



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
JACKSON ENVIRONMENTAL FIELD OFFICE
DIVISION OF WATER RESOURCES
1625 HOLLYWOOD DRIVE
JACKSON, TN 38305
PHONE 731-512-1300 STATEWIDE 1-888-891-8332 FAX 731-661-6283

May 18, 2018

Mr. Larry Jackson, Senior Project Engineer
Tyson Farms, Inc.
2231 Martin Luther King Blvd
Fayetteville, AR 72701

Subject: **NPDES Construction General Permit Tracking No. TNR122070**
Master Tracking Number TNR122070
Humboldt Production Facility
Tyson Farms, Inc.
Humboldt, Gibson County, Tennessee

Dear Mr. Jackson:

The Division of Water Resources (the division) acknowledges receipt of the Notice of Intent (NOI) form for the above referenced project. The NOI was received on May 9, 2018. The NOI was submitted to obtain coverage under a General NPDES Permit for Storm Water Discharges Associated with Construction Activity.

A review of the submitted form showed that the NOI was incomplete. We have assigned this project NPDES Permit tracking number TNR122070. No discharges of stormwater associated with construction activity are authorized by the general permit until the completed NOI is submitted and Notice of Coverage (NOC) issued by the division.

Storm Water Pollution Prevention Plan (SWPPP)

The division acknowledges receipt of your SWPPP as fulfillment of the SWPPP submittal requirement for this construction site. However, the SWPPP was found not to satisfy requirements stated in part 3 of the General Permit. **Please the enclosed checklist for deficiencies in the SWPPP that must be addressed before permit coverage can be issued. In particular, please review the comments section on page 2 of the checklist for a more detailed itemization of what information is needed.** If after reviewing the checklist you would like to discuss any of the items noted please feel free to contact me at your convenience.

Contractor Information

As of the date this NOI was processed, no contractor was identified on the NOI. A primary contractor, or contractor otherwise responsible for sediment and erosion controls on the construction site, must be identified and must submit an NOI to this office prior to beginning earth clearing operations on site. When submitting the NOI, the contractor should indicate on the NOI form the above referenced permit tracking number.

Receiving Stream not Supporting Designated Uses

The receiving stream for the construction site for which the NOI was submitted appears on the state's list for partially supporting or for not supporting a stream's designated use due to siltation and due to alteration in stream-side or littoral vegetative covers (habitat alteration).

Since the discharge from the proposed construction site may contain significant amounts of silt, the division considers the potential for degradation to the receiving stream from the discharge to be significant. Therefore, the additional pollution prevention requirements described in subpart 5.4 of the General Permit are applicable to your construction site; requirements of section 5.4.2. apply only if the stream is located on or adjacent to the disturbed area.

Additionally, since the receiving stream is located on or adjacent to the disturbed area, the division considers the potential for further degradation to the stream-side/littoral vegetative covers of the stream to be significant. Therefore, section 5.4.2. of the General Permit is applicable to your construction site, and requires that an average 60-foot (min. 30-foot at any measured location) water quality riparian buffer zone be preserved, to the maximum extent practicable, adjacent to the receiving stream.

Receiving Stream not Supporting Designated Uses

The receiving stream for the construction site for which the NOI was submitted appears on the state's list for partially supporting or for not supporting a stream's designated use due to siltation and due to alteration in stream-side or littoral vegetative covers (habitat alteration).

Since the discharge from the proposed construction site may contain significant amounts of silt, the division considers the potential for degradation to the receiving stream from the discharge to be significant. Therefore, the additional pollution prevention requirements described in subpart 5.4 of the General Permit are applicable to your construction site; requirements of section 5.4.2. apply only if the stream is located on or adjacent to the disturbed area.

Additionally, since the receiving stream is located on or adjacent to the disturbed area, the division considers the potential for further degradation to the stream-side/littoral vegetative covers of the stream to be significant. Therefore, section 5.4.2. of the General Permit is applicable to your construction site, and requires that an average 60-foot (min. 30-foot at any measured location) water quality riparian buffer zone be preserved, to the maximum extent practicable, adjacent to the receiving stream. We appreciate your attention to the general construction stormwater permit and its requirements. We believe this does make a difference to the quality of state waters. If you have any questions, please me at (731) 512-1308 or by e-mail at Gregg.Overstreet@tn.gov.

Sincerely,



Gregory S. Overstreet
Environmental Manager
Division of Water Resources
Jackson Environmental Field Office



TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
 Division of Water Resources, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 11th Floor, Nashville, Tennessee 37243
 1-888-891-8332 (TDEC)

Notice of Intent (NOI) & Stormwater Pollution Prevention Plan (SWPPP) Checklist for Construction General Permit Activities (CGP)

Date Received: 5/9/2018 Staff Review Completion Date: 5/17/2018 New NPDES Tracking Number: TNR122070 MSA Jurisdiction: N/A

Reviewer: GSO # of Disturbed Acres: 95.7 Site/Project Name: Humboldt Production Facility

Unavailable Waters: Yes No Exceptional Waters: Yes No T & E Species: Yes No USACE/EPA JD: Yes No Fee Collected: Yes No

This checklist pertains to the current CGP and is used during the NOI review process to help determine whether the submittal provides enough information to grant a Notice of Coverage under the permit. This checklist does not specifically address every condition of the permit or preclude the Division from asking for additional information.

Yes	No	N/A	SWPPP Requirements	Yes	No	Start/End dates listed	CGP pg #
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Correct site-wide permittee (Owner/Developer) entity name included	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Start/End dates listed	1
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Proper signature for the owner/developer provided	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Disturbed acreage given	14
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Receiving waters listed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Latitude/Longitude given and is correct	14
<input checked="" type="checkbox"/>	<input type="checkbox"/>		ARAP Required? ARAP #(s):	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Secretary of State Control # (if applicable)	14
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Appropriate portion of USGS topo map provided showing the boundaries of the construction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	County(ies): Gibson	15
<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input checked="" type="checkbox"/>	<input type="checkbox"/>		18
<input checked="" type="checkbox"/>	<input type="checkbox"/>		For comprehensive SWPPPs - All foreseeable construction-related activities are addressed [1.4.2]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		17, 26
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Plans and specs for structural control measures have been prepared and stamped by Professional Engineer or Landscape Architect [3.1.1]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		17
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Includes engineering design of sediment basin/controls for projects 10 acres or greater (5 acres if impaired/exceptional waters) [3.1.1]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		17
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Includes Quality Assurance Site Assessment requirement criteria if applicable [3.1.2]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		17
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Signed by the operator(s) [3.3.1]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		17
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Includes multi-phase sheets: <5 ac. - 2-phase plan min.; ≥5 ac. - 3-phase plan min. [3.5.2]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		17, 26
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Depicts disturbance limits, buffer zones, watershed drainage patterns, and drainage area serving each outfall [3.5.1.4.1]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		17
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Includes a description of all construction activities (not just grading and street construction) [3.5.1.a]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		17
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Includes a description sequence of major activities (e.g., grubbing, excavation, grading, utilities, and infrastructure installation, etc.) [3.5.1.b]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		17
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Includes estimates of the total site area versus the total area of the site to be disturbed [3.5.1.c]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		17
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Includes a complete inventory of aquatic resources (including any stream, sinkhole or wetland) on or adjacent to the project [3.5.1.j]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		18
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Includes a description of appropriate erosion prevention and sediment controls (EPSCs) and the general timing of implementation [3.5.2]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		18
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Specifies which permittee is responsible for implementation of which EPSC [3.5.2]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		19
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Specifies removal of trapped sediment from sediment controls at or before 50% design capacity [3.5.3.1.e]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		20
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Specifies EPSCs will be implemented before earth-moving begins [3.5.3.1.f]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		21
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Specifies stabilization within 14 days (7 days for ≥35% slopes) on site areas where construction has temporarily/permanently ceased [3.5.3.2]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		24
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Specifies inspections of outfalls/EPSC measures at least twice weekly and at least 72 hours apart [3.5.8.2.g]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		24, 25
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Specifies that vegetation, EPSCs & other protective measures are repaired, replaced, or modified within 7 days [3.5.7][3.5.8.2.h]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		18
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Depicts the proposed location of all major structural/nonstructural controls and all proposed stabilization practices [3.5.1.g][3.5.3.3]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		17
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Identifies all outfall locations intended for coverage under the CGP [3.5.1.g]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		17
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Includes the name of the receiving water(s), and approximate size and location of affected wetland acreage at the site [3.5.1.j]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		17, 20
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Identifies construction phasing for activities that will disturb >50 acres [3.5.1.m][3.5.3.1.k]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		21
<input checked="" type="checkbox"/>	<input type="checkbox"/>		EPSCs have been designed to control the rainfall and runoff from a 2-year, 24-hour return interval storm [3.5.3]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		21
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Specifies sediment basins for construction sites with drainage areas >10 acres [3.5.3.3]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		26
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Specifies a 30' natural riparian buffer zone adjacent to all streams, lakes, wetlands on/adjacent to the construction site [4.1.2]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		26, 32
<input checked="" type="checkbox"/>	<input type="checkbox"/>		Specifies a 15' natural riparian buffer zone adjacent to wet weather conveyances identified as WOTUS by the USACE or EPA [4.1.2][5.4.2]	<input checked="" type="checkbox"/>	<input type="checkbox"/>		26, 32

Notice of Intent (NOI) & Stormwater Pollution Prevention Plan (SWPPP) Checklist for Construction General Permit Activities (CGP)

Yes	No	N/A	Additional SWPPP Requirements for Discharges into Impaired or Exceptional TN Waters	CGP pg #
			Specifies that EPSCs proposed for the site have been designed to control storm runoff generated by a 5-year, 24-hour storm event [5.4.1.a]	30
✓			Specifies sediment basins for construction sites with drainage areas >5 acres that discharge to impaired or exceptional waters [5.4.1.f]	31
			Specifies a 60' natural riparian buffer zone adjacent to all impaired or exceptional waters on/adjacent to the construction site [5.4.2]	32
			SWPPP Requirements for Permanent (Post-Development) Stormwater Management	CGP pg #
			Specifies velocity dissipation devices at discharge locations and along the length of any outfall channel [3.5.4]	22
			Includes technical basis used to select velocity dissipation devices where flows exceed predevelopment levels [3.5.4]	23

Identification indicators of possible streams or wetlands utilizing site information and resources include:

1. Contour and stream indicators on USGS TOPO maps
2. Drainage area to a defined conveyance (20 acres east TN/40 middle TN/75 west TN),
3. Aerial photography identifying a sinuous tree line or grouping of remaining forest in an agricultural setting
4. Springhouse/box
5. Comparable nearby drainage that has previously been determined to have a stream
6. Onsite or adjacent ponds or impoundments
7. Check EFO HD GIS for previous determinations
8. NRCS soil maps or Web Soil Survey: (<http://websoilsurvey.nrcs.usda.gov/lapp/WebSoilSurvey.aspx>)
9. Wetlands on National Wetlands Inventory: (<http://www.fws.gov/wetlands/data/mapper.HTML>)

If sufficient indicators exist, a stream determination may need to be performed. Stream determinations must be performed by a Qualified Hydrologic Professional: (<http://nhdct.org/>).

Comments

<ol style="list-style-type: none"> 1. SWPPP (pg. 7) states the Middle Fork Forked Deer River is not 303d listed. However, the MFFD River as well as Dufy and Barnett Branch are 303d listed for sediment/siltation. 2. SWPPP narrative and plans need to identify the disturbed acreage for each of the 3 distinct phases (Pg. 15 of SWPPP). 3. Wetlands, streams and buffer areas must be specifically label on all erosion control plan sheets. Currently, it appears the plans show these features but there is no labeling or legend calling them out specifically. 4. All outfalls and total drainage areas should be shown and labeled on the plan sheets. In addition, it appears that there are more outfalls present that what is currently identified in the SWPPP. Each sediment basin would be considered an outfall as well any other areas where stormwater would leave the site or limits of disturbance especially as concentrated flow. 5. More description is needed on each phase of disturbance to ensure that no more than 50 acres will be disturbed at any one time. 6. The project is phased in to 3 distinct disturbances in an attempt to limit active disturbance to less than 50 acres as required by the CGP. Each of these 3 phases or areas of disturbance will require their own 3 phase erosion controls plans sheets (initial phase EPSCs, intermediate phase EPSCs, and final stabilization). In addition, each phased sheet should be clearly labeled and or have a legend for the erosion control measures. Currently, each of these have only one phase that appears to encompass all the erosion control measures to be implemented from the beginning to final stabilization 7. The Hydrograph report is based upon the 2 year, 24 hour storm event. All erosion control measures must be based upon and certified for the 5 year, 24 hour storm event since the receiving water are 303d listed for sediment/siltation.
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