

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2313 - SB 2229

February 24, 2018

**SUMMARY OF BILL:** Prohibits the Department of Environment and Conservation (TDEC) from bringing an enforcement action against a national pollutant discharge elimination system (NPDES) permit holder for discharges that were known to TDEC or were within the reasonable contemplation of TDEC.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Tennessee Code Annotated § 69-3-108 requires every person carrying on certain activities to file an application for an NPDES permit.
- The proposed legislation prohibits TDEC from bringing an enforcement action against permit holders for discharges that were known to TDEC or were within the reasonable contemplation of TDEC.
- The proposed legislation provides that “reasonable contemplation” may be established by (1) the common or general knowledge of TDEC, (2) the disclosure of discharges by the applicant during the application process, or (3) the submission of other information by a third party to TDEC during the application process.
- The proposed legislation is akin to a permit shield.
- The proposed legislation will not significantly impact the operations of TDEC or the Water Quality Control Board.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee".

Krista M. Lee, Executive Director

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