



Public Notice
Tennessee Department of Environment and Conservation
Division of Water Resources
Notice Requesting Public Comments on Draft Permit Actions
FILE # NRS21.233

The purpose of this notice is to advise the public of the following proposed permit action and solicit comments and information necessary to evaluate the potential impact of the proposed activities on the aquatic environment.

Pursuant to The Tennessee Water Quality Control Act of 1977, T.C.A. §69-3-108 and Tennessee Rules, Chapter 0400-40-07, the proposed activity described below has been submitted for approval under an Aquatic Resource Alteration Permit and Section 401 Water Quality Certification. Section 401 of the Clean Water Act requires that an applicant obtain a water quality certification from the state when a federal permit is required. This notice is intended to inform interested parties of this permit application and draft permit and rationale, and to ask for comments and information necessary to determine possible impacts to water quality. At the conclusion of the public notice period a final determination will be made whether to issue or deny the permit.

PERMIT COORDINATOR

Robert Wayne
Tennessee Department of Environment & Conservation
Division of Water Resources, Natural Resources Unit
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243
615-454-7993
robert.j.wayne@tn.gov

APPLICANT

Hillwood Construction Services, L.P.
c/o Larry Blair
3000 Turtle Creek Boulevard
Dallas, TX 75219

LOCATION

Loosahatchie Highway and Hickory Withe Road
Gallaway, Fayette County
Latitude: 35.3093, Longitude: -89.6164
Ecoregion 74b Loess Plains

To view the proposed location of these impacts and the watershed condition, visit the Division's map viewer at <http://tdeconline.tn.gov/dwr/> and search on the permit number or coordinates listed in this Public Notice.

PROJECT DESCRIPTION / PURPOSE

Hillwood Construction Services, LP proposes to impact 1.31 acres of two wetlands to accommodate industrial development. Additional proposed impacts include utility line installation through use of horizontal directional drilling under three wetlands, three streams, and one pond and 0.36 acres of

temporary impact to five wetlands for utility line installation through open-cut trenching. The applicant proposes to purchase of 2.62 wetland mitigation credits from the West Tennessee Wetland Mitigation Bank. Two years of post-construction monitoring are required for temporary wetland impacts.

ANTIDegradation

Loosahatchie River, Little Cypress Creek, Pond 1, Wetland 1, Wetland 2, Wetland 3, Wetland 4, Wetland 5, Wetland 6a, Wetland 6b, and Wetland 6c

In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the Division has made the preliminary determination that the proposed activities, if compliant with the permit terms and conditions, will result in no more than de minimis degradation.

Wetland 1a and Wetland 2a

In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the Division has made a preliminary determination that the proposed activities will result in no more than de minimis degradation to water quality because the applicant proposes to provide in-system mitigation to offset any appreciable lost water resource value.

For more information, please reference Tennessee's Antidegradation Statement which is found in Chapter 0400-40-03 of the Rules of the Tennessee Department of Environment and Conservation.

FACTORS CONSIDERED

In deciding whether to issue or deny this permit, the Division will consider all comments of record and the requirements of applicable federal and state laws. The division will consider the nature, scale, and effects of proposed impacts. The Division will consider practicable alternatives to the alteration, loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impacts to unique, high quality, or impaired waters. In making this decision, a final determination will be made evaluating appreciable permanent loss of resource values and proposed compensatory mitigation to ensure the project will result in no overall net loss of state water resources values.

HOW TO COMMENT

TDEC is requesting public comment on this proposed permit action. Obtaining a broad range of facts and opinions on Agency actions is one of the best ways to ensure appropriate decisions. Persons wishing to comment on the proposal are invited to submit written comments to the Division. Written comments must be received within **thirty days following distribution of the approved public notice materials** (including signage and newspaper ad). Comments will become part of the record and will be considered in the final decision. The applicant's name and permit number should be referenced. Send all written comments to the Division's address listed below to the attention of the permit coordinator. You may also comment via email to water.permits@tn.gov.

After the Division makes a final permit determination, a permit appeal may be filed by the applicant or by any person who participated in the public comment period whose appeal is based on comments given to the Division in writing during the public comment period or in testimony at a formal public hearing. 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 Saul Castillo at 615-532-0462 or saul.castillo@tn.gov for more information.

PUBLIC HEARING

Interested persons may request in writing that the Division hold a public hearing on this application. The request must be received by the Division within the comment period, indicate the interest of the party requesting it, the reason(s) a hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the Division will hold a public hearing in accordance with

0400-40-07-.04(4) (f). Send all public hearing requests to the attention of the permit coordinator at the address listed below or via email to water.permits@tn.gov. Any scheduled public hearings will be advertised through a similar public notice process.

FILE REVIEW

The permit application, supporting documentation, including detailed plans and maps, draft permit and rationale, and related comments are available for review on the internet at the Division's dataviewer at [DWR Permits in TN](#) by entering the permit file number listed in the title of this Public Notice. The file may be viewed and copied at the address listed below.

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