



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL DIVISION
SUITE 900, J. K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TN 37243-0334

TELEPHONE: (615) 253-2477

FAX: (615) 741-1098

March 26, 2012

Mr. Jim McAdoo, Permit Section
TN Department of Environment and Conservation
Division of Water Pollution Control
6th Floor L&C Annex, 401 Church Street
Nashville, TN 37243-1534

RE: NOI and SWPPP Submittals for TDOT Construction Activities

Dear Mr. McAdoo:

We request coverage under the General NPDES Permit for Discharges of Storm Water Associated with Construction Activities for the subject project. Enclosed is the Notice of Intent (NOI) for Construction Activity – Storm Water Discharges and one hard copy and one electronic copy on CD of the site-specific Storm Water Pollution Prevention Plan (SWPPP).

Project #: 10946-1401-04 PIN: 115368.00
State Industrial Access Road (SIA) serving NCI (Star Building Systems)
Carter County

By copy of this letter, we are sending three hard copies and one CD of this SWPPP to the Region Construction Office (one copy for the contractor). **Please place the SWPPP in the final plans used for construction in front of the EPSC sheets.**

TDOT is aware of the new requirements of the General NPDES Permit for Discharges of Stormwater Associated with Construction Activities. TDOT believes that contents of SWPPPs submitted to TDEC to date complies with an intent, if not with the format expected in the new CGP. TDOT is currently in the process of updating our SWPPP templates and procedures, along with our current design guidelines. Subject SWPPP and Erosion Plans will be updated during construction to meet the new requirements of the general permit. The SWPPP changes shall be implemented on or before May 24, 2012.

Please forward our office the Notice of Coverage (NOC) for this project as soon as it becomes available. Please contact me at (615) 253-2441 if I can be of any assistance.

Sincerely,

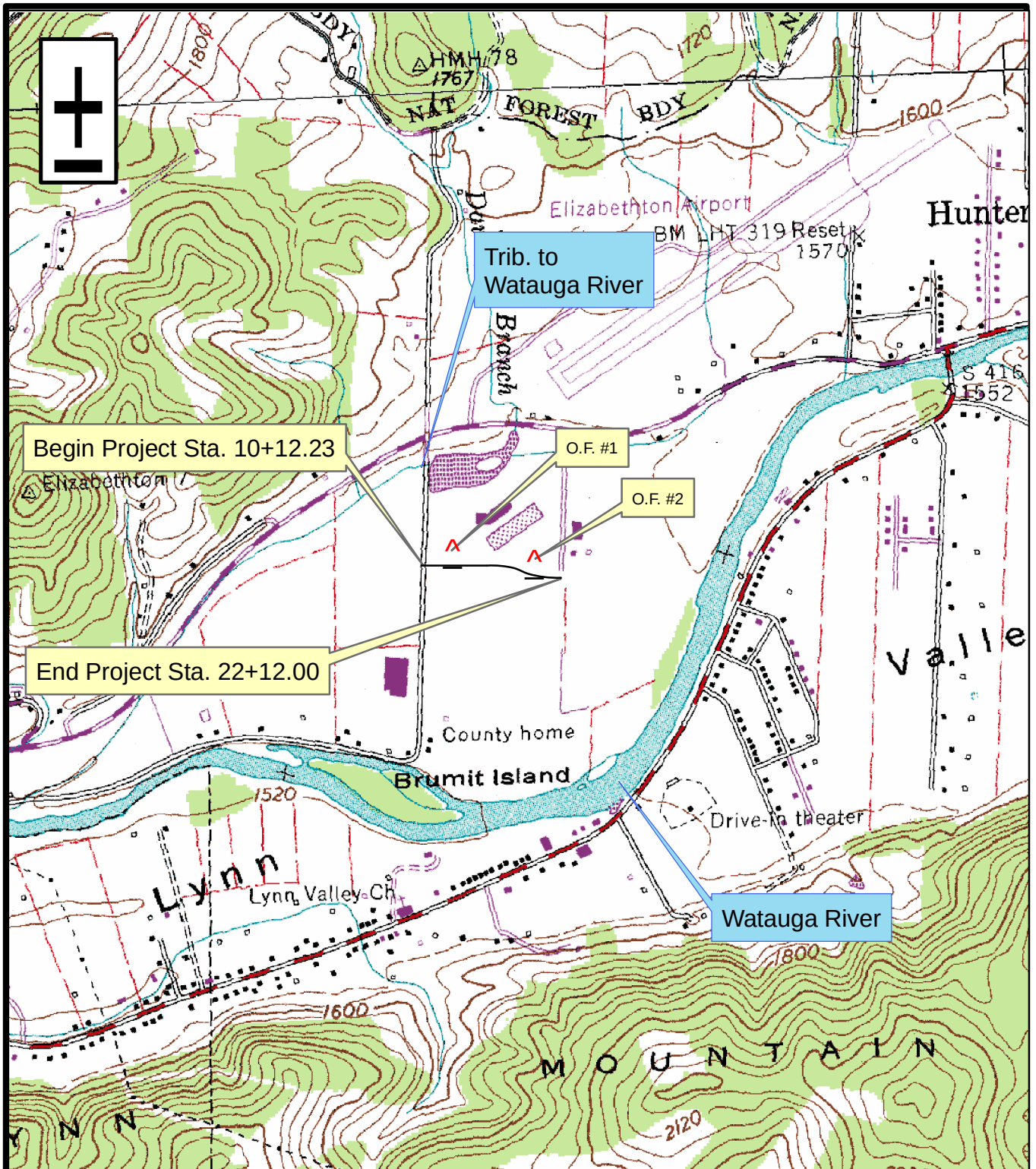
Carma H. Smith
Roadway Specialist 3, Environmental Permits Office

Enclosures

JLH: CHS: RMS: pc

Enclosures for:

cc: Mr. Clint Bane, Region 1 Construction (CD)
NPDES File



▲ Approx. Outfall Location

USGS TOPOGRAPHIC MAP

Source:
USGS Topographic Maps
Elizabethton, Tennessee Quadrangle Map (1985)

0 500 1,000 2,000
Feet

GRAPHIC SCALE



Storm Water Pollution Prevention Plan
State Industrial Access Road (SIA)
Serving NCI (Star Building Systems)

Carter County, Tennessee

Proj. No. 10946-1401-04
PIN 115368.00

Figure 1

TENNESSEE D.O.T.

DESIGN DIVISION

FILE NO.

CITATIONS IN PARENTHESIS INDICATE SECTIONS OF THE CURRENT CGP.

1. SWPPP REQUIREMENTS (3.0)

1.1. HAS THE SWPPP TEMPLATE BEEN PREPARED BY AN INDIVIDUAL THAT HAS THE FOLLOWING CERTIFICATIONS (3.1.1) YES ☒ NO ☐ (CHECK ALL THAT APPLY BELOW)

1.1.1. ☒ CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC); OR

1.1.2. ☒ TDEC LEVEL II

1.2. DOES THE EPSC PLANS INVOLVE STRUCTURAL DESIGN, HYDRAULIC, HYDROLOGIC OR OTHER ENGINEERING CALCULATIONS FOR EPSC STRUCTURAL MEASURES (SEDIMENT BASINS, ETC.)? YES ☐ NO ☒ (3.1.1)

IF YES, HAVE THE EPSC PLANS BEEN PREPARED, STAMPED AND CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER OR LANDSCAPE ARCHITECT?

☐ YES ☐ NO

1.3. DOES THE PROJECT STORMWATER OUTFALLS DISCHARGE INTO THE FOLLOWING? (5.4.1) YES ☐ NO ☒ (CHECK ALL THAT APPLY BELOW)

1.3.1. ☐ IMPAIRED WATERS (303d FOR SILTATION OR HABITAT ALTERATION)

1.3.2. ☐ TENNESSEE KNOWN EXCEPTIONAL WATERS

IF YES, HAVE THE EPSC PLANS BEEN PREPARED BY AN INDIVIDUAL WHO HAS COMPLETED TDEC LEVEL II? ☐ YES ☐ NO (5.4.1.b); AND

IF YES, HAS THE SWPPP TEMPLATE BEEN PREPARED BY AN INDIVIDUAL WHO HAS COMPLETED TDEC LEVEL II? ☐ YES ☐ NO (5.4.1.b)

2. SITE DESCRIPTION (3.5.1)

2.1. PROJECT LIMITS: REFER TO TITLE SHEET (3.5.1.g)

2.2. PROJECT DESCRIPTION: (3.5.1.a)

TITLE: State Industrial Access Road (SIA) Serving NCI (Star Building Systems)

COUNTY: Carter

PIN: 115368.00

2.3. SITE MAP(S): REFER TO TITLE SHEET (3.5.1.g)

2.4. DESCRIPTION OF EXISTING SITE TOPOGRAPHY (3.5.1.d): REFER TO EXISTING CONTOURS SHEET(S) 6-6A , DRAINAGE MAP SHEET(S) 6-6A, USGS QUAD MAP, AND THE OUTFALL TABLE IN SECTION 4.2.3 BELOW.

2.5. MAJOR SOIL DISTURBING ACTIVITIES (3.5.1.b) (CHECK ALL THAT APPLY)

2.5.1. ☒ CLEARING AND GRUBBING

2.5.2. ☒ EXCAVATION

2.5.3. ☒ CUTTING AND FILLING

2.5.4. ☒ FINAL GRADING AND SHAPING

2.5.5. ☐ UTILITIES

2.5.6. ☐ OTHER (DESCRIBE): _____

2.6. TOTAL PROJECT AREA (3.5.1.c): 2.48 ACRES

2.7. TOTAL AREA TO BE DISTURBED (3.5.1.c): 2.14 ACRES

IF GREATER THAN 50 ACRES, HAS CONSTRUCTION PROJECT PHASING BEEN SPECIFIED IN SECTION 3 BELOW AND IN THE PLANS (3.5.3.1.k)?

YES ☐ NO ☐ N/A ☒

2.8. ARE THERE ANY SEASONAL LIMITATIONS ON WORK? YES ☐ NO ☒

IF YES, DESCRIBE AND LIST THE CORRESPONDING PLAN SHEET: _____

2.9. WAS ROW FINALIZED PRIOR TO FEBRUARY 1, 2010?

YES ☐ _____ (DATE) NO ☒ (4.1.2.2).

IF ROW WAS FINALIZED PRIOR TO FEBRUARY 1, 2010, THIS PROJECT IS CONSIDERED A PRE-APPROVED SITE (4.1.2.2)

2.10. ARE UTILITIES INCLUDED IN THE CONTRACT? YES ☐ NO ☒

2.11. SOIL PROPERTIES (3.5.1.e)(4.1.1)

SOIL PROPERTIES FOR THE PRIMARY SOILS ARE LISTED IN THE TABLE BELOW.

SOIL PROPERTIES			
PRIMARY SOIL NAME	HSG	% OF SITE	ERODIBILITY (k value)
Cn - COLVARD	B	100	.24

2.12. PROJECT RUNOFF COEFFICIENTS AND AREA PERCENTAGES (3.5.1.f)

RUNOFF COEFFICIENTS FOR EXISTING CONDITIONS				
AREA TYPE	AREA(AC)	PERCENTAGE OF TOTAL AREA (%)	RUNOFF CN	C FACTOR
Cn-COLVARD	2.14	100	56	-
WEIGHTED CURVE NUMBER OR C-FACTOR =			56	

RUNOFF COEFFICIENTS FOR POST-CONSTRUCTION CONDITIONS				
AREA TYPE	AREA(AC)	PERCENTAGE OF TOTAL AREA (%)	RUNOFF CN	C FACTOR
IMPERVIOUS	0.88	0.41	89	-
Cn-COLVARD	1.26	0.59	56	-
WEIGHTED CURVE NUMBER OR C-FACTOR =			70	

ENVIRONMENTAL PERMITS LOCATED ON SWPPP SHEET S5. ALL PERMITS WILL BE MAINTAINED ON SITE IN THE "DOCUMENTATION AND PERMITS" BINDER.

4.1.1.2. RECEIVING STREAMS (3.5.1.j)

RECEIVING STREAM INFORMATION			
NATURAL RESOURCE LABEL	NAME OF RECEIVING NATURAL RESOURCE	IMPAIRED FOR SILTATION OR HABITAT ALTERATION (YES OR NO)	KNOWN EXCEPTIONAL QUALITY WATERS (YES OR NO)
-	WATAUGA RIVER	NO	NO
-	TRIB. TO WATAUGA RIVER	NO	NO

4.1.2. ARE BUFFER ZONES REQUIRED? YES ☐ NO ☒ (4.1.2, 5.4.2)

IF YES, THEY HAVE BEEN INCLUDED ON PLAN SHEET(S) _____

IF YES, CHECK THE APPROPRIATE BOX BELOW FOR SIZE OF BUFFER

☐ 60-FEET FOR IMPAIRED AND EXCEPTIONAL WATERS (AVERAGE WIDTH PER SIDE WITH A MINIMUM OF 30-FEET)

☐ 30-FEET FOR ALL OTHER STREAMS (AVERAGE WIDTH PER SIDE WITH A MINIMUM OF 15-FEET)

BUFFER ZONE REQUIREMENTS ARE NOT REQUIRED FOR PRE-APPROVED SITES (4.1.2.2)

4.1.3. ARE THERE BUFFER ZONE EXEMPTIONS? YES ☐ NO ☒ (4.1.2.1)

4.2. OUTFALL INFORMATION :

A SEDIMENT BASIN OR EQUIVALENT MEASURE(S) WILL BE PROVIDED FOR ANY OUTFALL IN A DRAINAGE AREA:

4.2.1. OF TEN ACRES OR MORE FOR AN OUTFALL(S) THAT DOES NOT DISCHARGE TO AN IMPAIRED STREAM OR KNOWN EXCEPTIONAL QUALITY WATER (3.5.3.3)

4.2.2. OF FIVE ACRES OR MORE FOR AN OUTFALL(S) THAT DISCHARGES TO AN IMPAIRED STREAM OR KNOWN EXCEPTIONAL QUALITY WATER (5.4.1.f).

4.2.3. OUTFALL TABLE (3.5.1.d, 5.4.1.f)

OUTFALL INFORMATION						
OUTFALL LABEL	STATION LT OR RT	SLOPE WITHIN ROW (%)	DRAINAGE AREA (AC)	SEDIMENT BASIN OR EQUIVALENT MEASURE(S) (YES, NO OR N/A)	SUB-OUTFALL (e.g. A, B, C)†	RECEIVING NATURAL RESOURCE NAME OR LABEL
OF-1	12+50 LT	2%	3.70	N/A	N/A	TRIB. TO WATAUGA RIVER
OF-2	18+80 LT	3%	7.53	N/A	N/A	TRIB. TO WATAUGA RIVER

†NOTE: SUB-OUTFALLS ARE DEFINED AS OUTFALLS THAT DISCHARGE WITHIN THE PROJECT AND DO NOT DIRECTLY DISCHARGE OFF ROW OR INTO WATERS OF THE STATE.

4.2.4. WHERE POSSIBLE, HAS NON-PROJECT RUN-ON BEEN DIVERTED THROUGH THE PROJECT SO THAT THE OFF-SITE RUN-ON WILL NOT FLOW OVER DISTURBED AREAS WITHIN THE ROW, THUS SEPARATING NON-PROJECT RUN-OFF FROM PROJECT RUN-OFF THEREBY REDUCING THE DRAINAGE AREA TO ANY ONE OUTFALL? YES ☐ NO ☐ N/A ☒

4.2.5. ARE EQUIVALENT MEASURES BEING SUBSTITUTED FOR A SEDIMENT BASIN(S)? YES ☐ NO ☒

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

STORMWATER POLLUTION PREVENTION PLAN

3/22/2012 2:35:43 PM
V:\8225 SWPPP TDOT ED E144T\09 SWPPP SIA serving NCI\Carter Co\SWPPP\SWPPPlp1dgn

TENNESSEE D.O.T.

DESIGN DIVISION

FILE NO.

4.2.6. HAVE ALL OUTFALLS BEEN LABELED ON THE EPSC PLAN SHEETS (3.5.1.g, 5.4.1.f)? YES ☒ NO ☐

4.2.7. HAVE ALL OUTFALLS BEEN LABELED ON A USGS TOPOGRAPHIC MAP INCLUDED IN THE "DOCUMENTATION AND PERMITS" BINDER (2.6.2)? YES ☒ NO ☐

4.3. WETLAND INFORMATION

WILL CONSTRUCTION AND/OR EROSION AND SEDIMENT CONTROLS IMPACT ANY WETLANDS? YES ☒ NO ☐

IF YES, THE STRUCTURAL EPSC MEASURES HAVE BEEN INCLUDED IN THE TOTAL PROJECT WETLAND IMPACTS AND HAVE BEEN INCLUDED IN THE ARAP PERMIT, 401 OR 404 PERMITS.

WETLAND INFORMATION				
WETLAND LABEL	FROM STATION LT OR RT	TO STATION LT OR RT	TEMPORARY IMPACTS (AC)	PERMANENT IMPACTS (AC)
WTL-2	Sta. 18+70.00	Sta. 18+70.00	0.005	0.022

4.4. TOTAL MAXIMUM DAILY LOADS (TMDL) INFORMATION (3.5.10)

4.4.1. IS THIS PROJECT LOCATED IN A WATERSHED THAT MAINTAINS AN EPA APPROVED TMDL FOR SILTATION? YES ☐ NO ☒

4.4.2. IF YES, IS THIS PROJECT LOCATED WITHIN A SUBWATERSHED WITH A WASTE LOAD ALLOCATION (WLA)? YES ☐ NO ☐

4.4.3. IF YES, DOES THE PROJECT HAVE A DIRECT DISCHARGE TO A 303(d) LISTED STREAM FOR SILTATION OR HABITAT ALTERATION? YES ☐ NO ☐

4.4.4. IF YES, HAS A SUMMARY OF THE CONSULTATION (LETTER) BEEN INCLUDED WITH THE SWPPP DOCUMENTATION? YES ☐ NO ☐

4.5. ECOLOGY INFORMATION (3.5.5.e)

IF SPECIAL NOTES ARE PRESENT IN THE TDOT ECOLOGY REPORT, HAVE THEY BEEN ADDED TO THE APPROPRIATE PLAN SHEETS? YES ☐ NO ☐ NO NOTES REQUIRED ☒

IF YES, LIST ALL PLAN SHEETS WHERE SPECIAL NOTES HAVE BEEN ADDED.

5. EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) MEASURES (3.5.3)

5.1. EPSC MEASURES MUST BE DESIGNED, INSTALLED AND MAINTAINED TO CONTROL STORMWATER VOLUME AND VELOCITY WITHIN THE SITE TO MINIMIZE EROSION. (4.1.1)

5.2. EPSC MEASURES MUST CONTROL STORMWATER DISCHARGES, INCLUDING BOTH PEAK FLOWS AND TOTAL STORMWATER VOLUME, TO MINIMIZE EROSION AT OUTLETS, STREAM CHANNELS AND STREAM BANKS. (4.1.1)

5.3. HAVE THE CONTROL MEASURES BEEN DESIGNED ACCORDING TO THE SIZE AND SLOPE OF THE DISTURBED DRAINAGE AREA (3.5.3.3)? YES ☒ NO ☐

5.4. THE CONTROL MEASURES HAVE, AT A MINIMUM, BEEN DESIGNED FOR THE ____-YEAR, 24 HOUR STORM EVENT (3.5.3.3, 5.4.1.a). FOR SITES THAT DISCHARGE INTO AN IMPAIRED OR KNOWN EXCEPTIONAL QUALITY WATER, EPSC MEASURES WILL BE DESIGNED TO CONTROL STORM RUNOFF GENERATED BY A 5-YEAR, 24-HOUR STORM EVENT.

5.5. ARE THE LIMITS OF DISTURBANCE CLEARLY MARKED ON THE EPSC PLANS? (3.5.1.n) YES ☒ NO ☐

5.6. HAVE PHASED EPSC PLANS BEEN PREPARED FOR THE PROJECT? (3.5.2) YES ☒ NO ☐ (IF YES, CHECK ONE BELOW)

5.6.1. ☒ PROJECT DISTURBED AREA IS THAN LESS THAN 5 ACRES (MINIMUM OF TWO PHASES OF EPSC PLANS)

5.6.2. ☐ PROJECT DISTURBED AREA IS GREATER THAN 5 ACRES (MINIMUM OF THREE PHASES OF EPSC PLANS)

5.7. IS ADDITIONAL PHYSICAL OR CHEMICAL TREATMENT OF STORMWATER RUNOFF NECESSARY (5.4.1.a)? YES ☐ NO ☒

5.8. HAVE STEEP SLOPES (GREATER THAN 35%) BEEN MINIMALLY DISTURBED AND/OR PROTECTED BY CONVEYING RUNOFF NON-EROSIVELY AROUND OR OVER THE SLOPE? (3.5.3.2) (10 "STEEP SLOPE") YES ☐ NO ☐ N/A ☒

5.9. ALL PHYSICAL AND/OR CHEMICAL TREATMENT WILL BE RESEARCHED, APPLIED IN ACCORDANCE WITH MANUFACTURE'S GUIDELINES AMD FULLY DESCRIBED ON THE EPSC PLANS (3.5.3.1.b).

5.10. ALL EPSC CONTROL MEASURES WILL BE INSTALLED ACCORDING TO TDOT STANDARDS (E.G. STANDARD DRAWINGS).

5.11. EPSC MEASURES WILL NOT BE INSTALLED IN A STREAM WITHOUT FIRST OBTAINING US COE SECTION 404, TDEC ARAP, AND TVA PERMITS.

5.12. DISCHARGES FROM DEWATERING ACTIVITIES ARE PROHIBITED UNLESS MANAGED BY CONTROLS PROVIDING EQUIVALENT LEVEL OF TREATMENT (FILTRATION) (4.14)

5.13. DISCHARGES FROM SEDIMENT BASINS AND IMPOUNDMENTS MUST USE OUTLET STRUCTURES THAT ONLY WITHDRAW WATER FROM NEAR THE SURFACE OF THE BASIN OR IMPOUNDMENT, UNLESS INFEASIBLE. (4.1.7)

5.14. THE CONTROL MEASURES LISTED IN THE QUANTITIES TABLE ON SHEET 9 HAVE BEEN SELECTED IN ACCORDANCE WITH TDOT STANDARD DRAWINGS AND GOOD ENGINEERING PRACTICES (3.5.3.1.b).

5.15. THE QUANTITIES REQUIRED FOR STABILIZED CONSTRUCTION EXITS PER TDOT STANDARDS HAVE BEEN SPECIFIED ON SHEET 2 (3.5.3.1.n).

5.16. STABILIZATION PRACTICES

PRE-CONSTRUCTION VEGETATIVE COVER WILL NOT BE DESTROYED, REMOVED OR DISTURBED MORE THAN 15 DAYS PRIOR TO GRADING OR EARTH MOVING UNLESS THE AREA WILL BE SEEDED AND/OR MULCHED OR OTHER TEMPORARY COVER IS INSTALLED. (3.5.3.1.h)

5.17. STABILIZATION MEASURES WILL BE INITIATED AS SOON AS POSSIBLE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED. TEMPORARY OR PERMANENT STABILIZATION WILL BE COMPLETED WITHIN 14 DAYS AFTER ACTIVITY HAS TEMPORARILY OR PERMANENTLY CEASED IN THAT AREA. PERMANENT STABILIZATION WILL REPLACE TEMPORARY MEASURES AS SOON AS PRACTICABLE. (3.5.3.2)

5.18. STEEP SLOPES (3.5.3.2)

STEEP SLOPES ARE DEFINED AS A NATURAL OR CREATED SLOPE OF 35% GRADE OR STEEPER REGARDLESS OF HEIGHT. STEEP SLOPES SHALL BE TEMPORARILY STABILIZED NOT LATER THAN 7 DAYS AFTER CONSTRUCTION ACTIVITY ON THE SLOPE HAS TEMPORARILY OR PERMANENTLY CEASED.

6. CONSTRUCTION SUPPORT ACTIVITIES - BORROW AND WASTE AREAS (1.2.2)(3.5.3.1.g)

IF OFFSITE BORROW AND WASTE AREAS BECOME NECESSARY DURING THE LIFE OF THE PROJECT, THIS SUPPORT ACTIVITY SHALL BE ADDRESSED PER THE TDOT WASTE AND BORROW MANUAL AS INDICATED IN THE STATEWIDE STORMWATER MANAGEMENT PLAN (SSWMP).

7. MAINTENANCE AND INSPECTION

7.1. INSPECTION PRACTICES (3.5.8)

7.1.1. INSPECTORS MUST HAVE SUCCESSFULLY COMPLETED THE TDEC FUNDAMENTALS OF EROSION AND SEDIMENT CONTROL COURSE (TDEC LEVEL I) AND MAINTAIN THE CERTIFICATION. A COPY OF THE INSPECTOR'S CERTIFICATION SHOULD BE KEPT ON SITE. (3.5.8.1)

7.1.2. INSPECTIONS WILL BE CONDUCTED AT LEAST TWICE EVERY CALENDAR WEEK AND AT LEAST 72 HOURS APART. (3.5.8.2.a)

7.1.3. THE FREQUENCY OF EPSC INSPECTIONS MAY BE REDUCED TO ONCE A MONTH (I.E. EXTREME DROUGHT CONDITIONS, FROZEN GROUND, ETC.) WITH WRITTEN NOTIFICATION TO TDEC NASHVILLE CENTRAL OFFICE AND SUBSEQUENT TDEC APPROVAL. WRITTEN NOTIFICATION MUST INCLUDE THE INTENT TO CHANGE FREQUENCY AND JUSTIFICATION. (3.5.8.2.a)

7.1.4. ALL DISTURBED AREAS OF THE SITE THAT HAVE NOT BEEN FINALLY STABILIZED, AREAS USED FOR MATERIAL STORAGE THAT ARE EXPOSED TO PRECIPITATION, STRUCTURAL CONTROL MEASURES, AND LOCATIONS WHERE VEHICLES ENTER OR EXIT THE SITE, AND EACH OUTFALL WILL BE INSPECTED. (3.5.8.2.b)

7.1.5. THE INSPECTOR WILL OVERSEE THE REQUIREMENTS OF OTHER CONSTRUCTION-RELATED WATER QUALITY PERMITS (I.E. TDEC ARAP, US COE AND TVA SECTION 26a PERMITS) FOR CONSTRUCTION ACTIVITIES AROUND WATERS OF THE STATE. (10)

7.1.6. THE SWPPP WILL BE REVISED AS NECESSARY BASED ON THE RESULTS OF THE INSPECTION. REVISION(S) WILL BE RECORDED WITHIN 7 DAYS OF THE INSPECTION. REVISION(S) WILL BE IMPLEMENTED WITHIN 14 DAYS OF THE INSPECTION. (3.8.5.2.e AND 3.8.5.2.f)

7.1.7. THE INSPECTOR SHALL CONDUCT PRE-CONSTRUCTION INSPECTIONS TO VERIFY AREAS THAT ARE NOT TO BE DISTURBED HAVE BEEN MARKED IN THE SWPPP AND IN THE FIELD BEFORE LAND DISTURBANCE ACTIVITIES BEGIN AND INITIAL MEASURES HAVE BEEN INSTALLED. (10 "INSPECTOR") (3.5.1.n)

7.1.8. INSPECTIONS WILL BE DOCUMENTED ON THE TDOT EPSC INSPECTION REPORT (TDEC PRE-APPROVED) AND INCLUDE THE SCOPE OF THE INSPECTION, NAME(S), TITLE AND TN EPSC CERTIFICATION NUMBER OF PERSONNEL MAKING THE INSPECTION, THE DATE(S) OF THE INSPECTION, CURRENT APPROXIMATE DISTURBED ACREAGE AT TIME OF INSPECTION, CHECKLIST (NOC, SWPPP, RAIN GAGE, SITE CONTACT INFORMATION, ETC.) AND MAJOR OBSERVATIONS RELATING TO THE IMPLEMENTATION OF THE SWPPP. (3.5.8.2.g)

7.1.9. DOCUMENTATION OF INSPECTIONS WILL BE MAINTAINED ON SITE IN THE "DOCUMENTATION AND PERMITS" BINDER. REPORTS WILL BE SUBMITTED TO THE TDOT PROJECT SUPERVISOR PER THE CONTRACT.

7.1.10. THESE INSPECTION REQUIREMENTS DO NOT APPLY TO DEFINABLE AREAS OF THE SITE THAT HAVE MET FINAL STABILIZATION REQUIREMENTS AND HAVE BEEN NOTED IN THE SWPPP.

7.1.11. TRAINED CERTIFIED INSPECTORS SHALL COMPLETE INSPECTION DOCUMENTATION TO THE BEST OF THEIR ABILITY. FALSIFYING INSPECTION RECORDS OR OTHER DOCUMENTATION OR FAILURE TO COMPLETE INSPECTION DOCUMENTATION SHALL RESULT IN A VIOLATION OF THIS PERMIT AND ANY OTHER APPLICABLE ACTS OR RULES. (3.8.5.2.h)

7.2. DULY AUTHORIZED REPRESENTATIVE (7.7.3)

THE PROJECT SUPERVISOR MAY DELEGATE AN INDIVIDUAL AND/OR CONSULTANT TO SIGN EPSC INSPECTIONS REPORTS. FOR SATISFYING SIGNATORY REQUIREMENTS FOR EPSC INSPECTION REPORTS, THE PROJECT SUPERVISOR AND NEWLY AUTHORIZED INDIVIDUAL ACCEPTING RESPONSIBILITY MUST PERFORM THE FOLLOWING:

7.2.1. COMPLETE AND SIGN THE TDOT CONSTRUCTION DIVISION EPSC DELEGATION OF AUTHORITY.

7.2.2. SUBMIT THE EPSC DELEGATION OF AUTHORITY TO THE LOCAL TDEC EFO.

7.3. MAINTENANCE PRACTICES (3.5.3.1 AND 3.5.7)

7.3.1. ALL CONTROLS WILL BE MAINTAINED IN GOOD AND EFFECTIVE OPERATING ORDER. NECESSARY REPAIRS OR MAINTENANCE WILL BE ACCOMPLISHED BEFORE THE NEXT STORM EVENT AND IN NO CASE MORE THAN 24 HOURS AFTER THE NEED IS IDENTIFIED. IN A CASE WHERE THE ACTIVITY IS DEEMED IMPRACTICABLE, ANY SUCH CONDITIONS WILL BE DOCUMENTED (3.5.8.2.e).

7.3.2. ALL CONTROLS WILL BE MAINTAINED IN ACCORDANCE WITH TDOT STANDARD DRAWINGS AND GOOD ENGINEERING PRACTICES. (3.5.3.1.b)

7.3.3. SEDIMENT WILL BE REMOVED FROM SEDIMENT TRAPS, SILT FENCE, SEDIMENT BASINS, AND OTHER CONTROLS WHEN THE DESIGN CAPACITY HAS BEEN REDUCED BY 50% (3.5.3.1.e)

7.3.4. CHECK DAMS WILL BE INSPECTED FOR STABILITY. SEDIMENT WILL BE REMOVED WHEN DEPTH REACHES ONE-HALF (½) THE HEIGHT OF THE DAM.

7.3.5. LITTER, CONSTRUCTION DEBRIS, AND CONSTRUCTION CHEMICALS EXPOSED TO STORMWATER WILL BE PICKED UP AND REMOVED FROM STORMWATER EXPOSURE PRIOR TO ANTICIPATED STORM EVENTS OR BEFORE BEING CARRIED OFF OF THE SITE BY WIND, OR OTHERWISE PREVENTED FROM BECOMING A POLLUTANT SOURCE FOR STORMWATER DISCHARGES. AFTER USE, MATERIALS USED FOR EROSION CONTROL WILL BE REMOVED. (3.5.3.1.f)

7.3.6. ALL SEEDED AREAS WILL BE CHECKED FOR BARE SPOTS, EROSION WASHOUTS, AND VIGOROUS GROWTH FREE OF SIGNIFICANT WEED INFESTATIONS.

7.3.7. THE TDOT PROJECT SUPERVISOR OR THEIR DESIGNEE AND THE CONTRACTOR'S SITE SUPERINTENDENT ARE RESPONSIBLE FOR INSPECTIONS. MAINTENANCE AND REPAIR ACTIVITIES ARE THE RESPONSIBILITY OF THE CONTRACTOR. THE TDOT PROJECT SUPERVISOR OR THEIR DESIGNEE WILL COMPLETE THE INSPECTION REPORTS AND DISTRIBUTE COPIES PER THE CONTRACT.

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

STORMWATER
POLLUTION
PREVENTION
PLAN

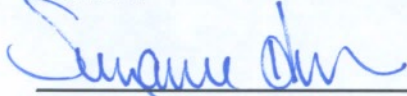
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V:\8225 SWPPP TDOT ED E1447\09 SWPPP SIA serving NCI\Carter Co\SWPPP\SWPPPlidgn

TENNESSEE D.O.T. DESIGN DIVISION FILE NO.						
	TYPE	YEAR	PROJECT NO.	SHEET NO.		
	SWPPP	2012	10946-1401-04	54		

TYPE	YEAR	PROJECT NO.	SHEET NO.
SWPPP	2012	10946-1401-04	S5

13. SITE WIDE/PRIMARY PERMITTEE CERTIFICATION (7.7.5)

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 GATHER AND EVALUATE 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.



AUTHORIZED TDOT PERSONNEL SIGNATURE (3.3.1)

SUZANNE B. HERRON, PE, CPESC
PRINTED NAME

DIRECTOR – ENVIRONMENTAL DIVISION

TITLE

3/21/12

DATE

14. SECONDARY PERMITTEE (OPERATOR) CERTIFICATION (7.7.6)

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 NOI AND SWPPP, 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.

AUTHORIZED OPERATOR (CONTRACTOR) SIGNATURE (3.3.1)

PRINTED NAME

TITLE

DATE

15. ENVIRONMENTAL PERMITS (9.0)

LIST ALL ENVIRONMENTAL PERMITS AND EXPIRATION DATES FOR PROJECT (TO BE COMPLETED AT THE ENVIRONMENTAL PRECONSTRUCTION MEETING BY TDOT CONSTRUCTION OR THEIR DESIGNEE):

ENVIRONMENTAL PERMITS			
PERMIT	YES OR NO	PERMIT OR TRACKING NO.	EXPIRATION DATE*
TDEC ARAP			
CORPS OF ENGINEERS (COE)			
TVA 26A			
TDEC CGP			
OTHER:			

*THE TDOT ENVIRONMENTAL DIVISION MUST BE NOTIFIED SIX MONTHS PRIOR TO PERMIT EXPIRATION DATE.

Index Of Sheets
SEE SHEET 1A

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
BUREAU OF ENGINEERING

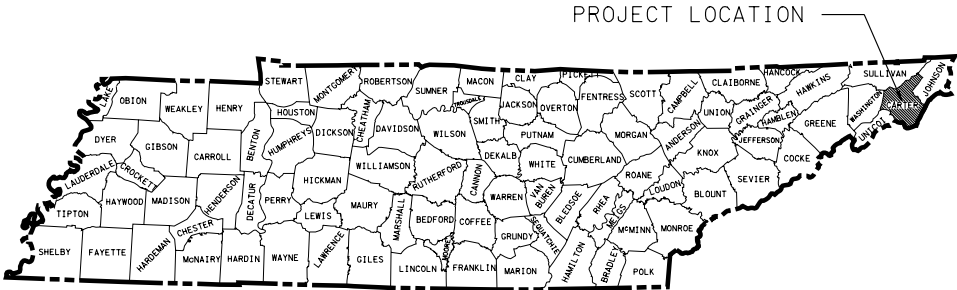
TENN.	YEAR 2012	SHEET NO. 1
FED. AID PROJ. NO.		
STATE PROJ. NO.	10946-3401-04	

CARTER COUNTY

STATE INDUSTRIAL ACCESS ROAD (SIA)
SERVING NCI (STAR BUILDING SYSTEMS)

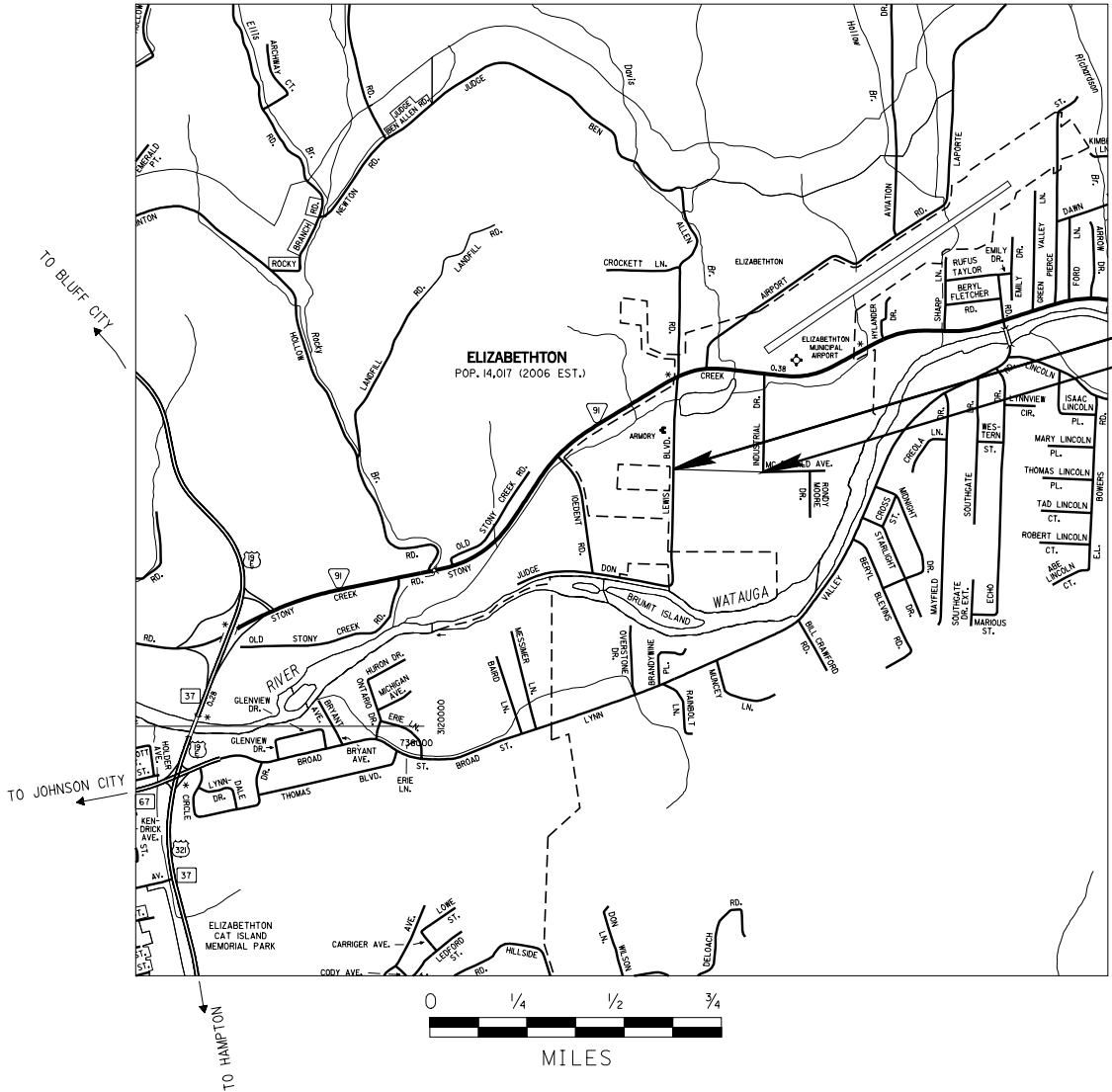
CONSTRUCTION

STATE HIGHWAY NO. N/A F.A.H.S. NO. N/A



ROAD TO BE CLOSED
DURING CONSTRUCTION

LOCAL GOVERNMENT
TO ACQUIRE
RIGHT-OF-WAY
AND
ADJUST UTILITIES

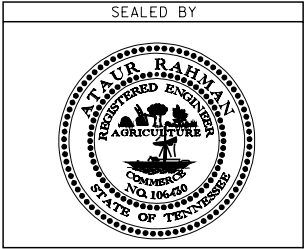


BEGIN 10946-3401-04 CONST.
STA. 10+12.23

END 10946-3401-04 CONST.
STA. 22+12.00

NO EXCLUSIONS
NO EQUATIONS

TRAFFIC DATA	
ADT (2012)	1500
ADT (2032)	2030
DHV (2032)	203
D	55 - 45
T (ADT)	7 %
T (DHV)	10 %
V	30 MPH



APPROVED: *Paul D. Degges*
PAUL D. DEGGES, CHIEF ENGINEER

DATE: _____

APPROVED: *John Schroer*
JOHN SCHROER, COMMISSIONER

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

APPROVED: _____
DIVISION ADMINISTRATOR DATE

SPECIAL NOTES

PROPOSALS MAY BE REJECTED BY THE COMMISSIONER IF ANY OF THE UNIT PRICES CONTAINED THEREIN ARE OBVIOUSLY UNBALANCED, EITHER EXCESSIVE OR BELOW THE REASONABLE COST ANALYSIS VALUE.

THIS PROJECT TO BE CONSTRUCTED UNDER THE STANDARD SPECIFICATIONS OF THE TENNESSEE DEPARTMENT OF TRANSPORTATION DATED MARCH 1, 2006 AND ADDITIONAL SPECIFICATIONS AND SPECIAL PROVISIONS CONTAINED IN THE PLANS AND IN THE PROPOSAL CONTRACT.

TDOT ROAD SP. SV. 2 STEPHANIE STEWART
DESIGNER MATTHEW W CHANDLER, PE CHECKED BY BRADLEY MARTIN, PE
P.E. NO. 10946-1401-04
PIN NO. 115368.00

ROADWAY LENGTH 0.227 MILES
BRIDGE LENGTH 0.000 MILES
BOX BRIDGE LENGTH 0.000 MILES
PROJECT LENGTH 0.227 MILES

TYPE	YEAR	PROJECT NO.	SHEET NO.
CONST	2012	1 0946-3401-04	2

(1)

(1)

(1)(3)

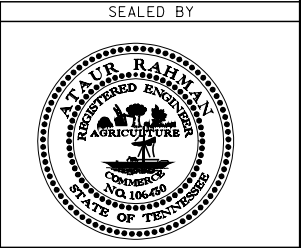
(1)(2)

(1)(5)

(1)(4)

ESTIMATED ROADWAY QUANTITIES			
ITEM NO.	DESCRIPTION	UNIT	QUANTITY
105-01	CONSTRUCTION STAKES, LINES AND GRADES	LS	1
201-01	CLEARING AND GRUBBING	LS	1
203-01	ROAD & DRAINAGE EXCAVATION (UNCLASSIFIED)	C.Y.	732
203-03	BORROW EXCAVATION (UNCLASSIFIED)	C.Y.	3238
203-06	WATER	M.G.	8
203-04	PLACING AND SPREADING TOPSOIL	C.Y.	257
209-05	SEDIMENT REMOVAL	C.Y.	20
(1) 209-08.03	TEMPORARY SILT FENCE (WITHOUT BACKING)	L.F.	1125
(1) 209-08.07	ROCK CHECK DAM	EACH	4
303-01	MINERAL AGGREGATE, TYPE A BASE, GRADING D	TON	3371
(1)(3) 303-10.01	MINERAL AGGREGATE (SIZE 57)	TON	40
307-01.01	ASPHALT CONCRETE MIX (PG64-22) (BPMB-HM) GRADING A	TON	582
307-01.08	ASPHALT CONCRETE MIX (PG64-22) (BPMB-HM) GRADING B-M2	TON	405
402-01	BITUMINOUS MATERIAL FOR PRIME COAT (PC)	TON	6
402-02	AGGREGATE FOR COVER MATERIAL (PC)	TON	21
403-01	BITUMINOUS MATERIAL FOR TACK COAT (TC)	TON	1
411-01.10	ACS MIX(PG64-22) GRADING D	TON	240
607-03.02	18" CONCRETE PIPE CULVERT (CLASS III)	L.F.	44
607-05.02	24" CONCRETE PIPE CULVERT (CLASS III)	L.F.	50
607-39.02	18" PIPE CULVERT (SIDE DRAIN)	L.F.	39
611-07.01	CLASS A CONCRETE (PIPE ENDWALLS)	C.Y.	6
611-07.02	STEEL BAR REINFORCEMENT (PIPE ENDWALLS)	LB.	264
707-08.01	FENCE (HIGH VISIBILITY CONSTRUCTION)	L.F.	500
(1)(2) 709-05.06	MACHINED RIP-RAP (CLASS A-1)	TON	47
(1)(5) 709-05.05	MACHINED RIP-RAP (CLASS A-3)	TON	156
709-05.08	MACHINED RIP-RAP (CLASS B)	TON	6
712-01	TRAFFIC CONTROL	LS	1
712-05.01	WARNING LIGHTS (TYPE A)	EACH	4
712-06	SIGNS (CONSTRUCTION)	S.F.	74
712-07.03	TEMPORARY BARRICADES (TYPE III)	L.F.	56
713-16.20	SIGNS (STOP SIGN)	EACH	2
713-16.21	SIGNS (STOP AHEAD)	EACH	2
716-13.06	SPRAY THERMO PVMT MRKNG (40 mil) (4IN LINE)	L.M.	1
717-01	MOBILIZATION	LS	1
(1)(4) 740-10.03	GEOTEXTILE (TYPE III)(EROSION CONTROL)	S.Y.	501
740-10.04	GEOTEXTILE (TYPE IV)(STABILIZATION)	S.Y.	2120
801-01.07	TEMPORARY SEEDING (WITH MULCH)	UNIT	6
801-03	WATER (SEEDING & SODDING)	M.G.	47
803-01	SODDING (NEW SOD)	S.Y.	4600

(1) SEE SUBSECTION 209.07 OF THE STANDARD SPECIFICATIONS FOR MAINTENANCE REPLACEMENT
(2) 47 TONS FOR CULVERT PROTECTION
(3) 40 TONS FOR CULVERT PROTECTION
(4) 349 SF FOR CONSTRUCTION ENTRANCES,152 SY FOR CULVERT PROTECTION
(5) 156 TONS FOR CONSTRUCTION ENTRANCES,



TENNESSEE D.O.T.		DESIGN DIVISION		FILE NO.					TYPE				YEAR	PROJECT NO.		SHEET NO.
									CONST				2012	1 0946-3401 -04		2C

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GENERAL NOTES

GRADING

(1)

ANY AREA THAT IS DISTURBED OUTSIDE LIMITS OF CONSTRUCTION DURING THE LIFE OF THIS PROJECT SHALL BE REPAIRED BY THE CONTRACTOR AT HIS EXPENSE.

(2)

CERTIFICATION FOR ALL BORROW PITS MUST BE OBTAINED IN ACCORDANCE WITH SUBSECTION 107.06 OF THE STANDARD SPECIFICATIONS.

(3)

THE CONTRACTOR SHALL NOT DISPOSE OF ANY MATERIAL EITHER ON OR OFF STATE-OWNED R.O.W. IN A REGULATORY FLOOD WAY AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY WITHOUT APPROVAL BY SAME. ALL MATERIAL SHALL BE DISPOSED OF IN UPLAND (NON-WETLAND) AREAS AND ABOVE ORDINARY HIGH WATER OF ANY ADJACENT WATERCOURSE. THIS DOES NOT ELIMINATE THE NEED TO OBTAIN ANY OTHER LICENSES OR PERMITS THAT MAY BE REQUIRED BY ANY OTHER FEDERAL, STATE OR LOCAL AGENCY.

SEEDING AND SODDING

(1)

SOD SHALL BE PLACED AT LOCATIONS SHOWN ON THE PLANS TO PREVENT DAMAGE TO ADJACENT FACILITIES AND PROPERTY DUE TO EROSION ON ALL NEWLY GRADED CUT AND FILL SLOPES AS WORK PROGRESSES. .

DRAINAGE

(2)

THE CONTRACTOR SHALL SHAPE DITCHES TO THE SPECIFIED DESIGN. THIS WORK WILL NOT BE MEASURED AND PAID FOR DIRECTLY, BUT THE COST WILL BE INCLUDED IN THE COST OF OTHER ITEMS.

(3)

EXCAVATION FOR PIPE CULVERTS WILL NOT BE MEASURED AND PAID FOR DIRECTLY, BUT WILL BE INCLUDED IN THE PRICE BID PER LINEAR FOOT OF PIPE (PIPE CULVERTS, STORM SEWERS, CONDUITS, ALL OTHER CULVERTS AND MINOR STRUCTURES).

(4)

THE CUTTING OF INLET AND OUTLET DITCHES WHERE SHOWN ON PLANS OR AS DIRECTED BY THE ENGINEER WILL BE MEASURED AND PAID FOR AS ITEM NO. 203-01 ROAD AND DRAINAGE EXCAVATION (UNCLASSIFIED).

(5)

WHERE A CULVERT (PIPE, SLAB OR BOX) IS MOVED TO A NEW LOCATION OTHER THAN THAT SHOWN ON THE PLANS, INCREASING OR DECREASING THE AMOUNT OF CULVERT EXCAVATION, NO INCREASE OR DECREASE IN THE AMOUNT OF PAYMENT WILL BE MADE DUE TO SUCH CHANGE.

(6)

DURING CONSTRUCTION OF DRAINAGE STRUCTURES ALL COST ASSOCIATED WITH MAINTAINING THE FLOW OF WATER AND TRAFFIC, AT THESE STRUCTURES, DURING THE PHASED CONSTRUCTION OF THIS PROJECT ARE TO BE INCLUDED IN THE UNIT PRICE OF THE DRAINAGE STRUCTURES AND TRAFFIC CONTROL ITEMS.

UTILITIES (SEE SHEET 3)

MISCELLANEOUS

(1)

NOTHING IN THE GENERAL NOTES OR SPECIAL PROVISIONS SHALL RELIEVE THE CONTRACTOR FROM HIS RESPONSIBILITIES TOWARD THE SAFETY AND CONVENIENCE OF THE GENERAL PUBLIC AND THE RESIDENTS ALONG THE PROPOSED CONSTRUCTION AREA

RIGHT - OF – WAY (SEE SHEET 3)

PAVEMENT MARKINGS

(1)

PERMANENT PAVEMENT LINE MARKINGS SHALL BE 4" SPRAY THERMOPLASTIC (40 mil) INSTALLED TO PERMANENT STANDARDS AT THE END OF EACH DAY'S WORK. SHORT UNMARKED SECTIONS SHALL NOT BE ALLOWED. PAVEMENT MARKINGS WILL BE MEASURED AND PAID FOR UNDER ITEM NO. 716-13.06, SPRAY THERMO PVMT MRKNG (40 mil) (4IN LINE), L.M. THE CONTRACTOR SHALL HAVE THE OPTION OF USING REFLECTORIZED PAINT INSTALLED TO PERMANENT STANDARDS AT THE END OF EACH DAY'S WORK AND THEN INSTALLING THE PERMANENT MARKINGS AFTER THE PAVING OPERATION IS COMPLETED. THE TEMPORARY MARKINGS FOR THE FINAL SURFACE WILL NOT BE MEASURED AND PAID FOR DIRECTLY, BUT THE COSTS ARE TO BE INCLUDED IN THE PRICE BID FOR THE PERMANENT MARKINGS.

CONSTRUCTION WORK ZONE & TRAFFIC CONTROL

(2)

IF THE CONTRACTOR MOVES OFF THE PROJECT, HE SHALL COVER OR REMOVE ALL UNNEEDED SIGNS AS DIRECTED BY THE ENGINEER. COSTS OF REMOVAL, COVERING, AND REINSTALLING SIGNS SHALL NOT BE MEASURED AND PAID FOR SEPARATELY, BUT ALL COSTS SHALL BE INCLUDED IN THE ORIGINAL UNIT PRICE BID FOR ITEM NO 712-06, SIGNS (CONSTRUCTION) PER SQUARE FOOT.

(3)

A LONG TERM BUT SPORADIC USE WARNING SIGN, SUCH AS A FLAGGER SIGN, MAY REMAIN IN PLACE WHEN NOT REQUIRED PROVIDED THE SIGN FACE IS FULLY COVERED.

(4)

TRAFFIC CONTROL DEVICES SHALL NOT BE DISPLAYED OR ERECTED UNLESS RELATED CONDITIONS ARE PRESENT NECESSITATING WARNING.

(5)

USE OF BARRICADES, PORTABLE BARRIER RAILS, VERTICAL PANELS, AND DRUMS SHALL BE LIMITED TO THE IMMEDIATE AREAS OF CONSTRUCTION WHERE A HAZARD IS PRESENT. THESE DEVICES SHALL NOT BE STORED ALONG THE ROADWAY WITHIN THIRTY (30) FEET OF THE EDGE OF THE TRAVELED WAY BEFORE OR AFTER USE UNLESS PROTECTED BY GUARDRAIL, BRIDGE RAIL, AND/OR BARRIERS INSTALLED FOR OTHER PURPOSES FOR ROADWAYS WITH CURRENT ADT'S LESS THAN 1500 AND DESIGN SPEED OF LESS THAN 60 MPH. THIS DISTANCE SHALL INCREASE TO FORTY-FIVE (45) FEET FOR ROADWAYS WITH CURRENT ADT'S OF 1500 OR GREATER AND DESIGN SPEED OF 60 MPH OR GREATER OR ON THE OUTSIDE OF A HORIZONTAL CURVE. THESE DEVICES SHALL BE REMOVED FROM THE CONSTRUCTION WORK ZONE WHEN THE ENGINEER DETERMINES THEY ARE NO LONGER NEEDED. WHERE THERE IS INSUFFICIENT RIGHT-OF-WAY TO PROVIDE FOR THIS REQUIRED SETBACK, THE CONTRACTOR SHALL DETERMINE THE ALTERNATE LOCATIONS AND REQUEST THE ENGINEER'S APPROVAL TO USE THEM.

(6)

ALL DETOUR AND CONSTRUCTION SIGNING SHALL BE IN STRICT ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.

EROSION PREVENTION AND SEDIMENT CONTROL

DISTURBED AREA

(1)

PRE-CONSTRUCTION VEGETATIVE GROUND COVER SHALL NOT BE DESTROYED, REMOVED OR DISTURBED (I.E. CLEARING AND GRUBBING INITIATED) MORE THAN 10 CALENDAR DAYS PRIOR TO GRADING OR EARTH MOVING ACTIVITIES UNLESS THE AREA IS MULCHED, SEEDED WITH MULCH, OR OTHER TEMPORARY COVER IS INSTALLED.

(2)

CLEARING, GRUBBING, AND OTHER DISTURBANCE TO RIPARIAN VEGETATION SHALL BE LIMITED TO THE MINIMUM NECESSARY FOR SLOPE CONSTRUCTION AND EQUIPMENT OPERATIONS. UNNECESSARY VEGETATION REMOVAL IS PROHIBITED.

(3)

ALL DISTURBED AREAS SHALL BE PROPERLY STABILIZED AS SOON AS PRACTICABLE. PRIORITY SHALL BE GIVEN TO FINISHING OPERATIONS AND PERMANENT EPSC MEASURES OVER TEMPORARY EPSC MEASURES ON ALL PROJECTS.

(4)

CONSTRUCTION SHALL BE SEQUENCED TO MINIMIZE THE EXPOSURE TIME OF GRADED OR DENUDED SOIL AREAS AND SHALL BE PHASED FOR PROJECTS THAT HAVE OVER 50 ACRES OF SOIL DISTURBANCE. NO MORE THAN 50 ACRES OF ACTIVE SOIL DISTURBANCE IS ALLOWED AT ANY TIME DURING THE CONSTRUCTION PROJECT, UNLESS APPROVED IN WRITING BY THE ENVIRONMENTAL DIVISION.

SEDIMENT CONTROL

(7)

WATER PUMPED FROM WORK AREAS AND EXCAVATION MUST BE HELD IN SETTLING BASINS OR TREATED BY FILTRATION PRIOR TO ITS DISCHARGE INTO SURFACE WATERS. WATER MUST BE HELD IN SETTLING BASINS UNTIL AT LEAST AS CLEAR AS THE RECEIVING WATERS. SETTLING BASINS SHALL NOT BE LOCATED CLOSER THAN 20 FEET FROM THE TOP BANK OF A STREAM. SETTLING BASINS AND SEDIMENT TRAPS SHALL BE PROPERLY DESIGNED ACCORDING TO THE SIZE OF THE DRAINAGE AREAS OR VOLUME OF WATER TO BE TREATED. TREATED WATER MUST BE DISCHARGED THROUGH A PIPE OR WELL-VEGETATED OR LINED CHANNEL, SO THAT THE DISCHARGE DOES NOT CAUSE EROSION OR SEDIMENT TRANSPORT.

(8)

CHECK DAMS SHALL BE USED WHERE RUNOFF IS CONCENTRATED. CLEAN ROCK, BRUSH, GABION, OR SANDBAG CHECK DAMS SHALL BE PROPERLY CONSTRUCTED TO REDUCE VELOCITY AND CONTROL EROSION.

(9)

OFFSITE VEHICLE TRACKING OF SEDIMENTS AND THE GENERATION OF DUST SHALL BE MINIMIZED. A STABILIZED CONSTRUCTION ACCESS (A POINT OF ENTRANCE/EXIT TO THE CONSTRUCTION PROJECT) SHALL BE PROVIDED, AS NEEDED, TO REDUCE THE TRACKING OF MUD AND DIRT ONTO PUBLIC ROADS BY CONSTRUCTION VEHICLES.

(10)

TEMPORARY EPSC MEASURES MAY BE REMOVED AT THE BEGINNING OF THE WORKDAY, BUT MUST BE REPLACED AT THE END OF THE WORKDAY.

STREAM/WETLAND

(11)

SOIL MATERIALS MUST BE PREVENTED FROM ENTERING WATERS OF THE STATE/U.S. EPSC MEASURES TO PROTECT WATER QUALITY MUST BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. APPROPRIATE EPSC MEASURES MUST BE INSTALLED ALONG THE BASE OF ALL FILLS AND CUTS, ON THE DOWNHILL SIDE OF STOCKPILED SOIL, AND ALONG STREAM BANKS IN CLEARED AREAS TO PREVENT SEDIMENT MIGRATION INTO STREAMS IN ACCORDANCE WITH TDOT STANDARDS. THEY MUST BE INSTALLED ON THE CONTOUR, ENTRENCHED AND STAKED, AND EXTEND THE WIDTH OF THE AREA TO BE CLEARED.

(12)

NEW CHANNEL CONSTRUCTION SHALL BE COMPLETED IN THE DRY AND STABILIZED FOR AT LEAST 72 HOURS PRIOR TO DIVERTING WATER FROM THE EXISTING AND/OR TEMPORARY CHANNEL.

(13)

INSTREAM EPSC DEVICES ARE NOT APPROVED, UNLESS SPECIFIED IN WRITING BY THE ENVIRONMENTAL DIVISION.

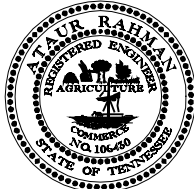
(14)

THE OPERATION OF EQUIPMENT IN WATERS OF THE STATE/U.S., INCLUDING WETLANDS, SHALL BE ONLY AS SHOWN ON THE PROJECT PLANS AND/OR AS SO SPECIFIED IN THE ARAP/401, SECTION 404 PERMIT(S) AND/OR TVA26(A), IF APPLICABLE. ANY ADDITIONAL PERMITS REQUIRED BY THE CONTRACTOR'S METHOD OF OPERATION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN, AFTER RECEIVING THE APPROVAL OF TDOT ENVIRONMENTAL DIVISION.

(15)

THE WIDTH OF THE FILL ASSOCIATED WITH TEMPORARY CROSSINGS SHALL BE LIMITED TO THE MINIMUM NECESSARY FOR THE ACTUAL CROSSING.

SEALED BY



STATE OF TENNESSEE

DEPARTMENT OF TRANSPORTATION

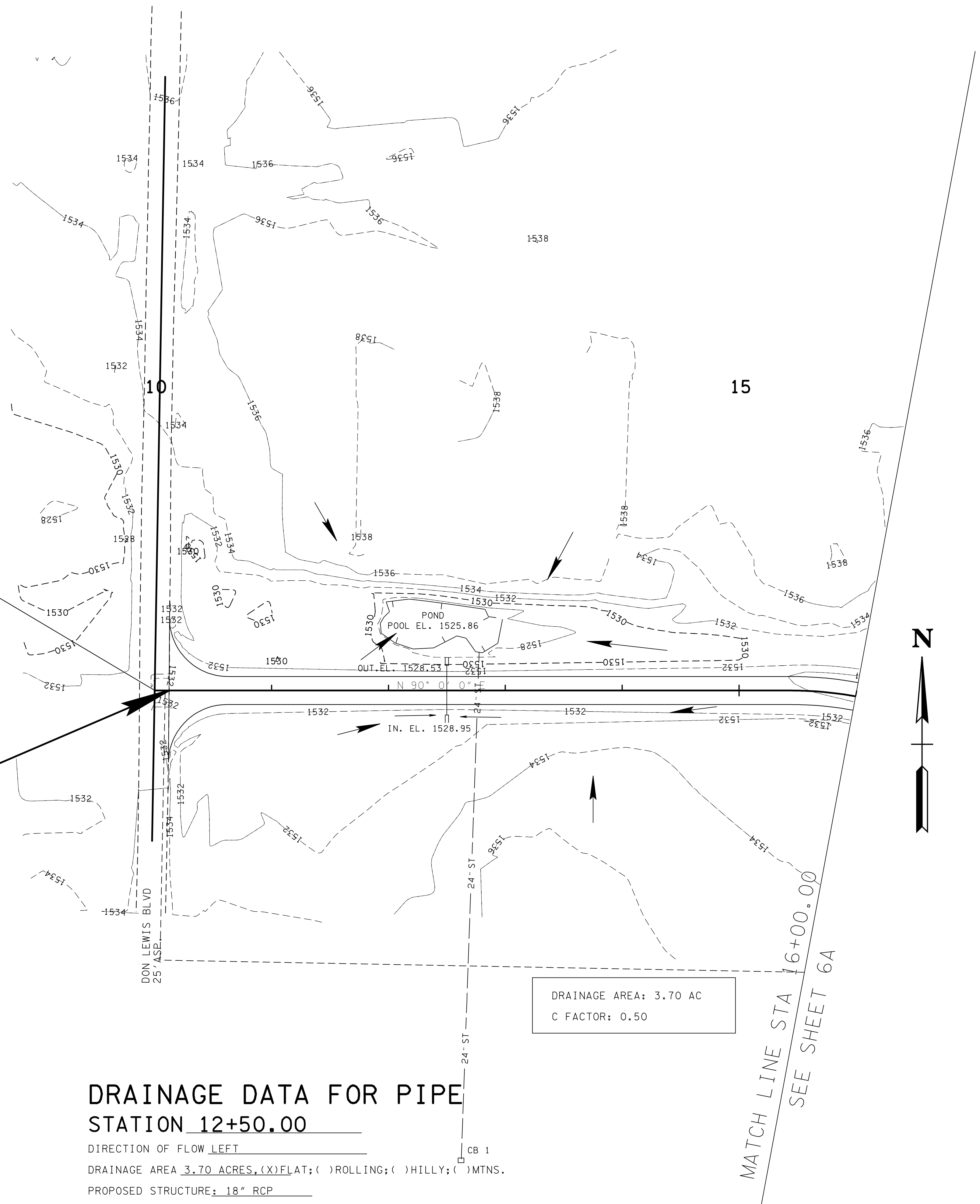
GENERAL NOTES

TYPE	YEAR	PROJECT NO.	SHEET NO.
R.O.W.	2011	10946-2401-04	6
CONST	2012	10946-3401-04	6

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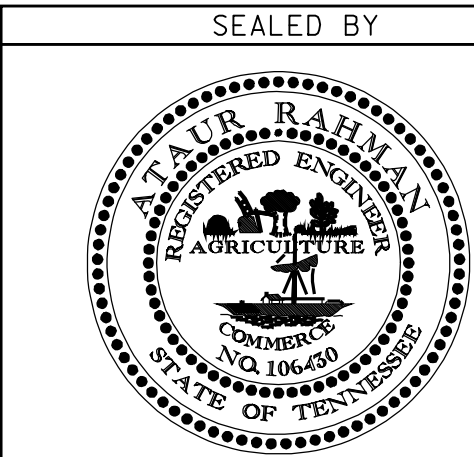
BEGIN PROJ. NO. 10946-3401-04 CONST
STA. 10+12.23

SIA STA. 10+00.00 =
LEWIS STA. 31+29.30
N 761065.8855
E 3092034.4953



DRAINAGE DATA FOR PIPE
STATION 12+50.00

DIRECTION OF FLOW LEFT
DRAINAGE AREA 3.70 ACRES, (X) FLAT; () ROLLING; () HILLY; () MTNS.
PROPOSED STRUCTURE: 18" RCP



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STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

DRAINAGE
MAP

STA. 10+00 TO STA. 16+00

SCALE: 1"=50'

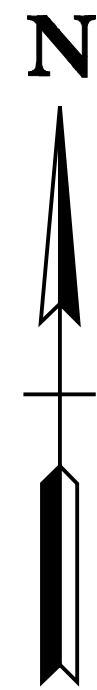
TYPE	YEAR	PROJECT NO.	SHEET NO.
R.O.W.	2011	10946-2401-04	6A
CONST	2012	10946-3401-04	6A

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SEE SHEET 6
MATCH LINE STA 16+00.00

DRAINAGE DATA FOR PIPE STATION 19+27.81

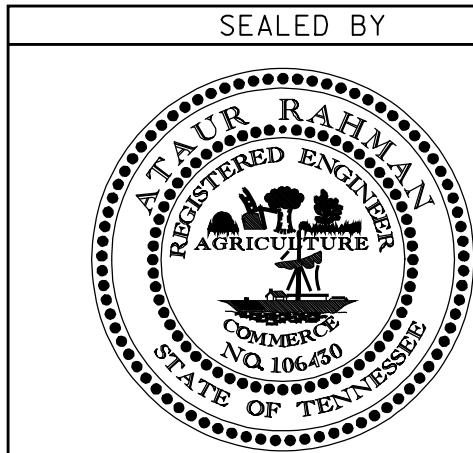
DIRECTION OF FLOW RIGHT
DRAINAGE AREA 0.08 ACRES, (X) FLAT; () ROLLING; () HILLY; () MTNS.
PRESENT STRUCTURE: 4" PVC
EXISTING STRUCTURE CONDITION: _____
REMARKS: DRAINS WATER FROM THE OIL/WATER SEPERATION
TANKS WITHIN POWER SUBSTATION>>



20

END PROJ. NO. 10946-3401-04 CONST
STA. 22+12.00

SIA STA. 22+23.29 =
INDUS STA. 40+47.43
N 760991.1562
E 3093243.8958



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

DRAINAGE MAP

STA.16+00 TO STA.22+23.29

SCALE: 1"=50'

DRAINAGE DATA FOR PIPE STATION 18+70.00

DIRECTION OF FLOW LEFT
DRAINAGE AREA 7.53 ACRES, (X) FLAT; () ROLLING; () HILLY; () MTNS.
PROPOSED STRUCTURE: 24" RCP

DRAINAGE AREA: 7.53 AC
C FACTOR: 0.50

EROSION PREVENTION AND SEDIMENT CONTROL NOTES

STREAM/WETLAND

(1) ANY WORK WITHIN THE STREAM CHANNEL AREA (E.G., FOR PIER FOOTING, RIP-RAP PLACEMENT, MULTI-BARREL CULVERT/BRIDGE CONSTRUCTION, ETC.) SHALL BE SEPARATED FROM FLOWING WATER OR EXPECTED FLOW PATH AND PERFORMED DURING LOW FLOW CONDITIONS. ALL ITEMS USED WITHIN THE STREAM CHANNEL AREA FOR DIVERSION OF FLOW (OR EXPECTED FLOW), UNLESS SPECIFIED IN THE PLANS, SHALL NOT BE PAID FOR DIRECTLY BUT SHALL BE INCLUDED IN THE COST OF OTHER ITEMS. THIS NOTE EXCLUDES ANY ITEMS SPECIFIED IN THE PLANS FOR THE TEMPORARY DIVERSION CHANNELS, EC-STR-31 AND TEMPORARY DIVERSION CULVERTS, EC-STR-32 FOR SINGLE BARREL CULVERT CONSTRUCTION.

NPDES

(1) NO WORK SHALL BE STARTED UNTIL THE CONTRACTOR'S PLAN FOR THE STAGING OF THEIR OPERATIONS, INCLUDING THE PLAN FOR STAGING OF TEMPORARY AND PERMANENT EPSC MEASURES, HAS BEEN ACCEPTED BY THE ENGINEER. THE CONTRACTOR'S EPSC PLAN SHALL INCORPORATE AND SUPPLEMENT, AS ACCEPTABLE, THE BASIC EPSC DEVICES ON THE EPSC PLAN CONTAINED IN THE APPROVED SWPPP.

(2) THE EPSC MEASURES AND/OR PLAN SHALL BE MODIFIED AS NECESSARY SO THAT THEY ARE EFFECTIVE AT ALL TIMES THROUGHOUT THE COURSE OF THE PROJECT.

(3) THE ACCEPTED EPSC PLAN SHALL REQUIRE THAT EPSC MEASURES BE IN PLACE BEFORE CLEARING, GRUBBING, EXCAVATION, GRADING, CUTTING OR FILLING OCCURS, EXCEPT AS SUCH WORK MAY BE NECESSARY TO INSTALL EPSC MEASURES, INCLUDING WITHOUT LIMITATION AS FOLLOWS:

A. INITIAL CLEARING AND GRUBBING SHALL BE LIMITED TO THAT NECESSARY FOR THE INSTALLATION OF APPLICABLE EPSC MEASURES IN ACCORDANCE WITH THE ACCEPTED EPSC PLAN INCORPORATED INTO THE SWPPP.

B. NO OTHER CLEARING AND GRUBBING OPERATIONS SHALL BE STARTED BEFORE APPLICABLE EPSC MEASURES ARE IN PLACE IN ACCORDANCE WITH THE ACCEPTED EPSC PLAN INCORPORATED INTO THE SWPPP.

C. NO CULVERT OR BRIDGE CONSTRUCTION SHALL BE STARTED BEFORE APPLICABLE EPSC MEASURES ARE IN PLACE IN ACCORDANCE WITH THE ACCEPTED EPSC PLAN INCORPORATED INTO THE SWPPP.

D. NO GRADING, EXCAVATION, CUTTING, FILLING, OR OTHER EARTHWORK SHALL BE STARTED BEFORE EPSC MEASURES ARE IN PLACE IN ACCORDANCE WITH THE ACCEPTED EPSC PLAN INCORPORATED INTO THE SWPPP.

(4) PERMANENT EPSC MEASURES SHALL BE INITIATED WITHIN 15 CALENDAR DAYS AFTER FINAL GRADING OF ANY SEQUENCE OR PHASE. TEMPORARY OR PERMANENT STABILIZATION SHALL BE INITIATED WITHIN 15 CALENDAR DAYS AFTER FINAL GRADING OR WHEN CONSTRUCTION ACTIVITIES ON A PORTION OF THE SITE ARE TEMPORARILY CEASED AND EARTH DISTURBING ACTIVITIES WILL NOT RESUME UNTIL AFTER 15 CALENDAR DAYS. PERMANENT STABILIZATION WITH PERENNIAL VEGETATION OR OTHER PERMANENTLY STABLE NON-ERODING SURFACE SHALL REPLACE ANY TEMPORARY MEASURES AS SOON AS PRACTICABLE. UNPACKED GRAVEL CONTAINING FINES (SILT AND CLAY SIZED PARTICLES) OR CRUSHER RUNS WILL NOT BE CONSIDERED A NON-ERODIBLE SURFACE.

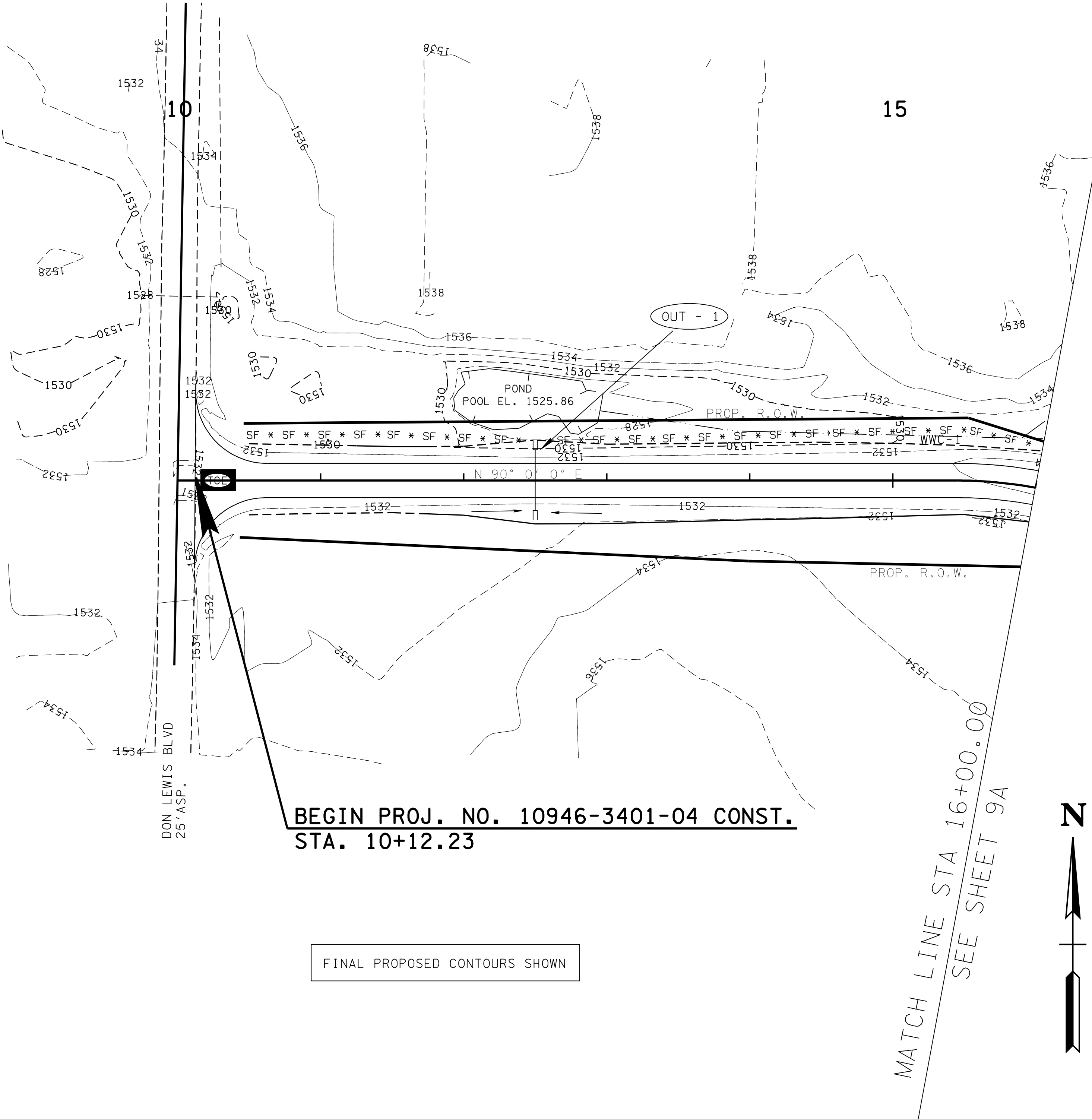
(5) EXCEPT AS OTHERWISE SPECIFIED, THERE ARE NO KNOWN SPECIAL ENVIRONMENTAL FACTORS PRESENT ON THIS PROJECT THAT INDICATE A NEED FOR SEASONAL LIMITATIONS ON THE CLEARING, GRUBBING, EXCAVATION, GRADING, CUTTING OR FILLING OPERATIONS OR ON THE TOTAL AREA OF EXPOSED SOIL.

EROSION PREVENTION AND SEDIMENT CONTROL LEGEND		
SYMBOL	ITEM	STD. DWG.
* SF * SF * SF *	SILT FENCE	EC-STR-3B
	TEMPORARY CONSTRUCTION EXIT	EC-STR-25

TYPE	YEAR	PROJECT NO.	SHEET NO.
R.O.W.	2011	10946-2401-04	9
CONST	2012	10946-3401-04	9

REV. 9-14-11: REMOVED PHASE 2 PORTION OF EPSC PLANS, ADDED WWC-1

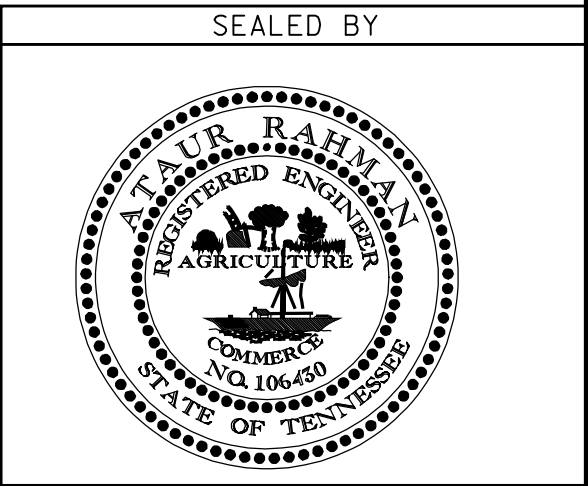
EROSION PREVENTION AND SEDIMENT CONTROL QUANTITIES			
ITEM NO.	DESCRIPTION	UNIT	QUANTITY
209-08.03	TEMPORARY SILT FENCE (WITHOUT BACKING)	LF	1125
209-08.07	ROCK CHECK DAM	EACH	4
303-10.01	MINERAL AGGREGATE (SIZE 57)	TON	40
707-08.01	HIGH VISIBILITY CONSTRUCTION FENCE	LF	500
709-05.05	MACHINED RIP RAP (CLASS A-3)	TON	156
709-05.06	MACHINED RIP RAP (CLASS A-1)	TON	47
740-10.03	GEOTEXTILE (TYPE III) (EROSION CONTROL)	SY	501



BEGIN PROJ. NO. 10946-3401-04 CONST.
STA. 10+12.23

FINAL PROPOSED CONTOURS SHOWN

MATCH LINE STA 16+00.00
SEE SHEET 9A



PHASE 1

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

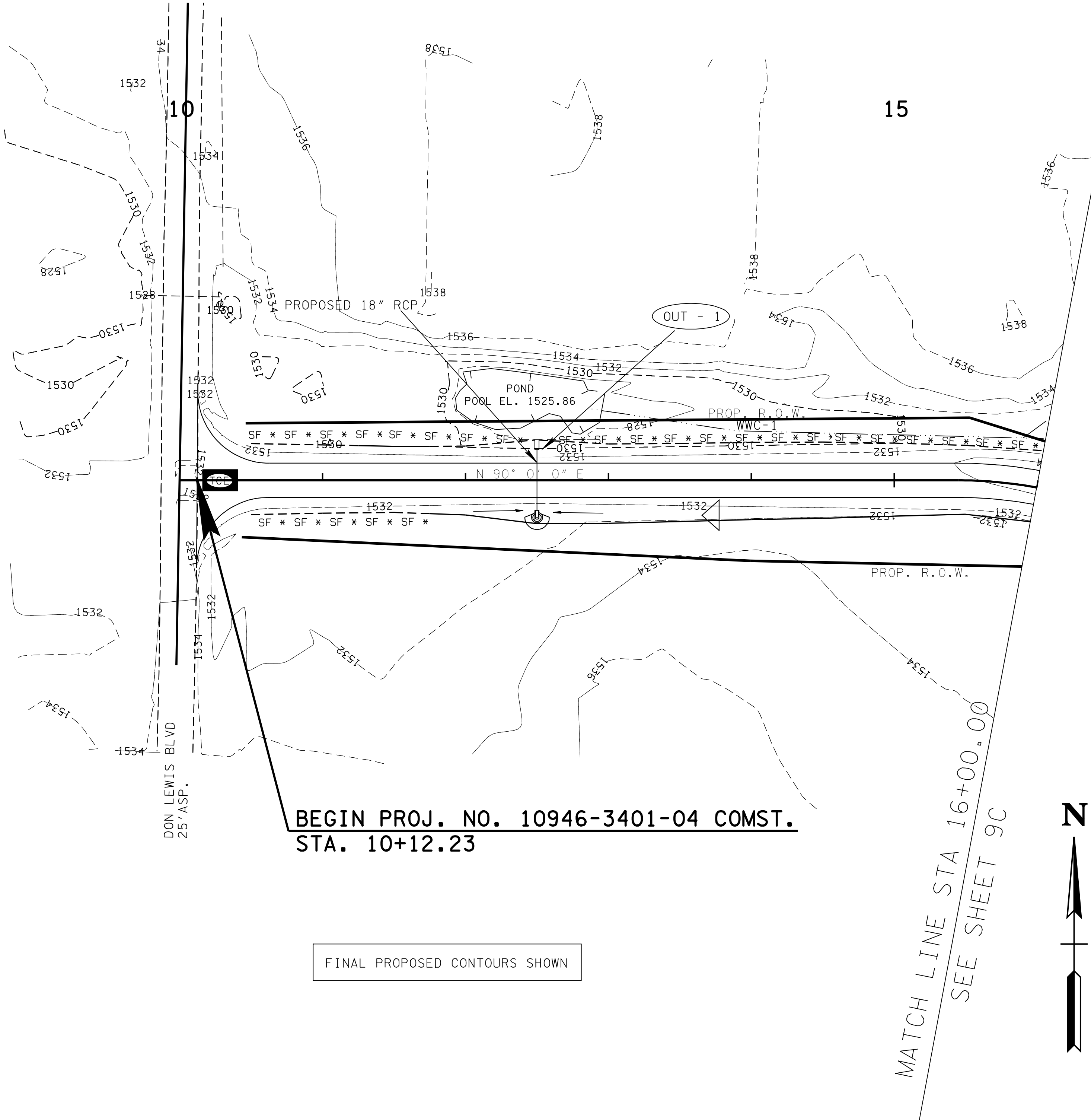
EROSION
PREVENTION
AND SEDIMENT
CONTROL PLAN

STA. 10+00 TO STA. 16+00
SCALE: 1"=50'

EROSION PREVENTION AND SEDIMENT CONTROL LEGEND		
SYMBOL	ITEM	STD. DWG.
* SF * SF * SF *	SILT FENCE	EC-STR-3B
	ROCK CHECK DAM (V-DITCH)	EC-STR-6
	TEMPORARY CONSTRUCTION EXIT	EC-STR-25
	CULVERT PROTECTION (TYPE 1)	EC-STR-11

TYPE	YEAR	PROJECT NO.	SHEET NO.
R.O.W.	2011	10946-2401-04	9B
CONST	2012	10946-3401-04	9B

REV. 9-14-11: ADDED SHEET



SEALED BY



PHASE 2

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

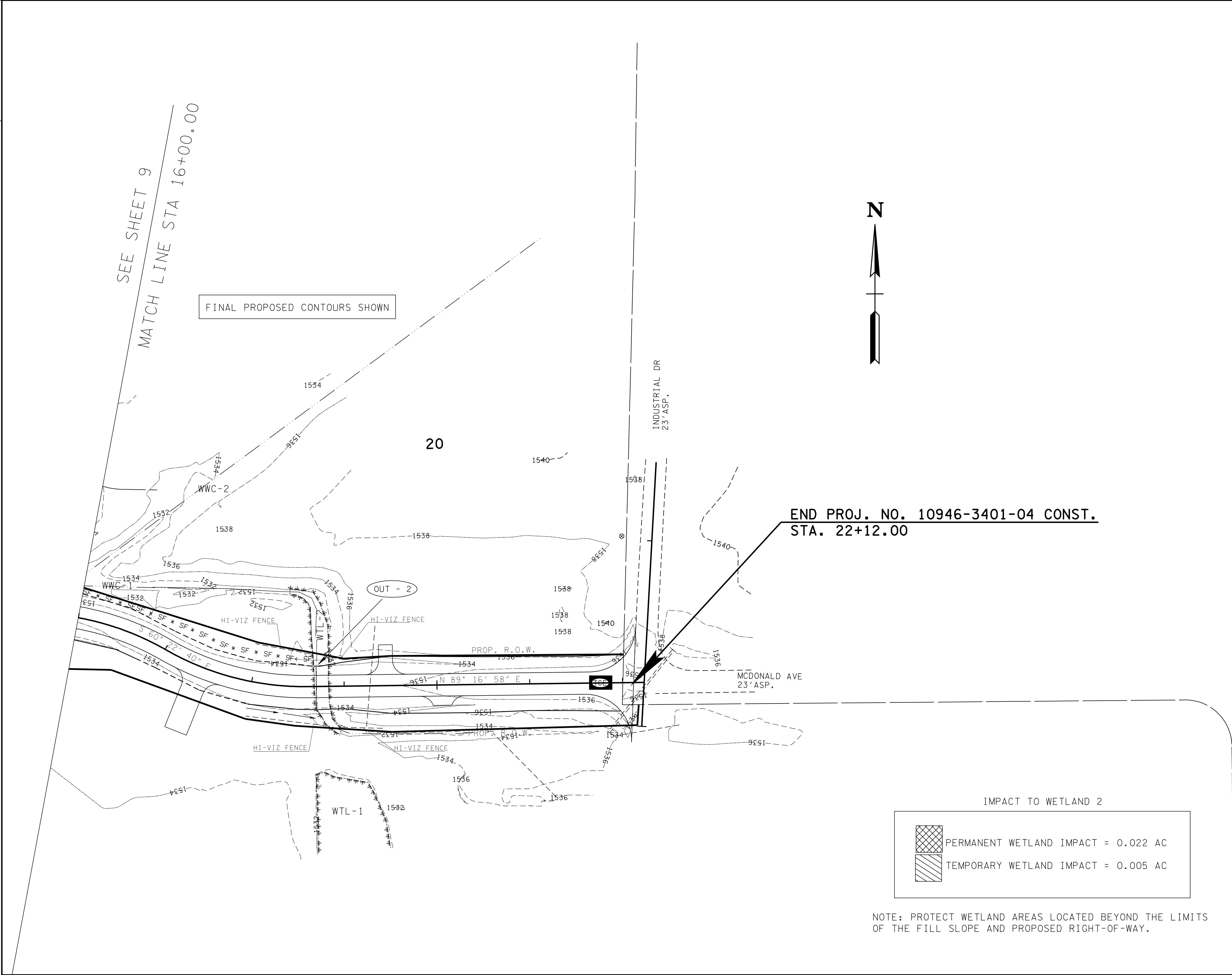
EROSION PREVENTION AND SEDIMENT CONTROL PLAN

STA. 10+00 TO STA. 16+00
SCALE: 1"=50'

TYPE	YEAR	PROJECT NO.	SHEET NO.
R.O.W.	2011	10946-2401-04	9A
CONST	2012	10946-3401-04	9A

REV. 9-14-11: REMOVED PHASE 2 PORTION OF THE EPSC PLAN, ADDED WWC-1, WWC-2 AND WTL-2

D:\Projects\CARTERSIA Industrial\Access Road Serving NCI\Star Building Systems\09A EPSC.SHT
09-MAR-2012 10:25



NOTE: PROTECT WETLAND AREAS LOCATED BEYOND THE LIMITS OF THE FILL SLOPE AND PROPOSED RIGHT-OF-WAY.

SEALED BY

PHASE 1

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

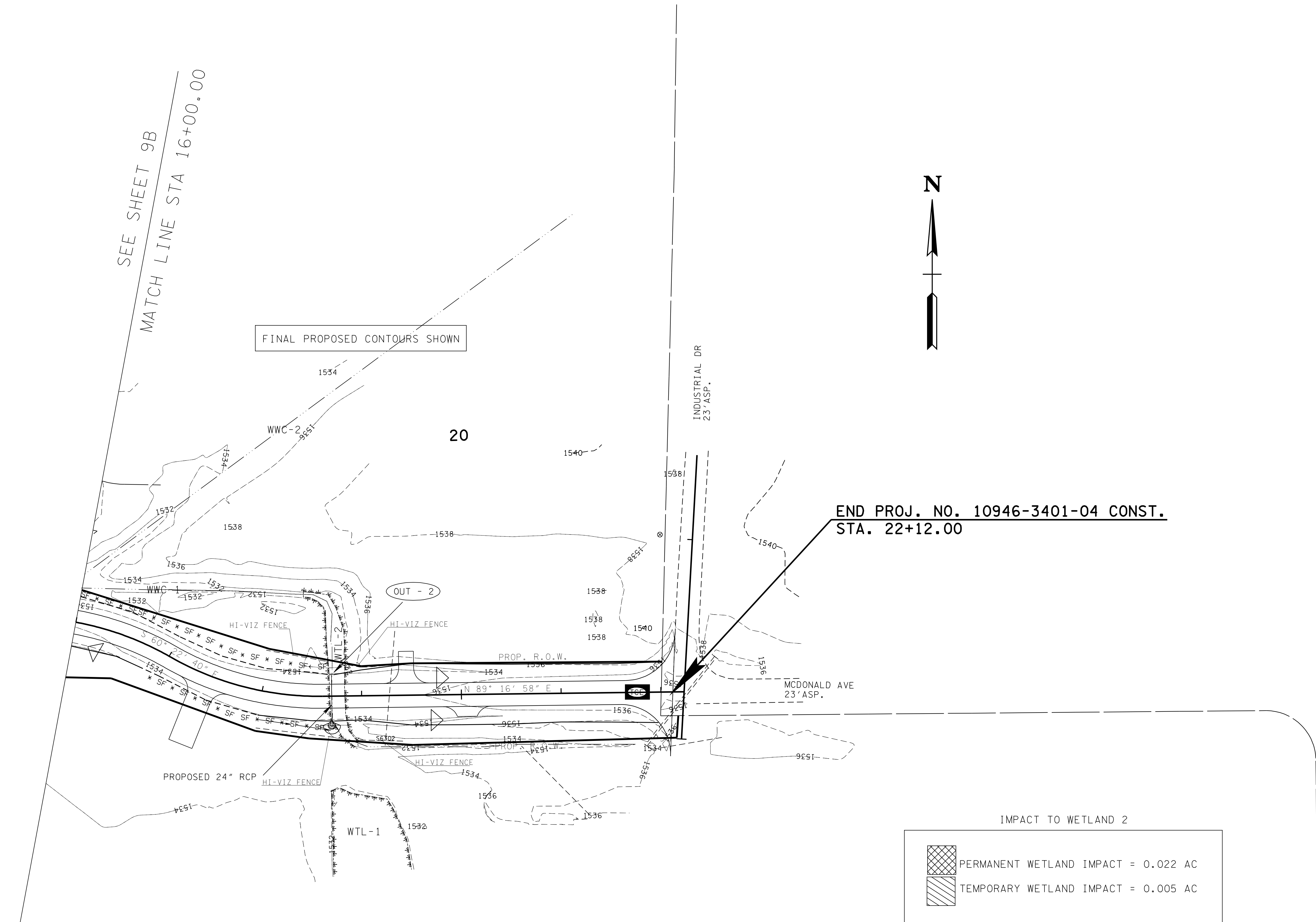
EROSION
PREVENTION
AND SEDIMENT
CONTROL PLAN

STA. 16+00 TO STA. 22+23.29

SCALE: 1"=50'

TYPE	YEAR	PROJECT NO.	SHEET NO.
R.O.W.	2011	1 0946-2401-04	9C
CONST	2012	1 0946-3401-04	9C

REV. 9-14-11: ADDED SHEET



NOTE: PROTECT WETLAND AREAS LOCATED BEYOND THE LIMITS OF THE FILL SLOPE AND PROPOSED RIGHT-OF-WAY.

PHASE 2

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

EROSION PREVENTION AND SEDIMENT CONTROL PLAN

STA. 16+00 TO STA. 22+23.29

SCALE: 1"=50



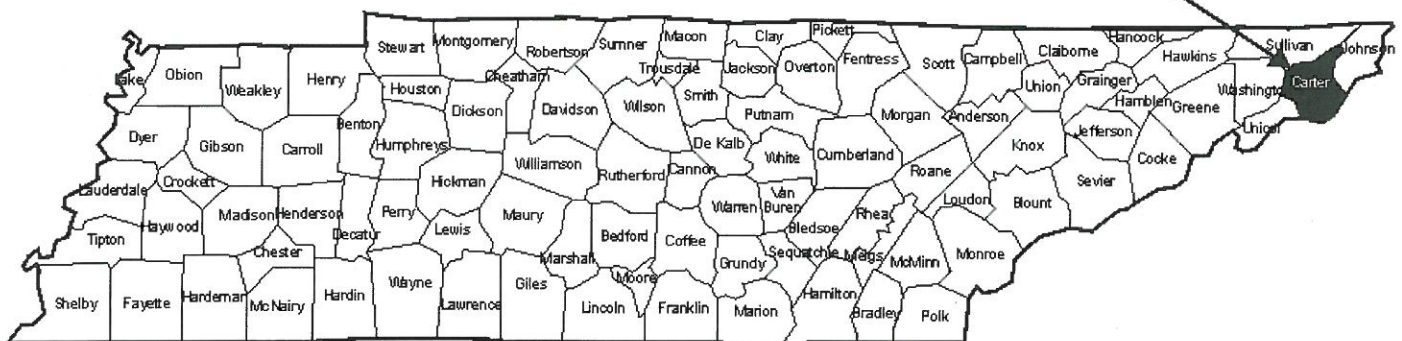
Documentation and Permits Binder

**Project Name: New State Industrial Access Road (SIA) Serving
NCI (Star Building Systems)**

**Project No.: 10946-1401-04
PIN: 115368.00**

Carter County, Tennessee

Project Site



**Prepared for:
Tennessee Department of Transportation – TDOT**

Prepared by:
 **NEEL-SCHAFFER**
Solutions you can build upon

Consultant Reference No.: 8225.019

DOCUMENTS AND PERMITS BINDER

CHECKLIST

PROJECT NAME: STATE INDUSTRIAL ACCESS ROAD (SIA) SERVING
NCI (STAR BUILDING SYSTEMS)

PIN: 115368.00

PROJECT NO. 10946-1401-04

CARTER COUNTY, TENNESSEE

1. ☒ INDEX OF REVISIONS
2. ☒ RAINFALL RECORD SHEETS
3. ☒ EPSC INSPECTION REPORTS
4. ☒ NOI AND ☐ NOC
5. ☒ BLANK NOT
6. ☒ CONSTRUCTION GENERAL PERMIT (CGP)
7. ENVIRONMENTAL PERMITS
 - 7.1 ☒ PERMIT APPLICATION LETTER
 - 7.2 PERMITS
 - a. ☒ TDEC ARAP
 - b. ☒ CORPS OF ENGINEERS (COE)
 - c. ☒ TVA 26A
 - d. ☐ OTHER
8. ☒ ECOLOGY REPORT
9. TRAINING CERTIFICATIONS
 - a. TDEC LEVEL I
 - b. ☐ EPSC INSPECTOR
 - c. ☐ TDOT PROJECT SUPERVISOR
 - d. ☐ TDOT PROJECT SUPERVISOR MANAGER
 - e. ☐ CONTRACTOR PROJECT SUPERVISOR
 - f. TDEC LEVEL II
 - g. ☐ TDOT PROJECT SUPERVISOR MANAGER
10. TMDL INFORMATION REQUIRED
 - a. ☐ Yes
 - b. ☒ No
11. ☒ DELEGATION OF AUTHORITY



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TMDL Information.....	
Delegation of Authority.....	

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Rainfall Record Sheets



TDOT EPSC Inspection Monthly Rainfall Data Log

Month _____ Year _____

Date	Day of Week ¹	Predicted Precipitation (%) ²	Rainfall Gage 1 (in)	Rainfall Gage 2 (in)	Rainfall Gage 3 (in)	Rainfall Gage 4 (in)	Rainfall Gage 5 (in)	Duration (hr)
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								
31								

¹ Day of Week= Su,M,Tu,W,Th,F,Sa

² Predicted Precipitation Source: _____

EPSC Inspection Reports

CIRCULAR LETTER

SECTION: 209-01
NUMBER: 209.01-02
SUBJECT: EROSION AND SEDIMENT CONTROL CONSTRUCTION INSPECTION REPORT
DATE: FEBRUARY 15, 2010

The attached report shall be utilized as the standard statewide report for the evaluation of erosion and sediment control measures on all Department projects that are subject to the requirements of the NPDES General Permit for Storm Water Discharges from Construction Activities. This report should also be used to document Contractor compliance with erosion and sediment control requirements in conformance with ARAP, Corps of Engineers, and/or TVA permits. The report shall be completed according to the attached instructions.

Weekly Erosion Prevention and Sediment Control (EPSC)

Inspection Procedures on TDOT Projects

Step by step instructions of how record rainfall, perform an EPSC inspection, fill out the EPSC Inspection Report, and post to the TDOT server are outlined below. Any modifications to these procedures require written authorization prior to implementation.

I. EPSC Inspection Overview:

A. Basic Guidelines:

1. Inspectors must be currently TDEC Level 1 certified or equivalent.
2. Projects that are phased can only disturb 50 acres at a time
3. Sediment Basins or equivalent measures are required at outfalls if the following conditions apply.
 - a. 10 acres draining to specific outfall for most projects
 - b. 5 acres draining to specific outfall for impaired or high quality waters
4. Stream buffers (average 60 feet) are required if the project discharges to impaired or high quality waters
5. Clearing and grubbing of pre-construction vegetation can only occur 10 days before from actively working area. If active construction does not occur within 10 days, the area must be stabilized.
6. EPSC measures are to be in place before grading operations
7. Stabilization measures are to be implemented on disturbed areas (exposed soil) within 15 days of final grade or if disturbed areas remains idle for 15 days.
8. Sediment shall be removed from EPSC measures when design capacity is reduced by 50% (measure is half-full).
9. Pick-up litter, construction debris and chemicals prior to storm events
10. Minimize off-site sediment tracking and dust generation
11. Monitor and record rainfall amounts
12. Mark definable sections of project as final stabilized

B. Basic Requirements:

1. The Notice of Coverage (NOC) with the NPDES permit tracking number for the construction project shall be posted onsite.
2. The Storm Water Pollution Prevention Plan (SWPPP) and all applicable permits shall be onsite at all times. If the site becomes inactive, the contact information where the SWPPP can be located shall be posted with the NOC.
3. Review the SWPPP and applicable permits for any changes noted since the last inspection.
4. EPSC inspections are to be performed twice weekly, 72 hours apart. TDOT will run their week from Sunday through Saturday.

5. Appendix C of the NPDES Construction Storm Water General Permit must also be filled out during the inspections.
 - a. The completed Appendix C will be submitted to the TDOT project supervisor, NLT the 5th day of the month.
6. Rainfall is to be recorded daily.
7. All outfalls and installed EPSC measures are to be inspected and deficiencies are to be noted.
8. Recommendations are to be recorded in writing and conveyed to the contractor.
9. Modify the SWPPP to show changes made in the field.
10. ALL EPSC reports are to be posted to the State's VPN by the last day of every month.

C. Consultant EPSC Inspectors:

1. Consultant EPSC inspectors must follow the scope within their contract.
2. Photos must be taken by EPSC consultants to adequately document the site. A photo log will be created.
 - a. Each photo will be numbered with a description of what is in the photo.
 - b. Key features within the photo should be labeled, i.e. road names, outfall locations, streams.
 - c. Flow direction should be indicated with a directional arrow.
3. Consultants should post EPSC inspection reports on State's VPN within 2 working days after the inspection.
4. If required by the TDOT Project supervisor, the EPSC consultant will email the EPSC report to designated recipients.
5. If required by the TDOT Project supervisor, the EPSC consultant will create 2-part forms for the first and second page of the EPSC inspection report.
 - a. The first page will be completed on-site (some fields can be created as part of the 2-part form) as normally required.
 - b. The second page (or additional pages) will be handwritten on-site listed all corrective actions identified during the inspection.
 - c. The forms created on-site will be inserted into the pdf report posted by the EPSC consultant. The first page would be instead of a typed page. The handwritten lists would be added in addition to the report (behind the first page).
 - d. One of the 2-part form will be left on-site with the TDOT representative, after signed by EPSC inspector, TDOT and contractor. The original 2-part form will be pdfed and emailed out per the TDOT project supervisor's direction, as soon as possible.

II. How to Record Rainfall:

A. Purpose

1. Erosion Prevention and Sediment Control (EPSC) measures and devices are utilized to prevent erosion from developing on construction sites as well as minimize sediment transport and siltation of down slope areas. Storm water runoff is directly proportional to the intensity and duration of a given rainfall event. Rainfall monitoring is necessary in order to estimate the

effectiveness of the EPSC measures and devices at a construction site. The intent of the plan is to provide a means to record the volume and duration of rainfall in order to estimate the intensity and duration of a rainfall event.

2. This rainfall monitoring plan is only required on TDOT construction projects with an active Notice of Coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP).

B. Equipment

1. At a minimum, a Fence Post type rain gage will be used to measure rainfall. A typical Fence Post Rain Gage is a wedge-shaped gage that measures up to 6 inches (150 mm) of rainfall. An English scale is provided on one face, with a metric scale on the other face. Graduations are 0.01 inches and 0.01 mm. An aluminum bracket with screws may be included for mounting the gage on a wooden support.

C. Location

1. The rain gage will be located at or along the project site, as defined in the Notice of Intent (NOI) for coverage under the CGP, in an open area such that the measurement will not be influenced by outside factors (i.e., overhangs, gutter, trees, etc.). At least one rain gage will be located within each linear mile (as measured along the center line of the primary alignment) of the project where clearing, grubbing, excavation, grading, cutting or filling is being actively performed, or on areas of exposed soil (areas that have temporary or permanent stabilization) at any time during construction.
2. The approximate location of rain gages and the starting and ending dates of their installation at a given location on a project site will be noted in the official Storm Water Pollution Prevention Plan (SWPPP) located in the field.

D. Monitoring Procedures

1. Rainfall monitoring will be initiated prior to clearing, grubbing, excavation, grading, cutting, or filling, except as such minimal clearing may be necessary to install a rain gage in an open area. The rain gage will be checked for operational soundness daily (during normal business hours) in wet times and weekly in dry times. Gages will be repaired or replaced on the same day if found to be non-operational or missing.
2. Each rain gage will be read (for detailed records of rainfall) and emptied after every rainfall event occurring on the project site at approximately the same time of the day (during normal business hours). During periods of dry conditions, it will not be necessary to read the rain gage every day. In lieu of this requirement on weekends and on state holidays, the rain gages can be emptied the next business day and a reference site used for a record of daily amount of precipitation for those days. A reference site is the documentation from the closest gage within proximity of the project from a recognized source such as the NOAA National Weather Service.
3. Detailed records will be recorded of rainfall events include dates, amounts of rainfall, and the approximate duration (or the starting and ending times). The rainfall records shall be recorded on the TDOT Erosion and Sediment Control Construction Inspection Report located in Construction Circular 209.01-02.
4. If, in the event that the rainfall event is still in progress at the daily recording time, the gage will be emptied and the record will indicate that the storm event was still in progress.

5. Rain gage information (detailed records), including the location of the nearest outfall, will be recorded on the EPSC Inspection Report forms at the time of measurement.

III.Reduction of EPSC Inspection Frequency:

A. Purpose

1. Areas of a project which have reached final stabilization may have the inspection frequency reduced to monthly for those final stabilized portions with written approval from TDEC, *(example: Earthmoving operations have been completed, the road is complete and slopes are at final stabilization from Sta. 3+150 to Sta. 5+800 LT/RT.)*
2. As stated in the TN NPDES CGP Permit No. TNR100000, Section 3.1 "Once a definable area has been finally stabilized, the permittee may mark this on the SWPPP and no further SWPPP or inspection requirements apply to that portion of the site (e.g. earth-disturbing activities around one of three buildings in a complex are done and the area is finally stabilized, on mile of roadway or pipeline project is done and finally stabilized, etc.)"
3. "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 areas not covered by permanent structures, and/or equivalent permanent stabilization measures (such as the use of riprap, gabions, or textiles) have been employed."
4. As stated in the TN NPDES CGP Permit No. TNR100000, Section 3.5.8.2a) "Written notification of intent to conduct only monthly inspections and the justification for such request must be submitted to local EFO or the division's Nashville Central Office for projects of the TDOT and the TVA."

B. Inspection Reduction Procedures

Once definable areas have reached final stabilization:

1. Mark the areas of final stabilization on the project SWPPP
2. Draft a letter to the TDOT Regional Construction Supervisor stating the desire to reduce inspection frequency to monthly. Include the Project Name, Project Description, County, TDOT Pin, NPDES #, TDOT Construction #, TDOT Contract # and Contractor. State the Stations which are at final stabilization with descriptions *(example: slopes have permanent cover, pavement has been laid down and there is to be no additional ground disturbance)*. Inclusion of photographs is encouraged.
3. The TDOT Regional Construction Supervisor is to review the letter and forward it to TDEC's Nashville Central Office.
4. After TDEC's written approval, EPSC inspections can be reduced to monthly in the specified areas.

IV. How to Conduct an Inspection:

A. Begin each inspection by reviewing the SWPPP, all applicable permits, rainfall data and dates of disturbance

1. Record rainfall amounts and duration on the EPSC inspection form.

2. Review permits; take into account specifics in ARAP's and other issued permits as well as the expiration dates of those permits.
3. Review the Erosion Control Plans in the field SWPPP, making notes of where outfalls, buffers, and major EPSC structures are to be located.
 - a. On larger projects, it is recommended to make photo copies of the Erosion Control Plans so the field notes can be made during the inspection.
4. Review dates of disturbance:
 - a. Areas disturbed and idle for more than 15 days must be stabilized.
 - b. Work must begin 10 days after clearing and grubbing or the area must be stabilized.
5. It is suggested to start the inspection at the beginning of the project. (Under certain circumstances, it may be more beneficial to begin the inspection at the beginning of the disturbed portion of the project and inspect the stabilized portions later.)

B. Inspect all EPSC measures installed on the project

1. Determine if measures are installed per TDOT standard.
 - a. If not installed per standard but functional, note this in the report and note this on the SWPPP.
 - b. If not functional, make recommendation to repair.
2. Determine if EPSC measures are installed as shown on the SWPPP
 - a. If not installed per the SWPPP but functional, modify the SWPPP to reflect what is actually installed.
 - b. If not installed per the SWPPP and not functional, make recommendation to install appropriate measures. More measures than what is shown on the SWPPP may be necessary. In this scenario, the SWPPP shall be modified to reflect these changes.
3. Determine if each measure has ample sediment storage.
 - a. Once 50% of a measure's capacity has been reached, accumulated sediment must be removed and appropriately disposed of per SWPPP requirements.

C. If a measure has failed

1. Look to see why it failed and whether to replace, upgrade, or add additional measures. All changes must be reflected on the SWPPP.
2. If sediment releases are noted during the inspection, the inspector must fill out the sediment release form and submit to the TDOT Regional Environmental Coordinator in conformance the TDOT Construction Circulars.

D. Inspect all labeled Outfalls to determine if

1. EPSC measures are installed per TDOT standard as shown on the SWPPP.

E. Installed EPSC measures are functional

1. If measures are found to be damaged, ineffective or missing – written recommendations are to be made.

F. Sediment is observed past the last EPSC measure

1. If sediment is past the last EPSC measures, it is considered a sediment release (even if still on TDOT ROW) and shall be self reported in conformance with TDOT Construction Circulars.
2. If sediment has entered waters of the state (stream, wetland, sinkhole), the release shall be self reported in conformance with TDOT Construction Circulars.

G. If concentrated stormwater observed at non-outfall

1. Recommend applicable EPSC measures and add outfall to the SWPPP.

H. Inspect permitted waters, wetlands and sinkholes

1. Inspect for signs of sediment or deposition in these areas.
2. If any sediment deposits are noted during the inspection, the release shall be self reported in conformance with TDOT Construction Circulars.
3. Inspect overall area to make sure work complies with applicable permit (ie., ARAP, Class V injection, etc.) If the work does not comply with the applicable permit, note the discrepancies in the EPSC inspection report and contact the TDOT Project Supervisor and the TDOT Environmental Coordinator for additional guidance.

I. Inspect for areas where additional measures needed

1. The SWPPP is a living document and needs to be amended as field conditions change. If an area requires additional measures not shown on the SWPPP, recommend the installation of said measures and note them on the SWPPP after they have been installed.

J. Inspect for litter, contaminants and other pollutants

1. Inspect service areas for trash and litter, fuel and oil spills and other potential pollutants.
 - a. Make recommendations if deficiencies are noted.
 - b. Inspect fuel storage facilities and grease/oil trailers.
 - i. Look for proper containment berms and good house keeping measures.
2. Observe and note neighboring off-project disturbances.
3. Documentation of these areas helps protect TDOT in the event that sediment has caused problems downstream of their project and the off-project disturbance if there are ever questions from regulators.

K. EPSC Inspection photo documentation is not required

1. Photos are highly recommended.
2. Photos of the project shall be taken by TDOT once per month to document progress.

v. How to Fill Out Inspection Form

A. Page 1 –

1. Additional guidance can be found on the example form below.
2. Circle 1st Weekly or 2nd Weekly

3. Fill in the date of inspection
4. Fill out Project Description, County, TDOT Pin, NPDES #, TDOT Project #, TDOT Contract # and Contractor boxes. (*Suggestion*: Fill this section out in the office and make copies for field use)
5. Are corrective actions required by this inspection report (Y/N): If there are no new recommendations or recurring recommendations – NO. If there are either/or new or recurring recommendations – YES.
6. “Number of New Corrective Actions Required”: This is the number of items to be fixed (not future maintenance) found during the inspection.
7. “Number of Recurring Corrective Actions Required”: Number of deficiencies that were not corrected (not future maintenance) from the last inspection.
8. “Number of New Sediment Releases”: This is the number of sediment releases found during the inspection.
9. “Number of Un-Corrected Sediment Releases”: This is the number of previously noted sediment releases which have not been corrected.
10. Signature block: Person performing the inspection must sign the form (either TDOT or Consultant inspector). Contractor should sign the report, but is not required to.
11. Rainfall box:
 - a. Write in dates since last inspection and two days forecasted. Example: Today is Thursday and the last inspection was on a Monday. Fill in information for Tuesday – Saturday.
 - b. Fill in predicted forecasts boxes. Use the same approved website for all dates.
 - c. Record rainfall for each rain gage on the day read. So, if gage #1 reads 0.5” on Tuesday at 8 AM – record 0.5” for Tuesday and empty the gage. Don’t back-date the data.
 - d. Record the duration of the rain event in hours. If the rain event happened during the night, use your best judgment on the duration.
 - e. Using a reference site: TDOT has permitted the use of an approved reference site for recording rainfall on weekends and TDOT holidays.
12. Contractor Comment box
13. Contractor chooses circles “No or Yes” indicating whether they agree with the EPSC inspection report.
14. If No is circled then the disagreement shall be addressed in the provided box.
15. Additional pages may be attached to the report if necessary.

B. Page 2 –

1. Additional guidance can be found on the example form below:
 - a. Column 1 “Outfall Name”
 - i. Indicates Outfall Name and/or Station number that item being addressed drains to.
 - b. Column 2 “Rain Gage No.”
 - i. Indicates the number of the rain gage that corresponds (closest proximity) with that outfall.

- c. Column 3 “Approx Station No.”
 - i. Leave blank if line is only describing an outfall.
 - ii. Indicates the station of the deficiency that corresponds with the corrective action.
 - iii. If corrective action covers a station range, list the appropriate stations for the corrective action (i.e. 1+05 – 2+10)
- d. Column 4 “LT, RT, or Centerline”
 - i. Leave blank if line is only describing an outfall.
 - ii. Indicates that the corrective action is to the right or left of centerline. If the corrective action is in the alignment place centerline.
- e. Column 5 “Date Last Disturbed”
 - i. Indicates the date this area was last disturbed if describing an outfall.
 - ii. Indicates the date the corrective action was noted.
- f. Column 6 “Date of Stabilization and Code”
 - i. Indicates the date that the corrective action was completed
 - ii. Enter P or T depending on whether it was permanently or temporarily stabilized.
- g. Column 7 “Existing EPSC Control Measures”
 - i. Indicates all EPSC measures that drain towards the outfall if describing the outfall.
 - ii. If corrective action is required, it indicates the code for the item that needs to be corrected.
 - iii. The code number relates to the Erosion and Sediment Control Measure Codes list at the bottom of the page.
- h. Column 8 “Current Condition Codes”
 - i. Indicates the overall condition of the outfall if describing an outfall.
 - ii. Indicates the code of corrective action needed for the item that needs to be corrected.
 - iii. The code letter relates to the Condition Codes list at the bottom of the page.
 - i. U-Upgrade Needed (Failure Noted): The installed measure has failed and a more adequate measure is to be installed. *(Example - temporary silt fence is to be upgraded to silt fence with backing)*
 - ii. R-Repair and/or Replace: The installed measure has been damaged by an event or equipment and shall be repaired or replaced with the same measure.
 - iii. FM-Future Maintenance: EPSC measure will require attention in the very near future. *(Example - rock check dam is not at 50% capacity, but may require attention before the next rain event.)*
 - iv. C-Cleaning Needed: Measure requires removal of built up sediment or debris.
 - v. I-Increase measures: Indicates where additional measures need to be installed. *(Example - SWPPP shows 3 rock check dams but additional check dams need to be installed.)*

- vi. W-Too Wet to Work Conditions: A problem has been noted, but wet site conditions prevent work. (*Example - Sediment trap requires maintenance, but attempts to clean trap in wet conditions will disturb stabilized areas.*)
- vii. RO-Repeat Occurrence: Any recommendation that was noted on a previous report which has not been corrected.
- viii. SR-Sediment Release: Indicates when sediment has migrated past the last EPSC measure. Whether it is still on TDOT ROW or not.
- ix. FS-Final Stabilized: Indicates when an area has reached final stabilization and no additional disturbance is expected.
- x. S-Stable (No Action Needed): Indicates that no recommendations are required for a particular outfall or area.

i. Column 9 "Corrective Actions or Comments"

- i. Indicate changes since last inspection.
- ii. If corrective action is needed enter the recommendation.
- iii. Enter any observations or responses to recommendations

VI. How to Post Reports to TDOT EPSC folder:

To map the EPSC Folder

Click: Start

My Computer

Tools

Map Network Drive

Choose a Drive letter that has nothing currently mapped to the drive

For instance, choose A:

Then click in the box next to Folder: and type...

\\jj00wf073\Main\StormWater\EPSC

Check the box next to: Reconnect at logon

Click Finish

The newly mapped drive should now pop up in a separate box and you should be able to see the folder within that drive. The drive should also appear in the list of drives for your computer under My Computer

When posting reports...

Find your Region folder

Find the County folder for your project

Add a folder with the Contract Number – Description of the project

Save all reports under this contract folder. The name of the file should be the date of the report.

If you want to save pictures with the report, place them in a document with a description of the picture (outfall #, Station number, etc.), convert to pdf and save in the same location as the report.



TENNESSEE DEPARTMENT OF TRANSPORTATION
EROSION PREVENTION/SEDIMENT CONTROL
INSPECTION REPORT

TDOT EPSC INSPECTION FORM Rev. Jan. 2010

Reason For Inspection: 1st Weekly / 2nd Weekly

DATE: September 29, 2009

State Route (SR) / US Route or Road Name and Description: SR-35, Realignment from Saint Tide Hollow Road to 1.6 km west of Salem	
County(ies): Cocke	NPDES Permit (NOC) #: TNR190573
TDOT Project No.: 15009-1222-04	Contractor: Elmo Greer and Sons

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 information presented. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that inspections of storm water discharge points (outfalls) and of erosion and sediment controls have been performed as recorded in the table above. I certify that erosion and sediment controls in the drainage area of the identified outfall were installed as planned and designed in working order as recorded in the table above. I am aware that there are significant penalties for not providing this information, including the possibility of criminal sanctions for knowing violations.

Number of items to be fixed (not listed as future maintenance) found during inspection: 1

Number of items not fixed (not listed as future maintenance) from the last inspection: 2

Number previously noted sediment releases which have not been corrected: 1

Are corrective actions required by this report (Yes/NO):

Number of New Corrective Actions Required:	Number of New Sediment Releases:	Number of Un-Corrected Sediment Releases:
1	0	1

Signature: _____

Designee must be authorized in writing

TDOT Project Supervisor or Designee and Title (print or type): _____

Signature: _____

Indicate reference data

Write down rainfall on day read per gage

TDOT EPSC Inspection V

Date	Day of Week	Predicted Precipitation (%) ¹	Rainfall Gage 1 (in)	Rainfall Gage 2 (in)	Rainfall Gage 3 (in)	Rainfall Gage 4 (in)	Rainfall Gage 5 (in)	Duration (hr)
9/27	Sunday	50	0.70	-	-	-	-	weather.com
9/28	Monday	80	0.65	0.65	0.65	-	-	16
9/29	Tuesday	0	0.00	0.00	0.00	-	-	N/A
9/30	Wednesday	10	-	-	-	-	-	-
10/01	Thursday	20	-	-	-	-	-	-
9/28	Friday	-	-	-	-	-	-	-
9/28	Saturday	20	-	-	-	-	-	-
9/28	Sunday	-	-	-	-	-	-	-
9/28	Monday	-	-	-	-	-	-	-

How long did it rain? Estimate if necessary

TDOT/Contractor Agrees with EPSC Inspection Report:
NO or YES
If No, Explain and initial comment:

If contractor disagrees, it should be discussed and addressed if possible

(Additional pages may be attached, if needed)

¹ Predicted Precipitation Source: www.weather.com

State/US Route or Road Name: SR-35TDOT Project No.: 15009-1222-04TDOT Contract No.: CND382Date: September 29, 2009

Outfall Name or Station No.	Rain Gage No.	Approx. Station No. From/To	LT, RT, or Centerline	Date Last Disturbed	Date of Stabilization and Code T=Temporary P=Permanent	Existing EPSC Control Measures Codes *	Current Condition Codes *	Corrective Action(s) or Comment(s)
Outfall 1 Sta. 1+250 RT	1			07/25/09	07/25/09 T	1, 4, 9, 16	S	Outfall is stable. No changes to EPSC measures.
								Changes since last inspection
Outfall1 Sta. 1+250 RT	1	1+400	RT	Noted: 09/29/09		4	C	09/29/09: Rock check dam at capacity. Remove sediment and dispose of per SWPPP.
								Observation and recommendation
Outfall 1 Sta. 1+250 RT	1	1+550	LT	Noted: 09/17/09	09/29/09 T	16	S	09/29/09: Seed and mulch was applied to previously disturbed and idle slope. (09/17/09: Slope has been idle for more than 15 days. Apply seed and mulch to disturbed and idle slope.)
								Date correction noted

EROSION AND SEDIMENT CONTROL MEASURE CODES

1. Temporary Silt Fence / Filter Barrier
2. Temporary Diversion Berm or Ditch
3. Temporary Slope Drain
4. Rock Check Dams
5. Brush Barrier
6. Sediment Removal
7. Rock Filter Ring / Rock Ring
8. Sand Bags
9. Sediment Trap / Basin
10. Temporary Sediment Filter Bag / Dewatering
11. Polyethylene Sheeting
12. Machined Rip Rap
13. Geotextile
14. Permanent Seeding with Mulch or Sod

15. Temporary Seeding with Mulch
16. Temporary Mulching
17. Erosion Control Blanket
18. Flexible Channel Liner
19. Catch Basin / Storm Inlet Protection
20. Riprap Outlet Structure
21. Riprap Energy / Velocity Dissipater
22. Curb, Gutter, or Storm Sewer Protection
23. Temporary Construction Exit / Entrance
24. Temporary Stream Crossing
25. Turbidity Barrier / Silt Boom
26. Temporary Stream Diversion
27. Preserve Natural Resource / Buffer Zone
28. Mineral Aggregate Base on Subgrade

29. Excess Dirt Removed from Rdwy. Daily
30. Haul Roads Dampened for Dust Control
31. Ditch Liner
32. Rock Silt Screen
33. Temporary Silt Fence with Backing
34. Enhanced Silt Fence
35. Sediment Tube
36. Sediment Dam
37. Concrete Washout, other pollution issues
38. Berm (soil, riprap, rock)
39. Gabion
40. Sheet piling
- 41.
- 42.

CONDITION CODES

- U Upgrade Needed (Failure Noted)
- R Repair and/or Replace
- FM Future Maintenance
- C Cleaning Needed
- I Increase Measures
- W Wet Working Conditions
- RO Repeat Occurrence
- SR Sediment Release
- FS Final Stabilized
- S Stable (No Action Needed)
- Other (O#1):
- Other (O#2):
- Other (O#3):

EPSC Inspection



State/US Route or Road Name: SR-35

TDOT Project No.: 15009-1222-04

TDOT Contract No.: CND382



Date: September 29, 2009

Outfall 2 Sta. 1+850 LT	1	06/18/09 P	1, 4, 9, 17, 33	S	Outfall is stable. No changes to EPSC measures.	Changes since last inspection
One line per outfall						
Outfall 2 Sta. 1+850 LT	1	09/14/09 LT	4	C, RO	09/14/09: Rock check dam at capacity. Remove sediment and dispose of per SWPPP.	Observation and recommendation
One line per corrective action						
Outfall 3 Sta. 2+345 LT	1	09/29/09 T	7	SR, RO	09/29/09: TDOT Environmental Coordinator was notified of sediment release to STR-1. (09/26/09: Sediment release noted to STR-1. Project must notify TDEC prior to removing sediment per the SWPPP. AMEC suggests TDOT Construction elevate to TDEC through TDOT Regional Environmental Coordinator.)	

EROSION AND SEDIMENT CONTROL MEASURE CODES

1. Temporary Silt Fence / Filter Barrier
2. Temporary Diversion Berm or Ditch
3. Temporary Slope Drain
4. Rock Check Dams
5. Brush Barrier
6. Sediment Removal
7. Rock Filter Ring / Rock Ring
8. Sand Bags
9. Sediment Trap / Basin
10. Temporary Sediment Filter Bag / Dewatering
11. Polyethylene Sheet piling
12. Machined Rip Rap
13. Geotextile
14. Permanent Seeding with Mulch or Sod

29. Excess Dirt Removed from Rdwy. Daily
30. Haul Roads Dampened for Dust Control
31. Ditch Liner
32. Rock Silt Screen
33. Temporary Silt Fence with Backing
34. Enhanced Silt Fence
35. Sediment Tube
36. Sediment Dam
37. Concrete Washout, other pollution issues
38. Berm (soil, riprap, rock)
39. Gabion
40. Sheet piling
- 41.
- 42.

CONDITION CODES

- U Upgrade Needed (Failure Noted)
- R Repair and/or Replace
- FM Future Maintenance
- C Cleaning Needed
- I Increase Measures
- W Wet Working Conditions
- RO Repeat Occurrence
- SR Sediment Release
- FS Final Stabilized
- S Stable (No Action Needed)
- Other (O#1):
- Other (O#2):
- Other (O#3):

Reason For Inspection: 1st Weekly / 2nd Weekly

DATE:

State Route (SR) / US Route or Road Name and Description:			Are corrective actions required by this inspection report (Yes /No):			
County(ies):	TDOT PIN:	NPDES Permit (NOC) #:	Number of New Corrective Actions:	Number of Recurring Corrective Actions	Number of New Sediment Releases:	Number of Un-Corrected Sediment Releases:
TDOT Project No.:	TDOT Contract No.:	Contractor:				

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 information presented. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that inspections of storm water discharge points (outfalls) and of erosion and sediment controls have been performed as recorded in the table above. I certify that erosion and sediment controls in the drainage area of the identified outfall were installed as planned and designed in working order as recorded in the table above. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.	Consultant EPSC Inspector and Title (print or type):	Signature:
	Contractor EPSC Inspector and Title (print or type):	Signature:
	TDOT Project Supervisor or Designee and Title (print or type):	Signature:

TDOT EPSC Inspection Weekly Rainfall Data Log

Date	Day of Week	Predicted Precipitation (%) ¹	Rainfall Gage 1 (in)	Rainfall Gage 2 (in)	Rainfall Gage 3 (in)	Rainfall Gage 4 (in)	Rainfall Gage 5 (in)	Duration (hr)
	Sunday							
	Monday							
	Tuesday							
	Wednesday							
	Thursday							
	Friday							
	Saturday							
	Sunday							
	Monday							

¹ Predicted Precipitation Source: - _____

TDOT/Contractor Agrees with EPSC Inspection Report: NO or YES If No, Explain and initial comment:	(Additional pages may be attached, if needed)
--	--



TDOT Contract No.: _____

TDOT Project No.: _____

Date: _____

[illegible]

EROSION AND SEDIMENT CONTROL MEASURE CODES

1. Temporary Silt Fence / Filter Barrier
2. Temporary Diversion Berm or Ditch
3. Temporary Slope Drain
4. Rock Check Dams
5. Brush Barrier
6. Sediment Removal
7. Rock Filter Ring / Rock Ring
8. Sand Bags
9. Sediment Trap / Basin
0. Temporary Sediment Filter Bag / Dewatering
1. Polyethylene Sheetting
2. Machined Rip Rap
3. Geotextile
4. Permanent Seeding with Mulch or Sod

CONDITION CODES

- | U | Upgrade Needed (Failure Noted) |
|-------------------|--------------------------------|
| R | Repair and/or Replace |
| F | Future Maintenance |
| C | Cleaning Needed |
| I | Increase Measures |
| W | Too Wet to Work Conditions |
| RO | Repeat Occurrence |
| SR | Sediment Release |
| FS | Final Stabilized |
| S | Stable (No Action Needed) |
| Other (#1): _____ | |
| Other (#2): _____ | |
| Other (#3): _____ | |

EPSC Inspection



TENNESSEE DEPARTMENT OF TRANSPORTATION
EROSION PREVENTION & SEDIMENT CONTROL (EPSC) INSPECTION REPORT

EPSC Inspection Schedule (circle one): 1st Weekly or 2nd Weekly

Date of Inspection: _____

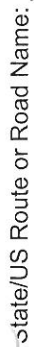
Site or Project Name (State Route (SR) / US Route or Road Name and Description):		Are corrective actions required by this inspection report (Yes /No):		Current approximate disturbed acreage:	
County(ies):	TDOT PIN:	NPDES Tracking No. (TNR):	Number of New Corrective Actions/Deficiencies:	Number of Recurring Corrective Actions/Deficiencies:	Number of New Sediment Releases:
TDOT Project No.:	TDOT Contract No.:	Contractor:			

Please check the box if the following items are on-site:

- ☐ Notice of Coverage (NOC) ☐ Stormwater Pollution Prevention Plan (SWPPP) ☐ Twice Weekly Inspection Documentation ☐ Site Contact Information ☐ Rain Gage(s)
- ☐ Off-site Reference Rain Gage Location: _____ Has daily rainfall been checked/documented on the TDOT Monthly Rainfall Log? ☐ Yes ☐ No

Best Management Practices (BMPs) Are the Erosion Prevention and Sediment Controls (EPSCs) functioning correctly: If "No" see attached pages for description.	TDOT/Contractor Agrees with EPSC Inspection Report: NO or YES. If No, Explain and initial comment:	
1. Are all applicable (EPSCs) installed and maintained per the SWPPP?	☐ Yes ☐ No	
2. Are EPSC's functioning correctly at all disturbed areas/material storage areas per section 4.1.5 of the CGP?	☐ Yes ☐ No	
3. Are EPSC's functioning correctly at outfall/discharge points such that there is no objectionable color contrast in the receiving stream, and no other water quality impacts per section 5.3.2 of the CGP?	☐ Yes ☐ No	
4. Are EPSC's functioning correctly at ingress/egress points such that there is no evidence of track out?	☐ Yes ☐ No	
5. If construction activity at any location on-site has temporarily/permanently ceased, was the area stabilized within 14 days per section 3.5.3.2 of the CGP? If, "No", refer to the attached page(s) for each location and measures taken to stabilize the area(s).	☐ Yes ☐ No	
6. Have pollution prevention measures been installed, implemented, and maintained to minimize the discharge of pollutants from equipment and vehicle washing, wheel and wash water and other wash waters per section 4.1.5 of the CGP? If "No", refer to the attached page(s) for measures to be implemented to address deficiencies.	☐ Yes ☐ No	
7. If applicable, have discharges from dewatering activities been managed by appropriate controls per Section 4.1.4 of the CGP? If "No", refer to the attached page(s) for measures to be implemented to address deficiencies.	☐ N/A ☐ Yes ☐ No	
8. If a concrete washout facility is located on site, is it clearly identified on the project and maintained? If "No", refer to the attached page(s) for measures to be implemented to address deficiencies.	☐ N/A ☐ Yes ☐ No	

Certification and Signature (must be signed by the certified inspector and the permittee per Sections 3.5.8.2 (g) and 7.7.2 of the CGP) This document was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated information presented. Based on my inquiry of the person(s) who manage the system, or those persons directly responsible for gathering the information, I certify that inspections of storm water discharge points (outfalls) and of erosion and sediment controls have been performed and recorded. I certify that erosion and sediment controls in the drainage area of the identified outfall were installed as planned and designed in working order as recorded in the table above. I certify, under penalty of law that this report and all attachments are, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.		EPSC Inspector Name, Title and Company (print or type):	Signature:	Date:
	TN EPSC Certification No.:	Contractor (Operator/Secondary Permittee) Name and Title (print or type):	Signature:	Date:
		TDOT Project Supervisor or Designee (Owner/Primary Permittee) Name and Title (print or type):	Signature:	Date:



TDOT Project No.:

TDOT Contract No.:

Date of Inspection:

[illegible]

EROSION PREVENTION AND SEDIMENT CONTROL MEASURE CODES

1. Temporary Silt Fence / Filter Barrier
2. Temporary Diversion Berm or Ditch
3. Temporary Slope Drain
4. Rock Check Dams
5. Brush Barrier
6. Sediment Removal
7. Rock Filter Ring / Rock Ring
8. Sand Bags
9. Sediment Trap / Basin
10. Temporary Sediment Filter Bag / Dewatering
11. Polyethylene Sheetting
12. Machined Rip Rap
13. Geotextile
14. Permanent Seeding with Mulch or Sod
15. Temporary Seeding with Mulch
16. Temporary Mulching
17. Erosion Control Blanket
18. Flexible Channel Liner
19. Catch Basin / Storm Inlet Protection
20. Riprap Outlet Structure
21. Riprap Energy / Velocity Dissipater
22. Curb, Gutter, or Storm Sewer Protection
23. Temporary Construction Exit / Entrance
24. Temporary Stream Crossing
25. Turbidity Barrier / Silt Boom
26. Temporary Stream Diversion
27. Preserve Natural Resource / Buffer Zone
28. Mineral Aggregate Base on Subgrade

CONDITION CODES

- CONDITION CODES**
- U Upgrade Needed (Failure Noted)
R Repair and/or Replace
FM Future Maintenance
C Cleaning Needed
I Increase Measures
W Too Wet to Work Conditions
RO Repeat Occurrence
SR Sediment Release
FS Final Stabilized
S Stable (No Action Needed)
- Other (#1): _____
Other (#2): _____
Other (#3): _____

NOI & NOC

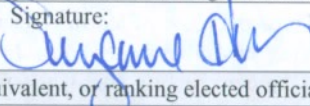
**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

Division of Water Pollution Control

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

1-888-891-8332 (TDEC)

Notice of Intent (NOI) for General NPDES Permit for Stormwater Discharges from Construction Activities (TNR100000)

Site or Project Name: State Industrial Access Road (SIA) Serving NCI (Star Building Systems) PIN 115368.00 ; PROJECT #10946-1401-04		NPDES Tracking Number: TNR	
Street Address or Location: Elizabethton, TN.		Construction Start Date:	Sept. 2012
		Estimated End Date:	Sept. 2017
Site Description: Build industrial access road to provide service to NCI		Latitude (dd.ddd):	N 36.3639
		Longitude (-dd.ddd):	W 82.1832
County(ies): Carter	MS4 Jurisdiction: TDOT	Acres Disturbed:	2.14 Acres
		Total Acres:	2.48 Acres
Does a topographic map show dotted or solid blue lines ☒ and/or wetlands ☒ on or adjacent to the construction site? Yes If wetlands are located on-site and may be impacted, attach wetlands delineation report. If an Aquatic Resource Alteration Permit has been obtained for this site, what is the permit number? ARAP Number: NRS 11.242			
Receiving waters: Watauga River, Unnamed Trib. To Watauga River			
Attach the SWPPP with the NOI ☒ SWPPP Attached		Attach a site location map ☒ Map Attached	
Name of Site Owner or Developer (Site-Wide Permittee): (person, company, or legal entity that has operational or design control over construction plans and specifications) Tennessee Department of Transportation			
Site Owner or Developer Contact Name: (individual responsible for site) Carma Smith		Title or Position: (the party who signs the certification below): Roadway Specialist III	
Mailing Address: 900 James K. Polk Bldg., 505 Deaderick Street		City: Nashville	State: TN
Phone: (615) 253-2441		Fax: (615) 741-1098	Zip: 37243-0334
Optional Contact: John L. Hewitt		E-mail: Environmental.Permits.TDOT@tn.gov	
Mailing Address: 900 James K. Polk Bldg., 505 Deaderick Street		City: Nashville	State: TN
Phone: (615) 253-2477		Fax: (615) 741-1098	Zip: 37243-0334
E-mail: John.Hewitt@tn.gov			
Owner or Developer Certification: (must be signed by president, vice-president or equivalent, or ranking elected official) (Primary Permittee) 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 gather and evaluate 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.			
Owner or Developer Name: (print or type) Suzanne B. Herron, P.E., CPESC; Director-Environmental Division		Signature: 	Date: 3/21/12
Contractor(s) Certification: (must be signed by president, vice-president or equivalent, or ranking elected official) (Secondary Permittee) 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 NOI and SWPPP, 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.			
Primary contractor name and address: (print or type)		Signature:	Date:
Other contractor name and address: (print or type)		Signature:	Date:
Other contractor name and address: (print or type)		Signature:	Date:
OFFICIAL STATE USE ONLY			
Received Date:	Reviewer:	Field Office:	Permit Number TNR
Fee(s):	T & E Aquatic Flora and Fauna:	Impaired Receiving Stream:	Exceptional TN Water:
			Notice of Coverage Date:

Notice of Intent (NOI) for General NPDES Permit for Stormwater Discharges from Construction Activities (TNR100000)

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 Stormwater Associated with Construction Activity (permit). **Requesting coverage under this permit means that an applicant has obtained and examined a copy of this permit, and thereby acknowledges applicant's claim of ability to be in compliance with permit terms and conditions.** This permit is required for stormwater discharge(s) from construction activities including clearing, grading, filling and excavating (including borrow pits) of one or more acres of land. This form should be submitted at least 30 days prior to the commencement of land disturbing activities, or no later than 48 hours prior to when a new operator assumes operational control over site specifications or commences work at the site.

Permit fee (see table below) must accompany the NOI and is based on total acreage to be disturbed by an entire project, including any associated construction support activities (e.g. equipment staging yards, material storage areas, excavated material disposal areas, borrow or waste sites). There is no fee for sites less than 1 acre.

Acres Disturbed	= or > 150 acres	= or > 50 < 150 acres	= or > 5 < 50 acres	= or > 1 < 5 acres
Fee	\$7,500	\$4,000	\$1,000	\$250

Who must submit the NOI form? Per Section 2 of the permit, all site operators must submit an NOI form. "Operator" for the purpose of this permit and in the context of stormwater associated with construction activity means any person associated with a construction project who meets either or both of the following two criteria: (1) The person has operational or design control over construction plans and specifications, including the ability to make modifications to those plans and specifications. This person is typically the owner or developer of the project or a portion of the project (e.g. subsequent builder), or the person that is the current land owner of the construction site. This person is considered the primary permittee; or (2) The person has 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. This person is typically a contractor or a commercial builder who is hired by the primary permittee, and is considered a secondary permittee.

Owners, developers and all contractors that meet the definition of the operator in subsection 2.2 of the permit shall apply for permit coverage on the same NOI, insofar as possible. After permit coverage has been granted to the primary permittee, any subsequent NOI submittals must include the site's previously assigned permit tracking number and the project name. The comprehensive site-specific SWPPP shall be prepared in accordance with the requirements of part 3 of the permit and must be submitted with the NOI unless the NOI being submitted is to only add a contractor (secondary permittee) to an existing coverage.

Notice of Coverage The division will review the NOI for completeness and accuracy and prepare a notice of coverage (NOC). Stormwater discharge from the construction site is authorized as of the effective date of the NOC.

Complete 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. **The NOI will be considered incomplete without a permit fee, a map, and the SWPPP.**

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 (expressed in decimal degrees) of the center of the site can be located on USGS quadrangle maps. The quadrangle maps can be obtained at the USGS World Wide Web site: <http://www.usgs.gov/>; latitude and longitude information can be found at numerous other web sites. 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, stockpiles and the total acres. For linear projects, give location at each end of the construction area.

Give name of the receiving waters Trace the route of stormwater 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 stormwater 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 that 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 Field Office (EFO).

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 details see subpart 2.5. For more information, contact your local EFO at the toll-free number 1-888-891-8332 (TDEC). Submit the completed NOI form (keep a copy for your records) to the appropriate EFO for the county(ies) where the construction activity is located, addressed to **Attention: Stormwater NOI Processing**.

Tennessee Department of Environment and Conservation
Division of Water Pollution Control, Permit Section
Attn: Storm Water NOI Processing
6th Floor L & C Annex
401 Church Street
Nashville, TN 37243-1534

Blank NOT

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC)**

Division of Water Pollution Control (WPC)

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

1-888-891-TDEC (8332)

Notice of Termination (NOT) for General NPDES Permit for Stormwater Discharges from Construction Activities (CGP)

This form is required to be submitted when requesting termination of coverage from the CGP. The purpose of this form is to notify the TDEC that either all stormwater discharges associated with construction activity from the portion of the identified facility where you, as an operator, have ceased or have been eliminated; or you are no longer an operator at the construction site. Submission of this form shall in no way relieve the permittee of permit obligations required prior to submission of this form. Please submit this form to the local WPC Environmental Field Office (EFO) address (see table below). For more information, contact your local EFO at the toll-free number 1-888-891-8332 (TDEC).

Type or print clearly, using ink and not markers or pencil.

Site or Project Name:	NPDES Tracking Number: TNR
Street Address or Location:	County(ies):

Name of Permittee Requesting Termination of Coverage: Tennessee Department of Transportation

Permittee Contact Name:	Title or Position:		
Mailing Address:	City:	State:	Zip:
Phone: ()	E-mail:		

Check the reason(s) for termination of permit coverage:

☐	Stormwater discharge associated with construction activity is no longer occurring and the permitted area has a uniform 70% permanent vegetative cover OR has equivalent measures such as rip rap or geotextiles, in areas not covered with impervious surfaces.
☐	You are no longer the operator at the construction site (i.e., termination of site-wide, primary or secondary permittee coverage).

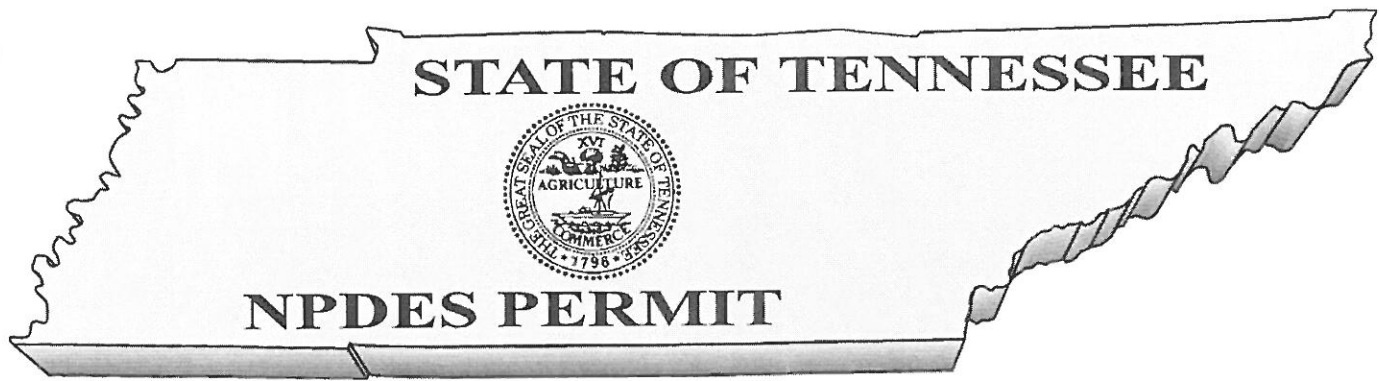
Certification and Signature: (must be signed by president, vice-president or equivalent ranking elected official)

I certify under penalty of law that either: (a) all stormwater 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 stormwater associated with construction activity under this general permit, and that discharging pollutants in stormwater 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 stormwater 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, the temporary erosion and sediment control measures have been removed, and/or the site or portions of the site have obtained permit coverage by subsequent operators or that all stormwater 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.		
Permittee name (print or type):	Signature:	Date:

For Tennessee Department of Transportation projects only, submit the completed NOT form to the address below.

Tennessee Department of Environment and Conservation
Division of Water Pollution Control, Permit Section
Attn: Storm Water NOI Processing
6th Floor L & C Annex
401 Church Street
Nashville, TN 37243-1534

Construction General Permit



GENERAL NPDES PERMIT
FOR DISCHARGES OF STORMWATER
ASSOCIATED WITH CONSTRUCTION ACTIVITIES

PERMIT NO. TNR100000

Under authority of the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.) and the authorization by 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.) and the Water Quality Act of 1987, P.L. 100-4, including special requirements as provided in part 5.4 (Discharges into Impaired or Exceptional Tennessee Waters) of this general permit, operators of point source discharges of stormwater associated with construction activities into waters of the State of Tennessee, are authorized to discharge stormwater associated with construction activities in accordance with the following permit monitoring and reporting requirements, effluent limitations, and other provisions as set forth in parts 1 through 10 herein, from the subject outfalls to waters of the State of Tennessee.

This permit is issued on: **May 23, 2011**

This permit is effective on: **May 24, 2011**

This permit expires on: **May 23, 2016**

A handwritten signature in dark ink, appearing to read "P. Davis", written over a horizontal line.

for Paul E. Davis, P.E., Director
Division of Water Pollution Control

Tennessee General Permit No. TNR100000
Stormwater Discharges Associated with Construction Activities

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1. COVERAGE UNDER THIS GENERAL PERMIT

1.1. Permit Area

This construction general permit (CGP) covers all areas of the State of Tennessee.

1.2. Discharges Covered by this Permit

1.2.1. Stormwater discharges associated with construction activities

This permit authorizes point source discharges of stormwater from construction activities including clearing, grading, filling and excavating (including borrow pits and stockpile/material storage areas containing erodible material), or other similar construction activities that result in the disturbance of one acre or more of total land area. Projects or developments of less than one acre of land disturbance are required to obtain authorization under this permit if the construction activities at the site are part of a larger common plan of development or sale that comprise at least one acre of land disturbance. One or more site operators must maintain coverage under this permit for all portions of a site that have not been finally stabilized.

Projects or developments of less than one acre of total land disturbance may also be required to obtain authorization under this permit if:

- a) the director has determined that the stormwater discharge from a site is causing, contributing to, or is likely to contribute to a violation of a state water quality standard;
- b) the director has determined that the stormwater discharge is, or is likely to be a significant contributor of pollutants to waters of the state, or
- c) changes in state or federal rules require sites of less than one acre that are not part of a larger common plan of development or sale to obtain a stormwater permit.

Note: Any discharge of stormwater 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 well under the provisions of TDEC Rules, Chapter 1200-4-6.

1.2.2. Stormwater discharges associated with construction support activities

This permit also authorizes stormwater discharges from support activities associated with a permitted construction site (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided all of the following are met:

- a) the support activity is primarily related to a construction site that is covered under this general permit;
- b) the operator of the support activity is the same as the operator of the construction site;
- c) the support activity is not a commercial operation serving multiple unrelated construction projects by different operators;
- d) the support activity does not operate beyond the completion of the construction activity of the last construction project it supports; and

- e) support activities are identified in the Notice of Intent (NOI) and the Stormwater Pollution Prevention Plan (SWPPP). The appropriate erosion prevention and sediment controls and measures applicable to the support activity shall be described in a comprehensive SWPPP covering the discharges from the support activity areas.

TDOT projects shall be addressed in the Waste and Borrow Manual per the Statewide Stormwater Management Plan (SSWMP). Stormwater discharges associated with support activities that have been issued a separate individual permit or an alternative general permit are not authorized by this general permit. This permit does not authorize any process wastewater discharges from support activities. Process wastewater discharges from support activities must be authorized by an individual permit or other appropriate general permit.

1.2.3. Non-stormwater discharges authorized by this permit

The following non-stormwater discharges from active construction sites are authorized by this permit provided the non-stormwater component of the discharge is in compliance with section 3.5.9 below (*Pollution prevention measures for non-stormwater discharges*):

- a) dewatering of work areas of collected stormwater and ground water (filtering or chemical treatment may be necessary prior to discharge);
- b) waters used to wash vehicles (of dust and soil, not process materials such as oils, asphalt or concrete) where detergents are not used and detention and/or filtering is provided before the water leaves site;
- c) water used to control dust in accordance with section 3.5.5 below;
- d) potable water sources including waterline flushings from which chlorine has been removed to the maximum extent practicable;
- e) routine external building washdown that does not use detergents or other chemicals;
- f) uncontaminated groundwater or spring water; and
- g) foundation or footing drains where flows are not contaminated with pollutants (process materials such as solvents, heavy metals, etc.).

All non-stormwater discharges authorized by this permit must be free of sediment or other solids and must not cause erosion of soil or the stream bank, or result in sediment impacts to the receiving stream.

1.2.4. Other NPDES-permitted discharges

Discharges of stormwater or wastewater authorized by and in compliance with a different NPDES permit (other than this permit) may be mixed with discharges authorized by this permit.

1.3. Limitations on Coverage

Except for discharges from support activities, as described in section 1.2.2 above and certain non-stormwater discharges listed in section 1.2.3 above, all discharges covered by this permit shall be composed entirely of stormwater. This permit does not authorize the following discharges:

- a) Post-Construction Discharges (Permanent Stormwater Management) - Stormwater discharges associated with construction activity that originate from the construction site

after construction activities have been completed, the site has undergone final stabilization, and the coverage under this permit has been terminated.

- b) Discharges Mixed with Non-Stormwater - Discharges that are mixed with sources of non-stormwater, other than discharges which are identified in section 1.2.4 above (*Other NPDES-permitted discharges*) and in compliance with section 3.5.9 below (*Pollution prevention measures for non-stormwater discharges*) of this permit.
- c) Discharges Covered by Another Permit - Stormwater discharges associated with construction activity that have been issued an individual permit in accordance with subpart 7.12 below (*Requiring an Individual Permit*).
- d) Discharges Threatening Water Quality - Stormwater discharges from construction sites, that the director determines will cause, have the reasonable potential to cause, or contribute to violations of water quality standards. Where such determination has been made, the discharger will be notified by the director in writing that an individual permit application is necessary as described in subpart 7.12 below (*Requiring an Individual Permit*). However, the division may authorize coverage under this permit after appropriate controls and implementation procedures have been included in the SWPPP that are designed to bring the discharge into compliance with water quality standards.
- e) Discharges into Impaired Streams - This permit does not authorize discharges that would add loadings of a pollutant that is identified as causing or contributing to the impairment of a water body on the list of impaired waters. Impaired waters means any segment of surface waters that has been identified by the division as failing to support its designated classified uses. Compliance with the additional requirements set forth in sub-part 5.4 is not considered as contributing to loadings to impaired waters or degradation unless the division determines upon review of the SWPPP that there is a reason to limit coverage as set forth in paragraph d) above and the SWPPP cannot be modified to bring the site into compliance.
- f) Discharges into Outstanding National Resource Waters - The director shall not grant coverage under this permit for discharges into waters that are designated by the Water Quality Control Board as Outstanding National Resource Waters (ONRWs). Designation of ONRWs are made according to TDEC Rules, Chapter 1200-4-3-.06.
- g) Discharges into Exceptional Quality Waters - The director shall not grant coverage under this permit for potential discharges of pollutants which would cause degradation to waters designated by TDEC as exceptional quality waters (see sub-part 5.4 (Discharges into Impaired or Exceptional Tennessee Waters for additional permit requirements). Compliance with the additional requirements set forth in sub-part 5.4 is not considered as contributing to loadings to exceptional quality waters or degradation unless the division determines upon review of the SWPPP that there is a reason to limit coverage as set forth in paragraph d) above and the SWPPP cannot be modified to bring the site into compliance. Identification of exceptional quality waters is made according to TDEC Rules, Chapter 1200-4-3-.06.
- h) Discharges Not Protective of Federal or State listed Threatened and Endangered Species, Species Deemed in Need of Management or Special Concern Species - Stormwater discharges and stormwater discharge-related activities that are not protective of legally protected listed or proposed threatened or endangered aquatic fauna or flora (or species proposed for such protection) in the receiving stream(s); or discharges or activities that would result in a "take" of a state or federal listed endangered or threatened aquatic or wildlife species deemed in need of management or special concern species, or such species' habitat. If the division finds that stormwater discharges or stormwater related activities are likely to result in any of the above effects, the director will deny the

coverage under this general permit unless and until project plans are changed to adequately protect the species.

- i) Discharges from a New or Proposed Mining Operation - This permit does not cover discharges from a new or proposed mining operation.
- j) Discharges Negatively Affecting a Property on the National Historic Register - Stormwater 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.
- k) Discharging into Receiving Waters With an Approved Total Maximum Daily Load Analysis - Discharges of pollutants of concern to waters for which there is an EPA-approved total maximum daily load (TMDL) for the same pollutant are not covered by this permit unless measures or controls that are consistent with the assumptions and requirements of such TMDL are incorporated into the SWPPP. If a specific wasteload allocation has been established that would apply to the discharge, that allocation must be incorporated into the SWPPP and steps necessary to meet that allocation must be implemented. In a situation where an EPA-approved or established TMDL has specified a general wasteload allocation applicable to construction stormwater discharges, but no specific requirements for construction sites have been identified, the permittee should consult with the division to confirm that adherence to a SWPPP that meets the requirements of this permit will be consistent with the approved TMDL. Where an EPA-approved or established TMDL has not specified a wasteload allocation applicable to construction stormwater discharges, but has not specifically excluded these discharges, adherence to a SWPPP that meets the requirements of the CGP will generally be assumed to be consistent with the approved TMDL. If the EPA-approved or established TMDL specifically precludes construction stormwater discharges, the operator is not eligible for coverage under the CGP.

1.4. Obtaining Permit Coverage

Submitting a complete NOI, a SWPPP and an appropriate permitting application fee are required to obtain coverage under this general permit. Requesting coverage under this permit means that an applicant has obtained and examined a copy of this permit, and thereby acknowledges applicant's claim of ability to comply with permit terms and conditions. Upon completing NOI review, the division will:

- a) issue a notice of coverage (NOC) to the operator identified as a primary permittee on the NOI form (see subpart 1.5 below - *Effective Date of Coverage*); or
- b) notify the applicant of needed changes to their NOI submittal (see section 2.6.3 below - *Application completeness*); or
- c) deny coverage under this general permit (see subpart 7.12 below - *Requiring an Individual Permit*).

1.4.1. Notice of Intent (NOI)

Operators wishing to obtain coverage under this permit must submit a completed NOI in accordance with requirements of part 2 below, using the NOI form provided in Appendix A of this permit (or a copy thereof). The division will review NOIs for completeness and accuracy and, when deemed necessary, investigate the proposed project for potential impacts to the waters of the state.

1.4.2. Stormwater Pollution Prevention Plan (SWPPP)

Operators wishing to obtain coverage under this permit must develop and submit a site-specific SWPPP with the NOI. The initial, comprehensive SWPPP, developed and submitted by the site-wide permittee (typically owner/developer who applied for coverage at project commencement¹), should address all construction-related activities from the date construction commences to the date of termination of permit coverage, to the maximum extent practicable. The SWPPP must be developed, implemented and updated according to the requirements in part 3 below (*SWPPP Requirements*) and subpart 2.3 below (*Responsibilities of Operators*). The SWPPP must be implemented prior to commencement of construction activities.

If the initial, comprehensive SWPPP does not address all activities until final stabilization of the site, an updated SWPPP or addendums to the plan addressing all aspects of current site disturbance must be prepared. An active, updated SWPPP must be in place for all disturbed portions of a site until each portion has been completed and finally stabilized.

Preparation and implementation of the comprehensive SWPPP may be a cooperative effort with all operators at a site. New operators with design and operational control of their portion of the construction site are expected to adopt, modify, update and implement a comprehensive SWPPP. Primary permittees at the site may develop a SWPPP addressing only their portion of the project, as long as the proposed Best Management Practices (BMPs) are compatible with the comprehensive SWPPP and complying with conditions of this general permit.

1.4.3. Permit application fees

The permit application fee should accompany the site-wide permittee's NOI form. The fee is based on the total acreage planned to be disturbed by an entire construction project for which the site-wide permittee is requesting coverage, including any associated construction support activities (see section 1.2.2 above). *The disturbed area* means the total area presented as part of the development (and/or of a larger common plan of development) subject to being cleared, graded, or excavated during the life of the development. The area cannot be limited to only the portion of the total area that the site-wide owner/developer initially disturbs through the process of various land clearing activities and/or in the construction of roadways, sewers and water utilities, stormwater drainage structures, etc., to make the property marketable. The site-wide owner/developer may present documentation of common areas in the project that will not be subject to disturbance at anytime during the life of the project and have these areas excluded from the fee calculation.

The application fees shall be as specified in the TDEC Rules, Chapter 1200-4-11. The application will be deemed incomplete until the appropriate application fee is paid in full. Checks for the appropriate fee should be made payable to "Treasurer, State of Tennessee." There is no additional fee for subsequent owner/operator to obtain permit coverage (see section 2.4.3 below - *New operator*), as long as the site-wide primary permittee has active permit coverage at the time of receipt of the subsequent operator's application, because the site-wide primary permittee paid the appropriate fee for the entire area of site disturbance. If a project was previously permitted, but permit coverage was terminated (see section 8.1.1 below - Termination process for primary permittees), and subsequent site disturbance or re-development occurs, the new operator must obtain coverage and pay the appropriate fee for the disturbed acreage.

¹ See sub-part 2.1 on page 7 for a definition of an site-wide permittee.

1.4.4. Submittal of a copy of the NOC and NOT to the local MS4

Permittees who discharge stormwater through an NPDES-permitted municipal separate storm sewer system (MS4) who are not exempted in section 1.4.5 below (*Permit Coverage through Qualifying Local Program*) must submit a courtesy copy of the notice of coverage (NOC), and at project completion, a copy of the signed notice of termination (NOT) to the MS4 upon their request. Permitting status of all permittees covered (or previously covered) under this general permit as well as the most current list of all MS4 permits is available at the division's DataViewer web site².

1.4.5. Permit Coverage through Qualifying Local Program

Coverage equivalent to coverage under this general permit may be obtained from a qualifying local erosion prevention and sediment control Municipal Separate Storm Sewer System (MS4) program. A qualifying local program (QLP) is a municipal stormwater program for stormwater discharges associated with construction activity that has been formally approved by the division. More information about Tennessee's QLP program and MS4 participants can be found at: <http://tn.gov/environment/wpc/stormh2o/qlp.shtml>.

If a construction site is within the jurisdiction of and has obtained a notice of coverage from a QLP, the operator of the construction activity is authorized to discharge stormwater associated with construction activity under this general permit without the submittal of an NOI to the division. The permittee is also not required to submit a SWPPP, a notice of termination or a permit fee to the division. At the time of issuance of this permit, there were no qualifying local erosion prevention and sediment control MS4 programs in Tennessee. Permitting of stormwater runoff from construction sites from federal or state agencies (including, but not limited to the Tennessee Department of Transportation (TDOT) and Tennessee Valley Authority (TVA)) and the local MS4 program itself will remain solely under the authority of TDEC.

The division may require any owner/developer or operator located within the jurisdiction of a QLP to obtain permit coverage directly from the division. The operator shall be notified in writing by the division that coverage by the QLP is no longer applicable, and how to obtain coverage under this permit.

1.5. Effective Date of Coverage

1.5.1. Notice of Coverage (NOC)

The NOC is a notice from the division to the primary permittee, which informs the primary permittee that the NOI, the SWPPP and the appropriate fee were received and accepted, and stormwater discharges from a specified area of a construction activity have been approved under this general permit. The permittee is authorized to discharge stormwater associated with construction activity as of the effective date listed on the NOC.

Assigning a permit tracking number by the division to a proposed discharge from a construction site does not confirm or imply an authorization to discharge under this permit. Correspondence

² <http://www.tn.gov/environment/wpc/dataviewer/>

with the permittee is maintained through the Site Owner or Developer listed in the NOI, not the optional contact or the secondary permittee.

If any Aquatic Resource Alteration Permits (ARAP) are required for a site in areas proposed for active construction, the NOC will not be issued until ARAP application(s) are submitted and deemed by TDEC to be complete. The treatment and disposal of wastewater (including, but not limited to sanitary wastewater) generated during and after the construction must be also addressed. The issuance of the NOC may be delayed until adequate wastewater treatment and accompanying permits are issued.

1.5.2. Permit tracking numbers

Construction sites covered under this permit will be assigned permit tracking numbers in the sequence TNR100001, TNR100002, etc. An operator presently permitted under a previous construction general permit shall be granted coverage under this new general permit. Permit tracking numbers assigned under a previous construction general permit will be retained (see section 2.4.1 below). An operator receiving new permit coverage will be assigned a new permit tracking number (see section 2.4.2 below).

2. NOTICE OF INTENT (NOI) REQUIREMENTS

2.1. Who Must Submit an NOI?

All site operators must submit an NOI form. "Operator" for the purpose of this permit and in the context of stormwater associated with construction activity means any person associated with a construction project who meets either or both of the following two criteria:

- a) The person has operational or design control over construction plans and specifications, including the ability to make modifications to those plans and specifications. This person is typically the owner or developer of the project or a portion of the project (e.g. subsequent builder), or the person that is the current land owner of the construction site. This person is considered the primary permittee; or
- b) The person has 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. This person is typically a contractor or a commercial builder who is hired by the primary permittee, and is considered a secondary permittee.

The site-wide permittee is the first primary permittee to apply for coverage at the site. There may be other primary permittees for a project, but there is only one site-wide permittee. Where there are multiple operators associated with the same project, all operators are required to obtain permit coverage. Once covered by a permit, all such operators are to be considered as co-permittees if their involvement in the construction activities affects the same project site, and are held jointly and severally responsible for complying with the permit.

2.2. Typical Construction Site Operators

2.2.1. Owner/Developer

An owner or developer(s) of a project is a primary permittee. This person has operational or design control over construction plans and specifications, including the ability to make modifications to those plans and specifications. This person may include, but is not limited to a developer, landowner, realtor, commercial builder, homebuilder, etc. An owner or developer's responsibility to comply with requirements of this permit extends until permit coverage is terminated in accordance with requirements of part 8 below.

2.2.2. Commercial builders

A commercial builder can be a primary or secondary permittee at a construction site.

A commercial builder who purchases one or more lots from an owner/developer (site-wide permittee) for the purpose of constructing and selling a structure (e.g., residential house, non-residential structure, commercial building, industrial facility, etc.) and has design or operational control over construction plans and specifications is a primary permittee for that portion of the site. A commercial builder may also be hired by the end user (e.g., a lot owner who may not be a permittee). In either case the commercial builder is considered a new operator and must submit a new NOI following requirements in section 2.4.3 below.

The commercial builder may also be hired by the primary permittee or a lot owner to build a structure. In this case, the commercial builder signs the primary permittee's NOI and SWPPP as a contractor (see section 2.2.3 below) and is considered a secondary permittee.

2.2.3. Contractors

A contractor is considered a secondary permittee. This person has 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., contractor is authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions).

A contractor may be, but is not limited to a general contractor, grading contractor, erosion control contractor, sub-contractor responsible for any land disturbing activities and/or erosion prevention and sediment control (EPSC) implementation/maintenance, commercial builder hired by the owner/developer, etc. The contractor may need to include in their contract with the party that hired them specific details for the contractor's responsibilities concerning EPSC measures. This includes the ability of the contractor to make EPSC modifications. The contractor should sign the NOI and SWPPP associated with the construction project at which they will be an operator.

2.3. Responsibilities of Operators

A permittee may meet one or more of the operational control components in the definition of "operator" found in subpart 2.1 above. Either section 2.3.1 or 2.3.2 below, or both, will apply depending on the type of operational control exerted by an individual permittee.

2.3.1. Permittee(s) with design control (owner/developer)

Permittee(s) with design control (i.e., operational control over construction plans and specifications) at the construction site, including the ability to make modifications to those plans and specifications (e.g., owner/developer) must:

- a) Ensure the project specifications they develop meet the minimum requirements of part 3 below (stormwater pollution prevention plan - SWPPP) and all other applicable conditions;
- b) Ensure that the SWPPP indicates the areas of the project where they have design control (including the ability to make modifications in specifications), and ensure all other permittees implementing and maintaining portions of the SWPPP impacted by any changes they make to the plan are notified of such modifications in a timely manner;
- c) Ensure that all common facilities (i.e., sediment treatment basin and drainage structures) that are necessary for the prevention of erosion or control of sediment are maintained and effective until all construction is complete and all disturbed areas in the entire project are stabilized, unless permit coverage has been obtained and responsibility has been taken over by a new (replacement) owner/operator.
- d) If parties with day-to-day operational control of the construction site have not been identified at the time the comprehensive SWPPP is initially developed, the permittee with design control shall be considered to be the responsible person until such time the supplemental NOI is submitted, identifying the new operator(s) (see section 2.4.3 below). These new operators (e.g., general contractor, utilities contractors, sub-contractors, erosion control contractors, hired commercial builders) are considered secondary permittees. The SWPPP must be updated to reflect the addition of new operators as needed to reflect operational or design control.
- e) Ensure that all operators on the site have permit coverage, if required, and are complying with the SWPPP.

2.3.2. Permittee(s) with day-to-day operational control (contractor – secondary permittee)

Permittee(s) with day-to-day operational control of those activities at a project which are necessary to ensure compliance with the SWPPP for the site or other permit conditions (e.g., general contractor, utilities contractors, sub-contractors, erosion control contractors, hired commercial builders) must:

- a) Ensure that the SWPPP for portions of the project where they are operators meets the minimum requirements of part 3 below (*SWPPP Requirements*) 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;
- c) Ensure that measures in the SWPPP are adequate to prevent erosion and control any sediment that may result from their earth disturbing activity;
- d) Permittees with operational control over only a portion of a larger construction project 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. This includes, but is not limited to, implementation of Best Management Practices (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 person's pollution control ineffective. All permittees must implement their portions of a comprehensive SWPPP.

2.4. NOI Submittal

2.4.1. Existing site

An operator presently permitted under the 2005 construction general permit shall be granted coverage under this new general permit. There will be no additional fees associated with an extension of coverage for existing sites under the new permit. The division may, at its discretion, require permittees to confirm their intent to be covered under this new general permit following its effective date through submission of an updated NOI. Should the confirmation be required and is not received, coverage under the new general permit will be terminated. Should a site with terminated coverage be unstable or construction continues, a new NOI, SWPPP and an appropriate fee must be submitted.

2.4.2. Application for new permit coverage

Except as provided in section 2.4.3 below, operators must submit a complete NOI, SWPPP and an appropriate fee in accordance with the requirements described in subpart 1.4 above. The complete application should be submitted at least 30 days prior to commencement of construction activities. The permittee is authorized to discharge stormwater associated with construction activity as of the effective date listed on the NOC. The land disturbing activities shall not start until a NOC is prepared and written approval by the division staff is obtained according to subpart 1.5 above.

2.4.3. New operator

For stormwater discharges from construction sites or portions of the sites where the operator changes (new owner), or projects where an operator is added (new contractor) after the initial NOI and comprehensive SWPPP have been submitted, the supplemental (submitted by a new contractor) or additional (submitted by a new owner) NOI should be submitted as soon as practicable, and always before the new operator commences work at the site. The supplemental NOI must reference the project name and tracking number assigned to the primary permittee's NOI.

If the site under the control of the new owner is inactive and all areas disturbed are completely stabilized, the NOI may not need to be submitted immediately upon assuming operational control. However, the division should be notified if a new operator obtains operational control at a site, but commencement of construction under the direction of the operator at the site is going to be delayed.

If upon the sale or transfer of the site's ownership does not change the signatory requirements for the NOI (see section 7.7.1 below), but the site's owner or developer's company name has changed, a new, updated NOI should be submitted to the division within 30 days of the name change. If the new operator agrees to comply with an existing comprehensive SWPPP already implemented at the site, a copy of the supplemental or modified SWPPP does not have to be submitted with the NOI. There will be no additional fees associated with the sale or transfer of ownership for existing permitted sites.

If the transfer of ownership is due to foreclosure or a permittee filing for bankruptcy proceedings, the new owner (including but not limited to a lending institution) must obtain permit coverage if the property is inactive, but is not stabilized sufficiently. If the property is sufficiently stabilized permit coverage may not be necessary, unless and until construction activity at the site resumes.

2.4.4. Late NOIs

Dischargers are not prohibited from submitting late NOIs. When a late NOI is submitted, and if the division authorizes coverage under this permit, such authorization is only for future discharges; any prior, unpermitted, discharges or permit noncompliances are subject to penalties as described in section 7.1.2 below.

2.5. **Who Must Sign the NOI?**

All construction site operators as defined in subsection 2.2 above (*Typical Construction Site Operators*) must sign the NOI form. Signatory requirements for a NOI are described in section 7.7.1 below. All signatures must be original. An NOI that does not bear an original signature will be deemed incomplete. The division recommends that signatures be in blue ink.

2.6. **NOI Form**

2.6.1. Contents of the NOI form

NOI for construction projects shall be submitted on the form provided in Appendix A of this permit, or on a copy thereof. This form and its instructions set forth the required content of the NOI. The NOI form must be filled in completely. If sections of the NOI are left blank, a narrative explaining the omission must be provided as an attachment.

Owners, developers and all contractors that meet the definition of the operator in subsection 2.2 above (*Typical Construction Site Operators*) shall apply for permit coverage on the same NOI, insofar as possible. The NOI is designed for more than one contractor (secondary permittee). The division may accept separate NOI forms from different operators for the same construction site when warranted.

After permit coverage has been granted to the primary permittee, any subsequent NOI submittals must include the site's previously assigned permit tracking number and the project name. The comprehensive site-specific SWPPP shall be prepared in accordance with the requirements of part 3 below, and must be submitted with the NOI unless the NOI being submitted is to only add a contractor (secondary permittee) to an existing coverage.

2.6.2. Construction site map

An excerpt (8 ½" by 11" or 11" by 17") from the appropriate 7.5 minute United States Geological Survey (USGS) topographic map, with the proposed construction site centered, must be included with the NOI. The entire proposed construction area must be clearly identified (outlined) on this map. The total area to be disturbed (in acres) should be included on the map. The map should outline the boundaries of projects, developments and the construction site in relation to major roads, streams or other landmarks. All outfalls where runoff will leave the property should be identified. Stream(s) receiving the discharge, and storm sewer system(s)

conveying the discharge from all site outfalls should be clearly identified and marked on the map. The map should also list and indicate the location of EPSCs that will be used at the construction site. NOIs for linear projects must specify the location of each end of the construction area and all areas to be disturbed. Commercial builders that develop separate SWPPPs that cover only their portion of the project shall also submit a site or plat map that clearly indicates the lots which they purchased and for which they are applying for permit coverage and the location of EPSCs that will be used at each lot.

2.6.3. Application completeness

Based on a review of the NOI or other available information, the division shall:

1. prepare a notice of coverage (NOC) for the construction site (see subpart 1.5 above); or
2. prepare a deficiency letter stating additional information must be provided before the NOC can be issued; or
3. deny coverage under this general permit and require the discharger to obtain coverage under an individual NPDES permit (see subpart 7.12 below).

2.7. **Where to Submit the NOI, SWPPP and Permitting Fee?**

The applicant shall submit the NOI, SWPPP and permitting fee to the appropriate TDEC Environmental Field Office (EFO) for the county(ies) where the construction activity is located and where stormwater discharges enters waters of the state. If a site straddles a county line of counties that are in areas of different EFOs, the operators shall send NOIs to each EFO. The permitting fee should be submitted to the EFO that provides coverage for the majority of the proposed construction activity.

A list of counties and the corresponding EFOs is provided in subpart 2.8 below. The division's Nashville Central Office will serve as a processing office for NOIs submitted by federal or state agencies (including, but not limited to the Tennessee Department of Transportation (TDOT), Tennessee Valley Authority (TVA) and the local MS4 programs).

2.8. **List of the TDEC Environmental Field Offices (EFOs) and Corresponding Counties**

<u>EFO Name</u>	<u>List of Counties</u>
<u>Chattanooga</u>	Bledsoe, Bradley, Grundy, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, Sequatchie
<u>Columbia</u>	Bedford, Coffee, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Perry, Wayne
<u>Cookeville</u>	Cannon, Clay, Cumberland, De Kalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, Warren, White
<u>Jackson</u>	Benton, Carroll, Chester, Crockett, Decatur, Dyer, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, Madison, McNairy, Obion, Weakley
<u>Johnson City</u>	Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Unicoi, Washington
<u>Knoxville</u>	Anderson, Blount, Campbell, Claiborne, Cocke, Grainger, Hamblen, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, Union
<u>Memphis</u>	Fayette, Shelby, Tipton
<u>Nashville</u>	Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, Wilson

TDEC may be reached by telephone at the toll-free number 1-888-891-8332 (TDEC). Local EFOs may be reached directly when calling this number from the construction site, using a land line.

3. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) REQUIREMENTS

3.1. The General Purpose of the SWPPP

A comprehensive SWPPP must be prepared and submitted along with the NOI as required in section 1.4.2 above. The primary permittee must implement the SWPPP as written from commencement of construction activity until final stabilization is complete, or until the permittee does not have design or operational control of any portion of the construction site. Requirements for termination of site coverage are provided in part 8 below.

A site-specific SWPPP must be developed for each construction project or site covered by this permit. The design, inspection and maintenance of Best Management Practices (BMPs) described in SWPPP must be prepared in accordance with good engineering practices. At a minimum, BMPs shall be consistent with the requirements and recommendations contained in the current edition of the Tennessee Erosion and Sediment Control Handbook (the handbook). The handbook is designed to provide information to planners, developers, engineers, and contractors on the proper selection, installation, and maintenance of BMPs. This permit allows the use of innovative or alternative BMPs, whose performance has been documented to be equivalent or superior to conventional BMPs as certified by the SWPPP designer.

Once a definable area has been finally stabilized, the permittee may identify this area on the site-specific SWPPP. No further SWPPP or inspection requirements apply to that portion of the site (e.g., earth-disturbing activities around one of three buildings in a complex are done and the area is finally stabilized, one mile of a roadway or pipeline project is done and finally stabilized, etc).

For more effective coordination of BMPs a cooperative effort by the different operators at a site to prepare and participate in a comprehensive SWPPP is expected. Primary permittees at a site may 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 stormwater discharge controls and other measures are compatible with one another and do not prevent another operator from complying with permit conditions. The comprehensive SWPPP developed and submitted by the primary permittee must assign responsibilities to subsequent (secondary) permittees and coordinate all BMPs at the construction site. Assignment and coordination can be done by name or by job title.

3.1.1. Registered engineer or landscape architect requirement

The narrative portion of the SWPPP may be prepared by an individual that has a working knowledge of erosion prevention and sediment controls, such as a Certified Professional in Erosion and Sediment Control (CPESC) or a person that successfully completed the “Level II Design Principles for Erosion Prevention and Sediment Control for Construction Sites” course. Plans and specifications for any building or structure, including the design of sediment basins or other sediment controls involving structural, hydraulic, hydrologic or other engineering calculations shall be prepared by a licensed professional engineer or landscape architect and

stamped and certified in accordance with the Tennessee Code Annotated, Title 62, Chapter 2 (see part 10 below) and the rules of the Tennessee Board of Architectural and Engineering Examiners. Engineering design of sediment basins and other sediment controls must be included in SWPPPs for construction sites involving drainage to an outfall totaling 10 or more acres (see subsection 3.5.3.3 below) or 5 or more acres if draining to an impaired or exceptional quality waters (see subsection 5.4.1 below).

3.1.2. Site Assessment

Quality assurance of erosion prevention and sediment controls shall be done by performing site assessment at a construction site. The site assessment shall be conducted at each outfall involving drainage totaling 10 or more acres (see subsection 3.5.3.3 below) or 5 or more acres if draining to an impaired or exceptional quality waters (see subsection 5.4.1 below), within a month of construction commencing at each portion of the site that drains the qualifying acreage of such portion of the site. The site assessment shall be performed by individuals with following qualifications:

- a licensed professional engineer or landscape architect;
- a Certified Professional in Erosion and Sediment Control (CPESC) or
- a person that successfully completed the “Level II Design Principles for Erosion Prevention and Sediment Control for Construction Sites” course.

As a minimum, site assessment should be performed to verify the installation, functionality and performance of the EPSC measures described in the SWPPP. The site assessment should be performed with the inspector (as defined in part 10 below – Definitions), and should include a review and update (if applicable) of the SWPPP. Modifications of plans and specifications for any building or structure, including the design of sediment basins or other sediment controls involving structural, hydraulic, hydrologic or other engineering calculations shall be prepared by a licensed professional engineer or landscape architect and stamped and certified in accordance with the Tennessee Code Annotated, Title 62, Chapter 2 (see part 10 below) and the rules of the Tennessee Board of Architectural and Engineering Examiners.

The site assessment findings shall be documented and the documentation kept with the SWPPP at the site. At a minimum, the documentation shall include information included in the inspection form provided in Appendix C of this permit. The documentation must contain the printed name and signature of the individual performing the site assessment and the following certification:

“I certify under penalty of law that this report and all attachments are, 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.”

The site assessment can take the place of one of the twice weekly inspections requirement from subsection 3.5.8.2 below.

The division may require additional site assessment(s) to be performed if site inspection by division’s personnel reveals site conditions that have potential of causing pollution to the waters of the state.

3.2. SWPPP Preparation and Compliance

3.2.1. Existing site

Operator(s) of an existing site presently permitted under the division's previous construction general permit shall maintain full compliance with the current SWPPP. The current SWPPP should be modified, if necessary, to meet requirements of this new general permit, and the SWPPP changes implemented no later than 12 months following the new permit effective date (**Error! Reference source not found.**), excluding the buffer zone requirements as stated in section 4.1.2 below. The permittee shall make the updated SWPPP available for the division's review upon request.

3.2.2. New site

For construction stormwater discharges not authorized under an NPDES permit as of the effective date of this permit, a SWPPP that meets the requirements of subpart 3.5 below of this permit shall be prepared and submitted along with the NOI and an appropriate fee for coverage under this permit.

3.3. Signature Requirements, Plan Review and Making Plans Available

3.3.1. Signature Requirements for a SWPPP

The SWPPP shall be signed by the operator(s) in accordance with subpart 7.7 below, and if applicable, certified according to requirements in section 3.1.1 above. All signatures must be original. A SWPPP that does not bear an original signature will be deemed incomplete. The division recommends that signatures be in blue ink.

3.3.2. SWPPP Review

The permittee shall make updated plans and inspection reports available upon request to the director, local agency approving erosion prevention and sediment control plan, grading plans, land disturbance plans, or stormwater management plans, or the operator of an MS4.

3.3.3. Making plans available

A copy of the SWPPP shall be retained on-site at the location which generates the stormwater discharge in accordance with part 6 below of this permit. If the site is inactive or does not have an onsite location adequate to store the SWPPP, the location of the SWPPP, along with a contact phone number, shall be posted on-site. If the SWPPP is located offsite, reasonable local access to the plan, during normal working hours, must be provided.

3.4. Keeping Plans Current

3.4.1. SWPPP modifications

The permittee must modify and update the SWPPP if any of the following are met:

- a) whenever there is a change in the scope of the project, which would be expected to have a significant effect on the discharge of pollutants to the waters of the state and which has not otherwise been addressed in the SWPPP. If applicable, the SWPPP must be modified or updated whenever there is a change in chemical treatment methods, including the use of different treatment chemical, different dosage or application rate, or different area of application;
- b) whenever inspections or investigations by site operators, local, state or federal officials indicate the SWPPP is proving ineffective in eliminating or significantly minimizing pollutants from sources identified under section 3.5.2 below of this permit, or is otherwise not achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity. Where local, state or federal officials determine that the SWPPP is ineffective in eliminating or significantly minimizing pollutant sources, a copy of any correspondence to that effect must be retained in the SWPPP;
- c) to identify any new operator (typically contractor and/or subcontractor) as needed to reflect operational or design control that will implement a measure of the SWPPP (see subparts 2.1 and 2.2 above for further description of which operators must be identified); and
- d) to include measures necessary to prevent a negative impact to legally protected state or federally listed fauna or flora (or species proposed for such protection – see subpart 1.3 above). Amendments to the SWPPP may be reviewed by the division, a local MS4, the EPA or an authorized regulatory agency; and
- e) a TMDL is developed for the receiving waters for a pollutant of concern (siltation and/or habitat alteration).

3.5. Components of the SWPPP

The SWPPP shall include the following items, as described in sections 3.5.1 to 3.5.10 below: site description, description of stormwater runoff controls, erosion prevention and sediment controls, stormwater management, description of other items needing control, approved local government sediment and erosion control requirements, maintenance, inspections, pollution prevention measures for non-stormwater discharges, and documentation of permit eligibility related to Total Maximum Daily Loads (TMDL). The SWPPP must:

- a) identify all potential sources of pollution which are likely to affect the quality of stormwater discharges from the construction site;
- b) describe practices to be used to reduce pollutants in stormwater discharges from the construction site; and
- c) assure compliance with the terms and conditions of this permit.

3.5.1. Site description

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

- a) a description of all construction activities at the site (not just grading and street construction);
- b) 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 that is expected to be disturbed by excavation, grading, filling, or other construction activities;
- d) a description of the topography of the site including an estimation of the percent slope and the variation in percent slope found on the site; such estimation should be on a basis of a drainage area serving each outfall, rather than an entire project;
- e) any data describing the soil (data may be referenced or summarized) and how the soil type will dictate the needed control measures and how the soil may affect the expected quality of runoff from the site;
- f) an estimate of the runoff coefficient of the site after construction activities are completed and how the runoff will be handled to prevent erosion at the permanent outfall and receiving stream, as well as the estimate of the percentage of impervious area before and after construction;
- g) an erosion prevention and sediment control plan of the site with the proposed construction area clearly outlined. The plan should indicate the boundaries of the permitted area, 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 SWPPP, the location of areas where stabilization practices are expected to occur, surface waters including wetlands, sinkholes, and careful identification on the site plan of outfall points intended for coverage under the general permit for stormwater discharges from the site. The erosion control plan must meet requirements stated in section 3.5.2 below;
- h) a description of any discharge associated with industrial activity other than construction stormwater that originates on site and the location of that activity and its permit number;
- i) identification of any stream or wetland on or adjacent to the project, a description of any anticipated alteration of these waters and the permit number or the tracking number of the Aquatic Resources Alteration Permit (ARAP) or Section 401 Certification issued for the alteration;
- j) the name of the receiving water(s), and approximate size and location of affected wetland acreage at the site;
- k) if applicable, clearly identify and outline the buffer zones established to protect waters of the state located within the boundaries of the project;
- l) some construction projects, such as residential or commercial subdivisions and/or developments or industrial parks are subdivided. Subdivided lots are sometimes sold to new owners prior to completion of construction. The site-wide developer/owner must describe EPSC measures implemented at those lots. Once the property is sold, the new operator must obtain coverage under this permit;
- m) for projects of more than 50 acres, the construction phases must be described (see subsection 3.5.3.1 below); and
- n) if only a portion of the total acreage of the construction site is to be disturbed, then the protections employed to limit the disturbance must be discussed, i.e., caution fence, stream side buffer zones, etc. Limits of disturbance shall be clearly marked in the

SWPPP and areas to be undisturbed clearly marked in the field before construction activities begin.

3.5.2. Description of stormwater runoff controls

The SWPPP shall include a description of appropriate erosion prevention and sediment controls and other Best Management Practices (BMPs) that will be implemented at the construction site. The SWPPP must clearly describe each major activity which disturbs soils for major portions of the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation, etc.):

- a) appropriate control measures and the general timing for the measures to be implemented during construction activities; and
- b) which permittee is responsible for implementation of which controls.

The SWPPP must include erosion prevention and sediment control (EPSC) plans showing the approximate location of each control measure along with a description of the timing during the construction process for implementing each measure (e.g., prior to the start of earth disturbance, as the slopes are altered and after major grading is finished). The different stages of construction (initial/major grading, installation of infrastructure, final contours, etc.) and the erosion preventions and sediment control measures that will be utilized during each stage should be depicted on multiple plan sheets (see paragraphs below). Half sheets are acceptable. One sheet showing all EPSCs that will be used during the life of the multi-phase project implementing different EPSC controls at each stage will not be considered complete.

For site disturbances less than 5 acres, at least two separate EPSC plan sheets shall be developed. At least two stages shall be identified, with associated EPSC measures addressed. The plan stages shall be addressed separately in plan sheets, with each stage reflecting the conditions and EPSC measures necessary to manage stormwater runoff, erosion and sediment during the initial land disturbance (initial grading) and the conditions and EPSC measures necessary to manage stormwater, erosion and sediment at final grading.

For site disturbances more than 5 acres, at least 3 separate EPSC plan sheets shall be developed. Three stages shall be identified. The first plan sheet should reflect the conditions and EPSC measures necessary to manage stormwater runoff, during the initial land disturbance (initial grading). The second plan sheet shall reflect the conditions and the EPSC measures necessary to manage stormwater runoff from interim land disturbance activities. The third plan sheet shall reflect the conditions and EPSC measures necessary to manage stormwater runoff, erosion and sediment at final grading.

The description and implementation of controls shall address the following minimum components, as described in sections 3.5.3, 3.5.4 and 3.5.5 below. Additional controls may be necessary to comply with section 5.3.2 below.

3.5.3. Erosion prevention and sediment controls

3.5.3.1. General criteria and requirements

- a) The construction-phase erosion prevention controls shall be designed to eliminate (or minimize if complete elimination is not possible) the dislodging and suspension of soil in

water. Sediment controls shall be designed to retain mobilized sediment on site to the maximum extent practicable.

- b) The design, inspection and maintenance of Best Management Practices (BMPs) described in SWPPP must be prepared in accordance with good engineering practices and, at a minimum, shall be consistent with the requirements and recommendations contained in the current edition of the Tennessee Erosion and Sediment Control Handbook. In addition, all control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications (where applicable). All control measures selected must be able to slow runoff so that rill and gully formation is prevented. When steep slopes and/or fine particle soils are present at the site, additional physical or chemical treatment of stormwater runoff may be required. Proposed physical and/or chemical treatment must be researched and applied according to the manufacturer's guidelines and fully described in the SWPPP. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the permittee must replace or modify the control for relevant site situations.
- c) If permanent or temporary vegetation is to be used as a control measure, then the timing of the planting of the vegetation cover must be discussed in the SWPPP. Planning for planting cover vegetation during winter months or dry months should be avoided.
- d) If sediment escapes the permitted area, 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 a 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 authorize access to private property. Arrangements concerning removal of sediment on adjoining property must be settled by the permittee with the adjoining landowner.
- e) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as recommended in the Tennessee Erosion and Sediment Control Handbook, and must be removed when design capacity has been reduced by 50%.
- f) Litter, construction debris, and construction chemicals exposed to stormwater shall be picked up prior to anticipated storm events or before being carried off of the site by wind (e.g., forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls, daily pick-up, etc.). After use, materials used for erosion prevention and sediment control (such as silt fence) should be removed or otherwise prevented from becoming a pollutant source for stormwater discharges.
- g) Erodible material storage areas (including but not limited to overburden and stockpiles of soil etc.) and borrow pits used primarily for the permitted project and which are contiguous to the site are considered a part of the site and shall be identified on the NOI, addressed in the SWPPP and included in the fee calculation. TDOT projects shall be addressed in the Waste and Borrow Manual per the Statewide Stormwater Management Plan (SSWMP).
- h) Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 15 days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.
- i) Clearing and grubbing must be held to the minimum necessary for grading and equipment operation. Existing vegetation at the site should be preserved to the maximum extent practicable.

- j) Construction must be sequenced to minimize the exposure time of graded or denuded areas.
- k) Construction phasing is required on all projects regardless of size as a major practice for minimizing erosion and limiting sedimentation. Construction must be phased to keep the total disturbed area less than 50 acres at any one time. Areas of the completed phase must be stabilized within 15 days (see subsection 3.5.3.2 below). No more than 50 acres of active soil disturbance is allowed at any time during the construction project. This includes off-site borrow or disposal areas that meet the conditions of section 1.2.2 above of this general permit.

The 50 acre limitation does not apply to linear construction projects (such as roadway, pipeline, and other infrastructure construction activities) if the following conditions are met:

- Where no one area of active soil disturbance is greater than 50 acres and the various areas of disturbance have distinct receiving waters; or
- Where contiguous disturbances amount to greater than 50 acres, but no one distinct water is receiving run off from more than 50 disturbed acres; or
- With the department's written concurrence, where more than 50 acres of disturbance is to occur and where one receiving water will receive run-off from more than 50 acres; or
- Where no one area of active soil disturbance is greater than 50 acres and the various areas of disturbance are more than 5 miles apart.

In order for a linear project to take advantage of the 50 acre rule exemption outlined in this paragraph, the contractor shall conduct monthly site assessments as described in section 3.1.2 above until the site is permanently stabilized.

- l) Erosion prevention 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 workday, but must be replaced at the end of the workday.
- m) The following records shall be maintained on or near site: the dates when major grading activities occur; the dates when construction activities temporarily or permanently cease on a portion of the site; the dates when stabilization measures are initiated; inspection records and rainfall records.
- n) Off-site vehicle tracking of sediments and the generation of dust shall be minimized. A stabilized construction access (a point of entrance/exit to a construction site) shall be described and implemented, as needed, to reduce the tracking of mud and dirt onto public roads by construction vehicles.
- o) Permittees shall maintain a rain gauge and daily rainfall records at the site, or use a reference site for a record of daily amount of precipitation.

3.5.3.2. Stabilization practices

The SWPPP 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 comply with buffer zone requirements (see sections 4.1.2

and 5.4.2 below), if applicable, 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 final stabilization in lieu of a permanent vegetative cover should be avoided where practicable. No stabilization, erosion prevention and sediment control measures are to be installed in a stream without obtaining a Section 404 permit and an Aquatic Resources Alteration Permit (ARAP), if such permits are required and appropriate.

Stabilization measures shall be initiated as soon as possible in portions of the site where construction activities have temporarily or permanently ceased. Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed no later than 15 days after the construction activity in that portion of the site has temporarily or permanently ceased. In the following situations, temporary stabilization measures are not required:

- a) where the initiation of stabilization measures is precluded by snow cover or frozen ground conditions or adverse soggy ground conditions, stabilization measures shall be initiated as soon as practicable; or
- b) where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 15 days.

Steep slopes shall be temporarily stabilized not later than 7 days after construction activity on the slope has temporarily or permanently ceased.

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. Unpacked gravel containing fines (silt and clay sized particles) or crusher runs will not be considered a non-eroding surface.

3.5.3.3. Structural practices

The SWPPP shall include a description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and discharge of pollutants from exposed areas of the site. 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 Aquatic Resources Alteration Permit (ARAP).

Erosion prevention and sediment control measures must be prepared in accordance with good engineering practices and the latest edition of the Tennessee Erosion and Sediment Control Handbook. In addition, erosion prevention and sediment controls shall be designed to minimize erosion and maximize sediment removal resulting from a 2-year, 24-hour storm (the design storm – see part 10 below: “2-year and 5-year design storm depths and intensities”), as a minimum, either from total rainfall in the designated period or the equivalent intensity as specified on the following website http://hdsc.nws.noaa.gov/hdsc/pfds/orb/tn_pfds.html. When clay and other fine particle soils are present at the construction site, chemical treatment may be used to minimize amount of sediment being discharged.

For an on-site outfall which receives drainage from 10 or more acres, a minimum sediment basin volume that will provide treatment for a calculated volume of runoff from a 2 year, 24 hour storm and runoff from each acre drained, or equivalent control measures as specified in the Tennessee Erosion and Sediment Control Handbook, shall be provided until final stabilization of the site. A drainage area of 10 or more acres includes both disturbed and undisturbed portions of the site or areas adjacent to the site, all draining through the common outfall. Where an equivalent control measure is substituted for a sediment retention basin, the equivalency must be justified to the division. Runoff from any undisturbed acreage should be diverted around the disturbed area and the sediment basin. Diverted runoff can be omitted from the volume calculation. Sediment storage expected from the disturbed areas must be included.

All calculations of drainage areas, runoff coefficients and basin volumes must be provided in the SWPPP. The discharge structure from a sediment basin must be designed to retain sediment during the lower flows. Muddy water to be pumped from excavation and work areas must be held in settling basins or filtered or chemically treated 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. Discharged water must not cause an objectionable color contrast with the receiving stream.

3.5.4. Stormwater management

The SWPPP shall include a description of any measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed.

For projects discharging to waters considered impaired by sediment or habitat alteration due to in-channel erosion, the SWPPP shall include a description of measures that will be installed during the construction process to control pollutants and any increase in the volume of stormwater discharges that will occur after construction operations have been completed. For steep slope sites, the SWPPP shall also include a description of measures that will be installed to dissipate the volume and energy of the stormwater runoff to pre-development levels.

This permit only addresses the installation of stormwater management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed, the site has undergone final stabilization, and the permit coverage has been terminated. Permittees are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site, and are not responsible for maintenance after stormwater discharges associated with construction activity have been eliminated from the site. All permittees are encouraged to limit the amount of post construction runoff, if not required by local building regulations or local MS4 program requirements, in order to minimize in-stream channel erosion in the receiving stream.

Construction stormwater runoff management practices may include: stormwater detention structures (including ponds with a permanent pool); stormwater retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices).

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 the receiving stream so that the natural physical and biological characteristics and functions of the stream are

maintained and protected (e.g., there should be no significant changes in the hydrological regime of the receiving water). The SWPPP shall include an explanation of the technical basis used to select the velocity dissipation devices to control pollution where flows exceed pre-development levels. The Tennessee Erosion and Sediment Control Handbook provides measures that can be incorporated into the design or implemented on site to decrease erosive velocities. An Aquatic Resources Alteration Permit (ARAP) may be required if such velocity dissipation devices installed would alter the receiving stream and/or its banks.

3.5.5. Other items needing control

- a) No solid materials, including building materials, shall be placed in waters of the state, except as authorized by a section 404 permit and/or Aquatic Resources Alteration Permit (ARAP)(see part 9 below).
- b) For installation of any waste disposal systems on site, or sanitary sewer or septic system, the SWPPP shall identify these systems and provide for the necessary EPSC 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.
- c) The SWPPP shall include a description of construction and waste materials expected to be stored on-site. The SWPPP shall also include a description of controls used to reduce pollutants from materials stored on site, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.
- d) A description of stormwater sources from areas other than construction and a description of controls and measures that will be implemented at those sites.
- e) A description of measures necessary to prevent “taking” of legally protected state or federal listed threatened or endangered aquatic fauna and/or critical habitat (if applicable). The permittee must describe and implement such measures to maintain eligibility for coverage under this permit.

3.5.6. Approved local government sediment and erosion control requirements

Permittees must comply with any additional erosion prevention, sediment controls and stormwater management measures required by a local municipality or permitted MS4 program.

3.5.7. Maintenance

The SWPPP shall describe procedures to ensure that vegetation, erosion and sediment control measures, buffer zones, 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, but in no case more than 7 days after the need is identified.

3.5.8. Inspections

3.5.8.1. Inspector training and certification

Inspectors performing the required twice weekly inspections must have an active certification by completing the “Fundamentals of Erosion Prevention and Sediment Control Level I” course. A copy of the certification or training record for inspector certification should be kept on site.

3.5.8.2. Schedule of inspections

- a) Inspections described in paragraphs b, c and d below, shall be performed at least twice every calendar week. Inspections shall be performed at least 72 hours apart. Where sites or portion(s) of construction sites have been temporarily stabilized, or runoff is unlikely due to winter conditions (e.g., site covered with snow or ice) or due to extreme drought, such inspection only has to be conducted once per month until thawing or precipitation results in runoff or construction activity resumes. Inspection requirements do not apply to definable areas that have been finally stabilized, as described in subpart 3.1 above. Written notification of the intent to change the inspection frequency and the justification for such request must be submitted to the local Environmental Field Office, or the division's Nashville Central Office for projects of the Tennessee Department of Transportation (TDOT) and the Tennessee Valley Authority (TVA). Should the division discover that monthly inspections of the site are not appropriate due to insufficient stabilization measures or otherwise, twice weekly inspections shall resume. The division may inspect the site to confirm or deny the notification to conduct monthly inspections.
- b) Qualified personnel, as defined in section 3.5.8.1 above (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, locations where vehicles enter or exit the site, and each outfall.
- c) 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 site's drainage system. Erosion prevention and sediment control measures shall be observed to ensure that they are operating correctly.
- d) Outfall points (where discharges leave the site and/or enter waters of the state) shall be inspected to determine whether erosion prevention and sediment control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.
- e) 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, but in no case more than 7 days after the need is identified.
- f) Based on the results of the inspection, the site description identified in the SWPPP in accordance with section 3.5.1 above and pollution prevention measures identified in the SWPPP in accordance with section 3.5.2 above shall be revised as appropriate, but in no case later than 7 days following the inspection. Such modifications shall provide for timely implementation of any changes to the SWPPP, but in no case later than 14 days following the inspection.
- g) All inspections shall be documented on the Construction Stormwater Inspection Certification form provided in Appendix C of this permit for all construction sites. An alternative inspection form may be used as long as the form contents and the inspection certification language are, at a minimum, equivalent to the division's form (Appendix C) and the permittee has obtained a written approval from the division to use the alternative form. Inspection documentation will be maintained on site and made available to the division upon request. Inspection reports must be submitted to the division within 10 days of the request. If the division requests the Construction Stormwater Inspection Certification form to be submitted, the submitted form must contain the printed name and

signature of the trained certified inspector and the person who meets the signatory requirements of section 7.7.2 below of this permit.

- h) Trained certified inspectors shall complete inspection documentation to the best of their ability. Falsifying inspection records or other documentation or failure to complete inspection documentation shall result in a violation of this permit and any other applicable acts or rules.
- i) Subsequent operator(s) (primary permittees) who have obtained coverage under this permit should conduct twice weekly inspections, unless their portion(s) of the site has been temporarily stabilized, or runoff is unlikely due to winter conditions or due to extreme drought as stated in paragraph a) above. The primary permittee (such as a developer) is no longer required to conduct inspections of portions of the site that are covered by a subsequent primary permittee (such as a home builder).

3.5.9. Pollution prevention measures for non-stormwater discharges

Sources of non-stormwater listed in section 1.2.3 above of this permit that are combined with stormwater discharges associated with construction activity must be identified in the SWPPP. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge. Any non-stormwater must be discharged through stable discharge structures. Estimated volume of the non-stormwater component(s) of the discharge must be included in the design of all impacted control measures.

3.5.10. Documentation of permit eligibility related to Total Maximum Daily Loads (TMDL)

The SWPPP must include documentation supporting a determination of permit eligibility with regard to waters that have an approved TMDL for a pollutant of concern, including:

- a) identification of whether the discharge is identified, either specifically or generally, in an approved TMDL and any associated wasteload allocations, site-specific requirements, and assumptions identified for the construction stormwater discharge;
- b) summaries of consultation with the division on consistency of SWPPP conditions with the approved TMDL, and
- c) measures taken to ensure that the discharge of TMDL identified pollutants from the site is consistent with the assumptions and requirements of the approved TMDL, including any specific wasteload allocation that has been established that would apply to the construction stormwater discharge.

4. CONSTRUCTION AND DEVELOPMENT EFFLUENT GUIDELINES

4.1. Non-Numeric Effluent Limitations

Any point source authorized by this general permit must achieve, at a minimum, the effluent limitations representing the degree of effluent reduction attainable by application of best practicable control technology (BPT) currently available and is described in sections 4.1.1 through 4.1.7 below.

4.1.1. Erosion Prevention and Sediment Controls

Design, install and maintain effective erosion prevention and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to:

- (1) Control stormwater volume and velocity within the site to minimize soil erosion;
- (2) Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and streambank erosion;
- (3) Minimize the amount of soil exposed during construction activity;
- (4) Minimize the disturbance of steep slopes;
- (5) Eliminate (or minimize if complete elimination is not possible) sediment discharges from the site. The design, installation and maintenance of erosion prevention and sediment controls must address factors such as the design storm (see sub-section 3.5.3.3 above) and soil characteristics, including the range of soil particle sizes expected to be present on the site;
- (6) Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible (see section 4.1.2 below); and
- (7) Minimize soil compaction and, unless infeasible, preserve topsoil.

4.1.2. Buffer zone requirements

Buffer zone requirements in this section apply to all streams adjacent to construction sites, with an exception for streams designated as impaired or Exceptional Tennessee waters (see section 5.4.2 below). A 30-foot natural riparian buffer zone adjacent to all streams at the construction site shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state (e.g., perennial and intermittent streams, rivers, lakes, wetlands) located within or immediately adjacent to the boundaries of the project, as identified using methodology from Standard Operating Procedures for Hydrologic Determinations (see rules to implement a certification program for Qualified Hydrologic Professionals, TN Rules Chapter 0400-40-17). Buffer zones are not primary sediment control measures and should not be relied on as such. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. The buffer zone requirement only applies to new construction sites, as described in section 2.4.2 above.

The riparian buffer zone should be preserved between the top of stream bank and the disturbed construction area. The 30-foot criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than 15 feet at any measured location.

Every attempt should be made for construction activities not to take place within the buffer zone. BMPs providing equivalent protection to a receiving stream as a natural riparian zone may be used at a construction site. Such equivalent BMPs shall be designed to be as effective in protecting the receiving stream from effects of stormwater runoff as a natural riparian zone. A justification for use and a design of equivalent BMPs shall be included in the SWPPP. Such equivalent BMPs are expected to be routinely used at construction projects typically located adjacent to surface waters. These projects include, but are not limited to: sewer line construction,

roadway construction, utility line or equipment installation, greenway construction, construction of a permanent outfall or a velocity dissipating structure, etc.

This requirement does not apply to any valid Aquatic Resources Alteration Permit (ARAP), or equivalent permits issued by federal authorities. Additional buffer zone requirements may be established by the local MS4 program.

4.1.2.1. Buffer zone exemption based on existing uses

Buffer zones as described in section 4.1.2 above shall not be required to portions of the buffer where certain land uses exist and are to remain in place according to the following:

1. A use shall be considered existing if it was present within the buffer zone as of the date of the Notice of Intent for coverage under the CGP. Existing uses shall include, but not be limited to, buildings, parking lots, roadways, utility lines and on-site sanitary sewage systems. Only the portion of the buffer zone that contains the footprint of the existing land use is exempt from buffer zones. Activities necessary to maintain uses are allowed provided that no additional vegetation is removed from the buffer zone.
2. If an area with an existing land use is proposed to be converted to another use or the impervious surfaces located within the buffer area are being removed buffer zone requirements shall apply.

4.1.2.2. Pre-Approved Sites

Construction activity at sites that have been pre-approved before February 1, 2010, are exempt from the buffer requirements of section 4.1.2 above. Evidence of pre-approval for highway projects shall be a final right-of-way plan and for other construction projects, the final design drawings with attached dated, written approval by the local, state or federal agency with authority to approve such design drawings for construction.

4.1.3. Soil stabilization

Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have temporarily or permanently ceased on any portion of the site, and will not resume for a period exceeding 14 calendar days. Soil stabilization (temporary or permanent) of those of disturbed areas must be completed as soon as possible, but not later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures (such as, but not limited to: properly anchored mulch, soil binders, matting) must be employed.

4.1.4. Dewatering

Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls. Appropriate controls include, but are not limited to: weir tank, dewatering tank, gravity bag filter, sand media particulate filter, pressurized bag filter, cartridge filter or other control units providing the level of treatment necessary to comply with permit requirements.

4.1.5. Pollution prevention measures

The permittee must design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:

- (1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
- (2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and
- (3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

4.1.6. Prohibited discharges

The following discharges are prohibited:

- (1) Wastewater from washout of concrete, unless managed by an appropriate control;
- (2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
- (3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
- (4) Soaps or solvents used in vehicle and equipment washing.

4.1.7. Surface outlets

When discharging from basins and impoundments, utilize outlet structures that only withdraw water from near the surface of the basin or impoundment, unless infeasible.

5. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS

5.1. Releases in Excess of Reportable Quantities

The discharge of hazardous substances or oil in the stormwater discharge(s) from a facility shall be prevented or minimized in accordance with the applicable stormwater 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 reportable quantity established under either 40 CFR 117 or 40 CFR 302 occurs during a 24 hour period:

- a) 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 or 40 CFR 302 as soon as he or she has knowledge of the discharge;
- b) the permittee shall submit, within 14 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 Field Office (see subpart 2.8 above); and
- c) the SWPPP required under part 3 above of this permit must be updated within 14 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. This can be accomplished by including a copy of a written description of the release as described in the paragraph b) above. In addition, the SWPPP 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.

5.2. Spills

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

5.3. Discharge Compliance with State Water Quality Standards

5.3.1. Violation of Water Quality Standards

This permit does not authorize stormwater or other discharges that would result in a violation of a state water quality standard (the TDEC Rules, Chapters 1200-4-3, 1200-4-4). Such discharges constitute 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 division 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 SWPPP.

5.3.2. Discharge quality

- a) The construction activity shall be carried out in such a manner that will prevent violations of water quality criteria as stated in the TDEC Rules, Chapter 1200-4-3-.03. 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 TDEC Rules, Chapter 1200-4-4. Construction activity carried out in the manner required by this permit shall be considered compliance with the TDEC Rules, Chapter 1200-4-3-.03.
- b) There shall be no distinctly visible floating scum, oil or other matter contained in the stormwater discharge.
- c) The stormwater discharge must not cause an objectionable color contrast in the receiving stream.
- d) The stormwater 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. This provision includes species covered under subpart 1.3 above.

5.4. Discharges into Impaired or Exceptional Tennessee Waters

5.4.1. Additional SWPPP/BMP Requirements for discharges into impaired or exceptional TN Waters

Discharges that would add loadings of a pollutant that is identified as causing or contributing to an impairment of a water body on the list of impaired waters, or which would cause degradation to waters designated by TDEC as Exceptional Tennessee waters are not authorized by this permit (see subpart 1.3 above). To be eligible to obtain and maintain coverage under this permit, the operator must satisfy, at a minimum, the following additional requirements for discharges into waters impaired by siltation (or discharges upstream of such waters and because of the proximity to the impaired segment and the nature of the discharge is likely to contribute pollutants of concern in amounts measurable in the impaired segment that may affect the impaired waters) and for discharges to waters identified by TDEC as Exceptional Tennessee waters (or discharges upstream of such waters and because of the proximity to the exceptional segment and the nature of the discharge is likely to contribute pollutants of concern in amounts measurable in the exceptional segment that may affect the Exceptional Tennessee waters):

- a) The SWPPP must certify that erosion prevention and sediment controls used at the site are designed to control storm runoff generated by a 5-year, 24-hour storm event (the design storm - see part 10 below: "2-year and 5-year design storm depths and intensities"), as a minimum, either from total rainfall in the designated period or the equivalent intensity as specified on the following website http://hdsc.nws.noaa.gov/hdsc/pfds/orb/tn_pfds.html. When clay and other fine particle soils are found on sites, additional physical or chemical treatment of stormwater runoff may be used.
- b) The SWPPP must be prepared by a person who, at a minimum, has completed the department's Level II Design Principles for Erosion Prevention and Sediment Control for Construction Sites course. This requirement goes in effect 24 months following the new permit effective date. A copy of the certification or training record for inspector certification should be included with the SWPPP.

- c) The permittee shall perform inspections described in section 3.5.8 above at least twice every calendar week. Inspections shall be performed at least 72 hours apart.
- d) The permittee must certify on the form provided in Appendix C of this permit whether or not all planned and designed erosion prevention and sediment controls are installed and in working order. The form must contain the printed name and signature of the inspector and the certification must be executed by a person who meets the signatory requirements of section 7.7.2 below of this permit. The record of inspections must be kept at the construction site with a copy of the SWPPP. For record retention requirements, see part 6 below.
- e) In the event the division finds that a discharger is complying with the SWPPP, but contributing to the impairment of receiving stream, then the discharger will be notified by the director in writing that the discharge is no longer eligible for coverage under the general permit. The permittee may update the SWPPP and implement the necessary changes designed to eliminate further impairment of the receiving stream. If the permittee does not implement the SWPPP changes within 7 days of receipt of notification, the permittee will be notified in writing that continued discharges must be covered by an individual permit (see subpart 7.12 below). To obtain the individual permit, the operator must file an individual permit application (EPA Forms 1 and 2F). The project must be stabilized immediately until the SWPPP is updated and the individual permit is issued. Only discharges from earth disturbing activities necessary for stabilization are authorized to continue until the individual permit is issued.
- f) For an on-site outfall in a drainage area of a total of 5 or more acres, a minimum temporary (or permanent) sediment basin volume that will provide treatment for a calculated volume of runoff from a 5 year, 24 hour storm and runoff from each acre drained, or equivalent control measures as specified in the Tennessee Erosion and Sediment Control Handbook, shall be provided until final stabilization of the site. A drainage area of 5 or more acres includes both disturbed and undisturbed portions of the site or areas adjacent to the site, all draining through the common outfall. Where an equivalent control measure is substituted for a sediment retention basin, the equivalency must be justified. Runoff from any undisturbed acreage should be diverted around the disturbed area and the sediment basin and, if so, can be omitted from the volume calculation. Sediment storage expected from the disturbed areas must be included and a marker installed signifying a cleanout need.
- g) The director may require revisions to the SWPPP necessary to prevent a negative impact to legally protected state or federally listed aquatic fauna, their habitat, or the receiving waters.

5.4.2. Buffer zone requirements for discharges into impaired or exceptional TN waters

For sites that contain and/or are adjacent to a receiving stream designated as impaired or Exceptional Tennessee waters a 60-foot natural riparian buffer zone adjacent to the receiving stream shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state (e.g., perennial and intermittent streams, rivers, lakes, wetlands) located within or immediately adjacent to the boundaries of the project, as identified using methodology from Standard Operating Procedures for Hydrologic Determinations (see rules to implement a certification program for Qualified Hydrologic Professionals, TN Rules Chapter 0400-40-17). Buffer zones are not primary sediment control measures and should not be relied on as such. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of

protection of the waters of the state. The buffer zone requirement only applies to new construction sites, as described in section 2.4.2 above.

The natural buffer zone should be established between the top of stream bank and the disturbed construction area. The 60-foot criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than 30 feet at any measured location.

Every attempt should be made for construction activities not to take place within the buffer zone. BMPs providing equivalent protection to a receiving stream as a natural riparian zone may be used at a construction site. Such equivalent BMPs shall be designed to be as effective in protecting the receiving stream from effects of stormwater runoff as a natural buffer zone. A justification for use and a design of equivalent BMPs shall be included in the SWPPP. Such equivalent BMPs are expected to be routinely used at construction projects typically located adjacent to surface waters. These projects include, but are not limited to: sewer line construction, roadway construction, utility line or equipment installation, greenway construction, construction of a permanent outfall or a velocity dissipating structure, etc.

This requirement does not apply to an area that is being altered under the authorization of a valid Aquatic Resources Alteration Permit (ARAP), or equivalent permits issued by federal authorities. Additional natural buffer zone requirements may be established by the local MS4 program.

5.4.2.1. Buffer zone exemption based on existing uses

Buffer zones as described in section 5.4.2 above shall not be required to portions of the buffer where certain land uses exist and are to remain in place according to the following:

1. A use shall be considered existing if it was present within the buffer zone as of the date of the Notice of Intent for coverage under the CGP. Existing uses shall include, but not be limited to, buildings, parking lots, roadways, utility lines and on-site sanitary sewage systems. Only the portion of the buffer zone that contains the footprint of the existing land use is exempt from buffer zones. Activities necessary to maintain uses are allowed provided that no additional vegetation is removed from the buffer zone.
2. If an area with an existing land use is proposed to be converted to another use or the impervious surfaces located within the buffer area are being removed buffer zone requirements shall apply.

5.4.3. Pre-Approved sites

Construction activity at sites that have been pre-approved before June 16, 2005, are exempt from the design storm requirements of section 5.4.1 a) and e) above and the buffer requirements of section 5.4.2 above. Evidence of pre-approval for highway projects shall be a final right-of-way plan and for other construction projects, the final design drawings with attached dated, written approval by the local, state or federal agency with authority to approve such design drawings for construction.

6. RETENTION, ACCESSIBILITY AND SUBMISSION OF RECORDS

6.1. Documents

The permittee shall retain copies of stormwater pollution prevention plans and all reports required by this permit, and records of all data used to complete the NOI and the NOT to be covered by this permit, for a period of at least three years from the date the notice of termination is submitted. This period may be extended by written request of the director.

6.2. Accessibility and Retention of Records

The permittee shall retain a copy of the SWPPP required by this permit (including a copy of the permit) at the construction site (or other local location accessible to the director and the public) from the date construction commences to the date of termination of permit coverage. Permittees with day-to-day operational control over pollution prevention plan implementation shall have a copy of the SWPPP 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. Once coverage is terminated, the permittee shall maintain a copy of all records for a period of three years.

6.2.1. Posting information at the construction site

The permittee shall post a notice near the main entrance of the construction site accessible to the public with the following information:

- a) a copy of the NOC with the NPDES permit tracking number for the construction project;
- b) name, company name, E-mail address (if available), telephone number and address of the project site owner/operator or a local contact person;
- c) a brief description of the project; and
- d) the location of the SWPPP (see section 3.3.3 above).

The notice must be maintained in a legible condition. If posting this information near a main entrance is infeasible due to safety concerns, or not accessible to the public, 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.

The permittee shall also retain following items/information in an appropriate location on-site:

- a) a rain gauge;
- b) a copy of twice weekly inspection reports;
- c) a documentation of quality assurance site assessments, if applicable (see section 3.1.2 above); and
- d) a copy of the site inspector's Fundamentals of Erosion Prevention and Sediment Control Level 1 certification.

6.3. Electronic Submission of NOIs, NOTs and Reports

If the division notifies dischargers (directly by mail or E-mail, by public notice, or by making information available on the world wide web) of electronic forms or other report options that become available at a later date (e.g., electronic submission of forms), the operators may take advantage of those options to satisfy the NOI, NOT and other report notification requirements.

7. STANDARD PERMIT CONDITIONS

7.1. Duty to Comply

7.1.1. Permittee's duty to comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Tennessee Water Quality Control Act (TWQCA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

7.1.2. Penalties for violations of permit conditions

Pursuant to T.C.A. § 69-3-115 of The Tennessee Water Quality Control Act of 1977, as amended:

- a) any person who violates an effluent standard or limitation or a water quality standard established under this part (T.C.A. § 69-3-101, et. seq.); violates the terms or conditions of this permit; fails to complete a filing requirement; fails to allow or perform an entry, inspection, monitoring or reporting requirement; violates a final determination or order of the board, panel or commissioner; or violates any other provision of this part or any rule or regulation promulgated by the board, is subject to a civil penalty of up to ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs;
- b) any person unlawfully polluting the waters of the state or violating or failing, neglecting, or refusing to comply with any of the provisions of this part (T.C.A. § 69-3-101, et. seq.) commits a Class C misdemeanor. Each day upon which such violation occurs constitutes a separate offense;
- c) any person who willfully and knowingly falsifies any records, information, plans, specifications, or other data required by the board or the commissioner, or who willfully and knowingly pollutes the waters of the state, or willfully fails, neglects or refuses to comply with any of the provisions of this part (T.C.A. § 69-3-101, et. seq.) commits a Class E felony and shall be punished by a fine of not more than twenty-five thousand dollars (\$25,000) or incarceration, or both.

7.1.3. Civil and criminal liability

Nothing in this permit shall be construed to relieve the discharger from civil or criminal penalties for noncompliance. Notwithstanding this permit, the discharger shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge to any surface or subsurface waters. Additionally, notwithstanding this permit, it shall be the responsibility of the discharger to

conduct stormwater discharge activities in a manner such that public or private nuisances or health hazards will not be created. Furthermore, nothing in this permit shall be construed to preclude the State of Tennessee from any legal action or relieve the discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or the Federal Water Pollution Control Act.

7.1.4. 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 local, state or federal law.

7.2. Continuation of the Expired General Permit

Permittees shall maintain coverage under this general permit until a new general permit is issued. Permittees who choose not to maintain coverage under the expired general permit, or are required to obtain an individual permit, must submit an application (U.S. EPA NPDES Forms 1 and 2F and any other applicable forms) at least 180 days prior to expiration of this general permit. Permittees who are eligible and choose to be covered by the new general permit must submit an NOI by the date specified in that permit. Facilities that have not obtained coverage under this permit by the permit expiration date cannot become authorized to discharge under the continued permit.

Operator(s) of an existing site permitted under the division's 2005 construction general permit shall maintain full compliance with the existing SWPPP. The existing SWPPP should be modified, if necessary, to meet requirements of this new general permit, and the SWPPP changes implemented no later than 12 months following the new permit effective date. The permittee shall make the updated SWPPP available for the division's review upon request.

7.3. 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.

7.4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

7.5. Duty to Provide Information

The permittee shall furnish to the division or an authorized representative of the division, within a time specified by the division, any information that the division may request to determine compliance with this permit or other information relevant to the protection of the waters of the state. The permittee shall also furnish to the division, upon request, copies of records required to be kept by this permit.

7.6. 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.

7.7. Signatory Requirements

All Notices of Intent (NOIs), stormwater pollution prevention plans (SWPPPs), requests for termination of permit coverage (NOTs), Construction Stormwater Inspection Certifications, Construction Stormwater Monitoring Report forms, reports, certifications or information either submitted to the director or the operator of a large or medium municipal separate storm sewer system and/or any other information either submitted to the division, or that this permit requires be maintained by the permittee, shall be signed as described in sections 7.7.1 and 7.7.2 below and dated.

7.7.1. Signatory requirements for a Notice of Intent (NOI)³

NOI 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:
 - (i) 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
 - (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated site including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE: The division does not require specific assignments or delegations of authority to responsible corporate officers. The division will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

- b) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively.

³ As specified in 40 CFR 122.22(a)(1)-(3) [48 FR 14153, Apr. 1, 1983, as amended at 48 FR 39619, Sept. 1, 1983; 49 FR 38047, Sept. 29, 1984; 50 FR 6941, Feb. 19, 1985; 55 FR 48063, Nov. 16, 1990; 65 FR 30907, May 15, 2000]

- 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:

- (i) the chief executive officer of the agency, or
- (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

7.7.2. Signatory requirements for reports and other items

SWPPPs, Construction Stormwater Inspection Certification forms, reports, certifications or other information submittals required by the permit and other information requested by the division, including but not limited to Notice of Violation responses, shall be signed by a person described in section 7.7.1 above, or by a duly authorized representative of that person.

7.7.3. Duly authorized representative

For a purpose of satisfying signatory requirements for reports (see section 7.7.2 above), a person is a duly authorized representative only if:

- a) the authorization is made in writing by a person described in section 7.7.1 above;
- b) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated site or activity such as the position of plant manager, superintendent, 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 and,
- c) the written authorization is submitted to the director or an appropriate EFO (see section 2.8 above). The written authorization shall be a written document including the name of the newly authorized person and the contact information (title, mailing address, phone number, fax number and E-mail address) for the authorized person. The written authorization shall be signed by the newly authorized person accepting responsibility and by the person described in section 7.7.1 above delegating the authority.

7.7.4. Changes to authorization

If an authorization under sections 7.7.1 above or 7.7.3 above is no longer accurate because a different individual or position has responsibility as the primary or secondary permittee, but the company name (permittee name) remains the same, a new NOI and SWPPP certification shall be submitted to an appropriate EFO (see section 2.8 above) and signed by the new party who meets signatory authority satisfying the requirements of sections 7.7.1 above or 7.7.3 above. The NOI shall include the new individual's information (title, mailing address, phone number, fax number and E-mail address), the existing tracking number and the project name.

7.7.5. Signatory requirements for primary permittees

Primary permittees required to sign an NOI and SWPPP because they meet the definition of an operator (see subpart 2.2 above) shall sign the following certification statement on the NOI and SWPPP:

"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 gather and evaluate 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."

7.7.6. Signatory requirements for secondary permittees

Secondary permittees (typically construction contractors) required to sign an NOI and SWPPP because they meet the definition of an operator but who are not primarily responsible for preparing an NOI and SWPPP, shall sign the following certification statement on the NOI and SWPPP:

"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 NOI and SWPPP, 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."

7.8. Penalties for Falsification of Reports

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

7.9. 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 to Section 311 of the Clean Water Act or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

7.10. 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 stormwater or non-stormwater across private property.

7.11. 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.

7.12. Requiring an Individual Permit

7.12.1. 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 in order to obtain adequate protection of designated uses of a receiving stream. Any interested person may petition the director in writing to take action under this paragraph, but must include in their petition the justification for such an action. 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 an individual permit application is required. This notification will include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that coverage under this general permit shall terminate upon the effective date of an individual NPDES permit or denial of coverage under an individual permit. The notification may require stabilization of the site and suspend coverage under this general permit until the individual permit is issued. Individual permit applications shall be submitted to the appropriate Environmental Field Office of the division as indicated in subpart 2.8 above 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 discharger will be terminated at the end of the day specified by the director for application submittal.

If the decision to require an individual NPDES permit precedes the issuance of coverage under this general permit, earth disturbing activities cannot begin until the individual permit is issued.

7.12.2. Permittee may request individual permit instead of coverage under this general permit

Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. Any discharger that knowingly cannot abide by the terms and conditions of this permit must apply 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 appropriate division's Environmental Field Office. 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.

7.12.3. 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 applicability of this permit to the discharger is 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 terminated on the date of such denial, unless otherwise specified by the director. Coverage under the Tennessee Multi-Sector General Permit for the Discharge of Stormwater from an Industrial Activity (TMSP) will not be considered as an alternative general permit under this section without being specified by the director.

7.13. Other, Non-Stormwater, Program Requirements

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

7.14. Proper Operation and Maintenance

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

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

7.15. Inspection and Entry

The permittee shall allow authorized representatives of the Environmental Protection Agency, the director or an authorized representative of the commissioner of TDEC, or, in the case of a construction site which discharges through a municipal separate storm sewer, an authorized representative of the MS4 receiving the discharge, upon the presentation of credentials and other documents as may be required by law:

- a) 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;
- b) to have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
- c) to inspect any facilities or equipment (including monitoring and control equipment).

7.16. Permit Actions

This permit may be issued, modified, revoked, reissued or terminated for cause in accordance with this permit and the applicable requirements of T.C.A. § 69-3-108. 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.

8.1.1. Termination of builder and contractor coverage

8. REQUIREMENTS FOR TERMINATION OF COVERAGE

8.1. Termination of Developer and Builder Coverage

8.1.1. Termination process for primary permittees

Primary permittees wishing to terminate coverage under this permit must submit a completed notice of termination (NOT) form, provided in Appendix B of this permit (or copy thereof). Primary permittees who abandon the site and fail to submit the NOT will be in violation of this permit. Signs notifying the public of the construction activity shall be in place until the NOT form has been submitted. Primary permittees may terminate permit coverage only if the conditions described in items 1, 2 or 3 below occur at the site:

1. All earth-disturbing activities at the site are completed and, if applicable, construction support activities permitted under section 1.2.2 above, and the following requirements are met:
 - (a) For any areas that
 - were disturbed during construction,
 - are not covered over by permanent structures, and
 - over which the permittee had control during the construction activitiesthe requirements for final vegetative or non-vegetative stabilization described in sub-section 3.5.3.2 above are met;
 - (b) The permittee has removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long-term use following termination of permit coverage;
 - (c) The permittee has removed all stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following termination of permit coverage;

- (d) The permittee has removed all potential pollutants and pollutant-generating activities associated with construction, unless needed for long-term use following termination of permit coverage; and
 - (e) The permittee must identify who is responsible for ongoing maintenance of any stormwater controls left on the site for long-term use following termination of permit coverage; or
- 2. The permittee has transferred control of all areas of the site for which he is responsible (including, but not limited to, infrastructure, common areas, stormwater drainage structures, sediment control basin, etc.) under this permit to another operator, and that operator has submitted an NOI and obtained coverage under this permit; or
 - 3. The permittee obtains coverage under an individual or alternative general NPDES permit.

8.1.2. NOT review

The division will review NOTs for completeness and accuracy and, when necessary, investigate the proposed site for which the NOT was submitted. Upon completing the NOT review, the division will:

- 1) prepare and transmit a notification that a NOT form was received;
- 2) notify the applicant of needed changes to their NOT submittal; or
- 3) deny a request for termination of coverage under this general permit.

The division retains the right to deny termination of coverage under this general permit upon receipt of the NOT. If the local Environmental Field Office has information indicating that the permit coverage is not eligible for termination, written notification will be provided that permit coverage has not been terminated. The notification will include a summary of existing deficiencies. When the site meets the termination criteria, the NOT should be re-submitted.

If any permittee files for bankruptcy or the site is foreclosed on by the lender, the permittee should notify the division of the situation so that the division may assess the site to determine if permit coverage should be obtained by any other person or whether other action is needed.

8.2. **Termination of Builder and Contractor Coverage**

8.2.1. Termination process for secondary permittees

Secondary permittees (builders/contractors) must request termination of coverage under this permit by submitting an NOT when they are no longer an operator at the construction site. Secondary permittees receive coverage under this permit, but are not normally mailed a Notice of Coverage. Consequently, the division may, but is not required to, notify secondary permittees that their notice of termination has been received. If the division has reason to believe that the secondary permittee's NOT should not have been submitted, the division will deny the secondary permittee's NOT in writing, with specific reasons as to why the NOT should not have been submitted.

8.3. NOT certification

The NOT and the following certification must be signed in accordance with subpart 7.7 above (Signatory Requirements) of this permit:

"I certify under penalty of law that either: (a) all stormwater 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 stormwater associated with construction activity under this general permit, and that discharging pollutants in stormwater 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."

8.4. Where to Submit a Notice of Termination (NOT)?

The NOT shall be submitted to the Environmental Field Office (EFO) which issued the NOC to the primary permittee. A list of counties and the corresponding EFOs is provided in subpart 2.8 above. The appropriate permit tracking number must be clearly printed on the form.

9. Aquatic Resource Alteration Permits (ARAP)

Alterations to channels or waterbodies (stream, wetland and/or other waters of the state) that are contained on, traverse through or are adjacent to the construction site, may require an Aquatic Resources Alteration Permit (ARAP) (<http://www.tn.gov/environment/permits/arap.shtml>). It is the responsibility of the developer to provide a determination of the water's status⁴. This determination must be conducted using methodology from Standard Operating Procedures for Hydrologic Determinations (see rules to implement a certification program for Qualified Hydrologic Professionals, TN Rules Chapter 0400-40-17). The permittee can make an assumption that streams/wetlands are present at the site in order to expedite the permit process. In some cases, issuance of coverage under the CGP may be delayed or withheld if the appropriate ARAP has not been obtained. At a minimum, any delay in obtaining an ARAP for water body alteration associated with the proposed project must be adequately addressed in the SWPPP prior to issuance of an NOC. Failure to obtain an ARAP prior to any actual alteration may result in enforcement action for the unauthorized alteration.

10. DEFINITIONS

"2-year and 5-year design storm depths and intensities" The estimated design rainfall amounts, for any return period interval (i.e., 2-yr, 5-yr, 25-yr, etc,) in terms of either 24-hour depths or intensities for any duration, can be found by accessing the following NOAA National Weather Service Atlas 14 data for Tennessee:

⁴ The EPA considers inventorying a site's natural features is a technique called fingerprinting. More info can be found in EPA's document - EPA's Developing Your SWPPP – A Guide for Construction Sites (EPA-833-R-06-004 May 2007)

http://hdsc.nws.noaa.gov/hdsc/pfds/orb/tn_pfds.html. Other data sources may be acceptable with prior written approval by TDEC Water Pollution Control.

“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 state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

“Borrow Pit” is an excavation from which erodible material (typically soil) is removed to be fill for another site. There is no processing or separation of erodible material conducted at the site. Given the nature of activity and pollutants present at such excavation, a borrow pit is considered a construction activity for the purpose of this permit.

“Buffer Zone” is a strip of dense undisturbed perennial native vegetation, either original or re-established, that borders streams and rivers, ponds and lakes, wetlands, and seeps. Buffer zones are established for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the upland area and reaching surface waters. Buffer zones are most effective when stormwater runoff is flowing into and through the buffer zone as shallow sheet flow, rather than in concentrated form such as in channels, gullies, or wet weather conveyances. Therefore, it is critical that the design of any development include management practices, to the maximum extent practical, that will result in stormwater runoff flowing into and through the buffer zone as shallow sheet flow. Buffer zones are established for the primary purpose of protecting water quality and maintaining a healthy aquatic ecosystem in receiving waters.

“Clearing” in the definition of discharges associated with construction activity, 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 forestland to pasture for wildlife management purposes. Clearing, grading and excavation do not refer to clearing of vegetation along existing or new roadways, highways, dams 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. The clearing of land for agricultural purposes is exempt from federal stormwater NPDES permitting in accordance with Section 401(1)(1) of the 1987 Water Quality Act and state stormwater NPDES permitting in accordance with the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.).

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

“Common plan of development or sale” is broadly defined as any announcement or documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. A common plan of development or sale identifies a situation in which multiple areas of disturbance are occurring on contiguous areas. This applies because the activities may take place at different times, on different schedules, by different operators.

“Control measure” As used in this permit, refers to any Best Management Practice (BMP) or other method used to prevent or reduce the discharge of pollutants to waters of the state.

“CWA” means the Clean Water Act of 1977 or the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.)

“Department” means the Department of Environment and Conservation.

“Director” means the director, or authorized representative, of the Division of Water Pollution Control of the State of Tennessee, Department of Environment and Conservation.

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

“Division” means the Division of Water Pollution Control of the State of Tennessee, Department of Environment and Conservation.

“Final Stabilization” means that all soil disturbing activities at the site have been completed and one of the three following criteria is met:

- a. A uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a uniform density of at least 70 percent of the (preferably) native vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, and all slopes and channels have been permanently stabilized against erosion, or
- b. Equivalent permanent stabilization measures (such as the use of riprap; permanent geotextiles, hardened surface materials including concrete, asphalt, gabion baskets, or Reno mattresses) have been employed, or
- c. For construction projects on land used for agricultural or silvicultural purposes, final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural or silvicultural use.

“Exceptional Tennessee waters” are surface waters of the State of Tennessee that satisfy characteristics of exceptional Tennessee waters as listed Chapter 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 ecologically 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.

“Impaired waters” (unavailable conditions waters) means any segment of surface waters that has been identified by the division as failing to support one or more classified uses. For the purpose of this permit, pollutants of concern include, but are not limited to: siltation (silt/sediment) and habitat alterations. Based on the most recent assessment information available

to staff, the division will notify applicants and permittees if their discharge is into, or is affecting, impaired waters. Resources to be used in making this determination include biennial compilations of impaired waters, databases of assessment information, updated GIS coverages (<http://tnmap.tn.gov/wpc/>), and the results of recent field surveys. GIS coverages of the streams and lakes not meeting water quality standards, plus the biennial list of impaired waters, can be found at <http://tn.gov/environment/wpc>.

“Improved sinkhole” is a natural surface depression that has been altered in order to direct fluids into the hole opening. Improved sinkhole is a type of injection well regulated under the Underground Injection Control (UIC) program. Underground injection constitutes an intentional disposal of waste waters in natural depressions, open fractures, and crevices (such as those commonly associated with weathering of limestone).

“Inspector” An inspector is a person that has successfully completed (has a valid certification from) the “Fundamentals of Erosion Prevention and Sediment Control Level I” course or equivalent course. An inspector performs and documents the required inspections, paying particular attention to time-sensitive permit requirements such as stabilization and maintenance activities. An inspector may also have the following responsibilities:

- a) oversee the requirements of other construction-related permits, such as Aquatic Resources Alteration Permit (ARAP) or Corps of Engineers permit for construction activities in or around waters of the state;
- b) update field SWPPPs;
- c) conduct pre-construction inspection to verify that undisturbed areas have been properly marked and initial measures have been installed; and
- d) inform the permit holder of activities that may be necessary to gain or remain in compliance with the CGP and other environmental permits.

“Linear Project” – is a land disturbing activity as conducted by an underground/overhead utility or highway department, including but not limited to any cable line or wire for the transmission of electrical energy; any conveyance pipeline for transportation of gaseous or liquid substance; any cable line or wire for communications; or any other energy resource transmission ROW or utility infrastructure, e.g., roads and highways. Activities include the construction and installation of these utilities within a corridor. Linear project activities also include the construction of access roads, staging areas, and borrow/spoil sites associated with the linear project. Land disturbance specific to the development of a residential and/or commercial subdivision or high-rise structures is not considered a linear project.

“Monthly” refers to calendar months.

“Municipal Separate Storm Sewer System” or **“MS4”** is defined at 40 CFR §122.26(b)(8) to mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;

2. Designed or used for collecting or conveying stormwater;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

“NOI” means notice of intent to be covered by this permit (see part 2 above of this permit.)

“NOT” means notice of termination (see part 8 above of this permit).

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

- a) This person has operational or design control over construction plans and specifications, including the ability to make modifications to those plans and specifications. This person is typically the owner or developer of the project or a portion of the project, and is considered the primary permittee; or
- b) This person has 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. This person is typically a contractor or a commercial builder who is hired by the primary permittee, and is considered a secondary permittee.

It is anticipated that at different phases of a construction project, different types of parties may satisfy the definition of “operator.”

“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 introduction of pollutants from non point-source agricultural and silvicultural activities, including stormwater runoff from orchards, cultivated crops, pastures, range lands, and forest lands or return flows from irrigated agriculture or agricultural stormwater runoff.

“Qualifying State, Tribal, or local erosion and sediment control program” is one that includes, as defined in 40 CFR 122.44(s):

- (i) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
- (ii) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
- (iii) Requirements for construction site operators to develop and implement a stormwater pollution prevention plan. (A stormwater pollution prevention plan includes site descriptions, descriptions of appropriate control measures, copies of approved State, Tribal or local requirements, maintenance procedures, inspection procedures, and identification of non-stormwater discharges); and
- (iv) Requirements to submit a site plan for review that incorporates consideration of potential water quality impacts.

“Quality Assurance Site Assessment” means documented site inspection to verify the functionality and performance of the SWPPP and for determining if construction, operation and maintenance accurately comply with permit requirements, as presented in the narrative, engineering specifications; maps, plans and drawings; and details for erosion prevention, sediment control and stormwater management.

“Registered Engineer” and **“Registered Landscape Architect”** An engineer or landscape architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Section 62-202, Tennessee Code Annotated, to practice in Tennessee.

“Runoff coefficient” means the fraction of total rainfall that will appear at the conveyance as runoff. Runoff coefficient is also defined as the ratio of the amount of water that is NOT absorbed by the surface to the total amount of water that falls during a rainstorm.

“Sediment” means solid material, both inorganic (mineral) and organic, that is in suspension, is being transported, or has been moved from the site of origin by wind, water, gravity, or ice as a product of erosion.

“Sediment basin” A temporary basin consisting of an embankment constructed across a wet weather conveyance, or an excavation that creates a basin or by a combination of both. A sediment basin typically consists of a forebay cell, dam, impoundment, permanent pool, primary spillway, secondary or emergency spillway, and surface dewatering device. The size and shape of the basin depends on the location, size of drainage area, incoming runoff volume and peak flow, soil type and particle size, land cover, and receiving stream classification (i.e., impaired, HQ, or unimpaired).

“Sedimentation” means the action or process of forming or depositing sediment.

“Significant contributor of pollutants to waters of the state” means any discharge containing pollutants that are reasonably expected to cause or contribute to an impairment of receiving stream water quality or designated uses.

“Soil” means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of plants.

“Steep Slope” A natural or created slope of 35% grade or greater. Designers of sites with steep slopes must pay attention to stormwater management in the SWPPP to engineer runoff non-erosively around or over a steep slope. In addition, site managers should focus on erosion prevention on the slope(s) and stabilize the slope(s) as soon as practicable to prevent slope failure and/or sediment discharges from the project.

“Stormwater” means rainfall runoff, snow melt runoff, and surface runoff and drainage.

“Stormwater 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, filling and excavation activities (including borrow pits containing erodible material). Disturbance of soil for the purpose of crop production is exempted from permit requirements, but stormwater discharges from agriculture-

related activities which involve construction of structures (e.g., barn construction, road construction, pond construction, etc.) are considered associated with industrial activity. Maintenance performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility, e.g. re-clearing, minor excavation performed around an existing structure necessary for maintenance or repair, and repaving of an existing road, is not considered a construction activity for the purpose of this permit.

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

“Stormwater Pollution Prevention Plan”(SWPPP): A written plan required by this permit that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants. It must be prepared and approved before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, and maintained during land disturbing activities. The SWPPP should be prepared in accordance with the Tennessee Erosion and Sediment Control Handbook. The handbook is designed to provide information to planners, developers, engineers, and contractors on the proper selection, installation, and maintenance of BMPs. The handbook is intended for use during the design and construction of projects that require erosion and sediment controls to protect waters of the state. It also aids in the development of SWPPPs and other reports, plans, or specifications required when participating in Tennessee's water quality regulations.

“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.

“Temporary stabilization” is achieved when vegetation and/or a non-erodible surface have been established on the area of disturbance and construction activity has temporarily ceased. Under certain conditions, temporary stabilization is required when construction activities temporarily cease. However, if future construction activity is planned, permit coverage continues.

“Total maximum daily load” (TMDL) The sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background (40 CFR 130.2(I)). TMDL is a study that: quantifies the amount of a pollutant in a stream, identifies the sources of the pollutant, and recommends regulatory or other actions that may need to be taken in order for the stream to cease being polluted. Some of the actions that might be taken are:

- 1.) Re-allocation of limits on the sources of pollutants documented as impacting streams. It might be necessary to lower the amount of pollutants being discharged under NPDES permits or to require the installation of other control measures, if necessary, to ensure that water quality standards will be met.
- 2.) For sources over which the division does not have regulatory authority, such as ordinary agricultural or forestry activities, provide information and technical assistance to other state and federal agencies that work directly with these groups to install appropriate Best Management Practices (BMPs).

Even for impacted streams, TMDL development is not considered appropriate for all bodies of water: if enforcement has already been taken and a compliance schedule has been developed; or if best management practices have already been installed for non-regulated activities, the TMDL is considered not applicable. In cases involving pollution sources in other states, the recommendation may be that another state or EPA perform the TMDL. TMDLs can also be described by the following equation:

$$\text{TMDL} = \text{sum of non point sources (LA)} + \text{sum of point sources (WLA)} + \text{margin of safety}$$

A list of completed TMDLs that have been approved by EPA can be found at our web site:
<http://tn.gov/environment/wpc/tmdl/approved.shtml>

“Turbidity” is the cloudiness or haziness of a fluid caused by individual particles (suspended solids) that are generally invisible to the naked eye, similar to smoke in air.

“Waters” or **“waters of the state”** 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.

“Waste site” is an area where material from a construction site is disposed of. When the material is erodible, such as soil, the site must be treated as a construction site.

“Wet weather conveyances” are man-made or natural watercourses, including natural watercourses that have been modified by channelization that flow only in direct response to precipitation runoff in their immediate locality; whose channels are at all times above the ground water table; that are not suitable for drinking water supplies; and in which hydrological and biological analyses indicate that, under normal weather conditions, due to naturally occurring ephemeral or low flow there is not sufficient water to support fish or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two months. (Rules and Regulations of the State of Tennessee, Chapter 1200-4-3-.04(3)).

11. LIST OF ACRONYMS

ARAP	Aquatic Resource Alteration Permit
BMP	Best Management Practice
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CGP	Construction General Permit
CWA	Clean Water Act
EFO	Environmental Field Office
EPA	(U.S.) Environmental Protection Agency
EPSC	Erosion Prevention and Sediment Control
MS4	Municipal Separate Storm Sewer System
NOC	Notice of Coverage
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
ONRW	Outstanding National Resource Waters

Tennessee General Permit No. TNR100000
Stormwater Discharges from Construction Activities

POTW	Publicly Owned Treatment Works
SWPPP	Stormwater Pollution Prevention Plan
TDEC	Tennessee Department of Environment and Conservation
TDOT	Tennessee Department of Transportation
TMDL	Total Maximum Daily Load
TMSP	Tennessee Multi-Sector General Permit for the Discharge of Stormwater from an Industrial Activity
TVA	Tennessee Valley Authority
TWQCA	Tennessee Water Quality Control Act
UIC	Underground Injection Control
USGS	United States Geological Survey

(End of body of permit; appendices follow.)

APPENDIX A – Notice of Intent (NOI) Form
(next page)

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

Division of Water Pollution Control

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

1-888-891-8332 (TDEC)

Notice of Intent (NOI) for General NPDES Permit for Stormwater Discharges from Construction Activities (TNR100000)

Site or Project Name:		NPDES Tracking Number: TNR	
Street Address or Location:		Construction Start Date:	
		Estimated End Date:	
Site Description:		Latitude (dd.ddd):	
		Longitude (-dd.ddd):	
County(ies):	MS4 Jurisdiction:	Acres Disturbed:	
		Total Acres:	
Does a topographic map show dotted or solid blue lines ☐ and/or wetlands ☐ on or adjacent to the construction site? If wetlands are located on-site and may be impacted, attach wetlands delineation report. If an Aquatic Resource Alteration Permit has been obtained for this site, what is the permit number? ARAP Number:			
Receiving waters:			
Attach the SWPPP with the NOI ☐ SWPPP Attached		Attach a site location map ☐ Map Attached	
Name of Site Owner or Developer (Site-Wide Permittee): (person, company, or legal entity that has operational or design control over construction plans and specifications)			
Site Owner or Developer Contact Name: (individual responsible for site)		Title or Position: (the party who signs the certification below):	
Mailing Address:		City:	State: Zip:
Phone: ()	Fax: ()	E-mail:	
Optional Contact:		Title or Position:	
Mailing Address:		City:	State: Zip:
Phone: ()	Fax: ()	E-mail:	
Owner or Developer Certification: (must be signed by president, vice-president or equivalent, or ranking elected official) (Primary Permittee)			
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 gather and evaluate 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.			
Owner or Developer Name: (print or type)		Signature:	Date:
Contractor(s) Certification: (must be signed by president, vice-president or equivalent, or ranking elected official) (Secondary Permittee)			
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 NOI and SWPPP, 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.			
Primary contractor name and address: (print or type)		Signature:	Date:
Other contractor name and address: (print or type)		Signature:	Date:
Other contractor name and address: (print or type)		Signature:	Date:
OFFICIAL STATE USE ONLY			
Received Date:	Reviewer:	Field Office:	Permit Number TNR
Fee(s):	T & E Aquatic Flora and Fauna:	Impaired Receiving Stream:	Exceptional TN Water:
			Notice of Coverage Date:

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

Notice of Intent (NOI) for General NPDES Permit for Stormwater Discharges from Construction Activities (TNR100000)

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 Stormwater Associated with Construction Activity (permit). **Requesting coverage under this permit means that an applicant has obtained and examined a copy of this permit, and thereby acknowledges applicant's claim of ability to be in compliance with permit terms and conditions.** This permit is required for stormwater discharge(s) from construction activities including clearing, grading, filling and excavating (including borrow pits) of one or more acres of land. This form should be submitted at least 30 days prior to the commencement of land disturbing activities, or no later than 48 hours prior to when a new operator assumes operational control over site specifications or commences work at the site.

Permit fee (see table below) must accompany the NOI and is based on total acreage to be disturbed by an entire project, including any associated construction support activities (e.g. equipment staging yards, material storage areas, excavated material disposal areas, borrow or waste sites). There is no fee for sites less than 1 acre.

Acres Disturbed	= or > 150 acres	= or > 50 < 150 acres	= or > 5 < 50 acres	= or > 1 < 5 acres
Fee	\$7,500	\$4,000	\$1,000	\$250

Who must submit the NOI form? Per Section 2 of the permit, all site operators must submit an NOI form. "Operator" for the purpose of this permit and in the context of stormwater associated with construction activity means any person associated with a construction project who meets either or both of the following two criteria: (1) The person has operational or design control over construction plans and specifications, including the ability to make modifications to those plans and specifications. This person is typically the owner or developer of the project or a portion of the project (e.g. subsequent builder), or the person that is the current land owner of the construction site. This person is considered the primary permittee; or (2) The person has 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. This person is typically a contractor or a commercial builder who is hired by the primary permittee, and is considered a secondary permittee.

Owners, developers and all contractors that meet the definition of the operator in subsection 2.2 of the permit shall apply for permit coverage on the same NOI, insofar as possible. After permit coverage has been granted to the primary permittee, any subsequent NOI submittals must include the site's previously assigned permit tracking number and the project name. The comprehensive site-specific SWPPP shall be prepared in accordance with the requirements of part 3 of the permit and must be submitted with the NOI unless the NOI being submitted is to only add a contractor (secondary permittee) to an existing coverage.

Notice of Coverage The division will review the NOI for completeness and accuracy and prepare a notice of coverage (NOC). Stormwater discharge from the construction site is authorized as of the effective date of the NOC.

Complete 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. **The NOI will be considered incomplete without a permit fee, a map, and the SWPPP.**

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 (expressed in decimal degrees) of the center of the site can be located on USGS quadrangle maps. The quadrangle maps can be obtained at the USGS World Wide Web site: <http://www.usgs.gov/>; latitude and longitude information can be found at numerous other web sites. 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, stockpiles and the total acres. For linear projects, give location at each end of the construction area.

Give name of the receiving waters Trace the route of stormwater 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 stormwater 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 that 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 Field Office (EFO).

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 details see subpart 2.5. For more information, contact your local EFO at the toll-free number 1-888-891-8332 (TDEC). Submit the completed NOI form (keep a copy for your records) to the appropriate EFO for the county(ies) where the construction activity is located, addressed to **Attention: Stormwater NOI Processing.**

EFO	Street Address	Zip Code	EFO	Street Address	Zip Code
Memphis	8383 Wolf Lake Drive, Bartlett	38133-4119	Cookeville	1221 South Willow Ave.	38506
Jackson	1625 Hollywood Drive	38305-4316	Chattanooga	540 McCallie Avenue STE 550	37402-2013
Nashville	711 R S Gass Boulevard	37243	Knoxville	3711 Middlebrook Pike	37921
Columbia	1421 Hampshire Pike	38401	Johnson City	2305 Silverdale Road	37601

APPENDIX B – Notice of Termination (NOT) Form
(next page)

APPENDIX B – Notice of Termination (NOT) Form
(next page)

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC)**

Division of Water Pollution Control (WPC)

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

1-888-891-TDEC (8332)

Notice of Termination (NOT) for General NPDES Permit for Stormwater Discharges from Construction Activities (CGP)

This form is required to be submitted when requesting termination of coverage from the CGP. The purpose of this form is to notify the TDEC that either all stormwater discharges associated with construction activity from the portion of the identified facility where you, as an operator, have ceased or have been eliminated; or you are no longer an operator at the construction site. Submission of this form shall in no way relieve the permittee of permit obligations required prior to submission of this form. Please submit this form to the local WPC Environmental Field Office (EFO) address (see table below). For more information, contact your local EFO at the toll-free number 1-888-891-8332 (TDEC).

Type or print clearly, using ink and not markers or pencil.

Site or Project Name:	NPDES Tracking Number: TNR
Street Address or Location:	County(ies):

Name of Permittee Requesting Termination of Coverage:			
Permittee Contact Name :		Title or Position:	
Mailing Address:		City:	State:
		Zip:	
Phone: ()		E-mail:	

Check the reason(s) for termination of permit coverage:

☐	Stormwater discharge associated with construction activity is no longer occurring and the permitted area has a uniform 70% permanent vegetative cover OR has equivalent measures such as rip rap or geotextiles, in areas not covered with impervious surfaces.
☐	You are no longer the operator at the construction site (i.e., termination of site-wide, primary or secondary permittee coverage).

Certification and Signature: (must be signed by president, vice-president or equivalent ranking elected official)

I certify under penalty of law that either: (a) all stormwater 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 stormwater associated with construction activity under this general permit, and that discharging pollutants in stormwater 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 stormwater 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, the temporary erosion and sediment control measures have been removed, and/or the site or portions of the site have obtained permit coverage by subsequent operators or that all stormwater 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.

Permittee name (print or type):	Signature:	Date:
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EFO	Street Address	Zip Code	EFO	Street Address	Zip Code
Memphis	8383 Wolf Lake Drive, Bartlett, TN	38133	Cookeville	1221 South Willow Ave.	38506
Jackson	1625 Hollywood Drive	38305	Chattanooga	540 McCallie Avenue STE 550	37402
Nashville	711 R S Gass Boulevard	37243	Knoxville	3711 Middlebrook Pike	37921
Columbia	1421 Hampshire Pike	38401	Johnson City	2305 Silverdale Road	37601

APPENDIX C – Twice-Weekly Inspection Report Form
(next page)

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC)**

Division of Water Pollution Control (WPC)

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

1-888-891-8332 (TDEC)

General NPDES Permit for Stormwater Discharges from Construction Activities (CGP)**CGP Inspection Worksheet for Twice-Weekly Inspections of Erosion Prevention and Sediment Controls**

Site or Project Name:		NPDES Tracking Number: TNR
Primary Permittee Name:		Date of Inspection:
Current approximate disturbed acreage:	Has daily rainfall been documented? ☐ Yes ☐ No	Name of Inspector:
Current weather/site conditions:		Inspector's TNEPSC Certification Number:

Please check the box if the following items are on-site:

- ☐ Notice of Coverage (NOC) ☐ Stormwater Pollution Prevention Plan (SWPPP) ☐ Twice weekly inspection documentation
☐ Site contact information ☐ Rain Gage ☐ Off-site Reference Rain Gage Location: _____

Best Management Practices (BMPs):**Are the Erosion Prevention and Sediment Controls (EPSCs) functioning correctly in the following locations:**

1.	Disturbed areas/material storage areas	☐ Yes	☐ No
2.	Outfall points (or nearest accessible downstream point if an outfall is inaccessible)	☐ Yes	☐ No
3.	Construction ingress/egress points	☐ Yes	☐ No

If the answer is "No" for any of the above, please describe the problem and corrective actions to be taken. Otherwise, describe any pertinent observations:

4.	Are (EPSCs) installed and maintained in the field per SWPPP? If "No", describe below.	☐ Yes	☐ No
5.	Have site discharges caused an objectionable color contrast in the receiving stream (Permit section 5.3.2)? If "Yes", describe below the measures implemented to eliminate contrast.	☐ Yes	☐ No
6.	Have discharges from dewatering activities been managed by appropriate controls per Section 4.1.4 of the Permit? If "No", describe below the measures to be implemented to achieve compliance.	☐ Yes	☐ No
7.	If construction activity at any location on-site has temporarily/permanently ceased, was the area stabilized within 15 days per Section 3.5.3.2? If, "No", describe below each location and measures taken to stabilize the area(s).	☐ Yes	☐ No
8.	Are non-stormwater discharges (per Section 1.2.3) and housekeeping measures such as storing chemicals, construction related debris litter, oils, fuels, building products, truck wash (per Section 3.5.3.1 (f) and (g)) being properly managed? If "No", describe below the measures to be implemented to achieve compliance.	☐ Yes	☐ No
9.	If a concrete washout facility is located on site, is it clearly identified on the project and maintained? If "No", describe below the measures to be implemented to achieve compliance.	☐ N/A	☐ Yes ☐ No
10.	Have all previous deficiencies been addressed? If not, describe the remaining deficiencies. ☐ Check if deficiencies/corrective measures have been reported on a previous form.	☐ Yes	☐ No

Certification and Signature (must be signed by the certified inspector and the permittee per Sections 3.5.8.2 (g) and 7.7.2 of the CGP)

I certify under penalty of law that this report and all attachments are, 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.

Inspector Name and Title (print or type):	Signature:	Date:
Permittee Name and Title (print or type):	Signature:	Date:

CGP Inspection Worksheet for Twice-Weekly Inspections of Erosion Prevention and Sediment Controls

Purpose of this form/ Instructions

An inspection, as described in section 3.5.8.2 of the General Permit for Stormwater Discharges from Construction Activities ("Permit"), shall be performed at least twice every calendar week and documented on this form. Inspections shall be performed at least 72 hours apart. Where sites or portion(s) of construction sites have been temporarily stabilized, or runoff is unlikely due to winter conditions (e.g., site covered with snow or ice), such inspection only has to be conducted once per month until thawing results in runoff or construction activity resumes.

Inspectors performing the required twice weekly inspections must have an active certification by completing the "Fundamentals of Erosion Prevention and Sediment Control Level I" course. (<http://www.tneps.org/>). A copy of the certification or training record for inspector certification should be kept on site.

Qualified personnel, as defined in section 3.5.8.1 of the Permit (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, locations where vehicles enter or exit the site, and each outfall.

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 site's drainage system. Erosion prevention and sediment control measures shall be observed to ensure that they are operating correctly.

Outfall points (where discharges leave the site and/or enter waters of the state) shall be inspected to determine whether erosion prevention and sediment control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.

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 7 days after the need is identified.

Based on the results of the inspection, the site description identified in the SWPPP in accordance with section 3.5.1 of the Permit and pollution prevention measures identified in the SWPPP in accordance with section 3.5.2 of the Permit, shall be revised as appropriate, but in no case later than 7 days following the inspection. Such modifications shall provide for timely implementation of any changes to the SWPPP, but in no case later than 14 days following the inspection.

All inspections shall be documented on this Construction Stormwater Inspection Certification form. Alternative inspection forms may be used as long as the form contents and the inspection certification language are, at a minimum, equivalent to the division's form and the permittee has obtained a written approval from the division to use the alternative form. Inspection documentation will be maintained on site and made available to the division upon request. Inspection reports must be submitted to the division within 10 days of the request. If the division requests the Construction Stormwater Inspection Certification form to be submitted, the submitted form must contain the printed name and signature of the trained certified inspector and the person who meets the signatory requirements of section 7.7.2 of the Permit.

Trained certified inspectors shall complete inspection documentation to the best of their ability. Falsifying inspection records or other documentation or failure to complete inspection documentation shall result in a violation of this permit and any other applicable acts or rules.

Environmental Permits



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
REGULATORY BRANCH
3701 BELL ROAD
NASHVILLE, TENNESSEE 37214

October 26, 2011

REPLY TO
ATTENTION OF:

Regulatory Branch

SUBJECT: File No. 2011-00646; Proposed State Industrial Access Road and Associated Wetland Fill, Near Davis Branch Mile 0.8L, Watauga River Mile 28.5R, Carter County, Tennessee (PIN 115368.00)

Tennessee Department of Transportation
Attn: Carma Smith
Suite 900, James K. Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

Dear Ms. Smith:

This is in regard to your application for a Department of the Army (DA) permit for the proposed work. Your project has been assigned File Number 2011-00646.

Based upon the information submitted to this office, to the extent the U.S. Army Corps of Engineers has jurisdiction over discharge of fill material associated with the work, we have determined that the work has been previously permitted under authority of DA Nationwide Permit (NWP) #14, Linear Transportation Projects, which became effective March 18, 2007. The proposed work must be constructed in accordance with the plans submitted with your application and the enclosed conditions. It should be noted that if you fail to comply with any of the conditions, this authorization may be modified, suspended, or revoked and an individual permit may be required pursuant to 33 CFR 330.5(d).

This verification will be valid until March 18, 2012, unless the NWP authorization is modified, suspended, or revoked. If you commence or are under contract to commence this activity before that date, you will have twelve months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

You are also responsible for obtaining any other federal, state, and/or local permits required for this work. In order for this NWP to be valid, you must obtain water quality certification or approval to proceed from the state of Tennessee, Division of Water Pollution Control.

If changes in the location or plans of the work are necessary, revised plans should be submitted promptly to this office. No deviation should be made in the approved plans without first obtaining approval from this office.

If you have any questions, please contact Cara Nelson at the above address or telephone (615) 369-7520.

Sincerely,

A handwritten signature in cursive script that reads "Lisa R. Morris".

Lisa R. Morris
Project Manager
Operations Division

Enclosures

Copy Furnished:

Tennessee Department of Environment and Conservation
Division of Water Pollution Control
401 Church Street, L & C Annex
Nashville, TN 37243

Tennessee Valley Authority
Attn: Anthony Summitt
Via E-mail



**US Army Corps
of Engineers.**
Nashville District

Nationwide Permit Conditions

File No. 2011-00646

The following General Conditions must be followed in order for any authorization by NWP to be valid:

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation. (b) Any safety lights and signals prescribed by the US Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the US. (c) The permittee understands and agrees that, if future operations by the US require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the US. No claim shall be made against the US on account of any such removal or alteration.
2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.
3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
4. Migratory Bird Breeding Areas. Activities in waters of the US that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is related to a shellfish harvesting activity authorized by NWP 4 and 48.
6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).
7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.
8. Adverse Effects from Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the preconstruction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g. stream restoration or relocation activities).
10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.
11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.
12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the US during periods of low-flow or no-flow.
13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations and revegetated, as appropriate.
14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.
15. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, US Forest Service, US Fish and Wildlife Service).
16. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
17. Endangered Species. (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. Non-

federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that may affect Federally-listed species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the FWS, the District Engineer may add species-specific regional endangered species conditions to the NWP.

(b) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their World Wide Webpages at <http://www.fws.gov/> and <http://www.noaa.gov/fisheries.html> respectively.

18. Historic Properties. No activity which may affect historic properties listed or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Prospective permittees should beware that section 110k of the NHPA (16 USC 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur.

19. Designated Critical Resource Waters. Critical resource waters including state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the district engineer after notice and opportunity for public comment. The district engineer may also designate additional critical resource waters after notice and opportunity for comment. (a) Discharges of dredged or fill material into waters of the US are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. (b) For NWP 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 27, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

20. Mitigation. The activity must be constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the US to the maximum extent practicable at the project site (i.e. on site). Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

21. Water Quality Certification. The activity must comply with case specific conditions added by the Corps or by the state, Indian Tribe, or USEPA in its section 401 Water Quality Certification. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

22. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the US authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal water is constructed under NWP14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the US for the total project cannot exceed 1/3-acre.

23. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with NWP verification, the permittee may transfer the NWP verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the NWP verification must be attached to the letter, and the letter must contain the following statement: When the structures or work authorized by this NWP are still in existence at the time the property is transferred, the terms and conditions of this NWP, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below:

Transferee

Date

24. Compliance Certification. Every permittee who has received a Nationwide permit verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification form is included with this verification.

25. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

Further Information:

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other Federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project.



US Army Corps
of Engineers®
Nashville District

Nationwide Permit Conditions

File No. 2011-00646

14. Linear Transportation Projects. Activities required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the loss of waters of the United States exceeds 1/10 acre; or (2) there is a discharge in a special aquatic site, including wetlands. (See general condition 27.) (Sections 10 and 404)

Note: Some discharges for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
NATURAL RESOURCES SECTION
401 CHURCH STREET, 7TH FLOOR L & C ANNEX
NASHVILLE, TENNESSEE 37243-1534

October 27, 2011

Mr. Robbie Stephens, P.E.
TDOT Consultant
Tennessee Department of Transportation
505 Deaderick St., Ste. 900
J. K. Polk Building
Nashville, TN 37243

Subject: **General Permit for Minor Alterations to Wetlands
Aquatic Resource Alteration Permit (ARAP) NRS11.242
TDOT, Project #10946-1401-04 PIN #115368.00
Carter County, Tennessee**

Dear Mr. Stephens:

We have reviewed your application for the proposed minor wetlands alteration. Pursuant to the *Tennessee Water Quality Control Act of 1977* (T.C.A. § 69-3-101 et seq.) and supporting regulations the Division of Water Pollution Control is required to determine whether the activity described in the attached notice of coverage will violate applicable water quality standards.

This activity is governed by the *General Permit for Minor Alterations to Wetlands*. The work must be accomplished in conformance with accepted plans and information submitted in support of application NRS11.242 and the limitations and conditions set forth in the *General Permit for Minor Alterations to Wetlands*. It is the responsibility of the permittee to ensure that all contractors involved with this project have read and understand the permit conditions before the project begins.

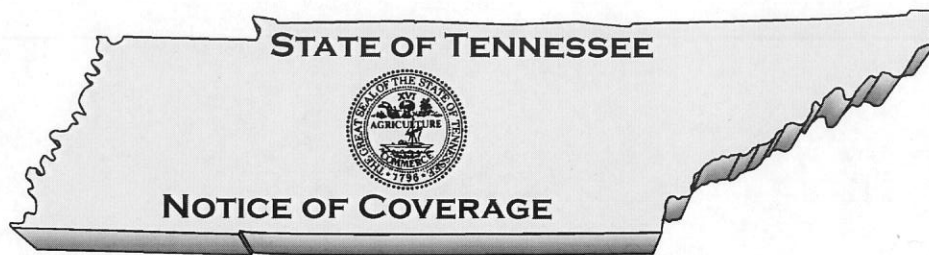
Please note that this alteration shall not adversely affect the functions and classified use support of other waters of the State. The permit has specific limits to the amount of wetlands that can be altered. **It can not be used in incremental means to combine with other projects to alter larger areas of wetlands.** In addition, adequate erosion controls must be installed prior to construction and maintained during construction of the project. All disturbed areas must be re-vegetated or otherwise stabilized upon completion of construction.

We appreciate your attention to the Aquatic Resource Alteration Permit program. If you have any questions, please contact Mr. Randall Phillips at (615) 532-2334 or by e-mail at Randall.Phillips@tn.gov.

Sincerely,


Daniel C. Eagar
Manager, Natural Resources Section

Encl: NOC
CC: DWPC, Johnson City Environmental Field Office
File copy
U.S. Army Corps of Engineers
Ms. Carma H. Smith, Tennessee Department of Transportation



Under the Aquatic Resource Alteration
General Permit for Minor Alterations to Wetlands

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

ARAP - NRS11.242

Under authority of the Tennessee Water Quality Control Act of 1977 (TWQCA, T.C.A. 69-3-101 *et seq.*) the Division of Water Pollution Control has determined the activity described below would not violate applicable water quality standards.

This activity is governed by the *General Permit for Minor Alterations to Wetlands* (effective July 1, 2010) issued pursuant to the TWQCA. The work must be accomplished in conformance with accepted plans, specifications, data and other information submitted in support of application NRS11.242 and the terms and conditions set forth in the above referenced general permit.

PERMITTEE: Tennessee Department of Transportation (TDOT)

AUTHORIZED WORK: Minor wetlands alteration

LOCATION: Elizabethton, Carter County; N36.3643 W82.1811

WATERBODY NAME: Wetlands

EFFECTIVE DATE: 27-OCT-11

EXPIRATION DATE: 27-OCT-16

This does not preclude 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, a §26a permit from the Tennessee Valley Authority or authorization under a Tennessee NPDES Storm Water Construction Permit where necessary. This permit may also serve as a federal §401 water quality certification (pursuant to 40 C.F.R. §121.2) since the planned activity was reviewed and the division has reasonable assurance that the activity will be conducted in a manner that will not violate applicable water quality standards (T.C.A. § 69-3-101 *et seq.* or of § 301, 302, 303, 306 or 307 of *The Clean Water Act*).

The state of Tennessee may modify, suspend or revoke this authorization or seek modification or revocation should the state determine that the activity results in more than an insignificant violation of applicable water quality standards or violation of the TWQCA. Failure to comply with permit terms may result in penalty in accordance with T.C.A. §69-3-115.

A handwritten signature in black ink that reads "Paul E. Davis". The signature is written in a cursive style with a horizontal line underneath.

Paul E. Davis, P.E.
Director, Division of Water Pollution Control

Tennessee Department of Environment and Conservation

General Permit for Minor Alterations to Wetlands



Effective Date: July 1, 2010
Expiration Date: June 30, 2015

Activities Covered by this Permit:

This general permit authorizes minor alterations of up to 0.1 acre of wetlands that are degraded, of low functional capacity or in situations where the proposed area lost would result in no significant change in the function and water resource values of the larger wetland system. Cumulative wetland losses for any whole project shall not exceed a 0.25 acreage limit.

Limitations of this Permit:

Certain activities due to size, location or potential water quality impacts are not covered under this general permit. Those activities are described in this section. Activities not qualifying for authorization under this general permit may be authorized by an individual permit, provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

- 1) Activities that impact wetlands that represent a high resource value as compared to others within the ecoregion are not covered.
- 2) Activities where all practicable measures to avoid and minimize adverse impacts to the wetlands and other waters of the state have not been employed are not covered.
- 3) Activities located in a component of the National Wild and Scenic River System, a State Scenic River, waters designated as Outstanding National Resource Waters are not covered.
- 4) Activities located in any waterway which is identified by the department as having contaminated sediments, and the activity will likely mobilize the contaminated sediments are not covered.
- 5) Activities that may result in an adverse effect to a threatened or endangered species, or to designated critical habitat; or is likely to jeopardize the continued existence of a species proposed for listing as endangered or threatened without prior authorization from the U.S. Fish and Wildlife Service as required by section 7 or section 10 of the Endangered Species Act where applicable are not covered. Adverse effects comprise, but are not necessarily limited to, the following: (a) death or injury to one or more individuals that results from activities associated with an action, (b) a change in habitat quantity or quality that results from activities associated with an action that renders the habitat unsuitable for the species, or (c) activities associated with an action that disrupts normal behavior or functions of individuals.
- 6) Activities that may result in the take, harassment, or destruction of plant or wildlife listed as threatened or endangered or a species deemed to be in need of management, as defined and identified under Tennessee Code Annotated (TCA) 70-08-103, Tennessee Wildlife Resources Agency (TWRA) Proclamations 00-14 and 00-15, and Division of Natural Heritage (DNH) Rule 0400-6-2 or which will destroy the habitat of such species without prior authorization from TWRA and/or DNH where applicable are not covered.
- 7) Activities, either individually or cumulatively, that may result in degradation to waters of the state are not covered. For example, this general permit shall not be used in incremental means to combine with other projects to alter larger areas of wetland.
- 8) Activities that otherwise require an individual permit are not covered.

Obtaining Permit Coverage:

Coverage under this general permit may be obtained by submitting a signed and completed application (form CN-1091) to the division. Work shall not commence until written authorization from the division is received. As noted above, not all activities can be covered under this permit, and an application for coverage may be denied when appropriate.

The division will establish an expiration date for coverage under this general permit that is specific to the authorization and separate from the general permit's expiration date.

Terms and Conditions of this Permit:

All activities covered under this general permit shall comply with all terms and conditions contained hereinafter.

- 1) All work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of the above mentioned application and the limitations, requirements, and conditions set forth herein.
- 2) 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 (including trout streams and naturally reproducing trout streams), livestock watering and wildlife, recreation, irrigation, industrial water supply, domestic water supply, and navigation.

- 3) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.
- 4) Applicant is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities for construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres, and activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.
- 5) The wetlands alterations shall not adversely affect the functions and classified use support of adjacent wetlands or to other waters of the state.
- 6) Materials used in wetlands alteration projects shall be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris and other wastes as defined by T.C.A. 69-3-103(18).
- 7) The excavation and fill activities associated with the wetlands alteration shall be kept to a minimum.
- 8) Excavated materials, removed vegetation, construction debris, and other wastes shall be removed to an upland location and properly stabilized or disposed of in such a manner as to prevent reentry into the waterway.
- 9) Sediment shall be prevented from entering waters of the state. 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 and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. Information on erosion and sediment control measures can be found in the department's Erosion and Sediment Control Handbook (www.tn.gov/environment/wpc/sed_ero_controlhandbook/).
- 10) Erosion and sediment control measures shall be in place and functional before earth moving operations begin, and shall be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but shall be replaced at the end of the work day.
- 11) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local 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.
- 12) Clearing, grubbing and other disturbance to the riparian vegetation shall be kept at the minimum necessary for slope construction, equipment operations and project completion. Unnecessary riparian vegetation removal, including trees, is prohibited.
- 13) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills shall be reported to the appropriate emergency management agency and to the division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the state, including groundwater.
- 14) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.
- 15) Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

APPROVED:


Paul E. Davis, Director, Water Pollution Control

DATE:

6/28/10



Tennessee Valley Authority, 106 Tri Cities Business Park Drive, Gray, TN 37615-3497

October 20, 2011

Mrs. Carma Smith
Tennessee Department of Transportation
Suite 900, James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-0334

Dear Mrs. Smith:

OFF-RESERVOIR – RLR-220307 – PROPOSED STATE INDUSTRIAL ACCESS ROAD –
TENNESSEE DEPARTMENT OF TRANSPORTATION PIN NO. 115368.00 – CARTER
COUNTY, TENNESSEE – MAP 207 SW

This is in response to your October 14 request for TVA's approval of plans pursuant to Section 26a of the TVA Act for placement of fill associated with the construction of a State Industrial Access road serving NCI (Star Building Systems) in Carter, County.

The proposed action involves impacts to resources that are not directly connected to the Tennessee River or its tributaries; Therefore, TVA's approval of the plans is not required.

TVA assumes no liability and undertakes no obligation or duty (in tort, contract, strict liability, or otherwise) to you or to any third party for any damages to property (real or personal) or personal injuries (including death) arising out of or in any way connected with your construction, operation, or maintenance of the facility that is the subject of this letter.

Please let us know if we may be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Summitt".

Anthony D. Summitt
Program Manager
Holston-Cherokee-Douglas Regional Office
Land and Shoreline Management

cc: U.S. Army Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, Tennessee 37214

Files, Gray Files, WTR 1A-GRT



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL DIVISION
SUITE 900 - JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-0334
(615) 741-3655

October 14, 2011

Mr. Daniel C. Eagar
Natural Resource Section
Tennessee Department of Environment and Conservation
7th Floor L & C Annex
401 Church Street
Nashville, Tennessee 37243-1534

Subject: Project #: 10946-1401-04
PIN: 115368.00
SIA, serving NCI (Star Building Systems)
Carter County

Dear Mr. Eagar:

In accordance with T.C.A. 69-3-108(b), this office is submitting form CN-1091; drawings; portions of the USGS quad map for Elizabethton, TN (207-SW) showing the location of the proposed wetland impact; and a half-size set of plans with a location map on the plans cover sheet; where we believe permits may be needed.

SECTION 8.1, 9, 10, and 11

Site #1	
Sta. 18+70.00	Longitude 36.3643°, Latitude 82.1811°
• Sta. 18+70.00:	Wetland Impact (GARAP #1) WTL-2 Temporary Impact: 0.005 ac. Permanent Impact: 0.022 ac.
Mitigation: For the temporary wetland impact, the contractor shall remove approximately the top 12 inches of topsoil and stockpile it until construction is complete. Once construction activities are completed, the contractor will restore the temporary wetland impact area to pre-construction conditions. This includes removing haul roads (if applicable), restoring the site to the original (pre-construction) elevation and spreading stockpiled topsoil back over the wetland site. The area of temporary impact will be stabilized according to standard practices. Wetland areas located outside of the proposed right-of-way will be clearly marked and not disturbed.	
Alternatives: Three alternatives were considered during the planning phase of this project: Two build alternatives, Alternative A and Alternative B and a No-Build alternative were analyzed during the environmental document phase. The feasibility of each alternative is	

discussed below:

Alternative A: A straight alignment connecting Judge Don Lewis Boulevard and Industrial Drive. Without an easy route between industries on Judge Don Lewis Boulevard and Industrial Drive, any interaction between industries requires a trip to State Route 91 then to whichever road that the industry is located. Neither intersection with State Route 91 is signalized so traffic backs up at the intersection. With the new connector roadway, interaction between industries will be safer and more efficient. Since there is limited open area to place a new connector road between these two streets, impacting wetland W-2 is unavoidable without going through existing buildings. Alternative A is the shorter alignment of the two proposed build alternatives. Alternative A will also have fewer property impacts and won't cross any existing utility easements. Based on the additional cost, property impacts, and easement impacts of the other build alternative and the need of a connector route between roadways within the industrial park, Alternative A is the most economical and logical choice. See the attached map showing the two build alternatives. **(Selected Alternative)**.

Alternative B: Longer alignment than Alternative A with two major curves connecting Judge Don Lewis Boulevard and Industrial Drive. Alternative B is a longer alignment than Alternative A and impacts more property and crosses existing utility easement which Alternative A doesn't. From these comparisons between the alternatives, Alternative B provides no benefit over Alternative A and is not an option.

No-Build Alternative: Because of the need of an easier route between industries on the two roadways within the industrial park, a connector roadway is needed to improve efficiency and safety when interaction is required between different businesses in the park. Therefore, a no-build solution isn't a feasible option.

This project includes the permanent filling of 0.022 acre of wetland, and the temporary filling of 0.005 acre of wetland for construction/haul roads.

In addition to the impact listed above, we are requesting that the Tennessee Department of Environment and Conservation and the Corps of Engineers include approval for all proposed outfall structures (ditches, pipes, etc) associated with the proposed bridge crossing in your permit.

It is the opinion of this office that all other aspects of the project not specifically mentioned in this letter meet the criteria for the General Permit for Wet Weather Conveyances. Please refer to the attached Form G for more information.

SECTION 5.0 – Brief Project Description

The applicant proposes to construct 0.222 mi of new alignment between Judge Don Lewis Boulevard and Industrial Drive so that businesses within the industrial park can interact safely and efficiently compared to the available route which requires the use of State Route 91 to access other roadway in the park. Since neither roadway is signalized at the intersection with State Route 91, this causes safety and efficiency issues when traveling to other roadway. The new construction will consist of 12 ft. travel lanes, and 4 ft. shoulders within 60 ft. minimum width right-of-way.

SECTION 8.3 - 8.6

Please refer to the attached Environmental Boundary report for more information.

SUPPLEMENTARY INFORMATION

The latest search of the TDEC (Division of Natural Areas (DNA)) database conducted on June 1, 2011 revealed one protected species, *Tyto alba* (barn owl), within a one-mile radius and no protected species within one to four-mile radius of this project. A coordination letter from USFWS, signed June 22, 2011, did not list any protected species within the impact area of the project. It is the opinion of the TDOT biologist that the barn owl won't be affected by this project because the project is within an existing industrial park and the owl is a very mobile species. A TDOT email was sent to TWRA on August 18, 2011 requesting comments concerning animal species. In response to the TDOT's email, TWRA, responding back by email on August 23, 2011, stated that they agreed with TDOT's species assessment and requested the use of standard BMP's throughout the project. Please refer to the attached CD containing Form N and TDOT correspondences from the Environmental Boundary report for more information.

Due to the recent modification of the USFWS stance regarding the Indiana bat, specific consideration of the Indiana bat (*Myotis sodalis*) is required. Based on the site investigation conducted on April 12 and May 12, 2011 by TDOT Biologists, it was determined that the project wouldn't impact any potential habitat areas since there isn't any potential roost trees within the proposed impact area of the project. From this assessment, it is the opinion of the Tennessee Department of Transportation that this project does not adversely affect the Indiana bat. USFWS responded to a letter from the TDOT Ecology office requesting endangered species within the vicinity of the project by stating that no federally listed endangered or threatened species, or habitat suitable for such species, are known to exist in the project area. For more information, please refer to the letter dated June 2, 2011 from Keven Brown and signed by USFWS on June 22, 2011.

By copy of this letter, we request the concurrence of the Corps of Engineers that this project meets the criteria of one of the Nationwide Permits. Since the project isn't federally funded, a categorical exclusion or other federally required environmental documents were not required. A Tennessee Environmental Evaluation Report (TEER) was developed instead since state funds are being used to construct this project. This project is building a new industrial access road to relieve traffic congestion and provide better connectivity between industries within the park. **A copy of the signed TEER is enclosed for your use in permit processing.**

By copy of this letter, we are also applying for a letter of No Objection or a Section 26a Permit from the Tennessee Valley Authority. Appropriate information is enclosed. This project will not cause any loss of flood storage or power storage volumes.

Typically the construction contractor shall make their own arrangements for obtaining borrow (fill material) and shall pay all the cost involved including archeological approval of source along with obtaining any required ecological investigation and permits. Frequently rock fill is obtained from an approved commercial location, but for common fill (unclassified borrow) it is up to the construction contractor to find an appropriate location that meets AASHTO specifications.

Our office has checked the Flood Insurance Rate Map for the subject project. This project is not in a FEMA floodway, floodplain, or study area. The design of our roadway system is in compliance with the floodplain management criteria set forth in the National Flood Insurance Regulations of Title 44 of the Code of Federal Regulations (CFR). It is also consistent with requirements of floodplain management guidelines for implementing Executive Order 11988 and

Mr. Daniel C. Eagar
March 7, 2012
Page 4

Federal Highway Administration guidelines 23 CFR 650A. Refer to attached FEMA map for additional information.

This project is currently scheduled for the February 29, 2012 turn-in. We would greatly appreciate your initial review and request for additional information needed within 15 days of receipt of our application; and issuance of the permits as soon as possible.

If you have any questions or we can be of further assistance please contact me at (615) 253-2441 or Robbie Stephens at (615) 253-7693.

Sincerely,

Carma H. Smith
Roadway Specialist III
Environmental Permits Section

Enclosures

JLH: CHS: RMS: pc

cc: Ms. Lisa Morris, Nashville District Corps of Engineers
Mr. Anthony Summitt, TVA
106 Tri Cities Business Park Drive
Gray, TN 37615-3497
adsummitt@tva.gov
(423)467-3811
Mr. Brian Dickerson, Project Management Office (via email)
Mr. Brandon Crowley, HQ (Region 1) Construction Office (via email)
Mr. Clint Bane, Region 1 Construction Office (via email)
Ms. Mary Howard, Region 1 Construction Office (via email)
Mr. Mark Doty, Region 1 Environmental Coordinator (via email)
Mr. Keven Brown, Region 1 Biologist (via email)
Permit File
Reading File – letter only

Ecology Report

Form G

N: 115368.00

P.E. #10946-1401-04

Biologist: Keven Brown

Affiliation: TDOT

[illegible]

Project: SIA serving NCI, Carter Co.

PIN: 115368.00

P.E. #10946-1401-04

Date of survey: 4-12-11 and 5-12-11

Biologist: Keven Brown

Affiliation: TDOT

1-Station: from plans	Sta. 13+00L to 22+00R	Sta.c16+00L to 22+00L
2-Map label and name	WWC-1	WWC-2
3-Latitude/Longitude	-82.180850 36.363334	-82.181817 36.363956
4-Potential impact	Crossing, runoff	None
5-Feature description:		
what is it	Wet weather conveyance	Wet weather conveyance
blue-line on topo? (y/n)	No	No
defined channel (y/n)	Yes	Yes
straight or meandering	Straight	Straight
channel bottom width	3'-5'	3'-5'
top of bank width	5'-8'	5'-8'
bank height and slope ratio	2'-3'	1'-3-
avg. gradient of stream (%)	<5	<5
substratum	Soil 100%	Soil 100%
riffle/run/pool	N/A	
width of buffer zone	LB: <5 RB: <5	LB: <5 RB: <5
water flow	No	Yes
water depth	None	6"-18"
water width	None	None
general water quality	N/A	N/A
OHWM indicators	None	None
groundwater connection	No	No
bank stability: LB, RB	Stable	Stable
dominant species: LB, RB	Fescue, broom sedge	Fescue, box elder
overhead canopy (%)	0	0 in upper half of channel, -75
benthos	None	None
fish	None	None
algae or other aquatic life	None	None
habitat assessment score	--	--
photo number (s)	3, 4, 5, 6	7, 8
rainfall information	Rain on 4-12-11	Rain on 4-12-11
6-HUC code & name (12-digit)	Watauga River, 06010103-0501	Watauga River, 06010103-0501
7-Confirmed by:		
8-Mitigation	No ☒ Yes _____ : (include on Form J)	No ☒ Yes _____ : (include on Form J)
9-ETW	No ☒ Yes _____	No ☒ Yes _____
10-303 (d) List	No ☒ Yes _____: Habitat _____ Siltation _____	No ☒ Yes _____: Habitat _____ Siltation _____
11-Notes Estimate size (acres) of lake or pond if applicable; provide any pertinent information needed to better describe feature; indicate if hydrologic determination form completed		

WETLAND DETERMINATION DATA FORM – Eastern Mountains and Piedmont

Project/Site: SIA serving NCI, carter Co., TN Map Label: W-1
P.E. and PIN: 10946-1401-04115368.00 Date: 8-18-11 Station: _____
Investigator(s): Keven Brown, Mark McIntosh HUC 12 (code and name): Watauga River, 06010103-0501
Landform (hillslope, terrace, etc.): Depression area Local relief (concave, convex, none): Concave Slope (%): _____
Subregion (LRR or MLRA): _____ Lat: -82.181089 Long: 36.363076 Datum: _____
Soil Map Unit Name: _____ NWI classification: Emergent

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No _____ (If no, explain in Remarks.)
Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No _____
Are Vegetation _____, Soil ☒, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ☒ No _____ Hydric Soil Present? Yes _____ No _____ Wetland Hydrology Present? Yes ☒ No _____	Is the Sampled Area within a Wetland? Yes ☒ No _____
Remarks: Photos: <u>9</u> Buffer (ft.): _____ Approximate Size (ac.): <u>0.5 ac+</u> Portion Affected (permanent) (ac.): <u>none</u> Portion Affected (temporary) (ac.): <u>none</u>	Confirmation (by, date): <u>COE, 5-12-11</u> Mitigation (to be included in design): <u>No</u> Notes:

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> ☒ Surface Water (A1) _____ True Aquatic Plants (B14) _____ High Water Table (A2) _____ Hydrogen Sulfide Odor (C1) _____ Saturation (A3) _____ Oxidized Rhizospheres on Living Roots (C3) _____ Water Marks (B1) _____ Presence of Reduced Iron (C4) _____ Sediment Deposits (B2) _____ Recent Iron Reduction in Tilled Soils (C6) _____ Drift Deposits (B3) _____ Thin Muck Surface (C7) _____ Algal Mat or Crust (B4) _____ Other (Explain in Remarks) _____ Iron Deposits (B5) _____ _____ Inundation Visible on Aerial Imagery (B7) _____ _____ Water-Stained Leaves (B9) _____ _____ Aquatic Fauna (B13) _____		<u>Secondary Indicators (minimum of two required)</u> _____ Surface Soil Cracks (B6) _____ Sparsely Vegetated Concave Surface (B8) _____ Drainage Patterns (B10) _____ Moss Trim Lines (B16) _____ Dry-Season Water Table (C2) _____ Crayfish Burrows (C8) _____ Saturation Visible on Aerial Imagery (C9) _____ Stunted or Stressed Plants (D1) _____ Geomorphic Position (D2) ☒ Shallow Aquitard (D3) _____ Microtopographic Relief (D4) _____ FAC-Neutral Test (D5)
Field Observations: Surface Water Present? Yes ☒ No _____ Depth (inches): <u>2"-6"</u> Water Table Present? Yes _____ No _____ Depth (inches): _____ Saturation Present? Yes _____ No _____ Depth (inches): _____ (includes capillary fringe)	Wetland Hydrology Present? Yes ☒ No _____	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks: This area appears to be a portion of the site that was not initially graded properly when the site was first developed and now functions to some degree as a stormwater detention area at this time.		

VEGETATION (Four Strata) – Use scientific names of plants.

Map Label: W-1

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. NONE				Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)
2. _____				Total Number of Dominant Species Across All Strata: 1 (B)
3. _____				Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)
4. _____				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species 95 x 2 = 190 FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: 95 (A) 190 (B) Prevalence Index = B/A = 2.0
5. _____				
6. _____				
7. _____				
8. _____				
_____ = Total Cover				
Sapling/Shrub Stratum (Plot size: _____)				
1. NONE				Hydrophytic Vegetation Indicators: ___ 1 - Rapid Test for Hydrophytic Vegetation ✓ 2 - Dominance Test is >50% ✓ 3 - Prevalence Index is ≤3.0 ¹ ___ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ Problematic Hydrophytic Vegetation ¹ (Explain)
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				Definitions of Four Vegetation Strata: Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vine – All woody vines greater than 3.28 ft in height.
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				Hydrophytic Vegetation Present? Yes ☒ No _____
12. _____				
100 = Total Cover *				
Herb Stratum (Plot size: _____)				
1. Juncus effusus	90	yes	FacW+	
2. Carex sp.	5	no	FacW	
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
12. _____				
_____ = Total Cover				
Woody Vine Stratum (Plot size: _____)				
1. NONE				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
_____ = Total Cover				
Remarks: (Include photo numbers here or on a separate sheet.)				

Map Label: W-1

[illegible]²Location: PL=Pore Lining, M=Matrix.

Indicators for Problematic Hydric Soils³:

- ___ Dark Surface (S7)
- ___ Polyvalue Below Surface (S8) (MLRA 147, 148)
- ___ Thin Dark Surface (S9) (MLRA 147, 148)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Iron-Manganese Masses (F12) (LRR N, MLRA 136)
- ___ Umbric Surface (F13) (MLRA 136, 122)
- ___ Piedmont Floodplain Soils (F19) (MLRA 148)

- ☐ 2 cm Muck (A10) (**MLRA 147**)
☐ Coast Prairie Redox (A16)
 (**MLRA 147, 148**)
☐ Piedmont Floodplain Soils (F19)
 (**MLRA 136, 147**)
☐ Red Parent Material (TF2)
☐ Very Shallow Dark Surface (TF12)
☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Type: Hard packed soil/gravel
Depth (inches): 2" or less

Hydric Soil Present? Yes _____ No _____

A good soil sample could not be obtained due to a hard packed layer approximately 2" beneath the area. Neither a soil probe or shovel was able to penetrate this layer.

WETLAND DETERMINATION DATA FORM – Eastern Mountains and Piedmont

Project/Site: SIA serving NCI, Carter Co., TN W-2
10946-1401-04 ; 115368.00 5-15-11

Investigator(s): Keven Brown, Mark McIntosh Watauga River, 06010103-0501

Landform (hillslope, terrace, etc.): Depressed area Local relief (concave, convex, none): _____ Slope (%): _____

Subregion (LRR or MLRA): _____ Lat: -82.181167 Long: 36.363487 Datum: _____

Soil Map Unit Name: _____ NWI classification: Emergent

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No _____

Are Vegetation _____, Soil ☒, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ☒ No _____	Is the Sampled Area within a Wetland? Yes ☒ No _____
Hydric Soil Present? Yes _____ No _____	
Wetland Hydrology Present? Yes ☒ No _____	
Remarks: 10 COE, 5-12-11 0.02 ac.	

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u>		<u>Secondary Indicators (minimum of two required)</u>
☒ Surface Water (A1) ☐ High Water Table (A2) ☐ Saturation (A3) ☐ Water Marks (B1) ☐ Sediment Deposits (B2) ☐ Drift Deposits (B3) ☐ Algal Mat or Crust (B4) ☐ Iron Deposits (B5) ☐ Inundation Visible on Aerial Imagery (B7) ☐ Water-Stained Leaves (B9) ☐ Aquatic Fauna (B13)	☐ True Aquatic Plants (B14) ☐ Hydrogen Sulfide Odor (C1) ☐ Oxidized Rhizospheres on Living Roots (C3) ☐ Presence of Reduced Iron (C4) ☐ Recent Iron Reduction in Tilled Soils (C6) ☐ Thin Muck Surface (C7) ☐ Other (Explain in Remarks)	☐ Surface Soil Cracks (B6) ☐ Sparsely Vegetated Concave Surface (B8) ☐ Drainage Patterns (B10) ☐ Moss Trim Lines (B16) ☐ Dry-Season Water Table (C2) ☐ Crayfish Burrows (C8) ☐ Saturation Visible on Aerial Imagery (C9) ☐ Stunted or Stressed Plants (D1) ☐ Geomorphic Position (D2) ☒ Shallow Aquitard (D3) ☐ Microtopographic Relief (D4) ☐ FAC-Neutral Test (D5)
Field Observations: Surface Water Present? Yes ☒ No _____ Depth (inches): _____ Water Table Present? Yes _____ No _____ Depth (inches): _____ Saturation Present? Yes _____ No _____ Depth (inches): _____ (includes capillary fringe)		Wetland Hydrology Present? Yes ☒ No _____
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks: Site is located in the drainage channel of WWC-1. This area is flat enough that water appears to be standing a sufficient length of time for hydrophytic vegetation to establish.		

VEGETATION (Four Strata) – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status
1. NONE			
2. _____			
3. _____			
4. _____			
5. _____			
6. _____			
7. _____			
8. _____			
_____ = Total Cover			
Sapling/Shrub Stratum (Plot size: _____)			
1. NONE			
2. _____			
3. _____			
4. _____			
5. _____			
6. _____			
7. _____			
8. _____			
9. _____			
10. _____			
95 = Total Cover			
Herb Stratum (Plot size: _____)			
1. Juncus effuses	90	Yes	FacW+
2. Carex sp.	5	No	FacW
3. _____			
4. _____			
5. _____			
6. _____			
7. _____			
8. _____			
9. _____			
10. _____			
11. _____			
12. _____			
_____ = Total Cover			
Woody Vine Stratum (Plot size: _____)			
1. NONE			
2. _____			
3. _____			
4. _____			
5. _____			
6. _____			
_____ = Total Cover			

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species <u>95</u>	x 2 = <u>190</u>
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: <u>95</u> (A)	<u>190</u> (B)

Prevalence Index = B/A = 2.0

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

☒ 2 - Dominance Test is >50%

☒ 3 - Prevalence Index is ≤3.0¹

___ 4 - Morphological Adaptations¹ (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Four Vegetation Strata:

Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vine – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes ☒ No _____

Remarks: (Include photo numbers here or on a separate sheet.)

[illegible]²Location: PL=Pore Lining, M=Matrix.

Indicators for Problematic Hydric Soils³:

- ³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Type: Compacted soil/gravel layer
Depth (inches): 2" or less

Hydric Soil Present? Yes _____ No _____

Soil is so compacted at this site that a good soil sample could not be obtained using either a soil probe or shovel.

Training Certifications

TMDL Information

NO TMDL CONSULTATION IS REQUIRED FOR THIS PROJECT

EPSC Delegation of Authority



CONSTRUCTION DIVISION EPSC DELEGATION OF AUTHORITY

In accordance with Section 7.7.3 (Duly Authorized Representative) of the *Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities*, I _____
(print name of TDOT project supervisor), delegate the reporting responsibility of coordination with the erosion prevention and sediment control (EPSC) inspection services consultant for TDOT contract # _____
to:

Name: _____ (print name of TDOT delegate)

Title: _____

Address: _____

Phone No.: _____

Email Address: _____

I am providing delegation of authority as stated above and confirm that the TDOT delegate stated above has direct knowledge of the subject project and the ability to discuss the reports and recommendations from the EPSC inspection services consultant on the subject project directly to the contractor.

_____ (signature of TDOT Project Supervisor)

_____ (signature of TDOT delegate)

_____ (date)

The EPSC Delegation of Authority shall be submitted to the local TDEC WPC Environmental Field Office (EFO) address (see table below) for record keeping. A copy shall be placed within the on-site SWPPP Documentation and Permits Binder.

EFO	Street Address	Zip Code	EFO	Street Address	Zip Code
Memphis	8383 Wolf Lake Drive, Bartlett	38133	Cookeville	1221 South Willow Ave.	38506
Jackson	1625 Hollywood Drive	38305	Chattanooga	540 McCallie Avenue STE 550	37402
Nashville	711 R S Gass Boulevard	37243	Knoxville	3711 Middlebrook Pike	37921
Columbia	1421 Hampshire Pike	38401	Johnson City	2305 Silverdale Road	37601