



State of Tennessee

PUBLIC CHAPTER NO. 342

HOUSE BILL NO. 952

By Representative Wirgau

Substituted for: Senate Bill No. 1160

By Senator Stevens

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 211, Part 7, relative to landfills.

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 language:

(b) Prior to accepting any waste that would require a change in the classification of a landfill under rules promulgated pursuant to this chapter to a classification with higher standards including, but not limited to, changing the classification from a Class III or IV to a Class I or II or from a Class II to a Class I, the plans for which were approved pursuant to subsection (a), the landfill operator shall first submit the proposal to accept the waste to:

(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.

(c) After submission to the county legislative body or municipality under subsection (b), the county legislative body or the municipality or both shall give public notice and an opportunity for public hearing on the proposal and then approve or disapprove it in accordance with § 68-211-704(a) and (b). Judicial review of the decision shall be available in accordance with § 68-211-704(c).

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 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.

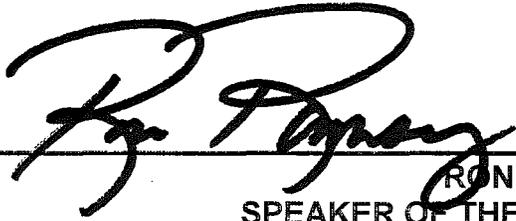
SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: APRIL 17, 2013

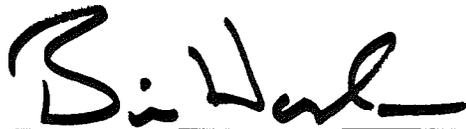


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 13th day of May 2013



BILL HASLAM, GOVERNOR