

HOUSE BILL 1622

By McCord

AN ACT to amend Tennessee Code Annotated, Title 68
and Title 69, relative to environmental rules,
regulations, and standards.

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

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 201, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) All rules, regulations and standards relating to air quality, water quality or air emissions or water discharge standards promulgated by a state department or other agency on or after the effective date of this act shall be consistent with and shall not exceed the requirements of federal statutes and federal regulations, standards, criteria and guidance relating to air quality, water quality or air emission or water discharge standards that have been duly promulgated pursuant to the federal Administrative Procedures Act, including but not limited to the identity and scope of air pollutants included as air toxics or air quality or emission standards, the identity and scope of water pollutants included as water quality or discharge standards, and the numerical and narrative limitations of such standards.

(b) If there are no federal statutes or federal regulations, standards, criteria or guidance that have been duly promulgated pursuant to the federal Administrative Procedures Act addressing matters relating to air quality or water quality, or air emission or water discharge standards, the appropriate state department or other agency may promulgate regulations to address such matters in accordance with the Tennessee Uniform Administrative Procedures Act, when the appropriate state department or other agency

determines that such regulations are necessary to protect human health, welfare or the environment.

(c)

(1) For any initial or modified air or water permit issued on or after the effective date of this act, except with the written consent of the permit applicant, no provision or condition imposing any duty, responsibility or liability on the permittee shall be included in such permit, the direct basis for which has not been first promulgated as a regulation by the appropriate state department or other agency in accordance with the requirements of the Tennessee Uniform Administrative Procedures Act.

(2) For the purposes of this section, "direct basis" means that such permit provisions or conditions shall not exceed the scope, coverage and effect of the regulation upon which it is based including, but not limited to, frequency or time limit of action, technology, identity and scope of pollutants regulated, and numerical or narrative standards or limitations.

SECTION 2. Tennessee Code Annotated, title 68, chapter 221, part 1, is amended by adding the following language as a new, appropriately designated section:

(a) All rules, regulations and standards relating to air quality, water quality or air emissions or water discharge standards promulgated by a state department or other agency on or after the effective date of this act shall be consistent with and shall not exceed the requirements of federal statutes and federal regulations, standards, criteria and guidance relating to air quality, water quality or air emission or water discharge standards that have been duly promulgated pursuant to the federal Administrative Procedures Act, including but not limited to the identity and scope of air pollutants included as air toxics or air quality or emission standards, the identity and scope of water

pollutants included as water quality or discharge standards, and the numerical and narrative limitations of such standards.

(b) If there are no federal statutes or federal regulations, standards, criteria or guidance that have been duly promulgated pursuant to the federal Administrative Procedures Act addressing matters relating to air quality or water quality, or air emission or water discharge standards, the appropriate state department or other agency may promulgate regulations to address such matters in accordance with the Tennessee Uniform Administrative Procedures Act, when the appropriate state department or other agency determines that such regulations are necessary to protect human health, welfare or the environment.

(c)

(1) For any initial or modified air or water permit issued on or after the effective date of this act, except with the written consent of the permit applicant, no provision or condition imposing any duty, responsibility or liability on the permittee shall be included in such permit, the direct basis for which has not been first promulgated as a regulation by the appropriate state department or other agency in accordance with the requirements of the Tennessee Uniform Administrative Procedures Act.

(2) For the purposes of this section, "direct basis" means that such permit provisions or conditions shall not exceed the scope, coverage and effect of the regulation upon which it is based including, but not limited to, frequency or time limit of action, technology, identity and scope of pollutants regulated, and numerical or narrative standards or limitations.

SECTION 3. Tennessee Code Annotated, Title 69, Chapter 3, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) All rules, regulations and standards relating to air quality, water quality or air emissions or water discharge standards promulgated by a state department or other

agency on or after the effective date of this act shall be consistent with and shall not exceed the requirements of federal statutes and federal regulations, standards, criteria and guidance relating to air quality, water quality or air emission or water discharge standards that have been duly promulgated pursuant to the federal Administrative Procedures Act, including but not limited to the identity and scope of air pollutants included as air toxics or air quality or emission standards, the identity and scope of water pollutants included as water quality or discharge standards, and the numerical and narrative limitations of such standards.

(b) If there are no federal statutes or federal regulations, standards, criteria or guidance that have been duly promulgated pursuant to the federal Administrative Procedures Act addressing matters relating to air quality or water quality, or air emission or water discharge standards, the appropriate state department or other agency may promulgate regulations to address such matters in accordance with the Tennessee Uniform Administrative Procedures Act, when the appropriate state department or other agency determines that such regulations are necessary to protect human health, welfare or the environment.

(c)

(1) For any initial or modified air or water permit issued on or after the effective date of this act, except with the written consent of the permit applicant, no provision or condition imposing any duty, responsibility or liability on the permittee shall be included in such permit, the direct basis for which has not been first promulgated as a regulation by the appropriate state department or other agency in accordance with the requirements of the Tennessee Uniform Administrative Procedures Act.

(2) For the purposes of this section, "direct basis" means that such permit provisions or conditions shall not exceed the scope, coverage and effect of the regulation upon which it is

based including, but not limited to, frequency or time limit of action, technology, identity and scope of pollutants regulated, and numerical or narrative standards or limitations.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.