

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2313 – SB 2229

March 7, 2018

**SUMMARY OF ORIGINAL 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.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (014469):** Deletes and rewrites the proposed legislation to limit application of the proposed legislation to national pollutant discharge elimination system (NPDES) permits and to limit the discharges covered by the proposed legislation to those expressly disclosed to the TDEC in the permit application.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- 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 expressly disclosed to TDEC in a permit application.
- The proposed legislation is akin to a permit shield provided under the federal Clean Water Act, 33 U.S.C. § 1251 et seq.
- The proposed legislation will not significantly impact the operations of TDEC or the Water Quality Control Board.

HB 2313 – SB 2229

**CERTIFICATION:**

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



Krista M. Lee, Executive Director

/trm