

SENATE BILL 2225

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 68,
Chapter 211, relative to industrial waste.

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

SECTION 1. Tennessee Code Annotated, Section 68-211-105, is amended by adding the following as a new subsection:

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(1) The commissioner may approve a request for disposal in a permitted facility of industrial wastes that are either difficult or dangerous to manage including, but not limited to, sludges, pesticide wastes, medical wastes, and wastes with hazardous characteristics such as corrosivity, reactivity, ignitability, radioactivity, and toxicity, as defined by federal law, only after the generator of each such waste, in coordination with the proposed receiving landfill facility, has demonstrated in writing to the commissioner, with supporting laboratory analysis, that the waste is not hazardous, as defined by federal law, and the proposed landfill facility can safely receive such industrial waste and comply with all applicable state and federal laws.

(2) If a generator of industrial waste, in coordination with the proposed receiving landfill facility, does not demonstrate in writing to the commissioner that the waste is not hazardous, as defined by federal law, and the proposed landfill facility can safely receive such industrial waste and comply with all applicable state and federal laws, the commissioner must issue to the industrial waste generator and the operator of the proposed landfill facility a written denial of the request to dispose of the industrial waste in the proposed receiving landfill.

(3) If a generator of industrial waste, in coordination with the proposed receiving landfill facility, demonstrates in writing to the commissioner that the waste is not hazardous, as defined by federal law, and the proposed landfill facility can safely receive such industrial waste and comply with all applicable state and federal laws, the commissioner must issue to the industrial waste generator and the operator of the proposed landfill facility a written approval of the request to dispose of the industrial waste in the proposed receiving landfill. An approval issued under this subdivision () (3) must include a written statement of the basis for the approval. An approval shall not be issued to the industrial waste generator and the operator of the proposed landfill facility under this subdivision () (3) until the commissioner first provides written notice, via certified U.S. mail, to the legislative governing bodies and the chief public executives of:

(A) Any county in which the proposed landfill facility is located;

and

(B)

(i) Any municipality in which the proposed landfill facility is located; or

(ii) If the proposed landfill facility is not located in any municipality, the municipality that is the closest in distance to the proposed landfill facility.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.