



Department of
**Environment &
Conservation**

Informational Session & Public Hearing

Modified Aquatic Resource Alteration Permit (ARAP)
Proposed Cumberland Gas Pipeline Project (NRS22.192)

March 21, 2024

Agenda

- 5:30 PM Informational Session
 - I. Welcome and Overview
 - Moderator – Tara Pedraza, Office of External Affairs
 - II. Presentation from TDEC
 - Claire Wainwright, Division of Water Resources
 - III. Question and Answer
- 6:30 PM Public Hearing & Receiving of Comments
 - I. Procedural Overview
 - Moderator- Tara Pedraza, Office of External Affairs
 - II. Public Comments Received
 - Effective public comments are those most relevant to the proposed action and the associated water quality issues.
 - III. Closing

MS Teams Hybrid Meeting Information

- Information on how to join the online meeting is available at www.tn.gov/environment
 - Public Participation page on the navigation bar
 - Water Resources Notices and Hearings
 - Links for the hearing with today's date: **03-21**
 - Today's slideshow is also posted here
- You may also call in to the meeting by dialing 629-209-4396
 - Conference ID: 415 942 971#
- For technical difficulties, call 931-922-8121 (Chuck)

Introductions

- Public Officials
- Moderator Tara Pedraza, Deputy Dir. External Affairs
Nashville Environmental Field Office
- Presenter Claire Wainwright, Environmental Consultant
Natural Resources Unit - Division of Water Resources
- Online Host Chuck Yoest, Regional Dir. External Affairs
Columbia Environmental Field Office
- Additional
TDEC Staff

Informational Session v. Public Hearing

Informational Session



- During the informational session, staff will share technical information about the proposed project and its impacts to water resources
- You may **ask questions**, and TDEC staff can answer you.
- You are **not** being recorded.

Public Hearing



- During the formal public hearing, staff will receive and document your comments for the official record.
- **The most effective comments are relevant to the proposed action and the associated water quality issues.**
- TDEC staff will **not** verbally respond to questions posed as comments.
- **You will be recorded.**



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Informational Session

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NRS22.192

Aquatic Resource Alteration Permits

Tennessee Code 69-3-108. Permits.

- It is unlawful for any person....to carry out any of the following activities, except in accordance with the conditions of a valid permit.
- **(1)** The alteration of the physical, chemical, radiological, biological, or bacteriological properties of any waters of the state;

Rules of TDEC 0400-40-07 – Aquatic Resource Alteration

- Any person who plans to engage in any of the activities outlined in T.C.A. § 69-3-108 must obtain a permit from the Commissioner to lawfully engage in such activity. When a § 401 certification is required, the ARAP also serves as the § 401 certification.
- There are two (2) types of ARAP's: Individual Permits and General Permits

ARAP permits are issued by the Tennessee Department of Environment & Conservation's Division of Water Resources, Natural Resources Unit.

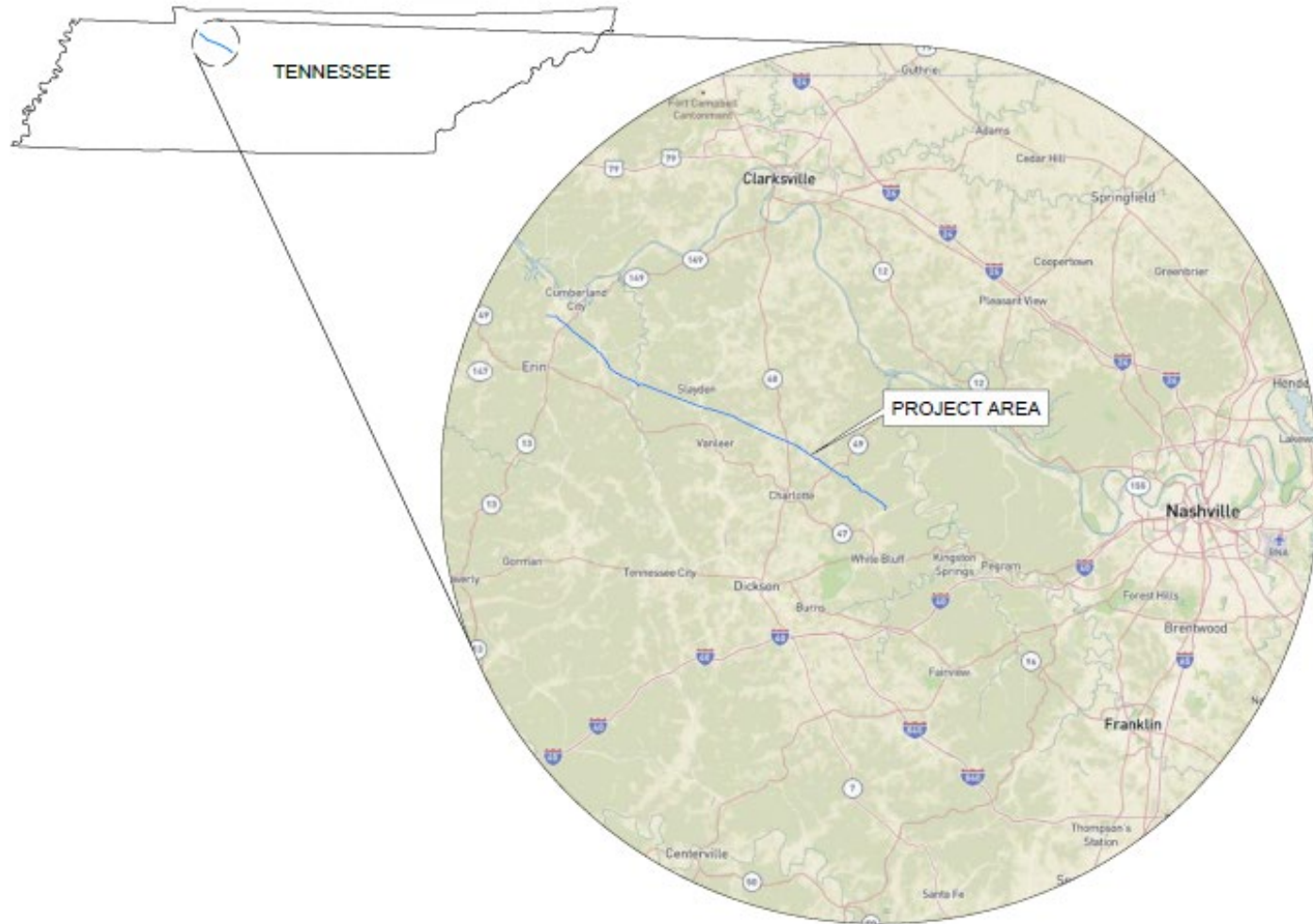
Permit Information

- Applicant: Tennessee Gas Pipeline Company, LLC
- Application Number: NRS22.192 Modification
- Modification due to additional parcels ground-truthed for aquatic resources
 - Resulted in proposed impacts to 3 streams not part of original permit, and proposed new or modified impacts to 2 streams part of original permit
- Modified permit proposes:
 - Temporary impacts to an additional 604 linear feet of stream
 - Permanent impacts to an additional 20 linear feet of stream
 - No change in proposed impacts to wetlands

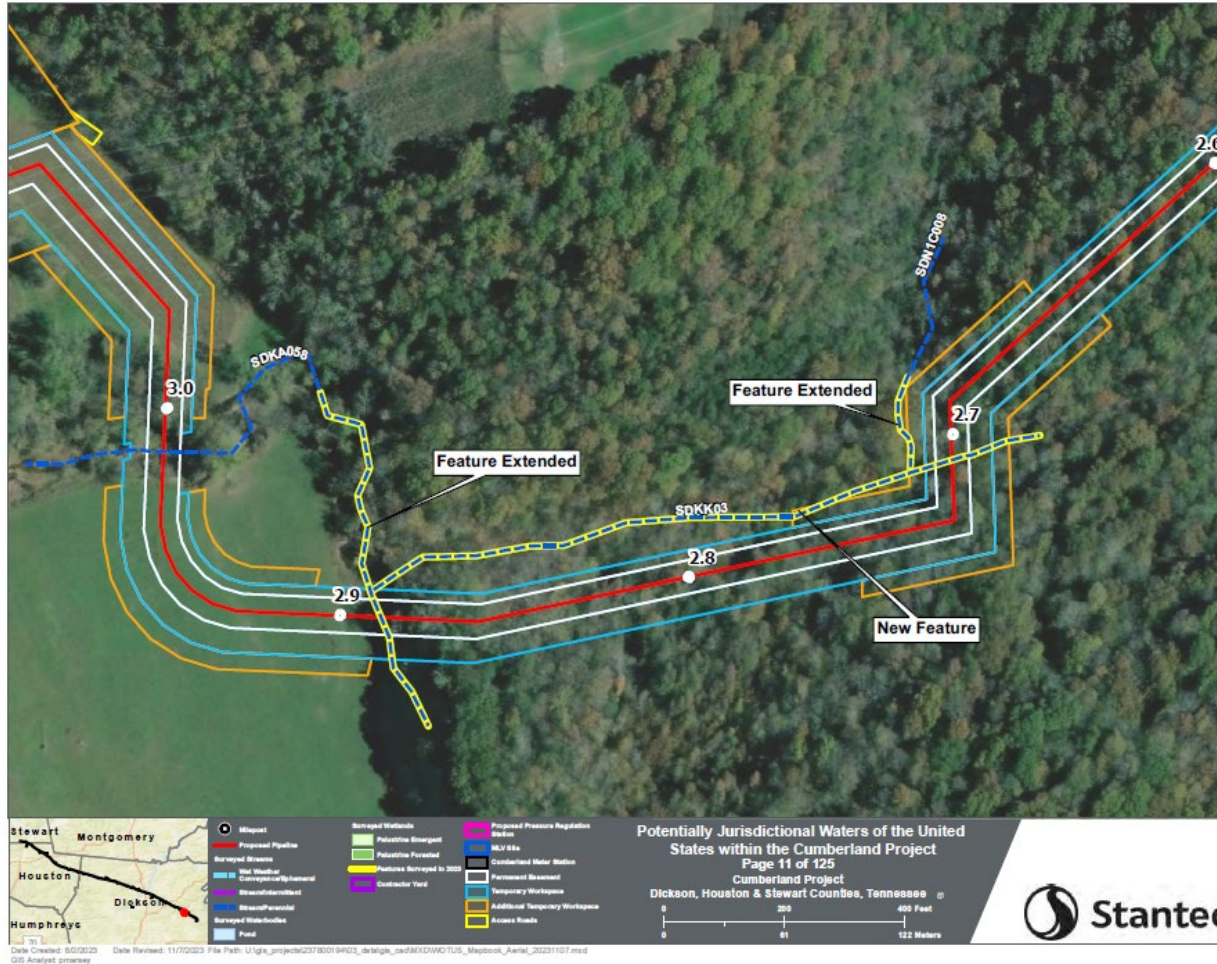
Permit Information, continued

TDEC Waterbody ID	TGP Waterbody ID	Impact Location	Description	Temporary		Permanent	Total
				Pipeline install via trench	Access road or workspace	Vegetation conversion	
TN05130204002_0200, UT Jones Creek	SDKA058	36.1839, -87.2427	Newly proposed impact in an additional location to previously permitted impact	117 ft.		10 ft.	117 ft.
	SDKK03	36.1826, -87.2405	Impact to a new stream	204 ft.		10 ft.	204 ft.
	SDN1C008	36.1828, -87.2405	Impact to a new stream		48 ft.		48 ft.
TN05130204002_0999, Misc tribs to Jones Creek	SDKA049	36.1920, -87.2442	Newly proposed temporary impact in previously permitted permanent impact location		94 ft.		94 ft.
		36.1915, -87.2528	Permanent impact relocated to a different location than previously permitted	171 ft.		10 ft.	171 ft.
	SDKK01	36.1913, -87.2528	Impact to a new stream		24 ft.		24 ft.

Location Map

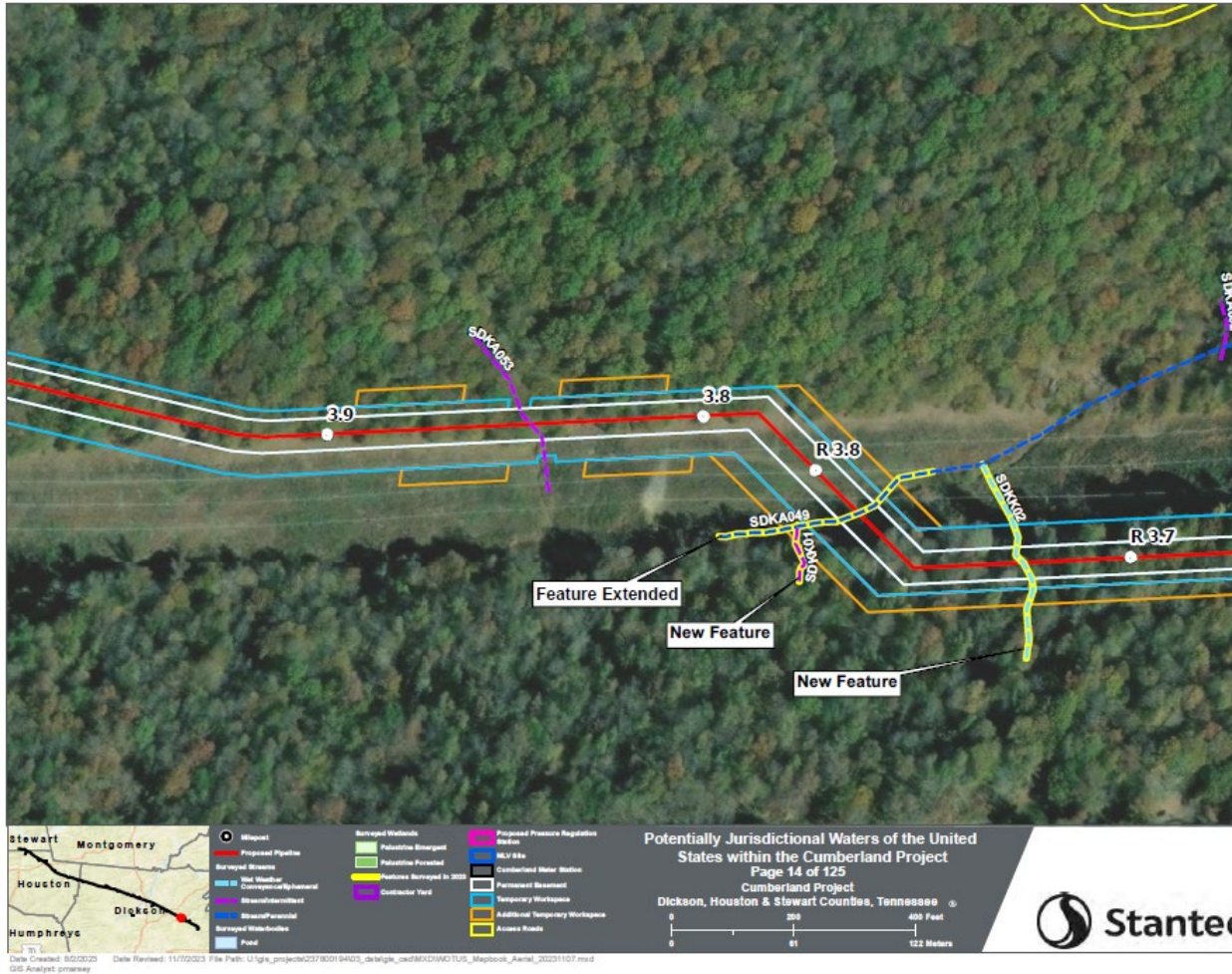


Location Map



<https://dataviewers.tdec.tn.gov/dataviewers/f?p=2005:34051:7632743718145:::34051:P34051> PERMIT NUMBER:NRS22.192

Location Map



https://dataviewers.tdec.tn.gov/dataviewers/f?p=2005:34051:7632743718145:::34051:P34051_PERMIT_NUMBER:NRS22.192

Antidegradation Statement

- In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06):
 - For the newly proposed impacts to streams in the TDEC Waterbody known as Unnamed tributaries to Jones Creek addressed by the permit modification, the Division has made a preliminary determination that the proposed activities will result in no significant degradation in a waterbody with unavailable parameters for habitat alteration because the activities will not result in an appreciable permanent loss of resource values
 - For the newly proposed impacts to streams in the TDEC Waterbody known as Miscellaneous Tributaries to Jones Creek addressed by the permit modification, the Division has made a preliminary determination that the proposed activities will result in de minimis degradation of waters with available parameters for habitat alteration without mitigation, and will not result in an appreciable permanent loss of resource values

Resources

The draft permit, along with the public notices, file contents, and all other documents may be found at the Division's data viewer by searching file number **NRS22.192**

The TDEC permit data viewer, as well as several TDEC map viewers can be found here:

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

Rules of the Department including agency responsibilities, water quality criteria, effluent limitations, and use classifications for streams can be found at:

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

The logo consists of the letters 'TN' in a white, bold, sans-serif font, centered within a red square. Below the square is a thin blue horizontal bar.

Questions?

- Questions asked during this time are informal and not considered official comments for the record.
- Only comments made during the formal public hearing immediately following will be considered part of the formal record and be considered in the final decision-making.
- **Online participants:** Raise your hand or type into chatbox.



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Public Hearing

Modified Aquatic Resource Alteration Permit (ARAP)
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Begin at 6:30 PM CST

Procedural Overview

- Please sign in so we have a record of your participation.
- This evening's hearing **will be recorded** via MS Teams.
- All public comments are welcome, but ***only comments related to water quality can be considered*** in TDEC's decision-making.
- Public comments and questions will be addressed through the Department's Notice of Determination.

Procedural Overview (cont.)

- All public comments bear the same weight.
- If you do not wish to comment but you do want to be notified of the outcome of the determination, send a written request for this.
 - Written comments may be submitted until **March 31, 2024**.
 - Email comments to water.permits@tn.gov or Claire.Wainwright@tn.gov mail to Tennessee Department of Environment & Conservation.
- To ensure everyone has an opportunity, each speaker will be limited to ***five minutes***.



Comments?

- Please clearly state your **name and any affiliations**.
 - Virtual participants or callers, state your physical location.
- Please limit your verbal comments to ***five minutes***.
- All public comments are welcome, but ***only comments related to water quality can be considered*** in TDEC's decision-making.

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Additional Comments?

- Submit written comments by March 31, 2024, by email to Water.Permits@tn.gov or Claire.Wainwright@tn.gov or mail to:

TN Department of Environment & Conservation
Div. of Water Resources, Natural Resources Unit
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243

- These instructions are also available in the public notices.



TN

Thank you!

TDEC thanks you for your attendance and participation.

Take our public participation survey, if you have a moment.