

PUBLIC CHAPTER NO. 462**HOUSE BILL NO. 2289**

**By Representatives Shepard, Odom, Gilmore, Matlock, Curt Cobb, Rinks,
Ferguson, Harry Brooks**

Substituted for: Senate Bill No. 2267

By Senators Kyle, Jackson, Marrero, Raymond Finney

AN ACT relative to solid waste management and to amend Title 68, Chapter 211, and Title 67, Chapter 4, Part 16 of the Tennessee Code.

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

SECTION 1. Tennessee Code Annotated, Section 68-211-813(c), is amended by deleting the language, "a twenty-five percent (25%) waste reduction goal in accordance with" and substituting instead, "compliance with the waste reduction and recycling goal required by".

SECTION 2. Tennessee Code Annotated, Section 68-211-815(b), is amended by deleting the existing subdivision (b)(10) and substituting instead the following:

(10) A description of waste reduction and recycling activities designed to attain the goal required by §68-211-861;

SECTION 3. Tennessee Code Annotated, Section 68-211-815(b), is amended by deleting the word "and" at the end of subdivision (15), adding the following as a new subdivision (16), and renumbering the existing subdivision (16):

(16) A plan for managing solid waste generated as a result of disasters or emergencies; and

SECTION 4. Tennessee Code Annotated, Section 68-211-816, is amended by deleting from subdivision (a)(1) the language, "and on written notice from the commissioner".

SECTION 5. Tennessee Code Annotated, Section 68-211-816(a), is amended by deleting subdivisions (2) and (3) in their entirety and substituting instead the following:

(2) Any such noncompliance shall be resolved as soon as possible. If noncompliance continues for thirty (30) days after receipt of the warning letter, the noncomplying county or region shall lose eligibility for funds from the solid waste management fund, unless the

commissioner states in writing that due to particular circumstances a longer time is appropriate.

(3) If noncompliance continues for sixty (60) days after receipt of the warning letter, then, in addition to any other penalty imposed by law, the commissioner may impose a civil penalty of not more than five thousand dollars (\$5,000) for each day of noncompliance beyond such sixty-day (60) period.

SECTION 6. Tennessee Code Annotated, Section 68-211-816(c), is amended by deleting the reference “§68-211-867(a)” and substituting instead “§68-211-867(d)”.

SECTION 7. Tennessee Code Annotated, Section 68-211-821, is amended by deleting the last sentence of subsection (b) including subdivisions (1) and (2) in its entirety.

SECTION 8. Tennessee Code Annotated, Section 68-211-826(a), is amended by deleting the language, “economic and community development” and substituting instead, “environment and conservation”.

SECTION 9. Tennessee Code Annotated, Section 68-211-828, is amended by deleting the section in its entirety and substituting instead the following:

From funds available from the solid waste management fund, the department shall award competitive grants for collection of household hazardous waste at a permanent site to municipalities with a population of one hundred thousand (100,000) or more in counties with a population of two hundred eighty-seven thousand seven hundred (287,700) or more according to the 1980 federal census or any subsequent federal census and to the municipalities or counties that are determined by the department to be the next largest in terms of population and/or level of participation in mobile household hazardous waste collection events. An eligible municipality or county may only receive one (1) grant for the establishment of a permanent household hazardous waste collection site; however, if funds are available from the solid waste management fund, the department may award a municipality or county that has established a permanent household hazardous waste collection site annual grants to assist the municipality or county in maintaining and/or operating the permanent household hazardous waste collection site. A municipality or county that receives a grant pursuant to this section shall allow all residents of the county in which the site is located to use the site on the same basis. The mobile household hazardous waste collection service authorized by §68-211-829 shall not be provided in a county in which there is a permanent household hazardous waste collection site that was funded through a grant pursuant to this section.

SECTION 10. Tennessee Code Annotated, Title 68, Chapter 211, Part 8, is amended by adding the following new section:

§68-211-832.

From funds available in the Solid Waste Management Fund, the department may award a grant or grants to any county or municipality that operated a Class I landfill permitted by the department that is now closed and does not have a composite liner system in place if the department determines that the landfill is causing harm to health or the environment through contamination of ground water. The grant shall be used by the county or municipality for the purpose of investigation or corrective action at such landfill. The amount of the grant shall be set at an amount sufficient to reimburse a county or municipality for not more than fifty percent (50%) of the total cost of investigation and corrective action of such ground water contamination as of the date of application for the grant. The solid waste disposal control board may promulgate such rules as it deems necessary or appropriate to effectuate this grant program.

SECTION 11. Tennessee Code Annotated, Title 68, Chapter 211, Part 8, is amended by adding the following new section:

§68-211-833.

Funds available in the solid waste management fund may be used by the department to provide for the proper disposal of hazardous waste or other materials, deemed by the department to pose a hazard to students or the environment, in public K-12 schools.

SECTION 12. Tennessee Code Annotated, Section 68-211-835, is amended by deleting subsection (d) in its entirety and substituting instead the following:

(d)

(1) In addition to any tipping fee imposed by any local government under this section, there shall also be imposed a surcharge of ninety cents (\$0.90) on each ton of municipal solid waste received at all Class I solid waste disposal facilities or incinerators.

(2) The operator of the municipal solid waste disposal facility or incinerator shall collect this surcharge and remit it to the state treasury to be paid into the state solid waste management fund, except that such operator shall be allowed a deduction of the surcharge due, reported, and paid to the department in the amount of one percent (1.0%) of the amount due on the report. No deduction from the fee shall be allowed if any such report or payment of the surcharge is delinquent.

SECTION 13. Tennessee Code Annotated, Section 68-211-861, is amended by deleting in subsection (a) the language, “, by December 31, 2003” and by adding the following, appropriately designated subsection:

() The general assembly recognizes that the ways in which solid waste is generated and managed are very dynamic. The opportunities for recycling and for reduction of waste generated change with both market factors and technological developments. These in turn, affect the costs of solid waste management and recycling. Also there are many factors that change the feasibility of different approaches among the counties, in addition to population and amount of commercial and industrial activity, these include proximity to markets for recyclable materials and the solid waste activities of municipalities. In order to better address all of these changing circumstances, the solid waste disposal control board is authorized to adopt a rule promoting recycling and waste reduction. In so doing, the board shall consider the use of incentives, disincentives, public education, costs and benefits of recycling, and the widely varying circumstances of the different solid waste regions. Upon the effective date of such rule, the provisions of subsection (a) through (f) of this section, § 68-211-861, will be repealed and of no further force and effect and the rule will be enforceable according to its terms and in accordance with § 68-211-816.

SECTION 14. Tennessee Code Annotated, Section 68-211-865, is amended by deleting the section and substituting instead the following:

§68-211-865.

(a) The department of general services shall

(1) Recycle surplus state property to the maximum extent practicable, under the program authorized by this part and under §12-2-404, which cannot be sold for reuse, notwithstanding the existence of any other provision of law, rules or regulations to the contrary;

(2) Revise product specifications to require, to the extent economically feasible, the procurement of recycled products or products with recycled content;

(3) Encourage all departments of state government to purchase products with recycled content or recyclable products from state contracts;

(4) Encourage county governments to purchase materials with recycled content from state contracts in transactions under title 12, chapter 3, part 10; and

(5) Effect procurement contracts which are subject to competitive bidding using specifications revised according to subdivision (2).

(b) The department of environment and conservation shall:

(1) Expand to the maximum extent practicable the department's demonstration state office recycling program for paper, aluminum cans and bottles;

(2) Expand such program to the maximum extent practicable to include other kinds of recyclable materials, including, but not limited to, newsprint, plastic bottles, mixed paper and steel cans; and

(3) Demonstrate new uses of recovered materials;

SECTION 15. Tennessee Code Annotated, Section 68-211-867(b), is amended by adding the following language as a new subdivision (5) and by redesignating present subdivision (5) as subdivision (6):

(5) Recreational applications, including but not limited to, playgrounds, running tracks, and walking paths;

SECTION 16. Tennessee Code Annotated, Section 68-211-867(c), is amended by deleting subdivision (1) and renumbering the remaining subdivisions of subsection (c).

SECTION 17. Tennessee Code Annotated, Section 68-211-867(c), is amended by adding the following language as a new, appropriately designated subdivision:

() From funds available from the solid waste management fund, the department may provide grants to local education agencies, municipalities or counties to utilize recycled shredded tires for recreational applications.

SECTION 18. Tennessee Code Annotated, Section 68-211-871(a), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(a) The department shall make available on its website by January 1st of each year the forms and information to be used by the regions to file an annual progress report. Each region shall submit the annual report to the commissioner by March 31st for the immediately preceding calendar year, in a format to be determined by the commissioner, which will include data on the following:

(1) Collection;

(2) Recycling;

(3) Transportation;

(4) Disposal;

(5) Public costs; and

(6) Any other information which the board, by rule, may deem relevant to solid waste planning and management.

SECTION 19. Tennessee Code Annotated, Section 68-211-867, is amended by adding the following language as a new appropriately designated subsection:

() Any county or entity requesting or applying for a grant or entering a contract with the department shall submit, prior to being approved for a grant or contract, a workplan and budget to reflect the expenditures of such grant or contract. Such grants or contracts are to fulfill the objective of recycling waste tires and to assure that all expenditures of the contracts, grants, and/or any additional local tipping fees are not exceeding the cost of the county's waste tire management program.

SECTION 20. This act shall take effect on July 1, 2007, the public welfare requiring it.

PASSED: June 6, 2007



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 19th day of June 2007



PHIL BREDESEN, GOVERNOR

