

## **Tennessee Department of Transportation**

### **Procedures for Providing Offsite Waste and Borrow on Construction Projects Contractor's Support Activities Certification**

#### **Introduction**

The General NPDES Permit For Discharges Of Stormwater Associated With Construction Activities (CGP) issued by the Tennessee Department of Environment and Conservation (TDEC) addresses stormwater discharges associated with construction support activities in Section 1.2.2. As per the CGP, stormwater discharges associated with support activities, including but not limited to equipment staging yards, material storage areas, excavated materials disposal areas (waste areas), and borrow areas are to be addressed in the Tennessee Department of Transportation (TDOT) Waste and Borrow Procedure.

This certification defines the process that all contractors must complete to address stormwater discharges associated with support activities on TDOT construction projects. These support activities include all offsite areas that are supplied by either the prime contractor or a subcontractor as part of their construction process.

This certification will follow the general process described in the current TDOT Standard Specifications for Road and Bridge Construction. All associated TDOT Standard Specifications, Special Provisions, and Circular Letters applicable to support activities must be complied with as part of this process. Conducting a consistent process across the state will help ensure that support activities are appropriately addressed.

#### **Permitting**

It is the responsibility of the contractor, per subsection 107 of the TDOT Standard Specifications for Road and Bridge Construction, to ensure that all appropriate environmental permits regarding all associated support activities have been obtained from applicable state and federal regulatory agencies. These may include, but are not limited to:

#### **Tennessee Department of Environment and Conservation**

##### **Aquatic Resource Alteration Permit (ARAP)**

Any physical alterations to properties of waters of the state require an Aquatic Resource Alteration Permit (ARAP) or a 401 Water Quality Certification.

### Construction General Permit (CGP)

As part of the National Pollutant Discharge Elimination System (NPDES) Program, the CGP authorizes the point source discharge of stormwater from construction sites involving clearing, grading, or excavation that result in areas of disturbance of one or more acres.

### Class V Injection Well Permit

Any discharge of stormwater into a subsurface system other than city sewer or modification of a karst feature requires coverage under a Class V Injection Well Permit.

## **United States Army Corps of Engineers**

### Section 404 Permit

The discharge of dredged or fill material into waters of the United States including wetlands requires coverage under a Section 404 Permit. Any physical alteration to a feature determined to be an ephemeral stream by the United States Army Corps of Engineers requires coverage under a Section 404 Permit.

## **Tennessee Valley Authority (TVA)**

### Section 26a Permit

Coverage is required under this permit for any construction activity that may affect TVA's management of the Tennessee River watershed, including its reservoirs and tributaries.

## **Tennessee Wildlife Resources Agency (TWRA)**

### Reelfoot Watershed Management Permit

Coverage is required for all projects that effect water flowing within the drainage basin of Reelfoot Lake. This permit requires a joint application to TWRA and TDEC.

## **Environmental Clearances**

It is the responsibility of the contractor to ensure that all appropriate environmental clearances for all associated support activities have been obtained from applicable state and federal regulatory agencies which may include, but are not limited to:

### Endangered Species Act Section 7 Clearance

Clearance is required for projects with Federal Aid (as per section 107.06 of TDOT Standard Specifications for Road and Bridge Construction). This requires clearance from both TWRA and U.S. Fish and Wildlife Service.

### National Historic Preservation Act Section 106 Clearance

Certified archeological clearance is required for projects with Federal Aid (as per section 107.06 of TDOT Standard Specifications for Road and Bridge Construction). This requires clearance from the State Historic Preservation Office.

### Support Activities and Land Owner Agreements

For any support activity regardless of size, a signed agreement with the property owner must be obtained by the contractor which describes the contractor's proposed support activities at the sites, size of area to be impacted, and condition of the sites upon completion of the proposed activities.

### TDOT Contractors Support Activities Certification

The TDOT Contractors Support Activities Certification form must be provided to the appropriate District Operations Supervisor prior to use of the site in question. The Certification form identifies the support activities, location of the support activities, documents that all environmental permitting has been obtained, and documents that other obligations have been met regarding applicable support activities associated with an active TDOT construction project.

If during the process of performing the support activities a permit compliance issue is identified by a state or federal regulatory agency, the identified support activity site in violation cannot be utilized by the contractor until the compliance issue in question is resolved to the satisfaction of the regulatory agency in question.

# Tennessee Department of Transportation Waste and Borrow Procedure

## Contractor's Support Activities Certification

Please identify the type of support activity(s) being utilized:

- |  |                          |                    |
|--|--------------------------|--------------------|
| Equipment Staging Yard                       | <input type="checkbox"/> | Total Number _____ |
| Material Storage Yard                        | <input type="checkbox"/> | Total Number _____ |
| Excavated Material Storage Area (Waste Area) | <input type="checkbox"/> | Total Number _____ |
| Borrow Area                                  | <input type="checkbox"/> | Total Number _____ |
| Other: _____                                 | <input type="checkbox"/> | Total Number _____ |

Does the Waste and Borrow Site Grading Plan submitted to TDEC provide slope recommendations and fill placement recommendations made by a qualified professional engineer?

Yes  No  N/A

Does the Waste and Borrow Site Grading Plan comply with the contract documents with regard to potential acid producing material??

Yes  No  N/A

Please provide the site location(s) of the identified support activities include latitude/longitude of the location(s).

(A U.S Geological Survey (USGS) topographic quad map 8½ "x11" showing each proposed location must be attached to certification.)

What is the total land disturbance associated with each identified support activity?

- Equipment Staging Yards: \_\_\_\_\_ Excavated Material Storage Area (Waste Area): \_\_\_\_\_  
 Material Storage Areas: \_\_\_\_\_ Borrow Areas: \_\_\_\_\_  
 Other: \_\_\_\_\_

Have all required coordination's occurred and permitting been obtained from applicable State and Federal regulatory agencies regarding the identified support activity(s)?

Yes  No  N/A

Have all TDOT Standard Specifications and Special Provisions associated with the identified support activities been complied with?

Yes  No  N/A

Has an agreement(s) with the property owner(s) been established which describes the contractor's proposed support activity at each individual site, the size of area to be impacted at each individual site, and condition of the site upon completion of the proposed activity(s) at each individual site?

Yes  No  N/A

### Signature

I certify that site(s) identified for support activity(s) meets all conditions above. I also understand the following:

- I acknowledge that I am responsible for maintaining regulatory compliance regarding each identified support activity.
- I acknowledge that any violation or nonconformance associated with the site identified for support activity(s) shall prevent the use of this location until such time as the condition of violation or nonconformance has been addressed to the satisfaction of the appropriate regulatory agency.

\_\_\_\_\_  
Contractor's Printed Name

\_\_\_\_\_  
Contractor's Signature and Date