



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
WATER POLLUTION CONTROL
401 CHURCH STREET
6TH FLOOR L&C ANNEX
NASHVILLE, TN 37243

October 15, 2009

TO: Tennessee Qualified Local Program Advisory Committee
RE: August 21, 2009 Meeting Summary

Dear committee member,

Thank you for your participation at the QLP Advisory Committee meeting, held August 21, 2009. Our meetings have been very beneficial, and are helping with the finalization of QLP components and incentives. This correspondence summarizes our discussion at the recent meeting, and highlights our next meeting, which is scheduled for December 8, 2009.

During our previous meetings, we discussed the possibility of reducing or eliminating MS4 permit annual maintenance fees as an incentive for MS4s to participate in the QLP program. At this meeting, we learned that this opportunity was at least temporarily unavailable. TDEC recently had to increase permit maintenance fees due to budget shortfalls, and as a result, a fee adjustment would not be possible at this time. As an alternative, we renewed conversation on the incentive of splitting construction general permit fees between TDEC and a participating QLP. Previously, the focus of the incentive was based on a



“pass-through fee” approach which appeared infeasible due to administrative challenges. Using the State of Virginia QLP program as an example, we identified an additional option to explore. Virginia has incorporated a similar splitting of permit fees, but requires each portion to be paid directly to the respective agency.

We then moved to the potential incentive of considering a QLP status as an equivalent qualifier of pollutant reduction effectiveness, when compared with existing TMDL minimum monitoring requirements. TDEC currently issues TMDLs for several different pollutants including siltation, pathogens, nutrients, and dissolved oxygen. At this point, the QLP program is specific to construction



activities. Therefore, the designation of the QLP as equivalent to TMDL monitoring is limited to just siltation TMDLs. The current incentive proposal is to view QLP status as equivalent to a historical water quality trend analysis. As such, the QLP would not be required to perform that specific monitoring. However, the QLP would still be required to perform visual stream surveys and impairment inventories to evaluate if non-construction generated siltation is being conveyed through the stormwater system, or if the general condition of the system itself is generating siltation.


Next, we continued discussing the potential incentive of Minimum Resource Requirements for QLP Certification. We reviewed the results from surveying three representative Tennessee MS4s and focused on whether resource analysis must be performed on all six minimum control measures, or just the construction minimum measure. It was agreed to proceed with this incentive, recognizing additional details may have to be determined during the pilot phase.

Finally, we continued discussion on the potential incentive of a standardized enforcement protocol, which would ultimately lead to TDEC's participation in combined enforcement on a problematic construction activity within the QLP's jurisdiction. We found that the protocol will need to include documentation of minimum enforcement steps and circumstances that a QLP will follow prior to involving TDEC. Specifically, how rigid to make the protocol, and what are the expectations when water quality violations or habitual non-compliant operators are involved?



The committee was asked to look at these incentives and email comments prior to the next meeting, which is scheduled for December 8, 2009, from 10 AM until 1 PM CT, in the 17th Floor Conference Room, L&C Tower, Nashville, Tennessee. We will soon follow this correspondence with an email that includes an agenda for the next meeting.

We sincerely thank you for your continued participation. If you have any questions or comments, please contact John Chlarson or Robert Karesh.


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