



DEPARTMENT OF THE ARMY
 NASHVILLE DISTRICT, CORPS OF ENGINEERS
 Regulatory Branch
 3701 Bell RD
 Nashville, TN 37214

September 30, 2008

10/16/08 Lindy Johnson
 Cynthia McCowan, KFP 1A-KST
 Ben O'Brien, KFP 1A-KST
 Larry Nathan, OSW 1A-M
 Anda Ray, WT 11A-K
 Greg Signer, WT 6A-K
 EDM, WT CA-K

Regulatory Branch

SUBJECT: File No. 200801604; Proposed Kingston Fossil Plant (KIF) Gypsum Pond Outfall Structure at Discharge Channel, Opposite Mile 2.6, Right Bank, Clinch River (Watts Bar Lake), in Roane County, Tennessee

Mr. Gordon G. Park
 Manager of Environmental Compliance
 Tennessee Valley Authority
 1101 Market Street (5D-LP)
 Chattanooga, Tennessee 37402-2801

Dear Mr. Park:

In accordance with your recent request, this is to inform you that the proposed 20" diameter outfall structure at the subject location is authorized by existing Nationwide Permit (NWP) 7 [March 12, 2007, Federal Register, Reissuance of Nationwide Permits; Notice (72 FR 11092)].

For the above authorization to be valid, the proposed work must be accomplished in accordance with the enclosed plans (Exhibits A and B), NWP Conditions (Exhibit C), and Activity-Specific Conditions (Exhibit D). If you fail to comply with any of the permit's terms and conditions, this authorization may be modified, suspended, or revoked and an individual permit may be required pursuant to 33 CFR 330.5.

This verification that the work is authorized under the above-mentioned NWP is valid until two years from the date of this letter unless the NWP authorization is modified, suspended, or revoked. If the work has not been completed by that time, you should contact this office to obtain verification that the permit is still valid.

As soon as the authorized work has been completed and all the permit conditions have been met (including any required mitigation), you must sign the enclosed "Compliance Certification" and send it back to the Corps office checked on the form (Exhibit E).

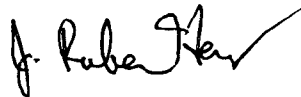
You must comply with any applicable state or local FEMA-approved floodplain management requirements. In addition, you are also responsible for obtaining any other federal, state, and/or local approvals which may be required for the activity.

OCT 07 2008

We are aware that the Tennessee Department of Environment and Conservation, Division of Water Pollution Control, issued an Aquatic Resources Alteration Permit (ARAP) for the outfall on August 11, 2008. You must comply with the terms, conditions, and notification requirements of that permit.

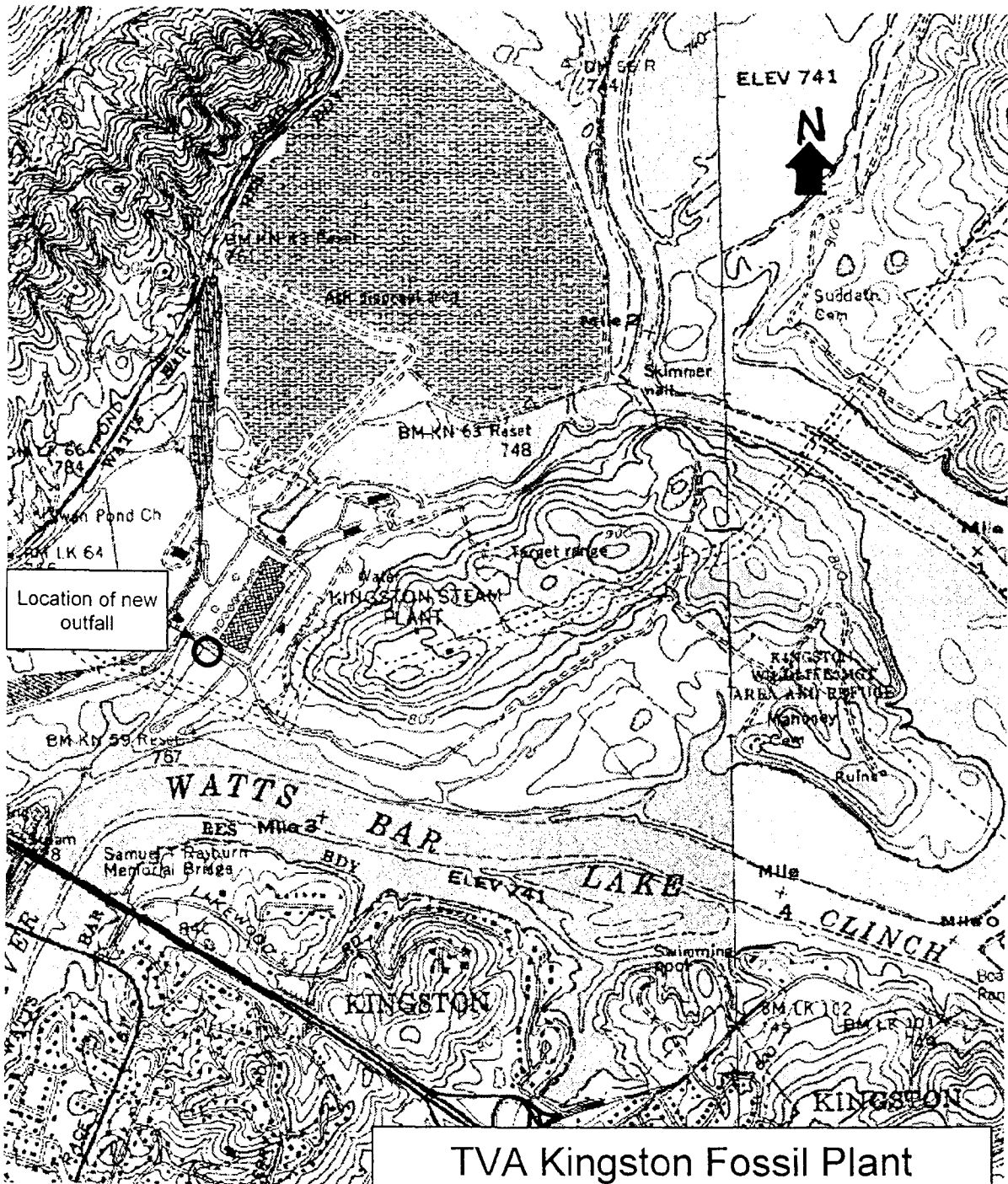
If changes in the location or plans of the proposed work are necessary, revised plans should be submitted promptly to this office. No deviation should be made in the approved plans without first obtaining approval from this office.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Ruben Hernandez", with a checkmark-like flourish at the end.

J. Ruben Hernandez
Project Manager
Operations Division

Enclosures



TVA Kingston Fossil Plant
 Outfall Structure
 July 2008
 Harriman, TN Quadrangle

FILE 200801604
 EXHIBIT A

0020-SKS

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A

B

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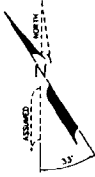
D

E

F

G

H



CCW DISCHARGE CHANNEL

SADDLE CONCRETE BLOCK ANCHORS (TYP.)

WP
S₁ = 1032' - 8.1"
W = 308' - 4.1"
EL = 732' - 2"

PLAN
SCALE: 1/4" = 1'-0"

20" SD HOPE-82-1800 (UNDERGROUND)

SCALE: 1/2" = 1'-0"

EXISTING CHANNEL BANK SLOPE

RESERVOIR GATE ELEVATION 745'-0"

2:1 SLOPE OF R/P RAP

10'-0"

LOW WITH ELEVATION 735'-0"

SCREEN

6" PIPE
EL 732'-2"

1'-0"

1'-0"

SADDLE CONCRETE BLOCK ANCHORS (TYP.)

ESTIMATED CHANNEL FLOOR (APPROX. 725'-0")

SECTION A
SCALE: 1/2" = 1'-0"



KEY LOCATION PLAN
SCALE: NONE

NO.	DATE	BY	CHKD.	DESCRIPTION

ADVATECH (TVA CTR. PP-18244-8)
TAP COMPLETED BY: REV. 00

SCALE: AS NOTED	EXCEPT AS NOTED
FGD SYSTEM UNIT 1-9	
CIVIL	
DRAINAGE BASIN	
PLAN AND SECTIONS	
DESIGNED BY: LS	CHECKED BY: LS
DRAWN BY: CLB	APPROVED BY: RPB
KINGSTON FOSSIL PLANT TENNESSEE VALLEY AUTHORITY	
AUTOCAD PLOT: 36	SKK-C200

PLOT FACTOR: 1

CAD DRAWN BY: REV. 00

FILE 200801604
EXHIBIT B



**US Army Corps
of Engineers.**
Nashville District

Nationwide Permit Conditions

2007

TITLE 20001007
EXHIBIT C

The following General Conditions must be followed in order for any authorization by NWP to be valid:

1. **Navigation.** (a) No activity may cause more than a minimal adverse effect on navigation. (b) Any safety lights and signals prescribed by the US Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the US. (c) The permittee understands and agrees that, if future operations by the US require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the US. No claim shall be made against the US on account of any such removal or alteration.
2. **Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.
3. **Spawning Areas.** Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
4. **Migratory Bird Breeding Areas.** Activities in waters of the US that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
5. **Shellfish Beds.** No activity may occur in areas of concentrated shellfish populations, unless the activity is related to a shellfish harvesting activity authorized by NWP 4 and 48.
6. **Suitable Material.** No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).
7. **Water Supply Intakes.** No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.
8. **Adverse Effects from Impoundments.** If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.
9. **Management of Water Flows.** To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the preconstruction course; condition, capacity, and location of open waters if it benefits the aquatic environment (e.g. stream restoration or relocation activities).

10. **Fills Within 100-Year Floodplains.** The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. **Equipment.** Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. **Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the US during periods of low-flow or no-flow.

13. **Removal of Temporary Fills.** Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations and revegetated, as appropriate.

14. **Proper Maintenance.** Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.

15. **Wild and Scenic Rivers.** No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, US Forest Service, US Fish and Wildlife Service).

16. **Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

17. **Endangered Species.** (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that may affect Federally-listed species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the FWS, the District Engineer may add species-specific regional endangered species conditions to the NWP.

(b) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical



US Army Corps
of Engineers.

Nashville District

Nationwide Permit

No. 7, Outfall Structures and Associated Intake Structures

Activities related to:

(i) Construction or modification of outfall structures and associated intake structures where the effluent from the outfall is authorized, conditionally authorized, or specifically exempted by, or that are otherwise in compliance with regulations issued under the National Pollutant Discharge Elimination System Program (Section 402 of the Clean Water Act).

(ii) The construction of intake structures is not authorized by this NWP, unless they are directly associated with an authorized outfall structure.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 27) (Sections 10 and 404 activities)

FILE 200801604
EXHIBIT D

ATTENTION

YOU ARE REQUIRED TO SUBMIT THIS SIGNED CERTIFICATION REGARDING THE COMPLETED ACTIVITY AND ANY REQUIRED MITIGATION.

I hereby certify that the work authorized by Permit No. 200801604 and any required mitigation was done in accordance with the Corps authorization, including any general or special conditions.

✕

Permittee Signature

Date ✕ _____

Submit this signed certification to the office checked below:



U.S. Army Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN 37214



Eastern Regulatory Field Office
P.O. Box 465
Lenoir City, TN 37771



Western Regulatory Field Office
2042 Beltline Road, Southwest
Building C, Suite 415
Decatur, AL 35601

JRH

Project Manager

EXHIBIT E

ATTENTION

YOU ARE REQUIRED TO SUBMIT THIS SIGNED
CERTIFICATION REGARDING THE COMPLETED
ACTIVITY AND ANY REQUIRED MITIGATION.

I hereby certify that the work authorized by Permit No. 200801604
and any required mitigation was done in accordance with the Corps
authorization, including any general or special conditions.

X

Permittee Signature

Date X _____

Submit this signed certification to the office checked below:



U.S. Army Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN 37214



Eastern Regulatory Field Office
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Lenoir City, TN 37771



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Project Manager

EXHIBIT E