



**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 M2009-10**

**May 27, 2009**

**Last Day to Submit Written Comments for Hearing Record: July 10, 2009**

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

**Tuesday, June 30, 2009**  
**7:00 p.m. CDT**  
**Courtroom**  
**Perry County Courthouse**  
**121 East Main Street**  
**Linden, TN 37096**

The Department will receive public comments concerning the proposed issuance of an NPDES permit to the following applicant:

**Company Information**

Charles Smith, Owner/ Operator  
Tennessee Materials Corporation  
P.O. Box 65  
Savannah, TN 38372

**Site Information**

Linden Quarry  
Draft NPDES Permit TN0069329  
Perry County  
Old Lego School Road  
Linden, TN 37096

The draft permit was announced in Public Notice M2009-06 on April 16, 2009. The proposed facility will include limestone mining and processing with a total permit area of 334 acres. The initial mining area consists of 52 acres and will drain to Outfall 001. Runoff from a 17-acre overburden area and office area will drain to Outfall 002. The proposed drainage controls consist of berms to direct runoff to sumps prior to entering sedimentation basins, with baffling systems in the basins to increase detention time. The site is located at 35°28'56" North latitude and 87°58'47" West longitude.

This proposed facility will discharge treated wastewater and storm water from Outfall 001 into an unnamed tributary to the Tennessee River (Kentucky Reservoir) near mile 145.8 and from Outfall 002 into the Short Creek embayment of Kentucky Reservoir. The reach of the Tennessee River that receives flow from these outfalls has been identified by the Division as Exceptional Tennessee Waters, due to the presence of several species of aquatic mussels that are listed as threatened or endangered. The applicant submitted the required information for the permit application, including an analysis of reasonable treatment and discharge alternatives. Based on this information and supporting plans, the division has determined that the proposed activity will not degrade the unnamed tributary or Exceptional Tennessee Waters. For the purpose of implementing the antidegradation rules, the impact of the discharges on water quality will be *de minimis*. For more detail, see the Notice of Determination dated April 14, 2009.

The purpose of the hearing is to gather information from the public relevant to a final decision on the permit application. The hearing was requested by local residents with concerns about runoff from the site and potential impacts to a spring, drinking water wells, and aquatic life.

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 ten days following the hearing.

Comments not related to water quality or to the information contained in the permit application will not be accepted nor considered part of the hearing record. Issues not directly related to water quality or to the draft permit, such as health, 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 application.

Interested persons may obtain additional information and copy the application, draft permit, and supporting documentation from the permit file 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 by calling (865) 594-5616 to schedule an appointment for the review. A copy of the permit application and draft permit 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 **June 19, 2009**, to allow time to provide such aid or services. Hearing impaired callers may use the Tennessee Relay Service, **1-800-848-0298**.