Tennessee Department of Environment and Conservation
General Permit for Construction of Intake and Outfall Structures

Effective Date: July 1, 2010
Expiration Date: June 30, 2015

Activities Covered by this Permit:
This general permit authorizes the construction, maintenance, repair, rehabilitation or replacement of intake and outfall structures in waters of the state. Outfall structures include those structures and conveyances used for the discharge of wastewater, stormwater, cooling water, etc. Intake structures include those structures used for the removal of water for the purpose of domestic water supply, irrigation, cooling water, etc.

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

Limitations of this Permit:
Certain activities due to size, location or potential water quality impacts are not covered under this general permit. Those activities are described in this section. Activities not qualifying for authorization under this general permit may be authorized by an individual permit provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

1) Activities that may adversely affect wetlands are not covered.
2) Activities located in a component of the National Wild and Scenic River System, a State Scenic River, waters designated as Outstanding National Resource Waters are not covered.
3) Activities located in any waterways which have been identified by the department as having contaminated sediments, and the activity will likely mobilize the contaminated sediments are not covered.
4) Activities that may result in an adverse effect to a threatened or endangered species, or to designated critical habitat; or is likely to jeopardize the continued existence of a species proposed for listing as endangered or threatened without prior authorization from the U.S. Fish and Wildlife Service as required by section 7 or section 10 of the Endangered Species Act where applicable are not covered. Adverse effects comprise, but are not necessarily limited to, the following: (a) death or injury to one or more individuals that results from activities associated with an action, (b) a change in habitat quantity or quality that results from activities associated with an action that renders the habitat unsuitable for the species, or (c) activities associated with an action that disrupts normal behavior or functions of individuals.
5) Activities that may result in the take, harassment, or destruction of plant or wildlife listed as threatened or endangered or a species deemed to be in need of management, as defined and identified under Tennessee Code Annotated (TCA) 70-08-103, Tennessee Wildlife Resources Agency (TWRA) Proclamations 00-14 and 00-15, and Division of Natural Heritage (DNH) Rule 0400-6-2 or which will destroy the habitat of such species without prior authorization from TWRA and/or DNH where applicable are not covered.
6) Activities, either individually or cumulatively, that may result in degradation to waters of the state are not covered.
7) Activities that otherwise require an individual permit are not covered.

Obtaining Permit Coverage:
Coverage under this general permit may be obtained by submitting a signed and completed application (form CN-1091) to the division. Work shall not commence until written authorization from the division is received. As noted above, not all activities can be covered under this general permit, and an application for coverage may be denied when appropriate.

The division will establish an expiration date for coverage under this general permit that is specific to the authorization and separate from the general permit's expiration date.

Terms and Conditions of this Permit:
All activities covered under this general permit shall comply with all terms and conditions contained hereinafter.

1) All work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of the above mentioned application and the limitations, requirements, and conditions set forth herein.
2) All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in Rule 1200-4-3-.03 of the Rules of the Tennessee Department of Environment and Conservation. 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 by Rule 1200-4-4. These uses include fish and aquatic life (including trout streams and naturally reproducing trout streams), livestock watering and wildlife, recreation, irrigation, industrial water supply, domestic water supply, and navigation.
3) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.
4) Applicant is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities for construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres, and activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.
5) Where practicable and otherwise in accordance with 4)a. and 4)b. below, excavation and backfill activities shall be accomplished in the dry. All surface water flowing towards this work shall be diverted through utilization of cofferdams and/or berms. Cofferdams and berms must be constructed of sandbags, clean rock, steel sheeting, or other non-erodible material. Clean rock is rock of various type and size, depending upon application, that contains no fines, soils, or other wastes or contaminants.
   (a) The excavation and fill activities associated with construction of intake and outfall structures on non-navigable streams as defined by §10 of the *Rivers and Harbors Act of 1899,* shall be accomplished in the dry.
   (b) The excavation and fill activities associated with construction of intake and outfall structures of navigable streams as defined by §10 of the *Rivers and Harbors Act of 1899,* where impracticable to work in the dry, the work may otherwise be accomplished within the water column.
6) New intake or outfall structures shall be located and oriented such as to avoid permanent alteration or damage to the integrity of the stream channel including the opposite stream bank. The alignment of the outfall structure (except for diffusers) should be as parallel to the stream flow as is practicable, with the discharge pointed downstream. Diffusers may be placed perpendicular to stream flow for more complex mixing.
7) Intake and outfall structures shall be designed to minimize harm and to prevent the impoundment of normal or base flows. Base flow is the usual or normal flow of the stream that is supplied primarily by groundwater from springs and seeps, but not affected by rapid runoff during and after rainfall.
8) Velocity dissipation devices shall be placed as needed at discharge locations to provide a non-erosive velocity from the structure.
9) The activity may not be conducted in a manner that would permanently disrupt the movement of fish and aquatic life.
10) Material may not be placed in a location or manner so as to impair surface water flow into or out of any wetland area.
11) Backfill activities must accomplished in a manner that stabilizes the streambed and banks to prevent erosion. All contours must be returned to pre-project conditions to the extent practicable and the completed activities may not disrupt or impound stream flow.
12) Stream beds shall not be used as transportation routes for construction equipment. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream banks are disturbed. The crossing shall be constructed so that stream flow is not obstructed. Following construction, all materials used for the temporary crossing shall be removed and disturbed stream banks shall be restored and stabilized if needed.
13) Materials used in intake and outfall structures or projects must be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris and other wastes as defined by T.C.A. 69-3-103(18).
14) Clearing, grubbing and other disturbance to the riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited.
15) Sediment shall be prevented from entering waters of the state. Erosion and sediment control measures shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment, and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. Information on erosion and sediment control measures can be found in the

department's Erosion and Sediment Control Handbook (www.tn.gov/environment/wpc/sed_ero_controlhandbook/).

16) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, daily pick-up, etc.). After use, silt fences should be removed or otherwise prevented from becoming a pollutant source for storm water discharges.
17) Erosion 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 work day, but must be replaced at the end of the work day.
18) Excavated materials, removed vegetation, construction debris, and other wastes shall be removed to an upland location and properly stabilized or disposed of in such a manner as to prevent reentry into the waterway.
19) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency and to the division. In the event of a spill, measures must be taken immediately to prevent pollution of waters of the state, including groundwater.
20) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.
21) Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

APPROVED: Paul E. Davis DATE: 6/28/10

Paul E. Davis, Director, Water Pollution Control