

January 11, 2016

Mr. Wade Murphy
Tennessee Department of Environment & Conservation
Division of Water Resources
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243

Subject: Draft NPDES Permit TN0021237 (Pigeon Forge STP)

Dear Mr. Murphy,

The Tennessee Clean Water Network is submitting the following comments in response to the Division's public notice for the proposed NPDES permit for the Pigeon Forge STP (TN0021237). We appreciate the opportunity to provide these comments for your consideration and look forward to hearing from the Division.

1. TCWN supports the imposition of the total phosphorus effluent limit.

The draft permit proposes the inclusion of the Tennessee Nutrient Reduction Framework's "High Impact Level" effluent limit for total phosphorus,¹ which TCWN supports.² The Framework is important in the progress to curtail nutrient loading into impaired waterbodies, and the timely implementation of the effluent limits included in the Framework is essential to this progress.

2. Total phosphorus effluent limits are needed in the first 12 months of permit effectiveness.

Since the total phosphorus effluent limit is a rolling average based upon the previous 12 months of monitoring, there is no limit imposed the first year of the permit.³ In multiple other permits during this time, the Division has set performance-based effluent limits at the 95th percentile based upon the EPA's *Technical Support Document for Water Quality-based Toxics Control* or imposed post-optimization effluent limits equivalent to 1.0 mg/L.

¹ TDEC. Tennessee Nutrient Reduction Framework *Draft*. October 2014.

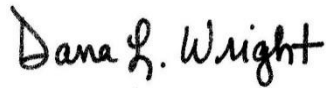
² TCWN maintains, per 40 C.F.R. § 122.44(d), Tenn. Code Ann. § 69-3-108(g)(1), and Tenn. Comp. R. & Regs. 0400-40-05-.04(1)(f) & (g), WQBELs are required whenever the discharge of a pollutant will contribute to an exceedance of a water quality standard.

³ TDEC. Draft TN0021237. November 2015. Page 2.

The absence of either such interim limit in the permit contradicts efforts to reduce nutrient pollution. Since the Pigeon Forge STP is a new facility optimization is not applicable, but the facility itself should be comparable to an optimized plant. TCWN requests the Division impose what it has in other similar permits: a limit of 1.0 mg/L (50.04 lb/day) for total phosphorus during the first year of this permit.

We appreciate the opportunity to comment on this draft permit and the Division's consideration of these concerns. Please send the final permit and response to comments to dana@tcwn.org.

Sincerely,

A handwritten signature in black ink that reads "Dana L. Wright". The signature is written in a cursive, slightly slanted style.

Dana Wright
Water Policy Director

cc: Mr. Mark Miller, Public Works Director, City of Pigeon Forge