



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

June 8, 2016

Mr. Scott Canada
Vice President
McCarthy Building Co.
6225 N. 24th St., Ste. 200
Phoenix, AZ 85016

Subject: General Permit for Construction of Intake and Outfall Structures
File # NRS16.165
McCarthy Building Companies, Providence Road Solar Farm, Denmark, Madison County, Tennessee

Dear Mr. Canada:

We have reviewed your proposal to install two storm water outfalls from sediment basins in an unnamed tributary to Panther Creek. 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 40 C.F.R. §121.2).

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 NRS16.165 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 the 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. 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://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. Brian Canada, by e-mail at Brian.Canada@tn.gov or by phone at (615) 532-0660.

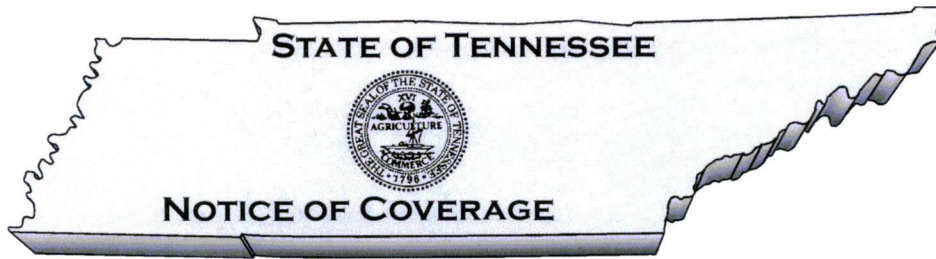
Sincerely,



for

Jimmy R. Smith
Manager, Natural Resources Unit

Encl: NOC and copy of general permit
CC: DWR, Jackson Environmental Field Office
Denmark MS4 Stormwater Manager
U.S. Army Corps of Engineers, Nashville Regulatory Branch
Mr. Chris Triplett, Project Manager, Barge Waggoner Sumner and Cannon Inc chris.triplett@bwsc.net
File copy



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, Tennessee 37243

ARAP - NRS16.165

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 NRS16.165 and the terms and conditions set forth in the general permit.

PERMITTEE: McCarthy Building Companies

AUTHORIZED WORK: Install two storm water outfalls from sediment basins in an unnamed tributary to Panther Creek

LOCATION: SE quadrant of Providence Road (SR-138) and US-70, Madison County
Latitude: 35.5843 Longitude: -89.0537

WATERBODY NAME: Tributary to Panther Creek

EFFECTIVE DATE: 08-JUN-16 **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
Construction of Intake and Outfall Structures



Effective Date: April 7, 2015

Expiration Date: April 6, 2020

Activities Covered by this Permit

This general permit authorizes the construction, maintenance, repair, rehabilitation or replacement of intake and outfall structures in waters of the state. Outfall structures include those structures and conveyances used for the discharge of wastewater, stormwater, cooling water, etc. Intake structures include those structures used for the removal of water for the purpose of domestic water supply, irrigation, cooling water, etc.

Authorization under this general permit is only for the construction of the structures and does not authorize the withdrawal or release of water. The effluent from the outfall must be separately authorized, conditionally authorized, specifically exempted, or otherwise in compliance with regulations issued under the National Pollutant Discharge Elimination System program (§402 of The Clean Water Act). The withdrawal of water by the intake must be separately authorized, specifically exempted, or otherwise in compliance with regulations issued under §69-3-108 of The Tennessee Water Quality Control Act of 1977.

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. New intake or outfall structures shall be located and oriented such as to avoid permanent alteration or damage to the integrity of the stream channel including the opposite stream bank. The alignment of the outfall structure (except for diffusers) should be as parallel to the stream flow as is practicable, with the discharge pointed downstream. Diffusers may be placed perpendicular to stream flow for more complex mixing.
2. Intake and outfall structures shall be designed to minimize harm and to prevent the impoundment of normal or base flows. 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.
3. Velocity dissipation devices shall be placed as needed at discharge locations to provide a non-erosive velocity from the structure.
4. Headwalls, bank stabilization materials, and any other hard armoring associated with the installation of each structure shall be limited to a total of 25 feet along the receiving stream's bank.

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.
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 activities 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

Proposed activities for the construction or removal of intake and outfall structures 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 Benton
Director, Division of Water Resources

DATE: _____

4/6/15