



**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 M2009-11**

**May 27, 2009**

**Last Day to Submit Written Comments for Hearing Record: July 20, 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:

**Thursday, July 9, 2009**  
**7:00 p.m. EDT**  
**Chancery Court Room**  
**Grainger County Justice Center**  
**270 Justice Center Drive**  
**Rutledge, TN 37861**

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

**Company Information**

Todd T. Claiborne, Chief Manager  
Tennessee Valley Aggregate Company, LLC  
P.O. Box 3068  
Knoxville, TN 37927

**Site Information**

Quarry No. 12  
Draft NPDES Permit TN0069311  
Grainger County  
455 Owl Hole Gap Road  
Rutledge, TN 37861

The draft permit was announced in Public Notice M2009-06 on April 16, 2009. The proposed new facility will include limestone mining and processing with an affected area of 20 acres. The proposed drainage controls consist of berms and/or ditches to direct runoff to sumps prior to entering a sedimentation basin. Discharges from the basin will be monitored for permit compliance at Outfall 001 and will enter an unnamed tributary to Richland Creek. The site is located at 36°14'19" North latitude and 83°35'48" West longitude.

Richland Creek has been identified by the Division as impaired due to *E. coli*, and stream habitat was determined to be moderately impaired. The NPDES draft permit does not authorize discharge of *E. coli* or other pathogens and does not authorize habitat alterations, so that discharges from the site will not contribute to stream impairment.

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, potential impacts to a spring, local streams, and a cave.

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](mailto: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 26, 2009**, to allow time to provide such aid or services. Hearing impaired callers may use the Tennessee Relay Service, **1-800-848-0298**.