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Sequence Number: 11-06-09
 Notice ID(s): 1155
 File Date: 11/06/2009

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:	Department of Environment and Conservation
Division:	Solid Waste Management
Contact Person:	Greg Luke
Address:	5 th Floor, L & C Tower 401 Church Street Nashville, TN 37243
Phone:	(615) 532-0874
Email:	greg.luke@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:	12 th Floor, L & C Tower 401 Church Street Nashville, TN 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 Division of Solid Waste Management L & C Tower, 5 th Floor Conference Room		
Address 2:	401 Church Street		
City:	Nashville, TN		
Zip:	37243-1535		
Hearing Date :	01/06/2010		
Hearing Time:	1:00 p.m.	<input checked="" type="checkbox"/> CST	<input type="checkbox"/> EST

Additional Hearing Information:

Oral or written comments are invited at the hearing. In addition, written comments may be submitted to Greg Luke prior to or following the public hearing. However, such written comments must be received in the Division's Central Office by 4:30 p.m. CDT, January 8, 2010 in order to assure consideration. The "DRAFT" rules may also be accessed for review at the Department's World Wide Web Site located at <http://www.state.tn.us/environment/swm/ppo/>.

The Division of Solid Waste Management has prepared an initial set of draft rules for public review and comment. Copies of these initial draft rules are available for review in the Public Access Areas of the following Departmental Environmental Field Offices:

Memphis Environmental Field Office
2510 Mt. Moriah Road, Suite E - 645
Perimeter Office Park
Memphis, TN 38115-1520
901-368-7939/1-888-891-8332

Chattanooga Environmental Field Office
State Office Building, Suite 550
540 McCallie Avenue
Chattanooga, TN 37402-2013
423-634-5745/1-888-891-8332

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

Jackson Environmental Field Office
1625 Hollywood Drive
Jackson, TN 38305-2222
731-512-1300/1-888-891-8332

Cookeville Environmental Field Office
1221 South Willow Avenue
Cookeville, TN 38501
931-432-4015/1-888-891-8332

Columbia Environmental Field Office
1421 Hampshire Pike
Columbia, TN 38401
931-380-3371/1-888-891-8332

Additional review copies only are available at the following library locations:

E. G. Fisher Public Library
1289 Ingleside Avenue
Athens, TN 37303
423-745-7782

Clarksville-Montgomery City Public Library
350 Pageant Lane
Clarksville, TN 37040-0005
931-648-8826

Hardin County Library
1365 Pickwick St. S.
Savannah, TN 38372
731-925-4314

Art Circle Public Library
154 East First Street
Crossville, TN 38555-4696
931-484-6790

McIver's Grant Public Library
204 North Mill Street
Dyersburg, TN 38024-4631
731-285-5032

Kingsport Public Library & Archives
400 Broad Street
Kingsport, TN 37660-4292
423-229-9489

Coffee County-Manchester Public Library
1005 Hillsboro Highway
Manchester, TN 37355-2099
931-723-5143

W. G. Rhea Public Library
400 West Washington Street
Paris, TN 38242-0456
731-642-1702

Lawson McGhee Library
500 West Church Avenue
Knoxville, TN 37902-2505
(865) 215-8701

Nashville Public Library
615 Church Street
Nashville, TN 37219-2314
(615) 862-5800

Chattanooga-Hamilton Co.
Bicentennial Library
1001 Broad Street
Chattanooga, TN 37402-2652
(423) 757-5320

Memphis/Shelby County Public Library-
Main Library
3030 Poplar Avenue
Memphis, TN 38111
(901) 725-8853

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
1200-01-07	Solid Waste Processing and Disposal
Rule Number	Rule Title
1200-01-07-.01	Solid Waste Disposal Control System: General
1200-01-07-.07	Fee System for Non-Hazardous Disposal and Certain Non-Hazardous Processors of Solid Waste

(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>)

Rule Chapter 1200-01-07
Solid Waste Processing and Disposal

Amendments

Part 4 of subparagraph (c) of paragraph (4) of Rule 1200-01-07-.01 Solid Waste Disposal Control System: General is amended by deleting the current part 4 and substituting the following language, so that, as amended, the part shall read as follows:

4. Persons who generate and have special waste processed or disposed of at an off-site facility must:
 - (i) Every three years recertify the accuracy of the information on a form provided by the Department, thereby certifying that there has been no change in the waste stream or the process generating the waste since the original special waste approval was granted by the Department, and
 - (ii) Submit all recertifications as required by subpart (i) as follows:
 - (I) Originals of such recertification forms shall be submitted to the off-site processing or disposal facility that receives the waste stream, and copies to the Department at the address indicated on the forms.
 - (II) Recertifications shall be submitted by July 1 of the third year from the original approval or the last recertification.
 - (III) All special waste approvals will expire on July 1 of the third year from approval if not recertified as provided herein.
 - (iii) If a change in the waste stream or the process generating the waste has occurred since the original special waste approval was granted, the generator (applicant) shall submit a new special waste request to the Department.

Regulatory Authority: T.C.A. §§ 68-211-102(a), 68-211-105(b), 68-211-105(c), 68-211-106(a)(1), 68-211-107(a), and 68-211-111(d)(1).

Subparagraph (a) of paragraph (2) of Rule 1200-01-07-.07 Fee System for Non-Hazardous Disposal and Certain Non-Hazardous Processors of Solid Waste is amended by deleting the current subparagraph (a) and substituting the following language, so that, as amended, the subparagraph shall read as follows:

- (a) Any person who applies for a permit, permit-by-rule, special waste evaluation or special waste recertification pursuant to part (1)(b)3 of this rule, shall pay the specified amount in subparagraph (b) of this paragraph with the application.

Part 4 of subparagraph (b) of paragraph (2) of Rule 1200-01-07-.07 Fee System for Non-Hazardous Disposal and Certain Non-Hazardous Processors of Solid Waste is amended by deleting the current part 4 and substituting the following language, so that, as amended, the part shall read as follows:

4. Special Waste Evaluation \$300.00

Subparagraph (b) of paragraph (2) of Rule 1200-01-07-.07 Fee System for Non-Hazardous Disposal and Certain Non-Hazardous Processors of Solid Waste is amended by adding a new part 7, so that, as amended, the new part shall read as follows:

7. Special Waste Recertification \$150.00

Subparagraph (c) of paragraph (3) of Rule 1200-01-07-.07 Fee System for Non-Hazardous Disposal and Certain Non-Hazardous Processors of Solid Waste is amended by deleting the current subparagraph (c) and substituting the following language, so that, as amended, the subparagraph shall read as follows:

(c) Fee Schedule

1. Disposal Facilities

(i) Class I (Tons/Year)

(I)	Greater than 50,000	\$15,000.00
(II)	25,000 to 50,000	\$10,000.00
(III)	Less than 25,000	\$ 5,000.00
(IV)	Zero Tons (Post Closure Period)	\$ 1,000.00

(ii) Class II (Tons/Year)

(I)	Greater than 1,000 T	\$10,000.00
(II)	Less than 1,000 T	\$ 5,000.00

(iii) Class III \$ 5,000.00

(iv) Class IV \$ 5,000.00

2. Processing Facilities \$ 3,000.00

3. Transfer Station \$ 1,500.00

4. Coal Ash Fill Area \$ 3,000.00

5. Land Application Facility \$ 100.00

Regulatory Authority: T.C.A. §§ 68-203-103(a)(1), 68-203-103(b)(3), 68-211-107(a), and 68-211-111(d)(2).

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: 11-6-2009

Signature: J. Mike Apple

Name of Officer: J. Mike Apple

Title of Officer: Director, Division of Solid Waste Management



Subscribed and sworn to before me on: 11/6/09

Notary Public Signature: Wanda Powers

My commission expires on: 11/7/2012

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Filed with the Department of State on: 11/6/09

Tre Hargett
Tre Hargett
Secretary of State

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