



Under the Aquatic Resource Alteration  
**General Permit for Construction of Intake and Outfall Structures**

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 - NR2204.262**

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 of Intake and Outfall Structures* 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 NR2204.262 and the terms and conditions set forth in the above referenced general permit.

**PERMITTEE:** 1621 Ensley Partners, LLC

**AUTHORIZED WORK:** Project proposes grading adjacent to Browns Creek for stormwater conveyance as directed by Metro Nashville Water Services.

**LOCATION:** 1621 Ensley Blvd., Davidson County  
Latitude: 36.13764 Longitude: -86.76118

**WATERBODY NAME:** Browns Creek

**EFFECTIVE DATE:** 30-SEP-22

**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-permits/aquatic-resource-alteration-permit-arap.html>. A paper copy of the certifications and justifications can also be obtained by contacting [water.permits@tn.gov](mailto: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  
NASHVILLE Environmental Field Office  
711 R.S. GASS BOULEVARD  
NASHVILLE, Tn 37216

September 30, 2022

Mr. Lee Zoller  
e-copy: lee.zoller@divisionstdev.com  
700 12th Ave South, Ste. 302  
Nashville, TN 37203

Subject: **General Permit for Construction of Intake and Outfall Structures  
Aquatic Resource Alteration Permit (ARAP) NR2204.262  
Ensley Blvd Office Bldg.  
1621 Ensley Partners, LLC  
Nashville, Davidson County, Tennessee**

Dear Mr. Zoller:

We have reviewed your application for the proposed Project proposes grading adjacent to Browns Creek for stormwater conveyance as directed by Metro Nashville Water Services..

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-permits/aquatic-resource-alteration-permit-arap.html>. A paper copy of the certifications and justifications can also be obtained by contacting [water.permits@tn.gov](mailto:water.permits@tn.gov) or calling (615) 532-0359.

This activity is governed by the *General Permit for Construction of Intake and Outfall Structures*. The work must be accomplished in conformance with accepted plans and information submitted in support of application NR2204.262 and the limitations and conditions set forth in the *General Permit for Construction of Intake and Outfall Structures* (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 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.

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### **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 at () or by e-mail at .

Sincerely,

*Brandon Yates*

Timmy Jennette  
Environmental Program Manager

Encl: NOC and copy of general permit  
CC: Nashville EFO Permit File  
Mr. Michael Hunt, NPDES Program Mgr, Metro Water Services Stormwater Division,  
michael.hunt@nashville.gov  
Mr. Jon Claxton, P.E., Project Manager, Thomas & Hutton, claxton.j@tandh.com