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# Notice of Rulemaking Hearing

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

<b>Agency/Board/Commission:</b>	Environment and Conservation
<b>Division:</b>	Underground Storage Tanks
<b>Contact Person:</b>	Rhonda Key
<b>Address:</b>	4 <sup>th</sup> Floor, L & C Tower 401 Church Street Nashville, Tennessee 37243-1541
<b>Phone:</b>	615-532-0989
<b>Email:</b>	<a href="mailto:Rhonda.Key@tn.gov">Rhonda.Key@tn.gov</a>

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:

<b>ADA Contact:</b>	ADA Coordinator
<b>Address:</b>	12 <sup>th</sup> Floor L&C Tower 401 Church Street Nashville, Tennessee 37243
<b>Phone:</b>	1-866-253-5827 (toll free) or (615) 532-0200 Hearing impaired callers may use the TN Relay Service at 1-800-848-0298.
<b>Email:</b>	<a href="mailto:Beverly.Evans@tn.gov">Beverly.Evans@tn.gov</a>

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

Address 1:	Ruth Neff Conference Room – Side A 17 <sup>th</sup> Floor, L & C Tower		
Address 2:	401 Church Street		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	09/07/12		
Hearing Time:	9:00 a.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

**Additional Hearing Information:**

The Department is proposing to amend the petroleum underground storage tank (UST) regulations to reduce the annual petroleum underground storage tank fees.

The Department 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  
 8383 Wolf Lake Drive  
 Memphis, TN 38133  
 (901) 371-3000/ 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  
1421 Hampshire Pike  
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://tn.gov/environment/ust/ppo/>

Draft copies are also available for review at the following address:

Tennessee Department of Environment and Conservation  
Division of Underground Storage Tanks  
4<sup>th</sup> Floor, L&C Tower  
401 Church Street  
Nashville, Tennessee 37243-1541  
(615) 532-0972

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

Oral or written comments are invited at the hearing. In addition, written comments may be submitted prior to or after the public hearing to: Tennessee Department of Environment and Conservation, Division of Underground Storage Tanks; Attention: Rhonda Key, L & C Tower; 401 Church Street; Nashville, Tennessee 37243-1541; telephone 615-532-0972 or fax 615-532-9759. However, such written comments must be received by 4:30 PM CDT, September 7, 2012, in order to assure consideration. For further information, please contact Rhonda Key at the above address or telephone number or by e-mail at [Rhonda.Key@tn.gov](mailto:Rhonda.Key@tn.gov).

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

- Amendment  
 New  
 Repeal

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

Chapter Number	Chapter Title
0400-18-01	Underground Storage Tank Program
Rule Number	Rule Title
0400-18-01-.10	Fee Collection

(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 1200-18-01  
Underground Storage Tank Program

Amendments

Paragraph (3) of Rule 0400-18-01-.10 Fee Collection is amended by deleting it in its entirety and replacing it with the following so that, as amended, paragraph (3) shall read as follows:

(3) Annual petroleum underground storage tank fees.

- (a) The required fee shall be submitted in the specified amount, with checks made payable to the Tennessee State Treasurer.
- (b) Any person who is an owner and/or operator of a petroleum underground storage tank subject to annual fees shall pay the required annual fee unless the fee is paid by another person on behalf of the tank owner and/or operator.
- (c) The amount of the annual petroleum underground storage tanks fee shall be:

Years Assessed	Fee	Assessment
July 1, 1988 to June 30, 1990	\$100.00	Per Tank
July 1, 1990 to June 30, 2005	\$125.00	Per Tank
July 1, 2005 to June 30, 2013	\$250.00	Per Tank Compartment
July 1, 2013 forward	\$125.00	Per Tank Compartment

- (d) The amount of the annual administrative service fee for agencies and functions of the U.S. Government shall be:

Years Assessed	Fee	Assessment
July 1, 1988 to June 30, 1990	\$25.00	Per Tank
July 1, 1990 to June 30, 2005	\$25.00	Per Tank
July 1, 2005 to June 30, 2013	\$250.00	Per Tank Compartment
July 1, 2013 forward	\$125.00	Per Tank Compartment

Agencies and functions of the U.S. Government are not eligible for benefit or financial assistance from the Tennessee Petroleum Underground Storage Tank Fund.

- (e) If an annual fee is paid on an existing underground storage tank which is subsequently permanently closed in accordance with Rule 0400-18-01-.07 and replaced by a new underground storage tank installed at the same site in accordance with paragraph (1) or (6) of Rule 0400-18-01-.02 no additional annual fee will be required, provided that the replacement tank has the same number of tank compartments as the existing tank. If the replacement tank has more tank compartments than the existing tank, an additional annual fee of:
  - 1. Two hundred fifty dollars (\$250) per compartment shall be paid if the tank was replaced before July 1, 2013; or
  - 2. One hundred twenty five dollars (\$125) per compartment shall be paid if the tank was replaced on or after July 1, 2013.

If the replacement tank has fewer tank compartments than the existing tank, no refund of the annual fee or any portion thereof is due, as stated in subparagraph (f) of this paragraph.

- (f) Payment of the entire amount of the annual fee is required for underground storage tanks and/or tank compartments in service or temporarily out of service during any portion of the current billing year. Tanks and/or tank compartments placed into service after the current billing year begins or tanks and/or tank compartments which are permanently closed before the current billing year ends are not due a refund of the annual fee or any portion thereof.

Authority: T.C.A. §§ 68-215-101 et seq., and 4-5-201 et seq.

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



Date: 6-27-2012

Signature: Jonathan M. Edwards

Name of Officer: Jonathan M. Edwards

Title of Officer: Board Chair

Subscribed and sworn to before me on: 6-27-2012

Notary Public Signature: Linda D. Main

My commission expires on: 3-25-14

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Filed with the Department of State on: 6/27/12

Tre Hargett  
Tre Hargett  
Secretary of State