

Appendix D

Phase II Stormwater Communities In Tennessee

**Appendix D - Phase II Storm Water Communities in Tennessee
Local Government MS4s Regulated by EPA Rule & Designated by Tennessee
September 9, 2002 (revised 12/2/2002)¹**

Introduction

This document identifies municipal separate storm sewer systems (MS4s) that will be regulated in Tennessee under the EPA Phase II storm water regulations. These are arranged below into groups according to the different categories each MS4 falls into, according to EPA regulations and specifics of Tennessee. There is a summary list at the end of this document.

“TDEC” refers the Tennessee Department of Environment and Conservation. “Division” refers to the Division of Water Pollution Control within the Department of Environment and Conservation.

A. Local governments listed in EPA rule

The following local governments were listed in appendix 6 of the EPA Phase II rule, promulgated in the federal register on December 8, 1999. All or part of the area within these jurisdictions was identified as urbanized area (UA) according to the 1990 US Census. The EPA rule mandates that all urbanized areas be regulated under the Phase II program.

Alcoa	Jackson	Anderson County
Bartlett	Johnson City	Blount County
Church Hill	Jonesborough	Carter County
Belle Meade	Kingsport	Hamilton County
Berry Hill	Lakesite	Hawkins County
Brentwood	Lakewood	Knox County
Bristol	Lookout Mountain	Loudon County
Clarksville	Maryville	Madison County
Collegedale	Mount Carmel	Montgomery County
East Ridge	Mount Juliet	Shelby County
Elizabethton	Oak Hill	Sullivan County
Farragut	Red Bank	Washington County
Forest Hills	Ridgeside	Williamson County
Germantown	Rockford	Wilson County
Goodlettsville	Signal Mountain	Sumner County
Hendersonville	Soddy-Daisy	

The above cities and counties must submit NPDES permit applications by March 10, 2003. The state intends to honor waiver requests for communities with an urbanized area population less than 1000.²

Counties in the above list are responsible to submit permit application material and implement complete Phase II programs only for those portions of the county that are urbanized, according to the Census Bureau’s most recent definition and data.³ The cities listed above are responsible to carry out Phase II programs in all of the city.

B. Cities and portions of counties that are located in urbanized areas (UAs) per the 2000 Census

Census 2000 enlarged most or all of Tennessee’s 1990 urbanized areas. In addition, Cleveland, Morristown and Murfreesboro have been added as urbanized areas. As a result, TDEC’s mapping indicates the following jurisdictions are partly or wholly urbanized. For this reason, they are, like the list in item A above, automatically subject to the Phase II program regulations and must apply for permit by March 10, 2003.

Urbanized area	Cities or portions of counties newly included in the urbanized area
Memphis, TN-MS-AK.....	Collierville, Millington

Nashville-Davidson.....	Gallatin, Lavergne, Smyrna, Nolensville, Franklin, Ridgetop, Greenbrier, Springfield, Millersville, Robertson County
Chattanooga.....	Walden
Knoxville.....	Sevier County, Lenoir City
Bristol.....	Bluff City
Cleveland.....	Bradley County
Morristown.....	Hamblen County
Murfreesboro.....	Rutherford

Counties in the above list are responsible to submit permit application material and implement complete Phase II programs only for those portions of the county that are urbanized. The cities listed above are responsible to carry out the Phase II program in all of the city. The division intends to honor waiver requests for local government jurisdictions in which the urbanized area population is less than 1000 in the UA.

C. Non-UA cities meeting EPA examination criteria

According to the EPA rule, TDEC must evaluate whether or not storm water discharges from the following MS4s result in or have the potential to result in exceedances of water quality standards. These are cities that have a population of 10,000 or more and population density of 1000/square mile and are not in an urbanized area.

*Brownsville	Lawrenceburg	*Athens
*Cookeville	*McMinnville	*Columbia
*Dyersburg	*Shelbyville	*Dickson
(*Greeneville)	*Union City	*Lebanon
		*Martin

(Current population and city area of Greeneville indicate density is less than 1000/square mile.)

Our evaluation uses information from routine assessments of stream water quality – see the evaluation criteria in item E below – and selects those cities for which the division has made determination that urban runoff, storm sewers and/or land development is a source of pollutants or negative affects to streams in the area of the city. The ones marked with an asterisk show those cities for which such determination has been made.

Notes: The cities in the first and second columns are ones listed in the EPA rule of December 8, 1999, and reflect 1990 census data. EPA listed four other cities in the 1999 rule -- Collierville, Millington, Murfreesboro, and Springfield. These four cities are now urbanized areas per the 2000 census, as shown in item B above. The third column shows cities that, based on the 2000 census, have a population of 10,000 or more and density of 1000/square mile.

D. Additional non-UA cities with population over 10,000

1. Cities with population over 10,000

The division examined other cities of population over 10,000, but not a density of 10,000 people/square mile. Even though population density within city boundaries is less than 1000/square mile, the density in developed areas is above or near 1000/square mile. With each of these five cities, we have found that urban runoff, storm sewers and/or land development is a source of pollutants or negative affects to streams in the area of the city. These also will be designated as Phase II cities.

*Lewisburg *Oak Ridge *Sevierville *Tullahoma *Greeneville

2. High growth areas

TDEC is evaluating areas of the state that are showing high population growth, based on the second set of criteria given in part E below.

3. High tourist populations

The division believes that storm water quality management measures are presently needed in Sevier County, Gatlinburg and Pigeon Forge, because of population growth, land development, the high number of tourists and related services. We therefore propose regulating these areas as Phase II MS4s.

E. TDEC's evaluation criteria

TDEC is using two criteria to identify non-UA MS4s which discharge storm water that results in or has the potential to result in negative impacts to water quality.⁴

The first is whether or not urban runoff, storm sewers or land development from an MS4 is contributing to impaired water quality in nearby streams. The Division of Water Pollution Control makes such assessments routinely. Our lists of impaired streams, and causes and sources of pollutants, can be found in biennial reports titled "The Status of Water Quality in Tennessee" and in biennial 303(d) list reports.

The second set of criteria – as proposed - is based primarily on population growth.⁵ If rapidly growing communities do not implement storm water management programs, the potential for negative impacts to nearby streams in the future is greater. The proposed growth criteria are the following:

- ?? any urban cluster areas that have shown 40% or greater population growth over the previous ten years or 25% over the previous five years; or
- ?? any urban cluster areas that have shown 25% or greater population growth over the previous ten years, or 15% for 5 years, and are adjacent to sensitive waters, are nearby (less than five miles) from an urbanized area, or are a significant contributor of pollutants to waters of the US.

F. The Designation Process

The Division will apply the first criteria above to cities of population 10,000 or greater, and the second set of criteria to urban areas (urban clusters) of population 10,000 or more. The urban cluster designations may include counties as well as cities. We will make designations by certified letter to the cities and counties in early December, 2002.⁶ Designees will have 180 days from date of certified letter to submit permit applications. Our intent is that on a yearly basis, we will evaluate whether additional communities meet the designation criteria.

G. Procedure to Comment

The criteria and process above are being presented to EPA, to the regulated community and other interested parties for review and comment. We will receive comments until October 18, 2002. Submit comments to the following address:

Robert L. Haley, III
Tennessee Division of Water Pollution Control
L & C Annex, 6th Floor
401 Church Street
Nashville, Tennessee 37243-1534

Summary list of regulated and designated small MS4s

Alcoa	Millersville
Athens	Millington
Bartlett	Mount Carmel
Belle Meade	Mount Juliet
Berry Hill	Morristown
Bluff City	Murfreesboro
Brentwood	Nolensville
Bristol	Oak Hill
Brownsville	Oak Ridge
Church Hill	Pigeon Forge
Clarksville	Red Bank
Cleveland	Ridgeside
Collegedale	Ridgetop
Collierville	Rockford
Columbia	Sevierville
Cookeville	Shelbyville
Dickson	Signal Mountain
Dyersburg	Smyrna
East Ridge	Soddy-Daisy
Elizabethton	Springfield
Farragut	Tullahoma
Forest Hills	Union City
Franklin	Walden
Gallatin	
Gatlinburg	Anderson County
Germantown	Blount County
Goodlettsville	Bradley County
Greenbrier	Carter County
Greeneville	Hamblen County
Hendersonville	Hamilton County
Jackson	Hawkins County
Johnson City	Knox County
Jonesborough	Loudon County
Kingsport	Madison County
Lavergne	Montgomery County
Lakesite	Robertson County
Lakewood	Rutherford
Lebanon	Shelby County
Lenoir City	Sullivan County
Lewisburg	Washington County
Lookout Mountain	Williamson County
McMinnville	Wilson County
Martin	Sevier County
Maryville	Sumner County

¹ This document was originally promulgated September 9, 2002. Subsequently, the division became aware that the Town of Walden is in the Chattanooga urbanized area, and Millersville is in the Nashville urbanized area, but these were not included in the list of regulated phase II communities. This revision dated 12/02/2002 is made to include Walden and Millersville.

² 40 CFR 122.32 (d). The NPDES permitting authority may waive permit coverage if your MS4 serves a population of less than 1,000 within the urbanized area and you meet the following criteria: (1) Your system is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES storm water

program (see Sec. 123.35(b)(4) of this chapter); and (2) If you discharge any pollutant(s) that have been identified as a cause of impairment of any water body to which you discharge, storm water controls are not needed based on wasteload allocations that are part of an EPA approved or established "total maximum daily load" (TMDL) that addresses the pollutant(s) of concern.

³ 40 CFR 122.32 (a). Part (a)(1) reads in part: "If your small MS4 is not located entirely within an urbanized area, only the portion that is within the urbanized area is regulated."

⁴ 40 CFR 123.35 (b) includes the following language. In making designations of small MS4s, you [the NPDES permitting authority] must: (1)(i) Develop criteria to evaluate whether a storm water discharge results in or has the potential to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.

⁵ 40 CFR 123.35 (b)(1) continues as follows. (ii) Guidance: For determining other significant water quality impacts, EPA recommends a balanced consideration of the following designation criteria on a watershed or other local basis: discharge to sensitive waters, high growth or growth potential, high population density, contiguity to an urbanized area, significant contributor of pollutants to waters of the United States, and ineffective protection of water quality by other programs[.]

⁶ 40 CFR 122.35 includes the following requirement. 122.35(b) "...In making designations of small MS4s, you must: (2) Apply such criteria, at a minimum, to any small MS4 located outside of an urbanized area serving a jurisdiction with a population density of at least 1,000 people per square mile and a population of at least 10,000[.]