



FAQ | Roles & Resources for Flood-Related Concerns

Does the Tennessee Department of Environment and Conservation (TDEC) regulate flood control? *No, TDEC does not regulate flood plains, flooding, or, in most cases the causes of flooding. TDEC's authority is to regulate water quality. However, because some flood control projects involve stream alterations and/or could affect water quality, permits may be required for certain activities. TDEC also regulates the quality of stormwater runoff from certain industrial, commercial, and development sites.*

What is the role of local governments in flood control? *For an individual to acquire flood insurance through the National Flood Insurance Program, the local community must adopt ordinances that detail rules and requirements for development in floodplains. The National Flood Insurance Program is sponsored by the Federal Emergency Management Agency. Typically the local government will review a project for compliance with local floodplain ordinances prior to the issuance of a building or grading permit.*

What is the role of the U. S. Army Corps of Engineers in flood control? *The U. S. Army Corps of Engineers operates reservoirs in Tennessee that provide flood control, as does the Tennessee Valley Authority. Additionally, the U.S. Army Corps of Engineers regulates certain activities, such as the discharge of dredged or fill material into waters of the U.S., including wetlands. Such activities may require a Section 404 permit from the Corps and a Section 401 certification in the form of a TDEC Aquatic Resource Alteration Permit (ARAP) affirming that the discharge would not violate Tennessee's water quality standards. These permits review water quality issues and typically do not involve flooding, though impacts to flooding may be considered.*

Who oversees flood-impacted roadways? *Roads are owned and maintained by the State of Tennessee, counties, cities, or private citizens depending on their designations. The state, county, or city may have a list of roads that they each maintain.*

What measures can a landowner do in a stream without a TDEC permit? *Residents can always remove trash or woody debris by hand, chain saw, or winch from a creek channel. Residents can always clean out culverts and pipes clogged by debris for a cumulative maximum distance of 100 linear feet immediately above and/or below the structure. Notification to TDEC is not required for these activities.*

What permits may be needed for other stream activities? *The ARAP General Permit is a streamlined, expedited authorization for projects that propose minor impacts to water resources. The application fee for a private landowner is \$50 and these permits are typically issued within 30 days from the receipt of a complete application. The General Permit coverage is good for up to five years. An annual maintenance fee will be required if the coverage is over one year. The permittee must terminate their permit coverage*

upon completion of the project in order to end or prevent the annual maintenance fee. Activities covered under ARAP General Permits may include:

- Replacing pipes and culverts;
- Excavating sediment and debris 100 linear feet above and below a structure, such as a dam, culvert, or bridge;
- Placement of clean rock 25 linear feet above and below a structure;
- Certain streambank stabilization activities:
 - Hard armoring of less than 300 linear feet of one bank
 - Hard armoring of less than 200 feet of both banks
 - Soil bioengineering of less than 1,000 feet
 - Some in-stream structures in conjunction with stabilization activities, or
- Emergency repair of imminent threats to public infrastructure.

Projects exceeding these thresholds or requiring use of heavy equipment in-stream may require an individual ARAP. Although the application fee for a private landowner is still \$50, these permits are for targeted activities and are specific to the site and work proposed. These activities are evaluated on a case-by-case basis to ensure they will be effective and will not inadvertently cause additional problems to downstream landowners or the environment. Such projects require public notice and coordination with other state and federal agencies, and may require mitigation for stream impacts.

Detailed information regarding the ARAP program can be found at

<https://www.tn.gov/environment/permit-permits/water-permits1/aquatic-resource-alteration-permit--arap-.html>.

Who can help answer questions about stream projects or activities? Team members in each of the TDEC Environmental Field Offices may help in answering questions. Call 1-800-891-TDEC to reach the appropriate Environmental Field Office, or use this link:

<https://www.tn.gov/environment/contacts/about-field-offices.html>

What other resources are available for flood-related concerns?

Tennessee Department of Agriculture Emergency Flood Response:

<https://www.tn.gov/agriculture/farms/emergency-flood-response.html>

Tennessee Emergency Management Agency Flood Mitigation Assistance:

<https://www.tn.gov/tema/emergency-community/mitigation/flood-mitigation-assistance.html>

Federal Emergency Management Agency Flood Mitigation Assistance:

<https://www.fema.gov/flood-mitigation-assistance-grant-program>