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PRESS RELEASE

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Tennessee Clean Water Network Puts Knox County Developers on Notice

Location – Knoxville, TN

Today the Tennessee Clean Water Network and 2 local residents filed a 60-Day notice of intent to sue in Federal Court against the developers of the Legends at Washington Pike Subdivision in northeast Knox County, Tennessee. The named defendants are Victor Jernigan, Jeff McBride (Babelay Farm, LLC, Babelay Farm II, LLC, and Clear Creek Construction, LLC), The Legends at Washington Pike, LLC, James Lee Sharp (Sharp Contracting, Inc) and David Hathaway (Hathaway Construction, LLC). The Network has documented hundreds of days of violation of the Federal Clean Water Act at the site over the past four months, including dozens of water quality violations.

“We’ve been watching this site get worse and worse. We have a new staff attorney and we’re suing. We want these guys to clean up and we want them to follow the rules in the future,” stated Renee Hoyos, Executive Director.

The Tennessee Department of Environment and Conservation issued a Director’s Order dated June 11, 2009. The order required a \$15,000 fine and a clean up schedule. Babelay Farms, LLC and Sharp Contracting, Inc. have appealed the order arguing that they were not responsible for the violations and that the penalty and clean-up orders were excessive. The Network is monitoring additional sites in Knox County that consistently violate the law and pollute our rivers. Mr. Jernigan is the developer of several of these Knox County sites.

“Mr. Jernigan is in violation of the federal Clean Water Act at just about all of his developments. These sites include Chestnut Ridge, Easterday Place, and Murphy Road Partnership, all in the Knoxville area,” says Ms. Hoyos. “Mr. Jernigan’s sites are the poster children of what not to do in a development. We started the Clean Water Legal Defense Fund so we can protect Tennessee’s beautiful rivers and streams from poor development practices through litigation.”

According to the State’s construction general permit, developers are supposed to design and implement controls to keep mud from leaving their construction sites and causing water quality

violations. Unfortunately, there is significant mud leaving this development site and polluting Murphy Creek, Whites Creek, and Love Creek.

“We have other developments in our sights.” says Ms. Hoyos. “We’re hoping this notice will be a wake up call to the development community - it’s time to start complying with your stormwater permits. The Network does not tolerate water pollution.”

For more information, copies of the notice and photos of the site go to www.tcwn.org/litigation/legends

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