



***Tennessee Onsite Wastewater Association, Inc.***  
***P.O. Box 292983***  
***Nashville, Tennessee 37229-2983***

March 31, 2004

Senator Douglas Henry  
11 Legislative Plaza  
Nashville, TN 37243-0021

Re: Senate Bill 3009

Dear Senator Henry:

The Tennessee Onsite Wastewater Association (TOWA) was formed in 1997 to advance and promote the onsite wastewater industry in Tennessee. TOWA serves all members of the industry, including installers, manufacturers, field practitioners, suppliers, engineers, soil scientists, distributors, research professionals, educators, consultants and government regulatory personnel. It is important to stress that our organization only supports efforts to advance this industry so long as it ensures the protection of public health and the environment. Toward that end, TOWA conceptually supports the proposed Senate Bill 3009. However, there are a few specific points that we feel need to be brought to your attention. They include the following:

- As written, subsection (b) will allow the generated funds to be used for the development of new systems and technologies for ***any*** groundwater programs not specifically subsurface sewage systems. It does not specifically earmark the money for on-site wastewater issues. Furthermore, the bill states "...shall remain in the reserve until expended for purposes consistent with the chapter...". This chapter (Chapter 221) deals with water and sewerage. Again, there is the potential that these funds could be spent on developing water supplies from groundwater and not specifically earmarked for subsurface sewage disposal system programs.
- The Tennessee Department of Environment and Conservation — Division of Groundwater Protection issues approximately 26,000 permits annually. Thus, the amount of revenue generated has the potential to be substantial. Should a lesser fee be proposed that might be more palatable yet still provide sufficient funds for research and education? Should there be provisions for oversight of the administration of these funds?
- Should provisions be added that require the Commissioner to provide the legislature with periodic progress reports of this fund and the research being conducted?
- Could a portion of the funds be earmarked for a training program (as referenced in proposed legislation SB2820) or for a homeowner education program relating to subsurface sewage disposal?

Thank you for the opportunity to comment on this proposed legislation. If we may be of further assistance please let us know.

Sincerely,

Louan Tillman  
President