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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Board of Water Quality, Oil, and Gas
Division:	Division of Water Resources (DWR) Division of Mineral and Geologic Resources (DMGR)
Contact Person:	Sarah Terpstra (DWR) Bryan Epperson (DMGR)
Address:	Davy Crockett Tower 500 James Robertson Parkway Nashville, Tennessee
Zip:	37243
Phone:	Sarah Terpstra: (615) 532-3634 Bryan Epperson: (865) 308-3699
Email:	sarah.terpstra@tn.gov bryan.epperson@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
Address:	Davy Crockett Tower, 6th Floor 500 James Robertson Parkway Nashville, Tennessee 37243
Phone:	615-532-0200 Hearing-impaired callers may use the TN Relay Service 1-800-848-0298
Email:	Ask.tdec@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Conference Room 1-B		
Address 2:	Davy Crockett Tower 500 James Robertson Parkway		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date:	09/11/2026		
Hearing Time:	10:00 AM	_X_ CST/CDT ___ EST/EDT	

Alternate Hearing Option

Method 1:	**You may also join electronically.** **Join by going to this link:** **https://tn.webex.com/tn/j.php?MTID=m39f42c893f697fd3d1a38103857340ee** **Meeting number (access code): 2319 874 3306** **Meeting password: pfAPUftr272 (73278387 when dialing from a phone or video system)**

Method 2:	**Join by phone** **+1 615-747-4911 Webex Call-In** **+1-415-655-0001 US Toll** **Access code: 231 987 43306** **Global call-in numbers are available online at:** **Link for Global Call-in Numbers** **Join from a video system or application** **Dial 23198743306@tn.webex.com** **You can also dial 173.243.2.68 and enter your webinar number.**

Additional Hearing Information:

If it is hard for you to read, speak, or understand English, TDEC may be able to provide translation or interpretation services free of charge. Please contact Ellen Sherril at (615) 532-0105 or tdec.titlevi@tn.gov for more information. Si le resulta difícil leer, hablar o entender inglés, TDEC puede proporcionar servicios de traducción o interpretación sin cargo. Comuníquese con Ellen Sherril at (615) 532-0105 o tdec.titlevi@tn.gov para obtener más información.

This rulemaking amends public notice requirements for national pollutant discharge elimination system (NPDES) permits in conformance with 40 C.F.R. § 124.10 by requiring posting of draft permits and rationales on TDEC's website instead of requiring newspaper notices. The rule is also being amended to reflect that two divisions, the Division of Water Resources and the Division of Mineral and Geologic Resources, issue NPDES permits. In addition, these amendments reflect the use of electronic mail for public notice and comment and conforms the public hearing requirement for general permits to 40 C.F.R. § 124.12.

Oral or written comments are invited at the hearing. In addition, written comments may be submitted prior to or after the public hearing to: Department of Environment and Conservation, Division of Mineral and Geologic Resources, attention: Bryan Epperson; Knoxville Environmental Field Office; 3711 Middlebrook Pike, Suite 101, Knoxville, TN 37921; telephone (865) 308-3699, email: bryan.epperson@tn.gov. Written comments must be received by 4:30 PM CST, September 11, 2026, to assure consideration. For further information, please contact either Sarah Terpstra or Bryan Epperson at the address, telephone number, or by e-mail for each individual.

Revision Type (check all that apply):

X Amendment
___ New
___ Repeal

Rule(s) (**ALL** chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	**Chapter Title**
0400-40-05	Individual National Pollutant Discharge Elimination System (NPDES) Permits
Rule Number	**Rule Title**
0400-40-05-.06	Notice and Public Participation

Chapter Number	**Chapter Title**
0400-40-10	National Pollutant Discharge Elimination System General Permits
Rule Number	**Rule Title**
0400-40-10-.03	Permits

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to https://sos.tn.gov/publications/services/rulemaking-guidelines.

Chapter 0400-40-05
Individual National Pollutant Discharge Elimination System (NPDES) Permits

Amendments

Paragraph (9) of Rule 0400-40-05-.06 Notice and Public Participation is amended by deleting it in its entirety and substituting instead the following:

(9) To inform interested and potentially interested persons of the proposed discharge and of the tentative determinations regarding it, public notice shall be circulated within the geographical area of the proposed discharge by the following means:

(a) ~~For major facility NPDES permits and public hearings, publishing in local daily or weekly newspapers and periodicals, or, if appropriate, in a daily newspaper of general circulation~~ By publishing the draft permit, rationale, and if applicable, the notice of public hearing, on the Department's website for the duration of the public comment period;

(b) ~~For all permits, by~~ By mailing (either electronically or physically) a copy of the notice to the following persons:

1. The applicant;

2. Any other agency that the ~~Director~~ Commissioner knows has issued, or is required to issue other permits for the same facility or activity;

3. Federal and state agencies with jurisdiction over fish and wildlife resources and historic preservation;

4. Any affected states and Indian Tribes;

5. Any state agency responsible for plan development under CWA section 208(b)(2), 208(b)(4) or 303(e), the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service;

6. Any user identified in the permit application of a privately owned treatment works;

7. Persons on a mailing list developed by:

(i) Including those who request in writing to be on the list;

(ii) Soliciting persons for ''area lists'' from participants in past permit proceedings in that area; and

(iii) Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press, newsletters, environmental bulletins, or state law journals. The Commissioner may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Commissioner may delete from the list the name of any person who fails to respond to such a request;

8. To any unit of local government having jurisdiction over the area where the facility is proposed to be located; and

9. To each state agency having any authority under state law with respect to the construction or operation of such facility; and

(c) If determined necessary by the Commissioner, any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it, including press releases, ~~website postings,~~ signs, or any other forum or medium to elicit public participation.

Authority: T.C.A. §§ 4-5-201 et seq. and 69-3-101 et seq.

Chapter 0400-40-10
National Pollutant Discharge Elimination System General Permits

Amendments

Subparagraph (g) of paragraph (2) of Rule 0400-40-10-.03 Permits is amended by deleting it in its entirety and substituting instead the following:

(g) Notice of NPDES General Permits.

1. The ~~Director~~ Commissioner shall give public notice of ~~his or her~~ the intent to issue a general permit:

(i) The notice shall set forth the means by which one may comment on the draft general permit and shall give the public a comment period of at least 30 days;

(ii) The ~~Director~~ Commissioner shall consider all comments received from the public during the comment period;

(iii) When the general permit is issued, or when the decision is made not to issue the permit, the ~~Director~~ Commissioner shall prepare and make available to the public a set of responses to comments received during the comment period; and

(iv) The ~~Director~~ Commissioner shall ~~schedule at least one~~ hold a public hearing whenever the Commissioner finds, on the basis of requests, a significant degree of public interest in ~~on~~ the general permit.~~, and~~ The Commissioner may also hold a public hearing whenever the Commissioner determines a public hearing might clarify one or more issues involved in the permit decision. If a public hearing is held, the Commissioner will give at least a 30 ~~days~~ day notice of the hearing, and receive comments for at least 10 days after the hearing.

2. Public notices in part 1. of this subparagraph shall be given by mailing (either electronically or physically) a copy of the notice to the following persons:

(i) EPA Region IV;

(ii) Any other agency which the ~~Director~~ Commissioner knows has issued or is required to issue a RCRA, UIC, PSD (or other permit under the Clean Air Act), NPDES, § 404, or sludge management permit;

(iii) Federal and State agencies with jurisdiction over fish, shellfish, and wildlife resources, the Tennessee Valley Authority, the Advisory Council on Historic Preservation, and the Tennessee Historical Commission, including any affected States;

(iv) Any State agency responsible for plan development under CWA Section 208(b)(2), 208(b)(4) or 303(e) and the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service; and

(v) Persons on a mailing list developed by including on the list those who request in writing to be on the list; by soliciting persons for area lists from participants in past permit proceedings in that area; and by notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as regional and state funded newsletters, environmental bulletins, or

state law journals.

3. Public notices in part 1. of this subparagraph shall be given by publishing the draft permit and rationale on the Department's website for the duration of the public comment period ~~publication in a daily or weekly newspaper within the area described in the general permit coverage; in the case of statewide general permits, in daily newspapers in Memphis, Nashville, Chattanooga and Knoxville~~.

4. The ~~Director~~ Commissioner shall provide notice of the proposed NPDES general permit action to facilities and activities it knows to be potentially affected by the general permit action, and also to known agencies, associations, and other umbrella organizations for those facilities or activities.

5. Public notices issued under this subparagraph shall contain the following minimum information:

   (i) Name and address of the ~~Division and any section within the Division~~ division responsible for processing the permit action for which notice is being given;

   (ii) A brief description of the activity addressed in the general permit, and the area of coverage of the permit;

   (iii) Name, address, electronic mail address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft general permit and rationale ~~sheet~~;

   (iv) A brief description of the procedures for comment, the time and place of the hearing, and other procedures by which the public may participate in the final permit decision; and

   (v) In addition to information described in subparts (i) through (iv) of this part, public notice of hearings shall contain reference to the date of previous public notices relating to the permit; date, time and place of the hearing; and a brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

6. In addition to the general public notice described in part 5. of this subparagraph, persons identified in subparts 2.(i) through (iv) of this subparagraph shall be mailed (either electronically or physically) a copy of the draft permit and rationale ~~sheet~~.

Authority: T.C.A. §§ 4-5-201 et seq. and 69-3-101 et seq.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: July 10, 2026

Signature:

Name of Officer: April Grippo

Title of Officer: Director of the Division of Water Resources

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Filed with the Department of State on:

Tre Hargett
Secretary of State