

MEGAN BARRY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF WATER AND SEWERAGE SERVICES
Stormwater Division – Development Review
800 Second Avenue South
P.O. Box 196300
Nashville, Tennessee 37219-6300

**Minutes
of the
Stormwater Management Committee (SWMC)
December 3, 2015

8:00 AM
800 Second Avenue South
Metro Office Building, 1st Floor – Development Services Conference Room**

**STORMWATER MANAGEMENT COMMITTEE
(Quorum Required: Four Members)**

Committee Members Present:

- Ms. Ronette Adams-Taylor
- Mr. Dodd Galbreath
- Ms. Anna Maddox, P.E.
- Mr. Slade Sevier, P.E. – Vice Chairman
- Mr. Lance Wagner, P.E. – Chairman

Committee Members Absent:

- Mr. Roy Dale, P.E.

I. CALL TO ORDER

The meeting was called to order at 8:10 a.m.

II. APPROVAL OF NOVEMBER 5, 2015 MEETING MINUTES & DECISION LETTERS

Mr. Slade Sevier moved and Ms. Ronette Adams-Taylor seconded the motion to approve the meeting minutes and decision letters for the November 5, 2015 meeting. Ms. Adams-Taylor, Mr. Dodd Galbreath, Ms. Anna Maddox, Mr. Sevier, and Mr. Lance Wagner voted in favor of the motion.

II. ITEM OF BUSINESS

Mr. Josh Hayes, Stormwater – NPDES, presented a summary of the 2015 Metro Nashville/Davidson County Annual Municipal Separate Storm Sewer System (MS4) Report. He provided a handout to Committee members (copy attached) with highlights of the MS4 Program for the reporting period of FY 2015. The NPDES Section oversees all permit compliance activities and is responsible for performing specific MS4 permit requirements such as illicit discharge investigations, runoff sampling, construction site inspections, field screening inspections, industrial inspections, public education activities, etc.

The link to this year’s annual report document (as well as past annual reports) is:

<https://www.nashville.gov/Water-Services/Community-Education/Reports/NPDES.aspx>



If you need assistance or an accommodation, please contact Metro Water Services, at 615-862-4862, 1600 Second Avenue North, Nashville, Tennessee 37208.

III. STORMWATER MANAGEMENT COMMITTEE AGENDA

Comments were solicited from the Planning and Codes Departments for the following Agenda items.

1. 201500019

Community Health Systems (CHS)
4001 Cane Ridge Parkway and 0 Cane Ridge Road
Map 174, Parcels 232 & 213
Inspector: (Shawn Herman)

CD-32 (Jacobia Dowell)

APPLICANT'S REQUEST: Variance request is to allow disturbance of a low quality wetland area and associated 25' buffer for construction of a proposed office development.

APPELLANT: Mr. Martin Schweinhart

REPRESENTATIVE: Mr. Rob Whitson

COMMENTS:

SW STAFF: Comments:

- 1) For cases #201500019 (CHS) and #201500020 (Roadway Improvements), each of the grading plans shows different delineations for a wetland and buffer to be filled for construction of a proposed driveway and portion of parking lot for the CHS development. The hydrologic determination for the CHS project was conducted by field staff for Gresham Smith and Partners, and the determination for the Roadway Improvements project was conducted by BDY. At this time, Staff is concerned that neither wetland delineation has been confirmed by TDEC and/or the Corps, and the two grading plans have not been reconciled to determine the correct wetland and buffer that should be shown on the plans, if applicable.
- 2) Regarding mitigation: the mitigation as stated in the application narrative is sufficient for the variance request.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Greenways will defer to Stormwater Staff on this request.

Mr. Slade Sevier recused himself from the case stating that Community Health Systems (CHS) is a client of his, and he worked on the CHS project.

Mr. Rob Whitson discussed the wetland area delineation. The wetland area delineation shown in the CHS application was done by Gresham Smith and Partners (GSP). The delineation for the Century Farms project (SWMC 201500020 – Roadway Improvements) was done by BDY for Barge Waggoner Sumner & Cannon (BWSC). Representatives of GSP met with TDEC onsite to identify the area and confirm it is a wetland, determine the delineation, and assess the quality. TDEC was asked to only assess the BDY delineation since GSP felt the differences in areas were minor and the BDY delineation was slightly more conservative and to be consistent with the BWSC plan. TDEC agreed with the boundary delineation and confirmed the resource value as low quality. Mr. Whitson submitted an exhibit of an enlarged portion of the plan with overlays of both delineations. An email from TDEC stating their approval was provided.

Mr. Dodd Galbreath asked if it was stated there would be a mitigation requirement made by TDEC and the Corps. Mr. Whitson stated because of the level of disturbance, it would be covered under a general ARAP. Mr. Galbreath asked what would be the Corps' decision, to which Mr. Whitson stated he talked with the Corps and their primary concern was getting the delineation approved by TDEC and submit a

pre-construction notification to them to make them aware of what they are doing. The Corps will review it and if they have any additional request, they will follow-up. Because of the minimal impact and low quality, they do not expect any issues. Mr. Galbreath asked if a Corps 404 Permit would be needed, to which Mr. Whitson replied he did not know but did not think so. Mr. Galbreath was not aware of any threshold for not requiring any wetland mitigation – the State’s threshold is lower than the Corps’.

Mr. Whitson gave an overview of proposed mitigation – water quality areas within the parking lot with enhanced grass channels with additional plantings and soil media above and beyond the requirement. There was additional discussion regarding the design and how it is quantified by acreage. Ms. Courtney Larson (Stormwater) clarified that they are not grass channels but more like water quality swales (enhanced pre-treatment). Mr. Whitson stated they drain to bioretention then to a detention pond.

There was discussion regarding the Corps possibly not requiring in-watershed mitigation. If required, the Corps is allowing out-of-watershed mitigation. Mr. Whitson stated that TDEC’s threshold for low quality wetlands is 0.25 acres and as long as they are less than that and meet the conditions of the general ARAP, it is automatically approved. TDEC also is not requiring mitigation. Mr. Galbreath asked Mr. Michael Hunt (Stormwater – NPDES) if the mitigation proposed is above and beyond to offset the disturbance, to which Mr. Hunt stated it is small and low quality and it is a subjective call, but they have done additional mitigation to offset some of the impact on the site. There was additional discussion on wetland quality, and Mr. Dave Cour (BDY) provided additional comments on the assessment of the wetland on the site.

Ms. Laura Jones (Stormwater) stated that per the email submitted, a permit is required from TDEC, but possibly may be covered under a general permit. It does not technically fall under a general permit, but TDEC may allow it under the general permit. Stormwater will still need to receive a Notice of Coverage (NOC) that is covered under a general permit. Written permit documentation will be required from both the State and Corps before anything can be approved.

After discussion during the Executive Session of the Committee on December 3, 2015 and review of the information presented, Mr. Lance Wagner made a motion to approve based on the BDY delineation of the wetland as shown on the plan submitted and presented at the meeting, with the following Conditions #1-2 and standard Condition #3. Ms. Anna Maddox seconded the motion. Ms. Ronette Adams-Taylor, Mr. Dodd Galbreath, Ms. Maddox, and Mr. Wagner voted in favor of the motion.

1. Any extending requirements from the Corps or TDEC are to be honored. Comments and responses to comments are to be provided to and coordinated with Stormwater Staff.
2. If additional mitigation is required by TDEC and/or the Corps, it is to be provided onsite. If it cannot be provided onsite, the Appellant shall coordinate with Stormwater Staff.
3. This variance will expire on December 3, 2016. However, if a Grading Permit, Stormwater Single Family Permit, or Building Permit is issued within that period, the variance expiration date will run concurrent with that permit expiration date.

2. 201500020

Roadway Improvements – (Cane Ridge Road, Old Franklin Road, Preston Road, and Cane Ridge Parkway)

Map 174, Parcels 233 & 213, and Street Segments SEG-000029712 & SEG-000029717

Inspector: (Shawn Herman)

CD-32 (Jacobia Dowell)

APPLICANT'S REQUEST: Variance request is to allow the following:

- 1) Disturbance of a wetland, 25' wetland buffers, and 50' stream buffer (30' Zone 1 & 20' Zone 2) of an unnamed tributary to Collins Creek for construction of roadway and utility infrastructure.
- 2) Non-perpendicular stream crossing (roadway).

APPELLANT: Metro Nashville Public Works

REPRESENTATIVE: Mr. Jimmy Wiseman and Mr. Jeff Cundiff

COMMENTS:

SW STAFF: Comments:

- 3) For cases #201500019 (CHS) and #201500020 (Roadway Improvements), each of the grading plans shows different delineations for a wetland and buffer to be filled for construction of a proposed driveway and portion of parking lot for the CHS development. The hydrologic determination for the CHS project was conducted by field staff for Gresham Smith and Partners, and the determination for the Roadway Improvements project was conducted by BDY. At this time, Staff is concerned that neither wetland delineation has been confirmed by TDEC and/or the Corps, and the two grading plans have not been reconciled to determine the correct wetland and buffer that should be shown on the plans, if applicable.
- 4) Regarding mitigation: In addition to what is proposed in the application narrative, Staff asks Public Works to consider bioretention, grass channels, or grass swales to provide some amount of actual Stormwater quality benefits along Old Franklin Road and Cane Ridge Parkway where the work is being done.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Greenways will defer to Stormwater Staff's comments.

Mr. Slade Sevier recused himself from the case stating that Community Health Systems (CHS) is a client of his, and he worked on the CHS project.

Mr. Michael Hunt provided an update to staff comments. He stated that Public Works did consider bioretention, and their design also minimized the potential impacts. There was an extensive landscape plan provided that would go towards the mitigation.

Mr. Jeff Cundiff gave an overview of the project and variance requests and discussed the original impacts minimized in the design.

Mr. Dodd Galbreath and Mr. Lance Wagner asked if there was follow-up documentation from the Corps and State, to which Mr. Cundiff stated they had a Notice of Coverage (NOC) from TDEC. He stated that the Corps did not require a permit since they were not impacting any features. Mr. Jimmy Wiseman stated that two bottomless culvert crossings would be used. As stated in the previous case (CHS), the same BDY wetland delineation would be used. Ms. Laura Jones (MWS – Stormwater) stated that Stormwater had received the NOC and that the project was different from CHS in that no additional Corps or State permits or further coordination is required because they are not altering the conveyance or the wetland.

Mitigation and the landscape plantings were discussed. Mr. Dave Cour (BDY) stated that in response to a request from TDEC, plantings would be installed above what would normally be required for a roadway.

After discussion during the Executive Session of the Committee on December 3, 2015 and review of the information presented, Mr. Lance Wagner made a motion to approve the plan as is with the following standard Condition #1. Mr. Dodd Galbreath seconded the motion. Ms. Ronette Adams-Taylor, Mr. Galbreath, Ms. Anna Maddox, and Mr. Wagner voted in favor of the motion.

1. This variance will expire on December 3, 2016. However, if a Grading Permit, Stormwater Single Family Permit, or Building Permit is issued within that period, the variance expiration date will run concurrent with that permit expiration date.

3. 201500021

North Gulch – Preliminary Stormwater Management (SWM) Plan
600 11th Avenue North
APN 09301008900
Inspector: (Denice Johns)

CD-19 (Freddie O’Connell)

APPLICANT’S REQUEST: Preliminary Stormwater Management (SWM) Plan Approval is requested. The preliminary plan includes a variance request to allow placement of approximately 1,190 cubic yards of uncompensated fill in the Cumberland River 100-year floodplain (BFE = 416.0’) for construction of a multi-family development in order to bring the proposed building to the back of the streetscape associated with proposed and approved improvements to Jo Johnston Avenue and 11th Avenue North via the Capitol View development.

APPELLANT: Littlejohn Engineering Associates

REPRESENTATIVE: Mr. Andrew Wolthers

COMMENTS:

SW STAFF: Comments:

- 1) As part of the mitigation, the applicant states there will be an increase in greenspace. Staff requests that the applicant provide the amount of increased greenspace.
- 2) Staff requests that the applicant provide specific information on the proposed green roof – where will the green roof be located, will it meet stormwater regulations for design, will roof drains be disconnected to route to the green roof prior to the standard water quality treatment required, etc.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

Mr. Andrew Wolthers gave an overview of the project and variance requests. Mr. John Bell and Mr. Sam Deaton were also in attendance. Mr. Wolthers also outlined the proposed mitigation:

- 1) Increase in greenspace and urban canopy to a currently blighted area. In response to staff’s comment about how much increase in greenspace, Mr. Wolthers stated it was a moving target. A northwestern portion of the parcel (existing asphalt parking) is proposed to be a bark park/dog run. A rough estimate of proposed new pervious area, above and beyond what is there, is 10,000 sq. ft.
- 2) Decrease the area subject to flooding by combined stormwater and sewer system.
- 3) Increase in life safety due to roadways being elevated above the floodplain.
- 4) Additional tree density units (28 TDUs) above the 14 TDUs requirement.
- 5) Increase in water quality treatment above the requirement. Elevated courtyards are proposed above the parking deck with greenscaping. He stated that the green roof will not be in

compliance with Stormwater green roof standards but a combination of soil and stone/rock media layers that will provide filtration of rainwater above and beyond the standard.

Mr. Slade Sevier asked if the original Barge Waggoner flood study (Capitol View) included the fill in this variance request, to which Mr. Wolthers stated yes. There was additional brief discussion. Mr. Lance Wagner asked if the parking garages were well above 416.0' to which Mr. Wolthers stated yes. There may be a garage component that ramps below 416.0' but will be disconnected grade-wise because of the mound of the driveway ramp.

Mr. Galbreath asked if floodplain storage was being lost and for what flood event, to which Mr. Sevier stated it was being lost. He asked why onsite or offsite mitigation was not provided to offset the loss, and it was stated that the flood study showed it would not raise the floodplain. There was additional discussion regarding the flood study, loss of storage, and modeling for one storm event. Mr. Galbreath expressed concern that every time they approve something like this, they are incrementally adding to flooding.

After discussion during the Executive Session of the Committee on December 3, 2015 and review of the information presented, Mr. Slade Sevier moved to approve as is because it will be an improvement to water quality to the property as it sits today and the floodplain variance is consistent with the exact same variance granted to the other properties (for Capitol View). Ms. Anna Maddox seconded the motion. Ms. Maddox, Mr. Sevier, and Mr. Lance Wagner voted in favor of the motion. Ms. Ronette Adams Taylor and Mr. Dodd Galbreath voted against the motion.

IV. ITEMS OF BUSINESS (Continued)

There were no items of business.

V. ADJOURNMENT

The meeting was adjourned at 10:12 a.m.

Metropolitan Stormwater Management Committee

Approved:

By: _____
Secretary

Date: _____

MS4 Program Highlights for the Reporting Period of FY15
 (Performed by Various Departments within Metro)

MS4 Program Item	Highlighted Stats
Street Sweeping	<ul style="list-style-type: none"> • 21,038.08 miles of urban Streets Swept • 4,541.62 Tons of Debris Collected from Urban Streets
Stormwater Maintenance	<ul style="list-style-type: none"> • 166,684 cubic yards material removed from stormwater infrastructure (i.e. ditches, culverts, etc.) • 5,015 inlets/catch basins cleaned. • Estimated 45,135 pounds of sediment/debris removed from inlets/catch basins. • 150,923 linear feet of erosion control matting used
Stormwater Development Review	<ul style="list-style-type: none"> • 1,998 plans were approved (number includes initial grading permit submittals, re-submittals, final as built signoffs, etc.) • 62 projects that incorporated Low Impact Design techniques.
Construction Inspections	<ul style="list-style-type: none"> • 292 pre-construction meetings held • 276 Grading Permits Issued • 259 Grading Permit projects signed-off • 6,082 large construction site-related Inspections performed • 903 Inspections of single family residence construction sites performed
Non-Construction Water Quality Inspections	<ul style="list-style-type: none"> • 99 water quality investigations (illicit discharge) initiated (many of which required multiple inspections/enforcement actions) • 22 spill response investigations initiated • 2 private sewer overflow investigations initiated • 18 notifications issued to failed septic systems • 484 outfall field screenings performed
Stormwater Enforcement Actions	<ul style="list-style-type: none"> • 68 notice of violations issued to construction sites (including 22 stop work orders) • 13 notice of violations issued for non-construction illicit discharge investigations • 20 notice of violations issued to owners of permanent stormwater control measures for lack of maintenance or failure to submit inspection reports • \$25,656 administrative penalties issued to construction sites • \$2,450 administrative penalties issued for non-construction illicit discharges
Stormwater Sampling/Monitoring	<ul style="list-style-type: none"> • 186 Various Water Quality Samples Collected • 22.5 miles of streams visually assessed (stream walks)
Public Education	<ul style="list-style-type: none"> • 497 water/stormwater education programs/activities to Davidson County schools. • 10,451 students reached in water educational programs • 58 education presentations/events/activities performed by NPDES Staff with an estimated • Partnered with Public Works on a grant from Keep America Beautiful to educate attendees of the Country Music Association Festival on proper disposal of Cigarette Butts • Partnered with Metro Information Technology Section to film 2 short educational skits to air on Nashville's Channel 3.
Other	<ul style="list-style-type: none"> • Continued partnership with the Tennessee Department of Agriculture on planting more than 13,000 trees along 2.0 miles of streams on Metro's floodplain buyout properties. • Worked with TDEC and MWS Clean Water Nashville to coordinate the removal of the water advisory for 2.9 mile stretch of Whites Creek, as a result of upgrades made to the Whites Creek sewer pump station.