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# Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205*

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**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

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

Chapter Number	Chapter Title
1200-01-11	Hazardous Waste Management
Rule Number	Rule Title
1200-01-11-.08	Fee System for Transporters, Storers, Treaters, Disposers, and Certain Generators of Hazardous Waste and for Certain Used Oil Facilities or Transporters

(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 1200-01-11  
Hazardous Waste Management

Amendment

The Table of Contents for Chapter 1200-01-11 Hazardous Waste Management is amended deleting the title to Rule 1200-01-11-.08 and replacing it with a new title to read as follows:

1200-01-11-.08 Fee System for Transporters, Storers, Treaters, Disposers, and Certain Generators of Hazardous Waste and for Certain Used Oil Facilities or Transporters and Universal Waste Facilities

Rule 1200-01-11-.08 Fee System for Transporters, Storers, Treaters, Disposers, and Certain Generators of Hazardous Waste and for Certain Used Oil Facilities or Transporters is amended by deleting it in its entirety and replacing it so that, as amended, the rule shall read as follows:

1200-01-11-.08 Fee System for Transporters, Storers, Treaters, Disposers, and Certain Generators of Hazardous Waste and for Certain Used Oil Facilities or Transporters and Universal Waste Facilities.

(1) General

(a) Purpose

The purpose of this Rule is to establish a system and schedule whereby certain fees shall be levied and collected by the Commissioner. Expenditures of such fees collected shall be restricted to operation of the hazardous waste management program established pursuant to the Act. Any unencumbered and any unexpended balance shall be maintained in the Tennessee Environmental Protection Fund (the "Fund").

(b) Applicability

The requirements of this Rule apply as specified to the following persons:

1. All transporters having a hazardous waste transporter permit issued under the Act and all new or existing transporters subject to the transporter permit requirements of Rule 1200-01-11-.04(2);
2. Owners and operators of all hazardous waste storage, treatment, and disposal facilities who are subject to the facility permit requirements of Rule 1200-01-11-.07, except for those subject solely to the permit-by-rule requirements of Rule 1200-01-11-.07(1)(c);
3. All generators of hazardous wastes;
4. Persons requesting that the Solid Waste Disposal Control Board review an action of the Commissioner;
5. All transporters, marketers, processors/re-refiners of used oil, or burners of off-specification used oil;
6. Persons carrying out closure activities, post-closure activities and/or corrective action activities, under permits or other enforceable documents;
7. Persons responsible for spills or accidental discharges (of hazardous waste or other material which, when spilled or discharged, becomes a hazardous waste) requiring investigation and/or remediation of soil, groundwater, or surface water and/or sediment;
8. All hazardous waste transfer facilities; and

9. All universal waste destination facilities.

(c) Payment of Fees

Any person required to pay a fee under this Rule shall submit the fee by check or money order or other method approved by the Commissioner in the specified amount, made payable to the Treasurer, State of Tennessee for deposit in the Tennessee Environmental Protection Fund.

(d) No permit or other authorization shall be issued or renewed by the Division of Solid Waste Management pursuant to Rule Chapter 1200-01-11 or 1200-01-14 until all fees and/or penalties owed by the applicant to the Division are paid in full, unless a time schedule for payments has been approved and all payments are current or contested fees or penalties are under appeal.

(2) Installation Identification Number Application Fee

Any person who applies to the Department for an Installation Identification Number on the Notification Forms provided by the Department shall submit as part of the request a fee of 150 dollars. Generators updating their facility notification file by adding a new hazardous waste stream shall submit a fee of 100 dollars with the new hazardous waste stream form.

(3) Permit Application Fees

(a) Transporters

Any person who applies for a permit or modification to a permit to transport hazardous wastes in Tennessee must submit as part of said application an application fee of 200 dollars.

(b) Treatment, Storage, and Disposal Facilities (TSDF) including facilities conducting corrective action and post-closure under permits, orders, or other enforceable documents.

1. Part A application

Any person who applies for a permit for a hazardous waste storage, treatment, or disposal facility must submit, as part of his Part A application and prior to application review, an application fee for each new or revised application as set forth below:

600 dollars for an existing facility; or

2,800 dollars for a new facility.

2. Part B application

Any person who applies for a permit, or permit renewal, for a hazardous waste storage, treatment, or disposal facility must submit, as part of his Part B application and prior to application review, an application fee for each new or revised application as set forth below:

(i) Part B application for an on-site hazardous waste facility:

15,000 dollars for a storage facility;

15,000 dollars for a treatment facility;

30,000 dollars for a disposal facility; and

30,000 dollars for a landfill site.

(ii) Part B application for a commercial hazardous waste facility:

- 37,500 dollars for a storage facility;
- 37,500 dollars for a treatment facility;
- 75,000 dollars for a disposal facility; and
- 75,000 dollars for a landfill site.

(iii) Part B application for a post-closure unit pursuant to a permit, order or other enforceable document:

- 30,000 dollars for a unit not previously permitted under a hazardous waste operating permit; and
- 15,000 dollars for a unit which previously operated under a hazardous waste operating permit.

(iv) Part B application for corrective action:

- 15,000 dollars for a facility, as defined under Rule 1200-01-11-.01(2)(a), implementing corrective action under Rule 1200-01-11-.06(6)(l) not already included in subparts (i), (ii) or (iii) of this part.

(c) Special Case: Modification of Existing Facility Permit

Any person who applies for modification or reissuance (following revocation) of his existing facility permit, order, or other enforceable document [refer to Rule 1200-01-11-.07(9)] must submit, as part of his Part B application and prior to modification review, an application fee as set forth below:

1. For owners or operators applying for a Class 1 permit modification, the fee shall be 600 dollars;
2. For owners or operators applying for a Class <sup>1</sup>1 permit modification with changes other than, or in addition to, changes in part 1 above, the fee shall be 4,200 dollars; the Class <sup>1</sup>1 permit modification fee for Maximum Achievable Control Technology (MACT) modifications shall be 8,000 dollars.
3. For owners or operators applying for a change in ownership or operational control of a facility pursuant to Rule 1200-01-11-.07(9)(b)3, the fee shall be 3,800 dollars.
4. For owners or operators applying for a Class 2 permit modification, the fee shall be:
  - 9,700 dollars for modification of a container or tank storage and/or treatment unit, thermal treatment unit, or drip pad, storage and/or treatment unit;
  - 12,500 dollars for modification of a disposal unit, waste pile storage unit, containment building storage and/or treatment unit, surface impoundment storage and/or treatment unit, or other miscellaneous unit; and
  - 15,000 dollars for modification of a post-closure unit.
5. For owners or operators applying for a Class 3 permit modification, the fee shall be:

15,000	dollars for modification of a container or tank storage and/or treatment unit, thermal treatment unit, or drip pad, storage, and/or treatment unit;
15,000	dollars for modification of any permit to include the final remedy for Solid Waste Management Units under corrective action requiring remediation and/or maintenance activities;
30,000	dollars for modification of a disposal unit, waste pile storage unit, containment building storage and/or treatment unit, surface impoundment storage and/or treatment unit, or other miscellaneous unit; and
20,000	dollars for modification of a post-closure unit.

(d) Closure and Post-Closure Plans

Any person required to submit a closure plan or post-closure plan [refer to Rule 1200-01-11-.05(7) and -.06(7)] for a hazardous waste facility must submit, as part of the closure or post-closure plan, and prior to plan review, an application fee, unless the above plan was reviewed as part of a permit application package, as set forth below:

2,800	dollars for a closure plan; and
2,800	dollars for a post-closure plan.

(e) Modification of Approved Closure and Post-Closure Plan

Any person who submits a modification to an approved closure plan or post-closure plan must submit, as part of the modification and prior to modification review, a modification fee, unless the above plan was reviewed as part of a permit application package, as set forth below:

300	dollars for Class 1 Modification;
850	dollars for Class <sup>1</sup> 1 Modification;
1,100	dollars for Class 2 Modification; and
1,700	dollars for Class 3 Modification.

(f) Emergency Permit

Any person who applies for an emergency permit (refer to Rule 1200-01-11-.07(1)(d)) must submit, as part of the emergency permit application, an application fee of 2,400 dollars.

(g) Research, Demonstration, and Development Permit

Any person who applies for a research, demonstration, and development permit (refer to Rule 1200-01-11-.07(1)(g)) must submit, as part of the research, demonstration, and development permit application, an application fee of 2,800 dollars. An additional fee of 2,800 dollars is assessed for each renewal pursuant to Rule 1200-01-11-.07(1)(g)4.

(h) Temporary Authorization

Any person who applies for a temporary authorization pursuant to Rule 1200-01-11-.07(9)(c)5(v) must submit as part of the temporary authorization request, an application fee of 3,000 dollars. An additional fee of 300 dollars is assessed for the renewal pursuant to Rule 1200-01-11-.07(9)(c)5(v)(IV).

(i) Schedule for Timely Action on Permit Applications/Permit Modifications

1. The following documents, when submitted separately, must be reviewed and the applicant notified within the following time frames:

- |       |   |          |
|-------|---|----------|
| (i)   | Hydrogeologic Report<br>(Assessment Plan, Sampling and<br>Analysis Plans, Groundwater Annual<br>Reports, and Groundwater Monitoring Plan) | 180 days |
| (ii)  | Closure Plan  | 180 days |
| (iii) | Post-Closure Plan   | 180 days |
| (iv)  | Review of Part A Application<br>for Completeness  | 45 days  |
| (v)   | Initial Review of Part B Application and<br>Class 3 Permit Modifications  | 180 days |
| (vi)  | Initial Review of Class 1 and <sup>1</sup> 1<br>Modification  | 60 days  |

2. Applications, closure plans, post-closure plans, and modifications shall be acted upon (issued or denied) by the Department within the time frames required by Rule 1200-01-11-.07 beginning with the end of the public comment period(s) specified in each public notice.

3. The above timely action periods shall be stayed if:

- (i) The applicant requests that review be suspended;
- (ii) The department issues a written notice of deficiency and until the applicant adequately addresses said deficiency;
- (iii) Priorities set by the Environmental Protection Agency (EPA) require a delay;
- (iv) The review process has been halted due to pending judicial and/or administrative actions;
- (v) Applicable regulations change;
- (vi) The Department requests a delay in the review process to which the applicant agrees; or
- (vii) Multiple (5 or more) Class 1 or <sup>1</sup>1 modifications from a single applicant are received.

4. Should the Department not comply with the timely review periods specified in subparagraph (h) of this paragraph, the application fee shall be refunded. The Board shall be provided a quarterly update on the timeliness of permit processing.

(4) Annual Maintenance Fees

(a) Transporters

1. Each person having a hazardous waste transporter permit issued under the Act must submit to the Commissioner, by December 31 of each year, an annual permit maintenance and renewal fee of 350 dollars.

2. Each person operating a hazardous waste transfer facility shall submit to the Commissioner by December 31 of each year an annual facility maintenance fee of 850 dollars.
  3. Each person transporting used oil and that is required to submit an annual report under Rule 1200-01-11-.11 shall submit to the Commissioner an annual maintenance fee of 200 dollars within 30 days of the effective date of this Rule and by March 1 of each year thereafter.
  4. Each person operating a used oil transfer facility under Rule 1200-01-11-.11 shall submit to the Commissioner an annual facility maintenance fee of 1,000 dollars within 30 days of the effective date of this Rule and by March 1 of each year thereafter.
- (b) Treatment, Storage, and Disposal Facilities (TSDF) including facilities conducting corrective action and post-closure.

The owner or operator of each hazardous waste treatment, storage, or disposal facility in Tennessee having either a permit issued under the Act or interim status as provided under Rule 1200-01-11-.07(3) must submit to the Commissioner, by March 1 of each year, an annual permit maintenance fee as provided in this subparagraph; provided however, that for the year 2010, persons who paid the annual permit maintenance fee in effect on March 1, 2010 shall be credited for the amount so paid, making only the balance due within 30 days of the effective date of this Rule.

1. General

- (i) An annual fee shall be assessed consisting of a base amount plus an additional charge calculated on the facility's total constructed design capacity during the previous calendar year.
- (ii) The owner or operator of each treatment, storage, or disposal facility shall be assessed an annual fee each year until all closure, post-closure, and corrective action activities are complete and the facility is closed in accordance with the appropriate standards of Rules 1200-01-11-.05 or 1200-01-11-.06, as applicable.
- (iii) For purposes of this subparagraph, a facility that receives hazardous wastes from off-site, other than from contiguous properties, is determined to be an off-site facility for the calendar year in which the off-site hazardous waste is received.

2. Storage Operations

- (i) The owner or operator of each facility shall be assessed a base amount plus an additional charge calculated on the total constructed design capacity in gallons (gal.) of the facility's hazardous waste storage operations as set forth below, except as provided for in subpart (iii) of this part:
  - (I) For facilities which receive only hazardous waste which are generated on-site, a base amount of 4,700 dollars plus an additional:

Constructed Design Capacity	Amount
1 - 5,000 gal.	\$1,450
5,001 - 10,000 gal	2,150
10,001 - 50,000 gal.	4,250
50,001 - 100,000 gal.	5,000
100,001 - 500,000 gal.	5,700
500,001 - 1,000,000 gal.	6,400

over 1,000,000 gal. 7,100

- (II) For facilities which receive hazardous wastes from off-site generators, a base amount of 9,350 dollars plus an additional:

Constructed Design Capacity	Amount
1 - 5,000 gal.	\$ 2,850
5,001 - 10,000 gal.	4,250
10,001 - 50,000 gal.	8,550
50,001 - 100,000 gal.	9,950
100,001 - 500,000 gal.	11,400
500,001 - 1,000,000 gal.	12,800
over 1,000,000 gal.	14,250

- (ii) Only the incremental constructed design capacity fee and not the base fee in Item (i)(I) of this part shall apply to facilities with only one on-site storage unit with a capacity less than 10,000 gallons which receives waste only from on-site.

### 3. Treatment Operations

- (i) The owner or operator of each facility shall be assessed a base amount plus an additional charge calculated on the total constructed design capacity in gallons per day (gpd) of the facility's hazardous waste treatment operations as set forth below:

- (I) For facilities which receive only hazardous wastes which are generated on-site, a base amount of 7,000 dollars plus an additional:

Constructed Design Capacity	Amount
1 - 5,000 gpd	\$2,850
5,001 - 10,000 gpd	3,550
10,001 - 50,000 gpd	4,250
50,001 - 100,000 gpd	5,000
100,001 - 500,000 gpd	5,700
500,001 - 1,000,000 gpd	6,400
over 1,000,000 gpd	7,100

- (II) For facilities which receive hazardous waste from off-site generators, a base amount of 11,700 dollars plus an additional:

Constructed Design Capacity	Amount
1 - 5,000 gpd	\$ 5,700
5,001 - 10,000 gpd	7,100
10,001 - 50,000 gpd	8,550
50,001 - 100,000 gpd	9,950
100,001 - 500,000 gpd	11,400
500,001 - 1,000,000 gpd	12,800
over 1,000,000 gpd	14,250

- (ii) Facilities paying a base amount for Treatment Operations shall not be assessed a separate base amount for Storage Operations located on contiguous property.

- (iii) The combined Annual Maintenance Fees for Treatment and Storage for on-site facilities shall not exceed 16,000 dollars per facility, and for off-site facilities this fee shall not exceed 32,000 dollars.

4. Disposal Operations

These fees are applicable only to facilities which require a permit under Rule 1200-01-11-.07 of the Rules governing hazardous waste management for the State of Tennessee. The owner or operator of each facility shall be assessed an annual fee as set forth below:

- (i) For non-commercial facilities, a base fee of 8,000 dollars plus an additional:
  - 700 dollars per each acre-foot of remaining design capacity of landfill operations (to include waste piles and surface impoundments used for disposal and subject to closure as landfills);
  - 700 dollars per each acre of remaining design capacity of land application operations; and
  - 1.50 dollars per gallon per day (gpd) for the permitted injection capacity of injection well operations;

(Note: This fee shall not exceed \$22,500 in accordance with T.C.A. §68-203-103(h)(19).)

- (ii) For commercial facilities, a base fee of 30,000 dollars plus an additional:
  - 1,400 dollars per each acre-foot of remaining design capacity of landfill operations (to include waste piles and surface impoundments used for disposal and subject to closure as landfills);
  - 1,400 dollars per each acre of remaining design capacity of land application operations; and
  - 1.50 dollars per gallon per day (gpd) for the permitted injection capacity of injection well operations.

(Note: This fee shall not exceed \$75,000 in accordance with T.C.A. §68-203-103(h)(15).)

5. Post-Closure Activity

These fees are applicable to facilities that require a permit, order, or other enforceable document under Rule 1200-01-11-.07 of the Rules governing hazardous waste management for the State of Tennessee. The owner or operator shall be assessed an annual fee set forth below:

- (i) For facilities conducting post-closure activities a base fee of 3,600 dollars for each permit, order, or other enforceable document plus an additional:
  - 1,200 dollars for each remediation system conducting active remediation for contaminated media.

6. Corrective Action Activity

These fees are applicable to facilities that require corrective action for Solid Waste Management Units (SWMUs) under Rule 1200-01-11-.07(5)(e) and Rule 1200-01-11-.06(6)(l). The owner or operator shall be assessed an annual fee set forth below:

- (i) For facilities conducting corrective action activities under the authority listed above, a base fee of 6,000 dollars plus an additional fee for review of the following types of corrective action at the facility during the past year.

2,400	dollars for Confirmatory Sampling
4,800	dollars for RCRA Facility Investigation
3,600	dollars for Corrective Measures
2,400	dollars for Interim Measures

(Note: This fee does not apply to facilities that are reimbursing the State, pursuant to the Department of Defense/State Memorandum of Agreement, costs incurred by the State for corrective action activities at those facilities.)

(c) Universal Waste

The owner or operator of a universal waste destination facility, as defined in Rule 1200-01-11-.12, shall submit to the Commissioner an annual maintenance fee of 2,000 dollars within 30 days of the effective date of this Rule and by March 1 of each year thereafter.

(d) Used Oil Processors and Re-refiners

The owner or operator of a facility that processes and/or re-refines used oil, as defined in Rule 1200-01-11-.11, shall submit to the Commissioner an annual maintenance fee of 2,000 dollars within 30 days of the effective date of this Rule and by March 1 of each year thereafter. This fee does not apply to used oil generators who solely process their own used oil generated at the same facility where processing is performed.

(5) Generator Fees

(a) Annual Generator Fees

(Note: Rules 1200-01-11-.02(1)(d)3(ii) and 1200-01-11-.02(1)(e)3 and 4 are applicable in determining generator status for fee purposes.)

1. Except as provided in subparagraph (b) of this paragraph., the Annual Generator Fee for Small Quantity Generators shall consist of a base amount of 1,200 dollars plus an off-site shipping fee determined in accordance with subparagraphs (c) and (d) of this paragraph.

(i) For the purpose of this subparagraph Small Quantity Generator shall mean:

- (I) Any generator who generates greater than 100 kilograms, but less than 1000 kilograms of hazardous waste in any calendar month of the previous calendar year; or
- (II) Any Conditionally Exempt Small Quantity Generator who accumulates at any time more than 1000 kilograms of non-acute hazardous waste in the previous calendar year.

2. Except as provided in subparagraph (b) of this paragraph, the Annual Generator Fee for Large Quantity Generators shall consist of a base amount of 2,000 dollars plus an off-site shipping fee determined in accordance with subparagraphs (c) and (d) of this paragraph.

(i) For the purpose of this subparagraph Large Quantity Generator shall mean:

- (I) Any generator who generates 1000 kilograms or more of hazardous waste in any calendar month of the previous calendar year; or
- (II) Any generator who generates 1 kilogram or more of acute hazardous waste, or 100 kilograms or more of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill, into or on any land or water, of an acute hazardous waste, in any calendar month of the previous calendar year; or

(b) Exclusions from Base Fee Assessment

1. Hazardous wastes generated from remediation or corrective actions required by the Tennessee Hazardous Waste Management Act of 1977 and 1983; the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.); and the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.) shall not be subject to the fee calculations in parts (a) 1 or (a) 2 of this paragraph.
2. A Conditionally Exempt Small Quantity Generator does not owe this fee if neither part (a) 1 nor (a) 2 of this paragraph is applicable.

(c) Off-site Shipping Fee

1. Hazardous waste with a thermal heating value greater than 5000 BTU per pound that are subject to energy recovery as defined by handling codes for treatment methods T50 and T80 through T93 are assessed an off-site shipping fee of \$0.0012 per pound.
2. Hazardous wastewaters, defined as containing less than 1 percent total organic carbon and less than 1 percent total suspended solids, shall be assessed an off-site shipping fee of \$0.0047 per pound.
3. Except for those hazardous wastes excluded from off-site shipment fees as provided in subparagraphs (d) of this paragraph, all remaining waste not claimed in part 1 or 2 above shall be assessed an off-site shipping fee of \$0.0088 per pound.
4. The off-site shipping fee for any single generator shall not exceed \$29,200 in any calendar year.

(d) Exclusions from Off-site Shipping Fees

1. Hazardous wastes that are recycled/recovered as defined by handling codes for treatment methods T30, T54, and T63, lead smelting, precious metals recovery, and/or high temperature metals recovery are exempt from off-site shipping fees.
2. Hazardous wastes generated from remediation or corrective actions required by the Tennessee Hazardous Waste Management Act of 1977 and 1983; the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.); and the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.) shall not be subject to off-site shipping fees.
3. A Conditionally Exempt Small Quantity Generator does not owe this fee, if neither part (a)1 nor (a)2 of this paragraph is applicable.
4. Universal Wastes identified in Rule 1200-01-11-.12, and spent lead-acid batteries managed under Rule 1200-01-11-.09(7), are exempt from off-site shipping fees.

(e) Director's Option, case-by-case

The Director may include other handling codes for waste treatment methods in part (c)1 or part (d)1 of this paragraph on a case-by-case basis, based upon application by a generator.

(f) Date for Payment of Fees

These generator fees shall be paid no later than March 1 of each year for hazardous waste activities conducted the previous calendar year; provided however, that for the year 2010, persons who paid the generator fee in effect on March 1, 2010 shall be credited for the amount so paid, making only the balance due within 30 days of the effective date of this Rule.

(6) Construction Inspection Fee

Prior to the beginning of any construction, at any unit, a permittee shall pay a Construction Inspection Fee for each item to be constructed based upon the class of modification of the item using Appendix I, Classification of Permit Modification, in Rule 1200-01-11-.07(10), as follows:

	Class 3*	Class 2	Class 1 <sup>1</sup>	Class 1
Storage Unit	\$2,700	\$2,000	\$1,300	\$300
Treatment Unit	\$5,350	\$4,000	\$2,700	\$550
Disposal Unit	\$5,350	\$4,000	\$2,700	\$550
Post Closure Unit	\$5,350	\$4,000	\$2,700	\$550

\*Also applies to newly permitted units not as yet constructed.

(7) Mixed Wastes Treatment Plan Review Fee

Any person who requests approval by the Department of a mixed waste treatment plan is assessed a mixed waste treatment plan review fee that is equal to all cost associated with the Department's review of the initial mixed waste treatment plan, any update to the mixed waste treatment plan, and/or any revision(s) to the mixed waste treatment plan. Costs shall include, but not be limited to mileage, lab expense, the current hourly rate and benefits for the Department's employees actively involved in review activities, including preparation for and attendance at meetings, the current Department overhead rate, and costs billed by Department contractor(s). Costs shall not include Part A and Part B permit review expenses that are recovered through other applicable fees. The Department shall provide a person subject to this rule with quarterly statements reflecting review cost posted during the previous quarter. All review costs reflected on a person's quarterly statement shall be paid to the Department within thirty (30) days of their receipt of the invoice.

(8) Hazardous Waste Tipping Fee

(a) Fee Amount per Pounds Received

In addition to all other fees imposed by this Rule Chapter, Tennessee facilities with a hazardous waste treatment, storage, or disposal permit are assessed a hazardous waste tipping fee based on the amount of hazardous waste received from off-site as set forth below:

Pounds Received	Fee Amount
1 – 100,000 pounds	\$ 1,200
100,001 – 500,000 pounds	\$ 4,700
500,001 – 1,000,000 pounds	\$ 8,200
1,000,001 – 5,000,000 pounds	\$ 11,700
5,000,001 – 10,000,000 pounds	\$ 17,550
10,000,001 – 20,000,000 pounds	\$ 23,350
over 20,000,000 pounds	\$ 29,200

(b) Recycle/Recovery Exemption

Hazardous wastes that are received for recycle/recovery as defined by handling codes for treatment methods T30, T54, and T63, lead smelting, precious metals recovery, and/or high temperature metals recovery are exempt from the hazardous waste tipping fees.

(c) Universal Waste Exemptions

Universal Wastes identified in Rule 1200-01-11-.12, and spent lead-acid batteries managed under Rule 1200-01-11-.09(7), are exempt from the hazardous waste tipping fees.

(d) Date for Payment of Fees

These hazardous waste tipping fees shall be paid no later than March 1 of each year for hazardous waste activities conducted the previous calendar year beginning with the effective date of these rules; provided however, that for the year 2010, persons who paid the hazardous waste tipping fee in effect on March 1, 2010 shall be credited for the amount so paid, making only the balance due within 30 days of the effective date of this Rule.

(9) Special Review Fees

Any person who submits any of the documents listed below is assessed a review fee as follows:

11,700	dollars for a Trial Burn Plan for each type of unit;
11,700	dollars for a Risk Burn Plan for each type of unit;
5,000	dollars for a Certificate of Compliance Plan for each type of unit;
11,700	dollars for a Facility Risk Assessment and/or Risk Evaluation Plan associated with a land based unit;
11,700	dollars for a Facility Risk Assessment and/or Risk Evaluation Plan associated with a combustion unit;
11,700	dollars for the initial Dispersion Model and Direct Human Health Risk Assessment;
5,850	dollars for Periodic Modeling and Direct Human Health Risk Assessment;
3,000	dollars for each variance or waiver request regardless of whether the variance or waiver request is approved or denied;
650	dollars for each variance or waiver renewal request regardless of whether the variance or waiver request is approved or denied;
500	dollars for a contained-in determination;
50	dollars per hour for the staff time required to research and prepare a written response from the Division to a request of an official regulatory interpretation, including, but not limited to, waste determinations, recycling, exclusions, exemptions, etc.

(10) Initial Spill and/or Accidental Discharge Investigation Fee

250	dollars for each accidental spill or accidental discharge (of hazardous waste or other material, which when spilled or discharged becomes a hazardous waste) where Division staff responds by a site visit or inspection to confirm an adequate response but not requiring Division oversight of the investigation and/or remediation of soil, groundwater, or surface water and/or sediment;
500	dollars for each accidental spill or accidental discharge (of hazardous waste or other material, which when spilled or discharged becomes a hazardous waste) requiring investigation and/or remediation of soil, groundwater, or surface water and/or sediment, provided such investigation/remediation is overseen by the Division of Solid Waste Management (this oversight requires ten [10] hours or less of staff time);
1,000	dollars for each accidental spill or accidental discharge (of hazardous waste or other material, which, when spilled or discharged, becomes a hazardous waste)

requiring investigation and/or remediation of soil, groundwater, or surface water and/or sediment, provided such investigation/remediation is overseen by the Division of Solid Waste Management (this oversight requires over ten [10] hours but under twenty-four [24] hours of staff time); and

2,000 dollars for each spill or accidental discharge (of hazardous waste, or other material which, when spilled or discharged, becomes a hazardous waste) requiring investigation and/or remediation of soil, groundwater, or surface water and/or sediment, provided such investigation/remediation is overseen by the Division of Solid Waste Management (the oversight requires twenty-four [24] hours or more of staff time).

(11) Chromium Exclusion Review Fee

2,500 dollars for each chromium waste stream applicable to the exclusion in Rule 1200-01-11-.02(1)(d)2(v).

Authority: T.C.A. §§ 68-212-107(d)(7), 68-211-1015, and 68-203-101 et seq.

\* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Michael Atchison		X			
John L. Barker				X	
Bob Booker	X				
Elaine Boyd	X				
Melissa H. Bryant				X	
Kenneth L. Donaldson	X				
Gregory H. Nail				X	
Sherry Sloan	X				
Albert F. Smith III	X				
Julia L. Williams	X				
Glenn Youngblood				X	

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Solid Waste Disposal Control Board on 02/02/2010, and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 11/12/09

Rulemaking Hearing(s) Conducted on: (add more dates). 01/06/10

Date: February 2, 2010

Signature: 

Name of Officer: Kenneth L. Donaldson

Title of Officer: Chairman, Solid Waste Disposal Control Board



Subscribed and sworn to before me on: February 2, 2010

Notary Public Signature: 

My commission expires on: Nov. 7, 2012

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

  
 Robert E. Cooper, Jr.  
 Attorney General and Reporter  
2-18-10  
 Date

Department of State Use Only

Filed with the Department of State on: 02/16/2010

Effective on: 05/17/2010

Tre Hargett

Tre Hargett  
Secretary of State

RECEIVED

2010 FEB 16 AM 11:45

SECRETARY OF STATE  
PUBLICATIONS

## Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

Comment: We wish to thank the Tennessee Division of Solid Waste Management (DSWM or "the Division") for the opportunity to comment on the proposed amendments to Tennessee Rules 1200-01-11-.08 and 1200-01-07-.07. Additionally, we appreciate the effort made by DSWM staff to provide transparent documentation supporting the proposed amendments. The documentation provided assisted us and other interested parties in understanding: 1) the fee increases requested; 2) the estimate of revenues to be collected; 3) demonstrated need; and, 4) how the fee increases will be used to meet the identified needs.

These are difficult financial times for both government and private entities. Such times require all organizations to increase efficiency and re-evaluate work performed. Although we do not welcome additional fees, we respect the work performed by DSWM, understand the need to keep the solid and hazardous waste programs viable, and recognize efforts made to improve program efficiency. As such, we support the fee increases proposed. We do have one suggestion relative to rule 1200-01-11-.08(10) concerning fees for the review and/or investigations of accidental discharges. The rule currently assesses a \$2,000 fee for:

"the investigation and/or remediation of soil, groundwater or surface waters and/or sediment as a result of such releases if overseen by DSWM."

In some cases, no further investigation is required other than a visit from DSWM staff to confirm the facts and severity of the release. In some cases, substantial work is required to assure no adverse impacts as a result of a release. As such, we suggest an escalating fee reflective of DSWM's activity level in addressing the release. The proposed language is below for your review and consideration.

### (10) Initial Spill and/or Accidental Discharge Investigation Fee

250 dollars for each accidental spill or accidental discharge (of hazardous waste or other material, which when spilled or discharged becomes a hazardous waste) where Division staff responds by a site visit or inspection to confirm an adequate response but not requiring Division oversight of the investigation and/or remediation of soil, groundwater, or surface water and/or sediment.

500 dollars for each accidental spill or accidental discharge (of hazardous waste or other material, which when spilled or discharged becomes a hazardous waste) requiring investigation and/or remediation of soil, groundwater, or surface water and/or sediment, provided such investigation/remediation is overseen by the Division of Solid Waste Management. This oversight requires ten (10) hours or less of staff time.

1,000 dollars for each accidental spill or accidental discharge (of hazardous waste or other material, which, when spilled or discharged, becomes a hazardous waste) requiring investigation and/or remediation of soil, groundwater, or surface water and/or sediment, provided such investigation/remediation is overseen by the Division of Solid Waste Management. This oversight requires over ten (10) hours but under twenty-four (24) hours of staff time.

2,000 dollars for each spill or accidental discharge (of hazardous waste, or other material which, when spilled or discharged, becomes a hazardous waste) requiring investigation and/or remediation of soil, groundwater, or surface water and/or sediment, provided such investigation/remediation is overseen by the

Division of Solid Waste Management. The oversight requires twenty-four (24) hours or more of staff time.

Response: The Division appreciates these comments supporting the amendment and the outreach effort made by the Division. In regard to the spill fee, the Division concurs and has modified paragraph (10) of Rule 1200-01-11-.08 to incorporate an escalating fee structure as suggested, utilizing the suggested language.

Comment: With regard to all paragraphs within the Rule 1200-01-11-.08, insert language to raise proposed fees by 20%, with the Department collecting and returning a portion of said fees to affected local governments as follows:

"10% to the municipality where waste is stored, treated, transferred or disposed and 10% to the county where waste is stored, treated, transferred or disposed.

"Expenditures of such fees by the local governments would be restricted to activities related to the storage, treatment, transfer, or disposal of hazardous waste in the respective jurisdiction."

Response: The Department lacks the statutory authority to share those fees with local governments. Below is the statutory language regarding the use of the Environmental Protection Fund:

T.C.A. § 68-203-102, "Use of funds" states:

The fund shall be available to the department of environment and conservation to help defray the costs of administering the regulatory programs under each statute listed in § 68-203-101(b). The moneys shall be used for improved performance in permitting, monitoring, investigation, enforcement, and administration of the department's functions under each statute listed in § 68-203-101(b), including the payment of salaries and benefits to employees administering the regulatory programs under each statute listed in § 68-203-101(b).

Comment: We would simply like to share with the staff, as well as convey to the Solid Waste Disposal Control Board, that the Chamber very much appreciates the openness and the availability of the staff to help explain and to better clarify the justification for these fee increases. We applaud you for the willingness to work on the work load analysis and the reflection of what are the real needs for the funding to the program. Also we continue to say that we do not support the building up of fund balances to a level where they might become attractive for other activities either within the Department or outside the Department, resulting in funding other agencies' short comings and so forth.

Response: The Division appreciates the input, comments, and advice received from the Chamber and other citizens in helping to formulate a limited and practical fee increase to address our budget shortfall and on ways to better serve the citizens of Tennessee. The Division is continuing to work on ways to improve program performance without increasing costs.

Comment: We are concerned that the proposed fee on new waste streams may cause some facilities to try to combine waste streams and may tend to discourage accurate reporting. We propose either a lower fee or eliminating the fee altogether. The detail and description of hazardous waste streams is very helpful to accurately represent a facility's waste generation. Imposing a fee could discourage generators from breaking out different waste streams and points of generation in detail.

Response: The accurate reporting of waste streams is required by regulation. Inaccurate reporting of waste streams would be a regulatory violation. The Division set the level of the fee at \$100 to cover the program costs associated with this activity.

Comments: The new fee for used oil processors should stipulate an exemption for used oil generators who deliberately process their own used oil onsite (for volume reduction, to get a better price on oil, etc.) and then send it offsite for energy recovery or to be recycled (which most used oil generators do). Such a used oil generator is also considered to be a used oil processor per Rule 1200-01-11-.11(6) (refer to Rule 1200-01-11-.11(3)(a)2(ii) and the listed exempted activities from

being a used oil processor). If the intent of this new fee is to regulate commercial processors of used oil, who are receiving bulked used oil from offsite, then it should specify "processors who receive used oil from offsite for processing..."

Response: The Division concurs and has adjusted the regulatory language to create an exemption for used oil processors who solely process their own used oil prior to energy recovery or recycling.

### Regulatory Flexibility Addendum

Pursuant to T.C.A. § 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

- (1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule:

The amended rule will affect small businesses that are small or large quantity hazardous waste generators (generating more than 220 pounds of hazardous waste or 2.2 pounds of acutely toxic hazardous waste per month) or that are involved in the commercial handling of hazardous waste, universal waste, and/or used oil. We estimate that approximately 30% of the facilities that currently pay fees, or will pay fees, are small businesses (approximately 360 facilities/businesses/organizations out of over a thousand). These facilities, along with large businesses, help support the cost of the program.

- (2) The projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

The proposed rule amends the fees but not the basic reporting or recordkeeping requirements, currently in place, for the vast majority of the hazardous waste generators and treatment, storage, and disposal facilities (TSDFs). It is not projected to increase the administrative cost to the facilities, other than fee amount adjustments. A very limited amount of new fees are in this proposed rule for commercial hazardous waste, commercial used oil and/or commercial universal waste facilities and activities that currently are not assessed fees on those facilities and/or activities. Some new fees have been proposed for hazardous waste services which the Division currently delivers but does not currently receive any fees.

The professional skills needed to successfully complete the reports and forms are an understanding on one's process and the related environmental regulations or the access to qualified assistance. The basic forms and reporting system has been in place for about twenty years and the fee increase is designed to utilize the existing system. It should also be noted that staff from the Division's eight field offices and central office are available to help answer questions on the reporting and recordkeeping system. Due in part to the maturity of the hazardous waste program, assistance is also available for numerous waste handling and recycling firms, environmental consultants, and/or environmental attorneys.

- (3) A statement of the probable effect on impacted small businesses and consumers:

The fee increase was generally tied to inflation since the last fee adjustment for each fee. The total impact of the increased fees is projected to be approximately \$600,000 for the entire state. This cost is divided among over a thousand business and organizations that will be paying the fees. Therefore, the average increased cost per business is projected to be under \$600 per year. The bulk of the fee increase, on a per facility basis, is addressed to commercial hazardous waste, universal waste, or used oil facilities. The actual increase for a small quantity hazardous waste generator is projected to be under \$250 per year.

- (4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business:

The fees themselves, and the paperwork to submit them, have been restricted and simplified to minimize the impact on Tennessee small businesses. The program has also reduced staffing levels by over 25% over that past ten years in order to reduce the program funding requirements. The Board is not aware of any viable alternatives.

- (5) A comparison of the proposed rule with any federal or state counterparts:

There is no federal counterpart to this proposed rule as the federal government does not collect these fees. Most state hazardous waste programs in this country support the costs of their programs with fees for services similar to the Department's program.

- (6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

A substantial number of our hazardous waste generators and commercial waste businesses are small businesses. The scope of the fee adjustment has been limited to minimize its impact on the regulated community. Due to the nature of the hazardous waste, universal waste, and used oil businesses it would not be practical to exempt small businesses from this rule unless those funds were replaced by funds from the state's general fund and/or the fees on the remaining businesses were increased accordingly. The scope of the fee increase has been limited to address minimizing the impact on small businesses.

## Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This amended rule is adjusting the hazardous waste fees in Rule 1200-01-11-.08 for inflation since the last fee revision on each of those fees and is imposing a limited number of new fees on commercial hazardous waste, commercial used oil, and/or commercial universal waste businesses and activities which have previously not been assessed fees for those specific waste handling activities regulated by the program. Some new fees for non-routine hazardous waste activities which had not been subject to fees are also included in this rule.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. § 68-203-101 et seq., the Tennessee Environmental Protection Fund, mandates the collection of fees to support the administration of the Tennessee Hazardous Waste Management Act.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The amended rule will potentially affect businesses that are small or large quantity hazardous generators (generating greater than 220 pounds of hazardous waste or 2.2 pounds of acutely toxic hazardous waste per month) and/or that are involved in the commercial handling of hazardous waste, universal waste, and/or used oil. The Board has received no adverse comments against the overall fee adjustment. A significant education and outreach effort was undertaken to explain the requirement for, and scope of, the fee revision. The scope of the fee revision was structured to minimize the impact on Tennessee businesses to the minimum required level.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

The Board is not aware of any.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The amended fees are projected to result in an increase of a total of approximately \$600,000 in the fees assessed on over one thousand Tennessee facilities. These fees are to make up for lost revenue and the division's budget is not expected to increase. That is, the agency's budget/revenues should remain level.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Robert S. Nakamoto  
Division of Solid Waste Management  
5<sup>th</sup> Floor, L&C Tower, 401 Church Street  
Nashville, Tennessee 37243-1535  
Phone: 615-532-0868  
E-Mail: [Robert.Nakamoto@tn.gov](mailto:Robert.Nakamoto@tn.gov)

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Alan M. Leiserson  
Legal Services Director, Office of General Counsel  
Tennessee Department of Environment and Conservation  
20<sup>th</sup> Floor, L&C Tower  
Nashville, Tennessee 37243-1548  
Phone: 615-532-0131  
E-mail: [Alan.Leiserson@tn.gov](mailto:Alan.Leiserson@tn.gov)

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Office of General Counsel  
Tennessee Department of Environment and Conservation  
20<sup>th</sup> Floor, L&C Tower  
Nashville, Tennessee 37243-1548  
Phone: 615-532-0131

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

The Board is not aware of any.

**Department of State**  
**Division of Publications**  
 312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower  
 Nashville, TN 37243  
 Phone: 615-741-2650  
 Fax: 615-741-5133  
 Email: register.information@tn.gov

**For Department of State Use Only**

Sequence Number: REDLINE  
 Rule ID(s): \_\_\_\_\_  
 File Date: \_\_\_\_\_  
 Effective Date: \_\_\_\_\_

# Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205*

<b>Agency/Board/Commission:</b>	Environment and Conservation
<b>Division:</b>	Solid Waste Management
<b>Contact Person:</b>	Robert S. Nakamoto
<b>Address:</b>	5th Floor, L & C Tower 401 Church Street Nashville, Tennessee
<b>Zip:</b>	37243-1535
<b>Phone:</b>	(615) 532-0868
<b>Email:</b>	<a href="mailto:robert.nakamoto@tn.gov">robert.nakamoto@tn.gov</a>

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

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

Chapter Number	Chapter Title
1200-01-11	Hazardous Waste Management
Rule Number	Rule Title
1200-01-11-.08	Fee System for Transporters, Storer, Treater, Disposer, and Certain Generators of Hazardous Waste and for Certain Used Oil Facilities or Transporters

(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 1200-01-11  
Hazardous Waste Management

Amendment

The Table of Contents for Chapter 1200-01-11 Hazardous Waste Management is amended deleting the title to Rule 1200-01-11-.08 and replacing it with a new title to read as follows:

1200-01-11-.08 Fee System for Transporters, Stors, Treaters, Disposers, and Certain Generators of Hazardous Waste and for Certain Used Oil Facilities or Transporters **and Universal Waste Facilities**

Rule 1200-01-11-.08 Fee System for Transporters, Stors, Treaters, Disposers, and Certain Generators of Hazardous Waste and for Certain Used Oil Facilities or Transporters is amended by deleting it in its entirety and replacing it so that, as amended, the rule shall read as follows:

1200-01-11-.08 Fee System for Transporters, Stors, Treaters, Disposers, and Certain Generators of Hazardous Waste and for Certain Used Oil Facilities or Transporters **and Universal Waste Facilities**.

(1) General

(a) Purpose

The purpose of this Rule is to establish a system and schedule whereby certain fees shall be levied and collected by the Commissioner. Expenditures of such fees collected shall be restricted to operation of the hazardous waste management program established pursuant to the Act. Any unencumbered and any unexpended balance shall be maintained in the Tennessee Environmental Protection Fund (the "Fund").

(b) Applicability

The requirements of this Rule apply as specified to the following persons:

1. All transporters having a hazardous waste transporter permit issued under the Act and all new or existing transporters subject to the transporter permit requirements of Rule 1200-01-11-.04(2);
2. Owners and operators of all hazardous waste storage, treatment, and disposal facilities who are subject to the facility permit requirements of Rule 1200-01-11-.07, except for those subject solely to the permit-by-rule requirements of Rule 1200-01-11-.07(1)(c);
3. All generators of hazardous wastes;
4. Persons requesting that the Solid Waste Disposal Control Board review an action of the Commissioner;
5. All transporters, marketers, processors/re-refiners of used oil, or burners of off-specification used oil;
6. Persons carrying out closure activities, post-closure activities and/or corrective action activities, under permits or other enforceable documents;
7. Persons responsible for spills or accidental discharges (of hazardous waste or other material which, when spilled or discharged, becomes a hazardous waste) requiring investigation and/or remediation of soil, groundwater, or surface water and/or sediment;  
**and**

8. All hazardous waste transfer facilities; and

9. All universal waste destination facilities.

(c) Payment of Fees

Any person required to pay a fee under this Rule shall submit the fee by check or money order or other method approved by the Commissioner in the specified amount, made payable to the Treasurer, State of Tennessee for deposit in the Tennessee Environmental Protection Fund.

(d) No permit or other authorization shall be issued or renewed by the Division of Solid Waste Management pursuant to Rule Chapter 1200-01-11 or 1200-01-14 until all fees and/or penalties owed by the applicant to the Division are paid in full, unless a time schedule for payments has been approved and all payments are current or contested fees or penalties are under appeal.

(2) Installation Identification Number Application Fee

Any person who applies to the Department for an Installation Identification Number on the Notification Forms provided by the Department shall submit as part of the request a fee of ~~400~~ 150 dollars. Generators updating their facility notification file by adding a new hazardous waste stream shall submit a fee of 100 dollars with the new hazardous waste stream form.

(3) Permit Application Fees

(a) Transporters

Any person who applies for a permit or modification to a permit to transport hazardous wastes in Tennessee must submit as part of said application an application fee of ~~400~~ 200 dollars.

(b) Treatment, Storage, and Disposal Facilities (TSDF) including facilities conducting corrective action and post-closure under permits, orders, or other enforceable documents.

1. Part A application

Any person who applies for a permit for a hazardous waste storage, treatment, or disposal facility must submit, as part of his Part A application and prior to application review, an application fee for each new or revised application as set forth below:

~~400~~ 600 dollars for an existing facility; or

~~2,000~~ 2,800 dollars for a new facility.

2. Part B application

Any person who applies for a permit, or permit renewal, for a hazardous waste storage, treatment, or disposal facility must submit, as part of his Part B application and prior to application review, an application fee for each new or revised application as set forth below:

(i) Part B application for an on-site hazardous waste facility:

~~40,000~~ 15,000 dollars for a storage facility;

~~40,000~~ 15,000 dollars for a treatment facility;

~~20,000~~ 30,000 dollars for a disposal facility; and

~~20,000~~ 30,000 dollars for a landfill site.

- (ii) Part B application for a commercial hazardous waste facility:
  - ~~25,000~~ 37,500 dollars for a storage facility;
  - ~~25,000~~ 37,500 dollars for a treatment facility;
  - ~~40,000~~ 75,000 dollars for a disposal facility; and
  - ~~40,000~~ 75,000 dollars for a landfill site.
- (iii) Part B application for a post-closure unit pursuant to a permit, order or other enforceable document:
  - ~~20,000~~ 30,000 dollars for a unit not previously permitted under a hazardous waste operating permit; and
  - ~~10,000~~ 15,000 dollars for a unit which previously operated under a hazardous waste operating permit.
- (iv) Part B application for corrective action:
  - ~~10,000~~ 15,000 dollars for a facility, as defined under Rule 1200-01-11-.01(2)(a), implementing corrective action under Rule 1200-01-11-.06(6)(l) not already included in subparts (i), (ii) or (iii) of this part.

(c) Special Case: Modification of Existing Facility Permit

Any person who applies for modification or reissuance (following revocation) of his existing facility permit, order, or other enforceable document [refer to Rule 1200-01-11-.07(9)] must submit, as part of his Part B application and prior to modification review, an application fee as set forth below:

1. For owners or operators applying for a Class 1 permit modification, the fee shall be ~~500~~ 600 dollars;
2. For owners or operators applying for a Class <sup>1</sup> permit modification with changes other than, or in addition to, changes in part 1 above, the fee shall be ~~3,000~~ 4,200 dollars; the Class <sup>1</sup> permit modification fee for Maximum Achievable Control Technology (MACT) modifications shall be ~~6,000~~ 8,000 dollars.
3. For owners or operators applying for a change in ownership or operational control of a facility pursuant to Rule 1200-01-11-.07(9)(b)3, the fee shall be ~~3,000~~ 3,800 dollars.
4. For owners or operators applying for a Class 2 permit modification, the fee shall be:
  - ~~7,000~~ 9,700 dollars for modification of a container or tank storage and/or treatment unit, thermal treatment unit, or drip pad, storage and/or treatment unit;
  - ~~9,000~~ 12,500 dollars for modification of a disposal unit, waste pile storage unit, containment building storage and/or treatment unit, surface impoundment storage and/or treatment unit, or other miscellaneous unit; and
  - ~~10,000~~ 15,000 dollars for modification of a post-closure unit.
5. For owners or operators applying for a Class 3 permit modification, the fee shall be:

- ~~40,000~~ 15,000 dollars for modification of a container or tank storage and/or treatment unit, thermal treatment unit, or drip pad, storage, and/or treatment unit;
- ~~12,000~~ 15,000 dollars for modification of any permit to include the final remedy for Solid Waste Management Units under corrective action requiring remediation and/or maintenance activities;
- ~~12,000~~ 30,000 dollars for modification of a disposal unit, waste pile storage unit, containment building storage and/or treatment unit, surface impoundment storage and/or treatment unit, or other miscellaneous unit; and
- ~~14,500~~ 20,000 dollars for modification of a post-closure unit.

(d) Closure and Post-Closure Plans

Any person required to submit a closure plan or post-closure plan [refer to Rule 1200-01-11-.05(7) and -.06(7)] for a hazardous waste facility must submit, as part of the closure or post-closure plan, and prior to plan review, an application fee, unless the above plan was reviewed as part of a permit application package, as set forth below:

- ~~2,000~~ 2,800 dollars for a closure plan; and
- ~~2,000~~ 2,800 dollars for a post-closure plan.

(e) Modification of Approved Closure and Post-Closure Plan

Any person who submits a modification to an approved closure plan or post-closure plan must submit, as part of the modification and prior to modification review, a modification fee, unless the above plan was reviewed as part of a permit application package, as set forth below:

- ~~250~~ 300 dollars for Class 1 Modification;
- ~~750~~ 850 dollars for Class <sup>1</sup>1 Modification;
- ~~1,000~~ 1,100 dollars for Class 2 Modification; and
- ~~1,500~~ 1,700 dollars for Class 3 Modification.

(f) Emergency Permit

Any person who applies for an emergency permit (refer to Rule 1200-01-11-.07(1)(d)) must submit, as part of the emergency permit application, an application fee of ~~2,000~~ 2,400 dollars.

(g) Research, Demonstration, and Development Permit

Any person who applies for a research, demonstration, and development permit (refer to Rule 1200-01-11-.07(1)(g)) must submit, as part of the research, demonstration, and development permit application, an application fee of ~~2,000~~ 2,800 dollars. An additional fee of ~~1,000~~ 2,800 dollars is assessed for each renewal pursuant to Rule 1200-01-11-.07(1)(g)4.

(h) Temporary Authorization

Any person who applies for a temporary authorization pursuant to Rule 1200-01-11-.07(9)(c)5(v) must submit as part of the temporary authorization request, an application fee of ~~2000~~ 3,000 dollars. An additional fee of ~~250~~ 300 dollars is assessed for the renewal pursuant to Rule 1200-01-11-.07(9)(c)5(v)(IV).

(i) Schedule for Timely Action on Permit Applications/Permit Modifications

1. The following documents, when submitted separately, must be reviewed and the applicant notified within the following time frames:
  - (i) Hydrogeologic Report (Assessment Plan, Sampling and Analysis Plans, Groundwater Annual Reports, and Groundwater Monitoring Plan) 180 days
  - (ii) Closure Plan 180 days
  - (iii) Post-Closure Plan 180 days
  - (iv) Review of Part A Application for Completeness 45 days
  - (v) Initial Review of Part B Application and Class 3 Permit Modifications 180 days
  - (vi) Initial Review of Class 1 and <sup>1</sup>1 Modification 60 days
2. Applications, closure plans, post-closure plans, and modifications shall be acted upon (issued or denied) by the Department within the time frames required by Rule 1200-01-11-.07 beginning with the end of the public comment period(s) specified in each public notice.
3. The above timely action periods shall be stayed if:
  - (i) The applicant requests that review be suspended;
  - (ii) The department issues a written notice of deficiency and until the applicant adequately addresses said deficiency;
  - (iii) Priorities set by the Environmental Protection Agency (EPA) require a delay;
  - (iv) The review process has been halted due to pending judicial and/or administrative actions;
  - (v) Applicable regulations change;
  - (vi) The Department requests a delay in the review process to which the applicant agrees; or
  - (vii) Multiple (5 or more) Class 1 or <sup>1</sup>1 modifications from a single applicant are received.
4. Should the Department not comply with the timely review periods specified in subparagraph (h) of this paragraph, the application fee shall be refunded. The Board shall be provided a quarterly update on the timeliness of permit processing.

(4) Annual Maintenance Fees

(a) Transporters

1. Each person having a hazardous waste transporter permit issued under the Act must submit to the Commissioner, by December 31 of each year, an annual permit maintenance and renewal fee of ~~200~~ 350 dollars.

2. Each person operating a hazardous waste transfer facility shall submit to the Commissioner by December 31 of each year an annual facility maintenance fee of 850 dollars.
3. Each person transporting used oil and that is required to submit an annual report under Rule 1200-01-11-.11 shall submit to the Commissioner an annual maintenance fee of 200 dollars within 30 days of the effective date of this Rule and by March 1 of each year thereafter.
4. Each person operating a used oil transfer facility under Rule 1200-01-11-.11 shall submit to the Commissioner an annual facility maintenance fee of 1,000 dollars within 30 days of the effective date of this Rule and by March 1 of each year thereafter.

(b) Treatment, Storage, and Disposal Facilities (TSDF) including facilities conducting corrective action and post-closure.

The owner or operator of each hazardous waste treatment, storage, or disposal facility in Tennessee having either a permit issued under the Act or interim status as provided under Rule 1200-01-11-.07(3) must submit to the Commissioner, by March 1 of each year, an annual permit maintenance fee as provided in this subparagraph; **provided however, that for the year 2010, persons who paid the annual permit maintenance fee in effect on March 1, 2010 shall be credited for the amount so paid, making only the balance due within 30 days of the effective date of this Rule.**

1. General

- (i) An annual fee shall be assessed consisting of a base amount plus an additional charge calculated on the facility's total constructed design capacity during the previous calendar year.
- (ii) The owner or operator of each treatment, storage, or disposal facility shall be assessed an annual fee each year until all closure, post-closure, and corrective action activities are complete and the facility is closed in accordance with the appropriate standards of Rules 1200-01-11-.05 or 1200-01-11-.06, as applicable.
- (iii) For purposes of this subparagraph, a facility that receives hazardous wastes from off-site, other than from contiguous properties, is determined to be an off-site facility for the calendar year in which the off-site hazardous waste is received.

2. Storage Operations

- (i) The owner or operator of each facility shall be assessed a base amount plus an additional charge calculated on the total constructed design capacity in gallons (gal.) of the facility's hazardous waste storage operations as set forth below, except as provided for in subpart (iii) of this part:
  - (l) For facilities which receive only hazardous waste which are generated on-site, a base amount of ~~4,000~~ 4,700 dollars plus an additional:

Constructed Design Capacity	Amount
1 - 5,000 gal.	<del>\$1,000</del> 1,450
5,001 - 10,000 gal	<del>1,500</del> 2,150
10,001 - 50,000 gal.	<del>3,000</del> 4,250
50,001 - 100,000 gal.	<del>3,500</del> 5,000
100,001 - 500,000 gal.	<del>4,000</del> 5,700
500,001 - 1,000,000 gal.	<del>4,500</del> 6,400

over 1,000,000 gal. ~~5,000~~ 7,100

- (II) For facilities which receive hazardous wastes from off-site generators, a base amount of ~~8,000~~ 9,350 dollars plus an additional:

Constructed Design Capacity	Amount
1 - 5,000 gal.	\$ <del>2,000</del> 2,850
5,001 - 10,000 gal.	<del>3,000</del> 4,250
10,001 - 50,000 gal.	<del>6,000</del> 8,550
50,001 - 100,000 gal.	<del>7,000</del> 9,950
100,001 - 500,000 gal.	<del>8,000</del> 11,400
500,001 - 1,000,000 gal.	<del>9,000</del> 12,800
over 1,000,000 gal.	<del>10,000</del> 14,250

- (ii) Only the incremental constructed design capacity fee and not the base fee in Item (i)(I) of this part shall apply to facilities with only one on-site storage unit with a capacity less than 10,000 gallons which receives waste only from on-site.

### 3. Treatment Operations

- (i) The owner or operator of each facility shall be assessed a base amount plus an additional charge calculated on the total constructed design capacity in gallons per day (gpd) of the facility's hazardous waste treatment operations as set forth below:

- (I) For facilities which receive only hazardous wastes which are generated on-site, a base amount of ~~6,000~~ 7,000 dollars plus an additional:

Constructed Design Capacity	Amount
1 - 5,000 gpd	<del>\$2,000</del> 2,850
5,001 - 10,000 gpd	<del>2,500</del> 3,550
10,001 - 50,000 gpd	<del>3,000</del> 4,250
50,001 - 100,000 gpd	<del>3,500</del> 5,000
100,001 - 500,000 gpd	<del>4,000</del> 5,700
500,001 - 1,000,000 gpd	<del>4,500</del> 6,400
over 1,000,000 gpd	<del>5,000</del> 7,100

- (II) For facilities which receive hazardous waste from off-site generators, a base amount of ~~10,000~~ 11,700 dollars plus an additional:

Constructed Design Capacity	Amount
1 - 5,000 gpd	\$ <del>4,000</del> 5,700
5,001 - 10,000 gpd	<del>5,000</del> 7,100
10,001 - 50,000 gpd	<del>6,000</del> 8,550
50,001 - 100,000 gpd	<del>7,000</del> 9,950
100,001 - 500,000 gpd	<del>8,000</del> 11,400
500,001 - 1,000,000 gpd	<del>9,000</del> 12,800
over 1,000,000 gpd	<del>10,000</del> 14,250

- (ii) Facilities paying a base amount for Treatment Operations shall not be assessed a separate base amount for Storage Operations located on contiguous property.
- (iii) The combined Annual Maintenance Fees for Treatment and Storage for on-site facilities shall not exceed ~~12,500~~ 16,000 dollars per facility, and for off-site facilities this fee shall not exceed ~~25,000~~ 32,000 dollars.

4. Disposal Operations

These fees are applicable only to facilities which require a permit under Rule 1200-01-11-.07 of the Rules governing hazardous waste management for the State of Tennessee. The owner or operator of each facility shall be assessed an annual fee as set forth below:

- (i) For non-commercial facilities, a base fee of ~~6,000~~ 8,000 dollars plus an additional:

~~500~~ 700 dollars per each acre-foot of remaining design capacity of landfill operations (to include waste piles and surface impoundments used for disposal and subject to closure as landfills);

~~500~~ 700 dollars per each acre of remaining design capacity of land application operations; and

~~+~~ 1.50 dollars per gallon per day (gpd) for the permitted injection capacity of injection well operations;

(Note: This fee shall not exceed ~~\$15,000~~ 22,500 in accordance with T.C.A. §68-203-103(h)(19).)

- (ii) For commercial facilities, a base fee of ~~12,000~~ 30,000 dollars plus an additional:

~~1,000~~ 1,400 dollars per each acre-foot of remaining design capacity of landfill operations (to include waste piles and surface impoundments used for disposal and subject to closure as landfills);

~~1,000~~ 1,400 dollars per each acre of remaining design capacity of land application operations; and

~~+~~ 1.50 dollars per gallon per day (gpd) for the permitted injection capacity of injection well operations.

(Note: This fee shall not exceed ~~\$50,000~~ 75,000 in accordance with T.C.A. §68-203-103(h)(15).)

5. Post-Closure Activity

These fees are applicable to facilities that require a permit, order, or other enforceable document under Rule 1200-01-11-.07 of the Rules governing hazardous waste management for the State of Tennessee. The owner or operator shall be assessed an annual fee set forth below:

- (i) For facilities conducting post-closure activities a base fee of ~~3,000~~ 3,600 dollars for each permit, order, or other enforceable document plus an additional:

~~1,000~~ 1,200 dollars for each remediation system conducting active remediation for contaminated media.

6. Corrective Action Activity

These fees are applicable to facilities that require corrective action for Solid Waste Management Units (SWMUs) under Rule 1200-01-11-.07(5)(e) and Rule 1200-01-11-.06(6)(l). The owner or operator shall be assessed an annual fee set forth below:

- (i) For facilities conducting corrective action activities under the authority listed above, a base fee of ~~5,000~~ 6,000 dollars plus an additional fee for review of the following types of corrective action at the facility during the past year.

<del>2,000</del> 2,400	dollars for Confirmatory Sampling
<del>4,000</del> 4,800	dollars for RCRA Facility Investigation
<del>3,000</del> 3,600	dollars for Corrective Measures
<del>2,000</del> 2,400	dollars for Interim Measures

(Note: This fee does not apply to facilities that are reimbursing the State, pursuant to the Department of Defense/State Memorandum of Agreement, costs incurred by the State for corrective action activities at those facilities.)

(c) Universal Waste

The owner or operator of a universal waste destination facility, as defined in Rule 1200-01-11-.12, shall submit to the Commissioner an annual maintenance fee of 2,000 dollars within 30 days of the effective date of this Rule and by March 1 of each year thereafter.

(d) Used Oil Processors and Re-refiners

The owner or operator of a facility that processes and/or re-refines used oil, as defined in Rule 1200-01-11-.11, shall submit to the Commissioner an annual maintenance fee of 2,000 dollars within 30 days of the effective date of this Rule and by March 1 of each year thereafter. This fee does not apply to used oil generators who solely process their own used oil generated at the same facility where processing is performed.

(5) Generator Fees

(a) Annual Generator Fees

(Note: Rules 1200-01-11-.02(1)(d)3(ii) and 1200-01-11-.02(1)(e)3 and 4 are applicable in determining generator status for fee purposes.)

1. Except as provided in subparagraph (b) of this paragraph., the Annual Generator Fee for Small Quantity Generators shall consist of a base amount of ~~4,000~~ 1,200 dollars plus an off-site shipping fee determined in accordance with subparagraphs (c) and (d) of this paragraph.

(i) For the purpose of this subparagraph Small Quantity Generator shall mean:

- (I) Any generator who generates greater than 100 kilograms, but less than 1000 kilograms of hazardous waste in any calendar month of the previous calendar year; or
- (II) Any Conditionally Exempt Small Quantity Generator who accumulates at any time more than 1000 kilograms of non-acute hazardous waste in the previous calendar year.

2. Except as provided in subparagraph (b) of this paragraph, the Annual Generator Fee for Large Quantity Generators shall consist of a base amount of ~~4,600~~ 2,000 dollars plus an off-site shipping fee determined in accordance with subparagraphs (c) and (d) of this paragraph.

(i) For the purpose of this subparagraph Large Quantity Generator shall mean:

- (I) Any generator who generates 1000 kilograms or more of hazardous waste in any calendar month of the previous calendar year; or

- (II) Any generator who generates 1 kilogram or more of acute hazardous waste, or 100 kilograms or more of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill, into or on any land or water, of an acute hazardous waste, in any calendar month of the previous calendar year; or

(b) Exclusions from Base Fee Assessment

1. Hazardous wastes generated from remediation or corrective actions required by the Tennessee Hazardous Waste Management Act of 1977 and 1983; the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.); and the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.) shall not be subject to the fee calculations in parts (a) 1 or (a) 2 of this paragraph.
2. A Conditionally Exempt Small Quantity Generator does not owe this fee if neither part (a) 1 nor (a) 2 of this paragraph is applicable.

(c) Off-site Shipping Fee

1. Hazardous waste with a thermal heating value greater than 5000 BTU per pound that are subject to energy recovery as defined by handling codes for treatment methods T50 and T80 through T93 are assessed an off-site shipping fee of ~~\$0.004~~ 0.0012 per pound.
2. Hazardous wastewaters, defined as containing less than 1 percent total organic carbon and less than 1 percent total suspended solids, shall be assessed an off-site shipping fee of ~~\$0.004~~ 0.0047 per pound.
3. Except for those hazardous wastes excluded from off-site shipment fees as provided in subparagraphs (d) of this paragraph, all remaining waste not claimed in part 1 or 2 above shall be assessed an off-site shipping fee of ~~\$0.0075~~ 0.0088 per pound.
4. The off-site shipping fee for any single generator shall not exceed ~~\$25,000~~ 29,200 in any calendar year.

(d) Exclusions from Off-site Shipping Fees

1. Hazardous wastes that are recycled/recovered as defined by handling codes for treatment methods T30, T54, and T63, lead smelting, precious metals recovery, and/or high temperature metals recovery are exempt from off-site shipping fees.
2. Hazardous wastes generated from remediation or corrective actions required by the Tennessee Hazardous Waste Management Act of 1977 and 1983; the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.); and the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.) shall not be subject to off-site shipping fees.
3. A Conditionally Exempt Small Quantity Generator does not owe this fee, if neither part (a)1 nor (a)2 of this paragraph is applicable.
4. Universal Wastes identified in Rule 1200-01-11-.12, and spent lead-acid batteries managed under Rule 1200-01-11-.09(7), are exempt from off-site shipping fees.

(e) Director's Option, case-by-case

The Director may include other handling codes for waste treatment methods in part (c)1 or part (d)1 of this paragraph on a case-by-case basis, based upon application by a generator.

(f) Date for Payment of Fees

These generator fees shall be paid no later than March 1 of each year for hazardous waste activities conducted the previous calendar year; provided however, that for the year 2010, persons who paid the generator fee in effect on March 1, 2010 shall be credited for the amount so paid, making only the balance due within 30 days of the effective date of this Rule.

(6) Construction Inspection Fee

Prior to the beginning of any construction, at any unit, a permittee shall pay a Construction Inspection Fee for each item to be constructed based upon the class of modification of the item using Appendix I, Classification of Permit Modification, in Rule 1200-01-11-.07(10), as follows:

	Class 3*	Class 2	Class 1 <sup>1</sup>	Class 1
Storage Unit	<del>\$2,000</del> 2,700	<del>\$1,500</del> 2,000	<del>\$1,000</del> 1,300	<del>\$200</del> 300
Treatment Unit	<del>\$4,000</del> 5,350	<del>\$3,000</del> 4,000	<del>\$2,000</del> 2,700	<del>\$400</del> 550
Disposal Unit	<del>\$4,000</del> 5,350	<del>\$3,000</del> 4,000	<del>\$2,000</del> 2,700	<del>\$400</del> 550
Post Closure Unit	<del>\$4,000</del> 5,350	<del>\$3,000</del> 4,000	<del>\$2,000</del> 2,700	<del>\$400</del> 550

\*Also applies to newly permitted units not as yet constructed.

(7) Mixed Wastes Treatment Plan Review Fee

Any person who requests approval by the Department of a mixed waste treatment plan is assessed a mixed waste treatment plan review fee that is equal to all cost associated with the Department's review of the initial mixed waste treatment plan, any update to the mixed waste treatment plan, and/or any revision(s) to the mixed waste treatment plan. Costs shall include, but not be limited to mileage, lab expense, the current hourly rate and benefits for the Department's employees actively involved in review activities, including preparation for and attendance at meetings, the current Department overhead rate, and costs billed by Department contractor(s). Costs shall not include Part A and Part B permit review expenses that are recovered through other applicable fees. The Department shall provide a person subject to this rule with quarterly statements reflecting review cost posted during the previous quarter. All review costs reflected on a person's quarterly statement shall be paid to the Department within thirty (30) days of their receipt of the invoice.

(8) Hazardous Waste Tipping Fee

(a) Fee Amount per Pounds Received

In addition to all other fees imposed by this Rule Chapter, Tennessee facilities with a hazardous waste treatment, storage, or disposal permit are assessed a hazardous waste tipping fee based on the amount of hazardous waste received from off-site as set forth below:

Pounds Received	Fee Amount
1 – 100,000 pounds	<del>\$ 1,000</del> 1,200
100,001 – 500,000 pounds	<del>\$ 4,000</del> 4,700
500,001 – 1,000,000 pounds	<del>\$ 7,000</del> 8,200
1,000,001 – 5,000,000 pounds	<del>\$ 10,000</del> 11,700
5,000,001 – 10,000,000 pounds	<del>\$ 15,000</del> 17,550
10,000,001 – 20,000,000 pounds	<del>\$ 20,000</del> 23,350
over 20,000,000 pounds	<del>\$ 25,000</del> 29,200

(b) Recycle/Recovery Exemption

Hazardous wastes that are received for recycle/recovery as defined by handling codes for treatment methods T30, T54, and T63, lead smelting, precious metals recovery, and/or high temperature metals recovery are exempt from the hazardous waste tipping fees.

(c) Universal Waste Exemptions

Universal Wastes identified in Rule 1200-01-11-.12, and spent lead-acid batteries managed under Rule 1200-01-11-.09(7), are exempt from the hazardous waste tipping fees.

(d) Date for Payment of Fees

These **hazardous waste tipping** fees shall be paid no later than March 1 of each year for hazardous waste activities conducted the previous calendar year beginning with the effective date of these rules; **provided however, that for the year 2010, persons who paid the hazardous waste tipping fee in effect on March 1, 2010 shall be credited for the amount so paid, making only the balance due within 30 days of the effective date of this Rule.**

(9) Special **Report** Review Fees

Any person who **requests approval by the Department submits of** any of the documents listed below is assessed a review fee as follows:

<del>10,000</del> 11,700	dollars for a Trial Burn Plan for each type of unit;
11,700	dollars for a Risk Burn Plan for each type of unit;
5,000	dollars for a Certificate of Compliance Plan for each type of unit;
<del>10,000</del> 11,700	dollars for a Facility Risk Assessment and/or Risk Evaluation Plan associated with a land based unit;
11,700	dollars for a Facility Risk Assessment and/or Risk Evaluation Plan associated with a combustion unit;
<del>10,000</del> 11,700	dollars for the initial Dispersion Model and Direct Human Health Risk Assessment;
<del>5,000</del> 5,850	dollars for Periodic Modeling and Direct Human Health Risk Assessment;
3,000	dollars for each variance or waiver request regardless of whether the variance or waiver request is approved or denied;
650	dollars for each variance or waiver renewal request regardless of whether the variance or waiver request is approved or denied;
500	dollars for a contained-in determination;
50	dollars per hour for the staff time required to research and prepare a written response from the Division to a request of an official regulatory interpretation, including, but not limited to, waste determinations, recycling, exclusions, exemptions, etc.

(10) Initial Spill and/or Accidental Discharge Investigation Fee

250	dollars for each accidental spill or accidental discharge (of hazardous waste or other material, which when spilled or discharged becomes a hazardous waste) where Division staff responds by a site visit or inspection to confirm an adequate response but not requiring Division oversight of the investigation and/or remediation of soil, groundwater, or surface water and/or sediment;
500	dollars for each accidental spill or accidental discharge (of hazardous waste or other material, which when spilled or discharged becomes a hazardous waste) requiring investigation and/or remediation of soil, groundwater, or surface water

and/or sediment, provided such investigation/remediation is overseen by the Division of Solid Waste Management (this oversight requires ten [10] hours or less of staff time);

1,000 dollars for each accidental spill or accidental discharge (of hazardous waste or other material, which, when spilled or discharged, becomes a hazardous waste) requiring investigation and/or remediation of soil, groundwater, or surface water and/or sediment, provided such investigation/remediation is overseen by the Division of Solid Waste Management (this oversight requires over ten [10] hours but under twenty-four [24] hours of staff time); and

2,000 dollars for each spill or accidental discharge (of hazardous waste, or other material which, when spilled or discharged, becomes a hazardous waste) requiring investigation and/or remediation of soil, groundwater, or surface water and/or sediment, provided such investigation/remediation is overseen by the Division of Solid Waste Management (the oversight requires twenty-four [24] hours or more of staff time).

(11) Chromium Exclusion Review Fee

~~500~~ 2,500 dollars for each chromium waste stream applicable to the exclusion in Rule 1200-01-11-.02(1)(d)2(v).

Authority: T.C.A. §§ 68-212-107(d), 68-211-1015, and 68-203-101 et seq.