4 will be collected and mapped during this permit period.
2C.	Outfall and hotspot screening	The City will continue screening/investigating all stormwater outfalls and hotspots located within the small MS4 in accordance with the City's standard operation procedure for illicit discharge detection and elimination.
2D.	Enforcement Response Plan	An Enforcement Response Plan (ERP) for the City's illicit discharge detection and elimination program will be developed and implemented.

If you have additional BMPs to list, please include in a separate attachment.

What specific groups will be targeted, if applicable?

the general public, residents, and owners of businesses located in hotspot areas

C. Measurable Goals and Implementation Milestones

Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

D. Administrative Information

ADMINISTRATIVE INFORMATION FOR ILLICIT DISCHARGE DETECTION AND ELIMINATION	
PRIMARY CONTACT	POSITION OR TITLE
Johann P. Coetzee	Director of Wastewater and Engineering

Identify other Department(s) that will be involved and their role.

OTHER DEPARTMENT(S)	ROLE
None	

Identify if you will partner with another MS4 Operator, or with another institution (e.g. Chamber of Commerce, Environmental interest organizations, civic groups) in order to carry out the chosen BMPs.

ENTITY	BMP
None	

Will another governmental entity be responsible for implementing one or more chosen BMPs? If so, identify the entity and which BMP(s) it will implement. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.

ENTITY	BMP
None	

SECTION 3
CONSTRUCTION SITE STORMWATER RUNOFF PROGRAM

A. Current Activities

The following is a set of questions on your current Construction Site Stormwater Runoff Program. These questions are intended to highlight minimum program requirements under the MS4 permit. For MS4s who have not been previously covered under an MS4 permit, each element not currently performed must be implemented by the dates identified in Sub-part 4.1.1. of the permit. Thus, each question with a "No" answer must be addressed with a solution in the MS4's proposed program.

CONSTRUCTION SITE RUNOFF ORDINANCES

1. Do the current ordinances/regulations for the municipal stormwater management program comply with Local, State and Federal public notice requirements? If yes, describe how the public is notified.

Yes ☒ No ☐

All ordinances and regulations must be formally adopted by the City Council during a meeting of the City Council, which is open to the general public. The ordinance/regulation is included on the agenda for the City Council meeting, and the agenda is available to the public. The meeting is advertised on the City website. The public has the opportunity to comment on the ordinance/regulation during the City Council meeting.

2. Do you currently have an erosion prevention and sediment control - or similar - ordinance or regulatory mechanism? If yes, include a copy and reference the page number(s). If No, proceed to the next set of questions below about construction site plans review.

Yes ☒ No ☐ Ordinance 42-23, Sections 14-1001 to 1007, pages 1-14 Page Number

3. Does the ordinance or regulatory mechanism require that site operators implement erosion prevention, sediment control, and other construction waste controls for land disturbance activities?

Yes ☒ No ☐

4. Does the ordinance/regulatory mechanism require (explicitly or implicitly) that controls be implemented for any land disturbances greater than or equal to one acre, or less than one acre if part of a large common plan of development or sale that would disturb one acre or more? If yes, note the page number and paragraph number where this is defined.

Yes ☒ No ☐ pg 4 Page Number 14-1004 (1) (b) Paragraph Number

5. Does the ordinance or regulatory mechanism contain or reference technical standards for erosion and sediment control? If yes, note the page number and paragraph number where this is defined.

Yes ☒ No ☐ pg 5 Page Number 14-1005 (1) (a) and 14-1005 (2) Paragraph Number

6. Do those technical standards meet or exceed the current effective Tennessee Construction General Permit (TNR100000) requirements for design storm and special conditions for impaired waters or exceptional waters?

Yes ☐ No ☒

7. Do those technical standards require that construction activities maintain temporary water quality buffers during construction?

Yes ☒ No ☐

8. Does the ordinance or regulatory mechanism clearly define the criteria - primarily who must submit - for submitting erosion and sediment control information or plans? If yes, note page number and paragraph number

Yes ☒ No ☐ pg 4 Page Number 14-1004 (1) (b) Paragraph Number

9. Does the ordinance or regulatory mechanism require approval by the local government prior to commencement of land disturbance activities? If yes, note page number and paragraph number.

Yes ☒ No ☐ pg 4 Page Number 14-1004 (1) (b) Paragraph Number

10. Does the ordinance or regulatory mechanism require re-submittal of erosion and sediment control information or plans if site plans or conditions change during land disturbance activities? If yes, note page number and paragraph number.

Yes ☒ No ☐ pg 11 Page Number 14-1007 (2) (c) Paragraph Number

11. Does the ordinance or regulatory mechanism allow right-of-entry for government officials onto construction sites for inspections? If yes, note page number and paragraph number.

Yes ☒ No ☐ pg 12 Page Number 14-1007 (4) (a) and (b) Paragraph Number

12. Does the ordinance or regulatory mechanism give the MS4 owner/operator the authority to STOP WORK in the event of non-compliance violations? If yes, note page number and paragraph number.

Yes ☒ No ☐ pg 12 Page Number 14-1007 (5) (b) Paragraph Number

CONSTRUCTION SITE PLANS REVIEW

1. Does the municipality presently have in place a technical review process (i.e. engineering department, planning department, zoning board) that evaluates new development and redevelopment construction for construction site runoff?

Yes ☒ No ☐

2. Does the technical review process require an erosion prevention and sediment control plan with appropriate BMPs?

Yes ☒ No ☐

3. Does the review process include a requirement for pre-construction meeting between the municipality and site developer, for priority construction sites, including at a minimum those construction activities discharging directly into, or immediately upstream of, waters the state recognizes as impaired or exceptional?

Yes ☒ No ☐

4. If there is a review process, provide a brief narrative or a flow chart of the process, describing the process steps, responsible personnel (by department, title and contact person), and criteria used for evaluation of information or plans that are submitted.

The City has a Development Committee process. The Committee includes every department/division in the City that has a stake in land development. Relevant to stormwater management, the Director of Wastewater and Engineering, the Planning and Development Director and the Stormwater Coordinator participate in this Committee. The Committee reviews/approves every site plan submitted to the City. A comprehensive checklist is used to document all the intensive reviews that occur, including a review of grading and construction site management practices. These reviews focus on the compliance of the site plan with the City's construction site management and post-construction ordinances. The Director of Wastewater and Engineering, Stormwater Coordinator and City Planning and Development Director are responsible for stormwater-relevant reviews and approvals. Reviewer comments are included on the checklist, and the Planning and Development Director meets with the site plan owner/developer in order to discuss comments and approval or disapproval issues. By the time the site plan goes to the City's Planning Commission for approval, all City development requirements are met, including those for stormwater management.

RESPONDING TO PUBLIC INPUT AND COMPLAINTS

1. Does the municipality presently have procedures in place for receipt and consideration of information and complaints submitted by the public?

Yes ☒ No ☐

If Yes, please provide a brief narrative of the receipt process and procedures, describing process steps, responsible departments, and personnel (by title). If available, provide information on complaint tracking, documentation, etc:

Citizen-based information is funneled to the Stormwater Coordinator, housed under the Engineering Department. The Stormwater Coordinator responds to the information, typically with a site visit to investigate the issue. The source of the problem is tracked. If the issue is due to construction site runoff, the City's construction site management ordinance can be used for enforcement to correct the issue. Documentation is the responsibility of the Stormwater Coordinator, and is kept on-file in the Stormwater Coordinator's office.

ENFORCEMENT AND INSPECTION PROCEDURES

1. Does the municipality presently have personnel and procedures in place for construction site runoff inspection?

Yes ☒ No ☐

2. Does the program provide for pre-construction meeting and monthly inspection of priority sites?

Yes ☒ No ☐

3. Does the municipality presently have procedures and personnel in place for enforcement to the maximum extend for violations of construction site requirements?

Yes ☒ No ☐

4. Does the municipality use a STOP WORK order to enforce non-compliance with construction site policies and requirements?

Yes ☒ No ☐

5. How are enforcement actions documented?

Site inspections are documented by the Stormwater Coordinator in logbooks and are kept on-file in the Coordinator's office. NOV's and are issued and closed via written correspondence as necessary to legally support the NOV. These are also kept on-file in the Stormwater Coordinator's office.

TRAINING AND EDUCATION

1. Does the municipality presently make construction site runoff control training/information available to the public, developers, engineers, and contractors? (Be aware that the state of Tennessee regularly conducts erosion prevention and sediment control classes across the state. Local governments are encouraged to refer developers and contractors to these classes).

Yes ☒ No ☐

2. Has municipal staff completed state-sponsored training, including the Tennessee Fundamentals of Erosion Prevention and Sediment Control; and the Erosion Prevention and Sediment Control Design Course?

Yes ☒ No ☐

B. Proposed Activities:

List the best management practices (BMPs) that you will implement in the area of Construction Site Runoff Program. These should be based on a set of priorities that you have identified in the area of Construction Site Runoff Program. Provide a short descriptive name to the BMP in the left column and more description in the right column.

PROPOSED BEST MANAGEMENT PRACTICES FOR CONSTRUCTION SITE RUNOFF PROGRAM		
BMP	Name	DESCRIPTION
3A.	Continue the current construction site runoff management program	The City will continue to implement the Construction Site Runoff management program, as required/defined by the first Small MS4 General NPDES Permit and as described in the City's latest Annual Reports. Changes to the program will be made throughout the permit period as required by the current Small MS4 General NPDES Permit and as indicated by the BMPs in this NOI.
3B.	Construction site runoff ordinance update	The City's existing erosion and sediment control ordinance will be reviewed in light of the requirements of the Small MS4 General NPDES Permit and the Tennessee Construction General Permit. Revisions will be made to correct any deficiencies identified during the review.
3C.	Construction site inventory	The City will develop and maintain an inventory of all active public and private construction sites that result in a total land disturbance as defined in section 4.2.4 of the Small MS4 General NPDES Permit. The inventory will contain relevant information for each construction site as defined in section 4.2.4.d of the Small MS4 General NPDES Permit.
3D.	Enforcement Response Plan	An Enforcement Response Plan (ERP) for the City's construction site stormwater runoff control program will be developed and implemented.

If you have additional BMPs to list, please include in a separate attachment.

What specific groups will be targeted, if applicable?

Construction site owners and operators, City construction site inspectors, and City construction site plan reviewers

C. Measurable Goals and Implementation Milestones

Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

D. Administrative Information

ADMINISTRATIVE INFORMATION FOR CONSTRUCTION SITE RUNOFF PROGRAM	
PRIMARY CONTACT	POSITION OR TITLE
Joseph Barnett	Stormwater Coordinator

Identify other Department(s) that will be involved and their role.

OTHER DEPARTMENT(S)	ROLE
Department of Planning and Development	The Planning and Development Director convenes the Development Committee and ensures that the Development Review Checklist is completed and fully approved prior to allowing a site plan to proceed to consideration by the Planning Commission.

Identify if you will partner with another MS4 Operator, or with another institution (e.g. Chamber of Commerce, Environmental interest organizations, civic groups) in order to carry out the chosen BMPs.

ENTITY	BMP
None	

Will another governmental entity be responsible for implementing one or more chosen BMPs? If so, identify the entity and which BMP(s) it will implement. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.

ENTITY	BMP
None	

SECTION 4
PERMANENT (POST-CONSTRUCTION) STORMWATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT PROGRAM

A. Current Activities

The following is a set of questions on your current Permanent Stormwater Management in New Development and Redevelopment Program. These questions are intended to highlight minimum program requirements under the MS4 permit. For MS4s who have not been previously covered under an MS4 permit, each element not currently performed must be implemented by the dates identified in Sub-part 4.1.1. of the permit. Thus, each question with a "No" answer must be addressed with a solution in the MS4's proposed program.

STRUCTURAL AND NON-STRUCTURAL STRATEGIES

1. Does the municipality currently have in place mechanisms or strategies to address permanent stormwater runoff management from new development or redevelopment projects that result in land disturbance of one acre or more? For example, land use planning requirements, zoning directives, site-based local controls such as riparian buffer zone protection; storage or detention of stormwater prior to release to streams; practices to cause stormwater to percolate the soil rather than runoff immediately; vegetative practices.

Yes ☒ No ☐

If Yes, please provide a brief narrative of - and/or references to - the structural and non-structural strategies, describing strategies implemented, Best Management Practices allowed, technical guidance, responsible departments, and personnel (by title).

The City of Elizabethton addresses permanent stormwater runoff management from new development or redevelopment projects that result in land disturbance of one acre or more through an ordinance that requires the implementation of water quality BMPs on each site. Each site is required to capture and treat a defined volume of water (called the water quality volume or WQv) to an 80% TSS removal standard. A Water Quality BMP Manual has been developed and implemented to support the requirements of the ordinance by defining the WQv and 80% TSS removal standard, providing detailed design

requirements and calculation guidance, and providing detailed inspection and maintenance guidance/checklists for the BMP owner. The 80% removal standard is a presumptive standard, in that compliance with the standard is presumed to be achieved if the BMP is designed, constructed and maintained in accordance with the requirements and guidance of the ordinance and manual. The City provides compliance oversight of the 80% TSS removal standard at various key stages of the life of the BMP. Design compliance reviews are performed through City review and approval of stormwater BMP design plans, construction compmliance reviews are performed through City inspection of stormwater (post-construction) BMPs on construction sites and through City approval of record drawings (i.e., as-built drawings) that are developed after construction is complete. Finally, maintenance compliance reviews are performed through regular inspection of each water quality BMP by City staff. The City's ordinance includes the authority to require BMP maintenance.

PERMANENT STORMWATER CONTROLS SITE MANAGEMENT ORDINANCE

1. Do you currently have an ordinance or regulatory mechanism that addresses permanent stormwater runoff management from new development and redevelopment projects? If yes, reference the page number in your ordinance. If No, proceed to the next section on permanent stormwater management plans review.

Yes ☒ No ☐ 6 Page Number 18-604(2) Paragraph Number

2. Does the ordinance or regulatory mechanism require controls to mitigate pollutants in stormwater runoff? If yes, note page number and paragraph number.

Yes ☒ No ☐ 6 Page Number 18-604(2) and (5) Paragraph Number

3. Does the ordinance or regulatory mechanism require (explicitly or implicitly) that controls be implemented for any new development or redevelopment projects greater than or equal to one acre, including projects less than one acre that are part of a large common plan of development or sale, that discharge into your small MS4? If yes, note page number and paragraph number.

Yes ☒ No ☐ 7 Page Number 18-604(3) Paragraph Number

4. Does the ordinance or regulatory mechanism contain or reference technical standards for water quality controls (e.g., design of detention basins)? If yes, note page number and paragraph number.

Yes ☒ No ☐ 6 Page Number 18-604(2) Paragraph Number

5. Does the ordinance or regulatory mechanism clearly define the criteria for submittal -who must submit - of permanent stormwater management design information or plans? If yes, note page number and paragraph number.

Yes ☒ No ☐ 5 Page Number 18-604(1) Paragraph Number

6. Does the ordinance or regulatory mechanism require approval prior to construction of permanent stormwater management controls? If yes, note page number and paragraph number.

Yes ☒ No ☐ 5 Page Number 18-604(1)e Paragraph Number

7. Does the ordinance or regulatory mechanism require re-submittal of permanent stormwater management design information or plans if site plans change after the initial design has been approved? If yes, please note page number and paragraph number.

Yes ☒ No ☐ 5 Page Number 18-604 (1)f Paragraph Number

8. Does the ordinance or regulatory mechanism give the MS4 owner/operator the authority to penalize the owner of permanent stormwater management controls for violations? If yes, note page number and paragraph number.

Yes ☒ No ☐ 12 Page Number 18-611(1 to 5) Paragraph Number

9. Does the ordinance or regulatory mechanism allow the municipality right-of-entry on property where permanent stormwater management controls are installed for inspections? If yes, please note page number and paragraph number.

Yes ☒ No ☐ 10 Page Number 18-607(1 to 2) Paragraph Number

10. Does the ordinance or regulatory mechanism require that permanent stormwater management controls have adequate and long-term operation and maintenance? If yes, please note page number and paragraph number. If no, how does the MS4 owner/operator maintain permanent stormwater management controls?

Yes ☒
No ☐

page 5 (18-604 (1) h and j

11. Does the ordinance or regulatory mechanism require establishment and maintenance of water quality buffers in areas of new development and redevelopment?

Yes ☒ No ☐

PERMANENT STORMWATER MANAGEMENT PLANS REVIEW

1. Does the municipality presently have in place a technical review process (i.e. engineering department, planning department, zoning board) that evaluates new development and redevelopment with regard to the impact that permanent stormwater runoff will have on receiving streams?

Yes ☒ No ☐

If Yes, provide a brief narrative or a flow chart of the review process, describing the process steps, responsible personnel (by department, title and contact person), and criteria used for evaluation of information or plans that are submitted.

The City has a Development Committee process. The Committee includes every department/division in the City that has a stake in land development. Relevant to stormwater management, the Director of Wastewater and Engineering, the Planning and Development Director and the Stormwater Coordinator participate in this Committee. The Committee reviews/approves every site plan submitted to the City. A comprehensive checklist is used to document all the intensive reviews that occur, including a review of grading and construction site management practices. These reviews focus on the compliance of the site plan with the City's construction site management and post-construction ordinances. The Director of Wastewater and Engineering, Stormwater Coordinator and City Planning and Development Director are responsible for stormwater-relevant reviews and approvals. Reviewer comments are included on the checklist, and the Planning and Development Director meets with the site plan owner/developer in order to discuss comments and approval or disapproval issues. By the time the site plan goes to the City's Planning Commission for approval, all City development requirements are met, including those for stormwater management.

B. Proposed Activities:

List the best management practices (BMPs) that you will implement in the area of the Permanent Stormwater Management Plans Review Program. These should be based on a set of priorities that you have identified in the area of the Permanent Stormwater Management Plans Review Program. Provide a short descriptive name to the BMP in the left column and more description in the right column.

PROPOSED BEST MANAGEMENT PRACTICES FOR PERMANENT STORMWATER MANAGEMENT PLANS REVIEW		
BMP	Name	DESCRIPTION
4A.	Continue permanent stormwater management program	The City will continue to implement the permanent (post-construction) stormwater management program, as required/defined by the first Small MS4 General NPDES Permit and as described in the City's latest Annual Reports. Changes to the program will be made throughout the permit period as required by the current Small MS4 General NPDES Permit and as indicated by the BMPs in this NOI.
4B.	Update the water quality buffer requirement	The City will review the current City water quality buffer requirement in light of the requirements of the small MS4 General NPDES Permit. The City's requirement will be modified where necessary to align it with the conditions of the permit.
4C.	Update the permanent stormwater management performance standards and program tools	The City will update the current City performance standards, as defined in the post-construction ordinance and Water Quality BMP Manual, to include site design standards to meet the Runoff Reduction requirement of the Small MS4 General NPDES Permit. Standards for off-site mitigation and/or payment into a public stormwater project fund may or may not be included, as will be determined by the City during the course of this five year permit period. Other supporting elements of the City's program, such as project plan review and approval process, construction site/post-construction BMP inspections, owner/operator inspections and BMP maintenance tools will be modified as necessary to support the additional performance standards and requirements.
4D.	Enforcement Response Plan	An Enforcement Response Plan (ERP) for the City's permanent stormwater management program will be developed and implemented.

If you have additional BMPs to list, please include in a separate attachment.

What specific groups will be targeted, if applicable?

developers/builders, contractors, property owners

C. Measurable Goals and Implementation Milestones

Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

D. Administrative Information

ADMINISTRATIVE INFORMATION FOR PERMANENT STORMWATER MANAGEMENT PLANS REVIEW	
PRIMARY CONTACT	POSITION OR TITLE
David R. Ornduff	Director of Planning and Development

Identify other Department(s) that will be involved and their role.

OTHER DEPARTMENT(S)	ROLE
Department of Planning and Development	The Planning and Development Director convenes the Development Committee and ensures that the Development Review Checklist is completed and fully approved prior to allowing a site plan to proceed to consideration by the Planning Commission.

Identify if you will partner with another MS4 Operator, or with another institution (e.g. Chamber of Commerce, Environmental interest organizations, civic groups) in order to carry out the chosen BMPs.

ENTITY	BMP
None	

Will another governmental entity be responsible for implementing one or more chosen BMPs? If so, identify the entity and which BMP(s) it will implement. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.

ENTITY	BMP
None	

SECTION 5
POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

A. Current Activities

The following is a set of questions on your current Pollution Prevention/Good Housekeeping for Municipal Operations Program. These questions are intended to highlight minimum program requirements under the MS4 permit. For MS4s who have not been previously covered under an MS4 permit, each element not currently performed must be implemented by the dates identified in Sub-part 4.1.1. of the permit. Thus, each question with a "No" answer must be addressed with a solution in the MS4's proposed program.

STAFF EDUCATION AND TRAINING

1. Does the municipality's current operation and maintenance program provide annual training for staff on preventing and reducing stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance?

Yes ☒ No ☐

2. Are training activities documented? If yes, please describe training and method of record-keeping.

Yes ☒
No ☐

Annual half-day training is given for all staff and covers illicit discharge detection and elimination, pollution prevention and good housekeeping and erosion and sediment control. The training is documented through a sign-in sheet.

MUNICIPAL OPERATIONS POLLUTION PREVENTION

1. Does the municipality's operations and maintenance program have policies and procedures in place that address pollution prevention? If yes, please describe procedures. Consider the following in your response: maintenance activities, maintenance schedules; long term inspection procedures for structural and non-structural stormwater controls to reduce floatables and other pollutants; controls for reducing or eliminating the discharge of pollutants from streets, roads, highways; controls for reducing or eliminating pollutants from municipal parking lots, maintenance and storage yards, fleet or maintenance areas with outdoor storage areas, salt/sand storage areas, snow disposal areas, waste transfer stations; disposal of waste removed from storm sewers and the areas listed above; and assessment of impacts on water quality from new flood management projects.

Yes ☒

No ☐

The City has a Pollution Prevention and Good housekeeping Plan for municipal facilities and activities with the potential to contaminate runoff. Included in the plan are facilities such as the garage and activities such as waste water construction. The City sweeps paved areas and parking lots as well as streets on a routine basis. Outdoor stockpiles are located away from storm drainage inlets. Stormwater from facilities is treated and structural devices that treat stormwater are maintained routinely. Records of maintenance are kept. Each facility has procedures and materials in place to deal with spills. The City has implemented treatment devices at facilities such as electric utility transformers so that in case of a spill, substances will be routed to a treatment device before discharging to the stormwater drainage system. Checklists for inspections of each facility's operations are used to ensure compliance with the plan. All projects built by the City comply with the City's construction site runoff, illicit discharges and permanent stormwater treatment ordinances. The City's Plan and operations are reviewed at least once per permit cycle.

MUNICIPAL INDUSTRIAL ACTIVITIES

1. Has the MS4 owner/operator obtained a Tennessee Multi-Sector General Permit or a no-exposure waiver for all qualifying municipal industrial activities? If yes, please give permit numbers or attach copies of the No-Exposure Certification form.

Yes ☒ No ☐ No qualifying activities _____ Permit Numbers(s) _____ _____

2. List municipally-owned or operated facilities that have a notable potential for contaminating runoff: for example - vehicle maintenance garages; waste transfer operations; golf courses; salt or other materials storage; landfill. If more than one facility for a given type of operation; give the number of such facilities. Indicate if any of these are covered by an NPDES permit. Is there a documented pollution prevention plan in place for these facilities?

FACILITY OR TYPE OF OPERATION	NUMBER OF FACILITIES	IS ACTIVITY COVERED BY NPDES PERMIT?	IS A POLLUTION PREVENTION PLAN IN EFFECT?
City Garage	1	Yes ☐ No ☒	Yes ☒ No ☐
Wastewater Treatment Plant	1	Yes ☒ No ☐	Yes ☒ No ☐
Water Treatment Plants – Big Spring and Valley Forge	2	Yes ☐ No ☒	Yes ☒ No ☐
Municipal Parks and Recreation Maintenance Area	1	Yes ☐ No ☒	Yes ☒ No ☐

B. Proposed Activities:

List the best management practices (BMPs) that you will implement in the area of the Pollution Prevention and Housekeeping Program. These should be based on a set of priorities that you have identified in the area of the Pollution Prevention and Housekeeping Program. Provide a short descriptive name to the BMP in the left column and more description in the right column.

In addition to considering industrial-type operations, you must also consider municipal infrastructure, and related maintenance activities, maintenance schedules and long-term inspection procedures for structural controls and the proper disposal of waste from storm sewers/catch basins, etc. Also included in this program area is discharge of pollutants from roads and parking lots

PROPOSED BEST MANAGEMENT PRACTICES FOR POLLUTION PREVENTION AND HOUSEKEEPING		
BMP	Name	DESCRIPTION
5A.	Continue Pollution Prevention and good housekeeping Program	The City will continue to implement its pollution prevention and good housekeeping program s required/defined by the first Small MS4 NPDES Permit and as described in the City's latest Annual Reports. Changes to the program will be made throughout the permit period as required by the current Small MS4 Permit and as indicated by the BMPs in this NOI.

5B.	Facility and Activities Review	The City will conduct a review of its facilities and activities to assess the effectiveness of current good housekeeping program and proximity to impaired waters. For gaps discovered during the review the CIty will implement necessary procedures and structures to prevent stormwater pollution.
5C.	New Facilities	The City will ensure that new facilities and projects for which the City is the owner comply with City construction and permanent stormwater ordinances
5D.	Flood Control Projects	The City does not have any flood control structures or facilities and thus cannot assess water quality impacts of flood control projects. For future potential flood control structures or facilities, the City will calculate water quality impacts as compared to the requirements of its permanent stormwater control ordinance.

If you have additional BMPs to list, please include in a separate attachment.

What specific groups will be targeted, if applicable?

C. Measurable Goals and Implementation Milestones

Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

D. Administrative Information

ADMINISTRATIVE INFORMATION FOR POLLUTION PREVENTION AND HOUSEKEEPING	
PRIMARY CONTACT	POSITION OR TITLE
Joseph Barnett	Stormwater Coordinator

Identify other Department(s) that will be involved and their role.

OTHER DEPARTMENT(S)	ROLE
Streets and Sanitation Department	Catch basin cleaning, street sweeping and litter pickup

Identify if you will partner with another MS4 Operator, or with another institution (e.g. Chamber of Commerce, Environmental interest organizations, civic groups) in order to carry out the chosen BMPs.

ENTITY	BMP
None	

Will another governmental entity be responsible for implementing one or more chosen BMPs? If so, identify the entity and which BMP(s) it will implement. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.

ENTITY	BMP
None	

ADDENDUM TO SMALL MS4 NPDES PERMIT NOTICE OF INTENT
BEST MANAGEMENT PRACTICES (BMPs) MEASURABLE GOALS AND MILESTONES

The purpose of this addendum is to record the measurable goals for each BMP, and the dates (month and year) by which interim actions are to be accomplished. Space is given for four BMPs for each of the six minimum measures. If necessary, please attach additional BMP MEASURABLE GOALS AND MILESTONES as a separate attachment.

Measurable goals are BMP design objectives, or goals that will quantify the progress of implementing the actions or performance of a BMP. They are ways to measure activities or effects of a BMP. For each of the six minimum measures and for each BMP, define the measurable goal you will use to monitor effectiveness of this BMP. The BMPs you list here should match exactly those given in Part V., 1-5 of this NOI. For purposes of this NOI, the Public Education and Outreach and Public Involvement/Participation minimum measures have been combined.

For each BMP, establish milestones for implementation. These tables are set up for once/year milestones. You may change the milestone dates to time frames less than one year.

BEST MANAGEMENT PRACTICES FOR PUBLIC EDUCATION AND PUBLIC PARTICIPATION	
BMP 1A	MEASURABLE GOALS AND MILESTONES
Goal(s)	Continue Public Outreach and Education Program
Milestone Year 1	Continue program as described in BMP1A.
Milestone Year 2	No action.
Milestone Year 3	No action.
Milestone Year 4	No action.
Milestone Year 5	No action.

BMP 1B	MEASURABLE GOALS AND MILESTONES
Goal(s)	PIE Plan Creation and implementation.
Milestone Year 1	Develop Plan.
Milestone Year 2	Implement TDEC-approved PIE Plan meeting goals, targets, and activities specified therein.
Milestone Year 3	Continue.
Milestone Year 4	Continue.
Milestone Year 5	Continue.

BMP 1C	MEASURABLE GOALS AND MILESTONES
Goal(s)	Website
Milestone Year 1- within 30 days of NOC	Within 30 days of coverage, implement website to inform citizens of public outreach and involvement opportunities and provide basic information on stormwater pollution and pollution prevention.
Milestone Year 2	Update website.
Milestone Year 3	Update website.
Milestone Year 4	Update website.
Milestone Year 5	Update website.

BMP 1D	MEASURABLE GOALS AND MILESTONES
Goal(s)	
Milestone Year 1	
Milestone Year 2	
Milestone Year 3	
Milestone Year 4	
Milestone Year 5	

BEST MANAGEMENT PRACTICES FOR ILLICIT DISCHARGE DETECTION AND ELIMINATION

BMP 2A	MEASURABLE GOALS AND MILESTONES
Goal(s)	Detect and take steps to eliminate illicit discharges located within the MS4 by continuing the City's IDDE program.
Milestone Year 1	Continue
Milestone Year 2	Continue
Milestone Year 3	Continue
Milestone Year 4	Continue
Milestone Year 5	Continue

BMP 2B	MEASURABLE GOALS AND MILESTONES
Goal(s)	1. Update outfall data on the City storm sewer system map on an annual basis. 2. Identify and map inlets to the storm sewer system, such that all inlets are included on the map by the end of Permit Year 5.
Milestone Year 1	Update the storm sewer system map.
Milestone Year 2	Update the storm sewer system map.
Milestone Year 3	Update the storm sewer system map.
Milestone Year 4	Update the storm sewer system map.
Milestone Year 5	Update the storm sewer system map.

BMP 2C	MEASURABLE GOALS AND MILESTONES
Goal(s)	Perform dry weather screening for outfalls and hotspots. Investigate and eliminate non-stormwater discharges found during screening. Perform and document screening, investigation and enforcement activities in accordance with the City's standard operating procedure.
Milestone Year 1	Continue
Milestone Year 2	Continue
Milestone Year 3	Continue
Milestone Year 4	Continue
Milestone Year 5	Continue

BMP 2D	MEASURABLE GOALS AND MILESTONES
Goal(s)	1. Develop an Enforcement Response Plan for the City's IDDE program. 2. Implement the IDDE ERP.
Milestone Year 1	No action.
Milestone Year 2	Develop the ERP within 18 months of coverage under the small MS4 General NPDES Permit.
Milestone Year 3	Implement ERP.
Milestone Year 4	Implement ERP.
Milestone Year 5	Implement ERP.

BEST MANAGEMENT PRACTICES FOR CONSTRUCTION SITE RUNOFF PROGRAM	
BMP 3A	MEASURABLE GOALS AND MILESTONES
Goal(s)	Continue to implement the City's construction site management program under the authority of the City's erosion prevention and sediment control ordinance.
Milestone Year 1	Continue
Milestone Year 2	Continue
Milestone Year 3	Continue
Milestone Year 4	Continue
Milestone Year 5	Continue

BMP 3B	MEASURABLE GOALS AND MILESTONES
Goal(s)	Revise the City's existing erosion control ordinance to better align it with the requirements of the Small

	MS4 General NPDES Permit and the Tennessee Construction General Permit.
Milestone Year 1	Continue EPSC program using current City ordinance.
Milestone Year 2	Review and modify the ordinance. Adopt the revised ordinance.
Milestone Year 3	Continue EPSC prrogram using revised City ordinance.
Milestone Year 4	Continue EPSC prrogram using revised City ordinance.
Milestone Year 5	Continue EPSC prrogram using revised City ordinance.

BMP 3C	MEASURABLE GOALS AND MILESTONES
Goal(s)	Develop and implement the construction site inventory.
Milestone Year 1	Develop the construction site inventory.
Milestone Year 2	Implement the construction site inventory within 12 months of coverage under the small MS4 General NPDES Permit. Update the inventory as new construction sites are permitted and are completed.
Milestone Year 3	Update the inventory as new construction sites are permitted and are completed.
Milestone Year 4	Update the inventory as new construction sites are permitted and are completed.
Milestone Year 5	Update the inventory as new construction sites are permitted and are completed.

BMP 3D	MEASURABLE GOALS AND MILESTONES
Goal(s)	1. Develop an Enforcement Response Plan for the City's construction site stormwater runoff program. 2. Implement the construction site stormwater runoff ERP.
Milestone Year 1	No action.
Milestone Year 2	Develop ERP within 18 months of coverage under the small MS4 General NPDES Permit.
Milestone Year 3	Implement ERP.
Milestone Year 4	Implement ERP.
Milestone Year 5	Implement ERP.

BEST MANAGEMENT PRACTICES FOR PERMANENT (POST-CONSTRUCTION) STORMWATER MANAGEMENT PROGRAM	
BMP 4A	MEASURABLE GOALS AND MILESTONES
Goal(s)	Continue to implement the City's permanent stormwater management program under the authority of the City's post-construction ordinance and with the guidance of the Water Quality BMP Manual.
Milestone Year 1	Continue
Milestone Year 2	Continue
Milestone Year 3	Continue
Milestone Year 4	Continue
Milestone Year 5	Continue

BMP 4B	MEASURABLE GOALS AND MILESTONES
Goal(s)	Revise the current water quality buffer requirements to comply with section 4.2.5.1 of the Small MS4 General NPDES Permit.
Milestone Year 1	No action.
Milestone Year 2	No action.
Milestone Year 3	No action.
Milestone Year 4	No action.
Milestone Year 5	Revise post-construction ordinance and implement new requirements.

BMP 4C	MEASURABLE GOALS AND MILESTONES
Goal(s)	1. Update the City's current permanent stormwater management program to include requirements for Runoff Reduction. 2. Review and update other elements of the City's program as necessary to support new requirements for runoff reduction. Other elements include plans review and approval, construction site inspections, as-built requirements, BMP owner inspections, MS4 post-construction inspections, and maintenance requirements.

Milestone Year 1	No action.
Milestone Year 2	No action.
Milestone Year 3	No action.
Milestone Year 4	No action.
Milestone Year 5	Update City program to fully include and support Runoff Reduction requirements.

BMP 4D	MEASURABLE GOALS AND MILESTONES
Goal(s)	1. Develop an Enforcement Response Plan for the City's permanent stormwater management program. 2. Implement the permanent stormwater management ERP.
Milestone Year 1	No action.
Milestone Year 2	Develop ERP within 18 months of coverage under the small MS4 General NPDES Permit.
Milestone Year 3	Implement ERP.
Milestone Year 4	Implement ERP.
Milestone Year 5	Review and revise ERP as deemed necessary to support program updates as indicated in BMPs 4A through 4F. Continue to implement ERP.

BEST MANAGEMENT PRACTICES FOR MUNICIPAL POLLUTION PREVENTION AND GOOD HOUSEKEEPING	
BMP 5A	MEASURABLE GOALS AND MILESTONES
Goal(s)	Continue pollution prevention and good housekeeping Program
Milestone Year 1	Continue program
Milestone Year 2	Continue program
Milestone Year 3	Continue program, integrating changes identified as a result of the review conducted under BMP 5B
Milestone Year 4	Continue program
Milestone Year 5	Continue program

BMP 5B	MEASURABLE GOALS AND MILESTONES
Goal(s)	Facility and Activities Review
Milestone Year 1	Follow existing pollution prevention and good housekeeping plan as in BMP 5A.
Milestone Year 2	Review facilities and document review and gap analysis. Identify recommended changes to facilities and activities
Milestone Year 3	No action
Milestone Year 4	No action
Milestone Year 5	No action

BMP 5C	MEASURABLE GOALS AND MILESTONES
Goal(s)	New Facilities
Milestone Year 1	Develop checklist for documentation that projects comply with City construction and post-construction ordinances
Milestone Year 2	Implement checklist. Update checklist as necessary to include new requirements.
Milestone Year 3	Implement checklist. Update checklist as necessary to include new requirements.
Milestone Year 4	Implement checklist. Update checklist as necessary to include new requirements.
Milestone Year 5	Implement checklist. Update checklist as necessary to include new requirements.

BMP 5D	MEASURABLE GOALS AND MILESTONES
Goal(s)	Flood Control Projects
Milestone Year 1	For any new proposed flood control project, calculate water quality impacts as compared to the requirements of its permanent stormwater control ordinance.
Milestone Year 2	Continue, as applicable
Milestone Year 3	Continue, as applicable

Milestone Year 4	Continue, as applicable
Milestone Year 5	Continue, as applicable

SECTION 2: ILLICIT DISCHARGE DETECTION AND ELIMINATION

Additional BMPs

BMP	Name	DESCRIPTION
2E	IDDE procedures assessment and update	All existing City procedures pertaining to illicit discharge detection and elimination will be assessed in light of the requirements of the small MS4 General NPDES Permit. Such procedures will be updated, if warranted, to eliminate any deficiencies identified during the assessment.

BMP 2E	MEASURABLE GOALS AND MILESTONES
Goal(s)	1. Assess existing City procedures pertaining to the IDDE program. 2. Revise procedures to align them with the requirements of the small MS4 General NPDES Permit.
Milestone Year 1	Continue existing IDDE program using current City IDDE procedures.
Milestone Year 2	Continue existing IDDE program using current City IDDE procedures. Assess and revise City IDDE procedures.
Milestone Year 3	Continue IDDE program using revised City IDDE procedures.
Milestone Year 4	Continue IDDE program using revised City IDDE procedures.
Milestone Year 5	Continue IDDE program using revised City IDDE procedures.

SECTION 3: CONSTRUCTION SITE STORMWATER RUNOFF PROGRAM

Additional BMPs

BMP	Name	DESCRIPTION
3E	MS4 staff training	City inspectors will maintain certification under the Tennessee Fundamentals of Erosion Prevention and Sediment Control Course (Level 1). City construction site plan reviewers must maintain certification from the Tennessee Erosion Prevention and Sediment Control Design Course (Level 2). These courses will be taken by City staff at the frequency required to maintain certifications

BMP 3E	MEASURABLE GOALS AND MILESTONES
Goal(s)	1. Maintain Level 1 certification for all City construction site inspectors responsible for erosion prevention and sediment control inspections. 2. Maintain Level 2 certification for all City construction plan reviewers that are responsible for reviewing stormwater and erosion prevention and sediment control designs.
Milestone Year 1	Maintain staff certifications.
Milestone Year 2	Maintain staff certifications.

Milestone Year 3	Maintain staff certifications.
Milestone Year 4	Maintain staff certifications.
Milestone Year 5	Maintain staff certifications.

SECTION 4: PERMANENT STORMWATER MANAGEMENT PROGRAM

Additional BMPs

BMP	Name	DESCRIPTION
4E	BMP Inventory	An inventory for permanent stormwater management BMPs will be developed in accordance with the requirements of section 4.2.5.6 of the Small MS4 General NPDES Permit. The inventory will be updated on an annual basis, or as development/redevelopment and inspections occur, whichever is determined more appropriate for the City's land development and post-construction inspection processes.
4F	Codes and Ordinances Review and Update	Local codes and ordinances will be reviewed using the EPA Water Quality Scorecard. Based on the outcome of the review, codes and ordinances will be updated within 4 years of coverage under the Small MS4 General NPDES Permit.

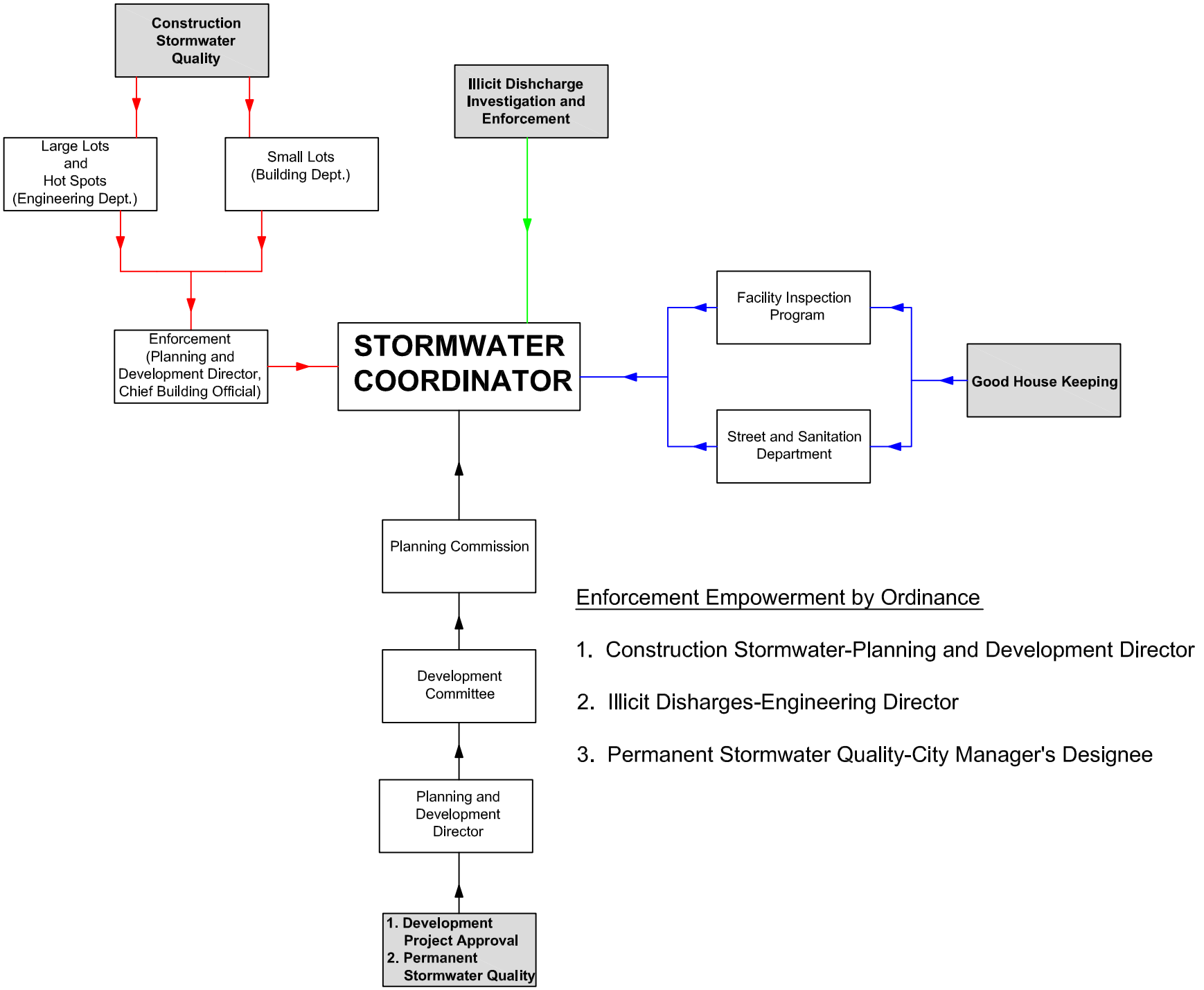
BMP 4E	MEASURABLE GOALS AND MILESTONES
Goal(s)	1. Develop the BMP inventory within 180 days of coverage under the Small MS4 General NPDES Permit. 2. Maintain the inventory on an annual basis.
Milestone Year 1	Develop BMP inventory.
Milestone Year 2	Maintain inventory.
Milestone Year 3	Maintain inventory.
Milestone Year 4	Maintain inventory.
Milestone Year 5	Maintain inventory.
BMP 4F	**MEASURABLE GOALS AND MILESTONES**
Goal(s)	1. Review local codes and ordinances using the EPA Water Quality Scorecard within one year of obtaining coverage under the Small MS4 General NPDES Permit. 3. Update local codes and ordinances as appropriate and identified during the review within 4 years of obtaining coverage under the Small MS4 General NPDES Permit.
Milestone Year 1	No action.
Milestone Year 2	Complete EPA Water Quality Scorecard within one year of permit coverage (approximately January 2012). Submit a completed copy of the EPA Water Quality Scorecard with the Permit Year 2 Annual Report.
Milestone Year 3	No action unless otherwise specified by the results of the codes and ordinances review.
Milestone Year 4	No action unless otherwise specified by the results of the codes and

	ordinances review.
Milestone Year 5	Have local codes and ordinances fully updated as deemed appropriate based on the codes and ordinances review within four years of permit coverage (approximately January 2015).

City of Elizabethton Phase II Stormwater Permit Notice of Intent, Phase II MS4
List of Attachments

1. Organizational Chart (Part I Administrative Information p 2)
2. Maps (Part II Description of the Storm System, Item C p.2)
3. Ordinances (Part III, Existing Legal Authority to Control Stormwater Discharges to MS4)
4. Gap Creek Grant Application and Invoice for Services Rendered (Part V, Section 1 p. 7)
5. Hotspots map, index map, reference list to the index map (Part V, Section 2, #4 p.8)
6. Site Plan Requirements for Development Review (Part V, Section 3, #4 p. 11 and Section 4, #1 p. 15

Attachment 1 Organizational Chart



Enforcement Empowerment by Ordinance

1. Construction Stormwater-Planning and Development Director
2. Illicit Disharges-Engineering Director
3. Permanent Stormwater Quality-City Manager's Designee

File No. flow diagram.DWG | Drawing No. 1 | Job Class ___ | Sheet 1 of 1

	Designed	Drawn	Checked	Approved
Date	12/6/10	12/6/10	12/6/10	
	JC	MJB	JC	

City of Elizabethton
Engineering Department
Elizabethton MS4 Program
Orginizational Diagram

Attachment 3 Ordinances

ORDINANCE NO. 42-12

"AN ORDINANCE TO AMEND THE ELIZABETHTON, TENNESSEE, MUNICIPAL CODE, 2000, AS AMENDED BY REVISING IN ITS ENTIRETY TITLE 14, CHAPTER 10, SECTIONS 14-1001 THROUGH 14-1007 TO ADOPT NEW PROVISIONS REGARDING EROSION AND SEDIMENT CONTROL AS REQUIRED BY THE CITY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT."

WHEREAS, the City of Elizabethton is the holder of a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit No. TN3075281; and,

WHEREAS, as a condition of the City's NPDES Permit, the City is required to enact an Ordinance to control erosion and sediment control as required by the State of Tennessee, Department of Environment, and Conservation (TDEC) and the United States Environmental Protection Agency (EPA); and,

WHEREAS, the proposed City Ordinance has been developed with input from the Regional Stormwater Planning Group.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ELIZABETHTON, TENNESSEE, AS FOLLOWS:

Section 1. That Title 14, Chapter 10, Section 14-1001, shall be revised in its entirety to read as follows:

14-1001. TITLE. This chapter shall be known as the "Erosion and Sediment Control Ordinance of the City of Elizabethton, Tennessee".

Section 2. That Title 14, Chapter 10, Section 14-1002, shall be revised in its entirety to read as follows:

14-1002. PURPOSE.

The purposes of this Ordinance are to:

(1) Protect, maintain, and enhance the environment of the Elizabethton Regional Planning Area and the public health, safety and general welfare of the citizens of the Region, by preventing the discharge of sediment and construction related waste to the Region's storm water system.

(2) Maintain and improve the quality of the receiving waters into which storm water runoff flows, including without limitation, lakes, rivers, streams, ponds, and wetlands.

(3) Comply with the State of Tennessee National Pollutant Discharge Elimination System (NPDES) General permit for discharges from small municipal separate storm sewer systems.

SECTION 3. That Title 14, Chapter 10, Section 14-1003, shall be revised in its entirety to read as follows:

14-1003. DEFINITIONS.

For the purposes of this ordinance, the following definitions shall apply. Words used in the singular shall include the plural, and the plural shall include the singular. Words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive.

(1) "*Best Management Practices (BMP).*" Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to the municipal separate storm sewer system. BMP also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage, or leaks, sludge or waste disposal, or drainage from raw material storage.

(2) "*City.*" The City of Elizabethton, Tennessee.

(3) "Clearing." In the definition of discharges associated with construction activity, *clearing* does not refer to clearing of vegetation along roadways, highways or power lines for site distance or other maintenance and/or safety concerns, or cold planing, milling, and/or removal of concrete and/or bituminous asphalt roadway pavement surfaces. *Clearing* typically refers to removal of vegetation and disturbance of soil prior to grading or excavation in anticipation of construction activities. *Clearing* may also refer to wide area land disturbance in anticipation of non-construction activities; for instance, cleared forested land in order to convert forestland to pasture.

(4) "Commencement of Construction or Commencement of Land Disturbing Activities." The initial disturbance of soils associated with clearing, grading or excavating activities or other construction activities.

(5) Construction." Any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises.

(6) "Construction Related Wastes." Refuse or unused materials that result from construction activities. Construction related wastes can include, but are not limited to, unused building and landscaping materials, chemicals, litter, sanitary waste, and concrete truck washout.

(7) "Development." Any man-made change to improved or unimproved property including, but not limited to, construction of buildings or other structures, clearing, dredging, drilling operations, filling, grading, paving, excavation, or storage of equipment or materials.

(8) "Director." The Director of Planning and Development of the City or his/her designee, who is responsible for the approval of development and redevelopment plans, grading permits, and implementation of the provisions of this ordinance.

(9) "Erosion." The removal of soil particles by the action of water, wind, ice or other agents, whether naturally occurring or acting in conjunction with or promoted by man-made activities or effects.

(10) "Erosion and sediment control plan." A written plan (including drawings or other graphic representations) that is designed to eliminate and/or reduce erosion and off-site sedimentation from a site during construction activities.

(11) "Filling." Any deposition or stockpiling of dirt, rock, stumps, or other natural or man-made solid waste material.

(12) "Final Stabilization." When all soil disturbing activities at the site have been completed, and a perennial vegetative cover sufficient to prevent erosion has been well established on all unpaved areas, and/or equivalent permanent stabilization measures have been employed.

(13) "Grading." Any excavation, filling (including fill placed in watercourses), or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

(14) "Grading Permit." A permit issued by the City authorizing the commencement of land disturbing activities.

(15) "High Quality Waters." Surface waters of the State of Tennessee that are identified by TDEC as high quality waters. Characteristics of high quality waters are listed at Rule 1200-4-3-.06 of *"the official compilation – rules and regulations of the State of Tennessee"*. Characteristics include waters designated by the Water Quality Control Board as Outstanding National Resources Waters (ONRW); waters that provide habitat for ecologically significant populations of certain aquatic or semi-aquatic plants or animals; waters that provide specialized recreational opportunities; waters that possess outstanding scenic or geologic values; or waters where existing conditions are better than water quality standards. High quality waters are sometimes referred to as Tier II or Tier III (ONRW) waters.

(16) "Land disturbing activity." Any activity on a property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, land transporting, and excavation.

(17) "Municipal separate storm sewer system (MS4)." A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(a) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the state;

(b) Designed or used for collecting or conveying storm water;

(c) Which is not a combined sewer; and

(d) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

(18) "Owner or Operator." Any party associated with a construction project that meets either of the following two criteria:

(a) The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (this will typically be the owner or developer); or

(b) The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions, e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions. (This will typically include the general contractor and would also include erosion control contractors.)

(19) "Plan." An erosion and sediment control plan, or a small lot erosion and sediment control plan.

(20) "Priority Construction Activity." Construction activities that discharge directly into or immediately upstream, as defined by the Director, from waters the state recognizes as impaired for siltation or those waters designated as high quality waters. A property is considered to have a direct discharge, if storm water runoff from the property does not cross any other property before entering the water of the State.

(20) "Region." The Elizabethton, Tennessee, Regional Planning Area.

(22) "Sediment." Solid material, either mineral or organic, that is in suspension, being transported, or has been moved from its site of origin by erosion.

(23) "Small lot erosion and sediment control plan." A plan that is designed to eliminate and/or reduce erosion and off-site sedimentation from a site during construction activities, applicable to development and redevelopment sites that disturb less than one acre and are not part of a larger plan of development.

(24) "Subdivision." The division, subdivision, or re-subdivision of any lot or parcel of land as defined in the Subdivision Regulations of the Elizabethton Regional Planning Commission.

(25) "Tennessee Aquatic Resource Alteration Permit." Persons who wish to make an alteration to a stream, river, lake or wetland must first obtain a water quality permit from TDEC. Physical alterations to properties of waters of the state require an Aquatic Resource Alteration Permit (ARAP) or a Section 404 Permit from the U. S. Army Corps of Engineers.

(26) "TDEC." The Tennessee Department of Environment and Conservation.

(27) "Transporting." Any moving of earth materials from one place to another, other than such movement incidental to grading, as authorized on an approved plan.

(28) "Waters or *waters of the State."* 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.

SECTION 4: That Title 14, Chapter 10, Section 14-1004, shall be revised in its entirety to read as follows:

14-1004 General Requirements

(1) Applicability

(a) Land disturbing or construction activities that cause off-site sedimentation or sediment discharges to Waters of the State shall be in violation of this Ordinance.

(b) No owner or operator of any property within the Region shall commence land-disturbing activities unless an erosion and sediment control plan is submitted to and approved by the Director.

(c) For construction resulting in less than one acre of disturbed area, excluding single family residential construction that is part of a larger plan of development or sale, a small lot erosion and sediment control plan shall be submitted to and approved by the Director prior to commencement of any land disturbing activity.

(d) The issuance of a grading permit shall be conditioned upon the approval of the erosion and sediment control plan by the Director. The City shall serve as the plan approval agency only, and in no instance are its regulations to be construed as designing erosion and sediment control or other storm water systems.

(e) No building permit shall be issued until the owner or operator has obtained a grading permit and is in compliance with the grading permit, where the same is required by this ordinance.

(f) All land disturbing activities shall employ adequate erosion and sediment control best management practices.

(2) Exemptions from Plans Submittal.

(a) The following activities shall not require submittal and approval of an erosion and sediment control plan, or small lot erosion and sediment control plan.

(i) Minor land disturbing activities such as home gardens and individual home landscaping, repairs or maintenance work;

(ii) Additions or modifications to existing, individual, single family structures;

(iii) Emergency work to protect life, limb or property, and emergency repairs, provided that the land area disturbed shall be shaped and stabilized in accordance with the requirements of this regulation.

(iv) Existing nursery and agricultural operations conducted as a permitted main or accessory use; and

(v) State and federal projects subject to the submission requirements of TDEC.

(b) All other provisions of this ordinance shall apply to the exemptions noted in 2(a) above.

SECTION 5. That Title 14, Chapter 10, Section 14-1005, shall be revised in its entirety to read as follows:

14-1005. Erosion and Sediment Control Design Standards.

(1) Adoption of Standards.

(a) The City adopts as its erosion and sediment control design standards and best management practices manual the *TDEC Erosion & Sediment Control Handbook*, as amended. This manual is incorporated by reference into this ordinance. This manual includes a list of acceptable BMPs, including the specific design performance criteria and operation and maintenance requirements for each BMP.

(b) Design, operation and maintenance criteria presented in the manual may be updated and expanded upon, at the discretion of the Director, based on improvements in engineering, science, monitoring, and local maintenance experience.

(c) Erosion and sediment control BMPs that are designed, constructed and maintained in accordance with the BMP criteria presented in the manual shall be presumed to meet the minimum water quality performance standards required by the City.

(2) General Criteria and Requirements.

The following requirements are in keeping with the performance standards set forth in the *Tennessee Construction General Permit*, and the *TDEC Erosion & Sediment Control Handbook*, as amended.

(a) Erosion and sediment controls shall be designed to retain sediment on-site.

(b) All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the owner/operator must replace or modify the control for site situations. Modifications to the approved E&SC plan or the small site plan will require a plan modification.

(c) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and must be removed when design capacity has been reduced by 50%.

(d) Construction related waste, litter, construction debris, and construction chemicals exposed to storm water shall be removed, covered or properly stored prior to anticipated storm events (e.g., forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, daily pick-up, etc.). After use, silt fences, including accumulated trapped sediment and debris, should be removed or otherwise prevented from becoming a pollutant source for storm water discharges.

(e) Offsite material storage areas (also including overburden and stockpiles of dirt, etc.) used solely by the permitted project are considered part of the project and shall be addressed in the plan.

(f) Pre-construction vegetative ground cover shall not be destroyed, removed, or disturbed more than 20 calendar days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.

(g) Clearing and grubbing must be held to the minimum necessary for grading and construction equipment.

(h) Construction must be sequenced to minimize the exposure time for graded or denuded areas.

(i) Construction must be phased for projects in which over 50 acres of soil will be disturbed. Areas of the completed phase must be stabilized within 21 days after another phase has been initiated.

(j) Erosion and sediment control measures must be in place and functional before commencement of land disturbing activities, and must be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but must be replaced at the end of the work day or prior to a rain event, whichever is sooner.

(k) The following records shall be maintained on site: the dates when major grading activities occur; the dates when construction activities temporarily or permanently cease on a portion of the site; and the dates when stabilization measures are initiated.

(l) The Director has the discretion to require BMPs that conform to a higher than minimum standard for priority construction activities, for high quality waters, or where deemed necessary.

(3) Stabilization Practices.

The plan shall include a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Plans should ensure that existing vegetation is preserved where feasible and that disturbed portions of the site are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for stabilization should be avoided.

(a) Stabilization measures shall be initiated as soon as practicable on portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased. Except in the following two situations:

(i) Where the initiation of stabilization measures by the seventh day is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable.

(ii) Where construction activity on a portion of the site is temporarily closed, and land disturbing activities will be resumed within 15 days, temporary stabilization measures do not have to be initiated on that portion of the site.

(b) Temporary or permanent soil stabilization shall be accomplished within 15 days after final grading or other land disturbing activity. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.

(4) Structural Practices

The plan shall include a description of structural best management practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such best management practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural controls shall not be placed in streams or wetlands except as authorized by section 404 permit and/or Tennessee Aquatic Resource Alteration Permit.

(a) Erosion and sediment control best management practices shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment. In addition, best management practices shall be designed to control the rainfall and runoff from a 2-year, 24-hour storm, as a minimum.

(b) When temporary or permanent sediment basins are used to control sedimentation at a site, the basin must provide storage for a calculated volume of runoff from a 2-year, 24-hour storm and runoff coefficient from each disturbed acre drained until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measure, shall be provided until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin.

(c) Discharges from sediment basins and traps must be through a pipe or lined with rip rap or other stabilized spillway so that the discharge does not cause erosion.

(d) Muddy water to be pumped from excavation and work areas must be held in settling basins or filtered prior to its discharge into surface waters. Water must be discharged onto a stabilized outlet point so that the discharge does not cause erosion and sedimentation.

5. Other Guidelines.

(a) No solid materials, including building materials, shall be discharged to waters of the State, except as authorized by a section 404 permit and/or Tennessee Aquatic Resource Alteration Permit.

(b) Off-site vehicle tracking of sediments is prohibited.

(c) Dust generation shall be minimized.

(d) For installation of any waste disposal systems on site, or sanitary sewer or septic system, the plan shall provide for the necessary sediment controls. Owners/operators must also comply with applicable State and/or local waste disposal, sanitary sewer or septic system regulations for such systems to the extent that these are located within the permitted area.

SECTION 6. That Title 14, Chapter 10, Section 14-1006, shall be revised in its entirety to read as follows:

14-1006. Erosion and Sediment Control Plans.

(1) Requirements.

(a) The erosion and sediment control plan shall present in detail the best management practices that will be employed to reduce erosion and control sedimentation.

(b) The plan shall be sealed by a registered professional licensed to practice stormwater management design in the State of Tennessee.

(c) Best management practices presented in the plan shall conform to the requirements found in the *TDEC Erosion & Sediment Control Handbook*, as amended, and shall meet or exceed the requirements of the *TDEC Construction General Permit*.

(d) The plan shall include measures to protect legally protected state or federally listed threatened or endangered aquatic fauna and/or critical habitat (if applicable).

(e) The plan submitted shall be subject to any additional requirements set forth in the City's subdivision regulations, zoning ordinance, or other City regulations.

(f) Construction of the site in accordance with the approved plan must commence within one year from the issue date of the grading permit, or the grading permit will become null and void and the plan must be resubmitted for approval.

2. Plan Contents.

At a minimum, erosion and sediment control plans shall include the following:

(a) A project description, discussing the intended development or redevelopment, number of units and/or structures to be constructed, the infrastructure required;

(b) A map presented at a scale sufficient to reveal:

(i) Topographic contours at a 2-foot interval.

(ii)Existing and proposed topography including soil types, wetlands, watercourses, water bodies and sinkholes, including intermittent and wet-weather conveyances.

(iii) Proposed area alterations including property lines, existing and proposed structures, utilities, driveways and roads.

(iv) Limits of proposed clearing, grading, filling and/or other land disturbing activities.

(v) Boundaries of designated floodplains and floodways.

(vi) Outfall points for storm water discharges from the site.

(c) A general description of the existing land cover. Individual trees and shrubs do not need to be identified;

(d) A general description of existing soil types and characteristics, and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

(e) The calculations for peak discharges for **existing** storm water runoff leaving any portion of the site for the 2-year, 24-hour storm event. Include an estimate of the runoff coefficient of the site before construction.

(f) The calculations for peak discharges for storm water runoff leaving any portion of the site **after construction** is complete for the 2-year, 24-hour storm event. Include an estimate of the runoff coefficient of the site after construction is complete.

(g) The design, construction and maintenance details for: soil erosion and sediment control BMPs, including sediment basins, silt fencing, check dams, construction entrances and other BMPs as included in the *TDEC Erosion & Sediment Control Handbook*, as amended.

(h) Location(s) of any existing and proposed storm water management structures or facilities.

(i) Seeding and stabilization specifications, including temporary and permanent groundcovers, mulching rates, and methods for anchoring mulch. If proprietary sediment and/or erosion control products are used, include the manufacturers installation and maintenance guidance.

(j) A construction sequence addressing the following:

(i) All major construction activities indicating the anticipated start and completion of development.

(ii)The sequence of land disturbance activities and subsequent stabilization.

(iii) Installation and maintenance of all erosion and sediment control BMPs.

(iv) The perimeter measures that will be installed prior to commencing land-disturbing activities.

(k) A description of other construction related wastes controls that are expected to be implemented on-site. Such details should include, but are not limited to: the construction/location of vehicle wash pads; litter and waste materials control; sanitary and chemical waste control, and concrete truck washout areas.

(l) A copy of the *Tennessee Construction General Permit Notice of Intent* and *Storm Water Pollution Prevention Plan* submitted to TDEC for the land disturbing activities detailed in the erosion and sediment control plan.

(m) Any other information deemed necessary and appropriate by the owner or operator or requested by the Director.

(3) Small lot erosion and sediment control plan contents.

(a) Requirements

(i) Land disturbing activities that affect less than one acre and are not part of a larger common plan of development with an approved plan shall submit and obtain approval of a small lot erosion and sediment control plan prior to obtaining a building permit.

(ii) The plan shall include the following information:

(A) Address/location of land disturbing activity;
(B) Owner/operator name and contact information;
(C) Building permit application number (if available);
(D) Locations of streams, wetlands, ponds, sinkholes, easements, existing drainage structures with respect to the site;
(E) A description of other construction related waste controls that are expected to be implemented on-site. Such details should include, but are not limited to: the construction/location of vehicle wash pads; litter and waste materials control; sanitary and chemical waste control, and concrete truck washout areas.
(F) Approximate disturbed area limits; and
(G) Location of stabilized construction entrance/egress.

(iii) The small site erosion and sediment control plan will be included with the building permit and must be followed by the building permit holder and the owner or operator.

(iv) The Director has the discretion to require a fully engineered erosion and sediment control plan as set forth in Section 14-1006(2).

(6) Application Fee. Any person, firm or association making an application for approval of a site plan to the City shall file an application and shall pay an application fee to partially defray the administrative costs and shall pay a filing fee to the City of Elizabethton as follows:

(a) Commercial site plans.....$75.00

(b) Residential site plans.....$50.00

Section 7. That Title 14, Chapter 10, Section 14-1007, shall be revised in its entirety to read as follows:

14-1007. Compliance.

(1) Conformity to Approved Plan.

(a) The owner or operator is responsible for maintaining compliance with the approved plan and grading permit.

(b) The approved erosion and sediment control plan, shall be followed during the entire duration of construction at the site.

(c) The Director may require reports or records from the permitee or person responsible for carrying out the plan to insure compliance.

(d) No land disturbing activity shall be allowed to commence without prior plan approval by the Director.

(2) Amendments to the approved plan.

(a) Applicability
The owner or operator must amend the plan for any of the following conditions:

(i) Whenever there is a change in the scope of the project, which would be expected to have a significant effect on the discharge of pollutants to the municipal separate storm sewer system and which has not otherwise been addressed in the plan;

(ii) Whenever inspections or investigations by site operators or local officials indicate the plan is proving ineffective in eliminating or significantly minimizing erosion or off-site sedimentation or discharge of other construction related wastes, or is otherwise not achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity;

(iii) to identify any new contractor and/or subcontractor that will implement a measure of plan;

(iv) to include measures necessary to prevent a negative impact to legally protected state or federally listed or proposed threatened or endangered aquatic fauna.

(b) The plan shall be amended and resubmitted for approval by the Director.

(c) Revisions or modifications on amended plans must be presented on plans submitted to and approved by the Director.

3. Maintenance.

(a) Maintenance and inspections of the best management practices shall be implemented in the manner specified by the *TDEC Erosion & Sediment Control Handbook*, as amended by qualified personnel that are provided by the owner/operator of the land disturbing activity.

(b) The owner/operator shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the owner/operator to achieve compliance with this ordinance. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by an owner/operator only when necessary to achieve compliance with the conditions of this ordinance.

(c) Any inadequate control measures or control measures in disrepair shall be replaced or modified, or repaired as necessary, before the next rain event if possible, but in no case more than seven days after the need is identified. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

4. Inspections by the City.

(a) The Director or his/her designee shall have the right to enter onto private properties for the purposes of conducting unrestricted periodic inspections of all land disturbing activities to verify compliance with the approved plan or to determine whether such a plan is necessary.

(b) The Director or his/her designee shall have the right to enter onto private properties for the purposes of investigating a suspected violation of this ordinance.

(c) Failure on the part of an owner or operator to allow such inspections by the Director or his/her designee shall be cause for the issuance of a stop work order, withholding of a certificate of occupancy, and / or civil penalties.

(5) Enforcement, Penalties, and Liability

(a) Any person failing to have an approved erosion and sediment control plan prior to starting a land disturbing activity violates this Ordinance.

(b) Any owner or contractor who fails to follow an approved erosion and sediment control plan shall have violated this Ordinance and shall be subject to a civil penalty, a stop work order, withholding of a Certificate of Occupancy, and civil damages.

(c) If sediment escapes the permitted property, off-site accumulations of sediment that have not reached the stream shall be removed at a frequency sufficient to minimize offsite impacts. For example, fugitive sediment that has escaped the construction site and has collected in the street must be removed so that it is not subsequently washed into storm sewers and streams by the next rain or so that it does not pose a safety hazard to users of public streets. Removal of fugitive sediments shall be done by the owner/operator at the owner/operator's expense. This Ordinance does not authorize remediation/restoration of a stream without consultation with TDEC, nor does it authorize access by the owner/operator to other private property.

(d) The owner and/or contractor shall allow periodic inspections by the City of all land disturbing activities. Failure to allow such inspections shall be considered a failure to follow the approved plan, and shall be subject to civil penalties, a stop work order, and withholding of a Certificate of Occupancy.

(e) In order to gain compliance, the Director may notify other departments to deny service to the property until the site has been brought into compliance with this Ordinance.

(f) Any person who violates any provision of this Ordinance may also be liable to the City in a civil action for damages.

(g) The remedies provide for in this Ordinance are cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

(h) Neither the approval of a plan under the provisions of this Ordinance nor compliance with the conditions of such plan shall relieve any person of responsibility for damage to other persons or property or impose any liability upon the City for damage to other persons or property.

(i) The City of Elizabethton, pursuant to *Tennessee Code Annotated* §68-221-1106, hereby declares that any person who violates this Ordinance is subject to a civil penalty of not less than Fifty ($50.00) Dollars ore more than Five Thousand ($5,000.00) Dollars per day for each violations. Civil penalties for any person who violates this Ordinance involving property used or to be used solely as a single family residence, situated or to be situated on one (1) acre or less, shall be not less than Fifty ($50.00) Dollars or more than Five Hundred ($500.00) Dollars per day for each day of violation. Each day of violation constitutes a separate violation

(j) In assessing a civil penalty, the following factors may be considered:

(a) the harm done to the public health or the environment;

(b) whether or not the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(c) the economic benefit gained by the violator from the violation.

(d) the amount of effort put forth by the violator to remedy this violation;

(e) any unusual or extraordinary enforcement costs incurred by the City of Elizabethton;

(f) any equities of the situation which outweigh the benefit of the imposing any penalty or damage assessment.

(k) The City of Elizabethton may also assess damages proximately caused by the violator to the City, which may include any reasonable expenses incurred in investigating and enforcing violation of this Ordinance or any actual damages caused by the violation.

(l) Appeal from any assessment of civil penalty or damages or both shall be to the Elizabethton Regional Planning Commission. A written petition for review of such damage assessment or civil penalty shall be filed by the aggrieved party in the office of the Director within thirty (30) days after the damage assessment or civil penalty is served upon the violator either personally or by certified mail, return receipt requested. Failure on part of the violator to file a petition for appeal in the office of the Director shall be deemed consent to the damage assessment or civil penalty and shall become final.

(m) Whenever any damage assessment or civil penalty has become final because of a violator's failure to appeal the City's damage assessment or civil penalty, the City may apply to the Chancery Court for a judgment and seek execution of the same.

Section 8. This Ordinance shall take effect ten (10) days from and after its final passage.

PASSED ON FIRST READING: June 8, 2006

PUBLIC HEARING: June 20, 2006

PASSED ON SECOND READING: June 20, 2006

CITY OF ELIZABETHTON, TENNESSEE

BY: Janie McKinney Mayor
JANIE McKINNEY, MAYOR

ATTEST:

Larry D Clark
LARRY D. CLARK, CITY CLERK

APPROVED AS TO FORM:

RGB
ROGER C. BAY, CITY ATTORNEY
CITY OF ELIZABETHTON, TN
136 SOUTH SYCAMORE STREET
ELIZABETHTON, TN 37643
PHONE: (423) 542-9575
FAX: (423) 975-0449
BPR #14545

ORDINANCE NO. 42-15

"AN ORDINANCE TO AMEND THE MUNICIPAL CODE, ELIZABETHTON, TENNESSEE, 2000, AS AMENDED BY CREATING A NEW CHAPTER 5, IN TITLE 18, TO ADDRESS STORMWATER AND WATER QUALITY ISSUES AND TO CREATE SECTIONS 18-501 THROUGH 18-506 TO DEAL WITH ILLICIT DISCHARGES AS REQUIRED BY THE CITY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION (NPDES) PERMIT."

WHEREAS, the City of Elizabethton is the holder of a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit No. TN3075281; and,

WHEREAS, as a condition of the City's NPDES Permit, the City is required to enact an Ordinance to control the discharge of pollutants into the City's stormwater system as required by the State of Tennessee, Department of Environment and Conservation (TDEC) and the United States Environmental Protection Agency (EPA); and,

WHEREAS, the proposed City Ordinance has been developed with input from the Regional Stormwater Planning Group.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ELIZABETHTON, TENNESSEE, AS FOLLOWS:

SECTION 1. That Title 18, Chapter 5, Section 18-501, shall be created to read as follows:

18-501 PURPOSE. It is the purpose of this ordinance to:

(1) Protect, maintain, and enhance the environment of the City of Elizabethton and the public health, safety and general welfare of the citizens of the City, by controlling discharges of pollutants to the City's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the city.

(2) Maintain and improve the quality of the receiving waters into which storm water runoff flows, including without limitation, lakes, rivers, streams, ponds, and wetlands.

(3) Enable the City of Elizabethton to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR 122.26 for storm water discharges.

SECTION 2. That Title 18, Chapter 5, Section 18-502, shall be created to read as follows:

18-502 DEFINITIONS. For the purposes of this ordinance, the following definitions shall apply. Words used in the singular shall include the plural, and the plural shall include the singular. Words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive.

(1) "Best Management Practices *(BMP)*": Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage, or leaks, sludge or waste disposal, or drainage from raw material storage.

(2) "City": The City of Elizabethton, TN.

(3) "Contaminant": Any physical, chemical, biological, or radiological substance or matter in water.

(4) "Director": The Public Works Director of the City or his/her designee, who is responsible for the implementation of the provisions of this Ordinance.

(5) "Discharge": To dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any non-storm water solid or liquid matter into the municipal separate storm sewer system.

(6) "Illicit Connections": Illegal and/or unauthorized connections to the municipal separate storm water system whether or not such connections result in discharges into that system.

(7) "Municipal Separate Storm Sewer System (MS4)": The conveyances owned or operated by the municipality for the collection and transportation of storm water, including but not limited to, the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

(8) "National Pollutant Discharge Elimination System (NPDES) Permit": A permit issued pursuant to 33 USC 1342.

(9) "Pollutant": Sewage, industrial wastes, other wastes or materials (liquids or solids).

(10) "Stormwater Runoff (also called Storm Water)": That portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm sewer system.

(11) "Surface Water": Includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

(12) "TDEC": The Tennessee Department of Environment and Conservation.

(13) "Waters or Waters of the State": 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.

SECTION 3. That Title 18, Chapter 5, Section 18-503 shall be created to read as follows:

18-503 ILLICIT DISCHARGES

(1) Applicability

This section shall apply to any discharge entering the municipal separate storm sewer system that is not composed entirely of stormwater.

(2) Prohibition of Illicit Discharges

(a) No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of storm water. The commencement, conduct, or continuance of any non-storm water discharge to the municipal separate storm sewer system is prohibited.

(b) Exceptions. Uncontaminated discharges from the following sources are permitted:

(A) Landscape irrigation or lawn watering with potable water or water from a natural surface water source;

(B) Diverted stream flows permitted by the State of Tennessee;

(C) Rising ground water;

(D) Groundwater infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers;

(E) Pumped groundwater;

(F) Foundation or footing drains;

(G) Water discharged from crawl space pumps;

(H) Air conditioning condensate;

(I) Springs;

(J) Individual noncommercial residential washing of vehicles; or vehicle washing for a charity, non-profit fundraising or similar noncommercial purpose.

(K) Flows from natural riparian habitat or wetlands;

(L) Swimming pools (if dechlorinated – typically less than one part per million chlorine);

(M) Street wash waters resulting from normal street cleaning operations;

(N) Discharges resulting from emergency fire fighting activities;

(O) Discharges pursuant to a valid and effective NPDES permit issued by the State of Tennessee;

(P) Discharges necessary to protect public health and safety, as specified in writing by the City;

(Q) Discharges related to de-icing operations;

(R) Dye testing permitted by the City; and

(S) Discharges resulting from emergency public utility repair activities for breaks in water and sewer lines, discharges from water line flushing and blow-offs.

3. Prohibition of Illicit Connections

(a) The construction, use, maintenance, continued existence of illicit connections to the separate municipal storm sewer system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

SECTION 4. That Title 18, Chapter 5, Section 18-504, shall be created to read as follows:

18-504. Elimination of Discharges or Connections.

(1) Any person, owner, or operator responsible for a property or premises, which is the source of an illicit discharge, shall be required to implement, at the person's expense, the best management practices necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system.

(2)Any person responsible for a property or premises where an illicit connection is located shall be required, at the person's expense, to eliminate the connection to the municipal separate storm sewer system.

(3) Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section.

SECTION 5. That Title 18, Chapter 5, Section 18-505, shall be created to read as follows:

18-505. Notification of Spills.

(1) Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into storm water and/or the municipal separate storm water system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.
(2) In the event of a release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. The person shall notify the Director in person or by telephone or facsimile no later than the next business day.

(3) In the event of a release of non-hazardous materials, the person shall notify the Director in person or by telephone or facsimile no later than the next business day.

(4) Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Director within three (3) business days of the telephone notice.

(5) If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least five (5) years.

SECTION 6. That Title 18, Chapter 5, Section 18-506, shall be created to read as follows:

18-506. Enforcement.

(1) Authority.

(a) The director shall have the authority to issue notices of violation and citations.

(b) The director may require reports or records from the permittee or person responsible for eliminating the illicit discharge or illicit connection to insure compliance.

(2) Inspections by the city.

(a) The director shall have the right to enter onto private properties for the purposes of investigating a suspected violation of this ordinance.

(b) The owner/operator of any facility, operation, or residence where an illicit discharge or illicit connection is known or suspected shall allow the director or his/her authorized representative to have access to and copy at reasonable times, any applicable state or federal permits related to the suspected or known discharge or connection, or any reports or records kept as a condition of this ordinance.

(c) Failure on the part of an owner or operator to allow such inspections by the director shall be cause for the issuance of a stop work order, withholding of a certificate of occupancy, and/or civil penalties.

(3) Enforcement, penalties and liability.

(a) Any person in violation of this Ordinance shall be subject to a civil penalty, a stop work order, withholding of a certificate of occupancy, and civil damages.

(b) In order to gain compliance, the director may notify other city departments to deny service to the property until the site, facility, activity and/or residence has been brought into compliance with this ordinance.

(c) Any person who violates any provision of this ordinance may also be liable to the City in a civil action for damages.

(d) The remedies provided for in this ordinance are cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

(e) Neither the approval of a discharge under the provisions of this ordinance nor compliance with the conditions of such approval shall relieve any person of responsibility for damage to other persons or property or impose any liability upon the city for damage to other persons or property.

(f) The City of Elizabethton, pursuant to Tennessee Code Annotated, §68-221-1106, hereby declares that any person who violates this ordinance is subject to a civil penalty of not less than fifty dollars ($50.00) or more than five thousand dollars ($5000.00) per day for each day of violations. Each day of violation constitutes a separate violation.

(g) In assessing a civil penalty, the following factors may be considered:

(i) The harm done to the public health or the environment;

(ii) Whether or not the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(iii) The economic benefit gained by the violator from the violation;

(iv) The amount of effort put forth by the violator to remedy this violation;

(v) Any unusual or extraordinary enforcement costs incurred by the City of Elizabethton; and,

(vi) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(h) The City of Elizabethton may also assess damages proximately caused by the violator to the city which may include any reasonable expenses incurred in investigating and enforcing violations of this ordinance or any actual damages caused by the violation.

(i)Appeal from any assessment of civil penalty or damages or both shall be to a three-member panel comprising the Director, the City Attorney, and the City Council Member who represents the City on the Elizabethton Regional Planning Commission. A written petition for review of such damage assessment or civil penalty shall be filed by the aggrieved party in the office of the Director within thirty (30) days after the damage assessment or civil penalty is served upon the violator, either personally or by certified mail, or return receipt requested. Failure on part of the violator to file a petition for appeal in the office of the Director shall be deemed consent to the damage assessment or civil penalty and shall become final.

(j) Whenever any damage assessment or civil penalty has become final because of a violator's failure to appeal the city's damage assessment or civil penalty, the city may apply to the Chancery Court for a judgment and seek execution of the same.

SECTION 7. This Ordinance shall take effect ten (10) days from and after its final passage.

PASSED ON FIRST READING: July 13, 2006

PUBLIC HEARING: August 10, 2006

PASSED ON SECOND READING: August 10, 2006

CITY OF ELIZABETHTON, TENNESSEE

By: _____
JANIE McKINNEY, MAYOR

ATTEST:

_____
LARRY D. CLARK, CITY CLERK

THIS DOCUMENT HAS BEEN EXAMINED BY ME AND IS APPROVED AS TO FORM:

_____
ROGER G. DAY, CITY ATTORNEY
CITY OF ELIZABETHTON, TN
136 SOUTH SYCAMORE STREET
ELIZABETHTON, TN 37643
PHONE: (423) 542-9575
FAX: (423) 975-0449
BPR #14545

ORDINANCE NO. 4485

"AN ORDINANCE TO AMEND THE MUNICIPAL CODE, ELIZABETHTON, TENNESSEE, 2000, AS AMENDED BY AMENDING TITLE 18, CHAPTER 6, SECTIONS 18-601 THROUGH 18-610 AND CREATING SECTION 18-611 TO DEAL WITH STORMWATER QUALITY AS REQUIRED BY THE CITY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION (NPDES) PERMIT."

WHEREAS, the City of Elizabethton is the holder of a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit No. TN3075281; and,

WHEREAS, as a condition of the City's NPDES Permit, the City is required to enact an Ordinance to require Stormwater Quality Best Management Practices in order to control the discharge of pollutants to the City's stormwater system and improve the quality of receiving waters into which the stormwater outfalls flow; and,

WHEREAS, an Ordinance is needed to regulate storm drainage facilities, grading, excavation, clearance, and other alterations of the land in order to limit the dangers of personal injury, property or environmental damage caused by stormwater runoff; and,

WHEREAS, an Ordinance is needed for compliance with State and Federal Regulations of the Clean Water Act; and,

WHEREAS, the proposed City Ordinance has been developed with input from the Regional Stormwater Planning Group.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ELIZABETHTON, TENNESSEE, AS FOLLOWS:

SECTION 1. THAT TITLE 18, CHAPTER 6, SECTION 18-601 SHALL BE AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

18-601. GENERAL PROVISIONS.

(1) Purpose.
It is the purpose of this ordinance to:

a) Apply to all areas located within the jurisdiction of the City of Elizabethton, Tennessee.
b) Protect, maintain, and enhance the environment of the City of Elizabethton and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the public stormwater system, with the intent of maintaining and improving the

quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the City.

c) Enable the City of Elizabethton to comply with the National Pollutant Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR 122.26 for stormwater discharges.

d) Allow the City of Elizabethton to exercise the powers granted in Tennessee Code Annotated §68-221-1105, which provides that, among other powers municipalities have with respect to water quality management facilities, they have the power by ordinance or resolution to:

1) Exercise general regulation over the planning, location, construction, and operation and maintenance of water quality management facilities in the municipality, whether or not owned and operated by the municipality;
2) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute;
3) Establish standards to regulate stormwater contaminants as may be necessary to protect water quality;
4) Review and approve plans and plats for water quality management in proposed subdivisions or commercial developments;
5) Issue permits for stormwater discharges or for the construction, alteration, extension, or repair of water quality management facilities;
6) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;
7) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

(2) Administration.
The City Manager and the staff under the City Manager's supervision shall administer the provisions of this ordinance.

SECTION 2. THAT TITLE 18, CHAPTER 6, SECTION 18-602 SHALL BE AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

18-602 DEFINITIONS.

For purposes of this chapter, words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

For the purpose of this chapter, the following definitions shall apply:

(1) Best Management Practices (BMP or BMPs) - Schedules of activities, prohibitions of practices, maintenance procedures, water quality management facilities, structural controls and other management practices designed to prevent or reduce the pollution of waters of the United States. Water quality BMPs may include structural devices, such as water quality management facilities, or non-structural practices such as buffers or natural open spaces.

(2) CFR - Code of Federal Regulations.

(3) Channel - A natural or man-made watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

(4) City - City of Elizabethton, Tennessee

(5) City Manager - The City Manager of the City of Elizabethton, Tennessee, or their designee.

(6) Construction - Any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises.

(7) Covenants for Permanent Maintenance of Water Quality Facilities and Best Management Practices - A legal document executed by the property owner, or a homeowners' association as owner of record, and recorded with the Register of Deeds in Carter County, Tennessee, which guarantees perpetual and proper maintenance of water quality management facilities and best management practices.

(8) Development - Any land change that alters the hydrologic or hydraulic conditions of any property. Often referred to as "site development". Development includes, but is not limited to, providing access to a site, clearing of vegetation, grading, earth moving, providing utilities, roads and other services such as parking facilities, water quality management facilities and erosion control systems, potable water and wastewater systems, altering land forms, or construction or demolition of a structure on the land.

(9) Development Plan – Detailed engineered/architectural drawing(s) of a commercial, industrial, institutional or residential development project, showing existing site conditions and proposed improvements with sufficient detail (e.g. technical reports, specifications, survey) for City review, approval, and then subsequent construction. The contents of a development plan are further defined by the Elizabethton Regional Planning Commission, the City Zoning Ordinance, Subdivision Regulations, Building Code and other City departmental standards for constructing developments and public works projects.

(10) Existing Stormwater Facility - Any existing structural feature that slows, treats, filters, or infiltrates runoff after a rainfall event.

(11) Hotspot - An area where the land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

(12) Lake - An inland body of standing water, usually of considerable size.

(13) NPDES - National Pollutant Discharge Elimination System. NPDES is the program administered by the United States Environmental Protection Agency to eliminate or reduce pollutant discharges to the waters of the United States.

(14) Owner or Property Owner - The legal owner of the property as recorded in the Register of Deeds office for Carter County, Tennessee, including a lessee, guardian, receiver or trustee, operator of a business, and the said person's duly authorized agent.

(15) Person - Any individual, firm, corporation, partnership, association, organization or entity, including governmental entities, or any combination thereof.

(16) Pond - An inland body of standing water that is usually smaller than a lake.

(17) Redevelopment - The improvement of a lot or lots that have been previously developed.

(18) Sediment - Solid material, either mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by erosion.

(19) Stormwater – Also "Stormwater Runoff" or "Runoff". Surface water resulting from rain, snow or other form of precipitation, which is not absorbed into the soil and results in surface water flow and drainage.

(20) Stream - For the specific purpose of vegetated buffers, a stream is defined as a linear surface water conveyance that can be characterized with either perennial or ephemeral base flow and:

a. is regulated by the City as a Special Flood Hazard Area (SFHA); or
b. is, or has been, identified by the City, the United States Army Corps of Engineers or the Tennessee Department of Environment and Conservation as a stream.

(21) Structure - Anything constructed or erected such that the use of it requires a more or less permanent location on or in the ground. Such construction includes, but is not limited to, objects such as buildings, towers, smokestacks, overhead transmission lines, carports and walls.

(22) TMDL - Total Maximum Daily Load. A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the source(s) of the pollutant.

(23) Transporting - Any moving of earth materials from one place to another, other than such movement incidental to grading, as authorized on an approved plan.

(24) Vegetated Buffer - A use-restricted vegetated area that is located along the perimeter of streams, ponds, lakes or wetlands, containing natural vegetation and grasses, or enhanced or restored vegetation.

(25) Water Quality BMP Manual - A document prepared and maintained by the City which contains policies, design standards and criteria, technical specifications and guidelines, maintenance guidelines, and other supporting documentation to be used as the policies and technical guidance for implementation of the provisions of this ordinance.

(26) Water Quality Management Facilities - Structures and constructed features designed to prevent or reduce the discharge of pollution in stormwater runoff from a development or redevelopment. Water quality management facilities can often be referred to as BMPs.

(27) Water Quality Management Plan - An engineering plan for the design of water quality management facilities and best management practices within a proposed development or redevelopment. The Water Quality Management Plan includes a map showing the extent of the land development activity and location of water quality management facilities and BMPs, design calculations for water quality management facilities and BMPs, and may contain record drawings/certifications and Covenants for Permanent Maintenance of Water Quality Facilities and Best Management Practices.

(28) Water Quality Volume Reduction - A decrease in the water quality volume for one or more areas of a proposed development which is obtained only for specific site development features or approaches that can reduce or eliminate the discharge of pollutants in stormwater runoff. Water quality volume reductions can only be obtained when specific guidelines presented in the Water Quality BMP Manual are met.

(29) Water Quality Volume Reduction Areas - Areas with the proposed development or redevelopment for which a water quality volume reduction can be obtained.

(30) Wetland - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetland determination shall be made by the United States Army Corps of Engineers, and/or the Tennessee Department of Environment and Conservation, and/or the Natural Resources Conservation Service.

SECTION 3. THAT TITLE 18, CHAPTER 6, SECTION 18-603 SHALL BE AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

18-603. AUTHORITY.

(1) The City Manager is authorized to adopt additional policies, criteria, specifications and standards for the proper implementation of the requirements of this ordinance in a Water Quality BMP Manual. The policies, criteria and requirements of the Water Quality BMP Manual shall be enforceable, consistent with other provisions of this ordinance.

(2) The City Manager shall have the authority to prepare, or have prepared, master plans for drainage basins and to establish regulations, or direct capital improvements to carry out said master plans.

(3) In the event that the City Manager determines that a violation of any provision of this ordinance has occurred, or that work does not have a required plan or permit, or that work does not comply with an approved plan or permit, the City Manager may issue a Notice of Violation to the permittee or property owner and/or any other person or entity having responsibility for construction work performed at a site development.

SECTION 4. THAT TITLE 18, CHAPTER 6, SECTION 18-604 SHALL BE AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

18-604. WATER QUALITY MANAGEMENT.

(1) General Requirements

a) Owners of land development activities not exempted under Section 18-604(3) herein must submit a Water Quality Management Plan. The Water Quality Management Plan shall be submitted as part of the Development Plan.

b) The Water Quality Management Plan shall include the specific required elements that are listed and/or described in the Water Quality BMP Manual. The City Manager may require submittal of additional information in the Water Quality Management Plan as necessary to allow an adequate review of the existing or proposed site conditions.

c) The Water Quality Management Plan shall be subject to any additional requirements set forth in the subdivision regulations, zoning ordinances, or other City ordinances and regulations.

d) Water Quality Management Plans shall be prepared and stamped by an engineer, landscape architect, or architect competent in civil and site design and licensed to practice in the State of Tennessee. Portions of the Plan that require hydraulic or hydrologic calculations and design shall be prepared and stamped by a licensed professional competent in civil and site design and licensed to practice in the State of Tennessee.

e) The approved Water Quality Management Plan shall be adhered to during grading and construction activities. Under no circumstance is the owner or operator of land development activities allowed to deviate from the approved Water Quality Management Plan without prior approval of a plan amendment by the City Manager.

f) The approved Water Quality Management Plan shall be amended if the proposed site conditions change after plan approval is obtained, or if it is determined by the City Manager during the course of grading or construction that the approved plan is inadequate.

g) The Water Quality Management Plan shall include a listing of any legally protected state or federally listed threatened or endangered species and/or critical habitat (if applicable) located in the area of land disturbing activities, and a description of the measures that will be used to protect them during and after grading and construction.

h) Water quality management facilities, BMPs, vegetated buffers and water quality volume reduction areas shown in Water Quality Management Plans shall be maintained through the declaration of a protective covenant, entitled Covenants for Permanent Maintenance of Water Quality Facilities and Best Management Practices (Covenant). The Covenants must be approved and shall be enforceable by the City. The Covenant shall be recorded with the deed and shall run with the land and continue in perpetuity.

i) Water quality management facilities, BMPs, vegetated buffers and water quality volume reduction areas shall be placed into a permanent water quality easement that is recorded with the deed to the parcel and held by the City.

j) A maintenance right-of-way or easement, having a minimum width of twenty (20) feet shall be provided to all water quality management facilities, BMPs, vegetated buffers and water quality volume reduction areas from a driveway, public road or private road.

k) Owners of land development activities not exempted from submitting a Water Quality Management Plan may be subject to additional watershed or site-specific requirements than those stated in section18-604(2) of this ordinance in order to satisfy local or State NPDES, TMDL or other regulatory water quality requirements. Areas subject to additional requirements may also include developments, redevelopments or land uses that are considered pollutant hotspots or areas where the City Manager has determined that additional restrictions are needed to limit

adverse impacts of the proposed development on water quality or channel protection.

l) The City Manager may waive or modify any of the requirements of section 18-604(4) of this ordinance if adequate water quality treatment and channel protection are suitably provided by a downstream or shared off-site water quality management facility, or if engineering studies determine that installing the required water quality management facilities or BMPs would actually cause adverse impact to water quality or cause increased channel erosion or downstream flooding.

m) This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, or existing ordinances and regulations. However, where the provisions of this ordinance and another regulation conflict or overlap, that provision which is more restrictive or imposes higher standards or requirements shall prevail. It is required that the City Manager be advised of any such regulatory conflicts upon submittal of the Water Quality Management Plan.

(2) Design Criteria

a) All developments or redevelopments that must submit a Water Quality Management Plan shall provide treatment of stormwater runoff in accordance with the following requirements:

1) Stormwater runoff site must be treated for water quality prior to discharge from the development or redevelopment site in accordance with the stormwater treatment standards and criteria provided in the Water Quality BMP Manual.

2) The treatment of stormwater runoff shall be achieved through the use of one or more water quality management facilities and/or BMPs that are designed and constructed in accordance with the design criteria, guidance, and specifications provided in the Water Quality BMP Manual.

3) Methods, designs or technologies for water quality management facilities or BMPs that are not provided in the Water Quality BMP Manual may be submitted for approval by the City Manager if it is proven that such methods, designs or technologies will meet or exceed the stormwater treatment standards set forth in the Water Quality BMP Manual and this ordinance. Proof of such methods, designs, or technologies must meet the minimum testing criteria set forth in the Water Quality BMP manual.

4) BMPs shall not be installed within public rights-of way or on public property without prior approval of the City Manager.

b) All owners of developments or redevelopments who are required to submit a Water Quality Management Plan shall provide downstream channel erosion protection in accordance with design criteria stated in the Water Quality BMP Manual. Downstream channel erosion protection can be provided by an alternative approach in lieu of controlling the channel protection volume subject to prior approval by the City Manager. Sufficient hydrologic and hydraulic analysis that shows that the alternative approach will offer adequate channel protection from erosion must be presented in the Water Quality Management Plan.

c) All developments or redevelopments that must submit a Water Quality Management Plan shall establish, protect and maintain a vegetated buffer in accordance with the policies, criteria and guidance set forth in the Water Quality BMP Manual along all streams, ponds, lakes and wetlands. Exemptions from this requirement are as follows:

1) Vegetated buffers are not required around the perimeter of ponds that have no known connection to streams, other ponds, lakes or wetlands.

2) Vegetated buffers are not required around water quality management facilities or BMPs that are designed, constructed and maintained for the purposes of water quality and/or quantity (i.e.,

stormwater drainage) control, unless expressly required by the design standards and criteria for the facility that are provided in the Water Quality BMP Manual.

d) In addition to the above requirements, all owners of developments or redevelopments that must submit a Water Quality Management Plan shall:

1) provide erosion prevention and sediment control in accordance with the ordinances and regulations of the City;

2) control stormwater drainage and provide peak discharge/volume control in accordance with the ordinances and regulations of the City;

3) adhere to all local floodplain development requirements in accordance with the ordinances and regulations of the City.

(3) Exemptions.

a) Owners of developments and redevelopments who conform to the criteria in section 18-604(3)(c) are exempt from the requirements of this chapter, unless the City Manager has determined that treatment of stormwater runoff for water quality is needed in order to satisfy local or State NPDES, TMDL or other regulatory water quality requirements, or the proposed development will be a pollutant hotspot, or to limit adverse water quality or channel protection impacts of the proposed development.

b) The exemptions listed in section 18-604(3)(c) shall not be construed as exempting these owners of developments and redevelopments from compliance with stormwater requirements stated in the subdivision regulations, zoning ordinance, or other City ordinances and regulations.

c) The following developments and redevelopments are exempt from the requirements for a Water Quality Management Plan:

1) developments or redevelopments that disturb less than one (1) acre of land. No exemption is granted if the development or redevelopment is part of a larger common plan of development or sale that would disturb one (1) acre or more, and the stormwater runoff from the development or redevelopment is not treated for water quality via a downstream or regional water quality management facility or BMP that meets the requirements of this ordinance;

2) minor land disturbing activities such as residential gardens and residential or non-residential repairs, landscaping, or maintenance work;

3) individual utility service connections, unless such activity is carried-out in conjunction with the clearing, grading, excavating, transporting, or filling of a lot or lots for which a Water Quality Management Plan would otherwise be required;

4) installation, maintenance or repair of individual septic tank lines or drainage fields, unless such activity is carried out in conjunction with the clearing, grading, excavating, transporting, or filling of a lot or lots for which a Water Quality Management Plan would otherwise be required;

5) installation of posts or poles;

6) farming activities;

7) emergency work to protect life, limb or property, and emergency repairs.

(4) Performance Bonds.

a) A performance bond which guarantees satisfactory completion of construction work related to water quality management facilities, channel protection, and/or the establishment of vegetated buffers may be required.

b) Performance bonds shall name the City of Elizabethton, Tennessee, as beneficiary and shall be guaranteed in the form of a surety bond, cashier's check, or letter of credit from an approved financial institution or insurance carrier. The surety bond, cashier's check, or letter of credit shall be provided in a form and in an amount to be determined by the City Manager. The actual amount shall be based on submission of plans and estimated construction, installation or potential maintenance and/or remediation expenses.

c) The City Manager may refuse brokers or financial institutions the right to provide a surety bond, letter of credit, or cashier's check based on past performance, ratings of the financial institution, or other appropriate sources of reference information.

(5) Special Pollution Abatement Requirements.

a) A Special Pollution Abatement Plan shall be required for the following land uses, which are considered pollutant hotspots:

1) vehicle, truck or equipment maintenance, fueling, washing or storage areas including but not limited to: automotive dealerships, automotive repair shops, and car wash facilities;

2) recycling and/or salvage yard facilities;

3) restaurants, grocery stores, and other food service facilities;

4) commercial facilities with outside animal housing areas including animal shelters, fish hatcheries, kennels, livestock stables, veterinary clinics, or zoos;

(5) developments or redevelopments occupying potentially hazardous locations as follows;

(a) Any site on a list, register, or database compiled by the United States Environmental Protection Agency (EPA), the State of Tennessee Department Environment and Conservation (TDEC), or the City, for investigation, clean up, or other action regarding contaminants under any federal or state environmental law shall be a potentially hazardous location under this Subtitle. When the EPA or TDEC removes the site from the list, register or database, or when the owner otherwise establishes that contaminants do not pose a present or potential threat to human health or the environment, the site will no longer be considered a potentially hazardous location.

(b) The following properties may also be designated by the City Manager as potentially hazardous locations:

(i) Existing and abandoned solid waste disposal sites;

(ii) Hazardous waste treatment, storage, or disposal facilities, all as defined by the federal Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.

(iii) Sites in which historical knowledge of land use or known past land use activity on the site requires designation as a potentially hazardous location. When the owner provides evidence satisfactory to the City Manager that contaminants do not pose a present or potential threat to human health or the environment, the site will no longer be considered a potentially hazardous location.

(6) other producers of pollutants identified by the City Manager as a pollutant hotspot using information provided to or collected by the City Manager or their authorized representatives, or reasonably deduced or estimated by the City Manager or their authorized representatives from engineering or scientific study.

b) A Special Pollution Abatement Plan may be required for land uses or activities that are not identified by this ordinance as hotspot land uses, but are deemed by the City Manager to have the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.

c) The Special Pollution Abatement Plan shall be submitted as part of the Water Quality Management Plan, and the BMPs submitted on the plan shall be subject to all other provisions of this ordinance. Technical requirements for the plan shall be based on the provisions and guidelines set forth in the Water Quality BMP Manual.

d) Best management practices specified in the Special Pollution Abatement Plan must be appropriate for the pollutants targeted at the site and must be approved with the Water Quality Management Plan.

e) A Special Pollution Abatement Plan will be valid for a period of five (5) years, at which point it must be renewed. At the time of renewal, any deficiency in the pollutant management method must be corrected.

SECTION 5. THAT TITLE 18, CHAPTER 6, SECTION 18-605 SHALL BE AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

18-605. NPDES PERMITS.

Persons or entities who hold NPDES general, individual and/or multi-sector permits shall provide either a copy of such permit or the permit number assigned to them by the Tennessee Department of Environment and Conservation (TDEC) to the City Manager no later than sixty (60) calendar days after issuance of the permit.

SECTION 6. THAT TITLE 18, CHAPTER 6, SECTION 18-606 SHALL BE AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

18-606. RECORD DRAWINGS/DESIGN CERTIFICATION.

(1) Prior to the release of a bond, or before a Certificate of Occupancy is granted, record drawings shall be provided to the City Manager, certifying that all water quality management facilities and BMPs comply with the design shown on the approved Water Quality Management Plan(s). Features such as the boundaries of vegetated buffers and water quality volume reduction areas shall be provided to verify approved plans. Other contents of the record drawings must be provided in accordance with guidance provided in the Water Quality BMP Manual.

(2) Record drawings shall include sufficient design information to show that water quality management facilities required by this ordinance will operate as approved. This shall include all necessary computations used to determine percent pollutant removal and the flow rates and treatment volumes required to size water quality management facilities and BMPs.

(3)The record drawings shall be stamped by the appropriate design professional required to stamp the Water Quality Management Plan, as stated in section 4.1 of this ordinance, and/or a registered land surveyor licensed to practice in the State of Tennessee.

SECTION 7. THAT TITLE 18, CHAPTER 6, SECTION 18-607 SHALL BE AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

18-607. INSPECTIONS AND MAINTENANCE.

(1) Right of Entry

a) During and after construction, the City Manager may enter upon any property which has a water quality management facility, BMP, vegetated buffer or water quality volume reduction area during all reasonable hours to inspect for compliance with the provisions of this ordinance, or to request or perform corrective actions.

b) Failure of a property owner to allow such entry onto a property for the purposes set forth in Section 18-607(1)(a) above shall be cause for the issuance of a stop work order, withholding of a certificate of occupancy, and/or civil penalties and/or damage assessments in accordance with Section 18-611 of this Ordinance.

(2) Requirements.

a) The owner(s) of existing stormwater facilities, water quality management facilities, BMPs, vegetated buffers and water quality volume reduction areas shall at all times inspect and properly operate and maintain all facilities and systems of water quality treatment and drainage control (and related appurtenances), and all vegetated buffers and water quality volume reduction areas in such a manner as to maintain the full function of the facilities or best management practices which are installed or used by the property owner(s) to achieve compliance with this ordinance.

b) Inspection and maintenance of privately-owned facilities, including existing stormwater facilities, water quality management facilities, best management practices, vegetated buffers and water quality volume reduction areas shall be performed at the sole cost and expense of the owner(s) of such facilities/areas.

c) Inspections and maintenance shall be performed in accordance with specific requirements and guidance provided in the Water Quality BMP Manual. Inspection and maintenance activities shall be documented by the property owner (or their designee), and such documentation shall be maintained by the property owner for a minimum of three (3) years, and shall be made available for review by the City Manager upon request.

d) The City Manager has the authority to impose more stringent inspection requirements as necessary for purposes of water quality protection and public safety.

e) Prior to the release of the performance bond, or before a Certificate of Occupancy is granted, the property owner shall provide the City with an accurate record drawing of the property and an executed protective covenant for all BMPs, vegetated buffers, and areas that receive water quality volume reductions. The property owner shall record these items in the Office of the Register of Deeds for Carter County, Tennessee. The location of the best management practices, water quality management facilities, vegetated buffers and water quality volume reduction areas, and the water quality easements associated with these facilities/areas, shall be shown on a plat that is also recorded in the Office of the Register of Deeds for Carter County, Tennessee.

f) The removal of sediment and/or other debris from existing stormwater facilities, water quality management facilities and best management practices shall be performed in accordance with all City, State, and Federal laws. Guidelines for sediment removal and disposal are referenced in the Water Quality BMP Manual. The City Manager may stipulate additional guidelines if deemed necessary for public safety.

g) The City Manager may order corrective actions to best management practices, existing stormwater facilities, water quality management facilities, vegetated buffer areas and/or water quality volume reduction areas as are necessary to properly maintain the facilities/areas within the City for the purposes of water quality treatment, channel erosion

protection, adherence to local performance standards, and/or public safety. If the property owner(s) fails to perform corrective action(s), the City Manager shall have the authority to order the corrective action(s) to be performed by the City or others. In such cases where a performance bond exists, the City shall utilize the bond to perform the corrective actions. In such cases where a performance bond does not exist, the property owner shall reimburse the City for double its direct and related expenses. If the property owner fails to reimburse the City, it is authorized to file a lien for said costs against the property and to enforce the lien by judicial foreclosure proceedings.

h) This ordinance does not authorize access to adjoining private property by the property owner or site operator. Arrangements concerning the removal of sediment or pollutants on adjoining property must be settled by the owner or operator with the adjoining landowner.

SECTION 8. THAT TITLE 18, CHAPTER 6, SECTION 18-608 SHALL BE AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

18-608. PERMIT CONTROLS AND STORMWATER SYSTEM INTEGRITY.

(1) Any alteration, improvement, or disturbance to water quality management facilities, vegetated buffers or water quality volume reduction areas shown in certified record drawings shall be prohibited without authorization from the City Manager. This does not include alterations that must be made in order to maintain the intended performance of the water quality management facilities or BMPs.

(2) Other State and/or Federal permits that may be necessary for construction in and around streams and/or wetlands shall be approved through the appropriate lead regulatory agency prior to submittal of a water quality management plan to the City.

SECTION 9. THAT TITLE 18, CHAPTER 6, SECTION 18-609 SHALL BE AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

18-609. SEVERABILITY.

(1)Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any provision or provisions of this ordinance shall be declared invalid, all other provisions thereof shall remain enforceable.

(2) If any provisions of this ordinance and any other provisions of law impose overlapping or contradictory regulations, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern.

SECTION 10. THAT TITLE 18, CHAPTER 6, SECTION 18-610 SHALL BE AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

18-610. RESPONSIBILITY.

This ordinance does not imply a warranty or the assumption of responsibility on the part of the City for the suitability, fitness or safety of any structure with respect to flooding, water quality, or structural integrity. This ordinance is a regulatory instrument only and is not to be interpreted as an undertaking by the City to design any structure or facility.

SECTION 11. THAT TITLE 18, CHAPTER 6, SECTION 18-611 SHALL BE ADDED TO READ AS FOLLOWS:

18-611. PENALTIES.

(1) Violations of this ordinance shall be cause for the requirement for corrective action(s), the issuance of a stop work order, withholding of a permit, withholding of permit inspections, withholding of a certificate of occupancy, and/or civil penalties and/or damage assessments as set forth below.

(2) Any person who violates the provisions of this ordinance shall be subject to a civil penalty of not less than fifty dollars ($50.00) or more than five thousand dollars ($5,000) per day for each day of each violation. Each day of violation may constitute a separate violation. The City shall give the alleged violator reasonable notice of the assessment of any civil penalty. The City may also recover all damages proximately caused to the City by such violations.

(3) In assessing a civil penalty, the following factors may be considered:
   (a) The harm done to the public health or the environment;
   (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
   (c) The economic benefit gained by the violator;
   (d) The amount of effort put forth by the violator to remedy this violation;
   (e) Any unusual or extraordinary enforcement costs incurred by the City;
   (f) The amount of penalty established by ordinance or Resolution for specific categories of violations; and
   (g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(4) In addition to the civil penalty in subsection (2) above, the City may also assess damages proximately caused by the violator to the City which may include any reasonable expenses incurred in investigating and enforcing violations of this part, or any other actual damages caused by the violation.

(5) Notice of damage assessment and civil penalty shall be served upon the alleged violator by personal delivery or certified mail, return receipt requested. Service by mail shall be deemed complete upon mailing. If the alleged violator is dissatisfied, the alleged violator may appeal said civil penalty or damage assessment.

Appeal from any assessment of civil penalty or damages or both, shall be to a five member panel comprised of the Public Works Director or designee, the Director of Planning and Development or designee, the City Attorney, the City Manager or designee, and a City Council Member who represents the City on the Elizabethton Regional Planning Commission.

Said appeal must be received by the City Manager's office within thirty (30) days after service of the notice of damage assessment and civil penalty. The appeal shall be heard by the panel within thirty (30) days of receipt of this appeal. The panel may continue the hearing and allow continuances to either the

City or the alleged violator for good cause shown. If a timely appeal of the damage assessment or civil penalty is not filed with the City Manager's office, the violator shall be deemed to have consented to the damage assessment or civil penalty and it shall become final. If the alleged violator files a timely appeal with the City Manager's office and the violator is dissatisfied with the decision of the panel, the alleged violator may appeal the decision of the panel pursuant to the provisions of Title 27, Chapter 8 of the Tennessee Code Annotated.

(6) Whenever any damage assessment or civil penalty has become final because of a person's failure to appeal the damage assessment or civil penalty, the City may apply to the appropriate chancery court for a judgment and seek execution of such judgment. The court, in such proceedings, shall treat the failure to appeal such damage assessment or civil penalty as a confession of judgment.

SECTION 12. THIS ORDINANCE SHALL TAKE EFFECT TEN (10) DAYS FROM AND AFTER ITS FINAL PASSAGE.

PASSED ON FIRST READING: February 14, 2008

PUBLIC HEARING: March 13, 2008

PASSED ON SECOND READING: March 13, 2008

CITY OF ELIZABETHTON, TENNESSEE

By: _____

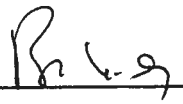
CURT ALEXANDER, MAYOR

ATTEST:

_____

LARRY CLARK, CITY CLERK

APPROVED AS TO FORM:



ROGER G. DAY, CITY ATTORNEY
CITY OF ELIZABETHTON, TN
136 SOUTH SYCAMORE STREET
ELIZABETHTON, TN 37643
PHONE: (423) 547-6250
FAX: (423) 547-6253
BPR #14545

Attachment 4 Gap Creek Grant Application and Invoice for Services Rendered

319 GRANT APPLICATION

ATTACHMENT A

Watershed Based Plan

Name of Project:

Gap Branch Restoration Project

Lead Organization:

Boone Watershed Partnership, Inc.
Gary Barrigar barrigargn@embarqmail.com 423-543-7576
708 Allen Ave.
Elizabethton, TN 37643

Watershed Identification :

Gap Branch HUC TN06010103008-0800

Description of Gap Branch Watershed

The Watauga River watershed (HUC 06010103) is in the northeast region of Tennessee and northwest North Carolina. Gap Branch is a tributary to the Watauga River and lies in the Level III Blue Ridge Mountains (66) and Ridge and Valley (67) ecoregions. Gap Branch enters the Watauga River at approximately river mile 22. According to the 303(d) list, there are 15.93 miles impaired stream miles in the Gap Branch watershed, including tributaries. Gap Branch is approximately 9.8 miles long, partially located in Carter County, Tennessee. Gap Branch is more commonly known as Gap Creek, as indicated on the USGS topographic map. Gap Branch and Gap Creek are used interchangeably in this document.

Causes and Sources of Nonpoint Source Pollution in the Watershed

Gap Branch is on Tennessee's 2008 303(d) List of impaired waters. The cause of pollution is habitat loss due to stream alteration in stream-side or littoral vegetative cover.
Information regarding this habitat loss was collected in 2007 and reported the in Gap Branch Stormwater Outfall Mapping (see attached) utilizing the Outfall Reconnaissance Inventory protocol, which is the primary field screening tool recommended by the EPA to find illicit discharge problems (See Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments, http://cfpub.epa.gov/npdes/stormwater/idde.cfm) as well as the Stream Corridor Assessment Survey Protocols, as issued by the Maryland Department of Natural Resources.

The following quote from the introduction to the Maryland SCA Protocol illustrates why this protocol was used:

"The Stream Corridor Assessment (SCA) survey is designed to provide a method which can be used to both rapidly assess the general physical condition of a stream system and identify the location of a variety of common environmental problems within the stream's corridors. It is intended to be a tool that can help resource managers identify not only the location of environmental problems but also restoration opportunities that exist within a drainage network. Potential environmental problems identified as part of the SCA survey include:

- Erosion Sites
- Inadequate Stream Buffers
- Fish Migration Blockages
- Exposed or Discharging Pipes
- Channelized Stream Sections
- Trash Dumping Sites
- In or Near Stream Construction
- Unusual Conditions

In addition, the survey also collects information on potential wetlands creation/water quality retrofit sites, as well as data on the general condition of both in-stream and riparian corridor habitats. The survey can also be used to assist in the identification of healthy stream sections that may be in need of environmental protection."

The watershed restoration plan components as defined by the Environmental Protection Agency and Tennessee Department of Agriculture were used as a guide in conducting the review and analysis of Gap Branch. The nine steps were evaluated during the review and are addressed below:

1. An identification of the causes and sources is addressed in the document: Gap Branch Stormwater Outfall Mapping which is included in this watershed based plan. Also, the 303(d) List identifies the cause as "Habitat loss due to alteration in stream-side or littoral vegetative cover" and identifies the pollutant source as "Discharges from MS4 area and Streambank Modification."

2. An estimate of the load reductions expected for the management measures described under paragraph c below. This was addressed in the March 17, 2006 approved Total Maximum Daily Load (TMDL) document for Watauga River Watershed. According to this document, the required overall load reduction is 79.2 percent.

3. A description of the NPS management measures that will need to be implemented to achieve the load reductions estimated under paragraph (2) above and an identification of the critical areas in which those measures will be needed to implement this plan. Critical areas are identified in the attached document: Gap Branch Stormwater Outfall Mapping and specific BMP's are listed in the BMP List, Educational Activities and Budget section of this watershed restoration plan.

4. An estimate of the amounts of technical and financial assistance needed, associated costs, and/or the sources and authorities that will be relied upon, to implement this plan. This is addressed in the section: BMP List, Educational Activities and Budget.

5. An information/education component that will be used to enhance public understanding of the project and encourage their early and continued participation in selecting, designing, and implementing the NPS management measures that will be implemented. In order to increase awareness of the importance of water quality and seek willing landowners in the Gap Branch watershed the Boone Watershed Partnership will conduct public meetings, post signage at BMP sites and conduct a tour of the completed project. The BWP will work with the City of Elizabethton to finalize a guidance brochure for developers entitled Construction General Permit Additional Stormwater Pollution Prevention Plan (SWPPP) Requirements for Discharges into 303(d) Listed Waters.

6. A schedule for implementing the NPS management measures identified in this plan that is reasonably expeditious. See the Timeline, Tasks, and Assessment of Progress table of Gap Branch Restoration Project for this schedule.

7. A description of interim, measurable milestones for determining whether NPS management measures or other control actions are being implemented. See the Timeline, Tasks, and Assessment of Progress table of Gap Branch Restoration Project for these milestones.

8. A set of criteria that can be used to determine whether loading reductions are being achieved over time and substantial progress is being made towards attaining water quality standards, and the criteria for determining whether this watershed based plan needs to be revised or whether the NPS TMDL needs to be revised. Problems are identified in the Gap Branch Stormwater Outfall Mapping which was done according to the Outfall Reconnaissance Inventory and will be reassessed according to the same set of criteria after installation of the proposed BMP's.

9. A monitoring component to evaluate the effectiveness of the implementation efforts over time, measured against the criteria established under item (8) immediately above. Periodic sampling is recommended with TDEC conducting sampling in accordance with the 5 year watershed plan guidelines. Monitoring will also be conducted after BMP implementation utilizing the Outfall Reconnaissance Inventory and compared with the Gap Branch Stormwater Outfall Mapping survey of 2008 which was done by the same protocol. Additional monitoring will be requested from the Tennessee Department of Environment and Conservation. Also, the City of Elizabethton has already committed to a perform a biological stream sampling at two approved sites utilizing the Semi-Quantitative Single Habitat (SQSH) Method as identified in the most recent revision of the TDEC Division of Water Pollution Control System Standard Operating Procedure for Macroinvertebrate Stream Survey.

BMP List, Educational Activities and Budget

The following BMPs were identified in the Gap Branch Stormwater Outfall Mapping as needed to restore Gap Branch:

BMP Location or Follow on Actions	Description of BMP	Amount	Estimated Cost
Outfall ID#GC-002B	Riparian Buffer	80 ft	$80.00
Outfall ID#GC-003	Stream Bank Stabilization	50 ft	$2500.00
Outfall ID#GC-004	Stream Bank Stabilization	150 ft	$7500.00
Outfall ID#GC-005	Riparian Buffer	100 ft	$100.00
Outfall ID#GC-006	Riparian Buffer/Stream Bank Stabilization	30 ft	$1500.00
Outfall ID#GC-007	Riparian Buffer	150 ft	$150.00
Outfall ID#GC-022	Riparian Buffer/Livestock Exclusion Watering Facility	300 ft	$600.00 $2500.00
Outfall ID#GC-023	Riparian Buffer/Livestock Exclusion	200 ft	$400.00
Outfall ID#GC-024	Riparian Buffer	50 ft	$50.00
Outfall ID#GC-025	Stream Bank Stabilization	50 ft	$2500.00
	Total		$17,880.00

Educational Event	Quantity	Cost/Unit	Budget Estimate
Initial Public Outreach Meeting	1	550	550
Brochure and Flyer development, other publications and media materials	1	500	500
Signage for BMP Sites	2	500	1000
BMP Tour	1	800	800

Technical and administrative assistance	4,000

Total Budget for Project:	**$24,730.00**

One of the first actions taken to implement this plan is to contact all landowners in this section of Gap Creek. This will be necessary to plan and install the needed BMPs. Also, residents in the area where BMPs will be installed will be contacted to provide information and assistance that will be available through the project. The project will be discussed at public meetings including Boone Watershed Partnership and other community meetings. Other activities to involve and inform the public will be news articles and the placement of signs at BMP sites to explain the project.

Timeline, Tasks, and Assessment of Progress

Milestone	Completion Date
Secure technical assistance	3 months from contract start date
Initiate /coordinate monitoring	3 months from contract start date
Complete initial public outreach meetings	1 public meetings will be held by 3 months from contract start date
Develop and distribute communication and outreach materials	2 months from contract start date
Complete planning and engineering designs	6 months from contract start date
Install BMP's	50% by 12 months from contract start date; 100% by 20 months from contract start date
Install signs at BMP sites	As BMPs are being installed
Plan and conduct final public meeting and tour	24 months from contract start date
Submit progress and close-out reports	As specified by contract
Submit annual reports	As specified by contract
Prepare and submit monitoring summary	Annually

Assessment of progress will be an ongoing effort which can very easily be measured by simply checking to see if the scheduled task has been completed. Reports will be given at the bi-monthly meetings of the Boone Watershed Partnership. TDA staff will be involved in this process to ensure that progress is on schedule and reports will be submitted as required by the contract.

Monitoring and Documenting Success

Gap Branch is a part of TDEC's ongoing 5 year watershed assessment program. TDEC will be kept informed of the efforts to improve water quality in Gap Branch. All necessary permits will be applied for through TDEC. Requests will be made that TDEC sample Gap Branch on a regular basis to determine sediment levels. TDEC's sampling data will be used to determine if substantial progress is being made. Additionally, sampling done by volunteer monitors coordinated by the Boone Watershed Partnership (BWP) will be used to assess BMP effectiveness. If significant improvement is not seen then the watershed based plan will need to be revised to determine why improvement is not seen or if other sources of pollution were not accounted for and if so what will be needed to reduce the pollutant.

ATTACHMENT C

TDA-NPS FY-2008 Workplan

NAME OF PROJECT:

Gap Branch Restoration Project

LEAD ORGANIZATION:

Boone Watershed Partnership, Inc. (a 501(c) (3) non-profit organization)

Gary Barrigar barrigargn@embarqmail.com 423-543-7576
708 Allen Ave.
Elizabethton, TN 37643

FEDERAL EMPLOYER IDENTIFICATION NUMBER (FEIN): 06-1788973

COOPERATING ORGANIZATIONS:

Boone Watershed Partnership, Inc. (BWP) – will administer the project and coordinate work of cooperating organizations. BWP will develop education and outreach related to the project (i.e. signage, public meetings, and BMP tours). Additionally BWP will develop and coordinate volunteer monitoring aspects of the project.

Tennessee Department of Agriculture (TDA) – will assist with grant administration and provide technical assistance for agricultural BMP implementation.

City of Elizabethton –will provide engineering and other technical assistance and construction assistance.

Tennessee Valley Authority (TVA) – will provide technical support for all aspects of the project.

PROJECT LEADER(S) EXPERIENCE:

The Boone Watershed Partnership (BWP) is a 501(c)(3) organization which has been active in water quality education and improvement efforts in the Boone watershed for over 14 years. The partnership is made up of stakeholders from local citizens, municipalities, businesses, sub-watershed groups, state and federal agencies, universities, local educators and other conservation groups. Gary Barrigar is the current president of the BWP and has served in this position for four years. The partnership has experience in conducting stream-bank stabilization, stream monitoring, agricultural BMP and alternative watering systems, public education projects and public meetings.

PROJECT OBJECTIVE:

The goal of the Gap Branch Restoration Project is to reduce the sediment loading and ultimately to remove the stream from Tennessee's 303d list.

PROJECT LOCATION:

- Watershed name: Watauga River (HUC 06010103)
- Impaired waterbodies: Gap Branch
- Waterbody segment numbers from 303(d) List: TN06010103008-0800
- The project will include an approximately 1.1 mile portion of Gap Branch.

PROJECT BACKGROUND:

Tennessee's 2008 303(d) list identified Gap Branch (TNO6O1O1O3008-0800) as a water quality limited stream impaired by sediment. According to TOTAL MAXIMUM DAILY LOAD (TMDL) for Siltation and/or Habitat Alteration in the Watauga River Watershed (HUC 6010103)Carter, Johnson, Sullivan, Unicoi, and Washington Counties, Tennessee, March 17, 2006, the existing sediment load for Gap Creek is 592 lb/acre/yr. The target sediment load is 123.1 lb/acre/yr. In March, 2007, the City of Elizabethton conducted an Outfall Reconnaissance Inventory for Gap Creek to identify sources of sediment and other problems.

PROJECT IMPLEMENTATION:

The project will be implemented according to the Gap Branch Restoration Project. In general, the first step will be to secure the necessary technical assistance. Technical assistance will be provided by the City of Elizabethton. The city will provide engineering and and construction assistance for making the necessary improvements. For agricultural BMPs, technical assistance will be provided by TDA and contracted as needed. The next step for BMPs will be to contact all landowners affected to offer technical and cost-share assistance for installing BMP's. Conservation plans will then be developed with willing landowners and BMPs will be installed. While not funded through the grant, monitoring will be conducted by volunteers to provide documentation of water quality improvement. Also, signs will be placed at appropriate BMP sites to inform the public of the ongoing project. Toward the end of the project time period a public meeting and BMP tour will be conducted to provide information to the public. TVA will provide general technical assistance to both agricultural and urban aspects of the project.

PROJECT TASKS:

Milestone	Completion Date
Secure technical assistance	3 months from contract start date
Initiate /coordinate monitoring	3 months from contract start date
Complete initial public outreach meetings	1 public meetings will be held by 3 months from contract start date
Develop and distribute communication and outreach materials	2 months from contract start date
Complete planning and engineering designs	6 months from contract start date
Install BMP's	50% by 12 months from contract start date; 100% by 20 months from contract start date
Install signs at BMP sites	As BMPs are being installed
Plan and conduct final public meeting and tour	24 months from contract start date
Submit progress and close-out reports	As specified by contract
Submit annual reports	As specified by contract
Prepare and submit monitoring summary	Annually

DURATION OF PROJECT, AS PROPOSED

2 years (24 months from beginning of contract)

PROJECT BUDGET TABLES:

TDA-NPS 319: 60% **MATCH: 40%**

Total 319(h) money for Salaries and Benefits & Taxes: $2000.00

Total 319(h) money for Project Tasks (i.e., BMP implementation, education/training events, publications produced, etc.): $16,338.00

GRANTEE:	Boone Watershed Partnership, Inc.
PROGRAM AREA:	Non-point Source Program - *319(h)*

APPLICABLE PERIOD: The grant budget line-item amounts below shall be applicable only to expense incurred during the period beginning 2009, and ending 2011.

POLICY 03 Object Line-item Reference	EXPENSE OBJECT LINE-ITEM CATEGORY [1] (detail schedule(s) attached as applicable)	GRANT CONTRACT	GRANTEE PARTICIPATION	TOTAL PROJECT
1 & 2	Salaries and Benefits & Taxes [2]	2,000.00	2,000.00	4,000.00
4, 15	Professional Fee/ Grant & Award [2]	14,838.00	9,892.00	24,730.00
5, 6, 7, 8, 9, 10, 11 & 12	Supplies, Telephone, Postage & Shipping, Occupancy, Equipment Rental & Maintenance, Printing & Publications, and Travel/ Conferences & Meetings	1500.00	500.00	2000.00
13	Interest [2]	0.00	0.00	0.00
14	Insurance	0.00	0.00	0.00
16	Specific Assistance To Individuals	0.00	0.00	0.00
17	Depreciation [2]	0.00	0.00	0.00
18	Other Non-Personnel [2]	0.00	0.00	0.00
20	Capital Purchase [2]	0.00	0.00	0.00
22	Indirect Cost (20% 319h max.)	0.00	0.00	0.00
24	In-Kind Expense	0.00	0.00	0.00
25	**GRAND TOTAL**	18,338.00	12,392.00	30,730.00

[1] Each expense object line-item shall be defined by the Department of Finance and Administration Policy 03, *Uniform Reporting Requirements and Cost Allocation Plans for Subrecipients of Federal and State Grant Monies, Appendix A.* (posted on the Internet at: www.state.tn.us/finance/rds/ocr/policy03.pdf .

[2] Applicable detail attached if line-item is funded.

GRANT BUDGET LINE-ITEM DETAIL TABLES:

SALARIES AND BENEFITS & TAXES	AMOUNT
Salary for BWP project coordinator for BMP identification and implementation	$2000.00
TOTAL	$2000.00

PROFESSIONAL FEE/ GRANT & AWARD	AMOUNT
TOTAL BMP's	$14,838.00

SOURCES AND TYPES OF MATCH:

Line-item Category:	Source:	Type:	Amount ($)
Line-item the match is supporting	*Identify organization providing the match*	*Cash or in-kind?*	*Amount/value of match*
1 & 2	BWP	In-kind	1392.00
1 & 2	TVA	In-kind	1000.00
4	Land owner contributions	Cash	1000.00
4	Land owner contributions	In-kind	1000.00
4	City of Elizabethton	In-kind	4000.00
5	BWP	Cash	1000.00
1& 2	City of Elizabethton	Cash	3000.00
		Total	12,392.00

Invoice

Boone Watershed Partnership, Inc.
708 Allen Avenue
Elizabethton, TN 37643
423 543-7576
barrigargn@embarqmail.com

Invoice No.: 003

To: City of Elizabethton	December 23, 2009
136 South Sycamore Street Elizabethton, Tennessee 37643	

Quantity	Description	Unit Price	Amount
1	City of Elizabethton match for Gap Branch Restoration Project	$3000.00	$3000.00
	Payment approved		
	1/20/10		
		Subtotal	
		Sales Tax	$0.00
		Shipping & Handling	$0.00
		Total Due	$3000.00

Make all checks payable to:
Boone Watershed Partnership, Inc.

THANK YOU FOR YOUR BUSINESS!

1. Attachment 6 Site Plan Requirements for Development Review

CITY OF ELIZABETHTON

136 S. SYCAMORE ST.
ELIZABETHTON, TN 37643-3328
423-542-1508 or 423-542-1502
Fax: 423-547-7448 or 423-542-1510

David R. Ornduff, Director
Planning and Development

ELIZABETHTON REGIONAL PLANNING COMMISSION

Site Plan Approval Process

The following are the minimum steps necessary to process a site plan with the City of Elizabethton as required by the Elizabethton Regional Planning Commission Land Development Regulations.

Informal Consultation – early in the development planning process, the developer should contact the city Planning and Development Department to determine if a site plan is required before a building permit can be issued for the project. If a site plan is required, the developer shall request an informal site inspection and/or a preliminary review of the plans.

Site Plan Submittal – when site plan is completed, the developer, owner or their duly authorized agent shall submit twenty-one (21) days prior to the meeting in which it is to be considered thirteen (13) copies and one (1) one quarter size of the site plan, an electronic copy in PDF format, and two (2) copies of complete drainage calculations, to the Planning Secretary before 5:00 pm Tuesday for the following Wednesday morning site plan review meeting to be held at 9:00 am. Site plans and drainage calculations must be stamped by the appropriate design professional. The responsible design professional is required to attend the site plan review meeting to answer or ask questions pertinent to the project.

Site Plan Review – all site plans will be reviewed on Wednesday morning for minimum requirements. If the plan meets the minimum requirements it will be placed on the Elizabethton Regional Planning Commission Agenda the following month in accordance with the commission submittal dates. If the plan does not meet the minimum requirements it will be returned to the applicant listing each department's corrections, comments and deficiencies. All returned plans will have to be resubmitted by the process outlined under "Site Plan Submittal".

Site Plan Resubmittal – The engineer/architect will make the necessary changes to the plans and resubmit thirteen (13) copies and one (1) one quarter size copy and one electronic copy in PDF format to the city's Planning Secretary twenty-one (21) days prior to the date of the meeting in which it is to be considered. Staff will review the plans for completeness and obtain signatures from the various departments. The site plan will be placed on the Elizabethton Regional Planning Commission Agenda the following month in accordance with the commission submittal dates. Upon approval by the planning

commission the contractor can then apply for the necessary building permits. Site plan approval expires one year from the final approval date.

Construction Phase – during the construction of the project, a copy of the approved site plan shall be kept on site when work is underway. The project will be inspected at various times by city inspectors. If situations develop during construction that necessitate a change in the approved plan it is the responsibility of the developer to have the design professional of record revise the plan and resubmit it to the City Planning Director for review.

Final Project Approval – when the contractor obtains the necessary permits he will be given a final inspection sign-off card. It will be the responsibility of the contractor (or owner/developer) to call for a final inspection. The Chief Building Official shall secure signatures from each department listed on the card. The Chief Building Official will authorize the issuance of a Certificate of Occupancy only after the sign-off card is completed.

David R. Ornduff, Director
Planning and Development

CITY OF ELIZABETHTON
136 S. SYCAMORE ST.
ELIZABETHTON, TN 37643-3328
423-542-1508 or 423-542-1502
Fax: 423-547-7448 or 423-542-1510

ELIZABETHTON REGIONAL PLANNING COMMISSION

Commercial/Industrial Site Plan Requirements

☐ **The site plan shall show the following information in a title block:**

- ☐ Name and address of development,
- ☐ Name, address and phone number of the owner of record and applicant,
- ☐ Present zoning of the property and abutting property,
- ☐ Date, scale and any revisions,
- ☐ Name, address and phone number of the engineer and /or architect with certification block.

☐ **The site plan shall show the following existing information:**

- ☐ Property lines and street R.O.W. with necessary dimensions, bearings, and distances,
- ☐ Streets, alleys, sidewalks, curbs, and easements
- ☐ Buildings, structures, retaining walls and signs,
- ☐ Sanitary sewer systems, water mains and service lines, fire hydrants,
- ☐ Overhead and underground electric lines, utility poles,
- ☐ Natural gas mains and service lines
- ☐ Driveways, entrances, exits, and parking areas, curb cuts,
- ☐ Trees, shrubs and other landscape features,
- ☐ Natural and artificial water courses,
- ☐ Storm drainage systems,
- ☐ Limits of flood plains and floodways,
- ☐ Existing contours at two (2) foot intervals with reference datum mean sea level, State Plane Coordinates,
- ☐ Benchmark located and marked in the field where it can remain during construction,
- ☐ Any other item needed to show the conditions of the site.

☐ **The site plan shall show the location, dimensions, size and/or height of the following when proposed:**

- ☐ Streets, alleys, sidewalks, curbs and easements cross section showing pavement construction,
- ☐ Buildings, structures, retaining walls and signs, (including the front, i.e. street elevation of proposed buildings and signs),
- ☐ Sanitary sewer systems, water mains and service lines, fire hydrants, manholes, storm and sewer,

- ☐ Size and location of water meter, valves, PRV (reduced pressure zone backflow prevention devices).
- ☐ Overhead and underground electric lines, poles, (note: **ALL** utilities shall be underground.)
- ☐ Location of electric meter pan,
- ☐ Electric service required.
- ☐ Natural gas mains and service lines,
- ☐ Driveways, entrances, exits, fire lanes and parking areas with stalls striped and number of spaces provided, in relation to gross leaseable space or other parking criteria
- ☐ Signs and pavement marking necessary to aid traffic approaching, departing and/or on the site,
- ☐ Landscape Plan - trees, shrubs and other landscape features,
- ☐ Refuse container pads and screening for pads, cross section, wet or dry,
- ☐ Distance between buildings,
- ☐ Required setback distances and proposed setback distances from buildings to adjoining property lines.
- ☐ Number of commercial or industrial tenants and employees,
- ☐ Proposed contours at two (2) foot intervals, with reference datum State Plane Coordinates.
- ☐ Finished floor elevations,
- ☐ Loading and unloading areas,
- ☐ Square feet of floor space, and building height,
- ☐ Drainage plan for collecting, conveying and detaining storm water.
- ☐ Plans and details of storm water quality devices or structural BMP's
- ☐ Location and type of mailboxes must be approved by Post master or Delivery Supervisor with validation stamp and signature.
- ☐ Lighting plan
- ☐ Indicate disturbed area in acreage and square feet.
- ☐ Erosion and sediment control plan – TDEC Erosion and Sediment Control Handbook.
- ☐ Show slope gradients in ratio.
- ☐ Grease trap location,
- ☐ Location of sprinkler connection,
- ☐ Traffic impact analysis (if required),
- ☐ Handicap requirements (parking/ramps/grade and signage), street corner sidewalks,
- ☐ Any other item needed to show the conditions of the site.
- ☐ Sign-off that you have consulted with the City's Planning and Development Director.
- ☐ Sign-off that you have reviewed the Elizabethton Zoning Ordinance.
- ☐ Sign-off that you have reviewed the Elizabethton Subdivision Regulations.
- ☐ Sign-off that you have reviewed the Landscape Ordinance.
- ☐ Sign-off that you have reviewed the Sign Ordinance.
- ☐ Sign-off that you have reviewed the Highway Entrance Overlay District Ordinance.
- ☐ Thirteen copies of the Request for Review of Site Plan and one (1) one-quarter size site plan shall be submitted at least twenty-one (21) days prior to the date of the meeting in which it is to be considered.
- ☐ Electronic copy of site plan – PDF format.

☐ **Separate Submittals (2 Copies Each)**

- ☐ Final subdivision plat (7 copies).
- ☐ FEMA no rise certification (if required)
- ☐ Phase I, Phase II Environmental Impact Statement (if required)
- ☐ Brownfield Agreement (if required)
- ☐ State – Notice-of-Intent (NOI)
- ☐ State – Storm Water Pollution Prevention Plan (SWPPP)
- ☐ State – Notice of Coverage (NOC)
- ☐ State – Notice of Termination (NOT)
- ☐ Storm water run-off and detention calculations
- ☐ Storm water quality calculations.
- ☐ Slope erosion protection calculations for the proposed erosion control solution
- ☐ Engineer's design information for retaining wall systems higher than 4 feet.
- ☐ Engineers certification record drawings.

* City of Elizabethton has adopted 2006 International Building, Residential, Plumbing, Gas, 2008 Electrical Codes and International Fire Code 2006 Edition of the International Building Code, Life Safety Code (NFPA No. 101-2006), North Carolina ADA Code 2002 with 2004 amend, 2006 International Mechanical Code, 2006 Model Energy Code.

***Note: Information not provided may be cause for disapproval**.

SUBMITTAL DATES
ELIZABETHTON REGIONAL PLANNING COMMISSION
AND
DEVELOPMENT COMMITTEE
2012

CUT-OFF DATES PLANNING COMMISSION 5:00 P.M.	PLANNING COMMISSION MEETING DATES 6:00 P.M.	DEVELOPMENT COMMITTEE MEETING DATES 10:00 A.M.
12-13-11	1-3-12	12-16-11
1-17-12	2-7-12	1-20-12
2-14-12	3-6-12	2-17-12
3-13-12	4-3-12	3-16-12
4-10-12	5-1-12	4-13-12
5-15-12	6-5-12	5-18-12
6-12-12	7-3-12	6-15-12
7-17-12	8-7-12	7-20-12
8-14-12	9-6-12	8-17-12
9-11-12	10-4-12	9-14-12
10-16-12	11-1-12	10-19-12
11-13-12	12-6-12	11-16-12
12-11-12	1-3-13	12-14-12