

118a Complaint to the Commissioner
Specifically for TDEC failure to act

Your Address
Date

Tennessee Department of Environment and Conservation
Commissioner Jim Fyke
L&C Annex, 1st Floor
401 Church Street
Nashville, TN 37243-1534
Fax: 615-
Re: 118a complaint for TN WQCA Violation

Dear Commissioner,

As is my civic duty, I am informing you of a violation of the TN Water Quality Control Act and requesting that you resolve this issue. Due to the lack of enforcement in this important matter, please consider this as a Formal Complaint pursuant to T.C.A. 69-3-118(a). I am filing this complaint and ask that your department to investigate this offense of the state's Water Quality Control Act.

On [date], I informed [name] at the [TDEC field office] of [the disturbance] at [approximate location] and requested [request]. {I have provided [type of evidence- pictures, water samples, other witnesses, a tour of the site, etc.] of the violation to the Department, and t} The violation has continued without abatement or [effective] enforcement.

Permit Number: [you may have this from your original complaint]s

Violation: [In your own words. Examples: sediment leaving the site; muddy discharge downstream, into a storm drain, or into the street; erosion controls washed out and ineffective.]

Stream Name: [include 303(d) listing, Tier designation, or Scenic River status if known]

{**Weather conditions:** [measure of rainfall if known]}

As you are aware, this is a violation of the permit and is under your direct jurisdiction. It is TDEC's responsibility to enforce the provisions of permits that it issues. [Outline any action the field office took to resolve the situation]. TDEC's [lack of] response was insufficient to improve the condition of pollution or the compliance at the site. I again request that TDEC use its authority to initiate an enforcement action against the party responsible for the erosion control required by the permit and the TN Water Quality Control Act.

{I have [attached/enclosed] [evidence to support claim – at least the evidence you gave the field office] to this letter for your information. This evidence should also be part of the file in [field office] as I sent it to them on [date above].}

Please inform me in writing of the corrective actions you will take to protect our water resources from this [continuing] violation.

Sincerely,

[Your Name]

CC: (Faxes and addresses are available at www.tcnw.org/.....)
Deputy Commissioner Paul Sloan
Field office (See our site or <http://www.state.tn.us/environment/org/> for the field office address)

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[local elected officials]

EPA Region IV

, County Engineering Department

Chris Moran, Head of Enforcement, TDEC

, TDEC Field Office,

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