

SENATE BILL 2596

By Marrero B

AN ACT to amend Tennessee Code Annotated, Title 59,
Chapter 8, Part 4, relative to surface coal mining.

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

SECTION 1. This act shall be known and may be cited as the "Sludge Bypass Prevention Act".

SECTION 2. Tennessee Code Annotated, Section 59-8-413, is amended by adding the following language as a new subsection:

(f)

(1) The commissioner shall cause to be made inspections of any coal surface mining and reclamation operation having retention/sediment ponds to determine whether such ponds are sufficiently sized for runoff during periods of heavy rain.

(2) If such a pond is undersized, then the permit shall be modified to require a pond of sufficient size.

(3) No new permits shall be issued and no bond shall be released to such coal surface mining and reclamation operation unless all ponds satisfy this subsection (f).

(4) For purposes of this subsection, "periods of heavy rain" means the maximum seven-day rainfall in the county in which such pond is located during the past five (5) years.

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it.