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Nashville, Tennessee 37243-1102

Cody Ryan York  
Director of Publications

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December 20, 2017

**TN. DEPT. OF ENV. & CONSERVATION**  
**DEC 21 2017**  
**DIVISION OF WATER RESOURCES**

Mr. Vojin Janjic  
Board of Water Quality, Oil and Gas  
Water Resources Division  
312 Rosa L. Parks Avenue  
11th Floor, William R. Snodgrass Tennessee Tower  
Nashville, TN 37243

Dear Mr. Janjic,

Included with this letter is one (1) Notice of Rulemaking Hearing your agency filed with us on November 30, 2017. The filing with the sequence number 11-21-17 and Notice ID 2774 can be found on our website at <http://tnsos.org/rules/RulemakingHearings.php>.

If you have any questions, please feel free to contact my office at 615-741-2650.

Sincerely,

Cody Ryan York  
Director of Publications

Enclosure

**Department of State****Division of Publications**

312 Rosa L. Parks, 8th Floor Snodgrass/TN Tower

Nashville, TN 37243

Phone: 615.741.2650

Email: publications.information@tn.gov

**For Department of State Use Only**Sequence Number: 11-21-17Notice ID(s): 2774File Date: 11/30/17

# Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

<b>Agency/Board/Commission:</b>	Board of Water Quality, Oil and Gas
<b>Division:</b>	Water Resources
<b>Contact Person:</b>	Vojin Janjic
<b>Address:</b>	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 11th Floor Nashville, Tennessee 37243
<b>Phone:</b>	(615) 532-0670
<b>Email:</b>	<a href="mailto:Vojin.Janjic@tn.gov">Vojin.Janjic@tn.gov</a>

**TN. DEPT. OF ENV. & CONSERVATION**  
**DEC 21 2017**  
**DIVISION OF WATER RESOURCES**

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

<b>ADA Contact:</b>	ADA Coordinator
<b>Address:</b>	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 22nd Floor Nashville, Tennessee 37243
<b>Phone:</b>	1-866-253-5827 (toll free) or 615-532-0200 Hearing impaired callers may use the TN Relay Service 1-800-848-0298
<b>Email:</b>	<a href="mailto:Beverly.Evans@tn.gov">Beverly.Evans@tn.gov</a>

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	The Nashville Room, 3 <sup>rd</sup> Floor William R. Snodgrass Tennessee Tower
Address 2:	312 Rosa L. Parks Avenue
City:	Nashville, Tennessee
Zip:	37243
Hearing Date :	01/25/18
Hearing Time:	1:00 p.m. <input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

**Video Conferencing Locations**

Address 1:	Conference Room Memphis Environmental Field Office
Address 2:	8383 Wolf Lake Drive
City:	Bartlett, Tennessee
Zip:	38133-4119
Hearing Date :	01/25/18
Hearing Time:	1:00 p.m. <input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

Address 1:	Conference Room Jackson Environmental Field Office		
Address 2:	1625 Hollywood Drive		
City:	Jackson, Tennessee		
Zip:	38305		
Hearing Date :	01/25/18		
Hearing Time:	1:00 p.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Address 1:	Conference Room Columbia Environmental Field Office		
Address 2:	1421 Hampshire Pike		
City:	Columbia, Tennessee		
Zip:	38401		
Hearing Date :	01/25/18		
Hearing Time:	1:00 p.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Address 1:	Conference Room Cookeville Environmental Field Office		
Address 2:	1221 South Willow Avenue		
City:	Cookeville, Tennessee		
Zip:	38506		
Hearing Date :	01/25/18		
Hearing Time:	1:00 p.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Address 1:	Conference Room Chattanooga Environmental Field Office		
Address 2:	1301 Riverfront Parkway, Suite 206		
City:	Chattanooga, Tennessee		
Zip:	37402		
Hearing Date :	01/25/18		
Hearing Time:	2:00 p.m.	<input type="checkbox"/> CST/CDT	<input checked="" type="checkbox"/> EST/EDT

Address 1:	Conference Room Knoxville Environmental Field Office		
Address 2:	3711 Middlebrook Pike		
City:	Knoxville, Tennessee		
Zip:	37921		
Hearing Date :	01/25/18		
Hearing Time:	2:00 p.m.	<input type="checkbox"/> CST/CDT	<input checked="" type="checkbox"/> EST/EDT

Address 1:	Conference Room Johnson City Environmental Field Office		
Address 2:	2305 Silverdale Drive		
City:	Johnson City, Tennessee		
Zip:	37601-2162		
Hearing Date :	12/19/17		
Hearing Time:	2:00 p.m.	<input type="checkbox"/> CST/CDT	<input checked="" type="checkbox"/> EST/EDT

**Additional Hearing Information:**

The Department of Environment and Conservation proposes the Board of Water Quality, Oil and Gas undertake rulemaking to rescind a requirement for pollutant discharge permits that is based on a provision of the Clean Water Act that was repealed by Congress in 1981, has never been implemented by the EPA, and could impose excessively high treatment costs on municipal sewage treatment plants if implemented in accordance with the original intent of Congress.

Specifically, we propose to rescind Tenn. Comp. R. & Regs. 0400-40-05-.08(1)(c), which provides, "For publicly owned treatment works, effluent limitations shall be designed to require application of the best practicable waste treatment technology."

When it was first adopted, the Clean Water Act required municipal sewage treatment plants to comply with secondary treatment requirements by 1977 and with best practicable waste treatment technology limits by 1983. Although there is no current statutory or regulatory definition of "best practicable waste treatment technology," these 1983 limits were apparently intended by Congress to have been based on advanced treatment technology. Congress repealed the Clean Water Act provision (33 U.S.C. § 1311(b)(2)(B)) in 1981 due to the excessively high cost of implementation. Although the federal regulation is still compiled in the Code of Federal Regulations (40 C.F.R. § 125.3), it has no legal effect because it is tied to the non-existent statutory deadline. Accordingly, secondary treatment serves as the basis for technology-based limits for publicly owned treatment works.

**At 1:00 p.m. CST, 2:00 p.m. EST, at all locations, the Department will take a few minutes before beginning the rulemaking hearing to answer questions about the proposed rule amendment.**

The Department prepared an initial set of draft rules for public review and comment. Copies of these initial draft rules are available for review at the Tennessee Department of Environment and Conservation's (TDEC's) Environmental Field Offices at the following addresses:

Memphis Environmental Field Office  
8383 Wolf Lake Drive  
Memphis, TN 38133-4119  
(901) 371-3000 / 1-888-891-8332

Cookeville Environmental Field Office  
1221 South Willow Avenue  
Cookeville, TN 38506  
(931) 520-6688 / 1-888-891-8332

Jackson Environmental Field Office  
1625 Hollywood Drive  
Jackson, TN 38305  
(731) 512-1300 / 1-888-891-8332

Chattanooga Environmental Field Office  
Suite 206  
1301 Riverfront Parkway  
Chattanooga, TN 37402  
(423) 634-5745 / 1-888-891-8332

Columbia Environmental Field Office  
1421 Hampshire Pike  
Columbia, TN 38401  
(931) 380-3371 / 1-888-891-8332

Knoxville Environmental Field Office  
3711 Middlebrook Pike  
Knoxville, TN 37921  
(865) 594-6035 / 1-888-891-8332

Nashville Environmental Field Office  
711 R. S. Gass Blvd.  
Nashville, TN 37216  
(615) 687-7000 / 1-888-891-8332

Johnson City Environmental Field Office  
2305 Silverdale Road  
Johnson City, TN 37601-2162  
(423) 854-5400 / 1-888-891-8332

The "Draft" rules may also be accessed for review using <http://tn.gov/environment/topic/ppo-water>

Draft copies are also available for review at the following address:

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  
(615) 532-0159

Office hours are from 8:00 AM to 4:30 PM, Monday through Friday (excluding holidays).

Oral or written comments are invited at the hearing. In addition, written comments may be submitted prior to or after the public hearing to: Tennessee Department of Environment and Conservation, Division of Water Resources; Attention: Vojin Janjic, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 11th Floor; Nashville, Tennessee 37243; telephone 615-532-0670 or fax 615-532-0199. However, such written comments must be received by 4:30 PM CDT, January 25, 2018, in order to assure consideration. For further information, please contact Vojin Janjic at the above address or telephone number or by e-mail at [Vojin.Janjic@tn.gov](mailto:Vojin.Janjic@tn.gov).



**Revision Type (check all that apply):**

☒ Amendment  
☐ New  
☐ Repeal

**Rule(s)** (**ALL** chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0400-40-05	
Rule Number	Rule Title
0400-40-05-.08	Effluent Limitations and Standards

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 0400-40-05  
Permits, Effluent Limitations and Standards

Amendments

Subparagraph (c) of paragraph (1) of Rule 0400-40-05-.08 Effluent Limitations and Standards is amended by deleting it in its entirety and substituting instead the following:

(c) Reserved.

Authority: T.C.A. §§ 69-3-101 et seq. and 4-5-201 et seq.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.



Date: 11/29/17

Signature: \_\_\_\_\_

Name of Officer: Tisha Calabrese-Benton

Title of Officer: Director of the Division of Water Resources

Subscribed and sworn to before me on: 11/29/17

Notary Public Signature: \_\_\_\_\_

My commission expires on: March 3, 2020

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

11/30/17

Tre Hargett

Tre Hargett  
Secretary of State

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