Tennessee Department of Environment and Conservation
General Permit for Minor Dredging and Filling

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

Activities Covered by this Permit:
This general permit authorizes minor dredging and filling activities within all reservoirs. Minor dredging activities typically include, but are not limited to, excavation of the lakebed to establish boat access by both private and commercial marinas and boathouses. Minor filling activities typically include, but not limited to, fill for marinas, boathouse and mooring cell construction.

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) The excavation or fill below the ordinary high water mark is limited to 500 cubic yards of material.
2) Activities that may adversely affect wetlands are not covered.
3) 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.
4) Activities located in any waterway which is identified by the department as having contaminated sediments, and the activity will likely mobilize the contaminated sediments are not covered.
5) 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.
6) 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.
7) Activities, either individually or cumulatively, that may result in degradation to waters of the state are not covered. For example, this general permit shall not be used in incremental means to combine with other projects to alter larger areas of stream.
8) 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 permit, and an application for coverage may be denied when appropriate.

Certain activities do not require the submittal of an application or written authorization from the division prior to commencement of work. Those activities are located within water resource development lands and waters, including flowage easement, managed by the Tennessee Valley Authority (TVA) or the United States Army Corps of Engineers (USCOE). However, authorization from the appropriate federal management agency (TVA or USCOE) must first be obtained. Even though written authorization is not required, the proposed activity shall be performed in accordance with all limitations, terms and conditions of this permit.

Where written authorization is required, the division will establish an expiration date for coverage under this permit that is specific to the authorization and separate from the general permit 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) The excavation and fill activities associated with the dredging shall be kept to a minimum.
6) 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.
7) Material may not be placed in a location or manner so as to impair surface water flow into or out of any wetland area.
8) Erosion and sediment control measures shall be in place and functional before earth moving operations begin, and shall be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but shall be replaced at the end of the work day.
9) 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.
10) Materials used in dredging and filling activities shall 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).
11) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills shall be reported to the appropriate emergency management agency and to the division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the state, including groundwater.
12) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.
13) Where authorization is required, 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 expiration date.
14) 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