STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES

Small Municipal Separate Storm Sewer System (MS4) Audit Worksheet* - Rev 1.2

MS4 Name: City of Hendersonville	Date: 05OCT16
County:	Permit #: TNS075353
Responsible Official: Scott Foster	NOC Date: 15JUN11
On-Site Representative(s): Duane Allen Phone Number(s): 615 590 4635	
Name/Address/Title/Phone Number of MS4 Contact Person: Duane Allen	

Y =Yes N= No (Circle one)

Stormwater Management Program (NPDES Permit Section 4.1.)

1. Y (N) Has a written Stormwater Management Plan (SWMP) been developed? (4.1.)
NOI

Minimum Control Measure #4: Construction Site Stormwater Runoff Control (4.2.4)

2. Y (N) Has this program element been included in the SWMP? (4.1.)

3. (Y) N Have they continued to develop and implement a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre and/or less than one acre if that construction activity is part of a larger common plan of development? (Due 24 months from NOC effective date) (4.2.4)

4. Y (N) Have they updated ordinances or other regulatory mechanisms to include the current erosion prevention and sediment control (EPSC) measure requirements? What dates were these ordinances or regulatory mechanisms adopted? Date adopted: 2003
(Due 18 months from NOC effective date) (4.2.4a)

Name and/or code section(s):

5. Y N Have they developed sanctions to ensure compliance with these ordinances and regulatory mechanisms? (4.2.4a)

Y N Do the sanctions include monetary penalties as specified in TCA 68-221-1106? (4.2.4a)

6. Y N Are their EPSC requirements consistent with those described in the TDEC EPSC Handbook? (4.2.4b)

7. Y N Have they updated requirements in their program corresponding to the Tennessee Construction General Permit? Including special conditions for impaired and exceptional waters? (Due 18 months from NOC effective date) (4.2.4c)

EPSC

8. Y N Have they developed an inventory and tracking mechanism for all active public and private construction sites that result in a land disturbance of greater than or equal to one acre and/or less than one acre if that construction activity is part of a larger common plan of development? (4.2.4d) What is the mechanism? Ask to see it.

files in folders ~~in~~ on computer

9. Y N Have they developed requirements for construction site operators to control wastes such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality? (4.2.4e)

10. Y N Have they developed procedures for site plan review, which incorporate consideration of potential water quality impacts? (4.2.4f)

Are those procedures in writing? Request a copy.

11. Y N Are these procedures included in the SWMP?

Y N Does the procedures include an evaluation of plan completeness and over all BMP effectiveness? (4.2.4.f.)

12. How many plans were reviewed during this reporting period?

not sure

13. Y N Does the plan review process ensure that EPSC measures meet state technical standards?

14. Y N Have they developed procedures for receipt and consideration of information submitted by the public? List the procedures.(4.2.4g)

call City Hall
email inspector

15. Y N Have they developed procedures for site inspection and enforcement of control measures? (4.2.4h)

16. Y N Are the enforcement steps included in their ERP? (4.2.4.h.)

ERP does not includes steps

17. Y N Have they required their inspectors to complete and maintain certification under the Tennessee Fundamentals of Erosion Prevention and Sediment Control, Level 1(or equivalent)? (4.2.4.i) List inspector names.

18. Y N Have they required their site plan reviewers to complete and maintain certification under the Tennessee Erosion Prevention and Sediment Control Design Course, Level 2? (4.2.4i) List plan reviewer names.

19. Y N Do they identify priority construction activity (a.k.a., sites)? (4.2.4.j) How?

CGP + steep slopes & all streams

20. Y N Do they hold pre-construction meetings with construction site operators for priority construction activities? (4.2.4.j.)

on majority Priority sites

21. Y N Do they perform inspections of priority construction sites at least once per month? (4.2.4.j.)

2/month

22. Y N Is a standardized inspection form used? (request a copy)

23. How many construction sites have active permits with the MS4?

65

24. What is the number of active construction sites requiring monthly inspections?

25. What is the number of inspections performed and the frequency over the past 12 months?

at least 1/month

26. Request to see the procedures for tracking inspections. Describe the procedures.

Notebook; inspection report

27. How many violations were found in the previous year?

28. What are the procedures if violations are found? Are the procedures documented in the ERP? (4.5.1.)

Not written

29. What is the procedure when citizen complaints are received?

follow up

30. (Y) N Can construction site inspectors administer enforcement actions?

No

If no, who can? If yes, what types of enforcement actions?

31. (Y) N Are enforcement actions tracked? Ask to see their tracking mechanism.

folders on computer

32. Describe this tracking mechanism and person(s) responsible for follow up.

Helen Morisell

33. How many of the following enforcement actions were used in the previous year?

Notices of Violations (NOV) _____

Administrative fines _____

Stop-work orders _____

Civil penalties _____

Criminal penalties _____

34. What is the most common compliance issue on construction projects (i.e. tracking on streets, litter or inadequate concrete washout BMPs)? ?

Reviewing and Updating Stormwater Management Program (4.4)

35. Y N Are they performing an annual review of the Stormwater Management Program during preparation of the annual report? (4.4.1) List how this is done?

36. Y N Are changes to the Stormwater Management Program being reported to the division? (4.4.2) If yes, how are the changes reported? N/A

37. Y N Have any new areas been added to the MS4 within the last 12 months? N/A

38. Y N Do they have a plan for implementing the Stormwater Management Program in all newly added areas within 90 days of transfer of responsibility? (4.4.4.) N/A

39. Y N Does the plan include schedules for implementation? (4.4.4.) N/A

40. Y N Are they implementing their Stormwater Management Program requirements in these areas? (4.4.4.)

41. Y N Has information on all new annexed areas and resulting updates been included in the annual report? (4.4.4.) N/A

Enforcement Response Plan (4.5)

42. Y N Have they developed an Enforcement Response Plan addressing their ability to respond to violations and describing progressive enforcement including verbal warnings, written notices, citation with penalties, stop work orders, and withholding of plan approvals or other authorizations? (4.5.1.) (Due 18 months from NOC effective date)

43. Does their enforcement case documentation include the following (4.5.3.):

Y	N	Name of owner/operator	Y	N	Location
Y	N	Description of violation	Y	N	Compliance schedule
Y	N	Enforcement response used	Y	N	Documentation of enforcement response
Y	N	Referrals	Y	N	Date the violation was resolved

44. Y N Have they developed a plan to identify chronic violators? Describe. (4.5.4.)

Recordkeeping (5.3)

45. Y N Are records being kept of all monitoring activities, copies of reports, and records of all data used to complete the NOI for at least 3 years? (5.3.)

Additional Comments:

Name/Agency of Lead Inspector: DWR Karina BYNUH	**Signature of Lead Inspector:**
Names/Agencies of Other Inspectors: Bridgette Corsa Ann Morbitt	

* This worksheet applies to MS4s that have been previously permitted.

Hendersonville Stormwater Construction Inspection Checklist

Site/Project Name: Date:

Site Superintendent:

Weather Conditions:

1.	Are all applicable BMPs installed and maintained per Site Plans?	Y	N
2.	Are all BMPs functioning correctly at disturbed areas/material storage areas?	Y	N
3.	Are BMPs functioning correctly at outfall/discharge points?	Y	N
4.	Are there any water quality impacts or objectionable color contrast in stream?	Y	N
5.	Is construction entrance installed and properly maintained?	Y	N
6.	Is there evidence of track out?	Y	N
7.	Are pollution prevention measures installed on-site?	Y	N
8.	Is trash and debris clear from the site and placed in receptacles?	Y	N
9.	Is a trash receptacle available on-site(s)?	Y	N
10.	Has a concrete washout been installed/maintained?	Y	N
	a. Is a concrete washout needed?	Y	N

Comment Section:

Inspector Name and Title:

Helen A. Morrison, Level 2 TNEPSC #134493

Procedures:

Construction sites are checked on a monthly basis. During initial phases of construction sites will be checked on a more frequent basis. Previously, sites were inspected on a biweekly basis, but in an effort to focus on public education, inspections will be done monthly. When I arrive at the site, I check for any track out of mud/debris into the roadway. I will walk the perimeter of the site and check the silt fence for any deficiencies. I will check the outfalls for illicit discharge. I check stockpiles for protection. I inspect the staging area for proper material storage. If there are deficiencies, I take pictures and provide the site superintendent/contacts with the pictures and a list of deficiencies.

Enforcement Response Plan:

As of right now, any site that is in violation of the Hendersonville Stormwater Ordinance receives pictures of the violations and an email notice to correct the deficiencies by the next inspection (2 weeks). If the site contact fails to bring the site back into compliance, a Notice of Violation is sent warning the site contact that failure to comply will result in civil penalties and/or a stop work order. To date no fines have been imposed on any construction site. We are in the process of revising the current stormwater enforcement response plan. Under this new plan, when a violation is observed a verbal warning, written warning, or citation will be issued at the first deficiency. The site contact will be given an amount of time determined by the severity of the deficiency. A follow up inspection will be done to determine if the site is in compliance. If the site is out of compliance a stop work order will be issued until the site can be brought back into compliance. To be reinstated, the site contact will have to pay a reinstatement fee.

Hendersonville Construction Sites

Commercial

1. 132 Maple Row Blvd (Initial)
2. Arrowhead Park
3. Ascend FCU
4. Ashcrest Lot 49
5. Ashcrest Community
6. Celebrity Coaches (P)
7. Citizen's Bank
8. CrossFit Hendersonville
9. Dr. Stewarts Office (P)
10. Drakes Creek Marina (P)
11. F&M Bank
12. Fairfield Inn
13. Good Shepherd UMC
14. Hampton Inn
15. HCA
16. HUD Wessington Place
17. ILV Parcel 93 Phase 3
18. Inetco
19. Jack Anderson Elementary
20. JEA
21. Kroger- East Main Street
22. Mansker Creek Phase 2 (P)
23. Merchant's Pointe
24. Nashville Tempered Glass
25. SR 258 Widening
26. Our Lady of the Lake
27. Owens Building
28. Rocky McElhaney Law Office
29. Sellars Funeral Home
30. Smith Travel Research (P)
31. Twice Daily- Indian Lake Blvd
32. Volunteer Drive

Residential

1. 103 Liberty Cove
2. 104 Ashland Point (P)
3. 118 Ashland Point
4. 118 Riverwood Drive
5. 126 Circle Drive
6. 127 Bay Drive
7. 145 Island Drive

8. 202 Promontory Way
9. 216 Sterling Drive
10. 222 Bluegrass Drive
11. 228 Bluegrass Drive
12. 250 Bluegrass Drive
13. Ashcrest Community (P)
14. Bell Harbor (P)
15. Berry Hill
16. Bridgemill
17. Durham Farms Phase 1A (P)
18. Durham Farms Phase 1B (P)
19. 455 Forest Retreat
20. Fountain Brooke (P)
21. Hunt Club Phase 5, Section 10
22. Hunt Club Phase 6
23. Meadows of Indian Lake (P)
24. Millstone (P)
25. Patmore Place (P)
26. Saundersville Station Phase 5 (P)
27. Saundersville Station Phase 6 (P)
28. Stonecrest Phase 3 (P)
29. Stonecrest Phase 4 (P)
30. Villages of Stoneybrook
31. Waterford Crossing (P)
32. Windstar Bay
33. Wynbrooke (P)

*P- Indicates priority construction site

Department of Public Works
Erosion Control Inspection Review
The City of Hendersonville

Location:	**Durham Farms (Phase 1 1-5)**
Date of Inspection Review:	**7/28/16**
Site Contact:	**Robert Hemontolor**
TNR#:	**149287**
Date Issued:	**7/28/14**
Area Disturbed:	**50 acres**

Self-Inspection Comments:

1. SWPPP box maintained and up to date.

General Erosion Control Inspection Review Comments:

1. Trash needs to be picked up around creek and sites (This can become a property maintenance issue)
2. CE needed at section 12 unless binder is installed
3. Silt fence at section 12 needs cleaning out and filtrexx is not functioning since rill erosion is occurring underneath the filtrexx
4. Stock pile in section 12 needs silt fence
5. Filtrexx between alley 2 and creek needs maintenance additional EPSC measures needed
6. Alley 2 celebration homes needs protection along the curb- 2nd request
7. Celebration Homes- Stockpile needs silt fence on low side
8. Slope next to bridge needs stabilization and filtrexx needs maintenance
9. Lennar site at end of alley 1 needs sf along south side
10. Drees lot 260 needs CE refurbished
11. Drees needs to clean Tanglewood Lane
12. David weekly homes lot 279 needs CE added and silt fence fixed- need to sweep Lombardy
13. The end of alley 1 needs stabilization and EPSC measures at outfalls need to be maintained
14. Misty way @Ashington cir needs EPSC measure at handicap ramp
15. End of Ashington cir needs stabilization next to creek near Section 11
16. Check dam needed in ditch next to sediment basin section 11

Name of City Inspector: **Helen A. Morrison**

Date of Next Inspection Review: 8/12/16

If there are any questions concerning the results of this inspection review, please contact the above inspector at (615) 590-4649.

Visit www.hvilletn.org and scroll down to the "Stormwater Quality" button. Clicking this button will take you to our Stormwater Quality/NPDES Compliance page where you click on "Land Disturbance/Construction Site Run –Off." On this page there are several useful tools for maintaining compliance with Hendersonville's stormwater quality requirements for Construction activities.

City of Hendersonville
Public Works Dept.
Engineering Division
101 Maple North Drive
Hendersonville, TN 37075
(615) 822-1016

Land Disturbance Permit

New Permit ☑ Renewal of Existing Permit ☐

Owner: ROCKY McELHANEY LAW FIRM, P.C. Phone (D) (615)-425-2501 (N) (615)-425-2501

Address: 2620 ELM HILL PIKE, NASHVILLE, TN 37214

Engineering Firm: PERRY ENGINEERING, LLC Phone (D) (615)-855-2220 (N) (615)-864-2708

Project Manager JON CLAXTON, PE

Contractor: DOWDLE CONSTRUCTION GROUP Phone (D) (615)-251-1311 (N) (615)-394-3135

Address: 1311 6TH AVENUE NORTH, NASHVILLE, TN 37208

Contact Name: GLYNN DOWDLE Phone: (615)-251-1311x101

Erosion Control Specialist: JEFF Potter Phone (D) 615-828-7495 ~~(N)~~
MID-TN Erosion Control

Site Plan Name
And Address of
Property: ROCKY McELHANEY LAW OFFICE

SAUNDERSVILLE ROAD, HENDERSONVILLE, TN 37075

Total Area (acres) 1.903 (KROGER LOT) Area to be disturbed * 1.83

(* If over one (1) acre, a Notice of Intent must be filed with the State of TN. A TNR number from the Notice of Coverage must be provided before a grading permit can be issued.)

Erosion and Sediment Control Measures

Date to install	Type	Location
9/9/16	Silt fence	at South + west sides of lot next to sidewalk + before outlet structure.
9/9/16	Inlet Protection	Surrounding existing outlet Structure
9/9/16	Construction Entrance	Southeast Corner of lot @ Saunderssville Road
9/9/16	concrete washout	Next to construction Entrance
9/9/16	wheel washout	

Schedule of Work

Disturbance Activity	Date
Rough Grading Site	10/1/16
Building Construction	10/15/16
Finish Grading	3/15/17
Landscaping	4/1/17

Blasting Permit required? Yes ☑ No ☐ Permit No. _____

Aquatic Resource Alteration Permit (ARAP) required? Yes ☐ No ☑

Archaeological, Environmental, or Historical aspects of this property will be altered or changed?
Yes ☐ No ☑

State TNR Permit # 241079

I agree that I will comply with all ordinances and laws regulating grading and land disturbance activities. I agree to permit access to said activities for inspection by City Personnel. All erosion and sediment control measures will be installed before land disturbance begins and will be maintained and kept in proper working condition. I further agree to add any additional reasonable erosion and sediment control measures requested by the City. I further understand this grading permit does not preclude any requirements by the State of Tennessee or the Federal Government.

Signature of Applicant 9.9.16
Date

Attach a copy of the grading and drainage plan and erosion control plan to this application. The grading, drainage and erosion control plans may require a professional engineer's certification and stamp.

Approved ☐ Denied ☐

_____
Authorized Public Works Representative

Comments and Additional Requirements: _____

_____

_____

_____

_____

Reclamation Letter of Credit or Cashiers Check submitted? Yes ☐ No ☐ Amount:_____

This grading permit is effective for one (1) year from the date of approval unless otherwise noted. Permit shall be renewed within one (1) year of the approval date.

_____

_____

A copy of the permit with the latest revision of approved grading, drainage, and erosion control plans shall be maintained on the site at all times. A non-refundable fee of $50.00 payable to the City of Hendersonville shall be required at the time of application and with each renewal request. Failure to comply with the terms as noted above may result in the revocation or suspension of this grading permit until necessary corrections are in place and approved by the City Engineer.

SWPPP CERTIFICATION SIGNATURE PAGE

FOR

Rocky McElhaney Law Office, Saundersville Road, Hendersonville, TN

(Construction Contractors sign this paragraph)

"I certify under penalty of law that I have reviewed this document, any attachments, and the SWPPP referenced above. Based on my inquiry of the construction site owner/developer identified above and/or my inquiry of the person directly responsible for assembling this NOI and SWPPP, I believe the information submitted is accurate. I am aware that this NOI, if approved, makes the above-described construction activity subject to NPDES permit number TNR100000, and that certain of my activities on-site are thereby regulated."

Signature

9.9.16

Date

GLYNN DOWDLE

Print Name

President

Title

DOWDLE Construction Group, LLC

Company Name

1311 6th Av. North

Nashville, TN 37208

Address

615-251-1311 EXT.

Phone Number

General Contractor

Scope of Work

Rocky McElhaney Law Office
Saundersville Road
Hendersonville, TN

STATE OF TENNESSEE

NPDES PERMIT

Tracking Number TNR241079

NOTICE OF COVERAGE UNDER THE TENNESSEE MULTI-SECTOR GENERAL PERMIT FOR INDUSTRIAL ACTIVITIES WITH STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY

Tennessee Department of Environment and Conservation
Division of Water Resources
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, TN 37243

Under authority of the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.) and the delegation of authority from the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.):

Name of the Construction Project:	**Rocky McElhaney Law Office (1.83 acres)**
Master Tracking Number at the Site:	**TNR241079**
Permittee Name:	**Rocky McElhaney Law Firm, P.C.**
Contractor(s):	**no contractor**
is authorized to discharge:	storm water associated with construction activity
from site located at:	**Saundersville Rd., Sumner County**
to receiving waters named:	**Old Hickory Lake**

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

Likely presence of threatened or endangered species in one mile radius: **NO**
Likely presence of threatened or endangered species downstream: **YES**

Additional pollution prevention requirements apply for discharges into waters which TDEC identifies as:

- **Exceptional Tennessee Waters: NO**

Your coverage under Sector AE of the Tennessee Multi-Sector Permit (TMSP) shall become effective on **August 22, 2016**, and shall be terminated upon receipt of Notice of Termination. Compliance with the terms and conditions of the 2011 Tennessee Construction General Permit (CGP) shall be required, and will be deemed as compliance with the TMSP. The 2011 CGP and related materials are available on the division's construction stormwater webpage at http://www.tn.gov/environment/article/permit-water-npdes-stormwater-construction-permit.

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102
Statewide 1-888-891-8332

August 22, 2016

Mr. Rocky McElhaney
Rocky McElhaney Law Firm
e-copy: rocky@rockylawfirm.com
1516 Sixteenth Ave. S.
Nashville, TN 37212

Subject: **NPDES Tracking No. TNR241079**
Master Tracking Number: TNR241079
Rocky McElhaney Law Office
Rocky McElhaney Law Firm, P.C.
, Sumner County, Tennessee

Dear Mr. McElhaney:

You recently submitted a Notice of Intent (NOI) form as part of an application package to obtain coverage under a General NPDES Permit for Stormwater Discharges Associated with Construction Activity (CGP). The Division of Water Resources (the division) acknowledges receipt of the most recent version of the application for the above referenced project on August 1, 2016. After review, the application was deemed to be complete on August 19, 2016.

As the 2011 CGP has expired, your coverage authorizing stormwater discharges associated with construction activity from the above referenced project is issued under Sector AE of the Tennessee Stormwater Multi-Sector General Permit for Industrial Activities (TMSP). Compliance with the terms and conditions of the 2011 Tennessee Construction General Permit (CGP) shall be required, and will be deemed as compliance with the TMSP. The 2011 CGP and related materials are available on the division's construction stormwater webpage at http://www.tn.gov/environment/article/permit-water-npdes-stormwater-construction-permit.

The enclosed Notice of Coverage (NOC) summarizes the relevant information concerning your coverage, including the site name and location, receiving stream, effective date of coverage, and tracking number. The division will automatically transfer your coverage to the new CGP once it is effective, and will provide you an updated NOC reflecting the coverage transfer.

Contractor Information

You have not identified a contractor on the NOI. You must identify a primary contractor, or contractor otherwise responsible for sediment and erosion controls on the construction site, and submit a revised NOI to this office prior to beginning earth clearing operations onsite. When submitting the NOI, please include the above referenced permit tracking number.

Storm Water Pollution Prevention Plan (SWPPP)

You have submitted a Storm Water Pollution Prevention Plan (SWPPP) as required by Part 1.4.2 of the CGP. Please note that the division has not performed an engineering review of the SWPPP and does not certify whether the SWPPP adequately provides for the pollution prevention requirements at the site as described in the general permit. The division acknowledges that you have submitted a SWPPP that appears to include the required components of a SWPPP. It is the responsibility of all site operators to design, implement, and maintain measures that are sufficient to prevent pollution at the referenced site, and to remain in compliance with the terms and conditions of the general permit.

Threatened and Endangered Species

The receiving stream for a construction site for which the NOI was submitted has federal or state listed threatened and endangered species in the area, or downstream of your project. Storm water discharges and storm water discharge-related activities that are not protective of legally protected listed or proposed threatened or endangered aquatic fauna in the receiving stream; or discharges or activities that would result in a 'take' of a federally listed endangered or threatened fish or wildlife species are not authorized by the general permit. If the division finds that storm water discharges or storm water related activities are likely to result in any of the above effects, the division will deny the coverage under this general permit unless and until project plans are changed to protect the listed species. In addition, discharges from your construction site that result in harm to such species may incur additional fines and penalties from the US Fish and Wildlife Service and/or the Tennessee Wildlife Resources Agency.

Annual Maintenance and Coverage Termination

Effective July 1, 2014, permit fees for the CGP have been revised. In addition to new application fee amounts, annual maintenance fees are now required for projects that exceed one year of coverage. Permittees wishing to terminate coverage must submit a completed notice of termination (NOT) form, which is available on the division's construction stormwater webpage at http://tdec.tn.gov/etdec/DownloadFile.aspx?row_id=CN-1175.

The division will review the NOT for completeness and accuracy and, when necessary, investigate the site for which the NOT was submitted. The division will notify the applicant that either the NOT form was received and accepted, or that the permit coverage is not eligible for termination and has not been terminated. If applicable, the notification will include a summary of existing deficiencies.

We appreciate your attention to the CGP and its requirements. We believe this does make a difference to the quality of state waters. If you have any questions, please contact Ms. Erin O'Brien at (615) 687-7128 or by e-mail at *Erin.O'Brien@tn.gov*.

Sincerely,

Ann Morbitt
Environmental Program Manager

cc: DWR, Nashville EFO Permit File
Mr. Jonathan Claxton, PE, , jclaxton@perry-engineering.com

Helen Morrison

From: Janet Bell <janet.g.bell@gmail.com>
Sent: Tuesday, July 12, 2016 9:48 AM
To: Helen Morrison
Subject: Re: 120 Brierfield Way

Good morning!

Thank you for reaching out to me. Will you be available on Thursday, July 14th, at 3:15?

Thanks again!

Janet Bell

On Tue, Jul 12, 2016 at 6:59 AM, Helen Morrison <hmorrison@hvilletn.org> wrote:

> Mrs. Bell,
>
> I wanted to email you and see when be a good time to meet and discuss the erosion control issues at Stonecrest Phase 3. I work 7-4PM and would be happy to meet with you at your convenience. Please let me know a time and date that would work for you.
>
> Thank you,
>
> Helen Morrison
>
> Erosion Control Enforcement Officer
>
> City of Hendersonville
>
> O: 615-590-4649
>
> C: 615-335-9469

Helen Morrison

From: Helen Morrison
Sent: Tuesday, July 12, 2016 10:05 AM
To: Janet Bell
Subject: Re: 120 Brierfield Way

I will be available Thursday at 3:15 PM. I will meet you in front of your house. See you then!

Helen Morrison
615-590-4649
Sent from my iPhone

On Jul 12, 2016, at 9:48 AM, Janet Bell <janet.g.bell@gmail.com> wrote:

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> >
> > City of Hendersonville
> >
> > O: 615-590-4649
> >
> > C: 615-335-9469

Helen Morrison

From: Janet Bell <janet.g.bell@gmail.com>
Sent: Tuesday, July 12, 2016 10:28 AM
To: Helen Morrison
Subject: Re: 120 Brierfield Way

Thank you!

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615-590-4649
Sent from my iPhone

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Thank you,

Helen Morrison

Erosion Control Enforcement Officer

City of Hendersonville

O: 615-590-4649

C: 615-335-9469

Helen Morrison

From: Janet <janet.g.bell@gmail.com>
Sent: Wednesday, July 20, 2016 7:34 PM
To: Helen Morrison
Subject: Re: 120 Brierfield Way

Hi Helen,

I apologize for the delay in responding. I didn't get a chance to check my email at work today.

I called Cal, VP at Southeastern, on Monday. I talked to him about the erosion problem and he told me they hired Kevin Monroe to oversee the erosion problem and that Kevin will contact me. Kevin called me to setup an appointment to discuss the issue.

Kevin just left my home. He said he can see the problem and that he has already identified an erosion company to come out and correct the problem.

However, he agreed that there's a problem with the grade of the road. He said it's not crowned properly. He stated that he thinks the curb needs to be dropped and a crown needs to be established to correct the flow of water, but he said, he doubts Southeastern will want to pay for it.

He could see that the sewer drains across the street from my home are barely being used because of the water flow problem. I also sent him pictures yesterday of the dirty water and water flow to the drains yesterday.

I will keep you posted.

Sent from my iPad

On Jul 20, 2016, at 9:06 AM, Helen Morrison <hmorrison@hvilletn.org> wrote:

> Mrs. Bell,
> I wanted to touch base with you to let you know that I had sent emails to Cal Gentry and Kyle Troutt about the mud in front of your driveway and the erosion control deficiencies at Stonecrest Phase 3. I have not received any response from Cal or Kyle. I just wanted to let you know. Please call me if you have any questions.
>
> Helen Morrison
> Erosion Control Enforcement Officer
> City of Hendersonville
> 615-590-4649

Helen Morrison

From: Helen Morrison
Sent: Tuesday, July 26, 2016 2:22 PM
To: Janet Bell
Subject: Re: 120 Brierfield Way

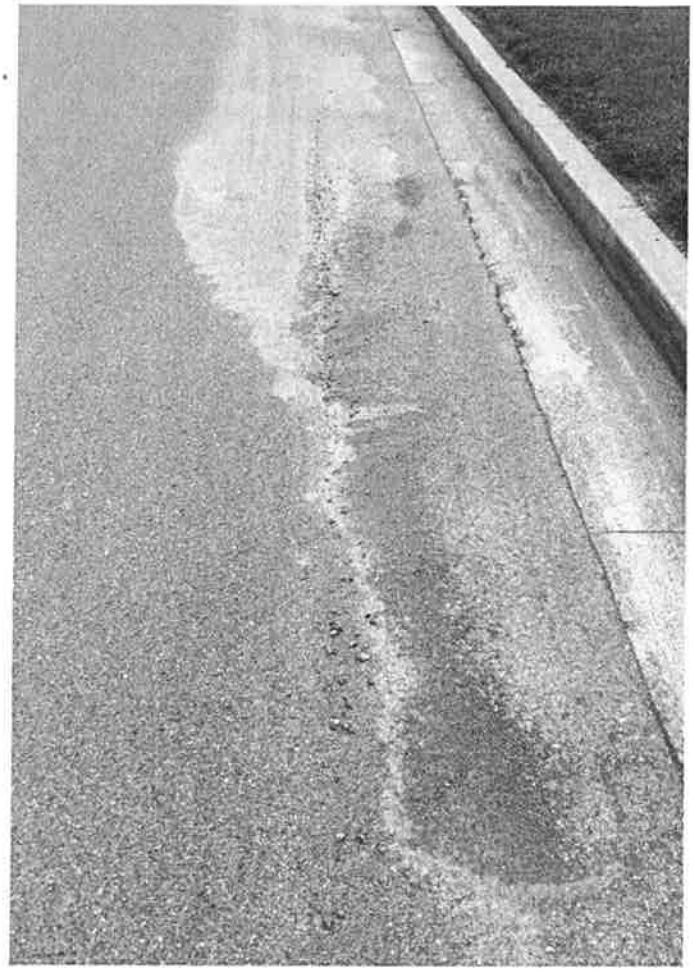
Mrs. Bell,
I apologize for the delay in responding. I will talk to Duane about the roadway issue and see if it's something that he and the City Engineer can look at. I will get back with you once I have an answer. Have a good evening.

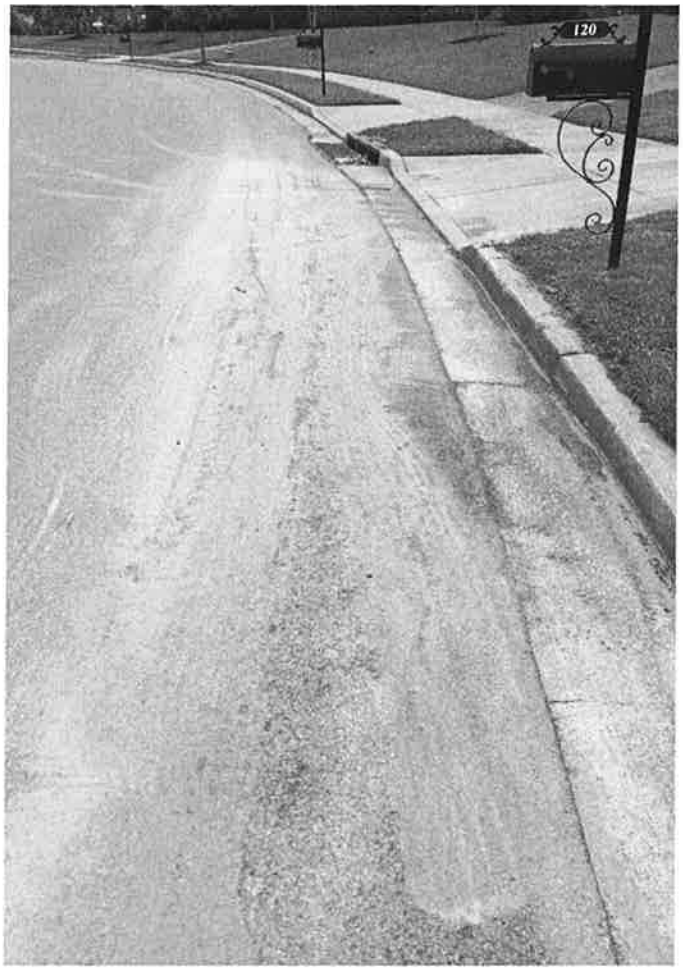
Thanks,
Helen Morrison

Sent from my iPhone

On Jul 22, 2016, at 8:46 AM, Janet Bell <janet.g.bell@gmail.com> wrote:

> Hi Helen,
>
> Happy Friday! Do you know of anyone else I should contact about pavement grade - or lack thereof a crown in my section of Brierfield Way, before I call Cal again to follow-up on our concerrns?
>
> Thanks,
> Janet
>
> On Tue, Jul 12, 2016 at 6:59 AM, Helen Morrison <hmorrison@hvilletn.org> wrote:
>
> > Mrs. Bell,
> >
> > I wanted to email you and see when be a good time to meet and discuss the erosion control issues at Stonecrest Phase 3. I work 7-4PM and would be happy to meet with you at your convenience. Please let me know a time and date that would work for you.
> >
> > Thank you,
> >
> > Helen Morrison
> >
> > Erosion Control Enforcement Officer
> >
> > City of Hendersonville
> >
> > O: 615-590-4649
> >
> > C: 615-335-9469

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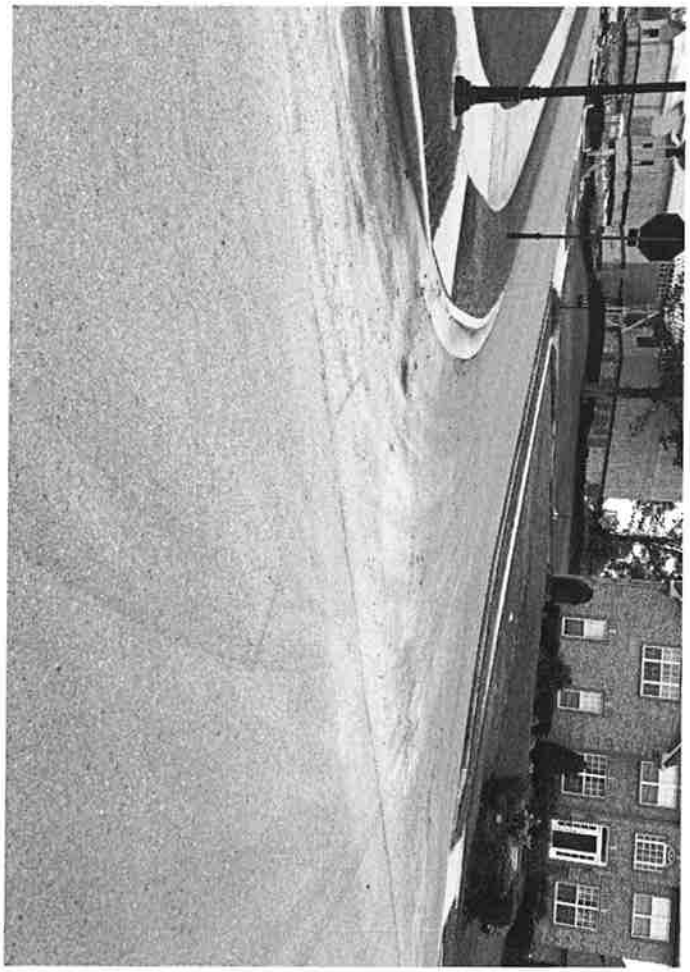
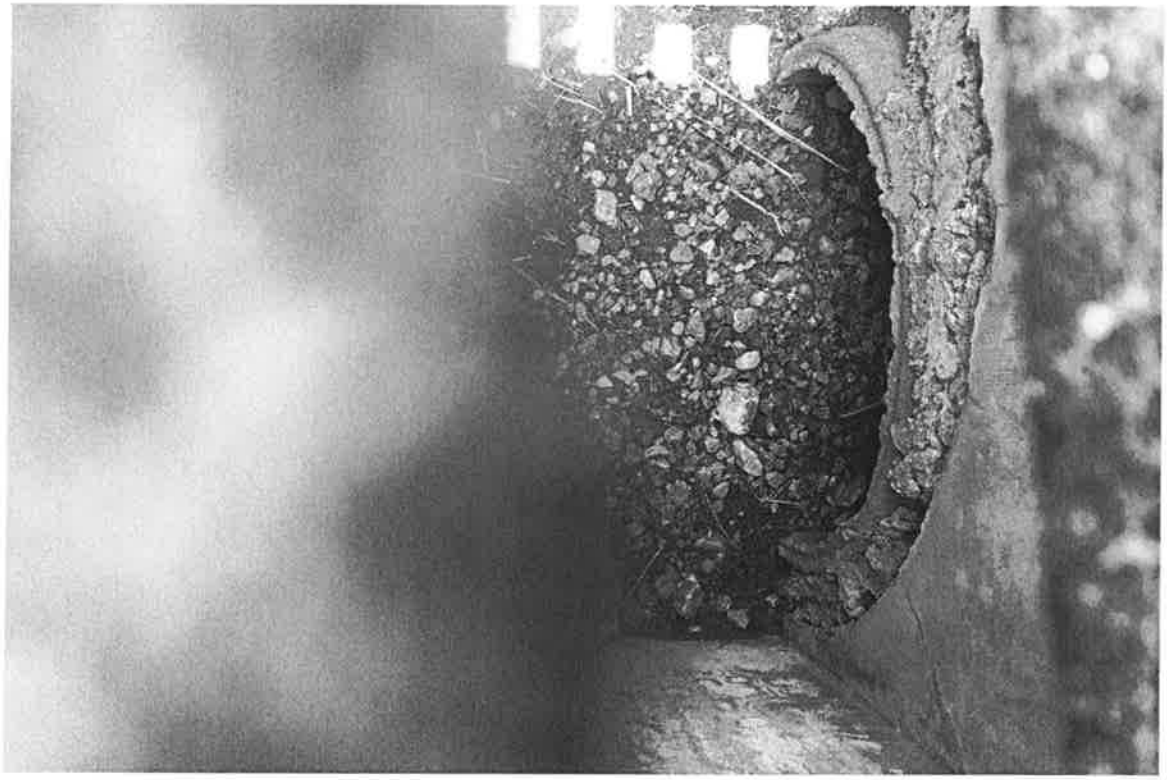
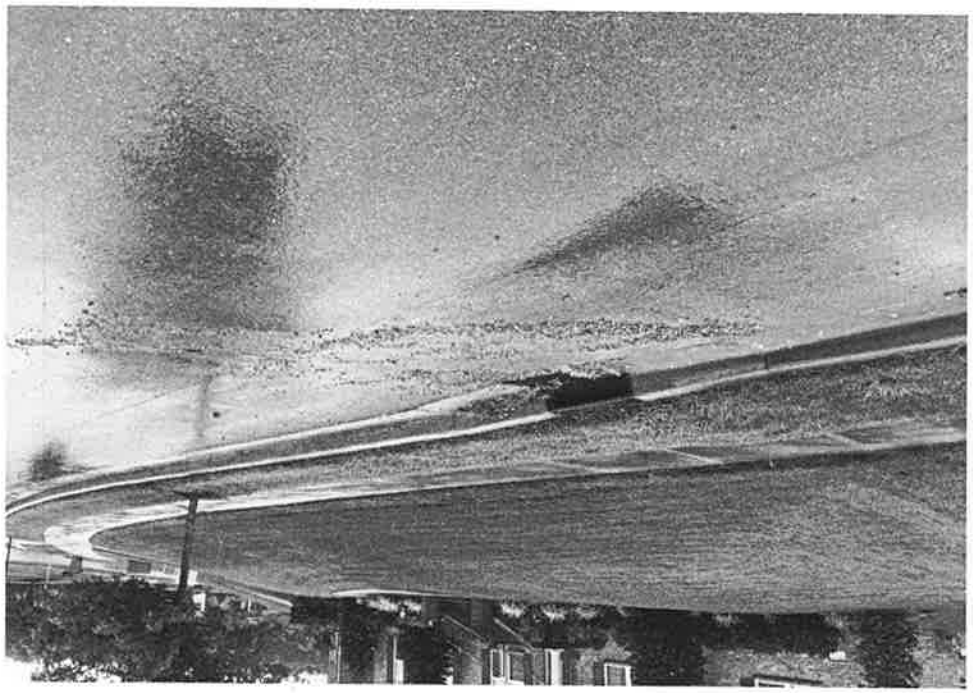


NO DUMPING
DRAINS TO RIVER





TDEC TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

TNEPSC

Tennessee Erosion Prevention & Sediment Control Program

Duane Allen

Is a Fundamentals of EPSC Level 1 Certified Personnel

Certification # 130270 Expires: 2017-12-31

TN EPSC

TN EROSION PREVENTION AND SEDIMENT CONTROL

Level 2 Certified

Records 1 to 6 of 6

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First Name	Last Name	Organization (sort)	City (sort)	Exp. Date
Larry	Allen	City of Hendersonville	Hendersonville	12/31/2018
Marshall	Boyd	City of Hendersonville	Hendersonville	12/31/2019
Jerry	Daniel	City of Hendersonville	Hendersonville	12/31/2016
James	Moore	City of Hendersonville	Hendersonville	12/31/2017
Sarah	Young	City of Hendersonville	Hendersonville	12/31/2019
Helen	Morrison	City of Hendersonville: Public Works	Hendersonville	12/31/2019

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15 | Page 1 of 1 | **Displaying 1 to 6 of 6 items**

First Name	Last Name	Organization	City	Exp Date	Cert No
Marshall	Boyd	City of Hendersonville	Hendersonville	12/31/2018	119920
David	Daniel	Through the City of Hendersonvil	Hendersonville,	12/31/2018	132822
Scott	Foster	City of Hendersonville	Hendersonville	12/31/2017	131569
James	Moore	City of Hendersonville	Hendersonville	12/31/2017	117128
Helen	Morrison	City of Hendersonville: Public Wc	Hendersonville	12/31/2019	134493
Sarah	Young	City of Hendersonville	Hendersonville	12/31/2018	133927

ORDINANCE 2003 - 47

SPONSOR: M. SKIDMORE

AN ORINANCE ESTABLISHING LAND DISTURBANCE REGULATIONS FOR THE CITY OF HENDERSONVILLE, TENNESSEE.

WHEREAS, the City of Hendersonville has a National Pollution Discharge Elimination System Permit from the State of Tennessee for improvements to water quality and,

WHEREAS, such permit requires the creation of a Land Disturbance Ordinance:

NOW THEREFORE BE IT ORDAINED BY TE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF HENDERSDONVILLE, TENNESSEE that a Land Disturbance Ordinance is to be established as follows:

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Section 1. General provisions.

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

(a) Protect, maintain, and enhance the environment of the City of Hendersonville and the public health, safety and the 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.

(b) Enable the City to comply with the National Pollution Discharge Elimination System (NPDES) permit and applicable regulations, 40 CFR

' 122.26 for stormwater discharges.

(c) Allow the City to exercise the powers granted in Tennessee Code Annotated ' 68-221-1105, which provides that, among other powers municipalities have with respect to stormwater facilities, is the power by ordinance or resolution to:

(1) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater 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, including the adoption of a system of fees for services and permits;

(3) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;

(4) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;

(5) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater 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) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and

(8) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

(9) In the case of conflicting Ordinances, this ordinance shall prevail.

(2). Administering entity. The Director of Public Works shall administer the provisions of this ordinance.

Section 2. Definitions. For the purpose of this chapter, 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. 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.

(1) "*As built plans*" means drawings depicting conditions as they were actually constructed.

(2) "*Best management practices*" or "*BMPs*" are physical, structural, and/or

managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the City, and that have been incorporated by reference into this ordinance as if fully set out therein.

(3) "*Channel*" means a natural or artificial watercourse with a definite bed and banks that conveys flowing water continuously or periodically.

(4) "*Community water*" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the City.

(5) "*Contaminant*" means any physical, chemical, biological, or radiological substance or matter in water.

(6) "Days" or "Daily" shall mean calendar days.

(7) "*Design storm event*" means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.

(8) "*Discharge*" means 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 solid or liquid matter into the municipal separate storm sewer system.

(9) "*Easement*" means an acquired privilege or right of use or enjoyment that

a person, party, firm, corporation, municipality or other legal entity has in the land of another.

(10) "*Erosion*" means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

(11) "*Erosion and sediment control plan*" means a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

(12) "*Hotspot*" ("*priority area*") means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

(13) "*Illicit connection*" means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.

(14) "*Illicit discharge*" means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under ' 3(3).

(15) "*Land disturbing activity*" means 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, grading, filling, trench, and excavation.

(16) "*Maintenance*" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

(17) "*Maintenance agreement*" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

(18) "*Municipal separate storm sewer system (MS4)*" ("*Municipal separate stormwater system*") means the conveyances owned or operated by the municipality for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

(19) "*National Pollutant Discharge Elimination System permit*" or "*NPDES permit*" means a permit issued pursuant to 33 U.S.C. 1342.

(20) "*Off-site facility*" means a structural BMP located outside the subject property boundary described in the permit application for land development activity.

(21) "*On-site facility*" means a structural BMP located within the subject

property boundary described in the permit application for land development activity.

(22) "*Peak flow*" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

(23) "*Person*" means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(24) *"Priority area"* means "hot spot" as defined in ' 2(11).

(25) *"Runoff"* means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate stormwater system.

(26) *"Sediment"* means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level

(27) *"Sedimentation"* means soil particles suspended in stormwater that can settle in stream beds and disrupt the natural flow of the stream.

(28) "*Soils Report*" means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

(29) "*Stabilization*" means providing adequate measures, vegetative and/or

structural, that will prevent erosion from occurring.

(30) "*Stormwater*" means stormwater runoff, snow melt runoff, surface runoff, infiltration and drainage.

(31) "*Stormwater management*" means the programs to maintain quality and quantity of stormwater runoff to or below pre-development levels.

(32) "*Stormwater management facilities*" means the drainage structures, conduits, ditches, combined sewers, sewers, and all appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

(33) "*Stormwater management plan*" means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

(34) "*Stormwater runoff*" means flow on the surface of the ground, resulting from precipitation.

35) "*Stormwater utility*" means the Public Works Department that administers the stormwater management ordinance, and other stormwater rules and regulations adopted by the municipality.

(36) "*Structural BMPs*" means devices that are constructed to provide control of stormwater runoff.

(37) "*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.

(38) "*Watercourse*" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(39) *"Watershed"* means all the land area that contributes runoff to a particular point along a waterway.

Section 3. Land disturbance permits. (1). When required.

(a) Every person will be required to obtain a land disturbance permit from the City in the following cases:

(1) Land disturbing activity disturbs one (1) or more acres of land;

(2) Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acre of land;

(3) Land disturbing activity of less than one (1) acre of land, if in the discretion of the City Engineer if such activity poses a unique threat to water, or public health or safety;

(4) The creation and use of borrow pits.

(2). Building permit. No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by this

ordinance.

(3). Exemptions. The following activities are exempt from the permit requirement:

(a) Any emergency activity that is **immediately** necessary for the protection of life, property, or natural resources.

(b) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

(c) Any logging or agricultural activity that is consistent with an approved farm conservation plan or a timber management plan prepared or approved by the appropriate state or federal agency.

(4). Application for a land disturbance permit.

(a) Each application shall include the following:

(1) Name of applicant;

(2) Business or residence address of applicant;

(3) Name, address and telephone number of the owner of the property of record in the office of the assessor of property;

(4) Address and legal description of subject property including the tax reference number and parcel number of the subject property;

(5) Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and certified person who shall implement the erosion

and sediment control plan;

(6) A statement indicating the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates showing phasing of the land disturbing activity.

(7) Where the property includes a sinkhole, the applicant shall obtain from the Tennessee Department of Environment and Conservation appropriate permits.

(8) The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not foreclose the City from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits.

(b) Each application shall be accompanied by:

(1) A sediment and erosion control plan as described in '5(5).

(2) A stormwater management plan as described in '5(4), providing for stormwater management during the land disturbing activity and after the activity has been completed.

(3) Each application for a land disturbance permit shall be

accompanied by payment of land disturbance permit and other stormwater management fees, of $50.00

(5). Review and approval of application.

(a) The City will review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. Within thirty (30) days after receiving an application, the City shall provide one of the following responses in writing:

(1) Approval of the permit application;

(2) Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or

(3) Denial of the permit application, indicating the reason(s) for the denial.

(b) If the City has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the City. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the City.

(c) No development plans will be released until the land disturbance permit has been approved and erosion and sediment control measures are in place.

(6). Permit duration.

Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within ninety (90) calendar days of issuance, or is not complete within twelve (12) months from the date of the commencement of construction.

(7). Notice of construction.

The applicant must notify the City ten (10) working days in advance of the commencement of construction. The City shall conduct regular inspections of the stormwater management system construction. All inspections shall be documented and written reports prepared that contain the following information:

(1) The date and location of the inspection;

(2) Whether construction is in compliance with the approved stormwater management plan;

(3) Variations from the approved construction specifications;

(4) Any violations that exist.

(8). Performance Surety.

(a) The City may, at its discretion, require the submittal of a performance surety prior in the form of a letter of credit or cashiers check to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance surety shall be the total estimated construction cost determine by the City Engineer of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement. The performance surety shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.

(b) The performance surety shall be released in full only upon: 1) submission of as-built plans, 2) written detailed certification by a registered professional engineer licensed to practice in Tennessee that the structural BMPs have been installed in accordance with the approved plan and other applicable provisions of this ordinance, and 3) the City Engineer will make a final inspection of the structural BMPs to ensure that it is in compliance with the approved plan and provisions of this ordinance. Provisions for a partial pro-rata release of the performance surety based on the completion of various development stages can be

made at the discretion of the City Engineer.

Section 4. Waivers. (1). General. Every applicant shall provide for stormwater management as required by this ordinance. Requests to waive the stormwater management plan requirements shall be submitted to the City Engineer for approval.

(2). Conditions for waiver. The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

(a) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance.

(b) Provisions are made to manage stormwater by an off-site facility. The off-site facility must be in place and designed to provide the level of stormwater control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.

(3). Downstream damage, etc. prohibited. In order to receive a waiver, the applicant must demonstrate to the satisfaction of the City that the waiver will not lead to any of the following conditions downstream:

(a) Deterioration of existing culverts, bridges, dams, and other structures;

(b) Degradation of biological functions or habitat;

(c) Accelerated stream bank or stream bed erosion or siltation;

(d) Increased threat of flood damage to public health, life or property.

(4). Land disturbance permit not to be issued where waiver requested. No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a stormwater management plan.

Section 5. Stormwater system design and management standards.

(1) Stormwater design or BMP manual.

(a) Adoption. The municipality adopts as its stormwater design and best management practices (BMP) manual the following publications, which are incorporated by reference in this ordinance as is fully set out herein:

(1) TDEC Sediment and Erosion Control Manual

(2) TDEC Manual for Post Construction Runoff Control

(3) Hendersonville Construction Manual

(4) Metro Nashville Stormwater Management Manual

(b) This manual includes a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements for each stormwater practice. The manual may be updated and expanded from time to time upon the by the City Engineer, based on improvements in engineering, science, monitoring and local maintenance

experience. Stormwater facilities that are designed, constructed, operated and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards. Failures to property design, install, or maintain BMPs shall constitute a violation of this ordinance

(2). General performance criteria for stormwater management. Unless granted a waiver or judged by the City Engineer to be exempt, the following performance criteria shall be addressed for stormwater management at all sites:

(a) All site designs shall control the peak flow rates of stormwater discharge associated with design storms specified in this ordinance or in the BMP manual and reduce the generation of post construction stormwater runoff to pre-construction levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

(b) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manual.

(c) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water

supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.

(d) Stormwater discharges from "hot spots" may require the application of specific structural BMPs and pollution prevention practices.

(e) Prior to or during the site design process, applicants for land disturbance permits shall consult with the City Engineer to determine if they are subject to additional stormwater design requirements.

(f) The calculations for determining peak flows as found in the BMP manual shall be used for sizing all stormwater facilities.

(3). Minimum control requirements.

(a) Design of stormwater facilities shall meet the multi-stage storm frequency storage requirements as identified in the BMP manual unless the City has granted the applicant a full or partial waiver for a particular BMP under Section 4 (Waivers).

(b) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(4). Stormwater management plan requirements.

The stormwater management plan shall include sufficient information to allow the City Engineer to evaluate environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and

future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site.

To accomplish this goal the stormwater management plan shall include the following:

(a) Topographic Base Map: A one (1) inch equals one hundred (100) topographic base map of the basin (5' contours) containing the site (2' contours) which extends a minimum of one hundred (100) feet beyond the limits of the basin of the proposed development and indicates:

(1) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of the two (2) nearest upstream and downstream drainage structures;

(2) Current land use including all existing structures, locations of utilities, roads, and easements;

(3) All other existing significant natural and artificial features;

(4) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading;

(5) Proposed structural BMPs;

(6) A written description of the site plan and justification of

proposed changes in natural conditions may also be required.

(b) Calculations: Hydrologic and hydraulic design calculations prepared by a Tennessee Licensed Engineer for the pre-development and post-development conditions for the design storms specified in the BMP manual. These calculations must show that the proposed stormwater management measures are capable of controlling the quantity and quality of runoff from the site in compliance with this ordinance and guidelines of the BMP manual. Such calculations shall include:

(1) A description of the design storm frequency, duration, and intensity where applicable;

(2) Time of concentration;

(3) Soil curve numbers or runoff coefficients including assumed pre-developed conditions being before any land alteration, i.e. grass or wooded, post-developed conditions and soil moisture conditions;

(4) Peak runoff rates and total runoff volumes for each watershed area;

(5) Infiltration rates, where applicable;

(6) Culvert, storm sewer, ditch and/or other stormwater conveyance capacities;

(7) Flow velocities;

(8) Data on the increase in rate and volume of runoff for the design storms referenced in the BMP manual; and

(9) Documentation of sources for all computation methods and field test results.

(c) Soils Information: If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

(d) Maintenance and Repair Plan: The design and planning of all stormwater management facilities shall include detailed operation, maintenance, and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. No area shall be disturbed over twenty (20) days without temporary seeding. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility. An onsite inspection log of daily

checking and repair is to be maintained weekly or after any rainfall of 0.5" or greater in a twenty-four (24) hour period, or during periods of prolong rainfall.

(e) Landscaping Plan: The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. Where it is required by the BMP, a registered landscape architect licensed in Tennessee must prepare this plan.

(f) Maintenance Easements: The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.

(g) Maintenance Agreement:

(1) The owner of property to be served by an on-site stormwater management facility must execute an inspection, operation and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners.

(2) The maintenance agreement shall:

(a) Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.

(b) Provide for a periodic inspection by the property owner for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this ordinance. The property owner will arrange for this inspection to be conducted by a registered professional engineer licensed to practice in the State of Tennessee who will submit a sealed report of the inspection to the City Engineer. It shall also grant permission to the City to enter the property at reasonable times and inspect the stormwater facility to ensure that it is being properly maintained.

(c) Provide that the minimum maintenance and repair needs include, but are not limited to: removal of silt, litter and other debris, cutting of grass, grass cuttings and vegetation removal, and replacement of

landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manual.

(d) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the City Engineer.

(e) Provide that if the property is not maintained or repaired within the prescribed schedule, the City shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the City's cost of performing the maintenance shall be a lien against the property.

(3) The City shall have the discretion to accept the completion of any existing or future stormwater management facility, provided such facility meets the requirements of this ordinance, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any

stormwater facility must also meet the City's construction standards and any other standards and specifications that apply to the particular stormwater facility in question.

(4) Sediment and Erosion Control Plans: The applicant must prepare a sediment and erosion control plan for all construction activities that complies with Section 5 (5) below.

(5). Sediment and erosion control plan requirements.

The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. A registered professional engineer licensed in the state of Tennessee shall seal the plan. The plan shall also conform to the requirements found in the BMP manual, and shall include at least the following:

(a) Project Description - Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

(b) A topographic map of the basin with contour intervals of five (5) feet or less and site contours of two (2) feet showing present conditions and proposed contours resulting from land disturbing activity.

(c) All existing drainage conveyances, including intermittent and wet-weather.

Include any designated floodways or flood plains.

(d) A general description of existing land cover. Individual trees and shrubs do not need to be identified unless requested.

(e) Stands of existing trees, as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.

(f) Approximate limits of proposed clearing, grading and filling.

(g) Approximate flows of existing stormwater leaving any portion of the site.

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

(i) Location, size and layout of proposed stormwater and sedimentation control improvements.

(j) Proposed drainage network.

(k) Proposed drain tile or waterway sizes.

(l) Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

(m) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMPs.

(n) Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

(o) Specific details for: the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; eliminating or

keeping soil, sediment, and debris on streets and public ways at a level acceptable to the City. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the workday by machine, broom or shovel to the satisfaction of the City Engineer. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.

(p) Proposed structures; location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.

(q) A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration.

Section 6. Post Construction and Inspection. (1). As built plans - All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Tennessee. A final detailed inspection report by the engineer of record is required before any performance security will be released. The City Engineer shall have the discretion to adopt provisions for a partial pro-rata release of the performance security on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the City Engineer.

(2). Land Cover and stabilization requirements.

(a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according to a schedule approved by the City Engineer. The following criteria shall apply to revegetation efforts:

(1) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

(2) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

(3) Any area of revegetation must exhibit survival of a minimum of ninety percent (90%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum ninety percent (90%) survival for one (1) year is achieved.

(b) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and

management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(3). Inspection of stormwater management facilities.

Periodic inspections of facilities shall be performed as provided for in Section 5 of this ordinance and the Hendersonville Construction Manual.

(4). Records of installation and maintenance activities.

Parties responsible for the operation and maintenance of a stormwater management facility shall make weekly records during construction and monthly records after acceptance of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least three (3) years. These records shall be made available to the City during inspection of the facility and at other reasonable times upon request.

(5). Failure to meet or maintain design or maintenance standards.

If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the City Engineer, after twenty days' (20) notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City

Engineer shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have ten (10) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the City Engineer may take necessary corrective action. The cost of any action by the City under this section shall be charged to the responsible party and /or impose a minimum fine of five hundred (500) dollars per day up to ten thousand (10,000) per day.

Section 7. Existing locations and developments.

(1). Requirements for all existing locations and developments.

The requirements of this ordinance shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this ordinance including:

(a) Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manual and on a schedule acceptable to the City Engineer.

(b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.

(c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.

(d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.

(e) Stormwater runoff shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures may include, but are not limited to, the following:

(1) Ponds

(a) Detention pond

(b) Extended detention pond

(c) Wet pond

(d) Alternative storage measures

(2) Constructed wetlands

(3) Infiltration systems

(a) Infiltration/percolation trench

(b) Infiltration basin

(c) Drainage (recharge) well

(d) Porous pavement

(4) Filtering systems

(a) Catch basin inserts/media filter

(b) Sand filter

(c) Filter/absorption bed

(d) Filter and buffer strips

(5) Open channel

(a) swale

(2). Requirements for existing problem locations.

The City Engineer shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problem affecting such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a minimum of twenty (20) days for compliance.

(3). Inspection of existing facilities.

The City Engineer may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities, including those built before as well as after the adoption of this ordinance, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections

of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the municipality's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(4). Corrections of problems subject to appeal.

Corrective measures imposed by the City are subject to appeal under this ordinance.

Section 8. Illicit discharges due to land disturbance.

(1). Scope.

This section shall apply to all water generated on developed or undeveloped land entering the municipality's separate storm sewer system.

(2). Prohibition of illicit discharges.

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

to the municipal separate storm sewer system is prohibited except as described as follows:

(a) Uncontaminated discharges from the following sources:

(1) Water line flushing or other potable water sources,

(2) Landscape irrigation or lawn watering with potable water,

(3) Diverted stream flows,

(4) Rising ground water,

(5) Groundwater infiltration to storm drains,

(6) Pumped groundwater,

(7) Foundation or footing drains,

(8) Crawl space pumps,

(9) Air conditioning condensation,

(10) Springs,

(11) Non-commercial washing, for example vehicles

(12) Natural riparian habitat or wet-land flows,

(13) Swimming pools (if dechlorinated - typically less than one PPM chlorine),

(14) Fire fighting activities, and

(15) Any other uncontaminated water source.

(b) Discharges specified in writing by the City as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge if the City Engineer pre-approves in

writing.

(3). Prohibition of illicit connections.

(a) The construction, use, maintenance or 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.

(4). Reduction of stormwater pollutants by the use of best management practices.

Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

(5). Notification of spills.

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 stormwater, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such

release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the City Engineer in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the City Engineer within three (3) business days of the telephone notice. 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 9. Enforcement

(1). Enforcement authority.

The City Engineer or his/her designees shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided in this section.

(2). Notification of violation.

(a) Written Notice. Whenever the City finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance or a permit or order issued hereunder, the City may serve upon such

person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the City Engineer. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(b) Consent Orders. The City Engineer is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (d) and (e) below.

(c) Show Cause Hearing. The City Engineer may order any person who violates this ordinance or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt

requested) at least ten (10) days prior to the hearing.

(d) Compliance Order. When the City Engineer finds that any person has violated or continues to violate this ordinance or a permit or order issued there under, he may issue an order to the violator directing that, following a specific time period, adequate structures, devices, be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.

(e) Cease and Desist Orders. When the City Engineer finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the City Engineer may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(1) Comply forthwith; or

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(3). Conflicting standards. Whenever there is a conflict between any standard contained in this ordinance and in the BMP manual adopted by the municipality under this ordinance, the strictest standard shall prevail.

Section 10. Penalties.

(1). Violations. Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City, shall be guilty of a civil offense.

(2). Penalties. Under the authority provided in Tennessee Code Annotated '68-221-1106, the municipality declares that any person violating the provisions of this ordinance may be assessed a civil penalty by the City Engineer of not less than five hundred dollars (500) and not more than ten thousand dollars (10,000) per day or the maximum allow by law for each day of violation. Each day of violation shall constitute a separate violation.

(3). Measuring civil penalties. In assessing a civil penalty, the City Engineer may consider:

(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

municipality;

(f) The amount of penalty established by ordinance or resolution for specific categories of violations; and

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

(4). Recovery of damages and costs. In addition to the civil penalty in subsection (2) above, the City may recover; (a) all damages proximately caused by the violator to the City, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation.

(b) The costs of the City's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this ordinance.

(5). Other remedies. The City may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

(6). Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal that one (1) or more of the remedies set forth herein has been sought or granted.

Section 11. Appeals. There is created a Public Works Stormwater Advisory Committee which shall consist of seven members. One member from the Public Works Committee of the Board of Mayor and Aldermen, one representative from the

Hendersonville Utility District, the City Engineer, one builder or developer, three Hendersonville citizens of the general public appointed by the Public Works Committee.

(a) Term. Appointed members shall serve for a term of two years and can be reappointed for two addition consecutive terms.

(b) Organization. Within ten day after its appointment the Public Works Stormwater Committee shall organize itself by election of one chairman and vice chairman. The city engineer shall be the secretary of the committee to the committee and who shall be the custodian of the minutes and records of the proceedings of the committee.

(c) Compensation. All appointed members shall serve without compensation and be removed from the committee by the Public Works Committee for absence from meetings of the committee, physical disability, or other just cause.

(d) Replacement. Replacement of any appointed member of the committee resigning or dismissed form the committee shall be appointed by the Public Works Committee.

(e) Duties. The Public Works Stormwater Advisory Committee shall adopt such rules and regulations as it may deem necessary to conduct its business. The committee, in open meeting, shall hear all appeals, under the provisions of this ordinance and illicit discharges. The committee shall base its decisions on the written documentation presented before it. The

committee shall meet at regular monthly intervals with the day and time to be determined by the committee's chairman. In the event no appeals have been filed and there is no business pending, the chairman may cancel the meeting five days before it scheduled date.

(f) Voting. Three members of the Public Works Stormwater Advisory Committee shall constitute a quorum. A majority vote of the members present shall be required for actions by the committee. No member of the committee shall act in any case in which he/she has a person financial interest.

Pursuant to Tennessee Code Annotated Section 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this ordinance may appeal said penalty or damage assessment to the Public Works Stormwater Advisory Committee.

(1). Appeals to be in writing. The appeal shall be in writing and filed with the Public Works secretary within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

(2). Public hearing. Upon receipt of an appeal, the Public Works Stormwater Advisory Committee shall hold a public hearing within thirty (30) days. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation, place on the City's television channel, or place on the City's web page. Ten (10) days notice by registered mail shall also be provided to the aggrieved party, such notice to be

sent to the address provided by the aggrieved party at the time of appeal. The decision of the Public Works Advisory Committee shall be final.

(3). Appealing decisions of the Public Works Stormwater Advisory Committee. Any alleged violator may appeal a decision of the Public Works Stormwater Advisory Committee pursuant to the provisions of Tennessee Code Annotated, Title 27, Chapter 8.

First Reading: 10-14-03 Passed

Second Reading: 10-28-03 Passed

APPROVED:

Jim Fuqua, Mayor

ATTEST:

Connie Bilbrey, City Recorder

APPROVED AS TO FORM AND LEGALITY:

John R. Bradley, City Attorney

LEGISLATIVE HISTORY
Ordinance 2003-47

Sponsor: M. Skidmore
Committee: Public Works
Date of Committee Review: September 2, 2003
Committee Recommendation: Yes
First BOMA Reading: October 14, 2003
Vote: Aye: Buck, Clary, Forsythe, Foster, Frost, Long, Portman, Qualls, J. Skidmore, M. Skidmore, Sprouse and Fuqua. Nay: None. Absent: Carmack.
Second BOMA Reading: October 28, 2003
Vote: Aye: Buck, Carmack, Clary, Foster, Frost, Long, Portman, Qualls, J. Skidmore, M. Skidmore, Sprouse and Fuqua. Nay: None. Absent: Forsythe