**CGP Marked Section 6 Current Permit Strike through is deleted—Red is added**

**~~6.~~ ~~RETENTION, ACCESSIBILITY AND SUBMISSION OF RECORDS~~**

**6. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS**

**~~6.1.~~ ~~Documents~~**

~~The permittee shall retain copies of SWPPPs, reports required by this permit, records of all data~~

~~used to complete the NOI and the NOT for a period of at least three years from the date the NOT~~

~~is submitted. This period may be extended by written request of the director~~.

**6.1 RELEASES IN EXCESS OF REPORTABLE QUANTITIES**

The discharge of hazardous substances or oil in the stormwater discharges from a facility shall be prevented or minimized in accordance with the applicable SWPPP for the facility. This permit does not relieve the permittee of the reporting requirements of 40 CFR 117 and 40 CFR 302.

**~~6.2.~~ ~~Accessibility and Retention of Records~~**

~~The permittee shall retain a copy of the SWPPP and a copy of the permit at the construction site~~

~~(or other local location accessible to the director and the public) from the date construction~~

~~commences to the date of termination of permit coverage. Permittees with day-to-day operational~~

~~control over SWPPP implementation shall have a copy of the SWPPP available at a central~~

~~location onsite for the use of all operators and those identified as having responsibilities under the~~

~~plan whenever they are on the construction site. The permittee shall maintain a copy of all records~~

~~for a period of three years once coverage is terminated.~~

~~6.2.1. Posting information at the construction site~~

~~The initial site-wide permittee shall post a notice near the main entrance of the construction site~~

~~accessible to the public with the following information:~~

~~a) A copy of the NOC with the NPDES permit tracking number for the construction project.~~

~~b) A name or company name; E-mail address (if available); telephone number and address~~

~~of the project site owner/operator or a local contact person.~~

~~c) A brief description of the project.~~

~~d) The location of the SWPPP (see Section 3.3.3 above).~~

~~The notice must be maintained in a legible condition. The notice shall be posted in a local public~~

~~building if posting this information near a main entrance is infeasible due to safety concerns or~~

~~not accessible to the public. If the construction project is a linear construction project (e.g.,~~

~~pipeline or highway), the notice must be placed in a publicly accessible location near where~~

~~construction is actively underway and moved as necessary. This permit does not provide the~~

~~public with any right to trespass on a construction site for any reason, including inspection of a~~

~~site. This permit does not require permittees to allow members of the public access to a~~

~~construction site. The permittee shall also retain following items in an appropriate location on-site:~~

~~a) A rain gauge (or use a reference site for a record of daily precipitation),~~

~~b) A copy of the twice weekly inspection reports,~~

~~c) A documentation of quality assurance site assessments, if applicable (see Section 3.1.2~~

~~above).~~

~~d) A copy of the site inspector’s certification (e.g., Fundamentals of Erosion Prevention and~~

~~Sediment Control Level 1 or Level 2, P.E., P.L.A., CPESC).~~

**6.2 SPILLS**

This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

**~~6.3. Electronic Submission of Documents~~**

~~If the division notifies dischargers by mail, E-mail, public notice or by making information~~

~~available on the world wide web of electronic forms or other report options that become available~~

~~at a later date (e.g., electronic submission of forms), the operators may take advantage of those~~

~~options to satisfy the NOI, NOT and other report notification requirements.~~

**6.3 DISCHARGE COMPLIANCE WITH STATE WATER QUALITY STANDARDS**

Violation of water quality standards

This permit does not authorize stormwater or other discharges that would cause or contribute to a violation of a state water quality standard (Tennessee State Rules, Chapters 0400-40-03, 0400-40-04). Such discharges constitute a violation of this permit.

Where a discharge is already authorized under this permit and the division determines the discharge to cause or contribute to the violation of applicable state water quality standards, the division will notify the operator of such violations. The permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and shall document these actions in the SWPPP.

Discharge quality

* + 1. a) The construction activity shall be carried out in such a manner that will prevent violations of water quality criteria as stated in the Tennessee Rules, Chapter 0400-40-03-.03. This includes, but is not limited to, the prevention of any discharge that causes a condition in which visible solids, bottom deposits or turbidity impair the usefulness of waters of the state for any of the uses designated for that water body by Tennessee Rules, Chapter 0400-40-04. Construction activity carried out in the manner required by

this permit shall be considered in compliance with the Tennessee Rules, Chapter 0400-40-03-.03.

* + 1. b) There shall be no distinctly visible solids, scum, foam, oily slick, or the formation of slimes, bottom deposits, or sludge banks of such size or character as may be detrimental to fish and aquatic life.
    2. c) The stormwater discharge must not contain total suspended solids, turbidity, or color in such amounts or character that will result in any objectionable appearance compared to the turbidity or color of the receiving water, considering the nature and location of the water.
    3. d) The stormwater discharge shall not contain pollutants in quantities that will be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream. This provision includes species covered under Subpart 1.3.
    4. e) Solids or other materials removed by any sediment control treatment devices must be disposed of in a manner that prevents its entrance into or pollution of any surface or subsurface waters.

**6.4. DISCHARGES INTO WATERS WITH UNAVAILABLE PARAMETERS OR EXCEPTIONAL TENNESSEE WATERS**

SWPPP/BMP Requirements

1. a) Discharges that would cause measurable degradation of waters with unavailable parameters or that would cause more than de minimis degradation of Exceptional Tennessee Waters are not authorized by this permit (Subpart 1.3). To be eligible to obtain and maintain coverage under this permit, the operator must satisfy, at a minimum, the following additional requirements for discharges into waters with unavailable parameters for siltation and for discharges to Exceptional Tennessee Waters8. All other provisions of this general permit that apply to receiving waters with available parameters shall also apply.

a) or discharges upstream of such waters and because of the proximity to the segment and the nature of the discharge is likely to cause more than de minimis degradation in the unavailable or exceptional segment.

1. b) The SWPPP must certify that EPSC measures used at the site are designed to control stormwater runoff generated by a 5-year, 24-hour storm event (the design storm), at a minimum, either from total rainfall in the designated period or the equivalent intensity as specified on the following website https://hdsc.nws.noaa.gov/hdsc/pfds/pfds\_map\_cont.html.
2. c) The permittee shall perform inspections described in Section 5.5.3.8 at least twice every calendar week. Inspections shall be performed at least 72 hours apart.
3. d) If the division finds that an operator is contributing to the impairment of a receiving stream despite complying with the SWPPP, the operator will be notified by the division in writing that the discharge is no longer eligible for coverage under the general permit. The operator may update the SWPPP and implement the necessary changes designed to eliminate further impairment of the receiving stream. If the permittee does not implement the SWPPP changes within seven days of receipt of notification, the permittee will be notified in writing that continued discharges must be covered by an individual permit (Subpart 8.11). To obtain the individual permit, the operator must file an individual permit application. The project must be stabilized immediately and remain stable until the SWPPP is updated and the individual permit is issued. Only discharges from earth disturbing activities necessary for stabilization are authorized to continue until the individual permit is issued.
4. e) For an on-site outfall in a drainage area totaling five 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; or equivalent control measures as specified in the Tennessee Erosion and Sediment Control Handbook, shall be provided until final stabilization of the site.
5. f) For an on-site outfall in a drainage area totaling 3.5 - 4.9 acres, a minimum sediment trap volume or engineering equivalent that will provide treatment for a calculated volume of runoff from a 5-year, 24-hour storm and runoff from each acre drained, is required until final stabilization of the site. A drainage area of 3.5 - 4.9 acres includes both disturbed and undisturbed portions of the site or areas adjacent to the site, all draining through the common outfall.

**Water Quality Riparian Buffer Zone Requirements**

Sites that contain, or are adjacent to, receiving waters with unavailable parameters for siltation or designated as Exceptional Tennessee Waters shall preserve a 60-foot natural water quality riparian buffer zone adjacent to the receiving stream. All other buffer zone requirements as stated in Section 4.1.2 will apply.

The natural water quality riparian buffer zone should be preserved between the top of stream bank and the disturbed construction area. The 60-foot criterion for the width of the buffer can be established on an average width basis at a project, as long as the minimum width of the buffer is more than 30 feet at any measured location. If the construction site encompasses both sides of a stream, buffer averaging can be applied to both sides, but must be applied independently.

This requirement does not apply to an area that is being altered under the authorization of a valid Aquatic Resources Alteration Permit (ARAP), or equivalent permits issued by federal authorities. Additional natural buffer zone requirements may be established by the local MS4 program.