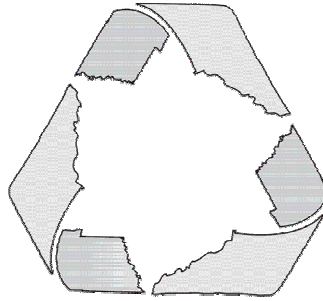


# TENNESSEE SUSTAINABILITY AGENDA 2009



**SUSTAINABLE**  
**TENNESSEE**  
MANY VOICES, COMMON VISION  
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A PROJECT OF THE TENNESSEE ENVIRONMENTAL COUNCIL



## TENNESSEE SUSTAINABILITY AGENDA 2009

From the majestic mountain vistas in the east, through the 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. We enjoy abundant wildlife and pristine mountain waters, home to some of the most diverse aquatic life on the planet. Seven of the eight most biologically rich rivers in North America flow through our state. While these wondrous natural resources help keep Tennessee green and beautiful, 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 extraction of natural resources are an ever-increasing threat to the sustainability of Tennessee, our way of life, economy and healthy communities.

Throughout 2008, 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 culminated in a three-day Summit in November 2008, with over 200 participants in attendance representing 130 organizations throughout the state. They came 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 agreed on and finalized an "Agenda for a Sustainable Tennessee". ([www.sustainabletn.org](http://www.sustainabletn.org)).

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

### SUSTAINABLE ENERGY

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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.

- Supports the safe, secure, and reliable operation of our state's energy and transportation infrastructure
- Stimulates a sustainable economy
- Spurs technological innovation and jobs through market forces
- Increases energy diversity in the State's economy
- Promotes and achieves a cleaner and healthier environment
- Ensures fairness and consumer protection in the competitive market
- Supports the recommendations of the State Climate Action Plan



Tennessee must set targets for energy efficiency and renewable energies with and define a plan to meet milestones over the years. We must also ensure that energy goals are clear, shared, measurable and attainable. The State of Tennessee must provide sustainable funding for energy efficiency incentives, consumer education, low-income services, R&D and environmental protection with the long-term goal of market transformation.

The State of Tennessee must support legislative initiatives recommended by the Governor's Energy Policy Task Force, including statewide implementation and enforcement of updated residential and commercial energy building codes, along with increased mobility options and reduction of vehicle miles traveled through increased support of public transportation.

The State of Tennessee must support the Lead by Example regulatory recommendations of Governor's Energy Policy Task Force and require an agency by agency annual report card on progress toward achieving targets, to be verified by a third party. The State must create a Sustainable Energy Department to coordinate activities on a statewide level and to improve communication with local government and industry.

The State of Tennessee must complete the study requested by the Governor's Energy Policy Task Force to identify strategies to promote sustainable land development that will decrease vehicle miles traveled.

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 CO<sub>2</sub> GHG with goals set for reductions.

The State of Tennessee must require that 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 solutions for avoiding new highway projects in favor of public transit and other mobility options for both passengers and freight.

The State of Tennessee must provide incentives to municipal and county governments to develop sustainability plans, including Cool Cities and Cool Counties.

## **AIR**

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Tennessee's four largest metropolitan areas do not meet federal air quality standards for ozone pollution. Much of the population of East Tennessee is breathing air that does not meet federal standards for small particle pollution. In addition, three Tennessee metropolitan areas are named among the top ten asthma capitals by the Asthma & Allergy Foundation of America.



The Tennessee Department of Environment and Conservation (TDEC) and our public health agencies must quantify the incremental health cost caused by failing to achieve federal air quality standards. Based on these analyses, TDEC must make annual recommendations to the Air Pollution Control Board (APCB) with specific initiatives to improve air quality thereby reducing health cost.

The State of Tennessee's Air Pollution Control Board (APCB) must implement a statewide ban on open burning to clear land for development or road construction thereby reducing small particle air pollution.

Leadership in the State of Tennessee, including local governments and state agencies, must rigorously enforce the 55 mph truck speed limit and lower automotive speed limits enacted in non-attainment areas, thereby reducing small particle and ozone air pollution.

## **WATER**

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The following excerpt is from Tennessee's Water Blueprint, <http://www.tennesseeswaterblueprint.org/> (signatory organizations include, inter alia, the Tennessee Clean Water Network, World Wildlife Fund, Tennessee Environmental Council and Obed River Watershed Association).

*"The water in Tennessee's streams and river systems belongs to all of us. We all use clean water. We want to have enough for all our needs—for drinking, for farming, for fish, wildlife, and recreation. Industry requires water, and our state uses water to produce power. Our personal health and the economic health of our state depend on an abundant supply of clean water. . .*

### **Headwaters: The Key to Clean Water**

*Headwaters and small streams are critically important to the health of the system and cleanliness of the water. A river system—including the tiniest stream, wetlands, and headwaters—is made up of parts that must work together, like the parts of your body. Headwater areas are like capillaries, tiny veins where water and nutrients are taken in, purified, then re-circulated through the system.*

*Usually rivers have no single source. Headwaters include networks of springs and seeps; channels that feed streams and reservoirs; the small streams that come together to form a river; any and all parts of a river basin, except the mainstream river and main tributaries.*

*Headwaters don't always look like you'd expect.*

*A headwater can be a bog, a seep, a spring, a dry streambed, or a depression that fills*



*with water. Headwaters and small streams are critically important to the health of the system and cleanliness of the water.”*

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. The State must instead promote legislation protecting or improving our state's water quality and water quantity. The Tennessee Water Quality Control Board and state regulators must recognize TDEC's authority to enforce the rules protecting state waters and ensure 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.

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**

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The State of Tennessee must develop comprehensive water planning at the state level, including long-term water conservation and a 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.

## **LAND AND WATER: IMPACTS FROM MINING**

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*“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.

## **LAND AND NATURAL INFRASTRUCTURE**

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Tennessee is blessed with an abundance of natural resources and 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.

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.



## COMPREHENSIVE SOLID WASTE AND RECYCLING REFORM

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**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 that allows landfilled 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 setting waste reduction, reuse and recycling goals, objectives, and implementation targets. For example, the State of 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 loopholes that allow landfilled construction and demolition (C/D) waste 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 it is important to note that commercial C/D waste reuse and recycling businesses already exist. Thus, C/D waste reuse and recycling should be mandated. In addition, Tennessee should pass legislation dealing with beverage container recycling.

The State of Tennessee must fund and identify funding (from business, foundations, government agencies and other entities) for research and development of 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]

## QUALITY GROWTH AND SUSTAINABLE DEVELOPMENT

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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.

## **SAFE AND HEALTHY COMMUNITIES**

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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 farmers and food system workers
- Promoting social justice and more equitable access to resources

## **FAIRNESS AND BALANCE IN COMPOSITION OF ADMINISTRATIVE BOARDS**

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Currently, administrative boards adopting environmental regulations and presiding over environmental litigation are not balanced, with overwhelming influence from industry, municipalities, and other polluters. This leads to decisions that are not protective of Tennessee's air, land and water. 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 representation from citizen, environmental and conservation organizations, as well as industry.



## EDUCATION

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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 <http://www.tennessee.gov/education/projectcents/>, **free** in-service opportunities in environmental education, [www.eeintennessee.org](http://www.eeintennessee.org), the Tennessee Green Schools Program [www.tp3.org](http://www.tp3.org) , and the 'last child in the woods concept'. Parent organizations should be encouraged to host "No Child Left Inside Forums".

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.

