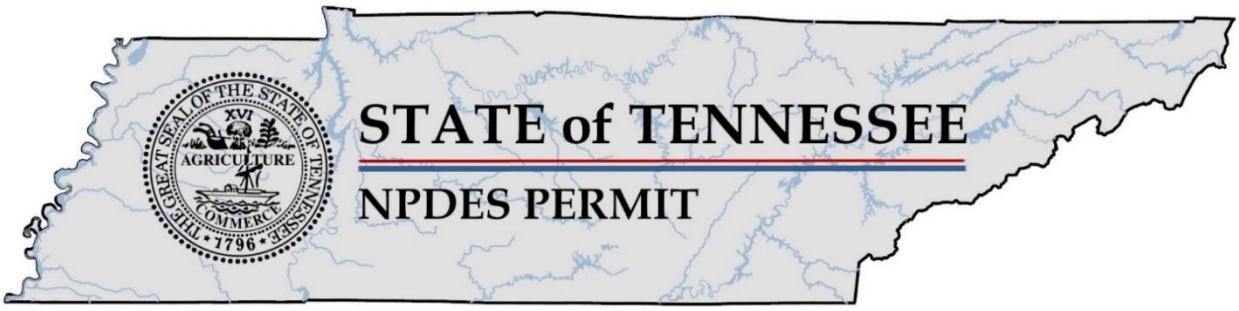

National Pollutant Discharge Elimination System (NPDES)
From

Small Municipal Separate Storm Sewer Systems

Permit Number TNS000000

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issued by the

Department of Environment and Conservation
Division of Water Resources
William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

Under authority of the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.) and the delegation of authority from the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.) and the Water Quality Act of 1987, P.L. 100-4, operators of small municipal separate storm sewer systems are authorized to discharge stormwater runoff into waters of the State of Tennessee in accordance with the various eligibility criteria, administrative procedures, program requirements, reporting requirements, etc. set forth herein

This permit shall become effective on: **September 1, 2022**

This permit shall expire on: **August 31, 2027**

Issuance date: **August 1, 2022**

for Jennifer Dodd
Director

Table of Contents

PART 1

1. COVERAGE UNDER THIS PERMIT

1.1. PERMIT AREA

This permit covers the entire State of Tennessee.

1.2. LIST OF THE DIVISION'S ENVIRONMENTAL FIELD OFFICES AND CORRESPONDING COUNTIES

EFO Name	Division of Water Resources Environmental Field Office Address[1]	List of Counties
Chattanooga	1301 Riverfront Parkway, Suite 206 Chattanooga, TN 37402 (423) 634-5745	Bledsoe, Bradley, Grundy, Hamilton, McMinn, Marion, Meigs, Polk, Rhea, Sequatchie
Columbia	1421 Hampshire Pike Columbia, TN 38401 (931) 380-3371	Bedford, Coffee, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Perry, Wayne
Cookeville	1221 South Willow Ave Cookeville, TN 38506 (931) 520-6688	Cannon, Clay, Cumberland, DeKalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Trousdale, Van Buren, Warren, White
Jackson	1625 Hollywood Drive Jackson, TN 38305-2222 (731) 512-1300	Benton, Carroll, Chester, Crockett, Decatur, Dyer, Gibson, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, McNairy, Madison, Obion, Weakly
Johnson City	2305 Silverdale Rd Johnson City, TN 37601 (423) 854-5400	Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Unicoi, Washington
Knoxville	3711 Middlebrook Pike Knoxville, TN 37921 (865) 594-6035	Anderson, Blount, Campbell, Claiborne, Cocke, Grainger, Hamblen, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, Union
Memphis	8383 Wolf Lake Drive Bartlett, TN 38133-4119 (901) 371-3000	Fayette, Hardeman, Shelby, Tipton

[1] Contact information is correct at the time of issuance. See the Department's webpage for changes https://www.tn.gov/environment/contacts/about-field-offices.html

EFO Name	Division of Water Resources Environmental Field Office Address[1]	List of Counties
Nashville	711 R.S. Gass Boulevard Nashville, TN 37216 (615) 687-7000	Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Williamson, Wilson
Nashville Central Office	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue 11th Floor Nashville, TN 37243	Statewide

All Environmental Field Offices (EFOs) may be reached by telephone at the toll-free number 1-888-891-8332.

1.3. ELIGIBILITY

1.3.1. Authorization to Discharge

This permit authorizes discharges of stormwater from small municipal separate storm sewer systems (MS4s), as defined in 40 C.F.R.C.F.R. § 122.26(b)(16). The permittee is authorized to discharge under the terms and conditions of this general permit if the permittee:

Operates a small MS4 within the permit area described in subpart 1.1;

Is not a "large" or "medium" MS4 as defined in 40 C.F.R. § 122.26(b)(4) or (7);

Is located fully or partially within an urbanized area as determined by the latest decennial census by the United States Census Bureau; or

Is designated for permit authorization by the Division of Water Resources (the Division) pursuant to 40 C.F.R. § 122.32; and

Submits a complete Notice of Intent (NOI) in accordance with part 2 of this permit and receive a Notice of Coverage (NOC).

1.3.2. Area of MS4 Authorized

Where a city, town, county, or non-traditional MS4 (such as a college or university) is covered under this permit, this permit covers all portions and areas operated

by the city, town, or non-traditional MS4. Where a county is covered under this permit, the permit covers the urbanized area of the county and any additional portions of the county, or the whole county, as shall be indicated on the Notice of Intent.

1.3.3. Types of Authorized Discharges

1.3.3.1. Stormwater Discharges

This permit authorizes stormwater discharges to waters of the state from the small MS4s identified in section 1.3.1, except as excluded in subpart 1.4.

1.3.3.2. Non-stormwater Discharges

The permittee is authorized to discharge the following non-stormwater sources provided that the permittee has not determined these sources to be significant contributors of pollutants to the MS4:

- Water line flushing
- Landscape irrigation
- Diverted stream[2] flows
- Rising ground waters
- Uncontaminated groundwater infiltration (Infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.)
- Uncontaminated pumped groundwater
- Discharges from potable water sources
- Foundation drains
- Air conditioning condensate
- Irrigation water
- Springs
- Water from crawl space pumps
- Footing drains
- Lawn watering
- Individual residential car washing

[2] "Stream" as defined by TCA 69-3-103(38) ("stream" means a surface water that is not a wet weather conveyance).

- Flows from riparian habitats and wetlands
- Dechlorinated swimming pool discharges
- Street wash water
- Discharges or flows from firefighting activities.

1.4. LIMITATIONS ON COVERAGE

This permit does not authorize:

Discharges that are mixed with sources of non-stormwater unless such non-stormwater discharges are covered under an NPDES permit.

Permitted stormwater discharges associated with industrial activity as defined in 40 C.F.R. 122.26(b)(14). Stormwater discharges from certain construction related industrial activities, as defined along with other construction activities in this permit, are excluded from this limitation.

Discharges not protective of aquatic or semi-aquatic threatened and endangered species, species deemed in need of management or special concern species - Discharges or discharge-related activities that are likely to jeopardize the continued existence of listed or proposed threatened or endangered aquatic species, or their critical habitat, under the Endangered Species Act (ESA), or other applicable state law or rule. Discharges or conducting discharge-related activities that will cause a prohibited "take" of federally listed aquatic species (as defined under Section 3 of the ESA and 50 C.F.R. §17.3) unless such take is authorized under Sections 7 or 10 of the ESA. Discharges or conducting discharge-related activities that will cause a prohibited "take" of state listed aquatic species[3], unless such take is authorized under the provisions of T.C.A. § 70-8-106(e).

Discharges that would cause or contribute to an in-stream exceedance of water quality standards.

Discharges of stormwater-borne pollutants at levels that would be in violation of a specific wasteload allocation (WLA) applicable to MS4 permits and as defined in the implementation plan contained in an EPA approved or established Total Maximum Daily Load.

[3] As defined in the Tennessee Wildlife Resources Commission Proclamation, Endangered or Threatened Aquatic Species, and in the Tennessee Wildlife Resources Commission Proclamation, Wildlife in Need of Management.

Discharges of materials resulting from a spill within the jurisdiction of the MS4, except emergency discharges required to prevent imminent threat to human health or to prevent severe property damage, provided reasonable and prudent measures have been taken to minimize the impact of the discharges.

Discharges that do not comply with the Division's antidegradation policy for water quality standards, pursuant to the Rules of the Tennessee Department of Environment and Conservation (TDEC), Subchapter 0400-40-03-.06, titled "Tennessee Antidegradation Statement."

1.5. OBTAINING AUTHORIZATION

To be authorized to discharge stormwater from a small MS4, the entity that owns and operates the MS4 must submit an NOI (Electronic submittal is required via https://forms.tdec.tn.gov/) in accordance with part2. The NOI must be signed and dated in accordance with subpart 7.11of this permit.

If the Division notifies dischargers of other NOI form options that become available at a later date (e.g., differing platform or paper submission of forms), the permittee may take advantage of those options to satisfy the submittal requirements of part 2.

Dischargers who submit an NOI in accordance with the requirements of this permit are authorized to discharge stormwater from small MS4s under the terms and conditions of this permit as of the effective date of coverage given in the NOC. The Division may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information (see subpart 7.11).

Where the operator changes, or where a new operator is added after submittal of an NOI under part 2, a new NOI must be submitted in accordance with part 2 prior to the change or addition.

PART 2

2. NOTICE OF INTENT REQUIREMENTS

2.1. DEADLINES FOR NOTIFICATION

If the Division designates a municipality or nontraditional MS4 as a small MS4, the designee is required to submit a NOI to the Division within 180 days of notice. Existing permittees must submit an NOI within 90 days of the effective date of this permit.

The permittee is not prohibited from submitting an NOI after the dates provided above. If a late NOI is submitted, the authorization is only for discharges that occur after permit coverage is granted. The Division may take appropriate enforcement actions for any unpermitted discharges.

2.2. WHERE AND HOW TO SUBMIT NOTICE OF INTENT

2.2.1. Electronic Submittal

The NOI shall be submitted electronically via MyTDEC Forms and must conform to the signatory requirements in subpart 7.11. unless a waiver is granted in accordance with 40 C.F.R. 127.15 (see subpart 6.2).

MyTDEC Forms may be found at the following link
https://forms.tdec.tn.gov/

2.2.2. Hard Copy Option

Only after a waiver (see subpart 6.2) is approved by the Division, a hard copy of the NOI, signed in accordance with the signatory requirements of subpart 7.11of this permit, may be mailed to the address shown in subpart 1.2 for the Nashville Central Office.

PART 3

3. SPECIAL CONDITIONS

3.1. DISCHARGES TO WATERBODIES WITH UNAVAILABLE PARAMETERS OR EXCEPTIONAL TENNESSEE WATERS

Using the most current 303(d) list published on the Division's website along with the GIS mapping tool, the permittee must determine whether it discharges stormwater into streams with unavailable parameters (previously referred to as impaired streams) for nutrients, pathogens, siltation, or other parameters related to stormwater runoff from urbanized areas or to streams designated as Exceptional Tennessee Waters (ETW). The Stormwater Management Program (Stormwater Management Program) must include a description of the Best Management Practices (BMPs) the permittee will use to control discharges to such streams to the Maximum Extent Practicable (MEP). The Division may require a Corrective Action Plan (CAP) if discharges from the MS4 are determined to cause or contribute to an in-stream exceedance of water quality standards or may require the permittee to obtain coverage under an individual permit per subpart 7.16.

For waters with unavailable parameters, the permittee must determine whether a Total Maximum Daily Load (TMDL) has been established and approved by EPA. A list of EPA-Approved TMDLs as well as EPA-Established TMDLs for Tennessee waters can be found on the Division's website.

3.1.1. Discharges into Waterbodies with EPA-Approved or Established TMDLs

The permittee must implement stormwater pollutant reductions consistent with the assumptions and requirements of any applicable WLA(s) in TMDLs established or approved by EPA. If a TMDL is applicable, the Stormwater Management Program must include Best Management Practices (BMPs) specifically targeted to achieve the reductions prescribed by the TMDL. The Stormwater Management Program must also contain a monitoring and/or evaluation component to assess the effectiveness of the BMPs in achieving the reductions, and overall compliance with the standard of the Maximum Extent Practicable (MEP). Monitoring can entail a number of activities, including but not limited to: outfall monitoring, instream monitoring or modeling. Monitoring requirements are further described in subpart 4.6 of this permit.

No later than 180 days following a newly approved or established TMDL, the Stormwater Management Program must be revised to include BMPs specifically targeted to achieve the reductions prescribed by the TMDL.

3.1.2. Discharges to Waterbodies with Unavailable Parameters without TMDLs

For the discharge of nutrients, pathogens, siltation, or other parameters related to stormwater runoff from urbanized areas into a receiving water which has been identified according to subpart 3.1 as having unavailable parameters but not covered by a TMDL, the permittee must document in its Stormwater Management Program how the BMPs will address the discharge of these pollutants. Compliance with this section shall be demonstrated through a monitoring component to assess the effectiveness of the BMPs in controlling the discharge of these pollutants. This component must also be included in the Stormwater Management Program. Monitoring can entail several activities including but not limited to: outfall monitoring, in-stream monitoring and/or modeling. Monitoring requirements are further described in subpart 4.6 of this permit.

3.2. CO-PERMITTEES AND COORDINATED PROGRAMS

3.2.1. Co-permittees

The MS4 jurisdiction may be covered under this general permit as a co-permittee with one or more other, neighboring MS4 jurisdictions. Co-permittees may submit an NOI at any time during the term of this permit.

3.2.2. Requirements in order to be permitted as co-permittees

a. Responsible officials of each participating jurisdiction must sign and submit a single NOI that includes:
   1. A list of all co-permittees covered under the NOI;
   2. A description of where (on which co-permittee) the accountability falls (whole or in part) for each portion of the Stormwater Management Program (Stormwater Management Program). The description shall assign clear and distinct accountability to the co-permittees involved as to who is response for what permit compliance issues, who is to develop what portions of a Stormwater Management Program, and who is to implement what portions of the Stormwater Management Program; and
   3. Any necessary agreements, contracts, memorandums of understanding or other legal documents between co-permittees that govern the

implementation and operations of the Stormwater Management Program.

b. Either multiple Minimum Control Measures (MCMs) in part must be developed, implemented, and enforced among all co-permittees or at least one MCM in whole must be developed, implemented, and enforced among all co-permittees; and

c. Legal mechanisms (e.g. ordinances, resolutions etc.) for shared components must contain the same verbiage for those shared components.

3.2.3. Co-Permittee Liabilities

a. Each co-permittee is individually liable for:

1. Permit compliance for discharges within its legal jurisdiction;
2. Implementing the six minimum measures (see subpart 4.2) in portions of the jurisdiction where it is the operator and in areas within its legal jurisdiction; and
3. If any permit conditions are established for specific portions of the MS4, co-permittees need only comply with the permit conditions relating to those portions of the MS4 for which they are the operator.

b. Each co-permittee is jointly liable for compliance with annual reporting requirements, except that a co-permittee is individually liable for any parts of the annual report that relate exclusively to portions of the MS4 where it is the operator.

c. Co-permittees are jointly liable for permit compliance on portions of the MS4 as follows:

1. Where operational or Stormwater Management Program implementation authority over portions of the MS4 has been transferred from one co-permittee to another in accordance with legally binding interagency agreements, both the owner and operator may be jointly liable for permit compliance on those portions of the MS4; and

2. Where one or more co-permittees jointly own or operate a portion of the MS4, each owner/operator is jointly liable for compliance with permit conditions on the shared portion of the MS4.

3.2.4. Coordinated Programs

Implementation of one or more of the minimum control measures (MCMs) described in subpart 4.2 may be shared with another entity, or the entity may fully take over the measure. The permittee may rely on another entity only if:

a. The particular control measure, or component of that measure, is at least as stringent as the corresponding permit requirement; and

b. The other entity agrees to implement the control measure on the permittee's behalf. Written acceptance of this obligation is required. This obligation must be maintained as part of the description of the Stormwater Management Program. If the other entity agrees to report on the minimum measure, the permittee must supply the other entity with the reporting requirements contained in subpart 5 of this permit. If the other entity fails to implement the control measure on the permittee's behalf, then the permittee remains liable for any discharges due to that failure to implement.

PART 4

4. STORMWWATER MANAGEMENT PROGRAM

4.1. REQUIREMENTS

The permittee must continue to develop, implement, and enforce a Stormwater Management Program (the Program) as described below and according to 40 C.F.R. §§ 122.30 – 122.37 to protect water quality and to satisfy the appropriate water quality requirements of the CWA. The Program shall include engineering methods, system design, control techniques and/or management practices appropriate for the control of pollutants of concern. The elements of the Program must be documented by the permittee in a Stormwater Management Program (Stormwater Management Program). The Program must be reviewed periodically in accordance with subpart 4.6.2. and in conjunction with the requirements found Parts 4 and 5 of this permit. Changes to the Program required by this permit must be completed within 180 days of the effective date of the notice of coverage unless otherwise specified. Changes to the Stormwater Management Program must be approved and documented according to subpart 4.4.

The Stormwater Management Program shall minimize the discharge of pollutants to the maximum extent practicable (MEP) and shall not cause or contribute to violations of State water quality criteria of the receiving streams in stormwater runoff the MS4 system.

The Stormwater Management Program must include the following information documented in a written plan for each of the program elements described in this part:

a. A detailed written document(s) that describes in detail how the permittee intends to comply with the permit's requirements;

b. A detailed narrative description of the BMPs, programs and processes that the permittee or other entity will implement for each of the stormwater control minimum measures;

c. The measurable goals for each of the BMPs including, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action;

d. Identify by name, job title, or department those with the responsibility for implementing or coordinating the Program elements in the Stormwater Management Program; and

e. Specific elements detailed in each subpart of this Part.

The Stormwater Management Program must include mechanism(s) for documenting and tracking compliance to this permit.

Implementation and enforcement of the BMPs consistent with the Stormwater Management Program as documented in the respective plans as well as compliance with provisions of this permit, including reporting and monitoring requirements, constitutes compliance with the standard of reducing pollutants to the MEP.

4.1.1. Newly Permitted MS4 Jurisdictions

Permittees that have not been previously covered under an MS4 permit must develop and fully implement the program within five years from the issuance date of this permit except for the following:

Permit requirement	Description	Implementation date
4.2.5.1d	Submit implementation plan for permanent stormwater management program	90 days from the Effective Date of this permit
4.2.5.5a	Within one year of obtaining initial permit coverage, newly permitted programs shall review local codes and ordinances using the EPA Water Quality Scorecard	A completed copy of the Scorecard shall be submitted with the subsequent annual report
4.6.1.1.2	*Only Required if Option 2 is selected*. A proposed alternate monitoring plan must be submitted to the Nashville Central Office at Water.Permits@tn.gov	24 months from the Effective Date on the Notice of Coverage
Legal Authority e.g. Ordinance Updates	All updates to the legal authority required by changes to this permit shall be fully implemented and adopted (as applicable)	As soon as possible in conjunction with the permanent stormwater legal authority (not to exceed 24 months from the Effective Date on the Notice of Coverage)
4.2.5	Implementation of permanent stormwater management program	Either the effective date of the notice of coverage or as specified in the implementation plan (not to exceed 24 months from the effective date of this permit)

4.1.2. Previously Permitted MS4 Jurisdictions

Renewing permittees shall continue to implement the existing program and all changes to the Stormwater Management Program and written documentation or "plans" required by this permit must be completed within 12 months of the effective date of the notice of coverage with the exception of the following:

Permit requirement	Description	Implementation date
Legal Authority e.g. Ordinance Updates	All updates to the legal authority required by changes to this permit shall be fully implemented and adopted (as applicable)	As soon as possible in conjunction with the permanent stormwater legal authority (not to exceed 24 months from the effective date of this permit)
4.2.4	Modifications to ordinance or other regulatory mechanism for construction site runoff pollutant control program consistent with requirements of the NPDES general permit for construction stormwater runoff effective October 1, 2021.	Changes to regulatory mechanisms and implementation into the construction site runoff pollutant control program within 24 months from the effective date of this permit
4.2.4	Modifications to ordinance or other regulatory mechanism for construction site runoff pollutant control program consistent with requirements of NPDES general permit for construction stormwater runoff with an effective date after September 30, 2026.	Changes to regulatory mechanisms and implementation into the construction site runoff pollutant control program within 18 months of the effective date of the NPDES general permit for construction stormwater runoff
4.2.5	Implementation of permanent stormwater management program	Either the effective date of the notice of coverage or as specified in the implementation plan (not to exceed 24 months from the effective date of this permit)
4.2.5.1d	Submit Implementation plan for permanent stormwater management program	90 days from the Effective Date of this permit
4.6.1.1.2	Only Required if Option 2 is selected. A proposed alternate monitoring plan must be submitted to the Nashville Central Office at Water.Permits@tn.gov	24 months from the Effective Date of this permit

Compliance schedules, once established, remain in effect regardless of new permit cycles, unless specifically indicated by the Division.

4.2. MINIMUM CONTROL MEASURES

The Stormwater Management Program shall include the following minimum control measures:

4.2.1. Public Education and Outreach on Stormwater Impacts

Permittees shall develop and implement an education and outreach program that includes public education and outreach on stormwater impacts as a component of the stormwater management program. The objective of this program is to reduce or eliminate behaviors and practices that cause or contribute to the impacts of stormwater discharges on water bodies and the steps that the audiences can take to reduce pollutants in stormwater runoff to the maximum extent practicable. This program will be designed to reach three major audiences, (1) the public (4.2.1.1), (2) engineering and development community (4.2.1.2), and (3) employees (4.2.1.3). The program shall include the following at a minimum:

The Public Information and Education (PIE) plan shall include:

a. Specific public information/education activities that are designed to meet the management measure;
b. Identification of job categories and applicable management measures for employee education (see subpart 4.2.1.3);
c. Schedule/calendar of events for each year; and
d. Methodology to evaluate components to assess overall effectiveness and the need for improvement.

4.2.1.1. Public

Management Measure:

Conduct activities as described in the PIE plan targeted to address the following issues:

a. General awareness of the impacts on water quality;
b. Awareness of the importance of maintenance activities for operators of permanent Best Management Practices (BMPs)/Stormwater Control Measures (SCMs);
c. Awareness of the proper storage, use, and disposal of pesticides, herbicides, fertilizers oil and other automotive-related fluids; and
d. Awareness of identifying and reporting procedures for illicit connections/discharges, sanitary sewer seepage, spills, etc.

<table>
<tr><th colspan="2">Measurable Goals</th><th>Annual Report Requirement</th></tr>
<tr><td colspan="2">Permittees must conduct and/or sponsor a minimum number of activities (as identified below) that address each of issues identified under “management measures” every reporting year.</td><td rowspan="5">- Total Number of activities conducted

Provide the details of each activity including:
- description;
- date;
- management measures addressed;
- specifically targeted audience and;
- approximate number of that audience that was reached.

For sponsored activities only:
-Identify if the event sponsored monetarily or as a donation in kind</td></tr>
<tr><td>MS4 Population at NOI submittal</td><td>Minimum Number of activities conducted</td></tr>
<tr><td>Population ≤10,000</td><td>Per 5 year permit term 2</td></tr>
<tr><td>10,001 ≤ Population ≤25,000</td><td>Per each reporting year 1</td></tr>
<tr><td>25,001 ≤ Population ≤ 50,000</td><td>Per each reporting year 3</td></tr>
<tr><td>Population greater than or equal to 50,001</td><td>Per each reporting year 6</td></tr>
</table>

4.2.1.2. Engineering and Development Community

Management Measure:

Conduct activities as described in the PIE plan targeted to address the following issues:

a. Awareness of the stormwater ordinances, regulations, and guidance materials related to long-term water quality impacts; and

b. Awareness of stormwater ordinances, regulations, and guidance materials related to construction phase water quality impacts.

<table>
<tr><th colspan="2">Measurable Goals</th><th>Annual Report Requirement</th></tr>
<tr><td colspan="2">Permittees must conduct or sponsor a minimum number of activities (as identified below) that address each of issues identified under “management measures” every reporting year.</td><td rowspan="4">- Total Number of activities conducted

Provide the details of each activity including:
- description;
- date;
- management measures addressed;
- specifically targeted audience and;</td></tr>
<tr><td>MS4 Population at NOI submittal</td><td>Minimum Number of activities conducted</td></tr>
<tr><td>Population ≤10,000</td><td>Per 5 year permit term 1</td></tr>
</table>

Measurable Goals		Annual Report Requirement
10,001 ≤ Population ≤25,000	Per 5 year permit term 2	- approximate number of that audience that was reached.
25,001 ≤ Population ≤ 50,000	Per each reporting year 1	
Population greater than or equal to 50,001	Per each reporting year 2	

4.2.1.3. Employees

The target audience for municipal, county, educational (college or university), military, and other public employees is dependent on job function and duty location.

Management Measure:
Conduct activities as described in the PIE plan targeted to address the following issues:

a. Awareness of water quality impacts from daily operations;
b. Pollution Prevention and Good Housekeeping (see subpart 4.2.6); and
c. The awareness of identifying and reporting procedures for illicit connections/discharges, sanitary sewer diversions or seepages, spills, etc.(see subpart 4.2.3e)

Measurable Goals	Annual Report Requirement
Permittees must educate all employees as identified by job category in the PIE plan. New employees must be trained within six months of their employment or movement into an applicable job category. All responsible employees must receive training and/or retraining within the permit term. to address the issues identified under "management measures"	- For employees that are new to the MS4 or new to the job category: provide the total number of employees NOT educated in accordance with the PIE plan within 6 months - For existing employees: provide the total number of employees NOT educated in accordance with the PIE plan within the permit term.

4.2.2. Public Involvement/Participation

Permittees must develop and implement a program for public involvement and participation as a component of the stormwater management program. The objective is to promote, publicize, and facilitate citizen's participation in the development and implementation of the stormwater management program in order to reduce the discharge of pollutants to the maximum extent practicable. This program will be designed to reach two major audiences: (1) the general public (4.2.2.1), and (2) the commercial and industrial community (4.2.2.2). This program must include the following at a minimum:

a. Specific public involvement/participation activities that are designed to meet the management measures;
b. Schedule/calendar of events for each year;
c. Methodology to evaluate components to assess overall effectiveness and the need for improvement;
d. A mechanism for citizen reporting of illegal spillage, dumping, or otherwise illicit disposal of materials into the MS4 system;
e. Publicity plan for public involvement and participation opportunities by methods designed to reach the intended audience;
f. Permittees shall create opportunities for the public to participate in the decision-making processes for developing, implementing, and updating the Stormwater Management Program;
g. Mechanisms, procedures, and processes for public access to information on new development and redevelopment projects and receiving and considering comments from the public on those new development and redevelopment projects (See subpart 4.2.4);
h. Develop and implement a public notice process in accordance with subpart 4.4.1; and
i. Permittees shall track and maintain records of public involvement and participation opportunities.

Management Measure	Measurable Goals	Annual Report Requirement
Provide public access to the Stormwater Management Program records, including a written description of the Stormwater Management Program, available to the public at reasonable times during regular business hours	Make written description of Stormwater Management Program (e.g. plans) Either - Available on the MS4's webpage Or - (For MS4 without webpage) make available through the MS4's public records review process	Provide the web address for the Stormwater Management Program plan documentation or Provide a brief description of the public records request process
Develop and implement a formal public notice process including - documenting and responding to public comments - mechanism to identify major modification to the Stormwater Management Program that require a formal public notice process (see subpart 4.4.1)	Prior to the Second annual report due date complete the formal public notice process for the entire Stormwater Management Program including response to comments. For subsequent years, formal public notice is required only when major changes (see subpart 4.4.1) are made to the Stormwater Management Program	- For years when the program <u>is</u> required to be formally placed on public notice, a copy of the public notice and response to comments shall be submitted with the annual report. Or - For years when the program <u>is not</u> formally placed on public notice, indicate as such in the annual report. - Detail applicable changes as directed in subpart 4.4.1
Mechanisms, procedures, and processes for public access to information on projects and receiving and considering	- Information for 100% of all construction site projects (see subpart 4.2.4) is accessible to the public	Yes/No Is information for all construction site projects accessible to the public?

comments from the public on those projects. See subpart 4.2.4	- 100% of all comments from the public construction site projects (see subpart 4.2.4) are considered in accordance with the Stormwater Management Program	- # of comments received from the public on construction site projects - Yes/No Are all comments from the public on construction site projects considered?
Encourage and promote citizen reporting of illegal spillage, dumping, or otherwise disposal of materials into the MS4 storm sewer system (see subpart 4.2.3)	Develop and implement a public reporting system e.g. a hotline (see subpart 4.2.3) to facilitate and track public reports of spills, discharges, and dumping to its storm sewer system.	- The number of reports received from the public

4.2.2.1. General Public

Management Measure:

Conduct activities as described in the plan targeted to address the following issues:

a. Pollution Prevention ;
b. Impacts on water quality or local stormwater management issues;
c. Storage, use, and disposal of household hazardous waste, automotive-related fluids, pesticides, herbicides, and fertilizers use; and
d. Identifying and reporting procedures for illicit connections/discharges, sanitary sewer seepage, spills, etc.

<table>
<tr><th colspan="2">Measurable Goals</th><th>Annual Report Requirement</th></tr>
<tr><td colspan="2">Permittees must conduct and/or sponsor a minimum number of activities (as identified below) that address each of issues identified under “management measures” every reporting year.</td><td rowspan="5">- Total Number of activities conducted

Provide the details of each activity including:
- description;
- date;
- management measures addressed;
- specifically targeted audience and;
- approximate number of that audience that was reached.
For sponsored activities only:
-Identify if the event sponsored monetarily or as a donation in kind</td></tr>
<tr><td>MS4 Population at NOI submittal</td><td>Minimum Number of activities conducted each reporting year</td></tr>
<tr><td>Population ≤10,000</td><td>Per 5 year permit term 2</td></tr>
<tr><td>10,001 ≤ Population ≤25,000</td><td>Per each reporting year 1</td></tr>
<tr><td>25,001 ≤ Population ≤ 50,000</td><td>Per each reporting year 3</td></tr>
<tr><td>Population greater than or equal to 50,001</td><td>Per each reporting year 6</td></tr>
</table>

4.2.2.2. Commercial and Development Community

Management Measure:
Conduct activities as described in the plan targeted to address the following issues:

a. Pollution Prevention; and
b. Impacts on water quality or local stormwater management issues.

<table>
<tr><th colspan="2">Measurable Goals</th><th>Annual Report Requirement</th></tr>
<tr><td colspan="2">Permittees must conduct or sponsor a minimum number of activities (as identified below) that address each of issues identified under “management measures” every reporting year.</td><td rowspan="5">- Total Number of activities conducted

Provide the details of each activity including:
- description;
- date;
- management measures addressed;
- specifically targeted audience and;
- approximate number of that audience that was reached.</td></tr>
<tr><td>MS4 Population at NOI submittal</td><td>Minimum Number of activities conducted each reporting year</td></tr>
<tr><td>Population ≤10,000</td><td>Per 5 year permit term
1</td></tr>
<tr><td>10,001 ≤ Population ≤25,000</td><td>Per 5 year permit term
2</td></tr>
<tr><td>25,001 ≤ Population ≤ 50,000</td><td>Per each reporting year
1</td></tr>
<tr><td>Population greater than or equal to 50,001</td><td>Per each reporting year
2</td></tr>
</table>

4.2.3. Illicit Discharge Detection and Elimination (IDDE)

Permittee must develop, implement, and enforce a program to detect and eliminate illicit discharges into the storm sewer system. Stormwater discharges listed in subpart 1.3.3.2 above are excluded from the effective prohibition against non-stormwater and need only be addressed where they are identified as significant sources of pollutants to waters of the state. The objective is to detect and eliminate illicit discharges to the maximum extent practicable. This program must include the following at a minimum:

a. Develop, if not already completed, a storm sewer system map, (see subpart 4.2.3.1 for minimum map requirements);

b. To the extent allowable under State, Tribal, or local law, effectively prohibit, through ordinance or other regulatory mechanism[4], non-stormwater discharges (unless allowed by sub-section 1.3.3.2) into the storm sewer system and implement appropriate enforcement response plan (ERP) (see subpart 4.5);

c. Develop and implement a program to detect, investigate, and address non-stormwater discharges, including illegal dumping, to the system. This includes standard procedures and forms to be followed to investigate illicit discharges throughout the MS4 jurisdiction. This must include:

1. Procedures for locating priority areas likely to have illicit discharges.
2. Procedures for tracing the source of an illicit discharge.
3. Procedures for removing the source of the discharge.
4. Procedures for tracking, investigating, and addressing potential illicit discharges and confirmed Illicit discharges. The results of all illicit discharge investigations shall be individually tracked and documented and include the name of Owner/Operator, locations, description of findings, dates, times, parameters and sampling results, discharge source, description of enforcement action(s) including referrals to other agencies, the date the illicit discharge was resolved, and any other pertinent information.
5. The permittee shall specify the timeframe for initiating complaint investigations within the ERP, but not to exceed seven (7) calendar days from the receipt of the complaint.

[4] Other regulatory mechanism may include: statute, law, rule, ordinance, permit, contract, order, or similar means.

6. Initial enforcement actions (including referrals to other regulatory agencies with appropriate jurisdiction) shall be taken within seven (7) calendar days of the investigation on confirmed illicit discharges in accordance with the ERP.

7. Confirmed illicit discharges shall be eliminated as soon as practicable. If the elimination of the confirmed illicit discharge will take more than fourteen (14) calendar days (from owner/operator's notification of confirmed illicit discharge) a corrective action plan to eliminate identified illicit discharges shall be developed by the owner/operator of the source of the illicit discharge in concurrence with the MS4. The ERP shall include remedies to address failures by the owner/operator to complete the corrective action plan and eliminate the illicit discharge.

8. If the responsible party or source of a confirmed illicit discharge cannot be identified after a comprehensive investigation in accordance with all stormwater management program IDDE investigation and tracing procedures, the illicit discharge shall be referred to the Division within fourteen calendar days of completing the investigation. All records and documentation of the investigation will be provided to the Division in the referral. Referrals shall be made to the local environmental field office identified in subpart 1.2.

d. Address the following categories of non-stormwater discharges or flows (*i.e.,* illicit discharges) only if the permittee identifies them as a significant contributor of pollutants to the MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated groundwater infiltration (as defined at 40 C.F.R. 35.2005(b)(20)), uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water(including tunnel cleaning) (discharges or flows from firefighting activities are excluded from the effective prohibition against non-stormwater and need only be addressed where they are identified as significant sources of pollutants to waters);

e. Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. The educational training for public employees as identified by job category in the PIE plan shall be tracked for each employee (see subpart 4.2.1.1; and

f. The permittee shall develop a mechanism for the public to report (e.g., via hotline or website), suspected illicit discharges.(See subpart 4.2.2.1).

Management Measure	Measurable Goals	Annual Report Requirement
Storm sewer map that contains all required data elements found in subpart 4.2.3.1	Continue to update mapping as new elements are identified.	Provide location for Spatial Rest Service Outfall Map Layer Or Submit the geodatabase/shapefile Or submit a copy of the system map
Identify and investigate the categories of non-stormwater discharges or flows (as indicated in subpart 4.2.3) only if the permittee identifies them as a significant contributor of pollutants to the MS4.	Maintain an inventory of non-stormwater discharges or flows (as indicated in subpart 4.2.3) that the permittee identified as a significant contributor of pollutants to the MS4.	- # of non-stormwater discharges or flows identified as a significant contributor of pollutants to the MS4 - Total # of non-stormwater discharges or flows investigated
	Investigate as an illicit discharge all non-stormwater discharges or flows (as indicated in subpart 4.2.3) that the permittee identified as a significant contributor of pollutants to the MS4	- Yes/No Were all non-stormwater discharges or flows identified as a significant contributor of pollutants to the MS4 investigated?

Management Measure	Measurable Goals	Annual Report Requirement
Illicit discharge reporting and investigations	- track all potential illicit discharges reported, categorized by reporting source	- The number of potential illicit discharges reported by the public
		- The number of potential illicit discharges reported by internal personnel
	- Initiate 100% of all potential Illicit discharges investigations within 7 days of the receipt of the complaint.	- Total number of potential Illicit discharges reported (from any source) that are under investigation at the time of the annual report
		-Yes/No Were all potential illicit discharges investigated within 7 days of receipt?
	- 100% of all Initial enforcement actions shall be taken within seven (7) calendar days of the investigation on confirmed illicit discharges	-# of identified illicit discharges
		- Yes/No Were all initial enforcement actions on confirmed illicit discharges taken within seven (7) calendar days of the investigation?
	- 100% of all corrective action plans are reviewed in accordance with procedures	- # of corrective actions plans received for confirmed illicit discharges.

Management Measure	Measurable Goals	Annual Report Requirement
		- Yes/No Were all corrective actions plans reviewed in accordance with established procedures?
As indicated in the PIE plan, the permittee must educate public employees, businesses, and the general public concerning the hazards and damage to water quality associated with illegal dumping and connections to the storm sewer, and the improper disposal of waste.	The Measurable Goals and Annual Reporting requirements for this management measures are located in subparts 4.2.1.1 & 4.2.1.3	
As indicated in the Public Involvement/Participate MCM (see subpart 4.2.2), the permittee must Encourage and promote citizen reporting of illegal spillage, dumping, or otherwise disposal of materials into the MS4 storm sewer system by developing and implementing a public reporting system e.g. hotline.	The Measurable Goals and Annual Reporting requirements for this management measures are located in subpart 4.2.2	

4.2.3.1. MS4 Storm System Map Requirements

a. MS4 Outfalls;
b. Inputs into the storm sewer collection system, such as the inlets, catch basins, drop structures, flow(s) from adjacent MS4s or other defined contributing points to the storm sewershed of that outfall;
c. Direction of stormwater flow through the system; and

d. Receiving streams.
(The TDEC-DWR GIS layer maybe used in lieu of permittee developing their own receiving stream layer. TDEC rest services can be found at https://tdeconline.tn.gov/arcgis/rest/services/DWR_Public/MapServer)

4.2.4. Construction Site Stormwater Runoff Control

Permittees must develop, implement, and enforce a construction site stormwater runoff pollutant control program to reduce pollutants in any stormwater runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The program must include the following at a minimum:

a. An ordinance or other regulatory mechanism to require erosion prevention and sediment controls (EPSC), as well as sanctions to enforce compliance. The enforcement sanctions must be identified in an ERP as indicated in subpart 4.5.
   1. Modifications to ordinance or other regulatory mechanism for construction site runoff pollutant control program consistent with requirements of the NPDES general permit for construction stormwater runoff (CGP, TNR100000) effective October 1, 2021, must be completed within 24 months of the effective date of this permit.
   2. Modifications to ordinance or other regulatory mechanism for construction site runoff pollutant control program consistent with requirements of the NPDES general permit for construction stormwater runoff (CGP, TNR100000) effective after **September 30, 2026,** must be completed within 18 months of the effective date of the subsequent CGP, TNR100000 with an effective after September 30, 2026, modifications to ordinances or other regulatory mechanisms for construction site runoff control must be effective and implemented within 18 months of the effective date of a Tennessee Construction General Permit (CGP, TNR100000);

b. Requirements for construction site operators to implement appropriate erosion prevention and sediment control best management practices (BMPs). The permittee's EPSC BMPs shall be consistent with those described in the TDEC EPSC Handbook;

c. Requirements for design storm for all waters as well as special conditions for unavailable parameters waters or exceptional Tennessee waters must be consistent with those of the current Tennessee Construction General Permit (TNR100000);

d. An inventory of actively permitted public and private construction sites that result in a total land disturbance as defined in subpart 4.2.4. The inventory must be updated as new development and redevelopment projects are permitted and completed. The inventory must contain relevant contact information for each new development and redevelopment project (e.g., tracking number, name, address, phone, etc.), the size of the new development and redevelopment project and area of disturbance, whether the new development and redevelopment project has submitted for permit coverage under the Tennessee Construction General Permit (TNR100000), and the date the permittee approved the construction site plan. The permittee must make this inventory available to TDEC upon request;

e. Requirements for construction site operators to control wastes such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at construction sites within the jurisdiction to avoid adverse impacts to water quality;

f. Specific procedures for construction site plan (including erosion prevention and sediment controls) review and approval (or denial) which incorporate consideration of potential water quality impacts. The procedures must include an evaluation of plan completeness, and overall BMP effectiveness;

g. Mechanisms or plans for public access to information on new development and redevelopment projects and receiving and considering comments from the public on those new development and redevelopment projects;

h. Procedures for permittee inspectors to evaluate and document construction site compliance. These procedures, as required in subpart 4.5, must include specific enforcement steps to ensure construction operators maintain compliance with the permittee's construction program requirements. At a minimum 10% of all non-priority construction activities must be inspected at least once during the reporting period;

i. Requirements for permittee inspectors who conduct inspections of construction sites must maintain certification under the Tennessee Fundamentals of Erosion Prevention and Sediment Control, Level 1 (or

equivalent such as Tennessee Registered Engineer, Landscape Architect, or Certified Professional in Erosion and Sediment Control). Construction site plan reviewers must receive a certificate of completion from the Tennessee Erosion Prevention and Sediment Control Design Course, Level 2 (or equivalent such as Tennessee Registered Engineer, Landscape Architect, or Certified Professional in Erosion and Sediment Control). It is recommended that permittee construction staff receive training under both courses; and

j. Priority construction activity shall be at a minimum, those construction activities discharging directly into, or immediately upstream of, waters the state recognized as unavailable condition for siltation or Exceptional Tennessee Waters.

Requirements for all priority construction activities must include:

- Pre-construction meetings with construction-site operators for priority construction activities;
- Inspections by the permittee of priority construction sites at least once per calendar month; and
- Documentation of procedures, including related meetings and inspections.

Management Measure	Measurable Goals	Annual Report Requirement
Regulatory mechanism are required to be consistent with the currently effective Tennessee Construction General Permit (CGP, TNR100000). Note: This reporting element won't be seen in the annual report until after the subsequent CGP has been issued.	NPDES general permit for construction stormwater runoff with an effective after September 30, 2026, modifications to ordinances or other regulatory mechanisms for construction site runoff control must be effective and implemented within 18 months of the effective date of a Tennessee Construction General Permit (CGP, TNR100000);	Identify if the regulatory mechanisms for construction site runoff control have been updated to be consistent with CGP and are effective & implemented within 18 months of the effective date of the subsequent CGP

Management Measure	Measurable Goals	Annual Report Requirement
An inventory of actively permitted public and private construction sites that result in a total land disturbance as defined in subpart 4.2.4.d	Maintain an up-to-date inventory with all information identified subpart 4.2.4.d	-total number of active construction activities
		Total number of active non-priority construction activities with incomplete inventory information
Construction site plans review and approval	Establish policies and/or procedures for review and approval (or denial) of all plans and review 100% of all new development and redevelopment projects accordingly	- Total number of new development and redevelopment projects reviewed in accordance with established policies and procedures
		- Yes/No Were all new development and redevelopment projects reviewed in accordance with the established policy and procedure?
Mechanisms or plans for public access to information on new development and redevelopment projects and receiving and considering comments from the public on those new development and redevelopment projects.	The Measurable Goals and Annual Reporting requirements for this management measures are implemented Public Involvement MCM and reported under subpart 4.2.2	
Procedures for permittee inspectors to evaluate and document construction site compliance.	Inspect a minimum of 10% of active non-priority construction sites in accordance	- Total number of active non-priority construction activities

Management Measure	Measurable Goals	Annual Report Requirement
	with Stormwater Management Program	- Yes/No Were all non-priority active construction activities inspections conducted accordance with Stormwater Management Program
Priority construction activities;	-Conduct Pre-construction meetings at 100% of Priority Construction Activities	- Total Number of Priority Construction Activities
		- Yes/No Did all Priority Construction Activities that have Pre-Construction meetings?
	- Inspect 100% of all of Priority Construction Activities at least once per calendar month	- Yes/No Were all priority Construction Activities inspected at least once per calendar month?

4.2.5. Post-Construction/Permanent Stormwater Management in New Development and Redevelopment

Permits issued to entities that operate a municipal separate storm sewer system (MS4) shall include the following to manage post-construction stormwater at all new development and redevelopment projects that disturb one acre or more of land, or less than one acre if part of a larger common plan of development, and discharge into the permittee's MS4:

4.2.5.1. Permanent Stormwater Management Program.

a. The permittee shall develop and implement a permanent stormwater management program to reduce pollutants in stormwater discharges

through management practices, control techniques, and systems, design, and engineering practices implemented to the maximum extent practicable (MEP), as set forth herein.

b. The permanent stormwater management program shall include plans review, site inspections, and a means to ensure that permanent stormwater control measures (SCMs) are adequately operated and maintained.

c. The permittee must develop and implement, and modify as necessary, an ordinance or other regulatory mechanism to address permanent stormwater management at new development and redevelopment projects.

d. The permittee must submit an implementation plan for its permanent stormwater management program not later than 90 days after the effective date of the first new or revised permit issued after the effective date of Tennessee Rule *0400-40-10-.04*. The implementation plan shall include a brief description of the main components of the permittee's permanent stormwater management program, which should include: codes and ordinance development and implementation; procedures for plans review and criteria for approval; procedures for conducting and tracking site inspections; and SCM operation and maintenance policies. The implementation plan shall also include a timeline to develop and implement the program. If the permittee has implemented a permanent stormwater management program that complies with all requirements of the new or revised permit, the permittee may submit an implementation plan explaining how its program complies and identifying any new or modified elements of its program. The schedule must indicate completion as soon as feasible but no later than 24 months from the effective date of the first permit issued after the effective date of Tennessee Rule *0400-40-10-.04*. Further, if implementation will take longer than 12 months, the plan must include interim milestones. Implementation plans must be submitted to the Division.

4.2.5.2. Permanent Stormwater Standards

a. The permanent stormwater management program must require new development and redevelopment projects to be designed to reduce pollutants to the MEP, as set forth herein. Compliance with permanent stormwater standards for new development and redevelopment projects

is determined by designing and installing SCMs as established by Tennessee Rule *0400-40-10-.04* and complying with other requirements of Tennessee Rule *0400-40-10-.04*. For design purposes, total suspended solids (TSS) may be used as the indicator for the reduction of pollutants.

b. SCMs must be designed to provide full treatment capacity within 72 hours following the end of the preceding rain event for the life of the new development or redevelopment project. The permittee shall identify a suite of SCMs to be used in various situations. Information relevant to identified SCMs should be made readily available. Application of innovative SCMs is encouraged. If the permittee decides to significantly limit the number of SCM options, it must be documented in the stormwater management program how the performance standards of Tennessee Rule *0400-40-10-.04* can be met with the limited set of control measures that are allowed.

c. The water quality treatment design storm is a 1-year, 24-hour storm event as defined by Precipitation-Frequency Atlas of the United States. Atlas 14. Volume 2. Version 3.0. U.S. Department of Commerce. National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Springs, Maryland or its digital product equivalent. The water quality treatment volume (WQTV) is a portion of the runoff generated from impervious surfaces at a new development or redevelopment project by the design storm, as set forth below. Uncontaminated roof runoff may be excluded from the WQTV.[5] SCMs must be designed, at a minimum, to achieve an overall treatment efficiency of 80% TSS removal from the WQTV. The quantity of the WQTV depends on the type of treatment provided, as established in the following table:

[5] Roof runoff should be presumed to be contaminated. Roof runoff that has been demonstrated to be uncontaminated may be excluded from the WQTV, however permittees are not required to provide an exclusion to the WQTV for roof runoff.

Water Quality Treatment Volume and the Corresponding SCM Treatment Type for the 1-year, 24-hour design storm		
SCM Treatment Type	WQTV	Notes
infiltration, evaporation, transpiration, and/or reuse	runoff generated from the first 1 inch of the design storm	Examples include, but are not limited to, bioretention, stormwater wetlands, and infiltration systems.
biologically active filtration, with an underdrain	runoff generated from the first 1.25 inches of the design storm	To achieve biologically active filtration, SCMs must provide minimum of 12 inches of internal water storage.
sand or gravel filtration, settling ponds, extended detention ponds, and wet ponds	runoff generated from the first 2.5 inches of the design storm or the first 75% of the design storm, whichever is less	Examples include, but are not limited to, sand filters, permeable pavers, and underground gravel detention systems. Ponds must provide forebays comprising a minimum of 10% of the total design volume. Existing regional detention ponds are not subject to the forebay requirement.
hydrodynamic separation, baffle box settling, other flow-through manufactured treatment devices (MTDs), and treatment trains using MTDs	maximum runoff generated from the entire design storm	Flow-through MTDs must provide an overall treatment efficiency of at least 80% TSS reduction. Refer to 4.2.5.20

Treatment Train Calculations

1. Treatment trains using MTDs.

Treatment trains using MTDs must provide an overall treatment efficiency of at least 80% TSS reduction utilizing the following formula:

The calculation:

$R = A + B - (A \times B) / 100$

Where:

R = total TSS percent removal from application of both SCMs,
A = the TSS percent removal rate applicable to the first SCM, and
B = the TSS percent removal rate applicable to the second SCM.

TSS removal rates for MTD must be evaluated using industry-wide standards. TSS removal rates for other SCMs must be from published reference literature.

2. Treatment trains not using MTDs.

Treatment trains using infiltration, evaporation, transpiration, reuse, or biologically active filtration followed by sand or gravel filtration, settling ponds, extended detention ponds or wet ponds may subtract the treated WQTV of the upstream SCMs from the WQTV of the downstream SCMs.

The permittee may also develop a mitigation program and/or system of payment into a public stormwater fund as described in subpart 4.2.5.3

The permanent stormwater management program may allow for a reduction of the WQTV for a new development or redevelopment project up to 20% for any one of the following conditions, and up to a total maximum of 50% for a combination of the following conditions:

1. Redevelopment projects (including, but not limited to, brownfield redevelopment);

2. Vertical density (floor to area ratio of at least 2, or at least 18 units per acre); and

3. Incentives as identified by the permittee, submitted to the Division, and approved by the Division in writing, and documented as part of the stormwater management program.

4.2.5.3. Stormwater Mitigation and Public Stormwater Fund

a. A permittee may choose to develop an offsite mitigation program or payment in lieu into a public stormwater fund, or both, to offset the portion of the WQTV that cannot be treated on site to the MEP. The program must ensure that off-site stormwater mitigation will be accomplished within the

same USGS 12-digit hydrologic unit code watershed as the new development or redevelopment project, if practicable, and will treat a minimum of 1.5 times the portion of the WQTV not treated on site. The permittee may identify priority areas within the watershed in which stormwater mitigation projects are to be completed. The program must have a mitigation project approval procedure, and all projects must meet all requirements in this permit. Procedures and requirements in the offsite mitigation and payment in lieu programs should be documented as part of the stormwater management program and available for review.

b. If the permittee allows payment into a public stormwater fund, the permittee assumes responsibility to provide the required mitigation projects. The public stormwater fund should be used to fund public mitigation projects. The payment amount into a public stormwater fund must be sufficient to design, install, and maintain the stormwater mitigation measures.

4.2.5.4. Water Quality Riparian Buffers

Permittees shall develop and implement a set of requirements to establish, protect, and maintain permanent water quality riparian buffers to provide additional water quality treatment in riparian areas of new development and redevelopment projects that contain streams, including wetlands, ponds, and lakes. Riparian buffers must meet the following minimum standards:

a. Stormwater discharges should enter the water quality riparian buffer as sheet flow, not as concentrated flow, where site conditions allow.

Water quality riparian buffers must have the following minimum widths, unless site-specific conditions necessitate alternative widths, as described in 4.2.5.40:

	Average buffer width (feet)	Minimum buffer width (feet)	Notes
Waters with available parameters for siltation or habitat alteration or unassessed waters	30	15	The criteria for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than the required minimum width at any measured location. If the new development or redevelopment site encompasses both sides of a stream, buffer averaging can be applied to both
Exceptional Tennessee Waters or waters with unavailable parameters for siltation or habitat alteration	60	30	

			sides, but must be applied independently.

The predominant vegetation within the minimum buffer width area should be trees. The remaining riparian buffers may be composed of herbaceous cover or infiltration-based SCMs.

Permittees may establish permissible land uses or activities within the buffer, such as biking and walking trails, infiltration-based SCMs, selective landscaping, habitat improvement, road and utility crossings, or other limited uses as determined by the permittee. The permittee must have a process to review proposed activities within buffers to ensure the pollutant removal function of the buffer will be retained. Trails constructed within the buffer should prevent or minimize the generation of pollutants. If trails are constructed from impervious materials, runoff must either be directed to infiltration-based SCMs or the buffer width must be increased by the width of the trail.

Permittees may authorize alternative buffer widths for new development and redevelopment projects where averaged water quality riparian buffers cannot be fully implemented on-site. In order to allow alternative widths, the permittee must develop and apply criteria for determining the circumstances under which required buffer widths cannot be achieved based on the type of project, existing land use, and physical conditions that restrict the use of water quality riparian buffers. Any such procedures and criteria for alternative buffer widths must ensure that implementing full buffer widths would be impracticable and that the maximum practicable buffer widths are required. Procedures and criteria for alternative buffer widths must be submitted to the Division, approved by the Division in writing, and documented as a part of the stormwater management program.

Water quality riparian buffer widths are measured from the top of bank also referred to as the “ordinary high-water mark.”

Ordinances and local requirements adopted prior to November 13, 2018, and that mandate minimum 30-foot water quality riparian buffers for drainage areas less than one square mile, and minimum 60-foot water quality riparian buffers for drainage areas of greater than one square mile (with provisions for buffer averaging down to a minimum 30-foot width), are deemed to satisfy the conditions of this paragraph.

4.2.5.5. Codes and Ordinances Review and Update

a. Within one year of obtaining initial permit coverage, newly permitted programs shall review local codes and ordinances using the EPA Water Quality Scorecard[6]. A completed copy of the Scorecard shall be submitted with the subsequent annual report. Permittees who have completed and submitted the Scorecard in the past are not required to repeat this review.

   Newly permitted programs shall update codes and ordinances or other legal instruments as necessary to comply with the permit within 24 months of coverage under this permit. Current permittees shall continue to implement the existing permanent stormwater management program and update legal instruments according to the compliance schedule in subpart 4.2.5.1d

4.2.5.6. Development Project Plan Review, Approval, and Enforcement

The permittee shall develop and implement project plan review, approval, and enforcement procedures applicable, at a minimum, to all new development and redevelopment projects, which shall include:

Procedures for review and approval of site plans, including inter-departmental consultations and a re-submittal process when modifications to the project require changes to an approved site design plan;

A plans review process that requires SCMs to be properly designed, installed, and maintained to meet the performance standards established in Tennessee Rule *0400-40-10-.04*. The process must also include incentives adopted by the permittee as authorized by subpart 4.2.5.2, if any, along with water quality buffers as required by subpart 4.2.5.4; and

A verification process to document that SCMs have been installed per design specifications within 90 days of installation. Verification shall include submission of as-built plans to the permittee, permittee inspection, or inspection by a qualified design professional. The verification process shall include enforcement procedures to bring noncompliant projects into compliance, which shall be detailed in the enforcement response plan.

[6] https://www.epa.gov/smartgrowth/water-quality-scorecard

4.2.5.7. Maintenance of Permanent Stormwater Control Measure Assets

Permanent SCMs, including SCMs used at mitigation projects, must be installed, implemented, and maintained to meet the performance standards of subpart 4.2.5.2, and provide full treatment capacity within 72 hours following the end of the preceding rain event.

The permittee must develop and implement a program to require implementation of appropriate SCM maintenance procedures to sustain pollutant reduction efficiency for the life of the new development or redevelopment project. All procedures, reports, and documentation must be maintained as part of the stormwater management program. The program must include at a minimum:

1. The development and documentation of maintenance and inspection procedures and frequencies for approved SCMs, which shall require all SCMs to be inspected at least once every five years by the permittee, a licensed professional engineer, a licensed landscape architect, or other qualified professional familiar with applicable SCM design and maintenance requirements;

2. The development and documentation of the procedure the permittee will use to verify that SCMs are being inspected and maintained including any written reports from the responsible party;

3. A clear, documented, legally binding agreement assigning SCM maintenance responsibility to the owner/operator, a third party, or the permittee as appropriate. For SCMs designed to manage stormwater from multiple properties, appropriate deed restrictions shall be recorded; and

4. An allowance or agreement for permittee personnel to access the SCMs for inspections and provide for enforcement action for failure to maintain SCMs according to agreement.

4.2.5.8. Inventory and Tracking of Permanent Stormwater Control Measure Assets

a. Existing permittees must continue to implement and maintain a system to inventory and track the status of all public and private SCMs installed on new

development and redevelopment projects. New permittees must implement the system within 24 months of coverage.

b. The inventory and tracking system must be a searchable database, either paper or electronic, that retrieves SCM information by location or other similar identification. The system must be made available to the Division or to members of the public upon request. Other than the basic information of location and project identification, the system should include information and records the permittee will use to demonstrate that SCMs are properly maintained, including but not limited to:

    1. A brief description of the type of SCM and basic design characteristics;

    2. The responsible party contact information;

    3. Inspection schedules (both permittee and responsible party);

    4. A brief description of or reference to maintenance procedures and frequency;

    5. Photographs of the installed SCMs; and

    6. Maintenance and inspection records.

4.2.5.9. Management Measures, Goals and Annual Report Requirements

Management Measure	Measurable Goals	Annual Report Requirement[7]
Stormwater Mitigation and Public Stormwater Fund as outlined in subpart 4.2.5.3 (note this management measure is only required if the permittee has developed such a fund)	100% of all mitigation projects must be completed	- Brief status description status description of Stormwater Mitigation and Public Stormwater Fund
		- # of uncompleted mitigation projects at the end of the previous reporting period
		- # of mitigation projects completed during the reporting period
		-# of uncompleted Projects at the end of the current reporting period
		- # of uncompleted projects at the end of the reporting period that began more than 24 months prior to the end of the reporting period
	100% of all mitigation projects in the Stormwater Mitigation and Public Stormwater Fund are completely funded	- $ in Public Stormwater Fund at the end of the reporting period

[7] Annual reporting identified in this section will begin with the first annual report due after completion of the implementation plan in 4.2.5.1d but no later than 24 months from the effective date of the permit.

Management Measure	Measurable Goals	Annual Report Requirement[7]
		- # of uncompleted projects due to lack of funds
Develop and implement a set of requirements to establish, protect, and maintain permanent water quality riparian buffers	-100% of projects must have the buffer as required by subpart 4.2.5.4	-Yes/No Did all of the projects approved meet the buffer requirements of subpart 4.2.5.4?
	If applicable: -100% of projects with permanent alternative buffer widths must be in accordance with the procedures and criteria approved by the Division	-# of project approved with alternative width Buffer
		- Date Alternative buffer width procedures and criteria most recently approved by Division
Complete Code and Ordinance Review in accordance with subpart 4.2.5.5a (New Permittees Only)	EPA Water Quality Scorecard must be completed and submitted within one year of the effective date on the notice of coverage	A completed copy of the Scorecard shall be submitted with the subsequent annual report. (Note: this is a one-time requirement)
Develop, implement, and enforce policies and procedures for the submittal and review of plans as required by 4.2.5.60	Establish policies and/or procedures for review and approval (or denial) of all plans and review all new development and redevelopment projects accordingly	- Total number of all new development and redevelopment projects reviewed
		- Number of new development and redevelopment projects reviewed in accordance with the established policy and procedure

Management Measure	Measurable Goals	Annual Report Requirement[7]
Develop, implement, and enforce policies and procedures for SCM Installation verification as required by subpart 4.2.5.60	Verify that 100% of SCMs are installed per design specifications in accordance with approved plan within 90 days of installation	- Total number of sites verified
		- Yes/No Were all SCMs are installed per design specifications in accordance with approved plan within 90 days of installation
Establish and maintain adequate legal authority assigning SCM maintenance responsibility and personnel access to the SCM and provide for enforcement action as required by subpart 4.2.5.70	The permittee must have the legal authority to access SCMs and assigned maintenance responsibility for 100% of all SCMs	Yes/No Does the permittee have adequate legal authority as required by 4.2.5.7 for all SCMs installed?
	The permittee must enforce as directed in the appropriate legal authority, for 100% of all SCMs that have not been properly maintained	# of SCMs that have not been properly operated or maintained
		Yes/No Have enforcement actions been taken in accordance with the appropriate legal authority or ERP?
Implement and maintain a system to inventory and track the status of all public and private SCMs as required by subpart 4.2.5.8	The system must be made available to the Division or members of the public upon request.	Total number of requests for inventory
	100% of all SCMs must be included in the inventory tracking system with complete information	- Yes/No Are all SCMs in the inventory tracking system?
		- Yes/No Do all SCMs in the inventory tracking system have complete information?

Management Measure	Measurable Goals	Annual Report Requirement[7]
		Beginning in the year 3 (2025) annual report submit the SCM inventory tracking system information as a geodatabase or as a file type that is generally accessible e.g. excel, csv, xml, or division supplied EDD, etc. note: - Files may be submitted in a manner approved by the division.

4.2.6. Pollution Prevention/Good Housekeeping

The permittee must develop and implement an operation and maintenance program that has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.

4.2.6.1. Employee Training

This program must include an employee training program for employees responsible for municipal operations at facilities within the jurisdiction of the permittee that handle, generate, and/or store materials which constitute a potential pollutant of concern for MS4s. The goal of the training program should be to identify pollutants and prevent and/or reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance. The program must Identify all applicable job categories for training and include these job categories and associated training management measures in the PIE plan (see subpart 4.2.1.b.). New employees must be trained within six months of their employment or movement into an applicable job category. All responsible employees must receive training and/or retraining within the permit term. (note: management measures, measurable goals and annual reporting requirements are in 4.2.1.3

4.2.6.2. Operation and Maintenance (O&M) Program

The permittee must develop an operation and maintenance (O&M) program detailing the activities and procedures the permittee will implement so that the MS4 infrastructure is maintained to reduce the discharge of pollutants from the MS4 for each of the following municipal operations as applicable:

a. streets, roads, highways;
b. municipal parking lots;
c. maintenance and storage yards;
d. fleet or maintenance shops with outdoor storage areas;
e. salt/sand storage locations;
f. snow disposal areas operated by the permittee; and
g. waste disposal, storage, and transfer stations.

(note: see subpart 4.2.5 for requirements specific to SCMs)

The O&M program must include the following management practices at a minimum:

a. Minimize or Prevent Exposures of Materials to Precipitation;
b. Good Housekeeping;
c. Preventative Maintenance;
d. Spill Prevention and Response;
e. Erosion and Sediment Control;
f. Management of Runoff;
g. Control Measure Maintenance; and
h. Facility Site Inspections (conducted at least once every 12 months).

An O&M Facility Plan for each applicable municipal facility shall be developed and implement and must include the following at a minimum:

a. Inventory of management practices on site;
b. Procedures and documentation for the implementation of the management practices on site; and
c. Maintenance Procedures and Frequencies for each Stormwater Control Measure (or type of SCM).

The permittee must keep record of the implementation of the management practices and document the record keeping requirements in the O&M Plan.

An O&M Facility Plan does not need to be developed for a facility if the permittee has either a no exposure certification for the discharge under the Tennessee Multi-Sector General Permit (TMSP) or the discharge is authorized under another NPDES permit, e.g. TMSP.

Management Measure	Measurable Goals	Annual Report Requirement
Employee training program for employees responsible for municipal operations at facilities	The Measurable Goals and Annual Reporting requirements for this management measures are implemented Public Education MCM and reported under subpart 4.2.1	
Develop and implement an O&M Facility Plan	All applicable Municipal operations must have an O&M Facility Plan	- # Municipal Operations Facilities
		Yes/No Do all Municipal Operations Facilities have a O&M Facility Plan?

Management Measure	Measurable Goals	Annual Report Requirement
Facility Site Inspections	Conduct a facility site inspection in accordance with the Stormwater Management Program at all municipal operation facilities at least once every 12 months	- # Municipal Operations Facilities NOT inspected in accordance with the Stormwater Management Program in the previous 12 months

4.3. QUALIFYING TRIBE, STATE OR LOCAL PROGRAM (QLP)

A QLP is a MS4 jurisdictional Stormwater Management Program that has been approved by the Division as having met the QLP minimum program requirements related to stormwater discharges associated with construction activity. If a construction activity is within the jurisdiction of and has obtained a notice of coverage from a QLP, the operator of the construction activity is authorized to discharge stormwater associated with construction activity under General NPDES Permit for Discharges of Stormwater Associated with Construction Activities (CGP) Permit without submittal of an NOI to the Division. Additional information, including QLP minimum requirements and application procedures, can be obtained from the local EFO or TDEC's stormwater QLP program website.

4.3.1. QLP Application

An application form is required to be submitted when an operator of a Tennessee NPDES Municipal Separate Storm Sewer System (MS4) is applying for approval as a QLP related to stormwater discharges associated with construction activity.

The application must:

a. Contain a completed signed (in accordance with 7.11) application form (CN-1374) (located on the stormwater QLP program website);
b. Contain as an attachment Construction stormwater ordinance or regulatory mechanism for violations, including civil penalties and procedures. Note: Indicate the portions of the ordinance or regulatory mechanism that are directly relevant to your application;
c. Contain as an attachment SWPPP/EPSC plan review and approval procedures;
d. Contain as an attachment Construction site tracking and inventory procedures;
e. Contain as an attachment Copies of Level I & II Certifications for appropriate staff (or equivalent);
f. Contain as an attachment Construction site compliance inspection and documentation procedures;
g. Contain as an attachment Enforcement Response Plan; and
h. Contain as an attachment Public Information/Public Input Process;
i. Existing authorized MS4 Qualified Local Programs shall submit required documentation to TDEC electronically as a part of the MS4 NOI; or
j. MS4s requesting QLP authorization shall submit required documentation to TDEC electronically to water.permits@tn.gov.

4.3.2. QLP Minimum Program Requirements

a. Regulated MS4s must implement and maintain a construction site stormwater runoff control program that addresses stormwater runoff from construction activities, as identified in sub-section 4.2.4 of this permit;
b. Legal authority, procedures, and processes to require construction site operators to prepare and submit an NOI, and related comprehensive SWPPP, as identified in Section 3 (SWPPP Requirements) of the CGP;
c. Coordinate with the Division on confirming water resource inventory;
d. Specific procedures (including tracking) for SWPPP review utilizing form Tennessee Municipal Construction Stormwater Project Review Checklist (CN-1440) (located on the stormwater QLP program website);, approval, and NOC issuance; and
e. Requirements for construction site operators to perform inspections and site assessments as identified in the CGP.

4.3.3. QLP Site Reporting Requirements

The QLP program must also include a system for reporting to the Division, information related to construction sites authorized by the QLP. This report is due quarterly as follows:

Quarter	Report Due
January-March	April 15 of that year
April- June	July 15 of that year
July-September	August 15 of that year
October-December	April 15 of that year

Minimum Data Reporting Elements

a. QLP tracking number
b. QLP MS4 Jurisdiction
c. Project Name
d. Responsible Party, e.g. permittee
e. Complete Street Address
f. Site Description
g. County
h. Latitude (decimal degrees)
i. Longitude (decimal degrees)
j. Estimated Start Date
k. Estimated End Date
l. Acres Disturbed
m. Total Acres

n. Receiving Water
o. Status (Pending, Active, Terminated)

This report shall be submitted in a spreadsheet format to Water.Permits@tn.gov or through the Division's electronic reporting portal MyTDEC Forms (when available) at https://forms.tdec.tn.gov/.

4.4. STORMWATER MANAGEMENT PROGRAM MODIFICATION

4.4.1. Program Modification

Permittees may modify the Stormwater Management Program during the life of the permit in accordance with the following:

4.4.1.1. Minor Modifications

Minor Modification are required to be reported in accordance with 4.2.2. These changes **do not require** a formal public notice.

a. Modifications that add, but neither subtract nor replace, components, controls, or requirements to the Stormwater Management Program may be made by the permittee at any time. A description of the modification shall be included in the subsequent Annual Report.

b. Correct typographical errors

c. Increase in Monitoring

d. Remove an outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.

e. Modifications that replace an ineffective or infeasible BMP, or SCM which is specifically identified in the Stormwater Management Program along with an alternate BMP or SCM, may be made by the permittee at any time. A description of the replacement BMP or SCM shall be included in the subsequent Annual Report along with the following information:

An analysis of why the former BMP was ineffective or infeasible;
Expectations on the effectiveness of the replacement BMP or SCM; and
An analysis, if applicable, of why the replacement BMP or SCM will ensure the optimization of equipment use.

f. Addition of Facilities covered under this permit.

4.4.1.2. Major Modifications

Major Modifications are required to be reported in accordance with subpart 4.2.2. These are changes that **do require** a formal public notice. The Stormwater Management Program Plan shall include a description of the formal public notice process for the MS4 program.

The documentation made available for comment in the formal public notice process shall include the written plans required by Part 4 of this permit. Individual facility O&M Plans, work instructions, written procedures, or other such documentation are not required to be available for public comment during the formal public notice process described in the Stormwater Management Program Plan.

The formal public notice process described in this subpart is not applicable to the adoption process of any legal authorities.

TDEC-DWR shall be included in the distribution list at water.permits@tn.gov. Comments or objections made by the Division on the modifications must be addressed before the changes can be implemented.

a. Modifications that subtract BMPs, SCMs, components, controls, or requirements of the Stormwater Management Program may not be made by the permittee unless it can be clearly demonstrated that with the elimination of this component, the Stormwater Management Program will continue to achieve a reduction in pollutants to the MEP and shall not cause or contribute to violations of State water quality standards in the receiving stream. In the case where this type of modification is appropriate, the permittee may make the required modification and shall include in the subsequent Annual Report a description of the component which has been eliminated along with the following information:

An analysis of why the component was ineffective or infeasible; and
A detailed explanation of why, with the elimination of this component, the Stormwater Management Program will continue to achieve a reduction in pollutants to the MEP and shall not cause or contribute to violations of State water quality standards in the receiving stream.

Management Measure	Measurable Goals	Annual Report Requirement
Identify Modifications as Minor or Major in accordance with the permit and report as required.	Report all Minor and Major Modifications to Stormwater Management Program as required	- Identify if any changes were made to each program element Yes/No - Include a description of the modification(s) made under 4.4.1.1a - Include a description of the modification(s) made under 4.4.1.1e - Include a description of the modification(s) made under 4.4.1.1f - Include a description of the modification(s) made under 4.4.1.2a

4.4.2. Transfer of Ownership, Operational Authority, or Responsibility

The permittee must implement the Stormwater Management Program in any new areas added to the MS4 as expeditiously as practicable, but not later than one year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented within one year.

Within 90 days of a transfer of ownership, operational authority, or responsibility for Stormwater Management Program implementation, the permittee must have a plan for implementing the Stormwater Management Program in any newly added areas. The plan may include schedules for implementation. Information on newly annexed areas and any resulting updates required to the Stormwater Management Program must be included in the annual report.

4.5. ENFORCEMENT

4.5.1. Enforcement Response Plan

The permittee must develop and implement an enforcement response plan (ERP). The written plan must set out the permittee's potential responses to violations and address repeat violations through progressive enforcement as needed to achieve compliance. The permittee must have the legal ability to employ progressive enforcement actions as described below (or their functional equivalent for non-traditional MS4 jurisdictions), and to escalate enforcement responses where necessary to address persistent non-compliance, repeat or escalating violations, or incidents of major environmental harm.

a. Verbal Warnings – At a minimum, verbal warnings should be as specific as possible to the nature of the violation and be documented.

b. Written Notice of Violation – Written notices stipulate the nature of the violation and the required corrective action, with deadlines for taking such action.

c. Citations or Administrative Orders – These actions indicate when the permittee will assess monetary penalties, which may include civil and administrative penalties.

d. Stop Work Orders – These actions have the authority to require activities at a facility to be halted, except for those activities directed at cleaning up, abating discharge, and installing appropriate control measures.

e. Withholding of Plan Approvals or Other Authorizations – Where a facility is in non-compliance, the ERP may address how the permittee's approval process affecting the facility's ability to discharge to the MS4 can be used to abate the violation.

f. Civil Penalties - The permittee must have the authority for the maximum penalties per day for each day of violation as specified in TCA 68-221-1106.

g. Additional Measures – The permittee may also use other escalated measures provided under local legal authorities. The permittee may perform work necessary to improve erosion control measures and collect the funds from the responsible party in an appropriate manner, such as collecting against the bond or directly billing the responsible party to pay for work and materials.

4.5.2. NPDES Permit Referrals

For those new development and redevelopment projects subject to the TNR100000 (the NPDES general permit for stormwater discharges from construction activity) or industrial facilities subject to TNR050000 (the NPDES general permit for stormwater discharges from industrial activity), the permittee must comply with the following:

a. If the permittee becomes aware that a construction activity or an industrial activity is discharging to an MS4 in violation of an NPDES permit or is discharging to the MS4 and does not have the required permit, the permittee shall notify the appropriate EFO of the situation as soon as possible. Provide as much of the information below as possible so that the Division may investigate and take appropriate enforcement action. The permittee may also pursue enforcement under the illicit discharge program, if applicable.

- New development and redevelopment project or industrial facility location;
- Name of owner or operator;
- Estimated new development and redevelopment project size or type of industrial activity (including Standard Industrial Classification (SIC) code if known); and
- Records of communication with the owner or operator regarding filing requirements.

b. If the permittee has not been able, through its enforcement mechanisms and protocol, to bring an NPDES-permitted discharge into compliance with the permittee's stormwater- and water pollution-related ordinances, then the permittee must notify TDEC, at the local EFO, of this situation. In making such referrals, the permittee must provide, at a minimum, the following:

- New development and redevelopment project or industrial facility location;
- Name of owner or operator;
- Estimated new development and redevelopment project size or type of industrial activity (including Standard Industrial Classification (SIC) code if known);
- Records of communication with the owner or operator regarding the violation, including at least two follow-up inspections, two warning letters or notices of violation, and any response from the owner or operator.

4.5.3. Enforcement Tracking

The permittee must track instances of non-compliance either in paper files or electronically. The enforcement case documentation must include, at a minimum, the following:

- Name of owner/operator;
- Location of new development and redevelopment project or industrial facility;
- Description of violation;
- Required schedule for returning to compliance;
- Description of enforcement response used, including escalated responses if repeat violations occur or violations are not resolved in a timely manner;
- Accompanying documentation of enforcement response (e.g., notices of noncompliance, notices of violations, etc.);
- Any referrals to different departments or agencies; and
- Date violation was resolved.

4.5.4. Requirements for Chronic Violators

The permittee must identify chronic violators of any Stormwater Management Program component and reduce the rate of noncompliance recidivism. The permittee must track the violations, apply incentives and/or disincentives, and increase the inspection frequency at the operator's sites. If corrective actions are not taken, the permittee shall pursue progressive enforcement and, if need be, perform the necessary work and assess against the owner/operator the costs incurred for repairs.

4.5.5. Annual Report Requirements

Annual Report – Summary of Enforcement Actions Requirement	
Enforcement Action Type	**Total Number of Enforcement Actions Taken**
Verbal Warnings	# Enforcement Actions Taken
Written Notice of Violation	# Enforcement Actions Taken
Citations or Administrative Orders	# Enforcement Actions Taken
Stop Work Orders	# Enforcement Actions Taken
Withholding of Plan Approvals or Other Authorizations	# Enforcement Actions Taken
Civil Penalties	# Civil Penalties Assessed
Additional Measures	# Enforcement Actions Taken

4.6. STORMWATER MONITORING AND PROGRAM EVALUATION

4.6.1. Monitoring Program, Sampling Requirements and Reporting

4.6.1.1. Monitoring

Permittees shall develop and implement a monitoring and assessment program that provides data and information to identify pollutant sources and aids in determining the effectiveness of the stormwater management program. A description of this program must be included in the Stormwater Management Program. The monitoring and assessment program must be designed to meet the following objectives:

a. Assess compliance with this permit;
b. Measure the effectiveness of the permittee's stormwater management program;
c. Evaluate stormwater impacts to the receiving waters;
d. Identify sources of specific pollutants, including nutrients, pathogens, siltation, or other parameters related to stormwater discharges from the MS4 System: and
e. Gather data to inform program decisions and prioritization of future activities related to the protection of water quality and identify corrective actions.

The permittee shall perform monitoring in compliance with the requirements in Option 1 below or develop a jurisdiction-specific monitoring plan in compliance with the objectives in Option 2 below. Regardless of the option chosen, at a minimum the permittee shall perform monitoring as prescribed for stream segments subject to EPA approved TMDLs for streams with unavailable parameters for nutrients, pathogens, or siltation as applicable to MS4 jurisdictions.

4.6.1.1.1. Option 1

The permittee shall perform analytical monitoring as a part of its Stormwater Management Program within the MS4 program area.
For stream segments identified by the Division as waters with unavailable parameters for siltation and/or nutrients, biological stream sampling and habitat assessment must be performed utilizing the Semi-Quantitative Single Habitat (SQSH) Method (see subpart 4.6.1.3) as identified in the Division's most current version of the Quality System Standard Operating Procedure for Macroinvertebrate Stream Survey. At least one sample per stream segment must

be collected, with all segments within the MS4 jurisdiction sampled in a five-year period i.e. no more than 5 years between samples in a segment.

For stream segments identified by the Division as waters with unavailable parameters for pathogens, bacteriological stream sampling must be performed utilizing methods identified in the Division's most current version of the Quality System Standard Operating Procedure for Chemical and Bacteriological Sampling of Surface Water. Monitoring shall include the collection of five samples within a thirty-day period (to establish a geometric mean) and be performed during the summer (March through November). Corresponding flow measurement is recommended but not required. At least one series of five samples per stream segment must be collected, with all segments within the MS4 jurisdiction sampled in a five-year period.

Visual Stream Surveys and Unavailable Parameter Inventories must be performed on each stream segment within the MS4 jurisdiction with unavailable parameters for siltation, pathogens, and nutrients to identify and prioritize sources of these pollutants of concern. At a minimum, a visual stream survey must be performed immediately upstream and downstream of each MS4 outfall that discharges into that stream segment. All stream segments with unavailable parameters in the permitted jurisdiction must be surveyed once every five-year period.

Permittees shall develop and implement visual stream survey protocols in the Stormwater Management Program. The permittee must:

a. Adopt existing survey protocols such as the ones available through the Natural Resources Conservation Service, State of Maryland Department of Natural Resources, and/or the State of Tennessee Habitat Assessment Protocol and related Stream Survey Field Sheets (See Subpart 8.3 for links to referenced protocols); or

b. Develop their own protocol which must address the following at a minimum:
    1. Training, Safety, and Private Property Access;
    2. Equipment and Logistics;
    3. Recordkeeping and photo documentation;
    4. Scoring Mechanism;
    5. Visual Survey Assessment elements:
        i. Channel Condition
        ii. Hydrologic Alteration
        iii. Bank Condition
        iv. Riparian Area Condition

v. Canopy Cover
vi. Water Appearance
vii. Nutrient Enrichment
viii. Animal Or Human Waste Presence
ix. Pools
x. Barriers
xi. Fish Habitat Complexity
xii. Invertebrate Habitat
xiii. Invertebrate Community
xiv. Riffle Embeddedness
xv. Other as defined by the permittee

For the purpose of complying with subpart, the permittee is only required to monitor the stream segments that were designated as unavailable conditions for nutrients, pathogens, and siltation by the Division upon the effective date of this permit.

4.6.1.1.2. Option 2

The permittee may develop a jurisdiction-specific monitoring plan as an alternative to the plan identified in Option 1 (subpart 4.6.1.1.1). The jurisdiction-specific monitoring plan must be designed to meet, at a minimum, the objectives of 4.6.1.1a-**Error! Reference source not found.**:

When developing the alternative monitoring plan, the permittee must examine and consider a variety of factors, including, but not limited to, land use conditions, stream status/characteristics, and utilization of monitoring results. The alternate plan must contain:

a. A justification for the stream selection(s);
b. Identification and source determination of pollutant(s) of concern;
c. Monitoring details;
d. Records requirements;
e. Description of how MS4 will evaluate stormwater impacts to receiving waters;
f. Description of how data will be gathered to inform program decisions and prioritization of future activities related to the protection of water quality;
g. Acknowledgement that division protocols (identified above in Option 1) will be used for instream monitoring or alternative protocols for division approval; and
h. Provisions for an administratively continued small MS4 general permit.

A proposed Option 2 plan must be submitted to the Nashville Central Office to Water.Permits@tn.gov within 24 months of the effective date of this permit for review and authorization. The permittee must submit any revisions requested by the division within 30 days of being notified. The plan must be implemented upon written authorization and completed by the end of the permit cycle.

4.6.1.2. Sampling Methods and Procedures

4.6.1.2.1. Representative Sampling

Samples and measurements taken in compliance with the monitoring requirements specified herein shall be representative of the volume and nature of the monitored discharge or the receiving stream.

4.6.1.2.2. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304 (h) of the Clean Water Act (the "Act"), as amended, under which such procedures may be required.

Unless otherwise noted in the permit, all pollutant parameters shall be determined using sufficiently sensitive methods in Title 40 C.F.R. § 136, as amended, and promulgated pursuant to Section 304 (h) of the Act. The chosen methods must be sufficiently sensitive as required in state rule 0400-40-03-.05(8).

When there is no analytical method that has been approved under 40 C.F.R. §136 or required under 40 C.F.R. chapter I, subchapter N or O, and a specific method is not otherwise required by the Director, the permittee may use any suitable method but shall provide a description of the method. When selecting a suitable method, factors such as a method's precision, accuracy, or resolution must be considered when assessing the performance of the method.

4.6.1.3. Semi-Quantitative Single Habitat (SQSH) Reporting

Appropriate habitat assessment and stream survey workbooks (also known as Electronic Data Deliverable or EDDs) will be completed concurrent with each biological survey. The High Gradient worksheet will be used in conjunction with riffle kick collections and the Low Gradient worksheet will be used in conjunction with rooted bank collections.

Two electronic Excel workbooks titled *Field Stream Survey* and *Habitat Sheets and Macroinvertebrate Taxa Report* should be used to report complete taxa lists as well as habitat assessments and field survey sheets, including chemical/physical

parameters recorded during the biosurvey. The worksheets can be downloaded from the TDEC publications website TDEC Water Quality Reports and Publications and looking under Quality System Standard Operating Procedure for Macroinvertebrate Stream Surveys.

The completed workbooks, also known as Electronic Data Deliverable or EDDs, shall be attached to the annual report.

4.6.1.4. Annual Report Requirements for Monitoring Program

Management Measure	Measurable Goals	Annual Report Requirement
Perform monitoring in accordance with Stormwater Management Program	Option 1 – Perform monitoring specified in 4.6.1.1.1 for the stream segments that were designated as unavailable conditions for nutrients, pathogens, and siltation by the Division upon the effective date of this permit. Or Option 2 – Perform monitoring in accordance with the approved Option 2 monitoring plan	- Yes / No Monitoring for the reporting year has been performed in accordance with either 4.6.1.1.1 (Option 1) or 4.6.1.1.2 (Option 2) - Provide a summary of monitoring results - Upload a copy of all monitoring data. Where available the EDD Forms developed by the Division shall be submitted.

4.6.2. Stormwater Management Program Evaluation

The permittee shall conduct an annual evaluation of the Stormwater Management Program to evaluate compliance with the terms and conditions of the permit, including the effectiveness of the BMPs, components, or controls of its stormwater management program, and the status of achieving the measurable requirements in the permit.

Management Measure	Measurable Goals	Annual Report Requirement
Conduct an annual evaluation of the current Stormwater Management Program for every reporting period	Summarize evaluation results	- Narrative Description
	Identify modifications or replacement of an ineffective activity/control measure/component/BMP.	Narrative Description
	Summarize the assessment results, and any modifications and improvements scheduled to be implemented in the next reporting period to improve the program or remedy deficiencies or weaknesses	Narrative Description
MCM Status Determination	Indicate compliance status for each of the six MCMs (subpart 4.2) and the Monitoring Program (subpart 4.6.1.1	Compliant with Permit Requirements? Yes/No If no (Please provide more details)

4.7. LEGAL AUTHORITY

To the extent allowed by law, each permittee shall ensure legal authority to reduce the discharge of pollutants to the maximum extent practicable (MEP) from those portions of the MS4 Area over which it has jurisdiction. This legal authority may be a combination of statute, law, rule, ordinance, resolution, permit, contract, order, or interjurisdictional agreements between permittees with adequate existing legal authority to:

a. Prohibit non-stormwater discharges into the storm sewer system and implement appropriate enforcement procedures and actions;

b. Require erosion and sediment controls, as well as sanctions to ensure compliance;

c. Address post-construction/permanent stormwater runoff from new development and redevelopment projects;

d. Obtain remedies for noncompliance, seek injunctive relief, seek, or assess penalties and enact the enforcement response plan as required in subpart 4.5;

e. Require compliance with conditions in ordinance, permits, contract, orders, or other legal authority; and

f. Conduct all inspection, surveillance, and monitoring activities necessary to determine compliance with the conditions of this permit.

4.7.1. Annual Report Requirements for Legal Authority

Legal Authority	Annual Report Requirement
Provide a signed solicitor's certification statement that: - Contains the name of the attorney(s) - Confirms that the permittee has the adequate authority (or functional equivalent for non-traditional MS4s) to carry out the Stormwater Management Program (Stormwater Management Program) as described - Lists the documents (such as Ordinance, Rules, Regulations, codes, interjurisdictional agreements, or any other document) that give the permittee that authority - Specifies the document and location of the specific authorities required by subpart 4.7a-f note: For non-traditional MS4, the legal authority for some elements may be inherent as a legal entity and not in a standalone document.	The initial solicitor's statement will be required in the 2024 annual report for existing permittees and in the third annual report for new permittees. If modifications are made to the legal authority that necessitate a new evaluation by a solicitor, a new certification statement must be submitted.

PART 5

5. ANNUAL REPORT

5.1. ANNUAL REPORTING PERIOD, DUE DATE AND SIGNATORY REQUIREMENT

a. The Annual Report shall cover the period beginning on July 1st and ending on June 30th;
b. The Annual Report shall be due on September 30th after the end of the reporting period.;
c. The permittee shall sign and certify the Annual Report in accordance with subpart 7.11.; and
d. The annual report shall be submitted electronically through MyTDEC Forms https://forms.tdec.tn.gov/ see subpart 6.

5.2. ANNUAL REPORT REQUIREMENTS

Annual Report Required Information
- All reporting elements as indicated in the permit including the information noted in the "**Annual Report Requirement"** column of the tables in Part 4 of the permit, information noted in narrative format. - - The status of compliance with permit terms and conditions; - Notice that the permittee is relying on another governmental entity to satisfy some of the permit obligations (if applicable); and - Any other data specifically requested by the Division to substantiate statements and conclusions reached in the Annual Reports.

PART 6

6. RETENTION, ACCESSIBLITY, AND SUBMISSION OF RECORDS

6.1. RECORDS RETENTION

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, Stormwater Management Program documentation including but not limited to policies, procedures, forms, checklists, correspondence, records, etc., reports required by this permit, records of all data used to complete the NOI and the Notice of Termination (NOT) for a period of at least three years. This period may be extended by written request of the Director.

6.2. ELECTRONIC SUBMISSION OF DOCUMENTS

This permit requires the submission of forms developed by the Director in order for a person to comply with certain requirements, including, but not limited to, making reports, submitting monitoring results, and applying for permit coverage. The Director may make these forms available electronically and, if submitted electronically, then that electronic submission shall comply with the requirements of Chapter 0400-01-40. Electronic submission is required when available unless waived by the Commissioner in accordance with 40 C.F.R. § 127.15.

In the event of large-scale emergencies and/or prolonged electronic reporting system outages, an episodic electronic reporting waiver may be granted by the Commissioner in accordance with 40 C.F.R. § 127.15. A request for a deadline extension or episodic electronic reporting waiver should be submitted to DWRWater.Compliance@tn.gov, in compliance with the Federal NPDES Electronic Reporting Rule.

If an episodic electronic reporting waiver is granted, reports with wet-ink original signatures shall be mailed to the following address:

STATE OF TENNESSEE -DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
COMPLIANCE & ENFORCEMENT UNIT
William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

For purposes of determining compliance with this permit, data provided to the Division electronically is legally equivalent to data submitted on signed and certified forms. A copy must be retained for the permittee's files.

PART 7

7. STANDARD PERMIT CONDITIONS

7.1. DUTY TO COMPLY

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Tennessee Water Quality Control Act (TWQCA) and is grounds for an enforcement action, permit termination, revocation and reissuance, modification; or for denial of a permit renewal application.

7.2. PENALTIES

Pursuant to T.C.A. § 69-3-115 of The Tennessee Water Quality Control Act of 1977, as amended:

a. Any person who violates an effluent standard or limitation or a water quality standard established under this part (T.C.A. § 69-3-101, et. seq.); violates the terms or conditions of this permit; fails to complete a filing requirement; fails to allow or perform an entry, inspection, monitoring or reporting requirement; violates a final determination or order of the board, panel or commissioner; or violates any other provision of this part or any rule or regulation promulgated by the board, is subject to a civil penalty of up to ten thousand dollars ($10,000) per day for each day during which the act or omission continues or occurs.

b. Any person unlawfully polluting the waters of the state or violating or failing, neglecting, or refusing to comply with any of the provisions of this part (T.C.A. § 69-3-101, et. seq.) commits a Class C misdemeanor. Each day upon which such violation occurs constitutes a separate offense.

c. Any person who willfully and knowingly falsifies any records, information, plans, specifications, or other data required by the board or the commissioner, or who willfully and knowingly pollutes the waters of the state, or willfully fails, neglects or refuses to comply with any of the provisions of this part (T.C.A. § 69-3-101, et. seq.) commits a Class E felony and shall be punished by a fine of not more than twenty-five thousand dollars ($25,000) or incarceration, or both.

7.3. CIVIL AND CRIMINAL LIABILITY

Nothing in this permit shall be construed to relieve the discharger from civil or criminal penalties for noncompliance. Notwithstanding this permit, the discharger shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge to any surface or subsurface waters. Additionally, notwithstanding this permit, it shall be the responsibility of the discharger to conduct stormwater discharge activities in a manner such that public or private nuisances or health hazards will not be created. Furthermore, nothing in this permit shall be construed to preclude the State of Tennessee from any legal action or relieve the discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or the Federal Water Pollution Control Act.

7.4. FALSIFYING RESULTS AND/OR REPORTS

Knowingly making any false statement on any report required by this permit or falsifying any result may result in the imposition of criminal penalties as provided for in Section 309 of the Federal Water Pollution Control Act, as amended, and in § 69-3-115 of the Tennessee Water Quality Control Act.

7.5. LIABILITY UNDER STATE LAW

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable local, state, or federal law.

7.6. CONTINUATION OF EXPIRED GENERAL PERMIT

This permit will continue to be in full force and effect for discharges that were authorized prior to expiration until the new general permit is issued. If a small MS4 was granted permit coverage under this permit, it will automatically remain authorized by this permit until the earliest of:

a. Issuance of a Notice of Coverage under a reissued general permit following timely and appropriate submittal of a complete and accurate NOI requesting authorization to discharge under the reissued permit; or
b. Issuance or denial of an individual permit for the MS4's discharges, if the small MS4 submitted a complete application for an individual permit at least 180 days prior to expiration of this general permit or within the timeframe for submitting an NOI established by the reissued permit.

If the MS4 operator does not submit a timely NOI requesting authorization to discharge under the reissued permit or a timely application for an individual permit, authorization under this permit will terminate on the due date for the NOI under the reissued permit unless otherwise specified in the reissued permit.

7.7. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

7.8. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

7.9. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Division or an authorized representative of the Division, within a time specified by the Division, any information that the Division may request to determine compliance with this permit or other information relevant to the protection of the waters of the state. The permittee shall also furnish to the Division, upon request, copies of records required to be kept by this permit.

7.10. OTHER INFORMATION

When the permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the Director, it shall promptly submit such facts or information**.**

7.11. SIGNATORY REQUIREMENTS

All Notices of Intent, reports, certifications, or information submitted to the Division, or that this permit requires be maintained by the permittee shall be signed, dated, and certified as follows:

7.11.1. Signatory Requirements for an NOI

The NOI shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this subpart, a responsible corporate officer means:

1. a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or

2. the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal, or other public facility: by either a principal executive officer or ranking elected official. For purposes of this subpart, a principal executive officer of a Federal agency includes:

1. the chief executive officer of the agency, or
2. a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

NOTE: The Division does not require specific assignments or delegations of authority to responsible corporate officers. The Division will presume that these officers have the requisite authority to sign permit applications unless the entity has notified the Director to the contrary. Procedures governing authority to sign permit applications may provide for assignment or delegation to applicable positions rather than to specific individuals.

7.11.2. Signatory Requirements for Reports and Other Information

All reports required by the permit or information submitted to the Director shall be signed by a person designated in subpart 7.11.1 of this permit or a duly authorized representative of such person, if:

The representative so authorized is responsible for the overall operation of the facility from which the discharge originated, e.g., a plant manager, superintendent, or person of equivalent responsibility;

The authorization is made in writing by the person designated under subpart 7.11.1; and

The written authorization is submitted to the Director.

Any changes in the written authorization submitted to the Director under subpart 7.11.2 which occur after the issuance of a permit shall be reported to the Director by submitting a copy of a new written authorization which meets the requirements of 7.11.1 and 7.11.2 of this subpart.

7.11.3. Certification Statement

Any person signing any document under subpart 7.11.1or 7.11.2 of this permit shall make the following certification:

> "I certify under penalty of law that I have personally examined and am familiar with the information submitted in the attached document; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

7.11.4. Changes to Authorization

If an authorization under subpart 7.11.1or 7.11.2 of this permit is no longer accurate because a different individual or position has responsibility for the overall operation of the MS4, a new authorization satisfying the requirement of 7.11.2 must be submitted to the Division prior to[8] or together with any reports, information, or NOIs to be signed by an authorized representative.

7.12. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to Section 311 of the Clean Water Act or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

[8] Authorizations may need to be submitted prior to NOIs or reports submitted electronically in order for that individual to be granted appropriate electronic access.

7.13. MONITORING, RECORDS AND REPORTING

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time.

Records of monitoring information shall include:

- The date, exact place, and time of sampling or measurements;
- The individual(s) who performed the sampling or measurements;
- The date analyses were performed;
- The individual(s) who performed the analyses;
- The laboratory where the analyses were performed;
- The analytical techniques or methods used; and
- The results of such analyses.

Monitoring results shall be conducted according to test procedures approved under 40 C.F.R. part 136.

7.14. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges; nor does it authorize any injury to private property, any invasion of personal rights or any infringement of federal, state or local laws or regulations. The issuance of this permit does not authorize trespassing or discharges of stormwater or non-stormwater across private property.

7.15. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

7.16. INDIVIDUAL PERMITS

7.16.1. Required Individual Permit Coverage

The Director may require any person covered by this permit to apply for and obtain an individual NPDES permit or an alternative NPDES general permit to

ensure adequate protection of designated uses of a receiving stream. Any interested person may petition the Director in writing to take action under this paragraph but must include in their petition the justification for such an action. Where the Director requires a discharger authorized to discharge under this permit to apply for an individual NPDES permit, the Director shall notify the discharger in writing that an individual permit application is required. This notification will include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application and a statement that coverage under this general permit shall terminate upon the effective date of an individual NPDES permit; or denial of coverage under an individual permit.

7.16.2. Permittee-Requested Individual Permit Coverage

Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. Any discharger that knowingly cannot abide by the terms and conditions of this permit must apply for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of 40 C.F.R. 122.21(f)[9] and 40 C.F.R. §122.33(b)(2)(i) as well as reasons supporting the request.

7.16.3. General Permit Termination

When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the discharger is terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is terminated on the date of such denial, unless otherwise specified by the Director.

7.17. OTHER, NON-STORMWATER, PROGRAM REQUIREMENTS

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

[9] The requirements of 40 CFR 122.21(f) can be met by submitting EPA Application Form 1 (https://www.epa.gov/npdes/npdes-application-forms)

7.18. PROPER OPERATION AND MAINTENANCE

The permittee shall, at all times, properly operate and maintain all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory and process controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. Backup continuous pH and flow monitoring equipment are not required.

7.19. INSPECTION AND ENTRY

The permittee shall allow authorized representatives of the Environmental Protection Agency, the Director or an authorized representative of the Commissioner of TDEC, upon the presentation of credentials and other documents as may be required by law to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times for the purposes of assuring permit compliance or as otherwise authorized by the Director.

7.20. PERMIT ACTIONS

This permit may be issued, modified, revoked, reissued or terminated for cause in accordance with this permit and the applicable requirements of T.C.A. § 69-3-108. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

7.21. ANTICIPATED NONCOMPLIANCE

The permittee must give advance notice to the Division of any planned changes in the permitted small MS4 or activity which may result in noncompliance with this permit.

7.22. PLANNED CHANGES

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The alteration or addition to a permitted facility is considered a new source as defined in Rule 0400-40-05-.02; or

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged.

PART 8

8. DEFINITIONS AND ACRONYMS

8.1. DEFINITIONS

Annually	For the purposes of this permit, ***annually*** is defined as a frequency of once every 12 months beginning on July 1st.
ARAP	**Aquatic Resource Alteration Permit** Persons who wish to make an alteration to a stream, river, lake or wetland must first obtain a water quality permit. Physical alterations to properties of waters of the state require an ARAP or a §401 Water Quality Certification (§401 certification). Examples of stream alterations that require a permit from the Division include: • Dredging, excavation, channel widening, or straightening • Bank sloping; stabilization • Channel relocation • Water diversions or withdrawals • Dams, weirs, dikes, levees or other similar structures • Flooding, excavating, draining and/or filling a wetland • Road and utility crossings • Structural fill General ARAPs are developed and maintained by the Division to provide a streamlined, expedited means of authorizing projects that singularly or cumulatively propose minor impacts to water resources.
BMP	**Best Management Practices** ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants to waters of the state. BMPs also include treatment requirements, operating procedures; and practices to control plant site runoff, spillage, leaks, sludge or waste disposal, or drainage from raw material storage. BMPs include source control practices (non-structural BMPs) and engineered structures designed to treat runoff. Structural BMPs are facilities that help prevent pollutants in stormwater runoff from leaving the site.

	Non-structural BMPs are techniques, activities and processes that reduce pollutants at the source.
borrow pit	**Borrow Pit** is an excavation from which erodible material (typically soil) is removed to be fill for another site. There is no processing or separation of erodible material conducted at the site. Given the nature of activity and pollutants present at such excavation, a borrow pit is considered a construction activity for the purpose of this permit.
buffer zone	**Buffer Zone** or **Water Quality Riparian Buffer** is a permanent strip of natural perennial vegetation, adjacent to a stream, river, wetland, pond, or lake that contains dense vegetation made up of grass, shrubs, and/or trees. The purpose of a water quality riparian buffer is to maintain existing water quality by minimizing risk of any potential sediments, nutrients or other pollutants reaching adjacent surface waters and to further prevent negative water quality impacts by providing canopy over adjacent waters
calendar day	A ***calendar day*** is defined as the 24-hour period from midnight to midnight or any other 24-hour period that reasonably approximates the midnight-to-midnight time period.
clearing	**Clearing** refers to removal of vegetation and disturbance of soil prior to grading or excavation in anticipation of construction activities. Clearing may also refer to wide area land disturbance in anticipation of non-construction activities. Clearing, grading and excavation do not refer to clearing of vegetation along existing or new roadways, highways, dams or power lines for sight distance or other maintenance and/or safety concerns, or cold planing, milling, and/or removal of concrete and/or bituminous asphalt roadway pavement surfaces. The clearing of land for agricultural purposes is exempt from federal stormwater NPDES permitting in accordance with Section 401(1)(1) of the 1987 Water Quality Act and state stormwater NPDES permitting in accordance with the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.).
commencement	**Commencement of construction:** the initial disturbance of soils associated with clearing, grading, excavating or other construction activities.
common plan	**Common plan of development or sale** is broadly defined as any announcement or documentation (including a sign, public

	notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design) or physical demarcation (including boundary signs, lot stakes, surveyor markings) indicating construction activities may occur on a specific plot. A common plan of development or sale identifies a situation in which multiple areas of disturbance are occurring on contiguous areas. This applies because the activities may take place at different times, on different schedules, by different operators.
control measure	**Control measure** refers to any Best Management Practice (BMP) or other method used to prevent or reduce the discharge of pollutants to waters of the state.
CWA	**CWA** means the Clean Water Act of 1977 or the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.)
director	**Director** means the director, or authorized representative, of the Division of Water Resources of the State of Tennessee, Department of Environment and Conservation.
Design Storm	Design storm is a 1-year, 24-hour storm event as defined by Precipitation-Frequency Atlas of the United States. Atlas 14. Volume 2. Version 3.0. U.S. Department of Commerce. National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Springs, Maryland or its digital product equivalent. The estimated design rainfall amounts, for any return period interval (i.e., 1,-yr, 2-yr, 5-yr, 25-yr, etc.,) in terms of either 24-hour depths or intensities for any duration, can be found by accessing the data available at https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html.
de minimis	**De Minimis** is degradation of a small magnitude, as provided in this paragraph: (a) Discharges and withdrawals: 1. Subject to the limitation in part 3 of this subparagraph, a single discharge other than those from new domestic wastewater sources will be considered de minimis if it uses less than five percent of the available assimilative capacity for the substance being discharged. 2. Subject to the limitation in part 3 of this subparagraph, a single water withdrawal will be considered de minimis if it removes less than five percent of the 7Q10 flow of the stream.

	3. If more than one activity described in part 1 or 2 of this subparagraph has been authorized in a segment and the total of the authorized and proposed impacts uses no more than 10% of the assimilative capacity, or 7Q10 low flow, they are presumed to be de minimis. Where the total of the authorized and proposed impacts uses 10% of the assimilative capacity, or 7Q10 low flow, additional degradation may only be treated as de minimis if the Division finds on a scientific basis that the additional degradation has an insignificant effect on the resource. (b) Habitat alterations authorized by an Aquatic Resource Alteration Permit (ARAP) are de minimis if the Division finds that the impacts, individually and cumulatively, are offset by impact minimization and/or in-system mitigation, provided however, in Outstanding National Resource Waters (ONRWs) the mitigation must occur within the ONRW.
discharge of a pollutant	**Discharge** or **discharge of a pollutant** refers to the addition of pollutants to waters from a source.
disturbed area	**Disturbed area** means the total area presented as part of the development (and/or of a larger common plan of development) subject to being cleared, graded, grubbed, filled or excavated during the life of the development. The area cannot be limited to only the portion of the total area that the site-wide owner/developer initially disturbs through the process of various land clearing activities or in the construction of roadways, sewers, drainfields, and water utilities, stormwater drainage structures, etc., to make the property marketable.
division	**Division** means the Division of Water Resources of the State of Tennessee, Department of Environment and Conservation
ecoregion	An ***ecoregion*** is a relatively homogeneous area defined by similarity of climate, landform, soil, potential natural vegetation, hydrology, or other ecologically relevant variables.
Electronic Data Deliverable	An **Electronic Data Deliverable** is an electronic mechanism to transfer monitoring results to the division to allow for the data to be integrated into the Division database for use.
exceptional waters	**Exceptional Tennessee Waters** are surface waters designated by the Division as having the characteristics set forth at Tennessee Rules, Chapter 0400-40-03-.06(4).

	Characteristics include waters within parks or refuges; scenic rivers; waters with threatened or endangered species; waters that provide specialized recreational opportunities; waters within areas designated as lands unsuitable for mining; waters with naturally reproducing trout; waters with exceptional biological diversity and other waters with outstanding ecological or recreational value.
permanent stabilization	**Permanent Stabilization** means that all soil disturbing activities at the site have been completed and one of the three following criteria is met: (1) A perennial, preferably native, vegetative cover with a uniform (i.e., evenly distributed, without large bare areas) density of at least 70 percent has been established on all unpaved areas and areas not covered by permanent structures, and all slopes and channels have been permanently stabilized against erosion. (2) Equivalent permanent stabilization measures such as the use of riprap; permanent geotextiles; hardened surface materials including concrete, asphalt, gabion baskets or Reno mattresses have been employed. (3) For construction projects on land used for agricultural or silvicultural purposes, permanent stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural or silvicultural use.
improved sinkhole	**Improved sinkhole** is a natural surface depression that has been altered in order to direct fluids into the hole opening. Improved sinkhole is a type of injection well regulated under the Underground Injection Control (UIC) program. Underground injection constitutes an intentional disposal of waste waters in natural depressions, open fractures and crevices, such as those commonly associated with weathering of limestone.
Level 1	**Level 1 - Fundamentals of Erosion Prevention and Sediment Control** training and certification program administered by University of Tennessee Water Resources Research Center (https://tnepsc.org/index.asp). The Fundamentals course is a foundation-building course intended for individuals involved in land-disturbing activities covered by the Construction General Permit. The course aims to build a working knowledge of erosion and sedimentation processes and practices and is intended for:

	site inspectors, inspection and enforcement personnel from all levels of government, plan preparers and reviewers, and designers and engineers. Topics include: Construction General Permit and related SWPPP requirements; function, installation, limitations, inspection and maintenance of Best Management Practices; roles of local officials and state government agencies involved in the permitting process; and basic hydrologic and erosion processes. Upon successful completion of a Course Certification Exam, the participant receives a Level 1 TNEPSC certificate. The Level 1 certificate is valid for three full years following the year that the certificate was issued. To meet the requirement for Level 1 certified staff, TDOT may develop and administer an approved equivalent Level1 training and certification program as provided in the TDOT individual MS4 Permit. The equivalent TDOT Level 1 certification is valid only for TDOT staff and for projects where TDOT is the primary site operator.
Level 2	**Level 2 - Design Principles for Erosion Prevention and Sediment Control for Construction Sites** training and certification program administered by University of Tennessee Water Resources Research Center (https://tnepsc.org/index.asp). It is an advanced 2-day workshop designed for engineers and other professionals who have completed the prerequisite Level 1 course. The Level 2 Design workshop provides the general tools needed for developing an acceptable, working SWPPP. Topics discussed in the course include: hydrologic methods for determining peak flows; principles of soil erosion, scouring and sediment transport processes, including practice examples for preventing erosion; and open channel principles and practices for designing a stable channel, including use and examples of riprap, blankets and matting, and vegetation; stormwater control requirements and design; sedimentation principles; and temporary sediment basin design requirements, and detailed examples. The Level 2 Design workshop provides a Certificate of Completion after attending both days and successfully completing the take-home exam.
linear project	**Linear Project** is a land disturbing activity as conducted by an underground/overhead utility or highway department, including, but not limited to, any cable line or wire for the

	transmission of electrical energy; any conveyance pipeline for transportation of gaseous or liquid substance; any cable line or wire for communications; or any other energy resource transmission ROW or utility infrastructure, e.g., roads and highways. Activities include the construction and installation of these utilities within a corridor. Linear project activities also include the construction of access roads, staging areas and borrow/spoil sites associated with the linear project. Land disturbance specific to the development of residential and commercial subdivisions or high-rise structures is not considered a linear project.
measurable degradation	**Measurable Degradation**, as used in the context of discharges or withdrawals, means changes in parameters of waters that are of sufficient magnitude to be detectable by the best available instrumentation or laboratory analyses.
monitoring	**Monitoring** refers to tracking or measuring activities, progress, results, etc., and can refer to non-analytical monitoring for pollutants by means other than 40 C.F.R. § 136 (and other than state- or federally-established protocols in the case of biological monitoring and assessments), such as visually or by qualitative tools that provide comparative values or rough estimates.
month	**Month** or **Monthly** refers to calendar months.
MS4	"**Municipal Separate Storm Sewer System**" or "**MS4**" is defined in 40 C.F.R. §122.26(b)(8) to mean a conveyance or system of conveyances (e.g., roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that are: a) owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over 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 an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;

	b) designed or used for collecting or conveying stormwater; c) not a combined sewer; and d) not part of a Publicly Owned Treatment Works (POTW) as defined in 40 C.F.R. §122.2.
operator	**Operator** means any person who owns, leases, operates, controls, or supervises a source
point source (or outfall)	**Point source** means any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include introduction of pollutants from non-point source agricultural and silvicultural activities, including stormwater runoff from orchards, cultivated crops, pastures, range lands, forest lands or return flows from irrigated agriculture or agricultural stormwater runoff. In short, outfall is a point where runoff leaves the site as a concentrated flow in a discrete conveyance. Phrase "point source" and term "outfall" are used interchangeably in this general permit, and can be considered synonyms.
pollutant	**Pollutant** means sewage, industrial wastes, or other wastes.
QLP	**Qualifying State, Tribal, or local erosion and sediment control program** is one that includes, as defined in 40 C.F.R. 122.44(s): a) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices. b) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. c) Requirements for construction site operators to develop and implement a stormwater pollution prevention plan. A stormwater pollution prevention plan includes site descriptions, descriptions of appropriate control measures, copies of approved State, Tribal or local requirements, maintenance

	procedures, inspection procedures and identification of non-stormwater discharges. d) Requirements to submit a site plan for review that incorporates consideration of potential water quality impacts.
QLP Status	Pending – NOI/SWPPP has been received but final approval or notice of coverage has not been issued
	Active- Permit coverage is active
	Terminated – Site has been stabilized and permit coverage is terminated
quarter	A ***quarter*** is defined as any one of the following three-month periods: January 1 through March 31, April 1 through June 30, July 1 through September 30, and/or October 1 through December 31.
rainfall	A **rainfall event** is defined as any occurrence of rain preceded by 10 hours without precipitation that results in an accumulation of 0.01 inches or more. Instances of rainfall occurring within 10 hours of each other will be considered a single rainfall event.
registered engineer or licensed professional engineer	**Registered Engineer** and **Registered Landscape Architect** An engineer or landscape architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Section 62-202, Tennessee Code Annotated, to practice in Tennessee.
runoff coefficient	**Runoff coefficient** means the fraction of total rainfall that will appear at the conveyance as runoff. Runoff coefficient is also defined as the ratio of the amount of water that is not absorbed by the surface to the total amount of water that falls during a rainstorm.
sediment	**Sediment** means solid material, both inorganic (mineral) and organic, that is in suspension, is being transported; or has been moved from the site of origin by wind, water, gravity or ice as a product of erosion.
sediment basin	**Sediment basin** A temporary basin consisting of an embankment constructed across a wet weather conveyance, an excavation that creates a basin or by a combination of both. A sediment basin typically consists of a forebay cell, dam, impoundment, permanent pool, primary spillway, secondary or emergency spillway and surface dewatering

	device. The size and shape of the basin depends on the location, size of drainage area, incoming runoff volume and peak flow, soil type and particle size, land cover, and receiving stream classification (i.e., waters with unavailable parameters, Exceptional TN Waters, or waters with available parameters).
sedimentation	**Sedimentation** means the action or process of forming or depositing sediment.
Significant Contributor	**Significant Contributor** is defined as a source of pollutants where the volume, concentration, or mass of a pollutant in a stormwater discharge can cause or threaten to cause pollution, contamination, or nuisance that adversely impact human health or the environment and cause or contribute to a violation of any applicable water quality standards for receiving water.
soil	**Soil** or **Topsoil** means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of plants.
steep slope	**Steep Slope** or **Steep Grade** means a natural or created slope of 35% grade or greater. Designers of sites with steep slopes must pay attention to stormwater management in the SWPPP to engineer runoff around or over a steep slope so as not to erode the slope. In addition, site managers should focus on erosion prevention on the slopes and stabilize the slopes as soon as practicable to prevent slope failure or sediment discharges from the project.
stormwater	**Stormwater** means rainfall runoff, snow melt runoff, and surface runoff and drainage.
Stormwater Management Plan	**A Stormwater Management Plan is a written compilation of the elements of the Stormwater Management Program. It is considered a single document, even though it actually consists of separate stand- alone components.**
Stormwater Management Program	**Stormwater Management Program** refers to a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system.
Stormwater control measure (SCM)	**Stormwater control measure** or **SCM** means permanent practices and measures designed to reduce the discharge of pollutants from new development projects or redevelopment projects.
stream	A **Stream** is a surface water that is not a wet weather conveyance. Therefore, as used in this permit, "stream" includes lakes, wetlands and other non-linear surface waters.

construction stormwater	**Stormwater associated with industrial activity** is defined in 40 C.F.R. 122.26(b)(14) and incorporated here by reference. Most relevant to this permit is 40 C.F.R. 122.26(b)(14)(x), which relates to construction activity including clearing, grading, filling and excavation activities, including borrow pits containing erodible material. Disturbance of soil for the purpose of crop production is exempt from permit requirements, but stormwater discharges from agriculture-related activities that involve construction of structures (e.g., barn construction, road construction, pond construction) are considered associated with industrial activity. Maintenance to the original line and grade, hydraulic capacity; or to the original purpose of the facility (e.g., re-clearing, minor excavation performed around an existing structure necessary for maintenance or repair and repaving of an existing road) is not considered a construction activity for the purpose of this permit.
discharge-related activities	**Stormwater discharge-related activities** means activities that cause, contribute to or result in point source stormwater pollutant discharges. These activities may include excavation, site development, grading and other surface disturbance activities; and activities to control stormwater including the siting, construction and operation of best management practices (BMPs).
SWPPP	**Stormwater Pollution Prevention Plan** is a written site-specific plan required by this permit that includes a narrative pollution prevention plan and graphical erosion and sediment control plan. In its basic form, the plan contains a site map, a description of construction activities that could introduce pollutants to stormwater runoff, a description of measures or practices to control these pollutants, and erosion and sediment control plans and specifications. It must be prepared and submitted before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed and maintained during land disturbing activities. The SWPPP should be prepared in accordance with the Tennessee Erosion and Sediment Control Handbook.
take	**Take** of an endangered species means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct.

the handbook	**Tennessee Erosion and Sediment Control Handbook** is a guidance issued by the Division of Water Resources for the purpose of developing Stormwater Pollution Prevention Plans and Erosion and Sediment Control Plans required by the TNCGP. The handbook is designed to provide information to planners, developers, engineers and contractors on the proper selection, installation and maintenance of BMPs. The handbook is intended for use during the design and construction of projects that require erosion and sediment controls to protect waters of the state.
temporary stabilization	**Temporary stabilization** is achieved when vegetation or non-erodible surface has been established on the area of disturbance and construction activity has temporarily ceased. Under certain conditions, temporary stabilization is required when construction activities temporarily cease. However, if future construction activity is planned, permit coverage continues.
TMDL	**Total maximum daily load (TMDL)** means the sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background (40 C.F.R. 130.2(I)). TMDL is a study that quantifies the amount of a pollutant in a stream, identifies the sources of the pollutant and recommends regulatory or other actions that may need to be taken in order for the stream to cease being polluted. TMDLs can also be described by the following equation: TMDL = sum of nonpoint sources (LA)+ sum of point sources (WLA)+ margin of safety A list of completed TMDLs that have been approved by EPA can be found at our web site: https://www.tn.gov/environment/program-areas/wr-water-resources/watershed-stewardship/tennessee-s-total-maximum-daily-load--tmdl--program.html
treatment chemicals	**Treatment chemicals** are polymers, flocculants or other chemicals used to reduce turbidity in stormwater discharges by chemically bonding to suspended silts and other soil materials and causing them to bind together and settle out. Common examples of anionic treatment chemicals are chitosan and anionic PAM.

turbidity	**Turbidity** is the cloudiness or haziness of a fluid caused by individual particles (suspended solids) that are generally invisible to the naked eye, similar to smoke in air.
waste site	**Waste site** is an area where material from a construction site is disposed of. When the material is erodible, such as soil, the site must be treated as a construction site.
waters or waters of the state	**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.
unavailable parameters	**Waters with unavailable parameters** means any segment of surface waters that has been identified by the Division as failing to support one or more classified uses. Unavailable parameters exist where water quality is at, or fails to meet, the levels specified in water quality criteria in Rule 0400-40-03-.03, even if caused by natural conditions. In the case of a criterion that is a single response variable or is derived from measurement of multiple response variables, the unavailable parameters shall be the agents causing water quality to be at or failing to meet the levels specified in criteria. Resources to be used in making this determination include biennial compilations of impaired waters, databases of assessment information, updated GIS coverages (https://tdeconline.tn.gov/dwr/), and the results of recent field surveys. GIS coverages of the streams and lakes not meeting water quality standards, plus the biennial list of waters with unavailable parameters, can be found at https://www.tn.gov/environment/program-areas/wr-water-resources/water-quality/water-quality-reports---publications.html.
Water quality riparian buffer	"Water quality riparian buffer" means a permanent strip of natural perennial vegetation adjacent to a stream, river, wetland, pond, or lake that contains dense vegetation made up of grass, shrubs, and/or trees. The purpose of a water quality riparian buffer is to maintain existing water quality by minimizing the risk of any potential sediments, nutrients, or other pollutants reaching adjacent surface waters and to

	further prevent negative water quality impacts by providing canopy over adjacent waters.
week	A **one-week period** is a synonym of a **calendar-week**; typically, a period from Sunday through Saturday.
wet weather conveyance	**Wet weather conveyances** are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that meet the following: a) The conveyance carries flow only in direct response to precipitation runoff in its immediate locality. b) The conveyance's channels are at all times above the groundwater table. c) The flow carried by the conveyance is not suitable for drinking water supplies. d) Hydrological and biological analyses indicate that, due to naturally occurring ephemeral or low flow under normal weather conditions, there is not sufficient water to support fish or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two months. (Tennessee Rules, Chapter 0400-40-3-.04(3)).

8.2. ACRONYMS AND ABBREVIATIONS

1Q10 – 1-day minimum, 10-year recurrence interval
BDL – below detection limit
BOD_5 – five-day biochemical oxygen demand
$CBOD_5$ – five-day carbonaceous biochemical oxygen demand
CEI – compliance evaluation inspection
C.F.R. – code of federal regulations
CFS – cubic feet per second
D.O. – dissolved oxygen
E. coli – *Escherichia coli*
EDD - *Electronic Data Deliverable*
EPA – Environmental Protection Agency
EFO – environmental field office
GPM – gallons per minute
LB (lb) – pound
MDL – method detection limit
MGD – million gallons per day
mg/L – milligrams per liter
ML – minimum level of quantification

mL – milliliter
NPDES – national pollutant discharge elimination system
POTW – publicly owned treatment works
SCM - Stormwater Control Measure
TCA – Tennessee code annotated
TDEC – Tennessee Department of Environment and Conservation
TMDL – total maximum daily load
TSS – total suspended solids

8.3. RESOURCES, HYPERLINKS, AND WEB PAGES

Clean Water Act NPDES Electronic Reporting (eReporting) Information
https://www.epa.gov/compliance/npdes-ereporting

Construction General Permit Information
https://www.tn.gov/content/tn/environment/permit-permits/water-permits1/npdes-permits1/npdes-stormwater-permitting-program/npdes-stormwater-construction-permit.html

Electronic Code of Federal Regulations (eC.F.R.), Title 40 (40 C.F.R. § 1 through § 1099)
https://www.ecfr.gov/cgi-bin/text-idx?SID=75202eb5d09974cab585afeea981220b&mc=true&tpl=/ecfrbrowse/Title40/40chaptIerl.tpl

Electronic Reporting (NetDMR) Waiver Request
https://www.tn.gov/environment/program-areas/wr-water-resources/netdmr-and-electronic-reporting/e-report-waiver.html

Low Flow Statistics Tools: A How-To Handbook for NPDES Permit Writers (EPA)
https://www.epa.gov/sites/production/files/2018-11/documents/low_flow_stats_tools_handbook.pdf

Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (EPA)
https://www.epa.gov/sites/production/files/2015-08/documents/acute-freshwater-and-marine-wet-manual_2002.pdf

Municipal Boundaries
https://comptroller.tn.gov/office-functions/pa/gisredistricting/municipal-boundaries.html

MyTDEC Forms
https://forms.tdec.tn.gov/

National Resources Conservation Service – National Biology Handbook Part 614 Stream Visual Assessment Protocol Version 2
https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1043252.pdf

NetDMR, MyTDEC Forms, & Electronic Reporting Information
https://www.tn.gov/environment/program-areas/wr-water-resources/netdmr-and-electronic-reporting.html

NPDES Compliance Inspection Manual (EPA)
https://www.epa.gov/sites/production/files/2017-01/documents/npdesinspect.pdf

NPDES Electronic Reporting Rule
https://www.federalregister.gov/documents/2015/10/22/2015-24954/national-pollutant-discharge-elimination-system-npdes-electronic-reporting-rule

Qualifying Local Program Information
https://www.tn.gov/environment/permit-permits/water-permits1/npdes-permits1/npdes-stormwater-permitting-program/tennessee-qualifying-local-program.html

Quality System Standard Operating Procedure for Macroinvertebrate Stream Surveys (QSSOP)
https://www.tn.gov/content/dam/tn/environment/water/policy-and-guidance/DWR-PAS-P-01-Quality_System_SOP_for_Macroinvertebrate_Stream_Surveys-122821.pdf

Quality System Standard Operating Procedure for Chemical and Bacteriological Sampling of Surface Water
https://www.tn.gov/content/dam/tn/environment/water/policy-and-guidance/dwr-wqp-p-01-qssop-chem-bac-082918-update-2022-jan.pdf

Rules of the TN Department of Environment and Conservation, Chapter 0400-40
https://publications.tnsosfiles.com/rules/0400/0400-40/0400-40.htm

Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (EPA)
https://www.epa.gov/sites/production/files/2015-08/documents/short-term-chronic-freshwater-wet-manual_2002.pdf

State of Maryland Stream Corridor Assessment Survey SCA Survey Protocols
https://dnr.maryland.gov/streams/Publications/SCAProtocols.pdf

TDEC Final Policy and Guidance Documents
https://www.tn.gov/environment/about-tdec/policy-and-guidance-documents/boe-final-guidance-documents.html

TDEC Water Quality Rules, Reports, and Publications including EDD spreadsheets and instructions for Macroinvertebrate Stream Surveys
https://www.tn.gov/environment/program-areas/wr-water-resources/water-quality/water-quality-reports---publications.html

(Related Stream Survey Field Sheets)
https://www.tn.gov/content/dam/tn/environment/water/watershed-planning/wr_wpu_pub_stream-survey-habitat-5.0.xlsx

Technical Support Document for Water Quality-based Toxics Control (EPA)
https://www3.epa.gov/npdes/pubs/owm0264.pdf

Tennessee Erosion and Sediment Control Handbook
https://tnepsc.org/handbook.asp

Tennessee Fundamentals of Erosion Prevention and Sediment Control, (Level 1)
And Tennessee Erosion Prevention and Sediment Control Design Course (Level 2)
https://tnstormwatertraining.org/index.asp

Tennessee Nutrient Reduction Framework
https://www.tn.gov/content/dam/tn/environment/water/tmdl-program/wr-ws_tennessee-draft-nutrient-reduction-framework_030315.pdf

Tennessee Plant Optimization Program (TNPOP)
https://www.tn.gov/environment/program-areas/wr-water-resources/tn-plant-optimization-programs/tnpop.html

Tennessee Water Resources Data and Map Viewers
https://www.tn.gov/environment/program-areas/wr-water-resources/water-quality/water-resources-data-map-viewers.html

USGS StreamStats
https://www.usgs.gov/mission-areas/water-resources/science/streamstats-streamflow-statistics-and-spatial-analysis-tools?qt-science_center_objects=0#qt-science_center_objects

USGS SWToolbox
https://www.usgs.gov/software/swtoolbox-software-information

RATIONALE

Small MS4 General Permit
NPDES Permit No. TNS000000
Date: 3/22/2022
Permit Writer: Ariel Wessel-Fuss

1. CURRENT PERMIT STATUS

Permit Type:	MS4
Classification:	General
Issuance Date:	30-Sep-16
Expiration Date:	30-Sep-21
Effective Date:	1-Oct-16

2. COVERAGE

3. AREA OF MS4 AUTHORIZED

For city or town, the MS4 program is to be implemented and enforced within the municipal boundaries. Once an area is annexed into the municipality, the newly annexed area will become part of the MS4 automatically. A new NOI is not required. For identification of municipal boundaries, the Division primarily rely on the maps maintained by Geographic Services department in the Division of Property Assessments with the Tennessee Comptroller's office. Similarly, for non-traditional MS4 (such as a university) this permit covers all portions and automatically includes any property acquired.

A county permittee must indicate on the NOI if the MS4 program applies to the entire county or only the urbanized areas (excluding municipalities or non-traditional MS4s). If the permittee's program covers the entire county, the county boundaries minus the municipalities or non-traditional MS4s will be the area of the MS4. If the county permittee indicates the MS4 covers the only the urbanized area of the county, the Division will utilize the urbanized area census maps for boundary identification.

When an area is annexed or de-annexed, it is possible that the MS4 authority shifts from one entity to another. The Division encourages communication between the entities to provide appropriate support for transition and to consult

their attorneys for the need of an interjurisdictional agreement during the transition.

3.1. LIMITATIONS ON COVERAGE

Approved TMDLs have corresponding language to subpart 1.40 of this permit. This language is typically in section 9.2.2. of the TMDL. Generally, the TMDL states (in part): *These* [MS4] *permits typically require the development and implementation of a Storm water Management Plan (SWMP) that will reduce the discharge of pollutants to the "maximum extent practicable" and not cause or contribute to violations of state water quality standards. A monitoring component to assess the effectiveness of BMPs is also typically included in the SWMP. Regulated MS4s that maintain compliance with the provisions of their NPDES permits are considered to be consistent with the assumptions and requirements of the WLAs of this TMDL.*

In practice, the language of subpart 1.40 of this permit and the corresponding language of the current TMDLs means that if the permittee is in compliance with the NPDES MS4 permit the permittee is meeting its obligations under the TMDL. The Division does not plan at this time to alter this methodology. However, permittees are encouraged to engage and review proposed TMDLs during the respective public notice periods.

3.2. PERMIT TERM

The permit will be issued for a 5 year term.

4. CO-PERMITTEES AND COORDINATED PROGRAMS

40 CFR 122.35

The section on co-permittees was expanded to better detail during the NOI submittal the accountability for each permittee. This is help ensure both the Division and the co-permittees clearly understand which entity is responsible for each component of the SWMP. Similarly, the language was added for verbiage of the legal mechanisms to prevent the confusion that can occur when multiple MS4 who share responsibility of a program element have differing legal authority.

A requirement to have either one shared MCM or partial sharing of multiple MCMs was added to avoid a loophole where multiple MS4s apply as co-permittees and operate their programs separately.

40 CFR 122.35(a)(3) states that EPA encourages the permittee to enter into a legally binding agreement with that entity if the permittee wants to minimize any uncertainty about compliance with the permit.

5. STORM WATER MANAGEMENT PROGRAM (SWMP)

5.1. TERMINOLOGY

In general conversation as well as previous permits, the terms Storm Water Management Program and Storm Water Management Plan with both using the acronym SWMP have been used almost interchangeably. While in conversations this interchanging of words is not typically an issue, it has caused some confusion with the permit. Therefore, this permit will use SWMP to mean Storm Water Management Program.

The Storm Water Management Program is a set of related measures, projects, plans, activities, and documentation that is managed in a coordinated manner under a structure that allows for the delivery of outcomes/goals. It may be helpful to think of the SWMP documentation as a 3-ring binder. The table of contents for this binder would be very similar to the headings of this permit. Each minimum control measure (MCM) would constitute its own section developed by the permittee to meet the permit requirements. This section could include a plan (document) that describes in detail how the permittee intends to comply with the permit requirements for that MCM. It could also include items like a tracking mechanism, standard operating procedures, policies, or standardized forms such as an inspection form. This 3-ring binder isn't a program unless it is implemented. The SWMP must also include the legal authority to implement and enforce the activities described in the documentation. Additionally, the permittee must not only implement the SWMP but show evidence of implementation as well. So next, let's assume that 3 ring binder is on top of a filing cabinet. A staff member makes a copy of the inspection form from the binder and reviews the inspection procedure. Upon returning from the inspection, the staff member logs the inspection in a tracking mechanism then sends a notice of violation (NOV) in accordance with the enforcement response plan. The completed inspection form and a copy of the NOV are stored in the filing cabinet as records. The documents in the 3-ring binder and the filing cabinet along with the inspection and enforcement activities collectively exemplifies how the term SWMP is used in this permit. The above is for example purposes. The permittee has enormous flexibility to incorporate various technologies into its SWMP such as GIS, databases, or electronic data management systems. It is important to clarify that the broader SWMP may include subprograms like the IDDE program etc.

5.2. NEW PERMITTEES

Tennessee Rule 0400-40-10-.04 allows for implementation of the permanent stormwater management program no more than twenty-four (24) months to implement fully implement the program. In order to establish a clear requirement of fully implementation, new permittees will have 24 months to implement fully the entirety of the MS4 program. The EPA scorecard is required within 12 months and the implementation plan within 90 days. As this time frame is established by the permanent stormwater rule, it will remain the same.

5.3. EXISTING PERMITTEES

Tennessee Rule 0400-40-10-.04 allows for implementation of the permanent stormwater management program no more than 24 months to implement fully implement the program although some MS4s. in order to avoid confusion with numerous implementation due dates and allow the MS4s to make all required changes to the legal authority at once, existing permittees will have 24 months to fully implement all changes to the legal authority required by this permit. All other changes with the exception of permanent stormwater requirements will be fully implemented within 180 days.

5.4. SHELBY COUNTY SMALL MS4S

On January 19, 2017, the Division entered into a settlement agreement with the Shelby County Small MS4s (Town of Arlington, City of Bartlett, Town of Collierville, City of Germantown, City of Lakeland, City of Millington, and Shelby County). This agreement authorized the Shelby County Small MS4s to continue to implement their current (as of the date of the settlement) programs to reduce the discharge of pollutants in stormwater from new development and redevelopment sites, but to postpone implementation of subpart 4.2.5 (permanent stormwater management at dew development and redevelopment sites until the date when the City of Memphis is required to implement equivalent specific measures. This settlement agreement is still in effect. Therefore, for the Shelby County Small MS4s will be required to implement subpart 4.2.5 and its associated requirements found in subparts 4.5 and 4.7 at the same time, i.e. due date as the City of Memphis.

5.5. QLP PROGRAM

The previous permit period acted as a pilot for the QLP program. As a result, QLP program language has been expanded to clarify minimum program and specialized reporting requirements.

For the purposes of this requirement "*Coordinate with the Division on confirming water resource inventory*", Coordination includes stream and/or wetland determination report, a TDEC DWR HD/Wetland concurrence letter, ARAP Requirements, ETW, Siltation, and T&E species present. See the Tennessee municipal Construction Stormwater Project Review Checklist (CN-1440) on the QLP Website.

QLP Status meaning:

-Pending: (NOI/SWPPP has been received but final approval or notice of coverage has not been issued.)
-Active: (Permit coverage is active.)
-Terminated:(site has been stabilized and permit coverage is terminated)

5.6. SWMP MODIFICATION

40 CFR 122.63
40 CFR 122.34(d)

Clarified this section to better delineated between Minor and Major modifications. This section clarified the requirements of modification as it relates to the public involvement/participation MCM. The public notice plan does not have to be a separate document from the plan required in the Public Participation MCM. They can be combined.

The permittee is encouraged to request a determination from the Division of a modification if it is unclear as to the classification of a minor or major modification. The best practice will be to public notice changes if there is any doubt as to if it is minor or major modification.

5.7. LEGAL AUTHORITY

40 CFR 122.34(b)(3)-(4)
40 CFR 122.26(d)(2)(i)

What constitutes legal authority has in the past caused much confusion. The proposed permit outlines the required elements of the legal authority in its own sub-part that were previously embedded in various locations of the 2016 permit. While some requirements may be in two places, the legal authority section is intended to list the requirements for clarity. Additionally, language was added language aligning more closely with 40 CFR 122.26(d)(2)(i) which is the basis for the best management practice.

Simply coping and pasting the elements listed in the legal authority subpart is not sufficient to be able to legally implement and enforce the stormwater management program. Additionally, the new permanent stormwater rules require codes and ordinances be updated.

The determination of adequate legal authority is complex in itself. A few of the comments made during the rulemaking process illustrated a misunderstanding of legal authority. For example:

> **Comment 27.** Regarding Rule 0400-40-10-.04(1)(d), the permittee has regulatory authority over municipal separate storm sewer system but does not have such authority over private stormwater control measures. Therefore, an implementation plan for a permanent stormwater management program can only be applicable to the municipal separate storm sewer system.
> **Response:** The permittee has regulatory authority over new private SCMs that it permits and is required by these rules to adopt ordinances or other regulatory mechanisms to implement that authority.

As such this proposed permit includes specific reporting requirements for the annual report. A solicitor's (attorney's) statement attesting that the MS4 has the legal authority to implement and enforce the SWMP is to be submitted. While many municipalities have staff attorney that review ordinances routinely, some municipalities contract out these reviews. Municipalities may wish to contact the Municipal Technical Advisory Service (MTAS) or County Technical Assistance Service (CTAS).

The Division recognizes that non-traditional MS4s may not have the ability for codes or ordinances. These MS4s can implement their "legal authority" through other legally binding mechanisms such as contracts, agreements, or other binding mechanism.

5.8. STORMWATER MONITORING AND PROGRAM EVALUATION

40 CFR 122.34(d)(1)

The monitoring section has been moved from its own part to the SWMP and paired with the program evaluation component since the intent of the monitoring program is to provide data and information for the evaluation of program effectiveness. Additionally, habitat alteration has been removed from the list of unavailable conditions that require monitoring to be consistent with the CGP.

When the 2016 permit was administratively continued it caused confusion regarding the monitoring that needed to occur during this period. While the Division fully intends to issue subsequent permits in a timely manner to avoid this issue altogether, language was added to option 1 "no more than 5 years between samples in a segment" and option 2 "provisions for an administratively continued small MS4 general permit" to clarify the requirement.

The 2016 permit introduced the "option 2" jurisdiction specific monitoring plan. As such, it was broadly designed. This seemed to prevent some MS4 from taking the opportunity it provided for MS4s. The proposed permit provides more specific requirements primarily based on lessons learned. These changes are intended to provide more structure to option 2 clarifying the expectation while still providing the maximum flexibility in designing their monitoring program.

From Chapter 8 of EPA's MS4 Permit guide (EPA 833-R-10-001) https://www3.epa.gov/npdes/pubs/ms4permit_improvement_guide.pdf: *Without clear monitoring objectives and a detailed monitoring plan, it will be difficult for permittees and permitting authorities to evaluate the effectiveness of the municipal stormwater program. There are numerous factors that should be examined while setting up the water quality monitoring portion of the comprehensive program. Understanding and considering climatic conditions such as precipitation patterns, temperature, and seasonal variations will ensure the study design will collect data that are representative of typical storms in the area and that sampling occurs during times of the year when it is most logical to do so. Acknowledging the different types of land uses within the area will also help the permittee to prioritize monitoring efforts based on the areas most likely to be impacted by stormwater. The type of waterbody monitored must also be considered when selecting sampling locations since pollutants behave differently depending on the environment thereby impacting sampling protocols. For example, sampling in a freshwater lake involves different protocols than monitoring in a tidally influenced river or a first order stream. Waterbody type can also influence the data results and conclusions (e.g. freshwater wetlands typically have high denitrification rates that will likely impact the results of nitrate sampling).*

5.9. UNAVAILABLE CONDITIONS

Wherever the permit specifies terms or conditions related to unavailable parameters, the permittee can locate those streams using the latest approved 303d list located on our website https://www.tn.gov/environment/program-areas/wr-water-resources/water-quality/water-quality-reports---publications.html under Water Quality Assessment Publications. Please note the 303d list for 2022 is expected to be approved during the public notice period of this proposed permit.

6. MINIMUM CONTROL MEASURES

40 CFR 122.34(b)

The written plan for each Minimum Control Measure (MCM) of the SWMP should outline the details for the required components e.g. the bulleted list after "This program must include the following at a minimum" as well as the management measures and goal e.g. the table.

The Measurable Goals Table format has been incorporated into the proposed permit to better delineate the measure, goals, and Annual Report Requirements. This layout is intended to provide clarity to the reporting requirements. It is important to note, that the permittee is expected to maintain documentation supporting the implementation of the goals.

6.1. PUBLIC EDUCATION AND OUTREACH

40 CFR 122.34(b)(1)

Management measures in this section have been clarified from the previous permit to better implement the requirements of 40 C.F.R. §122.34(b)(1).

In certain areas known as for illicit discharges, the permittee should focus education on the particular pollutant(s) of concern and address outreach to those communities. Permittees are encouraged to emphasize the water quality improvement aspect of education programs and document related or expected water quality improvements.

The PIE plan is required to include a methodology for review of this component. The evaluation methods could include but not be limited to: direct evaluations/observations, surveys, tracking the number of attendees, interviews, review of media clippings, or tracking the number of stormwater related calls, emails, and letters received.

When determining the target audience for employees, the stationed location and the duties of the job classification should be evaluated. The employees working in the municipal facilities covered under MCM should certainly be included in the PIE plan. However, municipalities are encouraged to evaluate all job functions. For example, education for administrative staff that interact with the public may be beneficial to not only internal communication of issues, but also provide an educational opportunity for the citizen as well.

The MCM uses the term "sponsor". An MS4 may sponsor an activity either monetarily or as a donation in kind, i.e. goods, services, or time.

The permittee may use stormwater educational materials provided by the State, Tribe, EPA, environmental, public interest, or trade organizations, or other MS4s. The public education program should inform individuals and households about the steps they can take to reduce stormwater pollution, such as ensuring proper septic system maintenance, ensuring the proper use and disposal of landscape and garden chemicals including fertilizers and pesticides, protecting, and restoring riparian vegetation, and properly disposing of used motor oil or household hazardous wastes. EPA recommends that the program inform individuals and groups how to become involved in local stream and beach restoration activities as well as activities that are coordinated by youth service and conservation corps or other citizen groups. EPA recommends that the permit require the permittee to tailor the public education program, using a mix of locally appropriate strategies, to target specific audiences and communities. Examples of strategies include distributing brochures or fact sheets, sponsoring speaking engagements before community groups, providing public service announcements, implementing educational programs targeted at school age children, and conducting community-based projects such as storm drain stenciling, and watershed and beach cleanups. In addition, EPA recommends that the permit require that some of the materials or outreach programs be directed toward targeted groups of commercial, industrial, and institutional entities likely to have significant stormwater impacts. For example, providing information to restaurants on the impact of grease clogging storm drains and to garages on the impact of oil discharges. The permit should encourage the permittee to tailor the outreach program to address the viewpoints and concerns of all communities, particularly minority and disadvantaged communities, as well as any special concerns relating to children.

6.2. PUBLIC INVOLVEMENT/PARTICIPATION

40 CFR 122.34(b)(2)
40 CFR 122.34(d)(2)

The overlapping nature of the public education and public involvement MCMs has led to a merging of these two MCMs. In order to meet the federal eReporting requirements the proposed permit provides more specificity regarding the target participants and subject. While the public education MCM requirements have remained consistent with the previous permit, the proposed permit provides more specificity for public participation. Additional requirements have been

added regarding public access of the SWMP to better meet the requirements of 40 C.F.R. §122.34(b)(2). This permit requires that the SWMP be placed on public notice prior to the second annual report. This is not intended to be an annual requirement as the section also requires a formal public notice process to be developed which identifies what modifications to the SWMP require public notice. Additional direction on Minor and Major modifications is found in subpart 4.4.1.

Potential Activities for the Public:

a. Pollution Prevention
   - Storm Drain Marking
   - Pet Waste Management
   - Recycling
   - Trash Management
   - Vehicle Washing
   - Water Conservation
   - Residential Yard Waste Management (e.g., onsite reuse of leaves and grass clippings)
   - Cleanup Events
   - Planting Community Rain Garden

b. Impacts on water quality or local stormwater management issues

Construction Sites
Infrastructure Maintenance
Smart Growth
Green Infrastructure/Better Site Design/Low Impact
Riparian Corridor Protection/Restoration
Wetland Protection
Citizen Stream Monitoring

c. Storage, use, and disposal of household hazardous waste, automotive-related fluids, pesticides, herbicides, and fertilizers
   - Household Hazardous Waste Disposal
   - Storm Drain Marking
   - Pesticide, herbicide, and Fertilizer Application
   - Recycling

d. Identifying and reporting procedures for illicit connections/discharges, sanitary sewer seepage, spills, etc.

e. Illicit Discharge Detection and Elimination public workshop, citizen committee meetings

Potential Activities for the Commercial/Industrial Community:

Pollution Prevention
- Storm Drain Marking
- Recycling

- Trash Management
- Vehicle Washing
- Water Conservation
- Pesticide or Fertilizer application (e.g., onsite reuse of leaves and grass clippings)
- Cleanup Events
- Suppling materials for a Community Rain Garden

Impacts on water quality or local stormwater management issues
Construction Sites
Infrastructure Maintenance
Smart Growth
Green Infrastructure/Better Site Design/Low Impact
Riparian Corridor Protection/Restoration
Wetland Protection
Citizen Stream Monitoring

EPA recommends that the permit include provisions addressing the need for the public to be included in developing, implementing, and reviewing the stormwater management program and that the public participation process should make efforts to reach out and engage all economic and ethnic groups. Opportunities for members of the public to participate in program development and implementation include serving as citizen representatives on a local stormwater management panel, attending public hearings, working as citizen volunteers to educate other individuals about the program, assisting in program coordination with other pre-existing programs, or participating in volunteer monitoring efforts. (Citizens should obtain approval where necessary for lawful access to monitoring sites.)

There is an additional recordkeeping requirement in 40 CFR 122.34(d)(2) related to public involvement which has been incorporated into the MCM rather than a standalone permit condition. "The permit must require the permittee to make records, including a written description of the stormwater management program, available to the public at reasonable times during regular business hours (see § 122.7 for confidentiality provision). (The permittee may assess a reasonable charge for copying. The permit may allow the permittee to require a member of the public to provide advance notice.)" It is important to note that traditional MS4 i.e. state, county and municipal are subject to the Tennessee Open Records Act (T.C.A. § 10-7). Non-traditional MS4s should contact their attorney for information.

6.3. ILLICIT DISCHARGE DETECTION AND ELIMINATION

40 CFR 122.34(b)(3)

Documentation of illicit discharges is particularly important for the permittee since an illicit discharge triggers a corrective action and enforcement. Documentation such as reports, responses, correspondence, and resolutions shall be maintained.

The term "hot-spot" has been replaced with "priority areas" to better align with the language of the Federal rule.

The Illicit Discharge Detection and Elimination (IDDE) educational/training requirement for public employees requires tracking to ensure that all applicable employees are properly trained. If the MS4 tracks this as part of a personnel record, it should be able to provide evidence of training as requested while protecting confidential information.

The requirement *"Identify and investigate the categories of non-stormwater discharges or flows (as indicated in subpart 4.2.3) only if the permittee identifies them as a significant contributor of pollutants to the MS4."* is a specific subset of all IDDE investigations.

The section has been updated to include a slightly more detailed list for the storm sewer system map. The intent is to move towards standardizing the geospatial reporting requirements. Although not every system in the state is currently utilizing geospatial system mapping, it is rapidly becoming practicable for all systems. This is especially true since current funding sources such as the American Rescue Plan can be used by counties and municipalities to develop these system maps.

The permittee should initiate a cooperative effort to develop a set of guidelines and procedures that local responders will follow to minimize damaging effects that spill response activities might have on water resources. It may be beneficial for the stormwater system mapping to be shared with EMS officials if it is easily accessible.

EPA recommends that the plan to detect and address illicit discharges include the following four components: procedures for locating priority areas likely to have illicit discharges; procedures for tracing the source of an illicit discharge; procedures for removing the source of the discharge; and procedures for program evaluation and assessment. EPA also recommends that the permittee to

visually screen outfalls during dry weather and conduct field tests of selected pollutants as part of the procedures for locating priority areas. Illicit discharge education actions may include storm drain stenciling, a program to promote, publicize, and facilitate public reporting of illicit connections or discharges, and distribution of outreach materials.

6.4. CONSTRUCTION SITE STORMWATER RUNOFF CONTROL

40 CFR 122.34(b)(4)

The requirement for receipt and consideration of information submitted by the public is located in subpart 4.2.2. The permittee may use various forms of public communication and electronic communication is encouraged. In many MS4, the Engineering and Planning department (or equivalent) may already have a public notice process and a means to incorporate comments. While those processes may need to be modified to ensure adequate coverage of MS4 related concerns, the permittee is encouraged to utilize existing processes and procedures to streamline and simplify communication with the public.

To clarify the requirement for "ordinances or other regulatory mechanisms for construction site runoff control must be effective and implemented within 12 months of the reissuance of a CGP" is not referring to the 2021 CGP, but the subsequent permit.

One management measure refers to "… effective and implemented …" The term "effective" in this sub-part is meant to indicate that the legal authority has been fully adopted and is "in effect".

The proposed permit requires the MS4 to inspect 10% of non-priority construction sites during the reporting period and priority construction sites monthly. While the latter requirement was in the previous permit, the inspect 10% of non-priority construction requirement was added to the proposed permit to quantify (i.e. measure) the permit condition.

The % Priority Construction Activities inspected at a frequency of less than once per calendar month calculation should take into consideration the fact that construction site projects are starting and stopping. For example, if a Priority Construction Activity is stabilized and complete during month 8 of the reporting period and inspections were completed each of those 8 calendar months, this would be counted as meeting the objective of the requirement.

The permittee may define additional priority criteria to expand the priority construction program.

EPA recommends examples of sanctions to ensure compliance include non-monetary penalties, fines, bonding requirements and/or permit denials for non-compliance. EPA recommends that the procedures for site plan review include the review of individual pre-construction site plans to ensure consistency with local sediment and erosion control requirements. Procedures for site inspections and enforcement of control measures could include steps to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water quality. EPA also recommends that the permit require the permittee to provide appropriate educational and training measures for construction site operators and require stormwater pollution prevention plans for construction sites within the MS4's jurisdiction that discharge into the system. See § 122.44(s).

6.5. POST-CONSTRUCTION/PERMANENT STORM WATER MANAGMENT

40 CFR 122.34(b)(5)
0400-40-10-.04

This permit incorporates the newly adopted rules for post-construction/permanent stormwater management. As such, this control measure if formatted slightly differently than the others. Sections 4.2.5.1 through 4.2.5.8 are copied from Tennessee Rule 0400-40-10-.04 with slight editing to clarify references. Tennessee Rule 0400-40-10-.04 establishes what constitutes Maximum Extent Practicable (MEP) for this control measure.

Section 4.2.5.9 establishes how the elements of MEP will be measured and reported in the annual report. It is important to note some reporting elements won't be required in the annual report until the implementation plan is completed.

The rule requires updated legal instruments for post-construction/permanent stormwater management. The Division recognizes that non-traditional MS4s may not have the ability for codes or ordinances. These MS4s can implement their "legal authority" through other legally binding mechanisms such as contracts, agreements, or other binding mechanism.

6.6. POLLUTION PREVENTION/GOOD HOUSEKEEPING

6.6.1. General

40 CFR 122.34(b)(6)

While the previous permit was clear in the types of municipal operations covered under this MCM, it did not provide specific management practices for the implementation of this measure. Therefore, the proposed permit includes specific management measures. While specific management measures are listed, the permittee still has the flexibility to refine those measures in their SWMP. For example, the permittee may define what constitutes Good Housekeeping for all municipal operations or based on the different types of facilities.

Additionally, the previous permit required "all maintenance activities must be documented, with methods such as photos, maintenance logs, and/or contractor invoices". This requirement has been replaced with "the permittee must keep records of the implementation of the management practices and document the record keeping requirements in the O&M Program." In the O&M Program documentation, the permittee should specify what type of records should be maintained for each type of management practices. For example, preventative maintenance log or a daily task tracker for good housekeeping. The records provide evidence of program implementation.

Guidance for developing Operation and Maintenance Plans
https://www.epa.gov/system/files/documents/2021-11/bmp-municipal-facilities-management.pdf

https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater-pollution-prevention-and-good

https://www.epa.gov/sites/default/files/2015-11/documents/guidance_document.pdf

Examples of sources of pollutants of concern materials may include, but are not limited to, lubricants, fuels, sand, gravel, soil, salt, pesticide, fertilizer, garbage, trash, clippings, vehicles, equipment, and other wastes.

If the MS4 tracks this as part of a personnel record, it should be able to provide evidence of training as requested while protecting confidential information.

When determining the target audience for employees, the stationed location and the duties of the job classification should be evaluated. Permittees are encouraged to evaluate all job functions.

The language "the permittee must consider ways to evaluate new flood management projects and assess the impacts on water quality and examine existing projects for incorporating additional water quality protection devices or practices" has been removed from the permit. While the Division encourages communication with flood control agencies on water quality impacts, flood control requirements are managed through FEMA programs in Tennessee. Additionally, this language was moved to the guidance section of the federal rule.

Guidance for NPDES permitting authorities and regulated small MS4s: EPA recommends that the permit address the following: Maintenance activities, maintenance schedules, and long-term inspection procedures for structural and non-structural stormwater controls to reduce floatables and other pollutants discharged from the separate storm sewers; controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations and snow disposal areas operated by the permittee, and waste transfer stations; procedures for properly disposing of waste removed from the separate storm sewers and areas listed above (such as dredge spoil, accumulated sediments, floatables, and other debris); and ways to ensure that new flood management projects assess the impacts on water quality and examine existing projects for incorporating additional water quality protection devices or practices. Operation and maintenance should be an integral component of all stormwater management programs. This measure is intended to improve the efficiency of these programs and require new programs where necessary. Properly developed and implemented operation and maintenance programs reduce the risk of water quality problems.

6.6.2. Tennessee Multi Sector Permit

The proposed permit includes the following exclusion to an O&M Facility Plan, "An O&M Facility Plan does not need to be developed for a facility if the permittee has either a no exposure certification for the discharge under the Tennessee Multi-Sector General Permit (TMSP) or the discharge is authorized under another NPDES permit e.g TMSP."

For most facilities, the details in an O&M plan will be substantially similar to the SWPPP requirements found in the TMSP. As such, municipal facilities covered under the TMSP General Permit or a certification of no exposure will not be

required to develop or implement an O&M Plan. This will clarify the expectation in order to avoid a duplication of effort on behalf of the municipality or agency. To reiterate, any municipal facility that meets the requirements of section 1.2 of the TMSP are to obtain either TMSP Coverage or a certification of No Exposure. Subpart 4.2.6 of this permit applies to all other municipal facilities as identified as applicable.

7. ANNUAL REPORT

40 CFR 122.34(d)(3)
40 CFR 122.41

This permit requires a submittal of an annual report as described by Part 5. It is important to note that the individual elements of the report are identified throughout the permit typically in a table or narrative format. The annual report due September 30, 2022, will be submitted under the requirements of the 2016 permit. The annual report due September 30, 2023, will be the first annual report due under the proposed permit.

8. NOI

40 CFR 127

Part 0 establishes a provision for a waiver from electronic reporting. Many if not most of these municipalities are already reporting electronically through MyTDEC Forms for other reports. Therefore, the Division does not expect to receive or approve many (if any) waiver applications for traditional MS4s. Likewise, many of the non-traditional MS4s are colleges or universities which tend to have access to technology, so few, if any, waivers are expected from these permittees. The Division anticipates the waiver language in subpart 6.2 to rarely be used. However, the provision is necessary to allow for episodic waivers for reports in case the electronic system is down for prolonged periods of time.

Part 2 requires submittal of the required maps in the application electronically. The current preferred method is through a geo spatial REST service. However, since technology advances rapidly, an alternative submittal mechanism may be approved by the Division.

9. ELECTRONIC REPORTING

40 CFR 122.34(d)(3)
40 CFR 127

The NPDES Electronic Reporting Rule (eRule), which became effective on December 21, 2016, replaces most paper-based reporting requirements with electronic reporting requirements.

10. ANTIDEGRADATION STATEMENT / WATER QUALITY STATUS

Tennessee's Antidegradation Statement is found in the Rules of the Tennessee Department of Environment and Conservation, Chapter 0400-40-03-.06. It is the purpose of Tennessee's standards to fully protect existing uses of all surface waters as established under the Act.

Streams across Tennessee may be identified as:

Outstanding Natural Resource Water (ONRW)
No new discharge or expansion will be allowed unless 1) existing ONRW water quality conditions will continue to be met or exceeded; or 2) no permanent degradation of water quality above the level of *de minimis* will be allowed.

These streams can be identified on our dataviewer at
https://dataviewers.tdec.tn.gov/pls/enf_reports/f?p=9034:34304::::::

Exceptional Tennessee Water
No permanent degradation of water quality above the level of *de minimis* will be allowed unless the applicant demonstrates to the Division that the degradation is for necessary economic or social development and will not interfere with or become injurious to any existing uses. The specific requirements for this demonstration are described in the Rules of the Tennessee Department of Environment and Conservation, Chapter 0400-40-03-.06(4).

These streams can be identified on our dataviewer at
https://dataviewers.tdec.tn.gov/pls/enf_reports/f?p=9034:34304::::::

Available Conditions Waters (meeting designated uses)
These waters are fully supporting of its designated uses. The Division has maintained, and shall continue to assess, the water quality of the stream to assure that the water quality is adequate to protect the existing uses of the stream fully, and to assure that there shall be achieved the highest statutory and regulatory

requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint source control.

Unavailable Conditions Waters (assessed as needing additional pollution controls)
These waters partially/does not support(s) designated uses due to various causes from various sources.

These streams can be identified on our mapviewer at:
https://tdeconline.tn.gov/dwr/

Total Maximum Daily Loads (TMDLs) have been developed and approved and can be found on our website at:
https://tdec.tn.gov/document-viewer/#/search/tmdl

The proposed terms and conditions of this permit comply with the wasteload allocations of these TMDLs.

11. PERMIT TERM

This permit will be issued for a 5-year term.

APPENDIX 1 –
NOTICE OF INTENT (NOI)