

Table of Contents

PART I	3
AUTHORIZED WORK:	3
SPECIAL CONDITIONS:.....	3
GENERAL CONDITIONS:	5
PART II	7
MONITORING REQUIREMENTS.....	7
DUTY TO REAPPLY	7
PROPERTY RIGHTS	7
OTHER INFORMATION.....	7
CHANGES AFFECTING THE PERMIT	7
Transfer/Change of Ownership.....	7
Change of Mailing Address	8
NONCOMPLIANCE.....	8
Effect of Noncompliance	8
Reporting of Noncompliance.....	8
Adverse Impact.....	9
LIABILITIES	9
Civil and Criminal Liability.....	9
Liability under State Law.....	9
APPENDIX	11
UPDATED OUTFALL PLANS.....	11

PART I

Authorized Work:

Force Main Outfall:

Revision to design and location of the force main outfall structure in the Mississippi River. The outfall will be located at approximately at River Mile 768.56, approximately 600 feet from the bank. The force main pipe (18" HDPE) will extend beneath the banks of the Mississippi River via horizontal directional drilling (HDD) and will terminate at its diffuser at approximately **35.516106, -89.944507** and be secured with a concrete pipe anchor collar. A layer of rip rap will be added extending above and below the diffuser to minimize erosion, approximately 50 feet in each direction. See detailed plans in this permit's Appendix or on the permit's page on the Division's Data Viewer at: https://dataviewers.tdec.tn.gov/pls/enf_reports/f?p=9034:34051:::NO:34051:P34051_PERMIT_NUMBER:NRS18.288.

All other impacts to jurisdictional aquatic resources remain as previously conditioned and authorized under NRS18.288 and NRS18.288 Rev 1.

Special Conditions:

The work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of application NRS18.288, NRS18.288 Revision 1, and NRS18.288 Revision 2 and the limitations, requirements and conditions set forth herein.

1. It is the responsibility of the applicant to convey all terms and conditions of this permit to all contractors. A copy of this permit, approved plans and any other documentation pertinent to the activities authorized by this permit shall be maintained on site at all times during periods of construction activity.
2. All contours must be returned to pre-project conditions to the extent practicable and the completed activities may not disrupt or impound stream flow.
3. Blasting will not be permitted in the excavation of trenches that parallel or lie within 50 feet of a stream or wetland.
4. Flowable fill trench plugs will be placed throughout any trench running parallel within 50 feet of a stream channel. Clay plugs will be hard packed in 6-inch lifts to approximately 6-inches below the bottom of the excavated trench.
5. The alignment of new utility line crossing shall intersect the stream channel as close to 90 degrees or as perpendicular as possible. Alignment shall be no less than 45 degrees angle from the centerline of the stream.

6. The force main crossings shall be located such as to avoid permanent alteration or damage to the integrity of the stream channel or wetland. Large trees, steep banks, rock outcroppings, etc., should be avoided. Areas surrounding the stream and wetland area will be restored to original grades and conditions.
7. A 60-foot buffer area shall remain undisturbed at each crossing. If proper setback cannot be obtained, a temporary steel working platform for the HDD drill rig shall be utilized to prevent releases into streams and wetlands. No temporary or permanent fill shall occur, and areas disturbed, including vegetation removal, shall be restored to original condition at minimum.
8. An Inadvertent Fluid Release (Frac-Out) contingency plan shall be submitted to the division within 30-days of a contractor being awarded. This plan shall explain procedures for minimizing the potential of a frac-out prior to HDD installation of the force main as well as explain a contingency response and notification to the division if an inadvertent fluid release was to occur during installation.
9. The discharge of drilling mud, fluid and cuttings outside of the work area shall be minimized. Berms shall be used to contain drilling fluids to minimize fluid escape. The Contractor shall be equipped with materials or equipment necessary to contain and clean up inadvertent releases.
10. Activities not specified herein, such as future pipe maintenance, are not covered under this permit.
11. All spoil material from trench excavation, bore pits and other earth disturbing activities shall be deposited in an upland location and stabilized within 7 days in order to prevent erosion into waters of the state. Vacuum trucks will contain and remove any excess soil materials that are extruded from the boring holes. The excess material will be deposited at a designated upland area at the Megasite.
12. The crossings shall be designed to prevent the impoundment or loss of normal or base flows. Base flow is the usual or normal flow of the stream that is supplied primarily by groundwater from springs and seeps, but not affected by rapid runoff during and after rainfall.
13. The permittee is responsible for any permanent reduction or loss of instream flow or unauthorized alterations to wetlands resulting from authorized activities. In the event that post-construction flow pattern changes are observed, the division shall be notified and a corrective action plan shall be submitted to the division within 30 days of the observation. Additional mitigation activities may be required. Upon observing changes in flow, the alteration shall be reported to the regional Environmental Field Office or the Natural Resources Unit.
14. Sediment shall be prevented from entering waters of the state. Any dewatering activities required as a result of the HDD process shall not result in a discharge to waters of the state.
15. 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. Stream and wetland buffers shall be protected from any disturbance prior, during and after HDD processes occur with Best Management Practices per TN Erosion and Sediment Control handbook. Wetland areas shall be identified and temporarily protected with visibility fencing or similar material as to prevent

access and disturbance. Non-native, non-invasive annuals may be used as cover crops until native species can be established. Permanent vegetative stabilization using native species of all disturbed areas must be initiated within 15 days of project completion.

16. Checkdams shall be utilized where runoff is concentrated. Clean rock, log, or sandbag checkdams shall be properly constructed to detain runoff and trap sediment. Checkdams or other erosion control devices are not to be constructed in jurisdictional streams or wetlands. Clean rock can be of various type and size, depending on the application. Clean rock shall not contain fines, soils or other wastes or contaminants. Checkdams or other in-stream treatments are not authorized to be placed in the stream.

17. Streambeds shall not be used as transportation routes for construction equipment.

18. Riprap shall not be placed in a manner that would permanently disrupt the movement of fish and aquatic life.

19. The outfall structure shall be installed as designed to minimize harm and prevent the impoundment of normal or base flows.

20. The permittee shall notify this office 48 hours prior to start of the force main installation. Additionally, the permittee shall notify this office of project completion within thirty (30) days of completion.

General Conditions:

1. It is the responsibility of the applicant to convey all terms and conditions of this permit to all contractors. A copy of this permit, approved plans and any other documentation pertinent to the activities authorized by this permit shall be maintained on site at all times during periods of construction activity.
2. Work shall not commence until the permittee has obtained all necessary authorizations pursuant to applicable provisions of section 10 of The Rivers and Harbors Act of 1899, section 404 of the Clean Water Act, section 26a of The Tennessee Valley Authority Act, section 402 of the Clean Water Act (including, but not limited to, an NPDES permit for construction stormwater), or any other federal, state or local laws.
3. All activities must be carried out in such a manner as will prevent violations of water quality criteria as stated in TDEC Rule Chapter 0400-40-03, or impairment of the uses of waters of the state as designated by Rule Chapter 0400-40-04.
4. This activity may not result in a disruption or barrier to the movement of fish or other aquatic life and wetland dependent species upon project completion.
5. Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat is prohibited.
6. This permit does not authorize adverse impacts to cultural, historical, or archeological features or sites.

7. This permit does not authorize access to public or private property. Arrangements concerning the use of public or private property shall be made with the landowner. The permittee is responsible for obtaining any additional permitting or maintenance agreements with other government or public agencies or lands.
8. This permit shall not be used incrementally to combine with other activities resulting in a net loss of water resource values, including through separate aquatic alterations within the same stream segment.
9. This activity may not result in a disruption or barrier to the movement of fish or other aquatic life and wetland-dependent species.
10. Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills 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.
11. Best Management Practices shall be stringently implemented throughout the construction period to prevent sediments, oils, or other project-related pollutants from being discharged into waters of the state. All spills must be reported to the appropriate emergency management agency, and measure shall be taken immediately to prevent the pollution of waters of the state, including groundwater, should a spill occur.
12. Clearing, grubbing, and other disturbance to riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal along the banks of the stream outside the limits of disturbance prohibited. Non-native, non-invasive annuals may be used as cover crops until native species are established. Coverage under this permit does not serve to waive any local riparian buffer protection requirement, and permittees are responsible for obtaining any necessary local approval.
13. Material may not be placed in a location or manner so as to impair surface water flow into or out of any wetland area.
14. The activity may not result in the discharge of waste or other substances that may be harmful to humans or wildlife.
15. Impacts to waters of the state other than those specifically address in the plans and this permit are prohibited. All streams, springs and wetlands shall be fully protected prior, during and after construction until the area is stabilized. Any questions, problems or concerns that arise regarding any stream, spring or wetland either before or during construction, shall be addressed to the Division of Water Resource's Memphis Environmental Field Office or the Nashville Central Office.
16. The use of monofilament-type erosion control netting or blanket is prohibited within 30 feet of jurisdictional features.
17. The permittee is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities where

clearing, grading or excavation results in an area of disturbance of one or more acres, or activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.

PART II

Monitoring Requirements

1. A post-construction report, or as-built, shall be within 30 days after the project is complete to ensure permit compliance. The report shall include a narrative description of the crossing locations, photos to demonstrate the disturbed areas have been restored to original grades and conditions.
2. The division may request additional documentation and monitoring for an inadvertent fluid release event, to determine if cleanup operations and corrective actions are successful.
3. In the event unauthorized alteration to stream and/or wetlands occur, compensatory mitigation may be required.

Duty to Reapply

If any portion of the permitted activities, including the authorized impacts to water resources, compensatory mitigation requirements, or post-project monitoring is not completed before the expiration date of this permit **the applicant must apply for permit re-issuance**. The permittee shall submit such information and forms as are required to the director of the Division of Water Resources at least ninety (90) days prior to its expiration date. Such applications must be properly signed and certified.

Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

Other Information

If the permittee becomes aware that he/she failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Director, then he/she shall promptly submit such facts or information.

Changes Affecting the Permit

Transfer/Change of Ownership

- a. This permit may be transferred to another party, provided there are no activity or project modifications, no pending enforcement actions, or any other changes which might affect the permit conditions contained in the permit, by the permittee if:
- b. The permittee notifies the Director of the proposed transfer at least 30 days in advance of the proposed transfer date;

- c. The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage, and contractual liability between them; and
- d. The Director does not notify the current permittee and the new permittee, within 30 days, of his intent to modify, revoke, reissue, or terminate the permit, or require that a new application be filed rather than agreeing to the transfer of the permit.
- e. The permittee must provide the following information to the division in their formal notice of intent to transfer ownership:
 1. the permit number of the subject permit;
 2. the effective date of the proposed transfer;
 3. the name and address of the transferor;
 4. the name and address of the transferee;
 5. the names of the responsible parties for both the transferor and transferee;
 6. a statement that the transferee assumes responsibility for the subject permit;
 7. a statement that the transferor relinquishes responsibility for the subject permit;
 8. the signatures of the responsible parties for both the transferor and transferee, and;
 9. a statement regarding any proposed modifications to the permitted activities or project, its operations, or any other changes which might affect the permit conditions contained in the permit.

Change of Mailing Address

The permittee shall promptly provide to the Director written notice of any change of mailing address. In the absence of such notice the original address of the permittee will be assumed to be correct.

Noncompliance

Effect of Noncompliance

All impacts shall be consistent with the terms and conditions of this permit. Any permit noncompliance constitutes a violation of applicable State and Federal laws and is grounds for enforcement action, permit termination, permit modification, or denial of permit reissuance.

Reporting of Noncompliance

24-Hour Reporting

- a. In the case of any noncompliance which could cause a threat to public drinking supplies, or any other discharge which could constitute a threat to human health or the environment, the required notice of non-compliance shall be provided to the Division of Water Resources in the appropriate Environmental Field Office within 24-hours from the time the permittee becomes aware of the circumstances. (The Environmental Field Office should be contacted for names and phone numbers of environmental response personnel).

- b. A written submission must be provided within five (5) days of the time the permittee becomes aware of the circumstances unless this requirement is waived by the Director on a case-by-case basis. The permittee shall provide the Director with the following information:
 1. A description of the discharge and cause of noncompliance;
 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 3. The steps being taken to reduce, eliminate, and prevent recurrence of the non-complying discharge.

Scheduled Reporting

For instances of noncompliance which are not reported under subparagraph a. above, the permittee shall report the noncompliance by contacting the permit coordinator, and provide all information concerning the steps taken or planned to reduce, eliminate, and prevent recurrence of the violation and the anticipated time the violation is expected to continue.

Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the waters of Tennessee resulting from noncompliance with this permit, including but not limited to, accelerated or additional monitoring as necessary to determine the nature and impact of the noncompliance. It shall not be a defense for the 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.

Liabilities

Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this permit, the permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of pollutants to any surface or subsurface waters. Additionally, notwithstanding this Permit, it shall be the responsibility of the permittee to conduct its discharge activities in a manner such that public or private nuisances or health hazards will not be created.

Liability under State Law

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

This permit does not preclude requirements of other federal, state or local laws. This permit also serves as a State of Tennessee Aquatic Resource Alteration Permit (ARAP) pursuant to the Tennessee Water Quality Control Act of 1977 (T.C.A. §69-3-101 et seq.).

The State of Tennessee may modify, suspend or revoke this permit or seek modification or revocation should the state determine that the activity results in more than an insignificant violation of applicable water

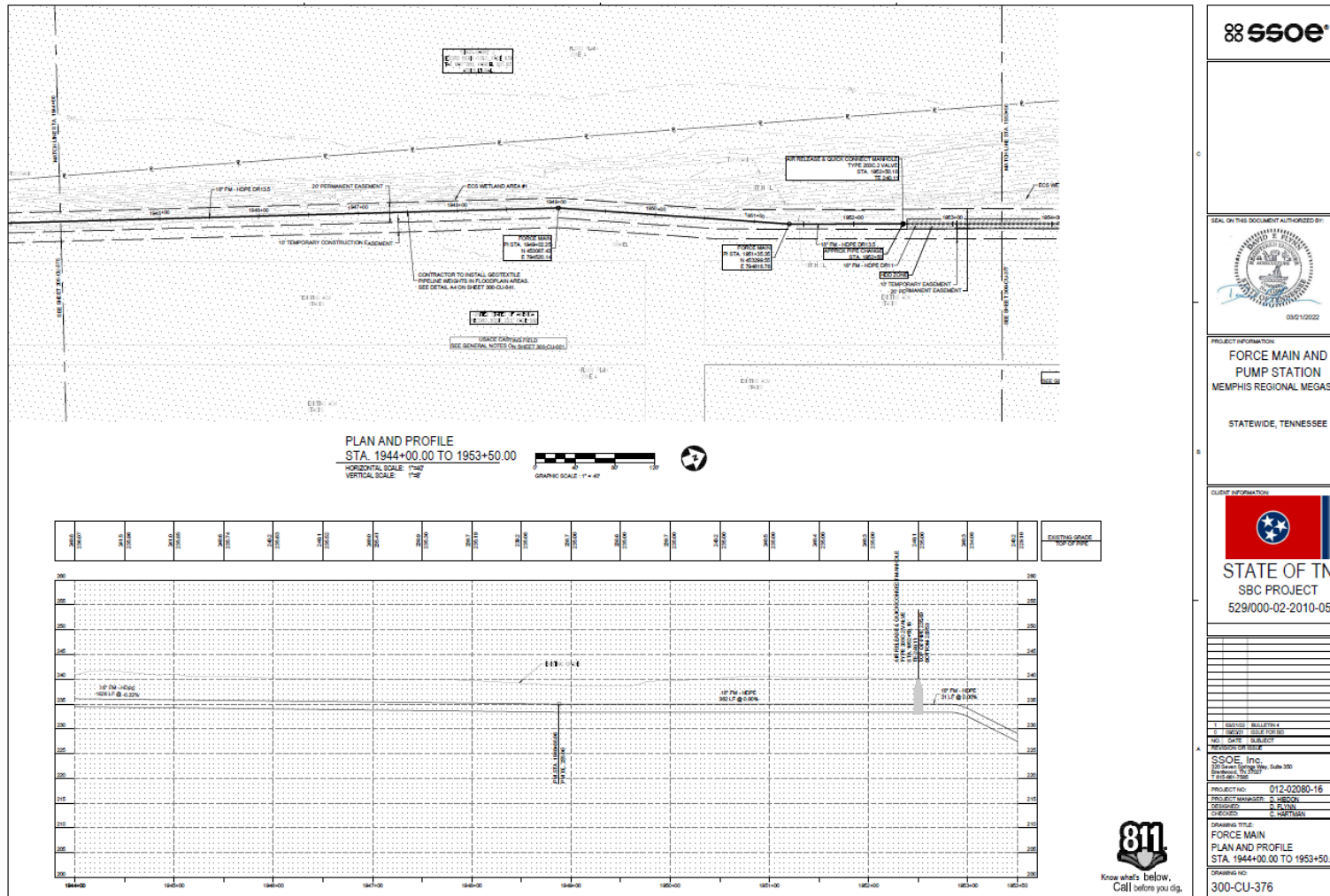
quality standards or violation of the act. Failure to comply with permit terms may result in penalty in accordance with T.C.A. §69-3-115.

An appeal of this action may be made as provided in T.C.A. § 69-3-105(i) and Rule 0400-40-07-.04(9) by submitting a petition for appeal:

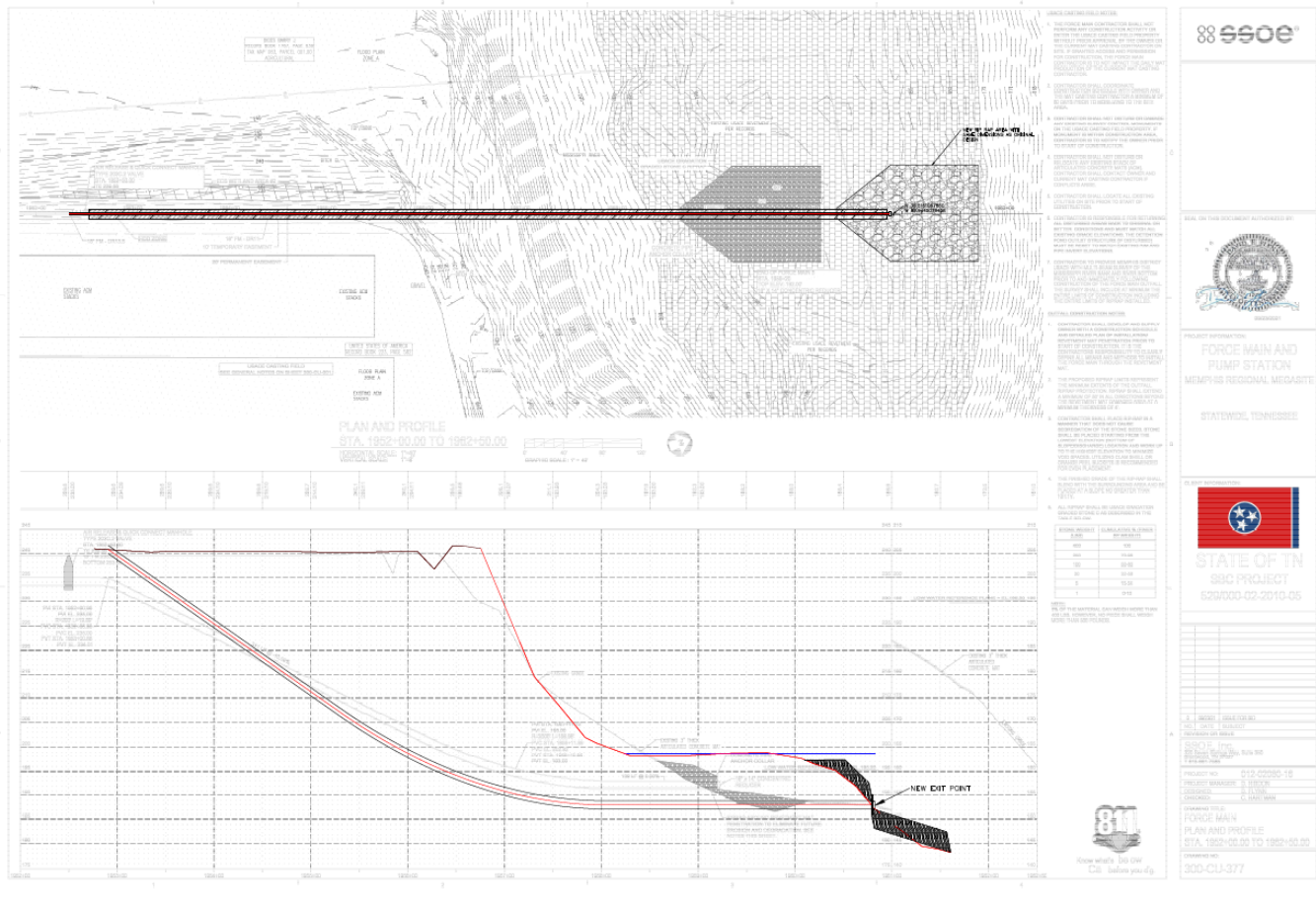
1. The petition must be filed within 30 days after public notice of the issuance of the permit.
2. The petition must specify the basis for the appeal and state a claim for relief based on an alleged violation of the Tennessee Water Quality Control Act or the rules promulgated thereunder. Third parties shall specify facts sufficient to establish that they have satisfied the statutory and regulatory preconditions and otherwise have standing to appeal.
3. The petition should be addressed to the technical secretary of the Tennessee Board of Water Quality, Oil and Gas at the following address: Jennifer Dodd, Director, Division of Water Resources, William R. Snodgrass - Tennessee Tower, 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243-1102, or you may submit such petition electronically to TDEC.Appeals@tn.gov. Any hearing would be in accordance with T.C.A. §§ 69-3-110 and 4-5-301 et seq.

APPENDIX

Updated outfall plans



An enlargeable PDF version of these plans may be found at:
https://dataviewers.tdec.tn.gov/pls/enf_reports/f?p=9034:34051:::NO:34051:P34051_PERMIT_NUMBER:NRS18.288



An enlargeable PDF version of these plans may be found at:
https://dataviewers.tdec.tn.gov/pls/enf_reports/f?p=9034:34051:::NO:34051:P34051_PERMIT_NUMBER:NRS18.288