CONSTRUCTION SITE STORM WATER CONTROL PLAN

1.01 GENERAL

A. The purpose of this Storm Water Pollution Prevention Plan (SWPPP) is to reduce erosion and control runoff of stormwater from the facility. This Plan shall be closely followed in order to comply with all State of Tennessee, Department of Environment and Conservation, Division of Water Pollution Control Rules and Regulations, hereinafter referred to as the *Division*. **A copy of this Plan shall be kept onsite at all times.**

B. This Plan addresses discharges of storm water runoff from land disturbed by construction activity, including clearing, grading and excavation, except operations that result in the disturbance of less than one acre of total land area, which are not part of a larger common plan of development or sale. It also applies to dewatering discharges from work areas at construction sites.

C. The term "*Permittee*" shall mean the Owner who has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications.

D. The term "*Operator*" shall mean the Contractor with day-to-day operational control of those activities at a project which are necessary to ensure compliance with this Plan and permit conditions.

1.02 STORM WATER CONTROL

A. Contractors of the *Permittee*, whose activities at the site may impact storm water discharges or controls, shall affirm, by signature of one who meets signatory requirements of this Plan.

B. The *Permittee* shall certify that the named Contractor has been retained to perform the described construction-related services.

1.03 SUBMISSION OF PLAN

A. A Notice of Intent (NOI) shall be submitted by the *Permittee* at least **30 days prior to the commencement of construction activities** (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities).

B. The NOI shall be prepared on the form provided in **Appendix B** of this Plan.

C. The *Operator(s)* of the construction site shall sign the NOI. Persons who sign shall meet the criteria set forth in the "General Provisions" of this Plan, which is located on Page 9.

D. The *Division* will review the NOI for completeness and accuracy and as necessary will investigate the project for possible impact to threatened and endangered species of aquatic fauna. Upon completing the review, the *Division* will transmit a Notice of Coverage (NOC) to the *Permittee*.

E. The NOC is a written notice from the Division of Water Pollution Control informing the *Permittee* that the NOI was received and has been approved by the *Division*. The *Operator* shall post near the main entrance of the construction site the following information:

1. A copy of the Notice of Coverage (NOC) with the NPDES permit number for the project;

2. The name and telephone number of a local contact person;

3. A brief description of the project; and

4. The location of the SWPPP if the site is inactive or does not have an on-site location to store the Plan.

F. If posting this information near a main entrance is infeasible due to safety concerns, 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 the construction is actively underway and moved as necessary.

1.04 PROCEDURE TO TERMINATE COVERAGE

A. When the construction activity is finished and stable perennial vegetation has been established on all remaining exposed soil, the *Permittee* shall submit a Notice of Termination (NOT) to the *Division* to request termination of coverage under the permit.

B. The NOT shall be submitted on the *Division's* form provided in **Appendix B** of this Plan and forwarded to the appropriate Environmental Assistance Center.

C. The *Division* may inspect the site and require additional measures to stabilize the soil and prevent erosion. If the requirement is given by letter, the *Permittee* continues to be covered under the terms of the permit until a request for termination has been accepted by the *Division*.

CONDITIONS FOR DISCHARGE PERMIT

1.01 CONSTRUCTION MANAGEMENT TECHNIQUES

A. The construction phase erosion and sediment controls shall be designed to retain sediment on site.

B. All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the *Operator* must replace or modify the control for site situations.

C. If sediment escapes the construction site, 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 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). *Operators* shall not initiate remediation/restoration of a stream without consulting the *Division* first. This permit does not, however, authorize access to private property.

D. Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and must be removed when design capacity has been reduced by 50%.

E. 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.

F. Offsite material storage areas (also including overburden and stockpiles of dirt, etc.) used solely by the permitted project are considered a part of the project and is addressed in this Plan.

G. Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than **20 calendar days** prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.

H. Clearing and grubbing must be held to the minimum necessary for grading and equipment operation.

I. Construction must be sequenced to minimize the exposure time of graded or denuded areas.

J. Construction must be phased for projects in which over 50 acres of soil will be disturbed. Areas of the completed phase must be stabilized within 21 days after another phase has been initiated.

K. 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.

L. The following records shall be maintained on site:

1. Dates when major grading activities occur;

2. Dates when construction activities temporarily or permanently cease on a portion of the site; and

3. Dates when stabilization measures are initiated.

M. A specific individual shall be designated by the *Operator* to be responsible for erosion and sediment controls on each project site.

N. All control measures shall be checked, and repaired as necessary, **twice weekly** in dry periods and within **24 hours** after any rainfall of 0.5 inches within a 24 hour period. During prolonged rainfall, daily checking and repairing is necessary. The *Operator* shall maintain records of checks and repairs.

1.02 STABILIZATION PROCEDURES

A. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than **seven days** after the construction activity in that portion of the site has temporarily or permanently ceased. Except in the following two situations:

1. Where the initiation of stabilization measures by the **seventh day** is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable; or

2. Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within **15 days**, temporary stabilization measures do not have to be initiated on that portion of site.

B. Temporary or permanent soil stabilization shall be accomplished **within 15 days** after final grading or other earth work. 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.

1.03 STRUCTURAL CONTROLS

A. Structural controls shall not be placed in streams or wetlands except as authorized by a U. S. Army Corps of Engineers Section 404 permit and/or Tennessee Aquatic Resource Alteration Permit (ARAP).

B. 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. In addition, erosion and sediment controls shall be designed to control the rainfall and runoff from a 2 year, 24 hour storm, as a minimum. *Operator* shall maintain a rain gauge at the site.

C. For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2 year, 24 hour storm and runoff coefficient from each disturbed acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided until final stabilization of the site. When computing the number of acres draining into a common location, it is necessary to include flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. For drainage locations which serve 10 or more disturbed acres at one time and where a temporary sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent controls are not attainable, multiple, smaller sediment basins and/or sediment traps must be used.

D. Discharges from sediment basins and traps must be through a pipe, well grassed or lined channel so that the discharge does not cause erosion.

E. Muddy water to be pumped from excavation and work areas must be held in settling basins or filtered 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.

1.04 STORM WATER MANAGEMENT

A. Measures shall be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Such measures may include: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices).

B. 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 a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regime of the receiving water).

1.05 MISCELLANEOUS CONTROLS

A. Off-site vehicle tracking of sediments and the generation of dust shall be minimized.

B. For installation of any waste disposal systems on site, or sanitary sewer or septic system, measures should be provided for the necessary sediment controls. *Operator* 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. A description of all construction and waste materials expected to be stored on-site with updates as appropriate shall be maintained. Controls shall be established to reduce pollutants from these materials including storage practices to minimize exposure of the materials to storm water, and spill prevention and response.

1.06 MAINTENANCE

A. Maintenance needs identified in inspections or by other means shall be accomplished before the next storm event if possible, **but in no case more than seven days** after the need is identified. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

1.07 INSPECTIONS

A. Inspections shall be done before anticipated storm events (or series of storm events such as intermittent showers over one or more days), **and within 24 hours** after the end of a storm event of 0.5 inches or greater, and at least **once every fourteen calendar days**. Where sites have been finally or temporarily stabilized, or runoff is unlikely due to winter conditions (e.g., site covered with snow, ice, or frozen ground), such inspection only has to be conducted **once per month**.

B. Inspections and associated, necessary repairs done **60 hours** before a rain event constitute compliance with "before anticipated storm events," and inspections and repairs on a Friday meet the requirement for rain events over the weekend.

C. Qualified personnel (provided by the *Operator* or cooperatively by multiple *Operators*) 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, and locations where vehicles enter or exit the site.

D. 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 drainage system. Erosion and sediment control measures identified in the Plan shall be observed to ensure that they are operating correctly.

E. Outfall points (where discharges from the site enter streams or wet weather conveyances) shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected if possible. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.

F. 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 **seven days** after the need is identified. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

G. Based on the results of the inspection, this storm water plan may be revised as appropriate, but in no case later than **14 calendar days** following the inspection. Such modifications shall provide for timely implementation of any changes to the Plan in no case later than **21 calendar days** following the inspection.

H. Inspections shall be documented and include the scope of the inspection, name(s) and title or qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the Storm Water Pollution Prevention Plan (including the location(s) of discharges of sediment or other pollutants from the site and of any control device that failed to operate as designed or proved inadequate for a particular location), and actions taken.

1.08 REPORTING AND RECORDKEEPING REQUIREMENTS

A. The *Permittee* shall retain copies of the Storm Water Pollution Prevention Plan and all reports required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit, for a period of at least three years from the date the Notice of Termination is filed. This period may be extended by written request of the *Division*.

B. The *Permittee* shall retain a copy of the Storm Water Pollution Prevention Plan required by this permit (including a copy of the permit language) at the construction site (or other local location accessible to the *Division* and the public) from the date construction commences to the date of final stabilization. The *Operator* with day-to-day operational control over pollution prevention plan implementation shall have a copy of the Plan 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.

C. The *Operator* must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for termination of permit coverage, or for denial of a permit renewal application.

D. This permit expires **five years** after the effective date. However, an expired general permit may continue in force and effect until a new general permit replaces the expired one. To retain coverage under the continued permit, *Permittees* should provide notice of their intent to remain covered under this permit at least **30 days** prior to the expiration data. Coverage under the expired general permit will terminate **90 days** after the effective date of a new general permit that replaces the expired one. The notice must be signed in accordance with the General Provision of this Plan and must contain the following information: (1) name, address and telephone number of the operator, and (2) the existing storm water construction permit number.

E. 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 *Division*, he or she shall promptly submit such facts or information.

GENERAL PROVISIONS

1.01 SIGNATORY REQUIREMENTS

A. A Notice of Intent submitted to the *Division* shall be signed as follows:

1. For a corporation, by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

   (a) 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

   (b) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25,000,000 (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or

3. 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 (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

B. All reports required by the permit and other information requested by the *Division* or authorized representative of the *Division* shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to the *Division*.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or 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).

3. Changes to authorization. If an authorization is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new Notice of Intent satisfying the requirements must be submitted to the *Division* prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. The *Permittee* is required to sign an NOI certification. This certification must precede the signature on any report to be signed and submitted pursuant to this permit:

   "I certify under penalty of law that this document and all attachments were prepared under by direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated 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."

5. Construction contractors required to sign an NOI because they meet the definition of an operator but who are not primarily responsible for preparing an NOI, shall sign the following certification statement on the NOI:

   "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 Notice of Intent, 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 onsite are thereby regulated. I am aware that there are significant penalties, including the possibility of fine and imprisonment for knowing violations, for failure to comply with these permit requirements."

1.02 PENALTIES FOR FALSIFICATION OF REPORTS

A. Knowingly making any false statement on any report required by this permit 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.

1.03 OIL AND HAZARDOUS SUBSTANCE LIABILITY

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

B. The *Operator* 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 and 40 CFR 301 as soon as he or she has knowledge of the discharge.

C. The *Permittee* shall **submit within 14 calendar days of knowledge of the release** a written description to the appropriate Environmental Assistance Center of:

1. The release (including the type and estimate of the amount of material released);
2. The date that such release occurred;
3. The circumstances leading to the release;
4. What actions were taken to mitigate effects of the release; and
5. Steps to be taken to minimize the chance of future occurrences.

D. The Storm Water Pollution Prevention Plan must be modified within **14 calendar 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. In addition, the Plan must be reviewed to identify measures to prevent reoccurrence of such releases and to respond to such releases, and the place must be modified where appropriate.

1.04 DISCHARGE QUALITY

A. The construction activity 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 for that water body by Rule 1200-4-4. Use classifications for surface waters include fish and aquatic life, livestock watering and wildlife, recreation, irrigation, navigation, industrial water supply, and domestic water supply.

B. There shall be no distinctly visible floating scum, oil or other matter contained in the storm water discharge.

C. The storm water discharge must not cause an objectionable color contrast in the receiving stream.

D. The storm water 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.

E. No solid materials, including building materials, shall be discharged to waters of the United States, except as authorized by a U. S. Army Corps of Engineers Section 404 permit and/or Tennessee Aquatic Resource Alteration Permit (ARAP).

1.05 PROPERTY RIGHTS

A. The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. The issuance of this permit does not authorize trespassing or discharges of storm water or non-storm water across private property.

1.06 SEVERABILITY

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

1.07 OTHER, NON-STORM WATER, PROGRAM REQUIREMENTS

A. No condition of this permit shall release the *Operator* from any responsibility or requirements under other environmental statues or regulations.

1.08 PROPER OPERATION AND MAINTENANCE

A. The *Operator* shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the *Operator* to achieve compliance with the conditions of this permit and with the requirements of the Storm Water Pollution Prevention Plan.

B. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by an *Operator* only when necessary to achieve compliance with the conditions of the permit.

1.09 INSPECTION AND ENTRY

A. The *Operator* shall allow authorized representatives of the Environmental Protection Agency, the *Division of Water Pollution Control,* or an authorized representative of the *Division*, or, in the case of a construction site which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law:

1. 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.

2. To have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

3. To inspect any facilities or equipment (including monitoring and control equipment).

1.10 PERMIT ACTIONS

A. This permit may be modified, revoked and reissued, or terminated for cause. 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.

1.11 LIABILITIES

A. Civil and criminal liability

1. Except as provided in this permit, nothing in this permit shall be construed to relieve the *Operator* from civil or criminal penalties for noncompliance. Notwithstanding this permit, the *Operator* 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 of waste water to any surface or subsurface waters. Additionally, notwithstanding this permit, it shall be the responsibility of the discharger to conduct its waste water

treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created.

B. Liability under State law

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the *Operator* from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or the Federal Water Pollution Control Act, as amended.

1.12 CHANGES AFFECTING COVERAGE

A. In a case where one or more of the *Operators* changes during the course of a construction project, the *Permittee* shall submit new NOIs.

B. For storm water discharges from construction sites where the *Operator* changes, or projects where an *Operator* is added after an initial NOI has been submitted as above, an NOI in accordance with the requirements should be submitted as soon as practicable and **at least 48 hours prior to when the new operator assumes operational control** over site specifications or commences work at the site.

C. When a late NOI is submitted, authorization is only for future discharges, and prior, unpermitted discharges are subject to the liabilities section of this Plan.

D. Whenever there is a change in the scope of the project, which would be expected to have a significant affect on the discharge of pollutants to the waters of the State and which has not otherwise been addressed in the Plan, the *Permittee* shall amend this Plan.

E. Whenever inspections or investigations by site operators, local, State or Federal officials indicate the Storm Water Pollution Prevention Plan is proving ineffective in eliminating or significantly minimizing pollutants from sources identified under this permit, or is otherwise not achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity, the Plan shall be amended.

F. Amendments to the Plan should be implemented when measures become necessary to prevent a negative impact to legally protected state or federally listed or proposed threatened or endangered aquatic fauna.

1.13 TERMINATION OF COVERAGE

A. Notice of Termination (NOT)

1. Where a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this

permit are eliminated, or where storm water discharges have otherwise been eliminated, or where the operation of all storm water discharges at a facility changes, the *Permittee* must submit a Notice of Termination (NOT) that is signed in accordance with this Plan.

2. The *Permittee* must submit the NOT after completion of the construction activities and final stabilization of the site, **or within 30 days** after another operator has taken over the responsibilities of the site. Appropriate enforcement actions may be taken for permit violations when a *Permittee* submits a NOT but the *Permittee* has not transferred operational control to another *Operator* or the site has not undergone final stabilization.

3. The NOT shall be submitted on the *Division's* NOT form provided in **Appendix B** of this permit.

4. The *Operator* shall sign the following certification in accordance with the signatory requirements of this Plan:

   "I certify under penalty of law that either: (a) all storm water 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 storm water associated with construction activity under this general permit, and that discharging pollutants in storm water 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."

4. For the purposes of this certification, elimination of storm water discharges associated with construction activity means that all disturbed soils at the portion of the construction site where the operator had control have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time to insure final stabilization is maintained, or that all storm water discharges associated with construction activities from the identified site that are authorized by a NPDES general permit have otherwise been eliminated from the portion of the construction site where the operator had control.

1.14 ADDRESSES

A. All Notices of Termination are to be sent, using the form provided in this Plan, to the address of the appropriate Environmental Assistance Center below:

Tennessee Department of Environment and Conservation
Environmental Assistance Center
1221 South Willow Avenue
Cookeville, Tennessee 38506