

HOUSE BILL 952

By Wirgau

AN ACT to amend Tennessee Code Annotated, Title 68,  
Chapter 211, Part 7, relative to landfills.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-211-701, is amended by designating the existing language as subsection (a) and adding the following language:

(b) Prior to any increase in the classification of a landfill or prior to expanding the categories of authorized waste at a landfill, the plans for which were approved pursuant to subsection (a), the proposed change in classification or expansion must first be submitted to:

(1) The county legislative body in which the landfill that is the subject of the proposed change in classification is located, if such landfill is located in an unincorporated area;

(2) Both the county legislative body and the governing body of the municipality in which the landfill that is the subject of the proposed change in classification is located, if such landfill is located in an incorporated area; or

(3) Both the county legislative body of the county in which the landfill that is the subject of the proposed change in classification is located and the governing body of any municipality which is located within one (1) mile of such landfill.

(c) After submission to the county legislative body or municipality under subsection (b), the county legislative body or the municipality shall hold a public hearing to discuss the change in classification or expansion.

(d) The department of environment and conservation shall give consideration to comments made at the public hearing under subsection (c) prior to the approval or nonapproval of the change in classification or expansion.

SECTION 2. Tennessee Code Annotated, Section 68-211-707, is amended by adding the following as a new subsection (b) and redesignating the existing subsection (b) as subsection (c):

(b) In any county or municipality in which §§ 68-211-701 — 68-211-704 and this section have been approved by a two-thirds (2/3) vote of the appropriate legislative body prior to the effective date of this act, § 68-211-701(b) shall only apply if it is approved by a two-thirds (2/3) vote of the appropriate legislative body.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.