



**CHATTANOOGA ENVIRONMENTAL FIELD OFFICE  
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
1301 RIVERFRONT BLVD, SUITE 206  
CHATTANOOGA, TENNESSEE 37402-2013**

**PHONE (423) 634-5745      STATEWIDE 1-888-891-8332      FAX (423) 634-6389**

February 1, 2016

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
RECEIPT #7014 1200 0001 0636 6090  
9590 9401 0014 5168 6660 91**

Mr. Brian Akins  
116 CR 681  
Etowah, TN 37331

RE:    Construction Stormwater Compliance Inspection  
      Construction General Permit – TNR112543  
      Rocky Branch Farm  
      McMinn County, Tennessee

Dear Mr. Akins:

On January 21, 2016, Division of Water Resources (DWR) staff conducted a routine compliance inspection at the Rocky Branch Farm development site. The purpose of the inspection was to review the site's compliance with the terms and conditions of the Tennessee Construction General Permit (CGP) tracking number TNR112561; and, the Aquatic Resource Alteration Permit *for Construction or Removal of Minor Road Crossings* (ARAP) tracking number NR1401.076.

During the inspection, it was observed that a minor road crossing had been installed across an unnamed tributary to Rocky Branch. The crossing was unstable and no erosion prevention measures were installed. As a result, sediment had migrated into the tributary. Since the crossing does not conform to the design approved under your ARAP, it is assumed that this is a temporary construction crossing. Temporary construction crossings must be constructed using clean stone.

The abovementioned issues of noncompliance are a violation of the CGP and ARAP. Insufficiently treated stormwater discharges can adversely impact the biological, physical and chemical properties of the receiving stream. Failing to comply with the terms and conditions of the CGP and ARAP is a violation of the *Tennessee Water Quality Control Act of 1977* (TCA § 69-3-101 et. seq.).

Required actions:

- Immediately install any EPSC measures necessary to prevent further sediment loss from the site.
- Remove the existing crossing and replace it with a crossing that meets the terms and conditions of the ARAP. Visual documentation of the completed work must be submitted to this office no later than February 19, 2016.

Your cooperation in this matter is appreciated. If you have any questions regarding this correspondence please contact Jason Dees at (423) 634-5704 or by email at Jason.Dees@tn.gov.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Innes". The signature is written in a cursive, flowing style.

Jennifer Innes  
Environmental Program Manager

CC: File

Encl: Photo Document

Rocky Branch Farm  
Construction Stormwater Compliance Inspection Photo Doc  
1/21/2016



photo 1: Crossing of unnamed trib. to Rocky Branch at 35.3078/-84.5506.



Photo 2: Sediment from crossing has entered the tributary.



Photo 3: A section of the tributary immediately upstream of the crossing.



Photo 4: Stream channel filled with sediment immediately below the crossing.