



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
MINING SECTION
3711 MIDDLEBROOK PIKE
KNOXVILLE, TENNESSEE 37921-6538
PHONE (865) 594-6035 FAX (865) 594-6105

NOTICE OF PUBLIC HEARING

Public Notice M2009-13

June 5, 2009

Last Day to Submit Written Comments for Hearing: July 27, 2009

NOTICE IS HEREBY GIVEN, that the Tennessee Department of Environment and Conservation, Division of Water Pollution Control, Mining Section, will hold the following public hearing pursuant to *Rules 1200-4-5-.06*. The date, time and location of the hearing follow:

**July 16, 2009
7:00 p.m. EDT
Indoor Pavilion
Cove Lake State Park
110 Cove Lake Lane
Caryville, Tennessee**

The Department will receive public comments concerning the issuance of National Pollutant Discharge Elimination System (NPDES) permits to the following applicants:

Company Information

Appolo Fuels, Inc.
P O Box 1727
Middlesboro, Kentucky 40965

Site Information

Horseshoe Mountain Surface Mine
NPDES Permit TN0072044
Valley Creek Road at Rich Gap
Clairfield, Tennessee
Claiborne County

Company Information

National Coal Corporation
8915 George Williams Road
Knoxville, Tennessee 37923

Site Information

Jordan Ridge Refuse Area
NPDES Permit TN0062961
Smoky Junction Road
Smoky Junction, Tennessee
Scott County

Appolo Fuels, Inc.
Horseshoe Mountain Surface Mine
NPDES Permit TN0072044

The site is located at latitude 36°32'12" and longitude 83°51'26". The draft permit issued for the renewal of this reclaimed surface coal mine was announced in Public Notice M2009-04 on March 25, 2009.

The draft NPDES permit covers discharges of treated wastewater and stormwater to unnamed tributaries to Valley Creek, an unnamed tributary to Straight Creek and Spruce Lick Branch. These streams are not listed as impaired in the "EPA Approved Final Version Year 2008 303(d) List." Valley Creek and Spruce Lick Branch are not identified or designated as Exceptional Tennessee Waters. Straight Creek is identified as Exceptional Tennessee Waters due to the presence of the federal threatened Blackside Dace. Source: *The Known Exceptional Tennessee Waters and Outstanding National Resource Waters, July 21, 2008.*

National Coal Corporation
Jordan Ridge Refuse Area
NPDES Permit TN0062961

The site is located at latitude 36°17'06" and longitude 84°20'48". The draft permit issued for the renewal and modification of this coal refuse disposal area was announced in Public Notice M2009-04 on March 25, 2009.

The draft NPDES permit covers discharges of treated wastewater and stormwater to Cross Creek, an unnamed tributary to New River, and a wet weather conveyance to Old House Branch. These streams are not listed as impaired in the "EPA Approved Final Version Year 2008 303(d) List." This section of New River is designated as Exceptional Tennessee Waters due to the presence of the state listed *Ashy Darter*. Source: *The Known Exceptional Tennessee Waters and Outstanding National Resource Waters, July 21, 2008.*

Hearing Procedures

The hearing officer may limit oral presentations to five minutes and require that all testimony be relevant to water quality-related issues for these facilities. Undue repetition in oral presentations should be avoided so that all interested parties will have an opportunity to present their concerns relative to water quality issues. Written testimony will be accepted at the hearing and for at least ten days following the hearing.

Comments not related to water quality or to the information contained in the permit applications will not be accepted nor considered part of the hearing record. Issues not directly related to water quality or to the draft permits, such as safety, blasting, traffic or related issues will not be considered. We do not control these matters and consideration would not contribute relevant information to the decision making process for the NPDES permit applications.

Interested persons may obtain additional information and copy the applications, draft permits, and supporting documentation from the permit files maintained at the Mining Section's office at the letterhead address. There is a nominal fee for copying. These files are available for public inspection during normal visiting hours by contacting Tina.E.Jones@tn.gov or call (865) 594-5616 to schedule an appointment for the review. A copy of the permit applications and draft permits will be available for review at the hearing.

Individuals with disabilities who wish to participate in these proceedings should contact the Department's ADA Coordinator, Human Resources Division, 401 Church Street, 12th Floor, L & C Tower, Nashville, TN 37243, **1-866-253-5827**. Such contact may be in person, by writing, telephone, or other means and should be made no later than **July 2, 2009**, to allow time to provide such aid or services. Hearing impaired callers may use the Tennessee Relay Service (**1-800-848-0298**).