



**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**

October 7, 2011

NOTICE OF DETERMINATION

**Stones River Quarry, LLC
P. O. Box 193
Flat Rock, Indiana**

**Site No. 1
962 Bradyville Road
Readyville, Tennessee
NPDES Permit TN0069621
Cannon County**

A public hearing was held on September 13, 2011, at the Cannon County Courthouse in Woodbury, Tennessee to consider public comments on a new NPDES permit application for a limestone quarry and processing facility. The site is located in Readyville, Cannon County, Tennessee and includes 65 acres.

The permit will authorize discharges of treated wastewater and stormwater into an unnamed tributary of Carson Fork. This stream is not listed as impaired in the *EPA Approved Final Version 2008 303(d) List* and is not identified as state high quality waters.

Eight (8) people attended the hearing, but they did not offer any comments for the hearing record. However, the permit applicant was available to informally answer individual concerns and questions from citizens. Permit plans, maps, and a copy of the draft permit were made available for review.

The comment period was scheduled to end on September 23, 2011. We received numerous telephone inquiries, written comments (e-mails) from citizens near the end of the comment period and for a few days after the closure date.

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

A. General Water Quality Concerns

Comment A-1. *Water quality in the area will be impacted by the proposed quarry operation. The receiving stream is a small tributary but should be protected and left alone. We do not want our water polluted.*

Response:

We evaluated impacts to the receiving stream in accordance with Tennessee's Antidegradation Policy, *TDEC Rule 1200-4-3-.06*. The tributary stream was determined to be a wet weather conveyance that enters Carson Fork. This stream is fully supporting its designated uses. The *Hydrologic Determination Field Data Sheet* is available in the NPDES permit file.

The drainage control and treatment system will include a quarry sump, settling ponds, berms, ditches, and a series of re-circulation ponds for washing operations. The settling ponds are designed to control and treat the volume of runoff generated by a 10-year/24-hour storm event. Two outfalls will be established, one for quarry wastewater and one for stormwater runoff. Discharges will be monitored at these outfalls.

Discharges are required to meet permit limits based on federal and state guidelines. (*40 CFR 436.20* and *TDEC Rule 1200-04-05-.09*.) Discharges meeting these limits will be protective of water quality and the designated uses of the receiving streams. Permit compliance will be monitored and enforced by the Division.

Comment A-2. *We would like to request an onsite inspection and report regarding Carson Creek tributary as well as East Fork Stones River to determine if the Brawley's Fork Crayfish inhabits these areas. Since sediment contributes to this endangered species demise, we fear that the proposed quarry may further drive our crayfish to extinction.*

Response:

TDEC personnel conducted a stream survey on June 21, 2011, as part of the application review process and in support of the state's Antidegradation Policy. The survey did not document the presence of *Brawley's Fork Crayfish* in this segment of Carson Fork. This absence may be the result of intermittent flow, lack of quality habitat, and/or water temperature. Details of the TDEC survey are included in the *Antidegradation Evaluation Worksheet* in the NPDES permit file. We also consulted with the Tennessee Division of Natural Heritage regarding the endangered crayfish. Public notice of the proposed action also involves review by federal and state fish and wildlife agencies.

The permit prohibits the discharge of excessive levels of Total Suspended Solids (TSS). See response to *Comment A-1* regarding the facility's drainage control and treatment system for controlling quarry wastewater and stormwater runoff.

B. Public Participation

Comment B-1. *Most citizens did not know of the proposed quarry operation until the newspaper article in the Cannon County Courier on Tuesday, September 20, 2011. This gave us little or no time to respond intelligently before the comment period expired on September 23, 2011.*

Comment B-2. *Our Cannon County Courier weekly newspaper article said that we had through September 23 to express our concern. But there were no numbers given to call or E-mail.*

Comment B-3. *We request that the comment period be extended to allow residents the time to respond and officials the time to evaluate whether or not this project makes sense for Cannon County at the proposed location.*

Response:

We recognize that a number of citizens said they did not become aware of the proposed permit activity until the end of the comment period, September 23, 2011. Therefore, we granted requests for additional time to submit written comments (e-mails) from a number of concerned citizens.

Comment B-4. *The permit process appears to have been fast tracked or at a minimum moved forward under the radar screen of most residents who will be affected by the operation.*

Response:

The public participation process for this proposed project began on August 4, 2011, with the issuance of public notice (PN M2011-12) announcing the application and draft permit. The comment period for this permit action concluded on September 7, 2011.

We posted the public notice for public hearing (PN 2011-11) in the *Cannon County Courier* on August 9, 2011. This date met the 30 days of notice requirement for the public hearing scheduled on September 13, 2011.

These notices were mailed and e-mailed to interested parties on our mailing list. The processes for these permit actions follow the public participation requirements of TDEC *Rule 1200-04-05-.06 (1-13)*.

Both the NPDES permit application and public hearing notices included a description and location of the proposed discharge activity, name of contact person and agency, fax and telephone numbers, mailing address, and e-mail address. Our public notices are also posted on TDEC's website at the following addresses:

1. <http://www.tn.gov/environment/wpc/ppo/>,
2. <http://www.tn.gov/environment/wpc/ppo/mining/>
3. <http://www.tn.gov/environment/ppo/#wpc>.

Comment B-5. *If the addition of another rock quarry is such a good idea for the county at this location, you would think that a large sign proclaiming "Gravel Pit Coming To Your Neighborhood Soon" would have been erected rather than the innocuous sign currently in place on the proposed site.*

Response:

The permit applicant met the requirements of TDEC *Rule 1200-04-05-.06 (1)* by posting a sign near the point of entrance to the facility and within view of a public road. The sign was posted on July 29, 2011, and maintained for the required 30 days after application submittal. The sign included the name of applicant, the proposed discharge activity, address, telephone number, and agency contact.

Comment B-6. *We need to understand the permit process and how we can influence the process.*

Response:

Public participation is an important part of the NPDES permit program. Citizen involvement occurs at the time of the initial permit authorization process, through submission of public comments and participation at public hearings, and may also occur during permit modification and revision. The public may also participate in state rulemaking processes where permit program requirements are established or revised.

The permit process and public notice opportunities are described in TDEC *Rule 1200-04-05*. A summary of permit procedures is available on TDEC's website at <http://www.tn.gov/environment/permits/npdes.shtml>.

Comment B-7. *What impact studies are required of Stones River Quarry LLC, what must be disclosed in their application, what are the site development requirements, and which federal and state agencies will be involved?*

Response:

Impact studies such as Environmental Impact Statements (EIS) are not required for this permit activity. Permit issuance by Tennessee and other NPDES approved states are specifically excluded as a "Federal Action" requiring EIS consideration. *40 CFR 122.29 (c) (ii)*.

No information on EPA Forms 1 and 2D may be claimed as confidential. EPA regulations state: "Information required by the Director under §122.21 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the form." *40 CFR 122.7 (c)*.

Stones River Quarry, LLC completed NPDES program and state requirements for a completed application, including site maps, site plans, and specifications for wastewater treatment and surface runoff.

Public participation for the application included opportunity for comment from state and federal agencies including the Tennessee Wildlife Resources Agency, Tennessee Historical Commission, U.S. Fish and Wildlife Agency, and U.S. Army Corps of Engineers.

C. Other Issues and Concerns

Comment C-1. *Besides water quality, we have concerns related to other issues such as blasting, noise, traffic, air pollution, safety, property values, and quality of life. Some citizens said blasting activity from existing quarry operations had damaged homes, a church, and local culture center. Why is another quarry needed in the community?*

Response:

We do not have jurisdiction or authority relating to these matters and activities. Personnel from our Knoxville and Cookeville offices have responded to numerous inquiries regarding the proper agency to contact concerning related activities and issues. These concerns included blasting and dust or air pollution.

Blasting activities are regulated by the Tennessee Department 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. Any water quality problems resulting from blasting activity would be addressed in the NPDES permit.

The operator of this quarry has applied for a permit from the Tennessee Division of Air Pollution Control. TDEC's website at <http://www.tn.gov/environment/org/> provides information and agency contacts for air pollution control, groundwater protection, water supply, archaeology, resource management, as well as a listing of environmental field offices.

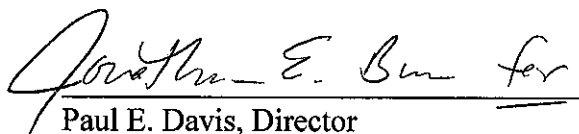
DECISION

The scope of our authority is defined by statute and associated rules describing the NPDES program. An NPDES permit was drafted for this site and public participation requirements were completed that included review by other state and federal government agencies which are standard procedures for mining related discharges. We have reviewed the plans and alternatives analysis, assessed the receiving stream, and conducted an antidegradation survey.

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.

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

10/7/11
Date