

**Tennessee Department of Environment and Conservation**  
**General Aquatic Resource Alteration Permit for**  
**Floating Cabins on Tennessee Valley Authority Reservoirs**



**Effective Date:** draft

**Expiration Date:** April 7, 2025

**Activities Covered by this Certification**

This general permit certifies pursuant to Section 401 of the *Clean Water Act* and authorizes, pursuant to the *Tennessee Water Quality Control Act of 1977*, the operation, maintenance, and management of floating cabins on certain Tennessee Valley Authority (TVA) reservoirs. For the purpose of this general certification, floating cabins include non-navigable houseboats approved by TVA on or before December 16, 2016, and other floating structures moored on the Tennessee River System and determined by TVA in its sole discretion to be designed and used primarily for human habitation or occupation and not designed and used primarily for navigation or transportation on the water (§ 1304.101 TVA's Section 26a regulations).

Certain activities due to size, location or potential water quality impacts are not covered under this general certification, as described in both the Special 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. There shall be no discharge of any substance or pollutant, liquid or solid, wastewater, sewage, or other wastes<sup>1</sup>, whether treated or untreated, from any source, including but not limited to:
  - a. shower, bath, sink, dishwasher, clothes washer, etc.
  - b. toilet water
  - c. marine sanitation device, incinerating toilet, composting toilet, filtering device, etc.
  - d. household wash water, cleaning residue, etc.
2. Owners or operators of a floating cabin covered by this general permit shall utilize the best available technologies to contain and dispose of household wastes and wastewaters at approved off-site disposal facilities, including but not limited to:
  - a. liquid holding tanks with regular pump-out and removal,
  - b. marine sanitation device, incinerating toilet, or composting toilet with full containment and carry-off, or
  - c. direct pipe connection to approved upland containment or disposal.

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<sup>1</sup> "Other wastes" means any and all other substances or forms of energy, with the exception of sewage and industrial wastes, including, but not limited to, decayed wood, sand, garbage, silt, municipal refuse, sawdust, shavings, bark, lime, ashes, offal, oil, hazardous materials, tar, sludge, or other petroleum byproducts, radioactive material, chemicals, heated substances, dredged spoil, solid waste, incinerator residue, sewage sludge, munitions, biological materials, wrecked and discarded equipment, rock, and cellar dirt;

3. Owners or operators of a floating cabin covered by this general permit shall demonstrate compliance with the prohibition on any discharge of treated or untreated wastewater by maintaining records such as receipts and other documentation of equipment purchase, pump and haul services, sewerage services, etc. Compliance records shall be:
  - a. maintained for at least one year,
  - b. in any electronic or paper form,
  - c. available upon request of the certifying or permitting agencies, or property manager of the mooring location of the floating cabin.
4. Certification pursuant to section 401 of the Clean Water Act is not valid until the owner or operator of the floating cabin has obtained all necessary authorizations pursuant to applicable provisions of section 26a of *The Tennessee Valley Authority Act* and section 10 of *The Rivers and Harbors Act of 1899*.

### **General Conditions**

1. 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) (except where no application is required as specified below) 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.
2. This activity may not result in the permanent disruption to the movement of fish or other aquatic life upon project completion.
3. 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.
4. This permit does not authorize impacts to cultural, historic, or archaeological features or sites.
5. This permit does not authorize access to private property. Arrangements concerning the use of 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.
6. 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.
7. Activities, either individually or cumulatively, that may result in an appreciable permanent loss of resource values to streams or 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.

### **Obtaining Permit Coverage**

This general permit does not require the submission of a written request to, nor does it require written authorization from the Division of Water Resources. Certification pursuant to section 401 of the *Clean*

*Water Act* through this general permit is not valid until the owner or operator of the floating cabin has obtained all necessary authorizations pursuant to applicable provisions of section 26a of *The Tennessee Valley Authority Act* and section 10 of *The Rivers and Harbors Act of 1899*. Although written authorization from TDEC is not required, the activities shall be carried out in accordance with all limitations, terms, conditions, and requirements of this general permit.

Coverage under this general permit is valid until this general permit is revoked or is not reissued.

Individuals covered under this general permit may request termination of coverage. A Notice of Termination (NOT) form can be downloaded from the division's ARAP webpage (<https://www.tn.gov/environment/permit-permits/water-permits/aquatic-resource-alteration-permit-arap.html>).

APPROVED, \_\_\_\_\_

Jennifer Dodd  
Director, Division of Water Resources

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DATE:

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