

CHAPTER NO. 594

SENATE BILL NO. 3873

By Kyle, Jackson, Finney

Substituted for: House Bill No. 3992

By McMillan, Tidwell, Russell Johnson, Coleman, Odom, Fraley

AN ACT to amend Tennessee Code Annotated, Title 69, Chapter 3, Part 1, relative to the impacts of surface mining on waters.

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

SECTION 1. Title 69, Chapter 3, Part 1, is amended by adding the following as a new section:

Section () The commissioner is authorized to issue stop work orders for coal surface mining operations in accordance with this section.

(a) When certain coal surface mining activities have polluted waters of the state as a result of an operator's failure or refusal to comply with permit conditions, the Commissioner of Environment and Conservation may issue a stop work order to the operator. The stop work order will specify those parts of the coal surface mining activities on site that are contributing to such pollution which must stop. The stop work order will remain in effect until the department determines that the operator has installed or repaired all necessary measures to comply with the permit so that further pollution associated with the surface mining activities will not occur.

(b) A written request for a hearing before the water quality control board on the stop work order must be filed by the operator to the Commissioner of Environment and Conservation within thirty (30) days of receipt of notice. If the operator files that request and also makes a specific request for an informal meeting with the Commissioner of Environment and Conservation to show cause why the stop work order should not have been issued, then the commissioner or, at the commissioner's option, the deputy or assistant commissioner shall meet with the operator within three (3) working days after the hearing request is filed. Any modification or revocation of the stop work order shall be in writing. If the commissioner or such designee upholds the stop work order, it shall remain in effect until resolution of the appeal or the operator comes into compliance. If no request for hearing is made within thirty (30) days of the receipt of notice, the stop work order becomes final and not subject to review.

(c) Failure of an operator to comply with a stop work order issued pursuant to this section shall subject the operator to the penalties in § 69-3-115.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 20, 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 4th day of May 2006


PHIL BREDESEN, GOVERNOR