



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

August 4, 2022

Mr. Stacey McCluskey  
Program Manager Environmental Support  
Tennessee Valley Authority (TVA)  
1010 Reservation Road  
e-copy: [ssmcccluskey@tva.gov](mailto:ssmcccluskey@tva.gov)  
Muscle Shoals, AL 35662

Re: **NPDES Permit Tracking No. TNR192155**  
**Tennessee Valley Authority (TVA)**  
**TVA Allen Fossil Plant D4 Decommissioning and Site Restoration**  
**Master Tracking Number: TNR192155**  
**Shelby County, Tennessee**

Dear Mr. McCluskey:

You recently submitted a Notice of Intent (NOI) form as part of an application package to obtain coverage under a General NPDES Permit for Storm Water Discharges Associated with Construction Activity. The Division of Water Resources (the division) acknowledges receipt of the most recent version of the application for the above referenced project on August 3, 2022. After review, the application was deemed to be complete on August 4, 2022. Enclosed is the Notice of Coverage (NOC) form which shows the site name and location, receiving stream, effective date of coverage, etc.

**Contractor Information**

The division does not transmit a copy of this letter to your contractor(s). You should make sure that all contractors listed on the NOI are aware of the General Permit requirements

**Receiving Stream not Supporting Designated Uses**

The receiving stream for the construction site for which the NOI was submitted appears on the state's list for partially supporting or for not supporting a stream's designated use due to siltation. Since the discharge from the proposed construction site may contain significant amounts of silt, the division considers the potential for degradation to the receiving stream from the discharge to be significant. Therefore, the additional pollution prevention requirements described in subpart 6.4 of the General Permit are applicable to your construction site; requirements of section 6.4.2. apply only if the stream is located on or adjacent to the disturbed area.

## **Threatened and Endangered Species**

The receiving stream for the construction site for which the NOI was submitted has Federal or State listed threatened and endangered species in the area, or downstream of your project. Stormwater discharges and stormwater discharge-related activities that are not protective of legally protected listed or proposed threatened or endangered aquatic fauna in the receiving stream(s); or discharges or activities that would result in a 'take' of a Federally listed endangered or threatened fish or wildlife species are not authorized by the General Permit. If the division finds that stormwater discharges or stormwater related activities are likely to result in any of the above effects, the division will deny the coverage under this general permit unless and until project plans are changed to protect the listed species. In addition, discharges from your construction site that result in harm to such species may incur additional fines and penalties from the US Fish and Wildlife Service and/or the Tennessee Wildlife Resources Agency.

## **Annual Maintenance Fee and Termination of Permit Coverage**

Effective July 1, 2014, permit fees for the General Permit have been revised. In addition to new application fee amounts, annual maintenance fees are now required for projects that exceed one year of coverage. Permittees wishing to terminate coverage must submit a completed notice of termination (NOT) form, which is available on the division's construction stormwater webpage at <https://www.tn.gov/content/tn/environment/permit-permits/water-permits1/npdes-permits1/npdes-stormwater-permitting-program/npdes-stormwater-construction-permit.html>.

The division will review the NOT for completeness and accuracy and, when necessary, investigate the site for which the NOT was submitted. The division will notify the applicant that either the NOT form was received and accepted, or that the permit coverage is not eligible for termination and has not been terminated. If applicable, the notification will include a summary of existing deficiencies.

We appreciate your attention to the General Permit and its requirements. If you have any questions, please contact Mr. Jim McAdoo at (615) 532-0684 or by E-mail at [Jim.McAdoo@tn.gov](mailto:Jim.McAdoo@tn.gov).

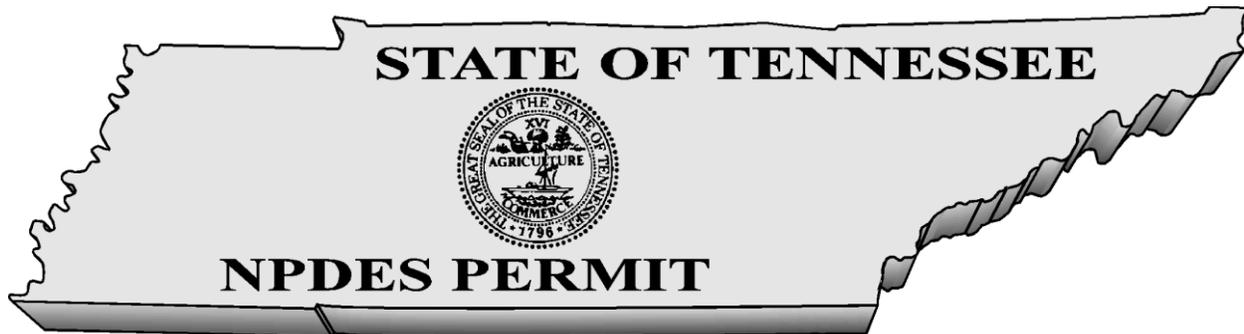
Sincerely,



Vojin Janjic  
Manager, Water-Based Systems

Enclosure

cc: Mr. Scott Tumbow, VP, TVA, [mstumbow@tva.gov](mailto:mstumbow@tva.gov)  
Ms. Angela Adams, CCR Environmental Consultant, TDEC, [angela.adams@tn.gov](mailto:angela.adams@tn.gov)  
[Joellyn.Brazile@tn.gov](mailto:Joellyn.Brazile@tn.gov), Environmental Program Manager, Division of Water Resources



Tracking Number TNR192155

**NOTICE OF COVERAGE UNDER THE GENERAL NPDES PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY (CGP)**

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

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.*):

Name of the Construction Project: **TVA Allen Fossil Plant D4 Decommissioning and Site Restoration (38.8 acres)**

Master Tracking Number at the Site: **TNR192155**

Permittee Name: **Tennessee Valley Authority (TVA)**

Contractor(s): **Brandenburg Industrial Services Company (August 4, 2022)**

are authorized to discharge: **Storm water associated with construction activity**

from facility location: **2574 Plant Road, Shelby County**

to receiving waters named: **McKellar Lake, Exceptional TN Waters (Inclusion of Mississippi River) Federal endangered Pallid Sturgeon, state threatened Blue Sucker. Refer to Section 4.6 of TNR050000.**

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

Likely presence of threatened or endangered species in one mile radius: **No**  
Likely presence of threatened or endangered species downstream: **No**

Additional pollution prevention requirements apply for discharges into waters which TDEC identifies as:  
- **Unavailable Condition - Siltation**  
- **Exceptional Tennessee Waters**

Your coverage under the CGP shall become effective on **August 4, 2022**, and shall be terminated upon receipt of a Notice of Termination, which is available on the division's construction stormwater webpage at <https://www.tn.gov/content/tn/environment/permit-permits/water-permits1/npdes-permits1/npdes-stormwater-permitting-program/npdes-stormwater-construction-permit.html>.