



**Tracking Number TNR244802**

**NOTICE OF COVERAGE UNDER THE GENERAL NPDES PERMIT FOR STORMWATER  
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 Avenue, 11th Floor  
Nashville, TN 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: **Duke Street Condos (1.93 acres)**  
Master Tracking Number at the Site: **TNR244802**  
Permittee Name: **102 Duke, LLC**  
Project Name: **Duke Street Condominiums - Phase 2**  
Contractor(s): **Legacy South Builders, LLC**

is authorized to discharge: storm water associated with construction activity  
from site located at: **106/110 Duke St., Davidson County**  
to receiving waters named: **Pages Branch**  
in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

Likely presence of threatened or endangered species in one mile radius: **YES**  
Likely presence of threatened or endangered species downstream: **YES**

Additional pollution prevention requirements apply for discharges into waters which TDEC identifies as:

**- Exceptional Tennessee Waters: NO**

Your coverage under the CGP shall become effective on **January 28, 2021**, and shall be terminated upon receipt of [Notice of Termination](#).

A copy of the CGP can be obtained from  
<https://www.tn.gov/content/tn/environment/permit-permits/water-permits1/npdes-permits1/npdes-stormwater-permitting-program/npdes-stormwater-construction-permit.html>



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

Nashville Environmental Field Office  
711 R.S. Gass Boulevard  
Nashville, TN 37216

Phone 615-687-7000    Statewide 1-888-891-8332    Fax 615-687-7078

January 28, 2021

Mr. Frank Neal  
e-copy: bailey@legacysouth.com  
2305 Cruzen St.  
Nashville, TN 37204

Subject:        **NPDES Construction General Permit Tracking No. TNR244802**  
                 **Master Tracking Number: TNR244802**  
                 **Duke Street Condos**  
                 **102 Duke, LLC**  
                 **Nashville, Davidson County, Tennessee**

Dear Mr. Neal:

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 January 14, 2021. After review, the application was deemed to be complete on January 28, 2021. Enclosed is the Notice of Coverage (NOC) form which shows the site name and location, receiving stream, effective date of coverage, etc.

**Contractor Information**

We do 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.

**Storm Water Pollution Prevention Plan (SWPPP)**

You have submitted a Storm Water Pollution Prevention Plan (SWPPP) as required by Part 1.4.2 of the CGP. Please note that the division has not performed an engineering review of the SWPPP and does not certify whether the SWPPP adequately provides for the pollution prevention requirements at the site as described in the general permit. The division acknowledges that you have submitted a SWPPP that appears to include the required components of a SWPPP. It is the responsibility of all site operators to design, implement, and maintain measures that are sufficient to prevent pollution at the referenced site, and to remain in compliance with the terms and conditions of the general permit.

**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 construction storm water permit and its requirements. A copy of the CGP can be obtained from <https://www.tn.gov/content/tn/environment/permit-permits/water-permits1/npdes-permits1/npdes-stormwater-permitting-program/npdes-stormwater-construction-permit.html>. We believe this does make a difference to the quality of state waters. If you have any questions, please contact Ms. Nikki Carpenter at (423) 634-5701 or by e-mail at *Nikki.Carpenter@tn.gov*.

Sincerely,



for  
Timmy Jennette  
Environmental Program Manager

cc: DWR, Nashville EFO Permit File  
Ms. Kelsey Bright, Benesch, [kmbright@benesch.com](mailto:kmbright@benesch.com)  
Mr. Michael Hunt, NPDES Program Mgr Metro Water Services Stormwater Division,  
[michael.hunt@nashville.gov](mailto:michael.hunt@nashville.gov)