



ENVIRONMENTAL ASSISTANCE CENTER
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July 21, 2005

Certified Mail
7002-2410-0000-8267-1499

Mr. D. Gary Davis, County Mayor
Bradley County
155 Broad Street NW
Cleveland, TN 37311

Re: Compliance Evaluation Inspection (CEI) Report
Bradley Co. Municipal Separate Storm Sewer System (MS4) – Phase II
NPDES Permit Number TNS077771
Bradley County, TN

Dear Mr. Davis:

On June 7, 2005, Mr. Mike Kelley of my staff performed a Compliance Evaluation Inspection of the Bradley County's storm water program. He met with Ms. Sandra Knight, Ms. Tina Rice and Mr. Heath Owens who provided information during the inspection. The purpose of the inspection was to evaluate the County's compliance with the terms and conditions of NPDES Permit Number TNS077771.

Bradley County was required to develop a program as part of the Phase II storm water federal regulations. This requires the development of a storm water management program to improve water quality in receiving streams by controlling the quality and quantity of storm water runoff. The County's storm water program is part of the Engineering/Building Inspection/Planning divisions and is staffed by one person, Mr. Owens (Storm Water Technician). Support for this person is provided by the County Engineer (Ms. Knight) and the Building Inspector (Ms. Rice). The Division believes that Bradley County has not provided adequate financial and human resources to the Storm Water Program to meet permit requirements.

The Division staff conducted this CEI by evaluating each element of the six minimum control measures that are included in your storm water management program.

Below is the CEI report. Please note that I have forwarded a copy of this report to EPA Region 4 in Atlanta.

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Permit rating: Satisfactory.

The Field Office received the Notice of Intent (NOI) on March 10, 2003. The Field Office and the Central Office reviewed the NOI and issued the permit on July 3, 2003. NPDES Permit Number TNS077771 became effective on July 7, 2003 and it will expire on February 26, 2008.

Records and Reports rating: satisfactory.

The County has kept excellent records of all permit related activities. The records are well organized for easy retrieval and use. The County has kept the Division well informed of their major activities.

Compliance Schedule rating: marginal

The County is working toward achieving the goals set for year two in a timely manner. Based upon the current level of financial and human resources committed by Bradley County to this program, Bradley County will be out of compliance in year 3.

BMP 1 – Public Education and Outreach

BMP 1A – Classroom Education on Storm Water – Rating: Marginal

Milestone Year 2 – Present education program or participate in activity at each school in the urban area.

The County and the City developed a storm water education plan in March 2004. The County initiated Project Wet (partnering with the City) with Austin Peay University. The County is also working with the City by publishing brochures, coloring books, magnets and stickers to educate the public and children. The County is distributing these materials to schools, during events (for example Home Expo), and when children visit the County offices. The Bradley County school system is working to include the Project Wet in its new curriculum. Teachers have been selected and partially trained. Two problems are identified: (1) since the teachers have not completed the full eight hours of training they cannot be certified for Project Wet and will not be able to incorporate the materials into the classroom this next school year; and (2) the required educational materials have not been received which precludes the teachers from being able to adequately develop their teaching plans. These issues will result in non-compliance with this element of the permit.

BMP 1B – Hotline – Rating: Satisfactory

Milestone Year 2 – Set up phone line with tracking database and begin logging complaint.

The hotline is the direct phone line of Mr. Owens. The phone line is placed on the educational materials, forms etc. and it will be placed in the phone directory. The sheriff and the public information officer are also available to take storm water complaints. This officer also performs environmental enforcement. The complaints are processed into a database that can be shared by various officials (for example building inspector). This process is continuing.

BMP 1C – Web Site – Rating: Satisfactory

Milestone Year 2 – Add approved ordinances and information on implementation schedules and enforcement. Make permit applications available for download/printing. Include links to helpful and related sites and local training and education.

The website (www.bradleyco.net/pages/stormwater/default.html) was created in 2004 by a Lee University student. The County had placed their NOI, urban area GIS map, BMP manual, Land Disturbance Permit, Storm Water Ordinance and other links and storm water information at the web site. This is continuing with updates and additional material and information as required. The student is part time. He does updates and performs other functions as necessary. A full time person is needed to meet the future permit requirements.

BMP 1D – Public Service Announcements – Rating: Satisfactory

Milestone Year 2 – At least two press releases announcing the adoption of the storm water program ordinances and policies. Meet with neighboring MS4's on possibility of partnering for commercial TV and radio ads.

This is ongoing and Bradley Co. has partnered with the City of Cleveland and with the Waterworks program to have spots run on local radio and TV stations describing the storm water program.

BMP 1E – Erosion Prevention and Sediment Control Training – Rating: Satisfactory

Milestone Year 2 – Begin hosting or co-sponsoring annual training. Add extra classes as participation warrants.

The County partnered with the City of Cleveland to hold both Level I and Level II courses.

BMP 1F – Grab Bag – Rating: Satisfactory

Milestone Year 2 – Develop complaint and inspection reports. Set up database to track complaint and inspection reports.

The County continues taking complaints and conducting inspections. Complaints and inspection reports are entered in a database (PTWin32v2) for easy tracking. Storm water inspection reports are attached to parcel information for use by other officials (for example building inspector).

BMP 2 – Public Participation and Involvement

BMP 2A – Storm Water Advisory Committee/Develop Ordinances –Rating: Unsatisfactory

Milestone Year 2 – Committee will become inactive after ordinances are passed.

All members of the Storm Water Advisory Committee resigned as a result of the County Commission's actions that were contrary to the work and recommendations of the Committee. The Committee members worked long and hard on the ordinances and felt they had worked through very difficult issues and these were rejected by the County Commission.

BMP 2B – Storm Water Administrative Board – Rating: Unsatisfactory

Milestone Year 2 – Regular meetings continue.

In the permit application, once the ordinances were passed, the Storm Water Advisory Committee would serve as the Storm Water Administrative Board until the Storm Water Board of Appeals had been nominated and approved. With the resignation of the members of the Storm Water Advisory Committee, there is no duly appointed Storm Water Administrative Board. The Division understands that four individuals, who were members of the Storm Water Advisory Committee, have agreed to provide guidance for the Storm Water Program. This does not meet the intent of the permit with regard to the

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public participation process. Furthermore, these individuals have not been duly appointed by the Bradley County Commission.

The Division understands that the process for nominating and approving the members of the Storm Water Board of Appeals has started. This is good and should be continued but, the fact remains that with the resignation of the Storm Water Advisory Committee there has been no mechanism in place for public participation or oversight in the formulation of the Storm Water Program. Furthermore, with this void, there should have been quick action to fully constitute the Storm Water Board of Appeals in order to assure public access and oversight of the Storm Water Program.

BMP 2C – Public Meetings – Rating: Satisfactory

Milestone Year 2 – Annual Report Meeting. At least one meeting to satisfy public notice requirements for adoption of ordinance.

Done. Ordinance adopted.

BMP 2D – Citizens Groups – Rating: Satisfactory

Milestone Year 2 – One stream clean-up event.

Done. The city and county continue to work together since most of the impacted streams are located in the city limits.

BMP 2E – Grab Bag for Citizens Groups – Rating: Satisfactory

Milestone Year 2 – Perform Annual Review

Done.

BMP 3 – Illicit Discharge Detection and Elimination

BMP 3A – Ordinance – Rating: Satisfactory

Milestone Year 1 – Develop draft ordinances by Citizen Advisory Committee.

Done.

BMP 3B – Dry Weather Screening – Rating: Marginal

Milestone Year 2 – Screen 50% of outfalls in urban areas; according to progress of storm sewer system inventory data collection. Investigate reports of illicit discharges.

Base work done. A major problem is lack of dedicated manpower to collect data and put it into a new data base system. Another problem is a need for a server to store all the data for the new GIS system. This part of the program will soon be in non-compliance if the needed additional manpower and equipment are not provided. Based upon the current level of financial and human resources committed to this element of the Storm Water Program, Bradley County will be out of compliance in Year 3. Additional resources must be provided to keep the county in compliance.

BMP 3C – Hotline and Complaints Tracking System – Rating: Satisfactory

Milestone Year 2 – Track and respond to calls.

The County has a direct phone line to receive complaints. Complaints are processed in a database.

BMP 3D – Inventory of Storm Water System – Rating: Marginal

Milestone Year 2 – Finish protocols, begin inventory, complete 50% of urban area.

The County already identified box culverts and has aerial photos to be used in the GIS system. The Division believes the County will not be able to be in compliance with this goal in the upcoming years unless additional resources (financial and human) are added to the current program. Refer to BMP 3B.

BMP 3E – Recycling, Hazardous Waste Collection Program – Rating: Satisfactory

Milestone Year 2 – Continue public education in proper disposal of wastes.

The County is co-sponsoring with the City and Keep America Beautiful (KAB) one event every year.

BMP 3F – Education for Illicit Discharge Program – Rating: Satisfactory

(Covered in BMPI)

BMP 4 – Construction Site Runoff Control Program

BMP 4A – Ordinance – Rating: Satisfactory

Milestone Year 2 – Adopt ordinances.

Done.

BMP 4B – Procedures for Reviewing and Approving Land Disturbance Activities – Rating: Satisfactory

Milestone Year 2 – Develop the procedures for storm water advisory committee to adopt, to coincide with the storm water ordinance. Initiate procedures.

Done.

BMP 4C – Erosion Prevention and Sediment Control BMPs – Rating: Satisfactory

Milestone Year 2 – Adopt a manual to coincide with the storm water ordinance. Make manual available to public.

Done.

BMP 4D – Inspections – Rating: Marginal

Milestone Year 2 – Hire inspector(s). Begin inspecting according to established inspection frequency standards.

The basics have been initiated. More manpower is necessary to meet long-term requirements.

BMP 4E – Enforcement – Rating: Marginal

Milestone Year 2 – All policies, procedures, and penalties established and enforced in conjunction with the ordinance.

As identified in BMP 2B, the process for establishing the Storm Water Board of Appeals is only in the initial phase and, with the resignation of the Storm Water Advisory

Committee and the lack of an authorized Storm Water Administrative Board, there is no public participation and oversight present. This lack does not allow the enforcement elements of the Storm Water Policy and Ordinances to be carried out.

BMP 5 – Post-Construction Runoff Control Program

BMP 5A – Ordinance – Rating: Satisfactory

Milestone Year 2 – 18 months – Present to County Commission. Hold public hearings as necessary. Adopt ordinances. Notify regulated community and citizenry.

Done

BMP 5B – Procedures for Reviewing and Approving Post-Construction Runoff Control – Rating: Marginal

Milestone Year 2 – Develop procedures for the advisory committee to adopt to coincide with the storm water ordinance. Initiate procedures

The Storm Water Advisory Committee all resigned and a replacement committee has not been installed. Consequently, the review and approval of Post-Construction Runoff Control cannot be accomplished in accordance with permit requirements and public participation.

BMP 5C – Post Construction BMPs – Rating: Satisfactory

Milestone Year 2 – Adopt a manual to coincide with the storm water ordinance. Make manual available to public

Done. Information to obtain a copy is on the Bradley Co. website.

BMP 5D – Streamside Buffers – Rating: Marginal

Milestone Year 2 – Develop the procedures for the storm water advisory committee to adopt to coincide with the storm water ordinance. Initiate procedures.

Without an Advisory or Administrative Committee/Board, there is not public participation in the development and approval of these critical elements of the Storm Water Program.

BMP 5E– Storm Water Detention– Rating: **Marginal**

Milestone Year 2 – Develop the policy for the storm water advisory committee to adopt to coincide with the storm water ordinance. Initiate procedures.

See BMP 5D for explanation.

BMP 5F– Maintenance Agreements– Rating: **Marginal**

Milestone Year 2 – Develop maintenance agreement requirements for advisory committee to adopt to coincide with the storm water ordinance.

See BMP 5D for explanation.

BMP 5G– Parking Lot Standards– Rating: **Marginal**

Milestone Year 2 – Develop parking lot standards for advisory to adopt to coincide with the storm water ordinances. Initiate procedures.

See BMP 5D for explanation.

BMP 6 – Municipal Pollution Prevention and Good Housekeeping

BMP 6A – Storm Water Quality Standard Operating Procedure (SOPs) – Rating: **Satisfactory**

Milestone Year 2 – Development and implementation of applicable SWPPP and SPCC plans.

Done

BMP 6B – Roadway and MS4 Development – Rating: **Satisfactory**

Milestone Year 2 – Review and evaluate the existing processes and develop procedures. Implement new and existing processes/procedures.

Continuing

BMP 6C – Roadway and MS4 Maintenance– Rating: Satisfactory

Milestone Year 1 – Review and evaluate the existing processes and develop procedures. Implement new and existing processes/procedures.

Implementation started. Continuing.

BMP 6D – Employee Training – Rating: Satisfactory

Milestone Year 2 – Identify employees. Develop training materials.

Selected County personnel attended the TDEC/UT course for erosion and sediment control. The County Road Department is now including pollution prevention materials in the safety meeting. Process continuing.

Recommended Actions

The following actions are recommended to improve the County's program.

- Immediately complete the process to formulate a Storm Water Advisory Board so that there will be a mechanism for public participation and oversight of the Storm Water Program.
- Work out problems with the Operation Wet system or formulate other plans to obtain training, etc. per the terms of the permit/NOI.
- Obtain a server and any other necessary equipment to fully use the sophisticated GIS system.
- Hire a minimum of two (2) full time employees to take the data and manage the sophisticated database.
- Increase inspections as necessary to bring businesses and individuals into compliance with the Bradley County Storm Water Ordinances.
- Continue to work with the City of Cleveland and in partnership with TDEC.

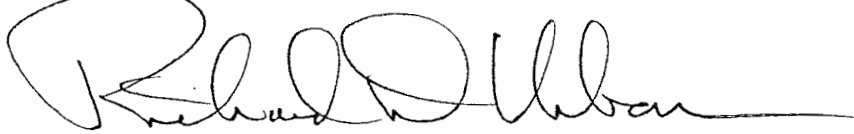
The Division would like to thank Ms Sandra Knight, Ms Tina Rice and Mr. Heath Owens for their time and assistance during our inspection. If you have any questions concerning either our inspection or this report, please contact Mr. Kelley at (423) 634-5745.

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Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Urban". The signature is written in a cursive style with a large, prominent initial "R".

Richard D. Urban, Ph.D.

Manager

Division of Water Pollution Control

- cc. Environmental Protection Agency, Clean Water Act Enforcement Section, Atlanta
Federal Center, 61 Forsyth Street, SW, Atlanta, Georgia 30303
- cc. DWPC, Enforcement and Compliance Section, Nashville Central Office
- cc. DWPC, Permit Section, Nashville Central Office

