

CIRCULAR LETTER

SECTION: 209-01
NUMBER: 209.01-02
SUBJECT: EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) INSPECTION REPORT
DATE: OCTOBER 2, 2015

The inspection report and monthly rain gauge log identified in the Tennessee Department of Transportation Erosion Prevention Sediment Control (EPSC) Inspection Manual, November 14 2014 or most current version, located on the TDOT Construction Division website, shall be utilized as the standard statewide report for the evaluation of EPSC measures on all Department projects that are subject to the requirements of the NPDES General Permit for Storm Water Discharges from Construction Activities (CGP). This report should also be used to document Contractor compliance with EPSC requirements in conformance with ARAP, Corps of Engineers, and/or TVA permits. The report shall be completed according to guidance provided by the Tennessee Department of Transportation EPSC Inspection Manual, November 2014 or most current version.

CIRCULAR LETTER

SECTION: 209-01
NUMBER: 209.01-03
SUBJECT: CONSTRUCTION RELATED SEDIMENT REMOVAL
DATE: October 2, 2015

This Circular Letter establishes the procedures for removal and/or stabilization of sediment discharges caused by active construction projects to non-jurisdictional areas (e.g., grassed or treed areas, wet weather conveyances, etc.), as well as jurisdictional areas (e.g., streams (including ephemeral streams), wetlands, sinkholes, etc.), within or beyond the project construction limits. Sediment caused by active construction projects must be removed and/or stabilized when it has accumulated beyond the last Erosion Prevention Sediment Control (EPSC) measure on the construction site before leaving the construction limits. Any sediment beyond the TDOT project right-of-way (ROW) is considered sediment discharge regardless of whether or not it is in a jurisdictional area. The District Operations Supervisor shall notify the Regional Environmental Coordinator (EC) immediately after it is discovered that a sediment release has occurred. The District Operations Supervisor or his/her designee shall complete all applicable information on the attached "Sediment Release Form". The District Operations Supervisor or his designee shall email the completed "Sediment Release Form" to the Regional EC, who will determine the appropriate course of action.

The Regions will only apply for activities included in the TDEC General Aquatic Resources Alteration Permit (ARAP) for Sediment Removal and Stream Remediation. This general permit authorizes certain stream remediation activities that serve the purpose of removing recently deposited sediment from stream beds, stream banks and riparian lands that result from construction related sediment releases from construction sites. These deposits shall be confined within areas that can be readily accessed and removed (stream restored or repaired) without additional harm to the shape or stability of the stream channel. Also, refer to standard specifications **Subsection 107.08 (Protection of Streams, Lakes and Reservoirs)** for additional information. The Nashville USACE District does not require notification of these activities since they do not regulate the removal of material from Waters of the U.S. The Memphis USACE District does not require notification prior to sediment removal activities. If TDOT sends a follow-up notification to TDEC after the sediment is removed, the Memphis USACE District would like to be copied on the notification letter. TVA does not need notification of these activities.

Attached are the Standard Operating Procedure (SOP), permit requirements, and sediment release form to use for this activity. The issuance of a permit does not authorize trespassing or discharges of storm water or non-stormwater across private property.

Work shall not commence in jurisdictional areas until TDOT has been notified by TDEC that the proposed activities may proceed under a general permit or that an individual permit has been issued. Email or verbal communication is an acceptable form of notification, if necessary.

Time is of the essence so that the extent of sediment migration is minimized and little or no delay is caused in construction progress.

Standard Operating Procedures (SOP) for Sediment Removal for Stream Remediation

Non-jurisdictional areas and waters:

Action to prevent the potential for additional discharges of sediment beyond the EPSC measures shall be started immediately. The removal and/or stabilization process for a sediment discharge in non-jurisdictional areas shall be started within twenty-four (24) hours after discovery. Since these accumulations of sediment have not yet reached a jurisdictional area, approval from the regulatory agencies is not necessary, but the terms and conditions of the TDEC General ARAP for the Alteration of Wet Weather Conveyances shall be followed. Removal of this sediment is the preferred method. The Regional Environmental Coordinator must approve the sediment cleanup activities if the contractor desires to stabilize and leave in place the sediment discharge. However, there cannot be a potential for the sediment to migrate into jurisdictional areas or for any other negative impact from leaving the sediment in place,

Attempts to remove and/or stabilize any off-site sediment discharges to non-jurisdictional areas outside of the ROW will require permission of the landowner. Arrangements concerning removal or stabilization of sediment on adjoining property must be settled by the contractor with the adjoining landowner before removal or stabilization can occur. If permission is not allowed, the EPSC inspector shall document the effort to remove and/or stabilize the sediment discharge in the EPSC inspection report, and the District Operation Supervisor shall contact the Regional Director of Operations, TDOT HQ Construction Office, the Regional Environmental Coordinator and the Compliance and Field Services of this effort.

For sediment releases beyond the last measure and off ROW, the District Operations Supervisor or designee shall complete the TDOT Sediment Release Form attached to this circular.

Jurisdictional waters:

The Regional Environmental Coordinator shall call the TDEC Environmental Field Office to report the release and go through the plan to remove and stabilize or clean up the area. Once verbal or written approval from TDEC has been given, the sediment can be removed and the area stabilized, as agreed upon with TDEC. Immediately following the sediment release and removal, the District Operations Supervisor or Regional Environmental Coordinator shall complete the TDOT Sediment Release Form attached to this circular for all sediment releases to streams and/or wetlands.

Actions to prevent the potential for additional discharges of sediment beyond the EPSC measures and into the stream or wetland shall be taken immediately. The removal and/or stabilization process of a sediment discharge in jurisdictional areas shall be started as soon as approval is received from the appropriate regulatory agencies. The Regional Environmental Coordinator shall be notified immediately after it is discovered that sediment has discharged to a

jurisdictional area. Approval by the regulatory agencies will be required for removal of all construction related sediment discharges to jurisdictional waters.

For situations where the General ARAP is not authorized for coverage, the sediment removal and/or stabilization activity must be covered by an Individual ARAP.

General ARAP:

For sediment releases covered by the TDEC General ARAP for Sediment Removal and Stream Remediation, the Regional Environmental Coordinator shall receive approval to proceed before removing the sediment deposits as well as prepare and submit an application package to the appropriate regulatory agencies. The District Operations Supervisor (or designee) or Regional Environmental Coordinator must also complete the TDOT Sediment Release Form attached to this circular.

In the event sediment releases are covered under the TDEC General ARAP for Sediment Removal and Stream Remediation, the following steps shall occur.

1. The Regional Environmental Coordinator shall be the single point of contact for this activity and shall coordinate with all regulatory agencies and TDOT personnel.
2. The District Operations Supervisor (or their designee) shall notify the Regional Environmental Coordinator and the Regional Director of Operations of all sediment releases with the locations of sediment release identified on site sketches or plans, an explanation why the discharge occurred, a topographic map of location(s), a completed TDEC Form CN-1091 (located on TDEC's website), a summary of the impacts, and description of what will be done to prevent the further or continued loss of sediment from the site.
3. The Regional Environmental Coordinator shall notify the TDOT HQ Construction Office, the Regional Director of Operations, and the Compliance and Field Services with the information received from the District Operations Supervisor (or their designee) and the coordination efforts proposed with the regulatory agencies.
4. The Regional Environmental Coordinator shall contact the TDEC Environmental Field Office to report the release and discuss removal and remediation. Once TDEC has given verbal or written approval of the removal and remediation plan, sediment removal can begin. The Regional Environmental Coordinator shall complete the TDOT Sediment Release Form attached to this circular and include all necessary information. The package of information shall then be sent to TDEC with a copy to the Compliance and Field Services.
5. If necessary, the Regional Environmental Coordinator may request an on-site field visit with the appropriate regulatory agencies and the District Operations Supervisor (or their designee) to determine the appropriate course of action. If, after the on-site visit, TDEC requires a more detailed plan than proposed by the Regional Environmental Coordinator or requires an Individual Permit, the Regional Environmental Coordinator shall provide the sediment release and site visit information to the TDOT Natural Resources Office for further action. A more detailed plan is known as a Sediment Assessment and Remediation Plan

(SARP) which will be prepared, submitted to the regulatory agencies and overseen by the TDOT Natural Resources Office. In the case an Individual ARAP is required, instead of the Regions, the TDOT Natural Resources Office will be responsible for the next steps (#6 & #7 below). The TDOT Natural Resources Office shall provide this application package and regulatory approval to the Regional Environmental Coordinator in order to continue the next process step (#8).

6. The District Operations Supervisor (or their designee) shall submit to the Regional Environmental Coordinator the application package, including the materials required within this Circular Letter, for each sediment release off ROW or into a jurisdictional area. These include the following items: completed TDOT Sediment Release Form, completed TDEC CN-1091 form, and the items listed in the "Permit Information Required With General ARAP Application" section below.
7. The Regional Environmental Coordinator shall review the application package to ensure all required information necessary for the permit acquisition is accurate and complete. The Regional Environmental Coordinator shall submit the application package to the appropriate TDEC Environmental Field Office.
8. Once approval is received (either written or verbal with written follow-up) from TDEC, the Regional Environmental Coordinator shall distribute all applicable permits/approvals to the HQ Construction Office, the Compliance and Field Services and the District Operations Supervisor (or their designee).
9. The District Operations Supervisor (or their designee) shall oversee the sediment removal and/or stabilization activities of the contractor until complete. If a SARP is processed by the TDOT Natural Resources Office on this project, the TDOT Natural Resources Office and the Memphis USACE shall also be involved with the coordination of this activity.
10. The District Operations Supervisor (or their designee) shall notify the Regional Environmental Coordinator within two (2) calendar days after the sediment removal and /or stabilization is complete.
11. At this time, the Regional Environmental Coordinator shall visit the locations identified in the application and provide written and photographic documentation of the location where removal and/or stabilization was performed. This shall also be included in the EPSC inspection report.
12. Within seven (7) calendar days after the completion of each activity, the Regional Environmental Coordinator shall submit the documentation above, electronic color copy via email, to the regulatory agencies, TDOT HQ Construction Office and TDOT Compliance and Field Services. An electronic color copy (e.g. .pdf) shall be sent via email and one color copy shall be mailed to TDEC. Please be aware that TDEC may impose a fee (Natural Resource Damage Assessment) to cover the damages to the affected jurisdictional area if a significant amount of damage was done to the area and total recovery of the sediment was not achieved. This fee shall only be imposed following a SARP conducted by the TDOT Natural Resources Office, in conjunction with, or approved by, TDEC.

Individual ARAP:

If the sediment release to jurisdictional waters meets one of the exceptions to the General ARAP coverage listed above, the Regional EC shall provide sediment release information to the TDOT Natural Resources Office for the application for an Individual Permit. The District Operations Supervisor or designee will also complete the TDOT Sediment Release Form attached to this circular for submittal to the Regional Environmental Coordinator.

PERMIT INFORMATION REQUIRED WITHARAP APPLICATIONS

- **Cover Letter** – Description of the basic nature and scope of the project, including events that lead to the discharge, the characteristics of the discharge and the proposed method of sediment removal/stabilization. This application letter and any forms shall be signed by the Regional Construction Supervisor (or their designee).
- **7½-minute USGS Topographic Quadrangle Map** – Located in the appendix of the Storm Water Pollution Prevention Plan (SWPPP)* as the Vicinity Map or within the Water Quality Permit Application.
- **Permit Identification Numbers** – Located on the NPDES Notice of Coverage (NOC), the USACE, TDEC and TVA permits.
- **Latitude/Longitude** – In-stream location of sediment accumulation. This can be found on the internet (e.g., www.topozone.com), with a GPS unit or on the topographic quadrangle map. In the form of (Latitude XX.XXXX N, Longitude XX.XXXX W)
- **Receiving Stream** – Located within the text of the SWPPP* or in the Ecology information within the Appendix of the SWPPP* or within the Water Quality Permit Application.
- **Threatened or Endangered Species** – Located in the Ecology information within the appendix of the SWPPP* or within the Water Quality Permit Application.
- **Photos** – Before sediment removal work (to submit with the application) and, once the work has been completed, after sediment cleanup (to submit after completion of the activity) representative photos.
- **Plan sheets and/or sketches** –Use Erosion Prevention and Sediment Control (EPSC) Sheet from within the Appendix of the SWPPP* to show EPSC methods being maintained. Provide sketch showing the approximate dimensions of the sediment deposit, the proposed diversion methods and any additional EPSC measures needed for sediment removal, if appropriate.
- **Provide copies of the TDOT Standard Drawings, as appropriate**
- **Proposed Commencement Date** – Upon issuance of permit
- **Proposed Completion Date** – (e.g., 30 days) from issuance of permit. The permit will state the expiration date based upon the proposed completion date. If additional time is needed after the stated expiration date within the permit, the Regional EC shall contact the regulatory agencies at least one week before the expiration date with a request for time extension and the amount of time requested.
- **Identify if the stream is listed as one of the following waters** - This information is available on TDEC’s website.
 - National Wild and Scenic Rivers in TN**
 - Tennessee’s Designated State Scenic Rivers**
 - Outstanding National Resource Waters**

*A SWPPP will not be provided on all projects. A SWPPP is only provided on construction projects that disturb one (1) acre or more of land.

TENNESSEE DEPARTMENT OF TRANSPORTATION
 EROSION PREVENTION/SEDIMENT CONTROL
 SEDIMENT RELEASE FORM
 FOR USE FOR SEDIMENT RELEASES OFF ROW AND/OR INTO STREAMS/WETLANDS

State Route (SR) / US Route or Road Name and Description:		
County(ies):	TDOT PIN:	NPDES Permit (NOC) #:
Other Applicable Permits (ARAP, TVA, etc.)		
TDOT Contract No.:	Contractor:	
Date of Sediment Release:	Did sediment leave the ROW or discharge into a stream or wetland? Yes/No If No, no further documentation beyond the EPSC inspection report is required.	
TDOT/Consultant EPSC Inspector:		
Form Completed By: (TDOT Project Supervisor/Designee)		Date
Received and Reviewed By: (Regional Environmental Coordinator)		Date
Forwarded to Local TDEC EFO (if applicable) _____ (Initial and Date)		
Forwarded back to Local TDOT Construction Office _____ (Initial and Date)		
Location of Sediment Release (Outfall and STA): <i>[Record the approximate stationing, which side of centerline and nearest Outfall (if release is not at an Outfall). Example: Sediment release to Clear Creek at Outfall 2, Sta. 1+250 LT]</i>		
Cause of Sediment Release: <i>[Describe what caused sediment release. Include relative rainfall totals, installed BMPs in area and if they were installed per the site erosion control plan and SWPPP requirements, etc. Example: A 1.25" rain event (three hour duration) occurred on October 1, 2009. Sediment trap above Outfall 2 was in working condition and installed per the updated erosion control plans in the SWPPP; however, 3 rock check dams in ditch leading to outfall were over 50% capacity. Sediment-laden runoff from active cut slope exceeded check dams' capacity in ditch and overtopped sediment trap, causing a sediment release into Clear Creek]</i>		

TENNESSEE DEPARTMENT OF TRANSPORTATION
EROSION PREVENTION/SEDIMENT CONTROL
SEDIMENT RELEASE FORM
FOR USE FOR SEDIMENT RELEASES OFF ROW AND/OR INTO STREAMS/WETLANDS

Environmental Impacts of Sediment Release: *[Describe the environmental impacts of the sediment release including impacts to habitat (i.e. fish kills), dimensions of the sediment impacts, and potential impacts to Threatened and Endangered Species list in the Ecology Report and SWPPP. State if any jurisdictional waters were impacted by sediment. Example: A sediment release impacted permitted stream of Clear Creek (STR-3). The observed impacts are sediment deposition approximately 750 ft downstream and approximately 2 ft wide, culminating at log weir. Average sediment depth was 3", ranging from 12" to ½" thick. No endangered species are noted in the area and no signs of aquatic life was impacted]*

Plans to Remove off-ROW Sediment: *[Describe how TDOT plans on removing sediment and who will be involved in removal. Example: TDOT notified TDEC Environmental Field Office on October 2, 2009 about sediment release to Clear Creek. TDOT plans to install a sandbag cofferdam upstream of sediment release and pipe stream flow around impacted area, discharging back into stream below log weir. Sediment will be removed from stream with hand tools and disposed of per requirements outlined in project SWPPP. Once sediment is removed, sandbag cofferdam will be removed; returning flow to stream. The contractor will perform sediment removal under supervision of Region Environmental Coordinator.]*

Plans to Prevent Future Impacts: *[Describe additional EPSC measure or change in drainage planned (or completed) to prevent repetitive sediment release in this location. Example: EPSC measures will be increased at and above Outfall 2. Two additional rock check dams have been constructed in ditch leading to Outfall 2 and sediment trap storage capacity has been increased. In addition, seed and erosion control blanket are scheduled to be installed on the cut slope at the end of the week.]*

Attach Additional Information: *such as Photographs and Erosion Control Plans indicating location of sediment release. For sediment releases to jurisdictional waters that qualify for coverage under General ARAP for Sediment Removal and Stream Remediation, the TDEC CN-1091 form must also be completed.*

CIRCULAR LETTER

SECTION: 209.01
NUMBER: 209.01-04
SUBJECT: TDOT INSPECTION OF CONTRACTOR WASTE & BORROW SITES
DATE: OCTOBER 2, 2015

Effective with the June 18, 2010 Letting, Waste & Borrow Sites for TDOT projects will be subject to the requirements of the Procedures for Providing Offsite Waste and Borrow on TDOT Construction Projects.

After the contractor has secured approval for use of a waste and/or borrow site, he/she is responsible for performing twice weekly EPSC Inspections of that site, if applicable. The contractor must have a certified EPSC inspector as required by the TDEC Construction General Permit (CGP). The certified EPSC inspector must document the inspections on the inspection form in the CGP or on TDOT's inspection report (see CL 209.01-02).

All aspects of the oversight and inspection of Waste and Borrow sites associated with TDOT construction projects shall follow the terms and conditions of the Procedures for Providing Offsite Waste and Borrow on TDOT Construction Projects dated June 2012, or most current version.

TDOT Construction Exclusive Waste/Borrow Site Weekly EPSC Inspection Review Report

Date of Review:	County :
TDOT Project Description:	
TDOT Contract Number:	Contractor:
Contractor's Waste/Borrow Area Name/Description:	
Waste/Borrow NPDES Number:	
Contractor's Certified EPSC Inspector:	Inspector's Certification Number:
Location of Contractor's Waste/Borrow Area Permits:	
Dates of Contractor's EPSC inspections (since last review):	
Name of TDOT Representative Completing Documentation Review:	

Instructions: This checklist covers the basic erosion prevention and sediment control and other stormwater construction requirements for Exclusive Waste/Borrow Areas used for TDOT projects. This report shall be completed weekly by the TDOT EPSC Representative verifying the documentation of the contractor's previous week's twice weekly EPSC inspection reports. Questions that are not applicable for the site must be marked as "N/A". Checks placed under the "No" column that indicate a deficiency requires a written explanation and/or a written corrective action and required completion date in the "TDOT EPSC Representative's Comments and Corrective Actions" section of this form. Both the TDOT EPSC Representative and the Contractor's Certified EPSC Inspector should sign the form immediately following each review.

General Information – Only need to complete during first review unless there are changes to report at subsequent reviews

- | | Yes | No | N/A | |
|-----|--------------------------|--------------------------|--------------------------|--|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is the waste/borrow area exclusive to the above referenced TDOT project? (If not exclusive or if exempt exclusive, do not complete or answer any other questions.) |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is the NOC posted on site? |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are the SWPPP and other required CGP information available on site? |
| 4. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are rain gages present and installed per requirements? |
| 5. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are Streams/Wetlands/Sinkholes present on site? |
| 6. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If 5 is "Yes", have the applicable permits been obtained for the impacts (ARAP, USACE, TVA)? |
| 7. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If 5 is "Yes", are Streams/Wetlands/Sinkholes shown in the SWPPP with appropriate buffers noted? |
| 8. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Do the EPSC measures shown in the SWPPP and installed in the field appear adequate for the site? |
| 9. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are outfall locations shown in the SWPPP? Are there outfalls in the field that aren't included in the SWPPP? |
| 10. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are on-site outfall drainage areas included in the SWPPP? |
| 11. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is a sediment basin required at any on-site outfalls per the TN CGP? |
| 12. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If 11 is "Yes", are a sediment basin and its calculations included in the SWPPP? |
| 13. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does the SWPPP limit the disturbed area of the Waste/Borrow site to less than 50 acres at one time? |
| 14. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Does the SWPPP include at least two separate EPSC plan sheets (sites disturbing < 5 acres) or at least 3 separate EPSC plan sheets (sites disturbing > 5 acres) as required by TN CGP? |

Site Specific Information – Complete during each review

Yes No N/A

- 15. Have EPSC inspections been documented twice weekly and at least 72 hours apart?
- 16. Do the EPSC inspection reports document daily rainfall for the site?
- 17. Do the EPSC inspection reports document that the project outfalls have been inspected?
- 18. Did the EPSC inspection report document sediment deposits off the permitted area?
- 19. If 18 is "Yes", did the EPSC inspection report the sediment release was into a Stream or Wetland?
- 20. If 19 is "Yes", did the EPSC inspection report document that contractor self-reported the sediment release to TDEC EFO?
- 21. If 19 is "No", did the EPSC inspection report document that the off site sediment was removed or stabilized?
- 22. Have any new project outfalls been added according to the EPSC inspection reports?
- 23. If 22 is "Yes", have new project outfalls been updated in the SWPPP?
- 24. Do the EPSC inspection reports document that EPSC measures have been installed per the SWPPP in all active areas?
- 25. Do the EPSC inspection reports document that the installed EPSC measures appear to be adequate for the site?
- 26. Do the EPSC inspection reports document that the EPSC measures are being maintained according to the SWPPP and the CGP?
- 27. Do the EPSC inspection reports document any new EPSC measures being installed?
- 28. If 27 is "Yes", has the SWPPP been updated to reflect the new EPSC measures?
- 29. Have the dates of major grading activities been documented in accordance with the SWPPP?
- 30. Have the dates when construction activities temporarily or permanently ceased been documented in accordance with the SWPPP?
- 31. Do the EPSC inspection reports document that disturbed areas idle for more than 14 days have been temporarily or permanently stabilized?
- 32. Do the EPSC inspection reports document that temporary stabilization has been applied to any areas of the site?
- 33. Do the EPSC inspection reports document that permanent stabilization has been applied to any areas of the site?
- 34. Do the EPSC inspection reports document that steep slope areas have been stabilized in 7 days?
- 35. Do the inspection reports document the total disturbed acreage, including haul roads, stockpile areas, and other disturbances?

TDOT EPSC Representative's Comments and Corrective Actions

Signatures - Complete during each review

I certify that I have completed the inspection review documented in this report.

TDOT EPSC Representative's Signature

Date

I certify that any EPSC deficiency noted in the twice-weekly inspection report will be addressed in conformance with the requirements of the TN CGP. I also agree that items listed above are accurate and that any discrepancies to this report are listed below in the comments section.

Contractor's Certified Inspector Signature

Date

Contractor's Certified Inspector's Comments

CIRCULAR LETTER

SECTION: 209.01 PROJECT EROSION AND SILTATION CONTROL
NUMBER: 209.01-05
SUBJECT: UTILITIES AND ENVIRONMENTAL CONSTRUCTION PERMITS
DATE: OCTOBER 2, 2015

This circular letter addresses utility work within or adjacent to the TDOT right-of-way (ROW) and the associated environmental construction permits. The “Guidebook for Utility Relocation Related to TDOT Construction Projects” produced by the TDOT ROW Division Utilities Office contains additional information related to oversight of utility work on TDOT ROW or in TDOT Construction projects. Utilities are responsible for obtaining any needed easements or right-of-way for utility construction that extends beyond the TDOT ROW. All utility work that occurs within or adjacent to TDOT’s ROW may be classified in one of the two following categories:

1. In Contract Moves: Utility work included in a TDOT Construction contract; or
2. Prior to Moves: Utility work not included in a TDOT Construction contract, including utility relocations performed by the utility prior to the beginning of a TDOT Construction contract.

The Project Supervisor should coordinate with the TDOT Regional Utility Office to determine which of these categories applies to each type of associated utility work and to obtain contact names and information for each utility. The Project Supervisor should discuss In-Contract Moves at the pre-construction meeting and at the environmental pre-construction meeting. This discussion should address areas where In-Contract Moves and Prior-To Moves extend outside the TDOT ROW. In addition, the Project Supervisor may direct the TDOT EPSC Inspector to conduct a pre-disturbance EPSC inspection before the utility work begins.

In-Contract Moves

For In-Contract Moves, the Prime Contractor for the construction project will coordinate all construction work activities (including utility work) for the contract. The utility work will be performed by either the Prime Contractor’s forces or a subcontractor’s forces. Any issues related to the utility construction process need to be brought to the Project Supervisor’s and the Prime Contractor’s attention immediately to allow for corrective action.

For In-Contract Moves, the TDOT Environmental Division’s Natural Resources Office (NRO) obtains the environmental construction permits for the construction project, including the utility construction or installation work. Utility companies remain responsible for obtaining their own railroad permits, TDEC water or sewer approval permits or other operational permits for the utility facilities. The utility completes and signs the “Memorandum of Understanding (For Environmental Permits Required by Utility Construction)” (Form 2011-19) for the TDOT Right-of-Way Division. If the utility construction or installation work extends off the TDOT ROW, the utility is responsible for obtaining easements or additional right-of-way for areas adjacent to the TDOT ROW. In addition, the utility supplies the needed permit submittal information for all

utility construction or installation work to the Regional Utility Office and/or the Project Supervisor, who then provides the permit information to the TDOT NRO. Any environmental construction permit modifications or changes for In-Contract Moves should be coordinated with the TDOT NRO. The TDOT NRO will work with the regulatory agencies to obtain the permit modifications or changes.

For In-Contract Moves, the utility work cannot begin until the following steps are completed:

- (1) the TDOT project's pre-construction meeting has been completed and
- (2) notice has been given by the Prime Contractor to the TDOT Project Supervisor that utility work will commence and the Project Supervisor has approved the commencement. This notification process allows the Project Supervisor to arrange for personnel to conduct the required EPSC inspections.

The Prime Contractor will be responsible for installing the EPSC measures based on the TDOT EPSC plans and before construction starts. If the utility construction and installation extends outside the TDOT ROW, the Prime Contractor shall also be responsible for installing EPSC measures for the utility construction and installation. The TDOT EPSC plans for roadway construction may or may not be suitable or sufficient for the utility construction and installation. If installing the roadway construction EPSC measures at the time of utility relocation is not practical or suitable, the Prime Contractor may develop and submit an EPSC plan specifically for the utility relocation. Where an EPSC plan is developed specifically for utility relocation, the Prime Contractor must submit this EPSC plan to the TDOT District Operations Supervisor, or their designee, for acceptance. This specific EPSC plan for utility relocation should address utility construction and installation areas within the TDOT ROW and outside of the TDOT ROW. The cost for additional EPSC measures for specific EPSC plans for utility relocations shall be paid as increases in TDOT's roadway construction EPSC items.

EPSC inspections and Quality Assurance (QA) Audits shall include utilities in their routine inspections and assessments where the utilities are included in the Construction contract or where utility work is being performed at the same time as the construction project. The project's EPSC Inspector will be responsible for inspecting all areas included in the TDOT Construction contract. This includes roadway construction within the TDOT ROW and utility work on and off TDOT ROW. All EPSC recommendations related to utility work will be communicated to the Prime Contractor as directed by the TDOT District Operations Supervisor, or their designee. The QA Audit Team should include all areas included in the environmental construction permits in the QA Audit, including off-ROW utility work performed on utility easements or ROW. If the QA Auditor observes an issue related to the utility construction or installation work, the issue will be identified as a field observation or as a nonconformance according to the QA Audit procedures. Where necessary, the District Operations Supervisor, or their designee, will coordinate with the Prime Contractor, utility if performing the work, and/or the Regional Field Services Specialist to resolve the issue

Following construction completion, TDOT will terminate environmental construction permit coverage using TDOT's standard procedures. The utility is required to promptly complete Form DT-1716 following work completion and to submit the completed form to the Project Supervisor.

Prior-To Moves and Other Utility Work Not Included in a TDOT Construction Contract

When utility work is not included in a TDOT Construction contract, the Utility will perform the utility work separately from the construction project, but within or adjacent to TDOT's ROW. For these activities, the work will be performed by the Utility's contractor or work forces. The "Guidebook for Utility Relocation Related to TDOT Construction Projects" produced by the TDOT ROW Division Utilities Office instructs Utilities to notify TDOT Construction no less than three (3) days before beginning utility construction.

The Utility will be responsible for obtaining and complying with all environmental construction permits for Prior-To Moves and other utility work. The Utility will submit a completed and signed "Environmental Agreement for Utility Projects" form to the TDOT Right-of-Way Division prior to being released by TDOT to begin utility work on TDOT's ROW. The Utility will be responsible for installing EPSC measures and for performing EPSC inspections and other permit compliance items relative to its environmental construction permits. These projects are divided into two groups based on the following: (1) project disturbing more than one acre and (2) disturbed acreage less than one acre.

- (1) projects disturbing more than one acre – the Utility must submit a copy of the TDEC Notice of Coverage (NOC), SWPPP, any applicable water quality/resource alteration permits, and the completed "Environmental Agreement for Utility Projects" form (Form 2011-20) to the Regional Utility Office.
- (2) Projects disturbing less than one acre – the Utility must submit the "Environmental Agreement for Utility Projects" form (Form 2011-20) to the Regional Utility Office.

If the utility relocation work is ongoing when the TDOT construction project begins construction, the TDOT EPSC Inspector will inspect all areas within TDOT's ROW (including utility work areas), but excluding any utility work areas that are outside the TDOT ROW. If directed by the TDOT District Operations Supervisor, or designee, and if the Utility is in agreement, the TDOT EPSC Inspector will attempt to conduct joint EPSC inspections with the Utility's EPSC Inspector. If the TDOT EPSC inspector's observations note an EPSC issue or other permit issue related to the utility work, the TDOT EPSC inspector will notify the TDOT District Operations Supervisor, or their designee. The TDOT District Operations Supervisor, or their designee, will coordinate with the Regional Utility Office and the Regional Field Services Specialist. The utility will be required to coordinate erosion control measures with the Project Supervisor in order that the Prime Contractors' erosion control and the Utility's erosion control are not disturbed, duplicated, or compromised by activities of the other.

The project's QA Auditor will begin QA Audits after the Prime Contractor starts TDOT project construction work using the QA Audit procedures. The QA Auditor will assess all areas within TDOT's ROW, but will not assess off-ROW utility work areas. If the QA Auditor observes an issue related to the utility construction or installation work at the QA Audit, the issue will be identified as a field observation or as a nonconformance according to the QA Auditor. Where necessary, the District Operations Supervisor, or their designee, will coordinate with the Right-of-Way Division Utilities Coordinator and/or the Regional Field Services Specialist to resolve the issue.

Following construction completion, the utility will be responsible for following the permit conditions to terminate the environmental construction permit coverage.

CIRCULAR LETTER

SECTION: 209-06
NUMBER: 209.06-01
SUBJECT: UNDERGROUND INJECTION CONTROL (UIC) PERMIT PROCEDURE (PERMIT DURING CONSTRUCTION)
DATE: OCTOBER 2, 2015

This Circular Letter establishes the procedures for applying for a **Class V Underground Injection Control (UIC) Permit** on an active construction project in the event that depressions (sinkholes with open throats) are encountered on or bordering the project site during construction activities. Karst landscapes are typically characterized by an irregular land surface usually formed on limestone from the surface and subsurface removal of rock mass by dissolution of calcite or dolomite. Karst areas normally have caves that developed as a result of dissolution along joints, bedding planes, or other openings. As ground water dissolves subsurface limestone, cave systems enlarge and eventually the overburden causes roofs of caves to collapse creating, on the surface, a bowl shaped land feature called a sinkhole. Sinkholes are a direct conduit to ground water.

When constructing in a Karst area, it is important to be aware of the potential for cave collapse and development of sinkholes and to be prepared to protect the Karst environment from storm water runoff.

When a sinkhole develops during active construction, it may be necessary to perform operation, maintenance, or repair work of an extraordinary or emergency nature which, if not performed promptly might result in risk of serious damage to the Karst environment or project. Immediately following sinkhole discovery, storm water diversion and Erosion Prevention and Sediment Control (EPSC) measures shall be installed at the sinkhole in an effort to minimize any deleterious effects of the construction project to the Karst environment.

Anyone who discharges industrial/commercial wastes into a subsurface system other than city sewers or who discharges storm water to an improved sinkhole is required to submit a UIC application to TDEC. For a TDOT construction project with no UIC Permit, a UIC Permit must be obtained for any sinkholes identified during construction prior to discharging storm water to the sinkhole.

Refer to the contract SP107FP and standard specifications **Subsection 107.08** and **Section 209** for additional information.

Most UIC permits for TDOT construction projects are issued through TDEC to the TDOT Environmental Division, Natural Resources Office (NRO). In order to expedite this process for an active construction site; the following steps shall be adhered to in the event a UIC permit is needed during the construction phase for the discovery of a previously unknown/uncovered open-throated sinkhole.

The Regional Operations Engineer (or their designee) shall be the single point of contact for this activity. The Regional Environmental Coordinator (REC) can be used as a resource or designee, if necessary.

Immediately following a sinkhole discovery and notification to the Regional Construction Supervisor (or their designee), the Project Supervisor (or their designee) shall implement appropriate EPSC measures and storm water diversion.

On projects with existing UIC permits:

- A. Within seven (7) days (or as soon as possible) after discovery, the Regional Operations Engineer(or their designee) shall notify the TDOT Regional Environmental Coordinator by email. The email notification shall include the following information:
1. Subject line “Sinkhole on TDOT Construction Project” with the existing UIC permit number, Contract Number, and County.
 2. Information as to whether there is an emergency (imminent threat to public safety).
 3. Date of sinkhole discovery.
 4. Description of the location of the sinkhole, including Latitude and Longitude. This can be found within the original application or permit issued, on the internet (e.g., www.topozone.com), with a GPS unit or on the topographic quadrangle map. This shall be in the form of Latitude XX.XXXX N, Longitude XX.XXXX W.
 5. Picture of the sinkhole.
 6. Actions taken to protect the sinkhole and corresponding Karst environment.
 7. Any intent to treat the sinkhole and the anticipated treatment plan (with drawing).
Note: Treatment can be as per the approved sinkhole treatment plan or an applicable sinkhole treatment plan provided on TDOT’s Geotechnical Website, <http://www.tdot.state.tn.us/materials/geotech/drawspecs.htm>.
 8. A copy of the current EPSC Plan from the field SWPPP with the approximate sinkhole location (A SWPPP will not be provided on all projects. If a SWPPP is not available for the project, then submit the EPSC construction plans).
- B. The TDOT Regional Environmental Coordinator shall review the email to ensure that all required information is included and then will email the information listed above to the Environmental Division with a request to begin work. The Environmental Division will coordinate with the TDEC UIC Permit Coordinator, and the TDOT Geotechnical Division. A long term maintenance plan may be needed to maintain the structural and hydraulic integrity of the sinkhole. Treatment can begin after notification from the Environmental Division.

For projects without existing UIC permits:

- A. As soon as possible after sinkhole discovery, the Regional Operations Engineer (or their designee) shall notify, by email, the TDOT Regional Environmental Coordinator with the following information:

1. Subject line must include the words “Sinkhole on TDOT Construction Project” with the Contract Number and County.
 2. Information as to whether there is an emergency (imminent threat to public safety).
 3. Date of sinkhole discovery.
 4. Description of the location of the sinkhole, including Latitude and Longitude. This can be found within the original application or permit issued, on the internet (e.g., www.topozone.com), with a GPS unit or on the topographic quadrangle map. This shall be in the form of Latitude XX.XXXX N, Longitude XX.XXXX W.
 5. Picture(s) of the subject sinkhole.
 6. Actions taken to protect the sinkhole and corresponding Karst environment.
 7. Any intent to treat the sinkhole and the anticipated treatment plan (with drawing).
 8. The treatment plan, if any, obtained from the TDOT Geotechnical Office.
 9. A copy of the current EPSC Plan from the field SWPPP with the approximate sinkhole location (A SWPPP will not be provided on all projects. If a SWPPP is not available on the project, then submit the EPSC construction plans).
 10. The completed UIC (Class V Underground Injection Well) permit application form. (form found at: <http://www.state.tn.us/environment/permits/injetwel.shtml>)
- B. The TDOT Regional Environmental Coordinator shall send a complete packet of information to the Environmental Division. The Environmental Division, Permits Section, will coordinate with the TDEC UIC Permit Coordinator. The anticipated timeframe for receipt of TDEC UIC permit coverage is within 30 days of receipt of a complete permit application. Sinkhole treatment shall not be initiated until the Environmental Division distributes authorization to TDOT Construction. Sinkhole treatment should occur immediately after receipt of permit.
- C. Once the written approval/permit coverage or confirmed notification is received from TDEC, the Environmental Division, Permits Section, shall send a copy to the TDOT Regional Environmental Coordinator, the Regional Operations Engineer (or their designee), and the TDOT Compliance and Field Services.