

Solicitors Certification Statement

(Date)

{Name and Address of Legal Counsel}

Re: City of Kingsport, Tennessee– (TNS075388)

As counsel for the City of Kingsport, Tennessee the following statement is submitted pursuant to the requirements contained in the State of Tennessee NPDES MS4 General Permit TNS000000 regarding legal authority for the City of Kingsport to implement the MS4 Stormwater Management Program (SWMP).

The City of Kingsport has adequate authority to carry out the program described in MS4 General Permit TNS000000.

The legal authority requirements outlined in the MS4 General Permit TNS000000, subpart 4.7, are addressed within specific chapters and sections of the City of Kingsport's Code of Ordinances, Part II, Chapter 38 (Environment), Article III (Stormwater Management). These requirements are met through Division 3 (Erosion Prevention and Sediment Control), Division 4 (Permanent Stormwater Management), Division 7 (Inspections, Operation and Maintenance), Division 9 (Nonstormwater Discharges), and Division 10 (Enforcement). These sections collectively provide the necessary legal authority.

- a. Division 9 (Nonstormwater Discharges) of the City of Kingsport's Code of Ordinances, Part II, Chapter 38, Article III prohibits non-stormwater discharges into the storm sewer system. Division 10 (Enforcement), Sec.38-335 (Civil penalties) authorize appropriate enforcement procedures and actions.
- b. Division 3 (Erosion Prevention and Sediment Control) of the City of Kingsport's Code of Ordinances Chapter 38, Article III requires erosion and sediment controls. Division 3, Sec. 38-144 (Compliance) along with Division 10 (Enforcement) provide for sanctions to ensure compliance.
- c. Division 4 (Permanent Stormwater Management) of the City of Kingsport's Code of Ordinances Chapter 38, Article III addresses post-construction/permanent stormwater runoff from new development and redevelopment projects. New development or redevelopment projects may not discharge to the MS4 system without an approved stormwater management plan which may contain various terms, conditions, and prohibitions as found in Sec. 38-169 (Design Criteria). Division 10 (Enforcement) provides for sanctions

to ensure compliance.

d. The City of Kingsport, Tennessee, has the authority to obtain remedies for noncompliance, seek injunctive relief, assess penalties, and enact the enforcement response plan as required by subpart 4.5 of permit TNS000000. The City may seek injunctive relief for noncompliance if such noncompliance might result in irreparable harm to the MS4 system, the health and safety of workers, or the environment, especially when damages at law would not provide an adequate remedy. Civil penalties are authorized by Chapter 38, Article III, Division 10, Sec. 38-335(a) of the City of Kingsport's Code of Ordinances. These penalties may amount to a sum not exceeding \$5,000 per day per violation. Injunctive relief is also authorized by the aforementioned Titles, Chapters, and Sections of the City's Code of Ordinances.

e. [REDACTED] of the City of Kingsport's Code of Ordinances requires compliance with conditions in ordinance, permits, contract, orders, or other requirements.

f. The City of Kingsport, Tennessee may conduct inspection, surveillance, and monitoring activities and shall have the authority to enter the premises of any discharger in which a discharge source or permanent stormwater control measure is located or in which records are required to be kept to assure compliance with Stormwater Management Program requirements under authority granted in City of Kingsport's Code of Ordinances Chapter 38, Article III, Division 7, Sec. 38-253 (Right of entry).

As stated above, the City of Kingsport, Tennessee has sufficient authority to implement the requirements of its Stormwater Management Program to minimize the discharge of pollutants to the maximum to the maximum extent practicable, and by direct enforcement of its City of Kingsport's Code of Ordinances Chapter 38, Article III.

Sincerely,