

Fighting Water Pollution in YOUR Community

Using Section 118(a) of the Tennessee Water Quality Act

How can YOU complain about water pollution?

- You can complain about water pollution by filing a written complaint in email or in person with the Tennessee Department of Environment and Conservation (TDEC).
- TDEC will respond to your complaint!
- The steps below indicate the necessary steps for submitting a complaint with TDEC.

What steps do you take to submit a complaint?

Step 1: Spot Water Pollution

Water pollution is ANY change to the natural condition of surface water. Look for discoloration, odor, visible oil, visible solids, or suspended solids. Grab a sample in a clean sealable container for laboratory analysis. A conductivity meter will indicate metals in the solution by increased conductivity compared to waters further away from a source of metals such as a mine site or landfill.

Easy examples of water pollution are:

- Muddy water flowing off of a construction or logging site and toward a stream, storm drain or sinkhole;
- Oily water flowing from a junkyard toward a storm drain, stream, or sinkhole; and
- End of pipe discharges from sewer plants or industrial facilities.

Step 2: Document 118(a) Complaint

- Always state on your complaint that this is "a 118(a) complaint" so that the statutory procedure and deadlines will be applied by TDEC
- Document your complaint with a detailed statement of time, place, and nature of the pollution.
- Include photos! Photos that are printed out should also be annotated or accompanied by the information of digital camera records of the date, etc. Provide GPS coordinates whenever possible or use the nearest cross streets and other directions.
- Be sure to sign and include your name, address, e-mail address and telephone number.

Step 3: File 118(a) Complaint

- You may and should file a complaint each and every day when a violation continues.
- TDEC may fail to enforce the daily penalties.
- Follow up complaints can help! These follow up complaints may need less documentation but should still include dated photos with a statement that the pollution has not stopped. You should also include that the offender has not taken apparent corrective action.
- Send TDEC a written complaint!
 - You can write or email or use the TDEC form online at <https://tn.gov/environment/article/wr-wq-citizen-water-quality-complaints>.
 - If using the TDEC form, provide the requested information and e-mail the completed form to ask.tdec@tn.gov or to the nearest TDEC Environmental Field Office.
 - Anyone may also submit a written complaint or a completed TDEC form by mail to the Division of Water Resources.



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Other Key Information

- Section 118(a) is part of the Tennessee Water Quality Act. Tenn. Code Ann. § 69-3-118(a) (2010).
- TDEC also accepts water quality complaints from citizens through the department's toll-free phone line at 1-888-891-8332.
 - The department's toll-free phone line accepts anonymous complaints BUT the 118(a) process doesn't work unless complaints are made in writing and you identify yourself.
- **After filing the complaint...**
 - You should receive an acknowledgment of your complaint which will say that TDEC will investigate. The investigation will usually be conducted by staff from the TDEC Environmental Field Office (EFO) having jurisdiction in the county where the incident occurred.
 - You should receive a letter within 90 days telling you what TDEC thinks it has found and what it has done to end the water pollution and prevent it from happening again.
 - Feel free to call the EFO to provide more information or review TDEC notes with the staff assigned to your complaint!
 - Review the TDEC file on your complaint.
- **An appeal?**
 - If the commissioner fails to take the action stated in the notification, the complainant may make an appeal to the Water Board within thirty (30) days from the time at which the complainant knows or has reason to know of such failure.
 - An individual can file a "pro se" petition for appeal to the Water Board without a lawyer. This is a very challenging process to navigate without a lawyer. Organizations and groups, incorporated or unincorporated, must petition and appear by counsel.

Contact Information

Where to Send Written Complaints:

- Anyone may also submit a written complaint or a completed TDEC form by mail to:

Division of Water Resources
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243

SOCM (Statewide Organizing for Community eMpowerment):

- P. O. Box 12667, Knoxville, TN 37912
- (865)249-7488
- info@socm.org

