



Legislation Text

File #: 16-1091, **Version:** 1

DATE: December 8, 2016

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator
Paul Holzen, Director of Engineering
Jeff Willoughby, Stormwater Coordinator

SUBJECT:

Consideration of DRAFT Resolution 2016-96, A Resolution of the Board of Mayor and Aldermen for the City of Franklin Reapproving the Post-Construction Stormwater Control Measures Provided for in the City of Franklin Stormwater BMP Manual for the Purpose of Compliance with SB1830/HB1892

Purpose

The purpose of this memo is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning Resolution 2016-96.

Background

SB1830/HB1892 has been approved by the State of Tennessee General Assembly. This bill prohibits any general permit for municipal separate storm sewer systems to impose post construction stormwater requirements that are more restrictive than the Federal Water Pollution Control Act or any federal regulation promulgated pursuant thereto. This bill also requires that any general permit that requires the management of post construction storm water must allow the local entity administering a municipal separate storm sewer system to exercise the maximum permissible discretion in selecting appropriate measures to meet the requirements.

There is a risk of conflict between the requirements of the City of Franklin Stormwater BMP Manual, SB 1830/HB1892 and the conditions included our Phase II Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System permit issued to the City of Franklin by the Tennessee Department of Environment and Conservation (TDEC), which may be confusing for those trying to comply with the those authorities and those trying to enforce them. Federal law does not clearly define the minimum post-construction stormwater control requirements as a numeric standard, but instead merely requires that the post-construction discharge of pollutants be reduced to the maximum extent practicable (MEP). The post-construction stormwater control measures contained in the City of Franklin BMP Manual, which includes Green Infrastructure and controls identified as Low Impact Development (LID), where designed to the MEP requirements. The purpose of this resolution is to avoid conflict between the City's BMP manual, SB1830/HB1892 and the requirements of the City's phase II MS4 permit by defining the MEP.

Financial Impact

No Financial Impact

Recommendation

Staff recommends approval of Resolution 2016-96