

Aquatic Resource Alteration Permit

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Who Needs An ARAP/ Section 401 Certification?

Persons who wish to make an alteration to a stream, river, lake or wetland must first obtain a water quality permit. Physical alterations to properties of waters of the state requires an Aquatic Resource Alteration Permit (ARAP) or a §401 Water Quality Certification (§401 certification). Examples of stream alterations that require a permit from the Tennessee Division of Water Pollution Control (division) include:

- Dredging, excavation, channel widening, or straightening
- Bank sloping; stabilization
- Channel relocation
- Water diversions or withdrawals
- Dams, weirs, dykes, levees or other similar structures
- Flooding, excavating, draining and/or filling a wetland
- Road and utility crossings
- Structural fill

A federal permit may also be required from the U. S. Army Corps of Engineers (Corps) for projects that include the discharge of dredged or fill material into waters of the U.S. including wetlands. This permit is called a §404 permit. When a §404 is required from the Corps, a §401 certification must first be obtained from the division. A §401 certification affirms that the discharge would not violate Tennessee's water quality standards. The application process for a §401 certification is the same as the ARAP process.

General permits provide a streamlined means for the division to approve activities that are considered to result in minor impacts. The division has issued general permits for the following activities:

- Alteration of wet weather conveyances
- Bank stabilization
- Construction and removal of minor road crossings
- Construction of launching ramps and public access structures
- Construction of intake and outfall structures
- Emergency road repair
- Maintenance activities
- Minor alterations to wetlands
- Minor dredging and filling
- Sand and gravel dredging
- Sediment removal for stream remediation
- Stream restoration and habitat enhancement
- Surveying and geotechnical exploration
- Utility line crossings
- Wetlands restoration and enhancement

What Information Must I Provide?

An applicant who seeks coverage under a general permit must submit an application for Aquatic Resource Alteration Permit (form CN-1091) together with the basic requested information to the environmental field office for that region. The regional office information is found on the back of the application form.

An applicant for an individual permit must submit an application for Aquatic Resource Alteration Permit (form CN-1091) together with the detailed requested information and the proper fee to the division at its central office in Nashville. The form requires information concerning the applicant, location, schedule of activities and a detailed description of the proposed activity. This includes the general intent or goal of the project, a topographic location map and detailed plans or blueprints of the proposed project, and an analysis of practicable alternatives. Further, information regarding social and economic considerations, and the environmental consequences of each alternative may be needed.

How Will My Application Be Processed?

An application will first be reviewed for completeness. When the proposed activity qualifies for coverage under a general permit, the work can be authorized by letter (Notice of Coverage) upon review and acceptance of the plans. This normally takes three to four weeks.

When the proposed activity does not qualify for coverage under a general permit, a regular or individual permit is required. If the application is not complete, the applicant is notified of any deficiencies and asked to respond. After submittal of all required items, a public notice is issued. The division must advertise the public notice on the TDEC web site and mail a copy to persons on our mailing list. The applicant must also place a division approved legal notice in a local newspaper and post a placard near the project site.

During the public comment period, a public hearing may be requested. A hearing must be held if anyone requests one. A public hearing notice must be advertised in a local paper at least 30 days in advance. After public review and final supervisory review, a permit is issued or denied. The division must take action to issue or deny a permit within 90 days after receipt of a completed application or the fee can be refunded. In most cases, individual permits are processed in less than 90 days. Permits are valid for the time required to complete the activity with a maximum duration of up to five (5) years.

What Fees Are Required?

1200—4—11—.02 SCHEDULE OF FEES

1. Application Fees for §401 Water Quality Certifications and Aquatic Resource Alteration Permits shall be as follows:

- a. Projects that affect more than 10 acres or 1000 feet of stream length - \$2500
- b. Projects that affect less than 10 acres or 1000 feet of stream length - \$1000
- c. Watershed District Projects (T.C.A. §69-7-101 et seq.) - \$750
- d. Personal Residence or Family Farm - \$50

2. Permit Annual Maintenance Fees for:

- a. Gravel Dredging - \$100
- b. Gravel Dredging Personal Residence or Family Farm - \$0

What Are My Rights And Responsibilities After The Permit Is Issued?

The permittee has the right to proceed with permitted activities. The permits are transferable but only upon written notification to the division. Minor modifications to the permit can be made administratively. If an extension is necessary, the applicant must reapply with the division. In the case of a denial or contested permit conditions, the applicant may appeal to the Water Quality Control Board within 30 days of a permit decision.

The applicant is responsible for complying with conditions and requirements as stated in the permit. These requirements and conditions are specific to the activity and may include periodic monitoring and inspections by the applicant. In addition, the applicant is responsible for obtaining any associated federal permits such as U.S. Army Corps of Engineers §404 and §10 permits and Tennessee Valley Authority §26a permits.

What Are The Division's Rights And Responsibilities After The Permit Is Issued?

The division has the right to inspect the site when deemed necessary. It also has the right to revoke, suspend or modify any permit for violation of permit conditions and any other provisions of The Tennessee Water Quality Control Act of 1977.

The waters of Tennessee are the property of the state and are held in public trust for the use of the people of the state, and the people of Tennessee, as beneficiaries of this trust, have a right to unpolluted waters. In the exercise of its public trust over the waters of the state, the division must take all prudent steps to protect for the future use of the waters so that the water resources of Tennessee might be used and enjoyed to the fullest extent consistent with the maintenance of unpolluted waters.

Whom Do I Contact For Applications, Assistance And Other Sources of Information?

You may contact Sevier County Storm Water for assistance in obtaining an ARAP.

Information and an application for an Aquatic Resource Alteration Permit may be obtained from the [Division of Water Pollution Control](#). In addition, copies of general permits and information regarding §401 certification can be obtained by contacting the Division. New applicants who need more than one permit can contact their regional [Environmental Coordinator](#) for further assistance.

Applicants may refer to the following publications:

- TDEC Division of WPC: A Guide To Permits Required For Work Within Streams In The State Of Tennessee
- [TDEC Division of WPC: General Permits, Aquatic Resource Alteration Permit Program](#)
- [A Landowner's Guide to Streambank Protection and Stabilization](#)
- [TCA § 69-3-108](#) : Tennessee Water Quality Control Act of 1977
- 40 CFR § 301-303, 306, 307
- 33 USC § 1341: Navigation and Navigable Waters, Certification