



May 18, 2024

Hazardous Waste and Hazardous Substances

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Reference Number: CTAS-544

Hazardous waste storage facilities, treatment facilities and disposal facilities throughout the state are under the supervision of Tennessee's Department of Environment and Conservation. T.C.A. § 68-212-107.

Before the state issues a permit for a facility for the storage, treatment, or disposal of hazardous waste, it must give public notice of the application and, within 45 days of that notice, hold a public community meeting concerning the permit application. The county legislative body, the municipal governing body, if any, where the facility is proposed, and the governing body of any municipality located within one mile of the proposed facility must be represented at the meeting; failure to participate is deemed a waiver. The county legislative body or other governing bodies may make reports summarizing issues they feel are appropriate. If the governing body chooses to make a report, it must include a decision to accept, reject, or modify the application. The report must be submitted within 90 days of the community meeting. The decision announced in this report is to be based on the factors listed in T.C.A. § 68-212-108. The commissioner of environment and conservation may then affirm the decision or may modify or reverse it if the decision is based upon improper factors. T.C.A. § 68-212-108. The local governing body may seek judicial review of an adverse determination. T.C.A. § 68-212-111.

There are statutory incentives available to counties in which commercial facilities for the disposal of hazardous waste are located. There is a "responsible waste disposal incentive fund" which, if funded by the legislature, is available to counties meeting the eligibility requirements. T.C.A. § 68-212-210.

Furthermore, any local government receiving these funds may levy an additional fee, not to exceed statutory maximums, on the disposal of hazardous wastes at facilities within its jurisdiction. T.C.A. § 68-212-211. The county also has limited monitoring and inspection authority at these sites. T.C.A. § 68-212-208.

In addition to state legislation on hazardous substance management, there are federal provisions with which county governments must comply if they deal with hazardous materials. Local governments should also be aware that landfills containing hazardous waste may be subject to Superfund cleanup requirements.

Finally, every employer (including counties) must comply with all of the requirements of the federal hazard communication standard codified in 29 CFR 1910.1200. Along with these standards, state law under T.C.A. § 50-3-2001 requires employers where certain hazardous chemical are used to: (1) provide employee training programs; (2) report the chemicals to the fire chief; (3) place appropriate signage on buildings containing the chemical; (4) maintain list of the chemicals present; and (5) notify new or newly assigned employees about the workplace chemical list before working in an area containing the hazardous chemicals.

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