

Department of State
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Sequence Number: 10-21-13
 Notice ID(s): 2090
 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 0400-48-01-.21 (Fees for Services)

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 0400-40-11 and 0400-45-06 are filed under separate notices.

For Chapter 0400-48-01, the department proposes to eliminate soil mapping services that compete with the private sector and remove this fee category from the rule. In the 1960s and 1970s the vast majority of subdivision approvals and permits were based on percolation tests. Beginning in the late 1970s soil mapping became the preferred method for evaluating the suitability of soils to effectively treat domestic wastewater. Early in this transition state-employed soil consultants provided the majority of the soil-mapping services associated with the program. As the program evolved, private soil scientists entered the market. In fact, TDEC's rules require private soil scientists providing services in support of the program to be approved by the state. Currently, the vast majority of soil mapping is performed by private soil consultants. This proposal removes soil mapping as a service provided by the state and places all soil mapping services in the private sector.

The department proposes to modify the fee structure for subdivision evaluation and plat approval to a sliding

scale that more accurately distributes TDEC costs. Field work is critical to effective soil evaluation. Historically the fee for subdivision evaluation and plat approval has been \$65 per lot. However, for plat consideration with a limited number of lots, the fee does not cover TDEC costs. The department proposes a fee of \$150 per lot for one or two lots on a proposed plat; and, \$100 per lot for three to ten lots on a proposed plat. Plats containing more than 10 lots will be assessed \$1,000 (\$100 per lot) for the first ten lots plus \$65 for each additional lot.

The department proposes removing the fee category for "Plat approval for individual lots." The above-described rule change eliminates the need for this fee category.

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 (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 37921-6538
(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
0400-48-01	Regulations to Govern Subsurface Sewage Disposal Systems
Rule Number	Rule Title
0400-48-01-.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>)

Amendments

Chapter 0400-48-01 Regulations to Govern Subsurface Sewage Disposal Systems

Rule 0400-48-01-.21 Fees for Services is amended by deleting it in its entirety and replacing it with the following so that, as amended, the rule shall read:

0400-48-01-.21 Fees for Services.

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

Specific Procedure Covered by Fee	Fee
(a) 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.
(b) 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 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.	Five hundred dollars (\$500) plus one hundred fifty dollars (\$150) for each additional one thousand (1,000) gpd flow, or portion thereof.
(c) 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).

- (d) Subdivision evaluation and plat approval for individual lots - Evaluations of lots within proposed subdivisions to determine and to specify limitations on their usability for subsurface sewage disposal systems.
- | | |
|------------------------|--|
| Two lots or less | One hundred fifty dollars (\$150) per lot |
| Three lots to ten lots | One hundred dollars (\$100) per lot |
| Greater than ten lots | One thousand dollars (\$1,000) for the first ten lots plus sixty five (\$65) for each additional lot |
- (e) Inspections of existing subsurface sewage disposal systems. Two hundred dollars (\$200) per inspection.
- (f) 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 annual permit for pumpers and installers. The \$200 annual installer permit applies to installation of conventional, chamber, EPS and large diameter gravelless pipe systems. If an installer wishes to be permitted for installation of alternative systems, an additional one hundred dollars (\$100) applies for each type of alternative system.
- (g) Sewage Surveys - Activities involved in the inspections and surveying of subsurface sewage disposal systems. Actual costs.
- (h) 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. |
- (i) 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.
- (j) Domestic Septage Disposal Site Permit - Permit application processing, making inspections and other regulatory activity relative to domestic septage disposal sites. Permits shall be granted or denied within forty-five (45) days of receipt of all necessary information. Four hundred dollars (\$400).
- (k) Training - Non-state agencies and individuals. Calculated costs.
- (l) Certificate of Verification by homeowners of existing system. One hundred dollars (\$100).

Authority: T.C.A. §§ 68-221-401 et seq., 68-203-101 et seq. and 4-5-201 et seq.

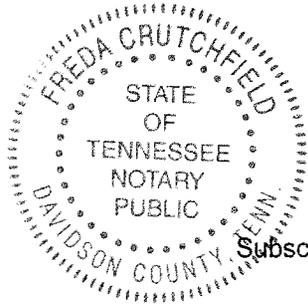
I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

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 03, 2016

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Filed with the Department of State on: 10/18/13

Tre Hargett

Tre Hargett
Secretary of State

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