



**MONTGOMERY COUNTY GOVERNMENT
BUILDING AND CODES DEPARTMENT**

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TDEC Development and Commercial Construction Site Documentation Requirements

Following these policies will satisfy the State (TDEC) requirements for documentation at your development or commercial construction sites.

Notice of Coverage: Each development must have a valid Notice of Coverage **posted** on site (the Notice of Intent is not acceptable). Each subcontractor/builder must post a copy of the developer's/main contractor's Notice of Coverage on each individual work site (if separate from the development's Notice of Coverage).

A Notice of Coverage is obtained by submitting a completed Notice of Intent form and a site specific Storm Water Pollution Prevention Plan (SWPPP) to TDEC. A copy of the Notice of Coverage and SWPPP must be submitted to the Montgomery County Building and Codes Department prior to the issuance of a Grading Permit. This Notice of Coverage must be maintained by the developer for as long as construction is ongoing.

If a development changes ownership, the new owner must obtain a new Notice of Coverage in order to legally continue construction during the build-out phase.

TDEC evaluation of the current conditions and situation will determine eligibility for a Notice of Termination. Any remaining building construction must be performed under another Notice of Coverage (i.e.: a Notice of Coverage issued to a builder/contractor for specific lots that they own. The development must be completely stabilized.

As each lot (or group of lots) is sold to individual builders/contractors, each builder/contractor must sign a Notice of Intent form referencing the development's Notice of Intent tracking number, before starting construction. The Notice of Intent is sent to TDEC to be kept on file. When the builder/contractor had completed all construction activity, they must fill out a Notice of Termination to get removed from the development's Notice of Coverage.

Letters and notices from TDEC concerning the Notice of Coverage (changes, limitations, revocations, violations, terminations, etc.) must be submitted to Montgomery County Building and Codes within five (5) days of receipt. **Failure to submit required documentation may result in the issuance of a Stop Work Order, or the revocation of an issued Grading or Building Permit. Starting construction without a Notice of Coverage may result in civil penalties as allowed under TCA 68-221-1106.**

Inspections: Storm water controls must be inspected by someone with EPSC Level 1 certification at least twice a week, no less than 72 hours apart and documented on the TDEC Inspection form (records are to be kept on site). The name, address and contact information of the inspector must be submitted to Montgomery County Building and Codes.

A Storm water control inspection must be performed and documented on the TDEC Inspection form immediately before and after a rain event of .25" or greater (records are to be kept on site).

A properly installed, functional rain gage must be located on site. Precipitation data is to be recorded daily and after each rain event (records are to be kept on site).

Storm Water Pollution Prevention Plans: Each site must have a valid Storm Water Pollution Prevention Plan (SWPPP), a copy of which must be submitted to Montgomery County Building and Codes and a copy kept on site. Changes to any required documentation must be submitted to Montgomery County Building and Codes at the same time the changes are submitted to TDEC.

On Site Storage of Documentation: The SWPPP, storm water controls inspection form, and rain fall records must be kept on site in a marked, water-proof structure that can be easily located. It will be satisfactory if up-to-date copies are kept on site if vandalism is a problem. The Notice of Coverage must be waterproofed and posted in a prominent location. Montgomery County Building and Codes must be notified of the location of the records and posted Notice of Coverage. Builders and developers are responsible for providing a copy of all Notice of Intent, Notice of Coverage and Notice of Termination letters issued to them by the state to Montgomery County Building and Codes.

Notice of Coverage Questions and Answers

What is a Notice of Coverage (NOC)?

The term “Notice of Coverage” is shorthand for a **National Pollution Discharge Elimination System Construction Storm Water Discharge Permit**, which is issued by the Tennessee Department of Environment and Conservation (TDEC). The Notice of Coverage is an agreement between a developer and TDEC that sets the rules that must be followed during construction to prevent pollution from leaving the subdivision/development.

What subdivisions are required to have a Notice of Coverage?

All Montgomery County subdivisions/developments that were approved for construction after March, 2003 are supposed to have a Notice of Coverage. The Notice of Coverage must be kept by the developer until all construction within the subdivision is complete.

How do I get a Notice of Coverage?

A Notice of Intent and site specific Storm Water Pollution Prevention Plan (SWPPP) must be completed and sent to TDEC for approval.

I just bought a subdivision/development that has already been started (construction is in progress). What do I have to do to be in compliance with state law?

You must stop all construction activity until you have a valid Notice of Coverage. You need to fill out and sign a Construction Activity Storm Water Discharges Notice of Intent form that includes the original TDEC Tracking Number for that development and a copy of the original site Storm Water Pollution Prevention Plan (SWPPP). You must have the Notice of Coverage “in hand” before any construction activity can continue.

What could happen if I don't get a Notice of Coverage?

TDEC can fine you up to \$5,000 per day for every day that you allow construction activity to continue without having a Notice of Coverage.

Wow! This sounds really complicated. Who can I talk to about this stupid state requirement?

Go to the TDEC website: <http://tennessee.gov/environment/permits/conststrm.shtml>, or contact John Doss at Montgomery County Building and Codes by phone 931-648-5718 or by email at jhdoss@montgomerycountyttn.org.