

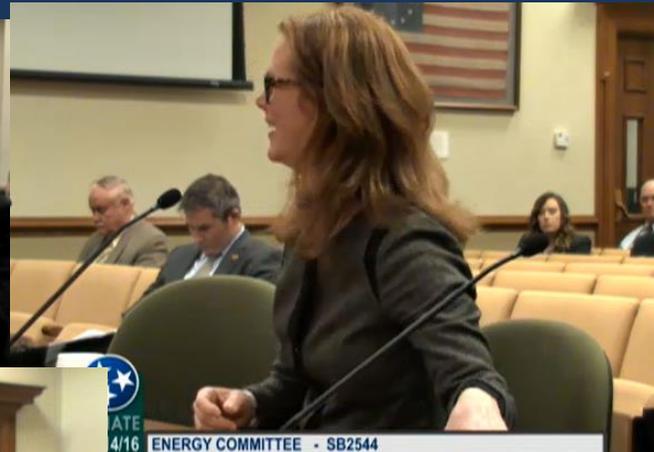


Department of
**Environment &
Conservation**

Legislative Update

45th Annual Environmental Show of the South

TDEC at Legislative Plaza



Administration Bills – HB1540 / SB2543

Recycling Grants and Rebate Restructure

- Reflects focus of Solid Waste and Materials Management Plan 2015 – 2025 on sustainable materials management
- Top 5 counties by population (and municipalities within those counties) eligible to receive recycling rebates
- All other counties and municipalities eligible to apply for recycling equipment grants
- State must offer as much or more in recycling grants as rebates

Administration Bills – HB1541 / SB2544

Used Oil Fund Expansion

- Broadens use of funds to grants for collection of other automotive fluids
- Defined as antifreeze, transmission fluid, or power steering fluid
- No change in the fee structure

Administration Bills – HB1539 / SB2542

Environmental Protection Fund (EPF) Clarification

- Current statute requires accounting by environmental statute
- TDEC complies with the law by accounting by division
- Clarifies that accounting will be by division

Administration Bills – HB1542 / SB2545

Office of Energy Programs Housekeeping

- Office of Energy Programs transferred from Department of Economic and Community Development to TDEC effective January 1, 2013
- Relocates in code and corrects cross-references
- Also reflects change of name from Division of Energy to Office of Energy Programs

Sunset Extensions – June 30, 2022

Water and Wastewater Operators Certification Board
Public Chapter 568

Archaeological Advisory Council
Public Chapter 536

Southeast Interstate Low-level Radioactive Waste Compact
Public Chapter 559

Great Smoky Mountains Park Commission
Public Chapter 551

Bills of Interest – HB1892 / SB1830

Post-Construction (Permanent) Stormwater Controls

- Municipal Separate Storm Sewer Systems (MS4s)
 - As introduced - applied to general permits and required permit to be promulgated as rule
 - As passed by the General Assembly - no rulemaking requirement; applies to any NPDES permit issued to a local government entity administering an MS4
- State can only impose post-construction stormwater requirements through an NPDES permit to the extent required by federal law and cannot require local government entities to impose controls that exceed minimum federal requirements
- Local government entities can adopt controls that exceed the minimum requirements of federal law if approved through an ordinance or resolution after 30-day public comment period
- Grandfather provision applies to ordinances or resolutions in effect when bill becomes law until a local government entity seeks coverage under a permit issued after effective date – new general permit planned to be issued this year

Bills of Interest – HB1850 / SB2417

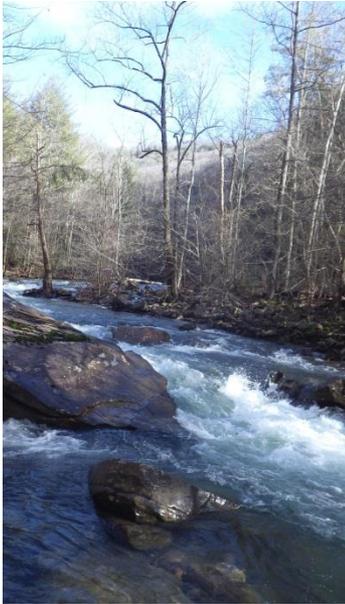
Combined Sanitary Sewer Systems – Green Infrastructure

- Includes green infrastructure in the definition of “sewerage system” for purposes of borrowing money and issuing bonds as well as rates and charges under Title 7, Chapter 35, Part 4
- Includes, but is not limited to, trees, tree boxes, vegetated roofs, infiltration strips, rain gardens, cisterns, dry wells, permeable pavement, soil amendments, pocket wetlands, and vegetated swales

Bills of Interest – HB2566 / SB2520

Scenic Rivers

- Designates a portion of Soak Creek beginning in Bledsoe County and ending in Rhea County as a Class III Scenic River



Bills of Interest – HB2212 / SB2450

Safe Drinking Water Act – Lead Contamination

- Desire for action after Flint, Michigan
- Decreases time period for notification
- Adds supervisory actions by TDEC
- Clarifies “lead contamination” phrase in current statute

Bills of Interest – HCWWTA

Hamilton County Water and Wastewater Treatment Authority

- HB2119 / SB2370
 - Collecting money owed by tenants from property owners
 - *American Heritage Apartments, Inc. v. The Hamilton County Water and Wastewater Treatment Authority*, No. E2014-00302-SC-R11-CV (April 8, 2016)
- HB2381 / SB2364
 - Ceases to have authority granted under Title 68, Chapter 221, Part 6, effective July 1, 2021
 - Reporting to the Comptroller of the Treasury begins 2017-18 fiscal year
 - Hamilton County mayor must submit plan of dissolution to be approved by the Comptroller and TDEC

Bills of Interest – HB2292 / SB2357

Dam Safety Act

- Prohibited TDEC from issuing a surface mining permit in relation to a rock quarry on land located within a one-mile radius of a dam operated by the U.S. Army Corps of Engineers
- Several amendments filed with subcommittee
- Failed in the House Agriculture and Natural Resources Subcommittee

Bills of Interest – HB1966 / SB1915

Gas Compressors

- Amend Tennessee Air Quality Act to prohibit the issuance of a permit for the construction of a gas compressor on land within a one-mile radius of a public park
- Joelton, Tennessee – proposed air compressor station by Tennessee Gas Pipeline Company
- Did not move out of committee

Bills of Interest – HB0949 / SB1023

Fluoride

- Failed in Agriculture and Natural Resources Subcommittee
- Amendments this session strongly encouraged and then referenced inline fluoride monitoring technology and had numerous requirements including: certification for workers in fluoride education and training, random and unannounced inspections, and a specified warning on the first page of all communications
- Extensive preamble

Bills of Interest – HB0833 / SB0842

Coal Surface Mining Primacy

- Last session recommended for approval by House and Senate substantive committees and Government Operations committees
- Fiscal note estimate of cost showed that bill would not fund itself through fees, severance tax, and civil penalties
- Not funded in 2016-2017 budget

Bills of Interest – HB0857 / SB1049

Solid Waste Processing

- Authorizes surcharge imposed pursuant to Tenn. Code Ann. § 68-211-835(f)(1)(A), to be used for solid waste processing (in addition to collection and disposal) by a county, municipality, or solid waste authority
- Authorizes Metropolitan Nashville (Davidson County) to impose an additional solid waste collection, processing, and disposal fee
- Subject to approval of the Underground Storage Tanks and Solid Waste Disposal Control Board

Bills of Interest – HB2197 / SB2225

Organic Waste

- Public Chapter 648 (March 23, 2016)
- Required to supplement the most recently enacted state plan with study of organic waste
- Statement of intent in testimony that TDEC already planned to study organic waste and report the results of the study so the state plan will not need to be amended as a result of the act

Bills of Interest – HJR0514

Food Waste

- Encourages all state agencies and their contractors to donate excess, apparently wholesome food to nonprofit organizations that provide assistance to food-insecure people in Tennessee
- Cites the federal Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. § 1791)

Bills of Interest – HB0764 / SB0689

Annual Report to General Assembly on Solid Waste Management System

- Public Chapter 607 (May 2, 2016)
- Annual report must include progress implementation updates, including projected implementation steps, on each specific component of the state's comprehensive solid waste management plan, as listed in Tenn. Code Ann. § 68-211-603

Bills of Interest – HB2169 / SB2228

Hazardous Waste Management Act Liability Exemption

- Excludes from the definition of “liable party” a person that is excluded under the Superfund Recycling Equity Act, 42 U.S.C. § 9627
- Arrangers or transporters of recyclable materials that can meet criteria of federal law, including that the material is a recyclable material and the transaction is a recycling transaction
- Must be established by a preponderance of the evidence
- Clarity encourages compliance

Bills of Interest – HB1503 / SB1690

Petroleum Underground Storage Tanks

- Authorizes Underground Storage Tanks and Solid Waste Management Control Board to suspend fees
- Clarifies that specified amounts collected or received by the State will be deposited in the Fund
- Removes \$2,000,000 minimum balance and specifies considerations to be taken into account by the Board when setting fees

Bills of Interest – HB0721 / SB0777

Motor Vehicle Inspection and Maintenance Program

- Exempts motor vehicles three or less model years old subject to inspection and maintenance testing if a county chooses to opt out
- County must act to choose to opt out by December 31, 2016, and notify Technical Secretary by January 31, 2017
- Will not take effect until revised SIP approval by EPA and amendment or expiration of existing contracts

Other Bills of Interest

- Establish an Energy Council (not funded) HB2151 / SB1777
- Property Assessed Clean Energy [PACE] (summer study) HB2084 / SB2352
- Increase registration on hybrid-electric and electric motor vehicles (failed in Senate) HB1815 / SB1451
- Radon disclosure (failed in House) HB2274/ SB2317
- Tire tracking database (no action) HB2516 / SB2491

The screenshot shows the top portion of the Tennessee General Assembly website. At the top, there is a search bar with the text "Search for Bills, Legislators and more" and a magnifying glass icon. Below the search bar is a horizontal navigation menu with the following items: LEGISLATORS, LEGISLATION (highlighted with a red arrow), VIDEOS, SCHEDULES & CALENDARS, COMMITTEES, DIRECTORY, FIND MY LEGISLATOR, and MY BILLS. The background of the website header features a photograph of the interior of the Tennessee State Capitol building.

Bill Search • Browse Bills by Index • Browse Bills by Subject • My Bills • Publications • Archives

A large photograph of Lt. Governor Ron Ramsey, a man with white hair wearing a dark suit and a patterned tie, is the central focus. He is standing in the Tennessee State Capitol building, with rows of wooden desks and chairs visible in the background. The lighting is warm and professional.

Lt. Governor Ron Ramsey

The Honorable Ron Ramsey, Lieutenant Governor of the State of Tennessee, is the first Republican Senate Speaker in 140 years. As Tennessee's conservative leader, he has built a reputation as the leading voice for economic growth in the General Assembly.

<http://www.capitol.tn.gov/legislation>

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The screenshot shows the Tennessee General Assembly website. The header includes the text "TENNESSEE GENERAL ASSEMBLY" and a search bar. The navigation menu contains "LEGISLATORS", "LEGISLATION", "VIDEOS", "SCHEDULES & CALENDARS", "COMMITTEES", "DIRECTORY", "FIND MY LEGISLATOR", and "MY BILLS". The main content area features a sidebar for "HB 1541 by *McCormick" (SB 2544 by *Norris) and a central table of actions for both bills. The table has columns for "ACTIONS" and "DATE".

HB 1541 ACTIONS

ACTIONS	DATE
Comp. SB subst.	04/04/2016
H. Placed on Consent Calendar for 4/4/2016	03/31/2016
Placed on cal. Calendar & Rules Committee for 3/31/2016	03/30/2016
Rec. for pass; ref to Calendar & Rules Committee	03/29/2016
Placed on cal. Finance, Ways & Means Committee for 3/29/2016	03/23/2016
Rec. for pass by s/c ref. to Finance, Ways & Means Committee	03/23/2016
Placed on s/c cal Finance, Ways & Means Subcommittee for 3/23/2016	03/16/2016
Assigned to s/c Finance, Ways & Means Subcommittee	03/16/2016

SB 2544 ACTIONS

ACTIONS	DATE
Signed by Governor.	04/19/2016
Transmitted to Governor for action.	04/08/2016
Signed by H. Speaker	04/06/2016
Signed by Senate Speaker	04/06/2016
Enrolled and ready for signatures	04/05/2016
Passed H., Ayes 88, Nays 0, PNV 1	04/04/2016
Subst. for comp. HB.	04/04/2016
Rcvd. from S., held on H. desk.	03/30/2016
Engrossed; ready for transmission to House	03/28/2016
Passed Senate, Ayes 32, Nays 0	03/28/2016
Placed on Senate Consent Calendar 2 calendar for 3/28/2016	03/24/2016

The screenshot shows a web browser window displaying the Tennessee General Assembly website. The browser's address bar shows the URL 'www.capitol.tn.gov' and the search term 'criminal'. The website header includes the text 'TENNESSEE GENERAL ASSEMBLY' and a search bar. The navigation menu contains links for 'LEGISLATORS', 'LEGISLATION', 'VIDEOS', 'SCHEDULES & CALENDARS', 'COMMITTEES', 'DIRECTORY', 'FIND MY LEGISLATOR', and 'MY BILLS'. The main content area is titled 'HB 1541 by *McCormick' and includes a sub-section '(SB 2544) by *Norris'. The description of the bill is: 'Environment and Conservation, Department of - As introduced, broadens the scope of the Used Oil Collection Act of 1993 to address the proper disposal of used antifreeze, transmission fluid, and power steering fluid. - Amends TCA Section 55-4-133 and Title 68, Chapter 211, Part 10.' To the right, a 'VIDEOS CONTAINING KEYWORD: HB1541' section displays a table of video results. A red arrow points to the 'Item: HB1541' link in the first row of the table.

Name	Date	Duration	Agenda	Video
House Session - 55th Legislative Day Item: HB1541	Apr 4, 2016	02h 41m	Agenda	Video
Calendar & Rules Committee Item: HB1541	Mar 31, 2016	00h 55m	Agenda	Video
Finance, Ways & Means Committee Item: HB1541	Mar 29, 2016	02h 23m	Agenda	Video
Finance, Ways & Means Subcommittee Item: HB1541	Mar 23, 2016	01h 31m	Agenda	Video

Thank you!



TN

Department of
**Environment &
Conservation**

*TDEC exists to enhance the quality of life for
citizens of Tennessee and to be stewards of our
natural environment.*