

SENATE BILL 245

By Marrero

AN ACT to amend Tennessee Code Annotated, Title 68,  
relative to radioactive waste.

WHEREAS, it is the policy of this state to promote, protect, and improve the health of persons living in, working in, or visiting the state; and

WHEREAS, it is the mission of this state to safeguard human health and the environment for all Tennesseans by protecting and improving the quality of our land, air and water for present and future generations; and

WHEREAS, man-made so-called "low-level" radioactive waste from the nuclear power fuel cycle and weapons production is not always "low-risk" and can have radioactive isotopes such as plutonium and radioiodines that remain radioactive and biologically active for thousands to millions of years; and

WHEREAS, federal regulatory agencies are once again moving to generically deregulate some man-made so-called "low-level" radioactive waste and such deregulation could result in dissemination and release into air, water, commercial recycling systems, land disposal sites, incinerators, sewage systems, consumer products and other parts of the environment and food chain; and

WHEREAS, such dissemination of radioactive material into the environment represents an avoidable risk to the health, safety and welfare of the citizens of the state and environment and necessitate costly and widespread monitoring; and

WHEREAS, monitoring and verification of the absence of radiation risks resulting from deregulation and release of radioactive wastes and materials will be more costly to the state than prevention; now, therefore:

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

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 202, Part 2, is amended by adding the following as a new, appropriately designated section thereto:

68-202-2\_\_.

It is the policy of the state of Tennessee that radioactive materials which are by-product materials as defined in § 68-202-202, source materials as defined in § 68-202-202, or special nuclear materials as defined in § 68-202-202 shall continue to be subject to regulatory control in this state and shall be stored, managed and disposed of only in specifically licensed radioactive waste storage or radioactive disposal facilities.

SECTION 2. Tennessee Code Annotated, Section 68-211-106(a), is amended by adding the following as a new, appropriately designated subdivision thereto:

No regulation promulgated by the board nor any action taken by the commissioner shall allow the acceptance, processing, storage or disposal of any byproduct material as defined in § 68-202-202, source material as defined in § 68-202-202, or special nuclear material as defined in § 68-202-202 in any landfill located in this state. This subdivision shall not be construed to prohibit a federal entity from accepting, processing, or disposing of radioactive waste on-site as permitted under federal law and as otherwise allowed by and in compliance with Tennessee law.

SECTION 3. Tennessee Code Annotated, Section 68-212-105, is amended by adding the following as a new, appropriately designated subdivision thereto:

Accept, process, store or dispose of any by-product material as defined in § 68-202-202, source material as defined in § 68-202-202, or special nuclear material as defined in § 68-202-202 in any landfill located in this state. This subdivision ( ) shall not be construed to prohibit a federal entity from accepting, processing, or disposing of radioactive waste on-site as permitted under federal law and as otherwise allowed by and in compliance with Tennessee law.

SECTION 4. Tennessee Code Annotated, Section 68-212-104, is amended by deleting the language of subdivision (20) in its entirety and by substituting instead the following:

(20) "Waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act or the Clean Water Act, or source, special nuclear, or byproduct material as defined in § 68-202-202; and

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.