



TENNESSEE CHAMBER of Commerce & Industry

TENNESSEE MANUFACTURERS ASSOCIATION

July 25, 2019

Division of Water Resources
Tennessee Department of Environment and Conservation
Attention: Britton Dodson
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243

VIA ELECTRONIC MAIL

Britton.Dotson@tn.gov

Re: Comments to Proposed Rules, Chapter 0400-40-06 State Operating Permits

Division of Water Resources,

On behalf of the Tennessee Chamber of Commerce and Industry (“The Chamber”) we are submitting the following comments to the Tennessee Department of Environment and Conservation (“TDEC” or the “Department”) regarding a proposed new rule for water quality permitting regulations contained in Chapter 0400-40-06, State Operating Permits (“SOPs”). TDEC held a public hearing concerning the proposed regulatory amendments on July 15, 2019, and announced they would receive comments through close of business on July 25, 2019.

The Chamber serves as the primary voice of diverse business and manufacturing trade interests on major employment, economic and environmental issues facing public policy decision-makers in Tennessee. We also work to foster harmonious relationships between the various elements of the Tennessee business community and to serve as an umbrella organization for companies, trade associations and chambers of commerce to work together for the economic health of the state. The Chamber’s members operate both large and small businesses throughout Tennessee and in this capacity, the Chamber represents a large and diverse portion of the regulated community that will be affected by proposed changes to Tennessee’s water quality permitting regulations.

The Chamber believes strongly in the importance of protecting the natural environment, including water quality, but support doing so in a manner that appropriately balances the many facets of environmental regulation. The Chamber appreciates the opportunity to provide the comments presented below to TDEC. The Chamber would be happy to discuss any of these comments with TDEC as the Department moves ahead with efforts to finalize the proposed changes to Tennessee’s water quality regulations.

Comments:

The Chamber understands and appreciates TDEC's decision to create a separate regulation (chapter 0400-40-06) to govern State Operating Permits (SOPs) or non-discharging wastewater management systems. Recent legislative initiatives, policy discussions and recent changes in the law governing SOPs warrant this action. We agree with the logic to create a stand-alone regulation to govern these systems and the need to address general issues that require additional clarification. However, portions of the new rule create barriers that restrict current acceptable land application practices that provide adequate treatment of wastewater.

We have reviewed the comments of Michael Hines, P.E. of Southeast Environmental Engineering dated June 27, 2019. Our members share the concerns he expressed that the proposed new rules eliminate accepted good engineering design by Tennessee Licensed Professional Engineers. We agree that aspects of the rule elevate TDEC to the role of system designer, stepping beyond the state's role as a regulator monitoring the performance for drip sewerage treatment systems. We concur with Mr. Hines that significant portions of this rule should be rewritten to provide engineers the flexibility to design systems and utilize effective practices that account for Tennessee's diverse topography and geology. TDEC should maintain its role a regulator, ensuring that systems perform as designed and meet water quality standards.

Overall, The Chamber believes additional time and care should be taken to seek additional stakeholder input and substantially revise this rule. While the Department may not desire to suspend the current rulemaking process, we encourage TDEC to extend their internal deadlines to consider all comments, seek additional feedback from knowledgeable practitioners and have additional conversations with stakeholder prior to submitting this new rule.

The Chamber looks forward to continuing to work with the Division of Water Resources and renew our call for the Department to hold ongoing periodic conversations on water related issues to ensure that modifications to the rules do not disrupt the permitting process.

Sincerely,



Charles Schneider
Associate Vice President for Government Relations / Environment & Energy
Tennessee Chamber of Commerce & Industry
Tennessee Manufacturing Association