

Text for Special Conditions

To be used in comments for NPDES stormwater and sewage treatment permits.

For a 303(d) listed stream:

Background: the 303(d) list is prepared by the state every 2 years as a requirement of the Clean Water Act. The EPA approves or disapproves of this list. If a stream is on this list, it means that it doesn't meet the water quality requirements of the state due to one or more pollutants. It also lists the assumed causes of the pollutants, but this is sometimes based on observations with no scientific connection. If a stream is not on this list, it may not have been assessed. Only 50% of Tennessee's streams have been assessed. However, if it is on the list, it receives special protection by law.

Text: "The proposed project will degrade waters of the state and may add [pollutant] to a stream or tributary to a stream on the 303(d) list for [same pollutant] pollution. As such, TDEC does not have the authority to issue new permits that would contribute [pollutant] to [stream name] under [federal reg] and TCA §68-XXX-XX.

Tier II or III High Quality Waters

Background: Tennessee is also required to track waters of the state that are high quality or deserve special protection due to their location, use, or cultural value. Tier III waters are Outstanding National Resource Waters, and TDEC doesn't have the authority to allow any degradation of those streams, lakes or wetlands. Tier II waters are those that are high quality or are in national or state parks, wildlife refuges, or other sensitive places. TDEC does not have the authority to degrade this water quality unless it is a social and economic necessity for the community and is the alternative that minimizes water quality impacts to the greatest extent practicable.

Text: [Stream name] is designated as Tier II and therefore TDEC must make a determination that the permit application proposed the alternative that minimizes water quality degradation to the greatest extent practicable, and is a social and economic necessity for the community. [There is no evidence that a determination of social and economic necessity has been made]. [There are other alternative site plans that would avoid impacts to [stream name].] [The applicant has not provided adequate alternatives.]

Text: {Stream Name} is designated as an Outstanding National Resource Water, and therefore TDEC does not have the authority to issue permits that would degrade the water quality.