

Phone: 865.522.7007
Fax: 865.329.2422
Email: info@tcwn.org

www.tcwn.org



P.O. Box 1521
Knoxville, TN 37901

706 Walnut St., Ste. 200
Knoxville, TN 37902

TN Clean Water Network and Members File Clean Water Act Suit

Absence of local leadership spawns law suit

FOR IMMEDIATE RELEASE:
September 20, 2006

Contact: Renee Hoyos, TCWN
865-522-7007
James McMillan, property owner
865-689-1502

(Knoxville, TN) Tennessee Clean Water Network and members Charles and James McMillan filed a 60 day notice of intent to sue under the Clean Water Act against developer and Mayor Ragsdale supporter Victor Jernigan. Filed in response to inaction by local and state governments to enforce clean water laws, the suit alleges 18 documented water pollution violations and subsequent violations for every .1 inch rain event since July 2004.

“Expect residents of Knox County to continue exercising their legal right to clean water in the absence of Mayor Ragsdale’s and TDEC’s leadership to protect our water from over development.” Said Renee Hoyos, Executive Director for Tennessee Clean Water Network.

Other violations alleged in this 2 year time period include: engaging in construction activity not covered by their water pollution permit, polluting already impaired waters and failing to adhere to permit requirements thereby violating state and federal clean water laws.

“Stormwater runoff from this development prevents us from using our farmland because our land floods and the excessive mud in our water left the creek water undrinkable for our cattle herd.” Stated James McMillan, TCWN member and property owner in North East Knox County.

Despite an alarming amount of water pollution over the past 2 years and the McMillan’s sending in documentation of the pollution; the TN Department of Environment and Conservation (TDEC) only issued one enforcement action: a notice of violation and Jernigan continued to pollute.

Despite Knox County’s authority to protect water and property from excessive volume (i.e. flooding from stormwater runoff) Jernigan continues to pollute Murphy’s Creek and a tributary to Loves Creek with excess sediment that in turn floods the McMillan’s farm.

Also note worthy is Victor Jernigan is a supporter of Mayor Ragsdale’s 2006 re-election campaign.

“Victor Jernigan’s Washington Square development is just one example of irresponsible development polluting our waters in Knox County.” Added Hoyos.

The beauty of utilizing the Clean Water Act as a tool to hold Mayor Ragsdale and TDEC accountable is citizens have the final say in matters such as these. That is, if local and state decision makers refuse to act to protect our waters, citizens can use the court system to protect our waters.

“Public participation in the Clean Water Act is beneficial in cases such as Knox County where local leaders and TDEC are lethargic to act to protect our waters.” Concluded Hoyos.

To solve Knox County’s flooding, runoff and property damage from over development Mayor Ragsdale and his staff need to have the will to comply with the requirements specifically spelled out in its state water pollution permit and enforce clean water laws.

Knox County falls under the state of Tennessee’s Municipal Storm Sewer System (MS4) phase II water pollution permit program to control sediment coming from developments like Jernigan’s. TCWN and TDEC pointed out several deadlines Knox County missed, including:

1. Not having a working ordinance to identify and prohibit illicit discharges by Dec. 18, 2003.
2. Not having a working construction site ordinance within 18 months of permit coverage (their permit was issued October 2, 2003). 18 months was April 2, 2005.
3. Not having a working construction site program by December 31, 2005.
4. In effect, Knox County needs a current drainage map to do all of the above but, they don’t have one.

In the absence of these deliverables, Knox County residents continued to be burdened with unbelievable amounts of muddy water leaving construction sites, damaging private property and polluting the waters of the state.

TDEC labels sediment as the state’s number one water polluter. Sediment in our waters increasing flooding, transport chemicals and destroys aquatic habitat.

The Tennessee Clean Water Network is the only statewide organization solely dedicated to protecting our clean water and organizing Tennesseans to protect the waters we live with and love.

For a copy of the 60-day notice of intent to sue Victor Jernigan for polluting waters of the state please visit www.tcwn.org

###