



*... creating a better quality of life*

July 25, 2019

Mr. Vojin Janjic  
William R. Snodgrass Tennessee Tower, 11<sup>th</sup> Floor  
312 Rosa Parks Avenue  
Nashville, Tennessee 37243

Re: Proposed Rulemaking Chap. 0400-40-10  
Comments

Dear Vojin:

Attached are a few comments on the proposed NPDES permits rulemaking, chapter 0400-40-10 and 0400-40-.05.

Sincerely,

Robert Haley, Stormwater Program Manager  
Murfreesboro Water Resources Department

Attachment



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## Comments on general matters and substance

- a) 0400-40-10 and 0400-40-05, in particular the section (2) with permanent stormwater standards

My view – based on years of familiarity with MS4 permit requirements and 10+ years of experience with SCMs at design and ground level – is that the design and performance standards set forth here (WQTV, etc.) do a fairly good job of generalizing performance of SCMs and so provide a reasonable set of standards.

I say this considering that most MS4s will -in addition to the quality control set forth here – have quantity control requirements on development. So, for instance, treating 1.0 or 1.25 inches of the design storm might seem to be the preferred design, but if the project also must provide detention for control of quantity/discharge, then maybe an extended detention pond with forebay is a better option.

- b) One area of the performance table where I'd like more explanation: "maximum flowrate of design storm." How to determine. Also, MTDs treat a flow not a volume really. So, this option is rather different than the others in the table.

## Comments on style/clarity/typos

- c) 0400-40-10-.01 (2)

It seems this short paragraph could be simplified by deleting 13-15 words, so that it would read:

- (2) Electronic reporting. This chapter requires the submission of forms including but not limited to making reports, submitting monitoring results, and applying for permits. The Commissioner may make these forms available electronically and, if submitted electronically, electronic submission shall comply with the requirements of Chapter 0400-01-40.

- d) 0400-40-10-.04 (2) (b) and 0400-40-05-.15 (2) (b)

I think that in the next to last sentence, it would be better to leave out the word "new" and even the word *project*.

The article *the* undoubtedly refers to a new development project, which is the context of the section, and so the *new* is superfluous. And the *new* also introduces a bit of a contradiction: the new project is not going to be new for the life of it. Nor is the new development project going to remain a *development project* for the life of it. To me the present sentence reads awkwardly and by referring to *new* and *project* introduces tiny loopholes for one to argue "my development is no longer a new project; so my SCMs now aren't bound by this treatment standard, right?"

I suggest dropping the *new* and the *project*. Which leaves a sentence that - I think - is clearer and more to the point.

So, state simply "...72 hours following the end of the preceding rain event for the life of the development."

- e) 0400-40-10-.04 (5) (b) and 0400-40-05-.15 (5) (b)

At the end of sub-paragraph (b), there is reference to "sub-section 4.1.1." That reference seems to be a reference to a section of an MS4 permit. I think the reference should somehow be changed or re-phrased so that the rule isn't referring to a section of a permit.

- f) 0400-40-10-04 (4) (b) and 0400-40-05-.15 (4) (b)

On the two sentences describing vegetation in the buffer. The second sentence begins, "the remaining riparian buffers maybe be composed..."

I take it that the phrase *the remaining riparian buffers* refers to that portion of the buffer that is not populated with trees. Is that the meaning? If so, the use of buffers, plural, is odd. Why not say something like: *Areas of the buffer not in trees may be composed of herbaceous cover or infiltration-based SCMs.*

And, by the way, on allowing SCMs in buffers, this strikes me as a bad idea. If this is allowed in the rule and permit language, I think many MS4 program staff will have to prohibit this in their local regulations. Problems with construction and long-term maintenance, etc.