



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
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Notice of Determination

McCrorry Lane Partners, LLC
Quarry Fill, 7848 McCrorry Lane
DWR file # NRS19.124

September 24, 2020

This notice presents the final determinations of the Tennessee Department of Environment and Conservation, Division of Water Resources, and responds to comments on the proposed Aquatic Resource Alteration Permit (ARAP) by McCrorry Lane Partners to dewater and fill an inactive quarry at 7848 McCrorry Lane in Nashville, Davidson County, with dirt and rock. The quarry is presently full of water.

Background

McCrorry Lane Partners owns an inactive quarry at 7848 McCrorry Lane in Nashville, Davidson County. The quarry has not been actively mined since about 2005 and has filled with ground water and storm water and presently has a ponded area of approximately 12.2 acres. The quarry site was formerly utilized as a limestone quarry, portions of which are situated within 400 feet of the Harpeth River. At its deepest point, the quarry pit is estimated to be about 120 feet deep. McCrorry Lane Partners proposes to dewater and fill the quarry to eliminate a public safety risk and prepare the site for construction and development.

Because this quarry is filled with waters that are at the surface, it is subject to the ARAP permit requirement of the *Tennessee Water Quality Control Act of 1977*.

McCrorry Lane Partners applied for an Aquatic Resource Alteration Permit that would authorize the dewatering and fill of the quarry with rock and soil in June of 2019. The application also included a request to authorize aquatic alterations associated with an outfall structure on the Harpeth River through which to discharge water from the quarry to the Harpeth River. This ARAP does not authorize discharges to the Harpeth River via this outfall. Those discharges will be separately authorized through a general National Pollutant Discharge Elimination System (NPDES) permit.

The Division issued public notice soliciting comments on the above permit application on August 7, 2019 and announced the scheduling of a public hearing to be held on September 10, 2019.

The public hearing was held at 6:00 p. m. in the Pegram Parks and Recreation Building in Pegram. The formal comment period ended on September 20, 2019.

The permit has been issued, dated September 25, 2020, authorizing the draining of water from the quarry and the backfill of the quarry with uncontaminated soil and rock.

Existing Conditions/Proposed Loss of Resource Values

The permittee has been authorized to impact a total of 12.2 acres of a quarry lake by draining and filling the pit with clean earthen materials. The quarry lake is an artificial feature that has no surface connections to other water bodies. It is in single property ownership and therefore not a shared resource. The Division has determined that because of the inaccessible, artificial, and limited resource values of the quarry pit, no appreciable permanent loss of resource values will result from the proposed activity.

Alternatives Analysis and Selection of Least Impactful Practicable Alternative

Because the basic purpose of the activity is to fill the quarry, few alternatives exist that will achieve the project purpose. The application provided two alternatives; the no action and the preferred alternative of filling with clean earthen materials.

The Division examined additional alternatives including the type of materials allowed, the screening process, means of compliance, monitoring, and reporting. The Division redefined acceptable materials to include only soil or rock in which all substances naturally occurring therein are present in concentrations not exceeding the concentrations of such substances occurring naturally in Tennessee, and in which no other anthropogenic polluting substance is detectable using conventional U.S. EPA laboratory analytical methods. Acceptable fill shall not contain any sewage, industrial wastes, additives or materials such as refuse, rubble, muck, metal, glass, concrete pieces, bricks, or asphalt paving materials, wood or other wastes as defined in the *Tennessee Water Quality Control Act of 1977*.

Before the material can be placed in the quarry, it must be screened through a Phase 1 Environmental Site Assessment (ESA) adhering to the American Society of Testing and Materials Standard E1527¹ and EPA's All Appropriate Inquires Rule². Any fill generator that desires to transport fill material to the quarry shall be required to sign a Certification that identifies the source of the material and stipulates that the material consists of only acceptable fill.

The generator Certification requires a description of the basis for the representation that the material is acceptable fill, which includes either a Phase I Environmental Site Assessment that identifies no

¹ ASTM International Designation: E1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, 2013.

² Environmental Protection Agency, All Appropriate Inquires Final Rule, Code of Federal Regulations (C.F.R.), 40 C.F.R. Part 312, Subpart C (Standards and Practices).

evidence of Recognized Environmental Conditions or analytical data or information demonstrating compliance.

The Division has defined an enhanced screening area for soils originating in the urban areas of Nashville in order to accommodate concerns for legacy land uses that may have added contaminants to the soil. Soils originating from the enhanced screening area must be sampled and analyzed.

Finally, the permittee is required to sample and analyze water in the quarry that is in contact with the fill material biannually and report these results to the Division.

The Division has determined that the permittee's preferred alternative, with the conditions described in the permit, represents the practicable alternative that would achieve the project objective and have the least adverse impact on resource values.

Antidegradation

The Division has determined that because of the inaccessible, artificial, and limited resource values of the quarry pit, along with the additional conditions imposed by the Division, no more than *de minimis* degradation will result from the proposed activity. In the case of habitat alterations, if the Department determines that no more than *de minimis* degradation will occur, no further review under the rule is required regardless of the antidegradation classification of the receiving stream.

Response to Comments

The Division received hundreds of individual comments, primarily by email. Most of the comments were prepared and sent to the Division within the formal comment period. Comments expressing the same substantive concerns have been grouped together for the purpose of clarity and organization.

It is important to note that the Division’s authority comes from the *Tennessee Water Quality Control Act of 1977*. The Division’s authority is therefore limited only to matters that affect water quality.

During the public participation process, the Division received comments that address a variety of public interest matters. These include noise, traffic, flooding, public safety, zoning, and other important matters that citizens depend on government to address. These issues are within the purview of local government. The Division cannot address many of those concerns, simply because its authority is limited to water quality considerations.

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Comments Concerning Scenic and Recreational Uses:

The quarry is of great scenic and recreation value and could easily be converted to a park connecting to a nearby park

The site is an historic landmark that is evidence of our city’s earliest development.

Instead of draining, let’s turn this space into green space and open as a park. There is enough community interest as well as professional scuba divers, etc., that would love the opportunity to see this quarry put to a practical use instead of destroyed!

I believe that the numerous impacts to the natural area there will cause harm to both the scenic and protected river and to the residents and wildlife who live nearby. Because of harm to the river life, disturbances to the sediment, and destruction of wildlife living in the quarry, and its proximity to the Harpeth River State Park (Hidden Lake), I hope that this water permit does not get approved. Please protect our natural resources!

Better idea is to acquire it and make it a part of the Harpeth River State Park.

With the flooding problem already present in Bellevue, there is no way to anticipate how this will affect water levels in the future. We are also concerned of the impact this will have on the groundwater and recreational streams and rivers that we frequently enjoy. The quarry also serves as a local swimming spot for teens and would be sad to lose. The construction companies should find other means of disposing of their construction wastes.

The possibility of damaging the ecosystem should be enough to stop this process. I would think that we would doubly protect this area now that there is a park located on the opposite side of McCrorry Lane.

Response Concerning Scenic and Recreational Uses:

The 12-acre quarry may be considered scenic, but the disposition of the quarry’s use or its ownership is not governed by water quality laws, and therefore the Division has no authority in this matter. Moreover, no state or local government or land conservation organization has expressed any desire to convert the quarry into a park or presented the resources to convert the use.

The Division does not perceive the quarry as a natural resource. It is, by definition, an artificially constructed pit that has filled with groundwater. Many active quarries around the state exist that have been quarried below the groundwater table. Those quarries must be constantly dewatered to maintain active mining.

Comments Concerning Groundwater:

Once again there are concerns about the materials being dumped leeching contaminants into the groundwater. Presuming that the quarry would be filled with similar materials from construction waste and that would create, to me, a health hazard for those that are living in the area.

This will be a dumping ground for left over construction items, dirt and other debris.

Who will monitor what is put in that hole?

There is no way to monitor every truckload of material that is dumped into the quarry.

Further, the documented connectivity between the river and the quarry site gives rise to other concerns. Nearby water wells could be sucked dry by the dewatering operation. These wells must be inventoried, baselines established, and periodically monitored. Dewatering the site could also draw in water from the river itself. Again, tests regarding the degree of connectivity between the site and surrounding water resources should have, but have not yet, been done, and should be required.

This quarry has a direct connection to our ground water and the River. There is no possible way that every single truck in the ~180,000 projected can be deemed simply "rock and soil". Who is verifying where these trucks are coming from and what is truly in them? Who is responsible for monitoring this? Who is doing this "monitoring"?

There is no way to properly monitor the quality of the material in each of these loads and guarantee that there is no damaging material such as chemicals, plastics, rubber, fuel, adhesives and residue from buildings that previously occupied the site that is being prepared for housing.

Not only concerned about the environmental impact on the Harpeth river but also any dangerous materials that may be cloaked in the dirt and rock being brought in inadvertently.

Will illegal hazardous waste be dumped? What could leech into the water table and affect the quality of the groundwater?

The project will result in unsupervised dumping and the potential for the area to become a toxic and hazardous materials dump.

There is no feasible way to inspect all of the fill being dumped into the quarry.

There are no significant measures that are capable of eliminating a toxic stew of water contaminated by industrial and residential chemicals. Other materials, including microplastics, will accumulate and likely leach from this quarry site.

There is no way to monitor every truckload of material that is dumped into the quarry. Even clean dirt could come from contaminated sites, and that contamination would end up in the groundwater and, subsequently, the Harpeth River just 400 feet away.

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There is NO WAY to know for sure what is in these trucks.

I supposed you will answer my email with something like, 'we will monitor the water' but I find that hard to believe since monitoring seeping water below ground level is a very difficult thing to do.

If you are tempted to approve this landfill, please also require enough funding for strict monitoring of the dumping. A large fee should be charged for use of the site with the purpose of funding such strict monitoring.

I strongly urge that any attempt to dewater and fill this quarry be studied by objective environmental scientists and engineers and that a failure-proof strategy for containing any possible runoff or leaching be part of any proposal, as well as measures to monitor what is used as fill on a continuous basis. The perspective needs to be decades-long, not months or years-long.

The concept of filling in such a vast volume for future development is a farce. The sheer cubic volume of the area is enormous; it would take years. During such time, the ground water would saturate the unknown contents in the debris that is placed into the site. Also, rainfall would soak-in from the top with some certainty of leaching into the underground aquifers through fissures in the rock.

Unevaluated random material, unknown materials, unmonitored fill dirt, waste, construction material could have asbestos and other contaminants, construction materials, landfill for construction materials, waste site, whatever materials that can be trucked to it, filled in with 'who knows what', construction and demolition landfill, trash from construction sites will be used, Chemicals used in construction from paint to wood treatment products Will be dumped, random construction debris—and who knows what else, create a construction landfill just across the river from a neighborhood of over 1,000 homes., construction site trash and who knows what else,

No information is provided on the “natural depression” on the site. There is no information on whether this natural depression is a sinkhole. Depending on the results of those disclosures, TDEC should cause the Applicant to evaluate whether a Class V [5] injection well permit is required and file an appropriate application.

The nature of two of the substances disclosed, heptachlor and endosulfan, both of which have been banned for a considerable period, raise questions about the nature of operations (such as railroad) conducted on or near the quarry site, as well as potentially suggest the presence of other compounds not yet analyzed. For example, because the presence of toluene suggests the presence of benzene or TCE, TDEC should require testing for BTEX, in addition to testing for VOCs, PAHs, PCBs, total hydrocarbons, all heavy metals, creosote, herbicides and pesticides.

Do we know if anything has been dumped into this quarry that has contaminated the water? What about the environmental impact on the roads, on the wild animals, and the quality of life impact on the people living nearby from the dump trucks filling the quarry? What about the materials dumped into the quarry? Will illegal hazardous waste be dumped? What could leech into the water table and affect the quality of the groundwater?

Responses to Comments Concerning Groundwater:

Most of the comments reflect a similar theme of concern for the possible indiscriminate disposal of contaminated material into the groundwater table and the long-term groundwater contamination that would subsequently occur. Those concerns stem from the variety of sites from which material may originate, and the difficulty of screening acceptable fill.

The Division shares these concerns. The change to water quality that this project proposes is the basis for the requirement of this permit. The permit then must ensure the maintenance of water quality standards, both on the surface and in the ground.

The Division has imposed two levels of monitoring of the chemistry of materials placed in the quarry; rigorous screening of the rock and soil prior to placement in the quarry and sampling of water quality in the quarry during the fill process.

Before any material can be placed in the quarry, it must be screened by a Phase 1 Environmental Site Assessment (ESA) adhering to the American Society of Testing and Materials Standard E1527 and EPA's All Appropriate Inquires Rule. Any fill generator that desires to transport fill material to the quarry shall be required to sign a Certification that identifies the source of the material and stipulates that the material consists only acceptable fill.

The generator Certification requires a description of the basis for the representation that the material is acceptable fill, which includes either a Phase I Environmental Site Assessment that identifies no evidence of Recognized Environmental Conditions or analytical data or information demonstrating compliance.

In addition, the Division has defined an enhanced screening area for soils originating in the urban areas of Nashville to accommodate concerns for legacy land uses that may have added contaminants to the soil. Soils originating from the enhanced screening area must be sampled and analyzed.

Finally, the permit requires the Permittee to monitor and report the quality of any standing water in the quarry that is in contact with fill material biannually, beginning in the first period after fill is placed in the quarry. The water sample must be representative of water that is in contact with fill and be analyzed for volatile organic compounds, semi-volatile organic compounds, for arsenic, barium, cadmium, chromium, lead, selenium, silver, mercury, polychlorinated biphenyls (PCBs), and for pesticides. Although it is not anticipated that these constituents would be present in measurable amounts, this condition is intended to identify any unanticipated problems early.

Comments Concerning the Harpeth River

The quarry site was formerly utilized as a limestone quarry. Has there been any study of the compounds of the water in that site? Has there been a study to see what impact this water might have on the Harpeth River?

I have several concerns regarding the proposal to drain the water from the quarry and fill it with dirt and rock. First, the temperature difference between the quarry water and the Harpeth River can harm wildlife if the quarry is emptied, including the native Tennessean freshwater jellyfish currently living in the quarry water. The new water entering the Harpeth may also move sediment, and I am very concerned about contaminants leaching into the river from the dirt and rock that will be brought in to fill the quarry. These environmental concerns are joined by concern for quality of life for residents living in the neighborhoods very close to the quarry. Nearly 170,000 truck loads of dirt and rock would be transported and dumped 625 feet away from a large neighborhood, and these activities could occur at night.

I have grave concerns about the effects of dumping the quarry water into the beautiful Harpeth River, which runs through my neighborhood. We often go fishing, relaxing, canoeing, and just enjoying the beauty of the Harpeth River and are very concerned about the high potential of corrupting the ecosystem.

I am deeply concerned about the plan for the private construction company off McCrorry Lane to drain water from the quarry into the Harpeth River with the plan to store construction materials in its place. The impossibility of monitoring the contents of unknown construction materials planned to be dumped here is a huge cause for concern. My family frequent the Harpeth River, canoeing and swimming, and it would impede our use of this river knowing that contaminants could be present. Contamination of the river impacts all residents in the area, not just those living in the immediate vicinity of the quarry site.

I am disturbed by the proposal to drain the quarry and use it as a dumping ground for dirt and rock from regional construction projects. I, and others in the neighborhood are not only concerned about the environmental impact on the Harpeth river but also any dangerous materials that may be cloaked in the dirt and rock being brought in inadvertently.

We further note that there is no room for error with respect to materials disposed of in the quarry because the quarry is not lined, unlike the case with a landfill. We emphasize that any contamination within the quarry will undoubtedly end up within the Harpeth River

Please don't allow possible contamination from a landfill to disrupt our beautiful river. Maintaining our water quality by not polluting the Harpeth River. I am very concerned that the materials dumped into the quarry would contaminate the ground water as well as the Harpeth River which is nearby.

Turning this into a landfill will be a severe detriment to the families who live nearby, but will, more concerningly, have a terrible impact on our water systems. It neighbors the Harpeth River, and there is no possible way to monitor everything that is dumped there. All of that can and will end up in our

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groundwater, and thus the Harpeth River. Furthermore, that area of a floodplain, and disturbing the floodplain puts nearby residents at risk.

Bellevue is already at risk for flooding in that area and others; let's do what we can to not increase that risk. Regardless, we are concerned that what may end up as fill in the quarry may not be clean dirt and rock as proposed. This concern as to what may end up within the quarry draws back to our main concern about what contamination may leach into the Harpeth River. Because the quarry does not have a liner at the bottom, we emphasize that there is no room for error as to what the quarry is filled with. Whatever ends up within the quarry will ultimately end up in the Harpeth River.

As a resident of Bellevue I hate the idea of our beautiful land being used as a landfill. The area that will be used is directly next to the river that my family swims, fishes, and plays in.

I have grave concerns about the effects of dumping the quarry water into the beautiful Harpeth River, which runs through my neighborhood. We often go fishing, relaxing, canoeing, and just enjoying the beauty of the Harpeth River and are very concerned about the high potential of corrupting the ecosystem.

I believe that the numerous impacts to the natural area there will cause harm to both the scenic and protected river and to the residents and wildlife who live nearby. Because of harm to the river life, disturbances to the sediment, and destruction of wildlife living in the quarry, and its proximity to the Harpeth River State Park (Hidden Lake), I hope that this water permit does not get approved. Please protect our natural resources! There will be unknown materials contaminating our water table and the Harpeth River.

The water will be drained into the Harpeth River, with adverse effects on the latter. Water quality will decline severely, due to contaminants from the quarry leeching into the river, and movement of sediment by the quarry water. The quality of water in the Harpeth is good and draining the quarry will change that for the worse. Additionally, the temperature of the quarry water is quite different from that of the river, and as such will harm the many species of wildlife that live in the river. Another matter to consider in regard to wildlife is that the quarry is the home of freshwater jellyfish, which are native to Tennessee and as such must be preserved.

Nobody wants the questionable water to be flushed into downstream into the Harpeth River areas!

I am writing to express my opposition to approval of a company's request for a permit to dewater the quarry on McCrary Lane and turn it into a landfill for construction materials. The possibility of contaminated dirt ending up in groundwater and, subsequently, the Harpeth River, as well as disturbance of the flood plain are major concerns. For these reasons I am asking that TDEC deny the permit.

I have deep concerns about potential water contamination, especially since the Harpeth supplies my drinking water. I also have concerns about the ecological impacts of draining the quarry into the river, the introduction of contaminants which could impact wildlife as well as people who use the river

recreationally (I often see families playing in the river, people go out there to canoe, kayak, and fish), as well as the impact on the wildlife (including the freshwater jellyfish) that inhabit the quarry itself.

There are lots of freshwater jellyfish native to Tennessee that will die. The water in the quarry is in the 40s and not good to release into the 70-degree river not to mention the sediments at the bottom that would be released in our scenic Harpeth River and be harmful. Also, flooding of the adjacent areas with water would be detrimental. On top of that, we do not want a landfill to add its contamination to the Harpeth River that is only 400 feet away.

The large temperature difference between the quarry water and the Harpeth along with contaminants from the incoming dirt and rock leeching into the river will harm the wildlife in and around the river. Draining the quarry will also cause the death of native Tennessean freshwater jellyfish that live in the quarry.

In addition to the infrastructure concerns, it is environmentally irresponsible to release the water held in the quarry into the Harpeth River. The temperature difference would kill off entire biomes. The volume of water could harm nearby property. The increased flow of water could become unsafe to citizens who use the waterway for recreation.

What will happen to the native jellyfish in the quarry? How will the volume of 40 degree water and contaminants impact the Harpeth and will it harm wildlife that the Harpeth River supports?

On top of this, the life in the Harpeth River would have serious complications from temperature changes, possibly newly introduced species, and other elements of runoff and on site pollution.

There is a significant difference in the water temperature between the quarry and the river. This will no doubt have negative impact on the fishery of the river.

We didn't do a great job of monitoring and now our ground water and the Harpeth are devastated? How does one reverse such destruction?

How the dewatering will affect the current ecosystem and water levels of the Harpeth? Will this change or affect flood plains? When this is filled, how will we verify that this is done so with chemical free dirt and rock? Will there be seepage into the Harpeth for years to come from the fill?

There is freshwater marine life in the quarry that will ultimately die if the water is released. The water temperature is significantly lower than the than the Harpeth River thus not being good to release the quarry water. There is sediments from the quarry that will be released into the river again not being good for anyone. I for one don't want to get cancer down the road and find out it was caused from the quarry water being released, filled and all the contaminants from it are the root cause of the cancer. The Harpeth River is approximately 400 feet from the quarry and there is no telling what releasing the water and all the contaminants from that will do to the marine life in the river, the water that ultimately ends up in wells downstream for people to drink.

We further note that no information is provided about dissolved oxygen levels in the river or at various depths of the water in the quarry. This segment of the Harpeth River is impaired for both dissolved oxygen and phosphorus, and Applicant cannot discharge any more of any parameter for which the river is already listed. The potential damage to the river and our environment could be irreversible.

It cannot be determined, and must be disclosed, whether these locations involved sampling the sediment at the bottom of the quarry pit. Adequate sediment samples – taken in accordance with a credible and approved work plan for the sampling -- must be required to evaluate the correctness of the statements regarding the quality of the proposed discharges to both the river and on the quarry site itself.

We have no idea what the environmental impact would actually be from the trash seeping into the river.

This project will drain potentially contaminated water into the Harpeth.

Contamination. I'm sure the top layers of the quarry lake are just fine, but what is going to be dredged up from the bottom of the quarry that could potentially contaminate the Harpeth River.

Lead paint and asbestos, along with many other contaminants, are common in most older buildings and will be present in the soil around these buildings. Moving all that from the original location and dumping it into a quarry (which will become a landfill) a few hundred feet from a river is negligent at best and malicious at worst.

All landfills will eventually leak. Liners and leachate collection systems may fail. Failure in this case would have devastating consequences for the Harpeth River.

Also, Tennessee's water quality standards for fish and aquatic life provide that temperature can vary only three degrees centigrade (3° C) from an upstream control point, as well as other additional controls. Insufficient information is provided to evaluate whether any of these requirements have been met.

Responses to Comments Concerning the Harpeth River

Most of the comments that concerned the Harpeth River dealt with adverse impact of water from the quarry being discharged into the Harpeth River, both during the initial dewatering and after the quarry is filled. The Division shares the same concerns.

However, the surface discharge of water from the quarry to the Harpeth River is not regulated by this ARAP. Instead, the discharge is regulated through coverage under the general NPDES permit for construction, tracking number TNR243698. Although the surface water discharge is not regulated by this permit, the Division will respond because these comments are addressed to water quality:

- *The first concern is the difference in temperature of the potentially much cooler water from the quarry harming the aquatic life in the Harpeth River. The plans for the dewatering intake in the quarry show a floating mechanism that is intended to pull water from within 3' to 5' of the water's surface. This should*

ensure that the water pumped from the quarry is similar temperature to the Harpeth River.

- *Pumping from the surface will also avoid pulling silt from the bottom of the quarry. Finally, this will help ensure that water pumped from the quarry has adequate dissolved oxygen to be discharged into the Harpeth River. Once the quarry water has been evacuated, the contractor will install the riser pipe system to house the dewatering pump.*
- *Another concern is that the quarry may presently hold contaminated water from illicit disposal of materials in the past, and that contaminated water when pumped into the Harpeth River will contaminate the river. We have no reason to believe that the quarry holds contaminated water. The water quality testing that was performed by the applicant demonstrates that the water is generally free of contaminants; additionally, we have identified no legacy land use that would point to a source of possible contamination.*

Another important concern is that because the quarry is not lined, unlike the case with a landfill, any contamination within the quarry will likely end up in the Harpeth River through a groundwater connection. The Division agrees that because the quarry is unlined, any contamination within the quarry can be mobilized by groundwater. This concern is the basis for the Division's imposed conditions regarding screening, monitoring, sampling, and reporting as described in the permit.

Comments Concerning Drinking Water

There is no way to monitor the large amount of materials to be dumped, as well as the content of contamination.

This is not good for all that have water from the Second South Cheatham Utility District.

This will likely put harmful chemicals into our water supply.

There are potential hazards of erosion, sink holes, and leeching into our water supply.

Construction debris has the potential to include contaminants that could harm our source of potable water.

Please do not allow the owners to dump refuse and construction materials into this area. It will bring much toxic material into a residential area and could even pose a threat to the local drinking water.

We are opposed to using the quarry site for any type of dumping. This could compromise our water supply.

Who will really know what gets dumped there, and the permanent effects it will have? There will undoubtedly be other materials mixed in, or even contaminated soil.

I am thoroughly opposed to draining the McCrorry Lane quarry into the Harpeth River. I have deep concerns about potential water contamination, especially since the Harpeth supplies my drinking water. I also have concerns about the ecological impacts of draining the quarry into the river, the introduction of contaminants which could impact wildlife as well as people who use the river recreationally (I often see families playing in the river, people go out there to canoe, kayak, and fish), as well as the impact on the wildlife (including the freshwater jellyfish) that inhabit the quarry itself.

Responses to Comments Concerning Drinking Water

Many of the same issues involving drinking water also involve the discussions above regarding groundwater and the Harpeth River. Drinking water can include groundwater in the case of nearby wells or can include the Harpeth River as a source for Second South Cheatham Utility District.

The Harpeth River at this location is designated for the Domestic Water Supply use and currently supports that use. The fundamental purpose of this permit is the maintenance of the Harpeth River's classified uses, which includes domestic water supply, and the maintenance of ground water quality standards.

Our purpose in limiting the material to what has been defined as acceptable fill, and in requiring a screening process along with a certification and reporting process, is to do all that is practicable to ensure that contaminants are excluded from the fill, and subsequently from surface and groundwaters.

Comments Concerning Floodplain and Flooding

Filling up the quarry which is located in a floodplain will disrupt the floodplain and put mine and my neighbors' homes at risk for flood damage.

The area where the water from the quarry will be dumped includes floodplain, and disturbing the floodplain puts nearby residents at risk.

This quarry is too close to the Harpeth, which floods often.

Draining the quarry could disrupt the floodplain, putting numerous homes at risk.

The location is in a flood plain so water and possibly contaminated material can end up in my subdivision.

The area where the water from the quarry will be dumped includes floodplain, and disturbing the floodplain puts nearby residents at risk.

Draining the quarry not only puts residents of Bellevue at an increased for flooding due to floodplain ecosystem destruction, but also kills the native wildlife within the quarry

Opposed to the changes in our floodplain the landfill will create.

This process will significantly disrupt the floodplain, putting homeowners in the area at increased risk, even as weather and related events like flooding become more common due to climate change.

The area where the water from the quarry will be dumped includes floodplain, and disturbing the floodplain puts nearby residents at risk.

Also from what I understand the drainage of the quarry will be into a flood plain. After the destructive flood of 2010, none of us want to risk the homes of our neighbors by altering the flood plain with such a large amount of water being drained into it.

Storms cause the river to flow much more quickly and erode in places—can't imagine the erosion that will take place if this water is being flooded into the river at a high rate for a long period of time.

Responses Concerning Floodplain and Flooding

Flood risk, assessment, and management is conducted by local governments typically through participation with the Federal Emergency Management Agency's National Flood Insurance Program. Land use ordinance associated with flood management is not part of Tennessee's water quality laws. Consequently, the Division has no authority within this permit to regulate land use associated with flood matters.

We note that the quarry is outside of the 500 Year Floodplain shown on flood maps provided by Metropolitan Nashville and Davidson County's on-line mapping.

Comments Regarding Other Concerns

As our amazing city continues to grow, it become difficult to see so much excavation and construction being done everywhere. The McCrorry Lane Quarry is not a useless hole full of water needing to be drained and filled for more development nobody really wants! It is a historic land mark that is evidence of our city's earliest development! Like a statue for us all to be reminded of what it took to create our city. It's potential for our community to be such a blessing rather than a burden is vacuous.

The sheer volume of large truck traffic would be both overwhelming and dangerous—and for how long? When there was a large construction project on our road a couple years ago, the dump truck traffic was horrible for 4-5 months, and our road was in horrible shape. I can't imagine truck traffic at least 10x what we endured and what damage it would cause to the road. Who pays to maintain McCrorry Lane with all those trucks?

The effects of what this will have on the Harpeth, that my house resides on, and what the "fill" will do long term to surrounding houses is unclear and worrisome.

Please do not align with this craven effort which exemplifies the worst aspects of Nashville's development.

The applicant has provided no calculations or other information to support its conclusions that the soil proposed to filter the water on the quarry site will be capable of absorbing the volumes of water proposed to be discharged (whatever those volumes may be, estimates of which are also not disclosed). Applicant should be required to perform percolation tests – tests determining at what rate the soil at the site can absorb the discharged water and over what period -- and disclose the results of the tests, so that its calculations can be verified. In addition to the percolation tests, a part of the information required and disclosed should be the depth to bedrock.

I have lived in Bellevue my entire life, born and raised. The quarry has always been my spot to go to free my mind. Growing up it was a place that I used as my peace. It is too beautiful to be destroyed. Everything that I have treasured in my childhood in Bellevue is getting torn down/ rebuilt.

As a resident of Bellevue and taxpayer of Davidson County I am asking that you consider the potential harm to the Harpeth River, before granting a permit for the McCrorry Creek rock quarry. After reading about the potential effects of draining the water from the existing quarry and then having rock and dirt (and other uncontrollable substances) brought into the quarry, why would want to take that risk of contaminating the Harpeth River and not protecting the river? Please consider other issues that will be affected: Traffic, Disturbance of Peace, Noise Pollution.

Responses to Other Concerns

The Division's authority is limited to matters affecting water quality and within the authority of the Tennessee Water Quality Control Act of 1977. Further, concerns regarding the In this regard, those matters above that are not within the Division's authority cannot be addressed by the Division in this permit.

Notice of Determination
McCrary Lane Partners, LLC
September 24, 2020

Comments Concerning Landfilling

It is inconceivable in this day and time that consideration would be given to dumping massive amounts of water from a quarry and replacing with unevaluated random material as is being requested for the Harpeth Valley watershed area in Bellevue. Please consider rejecting this proposal in an effort to meet your responsibility to the environment and the citizens of Tennessee.

We live below the quarry and our water comes from the Harpeth construction material could have asbestos and other contaminants disposed of in the quarry fill. This is not good for all that have water from the Second South Cheatham Utility District, Please do not grant them a permit. if you do who will monitor what is put in that hole?

Even the simple consideration for allowing dumping in the quarry on McCrary Lane is absolutely ludicrous!!!!!! Myself and many others use the Harpeth for recreation, and not to mention the potential and irreversible damage to the watershed and water supply!!!

We are opposed to the approval of a landfill this close to the Harpeth River and neighboring residents for the safety of our local environment.

Bellevue is a growing community and our green ways and parks are a huge asset to living in Bellevue. I don't want to see that hindered by putting a landfill near our beautiful Harpeth.

The company that purchased the quarry failed to legitimately make it a construction and demolition landfill and now is trying to circumvent our city's policies by asking for a permit from you.

This is nothing more than a proposed C&D Landfill.

There is no way to really know what materials will be used to fill the site. As a property owner in the area, I do not agree to risk unsupervised dumping and the potential for the area to become a toxic and hazardous materials dump.

This has been a run-around to achieve through the state what the local government has already denied.

This is a loophole the property owners are using to turn this into a Construction and Demolition Landfill.

Shame on you for even considering turning the quarry into a construction landfill.

I am writing to oppose the granting of any sort of landfill permit to use the old quarry off McCrary Lane for a dumping ground for construction waste as much of this type of 'fill' contains haz-mat materials and each truckload of it cannot be inspected to ensure that it does not.

Given that the Harpeth River is very close to this site it is inevitable that there will be leakage, through the soil from the dump, into the Harpeth. I understand there are specifications on what can be dumped but short of sorting through and testing all material brought in there will be contaminated materials. This risk to the health of residents, wildlife, and the environment is unwanted and unacceptable.

Notice of Determination
McCrorry Lane Partners, LLC
September 24, 2020

Please deny the permit application to turn the quarry on McCrorry Lane into a landfill for construction materials. The company that owns the quarry failed to make the quarry a "legitimate" construction and demolition (C&D) landfill in 2006, so they're trying to go around Metro to get the state to grant their permit request to dewater and fill the quarry in a way that evades the state's definition of a C&D landfill.

If Metro did not feel it was a good idea why is the state coming in to override the local counties decision on this?

It is my understanding that the company that purchased the quarry failed to legitimately make it a construction and demolition landfill and now is trying to circumvent our city's policies by asking for a permit from you.

Responses to Comments Concerning Landfilling

Many commenters relate this proposal to a construction and demolition landfill. The application as received is for placement of clean rock and dirt. The application does not include construction and demolition materials in the materials proposed to fill the quarry, nor does it include other solid wastes that must otherwise be landfilled. Therefore, this facility is not a landfill as defined by the Department's rules.

The Division further refined the terminology to include the term acceptable fill as:

1. *Only earthen materials comprising soil or rock, or a combination thereof shall be "Acceptable Fill" to be placed as fill in the quarry.*
 - a. *Acceptable Fill shall consist of only soil or rock in which all substances naturally occurring therein are present in concentrations not exceeding the concentrations of such substances occurring naturally in Tennessee, and in which no other anthropogenic polluting substance is detectable using conventional U.S. EPA laboratory analytical methods.*
 - b. *Acceptable Fill shall not contain any sewage, industrial wastes, additives or materials such as refuse, rubble, muck, metal, glass, concrete pieces, bricks, or asphalt paving materials, wood or other wastes as defined in the Tennessee Water Quality Control Act of 1977.*

Many commenters suggest that the permittee is simply circumventing Metropolitan Nashville and Davidson County's authority by applying for this state water quality permit. However, the issuance of this permit does not in any way do away with or obviate Metro Nashville and Davidson County's authority or any other state or federal regulatory requirements. Part III of the permit expressly states that "This permit does not preclude requirements of other federal, state or local laws. This permit serves as a state of Tennessee aquatic resource alteration permit (ARAP) pursuant to the Tennessee Water Quality Control Act of 1977 (T.C.A. § 69-3-101 et seq.)."

Comments Concerning Permit Process and Procedure

I do not feel that the Bellevue community has been adequately notified to this situation or the turnout would have been greater and you would have received this email sooner. I oppose this landfill and believe that this opens the door to other items being dumped into the Harpeth River at this location as well as, the possibility of contaminated rock coming from other sites that will harm the Harpeth River. The negative result is much greater than anything positive coming from allowing this to happen. Once, the natural habitat has been disrupted and/or the Harpeth River is contaminated it is too late. The abundant wildlife and quality of life to those that live at the doorstep of the Harpeth River is much greater than the proposed Condominiums being built at this site once filled. There are so many questions still unanswered as well as, other concerns i.e. road damage, lifestyle change, noise (which carries down the river) etc.

The developer has displayed a shocking lack of concern for the interests of the community in their attempt to circumvent normal permitting processes.

The effects of what this will have on the Harpeth, that my house resides on, and what the “fill” will do long term to surrounding houses is unclear and worrisome.

The water from the quarry should not be allowed to be dumped into the Harpeth River or floodplain certainly not without an environmental impact assessment.

There has been insufficient presentation to the public of the scope and scale of the project, and that the fears are fueled by a lack of understanding the covenants and restrictions the development company will have to abide by.

I am requesting information from TDEC as to the requirements for the posting of this sign. I believe ONE sign, frequently hidden and knocked down and not displayed properly by the applicants, McCrorry Lane Partners LLC, is in violation of public notification requirements.

Responses to Concerns for Permit Process and Procedure

These commenters generally feel that they did not have adequate notice nor was the project clearly described. The Department of Environment and Conservation strives to provide full public notice and participation and transparency. All the Department’s public notice rules were followed in this case.

The water quality permits require four levels of public notice for each individual permit. First, public notices are emailed to a list of citizens and groups who have requested these notices. Second, the Division posts its notices on our public participation webpage. Third, the applicant must publish a public notice in the classified section of a local newspaper of general circulation, and fourth the applicant must post a two-foot by three-foot corrugated plastic sign within view of a public road in the vicinity of the proposed project. The sign must be maintained for at least 30 days.

Notice of Determination
McCrary Lane Partners, LLC
September 24, 2020

The Division maintains a public facing on-line dataviewer³ where persons may access and view all the documents in the file that are uploaded to that record. The public notices direct the participant to that dataviewer. A participant may request a public hearing as was done in this case.

³ http://tdec.tn.gov:8080/pls/enf_reports/f?p=9034:34001:0::::

Comments Regarding State Scenic Rivers Act – State Scenic River

Draining the quarry should be denied due to the State’s *Scenic Rivers Act* and the potential impact on the Hidden Lake Trail at Harpeth River State Park.

This is a state scenic river, and a source of recreational economic activity in the area, this cannot and should not be done lightly and without proper process.

Indeed, it appears that draining the quarry will “rob” the Harpeth of groundwater that would otherwise flow into the river. We question how the Applicant can conclude, in light of the pumping rates and the discharges to the river (as well as missing and incomplete data, as noted elsewhere), that the impact on the State Scenic Harpeth River, an Exceptional Tennessee Water, is *de minimis*.

The purported rock and clean dirt proposed to be disposed of at the McCrorry Lane quarry either constitutes solid waste or so closely approximates it, that it should be considered to constitute a prohibited landfill within the meaning of the State *Scenic Rivers Act*. If, in fact, contaminated or other materials are disposed of inadvertently at the quarry, the entire site and its operation would constitute a landfill prohibited by the State *Scenic Rivers Act*. The cost of mobile rock-crushing equipment having dropped, it is most certain that portions of the site will resume a light mining operation.

Draining the quarry should be denied due to the States *Scenic Rivers Act*.

Responses to Comments Regarding State Scenic Rivers Act – State Scenic River

The Harpeth River near the quarry is classified as Class II Pastoral River Areas under the Tennessee Scenic Rivers Act of 1968. The Scenic Rivers Act instructs that Class II rivers should be managed in a manner which would best maintain and enhance the scenic values of the river and the adjacent lands. The Act further states that “No landfill for the disposal of solid or hazardous wastes shall be permitted within two (2) miles from the center of a Class II river on each side...”.

The Department has reviewed the definition of acceptable fill as defined in this case (uncontaminated soil and rock) and has determined that it does not meet the definition of solid or hazardous wastes under the Department’s rules. Therefore, the fill of the quarry with rock and soil does not create a landfill and is otherwise not contrary to the Tennessee Scenic Rivers Act of 1968.

Comments Concerning Biological Impact

This could have serious repercussions that could negatively impact the quality of life for the ecosystem. I hope you will consider looking further into this situation in order to prevent any harm to the quarry or the Harpeth.

Not to mention that draining the quarry would release the invasive freshwater jellyfish that have established in the contained ecosystem of the quarry into our waterways.

The quarry is a beautiful place of nature. We do NOT want it taken away and filled with crap.

This will kill the native wildlife within the quarry.

There are unique jellyfish in the lake.

The quarry is home to a very rare freshwater jellyfish native to our great state of Tennessee

Water sources such as this quarry are very important to for the local wildlife and biodiversity.

Draining the quarry not only puts residents of Bellevue at an increased for flooding due to floodplain ecosystem destruction, but also kills the native wildlife within the quarry

The quarry has become a natural part of the ecosystem, as a flood detention and home to plant and animal life.

Additionally, the ecosystem that the quarry itself represents will be utterly destroyed, with dwindling native species losing further habitat.

This site has been reclaimed by nature and it should be allowed to stay in its current condition and not harmed any more.

Please make sure people understand those jellyfish are an invasive species from China, not an endangered Tennessee native species.

I am writing against the application and in favor of preserving this beautiful resource that is home to thousands of fish and marine life, including the rare freshwater jelly fish.

Being one of only fourteen recorded places where freshwater jellyfish have been spotted in Tennessee, this quarry holds a treasure that would be killed for the sake of this project.

Not to mention the irreparable damage done to the Harpeth having the quarry emptied directly next door. The sediment will be devastating to wildlife.

I kayak and fish the river and would no longer feel that the animal life would be safe due to this construction.

The damage to the Harpeth and its ecosystem would be irreparable. Once that kind of ecological impact is made, it will never be the same again. In addition, I was just made aware of the native Tennessee freshwater jellyfish that reside in the quarry. How is it even remotely ok to eradicate a native species habitat?

As a local resident of the area, I am HIGHLY concerned about the drainage of this quarry and the rest of the project at hand. As a biologist and doing much research on watershed health, I believe this could have a large impact on the ecosystem as well as our water supply! This should be regulated at the state level.... small changes could have large impacts. This should at the very least be delayed for further evaluation as this effects the community as a whole!

Responses to Comments Concerning Biological Impact

Most commenters are concerned with the harm to aquatic life and wildlife that inhabit both the quarry and the Harpeth River. There is no doubt that the aquatic life that inhabits the quarry's waters will be eradicated when the waters are pumped out and replaced with dirt and rock and the wildlife that are dependent upon those waters will be displaced.

We believe that the quarry is home to fishes commonly found in lakes and ponds across Tennessee. We have no indication that rare or unique aquatic life inhabits this quarry.

Many commenters were concerned for a freshwater jellyfish believed to be native and rare. Our research shows that the freshwater jellyfish, Craspedacusta sowerbii, is not native to Tennessee and is common throughout the world. It is usually found in calm, freshwater reservoirs, lakes, impoundments, gravel pits or quarries.

The Division shares the concerns for aquatic life and wildlife that inhabit the Harpeth River. The permit is intended to protect from harm the fish and aquatic life in the Harpeth River, both short and long term. The permit will allow the transfer of unpolluted water from the quarry into the Harpeth River for the short term and allow the backfill of the quarry with uncontaminated soil and rock.