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23 July 2019

TDEC-DWR

Attention: Vojin Janjic Vojin.Janjic@tn.gov

RE: Public Hearing Comments
Public Hearing date – July 15, 2019
Packaging Corporation of America (PCA)

Provided below are comments on the rules presented at the hearing referenced above.

Rule 0400-40-05-.06(9)(a)

In the existing version of this rule, publication of a notice in a newspaper was required for “new, major NPDES ... permits”. In the proposed version, the word “new” has been deleted so it is assumed that a newspaper notice is required for all permit renewals for major dischargers. The existing rule gives no details about the number of days publication is required, etc. DWR should take this opportunity to provide details about publication requirements.

Rule 0400-40-.07(2)(m)2

This paragraph is unnecessary and should be deleted.

Part (l) of this rule already prohibits a bypass except in certain conditions included under this part. The prohibition in Part (l) is adequate and an additional statement providing a prohibition concerning discharge is duplicative. Additionally, the proposed rule language would suggest that a bypass is prohibited under all circumstances. Part (l)1 clearly indicates that a bypass is allowable if the requirements listed (prevent loss of life, personal injury or severe property damage) are met. Therefore the language of (l)1 and (m)2 is contradictory.

The second sentence in Part (m)2 states that industrial dischargers must comply with 40CFR112 when applicable. Any industrial facility that stores oil products in excess of the minimum capacity listed in 40CFR112 is already aware of their obligation to comply with the applicable provisions. This statement is unnecessary.

At the Public Hearing, you stated that DWR did not intend to enforce 40CFR112 requirements or to include provisions in NPDES permits. If this program is to continue to be regulated by EPA, no requirements are needed in Tennessee issued permits or in Tennessee rule provisions. U.S. EPA is very capable to enforce their rule requirements.

The entire 0400-40-.07(2)(m)2 should be deleted from the proposed rule.

Rule 0400-40-05-.08(1)(v)

This is a new section dealing with reuse of reclaimed water and states that “the NPDES permit shall impose conditions in accordance with the requirements of Rule 0400-40-06-.10”. Proposed Rule 0400-40-06 (State Operating Permits) contains an exemption for certain activities at Rule 0400-40-06-.10(1)(b).

Rule 0400-40-06-.10(1)(b) provides that the “following activities do not constitute reuse of reclaimed water...”. Rule 0400-40-06-.10(1)(b)4 currently provides the exemption for “Industrial effluent created prior to final treatment...”. Rather than denote “final treatment”, “final discharge point” would be more descriptive. Therefore, it is requested that the language of Rule 0400-40-06-.10(1)(b)4 be changed to:

Industrial effluent created prior to the final discharge point and used for water re-circulation or reuse and located on the same property as the industrial facility.

Since DWR has proposed numerous changes to various rules and it is anticipated that numerous comments will be submitted, PCA respectfully requests that DWR conduct meetings with the various stakeholder groups (Tennessee Chamber of Commerce and Industry, Tennessee Water Utility Council, Tennessee Municipal League, etc.) to discuss DWR’s response to comments before the amended rules are submitted to the Board. Depending on DWR’s responses, it may be appropriate to conduct a second Public Notice before the rules are finalized.

I request that I be allowed to address the Board before a vote is taken concerning adoption of these rule changes.

Please contact me (by telephone at 731-925-0741 or by email at rholland@packagingcorp.com) if you have questions or need additional information.

Sincerely,

Richard Holland
Environmental Projects Manager
Packaging Corporation of America