Proposed Ordinance Revision

Ord # 5116

PART III

CONSTRUCTION ACTIVITY AND
EROSION AND SEDIMENT CONTROL

SEC. 33-221 CONSTRUCTION ACTIVITY

All Construction Activity, defined below, shall be in compliance with all applicable requirements under this division of this Article.

If one (1) or more acres are disturbed by Construction Activity, an application shall be applied for under the "State of Tennessee's General Permit for Storm Water Discharges Associated with Construction Activity". If a Tennessee General NPDES Permit is applied for, a copy of the Notice of Intent (N.O.I.) shall be sent to the Manager of the Storm Water Management Section. To seek coverage under the Tennessee Department of Environment and Conservation General Permit, the N.O.I. shall be submitted to the following address:

Storm Water NOI Processing
Division of Water Pollution Control
401 Church Street
Tennessee Department of Environment and Conservation
Nashville, TN 37243-1534

The copy of the N.O.I. should be sent to the following address:
Attn: Manager / Storm Water Management
City of Memphis-Environmental Engineering
125 N. Main Room 620
Memphis, TN 38103

SEC. 33-222 CONSTRUCTION ACTIVITY, REGULATED

1) It shall be unlawful for any person to permit any discharge of storm water from a Construction Activity from land owned or controlled by them on a total land area of one (1) or more acres disturbed by construction activity without having received coverage under the General Permit for Storm Water Discharges Associated with Construction Activity from the Tennessee Department of Environment and Conservation, with a copy of the Notice of Intent (N.O.I.) provided to the Storm Water Management Section at the same address listed in SEC. 33-221

2) CONSTRUCTION ACTIVITY shall mean any clearing, grading, or excavating that results in the disturbance of more than one (1) acre of total land area. The term shall not include the following:

A) "Surface Mining" as the same as defined in Tennessee Code Annotated, Section 59-8-202:

B) Such minor construction activities as home gardens and individual home landscaping, home repairs, home maintenance work and other related activities which result in minor soil erosion:

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C) The construction of single family residences when built separately on lots within subdivisions which have been approved and recorded in the office of the Shelby County Register that are not a part of a larger common plan of development; provided that excavation is limited to trenches for the foundation, basements, service and sewer connections, and minor grading for driveways, yard areas and sidewalks:

D) Individual service and sewer connections for single or two family residence.

E) Agricultural practices involving the establishment, cultivation or harvesting of products of the field or orchard, preparing and planting of pasture land, forestry land management practices including harvesting, farm ponds, daily operations, and livestock and poultry management practices and the construction of farm buildings:

F) Any project carried out under the technical supervision of the Soil Conservation Service of the United States Department of Agriculture:

G) Construction, installation or maintenance of electrical, natural gas, telephone and cable television lines or poles:

H) Installation, maintenance, and repair of any underground public utility lines when such activity occurs in an existing hard surface road, street or sidewalk, provided the activity is confined to the area of the road, street or sidewalk which is hard surfaced and a street, curb, gutter or sidewalk Permit has been obtained:

I) Construction, repair or rebuilding of track or other related facilities of a railroad company:

These activities may be undertaken without formal notice; however, the persons conducting these excluded activities shall remain responsible for otherwise conducting those activities in accordance with the provisions of this Article and other applicable law including responsibility for controlling sedimentation and runoff.

3) BEST MANAGEMENT PRACTICES FOR CONSTRUCTION ACTIVITIES

The minimum standards for controlling erosion and sedimentation from the discharge of storm water from a construction activity, shall be set forth in the City of Memphis' - "Erosion Control Guide" as adopted and amended from time to time. A copy of this guide will be maintained on file in the offices of the Manager of Storm Water Management and the City Engineer. Until such time as this guide document is prepared, the guidelines in the Tennessee Department of Environment and Conservation's "Erosion and Sediment Control Handbook" shall be used

SEC. 33-223 CONSTRUCTION ACTIVITY NOTICE OF INTENT, REQUIRED

No discharge of storm water from a construction activity, whether temporary or

permanent, shall be conducted within the corporate boundaries of the City of Memphis unless the developer has submitted a Notice of Intent to be covered under the State's general NPDES permit for storm water discharges associated with Construction Activity ("NOI").

A copy of the NOI shall be available for inspection by the Manager or Manager's representative on the construction site at all times during which construction activities are in progress.

SECS. 33-224--33-228 RESERVED

THE FOREGOING ORDINANCE
#5116 PASSED
1st Reading 7-5-05
2nd Reading 7-19-05
3rd Reading 8-2-05
Approved
Chairman of Council
Date Signed: 8-29-05
Approved:
Mayor, City of Memphis
Date Signed: 8-30-05

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

Valerie C. Snyder
Comptroller