

DWR-NR-P-01- CGP Stabilization Clarification - 2-28-18

DISCLAIMER: This document is policy only and does not create legal rights or obligations. It is intended to provide division staff guidance on how to apply decisions, procedures and practices pertaining to the internal operation or actions of the division. Decisions affecting the public, including the regulated community, in any particular case will be made applying applicable laws and regulations to the specific facts.

EFFECTIVE DATE: 2-28-18


SIGNATURES:



Tisha Calabrese Benton, Division Director DWR



Robert Karesh, Drafter / Preparer



Stephanie A. Durman, Reviewer

PURPOSE:

The purpose of this policy is to provide TDEC Bureau of Environment staff clarification on the interpretation of soil stabilization requirements as detailed in Section 3.5.3.1(k) of the 2016 Construction General Permit (CGP).

BACKGROUND:

In part, Section 3.5.3.1(k) of the 2016 CGP specifies the following:

Construction phasing is recommended on all projects regardless of size as an effective practice for minimizing erosion and limiting sedimentation. Construction must be phased to keep the total disturbed area less than 50 acres at any one time. Areas of the completed phase must be stabilized within 14 days. No more than 50 acres of active soil disturbance is allowed at any time during the construction project.

Although the permit requires a completed phase to be stabilized and no more than 50 acres of soil disturbance site wide is allowed at any time, the permit does not specify “stabilized”

DWR-NR-P-01- CGP Stabilization Clarification - 2-28-18

as being either the implementation of permanent stabilization practices (the act of putting down perennial seed, mulch and matting etc. with the intent of permanently stabilizing acreage with no further intent to re-disturb that acreage) or finally stabilized (areas with uniform 70% permanent vegetative cover established or equivalent measures). This policy is intended to ensure consistent application of this permit requirement.

Clarification:

After review, the intent of “stabilized” in the context of Section 3.5.3.1(k) means the implementation of stabilization practices. As a result, once an operator has implemented stabilization practices on areas within a completed phase, those areas would be considered no longer disturbed and exposed and additional soil disturbance in other areas of the development may occur. However, inspections of the previously disturbed area shall continue until such time as final vegetative stabilization (>70% cover established) is achieved.

Revision Number	Date	Brief Summary of Change
1	2-28-18	1 st Policy Publication