



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 37243-1102

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

Stormwater Multi-Sector NPDES General Permit for Industrial Activities (TMSP)
Permit No. TNR050000

July 19, 2020

Administrative Record

The permit rationale (or fact sheet) dated June 2, 2014, 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 expired on April 14, 2020. On June 2, 2020, the division issued Public Notice number MMXX-022 (requesting public comments on the draft permit) as well as a public notice number NOPH20-001, which announced the public hearing. The public hearing was held pursuant to Rule 0400-40-5-.06 (8) at the following time and location:

Location:	WebEx
Meeting number (access code):	161 570 0067
Meeting password:	JaVTM3dfG43
Join by phone	+1-415-655-0003 US TOLL
Date:	Monday, July 6, 2015
Public Hearing Time:	1:00 PM Central Time

Copy of the draft TMSP permit was made available in an electronic format on the division's web site at http://environment-online.state.tn.us:8080/pls/enf_reports/f?p=9034:34051:::NO: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 July 16, 2020. 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. Considering that the division proposed a verbatim reissuance of the current TMSP while awaiting EPA's final multi-sector permit to inform the next permit cycle, it is not surprising that few comments were received, as summarized below.

Comments and Responses to Comments

Comments included in this NOD document were compiled based on their relevance to the permit content, intent and interpretation of the draft permit and governing rules. The division must consider all comments, but can address only comments relative to water quality or quantity in making final permit determinations (i.e. those under our regulatory jurisdiction). This 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. It also presents TDEC's decision regarding the permits and the rationale for that decision.

Part/Section	Comment
General	<p>No way are we going to agree to or approve this kind of shenanigans by TDEC and the EPA. Sending in a blank [sic] permit application is a betrayal of the entire process.</p> <p>A Permit writer only has to fill in the blanks once EPA comes through. So, No. Since we don't know what it is- and neither does TDEC. No.</p> <p>This is totally unacceptable, Jan. And it's wrong. And no way do we agree to a blank application. If TDEC approves this we ask for an appeal RIGHT NOW.</p> <p>What I am witnessing in TDEC paperwork for my county is no longer viable and totally unacceptable. I am shocked TDEC thinks anyone would fall for this. We aren't falling for it. Now, this is very serious, Jan.</p> <p>Does TDEC think this is legal? Then point me to the exact FEDERAL LAW that backs this up.</p> <p>This is a blatant attempt to push through a permit in 2 years when no one knows what's on it. TDEC is trying to set a precedent here and the same for ARAPS and WWTP's--currently. The answer is no, Jan.</p> <p>This unacceptable. Know that we are on this and that this behavior by TDEC will stop.</p> <p>Now why are the numbers on the Permit Renewal of TN0059366 different in the old permit and new draft for a 5 year extension and how many times do I have to ask?</p> <p>This nonsense must cease and desist.</p>

Response:

As we stated in the permit rationale and during the public hearing, Tennessee's 2015 TMSP reflected the 2015 federal Multi Sector General Permit (MSGP), which expired on June 4, 2020. EPA has proposed a 2020 MSGP that is fundamentally different from the previous permit and from Tennessee's 2015 TMSP. The final federal permit is not anticipated until November 12, 2020.

Rather than wait for EPA's final 2020 permit to inform Tennessee's 2020 TMSP, TDEC proposed reissuing the 2015 TMSP, unchanged, for a term of two years. This will provide an opportunity to review the final federal MSGP prior to proposing any changes to the TMSP. We maintain that the proposed approach is sensible. We find nothing nefarious with an idea which will avoid impacting new industrial facilities who would be otherwise unable to receive permit coverage without an active TMSP in Tennessee.

There will be no such thing as "pushing the permit through" in two years. We intend to thoroughly review EPA's final MSGP, prepare a draft TMSP, place it on public notice, conduct a public hearing and receive (and respond to) questions and comments. As always,

we will follow all required and appropriate legal and regulatory steps associated with preparation and issuance of a general NPDES permit.

It is unclear why was an individual NPDES Permit Number [TN0059366](#) (Town of Mosheim - Lick Creek Treatment Plant) mentioned in the context of comments to the draft general permit for industrial storm water runoff. Nevertheless, all documents including individual and general NPDES permits, except for those considered attorney-client privileged information, are available to the public on [TDEC's Dataviewer](#) or upon request to the division staff.

Furthermore, every effort has been made to scan and upload every document DWR receives or generates while implementing this general permit. This includes not only TMSP-related documents, but also documents associated with all other regulated activities. DMRs, however, are not stored in our database, but many can be obtained using EPA's on-line tools ([ECHO database](#)). We intend to continue publishing documents on the [TDEC's Dataviewer](#) in order to achieve complete transparency and maximize convenience for applicants, permittees and interested parties.

Part/Section	Comment
General	Because the Division is reissuing the 2015 TMSP without change, TVA requests that Notices of Coverage for existing facilities discharging under the permit should automatically be extended without the need to submit a new Notice of Intent. (Reference section 2.1.1. of the existing permit.) This could be accomplished by issuing a waiver as part of the final rule.

Response:

The division is proposing to issue a general NPDES Permit, not a new (final) rule. However, we agree with commenter's suggestion and intend to extend the coverage for current permittees until, at least, the expiration date of the new TMSP.

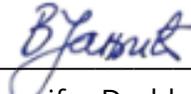
Determination

The division appreciates input from both commenters. The final permit has not been modified in any way, as it was intended at the time of draft permit publication. The division does not consider any existing typographical errors (if found in the final permit) to be of a substantial nature which in any way removes, weakens, or diminishes permit requirements.

The division's decision on this matter is to issue a General NPDES Permit for Stormwater Discharges Associated with Industrial Activity, Permit No. TNR050000.

Please contact Ms. Liz Campbell at 615-532-1172 or Liz.Campbell@tn.gov to request additional copies of this NOD. A copy may also be found on TDEC's Dataviewer.

DATE: July 19, 2020



for Jennifer Dodd
Director