

**A GUIDE TO TULLAHOMA'S APPROVAL PROCESS FOR LAND  
DISTURBANCE  
AND  
STORMWATER PROTECTION ACTIVITIES**

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**STORM WATER MANAGEMENT &  
SEDIMENT AND EROSION CONTROL PERMITTING PROCESS**



JULY 2004

**The Tullahoma Stormwater Program is a Non-Funded State of Tennessee and EPA Mandate**

# LAND DISTURBANCE AND STORMWATER PROTECTION PERMIT APPLICATION GUIDE

## I. PURPOSE

This document has been prepared for use by consulting engineers, developers, industries, and public entities dealing with the Department of Public Works on stormwater management and sediment and erosion control projects. It provides:

- ? An overview of the Department's responsibilities,
- ? A summary of regulatory requirements,
- ? Identification of the entities involved in permitting, and
- ? Highlights of the review and approval procedures.

This document provides an explanation of the Department's decision-making processes. The Department's decisions are made based on the technical, administrative, and legal aspects of a stormwater management project with the protection of the environment and public health, and compliance with State water quality regulations as the major considerations.

## II. LEGAL DESCRIPTION

Why are permits needed for land disturbing activities?

The City of Tullahoma is covered under a general permit for discharges from Small Municipal Separate Storm Sewer Systems (MS4) issued by the State of Tennessee, Department of Environment and Conservation. The permit requires the City of Tullahoma to develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities. The permit requires the City to develop an ordinance or other regulatory mechanism to require erosion prevention and sediment controls, as well as sanctions to ensure compliance.

The Tullahoma Land Disturbance and Stormwater Protection Permit is a mechanism by which the City complies with the above requirements of the MS4 General Permit.

## III. PERMITTING PROCESS

### A. WHO MUST ACQUIRE A PERMIT?

Every person will be required to obtain a Land Disturbance and Stormwater Protection Permit from the Tullahoma Department of Public Works in the following cases:

- (1) Land disturbing activity disturbs one (1) or more acres of land;
- (2) Land disturbing activity of less than one (1) acre if such activity is part of a larger common plan of development that affects one (1) or more acres of land;
- (3) Land disturbing activity of less than one (1) acre of land, if in the discretion of the Public Works Department such activity poses a potential threat to the MS4 or Waters of the State.

### B. WHERE DO I SUBMIT AN APPLICATION FOR A LAND DISTURBANCE AND STORMWATER PROTECTION PERMIT?

Permit applications should be submitted to the Tullahoma Department of Public Works. The Department is located at:

Tullahoma Department of Public Works  
942 Maplewood Avenue  
Tullahoma, Tennessee 37388  
(931) 454-1768

Application forms can be picked up at the Public Works Department or at City Hall. City Hall is located at:

Tulahoma City Hall  
123 North Jackson Street  
Tulahoma, Tennessee 37388  
(931) 455-2648 Ext. 104

#### C. WHAT INFORMATION MUST I PROVIDE IN THE PERMIT APPLICATION?

The City of Tullahoma's Stormwater Management Ordinance outlines the permit application requirements in great detail. In general, each application shall consist of the following:

- (1) Permit Application Form
- (2) A Stormwater Management Plan
- (3) A copy of the Notice of Intent submitted to the Tennessee Department of Environment and Conservation for coverage under General Stormwater Permit for Construction Activity, if required.
- (4) Permit Review and Inspection Fees

Requirements for small residential developments vary. See Page 8 for details.

#### D. WHAT DOES THE STORMWATER MANAGEMENT PLAN CONSIST OF?

The stormwater management plan shall include sufficient information to allow the Department of Public Works to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal, the stormwater management plan shall include the following:

(1) Topographic Base Map: A topographic base map of the site, at appropriate scale, which extends a minimum of 100 feet beyond the limits of the proposed development and indicates:

(a) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;

(b) Current land use including all existing structures, locations of utilities, roads, and easements;

(c) All other existing significant natural and artificial features;

(d) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading;

(e) Proposed structural BMPs;

(f) A written description of the site plan and justification of proposed changes in natural conditions may also be required.

(2) Calculations

Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 4.2 of the Stormwater Management Ordinance will be required. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the guidelines of the BMP manual. Such calculations shall include:

(a) A description of the design storm frequency, duration, and intensity where applicable;

(b) Time of concentration;

(c) Soil curve numbers or runoff coefficients including assumed soil moisture conditions,

- (d) Peak runoff rates and total runoff volumes for each watershed area;
- (e) Infiltration rates, where applicable;
- (f) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capabilities;
- (g) Flow velocities;
- (h) Data on the increase in rate and volume of runoff for the design storms referenced in Section 4.2 of the Stormwater Management Ordinance; and
- (i) Documentation of sources for all computational methods and field test results.

### (3) Soils Information

If a stormwater management control measure depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

### (4) Maintenance and Repair Plan

The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark may be required to be identified in the plans to assist in the periodic inspection of the facility.

### (5) Landscaping Plan

Where the management of adequate vegetation is required by the BMP, the applicant must present a detailed plan for the post-construction management of vegetation, including who will be responsible and what methods will be employed to ensure that adequate cover is preserved. At the discretion of the Department of Public Works, it may be required that this plan be prepared by a registered landscape architect licensed in Tennessee.

### (6) Maintenance Easements

The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.

### (7) Maintenance Agreement

(a) The Department of Public Works may require the owner of property to be served by an on-site stormwater management facility to execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners.

(b) The maintenance agreement shall:

- (i) Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.
- (ii) Provide for a periodic inspection by the property owner for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this ordinance. The property owner will arrange for this inspection to be conducted by a registered professional engineer licensed to practice in the State of Tennessee who will submit a sealed report of the inspection to the Department of Public Works. It shall also grant permission to the city to enter the property at reasonable times and to inspect the stormwater facility to ensure that it

is being properly maintained.

(iii) Provide that the minimum maintenance and repair needs include, but are not limited to: removal of silt, litter and other debris, the cutting of grass, the replacement of landscape vegetation, and all additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manual.

(iv) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the Department of Public Works.

(v) Provide that if the property is not maintained or repaired within the prescribed schedule, the Department of Public Works shall perform the maintenance and repair at its expense, and bill the same to the property owner.

(c) The Governing Body, upon recommendation of the Department of Public Works, shall have the discretion to accept the dedication of any existing or future stormwater management facility, provided such facility meets the requirements of this ordinance, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any stormwater facility accepted by the municipality must also meet the municipality's construction standards and any other standards and specifications that apply to the particular stormwater facility in question.

(d) In general, a maintenance agreement will be required for stormwater structures constructed in conjunction with commercial and industrial developments. The acceptance of dedication of stormwater facilities will generally be limited to structures associated with residential developments. However, the Department of Public Works shall have the right to accept dedication of any structure or to require a maintenance agreement for any structure, at the discretion of the Director.

#### (8) Sediment and Erosion Control Plans

The applicant must prepare a sediment and erosion control plan for all construction activities that complies with §4.4 of the Stormwater Management Ordinance. It is anticipated that the Sediment and Erosion Control Plan and the Stormwater Pollution Prevention Plan required by the Tennessee General Permit will, in most cases, be the same plan.

#### E. WHAT FEES ARE REQUIRED WITH THE APPLICATION?

A fee shall be assessed for each Land Disturbance and Stormwater Protection Permit as set forth in the following table:

##### DISTURBED ACREAGE RESIDENTIAL COMMERCIAL/INDUSTRIAL

0.01 - 0.99	\$100	\$250
1.00 – 4.99	\$150	\$350
5.00 – 14.99	\$250	\$500
15.00 – 29.99	\$400	\$800
30.00 or more	\$750	\$1,500

The review and inspection fees are based on acreage to be disturbed during the construction of the project. If a proposed acreage of disturbance is not provided, the fee will be based on the total project acreage.

#### F. WHY IS THERE A FEE FOR ACREAGE OF LESS THAN 1 ACRE IF THE PERMIT REQUIREMENT IS FOR DISTURBANCES OF GREATER THAN 1 ACRE?

Disturbances of less than 1 acre will be required to be permitted. All commercial or industrial developments will be required to obtain a permit, regardless of the size of the disturbance. Small residential developments will also be required to obtain permit coverage but with some varying requirements.

#### G. WHY AND HOW WILL SMALL RESIDENTIAL DEVELOPMENTS BE COVERED?

Small residential developments (less than 1 acre of disturbance) will be covered by a permit because the Department of Public Works will still need to make pre and post development site inspections to make sure that the development complies with all provisions of the Stormwater Management Ordinance. Small residential developments that consist of at least 500 square feet of disturbance will be required to submit a permit application and a fee. Small residential developments of less than 500 square feet will be required to submit an application, but no fee will be assessed.

Small residential developments will not be required to submit a Stormwater Management Plan as described in Item D of this guide.

#### H. IF THE DEVELOPER OF MY SUBDIVISION HAS A PERMIT, DO I HAVE TO HAVE A PERMIT TO BUILD ON MY LOT?

Yes. Prior to a residential building permit being issued, a small residential stormwater permit will have to be approved for the land disturbance associated with the development of the lot. While the application for a small residential permit will not require a stormwater management plan, the construction site could very well require some erosion control measures to protect the MS4 and Waters of the State.

#### I. HOW LONG WILL IT TAKE FOR THE DEPARTMENT TO REVIEW MY APPLICATION?

The Department of Public Works will review each application for a Land Disturbance and Stormwater Protection Permit to determine its conformance with the provisions of this ordinance. Within 14 days after receiving an application, the Department shall provide one of the following responses in writing:

- (1) Approval of the permit application;
- (2) Approval of the permit application with conditions; subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or
- (3) Denial of the permit application, indicating the reason(s) for the denial.

If the Department of Public Works has granted approval of the permit with conditions, the applicant shall submit a revised plan that conforms to the conditions established by the Department, within 7 days of receipt of the conditional approval. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to the conditions established by the Department.

No development plans (or building permit, if required) will be released until the Land Disturbance and Stormwater Protection Permit has been approved.

#### J. WHAT ARE MY RESPONSIBILITIES AFTER THE PERMIT IS ISSUED?

The applicant must notify the Department of Public Works ten (10) days in advance of the commencement of construction for all projects other than those covered by the small residential permit application. This requirement does not apply if the proposed start of construction date listed on the approved application was less than 10 days after the date of the permit issuance.

Every Land Disturbance and Stormwater Protection Permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance. The work authorized by such permit shall not be suspended or abandoned at any time after the work is commenced but shall be carried through to completion.

#### K. WHAT ARE MY RESPONSIBILITIES DURING CONSTRUCTION?

During construction, it is the responsibility of the permit holder to maintain all erosion and sedimentation controls as outlined in the approved Stormwater Management Plan. It is also the responsibility of the permit holder to evaluate the effectiveness of the erosion and sedimentation controls and to make any necessary modifications to adequately protect Waters of the State. In most cases, the permit holder will also be required to obtain coverage under the Tennessee General Stormwater Permit for Construction Activity. It shall be the responsibility of the permit holder to comply with all provisions of the state permit as well as the permit issued by the Tullahoma Department of Public Works.

#### L. WHAT ARE MY RESPONSIBILITIES AFTER CONSTRUCTION HAS BEEN COMPLETED?

All applicants are required to submit actual as built plans for any stormwater control structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Tennessee. A final

inspection by the Department of Public Works is required before the final portion of performance bond will be released.

Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according to a schedule approved by the Department of Public Works. The following criteria shall apply to revegetative efforts:

- (a) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.
- (b) Replanting with native woody herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.
- (c) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

**M. WHAT ARE THE CONSEQUENCES IF I CHOOSE NOT TO COMPLY WITH THE REQUIREMENTS OF THE TULLAHOMA STORMWATER MANAGEMENT ORDINANCE?**

Any person who fails to comply with the requirements of the Tullahoma Stormwater Management Ordinance is guilty of a civil offense. Under the authority provided in Tennessee Code Annotated §68-221-1106, the municipality declares that any person violating the provisions of this ordinance may be assessed a civil penalty by the Department of Public Works of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation. In addition to enforcement actions taken by the City of Tullahoma, the Tennessee Department of Environment and Conservation and the U.S. Environmental Protection Agency can initiate separate enforcement actions for violations of the Tullahoma Stormwater Ordinance that result in potential impacts to Waters of the State. The Tennessee Department of Environment and Conservation and EPA may also initiate enforcement actions against the City of Tullahoma for failure to adequately enforce the Tullahoma Stormwater Ordinance.