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Sequence Number: 11-21-10
Notice ID(s): 1532
File Date: 11/23/2010

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:	Environment and Conservation
Division:	Underground Storage Tanks
Contact Person:	Rhonda Key
Address:	4 th Floor, L & C Tower 401 Church Street Nashville, Tennessee 37243-1541
Phone:	615-532-0972
Email:	Rhonda.Key@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, Tennessee 37243
Phone:	1-866-253-5827 (toll free) or (615) 532-0200 Hearing impaired callers may use the TN Relay Service at 1-800-848-0298.
Email:	Beverly.Evans@tn.gov

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

Address 1:	Ruth Neff Conference Room – Side A 17 th Floor, L & C Tower		
Address 2:	401 Church Street		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	01/20/11		
Hearing Time:	9:00 a.m.	<input checked="" type="checkbox"/> CST	<input type="checkbox"/> EST

Additional Hearing Information:

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

Chattanooga Environmental Field Office
Suite 550 - State Office Building
540 McCallie Avenue

(731) 512-1300/ 1-888-891-8332

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
4th 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 CST, January 26, 2011, 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.

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
1200-01-15	Underground Storage Tank Program
Rule Number	Rule Title
1200-01-15-.17	1200-01-15-.17 Motor Fuels Containing Greater Than 10% Ethanol

(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 1200-01-15
Underground Storage Tank Program

Amendments

The Table of Contents for Chapter 1200-01-15 Underground Storage Tank Program is amended by adding 1200-01-15-.17 Motor Fuels Containing Greater Than 10% Alcohol by Volume in the proper order.

Chapter 1200-01-15
Underground Storage Tank Program

New Rule

Chapter 1200-01-15 Underground Storage Tank Program is amended by adding a new rule 1200-01-15-.17 Motor Fuels Containing Greater Than 10% Alcohol by Volume.

1200-01-15-.17 Motor Fuels Containing Greater Than 10% Alcohol by Volume

- (1) As of the effective date of this rule, the following must be stored in secondarily contained UST systems installed after July 24, 2007 in accordance with Rule 1200-01-15-.02:
 - (a) All motor fuels consisting of a petroleum substance blended with more than 10% alcohol products by volume;
 - (b) UST systems containing 85% alcohol products by volume, except for tank systems installed before July 24, 2007 and converted, prior to the effective date of this rule, to holding greater than 10% alcohol by volume, provided the requirements of paragraph (3) of this rule are met; and
 - (c) All UST systems used to store alcohol products denatured with petroleum intended to be blended with motor fuels.
- (2) Any UST system installed before July 24, 2007 and converted, prior to the effective date of this rule, to holding greater than 10% alcohol by volume that is permanently closed or subsequently converted to store petroleum with 10% or less alcohol by volume is prohibited from storing petroleum with greater than 10% alcohol by volume.
- (3) Tank systems installed before July 24, 2007 and converted, prior to the effective date of this rule, to holding greater than 10% alcohol by volume, the owner or operator shall:
 - (a) Submit documentation on forms provided by the Division indicating the UST System components are compatible with the product stored; and
 - (b) Meet the requirements of either part 1 or 2 of this subparagraph:
 1. Submit documentation on forms provided by the Division indicating that all the listed dispenser components are certified by the manufacturer or UL Marked as compatible with alcohol blended fuel; or
 2. If any of the dispenser components listed in the documentation submitted to the Division under part 1 of this subparagraph are not certified by the manufacturer or UL Marked, and therefore, not considered compatible with alcohol blended fuel, the owner or operator shall comply with the following:
 - (i) Inspect the dispensers daily looking for leaks or equipment failure and record the results on the Record of Daily Inspection form developed by the Division;
 - (ii) One Record of Daily Inspection form shall be used for each dispenser or multi-product dispenser connected to an alcohol blended fuel tank; and

- (iii) The completed Record of Daily Inspection forms shall be retained for a period of one year from the date of the last inspection documented on the form.
- (4) Any tank converted or installed after the effective date of these rules to dispense E85, shall use a dispenser listed by Underwriter's Laboratories for E85 fuels.

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: November 23, 2010

Signature: *Stanley R. Boyd*

Name of Officer: Stanley R. Boyd

Title of Officer: Director

Subscribed and sworn to before me on: November 23, 2010

Notary Public Signature: *Jo McCrary*

My commission expires on: May 8, 2012

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Filed with the Department of State on: 11/23/10

Tre Hargett

Tre Hargett
Secretary of State

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2010 NOV 23 PM 12: 51
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