



**PUBLIC NOTICE
and
Notice of Public Hearing**

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Division of Water Resources
William R. Snodgrass – Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243

Phone: 615- 532-0359 Fax: 615-532-0046

**Proposed Aquatic Resource Alteration General Permit for
Floating Cabins on Tennessee Valley Authority Reservoirs**

NOTICE IS HEREBY GIVEN; the Division of Water Resources is accepting comments concerning a new general Aquatic Resource Alteration Permit (ARAP) related to floating cabins on Tennessee Valley Authority (TVA) reservoirs. The purpose of this proposed general permit is to provide a streamlined and efficient permitting pathway for stakeholders to obtain water quality certification under section 401 of the federal *Clean Water Act*.

The Division is proposing a new ARAP General Permit for Floating Cabins on TVA Reservoirs

The Division has made the preliminary determination, provided compliance with all pertaining state and federal regulations and the terms and conditions of the proposed general permit, that floating cabins on TVA reservoirs will not violate Tennessee's water quality standards, will not result in more than an appreciable permanent loss of resource values, and will not cause more than de minimis degradation to water quality parameters.

Where the Commissioner finds that a category of activities or discharges would be appropriately regulated under a general permit, the Commissioner may use a general permit to authorize alterations to waters for specific categories of activities that are substantially similar in nature. Notices of coverage by the Division of activities that qualify under general permits also serve as a Water Quality Certification pursuant to section 401 of the *Federal Clean Water Act*.

General permits issued by the Division of Water Resources establish limits of work and notification procedures required for authorization. Existing General Permits can be viewed at <https://www.tn.gov/environment/permit-permits/water-permits1/aquatic-resource-alteration-permit--arap-.html>.

Interested persons may obtain additional information, including a copy of the draft permit, and may inspect and copy related documents at the Division's Central Office at the address listed above, or at the Environmental Field Offices. Additional information may also be obtained from the Division's website at <https://www.tn.gov/environment/ppo-public-participation/ppo-public-participation/ppo-water.html>.

PUBLIC HEARING

As part of this public notice and comment period, the Division will hold an in-person public hearing that will also be conducted via video-teleconference. The public hearing will be held at the following location and time:

Location: **Tea Room**
Norris Dam State Park
125 Village Green Circle
Rocky Top, TN 37769

Date: **January 18, 2022**

Informational Session: **5:00 PM Eastern**

Public Hearing: Immediately following Informational Session

Join information

Meeting link:

<https://tn.webex.com/tn/j.php?MTID=m03420c256e70aaf0c8e741ecfe58ef44>

Meeting number: 2318 504 5145

Password: Cabin1!

Host key: 121897

Join by video system

Dial [23185045145@tn.webex.com](tel:23185045145)

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone +1-415-655-0001 US Toll

Access code: 2318 504 5145

Host PIN: 0264

[Global call-in numbers](#)

Please note that you can join the meeting by telephone if you do not have internet access by calling the number above and entering the access code and password.

If you are unfamiliar with Webex, you may review the platform in advance at <https://www.webex.com/test-meeting.html>. For assistance with Webex go to <http://help.webex.com>.

Prior to opening the formal public hearing, an informational session will be held. The informational session will allow participants to ask questions informally and receive input from TDEC staff. Once the formal public hearing begins, the question-and-answer format will end, and all public comments will be collected for the hearing record without response from TDEC during the hearing.

The meeting moderator may limit the length of oral comments in order to allow all parties an opportunity to speak and will require that all comments be relevant to the proposed permit action and Division of Water Resources issues. If you are unable to participate in the public hearing, or otherwise wish for your comments to be read into the record, please submit them to water.permits@tn.gov prior to the hearing and specifically indicate your request for the comment to read at the hearing.

Individuals with disabilities who wish to participate in these proceedings or review the file record should contact TDEC to discuss any auxiliary aids or services needed to facilitate such participation. Contact may be by writing, telephone, or other means, and should be made no less than ten working days prior to the hearing to allow time to provide such aid or services. Contact the ADA Coordinator (615-532-0207) for further

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 Christa Morphew at 615-360-0382 or christa.morphew@tn.gov for more information.

PUBLIC COMMENT

Persons wishing to comment on possible water quality impacts and the issuance of this new general permit are invited to submit written comments, or to deliver oral comments at the public hearing. All comments, whether written or oral, will be given the same consideration. Obtaining a broad range of facts and opinions on Division 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. Comments will become part of the record and will be considered in the final decision. *ARAP General Permit for Floating Cabins* should be referenced. Send all written comments to the Division's address listed above, to the attention of Robert Baker. Written comments may also be submitted to water.permits@tn.gov or to Robert Baker at robert.d.baker@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.

Interested persons may obtain additional information or inspect and copy related documents by emailing water.permits@tn.gov or Robert.D.Baker@tn.gov.

Please submit any written comments to the Division at the address above or at water.permits@tn.gov. The comments must be received by **January 28, 2022**. After considering all public comments, the Division will publish a final permit decision and a notice of the Division's determinations.

LOCATION

All TVA reservoirs in Tennessee.

ANTIDegradation STATEMENT

In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the Division has made a preliminary determination that activities conducted under this general permit will not result in an appreciable permanent loss of resource value or greater than de minimis degradation to water quality.

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 this general permit, the Division will consider all comments of record and the requirements of applicable federal and state laws. The Division will also consider loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to water resources, and adverse impacts to unique, high quality, or impaired waters.

FILE REVIEW

Interested persons may obtain additional information, including a copy of the draft permit, and may inspect and copy related documents at the Division's Central Office at the address listed above. Additional information may also be obtained from the Division's website at: <https://www.tn.gov/environment/ppo-public-participation/ppo-public-participation/ppo-water.html>. For further information you may reach Robert Baker at 615-532-0710, or by email at Robert.d.baker@tn.gov.