



Department of
**Environment &
Conservation**

Public Hearing

NPDES Permit TN0070661 (Draft)

Yellow Creek Stone Quarry

Mr. Nate Pulley dba Yellow Creek Stone

June 23, 2021

5:00-6:00 pm CDT – Technical Session

6:00-7:00 pm CDT – Public Hearing

NPDES Permitting Process

- A public hearing about Mr. Nate Pulley dba Yellow Creek Stone NPDES Permit Application (TN0070661) is being held by TDEC in response to interest and concerns within the local community about the proposed site.
- The purpose of the hearing is to gather information from the public relevant to a final decision on the permit application.
- Comments not related to water quality or to the information contained in the permit application cannot be considered in the NPDES decision making process.

How to Access Permit Materials

- This presentation, the draft permit, application, and all relevant materials are available to view, download, and print from the TDEC Water Resources Dataviewer, Permit TN0070661, at the following link:
 - https://dataviewers.tdec.tn.gov/pls/enf_reports/f?p=9034:34031:::34031:P34031_SITE_ID:157008
- Written comments will continue to be accepted until July 2, 2021.
- Once a permit decision has been made, a copy of the permit decision with a response to comments and the Notice of Determination will be mailed or emailed to those who provided comments or participated in the hearing and provided contact information. It will also be posted to the TDEC Water Resources Dataviewer.

Hearing Details

- The public hearing will be presented via a Microsoft Teams video-teleconference.
 - The video-teleconference will open to participants at 4:45 pm.
 - A technical session will begin at 5:00 pm with a short presentation followed by a question-and-answer period until 6:00 pm.
 - The formal hearing will begin at 6:00 pm. During this time the Division will accept verbal comments for the record. Comments received during the Public Hearing will be responded to in writing in the formal response to comments and Notice of Determination. **The Division cannot answer questions during the formal public hearing.**
 - To receive a copy of the Notice of Determination please provide your email address or mailing address to Dennis Conger at Dennis.Conger@tn.gov or 865-594-5555.

Options within the Meeting

- Below are options available to use during the Teams meeting. These will be displayed either in the top right corner or the lower center of the screen.
 - Note: Some options may be disabled by the host.




Go to chat box (can be used for asking questions during meetings)

Raise hand

Mute/unmute microphone

Leave meeting. Note that you can re-enter meeting later.

How to Speak

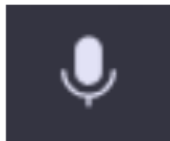
- To reduce background noise, participants will be muted upon joining the meeting.
- For phone calls: you will be able to mute and un-mute yourself by pressing *6.
- For computers: you can talk using the computer's microphone and speaker system and using the microphone button on the Teams application. 
 - If your computer does not have a microphone and speaker system, you may view the materials on the computer but use your phone for audio.

Etiquette

- At designated times, participants will be given the opportunity to ask questions or provide comments. During this time you may un-mute your device to speak. Please re-mute yourself after speaking.
 - The host can also mute and un-mute participants.
 - Phone users can mute/unmute by pressing *6
- If participants are disruptive, you may be re-muted by the host or removed from the meeting. You may still provide written comment to TDEC until the close of the public comment period.



A line through the microphone symbol means you are muted.



Absence of a line means you are NOT muted.



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Technical Session

NPDES Permit TN0070661 (Draft)

Yellow Creek Stone Quarry

Mr. Nate Pulley dba Yellow Creek Stone

June 23, 2021

5:00–6:00 pm CDT

Introductions

- Mining NPDES permits are issued by the Tennessee Department of Environment & Conservation (TDEC), Division of Water Resources, Mining Section.
- Mining Section staff members present include:
 - Bryan Epperson, Mining Unit Manager
 - Daniel Lawrence, Mining Section Manager
 - Dennis Conger, NPDES Permitting Coordinator
 - Chris Pracheil, Biologist/Environmental Scientist (permit writer)
 - Logan Kennedy, Engineering/Environmental Protection Specialist
 - Rebecca Lenz, Inspector/Environmental Scientist
 - Bonnie Craighead, Inspector/Environmental Scientist
- Feel free to address questions to any or all staff during the open question and answer period.

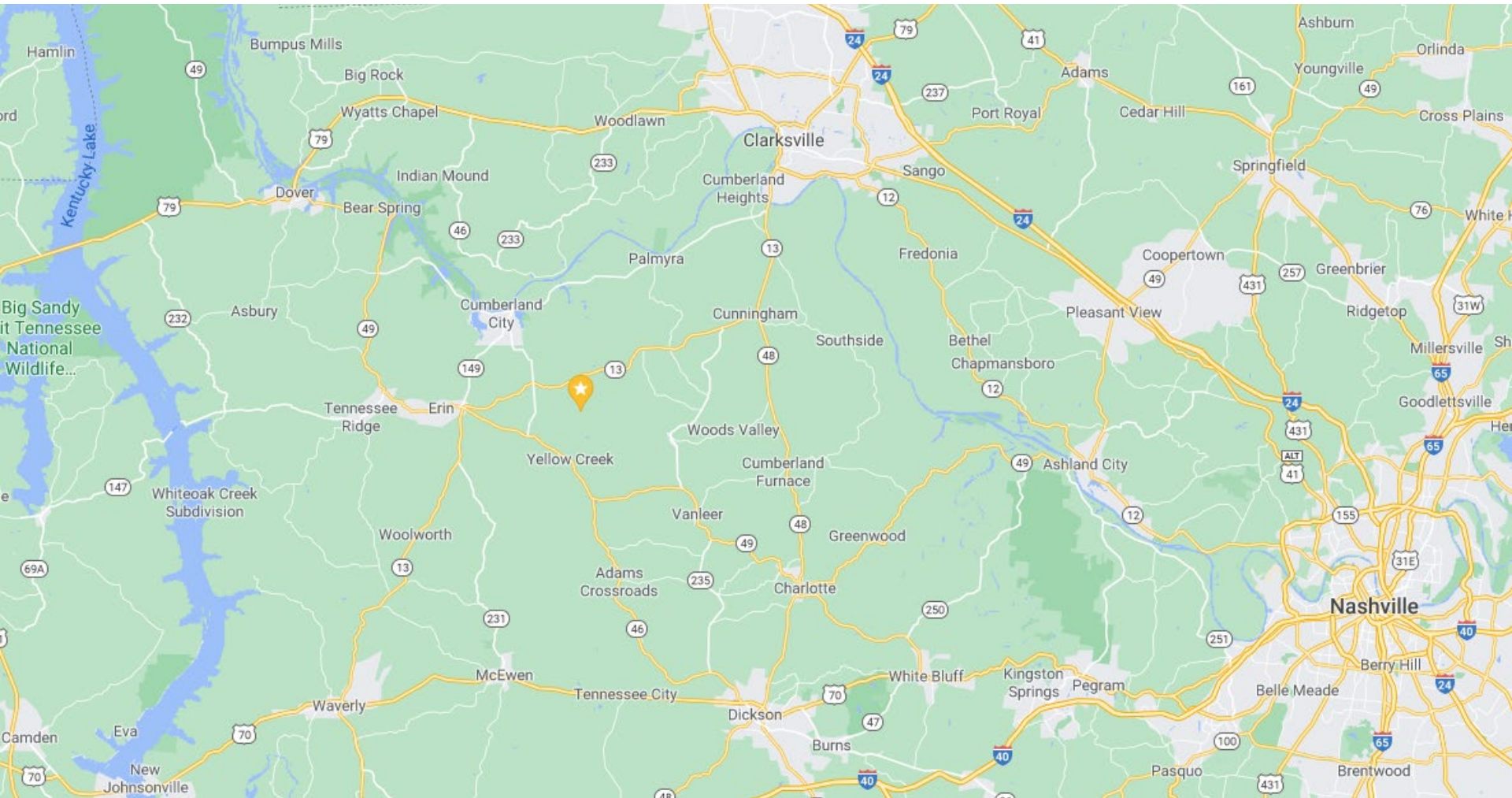
Permit Information

- The purpose of an NPDES (National Pollutant Discharge Elimination System) Permit is to grant a facility the right to discharge treated mine wastewater and storm water into waters of the state, and to regulate the water quality of any discharges during quarry operations.
- This proposed permit is a water quality permit. It does not address issues such as air quality, zoning, blasting, noise, dust, and traffic. Such issues are not regulated by the Division of Water Resources or the NPDES program.
- The issuance of an NPDES permit does not address, negate or supersede any local zoning/planning or county ordinances that may be in place that would prohibit mining locally, regulatory or permitting requirements of other local, federal or state agencies, nor does a local zoning, planning or county ordinance prevent the issuance of a state water quality permit.

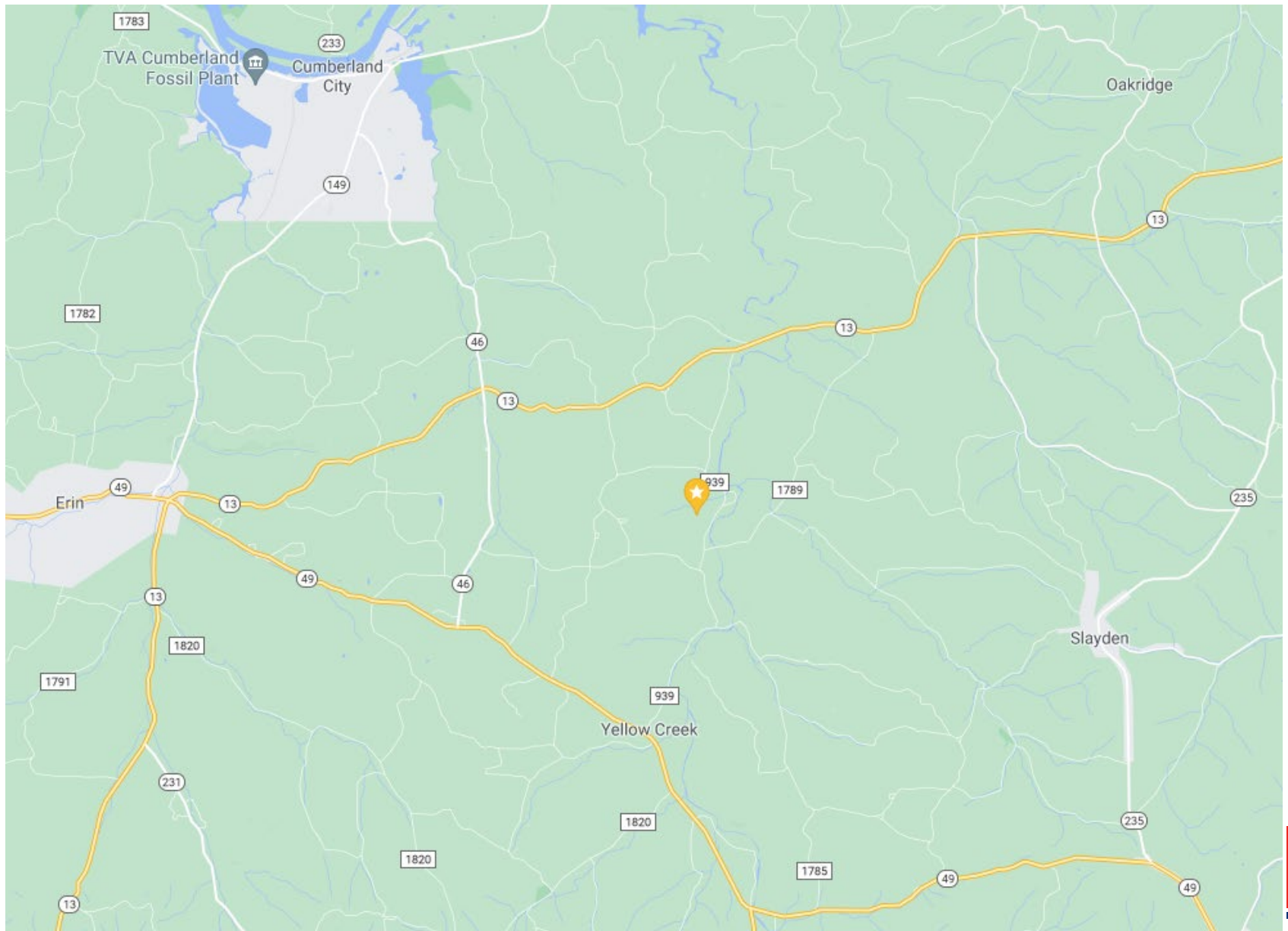
Site Information

- Yellow Creek Stone Quarry
 - 3100 block Ellis Mills Road, Erin, TN
 - 36.3170, -87.5557
- Applied for NPDES Permit TN0070661 (Draft)
 - Proposed limestone quarry and processing facility
 - 55.3 acres
 - One Outfall point (001) to an unnamed tributary to Yellow Creek (known locally as Indian Branch)
- Facility currently has the following permit
 - Air Pollution Control Permit #978853

Site Information



Site Information



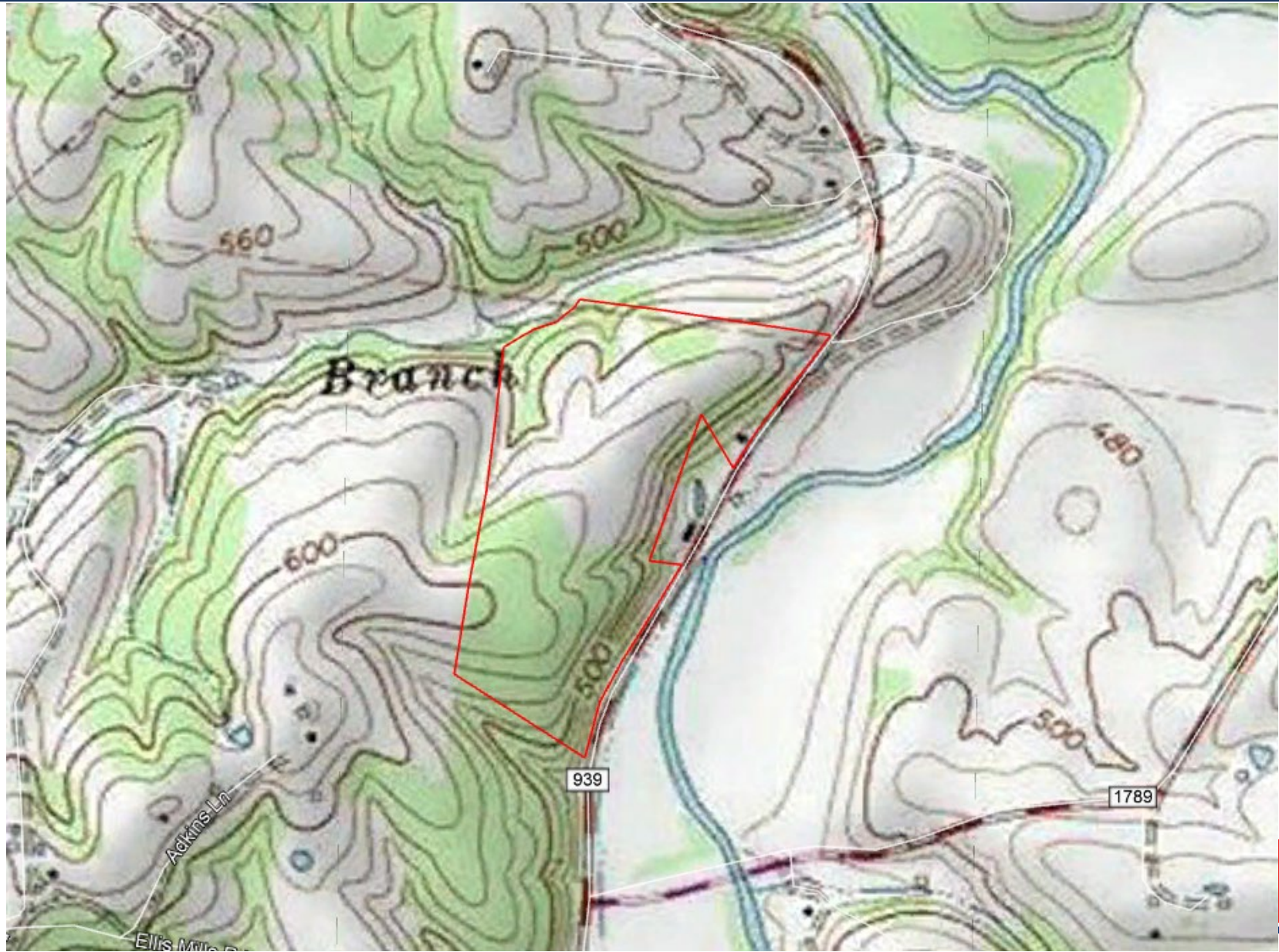
Site Information



Site Information



Site Information



Site Information

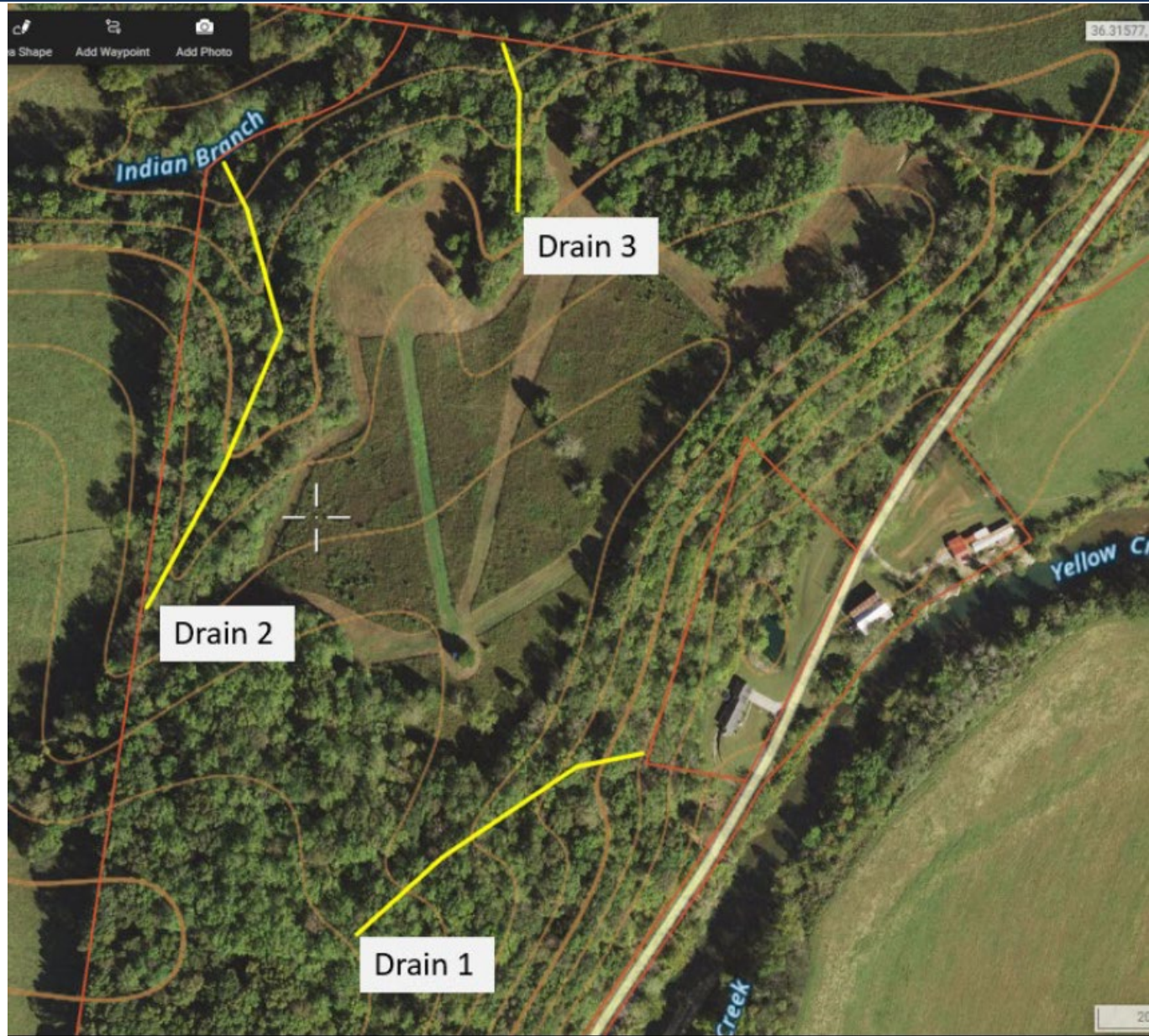
Hydrologic Determinations

3 water features assessed

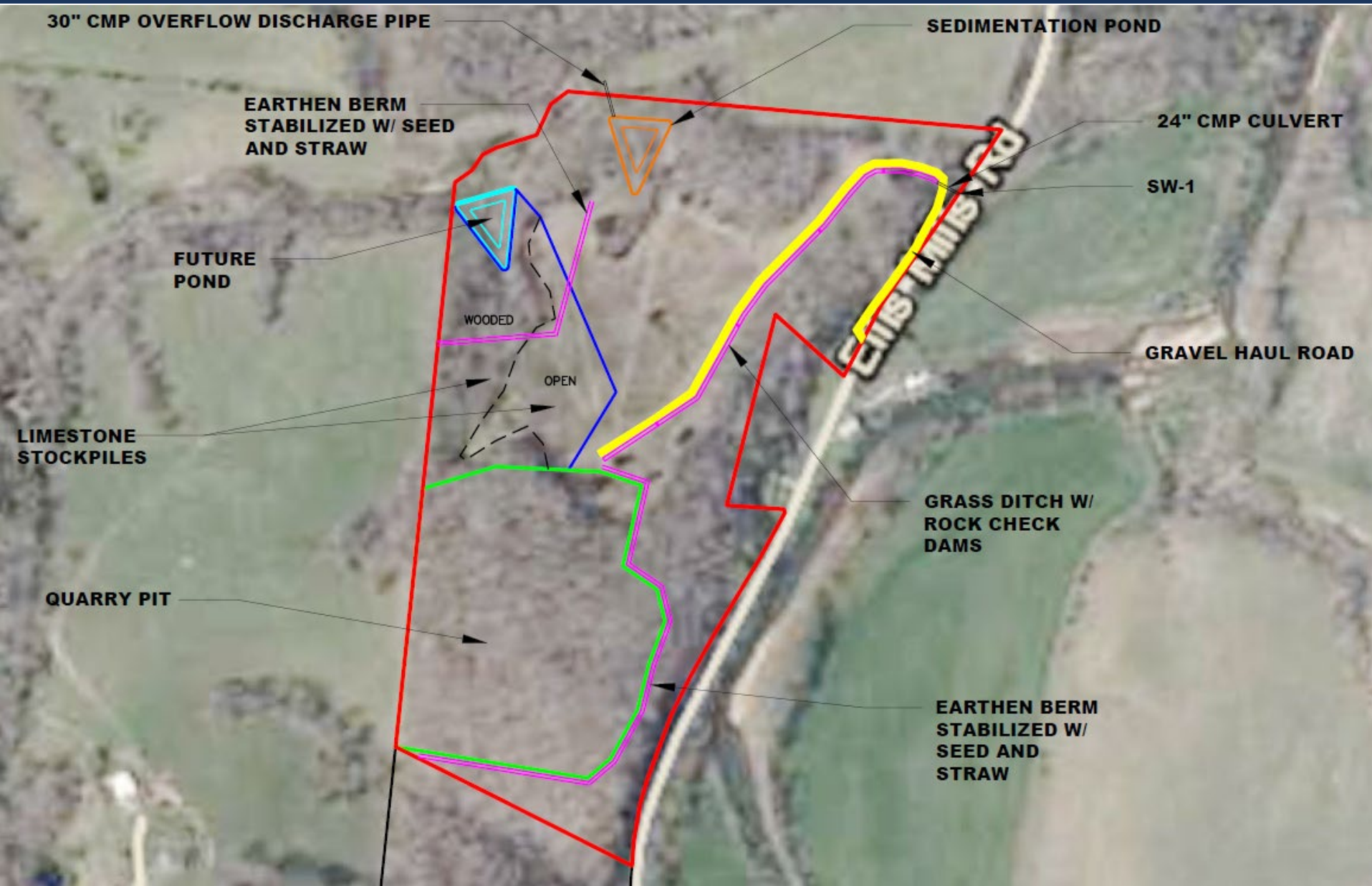
NRCS conducted initial determinations

TDEC concurred with determination

3 features determined to be wet weather conveyances



Site Information



Site Information



Wastewater Limitations

Draft Permit - Part 1 Section A:
Details the Wastewater
Limitations for the permit.

Permit requires twice monthly
reporting of Total Suspended
Solids (TSS), pH, and flow.

Regulatory limits:

TSS - ≤ 40 mg/L

pH - 6.0 to 9.0 SU

Flow - Estimated volume

Additional limitations

WASTEWATER LIMITATIONS					
OUTFALL 001					
Parameter	Daily Minimum	Daily Maximum	Monthly Average	Monitoring Frequency	Sample Type
Total Suspended Solids	N/A	40 mg/L	40 mg/L	Twice per Month	Grab
pH	6.0 SU	9.0 SU	N/A	Twice per Month	Grab
Flow	Report (GPM)	Report (GPM)	Report (GPM)	Twice per Month	Estimate
Note: These effluent limitations do not apply to discharges that occur as a result of a precipitation event that exceeds the 10-year/24-hour storm design provided the wastewater treatment facilities are designed, constructed, and maintained to contain or treat the volume of wastewater which would result from a 10-year/24-hour precipitation event. See Rationale Section VIII.					

- There shall be no distinctly visible floating scum, oil, or other matter contained in the wastewater discharge. The wastewater discharge must not cause an objectionable color contrast in the receiving stream.
- The wastewater discharge shall result in no other materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.

Storm Water Limitations

Draft Permit - Part 1
Section B: Details the
Storm water
limitations for the
permit.

Permit requires annual
reporting of TSS, pH, oil
and grease, and flow.

Regulatory limits:

TSS - \leq 150 mg/L

pH - 6.0 to 9.0 SU

Oil and Grease - 15 mg/L

Flow - Estimated volume

STORM WATER DISCHARGES				
SW-1				
Parameter	Benchmark Minimum	Benchmark Maximum	Monitoring Frequency	Sample Type
Total Suspended Solids	N/A	150 mg/L	Annually	Grab
pH	6.0 SU	9.0 SU	Annually	Grab
Flow	Report (GPM)	Report (GPM)	Annually	Estimate
Oil and Grease*	N/A	15 mg/L	Annually	Grab
*NOTE: If the storm water discharge is from an area not associated with an access road or haul road or is not a source for vehicular traffic, monitoring for Oil and Grease is not required.				

1. Samples shall be collected from discharges resulting from a storm event that is greater than 0.1 inch in magnitude and that occurs at least seventy-two (72) hours after any previous storm event of 0.1 inch or greater.
2. Grab samples shall be collected as soon as practicable during a storm event discharge.

Antidegradation Policy

XII. STATE OF TENNESSEE ANTIDEGRADATION POLICY

Tennessee's Antidegradation Statement is found in Rule 0400-40-03-.06. It is the purpose of Tennessee's standards to fully protect existing uses of all surface waters as established under the Act.

The proposed discharge is associated with the waterbody segment identified as segment ID# TN05130205019_0999 (miscellaneous tributaries to Yellow Creek). This waterbody segment is unassessed. Since the watershed for the receiving stream is less than 1.25 square miles and the confluence of the receiving stream with Yellow Creek is less than 0.5 miles from the outfall location, the Department has determined that the application of the assessment status of Yellow Creek (TN05130205019_1000) would be appropriate for the antidegradation review of the proposed discharge. Yellow Creek has been identified by the Department as having available parameters.

This permit issuance involves a new or increased discharge of pollutants that is not a new domestic wastewater discharge. The application asserts the proposed activity will not cause measurable degradation of parameters that are unavailable. The applicant has submitted engineering details demonstrating that the proposed sediment basin will meet the Division's recommended 10-year/24-hour stormwater criteria.

The Department has made a preliminary determination that the proposed new or increased discharge will not cause measurable degradation of parameters that are unavailable and/or will only cause *de minimis* degradation of parameters that are available. Accordingly, no further antidegradation review is required. The applicant has submitted engineering details demonstrating that the proposed sediment basin will meet the Division's recommended 10-year/24-hour stormwater criteria. Additionally, the applicant will surround all disturbed areas with stabilized berms and manage stormwater with appropriate BMPs. The Department will make a final determination of the level of degradation after completion of this comment period.

Monitoring Requirements

- If permitted, mine must sample discharge water twice per month and report the results quarterly.
 - Public can access data at <https://echo.epa.gov/>
 - Storm water data will also be reported (annually)
- Facility will be routinely inspected by TDEC
 - TDEC Nashville Environmental Field Office
Division of Water Resources
711 R.S. Gass Blvd
Nashville, TN 37216
(865) 687-7018

What this permit does not regulate

- The State of Tennessee – Mining Section does not regulate
 - The right to mine
 - Blasting
 - Noise
 - Truck Traffic
 - Damage to roads
 - Dust
 - Zoning
 - Property values
 - Property rights
 - Native American artifacts

Contacts List

Fish and Wildlife Contacts:

U.S. Fish & Wildlife Service

446 Neal Street
Cookeville, TN 38501
(931) 528-6481

Tennessee Wildlife Resource Agency - Region I

200 Lowell Thomas Drive
Jackson, TN 38301
(731) 423-5725

Waters and Wetlands contact:

U.S Army Corps of Engineers

3701 Bell Road
Nashville, TN 37214
(615) 369-7500

Blasting Contact:

Tennessee Department of Commerce and Insurance- State Fire Marshal's Office

500 James Robertson
Parkway
Nashville, TN 37243-0565
(615) 741-2241

For NPDES permit documents or information contact:

TDEC Division of Water Resources

Mining Section

3711 Middlebrook Pike
Knoxville, TN 37921
Kara.Blevins@tn.gov
(865) 594-5460

Water Quality Contacts:

TDEC Nashville Field Office Division of Water Resources

711 R.S. Gass Blvd
Nashville, TN 37216
(615) 687-7018

For air quality concerns:

TDEC Division of Air Pollution Control

711 R.S. Gass Blvd
Nashville, TN 37216
(615) 687-7046

Helpful NPDES and Water Quality Resources

The Rules of TDEC – Includes agency responsibilities, water quality criteria, effluent limitations, use classifications for streams:

- <https://publications.tnsosfiles.com/rules/0400/0400-40/0400-40.htm>

TDEC's watershed pages provide information about all watersheds within the state. The Lake Barkley Watershed webpage is given below. Other watersheds can be found by clicking on "Back to Watersheds by Basin"

- <https://www.tn.gov/environment/program-areas/wr-water-resources/watershed-stewardship/watersheds-by-basin/cumberland-river-basin---barren-river-watershed/lake-barkley.html>

The TDEC permit dataviewer, as well as several TDEC mapping systems are found here:

- <https://www.tn.gov/environment/about-tdec/tdec-dataviewers.html>

NPDES monitoring results are found on the EPA ECHO system:

- <https://echo.epa.gov/>


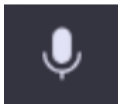
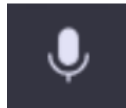

Water quality monitoring data may be found on the EPA STORET system:

- <https://www.waterqualitydata.us/>

The logo consists of the letters 'TN' in a white, serif font, centered within a solid red square.

Questions?

Open Question and Answer Period Until 5:45 pm

- Un-mute yourself to talk
 - If calling in, unmute by dialing *6
 - If using the Teams application click on the microphone button
-  Muted  Unmuted 
- Please mute yourself after discussion to reduce background noise.
 - Dial *6 to mute or make sure the microphone button has a line through it 



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Public Hearing

NPDES Permit TN0070661 (Draft)

Yellow Creek Stone Quarry

Mr. Nate Pulley dba Yellow Creek Stone

6:00 pm CDT

Purpose

- This Public Hearing will consider comments regarding an application for a new National Pollutant Discharge Elimination System (NPDES) permit for a proposed new limestone mining and processing facility:



Permit Applicant: Mr. Nate Pulley dba Yellow Creek Stone
Facility Name: Yellow Creek Stone Quarry
NPDES Permit: TN0070661 (Draft)
County: Houston County

- Please be aware that this is a formal Public Hearing. The hearing will be conducted in accordance with the Code of Federal Regulations Applicable to State Programs found at 40 CFR 124.12 and state regulations found at 0400-40-05-.06 (12-13).
- An informal open house meeting for the public was held from 5:00 pm to 6:00 p.m. earlier today. The informal meeting included a staff presentation of aerial imagery, photos and discussion of the mine area along with a question and answer period.

Public Comment Guidelines

- Comments not related to water quality or to the information contained in the permit application cannot be considered in the NPDES decision-making process.
- Issues such as air quality, zoning, blasting, noise, dust, and traffic are not related to water-quality and are not regulated by the Division of Water Resources or the NPDES program; therefore, consideration of these issues would not contribute relevant information for the proposed NPDES permit.
- The hearing officer will limit oral presentations related to the NPDES permit to five (5) minutes and require that all testimony be relevant to NPDES water quality-related issues.
- Undue repetition in oral presentations should be avoided so that all interested parties will have an opportunity to present their concerns.
- Written comments related to the NPDES permit will be accepted at the hearing and by TDEC until July 2, 2021. Written comments will be afforded the same consideration as verbal testimony.

Comments?

- We will first call on participants using the Teams App. If you would like to comment, please use the raise hand icon  or tell us you would like to speak by using the chat feature  .
- We will next call on participants using the telephone, if you would like to comment please unmute your phone (Microphone button or *6) and request to comment. If multiple people request to comment, we will take your names and call on each person individually.
 - When you are finished, please indicate so and re-mute yourself. (Microphone button or *6)
- We will next call on participants at the in-person hearing for their comments.
- During the formal hearing process TDEC staff are unable to answer questions. Questions will be answered in writing.
- Please remember to keep comments to under 5 minutes.

Decision Process

- We will review all your comments, oral and written, and make our decision. Based on the comments and evaluation, we can issue, modify, revise, extend the hearing, or deny the application. We can also ask for additional information and data from the applicant, if needed, to complete the decision process.
- A copy of our permit decision with a response to comments and the Notice of Determination will be mailed or emailed to those in our record of attendance and will also be uploaded to TDEC's public dataviewer.

Closing

- If you have further questions, contact Chris Pracheil at 865-594-5610 or Christopher.Pracheil@tn.gov
- You may submit written comments until **July 2, 2021**.
TDEC Division of Water Resources – Mining Section
3711 Middlebrook Pike
Knoxville, TN 37921 OR
Email to Dennis.conger@tn.gov
- All comments received by the deadline will be reviewed by the Division in order to make the best possible permit decision.

Contacts List

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Thank you!