



**Tennessee Department of Environment and Conservation
Division of Water Pollution Control
L & C Tower Annex, 6th Floor
401 Church Street
Nashville, Tennessee 37243**

**Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)**

PURPOSE

The purpose of this Notice of Intent (NOI) is for a Tennessee city, county, utility district, university or military base to apply for NPDES permit to discharge stormwater runoff from a Phase II municipal separate storm sewer system.

INSTRUCTIONS

You must provide the following information to the Division of Water Pollution Control as application material. You may either submit a hard copy of the original NOI as described in sub-part 2.3 of the MS4 Permit, signed in accordance with the signatory requirements of sub-part 6.7 of the permit, and a copy of the NOI, to the address shown in sub-part 1.2 of the permit for the EFO responsible for the county where the facility is located; or you may submit by e-mail, with the completed NOI and attachments (such as map and city ordinances) to phase.two@tn.gov.

In addition, send an original, hard copy letter, signed by the responsible official of the MS4, which makes reference to the e-mail transmission including date and time that the electronic submitted was made. The letter must contain the signatory statement found on the NOI form. The letter must be mailed to the Nashville Central Office address as defined in sub-part 1.2 of the MS4 permit.

After completing the questions in each section, list the Best Management Practices (BMPs) that you will implement in each area based on a set of priorities you have identified in the area. Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

After completing the BMP's in each section provide the administrative information to complete those BMP's as explained here:

Primary Contact and Position/Title	The person in your organization serving as the primary contact.
Other Department and Roles	Other departments within your organization involved in the project and how their role is identified.
Other Government Entity and Roles	Identification of other government entities responsible for implementing one or more of the BMP's. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.
Other Institutions and Roles	Identification of partnerships with another MS4 operator or institution (e.g., Chamber of Commerce, environmental interest organizations, civic groups) to achieve the BMP's.
Target Groups (if applicable)	Specific kinds of groups that will be targeted, such as service industries (i.e., carpet cleaning), civic groups, schools, and church groups, etc.

**PART I
ADMINISTRATIVE INFORMATION**

Name of city, county, stormwater utility district or other public institution that operates a Phase II MS4: City of Bristol Tennessee

Margaret Feierabend	Mayor
Responsible Elected Official or Officer	Title
801 Anderson Street	Bristol
Street Address	City
	TN
	State
	37620
	Zip Code

**Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)**

PROGRAM CONTACT
William L. Sorah
Name
bsorah@bristoltn.org
Email Address
(423) 989-5565
Phone Number

TECHNICAL CONTACT
Timothy H. Beavers, PE
Name
tbeavers@bristoltn.org
Email Address
(423) 989-5566
Phone Number

Attach an organizational chart that shows the different departments involved in stormwater management.

**PART II
DESCRIPTION OF STORM SYSTEM**

**ITEM A
AREA SERVED (IN SQUARE MILES)**

If city, town, university, or utility district: Give jurisdiction area within current corporate boundaries 32.69

If city, town, university, or utility district: Give additional area of urban growth boundary 31.63

If county: Give total area _____ Area unincorporated _____ Unincorporated, urbanized area (UA) _____

If county, indicate by checking the appropriate box if the permit will be used to regulate non-UA portions of your county:

Entire county (unincorporated) Non-UA portions, as follows (describe below)

**ITEM B
STORM DRAINAGE INFRASTRUCTURE**

Give figures for the following features of stormwater drainage infrastructure owned or operated by the local government. For a county government, indicate whether the figures represent the entire county or only the urbanized area. Figures for length and number of culverts and catch basins may be rough estimates.

For counties: Entire county Urbanized area only

Storm Sewers	<u>66 (miles)</u>	Open Ditches	<u>71.8 (miles)</u>
Culverts	<u>3433 total, 250 road culverts (estimate)</u>	Catch Basins	<u>1870</u>
Retention Basins	<u>0</u>	Detention Basins	<u>0</u>

**ITEM C
MAPS**

Please include a map or maps depicting the following information. A single map may be submitted, as long as the information is legible. If you are not able to provide all the information please mark the applicable check box and attach an explanation as to why the information has not been submitted:

- | | | | |
|--|--------------------------|--|--------------------------|
| Zoned areas for commercial or industrial activity | <input type="checkbox"/> | State vocational, technical, college or universities | <input type="checkbox"/> |
| Actual areas of commercial or industrial activity | <input type="checkbox"/> | Federal vocational, technical, college or universities | <input type="checkbox"/> |
| Other municipally owned/operated industrial activities | <input type="checkbox"/> | City Roads | <input type="checkbox"/> |
| Municipal or County Wastewater Treatment Plants | <input type="checkbox"/> | County Roads | <input type="checkbox"/> |
| Vehicle Fleet Maintenance Centers | <input type="checkbox"/> | Perennial and intermittent streams | <input type="checkbox"/> |
| Power Plants | <input type="checkbox"/> | Topography or Drainage Patterns | <input type="checkbox"/> |
| Airports | <input type="checkbox"/> | Landfills | <input type="checkbox"/> |
| Military Installations | <input type="checkbox"/> | | |

**Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)**

**ITEM D
IDENTIFYING IMPAIRED STREAMS AND OTHER WATER BODIES**

Using the [GIS mapping tool \(http://tnmap.tn.gov/wpc/\)](http://tnmap.tn.gov/wpc/) along with the most current 303(d) list published on the division's web site (<http://www.tn.gov/environment/wpc/publications/#wqassessment>), identify whether stormwater discharges from any part of the MS4 contribute pollutants of concern to an impaired waterbody and list below: For any impairment, indicate the waterbody ID#, name of impacted waterbody, nature of pollution (cause), and the source. If you have additional streams to list, please include in a separate attachment.

WATERBODY ID# AND NAME OF IMPACTED WATERBODY	CAUSE OF IMPAIRMENT	SOURCE OF IMPAIRMENT
Beaver Creek 042-1000	Nitrates E-coli	Discharges from Watershed Pasture Grazing
Beaver Creek 042-2000	Habitat loss due to alteration in stream-side or littoral vegetative cover Nitrates Loss of Biological integrity due to siltation E-coli	Channelization Pasture Grazing Discharges from Watershed Sources Outside State Borders
Cedar Creek 042-0500	Nitrates Loss of biological integrity due to siltation Other Anthropogenic Habitat Alterations E-coli	Discharges from Watershed Land Development
Little Creek 042-0400	E-coli Phosphorus Loss of biological integrity due to siltation Physical Substrate Habitat Alteration Alteration in stream-side or littoral vegetative cover	Discharges from Watershed Sources Outside State Borders
Paperville (Sinking) Creek 041-0100	Loss of biological integrity due to siltation	Land Development
Back Creek (042-0200)	Loss of biological integrity due to siltation E-coli Physical substrate habitat alterations Nitrates	Discharges from Watershed Unrestricted Cattle Access Pasture Grazing Channelization

**ITEM E
HAS THE STATE OR EPA ISSUED A TMDL FOR ANY STREAMS DIRECTLY AFFECTED BY RUNOFF FROM YOUR MS4?**

Determine whether or not a TMDL has been established and approved by EPA and identify by checking the appropriate box. A list of EPA-Approved TMDLs as well as EPA-Established TMDLs for Tennessee waters can be found on the division's web site (<http://www.tn.gov/environment/wpc/tmdl/approved.shtml>).

Yes No If yes, list the waterbody ID#, name of impacted waterbody and parameter(s) of concern:

WATERBODY ID# AND NAME OF IMPACTED WATERBODY	PARAMETERS OF CONCERN
Beaver Creek 042-2000	Siltation/Habitat Alteration, E-coli
Cedar Creek 042-0500	Siltation/Habitat Alteration, E-coli
Back Creek 042-0200	Siltation/Habitat Alteration, E-coli

**Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)**

Beaver Creek 042-1000	E-coli
Little Creek 042-0400	E-coli

If you have additional streams to list, please include in a separate attachment.

**PART III
EXISTING LEGAL AUTHORITY TO CONTROL STORMWATER DISCHARGES TO MS4**

You must review ordinances that are associated with stormwater discharges to your MS4. Attach a copy of ordinances that give your MS4 the authority to control stormwater discharges into the MS4 storm sewer system. Ordinances that deal with stormwater issues might be found, for example, in conjunction with litter control, prohibition of dumping, clean up of spills, grading/building permits, sewer connection ordinances, erosion and sediment practices, subdivision regulations or other land use/development ordinances.

**PART IV
SIGNATURE OF RESPONSIBLE CORPORATE OFFICER**

This Notice of Intent (NOI) must be signed as follows: For a municipality, state, federal, other public agency, and/or co-permittees by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes one of the following:

- i. The chief executive officer of the agency.
- ii. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

	Mayor, City of Bristol Tennessee	12-23-10
_____ Signature	_____ Title/Municipality	_____ Date

(Go to next page.)

**Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)**

**PART V
YOUR PROPOSED STORMWATER QUALITY MANAGEMENT PROGRAM**

This NOI requires you to provide a brief description of your current and proposed activities as well as your Best Management Practices (BMPs) for a stormwater management program. The following sections correspond to the six minimum control measures for a Phase II stormwater management program. If another MS4 will be responsible for implementing any or all portions of any or all following six minimum measures, then attach either the interlocutory agreement or the proposed agreement and schedule for adoption. You must still complete this NOI by answering the relevant questions for the six following measures.

For purposes of this NOI, the Public Education and Outreach and Public Participation and Involvement minimum measures have been combined.

**SECTION 1
PUBLIC EDUCATION AND OUTREACH AND PUBLIC INVOLVEMENT/PARTICIPATION**

A. Current Activities:

The following is a set of questions on your current Public Education and Outreach and Public Involvement/Participation. These questions are intended to highlight minimum program requirements under the MS4 permit. For MS4s who have not been previously covered under an MS4 permit, each element not currently performed must be implemented by the dates identified in Sub-part 4.1.1. of the permit. Thus, each question with a "No" answer must be addressed with a solution in the MS4's proposed program.

1. Does the municipality currently distribute educational materials on the topics of stormwater quality, stream water quality, pollution impacts, pollution prevention, etc.? If yes, briefly describe the materials, including media used (e.g., written brochures, public service announcements, etc.); the topic(s) covered, intended target audience(s), and the distribution method.

Yes The City participates in the TNSA public service announcements on water quality and pollution prevention via radio. The City uses PSAs from WaterWorks! on its public TV channel. The City distributes an EPA publication entitled "Thirstin's Wacky Water Adventure" to third graders within the public school system.
No

2. Does the municipality currently conduct or participate in public outreach activities focusing on the topics of stormwater quality, stream water quality, pollution impacts, pollution prevention, etc.? If yes, briefly describe the outreach activities, topic(s) covered, intended target audience(s), and the frequency of activities.

Yes The City provides public notices as required by law for development activities. The City participates in the Beaver Creek Watershed Alliance, Tennessee Stormwater Association and Boone Watershed Partnership. As part of these partnerships the City participates in annual stream and lake litter collection by providing refuse containers and disposal of the litter and debris collected during the cleanups. The City also participates in the South Holston Lake watershed cleanup. The City provides opportunities for public reports of illegal dumping and illicit discharges via a telephone number listed on its website. The City posts advertisements for the TDEC sponsored household hazardous waste collection day.
No

3. Does the current municipal stormwater management program comply with Local, State and Federal public notice requirements? If yes, describe how the public is notified.

Yes Notices of public hearings for comments on ordinances to be considered by City Council are published in the local newspaper prior to consideration by the governing body. In addition, public notification is placed on the City's website.
No

B. Proposed Activities:

List the BMPs that you will implement in the areas of Public Education and Outreach and Public Participation and Involvement. These should be based on a set of priorities that you have identified in the areas of Public Education and Outreach and Public Participation and Involvement. Provide a short descriptive name to the BMP in the left column. In the right column, more fully describe the BMP.

For Public Participation and Involvement BMPs, you may not desire to dictate the ways in which the public participates or is involved in the stormwater quality management program; in this case, your proposed program should provide a forum and a structure by which to encourage or allow the public to participate. On the other hand, there may be specific ways you do want the public to be involved, based on your program needs. For instance, you may want stream watch groups to be organized. As such, your proposed program should describe how you will accomplish this, and the time schedule.

PROPOSED BEST MANAGEMENT PRACTICES FOR PUBLIC EDUCATION AND PUBLIC PARTICIPATION		
BMP	Name	DESCRIPTION
1A.	Continue Public Outreach and	Continue current public outreach and education program as required/defined by the first Small MS4 Permit and described in the City's latest Annual Report. Changes to the program will be

**Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)**

	Education Program	made throughout the permit period as required by the current Small MS4 Permit and as indicated by the BMPs in this NOI.
1B.	PIE Plan	Create PIE Plan, which focuses on priority areas, groups, and pollutants and includes specific goals and public information events and activities. In accordance with the plan, implement public information events and activities. In accordance with permit requirements, PIE implementation will include outreach targeted at specific stream impairments within Bristol watersheds and IDDE outreach (inform public employees, businesses and general public of hazards associated with illegal discharges and improper disposal of waste).
1C.	Website	Implement a website to inform citizens of public outreach and involvement opportunities and provide basic information on stormwater pollution and pollution prevention.

If you have additional BMPs to list, please include in a separate attachment.

What specific groups will be targeted (e.g., service industries such as carpet cleaning, lawn care, civic groups, schools, church groups) if applicable:

School children will be targeted as part of the school outreach. Developers, engineers and contractors to be targeted as part of impaired stream outreach for awareness of siltation impairments in specific watersheds. Other target groups are to be determined as part of PIE Plan development.
--

C. Measurable Goals and Implementation Milestones

Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

D. Administrative Information

ADMINISTRATIVE INFORMATION FOR PUBLIC EDUCATION AND PUBLIC PARTICIPATION	
PRIMARY CONTACT	POSITION OR TITLE
William L. Sorah	Deputy City Manager – Public Works

Identify other Department(s) that will be involved and their role.

OTHER DEPARTMENT(S)	ROLE
None	

Identify if you will partner with another MS4 Operator, or with another institution (e.g. Chamber of Commerce, Environmental interest organizations, civic groups) in order to carry out the chosen BMPs.

ENTITY	BMP
None	

Will another governmental entity be responsible for implementing one or more chosen BMPs? If so, identify the entity and which BMP(s) it will implement. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.

ENTITY	BMP
None	

<p>SECTION 2 ILLCIT DISCHARGE DETECTION AND ELIMINATION</p>
--

The following are common sources of illicit discharges to an MS4:

- Sanitary Wastewater
- Car wash wastewaters
- Radiator flushing disposal
- Spills from roadway accidents
- Carpet cleaning wastewaters
- Effluent from septic tanks
- Improper oil disposal
- Laundry Wastewaters/gray water
- Improper disposal of auto and household toxics

Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)

A. Current Activities

The following is a set of questions on your current Illicit Discharge Detection and Elimination Program. These questions are intended to highlight minimum program requirements under the MS4 permit. For MS4s who have not been previously covered under an MS4 permit, each element not currently performed must be implemented by the dates identified in Sub-part 4.1.1. of the permit. Thus, each question with a "No" answer must be addressed with a solution in the MS4's proposed program.

STORM SEWER SYSTEM MAP

Does the municipality currently have a storm sewer system map completed for the entire regulated municipal separate storm sewer system? The map must depict, at a minimum: city streets, topography or drainage patterns, streams, and outfalls (points where the city or county-operated MS4 discharges into the streams or adjacent MS4s).

Yes

No

ILLICIT DISCHARGE ORDINANCES

1. Does the municipality currently have an ordinance or regulatory mechanism that prohibits non-stormwater discharges into the storm sewer system? If yes, please attach a copy of the ordinance and give page number(s) of this section of ordinance. If No, proceed to the next section (inspections and enforcement).

Yes

No

CD74:46 – Page Number
CD74:50

Chap 74, Ordinance Section Number
Article VI

2. Does the ordinance or regulatory mechanism clearly define non-stormwater discharges, either through a written description of a non-stormwater discharge or through a listing of unallowable or allowable non-stormwater discharges?

Yes

No

3. Does the ordinance or regulatory mechanism allow right-of-entry on private property for inspection of suspected discharges?

Yes

No

4. Does the ordinance or regulatory mechanism prohibit dumping?

Yes

No

5. Does the ordinance or regulatory mechanism give the MS4 owner/operator the authority to eliminate non-stormwater discharges in the event of violations? If yes, please note page number and paragraph number.

Yes

No

CD74:48 Page Number

74-373 Paragraph Number

6. Does the ordinance or regulatory mechanism define penalties for violations? If yes, please note maximum penalty, page number and paragraph number.

Yes

No

\$5,000 Maximum Penalty

CD74:49 Page Number

74-388 & Paragraph Number
74-390

7. Does the municipality have ordinance or other regulatory mechanism that prohibits contamination of stormwater runoff from "hot spots" including industrial and commercial properties, restaurants, auto repair shops, auto supply shops, and large commercial parking areas?

Yes

No

INSPECTION/SCREENING AND ENFORCEMENT PROCEDURES

1. Does the municipality presently have personnel and procedures in place for inspection and/or screening for non-stormwater discharges? If yes, please describe and indicate percentage of system inspected and/or screened.

Yes

The City has personnel that perform dry weather screening at all City outfalls. This activity is performed by the Public Works Department's staff. The screening is performed in accordance with the City's SOPs. Documentation is kept in the Public Works Department's central filing system. One-hundred percent (100%) of the City's outfalls have been screened.

No

2. Does the municipality presently have procedures and personnel in place for enforcement of violations of the illicit discharge ordinance? If yes, please describe.

Yes

The City has personnel that can issue NOVs of the illicit discharge ordinance and follow-up on enforcement

**Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)**

No

actions in accordance with the authority of the City as stated in the ordinance. There is currently no formally documented procedure for enforcement.

3. How are enforcement actions documented?

Enforcement actions are documented through the NOV process. Written correspondence is used for issuance of an NOV. These are filed in the City's NPDES files. When an NOV is issued, the violation and required corrective actions are documented on the NOV. The NOV is closed upon implementation of the corrective action(s). Inspection logs document that corrective actions have been completed (or not) and such logs are kept in the City's NPDES files, according to Permit Year.

4. Has the municipality defined "hot spots" for non-stormwater discharge screening and inspections? If yes, please describe and provide a map of illicit discharge screening hot spots.

Yes

Hotspots are defined in the City's post-construction ordinance (Chap 74, Art VII). The City has the authority to screen and inspect hotspot areas. Historically, the City has screened all outfalls and used the screening as an indicator of issues in the watershed.

No

PUBLIC INPUT AND COMPLAINTS

1. Does the municipality presently have procedures in place to receive and consider information and complaints about non-stormwater discharges that are submitted by the public? If so, provide brief description: responsible departments, personnel, steps followed.

Yes

Non-stormwater discharge complaints/information are routed to staff within the Public Works Department, who take responsibility for complaint response, investigation and elimination (if needed). This is performed in accordance with the City's IDDE procedure. Codes Enforcement officials are responsible for progressive enforcement if required. Documentation is kept by the Public Works Department's staff in the City's NPDES files.

No

EDUCATION

1. Has the municipality educated the public and businesses including auto parts supply, auto repair shop and restaurants, regarding ways to detect, prevent and eliminate illicit discharges? If yes, briefly describe the educational materials, including media used (e.g., written brochures, public service announcements, etc.), the topic(s) covered, intended target audience(s), and the distribution method.

Yes

The City uses public service announcements (PSAs) created by Waterworks for this education. The PSAs are distributed via television and radio and focus on education of the general public. Topics include: keeping grass clippings out of waterways, limiting soil erosion, the importance of vehicle maintenance and used oil recycling.

No

B. Proposed Activities:

List the best management practices (BMPs) that you will implement in the area of Illicit Discharge Detection and Elimination. These should be based on a set of priorities that you have identified in the area of Illicit Discharge Detection and Elimination. Provide a short descriptive name to the BMP in the left column and more description in the right column.

PROPOSED BEST MANAGEMENT PRACTICES FOR ILLICIT DISCHARGE DETECTION AND ELIMINATION		
BMP	Name	DESCRIPTION
2A.	Continue current IDDE program	The City will continue to implement the IDDE program, as required/defined by the first Small MS4 General NPDES Permit and as described in the City's latest Annual Reports. Changes to the program will be made throughout the permit period as required by the current Small MS4 General NPDES Permit and as indicated by the BMPs in this NOI.
2B.	Storm sewer system map maintenance	The storm sewer system map will be updated on an annual basis to reflect the addition or elimination of any system outfalls or inputs.
2C.	Outfall dry weather screening	The City will continue screening all stormwater outfalls located within the small MS4 in accordance with the City's procedures for illicit discharge detection and elimination. The screening will be used as an indicator of issues in the watershed and documented in accordance with standard City procedure. Non-stormwater discharges identified during dry weather screening/inspections will be investigated in accordance with the City's investigation procedures and illicit discharge ordinance.
2D.	Enforcement Response Plan	An Enforcement Response Plan (ERP) for the City's illicit discharge detection and elimination program will be developed and implemented.

If you have additional BMPs to list, please include in a separate attachment.

**Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)**

What specific groups will be targeted, if applicable?

The general public, residents, and businesses

C. Measurable Goals and Implementation Milestones

Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

D. Administrative Information

ADMINISTRATIVE INFORMATION FOR ILLICIT DISCHARGE DETECTION AND ELIMINATION	
PRIMARY CONTACT	POSITION OR TITLE
Timothy Beavers, PE	City Engineer

Identify other Department(s) that will be involved and their role.

OTHER DEPARTMENT(S)	ROLE
Fire Department	The Fire Department responds for discharges/dumping of hazardous materials, and to assist with elimination/clean up of spills as necessary (e.g., petroleum spills).
Community Development	Community Development is involved in enforcement activities for activities that do not immediately comply with NOVs.

Identify if you will partner with another MS4 Operator, or with another institution (e.g. Chamber of Commerce, Environmental interest organizations, civic groups) in order to carry out the chosen BMPs.

ENTITY	BMP
None	

Will another governmental entity be responsible for implementing one or more chosen BMPs? If so, identify the entity and which BMP(s) it will implement. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.

ENTITY	BMP
None	

**SECTION 3
CONSTRUCTION SITE STORMWATER RUNOFF PROGRAM**

A. Current Activities

The following is a set of questions on your current Construction Site Stormwater Runoff Program. These questions are intended to highlight minimum program requirements under the MS4 permit. For MS4s who have not been previously covered under an MS4 permit, each element not currently performed must be implemented by the dates identified in Sub-part 4.1.1. of the permit. Thus, each question with a "No" answer must be addressed with a solution in the MS4's proposed program.

CONSTRUCTION SITE RUNOFF ORDINANCES

1. Do the current ordinances/regulations for the municipal stormwater management program comply with Local, State and Federal public notice requirements? If yes, describe how the public is notified.

- Yes
- No

All ordinances and regulations must be formally adopted by the Bristol, TN City Council during a meeting of the City Council, which is open to the general public. The ordinance/regulation is included on the agenda for the City Council meeting, and the agenda is available to the public. The meeting is advertised on the City website. The public has the opportunity to comment on the ordinance/regulation during the City Council meeting.

2. Do you currently have an erosion prevention and sediment control - or similar - ordinance or regulatory mechanism? If yes, include a copy and reference the page number(s). If No, proceed to the next set of questions below about construction site plans review.

- Yes No

CD74:37 – Page Number
CD74:46

Chap 74, Paragraph Number
Article V

Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)

3. Does the ordinance or regulatory mechanism require that site operators implement erosion prevention, sediment control, and other construction waste controls for land disturbance activities?

Yes No

4. Does the ordinance/regulatory mechanism require (explicitly or implicitly) that controls be implemented for any land disturbances greater than or equal to one acre, or less than one acre if part of a large common plan of development or sale that would disturb one acre or more? If yes, note the page number and paragraph number where this is defined.

Yes No CD74:40 Page Number 7-284 (b) Paragraph Number and (c)

5. Does the ordinance or regulatory mechanism contain or reference technical standards for erosion and sediment control? If yes, note the page number and paragraph number where this is defined.

Yes No CD74:40 – Page Number 74-296 thru Paragraph Number CD74:43 74-300

6. Do those technical standards meet or exceed the current effective Tennessee Construction General Permit (TNR100000) requirements for design storm and special conditions for impaired waters or exceptional waters?

Yes No

7. Do those technical standards require that construction activities maintain temporary water quality buffers during construction?

Yes No

8. Does the ordinance or regulatory mechanism clearly define the criteria - primarily who must submit - for submitting erosion and sediment control information or plans? If yes, note page number and paragraph number

Yes No CD74:40 Page Number 74-284 (b) Paragraph Number and 74-285

9. Does the ordinance or regulatory mechanism require approval by the local government prior to commencement of land disturbance activities? If yes, note page number and paragraph number.

Yes No C74:40 Page Number 74-284 (b) Paragraph Number

10. Does the ordinance or regulatory mechanism require re-submittal of erosion and sediment control information or plans if site plans or conditions change during land disturbance activities? If yes, note page number and paragraph number.

Yes No CD74:44 Page Number 74-327 Paragraph Number

11. Does the ordinance or regulatory mechanism allow right-of-entry for government officials onto construction sites for inspections? If yes, note page number and paragraph number.

Yes No CD74:45 Page Number 74-329 (a) and (b) Paragraph Number

12. Does the ordinance or regulatory mechanism give the MS4 owner/operator the authority to STOP WORK in the event of non-compliance violations? If yes, note page number and paragraph number.

Yes No CD74:45 Page Number 74-329 (c) and Paragraph Number 74-330 (b)

CONSTRUCTION SITE PLANS REVIEW

1. Does the municipality presently have in place a technical review process (i.e. engineering department, planning department, zoning board) that evaluates new development and redevelopment construction for construction site runoff?

Yes No

2. Does the technical review process require an erosion prevention and sediment control plan with appropriate BMPs?

Yes No

3. Does the review process include a requirement for pre-construction meeting between the municipality and site developer, for priority construction sites, including at a minimum those construction activities discharging directly into, or immediately upstream of, waters the state recognizes as impaired or exceptional?

Yes No

4. If there is a review process, provide a brief narrative or a flow chart of the process, describing the process steps, responsible personnel (by department, title and contact person), and criteria used for evaluation of information or plans that are submitted.

All site plans are submitted to the Department of Community Development, which distributes copies to all relevant City departments. The Public Works Department reviews stormwater aspects of the plans (erosion and sediment control, post-construction water quality) for conformance with City and TN-CGP requirements. The Public Works Department then comments on the site plan and gives an indication of compliance or noncompliance back to the Department of Community Development. The Department of Community Development handles discussions/issue resolution with the developer and design professional.

**Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)**

The Public Works Department reviews revisions to the site plan as often as needed until the plan is acceptable. The Department of Community Development will approve the site plan once all relevant department comments are resolved.

RESPONDING TO PUBLIC INPUT AND COMPLAINTS

1. Does the municipality presently have procedures in place for receipt and consideration of information and complaints submitted by the public?

Yes No

If Yes, please provide a brief narrative of the receipt process and procedures, describing process steps, responsible departments, and personnel (by title). If available, provide information on complaint tracking, documentation, etc:

Information and complaints regarding construction site runoff are handled by the staff in the Engineering Division of the Public Works Department. Public Works staff responds to the complaint as appropriate. On-site investigation is the typical response to determine complaint validity and any required corrective actions. Investigations are documented and placed in the City's NPDES files.

ENFORCEMENT AND INSPECTION PROCEDURES

1. Does the municipality presently have personnel and procedures in place for construction site runoff inspection?

Yes No

2. Does the program provide for pre-construction meeting and monthly inspection of priority sites?

Yes No

3. Does the municipality presently have procedures and personnel in place for enforcement to the maximum extent for violations of construction site requirements?

Yes No

4. Does the municipality use a STOP WORK order to enforce non-compliance with construction site policies and requirements?

Yes No

5. How are enforcement actions documented?

Enforcement actions are documented through the NOV process. Written correspondence is used for issuance of an NOV. These are placed in the City's NPDES files. When an NOV is issued, the violation and required corrective actions are documented on the NOV. The NOV is closed upon implementation of the corrective action(s). Inspection logs document that corrective actions have been completed (or not) and such logs are kept in the City's NPDES files, according to Permit Year.

TRAINING AND EDUCATION

1. Does the municipality presently make construction site runoff control training/information available to the public, developers, engineers, and contractors? (Be aware that the state of Tennessee regularly conducts erosion prevention and sediment control classes across the state. Local governments are encouraged to refer developers and contractors to these classes).

Yes No

2. Has municipal staff completed state-sponsored training, including the Tennessee Fundamentals of Erosion Prevention and Sediment Control; and the Erosion Prevention and Sediment Control Design Course?

Yes No

B. Proposed Activities:

List the best management practices (BMPs) that you will implement in the area of Construction Site Runoff Program. These should be based on a set of priorities that you have identified in the area of Construction Site Runoff Program. Provide a short descriptive name to the BMP in the left column and more description in the right column.

PROPOSED BEST MANAGEMENT PRACTICES FOR CONSTRUCTION SITE RUNOFF PROGRAM		
BMP	Name	DESCRIPTION
3A.	Continue the current construction site runoff management program	The City will continue to implement the Construction Site Runoff management program, as required/defined by the first Small MS4 General NPDES Permit and as described in the City's latest Annual Reports. Changes to the program will be made throughout the permit period as required by the current Small MS4 General NPDES Permit and as indicated by the BMPs in this NOI.
3B.	Construction site runoff ordinance	The City's existing erosion and sediment control ordinance will be reviewed in light of the requirements of the small MS4 General NPDES Permit and the Tennessee Construction General

**Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)**

	update	Permit. Revisions will be made to correct any deficiencies identified during the review.
3C.	Construction site inventory	The City will develop and maintain an inventory of all active public and private construction sites that result in a total land disturbance as defined in section 4.2.4 of the small MS4 General NPDES Permit. The inventory will contain relevant information for each construction site as defined in section 4.2.4.d of the small MS4 General NPDES Permit.
3D.	Enforcement Response Plan	An Enforcement Response Plan (ERP) for the City's construction site stormwater runoff control program will be developed and implemented.

If you have additional BMPs to list, please include in a separate attachment.

What specific groups will be targeted, if applicable?

Construction site owners and operators, City construction site inspectors, and City construction site plan reviewers
--

C. Measurable Goals and Implementation Milestones

Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

D. Administrative Information

ADMINISTRATIVE INFORMATION FOR CONSTRUCTION SITE RUNOFF PROGRAM	
PRIMARY CONTACT	POSITION OR TITLE
Timothy Beavers, PE	City Engineer

Identify other Department(s) that will be involved and their role.

OTHER DEPARTMENT(S)	ROLE
Codes Enforcement Division	The Codes Enforcement Division handles implementation of the small lot requirements contained in the City's erosion control ordinance. This division also must get involved in enforcement actions that have progressed to the court system.
Department of Community Development	The Department of Community Development facilitates and oversees the City plan review process. This department is responsible for getting site plans to the City Engineer and seeing that comments are resolved before issuing an approval for a site plan.

Identify if you will partner with another MS4 Operator, or with another institution (e.g. Chamber of Commerce, Environmental interest organizations, civic groups) in order to carry out the chosen BMPs.

ENTITY	BMP
None	

Will another governmental entity be responsible for implementing one or more chosen BMPs? If so, identify the entity and which BMP(s) it will implement. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.

ENTITY	BMP
None	

<p>SECTION 4 PERMANENT (POST-CONSTRUCTION) STORMWATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT PROGRAM</p>
--

A. Current Activities

The following is a set of questions on your current Permanent Stormwater Management in New Development and Redevelopment Program. These questions are intended to highlight minimum program requirements under the MS4 permit. For MS4s who have not been previously covered under an MS4 permit, each element not currently performed must be implemented by the dates identified in Sub-part 4.1.1. of the permit. Thus, each question with a "No" answer must be addressed with a solution in the MS4's proposed program.

Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)

STRUCTURAL AND NON-STRUCTURAL STRATEGIES

1. Does the municipality currently have in place mechanisms or strategies to address permanent stormwater runoff management from new development or redevelopment projects that result in land disturbance of one acre or more? For example, land use planning requirements, zoning directives, site-based local controls such as riparian buffer zone protection; storage or detention of stormwater prior to release to streams; practices to cause stormwater to percolate the soil rather than runoff immediately; vegetative practices.

Yes No

If Yes, please provide a brief narrative of - and/or references to - the structural and non-structural strategies, describing strategies implemented, Best Management Practices allowed, technical guidance, responsible departments, and personnel (by title).

The City of Bristol addresses permanent stormwater runoff management from new development or redevelopment projects that result in land disturbance of one acre or more through an ordinance that requires the implementation of water quality BMPs on each site. Each site is required to capture and treat a defined volume of water (called the water quality volume or WQv) to an 80% TSS removal standard. A Water Quality BMP Manual has been developed and implemented to support the requirements of the ordinance by defining the WQv and 80% TSS removal standard, providing detailed design requirements and calculation guidance, and providing detailed inspection and maintenance guidance/checklists for the BMP owner. The 80% removal standard is a presumptive standard, in that compliance with the standard is presumed to be achieved if the BMP is designed, constructed and maintained in accordance with the requirements and guidance of the ordinance and manual. The City provides compliance oversight of the 80% TSS removal standard at various key stages of the life of the BMP. Design compliance reviews are performed through City review and approval of stormwater BMP design plans, construction compliance reviews are performed through City inspection of stormwater (post-construction) BMPs on construction sites and through City approval of record drawings (i.e., as-built drawings) that are developed after construction is complete. Finally, maintenance compliance reviews are performed through regular inspection of each water quality BMP by City staff. The City's ordinance includes the authority to require BMP maintenance.

PERMANENT STORMWATER CONTROLS SITE MANAGEMENT ORDINANCE

1. Do you currently have an ordinance or regulatory mechanism that addresses permanent stormwater runoff management from new development and redevelopment projects? If yes, reference the page number in your ordinance. If No, proceed to the next section on permanent stormwater management plans review.

Yes No CD74:50 – Page Number Chap 74, Paragraph Number
CD74:56 Article VII

2. Does the ordinance or regulatory mechanism require controls to mitigate pollutants in stormwater runoff? If yes, note page number and paragraph number.

Yes No CD74:52 Page Number 74-411 (a) Paragraph Number

3. Does the ordinance or regulatory mechanism require (explicitly or implicitly) that controls be implemented for any new development or redevelopment projects greater than or equal to one acre, including projects less than one acre that are part of a large common plan of development or sale, that discharge into your small MS4? If yes, note page number and paragraph number.

Yes No CD74:52 Page Number 74-411 (a) and Paragraph Number
74-412 (a)

4. Does the ordinance or regulatory mechanism contain or reference technical standards for water quality controls (e.g., design of detention basins)? If yes, note page number and paragraph number.

Yes No CD74:53 Page Number 74-413 (a) Paragraph Number

5. Does the ordinance or regulatory mechanism clearly define the criteria for submittal -who must submit - of permanent stormwater management design information or plans? If yes, note page number and paragraph number.

Yes No CD74:52 Page Number 74-411(a) and Paragraph Number
74-412 (a)

6. Does the ordinance or regulatory mechanism require approval prior to construction of permanent stormwater management controls? If yes, note page number and paragraph number.

Yes No CD74:52 Page Number 74-411 (a) Paragraph Number

**Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)**

7. Does the ordinance or regulatory mechanism require re-submittal of permanent stormwater management design information or plans if site plans change after the initial design has been approved? If yes, please note page number and paragraph number.

Yes No CD74:53 Page Number 74-414 (e) Paragraph Number

8. Does the ordinance or regulatory mechanism give the MS4 owner/operator the authority to penalize the owner of permanent stormwater management controls for violations? If yes, note page number and paragraph number.

Yes No CD74:55 – Page Number 74-434 and Paragraph Number
CD74:56 74-435

9. Does the ordinance or regulatory mechanism allow the municipality right-of-entry on property where permanent stormwater management controls are installed for inspections? If yes, please note page number and paragraph number.

Yes No CD74:55 Page Number 74-432 (a) Paragraph Number

10. Does the ordinance or regulatory mechanism require that permanent stormwater management controls have adequate and long-term operation and maintenance? If yes, please note page number and paragraph number. If no, how does the MS4 owner/operator maintain permanent stormwater management controls?

Yes No 74-431 entire section, CD74:55

11. Does the ordinance or regulatory mechanism require establishment and maintenance of water quality buffers in areas of new development and redevelopment?

Yes No

PERMANENT STORMWATER MANAGEMENT PLANS REVIEW

1. Does the municipality presently have in place a technical review process (i.e. engineering department, planning department, zoning board) that evaluates new development and redevelopment with regard to the impact that permanent stormwater runoff will have on receiving streams?

Yes No

If Yes, provide a brief narrative or a flow chart of the review process, describing the process steps, responsible personnel (by department, title and contact person), and criteria used for evaluation of information or plans that are submitted.

All site plans are submitted to the Department of Community Development, which distributes copies to all relevant City departments. The Public Works Department reviews stormwater aspects of the plans (erosion and sediment control, post-construction water quality) for conformance with City and TN-CGP requirements. The Public Works Department then comments on the site plan and an indication of compliance or noncompliance by the Public Works Department are given back to the Department of Community Development. The Department of Community Development handles discussions/issue resolution with the developer and design professional. The Public Works Department reviews revisions to the site plan as often as needed until the plan is acceptable. The Department of Community Development will approve the plan once all relevant department comments are resolved.

B. Proposed Activities:

List the best management practices (BMPs) that you will implement in the area of the Permanent Stormwater Management Plans Review Program. These should be based on a set of priorities that you have identified in the area of the Permanent Stormwater Management Plans Review Program. Provide a short descriptive name to the BMP in the left column and more description in the right column.

PROPOSED BEST MANAGEMENT PRACTICES FOR PERMANENT STORMWATER MANAGEMENT PLANS REVIEW		
BMP	Name	DESCRIPTION
4A.	Continue permanent stormwater management program	The City will continue to implement the permanent (post-construction) stormwater management program, as required/defined by the first Small MS4 General NPDES Permit and as described in the City's latest Annual Reports. Changes to the program will be made throughout the permit period as required by the current Small MS4 General NPDES Permit and as indicated by the BMPs in this NOI.
4B.	Update the water quality buffer requirement	The City will review the current City water quality buffer requirement in light of the requirements of the small MS4 General NPDES Permit. The City's requirement will be modified where necessary to align it with the conditions of the permit.
4C.	Update the permanent	The City will update the current City performance standards, as defined in the post-construction ordinance and Water Quality BMP Manual, to include site design standards to meet the Runoff

**Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)**

	stormwater management performance standards and program tools	Reduction requirement of the Small MS4 General NPDES Permit. Standards for off-site mitigation and/or payment into a public stormwater project fund may or may not be included, as will be determined by the City during the course of the five year permit period. Other supporting elements of the City's program, such as project plan review and approval process, construction site/post-construction BMP inspections, owner/operator inspections and BMP maintenance tools will be modified as necessary to support the additional performance standards and requirements.
4D.	Enforcement Response Plan	An Enforcement Response Plan (ERP) for the City's permanent stormwater management program will be developed and implemented.

If you have additional BMPs to list, please include in a separate attachment.

What specific groups will be targeted, if applicable?

Developers, Design Professionals and Water Quality BMP Owners

C. Measurable Goals and Implementation Milestones

Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

D. Administrative Information

ADMINISTRATIVE INFORMATION FOR PERMANENT STORMWATER MANAGEMENT PLANS REVIEW	
PRIMARY CONTACT	POSITION OR TITLE
Timothy Beavers, PE	City Engineer

Identify other Department(s) that will be involved and their role.

OTHER DEPARTMENT(S)	ROLE
Department of Community Development	The Department of Community Development facilitates and oversees the City plan review process. The department is responsible for providing site plans to the City Engineer and ensuring design issues are resolved before issuing an approval for the site plan.

Identify if you will partner with another MS4 Operator, or with another institution (e.g. Chamber of Commerce, Environmental interest organizations, civic groups) in order to carry out the chosen BMPs.

ENTITY	BMP
None	

Will another governmental entity be responsible for implementing one or more chosen BMPs? If so, identify the entity and which BMP(s) it will implement. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.

ENTITY	BMP
None	

**SECTION 5
POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS**

A. Current Activities

The following is a set of questions on your current Pollution Prevention/Good Housekeeping for Municipal Operations Program. These questions are intended to highlight minimum program requirements under the MS4 permit. For MS4s who have not been previously covered under an MS4 permit, each element not currently performed must be implemented by the dates identified in Sub-part 4.1.1. of the permit. Thus, each question with a "No" answer must be addressed with a solution in the MS4's proposed program.

STAFF EDUCATION AND TRAINING

1. Does the municipality's current operation and maintenance program provide annual training for staff on preventing and reducing stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance?

**Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)**

Yes

No

2. Are training activities documented? If yes, please describe training and method of record-keeping.

Yes

Annual training is provided for pertinent staff and covers illicit discharge detection and elimination, pollution prevention and good housekeeping, and erosion and sediment control. The training is documented through a sign-in sheet.

No

MUNICIPAL OPERATIONS POLLUTION PREVENTION

1. Does the municipality's operations and maintenance program have policies and procedures in place that address pollution prevention? If yes, please describe procedures. Consider the following in your response: maintenance activities, maintenance schedules; long term inspection procedures for structural and non-structural stormwater controls to reduce floatables and other pollutants; controls for reducing or eliminating the discharge of pollutants from streets, roads, highways; controls for reducing or eliminating pollutants from municipal parking lots, maintenance and storage yards, fleet or maintenance areas with outdoor storage areas, salt/sand storage areas, snow disposal areas, waste transfer stations; disposal of waste removed from storm sewers and the areas listed above; and assessment of impacts on water quality from new flood management projects.

Yes

The City performs litter pick up on major roadways and in commercial areas. All streets are swept as needed, with the streets in commercial areas swept five times per week. Additional sweeping is conducted upon request and following special events. The City has a City Vehicle Cleaning and Washing Policy requiring that vehicles be washed at the indoor wash facility or the covered outdoor wash facility. Both the municipal garage and wastewater treatment facility are inspected once per quarter to identify any deficiencies in good housekeeping procedures. The wastewater treatment facility is inspected daily as part of routine procedures. Spill prevention and response BMPs have been implemented at the municipal garage.

No

MUNICIPAL INDUSTRIAL ACTIVITIES

1. Has the MS4 owner/operator obtained a Tennessee Multi-Sector General Permit or a no-exposure waiver for all qualifying municipal industrial activities? If yes, please give permit numbers or attach copies of the No-Exposure Certification form.

Yes

No

Municipal Garage -
TNR056416

Bristol WWTP-
TNR0546415

Permit Numbers(s)

2. List municipally-owned or operated facilities that have a notable potential for contaminating runoff: for example - vehicle maintenance garages; waste transfer operations; golf courses; salt or other materials storage; landfill. If more than one facility for a given type of operation; give the number of such facilities. Indicate if any of these are covered by an NPDES permit. Is there a documented pollution prevention plan in place for these facilities?

FACILITY OR TYPE OF OPERATION	NUMBER OF FACILITIES	IS ACTIVITY COVERED BY NPDES PERMIT?	IS A POLLUTION PREVENTION PLAN IN EFFECT?
Demolition landfill	1	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Municipal Waste Water Treatment Plant	1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Municipal Garage at City Operations Facility	1	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Municipally Owned 9-Hole Golf Course (18 Little Lane)	1	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Auxiliary Salt Shed (1120 Vance Drive)	1	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

B. Proposed Activities:

List the best management practices (BMPs) that you will implement in the area of the Pollution Prevention and Housekeeping Program. These should be based on a set of priorities that you have identified in the area of the Pollution Prevention and Housekeeping Program. Provide a short descriptive name to the BMP in the left column and more description in the right column.

In addition to considering industrial-type operations, you must also consider municipal infrastructure, and related maintenance activities, maintenance schedules and long-term inspection procedures for structural controls and the proper disposal of waste from storm sewers/catch basins, etc. Also included in this program area is discharge of pollutants from roads and parking lots

PROPOSED BEST MANAGEMENT PRACTICES FOR POLLUTION PREVENTION AND HOUSEKEEPING		
BMP	Name	DESCRIPTION
5A.	Continue Pollution Prevention and good housekeeping	The City will continue to implement its pollution prevention and good housekeeping program as required/defined by the first Small MS4 NPDES Permit and as described in the City's latest Annual Reports. The City will conduct a review of its facilities and activities to assess the effectiveness of current good housekeeping program and proximity to impaired waters. For gaps discovered during

**Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)**

	Program	the review the City will implement necessary procedures and structures to prevent stormwater pollution. Changes to the program will be made throughout the permit period as required by the current Small MS4 Permit and as indicated by the BMPs in this NOI.
5B.	New Facilities	The City will ensure that new facilities and projects for which the City is the owner comply with City construction and permanent stormwater control ordinances.
5C.	Flood Control Projects	The City does not have any planned flood control structures or facilities and thus cannot assess water quality impacts of flood control projects. One Army Corps of Engineers flood control project for Bristol, TN and Bristol, VA is planned and water quality impacts are assumed to be analyzed by the Corps for this project.

If you have additional BMPs to list, please include in a separate attachment.

What specific groups will be targeted, if applicable?

City Staff

C. Measurable Goals and Implementation Milestones

Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

D. Administrative Information

ADMINISTRATIVE INFORMATION FOR POLLUTION PREVENTION AND HOUSEKEEPING	
PRIMARY CONTACT	POSITION OR TITLE
William L Sorah	Deputy City Manager - Public Works

Identify other Department(s) that will be involved and their role.

OTHER DEPARTMENT(S)	ROLE
Parks and Recreation	Department staff will be responsible for implementing SWPPPs and good housekeeping in their respective facilities and activities. Staff will participate in good housekeeping training.

Identify if you will partner with another MS4 Operator, or with another institution (e.g. Chamber of Commerce, Environmental interest organizations, civic groups) in order to carry out the chosen BMPs.

ENTITY	BMP
None	

Will another governmental entity be responsible for implementing one or more chosen BMPs? If so, identify the entity and which BMP(s) it will implement. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.

ENTITY	BMP
None	

**Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)**

ADDENDUM TO SMALL MS4 NPDES PERMIT NOTICE OF INTENT BEST MANAGEMENT PRACTICES (BMPs) MEASURABLE GOALS AND MILESTONES

The purpose of this addendum is to record the measurable goals for each BMP, and the dates (month and year) by which interim actions are to be accomplished. Space is given for four BMPs for each of the six minimum measures. If necessary, please attach additional BMP MEASURABLE GOALS AND MILESTONES as a separate attachment.

Measurable goals are BMP design objectives, or goals that will quantify the progress of implementing the actions or performance of a BMP. They are ways to measure activities or effects of a BMP. For each of the six minimum measures and for each BMP, define the measurable goal you will use to monitor effectiveness of this BMP. The BMPs you list here should match exactly those given in Part V., 1-5 of this NOI. For purposes of this NOI, the Public Education and Outreach and Public Involvement/Participation minimum measures have been combined.

For each BMP, establish milestones for implementation. These tables are set up for once/year milestones. You may change the milestone dates to time frames less than one year.

BEST MANAGEMENT PRACTICES FOR PUBLIC EDUCATION AND PUBLIC PARTICIPATION	
BMP 1A	MEASURABLE GOALS AND MILESTONES
Goal(s)	Continue Public Outreach and Education Program.
Milestone Year 1	Continue program as described in BMP1A.
Milestone Year 2	Implement program under BMP1B.
Milestone Year 3	Implement program under BMP1B.
Milestone Year 4	Implement program under BMP1B.
Milestone Year 5	Implement program under BMP1B.
BMP 1B	MEASURABLE GOALS AND MILESTONES
Goal(s)	PIE Plan Creation and Implementation.
Milestone Year 1	Develop PIE Plan.
Milestone Year 2	Implement PIE Plan.
Milestone Year 3	Continue.
Milestone Year 4	Continue.
Milestone Year 5	Continue.
BMP 1C	MEASURABLE GOALS AND MILESTONES
Goal(s)	Website.
Milestone Year 1	Within 30 days of coverage, implement website to inform citizens of public outreach and involvement opportunities and provide basic information on stormwater pollution and pollution prevention.
Milestone Year 2	Update website.
Milestone Year 3	Update website.
Milestone Year 4	Update website.
Milestone Year 5	Update website.

BEST MANAGEMENT PRACTICES FOR ILLICIT DISCHARGE DETECTION AND ELIMINATION	
BMP 2A	MEASURABLE GOALS AND MILESTONES
Goal(s)	Detect and take steps to eliminate illicit discharges located within the MS4 by continuing the City's IDDE program.
Milestone Year 1	Continue.
Milestone Year 2	Continue.
Milestone Year 3	Continue.
Milestone Year 4	Continue.
Milestone Year 5	Continue.

**Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)**

BMP 2B	MEASURABLE GOALS AND MILESTONES
Goal(s)	Maintain the City storm sewer system map on an annual basis.
Milestone Year 1	Update storm sewer system map.
Milestone Year 2	Update storm sewer system map.
Milestone Year 3	Update storm sewer system map.
Milestone Year 4	Update storm sewer system map.
Milestone Year 5	Update storm sewer system map.
BMP 2C	MEASURABLE GOALS AND MILESTONES
Goal(s)	Perform dry weather screening for all outfalls such that all City outfalls are screened at least once during the five year permit period. Investigate and take steps to eliminate non-stormwater discharges found during screening.
Milestone Year 1	Screen a portion of City outfalls.
Milestone Year 2	Screen a portion of City outfalls.
Milestone Year 3	Screen a portion of City outfalls.
Milestone Year 4	Screen a portion of City outfalls.
Milestone Year 5	Screen a portion of City outfalls.
BMP 2D	MEASURABLE GOALS AND MILESTONES
Goal(s)	1. Develop an Enforcement Response Plan for the City's IDDE program. 2. Implement the IDDE ERP.
Milestone Year 1	No action.
Milestone Year 2	Develop ERP within 18 months of coverage under the small MS4 General NPDES Permit.
Milestone Year 3	Implement ERP.
Milestone Year 4	Implement ERP.
Milestone Year 5	Implement ERP.

BEST MANAGEMENT PRACTICES FOR CONSTRUCTION SITE RUNOFF PROGRAM	
BMP 3A	MEASURABLE GOALS AND MILESTONES
Goal(s)	Continue to implement the City's construction site management program under the authority of the City's erosion prevention and sediment control ordinance.
Milestone Year 1	Continue.
Milestone Year 2	Continue.
Milestone Year 3	Continue.
Milestone Year 4	Continue.
Milestone Year 5	Continue.
BMP 3B	MEASURABLE GOALS AND MILESTONES
Goal(s)	Revise the City's existing erosion control ordinance to align it with the requirements of the small MS4 General NPDES Permit and the Tennessee Construction General Permit. *Timing of the goal assumes timely input from TDEC on its vision of a model Erosion and Sediment Control Ordinance.
Milestone Year 1	Continue EPSC program using current City ordinance.
Milestone Year 2	Review and modify the ordinance. Adopt the revised ordinance.
Milestone Year 3	Continue EPSC program using revised City ordinance.
Milestone Year 4	Continue EPSC program using revised City ordinance.
Milestone Year 5	Continue EPSC program using revised City ordinance.
BMP 3C	MEASURABLE GOALS AND MILESTONES
Goal(s)	Develop and implement the construction site inventory.

**Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)**

Milestone Year 1	Develop the construction site inventory. Implement the construction site inventory within 12 months of coverage under the small MS4 General NPDES Permit.
Milestone Year 2	Update the inventory as new construction sites are permitted and are completed.
Milestone Year 3	Update the inventory as new construction sites are permitted and are completed.
Milestone Year 4	Update the inventory as new construction sites are permitted and are completed.
Milestone Year 5	Update the inventory as new construction sites are permitted and are completed.
BMP 3D	MEASURABLE GOALS AND MILESTONES
Goal(s)	1. Develop an Enforcement Response Plan for the City's construction site stormwater runoff program. 2. Implement the construction site stormwater runoff ERP.
Milestone Year 1	No action.
Milestone Year 2	Develop ERP within 18 months of coverage under the small MS4 General NPDES Permit.
Milestone Year 3	Implement ERP.
Milestone Year 4	Implement ERP.
Milestone Year 5	Implement ERP.

BEST MANAGEMENT PRACTICES FOR PERMANENT (POST-CONSTRUCTION) STORMWATER MANAGEMENT PROGRAM	
BMP 4A	MEASURABLE GOALS AND MILESTONES
Goal(s)	Continue to implement the City's permanent stormwater management program under the authority of the City's post-construction ordinance and with the guidance of the Water Quality BMP Manual.
Milestone Year 1	Continue.
Milestone Year 2	Continue.
Milestone Year 3	Continue.
Milestone Year 4	Continue.
Milestone Year 5	Continue.

BMP 4B	MEASURABLE GOALS AND MILESTONES
Goal(s)	Revise the current water quality buffer requirements to comply with section 4.2.5.1 of the Small MS4 General NPDES Permit.
Milestone Year 1	No action.
Milestone Year 2	No action.
Milestone Year 3	No action.
Milestone Year 4	No action.
Milestone Year 5	Revise post-construction ordinance and implement new requirements.

BMP 4C	MEASURABLE GOALS AND MILESTONES
Goal(s)	1. Update the City's current permanent stormwater management program to include requirements for Runoff Reduction. 2. Review and update other elements of the City's program as necessary to support new requirements for runoff reduction. Other elements include plans review and approval, construction site inspections, record drawing requirements, BMP owner inspections, MS4 post-construction inspections, and maintenance requirements.
Milestone Year 1	No action.
Milestone Year 2	No action.
Milestone Year 3	No action.
Milestone Year 4	No action.
Milestone Year 5	Update City program to fully include and support Runoff Reduction requirements.

BMP 4D	MEASURABLE GOALS AND MILESTONES
Goal(s)	1. Develop an Enforcement Response Plan for the City's permanent stormwater management program.

**Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)**

	2. Implement the permanent stormwater management ERP.
Milestone Year 1	No action.
Milestone Year 2	Develop ERP within 18 months of coverage under the small MS4 General NPDES Permit.
Milestone Year 3	Implement ERP.
Milestone Year 4	Implement ERP.
Milestone Year 5	Review and revise ERP as deemed necessary to support program updates as indicated in BMPs 4A through 4F. Continue to implement ERP.

BEST MANAGEMENT PRACTICES FOR MUNICIPAL POLLUTION PREVENTION AND GOOD HOUSEKEEPING	
BMP 5A	MEASURABLE GOALS AND MILESTONES
Goal(s)	Continue pollution prevention and good housekeeping Program.
Milestone Year 1	Review City facilities and activities to assess the effectiveness of the current good housekeeping program. The program will be revised if necessary to address any issues identified in the assessment.
Milestone Year 2	Continue program.
Milestone Year 3	Continue program.
Milestone Year 4	Continue program.
Milestone Year 5	Continue program.
BMP 5B	MEASURABLE GOALS AND MILESTONES
Goal(s)	New Facilities
Milestone Year 1	Ensure that new facilities and projects for which the City is the owner comply with construction and permanent stormwater control ordinances.
Milestone Year 2	Continue program.
Milestone Year 3	Continue program.
Milestone Year 4	Continue program.
Milestone Year 5	Continue program.
BMP 5C	MEASURABLE GOALS AND MILESTONES
Goal(s)	Flood Control Projects
Milestone Year 1	For any new proposed flood control project, calculate water quality impacts as compared to the requirements of its permanent stormwater control ordinance.
Milestone Year 2	Continue, as applicable.
Milestone Year 3	Continue, as applicable.
Milestone Year 4	Continue, as applicable.
Milestone Year 5	Continue, as applicable.

SECTION 2: ILLICIT DISCHARGE DETECTION AND ELIMINATION

Additional BMPs

BMP	Name	DESCRIPTION
2E	IDDE procedures assessment and update	All existing City procedures pertaining to illicit discharge detection and elimination will be assessed in light of the requirements of the small MS4 General NPDES Permit. Such procedures will be updated, if warranted, to eliminate any deficiencies identified during the assessment.

BMP 2E	MEASURABLE GOALS AND MILESTONES
Goal(s)	<ol style="list-style-type: none"> 1. Assess existing City procedures pertaining to the IDDE program. 2. Revise procedures to align them with the requirements of the Small MS4 General NPDES Permit.
Milestone Year 1	Continue existing IDDE program using current City IDDE procedures.
Milestone Year 2	Continue existing IDDE program using current City IDDE procedures. Assess and revise City IDDE procedures.
Milestone Year 3	Continue IDDE program using revised City IDDE procedures.
Milestone Year 4	Continue IDDE program using revised City IDDE procedures.
Milestone Year 5	Continue IDDE program using revised City IDDE procedures.

SECTION 3: CONSTRUCTION SITE STORMWATER RUNOFF PROGRAM

Additional BMPs

BMP	Name	DESCRIPTION
3E	MS4 staff training	City inspectors will maintain certification under the Tennessee Fundamentals of Erosion Prevention and Sediment Control Course (Level 1). City construction site plan reviewers will maintain certification from the Tennessee Erosion Prevention and Sediment Control Design Course (Level 2). These courses will be taken by City staff at the frequency required to maintain certifications.

BMP 3E	MEASURABLE GOALS AND MILESTONES
Goal(s)	<ol style="list-style-type: none"> 1. Maintain Level 1 certification for all City construction site inspectors responsible for erosion prevention and sediment control inspections. 2. Maintain Level 2 certification for all City construction plan reviewers that are responsible for reviewing stormwater and erosion prevention and sediment control designs.
Milestone Year 1	Maintain staff certifications.
Milestone Year 2	Maintain staff certifications.
Milestone Year 3	Maintain staff certifications.

Milestone Year 4	Maintain staff certifications.
Milestone Year 5	Maintain staff certifications.

SECTION 4: PERMANENT STORMWATER MANAGEMENT PROGRAM

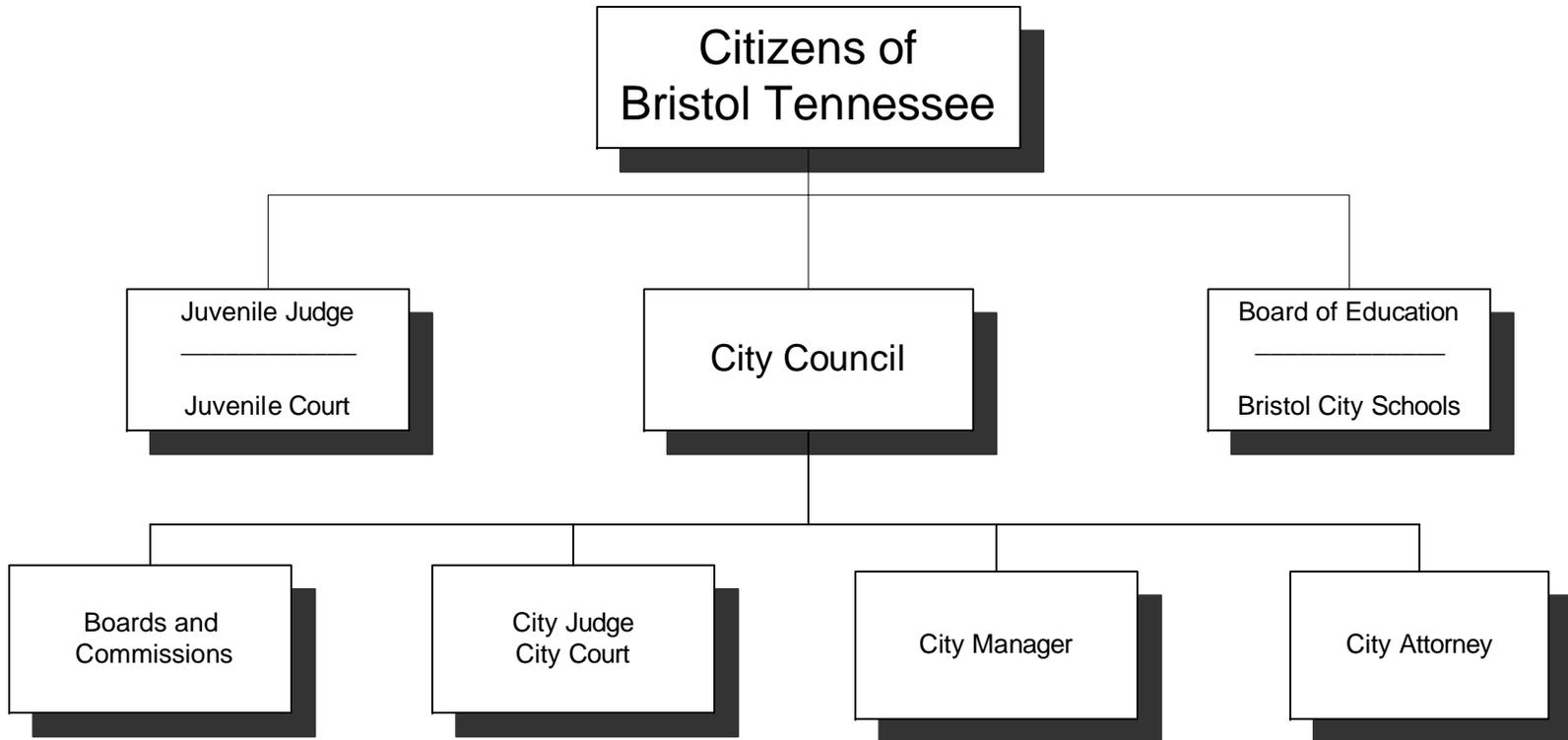
Additional BMPs

BMP	Name	DESCRIPTION
4E	BMP Inventory	An inventory for permanent stormwater management BMPs will be developed in accordance with the requirements of section 4.2.5.6 of the Small MS4 General NPDES Permit. The inventory will be updated on an annual basis, or as development/redevelopment and inspections occur, whichever is determined more appropriate for the City's land development and post-construction inspection processes.
4F	Codes and Ordinances Review and Update	Local codes and ordinances will be reviewed using the EPA Water Quality Scorecard. Based on the outcome of the review, codes and ordinances will be updated within 4 years of coverage under the Small MS4 General NPDES Permit.

BMP 4E	MEASURABLE GOALS AND MILESTONES
Goal(s)	<ol style="list-style-type: none"> 1. Develop the BMP inventory within 180 days of coverage under the Small MS4 General NPDES Permit. 2. Maintain the inventory on an annual basis.
Milestone Year 1	Develop BMP inventory.
Milestone Year 2	Maintain inventory.
Milestone Year 3	Maintain inventory.
Milestone Year 4	Maintain inventory.
Milestone Year 5	Maintain inventory.
BMP 4F	MEASURABLE GOALS AND MILESTONES
Goal(s)	<ol style="list-style-type: none"> 1. Review local codes and ordinances using the EPA Water Quality Scorecard within one year of obtaining coverage under the Small MS4 General NPDES Permit. 3. Update local codes and ordinances as appropriate and identified during the review within 4 years of obtaining coverage under the Small MS4 General NPDES Permit.
Milestone Year 1	No action.
Milestone Year 2	Complete EPA Water Quality Scorecard within one year of permit coverage (approximately January 2012). Submit a completed copy of the EPA Water Quality Scorecard with the Permit Year 2 Annual Report.
Milestone Year 3	No action unless otherwise specified by the results of the codes and ordinances review.
Milestone Year 4	No action unless otherwise specified by the results of the codes and ordinances review.

Milestone Year 5	Have local codes and ordinances fully updated as deemed appropriate based on the codes and ordinances review within four years of permit coverage (approximately January 2015).
------------------	---

CITY OF BRISTOL TENNESSEE ORGANIZATIONAL CHART



CODE OF ORDINANCES

CITY OF

BRISTOL, TENNESSEE

Published by Order of the City Council



MUNICIPAL CODE CORPORATION

Tallahassee, Florida

1992

Republished 2007

(c) The term "franchising authority," as used in the regulations adopted in subsection (a), shall be deemed to refer to the city council.

(d) Any violation of the regulations adopted by this section shall be punishable as provided in section 1-8 of this Code.
(Ord. No. 94-3, § I, 3-1-94)

Sec. 74-232. Rate regulation.

(a) Pursuant to the authority granted by the Cable Television Consumer Protection and Competition Act of 1992, 47 USC Section 521 et seq., and for the purpose of regulating the rates charged to customers of cable television operators franchised by the city, the regulations contained in Title 47 of the Code of Federal Regulations, Part 76, Subpart N, Sections 76.900 through 76.985, are hereby adopted.

(b) The term "franchising authority," as used in the regulations adopted in subsection (a), shall refer to the city council.
(Ord. No. 94-2, § I, 3-1-94)

Secs. 74-233—74-270. Reserved.

ARTICLE V. CONTROL OF EROSION AND SEDIMENT INTO THE STORMWATER SYSTEM

DIVISION 1. GENERALLY

Sec. 74-271. Purposes.

The purposes of this article are as follows:

- (1) To protect, maintain, and enhance the environment of the City of Bristol and the public health, safety and general welfare of the citizens of the city, by preventing the discharge of sediment and construction related waste into the city's stormwater system; and
- (2) To maintain and improve the quality of the receiving waters into which

stormwater runoff flows, including streams, rivers, lakes, ponds, and wetlands.

(Ord. No. 04-23, § I, 1-4-05)

Sec. 74-272. Definitions.

As used in this article:

Best management practices (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to the municipal separate storm sewer system. This term also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage, or leaks, sludge or waste disposal, or drainage from raw material storage.

City means the City of Bristol Tennessee.

City manager means the city manager of the city or his designee, who is responsible for the approval of development and redevelopment plans, grading permits, and the implementation of this article.

Clearing means the removal of vegetation and disturbance of soil prior to grading or excavation in anticipation of construction activities or a wide area land disturbance in anticipation of non-construction activities such as the clearing of forested land for conversion to pasture for wildlife management purposes. This term does not include the clearing of vegetation along roadways, highways or power lines for site distance or other maintenance or safety concerns, or cold planing, milling, or removal of concrete or bituminous asphalt roadway pavement surfaces.

Commencement of construction or commencement of land disturbing activities means the initial disturbance of soils associated with clearing, grading or excavating activities or other construction activities.

Construction means any installation, building, placement or assembly of facilities or equip-

ment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises.

Construction related waste means refuse or unused materials that result from construction activities. Construction related waste can include, but not limited to, unused building and landscaping materials, chemicals, litter, sanitary waste, and concrete truck washout.

Development means any man-made change to improved or unimproved property including, but not limited to, the construction of buildings or other structures, clearing, dredging, drilling operations, filling, grading, paving, excavation, or storage of equipment or materials.

Erosion means the removal of soil particles by the action of water, wind, ice or other agents, whether naturally occurring or acting in conjunction with or promoted by man-made activities or effects.

Erosion and sediment control plan means a written plan, including drawings or other graphic representations, that is designed to eliminate or reduce erosion and off-site sedimentation from a site during construction activities.

Filling means any deposition or stockpiling of dirt, rock, stumps, or other natural or man-made solid waste material.

Final stabilization means when all soil disturbing activities at the site have been completed, and a perennial vegetative cover sufficient to prevent erosion has been well established on all unpaved areas, or equivalent permanent stabilization measures have been employed.

Grading means any excavation, filling (including fill placed in watercourses), or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Grading permit means a permit issued by the city authorizing the commencement of land disturbing activities.

High quality waters means surface waters of the State of Tennessee that are identified by TDEC as "high quality waters."

Land disturbing activity means any activity on a property that results in a change in the existing soil cover, whether vegetative or non-vegetative, or the existing soil topography. Land disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, land transporting, and excavation.

Municipal separate storm sewer system (MS4) means a conveyance or system of conveyances, including roads with drainage systems, streets, roads, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, which are:

- (1) Owned or operated by a state, county, city, town, district, association, or other public body created by or pursuant to state law having jurisdiction over the disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the federal Clean Water Act that discharges to waters of the state;
- (2) Designed or used for collecting or conveying stormwater;
- (3) Which is not a combined sewer; and
- (4) Which is not part of a publicly owned treatment works (POTW) as defined by 40 C.F.R. § 122.2, as amended from time to time.

Owner or operator means any person or entity associated with a construction project that meets either of the following two criteria:

- (1) The person or entity has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications, typically be the owner or developer; or
- (2) The person or entity has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other permit conditions, e.g., they are authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan (SWPPP) or comply with other permit conditions. This would typically include the general contractor and erosion control contractors.

Plan means an erosion and sediment control plan, or a small lot erosion and sediment control plan.

Priority construction activity means construction activities that discharge directly into or immediately upstream from waters the state recognizes as impaired for siltation or those waters designated as high quality waters. A property is considered to have a direct discharge if stormwater runoff from the property does not cross any other property before entering the water of the state.

Section 404 permit means a permit issued by the United States Army Corps of Engineers under Section 404 of the federal Clean Water Act.

Sediment means solid material, either mineral or organic, that is in suspension, being transported, or has been moved from its site of origin by erosion.

Small lot erosion and sediment control plan means a plan that is designed to eliminate or

reduce erosion and off-site sedimentation from a site during construction activities, applicable to development and redevelopment sites that disturb less than one acre and are not part of a larger plan of development.

State means the State of Tennessee or, where the context indicates, any state of the United States.

Stormwater pollution prevention plan (SWPPP) means a document describing how an owner or operator intends to provide stormwater management during land disturbing or construction activities.

Subdivision means the division, subdivision, or resubdivision of any lot or parcel of land as defined in the subdivision regulations of the city.

Tennessee Erosion and Sediment Control Handbook or handbook means the handbook bearing such title, as amended from time to time, published by the Division of Water Pollution Control of TDEC.

Tennessee general permit means State of Tennessee General Permit No. TNR10-0000 Storm Water Discharges from Construction Activities.

TDEC means the Department of Conservation and Environment of the State of Tennessee.

Transporting means any moving of earth materials from one place to another, other than such movement incidental to grading, as authorized on an approved plan.

Waters or waters of the state means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of

private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

(Ord. No. 04-23, § II, 1-4-05)

Cross reference—Definitions and rules of construction generally, § 1-2.

Secs. 74-273—74-283. Reserved.

DIVISION 2. GENERAL REQUIREMENTS

Sec. 74-284. Applicability.

(a) All land disturbing or construction activities that cause off-site sedimentation or sediment discharges to waters of the state shall be in violation of this ordinance.

(b) No owner or operator of any property within the city shall commence landdisturbing activities unless an erosion and sediment control plan is submitted to and approved by the city manager.

(c) For construction resulting in less than one acre of disturbed area a small lot erosion and sediment control plan shall be submitted to and approved by the city manager prior to commencement of any land disturbing activity. Notwithstanding the foregoing, such a plan shall not be required for the construction of a single-family residence on property which is part of a larger common plan of development for which an erosion and sediment control plan has been approved.

(d) The issuance of a grading permit shall be conditioned upon the approval of the erosion and sediment control plan by the city manager. The city shall serve as the plan approval agency only, and in no instance are its regulations to be construed as designing erosion and sediment control or other stormwater systems.

(e) No building permit shall be issued until the owner or operator has obtained a grading permit and is in compliance with the grading permit, where the same is required by this article.

(f) All landdisturbing activities shall employ adequate erosion and sediment control best management practices.

(Ord. No. 04-23, § III, 3.1, 1-4-05)

Sec. 74-285. Exemptions from plans submittal.

(a) The following activities shall not require submittal and approval of an erosion and sediment control plan, or small lot erosion and sediment control plan:

- (1) Minor landdisturbing activities such as home gardens and individual home landscaping, repairs or maintenance work;
- (2) Additions or modifications to existing, individual, single-family structures;
- (3) Emergency work to protect life, limb or property, and emergency repairs, provided that the land area disturbed shall be shaped and stabilized in accordance with the requirements of this article;
- (4) Existing nursery and agricultural operations conducted as a permitted main or accessory use; and
- (5) State and federal projects subject to the submission requirements of TDEC.

(b) All other provisions of this article shall apply to the exemptions noted in subsection (a) above.

(Ord. No. 04-23, § III, 3.2, 1-4-05)

Secs. 74-286—74-295. Reserved.

DIVISION 3. EROSION AND SEDIMENT CONTROL DESIGN STANDARDS

Sec. 74-296. Adoption of standards.

(a) The city adopts as its erosion and sediment control design standards and best management practices manual the *Tennessee Erosion and Sediment Control Handbook*. This handbook is incorporated by reference into this article. This handbook includes a list of accept-

able BMPs, including the specific design performance criteria and operation and maintenance requirements for each BMP.

(b) The design, operation and maintenance criteria presented in the handbook may be updated and expanded upon, at the discretion of the city manager, based on improvements in engineering, science, monitoring, and local maintenance experience.

(c) Erosion and sediment control BMPs that are designed, constructed and maintained in accordance with the BMP criteria presented in the handbook shall be presumed to meet the minimum water quality performance standards required by the city.

(Ord. No. 04-23, § IV, 4.1, 1-4-05)

Sec. 74-297. General criteria and requirements.

The following standards, as set forth in the *Tennessee General Permit*, and the *Tennessee Erosion and Sediment Control Handbook*, are adopted:

- (1) Erosion and sediment controls shall be designed to retain sediment on-site.
- (2) All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicate a control has been used inappropriately, or incorrectly, the owner or operator must replace or modify the control for site situations.
- (3) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and must be removed when design capacity has been reduced by 50 percent.
- (4) Construction related waste, litter, construction debris, and construction chemicals exposed to stormwater shall be removed, covered or properly stored prior to anticipated storm events, or otherwise prevented from becoming a pollutant source for stormwater discharges. After use, silt fences should be removed or otherwise prevented from becoming a pollutant source for stormwater discharges.
- (5) Off-site material storage areas, including overburden and stockpiles of dirt and other materials, used solely by the permitted project are considered part of the project and shall be addressed in the plan.
- (6) Pre-construction vegetative ground cover shall not be destroyed, removed, or disturbed more than 20 calendar days prior to grading or earth moving unless the area is seeded or mulched or other temporary cover is installed.
- (7) Clearing and grubbing must be held to the minimum necessary for grading and construction equipment.
- (8) Construction must be sequenced to minimize the exposure time for graded or denuded areas.
- (9) Construction must be phased for projects in which more than 50 acres of soil will be disturbed. Areas of the completed phase must be stabilized within 21 days after another phase has been initiated.
- (10) Erosion and sediment control measures must be in place and functional before commencement of land disturbing activities, and must be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the workday, but must be replaced at the end of the workday or prior to a rain event, whichever is sooner.

(11) The following records shall be maintained on site: the dates when major grading activities occur; the dates when construction activities temporarily or permanently cease on a portion of the site; and the dates when stabilization measures are initiated.

(12) The city manager has the discretion to require BMPs that conform to a higher than minimum standard for priority construction activities, for high quality waters, or where deemed necessary.

(Ord. No. 04-23, § IV, 4.2, 1-4-05)

Sec. 74-298. Stabilization practices.

The plan shall include a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Plans should ensure that existing vegetation is preserved where feasible and that disturbed portions of the site are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for stabilization should be avoided.

(1) Stabilization measures shall be initiated as soon as practicable on portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased, except in the following two situations:

a. Where the initiation of stabilization measures by the seventh day is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable; or

b. Where construction activity on a portion of the site is temporarily closed, and land disturbing activities will be resumed within 15 days, temporary stabilization measures do not have to be initiated on that portion of the site.

(2) Temporary or permanent soil stabilization shall be accomplished within 15 days after final grading or other land disturbing activity. Permanent stabilization with perennial vegetation, using native herbaceous and woody plants where practicable, or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.

(Ord. No. 04-23, § IV, 4.3, 1-4-05)

Sec. 74-299. Structural practices.

The plan shall include a description of structural best management practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such best management practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural controls shall not be placed in streams or wetlands except as authorized by Section 404 permit or Tennessee Aquatic Resource Alteration Permit.

(1) Erosion and sediment control best management practices shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment. In addition, best management practices shall be designed to control the rainfall and runoff from a two-year, 24-hour storm, as a minimum.

- (2) When temporary or permanent sediment basins are used to control sedimentation at a site, the basin must provide storage for a calculated volume of runoff from a two-year, 24-hour storm and runoff coefficient from each disturbed acre drained until final stabilization of the site. Where no such calculation has been performed, a temporary or permanent sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measure, shall be provided until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from off-site areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin.
- (3) Discharges from sediment basins and traps must be through a pipe, or through a channel lined with riprap or other stabilized spillway, so that the discharge does not cause erosion.
- (4) Muddy water to be pumped from excavation and work areas must be held in settling basins or filtered prior to its discharge into surface waters. Water must be discharged onto a stabilized outlet point so that the discharge does not cause erosion and sedimentation.

(Ord. No. 04-23, § IV, 4.4, 1-4-05)

Sec. 74-300. Other requirements.

(a) No solid materials, including building materials, shall be discharged to waters of the State, except as authorized by a Section 404 permit or Tennessee Aquatic Resource Alteration Permit.

(b) Off-site vehicle tracking of sediments is prohibited.

(c) Dust generation shall be minimized.

(d) For installation of any waste disposal systems on site, or sanitary sewer or septic system, the plan shall provide for the necessary sediment controls. Owners and operators shall comply with all applicable state or local waste disposal, sanitary sewer or septic system regulations for such systems to the extent that these are located within the permitted area.

(Ord. No. 04-23, § IV, 4.5, 1-4-05)

Secs. 74-301—74-310. Reserved.

DIVISION 4. EROSION AND SEDIMENT CONTROL PLANS

Sec. 74-311. Requirements.

(a) The erosion and sediment control plan shall present in detail the best management practices that will be employed to reduce erosion and control sedimentation.

(b) The plan shall be sealed by a registered professional licensed to practice stormwater management design in the State of Tennessee.

(c) Best management practices presented in the plan shall conform to the requirements found in the *Tennessee Erosion and Sediment Control Handbook*, and shall meet or exceed the requirements of the Tennessee General Permit.

(d) The plan shall include measures to protect legally protected state or federally listed threatened or endangered aquatic fauna or critical habitat (if applicable).

(e) The plan submitted shall be subject to any additional requirements set forth in the city's subdivision regulations, planning and zoning ordinance, or other city regulations.

(f) Construction of the site in accordance with the approved plan must commence within one year from the issue date of the grading permit, or the grading permit will become null and void and the plan must be resubmitted for approval.

(Ord. No. 04-23, § V, 5.1, 1-4-05)

Sec. 74-312. Plan contents.

Erosion and sediment control plans shall include a fully engineered erosion and sediment control plan containing such information as may be required by the city manager consistent with this article.

(Ord. No. 04-23, § V, 5.2, 1-4-05)

Sec. 74-313. Small lot erosion and sediment control plan contents.

(a) Landdisturbing activities that affect less than one acre and are not part of a larger common plan of development with an approved plan shall submit and obtain approval of a small lot erosion and sediment control plan prior to obtaining a building permit.

(b) The plan shall include such information as may be required by the city manager consistent with this article.

(c) The city manager has the discretion to require a fully engineered erosion and sediment control plan.

(Ord. No. 04-23, § V, 5.3, 1-4-05)

Secs. 74-314—74-325. Reserved.

DIVISION 5. COMPLIANCE

Sec. 74-326. Conformity to approved plan.

(a) The approved erosion and sediment control plan, shall be followed during the entire duration of construction at the site.

(b) The city manager may require reports or records from the permittee or person responsible for carrying out the plan to insure compliance.

(c) No land disturbing activity shall be commenced without prior plan approval by the city manager.

(Ord. No. 04-23, § VI, 6.1, 1-4-05)

Sec. 74-327. Amendments to approved plan.

(a) The owner or operator shall amend the plan for any of the following conditions:

- (1) Whenever there is a change in the scope of the project, which would be expected to have a significant effect on the discharge of pollutants to the municipal separate storm sewer system and which has not otherwise been addressed in the plan;
- (2) Whenever inspections or investigations by site operators or local officials indicate the plan is proving ineffective in eliminating or significantly minimizing erosion or off-site sedimentation or discharge of other construction related wastes, or is otherwise not achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity;
- (3) To identify any new contractor or subcontractor that will implement a measure of the plan;
- (4) To include measures necessary to prevent a negative impact to legally protected state or federally listed or proposed threatened or endangered aquatic fauna.

(b) The amended plan shall be submitted for approval by the city manager.

(Ord. No. 04-23, § VI, 6.2, 1-4-05)

Sec. 74-328. Maintenance.

(a) Maintenance and inspections of the best management practices shall be implemented in the manner specified by the by *Tennessee Erosion and Sediment Control Handbook*, as amended by qualified personnel that are provided by the owner or operator of the land disturbing activity.

(b) The owner or operator shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the owner or operator to achieve compliance with this article. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by an owner or operator only when necessary to achieve compliance with the conditions of this article.

(c) Any inadequate control measures or control measures in disrepair shall be replaced or modified, or repaired as necessary, before the next rain event if possible, but in no case more than seven days after the need is identified. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

(d) If sediment escapes the permitted property, off-site accumulations of sediment that have not reached a stream shall be removed promptly so as to minimize off-site impacts. For example, fugitive sediment that has escaped the construction site and has collected in the street shall be removed so that it is not subsequently washed into storm sewers and streams by the next rain and so that it does pose a safety hazard to users of public streets. Removal of fugitive sediments will be done by the owner or operator at his expense. Nothing in this article shall be construed as authorizing remediation or restoration of a stream without consultation with TDEC, or as authorizing access by the owner or operator to other private property. (Ord. No. 04-23, § VI, 6.3, 1-4-05)

Sec. 74-329. Inspections by the city.

(a) The city manager shall have the right to enter onto private property for the purposes of conducting unrestricted periodic inspections of all land disturbing activities to verify compliance with the approved plan or to determine whether such a plan is necessary.

(b) The city manager shall have the right to enter onto private property for the purposes of investigating a suspected violation of this article.

(c) Failure on the part of a owner or operator to allow such inspections by the city manager shall be cause for the issuance of a stop work order, withholding of a certificate of occupancy, and civil penalties. (Ord. No. 04-23, § VI, 6.4, 1-4-05)

Sec. 74-330. Enforcement, penalties, and liability.

(a) Any person failing to have an approved erosion and sediment control plan prior to starting a land disturbing activity shall be in violation of this article. Each day such violation shall continue shall constitute a separate violation.

(b) Any owner, operator or contractor who fails to comply with an approved erosion and sediment control plan shall be in violation of this article, and shall be subject to the issuance of a stop work order, the withholding of a certification of occupancy or civil damages. Each day such violation shall continue shall constitute a separate violation.

(c) Any failure of an owner, operator or contractor to comply with a stop work order issued by the city shall be in violation of this article. Each day such violation shall continue shall constitute a separate violation.

(d) The owner, operator or contractor shall allow periodic inspections by the city of all land disturbing activities. Any failure to allow such an inspection shall be considered a failure to follow the approved plan, and shall constitute a violation of this article, and shall be subject to the issuance of a stop work order or the withholding of a certificate of occupancy.

(e) In order to obtain compliance with this article, the city manager may notify departments of the city to deny service to the property until the site has been brought into compliance.

(f) Upon the request of the city manager, the city attorney shall initiate appropriate legal action to enforce the provisions of this article.

(g) The remedies provided for in this article are cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

(h) Neither the approval of a plan under this article, nor compliance with the conditions of such plan, shall relieve any person of responsibility for damage to other persons or property or impose any liability upon the city for damage to other persons or property.
(Ord. No. 04-23, § VI, 6.5, 1-4-05)

Sec. 74-331. Violations.

The violation of any provision of this article shall be subject to penalty as provided in section 1-8 of the Code of Ordinances of the city.
(Ord. No. 04-23, § VII, 1-4-05)

Secs. 74-332—74-360. Reserved.

ARTICLE VI. ILLICIT DISCHARGES AND CONNECTIONS TO THE MUNICIPAL STORM SEWER SYSTEM

DIVISION 1. GENERALLY

Sec. 74-361. Purposes.

The purposes of this article are as follows:

- (1) To protect, maintain, and enhance the environment of the City of Bristol and the public health, safety and general welfare of the citizens of the city, by controlling discharges of pollutants to the city's stormwater system; and
- (2) To maintain and improve the quality of the receiving waters into which the storm water outfalls flow, including streams, rivers, lakes, ponds, wetlands, and groundwater of the city.

(Ord. No. 04-24, § I, 1-4-05)

Sec. 74-362. Definitions.

As used in this article:

Best management practices (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to the municipal separate storm sewer system. This term also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage, or leaks, sludge or waste disposal, or drainage from raw material storage.

City means the City of Bristol Tennessee.

City manager means the city manager of the city or his designee, who is responsible for the implementation of this article.

Contaminant means any physical, chemical, biological, or radiological substance or matter in water.

Discharge means to dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means, including any direct or indirect entry, of any non-stormwater solid or liquid matter into the municipal separate storm sewer system.

Illicit connection means any unauthorized or illegal connection to the municipal separate stormwater system whether or not such connection results in a discharge into that system.

Municipal separate storm sewer system (MS4) means a conveyance or system of conveyances, including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, which are:

- (1) Owned or operated by a state, county, city, town, district, association, or other public body created by or pursuant to state law having jurisdiction over the disposal of sewage, industrial wastes,

stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the federal Clean Water Act that discharges to waters of the state;

- (2) Designed or used for collecting or conveying stormwater;
- (3) Which is not a combined sewer; and
- (4) Which is not part of a publicly owned treatment works (POTW) as defined by 40 C.F.R. § 122.2, as amended from time to time.

National pollutant discharge elimination system (NPDES) permit means a permit issued pursuant to 33 U.S.C. § 1342, as amended from time to time.

Pollutant means sewage, industrial waste, or other waste or materials, whether liquid or solid.

Stormwater or stormwater runoff means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm sewer system.

Surface water means waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, rivers, other water courses, lakes and reservoirs.

TDEC means the Department of Conservation and Environment of the State of Tennessee.

Waters or waters of the state means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of

private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

(Ord. No. 04-24, § II, 1-4-05)

Cross reference—Definitions and rules of construction generally, § 1-2.

Secs. 74-363—74-370. Reserved.

DIVISION 2. ILLICIT DISCHARGES

Sec. 74-371. Prohibition of illicit discharges.

(a) No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. The commencement, conduct, or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited.

(b) Notwithstanding the foregoing, uncontaminated discharges from the following sources are permitted:

- (1) Landscape irrigation or lawn watering with potable water;
- (2) Diverted stream flows permitted by the State of Tennessee;
- (3) Rising groundwater;
- (4) Groundwater infiltration, as defined by 40 C.F.R. § 35.2005(20), as amended from time to time, to separate storm sewers;
- (5) Pumped groundwater;
- (6) Foundation or footing drains;
- (7) Water discharged from crawl space pumps;
- (8) Air conditioning condensate;
- (9) Springs;
- (10) Individual, residential washing of vehicles;
- (11) Flows from natural riparian habitat or wetlands;

- (12) Swimming pools, if dechlorinated to less than one part per million chlorine;
- (13) Discharges from governmental operations;
- (14) Discharges pursuant to a valid and effective NPDES permit issued by the State of Tennessee;
- (15) Discharges necessary to protect public health and safety, as specified in writing by the city; and
- (16) Dye testing authorized by the city.
(Ord. No. 04-24, § III, 3.1, 1-4-05)

Sec. 74-372. Prohibition of illicit connections.

(a) The construction, use, maintenance, or continued existence of illicit connections to the city's separate municipal storm sewer system is prohibited.

(b) Illicit connections to the city's separate municipal storm sewer system made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection, are prohibited.
(Ord. No. 04-24, § III, 3.2, 1-4-05)

Sec. 74-373. Elimination of discharges and connections.

(a) Any owner or person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the best management practices necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system.

(b) Any person responsible for a property or premises where an illicit connection is located may be required, at the person's expense, to eliminate the connection to the municipal separate storm sewer system.
(Ord. No. 04-24, § IV, 1-4-05)

Sec. 74-374. Notification of spills.

(a) Notwithstanding other requirement of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into stormwater or the municipal separate stormwater system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.

(b) In the event of a release of hazardous materials, the person shall immediately notify the appropriate emergency response agency or agencies of the occurrence. The person shall notify the city manager in person or by telephone or facsimile no later than the next business day.

(c) In the event of a release of non-hazardous materials, the person shall notify the city manager in person or by telephone or facsimile no later than the next business day.

(d) Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the city manager within three business days of the telephone notice.

(e) If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least five years.
(Ord. No. 04-24, § V, 1-4-05)

Secs. 74-375—74-385. Reserved.

DIVISION 3. COMPLIANCE

Sec. 74-386. Notices.

(a) The city manager shall have the authority to issue notices of violation and citations.

(b) The city manager may require reports or records from the permittee or person responsible for eliminating the illicit discharge or illicit connection to insure compliance.
(Ord. No. 04-24, § VI, 6.1, 1-4-05)

Sec. 74-387. Inspections by city.

(a) The city manager shall have the right to enter onto private properties for the purposes of investigating a suspected violation of this article.

(b) The owner or person in control of any premises, facility, operation or residence where an illicit discharge or illicit connection is known or suspected shall allow the city manager to have access to and copy at reasonable times, any applicable state or federal permits related to the suspected or known discharge or connection, and any reports or records maintained in accordance with this article.

(c) The failure of an owner or person in control of any premises to allow such inspection by the city manager shall be cause for the issuance of a stop work order, withholding of a certificate of occupancy, and civil penalties.
(Ord. No. 04-24, § VI, 6.2, 1-4-05)

Sec. 74-388. Enforcement, penalties and liability.

(a) Any person who fails to comply with the ordinance shall be in violation of this article. Each day such violation shall continue shall constitute a separate violation.

(b) Any person who violates this article shall be subject to the issuance of a stop work order, the withholding of a certification of occupancy, and civil damages. Each day such violation shall continue shall constitute a separate violation.

(c) Any failure of a person to comply with a stop work order issued by the city shall be in violation of this article. Each day such violation shall continue shall constitute a separate violation.

(d) In order to obtain compliance with this article, the city manager may notify other departments or the city to deny service to the property until the site has been brought into compliance.

(e) Upon the request of the city manager, the city attorney shall initiate appropriate legal action to enforce the provisions of this article.

(f) The remedies provided for in this article are cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

(g) Neither the approval of a discharge under this article, nor compliance with the conditions of such approval, shall relieve any person of responsibility for damage to other persons or property or impose any liability upon the city for damage to other persons or property.
(Ord. No. 04-24, § VI, 6.3, 1-4-05)

Sec. 74-389. Violations.

The violation of any provision of this article shall be subject to penalty as provided in section 1-8 of the Code of Ordinances of the city.
(Ord. No. 04-24, § VII, 1-4-05)

Sec. 74-390. Civil penalties, damages and expenses; appeals.

(a) Any person who violates any provision of this article may be assessed an administrative civil penalty by the city manager of not less than \$50.00 and not more than \$5,000.00 for each day of violations in accordance with T.C.A. § 68-221-1106. Each day of violation shall constitute a separate violation.

(b) In assessing a civil penalty, the city manager may consider:

- (1) The harm done to the public health or the environment;
- (2) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- (3) The economic benefit gained by the violator;
- (4) The amount of effort put forth by the violator to remedy the violation;
- (5) Any unusual or extraordinary enforcement costs incurred by the city;
- (6) Any amount of penalty established by ordinance or resolution for specific categories of violations; and
- (7) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(c) In addition to the civil penalty, the city manager may assess:

- (1) All damages proximately caused by the violator to the city, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this article, or any other actual damages caused by the violation; and
- (2) The costs of the city's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this section.

(d) The remedies provided in this section shall be cumulative, and the existence of any other remedy at law or in equity shall not be a defense to any such actions.

(e) Any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this section may appeal the penalty or damage assessment to the city council. The appeal shall be in writing and filed with the recorder within 30 days after the civil penalty or damage assessment is served in any manner authorized by law. Upon receipt of an appeal, the city council shall hold a public hearing on the appeal within 45 days unless otherwise agreed by the aggrieved party. At least ten days prior to the hearing, notice of the time, date, and location of the hearing shall be mailed to the aggrieved party at the address provided by the aggrieved party at the time of appeal. The decision of the city council shall be final, and the aggrieved party may appeal therefrom in the manner provided by Tennessee law. If an appeal of a civil penalty or damage assessment is not filed with the city recorder within 30 days as provided herein, the violator shall be deemed to have consented to the civil penalty or damage assessment and it shall become final.

(Ord. No. 07-29, 10-4-07)

Secs. 74-391—74-400. Reserved.

ARTICLE VII. POST-CONSTRUCTION WATER QUALITY MANAGEMENT

DIVISION 1. GENERALLY

Sec. 74-401. Definitions.

As used in this article:

Best management practices (BMPs) means various practices, procedures and devices designed to prevent or reduce the pollution of waters as set forth in the Water Quality BMP Manual.

Channel means a natural or manmade watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

City means the City of Bristol, Tennessee.

City manager means the city manager of the city or his designee.

Construction means any installation, building, placement or assembly of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises.

Covenant for permanent maintenance means a legally enforceable and recorded covenant by a property owner or a homeowner's association containing provisions for the perpetual maintenance of required facilities on the property.

Development means any manmade change to improved or unimproved land that alters its hydrologic or hydraulic conditions. This term includes, but is not limited to, providing access to a site, clearing of vegetation, grading, earth moving, providing utilities, roads and other services such as parking facilities, water quality management and erosion control systems, potable water and wastewater systems, altering land forms, or construction or demolition of a structure on the land.

Hotspot means an area where the land use or activities cause highly contaminated water runoff with concentrations of pollutants in excess of those typically found in stormwater.

Owner means the legal owner of land as reflected on the official land records of the county where the land is located.

Recorded means recorded or registered in the official land records of the county where the land is located.

Redevelopment means the improvement of land that has been previously developed.

Required facilities means those water quality management facilities, BMPs, vegetated buffers, water quality reduction areas and other devices and practices which are required by this article, or are required by an approved water quality management plan or the Water Quality BMP Manual.

Stormwater, stormwater runoff or runoff means surface water resulting from rain, snow or other form of precipitation, which is not absorbed into the soil and results in surface water flow and drainage.

Stream means a linear surface water conveyance with either perennial or ephemeral base flow and (a) is regulated by the city as a Special Flood Hazard Area (SFHA), or (b) has been identified as a stream by the city, the United States Army Corps of Engineers or the Tennessee Department of Environment and Conservation.

Structure means anything that is constructed or erected such that its use requires a permanent location on or in the ground.

Transporting means any moving of earth materials from one place to another, other than such movement incidental to grading, as authorized on an approved plan.

Vegetated buffer means a use-restricted vegetated area located along the perimeter of streams, ponds, lakes or wetlands which contains natural vegetation and grasses, or enhanced or restored vegetation.

Water Quality BMP Manual means a manual adopted by the city which contains policies, design standards and criteria, technical specifications and guidelines, maintenance guidelines, and other documentation to be used for implementation of this article.

Water quality management facilities means structures and constructed features designed to prevent or reduce the discharge of pollution in stormwater runoff from a development or redevelopment.

Water quality management plan means an engineering plan for the design of water quality management facilities and best management practices within a proposed development or redevelopment.

Water quality volume reduction means a decrease in the water quality volume for one or more areas of a proposed development which is obtained only for specific site development features or approaches that can reduce or eliminate the discharge of pollutants in stormwater runoff.

Water quality volume reduction areas means areas within the proposed development or redevelopment for which a water quality volume reduction can be obtained.

Wetland means an area that has been designated as such by the United States Army Corps of Engineers, the Tennessee Department of Environment and Conservation or the Natural Resources Conservation Service.

(Ord. No. 08-2, 3-4-08)

Sec. 74-402. Administration.

(a) The city manager shall administer the provisions of this article.

(b) The city manager is authorized to establish and adopt policies, criteria, specifications and standards for the proper implementation of this article in a Water Quality BMP Manual.

(Ord. No. 08-2, 3-4-08)

Secs. 74-403—74-410. Reserved.

DIVISION 2. REQUIREMENTS AND STANDARDS

Sec. 74-411. Applicability.

(a) Prior to undertaking any development or redevelopment activity which is not exempt under section 74-412, the owner shall submit to the city a water quality management plan and receive approval thereof.

(b) All federal and state permits that may be necessary for construction in and around streams and wetlands shall be obtained prior to submission of the water quality management plan.

(Ord. No. 08-2, 3-4-08)

Sec. 74-412. Exemptions from plan submittal.

Unless the city manager has determined that treatment of stormwater runoff for water quality is needed to comply with other applicable water quality regulations, the following shall not require submittal and approval of a water quality management plan:

- (a) Developments or redevelopments that disturb less than one acre of land unless such is part of a larger common plan that would disturb at least one acre and the stormwater runoff therefrom is not treated for water quality in a manner that meets the requirements of this article;
- (b) Gardens (at residential premises only), landscaping, repairs or maintenance work;
- (c) Installation of utility service connections, unless such is in conjunction with the clearing, grading, excavating, transporting, or filling of a lot or lots for which a water quality management plan would otherwise be required;
- (d) Installation, maintenance or repair of septic tank lines or drainage fields, unless

such is carried in conjunction with the clearing, grading, excavating, transporting, or filling of a lot or lots for which a water quality management plan would otherwise be required;

- (e) Farming and agricultural activities; and
- (f) Emergency work to protect life, limb or property, and emergency repairs.

(Ord. No. 08-2, 3-4-08)

Sec. 74-413. Requirements of plan.

(a) The water quality management plan shall be prepared in accordance with the Water Quality BMP Manual. The city manager may authorize the use of other methods when he determines such will meet or exceed the standards provided in the Water Quality BMP Manual.

(b) A listing of any legally protected state or federally listed threatened or endangered species or critical habitat located in the area of land disturbing activities, and a description of the measures that will be used to protect them during and after grading and construction, shall be included in the water quality management plan.

(c) The city manager may require the water quality management plan to include any additional items and information which he deems necessary.

(d) The water quality management plan shall be prepared and stamped by an engineer or landscape architect licensed to practice in the State of Tennessee. Those portions of the plan that require hydraulic or hydrologic calculations and design shall be prepared and stamped by a professional engineer or landscape architect competent in civil and site design and licensed to practice in the State of Tennessee.
(Ord. No. 08-2, 3-4-08)

Sec. 74-414. Adherence to plan.

(a) Required facilities shall be designed, constructed and maintained in accordance with the approved water quality management plan.

(b) All grading and construction activity shall be conducted in accordance with the approved water quality management plan.

(c) All required facilities shall be located within a permanent water quality easement that is identified on a recorded instrument.

(d) There shall be no deviation from the approved water quality management plan in the absence of an amendment to the plan approved by the city manager.

(e) If there are material changes in the conditions of the development site after the water quality management plan is approved, the city manager may require that the plan be amended to address those conditions.

(Ord. No. 08-2, 3-4-08)

Sec. 74-415. Covenant for permanent maintenance.

(a) The owner shall provide a protective covenant for the permanent maintenance of the required facilities in accordance with the Water Quality BMP Manual which covenant shall be recorded.

(b) A right-of-way or easement for maintenance of the required facilities, having a minimum width of 20 feet shall be provided in the protective covenant or by such other recorded instrument as may be approved by the city manager.

(c) The protective covenant shall be recorded promptly upon its approval by the city manager.
(Ord. No. 08-2, 3-4-08)

Sec. 74-416. Waiver and modification.

The city manager may waive or modify any of the requirements for the water quality management plan if adequate water quality treatment and channel protection are provided by a downstream or shared off-site water quality management facility, or if engineering studies determine that installing the required water quality management facilities or BMPs would actually cause adverse impact to water quality or cause increased channel erosion or downstream flooding, or for other good cause.

(Ord. No. 08-2, 3-4-08)

Sec. 74-417. Stricter standard.

Where the provisions of this article and another regulation conflict or overlap, the provision which is more restrictive or imposes higher standards or requirements shall control.

(Ord. No. 08-2, 3-4-08)

Sec. 74-418. Performance bond.

(a) The city manager may require a performance bond which guarantees satisfactory completion of work related to required facilities.

(b) The performance bond shall name the city as its beneficiary and shall be guaranteed in the form of a surety bond, cashier's check or letter of credit from an approved financial institution or insurance company. The bond shall be in a form and an amount determined by the city manager based on submission of plans and estimated installation or potential maintenance and remediation expenses.

(c) The city manager may reject a surety on the bond based on past performance, ratings of the financial institution, or other appropriate reason.

(d) Prior to the release of a performance bond the following shall be submitted to and approved by the city manager:

- (1) "As built" drawings, prepared by a licensed professional showing the required facilities and certifying they were constructed in accordance with the approved water quality management plan together with such other information as may be required by the city manager;
- (2) A copy of the recorded covenant for permanent maintenance; and
- (3) A copy of a recorded plat showing the location of all required facilities and associated easements.

(Ord. No. 08-2, 3-4-08)

Sec. 74-419. Special pollution abatement.

(a) A special pollution abatement plan shall be required for the following land uses, which are considered pollutant hotspots:

- (1) Motor vehicle or equipment maintenance, fueling, washing or storage areas, including but not limited to, automotive dealerships, automotive repair shops and vehicle wash facilities;
- (2) Recycling or salvage yard facilities;
- (3) Restaurants, grocery stores and other food service facilities;
- (4) Commercial facilities with outside animal housing areas including animal shelters, fish hatcheries, kennels, livestock stables, veterinary clinics and zoos; and
- (5) Any other use which is identified by the city manager as a pollutant hotspot.

(b) A special pollution abatement plan may be required for land uses or activities that are determined by the city manager to have the

potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

(c) The special pollution abatement plan shall be submitted as part of the water quality management plan and shall be in accordance with the Water Quality BMP Manual.
(Ord. No. 08-2, 3-4-08)

Secs. 74-420—74-430. Reserved.

DIVISION 3. COMPLIANCE

Sec. 74-431. Maintenance and integrity.

(a) The required facilities shall be maintained in accordance with the approved water quality management plan and the Water Quality BMP Manual.

(b) All maintenance shall be documented by the owner, and such documentation shall be maintained for at least three years, and shall be available for inspection by the city manager upon request.

(c) There shall be no alteration, improvement or disturbance to a required facility without the approval of the city manager except as may be necessary to maintain its intended performance.
(Ord. No. 08-2, 3-4-08)

Sec. 74-432. Inspections by the city.

(a) The city manager shall have the right to enter onto private property for the purposes of conducting periodic inspections to verify compliance with the approved plan, to determine whether such a plan is necessary or to perform corrective actions.

(b) The city manager shall have the right to enter onto private property for the purposes of investigating a suspected violation of this article.

(c) Failure on the part of an owner or occupier to allow such inspection by the city manager shall be cause for the issuance of a stop work order, withholding of a certificate of occupancy or the assessment of civil penalties and damages.
(Ord. No. 08-2, 3-4-08)

Sec. 74-433. Corrective actions.

(a) The city manager may order corrective actions as may be necessary to properly maintain the required facilities.

(b) If the owner fails to perform the corrective actions ordered, the city manager may cause such corrective actions to be performed with the cost thereof to be charged to the owner. Should the owner fail to timely reimburse the city for such cost, then the city manager may cause a lien to be recorded against the property as provided in the covenant for protective maintenance, and he may take such other actions as he deems appropriate to collect the same.
(Ord. No. 08-2, 3-4-08)

Sec. 74-434. Violations.

(a) The violation of any provision of this article shall be subject to penalty as provided in section 1-8 of this Code.

(b) In addition, any such violation shall be cause for the requiring for corrective action, issuance of a stop work order, withholding of a permit, withholding of a certificate of occupancy and the assessment of civil penalties and damages.

(c) Should the city manager determine that a violation of this ordinance has occurred, or that construction activity does not have a required

plan or permit, or that work does not comply with an approved plan or permit, the city manager may issue a notice of violation to the owner, or to any other person or entity having responsibility for such work.

(Ord. No. 08-2, 3-4-08)

Sec. 74-435. Civil penalties, damages and expenses; appeals.

(a) Any person who violates any provision of this article may be assessed an administrative civil penalty by the city manager of not less than \$50.00 and not more than \$5,000.00 for each day of violations in accordance with T.C.A. § 68-221-1106. Each day of violation shall constitute a separate violation.

(b) In assessing a civil penalty, the city manager may consider:

- (1) The harm done to the public health or the environment;
- (2) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- (3) The economic benefit gained by the violator;
- (4) The amount of effort put forth by the violator to remedy the violation;
- (5) Any unusual or extraordinary enforcement costs incurred by the city;
- (6) Any amount of penalty established by ordinance or resolution for specific categories of violations; and
- (7) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(c) In addition to the civil penalty, the city manager may assess:

- (1) All damages proximately caused by the violator to the city, which may include

any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this article, or any other actual damages caused by the violation; and

- (2) The costs of the city's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this article.

(d) The remedies provided in this section shall be cumulative, and the existence of any other remedy at law or in equity shall not be a defense to any such actions.

(e) Any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this section may appeal the penalty or damage assessment to the city council. The appeal shall be in writing and filed with the recorder within 30 days after the civil penalty or damage assessment is served in any manner authorized by law. Upon receipt of an appeal, the city council shall hold a public hearing on the appeal within 45 days unless otherwise agreed by the aggrieved party. At least ten days prior to the hearing, notice of the time, date, and location of the hearing shall be mailed to the aggrieved party at the address provided by the aggrieved party at the time of appeal. The decision of the city council shall be final, and the aggrieved party may appeal therefrom in the manner provided by Tennessee law. If an appeal of a civil penalty or damage assessment is not filed with the city recorder within 30 days as provided herein, the violator shall be deemed to have consented to the civil penalty or damage assessment and it shall become final.

(Ord. No. 08-2, 3-4-08)