

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 289

HOUSE BILL NO. 2300

**By Representatives Mike Turner, McCord, Hawk, Ferguson, Litz, Lollar,
Fraleay, Niceley, Borchert, Coley, Faulkner**

Substituted for: Senate Bill No. 2321

By Senators Kyle, Southerland, Black, Ketron, Overbey, Faulk, Tracy, Yager,
Watson, Marrero, Bunch, Ford

AN ACT to amend Tennessee Code Annotated, Title 69, Chapter 3, Part 1,
relative to water quality.

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

SECTION 1. This act shall be known and may be cited as "The Responsible
Mining Act of 2009".

SECTION 2. Tennessee Code Annotated, Section 69-3-108, is amended by
adding the following language as a new subsection (f) and by redesignating the
remaining subsections accordingly:

(f) In regard to permits for activities related to the surface mining of coal:

(1) No permit shall be issued that would allow removal of coal from the earth from its original location by surface mining methods or surface access points to underground mining within one hundred feet (100') of the ordinary high water mark of any stream or allow overburden or waste materials from removal of coal from the earth by surface mining of coal to be disposed of within one hundred feet (100') of the ordinary high water mark of a stream; provided, however, that a permit may be issued or renewed for stream crossings, including but not limited to rail crossings, utilities crossings, pipeline crossings, minor road crossings, for operations to improve the quality of stream segments previously disturbed by mining, and for activities related to and incidental to the removal of coal from its original location, such as transportation, storage, coal preparation and processing, loading and shipping operations within one hundred feet (100') of the ordinary high water mark of a stream if necessary due to site specific conditions that do not cause the loss of stream function and do not cause a discharge of pollutants in violation of water quality criteria. Nothing in this subdivision shall apply to placement of material from coal preparation and processing plants.

(2) Without limiting the applicability of this section, if the commissioner determines that surface coal mining at a particular site will violate water quality standards because acid mine drainage from the site

will not be amenable to treatment with proven technology both during the permit period or subsequent to completion of mining activities, the permit shall be denied.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 4, 2009



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 21st day of May 2009



PHIL BREDESEN, GOVERNOR