

**APPENDIX B**

**TENNESSEE DEPARTMENT OF ENVIRONMENT  
AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
NOTIFICATION OF AUTHORIZATION UNDER  
NPDES PERMIT NUMBER TNR100000 FOR  
STORM WATER DISCHARGES ASSOCIATED WITH  
CONSTRUCTION ACTIVITIES**





DEPARTMENT OF ENVIRONMENT & CONSERVATION  
 Division of Water Pollution Control  
 401 Church Street  
 7th Floor, L & C Building  
 Nashville, TN 37243-1534

3 June 2002

Tennessee Emmons, LLC  
 204 Court Street  
 Tazewell, Tennessee 37879

**SUBJECT:** §401 Water Quality Certification  
 Tennessee Aquatic Resource Alteration Permit  
 Joint Public Notice No. 02-38  
 State of Tennessee Application # NRS 02.165  
 Union County

Dear Mr. Smith:

Pursuant to §401 of the Federal Clean Water Act (33 U.S.C. §1341), the State of Tennessee is required to certify whether the activity described below will violate applicable water quality standards. Accordingly, the Division of Water Pollution Control requires reasonable assurance that the activity will not violate provisions of *The Tennessee Water Quality Control Act of 1977* (T.C.A. § 69-3-101 et seq.) or of §§ 301, 302, 303, 306 or 307 of *The Clean Water Act*.

Subject to conformance with approved plans, specifications, and other information submitted in support of the referenced application, the State of Tennessee hereby certifies the proposed activity pursuant to 33 U.S.C. 1341. This shall serve as authorization pursuant to T.C.A. § 69-3-101 et seq.

**LOCATION:** Between Mile 0.1 and 6.0, left bank, Lost Creek (Norris Reservoir), approximately four miles west of Sharps Chapel, in Union County, Tennessee, Latitude 36.30650, Longitude -83.8788, White Hollow -TN and Maynardville-TN, USGS 7.5 Minute Series Quad Maps.

**DESCRIPTION:** The authorized work includes a 30' wide x 320' long x 6" thick reinforced concrete boat launching ramp. Approximately 161 cubic yards (CY) of fill material below the normal summer pool (NSP) would be necessary to construct the ramp. An entrance road requiring a stream crossing is planned on the eastern end of the property. The stream crossing would require the placement of 16 CY of fill. A drainage culvert system with a minimum hydraulic capacity that is equivalent to that of a concrete box culvert 3' high x 5' wide x 130' long would be installed to allow flow under the embankment. The embankment side slopes would be two horizontal to one vertical and would be riprapped from the water's edge to El. 1035. Approximately 3,700 CY of riprap would be installed. The applicant states that the proposed crossing route allows the shortest distance across the flood storage zone while maintaining acceptable horizontal and vertical alignment as well as a minimum road elevation above the 50-year flood level.

EFFECTIVE DATE: June 3, 2002

EXPIRATION DATE: June 3, 2007

**SPECIAL CONDITIONS:**

1. The boat ramp shall be constructed in accordance with the provisions of the General Permit For Launching Ramps (See enclosure 1).
2. The stream crossing shall be constructed in accordance with the provisions of the General Permit For Road Crossings (See enclosure 2).
3. The road / stream crossing shall be constructed during normal winter pool (NWP).
4. The work shall be accomplished in conformance with the approved plans, specifications, data and other information submitted in support of the above application and the limitations, requirements, and conditions set forth herein.
5. Grading, excavation or fill may not take place in flowing waters. Grading, excavation and fill activities shall be separated from the water column. All surface water flowing toward the grading, excavation or fill work shall be diverted through utilization of cofferdams, berms, or temporary channels. Temporary diversion channels must be protected by non-erodible material and lined to the expected high water level. Cofferdams must be constructed of sandbags, clean rock, steel sheeting or other non erodible material. Excavated material must be removed to a location that will prevent its reentry into the any waters of the State. All stockpiles must be temporarily seeded and separated from the waters by entrenched silt fence. The silt fence must be maintained at all times.
6. All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in Rule 1200-4-3-.03 of the Rules of The Tennessee Department of Environment and Conservation. This includes but is not limited to the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of waters of the State for any of the uses designated by Rule 1200-4-4. These uses include fish and aquatic life, livestock watering and wildlife, recreation, irrigation, industrial water supply, and domestic water supply.
7. Temporary erosion and sedimentation control measures must be used throughout the construction period. Effective erosion control must be installed along the base of all fills and cuts, on the down hill side of stock piled soil, and along stream banks in cleared or graded areas to prevent sedimentation into streams. Controls shall be repaired and maintained as necessary. Measures shall include, but not be limited to the use of entrenched fabric filter fence, entrenched staked straw bales, sediment basins, berms, dams, brush barriers, fiber mats, netting, gravel, mulches, grasses, slope drains, etc.
8. Slurry water pumped from work areas and excavations must be held in settling basin or treated by filtration prior to its discharge into surface waters. Water must be held in sediment basins until at least as clear as the receiving waters. Sedimentation basins shall not be located closer than 20 feet from the top bank of a stream. Sediment basins and traps shall be properly designed according to the size of the drainage areas or volume of water to be treated.

Tennessee Emmons LLC

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3 June 2001

9. All disturbed areas shall be covered with mulch within 30 days of attainment of final grade and seeded with any appropriate combination of annual grains and grasses, legumes, and perennial grasses necessary to achieve a vegetative cover against erosion. Lime and fertilizer shall be applied as needed. Temporary seeding and mulching shall be applied where final grade is not yet achieved. Under no circumstances shall soil slopes be left exposed for greater than 30 days.
10. Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported immediately to the appropriate emergency management agency. Measures shall be taken immediately to prevent the pollution of waters of the State, including groundwater.

This does not obviate requirements of other federal, state or local laws. In particular, work shall not commence until the applicant has received the federal §404 permit from the U. S. Army, Corps of Engineers or §26a permit from the Tennessee Valley Authority where necessary.

The State of Tennessee reserves the right to modify or revoke this permit or to seek modification or revocation should the State determine that the activity results in more than an insignificant violation of applicable water quality criteria or violation of the Act. Failure to comply with permit terms may result in penalty in accordance with § 69-3-115 of the Act.

An appeal of this action may be made to the Water Quality Control Board. In order to appeal, a petition requesting a hearing before the Board must be filed within 30 days after receipt of the permit action. In such petition, each contention should be stated in numbered paragraphs that describe how the proposed activity would be lawful and the action of the state is inappropriate. The petition must be prepared on 8½" by 11" paper, addressed to the Water Quality Control Board and filed in duplicate at the following address: Paul E. Davis, Director, Division of Water Pollution Control, 6th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243-1534. Any hearing would be in accordance with T.C.A. §69-3-110 and 4-5-301 et seq. Questions concerning this certification should be addressed to Mr. Dorsey Horne at 615-532-0715.

Sincerely,

  
 Paul E. Davis  
 Director

cc: Tom Welborn, U.S. Environmental Protection Agency, Atlanta, GA.  
 Lee Barclay, U.S. Fish & Wildlife Service, Cookeville, TN  
 Dan Sherry, Tenn. Wildlife Resources Agency, Nashville, TN  
 William James, Nashville District Corps of Engineers, Nashville, TN  
 Paul Schmierbach, Water Pollution Control Division, Knoxville E. A. C.  
 Harold Draper, Tennessee Valley Authority, NEPA Administration

Enclosure





**ENVIRONMENTAL ASSISTANCE CENTER  
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
2700 MIDDLEBROOK PIKE, SUITE 220  
KNOXVILLE, TENNESSEE 37921-5602  
PHONE (865) 594-6035 STATEWIDE 1-888-891-8332 FAX (865) 594-6105**

June 7, 2002

Mr. Daniel P. Smith  
TN Emmons, LLC  
204 Court Street  
Tazewell, TN 37879

**Re: NPDES Permit Tracking No. TNR130227**  
Sunset Bay  
Union County

Dear Mr. Smith:

The Division of Water Pollution Control hereby notifies you that the referenced facility is permitted under NPDES permit number TNR100000 for storm water discharges associated with construction activity. This notification is sent in response to the Notice of Intent (NOI) we received on May 16, 2002. Enclosed are a Notice of Coverage (NOC), which shows the facility name, effective date of coverage, etc. (if you find any of this information incorrect, please call us), and a copy of the permit itself.

As of the date this NOI was processed, no contractor was identified on the NOI. A primary contractor, or contractor otherwise responsible for sediment and erosion controls on the construction site, must be identified and must submit an NOI to this office prior to his beginning earth clearing operations on site. When submitting the NOI, the contractor should indicate on the NOI form the permit number listed above.

We appreciate your attention to this permit and its requirements. We believe this does make a difference to the quality of State waters. If you have any questions, please contact Baxter Wilson at (865)594-5538.

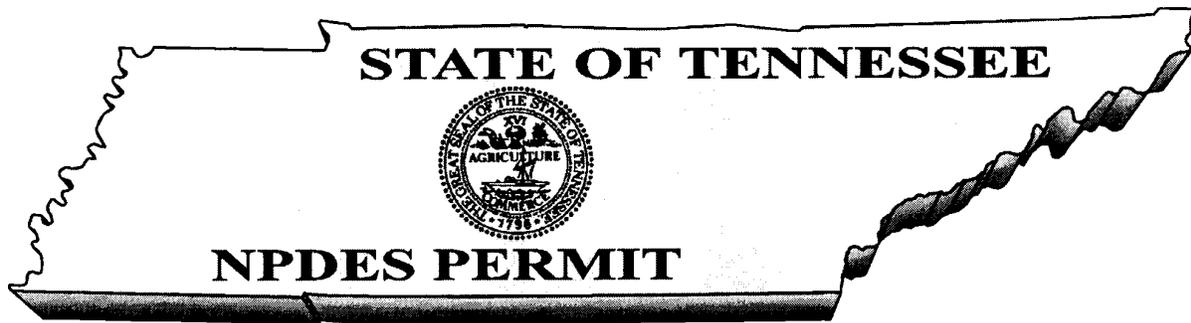
Sincerely,

Natalie R. Harris  
Environmental Field Office Manager  
Division of Water Pollution Control

Enclosures

cc: TNCGP Union County  
RMB





**Tracking No. TNR130227**

General NPDES Permit for  
**STORM WATER DISCHARGES ASSOCIATED WITH  
 CONSTRUCTION ACTIVITY**

Tennessee Department of Environment and Conservation  
 Division of Water Pollution Control  
 401 Church Street, 6th Floor, L&C Annex  
 Nashville, Tennessee 37243-1534

Under authority of the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.) and the delegation of authority from the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.):

Name of the Construction Project: **Sunset Bay**  
 Construction Site Owner/Developer: **TN Emmons, LLC**  
 and Contractor(s) (if applicable): No contractors were identified on the Notice of Intent.

are authorized to discharge: storm water associated with construction activity  
 from facility location: **Approx. 4 miles SW of Sharps Chapel in Union County**  
 to receiving waters named: **Norris Reservoir**  
 in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

Likely presence of threatened or endangered species in project vicinity or downstream: **NO**

Additional pollution prevention requirements, as described in the General Permit, Part III.F, for discharges into waters which the Department identifies as:

a) impaired by siltation: **NO**      b) discharging into High Quality Waters: **NO**

Coverage under this general permit shall become effective on **June 07, 2002**, and shall be terminated upon approval of Notice of Termination, or the date of expiration of this General Permit.



Paul E. Davis, Director  
 Division of Water Pollution Control  
 RDAs 2352 and 2366



June 07, 2002

From: Tennessee Department of Environment and Conservation  
 Division of Water Pollution Control (the Division)  
 Knoxville Environmental Assistance Center

Re: Threatened and Endangered (T&E) review  
 Construction General Permit for Storm Water Discharges from Construction Activity

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The Division has approved the following construction activity. This memo is to notify you that our T&E review revealed that the activity is potentially in the location of listed species. If you have any questions, please call Baxter Wilson at (865)594-5538.

Construction General Permit:	TNR130227
Name of construction project:	Sunset Bay
Construction site owner/developer:	TN Emmons, LLC
Contact person:	Mr. Daniel P. Smith
Phone number:	423-626-0608
Primary contractor	
County:	Union
City:	Sharps Chapel
Latitude:	36.3000
Longitude:	-83.85001000
Receiving stream:	Norris Reservoir
Location:	Approx. 4 miles SW of Sharps Chapel
Area to be disturbed:	1000 acres
Start date:	6/20/02
Estimated end date:	12/31/07
T&E comment:	No records present in the 1-mile radius. Limited records in the fifteen mile corridor. Note: I did observe what I identify as a bald eagle on May 24, 2002



**Tennessee General Permit No. TNR10-0000**  
**Construction General Permit (TNCGP)**  
**For Storm Water Discharges from Construction Activities**  
**June 27, 2000**

Following is information on the Tennessee construction general permit (TNCGP), issued June 27, 2000, and effective July 1, 2000.

**Must I obtain this permit, and how and when?**

You must obtain coverage under this general permit if you are engaged in construction activity, defined in EPA regulations as follows:

construction activity including clearing, grading and excavation activities except operations that result in the disturbance of less than five acres of total land area and which are not a part of a larger common plan of development or sale. [EPA regulations, 40 CFR 122.26(b)(14), category (x)]

Over the past several years, permitted construction activities have included housing subdivisions, commercial and industrial buildings, golf courses, utility lines, sewage treatment plants, and roads. Various land clearing activities, where no construction per se has occurred, have also been covered under this general permit; for example, off-site borrow pits for fill material.

To request coverage under the permit, use the Notice of Intent (NOI) form in Appendix A of the permit. Apply for coverage at least 30 days before you intend to begin earth disturbing activities on a project site. Please note that you are not authorized to discharge storm water from the site until you receive notice from TDEC offices that the activity has been permitted. Please note the NOI is to be completed by any person or company who meets the definition of "operator." Normally these include the developer of a site, who has control over the design of the project, and the primary contractor who has day-to-day control over the earth-moving and erosion and sediment controls. The form includes space for both developer and contractors to sign the form. File the NOI with the TDEC Environmental Assistance Center responsible for the county where your construction activity is occurring. See below for these addresses.

**What does the permit require?**

You must develop and implement a site-specific erosion and sediment control plan (see Part IV. of the permit), also called a storm water pollution prevention plan (SWPPP). You must follow good engineering and best management practices in designing, installing and maintaining erosion and sediment controls. The plan must include certain minimum information, and developers and contractors must follow certain minimum best management practices. All erosion and sediment controls must be designed to function properly in a two-year, 24-hour storm event. See Appendix C for a map of this rainfall in Tennessee. The permit requires regular inspections and maintenance of controls so that discharges do not contain significant amounts of sediment or other pollutants.

There are special requirements in the permit (see Part III. F.) that apply to discharges that are entering waters of the State that have been identified as impaired due to siltation. These streams are identified on the 1998 303(d) list and also in more recent stream assessments done by the Division of Water Pollution Control. Maps of, and information on, impaired streams can be found at <http://www.epa.gov/owow/tmdl/states/tn.html>. Contact us if you need help determining whether or not a certain water is impaired. When we respond to your NOI and mail you Notice of Coverage (NOC) under the permit, we will indicate if you are subject to these special requirements. These special requirements will also apply for discharges into high quality waters, so identified by the Tennessee Water Quality Control Board and the Division of Water Pollution Control.

The special requirements include more frequent inspections of sediment and erosion controls (weekly), and these inspections and the condition of erosion and sediment controls must be reported to the Division. Appendix D of the

permit is the form to use to report this information to the Division. Also, under the special requirements, you must submit your pollution prevention plan to the Department prior to beginning of soil disturbance at the construction site.

**Threatened and Endangered Aquatic Fauna in Vicinity of Project**

When the Department reviews your NOI, we will check whether or not it is likely that threatened or endangered aquatic fauna are downstream of the construction site, and we will notify you in brief of our findings at the time that we send you an NOC.

**For More Information**

You may contact one of our Environmental Assistance Centers (EACs). If you call 1-888-891-TDEC, you will reach the EAC responsible for the county from which you are calling.

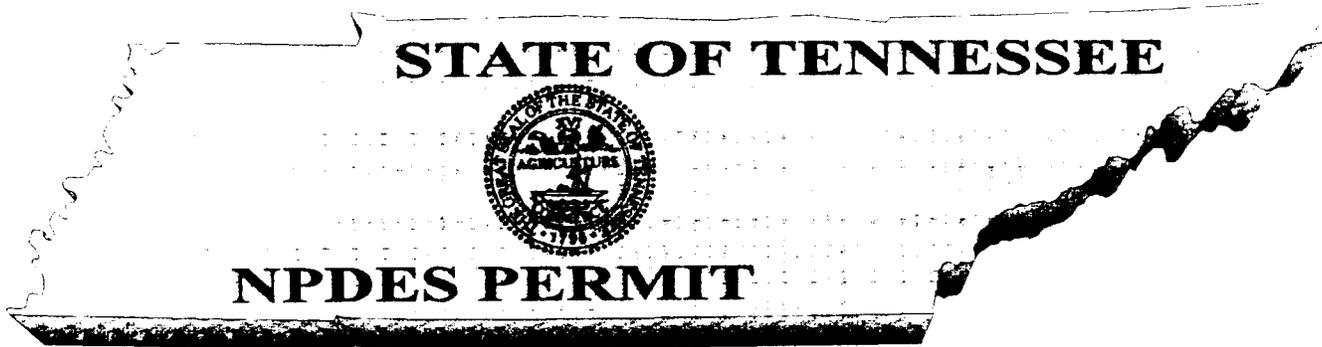
**TDEC Environmental Assistance Centers**

<b>EAC Office</b>	<b>Street Address</b>	<b>Zip Code</b>
Memphis EAC	2510 Mt. Moriah Road STE E-645	38115-1520
Jackson EAC	362 Carriage House Drive	38305-2222
Nashville EAC	537 Brick Church Park Drive	37243-1550
Columbia EAC	2484 Park Plus Drive	38401
Cookeville EAC	1221 South Willow Ave.	38506
Chattanooga EAC	540 McCallie Avenue STE 550	37402-2013
Knoxville EAC	2700 Middlebrook Pike STE 220	37921
Johnson City EAC	2305 Silverdale Road	37601

**TDEC Division of Water Pollution Control - Central Office**

6th Floor, L & C Annex  
 401 Church Street  
 Nashville, Tennessee 37243-1534

You may also contact the central office of the Division of Water Pollution Control by phone at 615-532-0625.



**No. TNR10 0000**

General NPDES Permit for  
**STORM WATER DISCHARGES ASSOCIATED WITH  
 CONSTRUCTION ACTIVITY**

Tennessee Department of Environment and Conservation  
 Division of Water Pollution Control  
 401 Church Street  
 6th Floor, L&C Annex  
 Nashville, Tennessee 37243-1534

Under authority of the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.) and approval from the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.):

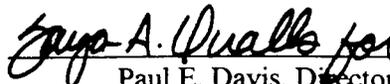
Permit TNR10000, the Tennessee Construction General Permit (CGP) is hereby issued and made available to persons who discharge to waters of the State of Tennessee storm water discharges associated with construction activity. This permit authorizes discharges in accordance with the following storm water pollution prevention plan requirements, effluent limitations, monitoring and reporting requirements and other provisions set forth in Parts I – IX.

This permit is a State-issued National Pollutant Discharge Elimination System (NPDES) general permit, with a permit number of TNR10000. To obtain coverage under this permit, a facility must submit a Notice of Intent (NOI) to the Division, to which the Division will respond by written notice to the applicant. Assigned permit numbers will begin with TNR1 \_\_, followed by a one-digit code designating the TDEC Environmental Assistance Center that receives the NOI, followed by 0001, 0002, 0003, etc.

This general permit shall become effective on July 1, 2000.

and shall expire on May 31, 2005.

Issuance date: June 27, 2000

  
 Paul E. Davis, Director  
 Division of Water Pollution Control



**Tennessee General Permit No. TNR10-0000  
Storm Water Discharges from Construction Activities**

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**Tennessee General Permit No. TNR10-0000  
Storm Water Discharges from Construction Activities**

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**On this page...Part I.**

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Part I. Conditions of coverage under this permit

I.A. Permit area

This general permit covers all areas of the State of Tennessee.

I.B. Discharges covered by this permit

1. Storm water discharges associated with construction activity

This permit authorizes discharges of storm water from construction activities defined as follows:

construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than five acres of total land area and which are not part of a larger common plan of development or sale.

This permit may authorize discharges from sites that result in the disturbance of less than five acres of total land area if: i. the Director has determined that the discharge from a site is contributing to, or is likely to contribute to, a violation of a State water quality standard; or is a significant contributor of pollutants to waters of the State, or is likely to be a significant contributor of pollutants to waters of the State; or ii. changes in State or Federal rules require sites of five acres or less to obtain a storm water permit. Otherwise, projects or developments of less than five acres of land disturbance are not required to obtain authorization under this permit.

Note: Any discharge of storm water or other fluid to an improved sinkhole or other injection well, as defined, must be authorized by permit or rule as a Class V underground injection under the provisions of Tennessee Rule Chapter 1200-4-6.

2. Storm water discharges from construction support activities

This permit also authorizes storm water discharges from support activities (e.g., equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:

- a. The support activity is primarily related to a construction site that is covered under this general permit and the owner/operator of the support activity is the same as the owner/operator of the construction site;
- b. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and
- c. Appropriate controls and measures are identified in a storm water pollution prevention plan covering the discharges from the support activity areas.

Process wastewater discharges from these activities are not authorized by this permit. Process wastewaters must be authorized by an individual permit or appropriate, other general permit.

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**On this page...Section I.B.3.; I.C.; I.D.**

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3. Certain non-storm water discharges are covered by this permit.

The following non-storm water discharges from active construction sites are authorized by this permit provided the non-storm water component of the discharge is in compliance with section IV.D.5 (non-storm water discharges): dewatering of work areas of collected storm water and ground water; waters used to wash vehicles (of dust and soil, not process materials such as concrete) where detergents are not used and detention and/or filtering is provided before the water leaves site; water used to control dust in accordance with item IV.D.2.c.ii.; potable water sources including waterline flushings; routine external building washdown which does not use detergents; uncontaminated ground water or spring water; foundation or footing drains where flows are not contaminated with process materials such as solvents.

- C. Discharges not authorized by this permit

The following storm water discharges are not authorized by this permit:

1. Post-Construction Discharges - Storm water discharges that originate from the construction site after construction activities have been completed and the site has undergone final stabilization.
2. Discharges Mixed with Non-storm Water - Discharges that are mixed with sources of non-storm water, other than discharges which are identified in section III.A.2. of this permit and which are in compliance with section IV.D.5 (non-storm water discharges) of this permit. Any discharge authorized by a different NPDES permit may be commingled with discharges authorized by this permit.
3. Discharges Covered by Another Permit - Storm water discharges associated with construction activity that have been issued an individual permit in accordance with paragraph VII.L.
4. Discharges Threatening Water Quality - Storm water discharges from construction sites that the Director determines will cause, or have the reasonable potential to cause, violations of water quality standards. (Where such determinations have been made, the discharger will be notified by the Director in writing that an individual permit application is necessary. The individual permit application will be on forms as determined by the Director.)
5. Discharges Causing or Contributing to the Impairment of a Section 303(d)-Listed Water – The State shall not grant coverage under this permit for discharges that are causing or contributing to the impairment of a Section 303(d) listed water or any water identified as impaired since promulgation of the latest 303(d) list.
6. Discharges Not Protective of Federally or State listed Threatened and Endangered Species - Storm water discharges and storm water discharge-related activities that are not protective of legally protected listed or proposed threatened or endangered aquatic fauna in the receiving stream(s); or discharges or activities that would result in a “take” of a Federally listed endangered or threatened fish or wildlife species; if the State finds that storm water discharges storm water related activities are likely to result in any of the above effects, the State will deny the coverage under this general permit unless and until project plans are changed to protect the listed species.
7. Discharges from a New or Proposed Mining Operation – Discharges from a new or proposed mining operation are not covered by this permit.
8. Discharges Negatively Affecting a Property on the National Historic Register – Storm water discharges that would negatively affect a property that is listed or is eligible for listing in the National Historic Register maintained by the Secretary of Interior.

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**On this page...beginning at I.D.; I.E.**

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I.D. Submitting an NOI is required to obtain coverage under the permit.

1. Preparation of pollution prevention plan prior to submitting NOI

In order for storm water discharges from construction activities to be authorized to discharge under this general permit, a discharger must:

- a. First develop a pollution prevention plan (covering either the entire site or all portions of the site for which they are operators; see definition in Part IX.) according to the requirements in Part IV (preparation and implementation of the Plan may be a cooperative effort where there is more than one operator at a site); and
- b. Submit a Notice of Intent (NOI) in accordance with the requirements of Part II, using an NOI form provided by the Director (or a photocopy thereof). The Pollution Prevention Plan must be prepared prior to submittal of NOI and implemented upon commencement of construction activities.

2. New NOI for new operator

For construction sites where an operator changes, or where a new operator is added after the submittal of the NOI under Part II, a new NOI for the new operator must be submitted in accordance with Part II.

3. Effective date of coverage under the permit

Discharges from a construction activity are covered by this permit and the operator is authorized to discharge storm water associated with construction activity as of the effective date and time the Division of Water Pollution Control prepares a Notice of Coverage for the construction site. The Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information. If the Division has not been able to transmit an NOC to a permittee within 30 days of receipt of NOI, discharges are authorized under this permit if the NOI has been assigned a valid NPDES permit number and the permittee has been informed of this permit number.

I.E. Request for termination of coverage under the permit

1. NOT form

Operators wishing to terminate coverage under this permit must submit a Notice of Termination (NOT) in accordance with Part VIII. of this permit. The NOT form is attached to this permit as Appendix B.

2. NOT form to be submitted after final stabilization of site

All permittees must submit the NOT after completion of their construction activities and final stabilization of their portion of the site, or after within 30 days after another operator has taken over all of their responsibilities at the site. Appropriate enforcement actions may be taken for permit violations where a permittee submits a NOT but the permittee has not transferred operational control to another permittee or the site has not undergone final stabilization.

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**On this page...Part II.**

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II. Notice of Intent (NOI) requirements

II.A. NOI processing

An NOI shall be submitted by the construction site operator (or operators) to the appropriate Environmental Assistance Center(s) (EAC). The Division of Water Pollution Control's central office can serve as an EAC for NOIs submitted for projects of the Tennessee Department of Transportation and the Tennessee Valley Authority. The EAC will review the NOI for completeness and accuracy and as necessary will investigate the project for possible impact to threatened and endangered species of aquatic fauna. Upon completing the review, the EAC will transmit a Notice of Coverage (NOC) to the operator identified as owner/developer on the NOI form.

II.B. Who must submit an NOI?

1. Operators must submit the NOI.

“Operator” for the purpose of this permit and in the context of storm water associated with construction activity, means any party associated with a construction project that meets either of the following two criteria:

- a. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

(This will typically be the owner or developer - one who has control over project specifications.)

- b. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions).

(This will typically include the general contractor and would also include erosion control contractors.)

2. All operators shall sign the same NOI form.

All operators shall apply for permit coverage on the same NOI form, insofar as possible. The Division's NOI form is designed for more than one operator. The Division can accept separate NOIs from different operators.

However, if one is filing an NOI as an operator at a site for which other operator(s) have already applied and received a construction storm water permit number, then the NOI should include the permit number assigned to the first NOI for the particular site. The description of the site should match the description on the first NOI.

3. When operators change, new operators shall submit a new NOI.

In a case where one or more of the operators changes during the course of a construction project, new operators shall submit new NOIs for their roles at the site. See below for deadlines.

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**On this page...beginning at II.C.; II.D.; II.E.**

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**II.C. Deadlines for notification**

1. 30 days prior to construction

Except as provided below, operators must submit an initial Notice of Intent (NOI) in accordance with the requirements of this Part at least 30 days prior to the commencement of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities).

2. When there is a change of operator

For storm water discharges from construction sites where the operator changes, or projects where an operator is added after an initial NOI has been submitted as above, an NOI in accordance with the requirements of this Part should be submitted as soon as practicable and at least 48 hours prior to when the new operator assumes operational control over site specifications or commences work at the site.

3. Late NOIs

Dischargers are not prohibited from submitting late NOIs. When a late NOI is submitted, authorization is only for future discharges, and prior, unpermitted discharges are subject to the liabilities of subpart VII.Q.

**II.D. Contents of Notice of Intent (NOI)**

1. NOI Form/Appendix A

Notices of Intent for construction projects shall be on the form provided in Appendix A of this permit, or on photocopy thereof. This form and its instructions set forth the required content of the NOI.

The NOI form must be designed to contain the names and addresses of operators of the construction activity; location and name of the construction site; map showing location of the site; size of the construction activity; estimated starting and ending dates of the construction; name of stream into which storm water enters from the site; and whether or not a storm water pollution prevention plan has been prepared for the project.

2. Completeness of the NOI

The Division may reject an NOI that is not complete with all the requested information.

3. Proper signature(s) on the NOI

The operator(s) of the construction site shall sign the NOIs. Persons who sign shall meet the criteria in subpart VII.G. of this permit.

**II.E. Where to submit and what to do with NOIs**

1. The applicant shall submit the NOI to the appropriate Environmental Assistance Center (EAC).

One shall submit NOIs to the Division of Water Pollution Control in the EAC responsible for the county(ies) where the construction activity is located and where storm water discharges enter

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**On this page.. Section II.E.1. (continued)**

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waters of the State. If a site straddles a county line of counties that are in areas of different EACs, the operators shall send NOIs to each EAC. EAC counties and addresses are given below. All EACs may be reached by telephone at the toll-free number 1-888-891-8332(TDEC). Below are the EACs organized from West to East Tennessee.

Fayette, Shelby and Tipton Counties:

TN DEPT OF ENV AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
2510 MT MORIAH ROAD SUITE E-645  
MEMPHIS TN 38115-1520

Benton, Carroll, Chester, Crockett, Decatur, Dyer, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, McNairy, Madison, Obion, Weakly counties:

TN DEPT OF ENV AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
362 CARRIAGE HOUSE DRIVE  
JACKSON TN 38305-2222

Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Williamson, Wilson:

TN DEPT OF ENV AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
537 BRICK CHURCH PARK DRIVE  
NASHVILLE TN 37243-1550

Bedford, Coffee, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Perry, Wayne

TN DEPT OF ENV AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
2484 PARK PLUS DRIVE  
COLUMBIA TN 38401

Cannon, Clay, Cumberland, DeKalb, Fentress, Jackson, Macon, Pickett, Putnam, Overton, Smith, Trousdale, Van Buren, Warren, White

TN DEPT OF ENV AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
1221 SOUTH WILLOW AVE  
COOKEVILLE TN 38506

Bledsoe, Bradley, Grundy, Hamilton, McMinn, Marion, Meigs, Polk, Rhea, Sequatchie

TN DEPT OF ENV AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
STATE OFFICE BUILDING SUITE 550  
540 MCCALLIE AVE  
CHATTANOOGA TN 37402-2013

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**On this page...section II.E.1. continued; II.E.2.**

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Anderson, Blount, Campbell, Claiborne, Cocke, Grainger, Hamblen, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, Union

TN DEPT OF ENV AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
2700 MIDDLEBROOK PIKE SUITE 220  
KNOXVILLE TN 37921

Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Unicoi, Washington Counties

TN DEPT OF ENV AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
2305 SILVERDALE ROAD  
JOHNSON CITY TN 37601

Water Pollution Control Central Office (may be used by TVA and TDOT)

STORM WATER NOI PROCESSING  
TENNESSEE DIVISION OF WATER POLLUTION CONTROL, PERMIT SECTION  
6<sup>TH</sup> FLOOR, L & C ANNEX  
401 CHURCH STREET  
NASHVILLE, TN 37243-1534

2. Certain applicants shall also submit a copy of the NOI to the local municipality

Applicants that discharge storm water through an NPDES-permitted municipal separate storm sewer system (MS4) shall submit a signed copy of the NOI (and at project completion, the NOT) to the owner/operator of the MS4. This is in addition to the original that is submitted to the EAC. As of the effective date of this general permit, the following municipalities are NPDES permitted:

City of Memphis  
125 North Main Street, Room 620  
Memphis, TN 38103-2091

Nashville/Davidson County  
Metro Department of Public Works/NPDES Program  
Point Place Business Park, Suite 350  
441 Donelson Pike  
Nashville, TN 37214-3558

City of Knoxville/Engineering  
City County Building, Suite 480  
P.O. Box 1631  
Knoxville, TN 37901-1631

Chattanooga Department of Public Works – Storm Water  
1001 Lindsey Street  
Chattanooga, TN 37402

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**On this page...Section II.E.3; Part III.; III.A.; III.B.**

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3. Permittee shall post copy of NOC at site.

The Notice of Coverage (NOC) is a written notice from the Division of Water Pollution Control sent to the permittee, informing permittee that the NOI was received and has been approved by the Division. Permittees shall post, near the main entrance of the construction site, a copy of the Director's notice of coverage (NOC), and post the telephone number and address of a person whom the public can contact for information. See section IV.B.2. also.

**Part III. Special conditions, management practices, and other non-numeric limitations**

**III.A. Prohibition on non-storm water discharges**

1. Storm water discharges only

Except for discharges from support activities, as described in section I.B.2. and certain non-storm water discharges listed in section I.B.3., all discharges covered by this permit shall be composed entirely of storm water.

2. Other NPDES -permitted discharges

Discharges of storm water or wastewater that are in compliance with an NPDES permit (other than this permit) issued for that discharge may be mixed with discharges authorized by this permit.

3. Non-storm water discharges

The following non-storm water discharges from active construction sites are authorized by this permit provided the non-storm water component of the discharge is in compliance with section IV.D.5 (non-storm water discharges): dewatering of work areas of collected storm water and ground water (see also paragraph IV.D.2.a. iii.(c) and (d)); waters used to wash vehicles (of dust and soil, not process materials such as concrete) where detergents are not used and detention and/or filtering is provided before the water leaves site; water used to control dust in accordance with item IV.D.2.c.ii.; potable water sources including waterline flushings; routine external building washdown which does not use detergents; uncontaminated ground water or spring water; foundation or footing drains where flows are not contaminated with process materials such as solvents.

**III.B. Releases in excess of Reportable Quantities**

The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. This permit does not relieve the permittee of the reporting requirements of 40 CFR 117 and 40 CFR 302. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR 117 or 40 CFR 302, occurs during a 24 hour period:

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**On this page...Section III.B.1.; III.C.; III.D.**

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1. The permittee is required to notify the National Response Center (NRC) (800-424-8802) and the Tennessee Emergency Management Agency (emergencies: 800-262-3300; non-emergencies: 800-262-3400) in accordance with the requirements of 40 CFR 117 and 40 CFR 302 as soon as he or she has knowledge of the discharge;
2. The permittee shall submit within 14 calendar days of knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, what actions were taken to mitigate effects of the release, and steps to be taken to minimize the chance of future occurrences, to the appropriate Environmental Assistance Center at the address provided in subpart II.E. above; and
3. The storm water pollution prevention plan required under Part IV. of this permit must be modified within 14 calendar days of knowledge of the release: to provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

### III.C. Spills

This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

### III.D. Discharge compliance with State Water Quality Standards

#### 1. Violation of Water Quality Standards Prohibited

This permit does not authorize storm water or other discharges that would result in a violation of a State water quality standard (Rule Chapters 1200-4-3, 1200-4-4). Such discharges are a violation of this permit.

Where a discharge is already authorized under this permit and the Division determines the discharge to cause or contribute to the violation of applicable State water quality standards, the permitting authority will notify the operator of such violation(s). The permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and shall document these actions in the pollution prevention plan. See also paragraph III.F.4. in cases where such a discharge affects a Section 303(d)-listed or impaired waterbody.

#### 2. Discharge quality

- a. The construction activity shall be carried out in such a manner as will prevent violations of water quality criteria as stated in Rule 1200-4-3-.03 of the Rules of the Tennessee Department of Environment and Conservation. This includes but is not limited to the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of waters of the state for any of the uses designated for that water body by Rule 1200-4-4. Use classifications for surface waters include fish and aquatic life, livestock watering and wildlife, recreation, irrigation, navigation, industrial water supply, and domestic water supply.
- b. There shall be no distinctly visible floating scum, oil or other matter contained in the storm water discharge.

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**On this page...Section III.D.2.c.; III.E.**

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- c. The storm water discharge must not cause an objectionable color contrast in the receiving stream.
- d. The storm water discharge must result in no materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.

### III.E. Responsibilities of operators

A permittee may meet one or both of the operational control components in the definition of “operator” found in Part IX. Either section III.E.1. or III.E.2. below, or both, will apply depending on the type of operational control exerted by an individual permittee. Section III.E.3. applies to all permittees.

1. Permittees with operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g., developer or owner) must:
  - a. Ensure the project specifications that they develop meet the minimum requirements of Part IV (Storm Water Pollution Prevention Plans (SWPPP)) and all other applicable conditions;
  - b. Ensure that the SWPPP indicates the areas of the project where they have operational control over project specifications (including the ability to make modifications in specifications), and ensure all other permittees implementing portions of the SWPPP impacted by any changes they make to the plan are notified of such modifications in a timely manner; and
  - c. If parties with day-to-day operational control of the construction site have not been identified at the time the SWPPP is initially developed, the permittee with operational control over project specifications shall be considered to be the responsible party until such time as the authority is transferred to another party (e.g., general contractor) and the plan updated.
2. Permittee(s) with day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., general contractor) must:
  - a. Ensure that the SWPPP for portions of the project where they are operators meets the minimum requirements of Part IV (Storm Water Pollution Plan) and identifies the parties responsible for implementation of control measures identified in the plan;
  - b. Ensure that the SWPPP indicates areas of the project where they have operational control over day-to-day activities;
3. Permittees with operational control over only a portion of a larger construction project (e.g., one of four homebuilders in a subdivision) are responsible for compliance with all applicable terms and conditions of this permit as it relates to their activities on their portion of the construction site, including implementation of BMPs and other controls required by the SWPPP. Permittees shall ensure either directly or through coordination with other permittees, that their activities do not render another party's pollution control ineffective. Permittees must either implement their portions of a common SWPPP or develop and implement their own SWPPP.

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**On this page...Section III.F.; Part IV.**

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- I.F. Additional requirements for discharges into waters listed on the Tennessee 303(d) list for siltation, or discharges upstream of waters impaired by siltation, that may affect the impaired waters; and for discharges to waters identified by the Department as high quality waters
1. The Storm Water Pollution Prevention Plan shall be submitted to the local Environmental Assistance Center. Plans for TDOT and TVA projects may be submitted to the central office of the Division of Water Pollution Control. This plan may be submitted with the NOI, but must be submitted prior to start of construction (including grubbing, clearing, excavation).
  2. The permittee shall perform the inspections described in section IV.D.4. before anticipated storm events (or series of storm events such as intermittent showers over one or more days), and within 24 hours after the end of a storm event of 0.5 inches or greater, and at least once per week.
  3. The permittee must certify on a weekly basis, on the form provided in Appendix D of this permit:
    - i. that the weekly inspection of erosion and sediment controls and of outfall points was performed; and
    - ii. whether or not all planned and designed erosion and sediment controls are installed and in working order. The certification must be executed by a person who meets the signatory requirements of subpart VII.G. of this permit. The record of certifications on the form in Appendix D must be submitted by the 15<sup>th</sup> of the month (postmarked) following the end of the quarter, to the address indicated in section II.E.1. Quarters are January – March, April – June, July – September, and October – December.
  4. If the Division finds that a discharge is causing a violation of water quality standards or causing or contributing to the impairment of a 303(d) listed water or any water identified as impaired since promulgation of the latest 303(d) list, and finds that the discharger is complying with storm water pollution prevention plan requirements of this permit, the discharger will be notified by the Director in writing that the discharge is no longer eligible for coverage under the general permit and that continued discharges must be covered by an individual permit. To obtain the individual permit, the operator must file an individual permit application.

art IV. Storm Water Pollution Prevention Plan (SWPPP)

A pollution prevention plan is required and a designated individual is to be responsible.

At least one storm water pollution prevention plan (SWPPP) shall be developed for each construction project or site covered by this permit. For more effective coordination of BMPs and opportunities for cost sharing, a cooperative effort by the different operators at a site to prepare and participate in a comprehensive SWPPP is encouraged. Individual operators at a site may, but are not required to develop separate SWPPPs that cover only their portion of the project. In instances where there is more than one SWPPP for a site, the permittees must ensure the storm water discharge controls and other measures are compatible with one another and do not prevent another operator from complying with permit conditions.

The General Purpose of the Plan

Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which one would reasonably expect to affect the quality of storm water discharges from the construction site. The plan shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges associated with construction activity at the construction site and to assure compliance with the terms and conditions of this permit.

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**On this page...Section IV.A.; IV.B.**


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**IV.A. Deadlines for plan preparation and compliance**

1. For discharges authorized under a previous or existing general permit
  - a. Immediate compliance, at a minimum, with requirements for a construction site storm water control plan, construction management techniques, vegetative controls, structural controls, discharge quality, and reporting and recordkeeping requirements in Appendix F [former Tennessee Rule Chapter 1200-4-10-.05, paragraphs (5), (6) and (7)]
  - b. No later than January 1, 2001, for discharges addressed by part III.F. of this permit, compliance with subparts III.F.2. and 3., or by an earlier date if so notified in writing by the Division
  - c. No later than December 31, 2001, or earlier if so notified in writing by the Division, compliance with all parts of this permit
2. For discharges not authorized under an NPDES permit as of the effective date of this permit, the plan shall:
  - a. Be completed prior to the submittal of an NOI to be covered under this permit and updated as appropriate; and
  - b. The plan shall provide for compliance with the terms and schedule of the plan beginning with the initiation of construction activities.

**IV.B. Signature, plan review and making plans available**

1. Plan must be correctly signed.
 

The plan shall be signed by the operator (operators) in accordance with subpart VII.G., and be retained on-site at the facility which generates the storm water discharge in accordance with Part VI (retention of records) of this permit. If the site is inactive or does not have an onsite location adequate to store the pollution prevention plan, the location of the plan, along with a contact phone number, shall be posted on site. If the plan is located offsite, reasonable local access to the plan, during normal working hours, must be provided as described below.
2. The permittee shall post a notice near the main entrance of the construction site with the following information:
  - a. A copy of the Notice of Coverage (NOC) with the NPDES permit number for the project;
  - b. The name and telephone number of a local contact person;
  - c. A brief description of the project; and
  - d. The location of the SWPPP if the site is inactive or does not have an on-site location to store the plan.

If posting this information near a main entrance is infeasible due to safety concerns, the notice shall be posted in a local public building. If the construction project is a linear construction project (e.g., pipeline, highway, etc.), the notice must be placed in a publicly accessible location near where construction is actively underway and moved as necessary. This permit does not provide the public with any right to trespass on a construction site for any reason, including inspection of a site. This permit does not require that permittees allow members of the public access to a construction site.

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**On this page... beginning at IV.B.3.; IV.C.; IV.D.**

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3. Plans are subject to revision because of deficiencies identified by the Director.

The Director, or authorized representative, may notify the permittee(s) at any time that the plan does not meet one or more of the minimum requirements of this Part. Such notification shall identify those provisions of the permit which are not being met by the plan. The dischargers shall have 48 hours, unless additional time is provided by the Director, after such notification to make changes to sediment and erosion controls to prevent the discharges of sediment from the site and 14 days to make necessary changes to the plan. The Director may take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of the permit. The Director, or authorized representative, may require revisions to the plan necessary to prevent a negative impact to legally protected state or federally listed or proposed threatened or endangered aquatic fauna.

4. The permittee shall make plans available upon request to the Director; or local agency approving sediment and erosion plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with industrial (construction) activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system.

V.C. Keeping plans current

The permittee must amend the plan:

- i. Whenever there is a change in the scope of the project, which would be expected to have a significant affect on the discharge of pollutants to the waters of the State and which has not otherwise been addressed in the plan;
- ii. Whenever inspections or investigations by site operators, local, State or federal officials indicate the storm water pollution prevention plan is proving ineffective in eliminating or significantly minimizing pollutants from sources identified under section IV.D.2 of this permit, or is otherwise not achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity;
- iii. To identify any new contractor and/or subcontractor that will implement a measure of the storm water pollution prevention plan (see subpart III.E. for further description of which contractors must be identified); and
- iv. To include measures necessary to prevent a negative impact to legally protected state or federally listed or proposed threatened or endangered aquatic fauna. Amendments to the plan may be reviewed by the State of Tennessee and EPA in the same manner as subpart IV.B above.

V.D. Components of Storm Water Pollution Prevention Plan

The storm water pollution prevention plan (SWPPP) shall include the following items:

1. Site description

Each plan shall provide a description of pollutant sources and other information as indicated:

- a. A description of the nature of the construction activity;
- b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation, etc.);
- c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities;

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**On this page...beginning at Section IV.D.1.d.; IV.D.2.**

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- d. Any data describing the soil (data may be referenced or summarized) or the quality of any discharge from the site;
- e. An estimate of the runoff coefficient of the site after construction activities are completed;
- f. A general location map (e.g. portion of a city or county map or similar scale) and a site map indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, an outline of areas which are not to be disturbed, the location of major structural and nonstructural controls identified in the plan, the location of areas where stabilization practices are expected to occur, surface waters including wetlands, sinkholes, and locations where storm water is discharged to a surface water;
- g. Careful identification on the site map of outfall points for storm water discharges from the site; the plan shall identify outfall points intended for coverage under the general permit;
- h. A description of any discharge associated with industrial activity other than construction storm water that originates on site and the location of that activity; and
- i. The name of the receiving water(s), and approximate size and location of affected wetland acreage at the site.

2. What storm water runoff controls must be used?

Each plan shall include a description of appropriate controls and measures that will be implemented at the construction activity. The plan must clearly describe for each major activity identified in paragraph IV.D.1.b: (a) appropriate control measures and the general timing during the construction process that the measures will be implemented and (b) which permittee is responsible for implementation of which controls. The description and implementation of controls shall address the following minimum components; additional controls may be necessary to comply with section III.D.2:

- a. Erosion and sediment controls
  - i. General criteria and requirements
    - (a) The construction-phase erosion and sediment controls shall be designed to retain sediment on site.
    - (b) All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the permittee must replace or modify the control for site situations.
    - (c) If sediment escapes the construction site, off-site accumulations of sediment that have not reached a stream must be removed at a frequency sufficient to minimize offsite impacts (e.g., fugitive sediment that has escaped the construction site and has collected in street must be removed so that it is not subsequently washed into storm sewers and streams by the next rain and/or so that it does not pose a safety hazard to users of public streets). Permittees shall not initiate remediation/restoration of a stream without consulting the Division first. This permit does not, however, authorize access to private property.
    - (d) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and must be removed when design capacity has been reduced by 50%.
    - (e) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local

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**On this page...Section IV.D.2.a.i.(e) (continued); IV.D.2.a.ii.**

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- weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, daily pick-up, etc.). After use, silt fences should be removed or otherwise prevented from becoming a pollutant source for storm water discharges.
- (f) Offsite material storage areas (also including overburden and stockpiles of dirt, etc.) used solely by the permitted project are considered a part of the project and shall be addressed in the pollution prevention plan.
  - (g) Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 20 calendar days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.
  - (h) Clearing and grubbing must be held to the minimum necessary for grading and equipment operation.
  - (i) Construction must be sequenced to minimize the exposure time of graded or denuded areas.
  - (j) Construction must be phased for projects in which over 50 acres of soil will be disturbed. Areas of the completed phase must be stabilized within 21 days after another phase has been initiated.
  - (k) Erosion and sediment control measures must be in place and functional before earth moving operations begin, and must be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but must be replaced at the end of the work day.
  - (l) The following records shall be maintained on site: the dates when major grading activities occur; the dates when construction activities temporarily or permanently cease on a portion of the site; and the dates when stabilization measures are initiated.

ii. Stabilization practices

The plan shall include a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Site plans should give consideration to using waterway buffer areas in which construction activities, borrow and/or fill are prohibited. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for stabilization should be avoided.

- (a) Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased. Except in the following two situations: i. where the initiation of stabilization measures by the seventh day is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable; or ii. where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 15 days, temporary stabilization measures do not have to be initiated on that portion of site.

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**On this page...Section IV.D.2.a.ii.(b); IV.D.a.iii.**

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- (b) Temporary or permanent soil stabilization shall be accomplished within 15 days after final grading or other earth work. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.

iii. Structural practices

The plan shall include a description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural controls shall not be placed in streams or wetlands except as authorized by a section 404 permit and/or Tennessee Aquatic Resource Alteration Permit.

- (a) Erosion and sediment control measures shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment. In addition, erosion and sediment controls shall be designed to control the rainfall and runoff from a 2 year, 24 hour storm, as a minimum. (Approx. values: Memphis, 4.0 inches/24 hours; Nashville, 3.5 inches/24 hours; Chattanooga, 3.6 inches/24 hours; and Knoxville, 3.2 inches/24 hours. See Appendix C.) Permittees shall maintain a rain gauge at the site.
- (b) For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2 year, 24 hour storm and runoff coefficient from each disturbed acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. For drainage locations which serve 10 or more disturbed acres at one time and where a temporary sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent controls are not attainable, multiple, smaller sediment basins and/or sediment traps must be used.
- (c) Discharges from sediment basins and traps must be through a pipe or lined or well grassed channel so that the discharge does not cause erosion.
- (d) Muddy water to be pumped from excavation and work areas must be held in settling basins or filtered prior to its discharge into surface waters. Water must be discharged through a pipe, well grassed or lined channel or other equivalent means so that the discharge does not cause erosion and sedimentation.

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**On this page...Section IV.D.2.b.**

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## b. Storm water management

The SWPPP shall include a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with construction activity have been eliminated from the site.

- i. Such practices may include: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices). The pollution prevention plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.
- ii. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regime of the receiving water).

## c. Other items needing control

- i. No solid materials, including building materials, shall be discharged to waters of the United States, except as authorized by a section 404 permit and/or Tennessee Aquatic Resource Alteration Permit.
- ii. Off-site vehicle tracking of sediments and the generation of dust shall be minimized.
- iii. For installation of any waste disposal systems on site, or sanitary sewer or septic system, the plan shall provide for the necessary sediment controls. Permittees must also comply with applicable State and/or local waste disposal, sanitary sewer or septic system regulations for such systems to the extent these are located within the permitted area.
- iv. The plan shall include a description of construction and waste materials expected to be stored on-site with updates as appropriate. The SWPPP shall also include a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to storm water, and spill prevention and response.
- v. A description of storm water sources from areas other than construction and a description of controls and measures that will be implemented at those sites.
- vi. The plan shall include measures to protect legally protected state or federally listed threatened or endangered aquatic fauna and/or critical habitat (if applicable).

## d. Approved local government sediment and erosion control requirements

- i. Permittees must include in their plan any procedures and requirements specified in applicable sediment and erosion site plans or site permits, or storm water management site plans or site permits approved by local officials.

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**On this page...Section IV.D.2.a.iii.d. (continued); IV.D.3.**


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Permittees shall comply with any such requirements during the term of the permit. This provision does not apply to provisions of master plans, comprehensive plans, non-enforceable guidelines or technical guidance documents that are not identified in a specific local government plan or permit that is issued for the construction site.

- ii. Storm water pollution prevention plans must be amended to reflect any change that is instituted by the local government to sediment and erosion site plans or site permits, or storm water management site plans or site permits for which the permittee receives written notice.

3. Maintenance

The plan shall describe procedures to ensure that vegetation, erosion and sediment control measures and other protective measures identified in the site plan are kept in good and effective operating condition. Maintenance needs identified in inspections or by other means shall be accomplished before the next storm event if possible, but in no case more than seven days after the need is identified. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

4. Inspections

- a. Inspector training and certification

(Reserved)

- b. Schedule of inspections

- i. Except for construction sites identified according to Part III.F.\*, inspections, described in paragraphs c., d., and e. below, shall be done before anticipated storm events (or series of storm events such as intermittent showers over one or more days), and within 24 hours after the end of a storm event of 0.5 inches or greater, and at least once every fourteen calendar days. Where sites have been finally or temporarily stabilized, or runoff is unlikely due to winter conditions (e.g. site covered with snow, ice, or frozen ground), such inspection only has to be conducted once per month.
- ii. For discharges identified for additional requirements under Part III.F.\*, inspections, described in paragraphs c., d., and e. below, shall be performed before anticipated storm events (or series of storm events such as intermittent showers over one or more days), within 24 hours after the end of a storm event of 0.5 inches or greater, and at least once per week.

\* Discharges into waters listed on the Tennessee 303(d) list for siltation or waters identified by the Department as impaired because of siltation since promulgation of the latest 303(d) list; and for discharges to waters identified by the Department as high quality waters.

- iii. Inspections and associated, necessary repairs done 60 hours before a rain event constitute compliance with "before anticipated storm events," and inspections and repairs on a Friday meet the requirement for rain events over the weekend.

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**On this page...Section IV.D.4.c.**

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- c. Qualified personnel (provided by the permittee or cooperatively by multiple permittees) shall inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site.
  - d. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly.
  - e. Outfall points (where discharges from the site enter streams or wet weather conveyances) shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected if possible. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.
  - f. Based on the results of the inspection, any inadequate control measures or control measures in disrepair shall be replaced or modified, or repaired as necessary, before the next rain event if possible, but in no case more than seven days after the need is identified. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.
  - g. Based on the results of the inspection, the site description identified in the plan in accordance with paragraph IV.D.1 of this permit and pollution prevention measures identified in the plan in accordance with paragraph IV.D.2 of this permit shall be revised as appropriate, but in no case later than 14 calendar days following the inspection. Such modifications shall provide for timely implementation of any changes to the plan in no case later than 21 calendar days following the inspection.
  - h. Inspections shall be documented and include the scope of the inspection, name(s) and title or qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan (including the location(s) of discharges of sediment or other pollutants from the site and of any control device that failed to operate as designed or proved inadequate for a particular location), and actions taken in accordance with paragraph IV.D.4.f. of the permit.
5. Non-storm water discharges
- Sources of non-storm water listed in section III.A.3 of this permit that are combined with storm water discharges associated with construction activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge. Any non-storm water must be discharged through stable discharge structures.

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**On this page...Part V.; Part VI.; Part VII.; VII.B.**

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art V. (Reserved)

art VI. Retention of records

I.A. Documents

The permittee shall retain copies of storm water pollution prevention plans and all reports required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit, for a period of at least three years from the date the notice of termination is filed. This period may be extended by written request of the Director.

I.B. Accessibility

The permittee shall retain a copy of the storm water pollution prevention plan required by this permit (including a copy of the permit language) at the construction site (or other local location accessible to the Director and the public) from the date construction commences to the date of final stabilization. The permittees with day to day operational control over pollution prevention plan implementation shall have a copy of the plan available at a central location onsite for the use of all operators and those identified as having responsibilities under the plan whenever they are on the construction site.

II. Standard permit conditions

II.A. Duty to comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is grounds for enforcement action; for termination of permit coverage, or for denial of a permit renewal application.

II.B. Continuation of the expired general permit

This permit expires five years after the effective date. However, an expired general permit may continue in force and effect until a new general permit replaces the expired one. To retain coverage under the continued permit, permittees should provide notice of their intent to remain covered under this permit at least 30 days prior to the expiration date. Coverage under the expired general permit will terminate 90 days after the effective date of a new general permit that replaces the expired one. The notice must be signed in accordance with section VII.G.1. of this permit and must contain the following information:

- i. Name, address and telephone number of the operator; and
- ii. The existing storm water construction permit number.

This information may be submitted on a post card or in a letter and shall be submitted to the appropriate Environmental Assistance Center of the Division of Water Pollution Control, as given in subpart II.D.

II.C. Need to halt or reduce activity not a defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

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**On this page...beginning at VII.D.**

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## /II.D. Duty to mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit.

## /II.E. Duty to provide information

The permittee shall furnish to the Director or an authorized representative of the Director any information which is requested to determine compliance with this permit or other information.

## /II.F. Other information

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Director, he or she shall promptly submit such facts or information.

## /II.G. Signatory requirements

All Notices of Intent, storm water pollution prevention plans, reports, certifications or information either submitted to the Director or the operator of a large or medium municipal separate storm sewer system shall be signed as follows:

1. All Notices of Intent shall be signed as follows:
  - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
2. Storm water pollution prevention plans, reports, certifications or other information submittals shall be signed as follows:

All reports required by the permit and other information requested by the Director or authorized representative of the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

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**On this page... Section VII.G.2. (continued); VII.H.; VII.I.**

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- a. The authorization is made in writing by a person described above and submitted to the Director.
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
  - c. Changes to authorization. If an authorization under section II.B.3. is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new notice of intent satisfying the requirements of paragraph II.B must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
3. Certification. Except as noted in section 4 below, any person signing documents under paragraph VII.G shall make the following certification. Thus, this certification must precede the signature on any report to be signed and submitted pursuant to this permit:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

4. Construction contractors required to sign an NOI because they meet the definition of an operator but who are not primarily responsible for preparing an NOI, shall sign the following certification statement on the NOI:

I certify under penalty of law that I have reviewed this document, any attachments, and the SWPPP referenced above. Based on my inquiry of the construction site owner/developer identified above and/or my inquiry of the person directly responsible for assembling this Notice of Intent, I believe the information submitted is accurate. I am aware that this NOI, if approved, makes the above-described construction activity subject to NPDES permit number TNR100000, and that certain of my activities on-site are thereby regulated. I am aware that there are significant penalties, including the possibility of fine and imprisonment for knowing violations, for failure to comply with these permit requirements.

#### II.H. Penalties for falsification of reports

Knowingly making any false statement on any report required by this permit may result in the imposition of criminal penalties as provided for in Section 309 of the Federal Water Pollution Control Act and in T.C.A. §69-3-115 of the Tennessee Water Quality Control Act.

#### II.I. Oil and hazardous substance liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject

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**On this page... Section VII.I. (continued)**

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under section 311 of the CWA or section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

**VII.J. Property rights**

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. The issuance of this permit does not authorize trespassing or discharges of storm water or non-storm water across private property.

**VII.K. Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

**VII.L. Requiring an individual permit**

1. Director can require a site to obtain an individual permit.

The Director may require any person authorized by this permit to apply for and/or obtain an individual NPDES permit. Any interested person may petition the Director to take action under this paragraph. Where the Director requires a discharger authorized to discharge under this permit to apply for an individual NPDES permit, the Director shall notify the discharger in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form if needed, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications shall be submitted to the appropriate Environmental Assistance Center of the Division as indicated in subpart II.E of this permit. The Director may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an individual NPDES permit application as required by the Director under this paragraph, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified by the Director for application submittal.

2. Permittee may request individual permit instead of this permit.

Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to the Water Pollution Control office of the appropriate Department Environmental Assistance Center. The request may be granted by issuance of an individual permit, or alternative general permit, if the reasons cited by the permittee are adequate to support the request.

3. Individual permit terminates general permit.

When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative NPDES general permit, the

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**On this page...Section VII.L.3. (continued); VII.M.**

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applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Director.

VII.M. Other, non-storm water, program requirements

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

VII.N. Proper operation and maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans.

Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

VII.O. Inspection and entry

The permittee shall allow authorized representatives of the Environmental Protection Agency, the Director or an authorized representative of the Director of the Division of Water Pollution Control, or, in the case of a construction site which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law:

- i. To enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
- ii. To have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
- iii. To inspect any facilities or equipment (including monitoring and control equipment).

VII.P. Permit actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

VII.Q. Liabilities

1. Civil and criminal liability

Except as provided in this permit, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this permit, the permittee shall remain liable for any damages sustained by the State of Tennessee, including

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**On this page... Section VII.Q.1. (continued); Part VIII.**

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but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of waste water to any surface or subsurface waters. Additionally, notwithstanding this permit, it shall be the responsibility of the discharger to conduct its waste water treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created.

2. Liability under State law

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or the Federal Water Pollution Control Act, as amended.

art VIII. Termination of coverage

III.A. Notice of Termination (NOT)

1. Where a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated, or where storm water discharges have otherwise been eliminated, or where the operator of all storm water discharges at a facility changes, the permittee must submit a Notice of Termination that is signed in accordance with Subpart VII.G of this permit.
2. The Notice of Termination shall be submitted on the Division's NOT form provided in Appendix B of this permit.
3. The following certification signed in accordance with Subpart VI.G (signatory requirements) of this permit:

I certify under penalty of law that either: (a) all storm water discharges associated with construction activity from the portion of the identified facility where I was an operator have ceased or have been eliminated or (b) I am no longer an operator at the construction site. I understand that by submitting this notice of termination, I am no longer authorized to discharge storm water associated with construction activity under this general permit, and that discharging pollutants in storm water associated with construction activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit or the Clean Water Act.

4. For the purposes of this certification, elimination of storm water discharges associated with construction activity means that all disturbed soils at the portion of the construction site where the operator had control have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time to insure final stabilization is maintained, or that all storm water discharges associated with construction activities from the identified site that are authorized by a NPDES general permit have otherwise been eliminated from the portion of the construction site where the operator had control.

III.B. Addresses

All Notices of Termination are to be sent, using the form provided by the Director (or a photocopy thereof), to the address of the appropriate Environmental Assistance Center.

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**On this page...Part IX.**


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## Part IX. Definitions

“Best Management Practices” (“BMPs”) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control sediment site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

“Clearing,” in the definition of discharges associated with construction activity, does not refer to clearing vegetation along roadways, highways or power lines for sight distance or other maintenance and/or safety concerns, or cold planing, milling, and/or removal of concrete and/or bituminous asphalt roadway pavement surfaces. Clearing typically refers to removal of vegetation and disturbance of soil prior to grading or excavation in anticipation of construction activities. Clearing may also refer to wide area land disturbance in anticipation of non-construction activities: for instance, clearing forested land in order to convert forest land to pasture for wildlife management purposes.

“Control measure”--As used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

“Commencement of construction”--The initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

“CWA” means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C 1251 et seq.

“Director” means the Director of the Division of Water Pollution Control of the State of Tennessee.

“Discharge of storm water associated with construction activity”--As used in this permit, refers to storm water point source discharges from areas where soil disturbing activities (e.g., clearing, grading, or excavation, etc.), or construction materials or equipment storage or maintenance (e.g., earth fill piles, fueling, etc.) are located.

“Final stabilization” means that all soil disturbing activities at the site have been completed, and that a perennial vegetative cover sufficient to prevent erosion has been well established on all unpaved areas, and/or equivalent permanent stabilization measures have been employed.

“Grading” and “excavation” do not refer to cold planing, milling, and/or removal of concrete and/or bituminous asphalt roadway pavement surfaces.

“High quality waters” are surface waters of the State of Tennessee that are identified by the Department as high quality waters. Characteristics of high quality waters are listed at Rule 1200-4-3-.06 of the *official compilation - rules and regulations of the State of Tennessee*. Characteristics include waters designated by the Water Quality Control Board as Outstanding National Resource Waters (ONRW); waters that provide habitat for biologically significant populations of certain aquatic or semi-aquatic plants or animals; waters that provide specialized recreational opportunities; waters that possess outstanding scenic or geologic values; or waters where existing conditions are better than water quality standards. High quality waters are sometimes referred to as Tier II or Tier III (ONRW) waters.

“Large and Medium municipal separate storm sewer system” means all municipal separate storm sewers that are either:

- (i) Located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR 122); or
- (ii) Located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR 122); or
- (iii) Owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

“NOI” means notice of intent to be covered by this permit (see Part II of this permit.)

“NOT” means notice of termination (see Part VIII of this permit).

“Monthly” refers to calendar months.

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**On this page... Part IX. continued**


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“Operator” for the purpose of this permit and in the context of storm water associated with construction activity, means any party associated with a construction project that meets either of the following two criteria:

- i. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

(This will typically be the owner or developer - one who has control over project specifications.)

- ii. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions
- iii. (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions).

(This will typically include the general contractor and would also include erosion control contractors.)

“Point source” means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

“Runoff coefficient” means the fraction of total rainfall that will appear at the conveyance as runoff.

“Storm water” means storm water runoff, snow melt runoff, and surface runoff and drainage.

“Storm water associated with industrial activity” is defined at 40 CFR 122.26(b)(14) and incorporated here by reference. Most relevant to this permit is 40 CFR 122.26(b)(14)(x), which relates to construction activity including clearing, grading and excavation activities.

“Storm water discharge-related activities” include: a. activities which cause, contribute to, or result in point source storm water pollutant discharges, including but not limited to: excavation, site development, grading and other surface disturbance activities; and b. measures to control storm water including the siting, construction and operation of best management practices (BMPs) to control, reduce or prevent storm water pollution.

“Take” of an endangered species means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct.

“Waters” or “waters of the state” is defined in the Tennessee Water Quality Control Act and means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

(End of body of permit; appendices follow.)





Department of Environment and Conservation  
Division of Water Pollution Control

**CONSTRUCTION ACTIVITY – STORM WATER DISCHARGES  
NOTICE OF INTENT (NOI)**

Name of the construction project (site)		County(ies)	Existing NPDES Permit No. (if site is already permitted) <b>TNR</b>
Street address (or description of location) and nearest city		Latitude	Longitude
<input type="checkbox"/> Map attached (required)			
Construction project (site) description		Start date	Estimated end date
Area to be disturbed (acres)			
Construction site owner/developer: legal name and mailing address, including zip code		Contact person, phone number and e-mail address	
Name(s) of stream(s), wetland(s), lake(s) or other waters of the state receiving storm water runoff from the construction site			
Do there appear to be streams <input type="checkbox"/> and/or wetlands <input type="checkbox"/> on the construction site? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If an Aquatic Resource Alteration Permit (ARAP) has been obtained for this site, provide the permit number.			
Has the Storm Water Pollution Prevention Plan (SWPPP) been developed? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Note that the NOI will be considered incomplete if you answered "No" to the above question. Submit the NOI when the SWPPP is developed.			
<b>Permit Application Certification and Signature</b> (must be signed by President, Vice-President or equivalent, or ranking elected official)			
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.			
Representative of owner/developer, print or type	Signature	Date	

**Certification for Contractor(s)** (must be signed by President, Vice President or equivalent, or ranking elected official)

I certify under penalty of law that I have reviewed this document, any attachments, and the SWPPP referenced above. Based on my inquiry of the construction site owner/developer identified above, and/or my inquiry of the person directly responsible for assembling this Notice of Intent, I believe the information submitted is accurate. I am aware that this NOI, if approved, makes the above-described construction activity subject to NPDES permit number TNR100000, and that certain of my activities on-site are thereby regulated. I am aware that there are significant penalties, including the possibility of fine and imprisonment for knowing violations, and for failure to comply with these permit requirements.

1. Company name of primary contractor, print or type	Signature by representative of primary contractor	Date
2. Company name of other contractor, print or type	Signature by representative of other contractor	Date
3. Company name of other contractor, print or type	Signature by representative of other contractor	Date

**OFFICIAL STATE USE ONLY**

Received Date	EAC	Permit Number	Reviewer	Notice of Coverage Date
303d Receiving Stream	High Quality Water	<b>TNR</b> Threatened and Endangered Aquatic Fauna		

**CONSTRUCTION ACTIVITY – STORM WATER DISCHARGES  
NOTICE OF INTENT (NOI) - INSTRUCTIONS**

Purpose of this form. A completed Notice of Intent (NOI) must be submitted to obtain coverage under the Tennessee General NPDES Permit for discharges of storm water associated with construction activity. This permit is required for storm water discharge(s) from construction sites that involve grubbing, clearing, grading or excavation of five or more acres of land. This form should be submitted at least 30 days prior to the start date of any land disturbing activities such as grubbing, clearing, grading or excavation.

Notice of Coverage. The Division will process your application and return to you a Notice of Coverage (NOC). Runoff from the construction site will not be permitted until the Division has prepared this NOC.

Completing the form. Type or print clearly, using ink and not markers or pencil. Answer each item or enter "NA," for not applicable, if a particular item does not fit the circumstances or characteristics of your construction site or activity. If you need additional space, attach a separate piece of paper to the NOI form.

Who must submit the NOI form? The NOI form must be signed by the "operator(s)" of the construction site. Operators will most likely include the developer of the site, and the primary contractor(s). "Operator" means any party associated with the construction project that meets either of the following two criteria: (1) the party has operational control over project specifications (including the ability to make modifications in specifications); or (2) the party has day-to-day operational control of those activities at a project site which are necessary to ensure compliance with the storm water pollution prevention plan or other permit conditions (e.g., they are authorized to direct workers at the site to carry out activities identified in the storm water pollution prevention plan or comply with other permit conditions). If a contractor has not been identified at the time the NOI is submitted by the developer, the contractor(s) must submit a separate NOI in order to obtain authorization under this permit. The contractor must include the NPDES permit number that is already assigned to the site, along with the name of the construction project and its location.

Describe and locate the project. Use the legal or official name of the construction site. If a construction site lacks street name or route number, give the most accurate geographic information available to describe the location (reference to adjacent highways, roads and structures: e.g. intersection of state highways 70 and 100). Latitude and longitude of the center of the site can be located on USGS quadrangle maps. The quadrangle maps can be obtained at 1-800-USA-MAPS, or at the Census Bureau Internet site: <http://www.census.gov/cgi-bin/gazetteer>. Attach a copy of a portion of a 7.5 minute quad map, showing location of site, with boundaries at least one mile outside the site boundaries. Provide estimated starting date of clearing activities and completion date of the project, and an estimate of the number of acres of the site on which soil will be disturbed, including borrow areas, fill areas and stockpiles.

Give name of the receiving stream. Trace the route of storm water runoff from the construction site and determine the name of the river(s), stream(s), creek(s), wetland(s), lake(s) or any other water course(s) into which the storm water runoff drains. Note that the receiving water course may or may not be located on the construction site. If the first water body receiving construction site runoff is unnamed ("unnamed tributary"), determine the name of the water body which the unnamed tributary enters.

ARAP permit may be required. If your work will disturb or cause alterations of a stream or wetland, you must obtain an appropriate Aquatic Resource Alteration Permit (ARAP). If you have a question about the ARAP program or permits, contact your local Environmental Assistance Center.

You must prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to submitting the NOI.

Submitting the form and obtaining more information. Note that this form must be signed by the company President, Vice-President, or a ranking elected official in the case of a municipality. For more information, contact your local Environmental Assistance Center at the toll-free number 1-888-891-8332 (TDEC). Submit the completed NOI form to the appropriate EAC below (call the toll-free number to determine), addressed with **Attention: Storm Water NOI Processing**.

**Environmental Assistance Centers(EACs) - Division of Water Pollution Control - Addresses**

<b>EAC Office</b>	<b>Street Address</b>	<b>Zip Code</b>	<b>EAC Office</b>	<b>Street Address</b>	<b>Zip Code</b>
Memphis	2510 Mt. Moriah Road STE E-645	38115-1520	Cookeville	1221 South Willow Ave.	38506
Jackson	362 Carriage House Drive	38305-2222	Chattanooga	540 McCallie Avenue STE 550	37402-2013
Nashville	711 R. S. Gass Boulevard	37216	Knoxville	2700 Middlebrook Pike STE 220	37921
Columbia	2484 Park Plus Drive	38401	Johnson City	2305 Silverdale Road	37601



State of Tennessee  
 Department of Environment & Conservation - Division of Water Pollution Control

**NOTICE OF TERMINATION**  
**Construction Activity General Permit**

The purpose of this form is to notify the Tennessee Department of Environment and Conservation that you, as a permitted operator of storm water discharges from a construction activity, no longer have responsibilities related to erosion and sediment controls at the construction site. Type or print clearly, using ink and not markers or pencil.

NPDES Permit Number TNR \_\_\_\_\_ (Include the NPDES permit number for the site.)

Name of the construction project (site): \_\_\_\_\_

Street address (or description of location): \_\_\_\_\_

Legal name of the construction site operator: \_\_\_\_\_

Mailing address: \_\_\_\_\_ Telephone and/or E-mail address: \_\_\_\_\_

Have the storm water discharges associated with construction activity been eliminated?  Yes  No

If YES, provide the date at which the construction site was finally stabilized: \_\_\_\_\_

Construction activities at the site continue, but my responsibilities with respect to the construction activities have ceased.  Yes  No

If YES, provide the name, mailing address and telephone number of any new operators (for instance, an operator who has taken over your responsibilities) involved with soil disturbance at the construction site: \_\_\_\_\_

**Certification and Signature (must be signed by president, V.P. or equivalent, or ranking elected official)**

I certify under penalty of law that either: (a) all storm water discharges associated with construction activity from the portion of the identified facility where I was an operator have ceased or have been eliminated or (b) I am no longer an operator at the construction site. I understand that by submitting this notice of termination, I am no longer authorized to discharge storm water associated with construction activity under this general permit, and that discharging pollutants in storm water associated with construction activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit or the Clean Water Act.

For the purposes of this certification, elimination of storm water discharges associated with construction activity means that all disturbed soils at the portion of the construction site where the operator had control have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time to insure final stabilization is maintained, or that all storm water discharges associated with construction activities from the identified site that are authorized by a NPDES general permit have otherwise been eliminated from the portion of the construction site where the operator had control.

Printed name (construction site operator) \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Permittees who are presently covered under the Tennessee General NPDES Permit to Discharge Storm Water Associated with Construction Activity must submit an NOT after completion of their construction activities and final stabilization of their portion of the site, or within 30 days after another operator has taken over all of their responsibilities at the site. A permittee cannot submit an NOT without final stabilization unless another party has agreed to assume responsibility for final stabilization of the site. A completed NOT form should be submitted to the local Division of Water Pollution Control Office address (see table below), and marked "Storm Water Notice of Termination":

**Environmental Assistance Centers - Division of Water Pollution Control - Addresses**  
**EAC Offices may be reached by dialing toll-free 1-888-891-TDEC.**

EAC Office	Street Address	Zip Code	EAC Office	Street Address	Zip Code
Memphis	2510 Mt. Moriah Road STE E-645	38115-1520	Cookeville	1221 South Willow Ave.	38506
Jackson	362 Carriage House Drive	38305-2222	Chattanooga	540 McCallie Avenue STE 550	37402-2013
Nashville	537 Brick Church Park Drive	37243-1550	Knoxville	2700 Middlebrook Pike STE 220	37921
Columbia	2484 Park Plus Drive	38401	Johnson City	2305 Silverdale Road	37601

(Draft form; use until replaced.)

**Appendix B**

