

5.5 Toxic or Hazardous Substances

In the event of a release of a reportable quantity of toxic or hazardous substance, the following steps shall be taken:

- a. Operator will notify permittee, City of Franklin Water Management Department, Mr. Brian Goodwin, PE at (615) 794-4554.
- b. Permittee will notify National Response Center and Tennessee Emergency Management Agency (TEMA) as well as Nashville Environmental Assistance Center (EAC).
- c. Permittee will revise the SWPPP to incorporate measures that will prevent reoccurrence of such releases.

The definition of a “Reportable Quantity” can be found in the EPA regulations under 40CFR, part 117 and 302 on the EPA web site at www.epa.gov. Any significant spill shall be cleaned up and not allowed to be transported by runoff into “Waters of the State”.

6.0 **REQUIREMENTS FOR PLANS REPORTS**

6.1 Keeping Plans Current

The Owner will be responsible for amending the Plans and SWPPP for any of the following conditions:

- a. For any change in the scope of the project that would have a significant effect on the discharge of pollutants to the “Waters of the State” and which has not otherwise been addressed in the Plans.
- b. Whenever inspections or investigations by Operators, inspectors, local, state, or federal officials indicate that the Plans are ineffective in eliminating or significantly minimizing pollutants from construction sources, or not achieving the general objectives of controlling pollutants in storm water runoff.
- c. If or when any Operator, or new Operator, and/or sub-operator is assigned or relieved of their responsibility to implement a portion of the Plan.
- d. When the Plan must be modified to prevent a negative impact to legally protected state or federally listed or proposed threatened or endangered aquatic fauna.

6.2 Making Plans Accessible

The Operator shall retain a copy of this Plan and all permits on site, or other location accessible to TDEC and the public, from the date that construction begins until the date of final stabilization. The Operator shall have a copy of the Plan available at the

location where work is occurring on site for use by all Operators and any other personnel identified as having responsibilities in the area under the Plan.

The Operator shall post the following information near the entrance of the construction site:

- a. A copy of the Notice of Coverage (NOC) with the NPDES permit number for the project.
- b. The name and telephone number of a local contact person.
- c. A brief description of the project.
- d. The location of the Plan and permits if the site is inactive or does not have an on-site location to store the Plan.

If it is not feasible to post this information near the main entrance of the site, then the notice shall be posted in a local building or kept in the Owner's representative's vehicle or the Owner's inspector's vehicle. This permit at no time provides the public with any right to trespass or requires the Owner, or Operator, to allow members of the public to access the construction site for any reason, including inspection of a site.

6.3 Notice of Termination

When all storm water discharges from the construction site, due to construction activities and authorized by the Permit, are eliminated due to final stabilization, the Owner will submit a Notice of Termination (NOT) signed in accordance with the Permit. The elimination of storm water discharges, in accordance with the NOT, associated with construction activities is as follows:

- a. That all disturbed areas and exposed slopes of the construction site under the Operators control have been finally stabilized.
- b. All temporary erosion and sediment control measures have been removed at the appropriate time to insure final stabilization is maintained.
- c. At no time will an area covered with erosion control blanket be considered as stabilized.
- d. That all storm water discharges associated with construction activities for the site, authorized by the NPDES general permit, have been eliminated from the site runoff where the Operator has control.

The NOT form is provided in Appendix I of this Plan.

6.4 Retention of Records

The Owner shall retain copies of this Plan, all reports required by the Permit, records of all data collected on site, all information required to complete the Notice of Intent and all information required to complete the Notice of Termination for a period of at least three years from the date the NOT was filed (see Appendix I). This length of time may be extended by a written request to the Nashville Environmental Assistance Centers (EAC).

7.0 PERMIT CONDITIONS

The following paragraphs highlight certain of the standard permit conditions for the general permit. Please refer to Section 7 of the general permit in Appendix A for the complete standard permit conditions.

7.1 Continuation of Expired Permit

This Permit expires on September 30, 2021. However, an expired general permit may continue in force and effect until a new general permit replaces the expired one. To retain coverage under the continued permit, permittees should provide notice to their intent to remain covered under this permit.

7.2 Duty to Provide Information

The permittee shall furnish to the division or an authorized representative of the division, within a time specified by the division, any information that the division may request to determine compliance with this permit or other information relevant to the protection of the waters of the state. The permittee shall also furnish to the division, upon request, copies of records required to be kept by this permit.

7.3 Signature Requirements

7.3.1 Notice of Intent

The Notice of Intent and SWPPP for this City of Franklin project within Franklin, Tennessee shall be signed by the owner's representative, Mr. Mark Hilty, Assistant City Administrator.

7.3.2 All Other Reports

All reports and SWPPP revisions required by the Permit and information requested by TDEC, or TCEC representative, shall be signed by the person described in Section 7.7.1, or by a duly authorized representative of that person. See Section 7.7.3 of the general permit in Appendix A for information on the qualification for a duly authorized representative. See Sections 7.7.5

and 7.7.6 of the general permit in Appendix A for signatory requirements and required signatory statements.

7.4 Penalties for Falsification of Reports

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

7.5 Oil and Hazardous Substance Liability

Nothing in the Permit shall be construed to preclude the institution of any legal action or relieve the Owner from any responsibilities, liabilities or penalties to which the Owner is or may be subject under Section 311 of the Clean Water Act or Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

7.6 Inspection and Entry

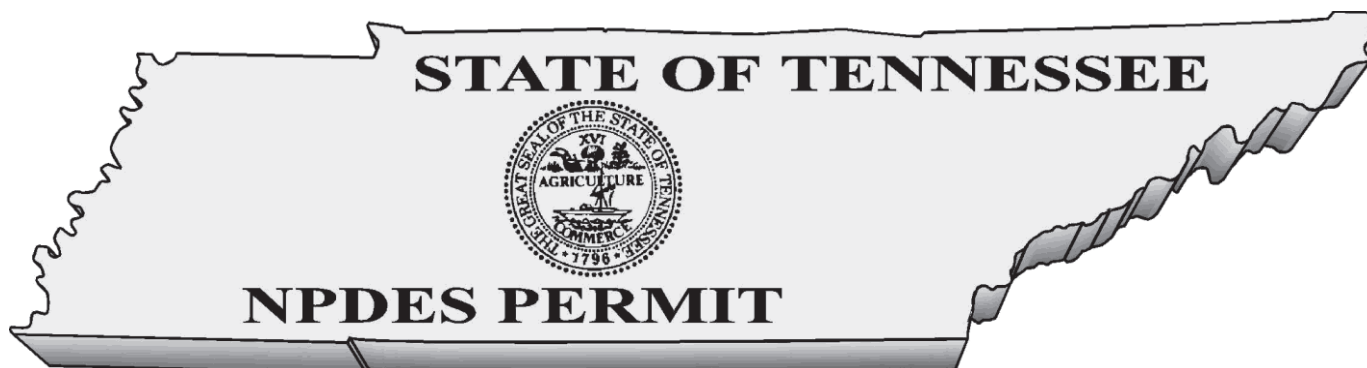
The Owner and Operator shall allow authorized City, State, and Federal regulatory representatives, upon the presentation of credentials and other documents as may be required by law:

- a. To enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
- b. To have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
- c. To inspect any facilities or equipment (including monitoring, and control equipment).

Appendices

Appendix A

Tennessee General Permit No. TNR 10-0000



GENERAL NPDES PERMIT
FOR DISCHARGES OF STORMWATER
ASSOCIATED WITH CONSTRUCTION ACTIVITIES

PERMIT NO. TNR100000

Under authority of the Tennessee Water Quality Control Act of 1977 ([T.C.A. 69-3-101](#) et seq.) and the authorization by 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.) and the [Water Quality Act of 1987, P.L. 100-4](#), including special requirements as provided in part 5.4 (Discharges into Waters with Unavailable Parameters or Exceptional Tennessee Waters) of this general permit, operators of point source discharges of stormwater associated with construction activities into waters of the State of Tennessee, are authorized to discharge stormwater associated with construction activities in accordance with the following permit monitoring and reporting requirements, effluent limitations, and other provisions as set forth in parts 1 through 10 herein, from the subject outfalls to waters of the State of Tennessee.

This permit is issued on: **September 30, 2016**

This permit is effective on: **October 1, 2016**

This permit expires on: **September 30, 2021**

A handwritten signature in blue ink, appearing to read "T. Calabrese", is positioned above a horizontal line.

for Tisha Calabrese Benton
Director

Tennessee General Permit No. TNR100000
Stormwater Discharges Associated with Construction Activities

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1. COVERAGE UNDER THIS GENERAL PERMIT

1.1. Permit Area

The construction general permit (CGP) covers all areas of the State of Tennessee.

1.2. Discharges Covered by this Permit

1.2.1. Stormwater discharges associated with construction activities

This permit authorizes point source discharges of stormwater from construction activities that result in soil disturbances of one or more acres. Soil disturbances of less than one acre are required to obtain authorization under this permit if construction activities are part of a larger common plan of development or sale that comprises at least one acre of cumulative land disturbance. Construction activities include clearing, grading, filling and excavating. One or more site [operators](#) must maintain coverage under this permit for all portions of a site that have not been permanently stabilized.

Projects of less than one acre of total land disturbance may also be required to obtain authorization under this permit if:

- a) the director has determined that the stormwater discharge from a site is causing, contributing to, or is likely to contribute to a violation of a state water quality standard;
- b) the director has determined that the stormwater discharge is, or is likely to be a significant contributor of pollutants to [waters of the state](#); or
- c) changes in state or federal rules require sites of less than one acre that are not part of a larger common plan of development or sale to obtain a stormwater permit.

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

1.2.2. Stormwater discharges associated with construction support activities

This permit also authorizes stormwater discharges from support activities associated with a permitted construction site. Support activities may include concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas and borrow areas. Support activities are authorized provided all of the following conditions are met:

- a) The support activity is related to a construction site that is covered under this general permit.
- b) The [operator](#) of the support activity is the same as the [operator](#) of the construction site.
- c) The support activity is not a commercial operation serving multiple unrelated construction projects by different [operators](#).
- d) The support activity does not operate beyond the completion of the construction activity of the last construction project it supports.
- e) Support activities are identified in the Notice of Intent (NOI) and the Stormwater Pollution Prevention Plan ([SWPPP](#)). The appropriate erosion prevention and sediment

controls and measures applicable to the support activity shall be described in a comprehensive **SWPPP** covering the discharges from the support activity areas.

TDOT projects shall be addressed in the Waste and Borrow Policy. Stormwater discharges associated with support activities that have been issued a separate individual permit or an alternative general permit are not authorized by this general 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 other appropriate general permit.

1.2.3. Non-stormwater discharges authorized by this permit

The following non-stormwater discharges from active construction sites are authorized by this permit provided the non-stormwater component of the discharge is in compliance with Section 3.5.9 below (*Pollution prevention measures for non-stormwater discharges*):

- a) Dewatering of collected stormwater and ground water.
- b) Waters used to wash dust and soils from vehicles where detergents are not used and detention and/or filtering is provided before the water leaves site. Wash removal of process materials such as oil, asphalt or concrete is not authorized.
- c) Water used to control dust in accordance with Section 3.5.5 below.
- d) Potable water sources, including waterline flushings, from which chlorine has been removed to the maximum extent practicable.
- e) Routine external building washdown that does not use detergents or other chemicals.
- f) Uncontaminated groundwater or spring water.
- g) Foundation or footing drains where flows are not contaminated with pollutants (e.g., process materials such as solvents, heavy metals, etc.).

All non-stormwater discharges authorized by this permit must be free of sediment and other solids, must not cause erosion of soils, and must not result in sediment impacts to receiving streams.

1.2.4. Other NPDES-permitted discharges

Discharges of stormwater or wastewater authorized by and in compliance with a different NPDES permit may be mixed with discharges authorized by this permit.

1.3. Limitations on Coverage

Except for discharges from support activities, as described in Section 1.2.2 and non-stormwater discharges listed in Section 1.2.3, all discharges covered by this permit shall be composed entirely of stormwater. This permit does not authorize the following discharges:

- a) Post-construction discharges - Stormwater discharges associated with permanent stormwater management structures after construction activities have been completed, the site has undergone final stabilization and the coverage under this permit has been terminated.
- b) Discharges mixed with non-stormwater - Discharges that are mixed with sources of non-stormwater, other than discharges which are identified in Section 1.2.4 (*Other NPDES-permitted discharges*) and in compliance with Section 3.5.9 (*Pollution prevention measures for non-stormwater discharges*) of this permit.

- c) Discharges covered by another permit - Discharges associated with construction activities that have been issued an individual permit in accordance with Subpart 7.12 (*Individual Permit*).
- d) Discharges threatening water quality - Discharges from construction sites that the director determines will cause, or has the reasonable potential to cause or contribute to, violations of water quality standards. Where such a determination has been made, the division will notify the discharger in writing that an individual permit application is necessary as described in Subpart 7.12 (*Individual Permit*). The division may authorize coverage under this permit after appropriate controls and implementation procedures have been included in the SWPPP that are designed to bring the discharge into compliance with water quality standards.
- e) Discharges into waters with unavailable parameters - Discharges to waters with unavailable parameters that would cause measurable degradation of water quality for the parameter that is unavailable; or that would cause additional loadings of unavailable parameters that are bioaccumulative or that have criteria below method detection levels. Waters with unavailable parameters means any segment of surface waters that has been identified by the division as failing to support its designated classified uses. A discharge that complies with the additional requirements set forth in Subpart 5.4 is not considered to cause measurable degradation of waters with unavailable parameters, unless the division determines upon review of the SWPPP that there is a reason to limit coverage as set forth in Subpart 1.3(d) above and the SWPPP cannot be modified to bring the site into compliance.
- f) Discharges into Outstanding National Resource Waters - Discharges into waters that are designated by the Water Quality Control Board as Outstanding National Resource Waters (ONRW) pursuant to Tennessee Rules, Chapter 0400-40-03-.06(5).
- g) Discharges into Exceptional Tennessee Waters - Discharges that would cause more than de minimis degradation of water quality for any available parameter in waters designated by TDEC as Exceptional Tennessee Waters. A discharge that complies with the additional requirements set forth in Subpart 5.4 is not considered to cause more than de minimis degradation of available parameters unless the division determines upon review of the SWPPP that there is a reason to limit coverage as set forth in Subpart 1.3(d) above and the SWPPP cannot be modified to bring the site into compliance.
- h) Discharges not protective of aquatic threatened and endangered species, species deemed in need of management or special concern species - Discharges or discharge-related activities that are likely to jeopardize the continued existence of listed or proposed threatened or endangered aquatic species, or their critical habitat, under the Endangered Species Act (ESA), or other applicable state law or rule.

Discharges or conducting discharge related activities that will cause a prohibited take of federally listed aquatic species (as defined under Section 3 of the ESA and 50 CFR §17.3), unless such take is authorized under Sections 7 or 10 of the ESA.

Discharges or conducting discharge-related activities that will cause a prohibited “take” of state listed aquatic species (as defined in the Tennessee Wildlife Resources Commission Proclamation, Endangered or Threatened Aquatic Species, and in the Tennessee Wildlife Resources Commission Proclamation, Wildlife in Need of Management), unless such take is authorized under the provisions of T.C.A. § 70-8-106(e).

- i) Discharges from a new or proposed mining operation - Discharges from new or proposed mining operations are not authorized.

- j) Discharges negatively affecting a property on the National Historic Register - Discharges that would negatively affect a property that is listed or is eligible for listing in the National Historic Register maintained by the Secretary of Interior.
- k) Discharges into waters with an approved Total Maximum Daily Load - Discharges of a pollutant to waters for which there is an EPA-approved or established total maximum daily load (TMDL) for that pollutant, unless the SWPPP incorporates measures or controls consistent with the assumptions and requirements of the TMDL. If a specific wasteload allocation has been established that would apply to the discharge, that allocation must be incorporated into the SWPPP and steps necessary to meet that allocation must be implemented. If an EPA-approved or established TMDL has specified a general wasteload allocation applicable to construction stormwater discharges, but no specific requirements for construction sites have been identified, the permittee should consult with the division to confirm that adherence to a SWPPP that meets the requirements of this permit will be consistent with the approved TMDL. Where an EPA-approved or established TMDL has not specified a wasteload allocation applicable to construction stormwater discharges, but has not specifically excluded these discharges, adherence to a SWPPP that meets the requirements of the CGP will be assumed to be consistent with the approved TMDL. If the EPA-approved or established TMDL specifically precludes construction stormwater discharges, the operator is not eligible for coverage under the CGP.

1.4. Obtaining Permit Coverage

A complete NOI, SWPPP and application fee are required to obtain coverage under this general permit. Requesting coverage under this permit means that an applicant has examined a copy of this permit and thereby acknowledged the applicant's claim of ability to comply with permit terms and conditions. Upon completing NOI review, the division will:

- a) issue an NOC to the operator identified as the initial site-wide primary permittee on the NOI form (see Subpart 1.5 below - *Effective Date of Coverage*),
- b) publish new operators' supplemental NOI information on TDEC's dataviewer,
- c) notify the applicant of needed changes to their NOI submittal (see Section 2.6.3 below - *Application completeness*), or
- d) deny coverage under this general permit (see Subpart 7.12 below - *Individual Permit*).

1.4.1. Notice of Intent

Operators wishing to obtain coverage under this permit must submit a complete NOI in accordance with Part 2 below, using the NOI form provided in Appendix A of this permit. The division will review NOIs for completeness and accuracy and, when deemed necessary, investigate the proposed project for potential impacts to the waters of the state.

1.4.2. Stormwater Pollution Prevention Plan (SWPPP)

Operators wishing to obtain coverage under this permit must submit a site-specific SWPPP with the NOI. The SWPPP, developed and submitted by the site-wide permittee (typically the owner/developer who applies for coverage prior to project commencement¹), should address all construction-related activities from the date construction commences to the date of termination of permit coverage, to the maximum extent practicable. The SWPPP must address the total acreage

¹ See Subpart 2.1 on page 7 for a definition of a site-wide permittee.

planned to be disturbed (see definition for “disturbed area” in part 10), including any associated construction support activities (see Section 1.2.2 above). The **SWPPP** must be developed, implemented and updated according to the requirements in Part 3 below (*SWPPP Requirements*) and Subpart 2.3 below (*Responsibilities of Operators*). The **SWPPP** must be implemented prior to commencement of construction activities.

If the initial **SWPPP** does not address all activities until final stabilization of the site, an updated **SWPPP** or addendums to the plan addressing all aspects of current site disturbance must be prepared. An active, updated **SWPPP** must be in place for all disturbed portions of a site until each portion has been completed and finally stabilized.

Preparation and implementation of the **SWPPP** may be a cooperative effort with all **operators** at a site. New **operators** with design and operational control of their portion of the construction site are expected to adopt, modify, update and implement the comprehensive **SWPPP**. Primary permittees at the site may develop a **SWPPP** addressing only their portion of the project, as long as the proposed **Best Management Practices (BMPs)** are compatible with the comprehensive **SWPPP** and complying with conditions of this general permit.

Site operators who are building single family residential houses on at-grade lots (see Section 2.2.2 below) and who are submitting an application for coverage under this permit, may complete and submit Form CN-1249, the Stormwater Pollution Prevention Plan (SWPPP) for Single Family Residential Homebuilding Sites. This SWPPP template is available at http://tdec.tn.gov/etdec/DownloadFile.aspx?row_id=CN-1249. Form CN-1249 is not appropriate if significant grading of the lot or lots is necessary.

1.4.3. Permit application fee

The permit application fee should accompany the applicant’s NOI form. The fee is based on the total acreage planned to be disturbed (see definition of “disturbed area” in Part 10) by an entire construction project for which the applicant is requesting coverage, including any associated construction support activities (see Section 1.2.2 above). The applicant may present documentation of common areas in the project that will not be subject to disturbance at any time during the life of the project and have these areas excluded from the fee calculation.

The application fees shall be as specified in Tennessee Rules, Chapter **0400-40-11**. The application will be deemed incomplete until the appropriate application fee is paid in full. Checks for the appropriate fee should be made payable to “Treasurer, State of Tennessee.” Electronic payment methods, if made available by the State of Tennessee, are deemed acceptable. The following conditions apply:

- If a project was previously permitted, but permit coverage was terminated (see Section 8.1.1 below - Termination process for primary permittees), and subsequent site disturbance or re-development occurs, the new **operator** must obtain coverage and pay the appropriate fee for the disturbed acreage.
- New primary operators must pay the fee applicable to projects seeking subsequent coverage under an actively covered larger common plan of development or sale.
- Areas not covered by the original application shall be covered under a separate tracking number and a new application fee shall be paid based on the new acreage to be covered.
- Please note that in addition to the application fee, an annual maintenance fee applies per Rule 0400-40-11-.02(12)(i).

1.4.4. Submittal of a documents to local municipalities

Permittees who discharge stormwater through an NPDES-permitted municipal separate storm sewer system ([MS4](#)) who are not exempted in section 1.4.5 below (*Permit coverage through Qualifying Local Program*) must submit a copy of the notice of coverage NOC, and at project completion, a copy of the signed NOT to the [MS4](#) upon its request. Permitting status of all permittees covered, or previously covered, under this general permit as well as the most current list of all [MS4](#) permits is available at <http://tn.gov/environment/article/tdec-dataviewers>.

1.4.5. Permit coverage through Qualifying Local Program

Coverage equivalent to coverage under this general permit may be obtained from a qualifying local erosion prevention and sediment control [MS4](#) program. A Qualifying Local Program (QLP) is a municipal stormwater program implemented by an MS4 for stormwater discharges associated with construction activity that has been formally approved by the division. More information about Tennessee's QLP program and MS4 participants can be found at: <https://www.tn.gov/environment/article/tennessee-qualifying-local-program>.

If a construction site is within the jurisdiction of, and has obtained a notice of coverage from, a QLP, the [operator](#) is authorized to discharge stormwater associated with construction activity under this general permit without the submittal of an NOI, SWPPP or application fee to the division. Permitting of stormwater runoff from construction sites from federal or state agencies (e.g., Tennessee Department of Transportation and Tennessee Valley Authority) and the local [MS4](#) program itself will remain solely under the authority of TDEC.

The division may require any [operator](#) located within the jurisdiction of a QLP to obtain permit coverage directly from the division. The [operator](#) shall be notified in writing by the division that coverage by the QLP is no longer applicable and how to obtain coverage under this permit.

1.5. **Effective Date of Coverage**

1.5.1. Notice of Coverage

The NOC is a notice from the division to the initial site-wide primary permittee informing the applicant that the NOI, the [SWPPP](#), and the application fee were received and accepted, and stormwater discharges from a specified area of a construction activity have been approved under this general permit. The initial site-wide primary permittee is authorized to discharge stormwater associated with construction activity as of the effective date listed on the NOC.

For new operators seeking subsequent coverage under an existing tracking number, the division will not issue an NOC. New operators are covered under the permit when their permit record is published on TDEC's dataviewer as "active" and with an effective date.

Assigning a permit tracking number by the division to a proposed discharge from a construction site does not confirm or imply an authorization to discharge under this permit. The division reserves the right to deny coverage to artificial entities (e.g., corporations or partnerships, excluding entities not required to register with the Tennessee Secretary of State) that are not properly registered and in good standing (i.e., listed with an entity status of "active") with the Tennessee Secretary of State, Division of Business Services. The division also reserves the right

to issue permit coverage in the correct legal name of the individual or entity seeking coverage, including each general partner of a general partnership in addition to the general partnership.

If an Aquatic Resource Alteration Permit (ARAP) is required for a site proposed for active construction, the NOC will not be issued until an ARAP application is submitted and deemed complete by the division. The treatment and disposal of wastewater (e.g., sanitary wastewater) generated during and after the construction must be also addressed prior to issuance of the NOC. The NOC may be delayed until adequate wastewater treatment and accompanying permits are issued.

1.5.2. Permit tracking numbers

Construction sites covered under this permit will be assigned permit tracking numbers in the sequence TNR100001, TNR100002, etc. An [operator](#) presently permitted under a previous construction general permit shall be granted coverage under this new general permit. Permit tracking numbers assigned under a previous construction general permit will be retained (see section 2.4.1 below). An [operator](#) receiving new permit coverage will be assigned a new permit tracking number (see section 2.4.2 below).

2. NOTICE OF INTENT (NOI) REQUIREMENTS

2.1. Who Must Submit an NOI?

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:

- a) 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 who is the current owner of the construction site. This person is considered the primary permittee.
- b) The person has day-to-day operational control of the activities necessary to ensure compliance with the [SWPPP](#) or other permit conditions. This person is typically a contractor or a commercial builder hired by the primary permittee, and is considered a secondary permittee.

The site-wide permittee is the first primary permittee to apply for coverage at the site. There may be other primary permittees for a project, but there is only one site-wide permittee. Where there are multiple operators associated with the same project, all operators are required to obtain permit coverage. Once covered by a permit, all such operators are to be considered as co-permittees if their involvement in the construction activities affects the same project site, and are held jointly and severally responsible for complying with the permit.

2.2. Construction Site Operators

2.2.1. Owner/Developer

An owner or developer of a project is a primary permittee. This person has operational or design control over construction plans and specifications, including the ability to make modifications to

those plans and specifications. This person may include, but is not limited to, a developer, landowner, realtor, commercial builder, homebuilder, etc. and may be an individual, a corporate entity, or a governmental entity. An owner's or developer's responsibility to comply with requirements of this permit extends until permit coverage is terminated in accordance with requirements of Part 8 below.

2.2.2. Commercial builders

A commercial builder can be a primary or secondary permittee at a construction site.

A commercial builder who purchases one or more lots from a site-wide permittee for the purpose of constructing and selling a structure (e.g., residential house, non-residential structure, commercial building, industrial facility); and has design or operational control over construction plans and specifications is a primary permittee for that portion of the site. A commercial builder may also be hired by an end user, such as a lot owner who may not be a permittee. In either case, the commercial builder is considered a new [operator](#) and must submit a new NOI following requirements in Section 2.4.3 below.

The commercial builder may also be hired by the primary permittee or a lot owner to build a structure. In this case, the commercial builder signs the primary permittee's NOI and [SWPPP](#) as a contractor (see Section 2.2.3 below) and is considered a secondary permittee.

2.2.3. Contractors

A contractor is considered a secondary permittee. This person has day-to-day operational control of the activities necessary to ensure compliance with the [SWPPP](#) or other permit conditions (e.g., the 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 may be: a general contractor, a grading contractor, an erosion control contractor, a sub-contractor responsible for land disturbing activities or EPSC implementation and maintenance, or a commercial builder hired by the primary permittee. The contractor may need to include in their contract with the party that hired them specific details for the contractor's responsibilities concerning EPSC measures. This includes the ability of the contractor to make EPSC modifications. The contractor should sign the NOI and [SWPPP](#) associated with the construction project at which they will be an operator.

2.3. **Responsibilities of Operators**

A permittee may meet one or more of the operational control components in the definition of "[operator](#)" found in Subpart 2.1 above. Either Section 2.3.1 or 2.3.2 below, or both, will apply depending on the type of operational control exerted by an individual permittee.

2.3.1. Permittees with design control

Permittees with design control (i.e., operational control over construction plans and specifications) at the construction site, including the ability to make modifications to those plans and specifications, must:

- a) ensure the project specifications they develop meet the minimum requirements of Part 3 below (stormwater pollution prevention plan - [SWPPP](#)) and all other applicable conditions;
- b) ensure the [SWPPP](#) indicates the areas of the project where they have design control and ensure all other permittees implementing and maintaining portions of the [SWPPP](#) impacted by any changes they make to the plan are notified of such modifications in a timely manner;
- c) ensure that all common BMPs (i.e., sediment treatment basin and drainage structures) necessary for the prevention of erosion or control of sediment are maintained and effective until all construction is complete and all disturbed areas in the entire project are stabilized, unless permit coverage has been obtained and responsibility has been taken over by a new primary permittee; and
- d) ensure that all [operators](#) on the site have permit coverage, if required, and are complying with the [SWPPP](#).

If parties with day-to-day operational control of the construction site have not been identified at the time the comprehensive [SWPPP](#) is initially developed, the permittee with design control shall be considered to be the responsible person until a supplemental NOI is submitted identifying the new operators (see Section 2.4.3 below). These new [operators](#) (e.g., general contractor, utilities contractors, sub-contractors, erosion control contractors, hired commercial builders) are considered secondary permittees. The [SWPPP](#) must be updated to reflect the addition of new [operators](#).

2.3.2. Permittees with day-to-day operational control

Permittees with day-to-day operational control of the activities necessary to ensure compliance with the [SWPPP](#) or other permit conditions must:

- a) ensure the [SWPPP](#) for portions of the project where they are operators meets the requirements of Part 3 below (*SWPPP Requirements*) and identifies the parties responsible for implementing the control measures identified in the plan;
- b) ensure the [SWPPP](#) indicates areas of the project where they have operational control over day-to-day activities; and
- c) ensure that measures in the [SWPPP](#) are adequate to prevent erosion and control any sediment that may result from their earth disturbing activity.

Permittees with operational control over only a portion of a larger construction project are responsible for compliance with all applicable terms and conditions of this permit as it relates to their activities on their portion of the construction site. This includes, but is not limited to, implementation of [Best Management Practices \(BMPs\)](#) and other controls required by the [SWPPP](#). Permittees shall ensure either directly or through coordination with other permittees, that their activities do not render another person's pollution control ineffective. All permittees must implement their portions of a comprehensive [SWPPP](#).

2.4. NOI Submittal

2.4.1. Existing sites

An [operator](#) presently permitted under the 2011 construction general permit shall be granted coverage under this new general permit.² There will be no additional fees associated with an extension of coverage for existing sites under the new permit. The division may, at its discretion, require permittees to confirm their intent to be covered under this new general permit following its effective date through submission of an updated NOI. If the confirmation is required but not received by the division, coverage under the new general permit will be terminated. If a site with terminated coverage is unstable or if construction continues, a new NOI, [SWPPP](#), and application fee must be submitted.

2.4.2. New sites or New Phases of Existing Sites

Except as provided in Section 2.4.3 below, [operators](#) must submit a complete NOI, [SWPPP](#) and an application fee in accordance with the requirements described in Subpart 1.4 above. The complete application should be submitted at least 30 days prior to commencement of construction activities. The permittee is authorized to discharge stormwater associated with construction activity as of the effective date listed on the NOC. The land disturbing activities shall not start until a NOC is prepared and written approval by the division staff is obtained according to Subpart 1.5 above.

2.4.3. New operators

A supplemental NOI should be submitted as soon as practicable before a new [operator](#) commences work at a site with existing coverage. The supplemental NOI must reference the project name and tracking number assigned to the primary permittee's NOI.

A new operator working as a residential home builder may submit Form CN-1249, the Stormwater Pollution Prevention Plan (SWPPP) for Single Family Residential Homebuilding Sites. This form may be found at http://tdec.tn.gov/etdec/DownloadFile.aspx?row_id=CN-1249 (see Section 1.4.2 above).

The NOI may not need to be submitted immediately upon assuming operational control if the portion of the site controlled by the new operator is inactive and all of the previously disturbed areas are stabilized. However, the division should be notified if a new [operator](#) obtains operational control at a site, but commencement of construction under the direction of the [operator](#) at the site is going to be delayed.

If the primary permittee's company name has changed (but not the site ownership or authorized signatories), an updated NOI should be submitted to the division within 30 days of the name change, along with documentation that the name change has been properly registered with the Tennessee Secretary of State, Division of Business Services. If the new [operator](#) agrees to comply

² If the existing permittee is an artificial person (e.g., a partnership or corporation, excluding entities not required to register with the Tennessee Secretary of State), the division reserves the right to deny coverage under this new general permit if the permittee is not registered and in good standing (i.e., listed with an entity status of "active") with the Tennessee Secretary of State, Division of Business Services. The division further reserves the right to convert permit coverage to the correct legal name of the permittee and to name each general partner of a general partnership in addition to the general partnership.

with an existing comprehensive [SWPPP](#) already implemented at the site, a copy of the supplemental or modified [SWPPP](#) does not have to be submitted with the NOI.

If the transfer of ownership is due to foreclosure or a permittee filing for bankruptcy proceedings, the new owner (e.g., a lending institution) must obtain permit coverage if the property is inactive, but is not stabilized sufficiently. If the property is sufficiently stabilized permit coverage may not be necessary, unless and until construction activity at the site resumes.

2.4.4. Late NOIs

Dischargers are not prohibited from submitting late NOIs. When a late NOI is submitted, and if the division authorizes coverage under this permit, such authorization is only for future discharges. Any prior, unpermitted, discharges or permit noncompliances are subject to penalties as described in Section 7.1.2 below.

2.5. **Who Must Sign the NOI?**

All construction site [operators](#) as defined in Subpart 2.2 above (*Construction Site Operators*) must sign the NOI form. Signatory requirements for a NOI are described in Section 7.7.1 below. All signatures must be original. An NOI that does not bear an original signature will be deemed incomplete.

2.6. **NOI Form**

2.6.1. Contents of the NOI form

The NOI for construction projects shall be submitted on the form provided in Appendix A of this permit. This form and its instructions set forth the required content of the NOI. The NOI form must be filled in completely. If sections of the NOI are left blank, a narrative explaining the omission must be provided as an attachment.

Owners, developers and contractors that meet the definition of the [operator](#) in Subpart 2.2 above (*Construction Site Operators*) shall apply for permit coverage on the same NOI, if possible. The division may accept separate NOI forms from different [operators](#) for the same construction site when warranted.

After permit coverage has been granted to the primary permittee, any subsequent NOI submittals must include the site's previously assigned permit tracking number and the project name. The [SWPPP](#) shall be prepared in accordance with Part 3 below, and must be submitted with the NOI unless the NOI is only being submitted to add a secondary permittee to an existing coverage.

2.6.2. Construction site map

An excerpt (8 ½" by 11" or 11" by 17") from the appropriate 7.5 minute [United States Geological Survey](#) (USGS) topographic map, a city map, or a county map with the proposed construction site centered, must be included with the NOI. The entire proposed construction area must be outlined in red on the map. The total acreage to be disturbed should be included on the map. All outfalls discharging runoff from the property should be identified. Streams receiving the discharge and storm sewer systems conveying the discharge from outfalls should be clearly identified and marked on the map. NOIs for [linear projects](#) must specify the location of each end of the construction area and all areas to be disturbed. Commercial builders that develop separate

SWPPPs that cover only their portion of the project shall also submit a site or plat map that clearly indicates the lots for which they are applying for permit coverage, and the location of EPSCs that will be used at each lot (see Section 1.4.2 above).

2.6.3. Application completeness

The division recommends that all applicants use the Notice of Intent (NOI) & Stormwater Pollution Prevention Plan (SWPPP) Checklist (see Appendix D) to check the completeness of their submittal.

Based on a review of the NOI and other available information, the division shall, within 30 days:

- a) issue an NOC to the initial site-wide primary operator for the construction site (see Subpart 1.5 above),
- b) publish new operators' supplemental NOI information on TDEC's dataviewer,
- c) prepare a deficiency letter stating additional information must be provided before the NOC can be issued, or
- d) deny coverage under this general permit and require the discharger to obtain coverage under an individual NPDES permit (see Subpart 7.12 below).

2.7. **Where to Submit the NOI, SWPPP and Application Fee**

The applicant shall submit the NOI, SWPPP, and application fee to the appropriate TDEC Environmental Field Office (EFO) for the county where the construction activity is located and where stormwater discharges enters [waters of the state](#). If a site straddles a county line of counties that are in different EFO service areas, the [operators](#) shall send the NOI and the application fee to the EFO that provides coverage for the majority of the proposed construction activity.

A list of counties and the corresponding EFOs is provided in Subpart 2.8 below. The division's Nashville Central Office will serve as a processing office for NOIs submitted by federal or state agencies (e.g., TDOT, TVA and the local [MS4](#) programs).

2.8. **List of the TDEC Environmental Field Offices (EFOs) and Corresponding Counties**

EFO Name	List of Counties
Chattanooga	Bledsoe, Bradley, Grundy, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, Sequatchie
Columbia	Bedford, Coffee, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Perry, Wayne
Cookeville	Cannon, Clay, Cumberland, De Kalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, Warren, White
Jackson	Benton, Carroll, Chester, Crockett, Decatur, Dyer, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, Madison, McNairy, Obion, Weakley
Johnson City	Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Unicoi, Washington
Knoxville	Anderson, Blount, Campbell, Claiborne, Cocke, Grainger, Hamblen, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, Union
Memphis	Fayette, Shelby, Tipton
Nashville	Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, Wilson

TDEC may be reached by telephone at the toll-free number 1-888-891-8332 (TDEC). Local EFOs may be reached directly when calling this number from the construction site, using a land line.

3. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) REQUIREMENTS

3.1. The General Purpose of the SWPPP

A [SWPPP](#) must be prepared and submitted along with the NOI as required in Section 1.4.2 above. The primary permittee must implement the [SWPPP](#) as written from commencement of construction activity until final stabilization is complete, or until the permittee does not have design or operational control of any portion of the construction site. Requirements for termination of site coverage are provided in Part 8 below.

A site-specific [SWPPP](#) must be developed for each construction project or site covered by this permit. The design, inspection and maintenance of [Best Management Practices \(BMPs\)](#) described in the [SWPPP](#) must be prepared in accordance with good engineering practices. At a minimum, [BMPs](#) shall be consistent with the requirements and recommendations contained in the current edition of the [Tennessee Erosion and Sediment Control Handbook](#) (the handbook). The handbook is designed to provide information to planners, developers, engineers, and contractors on the proper selection, installation and maintenance of [BMPs](#). This permit allows the use of innovative or alternative [BMPs](#), whose performance has been documented to be equivalent or superior to conventional [BMPs](#) as certified by the [SWPPP](#) designer.

Once a definable area has been finally stabilized, the permittee may identify this area on the [SWPPP](#). 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.).

For more effective coordination of [BMPs](#) a cooperative effort by the different [operators](#) at a site to prepare and participate in a comprehensive [SWPPP](#) is expected. Primary permittees at a site may develop separate [SWPPPs](#) that cover only their portion of the project. In instances where there is more than one [SWPPP](#) for a site, the permittees must ensure the stormwater discharge controls and other measures are compatible with one another and do not prevent another [operator](#) from complying with permit conditions. The comprehensive [SWPPP](#) developed and submitted by the primary permittee must assign responsibilities to secondary permittees and coordinate all [BMPs](#) at the construction site. Assignment and coordination can be done by name or by job title.

3.1.1. Registered engineer or landscape architect requirement

The narrative portion of the [SWPPP](#) shall be prepared by an individual who has a working knowledge of erosion prevention and sediment controls, such as (but not limited to) a Certified Professional in Erosion and Sediment Control ([CPESCC](#)) or a person that successfully completed the "[Level II Design Principles for Erosion Prevention and Sediment Control for Construction Sites](#)" course.

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 shall 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 10 below) 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 [SWPPP](#)s for construction sites involving drainage to an outfall totaling 10 or more acres (see Subsection 3.5.3.3 below) or 5 or more acres if draining to waters with unavailable parameters or Exceptional Tennessee Waters (see Section 5.4.1 below).

3.1.2. Site assessment

Quality assurance of erosion prevention and sediment controls (EPSCs) shall be done by performing site assessments. The site assessment shall be conducted at each outfall draining 10 or more acres (see Subsection 3.5.3.3 below) or 5 or more acres if draining to waters with unavailable parameters or Exceptional Tennessee Waters (see Section 5.4.1 below). Site assessments shall cover the entire disturbed area and occur within 30 days of construction commencing at each portion of the site that drains the qualifying acreage. The site assessment shall be performed by individuals with one or more of the following qualifications:

- a) A licensed professional engineer or landscape architect.
- b) A Certified Professional in Erosion and Sediment Control ([CPESC](#)).
- c) A person who has successfully completed the “[Level II Design Principles for Erosion Prevention and Sediment Control for Construction Sites](#)” course.

At a minimum, site assessments should be performed to verify the installation, functionality and performance of the EPSC measures described in the [SWPPP](#). If structural BMPs (or equivalent EPSC measures) are not constructed or construction is in progress at the time of the site assessment, a follow-up monthly assessment(s) are required until the BMPs are constructed per the [SWPPP](#). The site assessment should be performed with the inspector (as defined in Part 10 below) and should include a review and update (if applicable) of the [SWPPP](#). Modifications of 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 shall 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 10 below) and the rules of the [Tennessee Board of Architectural and Engineering Examiners](#).

The site assessment findings shall be documented and the documentation kept with the field [SWPPP](#) at the site. At a minimum, the documentation shall include information required in the inspection form provided in Appendix C of this permit, an 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.”

The site assessment can take the place of one of the twice weekly inspections required in Subsection 3.5.8.2 below 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](#).

3.2. SWPPP Preparation and Compliance

3.2.1. Existing sites

Operators of an existing site presently permitted under the division's 2011 construction general permit shall maintain full compliance with the current [SWPPP](#). The current [SWPPP](#) should be modified, if necessary, to meet requirements of this new general permit, and the [SWPPP](#) changes implemented no later than 12 months following the new permit effective date. The permittee shall make the updated [SWPPP](#) available for the division's review upon request.

3.2.2. New sites or New Phases of Existing Sites

For construction stormwater discharges not authorized under an NPDES permit as of the effective date of this permit, a [SWPPP](#) that meets the requirements of Subpart 3.5 below of this permit shall be prepared and submitted along with the NOI and an appropriate fee for coverage under this permit.

3.3. Signature Requirements, SWPPP Review and Making Plans Available

3.3.1. Signature requirements

The [SWPPP](#) shall be signed by the operators in accordance with Subpart 7.7 below, and if applicable, certified according to requirements in Section 3.1.1 above. All signatures must be original. Electronic signatures are deemed equivalent to original signatures. A [SWPPP](#) that does not bear an original signature or an electronic signature will be deemed incomplete.

3.3.2. SWPPP review

The permittee shall make updated plans and inspection reports available upon request to the director; the local agency approving erosion prevention and sediment control plans, grading plans, land disturbance plans or stormwater management plans; or the operator of an [MS4](#).

3.3.3. Making plans available

A copy of the current version of the [SWPPP](#) shall be retained on-site at the location which generates the stormwater discharge in accordance with Part 6 below 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 off-site, reasonable local access to the plan, during normal working hours, must be provided.

3.4. Keeping Plans Current

3.4.1. SWPPP modifications

The permittee must modify and update the **SWPPP** if any of the following conditions apply:

- a) Whenever there is a change in the scope of the project that 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**. If applicable, the **SWPPP** must be modified or updated whenever there is a change in chemical treatment methods, including the use of different treatment chemical, different dosage or application rate or different area of application.
- b) Whenever inspections or investigations by site **operators**; or local, state or federal officials indicate the **SWPPP** is proving ineffective in eliminating or significantly minimizing pollutants from sources identified under Section 3.5.2 below, or is otherwise not achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity. Where local, state or federal officials determine that the **SWPPP** is ineffective in eliminating or significantly minimizing pollutant sources, a copy of any correspondence to that effect must be retained in the **SWPPP**.
- c) Whenever any new **operator** (typically a secondary permittee) who will implement a measure of the **SWPPP** must be identified (see Subparts 2.1 and 2.2 above for further description of which **operators** must be identified).
- d) Whenever it is necessary to include measures intended to prevent a negative impact to legally protected state or federally listed fauna or flora (or species proposed for such protection – see Subpart 1.3 above). 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).

3.5. Components of the SWPPP

The **SWPPP** shall include the following items, as described in Sections 3.5.1 to 3.5.10 below: a site description; a description of stormwater runoff controls, erosion prevention and sediment control measures, stormwater management measures, and a description of any other items needing control; approved local government sediment and erosion control requirements; maintenance and inspection requirements; pollution prevention measures for 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.

3.5.1. Site description

Each **SWPPP** 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 activities which disturb soils for major portions of the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation).
- 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 percent slope and the variation in percent slope found on the site. The estimate 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) Data describing the soil, how the soil type will dictate the needed control measures and how the soil may affect the expected quality of runoff from the site. The data may be referenced or summarized.
- g) An estimate of the runoff coefficient of the site after construction activities are completed and a description of how the runoff will be handled to prevent erosion at the permanent outfall and receiving stream. The estimate of the percentage of impervious area before and after construction must also be provided.
- h) An erosion prevention and sediment control plan with the proposed construction area clearly outlined. The plan should indicate the boundaries of the permitted area, drainage patterns, 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 and sinkholes, and identification on the erosion control plan of outfall points intended for coverage. The erosion control plan must meet requirements stated in Section 3.5.2 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](#) (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.
- l) If applicable, clearly identify and outline the [buffer zones](#) established to protect [waters of the state](#) located within the boundaries of the project.
- m) A description of lot-level EPSC measures to be implemented when a lot, or lots, at a subdivided construction project is sold to a new owner prior to the completion of construction. Subdivided construction projects may include residential or commercial subdivisions and industrial parks. The new operator must obtain coverage under this permit once the property is sold.
- n) A description of the construction phasing for projects of more than 50 acres (see Subsection 3.5.3.1 below).
- o) A description of the protections (e.g., caution fencing or stream side buffer zones) employed to limit the disturbance if only a portion of the total acreage of the construction site is to be disturbed. The limits of disturbance shall be clearly identified in the [SWPPP](#) and the areas to be undisturbed clearly marked in the field before construction activities begin.

3.5.2. 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 activity which disturbs soils for major portions of the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation). The [SWPPP](#) must also describe:

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

The [SWPPP](#) must include EPSC plans showing the approximate location of each control measure and a description of when the measure will be implemented during the construction process (e.g., prior to the start of earth disturbance, as the slopes are altered and after major grading is finished). The different stages of construction and the EPSC measures that will be utilized during each stage should be depicted on multiple plan sheets as described below. Half sheets are acceptable. One sheet showing the combined EPSCs that will be used during the life of a multi-phase project will not be considered complete.

At least two separate EPSC plan sheets shall be developed for site disturbances less than five acres. The first plan sheet will address the EPSC measures necessary to manage stormwater runoff, erosion and sediment during the initial land disturbance, or grading, stage. The second plan sheet will address the EPSC measures necessary to manage stormwater runoff, erosion and sediment during the final grading stage.

At least three separate EPSC plan sheets shall be developed for site disturbances of five or more acres. In addition to the two plan sheets described above, a third plan sheet will address the EPSC measures necessary to manage stormwater runoff, erosion and sediment during any interim grading stages.

The description and implementation of controls shall address the following minimum components, as described in Sections 3.5.3, 3.5.4 and 3.5.5 below. Additional controls may be necessary to comply with Section 5.3.2 below.

3.5.3. Erosion prevention and sediment control

3.5.3.1. General criteria and requirements

- a) 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 to the maximum extent practicable.
- b) The design, inspection and maintenance of [Best Management Practices \(BMPs\)](#) described in the [SWPPP](#) must be prepared in accordance with good engineering practices and, at a minimum, shall be consistent with the requirements and 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. All control measures selected must be able to slow runoff so that rill and gully formation is prevented. When [steep slopes](#) or fine particle soils are present at the site, additional

physical or chemical treatment of stormwater runoff may be required. Proposed physical 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.

Chemicals used for treating stormwater runoff must be shown to be non-toxic to sensitive aquatic species through a 48-hour or 96-hour acute toxicity test as reported in the product's Material Safety Data Sheets. The chemical feed rate shall be such that the effluent concentration of the product is lower than the LC50 toxicity value for sensitive aquatic species as reported in the products Material Safety Data Sheets. Calculations used to determine the chemical feed rate so that runoff or effluent is not toxic to sensitive aquatic species shall also be included in the SWPPP. Chemicals used for treating stormwater runoff shall be applied in accordance with manufacturer specifications and securely stored on-site in the contractor's staging and storage area if not stored off-site or provided by others. Chemicals shall not be applied directly to any stream.

- c) The timing of the planting of the vegetation cover must be discussed in the [SWPPP](#) if permanent or temporary vegetation is to be used as a control measure. Planting cover vegetation during winter months or dry months should be avoided.
- d) If sediment escapes the permitted area, off-site accumulations that have not reached a stream must be removed at a frequency sufficient to minimize off-site impacts (e.g., sediment that has escaped a construction site and collected in a street must be removed so that it does not subsequently wash into storm sewers and streams during the next rain or so that it does not pose a safety hazard to users of public streets). Permittees shall not initiate remediation or restoration of a stream without consulting the division first. This permit does not authorize access to private property. Arrangements concerning the removal of sediment on adjoining property must be settled by the permittee and the adjoining landowner.
- e) Sediment should be removed from sediment traps, silt fences, sedimentation basins and other sediment controls as recommended in the [Tennessee Erosion and Sediment Control Handbook](#). Sediment must be removed when design capacity has been reduced by 50%.
- f) Litter, construction debris and construction chemicals exposed to stormwater shall be picked up prior to storm events or before being carried off of the site by wind so that they do not become a pollutant source for stormwater discharges. Erosion prevention and sediment control materials (e.g., silt fence) should be removed or otherwise prevented from becoming a pollutant source for stormwater discharges.
- g) Erodible material storage areas (e.g., overburden and stockpiles of soil) and borrow pits that are used primarily for the permitted project and are contiguous to the site are considered a part of the site and shall be identified on the NOI, addressed in the [SWPPP](#) and included in the fee calculation. TDOT projects shall be addressed in the [Waste and Borrow Manual](#) per the [Statewide Stormwater Management Plan \(SSWMP\)](#).
- h) Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 14 days prior to grading or earth moving activities unless the area is subsequently temporarily or permanently stabilized.
- i) 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.
- j) Construction must be sequenced to minimize the exposure time of graded or denuded areas.

- k) Construction phasing is recommended on all projects regardless of size as an effective practice for minimizing erosion and limiting sedimentation. Construction must be phased to keep the total [disturbed area](#) less than 50 acres at any one time. Areas of the completed phase must be stabilized within 14 days (see Subsection 3.5.3.2 below). No more than 50 acres of active soil disturbance is allowed at any time during the construction project. This includes off-site borrow or disposal areas that meet the conditions of Section 1.2.2 above.

The 50 acre limitation does not apply to [linear construction projects](#) (e.g., roadway, pipeline and other infrastructure construction activities) if the following conditions are met:

- i. Where no one area of active soil disturbance is greater than 50 acres and the various areas of disturbance have separate receiving waterbodies.
- ii. Where contiguous disturbances amount to greater than 50 acres, but no single waterbody is receiving runoff from more than 50 disturbed acres.
- iii. With the department's written concurrence, where more than 50 acres of disturbance is to occur and where a single waterbody will receive runoff from more than 50 acres.
- iv. Where no one area of active soil disturbance is greater than 50 acres and the various areas of disturbance are more than 5 miles apart.

In order for a [linear project](#) to take advantage of the 50 acre rule exemption outlined in this paragraph, the contractor shall conduct monthly site assessments as described in Section 3.1.2 above until the site is permanently stabilized.

- l) EPSC 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.
- m) The following records shall be maintained on or near the site: the dates when major grading activities occur; the dates when construction activities temporarily or permanently cease on a portion of the site; the dates when stabilization measures are initiated; inspection records and rainfall records.
- n) Off-site vehicle tracking of sediment and the generation of dust shall be minimized. A stabilized construction access shall be described and implemented, as needed, to reduce the tracking of mud and dirt onto public roads by construction vehicles.
- o) Permittees shall maintain a rain gauge and daily rainfall records at the site, or use a reference site for a record of daily precipitation.

3.5.3.2. Stabilization practices

The [SWPPP](#) shall include a description of temporary and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved when possible. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees and the preservation of mature vegetation.. Use of impervious surfaces for final stabilization in lieu of a permanent vegetative cover should be avoided where practicable. No stabilization control measures or EPSC measures are to be installed in a stream without obtaining a Section 404 permit and an [Aquatic Resources Alteration Permit](#) (ARAP).

Stabilization measures shall be initiated as soon as possible in portions of the site where construction activities have temporarily or permanently ceased. Temporary or permanent soil stabilization at the construction site must be completed no later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. In the following situations, [temporary stabilization](#) measures are not required:

- a) Where the initiation of stabilization measures is precluded by snow cover or frozen ground conditions or adverse soggy ground conditions, stabilization measures shall be initiated as soon as practicable.
- b) Where construction activity on a portion of the site is temporarily ceased, but soil disturbing activities will resume within 14 days.

[Steep slopes](#) shall be stabilized no later than seven days after construction activity on the slope has temporarily or permanently ceased.

Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently 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.

3.5.3.3. 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 permanent sediment basins. Structural controls shall not be placed in streams or wetlands except as authorized by a section 404 permit and/or [Aquatic Resources Alteration Permit](#) (ARAP).

EPSC measures must be prepared in accordance with good engineering practices and the latest edition of the [Tennessee Erosion and Sediment Control Handbook](#). In addition, EPSC measures shall be designed to minimize erosion and maximize sediment removal resulting from a [2-year, 24-hour storm](#) (the design storm – see part 10 below: “2-year and 5-year design storm depths and intensities”), as a minimum, either from total rainfall in the designated period or the equivalent intensity as specified on the following website http://hdsc.nws.noaa.gov/hdsc/pfds/orb/tn_pfds.html. Chemical treatment of the stormwater runoff may be necessary to minimize the amount of sediment being discharged when clay and other fine particle soils or highly erodible soils are present at the construction site.

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.³ A drainage area of 10 or more acres includes disturbed and undisturbed portions of the site and areas adjacent to the site, all draining through the common outfall. Where an equivalent control

³ Two principal objectives in sediment basin design should be recognized: (a) lower wet and dry sediment treatment storage with a permanent pool, with a total minimum volume below the principal spillway riser crest of 134 yd³/acre (b) upper hydrologic storage (i.e., 2-yr or 5-yr and 25-yr, 24-hr storms) for designing hydraulic controls such as principal and emergency spillways.

measure is substituted for a sediment retention 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.

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, filtered or chemically treated prior to its discharge into surface waters. Water must be discharged through a pipe, 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.

3.5.4. Stormwater management

The [SWPPP](#) shall include a description of any measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed, including a brief description of applicable State or local erosion and sediment control requirements.

For projects discharging to waters with unavailable parameters for siltation and habitat alterations due to in-channel erosion, the [SWPPP](#) shall include a description of measures that will be installed during the construction process to control pollutants and the increase in impervious area after the construction addressed in the permit application is completed, the nature of fill material and existing data describing the soil or the quality of the discharge. The [SWPPP](#) shall also include a description of measures that will be installed to dissipate the volume and energy of the stormwater runoff to pre-development levels.

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 coverage has been terminated. Permittees are only responsible for the operation and maintenance of stormwater management measures prior to final stabilization of the site and permit coverage being terminated. Permittees are not responsible for maintenance after permitted stormwater discharges associated with construction activity have been eliminated from the site. All permittees are encouraged to limit the amount of post construction runoff voluntarily, if not required by local building regulations or local [MS4](#) program requirements, to minimize in-stream channel erosion in the receiving stream.

Construction stormwater runoff management practices may include: stormwater detention structures, including ponds with a permanent pool; 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 the receiving stream so that the natural physical and biological characteristics and functions of the stream are maintained and protected (i.e., there should be 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 velocity dissipation devices to control pollution where flows 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 or its banks.

3.5.5. 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 Resources Alteration Permit](#) (ARAP) (see Part 9 below).
- b) The [SWPPP](#) shall identify and provide the necessary EPSC measures for the installation of any waste disposal system, sanitary sewer or septic system. Permittees must also comply with applicable state and local waste disposal, sanitary sewer or septic system regulations as necessary.
- c) 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 pollution from materials stored on site. Controls may include storage practices to minimize exposure of the materials to stormwater or spill prevention and response.
- d) A description of stormwater sources from areas other than construction and a description of controls and measures that will be implemented at those sites.
- e) A description of measures necessary to prevent “taking” of legally protected state or federal listed threatened or endangered aquatic fauna and critical habitat, if applicable. The permittee must describe and implement such measures to maintain eligibility for coverage under this permit.

3.5.6. Approved local government sediment and erosion control requirements

Permittees must comply with any additional erosion prevention, sediment control and stormwater management measures required by a local municipality or permitted [MS4](#) program.

3.5.7. Maintenance

The [SWPPP](#) shall describe procedures to ensure that vegetation, erosion prevention and sediment control measures, [buffer zones](#) and other protective measures 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.

3.5.8. Inspections

3.5.8.1. Inspector training and certification

Twice weekly inspections can be performed by:

- a) a person with a valid certification from the “[Fundamentals of Erosion Prevention and Sediment Control Level I](#)” course,
- b) a licensed professional engineer or landscape architect,
- c) a Certified Professional in Erosion and Sediment Control (CPESC), or
- d) a person who has successfully completed the “Level II Design Principles for Erosion Prevention and Sediment Control for Construction Sites” course.

A copy of the certification, or training record for inspector certification, should be kept on site.

3.5.8.2. Schedule of inspections

- a) Inspections described in paragraphs b, c and d below, shall be performed at least twice every calendar week. Inspections shall be performed at least 72 hours apart. Where sites or portions of construction sites have been temporarily stabilized, inspections only have to be conducted once per month until construction activity resumes. Inspection requirements do not apply to definable areas that have been finally stabilized, as described in Subpart 3.1 above. Written notification of the intent to change the inspection frequency and the justification for such request must be submitted to the local Environmental Field Office, or the division's Nashville Central Office for projects of the Tennessee Department of Transportation (TDOT) and the Tennessee Valley Authority (TVA). 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.
- b) Qualified personnel, as defined in Subsection 3.5.8.1 above (provided by the permittee or cooperatively by multiple permittees), 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.
- c) 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. EPSC measures shall be observed to ensure that they are operating correctly.
- d) Outfall points shall be inspected to determine whether EPSC measures are effectively preventing impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.
- e) Based on the results of the inspection, any inadequate control measures or control measures in disrepair shall be replaced, modified or repaired as necessary, before the next rain event; but in no case more than seven days after the need is identified.
- f) Based on the results of the inspection, the site description identified in the [SWPPP](#) in accordance with Section 3.5.1 above and pollution prevention measures identified in the [SWPPP](#) in accordance with Section 3.5.2 above 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.
- g) All inspections shall be documented on the Construction Stormwater Inspection Certification form provided in Appendix C of this permit for all construction sites. An alternative inspection form may be used as long as the form contents and the inspection certification language are, at a minimum, equivalent to the division's form and the permittee has obtained a written approval from the division to use the alternative form. The form must contain the printed name and signature of the inspector and the certification must be executed by a person who meets the signatory requirements of Section 7.7.2 below. Inspection documentation will be maintained on-site and made available to the division upon request. Inspection reports must be submitted to the division within 10 days of the request. If the division requests the Construction Stormwater Inspection Certification form to be submitted, a copy of the signed original must be submitted.

- h) Trained certified inspectors shall complete inspection documentation to the best of their ability. Falsifying inspection records, or other documentation; or failure to complete inspection documentation shall result in a violation of this permit and any other applicable acts or rules.
- i) Subsequent primary permittees who have obtained coverage under this permit should conduct twice weekly inspections, unless their portions of the site have been temporarily stabilized, runoff is unlikely due to winter conditions or due to extreme drought as stated in paragraph a) above. The primary permittee (such as a developer) is no longer required to inspect portions of the site that are covered by a subsequent primary permittee (such as a home builder).

3.5.9. Pollution prevention measures for non-stormwater discharges

The SWPPP must identify the source of any non-stormwater discharge listed in Section 1.2.3 above if it is to be combined with stormwater discharges associated with construction activity. The SWPPP shall identify and ensure the implementation of appropriate pollution prevention measures for the non-stormwater components of the discharge. Any non-stormwater must be discharged through stable discharge structures. Estimated volume of the non-stormwater components of the discharge must be included in the design of all impacted control measures.

3.5.10. 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) whether 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 is consistent 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.

4. CONSTRUCTION AND DEVELOPMENT EFFLUENT GUIDELINES

4.1. Non-Numeric Effluent Limitations

Any point source authorized by this general permit must achieve, at a minimum, the effluent limitations representing the degree of effluent reduction attainable by application of best practicable control technology (BPT) currently available and is described in Sections 4.1.1 through 4.1.7 below.

4.1.1. Erosion prevention and sediment controls

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

- 1.) Control stormwater volume and velocity to minimize soil erosion in order to minimize pollutant discharges;
- 2.) 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;
- 3.) Minimize the amount of soil exposed during construction activity;
- 4.) Minimize the disturbance of steep slopes;
- 5.) 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;
- 6.) Provide and maintain natural buffers as described in Section 4.1.2 below, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible;
- 7.) 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
- 8.) 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.

4.1.2. Water quality riparian buffer zone requirements

Water quality riparian buffer zone requirements in this section apply to all streams adjacent to construction sites except for streams with unavailable parameters or Exceptional Tennessee Waters (see Section 5.4.2 below). A 30-foot natural water quality riparian buffer adjacent to all streams at a construction site shall be preserved, to the maximum extent practicable, during construction activities. 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 Rule 0400-40-03-.05(9).⁴ Because of heavy sediment load associated with construction site runoff, water quality riparian buffers are not primary sediment control measures and should not be relied on 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 allowed, if necessary, to improve its effectiveness in protecting waters of the state.

The water quality riparian buffer zone should be preserved between the top of stream bank and the disturbed construction area. The 30-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 15 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.

⁴ If obtaining permit coverage for the first time following the effective date of this permit, 15-foot buffers are also required for any wet weather conveyance identified as waters of the United States by the U.S. Army Corps of Engineers or the Environmental Protection Agency.

Every attempt should be made for construction activities to not take place within the water quality riparian [buffer zone and for existing forested areas to be preserved](#). Where it is not practicable to maintain a full water quality riparian buffer, [BMPs](#) providing equivalent protection to a receiving stream as a natural water quality riparian buffer must be used at a construction site. Equivalent [BMPs](#) shall be designed to be as effective in protecting the receiving stream from the impacts of stormwater runoff as a natural water quality riparian buffer. 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 may include sewer line construction, roadway construction, utility line or equipment installation, greenway construction, construction of a permanent outfall or a velocity dissipating structure.

This requirement does not apply to any valid [Aquatic Resources Alteration Permit](#) (ARAP), or equivalent permits issued by federal authorities. Additional [buffer zone](#) requirements may be established by the local [MS4](#) program.

4.1.2.1. Water quality riparian buffer zone exemption based on existing uses

Water quality riparian buffer zones as described in Section 4.1.2 above shall not be required in portions of the buffer where certain land uses exist and are to remain in place according to the following:

- a) A use shall be considered existing if it was present within the [buffer zone](#) as of the date of the Notice of Intent for coverage under the CGP. Existing uses may include 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](#).
- b) 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.

4.1.2.2. Pre-approved sites

Construction activity at sites that were pre-approved prior to February 1, 2010, is exempt from the buffer requirements of Section 4.1.2 above. Evidence of pre-approval for highway projects shall be a final right-of-way plan; and, for other construction projects, the final design drawings with attached written and dated approval by the local, state or federal agency with authority to approve such design drawings for construction.

4.1.3. Soil stabilization

Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have temporarily or permanently 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 such as, properly anchored mulch, soil binders or matting must be employed.

4.1.4. Dewatering

Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls. Appropriate controls may include weir tanks, dewatering tanks, gravity bag filters, sand media particulate filters, pressurized bag filters, cartridge filters or other control units providing the level of treatment necessary to comply with permit requirements.

4.1.5. 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; and
- c) minimize the discharge of pollutants from spills and leaks, and implement chemical spill and leak prevention and response procedures.

Soil analysis shall be performed prior to the application of fertilizer to any portion of the site. Soil analysis shall include parameters included in the Basic Test by the UT Agriculture Extension for developing and maintaining fertilizer programs (e.g., soil pH, buffer value, phosphorus, potassium, calcium, magnesium). Soil samples should be representative of the area for which fertilizer will be applied. Sample type should be composite and should be collected in accordance with the guidance provided in the University of Tennessee Extension “Soil Testing” brochure PB1061, available at: <http://utextension.tennessee.edu/publications/Documents/PB1061.pdf>. Soil analysis results shall be used to determine correct fertilizer application rates to prevent the over-application of fertilizer to the site. Documentation of required soil analysis be maintained onsite with the SWPPP.

4.1.6. Prohibited discharges

The following discharges are prohibited:

- a) Wastewater from washout of concrete, unless managed by an appropriate control.
- b) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials.
- c) Fuels, oils or other potential pollutants used in vehicle and equipment operation and maintenance.
- d) Soaps or solvents used in vehicle and equipment washing.

4.1.7. Surface outlets

Discharges from basins and impoundments shall utilize outlet structures that only withdraw water from near the surface of the basin or impoundment, unless infeasible.

5. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS

5.1. Releases in Excess of Reportable Quantities

The discharge of hazardous substances or oil in the stormwater discharges 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), the Tennessee Emergency Management Agency (emergencies: 800-262-3300; non-emergencies: 800-262-3400) and the local emergency planning office (where applicable) 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) in addition to any follow up notifications required by federal law, 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 appropriate Environmental Field Office (see Subpart 2.8 above); and
- c) the [SWPPP](#) required under Part 3 above 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.

5.2. Spills

This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

5.3. Discharge Compliance with State Water Quality Standards

5.3.1. Violation of water quality standards

This permit does not authorize stormwater or other discharges that would cause or contribute to a violation of a state water quality standard (Tennessee Rules, Chapters [0400-40-03](#), [0400-40-04](#)). Such discharges constitute a violation of this permit.

Where a discharge is already authorized under this permit and the division determines the discharge to cause or contribute to the violation of applicable state water quality standards, the division will notify the [operator](#) of such violations. The permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and shall document these actions in the [SWPPP](#).

5.3.2. Discharge quality

- a) The construction activity shall be carried out in such a manner that will prevent violations of water quality criteria as stated in the Tennessee Rules, Chapter 0400-40-03-.03. This includes, but is not limited to, the prevention of any discharge that causes a condition in which visible solids, bottom deposits or turbidity impair the usefulness of waters of the state for any of the uses designated for that water body by Tennessee Rules, Chapter 0400-40-04. Construction activity carried out in the manner required by this permit shall be considered in compliance with the Tennessee Rules, Chapter 0400-40-03-.03.
- b) There shall be no distinctly visible floating scum, oil or other matter contained in the stormwater discharge.
- c) The stormwater discharge must not cause an objectionable color contrast in the receiving stream.
- d) The stormwater discharge must result in no materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life or fish and aquatic life in the receiving stream. This provision includes species covered under Subpart 1.3 above.

5.4. Discharges into Waters with Unavailable Parameters or Exceptional Tennessee Waters

5.4.1. SWPPP/BMP requirements

Discharges that would cause [measurable degradation](#) of waters with unavailable parameters or that would cause more than de minimis degradation of Exceptional Tennessee Waters are not authorized by this permit (see Subpart 1.3 above). To be eligible to obtain and maintain coverage under this permit, the [operator](#) must satisfy, at a minimum, the following additional requirements for discharges into waters with unavailable parameters for siltation and habitat alterations due to in-channel erosion (or discharges upstream of such waters and because of the proximity to the segment with unavailable parameters and the nature of the discharge is likely to contribute sediment in amounts measurable in the waters with unavailable parameters) and for discharges to Exceptional Tennessee Waters (or discharges upstream of such waters and because of the proximity to the exceptional segment and the nature of the discharge is likely to cause more than de minimis degradation in the exceptional segment):

- a) The [SWPPP](#) must certify that EPSC measures used at the site are designed to control stormwater runoff generated by a [5-year, 24-hour storm](#) event (the design storm - see Part 10 below: “2-year and 5-year design storm depths and intensities”), at a minimum, either from total rainfall in the designated period or the equivalent intensity as specified on the following website http://hdsc.nws.noaa.gov/hdsc/pfds/orb/tn_pfds.html. Additional physical or chemical treatment of stormwater runoff, such as use of treatment chemicals, may be necessary to minimize the amount of sediment being discharged when clay and other fine particle soils are found on sites.
- b) The [SWPPP](#) must be prepared by individuals with one or more of the following qualifications:

- A licensed professional engineer or landscape architect.
 - A Certified Professional in Erosion and Sediment Control (CPESC).
 - A person who has successfully completed the “Level II Design Principles for Erosion Prevention and Sediment Control for Construction Sites” course.
- c) A copy of the certification or training record for inspector certification should be included with the field SWPPP.
- d) The permittee shall perform inspections described in Section 3.5.8 above at least twice every calendar week. Inspections shall be performed at least 72 hours apart.
- e) The permittee must certify on the form provided in Appendix C of this permit whether or not all planned and designed EPSC measures are installed and in working order. The form must contain the printed name and signature of the inspector and the certification must be executed by a person who meets the signatory requirements of Section 7.7.2 below. The record of inspections must be kept at the construction site with a copy of the [SWPPP](#). For record retention requirements, see Part 6 below.
- f) If the division finds that an operator is contributing to the impairment of a receiving stream despite complying with the [SWPPP](#), The operator will be notified by the director in writing that the discharge is no longer eligible for coverage under the general permit. The operator may update the [SWPPP](#) and implement the necessary changes designed to eliminate further impairment of the receiving stream. If the permittee does not implement the [SWPPP](#) changes within seven days of receipt of notification, the permittee will be notified in writing that continued discharges must be covered by an individual permit (see Subpart 7.12 below). To obtain the individual permit, the [operator](#) must file an individual permit application (U.S. EPA NPDES Forms [1](#) and [2F](#)). The project must be stabilized immediately and remain stable until the [SWPPP](#) is updated and the individual permit is issued. Only discharges from earth disturbing activities necessary for stabilization are authorized to continue until the individual permit is issued.
- g) For an on-site outfall in a drainage area totaling five or more acres, a minimum sediment basin volume that will provide treatment for a calculated volume of runoff from a [5 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. The drainage area includes both disturbed and undisturbed portions of the site and areas adjacent to the site, all draining through a common outfall. Where an equivalent control measure is substituted for a sediment retention basin, the equivalency must be justified in the SWPPP narrative. 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 when sediment accumulation has reduced the wet storage volume by 50%. In a case that sediment marker is damaged by the volume of water or sediment, a best professional judgement should be used in evaluating sediment basin capacity.
- h) For an on-site outfall in a drainage area totaling 3.5 - 4.9 acres, a minimum sediment trap volume that will provide treatment for a calculated volume of runoff from a 5-year, 24-hour storm and runoff from each acre drained, is recommended until final stabilization of the site. A drainage area of 3.5 - 4.9 acres includes both disturbed and undisturbed portions of the site or areas adjacent to the site, all draining through the common outfall. Runoff from any undisturbed acreage should be diverted around the disturbed area and the sediment trap. Diverted runoff can be omitted from the volume calculation. Sediment