

Khalid Ahmed

From: Khalid Ahmed
Sent: Monday, April 03, 2017 5:09 PM
To: Jamie Fitzpatrick; Mike Brown; Joe Deering; Shane Hester; R3 EnvTechOffice; Jon Zirkle; Jim Nikahd; Michael Horlacher; Shawn Allen; David Sizemore; Trenton Thomas; Rita M. Thompson; Jennifer Thompson; TDOT.HQ Construction
Cc: Michael White; DJ Wiseman; John Hewitt
Subject: Water quality permit distribution, PIN 121394.00
Attachments: PIN 121394.00 water quality permits.pdf

TDOT Project # 60019-1208-04
PIN 121394.00
State Route 247, Widen & Resurfacing, Industrial Access Road
Serving Project Shotgun in Spring Hill
Maury County

The Department received the following permit(s):

Corps Nationwide Section 404 Permit (File # 2015-00890)
TDEC General Aquatic Resource Alteration Permit: NRS 16.227, NRS16.227B, NRS16.227C

A copy of each permit is enclosed for your information and use. Construction forces should be made aware that these permits are applicable to the contract.

It is our understanding that TDOT contractors will relocate the water and sewer line utilities. This permit includes utility relocation impacts for these utility companies, please contact our office if other utilities will be included with the state contract..

All permits required for this project have been received except the NPDES Notice of Coverage. It will be sent to you as soon as we obtain it.

Thanks,



Khalid Ahmed | Senior Transportation Project Specialist
Environmental Division | Natural Resources Office
TDOT Environmental Permits Office Suite 900, James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-0334
P. 615-253-0021
Khalid.Ahmed@tn.gov
tn.gov/tdot



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
Regulatory Division
3701 Bell Road
NASHVILLE, TENNESSEE 37214

DEC 01 2016

SUBJECT: File No. LRN-2015-00890; Proposed Linear Transportation and Utility Line Crossings an Unnamed Tributaries of Carter's Creek, Maury County, Tennessee

Tennessee Department of Transportation
C/O Mr. Khalid Ahmed
Environmental Planning and Permits Division
Suite 900, J.K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243

Dear Mr. Ahmed:

This correspondence is in regard to the pre-construction notification (PCN) for the discharge of dredged or fill material associated with the proposed line transportation crossings and the proposed utility line crossings. The project is located on Unnamed Tributaries of Carter's Creek, Maury County, Tennessee. This project has been assigned number LRN-2015-00890. Please refer to this number in all communication concerning this matter. The liner transportation crossings and utility line crossings proposed in the PCN are listed below:

- CROSSING 1 Ephemeral stream: Unnamed Tributary of Carter's Creek
Proposed Linear Transportation Crossing: 70' x 18" Reinforced Concrete Pipe
Latitude 36.7527, Longitude -86.9669
Acreage: 0.01 Acre
- CROSSING 2 Ephemeral stream: Unnamed Tributary of Carter's Creek
Proposed Linear Transportation Crossing: 75' x 6' x 3' Box Culvert
Proposed Two Utility Line Crossings: 75' x 20"
Latitude 36.7526, Longitude -86.8610
Acreage: 0.01 Acre Linear Transportation Crossing
Acreage: 0.01 Acre Utility Line Crossings
Acreage: 0.078 Acre Wetland

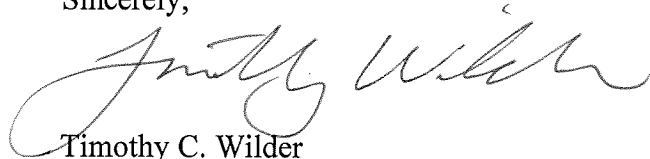
Based on the information submitted, it has been determined the proposed linear transportation crossings a 70' x 18" Reinforced Concrete Pipe and a 75' x 6' x 3' Box Culvert along with the 0.78 acre wetland fill and the two 75' x 20" utility line crossing meets the criteria for Department of the Army Nationwide Permit (NWP) #14 for Linear Transportation Crossings and NWP #12 for Utility Line Crossing Activities, which became effective March 19, 2012 in [77 FR 10184], provided work is performed in accordance with the enclosed plans and NWP general conditions (Attachment 1). The work shall also comply with the special conditions entitled "SPECIAL CONDITIONS FOR PERMIT LRN-2015-00890, Tennessee Department of Transportation" (Attachment 2).

This verification is valid until March 18, 2017, unless the NWP authorization is modified, suspended, or revoked. If the work has not been completed by that time, you should contact this office to verify that the permit is still valid. Furthermore, if you commence or are under contract to commence this activity before the date of NWP expiration, modification, or revocation, you will have 12 months from the date of expiration, modification or revocation to complete the activity under the present terms and conditions of the NWP. This will apply to all NWPs unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5(c) or (d).

The NWP #14 and #12 verifications do not obviate your responsibility to obtain and abide by all other federal, state and local permits or approvals required. These NWP verifications should not be considered as an approval of the design features of any activity authorized or an implication that such construction is considered adequate for the purpose intended. In addition, it does not grant any property rights or exclusive privileges and does not authorize any injury to the property or rights of others.

Copies of this letter are being furnished to the following parties: Tennessee Department of Environment and Conservation, Division of Water Resources. If you have any questions, please contact me the above address or telephone (615) 369-7503 or via e-mail mark.carnes@usace.army.mil.

Sincerely,



Timothy C. Wilder
Chief, West Branch
Regulatory Division
U.S. Army Corps of Engineers

Enclosures

- Attachment 1. NWP #14 & #12 and General Conditions
- Attachment 2. Special Conditions for LRN-2015-00890, Tennessee Department of Transportation
- Attachment 3. Project Drawings, (Sheets 1 - 5)
- Attachment 4. Certification of Work Form.
- Attachment 5. Water Quality Certification



US Army Corps
of Engineers®
Nashville District

Nationwide Permit

No. 14, Linear Transportation Projects

Activities required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than ½-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than ⅓-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The loss of waters of the United States exceeds $\frac{1}{10}$ -acre; or (2) there is a discharge in a special aquatic site, including wetlands. (See general condition 31.)

(Sections 10 and 404)

Note: Some discharges for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).



**US Army Corps
of Engineers**
Nashville District

Nationwide Permit General Conditions

Attachment I

The following General Conditions must be followed in order for any authorization by NWP to be valid:

- 1. Navigation.** (a) No activity may cause more than a minimal adverse effect on navigation. (b) Any safety lights and signals prescribed by the US Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the US. (c) The permittee understands and agrees that, if future operations by the US require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the US. No claim shall be made against the US on account of any such removal or alteration.
- 2. Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.
- 3. Spawning Areas.** Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
- 4. Migratory Bird Breeding Areas.** Activities in waters of the US that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
- 5. Shellfish Beds.** No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.
- 6. Suitable Material.** No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).
- 7. Water Supply Intakes.** No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.
- 8. Adverse Effects From Impoundments.** If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.
- 9. Management of Water Flows.** To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the US during periods of low-flow or no-flow.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, US Forest Service, US Fish and Wildlife Service).

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed. (b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary. (c) Non-federal permittees must submit a pre-construction notification (PCN) to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the

district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the PCN must include the name(s) of the endangered or threatened species that might be affected by the proposed work or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete PCN. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification of the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from Corps. (d) As a result of formal or informal consultation with the USFWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs. (e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, The Endangered Species Act prohibits any person subject to the jurisdiction of the US to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. (f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS at <http://www.fws.gov/> or <http://www.fws.gov/ibac> and <http://www.noaa.gov/fisheries.html> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for obtaining any "take" permits required under the USFWS's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the USFWS to determine if such "take" permits are required for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. (b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultation is necessary. (c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity

may have the potential to cause effects and notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA is complete. (d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps. (e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment. (a) Discharges of dredged or fill material into waters of the US are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. (b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal: (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the US to the maximum extent practicable at the project site (i.e., on site). (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal. (c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this

requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332. (1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment. (2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered. (3) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) - (14) must be approved by the district engineer before the permittee begins work in waters of the US, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). (4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided. (5) Compensatory mitigation requirements (e.g., resource type and amount) to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan. (d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment. (e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the US, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs. (f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses. (g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management. (h) Where certain functions and services of waters of the US are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or USEPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the US authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the US for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature: "When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

Transferee _____

Date _____

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include: (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions; (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification

must include the documentation required by 33 CFR 332.3(f)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and (c) The signature of the permittee certifying the completion of the work and mitigation.

31. Pre-Construction Notification (PCN). (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a PCN as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete. As a complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either: (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or (2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 1B that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2). (b) Contents of Pre-Construction Notification. The PCN must be in writing and include the following information: (1) Name, address and telephone numbers of the prospective permittee; (2) Location of the proposed project; (3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the US expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans); (4) The PCN must include a delineation of wetlands, other special aquatic sites, and waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the US. The 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate; (5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan. (6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated

critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and (7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act. (c) Form of PCN Notification. The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used. (d) Agency Coordination. (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level. (2) For all NWP activities that require PCN notification and result in the loss of greater than 1/2-acre of waters of the US, for NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require PCN notification and will result in the loss of greater than 300 linear feet of intermittent and ephemeral stream bed, and for all NWP 48 activities that require PCN notification, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (USFWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO)), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the PCN notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each PCN notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5. (3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act. (4) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of PCN notifications to expedite agency coordination.

Further Information

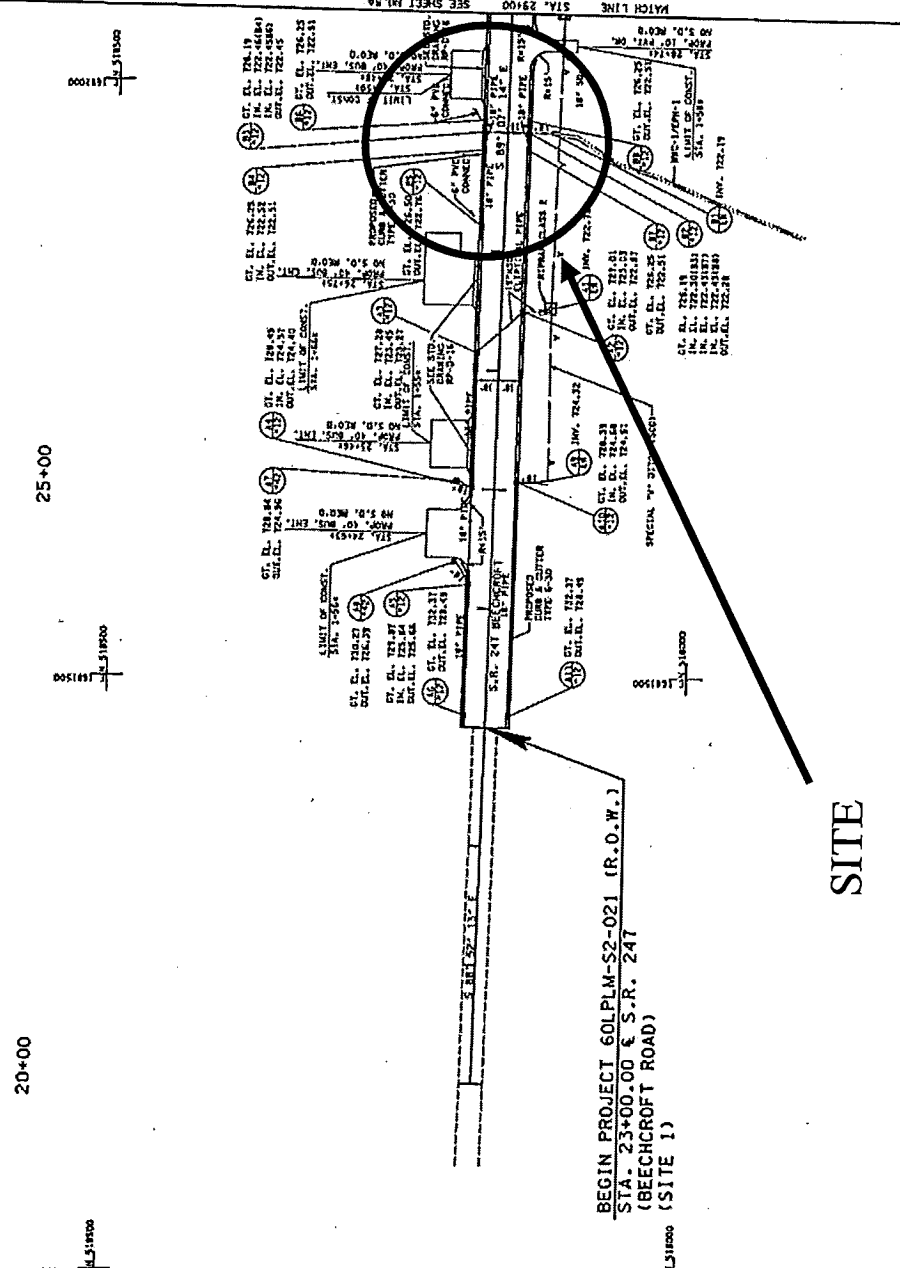
1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project.

Special Conditions for Permit LRN-2015-008900, Tennessee Department of Transportation

- 1. Permit Drawings:** The Permittee shall construct the authorized activity in accordance with the attached permit drawings (Attachment 3). Work in waters of the U.S. that deviates from the approved plans shall NOT occur without first obtaining approval from this office.
- 2. Certification of Work Form:** Within 60 days of completion of the authorized work, the Permittee shall complete the attached form (Attachment 4) and submit to the Corps. In the event that the completed work deviates, in any manner, from the authorized work, the Permittee shall describe, on the Certification of Work Form, the deviations between the work authorized by the permit and the work as constructed. Please note that the description of any deviations on the Certification of Work Form does not constitute approval of any deviations by the Corps.
- 3. Water Quality Certification:** TDEC authorization - The State of Tennessee has issued the required 401 water certification (NRS16.227, NRS16.227B & NRS16.227C) for this NWP on 18 August 2016. In order for this NWP to be valid, the applicant must comply with all conditions of the state permit.
- 4. Tree Removal:** In accordance with the information provided, no trees would be removed associated with this project. If project plans are modified to include any tree removal, you shall notify this office so we can ensure appropriate Endangered Species Act coordination with the US Fish and Wildlife Service occurs.
- 5. State Listed Species:** No in stream activity shall be conducted between March 1st through April 30th which is the spawning period for the state listed Redband Darter (*Etheostoma luteovinctum*) or conduct when the stream is dry to minimize potential adverse impacts to the Redband Darter.

TYPE	YEAR	PROJECT NO.	SHEET NO.
R.A.E.	2015	60PLM-S2-021	4

NOTES
 THE CONTRACTOR SHALL USE AN MEASURE NECESSARY TO ENSURE THAT CONSTRUCTION DISTURBS MINIMUM DISTURBANCE TO ALL ADJACENT PROPERTIES UNLESS SPECIFICALLY ADDRESS IN THE PLANS.



SITE

BEGIN PROJECT 60PLM-S2-021 (R.O.W.)
 STA. 23+00.00 & S.R. 247
 (BEECHCROFT ROAD)
 (SITE 1)

COORDINATE AND UNITS/STATIONING ARE DATA ADJUSTED BY THE FACTOR OF 1.000000 AND THE DISTANCE FROM THE POINT TO THE POINT IS 1.000000 FEET. THE POINT IS REFERENCED TO THE NAD 83 DATUM.

STATE OF TENNESSEE
 DEPARTMENT OF TRANSPORTATION

PROPOSED LAYOUT
 BEGIN TO STA. 23+00
 1 SITE 1
 SCALE: 1"=50'

FILE NO. LRN-2015-00890
 Sheet 2 of 6
 Attachment 3

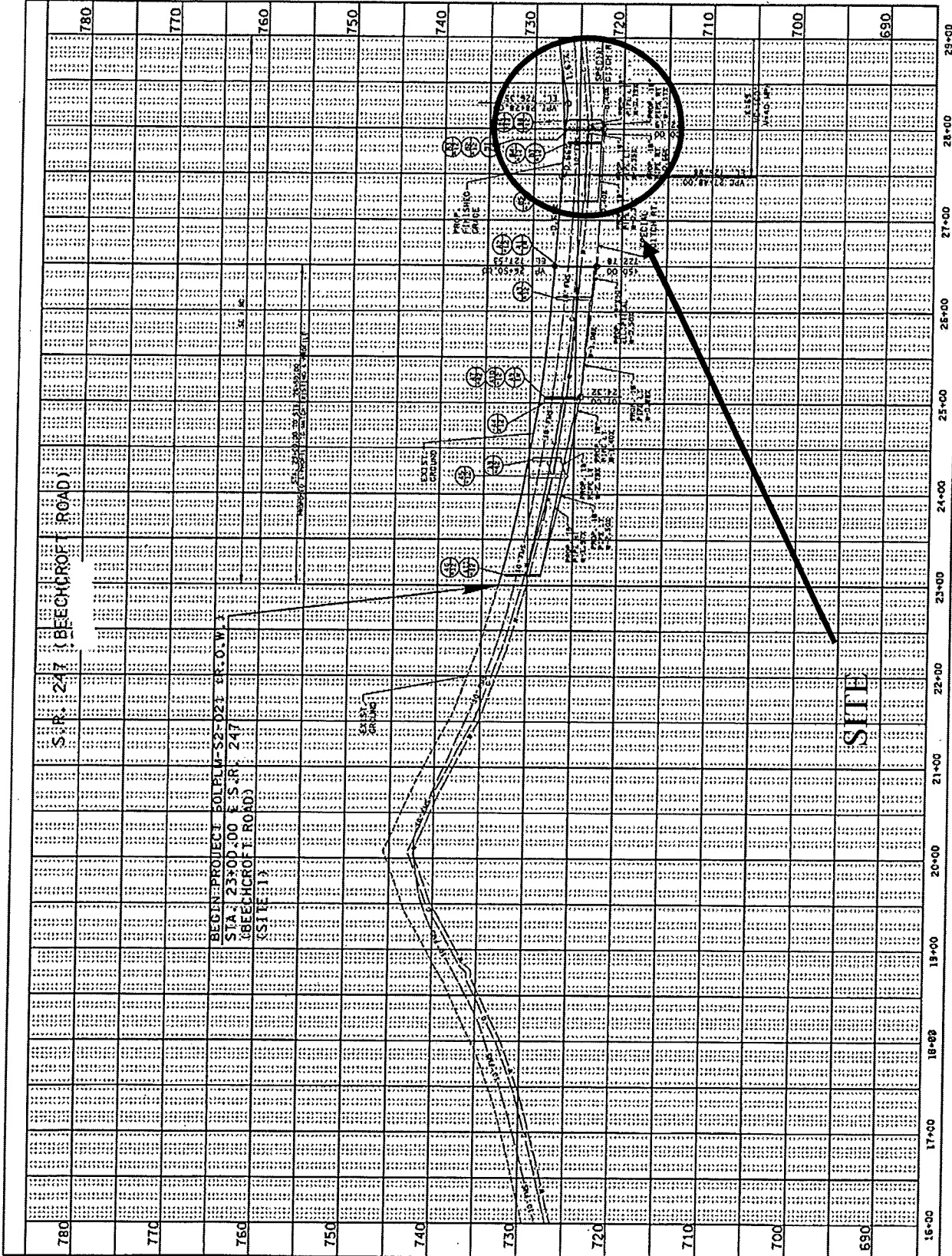
Site 1

7/17/2016 10:50:20 PM C:\p\m\60PLM-S2-021\15050017-15051015\15051015.dwg

TYPE	YEAR	PROJECT NO.	SHEET NO.
S.A.N.	2015	00890	11

DATE: 11/20/15
 DRAWN BY: [Signature]

STATE OF TENNESSEE
 DEPARTMENT OF TRANSPORTATION
PROFILE
 BEGIN TO STA. 29+00
 SCALE: 1"=30'



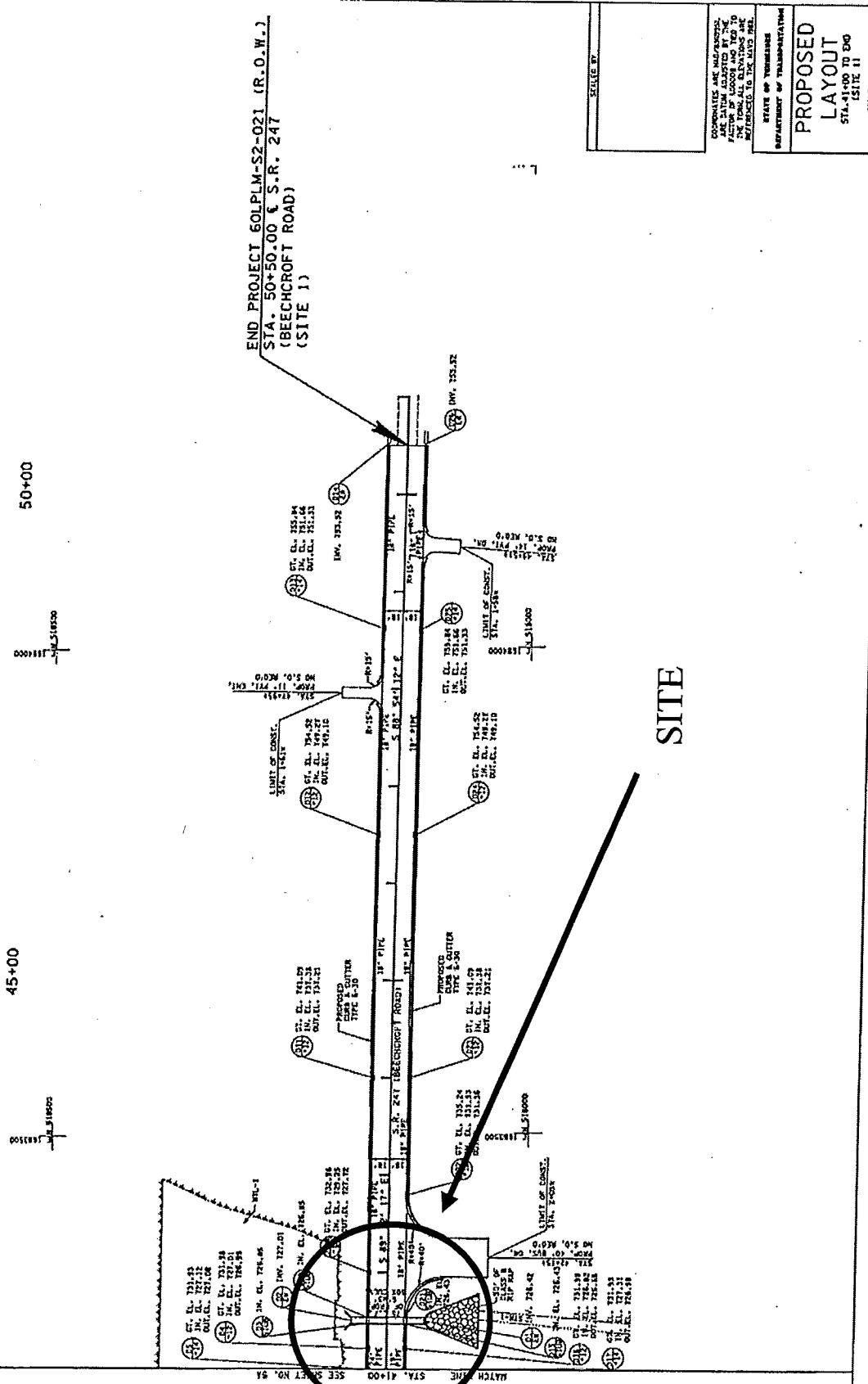
FILE NO. LRN-2015-00890
 Sheet 3 of 6
 Attachment 3

Site 1

11/20/15 2:10:23 PM [Signature]

DATE	YEAR	PROJECT NO.	SHEET NO.
NOV	2015	60LPLM-S2-021	54

NOTES:
 THE CONTRACTOR SHALL USE ANY MEASUREMENTS BY ENGINEER THAT CONTRADICT INFORMATION ON THE RECORD DRAWINGS OR PARTS OF THE RECORD DRAWINGS THAT ARE NOT BE DISAPPROVED UNLESS IT IS IN A PERMITTED AREA.



END PROJECT 60LPLM-S2-021 (R.O.W.)
 STA. 50+50.00 (S.R. 247
 (BEECHCROFT ROAD)
 (SITE 1)

SCALE BY

CONTRACTOR'S ARE NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA ADAPTED BY THE ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE DATA ADAPTED BY THE ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE DATA ADAPTED BY THE ENGINEER.

STATE OF TENNESSEE
 DEPARTMENT OF TRANSPORTATION

PROPOSED LAYOUT
 STA. 41+00 TO 50
 (SITE 1)
 SCALE: 1"=30'

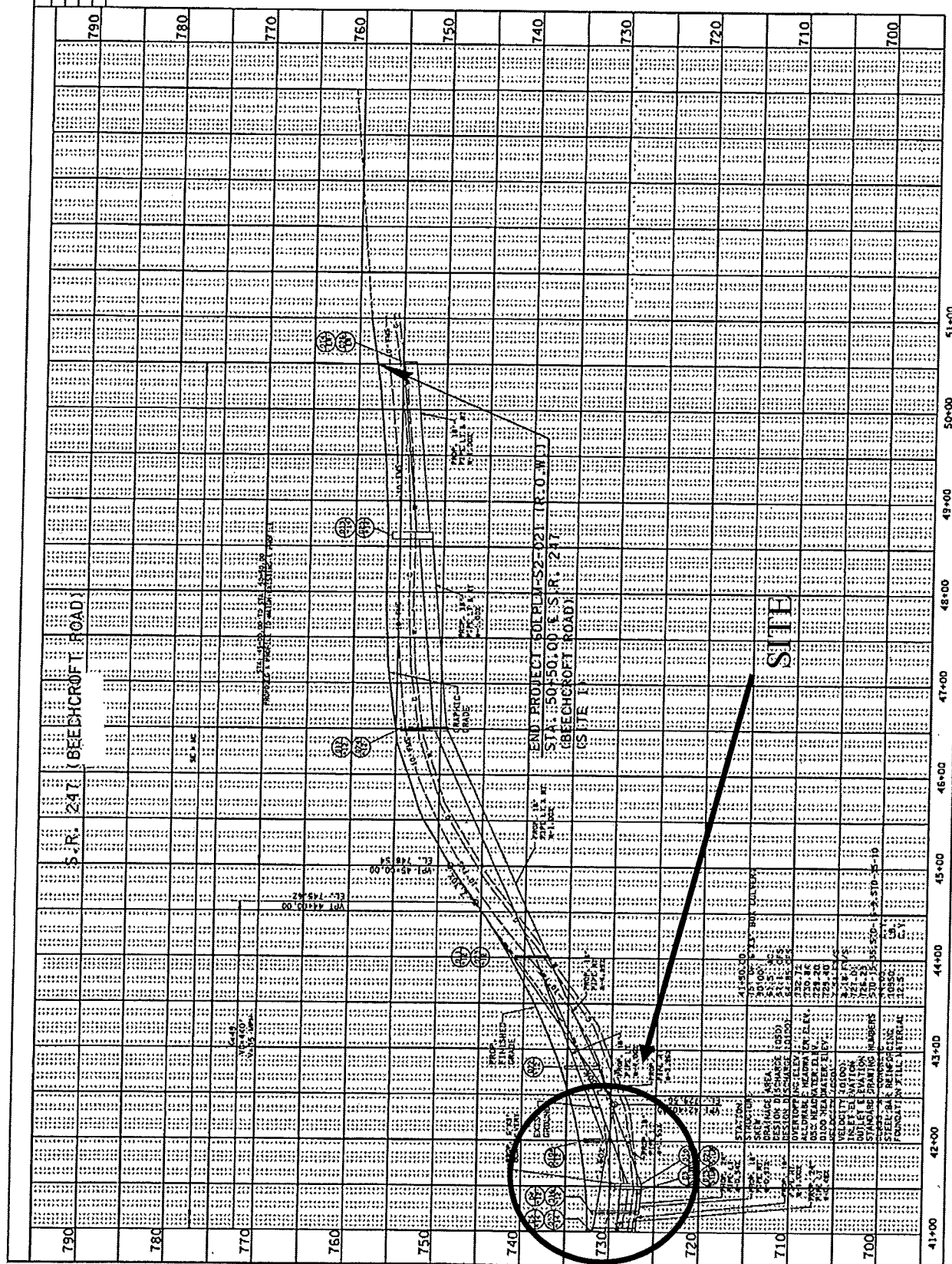
FILE NO. LRN-2015-00890
 Sheet 4 of 6
 Attachment 3

Site 2

PROJECT NO.	DATE
2015	10/22/15
DATE	10/22/15
SCALE	1" = 40'

STATE OF TEXAS
DEPARTMENT OF TRANSPORTATION

PROFILE
STA. 41+00 TO 50+00
SCALE: 1" = 40' VERT.



FILE NO. LRN-2015-00890
Sheet 5 of 6
Attachment 3

Site 2

ATTENTION

YOU ARE REQUIRED TO SUBMIT THIS SIGNED
CERTIFICATION REGARDING THE COMPLETED ACTIVITY
AND ANY REQUIRED MITIGATION.

I hereby certify that the work authorized by Permit No. LRN-2015-00890 and any required mitigation was done in accordance with the Corps authorization, including any general or special conditions.

Permittee Signature

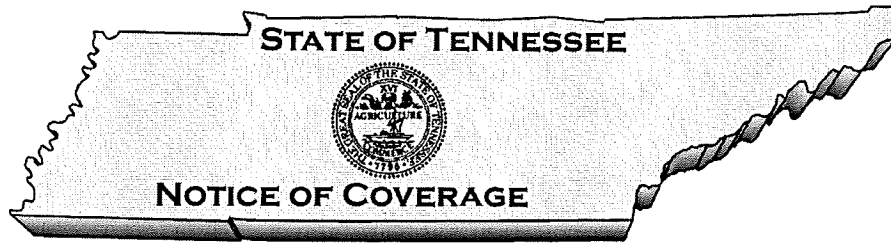
Date _____

Submit this signed certification to the office checked below:



Corps of Engineers
Nashville District
3701 Bell Road
Nashville, Tennessee 37214
Attn: Floyd M. Carnes

Proposed Linear Transportation Crossings on an Unnamed Tributary to Carter's Creek, Maury County, Tennessee



Under the Aquatic Resource Alteration
General Permit for Minor Alterations to Wetlands

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

ARAP - NRS16.227

Under authority of the Tennessee Water Quality Control Act of 1977 (TWQCA, T.C.A. 69-3-101 et seq.) the Division of Water Resources has determined the activity described below would not violate applicable water quality standards.

This activity is governed by the *General Permit for Minor Alterations to Wetlands* issued pursuant to the TWQCA. The work must be accomplished in conformance with accepted plans, specifications, data and other information submitted in support of application NRS16.227 and the terms and conditions set forth in the general permit.

PERMITTEE:

Tennessee Department of Transportation (TDOT)
 505 Deaderick Street, Suite 900
 Nashville, TN 37243

AUTHORIZED WORK:

TDOT is authorized to fill 0.078 acres of wetlands widen State Route 247

LOCATION:

SR 247 and Industrial Access Road, Maury County
 Latitude: 35.7527 Longitude: -86.9663

WATERBODY NAME:

Wetland associated with an unnamed Tributary to Carter's Creek

EFFECTIVE DATE: 18-AUG-16

EXPIRATION DATE: 06-APR-20

This does not preclude requirements of other federal, state or local laws. In particular, work shall not commence until the applicant has received the federal §404 permit from the U. S. Army Corps of Engineers, a §26a permit from the Tennessee Valley Authority or authorization under a Tennessee NPDES Storm Water Construction Permit where necessary. This permit may also serve as a federal §401 water quality certification (pursuant to 33 U.S.C. §1341) since the planned activity was reviewed and the division has reasonable assurance that the activity will be conducted in a manner that will not violate applicable water quality standards (T.C.A. § 69-3-101 et seq. or of §§ 301, 302, 303, 306 or 307 of *The Clean Water Act*).

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



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

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

August 17, 2016

Mr. Michael D White
Transportation Projects Specialist
Tennessee Department of Transportation (TDOT)
505 Deaderick St #900
Nashville, TN 37243

Subject: General Permit for Minor Alterations to Wetlands
File # NRS16.227
Tennessee Department of Transportation (TDOT)
Project #60019-1208-04 PIN #121394.00
Spring Hill, Maury County, Tennessee

Dear Mr. White:

We have reviewed your proposal to is authorized to fill 0.078 acres of wetlands to widen State Route 247. The attached Notice of Coverage authorizes the work as proposed.

Pursuant to the *Tennessee Water Quality Control Act of 1977* (T.C.A. § 69-3-101 et seq.) and supporting regulations the Division of Water Resources is required to determine whether the activity described in the attached Notice of Coverage will violate applicable water quality standards. This permit may also serve as a federal §401 water quality certification (pursuant to 40 C.F.R. §121.2).

This activity is governed by the *General Permit for Minor Alterations to Wetlands*. The work must be accomplished in conformance with accepted plans and information submitted in support of application NRS16.227 and the limitations and conditions set forth in the *General Permit for Minor Alterations to Wetlands* (enclosed). It is the responsibility of the permittee to ensure that all contractors involved with this project have read and understand the permit conditions before the project begins.

Please note that this alteration shall not cause measurable degradation to resource values and classified uses of hydrologically connected wetlands or other waters of the state. Adjacent wetlands or streams determined likely to be measurably degraded by hydrologic alteration or partial fill must be included in the cumulative impact calculation. In addition, adequate erosion controls must be installed prior to construction and maintained during construction of the project. All disturbed areas must be re-vegetated or otherwise stabilized upon completion of construction.

Annual Maintenance and Coverage Termination

Permittees will be assessed an annual maintenance fee of \$350 for coverages that exceed one year. Please note that this maintenance fee does not grant the right to extend coverage past the expiration date of the General Permit itself. Permittees may terminate coverage prior to the expiration date by submitting a completed notice of termination form (NOT), which is available on the division's webpage at http://tdec.tn.gov/etdec/DownloadFile.aspx?row_id=CN-1450. A complete NOT should include photodocumentation of the finished project area. The division will notify the permittee that either the NOT was

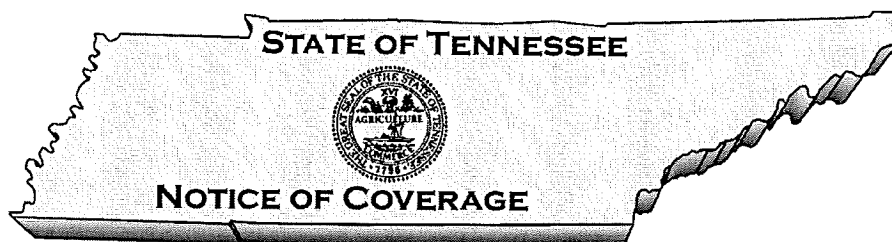
received and accepted, or that the permit coverage is not eligible for termination (due to existing deficiencies) and has not been terminated.

We appreciate your attention to the terms and conditions of this general permit for aquatic resource alteration. If you have any questions please contact the permit coordinator, Ms. Vena Jones, by e-mail at Vena.L.Jones@tn.gov or by phone at (615) 253-5320.

Sincerely,

Jimmy R. Smith
Manager, Natural Resources Unit

Encl: NOC and copy of general permit
CC: DWR, Columbia Environmental Field Office
Spring Hill MS4 Stormwater Manager
U.S. Army Corps of Engineers, Nashville Regulatory Branch
Ms. Melanie Bumpus, Transportation Manager I
File copy



Under the Aquatic Resource Alteration
General Permit for Construction and Removal of Minor Road Crossings

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

ARAP - NRS16.227B

Under authority of the Tennessee Water Quality Control Act of 1977 (TWQCA, T.C.A. 69-3-101 et seq.) the Division of Water Resources has determined the activity described below would not violate applicable water quality standards.

This activity is governed by the *General Permit for Construction and Removal of Minor Road Crossings* issued pursuant to the TWQCA. The work must be accomplished in conformance with accepted plans, specifications, data and other information submitted in support of application NRS16.227B and the terms and conditions set forth in the general permit.

PERMITTEE:

Tennessee Department of Transportation (TDOT)
 505 Deaderick Street, Suite 900
 Nashville, TN 37243

AUTHORIZED WORK:

TDOT is authorized to replace an existing 24-inch corrugated metal pipe encapsulating 30 linear feet of stream with a 70 linear foot, 18-inch reinforced concrete pipe along an unnamed tributary to Carter's Creek.

LOCATION:

SR 247 and Industrial Access Road, Maury County
 Latitude: 35.7527 Longitude: -86.9663

WATERBODY NAME:

Unnamed Tributary to Carter's Creek

EFFECTIVE DATE: 18-AUG-16

EXPIRATION DATE: 06-APR-20

This does not preclude requirements of other federal, state or local laws. In particular, work shall not commence until the applicant has received the federal §404 permit from the U. S. Army Corps of Engineers, a §26a permit from the Tennessee Valley Authority or authorization under a Tennessee NPDES Storm Water Construction Permit where necessary. This permit may also serve as a federal §401 water quality certification (pursuant to 33 U.S.C. §1341) since the planned activity was reviewed and the division has reasonable assurance that the activity will be conducted in a manner that will not violate applicable water quality standards (T.C.A. § 69-3-101 et seq. or of § § 301, 302, 303, 306 or 307 of *The Clean Water Act*).

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



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

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

August 17, 2016

Mr. Michael D White
Transportation Projects Specialist
Tennessee Department of Transportation (TDOT)
505 Deaderick St #900
Nashville, TN 37243

Subject: General Permit for Construction and Removal of Minor Road Crossings
File # NRS16.227B
Tennessee Department of Transportation (TDOT)
Project #60019-1208-04 PIN #121394.00
Spring Hill, Maury County, Tennessee

Dear Mr. White:

We have reviewed your proposal to replace an existing 24-inch corrugated metal pipe encapsulating 30 linear feet of stream with a 70 linear foot, 18-inch reinforced concrete pipe along an unnamed tributary to Carter's Creek. The attached Notice of Coverage authorizes the work as proposed.

Pursuant to the *Tennessee Water Quality Control Act of 1977* (T.C.A. § 69-3-101 et seq.) and supporting regulations the Division of Water Resources is required to determine whether the activity described in the attached Notice of Coverage will violate applicable water quality standards. This permit may also serve as a federal §401 water quality certification (pursuant to 40 C.F.R. §121.2).

This activity is governed by the *General Permit for Construction and Removal of Minor Road Crossings*. The work must be accomplished in conformance with accepted plans and information submitted in support of application NRS16.227B and the limitations and conditions set forth in the *General Permit for Construction and Removal of Minor Road Crossings* (enclosed). It is the responsibility of the permittee to ensure that all contractors involved with this project have read and understand the permit conditions before the project begins.

Please note that excavation and fill activities associated with the road crossing must be separated from flowing waters. This may be accomplished through the utilization of cofferdams (non-erodible materials), berms or temporary channels. The bottom of the culverts shall be constructed below the stream bed elevation to allow natural substrate to reestablish. Over-widening of the channel is expressly prohibited under the terms of the general permit. All box culverts with more than one barrel shall be constructed in a manner which will concentrate baseflow into one barrel. All disturbed areas must be revegetated or otherwise stabilized upon completion of construction.

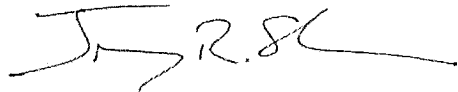
Annual Maintenance and Coverage Termination

Permittees will be assessed an annual maintenance fee of \$350 for coverages that exceed one year. Please note that this maintenance fee does not grant the right to extend coverage past the expiration date of the General Permit itself. Permittees may terminate coverage prior to the expiration date by submitting a completed notice of termination form (NOT), which is available on the division's webpage at

http://tdec.tn.gov/etdec/DownloadFile.aspx?row_id=CN-1450. A complete NOT should include photodocumentation of the finished project area. The division will notify the permittee that either the NOT was received and accepted, or that the permit coverage is not eligible for termination (due to existing deficiencies) and has not been terminated.

We appreciate your attention to the terms and conditions of this general permit for aquatic resource alteration. If you have any questions please contact the permit coordinator, Ms. Vena Jones, by e-mail at Vena.L.Jones@tn.gov or by phone at (615) 253-5320.

Sincerely,

A handwritten signature in black ink, appearing to read "J.R.S.", with a long horizontal flourish extending to the right.

Jimmy R. Smith
Manager, Natural Resources Unit

Encl: NOC and copy of general permit
CC: DWR, Columbia Environmental Field Office
Spring Hill MS4 Stormwater Manager
U.S. Army Corps of Engineers, Nashville Regulatory Branch
Ms. Melanie Bumpus, Transportation Manager 1
File copy



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

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

October 14, 2016

Mr. Khalid Ahmed
Roadway Specialist 3
Tennessee Department of Transportation
505 Deaderick St.
Nashville, TN 37243

Subject: General Permit for Utility Line Crossings
File # NRS16.227C
Tennessee Department of Transportation (TDOT)
Project #60019-1208-04 PIN #121394.00
SR 247 and Industrial Access Road
Spring Hill, Maury County, Tennessee

Dear Mr. Ahmed:

We have reviewed your proposal to relocate water and sewer utility lines crossing an unnamed tributary to Carter's Creek. Construction will be via an open trench. No blasting will be authorized. The attached Notice of Coverage authorizes the work as proposed.

Pursuant to the *Tennessee Water Quality Control Act of 1977* (T.C.A. § 69-3-101 et seq.) and supporting regulations the Division of Water Resources is required to determine whether the activity described in the attached Notice of Coverage will violate applicable water quality standards. This permit may also serve as a federal §401 water quality certification (pursuant to 40 C.F.R. §121.2).

This activity is governed by the *General Permit for Utility Line Crossings*. The work must be accomplished in conformance with accepted plans and information submitted in support of application NRS16.227C and the limitations and conditions set forth in the *General Permit for Utility Line Crossings* (enclosed). It is the responsibility of the permittee to ensure that all contractors involved with this project have read and understand the permit conditions before the project begins.

Please note that 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. Excavation and fill activities shall be separated from flowing waters and all contours must be returned to pre-project conditions. All disturbed areas must be revegetated or otherwise stabilized upon completion of construction.

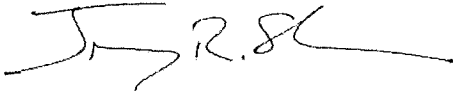
Annual Maintenance and Coverage Termination

Permittees will be assessed an annual maintenance fee of \$350 for coverages that exceed one year. Please note that this maintenance fee does not grant the right to extend coverage past the expiration date of the General Permit itself. Permittees may terminate coverage prior to the expiration date by submitting a completed notice of termination form (NOT), which is available on the division's webpage at http://tdec.tn.gov/etdec/DownloadFile.aspx?row_id=CN-1450. A complete NOT should include photodocumentation of the finished project area. The division will notify the permittee that either the NOT was

received and accepted, or that the permit coverage is not eligible for termination (due to existing deficiencies) and has not been terminated.

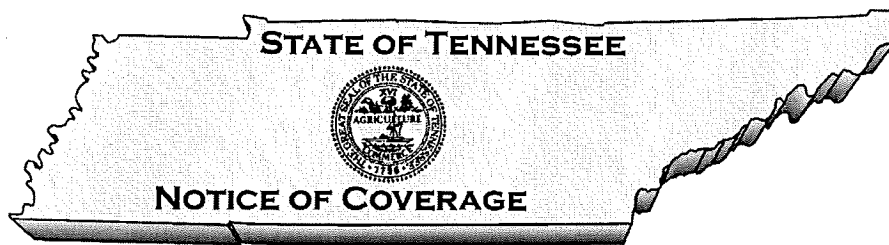
We appreciate your attention to the terms and conditions of this general permit for aquatic resource alteration. If you have any questions please contact the permit coordinator, Ms. Vena Jones, by e-mail at Vena.L.Jones@tn.gov or by phone at (615) 253-5320.

Sincerely,

A handwritten signature in black ink, appearing to read "J.R. Smith", with a long horizontal flourish extending to the right.

Jimmy R. Smith
Manager, Natural Resources Unit

Encl: NOC and copy of general permit
CC: DWR, Columbia Environmental Field Office
Spring Hill MS4 Stormwater Manager
U.S. Army Corps of Engineers, Nashville Regulatory Branch
File copy



Under the Aquatic Resource Alteration
General Permit for Utility Line Crossings

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

ARAP - NRS16.227c

Under authority of the Tennessee Water Quality Control Act of 1977 (TWQCA, T.C.A. 69-3-101 *et seq.*) the Division of Water Resources has determined the activity described below would not violate applicable water quality standards.

This activity is governed by the *General Permit for Utility Line Crossings* issued pursuant to the TWQCA. The work must be accomplished in conformance with accepted plans, specifications, data and other information submitted in support of application NRS16.227C and the terms and conditions set forth in the general permit.

PERMITTEE:

Tennessee Department of Transportation (TDOT)

AUTHORIZED WORK:

The permittee is authorized to relocate water and sewer utility lines crossing an unnamed tributary to Carter's Creek. Construction will be via an open trench. No blasting will be authorized.

LOCATION:

SR 247 and Industrial Access Road, Maury County
Latitude: 35.7527 Longitude: -86.9663

WATERBODY NAME:

Unnamed Tributary to Carter's Creek

EFFECTIVE DATE: 11-OCT-16

EXPIRATION DATE: 06-APR-20

This does not preclude requirements of other federal, state or local laws. In particular, work shall not commence until the applicant has received the federal §404 permit from the U. S. Army Corps of Engineers, a §26a permit from the Tennessee Valley Authority or authorization under a Tennessee NPDES Storm Water Construction Permit where necessary. This permit may also serve as a federal §401 water quality certification (pursuant to 33 U.S.C. §1341) since the planned activity was reviewed and the division has reasonable assurance that the activity will be conducted in a manner that will not violate applicable water quality standards (T.C.A. § 69-3-101 *et seq.* or of § § 301, 302, 303, 306 or 307 of *The Clean Water Act*).

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

Tennessee Department of Environment and Conservation

General Aquatic Resource Alteration Permit for Utility Line Crossings



Effective Date: April 7, 2015

Expiration Date: April 6, 2020

Activities Covered by this Permit

This general permit authorizes the construction, maintenance, repair, rehabilitation or replacement of utility line crossings of streams and wetlands, including subsurface crossings by directional drill or bore. The cumulative number of crossings that may be authorized under this general permit is dependent on the trenching technique, and line alignment in relation to water resources. For example, a greater number of crossing points may be authorized for utility line types that typically involve directional drilling and do not follow surface topography, such as fiber optic, gas transmission, and electric lines, than for gravity sewer lines utilizing traditional blasting or hoe-ramming trenching techniques.

In addition, certain activities may be performed without submittal of an application or written authorization from the division prior to the commencement of work, provided the work is performed in accordance with the applicable terms and conditions of this general permit:

- a) Utility line activities employing non-invasive technologies such as pipe bursting, or slip-lining.
- b) Up to 3 crossings (boreholes) utilizing horizontal directional drilling, provided no Federal or State-listed deemed in need of management, threatened, or endangered aquatic species are located within one-mile of the project location, and all special conditions, including subparts of condition #4 are met.
- c) Utility lines suspended from a culvert, bridge, or similar structure.

Certain activities due to size, location or potential water quality impacts are not covered under this general permit, as described in both the Special and General Conditions sections. Activities not qualifying for authorization under this general permit may be authorized by a standard (individual) permit provided that all requirements of the *Tennessee Water Quality Control Act of 1977* (the *Act*) are met.

Special Conditions

1. 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.
2. In the case of proposed utility lines that follow the stream gradient or otherwise parallel the stream channel, the number of crossings shall be minimized to the maximum extent practicable
3. Flowable fill trench plugs will be placed throughout any trench running parallel within 50 feet of a stream channel, spaced at a maximum of 200 linear feet apart, or halfway between stream crossings, if less than 400 feet. Trench plugs will be at least ten feet in length, and extend to approximately 6 inches below normal surface elevation
4. Crossings that utilize horizontal directional drilling are authorized, provided that:
 - a. Entry and exit locations are at least 50 feet from the stream bank or wetland margin.
 - b. The depth of bore below the streambed is sufficient to reasonably prevent release of drilling fluid, based on the parent material.

- c. A site-specific contingency and containment plan for inadvertent release of drilling fluid must be established prior to commencement of work. This plan must include notification to the division upon release to surface waters.
5. For open trenching techniques, jack and bore, and auger boring, up to 5 crossings may be authorized. For gravity sewer lines, groundwater loss will be prevented by backfilling all open trench stream crossings with flowable fill or concrete between manholes on either side of the stream. Manholes shall not be located in wetlands.
6. For gravity sewer line installations, as-builts or record drawings of the line installation will be submitted to the division 45 days after completion of the project.
7. The alignment of new utility line crossings shall intersect the stream channel as close to 90 degrees or as perpendicular as possible. Alignment shall be no less than 45 degrees angle from the centerline of the stream.
8. New utility line crossings shall be located such as to avoid permanent alteration or damage to the integrity of the stream channel or wetland. Large trees, steep banks, rock outcroppings etc., should be avoided.
9. The crossing shall be designed to prevent the impoundment or loss of normal or base flows. Base flow is the usual or normal flow of the stream that is supplied primarily by groundwater from springs and seeps, but not affected by rapid runoff during and after rainfall. In the case of streams with bedrock streambeds, special provisions shall be made to prevent the loss of stream flow due to fracturing of the bedrock.
10. The excavation and fill activities associated with the utility line crossing of non-navigable streams shall be kept to a minimum and shall be separated from flowing waters. The crossing shall be constructed in the dry to the maximum extent practicable, by diverting flow utilizing cofferdams, berms, temporary channels or pipes. Temporary diversion channels shall be protected by non-erodible material and lined to the expected high water level. For navigable streams as defined by §10 of the *Rivers and Harbors Act of 1899*, the excavation and fill activities associated with utility line crossing may be accomplished within the flowing water.
11. Maintenance, repair and rehabilitation of existing utility lines in wetlands are authorized provided that all of the following special provisions are met.
 - a. the total amount of excavation or fill within wetlands, including temporary equipment access roads does not exceed 50 cubic yards;
 - b. the wetlands alteration is located within the right of way of the existing utility line; and
 - c. Temporary impacts to wetlands shall be mitigated by the removal and stockpiling of the first 12 inches of topsoil, prior to construction. Upon completion of construction activities, all temporary wetland impact areas are to be restored to pre-construction contours, and the stockpiled topsoil spread to restore these areas to pre-construction elevation. Other side-cast material shall not be placed within the temporary impact locations. Permanent vegetative stabilization using native species of all disturbed areas in or near the wetland must be initiated within 14 days of project completion (see also *Landscaping with Natives* at tneppc.org). Non-native, non-invasive annuals may be used as cover crops until native species can be established
12. All spoil material from trench excavation, bore pits and other earth disturbing activities shall be deposited in an upland location and stabilized within 7 days in order to prevent erosion into waters of the state.

13. All dewatering activities shall be conducted in such a manner as to prevent the discharge of sediment-laden water into waters of the state.

General Conditions

1. 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) 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 Tennessee Water Quality Control Act of 1977 (the Act), and is subject to penalty in accordance with T.C.A. §69-3-115.
2. Activities, either individually or cumulatively, that may result in greater than *de minimis* degradation to waters of the state are not covered. This general permit shall not be used incrementally to combine with other activities resulting in a net loss of water resource values.
3. Clearing, grubbing, and other disturbance to riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited. Non-native, non-invasive annuals may be used as cover crops until native species are established. Native riparian vegetation must be reestablished 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.
4. This activity may not result in the permanent disruption to the movement of fish or other aquatic life.
5. Activities that adversely affect wetlands, or impair surface water flow into or out of any wetland areas are prohibited.
6. Activities located in a component of the National Wild and Scenic River System or waters designated as Outstanding National Resource Waters are not covered.
7. Activities occurring in known or likely habitat of state or federally listed threatened, endangered, deemed in need of management, or species of special concern may not be authorized without prior coordination with the Tennessee Wildlife Resources Agency (TWRA) and TDEC Division of Natural Areas (DNA) to determine if any special conditions are required to avoid and/or minimize harm to the listed species or their habitat. Adverse effects to federally listed threatened and endangered species are not permitted without prior authorization from the United States Fish and Wildlife Service (USFWS) as required by Section 7 or Section 10 under the Endangered Species Act.
8. Work shall not commence until the permittee has obtained all necessary authorizations pursuant to applicable provisions of §10 of The Rivers and Harbors Act of 1899; §404 of The Clean Water Act and §26a of The Tennessee Valley Authority Act, as well as any other federal, state or local laws.
9. Backfill activities must be accomplished in a manner that stabilizes the streambed and banks to prevent erosion. All contours must be returned to pre-project conditions to the extent practicable, and the completed activities may not disrupt or impound stream flow.
10. The use of monofilament-type erosion control netting or blanket is prohibited.
11. This permit does not authorize impacts to cultural, historic or archaeological features or sites.
12. This permit does not authorize access to private property. Arrangements concerning the use of private property shall be made with the landowner.
13. Where practicable, all activities shall be accomplished in the dry. All surface water flowing towards this work shall be diverted using cofferdams and/or berms constructed of sandbags, clean rock

(containing no fines or soils), steel sheeting, or other non-erodible, non-toxic material. All such diversion materials shall be removed upon completion of the work.

14. All activities must be carried out in such a manner as will prevent violations of water quality criteria as stated in TDEC Rule 0400-40-03. This includes, but is not limited to, the prevention of any discharge or use of materials that may be harmful to humans, terrestrial or aquatic life, or causes a condition in which visible solids, bottom deposits or turbidity impairs the designated uses of waters of the state.
15. Erosion prevention and sediment control measures must be in place and functional before any earth moving operations begin, and shall be designed according to the department's *Erosion and Sediment Control Handbook* (www.tn.gov/environment/wpc/sed_ero_controlhandbook/). Permanent vegetative stabilization using native species of all disturbed areas in or near the stream channel must be initiated within 15 days of project completion (see also *Landscaping with Natives* at tneppc.org). Non-native, non-invasive annuals may be used as cover crops until native species can be established.
16. 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.
17. Stream beds shall not be used as linear transportation routes for construction equipment. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream bank vegetation is disturbed. The crossing shall be constructed so that stream or wetland flow is not obstructed. Following construction, all materials used for the temporary crossing shall be removed and disturbed stream banks shall be restored and stabilized if needed.

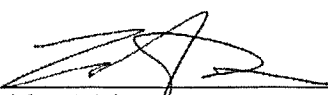
Obtaining Permit Coverage

Utility Line Crossing activities requiring written notification and authorization may obtain coverage by submitting a signed and completed application (form CN-1091), along with any other required information, to the division. Work shall not commence until a written Notice of Coverage (NOC) from the division is received. As noted above, not all activities may be eligible for coverage under this general permit and coverage may be denied when appropriate.

Each Notice of Coverage under this general permit is valid until the expiration date specified on the NOC. If the expiration date on an NOC extends beyond the date the General Permit is modified, reissued, or revoked, and the permittee has commenced or is under contract to commence this activity before the expiration date, the permittee may have up to twelve (12) months from the date of the modification, reissuance, or revocation of the General Permit to complete the activity under the present terms and conditions of the general permit.

An application fee as established in Rule 0400-40-11-.02 will be assessed to applicants intending to receive an NOC to conduct activities under this general permit. An annual maintenance fee will be assessed to those individuals holding general permit coverage unless a Notice of Termination (NOT) form is received prior to the one-year anniversary of the issuance date of the NOC, or the NOC was issued for less than a one-year term. An NOT form can be downloaded from the division's ARAP webpage (<http://www.tn.gov/environment/permits/arap.shtml>).

APPROVED: _____


Tisha Calabrese Benton
Director, Division of Water Resources

DATE: _____

10/8/15



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

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

August 17, 2016

Mr. Michael D White
Transportation Projects Specialist
Tennessee Department of Transportation (TDOT)
505 Deaderick St #900
Nashville, TN 37243

Subject: General Permit for Construction and Removal of Minor Road Crossings
File # NRS16.227B
Tennessee Department of Transportation (TDOT)
Project #60019-1208-04 PIN #121394.00
Spring Hill, Maury County, Tennessee

Dear Mr. White:

We have reviewed your proposal to replace an existing 24-inch corrugated metal pipe encapsulating 30 linear feet of stream with a 70 linear foot, 18-inch reinforced concrete pipe along an unnamed tributary to Carter's Creek. The attached Notice of Coverage authorizes the work as proposed.

Pursuant to the *Tennessee Water Quality Control Act of 1977* (T.C.A. § 69-3-101 et seq.) and supporting regulations the Division of Water Resources is required to determine whether the activity described in the attached Notice of Coverage will violate applicable water quality standards. This permit may also serve as a federal §401 water quality certification (pursuant to 40 C.F.R. §121.2).

This activity is governed by the *General Permit for Construction and Removal of Minor Road Crossings*. The work must be accomplished in conformance with accepted plans and information submitted in support of application NRS16.227B and the limitations and conditions set forth in the *General Permit for Construction and Removal of Minor Road Crossings* (enclosed). It is the responsibility of the permittee to ensure that all contractors involved with this project have read and understand the permit conditions before the project begins.

Please note that excavation and fill activities associated with the road crossing must be separated from flowing waters. This may be accomplished through the utilization of cofferdams (non-erodible materials), berms or temporary channels. The bottom of the culverts shall be constructed below the stream bed elevation to allow natural substrate to reestablish. Over-widening of the channel is expressly prohibited under the terms of the general permit. All box culverts with more than one barrel shall be constructed in a manner which will concentrate baseflow into one barrel. All disturbed areas must be revegetated or otherwise stabilized upon completion of construction.

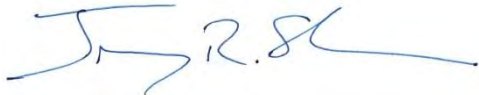
Annual Maintenance and Coverage Termination

Permittees will be assessed an annual maintenance fee of \$350 for coverages that exceed one year. Please note that this maintenance fee does not grant the right to extend coverage past the expiration date of the General Permit itself. Permittees may terminate coverage prior to the expiration date by submitting a completed notice of termination form (NOT), which is available on the division's webpage at

http://tdec.tn.gov/etdec/DownloadFile.aspx?row_id=CN-1450. A complete NOT should include photodocumentation of the finished project area. The division will notify the permittee that either the NOT was received and accepted, or that the permit coverage is not eligible for termination (due to existing deficiencies) and has not been terminated.

We appreciate your attention to the terms and conditions of this general permit for aquatic resource alteration. If you have any questions please contact the permit coordinator, Ms. Vena Jones, by e-mail at Vena.L.Jones@tn.gov or by phone at (615) 253-5320.

Sincerely,

A handwritten signature in blue ink, appearing to read "J.R.S.", with a long horizontal flourish extending to the right.

Jimmy R. Smith
Manager, Natural Resources Unit

Encl: NOC and copy of general permit
CC: DWR, Columbia Environmental Field Office
Spring Hill MS4 Stormwater Manager
U.S. Army Corps of Engineers, Nashville Regulatory Branch
Ms. Melanie Bumpus, Transportation Manager 1
File copy



Under the Aquatic Resource Alteration

General Permit for Construction and Removal of Minor Road Crossings

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

ARAP - NRS16.227B

Under authority of the Tennessee Water Quality Control Act of 1977 (TWQCA, T.C.A. 69-3-101 et seq.) the Division of Water Resources has determined the activity described below would not violate applicable water quality standards.

This activity is governed by the *General Permit for Construction and Removal of Minor Road Crossings* issued pursuant to the TWQCA. The work must be accomplished in conformance with accepted plans, specifications, data and other information submitted in support of application NRS16.227B and the terms and conditions set forth in the general permit.

PERMITTEE:

Tennessee Department of Transportation (TDOT)
505 Deaderick Street, Suite 900
Nashville, TN 37243

AUTHORIZED WORK:

TDOT is authorized to replace an existing 24-inch corrugated metal pipe encapsulating 30 linear feet of stream with a 70 linear foot, 18-inch reinforced concrete pipe along an unnamed tributary to Carter's Creek.

LOCATION:

SR 247 and Industrial Access Road, Maury County
Latitude: 35.7527 Longitude: -86.9663

WATERBODY NAME:

Unnamed Tributary to Carter's Creek

EFFECTIVE DATE: 18-AUG-16

EXPIRATION DATE: 06-APR-20

This does not preclude requirements of other federal, state or local laws. In particular, work shall not commence until the applicant has received the federal §404 permit from the U. S. Army Corps of Engineers, a §26a permit from the Tennessee Valley Authority or authorization under a Tennessee NPDES Storm Water Construction Permit where necessary. This permit may also serve as a federal §401 water quality certification (pursuant to 33 U.S.C. §1341) since the planned activity was reviewed and the division has reasonable assurance that the activity will be conducted in a manner that will not violate applicable water quality standards (T.C.A. § 69-3-101 et seq. or of § § 301, 302, 303, 306 or 307 of *The Clean Water Act*).

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

Tennessee Department of Environment and Conservation
General Aquatic Resource Alteration Permit for
Construction or Removal of Minor Road Crossings



Effective Date: April 7, 2015

Expiration Date: April 6, 2020

Activities Covered by this Permit

This general permit authorizes the construction and/or removal of minor road crossings of streams, via bridge, culvert, pipe, or fords. This permit also authorizes other similar transportation crossings such as railroads and linear crossings of greenway trails.

Certain activities due to size, location or potential water quality impacts are not covered under this general permit, as described in both the Special and General Conditions sections. Activities not qualifying for authorization under this general permit may be authorized by a standard (individual) permit provided that all requirements of the *Tennessee Water Quality Control Act of 1977* (the *Act*) are met.

Special Conditions

1. Road crossings, including transition channels, endwalls, aprons, or rip rap, that either individually or cumulatively exceed a total length of 200 feet of impact in the same Stream Catalog Unit (Waterbody) for the entire project are not covered.
2. Crossings or encapsulations associated with non-linear features such as vehicle maintenance or storage buildings, parking lots, cul-de-sacs and turn-arounds are not covered.
3. All riprap associated with the road crossings shall be placed as to mimic the existing/proposed contours of the stream channel. Riprap shall be countersunk and placed at the grade with the existing stream substrate. Voids within the riprap shall be filled with suitable substrate to prevent streamflow loss within the riprap areas. Over-excavation or grouting for placement of riprap is not covered.
4. Road crossings that may significantly alter the hydraulics of the stream (e.g., under-sizing or over widening the channel) are not covered.
5. The bottom of culverts shall be constructed below the stream bed elevation, in a manner that allows natural substrate to reestablish. All box culverts with more than one barrel shall be constructed in a manner which will concentrate baseflow into one barrel and not result in channel over widening.
6. The crossing shall be culverted, bridged or otherwise designed to prevent the impoundment of normal or base flows on the upstream side, and not result in a disruption or barrier to the movement of fish or other aquatic life on the downstream side. Base flow is the usual or normal flow of the stream that is supplied primarily by groundwater from springs and seeps, but not affected by rapid runoff during and after rainfall.
7. The width of the fill associated with the crossing shall be limited to the minimum necessary for the actual crossing.
8. Where a crossing is removed, natural channel characteristics (dimensions, shape, substrate, etc.) shall be replicated and stabilized using clean rock, riprap, anchored trees or other non-erodible materials found in the natural environment.

General Conditions

1. All activities must be accomplished in conformance with the approved plans, specifications, data and other information submitted in support of the NOI 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 *Tennessee Water Quality Control Act of 1977 (the Act)*, and is subject to penalty in accordance with T.C.A. §69-3-115.
2. Activities, either individually or cumulatively, that may result in greater than *de minimis* degradation to waters of the state are not covered. This general permit shall not be used incrementally to combine with other activities resulting in a net loss of water resource values.
3. Clearing, grubbing, and other disturbance to riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited. Native riparian vegetation must be reestablished after work is completed. Non-native, non-invasive annuals may be used as cover crops until native species are established. 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.
4. Activities that directly impact wetlands, or impair surface water flow into or out of any wetland areas are not covered.
5. Activities located in a component of the National Wild and Scenic River System or waters designated as Outstanding National Resource Waters are not covered.
6. Activities occurring in known or likely habitat of state or federally listed threatened, endangered, or a species deemed in need of management may not be authorized without prior coordination with the Tennessee Wildlife Resources Agency (TWRA) and TDEC Division of Natural Areas (DNA) to determine if the proposed activities will or will not likely result in take, harassment, or destruction of the species or render the habitat unsuitable. Adverse effects to federal threatened and endangered species are not permitted without prior authorization from the United States Fish and Wildlife Service (USFWS) as required by Section 7 or Section 10 under the Endangered Species Act.
7. Work shall not commence until the permittee has obtained all necessary authorizations pursuant to applicable provisions of §10 of The Rivers and Harbors Act of 1899; §404 of The Clean Water Act and §26a of The Tennessee Valley Authority Act, as well as any other federal, state or local laws.
8. Backfill activities must be accomplished in a manner that stabilizes the streambed and banks to prevent erosion. All contours must be returned to pre-project conditions to the extent practicable and the completed activities may not disrupt or impound stream flow.
9. The use of monofilament-type erosion control netting or blanket is prohibited.
10. This permit does not authorize impacts to cultural, historic or archaeological features or sites.
11. This permit does not authorize access to private property. Arrangements concerning the use of private property shall be made with the landowner.
12. Where practicable, all activities shall be accomplished in the dry. All surface water flowing towards this work shall be diverted using cofferdams and/or berms constructed of sandbags, clean rock (containing no fines or soils), steel sheeting, or other non-erodible, non-toxic material. All such diversion materials shall be removed upon completion of the work.
13. All activities must be carried out in such a manner as will prevent violations of water quality criteria as stated in TDEC Rule 0400-40-03. This includes, but is not limited to, the prevention of any discharge or use of materials that may be harmful to humans, terrestrial or aquatic life, or causes a

condition in which visible solids, bottom deposits or turbidity impairs the designated uses of waters of the state.

14. Erosion prevention and sediment control measures must be in place and functional before any land disturbance activities begin, and shall be designed according to the department's *Erosion and Sediment Control Handbook* (www.tn.gov/environment/wpc/sed_ero_controlhandbook/). Permanent vegetative stabilization using native species of all disturbed areas in or near the stream channel must be initiated within 14 days of project completion (see also *Landscaping with Natives* at tneppc.org). Non-native, non-invasive annuals may be used as cover crops until native species are established.
15. 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.
16. Stream beds shall not be used as linear transportation routes for construction equipment. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream bank vegetation is disturbed. The crossing shall be constructed so that stream or wetland flow is not obstructed. Following construction, all materials used for the temporary crossing shall be removed and disturbed stream banks shall be restored and stabilized if needed.

Obtaining Permit Coverage


Activities where the total length of disturbance along the stream channel needed to construct or remove a road crossing is less than 25 feet may be done without submittal of an application or written authorization from the division prior to the commencement of work, provided the work is performed in accordance with the permit terms and conditions.

Other proposed minor road crossing activities may obtain coverage by submitting a signed and completed NOI, along with any other required information, to the division. Work shall not commence until a written Notice of Coverage (NOC) from the division is received. As noted above, not all activities may be eligible for coverage under this general permit and coverage may be denied when appropriate.

Each Notice of Coverage under this general permit is valid until the expiration date specified on the NOC. If the expiration date on an NOC extends beyond the date the General Permit is modified, reissued, or revoked, and the permittee has commenced or is under contract to commence this activity before the expiration date, the permittee may have up to twelve (12) months from the date of the modification, reissuance, or revocation of the General Permit to complete the activity under the present terms and conditions of the general permit.

An application fee as established in Rule 0400-40-11-.02 will be assessed to applicants intending to receive an NOC to conduct activities under this general permit. An annual maintenance fee will be assessed to those individuals holding general permit coverage unless a Notice of Termination (NOT) form is received prior to the one-year anniversary of the issuance date of the NOC, or the NOC was issued for less than a one-year term. An NOT form can be downloaded from the division's ARAP webpage (<http://www.tn.gov/environment/permits/arap.shtml>).

APPROVED: _____


Tisha Calabrese Benton
Director, Division of Water Resources

DATE: _____

4/6/15



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

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

August 17, 2016

Mr. Michael D White
Transportation Projects Specialist
Tennessee Department of Transportation (TDOT)
505 Deaderick St #900
Nashville, TN 37243

Subject: General Permit for Minor Alterations to Wetlands
File # NRS16.227
Tennessee Department of Transportation (TDOT)
Project #60019-1208-04 PIN #121394.00
Spring Hill, Maury County, Tennessee

Dear Mr. White:

We have reviewed your proposal to is authorized to fill 0.078 acres of wetlands to widen State Route 247. The attached Notice of Coverage authorizes the work as proposed.

Pursuant to the *Tennessee Water Quality Control Act of 1977* (T.C.A. § 69-3-101 et seq.) and supporting regulations the Division of Water Resources is required to determine whether the activity described in the attached Notice of Coverage will violate applicable water quality standards. This permit may also serve as a federal §401 water quality certification (pursuant to 40 C.F.R. §121.2).

This activity is governed by the *General Permit for Minor Alterations to Wetlands*. The work must be accomplished in conformance with accepted plans and information submitted in support of application NRS16.227 and the limitations and conditions set forth in the *General Permit for Minor Alterations to Wetlands* (enclosed). It is the responsibility of the permittee to ensure that all contractors involved with this project have read and understand the permit conditions before the project begins.

Please note that this alteration shall not cause measurable degradation to resource values and classified uses of hydrologically connected wetlands or other waters of the state. Adjacent wetlands or streams determined likely to be measurably degraded by hydrologic alteration or partial fill must be included in the cumulative impact calculation. In addition, adequate erosion controls must be installed prior to construction and maintained during construction of the project. All disturbed areas must be re-vegetated or otherwise stabilized upon completion of construction.

Annual Maintenance and Coverage Termination

Permittees will be assessed an annual maintenance fee of \$350 for coverages that exceed one year. Please note that this maintenance fee does not grant the right to extend coverage past the expiration date of the General Permit itself. Permittees may terminate coverage prior to the expiration date by submitting a completed notice of termination form (NOT), which is available on the division's webpage at http://tdec.tn.gov/etdec/DownloadFile.aspx?row_id=CN-1450. A complete NOT should include photodocumentation of the finished project area. The division will notify the permittee that either the NOT was

received and accepted, or that the permit coverage is not eligible for termination (due to existing deficiencies) and has not been terminated.

We appreciate your attention to the terms and conditions of this general permit for aquatic resource alteration. If you have any questions please contact the permit coordinator, Ms. Vena Jones, by e-mail at *Vena.L.Jones@tn.gov* or by phone at (615) 253-5320.

Sincerely,

Jimmy R. Smith
Manager, Natural Resources Unit

Encl: NOC and copy of general permit
CC: DWR, Columbia Environmental Field Office
Spring Hill MS4 Stormwater Manager
U.S. Army Corps of Engineers, Nashville Regulatory Branch
Ms. Melanie Bumpus, Transportation Manager 1
File copy



Under the Aquatic Resource Alteration
General Permit for Minor Alterations to Wetlands

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

ARAP - NRS16.227

Under authority of the Tennessee Water Quality Control Act of 1977 (TWQCA, T.C.A. 69-3-101 et seq.) the Division of Water Resources has determined the activity described below would not violate applicable water quality standards.

This activity is governed by the *General Permit for Minor Alterations to Wetlands* issued pursuant to the TWQCA. The work must be accomplished in conformance with accepted plans, specifications, data and other information submitted in support of application NRS16.227 and the terms and conditions set forth in the general permit.

PERMITTEE: Tennessee Department of Transportation (TDOT)
505 Deaderick Street, Suite 900
Nashville, TN 37243

AUTHORIZED WORK: TDOT is authorized to fill 0.078 acres of wetlands widen State Route 247

LOCATION: SR 247 and Industrial Access Road, Maury County
Latitude: 35.7527 Longitude: -86.9663

WATERBODY NAME: Wetland associated with an unnamed Tributary to Carter's Creek

EFFECTIVE DATE: 18-AUG-16

EXPIRATION DATE: 06-APR-20

This does not preclude requirements of other federal, state or local laws. In particular, work shall not commence until the applicant has received the federal §404 permit from the U. S. Army Corps of Engineers, a §26a permit from the Tennessee Valley Authority or authorization under a Tennessee NPDES Storm Water Construction Permit where necessary. This permit may also serve as a federal §401 water quality certification (pursuant to 33 U.S.C. §1341) since the planned activity was reviewed and the division has reasonable assurance that the activity will be conducted in a manner that will not violate applicable water quality standards (T.C.A. § 69-3-101 et seq. or of § § 301, 302, 303, 306 or 307 of *The Clean Water Act*).

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

Tennessee Department of Environment and Conservation
General Aquatic Resource Alteration Permit for
Minor Alterations to Wetlands



Effective Date: April 7, 2015

Expiration Date: April 6, 2020

Activities Covered by this Permit

This general permit authorizes minor temporary or permanent alterations of wetlands, where avoidance is not possible. The individual or cumulative amount of alteration within a Common Plan of Development that may be authorized is based on degree of resource value impacted. Alterations of up to 0.10 acres of wetlands representing moderate resource value may be authorized. Up to 0.25 acres of wetlands that are degraded and of low resource value, or in situations where the proposed partial fill of a larger wetland would result in no measurable degradation to the water resource value of the overall wetland may be authorized.

Certain activities due to size, location or potential water quality impacts are not covered under this general permit, as described in both the Special and General Conditions sections. Activities not qualifying for authorization under this general permit may be authorized by a standard (individual) permit provided that all requirements of the *Tennessee Water Quality Control Act of 1977* (the Act) are met.

Special Conditions

1. Activities that impact wetlands that represent a high resource value, including but not limited to rare wetland types, Exceptional Tennessee Waters, and wetlands located in a component of the National Wild and Scenic River System or Outstanding Natural Resource Waters are not covered.
2. Activities where all practicable measures to avoid and minimize adverse impacts to the wetlands and other waters of the state have not been employed are not covered.
3. The excavation and fill activities associated with the wetlands alteration shall be kept to a minimum.
4. Wetlands outside of the permitted impact areas shall be clearly marked so that all work performed by the contractor is solely within the permitted impact area.
5. The authorized wetland alterations shall not cause measureable degradation to resource values and classified uses of hydrologically connected wetlands or other waters of the state, including disruption of sustaining surface or groundwater hydrology.. Adjacent wetlands or streams determined likely to be measurably degraded by such hydrologic alteration, or by partial fill, must be included in the cumulative impact calculation, even if not filled or otherwise directly altered physically.
6. Temporary impacts to wetlands shall be mitigated by the removal and stockpiling of the first 12 inches of topsoil, prior to construction. Upon completion of construction activities, all temporary wetland impact areas are to be restored to pre-construction contours, and the stockpiled topsoil spread to restore these areas to pre-construction elevation. Other side-cast material shall not be placed within the temporary impact locations. Permanent vegetative stabilization using native species of all disturbed areas in or near the wetland must be initiated within 14 days of project completion (see also *Landscaping with Natives* at tneppc.org). Non-native, non-invasive annuals may be used as cover crops until native species can be established

General Conditions

1. All activities must be accomplished in conformance with the approved plans, specifications, data and other information submitted in support of the NOI 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 *Tennessee Water Quality Control Act of 1977* (the *Act*), and is subject to penalty in accordance with T.C.A. §69-3-115.
2. Activities, either individually or cumulatively, that may result in greater than *de minimis* degradation to waters of the state are not covered. This general permit shall not be used incrementally to combine with other activities resulting in a net loss of water resource values, including the use of multiple general permits to authorize separate wetland impacts within the same Common Plan of Development.
3. Clearing, grubbing, and other disturbance to wetland vegetation shall be kept at the minimum. Unnecessary wetland vegetation removal, including trees, and soil disturbance is prohibited. Native wetland vegetation must be reestablished after work is completed. Coverage under this permit does not serve to waive any local wetland buffer protection requirement, and permittees are responsible for obtaining any necessary local approval.
4. This activity may not result in a disruption or barrier to the movement of fish or other aquatic life and wetland dependent species.
5. Activities occurring in known or likely habitat of state or federally listed threatened, endangered, or a species deemed in need of management may not be authorized without prior coordination with the Tennessee Wildlife Resources Agency (TWRA) and TDEC Division of Natural Areas (DNA) to determine if the proposed activities will or will not likely result in take, harassment, or destruction of the species or render the habitat unsuitable. Adverse effects to federal threatened and endangered species are not permitted without prior authorization from the United States Fish and Wildlife Service (USFWS) as required by Section 7 or Section 10 under the Endangered Species Act.
6. Work shall not commence until the permittee has obtained all necessary authorizations pursuant to applicable provisions of §10 of The Rivers and Harbors Act of 1899; §404 of The Clean Water Act and §26a of The Tennessee Valley Authority Act, as well as any other federal, state or local laws.
7. This permit does not authorize impacts to cultural, historic or archaeological features or sites.
8. This permit does not authorize access to private property. Arrangements concerning the use of private property shall be made with the landowner.
9. Where practicable, all activities shall be accomplished in the dry. All surface water flowing towards this work shall be diverted using cofferdams and/or berms constructed of sandbags, clean rock (containing no fines or soils), steel sheeting, or other non-erodible, non-toxic material. All such diversion materials shall be removed upon completion of the work.
10. All activities must be carried out in such a manner as will prevent violations of water quality criteria as stated in TDEC Rule 0400-40-03. This includes, but is not limited to, the prevention of any discharge or use of materials that may be harmful to humans, terrestrial or aquatic life, or causes a condition in which visible solids, bottom deposits or turbidity impairs the designated uses of waters of the state.
11. Erosion prevention and sediment control measures must be in place and functional before any land disturbance activities begin, and shall be designed in accordance with the department's *Erosion and Sediment Control Handbook* (www.tn.gov/environment/wpc/sed_ero_controlhandbook/). Permanent vegetative stabilization of all disturbed areas in or near waters of the state (wetland?) must be initiated within 14 days of project completion, and utilize native species (see also *Landscaping with Natives* at

tneppc.org). Non-native, non-invasive annuals may be used as cover crops until native species can be established.

12. The use of monofilament-type erosion control netting or blanket is prohibited
13. 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.


Obtaining Permit Coverage

Proposed minor wetland alteration activities may obtain coverage by submitting a signed and completed NOI, along with any other required information, to the division. Work shall not commence until a written Notice of Coverage (NOC) from the division is received. As noted above, not all activities may be eligible for coverage under this general permit and coverage may be denied when appropriate.

Each Notice of Coverage under this general permit is valid until the expiration date specified on the NOC. If the expiration date on an NOC extends beyond the date the General Permit is modified, reissued, or revoked, and the permittee has commenced or is under contract to commence this activity before the expiration date, the permittee may have up to twelve (12) months from the date of the modification, reissuance, or revocation of the General Permit to complete the activity under the present terms and conditions of the general permit.

An application fee as established in Rule 0400-40-11-.02 will be assessed to applicants intending to receive an NOC to conduct activities under this general permit. An annual maintenance fee will be assessed to those individuals holding general permit coverage unless a Notice of Termination (NOT) form is received prior to the one-year anniversary of the issuance date of the NOC, or the NOC was issued for less than a one-year term. An NOT form can be downloaded from the division's ARAP webpage (<http://www.tn.gov/environment/permits/arap.shtml>).

APPROVED: _____


Tisha Calabrese Benton
Director, Division of Water Resources

DATE: _____

4/6/15



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

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

October 14, 2016

Mr. Khalid Ahmed
Roadway Specialist 3
Tennessee Department of Transportation
505 Deaderick St.
Nashville, TN 37243

Subject: General Permit for Utility Line Crossings
File # NRS16.227C
Tennessee Department of Transportation (TDOT)
Project #60019-1208-04 PIN #121394.00
SR 247 and Industrial Access Road
Spring Hill, Maury County, Tennessee

Dear Mr. Ahmed:

We have reviewed your proposal to relocate water and sewer utility lines crossing an unnamed tributary to Carter's Creek. Construction will be via an open trench. No blasting will be authorized. The attached Notice of Coverage authorizes the work as proposed.

Pursuant to the *Tennessee Water Quality Control Act of 1977* (T.C.A. § 69-3-101 et seq.) and supporting regulations the Division of Water Resources is required to determine whether the activity described in the attached Notice of Coverage will violate applicable water quality standards. This permit may also serve as a federal §401 water quality certification (pursuant to 40 C.F.R. §121.2).

This activity is governed by the *General Permit for Utility Line Crossings*. The work must be accomplished in conformance with accepted plans and information submitted in support of application NRS16.227C and the limitations and conditions set forth in the *General Permit for Utility Line Crossings* (enclosed). It is the responsibility of the permittee to ensure that all contractors involved with this project have read and understand the permit conditions before the project begins.

Please note that 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. Excavation and fill activities shall be separated from flowing waters and all contours must be returned to pre-project conditions. All disturbed areas must be revegetated or otherwise stabilized upon completion of construction.

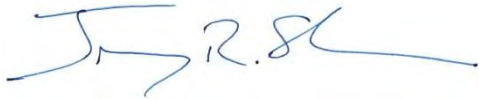
Annual Maintenance and Coverage Termination

Permittees will be assessed an annual maintenance fee of \$350 for coverages that exceed one year. Please note that this maintenance fee does not grant the right to extend coverage past the expiration date of the General Permit itself. Permittees may terminate coverage prior to the expiration date by submitting a completed notice of termination form (NOT), which is available on the division's webpage at http://tdec.tn.gov/etdec/DownloadFile.aspx?row_id=CN-1450. A complete NOT should include photodocumentation of the finished project area. The division will notify the permittee that either the NOT was

received and accepted, or that the permit coverage is not eligible for termination (due to existing deficiencies) and has not been terminated.

We appreciate your attention to the terms and conditions of this general permit for aquatic resource alteration. If you have any questions please contact the permit coordinator, Ms. Vena Jones, by e-mail at *Vena.L.Jones@tn.gov* or by phone at (615) 253-5320.

Sincerely,

A handwritten signature in blue ink, appearing to read "J.R.S.", with a long horizontal flourish extending to the right.

Jimmy R. Smith
Manager, Natural Resources Unit

Encl: NOC and copy of general permit
CC: DWR, Columbia Environmental Field Office
Spring Hill MS4 Stormwater Manager
U.S. Army Corps of Engineers, Nashville Regulatory Branch
File copy



Under the Aquatic Resource Alteration
General Permit for Utility Line Crossings

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

ARAP - NRS16.227c

Under authority of the Tennessee Water Quality Control Act of 1977 (TWQCA, T.C.A. 69-3-101 et seq.) the Division of Water Resources has determined the activity described below would not violate applicable water quality standards.

This activity is governed by the *General Permit for Utility Line Crossings* issued pursuant to the TWQCA. The work must be accomplished in conformance with accepted plans, specifications, data and other information submitted in support of application NRS16.227C and the terms and conditions set forth in the general permit.

PERMITTEE: Tennessee Department of Transportation (TDOT)

AUTHORIZED WORK: The permittee is authorized to relocate water and sewer utility lines crossing an unnamed tributary to Carter's Creek. Construction will be via an open trench. No blasting will be authorized.

LOCATION: SR 247 and Industrial Access Road, Maury County
Latitude: 35.7527 Longitude: -86.9663

WATERBODY NAME: Unnamed Tributary to Carter's Creek

EFFECTIVE DATE: 11-OCT-16

EXPIRATION DATE: 06-APR-20

This does not preclude requirements of other federal, state or local laws. In particular, work shall not commence until the applicant has received the federal §404 permit from the U. S. Army Corps of Engineers, a §26a permit from the Tennessee Valley Authority or authorization under a Tennessee NPDES Storm Water Construction Permit where necessary. This permit may also serve as a federal §401 water quality certification (pursuant to 33 U.S.C. §1341) since the planned activity was reviewed and the division has reasonable assurance that the activity will be conducted in a manner that will not violate applicable water quality standards (T.C.A. § 69-3-101 et seq. or of § § 301, 302, 303, 306 or 307 of *The Clean Water Act*).

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

Tennessee Department of Environment and Conservation

General Aquatic Resource Alteration Permit for

Utility Line Crossings



Effective Date: April 7, 2015

Expiration Date: April 6, 2020

Activities Covered by this Permit

This general permit authorizes the construction, maintenance, repair, rehabilitation or replacement of utility line crossings of streams and wetlands, including subsurface crossings by directional drill or bore. The cumulative number of crossings that may be authorized under this general permit is dependent on the trenching technique, and line alignment in relation to water resources. For example, a greater number of crossing points may be authorized for utility line types that typically involve directional drilling and do not follow surface topography, such as fiber optic, gas transmission, and electric lines, than for gravity sewer lines utilizing traditional blasting or hoe-ramming trenching techniques.

In addition, certain activities may be performed without submittal of an application or written authorization from the division prior to the commencement of work, provided the work is performed in accordance with the applicable terms and conditions of this general permit:

- a) Utility line activities employing non-invasive technologies such as pipe bursting, or slip-lining.
- b) Up to 3 crossings (boreholes) utilizing horizontal directional drilling, provided no Federal or State-listed deemed in need of management, threatened, or endangered aquatic species are located within one-mile of the project location, and all special conditions, including subparts of condition #4 are met.
- c) Utility lines suspended from a culvert, bridge, or similar structure.

Certain activities due to size, location or potential water quality impacts are not covered under this general permit, as described in both the Special and General Conditions sections. Activities not qualifying for authorization under this general permit may be authorized by a standard (individual) permit provided that all requirements of the *Tennessee Water Quality Control Act of 1977* (the *Act*) are met.

Special Conditions

1. 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.
2. In the case of proposed utility lines that follow the stream gradient or otherwise parallel the stream channel, the number of crossings shall be minimized to the maximum extent practicable
3. Flowable fill trench plugs will be placed throughout any trench running parallel within 50 feet of a stream channel, spaced at a maximum of 200 linear feet apart, or halfway between stream crossings, if less than 400 feet. Trench plugs will be at least ten feet in length, and extend to approximately 6 inches below normal surface elevation
4. Crossings that utilize horizontal directional drilling are authorized, provided that:
 - a. Entry and exit locations are at least 50 feet from the stream bank or wetland margin.
 - b. The depth of bore below the streambed is sufficient to reasonably prevent release of drilling fluid, based on the parent material.

- c. A site-specific contingency and containment plan for inadvertent release of drilling fluid must be established prior to commencement of work. This plan must include notification to the division upon release to surface waters.
5. For open trenching techniques, jack and bore, and auger boring, up to 5 crossings may be authorized. For gravity sewer lines, groundwater loss will be prevented by backfilling all open trench stream crossings with flowable fill or concrete between manholes on either side of the stream. Manholes shall not be located in wetlands.
6. For gravity sewer line installations, as-builts or record drawings of the line installation will be submitted to the division 45 days after completion of the project.
7. The alignment of new utility line crossings shall intersect the stream channel as close to 90 degrees or as perpendicular as possible. Alignment shall be no less than 45 degree angle from the centerline of the stream.
8. New utility line crossings shall be located such as to avoid permanent alteration or damage to the integrity of the stream channel or wetland. Large trees, steep banks, rock outcroppings etc., should be avoided.
9. The crossing shall be designed to prevent the impoundment or loss of normal or base flows. Base flow is the usual or normal flow of the stream that is supplied primarily by groundwater from springs and seeps, but not affected by rapid runoff during and after rainfall. In the case of streams with bedrock streambeds, special provisions shall be made to prevent the loss of stream flow due to fracturing of the bedrock.
10. The excavation and fill activities associated with the utility line crossing of non-navigable streams shall be kept to a minimum and shall be separated from flowing waters. The crossing shall be constructed in the dry to the maximum extent practicable, by diverting flow utilizing cofferdams, berms, temporary channels or pipes. Temporary diversion channels shall be protected by non-erodible material and lined to the expected high water level. For navigable streams as defined by §10 of the *Rivers and Harbors Act of 1899*, the excavation and fill activities associated with utility line crossing may be accomplished within the flowing water.
11. Maintenance, repair and rehabilitation of existing utility lines in wetlands are authorized provided that all of the following special provisions are met.
 - a. the total amount of excavation or fill within wetlands, including temporary equipment access roads does not exceed 50 cubic yards;
 - b. the wetlands alteration is located within the right of way of the existing utility line; and
 - c. Temporary impacts to wetlands shall be mitigated by the removal and stockpiling of the first 12 inches of topsoil, prior to construction. Upon completion of construction activities, all temporary wetland impact areas are to be restored to pre-construction contours, and the stockpiled topsoil spread to restore these areas to pre-construction elevation. Other side-cast material shall not be placed within the temporary impact locations. Permanent vegetative stabilization using native species of all disturbed areas in or near the wetland must be initiated within 14 days of project completion (see also *Landscaping with Natives* at tneppc.org). Non-native, non-invasive annuals may be used as cover crops until native species can be established
12. All spoil material from trench excavation, bore pits and other earth disturbing activities shall be deposited in an upland location and stabilized within 7 days in order to prevent erosion into waters of the state.

13. All dewatering activities shall be conducted in such a manner as to prevent the discharge of sediment-laden water into waters of the state.

General Conditions

1. 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) 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 Tennessee Water Quality Control Act of 1977 (the Act), and is subject to penalty in accordance with T.C.A. §69-3-115.
2. Activities, either individually or cumulatively, that may result in greater than *de minimis* degradation to waters of the state are not covered. This general permit shall not be used incrementally to combine with other activities resulting in a net loss of water resource values.
3. Clearing, grubbing, and other disturbance to riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited. Non-native, non-invasive annuals may be used as cover crops until native species are established. Native riparian vegetation must be reestablished 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.
4. This activity may not result in the permanent disruption to the movement of fish or other aquatic life.
5. Activities that adversely affect wetlands, or impair surface water flow into or out of any wetland areas are prohibited.
6. Activities located in a component of the National Wild and Scenic River System or waters designated as Outstanding National Resource Waters are not covered.
7. Activities occurring in known or likely habitat of state or federally listed threatened, endangered, deemed in need of management, or species of special concern may not be authorized without prior coordination with the Tennessee Wildlife Resources Agency (TWRA) and TDEC Division of Natural Areas (DNA) to determine if any special conditions are required to avoid and/or minimize harm to the listed species or their habitat. Adverse effects to federally listed threatened and endangered species are not permitted without prior authorization from the United States Fish and Wildlife Service (USFWS) as required by Section 7 or Section 10 under the Endangered Species Act.
8. Work shall not commence until the permittee has obtained all necessary authorizations pursuant to applicable provisions of §10 of The Rivers and Harbors Act of 1899; §404 of The Clean Water Act and §26a of The Tennessee Valley Authority Act, as well as any other federal, state or local laws.
9. Backfill activities must be accomplished in a manner that stabilizes the streambed and banks to prevent erosion. All contours must be returned to pre-project conditions to the extent practicable, and the completed activities may not disrupt or impound stream flow.
10. The use of monofilament-type erosion control netting or blanket is prohibited.
11. This permit does not authorize impacts to cultural, historic or archaeological features or sites.
12. This permit does not authorize access to private property. Arrangements concerning the use of private property shall be made with the landowner.
13. Where practicable, all activities shall be accomplished in the dry. All surface water flowing towards this work shall be diverted using cofferdams and/or berms constructed of sandbags, clean rock

(containing no fines or soils), steel sheeting, or other non-erodible, non-toxic material. All such diversion materials shall be removed upon completion of the work.

14. All activities must be carried out in such a manner as will prevent violations of water quality criteria as stated in TDEC Rule 0400-40-03. This includes, but is not limited to, the prevention of any discharge or use of materials that may be harmful to humans, terrestrial or aquatic life, or causes a condition in which visible solids, bottom deposits or turbidity impairs the designated uses of waters of the state.
15. Erosion prevention and sediment control measures must be in place and functional before any earth moving operations begin, and shall be designed according to the department's *Erosion and Sediment Control Handbook* (www.tn.gov/environment/wpc/sed_ero_controlhandbook/). Permanent vegetative stabilization using native species of all disturbed areas in or near the stream channel must be initiated within 15 days of project completion (see also *Landscaping with Natives* at tneppc.org). Non-native, non-invasive annuals may be used as cover crops until native species can be established.
16. 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.
17. Stream beds shall not be used as linear transportation routes for construction equipment. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream bank vegetation is disturbed. The crossing shall be constructed so that stream or wetland flow is not obstructed. Following construction, all materials used for the temporary crossing shall be removed and disturbed stream banks shall be restored and stabilized if needed.


Obtaining Permit Coverage

Utility Line Crossing activities requiring written notification and authorization may obtain coverage by submitting a signed and completed application (form CN-1091), along with any other required information, to the division. Work shall not commence until a written Notice of Coverage (NOC) from the division is received. As noted above, not all activities may be eligible for coverage under this general permit and coverage may be denied when appropriate.

Each Notice of Coverage under this general permit is valid until the expiration date specified on the NOC. If the expiration date on an NOC extends beyond the date the General Permit is modified, reissued, or revoked, and the permittee has commenced or is under contract to commence this activity before the expiration date, the permittee may have up to twelve (12) months from the date of the modification, reissuance, or revocation of the General Permit to complete the activity under the present terms and conditions of the general permit.

An application fee as established in Rule 0400-40-11-.02 will be assessed to applicants intending to receive an NOC to conduct activities under this general permit. An annual maintenance fee will be assessed to those individuals holding general permit coverage unless a Notice of Termination (NOT) form is received prior to the one-year anniversary of the issuance date of the NOC, or the NOC was issued for less than a one-year term. An NOT form can be downloaded from the division's ARAP webpage (<http://www.tn.gov/environment/permits/arap.shtml>).

APPROVED: _____


Tisha Calabrese Benton
Director, Division of Water Resources

DATE: _____

10/8/15