

HOUSE BILL 2007

By McDonald

AN ACT to amend Tennessee Code Annotated, Title 68,
Chapter 211, relative to coal combustion
byproducts.

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

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 211, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 68-221-1__.

(a) The department shall promulgate by rule new requirements for:

(1) The disposal of coal combustion byproducts, including fly, bottom, and fluidized bed combustion ash; boiler slag; and flue gas desulphurization sludge; and

(2) The use of coal combustion byproducts for mine reclamation; structural fill applications; or as a substitute for cement in the production of concrete.

(b) The rules shall take effect December 1, 2009, and shall meet the following requirements:

(1) Disposal facilities shall conform to the same standards required for industrial solid waste landfills including leachate collection; groundwater monitoring; the use of liners; and routine analysis of coal combustion byproducts;

(2) Disposal facilities shall conform with all local zoning and land-use requirements as well as each county's ten-year solid waste management plan;

(3) The use of coal combustion byproducts in coal and non-coal mine reclamation sites shall substantially conform to the standards required of

industrial solid waste landfills and shall ensure that only alkaline coal combustion byproducts are used at such sites; and

(4) Dust control measures shall be implemented and post-closure monitoring and maintenance shall be performed at any disposal facility and mine reclamation site.

(c) The department is authorized to promulgate any other requirements the department deems necessary for the protection of public health, safety or welfare relative to coal combustion byproducts. All rules promulgated to effectuate the provisions of this section shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.