

**HAMBLLEN COUNTY, TENNESSEE  
BOARD OF COUNTY COMMISSIONERS**

**RESOLUTION NO \_\_\_\_\_**

**RESOLUTION ADOPTING REGULATIONS TO REDUCE POLLUTION BY  
ESTABLISHING EROSION AND SEDIMENTATION CONTROL MEASURES**

**WHEREAS**, uncontrolled stormwater drainage and discharge have a significant, adverse impact on the health, safety, and general welfare of the residents of Hamblen County and an adverse impact on the natural environment by carrying pollutants into the receiving waters within the community; and

**WHEREAS**, Hamblen County is required by federal law, particularly 33 U.S.C. 1342(p) and 40 CFR 122.26, to obtain a National Pollutant Discharge Elimination System (NPDES) permit through the Tennessee Department of Environment and Conversation (TDEC) to reduce stormwater flows and associated pollutants discharged into waterways through Hamblen County's stormwater system and drainage ways; and

**WHEREAS**, the NPDES permit requires Hamblen County to impose controls on future and existing development necessary to reduce the discharge of pollutants in stormwater to the maximum reasonable extent using management practices, control techniques and system design and engineering methods, and such other provisions which are determined to be appropriate for the control of such pollutants; now therefore

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS  
OF HAMBLLEN COUNTY, TENNESSEE THAT:**

**Section I. Introduction/ Purpose**

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat. As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in Hamblen County. This resolution will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in Hamblen County.

## **Section II. Definitions**

**Clearing** - Any activity that removes the vegetative surface cover.

**Drainage Way** - Any channel that conveys surface runoff throughout the site.

**Erosion Control** - A measure that prevents erosion.

**Erosion and Sediment** - A set of plans prepared by or under the direction of a licensed professional engineer.

**Grading** - Excavation or fill of material, including the resulting conditions thereof.

**Perimeter Control** - A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

**Phasing** - Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

**Responsible Party** - A person who has received training and is competent to inspect and maintain erosion and sediment control practices.

**Sediment Control** - Measures that prevent eroded sediment from leaving the site.

**Site** - A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

**Site Development Permit**- A permit issued by the state or county for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

**Stabilization** - The use of practices that prevent exposed soil from eroding.

**Start of Construction** - The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

**Watercourse** - Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by Hamblen County.

**Waterway** - A channel that directs surface runoff to a watercourse or to the public storm drain.

### **Section III. Permits**

- A.** No person shall be granted a local site development permit for land-disturbing activity that would require the uncovering of *one acre or more* without first receiving the approval and obtaining the necessary permit as required by the State of Tennessee and the submission of an Erosion and Sediment Control plan to the Hamblen County Planning Commission for approval, if required. Project developments of less than one acre of land disturbance are required to obtain authorization under this permit if the construction activities at the site are part of a larger common plan of development or sale that is at least one acre in size. Projects or developments of less than one acre of total land disturbance may also be required to obtain authorization under this permit if:
1. The storm water discharge from the site is causing, contributing to, or is likely to contribute to a violation of a state water quality standard;
  2. The storm water discharge is, or is likely to be a significant contributor of pollutants to waters of the state, or
  3. Changes in state or federal rules require sites of less than one acre to obtain a storm water permit.
- B.** No site development permit is required for the following activities:
1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
  2. Existing nursery and agricultural operations conducted as a permitted main or accessory use.
- C.** Each application shall bear the name(s) and address (es) of the owner or developer of the site and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by any and all required Storm water Management and filing fee.
- D.** Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan and that the responsible party shall be on site on all days when construction or grading activity takes place.
- E.** The applicant will be required to file with Hamblen County a faithful performance bond, or other improvement security in an amount deemed sufficient by the Hamblen County Planning Commission to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by Hamblen County, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

#### **Section IV. Review and approval**

A. The Hamblen County Planning Director will review each application for a site development permit to determine its conformance with the provisions of this regulation. Within 30 days after receiving an application, Hamblen County Planning Director shall, in writing:

1. Approve the permit application;
2. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
3. Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

B. Failure of the Hamblen County Planning Director to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and Hamblen County Planning Director. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the Tennessee Erosion and Sediment Control Handbook published by the Tennessee Department of Environment and Conservation.

#### **Section V. Erosion and Sediment Control Plan**

A. The Erosion and Sediment Control Plan map should be at a scale no smaller than 1"=100' and shall include the following:

1. A natural resources map identifying soils, forest cover, and resources protected under federal, state and local laws and regulations.
2. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
3. All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the

complexity of the project, the drafting of intermediate plans may be required at the close of each season.

4. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
5. Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

B. Modifications to the plan shall be processed and approved or disapproved in the same manner as Section IV of this regulation, may be authorized by the Hamblen County Planning Commission through its director by written authorization to the permittee, and shall include:

1. Major amendments of the erosion and sediment control plan submitted to Hamblen County Planning Commission through its director.
2. Field modifications of a minor nature.

## **Section VI. Design Requirements**

A. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the Tennessee Erosion and Sediment Control Handbook published by the Tennessee Department of Environment and Conservation, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of Hamblen County Planning Commission through its director. Cut and fill slopes shall be *no greater than 2:1*, except as approved by Hamblen County Planning Commission through its director to meet other community or environmental objectives.

B. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all federal, state and local laws and regulations. Clearing techniques that retain natural vegetation and drainage patterns, as described in the Tennessee Erosion and Sediment Control Handbook published by the Tennessee Department of Environment and Conservation, shall be used to the satisfaction of Hamblen County Planning Commission through its director.

C. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

D. Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by Hamblen County Planning Commission through its director.

E. Erosion control requirements shall include the following:

1. Soil stabilization shall be completed within *five days* of clearing or inactivity in construction.
2. If seeding or another vegetative erosion control method is used, it shall become established within *two weeks* or the Hamblen County Planning Commission through its director may require the site to be reseeded or a non-vegetative option employed.
3. Special techniques that meet the design criteria outlined in (*erosion and sediment control manual*) on steep slopes or in drainage ways shall be used to ensure stabilization.
4. Soil stockpiles must be stabilized or covered at the end of each workday.
5. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
6. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
7. Techniques that divert upland runoff past disturbed slopes shall be employed.

F. Sediment controls requirements shall include:

1. Settling basins, sediment traps, or tanks and perimeter controls.
2. Settling basins that are designed in a manner that allows adaptation to provide long term stormwater management, if required by Hamblen County Planning Commission through its director.
3. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.

G. Waterway and watercourse protection requirements shall include:

1. A temporary stream crossing installed and approved by the Tennessee Department of Environment and Conservation if a wet watercourse will be crossed regularly during construction.
2. Stabilization of the watercourse channel before, during, and after any in-channel work.

3. All on-site stormwater conveyance channels designed according to the criteria outlined in the Tennessee Erosion and Sediment Control Handbook published by the Tennessee Department of Environment and Conservation.
4. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.

H. Construction site access requirements shall include:

1. A temporary access road provided at all sites as approved by the Director of Planning or
2. Other measures required by Hamblen County Planning Commission through its director in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

## **Section VII. Inspection**

A. Hamblen County Planning Commission through its director or designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the Hamblen County Planning Commission through its director shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the Hamblen County Planning Commission through its director least two working days before the following:

1. Start of construction.
2. Installation of sediment and erosion measures.
3. Completion of site clearing.
4. Completion of rough grading.
5. Completion of final grading.
6. Close of the construction season.
7. Completion of final landscaping.

B. The Hamblen County Planning Commission through its director or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the compliance with this resolution.

### **Section VIII Enforcement**

#### **A. Stop-Work Order; Revocation of Permit**

In the event that any person holding a site development permit pursuant to this resolutions violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Hamblen County Planning Commission through its director may suspend or revoke the site development permit.

#### **B. Violation and Penalties**

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this resolution. No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill or cause the same to be done, contrary to or in violation of the terms of this Resolution. The Hamblen County Planning Commission and the Hamblen County Director of Planning are authorized and empowered to enforce the requirements of this resolution in accordance with the procedures set out Tennessee Code Annotated 68-221-1106 or T.C.A 5-1-121, the terms of which are incorporated herein by reference. Any person who violates the provisions of any resolution regulating storm water discharges or facilities shall be subject to a civil penalty of not less than fifty dollars (\$50.00) or more than five thousand dollars (\$5,000) per day for each day of violations. Each day of violation may constitute a separate violation.

### **Section IX Conflict with Other Regulations**

Where the standards and management requirements of this resolution are in conflict with other laws, regulations, and policies regarding streams, steep slopes, erodible soils, wetlands, floodplains, timber harvesting, land disturbance activities, or other environmental protective measures, the more restrictive shall apply.

### **Section X Separability**

The provisions and sections of this resolution shall be deemed to be separable, and the invalidity of any portion of this resolution shall not affect the validity of the remainder.



**Section XI Remedies Not Exclusive**

The remedies listed in this resolution are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

**Section XII Adoption of Resolution**

This resolution shall be in full force and effective upon passage and adoption by the Hamblen County Board of Commissioners. All prior resolutions and parts of resolutions in conflict with this resolution are hereby repealed.

WHEREFORE, it was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that this Resolution be adopted.

Voting Aye: \_\_\_\_\_  
Voting Nay: \_\_\_\_\_  
Pass: \_\_\_\_\_

The Chair declared the resolution adoption this 18<sup>th</sup> day of August, 2005.

\_\_\_\_\_  
Joe Spoone  
Chairman

Attest:

\_\_\_\_\_  
Linda Wilder  
County Clerk

Approved 8/19/2005  
David W Purkey  
County Mayor