

SENATE BILL 2828

By Berke

AN ACT to amend Tennessee Code Annotated, Title 59, Chapter 8, relative to the publication of certain actions related to coal surface mining.

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

SECTION 1. Tennessee Code Annotated, Title 59, Chapter 8, is amended by adding Sections 2 through 5 of this act as a new part thereto.

SECTION 2. All permit applications, applications for modification, notices of violations, proposed abatements, director's and commissioner's orders and all other enforcement actions and outcomes related to coal surface mining, shall be published weekly in their entirety in one (1) location on the department's web site. Notices of violation shall be electronically filed through the central enforcement office to expedite the process cost-effectively.

SECTION 3. Department rulings on contested cases and acceptance of judgments by consent shall be published on the department web site within five (5) business days in addition to other publication required by law.

SECTION 4. Notices of intent to appeal shall be published on the department web site within three (3) business days of receipt, but no later than fourteen (14) days prior to the date the appeal or agreed order shall be heard by the board in addition to other publication required by law.

SECTION 5. In order to encourage constructive public input, in addition to other publications required by law, drafts of agreed orders shall be available to the public and published in their entirety on the department web site no less than seven (7) days prior to the date the agreed order is presented to the board.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall take effect July 1, 2010, the public welfare requiring it.