



State of Tennessee

PUBLIC CHAPTER NO. 1007

SENATE BILL NO. 1830

By Southerland, Kelsey, Gardenhire, Green, Bell, Beavers, Bowling, Crowe, Jackson, Niceley, Norris, Roberts, Stevens, Tate

Substituted for: House Bill No. 1892

By Halford, Lollar, Sparks, McManus, Holt, Kevin Brooks, Howell, Carter, Marsh, Eldridge, Casada, Alexander, Byrd, Cameron Sexton, Harry Brooks, Littleton, Jenkins, Todd, Moody, Pitts, Forgety, Sanderson, Matlock, Durham, Gravitt, Reedy, Zachary, DeBerry, Rogers, Butt, Goins, Johnson, Miller

AN ACT to amend Tennessee Code Annotated, Title 69, Chapter 3, Part 1, relative to post construction storm water requirements for municipal separate storm sewer systems.

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

SECTION 1. Tennessee Code Annotated, Section 69-3-108, is amended by adding the following as new, appropriately designated subsections:

(s) Any national pollutant discharge elimination system (NPDES) permit issued pursuant to this section to a local governmental entity administering a municipal separate storm sewer system shall not impose post-construction storm water requirements, except to the extent necessary to comply with the minimum requirements of federal law. Any such NPDES permit that includes numeric or narrative effluent limitations to manage post-construction storm water shall allow the local governmental entity administering a municipal separate storm sewer system discretion in selecting measures to meet any such effluent limitations.

(t) This state shall not require any local governmental entity that administers a municipal separate storm sewer system under a national pollutant discharge elimination system (NPDES) permit issued pursuant to this section to impose control measures for post-construction storm water that exceed the minimum requirements of federal law. Any local governmental entity that adopts control measures that exceed the minimum requirements of federal law must do so by ordinance or resolution, as appropriate, by the local legislative body upon a majority vote. This subsection (t) shall not apply to any ordinance or resolution in effect on the effective date of this act, but shall not preclude a local governmental entity that administers a municipal separate storm sewer system from making changes consistent with subsection (s) and this subsection (t). When a local governmental entity seeks coverage under any future version of the NPDES permit after the effective date of this act, such ordinance or resolution shall comply with subsection (s) and this subsection (t). The local government entity shall provide in writing the control measures that exceed federal minimum requirements to the local legislative body at least thirty (30) days in advance of a vote in order to provide for a public comment period.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

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

SENATE BILL NO. 1830

PASSED: April 7, 2016



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 22nd day of April 2016

BILL HASLAM, GOVERNOR



BILL HASLAM
GOVERNOR
STATE OF TENNESSEE

April 22, 2016

The Honorable Ron Ramsey
Lieutenant Governor and Speaker of the Senate
Suite 1, Legislative Plaza
301 6th Avenue North
Nashville, TN 37243

RE: Senate Bill 1830/House Bill 1892

Lieutenant Governor Ramsey:

I am letting Senate Bill 1830 become law without my signature.

I have concerns about the potential impacts of this legislation and the limits it places on the State's ability to protect our water resources adequately. In addition, the bill imposes on local governments a cumbersome procedural mechanism that will cause confusion for those communities as they seek to implement required storm water pollutant removal programs. I am concerned that some of the ambiguous and confusing language in the bill could lead to costly litigation. As Governor, I am a strong proponent of economic growth and development, but I am equally committed to ensuring that we protect Tennessee's air, land and water resources for today and for future generations of Tennesseans.

Respectfully,

A handwritten signature in black ink that reads "Bill Haslam".

Bill Haslam

cc: The Honorable Beth Harwell, Speaker of the House