# Tennessee Department of Environment and Conservation
## *General Aquatic Resource Alteration Permit for*
## Construction of Intake and Outfall Structures

**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 intake and outfall structures in waters of the state. Outfall structures include those structures and conveyances used for the discharge of wastewater, stormwater, cooling water, etc. Intake structures include those structures used for the removal of water for the purpose of domestic water supply, irrigation, cooling water, etc.

Authorization under this general permit is only for the construction of the structures and does not authorize the withdrawal or release of water. The effluent from the outfall must be separately authorized, conditionally authorized, specifically exempted, or otherwise in compliance with regulations issued under the National Pollutant Discharge Elimination System program (§402 of The Clean Water Act). The withdrawal of water by the intake must be separately authorized, specifically exempted, or otherwise in compliance with regulations issued under §69-3-108 of The Tennessee Water Quality Control Act of 1977.

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. New intake or outfall structures shall be located and oriented such as to avoid permanent alteration or damage to the integrity of the stream channel including the opposite stream bank. The alignment of the outfall structure (except for diffusers) should be as parallel to the stream flow as is practicable, with the discharge pointed downstream. Diffusers may be placed perpendicular to stream flow for more complex mixing.

2. Intake and outfall 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.

3. Velocity dissipation devices shall be placed as needed at discharge locations to provide a non-erosive velocity from the structure.

4. 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.

**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. 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. Widening of the stream channel as a result of this activity is prohibited.
5. This activity may not result in a disruption or barrier to the movement of fish or other aquatic life.
6. Activities that directly impact wetlands, or impair surface water flow into or out of any wetland areas are not covered.
7. Activities located in a component of the National Wild and Scenic River System or waters designated as Outstanding National Resource Waters are not covered.
8. 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.
9. 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.
10. 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.
11. The use of monofilament-type erosion control netting or blanket is prohibited.
12. This permit does not authorize impacts to cultural, historic or archaeological features or sites.
13. This permit does not authorize access to private property. Arrangements concerning the use of private property shall be made with the landowner.
14. 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.

15. 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.

16. 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.

17. 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.

18. 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**

Proposed activities for the construction or removal of intake and outfall structures 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: _____ DATE: 7/22/15

Tisha Calabrese Benton
Director, Division of Water Resources