



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NASHVILLE, TENNESSEE 37243-0435

DAVID W. SALYERS, P.E.
COMMISSIONER

BILL LEE
GOVERNOR

February 20, 2026

Re: Clarification of TDEC's Regulatory Authority Regarding "Farm Pond" Projects Involving Mineral Extraction and Processing Activities

Dear Local Government Officials:

The Department of Environment and Conservation (TDEC) is writing to provide clarification regarding recent questions and concerns about projects described as "farm ponds" that involve mineral extraction and processing activities, including limestone excavation and crushing. We appreciate the opportunity to explain TDEC's role and, equally importantly, the limits of our authority in these matters.

TDEC's involvement in these projects is narrow and specific. TDEC is required under the federal Clean Water Act to issue National Pollutant Discharge Elimination System (NPDES) permits when mineral extraction or processing activities result in a discharge of pollutants. Federal law requires NPDES permit coverage based on the activity being conducted and the presence of process wastewater. TDEC also issues air quality permits limiting emissions from certain processing equipment at these facilities. These permits only authorize the discharge of pollutants under specified conditions. **These environmental permits do not authorize the underlying activity.**

TDEC does not regulate zoning, land use, or whether a particular operation should be classified locally as a quarry or mine. Those determinations rest entirely with local governments, including enforcement of local zoning ordinances and land-use restrictions. Likewise, TDEC does not determine whether an activity is covered under the Tennessee Right to Farm Act, a statutory protection for farms against nuisance claims found in T.C.A. §§ 43-26-101 to -104. Similarly, TDEC does not determine the application of T.C.A. § 13-7-114 regarding limitations on county regulation of land used for agricultural purposes. It is also outside of the scope of TDEC's authority to determine whether the activities are agricultural **and its impact to local government authority in** T.C.A. § 13-7-114. The applicability of those statutes is outside TDEC's regulatory authority and is evaluated by local governments and, if necessary, the courts.

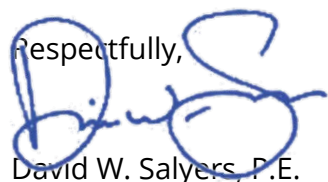
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We recognize that confusion has arisen in some communities when TDEC permits are interpreted as permission to operate or as overriding local authority. That is not the case. TDEC permits do not supersede or replace any local, state, or federal approvals that may also be required. Local governments retain full authority to determine whether an activity is permissible in their jurisdiction, regardless of whether a TDEC permit has been issued. TDEC has taken proactive steps to address these issues, including engaging with consultants to discourage mischaracterization of projects and working internally to improve consistency and clarity in permit language. Our goal is to protect Tennessee's water resources while ensuring transparency about the distinct roles of state and local government.

We hope this clarification is helpful as local officials respond to constituent concerns. TDEC remains available to provide technical information regarding water-quality and air permitting and to support constructive coordination with local governments within the bounds of our statutory authority. If you have any questions, please feel free to reach out to Jeremy Hooper, TDEC Bureau of Environment Advisor, at 615-686-7847 or Jeremy.Hooper@tn.gov. We strongly encourage you to reach out whenever guidance is needed to help prevent confusion moving forward.

Respectfully,


David W. Salyers, P.E.
Commissioner