



INDIVIDUAL NPDES PERMIT FOR DISCHARGE

from the

TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT)
MUNICIPAL SEPARATE STORM SEWER SYSTEM

PERMIT NO. TNS077585

Under authority of the Tennessee Water Quality Control Act of 1977 ([T.C.A. 69-3-101](#) et seq.) and approval from the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 ([33 U.S.C. 1251](#), et seq.) and the [Water Quality Act of 1987, P.L. 100-4](#), TDOT, as an operator of a statewide municipal separate storm sewer system, is authorized to discharge storm water runoff into waters of the State of Tennessee in accordance with the various eligibility criteria, administrative procedures, program requirements, reporting requirements, etc. set forth in parts I through VII herein.

This permit is issued on: April 28, 2006

This permit is effective on: October 1, 2006

This permit expires on: April 27, 2011

Paul E. Davis, Director

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1. AUTHORIZATION AND SCOPE OF PERMIT

1.1. AUTHORIZED DISCHARGES

The Tennessee Department of Transportation (TDOT) is authorized to discharge from point sources to waters of the state, in accordance with the following conditions and provisions, storm water and allowable non-storm water from all portions of its municipal separate storm sewer system (MS4) within the State of Tennessee, which includes but is not limited to interstate highways, divided highways, multiple lane roads and primary roads and its owned/operated facilities.

1.2. AREA OF PERMIT COVERAGE

This permit authorizes discharges of storm water runoff from the state road and interstate highways right-of-ways that TDOT either owns or maintains and the facilities that TDOT owns and, or, operates throughout Tennessee.

Covered right-of-ways include, but are not necessarily limited to, state and interstate highways and their right-of-ways.

Covered facilities – which may hereinafter be referred to as “TDOT Owned/Operated Facilities” – include Region Headquarters Facilities, District Headquarters Facilities, County Garages, Airport Hanger facilities, Truck Weigh Stations, Welcome Centers, Rest Areas, Floating Maintenance Facilities, Floating Salt Storage Facilities, Floating HELP Truck Facilities, and other facilities owned and/or operated by TDOT. (Note: “Floating” facilities are those that are separate from TDOT Region HQ Facilities, District HQ Facilities, or County Garages.)

1.3. ELIGIBILITY

This permit authorizes storm water discharges from TDOT highways and from TDOT owned/operated (O/O) facilities, as well as the following non-storm water sources, provided that the division has not determined these sources to be substantial contributors of pollutants to the permittee’s storm sewer system:

- Water line flushing;
- Landscape irrigation;
- Diverted stream flows;
- Rising ground waters;
- Uncontaminated ground water infiltration (Infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or

manholes. Infiltration does not include, and is distinguished from, inflow.);

- Uncontaminated pumped ground water;
- Discharges from potable water sources;
- Foundation drains;
- Air conditioning condensate;
- Irrigation water;
- Springs;
- Water from crawl space pumps, foundation drains;
- Footing drains;
- Individual residential car washing;
- Flows from riparian habitats and wetlands;
- Dechlorinated swimming pool discharges;
- Sidewalk, driveway, and street wash water; and
- Discharges or flows from fire fighting activities.

This eligibility condition applies at the time an application is submitted for coverage. For discharges not eligible for coverage under this permit, TDOT must apply for and receive an individual or other applicable general NPDES permit prior to discharging.

1.4. RESPONSIBILITY OF THE PERMITEE

1.4.1. The TDOT is responsible for the following:

- a. Compliance with permit conditions relating to discharges where they are owner and/or operator;
- b. Where permit conditions are established for specific portions of the MS4, the permittee need only comply with the permit conditions relating to those portions of the MS4 for which they are the owner/operator; and
- c. A plan of action to assume responsibility for implementation of storm water management and monitoring programs on their portions of the MS4, should inter-jurisdictional agreements allocating responsibility between permittees be dissolved or in default.
- d. Submission of annual reporting requirements as specified in Part 3;
- e. Collection of monitoring data as required by Part 4, and according to such agreements as may be established between the TDOT and the division; and
- f. Ensuring implementation of system-wide management program elements, including any system-wide public education efforts.

1.4.2. Joint Responsibilities

Specific permittees are jointly responsible for compliance with the permit on portions of the MS4 where operational authority or authority to implement

Storm Water Management Programs (SWMPs) over portions of the MS4 have been transferred from one permittee to another in accordance with legally binding interagency or inter-jurisdictional agreements. Both are jointly responsible for permit compliance on those portions of the MS4 referenced in such agreements unless specific responsibility provisions have been otherwise outlined in the agreements.

1.5. LIMITATIONS ON COVERAGE

This permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree.

The following discharges are not authorized by this permit and may be required to have additional permit coverage:

- 1.5.1. Discharges of storm water from construction projects disturbing one or more acres.

These discharges are to be covered under the General NPDES Permit for Discharges of Storm Water Associated with Construction Activity or other applicable general permits or may require an individual NPDES permit.

- 1.5.2. Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are:
 - a. In compliance with a separate NPDES permit; and
 - b. Determined by the division not to be a substantial contributor of pollutants to waters of the state.

- 1.5.3. Storm water discharges currently covered under another permit.

- 1.5.4. Discharges of materials resulting from a spill, except emergency discharges required to prevent imminent threat to human health or to prevent severe property damage, provided reasonable and prudent measures have been taken to minimize the impact of the discharges.

- 1.5.5. Storm water discharges and storm water discharge-related activities that are not protective of legally protected listed or proposed threatened or endangered aquatic fauna (or species proposed for such protection) in the receiving stream(s); or discharges or activities that would result in a “take” of a state or federal listed endangered or threatened aquatic or wildlife species, or such species’ habitat. If the division finds that storm water discharges or storm water related activities are likely to result in any of the above effects, the director will deny the coverage under this general permit unless and until project plans are changed to adequately protect the species.

- 1.5.6. Discharges or discharge-related activities that would result in a “take” of a state or federal listed endangered or threatened aquatic or wildlife species, or such species’ habitat. If the division finds that storm water discharges or storm water related activities are likely to result in any of the above effects, the director will deny the coverage under this general permit unless and until project plans are changed to adequately protect the species.
- 1.5.7 Discharges that would cause or contribute to in-stream exceedances of water quality standards, including discharges for which the division requires a different individual permit or alternative general permit, but not limited to:
 - 1.5.7.1 Discharges for which the division requires a different individual permit or alternative general permit.
 - 1.5.7.2 Discharges of any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been approved by EPA, where the TMDL applies to storm water discharges from the MS4, includes a specific wasteload allocation, and recommends it be incorporated into an individual NPDES permit, unless the provisions of this permit are in compliance with the conditions of the TMDL.
- 1.5.8 Discharges that do not comply with the division’s anti-degradation policy for water quality standards, pursuant to the Rules of the [Tennessee Department of Environment and Conservation](#) (TDEC), [Chapter 1200-4-3-.06](#), titled “Tennessee Antidegradation Statement.”

2. PERMIT CONDITIONS

2.1. AUTHORIZATION

Discharges under this permit are subject to the condition that TDOT develop, implement and enforce an MS4 Storm Water Management Program (MS4 SWMP) designed to achieve the goal of minimizing pollutants to the maximum extent practicable (MEP) in storm water runoff from TDOT highways and related facilities. The storm water management program must contain the following six minimum control measures:

- (1) Public education and outreach,
- (2) Public involvement/participation,
- (3) Illicit discharge detection and elimination,
- (4) Construction site storm water runoff control,
- (5) Post-construction storm water management in new development and redevelopment, and
- (6) Pollution prevention/good housekeeping for TDOT operations.

These permit conditions apply to TDOT throughout the state, except for 2.1.3 Illicit Discharge Detection and Elimination (IDDE), which will apply only within urbanized area as defined by having either a Phase I MS4 permit or Phase II MS4 coverage issued by TDEC.

2.1.1. Public Education and Outreach on Storm Water Impacts

TDOT shall develop an education program to reach three major audiences, (1) the public, (2) TDOT contractors, and (3) TDOT employees. The program shall include the following:

- 2.1.1.1. Management measures to educate the public. TDOT must develop, implement, and maintain a public education program to educate the public about the impacts of highway storm water discharges on adjacent streams and lakes and the steps that the public can take to reduce pollutants in storm water runoff. Where possible, TDOT should participate and coordinate with other MS4s.

Management Measure	Measurable Goals	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
A. Educate the public through TDOT's website. Enhance, update and maintain website to inform the public about TDOT's MS4 SWMP and its activities.	Monitor website traffic through website counters.	X	X	X	X	X
B. Educate the public through the media.	Support media campaigns, such as the Waterworks broadcast program.	X	X	X	X	X

Management Measure		Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
C. Educate the public through volunteer opportunities. Support Adopt-a-Highway, Keep America Beautiful and the TN Great American Cleanup programs.	Monitor the number of volunteers and the lane miles cleaned annually.	X	X	X	X	X
D. Continue supporting the Anti-Litter programs. Get program information into public school systems and other public agencies.	Report on the number of materials provided to school systems and others.	X	X	X	X	X
E. Research public education programs implemented by other DOTs.	Develop a report detailing the public education programs of other DOTs. The report should include a discussion on the feasibility of implementing similar education program or components and measurable goals for years 2 through 5.	X				

2.1.1.2. Management measures to educate contractors. TDOT shall develop, implement and maintain an education and training program for contractors conducting construction, repairs, or maintenance of TDOT highways, right-of-ways and other facilities.

Management Measure	Measurable Goals	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
Develop a contractor storm water management training course tailored to fit TDOT construction contractors. Develop and implement a requirement for appropriate contractors to attend this course prior to bidding on TDOT contracts.	This course should be equivalent to TDEC's Fundamentals of Erosion and Sediment Control. Training shall include the following components: erosion and sediment control, good housekeeping and pollution prevention measures, spill prevention and clean up, illicit discharge identification and how to report them, vehicle maintenance, chemical storage and waste management.	X				
	Develop a training schedule for ongoing training. Report the number of training opportunities provided and the number attending.		X	X	X	X

2.1.1.3. Management measures to educate TDOT employees. TDOT shall develop, implement and maintain an education and training program for employees that conduct activities that may have impacts on storm water runoff. The program shall include employees involved in the design of highways (i.e., those that design drainage systems), employees involved in maintenance of highways and right-of-ways, employees involved with the preparation of contracts, selection of contractors, and review of contractor work, and employees working at TDOT garages, regional maintenance facilities, or other appropriate locations.

Management Measure	Measurable Goals	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
A. Develop a storm water management-training course tailored to fit TDOT construction project inspectors and supervisors.	This course should be equivalent to TDEC's Fundamentals of Erosion and Sediment Control. Training shall include the following components: erosion and sediment control, good housekeeping and pollution prevention measures, spill prevention and clean up, illicit discharge identification and how to report them, vehicle maintenance, chemical storage and waste management.	X				
	Develop a training schedule for ongoing training. Report the number of training opportunities provided and the number attending.		X	X	X	X
B. Develop a storm water management-training course tailored to fit TDOT highway and other maintenance personnel.	This course should be equivalent to TDEC's Fundamentals of Erosion and Sediment Control. Training shall include the following components: erosion and sediment control, good housekeeping and pollution prevention measures, spill prevention and clean up, illicit discharge identification and how to report them, vehicle maintenance, chemical storage, waste management and Standard Operating Procedures for various maintenance activities.		X	X		
	Develop a training schedule for ongoing training. Report the number of training opportunities provided and the number attending.			X	X	X

2.1.2. Public Involvement/Participation

The TDOT storm water management program must include mechanisms for public involvement and participation. The object is to allow citizens to participate in the development and implementation of the control measures incorporated into the program. Mechanisms, which should be considered, include citizen panels, public hearings, soliciting volunteers to educate others, citizen cleanup campaigns, Adopt-a-Highway programs, and others as appropriate. The program should encourage and promote citizen reporting of illegal spillage, dumping, or otherwise disposal of materials onto TDOT highways and right-of-ways.

Management Measure	Measurable Goals	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
A. Involve the public through volunteer opportunities.	Continue supporting the Adopt-a-Highway, Keep America Beautiful, and the TN Great American Cleanup programs. <i>Report on the lane-miles cleaned or quantity of trash removed from TDOT ROWs.</i>	X	X	X	X	X

Management Measure	Measurable Goals	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
B. Involve municipalities. Develop interagency agreements (with municipalities including Phase I and II MS4s) to facilitate coordination of activities performed by more than one agency.	Provide copies of interagency agreements as they are finalized.		X	X	X	X
C. Develop mechanisms for public input regarding implementation of control measures.	Identify activities and provide a summary in the year 2 annual report. Select methods to be used for public involvement.	X	X			
	Initiate public involvement.			X	X	X

2.1.3. Illicit Discharge Detection and Elimination

The TDOT storm water management program must include the development, implementation and maintenance of a program to detect and eliminate illicit discharges onto TDOT right-of-ways and into TDOT storm sewer systems or other MS4s within urbanized areas (UA). The proposed program will be described in a written Illicit Discharge Detection and Elimination (IDDE) Plan to be submitted to the division for approval. Storm water discharges listed in subpart 1.3, above, are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the state). TDOT will use technical guidance materials, such as the Center for Watershed Protection’s Illicit Discharge Detection and Elimination Guidance Manual, the information included in Attachment D and other relevant guidance materials, when developing their IDDE Plan.

Management Measure	Measurable Goals	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
A. Develop outfall mapping.	Identify and map known outfalls from TDOT ROW within the urbanized area (UA), mapping at least 25% of the system per year. Note that outfall visual screening will be performed during outfall identification. Identify receiving streams in each area as mapping progresses.		X	X	X	X
	Update mapping as new project outfalls are identified within the UA.		X	X	X	X

Management Measure	Measurable Goals	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
B. Illicit discharge detection and elimination (IDDE) program for public, TDOT employees and contractors.	Develop the IDDE Plan, addressing policies and procedures for detecting and eliminating illicit storm water discharges onto TDOT's ROW and for reporting the discharge to the appropriate jurisdiction. The IDDE Plan will also include an outfall visual screening schedule for UAs, as well as monitoring protocols. Implement the program and report on number of outfalls screened, illicit discharges found, and measures taken to remove the illicit discharge.	X	X	X	X	X
	Implement a plan to educate the public to identify illicit disposal and discharges. Provide a hotline to report these activities.		X	X	X	X
C. Provide interagency coordination of hazardous waste or material spills response and cleanup. Work with the TEMA (Tennessee Emergency Management Agency), local fire departments and other agencies that respond to accidents and spill incidents on TDOT's roadways regarding potential stream impacts. Coordinate with these agencies to develop a program that minimizes the potential for their response to spills of chemicals or hazardous materials to cause pollutants to enter waters of the state.	Annually review procedures for spill response and cleanup. Modify procedures as necessary to protect streams from contaminated runoff. Report on any modifications made to the procedures that may affect streams.			X	X	X
	Develop procedures to notify an adjacent MS4 of any spills that may have an impact on their ability to comply with their municipal storm water permit			X	X	X
D. Intentional/Non-intentional disposal of materials from vehicles.	Initiate task force to develop recommended actions to reduce litter and illegal dumping along TDOT's ROWs.			X		
	Implement recommended action items.				X	X

2.1.4. Construction Site Storm Water Runoff Control
 TDOT must develop, implement, and enforce a program to reduce pollutants in storm water runoff from TDOT construction related activities. The program will include the following:

Management Measure	Measurable Goals	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
A. A commitment that TDOT will submit a Notice of Intent for each TDOT construction project involving one acre or more to be covered under the Tennessee General Permit No. TNR100000, Storm Water Discharges from Construction Activities and a commitment that TDOT will comply with the provisions of that permit.	Document that all projects requiring CGP coverage have it.	X	X	X	X	X
B. A commitment that TDOT will submit an application for coverage under the division's Aquatic Resource Alteration Permit (ARAP) for all activities that will cross or alter streams or require construction equipment to enter streams or disturb stream banks.	Document that all projects requiring ARAP coverage have it.	X	X	X	X	X
C. A commitment that TDOT will, upon its approval by TDEC, implement and enforce the Statewide Storm Water Management Plan (SSWMP) required by Amended Consent Order and Agreement, Case No. 02-0720.	Implement and enforce TDEC-approved SSWMP in accordance with the schedule provided therein, or as TDOT and TDEC may otherwise agree.		X	X	X	X

Management Measure	Measurable Goals	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
D. Develop a program to notify other parties conducting work on TDOT right-of-ways, businesses seeking roadway access, or others seeking storm drainage access of the requirements to obtain coverage under the General NPDES Permit for Discharges of Storm Water Associated with Construction activity or other applicable NPDES discharge permit and of the prohibitions regarding discharge of non-storm water into TDOT's storm sewer system.	Develop the program's policies and procedures and integrate into existing educational materials and IDDE Program.				X	X
E. Evaluate the development of a process to notify highway access point applicants of the need for an NPDES permit.	Develop policies and procedures to require highway access permit applicants to obtain NPDES coverage where required. Provide a report on the policies and procedures in the annual report. Policies and procedures should consider requiring the following in the access permitting process: list the size of the property being disturbed by construction and the type of activity to take place on the property. Where the size of the property exceeds one acre, evaluate making the TDOT access permit contingent upon proof that the construction activity has been approved under the Tennessee General Permit for Construction Activity. Where the proposed use of the property is industrial, evaluate making the TDOT access permit is contingent upon proof that the permittee has received, or has applied for, an NPDES permit (either an individual permit or general permit or demonstrates that such permit is not required) for storm water discharge from industrial activity.				X	X
F. Develop a program to detect where significant amounts of soils are being tracked, washed or otherwise deposited onto TDOT right-of-ways or highways from construction activity.	Develop the policies and procedures for the program. Include disincentives for tracking soils onto the right-of-way.				X	X

Management Measure	Measurable Goals	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
G. Develop a Construction and Maintenance Storm Water Manual.	Develop policies, procedures and contractual language to address erosion and sediment control, low impact development techniques, buffer zones and other water quality related activities for TDOT construction projects. Implement procedures.	X	X	X	X	X
H. Update standard design and construction documents and standard notes to reflect current or revised erosion prevention and sediment control BMPs.	Update standards. Report on the standards and notes that have been updated or revised.		X	X	X	X

2.1.5. Post Construction Storm Water Management

TDOT shall develop, implement and enforce a program to reduce pollutants in storm water from the post-construction facilities including roadways, right-of-ways and appurtenants subject to storm water runoff. The program shall include at a minimum:

Management Measure	Measurable Goals	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
A. Develop menu of BMPs.	Develop menu of structural post-construction storm water BMPs that can be applied to new highways or upgrades of existing highways.			X		
	Develop menu of non-structural post-construction storm water BMPs that can be applied to new highways or upgrades of existing highways.			X		
	Update design standards to reflect the menu of structural BMPs for structural post-construction BMPs.				X	
B. Develop and implement a system to track the installation and maintenance of structural post construction storm water management BMPs.	Develop and maintain a GIS database layer identifying post construction storm water management BMPs.				X	X
C. Conduct random inspections of drainage systems to establish the overall condition of ditches in the district.	Conduct random inspections of statewide highway segments. Use the result of the overall condition of ditches as a tool in setting the annual maintenance priorities.			X	X	X

Management Measure	Measurable Goals	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
<p>D. TDOT shall review design standards for storm drain inlets to promote the use of grate spacing that minimize the entry of trash, floatable and other debris into the storm drain system. Trash, floatable and other debris on the highways shall be handled by means other than flushing into storm drains. Where reduction in grate spacing would cause inadequate hydraulic performance, TDOT will pursue other management practices to minimize trash, floatable and large debris in storm runoff.</p>	<p>Documentation of the review shall be provided in the Annual report, with recommendations on developing a new standard if warranted.</p>			X		X
<p>E. Research BMPs.</p>	<p>Select four mature highway sites, with the approval of TDEC, where BMPs can be implemented on a semi-permanent basis for research evaluation. The purpose of this research is to measure storm water runoff quality at a storm drain outfall before and after BMP implementation and determine effectiveness.</p> <p>Develop and submit to the division for approval a study plan for each site which shall include:</p> <ol style="list-style-type: none"> (1) A discussion of the basis for the selection of the site including its nature relative to typical highway design segments, its average daily traffic (ADT) and the percentage of non-TDOT drainage contributing (see Appendix C of Part II of the TDOT MS4 permit application), (2) A description of the BMP (either structural or non-structural) to be implemented and evaluated, (3) A description of the site including the drainage area, portion impervious, portion pervious, type surface cover, and slopes, (4) List of pollutants for which analysis is to be made, (5) Description of equipment to be used to record rainfall events, measure runoff volume, provide first flush discrete samples and storm duration flow composited samples of storm water. Also collect and analyze any large solids, trash and floatables in the runoff that is not captured by conventional water sampling equipment. 	X				

Management Measure	Measurable Goals	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
	<p>Prior to implementing the selected BMP, TDOT shall conduct sampling at each site during a minimum of twelve months to determine background levels of pollutants. A written report of the findings shall be prepared and submitted to TDEC. Based on the findings, TDOT, with the approval of TDEC, shall implement the selected BMP at the site.</p>	X	X			
	<p>Begin implementing plan.</p> <p>Following implementation of the BMP, TDOT shall conduct sampling at each site during a minimum of <i>twelve months</i> to evaluate the effectiveness of the BMP. TDOT will prepare a written report comparing the before and after analytical data and evaluating the effectiveness of the BMPs and the feasibility of implementation of this BMP at applicable highway sites.</p>			X	X	X
F. Research other DOT's post construction storm water activities	<p>Conduct a literature review of post-construction storm water quality runoff best management practices. Research how other DOTs are handling post-construction storm water quality from highway and facility sites. Develop a report outlining the findings and incorporate the findings into the research to be conducted in activity A and activity E in this table.</p>	X				

Management Measure	Measurable Goals	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
G. Comprehensive maintenance manual, TDOT shall develop a comprehensive Right-of-Way Maintenance Manual integrating existing SOPs. The manual will contain information explaining how routine highway maintenance can impact storm water quality and what measures should be taken to minimize these impacts. The following subjects are to be included at a minimum: 1. Road surface maintenance, 2. Landscaping (including flower beds), 3. Bridge repair, 4. Drainage system inspection and cleaning, 5. Right-of-way embankment stabilization, 6. Spraying of herbicides, 7. Vegetation control, cutting and removal, 8. Treatment system maintenance, and 9. Post construction BMP maintenance.	Develop SOPs for the Maintenance Manual, at least 3 SOPs per permit year. Begin implementing each SOP after developing. Incorporate SOPs into training opportunities.		X	X	X	X
	Report on the SOPs created and training provided.		X	X	X	X

2.1.6. Pollution Prevention/Good Housekeeping for TDOT Facilities

This category of minimum control measures is designated to address TDOT Owned/Operated Facilities across Tennessee. All operations at these facilities with the potential for causing pollutants to enter storm water runoff are to be addressed, including, but not limited to, anti-icing, deicing and other chemical/oil storage, equipment maintenance and repair, equipment washing, material storage (e.g., soils, sand, aggregate, asphalt, construction debris, clearing and grubbing debris), waste disposal practices, and use of floor drains. TDOT shall create and maintain current, within 90 days of the effective date of the permit, a web page listing the

The permit conditions applicable to this control measure are set forth in subsections 2.1.6.1 through 2.1.6.7 below. The compliance schedule for implementing these conditions is also established in this Section of the permit.

2.1.6.1. Vehicle and Equipment Washing

TDOT will inventory its facilities to document vehicle-washing practices. A policy will be developed that requires all TDOT vehicles and equipment to be either washed off-site at a commercial facility, or on a covered, dedicated wash pad that collects all wastewater and transfers it to a sanitary sewer system or a wastewater collection system. TDOT will implement this policy to assure that no wastewater from the washing of vehicles and equipment at TDOT facilities enters storm water runoff or storm water runoff control systems.

Management Measure	Measurable Goal	Scheduled Completion From effective date of permit
Vehicle and Equipment Washing	Insure all washing is off-site or on dedicated pad draining to sewer	90 Days

2.1.6.2. Floor Drain Investigation

TDOT will inspect all buildings where equipment maintenance is performed and take necessary actions to assure that floor drains are sealed or connected to a sanitary sewer system.

Management Measure	Measurable Goal	Scheduled Completion From effective date of permit
Facility Floor Drains	Insure that all are closed or tied to sanitary sewer	90 Days

2.1.6.3. Facility Inventory and Notification

TDOT will inspect and inventory all TDOT owned and operated (O/O) facilities to determine whether activities and materials at these facilities may be contributing pollutants to storm water runoff. Facility activities that could contribute to polluting storm water include, but are not limited to: welcome centers, rest areas, weighing stations, material handling/storage areas (i.e. salt storage), vehicle maintenance, vehicle storage and waste generation areas. TDOT will submit two lists to TDEC identifying each facility by name, site address, and type of activity: (1) a list of facilities that are subject to Section (2.1.6.4) Storm Water Pollution Prevention Plan guidance of this permit and (2) a list of facilities that are eligible for exclusion from storm water regulations by submitting EPA No Exposure Certification (EPA Form 3510-11) A copy of the No Exposure Certification form is in Attachment E. TDOT will

maintain and update both of these list on it's web page. The first posting of these lists will be within 90 days of the effective date of the permit.

Management Measure	Measurable Goal	Scheduled Completion From effective date of permit
Facility Inventory and Notification	Inspect, and inventory TDOT facilities: 1. Region HQ Facilities (4) 2. District HQ Facilities (18) 3. 25% of TDOT County Garages (20 of Higher Priority) 4. 75 % of TDOT County Garages (60 of Lower Priority) 5. Airport Hanger (1) 6. Truck Weigh Stations (9) 7. Welcome Centers (13) 8. Rest Areas (20) 9. Floating Maintenance Facilities 10. Floating Salt Storage Facilities (22) 11. Floating HELP Truck Facilities (1) 12. Other Existing TDOT Facilities New TDOT Facilities	90 Days 90 Days 180 Days 12 Months 180 Days 180 Days 180 Days 180 Days 180 Days 180 Days 180 Days 180 Days 180 Days 12 Months At least 5 days prior to commencement of activities at the site

2.1.6.4. Storm Water Pollution Prevention Plan

TDOT shall prepare and maintain a storm water pollution prevention plan (SWPPP) for each TDOT owned, or operated, facility that does not receive a No Exposure Certification pursuant to Section 2.1.6.3. Such SWPPPs shall be prepared in accordance with good engineering practices and meet the content requirements set forth in Attachment B, below.

Management Measure	Measurable Goal	Scheduled Completion From effective date of permit
Storm Water Pollution Prevention Plans	Complete SWPPPs for existing TDOT O/O Facilities: <ol style="list-style-type: none"> 1. Region Facilities (4) 2. District Facilities (18) 3. 25% of TDOT County Facilities (20 of Higher Priority) 4. Rest of TDOT County Facilities (Lower Priority) 5. Airport Hanger (1) 6. Weigh Stations (9) 7. Welcome Centers (13) 8. Rest Areas (20) 9. Floating Maintenance Facilities 10. Floating Salt Storage Areas (22) 11. Floating HELP Truck Facilities (1) 12. Other Existing TDOT Facilities Complete SWPPPs for New TDOT Facilities	90 Days 180 Days 12 Months 18 Months 12 Months 12 Months 12 Months 12 Months 12 Months 12 Months 12 Months 18 Months At least 5 days prior to commencement of activities at site

2.1.6.5. Storm Water Monitoring

- a. TDOT shall perform and document quarterly visual examinations of storm water quality at all TDOT Owned/Operated Facilities, which are subject to the SWPPP requirements of Section 2.1.6.4. Such visual examinations shall be performed in accordance with the requirements set forth in Attachment C.
- b. TDOT shall prepare and implement a State-wide Facility Storm Water Monitoring Plan (SFMP) that meets the requirements of items (1) through (5) below. A draft plan will be submitted to TDEC for approval in accordance within 6 months of the effective date of this permit. Upon receipt of written comments from TDEC, TDOT will within 30 days submit a revised plan, which addresses such comments. Upon receipt of TDEC's approval of the SFMP, TDOT will begin implementing the plan in accordance with the included schedule.
 - (1) TDOT will each year perform storm water sampling and analysis at a limited number of TDOT Owned/Operated Facilities (which are subject to the SWPPP requirements of Section 2.1.6.4) that are selected to represent each type of TDOT facility. The facilities targeted for sampling in any year will be selected from among those with the greatest perceived potential for releases

to storm water based on the types and levels of activities performed, design and topographic features, location relative to sensitive receiving waters, past testing results, historical problems, or other pertinent factors. The initial SFMP will identify the specific facilities, which are to be targeted for sampling and analysis during the first year, along with the rationale for selection of each such facility. It will also include a schedule for collecting and analyzing representative storm water samples at such facilities, and for evaluating and reporting the results thereof to TDEC. Annually thereafter, or as may otherwise be agreed by TDEC and TDOT, TDOT will submit for TDEC review and approval a revised list of facilities, with rationale and schedule, targeted for sampling and analysis during the upcoming year.

- (2) The SFMP will also set forth the storm water sampling and analysis procedures to be utilized. It will identify, with justification, the monitoring parameters to be utilized at each type of TDOT facility and the cut-off concentrations to be utilized.
- (3) The results of analysis shall be included in the calculations and reporting by the plan.
- (4) TDOT will evaluate the results of the monitoring program to identify where SWPPPs or Standard Operating Procedures may need to be improved and to identify TDOT facilities where continued periodic monitoring may be necessary or desirable. The SFMP may be modified, with the approval of TDEC, to include such additional monitoring.
- (5) TDOT must implement the approved SFMP unless and until a modification is approved by TDEC. Either TDOT or TDEC may initiate such modifications by submitting a written petition to the other describing the changes to be made and why they are necessary or desired. Upon receipt of such a petition from TDOT, TDEC will approve or disapprove the changes, and provide TDOT with a written explanation of the rationale for any disapproved changes, within 30 days. Upon receipt of such a petition from TDEC, TDOT will modify the SFMP to satisfy TDEC's concerns and submit the revised plan to TDEC within 30 days. Upon TDEC approval of the modified SFMP, TDOT will begin implementing it.

2.1.6.6. Standard Operating Procedures (SOPs)

TDOT shall develop written Standard Operating Procedures addressing the prevention of and response to spills in areas where potential spills, which could contribute pollutants to storm water discharges, may occur. TDOT shall also ensure that TDOT personnel have appropriate resources available (i.e., equipment, materials, and/or contractors), and are trained in their use, to effectively respond to and promptly clean up any such spills that might occur. Descriptions of these procedures, resources, and training programs shall be incorporated in each facility’s SWPPP.

TDOT shall review, at least annually, and revise as necessary, the standard operating procedures (SOP) for its Region, District, and County maintenance facilities to assure that they do not conflict with SWPP provisions and that they address environmental concerns. Procedures to be addressed include washing, fueling, fluid changing, painting, and proper handling, storage, recycling, disposal and accountability of fuels, lubricants, chemicals, hazardous materials, deicing materials, and wastes.

Management Measure	Measurable Goal	Scheduled Completion From effective date of permit
Standard Operating Procedures (SOPs)	Develop and implement SOPs for spill prevention and response	Within 90 days
	Review and update the SOPs for TDOT facilities to address <i>storm water</i> pollution prevention	Within 90 days and by July 1 of each year thereafter

2.1.7. Roadside Vegetation Management

TDOT shall develop a roadside vegetation management plan that limits the use of herbicides or clearing methods that lead to soil erosion. Herbicide use should be restricted to only those areas where vegetation control by other methods is not feasible and herbicide application should be avoided during periods when rainfall is predicted. All TDOT personnel should be properly trained and certified in the use of herbicides. Where contractors are using herbicides for vegetation control on TDOT right of ways (ROWs), their employees shall also be trained and certified in the use of herbicides. The rotary tillage that produces fine or “fluffy” soil is discouraged. Any areas so treated must have adequate erosion controls and such controls must be re-installed should the vegetation die.

Management Measure	Measurable Goals	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
Develop a roadside management plan	Develop plan, including policies and procedures for addressing herbicide application and contractual language for herbicide application contractors.			X		
	Begin implementing the plan				X	X

2.2. AREA-SPECIFIC MS4 SWMP REQUIREMENTS

2.2.1. Water Quality Controls for Discharges to Impaired Water bodies.

The annual report submitted to the division must include a section describing how the MS4 SWMP will control the storm water discharge into impaired streams. This section must identify the measures and BMPs that will collectively control the discharge of the pollutants of concern. The measures should be presented in order of priority with respect to controlling the pollutants of concern.

2.2.2. Consistency with Total Maximum Daily Load (TMDL).

Where a TMDL has been approved for any water body into which TDOT discharges, TDOT must follow the procedure below and report on these activities in annual reports to the division:

2.2.2.1. Determine whether the approved TMDL is for a pollutant likely to be found in storm water discharges from your MS4.

2.2.2.2. Determine whether the TMDL includes a pollutant wasteload allocation (WLA), implementation recommendations, or other performance requirements specifically for storm water discharges from your MS4.

2.2.2.3. Determine whether the TMDL addresses a flow regime likely to occur during periods of storm water discharge.

2.2.2.4. After the determinations above have been made and if it is found that the MS4 must implement specific provisions of the TMDL, TDOT shall evaluate whether the implementation of existing storm water control measures is meeting the TMDL provisions, or if additional control measures are necessary.

2.2.2.5. TDOT shall document all control measures currently being implemented or planned to be implemented, including a schedule of implementation for all planned controls. The rationale (e.g., calculations, assessments, reports and/or other evidence) should be included, showing that TDOT will comply with the TMDL provisions. For control measures that are expected to be

implemented and evaluated beyond the term of this permit, include a longer schedule of implementation as necessary to describe the control measure.

- 2.2.2.6. Describe a method to evaluate whether the storm water controls are adequate to meet the requirements of the TMDL.
- 2.2.2.7. If the evaluation shows that additional or modified controls are necessary, describe the type and schedule for the control additions/revisions.

2.3. RECEIVING WATER LIMITATIONS

This MS4 SWMP shall reduce the discharge of pollutants to the Maximum Extent Practicable (MEP) and shall not cause or contribute to violations of State water quality criteria of the receiving streams. If exceedance(s) of water quality objectives or water quality standards (collectively, WQS) persist notwithstanding implementation of the MS4 SWMP and other requirements of this permit, the permittee shall comply with the following procedure:

- 2.3.1. Upon a determination by either the permittee or the division that discharges are causing or contributing to an exceedance of an applicable WQS, the permittee shall promptly notify and thereafter submit a report to the division that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of WQSs. The report may be incorporated in the annual update to the MS4 SWMP unless the division directs an earlier submittal. The report shall include an implementation schedule. The division may require modifications to the report.
- 2.3.2. Submit any modifications to the report required by the division within 30 days of notification.
- 2.3.3. Within 30 days following approval of the report described above by the division, the permittee shall revise the MS4 SWMP and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, implementation schedule, and any additional monitoring required.
- 2.3.4. Implement the revised MS4 SWMP and monitoring program in accordance with the approved schedule. So long as the permittee has complied with the procedures set forth above and is implementing the revised MS4 SWMP, the permittee does not have to repeat the same procedure where continuing or recurring exceedances of the same water quality standards unless directed by the division to develop additional BMPs.

2.4. ROLES AND RESPONSIBILITIES OF PERMITTEES

The storm water management program, together with any attached interagency agreements or interagency agreements developed subsequent to the effective date of the permit, shall clearly identify the roles and responsibilities of each permittee. Following the effective date of the permit, interagency agreements developed and implemented must be included in the Annual Report that covers the permit year in which the agreement became effective.

2.5. LEGAL AUTHORITY

To the extent allowed by law, each permittee shall ensure legal authority to control discharges to and from those portions of the MS4 over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract, order or interjurisdictional agreements between permittees with adequate existing legal authority to accomplish items 2.5.1-2.5.6 below:

- 2.5.1. To control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity;
- 2.5.2. To prohibit illicit discharges to the MS4;
- 2.5.3. To control the discharge of spills and the dumping or disposal of materials other than storm water (e.g. industrial and commercial wastes, trash, used motor vehicle fluids, deicing materials, leaf litter, grass clippings, animal wastes, etc.) into the MS4;
- 2.5.4. To control through interagency or inter-jurisdictional agreements between TDOT and related MS4 permittees, if any, the contribution of pollutants from one portion of the MS4 to another;
- 2.5.5. To require compliance with conditions in ordinances, permits, contracts or orders; and
- 2.5.6. To carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with permit conditions.

2.6. MS4 STORM WATER MANAGEMENT PROGRAM RESOURCES

TDOT shall provide adequate finances to implement the agency's activities under the MS4 Storm Water Management Program (MS4 SWMP). TDOT shall also have a source of funding for implementing all other requirements included within this NPDES storm water permit.

2.7. MS4 SWMP REVIEW AND MODIFICATION

2.7.1. Program Review

TDOT shall participate in an annual review of the current MS4 SWMP in conjunction with preparation of the Annual Report required under Part 3 of this permit.

2.7.2. Program Modification

TDOT may modify the MS4 SWMP during the life of the permit in accordance with the following procedures:

- a. Modifications that add, but neither subtract nor replace, components, controls, or requirements to the approved MS4 SWMP may be made by the permittee at any time. A description of the modification shall be included in the subsequent Annual Report.
- b. Modifications that replace an ineffective or infeasible BMP, which is specifically identified in the MS4 SWMP along with an alternate BMP, may be made by the permittee at any time. A description of the replacement BMP shall be included in the subsequent Annual Report along with the following information:
 - (1) An analysis of why the former BMP was ineffective or infeasible;
 - (2) Expectations on the effectiveness of the replacement BMP; and
 - (3) An analysis, if applicable, of why the replacement BMP will ensure the optimization of equipment use.
- c. Modifications that subtract components, controls, or requirements of the MS4 SWMP may not be made by the permittee unless it can be clearly demonstrated that with the elimination of this component, the MS4 SWMP will continue to achieve a reduction in pollutants to the MEP and shall not cause or contribute to violations of State water quality standards in the receiving stream. In the case where this type of modification is appropriate, the permittee may make the required modification and shall include in the subsequent Annual Report a description of the component which has been eliminated along with the following information:
 - (1) An analysis of why the component was ineffective or infeasible; and
 - (2) A detailed explanation of why, with the elimination of this component, the MS4 SWMP will continue to achieve a reduction in pollutants to the MEP and shall not cause or contribute to violations of State water quality standards in the receiving stream.
- d. Modifications included in the Annual Report shall be signed in accordance with part 4.11 below by all permittees affected by that modification, and shall include a certification that all affected permittees were given an opportunity to comment on proposed changes.

2.7.3. Transfer of Ownership, Operational Authority, or Responsibility for Storm Water Management Program Implementation

The permittee shall implement the MS4 SWMP on all new areas added to their portion of the municipal separate storm sewer system (or for which they become responsible for implementation of storm water quality controls) as expeditiously as practicable. Implementation of the program in any new area shall consider the plans in the MS4 SWMP of the previous MS4 ownership.

3. ANNUAL REPORT

- a. Preparation of the annual report shall include the following
 - (1) TDOT shall prepare an annual system-wide report to be submitted by no later than 6 months following the period to be covered by the report. The Annual Report shall cover the 12 month period beginning on the effective date of this permit and annually thereafter.
 - (2) The permittee shall sign and certify the Annual Report in accordance with subpart 4.11 of this permit, and shall include a statement or resolution that the permittee's governing body or agency (or delegated representative) has reviewed or has been appraised of the content of the Annual Report.
- b. The following items describe in more detail the specific requirements for the Annual Report.
 - (1) Provide a list of contacts and responsible parties (e.g., agency, name, phone number) who had input to and are responsible for the preparation of the Annual Report.
 - (2) Provide an overall evaluation of the MS4 Storm Water Management Program including: Objective of Program; Major Findings (e.g.: water quality improvements or degradation); Major Accomplishments; Overall Program Strengths / Weaknesses; and Future Direction of Program.
 - (3) Provide a Summary Table of MS4 Storm Water Management Program Elements.
 - a. A Summary Table of appropriate MS4 SWMP activities for each permittee shall be provided. The purpose of the Summary Table is to document in a concise form the program activities and permittees' compliance status with quantifiable permit requirements. Program elements that are administrative (e.g., planning procedures, program development and pilot studies) are inappropriate for the summary table and shall be discussed in the narrative section of the Annual Report. The following are examples of MS4 SWMP activities to be included in the Summary Table:
 - (1) Structural Controls- maintenance and/or inspection activities of existing structural controls
 - (2) Roadway Maintenance- Street sweeping, litter control activities, and maintenance on storm water structures & roadside ditches
 - (3) Public Education- programs undertaken and progress made

- (4) Pesticide, Herbicide, and Fertilizer Application—certification training and education
- (5) Illicit non-storm water discharges into TDOT system and reports to TDEC
- (6) Construction- training of employees, contractors, and others
- (7) BMPs implemented- description of best management practices implemented and impacts

b. The Summary Table shall indicate all MS4 SWMP activities and accomplishments. The information shall include:

- (1) Activity description;
- (2) Number of activities (with frequency) that were scheduled for implementation and/or accomplishment in program element discussion (i.e., once/6 months, 100%/5 years, 5 sites monitored once/year, all sites inspected/permit term). Enter "Not Applicable" (N/A) if no specific schedule was specified;
- (3) Status of schedule for year ("yes" for schedule was adhered to, or "no" for schedule was not adhered to);
- (4) Number of activities which were accomplished; and
- (5) The availability of documentation (i.e., inspection reports) for those activities, which were accomplished, and comments describing the reason(s) for any non-compliance.

(4) The Annual Report shall contain a Narrative Report that succinctly discusses the MS4 SWMP Elements, which were not included within the MS4 SWMP Summary Table. Those MS4 SWMP elements required to be developed under Part 2 of the permit shall be discussed within this section of the Annual Report following development.

a. The permittees shall include a brief discussion of the following applicable MS4 SWMP Elements:

- Structural Controls Maintenance
- Development Planning Procedures
- Roadway Maintenance
- Regional Maintenance Facilities
- Pesticides, Herbicides, and Fertilizers
- Illicit discharges discovered by TDOT and reported to TDEC
- Field Screening
- Investigation of illicit discharges where reasonable potential exists

- Spill Response
- Public Reporting of Illicit Discharges
- Oils and Hazardous Waste Control
- Education of applicants to highway access point
- Monitoring programs
- Standard operating Procedures
- Structural and non-structural BMPs
- Educational activities

b. The format for the Narrative Report section of the Annual Report shall be a brief discussion of the MS4 SWMP element. It may be in table form or a combination of a table and corresponding narrative to facilitate concise conveyance of the information. The aspects of TDOT's activities concerning a MS4 SWMP Element shall be succinctly discussed in the section of the Narrative Report dedicated to that element. The discussion shall include the following:

- (1) Objective of MS4 SWMP Element;
- (2) MS4 SWMP Element activities completed and those in progress;
- (3) General discussion of element. Explanation will include reason for deficiencies (e.g.: activities described in the program that have not been fully implemented or completed). Results of activities shall be summarized and discussed (e.g.: maintenance caused by inspection, pollutants detected by monitoring, investigations as a result of dry and wet weather screening, education activities participation);
- (4) Status of MS4 SWMP Element with compliance, implementation, and augmentation schedules in the permit;
- (5) MS4 SWMP Element strengths and weaknesses;
- (6) Assessment of controls; including assessment of accuracy in recording and following up on investigations, in recording results of follow-up; with a view toward setting up the system to report by program and at least by watershed, if not by outfall; and
- (7) Discussion of Element revisions that are summarized elsewhere in the Annual Report.

(5) The Annual Report shall contain a Monitoring Section, which discusses the progress and results of the monitoring programs required under Part 2 above of the permit. The Monitoring Section of the Annual Report shall include a summary of the

monitoring program developed and implemented under the permit. The details to be discussed include:

- a. Summary chart of the data from any monitoring completed;
 - b. Discussion of any results or conclusions derived from the monitoring completed;
 - c. Discussion of monitoring program revisions that are summarized elsewhere in the Annual Report.
- (6) Provide a summary of the MS4 SWMP and modifications in the monitoring program made during the permit year.
- (7) List and discuss any changes that the permittee(s) is expected to make to the storm water management program for the year following the report year.
- (8) Provide a fiscal analysis for each permittee's program implementation, both for the past calendar year and the next. The analysis shall indicate budgets and funding sources. The following information shall be included as Appendices within the Annual Report:
- a. Analytical data collected from the monitoring program;
 - b. Results of illicit connections screening or dry weather screening; and
 - c. Any other data specifically requested by the division to substantiate statements and conclusions reached in the Annual Reports.

3.1. CERTIFICATION AND SIGNATURE REPORTS

All reports required by the permit and other information requested by the Director shall be signed and certified in accordance with part 4.11 below of this permit.

3.2. TIME AND PLACE OF REPORT SUBMITTAL

- a. Monitoring results obtained during each annual reporting period beginning on the effective date of this permit and annually thereafter shall be submitted on Discharge Monitoring Report Form(s) in the Annual Report for year five of the permit. A separate Discharge Monitoring Report Form is required for each event monitored.
- b. Signed copies of the Annual Report required and all other reports required herein, shall be submitted to:

Division of Water Pollution Control
Attention: TDOT Coordinator
Nashville Environmental Field office
711 R.S. Gass Boulevard
Nashville, Tennessee 37243

3.3. RETENTION OF RECORDS

The permittee shall retain the latest version of the MS4 Storm Water Management Program developed in accordance with Part 2 of this permit for at least three years after the expiration date of this permit. The permittees shall retain all records of all monitoring information, copies of all reports required by this permit, and records of all other data required by or used to demonstrate compliance with this permit, until at least three years after the expiration date of this permit. This period may be explicitly modified by alternative provisions of this permit or extended by request of the Director at any time.

4. STANDARD PERMIT CONDITIONS

4.1. DUTY TO COMPLY

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of applicable State and Federal laws and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

4.2. DUTY TO REAPPLY

The permittee is not authorized to discharge after the expiration date of this permit. If the permittee wishes to continue discharges after the expiration date, the permittee must reapply, with necessary information and forms, for reissuance of the permit, at least 180 days prior to the expiration date.

4.3. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4.4. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment.

4.5. PROPER OPERATION AND MAINTENANCE

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

4.6. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

4.7. PROPERTY RIGHTS

This permit does not convey any property rights of any sort in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

4.8. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

4.9. INSPECTION AND ENTRY

The permittee shall allow the Director, or an authorized representative of the EPA, including a contractor acting as a representative of the EPA Administrator, upon presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by State law or the Clean Water Act, any substances or parameters at any location.

4.10. MONITORING AND RECORDS

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- c. Records of monitoring information shall include:
 - (1) The date, place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
- d. Monitoring results must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in the permit.
- e. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method

required to be maintained under this permit shall, upon conviction, be punished by fines and imprisonment described in Section 309 of the Clean Water Act.

4.11. SIGNATORY REQUIREMENTS

a. All applications, reports, or information submitted to the Director shall be signed and certified.

(1) Applications

All permit applications shall be signed (for a municipality, State, Federal, or other public agency) by either a principal executive officer or ranking elected official.

(2) Reports and other information

All reports required by this permit, and other information requested by the Director shall be signed by a person described in sub-item a (1) above of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

i. The authorization is made in writing by a person described in this section;

ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of director or assistant director, manager or superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

iii. The written authorization is submitted to the Director. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

(4) Certification

Any person signing a document shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who

manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- b. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

4.12. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

4.13. LIABILITIES

4.13.1. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this permit, the permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of wastewater to any surface or subsurface waters. Additionally, notwithstanding this permit, it shall be the responsibility of the permittee to conduct its wastewater treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created.

4.13.2. Liability Under State Law

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or the Federal Water Pollution Control Act, as amended.

5. PERMIT MODIFICATION

5.1. MODIFICATION OF THE PERMIT

The permit may be reopened and modified during the life of the permit to:

- a. Address impacts on receiving water quality caused, or contributed to, by discharges from the MS4;
- b. Address changes in State or Federal statutory or regulatory requirements;
- c. Include the addition of a new permittee who is the owner or operator of a portion of the Municipal Separate Storm Sewer System; or
- d. Include other modifications deemed necessary by the Director to comply with the goals and requirements of the Clean Water Act. All modifications to the permit will be made in accordance with 40 CFR 122.62, 122.63, and 124.5 and applicable State regulations.

5.2. TERMINATION OF COVERAGE FOR A SINGLE PERMITTEE

Permit coverage may be terminated, in accordance with the provisions of 40 CFR 122.64 and 124.5, for a single permittee without terminating coverage for other permittees.

5.3. MODIFICATION OF MS4 STORM WATER MANAGEMENT PROGRAM (MS4 SWMP)

Only those portions of the MS4 Storm Water Management Program specifically required as permit conditions shall be subject to the modification requirements of 40 CFR 124.5. Replacement of an ineffective or infeasible BMP implementing a required component of the MS4 Storm Water Management Program with an alternate BMP expected to achieve the goals of the ineffective or infeasible BMP shall be considered minor modifications to the MS4 Storm Water Management Program and not modifications to the permit. (See also Section 2.7.2)

5.4. CHANGES IN MONITORED OUTFALLS

This permit is issued on a system-wide basis in accordance with CWA §402(p)(3)(B)(i) and authorizes discharges from all portions of the municipal separate storm sewer system. Since all outfalls are authorized, changes in monitoring outfalls, if any, shall be considered minor modifications to the monitoring program and not modifications to the permit.

ATTACHMENT A – DEFINITIONS AND ACRONYMS

All definitions contained in Section 502 of the Federal Clean Water Act and [40 CFR §122](#) shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the even of a conflict, the definition found in the Statute or Regulation takes precedence.

ADT is an acronym for average daily traffic.

Analytical monitoring refers to monitoring of waterbodies (streams, ponds, lakes, etc.) or of storm water, according to 40 CFR 136 “Guidelines Establishing Test Procedures for the Analysis of Pollutants,” or to state- or federally established protocols for biomonitoring or stream bioassessments.

Aquatic Resource Alternation Permit (ARAP) means a permit issued by the Tennessee Department of Environment and Conservation, Division of Water Pollution Control for the purpose of allowing temporary and conditional disturbance to a stream bank or stream bed.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may be structural or non-structural in form.

Buffer [See below under “[water quality buffer](#).”]

CFR is an acronym for Code of Federal Regulations. The environmental regulations are found at Title 40 of the CFR and the NPDES rules for storm water at 40 CFR Part 122.

Co-permittee means a permittee to an NPDES permit that is only responsible for permit conditions relating to the discharge for which it is operator.

Control Measure as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the state.

CPESC mean a Certified Professional in Erosion and Sediment Control as certified by the International Erosion Control Association and the Soil and Water Conservation Society.

CWA or The Act means [Clean Water Act](#) (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments

of 1972) Pub.L.92-500,as amended Pub.L.95-217, Pub.L.95-576, Pub.L.96-483 and Pub.L.97-117, 33 U.S.C.1251 et seq.

Director means the director of the Tennessee Division of Water Pollution Control, or an authorized representative.

Discharge, when used without a qualifier, refers to “discharge of a pollutant ” as defined at [40 CFR §122.2](#).

Division means [the Tennessee Division of Water Pollution Control](#).

Endangered Species Act (ESA) means the Federal Endangered Species Act of 1973 to provide for the conservation of endangered and threatened species of fish, wildlife, and plants and for other purposes.

EPSC is an acronym for Erosion Prevention and Sediment Control

General Permit refers type a type of permit written for an entire class of activities and/or permittees. As opposed to an individual permit that is written specifically for a single discharger, the conditions of a general permit are the same, or are very similar, for all permittees subject to the permit. The General permits referred to in this Individual MS4 permit are the Tennessee Storm Water multi-Sector General Permit for Industrial Activity and the Tennessee General Permit No. TNR10-0000 Storm water Discharges from Construction Activities.

GIS is an acronym for global information system

High Quality Waters are surface waters of the State of Tennessee that satisfy characteristics of high quality waters as listed in [Rule 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. High quality waters are sometimes referred to as Tier II or Tier III (ONRW) waters.

Hot spot means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water. Examples might include operations producing concrete or asphalt, auto repair shops, auto supply shops, large commercial parking areas, restaurants.

IDDE is an acronym for illicit discharge detention and elimination.

Illicit Connection means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit Discharge is defined at [40 CFR §122.26\(b\)\(2\)](#) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.

Impaired Waters means any segment of surface waters that has been identified by the division as failing to support classified uses. The division periodically compiles a list of such waters known as the 303(d) List. The division will notify applicants and permittees if there discharge is into, or is affecting, impaired waters.

Load Allocation (LA): The portion of a receiving water's loading capacity that is attributed either to one of its existing or future nonpoint sources of pollution or to natural background ([40 CFR §130.2\(g\)](#)).

Margin of Safety (MOS): The "MOS" accounts for uncertainty in the loading calculation. The MOS may not be the same for different waterbodies due to differences in the availability and strength of data used in the calculations.

MEP is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in storm water discharges that was established by CWA §402(p). A discussion of MEP as it applies to small MS4s is found in the preamble to the Final Rule of 40 CFR Parts 9, 122, 123 and 124 dated December 8, 1999.

Monitoring refers to tracking or measuring activities, progress, results, etc.; and can refer to non-analytical monitoring for pollutants by means other than 40 CFR 136 (and other than state- or federally established protocols in the case of biological monitoring and assessments), such as visually or by qualitative tools that provide comparative values or rough estimates.

MS4 is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a Large, Medium, or Small Municipal Separate Storm Sewer System (e.g. "the Nashville MS4"). The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities.

MS4 Storm Water Management Program (MS4 SWMP) refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system. One element of the MS4 Storm Water Management Program required in this Permit is the State-Wide Storm Water Management Plan (the Plan). The Plan is specific to TDOT construction

activity as prescribed in the Amended Order and Agreement Between TDEC and TDEC dated March 10, 2004.

MS4 SWMP is an acronym for “Municipal Separate Storm Sewer System Storm Water Management Program.”

Municipal Separate Storm Sewer (MS4) is defined at [40 CFR §122.26\(b\)\(8\)](#) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- 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 CWA that discharges to waters of the state;
- Designed or used for collecting or conveying storm water;
- Which is not a combined sewer; and
- Which is not part of a Publicly Owned Treatment Works (POTW) as defined at [40 CFR §122.2](#).

NPDES is an acronym for the National Pollutant Discharge Elimination System which is a federal/state administered permit program initially mandated by the Federal Clean Water Act of 1972.

NOI is an acronym for “[Notice of Intent](#)” to be covered by this permit and is the mechanism used to “register” for coverage under a general permit.

O/O is an acronym for owner/operator or owner and/or operator.

Nonpoint Source is essentially any source of pollutant(s) that is not a point source. Examples are sheet flow from pastures and runoff from paved areas.

Point Source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Priority construction activity shall be defined by the MS4, but shall include, at a minimum, those construction activities discharging directly into, or immediately upstream of, waters the state recognizes as impaired (for siltation) or high quality waters.

SFMP is an acronym for State-wide Facility Monitoring Plan.

SIC is an acronym for standard industrial classification.

Small Municipal Separate Storm Sewer System is defined at [40 CFR §122.26\(b\)\(16\)](#) and refers to all separate storm sewers that are owned or operated by the United States, 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 CWA that discharges to waters of the state, but is not defined as “large” or “medium” municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

SOP is an acronym for Standard Operating Procedure.

SPCC Plan is an acronym for Spill Prevention Control and Countermeasure Plan required for certain facilities that store or use oil in accordance with 40 CFR § 112.3.

Storm Water is defined at [40 CFR §122.26\(b\)\(13\)](#) and means storm water runoff, snow melt runoff, and surface runoff and drainage.

SWPPP is an acronym for Storm Water Pollution Prevention Plan.

Take of an endangered species means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct.

TDEC is an acronym for the Tennessee Department of Environment and Conservation.

TEMA is an acronym for the Tennessee Emergency Management Agency.

TDOT is an acronym for the Tennessee Department of Transportation.

[*TMDL \(Total Maximum Daily Load\)*](#) The sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background (40 CFR 130.2(l)).

UA is an acronym for urbanized area as delineated by either a Phase I permit or Phase II MS4 coverage issued by TDEC.

WQS is an acronym for *Water Quality Standard*.

Wasteload Allocation (WLA): The portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. WLAs constitute the type of water quality-based effluent limitation. ([40 CFR §130.2\(h\)](#)).

Water quality buffer means undisturbed vegetation, including trees, shrubs and herbaceous vegetation; enhanced or restored vegetation; or the re-establishment of vegetation bordering streams, ponds, wetlands, reservoirs or lakes, which exists or is established to protect those waterbodies.

Water Quality-Limited Segments: Those water segments that do not or are not expected to meet applicable water quality standards even after the application of technology-based effluent limitations required by sections 301(b) and 306 of the Act. ([40 CFR §130.2\(j\)](#)) Technology-based controls include, but are not limited to, best practicable control technology currently available (BPT) and secondary treatment.

Waters of the State or simply *Waters* is defined in the [Tennessee Water Quality Control Act](#) and means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine to effect a junction with natural surface or underground waters.

Wet weather conveyances are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality and whose channels are above the groundwater table and which do not support fish and aquatic life and are not suitable for drinking water supplies (1200-4-3-.04(4)).

“*You*” and “*Your*” as used in this permit is intended to refer to the permittee, the operator, or the discharger as the context indicates and that party’s responsibilities (e.g., the city, the county, the flood control district, the U.S. Air Force, etc.).

ATTACHMENT B – STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS

A. General Contents of Plan – Each Storm Water Pollution Control Plan (SWPPP) shall include, at a minimum, the following items:

1. Pollution Prevention Team. Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.
2. Description of Potential Pollutant Sources. Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all industrial activities and significant materials, which may potentially be significant pollutant sources. Each plan shall specifically identify the physical features of the facility that may contribute to storm water runoff. Each plan shall include at a minimum:
 - a. *Drainage* -- A site map indicating the outfall locations and types of discharges contained in the drainage areas of the outfalls, an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, and locations where major spills or leaks identified under item 5 below have occurred.

For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity. Factors to consider include the toxicity of chemical; quantity of chemicals used, produced or discharge; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. In addition, flows with a significant potential for causing erosion shall be identified such as heavy equipment use areas, drainage from roofs, parking lots, etc.

- b. *Inventory of Exposed Materials* -- An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of 3 years prior to the date of the submission of a Notice of Intent (NOI) to be covered under this permit and the present; the method(s) and location(s) of onsite storage or disposal; the materials management practices employed to minimize contact of materials with storm water runoff between the

time of 3 years prior to the date of the submission of a Notice of Intent (NOI) to be covered under this permit and the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

- c. *Spills and Leaks* -- A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of 3 years prior to the date of the submission of a Notice of Intent (NOI) to be covered under this permit. Such list shall be updated as appropriate during the term of the permit.
 - d. *Sampling Data* -- A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.
 - e. *Risk Identification and Summary of Potential Pollutant Sources* -- A narrative description of the potential pollutant sources from the following activities: loading and unloading operations, chemicals and raw materials; outdoor storage activities for raw materials; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and onsite waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical or chemical oxygen demand, chromium, total suspended solids, oil and grease, etc.) of concern shall be identified.
3. Measures and Controls. Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:
- a. *Good Housekeeping* -- Good housekeeping requires the maintenance of areas which may contribute pollutants to storm water discharges in a clean, orderly manner.
 - b. *Preventive Maintenance* -- Preventive maintenance measures shall include timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.
 - c. *Spill Prevention and Response Procedures* -- Areas where potential spills which could contribute pollutants to storm water discharges may occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall

be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.

- d. *Inspections* -- Qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.

At a minimum, vehicles, storage tanks, chemical or deicing material storage containers, piping, pumps, oil/water separators, and any equipment located at the facility will be inspected once per quarter for malfunctions, fluid leaks, or improper operation. Completed forms documenting these inspections will be maintained as attachments to the SWPPP.

- e. *Employee Training* -- Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response (including reporting), good housekeeping, and material management practices. The pollution prevention plan shall identify periodic dates for such training. At a minimum, the training for TDOT employees shall be conducted annually.

- f. *Recordkeeping and Internal Reporting Procedures* -- A description of incidents (such as spills, or other discharges), along with other information describing the quality and quantity of storm water discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.

- g. *Non-Storm Water Discharges*

- i. *Certification* -- The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges. The certification shall include the identification of potential significant sources of non-storm water at the site, a description of the results of any test and/or evaluation for the presence of non-storm water discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the onsite drainage points that were directly observed during the test. Certifications shall be signed in accordance with paragraph 4.11 of this permit. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit, which receives the discharge. In such cases, the source identification section of the storm water pollution prevention plan shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of non-storm water at the site. A discharger that is unable to provide the certification required by this paragraph must notify the Division of Water Pollution Control in accordance with paragraph "Failure to Certify" (item iii below).

- ii. Combined Discharges -- Sources of non-storm water that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge. Any non-storm water discharges that are not permitted under an individual NPDES permit should be brought to the attention of the Division's local Environmental Field Office.
 - iii. Failure to Certify -- Any facility that is unable to provide the certification required (testing for non-storm water discharges), must notify the Division of Water Pollution Control by not later than 180 days after submitting a Notice of Intent (NOI) to be covered by this permit. If the failure to certify is caused by the inability to perform adequate tests or evaluations, such notification shall describe: the procedure of any test conducted for the presence of non-storm water discharges; the results of such test or other relevant observations; potential sources on non-storm water discharges to the storm sewer; and why adequate tests for such storm sewers were not feasible. Non-storm water discharges to waters of the State, which are not authorized by an NPDES permit are unlawful, and must be terminated.
 - h. *Sediment and Erosion Control* -- The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion. The plan shall identify structural, vegetative, and/or stabilization measures to be used to limit erosion. These shall include but not be limited to grass swales, filter strips, treatment works, or other equivalent measures.
 - i. *Management of Runoff* -- The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activities shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.
4. Comprehensive Site Compliance Evaluation. Qualified personnel shall conduct site compliance evaluations at least once a year. Such evaluations shall include:
- a. *Visual Inspections* -- Visual inspection of areas contributing to a storm water discharge for evidence of, or the potential for, pollutants entering the drainage system. Inspection shall address areas associated with the storage of raw metals, storage of spent solvents and chemicals, drainage from roof, unloading and loading areas, equipment storage areas, recycling areas, and retention ponds (sludge). Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance

with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, such as detention basins and channels, gutters or drains to direct discharge flow, oil/water separators in storm drains, containment structures, concrete pads, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment and containment drums, shall be made to determine if the equipment is functioning properly and that drums are not in a corrosive or deteriorating state.

- b. *Revisions to Plan* -- Based on the results of the evaluation, the descriptions of potential pollutant sources identified in the plan in accordance with paragraph A.2 above and pollution prevention measures and controls identified in the plan in accordance with paragraph A.3 above shall be revised as appropriate within 2 weeks of such evaluation and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 12 weeks after the evaluation.
- c. *Report of Evaluation* -- A report summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with paragraph A.4.b above shall be made and retained as a part of the storm water pollution prevention plan for at least 3 years from the date of the inspection. The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Paragraph 4.11 of this permit.
- d. *Schedule Overlap* -- Where compliance evaluation schedules overlap with inspections required under paragraph A.3.d above, the compliance evaluation may be conducted in place of one such inspection.

B. Specific Plan Content Requirements – As applicable, based on the activities performed at the facility and the features and condition of the site, the SWPPP must also meet the following requirements:

- 1. Construction Compliance Schedule -- In cases where construction of a preventive or control measure is necessary, the SWPPP shall contain a schedule that provides compliance with the plan as expeditiously as practicable, but no later than 2 years following the date the SWPPP is signed. Where a construction compliance schedule is included in the plan, the schedule shall include appropriate non-structural and/or temporary controls to be implemented in the affected portion(s) of the facility prior to completion of the permanent control measure.
- 2. Incorporation of SPCC Plan Requirements -- At those TDOT facilities subject to the requirement under 40 CFR Part 112 to have an oil Spill Prevention, Control and Countermeasures (SPCC) Plan, the SWPPP will incorporate – either by reference or by integrating the two plans into a single plan – the SPCC Plan requirements.

3. Consideration of Other Wastewater Discharge Authorizations
 - a. *Other NPDES Permits* – If a TDOT facility has received a NPDES permit for discharge of sanitary or industrial wastewater or vehicle and equipment washwater, then a copy of that permit must be attached to or referenced in the plan. If a TDOT facility has applied for such a permit but the permit has not yet been issued, then a copy of the pending application must be attached to or referenced in the plan.
 - b. *Discharges to Sanitary Sewers* – For TDOT facilities that discharge vehicle and equipment washwaters or other industrial process wastewaters to the sanitary sewer system, the operator of the sanitary system and associated treatment plant must be notified. In such cases, a copy of the notification letter must be attached to the plan.
 - c. *Other Permit Conditions* – In all cases identified in paragraphs B.3.a and B.3.b above, any permit conditions or pretreatment requirements must be considered in the plan.
 - d. *Other Management of Washwaters* – If vehicle and equipment washwaters are handled in a manner other than discharge to waters of the state via another NPDES permit or to a sanitary sewer (e.g., hauled offsite), then the disposal method must be described and all pertinent documentation (e.g., frequency, volume, destination, etc.) must be attached to the plan.
4. Vehicle and Equipment Storage Areas -- The storage of vehicles (including aircraft) and equipment awaiting maintenance with actual or potential fluid leaks must be confined to designated areas (delineated on the site map). The plan must describe measures that prevent or minimize contamination of the storm water runoff from these areas. The facility shall consider the use of drip pans under vehicles and equipment, indoor storage of the vehicles and equipment, installation of berming and diking of this area, use of absorbents, roofing or covering storage areas, cleaning pavement surface to remove oil and grease, or other equivalent methods.
5. Fueling Areas -- The plan must describe measures that prevent or minimize contamination of the storm water runoff from fueling areas. The facility shall consider covering the fueling area, using spill and overflow protection and cleanup equipment, minimizing runoff of storm water to the fueling area, using dry cleanup methods, collecting the storm water runoff and providing treatment or recycling, or other equivalent measures.
6. Material Storage Areas -- Storage units of all liquid materials associated with vehicle (including aircraft) maintenance and equipment cleaning (e.g., used oil, used oil filters, spent solvents, paint wastes, radiator fluids, transmission fluids, hydraulic fluids) must be maintained in good condition, so as to prevent contamination of storm water, and plainly labeled (e.g., "used oil," "spent solvents," etc.). The plan must describe measures that prevent or minimize contamination of the storm water runoff from such storage areas. The facility shall consider indoor storage of the materials, installation of berming and diking of the area, minimizing runoff of storm water to the areas, using dry cleanup methods, collecting the storm water runoff and providing treatment, or other equivalent methods.

7. Vehicle and Equipment Cleaning Areas -- The plan must describe measures that prevent or minimize contamination of the storm water runoff from all areas used for vehicle (including aircraft) and equipment cleaning. The facility shall consider performing all cleaning operations indoors, covering the cleaning operation, ensuring that all washwaters drain to the intended collection system (i.e., not the storm water drainage system unless NPDES permitted), collecting the storm water runoff from the cleaning area and providing treatment or recycling, or other equivalent measures. The discharge of vehicle and equipment wash waters, including tank cleaning operations, are not authorized by this permit and must be covered under a separate NPDES permit or discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements.
8. Vehicle and Equipment Maintenance Areas -- The plan must describe measures that prevent or minimize contamination of the storm water runoff from all areas used for vehicle (including aircraft) and equipment maintenance. The facility shall consider performing all maintenance activities indoors, using drip pans, maintaining an organized inventory of materials used in the shop, draining all parts of fluids prior to disposal, prohibiting wet clean up practices where the practices would result in the discharge of pollutants to storm water drainage systems, using dry cleanup methods, collecting the storm water runoff from the maintenance area and providing treatment or recycling, minimizing runoff of storm water areas or other equivalent measures.
9. Management of Salt and Brine – The plan must specifically identify the tanks, bins, and areas used for the storage and handling of salt and brine (including calcium chloride) and salt/brine handling equipment. Measures that minimize contamination of storm water runoff from all such areas must be included and described. All salt storage piles must be placed on impervious surfaces (e.g., asphalt or concrete surfaces in good condition) and must be covered to prevent contact by precipitation (e.g., roofed bins). Consideration should be given to providing secondary containment for brine (including calcium chloride) mixing and storage tanks that are located such that a tank failure could result in brine draining into a stream or beyond the site boundaries.
10. High Traffic Volume Areas – At interstate Welcome Centers, Rest Areas, truck Weigh Stations, and other facilities, which similarly receive high volumes of vehicular traffic, the plan must specifically address the control and management of storm water from the paved vehicle roadways and parking areas. To the extent feasible, such runoff should be controlled and directed to a minimum number of discharge points. Consideration should be given to the installation and maintenance of control devices (e.g., screens, oil-water separators) to remove litter, oil, and grease from storm water prior to discharge. Consideration should also be given to designing and sizing such devices so as to provide for the capture of likely fuel spills and leaks.

C. Maintaining and Amending the Plan – Each SWPPP will be maintained and amended as follows:

1. The current SWPPP shall be maintained on-site, including unstaffed facilities, at all times. The current SWPPP shall also be maintained at the TDOT Region or District facility within the geographic jurisdiction.

2. Each SWPPP shall be reviewed and updated at a minimum of annually.
3. TDOT shall amend a SWPPP:
 - a. Whenever there is a change in design, construction, operation, or maintenance, that has a significant effect on the potential for the discharge of pollutants to the waters of the State;
 - b. If the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified in the plan or other sources identified subsequent to preparation of the plan;
 - c. If the SWPPP proves to be ineffective in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with facility operations; or
 - d. Upon being notified by the Division of Water Pollution Control of a deficiency in the SWPPP. Such notification shall identify those provisions of this permit that are not being met by the plan, and identify which provisions of the plan require modification in order to meet the permit requirements. Within 60 days of receipt of such notification, or as otherwise provided by the Division of Water Pollution Control, TDOT shall make the required changes to the plan and shall submit to the Division a written certification that the requested changes have been made.

ATTACHMENT C – PERFORMANCE AND DOCUMENTATION OF QUARTERLY VISUAL EXAMINATIONS OF STORM WATER QUALITY

Facilities shall perform and document a visual examination of a storm water discharge associated with industrial activity from each outfall, except discharges exempted under paragraph (d) below. The examination(s) must be made at least once in each designated period [described in (a), below] during facility operation in the daylight hours unless there is insufficient rainfall or snow melt to produce a runoff event.

- (a) Examinations shall be conducted in each of the following periods for the purposes of visually inspecting storm water quality associated with storm water runoff or snow melt: January through March; April through June; July through September; and October through December.
- (b) Examinations shall be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed one hour) of when the runoff or snowmelt begins discharging. The examinations shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where practicable, the same individual will carry out the collection and examination of discharges for the life of the permit.
- (c) Visual examination reports must be maintained onsite in the pollution prevention plan. The report shall include the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.
- (d) When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may collect a sample of effluent of one of such outfalls and report that the examination data also applies to the substantially identical outfalls provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explaining in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area [e.g., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)] shall be provided in the plan.
- (e) When a discharger is unable to conduct visual storm water examinations at an inactive or unmanned site, the operator of the facility may exercise a waiver of the monitoring requirement as long as the facility remains inactive or unmanned. The facility must maintain a certification with the pollution prevention plan stating that the site is inactive so that performing visual examinations during a qualifying event is not feasible.

- (f) When a discharger is unable to collect samples over the course of the visual examination period as a result of adverse climatic conditions, the discharger must document the reason for not performing the visual examination and retain this documentation onsite with the records of the visual examinations. Adverse weather conditions, which may prohibit the collection of samples, include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricanes, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

ATTACHMENT D – PROCEDURES FOR DETECTING, INVESTIGATING, AND ELIMINATING ILLICIT CONNECTIONS

This appendix is provided as suggested guidance for the development of the IDDE Plan. However, other technical guidance materials should also be used when preparing the IDDE Plan, as appropriate and applicable to TDOT's MS4.

Detection

An illicit connection for the purposes of this permit, is any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than storm water) into TDOT MS4, unless that discharge is authorized under a NPDES permit other than this MS4 Storm Water Permit (non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system). An illicit connection is also any category of non-storm water discharges that TDOT identifies as a source or significant contributor of pollutants pursuant to 40 C.F.R. 122.34(b)(3)(iii).

MS4 outfall pipes, for the most part, should not be discharging during substantial dry periods (72 hours after a rain event). Such flow is frequently referred to as “dry weather flow”, which may be the result of an illicit connection. All dry weather flows are generally non-storm water discharges, however not all dry weather flows are illicit connections. Some non-storm water flows result from the improper disposal of waste (e.g., radiator flushing, engine degreasing, improper disposal of oil) and some may be the result of allowable discharges such as residential car washing, irrigation runoff, permitted (NPDES) discharges and natural waters (e.g., spring water and groundwater infiltration). By making physical observations, TDOT should compile information that will help determine if the dry weather flow is an illicit connection and the most likely source of the illicit connection. After making these physical observations, additional chemical field testing should enable TDOT to further narrow the potential sources of the illicit connection.

The first physical observation is to observe if there is a dry weather flow. Some dry weather discharges are continuously flowing and some are intermittent. Observations should allow TDOT to establish with reasonable certainty if there is an intermittent flow. If there are indications of intermittent flows (staining, odors, deterioration of outfall structure) follow-up investigations are needed (see Investigation section below). An estimate of the flow rate of the discharge should also be noted (flow rate can be estimated by various methods, including timing how long it takes to fill a container of a known size). Additional physical observations and measurements should be made for odor, color, turbidity, floatable matter, temperature, deposits and stains, vegetation and algal growth, and condition of outfall. Information compiled from physical observations and field monitoring should be used to help identify potential sources. These observations are very important since they are the simplest method of identifying grossly contaminated dry weather flows. If physical observations alone are sufficient to warrant further investigation, then field-testing is not necessary.

If a dry weather flow exists and after making all physical observations (unless physical observations are enough to warrant further investigation), TDOT should conduct field tests for indicator parameters that may help identify the source of the discharge. All of the tests for the tracing of illicit connections may be performed in the field by employees of TDOT or may be contracted out. All person(s) responsible for calibrating, maintaining, and taking field samples shall be trained in the use of the equipment and appropriate field testing protocol.

Investigation

Any storm sewer outfall pipe or drain found during the initial inspection or on any subsequent inspection to have a non-storm water discharge or indications of an intermittent non-storm water discharge may require further investigation by TDOT to identify and locate the specific source. Non-storm water discharges suspected of being sanitary sewage and/or significantly contaminated shall be prioritized and investigated first. Investigations of non-storm water discharges suspected of being cooling water, washwater, or natural flows may be delayed until after all suspected sanitary sewage and/or significantly contaminated discharges have been investigated, eliminated and/or resolved.

Dry weather flows believed to be an immediate threat to human health or the environment shall be reported immediately to the Division of Water Pollution Control.

Physical observations and field-testing can help narrow the identification of potential sources of a non-storm water discharge. However it is unlikely that either will pinpoint the exact source. Therefore, TDOT will need to perform investigations “upstream” to identify illicit connections to systems with identified problem outfalls.

All non-storm water discharges, whether continuous or intermittent should be investigated by the TDOT or referred to the local TDEC’s Environmental Field Office when TDOT personnel do not access to upstream property. All investigations must be resolved. If the source is found to be a non-storm water discharge authorized under this MS4 permit, no further action is required. If a non-storm water discharge is found but no source is able to be located within six months of beginning the investigation, then the TDOT shall submit to the Department an Investigation Report to close out the investigation. TDOT must document that a good faith effort was made to find the source of the dry weather discharge and document each phase of the investigation. If the observed discharge is intermittent the TDOT must document, in the Illicit Connection Inspection Report form, that a minimum three separate investigations were made to observe the discharge when it is flowing. If these attempts are unsuccessful, TDOT shall submit to the division the Investigation Report noted above. However, since storm water management is an ongoing program under the MS4 permit, TDOT should periodically recheck these suspected intermittent discharges.

Elimination

Non-storm water discharges traced to their source and found to be TDOT’s own illicit connections shall be eliminated within six months of their discovery. The TDOT apply

for an applicable NPDES permit for the discharge, but the discharge shall cease until the division has issued a valid NPDES permit. TDOT is required to verify that the illicit discharge was eliminated within the specified timeframe and ensure that measures taken to eliminate the discharge are permanent and are not implemented in such a manner that would allow easy reconnection to the MS4.

If an illicit connection cannot be located or is found to emanate from an entity other than TDOT, then TDOT must submit to the Department a written explanation detailing the results of the investigation, including, if applicable, reasons why TDOT cannot eliminate the discharge. If the illicit connection is found to be from another public entity, TDOT shall also notify that entity.

ATTACHMENT E – NO EXPOSURE CERTIFICATION

Attached is form OMB No. 2040-0211, No Exposure Certification Form for Exclusion from NPDES Storm Water Permitting.

**PLEASE FOLLOW THESE INSTRUCTIONS FOR SUBMITTING THIS FORM.
FAILURE TO DO SO MAY RESULT IN YOUR PAPERWORK NOT BEING RECEIVED
BY THIS OFFICE FOR PROCESSING:**

Upon completion of this form, please be sure and **mail to the address below:**

Storm Water NOI Processing
Tennessee Division of Water Pollution Control
6th Floor, L&C Annex, 401 Church Street
Nashville, TN 37243-1534

**NO EXPOSURE CERTIFICATION for Exclusion from
NPDES Storm Water Permitting**

Form Approved
OMB No. 2040-0211

C. Exposure



Are any conditions or activities exposed to precipitation, now or in the foreseeable future?
(Please check either "Yes" or "No" in the appropriate box.) **If you answer "Yes" to any of these questions (1) through (11), you are not eligible for the no exposure exclusion.**

- | | Yes | No |
|--|--------------------------|--------------------------|
| 1. Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to storm water | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Materials or residuals on the ground or in storm water inlets from spills/leaks | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Materials or products from past industrial activity | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Material handling equipment (except adequately maintained vehicles) | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Materials or products during loading/unloading or transporting activities | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to storm water does not result in the discharge of pollutants) | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Materials or products handled/stored on roads or railways owned or maintained by the discharger | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Waste material (except waste in covered, non-leaking containers [e.g., dumpsters]) | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Application or disposal of process wastewater (unless otherwise permitted) | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e., under an air quality control permit) and evident in the storm water outflow | <input type="checkbox"/> | <input type="checkbox"/> |

D. Certification Statement

I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of "no exposure" and obtaining an exclusion from NPDES storm water permitting.

I certify under penalty of law that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the industrial facility or site identified in this document (except as allowed under 40 CFR 122.26(g)(2)).

I understand that I am obligated to submit a no exposure certification form once every five years to the NPDES permitting authority and, if requested, to the operator of the local municipal separate storm sewer system (MS4) into which the facility discharges (where applicable). I understand that I must allow the NPDES permitting authority, or MS4 operator where the discharge is into the local MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request. I understand that I must obtain coverage under an NPDES permit prior to any point source discharge of storm water from the facility.

Additionally, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name: _____

Print Title: _____

Signature: _____

Date: _____

**Instructions for the NO EXPOSURE CERTIFICATION for
Exclusion from NPDES Storm Water Permitting****Who May File a No Exposure Certification**

Federal law at 40 CFR Part 122.26 prohibits point source discharges of storm water associated with industrial activity to waters of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit. However, NPDES permit coverage is not required for discharges of storm water associated with industrial activities identified at 40 CFR 122.26(b)(14)(i)-(ix) and (xi) if the discharger can certify that a condition of "no exposure" exists at the industrial facility or site.

Storm water discharges from construction activities identified in 40 CFR 122.26(b)(14)(x) and (b)(15) are not eligible for the no exposure exclusion.

Obtaining and Maintaining the No Exposure Exclusion

This form is used to certify that a condition of no exposure exists at the industrial facility or site described herein. This certification is only applicable in jurisdictions where EPA is the NPDES permitting authority and must be re-submitted at least once every five years.

The industrial facility operator must maintain a condition of no exposure at its facility or site in order for the no exposure exclusion to remain applicable. If conditions change resulting in the exposure of materials and activities to storm water, the facility operator must obtain coverage under an NPDES storm water permit immediately.

Where to File the No Exposure Certification Form

Mail the completed no exposure certification form to:

Storm Water No Exposure Certification (4203)
USEPA
401 M Street, SW
Washington, D.C. 20460

Completing the Form

You must type or print, using uppercase letters, in appropriate areas only. Enter only one character per space (i.e., between the marks). Abbreviate if necessary to stay within the number of characters allowed for each item. Use one space for breaks between words. One form must be completed for each facility or site for which you are seeking to certify a condition of no exposure. Additional guidance on completing this form can be accessed through EPA's web site at www.epa.gov/owm/sw. Please make sure you have addressed all applicable questions and have made a photocopy for your records before sending the completed form to the above address.

Section A. Facility Operator Information

1. Provide the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this certification. The name of the operator may or may not be the same as the name of the facility. The operator is the legal entity that controls the facility's operation, rather than the plant or site manager.
2. Provide the telephone number of the facility operator.
3. Provide the mailing address of the operator (P.O. Box numbers may be used). Include the city, state, and zip code. All correspondence will be sent to this address.

Section B. Facility/Site Location Information

1. Enter the official or legal name of the facility or site.
2. Enter the complete street address (if no street address exists, provide a geographic description [e.g., Intersection of Routes 9 and 55]), city, county, state, and zip code. Do not use a P.O. Box number.
3. Indicate whether the facility is located on Indian Lands.
4. Indicate whether the industrial facility is operated by a department or agency of the Federal Government (see also Section 313 of the Clean Water Act).
5. Enter the latitude and longitude of the approximate center of the facility or site in degrees/minutes/seconds. Latitude and longitude can be obtained from United States Geological Survey (USGS) quadrangle or topographic maps, by calling 1-(888) ASK-USGS, or by accessing EPA's web site at <http://www.epa.gov/owm/sw/industry/index.htm> and selecting Latitude and Longitude Finders under the Resources/Permit section.

Latitude and longitude for a facility in decimal form must be converted to degrees (°), minutes ('), and seconds (") for proper entry on the certification form. To convert decimal latitude or longitude to degrees/minutes/seconds, follow the steps in the following example.

Example: Convert decimal latitude 45.1234567 to degrees (°), minutes ('), and seconds (").

- a) The numbers to the left of the decimal point are the degrees: 45°.
 - b) To obtain minutes, multiply the first four numbers to the right of the decimal point by 0.006: $1234 \times 0.006 = 7.404$.
 - c) The numbers to the left of the decimal point in the result obtained in (b) are the minutes: 7'.
 - d) To obtain seconds, multiply the remaining three numbers to the right of the decimal from the result obtained in (b) by 0.06: $404 \times 0.06 = 24.24$. Since the numbers to the right of the decimal point are not used, the result is 24".
 - e) The conversion for 45.1234567 = 45° 7' 24".
6. Indicate whether the facility was previously covered under an NPDES storm water permit. If so, include the permit number.

7. Enter the 4-digit SIC code which identifies the facility's primary activity, and second 4-digit SIC code identifying the facility's secondary activity, if applicable. SIC codes can be obtained from the Standard Industrial Classification Manual, 1987.

8. Enter the total size of the site associated with industrial activity in acres. Acreage may be determined by dividing square footage by 43,560, as demonstrated in the following example.

Example: Convert 54,450 ft² to acres

Divide 54,450 ft² by 43,560 square feet per acre:
 $54,450 \text{ ft}^2 \div 43,560 \text{ ft}^2/\text{acre} = 1.25 \text{ acres}$.

9. Check "Yes" or "No" as appropriate to indicate whether you have paved or roofed over a formerly exposed, pervious area (i.e., lawn, meadow, dirt or gravel road/parking lot) in order to qualify for no exposure. If yes, also indicate approximately how much area was paved or roofed over and is now impervious area.



Instructions for the NO EXPOSURE CERTIFICATION for Exclusion from NPDES Storm Water Permitting

Section C. Exposure Checklist

Check "Yes" or "No" as appropriate to describe the exposure conditions at your facility. If you answer "Yes" to **ANY** of the questions (1) through (11) in this section, a potential for exposure exists at your site and you cannot certify to a condition of no exposure. You must obtain (or already have) coverage under an NPDES storm water permit. After obtaining permit coverage, you can institute modifications to eliminate the potential for a discharge of storm water exposed to industrial activity, and then certify to a condition of no exposure.

Section D. Certification Statement

Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means:

- (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or
- (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where

authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipal, State, Federal, or other public facility: by either a principal executive or ranking elected official.

Paperwork Reduction Act Notice

Public reporting burden for this certification is estimated to average 1.0 hour per certification, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose to provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Director, OPPE Regulatory Information Division (2137), USEPA, 401 M Street, SW, Washington, D.C. 20460. Include the OMB control number of this form on any correspondence. Do not send the completed No Exposure Certification form to this address.

RATIONALE

TENNESSE DEPARTMENT OF TRANSPORTATION MUNICIPAL SEPARATE STORM SEWER SYSTEM NPDES PERMIT NO. TNS0077585

1. DISCHARGER(S)

This permit and rationale sheet address the discharge of storm water runoff from the municipal separate storm sewer system (MS4) owned and operated by the Tennessee Department of Transportation.

The application was submitted by:
The Tennessee Department of Transportation
Contact: Mr. John Hewitt

Address: State of Tennessee
Department of Transportation
Environmental Planning and Permits Office
Suite 900, J.K. Polk Building
505 Deadrick Street
Nashville, TN 37243-0334

The Tennessee Department of Transportation (TDOT) and the Tennessee Department of Environment and Conservation (TDEC) signed an Amended Consent Order and Agreement on signed March 10, 2004. In part, this consent order instructs TDOT to develop a statewide storm water management plan, conduct research projects and develop and foster public participation in its projects. The terms and conditions of this permit will compliment, not replace, this amended consent order.

2. PERMIT STATUS

This is the initial permit for this MS4. Part 1 of the application was received in September 2000 and Part 2 of the application was received on September 28, 2001. The Federal Clean Water Act (CWA) amendments of 1987 required the Environmental Protection Agency (EPA) to establish regulations setting forth NPDES permit application requirements for storm water discharges for certain activities, including discharges from MS4s. In November 1990, EPA published Phase I of these regulations, which outlined the application requirements for large and medium MS4s serving populations of 100,000 or greater. A municipal separate storm sewer system is defined by EPA as any conveyance that is owned or operated by a state or local government entity and is designed for

collecting or conveying storm water (excluding publicly owned treatment works). Although the regulations themselves do not address the subject of departments of transportation, EPA clarified in the preamble to the regulations that owners and operators of roads, streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains that discharge waters to the United States are considered to be municipal separate storm sewers.

Regulated large and medium MS4s under Phase I were required to submit Part 2 of their permit application to the TDEC in the early 1990's. The cities of Memphis and Nashville submitted permit applications by November 16, 1992; Chattanooga and Knoxville submitted applications by May 17, 1993. These four cities were subsequently issued NPDES permits. At that time, TDOT was unaware of the duty to apply under the federal rule for their storm water discharges in these metropolitan areas, and TDEC failed to catch this oversight.

On December 8, 1999, EPA published Phase II of the storm water regulations that outlined criteria for designating which small MS4s would be covered by the rule and presented the permit application requirements for these MS4s. In 2000, TDEC recognized that TDOT had not applied for Phase I permitting and requested that the agency apply for coverage of their discharges in both the Phase I MS4s and the Phase II MS4s. To address the failure to apply under Phase I, TDOT was requested to complete their Phase I/Phase II application package by September 30, 2001, 1-1/2 years before the permit applications for the other Phase II MS4s were due.

3. AREA OF PERMIT COVERAGE

Phase I of the regulations required permitting of medium and large MS4s, i.e., those greater than 100,000 in population. Under this Phase, each of the four major metropolitan areas of the state, Nashville, Knoxville, Memphis and Chattanooga were permitted under an individual NPDES permit. Phase II of the regulations require permitting of certain regulated small MS4s (<100,000 population) that are either (1) located within an urbanized area or, (2) is itself an urbanized area having a population of at least 50,000 and a population density at least 1000 per square mile or, (3) having a population of between 10,000 and 50,000 and a population density of at least 1000 per square mile, or (4) designated by TDEC because it has the potential to cause an adverse impact on water quality.

The small MS4s have been covered under TDEC's general NPDES permit for Small Separate Storm Sewer Systems, Permit No. TNS000000 issued in February 2003. Notice of Intent (NOI) were required by March 2003. As of June 2004, regulated small MS4s in Tennessee included 85 systems. The 85 small MS4s represent 20 county storm sewer systems and 65 storm sewer systems operated by municipalities.

The federal storm water rules require that all state-operated highways, including interstates, within the large, medium, and small MS4s be permitted. Thus jurisdiction of this TDOT permit could be limited to the area of the four large MS4s and the 85 small MS4s. However storm water issues associated with TDOT operations are not just located in urban areas. In the preamble to the 1990 final rule, the EPA stated that an entire State highway system may be considered as a MS4. In this case, 40 CFR 122.26(b)(4)(iv) would apply, and the permitting authority may petition a department of transportation to obtain coverage due to the inter-relationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described in 40 CFR 122.26(b)(4)(i) or (ii). Issues involving construction, illicit connections, roadway maintenance, and TDOT operations at regional maintenance facilities are statewide. For these reasons, the division has petition TDOT to submit an application for an individual NPDES MS4 permit. Thus, it is deemed in the best interest of both TDOT and the State to have this permit cover all highways, not just those highway portions in the urban areas. Therefore this is a statewide permit.

Consideration was also given to including TDOT under the Small MS4 General Storm Water Permit. This permit was established to allow many small municipal systems that are similar in nature to be covered by the same permit. However, because TDOT is such a large and unique entity relative to storm water issues, it was deemed appropriate that an individual permit (rather than a general permit) be issued.

4. LIMITATIONS ON COVERAGE

The MS4 permit program for municipal storm water is broad in nature and overlaps with permit programs already in place by the division. It is not the intent that this individual TDOT permit take the place of existing permit programs that are (or could) cover specific TDOT activities. Therefore, this permit specifically excludes these types of discharges/activities that can be covered under existing division of TDEC permits. However, to obtain the exclusion in this MS4 permit, these discharges/activities must be permitted under the appropriate existing NPDES permit. These discharges/activities are as follows:

Construction Activity

TDOT is presently required to file a Notice of Intent and obtain coverage under the Tennessee General Permit No. TNR100000 for Storm Water Discharges from Construction Activities disturbing one acre or more. This is a requirement of the Amended Order and Agreement of March 10, 2004 between TDEC and TDOT. The MS4 permit reaffirms that obtaining the Construction permits is a requirement.

ARAP

TDOT is required to obtain an Aquatic Resource Alternation Permit (ARAP) for any project that will disturb streambeds or stream banks. This permit does not replace the ARAP permit, but reinforces the requirement to obtain and abide by the conditions of the ARAP permit.

5. MS4 DESCRIPTION

TDOT operated roads include interstates, expressways, arterials, major collectors, minor collectors, and local streets. The TDOT Commissioner has the authority to designate state routes and can authorize a local road to become a state route. The total of state-maintained roads is 13,752 miles or 16% of the total highway miles in the state. These roads carry 72% of the total state road traffic. There are 1,074 miles of Interstate highways. Although the interstates represent just over 1% of the state highway miles, they carry approximately 25% of the state's traffic. Within the four large MS4s, TDOT operates approximately 237 miles of Interstate and approximately 880 miles of State Routes. These roads encompass 35,292 acres of right-of-way.

TDOT does not maintain one large storm sewer system, but rather thousands of short sections of pipes, culverts, ditches, or bridges that allow drainage to flow off of or under the roadway. The system has been mapped on thousands of individual design drawings and is available in GIS. Submitted with the Part II application was GIS (ArcView format) including cross-sectional data on all road segments under TDOT jurisdiction occurring in the MS4s considered at the time of the application. This data was derived from the extensive TDOT database called the Tennessee Road Information Management System (TRIMS). In addition to the geographic location of all road segments in the MS4s, the system allows the user to identify information such as number, type and width of lanes, shoulders, and medians as well as the total right-of-way width. In an effort to provide information for TDEC to use this system, tools are provided to calculate the total areas in acres of impervious surfaces, grass areas and other pervious areas. The report titled *GIS DATA SUMMARY FROM TN ROADWAY INFORMATION MANAGEMENT SYSTEM (TRIMS)* is included in Appendix B of the permit application, which describes in greater detail the GIS data provided.

6. RECEIVING WATERS

One of the requirements of MS4 permits is the identification of storm sewer outfalls and the receiving streams (Waters of the State) to which they flow. Waters of the state are defined in the Tennessee Water Quality Control Act (TN WQCA) as:

“Waters” means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained

within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

Wet weather conveyances are conveyances that flow in direct response to precipitation. Wet weather conveyances are not protected under the TN WQCA to the same extent as other waters of the State. The definition of a wet weather conveyance as taken from the Tennessee Water Quality Board Rule 1200-4-3-.04(4) is given as follows:

“Wet weather conveyances” are man made or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality and whose channels are above the groundwater table and which do not support fish and aquatic life and are not suitable for water supplies.

The Tennessee Roadway Information Management System (TRIMS) presently does not identify the receiving stream for all storm water outfalls from TDOT roadways. The identification of outfalls and stream segments is something that must be added to the TRIMS database.

7. REGULATED MUNICIPAL SEPARATE STORM SEWERS

Municipal Separate Storm Sewer is defined by EPA as a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains):

- a. owned or operated by a State, city, town, borough, county, parish, district, or 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 sewer district, flood control district or drainage district, or similar entity, or an Indian Tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- b. designed or used for collecting or conveying storm water;
- c. which is not a combined sewer; and
- d. which is not a part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

Where a TDOT culvert, pipe, or bridge is used solely to transfer Waters of the State (i.e., streams as defined above) under TDOT highways, these specific structures are not considered municipal separate storm sewers under the above definition. Also the downstream outlet of these structures is not considered a outfall. Because TDOT does not have the jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes in waters of the State, TDOT cannot be responsible for management of storm water quality above and below these structures (the exception being that TDOT is responsible for the

contribution of storm water from their roadway and ROW to the drainage structure).

However, under this permit, TDOT is required to train their field personnel in identifying and reporting illicit discharges observed in these streams. For "Wet Weather Conveyances" (see above definition) it is recognized that TDOT provides culverts, pipes and bridges to direct these flows under the roadway. These structures are considered municipal storm sewers under this permit and the downstream end of these structures is considered to be an outfall. Road surfaces and ROWs are the major contributors to storm water runoff discharges. However, it is recognized that some of these conveyances may have (1) large drainage areas upgradient of the highway, (2) the drainage areas may have multiple land owners and land use activities which impact storm water runoff, and (3) TDOT does not have the jurisdiction to control activities on these properties. Nevertheless, TDOT has the responsibility for identifying storm water runoff quality issues associated with these storm sewers and assisting TDEC in improving the quality of the runoff and preventing water pollution.

For runoff from properties that directly adjoin TDOT right-of-ways and that have direct access to the roadway, it is believed that TDOT has the jurisdiction to control access and storm water runoff onto their ROW. This MS4 permit requires TDOT to undertake an employee and contractor education program that will also address storm runoff.

8. PERMIT DEVELOPMENT

8.1 Introduction

The Water Quality Act of 1987, which set up the present NPDES permit requirements for discharges of urban runoff, requires that the NPDES permit issued to TDOT:

- a. include a requirement to effectively prohibit non-storm water discharges into the storm sewers; and
- b. include a requirement that the permittee(s) reduce pollutants in discharges from the MS4 to the "Maximum Extent Practicable" (MEP).

This permit will impose Best Management Practices (BMPs), in the form of required source control measures and a comprehensive Storm Water Management Program (SWMP), as the mechanism to implement the statutory requirements.

While Section 402(p)(3)(B)(iii) of the CWA includes structural controls as a component of MEP, the state recognizes that the permittee may first implement pollution prevention measures and reserve more costly structural controls for higher-priority watersheds or where source controls

are unfeasible or ineffective and where pilot studies have been done to prove the effectiveness of the structural control.

8.2 Necessary MS4 Program Elements

The program elements enumerated by EPA for the management program of large and medium municipal MS4s are given as follows:

Required Program Element	Regulatory References
Operation and maintenance of structural controls	40 CFR 122.26(d)(2)(iv)(A)(1)
Control of discharges from areas of development and new development	40 CFR 122.26(d)(2)(iv)(A)(2)
Street and road operation and maintenance to control impacts of storm water discharges	40 CFR 122.26(d)(2)(iv)(A)(3)
Assuring that flood control projects consider water quality impacts	40 CFR 122.26(d)(2)(iv)(A)(4)
Identification, monitoring, and control of discharges from municipal waste treatment, storage, or disposal facilities	40 CFR 122.26(d)(2)(iv)(A)(5)
Control of pollutants related to application of pesticides, herbicides, and fertilizer	40 CFR 122.26(d)(2)(iv)(A)(6)
Implementation of an inspection program to enforce ordinances to identify and terminate sources of illicit connections or discharge	40 CFR 122.26(d)(2)(iv)(B)(1)
Field screening the MS4 for illicit discharges and illegal dumping	40 CFR 122.26(d)(2)(iv)(B)(2)
Facilitate public reporting of illicit discharges or dumping	40 CFR 122.26(d)(2)(iv)(B)(3)
Prevention, containment, and response to spills that may discharge into the MS4	40 CFR 122.26(d)(2)(iv)(B)(4)
Limit infiltration of sanitary seepage into the MS4	40 CFR 122.26(d)(2)(iv)(B)(7)
Identify, monitor, and control discharges from landfills, hazardous waste storage, disposal and recovery facilities, facilities subject to SARA Title III, Section 313, and facilities contributing substantial pollutant loading to the MS4	40 CFR 122.26(d)(2)(iv)(C)(1)
Control of pollutants in construction runoff	40 CFR 122.26(d)(2)(iv)(D)(1)
Public education	40 CFR 122.26(d)(2)(iv)(A)(6) 40 CFR 122.26(d)(2)(iv)(B)(5) 40 CFR 122.26(d)(2)(iv)(B)(6)

The six minimum control measures specified in the federal rules for small municipal MS4s are:

- A. Public education and outreach on storm water impacts,**
- B. Public involvement/participation,**
- C. Illicit discharge detection and elimination,**
- D. Construction site storm water runoff control,**
- E. Post-construction site storm water management in new development/ redevelopment, and**
- F. Pollution prevention/good housekeeping for municipal operations.**

The program elements and minimum control measures listed above were developed by EPA primarily for municipal storm sewer systems. Their direct application to linear projects such as urban highways requires some interpretation and judgment. However, by keeping focused on the goal of the program, which is to reduce pollutants in storm runoff to the maximum extent practicable, these control measures can be applied to the TDOT system.

In applying the Phase I and Phase II program requirements to this individual permit, the program elements are specified as the six minimum control measures listed in Phase II. However, where deemed appropriate to meet the goals of reducing pollutants in storm water, elements of Phase I or other requirements may be included.

- 8.3 Information from other State DOT Permits
Existing MS4 permits for other State departments of transportation have been reviewed in the development of this permit. Permits available for review prior to the time of this permit development include the states of California, Colorado, Maryland, Nevada, New Jersey, Mississippi, Michigan and Texas. Also available were the Mississippi DOT Phase II Storm Water Guidance Manual and the Michigan DOT Drainage Manual.

9. PERMIT CONDITIONS

- 9.1 Minimum Control Measures
The introduction to the December 8, 1999 preamble to the Phase II NPDES regulation reads in part:

Absent evidence to the contrary, EPA presumes that a small MS4 program that implements the six minimum measures in today's rule does not require more stringent limitations to meet water quality standards. Proper implementation of the measures will significantly improve water quality. As discussed further below, however, small permittees should modify their programs if and when available information indicates that water quality considerations warrant greater attention or prescriptiveness in specific components of the municipal program. If the program is inadequate to protect water quality, including water quality standards, the permit will need to be modified to include any more stringent limitations necessary to protect water quality.

The six minimum control measures for MS4s identified in the above preamble are:

- A. Public Education and Outreach
- B. Public Participation/Involvement
- C. Illicit Discharge Detection and Elimination
- D. Construction Site Runoff Control
- E. Post-Construction Runoff Control
- F. Pollution Prevention/Good Housekeeping

Compliance with the conditions of the permit and the series of steps associated with identification and implementation of the minimum control measures will satisfy the requirement of the Water Quality Act of 1987 to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and systems, and design and engineering methods.

- A. TDOT shall develop, implement and maintain educational programs for the public, its contractors and its employees on storm water impacts on waters of the state. For the public, the program must distribute educational materials to these communities and/or conduct outreach activities explaining the impact of storm water discharges from highways to adjacent streams and lakes. The public will be educated on steps that can be taken to reduce pollutants in storm water runoff. For TDOT contractors and employees, the educational and training program will include topics covered in the Tennessee Erosion Prevention and Sediment Control Handbook and requirements in the Amended Consent Order and Agreement between TDOT and TDEC signed March 10, 2004. This program will be implemented at all TDOT facilities including all highway projects and right-of-ways.
- B. TDOT shall include mechanisms for public involvement and participation in its storm water management program. Effort should be made to include all economic and ethnic groups. Ways that should be considered for public involvement include citizen panels, public hearings, citizen cleanup campaigns, adopt-a-highway and others. These activities should promote citizen awareness and reporting of illegal spills, dumping or otherwise disposal of materials onto highways and right-of-ways.
- C. TDOT shall develop, implement and maintain a program to detect and eliminate illicit discharges onto highways, right-of-ways and storm sewer systems. The program should include a mapping system that identifies the location of outfalls for TDOT facilities. In addition the program should include training of TDOT employees

and contractors to identify illicit discharges into their system and to notify the appropriate TDEC Environmental Field Office (EFO).

- D. TDOT shall develop, implement and maintain a program to reduce pollutants in storm water runoff from construction sites. This program shall include a set of Best Management Practices (BMPs) that incorporates all phases of project development including environmental planning, design and construction.
- E. TDOT shall develop, implement and maintain a program to reduce pollutants in storm water runoff from post-construction sites. This program should contain the development and implementation of strategies for a combination of structural and non-structural BMPs appropriate for each construction site. The BMPs chosen should be: appropriate for the project, minimize water quality impacts, and attempt to maintain pre-development storm water runoff conditions.
- F. TDOT must develop and implement an operation and maintenance program that includes a training component with an ultimate goal of preventing or reducing pollutant runoff from its facilities. Employee/contractor training should address chemical handling, spill prevention, pollutant issues at its operations (including regional maintenance facilities, county garages, equipment storage areas, weigh stations, equipment washing areas, chemical/oil/petroleum storage areas, material yards, construction sites, debris area borrow areas), and all other activities that may cause pollutants to enter storm water runoff.

9.2. Annual Report

TDOT shall submit an annual report summarizing progress made in each of the above outlined programs.

9.3 Schedule

The schedule of milestones and measurable goals presented in the permit were provided by the applicant.