

SENATE BILL 2579

By Taylor

AN ACT to amend Tennessee Code Annotated, Title 4;  
Title 11, Chapter 14, Part 4; Title 66; Title 68 and  
Title 69, relative to water resources.

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

SECTION 1. Tennessee Code Annotated, Section 69-3-103, is amended by deleting subdivision (41) and substituting:

(41) "Stream":

(A) Means a surface water that is not a wet weather conveyance; and

(B) Does not include an ephemeral watercourse that is a wet weather conveyance regardless of whether such ephemeral watercourse is defined as navigable waters within the meaning of 33 U.S.C. § 1362(7) of the federal Water Pollution Control Act or is otherwise regulated under subchapter IV of the federal Water Pollution Control Act (33 U.S.C. § 1381 et seq.);

SECTION 2. Tennessee Code Annotated, Section 69-3-103, is amended by deleting subdivision (45) and substituting:

(45) "Waters":

(A) Means any and all water, public or private, on or beneath the surface of the ground, that is contained within, flow through, or border upon Tennessee or any portion thereof, except those bodies of water confined to and retained within the limits of private property in single ownership that do not combine or effect a junction with natural surface or underground waters; and

(B) Does not include isolated wetlands; and

SECTION 3. Tennessee Code Annotated, Section 69-3-103, is amended by adding the following new subdivisions:

( ) "Isolated Wetlands" means a wetland that is not defined as navigable waters within the meaning of 33 U.S.C. § 1362(7) of the federal Water Pollution Control Act or is not otherwise regulated under subchapter IV of the federal Water Pollution Control Act (33 U.S.C. § 1381 et seq.);

( ) "Wetland":

(A) Means an area inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions; and

(B) Includes a swamp, marsh, bog, or similar area;

SECTION 4. Tennessee Code Annotated, Section 69-3-108, is amended by adding the following new, appropriately designated subsections:

( ) Notwithstanding another law to the contrary, a permit or other authorization shall not be required for impacts to isolated wetlands, and isolated wetlands shall not be subject to a requirement related to riparian buffers, cumulative impact analyses, antidegradation, mitigation, or another regulatory purpose or requirement within the scope of this section.

( ) A wetland shall not be designated as Exceptional Tennessee Water based solely on the presence of aquatic plants, semi-aquatic plants, or other vegetation.

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.