



**Public Notice**  
**Tennessee Department of Environment and Conservation**  
**(TDEC)**  
**Division of Water Resources (DWR)**  
**Notice Requesting Public Comments on Draft Permit Actions**  
**FILE # NRS20.177**

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 Baker  
 Division of Water Resources  
 312 Rosa L. Parks Avenue 11th Floor  
 Nashville, Tennessee 37243-1102  
 615-532-0710  
 Robert.D.Baker@tn.gov

**APPLICANT** Marshall County Board of Public Utilities  
 Jessie T. Whaley, Superintendent  
 624 West Commerce Street  
 Lewisburg, Tennessee 37091  
 931-359-6905  
 TWhaley@MarshallCountyTN.com

**LOCATION**

The activity is located in the Duck River in Marshall County. This application involves structural or operational information of a utility service provider, therefore precise location data are confidential under Tennessee law.

**PROJECT DESCRIPTION / PURPOSE**

The Division is considering the revision and reissuance of the Aquatic Resource Alteration Permit for the Marshall County Board of Public Utilities (MCBPU) to construct a mid-river, passive screen intake in the Duck River and withdrawal of water from the Duck River at the instantaneous rate of 2,100 gallons per minute.

**ANTIDEGRADATION**

The affected waters have available parameters for habitat and water withdrawal. The Duck River at this location is an Exceptional Tennessee Water. As described in the accompanying permit rationale, the Department has made a preliminary determination that the proposed activity will result in *de minimis* degradation.

**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 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 [water.permits@tn.gov](mailto: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 Christa Morpew at 615-360-0382 or [christa.morpew@tn.gov](mailto:christa.morpew@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](mailto: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.

Tennessee Department of Environment & Conservation  
 Division of Water Resources, Natural Resources Unit  
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 312 Rosa L. Parks Avenue, 11th Floor  
 Nashville, Tennessee 37243

Marshall County  
**Tribune**

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**Publisher's Affidavit**

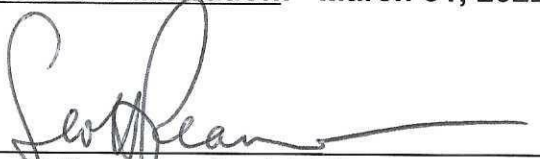
**March 31 2022**

**ATTN: MC Board of Public Utilities**

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**LEGAL NOTICE: PUBLIC NOTICE (TDEC) (DWR)-NOTICE REQUESTING PUBLIC COMMENTS ON DRAFT PERMIT ACTIONS**

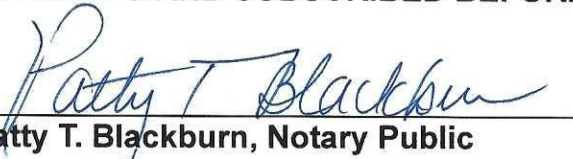
**Dates of Publication: March 31, 2022**



**Scott Pearson, Asst. Editor**

**State of Tennessee  
County of Marshall**

**SWORN TO AND SUBSCRIBED BEFORE ME ON MARCH 31, 2022.**



**Patty T. Blackburn, Notary Public**



**My Commission Expires: July 31, 2024**



TENNESSEE DEPT OF ENVIRONMENT & CONSERVATION  
WATER QUALITY PERMIT APPLICATION

**PUBLIC NOTICE**

Applicant: MARSHALL COUNTY BOARD OF PUBLIC UTILITIES File # NRS20.177

Proposes to: **CONSTRUCT AN INTAKE AND WITHDRAWAL OF DRINKING WATER FROM THE DUCK RIVER**

Comment Period: 3 / 31 / 2024 thru 4 / 30 / 2024

For more info: <http://tn.gov/environment/topic/ppo-water>

To comment on this proposal: [water.permits@tn.gov](mailto:water.permits@tn.gov)







TENNESSEE DEPT OF ENVIRONMENT & CONSERVATION  
 WATER QUALITY PERMIT APPLICATION  
**PUBLIC NOTICE**  
 Applicant: MARSHALL COUNTY BOARD OF PUBLIC UTILITIES File # WQ20177  
 Proposes to:  
**CONSTRUCT AN INTAKE AND WITHDRAWAL  
 OF DRINKING WATER FROM THE DUCK RIVER**  
 Comment Period: 3/21/18 thru 4/10/18  
 For more info:  
<http://tn.gov/environment/topic/ppo-water>  
 To comment on this proposal: [water.permits@tn.gov](mailto:water.permits@tn.gov)