



Public Notice
Tennessee Department of Environment and
Conservation (TDEC)
Division of Water Resources (DWR)
Notice Requesting Public Comments on Draft
Permit Actions
FILE # NRS25.139

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

Mike Lee
Tennessee Department of Environment & Conservation
Division of Water Resources, Natural Resources Unit
9th Floor Davy Crockett Tower
500 James Robertson Parkway
Nashville, Tennessee 37243
(615) 532-0712
Mike.lee@tn.gov

APPLICANT:

Daniel Duncan, Real Estate Manager
Eastman Chemical Company
200 South Wilcox Drive
Kingsport, TN 37660
(423) 229-2504

LOCATION :

Eastman Chemical Facility
Kingsport, Sullivan County
Latitude 36.5149446
Longitude -82.5647291
Unnamed wetlands
The site is located within the Horse Creek drainage TN 06010102003_1000,
within the S Fork Holston River watershed HUC 8 (0601002) (for more
information, access <http://tdeconline.tn.gov/dwr>):

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

This proposed project involves the removal of fly ash in preparation for the TDOT Eastman SIA roadway project within the City of Kingsport, Sullivan County, Tennessee. Prior to transferring the right-of-way over to the City of Kingsport to initiate roadway activities, Eastman Chemical Company must first remove the fly ash contaminant from the site. To facilitate this removal, a total of approximately 0.418-acres of wetlands must be dredged.

This project proposes permanent impacts to two low-quality wetlands: WTL-3 (0.086 acres) and WTL-4 (0.332 acres). WTL-3 is isolated and will not require a permit nor compensatory mitigation per Public Chapter No. 437 (SB 670 / HB 541) to be effective July 1, 2025. Under this regulation no permit or compensatory mitigation will be required for total impacts less than 1.0 acre which meet the criteria for low-quality, isolated wetlands. WTL-4 is contiguous with a RPW and therefore mitigation must align with TDEC's standards for regulated waters. While 0.25 acre of low-quality wetland impact may be authorized without mitigation under TDEC's General ARAP Rationale, the remaining 0.082 acres (0.332 - 0.25) exceed that threshold. In accordance with TDEC Rule 0400-40-07-.04(7)(c)(2) and supporting rulemaking guidance, mitigation for impacts beyond general thresholds must be provided at a 2:1 ratio for restoration. Therefore, to offset impacts to WTL-4, the applicant proposes to purchase 0.164 wetland mitigation credits from the Lick Creek Wetland Mitigation Bank Number 2.

ANTIDEGRADATION

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 greater than *de minimis* degradation of impact of waters with available parameters. Any appreciable permanent loss of resource value associated with the proposed impact is proposed to be offset by sufficient mitigation to result in no overall net loss of resource value. Pursuant to Antidegradation Statement, in waters with available parameters for habitat, an activity that would cause degradation of habitat above the level of *de minimis* will only be authorized if applicant has demonstrated to the Department that there are no practicable alternatives to prevent or lessen degradation associated with the proposed activity and the degradation is necessary to accommodate important economic or social development in the area and will not violate the water quality criteria for uses existing in the receiving waters..

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 addition, the Division will consider whether more than *de minimis* degradation is justified by important social or economic development in the area. 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 not 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 ARAP.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 can provide translation or interpretation services free of charge by contacting Brian Canada at 615-979-1406 or Brian.Canada@tn.gov.

Si le resulta difícil leer, hablar o comprender inglés, TDEC puede proporcionarle servicios de traducción o interpretación sin cargo comunicándose con Brian Canada al 615-979-1406 o Brian.Canada@tn.gov.

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 ARAP.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 Water Resources Permits Dataviewer: <https://dataviewers.tdec.tn.gov/dataviewers/f?p=2005:34001:15212213433040>: 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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