

Addendum to Rationale
Including
Record of Comments and Responses
(Notice of Determination)

**General National Pollutant Discharge Elimination System (NPDES)
Permit for Storm Water Discharges from Industrial Activities**

Permit No. TNR050000

June 27, 2022

1 Administrative Record

The permit rationale (or fact sheet) dated May 10, 2022, sets forth the Division of Water Resources' (the division) basis for permit conditions to be applied statewide for the issuance of the new Tennessee National Pollutant Discharge Elimination System (NPDES) General Multi-Sector Permit for Discharges of Stormwater Associated with Industrial Activities (TMSP). The TMSP is intended to authorize stormwater discharges to waters of the State of Tennessee from industrial facilities.

The current TMSP expires on June 30, 2022. On May 10, 2022, the division issued Public Notice NOPH22-005 per TN Rules, Chapter 0400-40-05-.06 (8), which announced the public hearing, conducted at the following date and location:

Location: 312 Rosa L. Parks Avenue
William R. Snodgrass – Tennessee Tower
Multi-Media Room 3rd Floor

Date: June 16, 2022

Public Hearing: 1:00 PM – 2:00 PM Central Time

Interested persons were able to attend by phone or via computer, as call-in and login information was provided as well.

On May 10, 2022, the division issued Public Notice # MMXXII-019, which advised the public of the proposed permit action and to solicit comments and information necessary to evaluate the potential impact of the proposed activities on human health and the environment. Copy of the draft TMSP permit and relevant documentation was made

NPDES General Permit for Discharges of Stormwater Associated with Industrial Activities
Notice of Determination

available in an electronic format on the division's web site at https://dataviewers.tdec.tn.gov/pls/enf_reports/f?p=9034:34051:::34051:P34051_PERMIT_NUMBER:TNR050000.

The proposed NPDES permit was drafted in accordance with the provisions of the Federal Water Pollution Control Act, the Tennessee Water Quality Control Act, and other lawful standards and regulations.

The division received comments through June 26, 2022. This Notice of Determination (NOD) serves as the division's response to questions, comments and issues that were raised at the hearing and/or submitted during the subsequent comment period.

2 Comments and Responses

Part/Section	Comment:
General	In Section 3.1.2 TVA requests that TDEC add demineralized water to the list of allowable-non-stormwater discharges. Demineralized water is similar to potable water when discharged to the ground

Response

Considering that the proposed change is minor, the second bullet in section 3.2.1 was edited to say: "Potable water including water line flushings and demineralized water."

NPDES General Permit for Discharges of Stormwater Associated with Industrial Activities
Notice of Determination

Part/Section	Comment:
General	TVA would like to request that the iron benchmark be removed from the annual monitoring requirement for Sector O in Table O-2. EPA removed the iron benchmark in their 2021 MSGP based on a recommendation from the National Academies of Science (NAS) Engineering and Medicine Panel. The NAS Panel noted that there is no nationally recommended acute criterion for iron and that few studies on the acute effects of iron on aquatic organisms exist. (NAS Panel Report, at 32). The NAS Panel also acknowledged that iron has relatively low toxicity and bioaccumulation in aquatic species. <i>Id.</i> Based on these factors, the NAS Panel recommended that EPA suspend the benchmark for iron required under Part 4.2.1.2 of the 2015 MSGP. The NAS Panel study can be found at the following link: Improving the EPA Multi-Sector General Permit for Industrial Stormwater Discharges The National Academies Press.

Response

While we don't disagree with the proposal, nor finding of the panel, such change is not minor and it would be in conflict with our general intent to maintain TMSP unchanged in this permit cycle. This suggestion will be taken into consideration during next permit issuance.

3 Determination

In conclusion, the comments included in this notice of determination document were compiled based on their relevance to the permit content, intent, and interpretation of this general permit, rather than implementation of the permit conditions (e.g., penalty evaluations, appropriateness of various enforcement measures, development of TMDLs, etc.). Those questions or comments that became a moot point as a result of the changes made in the final permit were considered by the division, but not included in this document.

The division's decision on this matter is to issue a General NPDES Permit for Discharges for Storm Water Discharges from Industrial Activities, Permit No. TNR050000.

Date: June 27, 2022



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