



Tennessee Department of Environment and Conservation
Division of Water Pollution Control
Mining Section
3711 Middlebrook Pike
Knoxville, Tennessee 37921-6538
PHONE (865) 594-6035 FAX (865) 594-6105

Notice of Public Hearing

Public Notice: M2009-19

Issuance Date: October 15, 2009

Last Day to Submit Written Comments: December 7, 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 hearing. The hearing is held pursuant to *Rule 1200-4-5-.06* of the Tennessee Department of Environment and Conservation.

November 23, 2009
7:00 p.m. EST
Indoor Pavilion
Cove Lake State Park
110 Cove Lake Lane
Caryville, Tennessee

Company Information

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

Site Information

Area 4
NPDES Permit TN0069191
Davis Creek Road off Westbourne Lane
Campbell County
Cotula, TN

The site is located one mile Southeast of the Smoky Junction community on the Block (128 SE) USGS Quadrangle Map. The proposed surface coal mine is located at latitude 36°29'38", longitude 84°01'37" on the LaFollette, TN 136NE quadrangle.

The proposed draft permit will cover discharges of treated stormwater and wastewater into Hogcamp Branch, Granny Branch, and Davis Creek. Davis Creek is presently designated as Exceptional Tennessee Waters (ETWs) because of the federally listed threatened Blackside Dace.

Hearing Procedures

The hearing officer may limit oral presentations to five minutes and require that all testimony be relevant to water quality-related issues for this facility. Undue repetition in oral presentations should be avoided so that all interested parties will have an opportunity to present their concerns relative to water quality issues. Written testimony will be accepted at the hearing and for at least ten days following the hearing.

Comments not related to water quality or to the information contained in the permit application will not be accepted nor considered part of the hearing record. Issues not directly related to water quality or to the draft permit, such as safety, blasting, traffic or related issues will not be considered. We do not control these matters and consideration would not contribute relevant information to the decision making process for the NPDES permit application.

Interested persons may obtain additional information and copy the application, draft permit, and supporting documentation from the permit file maintained at the Mining Section's office at the letterhead address. There is a nominal fee for copying. The file is available for public inspection during normal visiting hours by contacting Tina.E.Jones@state.tn.gov or call (865) 594-5616 to schedule an appointment for the review. A copy of the permit application and draft permit will be available for review at the hearing.

Individuals with disabilities who wish to participate in these proceedings should contact the Department's ADA Coordinator, Human Resources Division, 401 Church Street, 12th Floor, L & C Tower, Nashville, TN 37243, **1-866-253-5827**. Such contact may be in person, by writing, telephone, or other means and should be made no later than **November 9, 2009**, to allow time to provide such aid or services. Hearing impaired callers may use the Tennessee Relay Service (**1-800-848-0298**).