

Current Water Supply Issues Across Tennessee

Lynnisse Roehrich-Patrick, Sr. Public Policy Consultant, TACIR

Cumberland Plateau—utilities in this headwater region continue to struggle with drought; TDEC and the Corps offer aid in the form of studies to identify long-term, cost-effective, low-impact solutions; TDEC requires utilities to form a regional team to cooperate in the study; Southeast Tennessee Development District takes responsibility for forming the team. Important to know: Utilities in the Sequatchie Valley sub-region of the Cumberland Plateau may have conflicting interests, with downstream users concerned that an upstream dam would adversely affect their current water supply, making the need for a regional study—and regional cooperation—more critical. Although the City of Pikeville and the Fall Creek Falls Utility District have been the focus of concern lately, counties of the northern plateau including Morgan and Scott experienced similar problems and warrant continued attention. Fortunately, TDEC’s effort to create [a framework for regional water resource studies](#)—an outgrowth of 2007-2008 worst-ever-recorded Tennessee drought—resulted in a support system for just such endeavors.

Middle Tennessee—utilities dependent on tributary reservoirs remain engaged in drawn-out effort to gain sufficient water supply allocations to meet growing demand as the Nashville area expects a million more residents by 2040; Rutherford County depends on J Percy Priest Lake (JPP) but was advised in 2009 that their storage allocations would not yield the amount of water expected under their 2003 contracts; growth has escalated since then, but efforts to resolve the issue have been stymied by the Corps’ delays in completing its study. Important to know: JPP is the by far the smallest Tennessee lake subject to these agreements yet is already subject to the largest water supply reallocation—[the fourth largest percentage-wise \(14.96%\) in the entire US](#). The Corps has proposed a [rule to clarify and standardize its approach to water supply storage and accounting](#) (the comment period closes on February 14; an extension has been requested); interests and concerns about the rule vary across the country with geography and water law, meaning states may be unable to agree on what they want in the final rule, particularly in relation to the role of states—most eastern states, like Tennessee, do not now play a role in water allocation.

Memphis Area—TVA’s drilling of wells to access water to cool its new Allen Combined Cycle Plant raises concerns about potential for pollution of the Memphis Sand Aquifer; TDEC granted permits, but the controversy continues; legislators from the area propose a regional entity to oversee the aquifer. Important to know: The State of Mississippi continues to pursue its claim that Memphis is stealing its water, and its federal case remains in the hands of the US Supreme Court. The Solicitor General of the United States has weighed in with an [amicus brief in support of Tennessee](#); the case is currently in the hands of a special master who has [ordered a hearing](#) on the narrow issue of whether the aquifer is an interstate resource. This case is the Court’s first to raise the issue of rights to groundwater reserves that lie beneath multiple states. How the issue is resolved could have ramifications across the country.

Possible Takeaways

- The still largely informal regional water resource planning structure developed by TDEC may need some shoring up as the need for such studies grows.
- Regional cooperation supported by federal, state, and local water supply entities may require a formal statutory structure.
- Water supply policy officials in Tennessee should follow development of the Corps’ proposed rule closely to ensure that the final version supports rather than disrupts the state’s water supply planning efforts.
- Likewise, they should follow closely *Mississippi v. Tennessee* in the US Supreme Court.
- The Commission may want to hear about these issues from TDEC, the Corps, and the Tennessee Attorney General.