

# Environmental Law

The newsletter of the TENNESSEE BAR ASSOCIATION'S Environmental Law Section



## 2002 Environmental Legislation

By Alan Leiserson

Although most people will remember the 2002 legislative session for the budget battle, a number of bills passed that affect environmental programs. Not all of them are major changes, but for people (clients) who are affected the impact is likely to be important.

There were bills passed that affect the following TDEC programs:

- Air Pollution Control (APC)
- Dry Cleaner Environmental Response (DCERP)
- Natural Heritage (DNH)
- State Parks (TSP)
- Solid Waste Management (SWM)
- Underground Storage Tanks (UST)
- Water Supply (DWS — both Public Water Systems and Water Well Drillers)

P.Ch. 701 creates a new mechanism for provisions in EPA's rules under the Clean Air Act to find their way into permits issued by APC. This brief Act authorizes the APC Board to promulgate a rule that in turn will authorize the technical secretary to issue permits containing all provisions applicable to a source from all effective state and federal rules. Because one effect of having this mechanism available may be that APC will engage in fewer rulemakings to adopt federal rules, the Act also states that if EPA rolls back federal requirements, the board is to consider rulemaking on the issue. This provision was added to ensure that if standards are relaxed at the federal level, there will be a public rulemaking process at the state level to allow input on the policy question of whether Tennessee should follow suit or be more stringent than EPA.

The Dry Cleaner program in TDEC's Division of Superfund has wanted to amend its statute for a

number of years. (It was enacted in 1995, creating an alternative to superfund for sites where drycleaning solvents have been released. The program has its own fund and is financed by fees and surcharges on the industry.) This year the bill made the cut. P.Ch. 598 revised a number of definitions to make them more accurate. It changes the basis for both the amount of fee to be paid and the amount of deductible paid on a clean-up from a system based on the number of employees to one based on the amount of solvent used at a facility. Not only does this more accurately reflect the item that creates the environmental hazard, the program receives figures from the wholesalers on how much solvent they sell and to whom. The bill also contains a "permit override" provision for DCERP clean-ups modeled on the one in the superfund statute, *Tenn. Code Ann.* §68-212-222.

As has happened in most years of the Sundquist administration, P.Ch. 770 added new areas to the State Natural Areas program and added additional acreage to existing natural areas. It also created a voluntary registry program for the scenic rivers program, comparable to the one set forth in the Natural Areas Act. The original bill would have added part of the Wolf River to the Scenic Rivers program and Scott's Gulf as a Natural Areas, but those were deleted when opposition developed.

State Parks was one of a few state programs that were the subject of a revenue measure early on in the session. P.Ch. 587 addressed homeland security and parks revenues for the 01-02 fiscal year. Another bill which became P.Ch. 608 prohibited clear-cutting in state parks except for cases of natural disaster or infestation. This was a codification of current parks policy.

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## From the Chair

I am thankful for the honor and privilege of being able to serve the Environmental Law Section as chair during 2002-2003. I have worked in the Office of General Counsel in the Tennessee Department of Environment & Conservation for approximately 10 years, first starting in March 1992. My tenure of service was interrupted briefly in 1998 when I soon discovered there are worse places to work than state government. I've gained experience in several different areas of environmental law: primarily solid and hazardous waste regulation and Superfund before 1998; since 1998, primarily air pollution and several issues related to the Department of Energy in Oak Ridge and the state's regulatory oversight of the Cold War legacy of environmental contamination.

I'm originally from Johnson County in the far northeastern corner of the state. I am married and have two daughters, Katherine (Katie), age 11 and Amelia (Amy), age 9. My wife, Janet, teaches school. I attended East Tennessee State University (ETSU) and the University of Tennessee College of Law.

I want to acknowledge and show appreciation for the leadership that Sheri Jacobs provided this past year. There were several notable accomplishments for the section under her tenure. These include the seminar in December, the Solid Waste Conference in May, and the improvements to the section website. The section also had a program at the Annual Convention. Looking forward to plans for this year, we need to continue to emphasize ethics in light of the upcoming changes from the adoption of new ethics rules by the Tennessee Supreme Court based on the Model Rules of Professional Conduct. This will be the focus for final development of an on-line CLE. This will also be the basis for another CLE by teleconference that Jim Wright is putting together for December 11 (see registration information on page 5). Finally, I have been told that the Tennessee Bar Association annual convention next June 11-14 in Memphis will have the new ethics rules as its focus.

In addition to the emphasis on ethics, I would like to do some sort of substantive CLE program in addition to a program at the Solid Waste Conference. This would need to be in the spring, but it might not be necessary if there is an ABA conference for Region IV as has been done in the past. Last, but certainly not least, I know that we can continue to have newsletters. Karen Stachowski has the tenacity and the organizational skill to collect the work from many busy people and put out a newsletter four times, as did Jim Wright this past year.

I want to use this column that I will write four times over the coming year in a different way than what has been done in prior experience. You've heard the trite expression about not seeing the forest for the trees; as environmental lawyers, we do not often look outside the intricacies of statutes and regulations to ask the question of how well does the law actually serve the purposes for which it was intended. Lawyers for the most part rarely think about underlying policy. So, I want to use this column to talk a bit about policy.

I would like to share some ideas from a book written by Stephen Breyer (now an associate justice of the U.S. Supreme Court) called *Breaking the Vicious Circle: Toward more Effective Risk Regulation* (Harvard University Press: Cambridge, Mass. 1993). The book stirred some controversy — in small esoteric circles, even playing a role in Senate confirmation hearings for Breyer upon his appointment to the Supreme Court by President Clinton — when it was published. The book still interests me almost a decade following its publication, because it asks a basic question about the effectiveness of what we are doing as lawyers in our society in protecting the environment and human health through a myriad of law and regulations.

Trees grow in forests in temperate climates, but there are trees in the jungles in tropical climates. Leadership expert, Stephen Covey, in his popular book *The Seven Habits of Highly Effective People* ( Fireside — Simon & Schuster: New York 1989) provides an apt illustration about leadership using a jungle expedition as a figurative example.

In the words of both Peter Drucker and Warren Bennis, "Management is doing things right; leadership is doing the right things." Management is efficiency in climbing the ladder of success; leadership determines whether the ladder is leaning against the right wall.

You can quickly grasp the important difference between the two if you envision a group of producers cutting their way through the jungle with machetes. They're the producers,

*continued on page 4*



## From the Immediate Past Chair

**A**s the immediate past chair of the Environmental Law Section, I look forward to another exciting year with the Tennessee Environmental Law Section of the Tennessee Bar Association. The new chair, Mr. Steve Stout, asked that I write a concluding article for this newsletter. As such, I would like to again thank the people that actively participated while I was chair of the Environmental Law Section.

Most recently, the White Water Rafting Trip and the Water Quality CLE course that was offered at the Tennessee Bar Association Convention on the Federal Clean Water Act and the State Clean Water Regulations was not only educational but lots of fun. It was great seeing Justice Drowota and Allan Ramsaur floating on the river as well as the teenagers that accompanied their parents. Many thanks go to Carter Gray for coordinating this effort. I know Carter has worked long and hard to see lawyers floating on the river. We had a great time together and I was pleased to block the water for Carter and Larry Smith since they

strategically positioned me in the front of the raft with Shawn Carter, the up and coming Gray family lawyer.

I had the opportunity to meet other immediate past chairs at the Tennessee Bar Leadership Conference. I hope that everybody has benefitted this year from their participation in the TBA's Environmental Law Section. My experience with the executive committee has been rewarding, not only on a professional level, but also on a personal level with the friends I have made across the state.

It has been a pleasure to serve as your section chair. I have enjoyed working with everyone in the section, and I hope everyone feels their practice has been enhanced by being a member of the TBA's Environmental Law Section. ■

*Sheri Jacobs is immediate past chair of the TBA's Environmental Law Section. She is a partner in the firm of Wyatt, Tarrant and Combs LLP in Nashville; and has previously served as assistant attorney general for the Tennessee Attorney General & Reporter's environmental division; and as assistant general counsel for the Tennessee Department of Environment and Conservation.*

2002-2003 Environmental Section chair  
Steven Stout presents a ceremonial  
gavel to Sheri Jacobs, a partner at  
Wyatt, Tarrant and Combs, in  
recognition of her work as the section's  
chair during the 2001-2002 term. Stout  
is a staff attorney with the Tennessee  
Department of Environment and  
Conservation.



## Editor's Notes

**I** have quite a daunting task this year, which is to follow in the footsteps of Jim Wright as the editor of this newsletter. I am fortunate that Lynn Pointer with the TBA is here to help me with my task. I haven't yet cultivated Jim's talent for attracting the writing talents of various members of the Tennessee Bar, but hope to do so in the very near future — say by the next issue of the newsletter. I would encourage all members in TBA's environmental section to contact me at [karen.stachowski@tn.state.us](mailto:karen.stachowski@tn.state.us) with suggestions, announcements, news, and articles for the newsletter. ■ *Karen Stachowski*

## From the Chair, *continued from page 2*

the problem solvers. They're cutting through the undergrowth, clearing it out.

The managers are behind them, sharpening their machetes, writing policy and procedure manuals, holding muscle development programs, bringing in improved technologies and setting up working schedules and compensation programs for machete wielders. The leader is the one who climbs the tallest tree, surveys the entire situation, and yells, "Wrong jungle!" But how do the busy, efficient producers and managers often respond? "Shut up! We're making progress" (Covey, p. 101).

I believe that lawyers are by the nature of what we do managers. But we can be leaders, too. Let us aspire to be leaders.

In contemplating how we might become leaders, I think that we should look at three major problems in environmental regulation that Breyer identifies:

- 1) tunnel vision (or "the last 10 percent"),
- 2) random agenda selection, and
- 3) inconsistency.

I would like to share a little about these three problems in my first three columns and then discuss the Breyer's solutions and the controversy they generated in my final column as chair. I think that it is fair to say that the bulk of the controversy that the book has generated relates to the solution and not to the problems. I think the problems are self-evident. Feel free to agree or disagree with me — vigorously or even vehemently.

Breyer defines and describes the first problem: tunnel vision or the "last 10 percent."

Tunnel vision, a classic administrative disease, arises when an agency so organizes or subdivides its tasks that each employee's individual conscientious performance effectively carries single-minded pursuit of a single goal too far, to the point where it brings about more harm than good. In the regulation of health risks, a more appropriate label is "the last 10 percent," or "going the last mile" (Breyer, p.11).

Breyer gives an example of this problem from a case over which he presided as a federal judge. (Again, this book was written before Breyer's appointment to the U.S. Supreme Court, but prior to his appointment to the Supreme Court he was a judge on the federal First Circuit Court of Appeals. Before becoming a judge, he taught at Harvard Law School.) He had been a federal Court of Appeals judge and a law professor at Harvard before.)

Let me provide some examples. The first comes from a case in my own court, *United States v. Ottati & Goss*, arising out of a 10-year effort to force cleanup of a toxic waste dump in southern New Hampshire. The site was mostly cleaned up. All but one of the private parties had settled. The remaining private party litigated the cost of cleaning up the last little bit, a cost of about \$9.3 million to remove a small amount of highly diluted PCBs and "volatile organic compounds" (benzene and gasoline components) by incinerating the dirt. How much extra safety did this \$9.3 million buy? The 40,000-page record of this 10-year effort indicated (and all the parties seemed to agree) that, without the extra expenditure, the waste dump was clean enough for children playing on the site to eat

*continued on page 7*

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## Education Opportunities: Fundamentals of Erosion Prevention and Sediment Control Workshop

In cooperation with the Tennessee Department of Environment & Conservation, the University of Tennessee is offering this workshop to the general public on several dates and various locations throughout the state. It is a foundation-building course intended to educate individuals regarding erosion and sedimentation processes and practices.

Registration for the course is limited to 50 participants. The course fee is \$75 dollars per person. Prepayment is required to guarantee seating. The course schedule is as follows:

Date	Location	Time (CDT)
October 22, 2002	Memphis	8am-4:30pm
October 24, 2002	Nashville	8am-4:30pm
October 28, 2002	Knoxville	8am-4:30pm
October 30, 2002	Chattanooga	8am-4:30pm

For course content questions, contact Tim Gangaware at 865-974-2151 or e-mail at [gangawrc@utk.edu](mailto:gangawrc@utk.edu)

A registration form is available on the web at [www.state.tn.us/environment/wpc/epsc\\_workshop.htm](http://www.state.tn.us/environment/wpc/epsc_workshop.htm)

If you have questions regarding registration, contact Gail Farris at 865-974-4774 or e-mail at [gfarris@utk.edu](mailto:gfarris@utk.edu)

TennBarU and the TBA Environmental Law Section Present ...

## ENVIRONMENTAL LAW ETHICS — VIDEO CONFERENCE

The new Model Rules have been approved and go in to effect March 1, 2003! The speakers on this video conference will focus on selected issues pertaining to these new rules as it would impact the environmental practitioner. Participants will be able to ask questions of the speakers. If you have an interesting environmental ethical issue you would like discussed, please submit it in advance by e-mail to Jim Wright at [jwright@bvblaw.com](mailto:jwright@bvblaw.com). You are welcome to come to the seminar with your question; however, because of the nature of the seminar format, the advance presentation of the issue may increase the chances of the issue being directly addressed.

The conference will be broadcast live from Johnson City, Knoxville, Chattanooga, Nashville, and Memphis. Participants are welcome to bring a lunch.

Space is limited.

### THE BASICS

**Producer:** Jim Wright, Butler, Vines & Babb, PLLC, Knoxville

**CLE Credits:** 1 ethics credit

**Date:** December 11

**Time:** 11:30 a.m. – 12:30 p.m. (CST); 12:30 p.m. – 1:30 p.m. (EST)

#### Will be broadcast from these locations:

Nashville – Baker, Donelson, Bearman & Caldwell PC, Commerce Center, 211 Commerce Street, Suite 1000

Knoxville – Baker, Donelson, Bearman & Caldwell PC, 2200 Riverview Tower, 900 South Gay Street

Chattanooga – Baker, Donelson, Bearman & Caldwell PC, 1800 Republic Centre, 633 Chestnut Street

Memphis – Baker, Donelson, Bearman & Caldwell PC, 165 Madison Avenue, Suite 2000

Johnson City – Baker, Donelson, Bearman & Caldwell PC, SunTrust Bank Building, 207 Mockingbird Lane

### FACULTY

Moderator: **Jim Wright**, Butler, Vines & Babb PLLC, Knoxville

Panelists: **Prof. Carl Pierce**, University of Tennessee School of Law, Knoxville

**Lance Bracy**, Board of Professional Responsibility

## ENVIRONMENTAL LAW ETHICS VIDEO CONFERENCE REGISTRATION

#### REGISTRATION IS EASY!

By INTERNET: Sign-up on-line [www.tba.org/registrar.html](http://www.tba.org/registrar.html)

OR By FAX: Complete this page and fax to 615-297-8058

OR By PHONE: 800-899-6993 or in Nashville 383-7421

OR By MAIL: Complete this page & mail to TBA, 221 Fourth Ave. N., Suite 400, Nashville, TN 37219

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/ZIP: \_\_\_\_\_

E-mail: \_\_\_\_\_

BPR#: \_\_\_\_\_

Telephone: \_\_\_\_\_

Choose a Location:

Nashville

Knoxville

Chattanooga

Memphis

Johnson City

#### Registration

\$25 for all attorneys (up to three days prior to program)

No charge for judges and law students who are TBA members

Late Registration: Please add \$25 if registering three days or fewer prior to seminar and at-the-door registration.

Total Amount: \$ \_\_\_\_\_

Payment method:  Check    

Card#: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Cancellation Policy: A \$25 administrative fee is charged for all cancellations.

# Tennessee Environmental Crimes Task Forces

There is a new kid on the block and its name is the West Tennessee Environmental Crimes Task Force (WTECTF). The WTECTF will cover the geographic area that includes the counties between the Mississippi and Tennessee Rivers and involves federal, state and local agencies. The Office of the United States Attorney for the Western District, the Tennessee Attorney General's Office, and the District Attorney General for the 30th Judicial District. Federal investigative agencies include the Federal Bureau of Investigation, the United States Coast Guard, United States Corps of Engineers, the Environmental Protection Agency, the United States Fish and Wildlife Service, and the Department of Transportation's Office of Inspector General. State agencies include the Tennessee Bureau of Investigation, the Tennessee Wildlife Resource Agency, and Tennessee Department of Environment & Conservation. Local agencies include the Memphis police and fire departments. On July 18, 2002, the U.S. Attorney's Office for the Western District announced that the federal grand jury returned an indictment charging Donald Ray Keel with one count of violating the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and nine counts of violating the Migratory Bird Treaty Act (MBTA). The case was investigated by the WTECTF.

The WTECTF is not alone in its environmental investigations. It is fortunate to have an older sibling in the East Tennessee Environmental Crimes Task Force (ETECTF) from which it can learn. Since 1991, the ETECTF has investigated and successfully prosecuted over 25 significant environmental crimes. The convictions have resulted in not only jail sentences, over \$1.5 million in fines, \$5.9 million in restitution, and over \$16.8 million in remediation. Presently, the ETECTF consists of state, local and federal agencies who donate resources to environmental investigations. From this group, six full-time federal agents (FBI, EPA-CID, TVA-OIG, TVA Police, and DOE-OIG) work on environmental enforcement. ■

TBA's Environmental Section sponsored the Ocoee rafting trip at the TBA Convention in June. Pictured here from left to right are Larry Smith (Wolf River Conservancy and CLE speaker at TBA Convention), Sheri Jacobs (Wyatt, Tarrant & Combs and 2001-2002 section chair) and Carter Gray (Memphis Regional Services and 2000-2001 section chair).



## Transitions & News

Jason D. Holleman, a member of the Environmental Section's Executive Committee, has joined Farmer & Luna PLLC as an associate. Holleman will practice in the areas of civil litigation, environmental regulatory and administrative law. Previously, he served as an Assistant Attorney General with the Tennessee Attorney General and Reporter's Office, Environmental Division. A Nashville native, Holleman earned his bachelor's degree from Samford University in 1995 and his law degree from Tulane University in 1998. In addition to his work with the Environmental Section of the TBA, Holleman serves as vice chairman of the Environmental Law Committee of the Nashville Bar Association.

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Sam E. Wallace Jr. has joined the Office of General Counsel, Tennessee Department of Environment & Conservation. Wallace was born and raised in Nashville. He earned his bachelor of arts degree from Vanderbilt University and received his law degree from Memphis State University. Wallace has 26 years in the private practice of law in Nashville at Wallace and Wallace Attorneys. Additionally, he has acted as special judge in the trial courts, general sessions courts and traffic courts of Davidson County on approximately 200 different occasions.

...

Devin Matthew Wells has joined the Office of General Counsel, Tennessee Department of Environment & Conservation. Wells earned a bachelor of arts degree in political science from the University of Tennessee at Knoxville and received his law degree from the Nashville School of Law. Wells was previously an associate with Byrd & Associates PLC in Murfreesboro and with Bullock, Fly & Hornsby in Murfreesboro. Additionally, he was the law clerk for Judge Muriel Robinson, Fourth Circuit, Davidson County. ■

small amounts of dirt daily for 70 days each year without significant harm. Burning the soil would have made it clean enough for the children to eat small amounts daily for 245 days per year without significant harm. But there were not dirt-eating children playing in the area, for it was swamp. Nor were dirt-eating children likely to appear there, for future building seemed unlikely (Breyer, p. 11-12).

EPA had spent this money and was pursuing a non-settling PRP in cost recovery. No one had thought to ask why spend \$9.3 million in the swamp. Since this book was published we have seen a consensus develop around the concept of clean-up based on foreseeable future land use and using institutional controls as a better way to run the federal and state superfund programs.

But why does saving money matter?

Breyer writes:

“(T)he reason that it matters whether the nation spends too much to buy a little extra safety is that the resources available to combat health risks are not limitless.”

There is an “opportunity cost” for tunnel vision. Are we hacking away in the “wrong jungle”? If our overall goal is to make the lives of people safer and healthier and resources are not unlimited, doesn’t it make sense to spend money as efficiently as possible so as to provide the most benefit for the greatest number of people?

Would \$9.3 million spent on the “swamp” really be re-allocated into spending for other programs? Maybe it’s politically incorrect to make the following statement:

“This vast sum may not be too much to spend on environmental protection. But it is too much to spend unwisely.”

This is a quote from former Senator Daniel Patrick Moynihan of New York in response to being told that in the

United States in the early 1990’s the public and private sectors spent \$150 billion a year — about 2 percent of the GDP — to comply with environmental and health laws. The quote is taken from an article in *Governing* magazine, “Weighted Risks: Trying to Put Worst Things First,” April 1994, p. 62.

Maybe society just might choose to re-prioritize the money spent on environmental regulations and clean-up to better promote the goals of protection of human health and the environment — if given the opportunity to spend the same amount of money being spent now more rationally?

If we take the \$9.3 million spent on the New Hampshire waste dump clean-up as an indicator of the general problem of high costs in trying for that “last 10 percent” (\$9.3 million times 26,000 toxic waste dumps is \$242 billion), we have an answer to the question, “Does it matter if we spend too much over-insuring our safety?” The money is not, or will not be, there to spend, at least not if we want to address more serious environmental or social problems — the need for better prenatal care, vaccinations, and cancer diagnosis, let alone daycare, housing, and education.

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In sum, the “dirt-eating children” example offers a powerful argument, as we shall see later, not necessarily for deregulation, but for a serious effort to prioritize, and perhaps to reallocate, our regulatory resources (Breyer, p. 19).

I hope these words will stimulate some thought. I welcome your comments ■

*Steve Stout works in the Office of General Counsel in the Tennessee Department of Environment & Conservation in Nashville. He attended East Tennessee State University and the University of Tennessee College of Law. Steve is married and has two daughters.*



## Environmental Law

### Have You Renewed Your Section Dues?

Don't let this be the last section newsletter you receive.

To join this section you may join online at [www.tba.org](http://www.tba.org) under TBA Information — Join the TBA, and check the Environmental Law box listed under sections.

If you need a membership application or more information about this section contact the TBA at 800.899.6993 or 615.383-7421.





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Environmental Law

## 2002 Environmental Legislation, *continued from page 1*

This year's revision to the Solid Waste Disposal Control Act is a very brief lender liability section. P.Ch. 556 states, "There is no liability or obligation for cleanup or remediation of any ... solid waste or baled waste facility or site ... on any person who, without participating in the management of the solid waste facility or site, holds indicia of ownership in such facility or site primarily to protect a security interest in the facility or site." Watch for a rulemaking that will provide some details.

The gist of P.Ch. 821 is that now people who own the property on which petroleum underground storage tanks are located will be able to access the UST fund. They will essentially step into the shoes of the tank owner and pay the fees and deductible that would have applied to the tank owner.

There were two bills that affected DWS. P.Ch. 602 makes two changes in the Safe Drinking Water Act. The change that was the primary motivation for the bill is to maintain consistency with EPA on notification of non-compliance. Public water systems will now have to notify DWS within 24 hours of non-compliance rather than 48. The other amendments to the act are minor revisions to the unlawful act section.

The second bill affecting DWS and the last one in this report is P.Ch. 800. This is probably the most significant environmental bill from a public policy perspective of the year. Some of you might remember that when the Inter-basin Water Transfer Act was passed two years ago, it was the first step of legislative action necessary to accomplish the goals of the Commissioner's Water Panel. P.Ch. 800 constitutes at least two more steps. The first section of the bill is a major re-write of the water withdrawal registration law. Chapter 8 of Title 69 required the regis-

tration of water withdrawals of over 50,000 gallons per day, or at least that was the intent. The actual language may or may not have accomplished that goal. The law had only a class c misdemeanor for enforcement and no rulemaking power. The new law applies to withdrawals of 10,000 gallons per day except for agriculture and has rulemaking and enforcement provisions comparable to other environmental statutes of the department. The second part of the bill rewrites another old law, the Water Well Driller's Act. It expands the scope of the law to cover geothermal and monitoring wells. The old water well act required notification after a well was drilled. The new one requires it before so that the department has the option of inspecting during construction. There are a number of other changes to the Act as well addressing issues that have come up over the years.

To end up on a tool box note, I would recommend these two web sites: • For public and private acts: <http://www.state.tn.us/sos/acts/acts.htm> • For the text of bills, amendments, fiscal notes, as well as the status of bills: <http://www.legislature.state.tn.us/bills/currentga/billLookUp.asp>

As is the nature of the web, the extensions on these URLs may be out of date because of changes on the sites by the time you use them. If that happens, or if you hate having to type URLs, go to the main page of the Legislature's or the Secretary of State's sites and you will be able to follow the links to the latest version of these pages. ■

*Alan Leiserson is the legal services director of the Office of General Counsel, Tennessee Department of Environment and Conservation. He and his family reside in Nashville.*