

HOUSE BILL 790

By Gilmore

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

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

SECTION 1. Tennessee Code Annotated, Section 68-211-106(a), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(a)

(2) Any permit issued by the department to a facility or site shall enumerate the types of waste that the facility or site is prohibited from receiving for disposal or processing.

SECTION 2. Tennessee Code Annotated, Section 68-212-107, is amended by deleting subdivision (d)(4) in its entirety and by substituting instead the following:

(d)

(4) Regulations providing appropriate requirements (including joint and several liability for owners and operators and submission of plans and specifications) and procedures governing application for issuance, renewal, modification, suspension, revocation, or denial of permits for hazardous waste treatment, storage, and disposal facilities, including that any permit issued by the department to a commercial facility shall enumerate the types of waste that the facility is prohibited from receiving for disposal or processing; which requirements and procedures shall be consistent with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and shall include provisions for public notice and comment and an opportunity for a public hearing prior to permit determinations;

SECTION 3. Tennessee Code Annotated, Section 68-202-202, is amended by deleting subdivisions (9) and (10) in their entirety and by substituting instead the following:

(9)

(A) "Source material" means:

(i) Uranium or thorium, or any combination thereof, in any physical or chemical form; or

(ii) Ores which contain by weight one-twentieth of one percent (0.05%) or more of:

(a) Uranium;

(b) Thorium; or

(c) Any combination thereof.

(B) "Source material" does not include special nuclear material;

(10) "Special nuclear material" means uranium enriched in the isotope U-235 in quantities not exceeding three hundred fifty (350) grams contained in U-235, uranium-233 in quantities not exceeding two hundred (200) grams, plutonium in quantities not exceeding two hundred (200) grams; or any combination of them in accordance with the following formula: for each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all kinds of special nuclear material in combination shall not exceed one (1).

SECTION 4. Tennessee Code Annotated, Title 68, Chapter 202, Part 1, is amended by adding a new, appropriately designated section thereto, as follows:

Section 68-202-1\_\_\_. On or after the effective date of this act, no person shall knowingly accept, process 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; provided, however, a federal entity may accept, process, or dispose of radioactive waste on-site as permitted under federal law;

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