



FAX COVER

Send To:

Name: GEORGE CONNER Date: 1-30-98

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Fax Number: 5-632-6137

Verification Number: _____

Number of pages including cover: _____

Subject: WATER QUALITY CERTIFICATES

From: Tennessee Valley Authority

Name: LYNN PETTY

Organization: _____

Address: _____

Phone: 751-6704

Fax Number: _____

Verification Number: _____

George:

Attached is not one but two Tennessee Water Quality Certificates. One is three pages long dated January 21, 1998 and covers the causeway and approach fills while the other is two pages long dated January 26, 1998 and covers the bridge structures. Perhaps the second one was prepared by the state in response to the Coast Guard's phone call to them????

I'll call you in a few minutes.

Thanks,

Lynn



Division of Water Pollution Control
6th Floor, L & C Annex
401 Church Street
Nashville, Tennessee 37243-1534

January 21, 1998

Certified Mail Receipt # R 421 778 199

Joseph R. Bynum, Vice-President
TVA-Fossil Operations
1101 Market Street, L.P. 3K
Chattanooga, Tennessee 37402-2801

Re: §401 Water Quality Certification
File # 970021330, USCOE PN# 97-137, NRS# 97-893

Dear Mr. Bynum:

Pursuant to §401 of the *Federal Clean Water Act* (33 U.S.C. §1341), the State of Tennessee is required to certify whether the activity described below will violate applicable water quality standards. Accordingly, the Division of Water Pollution Control requires reasonable assurance that the activity 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*.

Subject to conformance with approved plans, specifications, and other information submitted in support of the referenced application, the State of Tennessee hereby certifies the proposed activity pursuant to 33 U.S.C. 1341. This shall serve as authorization pursuant to T.C.A. § 69-3-101 et seq.

This does not obviate requirements of other federal, state, or local laws. In particular, work shall not commence until the applicant has received the federal §404 permit from the Corps of Engineers or §26a permit from the Tennessee Valley Authority where necessary.

LOCATION: Emory River, Mile 10.4, Roane County, Tennessee

DESCRIPTION: construction of a causeway and placement of an approach fill for the Kingston fuel delivery rail spur; placement of 25,090 cubic yards of fill into the Emory River below normal summer pool and the placement of 7,400 cubic yards of fill into the Swan Creek Pond below normal summer pool

EFFECTIVE DATE: January 21, 1998

EXPIRATION DATE: October 31, 2001

SPECIAL CONDITIONS:

1. The work shall be accomplished in conformance with approved plans, specifications, data, and other information submitted in support of the above application and the limitations, requirements, and conditions set forth herein.
2. Both temporary and permanent erosion and sedimentation control measures shall be employed to prevent runoff sediments from entering waters of the State. Measures shall include, but not be limited to the use of entrenched fabric filter fence, entrenched staked straw bales, sediment basins, berms, dams, brush barriers, fiber mats, netting, gravel, mulches, grasses, slope drains, etc.
3. Excavation at the site shall not begin until the site has the required stormwater permits and proper erosion controls are installed. The erosion controls shall be maintained until all erodible soil at the site is stabilized.
4. Excavated material must be removed to a location that will prevent its reentry into waters of the State. All stockpiles must be temporarily seeded and separated from the stream by entrenched silt fence. The silt fence must be maintained at all times.
5. No impacts to any waters of the State other than those specifically addressed in the plans and this permit are allowed.
6. Placement of riprap shall be accomplished such that a minimum of sediment disturbance is caused.
7. Material used in bank stabilization shall include clean shot rock, rip-rap or anchored trees or other non-erodable material found in the natural environment. Stabilization materials shall not include gravel, sand, sediments, chert, soil, or other unconsolidated materials. Materials to be discharged shall be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris, organic materials, etc.
8. All oils, lubricants, or other chemical pollutants shall be drained into receptacles and disposed of in an acceptable manner. There shall be no runoff or direct discharge of fuels, lubricants, or chemical pollutants to waters of the State.
9. All other terms and conditions of the general permit for bank stabilization shall be adhered to.
10. It is the responsibility of the applicant to convey all conditions of this permit to all contractors.

The proposed work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in Rule 1200-4-3-.03 of the Rules of the Tennessee Department of Environment and Conservation. This includes but is not limited to the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of waters of the state for any of the uses designated by Rule 1200-4-4. These uses include fish and aquatic life, livestock watering and wildlife, recreation, irrigation, industrial water supply, and domestic water supply.

The State of Tennessee reserves the right to modify or revoke this permit or to seek modification or revocation of this permit should the State determine that the activity results in more than an insignificant violation of applicable water quality criteria or violation of the Act. Failure to comply with permit terms may result in penalty in accordance with § 69-3-115 of the Act.

Bynum
1/21/98
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An appeal of this action may be made to the Water Quality Control Board. In order to appeal, a petition requesting a hearing before the Board must be filed within 30 days after receipt of the permit action. In such petition, each contention should be stated in numbered paragraphs which describe how the proposed activity would be lawful and the action of the state is inappropriate. The petition must be prepared on 8½" by 11" paper, addressed to the Water Quality Control Board and filed in duplicate at the following address: Paul E. Davis, Director, Division of Water Pollution Control, 6th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243-1534. Any hearing would be in accordance with T.C.A. §69-3-110 and 4-5-301 et seq.

Very truly yours,



 Paul E. Davis, Director
Division of Water Pollution Control

cc: Lee Barclay, U.S.F.W.S., Cookeville, TN
Dan Sherry, T.W.R.A., Nashville, TN
Carl Olsen, U.S.C.O.E., Nashville, TN
Natalie Harris, T.D.E.C., Knoxville, TN



Division of Water Pollution Control
401 Church Street
6th Floor L & C Annex
Nashville, TN 37243-1534

January 26, 1998

Certified Mail Receipt # P 421 778 200

Joseph R. Bynum, Vice-President
TVA-Fossil Operations
1101 Market Street, L.P. 3K
Chattanooga, Tennessee 37402-2801

Re: §401 Water Quality Certification
File # 970021330, USCOE PN# 97-137, NRS# 97-893

Dear Mr. Bynum:

Pursuant to §401 of the *Federal Clean Water Act* (33 U.S.C. §1341), the State of Tennessee is required to certify whether the activity described below will violate applicable water quality standards. Accordingly, the Division of Water Pollution Control requires reasonable assurance that the activity 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*.

Subject to conformance with approved plans, specifications, and other information submitted in support of the referenced application, the State of Tennessee hereby certifies the proposed activity pursuant to 33 U.S.C. 1341. This shall serve as authorization pursuant to T.C.A. § 69-3-101 et seq.

This does not obviate requirements of other federal, state, or local laws. In particular, work shall not commence until the applicant has received the federal §404 permit from the Corps of Engineers or §26a permit from the Tennessee Valley Authority where necessary.

LOCATION: Emory River, Mile 10.4, Roane County, Tennessee

DESCRIPTION: construction of a three bridges and one culvert and placement of an approach fill for the Kingston fuel delivery rail spur; the bridges consist of a 780' structure over the Emory River, a 229' structure over Bullard Branch, a 250' structure adjacent to the Emory River, and 2 @ 31.5' culvert over Swan Pond

EFFECTIVE DATE: January 26, 1998

EXPIRATION DATE: October 31, 2001

SPECIAL CONDITIONS:

1. The work shall be accomplished in conformance with approved plans, specifications, data, and other information submitted in support of the above application and the limitations, requirements, and conditions set forth herein.

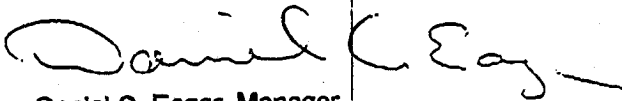
Bynum
1/26/98
page 2

2. This work shall be done in accordance to the General Permit for Road Crossings.

The proposed work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in Rule 1200-4-3-.03 of the Rules of the Tennessee Department of Environment and Conservation. This includes but is not limited to the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of waters of the state for any of the uses designated by Rule 1200-4-4. These uses include fish and aquatic life, livestock watering and wildlife, recreation, irrigation, industrial water supply, and domestic water supply.

An appeal of this action may be made to the Water Quality Control Board. In order to appeal, a petition requesting a hearing before the Board must be filed within 30 days after receipt of the permit action. In such petition, each contention should be stated in numbered paragraphs which describe how the proposed activity would be lawful and the action of the state is inappropriate. The petition must be prepared on 8½" by 11" paper, addressed to the Water Quality Control Board and filed in duplicate at the following address: Paul E. Davis, Director, Division of Water Pollution Control, 6th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243-1534. Any hearing would be in accordance with T.C.A. §69-3-110 and 4-5-301 et seq.

Sincerely,



Daniel C. Eagar, Manager
Natural Resources Section

cc: Carl Olsen, USCOE, Nashville District

enclosure