



ENVIRONMENT & ENERGY UPDATE



July 2023



Environment, Energy & Recycling Conference: August 23-25, Gatlinburg, TN

Save the date for one of Tennessee's most prominent Environmental Policy and Regulatory conferences, hosted by the Tennessee Chamber. This two-day conference connects environmental and industry leaders from across the state with representatives of the Tennessee Department of Environment and Conservation (TDEC) and Region IV of the Environmental Protection Agency (EPA) to discuss emerging environmental regulatory and environmental management issues as well as to celebrate environmental and energy improvements in the state. [Click here for the agenda.](#)

Air

The Air Pollution Control Board will meet August 9 at 9:30 AM CDT.

The Division of Air Pollution Control (APC) has reviewed its budget and the Title V Fee program can be funded through reserves during FY2023-2024. APC has filed a Notice of Rulemaking Hearing for proposed Title V fee changes which will be held Friday, August 11. The Chamber

intends to submit written comments by this date. Please review the [redline](#), [slides](#), and [webinar](#), and contact [Laura Leigh Harris](#) with any questions or feedback. It is very important we hear from you on this proposal as Title V facilities will see a *significant* change in fees. Based on the timeline, any fee changes will likely become effective on July 1, 2024.

Remediation

The Division of Remediation is continuing to develop the guidelines for Rural Brownfield Redevelopment Program and a manual outlining eligibility for applying for and receiving the Brownfield Remediation Area Grant. The Division should have those details available in the fall of 2023. In the meantime, [click here](#) and enter an email to join the DoR distribution list to receive updates on the program.

Note: Remediation topics are generally discussed at the Solid Waste Subcommittee meetings because the state's UST/Solid Waste Disposal Control Board also has jurisdiction over remediation/DoR. When major remediation topics that warrant more in-depth discussion arise, the Remediation Subcommittee Chair will call a special meeting for those discussions.

Solid/Hazardous Waste

[The Board of Underground Storage Tanks and Solid Waste will meet until August 2 at 9:00 AM CDT.](#)

A legislative working group led by Senator Steve Southerland will convene late August to discuss solid waste infrastructure in Tennessee. For the past several years, legislation has been filed that would be overly burdensome to business and industry and reduce access and consistency to landfills. The Chamber is gathering feedback on solutions for solid waste infrastructure and capacity and we will have a Solid Waste Subcommittee meeting in the next couple of weeks.

Water

[The Board of Water Quality, Oil, and Gas will meet June 20 at 10:00 AM CDT.](#)

Wetlands Working Group: Several pieces of legislation regarding wetlands from this session have sparked the interest of stakeholders and legislators to consider defining wetlands in state law. The Tennessee Chamber is leading an industry working group to discuss this issue and determine policy recommendations. Please contact Laura Leigh Harris if you would like to join the working group.

Triennial Review: The Division of Water Resources is currently considering comments for the Triennial Review. The Chamber submitted comments on this rulemaking in November. It is anticipated the rule will go before the Board of Water Quality, Oil, and Gas later this year. The Chamber will keep you updated.

News and General Interest

WOTUS Update: The Biden Administration's waters of the U.S. (WOTUS) rule which repeals the Navigable Waters Protection Rule, doubles down on the unworkable "significant nexus test," and creates more complicated, overreaching regulations is now on hold in Tennessee after a federal judge in North Dakota issued a preliminary injunction on Wednesday in the 24 states that filed a lawsuit against the Biden administration. We commend Tennessee Attorney General Jonathan Skrmetti for joining this lawsuit. Certainty and consistency are of utmost importance for businesses when it comes to regulatory matters. Tennessee will now operate under the 1986 rule; however, the U.S. Supreme Court will also be issuing a ruling in the coming weeks in the case of Sackett v. EPA, which is squarely focused on the legality of the significant nexus text, a critical part of the Biden WOTUS rule.

Regulatory Cost-Benefit Executive Order and Regulatory Review Changes: On April 6, 2023, the Biden Administration's proposed changes that will fundamentally undermine the concept of regulatory cost-benefit analysis, allowing the Administration to hide the true costs of its aggressive regulatory agenda. The changes are expected to have profound effects on agency regulatory decision-making applied across the economy, from energy and manufacturing, to health, technology, and labor to name a few areas.

These changes were communicated through three primary documents: (1) a new Presidential Executive Order, (2) proposed White House Office of Management and Budget (OMB) guidance to agencies on how to conduct regulatory cost and benefit analyses, and (3) proposed OMB guidance on who should be prioritized for meetings with the White House during the regulatory development process.

House Financial Services Approves National Association of Manufacturers-Supported ESG Package: The House Financial Services Committee has spent the last month holding hearings about environmental, social and governance policies that impact American businesses—and the National Association of Manufacturers (NAM) has been fighting for manufacturers every step of the way. This week, the committee held a markup to pass a package of legislation on the topic, and the NAM's priorities were front and center.

The issue: Manufacturers in the U.S. are at the forefront of climate stewardship and innovation even as they power the U.S. economy, yet politically motivated activists and proxy advisory firms are making it difficult for manufacturers to succeed.

- Recent actions from the U.S. Securities and Exchange Commission have empowered these groups. From unworkable ESG disclosure mandates to new standards encouraging shareholder activism to a lack of oversight of proxy firms, manufacturers are getting squeezed.

NAM in action: The NAM has advocated aggressively on behalf of manufacturers, pressing Congress to curb the impact of activists, proxy firms and the SEC on public company governance.

- NAM President and CEO Jay Timmons [urged](#) Congress to make changes that would protect manufacturers and Main Street investors, while NAM Managing Vice President of Policy Chris Netram [testified](#) before the Financial Services Committee about the need for action.
- “Congress must step in to depoliticize the business decisions that impact the lives and life savings of millions of Americans,” said Timmons. “Manufacturers are determined to create jobs, lead the economy and improve the quality of life for all Americans. We are counting on [Congress’] leadership to counter the SEC’s regulatory overreach and help us achieve these goals.”

[Small Business Environmental Assistance Program:](#) Make your business resolutions achievable by working with TN’s Small Business Environmental Assistance Program (SBEAP) to get into environmental compliance. SBEAP can review your TDEC-issued permits to determine what the expectations are for your specific business, explain paperwork requirements, and may even perform site visits to check for obvious indicators of pollution. [Contact SBEAP](#) to start the conversation.

Events

[Tennessee State Parks Events](#)

[Household Hazardous Waste Collection](#)

[Environmental Education in Tennessee Events](#)

Funding Opportunities

[TDEC Grants and Programs](#)

[Low Income Home Energy Assistance Program](#)

[TDOT Rural Planning Initiative](#)

[Grants.gov](#)