



## Chapter 5

### PERMITTING REQUIREMENTS

#### 5.1 City Permits

Permits are required by the City of Knoxville in order to ensure that proper standards are used in design and construction. Permits also allow city construction inspectors to monitor progress and to ensure quality in the final constructed project. See Chapter 1 for a list of the major design objectives of the Stormwater Engineering Division. There are mainly two city agencies from which city permits are obtained at different stages of the design and construction process: the Engineering Department (three engineering divisions) and the Department of Development (Inspections Bureau). For large projects, a site development permit may be obtained prior to a building permit, in order to allow for grading and other site work to begin prior to building construction.

The following list of permits are issued by the Stormwater Engineering Division (part of the Knoxville Engineering Department). See Appendix A for application forms and checklists for the various permits.

##### A. Site Development Permit

The site development permit is the principal permit that is issued by the Stormwater Engineering Division. An approved permit will allow the property owner to begin construction and grading on the project site, in accordance with the plans and specifications, for all improvements excepting the portion of work that requires a building permit. A permit application form and a submittal checklist are included in Appendix A. Some basic requirements of plan drawings and calculations are listed in Chapter 7. Construction details must be drawn and labeled to show all materials. The application form must be legible and factually correct. It is the responsibility of the applicant to thoroughly review and understand all city laws and regulations with regard to site development and property regulations when applying for city permits.

##### B. Construction Right-Of-Way Permit (compare to State Right-Of-Way Access Permit)

A construction right-of-way permit must be obtained from the City of Knoxville for any type of project that requires grading, tree trimming, clearing, excavation or construction within public right-of-way. The permit allows city construction inspectors to monitor potential traffic interruptions and to inspect any repair work or modifications to: curb and gutter, sidewalk, signs, stormwater drainage, pavement structure, utilities, etc. A construction ROW permit is needed from the Stormwater Engineering Division for installation of driveways or entrances. Civil Engineering Division issues construction ROW permits in accordance with the Utility Maintenance & Construction Policy (available on the Civil Engineering webpage).

Damage to any city property, including grading and vegetation, must be reported immediately and repaired by the contractor appropriately. Alternatively, monetary damages may instead be requested by the Engineering Department in lieu of repairs.

C. Floodplain Development Permit

Prior to issuance of a site development permit for a property located with the floodplain, the floodplain development permit application (shown in Appendix A) must be approved by the Stormwater Engineering Division. The form must be signed by the applicant to ensure that the FEMA elevation certificate (shown in Appendix A) will be completed by a professional engineer or land surveyor within the required deadline. Submit one copy of the elevation certificate to the Knoxville Inspections Bureau after construction is completed, within the allotted time as per instructions.

D. Special Pollution Abatement Permit

This permit (also called SPAP) is required for development or redevelopment projects based on the potential to impact stormwater runoff quality, unless a current NPDES discharge permit is in effect for this site. SPAP application forms and requirements are included in Chapter 7 of the Knoxville BMP Manual. The SPAP is typically issued for 5 years and must be renewed prior to expiration. Also, the SPAP must be updated continuously to reflect design changes and new information.

A typical list of permits that are issued by the Inspections Bureau (Knoxville Department of Development) includes:

- Building Permit
- Construction Right-Of-Way Permit
- Demolition Permit
- Gas Permit
- Mechanical Permit
- Plumbing Permit
- Electrical Permit
- Floodplain Development Permit \*
- Sign Permit
- Site Development Permit \*

\* = This permit can be obtained from either the Inspections Bureau or from the Engineering Department.

The two principal permits for most basic projects are a Site Development Permit (often informally called a grading permit) and a Building Permit. A city right-of-way permit is also needed to make a connection to an existing street. All permit requirements are identical whether submitted to the Stormwater Engineering Division or the Inspections Bureau. Permit applications, instructions, checklists and other forms are included in Appendix A for permits typically issued by the Stormwater Engineering Division. Consult the website at [http://www.knoxvilletn.gov/government/city\\_departments\\_offices/plans\\_review\\_inspections/](http://www.knoxvilletn.gov/government/city_departments_offices/plans_review_inspections/) or

visit the Inspections Bureau front desk (Suite 505, City County Building) for information about Knoxville Inspections Bureau permits.

Site development permits are not required when either of the following conditions apply (as listed in Section 22.5-28 of the Knoxville Stormwater and Street Ordinance):

- A. The developed area will be used for gardening or agricultural purposes only, and no erosion or sediment is expected due to the minor nature of site grading.
- B. A special request is made to the Engineering Director, and the developed area does not affect the overall quantity or quality of stormwater runoff. There must not be any effect on drainage channels or drainage patterns, and there is no increase in the amount of impervious land surface or the amount of vehicular traffic.

## 5.2 State Permits

The State of Tennessee may require one or more permits prior to site development and actual project construction; only a few of the potential state permits are listed in this section. The principal state agencies with an interest in the site development process include:

Tennessee Department of Environment and Conservation (TDEC)  
<http://tn.gov/environment/section/permit-permits>  
Telephone 865-594-6035  
(Environmental Assistance Center)  
2700 Middlebrook Pike, Suite 220

Tennessee Department of Transportation (TDOT)  
Telephone 865-594-9101 (east side of Knox County, at Strawberry Plains Pike)

The TDEC website contains a list of environmental permits (air, water, wastewater, natural resources, etc.) in addition to forms, instructions, contacts, and fee schedules. The most common TDEC permits for general site development in the Knoxville region are ARAP and NPDES.

The local TDOT office must review and approve new driveways and entrances to state highway routes prior to being constructed. Criteria that TDOT uses to evaluate entrances include: horizontal sight distance, vertical sight distance, roadside maintenance concerns, stormwater drainage impacts, and potential traffic patterns.

### A. Aquatic Resource Alteration Permit (ARAP)

This permit is necessary for any alteration, modification or impact within or adjacent to waters of the state, which also includes wetlands and sinkholes. Waters of the state are normally defined as any blue-line stream shown on a USGS quadrangle map, or any point adjacent or downstream from the start of a blue-line stream shown on a USGS quadrangle map. State of Tennessee requires that an ARAP must be submitted and approved prior to any activity which could potentially damage or degrade waters of the state. See the TDEC permit website for more information. TDEC allows some activities with a minimum amount of paperwork, while other activities may require a substantial amount of planning and submission of an application fee.

An approved ARAP must be submitted to the Stormwater Engineering Division prior to the final approval of a Site Development Permit. This normally requires some foresight in

contacting TDEC and determining which type of ARAP is needed. For common types of aquatic impacts (such as less than 50' of minor bank stabilization), TDEC has streamlined procedures as described at the TDEC permit website. Often, there is some question about where a blue-line stream begins. The local TDEC office is considered to be the official arbitrator. A TDEC inspector can usually inspect a location within a few days of a request being made. Although some judgment is involved, there are objective guidelines that can be used to make a determination.

**B. National Pollutant Discharge Elimination System (NPDES) Construction Permit**

NPDES permits are required by the U.S. Environmental Protection Agency, but are administered within this state by TDEC. However, the City of Knoxville has been approved by TDEC to be a Quality Local Program (QLP) and administer construction permits within the City. A construction permit is necessary for all construction activity that involves the grubbing, clearing, grading or excavation of 1 acre or more. Even if the construction activity is less than 1 acre, a NPDES construction permit is still required if the overall project development site includes over 1 acre. The applicant must fill out a Notice of Intent (NOI) form and also submit a Stormwater Pollution Prevention Plan (SWPPP). Application fees typically range from \$250 up to \$7500, depending on the amount of acreage developed.

**C. National Pollutant Discharge Elimination System (NPDES) Industrial Permit**

In addition to normal construction activities, NPDES permits may be needed for many types of industrial and commercial activities. See the TDEC permit website for more information. The NPDES program (authorized by U.S. Environmental Protection Agency) is administered within this state by TDEC. The design and construction of an industrial site will be greatly influenced by whether NPDES industrial permits are necessary. Most types of construction additions or redevelopment projects will affect an existing NPDES permit and should be closely coordinated and monitored.

**D. State Right-of-Way Access Permit**

For any state highway route, TDOT requires that a new driveway or parking lot entrance must be reviewed and permitted. The procedure for any site development plans is to bring 8 copies of the plan drawing to the Stormwater Engineering Division. The 8 copies will be stamped "Access Only", and then the applicant must take the 8 copies to the TDOT offices at Strawberry Plains Pike for review. After TDOT reviews and approves the driveway permit, bring 1 copy of the "Access Only" plan drawing back to the Stormwater Engineering Division.

### **5.3 Federal Permits**

The United States government may also require permits prior to site development and actual project construction. The two most common types of federal permits (listed below) are concerned with potential impacts or alterations to creeks, streams, lakes, wetlands and other waters of the state. The USACE has special emphasis on navigable waters. A blue-line stream is defined as any stream or channel on a USGS quadrangle map, which is downstream from any point where the blue-line map legend is used. This definition may also include lakes, ponds, wetlands or other depressions that are adjacent to a blue-line stream.

A. Section 26A Permit for TVA creeks and tributaries (Tennessee Valley Authority)

B. Section 404 Permit for USACE blue-line streams (U.S. Army Corps of Engineers)

For the Knoxville area, TVA and USACE have a combined application form that can be found at the Nashville website (<http://www.lrn.usace.army.mil/>) along with instructions for preparing vicinity drawings, plan drawings, elevation drawings and details. The instructions include essential elements for each type of drawing and a standard drawing format. Contact TVA and USACE for additional information concerning the need for a federal permit:

Tennessee Valley Authority (TVA)  
Suite 300  
804 Highway 321 North  
Lenoir City TN 37771-6440  
Telephone: 865-988-2420

U.S. Army Corps of Engineers (USACE)  
Eastern Regulatory Field Office  
P.O. Box 465  
Lenoir City TN 37771-0465  
Telephone: 865-986-2961

In general, TVA and USACE will judge a permit by evaluating the probable benefits and impacts. In some cases, a project can be approved if the design or construction is modified to be environmentally responsible as recommended by the government experts. The following factors may be considered:

- Aesthetics
- Conservation
- Economics
- Flooding hazards
- Floodplain effects
- Navigation
- Public safety
- Recreation
- Rights of private ownership
- Shore erosion and accretion
- Water quality
- Water supply

After receiving an approved federal permit from either TVA or USACE (or both), the applicant should bring one copy of the approved permit package to the Stormwater Engineering Division before final approval and issuance of the site development permit can be granted.