



Montgomery County Government
Building and Codes Department

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Pollution Prevention: Drainage and Stream Modifications

Many Montgomery County citizens have streams or brooks that run through their property or have property that borders or contains a wetland. These water bodies are critical to maintaining positive storm water drainage, keeping the larger waterways healthy and clean, and providing temporary storage of excess water during periods of flooding.

Rivers, streams, lakes, and wetlands that carry storm water runoff are protected by law and cannot be altered without authorization from the Tennessee Department of Environment and Conservation (TDEC), and in some cases, the US Corps of Engineers.

The Montgomery County Storm Water Program forbids modifications or obstruction to any creeks, streams, drainage courses, ditches or wet weather conveyances without prior permission of the Storm Water Coordinator or Montgomery County Building Commissioner.

Persons who wish to make alterations to any stream, river, lake or wetland must first obtain an Aquatic Resource Alteration Permit (ARAP) or a 401 Water Quality Certification from the Tennessee Department of Environment and Conservation (TDEC).

Alterations to any stream and/or wetland require a state permit:

- Driveway, road and utility crossings of streams
- Stream bank re-sloping or stabilization
- Channelization, relocation, dredging or excavation
- Installing dams, dykes, weirs, or levees
- Water diversions or withdrawals
- Sand or gravel dredging

In most cases, you will also need to apply to the US Army Corps of Engineers for a federal 404 permit. If a federal 404 permit is required, you must first apply for and receive the state ARAP.

Actions that require a federal 404 permit:

- Maintenance Activities

- Utility Line Activities including Access Roads
- Bank Stabilization
- Linear Transportation Projects
- Aquatic Habitat Restoration, Establishment, and Enhancement Activities
- Residential Developments
- Temporary Construction, Access, and Dewatering
- Building or Modifying Boat Ramps
- Commercial and Institutional Developments
- Agricultural Activities
- Reshaping Existing Drainage Ditches (>500 linear feet of drainage ditch)
- Building Recreational Facilities

In addition, the Montgomery County Building and Codes Department must be notified of the project and supplied with a copy of the project plans and a copy of all permits that are issued for the project. The Montgomery County Water Quality Buffer requirements must be followed in all cases.

Please be aware that the rules and regulations for these permits change occasionally. This document is intended to act as an overall guide for a person planning a project involving a water body alteration and does not necessarily cover all legal requirements. If you are planning to work in or near any stream, brook, river or wetland, it is your responsibility to ensure that you have fulfilled all federal, state and county requirements for that work, submit the proper permit requests, and received all permits required for your plans.

For more information, please go to:

Tennessee Department of Environment and Conservation, Division of Water Pollution Control
<http://tennessee.gov/environment/wpc/>

U.S. Army Corps of Engineers Regulatory Program
www.usace.army.mil/inet/functions/cw/cecwo/reg/

Montgomery County Storm Water Management and Control Regulation Program Website:
<http://www.montgomerycountyttn.org/county/stormwater/>