

WHY PASS

THE JACKSON LAW

(T.C.A. 68-211-701 – 708)



The Jackson Law is one of the only state laws that allows local government to block (or accept) the creation or enlargement of a dump (landfill) or solid waste processing facility.

The Jackson Law requires the local government to review the proposed dump or facility with public notice and participation and then approve or deny the dump or facility. The Department of Environment and Conservation cannot issue a permit if local government veto's the proposed dump or facility.

First, it must be **ADOPTED**

- This section of law only applies in a county or municipality in which it is approved by a two-thirds (2/3) vote of the appropriate legislative body
- This section of law is for local review and approval and shall be conducted prior to issuance of a permit by the department of environment and conservation or the commissioner
- Must be reapproved if approved prior to May 13, 2013

ONCE ADOPTED:

- Both the county and the city/town need to pass the Jackson Law if they both want the full power provided by the law
- No new construction or change in landfill classification for solid waste processing facilities can begin until approved by
 - i. The county legislative body (in an unincorporated area)
 - ii. The county legislative body AND governing body of the town/city (in an incorporated area)
 - iii. The county legislative body AND governing body of city/town within one mile of the landfill
- Public notice of a proposed landfill is to be given by the municipal/county governing body by posting in public places and publishing in local newspapers
- Public notice/fact sheets are to be sent to anyone who wants one
- Interested persons may submit written comments on the proposed landfill within thirty (30) days of the public notice or such greater period as is allowed
- Interested persons are to request (in writing) for public hearings on approval
- Notice of a public hearing should be given as widely as notice of the landfill was given 15 days prior to the hearing
- Landfill owner should also give notice to persons owning property within a three-mile radius of such landfill no less than fifteen (15) days in advance of any hearing through signs