

Attachment 2 – USACE/TVA Joint Public Notice and TDEC Public Notices

**DIVISION OF WATER POLLUTION CONTROL
MINING SECTION**

**WATER QUALITY PERMIT
AQUATIC RESOURCE ALTERATION**

PERMIT NUMBER #M2003-11

Permit Application Number: ARAP-#M2003-11

Applicant: Mr. Stanley G. Bass, Vice President
Nolichuckey Sand Company, Inc.
1980 Greystone Road
Greeneville, TN 37743

Location: Greene County near Greeneville, Tennessee associated with Nolichuckey Sand Company, Inc. at 36°05'05" latitude and 82°49'50" longitude on the Davy Crockett Lake, Tennessee USGS Quadrangle Nolichuckey River Mile 49 to 51.

Project Description: The proposed project includes the dredge removal of sand and gravel bedload deposits using an eight-inch cutterhead suction dredge with a 2,500 gallon per minute pump. This dredge will evacuate bottom deposits. These materials will be transported to shore for product processing. The process includes screening materials into separate stockpiles of +1/4 inch to -2 inch and +2 inch to the on-shore processing facility.

The proposed dredge will operate in the Nolichuckey River between Mile 49 and Mile 51. A buffer zone around Bird's Bridge has been established. Nolichuckey Sand Company proposes a no dredge buffer zone. This buffer zone extends five hundred feet upstream and five hundred feet downstream from Bird's Bridge. The applicant proposes to operate the dredge from January 30 through November 15 with a proposed work schedule of Monday through Friday with an occasional Saturday for ten-hour periods. The plan includes that all work will comply with the Tennessee Water Quality Control Act of 1977 including 1994 amendments and associated regulations.

EFFECTIVE DATE: January 2004 (pending)

EXPIRATION DATE: 2009

Permit Coordinator: Dave Turner
Mining Section
Division of Water Pollution Control
2700 Middlebrook Pike
Suite 220
Knoxville, TN 37921

Aquatic Resource Alteration Permit Conditions

1. **The work shall be accomplished in conformance with the approved plans, specifications, data and other information submitted in support of the above application and the limitations, requirements and conditions set forth herein.**
2. TWRA prohibits any public access within the Nolichucky Refuge during the late waterfowl season. This time frame is proclaimed by TWRC annually in August within framework of USFWS. All activities must be approved by TWRA prior to any access during this time frame.
3. The proposed work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in Rule 1200-4-3-.03 of the Rules of the Tennessee Department of Environment and Conservation. This includes but is not limited to the prevention of any discharge that causes a condition in which visible solids; bottom deposits or turbidity impairs the usefulness of waters of the state for any of the uses designated by Rule 1200-4-4. These uses include fish and aquatic life, livestock watering and wildlife, recreation and irrigation.
4. All proposed dredging must maintain a minimum distance of thirty feet from both right and left banks and must be restricted to river section. Dredge areas shall exclude all embayments or sloughs. In some areas, the use of the riparian vegetation may extend beyond thirty feet, the use of the tree canopy as a guide may suffice as a dredge buffer zone.
5. No dredge activity within five hundred feet upstream and five hundred feet downstream of Bird's Bridge. The Bird's Bridge buffer zone must be established with visual bank markers.
6. Nolichucky Sand Company must submit quarterly reports detailing daily operations that include the amount dredged and location of the dredge by river mile.
7. Nolichucky Sand Company must inspect both right and left riverbanks for any instability i.e. slumps of bank material or trees and report to Division within 24 hours of the event.
8. Nolichucky Sand Company, prior to operation, must have land base treatment in place and construction specification certified by your engineer. This certification must be forwarded to the Division.

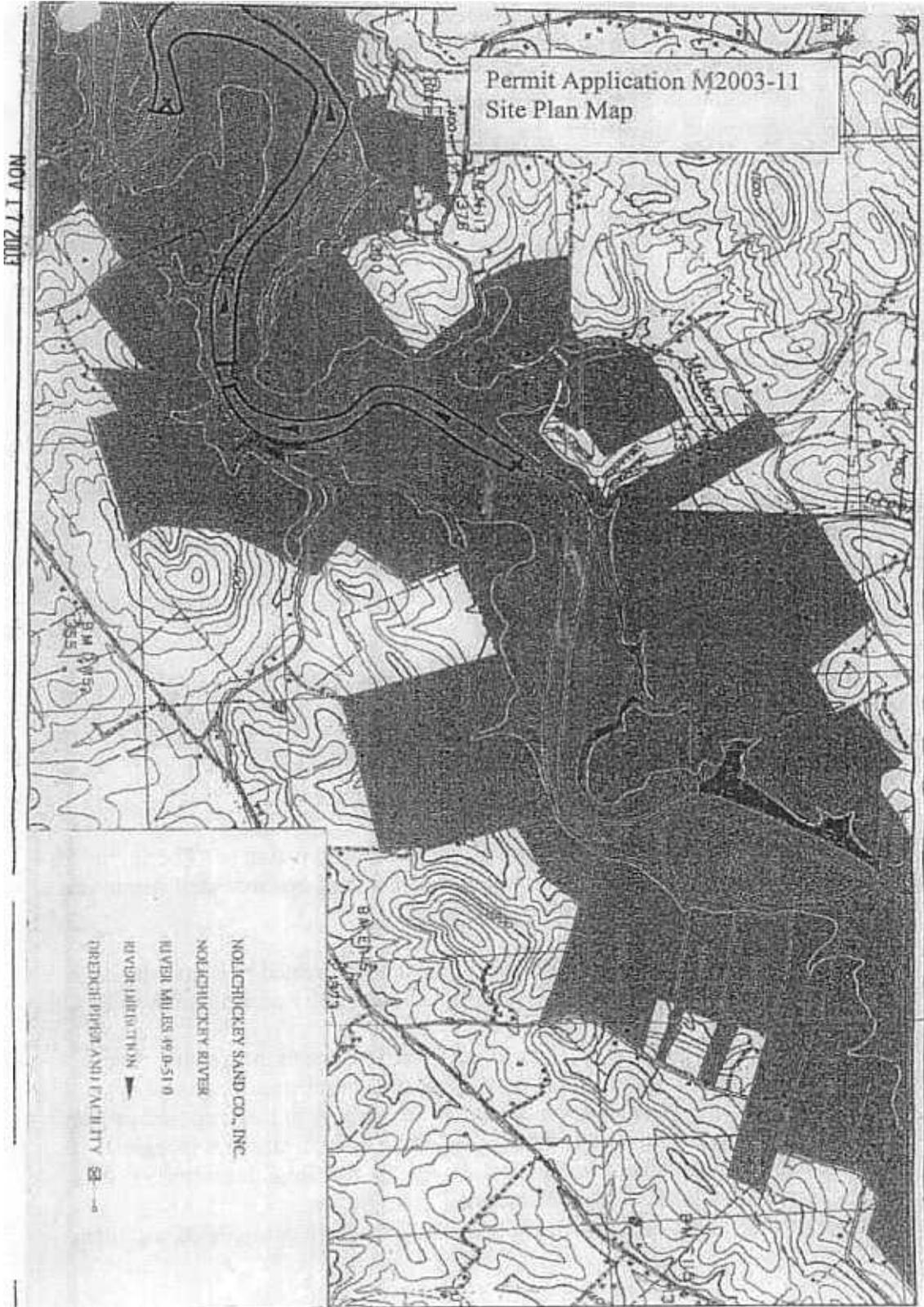
This does not obviate requirements of other federal, state or local laws. In particular, work shall not commence until the applicant has received the federal §404 permit from the U. S. Army, Corps of Engineers.

The State of Tennessee reserves the right to modify or revoke this permit or to seek modification or revocation should the State determine that the activity results in more than an insignificant violation of applicable water quality criteria or violation of the Act. Failure to comply with permit terms may result in penalty in accordance with § 69-3-115 of the Act.

Public Notice M2003-08
December 16, 2003
Page 23 of 26

An appeal of this action may be made to the Water Quality Control Board. In order to appeal, a petition requesting a hearing before the Board must be filed within thirty (30) days after receipt of the permit action. In such petition, each contention should be stated in numbered paragraphs, which describe how the proposed activity would be lawful and the action of the state is inappropriate. The petition must be prepared on 8½" by 11" paper, addressed to the Water Quality Control Board and filed in duplicate at the following address: Paul E. Davis, Director, Division of Water Pollution Control, 6th Floor L & C Annex, 401 Church Street, Nashville,





**State of Tennessee
Antidegradation Policy**

Tennessee's Antidegradation Statement is found in Chapter 1200-4-3-.06 of the *Rules of the Tennessee Department of Environment and Conservation*. The primary purpose of the antidegradation policy is to establish a greater level of protection for those waters that are identified to be of high quality. Some high-quality waters are in near-pristine condition. Others are determined to be high quality due to specialized uses and/or unique features.

Generally, there are two types of high-quality waters. Outstanding National Resource Waters (ONRWs), or Tier 3 waters, are specifically designated by the Water Quality Control Board and are afforded the greatest level of protection. No new discharges or expansion of existing discharges are allowed to result in degradation of the existing water quality.

Other high-quality waters are identified by the Department as Tier 2 waters and are also protected against degradation. Some degradation may be allowed only if the Water Quality Control Board deems it economically and socially necessary. Other surface waters not specifically identified and/or designated as high quality are referred to as Tier 1 waters. Tennessee's Water Quality Standards must be achieved and/or maintained in these waters.

The Division has determined that these drainages are Tier 1 waters that will be restored as a condition of remaining activities in the watershed.

Requirements for Posting Public Notice

The Department Rule 1200-4-7-.04 (4) Public Notice and Participation (d) The approved Public Notice shall be distributed to interested persons and shall be circulated within the geographical area of the proposed activity as follows:

1. TDEC will distribute the approved Public Notice to interested persons who have requested TDEC notify them of ARAP applications and by posting on the TDEC website.
2. The Applicant shall distribute the approved Public Notice to the neighboring landowners by publishing in a local newspaper of general circulation and by posting a sign within view of a public road in the vicinity of the proposed project site as specified by the Division. The sign shall be of such size that is legible from the public road. Also, the sign shall be maintained for at least thirty (30) days following distribution of the approved Public Notice.
3. The applicant shall provide certification to the Division of compliance with item



**US Army Corps
of Engineers.**

Nashville District

Public Notice

Public Notice No. 03-100

Date: December 19, 2003

Application No. 990015960

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

**JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY
AND
STATE OF TENNESSEE**

SUBJECT: Proposed Commercial Sand and Gravel Dredging in the Nolichucky River, Greene County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit (DA) pursuant to **Section 10 of the Rivers and Harbors Act of 1899**. The proposed return water discharge to the river from the upland dredged material processing area has been previously authorized for the purposes of Section 404 of the Clean Water Act under the authority of Nationwide Permit No. 16. Other required approvals requested are from the Tennessee Valley Authority (TVA) pursuant to its ownership of land adjacent to Davy Crockett Lake and from the Tennessee Department of Environment and Conservation, Division of Water Pollution Control-Mining Section (TDWPC) pursuant to its Aquatic Resource Alteration Permit (ARAP) program and the National Pollutant Discharge Elimination System (NPDES).

APPLICANT: Nolichucky Sand Company, Inc.

LOCATION: Between Nolichucky River Miles 49.0 and 51.0 (within Davy Crockett Lake), Greene County, Tennessee

DESCRIPTION: The requested DA permit approval would authorize continued dredging within the previously-permitted reach between River Miles 49.0 and 50.3 (location of Bird Bridge) and proposed additional dredging between River Miles 50.3 and 51.0. The DA permit for the reach between River Miles 49.0 and 50.3 was issued on September 20, 1999 and is due to expire on September 30, 2004. Dredging under the previously-issued permit ceased in the early fall of 2003. Previously-permitted dredging will not resume and the proposed additional dredging will not start until a sediment retention pond for treating the return water discharge to the river from the upland dredged material processing area is approved. The required approval is the issuance of a NPDES permit by the TDWPC.

DA File No. 990015960

The proposed work consists of dredging sand and gravel between River Miles 49.0 and 51.0 with a no dredge zone within 500 feet both upstream and downstream from Bird Bridge to ensure protection of the structural integrity of the bridge. The estimated production is 200,000 tons per year. There is an estimated 15,000 to 25,000 tons of material in the previously-permitted river reach and one to two million tons of material in the proposed additional reach, upstream of Bird Bridge. Dredging would be conducted using a suction dredge system (with eight-inch intake and discharge line) mounted on a floating barge measuring approximately 11.5 feet wide and 33.0 feet long. Dredged material would be pumped to an existing upland processing area on the south side of the river (authorized by the previously-issued DA permit). Water carrying material to this area would be returned to the river via piping from two dewatering wheels to a sediment retention pond, then through an outfall discharge pipe. An existing and previously-approved ramp would continue to be used for "launch and take out" of the dredge. An existing and previously-approved site for an on-land booster pump would also continue to be used. The requested permit would authorize dredging for a five-year period. Dredging would not be conducted within the time frame proclaimed annually in August by the Tennessee Wildlife Resources Commission, which excludes public access within the Nolichucky Waterfowl Refuge during late fall and winter months. Dredging would occur approximately 10 hours per day, Monday through Friday, with occasional dredging on Saturdays. The dredged and processed material sold commercially and primarily used in road construction as an asphalt component.

A map showing the location of the previously-permitted dredge area, the proposed additional dredge area, the upland material processing area, and the on-land booster pump site is included with this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of

DA File No. 990015960

PN No. 03-100

Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

A joint Environmental Assessment (JEA) was prepared by TVA and the US Army Corps of Engineers for previously-permitted dredging. A supplement to the JEA will be prepared with TVA being the lead agency prior to a final decision concerning issuance or denial of the requested DA permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

- a. An ARAP from the TDWPC.
- b. A point source discharge permit from the TDWPC under the NPDES.
- c. A land use license from TVA related to its ownership of land adjacent to Davy Crockett Lake.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before January 21, 2004 will become a part of the record and will be considered in the determination. Any response to this notice should be
DA File No. 990015960
PN No. 03-100

directed to the Regulatory Branch, Attention: K, Wade Whittinghill, at the above address, telephone (615) 369-7511. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal.



Location of Previously-Permitted Dredging



Location of Proposed Additional Dredging



Location of Upland Material Processing Area



Location of On-land Booster Pump







Public Participation Opportunity

**State of Tennessee
Department of Environment and Conservation
Division of Water Pollution Control
Mining Section
2700 Middlebrook Pike, Suite 220
Knoxville, Tennessee 37921-5602
PHONE (865) 594-6035 FAX (865) 594-6105**

**February 6, 2004
Public Notice M2004-02
Public Notice Expiration March 9, 2004**

The purpose of this notice is to advise the public of the following draft environmental permits and to solicit comments and information necessary to evaluate the potential impact of the proposed activities on human health and the environment.

Individual NPDES Permits

Non-Coal Proposed Reissuances

Applicant	Dement Construction Company
Facility	Parks Gravel Pit
NPDES Permit Number	TN0069108
County	Lauderdale
Street Address	650 John White Road
City	Ripley
Zip	38063
Description of Activity	Surface gravel mine
Receiving Stream	Unnamed tributary of Tisdale Creek
Effluent Description	Treated wastewater and storm water
Facility Latitude	35° 48' 30"
Facility Longitude	89° 28' 00"
Permit Writer	JPJ
Applicant	Kentucky -Tennessee Clay Company
Facility	Mine 23 - Storey
NPDES Permit Number	TN0072290
County	Carroll
Street Address	Dee Road
City	Clarksburg
Zip	38324
Description of Activity	Ball clay mining operation
Receiving Stream	Cane Creek
Effluent Description	Treated wastewater and storm water
Facility Latitude	35° 52' 00"
Facility Longitude	88° 28' 22"
Permit Writer	JPJ

Applicant **Raja Stone Company, Inc.**
Facility **Tazewell Quarry**
NPDES Permit Number **TN0066648**
County **Claiborne**
Street Address **405 South Broad Street**
City **New Tazewell**
Zip **37825**
Description of Activity **Limestone quarry and processing plant**
Receiving Stream **Unnamed tributary of Russell Creek**
Effluent Description **Treated wastewater and storm water**
Facility Latitude **36° 28' 16"**
Facility Longitude **83° 32' 48"**
Permit Writer **JPJ**

Applicant **Tennessee Marble Company**
Facility **Brown Quarry**
NPDES Permit Number **TN0071862**
County **Blount**
Street Address **343 West Vinegar Valley Road**
City **Friendsville**
Zip **37737-2436**
Description of Activity **Marble quarry and processing facility**
Receiving Stream **Karst topography, unnamed tributary to Ish Creek embayment**
Effluent Description **Treated wastewater and storm water**
Facility Latitude **35° 46' 22"**
Facility Longitude **84° 06' 46"**
Permit Writer **CTH**

Non-Coal Proposed Modification and Reissuance

Applicant **Nolichucky Sand Company, Inc.**
Facility **Birds Bridge Dredge**
NPDES Permit Number **TN0072303**
County **Greene**
Street Address **6950 Old Asheville Highway**
City **Greeneville**
Zip **37743-0404**
Description of Activity **Construction sand dredge**
Receiving Stream **Nolichucky River at mile 50**
Effluent Description **Treated wastewater**
Facility Latitude **36° 05' 05"**
Facility Longitude **82° 49' 50"**
Permit Writer **CTH**

Public Notice M2004-02

February 6, 2004

Page 3 of 4

How to Comment:

TDEC is requesting public comment on this permit action. Obtaining a broad range of facts and opinions on Agency actions is one of the best ways to ensure quality decisions. Persons wishing to comment on the proposed action are invited to submit comments in writing to the Mining Section at the above letterhead address, Attn: Public Notice Coordinator, by fax number (865) 594-6105, or by E-mail at Gary.Mullins@state.tn.us. Comments must be received by the end of comment period date (see page 1).

How to Request a Public Hearing:

Interested persons may request in writing that the Director of the Division of Water Pollution Control hold a public hearing on any application. The request must be filed within the comment period and must indicate the interest of the party filing it and the reasons for a hearing. When there is significant public interest for a hearing, a hearing will be conducted according to the Division of Water Pollution Control Rule 1200-4-1-.05(3)(g). Public hearings will be announced through another public notice.

How the Department Will Proceed:

The Director of the Division of Water Pollution Control will determine the final permit action after considering comments submitted during the comment period, the hearing record, if any, and the requirements of the Federal and State acts and regulations.

To Obtain Permit Details:

Draft Permits contain Anti-degradation determinations and Rationales that address information concerning the foundation for the Division's determinations. Copies of the application(s), draft permit(s), and supporting documentation are in the permit files maintained at the Mining Section's office at the letterhead address. These files are available for public inspection during normal visiting hours by contacting Kimberley.Reardon@state.tn.us or calling (865) 594-5619.

List of Permit Writers

CTH	Chris Hobgood	865-594-5545	Chris.Hobgood@state.tn.us
JPJ	Jesse Jones	865-594-5543	Jesse.P.Jones@state.tn.us
GWM	Gary Mullins	865-594-5536	Gary.Mullins@state.tn.us
JCP	John Price	865-594-5585	John.Price@state.tn.us
MRR	Micheal Robbins	865-594-5542	Micheal.Robbins@state.tn.us
DAT	Dave Turner	865-594-5541	Dave.Turner@state.tn.us

State of Tennessee Antidegradation Policy

Tennessee's Antidegradation Statement is in Chapter 1200-4-3-.06 of the *Rules of the Tennessee Department of Environment and Conservation*. The primary purpose of the antidegradation policy is to establish a greater level of protection for high quality waters. Some high-quality waters are in near-pristine condition. Others are determined to be high quality due to specialized uses and/or unique features.

Generally, there are two types of high-quality waters. Outstanding National Resource Waters (ONRWs) or Tier 3 waters receive the greatest level of protection. The Water Quality Control Board designates these waters. New discharges or expansion of existing discharges cannot degrade existing water quality.

The Department identifies other high quality waters known as Tier 2 waters and protects against their degradation. The Water Quality Control Board may allow some degradation if the Board deems it economically and socially necessary. Tier 1 waters refer to other surface waters that do not have the identification and/or designation as high quality. These waters must achieve and maintain Tennessee's Water Quality Standards.

State of Tennessee Policy of Non-Discrimination

Pursuant to the State of Tennessee's policy of non-discrimination, the Tennessee Department of Environment and Conservation does not discriminate on the basis of race, sex, religion, color, national or ethnic origin, age, disability, or military service in its policies, or in the admission or access to, or treatment or employment in its programs, services or activities. Equal Employment Opportunity/Affirmative Action inquiries or complaints should be directed to the EEO/AA Coordinator, Office of General Counsel, 401 Church Street, 20th Floor L & C Tower, Nashville, TN 37243, 1-888-867-7455. ADA inquiries or complaints should be directed to the ADA Coordinator, Human Resources Division, 401 Church Street, 12th Floor L & C Tower, Nashville, TN 37243, 1-866-253-5827. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).