

## **Chapter 1: General Program Information**

### **1.1 Introduction**

The Montgomery County Storm Water Management Resolution (#03-1-5) was adopted by the County Board of Commissioners on January 22, 2003. The purpose of the Resolution is to protect, maintain, and enhance the public health, environment, safety and general welfare by establishing minimum requirements and procedures to control the adverse effects of storm water runoff (quality and quantity) associated with development within Montgomery County, Tennessee, outside of the Corporate Limits of the City of Clarksville, Tennessee.

Subsequent to the adoption of the County Storm Water Resolution, a Notice of Intent was submitted to the Tennessee Department of Environment & Conservation on March 11, 2003, explaining how Montgomery County intends to manage its storm water program. The Notice of Intent was accepted and the Tennessee Department of Environment & Conservation (TDEC) issued a Notice of Coverage for Montgomery County under the State of Tennessee's National Pollutant Discharge Elimination System (NPDES), General Storm Water Discharge Permit for Small Municipal Separate Storm Sewer Systems (MS4) on July 3, 2003.

The Montgomery County Storm Water Management Manual is intended to establish the framework for managing the County's Municipal Separate Storm Sewer System. This manual will set forth the technical guidelines, regulations, policies and procedures that will guide the operation of the Montgomery County Storm Water Control and Management Program and the Montgomery County MS4. These collective requirements will, in turn, guide building, development, and redevelopment within Montgomery County. This manual is intended to be used in conjunction with the Montgomery County Zoning Resolution and the Montgomery County Subdivision Regulations.

It is important to note that this manual and the documents herein are subject to change without notice in order to meet the requirements of the MS4 program and the needs of the citizens of Montgomery County. This manual will be promulgated on the Montgomery County Storm Water Program web site and updated versions of this manual will be posted there as changes occur.

### **1.2 Language**

- The particular shall control the general.
- In the case of any difference in meaning or implication between the text of these regulations and the text of the Storm Water Management Ordinance, the text of the Ordinance shall control.
- The words "shall" and "should" are always mandatory and not discretionary. The word "may" is permissive.

- Words used in the present tense include the future tense. The singular includes the plural, unless the context clearly indicates the contrary.
- All public officials, bodies, and agencies to which reference is made are those of Montgomery County, Tennessee unless otherwise indicated.
- The term “County” shall mean the area of jurisdiction of Montgomery County, Tennessee
- References to “Resolution” are to the Storm Water Management Resolution (The Montgomery County Storm Water Management Resolution #03-1-5) unless otherwise specified.
- References to “Regulations” are to the regulations, policies and procedures presented in the Storm Water Management Manual
- Unless specifically or otherwise noted the term “development” shall include “redevelopment” and “significant redevelopment”. Significant redevelopment shall be required to follow the same requirements as new developments.

### **1.3 Legal Considerations**

This manual neither replaces the need for professional engineering judgment nor precludes the use of information not presented in this manual. The user assumes full responsibility for determining the appropriateness of applying the information presented herein. Careful consideration should be given to site-specific conditions, project requirements, and engineering experience to ensure that criteria and procedures are properly applied and adapted.

The degree of flood protection intended to be provided by the Floodplain Requirements of the Montgomery County Zoning Resolution, the Montgomery County Storm Water Management Resolution, and this manual is considered reasonable for regulatory purposes, and is based on engineering and scientific methods of study. Larger floods may occur on occasion, or the flood height may be increased by man-made or natural causes, such as bridge openings or sinkholes restricted by debris. The resolutions and regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. These resolutions and regulations shall not create a liability on the part of, or a cause of action against, Montgomery County or any officer or employee thereof for any flood damages that result from reliance on these regulations or ordinances, or any administrative decision lawfully made thereunder.

Montgomery County is required under the NPDES Phase II regulations to develop a storm water quality program that reduces storm water pollutants in runoff from new development and redevelopment to the maximum extent practicable. The Montgomery County Storm Water Management Resolution and this manual outline an approach to storm water quality management that is reasonable and meets the maximum extent practicable requirements of the NPDES program, based upon the most current storm water research. The Montgomery County Storm Water

Management Resolution and this manual shall not create a liability on the part of, or a cause of action against, Montgomery County or any officer or employee thereof for damages that result from reliance on these regulations or ordinance, or any administrative decision lawfully made thereunder.

If any provisions of these regulations and any other provisions of law impose overlapping or contradictory requirements, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern. These regulations do not relieve the applicant from provisions of any other applicable resolution or regulations not explicitly repealed by the Montgomery County Storm Water Management Resolution and this manual.

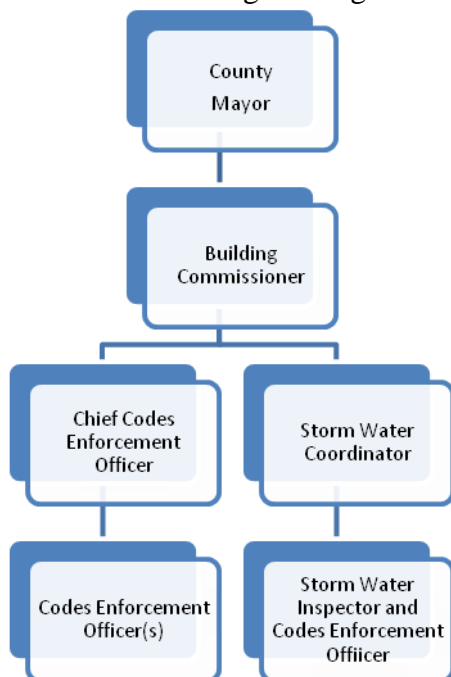
These regulations do not abate any enforcement actions in progress pursuant to violations committed under existing storm water management regulations unless as expressly provided herein.

All terms and abbreviations used in this manual are defined in the **Montgomery County Storm Water Definitions Manual**.

### 1.4 Organization

Administration of the Montgomery County Storm Water Program is carried out by the Storm Water Coordinator. The Montgomery County Storm Water Program operates as an Office of the Montgomery County Building and Codes Department, under the direct supervision of the Montgomery County Building Commissioner. It should be noted that all Storm Water Program personnel are also Codes Enforcement Officers. See Figure 1: Storm Water Program Organizational Chart.

Figure 1: Storm Water Program Organizational Chart



The Montgomery County Storm Water Program is authorized to perform several functions in order to ensure compliance with the MS4 permit requirements. These functions are:

- Develop and implement erosion and sediment control practices, policies, procedures, regulations, and requirements for land disturbing activities.
- Establish and amend written regulations, policies, procedures and technical guidelines to enforce the terms of the Storm Water Management Resolution.
- Prepare or have prepared storm water master plans and drainage studies for basins and such details as may be needed to implement the master plans.
- Maintain records pertaining to the provisions of the Storm Water Management Resolution and these regulations.
- Inspect storm water management systems and stream alterations and order corrective actions as necessary to properly maintain storm water management systems and assure the flood carrying capacity of the watercourse is not diminished.
- Take enforcement actions as necessary to ensure compliance with the provisions of the Montgomery County Zoning Resolution, Montgomery County Subdivision Regulations, Montgomery County Storm Water Management Resolution and these regulations.

**The Storm Water Board of Appeals** has been established to hear appeals of decisions of the Storm Water Coordinator related to compliance with, and enforcement of the Storm Water Management Resolution and MS4 management policies, procedures and regulations. The procedures for such appeals are laid out in the Montgomery County Storm Water Management Manual, Chapter 8: Enforcement and Appeals.

The Storm Water Board of Appeals will also act as a public forum to allow private citizens of the County, County civic groups and other stakeholders with interest in the Storm Water Program to express their concerns and make suggestions to improve operation and/or administration of the program.

**The Montgomery County Building and Codes Committee** will act as the initial review board for all changes and addendums to the storm water management resolutions, submitted by the Storm Water Coordinator with the approval of the Building Commissioner, prior to submission of those changes and addendums to the main County Commission for action.

The Building and Codes Committee will also act as the approving authority for all changes to storm water regulations, policies and/or procedures used to administer the Montgomery County Storm Water Program submitted by the Storm Water Coordinator with the approval of the Building Commissioner.

## 1.5 Objectives and Policy Statements

The objectives of the Storm Water Control and Regulation Program are:

- To protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse effects of storm water runoff associated with development and construction.
- To encourage the use of natural and aesthetically pleasing design, development and building practices.
- To guide the construction of storm water management facilities by developing policies and procedures to address storm water runoff.
- To ensure proper long term maintenance of storm water control structures.
- To minimize erosion from areas of new development and significant redevelopment.
- To reduce pollutants in storm water runoff to the maximum extent practicable.
- To protect the natural environment from pollution.
- To minimize property damage from storm water runoff.
- In order to implement the objectives established above, the following general policy statements shall apply:
  - Each individual project shall be evaluated for consistency with the storm water program policies for the drainage system, or drainage basin(s), within which the project site is located. Individual project evaluation will determine if storm water management practices can adequately serve the property and limit impacts to downstream public and private properties. The presence of any regional facilities will be considered in determining the extent to which storm water controls will be necessary.
  - In the absence of a storm water master plan, a system of uniform requirements shall be applied to each individual project site. In general, these uniform requirements will be based on the criterion that post-development storm water peak runoff must not differ significantly from pre-development conditions. Additional requirements will be based on volume control for sites tributary to sinkholes or “drainage” wells.
  - No construction, whether by private or public action, shall be performed in a manner that will negatively impact storm water runoff in its vicinity or in other areas whether by flow restrictions, increased runoff, increased pollutant loading, or by diminishing channel or overbank storage capacity.

- New construction may not aggravate upstream or downstream flooding. Offsite improvements may be required in conjunction with new development to mitigate increases in peak flow or volume.
- Acceleration of erosion due to land development activities must be prevented. Off-site sedimentation is not allowed.
- New construction shall not be permitted until temporary and/or permanent erosion prevention and sedimentation control management practices have been placed or constructed and are operational to the County's satisfaction. The County reserves the right to stop construction on properties that do not have adequate erosion prevention and sedimentation control measures.
- The County reserves the right to require more stringent erosion prevention and sedimentation control practices on properties that drain to sensitive drainage ways or sinkholes.
- The County reserves the right to require maintenance or modification of storm water management practices that are not operating properly, as determined by the Storm Water Coordinator.
- The County encourages:
  - Low impact development practices
  - On site storm water retention/detention and treatment
  - The use of green infrastructure
  - The use of storm water bioretention facilities
- Pollutant loading from individual properties must be reduced to the maximum extent practicable.
- Redevelopment of properties containing on-site storm water management practices may be permitted by the County provided the property and downstream public and private properties, infrastructure or "Waters of the State" are adequately protected from storm water impacts.
- Construction in floodplains should be done in a way that protects or enhances storm water quality and promotes land and tree conservation, greenways, floodplain preservation and hazard mitigation. Furthermore, development within a floodplain shall be consistent with the requirements of the Storm Water Management Resolution and the Zoning Resolution. Land disturbance activities will not be allowed within the floodway except as permitted by these ordinances.

- Homebuilders must comply with the approved grading, drainage, and erosion control plans for the development in which they are building and are responsible for erosion leaving their construction site (lot).
- For common drainage locations that serve an area with five or more acres disturbed at one time, a temporary sediment basin that provides storage for a calculated two year, 24 hour storm event is required. This requirement shall be considered to be met if permanent retention or detention facilities of greater capacity are installed as part of the project Grading, Drainage and Erosion Control Plan.
- All development in Montgomery County shall be conducted in a manner that minimizes storm water pollution to the maximum extent practicable. Both structural and non-structural measures shall be employed at sites to reduce the potential for storm water pollution. Measures shall also be employed long-term, after development ceases, to reduce the potential for storm water pollution. Direct connections of non-storm water runoff to the storm water system are not allowed. Discharging oils, paints, chemicals, dirt, yard debris and other pollutants to the storm water system shall be expressly prohibited.
- All development that disturbs more than 10,000 square feet, individual building lots that are part of a larger development or construction sites of more than one acre shall be conducted in a manner that minimizes soil erosion and resulting sedimentation. Under no circumstances is construction to allow sediments to leave a construction site due to inadequately installed or maintained erosion control features. Site-specific variables such as topography, soil erodibility, storm water management features, and vegetation shall be considered when developing a grading, drainage and erosion control plan. The exposed area of any disturbed land shall be limited to the smallest practical area for the shortest possible period of time. This includes the requirement that sediment detention traps shall be required at the fringes of clearing along with silt fences, berms and /or other structural BMPs as appropriate. Detention structures shall be sized to control runoff quantity and quality for the duration of construction.
- Any hotspot activity (operations which may produce highly contaminated runoff) may be required to use one or more BMPs, as deemed necessary by the Montgomery County Building Commissioner, in order to limit the introduction of pollution into the MS4.

## **1.6 Agricultural Policies**

Most agricultural practices are not regulated by the Montgomery County Storm Water Program. However, some specific agricultural activities have significant potential for generating pollution. These practices have been evaluated by the EPA and have been deemed commercial practices which cannot be excluded from NPDES monitoring as are regular agricultural practices. According to the EPA:

“Under the NPDES regulations for storm water, all activities associated with the construction of livestock feeding facilities, including clearing, grading, and excavation are subject to NPDES coverage. By contrast, storm water discharges from any clearing, grading and excavation for the purpose of growing crops are not covered by the NPDES program; discharges from these activities are considered to be “agricultural storm water discharges” and therefore are excluded from the requirements of the NPDES permitting program.

Because storm water discharges associated with the construction of livestock feeding facilities is different both in content and nature from storm water discharges associated with the operation of such facilities, the former are not “agricultural” and are not entitled to the exclusion for agricultural storm water discharges. Also, the applicability of the NPDES program to the post-construction, operational phase of these facilities must be determined according to the Federal Clean Water Act regulations for animal feeding operations, concentrated animal feeding operations, and feedlots.”

In addition, any hotspot activity (operations which produce highly contaminated runoff) may be required to use one or more BMPs, as deemed necessary by the Montgomery County Building Commissioner, in order to limit the introduction of pollution into the MS4.