

# PUBLIC NOTICE

**08-02**

## AQUATIC RESOURCE ALTERATION PERMITS

**TN DEPT OF ENVIRONMENT & CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
MINING SECTION  
3711 MIDDLEBROOK PIKE  
KNOXVILLE, TN 37921-6538  
Fax # 865-594-5253**

**ISSUE DATE      May 30, 2008**

**EXPIRATION DATE    June 30, 2008**

**TO WHOM IT MAY CONCERN:** Enclosed are current public notices of permit applications, notice of individual permit decisions, and/or announcement of public hearings or meetings. Public comment and participation are encouraged on all of these issues.

The applications described herein have been submitted for Aquatic Resource Alteration Permits under *The Tennessee Water Quality Control Act of 1977*, T.C.A. §69-3-108. In addition, federal permits may be required from the U. S. Army Corps of Engineers or from the Tennessee Valley Authority under §404 of the *Clean Water Act* and §26a of the *Tennessee Valley Authority Act*, respectively. 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 may cover applications subject to §401 or navigation permitting (Rule 1200-04-08).

The purpose of this notice is to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. Persons wishing to comment on a proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the public record and will be considered in the final decision. The applicant's name and permit number should be referenced.

The permit application, supporting documentation including detailed plans and maps, and related comments are available for review and /or copying at the department's mining section.

Interested persons may also request in writing that the department hold a public hearing on an application. The request must be filed within the comment period, indicate the interest of the person requesting it, and the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the department will hold a hearing in accordance with Rule 1200-4-1-.04(4)(f).

In deciding whether to issue or deny a permit, the department will consider all comments of record and the requirements of applicable federal and state laws. In making this decision, a determination will be made regarding the potential lost value of the resource compared to the value of any proposed mitigation. The department shall consider practicable alternatives to the alteration. The department shall also consider loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impact to unique, high quality, or impaired waters.

The Tennessee Department of Environment and Conservation is committed to principles of equal opportunity, equal access and affirmative action. Contact the EEO/AA Coordinator at 1-888-867-7455 or the ADA Coordinator at 1-866-253-5827 for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

## PUBLIC NOTICE

PERMIT APPLICATION: NR08MS.014

**APPLICANT:** Metro Materials, Inc.  
2174 Person Avenue  
Memphis, TN 38114

**LOCATION:** Near James Road and Hollywood Street in Shelby County, Tennessee at N35.1969 latitude, and W89.9747 longitude.

**WATERSHED DESCRIPTION:** The stream is a tributary to the Wolf River. The stream is located in the Loess Plains ecoregion. Discharges from MS4 area, RCRA Hazardous Waste Site, channelization and contaminated sediments are listed as pollutant sources to Wolf River. Wolf River is identified as Exceptional Tennessee Waters as habitat for the Blue Sucker.

**PROJECT DESCRIPTION:** Metro Materials, Inc., has applied for an Individual Aquatic Resource Alteration Permit for wetland alteration and stream crossing activities at the proposed James Road Sand Plant – Area #4.

The James Road Sand Plant – Area #4 property is 181.2 acres. 136 acres are proposed for permitting for the sand plant and dredging operations. There are approximately 40.69 acres of wetlands on the property. 34.62 acres of wetland are located on the western edge of the property adjacent to Hollywood Street. 1.14 acres of wetland are located on the eastern edge of the property. 4.93 acres of wetland are located on the southeastern corner of the property.

The permit application proposes 2.1 acres of alterations (fill) in the northern edge of the existing 34.62-acre wetland. The alterations are for the development of an access road for the proposed sand plant from Hollywood Street. The access road location was selected to maintain a 400-foot setback from James Road while avoiding and minimizing any wetland alterations. All other wetlands on the property are to be avoided.

The applicant has configured the proposed activity to limit wetland alterations to 2.1 acres. The wetlands alterations are to be mitigated at 4:1 resulting in the development of 8.4 acres of additional jurisdictional wetlands on-site. Impacts to the wetland will be offset by a combination of minimization and in-system mitigation to “de minimis.”

Metro Materials, Inc., proposes diversion of the existing hydrology to increase the period of saturation and inundation in non-wetland areas adjacent to the northern edge of the existing 34.62-acre wetland. The diversion of the hydrology will promote the conversion of non-wetland areas to jurisdictional wetlands. Construction of the mitigation areas is to be completed contemporaneously with the initial site development.

Additionally, a road crossing of an unnamed tributary to Wolf River will be constructed connecting the sand plant to the dredge area on the other side of the stream. No wetland alterations are associated with the construction of this crossing. The stream crossing will result in approximately 100 linear feet stream alteration. The stream crossing will consist of two 96-inch diameter corrugated metal pipes, 60 feet in length. The crossing is to be removed once dredge-mining activities are concluded. This crossing is a “de minimis” activity and will require no additional mitigation.

**USGS TOPOGRAPHIC QUADRANGLE:** Northeast Memphis Quad 409 NE

**Permit Coordinator:** Dave Turner

No decision has been made whether to issue or deny this permit. The purpose of this notice is to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. Persons wishing to comment on the proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the public record and will be considered in the final decision. The applicant’s name and permit number should be referenced.

Interested persons may also request in writing that the department hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, and the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the department will hold a public hearing.

The permit application, supporting documentation including detailed plans and maps, and related comments are available for review and/or copying by appointment during business hours at the following address:

ATTN: Tina E. Jones (865-594-6035)  
TN DEPT OF ENVIRONMENT & CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
MINING SECTION  
3711 MIDDLEBROOK PIKE  
KNOXVILLE, TN 37921-6538

In deciding whether to issue or deny a permit, the department will consider all comments of record and the requirements of applicable federal and state laws.