



TENNESSEE
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**Department of Environment &
Conservation
And
Environmental Council Of States**

**A Storm Water Outreach Project to Small
Communities**

Workshop Manual

Version: 1.17

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Conservation**

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Prepared by: Office of Environmental Assistance Staff
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Section I

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Office of Environmental Assistance

(Who we are and what we do)

Office of Environmental Assistance –OEA

The Office of Environmental Assistance has five major components. These include The Small Business Environmental Assistance Program (SBEAP), the Education and Outreach Program, the Fleming Training Center, Grants and Loans Program and the Environmental Justice Program.

Small Business Environmental Assistance Program-SBEAP

The SBEAP is a technical, administrative and regulatory support program for environmental compliance matters for small businesses. Because small businesses could find new environmental regulations to be complex and difficult to comprehend, Small Business Assistance Programs were required in each State. The program provides free and confidential, multi-media technical assistance to small businesses, including compliance requirements, permit applicability and alternative technologies. The program addresses issues pertaining to solid waste, hazardous waste, groundwater, air and water pollution.

Education and Outreach Program

The Education and Outreach program promotes and encourages pollution prevention activities. Several major program areas are housed within the Education and Outreach Section with staff responsible for administering the TN Pollution Prevention Partnership and Roundtable, the nationally recognized State Employee Recycling Program, and activities related to EPA initiatives such as Pollution Prevention, Performance Track, Hospitals for a Healthy Environment, and a new Mercury Switch Abatement workgroup.

The Tennessee Department of Environment and Conservation is helping all citizens do their part for our shared environment through the Tennessee Pollution Prevention Partnership, or TP3. This network, currently comprised of 496 Tennessee households, schools, government agencies, organizations, businesses, and industries demonstrates that pollution prevention protects the environment, saves money, and improves communities. Included in TP3 is the Green Schools program, which coordinates with the School Chemical Cleanout Campaign to rid school laboratories of old and unwanted chemicals.

The SERP has received the EPA WasteWise State Program award for the past two years, and includes activities such as clothing and toy drives, cleanup events, and thermometer swaps. SERP activities include coordination with other agencies and programs to serve a broad range of state facilities such as office buildings, welcome centers and parks. Current staff level is 10.

Fleming Training Center

The Julian R. Fleming Training Center serves four primary functions in the areas of water and wastewater treatment as outlined below. Current staff is 10.

The Water and Wastewater Operator Training Program consists predominantly of training operators of water and wastewater treatment systems, both at basic and advanced levels. It operates under the authority of the Tennessee Water Environmental Health Act (T.C.A. §68-221-905-10)

The Tennessee Water and Wastewater Operator Certification Program operates under the provisions of the Tennessee Water Environmental Health Act (T.C.A. §68-221-901 et seq.) and serves approximately thirty-four hundred certified operators.

The Fleming Training Center Technical Assistance Program is provided to any system experiencing quality control problems or wishing to run its processes more efficiently and effectively. Support is provided both on-site and by phone.

The Cross Connection Control Program operates under the provisions of the Safe Drinking Water Act 68-221-711 (6). The program trains and tests over 400 testers annually and tracks the certificate status of over 1580 individuals. This is a cooperative activity between the Fleming Training Center and the Division of Water Supply.

Grants and Awards Section

The Grants and Awards Section is responsible for implementing the Governor's Environmental Stewardship Awards that recognize Tennesseans who go above and beyond to protect the state's diverse environment. The Awards cover 12 categories: Agriculture/Forestry; Aquatic Resource Preservation; Building Green; Energy Leadership; Environmental Education and Outreach; Green Schools; Greenways and Trails; Hazardous Waste Management; Lifetime Achievement; Natural Heritage Conservation; Parks and Recreation; and Pollution Prevention.

The Grants and Awards Section also captures information about internal grants that the Bureau of Environment (BOE) awards to various organizations throughout the state as well as external grants that BOE receives from the federal government and other organizations. Current staff level is 2.

Environmental Justice

The Environmental Justice Section will be responsible for coordinating and facilitating the Strategic Environmental Justice Plan for the Department of Environment and Conservation. This will involve working with all TDEC programs to ensure compliance with regulatory requirements such as public hearings, public notices, permitting and enforcement actions. The outreach program will seek to provide accessible information to all citizens on environmental health issues of importance to their community and will work with local governments, business and industry to minimize potential adverse environmental impacts to communities and residents. Current staff level is 1.

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Environmental Council Of States

The Environmental Council of the States (ECOS) is the national non-profit, non-partisan association of state and territorial environmental agency leaders.

The purpose of ECOS is to improve the capability of state environmental agencies and their leaders to protect and improve human health and the environment of the United States of America.

Our belief is that state government agencies are the keys to delivering environmental protection afforded by both federal and state law. Further, we believe that ECOS plays a critical role in facilitating a quality relationship between federal and state agencies in the fulfillment of that mission. That role is defined as:

- Articulate, advocate, preserve and champion the role of the states in environmental management; and
- Provide for the exchange of ideas, views and experiences among states and with others; and
- Foster cooperation and coordination in environmental management; and

Articulate state positions to Congress, federal agencies, and the public on environmental issues.

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DEC & ECOS Project Goals

OVERVIEW AND PROJECT DESCRIPTION

The Department of Environment and Conservation – Office of Environmental Assistance proposed to conduct a small communities Train the Trainer Storm Water management project and workshop. The workshop will discuss environmental concerns and storm water management activities of small communities on a “fence line” basis.

There are over 300 small local governments in the State of Tennessee. Of this number, about 75 cities have populations in the 3,301 to 10,000-size range. Many of these small cities need help with their environmental programs. Several large Municipal Separate Storm Sewer Systems (MS4)(s), and a number of medium and small MS4(s) combined to form a Working Group, that asked OEA staff to provide storm water training and information on environmental compliance options for storm water management. The OEA has not previously targeted small communities for compliance assistance. With the implementation of the Clean Water Act and storm water rules, increased attention is focused on small communities. This grant provides the OEA an opportunity to target a new group to meet an identified need.

Project Goals

- ✓ Decrease the number of storm water violations now occurring within the State.
- ✓ Train a trainer for each small local government in the target group. The trainer could then train other city staff regarding storm water issues.
- ✓ Help each City better understand their environmental requirements, and encourage adoption of environmental policy and appropriate ordinances.
- ✓ Help small cities assess the technical skills of staff and identify storm water training needs.
- ✓ Inform the small local governments about the importance of Storm Water rules and the impacts of poor water quality of storm water run off.

The activities to accomplish these goals are as follows:

- ✓ Provide training and education to the staff of small Towns about the environmental and regulatory ramifications of practices that impact storm water run-off
- ✓ Provide outreach assistance, technical advice and follow-up to small local governments – (City Managers and/or Staff)
- ✓ Provide helpful and informative environmental materials that could be used by the small cities to increase awareness of issues and enhance knowledge of city staff

Project Objectives

The goals will be accomplished through the following objectives:

- Provide storm water training and education to 75 small cities, regulators, and industry groups about environmental and regulatory ramifications
- Provide EMS training and materials to 75 small cities
- Provide opportunity for small cities to join the state's TP3 program which provides discounts on environmental training and access to information
- Provide outreach assistance, technical advice, and follow-up to small cities
- Conduct a survey of small communities to determine their current knowledge of environmental rules, regulations and their role and to ascertain available resources dedicated to environmental compliance issues

The OEA will partner with our Water Pollution Control office - the State's regulatory authority to assess the compliance issues of small communities, participate in training workshops and to get their review of materials developed for the project. Small communities will be invited to participate in State Pollution Prevention Conference and P2 Roundtable meetings and environmental forums.

Section II

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Water Related Articles (Tennessee)

(Article excerpt taken from the Tennessean)

Policy would require disclosure from city workers (Tennessean)
Water department problems prompt alderman's action

FRANKLIN - Alderman Dana McLendon doesn't want to be surprised again by bad news from city employees. Instead he's exploring the possibility of creating a policy that entails that all city employees must tell their supervisors in City Hall when and if the city falls into some sort of violation of applicable laws or regulations. Likewise, that could go for the employees themselves. "I think we can and should craft some kind of policy that protects the city by informing the city," McLendon said.

McLendon and city leaders were caught unawares by a state Department of Environment and Conservation report listing repeated problems with the city's Water and Sewer Department and labeling the city's water system as unapproved. The report cited bad data reporting, not following state procedures and failure to have a backup pump installed. The report resulted in the city scoring only 28 out of 100 possible points. The department was put under a tight timeline to fix the situation.

But for years, McLendon - who chaired the city's Public Enterprise Committee that meets regularly with water department employees - said he was never told by water department employees about the problems TDEC found. "(Water department employees) would tell us everything is fine," he said. "Some of them at least knew different. I mean that literally." No such rule now exists, McLendon said. And he cautioned that he doesn't want to "set people up for termination." "My thought is we don't have any kind of rules that require employees to report to the chain of command information that might well matter," he said.

Talk of creating this policy - as well as one that prevents employees who are suspended and ultimately terminated from collecting retirement benefits during their suspensions - came about last week at the city's Budget and Finance Advisory Committee. McLendon is its vice chairman. He instructed City Attorney Doug Berry to look into the matter.

<http://tennessean.com/apps/pbcs.dll/article?AID=/20051214/COUNTY0904/512140334/1177/COUNTY0901>

Technology Solution - What about "pervious" Concrete ...

Material touted to ease runoff problem (Herald Citizen) COOKEVILLE –

Concrete could be the solution to one of Cookeville's most pressing problems, according to Mayor Charles Womack. While unprecedented growth is bringing jobs and improved quality of life to city residents, progress is leaving too much runoff -- literally. New buildings and the parking lots that surround them are turning erosion control into a big city issue. The current weapon of choice in that battle -- retention ponds -- are far from a quality option, said Womack. Which is why a substance called pervious concrete has Womack and plenty of others excited.

The material is similar to normal concrete, except that it dries loosely, creating a filter which allows rainwater to pass through and return to the natural water table below a parking lot. The water does not pool up or run offsite in a concentrated flow. Use of that technology could make sense for companies as city space becomes tight. No retention pond means room for more parking spaces or bigger buildings. And Womack quickly points out the safety benefits of keeping eliminating open ponds near commercial areas. "Children can get into them -- adults too, for that matter, and it's a safety risk," he said of the ponds, which he also called, "unsightly." "Everyone needs to take a look at using some pervious concrete rather than a retention pond," said Womack. "There's more expense in the front end, but you've also got to factor in that there will be more usable space."

Womack said he is interested in introducing measures that would encourage or reward companies for using pervious concrete and other energy efficient materials on their building projects. He cited the City of Chicago, Ill., which offers dozens of incentives for projects that use sustainable building methods like pervious concrete. "If it's good enough for Chicago," Womack said, "it's worth taking a look at here." Womack said he would like to propose some sort of incentives for pervious concrete usage when the city forges its next budget.

Alan Sparkman, executive director of the Tennessee Concrete Association, said that's part of a growing trend. "You're starting to see more and more incentives offered," he said. "All cities, especially Phase II storm water runoff cities (which include Cookeville) have major responsibilities when it comes to taking care of storm water. Pervious (concrete) is a great way to meet regulations for runoff."

The product, he said, was developed about 25 years ago but has only recently gained popularity in Tennessee. He cited Chattanooga's downtown baseball stadium as a prominent example of a large lot that includes pervious concrete. "It's still performing well," he said. The Tennessee Concrete Association started actively advocating the product about five years ago. Since then, they've seen a boom in usage, sparked largely by companies trying to creatively solve runoff problems or those attempting to meet regulations for Leadership in Energy and Environmental Design (LEED) certification. "Pervious is a great way to earn certification points," said Sparkman.

Thursday morning, concrete manufacturer Irving Materials, Inc. poured the first batch of impervious concrete at a commercial site between Nashville and Knoxville. Segments of the parking lot in the Times Square development on Willow Avenue contain the material, which will drain the lot. Honeycomb-like gaps in the concrete are meant to filter the water and collect pollutant particles. The lot is one component of a plan to have the complex certified as an energy efficient building. A small two-to-three cubic yard test application was conducted at Burgess Falls State Park; Sparkman said reviews have been good.

Womack hopes projects like those are the start of a trend in Cookeville. "Storm water runoff is the major problem facing Cookeville," he said. "It's not something you hear a lot about, but when your yard starts eroding away, it becomes a problem pretty quickly. Pervious concrete can be a solution."

http://www.herald-citizen.com/NF/omf.wnm/herald/news_story.html?rkey=0039084+&cr=gdn

Runoff Solution – Buffer (Area near Streams)

Change in streamside buffers considered (Tennessean)

The city's babbling brooks, streams and even the Harpeth River itself may soon gain greater protection along their banks as Franklin officials begin refining the streamside buffer ordinance. Twenty-five-foot buffers of land on either side of waterways are presently left undisturbed to prevent erosion and keep pollutants from reaching the water. But conservationists and some local leaders believe the buffers should be increased to mirror the county's more restrictive policy.

In Williamson County, streamside buffers are on "a sliding scale," ranging from a minimum of 50 feet along some streams all the way to 100-foot buffers in some cases, said Don Green, the city's storm-water coordinator. "What we have now isn't equitable and doesn't protect our water resources," Green said. While details of a possible change are being finalized, conservationists and city leaders contend adding more land to the buffers will cut water pollution and improve quality of life. However, a possible complication to writing the new ordinance now lies ahead. Two Republican Williamson County state legislators, Rep. Glen Casada and Sen. Jim Bryson, have proposed legislation that mandates all Tennessee cities would have to compensate landowners when a streamside buffer is increased. The bill has not received final sign-off from the lawmakers.

<http://www.tennessean.com/apps/pbcs.dll/article?AID=/20060307/NEWS01/603070326/1006/NEWS>

Small Communities Survey Results

Tennessee conducted a mail survey in mid - February 2006 to **112** small communities. Of the 112 surveys mailed out, 27 small towns have responded. Any additional responses will be reviewed and included in the project database.

Of the responses received 89% (24 of 27) indicated that they would like to attend a workshop regarding Storm water.

Of the responses received 85% (23 of 27) do not have an EMS.

Of the responses received 44% (12 of 27) indicated that they would like more information regarding Best Management Practices (BMP) regarding Storm water.

Of the responses received 67% (18 of 27) have 5 or fewer staff to handle environmental issues.

The schedule includes conducting 3 workshops between April and May 2006. Survey results will help staff develop a baseline of knowledge and assess resources that are available within the small communities.

Town in Tennessee	# of Staff	EMS - BMP	Concern	Attend Wksh
1	1	Yes, Yes	Compliance, run-off erosion const, boilers, Prv Fac. S water	Yes
2	1	No, No	Not sure, no staff available, no SW ordinances, erosion	Yes
3	31	No, No	Storm water run-off erosion, staff, permits, dust, const	Yes
4	4	No, No	Not sure, no SW ordinances, erosion	Yes
5	4	No, No	Not sure	Yes
6	29	No, Yes	Storm water run-off, erosion control methods, enforce SWPP, has SW Ordinance, boilers or generators, dust - lot of construction, fail to maintain.	Yes

Town in Tennessee	# of Staff	EMS - BMP	Concern	Attend Wksh
7	?	Yes, Yes	Private facilities need SW permit, new construction, sewage lines leaking	No
8	12	??	No info provided	Yes
9	4	No, Yes	Run-off, no ordinance, help w/rules, dust & construction	Yes
10	?	No, Yes	SW compliance, industrial regs, and Brownfield's, no avail staff	Yes
11	1	Yes, Yes	Build codes, streets, utilities, priv const w/o permits, priv facilities, has ord.	Yes
12	?	No, Yes	Storm water run-off, no ordinance	Yes
13	4	No, Yes	Drainage, building permits, san sewer, staff support, no ordinance, needs permits	Yes
14	52	No, No	Storm water run-off, no ordinance, has EB generators, monitoring well - closed landfill	Yes
15	140	No, No	Run-off, has ordinance, help w/rules, new construction	Yes
16	?	No, Yes	Land & stream clean-up, junk vehicle removal, const, has ord., need permit, open burn	Yes
17	?	No, Yes	Storm water run-off management, const. No ord.,	Yes
18	?	No, Yes	New construction, No ord., dust, smoke, erosion, open burn, boilers or E generators	Yes
19	2	No, No	Storm water run-off management, const. No ord.,	Yes
20	4	No, No	No ordinance	No
	42	Yes, Yes	Has ordinance, erosion and run-off	No
21	1	No, No	Storm water run-off management, const. No ord.,	Yes
22				
23	4	No, No	Storm water, solid waste, monitoring well building permits, has ord., e generators, open burn, smoke	Yes

Town in Tennessee	# of Staff	EMS - BMP	Concern	Attend Wksh
24	25	No, No	No ordinance, help w/ envr. Rules, dust, open burn, monitoring well, water & sanitary leaks	Yes
25	28	No, Yes	Storm water, erosion, run-off help w/ environmental. Rules, dust, open burn,	Yes
26	2	No, Yes	Dust, new construction, open burn, erosion	Yes
27	85	No, Yes	Dust, new construction, open burn, erosion, Emergency generators	Yes
27 towns responding as of 3-23-06				

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Sample Survey:

Small Communities Environmental Survey

Name of Town: _____

Location: _____
(If different from mailing address) (Street Address) (City) (State) (Zip Code)

Name & Title of Person completing Survey: _____

Number of Staff : _____ Telephone #: () _____ Fax #: () _____

A. TECHNICAL ASSISTANCE at Town FACILITIES

1. Does your Town have an Environmental Management System? Y___ N ___
2. Are you or other staff familiar with Storm water - Best Management practices? Y___ N ___
3. Would you like to attend a free workshop training to train your very own staff person in Storm Water compliance matters? Y___ N ___
4. In what areas of your Town's operations would you feel environmental assistance is needed?
_____, _____, _____
5. Would any of your Town construction projects disturb more than 1 acre of land? Y___ N ___
6. Do you require Town projects to have an environmental plan check or review? Y___ N ___
7. Are operations and maintenance activities involving insecticides and pesticides handled by city staff or contract? _____ Y___ N ___
8. Are there privately owned facilities in your city that require a storm water permit? Y___ N ___
9. Is staff available to handle/address environmental issues for your Town? Y___ N ___
10. Does your Town have a local ordinance controlling the improper disposal and discharge of pollutants to the municipal storm water drain system? Y___ N ___
11. Does your town need help understanding environmental rules or requirements? Y___ N ___
12. Do you have a Power plant, construction activity, or other facility owned or operated that needs a permit? Y___ N ___
13. Does your Town have and operate large boilers or emergency generators? Y___ N ___

B. GENERAL OBSERVATIONS at Town FACILITIES

Please use the information below to help you assess whether your community has some environmental issues. Feel free to complete and return by fax. We will use the information to develop materials to help you address any checked item(s).

Have you observed any of the following at a Town facility? Y- yes N - no

Dust?	_____	Stressed Vegetation?	_____
Odors?	_____	Stressed, Dead, or dying wildlife	_____
Spillage?	_____	(animal, fish, etc.)?	_____
Leachate?	_____	Leaks?	_____
Smoke?	_____	Open Burning?	_____
Poor Housekeeping?	_____	Monitoring Wells?	_____
Poor Maintenance?	_____	New Construction?	_____
		(Excavation/Grading Demolition)	_____
Discolored Water?	_____	Discolored Soil?	_____

Please provide a Description for any Items Checked and comments or questions on Environmental matters in your community.

COMMENTS: _____

Prepared by the Department of Environment and Conservation, Office of Environmental Assistance for submission under Agreement with the Environmental Council of States (ECOS). The preparation of this document was financed in part by funds provided by ECOS and the State of Tennessee.

Section III

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Storm Water

Presentation Slides (Handout) Materials

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Environmental Management System - Overview

Presentation Slides (Handout) Materials

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Tennessee Pollution Prevention Program (TP3) – Overview

Presentation Slides (Handout) Materials

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Section IV

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Storm Water Ordinance (Sample)

Model Illicit Discharge and Connection Stormwater Ordinance

Ordinance No. _____

SECTION 1. PURPOSE/INTENT.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of (_____) through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user
- (2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

SECTION 2. DEFINITIONS.

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency: employees or designees of the director of the municipal agency designated to enforce this ordinance.

Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. ' 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 5 acres or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section X of this ordinance.

Illicit Connections. An illicit connection is defined as either of the following:
Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC ' 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Person : means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything, which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan: A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

SECTION 3. APPLICABILITY.

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.

The [authorized enforcement agency] shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

SECTION 5. SEVERABILITY.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 6. ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

SECTION 7. DISCHARGE PROHIBITIONS.

Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (a) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one

PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.

(b) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

(d) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Prohibition of Illicit Connections.

(a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

SECTION 8. SUSPENSION OF MS4 ACCESS.

Suspension due to Illicit Discharges in Emergency Situations

The [authorized enforcement agency] may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

SECTION 9. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the [authorized enforcement agency] prior to the allowing of discharges to the MS4.

SECTION 10. MONITORING OF DISCHARGES

A. Applicability.

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Access to Facilities.

(a) The [authorized enforcement agency] shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(b) Facility operators shall allow the [authorized enforcement agency] ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(c) The [authorized enforcement agency] shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

(d) The [authorized enforcement agency] has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the [authorized enforcement agency] and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(f) Unreasonable delays in allowing the [authorized enforcement agency] access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

(g) If the [authorized enforcement agency] has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 11. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

[Authorized enforcement agency] will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

SECTION 12. WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION 13. NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.

In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the [authorized enforcement agency] within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 14. ENFORCEMENT.

A. Notice of Violation.

Whenever the [authorized enforcement agency] finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

SECTION 15. APPEAL OF NOTICE OF VIOLATION

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

SECTION 16. ENFORCEMENT MEASURES AFTER APPEAL

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or , in the event of an appeal, within days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

SECTION 17. COST OF ABATEMENT OF THE VIOLATION

Within days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of percent per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

SECTION 18. INJUNCTIVE RELIEF

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

SECTION 19. COMPENSATORY ACTION

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

SECTION 20. VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION 21. CRIMINAL PROSECUTION

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of _____ dollars per violation per day and/or imprisonment for a period of time not to exceed ____ days. The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

SECTION 22. REMEDIES NOT EXCLUSIVE

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

SECTION 23. ADOPTION OF ORDINANCE

This ordinance shall be in full force and effect _____ days after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED AND ADOPTED this ____ day of _____, 19__, by the following vote:

Note: Storm Water Ordinances may be download from the following web site:

<http://www.stormwatercenter.net/>

Storm water Erosion Ordinance

Greeneville Stormwater/Soil Erosion Ordinance (Greeneville Sun)

A new ordinance related to stormwater and soil erosion control measures also was approved by the city board. Brad Peters, the town's engineer, presented the ordinance, which was approved on first reading. The proposed ordinance requires the board's approval on second reading before it becomes official. The purpose of the proposed ordinance, it says, is to:

- "Protect, maintain and enhance the environment of the Town of Greeneville and the public health, safety and the general welfare of the citizens of the town, by controlling discharges of pollutants to the town's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the town;
- "Enable the Town of Greeneville to comply with the National Pollutant Discharge Elimination System (NPDES) permit and applicable regulations for stormwater discharges; and
- "Allow the Town of Greeneville to exercise the powers granted (in state law)." The ordinance says that the applicable state law "provides that, among other powers municipalities have with respect to stormwater facilities, is the power by ordinance or resolution to:
 - "Exercise general regulation over the planning, location, construction and operation and maintenance of stormwater facilities in the municipality, whether or not owned and operated by the municipality;
 - "Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;
 - "Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;

<http://www.greene.xtn.net/index.php?table=news&template=news.view.subscriber&newsid=125546>

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Section V

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EPA Compliance Assistance Policy

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**Environmental Protection Agency
Office of Enforcement and Compliance
Assurance Small Local Governments
Compliance Assistance Policy June**

2004

<http://epa.gov/compliance/resources/policies/incentives/smallcommunity/smalllocalgovca.pdf>

A. Introduction and purpose

The *Small Local Governments Compliance Assistance Policy* promotes comprehensive environmental compliance among small local governments by establishing parameters within which states¹ can reduce or waive the normal noncompliance penalties of small local governments that make use of the state's comprehensive compliance assistance program. Providing conditions and circumstances in which states may reduce or waive normal noncompliance is intended to reassure small local governments that they will not be forced to pay a large penalty if environmental violations are discovered or revealed while they are participating in compliance assistance activities. To be eligible under this policy for reduction or waiver of the normal noncompliance penalty, a small local government must, within specified deadlines, either:

- . • identify and correct all of its environmental violations;
- . • identify all of its environmental violations and enter into an enforceable commitment to correct all of its environmental violations in a timely fashion; or
- . • correct all of its known environmental violations and enter into an enforceable commitment to develop and implement an environmental management system (EMS) to

¹ State means the agency of any state, commonwealth, or territory of the United States that has received EPA's approval to implement environmental laws and regulations. An Indian Tribe can be a state if it has received EPA's approval for treatment as a state. In cases in which a state agrees to apply the policy to a small local government and that state has not been authorized to implement a particular federal program, EPA shall be the state for purposes of that federally implemented program. Regions should consult with OECA's Office of Regulatory Enforcement prior to implementing this policy.

identify the environmental aspects of its operations and ensure continual environmental improvement. EPA acknowledges that states and small local governments can realize environmental benefits by negotiating, entering into, and implementing enforceable compliance agreements and schedules that require local governments to correct all of their environmental violations expeditiously while allowing the local government to prioritize among competing environmental mandates on the basis of comparative risk². Small local governments can also realize environmental benefits by entering into enforceable agreements to develop and implement an EMS to manage the environmental aspects of their operations. States may provide small local governments an incentive to request compliance assistance by waiving part or all of the normal penalty for a small local government's violations if the criteria of this policy have been met. If a state acts in accordance with this policy and addresses small local government environmental noncompliance with compliance assistance in a way that results in the small local government making reasonable progress toward compliance, EPA generally will not pursue a separate federal civil administrative or judicial action for additional penalties or additional injunctive relief.

This policy does not apply to any criminal conduct by small local governments or their employees.

B. Who is eligible for reduction or waiver of normal noncompliance penalties under this policy?

² As described below, EPA does not intend that states and small local governments must prepare a formal comparative risk assessment as part of the small local government environmental compliance assistance process. Information available from EPA's National Center for Environmental Assessment, <http://cfpub.epa.gov/ncea/>, will help states and local governments identify which local environmental problems pose the greatest risk to human health, ecosystem health, and quality of life.

This policy applies to small local governments that own and operate facilities used to provide municipal services. A local government is defined as an organized unit of general-purpose local government, authorized in a state's constitution and statutes, and established to provide general government to a defined area. A defined area can be a county, municipality, city, town, township, village, or borough. A small local government is a local government that provides municipal services to 3,300 or fewer permanent residents. A local government that supplies municipal services to between 3,301 and 10,000 permanent residents can also qualify for treatment as a small local government if the state determines, in accordance with a capacity test (described below), that the technical, managerial, and financial capacity of the local government is so limited that the local government is unlikely to achieve and sustain comprehensive environmental compliance without the state's assistance.

This policy supersedes the previous version of the policy titled the *Policy on Flexible State Enforcement Responses to Small Community Violations*, which became effective on November 25, 1995. To the extent this policy may differ from the terms of applicable enforcement response policies (including penalty policies) under media-specific programs, this document supersedes those policies.

C. How can a small local government qualify for penalty reduction?

This policy seeks to encourage small local governments to achieve sustained comprehensive environmental compliance in one of two ways. A small local government can work with the state to identify all of the local government's environmental noncompliance and then enter into a written and enforceable agreement establishing a schedule to correct all of its violations in order of risk-based priority. Alternatively, a

small local government can enter into a written and enforceable agreement establishing a schedule to: 1. correct, as expeditiously as practicable and in order of risk-based priority, all violations discovered by the state during an inspection of some subset of the local government's operations; *and* 2. develop and implement an EMS for all of its governmental operations. EPA's deference to such an exercise of a state's enforcement discretion in response to a small local government's violations will be based on an assessment of the adequacy of the process the state establishes and follows in:

- responding expeditiously to a small local government's request for compliance assistance;
- determining which local governments with between 3,301 and 10,000 residents qualify for treatment as small local governments;
- assessing the small local government's good faith and compliance status;
- establishing priorities for addressing noncompliance; and
- ensuring either prompt correction of all environmental violations discovered during the state's comprehensive environmental compliance evaluation of all the local government's operations, or prompt correction of all violations discovered during a state inspection of some subset of the local government's operations and prompt development and implementation of an EMS for all of its governmental operations.

A state must document all findings and activities that are necessary to show adherence to the terms of this policy. If the small local government commits to correct its separate violations in order of risk-based priority, the state's records must discuss the rationale for establishing priorities among the violations to be addressed and explain why the compliance agreement and schedule represents the shortest practicable time schedule feasible under the circumstances.

EPA will defer more readily to a state that has previously submitted to the Agency a description of its comprehensive compliance assistance program for small local governments, thereby allowing EPA to familiarize itself with the adequacy of the state's processes.

D. How should a state select participating local governments?

EPA intends this policy to apply only to small local governments unable to satisfy all applicable environmental mandates without assistance from the state. For the purposes of this policy, local governments with 3,300 or fewer permanent residents are assumed to need the state's compliance assistance and are deemed eligible to participate at the state's discretion. Local governments whose permanent residents number between 3,301 and 10,000 can qualify to receive the benefits of the policy only if the state determines that the technical, managerial, and financial capacity of the local government is so limited that the local government is unlikely to achieve and sustain comprehensive environmental compliance without the state's assistance. To make this determination, a state must apply a capacity test that measures such indicators as:

- the local government finds it difficult to comply with routine reporting requirements (*e.g.*, in the past year, the local government has submitted less than 90 percent of the monitoring reports required by applicable environmental regulations);
- the local government has no operation and maintenance plan for its utility operations, or has an operation and maintenance plan that is not routinely followed (*e.g.*, maintenance logs are not regularly updated, are incomplete, or are not kept at all);
- the required drinking water sanitary survey has not been scheduled, or the sanitary survey has been performed, but the local government has not addressed all identified significant deficiencies;

- utility operators are untrained or uncertified, or staffing of certified operators is inadequate to meet the local government's needs;
- utility systems were installed without state oversight and approval, or began operating without receiving final operational approval from the state;
- rights essential to the provision of municipal services are not clearly established and documented by contract (*e.g.*, the local government has no contract with the source from which it obtains its drinking water, or for the disposal of its solid waste);
- the local government does not have current and approved by-laws, ordinances, or tariffs in place with respect to each of its public utility operations;
- there is no formal organizational structure for operation and maintenance of the local government's public utilities clearly identifying the owner, the operator, and the staff and their responsibilities;
- either there are no written job descriptions clearly defining the responsibilities of public utility staff, or the staff is unfamiliar with such documents;
- staff is untrained or inadequately trained;
- written policies covering personnel, customer service, and risk management either do not exist or are routinely ignored;
- lines of communication between public utility staff and agencies or private sector staff that can provide assistance are inadequate or nonexistent;
- the local government does not follow standard accounting principles in the funding of its public utilities, and either has not been audited or was issued an adverse opinion following an audit;
- the local government either does not have an annual budget for operation of a public utility or has an annual budget that is inadequate to meet the demands of operation, maintenance, and environmental compliance;
- public utility rates do not include all users or have not been recently reviewed to examine operational sustainability and viability;
- a significant percentage of accounts (either payable or receivable) are chronically delinquent;
- periodic budget reports and balance sheets are either not produced, or, if produced, have not been approved;

- the local government's tax base is inadequate to support needed environmental expenditures; or
- there are demographic factors that present quantifiable negative impacts on the local government's capacity. The state must document the capacity test it applied and all findings it made to support its

determination of incapacity, and maintain that documentation in records accessible for EPA review.

EPA's evaluation of the appropriateness of a state's small local government comprehensive environmental compliance assistance program will depend in part on whether the state uses adequate measures of technical, managerial, and financial capacity to ensure that only those local governments that truly need assistance were assessed noncompliance penalties that were reduced beyond the extent normally allowed by EPA enforcement policies and guidance.

Not less than quarterly, a state should provide EPA with a list of local governments participating in its small local government environmental compliance assistance program to ensure proper state and federal coordination on enforcement activity. In addition to any records related to a finding of a local government's incapacity, a state must keep records of contacts between the state and participating local governments, results of compliance assessments, actions taken by the local government to achieve compliance, any written compliance agreements and schedules, and any assessments of a local government's adherence to the terms of its compliance agreement and schedule should be kept in the state's files accessible for review by EPA.

E. How should a state assess a local government's good faith?

In considering whether a state has established and is following an adequate process for assessing a small local government's good faith, EPA generally will look at such factors as the participating local government's candor in contacts with state regulators and the local government's efforts to comply with applicable environmental requirements. Measures of a small local government's good faith include:

- prompt self-disclosure of known violations;
- attempts to comply or a request for compliance assistance prior to the initiation of an enforcement response;
- willingness to participate in a comprehensive compliance evaluation;
- prompt correction of known violations;
- willingness to remediate harm to public health, welfare, or the environment;
- readiness to enter into a written and enforceable compliance agreement establishing a schedule to correct all of its violations as expeditiously as practicable in order of risk

- based priority, or to enter into a written and enforceable agreement establishing a schedule to correct all *known* violations as expeditiously as practicable in order of risk-based priority and to develop and implement an EMS for all of its governmental operations; and
- adherence to the terms of the agreement and to the schedule.

F. What is the scope of compliance evaluation and assistance a state should offer?

EPA intends this policy to encourage states to offer local governments comprehensive compliance assistance; that is assistance intended to ensure compliance with all environmental statutes and regulations that apply to the small local government's municipal operations.

Accordingly, a state's actions under the policy should promote an evaluation, performed by qualified personnel, of the small local government's compliance status with respect to all applicable environmental requirements. EPA acknowledges that a comprehensive evaluation becomes more difficult to perform and requires more state resources as the size of the local government increases and as the local government offers more services to its residents. For this reason, the policy will allow "fenceline" projects at local governments that have between 3,301 and 10,000 permanent residents if the state applies a capacity test consistent with the criteria described in part D of this policy and determines that the technical, managerial, and financial capacity of the local government is so limited that the local government is unlikely to achieve and sustain comprehensive environmental compliance without the state's assistance. A fenceline project is one that limits its scope to those activities conducted within a subset of the local government's operations.

A state's assessment of a local government's compliance status should include:

- a comprehensive evaluation of compliance with every applicable environmental requirement at all of the small local government's municipal operations (*see, Profile of Local Government Operations*, EPA 310-R-001, www.epa.gov/compliance/resources/publications/assistance/sectors/notebooks/government.html; or the Local Government Environmental Assistance Network, www.lgean.org) or, in the case of a local government with between 3,301 and 10,000 permanent residents that qualifies for participation after application of the state's capacity test, a comprehensive evaluation of compliance with every environmental requirement that applies within the fenceline of a defined subset of the local government's operations;
- the local government's current and anticipated future noncompliance with those requirements;
- the comparative risk to public health, welfare, or the environment of each current and anticipated future noncompliance; and
- the local government's compliance options.

In addition, EPA recommends that the process developed by the state include consideration of regionalization and restructuring as compliance alternatives. In the case of fenceline projects, the state should consider if compliance benefits can be achieved by consolidating staff and processes of the designated operations with other governmental operations within the local government. The state's process should also include consideration of the impact of promulgated regulations scheduled to become effective in the future.

This policy is also intended to encourage states to provide participating local governments incentives to develop and implement environmental management systems (EMSs).

The EMS aspects of this policy are discussed in part I, below.

G. How should a small local government set priorities for addressing violations?

States seeking EPA's deference should require small local governments to correct any identified violations of environmental regulations as soon as possible, taking into consideration the local government's technical, managerial, and financial capacities, and the state's ability to assist in strengthening those capacities. A small local government should address all of its violations in order of risk-based priority.³ While information regarding assessment of environmental risks is available from EPA's National Center for Environmental Assessment at www.epa.gov/ncea/ecologic.htm, the Agency expects that the comparative risk between violations will, in most instances, be apparent. For example, violations presenting a risk of ingestion or inhalation of, or contact exposure to, acute toxins must be a local government's highest priority for remediation and correction. Any identified violation or circumstance that may present an imminent and substantial endangerment to, has caused or is causing actual serious harm to, or presents a serious threat to, public health, welfare, or the environment is to be addressed immediately in a manner that abates the endangerment or harm and reduces the threat. Activities necessary to abate the endangerment or harm and reduce the threat posed by such violations or circumstances are not to be delayed while the state and small local government establish and implement the process for assigning priorities for correcting other violations.

H. How can the state ensure prompt correction of violations?

If the small local government cannot correct all of its violations within 180 days of the

³ EPA does not intend that local governments should be permitted to delay addressing low-risk violations that can be easily and quickly corrected without impeding progress on long-term compliance efforts undertaken to address high-risk violations.

state's commencement of compliance assistance to the local government, the state and the local government should, within 180 days of the state's commencement of compliance assistance to the local government, enter into and begin implementing a written and enforceable compliance agreement incorporating a schedule that:

- establishes a specified period for correcting all outstanding violations in order of risk-based priority,
- incorporates interim milestones that demonstrate reasonable progress toward compliance;
- contains provisions to ensure continued compliance with all environmental requirements with which the local government is in compliance at the time the agreement is entered; and
- incorporates provisions, where they would be applicable to the small local government, to ensure future compliance with any additional already promulgated environmental requirements that will become effective after the agreement is signed. Consultation with EPA during the drafting of a compliance agreement and schedule and

the forwarding of final compliance agreements and schedules to EPA are recommended to ensure appropriate coordination between the state and EPA.

I. What is required of a small local government that elects to address its noncompliance by developing and implementing an environmental management system?

⁴ The agreement entered into by the local government and the state may not unilaterally alter or supersede a local government's obligations under existing federal administrative orders or federal judicial consent decrees.

⁵ States may allow weighing of unique local concerns and characteristics, but the process should be sufficiently standardized and objective that an impartial third person using the same process and the same facts would not reach significantly different results. Public notification and public participation are an important part of the priority setting process.

Small local governments that learn of environmental violations as a result of the state's inspection of some subset of the small local government's operations may address their noncompliance by entering into a written and enforceable agreement establishing a schedule to: 1) correct the violations discovered by the state; *and* 2) develop and implement an environmental management system for all of its governmental operations. Local governments with between 3,301 and 10,000 permanent residents that the state has determined eligible to participate under the policy on a fenceline basis, may develop and implement an EMS for operations within the designated fenceline. The local government must enter into such an agreement with the state not later than 180 days after the state notifies the local government of the violations discovered during the inspection. The local government must either correct those violations within the same 180 days or include, as part of the EMS agreement it enters into with the state, a written and enforceable agreement that establishes a schedule to correct the violations in accordance with the usual terms of this policy.

As part of its schedule, the EMS agreement will include a deadline, not later than one year after entry into the agreement, for the local government's submission to the state of its EMS manual (*see* element 9, below), and a commitment to ensure the performance of an EMS audit not less than one year and not more than three years after the submission of its EMS manual (*see* element 16, below). The EMS manual must contain policies, procedures, and standards explaining and showing how the small local government's EMS conforms to and will accomplish these essential elements of an EMS:

1. **Environmental policy**– The local government must develop a statement of its commitment to environmental excellence and use this statement as a framework for

planning and action.

2. **Environmental aspects**– The local government must identify which of its activities, products, and services have impacts on the environment and what those impacts are.
3. **Legal and other requirements**-- The local government must identify the environmental laws and regulations that apply to its operations.
4. **Objectives and targets**– The local government must establish goals for its operations that are consistent with its environmental policy , that will eliminate the gap between the local government’s current procedures and an accepted EMS framework, and that will reduce the environmental impacts of its operations.
5. **Environmental management program**– The local government must plan specific actions that will achieve its objectives and targets.
6. **Structure and responsibility**– The local government will establish roles and responsibilities for staff and management to implement the environmental management system, and provide adequate resources.
7. **Training, awareness and competence**– The local government will have a plan to ensure its employees are trained and capable of carrying out their environmental responsibilities.
8. **Communication**– The local government will establish a process for internal and external communications on environmental management issues.
9. **EMS documentation**– The local government will maintain information both on its environmental management system and necessary for its operation. As part of this effort, the local government prepare an EMS manual that contains the policies, procedures, and standards explaining and showing how the local government’s EMS conforms to and will accomplish the essential EMS elements. In accordance with the schedule established by its EMS agreement, and in no event later than one year after entering into the EMS agreement, the local government will submit a copy of its EMS manual to the state as proof that the local government has developed an EMS.
10. **Document control**– The local government will establish a system to ensure effective management of documents related to the EMS and to environmental activities.
11. **Operational control**– The local government will establish a system to identify, plan, and manage its operations consistent with its objectives and targets.
12. **Emergency preparedness and response**– The local government will identify potential emergencies with environmental impacts and develop procedures for preventing them and for responding to them if unprevented.

13. **Monitoring and measurement**– The local government will monitor key EMS activities and track performance. One periodic measure will be an assessment of compliance with legal requirements.
14. **Nonconformance and corrective and preventative action**– The local government will identify and correct deviations from its EMS, and take actions to prevent their recurrence.
15. **Records**– The local government will maintain and manage records of EMS performance.
15. **EMS audit**– Not less than one year, and not more than three years after the local government submits its EMS manual to the state, the state, or an independent third party approved by the state, will conduct an EMS audit to confirm that a local government has been and is continuing to implement its EMS.
17. **Management review**– The local government must provide for periodic review of its EMS by local government management, with the goal of continual improvement of both the system and environmental performance.

A fuller explanation of these 17 essential elements and of the EMS process can be found in *Environmental Management Systems: An Implementation Guide for Small and Medium-Sized Organizations* (EPA Document Number EPA 832-B-01-001; available electronically at www.epa.gov/owm/iso14001/ems2001final.pdf). Additional guidance and information regarding how to obtain assistance from a local EMS resource center can be found at www.peercenter.net.

During the development and implementation of its EMS, the small local government may discover violations that were unknown to it at the time of its entry into the EMS agreement with the state. Such violations must be disclosed to the state as required by regulations or in accordance with EPA self-disclosure policies. The small local government and the state may agree to modify the terms of the terms of the agreement and schedule to incorporate correction of these violations. The small local government and the state may also to consider discovery of additional violations a separate event that can be resolved in any manner consistent with the terms of this policy and EPA enforcement policies and guidelines. An assessment of whether or not the local government has

corrected all discovered violations as expeditiously as practicable in order of risk-based priority should be part of the EMS audit.

J. What are the limits on EPA deference?

EPA reserves all of its enforcement authorities. EPA will generally defer to a state's exercise of its enforcement discretion in accordance with this policy, except that EPA may require immediate with respect to any violation or circumstance that may present an imminent and substantial endangerment to, has caused or is causing actual serious harm to, or presents a serious threat to, public health, welfare, or the environment.⁶

The *Small Local Governments Compliance Assistance Policy* does not apply if, in EPA's judgment:

- a state's small local government environmental compliance assistance program process fails to satisfy the adequacy criteria stated above; or
- a state's application of its small local government environmental compliance assistance program process fails, in a specific case, to provide adequate protection to public health and the environment because it neither requires nor results in reasonable progress toward either achievement of environmental compliance or implementation of an adequate EMS by a date certain.

Where EPA determines that this policy does not apply, and where EPA elects to exercise its enforcement discretion, other EPA enforcement policies remain applicable. The state's and EPA's options in these circumstances include discretion to take or not take formal enforcement action in light of factual, equitable, or local government capacity considerations with respect to violations that had been identified during compliance assistance and were not corrected. Neither the state's actions in providing, nor in failing to provide, compliance assistance shall constitute a legal defense in any enforcement action. However, a local government's good faith efforts to correct violations during compliance assistance may be considered a mitigating factor in

⁶ EPA will regard as a matter of national significance any violation or circumstance that may present an imminent and substantial endangerment to, has caused or is causing actual serious harm to, or presents a serious threat to, public health, welfare, or the environment that is left unaddressed by a small local government participating in a state environmental compliance assistance program. Such circumstances require consultation with or the concurrence of, as appropriate, the Assistant Administrator for Enforcement and Compliance Assurance or his or her delegatee before initiation of an EPA enforcement response.

determining the appropriate enforcement response or penalty in subsequent enforcement actions.

Nothing in this policy is intended to release a state from any obligations to supply EPA with required routinely collected and reported information. As described above, states should provide EPA with lists of participating small local governments and copies of final compliance agreements and schedules. States should also give EPA immediate notice upon discovery of a violation or circumstance that may present an imminent and substantial endangerment to, has caused or is causing actual serious harm to, or presents serious threats to, public health, welfare, or the environment.

This policy has no effect on the existing authority of citizens to initiate a legal action against a local government alleging environmental violations.

This policy sets forth factors for consideration that will guide the Agency in its exercise of enforcement discretion. It states the Agency's views as to how the Agency intends to allocate and structure enforcement resources. The policy is not final agency action, and is intended as guidance only. This policy is not intended for use in pleading, or at hearing or trial. It does not create any rights, duties, obligations, or defenses, implied or otherwise, in any third parties.

National Management Measures to Control Non-point Source Pollution from Urban Areas

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Section VI

Miscellaneous Material

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Section VII

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Appendices

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Glossary of Terms

Best Management Practices (BMPs) -

Activities or structural improvements that reduce the quantity and improve the quality of storm water runoff. BMPs include treatment requirements, operating procedures, and practices to control site runoff, spillage, and leaks. May include good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Buffer Strip or Zones

Strips of grass or other erosion resistant vegetation located between a waterway and an area of more intensive land use.

Clean Water Act

The federal Water Pollution Control Act (33 U.S.C. ' 1251 et seq.), and any subsequent amendments thereto.

Conduit

Any channel or pipe used to transport flowing water.

Construction Activity

Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 5 acres or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Detention

A storm water system that delays the downstream progress of storm water runoff in a controlled manner. This is typically accomplished using temporary storage areas and an outlet device.

Dike

An embankment used to confine or control water. Dikes are often built along the banks of rivers to prevent overflow.

Erosion

When land is diminished or worn away due to wind, water, or glacial ice. Often the eroded debris (silt or sediment) becomes a pollutant.

General Permit

A permit issued under the National Pollutant Discharge Elimination System (NPDES) program to cover a certain class or category of storm water discharges. These permits reduce the administrative burden of permitting storm water discharges.

Hazardous Materials

Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit Discharge

Any discharge to a municipal separate storm sewer that is not composed entirely of storm water and is not authorized by a National pollutant Discharge Elimination System (NPDES) permit.

Illicit Connections

An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity

Any activity that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. See activities listed in NPDES as defined in 40 CFR, Section 122.26 (b)(14).

Large Municipal Separate Storm Sewer System (MS4)

An MS4 located in an incorporated place or county with a population of 250,000 or more

Maximum Extent Practicable

A standard for water quality that applies to all Municipal Separate Storm Sewer System (MS4) operators regulated under the NPDES Storm Water Program

Medium Municipal Separate Storm Sewer System

MS4 located in an incorporated place or county with a population of 100,000 or more but less than 250,000.

Multi-Sector General Permit (MSGP)

An NPDES permit regulates storm water discharges from eleven categories of industrial activities.

Municipal Separate Storm Sewer System

A conveyance or system of conveyances owned by a state, county, city, town, or other public entity that discharge to water of the State

Notice of Intent

An application to notify the permitting authority of a facility's intention to be covered by general permit

National Pollutant Discharge Elimination System (NPDES)

"National Pollutant Discharge Elimination System" the name of the surface water quality program authorized by Congress as part of the 1987 Clean Water Act.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit

A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC ' 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge

Any discharge to the storm drain system that is not composed entirely of storm water.

Person

Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant

Anything, which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises

Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Runoff

Drainage or flood discharge that leaves an area as surface flow or as pipe flow.

Sanitary Sewer

A system of underground pipes that carries sanitary waste or process wastewater to a treatment plant.

Sediment

Soil, sand, and minerals washed from land into water, usually after rain

Site Runoff

Any drainage or flood discharge that is released from specific area.

Small Municipal Separate Storm Sewer System (MS4)

Any MS4 with Population of 10,000 higher and less than 100,000.

Standard Industrial Classification (SIC)

A four-digit number, which is used to identify various types of industries.

Storm Drain

A slotted grate or opening leading to an underground pipe or an open ditch for carrying surface runoff.

Storm Drainage System

Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm water

Rain or precipitation that accumulates in natural and/or constructed areas during and immediately following a storm event.

Storm Water Management

Functions associated with planning, designing, constructing, maintaining, financing, and regulating the facilities that collect, store, control, and/or convey storm water.

Storm Water Pollution Prevention Plan (SWPPP)

A plan to describe a process whereby a facility thoroughly evaluates potential pollutant sources at a site and selects and implements appropriate measures designed to prevent or control the discharge of pollutants in storm water runoff.

A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Storm water runoff

Storm water runoff is simply rainwater or snowmelt that runs off the land and into streams.

Surface Water

Water that remains on the surface of the ground, including rivers, lakes, reservoirs, streams, wetlands, impoundments, seas, estuaries, etc.

Urban Runoff

Storm water from areas, which tends to contain heavy concentrations of pollutants from urban activities.

Wastewater

Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Watershed

A geographical area which drains to a specified point on a water course, usually a confluence of streams or rivers (also known as drainage area or river basin).

Resource List and References

Office of Environmental Assistance

Lori J. Munkeboe, Director
8th Floor, L&C Tower
401 Church Street
Nashville, TN 37243
Phone: 615-532-0705
Fax: 615-532-0099
Email: lori.munkeboe@state.tn.us

The Office of Environmental Assistance oversees the following programs:

Grants and Awards Section

Ken Nafe, Manager
8th Floor, L&C Tower
401 Church Street
Nashville, Tennessee 37243
Phone: 615-253-5449
Fax: 615-532-0199
Email: ken.nafe@state.tn.us

Backup Contact: Lori Munkeboe
Phone: 615-532-0705

Small Business Environmental Assistance Program

Linda Sadler, Manager
8th Floor, L&C Annex
401 Church Street
Nashville, TN 37243
Phone: 615-532-0779
Fax: 615-532-0199
Email: Linda.sadler@state.tn.us

Julian R. Fleming Training Center

Brent Ogles, Manager
2022 Blanton Avenue
Murfreesboro, TN 37129
Phone : 615-898-8090
Fax: 615-898-8064
Email: brent.ogles@state.tn.us

Backup Contact : Randal Jones
Phone : 615-898-8090
Email : Randalh.jones@state.tn.us

Education and Outreach Section

Karen Grubbs, Manager
8th Floor, L&C Tower
401 Church Street
Nashville, TN 37243
Phone: 615-532-0463
Fax: 615-532-0199
Email: Karen.grubbs@state.tn.us

Backup Contact : Lori Munkeboe
Phone : 615-532-0705

Environmental Justice

Office of Environmental Assistance
8th Floor L&C Tower
401 Church Street
Nashville, TN 37243
Phone: 615-532-0705
Fax: 615-532-0199
Email: lori.munkeboe@state.tn.us

Water Pollution Control

Paul E. Davis, Director
6th Floor, L&C Annex
401 Church Street
Nashville, TN 37243
Phone: 615-532-0625
Web Site: <http://www.state.tn.us/environment/water>.

Environmental Council of States

Web site: www.ecos.org

"Hiller Purvis, Michelle" <mhpurvis@sso.org> 03/15/06 12:12 PM >>>

Mary Blakeslee, Senior Deputy
ECOS
444 North Capitol Street, NW Suite 445
Washington, DC 20001
Phone: 202-624-3665
Email: maryb@sso.org

Environmental Resource Center

Web site: www.ercweb.com

Cumberland River Compact

Web site: Michael Stringer @ Cumberland River Compact
Michaels@cumberlandrivercompact.org

The Learning Curve – Publication deals with storm water run-off

TreeLink.org

Assistance Programs

Small Business Environmental Assistance Program (SBEAP)

County Technical Assistance Service – CTAS

Municipal Technical Advisory Service – MTAS
www.mtas.tennessee.edu

Internet Sites Routinely Used

Favorites

<http://www.osha-slc.gov/html/subject-index.html>

<http://www.epa.gov/epahome/browse.htm>

<http://www.caprep.com/>

<http://www.altavista.com/>

State Government Sites

<http://www.state.tn.us/environment>

<http://www.state.tn.us/health/restaurant/>

<http://www.cis.utk.edu/websites.html>

<http://www.state.tn.us/labor/tosha.html>

U.S. Government Agencies

OSHA

<http://www.osha-slc.gov/html/subject-index.html>

<http://www.osha.gov>

CPSC = Consumer Product Safety Commission

<http://www.cpsc.gov>

Health and Human Services

<http://www.cdc.gov/>

<http://www.cdc.gov/niosh/homepage.html>

EPA

<http://www.epa.gov/>

OSWER

<http://www.epa.gov/epaoswer/osw/publicat.htm>

DOT

<http://hazmat.dot.gov>UTCIS

Funding Information

Tennessee Department of Environment and Conservation State Revolving Loan Fund

Contact

Tennessee Department of Environment and Conservation
State Revolving Fund Loan Program
Life and Casualty Tower
401 Church Street, 8th Floor
Nashville, Tennessee 37243
Phone: (615) 532-0445
Fax: (615) 532-0199
E-mail : sam.gaddipati@state.tn.us
Web site : www.state.tn.us/environment/srf

Tennessee State Revolving Fund

The Tennessee State Revolving Fund (SRF) is sponsored by the federal and state governments. The U.S. Environmental Protection Agency (EPA) awards grants to establish the fund and the state of Tennessee provides a 20 percent matching grant. The SRF provides low-cost loans to local governments for water and wastewater facilities.

Who Qualifies?

The Tennessee Department of Environment and Conservation's SRF program maintains numerical listing by priority points for both water and wastewater facility projects. Local governments on the state water and wastewater priority ranking lists are eligible for loans.

Applicants must:

- Pledge security for loan repayment;
- Agree to adjust user fees as needed to cover repayments;
- Vow to maintain financial records in accordance with governmental accounting standards;
- Provide other requested assurances.

How Are Funds Used?

To plan, design, and construct water and wastewater facilities and to buy equipment. Eligible projects include water and wastewater treatment plants, pump stations, water distribution lines, collector wastewater lines, interceptors, water and wastewater line replacements, water and wastewater line repairs, combined sewer overflow separation, storm water management, implementation of security measures at water and wastewater facilities, and remedies for non-point source pollution problems.

What Are the Terms?

Wastewater

Priority goes to wastewater projects in order of ranking on the state wastewater priority list. During the first quarter of the state fiscal year, SRF program funds ready-to-go projects in priority order. After the first quarter, loans may be made to any local government on the priority list.

Water

Prior to the EPA grant application process, the SRF program solicits projects for the water priority list. Projects are listed in order of public health protection and/or compliance with the Safe Drinking Water Act. The water projects are then included in the SRF program Intended Use Plan, and go through a public comment period before the list is finalized. The highest-ranking projects are notified and given a certain time period (usually 90 or 120 days) to complete the application process. If any projects do not respond within the established time period, SRF program staff will notify the next highest-ranking projects until funds are obligated.

Interest rates are from zero percent to market rate, depending on the Ability to Pay Index (a list established based on the community's per capita income, taxable sales, and taxable property values, etc.) Most borrowers qualify for interest rates of 2-3 percent, and rates are fixed for the life of the loan. The maximum loan term is 20 years or the useful life of the facility, whichever is shorter.

How to Apply

Contact the SRF program office at (615) 532-0445 for application packages that include the application form, loan agreement, financial statement forms, and forms for user charge information. SRF program staff complete all the loan forms at no cost to the local governments.

Since federal funds are used, facility planning documents, environmental review, and public participation are required.

When to Apply

For wastewater projects, application may be made at any time. For water projects, the SRF program solicits applications.

Is Technical Assistance Available?

Yes. Contact the SRF program or your MTAS consultant for assistance.

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Announcement(s):

Pollution Prevention Conference

Small communities are invited to participate in State's **Pollution Prevention Conference**. The 2-day event will be held September 14th and 15th, 2006 at Montgomery Bell State Park.

Please stay tuned for details about this informative environmental conference. You may checkout the OEA web page for additional details and updates.

P2 Roundtable meetings and Environmental forums

Small communities are invited to participate in Pollution Prevention (P2) Roundtable meetings and Environmental forums. You may contact an Environmental coordinator for a schedule and details about one of the regional Environmental forums in your area. The Pollution Prevention (P2) Roundtable typically meets quarterly in Nashville. For more information – You may contact the Office of Environmental Assistance via our web site or call our hotline number at (800) 734-3619.

END OF MANUAL