

Division of Water Pollution Control
6th Floor Life and Casualty Annex
401 Church Street
Nashville, Tennessee 37243

September 9, 2009

Mr. Ron Gatlin
Chief, Regulatory Branch
Nashville District, Corps of Engineers
3701 Bell Road
Nashville, Tennessee 37214-2260

**SUBJECT: §401 Water Quality Certification
Reissuance of Nationwide Permits**

Dear Mr. Gatlin:

Pursuant to §401 of *The Clean Water Act* (33 U.S.C. §1341), the state of Tennessee is required to certify whether the activities authorized by the proposed nationwide general permits (NWP), will violate applicable water quality standards. Accordingly, the Division requires reasonable assurance that activities conducted under the NWP will not violate provisions of *The Tennessee Water Quality Control Act of 1977* (T.C.A. § 69-3-101 et seq.) or of §§ 301, 302, 303, 306 or 307 of *The Clean Water Act*.

The proposed NWP were published in the Federal Register Vol. 72, No. 47 Monday, March 12, 2007, part II. On March 4, 2007, the state denied water quality certification for the nationwide general permits in waters of the U. S. within the state of Tennessee.

The Tennessee Water Quality Act requires permits for activities also regulated by § 404 and authorized by the proposed NWP. The state has general permits pursuant to that act which authorize activities that generally correspond with the activities authorized by the NWP. Most of the state's general permits require written notification to the division along with written authorization. Where notification to the division *is not* required, the activity may commence without written authorization.

In order to allow persons covered by the state's general permits to proceed without individual certification in certain cases, the division has determined to issue certification for specific NWP.

On August 21, 2009, the division issued §401 water quality certification for the nationwide general permits listed below. The division determined that it must modify the conditions of that certification. The August 21, 2009 certification is hereby rescinded and replaced with this document.

The division hereby issues §401 water quality certification for the following nationwide general permits:

13. Bank Stabilization

Reissuance of Nationwide Permits
September 9, 2009

25. Structural Discharges

36. Boat Ramps

Effective Date September 9, 2009

Expiration Date September 8, 2014

Conditions:

1. The activity must be located within water resource development project lands and waters, including flowage easement, managed by the Tennessee Valley Authority or the U. S. Army Corps of Engineers.
2. Rip rap activities under NWP 13 shall be limited to 500 linear feet.

We understand that subsequent to your receipt of this certification, persons who qualify for the subject NWP's under the above conditions would no longer need to provide the Corps of Engineers or the Tennessee Valley Authority with an individual certification.

The state's general permits expire June 30, 2010 and the NWP's are set to expire on March 18, 2012. The state reserves the right to modify or revoke this certification should the expiration or reissuance of general permits substantively affect its application.

Thank you for your consideration. If we can be of assistance please contact Daniel Eagar at 532-0708.

Sincerely,



for

Paul E. Davis
Director

Cc: Larry Watson, Memphis District Corps of Engineers, Memphis TN
Mary Jennings, U.S. Fish and Wildlife Service, Cookeville, TN
Rob Todd, Tenn. Wildlife Resources Agency, Nashville, TN
Todd Bowers, U.S. Environmental Protection Agency, Atlanta, GA

Lindy Johnson, Manager
Water Permitting and Compliance
TVA Office of Environment and Research
1101 Market Street, LP 5D
Chattanooga, TN 37402