Chapter 4
PERMITTING PROCEDURES

4.1 Overview

This chapter explains the procedure for applying for Grading Permits[1] and the process by which the Metropolitan Department of Water and Sewerage Services (MWS) reviews permit applications.

Responsibilities of the applicant for posting permits, complying with regulations, fulfilling time limits, and obtaining other required federal and state permits are also discussed. Appendix A contains the Grading Permit process flow chart and checklists for plan contents as well as the Plan Submittal Information form and the Construction General Permit (CGP) stamp template.

4.2 Application Preparation

4.2.1 Pre-Application Meeting

All applicants may schedule a pre-application meeting with MWS to discuss their proposed projects. While not mandatory, a pre-application meeting is encouraged to assure timely permit application preparation and review. This meeting will also aid the applicant in identifying water quality buffers and post-construction water quality requirements. During this meeting, staff can determine if a proposed project qualifies for an exemption and explain how technical guidelines and criteria should be applied.

4.2.2 Required Information and Checklist

Each application for a Grading Permit or a building permit referred to MWS shall contain site preparation plans certified by a registered engineer. The plans shall indicate whether or not the tract will be developed in stages, and timing schedules shall be included when appropriate. In particular, site preparation plans shall include grading, drainage, erosion control, and stormwater management plans with appropriate details of erosion prevention and sediment control measures and details of the stormwater quantity and quality management systems.

An application checklist is provided in Appendix A to assist the applicant in preparing a complete application package, which serves to expedite the application review process. The applicant shall attach a copy of the checklist with the signed application to certify that a complete package is being submitted. The application checklist indicates that the applicant may also be required to meet certain State and Federal regulations for land disturbance activities that may affect "Waters of the State", "Wetlands", and/or "Sinkholes." It is the responsibility of the

[1] Projects may also require a building permit. A building permit is required, according to the Metropolitan Code of Laws § 16.28.010, for any construction, alteration, repair, enlargement, movement, or demolition of any building or structure; or part of a building or structure; or any appurtenances connected or attached thereto.

applicant to pursue and obtain any applicable State and Federal permits (see Section 4.2.3) prior to the initiation of any land disturbing activities. **Copies of all permits (or the permit applications) must be provided to MWS as part of the Grading Permit application.**

Some requirements of the application checklist will not be applicable to all projects, depending on the characteristics of the site. These requirements should be checked as "not applicable." Omission of any required items shall render the plans incomplete, and they shall be returned to the applicant or the designated registered engineer so that they may be completed. Sites disturbing greater than one acre must obtain a Notice of Coverage (NOC) under the Tennessee Department of Environment and Conservation's (TDEC's) Construction General Permit (CGP) before MWS National Pollutant Discharge Elimination System (NPDES) Department can schedule a Pre-Construction meeting (Pre-Con) for the project.

The following sections outline the Grading Permit plan contents. **For clarity, the EPSC plan must be on a separate plan sheet(s).**

4.2.2.1 Grading and Drainage Plans

The grading and drainage plan shall be of quality suitable for reproduction by electronic scanning or microfilm, and shall include the following:

1. A complete plan of the proposed development at a scale no less than 1 inch = 50 feet (smaller scale may be used if pre-approved by staff). This plan is to include existing and proposed contours at intervals no greater than 2 feet (National Geodetic Vertical Datum (NGVD) to be used exclusively). Contours shall extend to the centerline of all roads bordering the site or to 25 feet outward from the property line where roads are not present. Where a stormwater management system ultimately enters the groundwater via a sinkhole or drainage well, the sinkhole or drainage well tributary area shall be delineated. At a minimum, the tributary area shall be delineated on a U.S. Geological Survey (USGS) 1:24,000 quadrangle map to show basin wide contours. Preferably, the Metro geographic information system (GIS) basemap data will be used to delineate and present the tributary area. (Contact Metro Planning for base map data).

2. Outline of areas to be disturbed and areas to remain undisturbed.

3. Existing and proposed buildings on the property.

4. Existing and proposed impervious surfaces, including calculations of directly connected impervious area (DCIA) versus non-DCIA.

5. Proposed and existing stormwater management structures, including inlets, catch basins, junction boxes, driveway culverts, culverts, cross drains, headwalls,

stormwater quality infrastructure or devices and outlet facilities, with size, type, slope, invert elevations, and quantity indicated.

6. Hydrologic, hydraulic, and stormwater quality calculations for appropriate design conditions and facilities.

7. Any proposed new swales, ditches, or modifications to existing ditches, with typical sections and limits of changes indicated.

8. Any high water or flood lines, either calculated or observed in the vicinity of the proposed development, and the source of said line or elevation indicated.

9. All fill areas identified with the limits and elevation indicated.

10. At least one benchmark located, with the proper elevation indicated (NGVD to be used exclusively).

11. Arrows indicating the existing and proposed direction of runoff throughout the plan.

12. The location, size and capacity of the two stormwater management structures immediately downstream of the proposed development in every direction that will receive runoff. This may be shown on a vicinity map with a scale no less than 1 inch = 2000 feet.

13. Invert and top of grate elevations on all catch basins and inlets in addition to flow line elevations, stations, and percent grades of all cross drains and pipe between inlets and catch basins. Inlets should be sized to match pipe capacity.

14. Floodplain areas require the following information: existing and proposed floodplain and floodway boundaries along with floodplain elevations; area within the floodplain to be left undisturbed (must be at least 50 percent of the floodplain area); cut and fill cross sections and volume calculations and lowest floor elevations for buildings in the floodplain. No credit will be given for cut below the 2-year flood elevation. Hydraulic calculations should be submitted, as appropriate.

15. Where special structures such as box culverts, bridges, or junction boxes are proposed, detailed plans showing dimensions, reinforcement, spacing, sections, elevations, and other pertinent information shall be submitted.

16. Location of streams, ponds, lakes, wetlands, water quality buffers (including any that may overlap onto the site from adjacent properties), sinkholes, or other environmentally sensitive areas. A note should be placed along the buffer

indicating the number of required buffer signs and that they will be installed every 100 feet.

17. Plans and calculations shall be signed and sealed by a registered engineer.

4.2.2.2 Erosion Prevention and Sediment Control (EPSC) Plans

EPSC measures shall be drawn on existing site contours and should be shown on a separate sheet or sheets from the grading and drainage plans. If the EPSC needs to change significantly during the project, additional EPSC plans shall be submitted addressing these changes.

EPSC Plan Sheets shall include all of the following:

1. Existing Community Waters including streams, wetlands, lakes, and ponds.

2. Delineation of floodplains and floodways, water quality buffers, greenway conservation easements, tree and open space preservation areas, or other environmentally sensitive areas. The method of protecting these features during construction should be clearly indicated.

3. Existing topography, roads, and property boundaries.

4. Location of sinkholes on the property, including the 100-year floodplain boundary (see Chapter 6 for more information on sinkhole floodplain areas).

5. Temporary erosion prevention and sediment control measures to be implemented as initial measures or during construction including but not limited to:

    - Silt fences,
    - Fiber rolls,
    - Check dams,
    - Diversion channels,
    - Sodding,
    - Seeding,
    - Mulching,
    - Riprap,
    - Erosion blankets and geotextiles,
    - Sediment ponds and basins,
    - Detention ponds,
    - Detention pond outlet structures and pipes, and
    - Outlet protection devices.

6. Construction exits. A stabilized stone pad shall be shown at any point where traffic will be leaving a construction site. Construction exits shall be a minimum of 20 feet wide and 100 feet long.

7. Demolition items and permanent disposal areas.

8. At least one benchmark located, with the proper elevation indicated (NGVD to be used exclusively).

9. Erosion control notes.

10. Conservation areas that will be used as stormwater quality credits (see Chapter 7 for more information on stormwater quality credits).

11. Permanent erosion control measures and final stabilization measures proposed for all disturbed areas on the property. Areas with slopes 3:1 or steeper shall be stabilized with soil bioengineering techniques, "green" engineering techniques or by other methods approved by MWS. Riprap may be used provided calculations are presented to MWS that illustrate that soil bioengineering or "green" engineering techniques are either not cost-effective for the site or not feasible. Show stabilization techniques for each open conveyance.

12. Plans shall include the maintenance activities and expected minimum frequency required for each type of temporary erosion prevention and sediment control management practice.

4.2.2.3 Post-Construction Stormwater Management Plan

The Grading Permit application must also address stormwater quality and quantity after construction has been completed, or post-construction. Several sections of Volume 4 of Metro's *Stormwater Management Manual* contain Best Management Practices (BMPs) for post-construction stormwater management. These BMPs should be chosen based upon final grades and site conditions for the development and should be provided on a separate plan sheet.

A complete application package will contain a Post-Construction Stormwater Management Plan that includes the following information:

1) Calculations that show whether a development will cause any adverse stormwater impact on downstream properties. Applicants shall comply with this policy using either of the following methods:

    a) Demonstrate that the post-development runoff rate is less than or equal to the pre-development rate for storm events through the 100-year storm.

b) Perform a 10 percent analysis of the development's downstream impact. The analysis must extend to the point where the site makes up 10 percent or less of the total drainage area to the point in question.

If there is no increase in peak flows from the post-development runoff rates versus the pre-development runoff rates, then no additional stormwater quantity measures (such as detention) will be required.

If an increase in peak flows is noted, then one or more of the following actions must occur to address the increase:

a) Detention must be designed for the site to bring the post-development runoff rates for storm events through the 100-year storm less than or equal to the pre-development runoff rates for the same storm events, both at the site outlet and, if performing the 10 percent analysis, at key junction points down to the point where the site makes up 10 percent or less of the total drainage area; or

b) Easements encompassing the area of the increased flow and preventing construction in the newly expanded floodplain must be obtained from downstream properties; and/or

c) Conveyances downstream from the site must be improved to accommodate the increased flow. Permission from MWS must be obtained in writing to make conveyance improvements in lieu of detention controls. Permanent drainage easements will be required to encompass all flow improvements. Easements may also be required where improvements have an impact on other properties. This section in no way authorizes any individual to perform stormwater conveyance improvements on other private properties.

2. Calculations for stormwater quantity detention pond control structures, if required, with details including multiple stage components for stormwater quality. Ponds should include an emergency overflow to pass events greater than the 100-year storm.

3. Calculations for water quality treatment requirements.

4. Calculations, construction details, and locations for stormwater quality management practices including, but not limited to non-structural stormwater BMPs, credit areas, detention, pretreatment areas and other appropriate practices presented in Volume 4 of the *Stormwater Management Manual*.

5. Easements on structural and non-structural BMPs that allow long-term BMP maintenance;

6. Operation and Maintenance Agreements for each BMP (See Section 6.7.1 and Appendix C); and

7. The method for protecting water quality buffers during and after construction activities.

4.2.2.4 Sinkhole and Drainage Well Information

Because of the many stormwater management problems commonly associated with sinkholes and drainage wells, sinkholes must be identified early in the site planning process so that flooding and the risks of structural instability associated with sinkholes are minimized. Section 6.8 provides more detailed information on the identification of sinkholes, as well as development restrictions around sinkholes.

Discharges into a sinkhole may require a Class V Injection Well Permit issued by TDEC's Groundwater Management section under the rules for Underground Injection Control (UIC). If required, the injection well permit must accompany the Grading Permit application submitted to MWS. TDEC must also approve any alterations to sinkholes. TDEC only considers water quality in its assessment of discharges to or alterations of sinkholes. Stormwater quantity concerns are regulated by MWS. Therefore an approval from TDEC does not ensure MWS approval.

The applicant must provide the following information in the grading, drainage, and erosion control plans prior to the alteration of the natural flow patterns for watersheds discharging to or affecting sinkholes:

1. Locations of proposed onsite and offsite stormwater management channels that are tributary to a sinkhole throat or drainage well inlet;

2. Hydraulic calculations defining the existing and altered (if appropriate) 100-year floodplain to confirm that flooding will not be increased. Such plans and hydraulic calculations are to be certified by a registered engineer and must assume plugged conditions (0 cfs outflow) for the sinkhole. The current and altered sinkhole floodplain must be shown on the plans.

3. Proposed stormwater quality management BMPs located within the sinkhole floodplain. The details and accompanying calculations shall illustrate temporary and/or permanent controls. BMPs located within a sinkhole must be approved by TDEC and supporting calculations submitted to MWS.

4. Detailed contours for all sinkholes (including those located offsite) that receive stormwater runoff from the site. These contours are to have a maximum interval of 2 feet and are to be verified by field surveys.

5. Details of any plans for grading and clearing of vegetation within the sinkhole floodplain, in accordance with Section 6.8 of this manual. Sinkhole floodplain areas must be revegetated. Compliance with any and all conditions that may be required by state and federal permits shall be documented. The TDEC Division of Water Supply is the primary regulatory agency for injection wells.

6. Demonstration that development will not occur within the area flooded by the 100-year 24-hour storm event under developed conditions. The 100-year elevation may be lowered by construction of a drainage system to convey water away from the sinkhole. Calculations that document a lowering of the 100-year flood elevation shall be based on plugged conditions (0 cfs outflow) for the 100-year storm using an appropriate safety factor for discharge into the sinkhole.

4.2.3 Federal and State Permits

It is the responsibility of the applicant to obtain and submit copies, as applicable, of the following State and Federal permits before a Grading Permit application will be approved:

- Section 10 permit from the U.S. Army Corps of Engineers (USACE)
- Section 404 permit from the USACE.
- Notice of Coverage (NOC) under TDEC's General NPDES Permit for Storm Water Discharges Associated with Construction Activities.
- Aquatic Resource Alteration Permit (ARAP) from the TDEC Division of Water Pollution Control.
- Sinkhole permits from TDEC Division of Water Supply.
- Any other permits required by any other State or Federal agencies.

See Table 3-1 in Chapter 3 for selected agency addresses and phone numbers.

4.2.3.1 U.S. Army Corps of Engineers

Section 10 of the Rivers and Harbors Act of 1899 prohibits the unauthorized obstruction or alteration of any navigable water of the United States unless the work has been previously authorized by a Department of the Army (DA) permit. The construction of outfalls, stormwater management outlets, or other structures below ordinary high water of any navigable water will require a DA permit prior to construction.

Section 301 of the Clean Water Act prohibits the discharge of dredged or fill material into Waters of the United States, which includes wetlands, rivers, lakes and streams, unless the work has been previously authorized by a permit pursuant to Section 404 of the same

Act. Placement of dredged or fill material below ordinary high water mark of any Waters of the United States in conjunction with stormwater management improvements (e.g., channel realignments, concrete slope paving) will require a DA permit prior to construction.

If an Individual Section 404 Permit is required, more than 120 days may be required for permit processing. Depending on the nature and location of the work, it is possible that the work has been previously approved under authority of the Nationwide Permit and individual processing would not be required.

4.2.3.2 Tennessee Department of Environment and Conservation

Clearing, grading, and excavation activities that disturb one or more acres must obtain coverage under TDEC's General NPDES Permit for Storm Water Discharges Associated with Construction Activities, also known as the Construction General Permit (CGP). The NOC must be provided to MWS before a Pre-Con can be scheduled and a Grading Permit can be issued.

In accordance with the Tennessee Water Quality Control Act, T.C.A. 69-3-108, any activity that alters the course or physical character of a stream or wetland, as defined by TDEC, requires an Aquatic Resource Alteration Permit (ARAP) from the Division of Water Pollution Control. This permit is required for all stream or wetland alteration activities including minor sand and gravel dredging, utility line crossings, road crossings, and bank stabilization projects.

Section 405 of the Water Quality Act of 1987 (WCA) added section 402(p) of the Clean Water Act (CWA) to require the Environmental Protection Agency (EPA) to establish regulations setting forth NPDES permit application requirements.

Projects must be designed with sensitivity to stormwater quality issues and must comply with Section 405 as administered by the Tennessee Division of Water Pollution Control.

The Division of Water Supply Groundwater Management Section is the primary regulatory agency for injection wells including sinkholes. A sinkhole is considered an injection well under the Underground Injection Control (UIC) regulations. A UIC permit is required for alterations to a sinkhole or alterations to any land in the contributing drainage area to a sinkhole.

4.3 Application Processing

Applications for *building* permits are made to the Department of Codes Administration and applications for *Grading* Permits are made to MWS. A flow chart for processing of applications by MWS is presented in Appendix A. Each major component of this review process is briefly described below.

4.3.1 Initial Receipt and Resubmittals

When Grading Permit applications are referred or submitted to MWS, they are logged in by date and assigned a tracking number. The applicant must complete a Plan Submittal Information Sheet, included in Appendix A, for the project. Failure by the applicant to complete the Plan Submittal Information Sheet upon initial submission or to include the tracking number in resubmittals will result in a delay in the review of the proposed plans.

4.3.2 Staff Review and Recommendation

MWS first conducts a sufficiency review of the Grading Permit application to determine if all basic information has been included. A sufficiency review checklist similar to the application checklist presented in Appendix A will be used for this purpose. If it is determined that the permit application is incomplete, the application will be returned to the applicant along with a request for additional information needed. The returned application will include the application tracking number that must accompany a resubmittal.

When all basic information has been supplied pursuant to section 4.3.1, MWS staff will conduct a technical evaluation of the permit application. This technical evaluation will be based on the technical criteria outlined in Chapter 6 of this volume, the procedures presented in Volume 2, and the BMP design guidance presented in Volume 4. If the work described in the permit application conforms to the requirements of these regulations and other pertinent laws and ordinances, the Grading Permit Application will be approved for a Pre-Construction meeting (Pre-Con). If the application does not meet these conditions, the plans will be returned to the applicant with an explanation of the deficiencies and a tracking number for resubmittal.

4.3.3 Erosion Prevention and Sediment Control (EPSC) Professional

Every development project requiring a Grading Permit shall designate and retain the services of an individual who has successfully completed the TDEC Level 1 Erosion Prevention and Sediment Control training class or obtained a waiver from the requirements from MWS. Waivers will be reviewed on a case-by-case basis and will take into consideration equivalent certification programs and/or experience. This person will be referred to as the EPSC Professional for the site.

The major responsibilities of the EPSC Professional for the site are:

- Review the EPSC plan for the project prior to the Pre-Construction Meeting.
- Attend the Pre-Con.
- Oversee the installation and maintenance of EPSC measures.
- Direct the contractor to immediately cease land disturbance activities if Community Waters not identified on the plans are encountered. The EPSC Professional must

notify MWS and TDEC and ensure that necessary permissions for the alteration of these features are obtained before work can continue.

- Communicate the site's EPSC considerations (including buffer and conservation areas) to all applicable contractors that are to work on the site.
- Conduct routine inspections twice every calendar week. Inspections shall be performed at least 72 hours apart.
- Provide copies of the inspection reports in a timely manner upon request by MWS.
- Oversee the installation of buffer boundary markers to prevent buffer disturbance.
- Facilitate communication between MWS and the appropriate parties for the development.
- Verify final stabilization.

If the EPSC Professional stops working on a site during the course of a project, he or she must submit a Notice of Withdrawal in writing to MWS. The developer must submit a Notice of Change in writing to MWS that shall identify the replacement EPSC Professional. **However, the EPSC Professional that attends the Pre-Con must also be the EPSC Professional that ensures initial installation of measures and conducts the first inspection**. The EPSC Professional that attends the Pre-Con must have reviewed the plans prior to the Pre-Con. MWS reserves the right to revoke a person's ability to serve as an EPSC Professional for Metro Grading Permit sites.

4.3.4 Pre-Construction (Pre-Con) Meeting

The applicant will be contacted by MWS staff to schedule a Pre-Con. A Pre-Construction Meeting Application (www.nashville.gov/stormwater/forms/swgrprecon.aspx) must be completed and submitted to MWS before a Pre-Con can be scheduled. Pre-Con Applications can also be obtained from the Stormwater NPDES Office (615-880-2420). The applicant must also file a building application (if required) with the Department of Codes and submit landscape plans (if required) to the Urban Forestry Department prior to a Pre-Con being scheduled. The applicant must attend a Pre-Con within six months of technical review completion. After the six month period, the Grading Permit application will be considered invalid, and a new application process must be started.

The application package will be discussed during the Pre-Con, including specific issues such as sinkholes, EPSC measures, buffer protection, and stormwater BMPs. If the applicant has any outstanding issues or violations with Metro or TDEC, resolutions to these issues will also be discussed at the Pre-Con. If all requirements have been met at the time of the Pre-Con, the applicant will be issued a letter granting permission to perform any grading activities required for the installation of EPSC measures. This letter also notifies the applicant that the Grading Permit is approved conditioned upon the proper installation of initial EPSC measures. The applicant must obtain a Grading Permit within six months from the date of the Pre-Con. Grading Permits shall expire one year from the date of the Pre-Con.

4.3.5 Installation of Initial Measures

Initial measures should be installed as detailed in the EPSC plans and as discussed during the Pre-Con. **No land-disturbing activities, except what is necessary to install initial EPSC measures, shall begin prior to the issuance of a Grading Permit**. Once initial measures have been installed and the EPSC Professional has inspected and verified that they are installed according to plans and as discussed at the Pre-Con, the EPSC Professional shall notify the MWS NPDES Section that the site is ready for a Grading Permit inspection. The NPDES Section will then inspect the site for proper installation of the initial erosion prevention and sediment control measures. If the site passes the inspection, a Grading Permit will be issued by MWS. If it is determined that minimum EPSC standards have not been met, a Grading Permit will not be issued, and the applicant will be required to bring the EPSC measures up to standard. The site's EPSC Professional must re-inspect the site and contact NPDES staff once the measures are adequate.

4.3.6 Grading Permit Issuance and Expiration

After the successful installation and inspection of the initial EPSC measures, a Grading Permit shall be issued. MWS will notify the Department of Codes Administration of the Grading Permit issuance so they may release the building permit if their own requirements are satisfied. Upon notice to the applicant and an opportunity for a hearing, MWS may revoke a Grading Permit for a site that is not in compliance with these regulations.

A Grading Permit shall expire one year from the date of the Pre-Con. The Grading Permit holder may request an extension to the Grading Permit expiration date of up to 6 months. The extension request must be made in writing to MWS at the address below and submitted prior to the expiration date. No more than two extensions can be requested for any site unless adequate justification for additional extensions is proven.

When an extension is requested, MWS staff can require additional information, a new Pre-Con, or any other information if staff determines that the site needs additional measures. Extensions will not be granted for projects not in compliance with these regulations.

Extension requests must be submitted in writing to:

Metropolitan Water Services – Stormwater Division
NPDES Program
1607 County Hospital Road
Nashville, TN 37218
(615) 880-2420

4.3.7 Revisions to Approved Plans

If changes are anticipated prior to or during construction that would constitute a revision of plans already approved by MWS, the approved plans shall be revised and signed by a registered engineer and resubmitted in triplicate. The resubmission shall include a letter stating why such changes from the approved plans are necessary, the Grading Permit number, and a completed Plan Submittal Information Sheet for the project. MWS reserves the right to waive this requirement or to re-review the entire set of plans in the light of requested changes. Plan revisions must be approved by MWS prior to implementing changes to approved plans in the field.

4.4 Construction Procedures

A person, firm, or corporation required to obtain a Grading Permit from MWS in compliance with these regulations must do so prior to commencing any work on the site. Corrective measures including, but not limited to, stop work orders, penalties, permit revocations, and injunctions may be taken, as necessary, to enforce the terms of this requirement. Any enforcement actions taken against a Grading Permit shall be upon the entity that signs as the "owner" of the permit (*Note*: see Section 3.7.2. Revocation).

4.4.1 Posting of Permit

Work requiring a Grading Permit shall not begin until the permit holder or his agent posts the Grading Permit card, or a copy of the card, in a conspicuous place on the front of the premises. The permit shall be protected from the weather. The permit card shall remain posted by the permit holder until the Department of Codes Administration has issued the Use and Occupancy permit or until MWS staff verifies that the site has reached final stabilization.

4.4.2 Effect of Permit

A Grading Permit issued pursuant to this section shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of these regulations, nor shall issuance of a permit prevent MWS or the Department of Codes Administration from thereafter requiring a correction of errors in plans or in construction or a correction of violations of these regulations. In addition to Metro Grading Permit requirements, certain land disturbance activities that will impact "Waters of the State", "Wetlands", and/or "Sinkholes" may be required to meet certain State and Federal regulations. All such applicable regulations must be met prior to the initiation of land disturbance activities. This includes the receipt of any necessary permits.

4.4.3 Site Inspections

The site's designated EPSC Professional shall conduct site inspections twice every calendar week and at least 72 hours apart. The following areas and items must be inspected according to the above schedule:

- All disturbed areas that have not reached final stabilization.
- Any areas used for storage of materials that are exposed to precipitation.
- Temporary and permanent structural control measures.
- Locations where vehicles enter and exit the site.
- Stormwater outfall points (where discharges from the site enter streams or the stormwater system not controlled by the site operator).
- Erosion and sediment control measures.
- Structural and non-structural stormwater quantity and quality BMPs.

EPSC inspection reports should include the scope of the inspection, name(s) and title or qualifications of personnel making the inspection, the date of the inspection, and major observations relating to the implementation of the erosion prevention and sediment control plan and post-construction stormwater quality plan, as appropriate for the stage of the development. The inspection reports should document maintenance taken or needed, where new or upgraded EPSC measures are needed, and any actions taken to gain or maintain compliance. In addition to the EPSC inspection reports, the following records shall be maintained on site: the dates when major grading activities occur; the dates when construction activities temporarily or permanently cease on a portion of the site; and the dates when stabilization measures are initiated.

During construction, inspections should be conducted by the EPSC Professional. However, if circumstances prevent the EPSC Professional from conducting the inspection, a qualified replacement, appointed by the EPSC Professional, may perform the inspection. The replacement inspector must have successfully completed the TDEC Level 1 Training course.

All inspections performed by the EPSC Professional must be documented in writing. Inspection reports must be provided in a timely manner upon request by MWS. It is recommended that reports be written immediately following inspections and kept in a secure location on site.

Once the site has been stabilized and construction has ceased, routine inspections of the post-construction stormwater quality and quantity controls are required, based upon the inspection schedule established in the Operation and Maintenance Agreement (See Section 6.7.1 and Appendix C). Routine inspections are the responsibility of the property owner or BMP owner.

4.4.4 EPSC Professional vs. Permit Holder Responsibilities

Although the Grading Permit holder is required to have an EPSC Professional identified to serve as the contact for the site during development, the permit holder is *ultimately* responsible and shall be held accountable for all EPSC requirements from MWS.

For residential developments, the party that posts the bond is responsible for erosion prevention and sediment control measures for the site until the bond has been released. After the release of the bond, the individual lot owners, homebuilders, and/or contractors are responsible for erosion and sediment control on a lot-by-lot basis.

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