

SENATE BILL 716

By Haile

AN ACT to amend Tennessee Code Annotated, Title 68,
Chapter 105, relative to blasting standards.

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

SECTION 1. Tennessee Code Annotated, Section 68-105-103(k)(2), is amended by deleting "a one-time notice" and substituting "an annual notice".

SECTION 2. Tennessee Code Annotated, Section 68-105-103(k)(3), is amended by deleting the subdivision and substituting the following:

(3)

(A) Through December 31, 2021, the commissioner may assess a fine in the amount of five hundred dollars (\$500) against a person who fails to give notice as required in this subsection (k).

(B) Effective January 1, 2022, the commissioner may assess a fine in the amount of five hundred dollars (\$500) against a person who fails to give notice as required in this subsection (k). For each subsequent violation by the same person the commissioner shall assess a fine in the amount of one thousand dollars (\$1,000).

(C) The department shall retain fines imposed and collected pursuant to this subsection (k) to defray the cost of administering and enforcing this chapter.

SECTION 3. Tennessee Code Annotated, Section 68-105-104, is amended by deleting the section and substituting the following:

(a) In blasting operations, except as otherwise provided in this chapter, the maximum ground vibration at a dwelling, public building, school, church, or commercial

or institutional building normally occupied adjacent to the blasting site must not exceed the limitations specified in the following table:

TABLE 1

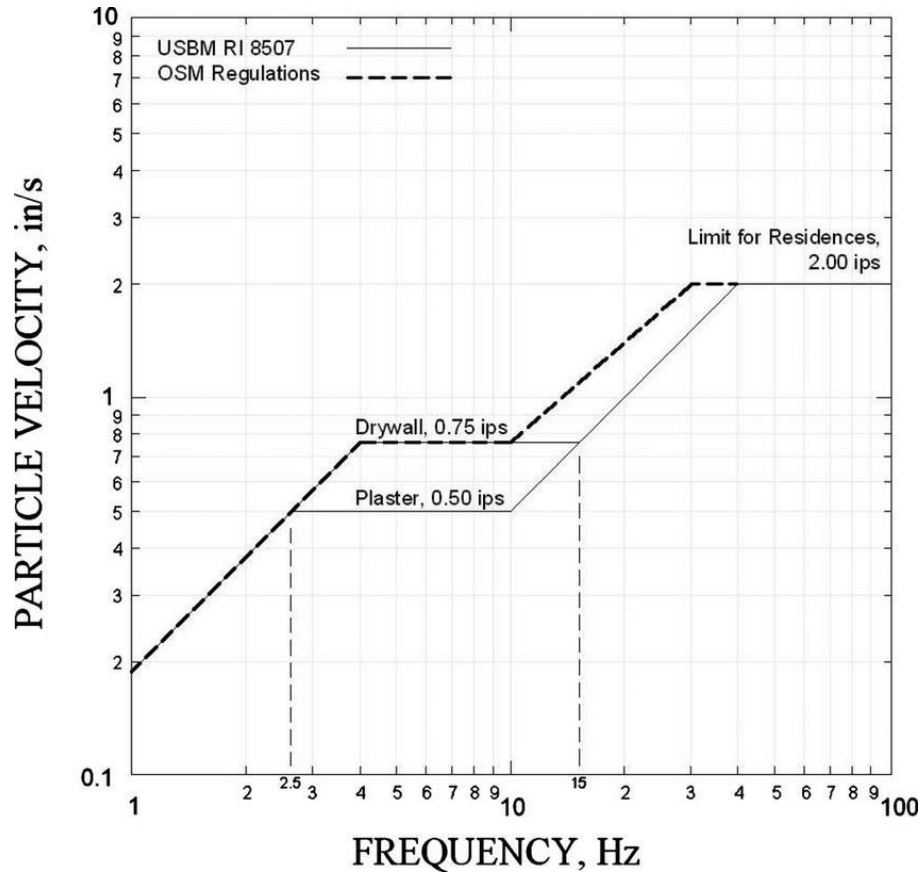
PEAK PARTICLE VELOCITY LIMITS

<u>Distance from blasting site</u>	<u>Maximum allowable peak particle velocity¹</u>
0 to 300 ft (91.4 m)	0.75 in/sec (19.05 mm/sec)
301 to 5,000 ft (91.5 m to 1,524 m)	0.50 in/sec (12.7 mm/sec)
5,001 ft (1,525 m) and beyond	0.25 in/sec (6.35 mm/sec)

¹ Peak particle velocity must be measured in three (3) mutually perpendicular directions and the maximum allowable limits apply to each of these measurements.

(b) In lieu of Table 1, a blaster has the option to use the graph shown in Figure A to limit peak particle velocity based upon the frequency of the blast vibration.

Figure A



SECTION 4. Tennessee Code Annotated, Section 68-105-105, is amended by deleting "three hundred feet (300')" and substituting "one thousand feet (1,000)'".

SECTION 5. Tennessee Code Annotated, Section 68-105-106(c), is amended by deleting the subsection and substituting the following:

(c)

(1) A person must be at least twenty-five (25) years of age to be eligible for registration as a blaster or limited blaster.

(2) A person must be at least twenty-one (21) years of age to be eligible for registration as a handler.

SECTION 6. Tennessee Code Annotated, Section 68-105-107, is amended by adding the following new subsections:

(d) Updated vibration waveform results must be used in blasting operations at permanent quarries to calculate frequency data using FFT (Fast Fourier Transform).

(e)

(1) Operators of permanent quarries shall transmit blasting data, including velocity and FFT frequency results, to the department within twenty-four (24) hours of firing a blast. The department shall make the data available to the public by posting the data in pdf format on the department's website within one (1) business day of the receipt of the data.

(2) Effective January 1, 2022, a blaster who fires a single blast in violation of the particle velocity limits under § 68-105-104 is exempt from penalties prescribed in this chapter or by rule for the first blast found to be in violation of those limits, if the blaster makes vibration monitoring results available for inspection for every blast and takes the proper steps to reduce vibration in subsequent blasts.

SECTION 7. Tennessee Code Annotated, Section 68-105-109(d), is amended by deleting the subsection and substituting the following:

(d) **Enforcement Authority.** The department may refuse to grant, or may suspend, revoke, or refuse to renew a registration held under this chapter, and may assess a civil penalty in an amount not to exceed five thousand dollars (\$5,000) if an individual, and twenty thousand dollars (\$20,000) if a firm, for each violation of § 68-105-104 or the rules promulgated thereunder.

SECTION 8. Tennessee Code Annotated, Section 68-105-112, is amended by deleting "one million dollars (\$1,000,000)" and substituting "five million dollars (\$5,000,000)".

SECTION 9. Tennessee Code Annotated, Section 68-105-115, is amended by deleting "one million dollars (\$1,000,000)" and substituting "five million dollars (\$5,000,000)".

SECTION 10. Tennessee Code Annotated, Section 68-105-119, is amended by deleting the section.

SECTION 11. This act takes effect upon becoming a law, the public welfare requiring it, and applies to actions taken on or after the effective date of this act.