

Tennessee Agricultural Producers Guide to Construction Stormwater Management and Permitting

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INTRODUCTION

Agricultural producers appreciate soil as a valuable resource because it is used to produce the food that sustains humanity. Tennessee proudly remains a world leader in the implementation of no-till farming, a practice which has reduced erosion in West Tennessee's highly erodible soils by tenfold. However, other significant causes of soil erosion exist in Tennessee which are not as well controlled, including construction sites.

Excessive eroded soil, or sediment, is a surface water pollutant that has degraded water quality throughout Tennessee as well as the broader United States. This water quality problem led to the creation of rules that regulate soil loss from construction sites. This publication makes agricultural producers aware of these regulations by discussing why the rules exist and how excessive sediment in streams acts as a pollutant that degrades aquatic habitats. **Construction of poultry and livestock housing is commonly covered by these rules and therefore requires producers to obtain a permit and comply with certain construction site management methods that are discussed herein.**

Beyond explaining why and how these requirements apply to farm construction sites, **this publication presents a practical guide explaining how agricultural producers can comply with construction stormwater rules.** This centers around developing a written plan of how exposed soils will be protected from erosion and how sediment entrained in stormwater will be contained onsite when erosion does inevitably occur. A requirement to inspect construction sites to make sure this plan is implemented and effective is also discussed.

Photographs are presented that illustrate what the regulations seek to avoid — excessive soil loss in rainfall runoff. Some of these photographs are cautionary. **Not implementing a plan for erosion prevention and sediment control not only impairs water quality, but the function of agricultural buildings. This is particularly true for large poultry and swine barns that generate significant volumes of roof runoff in a short period of time during storms — this roof runoff is highly erosive.**

This publication also briefly presents commonly used erosion prevention strategies which stabilize exposed soil. A soil is stabilized when practices are put in place, such as mulches and vegetation, that prevent rainfall from dislodging soil. Sediment control practices are presented, such as silt fencing and stream buffers, that are designed to trap eroded soil onsite before it is discharged in stormwater runoff.

In the conclusion, producers are encouraged to proactively comply with construction stormwater regulations. Efficiently complying with the rules is emphasized because this reduces the risk of fines and construction delays and protects water quality.

1. WHY DO WE HAVE CONSTRUCTION STORMWATER REGULATIONS?

Some Tennessee streams contain excess sediment. The water quality in many Tennessee streams is degraded by excessive amounts of an important resource, soil, which is washed into streams by rainfall runoff. Soil organic matter, as well as sand, silt and clay particles, are then suspended and/or deposited within streams in a process called siltation (**Figure 1**). There are many types of land use that commonly lead to soil erosion because by their very nature the land surface is disturbed. These land use types include logging, mining, farming and construction. **Figure 2** presents Tennessee rivers and streams that are “use impaired” because of sediment pollution and siltation — this means that fishing and/or recreational activities in these waters are degraded.

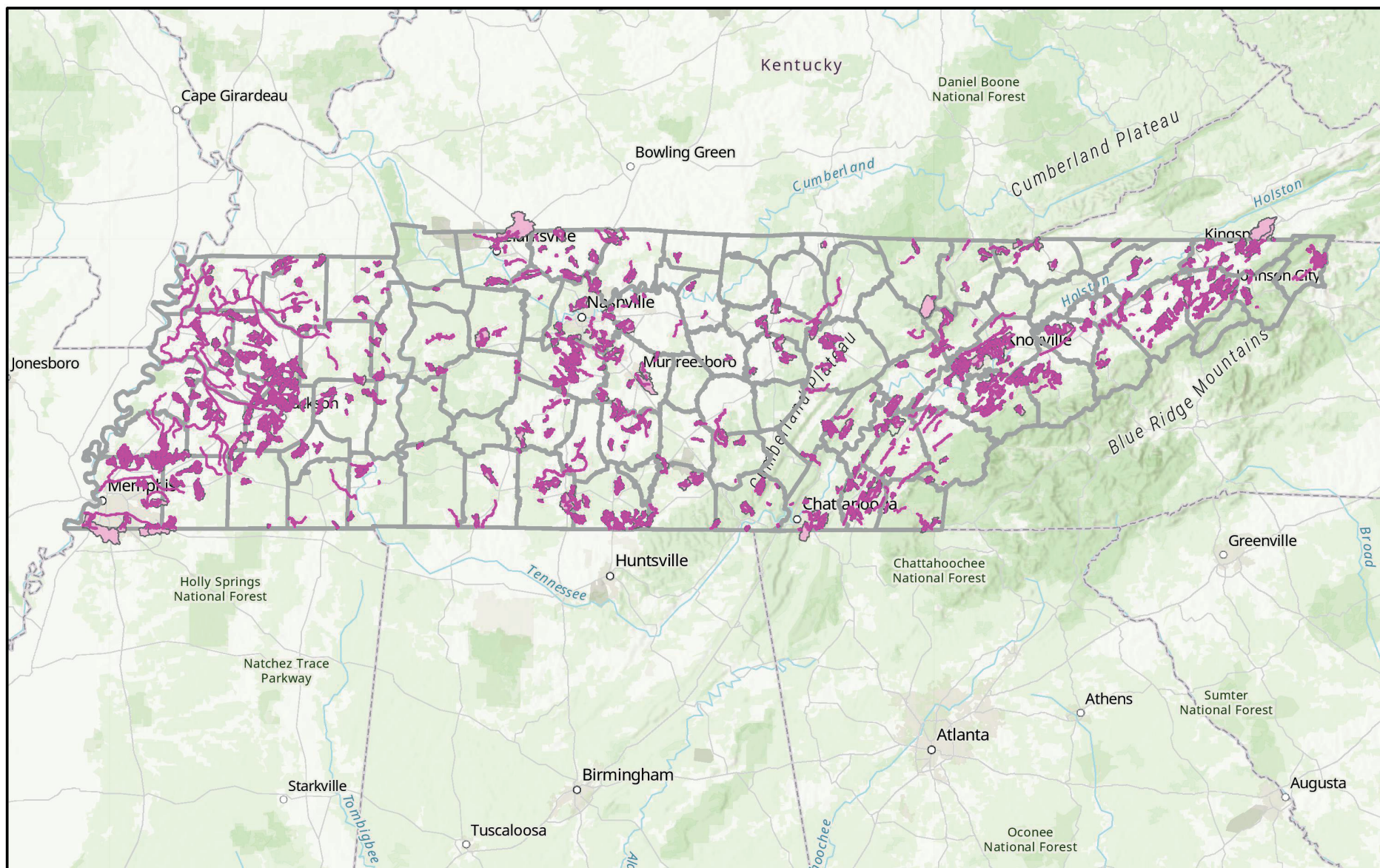
How Sediment Impairs Surface Water.

Everyone has likely seen evidence of eroded soil being washed into surface water. Streams that normally run clear suddenly turn turbid during storms (**Figure 3**). This is part of the reason construction stormwater discharges are a common citizen complaint (viewable on the [TDEC-WRC portal](#)). Many fish and aquatic insect species depend on clear water to feed and rocky streambeds to reproduce. Suspended sediment lowers gill function in both insects and fish, reduces sight feeding efficiency, and deposited silt smothers eggs and ruins nesting sites. Sediment and silt also contain nutrients and organic matter which can cause excessive algae growth and lower dissolved oxygen concentrations.



Figure 1. Excessive deposited and embedded silt in a stream (www.montgomerycountymd.gov/water/streams/habitat.html).

Regulation of Construction Stormwater Management. The [Federal Clean Water Act](#) calls for an end to point source pollutant discharges to surface waters. The U.S. Environmental Protection Agency and, by delegation, the [Tennessee Department of Environment and Conservation - Division of Water Resources \(TDEC-DWR\)](#), strive to achieve this goal using [National Pollutant Discharge Elimination System \(NPDES\)](#) permits. One type of NPDES permit is the [General Permit for Discharges of Stormwater Associated with Construction Activities](#), referred to as the Construction General Permit (CGP), which applies to construction-related land-disturbing activities like clearing, excavation and fill work. Construction sites that disturb one acre or more of soil require a CGP permit before construction begins. The Tennessee CGP requires implementation of practices that reduce sediment loss in rainfall runoff (**Figure 3**). Commercial poultry and swine barn construction will often disturb one acre or more of land.



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CGP Unavailable Waters

Counties

CGP Unavailable Drainage Areas

1:4,126,396
0 25 50 100 mi
0 45 90 180 km
Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, NPS, Esri, USGS

Figure 2. A [TDEC mapviewer](#) of streams and watersheds with “unavailable waters” – specifically, those with fishing and recreational use impairment caused by siltation which affects construction stormwater permitting requirements.



Figure 3. An example of (A) sediment laden stormwater runoff from a construction site and (B) the resulting downstream sediment plume at a stream confluence. Stormwater discharges from construction sites are prohibited from causing visible sediment plumes.

2. ARE AGRICULTURAL CONSTRUCTION SITES EXEMPT FROM REGULATION?

Agricultural Exemptions. Certain agricultural exemptions do exist in both federal and state environmental regulations. The [Tennessee Water Quality Control Act § 69-3-120\(g\)](#) states:

Nothing whatsoever in this part shall be so construed as applying to any agricultural or forestry activity or the activities necessary to the conduct and operations thereof or to any lands devoted to the production of any agricultural or forestry products, unless there is a point source discharge from a discernable, confined and discrete water conveyance.

However, this exemption only applies to silviculture and direct agricultural activities, including plowing, tilling and irrigating crops. Generally, these exempted activities are considered non-point sources of pollutants, including sediment, because the losses are dispersed over a large area rather than at a discrete point like a construction site.

EPA Regulation of Agricultural Construction Projects. The question of whether or not agricultural construction projects are regulated under the NPDES point source rules, and specifically construction of livestock feeding facilities, was considered by the [Environmental Protection Agency \(EPA\) in 1998](#). The findings were:

- NPDES permits are not required for “agricultural stormwater discharges” that result from clearing, grading or excavation for the purpose of producing a crop;
- NPDES permits are required for any clearing, grading or excavation for the purpose of constructing a building. In essence, EPA considers the construction of farm facilities as fundamentally different from the direct activities needed to grow a crop or raise livestock. As such, construction is not considered a direct “agricultural activity” that qualifies for an exemption from the NPDES permitting rules.

State of Tennessee Regulation of Agricultural Construction Projects. The applicability of the [Tennessee Construction General Permit \(CGP\)](#) for farm construction site projects was addressed by the Tennessee Assistant Attorney General in a [2018 Memorandum](#). The findings were:

- Tennessee’s NPDES rules apply for any “point source” discharge of pollutants into “waters of the state” including agricultural construction sites;
- In order for Tennessee to continue to manage our own NPDES permitting system, it is necessary for farm construction projects that disturb more than 1 acre to be regulated as a part of our state CGP process.

Take Away Message: On-farm construction of buildings **does** require a CGP permit which **must** be obtained prior to the beginning of construction.

3. WHAT DOES A TN GENERAL CONSTRUCTION STORMWATER PERMIT REQUIRE?

Notice of Intent (NOI). If a farm construction project disturbs more than 1 acre of soil, a [TDEC Form CN-0940](#) (see Appendix - [Figure 7](#)) must be filed. This NOI includes a fee and requires a map and a Storm Water Pollution Prevention Plan (see below). This information can be mailed or submitted to the [TDEC Electronic Reporting website](#). The NOI indicates a desire to establish CGP coverage. Sediment discharged from a construction site without coverage is illegal and subject to fines. **Therefore, it is imperative that a CGP is obtained before land disturbance begins.**

Fee. TDEC is required to collect fees during application for CGP coverage (Rule 0400-40-11). If the maximum disturbed area of the construction site exceeds 1 acre but is less than 5 acres, the fee is \$250. This increases to \$1,000 when the disturbed area is over 5 acres but less than 20 acres, and \$3,000+ when the disturbed area is 20+ acres. An annual maintenance fee applies if a construction project lasts more than a year.

Map. The NOI must include a map of the construction site. One way to make this map is to use the [United States Geological Survey Map website](#). Simply zoom in to the site and save a 1:24,000 scale (7.5 minute) topographic map. Simply draw the site boundaries and note the nearest stream receiving construction site runoff (**Figure 4**).

Storm Water Pollution Prevention Plan (SWPPP). The critical element required in a CGP permit application is a plan specifying the sequence and type of [Erosion Prevention and Sediment Control \(EPSC\)](#) practices to be used at a particular construction site (see [Section 4](#)). The SWPPP also describes the required inspections (see [Section 5](#)) and maintenance activities. The SWPPP must be implemented before construction begins and is generally prepared in one of two ways:

Hire a Consultant. If the construction site has disturbed soils that exceed 5 acres, the SWPPP must be prepared by a certified professional. If a site larger than 5 acres drains to an impaired waterway (**Figure 2**) or has more than 10 acres of disturbed soil draining to a common outlet, a professional engineer or landscape architect registered in Tennessee must design and inspect the construction of a site sediment basin.

Write it Yourself. If the site has disturbed soils that are less than 5 acres and does not drain to either a siltation impaired stream (**Figure 2**) or a [designated Exception Tennessee Waters \(ETW\)](#), the SWPPP can be prepared using the [TDEC SWPPP Template for Non-Engineered Sites](#). To qualify to do this, complete the Level 1 training described in [Section 4](#).

Notice of Termination. After construction is finished and permanent vegetation has been planted over the entire site, with at least 70 percent of the area showing this vegetation is actively growing, CGP coverage is ended by filing [TDEC Form CN-1175](#). This form should include photographs that document site stabilization (established vegetation).

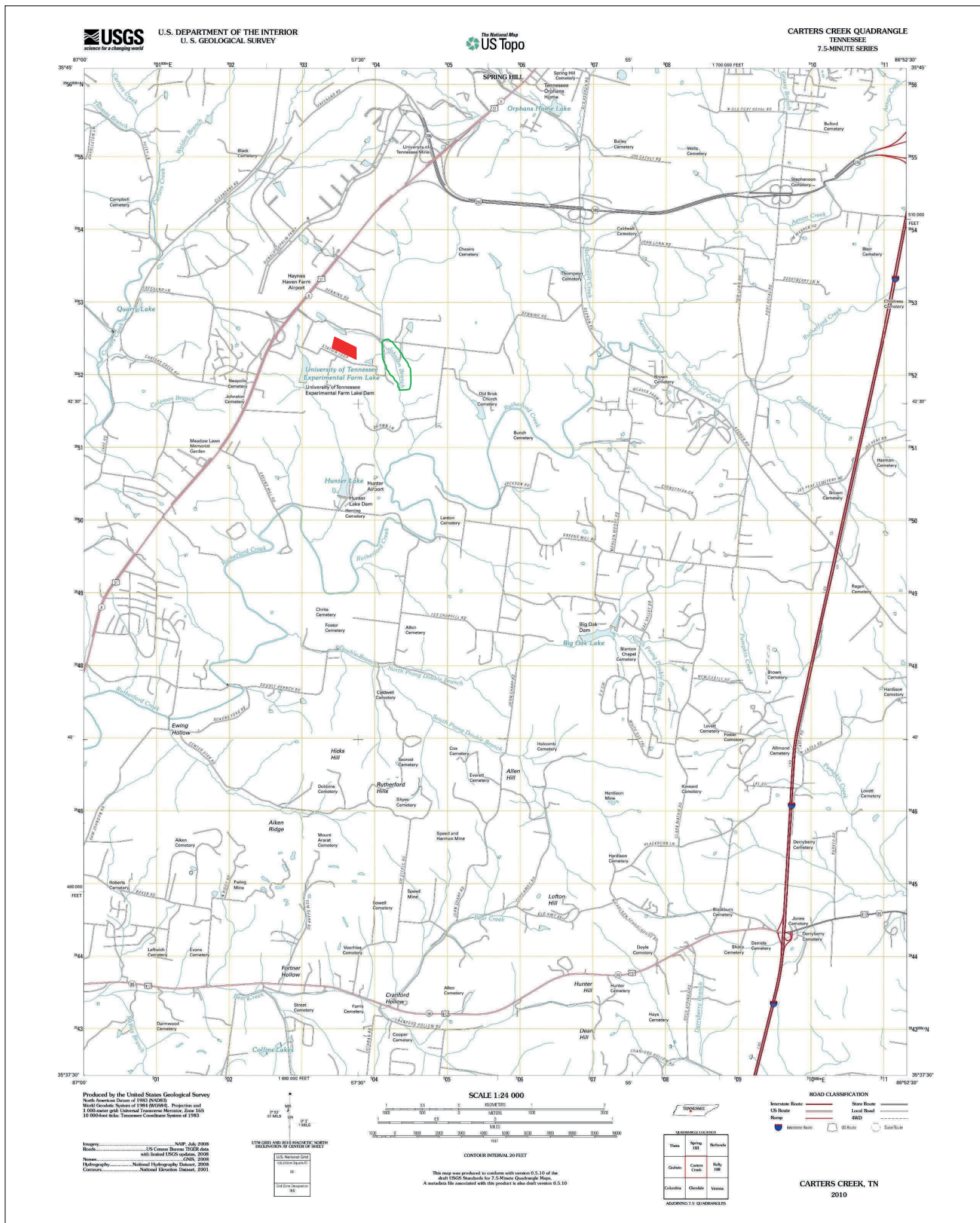


Figure 4. Example USGS 7.5 minute topographic map that must be submitted with a NOI showing the construction site map (red box) and closest receiving surface water (green enclosure).

4. EROSION PREVENTION AND SEDIMENT CONTROL PRACTICES TO KNOW

Formal Training. Regular training events are offered across Tennessee for Construction Stormwater Management. The [Level 1](#) training is a 1-day session for anyone involved in land-disturbing activities; this training is required to conduct most site inspections ([Section 5](#)). The [Level 2](#) training is a 2-day session targeting technical consultants preparing SWPPPs for construction sites requiring professional design; this training is required to conduct inspections at sites that drain to impaired waters (**Figure 2**) or to high-quality surface waters designated as [Exceptional Tennessee Waters](#).

Education Resources. The [Tennessee Erosion and Sediment Control Handbook](#) (Handbook) provides information on 44 Erosion Prevention and Sediment Control (EPSC) practices. Chapter 7 presents design and construction specifications and maintenance and inspection guidance. Design drawings for many of these structures are available on the [tnespc.org website](#). This website is a handy resource for agricultural producers seeking to understand their Stormwater Pollution Prevention Plan (SWPPP) and any site drawings. Certain EPSC management practices are common to virtually all construction projects and are briefly described below.

Site Preparation — Topsoiling. The goal of this practice is to ease the eventual establishment of permanent vegetation by conserving topsoil, which is generally darker than subsoils and found down to a 6- to 12-inch-depth. Topsoil should be stripped from disturbed areas, saved by stockpiling and spread to make final grade as construction traffic ends. Areas where topsoil is applied must be stabilized as soon as is practical with permanent vegetation to provide long-term erosion prevention.

- Do not use heavy clay, rocky or weedy soils as topsoil.
- Avoid removing or placing topsoil when it is wet.
- Do not place stockpiles on slopes, in drainages or near surface waters.
- Protect stockpiles with temporary seeding and place [silt fence](#) downslope.
- Soil test stockpiles for fertilizer/lime needs to better establish vegetation.
- Use topsoil to achieve final grade at an unsettled depth of approximately 5 inches.
- Spread topsoil on final grade smoothly, avoiding depressions.

Stabilization Practice — Straw Mulch. The goal of this temporary practice is to cover exposed soil using a blanket of straw. The straw intercepts rain which would otherwise impact and erode exposed soil. Mulch is also used to promote vegetation establishment by suppressing weeds, preserving moisture and moderating soil temperature.

- If seeding, apply seed prior to straw mulch.
- Wheat or oat straw is specified at an application rate of 2 tons per acre.
- Target a 70 percent uniform coverage.
- Use straw mulch for soil cover when you can't seed because of the season.
- Consider anchoring the mulch with a vertical disk harrow (see [Handbook](#)).

Stabilization Practice — Temporary Vegetation. The goal is to seed fast-growing annual grasses to temporarily protect soil from the eroding impact of rainfall and to help retrain soil using root structure. Target disturbed areas not yet at final grade and that will not be worked for 14 days or longer.

- Recommended seed are rye, oats, wheat and millet, which:
 - require a properly prepared seedbed unless hydroseeded.
 - quickly provide ground cover.
 - protect soil for less than one year.

- Won't compete with permanent, perennial vegetation.
 - Conduct a soil test to determine if fertilizer and lime are needed.
- See [Handbook](#) for seeding date, amendments and maintenance.
- Reduces maintenance anywhere outside of the active construction zone.

Stabilization Practice — Permanent Vegetation. A [Notice of Termination](#) (Section 3, see Appendix - Figure 9) cannot be filed to end permit coverage and the [Twice Weekly Inspections](#) without establishing perennial vegetation on 70 percent of the construction site soils. The goal is to provide permanent “stabilization,” which means that the graded landform shapes and slopes will be protected from erosion. The [Handbook](#) contains detailed seeding recommendations for common soil types across three geographic regions of Tennessee. Preferred native seed mixes and acceptable non-invasive alternative seed are recommended during “best” and “marginal” date ranges.

- Conduct a soil test to determine lime and fertilizer rates needed.
- Native seed are preferred because they are:
 - better adapted to Tennessee's natural environment.
 - not aggressive but do help prevent growth of non-native or invasive plants.
 - provide native pollinator and wildlife habitat and food sources.
 - improve farm aesthetics and biodiversity.
- Apply seed to prepped seedbed in graded areas covered with topsoil.
- Be prepared to irrigate to assure establishment.

Runoff Control and Management — Check Dam. Check dams are temporary rock barriers installed in drainage channels prior to final stabilization. They function to slow down flowing water to reduce channel scouring and gully formation. A secondary function is to trap sediment.

- Check dams are usually considered temporary structures because:
 - trapped water and sediment behind dams can kill vegetation.
 - removal is required to safely mow channels.
- Construct using Class A-1 machined riprap.
- Install geotextile between soil and rock and extend 3 feet past dam toe.
- Height should be at least 1 foot above the channel bottom.
- Spacing matches elevations of upstream dam toe to downstream dam crest.

Runoff Control and Management — Outlet Protection. Outlet protection is composed of riprap, grouted riprap or concrete structures designed by an engineer to control erosion where culverts, pipes and drainage channels empty onto earthen surfaces. The goal for this type of structure is to prevent scour and erosion at the outlet. These structures are carefully designed considering the conveyance peak flow (pipe or channel) or for the peak flow predicted when a design storm event occurs (a once every 25 years,



Figure 5. Massive gully erosion at a drainpipe without outlet protection.

24-hour storm event, roughly 6 inches of rain). These structures function to dissipate the energy of flowing water so that downstream channels will not form gullies that can be extremely destructive, particularly in highly erodible soils such as shown in **Figure 5**. The photograph in **Figure 5** illustrates what can happen when rainfall roof runoff from very large livestock or poultry farm buildings is conveyed through a drainpipe installed without outlet protection. Without being addressed, the gully in **Figure 5** could easily head cut back into the broiler house visible in the background.

Sediment Control Practice — Silt Fence. The goal of silt fence, which is installed on slope contours, is to slow sheet flow runoff to causes ponding and settling of suspended sediment behind the fence; this prevents sediment from reaching surface waters.

- The fabric and post must meet the stringent specifications in the [Handbook](#).
- Silt fence should be installed along slope contours, not up and down slopes.
- The fabric must be anchored into the ground as the [Handbook](#) specifies.

Sediment Control Practice — Sediment Basin. These engineered settlement ponds are required when 10 or more acres drain to a common outlet — this is reduced to 5 or more acres when the outlet discharges into a siltation impaired streams or watershed (**Figure 2**). These structures retain stormwater runoff, slowly draining the water so that entrained sediment is deposited in the basin rather than being discharged. Any site with a sediment basin must have a site assessment performed within 30 days of start of construction — this assessment is specific to the sediment basin. The large basin in **Figure 6** was filled to overflowing with sediment from a poultry farm construction site where erosion controls were not used, and permanent vegetation was not established.

Stream Protection Practice — Stream Buffer. If the construction site is located adjacent to a stream, a minimum 30-foot buffer of natural vegetation should be retained from the top of the bank. This is increased to a 60-foot buffer for sites draining to impaired streams or watersheds (**Figure 2**) or to [Exceptional Tennessee Waters](#).



Figure 6. Panoramic photograph of an 8-house broiler farm where the barn construction was recently completed. The engineered sediment basin in the foreground (silt fence partially visible) is filled to overflowing with sediment. Sediment was discharged offsite and was in part deposited onto a neighbor's field. The sediment was composed of soil washed from a construction site with highly erodible soils. The grading contractor did not implement erosion prevention and sediment control practices, including the critically-needed permanent vegetation.

5. CONSTRUCTION SITE INSPECTIONS FREQUENTLY ASKED QUESTIONS

Are site inspections required? When coverage is received under the [Construction Stormwater Permit](#), twice weekly site inspections are required and must be documented using [TDEC Form CN-1173](#) (see Appendix, **Figure 8**). These inspections must be conducted at least 3 days (72 hours) apart. Site inspections are reduced to one per month if:

- construction temporarily ends and the site has been stabilized with vegetation.
- runoff is unlikely because the ground is frozen.

What are the challenges and costs for farm construction site stormwater inspections? Most farm construction projects occur in rural locations, which can make the inspection process both burdensome and expensive. First, there are fewer people trained to do the inspections in rural areas, so finding a qualified inspector can be difficult. One resource that can be used to find an inspector is the [Level 1 Construction Stormwater Training Certification List](#) or the [Level II Training Certification Stormwater Training List](#). Each of these lists can be sorted by city and/or zip code to find someone local. Even if an inspector is found, the second problem may be excessive travel expenses for twice weekly inspections. In some rural areas, inspectors may have to devote half a day to travel to and from inspections. Generally, expect the inspections to cost several hundred dollars a week.

Can I conduct my own inspections? Yes, anyone that is qualified can perform construction site stormwater inspections using [TDEC Form CN-1173](#) (see Appendix - Figure 8). To become qualified, attend a [Level 1 Fundamentals of Erosion Prevention and Sediment Control training course](#) (Section 4) This 1-day, in-person training costs \$250 and can be registered for [online](#). Typically, the training occurs several times a year throughout Tennessee, usually in Knoxville, Chattanooga, Nashville and Memphis. The cost and time invested in taking the course are modest considering the expense for professional inspections on a large farm construction project that can easily last a year.

What is the intent of the inspections? The goal of site inspections is to assure the SWPPP is properly implemented and that installed EPSCs are effectively preventing significant offsite discharges of sediment laden runoff. Ideally inspections should be conducted during or after rainfall to better focus on identifying inadequate controls or the need for additional EPSCs, such as silt fence or rock check dams (Section 4). All inspection forms must be maintained onsite with the SWPPP (a sign and phone number can be posted if there is not a place to store the SWPPP). Inspection notes should summarize maintenance activities, modifications and/or additional controls needed. Not completing or falsifying inspections are permit violations and subject to fines.

CONCLUSION AND WORDS OF CAUTION

Complaints and the Risk of Having a Construction Project Delayed. Do the right thing by complying with these rules. It is part of being a good neighbor to help protect water quality in Tennessee for downstream recreational and agricultural uses. Keep in mind that it is common for TDEC to receive complaints about poor construction site stormwater management (**Figure 3 and Figure 6**) ([especially for mud tracked on public roadways](#)). TDEC is required by law to respond to citizen complaints. If a site inspection reveals that a regulated farm construction project is not covered under the [Construction General Permit](#), the farm owner will be required to apply for coverage and fined. More importantly, the project may experience construction delays. That could be far more costly and time consuming (see below) than following the required steps (Section 3) and ensuring a SWPPP is implemented (Section 5).

Plan Ahead — Obtaining Permit Coverage Can be Time Consuming. Expect the process of applying for CGP permit coverage to take several months as follows:

- Locate consultants/inspectors, request and review quotes (1-3 weeks).
- Consultant prepares SWPPP with no sediment basin (2-4 weeks).
- Engineer prepares SWPPP with engineered sediment basin (2-3 months).
- Submission of NOI package, TDEC review, permit coverage issued (1 month assuming the package is accepted as first submitted).

Clearly, it is prudent to pursue permit coverage as soon as there is a build commitment. The permitting process can easily take two months for sites less than 5 acres and that are not located on a stream impaired by siltation (**Figure 2**). In this case, it may be possible to reduce the time and cost of permitting by attending the Level 1 stormwater management training (Section 4), preparing a SWPPP without the aid of a consultant by using [TDEC SWPPP Template for Non-Engineered Sites](#) (Section 3) and personally conducting site inspections (Section 5). If a SWPPP is created without the aid of a consultant, use the [Tennessee Erosion and Sediment Control Handbook](#), and understand the basic practices presented in Section 4.

For a large site (more than 10 acres), or a site that otherwise requires an engineered sediment basin, the process can be expected to take 3-6 months. In this case a registered professional engineer or professional landscape architect will need to be hired.

Make the Grading Contractor Aware of the SWPPP. Provide the SWPPP to potential building contractors, preferably before the construction project is quoted. Make clear that the SWPPP must be executed and that required EPSC practices must be installed. It is advisable to have the contractor sign the SWPPP. Having a grading contractor not committed to EPSC can result in tens or hundreds of thousands of dollars of damage after the buildings are complete, especially where easily erodible soils are located (**Figure 5 and Figure 6**).

Appendix

Forms Used for the Construction General Permit



TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 11th Floor
Nashville, TN 37243
Toll Free Number: 1-888-891-8332 (TDEC)

**NOTICE OF INTENT (NOI) FOR GENERAL NPDES PERMIT FOR
STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES (TNR100000)**

Site or Project Name:		NPDES Tracking Number: TNR	
Street Address including city or zip code or Location:		Construction Start Date:	
Site Description:		Estimated End Date:	
		Latitude (dd.dddd):	
		Longitude (-dd.dddd):	
County(ies):	MS4 Jurisdiction (if applicable):	Acres Disturbed:	
		Total Acres:	
Are there any streams ☐ and/or wetlands ☐ on or adjacent to the construction site? If wetlands are located on-site and may be impacted, attach wetlands delineation report. If an Aquatic Resource Alteration Permit has been obtained for this site, what is the permit number? ARAP Number:			
Receiving waters:			
Include the SWPPP with the NOI ☐ SWPPP Included		Include a site location map ☐ Map Included	

Name of Site Owner or Developer (Site-Wide Permittee): (correct legal name of person, company, or entity that has operational or design control over construction plans and specifications)			
For corporate entities only, provide the Tennessee Secretary of State (SOS) Control Number:			
Site Owner or Developer Contact Name: (individual responsible for site)		Title or Position: (the party who signs the certification below):	
Mailing Address:	City:	State:	Zip:
Phone:	E-mail:		

Optional Contact Name:	Title or Position:		
Mailing Address:	City:	State:	Zip:
Phone:	E-mail:		

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Figure 7. [Notice of Intent](#) form.

Owner or Developer Certification: (must be signed by president, vice-president or equivalent, or ranking elected official) (Primary Permittee)

I certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision. The submitted information 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. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury.

Owner or Developer Name: (print or type):

Signature:

Date:

Contractor(s) Certification: (must be signed by president, vice-president or equivalent, or ranking elected official) (Secondary Permittee)

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. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury.

Primary contractor name, address, and SOS control number (if applicable): (print or type)

Signature:

Date:

Primary contractor name, address, and SOS control number (if applicable): (print or type)

Signature:

Date:

Primary contractor name, address, and SOS control number (if applicable): (print or type)

Signature:

Date:

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(Instructions on reverse)

RDA 2366

**NOTICE OF INTENT (NOI) FOR GENERAL NPDES PERMIT FOR
STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES (TNR100000)**

Purpose of this form - A completed notice of intent (NOI) must be submitted to obtain coverage under the Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activity (permit). **Requesting coverage under this permit means that an applicant has obtained and examined a copy of this permit, and thereby acknowledges applicant's claim of ability to be in compliance with permit terms and conditions.** This permit is required for stormwater discharge(s) from construction activities including clearing, grading, filling, and excavating (including borrow pits) of one or more acres of land. This form should be submitted at least 30 days prior to the commencement of land disturbing activities, or no later than 48 hours prior to when a new operator assumes operational control over site specifications or commences work at the site.

The appropriate permit application fee must accompany the NOI and is based on total acreage to be disturbed by an entire project, including any associated construction support activities (e.g., equipment staging yards, material storage areas, excavated material disposal areas, borrow or waste sites):

(i) Projects equal to or greater than 150 acres	\$10,000
(ii) Projects equal to or greater than 50 acres and less than 150 acres	\$6,000
(iii) Projects equal to or greater than 20 acres and less than 50 acres	\$3,000
(iv) Projects equal to or greater than 5 acres and less than 20 acres	\$1,000
(v) Projects equal to or greater than 1 acre and less than 5 acres	\$250
(vi) Projects seeking subsequent coverage under an actively covered larger common plan of development or sale	\$100

There is no fee for sites less than 1 acre. A separate annual maintenance fee is also required for construction activities that exceed 1 year under general permit coverage. Tennessee Rules, Chapter 0400-40-11-.02(b)(12)).

Who must submit the NOI form? Per Section 2 of the permit, all site operators must submit an NOI form. "Operator" for the purpose of this permit 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: (1) 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 landowner of the construction site. This person is considered the primary permittee; or (2) 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.

Owners, developers, and all contractors that meet the definition of the operator in subsection 2.2 of the permit shall apply for permit coverage on the same NOI, insofar as possible. After permit coverage has been granted to the primary permittee, any separate or subsequent NOI submittals must include the site's previously assigned permit tracking number and the project name. The site-wide site-specific SWPPP shall be prepared in accordance with the requirements of part 5 of the permit and must be submitted with the NOI unless the NOI being submitted is to only add a contractor (secondary permittee) to an existing coverage. Artificial entities (e.g., corporations or partnerships excluding entities not required to register) must submit the TN Secretary of State, Division of Business Services, control number. The Division reserves the right to deny coverage to artificial entities that are not properly registered and in good standing with the TN Secretary of State.

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Notice of Coverage - The division will review the NOI for completeness and accuracy and prepare a notice of coverage (NOC). Stormwater discharge from the construction site is authorized as of the effective date of the NOC.

Complete the form - Type or print clearly, using ink and not markers or pencil. Answer each item or enter "NA," for not applicable, if a particular item does not fit the circumstances or characteristics of your construction site or activity. If you need additional space, attach a separate piece of paper to the NOI form. **The NOI will be considered incomplete without a permit fee, a map, and the SWPPP.**

Describe and locate the project - Use the legal or official name of the construction site. If a construction site lacks street name or route number, give the most accurate geographic information available to describe the location (reference to adjacent highways, roads, and structures, e.g., intersection of state highways 70 and 100). Latitude and longitude (expressed in decimal degrees) of the center of the site can be located on USGS quadrangle maps. The maps can be obtained at the USGS World Wide Web site: <http://www.usgs.gov/>; latitude and longitude information can be found at numerous other web sites. Attach a copy of a portion of a 7.5-minute topographic map, a city map, or a county map showing location of site, with boundaries at least one mile outside the site boundaries. Provide estimated starting date of clearing activities and completion date of the project, and an estimate of the number of acres of the site on which soil will be disturbed, including borrow areas, fill areas, stockpiles and the total acres. For linear projects, give location at each end of the construction area.

Give name of the receiving waters - Trace the route of stormwater runoff from the construction site and determine the name of the river(s), stream(s), creek(s), wetland(s), lake(s) or any other water course(s) into which the stormwater runoff drains. Note that the receiving water course may or may not be located on the construction site. If the first water body receiving construction site runoff is unnamed ("unnamed tributary"), determine the name of the water body that the unnamed tributary enters.

An ARAP may be required - If your work will disturb or cause alterations of a stream or wetland, you must obtain an appropriate Aquatic Resource Alteration Permit (ARAP). If you have a question about the ARAP program, contact your local Environmental Field Office (EFO).

Submitting the form and obtaining more information - Note that this form must be signed by the company President, Vice-President, or a ranking elected official in the case of a municipality, for details see subpart 2.5. For more information, contact your local EFO at the toll-free number 1-888-891-8332 (TDEC). Submit the completed NOI form (keep a copy for your records) to the appropriate EFO for the county(ies) where the construction activity is located, addressed to **Attention: Stormwater NOI Processing** or use MyTDEC Forms for electronic submittal.

EFO	Street Address	Zip Code	EFO	Street Address	Zip Code
Memphis	8383 Wolf Lake Drive, Bartlett	38133-4119	Cookeville	1221 South Willow Ave.	38506
Jackson	1625 Hollywood Drive	38305-4316	Chattanooga	1301 Riverfront Parkway, Suite 206	37402-2013
Nashville	711 R S Gass Boulevard	37243	Knoxville	3711 Middlebrook Pike	37921
Columbia	1421 Hampshire Pike	38401	Johnson City	2305 Silverdale Road	37601

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Figure 7, continued.



TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC)

DIVISION OF WATER RESOURCES

William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 11th Floor

Nashville, Tennessee 37243

1-888-891-8332 (TDEC)

**General NPDES Permit for Stormwater Discharges from Construction Activities (CGP)
Construction Stormwater Inspection Certification (Inspection Form)**

Site or Project Name:		NPDES Tracking Number: TNR
Primary Permittee Name:		Date of Inspection:
Current approximate disturbed acreage:	Has rainfall been checked/documented daily? ☐ Yes ☐ No	Name of Inspector:
Current weather/ground conditions:	Rainfall total since last inspection:	Inspector's TNEPSC Certification Number:
Site Assessment ☐ Yes ☐ No	Assessor's TN PE registration number:	Assessor's TNEPSC Level II/CPESC number:

Check the box if the following items are on-site:	
☐	Notice of Coverage (NOC)
☐	Stormwater Pollution Prevention Plan (SWPPP)
☐	Weekly inspection documentation
☐	Site contact information
☐	Rain Gage
Off-site Reference Rain Gage Location	

Best Management Practices (BMPs):

Are the Erosion Prevention and Sediment Controls (EPSCs) functioning correctly?			
If "No," describe below in Comment Section			
1.	Are all applicable EPSCs installed and maintained per the SWPPP per the current phase?	☐ Yes	☐ No
2.	Are EPSCs functioning correctly at all disturbed areas/material storage areas? (permit section 5.5.3)	☐ Yes	☐ No
3.	Are EPSCs functioning correctly at outfall/discharge points such that there is no objectionable color contrast in the receiving stream, and no other water quality impacts? (permit section 5.5.3.5 and 6.3.2)	☐ Yes	☐ No
4.	Are EPSCs functioning correctly at ingress/egress points such that there is no evidence of track-out? (permit section 5.5.3.1)	☐ Yes	☐ No
5.	If applicable, have discharges from dewatering activities been managed by appropriate controls? (permit section 4.1.3) If "No," describe below the measure to be implemented to address deficiencies.	☐ N/A	☐ Yes ☐ No
6.	If construction activity at any location on-site has temporarily/permanently ceased, was the area stabilized within 14 days? (permit section 5.5.3.4) If "No," describe below each location and measures taken to stabilize the area(s).	☐ N/A	☐ Yes ☐ No
7.	Have pollution prevention measures been installed, implemented, and maintained to minimize the discharge of pollutants from wash waters, exposure of materials and discharges from spills and leaks per section 4.1.4? If "No," describe below the measure to be implemented to address deficiencies.	☐ N/A	☐ Yes ☐ No

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Figure 8. [Site Inspection](#) form.

Site or Project Name:		NPDES Tracking Number: TNR		
Primary Permittee Name:		Date of Inspection:		
8.	If a concrete washout facility is located on site, is it clearly identified on the project and maintained? If "No," describe below the measures to be implemented to address deficiencies. (permit section 1.2.2)	☐ N/A	☐ Yes	☐ No
9.	Have all previous deficiencies been addressed? If "No," describe the remaining deficiencies in the Comments section. ☐ Check if deficiencies/corrective measures have been reported on a previous form.	☐ N/A	☐ Yes	☐ No
Comment Section. If the answer is "No" for any of the above, describe the problem and summarize corrective actions to be taken. Otherwise, describe any pertinent observations:				
Certification and Signature (must be signed by the certified inspector and the permittee per Sections 5.5.3.11 (g) and 8.7.2 of the CGP)				
I certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision. The submitted information 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. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury.				
Inspector Name and Title :		Signature:		Date:
Primary Permittee Name and Title:		Signature:		Date:

Construction Stormwater Inspection Certification Form (Inspection Form)

Purpose of this form / Instructions

An inspection, as described in subsection 5.5.3.9. of the General Permit for Stormwater Discharges from Construction Activities ("Permit"), shall be performed at the specified frequency and documented on this form. 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), such inspection only has to be conducted once per month until thawing results in runoff or construction activity resumes.

Inspections can be performed by:

- a) a person with a valid certification from the "Fundamentals of Erosion Prevention and Sediment Control Level I" course,
- b) a licensed professional engineer or landscape architect,
- c) a Certified Professional in Erosion and Sediment Control (CPESC), or
- d) a person who has successfully completed the "Level II Design Principles for Erosion Prevention and Sediment Control for Construction Sites" course.

Qualified personnel, as defined in subsection 5.5.3.10 of the Permit (provided by the permittee or cooperatively by multiple permittees) shall inspect disturbed areas of the construction site that have not been permanently 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.

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.

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.

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 if possible, but in no case more than 7 days after the need is identified.

Based on the results of the inspection, the site description identified in the SWPPP in accordance with section 5.5.1 of the Permit and pollution prevention measures identified in the SWPPP in accordance with section 5.5.2 of the Permit, 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.

All inspections shall be documented on this Construction Stormwater Inspection Certification form. Alternative inspection forms may be used as long as the form contents and the inspection certification language are, at a minimum, equivalent to the Division's form and the permittee has obtained a written approval from the Division to use the alternative form. Inspection documentation will be maintained on site and made available to the Division upon request. Inspection reports must be submitted to the Division within 10 days of the request.

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 permit and any other applicable acts or rules.

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TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC)

DIVISION OF WATER RESOURCES (DWR)
William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243
1-888-891-TDEC (8332)

**NOTICE OF TERMINATION (NOT) FOR
GENERAL NPDES PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES (CGP)**

This form is required to be submitted when requesting termination of coverage from the CGP. The purpose of this form is to notify the TDEC that either all stormwater discharges associated with construction activity from the portion of the identified facility where you, as an operator, have ceased or have been eliminated; or you are no longer an operator at the construction site. Specifically, this means that all disturbed soils at the portion of the construction site where the operator had control have been permanently stabilized, the temporary erosion and sediment control measures have been removed, and/or subsequent operators have obtained permit coverage for the site or portions of the site where the operator had control. Submission of this form shall in no way relieve the permittee of permit obligations required prior to submission of this form.

Submit this form to the local DWR Environmental Field Office (EFO) address (see table below) or using MyTDEC Forms electronic submittal process. For more information, contact your local EFO at the toll-free number 1-888-891-8332 (TDEC).

Site or Project Name:	NPDES Tracking Number: TNR
Street Address or Location:	County(ies):

Name of Permittee Requesting Termination of Coverage:			
Permittee Contact Name:		Title or Position:	
Mailing Address:	City:	State:	Zip:
Phone:	E-mail:		

Check the reason(s) for termination of permit coverage: (check only one)

☐	Primary permittee termination: all requirements for termination under Permit Part 9.1.1. a) through c) have been met. This includes, but is not limited to, for areas the primary permittee has control all earth-disturbing activities at the site are complete and permanent stabilization as defined in Part 10 of the CGP has been achieved. (attach photo documentation)
☐	When applicable, and you are a primary permittee seeking termination, list who is responsible for ongoing maintenance of stormwater controls left on the site subject for long-term use following termination of coverage:
☐	Secondary permittee termination: all requirements for termination under Permit Part 9.2.1. have been met (no longer an operator at the construction site).

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Figure 9. [Notice of Termination](#) form.

Certification and Signature:

(must be signed by president, vice-president or equivalent ranking elected official)

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 state is unlawful under the Tennessee Water Quality Control 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 Tennessee Water Quality Control Act. I certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision. The submitted information 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. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury.

Permittee name (print or type):	Signature:	Date:
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EFO	Address	EFO	Street Address
Memphis	8383 Wolf Lake Drive, Bartlett, TN 38133	Cookeville	1221 South Willow Ave., TN 38506
Jackson	1625 Hollywood Drive, TN 38305	Chattanooga	1301 Riverfront Parkway, Ste. 206, TN 37402
Nashville	711 R S Gass Boulevard, TN 37243	Knoxville	3711 Middlebrook Pike, TN 37921
Columbia	1421 Hampshire Pike, TN 38401	Johnson City	2305 Silverdale Road, TN 37601

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Figure 9, continued.



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