

ORDINANCE

AN ORDINANCE OF THE COMMISSION
OF KNOX COUNTY, TENNESSEE,
TO AMEND KNOX COUNTY CODE,
CHAPTER 26, ARTICLE VI ENTITLED
"STORMWATER MANAGEMENT"
IN ORDER TO COMPLY WITH THE
NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM PERMIT
AND TO BECOME A TENNESSEE
QUALIFYING LOCAL PROGRAM
FOR CONSTRUCTION SITE STORMWATER
RUNOFF CONTROL (Ord. No. O-07-12-101,
adopted 1-28-08).

ORDINANCE: O-12-11-102

REQUESTED BY: ENGINEERING &
PUBLIC WORKS

PREPARED BY: KNOX COUNTY LAW
DIRECTOR'S OFFICE

APPROVED AS TO FORM
AND CORRECTNESS: Richard B. Armstrong Jr.
DIRECTOR OF LAW

APPROVED 1ST READING: November 19, 2012
DATE

APPROVED 2ND READING: December 17, 2012
DATE

APPROVED EMERGENCY: _____
(YES) (NO)

VETOED: _____
DATE

VETO OVERRIDE: _____
DATE

MINUTE
BOOK _____ PAGE _____

WHEREAS, the Knox County Commission adopted Ordinance O-07-12-101 on January 28, 2008, known as the Stormwater Management Ordinance and codified as § 26-151 *et seq.* of the Knox County Code, to regulate storm drainage facilities, grading, excavation, clearance, and other alteration of the land in order to limit the dangers of personal injury, property or environmental damage that may be caused by stormwater runoff; and

WHEREAS, it is necessary to effect minor changes to said Stormwater Management Ordinance in order to be fully compliant with Knox County's National Pollutant Discharge Elimination System Permit as required by the Environmental Protection Agency in conjunction with the Clean Water Act; and

WHEREAS, it is also necessary to effect changes in order for Knox County Stormwater Management to become a Tennessee Qualifying Local Program for Construction Site Stormwater Runoff Control with the Tennessee Department of Environment and Conservation.

NOW THEREFORE BE IT ORDAINED BY THE COMMISSION OF KNOX COUNTY AS FOLLOWS:

SECTION 1. Knox County Code, Chapter 26, Article VI, Division 1, Section 26-152 entitled "Definitions", shall be amended as follows:

1. Delete the definition of "high quality waters".
2. Add a definition for "exceptional Tennessee waters" where appropriate in said section to read as follows:

Exceptional Tennessee waters means surface waters of the State of Tennessee that satisfy characteristics of exceptional Tennessee waters as listed Chapter 1200-4-3-.06 of the official compilation - Rules and Regulations of the State of Tennessee. Characteristics include waters designated by the Water Quality Control Board as Outstanding National Resource Waters (ONRW); waters that provide habitat for ecologically significant populations of certain aquatic or semi-aquatic plants or animals; waters that provide specialized recreational opportunities; waters that possess outstanding scenic or geologic values; or waters where existing conditions are better than water quality standards.

3. The definition of "priority construction activity" shall be deleted in its entirety and substituted with the following:

Priority construction activity means land disturbing activities that are located in a watershed that discharges to waters recognized by the State of Tennessee as impaired for siltation, or exceptional Tennessee waters.

4. The definition of “stormwater management plan” shall be deleted in its entirety and substituted with the following:

Stormwater management plan means an engineering study for the design of the drainage system for a proposed development that includes a map showing the extent of the land development activity, a stormwater pollution prevention plan (SWPPP), stormwater control plan, and may contain as-built certifications and Covenants for Permanent Maintenance of Stormwater Facilities and Best Management Practices. The stormwater management plan also includes sufficient hydrologic calculations to determine the impact of the development on stormwater discharges.

5. Add a definition for “Stormwater Pollution Prevention Plan (SWPPP)” where appropriate in said section to read as follows:

Stormwater Pollution Prevention Plan (SWPPP) means a written plan required by the Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities (TN-CGP) that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants. It must be prepared and approved before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, and maintained during land disturbing activities. The SWPPP should be prepared in accordance with the Tennessee Erosion and Sediment Control Handbook. The handbook is designed to provide information to planners, developers, engineers, and contractors on the proper selection, installation, and maintenance of BMPs. The handbook is intended for use during the design and construction of projects that require erosion and sediment controls to protect waters of the state. It also aids in the development of SWPPPs and other reports, plans, or specifications required when participating in Tennessee's water quality regulations.

SECTION 2. Knox County Code, Chapter 26, Article VI, Division 1, Section 26-172 entitled “Stormwater management plan requirements”, shall be amended by deleting subsection 26-172(a)(4) in its entirety and substituting therefore the following:

- (4) Stormwater management plans, including stormwater pollution prevention plans (SWPPP) shall be prepared and stamped by an engineer, landscape architect, or architect competent in civil and site design and licensed to practice in the state of Tennessee with the following conditions:

- a. Portions of the stormwater management plan, including portions of the stormwater pollution prevention plan (SWPPP), that require hydraulic or hydrology calculations and design shall be prepared and stamped by a professional engineer competent in civil and site design and licensed to practice in the state of Tennessee.
- b. The SWPPP shall be prepared and stamped in accordance with the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities.
- c. All roads and Joint Permanent Easements that are required to be designed and built to Public Road Standards shall be prepared and stamped by a professional engineer competent in civil and site design and licensed to practice in the state of Tennessee.

SECTION 3. Knox County Code, Chapter 26, Article VI, Division 1, Section 26-172 entitled "Stormwater management plan requirements", shall be amended by deleting subsection 26-172(b) in its entirety and substituting therefore the following:

(b) Conformity to plans.

- (1) The approved stormwater management plan, upon which subsequent permits may be issued by Knox County, shall be adhered to during grading and construction activities.
- (2) The approved SWPPP, upon which a Notice of Coverage under the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities may be issued by Knox County, shall be adhered to during grading and construction activities.
- (3) Under no circumstance is the owner or operator allowed to deviate from the approved stormwater management plan or SWPPP without prior approval of a plan amendment by the Director.
- (4) The Director shall require that an approved stormwater management plan be amended if it is determined that the approved plan is inadequate.

SECTION 4. Knox County Code, Chapter 26, Article VI, Division 1, Section 26-172 entitled "Stormwater management plan requirements", shall be amended by deleting subsection 26-172(c) in its entirety and substituting therefore the following:

(c) Additional requirements for grading permits.

- (1) The owner or operator of land development activities not exempted by section 26-171 must obtain a grading permit prior to commencing land disturbing activities.
- (2) Land disturbing activities performed in accordance with the approved plan shall commence within one year from the issue date of the grading permit, or the grading permit will become null and void and the plan must be resubmitted for approval.
- (3) The grading permit application shall contain a SWPPP, prepared in accordance with the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities. The SWPPP can be included with the overall stormwater management plan or can be a stand-alone plan.
- (4) The SWPPP shall include a listing of any legally protected state or federally listed threatened or endangered species and/or critical habitat (if applicable) located in the area of land disturbing activities, and a description of the measures that will be used to protect them during grading.
- (5) The director may request additional information as deemed necessary to protect streams and adjacent properties from erosion and off-site sedimentation.

SECTION 5. Knox County Code, Chapter 26, Article VI, Division 5, Section 26-252 entitled "General requirements", shall be amended as follows:

1. Subsection 26-252(c) shall be amended by deleting the term "high quality waters" and substituting therefore the term "exceptional Tennessee waters".
2. Subsection 26-252(h) shall be amended by deleting said subsection in its entirety and substituting therefore the following:
 - (h) Construction site operators shall control other construction related wastes, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality in conformance with the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities.
3. Subsection 26-252(k) shall be amended by deleting said subsection in its entirety and substituting therefore the following:

(k) The portion of the performance bond pertaining to erosion prevention and sediment control shall be released only after final stabilization has been achieved in conformance with the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities.

4. Subsection 26-252(l) shall be amended by deleting said subsection in its entirety and substituting therefore the following:

(l) The Director shall have the authority to impose more stringent criteria to achieve final stabilization than required by the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities for release of the erosion prevention and sediment control portion of the performance bond if site is a priority construction activity, has an elevated potential for erosion or off-site damages, or has caused past damages off-site due to sediment discharges.”

5. Section 26-252 shall be amended by adding a new subsection 26-252(m) to read as follows:

(m) Riparian buffer zones shall be preserved in conformance with the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities.

SECTION 6. This Ordinance shall take effect as provided by the Charter of Knox County, Tennessee, the public welfare requiring it.

 12/18/12

Presiding Officer of the Commission Date

 12/18/12

County Clerk Date

Approved:  12/19/12

County Mayor Date

Vetoed: _____
County Mayor Date