



HARPETH RIVER WATERSHED ASSOCIATION

September 10, 2010

Mr. Gary Davis
Tennessee Dept. of Environment and Conservation
Div. of Water Pollution Control
6th Floor, L&C Annex
401 Church St.
Nashville, TN 37243

Re: NPDES permits:
Franklin STP TN0028827
Lynwood Utilities STP TN0029718
Cartwright Creek LLC STP TN0027278

Mr. Davis,

I am submitting comments to the above proposed permits that are in addition to those submitted in December 2009 on behalf of the Harpeth River Watershed Association. The attached graphs of dissolved oxygen from several studies conducted by HRWA and TDEC indicate that the Harpeth River is not meeting state standards for dissolved oxygen during the summer months. While there are non-point source contributions to this problem, especially in the headwaters near Eagleville, the addition of sewer effluent at the limits of the draft permits amounts to further degradation and contributes substantially to the failure of the receiving water to meet state standards for dissolved oxygen downstream of Franklin, a direct violation of the Clean Water act and the Tennessee Water Quality Control Act.

In accordance with the CWA “anti-backsliding rule,” all three permits need to have the same limit set for each parameter based on the tightest of either the EPA’s TMDL, the most stringent limit among the three permits currently in place, or what each permittee is currently achieving. In addition, the permits for all three STPs should be bubbled together into a watershed based permit. All three plants are within relatively close proximity to each other with little additional watershed flow input during the summer low flow season. From a regulatory standpoint, it would make sense to bundle them into one overall permit with the one overall load for each pollutant allocated fairly among them, perhaps based on flow discharge.

All three permittees as a group should be required to monitor the river in real time for DO, in a fashion similar to the USGS Real Time data available on the web. The current state of technology makes this very doable, and by combining efforts, i.e. sharing sampling points and data, this should be very cost effective. This is currently being done in Kansas. One of the shortcomings of the TMDL was the lack of enough good data and real time data from at least four points along the river would not only provide plenty of data points to model the river, but data to verify and/or calibrate the model and evaluate the permit limits now and in the future.

Finally, the permittees should be encouraged to help improve water quality upstream where non-point sources are the main problem. Discharging into a river that is already impaired is not permitted under state and federal law, so improving water quality above the point sources should be in the permittees best interest.

With the proposed limits, water quality in the Harpeth River during the summer low flow months will at best, not improve, and more likely, decline as more growth occurs. Imposing tighter limits now will most likely be much more cost effective than waiting for water quality to decline further and having draconian measures imposed in the future.

Our concern at HRWA is the health of the Harpeth River now and into the future. We believe this is achievable in spite of the explosive growth this area has been experiencing, but it takes forward thinking about more than the current state of the economy. The Harpeth River provides economic services to the communities that it flows through, both direct and indirect, and care needs to be taken to insure that it is able to continue, and even increase those services in the future.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Cain".

Michael Cain
Watershed Assessment and Restoration Manager
Harpeth River Watershed Association
michaelcain@harpethriver.org , (615) 790-9767 ext 102

Attachment: