

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

**General Permit for Discharges of Stormwater Runoff
and Process Wastewater Associated with
Ready-Mix Concrete Facilities
Permit Number TNG1100000**

October 31, 2022

1 Administrative Record

The permit rationale (or fact sheet) dated September 6, 2022, sets forth the Division of Water Resources' (division's) basis for permit conditions to be applied statewide for the issuance of the new Tennessee National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Ready Mix Concrete Facilities (RMCP). The RMCP is intended to authorize storm water point source discharges to waters of the State of Tennessee associated with operations of ready mixed concrete facilities that result in the disturbance of one acre or more of total land area.

The current RMCP expires on October 31, 2022. On September 6, 2022, the division issued Public Notice NOPH22-007 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**

(Virtual session:
<https://tn.webex.com/tn/j.php?MTID=m8121e2642316505c56a0c5db500b3c7e>
Meeting number: 2303 225 4391)

Date: **Thursday, October 20, 2022**

Public Hearing: **9:00-10:00AM CST, Formal Public Hearing**

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

On September 6, 2022, the division issued Public Notice #MMXXII-036 which updated and expanded information contained in the permit rationale (fact sheet) without changing the contents of the draft permit. A copy of the draft RMCP permit and both rationales (fact sheet documents) was made available in an electronic format on the division's web site at

https://dataviewers.tdec.tn.gov/dataviewers/f?p=2005:34051:10481492741470:::34051:P34051_PERMIT_NUMBER:TNG110000.

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 October 30, 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

General

Part/Section	Comment:
Section 5.1, paragraph 5	The attached excerpt of the draft RCMP mentions the absence of a discharge within a given month (Section 5.1, para. 5) and reporting of same to the Division. If there is a monthly monitoring or reporting obligation, could you please clarify. It was my understanding that discharges of process water were subject to quarterly monitoring and reporting.

Response

This monitoring and reporting requirement was clarified in the final permit. Paragraph 5 was updated to read: *"Monitoring at facilities shall be required only during monitoring periods in which a discharge occurs. During a monitoring period in which no discharge occurs, the permittee must indicate "No Discharge" and submit the monitoring report to the division."*

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Part/Section	Comment:
General	<p>Comment on behalf of the Tennessee Chapter Sierra Club and its members and supporters.</p> <p>Why is the discharge limit for Total Suspended Solids (TSS) In stormwater discharges 150mg/L when the discharge limit for Total Suspended Solids (TSS) in process wastewater 50 mg/L? If the treatment technology (settling ponds) for process wastewater Is capable of reducing TSS to 50 mg/L, why cannot the same technology be used for stormwater discharges to reduce those discharges to 50 mg/L? At a minimum routing the stormwater runoff Into the process wastewater settling ponds should be a requirement.</p>

Response:

A significant distinction exists between limits for process water and stormwater discharges. Both are indeed subject to technology-based limits and water-quality based limits. However, a distinction has always been made in NPDES permits for reasons described below.

From a technology standpoint, volumes in need of treatment are orders of magnitude different, process wastewater being smaller of the two. Consequently, volume of a treatment unit required to achieve same level of TSS removal would be proportionally larger, deeming such approach for RMCP facilities infeasible.

From a water-quality standpoint, permit conditions are based on Tennessee narrative water quality criteria, which states, in part: "there shall be no distinctly visible floating scum, oil or other matter contained on or in the waste water discharge." Besides absence of numeric criteria typically used in calculating limits, critical low flow conditions are inherently absent during storm events. Therefore, there is no methodology available (not only in TN, but nationwide) for establishing limits in NPDES permits during and as a result of storm events. Finally, the commenter speaks of "limits" for both process water and stormwater runoff.

Enforceable limits apply only to process water discharges (50 mg/L), while stormwater runoff is compared to "benchmark" levels, compatible with and routinely used for all industrial stormwater discharges in TN (150 mg/L). When the monitoring results exceed the benchmark of any parameter, the permittee must inform the division's local Environmental Field Office (EFO) in writing, within 30 days from the time stormwater monitoring results were received, describing the likely cause of the exceedance(s). Furthermore, within 60 days from the time stormwater monitoring results were received, the facility must:

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- review its SWPPP, make any modifications or additions to the SWPPP which would assist in reducing specific effluent concentrations which are equal to less than the benchmarks for that facility, and
- submit to the division's local EFO a brief summary of the proposed SWPPP modifications (including a timetable for implementation).

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 will continue to work with task force groups for Qualifying Local Programs and stakeholders interested in further revisions and possible modification of this permit, if necessary. Any such modifications (other than minor modifications) would be subject to further public comment.

The division's decision on this matter is to issue a General NPDES Permit for Storm Water Discharges Associated with Ready Mix Concrete Facilities, Permit No. TNG110000.

Date: October 31, 2022

Vojin Janjić
Manager, Water-Based Systems Unit