

**Tennessee Department of Environment and Conservation**  
**General Aquatic Resource Alteration Permit for**  
**Minor Water Withdrawals**

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Effective Date: February 9, 2021

Expiration Date: April 7, 2025

**Activities Covered by This Permit**

This general permit authorizes various temporary or long-term withdrawals of water from surface waters that represent a small or insignificant proportion of the source water resulting in no more than *de minimis* degradation. These withdrawals typically include non-agricultural irrigation, hydrostatic testing, dust suppression, residential irrigation or other withdrawals on large reservoirs. This general permit does not authorize withdrawals that serve public water systems<sup>1</sup>.

This general permit also authorizes construction of small intake structures associated with minor water withdrawals.

No property rights or rights of access or ingress or egress are conveyed by coverage under this general permit nor does it supersede any local, state or federal restrictions associated with zoning, parks, natural areas, wilderness areas, wildlife management areas, or other designated use areas.

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 an individual permit provided that all requirements of the *Tennessee Water Quality Control Act of 1977* (the Act) are met.

For the purposes of this general permit, minor water withdrawals that are authorized by this general permit are divided into two categories or classes. The classification is based on the duration, proportion of flow, or volume to be withdrawn. The two classes have different notification requirements, limits, and conditions under which the work may be carried out.

**1. Class 1 minor withdrawals include:**

- a. a temporary, short-term withdrawal of a rate of up to 10% of the instantaneous flow from a stream or river.
- b. withdrawals from a reservoir of at least ten surface acres at a rate not exceeding 50 gallons per minute.
- c. withdrawals from an inactive quarry in single ownership at a rate not exceeding 150 gallons per minute.

**2. Class 2 minor withdrawals include:**

- a. withdrawal of a rate of less than 5% of the 7Q10 flow from a stream or river on a long-term basis, provided that the total authorized and proposed withdrawals in the stream segment do not exceed 10% of the 7Q10 flow. The 7Q10 is defined as the lowest seven-day average flow

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<sup>1</sup> 0400-45-01-.04 Definitions

with a 10-percent probability of occurring in any given year.

- b. withdrawals from a reservoir of at least 4000 surface acres at a rate not exceeding 1500 gallons per minute.

### **Class 1 Special Conditions**

1. For the purposes of Class 1a withdrawals, temporary, short term is defined as a total of 30 days or less in a calendar year.
2. Withdrawals at a rate that exceeds 10% of the instantaneous flow from a stream or river are not authorized.
3. For temporary Class 1 withdrawals from streams and rivers (Category 1(a) above), the permittee must be able to demonstrate that instantaneous flow of the source water is accurately measured or determined for the purpose of compliance with the terms and limits of this general permit.
  - a. For un-gaged, wadeable streams, the instantaneous flow may be measured using the float method (also known as the cross-sectional method)  
<https://archive.epa.gov/water/archive/web/html/vms51.html> or other recognized scientific methodologies that can be reviewed by the Division.
  - b. The instantaneous flow of certain gaged streams may be determined using the United States Geological Survey (USGS) web-based Current Conditions for Tennessee: Streamflow at <https://waterdata.usgs.gov/tn/nwis/current/?type=flow>.
4. Class 1 minor withdrawal does not require the submission of a written request nor does it require written authorization from the Division of Water Resources prior to commencement of work. Although written authorization is not required, the activities under this class shall be performed in accordance with all limitations, terms, conditions, and requirements of this general permit.

### **Class 2 Special Conditions**

1. Withdrawal on a long-term basis (i.e., more than 30 days in a calendar year) at a rate that exceeds 5% of the 7Q10 from a stream or river or where the total authorized and proposed withdrawals in the stream segment exceed 10% of the 7Q10 flow are not authorized.
2. The 7Q10 flow shall be determined using the United States Geological Survey (USGS) published gage data where a nearby gage is available, or in the case that a gage is not nearby, the 7Q10 flow of un-regulated streams<sup>2</sup> shall be determined using the USGS web-based Geographic Information Systems (GIS) application for streamflow statistics: <http://water.usgs.gov/osw/streamstats/tennessee.html>.
3. Where a permanent intake structure is proposed, plans for the intake shall be submitted with the Notice of Intent for the Division's review and approval. The capacity of the intake structure shall not exceed the permitted withdrawal rate.
4. Class 2 activities must obtain coverage by submitting a signed and completed ARAP 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

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<sup>2</sup> A river flow that does not result from a controlled release [as from an upstream dam].

be denied when appropriate.

### **General Conditions**

The following requirements apply to all classes of minor water withdrawals described in this permit:

1. Withdrawals shall be measured or described as an instantaneous rate; for example - cubic feet per second or gallons per minute.
2. Where the total average withdrawal exceeds 10,000 gallon per day, the withdrawal shall be registered under the *Water Resources Information Act of 2002* (T.C.A. §§ 69-7-301 et seq.). More information regarding water withdrawal registration may be found at: <https://www.tn.gov/environment/program-areas/wr-water-resources/water-quality/water-withdrawal-registration-program.html>.
3. Except for withdrawals from reservoirs, withdrawal is not authorized from a stream or river in a county or region during severe (D2), extreme (D3), or exceptional drought (D4) as indicated by the National Drought Mitigation Center website <http://droughtmonitor.unl.edu/Home/StateDroughtMonitor.aspx?TN>.
4. Minor water withdrawals are not authorized in stream segments listed as Exceptional Tennessee Waters because of exceptional biological diversity, stream segments with outstanding ecological, or recreational value, or naturally reproducing trout streams as determined by the Department (Rule 0400-40-03-.06(4))
5. Minor water withdrawals are not authorized in streams designated as Outstanding National Resource Waters, or National Wild and Scenic Rivers.
6. Activities that directly impact wetlands or impair surface water flow into or out of any wetland areas are not covered.
7. Intake structures shall be designed to minimize harm and to prevent the impoundment 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.
8. Headwalls, bank stabilization materials, and any other hard armoring associated with the installation of each structure shall be limited to a total of 25 feet along the receiving stream's bank.
9. Minor water withdrawals are not authorized in any stream on the Division of Water Resources' section 303(d) list of impaired waters due to flow regime modification.
10. This permit does not authorize access to public or private property. Arrangements concerning the use of public or private property shall be made with the landowner. The permittee is responsible for obtaining any additional permitting or maintenance agreements with other government or public agencies or lands.
11. This permit does not authorize the discharge of pollutants into waters of the state.
12. This permit does not authorize impacts to cultural, historic, or archaeological features or sites.
13. Blasting within 50 feet of any jurisdictional stream or wetland is prohibited.
14. All activities shall be accomplished in conformance with the approved plans, specifications, data, and other information submitted in support of the ARAP application (form CN-1091) for Class 2 operations and the limitations, requirements, and conditions set forth herein for both classes of

water withdrawal.

15. All activities shall be carried out in such a manner as will prevent violations of water quality criteria as stated in TDEC Rule Chapter 0400-40-03-03, or impairment of the uses of waters of the state as designated by Rule Chapter 0400-40-04.
16. The activity shall not commence until the permittee has obtained all necessary authorizations pursuant to applicable provisions of section 10 of the *Rivers and Harbors Act of 1899*, section 404 of the *Clean Water Act*; section 26a of the *Tennessee Valley Authority Act*; section 402 of the *Clean Water Act* (including, but not limited to, a NPDES Construction Stormwater Permit), or any other federal, state, or local laws.
17. 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 whether the proposed activities would 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 authorized by this permit and require prior authorization from the United States Fish and Wildlife Service (USFWS) as required by Section 7 or Section 10 under the Endangered Species Act.

#### **Obtaining Permit Coverage**

**Class 1** withdrawal does not require the submission of a written request nor does it require written authorization from the Division of Water Resources prior to commencement of work. Although written authorization is not required, the activities under this class shall be performed in accordance with all limitations, terms, conditions and requirements of this general permit.

**Class 2** activities must obtain coverage by submitting a signed and completed ARAP 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 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 Class 2 applicants intending to receive a 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. An NOT form can be downloaded from the division's ARAP webpage (<https://www.tn.gov/environment/permits/permits/water-permits1/aquatic-resource-alteration-permit--arap-.html>).

APPROVED: \_\_\_\_\_

Jennifer Dodd

Director, Division of Water Resources

DATE: \_\_\_\_\_

2-9-2021