

HOUSE BILL 3292

By Wirgau

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

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

SECTION 1. Tennessee Code Annotated, Section 68-211-701, is amended by designating the existing language as subsection (a) and adding the following as a new subsection:

(b) Prior to any increase in the classification of a landfill, the plans for which were approved pursuant to subsection (a), the proposed change in classification must first be submitted to and approved by:

(1) The county legislative body in which the landfill that is the subject of the proposed change in classification is located, if such landfill is located in an unincorporated area;

(2) Both the county legislative body and the governing body of the municipality in which the landfill that is the subject of the proposed change in classification is located, if such landfill is located in an incorporated area; or

(3) Both the county legislative body of the county in which the landfill that is the subject of the proposed change in classification is located and the governing body of any municipality which is located within one (1) mile of such landfill.

SECTION 2. Tennessee Code Annotated, Section 68-211-707, is amended by adding the following as a new subsection (b) and redesignating the existing subsection (b) as subsection (c):

(b) In any county or municipality in which §§ 68-211-701 — 68-211-704 and 68-211-705 [repealed] and this section have been approved by a two-thirds (2/3) vote of the appropriate legislative body prior to the effective date of this act, § 68-211-701(b) shall only apply if it is approved by a two-thirds (2/3) vote of the appropriate legislative body.

SECTION 3. Tennessee Code Annotated, Title 68, Chapter 211, is amended by adding the following as new sections:

68-211-125. Aluminum dross shall be disposed of in this state only in Class I landfills.

68-211-126.

(a) Beginning July 1, 2012, the classification of any landfill that is located entirely within the boundaries of a single incorporated area shall not be increased beyond Class II.

(b) The prohibition contained in subsection (a) shall not apply to any landfill for which a valid request to modify an existing permit, by changing the classification of the landfill covered by such permit to a Class I landfill, has been filed with the commissioner, pursuant to the rules and regulations promulgated by the department of environment and conservation, by January 1, 2012.

68-211-127. Sections 68-211-125 and 68-211-126 shall only apply to any county having a population of not less than sixteen thousand four hundred (16,400) nor more than sixteen thousand five hundred (16,500), according to the 2010 federal census or any subsequent federal census.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

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