

SENATE BILL 2753

By Southerland

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

WHEREAS, the 1969 Tennessee Solid Waste Disposal Act was the first legislation governing Tennessee solid waste and mandated the state to permit and regulate landfills to protect the environment and the health of the citizens of Tennessee; and

WHEREAS, the Solid Waste Management Act of 1991 established a goal of reducing the amount of solid waste disposed of at Class I municipal solid waste disposal facilities and incinerators by twenty-five percent (25%), beginning in 1995. In response, the various regions and counties instituted changes in rural solid waste practices and changed the reporting practices of local governments to state government; and

WHEREAS, Chapter 462 of the Public Acts of 2007 required that, if the solid waste disposal control board considers a rule promoting recycling and waste reduction, the board must consider the use of incentives, disincentives, public education, costs and benefits of recycling, and the widely varying circumstances of the different solid waste regions to evaluate such rule; and

WHEREAS, reducing the amount of solid waste in Class I landfills and the amount of "special waste", construction waste, compostable food waste, non-recycled paper and aluminum dross will likely enhance the health of the citizens of the state of Tennessee and the environment; now, therefore,

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

SECTION 1. This act shall be known and may be cited as the "Solid Waste Planning Act of 2012".

SECTION 2. Tennessee Code Annotated, Section 68-211-102(a), is amended by adding the following as a new, appropriately designated subdivision:

( ) Divert waste from landfills in order to manage such waste to create jobs and business, to protect the health and safety of the citizens of this state and the environment, to reduce the cost of regulating landfills and to improve the quality of groundwater near landfills.

SECTION 3. Tennessee Code Annotated, Section 68-211-111(d), is amended by adding the following as a new subdivision:

(3) When considering any proposed rule or regulation concerning solid waste or landfills, the board shall evaluate how to manage solid waste as a raw material to create jobs and business through composting, recycling, and re-use.

SECTION 4. Tennessee Code Annotated, Section 68-211-111, is further amended by adding the following as a new subsection:

(j) The board shall evaluate recycling methods for classes of waste to create marketable raw materials and reduce the toxicity of landfilled materials. The classes of waste to which such evaluations apply shall include, but not be limited to, special waste, construction waste, compostable food waste, non-recycled paper, paper, and aluminum dross, which solutions shall depend primarily on private business rather than local government.

SECTION 5. Tennessee Code Annotated, Section 68-211-803, is amended by deleting subsection (b) and by substituting instead the following:

(b) It is further declared to be the policy of this state to permit landfills to protect the citizens and the environment and to such end the state shall educate and encourage generators and handlers of solid waste to reduce and minimize to the greatest extent possible the amount of solid waste which requires collection, treatment, incineration or

disposal through source reduction, reuse, composting, recycling and other methods, including, but not limited to, source separation of waste. Reuse, collection, composting, recycling, and source separation of waste shall be funded, whenever possible, by the profits from managing solid waste as a raw material for business and jobs.

SECTION 6. Tennessee Code Annotated, Section 68-211-806, is amended by adding the following as a new subsection:

(e) The universities may, to the extent permitted within existing resources, provide information and research to the board and to the general assembly on diversion of solid waste from landfills through composting, recycling, reuse, or other methods.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.