

**From:** [Taylor Snelick](#)  
**To:** [Neal Hall](#)  
**Cc:** [Joe Miller](#); [Scott Hall](#)  
**Subject:** RE: ARAP - 19.171; BCCX WWTP Expansion; SBC 142/013-01-2013-06; CTI N16003  
**Date:** Thursday, March 26, 2020 11:02:00 AM  
**Attachments:** [NRS19.171 GP Minor Road Crossings MAR 2020.pdf](#)  
[image001.png](#)  
[NRS19.171 GP Minor Wetlands Alteration MAR 2020.pdf](#)

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Mr. Hall,

Attached is the Updated ARAP Notice of Coverage for NRS19.171 issued 08/22/2019 and General Permit. Please contact the permit writer, Scott Hall at [Scott.Hall@tn.gov](mailto:Scott.Hall@tn.gov), with any questions.

Note: The attached PDF will serve as your original document. If you require a paper copy of the Notice of Coverage and General Permit, you can open the attached PDF and print it out. Paper copies available by request.

Best,



**Taylor Snelick** | Administrative Services Assistant II  
Division of Water Resources, Natural Resources Unit  
Wm R. Snodgrass TN Tower, 11th Floor  
312 Rosa L. Parks Ave.  
Nashville, TN 37243  
O. 615-532-0359  
E. [taylor.snelick@tn.gov](mailto:taylor.snelick@tn.gov)

We accept and encourage electronic document submittals.

**Please tell us how you think we're doing by completing this survey:** [TDEC Customer Satisfaction Survey](#)

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**From:** Scott Hall  
**Sent:** Thursday, March 26, 2020 9:28 AM  
**To:** Neal Hall  
**Cc:** Joe Miller; Taylor Snelick  
**Subject:** ARAP - 19.171; BCCX WWTP Expansion; SBC 142/013-01-2013-06; CTI N16003

Taylor:

Can you please send Neal Hall an updated Notice of Coverage for the GP he's requesting be extended another year. Just change the expiration date to 4/6/21 and send it to him and update it in Water Log please.

Thanks  
Scott

**From:** Neal Hall [mailto:nhall@ctiengr.com]  
**Sent:** Thursday, March 26, 2020 9:16 AM  
**To:** Scott Hall  
**Cc:** Joe Miller; Brian Canada  
**Subject:** [EXTERNAL] ARAP - 19.171; BCCX WWTP Expansion; SBC 142/013-01-2013-06; CTI N16003

Mr. Hall,

Please refer to the attached extension request for the ARAP Permits for the subject project.  
Thank you for your assistance in this matter.

--

**Neal Hall, PE**  
CTI Engineers, Inc.  
3354 Perimeter Hill Drive, Suite 140  
Nashville, TN 37211  
(615)834-8300 (Office)  
(615)969-0537 (Mobile)



[www.ctiengr.com](http://www.ctiengr.com)

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Under the Aquatic Resource Alteration

## General Permit for Construction and Removal of Minor Road Crossings

Tennessee Department of Environment and Conservation

Division of Water Resources

William R. Snodgrass – Tennessee Tower

312 Rosa L. Parks Avenue, 11<sup>th</sup> Floor

Nashville, Tennessee 37243

### ARAP - NRS19.171

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 Construction and Removal of Minor Road Crossings* 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 NRS19.171 and the terms and conditions set forth in the general permit.

**PERMITTEE:**

Tennessee Department of General Services

**AUTHORIZED WORK:**

Install Three Culverts and Associated Rip Rap and Minor Stream Realignment for Driveway and Spray Irrigation Headworks Installation at the Bledsoe County Correctional Complex Wastewater Treatment Plant. Cumulative impact 120 linear feet of stream.

**LOCATION:**

1045 Horsehead Road, Pikeville, TN

Latitude: 35.7358      Longitude: -85.26.5

**WATERBODY NAME:**

Unnamed Tributaries to Mill Creek (Streams D1, D17, and D18)

**EFFECTIVE DATE:** 22-AUG-19

**EXPIRATION DATE:** 06-APR-21

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 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

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

March 26, 2020

Mr. John Hull, Esq.  
Deputy Commissioner  
e-copy: john.hull@tn.gov  
State of Tennessee Department of General Services  
Tennessee Tower, 24th Floor  
312 Rosa L. Parks Avenue, Suite 2400  
Nashville, TN 37243

**Subject: Revised General Permit for Construction and Removal of Minor Road Crossings**  
File # NRS19.171  
Tennessee Department of General Services, TDOC – Bledsoe County Correctional Complex  
Pikeville, Bledsoe County, Tennessee

Dear Mr. Hull:

We have reviewed your proposal to install three culverts and associated rip rap for driveway and spray irrigation headworks installation at the Bledsoe County Correctional Complex (BCCX) wastewater treatment plant for a total impact of approximately 120 feet in Stream D1 (location 1: 28' culvert and 12' realignment/rip rap), Stream D17 (driveway location 5: 28' culvert and 12' realignment/rip rap), and Stream D18 (driveway location 3: 28' culvert and 12' realignment/rip rap). The attached Notice of Coverage authorizes the work as proposed.

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 §401 water quality certification (pursuant to 33 U.S.C. §1341).

This activity is governed by the *General Permit for Construction and Removal of Minor Road Crossings*. The work must be accomplished in conformance with accepted plans and information submitted in support of application NRS19.171 and the limitations and conditions set forth in the *General Permit for Construction and Removal of Minor Road Crossings* (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.

Excavation and fill activities associated with the road crossings must be separated from flowing waters. This may be accomplished through the utilization of cofferdams (non-erodible materials), berms or temporary channels. The bottom of the culverts must be constructed below the stream bed elevation to allow natural substrate to reestablish. Over-widening of the channel is expressly prohibited. All box culverts with more than one barrel must be constructed in a manner which will concentrate baseflow into one barrel. 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](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 the permit coordinator, Mr. Scott Hall, by e-mail at [Scott.Hall@tn.gov](mailto:Scott.Hall@tn.gov) or by phone at (615) 532-0358.

Sincerely,



Jimmy R. Smith  
Manager, Natural Resources Unit

Encl: NOC and copy of general permit  
CC: DWR, Chattanooga Environmental Field Office  
U.S. Army Corps of Engineers, Nashville Regulatory Branch  
Mr. Neal Hall, P.E., CTI Engineers, [Inc. nhall@ctiengr.com](mailto:nhall@ctiengr.com)  
File copy

**Tennessee Department of Environment and Conservation**  
**General Aquatic Resource Alteration Permit for**  
**Construction or Removal of Minor Road Crossings**



**Effective Date:** April 7, 2015  
**Expiration Date:** April 6, 2020

**Activities Covered by this Permit**

This general permit authorizes the construction and/or removal of minor road crossings of streams, via bridge, culvert, pipe, or fords. This permit also authorizes other similar transportation crossings such as railroads and linear crossings of greenway trails.

Certain activities due to size, location or potential water quality impacts are not covered under this general permit, as described in both the Special and General Conditions sections. Activities not qualifying for authorization under this general permit may be authorized by a standard (individual) permit provided that all requirements of the *Tennessee Water Quality Control Act of 1977* (the Act) are met.

**Special Conditions**

1. Road crossings, including transition channels, endwalls, aprons, or rip rap, that either individually or cumulatively exceed a total length of 200 feet of impact in the same Stream Catalog Unit (Waterbody) for the entire project are not covered.
2. Crossings or encapsulations associated with non-linear features such as vehicle maintenance or storage buildings, parking lots, cul-de-sacs and turn-arounds are not covered.
3. All riprap associated with the road crossings shall be placed as to mimic the existing/proposed contours of the stream channel. Riprap shall be countersunk and placed at the grade with the existing stream substrate. Voids within the riprap shall be filled with suitable substrate to prevent streamflow loss within the riprap areas. Over-excavation or grouting for placement of riprap is not covered.
4. Road crossings that may significantly alter the hydraulics of the stream (e.g., under-sizing or over widening the channel) are not covered.
5. The bottom of culverts shall be constructed below the stream bed elevation, in a manner that allows natural substrate to reestablish. All box culverts with more than one barrel shall be constructed in a manner which will concentrate baseflow into one barrel and not result in channel over widening.
6. The crossing shall be culverted, bridged or otherwise designed to prevent the impoundment of normal or base flows on the upstream side, and not result in a disruption or barrier to the movement of fish or other aquatic life on the downstream side. 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.
7. The width of the fill associated with the crossing shall be limited to the minimum necessary for the actual crossing.
8. Where a crossing is removed, natural channel characteristics (dimensions, shape, substrate, etc.) shall be replicated and stabilized using clean rock, riprap, anchored trees or other non-erodible materials found in the natural environment.

### **General Conditions**

1. All activities must be accomplished in conformance with the approved plans, specifications, data and other information submitted in support of the ARAP application (form CN-1091) and the limitations, requirements and conditions set forth herein. Failure to comply with the terms and conditions of this permit is a violation of the Tennessee Water Quality Control Act of 1977 (the Act), and is subject to penalty in accordance with T.C.A. §69-3-115.
2. Activities, either individually or cumulatively, that may result in greater than *de minimis* degradation to waters of the state are not covered. This general permit shall not be used incrementally to combine with other activities resulting in a net loss of water resource values.
3. 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, including trees, is prohibited. Native riparian vegetation must be reestablished after work is completed. 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.
4. Activities that directly impact wetlands, or impair surface water flow into or out of any wetland areas are not covered.
5. Activities located in a component of the National Wild and Scenic River System or waters designated as Outstanding National Resource Waters are not covered.
6. Activities occurring in known or likely habitat of state or federally listed threatened, endangered, deemed in need of management, or species of special concern may not be authorized without prior coordination with the Tennessee Wildlife Resources Agency (TWRA) and TDEC Division of Natural Areas (DNA) to determine if any special conditions are required to avoid and/or minimize harm to the listed species or their habitat. Adverse effects to federally listed threatened and endangered species are not permitted without prior authorization from the United States Fish and Wildlife Service (USFWS) as required by Section 7 or Section 10 under the Endangered Species Act.
7. Work shall not commence until the permittee has obtained all necessary authorizations 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.
8. Backfill activities must be accomplished in a manner that stabilizes the streambed and banks to prevent erosion. All contours must be returned to pre-project conditions to the extent practicable and the completed activities may not disrupt or impound stream flow.
9. The use of monofilament-type erosion control netting or blanket is prohibited.
10. This permit does not authorize impacts to cultural, historic or archaeological features or sites.
11. This permit does not authorize access to private property. Arrangements concerning the use of private property shall be made with the landowner.
12. Where practicable, all activities shall be accomplished in the dry. All surface water flowing towards this work shall be diverted using cofferdams and/or berms constructed of sandbags, clean rock (containing no fines or soils), steel sheeting, or other non-erodible, non-toxic material. All such diversion materials shall be removed upon completion of the work.
13. All activities must be carried out in such a manner as will prevent violations of water quality criteria as stated in TDEC Rule 0400-40-03. This includes, but is not limited to, the prevention of any discharge or use of materials that may be harmful to humans, terrestrial or aquatic life, or causes a

condition in which visible solids, bottom deposits or turbidity impairs the designated uses of waters of the state.

14. Erosion prevention and sediment control measures must be in place and functional before any earth moving operations begin, and shall be designed according to the department's *Erosion and Sediment Control Handbook* ([www.tn.gov/environment/wpc/sed\\_ero\\_controlhandbook/](http://www.tn.gov/environment/wpc/sed_ero_controlhandbook/)). Permanent vegetative stabilization using native species of all disturbed areas in or near the stream channel must be initiated within 15 days of project completion (see also *Landscaping with Natives* at [tneppc.org](http://tneppc.org)). Non-native, non-invasive annuals may be used as cover crops until native species can be established.
15. 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.
16. Stream beds shall not be used as linear transportation routes for construction equipment. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream bank vegetation is disturbed. The crossing shall be constructed so that stream or wetland flow is not obstructed. Following construction, all materials used for the temporary crossing shall be removed and disturbed stream banks shall be restored and stabilized if needed.

#### **Obtaining Permit Coverage**


Activities where the total length of disturbance along the stream channel needed to construct or remove a road crossing is less than 25 feet may be done without submittal of an application or written authorization from the division prior to the commencement of work, provided the work is performed in accordance with the permit terms and conditions.

Other proposed minor road crossing activities may obtain coverage by submitting a signed and completed application (form CN-1091), along with any other required information, to the division. Work shall not commence until a written Notice of Coverage (NOC) from the division is received. As noted above, not all activities may be eligible for coverage under this general permit and coverage may be denied when appropriate.

Each Notice of Coverage under this general permit is valid until the expiration date specified on the NOC. If the expiration date on an NOC extends beyond the date the General Permit is modified, reissued, or revoked, and the permittee has commenced or is under contract to commence this activity before the expiration date, the permittee may have up to twelve (12) months from the date of the modification, reissuance, or revocation of the General Permit to complete the activity under the present terms and conditions of the general permit.

An application fee as established in Rule 0400-40-11-.02 will be assessed to applicants intending to receive an NOC to conduct activities under this general permit. An annual maintenance fee will be assessed to those individuals holding general permit coverage unless a Notice of Termination (NOT) form is received prior to the one-year anniversary of the issuance date of the NOC, or the NOC was issued for less than a one-year term. An NOT form can be downloaded from the division's ARAP webpage (<http://www.tn.gov/environment/permits/arap.shtml>).

APPROVED: \_\_\_\_\_

  
Tisha Calabrese Benton  
Director, Division of Water Resources

DATE: \_\_\_\_\_

7/22/15





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

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

**ARAP - NRS19.171**

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 Construction and Removal of Minor Road Crossings* 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 NRS19.171 and the terms and conditions set forth in the general permit.

**PERMITTEE:** Tennessee Department of General Services

**AUTHORIZED WORK:** Temporary Impacts to up to 0.22 Acres of Low Quality Wetlands  
During Installation of Spray Irrigation Systems at the Bledsoe County  
Correctional Complex Wastewater Treatment Plant

**LOCATION:** 1045 Horsehead Road, Pikeville, TN  
Latitude: 35.7358      Longitude: -85.2605

**WATERBODY NAME:** Wetlands associated with on-site wet weather conveyances

**EFFECTIVE DATE:** 22-AUG-19      **EXPIRATION DATE:** 06-APR-21

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 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

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

March 26, 2020

Mr. John Hull, Esq.  
Deputy Commissioner  
e-copy: john.hull@tn.gov  
State of Tennessee Department of General Services  
Tennessee Tower, 24th Floor  
312 Rosa L. Parks Avenue, Suite 2400  
Nashville, TN 37243

**Subject: Revised General Permit for Construction and Removal of Minor Road Crossings**  
File #NRS19.171  
Tennessee Department of General Services, TDOC – Bledsoe County Correctional Complex  
Pikeville, Bledsoe County, Tennessee

Dear Mr. Hull:

We have reviewed your proposal to temporarily impact up to 0.22 acres of low quality wetlands during installation of spray irrigation systems for land application of treated domestic wastewater at the Bledsoe County Correctional Complex (BCCX). The attached Notice of Coverage authorizes the work as proposed.

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 §401 water quality certification (pursuant to 33 U.S.C. §1341).

This activity is governed by the *General Permit for Construction and Removal of Minor Road Crossings*. The work must be accomplished in conformance with accepted plans and information submitted in support of application NRS19.171 and the limitations and conditions set forth in the *General Permit for Construction and Removal of Minor Road Crossings* (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.

Excavation and fill activities associated with the road crossings must be separated from flowing waters. This may be accomplished through the utilization of cofferdams (non-erodible materials), berms or temporary channels. The bottom of the culverts must be constructed below the stream bed elevation to allow natural substrate to reestablish. Over-widening of the channel is expressly prohibited. All box culverts with more than one barrel must be constructed in a manner which will concentrate baseflow into one barrel. 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](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 the permit coordinator, Mr. Scott Hall, by e-mail at [Scott.Hall@tn.gov](mailto:Scott.Hall@tn.gov) or by phone at (615) 532-0358.

Sincerely,



Jimmy R. Smith  
Manager, Natural Resources Unit

Encl: NOC and copy of general permit  
CC: DWR, Chattanooga Environmental Field Office  
U.S. Army Corps of Engineers, Nashville Regulatory Branch  
Mr. Neal Hall, P.E., CTI Engineers, Inc. [nhall@ctiengr.com](mailto:nhall@ctiengr.com)  
File copy

**Tennessee Department of Environment and Conservation**  
**General Aquatic Resource Alteration Permit for**  
**Minor Alterations to Wetlands**

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**Effective Date:** April 7, 2015  
**Expiration Date:** April 6, 2020

**Activities Covered by this Permit**

This general permit authorizes minor temporary or permanent alterations of wetlands, where avoidance is not possible. The individual or cumulative amount of alteration within a Common Plan of Development that may be authorized is based on degree of resource value impacted. Alterations of up to 0.10 acres of wetlands representing moderate resource value may be authorized. Up to 0.25 acres of wetlands that are degraded and of low resource value, or in situations where the proposed partial fill of a larger wetland would result in no measurable degradation to the water resource value of the overall wetland may be authorized.

Certain activities due to size, location or potential water quality impacts are not covered under this general permit, as described in both the Special and General Conditions sections. Activities not qualifying for authorization under this general permit may be authorized by a standard (individual) permit provided that all requirements of the *Tennessee Water Quality Control Act of 1977* (the *Act*) are met.

**Special Conditions**

1. Activities that impact wetlands that represent a high resource value, including but not limited to rare wetland types, Exceptional Tennessee Waters, and wetlands located in a component of the National Wild and Scenic River System or Outstanding Natural Resource Waters 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. The excavation and fill activities associated with the wetlands alteration shall be kept to a minimum.
4. Wetlands outside of the permitted impact areas shall be clearly marked so that all work performed by the contractor is solely within the permitted impact area.
5. The authorized wetland alterations shall not cause measurable degradation to resource values and classified uses of hydrologically connected wetlands or other waters of the state, including disruption of sustaining surface or groundwater hydrology. Adjacent wetlands or streams determined likely to be measurably degraded by such hydrologic alteration, or by partial fill, must be included in the cumulative impact calculation, even if not filled or otherwise directly altered physically.
6. Temporary impacts to wetlands shall be mitigated by the removal and stockpiling of the first 12 inches of topsoil, prior to construction. Upon completion of construction activities, all temporary wetland impact areas are to be restored to pre-construction contours, and the stockpiled topsoil spread to restore these areas to pre-construction elevation. Other side-cast material shall not be placed within the temporary impact locations. Permanent vegetative stabilization using native species of all disturbed areas in or near the wetland must be initiated within 14 days of project completion (see also *Landscaping with Natives* at [tneppc.org](http://tneppc.org)). Non-native, non-invasive annuals may be used as cover crops until native species can be established

### General Conditions

All activities must be accomplished in conformance with the approved plans, specifications, data and other information submitted in support of the ARAP application (form CN-1091) and the limitations, requirements and conditions set forth herein. Failure to comply with the terms and conditions of this permit is a violation of the Tennessee Water Quality Control Act of 1977 (the Act), and is subject to penalty in accordance with T.C.A. §69-3-115.

1. Activities, either individually or cumulatively, that may result in greater than *de minimis* degradation to waters of the state are not covered. This general permit shall not be used incrementally to combine with other activities resulting in a net loss of water resource values, including the use of multiple general permits to authorize separate wetland impacts within the same Common Plan of Development.
2. Clearing, grubbing, and other disturbance to wetland vegetation shall be kept at the minimum. Unnecessary wetland vegetation removal, including trees, and soil disturbance is prohibited. Native wetland vegetation must be reestablished after work is completed. Coverage under this permit does not serve to waive any local wetland buffer protection requirement, and permittees are responsible for obtaining any necessary local approval.
3. This activity may not result in a disruption or barrier to the movement of fish or other aquatic life and wetland dependent species.
4. Activities occurring in known or likely habitat of state or federally listed threatened, endangered, deemed in need of management, or species of special concern may not be authorized without prior coordination with the Tennessee Wildlife Resources Agency (TWRA) and TDEC Division of Natural Areas (DNA) to determine if any special conditions are required to avoid and/or minimize harm to the listed species or their habitat. Adverse effects to federally listed threatened and endangered species are not permitted without prior authorization from the United States Fish and Wildlife Service (USFWS) as required by Section 7 or Section 10 under the Endangered Species Act.
5. Work shall not commence until the permittee has obtained all necessary authorizations 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.
6. This permit does not authorize impacts to cultural, historic or archaeological features or sites.
7. This permit does not authorize access to private property. Arrangements concerning the use of private property shall be made with the landowner.
8. Where practicable, all activities shall be accomplished in the dry. All surface water flowing towards this work shall be diverted using cofferdams and/or berms constructed of sandbags, clean rock (containing no fines or soils), steel sheeting, or other non-erodible, non-toxic material. All such diversion materials shall be removed upon completion of the work.
9. All activities must be carried out in such a manner as will prevent violations of water quality criteria as stated in TDEC Rule 0400-40-03. This includes, but is not limited to, the prevention of any discharge or use of materials that may be harmful to humans, terrestrial or aquatic life, or causes a condition in which visible solids, bottom deposits or turbidity impairs the designated uses of waters of the state.
10. Erosion prevention and sediment control measures must be in place and functional before any earth moving operations begin, and shall be designed according to the department's *Erosion and Sediment Control Handbook* ([www.tn.gov/environment/wpc/sed\\_ero\\_controlhandbook/](http://www.tn.gov/environment/wpc/sed_ero_controlhandbook/)). Permanent vegetative stabilization using native species of all disturbed areas in or near the stream channel must be initiated

within 15 days of project completion (see also *Landscaping with Natives* at [tneppc.org](http://tneppc.org)). Non-native, non-invasive annuals may be used as cover crops until native species can be established.

11. The use of monofilament-type erosion control netting or blanket is prohibited
12. 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.


#### **Obtaining Permit Coverage**

Proposed minor wetland alteration activities may obtain coverage by submitting a signed and completed application (form CN-1091), along with any other required information, to the division. Work shall not commence until a written Notice of Coverage (NOC) from the division is received. As noted above, not all activities may be eligible for coverage under this general permit and coverage may be denied when appropriate.

Each Notice of Coverage under this general permit is valid until the expiration date specified on the NOC. If the expiration date on an NOC extends beyond the date the General Permit is modified, reissued, or revoked, and the permittee has commenced or is under contract to commence this activity before the expiration date, the permittee may have up to twelve (12) months from the date of the modification, reissuance, or revocation of the General Permit to complete the activity under the present terms and conditions of the general permit.

An application fee as established in Rule 0400-40-11-.02 will be assessed to applicants intending to receive an NOC to conduct activities under this general permit. An annual maintenance fee will be assessed to those individuals holding general permit coverage unless a Notice of Termination (NOT) form is received prior to the one-year anniversary of the issuance date of the NOC, or the NOC was issued for less than a one-year term. An NOT form can be downloaded from the division's ARAP webpage (<http://www.tn.gov/environment/permits/arap.shtml>).

APPROVED: \_\_\_\_\_

  
Tisha Calabrese Benton  
Director, Division of Water Resources

DATE: 7/24/15