

SENATE BILL 631

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 69,  
Chapter 3, Part 1, relative to water quality  
standards for high quality waters of the state.

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

SECTION 1. Tennessee Code Annotated, Section 69-3-105, is amended by adding the following as new appropriately designated subsections:

( ) Notwithstanding any other provision in this title to the contrary, waters identified as impaired by the commissioner and that appear on the list compiled by the commissioner pursuant to Section 303(d) of the federal Clean Water Act shall not be considered exceptional or tier 2 waters.

( ) The general assembly hereby recognizes that in the application of water quality standards, publicly-funded projects are in the public interest. Where the board must make a finding of social and economic necessity related to degradation of any exceptional or tier 2 waters any degradation shall be presumed to be socially and economically necessary. The burden shall be on the opponent of such position to demonstrate by clear and convincing evidence that the degradation is not justified on the basis of social and economic necessity.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.