



**State of Tennessee**  
**Department of Environment and Conservation**  
**Division of Water Pollution Control**  
**Mining Section**  
**3711 Middlebrook Pike**  
**Knoxville, Tennessee 37921**  
**PHONE (865) 594-6035 FAX (865) 594-6105**

**Notice of Public Meeting**

**Public Notice: M2009-08**  
**Issuance Date: April 9, 2009**  
**Last Day to Submit Written Comments: June 8, 2009**

**NOTICE IS HEREBY GIVEN**, that in response to an application for a new NPDES permit the Division of Water Pollution Control, Mining Section, will hold the following public meeting. The meeting is held pursuant to *Rule 1200-4-3-.06* of the Tennessee Department of Environment and Conservation.

**May 26, 2009**  
**7:00 p.m. EDT**  
**Indoor Pavilion**  
**Cove Lake State Park**  
**110 Cove Lake Lane**  
**Caryville, Tennessee**

The purpose of the meeting is to consider information presented to the Division regarding the economic and social justification for the new discharge of treated mine wastewater and stormwater to Exceptional Tennessee Waters (ETWs) by the following applicant:

**Company Information**

Davis Creek Energy, LLC  
Mr. Nat W. Cloer  
207 E. North 1<sup>st</sup> Street, Suite T  
Seneca, SC 29678-0207

**Site Information**

Area 4  
NPDES Permit TN0069191  
Westbourne Lane  
Campbell County  
Cotula, TN

This new surface coal mine will be located near the Cotula Community at latitude 36°29'38", longitude 84°01'37", on the LaFollette, TN 136NE USGS Quadrangle.

The new discharge will enter wet weather conveyances to Hogcamp Branch and Davis Creek. Davis Creek is presently designated as Exceptional Tennessee Waters (ETW) because of the listed federally threatened Blackside Dace.

In Exceptional Tennessee Waters, no degradation will be allowed unless and until it is affirmatively demonstrated to the Department that the expanded discharge is justified as a result of necessary economic or social development and it will not interfere with or become injurious to any of the classified uses for such waters.

*Rule 1200-4-3-.04* defines “degradation” as the alteration of the properties of waters by the addition of pollutants, but alterations having no measurable or less than a five-percent loss of assimilative capacity will not be considered degradation.

The discharge parameters that are limited by this NPDES permit are Settleable Solids (SS), Total Suspended Solids (TSS), Iron, Manganese, and pH. The Department has an EPA approved Total Maximum Daily Load (TMDL) for the Clear Fork of the Cumberland River Watershed. The TMDL calculates the amount of TSS that could be discharged from active surface coal mines within a margin of safety of the Waste Load Allocation (WLA).

The company has conducted the required alternatives analysis and provided the necessary social and economic information to justify the new discharge. It has also demonstrated the financial and technological capacity to support expanded operations. Sediment and erosion control measures and treatment systems are appropriately sized to treat the wastewater to meet permit effluent limits and water quality standards.

Written comments will be accepted at the meeting and until **June 8, 2009**.

Interested persons may obtain additional information and copy the application and supporting documentation from the permit files maintained at the Mining Section’s office at the letterhead address. There is a nominal fee for copying. These files are available for public inspection during normal visiting hours by contacting Tina Jones by e-mail at [Tina.E.Jones@state.tn.gov](mailto:Tina.E.Jones@state.tn.gov) or by phone at (865) 594-5616 to schedule an appointment for the review. A copy of the permit application will be available for review at the meeting.

ADA inquiries should be directed to the ADA Coordinator, Human Resources Division, 401 Church Street, 12th Floor, L & C Tower, Nashville, TN 37243, **1-866-253-5827**. Hearing impaired callers may use the Tennessee Relay Service (**1-800-848-0298**). Such contact may be in person, by writing, telephone, or other means and should be made no later than **May 15, 2009**, to allow time to provide such aid or services.