

Department of State
Division of Publications
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Sequence Number: 10-19-13
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 File Date: 10/18/13

Notice of Rulemaking Hearing

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

Agency/Board/Commission:	Environment and Conservation
Division:	Water Resources
Contact Person:	Britton Dotson
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 11 th Floor Nashville, Tennessee 37243
Phone:	(615) 532-0774
Email:	Britton.Dotson@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
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 2 nd Floor Nashville, Tennessee 37243
Phone:	1-866-253-5827 (toll free) or (615) 532-0200 Hearing impaired callers may use the TN Relay Service 1-800-848-0298
Email:	Beverly.Evans@tn.gov

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

Address 1:	Nashville Room, 3 rd Floor		
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	12/10/13		
Hearing Time:	1:00 p.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Teleconferencing Location(s): The public may teleconference the Nashville hearings at the following locations:

Address 1:	Main Conference Room Memphis Environmental Field Office		
Address 2:	8383 Wolf Lake Drive		
City:	Bartlett, Tennessee		
Zip:	38133		
Hearing Date :	12/10/13		
Hearing Times:	1:00 p.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Address 1:	Main Conference Room Jackson Environmental Field Office		
Address 2:	1625 Hollywood Drive		
City:	Jackson, Tennessee		
Zip:	38305		
Hearing Date :	12/10/13		
Hearing Time:	1:00 p.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Address 1:	Conference Room Chattanooga Environmental Field Office		
Address 2:	Suite 550 – State Office Building 540 McCallie Avenue		
City:	Chattanooga, Tennessee		
Zip:	37402		
Hearing Date :	12/10/13		
Hearing Times:	2:00 p.m.	<input type="checkbox"/> CST/CDT	<input checked="" type="checkbox"/> EST/EDT

Address 1:	Main Conference Room Knoxville Environmental Field Office		
Address 2:	3711 Middlebrook Pike		
City:	Knoxville, Tennessee		
Zip:	37921		
Hearing Date :	12/10/13		
Hearing Time:	2:00 p.m.	<input type="checkbox"/> CST/CDT	<input checked="" type="checkbox"/> EST/EDT

Address 1:	Main Conference Room Johnson City Environmental Field Office		
Address 2:	2305 Silverdale Road		
City:	Johnson City, Tennessee		
Zip:	37601		
Hearing Date :	12/10/13		
Hearing Time:	2:00 p.m.	<input type="checkbox"/> CST/CDT	<input checked="" type="checkbox"/> EST/EDT

Additional Hearing Information:

Summary of the proposed amendments to Rule 0400-45-06-.18 (Fees For Class V Injection Wells)

After taking significant steps to reduce operating expenses, the Tennessee Department of Environment and Conservation's (TDEC) Division of Water Resources is proposing to restructure a set of specific fees in an effort to create a division structure that is sustainable, fair and preserves the department's ability to act expeditiously in the permitting process. This rule package proposes to raise some fees to be more commensurate with the level of time and effort required by the division, restructure an area where duplication of fees and permits currently exists, provide a sliding structure for some general permit fees and eliminate soil mapping services to remove competition with the private sector for that service. Three rule chapters are affected by this rule package: Chapter 0400-45-06, Chapter 0400-48-01, and Chapter 0400-40-11. The public comment period and hearing will encompass all three chapters together. Proposed changes to Chapters 0400-48-01 and 0400-40-11 are filed under separate notices.

For Chapter 0400-45-06, TDEC proposes to eliminate the potential for duplicate fees in Class V injection well rules that existed before TDEC's three heritage water divisions were merged into the Division of Water Resources. Under the proposed changes, if the appropriate fees are paid through the Environmental Protection Fund (EPF) rule or the Subsurface Sewage Disposal System rule, those fees will no longer be assessed under the Underground Injection Control (UIC) fee rule.

This change will primarily affect applicants for large capacity septic systems and decentralized wastewater systems not utilizing spray irrigation. For large capacity septic systems, the division would continue to assess the standard fees currently prescribed in Rule 0400-48-01-.21 for subsurface sewage disposal, including application,

plans review (if applicable) and construction inspection. For decentralized systems, the division would continue to assess the applicable Environmental Protection Fund fees for plans review and annual maintenance, and proposes a change to Rule 0400-40-11.02 to also include an application fee.

An initial set of draft rules has been prepared for public review and comment. For more information, including the "DRAFT" rules and "redline" copy, please visit TDEC's website at <http://tn.gov/environment/ppo/#water>.

Copies of these initial draft rules are also available for review at the Tennessee Department of Environment and Conservation'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 37921-6538
(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

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

Tennessee Department of Environment and Conservation
Division of Water Resources
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243
(615) 532-0625

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 Water Resources; Tennessee Department of Environment and Conservation; Attention: Britton Dotson; William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 11th Floor, Nashville, Tennessee 37243; telephone 615-532-0774 or FAX 615-532-0686. However, such written comments must be received by the Division by 4:30 PM CDT, December 10, 2013, in order to ensure consideration. For further information, contact 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. 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
0400-45-06	Chapter 0400-45-06
Rule Number	Rule Title
0400-45-06-.18	Fees For Class V Injection Wells

(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>)

Amendments

Chapter 0400-45-06 Underground Injection Control

Paragraphs (1) and (2) of Rule 0400-45-06-.18 Fees For Class V Injection Wells is amended by deleting them in their entirety and replacing them with the following so that, as amended, the paragraphs shall read:

(1) Application Fees

Provided the application fee has not been paid under Rule 0400-40-11-.02 or 0400-48-01-.21, applications for authorizations or permits for the following Class V injection wells shall be accompanied by the following one-time application review fees:

(a)	Innovative technology wells	\$1,000 (per project)
(b)	Storm water drainage wells.	
	Subdivision	\$500 (per project)
	Commercial/industrial facilities	\$750 (per project)
(c)	Commercial/industrial geothermal wells	
	Open loop systems	\$750 (per facility)
(d)	Commercial/industrial SFDS and infiltration cells	\$500 (per facility)
(e)	Large capacity septic systems	\$250 (per facility)
	Churches	\$100 (per facility)
(f)	Remediation wells	
	Oversight under this rule	\$1,000 (per project)
	Oversight by the Commissioner not under this rule	None
(g)	Change of ownership	\$75
(h)	Modification of recharge point	\$350 (per project)

(2) Annual Maintenance Fee

Provided the annual maintenance fee has not been paid under Rule 0400-40-11-.02 or 0400-48-01-.21, the following Class V wells shall submit the following fees with the renewal application:

(a)	Storm water drainage wells	
	Commercial/industrial facilities:	\$70 per year (per facility)
(b)	Commercial/industrial geothermal wells	
	Open loop	\$70 per year (per facility)
(c)	Commercial/industrial SFDS and infiltration cells:	\$50 per year (per facility)
(d)	Large capacity septic systems	\$50 per year (per facility)
	Churches	\$10 per year (per facility)

Authority: T.C.A. §§ 69-3-101 et seq., 68-203-101 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.

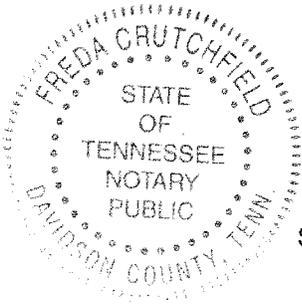
Date: October 18, 2013

Signature: _____

Sandra K. Dudley

Name of Officer: Sandra K. Dudley

Title of Officer: Director of the Division of Water Resources



Subscribed and sworn to before me on: _____

October 18, 2013

Notary Public Signature: _____

Freda Crutchfield

My commission expires on: _____

May 3, 2016

Department of State Use Only

Filed with the Department of State on: _____

10/18/13

Tre Hargett

Tre Hargett
Secretary of State

2013 OCT 18 PM 3:47