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March 13, 2007

Robbie Baker
Permit Coordinator, Water Pollution Control
TN Department of Environmental Conservation
401 Church Street
L & C Annex, 6th Floor
Nashville, TN 37243

Re: Franklin water withdrawal ARAP – Comments

Dear Robbie:

I am submitting these comments on behalf of PEER and the Tennessee Clean Water Network (TCWN) regarding the proposed permit for which a public hearing was held last week. There are numerous issues regarding this proposal, which in sum point to the need to deny. In these comments I wanted to address one matter in particular that I am particularly familiar with. For many years there have been studies showing problems of low dissolved oxygen (DO) and related issues such as assimilative capacity in the reach of the Harpeth River through and below Franklin – including my thesis published in 1987. The state and EPA finalized 2 TMDLs related to the DO and sediment problems, and also allowed expansion of at least two sewage treatment plants (STPs) that discharge into the river.

These expansions were allowed on the assumption that the assimilative capacity of the river would be available based in large part upon the reduction of sediment input for significant sources such as construction stormwater. Meanwhile all construction sites have been allowed to operate under the general permit with no effluent limits, completely ignoring the wasteload allocations and provisions of the TMDLs. Now there is a request to remove even more background flow from the already suffering river, which can only further reduce the assimilative capacity and cause further degradation. Recent data show a continuing problem of DO levels below the state criteria of 5 mg/L at various times and locations in the reach of impact. This should cause the state to reconsider the previously and prematurely authorized STP expansions, start enforcing the sediment TMDL restrictions and wasteload allocations – and at least not let the problem to get worse by allowing an increase in the city's water withdrawal.

Approving this ARAP and contributing to the problems of the river would be in conflict with antidegradation and other provisions of the state water quality criteria and Act. Much time and money have been spent assessing problems with the Harpeth River and writing TMDLs, yet problems continue. This ARAP does not exist independent of other issues such as STP and sediment discharge impacts – less water in the river can only make things worse. Please deny this permit and keep us informed of the status.

Sincerely,

A handwritten signature in blue ink that reads "Barry Sulkin". The signature is written in a cursive style with a large initial 'B'.

Barry Sulkin
for PEER and TCWN

cc: HRWA