



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES

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

August 21, 2015

Ms. Angela S. Austin
Assistant Plant Manager
TVA Allen Steam Plant
2574 Plant Road
Memphis, TN 38109

Subject: General Permit for Maintenance Activities

File # NRS15.216

Tennessee Valley Authority (TVA), TVA - Allen Fossil Plant, Memphis, Shelby County, Tennessee

Dear Ms. Austin:

We have reviewed your proposal to refurbish the barge mooring cells (1, 7, 9, 10, 11, 13 and 14) at the Allen Fossil Plant in Mckellar Lake. This permit is for the maintenance of existing serviceable structures where they are currently located. If relocation of the existing mooring cell is required for repair then that activity would require an individual permit and is not permitted under this General Permit coverage. The attached Notice of Coverage authorizes the in place maintenance 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 40 C.F.R. §121.2).

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 NRS15.216 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 shall be 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. 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.

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 itself. 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://www.tn.gov/environment/permits/arap.shtml>. 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. Brian Canada, by e-mail at Brian.Canada@tn.gov or by phone at (615) 532-0660.

Sincerely,



Jimmy R. Smith
Manager, Natural Resources Unit

Encl: NOC and copy of general permit
CC: DWR, Memphis Environmental Field Office
Memphis MS4 Stormwater Manager
U.S. Army Corps of Engineers, Memphis Regulatory Branch
Mr. David Thorpe, Environmental Scientist, Compliance, TVA Southaven CC Plant dathorpe@tva.gov
File copy



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, Tennessee 37243

ARAP - NRS15.216

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 NRS15.216 and the terms and conditions set forth in the general permit.

PERMITTEE: Tennessee Valley Authority (TVA)

AUTHORIZED WORK: Refurbish the barge mooring cells (1, 7, 9, 10, 11, 13 and 14) at the Allen Fossil Plant in McKellar Lake.

LOCATION: Allen Fossil Plant, 2574 Plant Road, Shelby County
Latitude: 35.072911 Longitude: -90.143748

WATERBODY NAME: McKellar Lake

EFFECTIVE DATE: 18-AUG-15 **EXPIRATION DATE:** 06-APR-20

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.

Tennessee Department of Environment and Conservation
General Aquatic Resource Alteration Permit for
Maintenance Activities



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

Activities Covered by this Permit

This general permit authorizes the maintenance of existing, currently serviceable structures or fills, such as dams, intake and outfall structures, utilities, culverts, and bridges in waters of the state. "Currently serviceable" means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

In addition, this general permit also authorizes:

- Replacement of pipes and culverts where they are no longer currently serviceable.
- Excavation of accumulated sediments and debris obstructing or impeding the function of existing structures, for a cumulative maximum of 100 linear feet immediately above and/or below the structure.
- Placement of clean rock fill material within 25 feet upstream and 25 feet downstream of existing structures, where the erosive action of flowing water has undermined structural integrity.
- Minor deviations in the structure's configuration or filled area including those due to changes in materials, construction techniques, current construction codes, or safety standards which are required as part of repair or rehabilitation.

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. The length of the pipe or culvert structure may not be increased.
2. The capacity or diameter of the pipe or culvert may be increased during replacement, providing it does not result in channel widening or other channel destabilization.
3. Increasing dam height, resulting in increased impoundment footprint or change in downstream water quality is not covered.
4. Dewatering of impoundments to conduct dam maintenance must be performed in a controlled manner designed to minimize the release of accumulated sediments into downstream waters.

General Conditions

1. All activities must be accomplished in conformance with the approved plans, specifications, data and other information submitted in support of the NOI 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. Widening of the stream channel as a result of this activity is prohibited.
5. This activity may not result in a disruption or barrier to the movement of fish or other aquatic life.
6. Activities that directly impact wetlands, or impair surface water flow into or out of any wetland areas are not covered.
7. Activities located in a component of the National Wild and Scenic River System or waters designated as Outstanding National Resource Waters are not covered.
8. Activities occurring in known or likely habitat of state or federally listed threatened, endangered, or a species deemed in need of management may not be authorized without prior coordination with the Tennessee Wildlife Resources Agency (TWRA) and TDEC Division of Natural Areas (DNA) to determine if the proposed activities will or will not likely result in take, harassment, or destruction of the species or render the habitat unsuitable. Adverse effects to federal 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.
9. 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.
10. 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.
11. The use of monofilament-type erosion control netting or blanket is prohibited.
12. This permit does not authorize impacts to cultural, historic or archaeological features or sites.
13. This permit does not authorize access to private property. Arrangements concerning the use of private property shall be made with the landowner. Maintenance activities also require approval from any easement holders.
14. 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.
15. 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.
16. Erosion prevention and sediment control measures must be in place and functional before any land disturbance begin, and shall be designed according to the department's *Erosion and Sediment Control Handbook* (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 14 days of project completion (see also *Landscaping with Natives* at tneppc.org). Non-native, non-invasive annuals may be used as cover crops until native species are established.

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.
18. 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


Maintenance activities limited to the excavation of accumulated sediments and debris obstructing or impeding the function of an existing structure, for a cumulative maximum of 100 linear feet immediately above and/or below the structure, and/or the placement of clean rock fill material within 25 feet upstream and 25 feet downstream of existing structures 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 maintenance activities may obtain coverage by submitting a signed and completed NOI, 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 Berton
Director, Division of Water Resources

DATE: _____

4/6/15