**CGP Marked Section 9 Current Permit Strike through is deleted—Red is added**

**~~9. Aquatic Resource Alteration Permits (ARAPs)~~**

~~Alterations to channels or waterbodies (streams, wetlands and/or other waters of the state) that~~

~~are contained on, traverse through or are adjacent to the construction site, may require an Aquatic~~

~~Resources Alteration Permit (ARAP) (http://www.tn.gov/environment/article/permit-wateraquatic-~~

~~resource-alteration-permit). It is the responsibility of the developer to provide a~~

~~determination of the water’s status.7 This determination must be conducted in accordance with~~

~~Tennessee’s standard operating procedures for hydrologic determinations set forth at Rule 0400-~~

~~40-03.05(9). The permittee can make an assumption that streams/wetlands are present at the site~~

~~in order to expedite the permit process. In some cases, issuance of coverage under the CGP may~~

~~be delayed or withheld if the appropriate ARAP has not been obtained. At a minimum, any delay~~

~~in obtaining an ARAP for water body alteration associated with the proposed project must be~~

~~adequately addressed in the SWPPP prior to issuance of an NOC~~**~~.~~** ~~Failure to obtain an ARAP~~

~~prior to any actual alteration may result in enforcement action for the unauthorized alteration.~~

**9. REQUIREMENTS FOR TERMINATION OF COVERAGE**

**9.1. TERMINATION OF DEVELOPER AND BUILDER COVERAGE**

Termination Process for Primary Permittees

Primary permittees wishing to terminate coverage under this permit must submit a completed Notice of Termination (NOT) form provided in Appendix B of this permit (representative photo or video documentation of site stabilization is recommended). Primary permittees who abandon a site and fail to submit the NOT will be in violation of this permit. If the NOT was not submitted five years following the “estimated end date” (as identified on the NOI), the division can terminate the CGP coverage, unless the permittee specifically requests to maintain coverage. Signs notifying the public of the construction activity shall be in place until the NOT form has been submitted. Primary permittees may terminate permit coverage only if the conditions described below occur at the site:

1. a) All earth-disturbing activities and, if applicable, construction support activities permitted under Section 1.2.2 at the site are complete and the following requirements are met:

i. For any areas that were disturbed during construction, are not covered by permanent structures and over which the permittee had control during the construction activities; the requirements for final vegetation or non-vegetative stabilization described in Subsection 5.5.3.4 are met;

ii. The permittee has removed and properly disposed of all construction materials, as well as waste and waste handling devices. The permittee has removed all equipment and vehicles that were used during construction, unless they are intended for long-term use following termination of permit coverage;

iii. The permittee has removed all stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following termination of permit coverage;

iv. The permittee has identified who is responsible for ongoing maintenance of any stormwater controls left on the site for long-term use following termination of permit coverage, and

v. The groundcover achieves final stabilization.

b) The permittee has transferred control of all areas of the site for which he is responsible (including, but not limited to, infrastructure, common areas, stormwater drainage structures, sediment control basin) under this permit to another operator, and that operator has submitted an NOI and obtained coverage under this permit.

1. c) The permittee obtains coverage under an individual or alternative general NPDES permit.

NOT Review

The division may review NOTs for completeness and accuracy and, when necessary, investigate the proposed site for which the NOT was submitted. Coverage under the permit is terminated when the permit record is published on TDEC’s DataViewer as “Inactive.” Operators may be liable for discharges that occur from the site after termination.

The division retains the right to deny termination of coverage under this general permit upon receipt of the NOT. If the local Environmental Field Office has information indicating that the permit coverage is not eligible for termination, written notification will be provided within 30 days of receipt that permit coverage has not been terminated. The notification will include a summary of existing deficiencies. When the site meets the termination criteria, the NOT should be re-submitted.

If any permittee files for bankruptcy or the site is foreclosed on by the lender, the permittee should notify the division of the situation so that the division may assess the site to determine if permit coverage should be obtained by any other person or whether other action is needed.

**9.2. TERMINATION OF BUILDER AND CONTRACTOR COVERAGE**

**Termination Process for Secondary Permittees**

Secondary permittees must request termination of coverage under this permit by submitting a NOT when they are no longer an operator at the construction site. Secondary permittees receive coverage under this permit but are not normally mailed a NOC. Consequently, the division may, but is not required to, notify secondary permittees that their notice of termination has been received. If the division has reason to believe that the secondary permittee’s NOT should not have been submitted, the division will deny the secondary permittee’s NOT in writing, with specific reasons as to why the NOT should not have been submitted.

**9.3. NOT CERTIFICATION**

The NOT and the following certification must be signed in accordance with Subpart 8.7 of this permit:

*“I certify under penalty of law that either: (a) all stormwater discharges associated with construction activity from the portion of the identified facility where I was an operator have ceased or have been eliminated or (b) I am no longer an operator at the construction site. I understand that by submitting this notice of termination, I am no longer authorized to discharge stormwater associated with construction activity under this general permit, and that discharging pollutants in stormwater associated with construction activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit or the Clean Water Act. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury.”*

**9.4. WHERE TO SUBMIT A NOT?** The NOT shall be submitted to the Environmental Field Office (EFO) which issued the NOC to the primary permittee. A list of counties and the corresponding EFOs is provided in Subpart 3.4. The appropriate permit tracking number must be clearly printed on the form.