



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, 11th Floor  
Nashville TN 37243

### ARAP - NR1401.076

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* (effective July 1, 2010) 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 NR1401.076 and the terms and conditions set forth in the above referenced general permit.

**PERMITTEE:** Brian Akins  
**AUTHORIZED WORK:** Three road crossings  
**LOCATION:** CR-803 / 116 CR-681, McMinn County  
**WATERBODY NAME:** Cane Creek

**EFFECTIVE DATE:** 17-NOV-14

**EXPIRATION DATE:** 30-JUN-15

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 40 C.F.R. §121.2) 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 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 TWQCA. Failure to comply with permit terms may result in penalty in accordance with T.C.A. §69-3-115.



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
CHATTANOOGA ENVIRONMENTAL FIELD OFFICE  
DIVISION OF WATER RESOURCES  
540 MCCALLIE AVENUE, SUITE 550  
CHATTANOOGA, TN 37402

November 17, 2014

Mr. Brian Akins  
Rocky Branch Farm  
116 County Road 681  
Etowah, TN 37331

Subject: **General Permit for Construction and Removal of Minor Road Crossings  
Aquatic Resource Alteration Permit (ARAP) NR1401.076  
Rocky Branch Farm  
Etowah, McMinn County, Tennessee**

Dear Mr. Akins:

We have reviewed your application for the proposed three road crossings. 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 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 NR1401.076 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.

**Annual Maintenance and Coverage Termination**

Effective July 1, 2014, permit fees for Aquatic Resource Alteration General Permits have been revised. Annual maintenance fees are now required for projects that exceed one year of coverage. For every subsequent year coverage is maintained, the applicant will be assessed this fee, due upon receipt of invoice. Please note that this maintenance fee does not grant the right to extend coverage past the expiration date of the General Permit itself.

Permittees wishing to terminate coverage must submit a completed notice of termination (NOT) form, which is available on the division's webpage at <http://www.tn.gov/environment/permits/arap.shtml>. The division will review the NOT for completeness and accuracy and, when necessary, investigate the proposed site for which the NOT was submitted. A complete NOT should include photodocumentation of the finished project area. 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 (due to existing deficiencies) and has not been terminated.

Because the General Permit for Construction and Removal of Minor Road Crossings expires on June 30, 2015 (less than one year after NR1401.076 notice of coverage issuance), the proposed activities covered

under this NOC will not be subject to an annual maintenance fee. Authorization under this NOC cannot be extended beyond the expiration date. If all work is not completed on or before June 30, 2015 it is the applicants responsibility to apply for additional coverage.

Please note that excavation and fill activities associated with the road crossing must be separated from flowing waters. This may be accomplished through the utilization of cofferdams (non-erodible materials), berms or temporary channels. Channel widening is expressly prohibited under the terms of the general permit. In addition, 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. Please make the necessary provisions for these circumstances.

We appreciate your attention to the Aquatic Resource Alteration Permit program. If you have any questions, please contact Mr. Jason Dees at (423) 634-5704 or by e-mail at [Jason.Dees@tn.gov](mailto:Jason.Dees@tn.gov).

Sincerely,

Jennifer Innes  
Environmental Program Manager

Encl: NOC and copy of general permit

CC: Chattanooga EFO Permit File  
Mr. Mike Hodges, AD Engineering Services