



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JAN 15 2015

Ms. Tisha Calabrese Benton
Director
Division of Water Resources
Tennessee Department of Environment and Conservation
312 Rosa L. Parks Avenue
Nashville, Tennessee 37243

Dear Ms. Benton:

The United States Environmental Protection Agency has received and considered the revisions to Tennessee Department of Environment and Conservation's (TDEC's or the State's) General Water Quality Criteria (Rules 0400-40-03.01 through 0400-40-03.06) and Use Classifications for Surface Waters (Chapter 0400-40-04) adopted by the Tennessee Board of Water Quality, Oil and Gas (Board) on December 16, 2013. These new and revised water quality standards (WQS) were adopted by Tennessee as a result of the triennial review of their standards. The submittal to the EPA was accompanied by a certification from the State Attorney General that the revisions were duly adopted pursuant to state law on August 29, 2014. The State provided an interpretation of the de minimis and measurable degradation definitions, which were considered in the revised Rule.

The revisions to Tennessee's General Water Quality Criteria and Use Classifications for Surface Waters regulations include the adoption of: non-substantive changes that were made for either editorial purposes or clarification of the application of existing provisions and current practices; a number of new and revised numeric criteria for designated uses; revisions to several interpretations to criteria; new and revised definitions; revisions to the Antidegradation Statement; and new and revised use classifications within several river basins. These revisions were compared to the requirements of the Clean Water Act (CWA) section 303 and 40 CFR Part 131.

The revisions made to Paragraphs 0400-40-03-.05(9) and 0400-40-03-.04(7), (8), (10), (13), (14), (15), (17), (23), (27), (29) and (30) as well as the removal of Paragraphs 1200-4-3-.06(5) and 1200-4-3-.06(7) of the former Rule were determined not to be WQS subject to the EPA review under section 303(c). With the exception of these specific provisions, the EPA has determined that the revisions to the General Water Quality Criteria and Use Classifications for Surface Waters adopted by the State on December 16, 2013, comply with the requirements of the CWA section 303 and 40 CFR Part 131, and therefore, are approved. A summary of the EPA's review of these new and revised WQS, "United States Environmental Protection Agency Determination Under section 303(c) of the CWA Review of Chapters 0400-40-03 and 0400-40-04 General Water Quality Criteria and Use Classifications for Surface Waters," is enclosed.

With respect to the Endangered Species Act consultation, the EPA Region 4 office transmitted Biological Evaluations to the Department of Interior FWS Cookeville, Tennessee office (Cookeville FWS Office) in a letter dated April 22, 2014. The EPA received concurrence from the Cookeville FWS Office in a letter dated May 21, 2014.

We would like to commend you and your staff for your continued efforts to protect and enhance Tennessee's waters during this triennial review. If you have questions regarding the EPA's actions, please contact me at (404) 562-9345 or have a member of your staff contact Ms. Anna Cornelious at (404) 562-9435.

Sincerely,



James D. Giattina
Director
Water Management Division

Enclosure

cc: Greg Denton, TDEC
Jennifer Dodd, TDEC