



**Public Notice**  
**Tennessee Department of Environment and Conservation (TDEC)**  
**Division of Water Resources (DWR)**  
**Notice Requesting Public Comments on Draft Permit Actions**  
**FILE # NRS24.023B**

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The purpose of this notice is to advise the public of the following proposed permit action and solicit comments and information necessary to evaluate the potential impact of the proposed activities on the aquatic environment.

Pursuant to The Tennessee Water Quality Control Act of 1977, T.C.A. §69-3-108 and Tennessee Rules, Chapter 0400-40-07, the proposed activity described below has been submitted for approval under an Aquatic Resource Alteration Permit and Section 401 Water Quality Certification. Section 401 of the Clean Water Act requires that an applicant obtain a water quality certification from the state when a federal permit is required. This notice is intended to inform interested parties of this permit application and draft permit and rationale, and to ask for comments and information necessary to determine possible impacts to water quality. At the conclusion of the public notice period a final determination will be made whether to issue or deny the permit.

**PERMIT COORDINATOR**

Nicholas Zemplachenko  
Tennessee Department of Environment & Conservation  
Division of Water Resources, Natural Resources Unit  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue, 11th Floor  
Nashville, Tennessee 37243  
[Nicholas.Zemplachenko@tn.gov](mailto:Nicholas.Zemplachenko@tn.gov)

**APPLICANT**

City of Gatlinburg  
c/o Dale Phelps  
P.O. Box 5  
Gatlinburg, Tennessee 37738

**LOCATION**

West Prong Little Pigeon River, Gatlinburg, Sevier County.

Pursuant to T.C.A. § 10-7-504 and Rule 0400-01-01(4)(c)2, the precise location is confidential. Therefore, the exact location of the intake site will not be disclosed in this permit or otherwise made available to the public.

To view the proposed location of these impacts and the watershed condition, visit the Division's Map Viewer at <http://tdeconline.tn.gov/dwr/> and search on the permit number or coordinates listed in this Public Notice.

**PROJECT DESCRIPTION / PURPOSE**

Withdrawal of water from the West Prong Little Pigeon River at the instantaneous rate of up to 2,257 gallons per minute to obtain up to 3.25 million gallons per day (MGD) for public water supply. Of this amount, 2.2 million gallons per day constitutes an existing water withdrawal as of July 25, 2000. Pursuant

to Rule 0400-40-07-.02(4), this 2.2 MGD withdrawal is exempt from the requirements of this permit if it does not adversely affect classified uses in the West Prong Little Pigeon River.

River flow in the West Prong Little Pigeon River shall not be reduced below 6.63 cubic feet per second (CFS) as a result of the withdrawal, nor shall withdrawal proceed when the flow in the river is below 6.63 CFS.

### **ANTIDEGRADATION**

The Department's rules state that a single water withdrawal will be considered de minimis if it removes less than five percent of the minimum 7-day average streamflow with a 10-year recurrence interval (7Q10) flow of the stream. If more than one withdrawal has been authorized in a segment and the total of the proposed and authorized impacts uses no more than 10% of the assimilative capacity, or 7Q10 low flow, they are presumed to be de minimis. Where the total of the proposed and authorized impacts uses 10% of the assimilative capacity, or 7Q10 low flow, additional degradation may only be treated as de minimis if the Division finds on a scientific basis that the additional degradation has an insignificant effect on the resource.

The calculated 7Q10 using the existing United States Geological Survey (USGS) gage upstream of the intake location (03469251 WEST PRONG LITTLE PIGEON R NR GATLINBURG, TN) in this river segment is 6.63 CFS or 4.29 MGD.

The withdrawal rate authorized by this permit is 2,257 GPM or 5.03 CFS. It is 75.87 % of the 7Q10 flow. The combined authorized and proposed withdrawals are greater than 5% of the 7Q10 flow in the West Prong Little Pigeon River.

In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the Division has made a preliminary determination that the proposed activities will result in greater than de minimis degradation of Exceptional Tennessee Waters (ETWs). Pursuant to Antidegradation Statement, in waters identified as Exceptional Tennessee Waters, new or increased water withdrawals that would cause degradation of any available parameter above the level of de minimis will only be authorized if the applicant has demonstrated to the Department that there are no practicable alternatives to prevent or lessen degradation associated with the proposed activity and the degradation is necessary to accommodate important economic or social development in the area and will not violate the water quality criteria for uses existing in the receiving waters. If one or more practicable alternatives is identified, the Department shall only find that a lowering is necessary if those alternative(s) are selected for implementation.

When the Department determines that more than de minimis degradation of an ETW is, or is not, necessary to accommodate important economic or social development in the area, it will issue a notice of determination by posting it on the Department's website and emailing persons who have requested to be notified of permit actions. That notice will describe the applicable procedures as set forth in Rule 0400-40-03-.06(c).

For more information, please reference Tennessee's Antidegradation Statement which is found in Chapter 0400-40-03 of the Rules of the Tennessee Department of Environment and Conservation.

### **FACTORS CONSIDERED**

In deciding whether to issue or deny this permit, the Division will consider all comments of record and the requirements of applicable federal and state laws. The division will consider the nature, scale and effects of proposed impacts. The Division will consider practicable alternatives to the alteration, loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impacts to unique, high quality, or impaired waters.

## **HOW TO COMMENT**

TDEC is requesting public comment on this proposed permit action. Obtaining a broad range of facts and opinions on Agency actions is one of the best ways to ensure appropriate decisions. Persons wishing to comment on the proposal are invited to submit written comments to the Division. Written comments must be received within **thirty days following distribution of the approved public notice materials** (including signage and newspaper ad). Comments will become part of the record and will be considered in the final decision. The applicant's name and permit number should be referenced. Send all written comments to the Division's address listed below to the attention of the permit coordinator. You may also comment via email to [water.permits@tn.gov](mailto:water.permits@tn.gov).

After the Division makes a final permit determination, a permit appeal may be filed by the applicant or by any person who participated in the public comment period whose appeal is based on comments given to the Division in writing during the public comment period or in testimony at a formal public hearing. If it is hard for you to read, speak, or understand English, TDEC may be able to provide translation or interpretation services free of charge. Please contact Alisha Looper at 615-571-4470 or [alisha.looper@tn.gov](mailto:alisha.looper@tn.gov).

Si le resulta difícil leer, hablar o comprender inglés, TDEC puede proporcionarle servicios de traducción o interpretación sin cargo comunicándose con Alisha Looper al 615-571-4470 o [alisha.looper@tn.gov](mailto:alisha.looper@tn.gov).

## **PUBLIC HEARING**

Interested persons may request in writing that the Division hold a public hearing on this application. The request must be received by the Division within the comment period, indicate the interest of the party requesting it, the reason(s) a hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the Division will hold a public hearing in accordance with 0400-40-07-.04(4) (f). Send all public hearing requests to the attention of the permit coordinator at the address listed below or via email to [water.permits@tn.gov](mailto:water.permits@tn.gov). Any scheduled public hearings will be advertised through a similar public notice process.

## **FILE REVIEW**

The permit application, supporting documentation, including detailed plans and maps, draft permit and rationale, and related comments are available for review on the internet at the Division's data viewer at [Report on Permits \(tn.gov\)](http://Report on Permits (tn.gov)) by entering the permit file number listed in the title of this Public Notice. The file may be viewed and copied at the address listed below.

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