

ADDENDUM NO. 2
SEWER SYSTEM IMPROVEMENTS
CONTRACT 23-01
SEWER SYSTEM REHABILITATION
SMITHVILLE, TENNESSEE
WAUFORD PROJECT NO. 2090
CDBG PROJECT NO. 15357
ARPA GRANT NO. 2022-8686

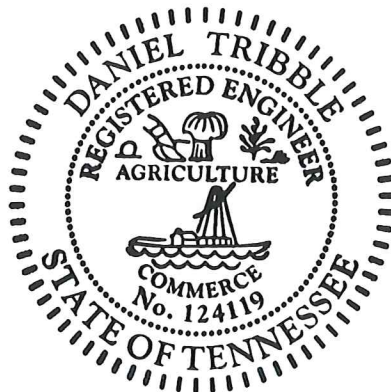
Date of Addendum: Tuesday, June 18, 2024
Bid Opening: June 25, 2024, 2:00 p.m. Central Time

1. Attached is a Questions and Clarifications document regarding questions submitted.
2. Detailed Specifications, Section 1, General Scope and Special Provisions:

Insert the following permit approvals after Section 1 of the Detailed Specifications (as attached to this Addendum) at the respective place holders.

- 401 Water Quality Certification Aquatic Resource Alteration Permit NRS24.002
- Notice Of Coverage (NOC) Under the General NPDES Permit for Stormwater Discharges Associated with Construction Activities (CGP) No. TNR172571

J. R. WAUFORD & COMPANY,
CONSULTING ENGINEERS, INC.



Daniel G. Tribble, P.E.
Tennessee License No. 124119

PRE-BID QUESTIONS AND CLARIFICATIONS
CONTRACT 23-01 – SEWER SYSTEM REHABILITATION
SMITHVILLE, TENNESSEE

Bid Date: Tuesday, June 25, 2024

Time: 2:00 PM Central Time

Questions/Answers and Clarifications:

1. **Clarification: The City of Smithville has an existing agreement with the Tennessee Department of Transportation (TDOT) which covers the \$50,000 bond stated on the TDOT permit. No action is required by the Contractor related to the bond.**

2. Question: Will the TDOT No. 67 stone for backfilling bid item cover all backfill stone for driveways, parking areas and roads?
The Bid Form item for TDOT No. 67 stone incorporates all stone required for paved surfaces above the normal stone elevation shown on the bedding and backfill detail on the Plans. The normal stone required for bedding and backfill is not included in this pay item but in the respective gravity sewer installation pay items.

3. Question: IMI has a fueling tank/station west of S. College Street near Line “S-4”. Who assumes the responsibility of relocation and/or removal of this tank in this area?
The design intent is to be able to install the sewer line without disturbing the tank and associated concrete pad. Relocation of the line farther to the west may be possible upon request by the Contractor and approval from the property owner. Any damage undertaken to existing facilities as a result of construction activities or relocation of facilities for construction is to be repaired or completed by the Contractor.

4. Question: On Line “S-4” there is a pool in close proximity of the work to be performed on the east side of S. College St. Who assumes responsibility of the pool if undermining or damage occurs due to normal installation procedures?
Any damage undertaken to existing facilities as a result of construction activities is to be repaired by the Contractor.

5. Question: On Line “S-3” from Station No. 8+84.03 to Station No. 5+97.00, there has been fill dumped in this area. Is the Contractor required to grade/smooth out/restore after construction?

The Contractor is not required to final grade and restore the ground cover at this location. All manhole rims should be raised to the elevations shown on the Plans or the pre-construction grade.

6. Question: There is clearing and larger tree removal required in some areas. Will the City assist if any conflicts arise from any private property owners, particularly homeowners requesting additional compensation due to tree removal?

The City has easements for all sewer lines associated with this project. The Contractor may remove trees and other vegetation as required within the easements. The City will work with property owners during construction related to tree replacement as required.



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Water Resources
Natural Resources Unit
Davy Crockett Tower, 9th Floor
500 James Robertson Parkway
Nashville, TN 37243

June 5, 2024

Hunter Hendrixson, City Administrator
City of Smithville
104 E. Main St.
Smithville, Tennessee 37166

Subject: §401 Water Quality Certification
NRS24.002, Sewer System Rehabilitation, Dekalb County, TN

Dear Mr. Hendrixson:

The Division has reviewed your application for stream crossings associated with the installation of a gravity sewer pipeline using open cut trenches in Morgan Branch and Fall Creek. The purpose of the work is for sewer system rehabilitation. The water quality certification has been issued with an effective date of June 5, 2024 (enclosed).

The Division has reasonable assurance the activity as proposed and in accordance with all permit conditions herein will not violate applicable water quality standards. The attached permit (enclosed) authorizes the activity pursuant to *The Tennessee Water Quality Control Act of 1977* (T.C.A. §69-3-101 et seq.) and serves as §401 water quality certification (pursuant to the *Federal Clean Water Act* 33 U.S.C. 1341).

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

It is the responsibility of the permittee to read and understand all permit conditions before the project begins. If you need any additional information or clarification, please contact me at 615-532-0710 or by e-mail at robert.d.baker@tn.gov.

Sincerely,

Robert Baker
Natural Resources Unit

Enclosure

Cc: Robbie Sykes - U. S. Fish & Wildlife Service; Cookeville, TN. robbie_sykes@fws.gov
Ashley Monroe - U. S. Environmental Protection Agency; Atlanta, GA., monroe.ashley@epa.gov
Bobby Brown - Tennessee Wildlife Resources Agency; Nashville, TN., bobby.brown@tn.gov
Matthew Harris - Div. Water Resources; Knoxville Env. Field Office, matthew.harris@tn.gov
Marian R. Rubin – Nashville District Corps of Engineers, Marian.R.Rubin@usace.army.mil



§401 Water Quality Certification

Aquatic Resource Alteration Permit NRS24.002

Pursuant to the *Tennessee Water Quality Control Act of 1977* (T.C.A. §§ 69-3-101 et seq.) and supporting regulations, a permit is required to alter the properties of waters of the state. Also, pursuant to section 401 of the *Clean Water Act* (33 U.S.C. § 1341), an applicant for a federal license or permit which may result in a discharge into the waters of the U.S., shall provide the federal licensing or permitting agency a certification from the State in which the discharge will originate. Accordingly, the Division of Water Resources requires reasonable assurance that the activity will not violate provisions of the Tennessee Water Quality Control Act or provisions of sections 301, 302, 303, 306 or 307 of the Clean Water Act.

Subject to conformance with accepted plans, specifications, and other information submitted in support of the application, the state of Tennessee hereby certifies pursuant to 33 U.S.C. § 1341, and permits pursuant to T.C.A. § 69-3-108(b), the activity described below:

PERMITTEE: City of Smithville
104 E. Main St.
Smithville, Tennessee 37166

AUTHORIZED WORK: The authorized alterations to waters are seven open cut trench stream crossings and one aerial crossing for the installation of a gravity sewer pipeline. The purpose of the work is for sewer system rehabilitation.

LOCATION: The project is located in Morgan Branch and Fall Creek in Dekalb County at eight points of impact.

EFFECTIVE DATE: June 5, 2024

EXPIRATION DATE: June 4, 2029

A handwritten signature in cursive script that reads "Claire Warrick".

for April Grippo, Interim Director
Division of Water Resources

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PART I

Authorized Alterations

The authorized alterations to waters are seven open cut trench stream crossings, which will be restored following pipe installation, and one aerial crossing for the installation of a gravity sewer pipeline. The purpose of the work is for sewer system rehabilitation.

The project is located in Morgan Branch and Fall Creek in Dekalb County at eight points of impact:

Site 1	Latitude N 35.956953	Longitude W -85.832625, Fall Creek
Site 2	Latitude N 35.948833	Longitude W -85.811733, Morgan Branch
Site 3	Latitude N 35.949167	Longitude W -85.812036, Morgan Branch
Site 4	Latitude N 35.949996	Longitude W -85.812796, Morgan Branch
Site 5	Latitude N 35.95074	Longitude W -85.813979, Morgan Branch
Site 6	Latitude N 35.950884	Longitude W -85.816595, Morgan Branch
Site 7	Latitude N 35.950302	Longitude W -85.817425, Morgan Branch
Site 8	Latitude N 35.960516	Longitude W -85.839564 Fall Creek

Special Conditions

1. The affected waters in Morgan Branch are designated as Exceptional Tennessee Waters. The basis for inclusion is the presence of the Barrens Topminnow (*Fundulus julisia*), listed as endangered under the Federal Endangered Species Act. To avoid impact to the species, instream work in Morgan Branch is prohibited between May 15 and June 15.
2. Provisions shall be made to prevent the loss of stream flow due to fracturing of bedrock.

- a. Sewer line crossing streams with bedrock streambeds must provide non-erodible fill and cover, such as concrete or controlled low strength materials (flowable fill), and trench plugs at each end of the crossing.
 - b. No blasting will be permitted in the excavation of trenches that parallel or lie within 50 feet of a stream or wetland, including all stream crossings.
3. Trench plugs will be placed throughout any trench running parallel within 50 feet of a stream channel.
- a. Trench plugs are barriers placed within an open pipeline excavation in order to slow flow and reduce erosion in the trench and also to prevent the trench from becoming a subsurface drainage path. Since the bedding and embedment are constructed using cohesionless, free-draining soils, a path is created for water to flow easily (French drain effect) alongside the pipe. In areas where there is high groundwater, where the pipeline crosses streams or aquifers, or where the natural groundwater flow would be affected or even diverted by the select material, trench plugs of compacted, cohesive, soils or impervious materials should be constructed at intervals along the pipeline.
 - b. The trench plug area will have a bedding of compacted, cohesive soils or impervious materials (such as concrete or controlled low strength materials a.k.a. flowable fill), whereas the bedding on both sides of the trench plug will have a bedding of uncompacted, cohesionless soil. Trench plugs must have lower permeability than the surrounding native soil.
 - c. There shall be a minimum of one trench plug between manholes, and one trench plug at each end of the stream crossing or wetland.
4. Temporary or permanent soil stabilization shall be accomplished within 15 days after final grading or other earth work.
- a. Permanent stabilization with perennial vegetation or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.
 - b. Vegetative species must be on approved native species planting list, (Landscaping with Natives; https://www.tnipc.org/wp-content/uploads/2017/10/landscaping_2016_forweb.pdf).
 - c. Temporary cover of annual winter wheat or rye can be sown to establish and maintain cover until native grasses can establish themselves.
5. The permittee shall submit as-built drawings of record that reflect the “as-constructed” condition of all authorized alterations to waters of the state.
- a. The drawings shall include sufficient information, including photographic documentation, to demonstrate conformance with the approved plans, specifications, and special conditions of this permit.
 - b. The report shall be submitted within 90 days of completion of the authorized alterations to waters.
 - c. The report may be submitted via email to water.permits@tn.gov or to the following address:

Division of Water Resources
Natural Resources Unit
Davy Crockett Tower, 9th Floor
500 James Robertson Parkway
Nashville, TN 37243

General Conditions

1. It is the responsibility of the permittee to convey all terms and conditions of this permit to all contractors. A copy of this permit, approved plans, and any other documentation pertinent to the activities authorized by this permit shall be maintained on site at all times during periods of construction activity.
2. All activities must be accomplished in conformance with the approved plans, specifications, data, and other information submitted in support of the ARAP application (form CN-1091) (except where no application is required as specified below) and the limitations, requirements, and conditions set forth herein. Failure to comply with the terms and conditions of this permit is a violation of the Act.
3. The permittee is responsible for obtaining the federal §404 permit from the U. S. Army Corps of Engineers and §26a permit from the Tennessee Valley Authority where necessary.
4. The permittee is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities where clearing, grading or excavation results in an area of disturbance of one or more acres, or activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.
5. All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in Rule 0400-40-03-.03 of the Rules of the Tennessee Department of Environment and Conservation. This consists of, but is not limited to, the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of waters of the state for any of the uses designated by Rule 0400-40-04. These uses include fish and aquatic life (including trout streams and naturally reproducing trout streams), livestock watering and wildlife, recreation, irrigation, industrial water supply, domestic water supply, and navigation.
6. Impacts to waters of the state other than those specifically addressed in the plans and this permit are prohibited. All streams, springs and wetlands shall be fully protected prior, during and after construction until the area is stabilized. Any questions, problems or concerns that arise regarding any stream, spring or wetland either before or during construction, shall be addressed to the Division of Water Resource's Cookeville Environmental Field Office, 1221 South Willow Avenue Cookeville, TN 38506, (931) 520-6688 or the permit coordinator in the division's Natural Resources Unit – 615-532-0710.
7. Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat is prohibited.
8. This permit does not authorize adverse impacts to cultural, historical, or archeological features or sites.
9. Clearing, grubbing, and other disturbance to riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary native riparian vegetation removal, including tree removal, is prohibited. Native riparian vegetation must be reestablished in all areas of disturbance outside of any permanent authorized structures after work is completed. Coverage under this permit does not serve to waive any local riparian buffer protection requirement, and permittees are responsible for obtaining any necessary local approval.
10. To minimize wildlife entanglement and plastic debris pollution, temporary erosion and sediment control products that either do not contain netting, or that contain netting manufactured from 100 percent biodegradable non-plastic materials such as jute, sisal, or coir fiber shall be specified. Netting

used in these products should have a loose-weave wildlife-safe design with movable joints between the horizontal and vertical twines, allowing the twines to move independently. Degradable, photodegradable, UV-degradable, oxo-degradable, or oxo-biodegradable plastic netting (including polypropylene, nylon, polyethylene, and polyester) are not acceptable alternatives.

11. Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. Any equipment proposed to be used in-stream shall be free of noticeable leaks of fluids, e.g., hydraulic, transmission, crankcase, and engine coolant fluids and oils. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater, should a spill occur.
12. This permit shall not be used incrementally to combine with other activities resulting in an appreciable permanent loss of water resource values.
13. This activity may not result in a disruption or barrier to the movement of fish or other aquatic life. The completed activities may not disrupt or impound stream flow.
14. The activity may not result in the discharge of waste or other substances that may be harmful to humans or wildlife.
15. This permit does not authorize access to public or private property. Arrangements concerning the use of public or private property shall be made with the landowner. The permittee is responsible for obtaining any additional permitting or maintenance agreements with other government or public agencies or lands.

PART II

Mitigation Requirements and Monitoring Procedures

Required Mitigation Activities

There are no mitigation requirements.

Monitoring Requirements and Procedures

The permittee shall submit the project report within 90 days of completion of the authorized alterations to waters.

Submission of Monitoring Results

All reports must be submitted in report form to the Division of Water Resources, Natural Resources Unit, Davy Crockett Tower, 500 James Robertson Parkway, Nashville, Tennessee 37243, or via email at water.permits@tn.gov. Please be sure to indicate the ARAP permit number on your submittal.

Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation shall be retained for a minimum of five (5) years, or longer, if requested by the Division of Water Resources.

Falsifying Results and/or Reports

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

PART III

Duty to Reapply

Permittee is not authorized to discharge or conduct an activity that alters the properties of waters of the state after the expiration date of this permit. To receive authorization to discharge or to conduct an activity that alters the properties of waters of the state beyond the expiration date, the permittee shall submit such information and forms as are required to the director of the Division of Water Resources. Such applications must be properly signed and certified.

If any portion of the permitted activities, including the authorized impacts to water resources, compensatory mitigation requirements, or post-project monitoring is not completed before the expiration date of this permit **the permittee must apply for permit extension or re-issuance**. The permittee shall submit such information and forms as are required to the director of the Division of Water Resources at least ninety (90) days prior to its expiration date. Such applications must be properly signed and certified.

Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

Water Rights

The waters of Tennessee are the property of the state and are held in public trust for the use of the people of the state. This permit does not grant or convey any prescriptive rights, appropriation, or allocation of water, nor does it authorize any injury to the riparian rights of others.

Other Permits

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

Other Information

If the permittee becomes aware that he/she failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the director, then he/she shall promptly submit such facts or information.

Changes Affecting the Permit Transfer/Change of Ownership

This permit may be transferred to another party, provided:

1. There are no activity or project modifications, no pending enforcement actions, or any other changes which might affect the permit conditions contained in the permit.
2. The permittee notifies the Director of the proposed transfer at least 30 days in advance of the proposed transfer date.
 - a. The notice consists of a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage, and contractual liability between them; and
 - b. The Director does not notify the current permittee and the new permittee, within 30 days of his or her intent to modify, revoke, reissue, or terminate the permit, or require that a new application be filed rather than agreeing to the transfer of the permit.

3. The permittee must provide the following information to the division in their formal notice of intent to transfer ownership:
 - a. the permit number of the subject permit,
 - b. the effective date of the proposed transfer,
 - c. the name and address of the transferor,
 - d. the name and address of the transferee,
 - e. the names of the responsible parties for both the transferor and transferee,
 - f. a statement that the transferee assumes responsibility for the subject permit,
 - g. a statement that the transferor relinquishes responsibility for the subject permit,
 - h. the signatures of the responsible parties for both the transferor and transferee, and,
 - i. a statement regarding any proposed modifications to the permitted activities or project, its operations, or any other changes which might affect the permit conditions contained in the permit.

Change of Mailing Address

The permittee shall promptly provide to the director written notice of any change of mailing address. In the absence of such notice the original address of the permittee will be assumed to be correct.

Noncompliance

Effect of Noncompliance

All discharges shall be consistent with the terms and conditions of this permit. Any permit noncompliance constitutes a violation of applicable state and federal laws and is grounds for enforcement action, permit termination, permit modification, or denial of permit reissuance.

Reporting of Noncompliance

24-Hour Reporting

In the case of any noncompliance which could cause a threat to public drinking supplies, or any other discharge which could constitute a threat to human health or the environment, the required notice of non-compliance shall be provided to the Division of Water Resources in the appropriate Environmental Field Office within 24-hours from the time the permittee becomes aware of the circumstances. (The Environmental Field Office should be contacted for names and phone numbers of environmental response personnel).

A written submission must be provided within five (5) days of the time the permittee becomes aware of the circumstances unless this requirement is waived by the director on a case-by-case basis. The permittee shall provide the director with the following information:

- a. a description of the discharge and cause of noncompliance,
- b. the period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue, and,
- c. the steps being taken to reduce, eliminate, and prevent recurrence of the non-complying discharge.

Scheduled Reporting

For instances of noncompliance which are not reported under subparagraph a. above, the permittee shall report the noncompliance by contacting the permit coordinator and provide all information concerning the steps taken or planned to reduce, eliminate, and prevent recurrence of the violation and the anticipated time the violation is expected to continue.

Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the waters of Tennessee resulting from noncompliance with this permit, including but not limited to, accelerated or additional monitoring as necessary to determine the nature and impact of the noncompliance. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

Liabilities

Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this permit, the permittee shall remain liable for any damages sustained by the state of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of pollutants to any surface or subsurface waters. Additionally, notwithstanding this Permit, it shall be the responsibility of the permittee to conduct its discharge activities in a manner such that public or private nuisances or health hazards will not be created.

Liability under State Law

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or the Federal Water Pollution Control Act, as amended.

Reopener Clause

This permit may be modified, suspended, or revoked for cause, including:

1. Violation of any of the terms or conditions of this permit or of T.C.A § 69-3-101 et. seq.,
2. Obtaining the permit by misrepresentation or failing to disclose fully all relevant facts,
3. A change in any condition that requires either a temporary or permanent change in the conditions of this permit.

Appeal

An appeal of this action may be made as provided in T.C.A. § 69-3-105(i) and Rule 0400-40-07-.04(9) by submitting a petition for appeal:

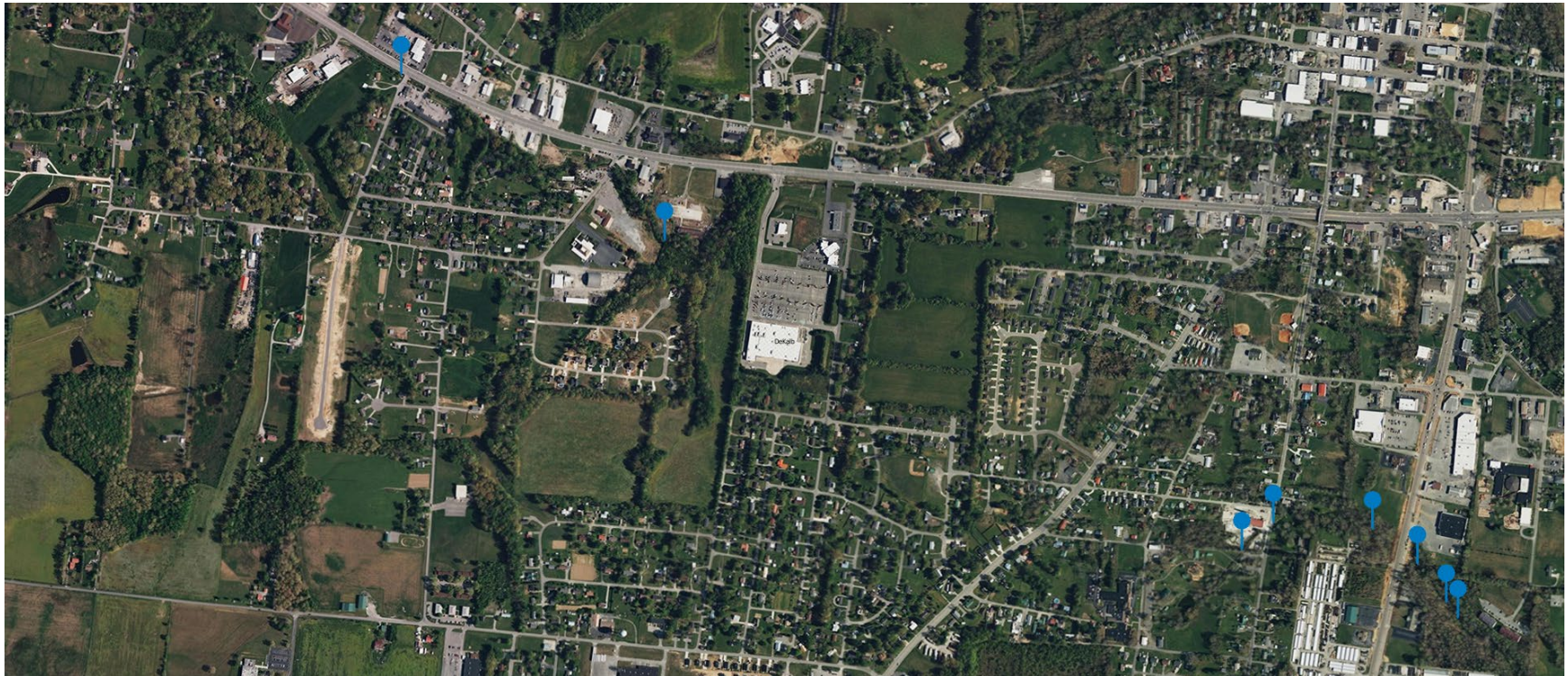
1. The petition must be filed within 30 days after public notice of the issuance of the permit.
2. The petition must specify the basis for the appeal and state a claim for relief based on an alleged violation of the Tennessee Water Quality Control Act or the rules promulgated thereunder. Third parties shall specify facts sufficient to establish that they have satisfied the statutory and regulatory preconditions and otherwise have standing to appeal.
3. The petition should be addressed to the technical secretary of the Tennessee Board of Water Quality, Oil and Gas at the following address: Director, Division of Water Resources, Natural Resources Unit, Davy Crockett Tower, 9th Floor, 500 James Robertson Parkway, Nashville, Tennessee 37243, or you may submit such petition electronically to TDEC.Appeals@tn.gov. Any hearing would be in accordance with T.C.A. §§ 69-3-110 and 4-5-301 et seq.

APPENDIX

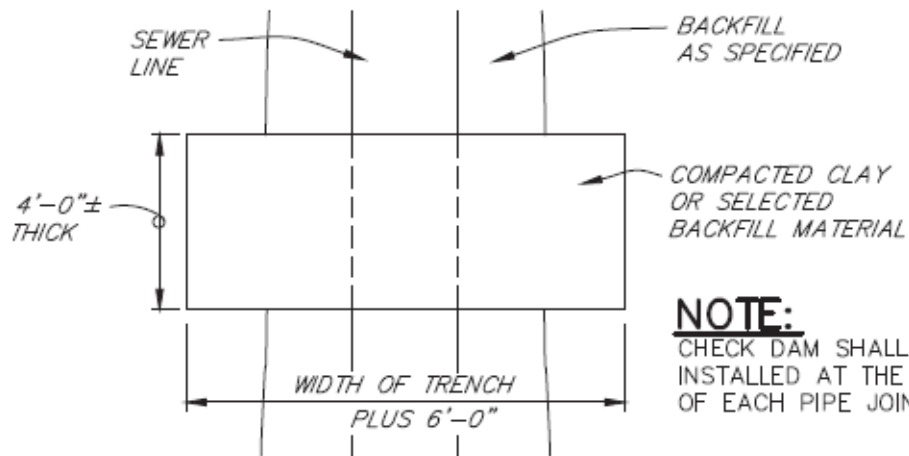
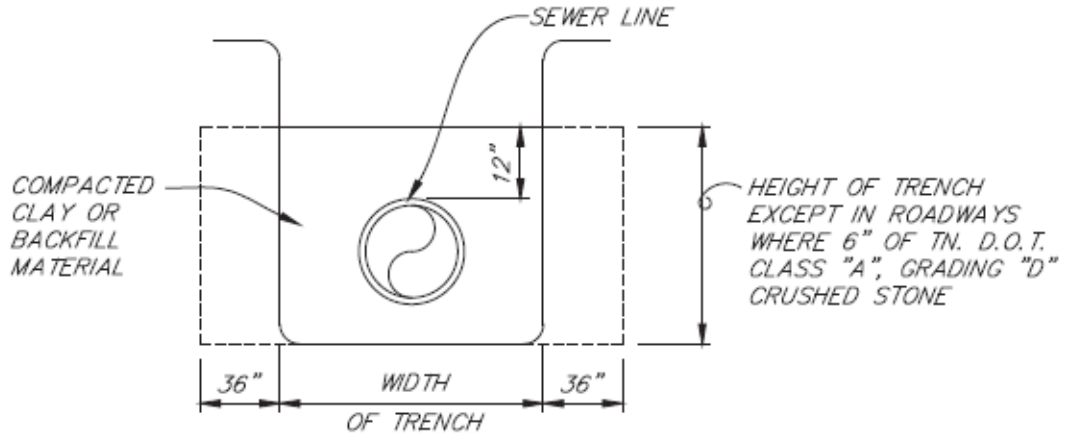
Site Maps and Design Drawings
Topographic Map



Aerial Image

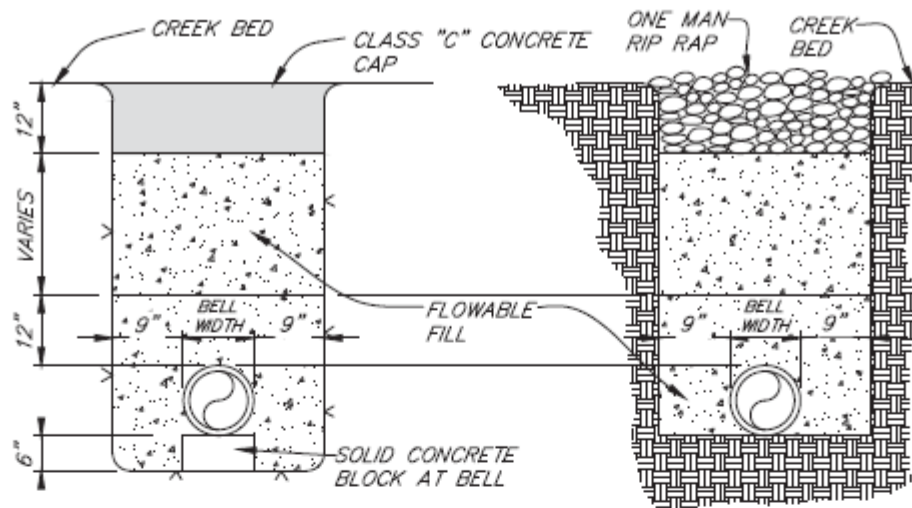


Plans



NOTE:
CHECK DAM SHALL BE
INSTALLED AT THE MIDPOINT
OF EACH PIPE JOINT

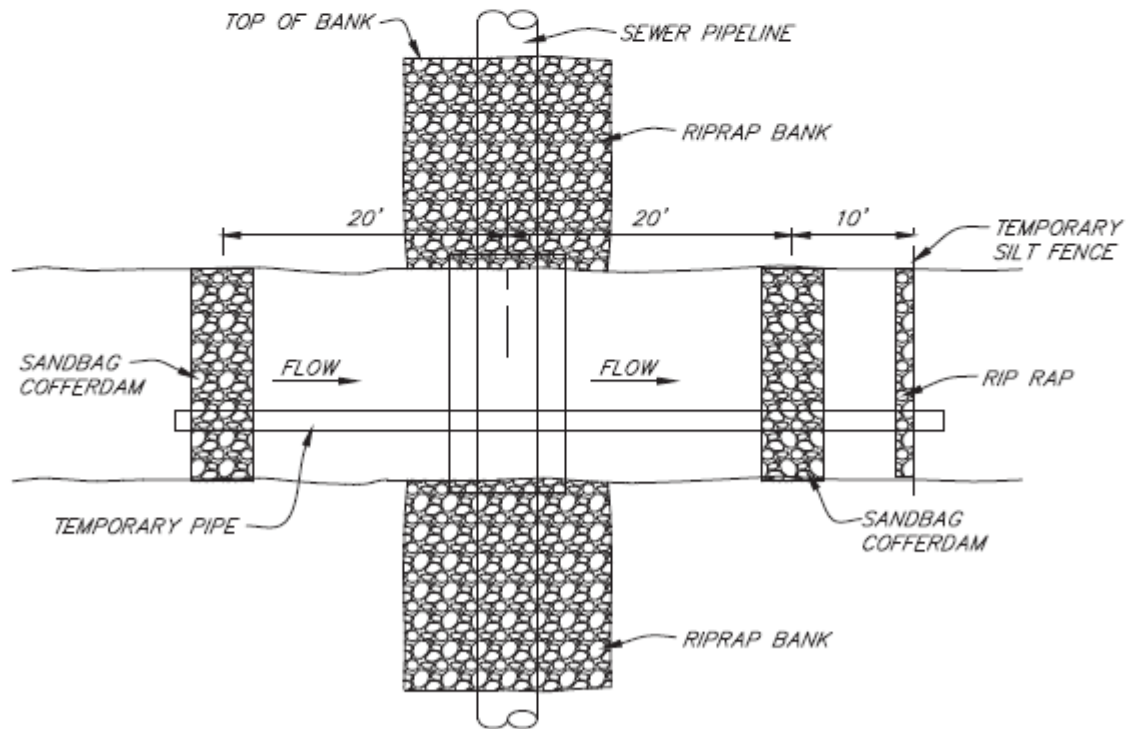
CHECK DAM DETAIL



IN ROCK

IN EARTH

SECTION VIEW



PLAN VIEW

TYPICAL CREEK CROSSING

NRS24.002
City of Smithville
104 E. Main St.
Smithville, Tennessee 37166
June 5, 2024
Permit Writer: Robert Baker

Summary

Permittee:	City of Smithville
Contact:	Hunter Hendrixson 615-597-4745
Activity Location:	The project is located in Morgan Branch and Fall Creek in Dekalb County at eight points of impact.
Authorized Activity:	The authorized alterations are seven open cut trench stream crossings and one aerial crossing for the installation of a gravity sewer pipeline. The purpose of the work is for sewer system rehabilitation.
Waterbody Name / ID:	Morgan Branch / TN05130108684_0100 Fall Creek / TN05130108684_2000

Permit Status

Permit Type:	ARAP
Effective Date:	June 5, 2024
Expiration Date:	June 4, 2029

Status of Affected Waters

Morgan Branch / TN05130108684_0100
Ecoregion Eastern Highland Rim 71g, Dekalb County
Hydrologic Unit Code - Caney Fork River 0513010806

Designated Use	Use Support	Causes	Sources
livestock watering & wildlife	not assessed		
irrigation	not assessed		
recreation	not assessed		
fish and aquatic life	not assessed		

Assessment Date: NA

The affected waters have been determined to have available habitat parameters.

The affected waters are designated as Exceptional Tennessee Waters. The basis for inclusion is the presence of the Barrens Topminnow (*Fundulus julisia*) which is listed as endangered under the Federal Endangered Species Act.

Fall Creek / TN05130108684_2000

Ecoregion Eastern Highland Rim 71g, Dekalb County

Hydrologic Unit Code - Caney Fork River 0513010806

Designated Use	Use Support	Causes	Sources
livestock watering & wildlife	fully supporting		
irrigation	fully supporting		
recreation	fully supporting		
fish and aquatic life	not supporting	Flow Regime Modification	Dam or Impoundment
fish and aquatic life	not supporting	Flow Regime Modification	Specialty Crop Production
fish and aquatic life	not supporting	Other anthropogenic substrate alterations	Municipal (Urbanized High Density Area)

Assessment Date: August 25, 2020

The affected waters have been determined to have unavailable habitat parameters due to flow regime modifications and other anthropogenic substrate alterations.

The affected waters are not designated as Exceptional Tennessee Waters.

Authorized Alterations

The authorized work consists of seven open cut trench stream crossings, which will be restored following pipe installation, and one aerial crossing for the installation of a gravity sewer pipeline. The purpose of the work is for sewer system rehabilitation.

Alternatives Analysis and Selection of Least Impactful Practicable Alternative

The stated purpose of the authorized alterations to state water resources is for sewer system rehabilitation. The applicant has submitted an analysis of potentially practicable alternatives to the authorized activity and provided the following discussion of those alternatives:

1. includes the replacement of gravity sewers using open-cut and pipe bursting methods.
2. consists of the construction of an Inflow Holding Basin and Pumping Station with related facilities at the WWTP. The concept consists of diverting flow from the headworks using a new diversion pumping station to the Inflow Holding Basin in lieu of the SBRs. During periods of high flow, the pumping station will fill the tank. After the flow subsides, the flow can be returned from the tank to the existing Main SPS. However, the construction of a new holding basin would result in significant disturbance and a higher construction cost. This alternative was eliminated from further consideration.

Based on the available information, the Division has determined that there is no practicable alternative consistent with the overall purpose of the authorized activity that would have less adverse impact on resource values.

Existing Conditions/Authorized Loss of Resource Values

There are two authorized crossings on Fall Creek, of which one is an aerial crossing which includes construction of two concrete piers. Fall Creek does not support the designated use for fish and aquatic life because of flow regime modifications from dams and irrigation.

There are six authorized crossings of Morgan Branch. Morgan Branch has not been formally assessed. Morgan Branch is Exceptional Tennessee Waters because of a population of the Barrens Topminnow (*Fundulus julisia*) which is listed as endangered under the *Federal Endangered Species Act*. The applicant will separate the trench excavation at the creek crossings from the stream flow by use of sandbag cofferdams and piping to maintain flow downstream. After the pipe has been installed, the crossing will be stabilized with riprap.

The Division has determined that the activity will not result in an appreciable permanent loss of resource values.

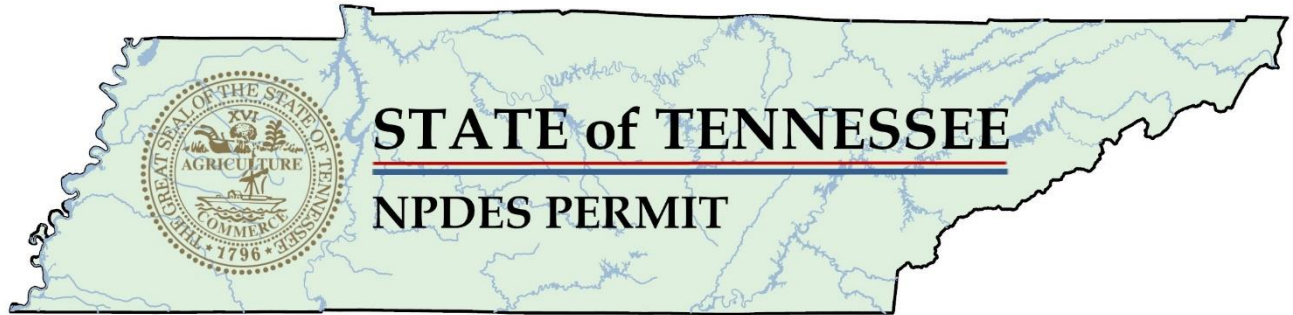
Antidegradation

In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06):

For impacts to Morgan Branch, the Division has determined that the authorized activities will not result in an appreciable permanent loss of resource values and will result in no more than de minimis degradation of Exceptional Tennessee Waters without mitigation.

For impacts to Fall Creek, the Division has determined that the authorized activities will result in no significant degradation in a waterbody with unavailable parameters for habitat because the activities will not result in an appreciable permanent loss of resource values.

For more information, please reference Tennessee's Antidegradation Statement which is found in Chapter 0400-40-03 of the Rules of the Tennessee Department of Environment and Conservation.



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

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

Tracking No. TNR172571

Notice of Coverage (NOC) under the General NPDES Permit for
STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES (CGP)

Under authority of the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 [et seq.](#)) and the delegation of authority from the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, [et seq.](#)) in accordance with effluent limitations, monitoring requirements and other conditions set forth herein. CGP requirements and permit overview are located [here](#). Your coverage under the CGP shall be terminated upon receipt of [Notice of Termination \(NOT\)](#).

Construction Project: **City of Smithville Sewer System Rehabilitation**
Area of Disturbance: **3.3 acres**
Master Tracking Number: **TNR172571**
Permittee Name: **City of Smithville**
Project Name: **Sewer System Rehabilitation**
is authorized to discharge: stormwater associated with construction activities
from facility location: **750 S Congress Blvd, Smithville, TN 37166, DeKalb County**
to receiving waters **Fall Creek from unnamed tributary just u/s of Evins Mill**
named: **Road to headwaters**
Effective date: **06/11/2024**
Expiration date: **09/30/2026**
Contractors: **no contractor identified**

No Exceptional Tennessee Waters were identified by TDEC.
TDEC identified likely presence of threatened or endangered species in one mile radius. See
CGP Section 1.3.

CN-0759

RDA 2366