

HOUSE BILL 2216

By Gilmore

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 211, relative to solid waste disposal planning.

WHEREAS, the Tennessee Solid Waste Disposal Act of 1969 required the state of Tennessee to permit and regulate solid waste landfills to protect human health and the environment; and

WHEREAS, the citizens of Tennessee suffer from groundwater pollution from more than fifty (50) landfills and additional sites with acute chemical pollution; and

WHEREAS, businesses and local governments in Tennessee pay approximately two hundred and fifty million dollars (\$250,000,000) to landfill solid waste in Class I and Class IV construction and demolition landfills, and Tennessee has a very high per capita landfilling rate, and previous solid waste reform in 1991 has not worked as anticipated; and

WHEREAS, the general assembly required the solid waste advisory committee to consider new solid waste regulations in Chapter 462 of the Public Acts of 2007, and the department of environment and conservation created a waste reduction task force to develop new solid waste regulations; and

WHEREAS, the general assembly believes new solid waste regulations must be based on the content of the solid waste stream including food waste, which is twelve percent (12%) of the waste stream, yard waste, which is thirteen percent (13%), paper and cardboard, which are thirty-six percent (36%), construction and demolition, which are twenty percent (20%), metals, which are nine percent (9%), and miscellaneous waste, which is ten percent (10%), and that solid waste can be used as a raw material in business and composting to create jobs; and

WHEREAS, the general assembly funded a joint solid waste study by Tennessee State University and Middle Tennessee State University to determine how to divert solid waste from landfills by finding a higher value use for solid waste as raw materials in business or compost; and

WHEREAS, the general assembly would like to thank the department, all members of the waste reduction task force, and the solid waste disposal board for their diligent efforts, which have contributed to reform of solid waste in Tennessee; and

WHEREAS, the general assembly intends to protect the people and natural resources of our state by managing the resources in solid waste to create jobs and businesses and to divert solid waste from landfills; now, therefore,

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

SECTION 1.

(a) The department of environment and conservation shall work with Tennessee State University and Middle Tennessee State University to study ways to improve solid waste management in Tennessee. The department in concert with the universities shall provide the solid waste disposal board with solid waste recommendations for the future and management tools to assist the board in implementing regulations. The department shall:

(1) Provide assistance for the named universities, including but not limited to loaned personnel, to determine methods to manage solid waste as a raw material for business and compost and reduce groundwater pollution by landfills including elimination of methane gas from landfills and elimination of hazardous, business waste from landfills;

(2) Provide immediate funding from existing unspent dollars in the department's three hundred and sixty million dollar (\$360,000,000) budget,

including the solid waste management fund and funding from businesses, private donors, and the federal government;

(3) Demonstrate specific efforts to support and fund strategies to develop new regulations, particularly to use solid waste as a raw material to create jobs and business; and

(4) Work with other state agencies involved in economic recovery and job creation to demonstrate the need for federal, business, and private support for this effort to divert materials from landfills into use as raw material in business.

(b) If the department fails to fund such study or assist the universities, the department shall file with the speakers of the house of representatives and the senate a report which accounts for all unspent dollars with the department's budget including, but not limited to, those within the solid waste management fund.

SECTION 2. Tennessee State University and Middle Tennessee State University shall jointly submit a report every six (6) months to the solid waste disposal board, the department of environment and conservation, the speakers of the house of representatives and the senate, the environment, conservation, and tourism committee of the senate, and the conservation and environment committee of the house of representatives. The report shall describe how the waste stream shall be managed to lessen the flow into landfills, the use of waste materials as raw materials in business can be increased, and management tools to implement the findings are developed. The department shall post a copy of the report on its web site within ten (10) days of receiving it.

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.