



Tennessee Department of Environment and Conservation
Division of Water Pollution Control
Mining Section
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August 4, 2011

NOTICE OF DETERMINATION

Application for a new NPDES permit to discharge treated wastewater and stormwater into East Fork Stones River in the City of Woodbury, Cannon County, Tennessee.

Wells Group, Inc.
P. O. Box 732
Manchester, Tennessee

Community Stone
1327 John Bragg Highway
Woodbury, Tennessee
NPDES Permit TN0069558 (New)

A public hearing was held on June 28, 2011, at the Cannon County Courthouse in Woodbury, 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 new limestone quarry and processing facility. The permit area will include 12.8 acres.

The proposed discharge will enter East Fork Stones River. This stream has been identified as an Exceptional Tennessee Water (ETW) due to the presence of the *Brawley Fork Crayfish*, which is state listed as endangered. The Division evaluated the proposed discharge in accordance with Tennessee's Antidegradation Policy and determined the discharge activity would be *de minimis* and not result in degradation. The rationale for this determination is contained in the Notice of Determination (No Degradation) issued by the Division on March 24, 2011.

Treatment facilities and drainage control measures for this mining and processing facility include berms, diversion ditches, quarry pit, and treatment pond. As required, the applicant submitted an analysis of reasonable treatment and discharge alternatives to the proposed surface water discharge activity.

Approximately fifty (50) people attended the hearing and seven (7) people offered comments. Individual concerns and questions were also discussed before and after the hearing. Plans, maps, and a copy of the draft permit were made available for review.

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Participants at the public hearing included the permit applicant/operator, property owners, local residents, Cannon County Executive, a Cannon County Commissioner (4th District), representative from the City of Woodbury, property owners, truck driver, realtor, local merchants, and other concerned citizens.

Introductory remarks by TDEC personnel offered a summary of the proposed project, hearing procedure, drainage control and treatment measures, and decision process. The comment period extended until July 13, 2011.

Comments and Responses

Please note that a number of comments (both written and oral) are not included in this document because they: 1) 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, or 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. General Water Quality Concerns

Comments

A-1. What will be the impacts to the overall water quality of the East Fork Stones River from the quarry operation?

A-2. Will location of the quarry next to the East Fork Stones River cause water quality problems? The facility should not be allowed to pollute our water.

Response

The purpose of the NPDES permit is to establish conditions and limitations on wastewater discharge(s) to protect water quality. The Division evaluated impacts to the receiving stream in accordance with Tennessee's Antidegradation Policy, *TDEC Rule 1200-4-3-.06*. We determined that discharges from the facility would be *de minimis* and not degrade the receiving waters. *De minimis* refers to discharges that represent either a small magnitude or a short duration, *TDEC Rule 1200-4-3-.04 (4)*.

All surface runoff from the permit area will be diverted into the quarry pit and treatment (settling) pond. The pond is designed to control and treat the volume of runoff generated by

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a 10-year/24-hour storm event. One discharge outlet and one monitoring point are established.

Discharges will be required to meet permit limits that are based on federal and state effluent guidelines and regulations. Discharges meeting these limits are protective of water quality and the designated uses of the receiving waters. Permit compliance will be monitored and enforced by the Division.

Comments

A-3. Oil solvents/hydraulic fluids stored at the site have leaked into the East Fork Stones River.

A-4. Contaminated site runoff was observed flowing through a berm and was a source for pollution.

A-5. Site runoff has discolored the waters of the East Fork Stones River.

A-6. Has TDEC visited the site? Has a complete site inspection been conducted?

Response

TDEC personnel conducted a complete inspection and made site visits on May 21, 2010, January 5, 2011, and March 1, 2011. We did not observe or document sediment loss, contaminated runoff, hydraulic fluids/oil solvents in the river, or any existing site conditions that would cause water quality problems. East Fork Stones River was observed both upstream and downstream of the facility.

The NPDES permit prohibits the discharge of untreated runoff or discharges containing floating scum, oil, or other materials. The wastewater discharge must not cause an objectionable color contrast in the receiving stream (See NPDES Permit, Part I, A, 1-3.)

B. Water Supply

Comment

B-1. The operation would impact the water treatment plant for the city of Woodbury.

Response

The water plant for the City of Woodbury is located upstream of the facility's location. The proposed discharge would not impact sources of water supply for the city.

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C. Blasting Activity and Water Quality

Comment

C-1. *Will blasting cause cracks or fissures at the site and lead to water quality problems?*

Response

Blasting activities are regulated by the Tennessee Department of Commerce and Insurance, Division of Fire Prevention, Tennessee State Fire Marshall's Office, 500 James Robertson Parkway, 3rd Floor, Davy Crockett Tower, Nashville, TN 37243-1163, Telephone (615) 741-7190. However, any water quality problems that might develop would be addressed in the NPDES permit.

D. TDEC Oversight and Monitoring

Comment

D-1. *A local resident cited past experience with TDEC and expressed reservations that the Agency would adequately protect water quality. Citizens rely on TDEC to protect waters of the state.*

Response

TDEC is responsible for administering and enforcing state and federal laws to protect water quality. We will monitor the facility's discharge activities through compliance inspections, field observation, sampling, and review of Discharge Monitoring Reports (DMRs). TDEC personnel will respond to valid complaints involving water quality issues and initiate enforcement action when required to protect water quality.

Comment

D-2. *The facility is operating without a permit.*

Response

Initial site disturbance in 2008 involved construction activity by Cannon County Redi-Mix (A Division of Wells Group, Inc.). Erosion control for this activity was covered under Tennessee's General Construction Stormwater Permit (TNR171278). Subsequently, operations at the site changed from construction activity to the development of a quarry for limestone mining and processing.

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In response to a citizen complaint, the Division issued a Notice of Violation on June 2, 2010, for mining stone materials without the required permit. The operator submitted the NPDES permit application in response to the Division's action. Permit application and public participation requirements have been met.

E. Public Participation

Comments

E-1. *What is the purpose of the hearing? Commenter alleged that the state had already made the decision to issue the permit.*

E-2. *Comments of the citizens are not considered. What rights do citizens have?*

Response

The purpose of the public hearing is to receive public comments concerning proposed impacts on water quality prior to making a decision regarding the issuance of an NPDES permit. Requirements and procedures for public notice and participation are described in *TDEC Rule 1200-4-5-.06. (1-2, 11-12)*. According to this Rule, each completed application (or request for permit action) is evaluated and a *tentative* determination on whether to issue or deny a permit action is made. If a *tentative* determination is made to issue a permit, then a draft permit is prepared and placed on public notice for comments.

If a request for a hearing is made and there is significant public interest in having a hearing, TDEC will hold one in the geographic area of the proposed discharge. The operator/applicant requested the hearing for Community Stone. A final decision on whether to issue or deny a permit is made after the close of the comment period and based on consideration of all comments entered into the hearing record.

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)*.

Comments

E-3. *Several commenters reminded the state of the river's historic significance and expressed concerns that this value would be jeopardized by the quarry operation.*

E-4. *Does TDEC work with other government agencies in the review process? What other government agencies are consulted?*

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Response

We followed the notification procedures for permit applicants as described in *TDEC Rule 1200-4-5-.06 (9)*. The rule includes the requirements of public notice to any other government agency which has issued or is required to issue other permits for the facility or activity. These include federal and state agencies with jurisdiction over fish and wildlife resources, historic preservation, and to any unit of local government having jurisdiction over the area where the facility is located.

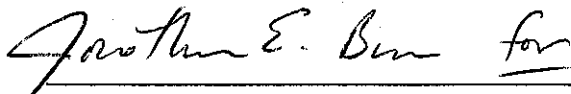
Public notice and comment for this NPDES permit application involved the Tennessee Historical Commission, Tennessee Wildlife Resources Agency, U.S. Fish and Wildlife Service, and U.S. Army Corps of Engineers. These agencies did not comment on the proposed discharge activity.

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 government agencies. These are standard procedures for mining related discharges. We have reviewed the plans and alternatives analysis, and considered available data regarding 303(d) stream listings. After conducting the required antidegradation survey it was determined that the discharge would be *de minimis* and not result in degradation of high quality waters.

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.



Paul E. Davis, Director
Division of Water Pollution Control

8/4/11

Date