

September 27, 2011

Mr. Wade Murphy
Tennessee Department of Environment & Conservation
Water Pollution Control
6th Floor L & C Annex
401 Church Street
Nashville, TN 37243-1534

Subject: Draft NPDES Permit TN0024996 (Crossville STP)

Dear Mr. Murphy,

The Tennessee Clean Water Network submits these comments in response to the public notice regarding the draft NPDES permit for the Crossville STP (TN0024996) in Cumberland County. We appreciate the opportunity to provide these comments for your consideration and look forward to hearing from the Division.

1. The Division failed to base this permit on the most recent assessment of the Obed River

According to the 2008 303(d) List, segment TN06010208013–1000 of the Obed River was listed as “threatened.” The proposed 2010 303(d) List notes this segment as impaired by Nitrate + Nitrite and Total Phosphorus. While this document has not officially been approved by the EPA, it contains the research and the official position of the Division. Since the Division submitted this version to the public for review, the Division must maintain the information contained in the draft document reflects the thorough analysis and review of water quality sampling conducted during the previous years. EPA approved 303(d) lists are not the sole basis on which the Division can qualify a receiving stream as impaired, and the Division should use the most appropriate data available. Therefore, since the Division’s most recent data indicates this segment of the Obed River is impaired by nutrients, this must be a consideration when drafting the permit and numeric nutrient effluent limits are necessary in this specific permit.

This is a major discharger and the likelihood of the facility contributing to the nutrient impairment is high. TDEC must set effluent limits to control all pollutants which may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above Tennessee water quality standards.¹ When feasible, these limits should be in numeric form.² Therefore, TDEC must conduct a reasonable potential analysis and establish

¹ 40 C.F.R. § 122.44(d); Tenn. Comp. R. & Regs. 1200-4-5.04(1)(g); *see also* 33 U.S.C. § 1323(a)(permitting agencies must set effluent limits that are stringent enough “to ensure the appropriate water quality of the receiving water body”); Tenn. Code Ann. § 69-3-108(g)(1).

² *See* 40 C.F.R. § 122.44(d)(1)(k)(3); Tenn. Comp. R. & Regs. 1200-4-5-.08(1)(i)

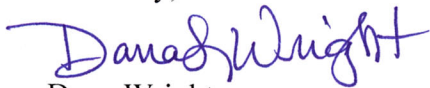
effluent limits for Total Nitrogen and Total Phosphorus in the Crossville STP NPDES permit if necessary to prevent unlawful degradation of water quality in the Obed River, which the Division as assessed as impaired due to excess nutrients. Monitoring alone will not suffice to protect water quality.

2. The permit should be amended to acknowledge the Division's assessment of nutrient impairment.

The data collected and assessed by the Division during the previous years which led to the determination of a nutrient impairment should be included in this permit, just as the permit acknowledges other impairments.

We appreciate the Division's consideration of these concerns and look forward to hearing from you regarding these issues.

Sincerely,



Dana Wright

Director of Policy and Legislative Affairs

cc: Mr. Clark Annis, Wastewater Plant Manager, Crossville STP
Ms. Connie Kagey, US EPA, Region 4