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 Nashville, TN 37243
 Phone: 615.741.2650
 Fax: 615.741.5133
 Email: register.information@tn.gov

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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Environment and Conservation
Division:	Office of General Counsel
Contact Person:	Wayne Gregory William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 2nd Floor
Address:	Nashville, Tennessee 37243
Phone:	(615) 253-5420
Email:	Wayne.Gregory@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 2nd Floor
Address:	Nashville, Tennessee 37243
Phone:	1-866-253-5827 (toll free) or (615) 532-0200 Hearing impaired callers may use the TN Relay Service at 1-800-848-0298.
Email:	Beverly.Evans@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	3 rd Floor, Conference Room I		
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	03/29/16		
Hearing Time:	9:00 a.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

The purpose of this rulemaking is to provide guidance to the Department's records custodians and to interested parties requesting public records regarding the implementation of T.C.A. § 10-7-504(a)(21)(A)(i). This subdivision designates any records that would allow a person to identify areas of structural or operational vulnerability of a utility service provider or that would permit unlawful disruption to, or interference with, services provided by a utility service provider as confidential and not open to public inspection. The list of records in paragraph (5) of Rule 0400-01-01-.01 is not exhaustive and may be amended in the future to include additional records determined to be exempt.

An initial set of draft rules has been prepared for public review and comment. The "DRAFT" rules may be accessed for review using at <http://tn.gov/environment/topic/ppo-general>.

Draft copies are available for review at the Nashville Central Office (see address below).

Tennessee Department of Environment and Conservation
Office of General Counsel
William R. Snodgrass TN Tower
312 Rosa L. Parks Avenue, 2nd Floor
Nashville, Tennessee 37243
(615) 253-5420

Office hours are from 8:00 AM to 4:30 PM, Monday through Friday (excluding holidays).

Oral or written comments are invited at the hearing. In addition, written comments may be submitted prior to or after the public hearing to: Tennessee Department of Environment and Conservation, Office of General Counsel Attention: Wayne Gregory, Rulemaking Coordinator, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 2nd Floor, Nashville, Tennessee 37243; telephone 615 253-5420 or fax 615 532-0145. However, such written comments must be received by 4:30 PM CST, March 29, 2016, in order to assure consideration. For further information, please contact Wayne Gregory at the above address or telephone number or by e-mail at Wayne.Gregory@tn.gov.

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0400-01-40	Fees and Charges for Certain Departmental Services
Rule Number	Rule Title
0400-01-01-.01	Access to Department of Environment and Conservation Public Records

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 0400-01-01
Fees and Charges for Certain Departmental Services

Amendment

Rule 0400-01-01-.01 Access to Department of Environment and Conservation Public Records is amended by adding a new paragraph (5) to read as follows:

(5) Non-public records under T.C.A. § 10-7-504(a)(21)(A)(i)

In accordance with T.C.A. § 10-7-504(a)(21)(A)(i), the following records, and any other records determined by the Department to be described by such subdivision, shall be treated as confidential and shall not be open for public inspection:

- (a) The latitude and longitude coordinates of public water system wells, intakes, water mains, water tanks, valves and GIS analyses derived from these data;
- (b) Records pertaining to the delineation of source water protection areas; and
- (c) Records pertaining to well head protection areas and associated contaminant source inventories.

Authority: T.C.A. §§ 11-1-101, 10-7-504(a)(21) and 4-5-201 et seq.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.



Date: February 2, 2016

Signature: *E. Joseph Sanders*

Name of Officer: E. Joseph Sanders

Title of Officer: General Counsel

Subscribed and sworn to before me on: February 2, 2016

Notary Public Signature: *Carol L. Grice*

My commission expires on: June 21, 2016

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Filed with the Department of State on: 2/2/16

Tre Hargett

Tre Hargett
Secretary of State

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