



## Memorandum

*To: Vojin Janjic*

*From: Tennessee Stormwater Association Membership*

*Date: August 5, 2021*

*Subject: Compilation of TNSA Member Comments Submitted on Proposed Permit TNR100000*

The TNSA Policy Committee solicited review comments from TNSA members on the Proposed Permit TNR100000. The comments received are provided below and are submitted here on behalf of our large and diverse membership. Should you have any questions or wish to discuss these comments with TNSA, please do not hesitate to contact us.

- ❖ Rationale Sheet does not explain why many changes were made. Please elaborate and explain the permit changes. This should be a requirement to issue a permit. (comment was sent before updated rationale was posted)
- ❖ 2.1.3 The term 'should' is used throughout the permit. Definitive language in certain areas needs to be 'shall' and not 'should'
- ❖ 5.2 SWPPP template, Attachment A, is unavailable
- ❖ Consider making it more definitive as to what kind of site SWPPP can be submitted with fewer requirements. Commercial sites need a more detailed SWPPP.
- ❖ Language needs to be consistent with DWR–NR–G–02 Construction Stormwater – 05172019 Guidance regarding construction stormwater general permit coverage involving sites with Non-Engineer Design SWPPPs. The document states under “GUIDANCE” that if any of the questions were answered yes then SWPPP must contain a registered architect or engineer designed component. Number one from this section, “Does the construction site discharge to receiving waters with unavailable parameters for siltation or habitat alterations, or that are Exceptional Tennessee Waters?” fails to be captured/reflected in the language of Section 5.2.
- ❖ 5.5.3.1(i) - Temporary EPSC measures removed during the day provide zero treatment during a rain event. Add language in bold. *EPSC measures must be in*

*place and functional before earth moving operations begin and must be constructed and maintained throughout the construction period stages as appropriate. Temporary measures may be removed at the beginning of the workday but must be replaced at the end of the workday **and prior to any rain event.***

- ❖ 5.5.3.1(i) & 5.5.3.4 “Temporary measures” is presented to be defined, but is not defined under the definition section.
- ❖ 5.5.3.4 - Definitive time frames should be stated. Enforcement will be difficult given the time frames as stated in the draft.
- ❖ 5.5.3.4(b) - Definitive time frames should be stated. Enforcement will be difficult given the time frames as stated in the draft.
- ❖ 5.5.3.5 Paragraph 5 - Provide clarification and/or explanation for “alternative design procedure.”
- ❖ 5.5.3.10 Schedule of Inspections – Available Parameter Streams
  - a) Inspections described in paragraphs b, c and d below, shall be performed at least once every calendar week. Inspections shall be performed at least 72 hours apart.  
The industry is use to twice weekly inspections. I.E. – (If available parameter sites go to once a week inspections then technically the site could go 11 days without inspection, which could mean a site is only inspected 3 times a month. BMPs are knocked down daily and non-priority sites need these inspections in order to make sure the site stays healthy and in compliance. Small municipalities may not have inspections set up monthly so you would end up with very little oversight.)
- ❖ 6.4.1(c) - Is the intent for discharges to waters with unavailable parameters to be inspected twice weekly or is this a typo? Inspections should be twice weekly regardless of impairment.
- ❖ Site assessment section should be added back to the permit for < 50ac. – I.E. – (The certification level is different for the individual inspecting the site as a Level 1 EPSC for the twice-weekly and the requirements for the site assessment as a Level 2 EPSC, LA, or PE)
- ❖ A site assessment form added to the permit as an attachment would be very helpful.

- ❖ There appears to be some back and forth from “streams” and “stream and wetlands.” Language throughout the permit needs to be modified to remain consistent throughout.
- ❖ 6.4.1 – Section should mirror the previous permit requirements and include waters with unavailable parameters for habitat alterations. Definition of unavailable parameters should be updated as well.