



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

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Hazardous Waste

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal 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 municipal 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 MTAS website material.

Sincerely,

The University of Tennessee
Municipal Technical Advisory Service
1610 University Avenue
Knoxville, TN 37921-6741
865-974-0411 phone
865-974-0423 fax
www.mtas.tennessee.edu

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Hazardous Waste

Reference Number: MTAS-372

Hazardous Waste Permit

When the state considers an application to permit a hazardous waste site within a municipality or within one mile of a municipality, the city council must vote within 90 days to accept, reject, or modify the application. The city must send the state a report that addresses a series of questions. The questions ask whether the facility:

- minimizes incompatibility with the surrounding area and its effects on the value of the area;
- minimizes the impact on traffic flow; and
- meets zoning requirements for hazardous solid waste facilities.

Before issuing or denying the permit, the state commissioner of environment and conservation must affirm, reverse, or modify the decision of the local government. T.C.A. § 68-212-108.

Applicants for hazardous waste storage or disposal facilities must hold a public meeting and complete a community impact statement before submitting a permit application. T.C.A. § 68-212-108. T.C.A. § 68-212-105 makes it unlawful to place a new commercial hazardous waste facility closer than 1,500 feet to residential, day-care, church, park, or school property.

Hazardous Waste Plans and Reports

The Tennessee Hazardous Waste Reduction Act of 1990 requires hazardous waste generators to classify themselves as large or small, prepare hazardous waste reduction plans, and file annual reports with the state. T.C.A. §§ 68-212-301–312.

Superfund and Hazardous Waste Sites

The commissioner of environment and conservation is required to notify the register of deeds in each county in which property has been placed on the list of inactive hazardous substance sites. The register must record a notice that the property has been so listed. This notice effectively freezes any loan for development of the site until the environmental problem is addressed and the notice is removed.

Local governments are not liable for cleanup of hazardous waste sites if they acquire ownership through tax delinquency, bankruptcy, abandonment, or similar circumstances. This exemption does not apply if the government contributed to releasing hazardous materials or if liability has been otherwise adjudicated. T.C.A. §§ 68-212-101–302.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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