



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
MINING SECTION  
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March 18, 2009

**NOTICE OF DETERMINATION**  
**Economic/Social Necessity Justification**

*Rogers Group, Inc.*  
*Pottsville Quarry*  
*NPDES Permit TN0066630*  
*Pottsville, Marshall County, Tennessee*

Dear Interested Citizen:

Rogers Group, Inc., proposes to modify its existing NPDES permit for the Pottsville Quarry located on State Highway 99 in Marshall County, Tennessee. The modification is for the addition designated as Areas F & G that consist of 123.9 acres. These areas increase the total permit acreage to 241.6. The facility has been covered by an NPDES permit since 1993.

The NPDES permit for this operation authorizes the discharge of treated wastewater and storm water into a wet weather conveyance that becomes an unnamed tributary of the Duck River approximately one stream mile downstream from the discharge point. Duck River is designated as Exceptional Tennessee Waters (ETWs) because it is a state scenic river and contains critical habitat for species of freshwater mussel that are listed as endangered by the federal and state.

Tennessee's Antidegradation Policy prohibits degradation of Exceptional Tennessee Waters (ETWs) 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 will not interfere with or become injurious to any of the classified uses for such waters.

The Division is considering the addition of any pollutant to the stream as degradation. The existing permit establishes discharge limitations for Total Suspended Solids (TSS), Oil and Grease, and pH. There is not an approved analytical method to determine the assimilative capacity of streams for TSS.

Rogers Group, Inc., submitted information to justify the expanded discharge activity as necessary for the economic or social development of the area where the waters are located. As required by the Antidegradation Policy, the Division scheduled a public meeting to consider comments concerning this information. The notice of public meeting was published in the *Marshall County Tribune*, a

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newspaper of general circulation in the area. The company also notified the public of the proposed activity by publishing a notice in this newspaper and posting a sign at the entrance to the facility.

The public meeting was conducted on January 8, 2009, at Henry Horton State Park in Chapel Hill, Tennessee. Only company representatives attended the meeting. There were no comments received at the meeting or during the 10-day comment period following the scheduled meeting.

The applicant conducted the required alternatives analysis and submitted the necessary economic-social information. This information justified expansion of the permit area and demonstrated that the discharge will not become injurious or interfere with any of the classified uses of the receiving waters.

Based on this information, our review of the plans and the applicant's alternatives analysis and economic-social considerations presented for this operation, the Division has determined degradation to Duck River is justified. Degradation is the alteration of the properties of waters by the addition of pollutants or removal of habitat as defined by the Department in *Rule 1200-4-3-.04*. The reasons for our determination follow:

- 1) The proposed expansion areas are located on the west side of the facility and will not require additional treatment facilities or discharge monitoring points. As mining progresses in this direction, wastewater discharged from Areas F & G will be diverted to the existing quarry pit for treatment.
- 2) The quarry pit is of sufficient size and capacity to fully accommodate and treat additional wastewater from the proposed expansion areas. The quarry pit will enlarge as mining activity progresses.
- 3) The operator minimizes discharge activity by recycling quarry pit water for processing operations and for dust suppression.
- 4) The company has demonstrated that it has the financial capacity and technological capability to support and sustain facility expansion.
- 5) Economic data demonstrates that employment and tax revenues from facility operations provide benefits to the local community.

A petition to the Board for a declaratory order may be filed within 30 days from the date of this notification. If no petition is received, the Division will proceed with its permitting process.



for  
Paul E. Davis, Director  
Division of Water Pollution Control

3-18-09

Date