

# PUBLIC NOTICE

07-05

## 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:** August 30, 2007

**EXPIRATION DATE:** September 30, 2007

**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: NR07MS.008

**APPLICANT:** Durand Hatmaker, Managing Member  
Triple H Coal, LLC  
100 Memorial Drive  
Jacksboro, TN 37757

**LOCATION:** Unnamed wetland areas on pre-law mine benches on Rock Creek Mountain in Campbell County, Tennessee, at 35°26'22" latitude, and 84°06'09" longitude.

**WATERSHED DESCRIPTION:** Existing wetlands on pre-law mine benches that discharge into the headwaters of Rock Creek. The wetlands are in the Cumberland Mountains ecoregion. The 1.42 acres of jurisdictional wetlands have developed due to the existing hydrology being intercepted by pre-law coal mining and beaver related activities. The wetlands have defined outlets discharges to either eroded channels or natural drainways.

**PROJECT DESCRIPTION:** Triple H Coal, LLC, has applied for an individual aquatic resource alteration permit for approximately 1.42 acres of wetland alteration and 5.7 acres of compensatory mitigation.

The permit application proposes to replace and enhance the existing wetlands as the mine area is reclaimed. The mitigation wetlands will be "in-kind" with the existing wetlands. The drainage outlets of mitigation areas will direct the watershed drainage reestablishing a hydrologic connection to stable conveyances or stream channels. Sediment treatment structures will be developed as wetlands and shallow water habitat post-mining. On completion of construction and achievement of final grade, the upland areas will be revegetated with an appropriate seed mix and trees. The riparian areas of the mitigation wetlands will also be planted with endemic tree and shrub species at a rate of approximately 400 trees per acre to assure the development of a forested wetland.

**USGS TOPOGRAPHIC QUADRANGLES:** Ivydell Quad 136 NW and LaFollette Quad 136 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: Elaine Killion (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.