



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES

William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

December 5, 2013

Fairfield Glade Community Club
Tim Martin, Director of Public Works
7827 Peavine Road
Fairfield Glade, Tennessee 38558-2000

SUBJECT: Aquatic Resource Alteration Permit / §401 Water Quality Certification
dredging of portions of seven lakes within the Fairfield Glade Community Club

Dear Mr. Martin:

Enclosed is the permit that authorizes dredging of portions of seven lakes within the Fairfield Glade Community Club. Please note the expiration date of the permit and the terms or conditions under which the authorization was provided. The terms of this permit as well as construction plans that were submitted in support of the application must be followed.

Failure to comply with approved plans, the terms of the permit, or other violation of *The Tennessee Water Quality Control Act of 1977* is subject to penalty in accordance with TCA §69-3-115.

If you need information regarding this matter, please contact me at 615-532-0710. Thank you for your consideration.

Sincerely

Robert Baker
Natural Resources Section

Enclosure

Cc: Robbie Sykes, U. S. Fish & Wildlife Service; Cookeville, TN. Via email only
Elizabeth McGuire, U. S. Environmental Protection Agency; Atlanta, GA. Via email only
Rob Todd, Tennessee Wildlife Resources Agency; Nashville, TN. Via email only
Sharon Kington, Div. Water Resources; Cookeville Env. Field Office. Via email only
U. S. Army Corps of Engineers; Nashville, TN. Via email only
Cindy Wheeler, Via email only Cindy.Wheeler@Mcgillengineers.Com



NRS13.108

Pursuant to *The Tennessee Water Quality Control Act of 1977* (T.C.A. § 69-3-101 et seq.) and supporting regulations, a permit is required to alter the properties of waters of the state. Also, pursuant to §401 of *The Clean Water Act* (33 U.S.C. 1341), an applicant for a Federal license or permit which may result in a discharge into the waters of the U.S., shall provide the federal licensing or permitting agency a certification from the State in which the discharge will originate.

Accordingly, the Division of Water Resources requires reasonable assurance that the activity will not violate provisions of *The Tennessee Water Quality Control Act of 1977* (T.C.A. §69-3-101 et seq.) or provisions of §§301, 302, 303, 306 or 307 of *The Clean Water Act*.

Subject to conformance with accepted plans, specifications, and other information submitted in support of the application, the state of Tennessee hereby authorizes pursuant to 33 U.S.C. 1341 certifies and T.C.A. §69-3-101 et seq., the activity described below:

PERMITTEE Fairfield Glade Community Club
 Tim Martin, Director of Public Works
 7827 Peavine Road
 Fairfield Glade, Tennessee 38558-2000


AUTHORIZED WORK: dredging of portions of seven lakes within the Fairfield Glade Community Club (FGCC). The purpose of the dredging is removal of silt and organic material that has been deposited over the last several years. The method by which the dredging would be completed includes both mechanical and hydraulic dredging.

LOCATION: Various Recreational lakes within the Fairfield Glade Community Club in Cumberland County, Tennessee. Lake Glastowbury, 5 locations; Lake Malvern, 3 locations; Lake Kirkstone, 3 locations; Lake Pomeroy, 2 locations; Spring Lake, 3 locations; Lake St. George, 2 locations; and lake Canterbury, 7 locations.

EFFECTIVE DATE: December 5, 2013

EXPIRATION DATE: October 31, 2018

This permit does not preclude requirements of other federal, state or local laws. This permit also serves as a state of Tennessee aquatic resource alteration permit (ARAP) pursuant to *The Tennessee Water Quality Control Act of 1977* (T.C.A. §69-3-101 et seq.).



Sandra Dudley, Ph D., P.E.
Director, Division of Water Resources

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PART I

Special Conditions:

- a. To address local public concerns and aquatic life impacts, the dredge site labeled C on Lake Kirkstone in the permit application shall be eliminated from the job and remain undisturbed.
- b. Dredge work shall be accomplished in the dry during low lake levels or the work area shall be contained by silt booms or turbidity curtains to allow the suspended sediments to settle and not diffuse to open waters of the lake.

General Conditions:

1. The work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of the application and the limitations, requirements and conditions set forth herein.
2. It is the responsibility of the applicant to convey all terms and conditions of this permit to all contractors. A copy of this permit, approved plans and any other documentation pertinent to the activities authorized by this permit shall be maintained on site at all times during periods of construction activity.
3. Work shall not commence until the applicant has received the federal §404 permit from the U. S. Army Corps of Engineers, a §26a permit from the Tennessee Valley Authority or authorization under a Tennessee NPDES Storm Water Construction Permit where necessary. The applicant is responsible for obtaining these permits.
4. Best Management Practices (BMPs) shall be stringently implemented throughout the construction period to prevent sediments, oils, or other project-related pollutants from being discharged.
5. Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater, should a spill occur.
6. Temporary or permanent soil stabilization shall be accomplished within 15 days after final grading or other earth work. Permanent stabilization with perennial vegetation or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Vegetative species must be on approved native species planting list, (*Landscaping with Natives*; http://www.tneppc.org/pages/landscaping#native_plants).
7. All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in Rule 1200-4-3-.03 of the Rules of the Tennessee Department of Environment and Conservation. This includes, but is not limited to, the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of waters of the state for any of the uses designated by Rule 1200-4-4. These uses include fish and aquatic life (including trout streams and naturally reproducing trout streams), livestock watering and wildlife, recreation, irrigation, industrial water supply, domestic water supply, and navigation.
8. Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat is prohibited.
9. This permit does not authorize adverse impacts to cultural, historical or archeological features or sites.

PART II

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 the Division of Water Resources. Such applications must be properly signed and certified.

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.

Other Information

If the permittee becomes aware that he/she 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/she shall promptly submit such facts or information.

Changes Affecting the Permit

Transfer/Change of Ownership

- a. This permit may be transferred to another party, provided there are no activity or project modifications, no pending enforcement actions, or any other changes which might affect the permit conditions contained in the permit, by the permittee if:
 1. the permittee notifies the director of the proposed transfer at least 30 days in advance of the proposed transfer date;
 2. the notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage, and contractual liability between them; and
 3. the director does not notify the current permittee and the new permittee, within 30 days, of her intent to modify, revoke, reissue, or terminate the permit, or require that a new application be filed rather than agreeing to the transfer of the permit.
- b. The permittee must provide the following information to the division in their formal notice of intent to transfer ownership:
 1. the 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 permit;

7. a statement that the transferor relinquishes responsibility for the subject permit;
8. the signatures of the responsible parties for both the transferor and transferee, and;
9. a statement regarding any proposed modifications to the permitted activities or project, its operations, or any other changes which might affect the permit conditions contained in the permit.

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.

Noncompliance

Effect of Noncompliance

All discharges shall be consistent with the terms and 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.

Reporting of Noncompliance

24-Hour Reporting

- a. 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 Environmental Field Office within 24-hours from the time the permittee becomes aware of the circumstances. (The Environmental Field Office should be contacted for names and phone numbers of environmental response personnel).
- b. A written submission must be provided within five (5) 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:
 1. A description of the discharge and cause of noncompliance;
 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 3. The steps being taken to reduce, eliminate, and prevent recurrence of the non-complying discharge.

Scheduled Reporting

For instances of noncompliance which are not reported under subparagraph a. above, the permittee shall report the noncompliance by contacting the permit coordinator, and provide 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.

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 but not limited to, accelerated or additional monitoring as necessary to determine the nature and impact of the noncompliance. 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.

Liabilities

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 pollutants to any surface or subsurface waters. Additionally, notwithstanding this Permit, it shall be the responsibility of the permittee to conduct its discharge activities in a manner such that public or private nuisances or health hazards will not be created.

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.

Revocation:

The state of Tennessee may modify, suspend or revoke this permit or seek modification or revocation should the state determine that the activity results in more than an insignificant violation of applicable water quality standards or violation of the act. Failure to comply with permit terms may result in penalty in accordance with T.C.A. §69-3-115.

Appeal:

An appeal of this action may be made as provided in T.C.A. §69-3-105(i) and Rule 1200-04-05-.12 by submitting a petition for appeal. This petition must be filed within THIRTY (30) DAYS after public notice of the issuance of the permit. The petition must specify what provisions are being appealed and the basis for the appeal. It should be addressed to the technical secretary of

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the Tennessee Board of Water Quality, Oil and Gas at the following address: Dr. Sandra Dudley, Director, Division of Water Resources, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 11th Floor, Nashville, Tennessee 37243-1534. Any hearing would be in accordance with T.C.A. §§69-3-110 and 4-5-301 et seq.