

2019 SIERRA CLUB LEGISLATIVE REPORT

CONSERVATION EDUCATION DAY - WIN

March 5 & 6, 2019. This day-on-the-hill has been conducted by the Sierra Club, the Tennessee Environmental Council, and the Tennessee Conservation Voters for many years. This year, 57 constituents went to Nashville to meet with 45 legislators to testify to their concern for the environment. These meetings strengthen our other lobbying efforts. This year, Tennessee Interfaith Power and Light also participated. “We hope that more of our conservation allies will participate next year,” Banbury said. “The goal is to meet with all 132 legislators. For that, we need many more participants.” The Tuesday evening training was held in Nashville, but was accessible over the internet via Zoom. For a first-time effort, the remote access worked reasonably well and supports the Sierra Club efforts to reduce our carbon footprint. Fifteen people participated remotely. Big thanks to Bill Moll, Betsy Garber and JoAnn McIntosh!

[HB1021/SB431](#) SINGLE USE CONTAINER RESTRICTION PREEMPTION BILL - LOSS

Tennessee, along with a dozen other states, was targeted by the American Legislative Exchange Council (ALEC) with a bill that preempted (blocked) local communities from enacting any restrictions on single use containers (plastic bags, styrofoam, etc.). [HB1021/SB431](#) by Rep Susan Lynn (R-Wilson County) and Sen Mike Bell (R-McMinn County) was introduced under a caption that would “extend from 90 to 120 days the period by which a county legislative body must file a revised county district boundary map” but when revealed in the House Consumer Subcommittee on March 6, the bill was amended to EXACTLY duplicate ALEC’s [model bill](#) to preempt local communities rights to place any restrictions or fees on single-use plastic bags, disposable containers, utensils or straws. Representatives voting against HB1021 were Beck, Camper, Chism, Clemmons, Cooper, Dixie, Freeman, Hardaway, Hodges, Jernigan, Johnson G, Love, Miller, Mitchell, Potts, Powell, Staples, Stewart, Thompson, Towns, and Windle. Senators voting against SB431 were Akbari, Dickerson, Gilmore, Kyle, Robinson, and Yarbro. We were able to [amend](#) the bill to maintain the right of local governments to regulate single-use containers on properties they own. The other positive coming out of this is that Republican Senator Richard Briggs from Knox County says he will introduce legislation in 2020 that will ban plastic bags statewide.

[SB264/HB156](#) ANTI PIPELINE PROTEST BILL - PARTIAL WIN

Another ALEC bill introduced in many states this year sought to create new felony criminal sanctions for anyone involved in activities meant to “interrupt or interfere with” oil or gas pipeline operation or construction. Dubbed the “[Critical Infrastructure Protection Act](#)”, this bill was clearly meant to suppress protests against the construction of oil and gas pipelines and associated infrastructure. Worse yet, as originally introduced, [SB264/HB156](#) by Sen Frank Niceley (R-Claiborne County) and Rep Sam Whitson (R-Williamson County) would also criminalize individuals or organizations that “cause[d], aid[ed], or coerce[d] other individuals to engage in such protest activities. Fortunately, we were able to [amend](#) the bill to strip out the second part of the bill that would make it a felony to support protest activities which would have made it a crime to even make a social media post encouraging protestors, but the bill still passed making it a felony to do something as simple as blocking the driveway of any such facility.

[SB 308/HB377](#) ROUND UP YOUR UTILITY BILL BILL - PARTIAL WIN

Memphis Light Gas and Water (MLGW) and the Knoxville Utility Board (KUB) both have very successful programs that allow customers to round up their bills to provide funding for low income energy efficiency programs. Other utilities in TN have similar programs that fund a myriad of charitable causes like parks, libraries, education, and public health programs. The MLGW [Share the Pennies Program](#) and the [KUB Round It Up Program](#) have raised hundreds of thousands of dollars to assist low income families to make investments in energy efficiency that both lower bills and reduce demand for dirty fossil fuel or nuclear energy. Metro Nashville is currently considering a similar program and many other TN communities benefit from similar programs. The amount of money generated by these programs depends on whether enrollment is automatic, with an option to opt-out, or enrollment must be opt-in only. Either way, only 10-15% of customers respond meaning that automatic enrollment programs generate 5 to 6 times as much funding as do opt-in only programs.

As [originally drafted](#), SB308/HB377 by Sen. Jon Lundberg (R-Bristol) and Rep. Clark Boyd (R-Lebanon) would have made all programs opt-in only after January 1, 2020, which would have dramatically diminished the future viability of existing automatic enrollment programs and made the creation of new ones much less attractive.

We were able to get the bill [amended](#) to allow existing automatic enrollment programs to continue as long as specific notice of the opportunity to opt-out was provided to their customers, as well as allowing the creation of new automatic enrollment programs to be created by January, 1 2021.

[SB178/HB165](#) SEPTIC TANK FREE-FOR-ALL BILL - *PARTIAL WIN*

SB178/HB165 by Sen Todd Gardenhire (R-Hamilton County) and Rep Patsy Hazlewood (R-Hamilton County) came from the Home Builders Association and was meant to address the current moratorium on new sewer connections, and by extension building permits, in Hamilton County due to inadequate waste treatment capacity. As [originally drafted](#), this bill would have required that septic tank permits be issued to any applicant subject to a sewer connection moratorium regardless of local zoning ordinances. This would result in possibly 100s of separate septic systems within each subdivision and potential threats to groundwater and surface water.

Through [media coverage](#) and collaboration with Hamilton County officials and TDEC, we were able to get this legislation [amended](#) to protect local zoning ordinances in regards to minimum lot sizes, preserve TDEC's rules regarding hydrological requirements, and require disclosure to home buyers that they would be required to connect to sewer infrastructure when made available. While meant to address problems in Hamilton County, this bill does apply statewide and merits monitoring from members across the state in the other [58 communities](#) in TN that currently have sewage connection moratoriums in place.

[SB 923/HB 219](#) PYROLYSIS/GASIFICATION OF PLASTIC WASTES - *PARTIAL WIN*

This was another "model bill", this time coming from the American Chemistry Council, that was introduced in several other states this year or passed last year. SB923/HB219 redefines plastic wastes recovered from the recycling stream as manufacturing "feedstocks" not subject to solid waste laws if they are to be converted to other usable chemicals via [pyrolysis or gasification](#). The biggest problem here is that solid waste facility siting rules require robust public notice and participation, whereas the new rules would only require air permits.

It is claimed that pyrolysis or gasification should not be subject to rules regarding waste incineration, since both are achieved in low or oxygen-free environments, where, nonetheless, intense heat is used to breakdown the plastics into gaseous forms that are then distilled into monomers, waxes, oils and

fuels for reuse. There are few, if any, examples of where this technology has been applied successfully on an industry scale and all such processes culminate in the combustion of unrecoverable chemicals, causing the formation of dioxins, furans and other toxic emissions.

Where gasification technologies have been applied in to organic wastes in TN, it has been an abject failure. In Lebanon, the city has [given up on it](#) and [handed it back to the company that built it](#). Similarly, a gasification plant built with state grant funds in Covington, TN has been [shutdown since 2015](#).

Unfortunately, SB923/HB219 passed with little opposition, largely because no community faced an immediate threat. We were able to get it amended to get it [amended](#) to explicitly require conformity to Federal rules and NOT apply to other waste streams. In other states where this legislation has passed, no companies have yet come forward to take advantage of it. Absent the statewide public notice provisions provided by solid waste rules, it will fall on individual communities to even know if one of these facilities is coming to their area. If your local Sierra Club Group or Conservation Committee is not signed up to receive local air permit notices, now is the time to do so. [Shared Folder on Pyrolysis/Gasification Issues](#).

[SB417/HB361](#) LANDFILL/HAZARDOUS WASTE PUBLIC PARTICIPATION - *COULD BE A WIN*

SB417/HB361 was intended to address problems that both urban EJ communities and rural communities have faced in regards to landfill permitting and hazardous waste management or remediation. [As introduced](#), it placed a moratorium on new landfill permits within 5 miles of any residences and created a process by which community members could petition for a public hearing regarding violations of landfill or hazardous waste corrective action permits.

Sierra Club worked with the sponsors, Sen Sara Kyle (D-Memphis) and Rep Barbara Cooper (D-Memphis) to [amend](#) the bill to avoid an expensive fiscal note and create a process by which local governments are better informed by TDEC regarding special waste approvals in landfills within their jurisdictions and give the local community greater opportunity to participate in the public process.

We will be moving this bill forward in 2020 and have already enrolled additional cosponsors in rural communities. This bill addresses the problems experienced at the [Environmental Waste Services landfill in Camden, TN](#) as well as those [experienced in Decatur County](#).

[SB1056/HB964](#) ILLEGAL TIRE DUMPING - *UPCOMING WIN*

Senator Dickerson (R-Nashville) introduced SB1056 to address the horrendous problem of illegal tire dumping in TN. This is a statewide/bipartisan issue and could be a big win. The current program collects fees from new tire dealers which are meant to be redeemed by the same when they swap out the old for the new and the tires are supposed to be shredded and properly disposed of. The reality is that most of the old tires are sold to second-hand tire shops that do not participate in the redemption program, resulting in thousands of tires per year being illegally dumped or stashed until [community tire redemption programs](#) kick in. Senator Dickerson wants to fix this and introduced both SB1056/HB964 and a [resolution calling for a TACIR study](#) that Sierra Club helped draft. This will come up in the beginning of the 2020 session.