

Tennessee Department of Environment and Conservation

General Aquatic Resource Alteration Permit for Structural Discharges



Effective Date: April 7, 2020
Expiration Date: April 7, 2025

Activities Covered by this Permit

This general permit authorizes the excavation of bottom sediments and the discharges of fill consisting of concrete, rock, sand, or similar material, into tightly sealed forms, cells, or containers for use as standard pile support structures. Standard pile-supported structures covered by this general permit include those used for bridges, utility line footings, greenways, boardwalks, and similar structures. Installation of structures related to the moorage of vessels, including dolphins, floats, buoys, mooring buoys, and similar structures is also covered. The removal of structures described above may also be authorized under this permit. This permit does not authorize structural fill associated with box bridges, culverts, buildings, houses, building or house foundations, parking areas, boat ramps, or similar structures.

Certain activities due to size, location or potential water quality impacts are not covered under this general permit as described in the Special Conditions and General Conditions sections. Activities not qualifying for authorization under this general permit may be authorized by a standard (individual) permit provided that all requirements of the *Tennessee Water Quality Control Act of 1977* (the Act) are met.

Special Conditions

1. Only the minimum excavation of bottom sediments and/or discharge of fill necessary for installation of the structures covered can be authorized by this general permit.
2. Any proposed controlled blasting must be done in accordance with all current BMPs, and a blasting plan must be submitted and approved prior to permit coverage.
3. In smaller order streams, where practicable, all work shall occur from the streambanks with no heavy equipment in-channel.
4. Underwater blasting is not authorized in waters less than six feet in depth.
5. If controlled underwater blasting is proposed, the applicant must coordinate and receive authorization from the TWRA prior to receiving coverage under this permit. Notification of underwater blasting shall be made to the local TDEC Environmental Field Office and the TWRA at least 3 days prior to initiation.
6. Temporary haul roads or work pads may be authorized, provided they are the minimum size necessary, and may not exceed one-third the distance across the bottom of the stream or reservoir, unless they will be in place 14 days or less. All haul roads or work pads must be removed immediately at project completion.
7. The volume of fill and excavation associated with support structures shall be limited to the minimum necessary based on geotechnical and engineering considerations.

8. Activities which disrupt navigation may not be authorized under this permit. The permittee shall design support structures that minimize the risk of debris accumulation that disrupts navigation, including the navigation of personal watercraft.
9. Activities that result in stream encapsulation or permanent bank armoring outside of the permitted structure are not covered under this permit.
10. Alterations of up to 0.10 acres of wetlands of low or moderate resource value may be authorized.
11. Solids suspended in the water column during dredge or fill activities shall be contained and not allowed to mobilize beyond the containment area.
12. Activities located in any waterbody which is identified by the department as having contaminated sediments, and the activity will likely mobilize the contaminated sediments in such a manner as to harm aquatic life or human health, are not covered.
13. Where a pile support structure, haul road, or work pad is removed, natural bottom characteristics (dimensions, shape, substrate, etc.) shall be replicated and stabilized to the maximum extent practicable, using clean rock, riprap, anchored trees or other non-erodible materials found in the natural environment.
14. Excavated materials, removed vegetation, construction debris, and other wastes shall be moved to an upland location and properly stabilized or disposed of in such a manner as to prevent reentry into the waterway.
15. Material may not be placed in a location or manner so as to impair surface water flow into or out of any wetland area.
16. Discharges that may significantly alter the hydraulics of the stream (e.g., under-sizing or over widening the channel) are not covered.
17. Structural discharges shall be designed to prevent the impoundment of normal or base flows on the upstream side, and not result in a disruption or barrier to the movement of fish or other aquatic life. 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.

General Conditions

1. The amount of fill, stream channel and bank modifications, or other impacts associated with the activity shall be limited to the minimum necessary to accomplish the project purpose. The permittee shall utilize the least impactful practicable method of construction.
2. All activities must be accomplished in conformance with the approved plans, specifications, data, and other information submitted in support of the ARAP application (form CN-1091) and the limitations, requirements, and conditions set forth herein. Failure to comply with the terms and conditions of this permit is a violation of the Act.
3. Activities, either individually or cumulatively, that may result in an appreciable permanent loss of resource values to streams and wetlands are not covered. This general permit shall not be used incrementally to combine with other activities resulting in a net loss of water resource values.
4. Clearing, grubbing, and other disturbance to riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary native riparian vegetation removal, including tree removal, is prohibited. Native riparian vegetation must be reestablished in all areas of disturbance outside of any permanent authorized structures after work is completed. Coverage under this permit does not serve to waive any local riparian buffer protection requirement, and permittees are responsible for obtaining any necessary local approval.

5. This activity may not result in the permanent disruption to the movement of fish or other aquatic life upon project completion.
6. Except for controlled underwater blasting described above, blasting within 50 feet of any jurisdictional stream or wetland is prohibited.
7. Activities that directly impact wetlands outside the activity area, or impair surface water flow into or out of any wetland areas are prohibited.
8. Activities located in a component of the National Wild and Scenic River System or waters designated as Outstanding National Resource Waters are not covered except for the installation of support pilings, anchors or similar structures for a private dock or boathouse on Reelfoot Lake.
9. Activities occurring in known or likely habitat of state or federally listed threatened, endangered, deemed in need of management, or species of special concern may not be authorized without prior coordination with the Tennessee Wildlife Resources Agency (TWRA) and TDEC Division of Natural Areas (DNA) to determine if any special conditions are required to avoid and/or minimize harm to the listed species or their habitat. Adverse effects to federally listed threatened and endangered species are not authorized by this permit. Permittee is responsible for obtaining prior authorization from the United States Fish and Wildlife Service (USFWS) as required by Section 7 or Section 10 under the Endangered Species Act.
10. Work shall not commence until the permittee has obtained all necessary authorizations pursuant to applicable provisions of section 10 of The Rivers and Harbors Act of 1899, section 404 of the Clean Water Act, section 26a of The Tennessee Valley Authority Act, section 402 of the Clean Water Act (including, but not limited to, an NPDES permit for construction stormwater), or any other federal, state or local laws.
11. Backfill activities must be accomplished in the least impactful manner possible that stabilizes the streambed and banks to prevent erosion. The completed activities may not disrupt or impound stream flow.
12. The use of monofilament-type erosion control netting or blanket is prohibited in the stream channel, stream banks, or any disturbed riparian areas within 30 feet of top of bank.
13. This permit does not authorize impacts to cultural, historic, or archaeological features or sites.
14. This permit does not authorize access to public or private property. Arrangements concerning the use of public or private property shall be made with the landowner. The permittee is responsible for obtaining any additional permitting or maintenance agreements with other government or public agencies or lands.
15. Where practicable, all activities shall be accomplished in the dry. All surface water flowing towards this work shall be diverted using cofferdams and/or berms constructed of sandbags, clean rock (containing no fines or soils), steel sheeting, or other non-erodible, non-toxic material. All such diversion materials shall be removed upon completion of the work. Any disturbance to the stream bed or banks must be restored to its original condition. As approved after Division review, activities may be conducted in the flowing water if working in the dry will likely cause additional degradation. Any work conducted in the flowing water must be for a short duration and with minimal impact, and conform to the Division-approved methodology.
16. All activities must be carried out in such a manner as will prevent violations of water quality criteria as stated in TDEC Rule Chapter 0400-40-03, or impairment of the uses of waters of the state as designated by Rule Chapter 0400-40-04.
17. Erosion prevention and sediment control measures must be in place and functional before any earth moving operations begin, and shall be designed according to the department's Erosion and Sediment

Control Handbook (<http://tnepsc.org/handbook.asp>). Permanent vegetative stabilization using native species of all disturbed areas in or near the stream channel must be initiated within 14 days of project completion (see also Landscaping with Natives at tnepsc.org). Non-native, non-invasive annuals may be used as cover crops until native species can be established.

18. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream bank vegetation is disturbed. Stream beds shall not be used as linear transportation routes for mechanized equipment, rather, the stream channel may be crossed perpendicularly with equipment provided no additional fill or excavation is necessary.

Obtaining Permit Coverage

The following practices may be performed without submittal of an application or written authorization from the division prior to the commencement of work, provided the work is performed in accordance with the permit terms and conditions:

1. The placement of Aids to Navigation installed in accordance with the requirements of the United States Coast Guard (33CFR, Ch.1(C) 66).
2. The installation of support pilings, anchors or similar structures for a private dock or boathouse in lakes, ponds or reservoirs

Other proposed structural discharge activities may obtain coverage by submitting a signed and completed application (form CN-1091), along with any other required information, to the division. Work shall not commence until a written Notice of Coverage (NOC) from the division is received. As noted above, not all activities may be eligible for coverage under this general permit and coverage may be denied when appropriate.

Each Notice of Coverage under this general permit is valid until the expiration date specified on the NOC. If the General Permit is modified, reissued, or revoked, and the permittee has commenced or is under contract to commence this activity before the expiration date, the permittee may have up to twelve (12) months from the date of the modification, reissuance, or revocation of the General Permit to complete the activity under the present terms and conditions of the general permit.

An application fee as established in Rule 0400-40-11-.02 will be assessed to applicants intending to receive an NOC to conduct activities under this general permit. An annual maintenance fee will be assessed to those individuals holding general permit coverage unless a Notice of Termination (NOT) form is received prior to the one-year anniversary of the issuance date of the NOC. An NOT form can be downloaded from the division's ARAP webpage (<https://www.tn.gov/environment/permit-permits/water-permits1/aquatic-resource-alteration-permit--arap-.html>)

APPROVED: 
Jennifer Dodd
Director, Division of Water Resources

DATE: 04/07/2020