



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)

**General National Pollutant Discharge Elimination System (NPDES) Permit for
Discharges of Treated Groundwater Associated with
Underground Storage Tank Remediation**

Permit No. TNG830000

September 29, 2023

Administrative Record

The permit rationale (or fact sheet) dated August 8, 2023, 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 Permit for Discharges of Treated Groundwater Associated with Underground Storage Tank Remediation (UST). The UST is intended to authorize operators of point source discharges of treated groundwater associated with underground storage tank remediation into waters of the State of Tennessee. The current UST expires on September 30, 2023.

On August 8, 2023, the division issued Public Notice Number **NOPH-23-004**, which announced the public hearing, which was conducted at the following date and location:

Date:	September 18, 2023
Time:	12:30-1:00 PM CDT, Informal Questions and Answers 1:00-2:00 PM CDT, Formal Public Hearing
Meeting Location:	TDEC William R. Snodgrass - Tennessee Tower 312 Rosa L. Parks Ave., 3rd floor Multi-Media Room Nashville, TN 37243

Ways to Participate:

- In person (see above for the meeting location)**
- Log in online (see login info below)**
- Call in by phone (see call-in info below)**

Virtual Login Info:

To access the meeting or join anytime during the Q&A session or the formal public hearing, click on the link or copy the URL to your web browser.

Microsoft Teams meeting

Join on your computer, mobile app or room device

<https://teams.microsoft.com//meetup-join/>

Meeting ID: 221 202 158 976

Passcode: kdgeFB

[Download Teams](#) | [Join on the web](#)

Join with a video conferencing device

stateoftn@m.webex.com

Video Conference ID: 111 367 278 0

Call-in Information

[+1 629-209-4396,694406143#](tel:+16292094396694406143) United States, Nashville

Phone Conference ID: 694 406 143#

On August 8, 2023, the division issued Public Notice Number MMXXIII-032, which announced its intent to issue the UST general permit. Copy of the draft UST permit was made available in an electronic format on the division's web site at

https://dataviewers.tdec.tn.gov/dataviewers/f?p=2005:34051:::34051:P34051_PERMIT_NUMBER:TNG830000 .

In addition, a copy of the permit rationale (fact sheet) was published on the TDEC DataViewer as well. 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 September 28, 2023. 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.

Comments and Responses

Part/Section	Comment
7.1	Whole effluent toxicity (WET) testing requirements in case of exceedance are don't reflect the situation at existing facilities, nor are productive in protecting surface waters. Alternative way of checking for whole effluent toxicity should be used so that the receiving stream designated uses are protected, without forcing permittees to spend resources on unnecessary tests. An overwhelming majority of WET tests to date did not show any toxicity. This whose section can be worded better to reflect the situation for new/existing sites.

Response:

We recognize that repetitive monitoring, per se, does not ensure protection of receiving waters. This may be particularly true where quality of discharged effluent is expected to become better with time, as remediation progresses. Consequently, and based on conversation we had with staff from the Division of Underground Storage Tanks, the new permit introduces changes to the WET testing requirements *after* a WET exceedance is reported. The new permit states:

In the event of a test failure, the permittee must evaluate the treatment train processes, and as appropriate, initiate repairs and/or modifications prior to the completion of a follow-up test. The follow-up test shall be completed as soon as practicable after receipt of the initial failing test results and/or after completion of any repairs/modifications. The follow-up test results shall be submitted within 60 days from receipt of the initial failing WET testing results. The follow-up test must be conducted using the same serial dilutions as presented in the corresponding table above. The follow-up test will not negate an initial failed test. In addition, the failure of a follow-up test will constitute a separate permit violation which must also be reported.

In the event of two consecutive test failures, the permittee must cease the discharge to the outfall. The permittee shall submit a proposal to identify and/or address the cause for test failures. The proposal shall include a schedule of the proposed activities and be submitted within 30 days of receipt of the second failing test results. The discharge can commence only upon receiving a written authorization from the Division.

Part/Section	Comment
7.9.3	UST GP should be updated to reflect the latest eReporting requirements, as required by the EPA.

Response:

Section 7.9.3 (Electronic Submission of Documents) of the permit has been updated with standard language developed in cooperation with the Compliance and Enforcement Unit.

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 not included in this document. Additionally, final permit has been modified to address typographical errors and clarifications. We do not consider any of these typographical errors and clarifications to be of a substantial nature which in any way removes, weakens, or diminishes permit requirements.

We appreciate all comments, and have used the feedback to further strengthen the permit and explain areas of concern.

Our decision on this matter is to issue a General NPDES Permit for Discharges of Treated Groundwater Associated with Underground Storage Tank Remediation, Permit No. TNG830000.

DATE: September 29, 2023

Vojin Janjić
Manager, Water-Based Systems Unit