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## **Victory for Tennessean's Right to Know about Water Pollution**

*Enforcement and corrective actions to be posted on the web*

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*(Nashville, TN)* A section of the TN Clean Water Act of 2007 (HB1803/SB633), known as the Public Access Bill was passed unanimously by the general assembly late Monday night. Effective July 1<sup>st</sup>, the Tennessee Department of Environment and Conservation will be required to post all enforcement activity on the internet. When a developer pollutes our streams, the violations and penalties that TDEC brings against them will be available on the internet for public comment.

“For the first time in over thirty years, Tennesseans will know which contractors might expose them to liability and which protect our water resources,” said Renée Hoyos, Executive Director of the Tennessee Clean Water Network. “This is the first step in moving Tennessee toward more meaningful public participation in decisions that protect **our** water resources.”

Representative Frank Buck (D- Smithville) and Senator Jamie Woodson (R-Knox County) sponsored the legislation to efficiently increase public access to this public information on the internet.

Now, the public and those charged with making decisions on how to use our water resources, will have easy access to a developer's history of complying with our clean water laws. Anyone will be able to access enforcement actions signed by the Water Pollution Control Director or the TDEC Commissioner as well as all Water Quality Control Board decisions.

Having access to which polluters can be classified as bad actors, with multiple cases of violating our clean water laws, is integral to protecting all our water resources. For example, Tennesseans will know who has a demonstrated track record for polluting the Tennessee River with mud, a river that supplies drinking water to over 4 million Tennesseans.

To the same effect, the Mississippi provides water for drinking and industrial processing to 50 cities and more than 18 million people. Preserving the Obed and Duck Rivers remain for future generations to enjoy their beauty largely depends on preventing pollution that can choke out aquatic life.

Previously, the information was only available to people who had called TDEC to follow up on a pollution complaint or drove to Nashville to review files.

The Tennessee Clean Water Network is moving forward with a petition to the Water Quality Control Board for internet access to settlements called “agreed orders”. Agreed orders are signed by the polluter and TDEC in lieu of arguing before the Water Quality Control Board and letting the Board pass judgment on remediation and penalties. Publishing these agreed orders before they are heard was part of the Public Access Bill but was deleted by a senate amendment.

“I can only assume that the senators were unaware agreed orders are not allegations or TDEC’s opinions, but settlements signed by both parties that are brought before the Board for approval,” said Jennifer Gerbasi, Director of Programs and Legislative Affairs for TCWN.

TDEC gives incentives for parties to settle on the eve of the Board meeting, and are not available to the public or the Board until minutes before they are presented.

“It is unfortunate that these public documents won’t be posted online,” Gerbasi added. “The Board has requested on more than one occasion that they have a chance to read the agreed orders before they are expected to make a final decision.”

This is the kind of public involvement envisioned by the Clean Water Act and put into practice by the legislature.

The Public Access Bill was a part of five bills in the TN Clean Water Act of 2007. The purpose of the Act is to streamline TDEC’s enforcement process so corrective action can be taken before significant harm is done to our waters. Additionally, the Act will fund water protection from the pockets of polluters. Other provisions in the bill that would help prevent the state’s number one pollutant from entering our streams are: probationary permits, mandatory enforcement, mandatory fines and stop work orders.

“Moving forward with all provisions in the TN Clean Water Act puts Tennessee one step closer to ensuring all developers are skilled in protecting our waters,” stated Hoyos. “The Act also ensures taxpayer dollars are not wasted on habitual polluters who destroy our waters for their own private profit at the expense of the community. “

Rep. Frank Buck, Chairman of the House Environment and Conservation Committee, requested a summer study committee on the entire Act and committed to holding three site visits across the state for his Environment and Conservation Committee to learn more about stormwater pollution and the need for the TN Clean Water Act.

Sediment, or mud, is the state’s number one polluter of our waterways. Sediment in our waters increases flooding, degrades aquatic habitat, transports chemical and impacts our water supply.

*For more information on the TN Clean Water Act of 2007, including a fact sheet, visit <http://www.tcnw.org/campaigns/cleanwateract2007.php>*

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