

SEPTEMBER 2023
3RD QUARTER



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TNSA Times

Tennessee Stormwater Association
Quarterly Newsletter

A Message From the TNSA President

PAGE 1

Greetings TNSA Family,

Can you believe that our annual conference is just around corner? I am excited to see everybody and meet some new stormwater people!

With this year's conference theme being "Back to Basics," I wanted to take a minute to revisit one of the most basic things we all need, a professional network. Throughout my career, I have stumbled through regulations, stumbled through submittal processes, and stumbled through how to get everything in the MS4 Permit done. Every time I have stumbled into one of these situations and could not figure out how to move forward, I reached out to people in my professional network for help. Many of you have received these distress calls from me, and I cannot express to each of you how much I appreciate the help and guidance I received. Looking back, most of my distress calls were to fellow TNSA members. Actually, a majority of them were made to TNSA members that I met or got to know at a TNSA conference!

So, as we prepare and get excited for our upcoming Conference, please take a moment think about your professional network and how you plan to grow and strengthen it at the conference. Think about the people you can meet, the people you will meet. But most important, think about how you can help them when they reach out to you for help.

Best wishes,
Lance Wagner
President



2023 TNSA ANNUAL CONFERENCE

"Back 2 Basics"

OCTOBER 24-26, 2023

MONTGOMERY BELL STATE PARK

Conference Fees:

TNSA Member Early Bird: \$300 (Regular \$350)

Non-Member Early Bird: \$350 (Regular \$400)

Early Bird Ends September 30, 2023

<https://www.tnstormwater.org/tnsa-conference>

Save the Date: October 22-24, 2024



We have booked Montgomery Bell State Park for the next 2 years.

October 24-26, 2023, Workshop October 23, 2023

Rooms are ready to reserve with Group Code 2543

If you are interested in a cabin call ASAP. The state will no longer hold cabins with a group code.

Call or book rooms online with group code 1-888-867-2757

October 22-24, 2024, Workshop October 21, 2024

**DO YOU HAVE TOPICS FOR TDEC YOU WOULD LIKE COVERED AT CONFERENCE?
EMAIL THEM TO CHARLENE BY SEPTEMBER 15, 2023**

Upcoming Regional Meetings

Regional meetings are held each quarter. You do not have to be a TNSA member to attend a meeting. Region meetings are a great way to keep updated within your area and the state. Meet like-minded professionals, network, learn about statewide events and new ideas within the stormwater community.

Available agendas are posted in Club Express Document Library: <https://tnsa.clubexpress.com/>

East: Friday, September 8 City of Alcoa-Public Works 725 Universal Street Alcoa, TN 37701

Networking 8:30am, Meeting 9:00am-11:30am.

Speaker: Jennifer Watson with US Army Corps of Engineers.

4th Quarter Meeting: December 1

New Harvest Community Building at New Harvest Park 4775 New Harvest Lane Knoxville, TN 37918.

West: Tuesday, September 5 1:00pm-3:00pm.

International Harvester Park 4523 Canada Rd Lakeland, TN 38002

Lunch and Learn 11am-1pm Presentation by StormTrap and Roger Allan (USACE).

RVSP by Sept 1 to tomlawrence@bellsouth.net

4th Quarter Meeting: December 5

North West: Wednesday, September 6, 10am-1pm, Brownsville City Hall. (It is on the second floor) 15 East Main Street Brownsville, TN 38012. Parking available on the side of the building off of East Main Street.

Lunch and Learn 11am-1pm Presentation by StormTrap and Roger Allan (USACE)

RVSP by Sept 1 to tomlawrence@bellsouth.net

4th Quarter Meeting: December 6 (Martin).

Middle: Thursday, September 7, 10am-12pm. Williamson County Ag Expo, 4215 Long Ln, Franklin, TN

Speaker: Alan Sparkman with the TN Concrete Association

4th Quarter Meeting: December 7,

South East: September 13

10:30 am. Enterprise South Nature Park 190 South Hollow Loop Chattanooga, TN 37416

Speaker: Jennifer Watson USACE

4th Quarter Meeting: December 12. Speaker Marty Mason with Superior Drainage Products

North East: September 15 & December 13. 1pm-3pm.

Kingsport Water Services Operation Center 1113 Konnarock Rd, Kingsport, TN 37664

Region chairs are always looking speakers at the meetings. If you are interested in speaking please contact the region chairs. The chairs arrange the meetings and set the agendas.

For updated meeting information visit our website event calendar.

**** Meeting Dates/Locations are subject to change **** Email the region chair if you would like to be added to a specific region email list.

Committee Updates

Public Outreach: Creates Education Resources

Chair: Tom Lawrence, Thomas Lawrence Engineering

The HOA Brochure is at the printer and will be available for purchase soon in packs of 50.

TNSA currently sells the Homeowner Guide to Clean Water & EPA "After the Storm" brochures and TENSI the Turtle Children's Activity booklet/stickers. To purchase visit: <https://www.tnstormwater.org/ed>

Education: Manages and Creates Educational Training and Resources

Chair: Tim Gangaware, UT Water Resources Research Center

We are interested in continuing TNSA Talks this year. TNSA Talks are one hour and hosted on Zoom.

PDH's are included. Please let Charlene know if you are interested in speaking. Schedule and times are flexible.

Committee Updates Continued...

INTERESTED IN BEING MORE INVOLVED? CONSIDER PARTICIPATING IN A COMMITTEE. POLICY, CONFERENCE, EDUCATION, COMMUNICATION, SCM AND PUBLIC OUTREACH CONTACT THE COMMITTEE CHAIR.

SCM: Standardizes Device Evaluation and Develops SCM Toolkit.

Chair: Jacob Dorman, Contech

The SCM Committee is developing a series of fact sheets for sizing SCMs under the new NPDES permit rules. Manufactured treatment devices (MTDs) are the initial focus. A subject matter presentation is being prepared for the TNSA Annual Conference in October. Final fact sheet release is anticipated by the end of year.

Communication: Goal is to work on communication within and outside of the organization

Chair: Aaron Rogge, CDM Smith

Did you know that the Communication Committee now provides editing and proofreading for your public-facing materials? If you have graphics or other informational materials that need a read-through, contact Aaron Rogge and the committee can help with everything from basic spelling to technical research. Don't know where to start? The committee is also developing a bank of material to help you produce content that will meet your MCMs. Contact the committee today if you need images, video, or print material.

Be on the lookout for TNSA Talks on Youtube! Sessions from the past few years are now available on the world's most popular streaming site. This will allow for easier sharing and simpler searches for high-quality material that is relevant to your program.

The videos can be found under TNSA's channel: <https://www.youtube.com/@tnsa>

Policy: Works with TDEC to share and update members on state and EPA regulations and policies.

Chair: David Mason, CDM Smith

John Chlarson with MTAS has completed the Model Ordinance for the new Small MS4 Permit. It should be available soon. MTAS and TDEC plan on holding informational meetings regarding the ordinance.

TNSA TIPS AND UPDATES

MEMBERSHIP RENEWAL UPDATE

It's TNSA Membership time! Membership runs from July 1-June 30 each year. Renewal is through the main contact on your Club Express account. Reminder emails were sent June 1 for those who would like to pay early. If you are not sure who your main contact is, you can look up this information in Club Express when you login to your account. If there has been a change in leadership please let Charlene know so we can update the contact information, please do not change the main contact yourself, Charlene needs to make this change. Memberships are lapsed after August 31, 2023. You must renew your membership in order to receive conference membership price.

SOCIAL MEDIA CAMPAIGN

I am happy to announce this program has been extremely successful! We are just finishing up year 3 and starting year 4. The TNSA social media ad campaign is an annual subscription based program offered to TNSA members in order to help them achieve their public education outreach permit goals. The campaign is hosted on Facebook, Instagram and Twitter. The campaign consists of 24 ads which change bi-weekly, related to the season and activities for that month. MS4 participants have a link on the new TNSA Social Media website page where residents can access local information with their area. The ads are featured in the Facebook feed, when clicked it is linked to the TNSA website where participating MS4's will have a link to their Facebook page or website. We will be able to track clicks from Facebook as well as the clicks on our website. MS4 participants will receive the number results at the end of the year. The program has been approved by TDEC. The program runs from July 1-June 30 and can be renewed through Club Express when you renew membership. Prices are based on your MS4 population. For prices and additional information visit the website: <https://www.tnstormwater.org/ed>.

CLUB EXPRESS TIPS

One of the best things about Club Express is being able to find contact information for members at your fingertips 365 days of the year. You must login to your account then click on Membership Directory on the menu. You can search by name, region MS4 name and more!!

NEW!! EPA Stormwater Smart Outreach Tools

EPA has developed a collection of communication tools you can use to promote the value of sound stormwater management for creating a community where your residents want to live and work. Public works managers can use these as part of the public education and outreach efforts of their stormwater permit programs.

The materials are organized by the main goals of the Stormwater Smart effort. They cover a wide range of topics and can be used on several platforms. There are two versions of the brochures, infographics, and tip sheets: a Microsoft PowerPoint file that can be customized with your organization's contact information and an Adobe Acrobat PDF. In addition, there is a how-to manual with ideas for how to use the tools in ways that connect with residents and businesses in your community. Click here for more information.

- Using Stormwater Smart Outreach Materials and How-to Manual
- Increase Awareness of Stormwater Effects Brochures
- Social Media Graphics
- Promote Practices to Manage Stormwater
- Stormwater Tip Sheets for Business
- Stormwater Tip Sheet for Residents
- Promote Investment in Stormwater Management
- Presentation for Municipal Officials
- Case Studies



Tennessee RiverTowns Program

We're excited to announce the application period for new enrollments to the Tennessee RiverTowns Program is now open through September 9, 2023.

Tennessee River communities are the beating heart of the Tennessee RiverLine. All Tennessee River communities – counties, cities, towns, and consortium thereof – are invited to apply to become part of North America's next great regional trail system through the Tennessee RiverTowns Program. To become

a Tennessee RiverTown, communities must form a local leadership team of local volunteers, satisfy benchmarks, and make an annual contribution after being accepted into the program.



The 2024 cohort will be publicly announced in January. The new communities will join the 20 Tennessee River communities that have already enrolled in this voluntary, multi-stage program that cultivates collaboration between Tennessee River communities and the Tennessee RiverLine team in the pursuit of a shared vision.

You can learn more about the Tennessee RiverTowns Program here: <https://www.tnriverline.org/rivertowns>

Please share information about the Tennessee RiverTowns Program with your friends and fellow river advocates, and **encourage your local leadership** to start your community's application today. *Is your community already enrolled? Wonderful!* **Encourage your neighboring Tennessee River communities** to apply as well.

Together, we will bring North America's next great regional trail system to life!

If you have any questions about the Tennessee RiverTowns program, please contact Liz Reister at liz@tnriverline.org.

2023 STORMWATER AND ENVIRONMENTAL CONFERENCES

TN Engineers Conference September 17-19, 2023, Franklin

Keep Tennessee Beautiful Conference September 26-28, 2023, Chattanooga

SESWA October 4-6, 2023, Hilton Head, SC

TNSA Annual Conference October 24-26, 2023, Montgomery Bell State Park

Sustainability Solutions Symposium (Formerly TN Environmental Conference)

October 23-25, 2023, Kingsport

TCAPWA/SWANA Annual Conference November 13-15, Nashville



The Tennessee Stormwater Association is Tennessee's premier membership organization for stormwater professionals.

TNSA's mission is to assist members with their local efforts to comply with State and Federal clean water laws; including stormwater regulations through EPA and TDEC (Tennessee Department of Environment and Conservation).

TNSA's goal is to protect and improve the quality of the waters of Tennessee through the exchange of information and knowledge regarding design, construction, maintenance, administration and operation of stormwater facilities.

TDEC Stream and Wetland Restoration Grant Opportunity

With more than 60,000 miles of rivers and streams and over 786,000 acres of wetlands, Tennessee's waters provide recreational enjoyment and water supply to millions of people and habitat for the most biodiverse freshwater aquatic species in the United States. Implementing projects that continue to protect and improve these unique watersheds in Tennessee are important. The Stream and Wetland Grant Program is an opportunity to support projects that restore or enhance stream and wetland resources in five strategic investment areas.

Program Purpose

Impacts to Tennessee's natural aquatic resources may be authorized under appropriate permits. Unfortunately, some unauthorized actions cause injury to our state resources. The Tennessee Department of Environment and Conservation (TDEC) recovers compensation for impacts to the state's natural resources through formal enforcement. Recovered funds are then applied to restoration projects to offset natural resources damages. This program focuses on restoring surface waters, which includes streams and wetlands.

Who is Eligible?

- Nonprofits
- State agencies
- Federal agencies
- Municipal entities
-

Applicants must complete and provide items listed in the grant manual and Request for Proposals (RFP) via the TDEC Online Grants System. Eligible watershed locations, types of projects requested, and other details are included in the RFP. More information about eligible applicants and projects can be reviewed on the grant website.

Click here for website and more information: <https://www.tn.gov/environment/about-tdec/grants/stream-and-wetland-restoration-grant.html>

Grant Funding and Permitting

The total grant funding available for all projects selected under the RFP is up to \$300,000. Projects are required to leverage additional resources to match the grant funding with a minimum of 20% of the total project costs.

Projects may require coverage under Tennessee's general NPDES permit for discharges of stormwater associated with construction activities (CGP). Additionally, TDEC's aquatic resource alteration permit coverage and federal Clean Water Act permit coverage through the U.S. Army Corps of Engineers may be required before altering state and federal jurisdictional waters. The grantee is responsible for identifying and obtaining all necessary permits required for their project. More detailed information is available on the grant webpage.

DEADLINE TO APPLY: SEPTEMBER 15, 2023, 4pm Eastern Time

Urban Runoff 5K

July 29, 2023

Shelby Bottoms Park, Nashville

We had a great event this year with a record attendance of 349 runners!

Thank you to the committee and many important volunteers who help make this event successful year after year!





THANK YOU TO OUR SPONSORS!



Court sides with Amish families in case that pits septic tank rules against religious beliefs

By STEVE KARNOWSKI

Published 2:21 PM EDT, July 10, 2023

MINNEAPOLIS (AP) — Members of a deeply conservative Amish community in Minnesota don't need to install septic systems to dispose of their "gray water," the state Court of Appeals ruled Monday in a long-running religious freedom case that went all the way up to the U.S. Supreme Court.

A three-judge panel ruled that the government "failed to demonstrate a compelling state interest" to justify overriding the religious freedom of the Amish families that challenged state regulations governing the disposal of gray water, which is water that's been used for dishwashing, laundry, and bathing, but not toilet waste.

The Swartzentruber Amish in southeastern Minnesota are among the most traditional Amish groups in the country, U.S. Supreme Court Justice Neil Gorsuch noted in a 2021 ruling. It sent the case back to Minnesota courts for reconsideration in light of a high court decision a month earlier in a different religious freedom case. That ruling went in favor of a Philadelphia-based Catholic foster care agency that said its religious views prevented it from working with same-sex couples.

A Minnesota district court last September concluded that the government showed that it had a compelling state interest "of the highest order" in requiring the Swartzentruber Amish to use septic tanks to protect groundwater supplies in the area. The families then appealed again. The Court of Appeals sided with them Monday, and sent the case back to the lower court for an order in favor of the Amish.

Fillmore County in 2013 started requiring homes to have modern septic systems to dispose of gray water. The Swartzentruber Amish sought an exemption, saying their religion prohibits that technology. They sued in 2017. For years they had discharged their gray water directly onto the ground. They offered instead to use mulch basins filled with wood chips to filter the water, as allowed in some other states, but the government argued that mulch basins would be ineffective.

The federal religious freedom law that was at issue in the Philadelphia case "prohibits governments from infringing sincerely held religious beliefs and practices except as a last resort," Gorsuch explained at the time, urging the Minnesota court and local authorities to swiftly resolve the dispute. "In this country, neither the Amish nor anyone else should have to choose between their farms and their faith," Gorsuch said.

The Court of Appeals noted that the Swartzentruber Amish use some technology, but don't own or drive automobiles, and don't use telephones, electric lights or modern flush toilets. They supply water to their homes from cisterns and have always prohibited septic systems.



This April 10, 2002 photo shows Amish buggies of the Swartzentrubers Amish sect parked outside the Ebensburg, Pa., courthouse. A state appeals court says members of a deeply conservative Amish community in Minnesota don't need to install septic systems to dispose of their "gray water." The ruling came Monday, July 10, 2023 from the state Court of Appeals in a long-running religious freedom case that went all the way up to the U.S. Supreme Court. (Pete Vizza/The Tribune-Democrat via AP, file)



Tennessee Stormwater Association
P.O. Box 6550, Maryville, TN 37802
865-386-6917

Charlene@tnstormwater.org

TDEC UPDATES

Municipal Stormwater

Notice of Rulemaking Hearing

TDEC Division of Water Resources will be conducting Public Hearings to present changes to the following Rules on September 6, 2023.

Rule Chapter 0400-40-02 - Regulations for Plans, Submittal, and Approval; Control of Construction; Control of Operation

Rule Chapter 0400-40-05 - Individual National Pollutant Discharge Elimination System (NPDES) Permits

Rule Chapter 0400-40-10 - National Pollutant Discharge Elimination System **General Permits**

You can find more details, including times, how to attend in person, how to attend virtually, and instructions for submitting comments on TDEC's website at:

<https://www.tn.gov/environment/ppo-public-participation/ppo-public-participation/ppo-water.html>

U.S. Environmental Protection Agency

EPA is in the process of finalizing the 2020 MS4 designations and updating their Phase II Small MS4 Permitting Factsheets.

MTAS Draft Ordinance

On July 17, 2023, TDEC received the Municipal Technical Advisory Service's (MTAS') draft stormwater quality model ordinance for review. TDEC finished reviewing and provided comments back to MTAS on August 21, 2023.

Small MS4 Monitoring Programs

It's not too late for Small MS4s programs to develop an **Option 2 jurisdiction-specific monitoring plan** as an alternative to the plan identified in Option 1 of the 2022 Permit. The deadline to submit an Option 2 plan to the Division is September 1, 2024.

Small MS4 Annual Reports

Small MS4 Annual Reports must be submitted on or before September 30th of each calendar year. The Small MS4 Annual Reports will be received and processed electronically through the [MyTDEC Forms portal](#).

MyTDEC Small MS4 Annual Report Form Training Sessions

The Division hosted and recorded five (5) virtual training sessions to help familiarize the MS4 Programs with the new MyTDEC Small MS4 Annual Report form. The descriptions and links to the videos for each training session are provided below. You can also find this information on the Division's NPDES Municipal Separate Storm Sewer System (MS4) Program webpage.

MS4 Training - Session 1 topics included:

How to register a MyTDEC account

How to access the MyTDEC Small MS4 Annual Report form

Who should sign the report

Form troubleshooting tips

Small MS4 Annual Report form – General Information Section

Primary Annual Report form contacts

[Video of Training Session](#)

[Copy of Presentation \(pdf\)](#)

MS4 Training - Session 2 topics included:

Minimum Control Measure 1: Public Education

Minimum Control Measure 2: Public Involvement & Participation

Form troubleshooting tips

Primary Annual Report form contacts

Details on sharing a form

[Video of Training Session](#)

[Copy of Presentation \(pdf\)](#)



TDEC Updates Continued

MS4 Training - Session 3 topics included:

Minimum Control Measure 3: Illicit Discharge Detection & Elimination (IDDE)
 Minimum Control Measure 6: Pollution Prevention/Good House Keeping for Municipal Operations
 Form troubleshooting tips
 Primary Annual Report form contacts
 Details on sharing a form
[Video of Training Session](#)
[Copy of Presentation \(pdf\)](#)

MS4 Training - Session 4 topics included:

Minimum Control Measure 4: Construction Site Stormwater Runoff Pollutant Control
 Minimum Control Measure 5: Post-Construction/ Permanent Stormwater Management
 Form troubleshooting tips
 Primary Annual Report form contacts
 Details on sharing a form
[Video of Training Session](#)
[Copy of Presentation \(pdf\)](#)

MS4 Training - Session 5 topics included:

Stormwater Management Program Modification
 Summary of Enforcement Actions
 Results of Information Collected and Analyzed (Monitoring)
 Legal Authority
 Stormwater Management Program Evaluation
 Form troubleshooting tips
 Primary Annual Report form contacts
 Details on sharing a form
[Video of Training Session](#)
[Copy of Presentation \(pdf\)](#)

TDEC Annual Report Q&A ZOOM Meeting: On August 18, 2023, the Tennessee Stormwater Association (TNSA) hosted a ZOOM meeting for TDEC to answer questions and address concerns from TNSA members and other interested parties before the small MS4 annual reporting period ends. [Video of Zoom Meeting](#)

Construction Stormwater

Tennessee Erosion Prevention and Sediment Control Training Program for Construction Sites

<https://tnepsc.org/index.asp>

Level 1 - Fundamentals of Erosion Prevention and Sediment Control for Construction Sites

In Person Training Schedule:

September 21, 2023- Nashville- Southwestern Travel, 2451 Atrium Way, Nashville, TN
 October 6, 2023 - Knoxville - Rothchild's Catering Company, 8807 Kingston Pike
 October 17, 2023 - Memphis - Holiday Inn Suites-Wolfchase Galleria, 2751 New Brunswick Road, 38133
 November 16, 2023 - Clarksville- Civic Hall, Veterans Plaza, 350 Pageant Lane, Clarksville, TN 37040
 (See **TNEPSC Website** for more details.)

Level 1 - Recertification Fundamentals of Erosion Prevention and Sediment Control for Construction Sites

Online certification is open - [Level 1 Recertification - Online Video Course Instructions](#)

In Person Training Schedule:

- October 19, 2023 - Nashville - Southern Company, 2451 Atrium Way, Nashville, TN
 - November 3, 2023 - Knoxville - Rothchild's Catering Co, 8807 Kingston Pike
- (See **TNEPSC Website** for more details.)

Level 2 - Fundamentals of Erosion Prevention and Sediment Control for Construction Sites

Training Schedule - Check back later for new classes.

Level 2 - Recertification Fundamentals of Erosion Prevention and Sediment Control for Construction Sites

Training Schedule - Check back later for new classes.

As Supreme Court decision narrows EPA authority, what's next for New York's wetlands?

By [Joseph Ostapiuk | jostapiuk@siadvance.com](mailto:jostapiuk@siadvance.com)

STATEN ISLAND, N.Y. — What began as an attempt to build a home on a parcel of land in Idaho has led to a monumental rollback of the Environmental Protection Agency's (EPA) ability to regulate a wide swath of the country's wetlands. The United States Supreme Court rendered its [decision](#) in *Sackett v. EPA* on May 25, after Michael and Chantell Sackett began excavating their newly-purchased property along Priest Lake, a large expanse of water fed by mountain streams. The couple never received permits for working on wetlands, causing the EPA to intervene, and the case rose to the country's highest court. The result of the decision: The over-half-century-old Clean Water Act has been significantly rolled back in a manner that will leave a significant amount of wetlands throughout the U.S. at risk for development.

The change, said Jon Devine, director of federal water policy for the Natural Resources Defense Council, will "effectively remove protections from, in our estimation, at least half, and probably much more than that, of the wetlands in the country."

A SHIFT IN LANGUAGE

The U.S. Supreme Court decision greatly narrowed EPA authority by simply shifting what qualifies as a wetland. Writing for the majority opinion, Justice Samuel Alito said the Clean Water Act extends to only wetlands with a "continuous surface connection" to streams, oceans, rivers and lakes.

In effect, the reading of the law would only provide federal jurisdiction on wetlands that are not, in any way, separated from another major water body. Numerous experts interviewed by the *Advance/SILive.com* said the interpretation runs against scientific understanding of wetlands, which can migrate, maintain below-ground connections and serve as parts of larger watersheds not continuously connected.

Justice Brett Kavanaugh, writing for the minority opinion, said the Clean Water Act — a law that has spanned across eight consecutive presidential administrations spanning the political spectrum — was previously amended to include adjacent wetlands not connected to other water bodies. The new determination, he said, will have "significant repercussions for water quality and flood control throughout the United States."

President Joe Biden, in a statement, called the ruling a "disappointing" decision that "will take our country backwards."

The law as it stood was a primary contributor to the protection of America's water and safeguarded the nation's streams, rivers and lakes from pollutants and other hazards, said Biden.

"Our fight for clean water for all must go on, and it will," he said.

'RACE TO DEVELOP IN WETLANDS'

A U.S. Supreme Court decision is considered the end of the road in legal challenges, so Congress would need to amend the law and restore protections to reverse the impact of the majority opinion; however, any legislation would likely take time to come to fruition, even if it was introduced.

The Clean Water Act has sustained (and overcome) former challenges, said Devine, but the new test adopted by the court is similar to a regulation briefly adopted by the administration of former President Donald Trump. But, even in the stretch of just over a year when that rule was in effect, more than 19,000 wetlands were excluded from protections.

During that span, "there was really just a race by developers and others to get determinations from the Army Corps that the water bodies on their property were not covered by the law," said Devine.

"I very much fear and unfortunately anticipate that we'll see a similar race to develop in wetlands and other waters until we can either get a federal fix or individual states can fill in the gaps, at least for the waters in their jurisdiction," said Devine.

WHAT DOES IT MEAN FOR NEW YORK WETLANDS?

The Clean Water Act is considered a floor, not a ceiling, for protecting water bodies. Individual states can choose to enact stronger protections, though many simply default to the federal approach.

Reverting near-complete control to state authorities could cause a stark regional disparity in natural resources over time and create dangers as the degradation of the natural environment leaves communities vulnerable. New York, meanwhile, appears to have far stronger protections than other sections of the country, experts said.

EPA Wetlands (continued)

New York's Freshwater Wetlands Act, amended last spring in the state's budget, greatly expanded protections for wetlands by widening the Department of Environmental Conservation's (DEC) ability to require permits for activities that impact wetlands larger than 7.4 acres along with smaller wetlands of "unusual importance."

The 1975 Freshwater Wetlands Act, which was used to regulate wetlands 12.4 acres and larger before the new amendment, utilized often-outdated maps that left smaller areas that are especially abundant in New York City extremely vulnerable. Helen Forgione, senior manager of conservation planning for Natural Areas Conservancy, said the state's change came at an opportune time and fortified the sanctity of vast parts of the city that were previously at risk.

"For us in New York City, that's really good news because we do have a lot of small wetlands, and being in New York, where we've lost so many of our freshwater wetlands, the remaining ones are of unusual importance," said Forgione.

New York has lost nearly all of its freshwater wetlands over the past four centuries, and dozens of additional acres are claimed each year, from sources ranging from sea level rise to development.

Many of Staten Island's remaining wetlands are connected to larger water bodies, continuing their existence under federal protection. However, other parts of New York that fall outside the limitations of the state's law could see a greater level of impact, experts said.

"In terms of kind of how things are going to play out over the next few years, it's going to be a really dynamic period," said Sarah Charlop-Powers, executive director of Natural Areas Conservancy. "We're heartbroken about the EPA ruling but are cautiously optimistic for Staten Island and New York City because of our state-level protections."

ROLE OF WETLANDS

Wetlands are among the most powerful natural resources, filtering pollutants, offering flood mitigation and encouraging plant and animal biodiversity.

In New York City, wetlands are especially vital in the battle against sea level rise and flooding — both from the ocean and extreme rainfall. Wetlands serve as a natural buffer to flooding and have offered significant protection to Staten Island during major storms, experts have said.

"The reason that New York City Parks is focused on wetlands protection on our property is because of the value and function that they have for the city," said Marit Larson, the Park Departments' chief of Natural Resources. "Both with respect to providing ecological benefits, like biodiversity and home and habitat and forage and refuge for hundreds of birds species and amphibians and insects and other important wildlife, but because they also are a form of green infrastructure."

The versatility of wetlands is a core element of their immense value, especially in densely-built cities. Some boroughs have up to 70% of their landmass as impervious space, making the few remaining absorptive green spaces even more vital, said Larson.

The city Parks Department and the New York City Department of Environmental Protection are among the agencies involved in [ongoing projects to restore wetlands](#), and a [30-year framework](#) was released last year detailing a roadmap for the preservation, restoration and management of wetlands and streams across the five boroughs, though advocates note it is currently deeply underfunded.

"The wetland management framework identifies restoration opportunities, some of which have a very high cost associated with them, but also a lot of actions that we continuously need to take to try to identify dispersed impacts across the landscape, whether that's from stormwater runoff, and opportunities to maximize local stormwater capture and retention," said Larson. Even with the prospect of those opportunities, Larson said more needs to be done to educate about the complexity and importance of wetland systems. The U.S. Supreme Court ruling, she said, highlights the difficulty in relaying the significance of preserving these spaces.

The city Parks Department, according to Larson, is in the process of applying for grant funding to update its past ecological assessment — conducted around a decade ago — to determine the effectiveness of management efforts. Seeing those changes over time, she said, will help illustrate the need for conserving and bolstering remaining wetlands throughout the five boroughs.

"The fact that we have so few really makes them all the more important," said Larson.

Source: <https://www.silive.com/news/2023/06/as-supreme-court-decision-narrows-epa-authority-whats-next-for-new-yorks-wetlands.html>

NOMINATE TNSA EXCEPTIONAL QUALITY AWARDS!

It's that time of the year again, to nominate for the TNSA Exceptional Quality Awards! Time to recognize folks for their hard work and dedication to TNSA, stormwater and Tennessee throughout the year.

All nominations must include a reason for the nomination. Nominees will be voted on by the TNSA membership, except for the Lifetime Achievement award, which will be voted on by the TNSA Board.

DEADLINE TO NOMINATE SEPTEMBER 15, 2023

Click here for online nomination form: <https://www.tnstormwater.org/award-nomination-form>

1. "Person of Year" – An individual who displays Exceptional dedication and commitment to TNSA. Examples of dedication and commitment are defined as providing training opportunities, serving on the TNSA board and/or committees, providing support to other member organizations, etc.

2. "Organization of the Year" – An MS4 or other Organization that displays Exceptional stewardship of Water Quality and/or the implementation of green infrastructure projects in Tennessee. Types of stewardship include leadership and innovation in providing public education and outreach, public involvement/participation, illicit discharge detection and elimination, construction site runoff control, post construction runoff control and pollution prevention/good housekeeping. Individuals are not eligible for this award; only the member organization is eligible.

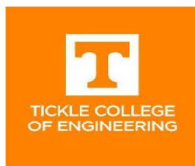
3. "Dr. Bruce Tschantz Lifetime Achievement Award" – TNSA's highest honor for outstanding, longtime stormwater professionals with a minimum of 20 years of service. These individuals' long-term contributions have made a noticeable impact on stormwater management efforts in the State of Tennessee.

NOTES:

At the Board meeting, we renamed the lifetime award to include honoring Dr. Bruce Tschantz. The Board will review nominations and make selection of recipient. This lifetime achievement award will not be voted on by the TNSA membership.

The executive committee will review all nominations to ensure that they meet the minimum criteria for each award. All qualified nominations will be provided to be voted on by the TNSA membership with the exclusion of the "Dr. Bruce Tschantz Lifetime Achievement Award".

A Special THANK YOU to Conference Sponsors!



Conference Sponsorships and Exhibitor Spots are still available.

Contact Charlene DeSha or visit <https://www.tnstormwater.org/> tnsa-conference for more information