

Comments for draft General Aquatic Resource Alteration Permits

For all general ARAPs, please include the following language under “Terms and Conditions of this Permit”:

- a. “The activity shall not cause or contribute to violations of water quality criteria as stated in the TDEC Rules, Chapter 1200-4-3-.03.”
 - b. “There shall be no distinctly visible floating scum, oil or other matter resulting from the permitted activity.”
 - c. “The activity must not cause an objectionable color contrast in the affected waters.”
 - d. Replace “The activity may not be conducted in a manner that would permanently disrupt the movement of fish and aquatic life” with “The activity may not be conducted in a manner that would disrupt the movement of fish and aquatic life for anytime other than the duration of permitted activity.”
 - e. Include item 7 from the general permit for Wetlands Restoration and Enhancement in all general permits.
1. Bank Stabilization
 - a. Prohibit application of this general permit to waters impaired for habitat alterations. Those applying to stabilize banks on waters impaired for habitat alterations would have to seek individual permit coverage to ensure no further degradation results.
 - b. Prohibit application of this general permit to Exceptional Tennessee Waters and Outstanding National Resource Waters. Instead, the Division should require individual permit coverage.
 - c. Item 6 under “Limitations of this Permit” should set a cumulative cap of linear feet of impact. If 300 linear feet of stream in the same segment have already been stabilized, the cumulative cap has been met, and the applicant would have to apply for an individual permit.
 2. Construction and Removal of Minor Road Crossings
 - a. This general permit can not be used when the road crossing is part of a larger project or activity that does not qualify for general permit coverage.
 - b. Prohibit application of this general permit to waters impaired for siltation or habitat alterations. Those applying to construct or remove road crossings on waters impaired for siltation or habitat alterations would have to seek individual permit coverage to ensure no further degradation results.
 - c. Item 5 under “Limitations of this Permit” should include Exceptional Tennessee Waters.
 - d. Item 9 under “Limitations of this Permit” should set a cumulative cap and the “less than 25 feet” exemption should only be applicable when the segment proposed to be impacted has no existing road crossings.
 3. Construction of Launching Ramps and Public Access Structures
 - a. Item 3 under “Limitations of this Permit” should include Exceptional Tennessee Waters.
 - b. Prohibit application of this general permit to those waters impaired for siltation or habitat alterations. Those applying to construct boat ramps or other public access structures on waters impaired for siltation or habitat alterations would have to seek individual permit coverage to ensure no further degradation results.
 - c. Item 4 under “Terms and Conditions of this Permit” should have an exception from using riprap if a natural alternative is demonstrated to provide the same protection.

4. Construction of Intake and Outfall Structures
 - a. Item 2 under Limitations of this Permit” should include Exceptional Tennessee Waters.
 - b. Prohibit application of this general permit to new construction of intake and outfall structures on those waters impaired for siltation or habitat alterations. Those applying to construct new structures on waters impaired for siltation or habitat alterations would have to seek individual permit coverage to ensure no further degradation results.
5. Emergency Road Repair
 - a. Under “Obtaining Permit Coverage” the 10-day notification timeframe should begin at initiation of work, not the completion.
6. Maintenance Activities
 - a. Remove “intake and outfall structures” from those activities covered under this general permit since this activity has its own coverage in a separate general permit.
7. Minor Alterations to Wetlands
 - a. Prohibit application of this general permit to wetlands immediately adjacent to waters impaired for siltation or habitat alterations. Those applying to impact wetlands adjacent to waters impaired for siltation or habitat alterations would have to seek individual permit coverage to ensure no further degradation results.
 - b. A cumulative cap is necessary to ensure significant wetland acreage is not impacted through several “minor” alterations.
8. Minor Dredging and Filling
 - a. Item 3 under Limitations of this Permit” should include Exceptional Tennessee Waters.
 - b. Prohibit application of this general permit to reservoirs impaired for siltation or habitat alterations. Those applying to dredge or fill on waters impaired for siltation or habitat alterations would have to seek individual permit coverage to ensure no further degradation results.
9. Sand and Gravel Dredging
 - a. Item 5 under Limitations of this Permit” should include Exceptional Tennessee Waters.
 - b. Prohibit application of this general permit to waters impaired for habitat alterations. Those applying to dredge sand or gravel on waters impaired for habitat alterations would have to seek individual permit coverage to ensure no further degradation results.
 - c. A cumulative cap is necessary to ensure significant habitat is not impacted through several small dredging activities. The total dredge amount from different permittees should not exceed 100 total cubic yards annually for the specific waterbody segment.
10. Sediment Removal and Stream Remediation
 - a. Prohibit application of this general permit to waters impaired for habitat alterations. Those applying to correct for sediment discharges on waters impaired for habitat alterations would have to seek individual permit coverage to ensure no further degradation results.
 - b. Item 10 under “Terms and Conditions of this Permit” should include “additional sediment shall be prevented from entering waters of the state.”
11. Stream Restoration and Habitat Enhancement
 - a. Item 3 under Limitations of this Permit” should include Exceptional Tennessee Waters.
12. Surveying and Geotechnical Exploration
 - a. Item 2 under Limitations of this Permit” should include Exceptional Tennessee Waters.

- b. Prohibit application of this general permit to waters impaired for habitat alterations. Those applying to use exploration equipment on waters impaired for habitat alterations would have to seek individual permit coverage to ensure no further degradation results.

13. Utility Line Crossing

- a. Item 2 under Limitations of this Permit” should include Exceptional Tennessee Waters.
- b. Prohibit application of this general permit to waters impaired for siltation or habitat alterations. Those applying for utility line crossings on waters impaired for siltation or habitat alterations would have to seek individual permit coverage to ensure no further degradation results.

14. Wetlands Restoration and Enhancement

- a. Item 2 under Limitations of this Permit” should include those wetlands immediately adjacent to Exceptional Tennessee Waters.