



STATE OF TENNESSEE  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**  
**DIVISION OF WATER RESOURCES**  
William R. Snodgrass - Tennessee Tower  
312 Rosa L. Parks Avenue, 11<sup>th</sup> Floor  
Nashville, Tennessee 37243-1102

July 03, 2023

Ms. Ozlem Karakas  
Development Manager  
e-copy: [ozlem.karakas@tn.gov](mailto:ozlem.karakas@tn.gov)

Subject: **NPDES Permit No. TN0082392**  
**State of Tennessee Real Estate Asset Management (STREAM) Division**  
**Tiptonville, Lake County, Tennessee**

Dear Ms. Karakas:

In accordance with the provisions of the Tennessee Water Quality Control Act, Tennessee Code Annotated (T.C.A.), Sections 69-3-101 through 69-3-120, the Division of Water Resources hereby issues the enclosed NPDES Permit. The continuance and/or reissuance of this NPDES Permit is contingent upon your meeting the conditions and requirements as stated therein.

Please be advised that a petition for permit appeal may be filed, pursuant to T.C.A. Section 69-3-105, subsection (i), by the permit applicant or by any aggrieved person who participated in the public comment period or gave testimony at a formal public hearing whose appeal is based upon any of the issues that were provided to the commissioner in writing during the public comment period or in testimony at a formal public hearing on the permit application.

Additionally, for those permits for which the department gives public notice of a draft permit, any permit applicant or aggrieved person may base a permit appeal on any material change to conditions in the final permit from those in the draft, unless the material change has been subject to additional opportunity for public comment.

Any petition for permit appeal under this subsection (i) shall be filed with the Technical Secretary of the Water Quality, Oil and Gas Board within thirty (30) days after public notice of the commissioner's decision to issue or deny the permit. A copy of the filing should also be sent to TDEC's Office of General Counsel.

TDEC has activated a new email address to accept appeals electronically. If you wish to file an appeal, you may do so by emailing the appeal and any attachments to [TDEC.Appeals@tn.gov](mailto:TDEC.Appeals@tn.gov). If you file an appeal electronically, you do not have to send a paper copy. If you have questions about your electronic filing, you can call (615) 532-0131. Electronic filing is encouraged, but not required.

If you have questions, please contact the Jackson Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact me at (615) 532-0670 or by E-mail at [Vojin.Janjic@tn.gov](mailto:Vojin.Janjic@tn.gov).

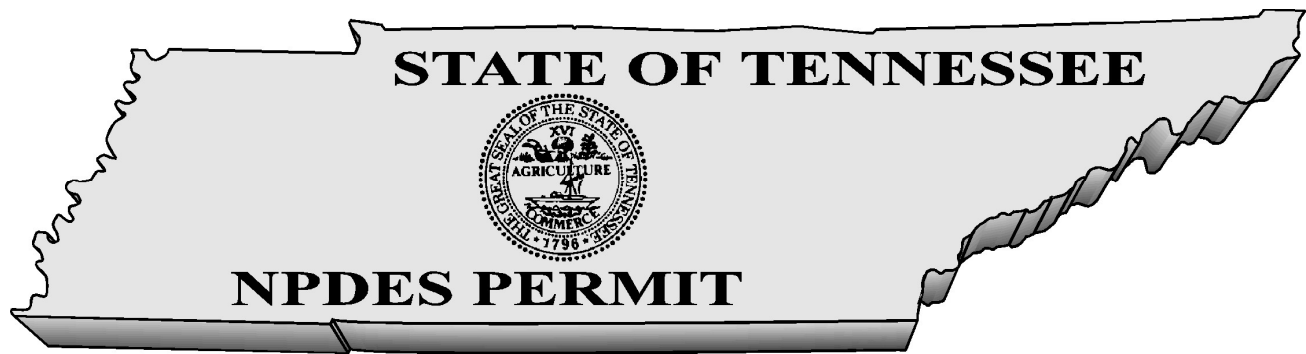
Sincerely,

*Wade O. Murphy / for*

Vojin Janjić  
Manager, Water-Based Systems

Enclosure

cc: Mr. Russell Moorehead, P.E, Croy Engineering, Chattanooga, [rmoorehead@croyeng.com](mailto:rmoorehead@croyeng.com)  
EFO-Jackson-DWR, [conner.franklin@tn.gov](mailto:conner.franklin@tn.gov), [gregg.overstreet@tn.gov](mailto:gregg.overstreet@tn.gov)  
Permit File



**No. TN0082392**

Authorization to discharge under the  
National Pollutant Discharge Elimination System (NPDES)

Issued By

**State of Tennessee  
Department of Environment and Conservation  
Division of Water Resources  
William R. Snodgrass - Tennessee Tower  
312 Rosa L. Parks Avenue, 11<sup>th</sup> Floor  
Nashville, Tennessee 37243-1102**

Under authority of the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.) and the delegation of authority from the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.)

Permittee: **State of Tennessee Real Estate Asset Management (STREAM)  
Division - Reelfoot Lake State Park stabilization project**

is authorized to discharge: **stormwater associated with construction activities from  
Outfalls SW01, SW03, and SW05 through SW08**

from a facility located: **in Tiptonville, Lake County, Tennessee**

to receiving waters named: **Blue Basin of Reelfoot Lake**

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on: **August 01, 2023**

This permit shall expire on: **December 31, 2025**

Issuance date: **July 05, 2023**

*Wade O. Murphy / for*

for Jennifer Dodd  
Director

# TABLE OF CONTENTS

---

<b>A.</b>	<b>EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS .....</b>	<b>1</b>
<b>B.</b>	<b>PROHIBITED DISCHARGES.....</b>	<b>3</b>
<b>C.</b>	<b>MONITORING PROCEDURES.....</b>	<b>3</b>
1.	REPRESENTATIVE SAMPLING.....	3
2.	SAMPLING FREQUENCY .....	4
3.	TEST PROCEDURES .....	4
4.	CONTINUOUS IN-STREAM FLOW MONITORING.....	4
5.	RECORDING OF RESULTS.....	4
6.	RECORDS RETENTION .....	5
<b>D.</b>	<b>DEFINITIONS.....</b>	<b>5</b>
<b>E.</b>	<b>ACRONYMS AND ABBREVIATIONS.....</b>	<b>13</b>
<b>F.</b>	<b>REPORTING .....</b>	<b>15</b>
1.	MONITORING RESULTS .....	15
2.	ADDITIONAL MONITORING BY PERMITTEE.....	16
3.	FALSIFYING RESULTS AND/OR REPORTS.....	16
<b>G.</b>	<b>SCHEDULE OF COMPLIANCE .....</b>	<b>16</b>
<b>A.</b>	<b>GENERAL PROVISIONS.....</b>	<b>17</b>
1.	DUTY TO REAPPLY .....	17
2.	RIGHT OF ENTRY.....	17
3.	AVAILABILITY OF REPORTS.....	17
4.	PROPER OPERATION AND MAINTENANCE.....	18
5.	TREATMENT FACILITY FAILURE.....	18
6.	PROPERTY RIGHTS .....	18
7.	SEVERABILITY.....	18
8.	OTHER INFORMATION.....	19
9.	SIGNATORIES TO PERMIT APPLICATIONS AND REPORTS.....	19
<b>B.</b>	<b>CHANGES AFFECTING THE PERMIT .....</b>	<b>21</b>
1.	PLANNED CHANGES.....	21
2.	PERMIT MODIFICATION, REVOCATION, OR TERMINATION .....	21
3.	CHANGE OF OWNERSHIP .....	23
4.	CHANGE OF MAILING ADDRESS .....	24
<b>C.</b>	<b>NONCOMPLIANCE.....</b>	<b>25</b>
1.	EFFECT OF NONCOMPLIANCE.....	25
2.	EFFECT OF NONCOMPLIANCE.....	25
3.	REPORTING OF NONCOMPLIANCE.....	25
4.	UPSET .....	26
5.	ADVERSE IMPACT .....	26

<b>D.</b>	<b>LIABILITIES</b> .....	<b>27</b>
1.	CIVIL AND CRIMINAL LIABILITY .....	27
2.	LIABILITY UNDER STATE LAW .....	27
<b>A.</b>	<b>TOXIC POLLUTANTS</b> .....	<b>28</b>
<b>B.</b>	<b>RELEASES IN EXCESS OF REPORTABLE QUANTITIES</b> .....	<b>29</b>
<b>C.</b>	<b>REOPENER CLAUSE</b> .....	<b>29</b>
<b>D.</b>	<b>PLACEMENT OF SIGNS</b> .....	<b>30</b>
<b>E.</b>	<b>ANTIDegradation</b> .....	<b>31</b>
<b>A.</b>	<b>GENERAL PURPOSE</b> .....	<b>32</b>
<b>B.</b>	<b>SIGNATURE REQUIREMENTS, PLAN REVIEW AND MAKING PLANS AVAILABLE</b> .....	<b>32</b>
1.	SIGNATURE REQUIREMENTS FOR THE SWPPP .....	32
2.	SWPPP RECORDKEEPING .....	33
3.	POSTING INFORMATION AT THE CONSTRUCTION SITE.....	33
<b>C.</b>	<b>REGISTERED ENGINEER OR LANDSCAPE ARCHITECT REQUIREMENT</b> .....	<b>34</b>
<b>D.</b>	<b>KEEPING PLANS CURRENT</b> .....	<b>35</b>
<b>E.</b>	<b>COMPONENTS OF THE SWPPP</b> .....	<b>36</b>
1.	SITE DESCRIPTION .....	36
2.	DESCRIPTION OF STORMWATER RUNOFF CONTROLS .....	38
3.	EROSION PREVENTION AND SEDIMENT CONTROLS .....	38
4.	STORMWATER MANAGEMENT .....	44
5.	OTHER ITEMS NEEDING CONTROL .....	45
6.	APPROVED LOCAL GOVERNMENT SEDIMENT AND EROSION CONTROL REQUIREMENTS .....	46
7.	MAINTENANCE .....	46
8.	INSPECTIONS AND SITE ASSESSMENTS.....	46
9.	POLLUTION PREVENTION MEASURES .....	49
10.	NON-STORMWATER DISCHARGES .....	49
	<b>ADDENDUM TO RATIONALE AT PERMIT ISSUE</b> .....	<b>A-1</b>
	<b>RATIONALE</b> .....	<b>R-1</b>

## **PART I**

---

### **A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

State of Tennessee Real Estate Asset Management (STREAM) Division is authorized to discharge stormwater runoff associated with project to reduce erosion that is occurring along the Blue Basin of Reelfoot Lake shoreline.

This permit authorizes point source discharges of stormwater from construction activities including clearing, grading, filling and excavating (including borrow pits and stockpile/material storage areas containing erodible material), or other similar construction activities. This permit also authorizes stormwater discharges from support activities (e.g., silviculture or timbering, concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided all of the following are met:

1. The support activity is primarily related to the construction site that is covered under this permit;
2. The operator of the support activity is the same as the operator of the construction site;
3. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators;
4. The support activity does not operate beyond the completion of the construction activity at this site; and
5. Support activities are identified in the permit application and appropriate controls and measures are described in a comprehensive stormwater pollution prevention plan (SWPPP) covering the discharges from the support activity areas.

Stormwater discharges associated with support activities that have been issued a separate individual permit or an alternative general permit are not authorized by this permit. This permit does not authorize any process wastewater discharges from support activities. Process wastewater discharges from support activities must be authorized by an individual permit or appropriate general permit.

These discharges shall be limited and monitored by the permittee as specified below:

<b>Description: External Outfalls</b> <b>Outfall Numbers: SW01, SW03, SW05, SW06, SW07 and SW08 *</b> <b>Monitoring: Effluent (visual)</b> <b>Season: All Year</b>							
Code	Parameter	Qualifier	Value	Unit	Sample Type	Monitoring Frequency	Statistical Base
45613	Floating solids or visible foam-visual	Report	-	Y=1;N=0	Visual	Monthly	Value

\* See work areas and assigned corresponding outfall alphanumeric designators below

Work Area	Outfall Designator
Keystone	SW01
Blue Bank	SW03
Kiwanis (Eagle Basin)	SW05
Cabins	SW06
South Campground	SW07
Kirby Pocket	SW08

Outfalls and receiving stream/lake shall be inspected for the presence of sediment build up and the general condition and appearance shall be noted and described. No floating material should be present, nor color, foam or oil sheen allowed. Results shall be reported on the DMR with an explanation in the comments section for visible materials.

The permittee shall maintain a log of rainfall events including date, estimated duration (in hours), and total estimated rainfall per calendar day. For sampling events, the permittee shall provide an estimate of the total volume of the discharge sampled per outfall and the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

Additional monitoring requirements and conditions applicable to all outfalls include:

The construction activity shall be carried out in such a manner that will prevent violations of water quality criteria as stated in Tennessee Rule 0400-40-3-.03. This includes, but is not limited to, a requirement that there shall be no distinctly visible floating solids, scum, foam, oily slick, or the formation of slimes, bottom deposits or sludge banks of such size or character that may be detrimental to fish and aquatic life.

The stormwater discharges shall not contain pollutants in quantities that will be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.

The stormwater discharge must not cause an objectionable color contrast in the receiving stream.

Sludge or any other material removed by any treatment works must be disposed of in a manner which prevents its entrance into or pollution of any surface or subsurface waters. Additionally, the disposal of such sludge or other material must be in compliance with the Tennessee Solid Waste Disposal Act, TCA 68-31-101 et seq. and the Tennessee Hazardous Waste Management Act, TCA 68-46-101 et seq.

## **B. PROHIBITED DISCHARGES**

The following discharges are prohibited:

1. Wastewater from washout of concrete, unless managed by an appropriate control;
2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
4. Soaps or solvents used in vehicle and equipment washing.

Note: Any discharge of stormwater or other fluid to an improved sinkhole or other injection well, as defined, must be authorized by permit or rule as a Class V underground injection well under the provisions of Tennessee Rule [0400-45-06](#).

## **C. MONITORING PROCEDURES**

### **1. Representative Sampling**

Samples, measurements and observations taken in compliance with the monitoring requirements specified herein shall be representative of the volume and nature of the monitored discharge, and shall be taken after treatment and:

- prior to mixing with uncontaminated stormwater runoff or the receiving stream;
- prior to effluent leaving the construction site boundary.



## **2. Sampling Frequency**

The permittee should mark the 'No Discharge' box on the Discharge Monitoring Report form only if a permitted outfall does not discharge at any time during the monitoring period. If any outfall discharges effluent at any time during the monitoring period, the permittee must provide at least one sampling result/observation from the effluent of that outfall.

Sampling requirements will start as soon as the area within an outfall is disturbed and will continue until an outfall is determined to be final stabilized. Sampling requirements do not apply to outfalls that have not been disturbed or have been finally stabilized, as described in subpart IV.A.

## **3. Test Procedures**

- a. Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304 (h) of the Clean Water Act (the "Act"), as amended, under which such procedures may be required.
- b. Unless otherwise noted in the permit, all pollutant parameters shall be determined according to methods prescribed in Title 40, CFR Part 136, as amended, promulgated pursuant to Section 304 (h) of the Act.

## **4. Continuous In-stream Flow Monitoring**

Quality assurance (QA) for water surface monitoring shall be conducted by recording periodic observations of water surface levels (e.g., staff gage) and coincident instrument monitored water level recordings. QA measurements shall be recorded at a minimum weekly frequency at each monitoring location.

## **5. Recording of Results**

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date and time of sampling or measurements;
- b. The exact person(s) collecting samples or measurements;
- c. The dates and times the analyses were performed;
- d. The person(s) or laboratory who performed the analyses;
- e. The analytical techniques or methods used, and;
- f. The results of all required analyses.

## 6. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation shall be retained for a minimum of three years, or longer, if requested by the Division of Water Resources (division).

The permittee shall retain copies of the stormwater pollution prevention plan (SWPPP), as described in part IV of this permit, and all reports required by this permit, and records of all data used to complete the permit application. This period may be extended by written request of the director at any time.

The permittee shall retain a copy of the SWPPP required by this permit (including a copy of the permit) at the construction site (or other local location accessible to the director and the public) from the date construction commences to the date of termination of permit coverage. Permittees with day-to-day operational control over pollution prevention plan implementation shall have a copy of the SWPPP available at a central location onsite for the use of all operators and those identified as having responsibilities under the plan whenever they are on the construction site. Once coverage is terminated, the permittee shall maintain a copy of all records for a period of three years.

### D. DEFINITIONS

All terminology not specifically defined herein shall be defined in accordance with the Water Quality Control Act, T.C.A. §§ 69-3-101 et seq. When used in this permit, the following terms have the meanings given below unless otherwise specified:

**Annually** is defined as a monitoring frequency of once every twelve (12) months beginning with the date of issuance of this permit so long as the following set of measurements for a given 12 month period are made approximately 12 months subsequent to that time.

**Best Management Practices** (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**Borrow Pit** is an excavation from which erodible material (typically soil) is removed to be fill for another site. There is no processing or separation of erodible material conducted

at the site. Given the nature of activity and pollutants present at such excavation, a borrow pit is considered a construction activity for the purpose of this permit.

**Buffer Zone** is a strip of dense undisturbed perennial native vegetation, either original or re-established, that borders streams and rivers, ponds and lakes, wetlands, and seeps. Buffer zones are established for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the upland area and reaching surface waters. Buffer zones are most effective when stormwater runoff is flowing into and through the buffer zone as shallow sheet flow, rather than in concentrated form such as in channels, gullies, or wet weather conveyances. Therefore, it is critical that the design of any development include management practices, to the maximum extent practical, that will result in stormwater runoff flowing into and through the buffer zone as shallow sheet flow. Buffer zones are established for the primary purpose of protecting water quality and maintaining a healthy aquatic ecosystem in receiving waters.

A **bypass** is defined as the intentional diversion of waste streams from any portion of a treatment facility.

A **calendar day** is defined as the 24-hour period from midnight to midnight or any other 24-hour period that reasonably approximates the midnight to midnight time period.

**Clearing** in the definition of discharges associated with construction activity, typically refers to removal of vegetation and disturbance of soil prior to grading or excavation in anticipation of construction activities. Clearing may also refer to wide area land disturbance in anticipation of non-construction activities; for instance, clearing forested land in order to convert forest land to pasture for wildlife management purposes. Clearing, grading and excavation do not refer to clearing of vegetation along existing or new roadways, highways, dams or power lines for sight distance or other maintenance and/or safety concerns, or cold planning, milling, and/or removal of concrete and/or bituminous asphalt roadway pavement surfaces. The clearing of land for agricultural purposes is exempt from federal stormwater NPDES permitting in accordance with Section 401(1)(1) of the 1987 Water Quality Act and state stormwater NPDES permitting in accordance with the Tennessee Water Quality Control Act of 1977 ([T.C.A. 69-3-101](#) et seq.).

**Commencement of construction** - The initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

A **Contractor** is a person/company that has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., contractor is authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions). A contractor is

typically hired by the operator. This person may include, but is not limited to a general contractor, grading contractor, erosion control contractor, sub-contractor responsible for any land disturbing activities and/or erosion prevention and sediment control (EPSC) implementation/maintenance, etc. The contractor must sign a certification as shown in section IV.B.1 of this permit.

**Control measure** - As used in this permit, refers to any Best Management Practice (BMP) or other method used to prevent or reduce the discharge of pollutants to waters of the state.

**CWA** means the Clean Water Act of 1977 or the Federal Water Pollution Control Act ([33 U.S.C. 1251](#), et seq.)

The **Daily Maximum Concentration** is a limitation on the average concentration, in milligrams per liter (mg/L), of the discharge during any calendar day. When a proportional-to-flow composite sampling device is used, the daily concentration is the concentration of that 24-hour composite; when other sampling means are used, the daily concentration is the arithmetic mean of the concentrations of equal volume samples collected during any calendar day or sampling period.

**Degradation** means the alteration of the properties of waters by the addition of pollutants or removal of habitat, withdrawal of water, or removal of habitat, except those alterations of a short duration.

**Department** means the Department of Environment and Conservation.

**Director** means the director, or authorized representative, of the Division of Water Resources of the State of Tennessee, Department of Environment and Conservation.

**Discharge** or “discharge of a pollutant” refers to the addition of pollutants to waters from a source.

**Discharge of stormwater associated with construction activity** - As used in this permit, refers to stormwater point source discharges from areas where soil disturbing activities (e.g., clearing, grading, excavation, etc.), or construction materials or equipment storage or maintenance (e.g., earth fill piles, fueling, waste material etc.) are located.

**Division** means the Division of Water Resources of the State of Tennessee, Department of Environment and Conservation.

**Dry Weather Flow** shall be construed to represent discharges consisting of process and/or non-process wastewater only.

An **ecoregion** is a relatively homogeneous area defined by similarity of climate, landform, soil, potential natural vegetation, hydrology, or other ecologically relevant variables.

**"Final Stabilization"** means that all soil disturbing activities at the site have been completed and one of the three following criteria is met:

- a) A perennial, preferably native, vegetative cover with a uniform (i.e., evenly distributed, without large bare areas) density of at least 70 percent has been established on all unpaved areas and areas not covered by permanent structures, and all slopes and channels have been permanently stabilized against erosion.
- b) Equivalent final stabilization measures such as the use of riprap; final geotextiles; hardened surface materials including concrete, asphalt, gabion baskets or Reno mattresses have been employed.
- c) For construction projects on land used for agricultural or silvicultural purposes, final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural or silvicultural use.

A **Grab Sample**, for the purposes of this permit, is defined as a single effluent sample of at least 100 milliliters (sample volumes <100 milliliters are allowed when specified per standard methods, latest edition) collected at a randomly selected time over a period not exceeding 15 minutes. The sample(s) shall be collected at the period(s) most representative of the total discharge.

The **Instantaneous Concentration** is a limitation on the concentration, in milligrams per liter (mg/L), of any pollutant contained in the discharge determined from a grab sample taken at any point in time.

A **Linear Project** is a land disturbing activity from the construction and installation of utilities/infrastructure/etc. conducted by publicly or privately owned underground/overhead utility or highway or transportation department. Activities include, but not limited to, any cable line or wire for the transmission of electrical energy; any conveyance pipeline for transportation of gaseous or liquid substance; any cable line or wire for communications; or any other energy resource transmission ROW or utility infrastructure, e.g., roads and

highways. Linear project activities also include the construction of access roads, staging areas, and borrow/spoil sites associated with the linear project.

The **monthly average concentration**, other than for *E. coli* bacteria, is the arithmetic mean of all the composite or grab samples collected in a one-calendar month period.

A **one week period** (or **calendar-week**) is defined as the period from Sunday through Saturday. For reporting purposes, a calendar week that contains a change of month shall be considered part of the latter month.

**Pollutant** means sewage, industrial wastes, or other wastes.

A **Qualifying Storm Event** is one which is greater than 0.1 inches and that occurs after a period of at least 72 hours after any previous storm event with rainfall of 0.1 inches or greater.

A **Quarter** is defined as any one of the following three month periods: January 1 through March 31, April 1 through June 30, July 1 through September 30, or October 1 through December 31.

A **rainfall event** is defined as any occurrence of rain, preceded by 10 hours without precipitation that results in an accumulation of 0.01 inches or more. Instances of rainfall occurring within 10 hours of each other will be considered a single rainfall event.

A **rationale** (or "fact sheet") is a document that is prepared when drafting an NPDES permit or permit action. It provides the technical, regulatory and administrative basis for an agency's permit decision.

A **Registered Engineer** is an engineer certified and registered in Tennessee by the [State Board of Architectural and Engineer Examiners](#) pursuant to [Section 62-202, Tennessee Code Annotated](#), to practice in Tennessee.

**Runoff coefficient** means the fraction of total rainfall that will appear at the conveyance as runoff. Runoff coefficient is also defined as the ratio of the amount of water that is NOT absorbed by the surface to the total amount of water that falls during a rainstorm.

**Sediment** means solid material, both inorganic (mineral) and organic, that is in suspension, is being transported, or has been moved from the site of origin by wind, water, gravity, or ice as a product of erosion.

**Sediment basin** - A temporary basin consists of an embankment constructed across a drainage way, or an excavation that creates a basin, or by combination of both. A sediment basin typically consists of an impoundment, a dam, a riser pipe outlet, and an emergency spillway. The size of the structure will depend upon the location, size of the drainage area, soil type land cover/use, rainfall amount, and any unique site conditions favorable to producing high runoff volume, velocity, or sediment. Retention and detention ponds are both designed and constructed for the purpose of managing the runoff from a development. A retention pond retains most of sediment in the pond. A detention pond detains the higher flows and releases the flow over a longer time and at a reduced rate; it may or may not offer any sediment control.

**Sedimentation** means the action or process of forming or depositing sediment.

**Semi-annually** means the same as "once every six months." Measurements of the effluent characteristics concentrations may be made anytime during a 6 month period beginning from the issuance date of this permit so long as the second set of measurements for a given 12 month period are made approximately 6 months subsequent to that time, if feasible.

**Significant contributor of pollutants to waters of the state** means any discharge containing pollutants that are reasonably expected to cause or contribute to an impairment of receiving stream water quality or designated uses.

**Soil** means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of plants.

**Steep Slope** means a natural or created slope of 35% grade or greater. Designers of sites with steep slopes must pay attention to stormwater management in the [SWPPP](#) to engineer runoff around or over a steep slope so as not to erode the slope. In addition, site managers should focus on erosion prevention on the slopes and stabilize the slopes as soon as practicable to prevent slope failure or sediment discharges from the project.

**Stormwater** means rain fall runoff, snow melt runoff, and surface runoff and drainage.

**Stormwater associated with industrial activity** is defined at 40 CFR 122.26(b)(14) and incorporated here by reference. Most relevant to this permit is 40 CFR 122.26(b)(14)(x), which relates to construction activity including clearing, grading, filling and excavation activities (including borrow pits containing erodible material). Disturbance of soil for the purpose of crop production is exempted from permit requirements, but stormwater discharges from agriculture-related activities which involve construction of structures (e.g., barn construction,

road construction, pond construction, etc.) are considered associated with industrial activity. Maintenance performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility, e.g. re-clearing, minor excavation performed around an existing structure necessary for maintenance or repair, and repaving of an existing road, is not considered a construction activity for the purpose of this permit.

**Stormwater discharge-related activities** include: activities which cause, contribute to, or result in point source stormwater pollutant discharges, including but not limited to: excavation, site development, grading and other surface disturbance activities; and measures to control stormwater including the siting, construction and operation of best management practices (BMPs) to control, reduce or prevent stormwater pollution.

**Stormwater Pollution Prevention Plan (SWPPP):** A written plan required by this permit that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants. It must be prepared before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, and maintained during land disturbing activities. The SWPPP should be prepared in accordance with the latest edition of the [Tennessee Erosion and Sediment Control Handbook](#). The handbook is designed to provide information to planners, developers, engineers, and contractors on the proper selection, installation, and maintenance of BMPs. The handbook is intended for use during the design and construction of projects that require erosion and sediment controls to protect waters of the state. It also aids in the development of SWPPPs and other reports, plans, or specifications required when participating in Tennessee's water quality regulations.

A **subcoregion** is a smaller, more homogenous area that has been delineated within an ecoregion.

A **take** of an endangered species means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct.

**Temporary stabilization** is achieved when vegetation and/or a non-erodible surface have been established on the area of disturbance and construction activity has temporarily ceased. Under certain conditions, temporary stabilization is required when construction activities temporarily cease. However, if future construction activity is planned, permit coverage continues.

**Total maximum daily load (TMDL)** means the sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background ([40 CFR 130.2\(l\)](#)). TMDL is a study that quantifies the amount of a pollutant in a



stream, identifies the sources of the pollutant and recommends regulatory or other actions that may need to be taken in order for the stream to cease being polluted. TMDLs can also be described by the following equation:

TMDL = sum of non point sources (LA)+ sum of point sources (WLA)+ margin of safety

A list of completed TMDLs that have been approved by EPA can be found at our web site: <https://tdec.tn.gov/document-viewer/#/search/tmdl>.

**Treatment chemicals** are polymers, flocculants or other chemicals used to reduce turbidity in stormwater discharges by chemically bonding to suspended silts and other soil materials and causing them to bind together and settle out. Common examples of anionic treatment chemicals are chitosan and anionic PAM.

**Turbidity** is the cloudiness or haziness of a fluid caused by individual particles (suspended solids) that are generally invisible to the naked eye, similar to smoke in air.

**Upset** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

**Waters or waters of the state** means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

**Waste site** is an area where material from a construction site is disposed of. When the material is erodible, such as soil, the site must be treated as a construction site.

**Waters with unavailable parameters** means any segment of surface waters that has been identified by the division as failing to support one or more classified uses. For the purpose of this permit, pollutants of concern include, but are not limited to: siltation (silt/sediment) and habitat alterations due to in-channel erosion. Based on the most recent assessment information available to staff, the division will notify applicants and permittees if their discharge is into, or is affecting, waters with unavailable parameters. Resources to be used in making this determination include biennial compilations of impaired waters, databases of assessment information, updated [GIS](#) coverages (<http://tdeconline.tn.gov/dwrwqa/>), and the results of recent field surveys. [GIS](#) coverages of

the streams and lakes not meeting water quality standards, plus the biennial list of waters with unavailable parameters, can be found at <https://www.tn.gov/environment/program-areas/wr-water-resources/water-quality/water-quality-reports---publications.html>

**Wet weather conveyances** are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that meet the following:

- a) The conveyance carries flow only in direct response to precipitation runoff in its immediate locality.
- b) The conveyance's channels are at all times above the ground water table.
- c) The flow carried by the conveyance is not suitable for drinking water supplies.
- d) Hydrological and biological analyses indicate that, due to naturally occurring ephemeral or low flow under normal weather conditions, there is not sufficient water to support fish or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two months.

**Wet Weather Flow** shall be construed to represent stormwater runoff which, in combination with all process and/or non-process wastewater discharges, as applicable, is discharged during a qualifying storm event.

## E. ACRONYMS AND ABBREVIATIONS

- 1Q10 – 1-day minimum, 10-year recurrence interval
- 30Q20 – 30-day minimum, 20-year recurrence interval
- 7Q10 – 7-day minimum, 10-year recurrence interval
- ARAP – Aquatic Resource Alteration Permit
- BAT – best available technology economically achievable
- BCT – best conventional pollutant control technology
- BDL – below detection level
- BMP – best management practice
- BOD<sub>5</sub> – five day biochemical oxygen demand
- BPT – best practicable control technology currently available
- CBOD<sub>5</sub> – five day carbonaceous biochemical oxygen demand
- CEI – compliance evaluation inspection
- CFR – code of federal regulations
- CFS – cubic feet per second
- CFU – colony forming units
- CIU – categorical industrial user

CPESC – Certified Professional in Erosion and Sediment Control  
CSO – combined sewer overflow  
CWA – Clean Water Act  
DMR – discharge monitoring report  
D.O. – dissolved oxygen  
*E. coli* – *Escherichia coli*  
EFO – environmental field office  
EPA – (U.S.) Environmental Protection Agency  
EPSC – erosion prevention and sediment control  
LB(lb) - pound  
IC<sub>25</sub> – inhibition concentration causing 25% reduction in survival, reproduction and growth of the test organisms  
IU – industrial user  
IWS – industrial waste survey  
LC<sub>50</sub> – acute test causing 50% lethality  
MDL – method detection level  
MGD – million gallons per day  
MG/L(mg/l) – milligrams per liter  
ML – minimum level of quantification  
ml – milliliter  
MLSS – mixed liquor suspended solids  
MOR – monthly operating report  
MS4 – municipal separate storm sewer system  
NODI – no discharge  
NOEC – no observed effect concentration  
NPDES – national pollutant discharge elimination system  
PL – permit limit  
POTW – publicly owned treatment works  
RDL – required detection limit  
SAR – semi-annual [pretreatment program] report  
SIU – significant industrial user  
SSO – sanitary sewer overflow  
STP – sewage treatment plant  
SWPPP – stormwater pollution prevention plan  
TCA – Tennessee code annotated

TDEC – Tennessee Department of Environment and Conservation  
TIE/TRE – toxicity identification evaluation/toxicity reduction evaluation  
TMDL – total maximum daily load  
TRC – total residual chlorine  
TSS – total suspended solids  
TWQCA – Tennessee Water Quality Control Act  
WQBEL – water quality based effluent limit

## **F. REPORTING**

### **1. Monitoring Results**

Monitoring results shall be recorded monthly and submitted monthly using NetDMR. Submittals shall be no later than 15 days after the completion of the reporting period. If NetDMR is not functioning, a completed DMR with an original signature shall be submitted to the following address:

**STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER RESOURCES  
COMPLIANCE & ENFORCEMENT SECTION  
William R. Snodgrass - Tennessee Tower  
312 Rosa L. Parks Avenue, 11th Floor  
Nashville, Tennessee 37243-1102**

If NetDMR is not functioning, a copy of the completed and signed DMR shall be also mailed to the Jackson Environmental Field Office (EFO) at the following address:

**STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER RESOURCES  
Jackson Environmental Field Office  
1625 Hollywood Drive  
Jackson, Tennessee 38305**

In addition, any communication regarding compliance with the conditions of this permit must be sent to the two offices listed above.

The first DMR is due on the 15th of the month following permit effectiveness.

DMRs and any other information or report must be signed and certified by a responsible corporate officer as defined in Tennessee Rule 0400-40-05-.05(6) , a general partner or proprietor, or a principal municipal executive officer or ranking elected official, or his duly authorized representative. Such authorization must be submitted in writing and must explain the duties and responsibilities of the authorized representative.

For purposes of determining compliance with this permit, data provided to the division electronically is legally equivalent to data submitted on signed and certified DMR forms.

## **2. Additional Monitoring by Permittee**

If the permittee monitors any pollutant more frequently than required at the location(s) designated, using approved analytical methods as specified herein, the results of such monitoring shall be included in the calculation and reporting of the values required in the DMR form. Such increased frequency shall also be indicated on the form.

## **3. Falsifying Results and/or Reports**

Knowingly making any false statement on any report required by this permit or falsifying any result may result in the imposition of criminal penalties as provided for in Section 309 of the Federal Water Pollution Control Act, as amended, and in Section 69-3-115 of the Tennessee Water Quality Control Act.

## **G. SCHEDULE OF COMPLIANCE**

Full compliance and operational levels shall be attained from the effective date of this permit.

## **PART II**

---

### **A. GENERAL PROVISIONS**

#### **1. Duty to Reapply**

Permittee is not authorized to discharge after the expiration date of this permit. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit such information and forms as are required to the Director of Water Resources (the "Director") no later than 180 days prior to the expiration date. Such applications must be properly signed and certified.

#### **2. Right of Entry**

The permittee shall allow the Director, the Regional Administrator of the U.S. Environmental Protection Agency, or their authorized representatives, upon the presentation of credentials:

- a. To enter upon the permittee's premises where an effluent source is located or where records are required to be kept under the terms and conditions of this permit, and at reasonable times to copy these records;
- b. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- c. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Director.

#### **3. Availability of Reports**

Except for data determined to be confidential under Section 308 of the Federal Water Pollution Control Act, as amended, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division of Water Resources. As required by the Federal Act, effluent data shall not be considered confidential.

#### **4. Proper Operation and Maintenance**

- a. The permittee shall at all times properly operate and maintain all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory and process controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. Backup continuous pH and flow monitoring equipment are not required.
- b. Dilution water shall not be added to comply with effluent requirements to achieve BCT, BPT, BAT and or other technology-based effluent limitations such as those in Tennessee Rule 0400-40-5-.09.

#### **5. Treatment Facility Failure**

The permittee, in order to maintain compliance with this permit, shall control production, all discharges, or both, upon reduction, loss, or failure of the treatment facility, until the facility is restored or an alternative method of treatment is provided. This requirement applies in such situations as the reduction, loss, or failure of the primary source of power.

#### **6. Property Rights**

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

#### **7. Severability**

The provisions of this permit are severable. If any provision of this permit due to any circumstance, is held invalid, then the application of such provision to other circumstances and to the remainder of this permit shall not be affected thereby.

## **8. Other Information**

If the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, then he shall promptly submit such facts or information.

## **9. Signatories to permit applications and reports<sup>1</sup>**

- a. Applications. All permit applications shall be signed as follows:
  - i. For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
    - 1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
    - 2) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE: The division does not require specific assignments or delegations of authority to responsible corporate officers. The division will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

---

<sup>1</sup> As specified in 40 CFR 122.22 [48 FR 14153, Apr. 1, 1983, as amended at 48 FR 39619, Sept. 1, 1983; 49 FR 38047, Sept. 29, 1984; 50 FR 6941, Feb. 19, 1985; 55 FR 48063, Nov. 16, 1990; 65 FR 30907, May 15, 2000]



- ii. For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or
  - iii. For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
    - 1) The chief executive officer of the agency, or
    - 2) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- b. Reports. All reports required by permits, and other information requested by the director shall be signed by a person described in paragraph a. of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- i. The authorization is made in writing by a person described in paragraph a. of this section;
  - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,
  - iii. The written authorization is submitted to the director.
- c. Changes to authorization. If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision. The submitted information is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury."

## **B. CHANGES AFFECTING THE PERMIT**

### **1. Planned Changes**

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in Tennessee Rule 0400-40-05-.02; or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).
- c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices.

### **2. Permit Modification, Revocation, or Termination**

- a. This permit may be modified, revoked and reissued, or terminated for cause as described in 40 CFR 122.62 and 122.64, Federal Register, Volume 49, No. 188 (Wednesday, September 26, 1984), as amended.
- b. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- c. If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established for any toxic pollutant under Section 307(a) of the Federal Water Pollution Control Act, as amended, the Director shall modify or revoke and reissue the permit to conform to the prohibition or to the effluent standard, providing that the effluent standard is more stringent than the limitation in the permit on the toxic pollutant. The permittee shall comply with these effluent standards or prohibitions within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified or revoked and reissued to incorporate the requirement.

- d. The filing of a request by the permittee for a modification, revocation, reissuance, termination, or notification of planned changes or anticipated noncompliance does not halt any permit condition.
- e. Where all stormwater discharges associated with construction activities that are authorized by this permit are eliminated, the primary permittee shall submit a written request to terminate this permit that is signed in accordance with subpart 9 (Signatories to permit applications and reports) of this permit. The written notice shall include the following information:
  - i. Facility Information  
Name, mailing address, and location of the facility for which the notification is submitted
  - ii. Primary Permittee Contact Information  
The name, address, telephone number, and email address of the permittee addressed by the notice;
  - iii. Permit Tracking Number  
The NPDES tracking number for the stormwater discharge associated with construction activity identified in the notice;
  - iv. Reason for Termination  
An indication of whether stormwater discharges associated with construction activity have been eliminated or the responsible permittee has changed;
  - v. Certification

The following certification signed in accordance with subpart 9 (Signatories to permit applications and reports) of this permit:

*"I certify under penalty of law that either: (a) all stormwater discharges associated with construction activity from the portion of the identified facility where I was an operator have ceased or have been eliminated or (b) I am no longer an operator at the construction site. I understand that by submitting this notice of termination, I am no longer authorized to discharge stormwater associated with construction activity under this general permit, and that discharging pollutants in stormwater associated with construction activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by an NPDES permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit of the Clean Water Act. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury."*

Primary permittees may terminate permit coverage only if the conditions described below occur at the site:

- i. All earth-disturbing activities and, if applicable, construction support activities at the site are complete and the following conditions are met:
  - a) For any areas that were disturbed during construction, are not covered over by permanent structures, and over which the permittee had control during the construction activities; the requirements for final vegetative or non-vegetative stabilization described in the definition of final stabilization are met.
  - b) The permittee has removed and properly disposed of all construction materials, waste and waste handling devices. The permittee has removed all equipment and vehicles that were used during construction, unless intended for long-term use following termination of permit coverage.
  - c) The permittee has removed all stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following termination of permit coverage.
  - d) The permittee must identify who is responsible for ongoing maintenance of any stormwater controls left on the site for long-term use following termination of permit coverage; or
- ii. The permittee has transferred control of all areas of the site for which he is responsible (including, but not limited to, infrastructure, common areas, stormwater drainage structures, sediment control basin, etc.) under this permit to another operator, and that operator has submitted an application or NOI and obtained coverage under a permit.
- iii. The permittee obtains coverage under an individual or alternative general NPDES permit.

### **3. Change of Ownership**

This permit may be transferred to another party (provided there are neither modifications to the facility or its operations, nor any other changes which might affect the permit limits and conditions contained in the permit) by the permittee if:

- a. The permittee notifies the Director of the proposed transfer at least 30 days in advance of the proposed transfer date;
- b. The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage, and liability between them; and
- c. The Director, within 30 days, does not notify the current permittee and the new permittee of his intent to modify, revoke or reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

Pursuant to the requirements of Tennessee Rule 0400-40-05-.07(k), concerning transfer of ownership, the permittee must provide the following information to the division in their formal notice of intent to transfer ownership: 1) the NPDES permit number of the subject permit; 2) the effective date of the proposed transfer; 3) the name and address of the transferor; 4) the name and address of the transferee; 5) the names of the responsible parties for both the transferor and transferee; 6) a statement that the transferee assumes responsibility for the subject NPDES permit; 7) a statement that the transferor relinquishes responsibility for the subject NPDES permit; 8) the signatures of the responsible parties for both the transferor and transferee pursuant to the requirements of Tennessee Rule 0400-40-05-.05(6) "Signatories to permit applications"; and, 9) a statement regarding any proposed modifications to the facility, its operations, or any other changes which might affect the permit limits and conditions contained in the permit.

#### **4. Change of Mailing Address**

The permittee shall promptly provide to the Director written notice of any change of mailing address. In the absence of such notice the original address of the permittee will be assumed to be correct.

## **C. NONCOMPLIANCE**

### **1. Effect of Noncompliance**

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of applicable State and Federal laws and is grounds for enforcement action, permit termination, permit modification, or denial of permit reissuance.

### **2. Effect of Noncompliance**

### **3. Reporting of Noncompliance**

#### **a. 24-Hour Reporting**

In the case of any noncompliance which could cause a threat to public drinking supplies, or any other discharge which could constitute a threat to human health or the environment, the required notice of non-compliance shall be provided to the Division of Water Resources in the appropriate regional Field Office within 24-hours from the time the permittee becomes aware of the circumstances. (The regional Field Office should be contacted for names and phone numbers of environmental response personnel).

A written submission must be provided within five calendar days of the time the permittee becomes aware of the circumstances, unless this requirement is waived by the Director on a case-by-case basis. The permittee shall provide the Director with the following information:

- i. A description of the discharge and cause of noncompliance;
- ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- iii. The steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

#### **b. Scheduled Reporting**

For instances of noncompliance which do not cause a threat to public drinking supplies, or any other discharge which could constitute a threat to human health or the

environment,, the permittee shall report the noncompliance on the Discharge Monitoring Report. The report shall contain all information concerning the steps taken, or planned, to reduce, eliminate, and prevent recurrence of the violation and the anticipated time the violation is expected to continue.

#### **4. Upset**

- a. "**Upset**" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - i. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - ii. The permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;
  - iii. The permittee submitted information required under "Reporting of Noncompliance" within 24-hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days); and
  - iv. The permittee complied with any remedial measures required under "Adverse Impact."

#### **5. Adverse Impact**

The permittee shall take all reasonable steps to minimize any adverse impact to the waters of Tennessee resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. It shall not be a defense for the permittee in an enforcement action

that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

#### **D. LIABILITIES**

##### **1. Civil and Criminal Liability**

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this permit, the permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of wastewater to any surface or subsurface waters. Additionally, notwithstanding this Permit, it shall be the responsibility of the permittee to conduct its wastewater treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created.

##### **2. Liability Under State Law**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or the Federal Water Pollution Control Act, as amended.



## PART III

---

### OTHER REQUIREMENTS

#### A. TOXIC POLLUTANTS

The permittee shall notify the Division of Water Resources as soon as it knows or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic substance(s) (listed at 40 CFR 122, Appendix D, Table II and III) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - a. One hundred micrograms per liter (100 ug/l);
  - b. Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
  - c. Five (5) times the maximum concentration value reported for that pollutant(s) in the permit application in accordance with 122.21(g)(7); or
  - d. The level established by the Director in accordance with 122.44(f).
2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - a. Five hundred micrograms per liter (500 ug/l);
  - b. One milligram per liter (1 mg/L) for antimony;
  - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 122.21(g)(7); or

- d. The level established by the Director in accordance with 122.44(f).

## **B. RELEASES IN EXCESS OF REPORTABLE QUANTITIES**

The discharge of hazardous substances or oil in the stormwater discharge(s) from a facility shall be prevented or minimized in accordance with the applicable stormwater pollution prevention plan for the facility. This permit does not relieve the permittee of the reporting requirements of [40 CFR 117](#) and [40 CFR 302](#). Where a release containing a hazardous substance in an amount equal to or in excess of a reportable quantity established under either [40 CFR 117](#) or [40 CFR 302](#) occurs during a 24 hour period:

- a. the permittee is required to notify the National Response Center (NRC) (800-424-8802) and the Tennessee Emergency Management Agency (emergencies: 800-262-3300; non-emergencies: 800-262-3400) in accordance with the requirements of [40 CFR 117](#) or [40 CFR 302](#) as soon as he or she has knowledge of the discharge;
- b. the permittee shall submit, within 14 days of knowledge of the release, a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, what actions were taken to mitigate effects of the release, and steps to be taken to minimize the chance of future occurrences, to the Jackson Environmental Field Office; and
- c. the [SWPPP](#) required under part IV of this permit must be updated within 14 days of knowledge of the release: to provide a description of the release, the circumstances leading to the release, and the date of the release. This can be accomplished by including a copy of a written description of the release as described in the paragraph b) above. In addition, the [SWPPP](#) must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

## **C. REOPENER CLAUSE**

If an applicable standard or limitation is promulgated under Sections 301(b)(2)(C) and (D), 304(B)(2), and 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked and reissued to conform to that effluent standard or limitation. Additionally, the effectiveness of the Stormwater Pollution Prevention

Plan (SWPPP) required under part IV of this permit will be investigated after the results of the stormwater runoff monitoring from permitted outfalls (subpart I.A.) has been submitted. At that time, should the results so dictate, the division maintains the authority to institute specific numeric limitations for the monitored parameters or other appropriate control measures. The division also maintains the authority to require the permittee to review its SWPPP and make any modifications or additions to the SWPPP which would assist in reducing effluent concentrations, including a timetable for implementation. If required, the permittee must submit to the Jackson EFO a brief summary of the proposed SWPPP modifications (including a timetable for implementation). The division may also modify the permit to add additional requirements to comply with a new wasteload allocation if a sediment TMDL is developed and approved prior to permit expiration. Permit modification or revocation and reissuance shall follow standard permitting procedures as shown in Tennessee Rule 0400-40-5.

#### **D. PLACEMENT OF SIGNS**

The permittee shall place an outfall sign at an outfall seven days prior to the commencement of any construction activity in the outfall's drainage area. Outfall signs shall be clearly visible to on-site personnel and must clearly list the Outfall number. Outfall signs must be maintained and relocated as needed to mark the correct location of the outfall. An outfall sign may be removed from temporary outfalls once the outfall has been eliminated.

Within sixty days of the effective date of this permit a sign shall be placed at each public right-of-way and at locations where receiving streams leave the permittee's property. These sign(s) should be clearly visible to the public from the bank and the receiving stream or from the nearest public property/right-of-way, if applicable. The minimum sign size should be two feet by two feet (2' x 2') with one inch (1") letters. The sign should be made of durable material and have a white background with black letters. These signs are to provide notice to the public as to the nature of the discharge and, in the case of the permitted outfalls, that the discharge is regulated by the Tennessee Department of Environment and Conservation, Division of Water Resources. The following is given as an example of the minimal amount of information that must be included on the sign:

<p><b>Construction Stormwater Runoff</b> <b>State of Tennessee Real Estate Asset Management (STREAM) Division</b> <b>(Permittee's Phone Number)</b> <b>NPDES Permit No. TN0082392</b> <b>Tennessee Division of Water Resources</b> <b>1-888-891-8332 Environmental Field Office - Jackson</b></p>
---

Signs may be removed once all outfalls served by a sign have been eliminated.

#### **E. ANTIDegradation**

Pursuant to the Rules of the Tennessee Department of Environment and Conservation, Chapter 0400-40-3-.06, titled "Tennessee Antidegradation Statement," and in consideration of the Department's directive in attaining the greatest degree of effluent reduction achievable in municipal, industrial, and other wastes, the permittee shall further be required, pursuant to the terms and conditions of this permit, to comply with the effluent limitations and schedules of compliance required to implement applicable water quality standards, to comply with a State Water Quality Plan or other State or Federal laws or regulations, or where practicable, to comply with a standard permitting no discharge of pollutants.

## PART IV

---

### STORMWATER POLLUTION PREVENTION PLAN

#### A. GENERAL PURPOSE

A comprehensive SWPPP has been prepared and submitted to the division for review. The permittee must implement the SWPPP as written from commencement of construction activity until final stabilization is complete. The permittee must submit a written letter requesting permit termination, per the requirements of section II.B.2 above, to terminate this permit.

The SWPPP must be prepared in accordance with good engineering practices and the latest edition of the [Tennessee Erosion and Sediment Control Handbook](#). The handbook is designed to provide information to planners, developers, engineers, and contractors on the proper selection, installation, and maintenance of Best Management Practices (BMPs). The SWPPP must:

- identify all potential sources of pollution which are likely to affect the quality of stormwater discharges from the construction site;
- describe practices to be used to reduce pollutants in stormwater discharges from the construction site; and
- assure compliance with the terms and conditions of this permit.

Once a definable area has been finally stabilized, the permittee shall make note of this in their SWPPP and shall include a detailed description of those areas; once documented, no further SWPPP or inspection requirements apply to that portion of the site (e.g., earth-disturbing activities around one of three buildings in a complex are done and the area is finally stabilized, one mile of a roadway or pipeline project is done and finally stabilized, etc.).

#### B. SIGNATURE REQUIREMENTS, PLAN REVIEW AND MAKING PLANS AVAILABLE

##### 1. Signature requirements for the SWPPP

All operator(s) shall review the current SWPPP and sign the following certification:

*"I certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision. The submitted information is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury."*

All contractor(s) shall review the current SWPPP and sign the following certification:

*"I certify under penalty of law that I have reviewed NPDES permit number TN0082392, any attachments, and this SWPPP. Based on my inquiry of the construction site owner/developer identified above and/or my inquiry of the person directly responsible for assembling this permit application and SWPPP, I believe the information submitted is accurate. I am aware that this permit application and SWPPP, if approved, makes the above-described construction activity subject to NPDES permit number TN0082392, and that certain of my activities on-site are thereby regulated. I am aware that there are significant penalties, including the possibility of fine and imprisonment for knowing violations, for failure to comply with these permit requirements. As specified in Tennessee Code Annotated Section 39-16- 702(a)(4), this declaration is made under penalty of perjury."*

Records of SWPPP certifications shall be kept on site with the SWPPP and in accordance with the requirements of section PART IIA.9above of this permit.

## **2. SWPPP recordkeeping**

A copy of the SWPPP shall be retained on-site at the location which generates the stormwater discharge in accordance with section I.C.6 above of this permit. If the site is inactive or does not have an onsite location adequate to store the SWPPP, the location of the SWPPP, along with a contact phone number, shall be posted on site. If the SWPPP is located offsite, reasonable local access to the plan, during normal working hours, must be provided as described in section IV.B.3 below.

The permittee shall make updated plans and inspection reports available upon request to the director, local agency approving erosion prevention and sediment control plan, grading plans, or stormwater management plans, or the operator of an MS4.

## **3. Posting information at the construction site**

The permittee shall post a notice near the main entrance of the construction site accessible to the public with the following information:

- a. a copy of the cover page from this individual NPDES permit;
- b. name, company name, E-mail address (if available), telephone number and address of the project site owner or a local contact person;
- c. a brief description of the project; and
- d. the location of the SWPPP if the site is inactive or does not have an on-site location to store the plan.

The notice must be maintained in a legible condition. If posting this information near a main entrance is infeasible due to safety concerns, or not accessible to the public, the notice shall be posted in a local public building. This permit does not provide the public with any right to trespass on a construction site for any reason, including inspection of a site. This permit does not require that permittees allow members of the public access to a construction site.

### **C. REGISTERED ENGINEER OR LANDSCAPE ARCHITECT REQUIREMENT**

The narrative portion of the SWPPP must be prepared or updated by an individual that has a working knowledge of erosion prevention and sediment controls, such as (but not limited to) a Certified Professional in Erosion and Sediment Control (CPESC). The SWPPP must be prepared by a person who, at a minimum, has completed the department's Level II Design Principles for Erosion Prevention and Sediment Control for Construction Sites course. Any plans and specifications for any building or structure, including the design of sediment basins or other sediment controls involving structural, hydraulic, hydrologic or other engineering calculations, must be prepared by a licensed professional engineer or landscape architect and stamped and certified in accordance with the [Tennessee Code Annotated](#), Title 62, Chapter 2 (see part I.D above) and the rules of the [Tennessee Board of Architectural and Engineering Examiners](#). Engineering design of sediment basins and other sediment controls must be included in [SWPPPs](#) for construction sites involving drainage to an outfall totaling 10 or more acres (see subsection IV.E.3.c below) or 5 or more acres for receiving streams listed as impaired for siltation.

A licensed professional engineer or landscape architect shall perform quality assurance of erosion prevention and sediment controls by performing site assessments for construction areas described in the Part I.A of the permit. The site assessments shall be conducted once, not later than 30 days after construction activity had commenced. Site assessment(s) should be performed to verify the installation, functionality and performance of the EPSC measures described in the SWPPP. Site assessments should be performed with the site inspector, and should include a review and update (if applicable) of the field SWPPP. The site assessment findings shall be documented and the documentation kept with the field [SWPPP](#) at the site. At a minimum, an technical report including inspection requirements

outlined in E.8 with photographs, assessment of any failing or unmaintained EPSCs, causes of failure and any action necessary to bring the site into compliance with this permit. The documented quality assurance site assessments shall also indicate if all EPSCs have been installed as designed in the submitted SWPPP and EPSC plans; and, if not, measures that need to be taken so those EPSCs meet the design specifications in the field SWPPP and EPSC plans. The documentation must contain the printed name and signature of the individual performing the site assessment and the following certification:

"I certify under penalty of law that this report and all attachments are, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury."

Quality assurance site assessment can take the place of one of the twice weekly inspections requirement from subsection E.8. if the entire site is inspected during the assessment.

The division may require additional site assessments to be performed if site inspections by division personnel reveal site conditions that have potential of causing pollution to [waters of the state](#).

#### **D. KEEPING PLANS CURRENT**

The permittee must modify and update the SWPPP if any of the following are met:

- a. whenever there is a change in the scope of the project, which would be expected to have a significant effect on the discharge of pollutants to the waters of the state and which has not otherwise been addressed in the SWPPP;
- b. whenever inspections or investigations by site operators, local, state or federal officials indicate the SWPPP is proving ineffective in eliminating or significantly minimizing pollutants from sources identified under section IV.E.2 below of this permit, or is otherwise not achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity;
- c. to identify any new operator (typically contractor and/or subcontractor) as needed to reflect operational or design control that will implement a measure of the SWPPP (see section IV.B.1 above for certification requirements); and
- d. to include measures necessary to prevent a negative impact to legally protected state or federally listed fauna or flora (or species proposed for such protection). Amendments to the SWPPP may be reviewed by the division, a local MS4, the EPA or an authorized regulatory agency.



- e. Whenever a TMDL is developed for the receiving waters for a pollutant of concern (e.g., siltation and habitat alterations due to in-channel erosion).

Any modifications to sediment controls involving structural, hydraulic, hydrologic or other engineering calculations shall be prepared by a licensed professional engineer in accordance with the Tennessee Code Annotated, Title 62, Chapter 2 (see subpart I.D above) and the rules of the Tennessee Architectural and Engineering Examiners Board.

## **E. COMPONENTS OF THE SWPPP**

The SWPPP shall include the following items, as described in sections IV.E.1. to IV.E.10 below: site description, description of stormwater runoff controls, erosion prevention and sediment controls, stormwater management, description of the items needing control, approved local government sediment and erosion control requirements, maintenance, inspections, pollution prevention measures, and non-stormwater discharges and documentation of permit eligibility related to Total Maximum Daily Loads(TMDL). The SWPPP must:

- a. identify all potential sources of pollutants likely to affect the quality of stormwater discharges from the construction site,
- b. describe practices to be used to reduce pollutants in stormwater discharges from the construction site, and
- c. assure compliance with the terms and conditions of this permit.

### **1. Site description**

Each plan shall provide a description of pollutant sources and other information as indicated below:

- a. a description of all construction activities at the site (not just grading and street construction);
- b. the intended sequence of major activities which disturb soils for major portions of the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation, etc.);
- c. estimates of the total area of the site and the total area that is expected to be disturbed by excavation, grading, filling, or other construction activities;
- d. a description of the topography of the site including an estimation of the percent slope and the variation in percent slope found on the site; such estimation should be on a basis of a drainage area serving each outfall, rather than an entire project;
- e. An estimate of drainage area (acres) serving each outfall.

- f. any data describing the soil (data may be referenced or summarized) and how the soil type will dictate the needed control measures and the expected quality of any discharge from the site;
- g. an estimate of the runoff coefficient of the site after construction activities are completed and how the runoff will be handled to prevent erosion at the permanent outfall and receiving stream;
- h. an erosion prevention and sediment control plan of the site with the proposed construction area clearly outlined. The plan should indicate the boundaries of the permitted area, drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, an outline of areas which are not to be disturbed, the location of major structural and nonstructural controls identified in the SWPPP, the location of areas where stabilization practices are expected to occur, surface waters including wetlands, sinkholes, and careful identification on the site map of stormwater outfall points covered under this permit. The erosion control plan must meet the requirements stated in section IV.E.2 below;
- i. a description of any discharge associated with industrial activity other than construction stormwater that originates on site and the location of that activity and its permit number;
- j. identification of any stream or wetland on or adjacent to the project, a description of any anticipated alteration of these waters and the permit number or the tracking number of the Aquatic Resources Alteration Permit or Section 401 Certification issued for the alteration; identification of any stream or wetland on or adjacent to the project, a description of any anticipated alteration of these waters and the permit number or the tracking number of the [Aquatic Resources Alteration Permit](#) (ARAP) or Section 401 Certification issued for the alteration.
- k. the name of the receiving waters and identification if those receiving waters have unavailable parameters for siltation and habitat alterations due to in-channel erosion or are Exceptional Tennessee Waters. Identify and outline the buffer zones established to protect waters of the state located within the boundaries of the project;
- l. if only a portion of the total acreage of the construction site is to be disturbed, then the protections employed to limit the disturbance must be discussed, i.e., caution fence, stream side buffer zones, etc. Limits of disturbance shall be clearly marked in the SWPPP and areas to be undisturbed clearly marked in the field before construction activities begin.

## **2. Description of stormwater runoff controls**

The SWPPP shall include a description of appropriate erosion prevention and sediment controls and other Best Management Practices (BMPs) that will be implemented at the construction site. The SWPPP must clearly describe each major activity which disturbs soils for major portions of the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation, etc.):

- a. appropriate control measures and the general timing for the measures to be implemented during construction activities; and
- b. which operator is responsible for implementation of which controls.

The SWPPP must include erosion control drawings showing the approximate location of each control measure along with a description of the timing during the construction process for implementing each measure (e.g., prior to the start of earth disturbance, as the slopes are altered and after major grading is finished).

At least 3 separate EPSC plan sheets shall be developed. Three phases shall be identified. The first plan sheet should reflect the conditions and EPSC measures necessary to manage stormwater runoff, during the initial land disturbance (initial grading). The second plan sheet shall reflect the conditions and the EPSC measures necessary to manage stormwater runoff from interim land disturbance activities. The third plan sheet shall reflect the conditions and EPSC measures necessary to manage stormwater runoff, erosion and sediment at final grading.

The description and implementation of controls shall address the following minimum components, as described in sections IV.E.3, IV.E.4 and IV.E.5 below. Additional controls may be necessary to comply with subpart I.A above.

## **3. Erosion prevention and sediment controls**

- a. General criteria and requirements

Design, install and maintain effective erosion prevention and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to:

- i. Control stormwater volume and velocity to minimize soil erosion in order to minimize pollutant discharges;

- ii. Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points;
- iii. Minimize the amount of soil exposed during construction activity;
- iv. Minimize the disturbance of steep slopes;
- v. *Minimize sediment discharges from the site.* The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;
- vi. Provide and maintain natural buffers around waters of the United States, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible;
- vii. Minimize soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted; and
- viii. Unless infeasible, preserve topsoil. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed.
- ix. The construction-phase erosion prevention controls shall be designed to eliminate (or minimize if complete elimination is not possible) the dislodging and suspension of soil in water. Sediment controls shall be designed to retain mobilized sediment on site from a 2 year 24 hour storm event.
- x. The design, inspection and maintenance of Best Management Practices (BMPs) described in SWPPP must be prepared in accordance with good engineering practices and at a minimum shall be consistent with the recommendations contained in the current edition of the Tennessee Erosion and Sediment Control Handbook. In addition, all control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications (where applicable) and good engineering practices. All control measures selected must be able to slow runoff so that rill and gully formation is prevented. When steep slopes and/or fine particle soils are present at the site, additional physical or chemical treatment of stormwater runoff may be required. Proposed physical and/or chemical treatment must be researched and applied according to the manufacturer's guidelines and fully described in the SWPPP. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the permittee must replace or modify the control for relevant site situations.
- xi. If final or temporary vegetation is to be used as a control measure, then the timing of the planting of the vegetation cover must be discussed in the SWPPP.

Delay in planting cover vegetation until winter months or dry months should be avoided, if possible.

- xii. If sediment escapes the construction site, off-site accumulations of sediment that have not reached a stream must be removed at a frequency sufficient to minimize offsite impacts (e.g., fugitive sediment that has escaped the construction site and has collected in a street must be removed so that it is not subsequently washed into storm sewers and streams by the next rain and/or so that it does not pose a safety hazard to users of public streets). Permittees shall not initiate remediation/restoration of a stream without consulting the division first. This permit does not authorize access to private property. Arrangements concerning removal of sediment on adjoining property must be settled by the permittee with the adjoining landowner.
- xiii. Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and must be removed before design capacity has been reduced by 50% .
- xiv. Litter, construction debris, and construction chemicals exposed to stormwater shall be picked up prior to anticipated storm events or before being carried off of the site by wind (e.g., forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls, daily pick-up, etc.). After use, materials used for erosion prevention and sediment control, such as silt fence, should be removed or otherwise prevented from becoming a pollutant source for stormwater discharges.
- xv. Erodible material storage areas (including but not limited to overburden and stockpiles of soil, etc.) and borrow pits used primarily for the permitted project and which are contiguous to the site are considered a part of the site and shall be identified in the SWPPP.
- xvi. Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 10 days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.
- xvii. Clearing and grubbing must be held to the minimum necessary for grading and equipment operation. Existing vegetation at the site should be preserved to the maximum extent practicable.
- xviii. Construction must be sequenced to minimize the exposure time of graded or denuded areas.
- xix. Erosion prevention and sediment control measures must be in place and functional before earth moving operations begin, and must be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the workday, but must be replaced at the end of the workday.

- xx. Off-site vehicle tracking of sediments and the generation of dust shall be minimized. A stabilized construction access (a point of entrance/exit to a construction site) shall be described and implemented, as needed, to reduce the tracking of mud and dirt onto public roads by construction vehicles.
  - xxi. Permittees shall maintain a rain gauge and daily rainfall records at the site.
- b. Stabilization practices

Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permitting authority. Temporary or final soil stabilization at the construction site (or a phase of the project) must be completed no later than 15 days after the construction activity in that portion of the site has temporarily or permanently ceased. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed.

The SWPPP shall include a description of interim and final stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Site plans should comply with buffer zone requirements (see subsection IV.E.3.e below), if applicable, in which construction activities, borrow and/or fill are prohibited. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for final stabilization in lieu of a permanent vegetative cover should be avoided where practicable. No stabilization, erosion control or sediment treatment measures are to be installed in a stream without obtaining an Aquatic Resource Alteration Permit (ARAP).

Steep slopes (see subpart I.D. above) shall be stabilized not later than 7 days after construction activity on the slope has temporarily or permanently ceased.

Final stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other finally stable, non-eroding surface shall replace any temporary measures as soon as practicable. Unpacked gravel containing fines (silt and clay sized particles) or crusher runs will not be considered a non-eroding surface.

c. Structural practices

The SWPPP shall include a description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and discharge of pollutants from exposed areas of the site. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or final sediment basins. Structural controls shall not be placed in streams or wetlands except as authorized by a section 404 permit and/or Aquatic Resource Alteration Permit.

Erosion prevention and sediment control measures must be prepared in accordance with good engineering practices and the latest edition of the Tennessee Erosion and Sediment Control Handbook. In addition, erosion prevention and sediment controls shall be designed to minimize erosion and maximize sediment removal resulting from a 5-year, 24-hour storm (the design storm), as a minimum. When clay and other fine particle soils are present at the construction site, chemical treatment may be used to minimize amount of sediment being discharged.

For an on-site outfall that receives drainage from 10 or more acres, a minimum sediment basin volume that will provide treatment for a calculated volume of runoff from a 2 year, 24 hour storm and runoff from each acre drained, or equivalent control measures as specified in the Tennessee Erosion and Sediment Control Handbook, shall be provided until final stabilization of the site. Where an equivalent control measure is substituted for a sediment basin, the equivalency must be justified to the division. Runoff from any undisturbed acreage should be diverted around the disturbed area and the sediment basin. Diverted runoff can be omitted from the volume calculation. Sediment storage expected from the disturbed areas must be included and a marker installed signifying the need for cleanout of the basin.

All calculations of drainage areas, runoff coefficients and basin volumes must be provided in the SWPPP. The discharge structure from a sediment basin must be designed to retain sediment during the lower flows. Muddy water to be pumped from excavation and work areas must be held in settling basins or filtered or chemically treated prior to its discharge into surface waters. Water must be discharged through a pipe, well-grassed or lined channel or other equivalent means so that the discharge does not cause erosion and sedimentation. Discharged water must not cause an objectionable color contrast with the receiving stream.

d. Surface Outlets

When discharging from basins and impoundments, utilize outlet structures that only withdraw water from near the surface of the basin or impoundment.

e. Buffer Zones

A 60-foot natural riparian buffer zone adjacent to all waters of the state (e.g., perennial and intermittent streams, rivers, lakes, wetlands) at the construction site shall be preserved, to the maximum extent practicable, during construction activities at the site. . The water quality riparian [buffer](#) is required to protect [waters of the state](#) that are not wet weather conveyances (e.g., perennial and intermittent streams, rivers, lakes, wetlands) located within or immediately adjacent to the boundaries of the project, as identified using Tennessee's standard operating procedures for hydrologic determinations set forth in Tennessee Rule [0400-40-03.05\(9\)](#)., or as determined by the director. Buffer zones are not sediment control measures and should not be relied as such. However, the primary purpose of water quality riparian buffers is additional pollutant removal. Stormwater discharges must enter the water quality riparian buffer zone as sheet flow, not as concentrated flow, where site conditions allow. Rehabilitation and enhancement of a natural buffer zone is encouraged, if necessary, for improvement of its effectiveness of protection of the waters of the state.

The natural buffer zone should be established between the top of stream bank and the disturbed construction area. The 60-foot criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than 30 feet at any measured location. If the construction site encompasses both sides of a stream, buffer averaging can be applied to both sides, but must be applied independently.

Every attempt should be made for construction activities not to take place within the buffer zone. BMPs providing equivalent protection to a receiving stream as a natural riparian zone may be used at a construction site. Such equivalent BMPs shall be designed to be as effective in protecting the receiving stream from effects of stormwater runoff as a natural buffer zone. A justification for use and a design of equivalent BMPs shall be included in the SWPPP. Such equivalent BMPs are expected to be routinely used at construction projects typically located adjacent to surface waters. These projects include, but are not limited to: sewer line construction, roadway construction, utility line or equipment installation, greenway construction, construction of a permanent outfall or a velocity dissipating structure, etc.



This requirement does not apply to an area that is being altered under the authorization of a valid Aquatic Resource Alteration Permit (ARAP), or equivalent permits issued by federal authorities. Additional natural buffer zone requirements may be established by the local MS4 program.

f. Buffer zone exemption based on existing uses

Buffer zones as described in subsection IV.E.3.e above shall not be required to portions of the buffer where certain land uses exist and are to remain in place according to the following:

- i. A use shall be considered existing if it was present within the buffer zone as of the date of the permit application. Existing uses shall include, but not be limited to, buildings, parking lots, roadways, utility lines and on-site sanitary sewage systems. Only the portion of the buffer zone that contains the footprint of the existing land use is exempt from buffer zones. Activities necessary to maintain uses are allowed provided that no additional vegetation is removed from the buffer zone.
- ii. If an area with an existing land use is proposed to be converted to another use or the impervious surfaces located within the buffer area are being removed, buffer zone requirements shall apply.

g. Dewatering

Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

Appropriate controls include, but are not limited to, weir tank, dewatering tank, gravity bag filter, sand media particulate filter, pressurized bag filter, cartridge filter or other control units providing the level of treatment necessary to comply with permit requirements.

#### **4. Stormwater management**

The SWPPP shall include a description of measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed.

This permit only addresses the installation of stormwater management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed, the site has undergone final stabilization, and the permit has

been terminated. All permittees are encouraged to limit the amount of post construction runoff, if not required by local building regulations or local MS4 program requirements, in order to minimize in-stream channel erosion in the receiving stream.

Construction stormwater runoff management practices may include: stormwater detention structures (including wet ponds); stormwater retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices).

Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (no significant changes in the hydrological regime of the receiving water). The SWPPP shall include an explanation of the technical basis used to select the practices to control pollution that exceed pre-development levels. The Tennessee Erosion and Sediment Control Handbook provides measures that can be incorporated into the design or implemented on site to decrease erosive velocities. An Aquatic Resources Alteration Permit (ARAP) may be required if such velocity dissipation devices installed would alter the receiving stream and/or its banks.

## **5. Other items needing control**

- a. No solid materials, including building materials, shall be placed in waters of the state, except as authorized by a section 404 permit and/or Aquatic Resource Alteration Permit.
- b. Off-site vehicle tracking of sediments and the generation of dust shall be minimized. A stabilized construction access (a point of entrance/exit to a construction site) shall be described and implemented, as needed, to reduce the tracking of mud and dirt onto public roads by construction vehicles.
- c. For installation of any waste disposal systems on site, or sanitary sewer or septic system, the SWPPP shall identify these systems and provide for the necessary controls. Permittees must also comply with applicable state and/or local waste disposal, sanitary sewer or septic system regulations for such systems to the extent these are located within the permitted area.
- d. The SWPPP shall include a description of construction and waste materials expected to be stored on-site. The SWPPP shall also include a description of controls used to reduce pollutants from materials stored on site, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.

- e. The SWPPP shall include a description of stormwater sources from areas other than construction and a description of controls and measures that will be implemented at those sites.
- f. A description of measures necessary to prevent “taking” of legally protected state or federal listed threatened or endangered aquatic fauna and/or critical habitat (if applicable). The permittee must describe and implement such measures to remain in compliance with this permit.

## **6. Approved local government sediment and erosion control requirements**

The permittees should comply with any additional erosion prevention, sediment controls and stormwater management measures required by a local municipality or permitted MS4 program.

## **7. Maintenance**

The SWPPP shall describe procedures to ensure that vegetation, erosion and sediment control measures, buffer zones, and other protective measures identified in the site plan are kept in good and effective operating condition. Maintenance needs identified in inspections or by other means shall be accomplished before the next storm event, but in no case more than seven days after the need is identified.

## **8. Inspections and Site Assessments**

- a. Inspector training and certification

Inspectors performing the required twice weekly inspections must have at least one of the following qualifications:

- a valid certification from the [“Fundamentals of Erosion Prevention and Sediment Control Level I”](#) course,
- a licensed professional engineer or landscape architect,
- a Certified Professional in Erosion and Sediment Control (CPESC), or
- successfully completed the “Level II Design Principles for Erosion Prevention and Sediment Control for Construction Sites” course. an active certification by completing the “Fundamentals of Erosion Prevention and Sediment Control Level I” course. An engineer that prepared the drainage and structure design portion of the SWPPP must also have successfully completed the “Fundamentals of Erosion Prevention and Sediment Control Level II” course if they are to conduct the required inspections. A copy of the certification or training record for inspector certification should be kept on site.

- b. Schedule of inspections
- i. Inspections described in paragraphs ii, iii, and iv below, shall be performed at least twice every calendar week. Inspections shall be performed at least 72 hours apart. Where sites or portion(s) of construction sites have been temporarily stabilized, or runoff is unlikely due to winter conditions (e.g., site covered with snow or ice), such inspection only has to be conducted once per month until thawing results in runoff or construction activity resumes. Inspections requirements do not apply to definable areas that have been finally stabilized, as described in subpart IV.A above. Written notification of the intent to conduct only monthly inspections and the justification for such request must be submitted to the Jackson Environmental Field Office. Should the division discover that monthly inspections of the site are not appropriate due to insufficient stabilization measures or otherwise, twice weekly inspections shall resume. The division may inspect the site to confirm or deny the notification to conduct monthly inspections.
  - ii. Qualified personnel (provided by the permittee) shall inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, locations where vehicles enter or exit the site, and each outfall.
  - iii. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the site's drainage system. Erosion prevention and sediment control measures identified in the SWPPP shall be observed to ensure that they are operating correctly.
  - iv. Outfalls and their structures shall be inspected to determine whether erosion prevention and sediment control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby down-stream locations shall be inspected. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.
  - v. Based on the results of the inspection, any inadequate control measures or control measures in disrepair shall be replaced or modified, or repaired as necessary, before the next rain event if possible, but in no case more than seven days after the need is identified.

- vi. Based on the results of the inspection, the site description identified in the SWPPP in accordance with section IV.E.1 above of this permit and pollution prevention measures identified in the SWPPP in accordance with section IV.E.2 above of this permit shall be revised as appropriate, but in no case later than seven days following the inspection. Such modifications shall provide for timely implementation of any changes to the SWPPP, but in no case later than 14 days following the inspection.
- vii. Inspections and site assessments shall be documented and include the scope of the inspection/site assessment, name(s) and title of personnel making the inspection/site assessment, the date(s) of the inspection/site assessment, major observations relating to the implementation of the SWPPP (including the location(s) of discharges of sediment or other pollutants from the site and of any control device that failed to operate as designed or proved inadequate for a particular location), and actions taken in accordance with section IV.E.8 above of this permit. Inspection/site assessment documentation will be maintained on site and made available upon request. Inspection/site assessment reports must be submitted to the division within 10 days of the request.

c. Inspection Certification

The permittee must certify on a bi-weekly basis: i. that the twice weekly inspections of erosion and sediment controls and of outfall points were performed; and ii. whether or not all planned and designed erosion prevention and sediment controls are installed and in working order. The following certification shall be made:

*"I certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision. The submitted information is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury."*

The record of certifications must be kept at the construction site with a copy of the SWPPP. For record retention requirements, see section I.C.6 above.

## **9. Pollution prevention measures**

The permittee must design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:

- a. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
- b. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater and
- c. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

## **10. Non-stormwater discharges**

Sources of non-stormwater discharges, as listed below, that are combined with stormwater discharges associated with construction activity must be identified in the SWPPP. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge. Any non-stormwater must be discharged through stable discharge structures.

The following non-stormwater discharges are authorized by this permit provided the non-stormwater component of the discharge is in compliance with this section (Non-stormwater discharges):

- a. dewatering of work areas of collected stormwater and ground water;
- b. waters used to wash vehicles (of dust and soil, not process materials such as oils, asphalt or concrete) where detergents are not used and detention and/or filtering is provided before the water leaves site;
- c. water used to control dust in accordance with section IV.E.5 above;
- d. potable water sources including waterline flushings from which chlorine has been removed to the maximum extent practicable;
- e. routine external building washdown which does not use detergents or other chemicals;

- f. uncontaminated groundwater or spring water; and
- g. foundation or footing drains where flows are not contaminated with pollutants (process materials such as solvents, heavy metals, etc.).

All non-stormwater discharges authorized by this permit must be free of sediment or other solids and must not cause erosion of soil or the stream bank, or result in sediment impacts to the receiving stream.

Documentation of permit eligibility related to Total Maximum Daily Loads ([TMDL](#))

The [SWPPP](#) must include documentation supporting a determination of permit eligibility with regard to waters that have an approved [TMDL](#) for a pollutant of concern, including:

- a. the discharge is identified, either specifically or generally, in an approved [TMDL](#) and any associated wasteload allocations, site-specific requirements and assumptions identified for the construction stormwater discharge;
- b. summaries of consultations with the division on consistency of [SWPPP](#) conditions with the approved [TMDL](#), and
- c. measures taken to ensure that the discharge of [TMDL](#) identified pollutants from the site inconsistent with the assumptions and requirements of the approved [TMDL](#), including any specific wasteload allocation that has been established that would apply to the construction stormwater discharge.

## **ADDENDUM TO RATIONALE AT PERMIT ISSUE**

---

### **State of Tennessee Real Estate Asset Management (STREAM)**

#### **Division**

**NPDES PERMIT NO. TN0082392**

**Tiptonville, Lake County, Tennessee**

**Permit Writer: Wade Murphy for Vojin Janjic**

**July 5, 2023**

The Division issues the final permit in consideration of telephone comment received of Croy Engineering, in Chattanooga, TN (Russell Moorhead, P.E.), on July 5, 2023. The final permit removes proposed Outfalls (work areas) SW02 (Lovett's Boat Landing) and SW04 (Long Park Landing) from Page 2 of the permit. Croy Engineering explained that these locations are shown for location reference on the map included in Appendix 2 below, but that the construction contract will have no construction activities at either of these two locations. The SWPPP received with the permit application only develops best management practices for six work areas identified as Keystone, Blue Bank, Kiwanis, Cabins, South Campground and Kirby Pocket. The Division leaves the remaining work areas as numbered in the proposed permit. Therefore, compliance tracking will be measured at work areas identified as Outfalls SW01, SW03, and SW05 through SW08.

For clarification, the monthly, visual inspection at these six work areas (outfalls) for visual pollutants on Page 2 of the permit is neither a relaxation of the twice weekly inspection requirement in the SWPPP nor an additional inspection requirement. The Division recognizes that work may not occur at a work area for an entire month. If any work does occur at a work area during a month, then at least one visual inspection is required that month. When work occurs for an entire month, the permittee will report "Y" if any of the twice weekly inspections noted visual pollutants. If no work occurs at a work area during a calendar month, the permittee will report "no discharge" for that outfall that month.

This addendum effectively amends the draft permit rationale below which remains unchanged for reference.



## RATIONALE

### **State of Tennessee Real Estate Asset Management (STREAM)**

#### **Division**

**NPDES PERMIT NO. TN0082392**  
**Tiptonville, Lake County, Tennessee**  
**Permit Writer: Vojin Janjic**

#### **I. DISCHARGER**

**State of Tennessee Real Estate Asset Management (STREAM) Division**  
**2595 Highway 21 East**  
**Tiptonville, Lake County, Tennessee**  
**Site Longitude: -89.4427 Site Latitude: 36.363**

**Official Contact Person: Ozlem Karakas, Development Manager**  
**[ozlem.karakas@tn.gov](mailto:ozlem.karakas@tn.gov)**

**Nature of Business:**  
**project to reduce erosion that is occurring along the shoreline**

**SIC Code(s): 1629 – Heavy Construction, NEC**  
**Industrial Classification: Secondary Industry with ELGs**  
**Discharger Rating: I (minor)**

#### **II. PERMIT STATUS**

**New permit**

#### **Watershed Scheduling**

**Environmental Field Office: Jackson**  
**Hydrocode: 08010202 Watershed Group: 5**  
**Watershed Identification: Obion**  
**Target Reissuance Year: 2025**

### III. FACILITY DISCHARGES AND RECEIVING WATERS

State of Tennessee Real Estate Asset Management (STREAM) Division is the operator for this project. The project located both in Lake and Obion counties is focused on specific areas around Reelfoot Lake, specifically Blue Basin. Overtime, wave action from the lake has eroded the shoreline near camping and fishing areas. The existing concrete walls are also failing, which is increasing the amount of erosion as water is getting behind the walls.

The proposed design solution includes the replacement of portions of the existing concrete seawall with the sheet pile wall and concrete cap. The purpose of the sheet pile wall is to stabilize the shoreline. The proposed design also includes the addition of rip rap and native vegetation along portions of the shoreline of Reelfoot Lake. The addition of rip rap and native vegetation will help reduce erosion along the shoreline.

Croy Engineering, LLC prepared the storm water pollution prevention plan (SWPPP) for this project with the understanding that Reelfoot Lake is designated as an outstanding national resource water. The purpose of the project and the design prepared by Croy Engineering, LLC, as stated above, is to reduce erosion that is occurring along the shoreline in certain areas of Reelfoot Lake State Park. Design of the project ensures it will not result in either measurable degradation or discernible negative effect to the lake.

Due to the shoreline nature of this project, in lieu of outfalls, the construction area will be regulated according to **work areas (zones)** identified in the SWPPP. Specifically, work areas were identified as Keystone, Lovett's Boat Landing, Blue Bank, Long Park Landing, Kiwanis (Eagle Basin), Cabins, South Campground and Kirby Pocket. Each of work areas has been assigned a corresponding outfall alphanumeric designator:

Work Area	Outfall Designator
Keystone	SW01
Lovett's Boat Landing	SW02
Blue Bank	SW03
Long Park Landing	SW04
Kiwanis (Eagle Basin)	SW05
Cabins	SW06
South Campground	SW07
Kirby Pocket	SW08

Consequently, visual observations regarding objectionable color contrast and floating material will be used to ensure no measurable degradation of the Reelfoot Lake from these work areas.

#### **IV. APPLICABLE EFFLUENT LIMITATIONS GUIDELINES**

The Standard Industrial Classification (SIC) code for the construction of the State of Tennessee Real Estate Asset Management (STREAM) Division is 1629 (Heavy Construction, Not Elsewhere Classified). Construction stormwater discharged through Outfalls SW01 – SW 08 is regulated by 40 CFR Part 450 (Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category). Subpart B of the Effluent Guideline contains both narrative and numeric requirements. However, on November 5, 2010, EPA published the “Direct Final Rule Staying Numeric Limitation for the Construction and Development Point Source Category,” which stayed 40 CFR 450.22(a) and (b) indefinitely.

#### **V. PREVIOUS PERMIT LIMITS AND MONITORING REQUIREMENTS**

Since this permit is the result of a new permit application, no previous permit limits have been established.

#### **VI. HISTORICAL MONITORING AND INSPECTION**

This permit is the result of a new permit application. No historical monitoring or inspection records exist.

#### **VII. NEW PERMIT LIMITS AND MONITORING REQUIREMENTS**

The new permit will contain a Stormwater Pollution Prevention Plan (SWPPP) developed to regulate stormwater runoff. This SWPPP is meant to ensure that runoff from the site is not a significant source of pollution to the receiving stream. The discharger has developed and submitted for review a SWPPP pursuant to the requirements as set forth in the General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, Part 3, “Stormwater Pollution Prevention Plan (SWPPP) Requirements”, as included in Part IV of this permit.

The Division is not assigning limits at this time since it is the intent of the division that the permittee institutes their SWPPP in order to minimize the discharge of pollutants from their stormwater runoff point source discharge outfalls. It is the opinion of the division that the best method for dealing with potential pollution associated with stormwater discharges from the State of Tennessee Real Estate Asset Management (STREAM) Division facility is through implementation of an aggressive SWPPP, coupled with discharge monitoring to verify the effectiveness of their Best Management Practices (BMPs). Monitoring of stormwater runoff point source discharges from all outfalls will be required for Flow, Total Suspended Solids (TSS), Turbidity, and Visual Observations. APPENDIX 2 lists all proposed effluent limitations and monitoring requirements to be included in the new permit.

The effectiveness of State of Tennessee Real Estate Asset Management (STREAM) Division's SWPPP will be investigated after the results of the stormwater runoff point source discharge monitoring have been submitted. At that time, should the results so dictate, the division maintains the authority to institute specific numeric limitations for the monitored parameters.

### **Visual Observations**

According to the State of Tennessee Water Quality Standards for the protection of Fish & Aquatic Life [Tennessee Rule 0400-40-3-.03(3)(c)], there shall be no distinctly visible solids, scum, foam, oily slick, or the formation of slimes, bottom deposits or sludge banks of such size or character that may be detrimental to fish and aquatic life in the receiving stream. Sample type will be visual.

### **IX. ANTIDegradation**

Tennessee's Antidegradation Statement is found in the Rules of the Tennessee Department of Environment and Conservation, Tennessee Rule 0400-40-3-.06. It is the purpose of Tennessee's standards to fully protect existing uses of all surface waters as established under the Act.

Stream determinations for this permit action are associated with the waterbody segment identified by the division as segment ID# TN08010202040\_1000. The Water Quality Control Board has made a stream determination of the receiving waters associated with the subject discharge(s) and has designated the (stream or river) to be an ONRW water. No new discharge, expansion will be allowed unless 1) existing ONRW water quality conditions will continue to be met or exceeded; or 2) no permanent degradation of water quality will result.

The department has maintained, and shall continue to assess, the water quality of the stream to assure that the water quality is adequate to protect the existing uses of the stream fully, and to assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint source control.

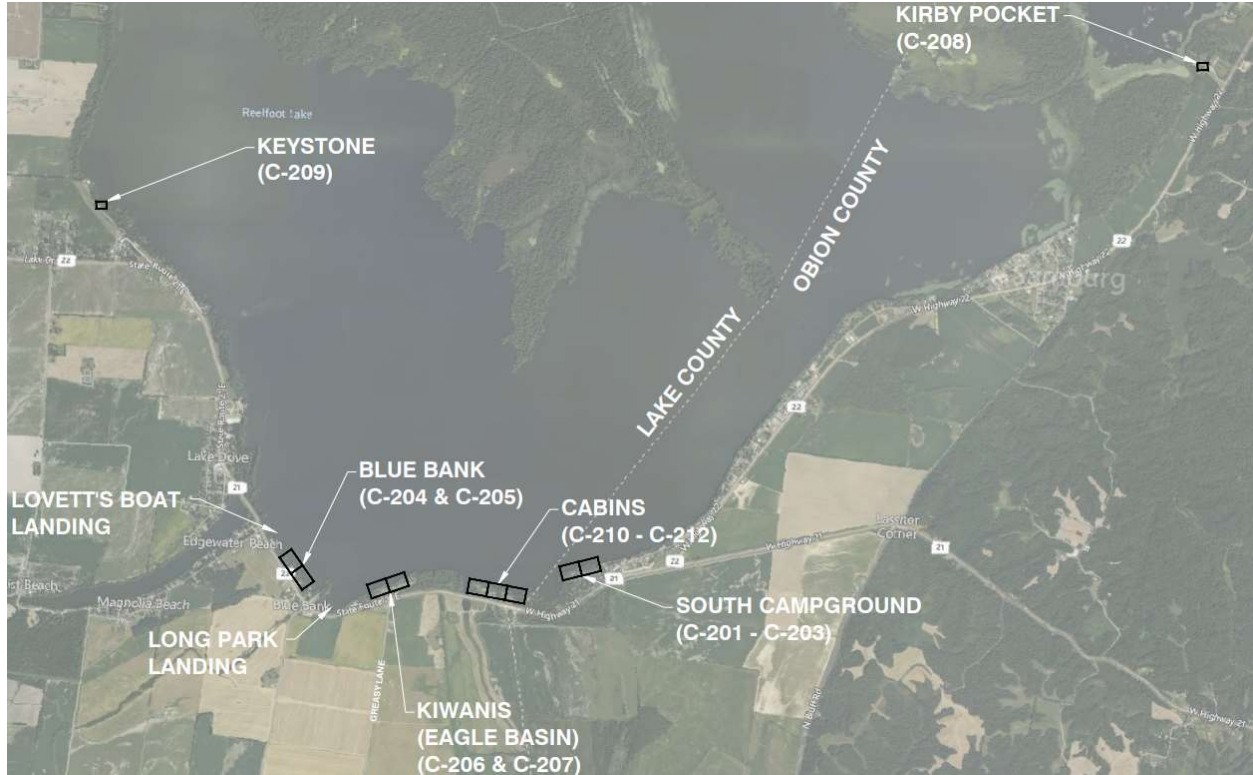
No TMDLs have been developed and approved for this waterbody segment.

### **X. PERMIT DURATION**

The proposed limitations meet the requirements of Section 301(b)(2)(A), (C), (D), (E), and (F) of the Clean Water Act as amended. It is the intent of the division to organize the

future issuance and expiration of this particular permit such that other permits located in the same watershed and group within the State of Tennessee will be set for issuance and expiration at the same time. In order to meet the target reissuance date for the watershed and following the directives for the Watershed Management Program initiated in January, 1996, the permit will be issued to expire in 2025.

## APPENDIX 1 - FACILITY DISCHARGES AND RECEIVING WATERS



## APPENDIX 2 – NEW PERMIT LIMITS AND MONITORING REQUIREMENTS

<b>Description: External Outfalls</b> <b>Outfall Numbers: SW01, SW02, SW03, SW04, SW05, SW06, SW07 and SW08 *</b> <b>Monitoring: Effluent (visual)</b> <b>Season: All Year</b>							
Code	Parameter	Qualifier	Value	Unit	Sample Type	Monitoring Frequency	Statistical Base
45613	Floating solids or visible foam-visual	Report	-	Y=1;N=0	Visual	Monthly	Value

\* See work areas and assigned corresponding outfall alphanumeric designators below

Work Area	Outfall Designator
Keystone	SW01
Lovett's Boat Landing	SW02
Blue Bank	SW03
Long Park Landing	SW04
Kiwanis (Eagle Basin)	SW05
Cabins	SW06
South Campground	SW07
Kirby Pocket	SW08