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Return Receipt Requested

STATE OF TENNESSEE
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
JOHNSON CITY ENVIRONMENTAL FIELD OFFICE
2305 SILVERDALE ROAD
JOHNSON CITY, TENNESSEE 37601-2162
(423) 854-5400 STATEWIDE 1-888-891-8332 FAX (423) 854-5401

November 13, 2009

Honorable Curt Alexander
Mayor of Elizabethton
136 South Sycamore
Elizabethton, Tennessee 37643

RE: **NOTICE OF VIOLATION**
Compliance Inspection Report
Elizabethton Municipal Separate Storm Sewer System (MS4) Phase II
NPDES Permit TNS075281

Dear Mayor Alexander:

The City of Elizabethton, as an operator of a regulated small municipal storm sewer system (MS4), was required under the Storm Water Phase II Final Rule to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage. NPDES Permit Tracking Number TNS075281 became effective on October 6, 2003, and expired on February 26, 2008. An abbreviated notice of intent was submitted to maintain permit coverage.

The NPDES permit identifies six minimum control measures that had to be included in the storm water program. For each program area, the City had to identify best management practices (BMPs), measurable goals and interim milestones that the City would implement. The last compliance evaluation inspection (CEI) was conducted on December 12, 2006. During that inspection numerous deficiencies were noted. The city elected to have AMEC Earth & Environmental, Inc., conduct MS4 Permit Compliance Assessment and assist the City in developing a corrective action plan to address the problem areas. On October 20, 2009, Beverly Brown and I met with Joseph Barnett and Johan Coetzee in order to conduct a compliance evaluation inspection (CEI) of Elizabethton's storm water management program. During the CEI, we reviewed supporting documentation for the six program areas. Significant progress was made in documentation procedures and in correcting deficiencies.

However; during the site visits to your municipal facilities:

- It was noted that trucks at the Water Department vehicle maintenance facility are washed on-site and the wash water is discharged where it can enter a nearby storm drain.

  During the previous inspection, it was noted that City salt trucks and garbage trucks were washed at the municipal garage and the wash water was discharged to a storm drain. A notice of violation was issued and the City began working on the construction of a new wash bay. During this visit, the wash bay was not completed, but the wash water is no longer discharged to the storm sewer system. The municipal garage is located adjacent to the Water Department facility.

- The salt storage cover at Streets and Sanitation is inadequate. Mr. Hilbert provided documentation to show that a new cover was purchased, but the salt appears to be leaving the site. Distressed vegetation was observed below the salt storage area.

This constitutes a violation of the Tennessee Water Quality Control Act (TCA 69-3-101 et. seq.) Section 108(b)(1) which states:

(b) It is unlawful for any person, other than a person who discharges into a publicly owned treatment works or a person who is a domestic discharger into a privately owned treatment works, to carry out any of the following activities, except in accordance with the conditions of a valid permit:

> *(b) The alteration of the physical, chemical, radiological, biological, or bacteriological properties of any waters of the state;*

Violations of the Act may subject you to civil penalties for each day the violation occurs or continues. You must submit a corrective action plan to the Division within 30 days of receipt of this correspondence. This plan should include the measures that will be taken to bring the City into compliance with the Act.

Public Education and Outreach on Storm Water impacts

The City continues to partner with the Boone Lake Association, the Buffalo Creek Watershed Alliance and the Boone Watershed Partnership to raise awareness of water quality issues.

BMP 1A: Residential Pollution Prevention Brochure
The City notified WPC of their intent to modify this BMP on June 26, 2009. The City will participate in a State-wide public education campaign in cooperation with the Tennessee Stormwater Association. Mr. Barnett provided invoices for public service announcements to demonstrate that this BMP was met before the BMP was modified.

BMP 1B: Commercial Pollution Prevention Brochure

The City distributes pollution prevention brochures at the building department and posts information at the local library.

BMP 1C: Educational material for school children
The City promotes the Back the Brookie program at the local high school. Supporting documentation from the school was provided.

BMP 1D: Publicize Household Hazardous Waste Days.
The last household hazardous waste collection day was September 6, 2008.

BMP 1E: Stamped storm drains in new developments
This requirement is an internal Public Works policy and is included on the plans review checklist. A copy of the Internal Public Works Policy memorandum was provided. Stamped storm drains were observed during the site visits.

Public Involvement/Participation

BMP 2A: Public Notice Requirements
The measurable goal is to provide public notice for stormwater management issues as required by local notice laws/requirements. Supporting documentation was provided. The City maintains a government information channel that provides coverage of the city government meetings. Information is also available at the City's website.

Illicit Discharge Detection and Elimination

BMP3A: Storm system outfall map
The storm system outfall map, approximately 250 outfalls, was completed by Mattern and Craig. The map was available for review.

BMP 3B: Illicit discharge ordinance
The illicit discharge ordinance was passed on August 10, 2006.

BMP 3C: IDDE policies and procedures and documentation tools
The measurable goal for this BMP is to develop policies, procedures and documentation tools for illicit discharge inspections, enforcement and tracking. Hotspots are addressed in the IDDE SOP. The City indicated that they inspect 20 percent of the outfalls and identified hotspots each year. During this inspection, we reviewed the inspection forms for July 2009.

BMP 3D: Cross connection plans review and site inspections
Cross connections are addressed in a policy memorandum.

BMP 3E: Complaint receipt and tracking system

The complaint log was available for review. Two complaints were referred by TDEC/WPC. The complaint investigations were provided.

Construction Site Storm Water Runoff Control

BMP 4A: Erosion control regulatory mechanisms
The City updated the existing an existing erosion and sediment control ordinance to fulfill the NPDES permit requirements.

BMP 4B: Require appropriate BMPs
The measurable goal for this BMP is to require appropriate BMPs. The The plans review checklist requires that the *TDEC Erosion & Sediment Control Handbook* be referenced.

BMP4D: Erosion and sediment control plans review
The measurable goal for this BMP is to continue reviewing all new development plans for compliance with the revised grading and erosion control regulations, subdivision ordinance and technical guidance and to document that all plans are reviewed.

Three files were requested during this inspection: Riverview, Carter County Justice Center and West Side Elementary School. Review notes, as well as correspondence to the permittee were available.

BMP 4E: Erosion and sediment control complaint receipt and tracking
The complaint log was available for review.

BMP 4F: Erosion and sediment control inspections
Inspection forms for the following sites were requested:

- Katelyn Drive: inspection records were available
- Carter County Justice Center: monthly inspection records were available
- West Side Elementary School: monthly inspection records were available
- Daniel Lewis Apartments: inspection records and enforcement documentation was available.
- Riverstone Subdivision: the city reviewed the plans, but indicated that it is in the County's jurisdiction for inspections.

West Side School, Katelyn Drive and Daniel Lewis Apartments were visited during this inspection. The site conditions were consistent with the inspection records as well as recent WPC inspections.

BMP 4G: Staff inspector training
Mr. Coetzee and Mr. Barnett have completed both the Level 1 and Level 2 courses.

Post-Construction Storm Water Management in New Development and Redevelopment

BMP 5A: Structural and non-structural strategies.
The City partnered with Johnson City and Bristol to develop a Water Quality BMP manual.

BMP 5B: Ordinance
The post-construction ordinance was adopted by Elizabethton.

Pollution Prevention/Good Housekeeping for Municipal Operations

BMP 6B: Illicit discharge training
The measurable goal is to provide annual education to appropriate maintenance, operations and engineering staff on illicit discharge detection and elimination. Training records were provided.

BMP 6C: Pollution prevention and good housekeeping training
The measurable goal is to provide annual education to appropriate maintenance, operations and engineering staff on stormwater pollution prevention and good housekeeping practices for municipal operations. Training records are maintained.

BMP 6D: Catch basin floodway clearing
The City indicated that they would inspect and clean stormwater catch basins known to be problematic with litter/debris clogs on an as needed basis. The City stated that they would inspect floodways for litter and debris twice per year and clean as needed. The catch basin cleaning log was provided.

BMP 6E: Street Sweeping
The City indicated that they would sweep main roadways and know problem streets once per week. Sweep streets in residential areas twice per month. The street sweeping log was provided.

BMP 6F: Good Housekeeping Improvement Plan
The measurable goal for this BMP is to examine current municipal operations to determine where additional pollution prevention activities, policies, training or structural measures are needed, develop plan of action, implement plan. The City is using a 2003 draft plan to meet this BMP.

Requirement: During this inspection several housekeeping issues were observed at municipal facilities. The draft plan should be reviewed and revised to reflect current conditions at municipal facilities. Address vehicle washing at the Water Department vehicle maintenance facility. This is the second NOV for this type of violation.

Discharges to Water Quality Impaired Waters
The Watauga River Watershed Siltation and Habitat Alteration Total Maximum Daily Load (TMDL) was approved on March 17, 2006. The Watauga River Watershed E. coli TMDL was approved on April 17, 2006. Section 3.1.3.2 of the MS4 General NPDES

Permit requires the determination whether the TMDL includes pollutant wasteload allocation (WLA) implementation recommendations or other performance requirements specifically for storm water discharges from your MS4. The TMDLs require MS4s to evaluate SWMP effectiveness and demonstrate compliance with the WLA by developing and implementing appropriate monitoring programs. Elizabethton completed the monitoring required in your submitted plan for this permit cycle. The Mr. Barnett was provided the appropriate forms for submitting the data to the Nashville Central Office.

The Division would like to thank Mr. Barnett and Mr. Coetzee for their time and assistance during this inspection. If you have any questions regarding the inspection or the report, please contact me at (423) 854-5432 or by e-mail at *Carolyn.Doyle@state.tn.us*.

Sincerely,

Carolyn Doyle

Carolyn Doyle
Environmental Specialist
Johnson City Environmental Field Office
Division of Water Pollution Control

Beverly Brown

Beverly Brown
Biologist
Johnson City Environmental Field Office
Division of Water Pollution Control

CD/BB/15019321

cc: Joseph Barnett, Stormwater Coordinator,
DWPC, Enforcement and Compliance Section, Nashville Central Office

United States Environmental Protection Agency
Washington, D.C. 20460

Water Compliance Inspection Report

SECTION A: National Data System Coding (i.e., PCS)

Transaction Code	NPDES	YR/MO/DAY	Inspection Type	Inspector	Facility Type
N 5	TNSO75281	09/10/20	>	S	2

Remarks

Inspection Work Days	Facility Self-Monitoring Evaluation Rating	BI	QA	Reserved
3.0	3	N	N	

SECTION B: Facility Data

Name and Location of Facility Inspected *(For industrial users discharging to POTW, also include POTW name and NPDES permit number)*	Entry Time/Date	Permit Effective Date
Elizabethton Phase II MS4 136 South Sycamore, Elizabethton, TN 37643	09/10/20 0830	03/10/03
	Exit Time/Date 09/10/20 0315	Permit Expiration Date 08/02/26

Names of On-site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data *(e.g., SIC NAICS, and other descriptive information)*
Mr. Joseph Barnett, Storm Water Coordinator Phone 423-528-6997	
Name, Address of Responsible Official/Title/Phone and Fax Number Curt Alexander, Mayor Phone 423-547-6200 fax 423-542-1510 Contacted ☐ Yes ☒ No	

SECTION C: Areas Evaluated During Inspection *(Check only those areas evaluated)*

X	Permit		Self-Monitoring Program		Pretreatment	X	MS4
X	Records/Reports		Compliance Schedules	X	Pollution Prevention		
X	Facility Site Review		Laboratory	X	Storm Water		
	Effluent/Receiving Waters	X	Operations & Maintenance		Combined Sewer Overflow		
	Flow Measurement		Sludge Handling/Disposal		Sanitary Sewer Overflow		

SECTION D: Summary of Findings/Comments

(Attach additional sheets of narrative and checklists, including Single Event Violation codes, as necessary)

See attached letter.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Phone and Fax Numbers	Date
Carolyn L. Doyle Carolyn Doyle	TNDWPC/JCEFO/423-854-5432 Fax-423-854-5401	11/16/2009
Signature of Management QA Reviewer	**Agency/Office/Phone and Fax Numbers**	**Date**
Jeffrey K. Horton Jeffrey K Horton	TNDWPC/JCEFO/423-854-5447 Fax-423-854-5401	11/16/2009

EPA Form 3560-3 (Rev 1-06) Previous Editions are obsolete.