

Minutes of the Rutherford County Stormwater Advisory Committee

September 12th, 2023 at 6:00 p.m.

Commission Chambers

Historic Courthouse

Members Present

Bonnie Ervin
Diane Patterson
Josh Upham
Jennifer Watson
Marvin Whitworth

Others Present

Shelia Huffmire
Ben Fultz
Phyllis Fultz

Marvin Whitworth called the meeting to order at 6:07 p.m. A quorum was established with five voting members present.

Minutes: Vice Chair called for questions or approval of the September 13, 2022 meeting minutes. "Diane Patterson moved, seconded by Josh Upham that the minutes be accepted. The motion passed unanimously by voice acclamation."

Vice Chair Whitworth opened the floor for public comment, no one spoke, and the public comments were closed.

Vice Chair Whitworth turned the meeting over to Ms. Huffmire who opened the floor for nominations for Chairman. "Jennifer Watson moved, seconded by Diane Patterson to continue with Delia Goodman as Chair. The motion passed unanimously by voice acclamation."

Ms. Huffmire opened the floor for nominations for Vice Chair. Diane Patterson nominated Marvin Whitworth to serve as Vice Chair. "Diane Patterson moved, seconded by Jennifer Watson, for Marvin Whitworth to serve as Vice Chair. The motion passed unanimously by voice acclamation, with Marvin Whitworth abstaining from the vote."

Vice Chair Whitworth turned the public hearing on the 2022-23 MS4 Annual report to Ms. Huffmire. Ms. Huffmire explained the new format on on-line submittal to the committee and that we cannot print the report as in the past. Highlights of the annual report include:

-Permit mandated by EPA, yearly report to TDEC the end of September

-Education and Outreach. We did ten activities overall. Four were with the development community. A transfer in software programming kept the employee training from being done this year, but it is on track to for next year. We are required to do a total of 12 education programs per year within a number of categories. Bonnie Ervin is our educator, she does a great job and does many more events than required. We also do pond inspections and have provided letters with maintenance information. We participated in Earth Day, Tree Day, the Urban Runoff festival, Waterfest, June in the Creek, education at the Farmers' Market at the Lane Agri Park, and the Project WET classroom education program for students and teachers.

Our website and Facebook are getting more hits. We had 34 pre-construction meetings which provided education to developers and contractors, small lot ESPC with builders, education for the Planning Commission and website education. Our permit and regulations are available online (requirement is by July 2024). There are links to view upcoming projects in the county. The public can email stormwater comments/concerns directly to Shelia. This meets a requirement in the new permit.

We participate in Household Hazardous Waste Event through the Solid Waste Department and Litter Clean-up throughout the county by the Correctional Workhouse. We had 80 active construction sites, 153 development/redevelopment plans and 34 pre-construction meetings.

Summer interns – sampled five streams (E Coli sampling) and we contracted for the “bug” tests. This was the first year we did all this sampling for ourselves. Through source tracking, we found that all the positive e coli samples were animal this year. The interns also walk streams and do visual assessments.

Self-audits required under the new permit. We struggle to keep up with the review of projects submitted. We’re still working on using the City Works and On-Base programs to manage all submissions and comments. We are doing less sampling per year but are meeting the permit requirements. Pond data is required to be in the new permit. We did not meet the training module or training requirements. We met all other requirements.

Josh Upham asked what percentage of the retention/detention basins are in compliance. Shelia estimated around 95% are in compliance.

Marvin Whitworth asked if all the streams we tested originate in Rutherford County or could we possibly be getting contaminants from other counties? Shelia responded that all the streams we tested this year were within the county, some drain into other watersheds and counties.

The public hearing for the MS4 report was closed.

- Water Quality Buffer Zone

Changes have to be implemented by September of 2025. We will have a special called meeting in April or May to approve and forward the new policy to the Board of Commissioners. MTAS is sending out a model ordinance. TDEC now requires a 30-foot construction buffer on a healthy stream and a 60-foot buffer on unhealthy streams. The Stormwater Management program proposes an either/or requirement. If there is a one-square mile watershed, we would require a 60-foot buffer on healthy streams. If there is an unhealthy stream, the 60-foot requirement would stay in place no matter the size of the watershed. This will not change a lot, but this will make these buffers permanent and give us jurisdiction over them. We have had FEMA floodway violations; the floodway cannot enter into the mandatory 20-foot buffer (set by FEMA). We are proposing a 20-foot buffer be added to the FEMA floodway buffer required by FEMA. These will be voted on at the spring meeting in 2025.

Bonnie Ervin asked if we expected a lot of pushback on these new requirements. Shelia stated that only those who come to meetings or who check the website can pushback. They have to participate to have a voice. Marvin Whitworth commented on human nature to push things to

the limit and feels that having a larger buffer than required by FEMA or the State allows us to have a cushion if they violate our requirement before they violate FEMA's requirement.

- Changes to the Stormwater Management Ordinance –

MTAS is sending out a new model ordinance within two weeks.

Shelia will add new items and make changes to the existing ordinance based on MTAS guidance. There are new language and definitions. The biggest change is a new spreadsheet pertaining to water treatment volume. We are required to adopt these new requirements. Pertains to infiltration, biologically active filtration, sand and gravel filtration, hydrodynamic separator and manufactured treatment devices, we will have to meet the new requirements for these items. These post-construction changes will be the biggest changes to our ordinance.

- Changes to By-laws

Changes recommended based on previous discussions. We want by-laws to reflect the committee's wishes and be something that we can follow.

Discussion about changes and some options. Bonnie Ervin suggested rewording of e: to be "but is not limited to:" Bonnie also asked if the by-laws include electronic voting? The By-laws do not cover that.

Josh Upham moved, seconded by Jennifer Watson to amend by-laws Section 4 b "to appoint for terms of 2 years with unlimited reappointments" and Section 4 e to be worded "Membership on the Committee shall be representative of the following, but not limited to: Soil Conservation/Environmental/Agricultural/Civic/Builder/Developer/Civil Engineer/Landscape Architect/Educator. The motion passed unanimously by voice acclamation."

With no other comments or questions, Vice Chair Whitworth adjourned the meeting at 7:18 p.m.

MARVIN WHITWORTH, VICE CHAIRMAN