

HOUSE BILL 353

By McDonald

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 221 and Title 69, relative to environmental regulation.

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

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 221, is amended by adding the following language as a new, appropriately designated part:

68-221-1401.

(a) For purposes of this section, "ridgeline" means the elongated crest or a series of crests at the uppermost intersection between two (2) or more opposite slopes or sides of a mountain and includes all surface land within one hundred feet (100') below the elevation of any such line or surface of intersection along the crest.

(b) Under no circumstances shall the commissioner of environment and conservation, or the commissioner's duly authorized representative, issue or renew any permit, certification, or variance that would allow surface coal mining operations to alter or disturb any ridgeline that is above two thousand feet (2,000') elevation above sea level, such elevation being determined using the most current edition of the United States forest service's publication, Ecological Subregions of the United States.

(c) This section shall not prohibit any otherwise allowable surface coal mining above two thousand feet (2,000') elevation above sea level that does not alter or disturb a ridgeline.

(d) This section shall not prohibit the commissioner from issuing or renewing a permit, certification, or variance that would authorize the construction or maintenance of or ridgeline crossings including utility, rail, or pipeline crossings or road crossings necessary to obtain access to underground or surface mining activities or to obtain access to reclamation activities that are permissible pursuant to federal and state law; provided, however that the applicant would otherwise be eligible for such permit, certification, or variance under any other applicable state or federal law, including, but not limited to, water quality criteria.

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