

MINUTES OF THE
STORM WATER APPEALS BOARD (SWAB)
MEETING OF JUNE 24, 2009

1. **OPENING** – The Storm Water Appeals Board (SWAB) met in session on Wednesday, June 24, 2009 at 8:30 a.m. in the Auditorium of the Williamson County Administrative Complex. Chairman Rick Schuff called the meeting to order. A quorum was present. Attendees were:

- 1.1 **Board Members**

- John Minton, Homebuilders Representative
 - Brad Hoot, Community Representative, Secretary
 - Rick Schuff, Engineering Representative, Chairman
 - Dan Crunk, Development Representative
 - Cheryl Wilson, County Commissioner
 - John Kinnie, Agricultural Representative

- 1.2 **Staff**

- Floyd Heflin, County Engineer
 - Michael Scott, Storm Water Quality Coordinator
 - Debbie Smith, Administrative Assistant
 - Christina Daugherty, Attorney for the SWAB

- 1.3 **Representative for Appeals**

- Nicky Wells, Turnberry Homes

2. **APPROVAL OF FEBRUARY MINUTES** – Mr. Schuff opened the floor for comments on the April minutes.

Dan Crunk moved for approval of the March minutes, seconded by Brad Hoot. The motion was unanimously approved.

3. **06-24-09-01 - Appeal for Chardonnay Subdivision.**

- 3.1 **Introduction by Staff** – Mr. Scott reviewed the Staff report for the record. (See file)

- 3.2 **Appellant Case** – Nicky Wells, Vice President of Land Development for Turnberry Homes was representing this item. Mr. Wells indicated there was not water quality pollution caused by this discharge. He does acknowledge that sediment did leave the site, but did not enter the Storm Water system, per Mid TN Erosion & Sediment Control, Inc., report of March 23, 2009. Mr. Wells stated that since the sediment did not enter the stream, the penalty should be waived.

Mr. Wells ask if Staff should notify the developer while on site regarding issues that are found, so they can be corrected immediately. He indicated that it was approximately one week after the discharge happened before he was notified.

3.3 Public Hearing – There were no comments.

3.4 Board Discussion – Brad Hoot asked if the penalty was for illicit discharge or inadequate controls being in place. Mr. Scott indicated it was for the illicit discharge, because the sediment appeared to run all the way to the bank of the creek, and the creek would be running clear by the time the developer's inspection was done.

Mr. Heflin indicated that in a development, the street becomes part of the MS4. Mr. Hoot asked if the measures installed on site were adequate. Mr. Scott stated that if the rain event has already occurred, it required a Notice of Violation to be issued. There are other times that a Notice of Violation has been issued for inadequate controls on site, but only after attempts by phone have failed to see improvements.

John Minton asked if there were any check dams on site. Mr. Scott stated he did not recall any. Mr. Heflin indicated there is a temporary sediment pond on site, but it was not containing the sediment from this area as it was intended to do.

Rick Schuff asked Staff which violation was being appealed, April or March. Mr. Scott indicated it was the March 19th violation. Cheryl Wilson asked what the time frame was before the applicant was notified. Mr. Scott indicated he did his inspection on the 16th of March, notice was mailed on the 19th and would have been received the 24th, but was not sure about that date.

Brad Hoot asked Mr. Scott if he agreed with the inspection report from Mid TN that was done on the 23rd. Mr. Scott indicated he did not agree with the report and noted William Andrews had sent a checklist to Mr. Wells about required stabilization that needed to be done. He also noted that at the time of his inspection, silt fencing was not installed on the upper side of the cul-de-sac, but has since been installed.

Brad Hoot asked if Turnberry Homes relied solely on Mid TN for the inspection and maintenance of the erosion control measures. Mr. Wells indicated they do rely on Mid TN and the reports they generate. Cheryl Wilson and John Kinnie both asked if Turnberry had an Engineer that came out to look at the site to verify Mid TN's findings. Mr. Wells stated they did not, they depend on Mid TN to do what they are hired to do.

3.5 Board Action – John Kinnie moved to deny the applicant’s request for a waiver of the penalty leveled on March 19, 2009, seconded by John Minton. The motion was unanimously approved.

4. **Other Business** – John Minton noted he received a notice regarding the Fundamental Prevention Plan that states hay bales are no longer an approved method for erosion control.

Mr. Heflin stated that AMEC Environmental Services will be coming before this Board to talk about changes to the Regulations. Some of these changes are the requirements for Erosion Control plans and when they are required. He added that if no appeals are received today, it should be the August meeting when a presentation is made. He also asked the Board to start thinking about questions or comments for AMEC, if they have used the State’s current program.

ADJOURNMENT - There being no further business, Brad Hoot moved for adjournment, seconded by Dan Crunk. The motion was unanimously approved.

Chairman