

# Tennessee NPDES General Permit for Discharges of Stormwater Associated with Construction Activities (CGP) FACT SHEET

Permit Effective Date: May 24, 2011—May 23, 2016

October 2012 Page 1

## Inside this Fact Sheet

Background Regulation Info	(pg.1)
SWPPPs	(pg.1)
Sites on Impaired & ETWs	(pg.1)
Fees	(pg.1)
Sediment basins	(pg.2)
Site Assessments	(pg.2)
Erosion & Sediment Control Handbook	(pg. 2)
Level I & II Certification	(pg.2)
Water Quality Buffers	(pg.2)

## Basic Application Requirements

Submittal of a complete **Notice of Intent** (NOI), a **SWPPP** and an appropriate permitting application fee (if applicable) are required to obtain coverage under the CGP.

After receiving a Notice of Coverage (NOC), it must be posted on-site along with the SWPPP and other required items .

## Permit Application Fees

Site equal to or greater than 150 acres	<b>\$7500</b>
Project equal to or greater than 50 acres and less than 150 acres	<b>\$4000</b>
Project equal to or greater than 5 acres and less than 50 acres	<b>\$1000</b>
Project equal to or greater than 1 acres and less than 5 acres	<b>\$250</b>

## Stabilization Practices

Temporary or permanent soil stabilization at the construction site must be completed no later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.

Steep slopes (a natural or created slope of 35% grade or greater) shall be temporarily stabilized not later than 7 days after construction activity on the slope has temporarily or permanently ceased.

## CGP Webpage:

<http://www.tn.gov/environment/permits/conststrm.shtml>

## Federal & State Stormwater Permit Background Information

On November 16, 1990, EPA issued an NPDES rule (**Phase I**) that required a wide range of industrial activities to obtain permits to discharge storm water runoff. Category ten (x) from the extensive definition of "storm water discharges associated with industrial activity," (promulgated by the EPA in 40 CFR §122.26(b)(14)) includes construction activity, identified as following:

*"construction activity including clearing, grading and excavation activities except operations that result in the disturbance of less than five acres of total land area and which are not a part of a larger common plan of development or sale"*

In December 1999, EPA finalized the "**Phase II**" regulations, which require controls on stormwater discharges from a broader sector of municipalities, industries, and construction sites. In March 2003, Phase II regulations came into effect, and extended coverage to construction activities (including other land-disturbing activities) that disturb one to five acres in size, including even smaller sites (<1 acre) that are part of a larger common plan of development or sale.

## Stormwater Pollution Prevention Plan (SWPPP)

A SWPPP is a written plan that includes the following:

- Site map(s),
- An identification of construction/contractor activities that could introduce pollutants to the stormwater, and
- A description of Erosion Prevention Sediment Control (EPSC) measures or practices to control these pollutants.
- Erosion Control Plan

It must be prepared and submitted before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, maintained and be consistent with the [Tennessee Erosion and Sediment Control Handbook](#).

## Additional requirements for construction sites located along Impaired or Exceptional Tennessee Waters (ETW) CGP Section 5.4.1

- SWPPP must certify that EPSCs are designed to control storm runoff generated by a 5-year, 24-hour storm event
- The SWPPP must be prepared by a person who has completed the department's EPSC Level II Design course
- For an on-site outfall in a drainage area of a total of 5 or more acres, a minimum sediment basin volume that will provide treatment for a calculated volume of runoff from a 5-year, 24-hour storm and runoff from each acre drained, shall be provided until final stabilization.

## Typical Construction Site Operators

"Operator" for the purpose of this permit and in the context of stormwater associated with construction activity, means any person associated with a construction project that meets either of the following two criteria:

- This person has operational or design control over construction plans and specifications, including the ability to make modifications to those plans and specifications. This person is typically the owner or developer of the project or a portion of the project, and is considered the primary permittee; or
- This person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions. This person is typically a contractor or a commercial builder who is hired by the primary permittee, and is considered a secondary permittee.

# Tennessee NPDES General Permit for Discharges of Stormwater Associated with Construction Activities (CGP) FACT SHEET *(continued)*

October 2012 Page 2

## Tennessee Erosion and Sediment Control Handbook.

<http://tnepsc.org/handbook.asp>

This handbook provides information to planners, developers, engineers, and contractors on the proper selection, installation, and maintenance of BMPs. It also aids in the development of SWPPPs and other reports, plans, or specifications required by Tennessee's water quality regulations.

Standard Tennessee-specific drawings for Auto-CAD are downloadable from this site for use in developing SWPPPs.

## Level I & Level II Course Registration Information

Class information and registration for both Level I & Level II courses may be found at: <http://tnepsc.org/>

## Project Phasing

Construction phasing is required on all projects regardless of size as a major 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

## MS4 Water Quality Buffer Requirements

Municipal Separate Storm Sewer Systems (MS4s) may require a larger buffer than what the CGP requires, which would also be a permanent buffer even after construction is complete. Check with the local MS4 to make sure the site has met this requirement.

## WPC Permits Data Viewer

<http://www.tn.gov/environment/wpc/dataviewer/>

## Sediment basins

A sediment basin typically consists of a forebay cell, dam, impoundment, permanent pool, primary spillway, secondary or emergency spillway, wet & dry storage and surface dewatering device. The size and shape of the basin depends on the location, size of drainage area, incoming runoff volume and peak flow, soil type and particle size, land cover, and receiving stream classification (i.e., impaired, ETW, or unimpaired).

For an on-site outfall which receives drainage from 10 or more acres, a minimum sediment basin volume that will provide treatment for a calculated volume of runoff from a 2 year, 24 hour storm and runoff from each acre drained, or equivalent control measures as specified in the Handbook, shall be provided until final stabilization of the site. A basin is also required when there is 5 acres of common drainage if the site discharges into a stream that is impaired or an ETW (or upstream of such waters).

Sediment should be removed when 50% of the storage capacity has been filled with sediment. Chemical treatment of the water in the basin might be necessary when clay and other fine particle soils are present.

## Site Assessments and Twice-Weekly Inspections

Quality assurance of erosion prevention and sediment controls shall be done by performing **site assessments** at the construction site. The site assessment shall be conducted at each outfall involving drainage totaling 10 or more acres (or 5 or more acres if draining to an impaired or exceptional quality waters), within a month of construction commencing at each portion of the site that drains the qualifying acreage of such portion of the site.

The site assessment shall be performed by individuals with following qualifications:

- A licensed professional engineer or landscape architect;
- A Certified Professional in Erosion and Sediment Control (CPESC) or
- A person that successfully completed the "[Level II Design Principles for Erosion Prevention and Sediment Control for Construction Sites](#)" course

Inspectors performing the required **twice weekly inspections** must have an active certification by completing the "[Fundamentals of Erosion Prevention and Sediment Control Level I](#)" course. The schedule of inspections may be reviewed in Section 3.5.8.2. of the CGP.

## Temporary Water Quality Buffer Zones

**Section 4.1.2** states that an average **30** foot buffer is required for all streams adjacent to or within a construction site. The minimum width of the buffer is **15** feet. This buffer zone also applies to other protected state waters such as wetlands and some lakes.

**Section 5.4.2** states that an average **60** foot buffer is required if a stream adjacent to or within a construction site is considered impaired or an Exceptional Tennessee Water (ETW). The minimum width of the buffer is **30** feet. Check out <http://tnmap.tn.gov/wpc/> to determine if the stream is impaired or an ETW.

**Section 5.4.2.1** This section details when a buffer is not required based on certain land uses that will remain in place. Basically if the site already contains an area such as a parking lot, building, roadway, etc. within what should be the buffer zone, those already constructed areas do not have to be altered as long as vegetation is not removed from what is existing. If the existing land use (for example a parking lot) is proposed to be converted to another use or removed, the buffer zone requirements apply.

If a buffer cannot be provided, BMPs providing equivalent measures may be used, but the justification must be provided in the SWPPP. Projects where a buffer would typically not be able to be retained include sewer line installations, roadway construction, utility line or equipment installation, greenway construction or construction of permanent outfalls or velocity dissipating structures.