

For Immediate Release  
September 27, 2001

Contact: John Noel  
615-259-2003

## **Water Board Votes to Protect High Quality Tennessee Waters And Fall Creek Falls State Park**

In a surprising development, the Tennessee Water Quality Control Board voted to reverse its 16-month-old decision to allow discharge of municipal waste water into Dry Fork Creek, which flows into Fall Creek Falls State Park. The water board's original decision of May 2000 allowed treated sewage discharge from a new sewage treatment plant in Spencer, Tennessee to be discharged into a high quality mountain stream, Dry Fork Creek. The original decision to allow the discharge was the first ever decision in Tennessee to permit intentional degradation of a known high quality water, known as a Tier II stream.

This week's precedent setting move to reverse the original decision and withdraw the discharge permit for Spencer, Tennessee is important for several reasons. First, it provides protection to Dry Fork Creek, a pristine mountain stream that flows underground into an extensive cave system that supplies drinking water springs downstream and is home to rare and sensitive cave species of fish and crayfish. These waters eventually flow into Fall Creek Falls State Park, Tennessee's most visited state park.

Second, and most important, it means that Tennessee must now formulate a clear set of policy and procedures for making decisions about degrading high quality waters, known as anti-degradation policy. This clear guidance has been missing in the past and is the reason that the water board originally made an invalid decision to allow discharge based on insufficient information. As growth on the Cumberland Plateau continues at a record pace, it is vital that the state be equipped to properly evaluate requests to degrade high quality waters and make good decisions in the best interest of all Tennesseans. This board decision now sets in motion a process that will prevent this type of issue from happening again.

This important development was brought about by a coalition of environmental and caving organizations that challenged the water board's May 2000 decision. The Nashville Grotto of the National Speleological Society, the Tennessee Environmental Council, the Tennessee Scenic Rivers Association, and Save Our Cumberland Mountains teamed up with a legal team to object to the discharge permit granted by the water board. The coalition did not object to the town of Spencer building a sewage treatment plant, but they strongly advocated for the use of alternative disposal methods that would protect the quality of the waters in the region.

Working behind the scenes for the past year, this coalition cooperated with the state, the town of Spencer, and the US Environmental Protection Agency (EPA) to study the feasibility of land application methods for the treated sewage effluent as an alternative to discharging into clean streams of the region. A subsequent EPA study found that land application was indeed feasible and the most desirable option for the region. The coalition then came before the water board again this week and presented its case in objection to the original permit. After listening to evidence from both sides in an administrative hearing capacity, the water board courageously voted to rule its original permit decision as invalid and direct the state to develop a proper anti-degradation policy on which to base such momentous decisions in the future.

This new anti-degradation policy will be developed with much public participation by environmental groups and others. In the meantime, the environmental community will continue its efforts to help seek the extra funding Spencer needs to institute alternative land application disposal methods to protect the waters of this magnificent region of Tennessee.