



TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DIVISION OF WATER RESOURCES (DWR)

William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 11th Floor

Nashville, TN 37243

Toll Free Number: 1-888-891-8332 (TDEC)

**NOTICE OF INTENT (NOI) FOR GENERAL NPDES PERMIT FOR
STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES (TNR100000)**

Site or Project Name: Phase 14 Development		NPDES Tracking Number: TNR	
Street Address including city or zip code or Location: River Gorge Drive, Chattanooga, 37419		Construction Start Date: 6/1/2022	
		Estimated End Date: 6/1/2023	
Site Description: Roadway construction & residential development		Latitude (dd.dddd): 35.0018	
		Longitude (-dd.dddd): -85.4239	
County(ies): Hamilton	MS4 Jurisdiction (if applicable): Chattanooga	Acres Disturbed: 32	
		Total Acres: 32	
Are there any streams <input type="checkbox"/> and/or wetlands <input type="checkbox"/> on or adjacent to the construction site? If wetlands are located on-site and may be impacted, attach wetlands delineation report. If an Aquatic Resource Alteration Permit has been obtained for this site, what is the permit number? ARAP Number: N/A			
Receiving waters: Unnamed tributary to Black Creek; Obar Branch; Wauhatchie Branch; Pope Creek			
Include the SWPPP with the NOI <input checked="" type="checkbox"/> SWPPP Included		Include a site location map <input checked="" type="checkbox"/> Map Included	

Name of Site Owner or Developer (Site-Wide Permittee): (correct legal name of person, company, or entity that has operational or design control over construction plans and specifications) MBSC Black Creek			
For corporate entities only, provide the Tennessee Secretary of State (SOS) Control Number: 000656867			
Site Owner or Developer Contact Name: (individual responsible for site) Andrew Stone		Title or Position: (the party who signs the certification below): Managing Partner	
Mailing Address: 4700 Cummings Cove Drive		City: Chattanooga	State: TN Zip: 37419
Phone: () 518-331-2124		E-mail: astone@blackcreekliving.com	


Optional Contact Name:		Title or Position:	
Mailing Address:		City:	State: Zip:
Phone: ()		E-mail:	

Owner or Developer Certification: (must be signed by president, vice-president or equivalent, or ranking elected official) (Primary Permittee)
MBSC Black Creek

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted 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 for knowing violations.

Owner or Developer Name: (print or type)
Andrew M Stone

Signature:



Date:

4/25/22

Contractor(s) Certification: (must be signed by president, vice-president or equivalent, or ranking elected official) (Secondary Permittee)

I certify under penalty of law that I have reviewed this document, any attachments, and the SWPPP referenced above. Based on my inquiry of the construction site owner/developer identified above and/or my inquiry of the person directly responsible for assembling this NOI and SWPPP, I believe the information submitted is accurate. I am aware that this NOI, if approved, makes the above-described construction activity subject to NPDES permit number TNR100000, 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, and for failure to comply with these permit requirements.

Primary contractor name, address, and SOS control number
(if applicable): (print or type)

Brown Bros, Inc. 6735 Ringgold Rd, Chattanooga, TN 37412

Signature:



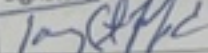
Date:

4/26/22

Primary contractor name, address, and SOS control number
(if applicable): (print or type)

Doltawah Clearing and Grinding 5200 Bell Ridge Dr, Apison, TN 37302

Signature:



Date:

7/28/22

Primary contractor name, address, and SOS control number
(if applicable): (print or type)

Signature:

Date:

NOTICE OF INTENT (NOI) FOR GENERAL NPDES PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES (TNR100000)

Purpose of this form - A completed notice of intent (NOI) must be submitted to obtain coverage under the Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activity (permit). **Requesting coverage under this permit means that an applicant has obtained and examined a copy of this permit, and thereby acknowledges applicant's claim of ability to be in compliance with permit terms and conditions.** This permit is required for stormwater discharge(s) from construction activities including clearing, grading, filling and excavating (including borrow pits) of one or more acres of land. This form should be submitted at least 30 days prior to the commencement of land disturbing activities, or no later than 48 hours prior to when a new operator assumes operational control over site specifications or commences work at the site.

The appropriate permit application fee must accompany the NOI and is based on total acreage to be disturbed by an entire project, including any associated construction support activities (e.g., equipment staging yards, material storage areas, excavated material disposal areas, borrow or waste sites):

(i) Projects equal to or greater than 150 acres	\$10,000
(ii) Projects equal to or greater than 50 acres and less than 150 acres	\$6,000
(iii) Projects equal to or greater than 20 acres and less than 50 acres	\$3,000
(iv) Projects equal to or greater than 5 acres and less than 20 acres	\$1,000
(v) Projects equal to or greater than 1 acre and less than 5 acres	\$250
(vi) Projects seeking subsequent coverage under an actively covered larger common plan of development or sale	\$100

There is no fee for sites less than 1 acre. A separate annual maintenance fee is also required for construction activities that exceed 1 year under general permit coverage. Tennessee Rules, Chapter 0400-40-11-.02(b)(12)).

Who must submit the NOI form? Per Section 2 of the permit, all site operators must submit an NOI form. "Operator" for the purpose of this permit and in the context of stormwater associated with construction activity means any person associated with a construction project who meets either or both of the following two criteria: (1) The person has operational or design control over construction plans and specifications, including the ability to make modifications to those plans and specifications. This person is typically the owner or developer of the project or a portion of the project (e.g. subsequent builder), or the person that is the current landowner of the construction site. This person is considered the primary permittee; or (2) The person 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. This person is typically a contractor or a commercial builder who is hired by the primary permittee and is considered a secondary permittee.

Owners, developers and all contractors that meet the definition of the operator in subsection 2.2 of the permit shall apply for permit coverage on the same NOI, insofar as possible. After permit coverage has been granted to the primary permittee, any separate or subsequent NOI submittals must include the site's previously assigned permit tracking number and the project name. The site-wide site-specific SWPPP shall be prepared in accordance with the requirements of part 5 of the permit and must be submitted with the NOI unless the NOI being submitted is to only add a contractor (secondary permittee) to an existing coverage. Artificial entities (e.g., corporations or partnerships excluding entities not required to register) must submit the TN Secretary of State, Division of Business Services, control number. The Division reserves the right to deny coverage to artificial entities that are not properly registered and in good standing with the TN Secretary of State.

Notice of Coverage - The division will review the NOI for completeness and accuracy and prepare a notice of coverage (NOC). Stormwater discharge from the construction site is authorized as of the effective date of the NOC.

Complete the form - Type or print clearly, using ink and not markers or pencil. Answer each item or enter "NA," for not applicable, if a particular item does not fit the circumstances or characteristics of your construction site or activity. If you need additional space, attach a separate piece of paper to the NOI form. **The NOI will be considered incomplete without a permit fee, a map, and the SWPPP.**

Describe and locate the project - Use the legal or official name of the construction site. If a construction site lacks street name or route number, give the most accurate geographic information available to describe the location (reference to adjacent highways, roads and structures; e.g. intersection of state highways 70 and 100). Latitude and longitude (expressed in decimal degrees) of the center of the site can be located on USGS quadrangle maps. The maps can be obtained at the USGS World Wide Web site: <http://www.usgs.gov/>; latitude and longitude information can be found at numerous other web sites. Attach a copy of a portion of a 7.5 minute topographic map, a city map, or a county map showing location of site, with boundaries at least one mile outside the site boundaries. Provide estimated starting date of clearing activities and completion date of the project, and an estimate of the number of acres of the site on which soil will be disturbed, including borrow areas, fill areas, stockpiles and the total acres. For linear projects, give location at each end of the construction area.

Give name of the receiving waters - Trace the route of stormwater runoff from the construction site and determine the name of the river(s), stream(s), creek(s), wetland(s), lake(s) or any other water course(s) into which the stormwater runoff drains. Note that the receiving water course may or may not be located on the construction site. If the first water body receiving construction site runoff is unnamed ("unnamed tributary"), determine the name of the water body that the unnamed tributary enters.

An ARAP may be required - **If your work will disturb or cause alterations of a stream or wetland, you must obtain an appropriate Aquatic Resource Alteration Permit (ARAP).** If you have a question about the ARAP program, contact your local Environmental Field Office (EFO).

Submitting the form and obtaining more information - Note that this form must be signed by the company President, Vice-President, or a ranking elected official in the case of a municipality, for details see subpart 2.5. For more information, contact your local EFO at the toll-free number 1-888-891-8332 (TDEC). Submit the completed NOI form (keep a copy for your records) to the appropriate EFO for the county(ies) where the construction activity is located, addressed to **Attention: Stormwater NOI Processing** or use MyTDEC Forms for electronic submittal.

EFO	Street Address	Zip Code	EFO	Street Address	Zip Code
Memphis	8383 Wolf Lake Drive, Bartlett	38133-4119	Cookeville	1221 South Willow Ave.	38506
Jackson	1625 Hollywood Drive	38305-4316	Chattanooga	1301 Riverfront Parkway, Suite 206	37402-2013
Nashville	711 R S Gass Boulevard	37243	Knoxville	3711 Middlebrook Pike	37921
Columbia	1421 Hampshire Pike	38401	Johnson City	2305 Silverdale Road	37601

FW: [Ext] Re: [EXTERNAL] Re: Black Creek Ph. 14 Clearing and Grubbing

Jennifer Innes <Jennifer.Innes@tn.gov>

Thu 7/28/2022 12:11 PM

To: Cali Dobbins <Cali.Dobbins@tn.gov>

📎 1 attachments (260 KB)

11605-14_CN-0940 NOI Form CGP 2021-Ooltewah.pdf;

From: Wasson, Melissa <mwasson@LaBellaPC.com>

Sent: Thursday, July 28, 2022 12:01 PM

To: Andrew Stone <astone@blackcreekliving.com>; Jason Dees <Jason.Dees@tn.gov>

Cc: Flanagan, Michael <mflanagan@LaBellaPC.com>; Jamon Bass <jbass@chattanooga.gov>; Jennifer Innes <Jennifer.Innes@tn.gov>; Jeremy Swilley <jswilley@chattanooga.gov>; Matt Glenn <mrglenn@chattanooga.gov>; Rush Luhowiak <rush@blackcreekliving.com>

Subject: RE: [Ext] Re: [EXTERNAL] Re: Black Creek Ph. 14 Clearing and Grubbing

Jason,

Attached is a revised NOI signed by Ooltewah.

Thanks,

Melissa Wasson, EIT

LaBella Associates | Civil Engineer

518-266-7339 **direct**

518-273-0055 **office**

Your Chazen team under a new name!

**Please note new email address*

From: Andrew Stone <astone@blackcreekliving.com>

Sent: Wednesday, July 27, 2022 1:56 PM

To: Jason Dees <Jason.Dees@tn.gov>

Cc: Flanagan, Michael <mflanagan@labellapc.com>; Jamon Bass <jbass@chattanooga.gov>; Jennifer Innes <jennifer.innes@tn.gov>; Jeremy Swilley <jswilley@chattanooga.gov>; Matt Glenn <mrglenn@chattanooga.gov>; Rush Luhowiak <rush@blackcreekliving.com>; Wasson, Melissa <mwasson@labellapc.com>

Subject: [Ext] Re: [EXTERNAL] Re: Black Creek Ph. 14 Clearing and Grubbing

Jason

We will update this ASAP.

Thanks andy

On Wed, Jul 27, 2022 at 13:55 Jason Dees <Jason.Dees@tn.gov> wrote:

Andrew – Ooltewah Clearing and Grading is not shown as a secondary permittee on the NOCs for Black Creek. That means they don't have coverage under the construction general permit and should not be operating onsite. Please submit a Notice of Intent to add OCG as a secondary permittee and we will produce an updated NOC with them on it. Once you have that updated NOC, OCG may operate onsite under coverage of the CGP. You may submit the updated NOI to me by email. Please let me know if you have any questions. Thank you,



Jason Dees | Environmental Consultant

Division of Water Resources/Chattanooga Environmental Field Office

[1301 Riverfront Parkway, Suite 206](#)

[Chattanooga, TN 37402](#)

p. 423-497-6125

Jason.Dees@tn.gov

tn.gov/environment

From: Andrew Stone <astone@blackcreekliving.com>

Sent: Wednesday, July 27, 2022 1:44 PM

To: Jason Dees <Jason.Dees@tn.gov>

Cc: Flanagan, Michael <mflanagan@labellapc.com>; Jamon Bass <jbass@chattanooga.gov>; Jennifer Innes <Jennifer.Innes@tn.gov>; Jeremy Swilley <jswilley@chattanooga.gov>; Matt Glenn <mrglenn@chattanooga.gov>; Rush Luhowiak <rush@blackcreekliving.com>; Wasson, Melissa <mwasson@labellapc.com>

Subject: Re: [EXTERNAL] Re: Black Creek Ph. 14 Clearing and Grubbing

Jason

Sure it Ootah Clearing and Grading. Brown in finishing their work over on phase 13 which is adjacent to this and has not started the grading work on Phase 14.

Thanks
Andy

On Wed, Jul 27, 2022 at 13:42 Jason Dees <Jason.Dees@tn.gov> wrote:

Andrew – You mentioned Brown Brothers is not active onsite yet. Can you tell me who is doing the work shown in the photos? Thank you,



Jason Dees, | Environmental Consultant
Division of Water Resources/Chattanooga Environmental Field Office
[1301 Riverfront Parkway, Suite 206](https://www.tn.gov/environment)
[Chattanooga, TN 37402](https://www.tn.gov/environment)
p. 423-497-6125
Jason.Dees@tn.gov
[tn.gov/environment](https://www.tn.gov/environment)

From: Andrew Stone <astone@blackcreekliving.com>
Sent: Wednesday, July 27, 2022 1:30 PM
To: Jennifer Innes <Jennifer.Innes@tn.gov>
Cc: Flanagan, Michael <mflanagan@labellapc.com>; Jamon Bass <jbass@chattanooga.gov>; Jason Dees <Jason.Dees@tn.gov>; Jeremy Swilley <jswilley@chattanooga.gov>; Matt Glenn <mrglenn@chattanooga.gov>; Rush Luhowiak <rush@blackcreekliving.com>; Wasson, Melissa <mwasson@labellapc.com>
Subject: Re: [EXTERNAL] Re: Black Creek Ph. 14 Clearing and Grubbing

All,

Thanks for the clarification we will stop activities until our full LDP is issued. That is a miss understanding on our part.

With regards to the City LDP (Permit No 22-265 initial Submitted April 27th) we returned all comment responses on July 1 and have a meeting set for Monday with Blake and Karna to discuss any open items. Our engineering team feels that all comments have been addressed.

Please let us know if you have any questions.

Thanks
Andy

On Wed, Jul 27, 2022 at 13:19 Jennifer Innes <Jennifer.Innes@tn.gov> wrote:

Good afternoon
For TDEC permitting purposes, tree clearing is considered land disturbance. However, even if TDEC coverage has been issued, it does not supersede any permitting requirements set forth by the City, their permit requirements must be met as well.
Thanks
Jennifer

From: Jamon Bass <jbass@chattanooga.gov>
Sent: Wednesday, July 27, 2022 1:08 PM
To: Andrew Stone <astone@blackcreekliving.com>
Cc: Flanagan, Michael <mflanagan@labellapc.com>; Jason Dees <Jason.Dees@tn.gov>; Jennifer Innes <Jennifer.Innes@tn.gov>; Jeremy Swilley <jswilley@chattanooga.gov>; Matt Glenn <mrglenn@chattanooga.gov>; Rush Luhowiak <rush@blackcreekliving.com>; Wasson, Melissa <mwasson@labellapc.com>
Subject: [EXTERNAL] Re: Black Creek Ph. 14 Clearing and Grubbing

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Andrew I will look into what TDEC defines as allowed clearing activities. In most cases clearing is totally different than land disturbance however I'll do due diligence and check with TDEC regarding this situation as well.

Thanks,

On Wed, Jul 27, 2022 at 1:02 PM Andrew Stone <astone@blackcreekliving.com> wrote:

Matt

We respectfully disagree. We are covered under a NOC from TDEC No TNR113843

TDEC allows for clearing activities prior to LDP being issued by the City of Chattanooga. The work is along the exiting Tower road which is a platted and included the laydown area for our upcoming phase 14 work.

Brown Brothers does not have any equipment on site and its only our Tree removal contract working under the TDEC Permit. The dozer is being use for skidding operations associated with tree removal.

Please let us know if you have any question or if we need a meeting to discuss further.

Regards
Andy

On Wed, Jul 27, 2022 at 12:52 Matt Glenn <mrglenn@chattanooga.gov> wrote:

Andy and Rush:

I would consider the work going on currently at Black Creek Ph. 14 to be a little more than clearing and grubbing. The LDP, L-22-265, is still under review and has not been green-lighted. As of now, a Stop Work Order will be issued within the next 30 minutes and an NOV for working without a permit.



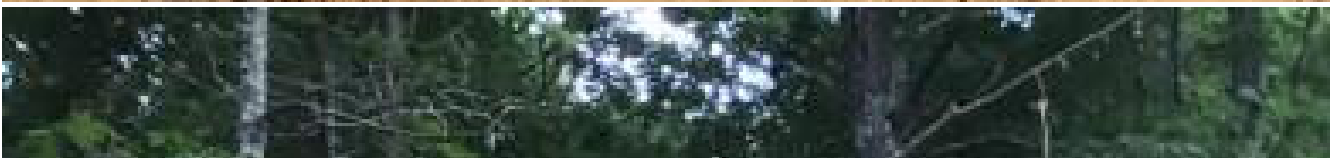
















11:30 AM Wed Jul 27

OpenGov



HCGIS - HTML5 Viewer



gismaps.

Hamilton County Mapping - GISMO 5

Home



Welcome to the Hamilton County Mobile Map

By entering following site, you acknowledge that the data contained in the Geographic Information System (GIS) is subject to constant change and that its accuracy cannot be guaranteed. All data are



provided as is, with all faults, and without warranty of any kind, either express or implied, including, but not limited to, the implied purpose. Hamilton County does not warrant that the GIS data will meet your requirements nor that the operation of the GIS data will be uninterrupted and error free. User assumes the entire risk as to the quality, performance, and usefulness of the data. However, the County has devoted several work years to the task of compiling and checking the data.

The zoning data is for general reference only. Recent zoning changes may not be posted. The zoning map posted on this web site is not an official map and is not to be used for zoning verification. Verify all zoning with the appropriate agency:

Hamilton County, Chattanooga, East Ridge, Lakesite, Lookout Mountain, Ridgeside, Walden: Call the Chattanooga-Hamilton County Regional Planning Agency at (423) 643-5902.

Red Bank, Signal Mountain, Soddy-Daisy: Call the Southeast Tennessee Development District at (423) 424-4263.

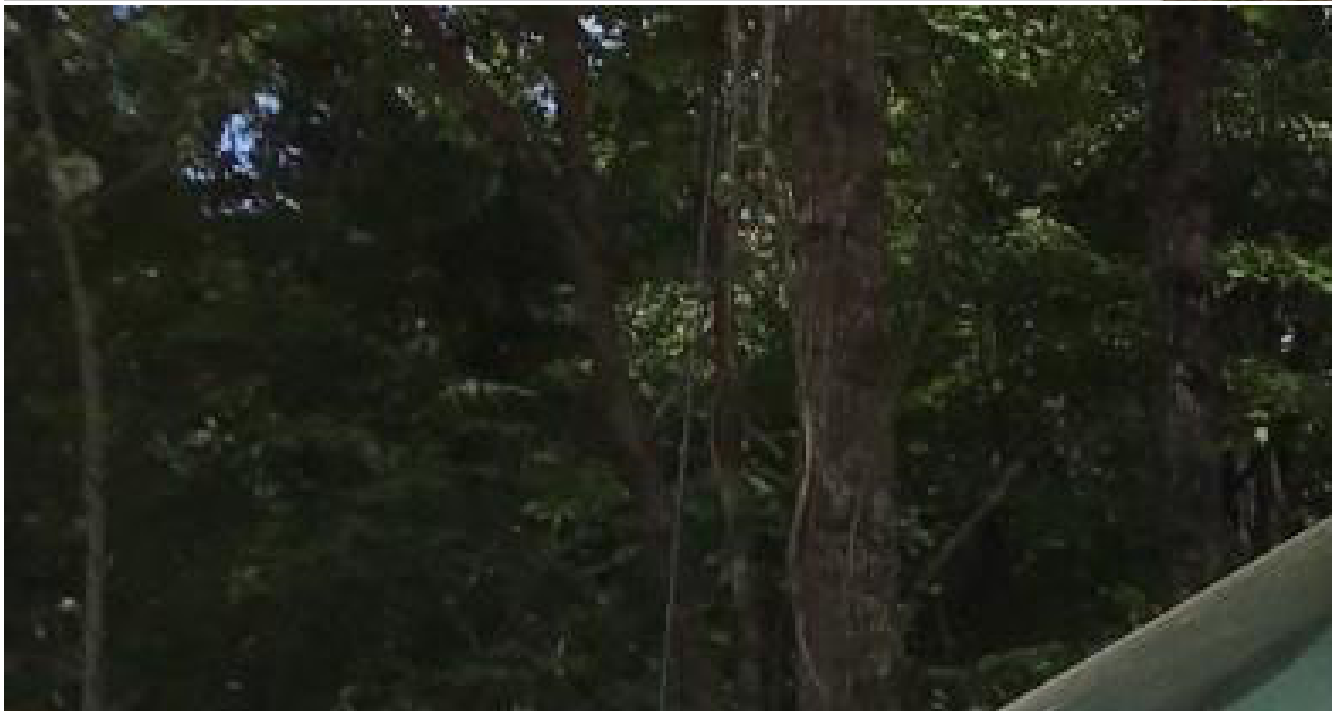
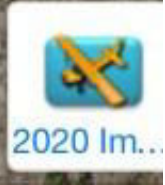
GeoSpatial



Home



Layers







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Matt Glenn, TN EPSC Level II
Soil Engineering Specialist
City of Chattanooga
Land Development Office
1250 Market St Suite 1000
P 423-643-5886

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Andrew M. Stone, PE
518-331-2124
www.blackcreekliving.com

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Jamon M. Bass, TNEPSC Level II
Construction Program Supervisor
Development Review & Permitting Division
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