



State of Tennessee  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**  
**DIVISION OF WATER RESOURCES**

William R. Snodgrass - Tennessee Tower  
312 Rosa L. Parks Avenue, 11th Floor  
Nashville, Tennessee 37243-1102

**CERTIFIED MAIL RETURN RECEIPT**  
**# 7019 1120 0000 1631 0251**

September 28, 2021

Mr. Eric Stuckey  
City Administrator  
e-copy: [eric.stuckey@franklintn.gov](mailto:eric.stuckey@franklintn.gov)  
109 3rd Avenue South  
PO Box 305  
Franklin, TN 37065

Subject: **Small Municipal Separate Storm Sewer System Program Audit**  
**National Pollutant Discharge Elimination System**  
**NPDES Permit Tracking No. TNS075311**  
**Franklin**  
**Williamson County, Tennessee**

Dear Mr. Stuckey:

On August 31<sup>st</sup>, and again on September 1<sup>st</sup>, 2021, Brown Patton, Brandon Yates and Tom Buchanan with the Tennessee Department of Environment and Conservation, Division of Water Resources (Division), conducted an audit of the Franklin's Municipal Separate Storm Sewer System (MS4) Program, as well as the Qualified Local Program (QLP) components of the program. The purpose of the audit was to determine compliance with the *NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems* (permit). During the virtual portion of the audit, Division staff met with Jeff Willoughby (Stormwater Management Coordinator), Brittani Perez (Water Quality Specialist), Doug Noonan (Water Quality Specialist), Ellen Moore (Staff Engineer), and Paul Holzen (City Engineer) for the MS4 Program. The audit included a review of regulatory mechanisms, procedures and records, as well as observation of MS4 staff as they performed an inspection of projects covered under the local construction site stormwater runoff control program. Division staff also visited one municipal facility. The Division greatly appreciates the time and commitment from your staff in preparation of and during the audit. Their availability and knowledge of the program ensured the audit was conducted in an efficient manner.

**Permit**

The permit consists of six minimum control measures (MCMs) and a monitoring program. The permit was reissued and became effective on October 1, 2016 and expires on September 30, 2021. The Division issued Notice of Coverage which became effective on 1-May-17. The audit covered compliance with the reissued permit.

**Minimum Control Measure 1 - Public Education and Outreach (Permit Section 4.2.1)**

The small MS4 permit requires the implementation of a Public Education and Outreach program about the impacts of stormwater discharges on local water bodies and the steps that can be taken to reduce stormwater pollution. A public information and education (PIE) plan shall be developed as specified in the permit.

The MS4 has developed a PIE plan. Specifically, the MS4 has performed public education and outreach utilizing methods such as a stormwater webpage, social media, informational brochures and flyers, Family Day and Arbor Day events, several other education initiatives, as well as employee and local business education. Education and outreach components and documentation is tracked and maintained, including an annual evaluation of the effectiveness of these program components.

This MCM has been developed and implemented.

**Minimum Control Measure 2 – Public Involvement and Participation (Permit Section 4.2.2)**

The small MS4 permit requires the implementation of a Public Involvement/Participation program. The permit requires the permittee to develop methods for promoting public participation in stormwater-related events and to facilitate opportunities for involvement. Notification of the participation and involvement opportunities are to be posted in appropriate media.

The MS4 provides notification of stormwater program items through methods including a stormwater webpage and social media. The program includes mechanisms for the reporting of illicit discharges or other stormwater related complaints, and has provided opportunities for public involvement such as a Kids Art Festival, as well as a sponsoring partner of the Cumberland River Compact, which provides both education and involvement opportunities to the public. Documentation of public involvement and participation components are tracked and maintained.

This MCM has been developed and implemented.

**Minimum Control Measure 3 – Illicit Discharge Detection and Elimination (IDDE) (Permit Section 4.2.3)**

The small MS4 permit requires the permittee to develop, implement and enforce a plan to detect and eliminate illicit discharges into the storm sewer system. The permittee must develop and maintain a storm sewer system map, and effectively prohibit, through a regulatory mechanism, non-stormwater discharges into the storm sewer system. The permittee must also implement an appropriate Enforcement Response Plan (ERP), and educate public employees, businesses and the

general public concerning the hazards and damage to water quality associated with illicit discharges.

The MS4 has adopted the Stormwater Management Ordinance 2017-41, Title 23, Chapter 1 & 3, that prohibits illicit discharges, provided mechanisms for the public to report suspected illicit discharges, developed and maintained a storm sewer system map, and provided employee and local business illicit discharge education. The MS4 has conducted dry weather screening and hot spot mapping as their plan to detect, identify and eliminate non-stormwater discharges to their system.

This MCM has been developed and implemented.

#### **Minimum Control Measure 4 – Construction Site Stormwater Runoff Control (Permit Section 4.2.4)**

The small MS4 permit requires the development, implementation, and enforcement of a program to reduce pollutants in stormwater runoff to the stormwater system from construction activities that result in land disturbance of greater than or equal to one acre, or less than one acre if part of a larger common plan of development. In part, this MCM includes an ordinance or other regulatory mechanism to require erosion prevention and sediment controls (EPSCs), sanctions to enforce compliance, specific procedures for construction site plan review and approval, as well as specific procedures for priority construction activities, permittee inspection and compliance documentation.

The MS4 has adopted the Stormwater Management Ordinance 2017-41, Title 23, Chapter 1 & 3, that controls construction stormwater discharges, and established a plans review process and inspection program for construction projects. The ordinance requires construction site operators to implement appropriate EPSC best management practices consistent with those described in the Tennessee Erosion and Sediment Control Handbook, specifies construction buffers, and reference's the MS4's Stormwater Management Manual for requirements related to the specific design storm and special conditions

The MS4's plans review procedures included evaluation of EPSCs and specific CGP technical standards. This process includes the use of a checklist and policy procedures to ensure that all aspects of a project are reviewed.

Construction site inspection and documentation procedures were evaluated by performing a visit to Shadow Green – Phase 1, TNQ080027, and Lockwood Glenn – Section 15, TNQ080026 construction site. The MS4's inspector, Brittani Perez, demonstrated a working knowledge of erosion prevention and sediment control practices, and performed and documented a thorough and comprehensive site inspection.

This MCM has been developed and implemented.

#### **Minimum Control Measure 5 – Permanent Stormwater Management at New Development and Redevelopment Projects (Permit Section 4.2.5)**

The small MS4 permit requires the implementation of a permanent (post-construction) stormwater management program focused on removing pollutants from stormwater discharges through management practices, control techniques, and system design and engineering methods implemented to the maximum extent practicable. In part, this MCM includes an ordinance or other regulatory mechanism to address permanent stormwater pollutant management for New Development Projects, procedures for plans review and approval, procedures for conducting and tracking site inspections, and procedures to ensure permanent stormwater control measures are adequately maintained.

The Division offered an extension to all small MS4s for the full implementation of this minimum control measure. As a result, evaluating compliance was limited to documenting program elements and activities implemented at the time of the audit.

The MS4's Permanent Stormwater Management program includes a stormwater management ordinance that addresses permanent stormwater pollutant management for new development and redevelopment projects. The MS4 has also implemented procedures for plans review and approval, and procedures to track and ensure permanent stormwater control measures are properly, installed and maintained.

#### **Minimum Control Measure 6 – Pollution Prevention/Good Housekeeping for Municipal Operations (Permit Section 4.2.6)**

The small MS4 permit requires the permittee to develop and implement an operation and maintenance program that has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. The program must include operation and maintenance plans for all applicable municipal operations. In addition, an employee training program should be implemented for employees responsible for municipal operations at facilities within the jurisdiction that handle, generate and/or store materials which constitute a potential pollutant of concern for MS4s.

The MS4 has implemented an operation and maintenance program for all applicable municipal facilities and stormwater system field activities, including a training program for employees.

As part of determining compliance with this minimum control measure, the MS4's Public Works facility located on 3<sup>rd</sup> Avenue South was inspected. The operation and maintenance program appeared generally effective, and included pollution prevention best management practices (BMPs) related to equipment maintenance and material storage.

This MCM has been developed and implemented.

#### **Monitoring, Recordkeeping, and Reporting (Permit Section 5)**

Sections 5.1 and 5.2 of the permit require analytical and non-analytical monitoring to be conducted in streams with unavailable parameters for nutrients, pathogens, siltation, and habitat alteration. The monitoring program is intended to provide data that, when combined with other MS4 information, identifies and eliminates pollutant sources, and assists in determining the effectiveness of the overall MS4 program in improving water quality. Sections 5.3 and 5.4 describe record-keeping and reporting requirements, which include the submittal of an annual report by September 30<sup>th</sup> of each calendar year.

The required analytical and non-analytical monitoring has been completed. Additionally, the MS4 has submitted an annual report to the Division by September 30 of each calendar year, after submitting the report to the public for comments. Please refer to Sections 5.1, 5.2, and 5.3 of the MS4 permit for more information regarding monitoring and recordkeeping.

### **Qualifying Local Program Evaluation**

In 2017 the State of Tennessee designated the City of Franklin a qualifying local program (QLP). As a QLP the City must include requirements for construction site operators to:

- Prepare and submit a comprehensive SWPPP consistent with Section 3 of the TN CGP
- Achieve construction and development effluent guidelines consistent with Section 4, and special conditions, management practices, and other non-numeric limitations consistent with Section 5, of the CGP
- Perform construction site inspections consistent with Sub-section 3.5.8 (Inspections), and site assessments consistent with Sub-section 3.1.2, of the CGP, and
- Submit a site plan for review that incorporates consideration of potential water quality impacts.

In addition, as a designated QLP, the City must ensure that the program adopts and implements specific inspection procedures and documentation practices.

The City of Franklin has complied with submitting routine records to the division that pertain to qualifying construction activities taking place in the City's jurisdiction. The City utilizes an appropriate SWPPP checklist during plans review that incorporates consideration of potential water quality impacts.

- The City of Franklin is in compliance with the requirements set forth for Qualifying Local Programs (QLPs) in the state of Tennessee

Once again, the Division greatly appreciates the time and commitment from your staff in preparation of and during the audit. Compliance with permit requirements helps ensure discharges are protective of water quality. If you have any questions or concerns with regard to the MS4 permit or this audit, please contact me at 423-854-5458 or via email at [Brown.Patton@tn.gov](mailto:Brown.Patton@tn.gov).

Sincerely,



Brown Patton  
Division of Water Resources

CC: Jeff Willoughby, Stormwater Management Coordinator, [Jeff.Willoughby@franklintn.gov](mailto:Jeff.Willoughby@franklintn.gov)  
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