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February 13, 2015

Vojin Janjic
Tennessee Department of Environment &
Conservation
11th Floor,
William R. Snodgrass – Tennessee Tower
312 Rosa L. Parks Avenue
Nashville, TN 37243-1534

Re: Comments to 2015 Draft Tennessee Stormwater Multi-Sector General Permits for Industrial Activities

Dear Vojin:

Please accept these comments on behalf of Wright Brothers Construction Company, Inc.

1. Changes in Paragraphs 1.2.3 and in 4.6 add limitations on coverage to discharges to waters with unavailable parameters. The current permit replaces the term "Water Quality Impaired/Water Quality Limited" with the term "unavailable parameters." The antidegradation portion of Tennessee's water quality standards was recently changed to clarify that the antidegradation statement applies to available parameters rather than available waters. Likewise "unavailable waters" was replaced with "unavailable parameters."

The current rules of the Board of Water Quality, Oil and Gas state: "In waters with unavailable parameters, new or increased discharges that would cause measurable degradation of the parameter that is unavailable shall not be authorized." Tenn. Comp. R & Regs. Ch 0400-40-03-.06(2)(a). Most of the requirements related to discharges into waters with unavailable parameters in the current permit and the draft permit related to compliance with Total Maximum Daily Loads (TMDL's) are based on waters listed on the 303(d) list. While the use of "unavailable parameters" and "impaired" may be a distinction with no meaning, we are concerned that the permit, as written, may unintentionally be inconsistent with the current water quality standards. This is particularly true with waters with unavailable parameters for total suspended solids and perhaps nutrients.

Please clarify in your responses to comments the reasons for changing the term "impaired" waters to "unavailable" and whether or not the proposed discharge into unavailable waters is consistent with the antidegradation statement. Tenn. Comp. R & Regs. Ch 0400-40-03-

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.06. Requiring discharges to be consistent with the terms of the TMDL will most likely satisfy the requirements of the rule, but would like confirmation in your responses to comments.

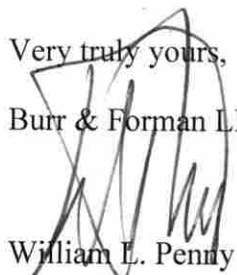
However, where there is no current TMDL for the affected water, we would recommend that a statement be added to the Permit that clarifies that facility's discharges consistent with the stormwater pollution prevention plan (SWPPP) prepared in compliance with this permit does not result in a new or increased discharge of pollutants into waters with unavailable parameters.

2. Reporting for sectors with monitoring requirements changed such that they are to be submitted thirty (30) days after sampling results are obtained, but no later than March 31 of the following calendar year. Please clarify whether the permittee must submit the report within thirty days or can wait until March 31 of the following year. We believe that a requirement to submit reports within 30 days after the sampling results are obtained may be difficult to meet in all cases and could create unintentional compliance issues for the permittee.

3. In many sectors the comprehensive site compliance evaluation added additional requirements that are unintentionally overbroad. The current permit requires visual inspections for any pollutants entering a drainage system. However, the draft permit adds the term "(and potentially waters of the state)" The term "waters of the state," defined correctly in the draft permit, is extremely expansive and is all inclusive. The TMSP was not meant to address groundwater, wet weather conveyances and other waters not typically covered by an NPDES permit. We recommend that this be changed to narrow down the types of waters of the state that are intended to be protected by the stormwater runoff through an NPDES permit.

Very truly yours,

Burr & Forman LLP



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