

SENATE BILL 2229

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 69,
Chapter 3, Part 1, relative to water quality control.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 69-3-108, is amended by adding the following as a new subsection:

(v)

(1) Compliance with a permit issued under this section shall be deemed compliance, for enforcement purposes, with:

(A) The Water Quality Control Act, compiled in this chapter; and

(B) Sections 301, 302, 306, 307, 318, 403, and 405 of the Federal Water Pollution Control Act, codified in 33 U.S.C. § 1251 et seq., except any standard imposed under Section 307 of the Federal Water Pollution Control Act for a toxic pollutant injurious to human health.

(2) The department shall not enforce an action against a person discharging pollutants into waters of the state if the department was aware of the discharge of such pollutants, or if the discharges were within the reasonable contemplation of the department, prior to the issuance of a final permit. For purposes of this subdivision (v)(2), "reasonable contemplation" may be established by:

(A) The department's common or general knowledge;

(B) The disclosure of discharges by the person discharging pollutants during the permit application process; or

(C) The submission of other information to the department, including comments made to the department by third parties or by other written means during the permit application process.

SECTION 2. The board of water quality, oil, and gas is authorized to promulgate rules to effectuate the purposes of this act for the programs under its authority. All rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.