

14-510 Erosion and Sediment Control Policy

For Land Disturbing Activities Less Than One Acre

Grading Permit Application Required:

To obtain a Grading Permit the owner shall first file with the Public Works Department an application in writing on a form furnished for that purpose. Each applicant shall provide:

1. The names, addresses and telephone numbers of the owner or owners of the subject property.
2. The names, addresses and telephone numbers of the contractor and any subcontractor(s) who shall perform the land disturbing activity, and who shall implement the plans for erosion and sediment control.
3. The address of the subject property, and a map or plat of the property upon which the limits of the land disturbing activity is shown.
4. If required under these rules three (3) copies each of the grading/drainage plan and the erosion and sediment control plan shall be submitted with the application, see Plan Requirements.
5. A statement setting forth the nature, extent and purpose of the land disturbing activity, including the size of the area for which the permit shall be applicable, and a schedule for the starting and completion dates of the land disturbing activity.
6. A certification by the owner that prior to beginning any work he agrees to the following:
 - (a) Hold the City of Cookeville, its officers, agents and employees, harmless from any and all claims made against the City of Cookeville which arise out of any action or omission of the owner, contractor or subcontractor, or any of their officers, employees or agents, and any and all claims which result from any condition arising out of, created or maintained by the owner, contractor, or subcontractor or any of their officers, employees or agents.
 - (b) That no work, including clearing and/or earthwork shall be performed without first installing all temporary erosion control measures, unless approved by the Public Works Department.
 - (c) That the applicant has read the application and that all information contained therein is true and correct.
 - (d) That the applicant agrees to comply with all city ordinances and state laws regulating this construction.
 - (e) That the applicant is the owner or is authorized to act as the owner's agent for the described work.

For Land Disturbing Activities Greater Than One Acre

QLP Permit coverage Application Required:

To obtain coverage under the Construction General Permit through the QLP a Notice of Intent (NOI) application shall be required for any project that formerly would require a NPDES Construction General Permit as would have been available from the Tennessee Department of Environment and Conservation.

Each applicant shall provide:

1. Site or Project Name
2. Street address or location
3. Site description
4. County
5. QLP/MS4 Jurisdiction
6. Start date
7. Estimated end date
8. Latitude (dd°.dddd) and Longitude (dd°.dddd)
9. Acres disturbed
10. Total Acres
11. Information as to the presence of streams or wetlands adjacent to the construction site
12. Wetlands delineation report if wetlands are present
13. Aquatic Resource Alterations Permit (ARAP) number if relevant
14. Receiving waters name if known
15. Stormwater Pollution Prevention Plan (SWPPP)
16. Location Map
17. Site owner/Developer contact information
18. Owner/Developer Certification
19. Contractor Certification

QLP Permit applications must be accompanied by three (3) sets of grading/drainage plan and the erosion and sediment control plan. If a project involves clearing only, this requirement may be waived by the Public Works Department. See Plan Requirements for information on drawings required.

Standards:

1. The design, installation, operation, maintenance, inspection, record keeping and reporting of construction site runoff best management practices intended for erosion prevention and the control of sediment and other construction related wastes or pollutants shall be performed in accordance with the requirements of the Tennessee Construction General Permit that is effective at the time the stormwater pollution prevention plan is approved.
2. The City adopts as its erosion and sediment control design standards and best management practices manual the Tennessee Erosion & Sediment Control Handbook which is incorporated herein by reference. This handbook includes a list of acceptable

BMPs, including the specific design performance criteria, operation and maintenance requirements for each BMP.

3. The requirements set forth in the Tennessee Construction General Permit and in the handbook may be updated and expanded at the discretion of the Public Works Director, based on improvements in engineering, science, monitoring and local maintenance experience.
4. Erosion and sediment control BMPs that are designed, constructed and maintained in accordance with the BMP criteria set forth in the Tennessee Construction General Permit and the handbook shall be presumed to meet the minimum water quality performance standards required by the city.
5. Additional requirements for discharges into impaired or Exceptional Tennessee Waters that are set forth in the Tennessee Construction General Permit shall be implemented for all priority construction activities. The Public Works Director, in his discretion, may require BMPs that conform to a higher than minimum standard for priority construction activities, or for exceptional Tennessee waters or where deemed necessary.
6. The following certification signed by either the engineer or the surveyor regarding the presence or absence of water resources on the site:

CERTIFICATE OF PRESENCE OF WATER RESOURCES ON SITE

I hereby certify that to the best of my knowledge any and all on site water resources are located and identified on this plan. Water resources are defined as streams, ponds, wetlands, springs, reservoirs.

Date Signed

Engineer/Surveyor's Signature

Plan Requirements

QLP Permit coverage and Grading Permit applications must be accompanied by three (3) copies of grading/drainage plan and the erosion and sediment control plan. If a project involves clearing only, this requirement may be waived by the Public Works Department.

Plans will be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of these regulations and all relevant laws, ordinances and rules. The first sheet of each set of plans shall give the location and the name and address of the owner and the person by whom they were prepared. The plan shall be prepared by a professional engineer registered in the State of Tennessee.

Plans shall include the following information:

1. General vicinity of the proposed site

2. Property limits and accurate contours of the existing ground in two (2) foot intervals, and details of terrain and area drainage. Contour intervals other than two (2) feet may be approved by the Director of Public Works upon request should the reason for the exception have validity.
3. Proposed contours using the same contour interval as #2 above, as well as proposed drainage channels and related construction.
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains.
5. Location of any buildings or structures on the property where work is to be performed and the location of any buildings or structures on land of adjacent property owners which are within fifteen (15) feet of the property or which may be affected by the proposed grading operations.
6. All elevations must be stated in mean sea level datum and this fact indicated in a note on the plan sheet.
7. Areas of special flood hazard and/or sinkhole retention areas shall be shown on all site plans where applicable. Areas of special flood hazard shall be identified by the Flood Insurance Rate Maps for Putnam County, Tennessee and Incorporated Areas dated May 16, 2007, or any subsequent amendments to said maps. Sinkhole retention areas shall be identified by the Sinkhole Retention Maps of the City of Cookeville or as determined by the Director of Public Works.
8. Specifications shall contain information covering construction and material requirements. It shall be acceptable to reference existing specifications that have been approved by the Director of Public Works, and that are on file in the Public Works Department.
9. Erosion and sediment controls.

The drainage plan must be prepared by a registered civil engineer proficient in the field of hydrology and hydraulics and licensed in the State of Tennessee. The plan may be submitted as part of the grading plan, but must be clearly identified as a "drainage plan". Drainage plans will be drawn to an appropriate scale that will enable ready identification and recognition of submitted information and will include:

1. Flow lines of surface water onto and off the site.
2. Building pads and existing and proposed finished floor and street elevations if building construction is proposed.
3. Existing and proposed drainage channels, including drainage swales, wetlands, ditches and berms.
4. Locations of all manmade facilities, such as buildings, parking lots, sidewalks, etc.
5. Location and design of any proposed facilities for storage or conveyance of runoff into indicated drainage channels, including sumps, basins, channels, culverts, retention or detention ponds, bio-retention facilities, storm drains and drop inlets.

6. Estimates of existing and increased runoff resulting from the proposed improvements and a statement explaining the amount of the proposed effects on the existing drainage system and adjacent property.
7. Plans and specifications for all drainage provisions, retaining walls, planting, anti-erosion devices, or other protective devices whether temporary or permanent to be constructed in connection with or as part of the proposed project.
8. A map depicting the drainage area of land tributary to the site and a statement explaining the amount of estimated runoff used to determine the design characteristics of any drainage device.
9. Upstream drainage shall be considered in the design calculations.
10. Downstream improvements may be required of the developer if such improvements are required to handle stormwater generated by the proposed development.
11. The requirements of title 14, chapter 7, Stormwater Management shall be met for all applicable developments.

Erosion and Sediment Control Plan Requirements

An erosion and sediment control plan and a narrative Stormwater Pollution Prevention Plan (SWPPP) is required whenever QLP Permit coverage is required. In addition, a separate erosion and sediment control plan may be required for a Grading Permit if the Public Works Department determines that the development is so complex that soil erosion and sediment controls cannot be included in the grading plan in a clear and understandable manner or if it is determined that the site is in a special hazard area.

The erosion and sediment control plan shall be prepared by a professional engineer registered in the state of Tennessee. This plan will be clearly identified as an “erosion and sediment control plan”. A Stormwater Pollution Prevention Plan must be developed by persons meeting the requirements for SWPPP preparation as required by the Tennessee Construction General Permit that is effective at the time the stormwater pollution prevention plan is approved.

Erosion and sediment control plans will conform to the requirements of the Tennessee Construction General Permit.

Standards for Erosion and Sediment Control Plans

The Tennessee Erosion and Sediment Control Handbook (Latest edition) has been adopted by the City of Cookeville as an Approved Best Management Practices Manual. Other specifications may be used upon review and approval of the Public Works Director.

Requirements for Erosion and Sediment Control

The design, installation, operation, maintenance, inspection, record keeping and reporting of construction site runoff best management practices intended for erosion prevention and sediment control and other construction related wastes or pollutants shall be performed in accordance with

the requirements of the Tennessee Construction General Permit that is effective at the time the Grading Permit or the QLP permit coverage is obtained.

The requirements set forth in the Tennessee Construction General Permit and the Tennessee Erosion and Sediment Control Handbook may be updated and expanded at the discretion of the Director of Public Works, based on improvements in engineering, science, monitoring and local maintenance experience.

Neighboring persons and property shall be protected from damage or loss resulting from excessive stormwater runoff, soil erosion or deposition upon private property or public right-of-way of water transported silt and debris. Adjacent property owners shall be protected from land devaluation due to exposed bare banks.

Permitting Procedures

The following procedures for applying for either a Grading Permit or QLP Permit coverage shall apply:

1. Pre-application conference. A pre-application conference with the Public Works Department is required to assure timely permit application preparation and review. This conference will be used to determine if a proposed project qualifies for exemption and to determine how technical guidelines and criteria should be applied. At this time a decision will be made as to which permit is required for the project.
2. Submittal. Submission of the permit application, plans (one set) and any other required submittals, i.e. drainage calculations, water quality is to be made to the Public Works Department. Plans and submittals for a Building Permit must be submitted to the Codes Department for the review by the plans examiner.
3. Review. The Public Works Department will review the permit application to ensure that all information is provided in accordance with the regulations. Should the application be found to be incomplete, it will be returned to the applicant with a written request for additional information. The application will not be processed until such time as any requested information or reports are submitted.
4. Permit issuance. If the work described in the permit application, including drawings and/or SWPPP, conforms to the requirements of these regulations and any other pertinent laws and ordinances, and when the fees and warranty of improvements have been paid, a Grading Permit or QLP Permit coverage will be issued. Alternately if the permit application does not meet the requirements the application will be denied and a written explanation will be provided to the applicant. The issuance of either permit will not be construed to mean approval for violation of any of the provisions of these regulations or any other law or regulation; and such permit will not be valid, except insofar as the work or use that it authorizes is lawful. The issuance of a grading permit shall not prevent the Director of Public Works from requiring the correction of errors or changes due to unforeseen problems in permitted plans and specifications. The Director of Public Works may require operations and project design be modified if significant problems occur

which were not considered at the time the permit was issued. The issuance of a Grading Permit or QLP Permit coverage in no way implies that a building permit will be issued.

5. Revisions to approved plans. Prior to or during construction, should changes be anticipated that would constitute a revision of the plans already approved by the Public Works Director, the approved plans are to be revised and resubmitted in triplicate with a letter stating why such changes are believed necessary. Approval or disapproval by the Public Works Director will be given in written form.
6. Expiration. Every permit issued by the Public Works Director under provisions of these regulations shall expire by limitation and become null and void if the work authorized by such permit is not commenced within ninety (90) days from the date of issuance of the permit, provided that consecutive renewal of such permit may be granted, at no additional cost, upon written request to the Public Works Director with good cause shown. The work authorized by such permit shall not be suspended or abandoned at any time after the work is commences and shall be carried to completion or the permit shall be void. If work is suspended or abandoned, the required warranty of improvements may be issued to correct or eliminate erosion, drainage problems, or hazardous conditions.
7. Suspension or revocation. The Public Works Director shall suspend or revoke a permit issued under provisions of these regulations by giving notice in writing to the owner whenever the permit is issued in error, on the basis of incorrect information supplied or in violation of any ordinance, regulation or any of the provisions of these regulations.

Construction Procedures

1. Permit required prior to commencing any work. A person, firm, or corporation required to obtain a Grading Permit or QLP Permit coverage in compliance with these regulations must do so prior to commencing any work pertaining to the permit. Corrective measures, including but not limited to, stop work orders, penalties, and injunctions may be taken as required to enforce the terms of this requirement.
2. Posting of permit. Work requiring a Grading Permit or QLP Permit coverage shall not be commenced until the permit holder or his agent has posted the permit and SWPPP if one is required, in a conspicuous place on the front of the premises. The permit/SWPPP shall be protected from the weather and be placed to allow easy access for recording entries. The permit shall remain posted until the certificate of occupancy has been issued and/or a notice of termination has been turned into the Public Works Director on QLP Permit coverage.
3. Notification of construction. After posting the permit, the permittee must first install all erosion and sediment control measures as shown on the plans. All clearing and/or earthwork are subject to inspection by the City and should it be determined that additional erosion control measures are needed they shall be promptly acquired and installed by the permittee.

4. Observation of construction. The owner shall be responsible for the ongoing observation, review and field issuance of reports in the actual earthwork. This responsibility shall include, but need not be limited to, testing, inspection and issuing field reports as to the establishment of line, grade and drainage of the project area. Civil engineering record documents shall be preserved in accordance with state law. Permittees with QLP Permit coverage are responsible for documented inspections on approved inspection forms and shall be performed in accordance with the requirements of the Tennessee Construction General Permit that is effective at the time the stormwater pollution prevention plan is approved.
5. Notification of non-compliance. If the owner, his contractor or his consultants finds that the work is not being done in conformance with these regulations or the permitted plans, the discrepancies if not corrected in a timely manner, must be reported immediately in writing to the Director of Public Works. Plans for corrective measures must be submitted to the Director of Public Works along with an appropriate schedule for completion of such corrections.
6. Replacement of contractors or consultants. If the owner's contractor, civil engineer, engineering geologist or the testing agency of record, are changed during the course of the work, the owner shall replace the contractor or consultants of record with a qualified individual, and will notify the Director of Public Works in writing. Those with QLP permit coverage are required to have the contractor listed on their QLP NOI and any change in the contractor must be noted and the new contractor must sign the QLP permit.
7. Notification of completion. Holders of a Grading Permit must notify the Director of Public Works when the project has been completed, including installation of any permanent stormwater management facilities in accordance with the final permitted plans. Those with QLP Permit coverage must complete a Notice of Termination (NOT) form provided in accordance with the requirements of the Tennessee Construction General Permit that is effective at the time the stormwater pollution prevention plan is approved. Once a NOT has been received by the Public Works Department the department will review the NOT and inspect the site to determine if coverage under the QLP permit can be terminated or if there are deficiencies that must be corrected prior to permit termination. Any deficiencies are discovered the permittee will be notified in writing within thirty (30) days of receiving the NOT. When the site meets the termination criteria, the NOT should be re-submitted.
8. Release of warranty of improvements. One (1) year following the installation of permanent vegetation the owner may request the public works department check the vegetation on site and if it is found to have 75% coverage and be in good condition the warranty of improvements will be released. If it is discovered that the vegetation is not established the warranty of improvements must be kept by the City until such time as the vegetation is well established. Should the warranty of improvements be in

the form of a letter of credit, upon receiving notice that the letter of credit needs to be renewed the owner will provide the public works department with a letter of credit for an additional year.

Checklist

1. Have a pre-application meeting with the Public Works Department
2. You need 3 sets each of : grading plan, erosion & sediment control plan, and drainage plan
3. One set of drainage/detention calculations
4. Determine the size of the disturbed area
 - If less than one acre you need to apply for a Grading Permit – your permit cost will be \$50.00 and for work involving more than \$3,000.00 in value a warranty of improvements of \$3,000.00 for grading or \$1,000.00 for clearing will be required – either a cashier’s check or a letter of credit – you may skip the following steps unless notified by Public Works Department
 - If greater than one acre you need QLP Permit coverage – Continue on to #5
5. You must complete and turn in #1-4 above and complete a Notice of Intent (NOI) available online at www.cookeville-tn.org/pw/stormwater-management
6. You must provide a Stormwater Pollution Prevention Plan (SWPPP) which meets the requirements of the Tennessee General Construction Permit
7. Your QLP Permit coverage cost is determined by disturbed acreage:

>1 acre & < 5 acres	\$250
> 5 acres & < 50 acres	\$1,000
> 50 acres & < 150 acres	\$4,000
>150 acres	\$7,500
8. You will be required to submit a warranty of improvements in the amount of \$3,000/acre or fraction thereof for grading or \$1000.00/acre or fraction thereof for clearing – either a cashier’s check or a letter of credit.