

## Appendix J

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### Clean Water Nashville Overflow Abatement Program

# GUIDANCE FOR DESIGN

# PERMIT INFORMATION

Version 3.0

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# Section 1

## General Information

The Designer is responsible for the following items:

- Providing a comprehensive assessment of the various building and environmental permits from Metropolitan Nashville and Davidson County, the State of Tennessee, federal agencies, and other regulators and entities required for a project, based on field observations and experience
- Compilation of required documentation needed for permit applications
- Preparation of the permit applications
- Submittal in PMIS of permit applications and supporting documentation via the Designer Submittal Business Process

The Designer, in collaboration with the Project Manager or others as designated, contacts various state, federal, local, and other resource agencies and entities to verify the requirements particular to a given permit/permission. The type of impacts that a project may generate and the project location determine which federal, state, and/or local requirements apply. The Program Management Consultant (PMC) Permit Coordinator is available as a resource to the Designer.

Permits and their requirements are subject to change as rules, regulations, and policies change. It is the Designer's responsibility to understand current compliance requirements of permit rules, regulations, and policies.

Not all of the permits described in the following pages apply to all projects. Typical rehabilitation projects without any pipe replacement and within a limited area of disturbance may require no permits for project approval and bidding.

Most of the facility, rehabilitation with extensive pipe replacement, and conveyance projects require, at a minimum, the following three permits/activities:

- Tennessee Department of Environment and Conservation's (TDEC) National Pollutant Discharge Elimination System's Permit for Construction Stormwater
- Metro Grading Permit
- TDEC's Wastewater Plans Review and Approval

Facility-type projects in addition to the above three listed permits require a Metro Building Permit. The Designer generates the initial pre-construction application for the Building Permit and the Grading Permit and resolve issues so the contractor can obtain the final construction permit. Along with the Grading Permit application, all applicable state, federal, local, and other permits must be submitted to obtain Metro's Grading Permit.

Examples of required applicable permits are the following - from the state of Tennessee (ARAP, Section 401, Tennessee Department of Transportation, etc.), the federal government (Section 10, Section 404, etc.), Metro (floodplain variance, *Erosion Prevention and Sediment Control Plan*, stormwater criteria, etc.), and other permits (railroad crossings, electrical and gas utilities permits, etc.).

## Section 2

# State of Tennessee Permits, Reviews, and Documents

Various agencies and departments in the Tennessee require permits or reviews prior to initiating construction activities. These entities are listed below.

## 2.1 Tennessee Department of Environment and Conservation Permits

The Tennessee Department of Environment and Conservation (TDEC) is responsible for protecting public health and the environment. Several divisions within the Department require reviews and/or permits prior to commencing any construction activities.

Designers are directed to the TDEC 2013 Revised Design Criteria for trench water migration and the prevention of stream capture to review early discussions of alternatives, TDEC regulators' requirements, and requirements/considerations for design.

### 2.1.1 Division of Water Resources, Water Quality Branch, Land-based Systems

Additional information can be found at on the TDEC website. Activities or permits required by the Division of Water Resources, Water Quality Branch, Land-based Systems, may include:

#### 2.1.1.1 Basic Plans Review and Approval

With few exceptions such as rehabilitation with no extensive pipe replacement, TDEC reviews the final plans for construction and issues a plans approval letter.

#### 2.1.1.2 Notice of Coverage from NPDES Permit for Construction Stormwater

- NPDES. Persons discharging pollutants directly from point sources into state surface waters must obtain a National Pollutant Discharge Elimination System discharge permit. A Notice of Coverage from the National Pollutant Discharge Elimination System Permit for Construction Stormwater must be obtained prior to initiating construction activities including mobilization. Obtaining this Notice of Coverage involves submitting an application along with the required *Stormwater Pollution Prevention Plan* and completing a Notice of Intent.
- Application. Operators of construction sites involving clearing, grading, excavation, utility lines, sewage treatment plants, roads, or borrow pits for fill material, etc., that result in an disturbed area with one or more acres must submit an application and obtain a permit.
- *Stormwater Pollution Prevention Plan*. A site-specific *Stormwater Pollution Prevention Plan* must be developed and submitted with the Notice of Intent. The *Stormwater Pollution Prevention Plan* must be developed, implemented, and updated according to Part 3 of the Construction General Permit.
- Notice of Intent. A completed and signed Notice of Intent for Construction Activity – Stormwater Discharges (see link above). The Notice of Intent must include a map on 8½-inch by 7-inch paper with boundaries 1-2 miles outside the site property with the site and construction area outlined and the receiving water or receiving storm sewer highlighted and identified. It is preferable for this map to be the appropriate portion of a U.S. Geological Survey

7.5-minute quadrangle map. Completed Notices of Intent must be sent to the appropriate Environmental Field Office.

### **2.1.1.3 Aquatic Resources Alteration Permit**

If any construction activities divert, obstruct, or change the natural flow or bed of any waters of the state (debris removal, bank stabilization, or culverting), involve construction within navigable waters, and/or dredge or place fill into waters of the state and/or wetlands, an Aquatic Resources Alteration Permit is required.

### **2.1.1.4 Section 401 Certification**

A Section 401 Certification from the Division of Water Resources, Water Quality Branch, Land-based Systems, may be required as an Individual Permit or as pre-cursor to obtaining a U.S. Army Corps of Engineers Section 404 Permit. A determination is made by the Division.

## **2.1.2 Division of Archaeology, Section 106 Permit**

A Section 106 Permit may be required if doing significant work affecting federally-controlled properties (work in which federal funds are used, work requiring federally issued permits such as U.S. Army Corps of Engineers Section 10 and Section 404 permits, or TVA Section 26a permits). The determination regarding applicability is made by the Division of Archaeology in conjunction with the Tennessee Historical Commission.

## **2.1.3 Division of Natural Areas/Natural Heritage Review**

- The Division reviews the project locations for state-listed threatened or endangered flora species and assigns requirements, if appropriate.

## **2.1.4 Division of Solid Waste Management Review**

- A review may be requested especially if solid waste disposal is anticipated.

## **2.1.5 Division of Air Pollution Control Review**

- A review may be requested especially if the project involves constructing a new or modifying an existing air pollution source. For larger construction projects, the volume and type of anticipated air pollutants may need to be determined as required by the Division.

## **2.1.6 Division of Water Resources, Water Quality Branch, Drinking Water Program**

Activities or permits required by the Drinking Water Program may include:

### **2.1.6.1 Plans Approval and Notification of Construction Start**

The Drinking Water Program requires approval of the construction drawings prior to the commencement of construction. In addition, the Drinking Water Program's Construction Start Notification form must be submitted to the Drinking Water Program prior to the commencement of construction.

### **2.1.6.2 Sinkhole Identification and Alteration Coordination**

The Drinking Water Program must assess the proposed construction area to determine if any sinkholes are present. Sinkhole alterations must be coordinated with the Drinking Water Program if encountered in the design or in the field once construction has commenced. The Drinking Water Program and the Tennessee Department of Transportation provide *Best Management Practices Guidelines* if sinkholes are encountered.

### 2.1.6.3 Class V Injection Well Permit

Anyone who discharges industrial/commercial wastes into a subsurface system other than city sewers or who modifies karst features is required to submit an underground injection control application to the Tennessee Drinking Water Program, Ground Water Management. For many sewer-related construction activities, a Class V (shallow, non-hazardous) Injection Well Permit is required. Additional information can be found at <http://www.tn.gov/environment/permits/injetwel.shtml>.

Class V applicants must submit the following items before commencing construction or modifying an injection well:

- Authorization Application for Class V Underground Injection Well, which has three parts.
  - Part A requires general information concerning the facility's name and location, the activities conducted that require a permit, the nature of the business, the contact person, and other required environmental permits.
  - Part B requires information regarding the injection well, injection zone, the injected fluid, operation status, and parameters.
  - Part C requires information concerning the area lying within and below a 1-mile radius of the injection well pump site or facility. This includes surface geographic features, subsurface geology, and demographic and cultural features.
- The following attachments may also be required
  - Topographic and geologic quadrangle maps
  - Schematic diagrams showing construction details and well materials
  - Chemical analysis data for the injection fluid
  - Process descriptions
  - Operation and maintenance procedures
  - Geologic/geographic information collected during construction
  - Facility blueprints
  - Erosion and sediment control construction diagrams

## 2.2 Other State of Tennessee Permits

### 2.2.1 Tennessee Department of Transportation, Utility Permit in Right-of-Way

For construction and/or improvement/encroachment activities within Tennessee Department of Transportation rights-of-way, a permit for utility construction must be obtained from the Department.

### 2.2.2 Tennessee Historical Commission, Section 106 Permit

The Tennessee Historical Commission reviews the project areas for National Historic Preservation Act-Section 106 compliance and issue requirements as appropriate.

### 2.2.3 Tennessee Wildlife Resources Agency Review

The Tennessee Wildlife Resources Agency reviews the project areas for state-listed threatened or endangered animal and aquatic life and issue requirements as appropriate.

## Section 3

# Federal Permits, Reviews, and Documents

Various federal agencies/departments hold jurisdiction over federally controlled properties and conduct reviews and issue permits, as appropriate, for all project areas.

## 3.1 U.S. Army Corps of Engineers

### 3.1.1 Section 10 Permit

A Section 10 permit is issued for stream crossings in the project area and a defined radius around the project. Projects may qualify for a Letter of Permission, a Nationwide Permit, or a Regional Permit depending upon the scope, location, and level of encroachment. If an individual Letter of Permission is required for a project, up to 700 days may be an appropriate timeframe. Nationwide or Regional permits can be issued in as few as 90 days.

### 3.1.2 Section 404 Permit

A Section 404 permit is issued for projects affecting wetlands in the project area and a defined radius around the project. The Program's projects may qualify for a Nationwide Permit or a Regional Permit. There is a prerequisite. A §401 certification must be obtained from the Tennessee Department of Environment and Conservation, Division of Water Resources, Water Quality Branch, Land-based Systems, prior to issuing the Section 404 permit.

## 3.2 U. S. Department of the Interior, Fish and Wildlife Service Review

The U. S. Department of the Interior's Fish and Wildlife Service reviews the project areas for federally listed threatened or endangered animal and aquatic life species and issue requirements as appropriate.

## Section 4

# Metro Permits, Reviews, and Documents

### 4.1 Metro Grading Permit

The Metro Grading Permit can only be obtained by the Contractor after acquiring and submitting all forms, other state and federal permits, and utility permissions, etc. The Designer composes the initial application for this permit, resolves design issues, and obtains requisite clearances to be positioned for permit issuance to the contractor. MWS addresses the application fee payments.

- Grading Permit Application Checklist. This checklist must be submitted with the grading permit application.
- Post-construction *Stormwater Management Plan*. This plan must be submitted with the grading permit application.
- *Erosion Prevention and Sediment Control Plan*. This plan must be submitted with the grading permit application. In addition, inspections and reports are required during construction.
- Floodplain Variance. A *Variance Plan* must be submitted with the application for the grading permit.

### 4.2 Metro Building Permit

This permit is required for construction activities involving the building structure construction. For building type projects, the Designer makes a preliminary project application via the Metro “Buzzsaw” electronic submittal process. The Designer resolves all design issues to position the permit application as approved for contractor attainment. MWS addresses the application fee payments. The awarded contractor pays for and obtains the actual permit.

### 4.3 Metro Rights-of-Way

As much as feasible, Metro uses a one-stop-shop approach to permitting for construction involving Metro rights-of-way. Metro’s Public Works Department must be contacted to obtain permission to disturb a Metro right-of-way. The Designer coordinates with the Public Works Department for pavement restoration and ADA restoration requirements on Metro streets. Other incorporated cities in Davidson County or outside of Davidson County may have other requirements, and the Designer should coordinate with that entity. It is imperative that the paving details be as close as possible to the Metro Public Works standards for consistency of construction and acceptance of roadway restoration work.

## Section 5

# Other Permits, Reviews, and Documents

### 5.1 Railroad Crossings

Railroad companies must be contacted to ascertain any infringement into their rights-of-way. If construction involves their rights-of-way, the appropriate review, application process, and fees must be submitted, and a permit or contract must be obtained prior to commencing any construction activities including mobilization.

### 5.2 Electric Utilities Crossings

The main electric utility in the Metro area is the Nashville Electric Service (NES). NES must be contacted to ascertain any infringement into their rights-of way. If construction involves their rights-of-way, the appropriate review, application process, and fees must be submitted, and a permit or contract must be obtained prior to commencing any construction activities including mobilization.

### 5.3 Gas Utilities Crossings

Gas utilities must be contacted to ascertain any infringement into their rights-of-way. If construction involves their rights-of-way, the appropriate review, application process, and fees must be submitted, and a permit or contract must be obtained prior to commencing any construction activities.