



**Office of the Attorney General  
Robert E. Cooper, Jr.**

## **NEWS RELEASE**

FOR IMMEDIATE RELEASE  
May 1, 2007  
#07-16

CONTACT:  
Sharon Curtis-Flair  
(615) 741-5860

### **ATTORNEY GENERAL, TDEC EXPAND LAWSUIT AGAINST MEMPHIS CONSTRUCTION COMPANY IN CRACKDOWN ON ALLEGED POLLUTERS**

Tennessee Attorney General Bob Cooper and the Tennessee Department of Environment and Conservation (TDEC) have expanded a lawsuit filed against a Memphis construction company and other defendants for alleged repeat violations of the Water Quality Control Act at 15 sites. The expanded lawsuit is the latest in a new joint initiative of the Attorney General's Office and TDEC to target the State's most serious repeat environmental polluters.

The Attorney General's Office filed the amended complaint yesterday in Davidson County Chancery Court against RUSCO Company and RUSCO officials William R. Hyneman and Donnie W. Culver, Jr. The complaint also includes Robert Pelts, the initial landowner and permit holder at one of the construction sites. The defendants are alleged to have repeatedly violated the Water Quality Control Act through construction activities.

The lawsuit, originally filed April 2004, was amended and now alleges repeated violations at fifteen sites, nine more than in the original lawsuit, as violations are alleged to have continued even after the filing of the original complaint. The alleged violations were noted during dozens of visits by TDEC personnel at fifteen residential construction sites in Shelby County from December 2000 to April 2006. For example, the amended complaint alleges the defendants conducted certain activities without first obtaining the appropriate permits, failed to install or maintain adequate erosion prevention and sediment control devices, and allowed sediment to enter waters of the State that resulted in a condition of pollution.

The amended complaint seeks to have civil penalties and damages assessed for alleged violations of the Water Quality Control Act. Applicable law states that the civil penalties imposed can be as much as \$10,000 per day per violation. The amended complaint also seeks permanent injunctive relief, pursuant to applicable law, against RUSCO Company and William R. Hyneman, which would mandate future compliance with the Water Quality Control Act.

(MORE)

“When TDEC's administrative enforcement measures fail to compel compliance, the Attorney General and his staff are important partners in our work to preserve and protect the right of the people of Tennessee to have safe and clean water,” said TDEC Deputy Commissioner Paul Sloan. “We look forward to a day when such lawsuits are unnecessary, and to that end, we have launched a range of education and outreach initiatives to develop a more integrated approach to construction storm water permitting and compliance in Tennessee.”

General Cooper announced the new initiative in February to crack down on the State's most serious environmental offenders. “We are going to target the regulatory areas or industries with the most serious compliance problems — in number of violations and severity— and come down on them with both feet,” General Cooper said. “This is designed not just to stop the specific offender but also to send a general deterrent message to the rest of the area or industry.”

The Attorney General explained the initiative would first concentrate on construction storm water permits, which TDEC has identified as the top non-compliance problem. “These permits are important because they are designed to prevent the serious harm to aquatic life that occurs when soil runs off from construction sites into nearby creeks and streams.”

This announcement closely follows TDEC's \$4.5 million in civil penalties and damages that have been levied against five East Tennessee developers for polluting streams near their work sites in Marion, Franklin, Polk, Loudon and Humphreys counties.

###