

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES**

William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

Tracking No. TNR114206

**Notice of Coverage (NOC) under the General NPDES Permit for
STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES (CGP)**

Under authority of the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.) and the delegation of authority from the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.) in accordance with effluent limitations, monitoring requirements and other conditions set forth herein. CGP requirements and permit overview are located [here](#). Your coverage under the CGP shall be terminated upon receipt of [Notice of Termination \(NOT\)](#).

| | |
|-----------------------------|--|
| Construction Project: | Circle K - Pelham, TN |
| Area of Disturbance: | 3.75 acres |
| Master Tracking Number: | TNR114206 |
| Permittee Name: | 2024 I24 Pelham LLC |
| Project Name: | Circle K - Pelham, TN |
| is authorized to discharge: | stormwater associated with construction activities |
| from facility location: | SWQ US-64 & I-24, Pelham, TN 37366, Grundy County |
| to receiving waters named: | Elk River |
| Effective date: | 04/18/2024 |
| Expiration date: | 09/30/2026 |
| Contractors: | no contractor identified |

Additional CGP requirements (Part 6.4) apply for discharges into Exceptional Tennessee Waters. TDEC identified likely presence of threatened or endangered species in one mile radius as well as downstream from the site. See CGP Section 1.3.

CN-0759

RDA 2366

Print


TNR114206 - Notice of Coverage (NOC) under Construction General NPDES Permit (CGP)

Nikki Carpenter <Nikki.Carpenter@tn.gov>

Thu 4/18/2024 11:54 AM

To:thopkins@franklindevpartners.com <thopkins@franklindevpartners.com>

Cc:philip.neal@kimley-horn.com <philip.neal@kimley-horn.com>;Jennifer Innes <Jennifer.Innes@tn.gov>;Gabrielle McAllister <Gabrielle.McAllister@tn.gov>

 1 attachments (308 KB)

DWR-TNR114206-Notice of Coverage (NOC)-20240418-2366.pdf;

The Division of Water Resources (the Division) has received your Notice of Intent (NOI) to be covered under the **General NPDES Permit for Storm Water Discharges Associated with Construction Activity (CGP)**. The Division acknowledges receipt of the most recent version of the application for the above referenced project on 04/16/2024. After review, the application was deemed to be complete on 04/16/2024. Enclosed is the Notice of Coverage (NOC) with the permit tracking number [TNR114206](#), which shows the site name and location, receiving stream, effective date of coverage, etc.

Contractor Information

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

Storm Water Pollution Prevention Plan (SWPPP)

You have submitted a SWPPP as required by section 1.4.2 of the General Permit. Please note that the division has not performed an engineering review of the SWPPP and does not certify whether the SWPPP adequately provides for the pollution prevention requirements at the site as described in the General Permit. The division acknowledges that you have submitted a SWPPP that appears to include the required components of a SWPPP. It is the responsibility of all site operators to design, implement, and maintain measures that are sufficient to prevent pollution at the referenced site, and to remain in compliance with the terms and conditions of the General Permit.

Receiving Stream Designated Uses

The receiving stream for the construction site for which the NOI was submitted DOES NOT appear on the state's list for partially supporting or for not supporting a stream's designated use due to siltation. While the additional pollution prevention requirements described in subpart 6.4 of the General Permit are NOT applicable to your construction site, every effort should be made to minimize or eliminate amount of silt discharged to a receiving stream.

Exceptional Tennessee Waters

The receiving stream for a construction site for which the NOI was submitted appears on the state's list of exceptional waters. Since the discharge from the proposed construction site may contain significant amounts of silt, the division considers the potential for degradation to the receiving stream from the

discharge to be significant. Therefore, the additional pollution prevention requirements described in subpart 6.4 of the General Permit are applicable to your construction site; requirements of section 6.4.2. apply only if the stream is located on or adjacent to the disturbed area.

Site Assessment

Based on the information provided on the NOI, site assessment is NOT required at your site. However, if site conditions, extent of soil disturbance or if the receiving stream was found to be waters with unavailable parameters or Exceptional Tennessee Waters, requirements from Subsection 5.5.3.8 of the permit shall be applicable.

Submittal of Site Assessment Documentation

If site assessment documentation is requested to be submitted in the future, the division will make such request in writing.

Threatened and Endangered Species

TDEC identified likely presence of threatened or endangered species in one mile radius as well as downstream from the site. See CGP Section 1.3.

Annual Maintenance Fee and Termination of Permit Coverage

Effective July 1, 2014, permit fees for the General Permit have been revised. In addition to new application fee amounts, annual maintenance fees are now required for projects that exceed one year of coverage. Permittees wishing to terminate coverage must submit a completed [Notice of Termination \(NOT\)](#) form, which is available on the division's [construction stormwater webpage](#). The division will review the NOT for completeness and accuracy and, when necessary, investigate the site for which the NOT was submitted. The division will notify the applicant that either the NOT form was received and accepted, or that the permit coverage is not eligible for termination and has not been terminated. If applicable, the notification will include a summary of existing deficiencies.

In order to get a copy of the CGP, we ask you to visit TDEC's [Dataviewer](#). We will provide you with a printed copy of the general NPDES permit **only** upon your request.

At our [CGP website](#), you will find links to this general NPDES permit and the permit rationale, notice of determination, guidance documents, and links to relevant web sites. If you do not have access to the web, or have other questions, please contact Chattanooga [Environmental Field Office](#) or call us at 1-888-891-TDEC.

Issuance of this NOC does not imply that the permittee has any other development authorizations, including rights or expectations of approval for any other permits, authorizations, or coverages, either federal, state, or local. CGP coverage does not delineate or authorize impact to waters of the state. Coverage under the CGP cannot be used by permittees as a relevant factor in the review and approval and issuance of any other TDEC permits, authorizations, or coverages, including but not limited to other NPDES permits, Aquatic Resource Alteration Permits, engineering plans approval, or wastewater disposal issues. Proceeding with construction prior to resolution of any other regulatory requirement is at your own risk.

Thank you for your time and assistance. We appreciate your attention to the CGP and its requirements.

Sincerely,
Division of Water Resources



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