Environmental Agreement
for Utility Projects

I, the undersigned representative of the Utility named below, state the following:

1. The Utility desires to construct the project described below (the named project).
2. The Utility is aware that it may be required by law to obtain one or more environmental permits prior to constructing the named project; that determining which permits are necessary and obtaining those permits are the sole responsibility of the Utility; and that the activities of the Utility in constructing the named project are not covered under any permit associated with TDOT construction activities.
3. The Utility agrees that if the total area of disturbed land associated with the construction of the named project is planned to, or does at any time actually exceed one (1) acre, the Utility shall obtain coverage under the *National Pollutant Discharge Elimination System General Permit For Discharges Of Stormwater Associated With Construction Activities*.
4. The Utility agrees that during all phases of construction of the named project, the Utility shall implement and maintain appropriate Erosion Prevention and Sediment Control (EPSC) measures, as published in the TDOT *Standards and Specifications* and/or the Tennessee Department of Environment and Conservation (TDEC) *Erosion and Sediment Control Handbook*.
5. The Utility agrees that it shall comply with all State and Federal laws, rules, regulations and permit terms and conditions applicable to the construction of the named project.

**Utility Name:
Utility Address:**

**Utility Phone: Fax:**

**Project Description:
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Representative Name:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_**

 (SIGNATURE) (DATE)

# **Notice to Utilities**

When a utility performs work along the highway rights-of-way, either by a State utility permit or due to a construction project, the utility shall be subject to and must comply with ALL of the following:

1. Section 404 of the Federal Clean Water Act (33 U.S.C. 1344) as defined in 33 CFR, Part 323, latest edition, which can currently be found on pages 2079-2080 of the Federal Register dated January 15, 2002.

(**U.S. Army Corps of Engineers Nationwide Permit Number 12 (Utility Line Activities)**)

1. The Tennessee Water Quality Control Act of 1977, as amended (**Tennessee Code Annotated Section 69-3-105**) which is outlined in the Rules of the Tennessee Department of Environment and Conservation, Division of Water Pollution Control, and its **General Aquatic Resource Alteration Permit for Utility Line Crossings of Streams**
2. Section 402, also referred to as the **National Pollutant Discharge Elimination System (NPDES),** which is outlined in the Rules of the Tennessee Department of Environment and Conservation, Water Pollution Control – Storm Water Office, implements the EPA Phase I and Phase II regulations to address storm water runoff in Tennessee. Under the NPDES program any person responsible for the discharge of a pollutant or pollutants from one acre or more of land disturbance, into any waters of the United States, from any point source must apply for and obtain a permit.
3. Section 26a of the TVA Act requiring that TVA approval be obtained before any construction activities can be carried out that affect navigation, flood control, or public lands along the shoreline of the TVA reservoirs or in the Tennessee River or its tributaries (any streams or wetlands in the drainage basin of the Tennessee River).
4. Section 209 (Project Erosion and Siltation Control) of the Tennessee Department of Transportation’s “Standard Specifications for Road and Bridge Construction” and any related Special Provisions of that section.
5. In addition to complying with the rules and regulations identified in (1) - (5), consideration should also be given to Class V Injection Well Permit requirements where utility work may affect runoff into a sinkhole, and Reelfoot Watershed Permit requirements where utility work affects streams, springs or wetlands in the drainage basin of the Reelfoot Lake.
6. Any regulatory permit requirements or conditions previously issued within the permits received by TDOT for highway construction, i.e. survival of trees specified as replacement or mitigation, must remain undisturbed or replaced exactly as stated by the requirements.

**The regulatory agencies may be contacted at the following addresses:**

Tennessee Department of Environment and Conservation Phone: 615.532.0625
Division of Water Pollution Control; Natural Resources Section
7th Floor L & C Annex, 401 Church Street
Nashville, TN 37243-1534

(For the Cumberland River and Tennessee River Valleys): Phone: 615-369-7500
Regulatory Branch
U.S. Army Corps of Engineers, Nashville District
3701 Bell Road
Nashville, TN 37214

(For the Mississippi River Valley): Phone: 901-544-0736
Regulatory Branch
U.S. Army Corps of Engineers, Memphis District
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894