



PUBLIC NOTICE

File Number: NRS 09.272 **Notice Date:**
10/27/2009

Expiration Date:
11/26/2009

Pursuant to Chapter 1200-4-7 of the Department's rules, the proposed activity described below has been submitted for approval under an Aquatic Resource Alteration Permit (this also includes §401 Water Quality Certifications). This notice is intended to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. No decision has been made whether to issue or deny this application.

APPLICANT: Cleveland Utilities
 % Craig Mullinax
 P.O. Box 2730
 Cleveland, TN 37320
 (423) 472-4521

LOCATION: Multiple stream crossings and isolated wetland transects in Bradley County:

Crossing 1	Little Chatata Creek	35.16374°N -84.82823°W
Crossing 2	Unnamed tributary to Little Chatata Creek	35.15792°N -84.83003°W
Crossing 3	Unnamed tributary to Little Chatata Creek	35.15325°N -84.83188°W
Crossing 4	Unnamed tributary to Little Chatata Creek	35.15020°N -84.82342°W

PROJECT DESCRIPTION / PURPOSE: Cleveland Utilities proposes to install a gravity sewer line crossing Little Chitata Creek, and an unnamed tributary a total of four times and transecting approximately 2,100 linear feet of intermittent, isolated wetlands in order to provide service to a new elementary school and future development.

DEGRADATION: In accordance with the Tennessee Antidegradation Statement (Rule 1200-4-3-.06), the division has determined that the proposed activities will not result in degradation to water quality.

WATERSHED / WATERBODY DESCRIPTION: Little Chitata Creek (Stream ID TN06020002012_0200) and its tributaries are included in the Hiwassee River Watershed (HUC8 6020002). The Hiwassee Watershed in general is characterized by forested slopes, high gradient, clear streams, and rugged terrain. There is great aquatic habitat diversity in the watershed; however, mining, agriculture, industry, and residential use impact water quality in the area. More information on the Hiwassee Watershed may be found in the Hiwassee Watershed Management Plan at: <http://www.state.tn.us/environment/wpc/watershed/wsmplans/>.

The area of Little Chitata Creek and its unnamed tributary to be affected by this proposed activity includes pastoral, residential, and industrial land uses. Portions of these stream segments

are often intermittent and flow may be seasonal. Much of the vegetative riparian buffer has been removed. Stream channel widths vary from 1 to 3 feet and depths vary from 0 to 1.5 ft.

Stream Name / ID #: Little Chitata Creek/ TN06020002012_0200

Ecoregion: Ridge and Valley (67f)

Stream Dimension: Channel bottom width: 1-3'
 Chanel top width: 3-12'
 Water depth: 0-1.5'
 Bank height: 1-6'

Substrate: Mud, clay, and gravel

Designated Use
 fish and aquatic life

Use Support
 Not supporting

Causes
 Alteration in stream-side or littoral vegetation,
 Sedimentation/Siltation
 Escherichia coli

recreation

Not supporting

irrigation

Fully supporting

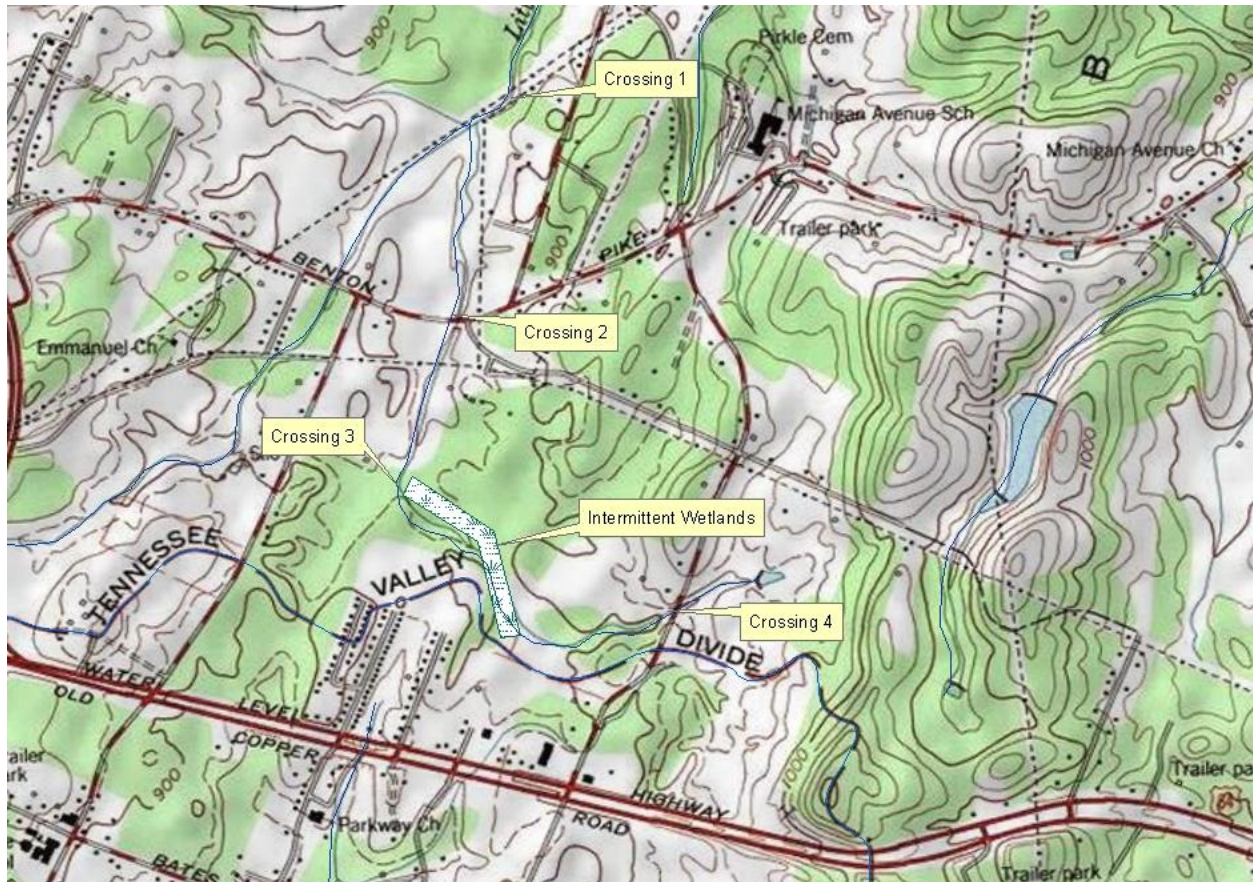
livestock watering & wildlife

Fully supporting

Assessment Date: 2008

PERMIT COORDINATOR: Randall Phillips

CROSSING LOCATIONS:



FACTORS CONSIDERED: 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 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.

COMMENTING: 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 record and will be considered in the final decision. The applicant's name and permit number should be referenced. Send all written comments to the department's address listed below and to the attention of the permit coordinator.

PUBLIC HEARING: Interested persons may 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, 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. Send all public hearing request to the department's address listed below and to the attention of the permit coordinator.

FILE REVIEW: The permit application, supporting documentation including detailed plans and maps, and related comments are available at the department's address (listed below) for review and/or copying.

Tennessee Department of Environment & Conservation
Division of Water Pollution Control, Natural Resources Section
7th Floor L & C Annex
401 Church Street
Nashville, TN 37243

APPEAL: A petition for permit appeal may be filed, pursuant to T.C.A. §§ 69-3-105 by the permit applicant or by any aggrieved person who participated in the public comment period whose appeal is based upon any of the issues that were provided to the commissioner in writing during the public comment period or in testimony at a formal public hearing on the permit application. Any petition for permit appeal shall be filed with the board within **thirty (30) days** after public notice of the commissioner's decision to issue or deny the permit. Such petition must state in numbered paragraphs the basis of the appeal as required by the Administrative Procedures Act and regulations promulgated thereunder. The petition must be prepared on 8½" x 11" paper, addressed to the Water Quality Control Board and filed in duplicate at the address listed below. Any hearing would be in accordance with T.C.A. §§69-3-110 and 4-5-301 et seq.