

August 30, 2022

Tennessee Department of Environment & Conservation (TDEC)
Attn: Ariel Wessel-Fuss
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Submitted Electronically to: Ariel.Wessel-Fuss@tn.gov

RE: Comments Concerning Draft NPDES Permit No. TNS077585- Tennessee Department of Transportation Statewide Permit

Dear Ariel:

Thank you for this opportunity to provide public comment on the Tennessee Department of Transportation (TDOT) Draft NPDES Permit- No. TNS077585. Contech Engineered Solutions LLC (Contech) is a company that maintains a business presence in Tennessee through our engineering, stormwater, and other dedicated, professional staff and we take pride in assisting with local water quality protection every day. We look forward to seeing a clear, robust TDOT MS4 permit implemented to the maximum extent practicable.

At this time, we would like to provide several comments to help clarify the draft permit:

2. Stormwater Management Program

2.2.4 Construction Site Stormwater Runoff Control

- Page 18: Three (3) instances where best management practice (BMP) is utilized. Suggest replacing with stormwater control measure (SCM) for consistency with Rule language.

2.2.5 Post-Construction/Permanent Stormwater Management in New and Redevelopment

- Page 21: In 2.2.5.2.c (Water Quality Volume Treatment Type Chart), a provision is included to allow TDOT to consider alternative permanent stormwater standards that provide equal or equivalent reduction of pollutants.

- The process and/or standards for determining equivalency with water quality rules should be publicly established as part of this permit.

2.5 Legal Authority

- Page 35: Correct reference error- "reference source not found"

- Page 36: in 2.5.6 Permanent Stormwater Management, remove reference error- “reference source not found” that appears multiple times in chart.

2.7.1.2. Visual Examination

- Page 40: In 2.7.1.2.A Site Inspections, there are two instances where BMP is used in lieu of SCM

2.7.1 Stormwater Monitoring – Effluent Characterization and BMP Effectiveness

- Page 43: Error in section heading; BMP should be changed to SCM
- Page 43: Possible error in numbering; Section 2.7.1 exists earlier in the document as Section Header for *Stormwater Monitoring- Covered Facilities*
- Page 43: Last sentence of first paragraph says, “This monitoring will be conducted on at least one of type BMP across the state.” The underlined words contain a reference to BMP that should be changed to SCM and should be reorganized to say “one type of SCM...”
- Page 44: Replace three references to BMP to SCM in the table.

3. Standard Permit Requirements

3.12.3 Bypass

- Page 53: “Bypass” is defined as “means the intentional diversion of waste streams from any portion of a treatment facility.” The use of waste stream is odd for a stormwater permit. Bypass in a stormwater context is commonly referred to as “peak conveyance flow for site exceeds treatment capacity.”

7. Application

7.2 Program Specific Application Requirements

- Page 58: in 7.2A, change best management practice to SCM
- Page 58: in 7.2B, change BMP to SCM

8. Permit Modification

8.3 Modification of the TS4 Stormwater Management Program (TS4 SWMP)

- Page 59: last sentence of first paragraph needs to change BMP to SCM. Paragraph carries over to Page 60, where two more instances of BMP need to be changed to SCM.

9. Definitions and Acronyms

9.1 Definitions

- Page 61: BMP should be changed to SCM
- Page 61: verify definition of bypass. Ensure it is consistent with change recommended to Sec. 3.12.3 on page 53.

- Page 63: definition of control measure includes reference to best management practice (BMP). This should be removed.
- Page 66: definition of Level 1 is carried over from the previous page and contains a reference to BMP that should be changed to SCM.
- Page 69: definition of Operator is carried over from previous page and contains a reference code error that needs to be corrected.
- Page 72: definition of discharge-related activities includes term best management practices (BMPs) that should be changed to SCMs
- Page 72: definition of SWPPP contains reference to best management practice that should be corrected to SCM.
- Page 73: definition of the handbook contains reference to best management practice that should be corrected to SCM.

9.2 Acronyms

- Page 75: "BMP" should be corrected to "SCM"
- Page 76: multiple source error notes should be corrected.

Thank you in advance for consideration of these comments. We look forward to working with TDEC and TDOT in the future on other critical water quality initiatives. Please contact me with any questions concerning this submittal.

Sincerely,



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