



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
NASHVILLE, TENNESSEE 37243-0435

ROBERT J. MARTINEAU, JR.  
COMMISSIONER

BILL HASLAM  
GOVERNOR

February 9, 2017

**Via Electronic Mail to Charles.W.Hall@USACE.ARMY.mil**

Attn: Chip Hall, Regional Technical Specialist  
Department of the Army  
Nashville District, Corps of Engineers  
110 9<sup>th</sup> Avenue South, Room A-405  
Nashville, TN 372032

Dear Mr. Hall:

The Tennessee Department of Environment and Conservation (TDEC) appreciates the opportunity to provide comments on the Nashville Shores *Request for Additional Cabins on J. Percy Priest Reservoir* Draft Environmental Assessment (EA) with a Finding of No Significant Impact (FONSI) prepared by the U.S. Army Corps of Engineers (USACE). The applicant, Nashville Shores is proposing to add 35 new cabin units to their leased property, located east of Nashville on the J. Percy Priest Reservoir. The cabin units would be constructed off-site, to be delivered as "cabins on wheels", sitting on axles, and placed on the Nashville Shores property.

Actions considered in detail within the Draft EIS include:

- **Alternative A – No Action Alternative.** The No Action alternative is defined as the USACE denying Nashville Shores' proposal to add 35 cabins to their leased property. With this action, no additional clearing or other disturbance associated with the proposed cabins would take place.
- **Alternative B – Addition of 35 New Cabin Units.** USACE would approve Nashville Shores' proposal of adding 35 cabins to their leased property. New cabin units would be constructed off-site and would be "cabins on wheels" sitting on axles. Cabins would be delivered fully constructed and placed on the Nashville Shores property. Electrical, sewer and water would be run to each cabin unit under permits and guidelines issued by the proper agencies. Sewer lines from the cabins would be connected to an existing force main sewer line. Limited clearing would be required for the project, although the development plans include preserving trees and limiting ground disturbance to the extent practicable. The 35 cabin units would be installed in phases over an approximate five year period.<sup>1</sup>

TDEC's **Division of Natural Areas (DNA)** has reviewed the Draft EA with FONSI and has no specific comments regarding the proposed action or its alternatives.<sup>2</sup>

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<sup>1</sup> Phase I is approximately 2.8 acres total area, from which approximately 0.8 acres is being disturbed to allow for 10 cabins and associated parking, utility hookups and driveways. Phase 2 would include the placement of 15 cabin units, and the final 10 cabin units would be installed in Phase 3. Engineering plans for Phases II and III have not been completed at this time, but the future phases would follow a similar pattern of limited disturbance in order to locate cabins.

<sup>2</sup> The Tennessee Wildlife Resources Agency (TWRA) manages information related to state listed rare animal species, and should be consulted in addition to the Division of Natural Areas.

TDEC's **Division of Archaeology (DOA)** has reviewed the Draft EA with FONSI and has no specific comments regarding the proposed action or its alternatives. If the project encounters any resources that need evaluation or additional questions arise during the active phase of the project please contact the DOA.<sup>3</sup>

TDEC's **Division of Water Resources (DWR)** has reviewed the Draft EA with FONSI and notes that the overall size of the project is 15.5 acres. Since the project will disturb more than one acre of land, a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction Permit, also known as the Construction General Permit (CGP), is required for the proposed action. DWR acknowledges that the Draft EA identifies the requirement to obtain a CGP permit before land clearing begins as well as best management practices for erosion and sedimentation control.<sup>4</sup>

TDEC's **Division of Air Pollution Control (APC)** has reviewed the Draft EA with FONSI and provides the following comments regarding the proposed action.

- The proposed action describes the disposal of the wood waste generated by land clearing activities using methods other than open burning. If any open burning activity of tree or limb debris is being considered as part of land clearing operations, this should be conducted in a manner to encourage good smoke dispersion and in accordance with Metro Nashville-Davidson County air pollution control regulations.<sup>5</sup>
- Mitigation of fugitive dust is not described in the construction phases of the project; however, a very limited area is described as potentially having soil disturbed and not likely to produce excessive fugitive dust emissions.
- The Metro Nashville-Davidson County area is currently classified as attaining the National Ambient Air Quality Standards (NAAQS) and based on the short term nature of the proposed project, not likely to impact air quality in the area.

TDEC's **Division of Solid Waste Management (SWM)** has reviewed the Draft EA with FONSI and provides the following comments regarding the proposed action.

- Section 3.7 "Hazardous, Toxic and Radioactive Waste (HTRW)" (page 11 of Draft EA), mentions "a few 55-gallon drums were observed across the site;" then goes on to suggest that the drums could be used as props for Nashville Shores' Halloween event. As the contents of the drums are not described in the Draft EA, SWM recommends further investigation to identify whether the drums are props or contain substances that may necessitate management. If the drums contain waste then they must be handled in accordance with Solid and Hazardous Waste Rules and Regulations.<sup>6</sup>

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<sup>3</sup> Please contact Mark Norton by phone at 615-741-1588 (ext. 113) or by email at [Mark.Norton@tn.gov](mailto:Mark.Norton@tn.gov) if you have any additional questions.

<sup>4</sup> Projects in Metro Nashville-Davidson County where ground cover, natural or man-made, is removed require a grading permit in addition to a CGP. <http://www.nashville.gov/Water-Services/Developers/Stormwater-Review/Who-Needs-A-Grading-Permit.aspx>

<sup>5</sup> For more information on the Metro Nashville-Davidson County, Air Pollution Control program visit <http://www.nashville.gov/Health-Department/Environmental-Health/Air-Pollution-Control.aspx>. Additional information on open burning in Tennessee is available at <https://tn.gov/environment/article/apc-open-burning> and <http://www.burnsafetn.org/>.

<sup>6</sup> Reference TDEC SWM Rule 0400 Chapter 11 for Solid Waste and Chapter 12 for Hazardous Waste <http://sos.tn.gov/effective-rules>

- The Draft EA identifies salvage items and construction materials stored on open paved areas as described in Section 3.7 and Photo 4 (page 52 of Draft EA). As these items and materials are not addressed in the report, SWM recommends describing their specification and current use in a Final EA to alleviate potential HTRW conflicts with the Solid and Hazardous Waste Rules and Regulations - if they are identified as wastes.
- Section 3.7, also cites the presences of “a few pole-mounted transformers.” If these transformers are in use, then SWM does not have concern of conflict with Solid and Hazardous Waste Rules and Regulations. However, the report does not provide details as to their current use. SWM recommends including more information on the status of the pole-mounted transformers in the Final EA to determine regulatory compliance.

TDEC appreciates the opportunity to comment on this Draft EA with FONSI. Please note that these comments are not indicative of approval or disapproval of the proposed action or its alternatives, nor should they be interpreted as an indication regarding future permitting decisions by TDEC. Please contact me should you have any questions regarding these comments.

Sincerely,



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Tennessee Department of Environment and Conservation  
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cc: Lacey Hardin, TDEC, APC  
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