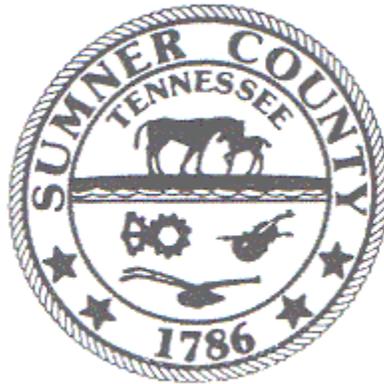


STORM WATER MANAGEMENT RESOLUTION



SUMNER COUNTY

**Originally passed on December 13, 2004 (Resolution 0412-01) and
approved as amended on November 16, 2009**

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SUMNER COUNTY STORM WATER MANAGEMENT RESOLUTION

Section 1 – Title and Purpose

This Resolution shall be known as the “Storm Water Management Resolution” for Sumner County, Tennessee (County).

Whereas, inadequate management of runoff from development in a watershed increases storm water peak flows, volumes, and velocities, erodes and/or silts stream channels, pollutes water, overloads existing drainage facilities, undermines floodplain management in downstream communities, reduces groundwater recharge, and threatens public health and safety. More specifically, storm water runoff can convey pollutants into and cause higher velocities in receiving waters. The potential impacts of these pollutants and higher velocities include:

1. Changing natural ecosystems through sediment and pollutant deposits which affect the quantity and quality of flowing water, destruction of habitats, and loss of plant and animal life;
2. Posing significant health risks through increased bacteria;
3. Accelerating eutrophication of receiving waters by introducing excessive nutrient loads;
4. Increasing metal deposits creating toxicity for aquatic life;
5. Reducing oxygen levels because of oil, grease and organic matter; and
6. Affecting animal and plant life, adversely, due to changing temperatures of receiving waters.

Whereas, uncontrolled storm water runoff can increase the incidence of flooding and of floods that occur, endangering roads, other public and private property and human life.

Whereas, altered land surfaces can change the rate and volume of runoff. These changes may result in the following:

1. Erosion and slumping of stream banks, resulting in widening of streams;
2. Undercut root systems;
3. Increased erosion rates; and
4. Uniform and shallow streambeds, providing less varied aquatic habitats.

Whereas, adverse water quality and quantity consequences described above may result in substantial economic losses. Potential losses include, but are not limited to, increased wastewater and water treatment costs, diminished property values, increased flood damages, as well as, state and federal fines associated with water quality violations; and

Whereas, many future problems can be avoided through proper storm water management whereby a comprehensive and reasonable program of regulations is fundamental to the public health, safety, welfare, and the protection of the citizens and environment; and

Whereas every parcel of real property, both public and private, either uses or benefits from the maintenance of the County’s storm water system; and

Whereas, current and anticipated growth will contribute to and increase the need for improvement and maintenance of the County's storm water system.

This Resolution is intended to manage the manner in which storm water is addressed in areas of new development, redevelopment, and significant redevelopment through the course of construction and post-construction to maintain or benefit water quantity, water quality and effects on the quality of life and character of the County.

This Resolution sets general policy, storm water management program direction, and is supported and enforced through other more detailed regulations, design criteria, and other accepted materials.

The Resolution shall take effect from and after its final passage with the exception of all current construction activities covered under the State of Tennessee General Permit for Construction Activities that result in a total area of disturbance of one or more acres or less than one acre if it is part of a larger common plan of development or sale.

This Resolution shall take effect after its final passage by the County Commission and will effect all construction activities covered under the State of Tennessee General Permit for Construction Activities. All developments that have construction plans approved prior to passage of this revised Resolution may continue with the original guide lines established in November 2004 or with the approval of the Sumner County Construction and Development Department (SCCD) update to this revised Resolution.

Section 2 – Jurisdiction

A. Governing.

The *Storm Water Management Resolution* shall govern all properties within the unincorporated jurisdictional limits of Sumner County, Tennessee.

B. Exemptions.

The following development activities are exempt from the provisions of this article and requirements of providing storm water management:

1. Agricultural land management activities.
2. Additions or modifications to existing detached single-family dwellings
3. Developments that do not disturb more than one acre of land use within the total development. A subdivision of more than two lots is not exempt from these regulations. Any development that requires the construction of public utilities and or roads is not exempt. This exception may not be applied for contiguous properties that may have been subdivided and/or are attributed to multiple separate owners. These exemptions do not apply to any discharge of sediment or other form of water pollution that may leave a small site.

Section 3 – Definitions

For the purpose of this Resolution, unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this article it's most effective application. Words in the singular shall include the plural, and words in the plural shall include the singular. Words used in the present tense shall include the future tense. The word "shall" connotes mandatory and not discretionary; the word "may" is permissive.

The following definitions shall apply in the interpretation of this Resolution and in any regulations promulgated hereunder, unless specifically stated otherwise:

100-year flood event – See Base Flood

Active Construction Sites – Any site that has a permit for grading or other activities (even if actual construction is not proceeding) and any site where construction is occurring regardless of permits acquired.

Appeal – A request for a review of an interpretation by the *Sumner County Construction and Development Department (SCCD)* as it relates to an interpretation of any provision of these regulations.

An appeal is taken first to the Director of SCCD and then to the Storm Water Appeal Committee.

Architect – An architect duly registered, licensed or otherwise authorized by the State of Tennessee to practice in the field of building architecture.

Base Flood – The flood having a one percent chance of being equaled or exceeded in any given year. While this statistical event may occur more frequently, it may also be known as the “100-year flood event”.

Blue line stream – Streams that are represented on the United States Department of the Interior Geological Survey (USGS) 1:24,000 quadrangle maps.

Best Management Practice (BMP) - This may refer collectively or specifically to a structural or non-structural practice intended to address water quantity or quality as best available.

BMP Treatment Train – A technique for progressively selecting various storm water management practices to address water quality, by which groups of practices may be used to achieve a treatment goal while optimizing effectiveness, maintenance needs and space.

Bridge – A man made conveyance of storm water flows.

Building – Any structure built for support, shelter, or enclosure for any occupancy or storage.

Channel – A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel (bankfull) flow is that quantity of water which is flowing within the limits of the defined channel.

SCCD– Refers to the Sumner County Construction and Development Department (SCCD) or designated staff.

County – Sumner County, Tennessee

Community Waters – means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Sumner County.

Cross-drain – A culvert used to convey flow under a road or other obstruction between channels or surface flow.

Critical area – A site subject to erosion or sedimentation as a result of cutting, filling, grading, or other disturbance of the soil; a site difficult to stabilize due to exposed subsoil, steep slope, extent of exposure, and other conditions.

Critical design-storm period – refers to the time frame in which detention volume must be controlled with the pre-development flow volume as a maximum limit. It assumes a design period for an NRCS (formally SCS) type II design storm. This is a watershed specific parameter that may be specified by the Codes Department, but may be assumed as 10 to 14 hours for small and medium watersheds (order of less than 10 square miles) and 10 to 18 hours for large watersheds (order of 10 to 40 square miles).

Critical service roads – Roads designated county evaluation routes, or other access to police, fire, emergency medical services, hospitals, or shelters.

Culvert – A man made conveyance of storm water flows. This may include a pipe or other constructed conveyance.

Cut – A portion of land surface, or area from which earth has been removed or will be removed, by excavation; the depth below original ground surface to the surface that has been or will be excavated.

Detention – The temporary delay of storm water runoff prior to discharge into receiving waters.

Developer – Any individual, firm, corporation, association, partnership, or trust involved in commencing proceedings to effect development of land for him or others. This includes any legal or engineering representative of the “developer.”

Development – Any man-made change to improved or unimproved property, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials (as defined as materials of like nature stored in whole or in part for more than six months).

Drainage Basin – A part of the surface of the earth that is occupied by and provides surface water runoff into a storm water management system (MS4 of Waters of the State), which consists of a surface stream or a body of impounded surface water together with all tributary surface streams and bodies of impounded surface water.

Drainage Well – A bored, drilled, driven, dug, or naturally occurring shaft or hole with a depth greater than the largest surface dimension; used to drain surface fluid, primarily storm runoff, into a subsurface or karst formation; also known as “dry well” or “sinkhole”.

Engineer – An engineer duly registered, licensed or otherwise authorized by the State of Tennessee to practice in the field of civil engineering.

EP&SC – Erosion prevention and sediment control; see “erosion prevention” and “sediment control”.

Erosion – The disintegration or wearing away of soil particles, caused by the action of flowing water or impact of precipitation on the particles.

Erosion Prevention – Practices implemented to prevent, through shielding, binding or other mechanism(s), the suspension of soil particles in storm water runoff, often associated with erosion prevention and sedimentation control.

Excavation – See cut.

Existing Grade – The slope or elevation of an existing ground surface prior to cutting or filling.

Existing Construction – Any construction related activity for which the “start of construction” commenced before the effective date of these regulations or any construction site covered under the State of Tennessee General Permit for construction site runoff.

Fill – Portion of land surface or area to which soil, rock, or other materials have been or will be added; height above original ground surface after the material has been or will be added.

Finished Grade – The final slope or elevation of the ground surface after cutting or filling.

Flood or Flooding – Water from a river, stream, watercourse, lake, or other body of standing water that temporarily overflows and inundates adjacent lands and which may affect other lands and activities through increased surface water levels and/or increased groundwater level.

Flood Insurance Rate Map (FIRM) - An official map of the County on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the County.

Flood Insurance Study – The official report provided by the Federal Emergency Management Agency. The report contains elevations of the base flood, floodway widths, flood velocities, and flood profiles.

Floodplain – the relatively flat or lowland area adjoining a river, stream, watercourse, lake or other body of standing water which has been or may be covered temporarily by floodwater. For purposes of this manual, the floodplain is defined as the 100-year floodplain having a one percent chance of being equaled or exceeded in any given year.

Flood proofing – A combination of structural provisions, changes, or adjustments to properties and structures, subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

Floodway – That portion of the stream channel and adjacent floodplain required for the passage or conveyance of a 100-year peak flood discharge. The floodway boundaries are placed

to limit encroachment in the floodplain so that a 100-year peak flood discharge can be conveyed through the floodplain without materially increasing (less than one foot) the water surface elevation at any point and without producing hazardous velocities or conditions. This is an area of significant depth and velocity and due consideration should be given to effects of fill, loss of cross sectional flow area, and resulting increased water surface elevations.

Floodway Fringe – That portion of the floodplain lying outside the floodway boundaries.

Floor – The top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Functionally Dependent Facility – A facility that cannot be used for its intended purpose unless it is located or carried out in proximity to water, such as docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Grading (land disturbance) – Any operation or occurrence by which the existing site elevations are changed; or where any ground cover, natural or man-made, is removed; or any watercourse or body of water, either natural or man-made, is relocated on any site, thereby creating an unprotected area (soil particles directly exposed to precipitation and storm water runoff). This includes stripping, cutting, filling, stockpiling, or any combination thereof, and shall apply to the land in its cut or filled condition. Grading activities may only be performed with a Land Disturbance Permit.

Greenway Easement – Property that has been designated for use by the County in support of greenway activities. This may include, but does not require, the use of trails or walkways to provide access to the general public. A greenway that is not defined with an easement may have restricted access (i.e., Not accessible to the general public).

Highest Adjacent Grade – The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic Structure Designation – Any structure that is listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district; or listed individually on a state or local inventory of historic places which have been approved by the Secretary of the Interior.

Hot Spot- “priority area” an area where land use or activities may generate highly contaminated runoff with concentrations of pollutants in excess of those typically found in Stormwater

Illicit Discharge- any discharge to the municipal separate storm sewer system (MS-4) that is not composed entirely of Stormwater and not specifically exempted under section 9.4

Impervious Surface – A term applied to any ground or structural surface that water cannot penetrate or through which water penetrates with great difficulty.

Landscape Architect – A landscape architect duly registered, licensed, or otherwise authorized by the State of Tennessee to practice in the field of landscape architecture.

Land Surveyor – A land surveyor duly registered, licensed or otherwise authorized by the State of Tennessee to practice in the field of land surveying.

Lowest Floor – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage and in an area other than the basement area, is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the elevation design requirements of these regulations.

Master Plan – Any study or plan prepared by or accepted by the County that identifies solutions to water quantity or quality issues. The master plan is also known as Basin Study or Plan, Flood Management Study or Plan, or Water Quality Management Study or Plan.

Municipal Separate Storm Sewer System (MS4) – The municipal separate storm sewer system is a storm water conveyance or system of storm water conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the state (community waters);
2. Designed or used for collecting or conveying storm water;
3. Which is not a combined sewer, and;
4. Which is not part of Publicly Owned Treatment Works.

Natural Ground Surface – Ground surface in its original state before any grading, excavating, or filling. See existing grade.

New Construction – Structures for which the “state of construction” commenced on or after the effective date of these regulations. The term also includes any subsequent improvements to such structures.

NOT – Notice of termination of construction activity

NPDES MS4 Phase II Program – National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) program is the Environmental Protection Agency storm water program that focuses on smaller communities such as Sumner County, Tennessee.

NRCS – The National Resources Conservation Service was formally known as the Soil Conservation Service (SCS).

One Hundred- Year Flood – A flood that has an average frequency of occurrence of once in one hundred (100) years, determined from an analysis of floods for a particular watershed and other watersheds in the same general region. Statistically, it has a one percent chance of occurring in any given year. See “Base Flood” and “100-year flood event”.

Owner – Owner of lots of record.

Permittee – Any person, firm, or any other legal entity to which a land disturbance, grading, building, or other related permit is issued in accordance with Sumner county regulations.

SCCD Director – The Director of SCCD and/or designated staff.

PUD – Planned unit development.

Redevelopment – Development improvements that have a value less than 50% of the current assessed value and/or increases the floor area by less than 25%. Demolition and reconstruction is considered development and not redevelopment. Note: this is different than significant redevelopment.

Regional Storm Water Management Facility – A device or management practice, typically buy not always a detention or retention pond. The facility may serve multiple homogenous land use areas or an area of various land uses.

Retention – The prevention of storm water runoff from directly discharging into receiving waters. Examples include systems which discharge through percolation, exfiltration, filtered bleed-down and evaporation processes.

SCS – Soil Conservation Service (see NRCS)

Sediment – Solid material, both mineral and organic, that is in suspension, being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.

Sediment Control – Practices implemented to manage through filtering, settling or other mechanism(s) to remove suspended particles (soil, organic, or mineral) from water, often associated with erosion prevention and sedimentation control.

Significant Redevelopment – Development improvements that have a value greater than 50% of the current assessed value, increases the floor area 25% or more, any change in the impervious surface area, redirects the flow of storm water runoff in any way, modifies the storm sewer system, or changes storm water characteristics. Demolition and reconstruction is considered development and not redevelopment. Note: this is different than redevelopment.

Site – All contiguous land and bodies of water in one ownership, grades or proposed for grading or development as a unit, although not necessarily at one time.

Slope – Degree of deviation of a surface from the horizontal, usually expressed in percent or ratio.

Soil – All unconsolidated mineral and organic material of any origin that overlies bedrock and that can be readily excavated.

Soil Engineer – A professional engineer who is qualified, licensed, and/or registered by the appropriate authority to practice applied soil mechanics and foundation engineering.

Storm Water Director – *SCCD Director and /or designated staff.*

Stripping – Any activity that removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.

Structure – Anything constructed or erected, the use of which requires a more or less permanent location on or in the ground.

Substantial Damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its “before” damage condition would equal or exceed 50 percent of the market value of the structure before the damage.

Substantial Improvement – Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds 50% of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

Tributary Area – The area upstream of a specified point including all overland flow that directly or indirectly connects down-slope to the specified point. This is also referred to as drainage area.

Waters of the State – Any water body determined to be in the jurisdiction of the Tennessee Department of Environment and Conservation (TDEC). Waters of the State are separate and distinct from an MS4 and private infrastructure.

Water Body – A channel, natural depression, slough, gulch, stream, creek, pond, reservoir, or lake in which storm water runoff and floodwater flows either regularly or infrequently. This includes major drainage ways for carrying storm water runoff.

Waterway Buffer – An area separating a waterway from building and/or structures. Typically, buffers are maintained in a “natural” or vegetative state providing environmental and aesthetic benefits.

Wetland – Those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typical to life in saturated soil conditions. Wetlands generally include, but are not limited to, swamps, marches, bogs, and similar areas.

Section 4 – Authority

A. Authority of Departments

The Sumner County Construction and Development Department (SCCD) may provide authority in part or whole to various departments for the implementation of activities pursuant to the Resolution. This may include but is not limited to plan review, incentives negotiation, plan approval, storm water facilities maintenance, administration and enforcement.

B. Right-of-Entry

1. Designated County staff shall have right-of-entry on or upon the property of any person subject to this Resolution and any permit/document issued hereunder. County staff shall be provided ready access to all parts of the premises for purposes of inspection, monitoring, sampling, inventory, records examination and copying, and performance of any other duties necessary to determine compliance with this Resolution.
2. Where a property, site or facility has security measures in force which require proper identification and clearance before entry into its premises, the person shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, County staff will be permitted to enter without delay for the purposes of performing specific responsibilities.
3. Designated County staff shall have the right to set up on the property of any person subject to this Resolution such devices, as are necessary, to conduct sampling and/or flow measurements of the property's storm water operations or discharges.
4. Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the responsible person at the written or verbal request of County staff. The costs of clearing such access shall be borne by the responsible person.
5. The SCCD Director or his designee may inspect the facilities of any user in order to ensure compliance with this Resolution. Such inspection shall be made with the consent of the owner, manager, or signatory official. If such consent is refused, denied, or not promptly addressed, the County staff may seek issuance of proper inspection warrant.
6. The County has the right to determine and impose inspection schedules necessary to enforce provisions of this article. Inspections may include, but are not limited to, the following:
 - a. An initial inspection prior to storm water management plan approval;
 - b. A "bury" inspection prior to burial of any underground drainage structure;
 - c. Erosion control inspections, as necessary, to ensure effective control of erosion and sedimentation; and,
 - d. A final inspection when all work, including installation of storm management facilities has been completed.

Section 5 – Appeals

A. Appointment

The County Commission shall appoint a five (5) member Storm Water Appeal Committee, as set forth below, that shall be charged with addressing appeals to violations and interruptions of this Resolution.

B. Membership

The Storm Water Appeal Committee shall consist of One County Commissioner and four citizens with working knowledge of storm water systems. They shall be recommended by the Sumner County Executive and appointed by the County Commission

C. Compensation

The Storm Water Appeal Committee members shall be reimbursed at a the same monthly expenses paid to other citizen members of the Sumner County committees.

D. Appeal

Any matter, decision, conclusion, pronouncement, or evaluation made by the SCCD Department cannot be considered for appellate review until the matter has first been submitted to the Director of SCCD for evaluation.

- a. Any request for review of a decision must be submitted in writing to the SCCD Director for examination and review.
- b. From the written request, the SCCD Director can make a determination based upon the written information presented or call a hearing to consider the question.
- c. Such review and a decision shall be rendered within thirty (30) days of the request.
- d. If no decision is rendered in a timely manner, then the matter can be taken to the Storm Water Appeal Committee
- e. Only after the SCCD Director has had an opportunity to fully consider the matter, or a timely review has not taken place, can Appellate Review be considered.

E. Appellate Review

1. In order to have an appeal considered, the applicant shall submit a written request as outlined in Section 10 of this Resolution.
2. Any Appellate request must include a copy of the original written appeal to the SCCD Director as well as the decision he rendered.
3. The Storm Water Appeal Committee shall have the authority to grant appeals to violations or interpretations of this Resolution provided they are consistent with the objectives and policies identified in Section 6.
4. The Storm Water Appeal Committee does not have the authority to permit actions by the applicant that are based in lack of proper planning or implementation of site development as defined in this Resolution and other measures applied to the County.

F. Process

1. The Storm Water Appeal Committee will be made available to review accepted request(s) for appeals on an as-needed basis.
2. The decisions of The Storm Water Appeal Committee are final and conclusive, but may be reviewed through appropriate court actions.
3. The storm water appeal committee shall make its findings within five (5) business days after the appeal hearing.

G. Reimbursement of Costs

If the County prevails, on behalf of the Storm Water Appeal Committee's action, in any administrative or civil proceeding initiated under this chapter, the County shall be entitled to seek reimbursement for all costs incurred in connection with said proceeding. Such reimbursable

expenses may include, but are not limited to, costs of investigation, administrative overhead, out-of-pocket expenses, costs of administrative hearings, and costs of suit.

H. Open Meetings

1. Meetings with the Storm Water Appeal Committee and deliberations and records shall be open to the public.
2. The Storm Water Appeal Committee may elect to provide for public comment on relevant issues.
3. The format and duration of the public comment shall be left to the discretion of the Storm Water Appeal Committee.

Section 6 – Objectives and Policy

A. Objectives

1. The objectives of this Resolution are:
 - a. To protect human life and health.
 - b. To minimize the need for rescue and relief efforts associated with flooding.
 - c. To eliminate any non-allowance discharges to the County's Municipal Separate Storm Sewer System that impact water quality.
 - d. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to maximize beneficial use without increasing flood hazard potential or diminishing the quality of the natural storm water resources.
 - e. To ensure that potential homebuyers are notified that property is in a flood area and generally increase the public awareness of flooding potential.
 - f. To minimize prolonged business interruptions.
 - g. To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood plains.
 - h. To ensure a functional public and private storm water quantity and quality management system that will not result in excessive maintenance costs.
 - i. To encourage the use of natural and aesthetically pleasing design that maximizes preservation of natural areas.
 - j. To guide the construction of storm water management facilities by incorporating comprehensive master plans that address storm water quantity and quality.
 - k. To encourage preservation of floodplains, floodways and open spaces to protect and benefit the County's quality of life and natural resources.
 - l. To encourage community stewardship to the County's water resources and their impacts on the community character and quality of life.

B. Policy Statements and Minimum Standards

To implement the objectives presented above, the following general policy statements shall apply:

1. All new development and redevelopment under the jurisdiction of this Resolution as prescribed in Section 2 of this Resolution shall be required to obtain a Land Disturbance Permit.
2. The SCCD Director shall issue a Land Disturbance Permit (permit) for plans that meet the guidelines of this Resolution and any other provision given authority under Section 7 of this Resolution. A fee of \$200.00 shall accompany the application for a permit.
3. Technical, administrative, or procedural matters may be modified as needed to meet the objectives and policies defined in this Resolution, so long as such modifications as to technical, administrative, or procedural matters are not contrary or beyond the intent of the objectives and policies of this Resolution.
4. Approved permits must be displayed in a conspicuous location on all active construction sites.
5. A Professional Engineer licensed in the State of Tennessee shall stamp all proposed plans for construction in the County.
 - a. This shall include proposed improvements or modifications to the existing or new storm water infrastructure, erosion prevention and sediment control practices, and other related improvements or modifications.
 - b. The engineer must have the Tennessee Department of Environment and Conservation Level I and II erosion and sediment control certifications to prepare the erosion and sediment control plans.
 - c. A landscape Architect, qualified to prepare erosion and sediment control plans, shall be allowed to prepare erosion and sediment control plans for land disturbance activities that require land disturbance permits.

C. Control.

The County requirements for erosion and sediment control BMP's shall meet or exceed the current standards noted in the NPDES General Permit. Sediment control BMP's must meet the design standards established for the 2 year 24 hour storm.

D. Drainage Locations.

- I. For common drainage locations that serve an area with ten (10) or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2 year, 24 hour storm and runoff coefficient from each disturbed acre drained, or equivalent control measures, shall be provided until final stabilization of the site. Where no such calculation has been performed, a temporary sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided until final stabilization of the site.
 - a. If available, each individual project shall be evaluated for consistency with the master storm water management plan for the major watershed or watersheds within which the project site is located. The individual project evaluation will determine if storm water quantity and quality management practices can adequately serve the property and limit impacts to downstream public and private properties. The presence of a

- regional facility(s) will be considered in determining the extent to which quantity and/or quality controls will be necessary.
- b. In the absence of such a storm water quantity and/or quality master plan, a system of uniform requirements shall be applied to each individual project to each individual project site. In general, these uniform requirements will be based on the criterion that post development storm water peak runoff, volume over the critical design-storm period, and water quality must not differ significantly from pre-development conditions.
 - c. Under no circumstances shall a site be graded or drained in such a way as to increase surface runoff to sinkholes, “dry wells” or “drainage wells” *without TDEC approval.*
 - d. *Storm water detention may be required if it is determined that the downstream drainage structures are not of sufficient size to accommodate the additional storm water run off or if it is determined that the project will negatively impact downstream properties*
 - e. Storm water detention facilities shall be designed to control the rate at which flow is released over the entire runoff discharge period and the volume of discharge over the critical design-storm period to predevelopment conditions. This shall be applied for **2,10 & 25 year design storm event Detention facilities must safely pass the 50 and 100 year event**
 - f. New development shall meet a storm water quantity level of service defined by:
 - i. Designing road catch basins and connecting culverts to convey the 10-year design-storm runoff.
 - ii. Designing bridges, culverts, channels, and cross-drains to pass the 25-year design-storm runoff.
 - g. Storm water infrastructure shall be designed in a way that:
 - i. Critical service roads are not inundated by more than three inches of water over one-half the roadway width under a 100-year design-storm event.
 - ii. Other existing roads (as impacted by new or existing development) shall be designed to have no more than three inches of runoff overtopping the road under a 25-year design-storm event.
 - iii. Other new roads shall be designed to have no more than three inches of road overtopping at the 25-year design-storm event.
 - h. Development will be required to minimize the impact to storm water quality by applying structural and/or nonstructural best management practices selected to address site-specific conditions.
 - i. Long-term inspection and maintenance plan shall be submitted for review and approval by the SCCD Director for all devices or facilities in new development that require more than general maintenance (mowing). The plans shall address schedules and techniques for inspections and removing trash, pollutants and sediment.
 - j. For properties where storm water quantity management practices are either not feasible or not necessary in lieu of regional storm water

quantity controls, the County has the right to require on-site controls for storm water quality.

- k. The County encourages regional storm water quantity and/or quality management practices, serving 40 to 300 acres of tributary area, which may be consistently and efficiently managed and maintained. These types of practices will be encouraged in order to replace or reduce the implementation of on-site storm water quantity and/or quality management practices, as appropriate as determined by the SCCD Director.
- l. Redevelopment of properties containing on-site storm water management practices may be permitted, **with the approval** of the SCCD Director, provided the property and downstream public and private properties, infrastructure or “Waters of the State” are adequately protected by a regional facility(s) from storm water quantity or quality impacts.
No construction, whether private or public action, shall be performed in a manner that will negatively impact storm water quantity or quality in its vicinity or in other areas whether by flow restrictions, increased runoff, or by diminishing channel.
- m. New construction may not aggravate upstream or downstream flooding. Existing downstream or upstream issues may be required to be corrected in conjunction with new development.
- n. Acceleration of erosion or sedimentation, or transport of other pollutants or forms of pollution, due to various land disturbance activities must be controlled.
- o. New construction shall only be permitted after temporary or permanent erosion prevention and sedimentation control management practices have been constructed and are operational to the County’s satisfaction. The County may stop construction on properties, or administer other enforcement actions as defined in Section 8, that do not have adequate erosion prevention and sedimentation control measures.
- p. Bonding and fees.
 - i. The Erosion Control Plans (ECP) for each subdivision or phase of each subdivision shall be submitted for review by the SCCD together with a minimum fee as shown below of:
 - a. 1-2 lots no master ECP required Land Disturbance permit only unless part of a larger development.
 - b. 3-14 lots (without public improvements) \$250.00 .
 - c. 3-14 lots with public improvements \$250.00 plus \$100.00 per month of anticipated construction inspection fee three month min.
 - d. 15 lots and over \$1450.00 plus 5.00 per lot over 14These fees are in addition to any Construction plan review fee and include the required county inspections and are subject to annual renewal.
 - ii. . After 12 months If construction has been continuous and all BMP’s have been adhered to and the Erosion control plans do not need to be altered the renewal fee shall be \$100.00 per month of anticipated construction with a \$300.00 (three month minimum) for County inspections until N.O.T. is issued If plans must be altered and re-reviewed the full review and inspection fee shall be

submitted.. County inspections do not replace the required twice a week inspections .

iii. The County shall require a fee of \$200.00 for each Land Disturbance Permit and is subject to annual renewal.

iv. The County shall require a separate Erosion Control Bond or letter of credit initially posted by The Developer or Builder. The Developer or Builder shall submit an engineers cost estimate or a copy of the awarded construction contract to be used by SCCD as a basis for the erosion control bond \$5000.00 minimum.

v. Upon completed construction and stabilization of the drainage system and approval of the drainage system by the County, The developer bond may be reduced proportionately for each lot sold. The home builder or lot buyer will be required to post an Erosion maintenance bond at the time they apply for a Land Disturbance permit for each lot in the development that they buy or build on, the bond amount will be the proportionate share of the original developer bond.

vi. A building permit will not be issued until the prescribed bond or letter of credit and Land Disturbance Permit is in place.

vii. The Bond or letter of credit will insure compliance with the drainage system installed by the developer and approved by the County. This Bond or letter of Credit will be released after a Certificate of Occupancy is issued by the County and the one year warranty period has expired.

viii. The Builder Letter of credit or Bond may be transferable to the builders' other lots.

ix. A note shall be placed on the Final Subdivision plat alerting the subsequent home owner of their ongoing responsibility to maintain the approved drainage system. The Note is to read as follows: **The individual Homeowner/property owner is responsible for maintaining the drainage system adjoining their property in accordance with the approved drainage plan for this development.**

x. This County building restriction is to be included in any deed of conveyance for subject property

xi. A copy of this plan can be viewed at the Sumner County Construction and Development office.

xii. Failure of the notification set forth above to be placed on a deed or plat, DOES NOT limit or remove the on-going obligation of the property owner to the drainage plan.

xiii. Hot spot permits are \$500.00 for the original permit, the annual renewal fee is \$200.00 and shall be submitted with the Annual report

q. Soil bioengineering, "green" and other "soft" slope and stream bank stabilization methods shall receive preference over riprap, concrete, and other hard armoring techniques. "Hard" alternatives may only be permitted when their necessity can be demonstrated given site-specific conditions.

r. The County may require more stringent erosion prevention and sedimentation control practices, in addition to requirements of the Tennessee General Permit for Storm Water Discharges from

Construction Activities on properties within sensitive (or impaired) watersheds proximate to “Waters of the State” *A map of the impaired and high quality streams is available for viewing at the Sumner County Construction and Development Office.* This may include measures that limit or eliminate, with a greater pollutant reduction than standard BMPs, the potential for sediment or other form of water pollution from entering sensitive areas as designated by the Tennessee Department of Environment and Conservation.

- s. The County may require maintenance or modification of storm water management practices that are not operating within the guidelines established by this Resolution, as determined by the County.
- t. All active construction sites should be inspected periodically (weekly and within 24-hours after a 0.5-inch rain event) a minimum of (2) two times weekly, 72 hours apart by a TDEC qualified inspector (ECS) that has successfully completed a Fundamentals of Erosion Prevention and Sediment Control course, to ensure erosion prevention and sedimentation controls are functioning as designed. The weekly inspection reports shall be kept on site in a weatherproof box clearly labeled SWPPP easily accessible near the site entrance or known secure location the reports are not limited to the TDEC inspection form .The ECS inspector is encouraged to provide a concise written report together with pictures, The developer/ contractor is required to complete suggested corrections prior to next regular scheduled inspection but in no case later than 7 days after the deficiency is noted by the ECS inspector It is not the County’s intent to penalize proper maintenance and mitigation of failed management practices, but rather to ensure that potential and actual failures are promptly recognized and addressed expeditiously and effectively. The County may stop construction on properties, or administer other enforcement actions as defined in Section 8, that do not or are not able to provide on-site documentation that proper inspection and maintenance activities were performed on erosion prevention and sedimentation control measures.
- u. The County encourages the use of greenway easements for appropriate properties.
- v. A waterway buffer shall be applied to all waterways serving more than 25 acres of tributary area, ponds, and wetlands. No new construction of any building or structure or cut and fill activities shall be permitted in the buffer.
 - 1. The following automatic exemptions are allowed, provided erosion and sediment control, and water quality policies are adequately addressed.
 - i. Roads and utilities that cross storm water conveyances.
 - ii. Pedestrian trails, greenways, and walkways proximate to waterways.
 - 2. The waterway buffer shall be defined as a boundary established 25 feet as a minimum from the top of stream bank to the construction area; A 60 foot natural riparian buffer shall be established along all impaired or high quality waters this buffer shall not be used as an erosion control method and applies to new construction sites. and 25 feet from normal pool elevation of

- ponds connected to waters of the state; and, 25 feet from the delineation line of wetlands.
3. For areas without a defined floodplain the waterway buffer shall be defined as a minimum of 25 feet as field surveyed from the top of the stream bank after a stream determination by TDEC personnel and shown on plat or construction site plan.
- w. Cut and fill will be permitted in the floodplain, but shall be in accordance with FEMA floodway and floodplain guidelines
 - x. The County may apply incentives for floodplain management strategies applied beyond those required by this Resolution.
 1. Strategies beyond those required may include, but not limited to:
 - i. Extra (20-percent more than required) floodplain storage developed (cut).
 - ii. Greenways that are dedicated to the County.
 - iii. Eroding waterways are restored or stabilized with bioengineering or “green” approaches.
 - iv. New and innovative technologies are applied to address water quantity or quality.
 - v. Other management strategies acceptable to the County according to the provisions in Section 7 of this Resolution.
 2. If the above management strategies are applied in a manner acceptable to the County, then the County may apply incentives including, but not limited to:
 - i. Modification to density, trees or other development requirements acceptable to the County.
 - ii. Other incentives according to the provisions in Section 7 of this Resolution.
 - y. The construction and financing of any required off-site drainage improvement necessitated by private development within the same watershed shall be responsibility of the developer.
 - z. Any storm water management facility or BMP which services individual property owners or subdivisions shall be privately owned and located in common open space or as few lots as possible in the development with general routine maintenance (controlling vegetative growth and removing debris) provided for by the owners or the homeowners association. The owner or homeowners association shall maintain a perpetual, non-exclusive easement, which allows for access for inspection and other maintenance by the County.
 - aa. Any storm water management facility or BMP which services an individual subdivision in which the facility or BMP is within designated open areas or an amenity with an established home owners association shall be privately owned and maintained consistent with provisions of this Resolution. The owner shall maintain a perpetual nonexclusive easement that allows for access for inspection and emergency maintenance by the County.
 - bb. Construction site operators must control solid waste such as discarded building material, concrete truck washout, chemicals, litter, and sanitary waste at the construction site to prevent any adverse impacts to water quality. The developer of any subdivision of more than 10 lots or is

- located near a high quality or impaired stream shall provide a concrete washout area as approved by SCCD.
- cc. Any storm water management facility or BMP which services commercial and industrial development shall be privately owned and maintained. The County has the right, but not the duty to enter premises for emergency repairs.
 - dd. All regional storm water management control facilities proposed by the owners, if approved by the County Commission and accepted by the SCCD Director for dedication as a public regional facility shall be publicly owned and/or maintained.
 - ee. All other storm water management control facilities and BMPs shall be publicly owned and/or maintained only if accepted for maintenance by the County.
 - ff. The SCCD Director may require dedication of privately owned storm water facilities, which discharge to the County's storm water system.
 - gg. As new development construction is completed, an "as-built" plan, certified by a licensed professional engineer and/or surveyor as appropriate, must be submitted upon completion of the storm water management facilities included in the storm water management plan prior to acceptance of the storm water system and release of the bond or letter of credit. The licensed professional shall certify that: the facilities have been constructed as shown on the "as-built" plan, and the facilities meet the approved storm water management plan and specification, or achieve the function for which they were designed. Coordinate data shall be presented in the State of Tennessee Plan system with the North American Datum 1983 (NAD83) and North American Vertical Datum (NAVD) of 1988.
 - hh. The developer must submit a long term operation and maintenance plan for permanent BMP's to be submitted for approval by the SCCD and recorded with the deed before final acceptance of the improvements. These BMP's must comply with TDEC Manual for Post Construction BMP's.
 - ii. Owners of lots of record that are part of a larger development (e.g., individual homebuilders in a subdivision) are responsible for compliance with all applicable terms and conditions of the land disturbance permit for the larger development as it relates to their activities on their portion of the construction site, including implementation of BMPs and other controls required by the land disturbance permit and storm water pollution plan. See section 6. Owners of lots of record shall ensure either directly or through coordination with other owners, that their activities do not render another owner's storm water pollution control ineffective. Owners of lots of record must either implement their portions of a Common storm water pollution prevention plan or develop and implement their own storm water pollution prevention plan. These plans must comply with TDEC Construction General Permit and use BMP's as referenced in TDEC Erosion Prevention and Sediment Control handbook or equivalent and are subject to review by SCCD

Section 7 – Enforcement and Rule-Making Authority

A. Implementation.

SCCD shall have authority to implement this Resolution by appropriate regulations, guidance or other related materials. In this regard, technical, administrative, or procedural matters may be modified as needed to meet the objectives and policies defined above, so long as such modifications as to technical, administrative, or procedural matters are not contrary or beyond the intent of the objectives and policies defined above.

B. Amendments.

Documents referenced above may be updated and/or amended periodically to reflect the most current and effective practices and shall be made available to the public. However, the failure to update the appropriate regulations, guidance or other related materials shall not relieve any applicant from the obligation to comply with the Storm Water Management Resolution, and shall not prevent the SCCD from imposing the most current and effective practices.

C. Guidance.

Regulations, guidance or other related materials that may be given authority by this Resolution may include, but are not limited to: Best Management Practice (BMP) manuals, design regulations and requirements, submittal checklists, review checklists, inspection checklists, certifications, storm water management technical manuals and operation and maintenance manuals. The document(s) may include information deemed appropriate by the SCCD including guidance and specifications for the preparation of storm water management plans, selecting environmentally sound practices for managing storm water, minimum specifications and requirements, more complete definitions and performance standards.

D. Practices.

The above referenced documents shall not in any way require specific commercially available products. However, they may refer to performance specifications, class of devices, construction, or management practice.

Section 8 – Maintenance Requirements

A. Responsibility.

The maintenance responsibilities for permanent storm water runoff control facilities shall be determined based upon the type of ownership of the property which is controlled by the facilities.

B. Single Entity Ownership.

Where the permanent storm water runoff control facilities are designed to manage runoff from property in a single entity ownership as defined below, the maintenance responsibility for the storm water control facilities shall be with the single entity owner.

1. The stated responsibilities of the entity in terms of owning and maintaining the facilities shall be submitted with the storm water management plan for determination of their adequacy. Approval of the storm water management plan shall be conditioned upon the approval of these terms. These terms shall be in writing, shall be in recordable form, and shall, in addition to any other terms deemed necessary by the County, contain a provision permitting inspection at

any reasonable time by the SCCD Director of all such facilities deemed critical in the public welfare.

2. A single entity shall be defined as an association, public or private corporation, partnership firm, trust, estate or any other legal entity allowed to own real estate exclusive of an individual lot owner.
3. Upon approval of the storm water management facilities by the County, the facility owner(s) shall demonstrate the ability to garner and apply the financial resources necessary for long-term maintenance requirements. The funding mechanism shall be in a form approved by the County. The County will only approve funding mechanism(s) for long-term maintenance responsibilities that can be demonstrated to be permanent or transferable to another entity with equivalent longevity.
4. Unless made specifically clear in the preliminary stages of site design and construction plan review procedure, it will be assumed that all storm water detention, retention, treatment or storage facilities and/or devices shall be owned, operated, and maintained by a single entity as defined above.

C. County Ownership.

Where the County has accepted an offer of dedication of the permanent storm water management facilities, the County shall be responsible for maintenance.

1. Construction maintenance bond – The County may require the posting of a maintenance bond or letter of credit to secure the structural integrity of said facilities as well as the functioning of said facilities in accordance with the design and specifications as depicted on the approved storm water management plan for a term of twelve (12) months from the date of acceptance of dedication. A cash contribution can be used as the financial mechanism in lieu of a maintenance bond although the contribution must be equivalent to the amount that would be estimated for the maintenance bond.
2. Utility compliance. The County will require a utility company, public and private, working within the jurisdictional limits to post a bond (blanket) or a letter of agreement to comply with County Storm Water Resolution for all land disturbance activities. The bond or letter of agreement will be renewed annually by the utility company.

Section 9 – Allowable Storm Water Discharges

A. Discharges.

Pursuant to the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) program administered by the Tennessee Department of Environment and Conservation (TDEC) illicit discharges to the MS4 are defined as illegal. Certain non-storm water discharges are allowable, as defined below, into the County's MS4.

1. Non-storm water discharge means any discharge to the Municipal Separate storm Sewer System except as permitted by Section 9.

2. Except as hereinafter provided, all non-storm water discharges into the Municipal Separate Storm Sewer System are prohibited and declared to be unlawful.

B. Allowable.

Unless the SCCD has identified them as a source of pollutants to the “Waters of the State of Tennessee” the following non-storm water discharges into the Municipal Separate Storm Sewer System are allowed:

1. Discharges from emergency fire fighting activities;
2. Rising ground waters
3. Uncontaminated groundwater infiltration to separate storm sewer systems (as defined by 40 CFR35.2005(20));
4. Uncontaminated pumped ground water discharges from potable water sources as required for system maintenance;
5. Drinking water line flushing;
6. Foundation drains and pumps;
7. Air conditioning condensate;
8. Landscape irrigation;
9. Irrigation water;
10. Lawn watering;
11. Uncontaminated springs;
12. Water from crawl space pumps;
13. Uncontaminated footing drains and pumps;
14. Individual residential car washing;
15. Flows from riparian habitats and wetlands;
16. De-chlorinated swimming pool discharges;
17. Street wash waters resulting from normal street cleaning operations
18. Discharges within the constraints of a National Pollutant Discharge Elimination System (NPDES) permit from the Tennessee Department of Environment and Conservation (TDEC); and,
19. Controlled flushing storm water conveyances (controlled by appropriate best management practices)
20. Discharges (approved at the discretion of the SCCD Director.) specified in writing by the County as being necessary to protect public health and safety

C. Hot Spots.

Areas identified as “hot spots” by the County will be required to manage their runoff into the County MS-4 and waters of the State with appropriate BMP’s as listed in TDEC Post Construction BMP Manual or equivalent.

1. Hot Spots shall include but are not limited to the following: Restaurants, Convenience Markets, Gas Stations, Manufacturing and industrial plants, Land Fills, Automobile repair shops and body shops, car washes, Junk Yards, Sewage treatment plants, rock quarries, asphalt plants, concrete plants, Laundromats, dry cleaners, equipment and vehicle storage areas, chemical storage sites, garden nurseries, slaughter houses, commercial feed lots
2. A hotspot owner and operator shall be notified that the site has been identified by Sumner County as such and will be required to file with SCCD a statement of ownership, identify the type of waste and how it is disposed of, identify the impaired or high quality stream within 2000 feet, identify the operator together with contact information as well as

- emergency contact information and the necessary annual fee to receive a permit for operation of the site.
3. The Permittee shall be required to maintain records of disposal of waste (solid and liquid) and have those records available for review by SCCD personnel.
 4. The Permittee and owner must provide this information to SCCD annually, and shall agree to compliance with this Resolution.
 5. Any spill must be reported to SCCD immediately with a written report to follow within 48 hrs. SCCD will maintain a file of each such site together with annual reports and SCCD inspection reports for TDEC review.
 6. SCCD will inspect each site annually but reserves the right for unscheduled inspections at any time it deems necessary.
 7. The County reserves the right to apply more stringent BMP's in the case that conventional BMP's are ineffective (TDEC 4.2.3.2)

Section 10 – Enforcement

A. Actions.

1. The County may institute appropriate actions or proceedings at law or equity for the enforcement of this Resolution.
2. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, and other appropriate forms of remedy or relief.
3. Each day of noncompliance is considered a separate offense.
4. Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief.

B. Remedies.

Any of the following enforcement remedies and penalties shall be available to the County in response to violations of this Resolution.

If the person, property, or facility has or is required to have a storm water discharge permit from the Tennessee Department of Environment and Conservation, the County shall alert the appropriate state authorities of the violation.

1. Notice of Violation (NOV) – Whenever designated County staff find that any person, company, or facility owning or occupying a premises has violated or is violating this Resolution or order issued hereunder, the enforcement official may serve, in person, or by registered or certified mail, upon said person a written NOV. Within seven (7) business days of the receipt of this notice, as weather allows, or shorter period as may be prescribed in the NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, which shall include specific required actions, shall be submitted to the SCCD Director
2. Plan -Submission of this plan shall in no way relieve liabilities for violations occurring before or after receipt of the NOV. The NOV may also include a stop work order that will apply if satisfactory corrective actions are not completed by a given date.
3. Revocation of permit – SCCD may revoke and require the return of a permit or certificate by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates shall be revoked for any substantial departure from the approved application plans, or specifications, refusal or failure to comply with the requirements of state or local law; or for false statements or

misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of any applicable state or local law may also be revoked.

4. Compliance order –If any person, company or facility shall violate the provisions of this Resolution, the SCCD, may give notice to the owner or to any person in possession of the subject property, ordering that all unlawful conditions existing thereupon be abated within a schedule defined from the date of such notice.
 - a. The enforcement official shall have the authority to establish elements of a storm water pollution prevention plan, and to require any business to adopt and implement such a plan, as may be reasonably necessary to fulfill the purposes of this chapter.
 - b. The enforcement official may establish the requirements of best management practices for any premises.

C. Penalties

The notice and order may be given provided, that if, in the opinion of the SCCD, the unlawful condition is such that it is imminent danger or peril to the public, then an authorized County representative may, without notice, proceed to abate the same, and the cost there of shall be charged against the property. The County, as described further in this subsection, may recover the cost of such actions from the property owner.

- a. Civil Penalties – Any person, company or facility who has been found to have been in violation of any provision of this Resolution, may be assessed the following civil penalties.
 - i. Grading Without Permit - \$100.00 per day for each acre disturbed for failure to secure a valid Land Disturbance Permit prior to conducting a land-disturbing activity as defined by this Resolution.
 - ii. Failure to Follow Erosion and Sediment Control Plan - \$200.00 per day for each acre disturbed for failure to follow an erosion and sediment control plan that was approved by the County.
 - iii. Failure to Install, Implement, or Maintain Best Management Practices (BMPs) - \$100.00 per day for each acre disturbed for failure to install, implement, or maintain erosion and sedimentation control BMPs sufficient to retain the sediment generated by the land-disturbing activity within the site boundaries of the property and/or prevent sediment from entering buffers, the County’s MS4, community waters, or waters of the state.
 - iv. Failure to Maintain Buffer - \$1,000.00 per acre of disturbed buffer for the distance of designated buffer. This will be in addition to restoring the buffer itself.
 - v. Illicit Discharge of Sediment - \$100.00 per day for each point of discharge of sediment beyond the site boundaries of the property and/or into the County’s buffers, into the County’s MS4, into community waters, or into waters of the State.
 - vi. General Storm Water Resolution Violations - \$100.00 per day for any violation to this Resolution not otherwise specified in Sections 10.4.1 – 10.4.5
 - vii. Failure to file annual Hot Spot report \$500.00 in addition to required fee.
 - viii. Illicit Discharge - \$50.00 - \$5,000 – Any person, company, or facility who is found to have improperly disposed of any substance that is not

defined in Section 9 or causes the county to be in noncompliance with any applicable environmental permit.

1. Household Products - \$50.00 - \$500 – Any person, company, or facility who is found to have improperly disposed of any substance not included in Section 9 that was purchased over-the-counter for household use, in quantities considered normal for household purpose, which, upon discharge to the municipal separate storm sewer system or drainage network, would have an adverse impact on water quality or cause the county to be in noncompliance with any applicable environmental permit.
- ix. In the event there are penalties assessed by the state against the County caused by any person company or facility, said person, company, or facility shall be assessed the equivalent amount of civil penalty. This shall include but is not limited to penalties for construction site storm water runoff, improper disposal or illegal dumping, or illicit connection into the municipal separate storm sewer system.
- b. Administrative Fee – Any person, company or facility who undertakes any development activity requiring a storm water management plan hereunder without first submitting the plan for review and approval shall pay to the County, in addition to any permit or inspection fee, an administrative fee of up to \$5,000.
- c. Order to clean and abate/restore – Any violator may be required to clean and/or restore land to its condition prior to the violation.
- d. Cost Recovery – If corrective action, including maintenance delinquency, is not taken in the time specified, or within a reasonable time if no time is specified, the county may take the corrective action, and the cost of the corrective action shall be the responsibility of the owner and the developer. The cost of the abatement and restoration shall be borne by the owner of the property and the cost therefore shall be invoiced to the owner of the property. If the invoice is not paid within forty five (45) days, the enforcement official shall have the authority to place a lien upon and against the property. If the lien is not satisfied within sixty (60) days, the enforcement official is authorized to take all legal measures as are available to enforce the lien as a judgment, including, without limitation, enforcing the lien in an action brought for a money judgment, by delivery to the assessor or a special assessment against the property.
- e. Injunctions and/or proceedings at law or in equity – Any violation of this Resolution or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.
- f. Civil Actions_– In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the County Attorney. Monies recovered under this subsection shall be paid to the County to be used exclusively for costs associated with implementing or enforcing the provisions of this Resolution. In any such action, the County may seek, as appropriate, any or all of the following remedies:
 - i. A temporary and/or permanent injunction;
 - ii. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which leads to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;

- iii. Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation; and,
- iv. Compensatory damages for loss or destruction to water quality, wildlife, fish, and aquatic life.

D. Emergency Orders and Abatements –

SCCD may order the abatement of any discharge from any source to the storm water conveyance system when, in the opinion of SCCD, the discharge causes or threatens to cause a condition which presents an imminent danger to the public health, safety, or welfare, or the environment, or a violation of a NPDES permit.

E. Emergency Situations

In emergency situations where the property owner or other responsible party is unavailable and time constraints are such that service or a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety, or welfare, or the environment or a violation of a NPDES permit, the County may perform or cause to be performed such work as shall be necessary to abate said threat or danger. The costs of any such abatement shall be borne by the owner and shall be collectible in accordance with the provisions of this subsection.

F. Stop Work Order –

When SCCD finds that any person violated or continues to violate this Resolution or any permit or order issued hereunder, SCCD Director may issue a Stop Work Order to cease and desist all such work and direct those persons in non-compliance to:

- 1. Comply forthwith; or,
- 2. Take such appropriate remedial or preventative action as may be required to properly address a continuing or threatened violation of this Resolution, including, halting operations at this site.
 - i. Upon issuance of a citation or notice of violation of this article it shall be conclusive and final unless the accused violator submits a written notice of appeal to the SCCD Director if the SCCD Director upholds the Citation or NOV the accused violator may file a written appeal to the storm water appeal committee within ten (10) days of the violation notice being served
 - ii. The written appeal shall consist of written reason for appeal any necessary maps or plans and a bond or letter of credit for \$500.00.
 - iii. The Storm Water Appeal Committee will consider the appeal at the next regular meeting and render a decision.
 - iv. If the Storm Water Appeal Committee reverses the Citation or NOV the Bond or letter of credit will be returned.
 - v. If the Storm Water Appeal Committee upholds the Citation or NOV the Bond or letter of credit will be forfeited to Sumner County.

Section 11 – Severability

A. Invalidity

Should any article, section, subsection, clause or provision of this Comprehensive Storm Water Management Resolution be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as

a whole or any part thereof other than the part declared to be unconstitutional or invalid, each article, section, clause, and provision being declared severable.

B. Dominance.

If any provisions of this Resolution and any other provisions of law impose overlapping or contradictory regulations, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern.