



Under the Aquatic Resource Alteration
General Permit for Maintenance Activities

Tennessee Department of Environment and Conservation
Division of Water Resources
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville TN 37243

ARAP - NR2303.171

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

This activity is governed by the *General Permit for Maintenance Activities* 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 NR2303.171 and the terms and conditions set forth in the above referenced general permit.

PERMITTEE: Products (SE) Pipe Line Corporation (PPL)

AUTHORIZED WORK: Proposing to excavate approximately 22 feet of petroleum products pipeline in the ROW, inspect the coating and recoat if necessary. Excavated soils will be returned after the pipeline is inspected and recoated and articulating concrete mats/tied concrete block mats will be placed over the pipeline ROW in the channel and adjacent areas.

LOCATION: Old Hwy 95 and Benjamin Drive, Loudon County

Latitude: 35.811324 Longitude: -84.286577

WATERBODY NAME: Town Creek

EFFECTIVE DATE: 05-OCT-23

EXPIRATION DATE: 07-APR-25

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 33 U.S.C. §1341) 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 401 Water Quality Certification Justifications and Citations related to the procedural requirements of §121.7(d) can be found at <https://www.tn.gov/environment/permit-permits/water-permits1/aquatic-resource-alteration-permit--arap-.html>. A paper copy of the certifications and justifications can also be obtained by contacting water.permits@tn.gov or calling (615) 532-0359.

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



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
KNOXVILLE Environmental Field Office
3711 MIDDLEBROOK PIKE
KNOXVILLE, Tn 37921

October 5, 2023

Mr. Wes Melton, Operations Director
Kinder Morgan Southeast Terminals LLC
e-copy: wes_melton@kindermorgan.com
1000 Windward Concourse
Alpharetta, GA 30005

Subject: **General Permit for Maintenance Activities**
Aquatic Resource Alteration Permit (ARAP) NR2303.171
Lenoir City
Products (SE) Pipe Line Corporation (PPL)
Lenoir City, Loudon County, Tennessee

Dear Mr. Melton:

We have reviewed your application for the proposed pipeline maintenance activity. 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 Resources is required to determine whether the activity described in the attached Notice of Coverage will violate applicable water quality standards. This permit may also serve as a federal section 401 water quality certification (pursuant to 33 U.S.C. § 1341). The 401 Water Quality Certification Justifications and Citations related to the procedural requirements of §121.7(d) can be found at <https://www.tn.gov/environment/permit-permits/water-permits1/aquatic-resource-alteration-permit--arap-.html>. A paper copy of the certifications and justifications can also be obtained by contacting water.permits@tn.gov or calling (615) 532-0359.

This activity is governed by the *General Permit for Maintenance Activities*. The work must be accomplished in conformance with accepted plans and information submitted in support of application NR2303.171 and the limitations and conditions set forth in the *General Permit for Maintenance Activities* (enclosed). 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 dredging or excavation of sediment is limited to the *minimum necessary* to restore the waterway in the immediate vicinity of the structure to the approximate dimensions that existed when the structure was built. Excavation cannot in any circumstance exceed a cumulative maximum of 100 linear feet in any direction of the structure. Adequate erosion controls must be installed prior to construction and maintained during construction. All disturbed areas must be revegetated or otherwise stabilized upon completion of construction.

Please note that authorization under this general permit is only for the construction of the structures and does not authorize water withdrawal or release. These structures may not cause bank erosion due to increased velocity or improper alignment. Adequate erosion controls must be installed prior to construction and maintained during construction of the project. All disturbed areas must be revegetated or otherwise stabilized upon completion of construction.

Annual Maintenance and Coverage Termination

Permittees will be assessed an annual maintenance fee of \$350 for coverages that exceed one year. Please note that this maintenance fee does not grant the right to extend coverage past the expiration date of the General Permit.

Permittees may terminate coverage prior to the expiration date by submitting a completed notice of termination form (NOT), which is available on the division's webpage at http://tdec.tn.gov/etdec/DownloadFile.aspx?row_id=CN-1450. A complete NOT should include photodocumentation of the finished project area. The division will notify the permittee that either the NOT was received and accepted, or that the permit coverage is not eligible for termination (due to existing deficiencies) and has not been terminated.

We appreciate your attention to the terms and conditions of this general permit for aquatic resource alteration. If you have any questions, please contact Mr. Joshua Frazier at (865) 364-9500 or by e-mail at Joshua.Frazier@tn.gov.

Sincerely,



For
Michael Atchley
Environmental Program Manager

Encl: NOC and copy of general permit

CC: Knoxville EFO Permit File

Mrs. Melanie Wiggins, Senior Permitting Specialist, Kinder Morgan,
melanie_wiggins@kindermorgan.com

Mr. Greg Buckner, Stormwater Manager, City of Lenoir City, gbuckner@lenoircitytn.gov