



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

JH  
MRG  
for: Wacker  
2012  
(Bradley)

NOC  
WL-lj ✓

April 2, 2012

Mr. Konrad Bachhuber  
Wacker Polysilicon North America, LLC  
P.O. Box 446  
Charleston, TN 37310

Subject: **General Permit for Construction and Removal of Minor Road Crossings  
Aquatic Resource Alteration Permit (ARAP) NR1201.026  
Wacker Polysilicon North America, LLC; Charleston, Bradley County, Tennessee**

Dear Mr. Bachhuber:

We have reviewed your application for the proposed construction of box culvert. 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 Pollution Control 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 NR1201.026 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.

**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 Ms. Jennifer Innes at (423) 634-5719 or by e-mail at [Jennifer.Innes@tn.gov](mailto:Jennifer.Innes@tn.gov).

Sincerely,

  
Richard D. Urban, Ph.D.

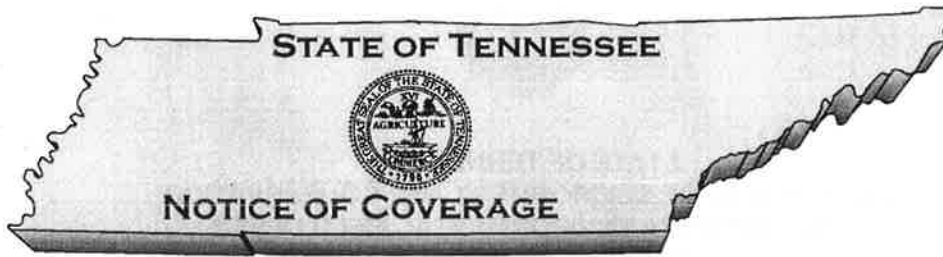
DWPC Manager  
Chattanooga Environmental Field Office

Encl: NOC and copy of general permit

CC: DWPC, Chattanooga EFO Permit File

Mr. Mike Kendall, Atwell, LLC, (via e-mail)

Mr. Jeremy Copeland, Wacker Polysilicon North America, LLC (via e-mail)



Under the Aquatic Resource Alteration

## General Permit for Construction and Removal of Minor Road Crossings

Tennessee Department of Environment and Conservation

Division of Water Pollution Control

401 Church Street, 6th Floor, L&C Annex

Nashville, Tennessee 37243-1534

### ARAP - NR1201.026

Under authority of the Tennessee Water Quality Control Act of 1977 (TWQCA, T.C.A. 69-3-101 et seq.) the Division of Water Pollution Control 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 NR1201.026 and the terms and conditions set forth in the above referenced general permit.

**PERMITTEE:** Wacker Polysilicon North America, LLC

**AUTHORIZED WORK:** construction of box culvert

**LOCATION:** Road crossing from construction parking lot; Lauderdale Memorial Hwy, Bradley County

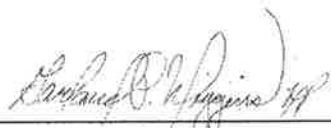
**WATERBODY NAME:** Tributary to South Mouse Creek

**EFFECTIVE DATE:** 02-APR-12

**EXPIRATION DATE:** 02-APR-14

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.

  
Garland P. Wiggins, Deputy Director