



State of Tennessee
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES

William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

CERTIFIED MAIL RETURN RECEIPT
9489 0090 0027 6509 5009 24

March 29, 2023

Honorable Bill Brittain
County Mayor
Hamblen County Government
e-copy: bbrittain@co.hamblen.tn.us
511 West 2nd North St
Morristown, TN 37814

Subject: **2nd Notice of Violation - Recurring Noncompliance**
Small Municipal Separate Storm Sewer System Program Audit
National Pollutant Discharge Elimination System
NPDES Permit Tracking No. TNS077763
Hamblen County, Tennessee

Dear Mayor Brittain:

On April 23rd and again on April 25th, 2018, staff from the Tennessee Department of Environment and Conservation, Division of Water Resources (Division), conducted an audit of Hamblen County's Municipal Separate Storm Sewer System (MS4) Program. The purpose of the audit was to determine compliance with the NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (permit).

Based on the 2018 audit findings documented in a Notice of Violation mailed to the County dated May 8th, 2018 (enclosed), the County had not developed and implemented a stormwater management program to include several of the required measures. On June 1, 2018, the County provided the Division a response to the NOV Letter (enclosed) that summarized what had or would be done to address the corrective actions listed in the 2018 NOV letter.

On May 21, 2021, the Division conducted a compliance evaluation inspection (CEI) of the County's illicit discharge detection elimination program. Based on the CEI findings the Division issued a letter to the County dated June 30, 2021, (enclosed) which identified the actions the County must take to comply with the permit.

On January 11th and again on January 12th, 2023, Brown Patton and Valerie McFall with the Division, conducted an audit of the County's MS4 Program. During the audit, Division staff met with Tina Whitaker, Planning and Zoning Department Manager, Lindsey Horn, Clerical Assistant, and Tommy McKinney, Code Enforcement Officer, for the MS4 Program. The audit included a review of regulatory mechanisms, procedures, and records. The Division greatly appreciates the time and commitment from your staff in preparation of and during the audit. Their availability and knowledge of the program ensured the audit was conducted in an efficient manner.

Based on the audit findings the Division determined that the County had not completed all the required actions as listed in the Division's May 8th, 2018, NOV letter and the June 30, 2021, CEI letter. The enclosed 2023 audit report presents the Division's findings of the January 11, 2023, audit, and summarizes permit requirements, identifies recurring violations, and the actions that the County must take to comply.

In order to begin bringing Hamblen County into compliance with the NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems the Division requests that the County provide a written corrective action plan (CAP). The **CAP** must be received by the Division of Water Resources on or before **May 3rd, 2023**. This plan must include detailed goals and specific timelines the County will initiate to accomplish the 11 required corrective actions provided in the enclosed 2023 audit report.

The Division also requests that you attend a virtual **Compliance Review Meeting (CRM)** to discuss the corrective actions being taken. This meeting is scheduled for **May 17th, 2023, at 10:00 AM EST**, which is after the 30-day submittal period to allow time for you to complete the written response to this letter, prior to the meeting. If you are unable to attend the CRM or need to reschedule the meeting, please contact Brown Patton at 423-854-5458 or by email at Brown.Patton@tn.gov before April 25th, 2023.

Failure to satisfactorily address these items in a timely manner may result in enforcement action, up to and including civil actions as authorized by the Water Quality Control Act. Tenn. Code Ann. §§ 69-3-101 to 148 (the Act). As such, our enforcement manager has been copied on this correspondence.

Once again, the Division greatly appreciates the time and commitment from your staff in preparation of and during the audit. Compliance with permit requirements helps ensure discharges are protective of water quality. If you have any questions or concerns with regard to the MS4 permit or this audit, please contact Brown Patton at 423-854-5458 or via email at Brown.Patton@tn.gov.

Sincerely,



Brown Patton

Hamblen County
MS4 Audit NOV
March 29, 2023
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Division of Water Resources

Encl: 11Jan23, Audit Report
08May18, Audit Letter (Notice of Violation)
01Jun18, Hamblen County Corrective Action Plan
30Jun21, CEI Letter

CC: Tina Whitaker, Hamblen County, Stormwater Program Manager, twhitaker@co.hamblen.tn.us
April Grippo, Division of Water Resources, April.Grippo@tn.gov
Chris Rhodes, Division of Water Resources, Chris.Rhodes@tn.gov
Ann Morbitt, Division of Water Resources, Ann.Morbitt@tn.gov
Michael Atchley, Division of Water Resources, Michael.Atchley@tn.gov
Valerie McFall, Division of Water Resources, Valerie.McFall@tn.gov
Shari Winburn, Division of Water Resources, Shari.Winburn@tn.gov
Jessica Murphy, Division of Water Resources, Jessica.Murphy@tn.gov