



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

1301 RIVERFRONT PARKWAY, SUITE 206
CHATTANOOGA, TENNESSEE 37402
PHONE (423) 634-5745 STATEWIDE 1-888-891-8332 FAX (423) 634-6389

July 22, 2016

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

Re: **Compliance Evaluation Inspection**
City of Cleveland Municipal Separate Storm Sewer System – Phase II
NPDES Permit Tracking Number TNS075213
Bradley County, TN

Dear Mayor Rowland:

On June 22, 2016, Mr. Michael Bascom, Valerie McFall and Steven Turaski of the Division of Water Resources (DWR) performed a Compliance Evaluation Inspection (CEI) of the Municipal Separate Storm Sewer System (MS4) program for the City of Cleveland. They met with Chris Broom, Ryan Stevens and Tim Presley who provided information during the inspection. The purpose of the inspection was to evaluate the program's compliance with its permit conditions and was limited to the Construction Stormwater element of the City's program.

Permit

City of Cleveland has coverage under the *National Pollution Discharge Elimination System (NPDES) General Permit for Discharges from Small Municipal Separate Storm Sewer System (MS4)*, permit tracking number TNS075213. The NPDES General Permit MS4 Phase II became effective on April 19, 2011 and has been administratively extended beyond the expiration date of September 1, 2015, until a new general permit is issued state-wide.

During the inspection, DWR conducted a joint inspection of two active construction projects with City of Cleveland's MS4 (the MS4) personnel, Chris Broom, Ryan Stevens and Tim Presley. The first site was Sonic Development LLC located at 131 Pleasant Grove Road (TNR112768) and the second site was Brookebridge located at 5634 Mouse Creek Road (TNR112825).

Construction Stormwater Inspection

At Sonic Development LLC, City of Cleveland MS4 and DWR personnel observed the following BMPS in place: construction site entrance; silt fence along the entire perimeter; two sediment traps. DWR noted these BMPs were in accordance with the Tennessee EPSC Handbook. City of Cleveland and DWR also observed the following deficiencies: a gap in the north side of the north sediment trap. It appeared that the gap allowed stormwater containing sediment to bypass the controls located at sediment trap's outlet. DWR agreed with all of the MS4 personnel's findings during the inspection. DWR reviewed the contractor's inspection forms to confirm inspections occurred twice each week and that the inspector's EPSC level 1 certification was current.

At Brookebridge, City of Cleveland MS4 and DWR personnel observed the following BMPS in place: single row of silt fence along the north, west and south perimeter; hay bales blocking a drain pipe. City of Cleveland and DWR also observed the following deficiencies: a single row of silt fence was in place along southern perimeter instead of a double row of silt fence as was specified on the site plans; an existing driveway being used as the construction entrance; a stockpile of topsoil at the southeast corner that did not have controls. MS4 personnel stated that the driveway is only a temporary entrance and a permanent construction entrance is planned for the site. MS4 personnel also pointed out that the stockpile of topsoil at the southeast could send sediment offsite and into the backyard of home located to the south. DWR observed that a buffer may be required along the southern perimeter because the drainage along the southern perimeter widened and became a stream to the east and that controls were needed at the toe of an area where a substantial amount of fill dirt had been placed along the driveway.

Because Brookebridge had not been an active site for very long and a lot of fill dirt was still being moved around, it was difficult to discern whether the problems observed were violations or just due to the fact that initial grading was still ongoing. In an email, Cleveland MS4 provided pictures showing that the problems had been addressed. DWR reviewed the contractor's inspection forms to confirm inspections occurred twice each week and that the inspector's EPSC Level 1 certification was current. According to MS4 personnel, inspectors discuss their findings when the site operator is onsite otherwise they discuss them over the phone.

DWR asked Cleveland MS4 personnel how they confirm that the site operator is performing twice weekly inspections and whether the inspector has EPSC Level 1. The MS4 responded that they usually review documentation of inspections during the inspection and remind contractors that the inspector must have EPSC Level 1 during pre-construction meetings.

Documentation

Currently, there are 53 active construction sites within the MS4 and personnel inspect all active construction sites at least once each month. The MS4 has a written procedure for construction site inspection in their SWMP (5.1) as required by the permit. The MS4'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 MS4 maintains documentation of all construction stormwater inspections conducted by its staff. The MS4 uses software specifically designed for the management of MS4 to track and document active construction sites. Inspectors use tablets to access site plan documents, fill out inspection forms, and upload the completed forms to the database. Using the software, Mr. Broom was quickly able to tell DWR exactly how many inspections were conducted in May (92); how many contacts, i.e. verbal warnings inspectors had with permittees (15); how many inspections they had conducted in the past year (945); how many NOVs were issued in the past year (14). DWR believes having software such as this is greatly beneficial to the municipality because the permit requires that the MS4's activities be tracked, documented and measurable.

Site Plan Review

Currently, all site plans are reviewed by either Chris Broom or Jonathan Jobe who both have EPSC Level 2 certification. In the past year, City of Cleveland has reviewed 38 site plans and 63 plats.

Documentation

Personnel stated that the MS4 requires that all land disturbance activities within the MS4 have a City of Cleveland land disturbance permit. In cases where the land disturbance is greater than 1 acre, they also require a TDEC CGP NOC. The MS4 has a written procedure for site reviews in their SWMP (4.2) as required by the permit. During the inspection, it was evident to DWR that site plans are being reviewed because many of the primary requirements of the permit were observed onsite. According to MS4 personnel, site plan reviews are handled electronically. City staff, MS4 as well as other departments have the ability to add notes to the drawings. The MS4 maintains documentation of all site plan reviews in accordance with their permit. The MS4 conducts pre-construction meetings with site operators and maintains documentation of the pre-construction meetings in accordance with their permit.

Violations:

None.

Additional Comments:

The MS4 uses technology to maintain accurate information on all activities within the MS4 boundary. The technology allows personnel to quickly generate reports and summaries of all activities. DWR believes having software such as this is greatly beneficial to the municipality because the permit requires that the MS4's activities be tracked, documented and measurable.

During site plans review, City of Cleveland MS4 personnel should discuss with the site operator the need for concrete wash out areas and may need to require that they be specified on plans.

This letter provides a record of the June 22, 2016 CEI of City of Cleveland's MS4.

We thank the City of Cleveland's MS4 staff for their efforts toward compliance with its NPDES permit. Furthermore, you have taken a proactive approach for protecting the streams and waterways of Tennessee. If you have any questions concerning either our inspection or this report, please contact Mr. Bascom at (423) 634-5710.

Sincerely,



Jennifer Innes
Program Manager
Division of Water Resources

cc: Chris Broom, Stormwater Coordinator, City of Cleveland via email
Steve Turaski, TDEC