

MINUTES OF THE
STORM WATER APPEALS BOARD (SWAB)
MEETING OF JANUARY 23, 2008

1. **OPENING** – The Storm Water Appeals Board (SWAB) met in session on Wednesday, January 23, 2008 at 8:30 a.m. in the Conference Room of the Williamson County Administrative Complex. Chairman Dorie Bolze called the meeting to order. A quorum was present. Attendees were:

- 1.1 **Board Members**

- John Minton, Homebuilders Representative
 - Brad Hoot, Community Representative, Secretary
 - Dorie Bolze, Environmental Representative, Vice Chairman
 - John Kinnie, Agricultural Representative
 - Rick Schuff, Engineering Representative
 - Dan Crunk, Development Representative

- 1.2 **Staff**

- Floyd Heflin, County Engineering
 - Regina Wilder, Storm Water Quality Coordinator
 - Debbie Smith, Administrative Assistant
 - Kristi Earwood, Attorney for the SWAB

2. **APPROVAL OF OCTOBER MINUTES** – Ms. Bolze opened the floor for comments on the December minutes. Rick Schuff asked for the word “if” to be added to Section 4.4 last paragraph to read “Mr. Schuff asked if . . .”.

Brad Hoot moved for approval of the December Minutes as revised, seconded by John Kinnie. The motion was unanimously approved.

3. **Revision to Section 8 of the Storm Water Regulations.**

- 3.1 **Introduction by Staff** – Mrs. Earwood discussed the changes as outlined in the margins of each page. She discussed the Notice of Violations, fees associated with the NOV’s and the enforcement allowed to require payment of those fines.

- 3.2. **Board Discussion** – Mr. Crunk asked if permits could be held up in a section for other builders, if a penalty wasn’t paid. Mrs. Earwood indicated it would only affect the person for which the penalty was issued. She also added that the person could appeal the penalty, however they would have to pay the penalties into an escrow fund, and upon the decision of this board, the penalty would be refunded or upheld. Mr. Crunk recommended the words “within that section of the development” be added in 8.C.3.a.2. To read “Advise the Building

Codes Director to withhold issuance of any new building permits within that section of the development until”

Mr. Kinnie asked when a builder was issued a penalty, would the non-payment of that penalty affect the builder from getting any permits in a different section?

Mrs. Earwood stated currently the way it's written with builders the penalty will only affect the inspections requested for that lot. However, with a Developer, it would affect all phases of the Subdivision.

After discussion the board felt that withholding inspections and Certificates of Occupancy should be added to 8.C.b.D, which should read “Advise the Building Codes Director not to conduct any future inspections and withhold issuance of any Certificate of Occupancy until remedial action has been completed; and”.

3.5 Board Action – Dan Crunk moved for approval of Section 8 as amended, seconded by John Minton. The motion was unanimously approved.

4. Revision to Section 9 of the Storm Water Regulations.

4.1 Introduction by Staff – Mrs. Earwood stated that there were some parts of this section that could not be changed because they are directly from the State Statute. Mrs. Earwood also noted that when issuing a penalty it sometimes could be difficult to determine if the violation has been for ongoing problems or has occurred on a daily basis. Therefore, it was better to issue a fine, give time for correction and if this wasn't done, then issue additional fines.

Mrs. Earwood indicated that Section 9.2 is all new and reviewed this with the Board.

4.2 Board Discussion – Mr. Schuff asked if the erosion control measures were required to be installed prior to the issuance of a Land Disturbance Permit. Staff indicated that it was only required in a Subdivisions and non-residential site plans, not on individual lots. However, staff does not inspect this, a letter from a design engineer is required as proof of installation.

Mr. Kinnie asked how many days the applicant has to pay the fine. Mrs. Earwood indicated its 10 days to appeal, then Mr. Heflin has 15 days to review the appeal, after the decision has been made on the appeal, then the applicant has either 10 days to pay the penalty or appeal to this Board and pay the fines into an escrow fund, pending the decision of the Board.

Mr. Crunk asked what were the specific categories as described in Section 9.4.F. Mrs. Earwood stated this Section referred back to Section 9.3. Mr. Crunk requested the word “categories” be removed.

4.5 Board Action – Rick Schuff moved for approval of Section 9 as amended, seconded by John Kinnie. The motion was unanimously approved.

5. Revision to Section 2 of the Storm Water Regulations.

5.1 Introduction by Staff – Mrs. Earwood reviewed the noted changes.

5.2 Board Discussion – The Board requested additional changes be made to Section 2.1.B.1. to read as follows, “Critical service roads shall be designed to have no more than 3” of road over topping at the 100-year, 24 hour design storm event.

Additionally, the Board asked for the words “settle to” be removed from 2.2.D.1.h, now to read “any materials in the water that will form putrescent or otherwise objectionable deposits.”

The last noted comment was to add wording to 2.2.E. in the second sentence to read “..The post-construction goal for water quality treatment shall be 80% removal of total suspended solids from the first flush volume defined by land use characteristics or at least 0.5 inches of rainfall where not defined.” Also 2.2.G. is now to read “No land disturbance activities whether by private or public action shall be performed in a manner that will negatively impact storm water quality whether by *illicit discharge*, flow restrictions. . .”

5.3 Board Action – Brad Hoot moved for approval of Section 2 as amended, seconded by John Kinnie. The motion was unanimously approved.

6. Revision to Section 12 of the Storm Water Regulations.

6.1 Introduction by Staff – Mrs. Earwood requested the Board to review the definitions and make any comments.

6.2 Board Discussion – The Board requested the following changes, in addition to the noted changes:

Culvert – *An enclosed* man made conveyance of storm water flows...

Engineer – An engineer duly registered, licensed or otherwise authorized by the State of Tennessee to practice in the field of engineering.

Historic Structure Designation – Remove “which have been approved the Secretary of the Interior. “

Post-Construction – the storage of development where the surety for roads, drainage and erosion control has been released by Williamson County for

residential developments or where a Certificates of Occupancy has been issued for non-residential development.

6.3 Board Action - Dan Crunk moved for approval of Section 12 as amended, seconded by Rick Schuff. The motion was unanimously approved.

7. **OTHER BUSINESS** - Dorie Bolze requested staff bring a report on the 2006 appeals to the February meeting, with respects to the conditions of appeal and whether the conditions had been completed to staff approval. The Chair also requested a similar a report on the 2007 appeals to the March meeting.

ADJOURNMENT - There being no further business, _____ moved for adjournment, seconded by _____. The motion was unanimously approved.

Chairman