



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
Johnson City Environmental Field Office
2305 Silverdale Road
Johnson City, Tennessee, 37601
Phone 423-854-5400 Statewide 1-888-891-8332 Fax 423-854-5401

July 29, 2020

The Honorable Jenny Brock
City Mayor
City of Johnson City
601 East Main Street
Johnson City, Tennessee 37601

CERTIFIED MAIL # 7019 1120 0000 1630 6841
RETURN RECEIPT REQUESTED

Bill Rasnick
ETSU Facilities
Associate Vice President
P.O. Box 70653
Johnson City, Tennessee 37614

CERTIFIED MAIL # 7019 1120 0000 1630 6858
RETURN RECEIPT REQUESTED

RE: Johnson City and ETSU Small Municipal Separate Storm Sewer System (MS4) Audit
 National Pollutant Discharge Elimination System Tracking Number TNS075370
 Johnson City, Washington County, Tennessee

Dear Honorable Jenny Brock:

On July 1st and again on July 2nd, 2020, Brown Patton and Stephen Huber, with the TN Department of Environment and Conservation, Division of Water Resources, conducted an audit of Johnson City's and Co-Permittee East Tennessee State University's (ETSU) MS4 Program. ETSU has been designated to have authority over projects and activities on campus and assists with educational components of the storm water management program. The purpose of the audit was to determine the City's compliance with the Tennessee's general Small MS4 permit (permit). During the audit, Division staff met with Jeremy Jones, Stormwater Program Coordinator for the City of Johnson City, as well as the stormwater contacts for ETSU, Mark Jee and Michael Barrett. The audit included a review of Johnson City's and ETSU's regulatory mechanisms, procedures and records, as well as observation of the City's staff as they performed an inspection of projects covered under the City's local construction site stormwater program. Division staff also visited one facility operated by the City and two facilities operated by ETSU. 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 was reissued and became effective on October 1, 2016 and expires on September 31, 2021. Johnson City received a Notice of Coverage under the reissued permit on May 1st, 2017. The audit covered compliance with the reissued permit.

Minimum Control Measure 1 - Public Education and Outreach (Section 4.2.1 of the permit)

The small MS4 permit requires the implementation of a Public Education and Outreach program related to the impacts of stormwater discharges to local water bodies and the steps that can be taken to minimize stormwater pollution. A Public Information and Education (PIE) plan must be developed and include detailed goals and identify

specific information events/activities that are designed to meet those goals, as well as schedule indicating when the events will occur over the remainder of the permit cycle. The PIE plan must document all public education and outreach components and incorporate an evaluation of components to assess overall effectiveness and the need for improvement.

The City of Johnson City has developed a PIE plan designed to provide information and education to the public as well as encourage the public to be an active participant in the stormwater management program. The plan identifies the activities and measurable goals for the targeted education campaigns, including metrics to provide the city a way to evaluate this program element. The City of Johnson City utilizes the City's website to provide the public with stormwater education and materials, as well as other various stormwater related city events and activities. As a co-permittee, ETSU has also developed and implemented a PIE plan to address campus and its residents.

The City of Johnson City is in compliance with this minimum control measure.

Please refer to Section 4.2.1 of the permit for more information regarding implementation of Minimum Control Measure #1.

Minimum Control Measure 2 – Public Involvement and Participation (Section 4.2.2 of the permit)

The Small MS4 permit requires the implementation of a Public Involvement and Participation program that involves developing methods for promoting public participation in stormwater-related events and facilitating opportunities for citizen involvement. The program must include a plan to publicize public involvement and participation opportunities and mechanism(s) for citizen reporting of illegal spillage, dumping, or otherwise illicit disposal of materials into the City's MS4 system.

The City of Johnson City utilizes the City's website to advertise stormwater participation events, the annual report, construction projects and ordinance changes as well as postings in the local newspaper, allowing the public to participate in the stormwater program development and implementation. Documentation is kept on all public participation opportunities.

The City of Johnson City is in compliance with this minimum control measure.

Please refer to Section 4.2.2 of the permit for more information regarding implementation of Minimum Control Measure #2.

Minimum Control Measure 3 – Illicit Discharge Detection and Elimination (IDDE) (Section 4.2.3 of the permit)

The Small MS4 permit requires the municipality to develop, implement and enforce an IDDE program to detect and eliminate illicit discharges into the storm sewer system. The IDDE program must include a plan and procedures to detect, identify and eliminate non-stormwater discharges, and implement an Enforcement Response Plan (ERP). The municipality must also develop and maintain a storm sewer system map, effectively prohibit non-stormwater discharges into the storm sewer system, educate public employees, businesses and the general public concerning the hazards and damage to water quality associated with illicit discharges, and provide mechanisms for the public to report suspected illicit discharges.

The City of Johnson City has developed and continues to update a storm sewer system map, which includes outfalls, inputs, direction of flow as well as surface water bodies. Johnson City has also developed a set of procedures to address illicit discharges, connections, complaints, etc. as well as addressing hot spots with correspondence and conducting dry-weather screening. The City has developed an ERP, which addresses all components of their stormwater program, escalation of enforcement, and addresses the City's enforcement response procedures. Education and training of City employees on illicit discharges/connections is conducted annually.

Johnson City is in compliance with this minimum control measure

Please refer to Section 4.2.3 of the permit for more information regarding implementation of Minimum Control Measure #3.

Minimum Control Measure 4 – Construction Site Stormwater Runoff Pollutant Control (Section 4.2.4 of the permit)

The Small MS4 permit requires the municipality to develop, implement and enforce 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 common plan of development. In part, this minimum control measure must include an ordinance or other regulatory mechanism to require erosion prevention and sediment controls, and sanctions to enforce compliance. It also must include procedures to establish priority construction activities, procedures for construction site plan review and approval, and procedures for permittee inspection and compliance documentation.

The City of Johnson City has adopted an ordinance requiring erosion prevention and sediment controls for construction sites, as well as sanctions to enforce compliance, in accordance with permit requirements. Priority construction activity has been defined, and all sites are receiving pre-construction meetings and monthly inspections, which are being documented. The City has also established a plans review and approval process that includes a review of erosion protection and sediment control practices. A checklist has been developed for the plans review process, however the checklist is used as reference and not completed by the reviewer. At a minimum, the City's review process should be updated to include documentation of the following procedures and technical standards:

- Design storm (2-yr/24hr and 5-yr/24hr) consistent with the CGP
- Sediment basin for drainage areas (10 acres and 5 acres) consistent with CGP
- Construction buffer requirements (30-ft/15-ft and 60-ft/30-ft) consistent with CGP

Construction site inspection and documentation procedures were evaluated by performing site visits at ETSU's Fine Arts Building (TNR161884), and also at Happy Valley Baptist Church (TNR161987). The City's inspector, David Rock, demonstrated a working knowledge of erosion prevention and sediment controls (EPSCs) and evaluating construction site compliance. An inspection checklist has been developed and is being used to document the City's construction stormwater inspections. However, construction stormwater inspections are not being documented on sites that are less than an acre, that are part of a larger common plan of development, particularly on larger common plan sites where the infrastructure and common areas are deemed complete by the city. Please update the construction site inspection program to include individual lots that are part of a larger common plan of development.

Full implementation of the Construction Site Stormwater Runoff Control program requires the following:

- Update plans review process to include documentation of technical standards consistent with CGP
- Update site inspection process to include sites less than an acre if part of a larger common plan of development

Please refer to Section 4.2.4 of the permit for more information regarding implementation of Minimum Control Measure #4.

Minimum Control Measure 5 – Permanent Stormwater Management at New Development and Redevelopment Projects (Section 4.2.5 of the permit)

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 minimum control measure must include 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 a means to ensure permanent stormwater control measures are adequately maintained.

The division provided 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 City of Johnson City has opted to postpone the full implementation of the stormwater

regulatory mechanism provisions for permanent (post-construction) stormwater management. Johnson City does have an ordinance addressing permanent stormwater management, as well as having a plans review and approval process in place.

Please refer to Section 4.2.5 of the permit for more information regarding implementation of Minimum Control Measure #5.

Minimum Control Measure 6 – Pollution Prevention/Good Housekeeping for Municipal Operations (Section 4.2.6 of the permit)

The Small MS4 permit requires the development and implementation of 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 applicable municipal operations, and documentation of related maintenance activities. In addition, an employee training program must 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 City of Johnson City has developed an operation and maintenance program, including operation and maintenance plans for applicable municipal operations. The City has implemented an employee training program which includes IDDE and good housekeeping components, conducted annually and within the first six months of applicable new hires. ETSU conducts and documents their own stormwater training as well as implementing an operation and maintenance plan for applicable activities.

As part of determining compliance with this minimum control measure, the City's Fleet Garage located on Water Street was inspected, as well as ETSU's hazardous material storage and salt storage facilities. The ETSU hazardous waste storage and salt storage were found to be in good condition, and the grounds were clear of trash and debris and other potential pollutants. The City's Fleet Garage had several areas that need to be addressed. A battery was observed stored outside not under cover, and must be stored in such a way to prevent contact with rainfall and runoff. There were several vehicles exposed to rainfall and/or runoff observed with stains on the ground underneath. The outside grounds must be maintained in order to ensure that faulty equipment and other sources of pollutants can be identified and eliminated. Staining was also observed on the ground outside at the fueling station at the front of the building, as well as a hydraulic oil dispensing station located against the rear of the building. The hydraulic oil station has a partial covering, but this does not cover the dispensing area and is exposing the stain to rainfall and runoff. This exposure must be eliminated, as well as keeping the grounds clear of potential pollutants.

Full implementation of the Pollution Prevention/Good Housekeeping for Municipal Operations program requires the following:

- Corrective actions to be taken to address the stormwater issues observed at the City's Fleet Garage

Please refer to Section 4.2.6 of the permit for more information regarding implementation of Minimum Control Measure #6.

Monitoring, Recordkeeping, and Reporting (Section 5.0 of the permit)

Sections 5.1 and 5.2 of the MS4 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 30th of each calendar year.

The City of Johnson City has submitted an annual report to the division each calendar year. The City has conducted approximately 50% of their analytical monitoring requirements in 2018, and are on schedule to complete the remaining monitoring in 2020. The City's non-analytical monitoring is conducted as part of their dry weather screening process, utilizing the Maryland Stream Corridor Assessment Protocol.

The Honorable Jenny Brock, City Mayor
July 29, 2020
Page 5 of 5

Please refer to Sections 5.1, 5.2, and 5.3 of the MS4 permit for more information regarding monitoring and recordkeeping

Required Actions:

Based on the audit findings, full implementation of the City of Johnson City's program requires the following actions to be taken. Additionally, the division requests that the City provide a written response by August 24th, 2020, describing what steps have or will be taken to address these actions.

- Update plans review process to include documentation of technical standards consistent with CGP
- Update site inspection process to include sites less than an acre if part of a larger common plan of development
- Corrective actions to be taken to address the stormwater issues observed at the City's Fleet Garage

I would like to thank Mr. Jeremy Jones and other City staff as well as the ETSU staff for their time and cooperation during this audit. If you have any questions regarding this correspondence, please contact Stephen Huber at 423-434-3050 or via email at Stephen.Huber@tn.gov, or Brown Patton at (423) 854-5458 or via email at brown.patton@tn.gov.

Sincerely,



Brown Patton
Division of Water Resources

Cc: Jeremy Jones, Stormwater Director, City of Johnson City, jjones@johnsoncitytn.org
Denis Peterson, City Manager, City of Johnson City, citymgr@johnsoncitytn.org
Mark Jee, Environmental Health & Safety Director, ETSU, jee@etsu.edu
Stephen Huber, DWR, Johnson City EFO (via email: Stephen.Huber@tn.gov)
Ann Morbitt, DWR, Nashville Central Office, Ann.Morbitt@tn.gov
File Copy, DWR, Johnson City EFO
DWR Waterlog Database