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Sequence Number: \_\_\_\_\_  
Notice ID(s): \_\_\_\_\_  
File Date: \_\_\_\_\_

# 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.*

<b>Agency/Board/Commission:</b>	Environment and Conservation
<b>Division:</b>	Solid Waste Management
<b>Contact Person:</b>	David Moran
<b>Address:</b>	5 <sup>th</sup> Floor, L & C Annex 401 Church Street Nashville, TN 37243-1535
<b>Phone:</b>	(615) 532-0875
<b>Email:</b>	<a href="mailto:David.Moran@tn.gov">David.Moran@tn.gov</a>

*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:*

<b>ADA Contact:</b>	ADA Coordinator
<b>Address:</b>	12 <sup>th</sup> Floor, L&C Tower 401 Church Street Nashville, Tennessee 37243
<b>Phone:</b>	1-866-253-5827 (toll free) or (615) 532-0200 Hearing impaired callers may use the TN Relay Service 1-800-848-0298
<b>Email:</b>	<a href="mailto:Beverly.Evans@tn.gov">Beverly.Evans@tn.gov</a>

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

Address 1:	17 <sup>th</sup> Floor, L & C Tower, Ruth Neff Conference Room – Side A	
Address 2:	401 Church Street	
City:	Nashville, Tennessee	
Zip:	37243	
Hearing Date :	08/05/11	
Hearing Time:	9:00 a.m.	<input checked="" type="checkbox"/> CST <input type="checkbox"/> EST

**Additional Hearing Information:**

The Division has prepared a redline version of this notice of the Notice of Rulemaking Hearing to aid public review and comment on this notice. Copies of these initial draft rules (and its redline version) 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  
2484 Park Plus Drive  
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 redline version of this Notice of Rulemaking Hearing can be accessed for review using <http://tn.gov/environment/swm/ppo>.

Copies are available for review at the Nashville Central Office (see address below).

Tennessee Department of Environment and Conservation  
Division of Solid Waste Management  
5<sup>th</sup> Floor, L&C Tower  
401 Church Street  
Nashville, Tennessee 37243-1535  
(615) 532-0780

Office hours for the Division's offices are from 8:00 AM to 4:30 PM, Monday through Friday (excluding holidays). Appointments should be made for all file reviews.

Oral or written comments are invited at the hearing. Additionally, written comments may be submitted prior to or after the public hearing to: Division of Solid Waste Management; Tennessee Department of Environment and Conservation; Attention: Mr. David Moran; 5<sup>th</sup> Floor, L & C Tower; 401 Church Street; Nashville, Tennessee 37243-1535; telephone 615-532-0875 or FAX 615-532-0886. However, such written comments must be received by the Division by 4:30 PM CST, August 10, 2011, in order to assure consideration. For further information, please contact Mr. David Moran at the above address or telephone number or by e-mail at [David.Moran@tn.gov](mailto:David.Moran@tn.gov).

**[Link to Commissioner's Red Line Version of Draft Rules](#)**

**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
1200-01-10	Administrative Procedures
Rule Number	Rule Title
1200-01-10-.01	General
1200-01-10-.02 through 1200-01-10-.22	Reserved

Chapter Number	Chapter Title
0400-10-01	Administrative Procedures
Rule Number	Rule Title
0400-10-01-.01	General

(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>)

#### Repeal

#### Chapter 1200-01-10 Administrative Procedures

Chapter 1200-01-10 Administrative Procedures is repealed.

Authority: T.C.A. §§ 68-211-101 et seq., 68-212-101 et seq., and 4-5-201 et seq.

#### New Rules

#### Chapter 0400-10-01 Administrative Procedures

#### Table of Contents

0400-10-01-.01 General

0400-10-01-.01 General

- (1) Unless otherwise specified by regulation or circumstances dictate otherwise, Chapter 1360-04-01 of the Rules of the Tennessee Department of State Administrative Procedures Division are applicable to all contested cases arising under Tennessee Code Annotated Title 68, Chapter 211 and Title 68, Chapter 212.
  - (a) In cases in which an Order and/or Assessment has been issued and a petition for review has been filed by a named party, the commissioner shall be the petitioner and the party petitioning for review shall be the respondent.
  - (b) In cases in which a permit has been denied and the applicant requests a hearing regarding the denial, the applicant shall be the petitioner and the commissioner shall be the respondent.
  - (c) In cases in which a permit holder has contested a condition of a permit or the applicability of a fee, the permit holder shall be the petitioner and the commissioner shall be the respondent.

Authority: §§ 68-211-101 et seq., 68-212-101 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: June 2, 2011

Signature: \_\_\_\_\_

Name of Officer: Mike Apple

Title of Officer: Director, Division of Solid Waste Management

Subscribed and sworn to before me on: \_\_\_\_\_

Notary Public Signature: \_\_\_\_\_

My commission expires on: \_\_\_\_\_

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

\_\_\_\_\_  
Tre Hargett  
Secretary of State