

Department of State
Division of Publications
 312 Rosa L. Parks, 8th Floor Snodgrass Tower
 Nashville, TN 37243
 Phone: 615.741.2650
 Fax: 615.741.5133
 Email: sos.information@state.tn.us

For Department of State Use Only

Sequence Number: 06-26-09
 Notice ID(s): 1093
 File Date: 06/26/2009

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:	Ground Water Protection
Contact Person:	Alan Schwendimann 10 th Floor, L&C Tower 401 Church Street
Address:	Nashville, Tennessee 37243-1531
Phone:	(615) 532-0761
Email:	alan.schwendimann@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 12 th Floor, L&C Tower 401 Church Street
Address:	Nashville, Tennessee 37243
Phone:	1-866-253-5827 (Toll Free), (615) 532-0200 (Nashville), hearing impaired callers may use the Tennessee Relay Service 1-800-848-0298
Email:	beverly.evans@tn.gov

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

Address 1:	Department of Environment and Conservation Jackson Environmental Field Office		
Address 2:	1625 Hollywood Drive		
City:	Jackson, Tennessee		
Zip:	38305		
Hearing Date :	08/18/09		
Hearing Time:	5:00 p.m.	<input checked="" type="checkbox"/> CDT	<input type="checkbox"/> EDT

Address 1:	Department of Environment and Conservation Nashville Environmental Field Office		
Address 2:	711 R.S. Gass Boulevard		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	08/20/09		
Hearing Time:	5:00 p.m.	<input checked="" type="checkbox"/> CDT	<input type="checkbox"/> EDT

Address 1:	Department of Environment and Conservation Knoxville Environmental Field Office		
Address 2:	3711 Middlebrook Pike		
City:	Knoxville, Tennessee		

Zip:	37921		
Hearing Date :	08/25/09		
Hearing Time:	5:00 p.m.	<input type="checkbox"/> CDT	<input checked="" type="checkbox"/> EDT

Additional Hearing Information:

An initial set of draft rules has been prepared 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/gwp/ppo>.

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

Tennessee Department of Environment and Conservation
Division of Ground Water Protection
10th Floor, L & C Tower
401 Church Street
Nashville, TN 37243-1535
(615) 532-0761

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 Ground Water Protection; Tennessee Department of Environment and Conservation; Attention: Mr. Britton Dotson; 10th Floor, L & C Tower; 401 Church Street; Nashville, Tennessee 37243-1535; telephone 615-532-0761 or FAX 615-532-0778. However, such written comments must be received by the Division by 4:30 PM CST, August 28, 2009, in order to assure consideration. For further information, contact Mr. Britton Dotson at the above address or telephone number.

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
1200-01-06	Regulations to Govern Subsurface Sewage Disposal Systems
Rule Number	Rule Title
1200-01-06-.21	Fees for Services

(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 1200-01-06
Regulations to Govern Subsurface Sewage Disposal Systems

Amendment

Paragraph (1) of Rule 1200-01-06-.21 Fees for Service is amended by deleting it in its entirety and replacing it with the following so that, as amended, the paragraph shall read as follows:

(1) Fees for services are assessed pursuant to the following:

Specific Procedure Covered by Fee	Fee
(a) General intensity soil mapping to determine eligibility for percolation tests.	Eighty dollars (\$80) per acre, with eighty dollars (\$80) being the minimum for each separate acre or part of acre to be mapped.
(b) High intensity soil mapping (sufficient for final approval, 1" = 100' scale) of single lots, or tracts where lots have been staked, or where tracks are gridded (100' grid staking) for residential, commercial, industrial, institutional or recreational users.	Two hundred dollars (\$200) per acre, with two hundred dollars (\$200) being the minimum for each separate acre or part of acre to be mapped.
(c) Extra-high intensity soil mapping for alternative disposal system.	Two hundred fifty (\$250) dollars per acre, with two hundred fifty (\$250) dollars being the minimum for each separate acre or part of acre to be mapped.
(d) Conventional, chamber, EPS and large diameter gravelless pipe subsurface sewage disposal systems permit application processing, making inspections and other regulatory activities relative to the construction of new conventional, chamber and large diameter gravelless pipe subsurface sewage disposal systems and modification or expansion of existing systems because of additions resulting in added wastewater flow, but not for repair of malfunctioning systems. Permits shall be granted or denied within forty-five (45) days of receipt of all necessary information.	Four hundred dollars (\$400) up to one thousand (1,000) gpd design flow plus one hundred dollars (\$100) for each additional one thousand (1,000) gpd flow, or portion thereof.
(e) Alternative subsurface sewage disposal systems permit application up to one thousand (1,000) gpd. design flow processing (excluding chamber, EPS and large diameter gravelless pipe systems), making inspections	Five hundred dollars (\$500) plus one hundred fifty dollars (\$150) for each additional one thousand (1,000) gpd flow, or portion thereof.

and other enforcement activities relative to the construction of alternative subsurface sewage disposal systems and modification or expansion of existing systems because of additions resulting in added wastewater flow, but not for repair of malfunctioning systems. Permits shall be granted or denied within forty-five (45) days of receipt of all necessary information.

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|-----|--|--|
| (f) | Experimental subsurface sewage disposal systems permit application processing, making inspections and other enforcement activities relative to the construction of experimental subsurface sewage disposal systems and expansion of systems because of additions resulting in added wastewater flow, but not for repair of malfunctioning systems. Permits shall be granted or denied within forty-five (45) days of receipt of all necessary information. | Five hundred dollars (\$500). |
| (g) | Subdivision Evaluation - Evaluations of lots within proposed subdivisions to determine and to specify limitations on their usability for subsurface sewage disposal systems. | Sixty five dollars (\$65) per evaluated lot. |
| (h) | Inspections of existing subsurface sewage disposal systems. | Two hundred dollars (\$200) per inspection. |
| (i) | Installer and Pumper Permits - Enforcement activities relative to sewage system installers and septic tank pumpers. Permits shall be granted or denied within forty-five (45) days of the date of application. | Two hundred dollars (\$200) per permit for pumpers and installers of conventional, chamber, EPS and large diameter gravelless pipe systems. An additional one hundred dollars (\$100) for each type of alternative system. |
| (j) | Sewage Surveys - Activities involved in the inspections and surveying of subsurface sewage disposal systems. | Actual costs. |
| (k) | Water Samples - Collection of water samples for bacteriological laboratory analysis, but does not include samples collected in enforcement activities. | |
| | 1. Mail Deliver | One hundred fifteen dollars (\$115) per sample. |
| | 2. Direct Deliver | Two hundred fifteen dollars (\$215) per sample. |
| (l) | Plans Review - Review of designs for large conventional or large alternative subsurface sewage disposal systems to the point of permit issuance. | Seven hundred fifty dollars (\$750) per proposed system. |
| (m) | Plat approval for individual lots. | Sixty five dollars (\$65) per evaluated lot. |
| (n) | Domestic Septage Disposal Site Permit - Permit application processing, making inspections and other regulatory activity | Four hundred dollars (\$400). |

relative to domestic septage disposal sites
Permits shall be granted or denied within
forty-five (45) days of receipt of all necessary
information.

- (o) Training - Non-state agencies and individuals. Calculated costs.
- (p) Certificate of Verification by homeowners of existing system. One hundred dollars (\$100).
- (q) Maintenance Provider Application Fee. Five hundred dollars (\$500).
- (r) Maintenance Provider Annual Renewal. Two hundred dollars (\$200) per calendar year.
- (s) Maintenance Provider Annual Contract Processing Fee. \$50 per year for each operation and maintenance contract payable at the time of contract renewal. Fee to be paid by approved maintenance provider.

Authority: T.C.A. §§ 4-5-201 et seq., 68-203-101 et seq., 68-221-403 and HB2389/SB2357, Sections 1 through 10.

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: June 26, 2009

Signature: *Alan Schwendimann*

Name of Officer: Alan Schwendimann

Title of Officer: Director



Subscribed and sworn to before me on: June 26, 2009

Notary Public Signature: *Glenda B. McCloud*

My commission expires on: January 24, 2012

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Filed with the Department of State on: 6/26/09

Tre Hargett
Tre Hargett
Secretary of State

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