

**Stephanie Matheny**

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**From:** Renee Hoyos [renee@tcwn.org]  
**Sent:** Tuesday, January 11, 2011 10:38 AM  
**To:** County.mayor@knoxcounty.org  
**Cc:** 'Stephanie'; Granju Chris; dean.rice@knoxcounty.org; tony.norman@knoxcounty.org; dave.wright@knoxcounty.org; dwight.vandevate@knoxcounty.org  
**Subject:** Knox County Stormwater Enforcement  
**Attachments:** image001.jpg; McMillan NOV.PDF

January 11, 2011

The Honorable Tim Burchett  
Knox County Mayor  
400 Main Avenue  
Knoxville, TN 37902

RE: Knox County Stormwater Enforcement

Dear Mayor Burchett:

I am writing regarding priorities for enforcing the Knox County Stormwater Ordinance. The Tennessee Clean Water Network (TCWN) has long sought more robust enforcement of this ordinance to promote better water quality in Knox County streams and rivers, too many of which have been polluted by excessive urban runoff. TCWN has also requested that the County develop clear enforcement priorities to prevent pollution and to avoid arbitrary enforcement.

Thus, TCWN is very disappointed to learn that Knox County has recently chosen to use its scarce enforcement resources to issue a notice of violation (NOV) to Charles McMillan (see attached). The total area cleared for construction of a cell phone tower on the McMillian property is **less than a tenth of an acre**. There is no evidence that runoff from this small site has reached a stream or otherwise caused any environmental harm.

Even if this is the type of activity could merit an NOV, it was not appropriate to send the NOV to the McMillans. The construction of the cell tower is being done by an independent contractor to T-Mobile on land that the McMillans have leased to the cell phone company. Thus, the McMillans have [\[1\]](#)

absolutely no control over the work being done. This information was readily apparent from signs on the site, and presumably from the permitting file at Knox County as well.

This NOV appears to have no purpose other than to harass a citizen activist. Shannondale farmer James McMillan, Charles' son, is well-recognized leader on stormwater issues in Knox County, a volunteer for TCWN, and a member of the Knox County Stormwater Task Force. Mr. McMillan has been a frequent and vocal critic of Knox County's stormwater program, and has generally been a thorn in the side of Knox County stormwater staff.

Mr. McMillan has recently brought numerous noncompliant sites to the attention of Knox County staff, any one of which should be a higher priority for enforcement. For example, the Mercy North

construction site in Powell was recently featured on the front page of the Knoxville News Sentinel. The article states that Knox County Stormwater inspectors found this site, which has cleared more than 20 acres of land, to be in compliance. We disagree with this determination, based on these New Year's Day photographs of discharges from Mercy North:



TCWN does not understand why Knox County would issue an NOV for .1 acre site that has not discharged polluted water, while saying that much larger and heavily polluting sites like St. Mary's are in compliance. At best, this appears to be selective enforcement.

On behalf of TCWN and James McMillan, I respectfully request a meeting with you before the end of January to discuss Knox County's future stormwater enforcement priorities. I can be reached at 865-522-7007 x 100 to arrange for this meeting.

Thank you for your attention to this matter.

Sincerely,

Renee Victoria Hoyos  
Executive Director

Enc.: Notice of Violation

cc: Dean Rice  
Chris Granju  
Dwight Van de Vate  
Stephanie Durman Matheny  
James McMillan  
Commissioner Tony Norman  
Commissioner Dave Wright

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[\[1\]](#)

Nonetheless, prior to the NOV, James McMillan had informed the contractor of its duty to provide erosion prevention and

sediment controls. The required silt fence was installed on December 24, before the McMillans received the NOV.