

CITY OF MORRISTOWN

Land Disturbance Permit Guidelines



Guidelines

The Stormwater Program Ordinance (Ordinance) requires that certain land disturbance activities performed in the city limits of Morristown be covered by a Land Disturbance Permit. A state permit may also be required. These Guidelines outline the requirements of the Ordinance and state permit and provide guidance to developers and property owners.

What does the Stormwater Program Ordinance require?

The Ordinance governs the permitting and operation of land disturbance activities. "Land disturbance activity" is defined by the ordinance as "Any activity on 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, tree removal, and alterations of water quality buffer zones, alterations to water resources, grubbing, grading, filling, and excavation."

Some of the major requirements for land disturbance activity include:

- Obtaining a Morristown Land Disturbance Permit
- Posting a performance bond equal to 1.5 times the estimated cost of the proposed land disturbance work
- Obtaining a Tennessee Department of Environment and Conservation Construction General Stormwater permit ("TDEC Permit"), if applicable (see below)
- Taking measures to prevent sediment escaping the site or entering into streams and lakes
- Properly disposing of construction wastes such as concrete washout and discarded materials
- Leaving the site fully stabilized with vegetation, asphalt, concrete, structures, or other materials to prevent erosion after construction
- Not affecting neighborhood properties with escaped sediment, excessive Stormwater runoff, or property devaluation caused by stream bank erosion

Compliance with the Ordinance is insured by periodic inspections and investigation of complaints. The Ordinance authorizes civil penalties up to \$5,000 per violation and other measures such as stop work orders.

Do I need a City of Morristown Land Disturbance Permit?

The Ordinance requires all land disturbance activity to be performed in accordance with the Ordinance and applicable state and federal laws. In addition, a City of Morristown Land Disturbance Permit is required for land disturbance activity that meets any of the following conditions:

Dependent on Disturbed Area

- Disturbs one acre or more
- Is part of a larger common plan of development or sale that disturbs one acre or more

Regardless of Disturbed Area

- Results in a net increase of one-half acre or more of impervious area, including all parts of a larger common plan of development or sale
- Is located within 100 feet of a water resource
- Whose discharges are determined by the city administrator or designee to be contributing to, or likely to contribute to, a violation of a state water quality standard
- Whose discharges are determined by the city administrator or designee to likely be a significant contributor of pollutants to waters of the state

However, certain land disturbance activities are exempted from the permit requirement:

- Any emergency activities that are immediately necessary for the protection of life, property or natural resources
- Agricultural land management activities
- Additions or modifications to an existing single family residential structure or property that disturb less than one acre, including residential gardens

Do I need a TDEC Permit?

The Ordinance and state law require that a TDEC Permit be obtained for land disturbance activity that meets any of the following conditions:

- Results in an area of disturbance of one or more acres
- Results in the disturbance of less than one acre if it is part of a large common plan of development or sale
- Disturbs less than one acre of total land disturbance where the director, or authorized representative, of the division of water pollution control of TDEC has determined that:
 - (1) the stormwater discharge from a site is causing, contributing to, or is likely to contribute to a violation of a state water quality standard; or (2) The stormwater discharge is, or is likely to be a significant contributor of pollutants to waters of the state, or (3) Changes in state or federal rules require sites of less than one acre that are not part of a larger common plan of development or sale to obtain a stormwater permit.

You may contact the TDEC Knoxville Environmental Field Office at (865) 594-6035 for more information on their requirements.

A copy of the TDEC Notice of Coverage must be provided prior to issuance of a City of Morristown Land Disturbance Permit.

What if I have a waterway such as a creek on my property?

Federal and state regulations require areas along waterways to remain undisturbed during and after construction by establishing a Water Quality Buffer Zone (WQBZ). These buffer zones are required for all site developments adjacent to or near a water resource. A water resource is defined by the Ordinance as "...streams, seeps, springs, wetlands, lakes, other surface waters and water resources that are not wet weather conveyances."

Please contact us at the phone number in the "Where can I find more information?" section for more information regarding WQBZ requirements if you believe you may have a water resource at your site.

How much does a Morristown Land Disturbance Permit cost?

The Permit Application fee is as follows:

Disturbed Area (acres)	Fee
0 - 2.00	\$50
2.01- 3.00	\$75
3.01- 4.00	\$100
4.01 +	\$125

How do I apply for a Morristown Land Disturbance Permit?

If a permit application is not included with these Guidelines, you may pick one up at the Planning Department at the Morristown City Center, 100 West First North Street. Permit applications are also available on the City's Stormwater Program website (See "Where can I find more information?").

Both the owner and the party performing the land disturbance activity are responsible for compliance with the Ordinance. Either party may complete the application. However, the City prefers that the party actually performing the work applies for the permit.

A complete Morristown Land Disturbance Permit application consists of the following items:

- Application
- Erosion and sediment control plan (to be reviewed and approved by the City)
- Copy of TDEC Permit application (if applicable)
- TDEC Permit Notice of Coverage (if applicable)
- Cost estimate of the proposed work, per the City of Morristown Stormwater Design Guidance Manual (available on the City's Stormwater Program website)
- Permit application fee
- Surety (bond, letter of credit, cash, or other acceptable method) for 150% of the approved cost estimate of the proposed erosion control and post-construction stormwater work (to be submitted after the cost estimate is approved)

The required complexity and detail of the attachments vary depending on the scope of the project.

The plans may be submitted prior to the application for a Land Disturbance Permit. This will allow City staff to perform their review.

How do I submit my application?

When you have completed your application and all required attachments, you may submit your application packet in person or via shipping method to City of Morristown, 100 West 1st North Street, Morristown, TN 37814; or by mail to PO Box 1499, Morristown, TN 37816-1499.

What happens after I submit my application?

The City will review the application packet and either approve the submittal or provide comments.

After approval, the City will schedule a meeting with the owner and/or party performing the work to discuss the project and the requirements of the Morristown Land Disturbance Permit and TDEC Permit (if applicable). You may find it convenient to make an appointment ahead of time so the meeting can take place when you submit your application. For larger projects, the meeting may be held at the construction site.

Where can I find more information?

Please check our Stormwater Program website at www.mymorristown.com (Departments – Public Works – Stormwater) for more information. If you have additional questions or would like to schedule an appointment to discuss your Land Disturbance Permit application, please e-mail us at stormwaterconcerns@mymorristown.com or call us at (423) 585-4658 or (423) 581-0100.