

**2009 Innovations Awards Program  
APPLICATION**

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ID # (assigned by CSG): 09-S-34TN

**Please provide the following information, adding space as necessary:**

**State:**

Tennessee

**Assign Program Category:**

Natural Resources

- 1. Program Name(s)**  
Qualified Local Program
- 2. Administering Agency**  
Tennessee Department of Environment & Conservation (TDEC)
- 3. Contact Person (Name and Title)**  
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**9. Please provide a two-sentence description of the program.**

The U.S. Environmental Protection Agency has had an opportunity in place for several years (which has yet to become established across the nation) which authorizes states to develop a process where Qualified Local Programs (QLP) - a local government, municipality or county - can be formally approved to administer stormwater construction activities, including collecting fees, inspecting construction sites and taking enforcement action against sites which are polluting the waters of the state within their jurisdiction. In October 2007, Environment and Conservation received an EPA Innovation Grant to research this voluntary program and develop a stakeholder committee that would evaluate the potential incentives and benefits for becoming a QLP.

**10. How long has this program been operational (month and year)?**

The EPA Innovation Grant was awarded in October 2007. TDEC has completed approximately 1-½ years of the four –year grant timeline.

**11. Why was the program created? What problem[s] or issue[s] was it designed to address?**

In 2006, Tennessee identified a number of waterbodies within the boundaries of many of the state’s Municipal Separate Storm Sewer Systems (MS4s) as not fully supporting designated use classifications due to siltation and/or habitat alteration associated with urban runoff, land development activities, and streambank modification associated with construction.

Siltation (sedimentation) is the most frequently cited cause of waterbody impairment in Tennessee, impacting over 5,800 miles of streams and rivers. Excessive sediment loading from land disturbance and construction activities in MS4s is a major ecosystem stressor, and has adversely impacted municipal stream biota, either directly or through changes to physical habitat.

Tennessee decided to develop criteria and incentives for MS4s to become Qualified Local Programs (QLPs) as part of the effort to eliminate siltation and improve water quality. It is anticipated that the Innovation Grant will help the state and a stakeholder committee design a Qualified Local Program that makes sense and becomes an esteemed status to the MS4. The basic requirement is that a -QLP will develop and maintain robust erosion prevention and sediment control programs within their own MS4, thereby eliminating the need for state oversight and duplication of state and MS4 issued construction general permits. Increased local oversight would ensure construction sites’ adherence to proper stormwater best management practices and better prevent sediment and increased stormwater volumes from flowing off-site and into storm drains, streams and watercourses.

-The state, under the Innovation Grant, is presently facilitating workshops between numerous stakeholders to help determine/establish incentives that would encourage MS4s to become QLPs. In addition, Tennessee is creating a recognition and rewards program for the development community, as well as facilitating the formation of a statewide not-for-profit MS4 association to help foster communication between MS4s, provide a forum for distributing information and education, and further prompt the use/discussion of, and experience with, of best stormwater management practices.

One of the major program goals is to encourage MS4s to utilize the qualifying provision through the development of criteria, incentives and a recognition / awards program. The utilization of this option will further several important goals, but most importantly will ensure the improvement of water quality through an efficient implementation of the construction

general permit. It will also assist the construction community to comply with the permit and encourage strong MS4 erosion prevention and sediment control programs. Our objective is to link the attainment of “Qualified Local Program” status to include additional (e.g., beyond those measures required in the permit) proactive and remedial measures to control the discharge of sediment into impaired waterbodies.

**12. Describe the specific activities and operations of the program in chronological order.**

One of the initial activities was the development and facilitation of the Tennessee MS4 Association, with kickoff meetings held in March 2008. The meetings were held in four areas of the state. They were designed to allow discuss of the goals of the innovation grant, the establishment of the Tennessee MS4 Association and the creation of an advisory committee to assist in the development of criteria for the QLPs.

Tennessee feels that the creation of a self-sustaining Tennessee MS4 Association will be key to the long-term success of the QLP and MS4 programs by providing an invaluable and dynamic forum for communicating program information through regional meetings, website, and a statewide annual conference. The association, now a chartered 501c not-for profit corporation, known as the Tennessee Stormwater Association, has five regional groups meeting quarterly, along with a statewide conference-styled event to be held annually. Each regional group selected chairs and co-chairs. The first statewide meeting was held October 11-14, 2008, in Memphis, Tennessee, in conjunction with the Tennessee Chapter of the American Public Works Association. The Tennessee Stormwater Association was chartered as a non-profit organization in June of 2008. The Board of Directors was elected in at the annual Conference held in October 2008. In the fall of 2008, the Association participated in the development of TDEC’s green development grant offering.

Tennessee established a stakeholder advisory committee to assist in the development of criteria and incentives for MS4s to become Qualified Local Programs (QLPs). This committee includes representatives from stakeholder groups such as MS4s, professional associations, universities, and various members of the government, development and environmental community. The first meeting of the MS4 stakeholder advisory committee was held in August of 2008. Local government and utility officials from 17 different MS4s were joined by representatives from the Tennessee Stormwater Association, Home Builders Association, Roadbuilders Association, Tennessee Chamber of Commerce, Association of General Contractors, Cumberland River Compact, the Tennessee Department of Transportation and the Tennessee Society of Professional Engineers

A QLP Advisory Committee Kickoff Meeting was held in August of 2008. The discussions centered on redundancies between the Municipal Separate Storm Sewer System (MS4) and the Tennessee Construction General Permit programs. TDEC hopes that this Advisory Committee, which includes members from the municipalites as well as the regulated community and environmental groups, will thoughtfully explore all possibilities and consider potential benefits and incentives to ensure the success of this program. The discussion also focused on some potential incentives that TDEC could provide to theto encourage MS4s to consider applying for QLP status. The QLP Advisory Committee Meetings are held every other month, quarterly.

Recently, the Tennessee Stormwater Association named a manufactured Best Management Practices (BMPs) Evaluation Committee that includes a member from each of the regional groups, the TDEC Statewide Stormwater Coordinator and a consultant to research ways to

validate/verify the success and appropriateness of the numerous stormwater BMPs on the market. Presently, the municipalities are overwhelmed with BMP vendors claiming high success rates without confirmed research in Tennessee. We anticipate that this committee will help provide a unifying front to manage vendors and their proposed BMPs through a standard protocol.

The Tennessee Stormwater Association is now considering funding a statewide education coordinator who will develop, process, and coordinate educational materials for MS4s.

**13. Why is the program a new and creative approach or method?**

The U.S. Environmental Protection Agency has had an opportunity in place for several years (which) which authorizes states to develop a process ~~where for~~ Qualified Local Programs (QLP); however, it has yet to become established across the nation. This project would authorize a local government, municipality or county to administer stormwater construction activities, including collecting fees, inspecting construction sites and taking enforcement action against sites that are polluting the waters of the state within their jurisdiction. This method would localize the approach to address one of the most frequently cited causes of degradation to the waterbodies of the state: siltation. ~~This A-situation that~~ is duplicated in many areas of the country. EPA is interested in the results of our research and hopes to roll out similar programs across the nation.

**14. What were the program's start-up costs?**

The \$200,000 grant has been the primary source of funding for this effort from start up to date. There is a \$100,000 in-kind match being provided by TDEC primarily through staff support of the program.

**15. What are the program's annual operational costs?**

The QLP program is still in the development stages (year 1-½ of a 4-year grant), so the operational costs are not yet known.

**16. How is the program funded?**

The funding for the development of the programs was through the \$200,000 EPA Innovation grant and the State's \$100,000 match. Once the QLP program is in place, it is anticipated that it will be managed through TDEC's Central and 8 field offices.

**17. Did this program require the passage of legislation, executive order or regulations? If YES, please indicate the citation number.**

It has not required any of those actions during this developmental period. However, some rule changes and legislation may be required regarding for incentives that are adopted including possibly the change in annual permit fees and the change in submittal of Construction General Permit fees.

**18. What equipment, technology and software are used to operate and administer this program?**

None.

**19. To the best of your knowledge, did this program originate in your state? If YES, please indicate the innovator's name, present address, telephone number and e-mail address.**

As far as we know, it did originate in our state.

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**20. Are you aware of similar programs in other states? If YES, which ones and how does this program differ?**

No There are other states that do have provisions for a QLP, including North Carolina, Colorado, and Arkansas. However, these states have not received much interest from the local communities to take on the QLP status. The innovation that Tennessee's program offers is incentives for MS4s to pursue QLP designation. Tennessee also plans a recognition / awards programs for exceptional QLPs.

**21. Has the program been fully implemented? If NO, what actions remain to be taken? (Please update the info below)**

No, the full project is scheduled for four years. The remaining steps include:

- Develop and promote QLP guidelines and incentives for QLPs
- Develop excellence recognition program
- Notify the public of guidelines and obtain public input
- Pilot the QLP program
- Develop and deliver workshops across the state based on the results of the pilot program

**22. Briefly evaluate (pro and con) the program's effectiveness in addressing the defined problem[s] or issue[s]. Provide tangible examples.**

Pro:

1. Establishing stakeholder committee has been very successful and productive. We have met three times as a group for half-day sessions including working through lunch. All stakeholders, including select MS4s, Chamber of Commerce, Homebuilders Association, & water quality groups, have all enthusiastically volunteered their time and consideration to participate in developing real incentives that will be meaningful to MS4s when considering accepting the additional requirements when obtaining QLP status.
2. The proposed incentives include:
  - a. Annual Permit Fee Reduction
  - b. Construction General Permit fees transferred directly to the QLP instead of going to the State
  - c. Enforcement Coordination with the State, including penalty assessment apportionment (allows the State to intercede at a certain point in the enforcement process with the penalties split between the State and the QLP)
  - d. Developing Minimum Requirements for an MS4 to be a QLP (including basic staffing requirements based on scope of services and level of services) MS4's are interested in setting safeguards in place that would prevent an MS4 with insufficient resources from assuming the responsibilities of QLP status.
  - e. Streamlining Construction General Permit coverage Applications
  - f. Training and guidance to be provided to QLPs by TDEC

g. Reduced impaired stream monitoring by the state as a result of a successful QLP status

3. The formation of the MS4 Association has provided a professional resource to the statewide MS4 community. All regional meetings have been very well attended, exceeding our initial expectations. The MS4s within each regional chapter have really stepped up their coordination with each other and have demonstrated their interest in facilitating workshops on aspects of the permit that individual MS4s have spent much effort, money and time developing. Their willingness to share information and resources is paramount to the success of the future MS4 program and subsequently to the success in protecting and improving water quality.

**23. How has the program grown and/or changed since its inception?**

The state and the stakeholder committee are committed to seriously consider any and every potential incentive that will help culminate in an effective, attractive and estimable Qualified Local Program. The program has blossomed from the initial reticent reception by the MS4 community into an exciting and achievable new proposal. The program is currently still in the development, but is definitely gaining momentum toward a very positive reception upon its full rollout.

**24. What limitations or obstacles might other states expect to encounter if they attempt to adopt this program?**

The limitations or obstacles other states may encounter are in acceptance of the QLP and its perceived additional requirements. Initial buy-in is key to the program. It is imperative that a varied stakeholder group is invited to participate in each state's QLP development. The ownership and pride that results in contributing to a program that they may eventually abide by, ensures the program's success and, consequently, the successful achievement of healthy waterbodies and their ability to fully support all designated use classifications.

**2009 Innovations Awards Program  
Program Categories and Subcategories**

**Save in .doc or rtf. Return completed application electronically to [innovations@csg.org](mailto:innovations@csg.org) or mail to:**

CSG Innovations Awards 2009  
The Council of State Governments  
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This application is also available at [www.csg.org](http://www.csg.org), in the Programs section.

**Deadline: March 23, 2009**