



Department of  
**Environment &  
Conservation**

# Office of General Counsel Overview/Legislative Report

Underground Storage Tank and  
Solid Waste Disposal Board

# Outline

- OGC Staffing Changes
- OGC Caseload Report
- Legislative Update
- Sunset Audit/SB0066

# OGC Staffing Changes

- Since September 1, 2022
  - Joe Sanders retired on March 31, 2023, with a Pillar Award.
  - Deputy General Counsel Emily Urban left TDEC to get married and move out-of-state.
  - OGC hired nine new attorneys and two new administrative staff.
- OGC currently has 35 staff, with two open positions.



# New OGC Attorneys for UST/DSWM/DoR

Shelby  
Ward



Samantha  
Buller-  
Young



Austin  
Moore



Payton  
Bradford



# New OGC Attorneys for UST/DSWM/DoR



Emily  
Vann



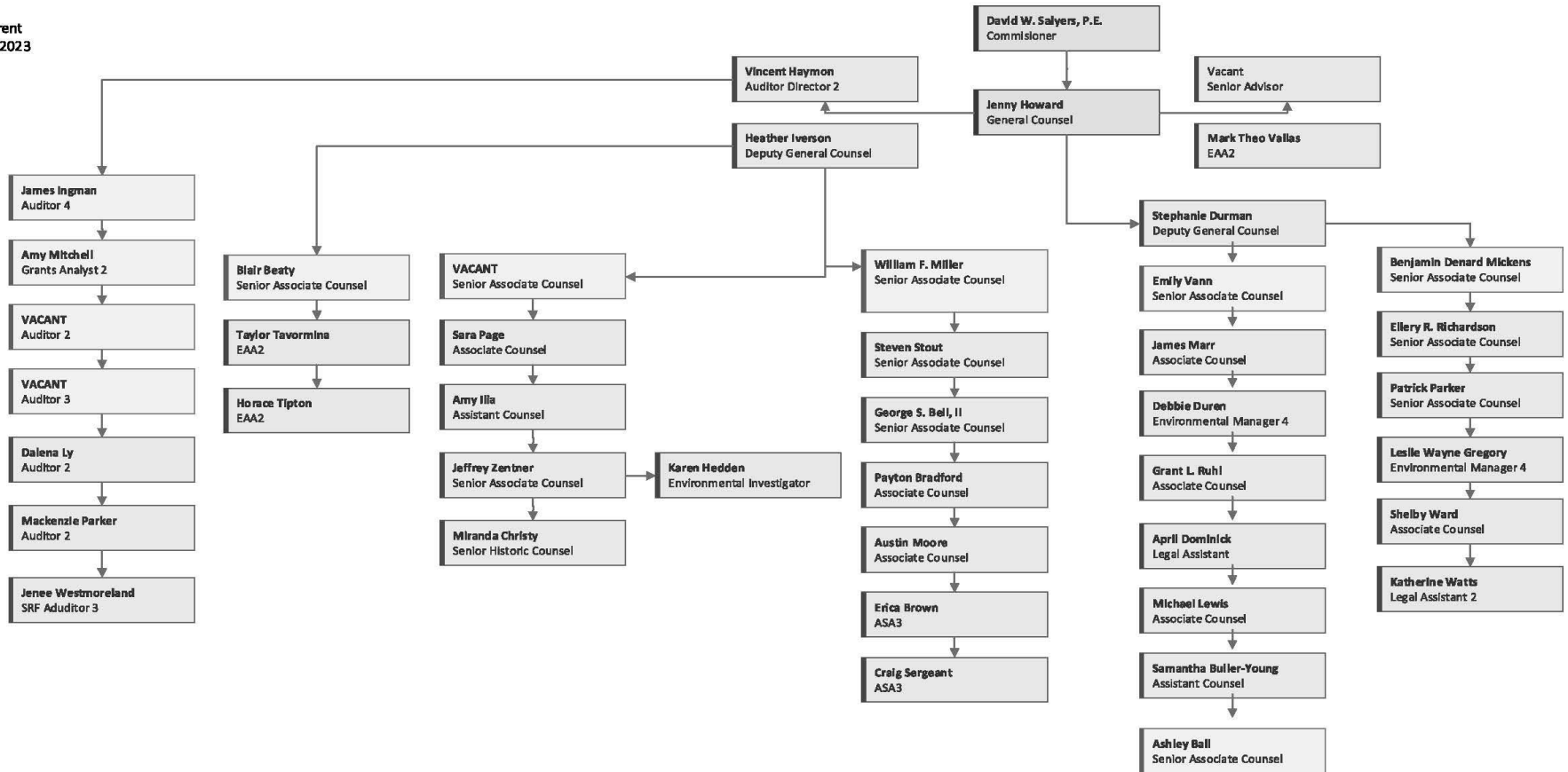
Taylor  
Tavormina

# OGC Staff for UST/DSWM/DoR

1. Stephanie Durman, Deputy General Counsel (BOE)
  2. Denard Mickens, Senior Associate Counsel/Team Leader (DSWM)
  3. Emily Vann,\* Senior Associate Counsel/Team Leader (DoR Oak Ridge, DSWM/CCR)
  4. Ashley Ball, Senior Associate Counsel (UST)
  5. George Bell, Senior Associate Counsel (UST)
  6. Ellery Richardson, Senior Associate Counsel (DSWM, DoR)
  7. Payton Bradford,\* Associate Counsel (DoR)
  8. Michael Lewis, Associate Counsel (DoR)
  9. Austin Moore,\* Associate Counsel (UST)
  10. Grant Ruhl, Associate Counsel (UST)
  11. Shelby Ward,\* Associate Counsel (DSWM, UST)
  12. Samantha Buller-Young,\* Assistant Counsel (UST)
  13. Taylor Tavormina,\* EAA2 (board appointments)
- (\* indicates new OGC attorney since 9/1/22)

# OGC Organizational Chart

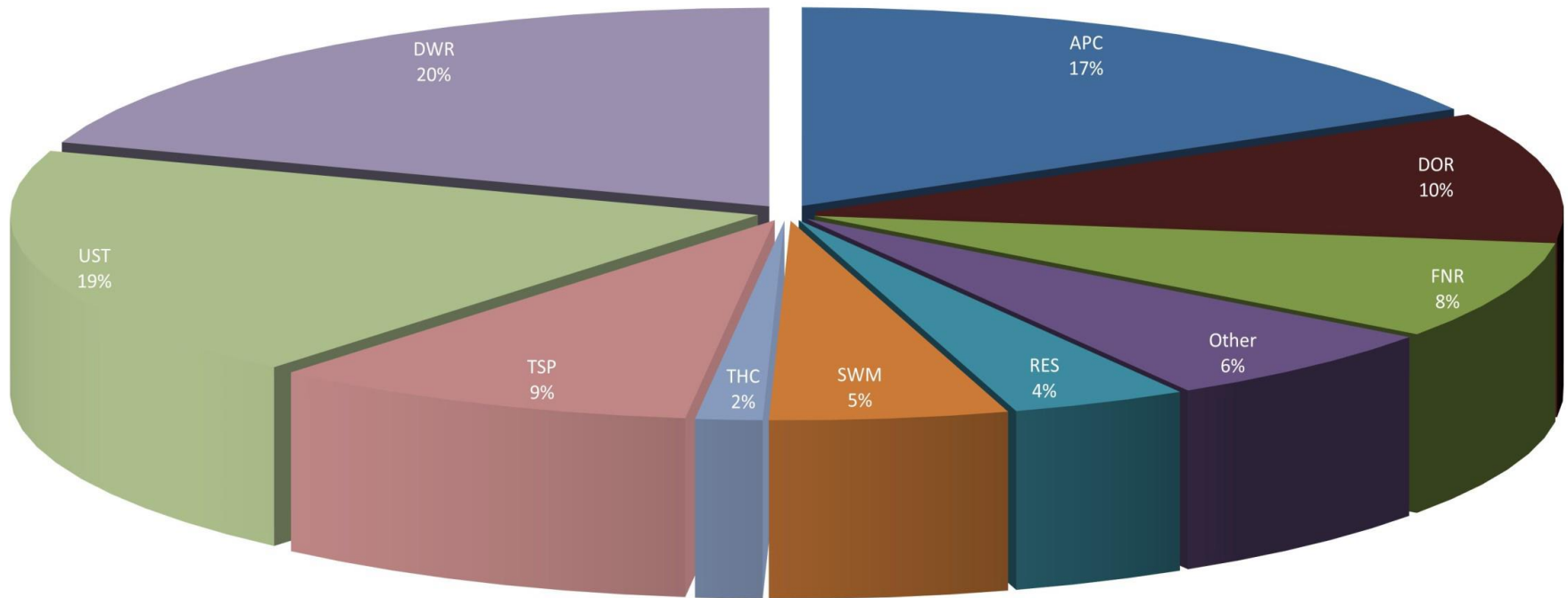
Current  
April 2023



# OGC Caseload Report – 2021-22

## Cases Opened in FY21-22

■ APC ■ DOR ■ FNR ■ Other ■ RES ■ SWM ■ THC ■ TSP ■ UST ■ DWR





# Legislative Updates – 2022

- Public Chapter No. 875 (2022) clarifies that TDEC may continue processing an application for a new land-fill or an expansion of an existing landfill if the municipal solid waste region does not render a decision on the application within 90 days after receipt of a complete application and that the commissioner may not issue a permit during the pendency of an appeal of a region's final action on a permit application
- Public Chapter No. 746 (2022) expands current law governing how the \$1.00 tire pre-disposal fee may be used to include *disposal* of tires in addition to beneficial reuse.
- Public Chapter 1105(2022) expands the offense of aggravated criminal littering to include “littering for any commercial purposes

# UST-Solid Waste Disposal Board

## Sunset Audit 12/12/22

- **Observation 8:** The board should consider adopting a policy for minimum board member attendance or adding attendance requirements to its orientation manual.
  - “One member missed all 13 regular meetings (100%) in calendar years 2019, 2020, 2021, and 2022 mostly due to health issues. The member missed 1 specially called meeting (100%) for calendar year 2021 and 2 specially called meetings (100%) for calendar 2022.”
- **Board comment:** To ensure compliance with the Open Meetings Act, the board will address this observation at a future meeting.
- **Department’s Response:** The department notes that the board lacks authority to impose attendance or notice requirements on its members. Board members are appointed by the Governor, and their duties and authorities are established by statute. The department’s Office of General Counsel develops the orientation manual. If requested by the board, the department will update the manual to emphasize the importance of regular attendance and identify best practices in the case of the need for extended absences.
- **Matter for Legislative Consideration.**

# Sunset Legislation – SB0066 (Roberts)/HB0232 (Ragan)

SECTION 3. Tennessee Code Annotated, Section 68-211-111(g), is amended by designating the existing language as subdivision (g)(1) and adding the following as a new subdivision (g)(2):

(2)

(A) Any voting member who misses more than fifty percent (50%) of the scheduled meetings in a calendar year is removed as a member of the board.

(B) The presiding officer of the board shall promptly notify, or cause to be notified, the appointing authority of any voting member who fails to satisfy the attendance requirement as prescribed in subdivision (g)(2)(A).

- Addresses the UST Solid Waste Disposal Board specifically
- Passed unanimously.
- Governor Lee signed 3/31/23.
- Currently effective.

# Questions?

- [stephanie.durman@tn.gov](mailto:stephanie.durman@tn.gov) (general)
- [denard.mickens@tn.gov](mailto:denard.mickens@tn.gov) (DSWM)
- [george.bell@tn.gov](mailto:george.bell@tn.gov) (UST)
- [taylor.tavormina@tn.gov](mailto:taylor.tavormina@tn.gov) (board appointments/terms)