

US EPA ARCHIVE DOCUMENT

# **Quarterly Project Progress Report**

**Construction Storm Water Excellence Initiative 2007  
EPA Grant# EI-96489108-0**

**April 2009**

**U.S. EPA State Innovation Grant Program  
National Center for Environmental Innovation**

**Tennessee Department of Environment and Conservation  
University of Tennessee, Municipal Technical Advisory Service**



**Municipal Technical Advisory Service**  
in cooperation with the Tennessee Municipal League

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## Project Description

### Construction Storm Water Excellence Initiative (Tennessee's State Innovation Grant Project – 2007)

#### Grantor:

US EPA State Innovation Grant Program, National Center for Environmental Innovation

#### Grantee:

Tennessee Department of Environment and Conservation (TDEC)  
University of Tennessee, Municipal Technical Advisory Service (MTAS)

#### State Project Manager:

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Division of Water Pollution Control, Statewide Storm water Coordinator  
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Email: [Robert.Karesh@state.tn.us](mailto:Robert.Karesh@state.tn.us)

#### Total Project Cost:

The total amount funded was \$200,000. The State of Tennessee is committing a minimum of \$100,000 of in-kind funding for the same period. There are no other federal contributions to this program.

#### Project Period:

October 1, 2007 to September 30, 2011



**Key Milestones/Activities (Including Outputs),  
Reflecting The Projected Timelines For Completion**

Objectives and Outputs	Projected Date	Complete	Comments
<b>Objective:</b> Conduct stormwater group preliminary organizational meeting (pre-award) <b>Output:</b> <i>TDEC/MTAS meetings to determine key MS4's for preliminary solicitation. etc.</i>	September 2007	Yes	
<b>Objective:</b> Execute contract with the University of Tennessee's Municipal Technical Advisory Service (MTAS) <b>Output(s):</b> <i>Due to MTAS's unique status within the State, their ability to deliver training and technical support statewide to local governments and their history as a TDEC partner in the Stormwater program, MTAS will be the sole contractor for the initiative.</i>	October 2007 Final Signatures May 2008	Yes	
<b>Objective:</b> Conduct TDEC-MTAS project team preparation <b>Output(s):</b> <ul style="list-style-type: none"> <li>Continuing identification of MS4's for TN MS4 Association.</li> <li>Venues scheduled for TN MS4 association meetings. Developing agenda's, informational literature, etc.</li> <li>Identifying specific contacts from various other organizations for the stakeholder committee.</li> </ul>	March 2008 Amended from October 2007	Yes	
<b>Objective:</b> Establish TN MS4 Association <b>Output(s):</b> <i>Organize initial meeting of the statewide TN MS4 Association. Formalize the group. Set up a calendar of regional and state meetings, etc.</i>	March 2008 Amended from December 2007	Yes	
<b>Objective:</b> Establish stakeholder committee <b>Output(s):</b> <i>Identify, contact, and obtain participation from representatives of the stakeholder groups. Set up and formalize the committee. Set mission, agenda, meeting calendar and milestones.</i>	May 2008 Amended from December 2007	Yes	
<b>Objective:</b> Facilitate stakeholder meetings to establish criteria <b>Output(s):</b> <i>Set venue, agenda, etc., and facilitate meetings in order to achieve stakeholder input on the criteria for qualifying a local program.</i>	Initiated June 2008 Amended from January 2008	Ongoing, excellent progress this period.	On Schedule to support other Milestones.

**Key Milestones/Activities (Including Outputs),  
Reflecting The Projected Timelines For Completion**

Objectives and Outputs	Projected Date	Complete	Comments
<b>Objective:</b> Develop and promote guidelines and incentives  <b>Output(s):</b> <i>With the information from the stakeholder committee meetings, develop guidance material and an incentive program for qualifying local programs.</i>	Initiated September 2008	Ongoing, excellent progress this period.	On Schedule to support other Milestones.
<b>Objective:</b> Develop excellence recognition program  <b>Output(s):</b> <i>With the information from additional stakeholder committee meetings, input from additional groups such as the Tennessee Municipal League, etc., develop excellence recognition program</i>	October 2009		
<b>Objective:</b> Pilot the qualification of a MS4  <b>Output(s):</b> <i>Work with select MS4(s) volunteer(s) program(s) to work through guidance materials and document achieving the various elements involved in becoming a qualified program. Monitor the designated Qualified Program.</i>	June 2010		
<b>Objective:</b> Develop and deliver workshops across the state  <b>Output(s):</b> <i>Based on the results of the pilot program, update the guidance materials. With the updated guidance materials and pilot program case history/histories, develop workshops lesson plans. Deliver workshops and guidance materials statewide.</i>	June 2011		
<b>Objective:</b> Deliver a replicable solution to other states  <b>Output(s):</b> <i>With updates to workshop lesson plans and materials based on participant feedback, develop final guidance materials, workshop lesson plans, case histories etc., for delivery to EPA.</i>	September 2011		

## Part 1 – Synopsis of Accomplishments during the Reporting Period

During the fifth reporting period (ending 3-31-2009, 1st quarter, 2009), several project milestones were either accomplished or partially accomplished:

- The QLP Advisory Committee held its third meeting.

Stakeholder groups represented included the Home Builders Association, the Tennessee Association of Planners, the General Contractors' Association, the Tennessee Chapter of the American Public Works Association, The Tennessee Stormwater Association, Tennessee Road Builders Association, the Tennessee Society of Professional Engineers, The Tennessee Municipal League, the Tennessee Water Groups, the UT-Water Resources Research Center, Tennessee State and Local Planning Office, the Tennessee Chamber of Commerce, the Tennessee Department of Transportation, and The Tennessee Valley Authority.

A good deal of solid, important, work was accomplished at this third meeting, building on the foundations laid in the previous two meetings.

Appendix A includes signup sheets from this meeting, meeting notes, etc.

Part 2 Narrative Discussion includes additional details.

- Statewide training was conducted to assist MS4's with enforcement necessary to become a QLP.
- The next meeting of the QLP Advisory Committee was scheduled for the second quarter of 2009.
- The Tennessee Stormwater Association (TNSA) held its first post conference board meeting.
- The TNSA bylaws were adopted.
- Continued during this period: TDEC partnered with TDOT, TVA, and the Tennessee Stormwater Association (TNSA) to offer a grant program designed to help local governments fund green infrastructure and low-impact development projects.

## Part 2 – Narrative Discussion

We believe that we are on track to accomplish the project milestones within the timeframes identified in the grant.

Representatives from the Tennessee Storm Water Association and the non-MS4 stakeholders on the Advisory Committee met for the third time on February 5, 2009.

Stakeholder groups included the:

Tennessee State and Local Planning Office, the Tennessee Chamber of Commerce, the Home Builders Association, the Tennessee Water Groups, the Tennessee Department of Transportation, the Tennessee Association of Planners, The General Contractors' Association, Tennessee Chapter of the American Public Works Association, The Tennessee Stormwater Association, Tennessee Road Builders Association, the UT-Water Resources Research Center, The Tennessee Valley Authority, The Tennessee Municipal League and the Tennessee Society of Professional Engineers.

At this meeting of the QLP Advisory Committee, we recapped the proceedings from our previous QLP kickoff meeting, which included a QLP program overview and an initial discussion of potential incentives that TDEC could provide to encourage MS4 participation in the QLP process.

At the previous meeting we had prioritized QLP recommendations and incentives that had been identified by the committee to date. These included:

1. Fees
2. Enforcement
3. Minimum staffing and tracking requirements
4. QLP requirements made static through a contractually bound timeframe
5. Streamlining the CGP coverage applications
6. Additional QLP program scope.

At this meeting we worked from this prioritized list. We discussed three of the prioritized QLP recommendations and incentives that had been previously identified by the Advisory Committee:

1. Fees
2. Minimum staffing and tracking requirements
3. Enforcement

The possible reduction of the MS4 annual permit fee for QLP's was discussed, as well as the QLP's potential to receive the Construction General Permit (CGP) fees directly that would normally be paid to the state.

There was consensus among the MS4 members of the committee that having some form of financial incentive would help them to be able to sell the QLP concept to their elected officials. TDEC indicated that the annual permit fee reductions were certainly possible, but that there were administrative complications involved with the waiver of CGP fees which would need further consideration.



The conversation naturally transitioned into the subject of required minimum resources for a QLP, the second incentive topic. In order to be protected when seeking QLP status, MS4's are interested in setting safeguards in place that would prevent an MS4 with insufficient resources from assuming the responsibilities of QLP status. The question was how to determine the minimum resources necessary to be a QLP?

John Chlarson presented information on how others have tackled this issue; including considerations for determining necessary support resources for Scope of Services and Level(s) of Service. He showcased Florida Stormwater Association's methodology. Supporting the methodology, Michael Hunt, City of Nashville Stormwater Program Manager, presented Metro's procedures for developing fees. These examples included an analysis of annual workloads, program inventory and historical data.

In discussion, it was agreed that we should combine level of service with scope of service to ensure that an MS4 is sufficiently staffed to succeed as a QLP. TDEC was going to gather some historical data on review and enforcement, and MTAS was going to provide committee members a draft scope of services/levels of service worksheet for the next meeting.

Finally, we discussed the incentive involving enforcement assistance for QLP's. The committee discussed the potential steps necessary to involve TDEC in combined enforcement, including the required enforcement documentation at the local level prior to contacting TDEC. We also discussed the possibility of penalty assessments returned as grants to the QLP. Time precluded finishing covering the topic as we wished, and we decided to discuss this incentive at our next meeting.

Our next QLP Advisory Committee Meeting is scheduled for April 7, 2009, from 10 AM until 1 AM CT, and will be held in the 17<sup>th</sup> floor conference room of the L&C Tower, located at 401 Church St., Nashville, TN.

Additional notes and photos from the meeting are included in the appendix.

In the last report it was mentioned in the projection for this quarter that TDEC commissioned the development of a class on administrative penalties to assist MS4's in complying with the enforcement aspects necessary to become a QLP. The course development and presentation was completed during this reporting period.

Under TDEC's Stormwater Permit requirements, designated local governments were supposed to have an administrative penalty process in place that would allow them to collect up to \$5,000 per day in administrative penalties authorized by state law for violations of their local stormwater ordinances. However, many municipalities and counties thought, sometimes after counsel from their attorney that the \$50 limitation on fines found in the Tennessee Constitution that applies to municipal courts applies to statutorily authorize administrative penalties above \$50. This belief was the result of confusion regarding administrative penalties versus municipal court fines. MTAS consulted with Robert Karesh, TDEC's Stormwater Program Coordinator, to secure TDEC support as well as grant funding for course development. Both the existing permit and the upcoming permit renewal required the administrative penalty process to be in place in local government, and equipping local governments with this enforcement tool fit in with the EPA grant.

As MTAS went into course development, there was a clear vision for the class. MTAS wanted a class that would thoroughly ground the participants in their statutory authority to collect administrative penalties over \$50 per day, that would give participants a handbook and checklist to walk them through the mechanics of putting the process in place, and that would take them through the process of conducting an actual hearing. Between the class and the reference materials provided, MTAS wanted participants to be able to go back to their jurisdiction and, even after a passage of time, to be able to take their materials and successfully implement the administrative penalties procedure.

Students participated in a mock hearing after viewing a model hearing in the form of a video presentation (to prepare the students for the mock hearing). MTAS produced the instructional video in-house with University of Tennessee resources. This use of innovative instructional technology and methodology was new in an MTAS class, and, according to student evaluations, it was very successful.

The class has been presented statewide to full class venues and has received some of the highest ratings of any MTAS class. There are already inquiries as to when MTAS will present the class again.

The Tennessee Stormwater Association (TNSA) held a Board meeting after the February 5, 2009 Advisory Committee Meeting.

TNSA Regional meetings were also held during the quarter.

Then TNSA trial website went online during this quarter. Not all links are active. The discussion board should go active next quarter.

Continuation from last quarter:

During this period TDEC partnered with TDOT, TVA, and the Tennessee Stormwater Association (TNSA) to offer a grant program designed to help local governments fund green infrastructure and low-impact development projects. Funds did not come From the EPA Innovation Grant, but, rather, from a variety of creative sources among the partners. Grants ranged from \$10,000 to \$30,000 were awarded to local governments through a competitive process for projects including rain gardens, green roofs, pervious concrete applications, trees and tree boxes, as well as outreach and education efforts designed to promote green development in Tennessee communities.

Seventeen green development applications were received from across the state. Submittals were received from small towns as well as major metropolitan areas. We selected the following four projects to fund from this year's solicitation:

- City of Lakeland
- City of Knoxville (Downtown Dog Park)
- City of Athens
- City of Nashville

Contract development, etc., continued during this quarter.

### **Part 3 – Projection of Activities, Accomplishments, and Major Expenditures for Next Quarterly Report**

- Representatives from the Tennessee Storm Water Association and the non-MS4 stakeholders are scheduled to meet again in the second quarter of 2009.

### **Part 4 – Financial Report**

The project budget seems to be on track for the goals and milestones of this project.

Information Technology has set up the internal account at MTAS so that internal MTAS project reporting will capture the Grant related hours. TDEC has likewise set up an internal tracking mechanism to capture TDEC hours to apply toward the in-kind match.

An invoice for October 1, 2008 through December 31, 2008 in the amount of \$21,316.35 was submitted by MTAS to TDEC during this quarter.

# APPENDIX A

A-1 February 5 Meeting Summary with Photos  
A-2 Meeting Handout - Fees  
A-3 Meeting Handout – Minimum Resources  
A-4 Sign in Sheets





STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
WATER POLLUTION CONTROL  
401 CHURCH STREET  
6<sup>TH</sup> FLOOR L&C ANNEX  
NASHVILLE, TN 37243

March 10, 2009

TO: Tennessee Qualified Local Program Advisory Committee

RE: February 5<sup>th</sup> Meeting Summary

Good Day,

Once again, we want to extend our appreciation for your continued participation at our third Qualified Local Program (QLP) Advisory Committee meeting, held on February 5, 2009. We remain encouraged and excited by the level of participation and the future possibilities of a successful QLP initiative in Tennessee.

At this meeting of the QLP Advisory Committee, we recapped the proceedings from our previous QLP kickoff meeting, which included reviewing the draft TDEC Minimum Requirements for Qualified Local Program Certification, and a follow-up discussion of potential incentives that TDEC could provide to encourage MS4 participation in the QLP process.

After the recap, we discussed three potential incentives to be a QLP:

1. Fees
2. Minimum staffing requirements
3. Enforcement

The possible reduction of the MS4 annual permit fee for QLP's was discussed, as well as the QLP's potential to receive the Construction General Permit (CGP) fees directly that would normally be paid to the state.

There was consensus among the MS4 members of the committee that having some form of financial incentive would help them to be able to sell the QLP concept to their elected officials. TDEC indicated that the annual permit fee reductions were certainly possible, but that there were administrative complications involved with the waiver of CGP fees which would need further consideration.

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interested in setting safeguards in place that would prevent an MS4 with insufficient resources from assuming the responsibilities of QLP status. The question was how to determine the minimum resources necessary to be a QLP?

John Chlarson presented information on how others have tackled this issue; including considerations for determining necessary support resources for Scope of Services and Level(s) of Service. He showcased Florida Stormwater Association's methodology. Supporting the methodology, Michael Hunt, City of Nashville Stormwater Program Manager, presented Metro's procedures for developing fees. These examples included an analysis of annual workloads, program inventory and historical data.

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Our next QLP Advisory Committee Meeting is scheduled for **April 7, 2009**, from 10 AM until 1 AM CT, and will be held in the 17<sup>th</sup> floor conference room of the L&C Tower, located at 401 Church St., Nashville, TN. You will be receiving an email soon that includes an agenda for the next meeting.

If you have any questions please contact John Chlarson or Robert Karesh.

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Department of Environment and Conservation  
Division of Water Pollution Control  
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February 3, 2009

## Recommendations and Potential Incentives for QLP's: **Fees**

### 1) Reduction or dismissal of MS4 permit maintenance fee

**Questions:** Can we dismiss or reduce the participating QLPs' annual permit maintenance fees? What do we need to do to make this happen?

**Discussion:** It's a strong possibility that we can offer annual permit maintenance fee reductions for MS4s that participate in the QLP program. Modification of permit fees requires a rule change promulgated for the Environmental Protection Fund Fees Rule (TCA 1200-4-11). The reduction could be done as a total fee dismissal or as a reduction to a maintenance fee. For example, applying a 60% fee reduction for a medium MS4 would result in \$3,000 saved annually and \$15,000 over the life of the permit.

Current MS4 permit maintenance fees are:

- Large MS4s - \$7,500 annually
- Medium MS4s - \$5,000 annually
- Small MS4s - \$2,500 annually

Modification could separate MS4 fees into six categories:

- Non-QLP-large \$7,500
- Non-QLP-medium \$5,000
- Non-QLP-small \$2,500
  
- QLP certified large \$3,000
- QLP certified medium \$2,000
- QLP certified small \$1,000

The general steps for a rule change are as follows: the draft rule change is proposed to the Water Quality Control Board for approval, public hearings and comment period are provided, draft rule change is finalized and approved by the Board, final rule change is submitted to Attorney General's office for legal review and then submitted to Secretary of State's office for authorization. Our experience has been that this process can take up 18 months to complete, depending on the complexity of the proposal.

Points for further discussion:

1. Does the reduction amount function as an incentive? If not, what modifications can we make increase its incentive?
2. Is the timeline for the rule change a de-incentive?
3. Is it appropriate, and would it be helpful, for QLP Advisory Committee to sponsor the proposed rule change?





## 2) Construction General Permit (CGP) fees transferred/split/adjusted with QLP

**Questions:** Can we change the CGP fee structure such that fees from activities in a QLP jurisdiction are submitted directly/indirectly to that QLP?

**Discussion:** Current CGP permit application fees are as follows:

- Projects greater than 150 acres - \$7,500
- Projects greater than 50 acres and less than 150 acres - \$4,000
- Projects greater than 5 acres and less than 50 acres - \$1,000
- Projects greater than 1 acre and less than 5 acres - \$250
- Projects less than 1 acre - \$0

First thing to point out is, based on the language in the current CGP, permittee's are not required to submit a NOI, permit fees or NOT if they are proposing to perform activities in QLP jurisdictions. The permit currently reads:

Section 1.4.5 - *Permit Coverage through a Qualifying Local Program* - "If a construction site is within the jurisdiction of and has obtained a notice of coverage from a QLP, the operator of the construction activity is authorized to discharge storm water associated with construction activity under this general permit without the submittal of an NOI to the division. The permittee is also **not required to submit a notice of termination or a permit fee to the division.**"

Therefore, unless the permit is modified or reissued, there is no fee to transfer or split. The CGP is up for reissuance in March 2010. At that time, language could be proposed address this option. Fee Rules would potentially also need modification.

Second thing to point out is that MS4's already have the ability to set fees or taxes for services. **For example (from MTAS):**

*Impact Fees* . These fees are one of two new revenue sources that many local governments in high growth areas of the state have used to regulate new development and offset the cost of infrastructure required as a result of growth. The intent of the fee is to place the financial burden of new growth on areas in which the growth has occurred. The level of the fee must be related to the costs resulting from the new development, and revenues generated by the fee must be earmarked for investment in the growth areas. There is no specific statutory authority under general law for counties to impose impact fees; therefore, they may be imposed only by private act passed by the General Assembly and ratified locally by a two-thirds vote of the governing body. Some municipalities may have the authority to adopt impact fees pursuant to their charter. Many cities however, would also require a private act or charter amendment in order to adopt these fees.



February 3, 2009

## Minimum Resources for QLP's:

**Question:** To be protected when seeking QLP status, MS4's would like to see safeguards in place that would prevent an MS4 with insufficient resources from assuming the responsibilities of QLP status. The question is, now, how to determine the minimum resources necessary to be a QLP.

**Discussion:** The Florida Stormwater Association has developed some guidelines to assist in the process of determining minimum program resources:

### 7.1.4 Levels of Service

Once a local government decides to provide a certain service, it sometimes becomes a guessing game as to what effort needs to be expended to provide the service. The concept of level of service offers a framework to logically approach this challenge.

The primary purpose of organization is to arrange functions, tasks, and people in a manner that most effectively accomplishes the mission of the organization. A functional organization, based on specialized responsibility in a particular area, provides the framework for stormwater service.

The first step in the establishment of the proper level of service is to determine what functions will be provided. Section 7.2 below provides a starting point for the assessment. Annual workloads need to be understood. Historical data provides some of the information but a bottom up analysis is the most effective. An example of the operation and maintenance area is shown below:

- **Inventory** - Determine how much of a typical facility is present. For example, if the stormwater unit has the responsibility for ditch maintenance, the initial starting point would be to measure the number of linear feet of ditch that has to be routinely maintained.
- **Activity** - Related to each feature of the inventory, decide what maintenance activity is needed. This could be mowing, grading and erosion repair etc.
- **Standard** - For each activity, an activity standard is established relating resources (people and equipment) required to perform the maintenance. If we continue on with our example related to ditch mowing, the stormwater unit determines a one-person crew operating a slope mower could serve 2,500 linear feet of ditch per day.
- **Level of Service (LOS)** - The most difficult determination is often deciding what LOS is to be applied to each activity. For our ditch mowing activity, the





staff determines that mowing at a frequency of three times per year (on average) is necessary. A logical and informed decision can be made because this is the only variable that is subjective. If the political leadership desires more frequently mowing, the LOS may become four or five times per year. Management may only want to mow two times per year. Once costs are applied to the LOS, then a decision is made.

- **Available Work Days** - How many days can work be performed taking into account vacations, sick leave, holidays, historical weather delays, etc? It is determined that 200 workdays are available each year. (Some local governments report available workdays as low as 160.)
- **Production Requirements** - LOS times inventory determines production needs. If the locality has 100,000 linear feet of ditches (the inventory) and the LOS is 3, then the annual production requirement is  $100,000 \times 3 = 300,000$  LF/year.
- **Crew Days** - This is computed by dividing production requirements by the standard:  $300,000 / 2,500 = 200$  crew days.
- **Resource Requirements** - The number of crew days/ standard:  $200 / 200 = 1$  crew. The standard establishes crew cost; therefore, the cost to provide ditch maintenance at the LOS is the cost of one crew including manpower, equipment, employee benefits, etc.

Coupling the LOS with the facility inventory can create a powerful tool to logically determine the cost of providing the desired service. Even though the example uses a straightforward maintenance activity, it can be applied to virtually any work activity. By performing a service level analysis for each desired work activity and summing them, the total cost to provide stormwater services for a local government jurisdiction can be determined. Service level analysis is an extremely powerful tool for the stormwater manager.

Level of service analysis can also be applied to the setting of design standards (frequency of allowable flooding, duration and depth), which in turn establishes the cost of a capital improvement program.

(Florida Stormwater Association)

For our purposes, let's use the process above in a program example:



<b>Inventory</b>	200 Permits	200 Permits	200 Permits	200 Permits	200 Permits
<b>Activity</b>	Plan review	swppp review	Inspections	Pre project conference	Project close-out
<b>Standard</b>	1 plan/1.0 days/employee	1 swppp/1.0 days/employee	1 inspec/0.125 days/employee	1 conf/1.0 days/employee	1 closeout/ 2.0 days/employee
<b>Level of Service</b>	1	1	12	1	1
<b>Avail Work Days</b>	200	200	200	200	200
<b>Production Req'ts</b>	200 plans/yr	200 swppp/yr	2400 insp/yr	200	200
<b>Crew Days</b>	200	200	300	200	400
<b>Resource Req'ts</b>	1 employee	1 employee	1.5 employees	1 employee	2 employees

According to this, if you had 200 construction permits per year, and did 1 inspection per month on each project, and the projects lasted a year, you'd need 6.5 employees to provide this scope of services given these standards and these levels of service.

# APPENDIX B

B-1 UT *Exchange* Article on Administrative Hearings Class  
B-2 Photos from Administrative Hearings Class



# New MTAS Class Clears Confusion on Fines and Administrative Penalties

In discussions with the Tennessee Department of Environment and Conservation (TDEC) and with municipalities, **UT Municipal Technical Advisory Service (MTAS)** Public Works Consultant John Chlarson recognized some existing confusion about administrative penalties and set out to help cities understand laws on the matter.

TDEC's Stormwater Permit requires designated local governments to have an administrative penalty process that allows them to collect up to \$5,000 per day for violations of local stormwater ordinances. However, many municipalities and counties thought that a \$50 limitation on fines found in the Tennessee Constitution that applies to municipal courts also applied to administrative penalties.

Chlarson talked with MTAS attorney Sid Hemsley and learned there was indeed confusion on the difference between administrative penalties and municipal court fines. Hemsley and Chlarson determined to clear the confusion by creating a course for local government officials statewide. They anticipated TDEC's support for such a class. Not only are there penalties for stormwater ordinance violations, the same type of penalty could have application for wastewater pre-treatment, codes enforcement, and beer boards.

MTAS consulted with Robert Karesh, TDEC's stormwater program coordinator, to secure TDEC support and grant funding for course development. Both the existing permit and the upcoming permit renewal required local governments to have

the administrative penalty process in place, and equipping local governments with this capability fit with an Environmental Protection Agency (EPA) grant.

To provide class participants the most authoritative instruction possible, MTAS obtained the services of Karen Beyke, an attorney with authority on administrative penalties and hearings. Beyke is the former city attorney for Franklin and is president of the Williamson County Bar Association.

MTAS kept a clear vision for a class that would ground the participants in their statutory authority to collect administrative penalties over \$50 per day. Participants receive a handbook and checklist that clarifies the mechanics of putting the process in place, and the class takes them through the process of conducting an actual hearing.

Beyke suggested students participate in a mock hearing, and Chlarson suggested the inclusion of a video presentation that would prepare the students for the mock hearing. Becky Smeltzer, MTAS technical services librarian, created the video using Beyke's script. MTAS personnel and Beyke comprised the cast. The video was new for an MTAS class, and, according to student evaluations, it was well-received.

MTAS has presented the course statewide to full venues, and it has received some of the highest ratings of any MTAS class. There are already inquiries as to when MTAS will present the class again. ■

## CTAS Aids Cannon County Firefighters

Cannon County volunteer firefighters will have insurance and training benefits thanks to a grant award the **UT County Technical Assistance Service (CTAS)** helped the county obtain.

The Cannon County Volunteer Fire Department secured a \$28,000 grant from the U.S. Department of Homeland Security (DHS) that will fund premium payments for life and disability insurance and out-of-pocket travel expenses incurred by the firefighters when they attend training. CTAS consultants Kevin Lauer, Ben Rodgers and Doug Bodary helped the department apply for the grant.

"Volunteers are hard enough to find and retain, much less those who will be willing to continue to volunteer knowing if something happens to them, they could leave their families in a financial bind or worse," Lauer said.

Fire Chief Faye Morse said the grant will aid the department in recruitment.

"We'll be able to pay for worker's compensation insurance and life insurance, which is a package that the full-time, paid responders receive," Morse said.

The DHS grant complements a \$101,000 Assistance to Firefighters Grant that the fire department received with assistance from CTAS. That grant will pay for new self-contained breathing apparatus (SCBA) equipment and for 86 hours of formal training for the active volunteer firefighters.

Combined, the two grants almost double the fire department's annual budget. ■