



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

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Nashville, Tennessee 37243-1102

**CERTIFIED MAIL RETURN RECEIPT**  
**# 9489 0090 0027 6509 4973 85**

January 10, 2024

Mr. Dennis Deal, Mayor  
City of Church Hill  
300 E Main Blvd  
Church Hill, TN 37642  
e-copy: [dennisdeal@hotmail.com](mailto:dennisdeal@hotmail.com)

Subject: **Small Municipal Separate Storm Sewer System Program Audit**  
**National Pollutant Discharge Elimination System**  
**NPDES Permit Tracking No. TNS075701**  
**City of Church Hill**  
**Hawkins County, Tennessee**

Dear Mr. Deal:

On December 11th and again on December 12<sup>th</sup>, 2023 Brown Patton and Brian Plante with the Tennessee Department of Environment and Conservation, Division of Water Resources (Division), conducted an audit of the City of Church Hill'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 the audit, Division staff met with Will Mullins (Stormwater Coordinator) 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. On October 1, 2016, the Tennessee Department of Environment and Conservation, Division of Water

Resources (Division) reissued the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Small Municipal Separate Storm Sewer Systems ("Permit"). The City was issued Notice of Coverage under the 2016 Permit effective May 1, 2017.

The 2016 Permit expired on September 30, 2021, but was administratively extended and remained in effect until the City obtained coverage under the new 2022 Permit. On January 9, 2023, the Division received a complete Notice of Intent from the City. The City was issued Notice of Coverage under the 2022 Permit effective February 1, 2023. The audit of the MS4 program covered the 2016 Permit requirements from May 2, 2017, to the date of this audit. In addition to the audit findings and corrective actions detailed below, the Division recommends the City review the 2022 MS4 permit to identify any new requirements or timelines that may prompt the need for updating the City's NPDES Stormwater Management Program.

**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 that includes specific goals and descriptions, as well as identifying metrics to evaluate each plan component. Specifically, the MS4 has performed public education and outreach utilizing methods such as a stormwater webpage, informational brochures, and employee education. However, the PIE plan does not include a schedule indicating when events will occur over the remainder of the permit cycle.

Full implementation of this MCM requires the following:

- Including a schedule of events that will occur over the remainder of the permit cycle in PIE plan.

**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 newspaper, and has included mechanisms for the reporting of illicit discharges or other stormwater related complaints. The MS4 has also provided opportunities for public involvement such as Planning Commission and Board of Mayor and Alderman meetings, which are open to the public, encouraging public involvement for the stormwater program and its implementation.

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 No. 15-471, Chapter 3, that prohibits illicit discharges, and provided mechanisms for the public to report suspected illicit discharges. The MS4 has also performed employee illicit discharge education, as well as developing a plan to detect and investigate illicit discharges. However, documentation was not provided to show the implementation of the plan to detect illicit discharges. Additionally, the MS4's mapping was incomplete.

Full implementation of this MCM requires the following:

- Maintaining documentation of IDDE procedures and activities; and
- Updating storm sewer system map to include all outfalls, inputs, and general direction of flow.

### **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 No. 15-471, Chapter 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 *Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities* (CGP) for specific site requirements. However, the ordinance is referencing an expired permit, and needs to be revised to clarify and reference the current TN CGP technical

standards that are required to be implemented on each applicable construction site. Additionally, pre-construction meeting documentation has not been maintained.

The MS4's plans review procedures included a general evaluation of EPSCs, however, not all procedures and technical standards are included in the plans review documentation for each project. Additionally, the current plans reviewer does not have the minimum qualifications for conducting a construction stormwater plans review. Plans reviewers must receive a certificate of completion from the *Tennessee Erosion Prevention and Sediment Control Design Course, Level II*, or equivalent. 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 Church Hill Recreation Center Gymnasium, TNR162116, and the American Environmental Borrow Site, TNR162075, construction sites. The MS4's inspector, Will Mullins, 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:

- Revising the Ordinance the next time the MS4 revises the ordinance to clarify requirements for technical standards to be consistent with the TN CGP;
- 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); and
- Ensuring all plans reviewers are Level II or equivalent.

#### **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 new MS4 permit was issued and became effective on September 1, 2022, and requires programs to comply with all permanent stormwater requirements of the new 2022 Permit by September 1, 2024.

As a result, evaluating compliance for this minimum control measure 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. As part of determining compliance with this minimum control measure, the MS4's Public Works facility located on Silverlake Road 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, some loose trash and debris was observed on the ground where the street-side refuse pick-up is unloaded and stored.

Full implementation of this MCM requires the following:

- Addressing corrective actions at municipal facility.

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

Section 4.6 of the permit requires 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. Section 4.6 describes record-keeping and reporting requirements, which include the submittal of an annual report by September 30<sup>th</sup> of each calendar year.

Section 4.6 of the permit requires 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. Section 5 describes the reporting requirements, which includes the submittal of an annual report by September 30th of each calendar year.

The City did not perform the analytical and non-analytical monitoring required by the 2016 MS4 permit. Additionally, an annual report has been submitted to the Division of each calendar year, however, the 2022 annual report was received on December 7, 2022, and the 2021 annual report was received on October 2, 2021. Please ensure that annual reports are submitted to the Division by September 30<sup>th</sup> of each calendar year.

Full implementation of the MS4s monitoring program requires the following actions:

- Developing, implementing, and documenting a monitoring program as specified in the 2022 Permit; and
- Submitting annual report to the Division by Sept 30<sup>th</sup> of each calendar year.

**Required Actions:**

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

- Including a schedule of events that will occur over the remainder of the permit cycle in PIE plan;
- Maintaining documentation of IDDE procedures and activities;
- Updating storm sewer system map to include all outfalls, inputs, and general direction of flow;
- Revising Ordinance to clarify requirements for technical standards to be consistent with the TN CGP;
- 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);
- Ensuring all plans reviewers are Level II or equivalent;
- Addressing corrective actions at municipal facility;
- Developing, implementing, and documenting a monitoring program as specified in the 2022 Permit; and
- Submitting annual report to the Division by Sept 30<sup>th</sup> of each calendar year.

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.

**City of Church Hill MS4 Audit**

January 10, 2024

Page 7

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,

A handwritten signature in blue ink that reads "Brown Patton". The signature is written in a cursive style with a large initial "B".

Brown Patton  
Division of Water Resources

CC: Will Mullins, City of Church Hill, Stormwater Program Manager, [firechief@churchhilltn.gov](mailto:firechief@churchhilltn.gov)  
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