



**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**

February 7, 2011

NOTICE OF DETERMINATION

Application for a new NPDES permit to discharge treated wastewater and stormwater into an unnamed tributary of Bluespring Branch in Franklin County.

**Tinsley Asphalt, LLC
P. O. Box 1955
Tullahoma, Tennessee**

Greenhaw Road Quarry

**Decherd, Tennessee
NPDES Permit TN0069507 (New)
Franklin County**

A public hearing was held on December 9, 2010, at the Alto/Oak Grove Community Center in Decherd, Franklin County, Tennessee, to consider public comments on this application for a new NPDES permit. The NPDES permit will authorize discharges of treated wastewater and stormwater from a proposed new limestone quarry and processing facility with an associated asphalt plant. The facility will consist of 92 acres.

The proposed discharge would enter an unnamed tributary of Bluespring Branch in Franklin County, Tennessee. Bluespring Branch and the unnamed tributary do not qualify as Exceptional Tennessee Waters (ETWs) or Outstanding National Resource Waters (ONRWs). This stream is located within the Wagner Creek Watershed. Wagner Creek and its tributaries are shown in the Division's databases as impaired due to nitrates, habitat alterations, and *E. coli*. The NPDES permit will not authorize additions of these pollutants or further habitat alterations.

Approximately 50 people attended the hearing for this permit application. This group included property owners, local residents, the news media, county public officials, company personnel, and other concerned citizens. Eleven (11) people offered testimony during the hearing. An extended question and answer session preceded the comment phase. Division personnel remained after the close of the hearing record and discussed individual concerns.

Introductory remarks by the hearing officer included a summary of the proposed project, the hearing procedure, and decision process. A 10 day comment period followed the public hearing. The comment period ended on December 20, 2010.

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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, and 4) requested information or involved matters subject to control or regulation by other government agencies. However, all comments received are part of the hearing record and were considered by the Division in making the determination for this NPDES permit application.

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 or likely affect the City of Decherd water supply service? The water utility obtains water from springs and sinkholes.

Response: The city water supply sources are located approximately 2.5 miles from the project site. EPA Form 1 requires applicants for NPDES permits to provide a topographic map of the area showing all springs, rivers and other surface water bodies extending at least one mile from the project boundary, plus all drinking water wells within ¼ mile of the facility which are identified in the public record or otherwise known to the applicant. EPA considers these items as relevant to an understanding of the geological and hydrological consequences of a discharge in the affected area.

Tinsley Asphalt, LLC, complied with the EPA application requirement by submitting the maps and water well information for the area extending one mile from the project boundary. The well information was obtained from the Tennessee Division of Water Supply. (See NPDES permit application, pp. 6, 8, 12.)

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. *TCA 68-221-711 (5)*.

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

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B. Drainage Control, Site Runoff, and Flooding Issues

B-1) Where will the water go? Runoff will flood adjacent landowners, businesses, and farms. The area will not handle any more water and flooding will occur.

B-2) Are the lagoons large enough? Will the operator guarantee that the lagoons are large enough to do the job?

Response: Runoff from the disturbed area will be directed to Sediment Basin 1. The proposed basin is designed to control the volume of water generated by a 10-year/24-hour storm event. The emergency spillway for the basin is designed to carry the peak flow from a 25-year/ 24-hour storm event. The treatment basin will also include 0.05 acre/ft of storage volume per acre of the disturbed area.

A sediment trap will be located above Basin 1. An existing pond will also be used for surface runoff controls at the site. As the quarry is developed, a pit sump will be created in the quarry floor to collect and treat runoff. These measures will result in additional storage capacity for the treatment system and should exceed the recommended size requirements associated with the 10-year/24-hour storm event.

Culvert and diversion ditches to control internal drainage will direct site runoff to the facility's treatment system. Culverts are designed to carry the runoff from a 25-year/24-hour storm event. Diversion ditches are designed for a 100-year storm event. A diversion ditch along the northern edge of the site is designed to control off-site runoff around the project site.

Sediment Basin 1 is designed as a detention basin. The purpose of this type of basin is to detain sediment laden runoff from disturbed areas long enough for the majority of solids to settle out in the basin. The basin will store run off between heavy storm events. The rate of discharge is controlled by openings in a riser pipe. The openings will discharge through a skimmer device to allow for slow dewatering following storm events. The slower release of water will protect downstream waters from higher rates of runoff and reduce the potential for flooding. See NPDES permit file for peak flow analysis dated February 4, 2011.

The sediment control structures must be properly operated and maintained and all discharges must meet the effluent limitations established in the permit. The approved plans are incorporated into the permit conditions:

Prior to receiving drainage from disturbances of the permitted mine area, wastewater treatment structures and/or treatment facilities shall be constructed according to approved plans and certified after construction by a Tennessee Registered Professional Engineer or an authorized responsible representative of the company. Such certifications shall be submitted to and approved by the Division. (NPDES Permit, Part I, C, 3.)

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Sediment control and treatment systems that are properly designed, constructed, and maintained have proven to be protective of water quality and the designated uses of the receiving stream for these types of facilities.

B-3) Does TDEC regulate flooding?

Response: No. TDEC does not regulate flooding. However, we do review project proposals to determine if treatment structures are properly designed to control and hold the volume of water associated with 10-year/24-hour storm events. See response to B-2 above.

C. Control and Treatment of Pollutants

C-1) How will the pollutants be controlled? Is there a filtration process?

Response: The pollutants to be controlled and treated are Total Suspended Solids and pH. A monitoring requirement for Oil and Grease is established to monitor runoff associated with the asphalt plant area.

The control and treatment system for these pollutants include sediment trap, pit storage, sediment basin, culverts, diversion ditches, and best management practices. Solids (sediment materials) will collect in the sediment control structures and be treated through settling activity. The time interval and slow release of water from the riser pipe in the sediment basin will allow for additional settling and treatment of solid materials. See response to B-2.

Discharges must meet the permit limitations of 40 mg/L for Total Suspended Solids and 6.0-9.0 standard units for pH. The permit also prohibits discharges that cause an objectionable color contrast in the receiving stream (NPDES Permit, Part 1, A, 2.)

D. Monitoring Requirements and Discharge Monitoring Reports

D-1) Is monitoring required?

Response: Yes. The permittee is required to conduct monitoring twice per month and submit the results quarterly to the Division. The Division will also conduct periodic monitoring as part of the oversight and inspection process.

D-2) Will citizens receive copies of monitoring reports?

Response: Citizens do not receive copies of Discharge Monitoring Reports (DMRs). However, all reports prepared in accordance with the terms of the NPDES permit are available for public inspection, review, and copying. There is a nominal fee for all copies. The monitoring reports are in the NPDES permit file maintained at the Mining Section's office located at 3711 Middlebrook Pike, Knoxville Environmental Field Office (EFO), Knoxville, TN 37921-6538. You may call (865) 594-5616 to schedule an appointment or email Tina.E.Jones@tn.gov.

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Copies of DMRs are also available at the Columbia Environmental Field Office, 1421 Hampshire Pike, Columbia, TN 38401, Telephone (931) 380-3371. Directions and other information concerning environmental field offices are available at www.tn.gov/environment/efo/

E. Administrative Procedures and Processes

E-1) What is the scope of this meeting (hearing)?

Response: The scope of the public hearing is to consider comments and questions concerning the application for an NPDES permit to discharge treated wastewater and stormwater. The hearing is limited to consideration of water quality issues and to the terms and conditions of the draft NPDES permit. Our jurisdiction is based on the *Tennessee Water Quality Control Act of 1977*, the federal *Clean Water Act of 1977*, and associated rules and regulations.

E-2) Will there be more hearings, research and analysis?

Response: No. The company has satisfied the application and public participation requirements for NPDES permit applicants. The Division has reviewed the application, considered the oral and written comments in the public hearing record, and reached a decision regarding issuance of this permit.

F. Compliance and Enforcement

F-1) What if the regulations are not met? Where do we complain?

Response: The Division monitors a permittee's compliance with the permit terms and conditions through site inspections and review of Discharge Monitoring Reports (DMRs). As a result of our inspections and review, the Division may issue Notices of Violations and hold Compliance Review Meetings. Enforcement action may be taken, such as Director's Orders and Commissioner's Orders, which include monetary penalties and require remedial measures.

The Division will respond to any valid complaint or question involving compliance with the terms and conditions of the permit. Complaints and/or questions may be directed to the Columbia Environmental Field Office or to the Mining Section in Knoxville. See response to comment D-2 for address and telephone numbers of these 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, which is standard procedure for mining related discharges. We have reviewed the plans, the alternatives analysis, conducted the required antidegradation survey and analysis, including status of receiving streams.

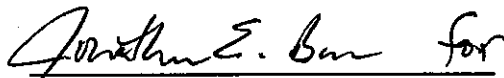
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We considered available data regarding 303(d) stream listings, Exceptional Tennessee Waters (ETWS), and information concerning Federal and State listed endangered or threatened aquatic species present, and responded to the oral and written comments contained in the hearing record. Public participation included review by the United States Fish and Wildlife Service (USFWS) and Tennessee Fish and Wildlife Resources Agency (TWRA).

Based on the results of these reviews, we have determined that the NPDES permit is protective of water quality and can be issued. The 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.

Citizens have the right to 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

2/7/2011
Date