



Public Notice
Tennessee Department of Environment and Conservation (TDEC)
Division of Water Resources (DWR)
Notice Requesting Public Comments on Draft Permit Actions
FILE # NRS23.315

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

Adam Kelly
Tennessee Department of Environment & Conservation
Division of Water Resources, Natural Resources Unit
Davy Crockett Tower
500 James Robertson Parkway, 9th Floor
Nashville, Tennessee 37243
615-253-5348
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APPLICANT

ARCO/Murray National Nashville, LLC
3110 Woodcreek Drive
Downers Grove, IL 60515

LOCATION

Lytle Creek, Murfreesboro, Rutherford County
Latitude 35.820995 Longitude -86.388543

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

ARCO/Murray National Nashville, LLC proposes to impact 453 feet of stream channel with the construction of three-sided box culverts and fill 0.66 acres of wetland while developing the site into a commercial warehouse facility. Impacts to streams result in 232 functional feet debits. Impacts to wetlands result in 1.33 debits. Compensatory mitigation for the unavoidable impacts to aquatic resources will be provided by purchasing 232 functional feet stream credits from Brady Branch Mitigation Bank and 1.33 wetland credits from Gleason Creek Mitigation Bank.

ANTIDegradation

In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), for Streams 1 and 3, the Division has made a preliminary determination that the proposed activities will result in no significant degradation to streams in a waterbody with unavailable parameters for habitat because the applicant proposes mitigation to offset any appreciable permanent loss of resource values.

In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), for Stream 2, the Division has made a preliminary determination that the proposed activities will result in greater than de minimis degradation of Exceptional Tennessee Waters (ETWs). Any appreciable permanent loss of resource value associated with the proposed impact is proposed to be offset by mitigation that is not in-system. Pursuant to Antidegradation Statement, in waters identified as ETWs, an activity that would cause degradation of habitat above the level of de minimis will only be authorized if 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.

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(d).

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 to wetlands with available parameters. Any appreciable permanent loss of resource value associated with the proposed impact is proposed to be offset by sufficient mitigation to result in no overall net loss of resource value. Pursuant to Antidegradation Statement, in waters with available parameters for habitat, an activity that would cause degradation of habitat above the level of de minimis will only be authorized if 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.

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.

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.

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.

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. 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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