



CHATTANOOGA ENVIRONMENTAL FIELD OFFICE
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
540 McCALLIE AVE., SUITE 550

CHATTANOOGA, TENNESSEE 37402-2013

PHONE (423) 634-5745

STATEWIDE 1-888-891-8332

FAX (423) 634-6389

July 17, 2013

Ms. Janice Casteel
City Manager, City of Cleveland
190 Church Street, NE
P.O. Box 1519
Cleveland, TN 37364

Certified Mail
Return Receipt Requested
Receipt # 7008 1830 0000 2153 1270

Subject: Notice of Violation
Harriman Road (Cleveland Local Interstate Connector), Permit # TNR112052
Spring Branch/Johnson Branch watersheds, Cleveland, Bradley County

Dear Ms. Casteel:

On July 08, 2013, Micah Gravitt of the Division of Water Resources conducted an inspection along with Mr. Eric McElroy of SSR, Inc. at the above referenced site. The purpose of the inspection was to determine the progress of the required actions set forth in the June 06, 2013 compliance inspection report. The following conditions were observed:

- No later than June 21, 2013, submit to the Chattanooga Field Office at the address above an updated/amended SWPPP showing all areas related to the project. This plan should include a stabilization plan for areas where permanent vegetative cover is required. Also, this plan should include any changes necessary to post development drainage problems so they do not persist and cause future erosion issues.

Findings: As of July 08, 2013, this action has not been completed.

- No later than June 24, 2013, all disturbed areas that will be inactive for 15 days or more must be temporarily or permanently stabilized. Areas where slopes exceed 35% must be stabilized within 7 days of inactivity.

Findings: During the inspection it was observed that stabilization practices have been implemented in the form of seed and straw along with hydro-seeding on steep slopes (>35%). The division therefore considers this action completed, however all newly seeded areas must be monitored to ensure proper vegetative growth becomes established.

- No later than June 24, 2013, repair or replace any existing sediment and erosion controls that have become inadequate due to lack of maintenance and/or improper installation.

Findings: At the time of the inspection it was observed that some check dams have been removed but not replaced. Also, check dams that were left in place have not been maintained as required.

As stated in the August 9, 2012; October 5, 2012; May 23, 2013; and June 10, 2013 compliance inspection reports, failure to maintain sediment and erosion controls is a violation of the terms and conditions of the Tennessee Construction General Permit. Additionally, failure to update your site specific Storm Water Pollution Prevention Plan (SWPPP) constitutes a violation of your permit. The division is pleased to see stabilization practices have been initiated on the private inholdings including the I-75 right of way. However, please be aware that failure to come in to compliance could subject the City of Cleveland to further enforcement action and/or civil penalties. In order to avoid further non-compliance and possible enforcement procedures, the following actions are required:

Required Actions:

- No later than July 26, 2013, repair or replace any existing sediment and erosion controls that have become inadequate due to lack of maintenance and/or improper installation.
- No later than June 29, 2013, submit to the Chattanooga Field Office at the address above an updated/amended SWPPP showing all areas related to the project. Also, this plan should include any changes necessary to post development drainage problems so they do not persist and cause future erosion issues.

If you have any questions regarding this correspondence, you may contact Micah Gravitt at (423) 634-2547 or Micah.Gravitt@tn.gov.

Sincerely,



Jennifer Innes
Environmental Program Manager
Division of Water Resources
Chattanooga Environmental Field Office

Enclosure: Site Photographs

CC: Mr. Jonathan Jobe; City of Cleveland Engineering Dept.; 472 2nd Street SE; Cleveland, TN 37311
Mr. Eric McElroy; SSR Inc.; EMcelroy@ssr-inc.com



Photograph 1: Photograph showing steep slopes that have been hydro-seeded on one of the private inholdings of the project.



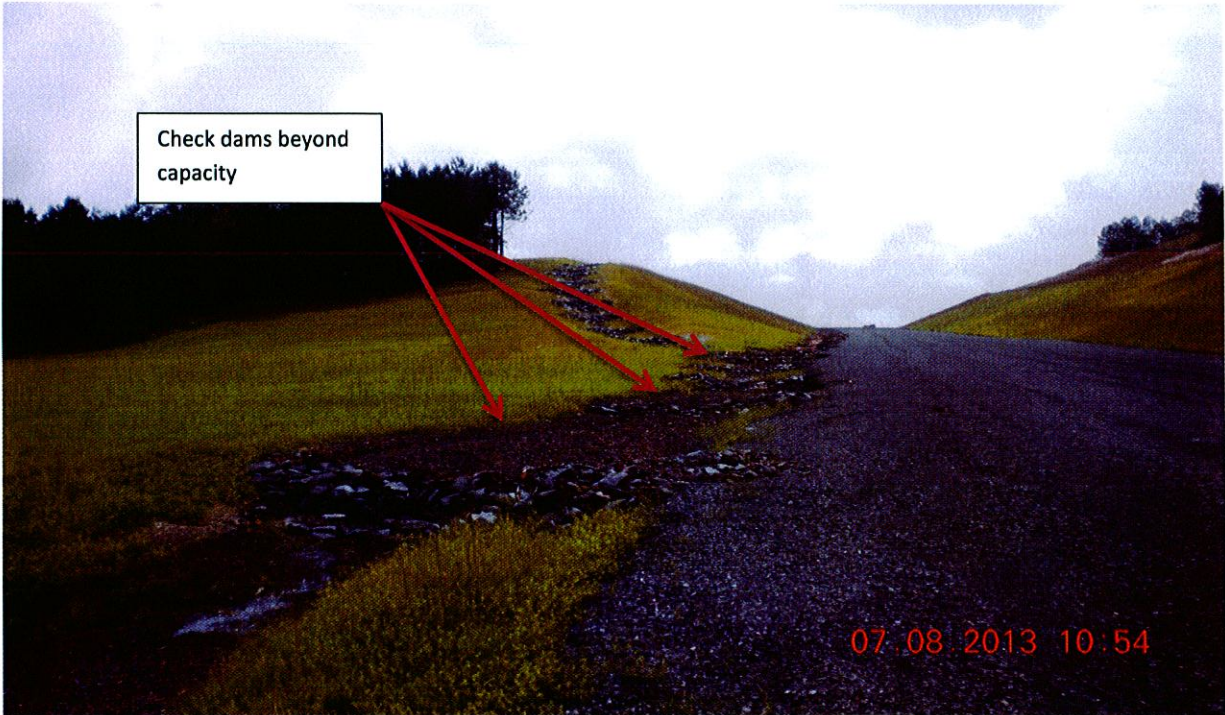
Photograph 2: Photo of the same private inholding showing the flat area above the steep slope in the above picture. Although seed and straw has been utilized, this area and any others with recent stabilization attempts must be monitored to ensure proper vegetative growth is established. Any changes in the grades of this area should be reflected in your amended SWPPP.



Photograph 3: View of the portion of the project overlapping the right of way for Interstate 75. This area should also be monitored to ensure proper vegetative growth.



Photograph 4: Photograph showing check dams in need of maintenance/replacement. This photo also shows the eastern roadside ditch that must be addressed concerning post construction erosion issues.



Photograph 5: View of the western roadside ditch in need of proper stabilization in relation to post development drainage. Photo also shows check dams in need of repair and/or replacement.



Photograph 6: Slope failure located near the end of the western roadside ditch in photograph 5. This area need to be re-graded and stabilized accordingly.



Photograph 7: Inlet protection device in need of maintenance.



Photograph 8: Photograph showing the remaining equipment staging area. This area should also be stabilized upon project completion.