



**Tennessee Department of Environment and Conservation
Division of Water Pollution Control
Mining Section
3711 Middlebrook Pike
Knoxville, Tennessee 37921-6538
Phone (865) 594-6035 Fax (865) 594-6105**

March 18, 2011

NOTICE OF DETERMINATION

Application for a new NPDES permit to discharge treated wastewater and stormwater into Beaverdam Creek and Billy Richardson Branch in the City of Burns, Dickson County, Tennessee.

**Lankford Excavating Company
P. O. Box 1287
Dickson, Tennessee**

**Lankford Resources
Dickson County
Burns, Tennessee**

NPDES Permit TN0069523 (New)

A public hearing was held on January 11, 2011, at Montgomery Bell State Park in Dickson County, Tennessee to consider public comments on this application for a new NPDES permit. Approximately 55 people attended the hearing and seven (7) people offered comments. Individual concerns and informal questions were discussed at the close of the hearing.

The Division also extended the comment period and held an informal meeting on January 24, 2011, at Montgomery Bell State Park. This meeting provided citizens the opportunity to comment who were unable to attend the scheduled hearing because of extreme weather conditions.

Participants at the public hearing and the follow-up meeting included property owners, local residents, the news media, city and county public officials, a state representative, company officials, representatives of the Harpeth River Watershed Association, No Burns Quarry, and other concerned citizens.

The permit would authorize discharges of treated wastewater and stormwater from a proposed new limestone quarry and processing facility that includes a permit area of 55 acres. The proposed discharge would enter Beaverdam Creek and Billy Richardson Branch. These streams are not listed as impaired in the *EPA Approved Final Version Year 2008 303(d) List* and are not identified as Exceptional Tennessee Waters (ETWs) or Outstanding National Resource Waters (ONRWs).

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Introductory remarks by TDEC personnel offered a summary of the proposed project, the hearing procedure, control measures, and decision process. All comments, concerns, and e-mails received by the Division during the comment period are part of the hearing record and were considered by the Division in making the decision for this NPDES permit application.

Comments and Responses

Please note that a number of comments (both written and oral) are not included in this document because: 1) they were not directly related to the proposed project, 2) stated a belief, opinion, or request that did not specifically ask for a response, 3) required a response that would be speculative and without direct relationship to the project, 4) and requested information or involved matters subject to control or regulation by other government agencies.

Subjects included in the comments or questions follow: (Several of the public comments that represent similar concerns and issues are grouped together under specific categories.)

A. Source Water Supply Impacts

A-1) Will the project affect sources of drinking water for citizens? Will the water system of the Water Authority of Dickson County be affected?

A-2) Turnbull Creek is the water source for the local water authority.

Response: The sources of water for the Water Authority of Dickson County (WADC) are the Piney River, Cumberland River, and Turnbull Creek. The proposed discharge would not enter the Cumberland River or Piney River. Beaverdam Creek enters Turnbull Creek approximately six miles east northeast of the project site. Information and description of the source water supply for the WADC are available at <http://www.wadc.us/>.

Turnbull Creek is designated for use as a domestic water supply. The permit limits for total suspended solids and pH will be protective of the water quality criteria for this and all other designated uses, including industrial water supply, fish and aquatic life, irrigation, livestock watering and wildlife, and recreation. See *Rules of the Tennessee Department of Environment and Conservation, Chapters 1200-4-3 and 1200-4-4*.

The *Tennessee Safe Drinking Water Act 2002 Revision* prohibits the discharge by any person of sewage or any other waste or contaminant at such proximity to the intake, well or spring serving a public water system in such a manner or quantity that it will likely endanger the health or safety of customers of the system or cause damage to the system. See *TCA 68-221-711 (5)*.

B. Groundwater and Blasting Activity

B-1) Blasting activity will cause collapsing of the cave walls and cover up water wells. Blasting will damage water wells in the area.

B-2) What will blasting do to the network of tunnels at the site? Blasting will create fissures in these tunnels and release unknown toxins to the groundwater.

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B-3) Blasting will cause cracks and water will seep into the ground and no studies have been done to determine what hazards are left from the previous mines or from previous illegal dumping.

B-4) A sewage pumping station is less than 300 yards from the site and continuous blasting could very well damage the pumping station and cause raw sewage to enter Beaverdam Creek which enters Turnbull Creek.

B-5) Has the impact on groundwater been analyzed? What will prevent the wastewater from reaching the underground and pollute the creek?

B-6) The project will pollute the groundwater.

B-7) What affect will the use of ammonium nitrate and fuel oil for blasting have on the local watershed? Commenter cited a Canadian study regarding fuel oil and blasting.

Response: The NPDES permit does not regulate groundwater or blasting activities. Lankford Excavating Company complied with the application requirements of EPA Form 1 by providing a topographic map showing surface waters in the area and identifying drinking water wells located within ½ mile of the facility. EPA considers identification of these features as relevant to an understanding of the geological and hydrological consequences of a discharge in the affected area. See *EPA Form 1, Item 11, and Site Location Maps.*

Chemicals and toxins will not be discharged. Any discharge of a pollutant to surface waters not authorized by the NPDES permit would be unlawful. For details and information regarding groundwater regulations in Tennessee, see *Division of Ground Water Protection, <http://tn.gov/environment/gwp/> and Division of Water Supply, <http://tn.gov/environment/dws/>.*

Blasting activities are regulated by the Tennessee Division of Commerce and Insurance, Fire Prevention Division, Tennessee State Fire Marshall's Office, 500 James Robertson Parkway, 3rd Floor, Davy Crockett Tower, Nashville, TN 37243-1163, Telephone (615) 741-7190. Blasting standards, use of chemicals, fees, and penalties are described in *Rules of the Department of Commerce and Insurance, Division of Fire Prevention, Chapter 0780-2-15 and TCA, Title 68, Chapter 105, et seq.*

B-8) Pollutants from past operations may have seeped into the ground that could cause water quality problems by the proposed project activities.

B-9) Water at the mine site may have been contaminated by an old landfill or from prior mining activities. Commenters referred to previous activities in the area conducted by the Schrader operation.

Response: The Tennessee Valley Drainage Divide bisects the City of Dickson and the surrounding area. The old landfill is located on the south to southwest side of the drainage divide. The proposed quarry is located on the north to northeast side of the drainage divide. The distance between the landfill site and quarry site is approximately eight linear miles. The Schrader site is located approximately two linear miles west of the quarry site.

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We contacted the Tennessee Division of Solid Waste Management, the Tennessee Division of Remediation, and the Water Authority of Dickson County (WADC) regarding the landfill and Schrader sites. Groundwater contamination was found in wells to the west, southwest, and northwest of these sites and away from the proposed quarry and Beaverdam Creek, which are located on the north and northeast side of the drainage divide.

The pollutant of primary concern is Trichloroethylene (TCE). Dickson County is monitoring groundwater in the vicinity of the old landfill. The results are submitted to the Tennessee Division of Solid Waste Management.

The *Federal Safe Drinking Water Act of 1974 (as amended)* requires annual water quality testing by public drinking water authorities and distributors. Monitoring results of the WADC are available at <http://www.wadc.us/documents/>.

The NPDES permit provides additional safeguards with the requirement that the permittee must notify the Division as soon as it knows or has reason to believe that TCE (or any other toxic pollutant) not limited by the permit has been discharged, on a routine or frequent basis, in excess of the "notification levels" listed in *40 CFR, Part 122, Appendix D, Table II and III*. See *NPDES Permit, Part III, F*.

C. Drainage Control, Wastewater Treatment, and Water Quality

C-1) The quarry will create excess sedimentation and ruin streams.

C-2) How will heavy rainfall and runoff be controlled?

C-3) Sinkholes exist already, and the activity will cause more. This may not be a concern for TDEC, but it should be a concern for someone at the State of Tennessee. These tunnels go under Highway 96. The state cannot afford another collapsed road.

C-4) Has TDEC considered the impact on springs, sinkholes, and area drainage?

Response: Runoff from disturbed areas will be directed to sediment control ponds. These ponds are designed to control the volume of water generated by a 10-year/24-hour storm event. The principal spillways will be overflow weirs that are designed to control a 25-year/24-hour storm event.

An existing sump area created by prior mining activity will be used as one of the sediment control structures. Two new ponds will be constructed with pre-sump areas to capture solids before the runoff enters the sediment ponds. Ditches and berms will be installed as needed to direct internal surface runoff to the sediment ponds.

The Tennessee Division of Water Supply, Groundwater Management Section, is the primary regulatory agency for sinkholes. See <http://www.tn.gov/environment/dws/>.

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The NPDES permit provides the following regarding liability:

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, or penalties established pursuant to any applicable state law or *The Federal Clean Water Act of 1977, as amended*. See *NPDES Permit, Part II, D (2)*.

C-5) The caves left over from past operations are full of water. Where will this water go? How will this water be controlled?

Response: The hydrologic status of this area was evaluated as part of Tennessee's Antidegradation Policy requirements on August 2, 2010. The water in the abandoned mine shafts was determined to be hydrologically connected to the former mine sump area. The assessment and survey determined that the mine sump had no dry-weather connection to streams in the area. See Hydrologic Determination Report in the NPDES Permit File and response to C-1 thru C-4 above.

C-6) Is there a proposed watershed protection plan?

Response: Yes. Tennessee uses a statewide Watershed Management Approach to better manage planning and resources and to streamline watershed activities. The Watershed Management Approach includes planning, inventory of resources and stressors in the watershed, monitoring, assessments, total maximum daily load (TMDL), waste load allocation (WLA), NPDES permitting, and antidegradation review.

The project area is located in the Harpeth River Watershed. The Division developed a Water Quality Management Plan for this watershed in the year 2000. Several EPA approved TMDLs also have been developed for streams in the watershed. Turnbull Creek is covered by the TMDL for siltation and habitat alteration.

The NPDES application review process incorporates the goals and features of the Watershed Management Approach including antidegradation evaluation, alternatives analysis, and stream assessments. See *TDEC Rules at Chapter 1200-4-3-.06(3)*.

The application and plans for this project demonstrate that the proposed discharge activity will meet the effluent limitations guidelines and protect the designated uses of the receiving waters in the affected segment of the watershed. See *TDEC Rules at Chapter 1200-4-4*.

Details regarding Tennessee's Watershed Management Approach are available at www.tn.us/environment/wps/watershed/ and www.tn.gov/environment/watersheds/wsmplans/. The Harpeth River Watershed Management Plan is available at www.tn.gov/environment/watersheds/one/harpeth/.

C-7) Is there a proposed sediment pond protection plan?

Response: The NPDES permit requires that wastewater treatment structures be properly operated and maintained:

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The permittee shall at all times properly operate and maintain all facilities and systems (and related appurtenances) for collection and treatment installed or used by the permittee to achieve compliance with the terms and conditions of this permit. See *NPDES Permit, Part II, A. (4)(b)*.

C-8) How is the sediment trapped in the ponds going to be removed?

Response: According to the application and plans, sediment will be removed by excavator or similar piece of equipment and placed in dump trucks and hauled to a storage area on the northwestern side of the property. The pond clean out schedule will be determined by mining activity and the amount of sediment treated in the ponds. The recovered sediment will be located so that rain events will not cause sediment to leave the site untreated and remain at the location until cessation of mining activity. See permit plans, pp. 5, 7 and response to C-7 above.

C-9) What are the normal downstream issues below limestone quarries?

Discharges from properly operated and maintained treatment facilities do not create downstream water quality issues. Facility discharges must be in compliance with the numeric standards established for the wastewater characteristics. The permit also includes this narrative limitation:

There shall be no distinctly visible floating scum, oil, or other matter contained in the wastewater discharge. The wastewater discharge must not cause an objectionable color contrast in the receiving stream. See *NPDES Permit, Part I, A, (2)*. Discharge quantity (GPM) is also monitored and reported on Discharge Monitoring Report (DMR) forms.

D. Reclamation and Facility Expansion

D-1) What is the reclamation plan for the project? What if the facility expands after the permit is granted? The permit is for 5 years. What if the operation continues after 5 years?

D-2) Is there a reclamation plan for the excavated land?

Response: No. NPDES permits regulate surface water discharge activities. The permit does not require reclamation for non-coal mineral mining and processing facilities. Limestone quarry operations are also exempt from the *Tennessee Mineral Surface Mining Law of 1972* which does require bonding and reclamation of disturbed areas. See *TCA 59-8-201, et. seq.*

However, NPDES permits do require that monitoring activities remain in effect until the Division is assured that facility discharges will meet effluent guidelines and water quality criteria. To meet these standards and obtain release from NPDES permit requirements, non-coal mineral mining facilities must develop and implement satisfactory stabilization and decommissioning measures. Requirements for termination are listed in the *NPDES Permit, Part III, B., p. 14*.

Effective surface stabilization measures for non-coal mineral mining and processing operations include, but are not limited to, regrading and revegetation of disturbed and excavated areas, removal of stockpiles, equipment, and other sources of contaminants.

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Lankford Excavating Company included a decommissioning plan with the permit application. Site stabilization measures include removal of equipment and stockpiles, reseeded of bare soil areas, and implementation of best management practices. (See permit plans and specifications, pp. 8-9) Requests for permit termination are placed on public notice for citizen review and comment. See *NPDES Permit, Part III, B*.

Facility expansion would require modification of the permit, plans revision, and public participation. NPDES permits are valid for five years and may be renewed for new five year terms. Renewal applications must be submitted 180 days prior to permit expiration and are subject to public participation requirements including public notice and opportunity for public hearing.

E. Public Participation and Administrative Issues

E-1) Because of the weather conditions on the date of the hearing, the concerns for safety to attend this hearing, we request another hearing.

Response: TDEC held a follow-up meeting on January 24, 2011, at the request of the Harpeth River Watershed Association. This informal meeting allowed citizens and groups who were unable to attend the hearing to comment on the project.

E-2) The comment period should be extended.

Response: TDEC extended the comment period until January 31, 2011. The initial closing date for comments was January 21, 2011.

E-3) What are the economic and social considerations of this project?

Response: The applicant completed the required alternatives analysis and economic and social considerations in accordance with Tennessee's Antidegradation Policy for proposed a new discharge activity. The analysis describes benefits such as significant tax source for the community and removal of hazards at the site from abandoned underground mining and previously mined high walls.

A comprehensive and detailed analysis showing that the proposed discharge is economically and socially justified is not required because the proposed discharge would not enter Exceptional Tennessee Waters (ETWs). See *TDEC Rules at Chapter 1200-4-3-.06* and Antidegradation Guidance Document, Parts 1-3 in the NPDES file.

E-4) Local zoning allows mining on only 15 to 18 acres of the 55 acres proposed for project activities. The city of Burns permit only covers the 14 acres in the city, not the 54 acres shown on the NPDES permit application. The applicant does not have the proper zoning to operate a quarry. The applicant needs to reapply for a permit that only applies to the 15 acres in the City of Burns.

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E-5) All activities related to the quarry need to be restricted to the area zoned in the city of Burns. Two sediment ponds are proposed to be located on parts of the property outside the city of Burns zoning for a mine. The permit boundaries need to be adjusted to limit all quarry activities to the City of Burns.

Response: We do not have authority over zoning issues or questions. Our authority is based on statute and supporting regulations relating to the completeness of the application and whether the proposed discharge will be protective of water quality and the designated uses for the receiving waters. The decision to issue an NPDES permit does not supersede local laws or requirements. See *NPDES Permit, Part II, D(2)*.

F. Application and Permit Conditions

F-1) The 25-foot buffer required by the permit needs to be well marked for easy inspection and to prevent quarry activity from encroaching into the stream buffer.

Response: The plans include maps and specifications that clearly show the buffer zone and stream. The field inspector receives a copy of the permit and supporting plans with map and boundaries. Encroachment or facility activities in the buffer zone would be a violation of the NPDES permit.

F-2) The permit needs to have a condition that specifically prohibits surface water withdrawal from the nearby streams. The permit needs to include the requirement that application for an ARAP is necessary for proposals to withdraw water from surface waters.

Response: Any action or proposal to withdraw water from surface waters would require prior authorization under an Aquatic Resources Alteration Permit (ARAP). The NPDES permit states: "It is a violation of this permit to fail to obtain a permit or permit coverage for any activity that requires a permit under *The Tennessee Water Quality Control Act of 1977*." See *NPDES Permit II, D (3)*.

F-3) TDEC needs to include the "threatened and endangered" species survey in the permit file. The study needs to be reviewed by TWRA if it hasn't been per TDEC's procedures.

F-4) Has the effect on wildlife been considered?

F-5) No actual studies have been done to determine the exact wildlife affected in the caves' water. There are not any "listed" species but no actual studies conducted?

Response: As required by Tennessee's Antidegradation Policy for a proposed new discharge activity, we review available data to determine if any state or federally listed threatened or endangered species are present in the affected area. The legal listings for these species are developed and handled by the Tennessee Wildlife Resources Agency (TWRA) and the U.S. Fish and Wildlife Service (USFWS).

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Public participation for the proposed discharge included review and scrutiny by TWRA and USFWS. The results of our survey are contained in the Antidegradation Policy Worksheet contained in the NPDES permit file. For a review of listings and state procedures for protection of state and federally listed species, see Natural Heritage Inventory Program, Tennessee Division of Resource Management, at <http://www.tn.gov/environment/na/nhp.shtml>.

F-6) Fines should be levied for operating a quarry without a permit for the time period of such operations after Lankford was expressly told by TDEC in February, 2010, that he needed the permit.

F-7) The operator started mining before obtaining the proper permits.

F-8) TDEC needs to terminate the current CGP to prevent further activity of the quarry until the NPDES permit is issued and other applicable state and/or federal permits are issued (such as those relevant to the wetland found on site).

Response: The facility received coverage under the *Tennessee's General Stormwater Permit for Construction Activities (CGP)*, Tracking Number TNR148100, on September 16, 2009. The Mining Section informed the operator of NPDES permit requirements by letter dated February 18, 2010. The application for an individual NPDES permit was submitted on June 3, 2010.

The Nashville Environmental Field Office (EFO) issued a Notice of Violation (NOV) on July 22, 2010, for failure to obtain the NPDES permit prior to conducting mining activities at the site, as well as violations of the terms and conditions of the *CGP*. The NOV was sent to the Division's Enforcement and Compliance Section for corrective action. See NOV, Complaint #14414, page 2, Nashville EFO, July 22, 2010.

The applicant is not authorized to conduct any activities regarding excavation and removal of minerals from the site without the required NPDES permit. Coverage under the *CGP* will be terminated upon issuance of the individual NPDES permit. See *CGP 10-0000* at *Section 6:12.6:12.1*.

The applicant responded to the NOV issued by the Nashville EFO on August 22, 2010. The response letter indicated that erosion and sediment control measures had been installed and maintained, inactive areas were revegetated, information regarding the construction stormwater permit and associated stormwater control plan was posted in an area accessible to the public, and information to complete the application requirements for the NPDES permit was submitted.

An application for a general ARAP permit to cover the wetland at the site has been submitted by Lankford Excavating Company and will be issued concurrently with the individual NPDES permit. The ARAP tracking number is *NR10MS.031*.

F-9) TDEC's procedures (Mining Section and possibly the whole state) do not appear to meet the requirements of 40 CFR Part 25 regarding public participation. All draft permits and applications need to be on the TDEC web site for public access. Also, copies of file materials (applications, etc.) should be available in the closest TDEC field office to improve public access.

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F-10) The procedures of the Knoxville Field Office should be changed. Currently, all requests for file information are handled by one person, and if that person is unavailable, then the files cannot be reviewed even if the office is open. The HRWA did not receive our copy of the file until after the public hearing on January 13, 2011.

F-11) The TN Open Records Act (10-7-503) states "all state, county, and municipal records, shall at all times, during business hours, be open for personal inspection by any citizen of Tennessee, and those in charge of such records shall not refuse such right of inspection to any citizen." The Knoxville EFO procedure should change to avoid violating the TN Open Records Act.

Response: The release and distribution of public information by the Division of Water Pollution Control is based on TDEC Rules and Guidelines for responding to requests for public information. See *TDEC Rule 1200-4-1-.04* and *TDEC Guidelines for Responding to Public Records Requests, November 2010*.

In the effort to provide greater transparency, accountability and broader access to public information, TDEC makes available a Water Pollution Permits Data Viewer to the public on its Web site. The Data Viewer uses information from the same consolidated database TDEC personnel uses to keep track of permit activity and status.

At present, we are placing draft and final NPDES permits on the TDEC database as per request. However, we are reviewing procedures and processes for placing all draft and final NPDES permits issued by the Mining Section on the WPC Data Viewer. The web address is <http://www/tn.gov/environment/wps/dataviewer>.

Copies of draft permits and applications are made available at the Environmental Field Office (EFO) responsible for the counties in which the projects are located. We honor all requests made during normal business hours for personal inspection and to copy public records and information as required by the *Tennessee Open Records Act*.

We designate a person to contact regarding requests for information to coordinate and expedite the review process. However, if that person is not available then the requester should ask that the request be forwarded to another staff member for processing. We do not deny valid requests for information or requests for file reviews.

F-12) Please make sure that Lankford goes through the correct process and conducts a proper environmental study and takes immediate measures to stop runoff and silt from entering Beaverdam Creek and Billy Richardson Branch.

Response: The applicant has submitted a complete application and supporting plans for an individual NPDES permit. The application included the required alternatives analysis and social and economic considerations for the alternatives. The application indicates that the effluent limitations and standards of the NPDES permit can be met. Compliance with the CGP and *Tennessee Water Quality Control Act* was monitored by the Nashville Environmental Field Office (EFO) during the NPDES permit review period.

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F-13) How much quality control does it take to keep a quarry from fouling watersheds?

Response: Discharges from limestone quarries must meet established effluent limitations guidelines. Effluent limitations guidelines are based on EPA promulgated standards, applicable state guidelines, and Best Professional Judgment (BPJ) of the permit issuing authority. Discharges from properly operated and maintained treatment facilities are expected to be protective of water quality and the designated uses of the receiving waters.

F-14) How much power does TDEC have to stop pollution of watersheds?

F-15) If problems occur, does anyone have the power to force the permittee to clean up and restore watersheds.

Response: TDEC's power and authority is based on the *Tennessee Water Quality Control of 1977 (T.C.A. 69-3-101 et seq.)*, the delegation of authority from the United States Environmental Protection Agency (EPA) under the *Federal Clean Water Act*, as amended by the *Clean Water Act of 1977 (33 U.S. C.1251, et.seq.)*, and supporting federal and state regulations contained in *40 CFR 122.1 and TDEC Rules, Chapters 1200-4-1, 3, 4, and 5.*

The Division will enforce the terms and conditions of the NPDES permit. Any permit non-compliance constitutes a violation of applicable state and federal laws and is grounds for enforcement action, permit termination, permit modification, or denial of permit reissuance. See *NPDES Permit, Part II, C (1)*.

Enforcement activities include Notices of Violations, Compliance Review Meetings, and Director's or Commissioner's Orders which involve corrective measures and monetary penalties. NPDES permit liability remains until the permitted facility is properly stabilized to assure compliance with water quality standards and the established permit conditions for termination, including public notice, are completed. See *NPDES Permit Part III, B*.

G. Other Issues, Questions, and Comments

G-1) What is the meaning of temporary and portable for this type of facility?

The processing operation will be comprised of two mobile portable track mounted units consisting of impact crusher, a screening unit, and associated conveyors. Temporary and portable processing units are covered under the NPDES permit. These units are also permitted by TDEC, Division of Air Pollution Control.

G-2) Commenter expressed confusion regarding the facility name and type of operation.

Response: The application indicates that the company name is Lankford Excavating Company, and the facility or mine name is Lankford Resources. The type of facility is a limestone quarry.

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Decision

The scope of our authority is defined by statute and associated rules describing the NPDES program. An NPDES permit was drafted for this site, which is standard procedure for mining related discharges. We have reviewed the plans and alternatives analysis, conducted the required antidegradation survey and analysis, including stream determinations and wetlands assessments. We considered available data regarding 303(d) stream listings, Exceptional Tennessee Waters, and information concerning federal and state listed threatened and endangered aquatic species present, and responded to the oral and written comments contained in the hearing record.


Public participation requirements included review by associated government agencies including United States Fish and Wildlife Service (USFWS), Tennessee Wildlife Resources Agency (TWRA), U.S. Army Corps of Engineers, and the Tennessee Historical Commission.

Our evaluation included consideration of the comments and concerns relating to impacts from previous and historical mining activities, industrial operations, and abandoned landfill disposal in the area. We contacted state agencies with authority over these activities and the local and regional public water utility regarding the matter. Oversight and monitoring results by these agencies do not indicate any cause for concern that contaminants from the landfill and prior industrial activities will be encountered at the proposed quarry.

Based on the review results, we have determined that the NPDES permit is protective of water quality and can be issued. The final NPDES permit requires the operator to conduct the facility's wastewater treatment and discharge activities in a manner such that pollution will not occur. Permit compliance will be monitored and enforced by the Division.

The Division is issuing ARAP coverage and requiring protective measures for the wetland area at the project site. Additions or changes to the site would require permit modification, plans revision or update, and public participation requirements. Permit renewals require an updated application, public notice, and opportunity for public comment.

Citizens have the right of third party appeal of permit decisions in accordance with the requirements of *The Tennessee Water Quality Control Act of 1977, TCA 69-3-105 (i)*.



Paul E. Davis, Director
Division of Water Pollution Control

3/18/2011
Date