

NPDES General Permit For Discharges from
Small Municipal Separate Storm Sewer Systems (MS4)

improper disposal of waste. The PIE plan must also address non-stormwater discharges or flows as defined in sub-section 1.3.3.2 if the permittee identifies them as significant contributors of pollutants to its MS4.

The permittee shall develop a mechanism for the public to report (e.g., via hotline or website), suspected illicit discharges. The permittee shall specify the timeframe for initiating complaint investigations within the ERP, but not to exceed seven days from the receipt of the complaint. Documented illicit discharges shall be eliminated as soon as practicable with the ordinance or other regulatory mechanism initiated within seven days of the investigation. Documentation of illicit discharge reports, responses, and resolutions shall be maintained in the SWMP.

The permittee shall foster interagency coordination for hazardous waste or material spills response and cleanup. The permittee shall inform local spill-response agencies and/or TEMA (Tennessee Emergency Management Agency) of the potential negative impacts to surface water (and ground water) of spill clean-up activities. If a set of guidelines and procedures is not already in place, 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.

4.2.4. Construction Site Stormwater Runoff Pollutant Control

Permittees shall develop, continue to develop, implement and enforce a construction site stormwater runoff pollutant control program. Newly designated permittees shall have this program implemented within 24 months of coverage under this permit. Currently permitted MS4 jurisdictions shall continue to implement existing construction site stormwater runoff pollutant control program and must have any updates to the program resulting from this permit or a Construction General Permit reissuance completed within 18 months of coverage under this permit. Compliance schedules will be extended into the next permit cycle for permittees that receive coverage in the middle of a permit cycle.

The program must address the reductions of pollutants in stormwater runoff from construction activities that result in a land disturbance of equal to or greater than one acre or less than one acre if part of a larger plan of common development or sale. The program must include the development, implementation and documentation of, 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. For newly designated permittees, this regulatory mechanism must be in place within 18 months of coverage under this permit. The enforcement sanctions must be identified in an ERP as indicated in sub section 4.5. In order for the program to be consistent with requirements of the future NPDES general permit for construction stormwater runoff, modifications to ordinances or other regulatory mechanisms for construction site runoff control must be implemented within 18 months of the reissuance of a Tennessee Construction General Permit (CGP, TNRI00000).

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- b. Requirements for construction site operators to implement appropriate erosion prevention and sediment control best management practices. The permittee's EPSC requirements shall be consistent with those described in the [TDEC EPSC Handbook](#).
- c. Requirements for design storm and 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 section 4.2.4. For existing permittees, the inventory must be updated as new projects are permitted and projects are completed. For new permittees, the inventory must be completed with 24 months of coverage and then updated as new projects are permitted and projects are completed. The inventory must contain relevant contact information for each project (e.g., tracking number, name, address, phone, etc.), the size of the project and area of disturbance, whether the 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 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. The procedures must include an evaluation of plan completeness and overall BMP effectiveness.
- g. Mechanisms or plans for public access to information on projects and receiving and considering comments from the public on those projects. As indicated in section 4.2.2, the permittee may use various forms of public communication and electronic communication is encouraged.
- h. Procedures for permittee inspectors to evaluate and document construction site compliance. These procedures, as required in sub-part 4.5, must include specific enforcement steps to ensure construction operators maintain compliance with the permittee's construction program requirements.
- 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). Construction site plan reviewers must receive a certificate of completion from the [Tennessee Erosion Prevention and Sediment Control Design Course](#), Level 2 or equivalent. It is recommended that permittee construction staff receive training under both courses.
- j. Procedures to establish priority construction activities to include at a minimum:

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

4.2.5. Permanent Stormwater Management at New Development and Redevelopment Projects

4.2.5.1 Program Requirements

The permittee must implement a permanent stormwater management program focused on removing pollutants from stormwater discharges through management practices, control techniques and system, design and engineering methods implemented to the maximum extent practicable (MEP).

The program requirements apply to all new and redevelopment projects that disturb equal to or greater than one acre, or less than one acre if part of a larger common plan of development or sale (hereinafter “New Development Projects”), and that discharge into the permittee’s small MS4.

The program must consist of plans review, site inspection, and a means to ensure permanent stormwater control measures (SCMs) are adequately maintained. The permittee shall identify and make information available for a suite of SCMs to be used in various situations. Application of innovative SCMs is encouraged. If the permittee decides to significantly limit the number of SCM options, it must document in the SWMP how the performance standards in section 4.2.5 can be met with the limited set of control measures that are allowed.

Permittees must develop and implement, or modify as necessary, an ordinance or other regulatory mechanism to address permanent stormwater pollutant management for New Development Projects. It is recommended that permittees include a mechanism for administrative appeal of site-specific stormwater determinations.

Permittees must submit an implementation plan for a permanent stormwater management program within 90 days of coverage under this permit. For permittees that have already implemented a permanent stormwater program in compliance with the 2010 general permit, the implementation plan may consist of a written statement that all components of the program have been implemented. The implementation plan shall otherwise include a brief description of the main aspects of the permanent stormwater management program and a timeline to develop and implement the program. Typical aspects of the program are expected to include codes and ordinance implementation, procedures for plans review and criteria for approval; procedures for conducting and tracking site inspections, and SCM maintenance policies. For permittees that have not yet fully implemented a permanent stormwater management program, the schedule must indicate completion as soon as feasible but no later than 24 months from the date of coverage under this permit. Further, if implementation will take longer than 12 months, the plan must include interim milestones.