



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

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CERTIFIED MAIL RETURN RECEIPT
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November 29, 2022

Honorable Terry Frank
County Mayor
Anderson County
e-copy: tfrank@andersoncountyttn.gov
100 North Main Street
Clinton, TN 37716

Subject: **Small Municipal Separate Storm Sewer System Program Audit**
National Pollutant Discharge Elimination System
NPDES Permit Tracking No. TNS075108
Anderson County
Clinton, Anderson County, Tennessee

Dear Mayor Frank:

On November 1st, and again on November 2nd, 2022, Brown Patton and Valerie McFall with the Tennessee Department of Environment and Conservation, Division of Water Resources (Division), conducted an audit of the Anderson County's Municipal Separate Storm Sewer System (MS4) 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 Danny Phillips, Stormwater Coordinator, and Jason Mann, Consultant, 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. The Division issued Notice of Coverage which became effective on 1-Dec-22. The permit expired on September 30, 2021 and

has been administratively extended until a new permit is issued. The audit of the MS4 program covered the period from the Division's program audit that was performed on February 26, 2018, to the date of this letter.

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, informational brochures, informational booth at local events, and employee education. However, the PIE plan does not reflect all required targeted audiences, nor does it include annual effectiveness evaluations for all components of the PIE plan.

Full implementation of this MCM requires the following:

- Updating PIE plan to address all applicable target audiences; and
- Incorporating an evaluation of PIE plan components to assess overall plan effectiveness and need for improvement.

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 local 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 clean-up and hazardous waste collection events, as well as supporting the *Keep Anderson Beautiful* program and events.

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 And Pollution Control Resolution that prohibits illicit discharges, provided mechanisms for the public to report suspected illicit discharges, developed and maintained a storm sewer system map, and performed employee illicit discharge education. However, the MS4 has not implemented a plan to detect, identify and eliminate non-stormwater discharges. Additionally, the map does not identify all of the required items as noted in the permit, which must include outfalls, inputs, general direction of stormwater flow, and waters of the state of Tennessee.

Full implementation of this MCM requires the following:

- Developing and implementing a plan to detect, identify and eliminate non-stormwater discharges, including illegal disposal, throughout the MS4 jurisdiction; and
- Updating storm sewer system map to include (outfalls/inputs/general direction of flow/waters of the state of TN).

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 And Pollution Control Resolution 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, and reference's the *Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities* (CGP) requirements and technical standards for activities that result in land disturbance greater than one acre, or less than one acre when part of a common plan of development. However, priority construction activity has not been defined, and not all of the pre-construction meetings are being documented.

The MS4's plans review procedures included evaluation of EPSCs and specific CGP technical standards. However, not all technical standards are included in the plans review documentation for each project. At a minimum the MS4 review process should include documentation of the following procedures and technical standards:

- determination of discharges into waters with unavailable parameters or exceptional Tennessee waters;
- design storm (2-yr/24 hr. and 5-yr/24 hr.) consistent with the CGP;
- sediment basin for drainage areas (10 acres and 5 acres) consistent with the CGP; and
- construction buffer requirements (15-ft/30-ft and 30-ft/60-ft) consistent with the CGP.

Construction site inspection and documentation procedures were evaluated by performing a visit to The Village at Hinds Creek, TNR135809, and Anderson Storage Buildings, TNR136464 construction sites. The MS4's inspector, Danny Phillips, demonstrated a working knowledge of erosion prevention and sediment control practices, and performed and documented a comprehensive site inspection.

Full implementation of this MCM requires the following:

- Updating construction stormwater program to define priority construction activity;
- Maintaining documentation of pre-construction meetings; and
- Revising plans review to include procedures and review of technical standards consistent with the CGP (buffer, design storm, basin drainage requirement).

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 stormwater system field activities, including a training program for employees. However, documentation has not been maintained on training events and records.

As part of determining compliance with this minimum control measure, the MS4's Highway Department facility located on J.D. Yarnell Industrial Pkwy 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. However, the following items/areas were observed with a potential to cause a condition of pollution, and must to be addressed:

- loose trash/debris on the ground near the trash dumpster;
- several containers and barrels stored exposed to rainfall and runoff, some of the containers stored without covers;
- significant amount of refuse metal in a rusted state, stored directly on the ground without cover;
- several batteries and used equipment parts stored outside of garage directly on ground without cover;
- significant amount of discarded tires stored outside adjacent to garage; and
- some erosion occurring at discharge/outfall near the road in southeast corner.

Full implementation of this MCM requires the following:

- Maintaining documentation on employee training; and
- Addressing corrective actions at the municipal facility.

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 30th of each calendar year.

Required analytical monitoring has been completed. However, the required non-analytical monitoring was not completed during this monitoring cycle. Additionally, the MS4 has submitted an annual report to the Division by September 30 of each calendar year. Please refer to Sections 5.1, 5.2, and 5.3 of the MS4 permit for more information regarding monitoring and recordkeeping.

Full implementation of Permit Section 5 requires the following:

- Developing and implementing non-analytical monitoring program.

Required Actions:

Based on the audit findings, full implementation of Anderson County's MS4 program requires the following actions to be taken.

- Updating PIE plan to address all applicable target audiences;
- Incorporating an evaluation of PIE plan components to assess overall plan effectiveness and need for improvement;
- Developing and implementing a plan to detect, identify and eliminate non-stormwater discharges, including illegal disposal, throughout the MS4 jurisdiction;
- Updating storm sewer system map to include (outfalls/inputs/general direction of flow/waters of the state of TN);
- Updating construction stormwater program to define priority construction activity;
- Maintaining documentation of pre-construction meetings;
- Revising plans review to include procedures and review of technical standards consistent with the CGP (buffer, design storm, basin drainage requirement);
- Maintaining documentation on employee training;
- Addressing corrective actions at the municipal facility; and
- Developing and implementing non-analytical monitoring program.

Additionally, the Division requests a written response within 30 days of receipt of this letter, describing what steps have or will be taken to address these actions.

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.

Sincerely,



Brown Patton
Division of Water Resources

CC: Danny Phillips, Stormwater Program Coordinator, Anderson County, dphillips@andersoncountyttn.gov
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