

May 25, 1999

Commissioner Milton Hamilton
Department of Environment and Conservation
L & C Tower - 401 Church Street
Nashville, TN 37243-0435

Re: Public Participation Problems - Cost of Copies

Dear Commissioner Hamilton:

As we have discussed previously, many of us have a great concern about the ability of citizens to participate in environmental programs. While some improvements have been made in recent years, other problems continue. One in particular that needs your immediate attention is the public being over-charged for copies out of public records. Federal regulations found at 40 CFR Part 25 set out the minimum requirements for public access and participation for EPA, state, and local agencies that carry out the Clean Water Act, Safe Drinking Water Act, and RCRA. Tennessee being a delegated state for these programs, the rules clearly apply. In particular, the rules state at § 25.4 (4) [see enclosed] that copies should be provided free of charge, or if there must be a charge, it should not exceed prevailing commercial copying costs - which, based on the copy business on the ground floor of your building, I believe is 7 cents a page. In the case of TDEC we believe that copies should be free.

The current practice of charging 50 cents a page is unfair to the public, serves to discourage public participation, especially by those least able to afford it, and is in conflict with the regulations. Although the state may have a rule of its own that calls for the higher price, this cannot take precedence over the federal requirement for delegated EPA programs. I have raised this issue and cited the regulation at our meeting with other environmental groups on April 13, 1998, in a follow-up letter signed by group representatives dated July 29, 1998, and again at our environmental groups meeting this year on March 26, 1999 but have never received any response. Please look into this matter and let us know your plan for TDEC to come into compliance with the federal rules. I will be glad to discuss this with you further or meet in person if it would be useful. I know that you personally believe in good public participation and want to solve problems that hinder the process.

Thank you,

Barry Sulkin, Director
Tennessee Public Employees for Environmental Responsibility
4443 Pecan Valley Road
Nashville, TN 37218
tel: (615) 313-7066
fax: (615) 251-0111
[e-mail: tnpeer@peer.org](mailto:tnpeer@peer.org)

