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Sequence Number: 04-09-09
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File Date: 04/23/2009

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission: Environment and Conservation
Division: Underground Storage Tanks
Contact Person: Lamar Bradley
4th Floor, L & C Tower
401 Church Street
Address: Nashville, TN 37243-1541
Phone: 615-532-0952
Email: Lamar.Bradley@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
12th Floor, L&C Tower
401 Church Street
Address: Nashville, Tennessee 37243
1-866-253-5827 (toll free) or (615) 532-0200
Phone: 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:	17 th Floor Conference Room, L & C Tower		
Address 2:	401 Church Street		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	06/18/09		
Hearing Time:	9:00 AM	<input checked="" type="checkbox"/> CST	<input type="checkbox"/> EST

Additional Hearing Information:

The Division prepared an initial set of draft rules for public review and comment. Copies of these initial draft rules are available for review at the Tennessee Department of Environment and Conservation's (TDEC's) Environmental Field Offices located as follows:

Memphis Environmental Field Office
Suite E-645, Perimeter Park
2510 Mount. Moriah Road
Memphis, TN 38115-1520
(901) 368-7939/ 1-888-891-8332

Cookeville Environmental Field Office
1221 South Willow Avenue
Cookeville, TN 38506
(931) 432-4015/ 1-888-891-8332

Jackson Environmental Field Office
1625 Hollywood Drive
Jackson, TN 38305
(731) 512-1300/ 1-888-891-8332

Chattanooga Environmental Field Office
Suite 550- State Office Building
540 McCallie Avenue
Chattanooga, TN 37402-2013
(423) 634-5745/ 1-888-891-8332

Columbia Environmental Field Office
2484 Park Plus Drive
Columbia, TN 38401
(931) 380-3371/ 1-888-891-8332

Knoxville Environmental Field Office
3711 Middlebrook Pike
Knoxville, TN 37921-5602
(865)594-6035/ 1-888-891-8332

Nashville Environmental Field Office
711 R. S. Gass Blvd.
Nashville, TN 37243-1550
(615) 687-7000/1-888-891-8332

Johnson City Environmental Field Office
2305 Silverdale Road
Johnson City, TN 37601-2162
(423) 854-5400/1-888-891-8332

The "Draft" rules may also be accessed for review using <http://state.tn.us/environment/ust/act&rules.shtml>.

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

Tennessee Department of Environment and Conservation
Division of Underground Storage Tanks
4th Floor, L&C Tower
401 Church Street
Nashville, Tennessee 37243-1541
(615) 532-0945

Office hours for the Division's offices 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: Division of Underground Storage Tanks; Tennessee Department of Environment and Conservation; Attention: Mr. Lamar Bradley; 4th Floor, L & C Tower; 401 Church Street; Nashville, Tennessee 37243-1541; telephone 615-532-0952 or FAX 615-532-9759. However, such written comments must be received by the Division by 4:30 PM CST, June 26, 2009 in order to assure consideration. For further information, please contact Mr. Lamar Bradley at the above address or telephone number or by e-mail at Lamar.Bradley@tn.gov.

Revision Type (check all that apply):

- Amendment
 New
 Repeal

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

Chapter Number	Chapter Title
1200-01-15	Underground Storage Tank Program
Rule Number	Rule Title
1200-01-15-.01	Program Scope, Definitions and Proprietary Information

(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 1200-01-15
Underground Storage Tank Program

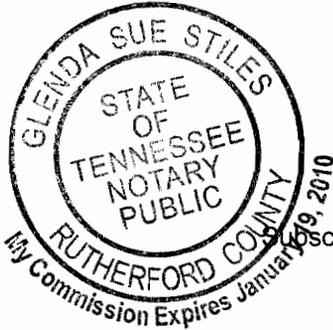
Amendments

Subparagraph (c) of paragraph (2) Program Scope: Applicability of rule 1200-01-15-.01 Program Scope, Definitions and Proprietary Information is deleted in its entirety and replaced with the following:

- (c) Deferrals – Emergency generator UST systems.
 - 1. Except as provided for in parts 2 and 3 of this subparagraph, release detection requirements in rule 1200-01-15-.04 do not apply to any UST system that stores fuel solely for use by emergency power generators.
 - 2. New tanks and piping components of an emergency generator UST system installed after the effective date of this rule and tank or piping components of an emergency generator UST system replaced on or after July 24, 2007, shall be secondarily contained and be equipped with interstitial monitoring in accordance with rules 1200-01-15-.02(2)(a) and (b) and (6). However, if the new or replacement piping meets the requirements for safe suction piping set forth in rule 1200-01-15-.04(2)(b)2, the piping components do not have to be secondarily contained.

Authority: T.C.A. §§ 68-215-105, 68-215-107 and 68-215-113.

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: 4/22/2009

Signature: Lamar Bradley

Name of Officer: Lamar Bradley

Title of Officer: Assistant Director, Division of UST

Subscribed and sworn to before me on: 22nd April, 2009

Notary Public Signature: Glenda Sue Stiles

My commission expires on: 1-19-2010

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Filed with the Department of State on: April 23, 2009

Tre Hargett

Tre Hargett
Secretary of State

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