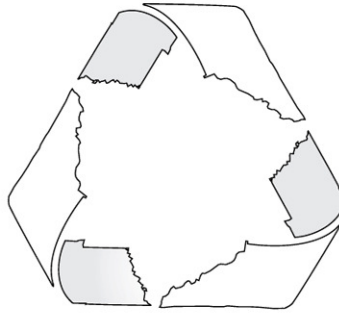


Tennessee Sustainability Draft Agenda 2010



SUSTAINABLE
TENNESSEE

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A project of the Tennessee Environmental Council
& Tennessee Conservation Voters



SUSTAINABLE TENNESSEE DRAFT AGENDA 2010

From the majestic mountain vistas in the east, forested woodlands of the Cumberland Plateau and rolling green pastures of middle Tennessee to the fertile farmlands in the west, Tennessee is blessed with an astounding natural environment, abundant wildlife and pristine mountain waters including some of the most diverse aquatic life on the planet, including seven of the eight most biologically rich rivers in North America. While these wondrous natural resources help keep Tennessee green and beautiful, more importantly Tennessee's natural resources are the backbone of our way of life, our economy, and the health of our communities.

Unfortunately, expanding populations, unplanned growth, deteriorating infrastructure, industrial processes and excessive extraction of natural resources increasingly threaten the sustainability of Tennessee, our way of life, economy and healthy communities.

Throughout 2009, clean air, water, land, energy and solid waste advocates from statewide conservation groups, businesses and other agencies met and conferred to prepare a sustainability policy agenda for Tennessee. This process will culminate in a two-day Summit in November 2009, with an expected 100 participants in attendance, representing over 75 organizations and businesses throughout the state. They will come together to discuss the next steps to create sustainability for Tennessee's unique environment and way of life. Looking at the need to preserve our natural infrastructure and promote safe, healthy communities, quality growth and sustainable energy, Summit attendees will agree on and finalize an "Agenda for a Sustainable Tennessee". (www.sustainabletn.org).

Following are the Summit's policy recommendations, both short and long-term, for state government actions for a Sustainable Tennessee.

SUSTAINABLE ENERGY

Making Tennessee a leader in clean energy will create jobs, reduce costs, enhance national security, restore our environment, protect our children, and make our state a leader in climate change solutions.

The State of Tennessee must promote energy conservation, energy efficiency and renewable energy development. Tennessee must develop a comprehensive state energy plan that meets the following criteria and ends the import of nuclear waste into the state and protects

Tennessee citizens from the dangers of nuclear waste storage.

Tennessee must set targets for energy efficiency and define a plan to meet milestones over the years. We must also aggressively support the growth of clean-energy markets by providing sustainable funding for energy efficiency and renewable energy incentives, consumer education, low-income services, R&D and environmental protection with the long-term goal of market transformation. We must also ensure that energy goals are clear, shared, measurable, and attainable to continue building momentum for the clean-energy economy and supports the recommendations of the State Climate Action Plan.

The State of Tennessee must also continue to support legislative initiatives recommended by the Governors' Energy Policy Task Force, including:

- Implementation and enforcement of updated residential and commercial energy building codes;
- Mandatory energy labeling requirements for homes, rental units, commercially leased space and businesses;
- Implement efficiency standards for appliances and electronics that are not covered under federal law;
- Ensuring the Lead by Example Initiative is implemented responsibly by requiring an agency by agency annual report card on progress toward achieving targets and an assessment of energy usage impacts to be third-party verified;
- Creation of a Sustainable Energy Department within the state government to coordinate activities on a statewide level and improve communication with local government and industry
- Identifying strategies to promote sustainable land development that will decrease vehicle miles travelled.

The State of Tennessee must pass legislation that reinstates, defines, and assigns authority for mandatory energy impact assessments on all new proposed legislation to ensure that new legislation does not lead to the unintended waste of energy resources.

The State of Tennessee must require that the Tennessee Department of Transportation (TDOT) conduct a review of its 25-Year Plan and 10-Year Investment Plan, including a report of energy and CO₂ GHG with goals set for reductions.

The State of Tennessee must require that all new TDOT transportation projects demonstrate a reduction in vehicle miles traveled. TDOT should reallocate highway funds for new lane miles to mass transit and evaluate solutions for avoiding new highway projects in favor of public transit and other mobility options for both passengers and freight.

Tennessee should provide incentives to municipal and county governments to develop sustainability plans, including Cool Cities and Cool Counties.

Tennessee must institute rate restructuring for natural gas, which is required for federal Recovery Act funding and could act as model for sustainable energy in the Southeastern U.S.

The State of Tennessee should support international agreements on global warming mitigation especially as it will assist Tennessee in improving its economy and number of jobs for the future.

Tennessee must require that the Tennessee Department of Transportation (TDOT) conduct a review of its 25-Year Plan and 10-Year Investment Plan including a report of energy and CO2 GHG with goals set for reductions.

Tennessee must require all new TDOT transport projects demonstrate a reduction in vehicle miles traveled. TDOT should reallocate highway funds for new lane miles to mass transit and evaluate how highway projects can be avoided through public transit or other mobility options for both passengers and freight.

The Tennessee Valley Authority must aggressively pursue energy efficiency and conservation to meet all future growth in energy demand. In addition, TVA must prioritize the development of all available renewable energy resources with the goal of displacing coal and nuclear generation and facilitating the closure of TVA's outdated coal and nuclear generation fleet.

AIR

A healthy life in Tennessee requires pure air for all to breathe. Today many areas of our state do not meet minimum standards causing increased health care cost.

The Tennessee Department of Environment and Conservation needs to cooperate with the State Health Department to quantify the excess health cost associated with non-attainment of

air quality standards.

The state Air Pollution Control Board and legislature must work together to implement a statewide ban on open burning to clear land for development or road construction, thereby reducing dangerous small particle air pollution.

The Tennessee Department of Environment and Conservation needs to provide technical grant writing assistance to local entities seeking funding for clean air initiatives.

To achieve reduction of ozone and small particle pollution, the reduced speed limits enacted in non-attainment areas need to be rigorously enforced.

WATER

Tennesseans need and deserve clean and pure drinking water. Protecting Tennessee's lakes, rivers and streams will ensure healthy communities and wildlife, sustainable economic development, and world-class tourism and recreation opportunities.

The State of Tennessee must defend the protection of headwater and ephemeral streams by refusing to pass legislation seeking to create a less protective definition of waters and must promote legislation protecting or improving our state's water quality and water quantity. The Tennessee Water Quality Control Board and state regulators must maintain the authority of the TDEC to enforce the rules protecting waters of the state and secure protection of water quality and water quantity through maintaining the current definition of waters.

The State of Tennessee must mandate TDEC to manage their fee and fine structure in such a way that it pays for adequate permit compliance review and enforcement of water quality laws, thus relieving the burden of the citizens of the state of the benefits currently going to developers.

The State of Tennessee must manage its water resources in a way that continues to honor the multiple uses of its waters and must institute water conservation measures as necessary to continue to maintain that balance.

In order to adequately enforce the storm water siltation control and post-construction impacts, the State of Tennessee should require enforcement of state residential and commercial

building codes, particularly storm water regulations, and provide a funding or incentive mechanism for the permitting and inspection program operated by local governments.

WATER AND LONG RANGE PLANNING FOR SMART GROWTH

The State of Tennessee must develop comprehensive water planning at the state and regional levels, including long term water conservation and water resource management plan. The State of Tennessee must manage its water resources in a way that continues to honor the multiple uses of its waters and will institute water conservation measures as necessary to continue to maintain that balance. The State should develop a water conservation for efficiency agenda and must implement the work done on Flow Research.

LAND AND WATER: IMPACTS FROM MINING

“Tennesseans should insist on mining practices that do not damage water quality, and prohibit the dumping of mining waste near headwater areas or small streams,” Tennessee's Water Blueprint, <http://www.tennesseeswaterblueprint.org/>. The EPA estimates that as much as 1200 miles of streams have been destroyed by mountaintop removal coal mining. The State of Tennessee must protect its mountains and streams from the devastation of mountaintop surface coal mining.

The State of Tennessee must require that any rock harvesting operation in the state affecting over one acre be covered by mining regulations specific to that type of mining. Such regulations must ensure that the rights of the surface owner are recognized and that compensation is provided, if necessary. Such regulations must also ensure that reclamation of the site must occur after cessation of mining operations to a minimum standard of permanent stabilization.

Tennessee is experiencing renewed interest in gas exploration on the Cumberland Plateau. Tennessee should not permit gas wells that use horizontal drilling and hydro-fracturing to release gas from tight sand and shale formations. Extensive environmental and health damages would be caused by horizontal drilling and high pressure hydrofracturing gas extraction techniques due to the contamination of water, soil and air by the toxic chemicals used in drilling and fracturing, and the naturally occurring toxic chemicals brought to the surface from deep in the ground.

These environmental and human and animal health damages will have damaging economic consequences on residential property values, and on the state's tourism, agriculture, forestry, winery, real estate development and educational businesses.

The infrastructure costs of building and repairing roads, water treatment facilities, and other public services would far exceed any economic benefit to local communities, and it is yet to be proven that the green house effects of the production and use of natural gas produced by horizontal drilling and hydrofracturing are any less than those of the production and use of coal when the life cycle emissions of natural gas production and the higher impact of methane as a green house gas are taken into account.

LAND AND NATURAL GREEN INFRASTRUCTURE

Tennessee is blessed with an abundance of free-flowing rivers, mountains, deep lush forests and beautiful farmland, and urban greenspaces producing clean water, air and food. Conserving Tennessee's rivers, woods, and wildlife will ensure the health of communities, will provide outdoor recreation and will protect the environment and the economy for the benefit of Tennesseans now and in the future.

Tennessee must protect its mountains, mountain streams and mountain vistas from the destruction of mountain top removal coal mining. Tennessee is the most biodiverse inland state in North America. and must protect this abundant life, which never returns when the mountain tops are blasted away. The views in the "greenest state in the land of the free" are priceless to its citizens and to the tourist industry.

Tennessee has much land with highly functional ecosystems, producing clean water, air and food, while safeguarding our Tennessee way of life. Many of these lands were identified in Tennessee's Wildlife Action Plans. Preservation of these highly functional ecosystems is critical to developing and maintaining a sustainable Tennessee. The State must develop a long-range plan with funding for easements, acquisitions and management in an effort to conserve the natural heritage of Tennessee.

The State of Tennessee must create a sustainable green infrastructure for Tennessee. The State should develop a comprehensive land use plan, which would include green infrastructure concepts through a public process in order to conserve working farms and forests, wildlife

habitat, river corridors for water quality and quantity, and direct growth to less environmentally critical lands. Using the data inventory of the land use plan as a guide, the State should develop a green infrastructure plan that inventories green assets, such as natural areas, parks, forests, urban forests, farms, streams or wetlands. It must then identify opportunities for their protection and/or restoration through a coordinated strategy to channel development and redevelopment to the most appropriate locations. Experts in relevant disciplines, including ecologists, soil scientists, community planners and aquatic biologists, should be enlisted to provide initial input.

In 2010, the State of Tennessee must restore the Tennessee Land and Water Conservation Funds designated from a small portion of the Real Estate Transfer Tax. These funds were established to acquire land for wildlife, state and local parks and clean water through acquisition of wetlands, stream buffers and headland streams in order to preserve the beauty of our homeland at a time when it is imperiled due to population growth and sprawl. The focus of easements and acquisition should be based on the Tennessee Wildlife Action Plan.

Over the last 20 years, these funds have conserved key wetlands and forests important for wildlife, drinking water, for carbon sequestration, new state parks which are vital to our tourism industry, and local parks and greenways that make our economy more vibrant and our quality of life better where we work and live. The agricultural funds have helped our farmers provide alternative water supply for livestock and kept our streams and rivers cleaner for all life downstream.

Years of scientific study and analysis has resulted in a map that identifies critical corridors for conservation in the Tennessee Wildlife Action Plan. Investing in conservation of these lands and in local greenways, parks, and farm improvement projects will grow our economy and protect our environment.

These funds leverage federal grants. Tennessee must make sure that it gets our fair share of federal funding that requires a State or Local match component. These funds conserve forests and wildlife corridors and beauty spots to encourage tourism growth while directing growth and development to less critical land. Tennessee's second largest industry is tourism (181,000 jobs and \$13.4 billion to our economy) and the largest tourist attractions in Tennessee are parks.

The State of Tennessee must create a sustainable green infrastructure for Tennessee. The State should develop a comprehensive land use plan which would include green infrastructure concepts through a public process in order to conserve working farms and forests, wildlife habitat, river corridors for water quality and quantity, and to direct growth to less environmentally-critical lands. The State should develop from the data inventory of the land use plan a green infrastructure plan that inventories green assets, such as natural areas, parks, forests, farms, streams or wetlands, and identifies opportunities for their protection and/or restoration through a coordinated strategy to channel development and redevelopment to the most appropriate locations. Experts in relevant disciplines, such as ecologists, soil scientists, community planners, aquatic biologists, should be enlisted to provide initial input.

Cities across the state should be encouraged to develop, enhance and implement tree ordinances and to set tree canopy goals. Trees and tree canopy are directly related to property values, energy savings, air quality and clean water. Tree ordinances and canopy goals should be a part of a city's comprehensive land use and transportation plan.

Tennessee must stop the spread of exotic invasive pest and plants in Tennessee and invest in natural landscaping and land conservation. Pulitzer prize winning Harvard biologist, E.O. Wilson says that exotic species are the second greatest threat to our natural world, after the destruction of habitats by human activity. Wild species enrich the soil, cleanse the water, pollinate most of the flowering plants and create the air we breathe. Protecting our natural biological diversity will also protect our economy by conserving our potential for new medicines, by protecting crop pollinators, timber, fibers, soil-restoring vegetation, petroleum substitutes and other products.

Tennessee must enhance its ability to recycle and eliminate food waste and yard waste from our landfills to reduce methane gas.

COMPREHENSIVE SOLID WASTE AND RECYCLING REFORM

The 1991 Solid Waste Act (*T.C.A. 211-201-101*) was preceded by a three year statutory planning effort. Eighteen years later, Tennessee is the only state which allows land filled construction waste to count toward the 25% diversion goal meant for recycling and composting. Tennessee is a national leader in per capita land filling.

The State of Tennessee must develop Comprehensive Solid Waste Reform including developing waste reduction, reuse and recycling goals, objectives, and implementation targets. For example, the Tennessee should be promoting institutional composting through local based incentive programs. In addition, Tennessee should address licensing requirements that allow or ban nuclear waste in our municipal landfills.

The State of Tennessee must remove loop holes that allow construction and demolition (C/D) waste land filled to be counted toward the 25% recycling goal. This is not recycling. Upwards of 75% of this C/D waste is reusable or recyclable and importantly commercial C/D waste reuse and recycling businesses already exist. Thus C/D waste reuse and recycling should be mandated.

Tennessee should pass legislation requiring beverage container recycling.

The State of Tennessee must fund and identify funding (from business, foundations, government agencies and other entities) for research to develop implementation models demonstrating 1) how to divert waste from transfer stations and landfills and how to remediate ground water pollution at landfills and 2) on municipal and institutional composting.

The State of Tennessee must Direct TDEC to incorporate the above best practices into regulations required by *SB 2267/HB 2289* [year 2007].

Tennessee needs to make it easier to develop opportunity for investments in brownfields , undeveloped areas and existing areas that need improvement.

Tennessee needs to implement incentives to maintain natural land.

QUALITY GROWTH

Tennessee's unique communities and beautiful landscapes produce a high quality of life and economic vitality. Quality Growth and Sustainable Development will support growth and development efforts while protecting the future of Tennesseans heritage, economy, environment and quality of life.

The State of Tennessee should enhance Public Chapter 1101, the Comprehensive Growth Plan Act, to require long range comprehensive planning in support of the future sustainable growth

and development, livability, economic vitality and environmental quality of Tennessee. Other state laws, regulations and policies dealing with zoning, subdivision regulations, infrastructure design and funding, and capital budgeting should also be evaluated and updated to support implementation of quality growth principles, comprehensive planning and sustainable design and development. Growth planning under PC 1101 and comprehensive planning under Title 13, Tenn. Code Annot. should be fully integrated.

New state, regional and local incentives and/or requirements for quality growth, comprehensive planning, infrastructure design and funding, and sustainable design and development projects should also be researched and implemented as part of a comprehensive approach to re-frame Tennessee's growth and development decisions, patterns and investments.

New actions by local governments and state-level departments will be necessary to accomplish these recommendations. The State of Tennessee should build on the "Quality Growth Toolbox" developed and piloted by Cumberland Region Tomorrow and encourage all regions of the state to adopt similar principles and elements of effective comprehensive planning. Application of updated community development and planning concepts, sustainable design and development strategies, and focused tools and incentives will allow local governments to make appropriate changes to city or county local regulations that promote new, best practices to get quality growth outcomes. These efforts will also support related state, regional and local initiatives such as regional planning for mass transit, sustainable infrastructure investments, and open space and natural resource conservation.

The State of Tennessee must reconsider Section 1101, Comprehensive Growth Plan act, to require long range planning In order to support future sustainable growth and development, livability, economic vitality and environmental quality of Tennessee with quality growth planning and sustainable design and development.

The State of Tennessee should build on the "Quality Growth Toolbox" developed by Cumberland Region Tomorrow and encourage all parts of the state to adopt similar principles and apply the planning concepts and make appropriate changes to city or county local zoning ordinances that promote best practices to get quality growth;

Regional planning for commuter mass transit.

SAFE AND HEALTHY COMMUNITIES

The State of Tennessee must encourage the framework to create a Governor's Healthy Communities Task Force.

The State of Tennessee must develop a comprehensive, but flexible strategic plan for Community Food Security by:

- Making nutritious and culturally appropriate food accessible
- Supporting local, regional, family-scale, and sustainable food production building and revitalizing local communities and economies
- Providing fair wages and decent working conditions for farmer farmers and food system workers promoting social justice and more equitable access to resources.

GREEN COLLAR JOBS STRATEGY

A sustainable development strategy will position Tennessee to simulate a growing Green Jobs sector. Of particular importance in a poorer state such as ours is that this strategy ensure that labor-intensive Green Collar Jobs are created locally and that training programs are initiated so that segments of the population that are currently unemployed or underemployed can benefit from stable well-paying employment. A Green Collar Jobs strategy will include:

- Nourishing the growing renewable energy sector in Tennessee industry and agriculture in a manner that ensures that local residents are placed in newly created jobs.
- Obtaining and lobbying for increased government stimulus money to create community-based partnerships to retrofit government, residential and private sector buildings for weatherization, energy efficiency and renewable energy, and to place residents of underserved communities in the newly created jobs.

- Expand and create Green Tech training programs in the public schools, Community and Technical Colleges and the trade unions. Also expand and create workforce development programs through community-based nonprofits to train and place residents who experience barriers to employment.
- Encourage the Tennessee Valley Authority to foster Green Collar Jobs through conservation and renewable energy programs.
- Initiate efforts such as a Clean Energy Jobs Corps and a statewide Green Jobs Corps to employ young adults as a pathway-out-of-poverty. Continue efforts to support the greening of commerce so that sustainable practices that protect the environment and create decent jobs are integrated into all levels of business practice.

EDUCATION

The State of Tennessee must develop a coordinated and comprehensive statewide plan to educate Tennesseans of all ages about the importance of interactions with and conservation of the natural world, the impact of humans on natural systems, and the individual actions and choices necessary for a sustainable future.

Public school teachers K-12 should be informed about Project CENTS (www.tn.gov/education/projectcents) free in-service opportunities in environmental education, www.eintennessee.org, the Tennessee Green Schools Program (www.tp3.org) and the ‘last child in the woods concept’. Parent organizations should be encouraged to host “No Child Left Inside Forums”. Everyone should take a child outside.

Institutions of higher learning and local county and municipal governments should foster and promote local environmental sustainability projects, working with networks of student and environmental organizations statewide. Everyone should be encouraged to complete the TVA energy audit and inventory their use of greenhouse gases.

FAIRNESS AND BALANCE IN COMPOSITION OF ADMINISTRATIVE BOARDS

Currently, administrative boards adopting environmental regulations, and presiding over environmental litigation are not balanced, with overwhelming influence from industry, municipalities, and other polluters. The State of Tennessee must ensure that the composition of its administrative boards, including the Air Pollution Control Board, the Water Quality Control Board, and the Solid Waste Control Board are fair and balanced, with balanced representation from citizen and environmental and conservation organizations as well as industry.