

TCWN's Top 10 BAD Bills of 2010

SB0631 (Southerland)/HB1616 (McCord) - Shifts burden of proof for economic and social necessity to the public for high quality waters when the project is publicly funded – violates CWA and public money can not alone justify polluting our waters.

SB633 (Southerland)/HB1617 (McCord) - Creates definition of "limited resource waters" as those not attaining their designated uses due to natural occurrences or modifications and exempts them and wet weather conveyances from the definition of "waters" – threatens hundreds of miles of streams in Tennessee by stripping away protection.

SB634 (Southerland)/HB73 (McCord) - Prevents prompting of inspections from anonymous communication and requires stream determinations when a complaint is based upon discharging without a permit into an unnamed stream – Takes protection away from whistleblowers and prevents the public from voicing their concerns and being protected at the same time.

SB1207 (Woodson)/HB1205 (McCord) - Requires WQCB to hear and decide on permit appeal hearings within 90 days; provides the WQCB can deem an appeal frivolous and award fees and expenses to applicant; determines if declaratory order is not heard by the WQCB within 90 days it is a refusal to hear the case- Denies the opportunity for hearings in front of the WQCB, if delayed and bias towards permit applicants as the only party eligible for recovering costs.

SB1331 (Yager)/HB1204 (McCord) - Requires state water quality criterion for selenium to match that of the draft federal standard – Locks Tennessee into federal draft standard not protective of water quality and not scientifically upheld.

SB1335 (Yager)/HB0941 (Ferguson) - Requires department to give a public or private utility or municipality at least 24 hours notice prior to conducting an inspection, site visit, records review, sampling event, or other regulatory action – Provides opportunity for sewage treatment plants to cover up problems.

SB1112 (Overbey)/HB1622 (McCord) - Prevents new air and water quality rules, standards, permit limits from exceeding federal requirements – Prevents Tennessee from protecting its unique resources when the federal government doesn't and denies the state its right to decide for itself.

SB2154 (Finney)/HB2154 (McCord) - Exempts activities covered under permits as "nuisances" - Permit or no permit, no one has a right to create problems to other people's properties, and citizens have a right to recover damages if someone else negatively impacts their property.

SB3479 (Jackson)/HB3630 (Fincher) – Prevents nuisance and regulatory actions against activities in existence for at least 7 years – Broadly exempts activities from legal responsibility and removes Tennesseans from nuisance protection.

SB3620 (Yager)/HB3482 (Ferguson) – Removes money collected from penalties and damages from Environmental Protection Fund – Places the financial burden of protecting against pollution on the citizens rather than the polluters.