

US EPA ARCHIVE DOCUMENT

Quarterly Project Progress Report

Construction Storm Water Excellence Initiative 2007

EPA Grant# EI-96489108-0

MARCH 2013

**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 Stormwater 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:

Robert Karesh, Tennessee Department of Environment and Conservation
Division of Water Resources, Statewide Stormwater Coordinator
401 Church Street, L & C Annex, 6th Floor
Nashville, TN 37243-1534
Phone: (615) 253-5402 / Fax (615) 532-0686
Email: Robert.Karesh@tn.gov

Total Project Cost:

The total amount funded was \$200,000. The State of Tennessee has committed 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 (Original)
October 1, 2007 to September 30, 2013 (Amended)

**Key Milestones (Including Outputs),
Reflecting The Projected Timelines For Completion¹**

Objectives and Outputs	Original Start Date (Amended Start Date)	Original Completion Date (Amended Completion Date)	Complete?	Slippage Explanation/Other Comments
<p>Objective: Stormwater group preliminary organizational meeting (pre-award)</p> <p>Output(s): <i>TDEC/MTAS meetings to determine key MS4's for preliminary solicitation, etc.</i></p>	September 2007	May 2008	Yes	This objective combined with the 3rd objective while waiting for final signatures.
<p>Objective: Execute contract with the University of Tennessee's Municipal Technical Advisory Service (MTAS)</p> <p>Output(s): <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></p>	October 2007	Final Signatures May 2008	Yes	Final signatures were received by Contracts Division/TDEC May 2008
<p>Objective: TDEC-MTAS project team meetings</p> <p>Output(s): <i>Continuing identification of MS4's for Stormwater group. Identifying specific contacts from various other stake holder organizations. Scheduling venues for organizational meetings. Developing agenda's, informational literature, etc.</i></p>	October 2007 (March 2008)	May 2008	Yes	As with Objective #1, TDEC-MTAS continued to work together on project and planning meetings during the delayed pre-award time. The final signatures were received by May 2008.
<p>Objective: Establish stormwater group (Tennessee Stormwater Association)</p> <p>Output(s): <i>Organize initial meeting of the state regional group representative at a state level. Formalize the group. Set up a calendar of regional & state meetings, etc.</i></p>	December 2007 (March 2008)	June 2008	Yes	Due to delayed signatures for official contract award to MTAS, the development of the statewide Stormwater Association was not begun until March 2008
<p>Objective: Establish stakeholder committee</p> <p>Output(s): <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></p>	December 2007 (May 2008)	May 2008	Yes	Due to delayed signatures for official contract award to MTAS, and the delayed establishment of the TNSA, the Stakeholder Committee was not established until May 2008

**Key Milestones (Including Outputs),
Reflecting The Projected Timelines For Completion¹**

Objectives and Outputs	Original Start Date (Amended Start Date)	Original Completion Date (Amended Completion Date)	Complete?	Slippage Explanation/Other Comments
Objective: Issue new MS4 General Permit Output(s): <i>With the new minimum requirements for baseline MS4 programs, develop the additional minimum requirements for QLP. This was not part of Grant.</i>	Not part of grant	June 2008 (July 2010) (October 1, 2010)	Yes	TDEC worked with EPA to craft a permit that reflected the EPA's desire to see a "Green" permit with more emphasis on infiltration based permanent BMP's.
Objective: Facilitate meetings to establish criteria Output(s): <i>Set venue, agenda, etc., and facilitate meetings in order to achieve stakeholder input on the criteria for qualifying a local program.</i>	January 2008 (June 2008)	June 2010	Complete	Start date amended due to grant development delays but meetings have been held every quarter since the organizational Kickoff meeting held August 15, 2008. Prep work began in June 2008.
Objective: Develop and promote guidelines and incentives Output(s): <i>With the information from the stakeholder committee meetings, develop guidance material and an incentive program for qualifying local programs.</i>	Began in (September 2008)	June 2010	Complete	Start date amended due to grant development delays but meetings to develop incentives/criteria have been held every quarter since the organizational Kickoff meeting held August 15, 2008
Objective: Develop excellence recognition program Output(s): <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	September 2010 (February 2011)	Complete	Began initial discussion October 2009, and after amending the project timeline, we will have two more quarterly meetings to discuss & finalize Excellence Recognition. Permit issuance delays changed this to Feb 2011
Objective: MS4's implement new permit Output(s): <i>MS4's revise their programs in accordance with new permit</i>	July 2008 (October 2010)	January 2010 (June 2012)	In process	Issuance of permit delayed 2 years as explained.
Objective: Pilot the qualification of a MS4 Output(s): <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 (June 2012)	June 2011 (June 2013)	In process	As of this reporting period, 5 MS4s have been selected and begun the provisional application process. Of those 5, 4 have completed the provisional process and are considered full status QLPs

**Key Milestones (Including Outputs),
Reflecting The Projected Timelines For Completion¹**

Objectives and Outputs	Original Start Date (Amended Start Date)	Original Completion Date (Amended Completion Date)	Complete?	Slippage Explanation/Other Comments
<p>Objective: Develop and deliver workshops across the state</p> <p>Output(s): <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></p>	<p>June 2011 (June 2013)</p>	<p>August 2011 (August 2013)</p>	<p>No</p>	<p>The timeline was adjusted by two additional years to provide the MS4s with enough time to adhere to the new MS4 permit requirements; we requested a grant extension of two years. This new timeline projects the QLP Pilot start date for June 2012 and the QLP Program to go live in June 2013. Please see Timeline in Appendix B.</p>
<p>Objective: Deliver a replicable solution to other states</p> <p>Output(s): <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></p>	<p>September 2011 (September 2013)</p> <p>*Note: the Gathering of supporting documentation in preparation for this item is ongoing.</p>	<p>September 2011 (September 2013)</p>	<p>No</p>	<p>The timeline was adjusted by two additional years to provide the MS4s with enough time to adhere to the new MS4 permit requirements; we requested a grant extension of two years. This new timeline projects the QLP Pilot start date for June 2012 and the QLP Program to go live in June 2013. Please see Timeline in Appendix B. Gathering of supporting documentation in preparation for this item is ongoing.</p>

Part 1 – Synopsis of Accomplishments during the Reporting Period

The 20th reporting period (ending March 31, 2013, 1st quarter (calendar year) 2013), was the third after the time allotted under the requested extension for MS4's to work on familiarizing themselves with, and working on, their new Small MS4 Permit.

Of the QLP Pilot Program Participants, 4 of the initial 5 have successfully completed the provisional period of the QLP application process:

- Cookeville February 1, 2013
- Washington County February 1, 2013
- Knoxville March 1, 2013
- Bristol March 15, 2013

As the programs completed the provisional period, they were considered full status QLPs and could begin issuing QLP-based construction stormwater permits. A copy of this official notification to the program appears in Appendix D.

Announcements and press releases regarding the full status QLPs were issued this quarter by the local programs, media, legislature and TDEC. Examples of the typical releases and associated promotional material are found in Appendix C.

TDEC has continued to support the Tennessee Stormwater Association (TNSA) with efforts outside the scope and funding of this grant.

Robert Karesh and Jennifer Watson (TDEC), held initial training meetings with TDEC staff at the various Environmental Field Offices associated with the pilot program applicants, continuing the process begun in the previous quarter.

Meetings were held with each applicant to finalize the provisional period at the Environmental Field Offices associated with those applicants.

The QLP-based construction stormwater permit tracking database was revised during this reporting period.

The second QLP awareness survey among all MS4s was deferred until all applicants have been granted full QLP status. April has been identified as the target for the survey release.

Part 2 – Narrative Discussion

2.1 Provisional and Full Status QLPs

The QLP application, an application review check list, and the schedule for the meetings with the pilot program applicants can all be found in Appendix A.

Of the QLP Pilot Program Participants, 4 of the initial 5 have successfully completed the provisional period of the QLP application process:

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- Knoxville March 1, 2013
- Bristol March 15, 2013

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2.2 QLP-based construction stormwater permit tracking database

Information related to permit coverage's issued by the QLP must be submitted to TDEC utilizing a database developed specifically for the QLP program. The database, named QLog, has been revised during this reporting period to remove a few unnecessary fields. QLPs must submit the data in a specific table structure, but may submit the data in various program formats (excel, access, city-works, etc.). We found some formatting conflicts with these file types while adding the data to QLog. Therefore, QLog was also reformatted to better accommodate these various file types.

2.3 Tennessee Stormwater Association

One of the key components to the education and outreach for input for the QLP option was the establishment of the Tennessee Stormwater Association. This was identified in the grant proposal. Support for this outreach and input is a grant activity. The Association has been invaluable in this process and will continue to be.

As provided for in this innovation grant, we have continued to support the TNSA during this reporting period.

TDEC has also continued to support the establishment of the TNSA with efforts outside the scope and funding of this grant.

In the previous quarter, TDEC assisted further in supporting the credibility and building good will for the QLP initiative by assisting TNSA with a new round of Green Development Grants to be administered through the Stormwater Association. TDEC continued its support and promotion of the grants in this quarter.

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

During the next quarter we will:

- 5th QLP becomes full status (Knox County)
- Drafting workshop/training materials
- Continue monitoring participants to identify possible program revision
- Continue promotion of the QLP program
- Prepare for close of the pilot period (finalizing forms, procedures and notifications)
- During April, conduct second QLP awareness survey among all MS4s
- Continue to evaluate and revise QLog

Part 4 – Financial Report

The project budget is on track for the goals and milestones of this project.

UT-MTAS continued to honor its commitment to TDEC, the EPA, and the success of this project by working without a contract or additional compensation until such time as TDEC could issue a contract extension to draw down the remainder of the grant funds. After the remaining funds have been drawn down, MTAS will continue to honor this same commitment.

The extension was issued during this past quarter. A copy of the contract appears in Appendix “C”

There are \$2,989.30 in state funds and \$5,978.59 in federal funds remaining to be drawn down.

There were no draws from MTAS during this quarter. MTAS is looking toward external expenses being heavier toward the end of the project and covering internal expenses as part of its partnership contribution this quarter.

APPENDIX “A”

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A-4	QLP Application and Review (meeting) Schedule	Page 17



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
401 Church Street
L&C Annex 6th Floor
Nashville, TN 37243-1534

April 23, 2012

To: Regulated Municipal Separate Storm Sewer Systems

From: Division of Water Pollution Control (the division)

Subject: Qualifying Local Program for Construction Site Stormwater Runoff Control Pilot Period (June 2012-13)

The division is pleased to announce the pilot offering of the [Tennessee Qualifying Local Program](#) (QLP) for Construction Site Stormwater Runoff Control. The QLP program is expected to eliminate duplication of the effort between state and local construction stormwater programs, and simplify requirements for construction site operators. The pilot period begins June 1st, 2012, and serves to identify program elements needing revision prior to final implementation.

The QLP program was developed through a grant funded stakeholder driven process, with the intent of creating an effective program that incentivizes participation. Resultant incentives include streamlined QLP minimum requirements, a standardized interagency enforcement protocol, and recognition of QLP status as an alternative measurement of MS4 permit effectiveness. Obtaining QLP status is optional, but all regulated [Municipal Separate Storm Sewer Systems](#) (MS4) are encouraged to consider participation.

Below, you will find additional detail on core QLP minimum requirements and application procedures. For more information, please call Robert Karesh (615) 253-5402, or Jennifer Watson (615) 532-0359, or email at storm.water@tn.gov.

Introduction:

The promulgation of the Phase I and II National Pollutant Discharge Elimination System (NPDES) stormwater regulations established federal requirements for state and municipal control of stormwater runoff from construction activity. As a result, the division was required to develop NPDES permits to regulate stormwater discharges associated with construction activity, such as the [General Permit for Discharges of Stormwater Associated with Construction Activities](#) (CGP). Municipalities identified as a regulated MS4 were

required to develop programs, consistent with the CGP, to address construction site runoff within their jurisdictions.

Per [CFR 122.44\(s\)](#), the division can formally recognize an MS4 as a QLP that has been shown to meet or exceed the provisions of the CGP. If a construction site has submitted a program specific Notice of Intent (NOI) to a participating QLP, and has obtained a notice of coverage (NOC), the operator of the construction activity is authorized to discharge under the CGP without the submittal of a NOI, Stormwater Pollution Prevention Plan (SWPPP), or related permit fee to the division.

QLP Minimum requirements:

Regulated MS4s must implement and maintain a construction site stormwater runoff control program that addresses stormwater runoff from construction activities, as identified in [Sub-section 4.2.4](#) of the MS4 general permit. In addition, a QLP program must also include the following:

1. Requirements for construction site operators to prepare and submit an NOI, and related comprehensive SWPPP, as identified in Section 3 (SWPPP Requirements) of the CGP,
2. Specific procedures for SWPPP review, approval and NOC issuance
3. Requirements for construction site operators to perform inspections as identified in Sub-section 3.5.8, and site assessments as identified in Sub-section 3.1.2, of the CGP,
4. A system for reporting to the division, information related to construction sites authorized by the QLP.

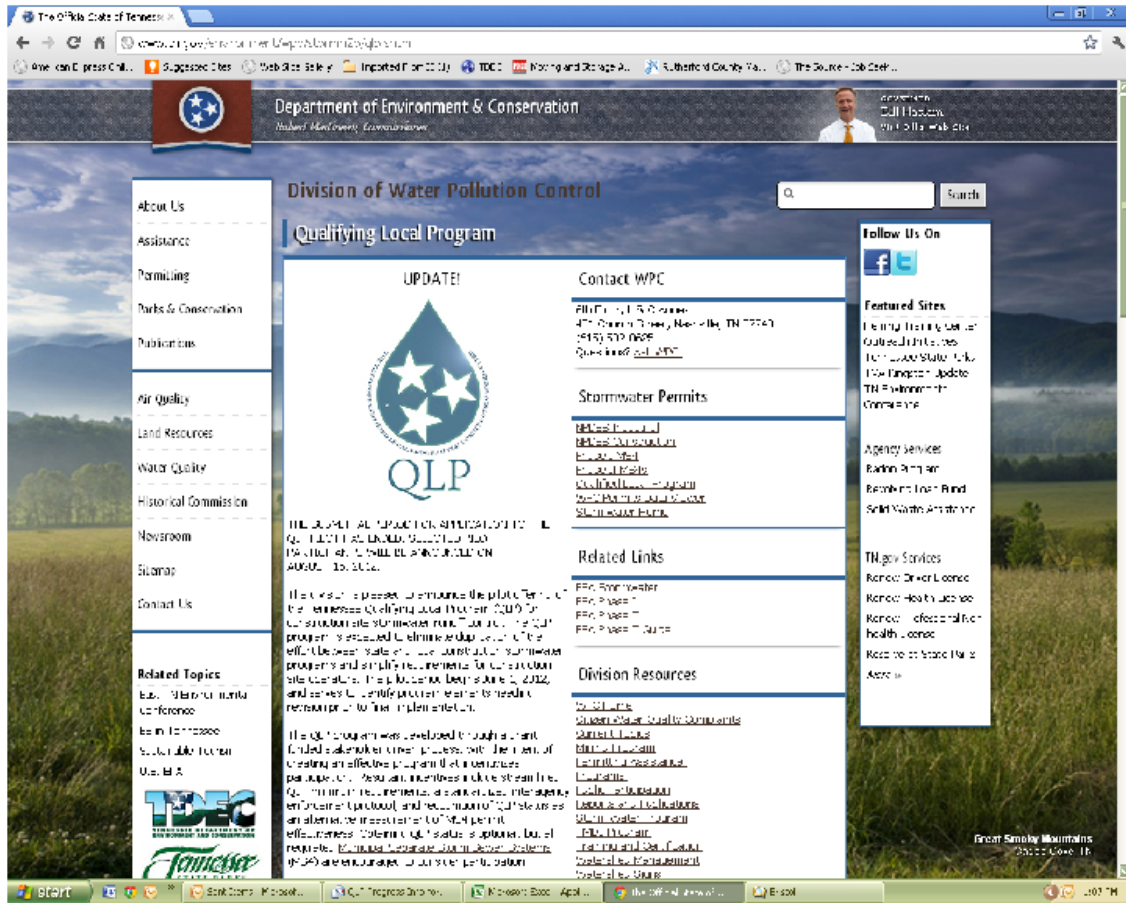
Application for QLP Status:

An MS4 seeking QLP status during the pilot period may notify the division beginning May 1st, 2012, indicating the municipality's commitment to implement the QLP program as described. In addition to administrative information, the applicant will be asked to provide copies of their construction stormwater ordinances, site plan review and approval procedures, project inventory and tracking procedures, and Enforcement Response Plan.

Review of applicant information will be performed by the division's Central Office and Environmental Field Office personnel. Meetings will be scheduled with applicants to discuss their application's content and answer any related questions. Once the applicant has been approved, the MS4 receives provisional QLP status, which establishes time for any program modifications necessary to satisfy all QLP elements. Modifications may include revision of ordinances and policies, hiring or training of personnel, or purchasing related equipment.

The provisional period also provides the time necessary to educate all stakeholders, and procedurally move construction activities from a dual permit system to a single administered by the QLP. Stakeholder education is expected to be critical to the success of a smooth MS4 to QLP transition. There is no minimum amount of education required during the provisional period. However, it is expected that the provisional QLP will target appropriate internal and external stakeholders, and utilize various educational methods such as email and mailing lists, public meetings, signage and website content.

The length of the provisional period will differ for each applicant based on the nature of the program at the time of application. Once the provisional period is complete, the applicant will receive notification that they have successfully received full QLP status and may begin NOC issuance.





TENNESSEE.GOV

State of Tennessee

Division of Water Pollution Control, Enforcement & Compliance Section

MS4 Program Newsletter

April 2012

TDEC, Division of Water Resources Stormwater Contacts:

Robert Karesh,
Storm Water Coordinator
(615) 253-5402

Robert.Karesh@tn.gov

Paul Higgins
Permit Section
(615) 532-1178

Paul.Higgins@tn.gov

Jennifer Watson
(615) 532-0359

Jennifer.Watson@tn.gov

UPDATE! Qualifying Local Program Pilot Phase begins June 2012

The division is pleased to announce the pilot offering of the [Tennessee Qualifying Local Program \(QLP\)](#) for Construction Site Stormwater Runoff Control. The QLP program is expected to eliminate duplication of the effort between state and local construction stormwater programs, and simplify requirements for construction site operators. The pilot period begins June 1st, 2012, and serves to identify program elements needing revision prior to final implementation.



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Please find additional detail on core QLP minimum requirements and application procedures on our [QLP website](#). For more information, please call Robert Karesh (615) 253-5402, or Jennifer Watson (615) 532-0359, or email at storm_water@tn.gov.

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Community Values in Louisville, KY: Mitigating Combined Sewer Overflows (CSOs) and Reducing Consent Decree Costs with Stormwater Green Infrastructure

By Christine McKay, EPA Region 4

There is a movement underway around the nation to adopt stormwater "green infrastructure" practices, including possible new regulations. A brief look at Louisville's decision to use stormwater green infrastructure may help one understand the merits of these new practices and why federal regulation may be a sensible thing to do.

First, what are stormwater green infrastructure practices? How do these new stormwater green infrastructure practices relate to our normal "grey" stormwater infrastructure?

Stormwater green infrastructure practices are relatively new – a gift of the 21st century. The idea is to treat stormwater as a **resource**: to mimic, preserve or restore natural hydrology through stormwater infiltration, storage, evapo-transpiration (think trees), and/or reuse for non-drinking water uses. These new practices include rain gardens (bioretention), green roofs, cisterns, pervious pavements, and leaving a portion of a site undeveloped. This is the opposite of traditional grey infrastructure where stormwater is treated as a waste. As one sees throughout our developed landscapes, stormwater falls onto rooftops and roadways which quickly accumulates in volume and is dumped into our waterways. The result is that our urban streams are generally not fishable or swimmable.

Continued on page 5:

QLP Applications & Review

Knoxville		
	Receipt	5/15/2012
	EFO Conference	5/22/2012
	EFO & City Conference	6/5/2012
Washington County		
	Receipt	06/05/12
	EFO Conference	06/14/12
	EFO & City Conference	06/26/12
Bristol		
	Receipt	06/05/12
	EFO Conference	06/07/12
	EFO & City Conference	06/14/12
Mt. Carmel		
	Receipt	06/05/12
	EFO Conference	06/07/12
	EFO & City Conference	06/20/12
	Withdrawal from applicant list	07/24/12
Knox County		
	Receipt	06/29/12
	EFO Conference	07/18/12
	EFO & City Conference	07/20/12
Bradley Co		
	Receipt	07/09/12
	EFO Conference	07/17/12
	EFO & City Conference	08/01/12
Cookeville		
	Receipt	07/17/12
	EFO Conference	07/30/12
	EFO & City Conference	08/06/12

APPENDIX “B”

B-1	News Release Johnson City Press Online	Page 19
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State OKs Washington County to offer single stormwater permit system (Johnson City Press/Gray)

<http://www.johnsoncitypress.com/News/article.php?id=104371#ixzz2ItVJuTcc>

Washington County's Zoning Administrator's Office and its staff have come through a state pilot program at the top of the class, becoming the first local government in Tennessee to qualify to administer its own stormwater permitting program. The bottom line is the new situation likely will help put revenue into the business three months faster, giving a startup company a better chance of survival. Residential contractors also should be able to begin building and selling lots up to three months faster, decreasing the amount of interest paid on the project. Basically, it will speed up development, increase the tax base and make Washington County more competitive.



Washington County Zoning Administrator Mike Rutherford and Troy Ebbert, special projects coordinator, show impact of local QLP local stormwater permitting

On Oct. 9, the Tennessee Department of Environment and Conservation announced that Washington County was one of the first five communities to participate in its new Qualifying Local Program in which the main goal is to hand over stormwater permitting to the county and cut a two-permit system in half. The peeling away of red tape is expected to improve relationships with developers, quicken the intake of revenue and better filter water runoff.



The county's Zoning Administrator's Office exceeded state expectations, beating the other pilot programs set up in Bristol, Knoxville, Cookeville and Knox County to the punch. "We start February 1, and the good news for developers is that you no longer will have to deal with both the county and TDEC," Zoning Administrator Mike Rutherford said Tuesday while he and his staff discussed strategies. "This also allows for a more personal touch. And, it's not really an additional load; it's a relief. It enables us to get to the root of the problem faster."

When plans for a subdivision roll in, developers must include methods by which erosion is controlled. The state mandates that on-site water detention must be created so that runoff to neighboring properties is no more than it was before the development is in place. As material leaves job sites, runoff will pick up contaminants no matter where it goes, so sedimentary ponds and silt fences are used.

But the new status will cut the time from the approval of the project to the grand opening by up to 90 days, said Troy Ebbert, a special projects coordinator who will now begin dealing more specifically with the county's stormwater issues. "This will eliminate additional effort for construction site operators and developers by providing only one set of requirements," Ebbert said. "If we have a business or industry that wants to come in, we can help get the doors open quicker."

Developers doing projects in Johnson City and Jonesborough still must deal with both TDEC and these cities to complete the permitting process. They will have to become participants in the program to be considered for the single-permit status. When a developer begins the process of turning in plans, they must include methods by which both the volume and quality of stormwater are controlled. The first application is made to TDEC's field office in Johnson City. The developer pays the required fees, and TDEC reviews and approves the plans.

But the developer then must submit the same plans to the county, pay up again and wait for a grading permit. At this point, which is at the very front end, the developer has had to meet with two regulatory agencies in order to start the project. *Now they will work only with the Zoning Administrator's Office.*

The EPA mandates water quality standards to the states, and the mandates trickle downhill from there to the county. It's a water-quality issue that comes from Washington, D.C., to Washington County. The state mandates that the county do a lot of legwork, but these things were being done twice: two sets of plans, two meetings to get instructions, so the decision now is to turn the permitting over to local governments.

The county has been performing stormwater permitting since 2003. But the new program, a joint effort by the federal Environmental Protection Agency and TDEC, is aimed at educating stockholders and allowing the county to streamline the process and concentrate on sources in the community causing erosion or pollution — in this case, industry, construction sites and farms.

County Mayor Dan Eldridge and county commissioners plan to recognize Rutherford and his staff Monday night at the County Commission meeting for distinguishing themselves.

<http://www.johnsoncitypress.com/News/article.php?id=104371#ixzz2ItVJuTcc>



Northeast Tennessee
 Tennessee Construction General Permit (TNCGP)
**Qualifying Local Programs
 (QLPs)**

City of Bristol *Fully Active as of March 1, 2013*
Washington County *Fully Active as of February 1, 2013*

Attention Developers/Contractors: The City of Bristol and Washington County are considered Qualifying Local Programs (QLPs). QLPs administer the state's Construction General Permit (TNCGP) as part of its local review and approval process.

If a construction activity 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 stormwater associated with construction activity under General NPDES Permit for Discharges of Stormwater Associated with Construction Activities Permit without submittal of an NOI to the division. *

The QLP program eliminates the duplication of effort at the state and local level in the current stormwater permitting process. The program is designed to build efficiencies in how construction stormwater permits are issued and to improve overall water quality.

**Other required permits, such as Aquatic Resource Alteration Permits, will continue to be handled by TDEC.*

QLP Contact information:

QLP	Stormwater Manager	Phone #	Email Address
Bristol	Tim Beavers, P.E.	423-989-5566	TBeavers@bristoltn.org
Washington County	Mike Rutherford	423-753-1753	mrutherford@wctndevopmentservices.org

For more information about the QLP program or the TNCGP, please visit TDEC's website at: <http://www.tn.gov/environment/wpc/stormh2o/qlp.shtml> or contact Brown Patton at 423-854-5458 or Brown.Patton@tn.gov.



Washington County QLP



City of Bristol QLP

APPENDIX “C”

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C-4	Tennessee House of Representatives Proclamation Recognizing Washington County QLP Status	Page 27



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Office Receives Recognition for QLP Status

Submitted by [cpepe](#) on Mon, 01/28/2013 - 14:14



(From Left to Right: Mark Braswell, TOGC, Troy Robert, Benjamin Downey, Larry McInney, Michael P. Rutherford, Christopher A. Page, Scott Chapman, Jeff Horton, TOGC, Brown Patton, TOGC)

This morning the Washington County, Tennessee Zoning Office received formal recognition from the Washington County, Tennessee Board of County Commissioners thru Proclamation, state of Tennessee House of Representatives thru Proclamation and via congratulatory letter from the office of the Lieutenant Governor, Ron Ramsey for its participation in the Qualified Local Program and becoming the first government entity in the state of Tennessee to be recognized as a fully functional Qualified Local Program. Washington County, Tennessee has formally strived to reduce red tape and improve the performance of government being engaged by all citizens both private and corporate. Washington County, Tennessee is set to begin formally issuing permits in accordance to the Qualified Local Program beginning on February 1, 2013.



(County Commissioner Pete Sperogulos presenting the proclamation to the Zoning Administrator and staff)

- [House of Representatives Proclamation](#)
- [Lieutenant Governor Letter](#)
- [Washington County Commission Proclamation](#)

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State OKs Wash. Co. to offer single stormwater permit system

Published January 23, 2013
By Gary B. Gray - Press Staff Writer



Washington County's Zoning Administrator's Office and its staff have come through a state pilot program at the top of the class, becoming the first local government in Tennessee to qualify to administer its own stormwater permitting program.

The bottom line is the new situation likely will help put revenue into the business three months faster, giving a startup company a better chance of survival. Residential contractors also should be able to begin building and selling lots up to three months faster, decreasing the amount of interest paid on the project. Basically, it will speed up development, increase the tax base and make Washington County more competitive.

On Oct. 9, the Tennessee Department of Environment and Conservation announced that Washington County was one of the first five communities to participate in its new Qualifying Local Program in which the main goal is to hand over stormwater permitting to the county and cut a two-permit system in half. The peeling away of red tape is expected to improve relationships with developers, quicken the intake of revenue and better filter water runoff.

The county's Zoning Administrator's Office exceeded state expectations, beating the other pilot programs set up in Bristol, Knoxville, Cookeville and Knox County to the punch.

"We start February 1, and the good news for developers is that you no longer will have to deal with both the county and TDEC," Zoning Administrator Mike Rutherford said Tuesday while he and his staff discussed strategies. "This also allows for a more personal touch. And, it's not really an additional load; it's a relief. It enables us to get to the root of the problem faster."

When plans for a subdivision roll in, developers must include methods by which erosion is controlled. The state mandates that on-site water detention must be created so that runoff to neighboring properties is no more than it was before the

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development is in place. As material leaves job sites, runoff will pick up contaminants no matter where it goes, so sedimentary ponds and silt fences are used.

But the new status will cut the time from the approval of the project to the grand opening by up to 90 days, said Troy Ebbert, a special projects coordinator who will now begin dealing more specifically with the county's stormwater issues.

"This will eliminate additional effort for construction site operators and developers by providing only one set of requirements," Ebbert said. "If we have a business or industry that wants to come in, we can help get the doors open quicker.

Developers doing projects in Johnson City and Jonesborough still must deal with both TDEC and these cities to complete the permitting process. They will have to become participants in the program to be considered for the single-permit status.

When a developer begins the process of turning in plans, they must include methods by which both the volume and quality of stormwater are controlled. The first application is made to TDEC's field office in Johnson City. The developer pays the required fees, and TDEC reviews and approves the plans.

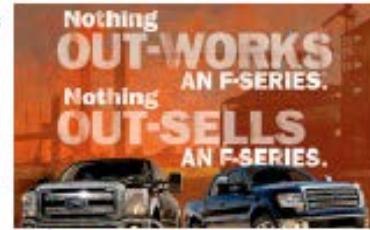
But the developer then must submit the same plans to the county, pay up again and wait for a grading permit. At this point, which is at the very front end, the developer has had to meet with two regulatory agencies in order to start the project.

Now they will work only with the Zoning Administrator's Office.

The EPA mandates water quality standards to the states, and the mandates trickle down hill from there to the county. It's a water-quality issue that comes from Washington, D.C., to Washington County. The state mandates that the county do a lot of legwork, but these things were being done twice: two sets of plans, two meetings to get instructions, so the decision now is to turn the permitting over to local governments.

The county has been performing stormwater permitting since 2003. But the new program, a joint effort by the federal Environmental Protection Agency and TDEC, is aimed at educating stockholders and allowing the county to streamline the process and concentrate on sources in the community causing erosion or pollution — in this case, industry, construction sites and farms.

County Mayor Dan Eldridge and county commissioners plan to recognize Rutherford and his staff Monday night at the County Commission meeting for distinguishing themselves.



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**OFFICE OF THE LIEUTENANT GOVERNOR
SPEAKER OF THE SENATE**

January 25, 2013

Washington County Zoning Office
Michael P. Rutherford
Zoning Administrator
100 E. Main St. Suite 103
Jonesborough, TN 37659

I would like to extend my sincere congratulations to you and your team at the Washington County Zoning Office for being the first local government in Tennessee to complete TDEC's new stormwater qualifying pilot program.

My career in public service has been dedicated to making government more efficient, responsive and open to promoting economic growth. By taking the steps to administer your county's own stormwater permitting program, you have improved customer service and allowed both state and local authorities to allocate resources where they are most needed. This is a very significant achievement.

The streamlining of this process is good government but it also good for business. An effective stormwater program results in greater water quality protection but also results in quicker permits. Simply put, your efforts promote economic growth and jobs in Washington County by allowing construction and development to happen faster and more efficiently. Washington County is lucky to have industrious and forward-thinking public servants like you looking out for them.

Congratulations again to you and your team and thank you for your service to Washington County and the state of Tennessee.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Ramsey".

Ronald L. Ramsey
Lieutenant Governor, State of Tennessee

State of Tennessee



House of Representatives

Proclamation

Whereas, it is fitting that the members of this General Assembly should salute those citizens who, through their extraordinary efforts, have distinguished themselves as community leaders of whom we can all be proud; and

Whereas, on January 28, 2013, Washington County Zoning Administrator Mike Rutherford will be honored by County Mayor Dan Eldridge and county commissioners for successfully leading his staff through the completion of the state Qualifying Local Program; and

Whereas, the Qualifying Local Program aims to streamline the stormwater permit process by giving local governments more authority, resulting in improved relationships with developers, increased revenue, better filter water runoff, and more focus on reducing erosion and pollution from industry, construction, and agriculture; and

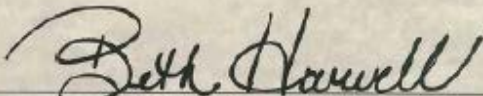
Whereas, thanks to the stalwart leadership of Mr. Rutherford, Washington County has completed the program at the top of the class and qualified as the first local government in Tennessee to begin administering its own stormwater permitting program; and

Whereas, the dedication and determination of Mike Rutherford and his staff will encourage development, increase revenue, and give Washington County the competitive edge it needs; and

Whereas, the success of the State of Tennessee, the strength of our communities, and the overall vitality of our society depend, in great measure, on the dedication of people like Mike Rutherford, who use their considerable talents and resources to improve our quality of life; now, therefore,

I, Beth Harwell, Speaker of the House of Representatives of the One Hundred Eighth General Assembly of the State of Tennessee, at the request of and in conjunction with Representative Matthew Hill, do hereby proclaim that we honor and commend Washington County Zoning Administrator Mike Rutherford upon his successful completion of the state Qualifying Local Program, congratulate him and his staff on a job well done, and extend to them our best wishes for every future success.

Proclaimed in Nashville, Tennessee on this the 25th day of January, 2013.


SPEAKER OF THE HOUSE OF REPRESENTATIVES


MATTHEW HILL, REPRESENTATIVE
7TH HOUSE DISTRICT

APPENDIX “D”

- | | | |
|------------|--|----------------|
| D-1 | E-mail from TDEC’s Robert Karesh to Knoxville MS4 with Full Status QLP Notification Letter Attachment | Page 29 |
| D-2 | Knoxville Full Status QLP Notification Letter | Page 30 |

From: Robert Karesh <Robert.Karesh@tn.gov>
Sent: Monday, February 25, 2013 8:13 AM
To: David Haqerman (dhaqerman@cityofknoxville.org)
Cc: Jennifer Watson; Michael Atchley; Chris P. Thompson
Subject: Knoxville Full Status QLP Ltr
Attachments: Full Status QLP Ltr - Knoxville.pdf

Hi David. I've attached a copy of your full status QLP notification letter. The original will be mailed today. You'll be able to issue coverage's starting March 1. We're excited for you and the program, and appreciate your hard work. Thanks, robby

Robert Karesh
Statewide Stormwater Coordinator
TDEC Division of Water Resources
6th FL. L&C Annex, 401 Church St.
Nashville, TN 37243-1534
(615) 253-5402

D-2



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
401 CHURCH STREET 6TH FLOOR L&C ANNEX
NASHVILLE, TENNESSEE 37243-1534

February 25, 2013

David Hagerman, P.E.
Stormwater Engineering Division
400 Main Street, Suite 480
Knoxville, TN 37902

RE: QLP Provision Period Completion
City of Knoxville MS4

Dear Mr. Hagerman,

Congratulations! This correspondence serves as notification that the City of Knoxville MS4 program has successfully completed the provisional period of the Qualifying Local Program (QLP) application process. The City of Knoxville is now considered to have full QLP status and may begin issuing QLP-based construction stormwater permits March 1, 2013.

As noted previously, we envision stakeholder education as critical to the success of a smooth transition from an MS4 to QLP. Therefore, please continue your efforts to educate and assist stakeholders as they move from a dual permit system to a single permit system administered by your QLP.

Thank you very much for your interest in such an important program, and the dedication and hard work you've invested in reaching full QLP status. We look forward to working with you and your staff to promote the quality of our state's waters.

Sincerely,

Sandra K. Dudley, Ph.D., P.E.
Director

Cc: Michael Atchley, Knoxville Environmental Field Office QLP Coordinator

APPENDIX ‘E’

E-1	CGP Fee and QLP procedures for TDEC Staff	Page 32
E-2	Flowchart for Receiving for Receiving CGP NOI, SWPPP, and Fee for a Site in a QLP	Page 33
E-3	Refund Claim Form	Page 34
E-4	Announcement for Release of the New Edition of the <i>Tennessee Erosion Prevention and Sediment Control Handbook</i>	Page 35
E-5	New Guidance Resource for MS4’s <i>CGP Fact Sheet</i>	Page 36
E-6	QLP Talking Points	Page 37



Fact Sheet: CGP Fee and QLP Procedures for EFO Administrative Staff

What is a Qualifying Local Program (QLP)?

Under federal and state codes TDEC can formally recognize an MS4 as a Qualifying Local Program (QLP) if that MS4 has demonstrated that its construction stormwater program meets or exceeds the provisions of the Tennessee Construction General Permit (CGP).

The QLP program is expected to:

- Eliminate duplication of the effort between state and local construction stormwater programs,
- Simplify requirements for construction site operators, and
- Promote effective Erosion Prevention and Sediment Control (EPSC) programs resulting in the improved protection our state's waters.

The 5 new QLPs had a 6 month provisional period to implement required minimum program elements, educate stakeholders, and prepare the development community for transition from a dual permit system to a single permit system administered by the QLP. The 5 QLP cities all became active by April 1, 2013, and include:

Bristol
Cookeville
Knoxville
Knox County
Washington County

TDEC will no longer be accepting applications for coverage under a CGP for sites located in a QLP. Any walk-in, mailed, and emailed applications will be returned and any processed checks will be refunded.

The Administrative Staff will work with the QLP Coordinators at the Environmental Field Offices to fill out refund form [FA-0765](#) for checks processed for construction sites located in a QLP. These refund forms and associated paperwork will be delivered to Vidya Bhupathiraju with Fiscal for processing. Refund checks will be mailed out within 30-45 days. Vidya may be reached at: 615-253-6242 or Vidya.Bhupathiraju@tn.gov

The QLP Coordinators at each office are:

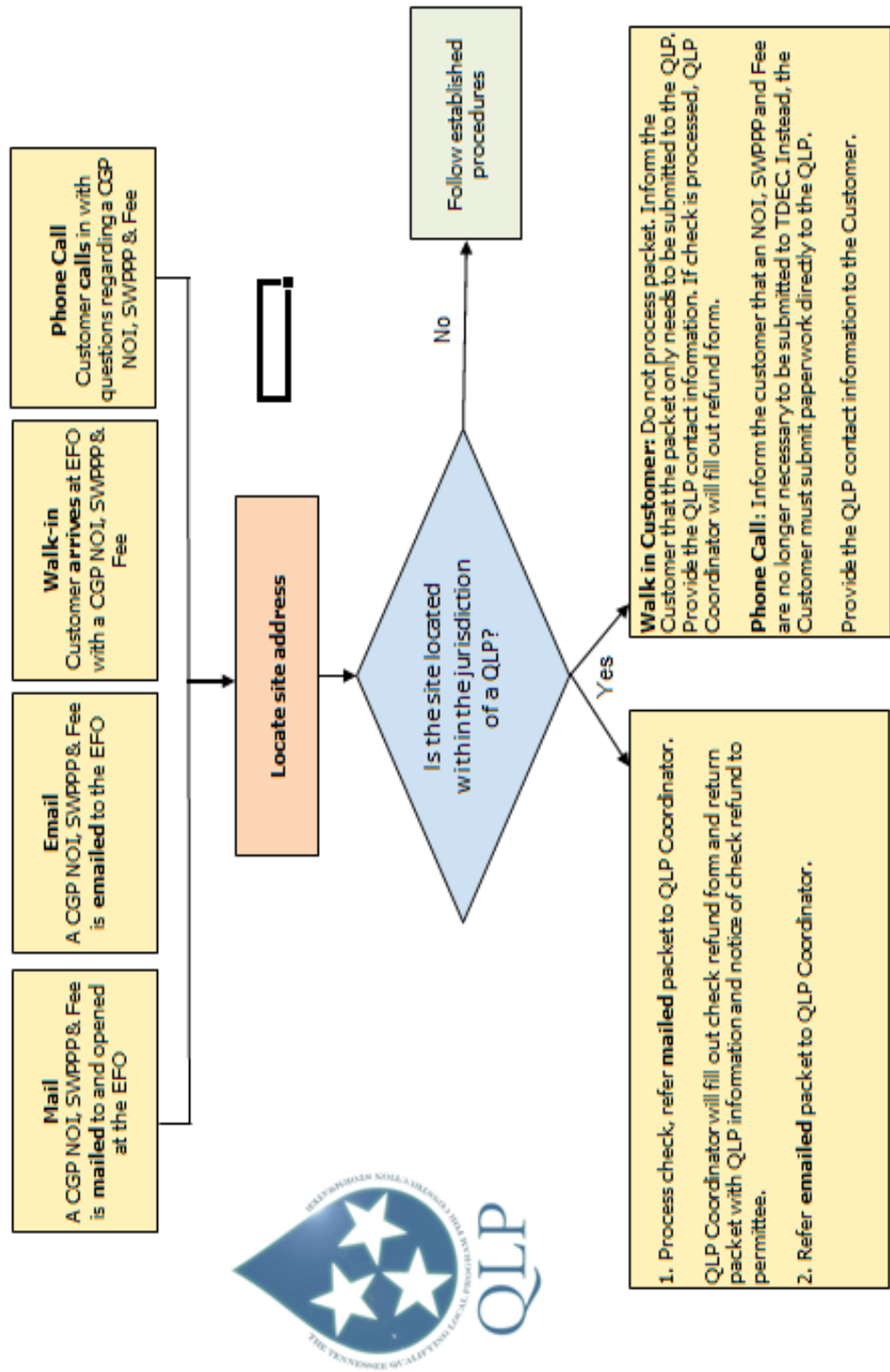
EFO	QLP Coordinator	EFO	QLP Coordinator
Memphis	Joellyn Brazile	Cookeville	Karina Bynum
Jackson	Ben Matthews	Chattanooga	Jason Dees
Nashville	Ann Morbitt	Knoxville	Michael Atchley
Columbia	Ryan Owens	Johnson City	Brown Patton

Additional information on the QLP may be found: <https://www.tn.gov/environment/wps/portal/qlp/qlp.html>





Procedures to follow when receiving a CGP NOI, SWPPP, & Fee For a Site in a QLP



E-2



E-3

Refund Number: _____

STATE OF TENNESSEE
CLAIM FOR REFUND

Department _____

Agency _____ Allotment Code _____

Refund Payable to:

Name _____

Address _____

Amount to be Refunded: \$ _____

Receipt No.: _____ Date Received: _____

CD Control No.: _____ Date Deposited: _____

Agency CD No.: _____ Account Code of CD Deposit: _____

← Don't sign

Reason for Refund: _____

I hereby approve the above refund and certify that the payee owes no other monies to this department.

Prepared by: _____ Date: _____

Approved by: ← Don't sign

Date: _____

Written Request for refund should be attached, if applicable.

Refunds of \$1,000 or more must be approved by the Attorney General.

Approved by: _____ Date: _____
Attorney General or Designee

From: Jennifer Watson <Jennifer.Watson@tn.gov>
Sent: Monday, September 17, 2012 7:20 AM
To: Jennifer Watson
Subject: New Tennessee Erosion & Sediment Control Handbook now available!

Good Morning!

We are pleased to announce that the 4th Edition of the [Tennessee Erosion & Sediment Control Handbook](#) is now available. We are excited to add that we have included Tennessee-specific and editable [standard drawings](#) available for download in Auto-CAD for use in designing SWPPPS. We also have included native vegetation preferences in our permanent stabilization section (Section 7.9 of the handbook)

<http://www.tnepsc.org/handbook.asp>

Please note the following guidelines for new & active sites:

- 1) Activities that currently have Construction General Permit (CGP) coverage, and will not be completed by October 15, 2013, must revise and implement the site SWPPP as applicable in accordance with the fourth edition of the Handbook.
- 2) Construction activities seeking CGP coverage after October 15, 2012 must develop the site SWPPP in accordance with the fourth edition of the Handbook.

Jen

Jennifer Watson

Stormwater Section

Division of Water Resources

Tennessee Department of Environment & Conservation

(615) 532-0359

Jennifer.Watson@tn.gov

<http://www.tn.gov/environment/wpc/>





Tennessee NPDES General Permit for Discharges of Stormwater Associated with Construction Activities (CGP) FACT SHEET

Permit Effective Date: May 24, 2011—May 23, 2016

October 2012 Page 1

Inside this Fact Sheet

Background Regulation Info	(pg.1)
SWPPPs	(pg.1)
Sites on Impaired & ETWs	(pg.1)
Fees	(pg.1)
Sediment basins	(pg.2)
Site Assessments	(pg.2)
Erosion & Sediment Control Handbook	(pg.2)
Level I & II Certification	(pg.2)
Water Quality Buffers	(pg.2)

Basic Application Requirements

Submittal of a complete Notice of Intent (NOI), a SWPPP and an appropriate permitting application fee (if applicable) are required to obtain coverage under the CGP.

After receiving a Notice of Coverage (NOC), it must be posted on-site along with the SWPPP and other required items.

Permit Application Fees

Site equal to or greater than 150 acres	\$7500
Project equal to or greater than 50 acres and less than 150 acres	\$4000
Project equal to or greater than 5 acres and less than 50 acres	\$1000
Project equal to or greater than 1 acre and less than 5 acres	\$250

Stabilization Practices

Temporary or permanent soil stabilization at the construction site must be completed no later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.

Steep slopes (a natural or created slope of 35% grade or greater) shall be temporarily stabilized not later than 7 days after construction activity on the slope has temporarily or permanently ceased.

CGP Webpage:

<http://www.tn.gov/environment/permits/conststrm.shtml>

Federal & State Stormwater Permit Background Information

On November 16, 1990, EPA issued an NPDES rule (Phase I) that required a wide range of industrial activities to obtain permits to discharge storm water runoff. Category ten (x) from the extensive definition of "storm water discharges associated with industrial activity," (promulgated by the EPA in 40 CFR §122.26(b)(14)) includes construction activity, identified as following:

"construction activity including clearing, grading and excavation activities except operations that result in the disturbance of less than five acres of total land area and which are not a part of a larger common plan of development or sale"

In December 1999, EPA finalized the "Phase II" regulations, which require controls on stormwater discharges from a broader sector of municipalities, industries, and construction sites. In March 2003, Phase II regulations came into effect, and extended coverage to construction activities (including other land-disturbing activities) that disturb one to five acres in size, including even smaller sites (<1 acre) that are part of a larger common plan of development or sale.

Stormwater Pollution Prevention Plan (SWPPP)

A SWPPP is a written plan that includes the following:

- Site map(s),
- An identification of construction/contractor activities that could introduce pollutants to the stormwater, and
- A description of Erosion Prevention Sediment Control (EPSC) measures or practices to control these pollutants.
- Erosion Control Plan

It must be prepared and submitted before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, maintained and be consistent with the [Tennessee Erosion and Sediment Control Handbook](#).

Additional requirements for construction sites located along Impaired or Exceptional Tennessee Waters (ETW) CGP Section 5.4.1

- SWPPP must certify that EPSCs are designed to control storm runoff generated by a 5-year, 24-hour storm event
- The SWPPP must be prepared by a person who has completed the department's EPSC Level II Design course
- For an on-site outfall in a drainage area of a total of 5 or more acres, a minimum sediment basin volume that will provide treatment for a calculated volume of runoff from a 5-year, 24-hour storm and runoff from each acre drained, shall be provided until final stabilization.

Typical Construction Site Operators

"Operator" for the purpose of this permit and in the context of stormwater associated with construction activity, means any person associated with a construction project that meets either of the following two criteria:

- This person has operational or design control over construction plans and specifications, including the ability to make modifications to those plans and specifications. This person is typically the owner or developer of the project or a portion of the project, and is considered the primary permittee; or
- This person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions. This person is typically a contractor or a commercial builder who is hired by the primary permittee, and is considered a secondary permittee.



Tennessee NPDES General Permit for Discharges of Stormwater Associated with Construction Activities (CGP) FACT SHEET *(continued)*

October 2012 Page 2

Tennessee Erosion and Sediment Control Handbook.

<http://tnepsc.org/handbook.asp>

This handbook provides information to planners, developers, engineers, and contractors on the proper selection, installation, and maintenance of BMPs. It also aids in the development of SWPPPs and other reports, plans, or specifications required by Tennessee's water quality regulations.

Standard Tennessee-specific drawings for Auto-CAD are downloadable from this site for use in developing SWPPPs.

Level I & Level II Course Registration Information

Class information and registration for both Level I & Level II courses may be found at: <http://tnepsc.org/>

Project Phasing

Construction phasing is required on all projects regardless of size as a major practice for minimizing erosion and limiting sedimentation.

Construction must be phased to keep the total disturbed area less than 50 acres at any one time. Areas of the completed phase must be stabilized within 14 days

MS4 Water Quality Buffer Requirements

Municipal Separate Storm Sewer Systems (MS4s) may require a larger buffer than what the CGP requires, which would also be a permanent buffer even after construction is complete. Check with the local MS4 to make sure the site has met this requirement.

WPC Permits Data Viewer

<http://www.tn.gov/environment/wpc/dataviewer/>

Sediment basins

A sediment basin typically consists of a forebay cell, dam, impoundment, permanent pool, primary spillway, secondary or emergency spillway, wet & dry storage and surface dewatering device. The size and shape of the basin depends on the location, size of drainage area, incoming runoff volume and peak flow, soil type and particle size, land cover, and receiving stream classification (i.e., impaired, ETW, or unimpaired).

For an on-site outfall which receives drainage from 10 or more acres, a minimum sediment basin volume that will provide treatment for a calculated volume of runoff from a 2 year, 24 hour storm and runoff from each acre drained, or equivalent control measures as specified in the Handbook, shall be provided until final stabilization of the site. A basin is also required when there is 5 acres of common drainage if the site discharges into a stream that is impaired or an ETW (or upstream of such waters).

Sediment should be removed when 50% of the storage capacity has been filled with sediment. Chemical treatment of the water in the basin might be necessary when clay and other fine particle soils are present.

Site Assessments and Twice-Weekly Inspections

Quality assurance of erosion prevention and sediment controls shall be done by performing site assessments at the construction site. The site assessment shall be conducted at each outfall involving drainage totaling 10 or more acres (or 5 or more acres if draining to an impaired or exceptional quality waters), within a month of construction commencing at each portion of the site that drains the qualifying acreage of such portion of the site.

The site assessment shall be performed by individuals with following qualifications:

- A licensed professional engineer or landscape architect;
- A Certified Professional in Erosion and Sediment Control (CPESC) or
- A person that successfully completed the "[Level II Design Principles for Erosion Prevention and Sediment Control for Construction Sites](#)" course

Inspectors performing the required twice weekly inspections must have an active certification by completing the "[Fundamentals of Erosion Prevention and Sediment Control Level I](#)" course. The schedule of inspections may be reviewed in Section 3.5.8.2. of the CGP.

Temporary Water Quality Buffer Zones

Section 4.1.2 states that an average 30 foot buffer is required for all streams adjacent to or within a construction site. The minimum width of the buffer is 15 feet. This buffer zone also applies to other protected state waters such as wetlands and some lakes.

Section 5.4.2 states that an average 60 foot buffer is required if a stream adjacent to or within a construction site is considered impaired or an Exceptional Tennessee Water (ETW). The minimum width of the buffer is 30 feet. Check out <http://tnmap.tn.gov/wpc/> to determine if the stream is impaired or an ETW.

Section 5.4.2.1 This section details when a buffer is not required based on certain land uses that will remain in place. Basically if the site already contains an area such as a parking lot, building, roadway, etc. within what should be the buffer zone, those already constructed areas do not have to be altered as long as vegetation is not removed from what is existing. If the existing land use (for example a parking lot) is proposed to be converted to another use or removed, the buffer zone requirements apply.

If a buffer cannot be provided, BMPs providing equivalent measures may be used, but the justification must be provided in the SWPPP. Projects where a buffer would typically not be able to be retained include sewer line installations, roadway construction, utility line or equipment installation, greenway construction or construction of permanent outfalls or velocity dissipating structures.



Qualifying Local Program Talking Points

What is a Qualifying Local Program (QLP)?

Under federal and state codes TDEC can formally recognize an MS4 as a Qualifying Local Program (QLP) if that MS4 has demonstrated that its construction stormwater program meets or exceeds the provisions of the Tennessee Construction General Permit (CGP).

The QLP program is expected to:

- Eliminate duplication of the effort between state and local construction stormwater programs,
- Simplify requirements for construction site operators, and
- Promote effective Erosion Prevention and Sediment Control (EPSIC) programs resulting in the improved protection our state's waters.

The initial phase of the QLP program included a pilot period that ran from June 1, 2012 – June 30, 2013. Pilot QLPs had a 6 month provisional period to implement required minimum program elements, educate stakeholders, and prepare the development community for transition from a dual permit system to a single permit system administered by the QLP.

The 5 pilot cities are now active QLPs and include:

Bristol
Cookeville
Knowville
Know County
Washington County

General Qualifying Local Program Info:

The QLP program was developed through an EPA grant funded stakeholder driven process, with the intent of creating an effective program that incentivizes participation. Resultant incentives include:

- Streamlined QLP minimum requirements,
- A standardized interagency enforcement protocol, and
- Recognition of QLP status as an alternative measurement of MS4 [\(COPC\)](#) effectiveness.





Page 2

The QLP will administer the state's CGP. This means that a developer/contractor developing a site located within the jurisdiction of a QLP will only submit a Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) and appropriate fee (as determined by the QLP) to the QLP. The developer/contractor will not have to submit an additional fee and/or the same documents to TDEC for review.

After review and approval, the QLP will provide the ~~operator~~ a Notice of Coverage (NOC) that states that the ~~operator~~ must abide by both the QLP's stormwater ordinances and the requirements of the state's CGP. The operator of the construction activity is then authorized to discharge under the CGP without the submittal of an NOI, Notice of Termination (NOT) or permit fee to TDEC.

QLP Pilot Program general info:

All the Pilot QLPs became active QLPs by April 1, 2013.

TDEC will no longer be accepting applications for coverage under a CGP for sites located in a QLP city. Any walk-in, mailed, and emailed applications to a TDEC EFO will be returned and any processed checks will be refunded.

The QLP Coordinators at each office are:

EFO	QLP Coordinator	EFO	QLP Coordinator
Memphis	Jocelyn Gracie	Cookeville	Karina Bynum
Jackson	Ben Matthews	Chattanooga	Jason Dees
Nashville	Ann Morlett	Knoxville	Michael Archley
Columbia	Ryan Owens	Johnson City	Brown Patton

Additional detailed/specific background info:

The promulgation of the Phase I and II National Pollutant Discharge Elimination System (NPDES) stormwater regulations established federal requirements for state and municipal control of stormwater runoff from construction activity. As a result, the division was required to develop NPDES permits to regulate stormwater discharges associated with construction activity, such as the General Permit for Discharges of Stormwater Associated with Construction Activities (CGP). Municipalities identified as a regulated MS4 were required to develop programs, consistent with the CGP, to address construction site runoff within their jurisdictions.

Page 3

Per CFR 122.44(j) and T.C.A. 959-3-149 the division can formally recognize an MS4 as a QLP that has been shown to meet or exceed the provisions of the CGP. If a construction site has submitted a program specific Notice of Intent (NOI) to a participating QLP, and has obtained a notice of coverage (NOC), the operator of the construction activity is authorized to discharge





under the CGP without the submittal of a NOI, Stormwater Pollution Prevention Plan (SWPPP), or related permit fees to the division.

In order to qualify to be a QLP, an MSA program must also include the following:

Regulated MSAs must implement and maintain a construction site stormwater runoff control program that addresses stormwater runoff from construction activities, as identified in [Sub-section 4.2.4](#) of the MSA general permit which includes:

1. Requirements for construction site operators to prepare and submit an NOI, and related comprehensive SWPPP, as identified in Section 3 (SWPPP Requirements) of the CGP,
2. Specific procedures for SWPPP review, approval and NOC issuance,
3. Requirements for construction site operators to perform inspections as identified in Sub-section 3.5.6, and site assessments as identified in Sub-section 3.1.2, of the CGP,
4. A system for reporting to the division, information related to construction sites authorized by the QLP.

A QLP program must also include the following:

5. Requirements for construction site operators to prepare and submit an NOI, and related comprehensive SWPPP, as identified in Section 3 (SWPPP Requirements) of the CGP,
6. Specific procedures for SWPPP review, approval and NOC issuance,
7. Requirements for construction site operators to perform inspections as identified in Sub-section 3.5.6, and site assessments as identified in Sub-section 3.1.2, of the CGP,
8. A system for reporting to the division, information related to construction sites authorized by the QLP.

The QLP program is expected to eliminate duplication of the effort between state and local construction stormwater programs, and simplify requirements for construction site operators:

- a. The benefit to the development community is the capability to submit only one set of plans to the QLP itself resulting in:
 - i. Cost savings, and
 - ii. Time savings
- b. No submittal requirement to State of Tennessee for any construction site within the jurisdiction of a QLP including:
 - i. Notice of Intent (NOI),
 - ii. Storm Water Pollution Prevention Plan (SWPPP),
 - iii. Notice of Termination (NOT), or
 - iv. Fee

Page 4



**Tennessee QLP Bill****T.C.A. §22-2-148**

Representative Ryan Williams proposed a QLP bill that became law this past legislative Session.

The bill states the following:

- (a) The department may establish a program under which municipal separate storm sewer systems may become qualified local programs allowing for the streamlining of permits for construction activity as provided in this section.
- (b) The department may review and approve applications from municipal separate storm sewer systems to become qualified local programs. The requirements for being a qualified local program shall be those required by federal regulation together with a system acceptable to the department for sharing information as to the construction sites authorized by the qualified local program.
- (c) The department may incorporate by reference the requirements of a qualified local program for construction activity in its general permit.
- (d) An operator of a construction site located within the jurisdiction of a qualified local program under subsection (b) who has obtained a notice of coverage from such program shall be authorized under the department's general permit for storm water associated with construction activity for that site and shall not have to submit any of the following to the department:
 - (1) Notice of Intent to seek coverage under a storm water construction permit;
 - (2) Storm water pollution prevention plan;
 - (3) Storm water construction permit fee; or
 - (4) Notice of termination. the department may establish a program under which municipal separate storm sewer systems may become qualified local programs allowing for the streamlining of permits for construction activity as provided in this section.

Additional information on the QLP may be found:

<http://www.tn.gov/environment/t/water/Storm%20H2O/qjp.htm>



