February 14, 2026

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Tennessee Department of Environment and Conservation
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Re: Tennessee's Draft 2026 List of Impaired and Threatened Waters

Dear Mr. Cochran:

Thank you for the opportunity to comment on Tennessee's Draft 2026 List of Impaired and Threatened Waters (303(d) List), released on December 11, 2025. Harpeth Conservancy ("HC") is a science-based conservation organization dedicated to clean water and healthy ecosystems for rivers in Tennessee. Since 1999, Harpeth Conservancy has worked to restore and protect rivers through scientific expertise, public engagement, and collaborative partnerships.
HC appreciates the substantial technical effort required to produce the draft list and associated supporting materials. However, we offer the following comments to improve transparency, usability, and interpretation of the assessment results.

General Comments – Dissemination of 303(d) List Information

HC appreciates the delisting rationale and listing clarification tabs included in the 303(d) spreadsheet. These lists, however, still make it difficult to determine which new waterbodies are being listed as impaired and which (if any) waterbodies are being recategorized as unassessed (due to lack of recent data or other reasons). Additionally, being able to filter, search, or perform Excel analyses with the official spreadsheet would be incredibly helpful as we review the draft list. Is it possible to provide an "unprotected" spreadsheet or alternative way to disseminate this information so it can be manipulated and analyzed by the public?

With respect to the interactive map, HC encourages TDEC to add a map layer delineating watershed management groups, particularly so groups assessed during the current cycle are clearly marked. When a user clicks on a waterbody

shown as “Not Supporting,” it would also be helpful if the specific causes of impairment were listed directly within the map interface. An additional layer on the map showing the previous 303(d) list cycle statuses for the watershed groups to be considered would also be incredibly helpful during this public review period. This additional layer would help visualize where delistings or listings are occurring throughout the state.

HC also requests clarification of the six assessment categories shown in the map legend. The distinction between “Fully Supporting” and “Fully Supporting (Evaluated),” as well as between “Not Supporting” and “Not Supporting (Evaluated),” is not intuitive. Clear definitions provided directly within the legend or map interface would improve usability.

More broadly, HC recommends that TDEC provide a brief narrative overview summarizing what the current draft list indicates about water quality trends in Tennessee. Information such as how many waters have been assessed statewide, how many were newly assessed in this cycle, and whether the results suggest an overall increase or decrease in impaired waters would help translate technical results into meaningful context for the public.

Finally, HC believes that applicants and permittees whose activities impact surface waters should be required (within reason) to regularly assess the waters they affect. Such requirements would help ensure that assessment data remains current and that impacts from permitted activities are adequately documented and addressed. This would also decrease the number of resources TDEC must utilize during their data collection efforts as well as make crucial data available to other efforts around the state – for example, impacts from Hurricane Helene, Habitat Conservation Plan for the Duck River watershed, and flood and drought events.

General Comments – Data Collection and Analysis

Escherichia coli

According to TDEC monitoring plans, *Escherichia coli* (*E. coli*) sampling should prioritize a geometric mean followed by a monthly sampling program when necessary. Upon a cursory review of the TDEC DataViewer, some locations show data consistent with a geometric mean sampling, some reflect monthly sampling frequency and other locations have both – HC acknowledges this could also reflect a lag time between data collection and results being posted on the DataViewer.

Does TDEC attempt this sampling regimen at all sampling locations in a particular waterbody or do they choose a single location within the waterbody to perform all *E. coli* sampling? Does TDEC elect to do monthly or geometric mean sampling at a particular location based on previous 303(d) lists or adaptively adjust based on sampling results in the current 303(d) list sampling program? Monthly sampling can be very informative in determining *E. coli* impairment status but HC wants to emphasize (which I am sure TDEC is well aware) that *E. coli* samples in winter months may underrepresent *E. coli* densities given the cold temperatures and increased die-off rate. It is important to understand *E. coli* dynamics in the winter for overall river health,

but in reality, the *E. coli* criteria is intended to protect recreational activities, and very limited recreation occurs in winter months. *E. coli* impairments may be skewed if a disproportionate number of samples were collected in winter months with the intent to protect recreation during the summer.

HC agrees with Mr. Cochran when he states that the 303(d) list is a "snapshot" in time. Does TDEC factor in "events" that may have been occurring during their sampling schedule – for example, sewer plant maintenance and/or upgrades that incidentally cause prolonged overflows. Or does TDEC acknowledge these "events" as outliers and try to avoid them in their sampling schedule?

TMDL Priority

HC appreciates that TDEC evaluates TMDL priorities within their 303(d) list. Are the TMDL priorities equivalent to alternative approaches allowed by the EPA such as an Advance Restoration Plan (ARP)? Will TDEC satisfy their TMDL requirements (using the priority status) with ARPs? Or will TDEC develop a combination of ARPs and TMDLs for the high priority waterbodies depending on their status and/or pollution severity? If so, how does TDEC make the decision to pursue a TMDL vs. an ARP for a particular high priority waterbody?

Comments on Specific 303(d) List Rationale

Harpeth River - TN05130204009_3000 – proposed delisting for low Dissolved Oxygen

Harpeth River segment TN05130204009_3000 is situated between Franklin, TN and Bellevue, TN. In the delisting rationale, TDEC states that, "City of Franklin conducted annual continuous monitoring in 2019, 2020, & 2021: only two days just briefly below D.O. criteria in 2020. All other D.O. readings were above 5.0. Monthly samples from the last three cycles (n=37) showed all D.O. discreet samples above criteria". A cursory search on the TDEC data viewer showed only 24 discreet samples in this section of the river.

Additionally, there are more than two days of DO measurements below 5 mg/L between 2019 and 2021 with many additional days if data are considered through 2025 (see Figure 1). These data show the Franklin, TN continuous gage at Moran Rd and were obtained through a public records request and subsequent download from NetDMR (Excel file attached to these comments). HC acknowledges that some of these very low DO values are likely the result of equipment/probe errors, particularly in early 2022, but without operator notes or maintenance schedules, we have no way to parse "true" data from "equipment errors". DO data at Moran Road seems relatively reasonable and follows an expected diel cycle in 2019, 2020, 2023, 2024, and 2025. Our records request revealed that the monitoring station at Moran Road was operational in 2021, but all of the DO data was recorded as 0. Finally, grab samples are not very effective to monitor for low DO measurements unless *in situ* samples are taken during the

critical time for low DO ~4:00am – sampling times are not included in the TDEC DataViewer so it is impossible for HC to determine if, indeed, this was the case.

HC recommends TDEC reconsider the proposed delisting of this section of the Harpeth River in northern Williamson County for low dissolved oxygen when considering the additional continuous monitoring data that is available from the city of Franklin's monitoring in this segment from 2022-2025 (see Figure 1). The TDEC rationale for delisting this section of the Harpeth River references reviewing the City of Franklin continuous dissolved oxygen monitoring data from 2019-2021. However, there was effectively only one of those years (2020) where data was collected during the late summer - the critical time period when DO tends to be at its lowest (Figure 1). In reviewing the city of Franklin's continuous monitoring data from 2022-2025 (see attached excel spreadsheet and Figure 1), there were periods of several weeks of low dissolved oxygen levels recorded in 2024 and 2025. We appreciate that TDEC will review more recent data during the 303(d) public input process.

With regard to the city of Franklin's continuous monitoring of low dissolved oxygen at 3 locations on the Harpeth, these have been in place for several permit cycles with the specific intent to provide data as part of the new Harpeth River TMDL process that was begun in 2015 for low dissolved oxygen and nutrients. The city of Franklin's NPDES permit to conduct continuous monitoring and other sampling was an outcome of the settlement agreement in the Harpeth Conservancy's federal lawsuit under the Clean Water Act with Franklin. However, the most recent NPDES permit shortened the time period of continuous sampling at the Moran Road and Trinity Lane locations from seasonal, specified as March 1st through October 1st in the prior permit, to a "4-week period during summer low flow conditions." A review of the data in 2024 and 2025 indicates that the 4-week period is likely too short and challenging to predict if that time period will capture when typical low DO conditions (low-flow/drought) will occur. It would be valuable to review this shortened monitoring duration in the NPDES permit and consider what broader time period will be more appropriate for the TMDL effort and to ensure that the resources Franklin is investing in are useful.

It is very important to have a reliable and continuous dissolved oxygen probe in this segment of the Harpeth since it is highly recreated by swimmers and paddlers and is part of the Harpeth River Blueway. But equally important is that 2 sewer plants discharge into this segment of the river immediately upstream of these highly recreated areas and the city of Franklin's discharge, which enters the Harpeth just upstream from this segment, can be a sizeable portion of the river flow during low flow summer conditions.

Harpeth River - TN05130204009_2000- – proposed delisting for low Dissolved Oxygen

Harpeth River segment TN05130204009_2000 is situated between Bellevue, TN and the confluence with the South Harpeth River. This segment includes the State Scenic River designations of the Harpeth through Davidson County. In the delisting rationale, TDEC states that, "Discreet monthly sampling during the last four monitoring cycles (since 2006) showed no

violations (82 total samples). In addition, TDEC continuous monitoring at RM 62.0 in Sept-Oct 2021 showed no D.O. violations". HC found 18 discreet sampling results on the TDEC DataViewer but we realize that older data, which likely was considered by TDEC, may not all be in the DataViewer system. However, HC is unfamiliar with the 2021 continuous monitoring by TDEC and would be curious to see that data.

Unfortunately, the only USGS gage along this section of the Harpeth River is the Bellevue, TN location (USGS-03433500), which has a DO data gap between 2020 and 2025. Thanks to TDEC, the DO probe was reinstalled at this location in 2025, and no DO measurements were below 5 mg/L in the past year. But, given a 5-year data gap in DO measurements at this location, we sought to better understand variations and trends in that time period. Therefore, we compared DO trends at the Moran Road location (Excel file attached to these comments) and the Bellevue location in 2019 (most recent and complete year where both sites were active – see Figure 2). The DO trends seem to be similar in 2019, particularly during late-September and early-October when DO values were below 5 mg/L. It could be reasonable to assume that this relationship (even if strength changes from year to year) could help inform DO trends at the Bellevue location during the 5-year data gap. Given that Moran Road data shows numerous time periods when DO drops below 5 mg/L, we might expect the Bellevue DO values to follow that same trend. Again, we acknowledge the very low DO values are likely due to equipment or maintenance errors, but HC has no way to differentiate.

HC recommends TDEC reconsider the proposed delisting of this section of the Harpeth River for low dissolved oxygen since continuous monitoring data is minimal and based on the above comparison of other data in the upstream segment. Figure 3 includes all DO data that HC was able to aggregate from TDEC, USGS, and City of Franklin since 2014.

Harpeth River- TN05130204018_3000 – proposed delisting for E. coli

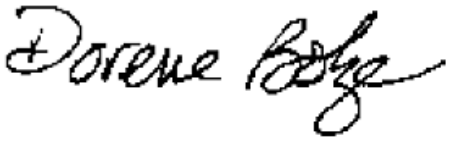
This 303(d) list segment is in the Harpeth headwaters near Eagleville, TN. The TDEC rationale states that "Since 2017, multiple BMPs have been funded by the Harpeth Conservancy in the watershed to address and mitigate livestock impacts." We appreciate the recognition of the work we were able to achieve under several state 319 grants to address non-point source pollution working with property owners to put agricultural best management practices in place. The city of Eagleville also received Dept of Agriculture funds to build a non-discharging sewer plant for its citizens that has addressed the failing septic in the area. Improvements in the headwaters have been the effort of property owners and city leadership starting in 2003 and continuing for over 15 years. Harpeth Conservancy worked with so many partners to pull match funds for these 319 grants.

Conclusion

HC appreciates the incredible efforts and expertise of Mr. Cochran's team to assemble and disseminate results from this important program. We believe that the 303(d) list is the first step in recovering waterbodies that have experienced pollution for years if not decades. Ultimately, HC has some concerns

about how the 303(d) list is translated to a TMDL or alternative plan and whether those plans will lead to meaningful control measures on point source pollution (*e.g.* Nation Pollutant Discharge Elimination System). We will support and contribute to efforts that prioritize this process. Many waterbodies across the state have been on the 303(d) list for years, if not decades, without meaningful efforts to address the identified impairment. HC wants to work with TDEC to help improve this process and create meaningful implementation plans with clear paths for recovery for our watersheds whether through a TMDL or ARP program. Please contact HC for any clarification or questions based on these comments.

Sincerely,



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Attachments:

1. Spreadsheet of City of Franklin diurnal monitoring data: 2018-2025 at 3 locations: Trinity Road, Cotton Lane, and Moran Road on mainstem of Harpeth.
2. All dissolved oxygen data (Including all available USGS Gage and City of Franklin Data) collected in the Harpeth River Watershed (2014 – 2025) with subsequent graphs showing data from individual years between 2019 and 2025.

Figure 1. Dissolved Oxygen by Year from the Moran Rd. Gage operated by City of Franklin

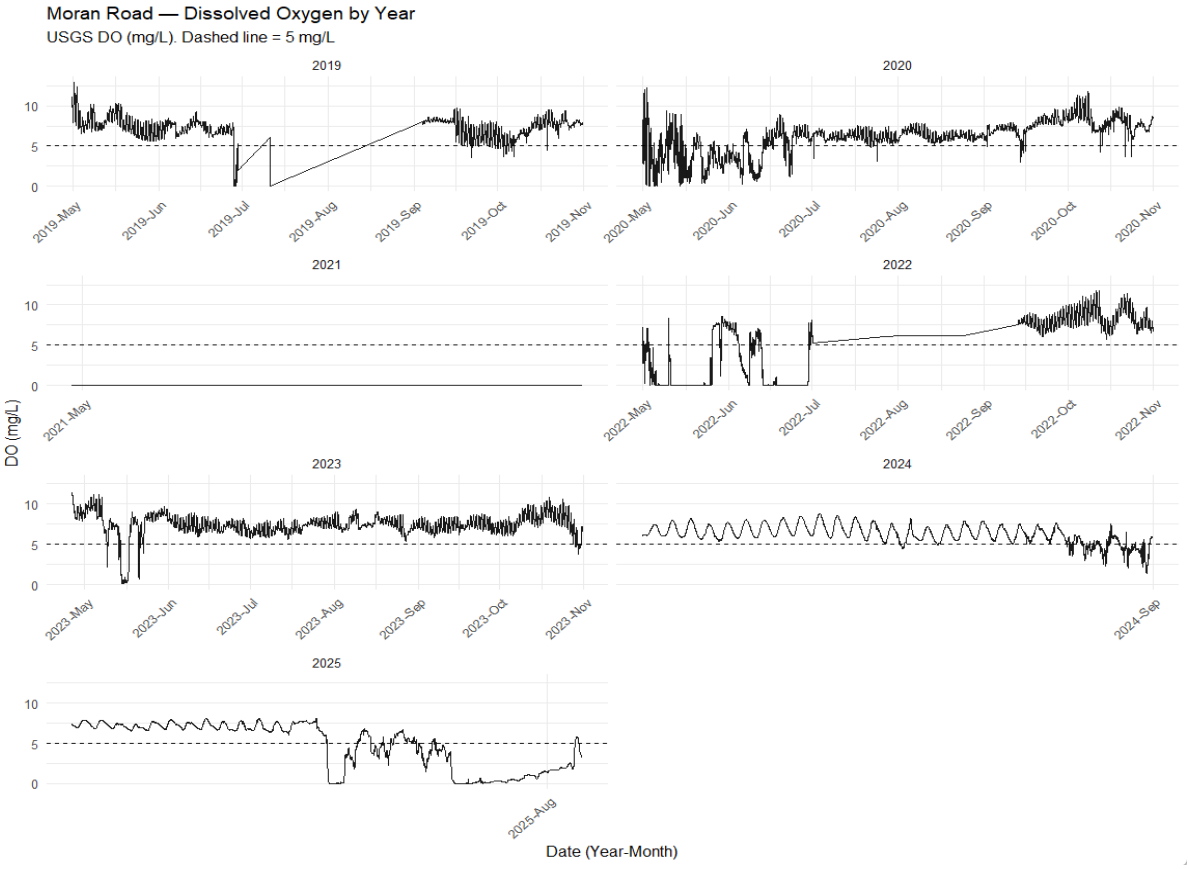

Figure 2. Caparison of Dissolved Oxygen between Moran Rd and Bellevue Gages in 2019

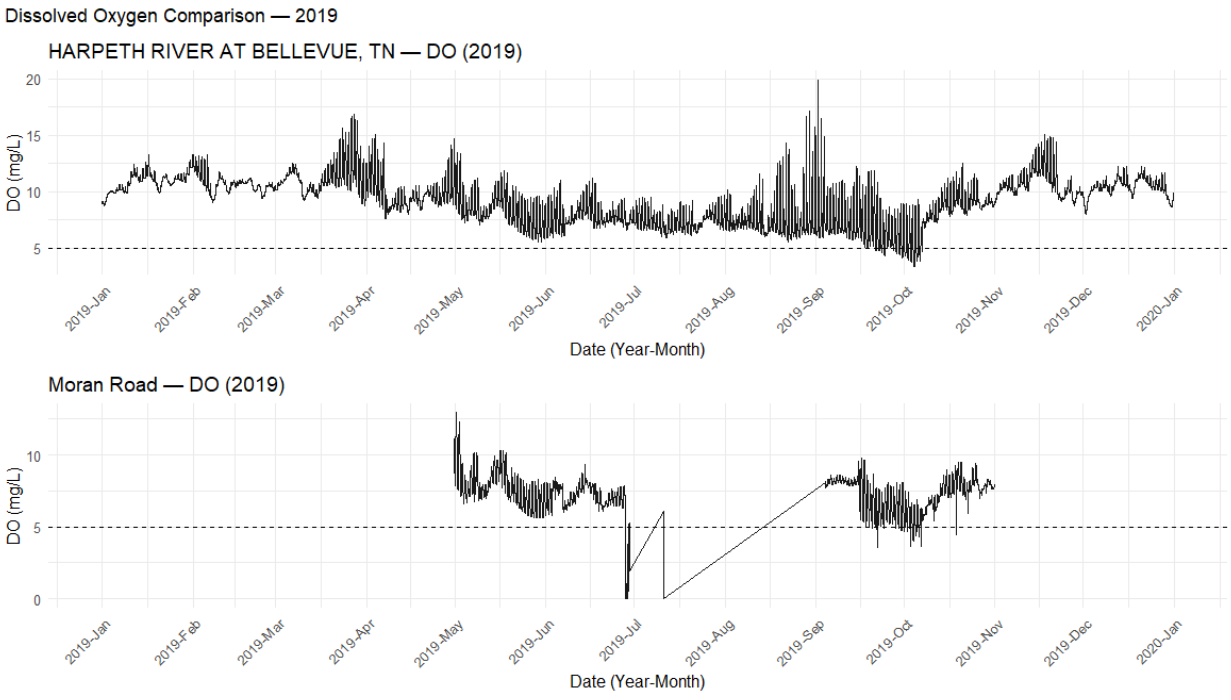

Figure 3. Dissolved Oxygen Data Collected Since 2014 in the Harpeth River Watershed (Including City of Franklin Data and All Available USGS Gage Data)