



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
CHATTANOOGA ENVIRONMENTAL FIELD OFFICE

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August 22, 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7016 0750 0000 2820 1746

Honorable Tom Rowland
Mayor
City of Cleveland
PO Box 1519
Cleveland, Tennessee 37377

Re: City of Cleveland Small Municipal Storm Sewer System (MS4) - Audit
NPDES Permit Tracking Number TNS075213
Bradley County, TN

Dear Mayor Rowland:

On July 24 and 25, 2018, Michael Bascom and Brown Patton with the Division of Water Resources (DWR) performed an audit of the City of Cleveland's MS4 program. They met with Chris Broom, Ryan Stephens and Bristol Snider with the City of Cleveland who provided information during the audit. As an operator of a stormwater collection system which discharges stormwater runoff into Waters of the State of Tennessee, the City of Cleveland (the City) is required to have *National Pollutant Discharge Elimination System (NPDES)* coverage. The purpose of the audit was to evaluate the City's compliance with the terms and conditions of its NPDES *General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4)*, permit tracking number TNS075213. The audit included a review of the City's ordinance, stormwater management program and procedures in regards to the City's MS4 program.

Permit Verification

City of Cleveland has coverage under the NPDES General Permit for Discharges from Small MS4s, TNS075213. The City received and maintained coverage (issued April 19, 2011) under the previous general permit until receiving the Notice of Coverage (NOC) under the reissued general permit on May 1, 2017. The findings listed in this letter cover compliance with the

previous general permit (effective October 1, 2010) and with the reissued permit that became effective on October 1, 2016.

Copies of the NOC and Notice of Intent (NOI) were available onsite.

Review of Ordinance

Key permit requirements such as prohibition of non-stormwater discharges, a requirement since February 2003, were incorporated into the City's ordinance in November 2004. The permit requirement that the ordinance include a maximum penalty per day in accordance with T.C.A. 68-221-1106 has been in place prior to the previous audit (April 11, 2013). The ordinance was again reviewed to ensure its requirements were in accordance with the current MS4 and CGP permits prior to the City becoming a QLP.

Review of Minimum Control Measures (MCM)

MCM 1 Public Education and Outreach

The City has implemented the following public education and outreach best management practices: Update and Recreate the City of Cleveland Stormwater Website; Stormwater Education in Public Schools/ Project WET of Tennessee; Stormwater Education Materials; Promote Hazardous Waste Collection Day.

The City's website contains information about the City's MS4 program including contact information. The City facilitates Annual WET workshop for education of students about the importance of clean water. They also use the Household Hazardous Waste as an opportunity to distribute informative brochures about stormwater.

MCM 2 Public Participation and Involvement

The City has implemented the following public participation and involvement best management practices: Conduct Stormwater Board Public Meetings; Hold Community Activity Day; Stream Cleanups.

Staff stated that the City's stormwater board holds public meetings. The meetings are announced in the newspaper. During the audit, City staff provided documentation of several public events where staff handed out literature about stormwater issues. The City staff also provided documentation of a roster of students who participated in an annual stream clean-up. The annual stormwater report is presented to the city council at a public meeting each September. The meetings are announced in the local newspaper.

MCM 3 Illicit Discharge Detection and Elimination

The City has mapped its stormwater system and all of its outfalls on GIS software. Staff stated that they are migrating MS4 data to ArcGIS because of limitations of the current software. During the audit, city staff showed the division a map of the City's hotspots. The direction of

stormwater flow is not mapped; however, a topographic map layer can be overlaid within GIS that allows personnel to deduce the flow direction.

Citizens may report illicit discharges or other stormwater issues using either the website or a downloadable phone application. The City was notified of seven illicit discharges during 2017-2018, three of which were confirmed to be illicit discharges. Three NOV's were issued.

MCM 4 Construction Site Stormwater Runoff Control Program

The City has a well-established construction stormwater program, the staff is trained and certified, and recently completed its first year as a Qualifying Local Program (QLP).

A Compliance Evaluation Inspection of the construction stormwater program was last conducted in 2016. Currently, there are 86 active construction sites within the City and personnel inspect all active construction sites at least once each month. The City has a written procedure for construction site inspection in their SWMP (5.1) as required by the permit. The City's construction stormwater inspection form contains the same items as the current State of Tennessee construction stormwater inspection form. In accordance with their permit, the City maintains documentation of all construction stormwater inspections they conduct. Nineteen City employees have Erosion Protection Sediment Control (EPSC), Level 1 certification.

Site Plan Review

Six city staff have EPSC Level 2 certification. Currently, all site plans are reviewed by either Chris Broom or Ryan Stephens both of whom have EPSC Level 2. In the past year, City of Cleveland has reviewed 74 plans.

Documentation

The City requires that all land disturbance activities within the MS4 jurisdiction have a City of Cleveland land disturbance permit. In cases where the land disturbance is greater than 1 acre, and also for less than 1 acre sites that are part of a larger common plan of development, the City requires operators to obtain coverage under the Tennessee Construction General Permit (CGP) through the QLP permitting process. The City has a written procedure for site reviews in their Stormwater Management Plan (SWMP) (4.2) as required by the permit. According to city personnel, site plan reviews are handled electronically. City staff have the ability to add notes to the drawings during the review process. The City maintains documentation of all site plan reviews in accordance with their permit. The City conducts pre-construction meetings with site operators and maintains documentation of the pre-construction meetings in accordance with their permit.

During the audit, DWR observed the City's construction site inspector inspect two active construction sites in order to evaluate whether the sites are being inspected adequately. The inspector used an inspection form that contains all the same information as the Tennessee CGP inspection form. The inspector uses a pad (tablet computer) to record his findings. The two active sites inspected were Stone Creek Subdivision Phase 2 (TNQ070014) and Ashwood Place (TNR112974). Both sites contained significant issues which the city inspector would have to

have the building contractors address. The inspector demonstrated a good working knowledge of erosion prevention and sediment control practices, and performed comprehensive inspections with appropriate documentation and appropriate follow-up procedures.

The Enforcement Response Plan (ERP) found in Appendix B of the City's SWMP allows for escalation of enforcement.

MCM 5 Permanent Stormwater Management at New Development and Redevelopment Projects

The City has implemented the following post construction best management practices: Post construction tracking; regional detention pond; inspection of post construction permanent stormwater control measures (SCM)s; ordinance review and green infrastructure requirements.

The division provided an extension to all small MS4s for the full implementation of this minimum control measure. As a result, evaluating compliance was limited to documenting program elements and activities implemented at the time of audit. Currently, the City has 89 active SCMs within its jurisdiction, 18 of which are new. The City has signed maintenance agreements for each SCM on file.

MCM 6 Pollution Prevention/Good Housekeeping for Municipal Operations

The MS4 has implemented the following pollution prevention/good housekeeping best management practices: Employee Pollution Prevention; Floatables reduction; Trash litter recycle; facility inspection.

Two municipal facilities were inspected during the audit, Cleveland Public Works Office and Cleveland fleet. According to staff, all maintenance activities are conducted indoors. Both facilities appeared to be well maintained and housekeeping was adequate. DWR reviewed documentation of monthly inspections and annual employee training.

Monitoring

Monitoring of streams within the City's jurisdiction had not been conducted at the time of the audit for this permit cycle.

Qualifying Local Program Evaluation

In 2017, the State of Tennessee designated the City of Cleveland a qualifying local program (QLP). As a QLP, the City must include requirements for construction site operators to:

- Prepare and submit a comprehensive SWPPP consistent with Section 3 of the TN CGP
- Achieve construction and development effluent guidelines consistent with Section 4, and special conditions, management practices, and other non-numeric limitations consistent with Section 5, of the CGP.
- Perform construction site inspections consistent with Sub-section 3.5.8 (Inspections), and site assessments consistent with Sub-section 3.1.2, of the CGP, and

- Submit a site plan for review that incorporates consideration of potential water quality impacts

In addition, as a designated QLP, the City must ensure that the program adopts and implements specific inspection procedures and documentation practices.

The City of Cleveland has complied with submitting routine records to the division that pertain to qualifying construction activities taking place in the City's jurisdiction. The City utilizes an appropriate SWPPP checklist during plans review that incorporates consideration of potential water quality impacts. The City also utilizes several indicators during the review process to identify possible streams or wetlands, and consequently will require hydrologic determinations by permittees if sufficient indicators exist.

- The City of Cleveland is in compliance with the requirements set forth for Qualifying Local Programs (QLP) in the State of Tennessee.

Violations:

None.

Additional Comments:

- Please make an effort to include flow direction into your GIS stormwater map.
- Please include ADM Milling 430 Central Ave. NE in your hot spots map.
- Please provide a new GIS shape file to the division after all of the data has all been moved to ArcGIS.

This letter provides a record of the July 24-25, 2018 Small MS4 Audit.

The Division would like to thank Chris Broom, Ryan Stephens and Bristol Snider for their time and assistance during the audit. If you have any questions, please contact Michael Bascom at (423) 634-5710.

Sincerely,



Jennifer Innes

Program Manager

Division of Water Resources

cc: Chris Broom, Stormwater Coordinator, City of Cleveland MS4

cc: Michael Bascom, Brown Patton TDEC DWR