Policy 27
QUALIFIED LOCAL PROGRAM
CONSTRUCTION GENERAL PERMIT

SECTION 1 COVERAGE UNDER THIS GENERAL POLICY

1.1 POLICY AREA

This construction general permit (CGP) covers all areas of the City of Knoxville.

1.2 DISCHARGES COVERED BY THIS POLICY

1.2.1 Stormwater discharges associated with construction activities

This policy authorizes point source discharges of stormwater from construction activities including clearing, grading, filling and excavating (including borrow pits and stockpile/material storage areas containing erodible material), or other similar construction activities that result in the disturbance of one acre or more of total land area. Projects or developments of less than one acre of land disturbance are required to obtain authorization under this policy if the construction activities at the site are part of a larger common plan of development or sale that comprise at least one acre of land disturbance. One or more site operators must maintain coverage under this policy for all portions of a site that have not been finally stabilized.

Projects or developments of less than one acre of total land disturbance may also be required to obtain authorization under this policy if:

a) the director has determined that the stormwater discharge from a site is causing, contributing to, or is likely to contribute to a violation of a state water quality standard;
b) the director has determined that the stormwater discharge is, or is likely to be, a significant contributor of pollutants to waters of the state, or
c) changes in state or federal rules require sites of less than one acre that are not part of a larger common plan of development or sale to obtain a stormwater permit.

Note: Any discharge of stormwater or other fluid to an improved sinkhole or other injection well, as defined, must be authorized by policy or rule as a Class V underground injection well under the provisions of Tennessee Department of Environment and Conservation (TDEC) Rules, Chapter 1200-4-6.

1.2.2 Stormwater discharges associated with construction support activities

This policy also authorizes stormwater discharges from support activities associated with a permitted construction site (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided all of the following are met:

a) The support activity is primarily related to a construction site that is covered under this general permit;
b) The operator of the support activity is the same as the operator of the construction site;
c) The support activity is not a commercial operation serving multiple unrelated construction projects by different operators;
d) The support activity does not operate beyond the completion of the construction activity of the last construction project it supports; and
e) Support activities are identified in the Notice of Intent (NOI) and the Stormwater Pollution Prevention Plan (SWPPP). The appropriate erosion prevention and sediment controls and measures applicable to the support activity shall be described in a comprehensive SWPPP covering the discharges from the support activity areas.

Stormwater discharges associated with support activities that have been issued a separate individual permit or an alternative general permit are not authorized by this general permit. This policy does not authorize any process wastewater discharges from support activities. Process wastewater discharges from support activities must be authorized by an individual permit or other appropriate general permit.

1.2.3 Non-stormwater discharges authorized by this policy

The following non-stormwater discharges from active construction sites are authorized by this policy provided the non-stormwater component of the discharge is in compliance with section 3.5.9 below (*Pollution prevention measures for non-stormwater discharges*):

a) Dewatering of work areas of collected stormwater and ground water (filtering or chemical treatment may be necessary prior to discharge);
b) Waters used to wash vehicles (of dust and soil, not process materials such as oils, asphalt or concrete) where detergents are not used and detention and/or filtering is provided before the water leaves site;
c) Water used to control dust in accordance with section 3.5.5 below (*Other items needing control)*;
d) Potable water sources including waterline flushings from which chlorine has been removed to the maximum extent practicable;
e) Routine external building washdown that does not use detergents or other chemicals;
f) Uncontaminated groundwater or spring water; and
g) Foundation or footing drains where flows are not contaminated with pollutants (process materials such as solvents, heavy metals, etc.).

All non-stormwater discharges authorized by this policy must be free of sediment or other solids and must not cause erosion of soil or the stream bank, or result in sediment impacts to the receiving stream.

1.2.4 Other NPDES-permitted discharges

Discharges of stormwater or wastewater authorized by and in compliance with a different National Pollutant Discharge Elimination System (NPDES) permit (other than this permit) may be mixed with discharges authorized by this permit.

1.3. LIMITATIONS ON COVERAGE

Except for discharges from support activities, as described in section 1.2.2 above (*Stormwater discharges associated with construction support activities*) and certain non-stormwater discharges listed in section 1.2.3 above (*Non-stormwater discharges authorized by this permit*), all discharges covered by this policy shall be composed entirely of stormwater. This policy does not authorize the following discharges:

a) Post-Construction Discharges (Permanent Stormwater Management) -Stormwater discharges associated with construction activity that originate from the construction site after construction activities have been completed, the site has undergone final stabilization, and the coverage under this policy has been terminated.
b) Discharges Mixed with Non-Stormwater - Discharges that are mixed with sources of non-stormwater, other than discharges which are identified in section 1.2.4 above (*Other NPDES-permitted discharges*), and in compliance with section 3.5.9 below (*Pollution prevention measures for non-stormwater discharges*) of this permit.
c) Discharges Covered by Another Permit - Stormwater discharges associated with construction activity that have been issued an individual permit in accordance with subpart 7.12 below (*Requiring an Individual Permit*).
d) Discharges Threatening Water Quality - Stormwater discharges from construction sites that the director determines will cause, have the reasonable potential to cause, or contribute to violations of water quality standards. Where such determination has been made, the discharger will be notified by the director in writing that an individual permit application is necessary as described in subpart 7.12 below (*Requiring an Individual Permit*). However, the department may authorize coverage under this policy after appropriate controls and implementation procedures have been included in the SWPPP that are designed to bring the discharge into compliance with water quality standards.

e) Discharges into Impaired Streams – This policy does not authorize discharges that would add loadings of a pollutant that is identified as causing or contributing to the impairment of a water body on the list of impaired waters. Impaired waters means any segment of surface waters that has been identified by the department as failing to support its designated classified uses. Compliance with the additional requirements set forth in subpart 5.4 (*Discharges into Impaired or Exceptional Tennessee Waters*) is not considered as contributing to loadings to impaired waters or degradation unless the department determines upon review of the SWPPP that there is a reason to limit coverage as set forth in paragraph d) above and the SWPPP cannot be modified to bring the site into compliance.

f) Discharges into Outstanding National Resource Waters - The director shall not grant coverage under this policy for discharges into waters that are designated by the Water Quality Control Board as Outstanding National Resource Waters (ONRWs). Designation of ONRWs are made according to TDEC Rules, Chapter 1200-4-3-.06.

g) Discharges into Exceptional Quality Waters - The director shall not grant coverage under this policy for potential discharges of pollutants which would cause degradation to waters designated by TDEC as exceptional quality waters (see subpart 5.4 (*Discharges into Impaired or Exceptional Tennessee Waters* for additional policy requirements). Compliance with the additional requirements set forth in subpart 5.4 is not considered as contributing to loadings to exceptional quality waters or degradation unless the department determines upon review of the SWPPP that there is a reason to limit coverage as set forth in paragraph d) above and the SWPPP cannot be modified to bring the site into compliance. Identification of exceptional quality waters is made according to TDEC Rules, Chapter 1200-4-3-.06.

h) Discharges Not Protective of Federal or State listed Threatened and Endangered Species, Species Deemed in Need of Management or Special Concern Species - Stormwater discharges and stormwater discharge-related activities that are not protective of legally protected listed or proposed threatened or endangered aquatic fauna or flora (or species proposed for such protection) in the receiving stream(s); or discharges or activities that would result in a "take" of a state or federal listed endangered or threatened aquatic or wildlife species deemed in need of management or special concern species, or such species' habitat. If the department finds that stormwater discharges or stormwater related activities are likely to result in any of the above effects, the director will deny the coverage under this general permit unless and until project plans are changed to adequately protect the species.

i) Discharges from a New or Proposed Mining Operation - This policy does not cover discharges from a new or proposed mining operation.

j) Discharges Negatively Affecting a Property on the National Historic Register - Stormwater discharges that would negatively affect a property that is listed or is eligible for listing in the National Historic Register maintained by the Secretary of Interior.

k) Discharging into Receiving Waters With an Approved Total Maximum Daily Load Analysis - Discharges of pollutants of concern to waters for which there is an Environmental Protection Agency (EPA)-approved total maximum daily load (TMDL) for the same pollutant are not covered by this policy unless measures or controls that are consistent with the assumptions and requirements of such TMDL are incorporated into the SWPPP. If a specific wasteload allocation has been established that would apply to the discharge, that allocation must be incorporated into the SWPPP and steps necessary to meet that allocation must be implemented. In a situation where an EPA-approved or established TMDL has specified a general wasteload allocation applicable to construction stormwater discharges, but no specific requirements for construction sites have been identified, the permittee should consult with the department to confirm that adherence to a SWPPP that meets the requirements of this policy will be consistent with the approved TMDL. Where an EPA-approved or established TMDL has not specified a wasteload allocation applicable to construction stormwater discharges, but has not specifically excluded these discharges, adherence to a SWPPP that meets the requirements of the Construction General Permit (CGP) will generally

be assumed to be consistent with the approved TMDL. If the EPA-approved or established TMDL specifically precludes construction stormwater discharges, the operator is not eligible for coverage under the CGP.

1.4 OBTAINING POLICY COVERAGE

Submitting a complete NOI, a SWPPP and an appropriate permitting application fee are required to obtain coverage under this general permit. Requesting coverage under this policy means that an applicant has obtained and examined a copy of this policy, and thereby acknowledges applicant's claim of ability to comply with the policy terms and conditions. Upon completing NOI review, the department will:

a) issue a notice of coverage (NOC) to the operator identified as a primary permittee on the NOI form (see subpart 1.5 below - *Effective Date of Coverage*); or
b) notify the applicant of needed changes to their NOI submittal (see section 2.6.3 below (*NOI Form - Application completeness*); or
c) deny coverage under this general permit.

1.4.1 Notice of Intent (NOI)

Operators wishing to obtain coverage under this policy must submit a completed NOI in accordance with requirements of part 2 below (*Notice of Intent (NOI) Requirements*), using the NOI form provided in Appendix A of this policy (or a copy thereof). The department will review NOIs for completeness and accuracy and, when deemed necessary, investigate the proposed project for potential impacts to the waters of the state.

1.4.2 Stormwater Pollution Prevention Plan (SWPPP)

Operators wishing to obtain coverage under this policy must develop and submit a site-specific SWPPP with the NOI. The initial, comprehensive SWPPP, developed and submitted by the site-wide permittee (typically the owner/developer who applied for coverage at the project commencement), should address all construction-related activities from the date construction commences to the date of termination of permit coverage, to the maximum extent practicable. The SWPPP must be developed, implemented and updated according to the requirements in part 3 below (*SWPPP Requirements*) and subpart 2.3 below (*Responsibilities of Operators*). The SWPPP must be implemented prior to commencement of construction activities.

If the initial, comprehensive SWPPP does not address all activities until final stabilization of the site, an updated SWPPP or addendums to the plan addressing all aspects of current site disturbance must be prepared. An active, updated SWPPP must be in place for all disturbed portions of a site until each portion has been completed and finally stabilized.

Preparation and implementation of the comprehensive SWPPP may be a cooperative effort with all operators at a site. New operators with design and operational control of their portion of the construction site are expected to adopt, modify, update and implement a comprehensive SWPPP. Primary permittees at the site may develop a SWPPP addressing only their portion of the project, as long as the proposed Best Management Practices (BMPs) are compatible with the comprehensive SWPPP and complying with conditions of this general permit.

1.4.3 Permit application fees

The permit application fee should accompany the site-wide permittee's NOI form. The fee is based on the total acreage planned to be disturbed by an entire construction project for which the site-wide permittee is requesting coverage, including any associated construction support activities (see section 1.2.2 above (*Stormwater discharges associated with construction support activities*)). *The disturbed area* means the total area presented as part of the development (and/or of a larger common plan of development) subject to being cleared, graded, or excavated during the life of the development. The area cannot be limited to only

the portion of the total area that the site-wide owner/developer initially disturbs through the process of various land clearing activities and/or in the construction of roadways, sewers and water utilities, stormwater drainage structures, etc., to make the property marketable. The site-wide owner/developer may present documentation of common areas in the project that will not be subject to disturbance at anytime during the life of the project and have these areas excluded from the fee calculation.

The application fees shall be as specified in the Stormwater and Street Ordinance. The application will be deemed incomplete until the appropriate application fee is paid in full. Checks for the appropriate fee should be made payable to "City of Knoxville." There is no additional fee for subsequent owner/operator to obtain permit coverage (see section 2.4.3 below (*New operator)*), as long as the site-wide primary permittee has active permit coverage at the time of receipt of the subsequent operator's application, because the site-wide primary permittee paid the appropriate fee for the entire area of site disturbance. If a project was previously permitted, but permit coverage was terminated (see section 8.1.1 below (*Termination process for primary permittees*)), and subsequent site disturbance or re-development occurs, the new operator must obtain coverage and pay the appropriate fee for the disturbed acreage.

1.5 EFFECTIVE DATE OF COVERAGE

1.5.1 Notice of Coverage (NOC)

The NOC is a notice from the department to the primary permittee, which informs the primary permittee that the NOI, the SWPPP and the appropriate fee were received and accepted, and stormwater discharges from a specified area of a construction activity have been approved under this general permit. The permittee is authorized to discharge stormwater associated with construction activity as of the effective date listed on the NOC.

Assigning a permit tracking number by the department to a proposed discharge from a construction site does not confirm or imply an authorization to discharge under this permit.

Correspondence with the permittee is maintained through the Site Owner or Developer listed in the NOI: not the optional contact or the secondary permittee.

If any Aquatic Resource Alteration Permits (ARAP) are required for a site in areas proposed for active construction, the NOC will not be issued until ARAP application(s) are submitted and deemed by the City of Knoxville to be complete. The treatment and disposal of wastewater (including, but not limited to sanitary wastewater) generated during and after the construction must be also addressed. The issuance of the NOC may be delayed until adequate wastewater treatment and accompanying permits are issued.

1.5.2 Permit tracking numbers

Construction sites covered under this permit will be assigned permit tracking numbers in the sequence TNQ030001, TNQ030002, etc. An operator presently permitted under a previous construction general permit shall be granted coverage under this new general permit. Permit tracking numbers assigned under a previous construction general permit will be retained (see section 2.4.1 below (*Existing site*)). An operator receiving new permit coverage will be assigned a new permit tracking number (see section 2.4.2 below (Application for new permit coverage)).

SECTION 2 NOTICE OF INTENT (NOI) REQUIREMENTS

2.1 WHO MUST SUBMIT AN NOI?

All site operators must submit an NOI form. "Operator" for the purpose of this policy and in the context of stormwater associated with construction activity means any person associated with a construction project who meets either or both of the following two criteria:

a) The person has operational or design control over construction plans and specifications, including the ability to make modifications to those plans and specifications. This person is typically the owner or developer of the project or a portion of the project (e.g. subsequent builder), or the person that is the current land owner of the construction site. This person is considered the primary permittee; or
b) The person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions. This person is typically a contractor or a commercial builder who is hired by the primary permittee, and is considered a secondary permittee.

The site-wide permittee is the first primary permittee to apply for coverage at the site. There may be other primary permittees for a project, but there is only one site-wide permittee. Where there are multiple operators associated with the same project, all operators are required to obtain permit coverage. Once covered by a permit, all such operators are to be considered as co-permittees if their involvement in the construction activities affects the same project site, and are held jointly and severally responsible for complying with the permit.

2.2 TYPICAL CONSTRUCTION SITE OPERATORS

2.2.1 Owner/Developer

An owner or developer(s) of a project is a primary permittee. This person has operational or design control over construction plans and specifications, including the ability to make modifications to those plans and specifications. This person may include, but is not limited to a developer, landowner, realtor, commercial builder, homebuilder, etc. An owner or developer's responsibility to comply with requirements of this policy extends until permit coverage is terminated in accordance with requirements of part 8 below (*Requirements for Termination of Coverage*).

2.2.2 Commercial builders

A commercial builder can be a primary or secondary permittee at a construction site.

A commercial builder who purchases one or more lots from an owner/developer (site-wide permittee) for the purpose of constructing and selling a structure (e.g., residential house, non-residential structure, commercial building, industrial facility, etc.) and has design or operational control over construction plans and specifications is a primary permittee for that portion of the site. A commercial builder may also be hired by the end user (e.g., a lot owner who may not be a permittee). In either case the commercial builder is considered a new operator and must submit a new NOI following requirements in section 2.4.3 below (*New operator*).

The commercial builder may also be hired by the primary permittee or a lot owner to build a structure. In this case, the commercial builder signs the primary permittee's NOI and SWPPP as a contractor (see section 2.2.3 below (*Contractors*)) and is considered a secondary permittee.

2.2.3 Contractors

A contractor is considered a secondary permittee. This person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., contractor is authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions).

A contractor may be, but is not limited to, a general contractor, grading contractor, erosion control contractor, sub-contractor responsible for any land disturbing activities and/or erosion prevention and sediment control (EPSC) implementation/maintenance, commercial builder hired by the owner/developer, etc. The contractor may need to include in their contract with the party that hired them specific details for the contractor's responsibilities concerning EPSC measures. This includes the ability of the contractor to make EPSC modifications. The contractor should sign the NOI and SWPPP associated with the construction project at which they will be an operator.

2.3 RESPONSIBILITIES OF OPERATORS

A permittee may meet one or more of the operational control components in the definition of "operator" found in subpart 2.1 above (*Who mist submit an NOI?*). Either section 2.3.1 or 2.3.2 below (*Permittee(s) with design control (owner/developer)* or *Permittee(s) with day-to-day operational control (contractor – secondary permittee),* respectively), or both, will apply depending on the type of operational control exerted by an individual permittee.

2.3.1 Permittee(s) with design control (owner/developer)

Permittee(s) with design control (i.e., operational control over construction plans and specifications) at the construction site, including the ability to make modifications to those plans and specifications (e.g., owner/developer) must:

a) Ensure the project specifications they develop meet the minimum requirements of part 3 below (*Stormwater Pollution Prevention Plan (SWPPP) Requirements*) and all other applicable conditions;
b) Ensure that the SWPPP indicates the areas of the project where they have design control (including the ability to make modifications in specifications), and ensure all other permittees implementing and maintaining portions of the SWPPP impacted by any changes they make to the plan are notified of such modifications in a timely manner;
c) Ensure that all common facilities (i.e., sediment treatment basin and drainage structures) that are necessary for the prevention of erosion and control of sediment are maintained and effective until all construction is complete and all disturbed areas in the entire project are stabilized, unless permit coverage has been obtained and responsibility has been taken over by a new (replacement) owner/operator.
d) If parties with day-to-day operational control of the construction site have not been identified at the time the comprehensive SWPPP is initially developed, the permittee with design control shall be considered to be the responsible person until such time the supplemental NOI is submitted, identifying the new operator(s) (see section 2.4.3 below (*New operator*)). These new operators (e.g., general contractor, utilities contractors, sub-contractors, erosion control contractors, hired commercial builders) are considered secondary permittees. The SWPPP must be updated to reflect the addition of new operators as needed to reflect operational or design control.
e) Ensure that all operators on the site have permit coverage, if required, and are complying with the SWPPP.

2.3.2 Permittee(s) with day-to-day operational control (contractor – secondary permittee)

Permittee(s) with day-to-day operational control of those activities at a project which are necessary to ensure compliance with the SWPPP for the site or other permit conditions (e.g., general contractor, utilities contractors, sub-contractors, erosion control contractors, hired commercial builders) must:

a) Ensure that the SWPPP for portions of the project where they are operators meets the minimum requirements of part 3 below (*SWPPP Requirements*) and identifies the parties responsible for implementation of control measures identified in the plan;
b) Ensure that the SWPPP indicates areas of the project where they have operational control over day-to-day activities;
c) Ensure that measures in the SWPPP are adequate to prevent erosion and control any sediment that may result from their earth disturbing activity;
d) Permittees with operational control over only a portion of a larger construction project are responsible for compliance with all applicable terms and conditions of this policy as it relates to their activities on their portion of the construction site. This includes, but is not limited to, implementation of Best Management Practices (BMPs) and other controls required by the SWPPP. Permittees shall ensure either directly or through coordination with other permittees, that their activities do not render another person's pollution control ineffective. All permittees must implement their portions of a comprehensive SWPPP.

2.4 NOI SUBMITTAL

2.4.1 Existing site

An operator presently permitted under the 2005 construction general permit shall be granted coverage under this new general permit. There will be no additional fees associated with an extension of coverage for existing sites under the new permit. The department may, at its discretion, require permittees to confirm their intent to be covered under this new general permit following its effective date through submission of an updated NOI. Should the confirmation be required and is not received, coverage under the new general permit will be terminated. Should a site with terminated coverage be unstable or construction continues, a new NOI, SWPPP and an appropriate fee must be submitted.

2.4.2 Application for new permit coverage

Except as provided in section 2.4.3 below (*New operator*), operators must submit a complete NOI, SWPPP and an appropriate fee in accordance with the requirements described in subpart 1.4 above (*Obtaining Policy Coverage*). The complete application should be submitted at least 30 days prior to commencement of construction activities. The permittee is authorized to discharge stormwater associated with construction activity as of the effective date listed on the NOC. The land disturbing activities shall not start until a NOC is prepared and written approval by the department staff is obtained according to subpart 1.5 above (*Effective Date of Coverage*).

2.4.3 New operator

For stormwater discharges from construction sites or portions of the sites where the operator changes (new owner), or projects where an operator is added (new contractor) after the initial NOI and comprehensive SWPPP have been submitted, the supplemental (submitted by a new contractor) or additional (submitted by a new owner) NOI should be submitted as soon as practicable, and always before the new operator commences work at the site. The supplemental NOI must reference the project name and tracking number assigned to the primary permittee's NOI.

If the site under the control of the new owner is inactive and all areas disturbed are completely stabilized, the NOI may not need to be submitted immediately upon assuming operational control. However, the department should be notified if a new operator obtains operational control at a site, but commencement of construction under the direction of the operator at the site is going to be delayed.

If upon the sale or transfer of the site's ownership does not change the signatory requirements for the NOI (see section 7.7.1 below (*Signatory requirement for a Notice of Intent (NOI)*), but the site's owner or developer's company name has changed, a new, updated NOI should be submitted to the department within 30 days of the name change. If the new operator agrees to comply with an existing comprehensive SWPPP already implemented at the site, a copy of the supplemental or modified SWPPP does not have to be submitted with the NOI. There will be no additional fees associated with the sale or transfer of ownership for existing permitted sites.

If the transfer of ownership is due to foreclosure or a permittee filing for bankruptcy proceedings, the new owner (including but not limited to a lending institution) must obtain permit coverage if the property is inactive, but is not stabilized sufficiently. If the property is sufficiently stabilized, permit coverage may not be necessary unless, and until, construction activity at the site resumes.

2.4.4 Late NOIs

Dischargers are not prohibited from submitting late NOIs. When a late NOI is submitted, and if the department authorizes coverage under this permit, such authorization is only for future discharges; any prior, unpermitted, discharges or policy noncompliances are subject to penalties as described in section 7.1.2 below (*Penalties for violations of permit conditions*).

2.5 WHO MUST SIGN THE NOI?

All construction site operators as defined in subpart 2.2 above (*Typical Construction Site Operators*) must sign the NOI form. Signatory requirements for a NOI are described in section 7.7.1 below (*Signatory requirement for a Notice of Intent (NOI)*). All signatures must be original. An NOI that does not bear an original signature will be deemed incomplete. The department recommends that signatures be in blue ink.

2.6 NOI FORM

2.6.1 Contents of the NOI form

NOI for construction projects shall be submitted on the form provided in Appendix A of this policy, or on a copy thereof. This form and its instructions set forth the required content of the NOI. The NOI form must be filled in completely. If sections of the NOI are left blank, a narrative explaining the omission must be provided as an attachment.

Owners, developers and all contractors that meet the definition of the operator in subsection 2.2 above (*Typical Construction Site Operators*) shall apply for permit coverage on the same NOI, insofar as possible. The NOI is designed for more than one contractor (secondary permittee). The department may accept separate NOI forms from different operators for the same construction site when warranted.

After permit coverage has been granted to the primary permittee, any subsequent NOI submittals must include the site's previously assigned permit tracking number and the project name. The comprehensive site-specific SWPPP shall be prepared in accordance with the requirements of part 3 below (*SWPPP Requirements*), and must be submitted with the NOI unless the NOI being submitted is to only add a contractor (secondary permittee) to an existing coverage.

2.6.2 Construction site map

An excerpt (8 ½" by 11" or 11" by 17") from the appropriate 7.5 minute United States Geological Survey (USGS) topographic map, with the proposed construction site centered, must be included with the NOI. The entire proposed construction area must be clearly identified (outlined) on this map. The total area to be disturbed (in acres) should be included on the map. The map should outline the boundaries of projects, developments and the construction site in relation to major roads, streams or other landmarks. All outfalls where runoff will leave the property should be identified. Stream(s) receiving the discharge, and storm sewer system(s) conveying the discharge from all site outfalls should be clearly identified and marked on

the map. The map should also list and indicate the location of EPSCs that will be used at the construction site. NOIs for linear projects must specify the location of each end of the construction area and all areas to be disturbed. Commercial builders that develop separate SWPPPs that cover only their portion of the project shall also submit a site or plat map that clearly indicates the lots which they purchased and for which they are applying for permit coverage and the location of EPSCs that will be used at each lot.

2.6.3 Application completeness

Based on a review of the NOI or other available information, the department shall:

1. prepare a notice of coverage (NOC) for the construction site (see subpart 1.5 above (*Effective Date of Coverage*)); or
2. prepare a deficiency letter stating additional information must be provided before the NOC can be issued; or
3. deny coverage under this general permit.

2.7 WHERE TO SUBMIT THE NOI, SWPPP AND PERMITTING FEE?

The applicant shall submit the NOI, SWPPP and permitting fee to the City of Knoxville Engineering Department. The TDEC's Nashville Central Office will serve as a processing office for NOIs submitted by federal or state agencies (including, but not limited to the Tennessee Department of Transportation (TDOT), Tennessee Valley Authority (TVA) and the local Municipal Separate Storm Sewer System (MS4) programs).

The City of Knoxville Engineering Department may be reached by telephone at (865) 215-2148.

SECTION 3 STORMWATER POLLUTION PREVENTION PLAN (SWPPP) REQUIREMENTS

3.1. THE GENERAL PURPOSE OF THE SWPPP

A comprehensive SWPPP must be prepared and submitted along with the NOI as required in section 1.4.2 above (*SWPPP*). The primary permittee must implement the SWPPP as written from commencement of construction activity until final stabilization is complete or until the permittee does not have design or operational control of any portion of the construction site. Requirements for termination of site coverage are provided in part 8 below (*Requirements for Termination of Coverage*).

A site-specific SWPPP must be developed for each construction project or site covered by this permit. The design, inspection and maintenance of Best Management Practices (BMPs) described in the SWPPP must be prepared in accordance with good engineering practices. At a minimum, BMPs shall be consistent with the requirements and recommendations contained in the current edition of the Tennessee Erosion and Sediment Control Handbook (handbook). The handbook is designed to provide information to planners, developers, engineers, and contractors on the proper selection, installation, and maintenance of BMPs. This policy allows the use of innovative or alternative BMPs, whose performance has been documented to be equivalent or superior to conventional BMPs as certified by the SWPPP designer.

Once a definable area has been finally stabilized, the permittee may identify this area on the site-specific SWPPP. No further SWPPP or inspection requirements apply to that portion of the site (e.g., earth-disturbing activities around one of three buildings in a complex are done and the area is finally stabilized, one mile of a roadway or pipeline project is done and finally stabilized, etc).

For more effective coordination of BMPs, a cooperative effort by the different operators at a site to prepare and participate in a comprehensive SWPPP is expected. Primary permittees at a site may develop separate SWPPPs that cover only their portion of the project. In instances where there is more than one SWPPP for a site, the permittees must ensure the stormwater discharge controls and other measures are compatible with

one another and do not prevent another operator from complying with permit conditions. The comprehensive SWPPP developed and submitted by the primary permittee must assign responsibilities to subsequent (secondary) permittees and coordinate all BMPs at the construction site. Assignment and coordination can be done by name or by job title.

3.1.1 Registered engineer or landscape architect requirement

The narrative portion of the SWPPP may be prepared by an individual that has a working knowledge of erosion prevention and sediment controls, such as a Certified Professional in Erosion and Sediment Control (CPESC) or a person that successfully completed the "Level II Design Principles for Erosion Prevention and Sediment Control for Construction Sites" course. Plans and specifications for any building or structure, including the design of sediment basins or other sediment controls involving structural, hydraulic, hydrologic or other engineering calculations shall be prepared by a licensed professional engineer or landscape architect and stamped and certified in accordance with the Tennessee Code Annotated, Title 62, Chapter 2 (see part 10 below (*Definitions*)) and the rules of the Tennessee Board of Architectural and Engineering Examiners. Engineering design of sediment basins must be included in SWPPPs for construction sites involving drainage to an outfall totaling 5 or more acres.

3.1.2 Site Assessment

Quality assurance of erosion prevention and sediment controls shall be done by performing site assessment at a construction site. The site assessment shall be conducted at each outfall involving drainage totaling 5 or more acres within a month of construction commencing at each portion of the site that drains the qualifying acreage of such portion of the site. The site assessment shall be performed by individuals with following qualifications:

- A licensed professional engineer or landscape architect;
- A Certified Professional in Erosion and Sediment Control (CPESC); or
- A person that successfully completed the "Level II Design Principles for Erosion Prevention and Sediment Control for Construction Sites" course.

As a minimum, site assessment should be performed to verify the installation, functionality and performance of the EPSC measures described in the SWPPP. The site assessment should be performed with the inspector (as defined in part 10 below (*Definitions)*), and should include a review and update (if applicable) of the SWPPP. Modifications of plans and specifications for any building or structure, including the design of sediment basins or other sediment controls involving structural, hydraulic, hydrologic or other engineering calculations shall be prepared by a licensed professional engineer or landscape architect and stamped and certified in accordance with the Tennessee Code Annotated, Title 62, Chapter 2 (see part 10 below (*Definitions)*) and the rules of the Tennessee Board of Architectural and Engineering Examiners.

The site assessment findings shall be documented and the documentation kept with the SWPPP at the site. At a minimum, the documentation shall include information included in the inspection form provided in Appendix C (*Inspection Report Form*) of this permit. The documentation must contain the printed name and signature of the individual performing the site assessment and the following certification:

> *"I certify under penalty of law that this report and all attachments are, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

The site assessment can take the place of one of the twice weekly inspections requirement from subsection 3.5.8.2 below (*Schedule of inspections*).

The department may require additional site assessment(s) to be performed if site inspection by department's personnel reveals site conditions that have the potential of causing pollution to the waters of the state.

3.2 SWPPP PREPARATION AND COMPLIANCE

3.2.1 Existing site

Operator(s) of an existing site presently permitted under the TDEC's previous construction general permit shall maintain full compliance with the current SWPPP. The current SWPPP should be modified, if necessary, to meet requirements of this new general permit, and the SWPPP changes implemented no later than 12 months following the new permit effective date (May 24, 2011), excluding the buffer zone requirements as stated in section 4.1.2 below (*Buffer zone requirements*). The permittee shall make the updated SWPPP available for the department's review upon request.

3.2.2 New site

For construction stormwater discharges not authorized under an NPDES permit as of the effective date of this permit, a SWPPP that meets the requirements of subpart 3.5 below (*Components of the SWPPP*) of this policy shall be prepared and submitted along with the NOI and an appropriate fee for coverage under this permit.

3.3 SIGNATURE REQUIREMENTS, PLAN REVIEW AND MAKING PLANS AVAILABLE

3.3.1 Signature Requirements for a SWPPP

The SWPPP shall be signed by the operator(s) in accordance with subpart 7.7 below (*Signatory Requirements*), and if applicable, certified according to requirements in section 3.1.1 above (*Registered engineer or landscape architect requirement*). All signatures must be original. A SWPPP that does not bear an original signature will be deemed incomplete. The department recommends that signatures be in blue ink.

3.3.2 SWPPP Review

The permittee shall make updated plans and inspection reports available upon request to the director, local agency approving erosion prevention and sediment control plan, grading plans, land disturbance plans, or stormwater management plans, or the operator of an MS4.

3.3.3 Making plans available

A copy of the SWPPP shall be retained on-site at the location which generates the stormwater discharge in accordance with part 6 below (*Retention, Accessibility and Submission of Records*) of this policy. If the site is inactive or does not have an onsite location adequate to store the SWPPP, the location of the SWPPP, along with a contact phone number, shall be posted on-site. If the SWPPP is located offsite, reasonable local access to the plan, during normal working hours, must be provided.

3.4 KEEPING PLANS CURRENT

3.4.1 SWPPP modifications

The permittee must modify and update the SWPPP if any of the following are met:

a) Whenever there is a change in the scope of the project, which would be expected to have a significant effect on the discharge of pollutants to the waters of the state and which has not otherwise been addressed in the SWPPP. If applicable, the SWPPP must be modified or updated whenever there is a change in chemical treatment methods, including the use of different treatment chemical, different dosage or application rate, or different area of application;
b) Whenever inspections or investigations by site operators, local, state or federal officials indicate the SWPPP is proving ineffective in eliminating or significantly minimizing pollutants from sources identified under section 3.5.2 below (*Description of stormwater runoff controls*), or is otherwise not achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity. Where local, state or federal officials determine that the

SWPPP is ineffective in eliminating or significantly minimizing pollutant sources, a copy of any correspondence to that effect must be retained in the SWPPP;

c) To identify any new operator (typically contractor and/or subcontractor) as needed to reflect operational or design control that will implement a measure of the SWPPP (see subparts 2.1 and 2.2 above (*Who Must Submit an NOI?* and *Typical Construction Site Operators*, respectively) for further description of which operators must be identified);
d) To include measures necessary to prevent a negative impact to legally protected state or federally listed fauna or flora (or species proposed for such protection – see subpart 1.3 above (*Limitations on Coverage*)). Amendments to the SWPPP may be reviewed by the department, a local MS4, the EPA or an authorized regulatory agency; and
e) A TMDL is developed for the receiving waters for a pollutant of concern (siltation and/or habitat alteration).

3.5 COMPONENTS OF THE SWPPP

The SWPPP shall include the following items, as described in sections 3.5.1 to 3.5.10 below (*Site description* and *Documentation of permit eligibility related to TMDLs*): site description, description of stormwater runoff controls, erosion prevention and sediment controls, stormwater management, description of other items needing control, approved local government sediment and erosion control requirements, maintenance, inspections, pollution prevention measures for non-stormwater discharges, and documentation of permit eligibility related to Total Maximum Daily Loads (TMDL). The SWPPP must:

a) identify all potential sources of pollution which are likely to affect the quality of stormwater discharges from the construction site;
b) describe practices to be used to reduce pollutants in stormwater discharges from the construction site; and
c) assure compliance with the terms and conditions of this permit.

3.5.1 Site description

Each plan shall provide a description of pollutant sources and other information as indicated below:

a) A description of all construction activities at the site (not just grading and street construction);
b) The intended sequence of major activities which disturb soils for major portions of the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation, etc.);
c) Estimates of the total area of the site and the total area that is expected to be disturbed by excavation, grading, filling, or other construction activities;
d) A description of the topography of the site including an estimation of the percent slope and the variation in percent slope found on the site; such estimation should be on a basis of a drainage area serving each outfall, rather than an entire project;
e) Any data describing the soil (data may be referenced or summarized) and how the soil type will dictate the needed control measures and how the soil may affect the expected quality of runoff from the site;
f) An estimate of the runoff coefficient of the site after construction activities are completed and how the runoff will be handled to prevent erosion at the permanent outfall and receiving stream, as well as the estimate of the percentage of impervious area before and after construction;
g) An erosion prevention and sediment control plan of the site with the proposed construction area clearly outlined. The plan should indicate the boundaries of the permitted area, drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, an outline of areas which are not to be disturbed, the location of major structural and nonstructural controls identified in the SWPPP, the location of areas where stabilization practices are expected to occur, surface waters including wetlands, sinkholes, and careful identification on the site plan of outfall points intended for coverage under the general permit for stormwater discharges from the

site. The erosion control plan must meet requirements stated in section 3.5.2 below (*Description of stormwater runoff controls*);

h) A description of any discharge associated with industrial activity other than construction stormwater that originates on site and the location of that activity and its permit number;
i) Identification of any stream or wetland on or adjacent to the project, a description of any anticipated alteration of these waters and the permit number or the tracking number of the Aquatic Resources Alteration Permit (ARAP) or Section 401 Certification issued for the alteration;
j) The name of the receiving water(s), and the approximate size and location of affected wetland acreage at the site;
k) If applicable, clearly identify and outline the buffer zones established to protect waters of the state located within the boundaries of the project;
l) Some construction projects, such as residential or commercial subdivisions and/or developments or industrial parks are subdivided. Subdivided lots are sometimes sold to new owners prior to completion of construction. The site-wide developer/owner must describe EPSC measures implemented at those lots. Once the property is sold, the new operator must obtain coverage under this permit;
m) For projects of more than 50 acres, the construction phases must be described (see subsection 3.5.3.1 below (*General criteria and requirements*)); and
n) If only a portion of the total acreage of the construction site is to be disturbed, then the protections employed to limit the disturbance must be discussed, i.e., caution fence, stream side buffer zones, etc. Limits of disturbance shall be clearly marked in the SWPPP and areas to be undisturbed clearly marked in the field before construction activities begin.

3.5.2 Description of stormwater runoff controls

The SWPPP shall include a description of appropriate erosion prevention and sediment controls and other Best Management Practices (BMPs) that will be implemented at the construction site. The SWPPP must clearly describe each major activity which disturbs soils for major portions of the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation, etc.):

a) Appropriate control measures and the general timing for the measures to be implemented during construction activities; and
b) Which permittee is responsible for implementation of which controls.

The SWPPP must include erosion prevention and sediment control (EPSC) plans showing the approximate location of each control measure along with a description of the timing during the construction process for implementing each measure (e.g., prior to the start of earth disturbance, as the slopes are altered and after major grading is finished). The different stages of construction (initial/major grading, installation of infrastructure, final contours, etc.) and the erosion preventions and sediment control measures that will be utilized during each stage should be depicted on multiple plan sheets (see paragraphs below). Half sheets are acceptable. One sheet showing all EPSCs that will be used during the life of the multi-phase project implementing different EPSC controls at each stage will not be considered complete.

For site disturbances less than 5 acres, at least two separate EPSC plan sheets shall be developed. At least two stages shall be identified, with associated EPSC measures addressed. The plan stages shall be addressed separately in plan sheets, with each stage reflecting the conditions and EPSC measures necessary to manage stormwater runoff, erosion and sediment during the initial land disturbance (initial grading) and the conditions and EPSC measures necessary to manage stormwater runoff, erosion and sediment at final grading.

For site disturbances more than 5 acres, at least 3 separate EPSC plan sheets shall be developed. Three stages shall be identified. The first plan sheet should reflect the conditions and EPSC measures necessary to manage stormwater runoff, during the initial land disturbance (initial grading). The second plan sheet shall reflect the conditions and the EPSC measures necessary to manage stormwater runoff from interim

land disturbance activities. The third plan sheet shall reflect the conditions and EPSC measures necessary to manage stormwater runoff, erosion and sediment at final grading.

The description and implementation of controls shall address the following minimum components, as described in sections 3.5.3, 3.5.4 and 3.5.5 below (*Erosion prevention and sediment controls, Stormwater management,* and *Other items needing control*). Additional controls may be necessary to comply with section 5.3.2 below (*Discharge quality*).

3.5.3 Erosion prevention and sediment controls

3.5.3.1 General criteria and requirements

a) The construction-phase erosion prevention controls shall be designed to eliminate (or minimize if complete elimination is not possible) the dislodging and suspension of soil in water. Sediment controls shall be designed to retain mobilized sediment on site to the maximum extent practicable.
b) The design, inspection and maintenance of Best Management Practices (BMPs) and, at a minimum, shall be consistent with the requirements and recommendations contained in the current edition of the Tennessee Erosion and Sediment Control Handbook. In addition, all control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications (where applicable). All control measures selected must be able to slow runoff so that rill and gully formation is prevented. When steep slopes and/or fine particle soils are present at the site, additional physical or chemical treatment of stormwater runoff may be required. Proposed physical and/or chemical treatment must be researched and applied according to the manufacturer's guidelines and fully described in the SWPPP. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the permittee must replace or modify the control for relevant site situations.
c) If permanent or temporary vegetation is to be used as a control measure, then the timing of the planting of the vegetation cover must be discussed in the SWPPP. Planning for planting cover vegetation during winter months or dry months should be avoided.
d) If sediment escapes the permitted area, off-site accumulations of sediment that have not reached a stream must be removed at a frequency sufficient to minimize offsite impacts (e.g., fugitive sediment that has escaped the construction site and has collected in a street must be removed so that it is not subsequently washed into storm sewers and streams by the next rain and/or so that it does not pose a safety hazard to users of public streets). Permittees shall not initiate remediation/restoration of a stream without consulting the department first. This policy does not authorize access to private property. Arrangements concerning removal of sediment on adjoining property must be settled by the permittee with the adjoining landowner.
e) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as recommended in the Tennessee Erosion and Sediment Control Handbook, and must be removed when design capacity has been reduced by 50%.
f) Litter, construction debris, and construction chemicals exposed to stormwater shall be picked up prior to anticipated storm events or before being carried off of the site by wind (e.g., forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls, daily pick-up, etc.). After use, materials used for erosion prevention and sediment control (such as silt fence) should be removed or otherwise prevented from becoming a pollutant source for stormwater discharges.
g) Erodible material storage areas (including but not limited to overburden and stockpiles of soil etc.) and borrow pits used primarily for the permitted project and which are contiguous to the site are considered a part of the site and shall be identified on the NOI, addressed in the SWPPP and included in the fee calculation. TDOT projects shall be addressed in the Waste and Borrow Manual per the Statewide Stormwater Management Plan (SSWMP).

h) Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 15 days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.
i) Clearing and grubbing must be held to the minimum necessary for grading and equipment operation. Existing vegetation at the site should be preserved to the maximum extent practicable.
j) Construction must be sequenced to minimize the exposure time of graded or denuded areas.
k) Construction phasing is required on all projects regardless of size as a major phased to keep the total disturbed area less than 50 acres at any one time. Areas of the completed phase must be stabilized within 14 days (see subsection 3.5.3.2 below (*Stabilization practices*)). No more than 50 acres of active soil disturbance is allowed at any time during the construction project. This includes off-site borrow or disposal areas that meet the conditions of section 1.2.2 above (*Stormwater discharges associated with construction support activities*) of this general permit.

The 50 acre limitation does not apply to linear construction projects (such as roadway, pipeline, and other infrastructure construction activities) if the following conditions are met:

- Where no one area of active soil disturbance is greater than 50 acres and the various areas of disturbance have distinct receiving waters; or
- Where contiguous disturbances amount to greater than 50 acres, but no one distinct water is receiving run off from more than 50 disturbed acres; or
- With the department's written concurrence, where more than 50 acres of disturbance is to occur and where one receiving water will receive run-off from more than 50 acres; or
- Where no one area of active soil disturbance is greater than 50 acres and the various areas of disturbance are more than 5 miles apart.

In order for a linear project to take advantage of the 50 acre rule exemption outlined in this paragraph, the contractor shall conduct monthly site assessments as described in section 3.1.2 above (*Site Assessment*) until the site is permanently stabilized.

l) Erosion prevention and sediment control measures must be in place and functional before earth moving operations begin, and must be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the workday, but must be replaced at the end of the workday.
m) The following records shall be maintained on or near site: the dates when major grading activities occur; the dates when construction activities temporarily or permanently cease on a portion of the site; the dates when stabilization measures are initiated; inspection records and rainfall records.
n) Off-site vehicle tracking of sediments and the generation of dust shall be minimized. A stabilized construction access (a point of entrance/exit to a construction site) shall be described and implemented, as needed, to reduce the tracking of mud and dirt onto public roads by construction vehicles.
o) Permittees shall maintain a rain gauge and daily rainfall records at the site, or use a reference site for a record of daily amount of precipitation.

3.5.3.2 Stabilization practices

The SWPPP shall include a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Site plans should comply with buffer zone requirements (see sections 4.1.2 and 5.4.2 below (*Buffer zone requirements* and *Buffer zone requirements for discharges into impaired or exceptional TN waters*, respectively)), if applicable, in which construction activities, borrow and/or fill are prohibited. Stabilization practices may include: temporary seeding, permanent

seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for final stabilization in lieu of a permanent vegetative cover should be avoided where practicable. No stabilization, erosion prevention and sediment control measures are to be installed in a stream without obtaining a Section 404 permit and an Aquatic Resources Alteration Permit (ARAP), if such permits are required and appropriate. Stabilization measures shall be initiated as soon as possible in portions of the site where construction activities have temporarily or permanently ceased. Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed no later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. In the following situations, temporary stabilization measures are not required:

a) where the initiation of stabilization measures is precluded by snow cover or frozen ground conditions or adverse soggy ground conditions, stabilization measures shall be initiated as soon as practicable; or
b) where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 14 days.

Steep slopes shall be temporarily stabilized not later than 7 days after construction activity on the slope has temporarily or permanently ceased.

Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Unpacked gravel containing fines (silt and clay sized particles) or crusher runs will not be considered a non-eroding surface.

3.5.3.3 Structural practices

The SWPPP shall include a description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and discharge of pollutants from exposed areas of the site. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural controls shall not be placed in streams or wetlands except as authorized by a section 404 permit and/or Aquatic Resources Alteration Permit (ARAP).

Erosion prevention and sediment control measures must be prepared in accordance with good engineering practices and the latest edition of the Tennessee Erosion and Sediment Control Handbook. In addition, erosion prevention and sediment controls shall be designed to minimize erosion and maximize sediment removal resulting from a 2-year, 24-hour storm (the design storm – see part 10 below: "2-year and 5-year design storm depths and intensities"), as a minimum, either from total rainfall in the designated period or the equivalent intensity as specified on the following website http://hdsc.nws.noaa.gov/hdsc/pfds/orb/tn_pfds.html. When clay and other fine particle soils are present at the construction site, chemical treatment may be used to minimize amount of sediment being discharged.

For an on-site outfall which receives drainage from 5 or more acres, a minimum sediment basin volume that will provide treatment for a calculated volume of runoff from a 5 year, 24 hour storm and runoff from each acre drained, or equivalent control measures as specified in the Tennessee Erosion and Sediment Control Handbook, shall be provided until final stabilization of the site. A drainage area of 5 or more acres includes both disturbed and undisturbed portions of the site or areas adjacent to the site, all draining through the common outfall. Where an equivalent control measure is substituted for a sediment retention basin, the equivalency must be justified to the department. Runoff from any undisturbed acreage should be diverted around the disturbed area and

the sediment basin. Diverted runoff can be omitted from the volume calculation. Sediment storage expected from the disturbed areas must be included. All calculations of drainage areas, runoff coefficients and basin volumes must be provided in the SWPPP. The discharge structure from a sediment basin must be designed to retain sediment during the lower flows. Muddy water to be pumped from excavation and work areas must be held in settling basins or filtered or chemically treated prior to its discharge into surface waters. Water must be discharged through a pipe, well-grassed or lined channel or other equivalent means so that the discharge does not cause erosion and sedimentation. Discharged water must not cause an objectionable color contrast with the receiving stream.

3.5.4 Stormwater management

The SWPPP shall include a description of any measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed.

For projects discharging to waters considered impaired by sediment or habitat alteration due to in-channel erosion, the SWPPP shall include a description of measures that will be installed during the construction process to control pollutants and any increase in the volume of stormwater discharges that will occur after construction operations have been completed. For steep slope sites, the SWPPP shall also include a description of measures that will be installed to dissipate the volume and energy of the stormwater runoff to pre-development levels.

This policy only addresses the installation of stormwater management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed, the site has undergone final stabilization, and the permit coverage has been terminated. Permittees are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site, and are not responsible for maintenance after stormwater discharges associated with construction activity have been eliminated from the site. All permittees are encouraged to limit the amount of post construction runoff, if not required by local building regulations or local MS4 program requirements, in order to minimize in-stream channel erosion in the receiving stream.

Construction stormwater runoff management practices may include: stormwater detention structures (including ponds with a permanent pool); stormwater retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices).

Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide a non-erosive velocity flow from the structure to the receiving stream so that the natural physical and biological characteristics and functions of the stream are maintained and protected (e.g., there should be no significant changes in the hydrological regime of the receiving water). The SWPPP shall include an explanation of the technical basis used to select the velocity dissipation devices to control pollution where flows exceed pre-development levels. The Tennessee Erosion and Sediment Control Handbook provides measures that can be incorporated into the design or implemented on site to decrease erosive velocities. An Aquatic Resources Alteration Permit (ARAP) from TDEC may be required if such velocity dissipation devices installed would alter the receiving stream and/or its banks.

3.5.5 Other items needing control

a) No solid materials, including building materials, shall be placed in waters of the state, except as authorized by a section 404 permit and/or Aquatic Resources Alteration Permit (ARAP) (see part 9 below (*Aquatic Resource Alteration Permits (ARAP)*)).
b) For installation of any waste disposal systems on site, or sanitary sewer or septic system, the SWPPP shall identify these systems and provide for the necessary EPSC controls. Permittees must

also comply with applicable state and/or local waste disposal, sanitary sewer or septic system regulations for such systems to the extent these are located within the permitted area.

c) The SWPPP shall include a description of construction and waste materials expected to be stored on-site. The SWPPP shall also include a description of controls used to reduce pollutants from materials stored on site, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.
d) A description of stormwater sources from areas other than construction and a description of controls and measures that will be implemented at those sites.
e) A description of measures necessary to prevent "taking" of legally protected state or federal listed threatened or endangered aquatic fauna and/or critical habitat (if applicable). The permittee must describe and implement such measures to maintain eligibility for coverage under this permit.

3.5.6 Approved local government sediment and erosion control requirements

Permittees must comply with any additional erosion prevention, sediment controls and stormwater management measures required by a local municipality or permitted MS4 program.

3.5.7 Maintenance

The SWPPP shall describe procedures to ensure that vegetation, erosion and sediment control measures, buffer zones, and other protective measures identified in the site plan are kept in good and effective operating condition. Maintenance needs identified in inspections or by other means shall be accomplished before the next storm event, but in no case more than 7 days after the need is identified.

3.5.8 Inspections

3.5.8.1 Inspector training and certification

Inspectors performing the required twice weekly inspections must have an active certification by completing the "Fundamentals of Erosion Prevention and Sediment Control Level I" course. A copy of the certification or training record for inspector certification should be kept on site.

3.5.8.2 Schedule of inspections

a) Inspections described in paragraphs b, c and d below shall be performed at least twice every calendar week. Inspections shall be performed at least 72 hours apart. Where sites or portion(s) of construction sites have been temporarily stabilized, or runoff is unlikely due to winter conditions (e.g., site covered with snow or ice) or due to extreme drought, such inspection only has to be conducted once per month until thawing or precipitation results in runoff or construction activity resumes. Inspection requirements do not apply to definable areas that have been finally stabilized, as described in subpart 3.1 above (*The General Purpose of the SWPPP*). Written notification of the intent to change the inspection frequency and the justification for such request must be submitted to the City of Knoxville Engineering Department, or TDEC's Nashville Central Office for projects of the Tennessee Department of Transportation (TDOT) and the Tennessee Valley Authority (TVA). Should the department discover that monthly inspections of the site are not appropriate due to insufficient stabilization measures or otherwise, twice weekly inspections shall resume. The department may inspect the site to confirm or deny the notification to conduct monthly inspections.
b) Qualified personnel, as defined in section 3.5.8.1 above (*Inspector training and certification*) (provided by the permittee or cooperatively by multiple permittees) shall inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, locations where vehicles enter or exit the site, and each outfall.
c) Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the site's drainage system.

Erosion prevention and sediment control measures shall be observed to ensure that they are operating correctly.

d) Outfall points (where discharges leave the site and/or enter waters of the state) shall be inspected to determine whether erosion prevention and sediment control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.

e) Based on the results of the inspection, any inadequate control measures or control measures in disrepair shall be replaced or modified, or repaired as necessary, before the next rain event, but in no case more than 7 days after the need is identified.

f) Based on the results of the inspection, the site description identified in the SWPPP in accordance with section 3.5.1 above (*Site description*) and pollution prevention measures identified in the SWPPP in accordance with section 3.5.2 above (*Description of stormwater runoff controls*) shall be revised as appropriate, but in no case later than 7 days following the inspection. Such modifications shall provide for timely implementation of any changes to the SWPPP, but in no case later than 14 days following the inspection.

g) All inspections shall be documented on the Construction Stormwater Inspection Certification form provided in Appendix C of this policy for all construction sites. An alternative inspection form may be used as long as the form contents and the inspection certification language are, at a minimum, equivalent to the department's form (Appendix C) and the permittee has obtained a written approval from the department to use the alternative form. Inspection documentation will be maintained on site and made available to the department upon request. Inspection reports must be submitted to the department within 10 days of the request. If the department requests the Construction Stormwater Inspection Certification form to be submitted, the submitted form must contain the printed name and signature of the trained certified inspector and the person who meets the signatory requirements of section 7.7.2 below (*Signatory requirements for reports and other items*) of this permit.

h) Trained certified inspectors shall complete inspection documentation to the best of their ability. Falsifying inspection records or other documentation or failure to complete inspection documentation shall result in a violation of this policy and any other applicable acts or rules.

i) Subsequent operator(s) (primary permittees) who have obtained coverage under this policy should conduct twice weekly inspections, unless their portion(s) of the site has been temporarily stabilized, or runoff is unlikely due to winter conditions or due to extreme drought as stated in paragraph a) above. The primary permittee (such as a developer) is no longer required to conduct inspections of portions of the site that are covered by a subsequent primary permittee (such as a home builder).

3.5.9 Pollution prevention measures for non-stormwater discharges

Sources of non-stormwater listed in section 1.2.3 above (*Non-stormwater discharges authorized by this permit*) of this policy that are combined with stormwater discharges associated with construction activity must be identified in the SWPPP. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge. Any non-stormwater must be discharged through stable discharge structures. Estimated volume of the non-stormwater component(s) of the discharge must be included in the design of all impacted control measures.

3.5.10 Documentation of permit eligibility related to Total Maximum Daily Loads (TMDL)

The SWPPP must include documentation supporting a determination of permit eligibility with regard to waters that have an approved TMDL for a pollutant of concern, including:

a) identification of whether the discharge is identified, either specifically or generally, in an approved TMDL and any associated wasteload allocations, site-specific requirements, and assumptions identified for the construction stormwater discharge;
b) summaries of consultation with the department on consistency of SWPPP conditions with the approved TMDL, and
c) measures taken to ensure that the discharge of TMDL identified pollutants from the site is consistent with the assumptions and requirements of the approved TMDL, including any specific wasteload allocation that has been established that would apply to the construction stormwater discharge.

SECTION 4 CONSTRUCTION AND DEVELOPMENT EFFLUENT GUIDELINES

4.1 NON-NUMERIC EFFLUENT LIMITATIONS

Any point source authorized by this general permit must achieve, at a minimum, the effluent limitations representing the degree of effluent reduction attainable by application of best practicable control technology (BPT) currently available and is described in sections 4.1.1 through 4.1.7 below.

4.1.1 Erosion Prevention and Sediment Controls

Design, install and maintain effective erosion prevention and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to:

(1) control stormwater volume and velocity within the site to minimize soil erosion;

(2) control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;

(3) minimize the amount of soil exposed during construction activity;

(4) minimize the disturbance of steep slopes;

(5) eliminate (or minimize if complete elimination is not possible) sediment discharges from the site. The design, installation and maintenance of erosion prevention and sediment controls must address factors such as the design storm (see sub-section 3.5.3.3 above) and soil characteristics, including the range of soil particle sizes expected to be present on the site;

(6) Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible (see section 4.1.2 below (*Buffer zone requirements*)); and

(7) Minimize soil compaction and, unless infeasible, preserve topsoil.

4.1.2 Buffer zone requirements

Buffer zone requirements in this section apply to all streams adjacent to construction sites, with an exception for streams designated as impaired or Exceptional Tennessee waters (see section 5.4.2 below (*Buffer zone requirements for discharges into impaired or exceptional TN waters)*). A 30-foot natural riparian buffer zone adjacent to all streams at the construction site shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state (e.g., perennial and intermittent streams, rivers, lakes, wetlands) located within or immediately adjacent to the boundaries of the project, as identified using methodology from Standard Operating Procedures for Hydrologic Determinations (see rules to implement a certification program for Qualified Hydrologic Professionals, TN Rules Chapter 0400-40-17). Buffer zones are not primary sediment control measures and should not be relied on as such. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. The buffer zone requirement only applies to new construction sites, as described in section 2.4.2 above (*Application for new permit coverage*).

The riparian buffer zone should be preserved between the top of stream bank and the disturbed construction area. The 30-feet criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than 15 feet at any measured location.

Every attempt should be made for construction activities not to take place within the buffer zone. BMPs providing equivalent protection to a receiving stream as a natural riparian zone may be used at a construction site. Such equivalent BMPs shall be designed to be as effective in protecting the receiving stream from effects of stormwater runoff as a natural riparian zone. A justification for use and a design of equivalent BMPs shall be included in the SWPPP. Such equivalent BMPs are expected to be routinely used at construction projects typically located adjacent to surface waters. These projects include, but are not limited to: sewer line construction, roadway construction, utility line or equipment installation, greenway construction, construction of a permanent outfall or a velocity dissipating structure, etc.

This requirement does not apply to any valid Aquatic Resources Alteration Permit (ARAP), or equivalent permits issued by federal authorities. Additional buffer zone requirements may be established by the local MS4 program.

4.1.2.1 Buffer zone exemption based on existing uses

Buffer zones as described in section 4.1.2 above (*Buffer zone requirements*) shall not be required to portions of the buffer where certain land uses exist and are to remain in place according to the following:

1. A use shall be considered existing if it was present within the buffer zone as of the date of the Notice of Intent for coverage under the CGP. Existing uses shall include, but not be limited to, buildings, parking lots, roadways, utility lines and on-site sanitary sewage systems. Only the portion of the buffer zone that contains the footprint of the existing land use is exempt from buffer zones. Activities necessary to maintain uses are allowed provided that no additional vegetation is removed from the buffer zone.
2. If an area with an existing land use is proposed to be converted to another use or the impervious surfaces located within the buffer area are being removed buffer zone requirements shall apply.

4.1.2.2 Pre-Approved Sites

Construction activity at sites that have been pre-approved before February 1, 2010, are exempt from the buffer requirements of section 4.1.2 above (*Buffer zone requirements*). Evidence of pre-approval for highway projects shall be a final right-of-way plan and for other construction projects,

the final design drawings with attached dated, written approval by the local, state or federal agency with authority to approve such design drawings for construction.

4.1.3 Soil stabilization

Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have temporarily or permanently ceased on any portion of the site, and will not resume for a period exceeding 14 calendar days. Soil stabilization (temporary or permanent) of those of disturbed areas must be completed as soon as possible, but not later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures (such as, but not limited to: properly anchored mulch, soil binders, matting) must be employed.

4.1.4 Dewatering

Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls. Appropriate controls include, but are not limited to: weir tank, dewatering tank, gravity bag filter, sand media particulate filter, pressurized bag filter, cartridge filter or other control units providing the level of treatment necessary to comply with permit requirements.

4.1.5 Pollution prevention measures

The permittee must design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:

(1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
(2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and
(3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

4.1.6 Prohibited discharges

The following discharges are prohibited:

(1) Wastewater from washout of concrete, unless managed by an appropriate control;
(2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
(3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
(4) Soaps or solvents used in vehicle and equipment washing.

4.1.7 Surface outlets

When discharging from basins and impoundments, utilize outlet structures that only withdraw water from near the surface of the basin or impoundment, unless infeasible.

SECTION 5 SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS

5.1 RELEASES IN EXCESS OF REPORTABLE QUANTITIES

The discharge of hazardous substances or oil in the stormwater discharge(s) from a facility shall be prevented or minimized in accordance with the applicable stormwater pollution prevention plan for the facility. This policy does not relieve the permittee of the reporting requirements of 40 CFR 117 and 40 CFR 302. Where a release containing a hazardous substance in an amount equal to or in excess of a reportable quantity established under either 40 CFR 117 or 40 CFR 302 occurs during a 24 hour period:

a) the permittee is required to notify the National Response Center (NRC) (800-424-8802) and the Tennessee Emergency Management Agency (emergencies: 800-262-3300; non-emergencies: 800-262-3400) in accordance with the requirements of 40 CFR 117 or 40 CFR 302 as soon as he or she has knowledge of the discharge;

b) the permittee shall submit, within 14 days of knowledge of the release, a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, what actions were taken to mitigate effects of the release, and steps to be taken to minimize the chance of future occurrences, to the appropriate Environmental Field Office; and

c) the SWPPP required under part 3 above of this policy must be updated within 14 days of knowledge of the release: to provide a description of the release, the circumstances leading to the release, and the date of the release. This can be accomplished by including a copy of a written description of the release as described in the paragraph b) above. In addition, the SWPPP must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

5.2 SPILLS

This policy does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

5.3 DISCHARGE COMPLIANCE WITH STATE WATER QUALITY STANDARDS

5.3.1 Violation of Water Quality Standards

This policy does not authorize stormwater or other discharges that would result in a violation of a state water quality standard (the TDEC Rules, Chapters 1200-4-3, 1200-4-4). Such discharges constitute a violation of this permit.

Where a discharge is already authorized under this policy and the department determines the discharge to cause or contribute to the violation of applicable state water quality standards, the department will notify the operator of such violation(s). The permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and shall document these actions in the SWPPP.

5.3.2 Discharge quality

a) The construction activity shall be carried out in such a manner that will prevent violations of water quality criteria as stated in the TDEC Rules, Chapter 1200-4-3-.03. This includes but is not limited to the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of waters of the state for any of the uses designated for that water body by TDEC Rules, Chapter 1200-4-4. Construction activity carried out in the manner required by this policy shall be considered compliance with the TDEC Rules, Chapter 1200-4-3-.03.

b) There shall be no distinctly visible floating scum, oil or other matter contained in the stormwater discharge.
c) The stormwater discharge must not cause an objectionable color contrast in the receiving stream.
d) The stormwater discharge must result in no materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream. This provision includes species covered under subpart 1.3 above.

5.4. DISCHARGES INTO IMPAIRED OR EXCEPTIONAL TENNESSEE WATERS

5.4.1. Additional SWPPP/BMP Requirements for discharges into impaired or exceptional TN Waters

Discharges that would add loadings of a pollutant that is identified as causing or contributing to an impairment of a water body on the list of impaired waters, or which would cause degradation to waters designated by TDEC as Exceptional Tennessee waters are not authorized by this policy (see subpart 1.3 above (*Limitations on Coverage*)). To be eligible to obtain and maintain coverage under this permit, the operator must satisfy, at a minimum, the following additional requirements for discharges into waters impaired by siltation (or discharges upstream of such waters and because of the proximity to the impaired segment and the nature of the discharge is likely to contribute pollutants of concern in amounts measurable in the impaired segment that may affect the impaired waters) and for discharges to waters identified by TDEC as Exceptional Tennessee waters (or discharges upstream of such waters and because of the proximity to the exceptional segment and the nature of the discharge is likely to contribute pollutants of concern in amounts measurable in the exceptional segment that may affect the Exceptional Tennessee waters):

a) The SWPPP must certify that erosion prevention and sediment controls used at the site are designed to control storm runoff generated by a 5-year, 24-hour storm event (the design storm - see part 10 below: "2-year and 5-year design storm depths and intensities"), as a minimum, either from total rainfall in the designated period or the equivalent intensity as specified on the following website http://hdsc.nws.noaa.gov/hdsc/pfds/orb/tn_pfds.html. When clay and other fine particle soils are found on sites, additional physical or chemical treatment of stormwater runoff may be used.
b) The SWPPP must be prepared by a person who, at a minimum, has completed the department's Level II Design Principles for Erosion Prevention and Sediment Control for Construction Sites course. This requirement goes in effect 24 months following the new permit effective date. A copy of the certification or training record for inspector certification should be included with the SWPPP.
c) The permittee shall perform inspections described in section 3.5.8 above (*Inspections*) at least twice every calendar week. Inspections shall be performed at least 72 hours apart.
d) The permittee must certify on the form provided in Appendix C of this policy whether or not all planned and designed erosion prevention and sediment controls are installed and in working order. The form must contain the printed name and signature of the inspector and the certification must be executed by a person who meets the signatory requirements of section 7.7.2 below (*Signatory requirements for reports and other items*) of this permit. The record of inspections must be kept at the construction site with a copy of the SWPPP. For record retention requirements, see part 6 below.
e) The director may require revisions to the SWPPP necessary to prevent a negative impact to legally protected state or federally listed aquatic fauna, their habitat, or the receiving waters.

5.4.2 Buffer zone requirements for discharges into impaired or exceptional TN waters

For sites that contain and/or are adjacent to a receiving stream designated as impaired or Exceptional Tennessee waters a 60-foot natural riparian buffer zone adjacent to the receiving stream shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state (e.g., perennial and intermittent streams, rivers, lakes, wetlands) located within or immediately adjacent to the boundaries of the project, as identified using methodology from Standard Operating Procedures for Hydrologic Determinations (see rules to implement a certification program for Qualified Hydrologic Professionals , TN Rules Chapter 0400-40-17). Buffer zones are not primary sediment control measures and should not be relied on as such. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. The buffer zone requirement only applies to new construction sites, as described in section 2.4.2 above (*Application for new permit coverage*).

The natural buffer zone should be established between the top of stream bank and the disturbed construction area. The 60-feet criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than 30 feet at any measured location.

Every attempt should be made for construction activities not to take place within the buffer zone. BMPs providing equivalent protection to a receiving stream as a natural riparian zone may be used at a construction site. Such equivalent BMPs shall be designed to be as effective in protecting the receiving stream from effects of stormwater runoff as a natural buffer zone. A justification for use and a design of equivalent BMPs shall be included in the SWPPP. Such equivalent BMPs are expected to be routinely used at construction projects typically located adjacent to surface waters. These projects include, but are not limited to: sewer line construction, roadway construction, utility line or equipment installation, greenway construction, construction of a permanent outfall or a velocity dissipating structure, etc.

This requirement does not apply to an area that is being altered under the authorization of a valid Aquatic Resources Alteration Permit (ARAP), or equivalent permits issued by federal authorities. Additional natural buffer zone requirements may be established by the local MS4 program.

5.4.2.1 Buffer zone exemption based on existing uses

Buffer zones as described in section 5.4.2 above (*Buffer zone requirements for discharges into impaired or exceptional TN waters*) shall not be required to portions of the buffer where certain land uses exist and are to remain in place according to the following:

1. A use shall be considered existing if it was present within the buffer zone as of the date of the Notice of Intent for coverage under the CGP. Existing uses shall include, but not be limited to, buildings, parking lots, roadways, utility lines and on-site sanitary sewage systems. Only the portion of the buffer zone that contains the footprint of the existing land use is exempt from buffer zones. Activities necessary to maintain uses are allowed provided that no additional vegetation is removed from the buffer zone.
2. If an area with an existing land use is proposed to be converted to another use or the impervious surfaces located within the buffer area are being removed buffer zone requirements shall apply.

5.4.3 Pre-Approved sites

Construction activity at sites that have been pre-approved before June 16, 2005, are exempt from the design storm requirements of section 5.4.1 a) and e) above and the buffer requirements of section 5.4.2 above (*Buffer zone requirements for discharges into impaired or exceptional TN waters*). Evidence of pre-approval for highway projects shall be a final right-of-way plan and for other construction projects, the final design drawings with attached dated, written approval by the local, state or federal agency with authority to approve such design drawings for construction.

SECTION 6 RETENTION, ACCESSIBILITY AND SUBMISSION OF RECORDS

6.1 DOCUMENTS

The permittee shall retain copies of stormwater pollution prevention plans and all reports required by this permit, and records of all data used to complete the NOI and the NOT to be covered by this permit, for a period of at least three years from the date the notice of termination is submitted. This period may be extended by written request of the director.

6.2 ACCESSIBILITY AND RETENTION OF RECORDS

The permittee shall retain a copy of the SWPPP required by this policy (including a copy of the permit) at the construction site (or other local location accessible to the director and the public) from the date construction commences to the date of termination of permit coverage. Permittees with day-to-day operational control over pollution prevention plan implementation shall have a copy of the SWPPP available at a central location onsite for the use of all operators and those identified as having responsibilities under the plan whenever they are on the construction site. Once coverage is terminated, the permittee shall maintain a copy of all records for a period of three years.

6.2.1 Posting information at the construction site

The permittee shall post a notice near the main entrance of the construction site accessible to the public with the following information:

a) A copy of the NOC with the NPDES permit tracking number for the construction project;
b) Name, company name, E-mail address (if available), telephone number and address of the project site owner/operator or a local contact person;
c) A brief description of the project; and
d) The location of the SWPPP (see section 3.3.3 above (*Making plans available*)).

The notice must be maintained in a legible condition. If posting this information near a main entrance is infeasible due to safety concerns, or not accessible to the public, the notice shall be posted in a local public building. If the construction project is a linear construction project (e.g., pipeline, highway, etc.), the notice must be placed in a publicly accessible location near where construction is actively underway and moved as necessary. This policy does not provide the public with any right to trespass on a construction site for any reason, including inspection of a site. This policy does not require that permittees allow members of the public access to a construction site.

The permittee shall also retain the following items/information in an appropriate location on-site:

a) A rain gauge;
b) A copy of twice weekly inspection reports;
c) A documentation of quality assurance site assessments, if applicable (see section 3.1.2 above (*Site Assessment*)); and

d) A copy of the site inspector's Fundamentals of Erosion Prevention and Sediment Control Level 1 certification.

6.3 ELECTRONIC SUBMISSION OF NOIs, NOTs AND REPORTS

If the department notifies dischargers (directly by mail or E-mail, by public notice, or by making information available on the world wide web) of electronic forms or other report options that become available at a later date (e.g., electronic submission of forms), the operators may take advantage of those options to satisfy the NOI, NOT and other report notification requirements.

SECTION 7 STANDARD POLICY CONDITIONS

7.1 DUTY TO COMPLY

7.1.1 Permittee's duty to comply

The permittee must comply with all conditions of this permit. Any policy noncompliance constitutes a violation of the Tennessee Water Quality Control Act (TWQCA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

7.1.2 Penalties for violations of permit conditions

Please refer to the City of Knoxville Stormwater and Street Ordinance.

In some cases enforcement will revert back to TDEC, see sections 7.1.3 & 7.1.4 below (*Civil and criminal liability* and *Liability under state law*, respectively).

7.1.3 Civil and criminal liability

Nothing in this policy shall be construed to relieve the discharger from civil or criminal penalties for noncompliance. Notwithstanding this permit, the discharger shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge to any surface or subsurface waters. Additionally, notwithstanding this permit, it shall be the responsibility of the discharger to conduct stormwater discharge activities in a manner such that public or private nuisances or health hazards will not be created. Furthermore, nothing in this policy shall be construed to preclude the State of Tennessee from any legal action or relieve the discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or the Federal Water Pollution Control Act.

7.1.4 Liability under state law

Nothing in this policy shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable local, state or federal law.

7.2 CONTINUATION OF THE EXPIRED GENERAL PERMIT

Permittees shall maintain coverage under this general permit until a new general permit is issued. Permittees who choose not to maintain coverage under the expired general permit, or are required to obtain an individual permit, must submit an application (U.S. EPA NPDES Forms 1 and 2F and any other applicable forms) at least 180 days prior to expiration of this general permit.

Permittees who are eligible and choose to be covered by the new general permit must submit an NOI by the date specified in that permit. Facilities that have not obtained coverage under this policy by the permit expiration date cannot become authorized to discharge under the continued permit.

Operator(s) of an existing site permitted under the TDEC's 2005 construction general permit shall maintain full compliance with the existing SWPPP. The existing SWPPP should be modified, if necessary, to meet requirements of this new general permit, and the SWPPP changes implemented no later than 12 months following the new permit effective date. The permittee shall make the updated SWPPP available for the department's review upon request.

7.3 NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

7.4 DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this policy that has a reasonable likelihood of adversely affecting human health or the environment.

7.5 DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the department or an authorized representative of the department, within a time specified by the department, any information that the department may request to determine compliance with this policy or other information relevant to the protection of the waters of the state. The permittee shall also furnish to the department, upon request, copies of records required to be kept by this permit.

7.6 OTHER INFORMATION

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the director, he or she shall promptly submit such facts or information.

7.7 SIGNATORY REQUIREMENTS

All Notices of Intent (NOIs), stormwater pollution prevention plans (SWPPPs), requests for termination of permit coverage (NOTs), Construction Stormwater Inspection Certifications, Construction Stormwater Monitoring Report forms, reports, certifications or information either submitted to the director or the operator of a large or medium municipal separate storm sewer system and/or any other information either submitted to the department, or that this policy requires be maintained by the permittee, shall be signed as described in sections 7.7.1 and 7.7.2 below (*Signatory requirements for a Notice of Intent (NOI)* and *Signatory requirements for reports and other items*) and dated.

7.7.1 Signatory requirements for a Notice of Intent (NOI)[1]

NOI shall be signed as follows:

a) For a corporation, by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
   (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
   (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated site including having the explicit or implicit duty of making major capital investment

[1] As specified in 40 CFR 122.22(a)(1)-(3) [48 FR 14153, Apr. 1, 1983, as amended at 48 FR 39619, Sept. 1, 1983; 49 FR 38047, Sept. 29, 1984; 50 FR 6941, Feb. 19, 1985; 55 FR 48063, Nov. 16, 1990; 65 FR 30907, May 15, 2000]

recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE: The department does not require specific assignments or delegations of authority to responsible corporate officers. The department will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

b) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively.
c) For a municipality, state, federal, or other public agency, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
   (i) the chief executive officer of the agency, or
   (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

7.7.2 Signatory requirements for reports and other items

SWPPPs, Construction Stormwater Inspection Certification forms, reports, certifications or other information submittals required by the policy and other information requested by the department, including but not limited to Notice of Violation responses, shall be signed by a person described in section 7.7.1 above (*Signatory requirements for a Notice of Intent (NOI)*), or by a duly authorized representative of that person.

7.7.3 Duly authorized representative

For a purpose of satisfying signatory requirements for reports (see section 7.7.2 above (*Signatory requirements for reports and other items*)), a person is a duly authorized representative only if:

a) the authorization is made in writing by a person described in section 7.7.1 above (*Signatory requirements for a Notice of Intent (NOI)*);
b) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated site or activity such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; a duly authorized representative may thus be either a named individual or any individual occupying a named position and,
c) the written authorization is submitted to the director or an appropriate EFO. The written authorization shall be a written document including the name of the newly authorized person and the contact information (title, mailing address, phone number, fax number and E-mail address) for the authorized person. The written authorization shall be signed by the newly authorized person accepting responsibility and by the person described in section 7.7.1 above (*Signatory requirements for a Notice of Intent (NOI)*) delegating the authority.

7.7.4 Changes to authorization

If an authorization under sections 7.7.1 above (*Signatory requirements for a Notice of Intent (NOI)*) or 7.7.3 above (*Duly authorized representative*) is no longer accurate because a different individual or position has responsibility as the primary or secondary permittee, but the company name (permittee name) remains the same, a new NOI and SWPPP certification shall be submitted to the City of Knoxville Engineering Department or an appropriate EFO and signed by the new party who meets signatory authority satisfying the requirements of sections 7.7.1 above (*Signatory requirements for a Notice of Intent (NOI)*) or 7.7.3 above (*Duly authorized representative*). The NOI shall include the new individual's information (title, mailing address, phone number, fax number and E-mail address), the existing tracking number and the project name.

7.7.5 Signatory requirements for primary permittees

Primary permittees required to sign an NOI and SWPPP because they meet the definition of an operator (see subpart 2.2 above (*Typical Construction Site Operators*)) shall sign the following certification statement on the NOI and SWPPP:

> "*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*"

7.7.6 Signatory requirements for secondary permittees

Secondary permittees (typically construction contractors) required to sign an NOI and SWPPP because they meet the definition of an operator but who are not primarily responsible for preparing an NOI and SWPPP, shall sign the following certification statement on the NOI and SWPPP:

> *"I certify under penalty of law that I have reviewed this document, any attachments, and the SWPPP referenced above. Based on my inquiry of the construction site owner/developer identified above and/or my inquiry of the person directly responsible for assembling this NOI and SWPPP, I believe the information submitted is accurate. I am aware that this NOI, if approved, makes the above-described construction activity subject to NPDES permit number TNR100000, and that certain of my activities on-site are thereby regulated. I am aware that there are significant penalties, including the possibility of fine and imprisonment for knowing violations, and for failure to comply with these permit requirements."*

7.8 PENALTIES FOR FALSIFICATION OF REPORTS

Knowingly making any false statement on any report or form required by this policy may result in the imposition of criminal penalties as provided for in Section 309 of the Clean Water Act and in T.C.A. §69-3-115 of the Tennessee Water Quality Control Act.

7.9. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this policy shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to Section 311 of the Clean Water Act or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

7.10 PROPERTY RIGHTS

The issuance of this policy does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. The issuance of this policy does not authorize trespassing or discharges of stormwater or non-stormwater across private property.

7.11 SEVERABILITY

The provisions of this policy are severable, and if any provision of this permit, or the application of any provision of this policy to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this policy shall not be affected thereby.

7.12 REQUIRING AN INDIVIDUAL PERMIT

7.12.2 Permittee may request individual permit instead of coverage under this general permit to be issued by TDEC.

Any discharger authorized by this policy may request to be excluded from the coverage of this policy by applying for an individual permit. Any discharger that knowingly cannot abide by the terms and conditions of this policy must apply for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to the appropriate TDEC's Environmental Field Office. The request may be granted by issuance of an individual permit, or alternative general permit, if the reasons cited by the permittee are adequate to support the request.

7.12.3 Individual permit terminates general permit

When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative NPDES general permit, the applicability of this policy to the discharger is terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative NPDES general permit, the applicability of this policy to the individual NPDES permittee is terminated on the date of such denial, unless otherwise specified by the director. Coverage under the Tennessee Multi-Sector General Permit for the Discharge of Stormwater from an Industrial Activity (TMSP) will not be considered as an alternative general permit under this section without being specified by the director.

7.13 OTHER, NON-STORMWATER, PROGRAM REQUIREMENTS

No condition of this policy shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

7.14 PROPER OPERATION AND MAINTENANCE

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related equipment) which are installed or used by the permittee to achieve compliance with the conditions of this policy and with the requirements of stormwater pollution prevention plans.

Proper operation and maintenance also includes adequate laboratory quality assurance and quality control procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee, when determined by the permittee or the department to be necessary to achieve compliance with the conditions of the permit.

7.15 INSPECTION AND ENTRY

The permittee shall allow authorized representatives of the Environmental Protection Agency, the director or an authorized representative of the commissioner of TDEC, or, in the case of a construction site which discharges through a municipal separate storm sewer, an authorized representative of the MS4 receiving the discharge, upon the presentation of credentials and other documents as may be required by law:

a) to enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
b) to have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
c) to inspect any facilities or equipment (including monitoring and control equipment).

7.16 POLICY ACTIONS

This policy may be issued, modified, revoked, reissued or terminated for cause in accordance with this policy and the applicable requirements of T.C.A. § 69-3-108. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

SECTION 8 REQUIREMENTS FOR TERMINATION OF COVERAGE

8.1 TERMINATION OF DEVELOPER AND BUILDER COVERAGE

8.1.1 Termination process for primary permittees

Primary permittees wishing to terminate coverage under this policy must submit a completed notice of termination (NOT) form, provided in Appendix B of this policy (or copy thereof). Primary permittees who abandon the site and fail to submit the NOT will be in violation of this permit. Signs notifying the public of the construction activity shall be in place until the NOT form has been submitted. Primary permittees may terminate permit coverage only if the conditions described in items 1, 2 or 3 below occur at the site:

1. All earth-disturbing activities at the site are completed and, if applicable, construction support activities permitted under section 1.2.2 above (*Stormwater discharges associated with construction support activities)*, and the following requirements are met:

   (a) For any areas that
   - were disturbed during construction,
   - are not covered over by permanent structures, and
   - over which the permittee had control during the construction activities the requirements for final vegetative or non-vegetative stabilization described in sub-section 3.5.3.2 (*Stabilization practices*) above are met;

   (b) The permittee has removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long-term use following termination of permit coverage;
   (c) The permittee has removed all stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following termination of permit coverage;
   (d) The permittee has removed all potential pollutants and pollutant-generating activities associated with construction, unless needed for long-term use following termination of permit coverage; and
   (e) The permittee must identify who is responsible for ongoing maintenance of any stormwater controls left on the site for long-term use following termination of permit coverage; or

2. The permittee has transferred control of all areas of the site for which he is responsible (including, but not limited to, infrastructure, common areas, stormwater drainage structures, sediment control basin, etc.) under this policy to another operator, and that operator has submitted an NOI and obtained coverage under this permit; or
3. The permittee obtains coverage under an individual or alternative general NPDES permit.

8.1.2 Notice of Termination (NOT) review

The department will review NOTs for completeness and accuracy and, when necessary, investigate the proposed site for which the NOT was submitted. Upon completing the NOT review, the department will:

1) prepare and transmit a notification that a NOT form was received;
2) notify the applicant of needed changes to their NOT submittal; or
3) deny a request for termination of coverage under this general permit.

The department retains the right to deny termination of coverage under this general permit upon receipt of the NOT. If the department has information indicating that the permit coverage is not eligible for termination, written notification will be provided that permit coverage has not been terminated. The notification will include a summary of existing deficiencies. When the site meets the termination criteria, the NOT should be re-submitted.

If any permittee files for bankruptcy or the site is foreclosed on by the lender, the permittee should notify the department of the situation so that the department may assess the site to determine if permit coverage should be obtained by any other person or whether other action is needed.

8.2 TERMINATION OF BUILDER AND CONTRACTOR COVERAGE

8.2.1 Termination process for secondary permittees

Secondary permittees (builders/contractors) must request termination of coverage under this policy by submitting an NOT when they are no longer an operator at the construction site. Secondary permittees receive coverage under this permit, but are not normally mailed a Notice of Coverage. Consequently, the department may, but is not required to, notify secondary permittees that their notice of termination has been received. If the department has reason to believe that the secondary permittee's NOT should not have been submitted, the department will deny the secondary permittee's NOT in writing, with specific reasons as to why the NOT should not have been submitted.

8.3 NOT CERTIFICATION

The NOT and the following certification must be signed in accordance with subpart 7.7 above (*Signatory Requirements*) of this permit:

> *"I certify under penalty of law that either: (a) all stormwater discharges associated with construction activity from the portion of the identified facility where I was an operator have ceased or have been eliminated or (b) I am no longer an operator at the construction site. I understand that by submitting this notice of termination, I am no longer authorized to discharge stormwater associated with construction activity under this general permit, and that discharging pollutants in stormwater associated with construction activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit or the Clean Water Act."*

8.4 WHERE TO SUBMIT A NOTICE OF TERMINATION (NOT)?

The NOT shall be submitted to the City of Knoxville Engineering Department or Environmental Field Office (EFO) which issued the NOC to the primary permittee. The appropriate permit tracking number must be clearly printed on the form.

SECTION 9 AQUATIC RESOURCE ALTERATION PERMITS (ARAP)

Alterations to channels or waterbodies (stream, wetland and/or other waters of the state) that are contained on, traverse through or are adjacent to the construction site, may require an Aquatic Resources Alteration Permit (ARAP)
(http://www.tn.gov/environment/permits/arap.shtml). It is the responsibility of the developer to provide a determination of the water's status. This determination must be conducted using methodology from Standard Operating Procedures for Hydrologic Determinations (see rules to implement a certification program for Qualified Hydrologic Professionals, TN Rules Chapter 0400-40-17). The permittee can make an assumption that streams/wetlands are present at the site in order to expedite the permit process. In some cases, issuance of coverage under the CGP may be delayed or withheld if the appropriate ARAP has not been obtained. At a minimum, any delay in obtaining an ARAP for water body alteration associated with the proposed project must be adequately addressed in the SWPPP prior to issuance of an NOC**.** Failure to obtain an ARAP prior to any actual alteration may result in enforcement action for the unauthorized alteration.

SECTION 10 DEFINITIONS

"**2-year and 5-year design storm depths and intensities**" The estimated design rainfall amounts, for any return period interval (i.e., 2-yr, 5-yr, 25-yr, etc,) in terms of either 24-hour depths or intensities for any duration, can be found by accessing the following NOAA National Weather Service Atlas 14 data for Tennessee: http://hdsc.nws.noaa.gov/hdsc/pfds/orb/tn_pfds.html. Other data sources may be acceptable with prior written approval by TDEC Water Pollution Control.

"Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Borrow Pit" is an excavation from which erodible material (typically soil) is removed to be fill for another site. There is no processing or separation of erodible material conducted at the site. Given the nature of activity and pollutants present at such excavation, a borrow pit is considered a construction activity for the purpose of this permit.

"**Buffer Zone**" is a strip of dense undisturbed perennial native vegetation, either original or re-established, that borders streams and rivers, ponds and lakes, wetlands, and seeps. Buffer zones are established for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the upland area and reaching surface waters. Buffer zones are most effective when stormwater runoff is flowing into and through the buffer zone as shallow sheet flow, rather than in concentrated form such as in channels, gullies, or wet weather conveyances. Therefore, it is critical that the design of any development include management practices, to the maximum extent practical, that will result in stormwater runoff flowing into and through the buffer zone as shallow sheet flow. Buffer zones are established for the primary purpose of protecting water quality and maintaining a healthy aquatic ecosystem in receiving waters.

"Clearing" in the definition of discharges associated with construction activity, typically refers to removal of vegetation and disturbance of soil prior to grading or excavation in anticipation of construction activities. Clearing may also refer to wide area land disturbance in anticipation of non-construction activities; for

instance, clearing forested land in order to convert forestland to pasture for wildlife management purposes. Clearing, grading and excavation do not refer to clearing of vegetation along existing or new roadways, highways, dams or power lines for sight distance or other maintenance and/or safety concerns, or cold planing, milling, and/or removal of concrete and/or bituminous asphalt roadway pavement surfaces. The clearing of land for agricultural purposes is exempt from federal stormwater NPDES permitting in accordance with Section 401(1)(1) of the 1987 Water Quality Act and state stormwater NPDES permitting in accordance with the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.).

"Commencement of construction" The initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

"Common plan of development or sale" is broadly defined as any announcement or documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. A common plan of development or sale identifies a situation in which multiple areas of disturbance are occurring on contiguous areas. This applies because the activities may take place at different times, on different schedules, by different operators.

"Control measure" As used in this permit, refers to any Best Management Practice (BMP) or other method used to prevent or reduce the discharge of pollutants to waters of the state.

"CWA" means the Clean Water Act of 1977 or the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.)

"**Department**" means the City of Knoxville Engineering Department.

"Director" means the director, or authorized representative, of the City of Knoxville Engineering Department.

"Discharge of stormwater associated with construction activity" As used in this permit, refers to stormwater point source discharges from areas where soil disturbing activities (e.g., clearing, grading, excavation, etc.), or construction materials or equipment storage or maintenance (e.g., earth fill piles, fueling, waste material etc.) are located.

"**Final Stabilization**" means that all soil disturbing activities at the site have been completed and one of the three following criteria is met:

a. A uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a uniform density of at least 70 percent of the (preferably) native vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, and all slopes and channels have been permanently stabilized against erosion, or
b. Equivalent permanent stabilization measures (such as the use of riprap; permanent geotextiles, hardened surface materials including concrete, asphalt, gabion baskets, or Reno mattresses) have been employed, or
c. For construction projects on land used for agricultural or silvicultural purposes, final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural or silvicultural use.

"Exceptional Tennessee waters" are surface waters of the State of Tennessee that satisfy characteristics of exceptional Tennessee waters as listed Chapter 1200-4-3-.06 of the official compilation - Rules and Regulations of the State of Tennessee. Characteristics include waters designated by the Water Quality Control Board as Outstanding National Resource Waters (ONRW); waters that provide habitat for ecologically significant populations of certain aquatic or semi-aquatic plants or animals; waters that provide specialized recreational opportunities; waters that possess outstanding scenic or geologic values; or waters where existing conditions are better than water quality standards.

"**Impaired waters**" (unavailable conditions waters) means any segment of surface waters that has been identified by the TDEC as failing to support one or more classified uses. For the purpose of this permit, pollutants of concern include, but are not limited to: siltation (silt/sediment) and habitat alterations. Based on the most recent assessment information available to staff, the department will notify applicants and permittees if their discharge is into, or is affecting, impaired waters. Resources to be used in making this determination include biennial compilations of impaired waters, databases of assessment information, updated GIS coverages (http://tnmap.tn.gov/wpc/), and the results of recent field surveys. GIS coverages of the streams and lakes not meeting water quality standards, plus the biennial list of impaired waters, can be found at http://tn.gov/environment/topic/wr-wq-water-quality.

"Improved sinkhole" is a natural surface depression that has been altered in order to direct fluids into the hole opening. Improved sinkhole is a type of injection well regulated under the Underground Injection Control (UIC) program. Underground injection constitutes an intentional disposal of waste waters in natural depressions, open fractures, and crevices (such as those commonly associated with weathering of limestone).

"Inspector" An inspector is a person that has successfully completed (has a valid certification from) the "Fundamentals of Erosion Prevention and Sediment Control Level I" course or equivalent course. An inspector performs and documents the required inspections, paying particular attention to time-sensitive permit requirements such as stabilization and maintenance activities. An inspector may also have the following responsibilities:

a) Oversee the requirements of other construction-related permits, such as Aquatic Resources Alteration Permit (ARAP) or Corps of Engineers permit for construction activities in or around waters of the state;
b) Update field SWPPPs;
c) Conduct pre-construction inspection to verify that undisturbed areas have been properly marked and initial measures have been installed; and
d) Inform the permit holder of activities that may be necessary to gain or remain in compliance with the CGP and other environmental permits.

"Linear Project" – is a land disturbing activity as conducted by an underground/overhead utility or highway department, including but not limited to any cable line or wire for the transmission of electrical energy; any conveyance pipeline for transportation of gaseous or liquid substance; any cable line or wire for communications; or any other energy resource transmission ROW or utility infrastructure, e.g., roads and highways. Activities include the construction and installation of these utilities within a corridor. Linear project activities also include the construction of access roads, staging areas, and borrow/spoil sites associated with the linear project. Land disturbance specific to the development of a residential and/or commercial subdivision or high-rise structures is not considered a linear project.

"Monthly" refers to calendar months.

"**Municipal Separate Storm Sewer System**" or "**MS4**" is defined at 40 CFR §122.26(b)(8) to mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;

2. Designed or used for collecting or conveying stormwater;

3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

"NOI" means notice of intent to be covered by this policy (see part 2 above of this permit.)

"NOT" means notice of termination (see part 8 above of this permit).

"**Operator**" for the purpose of this policy and in the context of stormwater associated with construction activity, means any person associated with a construction project that meets either of the following two criteria:

a) This person has operational or design control over construction plans and specifications, including the ability to make modifications to those plans and specifications. This person is typically the owner or developer of the project or a portion of the project, and is considered the primary permittee; or
b) This person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions. This person is typically a contractor or a commercial builder who is hired by the primary permittee, and is considered a secondary permittee.

It is anticipated that at different phases of a construction project, different types of parties may satisfy the definition of "operator."

"Point source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include introduction of pollutants from non point-source agricultural and silvicultural activities, including stormwater runoff from orchards, cultivated crops, pastures, range lands, and forest lands or return flows from irrigated agriculture or agricultural stormwater runoff.

"**Qualifying State, Tribal, or local erosion and sediment control program**" is one that includes, as defined in 40 CFR 122.44(s):

(i) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
(ii) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
(iii) Requirements for construction site operators to develop and implement a stormwater pollution prevention plan. (A stormwater pollution prevention plan includes site descriptions, descriptions of appropriate control measures, copies of approved State, Tribal or local requirements, maintenance procedures, inspection procedures, and identification of non-stormwater discharges); and
(iv) Requirements to submit a site plan for review that incorporates consideration of potential water quality impacts.

"**Quality Assurance Site Assessment**" means documented site inspection to verify the functionality and performance of the SWPPP and for determining if construction, operation and maintenance accurately comply with policy requirements, as presented in the narrative, engineering specifications; maps, plans and drawings; and details for erosion prevention, sediment control and stormwater management.

"**Registered Engineer**" and "**Registered Landscape Architect**" An engineer or landscape architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Section 62-202, Tennessee Code Annotated, to practice in Tennessee.

"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff. Runoff coefficient is also defined as the ratio of the amount of water that is NOT absorbed by the surface to the total amount of water that falls during a rainstorm.

"**Sediment**" means solid material, both inorganic (mineral) and organic, that is in suspension, is being transported, or has been moved from the site of origin by wind, water, gravity, or ice as a product of erosion.

"Sediment basin" A temporary basin consisting of an embankment constructed across a wet weather conveyance, or an excavation that creates a basin or by a combination of both. A sediment basin typically consists of a forebay cell, dam, impoundment, permanent pool, primary spillway, secondary or emergency spillway, and surface dewatering device. The size and shape of the basin depends on the location, size of drainage area, incoming runoff volume and peak flow, soil type and particle size, land cover, and receiving stream classification (i.e., impaired, HQ, or unimpaired).

"**Sedimentation**" means the action or process of forming or depositing sediment.

"**Significant contributor of pollutants to waters of the state**" means any discharge containing pollutants that are reasonably expected to cause or contribute to an impairment of receiving stream water quality or designated uses.

"**Soil**" means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of plants.

"**Steep Slope**" A natural or created slope of 35% grade or greater. Designers of sites with steep slopes must pay attention to stormwater management in the SWPPP to engineer runoff non-erosively around or over a steep slope. In addition, site managers should focus on erosion prevention on the slope(s) and stabilize the slope(s) as soon as practicable to prevent slope failure and/or sediment discharges from the project.

"Stormwater" means rainfall runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater associated with industrial activity" is defined at 40 CFR 122.26(b)(14) and incorporated here by reference. Most relevant to this policy is 40 CFR 122.26(b)(14)(x), which relates to construction activity including clearing, grading, filling and excavation activities (including borrow pits containing erodible material). Disturbance of soil for the purpose of crop production is exempted from permit requirements, but stormwater discharges from agriculture-related activities which involve construction of structures (e.g., barn construction, road construction, pond construction, etc.) are considered associated with industrial activity. Maintenance performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility, e.g. re-clearing, minor excavation performed around an existing structure necessary for maintenance or repair, and repaving of an existing road, is not considered a construction activity for the purpose of this permit.

"Stormwater discharge-related activities" include: activities which cause, contribute to, or result in point source stormwater pollutant discharges, including but not limited to: excavation, site development, grading and other surface disturbance activities; and measures to control stormwater including the siting, construction and operation of best management practices (BMPs) to control, reduce or prevent stormwater pollution.

"**Stormwater Pollution Prevention Plan"**(SWPPP): A written plan required by this policy that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants. It must be prepared and approved before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, and maintained during land disturbing activities. The SWPPP should be prepared in accordance with the Tennessee Erosion and Sediment Control Handbook. The handbook is designed to provide information to planners, developers, engineers, and contractors on the proper selection, installation, and maintenance of BMPs. The handbook is intended for use during the design and construction of projects that require erosion and sediment controls to protect

waters of the state. It also aids in the development of SWPPPs and other reports, plans, or specifications required when participating in Tennessee's water quality regulations.

"Take" of an endangered species means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct.

"**Temporary stabilization**" is achieved when vegetation and/or a non-erodible surface have been established on the area of disturbance and construction activity has temporarily ceased. Under certain conditions, temporary stabilization is required when construction activities temporarily cease. However, if future construction activity is planned, permit coverage continues.

"**Total maximum daily load**" (TMDL) The sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background (40 CFR 130.2(I)). TMDL is a study that: quantifies the amount of a pollutant in a stream, identifies the sources of the pollutant, and recommends regulatory or other actions that may need to be taken in order for the stream to cease being polluted. Some of the actions that might be taken are:

1) Re-allocation of limits on the sources of pollutants documented as impacting streams. It might be necessary to lower the amount of pollutants being discharged under NPDES permits or to require the installation of other control measures, if necessary, to ensure that water quality standards will be met.

2) For sources over which the department does not have regulatory authority, such as ordinary agricultural or forestry activities, provide information and technical assistance to other state and federal agencies that work directly with these groups to install appropriate Best Management Practices (BMPs).

   Even for impacted streams, TMDL development is not considered appropriate for all bodies of water: if enforcement has already been taken and a compliance schedule has been developed; or if best management practices have already been installed for non-regulated activities, the TMDL is considered not applicable. In cases involving pollution sources in other states, the recommendation may be that another state or EPA perform the TMDL . TMDLs can also be described by the following equation:

   TMDL = sum of non point sources (LA)+ sum of point sources (WLA)+ margin of safety

   A list of completed TMDLs that have been approved by EPA can be found at this web site: http://tn.gov/environment/article/wr-ws-tennessees-total-maximum-daily-load-tmdl-program.

"Turbidity" is the cloudiness or haziness of a fluid caused by individual particles (suspended solids) that are generally invisible to the naked eye, similar to smoke in air.

"**Waters**" or "**waters of the state**" means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

"**Waste site**" is an area where material from a construction site is disposed of. When the material is erodible, such as soil, the site must be treated as a construction site.

"**Wet weather conveyances**" are man-made or natural watercourses, including natural watercourses that have been modified by channelization that flow only in direct response to precipitation runoff in their immediate locality; whose channels are at all times above the ground water table; that are not suitable for drinking water supplies; and in which hydrological and biological analyses indicate that, under normal weather conditions, due to naturally occurring ephemeral or low flow there is not sufficient water to support fish or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phage of at least two months. (Rules and Regulations of the State of Tennessee, Chapter 1200-4-3-.04(3)).

SECTION 11 LIST OF ACRONYMS

ARAP	Aquatic Resource Alteration Permit
BMP	Best Management Practice
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CGP	Construction General Permit
COK	City of Knoxville
CWA	Clean Water Act
EFO	Environmental Field Office
EPA	(U.S.) Environmental Protection Agency
EPSC	Erosion Prevention and Sediment Control
MS4	Municipal Separate Storm Sewer System
NOC	Notice of Coverage
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
ONRW	Outstanding National Resource Waters
POTW	Publicly Owned Treatment Works
SWPPP	Stormwater Pollution Prevention Plan
TDEC	Tennessee Department of Environment and Conservation
TDOT	Tennessee Department of Transportation
TMDL	Total Maximum Daily Load
TMSP	Tennessee Multi-Sector General Permit for the Discharge of Stormwater from an Industrial Activity
TVA	Tennessee Valley Authority
TWQCA	Tennessee Water Quality Control Act
UIC	Underground Injection Control
USGS	United States Geological Survey

(End of body of policy.)