

Department of State
Division of Publications
 312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower
 Nashville, TN 37243
 Phone: 615-741-2650
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 Email: register.information@tn.gov

For Department of State Use Only

Sequence Number: 10-26-12
 Rule ID(s): 5333
 File Date: 10/30/12
 Effective Date: 1/28/13

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205

Agency/Board/Commission:	Environment and Conservation
Division:	Division of Remediation
Contact Person:	Robert L. Powell
Address:	4 th Floor, L & C Annex 401 Church Street Nashville, Tennessee
Zip:	37243-1538
Phone:	(615) 532-0916
Email:	Robert.Powell@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

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

Chapter Number	Chapter Title
0400-15-01	Hazardous Substance Remedial Action
Rule Number	Rule Title
0400-15-01-.13	List of Inactive Hazardous Substance Sites

(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://tn.gov/sos/rules/1360/1360.htm>)

Amendment

0400-15-01
Hazardous Substance Remedial Action

Rule 0400-15-01-.13 List of Inactive Hazardous Substance Sites is amended by deleting the following site from the list, such deletion being made in a manner so that the entire list remains in numerical order.

<u>Site Number</u>	<u>Site Name</u>
33-556	3M GE Ceramics Chattanooga, TN

Statutory Authority: T.C.A. §§ 68-212-201 et seq. and 4-5-201 et seq.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Dr. Warren Anderson				X	
Michael Atchison	X				
Elaine Boyd	X				
Melissa Bryant				X	
Dr. Jack Deibert				X	
Kenneth Donaldson	X				
Dr. George Hyfantis, Jr.	X				
Jared L. Lynn	X				
Mayor Franklin Smith, III	X				
Mark Williams	X				
Glenn Youngblood	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Solid Waste Disposal Control Board on 08/07/2012, and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 04/04/12

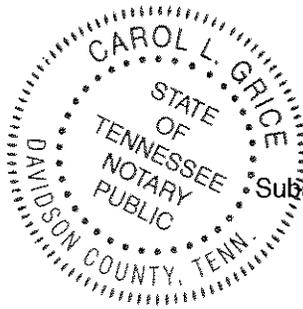
Rulemaking Hearing(s) Conducted on: (add more dates). 05/30/12

Date: August 7, 2012

Signature: 

Name of Officer: Kenneth H. Donaldson

Title of Officer: Chairman



Subscribed and sworn to before me on: August 7, 2012

Notary Public Signature: Carol L. Grice

My commission expires on: June 21, 2016

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


 Robert F. Cooper, Jr.
 Attorney General and Reporter
10-29-12
 Date

Department of State Use Only

Filed with the Department of State on: 10/30/12

Effective on: 1/28/13

Tre Hargett by [Signature]

Tre Hargett
Secretary of State

RECEIVED
2012 OCT 30 PM 2:04
SECRETARY OF STATE
PUBLIC AFFAIRS

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

There were no comments received during the comment period.

Regulatory Flexibility Addendum

Pursuant to T.C.A. § 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

- (1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule.

There are no small businesses impacted by this rulemaking.

- (2) The projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record.

There are no small businesses impacted by this rulemaking, therefore there are no reporting, recordkeeping, and other administrative costs.

- (3) A statement of the probable effect on impacted small businesses and consumers.

There will be no impact on small businesses.

- (4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business.

No alternatives are available to achieve the purpose of this rulemaking

- (5) A comparison of the proposed rule with any federal or state counterparts.

This rulemaking is site specific so there is no direct comparison with and federal or state counterpart.

- (6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

There is no effect since this rulemaking does not impact small businesses.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 “any rule to proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The Department does not anticipate an impact on local governments from this rulemaking.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This proposed rule deletes the 3M GE Site located in Chattanooga, Tennessee in Hamilton County from the List of Inactive Hazardous Substance Sites.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Inactive Hazardous Substance Sites are promulgated under the authority of T.C.A. 68-212-206(e) and 68-212-215(e).

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

This proposed rule deletes the 3M GE Site located in Chattanooga, Tennessee in Hamilton County from the List of Inactive Hazardous Substance Sites and there were no comments received during the public comment period.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

The Department is not aware of any.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

There will be no fiscal impact resulting from this rulemaking.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Robert L. Powell
Division of Remediation
4th Floor Annex,
401 Church Street
Nashville, Tennessee 37243-1538
(615) 532-0916

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Alan M. Leiserson
Legal Services Director
Department of Environment and Conservation

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Office of General Counsel

Department of Environment and conservation
20th Floor L & C Tower
Nashville, Tennessee 37243-1548
(615) 532-0131
Alan.Leiserson@tn.gov

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

The Department is not aware of any.

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Amendment

0400-15-01
Hazardous Substance Remedial Action

Rule 0400-15-01-.13 List of Inactive Hazardous Substance Sites is amended by deleting the following site from the list, such deletion being made in a manner so that the entire list remains in numerical order.

List of Inactive Hazardous Substance Sites

PROMULGATED LIST

SITE NUMBER	SITE NAME
	ANDERSON (01)
01504	D.O.E. Oak Ridge Oak Ridge, TN
01579	Dupont Smith/Atomic City
SITE NUMBER	SITE NAME
	Oak Ridge, TN
01580	Anderson County Landfill Clinton, TN
	BLOUNT (05)
05501	Aluminum Co. of America Alcoa, TN
05503	Aluminum Co. of America Alcoa, TN
	BRADLEY (06)
06505	Duracell Inc. Cleveland, TN
	CARTER (10)
10502	American Bemburg Plant Elizabethton, TN
10508	Old Bemburg Bldg. Elizabethton, TN
	COCKE (15)
15504	Arapahoe/Rock Hill Labs Newport, TN
15505	Newport Dump Newport, TN
15508	Wall Tube and Metal

Newport, TN

DAVIDSON (19)

19511 Stauffer Chemical
Nashville, TN
19524 Municipal Landfill
Nashville, TN

FAYETTE (24)

24501 Ross Metals
Rossville, TN
24503 Gallaway Pits
Gallaway, TN

FRANKLIN (26)

SITE NUMBER SITE NAME

26501 AEDC
Arnold Air Force Station, TN

GIBSON (27)

27512 ITT Telecommunications
Milan, TN

HAMBLLEN (32)

32506 BASF/Stauffer Chemical Co.
Morristown, TN
32514 Old Morristown-Hamblen Co. Landfill
Morristown, TN
32517 Neblett Road Dump
Morristown, TN
32518 Pine Brook Road Dump
Morristown, TN

HAMILTON (33)

33527 Velsicol/Residue Hill
Chattanooga, TN
33540 Montague Park
Chattanooga, TN
33543 Hamill Road Dump #3
Chattanooga, TN

HAMILTON (33)

33547	Chattanooga Coke Chattanooga, TN
33550	North Hawthorne Dump Chattanooga, TN
33556	3M GE Ceramics- Chattanooga, TN
33557	USVAAP Chattanooga, TN
33584	Chattanooga Creek Chattanooga, TN
33596	Mor-Flo Industries, Inc. Chattanooga, TN
33618	Morningside Chemicals Chattanooga, TN
33620	National Microdynamics (Lutex Chemical) Chattanooga, TN
33635	Tennessee Transformer Chattanooga, TN
33660	Electro-Lite Battery Chattanooga, TN

SITE NUMBER

SITE NAME

HARDEMAN (35)

35506	Velsicol Chem Toone, TN
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HENRY (40)

40506	Henry County Boneyard Paris, TN
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HICKMAN (41)

41504	Wrigley Charcoal Wrigley, TN
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JEFFERSON (45)

45503	Hodgson, Hollis Jefferson City, TN
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KNOX (47)

47514	Witherspoon Landfill Knoxville, TN
47518	Badgett Road Landfill Knoxville, TN
47521	Southern Rail/Coster Shop Knoxville, TN
47523	Foote Mineral/Cas Walker (Dante) Knoxville, TN
47530	Screen Art, Inc. Knoxville, TN
47541	Witherspoon Recycling Knoxville, TN
47545	Sanitary Laundry & Dry Cleaning Knoxville, TN
47547	Roscoe Fields Property Knoxville, TN
47559	Smokey Mountain Smelters Knoxville, TN
47-573	Dixie Barrel & Drum Co. Knoxville, TN

LAWRENCE (50)

50502	Murray-Ohio Landfill Lawrenceburg, TN
SITE NUMBER	SITE NAME
50505	Lawrenceburg Horseshoe Bend Lawrenceburg, TN
50-509	Former Murray Ohio Plant Lawrenceburg, TN

LOUDON (53)

53502	Greenback Industries Greenback, TN
53503	Lenoir City Car Works Lenoir City, TN

MADISON (57)

57508	American Creosote Works Jackson, TN
57510	Porter Cable Jackson, TN
57517	Boone Dry Cleaners Jackson, TN

MARION (58)

58502	North American Environmental Whitwell, TN
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MARSHALL (59)

59502 Heil Quaker Corp.
Lewisburg, TN
59503 Lewisburg Dump
Lewisburg, TN

MAURY (60)

60501 Stauffer Chemical Co.
Mt. Pleasant, TN
60534 Monsanto
Columbia, TN

MONROE (62)

62505 Red Ridge Landfill
Madisonville, TN

POLK (70)

70502 Apache Blast
Copperhill, TN
SITE NUMBER SITE NAME

PUTNAM (71)

71502 Putnam County Landfill
Cookeville, TN

ROANE (73)

73504 Roane Alloys
Rockwood, TN
73506 Rockwood Iron & Metal
Rockwood, TN
73512 Joyner Scrap Yard
Rockwood, TN

RUTHERFORD (75)

75522 Old Murfreesboro City Dump
Murfreesboro, TN

SCOTT (76)

76502 Oneida Railway
Oneida, TN

SHELBY (79)

79503 Arlington Blending
Arlington, TN
79517 Bellevue Avenue Landfill
Memphis, TN

79518	Cypress Creek Memphis, TN
79525	International Harvester Memphis, TN
79536	W.R. Grace & Co. Memphis, TN
79549	Chickasaw Ordinance Works Memphis, TN
79552	Carrier Corporation Collierville, TN
79561	Nilok Chemical Company Memphis, TN
79569	Chapman Chemical Co. Memphis, TN
79582	Diesel Recon Co. Memphis, TN

SHELBY (79)

SITE NUMBER	SITE NAME
79598	North Hollywood Dump Memphis, TN
79604	Memphis Public Works/Jackson Pits Memphis, TN
79676	Smalley-Piper Collierville, TN
79742	Pulvair Corp. Millington, TN
79758	Old Osmose Chemical Memphis, TN
79781	John Little/Drum Memphis, TN
79798	61 Industrial Park Site Memphis, TN
79799	Tennessee Air National Guard Memphis, TN
79800	Creotox Chemical Company Memphis, TN
79805	Fiberfine of Memphis Memphis, TN
79-843	Warfield Place/Pulvair Memphis, TN

SULLIVAN (82)

82514	Sperry/Unisys Bristol, TN
82516	Earhart Bristol, TN

UNICOI (86)

86501	Bumpass Cove Landfill Embreeville, TN
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86502 Bumpass Cove - Fowler
Erwin, TN
86505 Morrell Electric, Inc.
Erwin, TN

WARREN (89)

89504 Century Electric Facility
McMinnville, TN

WASHINGTON (90)

90510 Cash Hollow Dump
Johnson City, TN

WAYNE (91)

SITE NUMBER SITE NAME

91501 Mallory Capacitor Co.
Waynesboro, TN

91502 Waynesboro City Dump
Waynesboro, TN

WILSON CO. (95)

95501 TRW/Ross Gear Division
Lebanon, TN

Statutory Authority: T.C.A. §§ 68-212-201 et seq. and 4-5-201 et seq.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Dr. Warren Anderson				X	
Michael Atchison	X				
Elaine Boyd	X				
Melissa Bryant				X	
Dr. Jack Deibert				X	
Kenneth Donaldson	X				
Dr. George Hyfantis, Jr.	X				
Jared L. Lynn	X				
Mayor Franklin Smith, III	X				
Mark Williams	X				
Glenn Youngblood	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Solid Waste Disposal Control Board on 08/07/2012, and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 04/04/12

Rulemaking Hearing(s) Conducted on: (add more dates). 05/30/12

Date: August 7, 2012

Signature: _____

Name of Officer: Kenneth H. Donaldson

Title of Officer: Chairman

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

There were no comments received during the comment period.

Regulatory Flexibility Addendum

Pursuant to T.C.A. § 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

- (1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule.

There are no small businesses impacted by this rulemaking.

- (2) The projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record.

There are no small businesses impacted by this rulemaking, therefore there are no reporting, recordkeeping, and other administrative costs.

- (3) A statement of the probable effect on impacted small businesses and consumers.

There will be no impact on small businesses.

- (4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business.

No alternatives are available to achieve the purpose of this rulemaking

- (5) A comparison of the proposed rule with any federal or state counterparts.

This rulemaking is site specific so there is no direct comparison with and federal or state counterpart.

- (6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

There is no effect since this rulemaking does not impact small businesses.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 “any rule to proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The Department does not anticipate an impact on local governments from this rulemaking.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This proposed rule deletes the 3M GE Site located in Chattanooga, Tennessee in Hamilton County from the List of Inactive Hazardous Substance Sites.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Inactive Hazardous Substance Sites are promulgated under the authority of T.C.A. 68-212-206(e) and 68-212-215(e).

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

This proposed rule deletes the 3M GE Site located in Chattanooga, Tennessee in Hamilton County from the List of Inactive Hazardous Substance Sites and there were no comments received during the public comment period.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

The Department is not aware of any.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

There will be no fiscal impact resulting from this rulemaking.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Robert L. Powell
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Alan M. Leiserson
Legal Services Director
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- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

The Department is not aware of any.