



STATE OF 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

July 29, 2016

Miles Anderson
ADM Grain Company
4666 Faries Parkway
Decatur, Illinois 62526

Subject: proposed navigation maintenance dredging
§401 Water Quality Certification - Aquatic Resource Alteration Permit
file # NRS16.099
McKeller Lake, Shelby County

Dear Mr. Anderson:

Thank you for your application for a water quality permit. The Division has determined that your application is complete and has begun the public notice process to allow for public comment on the proposal. The Division will post a corresponding public notice on our website (<http://www.tn.gov/environment/topic/ppo-water>). It is attached for your review.

The Rules of the Tennessee Board of Water Quality, Oil, and Gas require the applicant to publish a public notice, one time only, in the legal notices section of a local newspaper of general circulation. The applicant bears responsibility for publication and for any associated costs. That public notice is attached in a Microsoft Word® format (ADM legal PN 2016.docx).

The applicant is also required to post and maintain a sign for 30 days where it is legible from a public road near the proposed activity. The public notice sign may be picked up at the Memphis Environmental Field Office (901-371-3000) 8383 Wolf Lake Drive, Bartlett, TN 38133. Using a permanent marker, complete the blank areas on both sides of the public notice sign with the following information:

Applicant: ADM Grain Company
File#: NRS 16.099
Proposes to: perform maintenance dredging near the ADM docking facility
Comment Period: (date posted) through (30 days after date posted)

Once the notices have been posted for the required period of time, you must provide proof the public notification requirements have been met, including proof of newspaper publication and photographic evidence of the sign. Required photographic evidence of the sign includes two photographs, one photograph demonstrating the lettering on the sign is correct, clear, and legible and one photograph establishing the location of the sign.

ADM Grain Company
July 29, 2016

Proof of publication should be submitted within 45 days of receipt of this letter; failure to do this may result in suspension of application processing and possible termination of your application.

We cannot take final action on your application until after the public comment period has expired (30 days after the public notice has been published).

Thank you for your attention to these details and fulfilling your obligations in the public notice process. If you have any questions, please contact me at (615) 532-0710.

Sincerely

A handwritten signature in blue ink that reads "Robert Baker". The signature is written in a cursive style.

Robert Baker
Natural Resources Unit

Enclosure: Legal Notice
 Internet Notice

Cc: Lew Hoffman, Memphis Environmental Field Office, Division of Water Resources
 Memphis District Corps of Engineers; Regulatory Branch

PUBLIC NOTICE

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

TO WHOM IT MAY CONCERN: The application described below has been submitted for an Aquatic Resource Alteration Permit under The Tennessee Water Quality Control Act of 1977, T.C.A. §69-3-108. In addition, federal permits may be required from the U. S. Army Corps of Engineers and the Tennessee Valley Authority under §404 of the Clean Water Act and §26a of the Tennessee Valley Authority Act, respectively. 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 may cover applications subject to §401.

No decision has been made whether to issue or deny this application. The purpose of this notice is to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. Persons wishing to comment on the proposal are invited to submit written comments to the department. Written comments must be received within thirty days of the date that this notice is posted. Comments will become part of the record and will be considered in the final decision. The applicant's name and application number should be referenced.

The permit application, supporting documentation including detailed plans and maps, and related comments are available at the department's address (listed above) for review and/or copying or visiting the TDEC website at <http://environment-online.tn.gov> and searching on the application number NRS 16.099.

Interested persons may also request in writing that the department hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the department shall hold a public hearing in accordance with 0400-40-07-.04(4)(f).

In deciding whether to issue or deny a permit, the department will consider all comments of record and the requirements of applicable federal and state laws. In making this decision, a determination will be made regarding the lost value of the resource compared to the value of any proposed mitigation. The department shall consider practicable alternatives to the alteration. The department shall also consider loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impact to unique, high quality, or impaired waters.

APPLICATION NUMBER: NRS 16.099

PERMIT COORDINATOR: Robert Baker
615-532-0710
Robert.d.baker@tn.gov

APPLICANT: ADM Grain Company
4666 Faries Parkway

Decatur, Illinois 62526
217-424-5200

LOCATION McKellar Lake, Shelby County Latitude N 35.0944 Longitude W -90.1046

PROJECT DESCRIPTION / PURPOSE The applicant is requesting a §401 water quality certification that would authorize navigation maintenance dredging as needed for a five year permit duration at the applicant's port facility in McKellar Lake.

POINTS OF IMPACT Sediment would be dredged via hydraulic dredge from an area about 300 feet x 35 feet and a maximum depth of about 7 feet from the existing bottom elevation. The dredging would occur at the applicant's port facility. Dredging would occur as needed for the 5-year duration of the permit. Dredged material is proposed to be pumped to and deposited within a contained dredged material disposal site on Treasure Island nearby.

More details on the proposal can be viewed on the Internet at
<https://www.tn.gov/environment/topic/ppo-water>.

WATERSHED / WATERBODY DESCRIPTION McKellar Lake is located within the Loosahatchie Bar-Mississippi River HUC 12 watershed. McKellar Lake is listed as not supporting the designated use of fish and aquatic life or recreation. For more information on this watershed or any watershed in the state of Tennessee, please visit our [TN Basins webpage](#). To view the proposed location of these impacts and the watershed condition visit: <http://tdeonline.tn.gov/dwr/> and search on the permit number: NRS16.099.

DETERMINATIONS In accordance with the Tennessee Anti-degradation Statement (Rule 0400-40-03-.06), the Division has determined that the proposed activities will result in no more than de minimis degradation to water quality.