2019 Legislative Update

First Session of the 111th General Assembly
TDEC exists to enhance the quality of life for citizens of Tennessee and to be stewards of our natural environment.
Septic Systems and Moratoriums

- Prohibits the Commissioner (Department) from denying the issuance of an SSDS permit solely because there is a moratorium on additional sewer connections.

- The SSDS permit applicant must provide documentation with the application that a moratorium is in place.

- Local utilities currently have the authority to require sewer connections if it becomes available – sellers must disclose this to subsequent residential property owners.
ARAP – Alternative Siting Requirements

• Alternatives analyses for public transportation projects do not need to include alternative road locations but must include other measures such as design alternatives.

• TDEC worked with the Tennessee Roadbuilders Association to ensure that the legislation does not affect the scope of the Antidegradation Statement required by federal law.
Bills of Interest – Water
Public Chapter 400 (HB695 Russell/SB1455 Bailey)

• Exempts up to $25,000 per year from state sales and use tax the sale of public safety and public works-related goods to a nonprofit property owners association that has received a 501(c)(4) exemption from the IRS and maintains more than 100 miles of roads.

• Defines "public safety or public works-related goods" to mean equipment and supplies used:

  In the construction or maintenance of utilities, roads, culverts, curbs, sidewalks, parks, landscaping, docks and dock facilities, sewage and wastewater systems, and flood control and drainage systems, including storm water sewers and drains; ...
Authorize municipal utility systems and utility districts to enter into agreements with companies to provide leak protection bill coverage, insurance, or service agreements and provide water or sewer line damage protection coverage and include in the costs of the services in utility bills.
Gasification/Pyrolysis

• Provides regulatory certainty for the regulated community wanting to divert plastics or other materials from the solid waste stream and turn them into usable final products such as fuel, chemicals, waxes, etc. using gasification and pyrolysis.

• TDEC worked with stakeholders to ensure that these facilities are narrowly defined to be regulated in a way that is protective of human health and the environment.
Bills of Interest – Solid Waste Management (SB1056 Dickerson/HB964 Love)

• Caption bill filed with the intent of addressing the issue of illegal tire dumping.

• Referred to Tennessee Advisory Commission on Intergovernmental Relations (TACIR) for study and recommendations.
Notice for Utility Round-Up Programs

- Requires express consent of customers to enroll for programs established on or after 2021 (opt-in program).

- Notice must be given to customers of existing programs by November 1, 2020, that they can opt out.

- Existing opt-out programs that fail to comply with the notice requirement must cease operating as an opt-out program on January 1, 2021.
Bills of Interest – Remediation
Public Chapter 257 (HB327 Howell/SB355 Gardenhire)

- Expands the tax increment financing (TIF) program for urban brownfield redevelopment to small counties.

- Eliminates size requirements for brownfield sites.

- States that the period in which the Industrial Development Board can receive the allotments is no more than 30 years.

- Expands the definition of qualified costs to include investigation and remediation of the site.

- Expands the definition of a redevelopment zone to include opportunity zones designated under the federal Tax Cuts and Jobs Act of 2017.
Bill created a state government advisory task force on extreme weather and community resilience consisting of 24 members.

Required the task force to assess the historical, present, and projected occurrence of natural catastrophes and extreme weather events in this state and to examine present and projected losses associated those events. Also required the task force to develop recommendations to address associated vulnerabilities and adverse impacts and increase resilience.

Sponsors deferred to TACIR to study the subject due to lack of support for the bill. TDEC and the sponsors are hopeful the study will provide useful information and recommendations for the General Assembly.

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Bills of Interest – Wild Ginseng
Public Chapter 125 (HB103 Faison / SB919 Southerland)

• Amends the definition of wild ginseng to include ginseng cultivated in wild habitat using plantlets sourced from wild ginseng stock.

• Adds a definition of plantlet:
  – Young or small plant, which naturally creates stolons with plantlets on the ends as a form of asexual reproduction.
  – Vegetative propagules or clippings of mature plants may be used to create plantlets.

• International Ginseng Institute – MTSU
– Requires state agencies to prepare and submit reports to the Department of Finance and Administration regarding the effects of, and plans for, reductions in federal funding.

– Requires F&A to compile and report certain information to the Chairs of the Finance, Ways and Means Committees of the House of Representatives and the Senate on or before January 15 of each year.


– Repealed on July 1, 2024.
Bills of Interest – 2020 Budget

– State Revolving Fund
  • $2.7 million in state match to drawn down all available federal funds
  • SRF program requires a 20% state match

– Hazardous Waste Remedial Action Fund
  • $2 million nonrecurring cost increase
  • $1 million supplemental FY18-19 towards existing NPL obligations
  • $700,000 supplemental FY18-19 for statewide Dry Cleaner Cleanup

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Sunset Extensions

Tenn. Code Ann. § 4-29-240 (terminate June 30, 2019)

- Board of Groundwater Management and Air Pollution Control Board - Extended to June 30, 2025.


Bills That May Return

• HB361 (Cooper)/SB417 (Kyle) – prohibits expansion or new landfill within 5 miles of a residence.

• HB1467 (Daniel)/SB1329 (Watson) – requires State agencies to submit an analysis of total implementation costs of a rule to the Government Operations Committee prior to filing with the Secretary of State:
  • Prohibits the rule if statewide implementation over 3 years is equal to or greater than $3 million.
  • Filed amendment requires the analysis to be submitted to and reviewed by the Fiscal Review Committee.
Bills That May Return

- HB544 (Daniel)/SB1293 (Pody) – establishes appeal process for members relative to fiscal notes and memoranda issued by the Fiscal Review Committee staff.
  - New policy provides appeal process to Executive Director of FRC.
  - Bill would require procedures to be developed for an appeal hearing before the committee.
  - Passed successfully by the House but has not yet moved in the Senate.

- HB1124 (Daniel) /SB1000 (Roberts) – filed amendment makes various changes to the Uniform Administrative Procedures Act.
  - Eliminates proposed rules, defines public health for emergency rules, requires notice for any hearing to be served by certified or first class mail 30 days before hearing.
  - Deferred to 2020 in both House and Senate.
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