



DWR-NR-G-02- Construction Stormwater – 05172019

Guidance regarding construction stormwater general permit coverage involving sites with Non-Engineer Design SWPPPs

DISCLAIMER: This document is guidance only and does not create legal rights or obligations. Agency decisions in any particular case will be made applying applicable laws and regulations to the specific facts.

EFFECTIVE DATE: May 17, 2019

SIGNATURES:

Division Director

Drafter / Preparer

Reviewer

PURPOSE

Construction activities near streams, rivers, and lakes have the potential to cause water pollution and stream degradation if erosion and sediment controls are not properly installed and maintained<sup>1</sup>. In order to effectively reduce erosion and sedimentation impacts, appropriate, site-specific Best Management Practices (BMPs) must be developed, installed, and maintained on construction sites<sup>2</sup>. In addition, coverage under the Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities (CGP) must be obtained for all construction sites that meet permitting criteria. One of the requirements for obtaining this permit coverage is the preparation of a site-specific Stormwater Pollution Prevention Plan (SWPPP) that details the erosion prevention and sediment control BMPs to be installed and maintained at the site.

Permit NO. TNR100000, *General NPDES Permit for Discharges of Stormwater Associated with Construction Activities*<sup>3</sup> authorizes point source discharges of stormwater from construction activities that result in soil disturbances of one or more acres. Operators wishing to obtain coverage under this permit must submit a site-specific SWPPP with their request for coverage under this permit (Notice of Intent)<sup>4</sup>. Section 3.1.1. of the current version of CGP Permit (TNR100000) provides that the narrative

<sup>1</sup> Link to TN DWR CGP website

<sup>2</sup> Link to TN EPSC Handbook

<sup>3</sup> Link to TN CGP

<sup>4</sup> Link to TN CGP NOI



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portion of a SWPPP may be prepared by an individual who has a working knowledge of erosion prevention and sediment controls. This section continues by noting that plans and specifications for any building or structure, including the design of sediment basins or other sediment controls involving structural, hydraulic, hydrologic, or other engineering calculations shall be prepared by a licensed professional engineer or landscape architect in accordance with Tennessee Code Annotated, Title 62, Chapter 2 and the rules of the Tennessee Board of Architectural and Engineering Examiners.

Within the population of site construction activities that are eligible for coverage under the CGP, there is a subpopulation that do not involve the design of sediment basins or other sediment controls involving structural, hydraulic, hydrologic, or other engineering calculations, and as such the SWPPP supporting these sites may be prepared by an individual who is not licensed, but who has a working knowledge of erosion prevention and sediment controls.

This guidance provides clarification regarding sites where a SWPPP prepared by someone who is not licensed may be adequate for obtaining general permit coverage. Attachment A to this Guidance provides an example template that may be utilized in support of these SWPPP submittals. This guidance document **does not** provide any exceptions or exemptions regarding sites requiring permit coverage, nor does this guidance document remove or modify any standard established in TNR100000.

#### GUIDANCE

Construction activities that qualify to submit a non-engineer developed SWPPP may be determined by answering the following questions:

1. Does the construction site discharge to receiving waters with unavailable parameters for siltation or habitat alterations, or that are Exceptional Tennessee Waters<sup>5</sup>? Yes  No
2. Does the construction site have a common drainage totaling ten or more acres through a common outfall? Yes  No
3. Will the plans and specifications include the design of sediment basins or other sediment controls involving structural, hydraulic, hydrologic, or other engineering calculations? (CGP Section 3.1.1<sup>2</sup>) Yes  No

If any of the above questions were answered with a “Yes,” then the site-specific SWPPP must contain a registered architect or engineer-designed component. If all of the above questions were answered with a “No,” then the SWPPP may be developed by an individual who has a working knowledge of erosion prevention and sediment controls.

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<sup>5</sup> [Link to TDEC Mapviewer](#)



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| Revision Number | Date            | Brief Summary of Change |
|-----------------|-----------------|-------------------------|
| 0               | January 1, 2019 | Initial                 |
| 1               | May 17, 2019    | Final                   |

# Attachment A

[\(click here\)](#)