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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.

Agency/Board/Commission:	Environment and Conservation
Division:	Water Pollution Control
Contact Person:	Garland Wiggins
Address:	6 th Floor, L & C Annex 401 Church Street Nashville, Tennessee 37243-1531
Phone:	(615) 532-0633
Email:	Garland.Wiggins@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@state.tn.us

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

Address 1:	Jackson Environmental Field Office		
Address 2:	1625 Hollywood Drive		
City:	Jackson, TN		
Zip:	38305		
Hearing Date :	August, 17, 2009		
Hearing Time:	5:00 p.m.	<input checked="" type="checkbox"/> CDT	<input type="checkbox"/> EDT

Address 1:	Nashville Environmental Field Office		
Address 2:	711 R.S. Gass Boulevard		
City:	Nashville, TN		
Zip:	37243-1550		
Hearing Date :	August 18, 2009		
Hearing Time:	5:00 p.m.	<input checked="" type="checkbox"/> CDT	<input type="checkbox"/> EDT

Address 1:	Knoxville Environmental Field Office		
Address 2:	3711 Middlebrook Pike		
City:	Knoxville, TN		
Zip:	37921-5602		
Hearing Date :	August 20, 2009		
Hearing Time:	5:00 p.m.	<input type="checkbox"/> CDT	<input checked="" type="checkbox"/> EDT

Additional Hearing Information:

An initial set of draft rules has been prepared 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
Suite E-645, Perimeter Park
2510 Mount Moriah Road
Memphis, TN 38115-1520
(901) 368-7939/1-888-891-8332

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
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 "DRAFT" rules may also be accessed for review using <http://state.tn.us/environment/wpc/ppo>.

Draft copies are also available for review at the Nashville Central Office (see address below).

Tennessee Department of Environment and Conservation
Division of Water Pollution Control
6th Floor, L & C ANNEX
401 Church Street
Nashville, TN 37243-1534
(615) 532-0633

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 up to 10 days after the public hearing to: Division of Water Pollution Control; Tennessee Department of Environment and Conservation; Attention: Mr. Garland Wiggins; 6th Floor, L & C ANNEX; 401 Church Street; Nashville, Tennessee 37243-1534; telephone 615-532-0633 or FAX 615-532-0686. However, such written comments must be received by the Division by 4:30 PM CDT, Monday, August 31, 2009, in order to assure consideration. For further information, contact Mr. Garland Wiggins 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 here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/RuleTitle per row.)

Chapter Number	Chapter Title
1200-04-11	Environmental Protection Fund Fees

Rule Number	Rule Title
1200-04-11-.02	Fees

(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 1200-04-11
Environmental Protection Fund Fees

Amendments

Part 1 of subparagraph (a) of paragraph (2) of Rule 1200-04-11-.02 Fees is amended by deleting "\$2,500" from the parenthetical and replacing it with "\$5,000" so that, as amended the part shall read, without changing its subparts:

1. 401 Certification of 404 permit or ARAP (Capped at \$5,000):

Subparagraph (b) of paragraph (2) of Rule 1200-04-11-.02 is amended by deleting the phrase "Construction Stormwater permits (Capped at \$7,500)" and replacing it with "Construction Stormwater permits" so that, as amended, it shall read as follows, without changing its parts:

- (b) Construction Stormwater permits:

Subparagraph (c) of paragraph (2) of Rule 1200-04-11-.02 Fees is amended by deleting it in its entirety and substituting the following so that, as amended, it shall read as follows:

- (c) Permit Annual Maintenance Fees shall be as follows for these categories of permitted activities (Capped at \$15,000):
 1. Gravel Dredging \$ 140*
 2. Gravel Dredging for Personal Residence or Family Farm \$ 0
 3. Major Industrial Treatment Facility:
 - (i) Flow equal to or greater than 10 MGD \$ 10,380*
 - (ii) Flow equal to or greater than 1 MGD and less than 10 MGD \$ 8,650*
 - (iii) Flow equal to or greater than 0.5 MGD and less than 1 MG \$ 6,920*
 - (iv) Flow equal to or greater than 0.1 MGD and less than 0.5 MGD \$ 5,190*
 - (v) Flow less than 0.1 MGD \$ 3,460*
 4. Minor Industrial Treatment Facility:
 - (i) Flow equal to or greater than 10 MGD \$ 6,920*
 - (ii) Flow equal to or greater than 1 MGD and less than 10 MGD \$ 5,190*
 - (iii) Flow equal to or greater than 0.5 MGD and less than 1 MGD \$ 3,460*
 - (iv) Flow equal to or greater than 0.1 MGD and less than 0.5 MGD \$ 1,380*

	(v)	Flow less than 0.1 MGD	\$ 690*
5.		Treated Wastewater Dischargers with flows <0.001 MGD	\$ 140*
6.		Stormwater Discharge Permits associated with Industrial Activities:	
	(i)	Facilities equal to or greater than 500 acre	\$ 970*
	(ii)	Facilities equal to or greater than 400 acres and less than 500 acres	\$ 900*
	(iii)	Facilities equal to or greater than 300 acres and less than 400 acres	\$ 830*
	(iv)	Facilities equal to or greater than 200 acres and less than 300 acres	\$ 760*
	(v)	Facilities equal to or greater than 100 acres and less than 200 acres	\$ 690*
	(vi)	Facilities equal to or greater than 50 acres and less than 100 acres	\$ 620*
	(vii)	Facilities equal to or greater than 25 acres and less than 50 acres	\$ 550*
	(viii)	Facilities equal to or greater than 10 acres and less than 25 acres	\$ 480*
	(ix)	Facilities equal to or greater than 5 acres and less than 10 acres	\$ 420*
	(x)	Facilities equal to or greater than 1 acres and less than 5 acres	\$ 350*
	(xi)	Facilities equal to or greater than 0 acres and less than 1 acre	\$ 0
7.		Sewage Treatment Facility Flow:	
	(i)	Flow equal to or greater than 5 MGD	\$10,380*
	(ii)	Flow equal to or greater than 4.5 MGD and less than 5 MGD	\$10,030*
	(iii)	Flow equal to or greater than 4 MGD and less than 4.5 MGD	\$ 9,690*
	(iv)	Flow equal to or greater than 3.5 MGD and less than 4 MGD	\$ 9,340*
	(v)	Flow equal to or greater than 3 MGD and less than 3.5 MGD	\$ 9,000*
	(vi)	Flow equal to or greater than 2.5 MGD and less than 3 MGD	\$ 8,300*
	(vii)	Flow equal to or greater than 2 MGD and less than 2.5 MGD	\$ 7,610*
	(viii)	Flow equal to or greater than 1.5 MGD and less than 2 MGD	\$ 6,920*
	(ix)	Flow equal to or greater than 1 MGD and less than 1.5 MGD	\$ 6,230*
	(x)	Flow equal to or greater than 0.75 MGD and less than 1 MGD	\$ 5,540*
	(xi)	Flow equal to or greater than 0.5 MGD and less than 0.75 MGD	\$ 4,840*

	(xii)	Flow equal to or greater than 0.25 MGD and less than 0.5 MGD	\$ 3,460*
	(xiii)	Flow equal to or greater than 0.1 MGD and less than 0.25 MGD	\$ 1,730*
	(xiv)	Flow equal to or greater than 0.075 MGD and less than 0.1 MGD	\$ 1,040*
8.		Small Mechanical Facility flow less than 0.075 MGD	\$ 690*
9.		Small Non-Mechanical Facility flow less than 0.075 MGD	\$ 350*
10.		Non-Discharging Facility:	
	(i)	Influent flow equal to or greater than 0.5 MGD	\$ 4,840*
	(ii)	Influent flow equal to or greater than 0.1 MGD and less than 0.5 MGD	\$ 2,770*
	(iii)	Influent flow equal to or greater than 0.075 MGD and less than 0.1 MGD	\$ 1,380*
	(iv)	Influent flow less than 0.075 MGD	\$ 350*
	(v)	Satellite collection systems	\$ 1,380*
	(vi)	Pump and haul	\$ 350*
11.		Other Waste or Wastewater Operations Requiring Permit	\$ 1,380*
12.		General Permits (sources other than stormwater or concentrated animal feeding operation)	\$ 350*
13.		Concentrated animal feeding operations covered by an individual permit	\$ 350*
14.		Municipal Pretreatment Programs as defined in Rule 1200-04-11-.01(2)(a):	
	(i)	Large Pretreatment Program	\$ 6,920*
	(ii)	Medium Pretreatment Program	\$ 4,150*
	(iii)	Small Pretreatment Program	\$ 1,380*
15.		Mining:	
	(i)	Area equal to or greater than 500 acres	\$ 6,920*
	(ii)	Area equal to or greater than 400 acres and less than 500 acres	\$ 6,230*
	(iii)	Area equal to or greater than 300 acres and less than 400 acres	\$ 5,540*
	(iv)	Area equal to or greater than 200 acres and less than 300 acres	\$ 4,840*
	(v)	Area equal to or greater than 100 acres and less than 200 acres	\$ 4,150*
	(vi)	Area equal to or greater than 75 acres and less than 100 acres	\$ 3,460*
	(vii)	Area equal to or greater than 50 acres and less than 75 acres	\$ 2,770*
	(viii)	Area equal to or greater than 25 acres and less than 50 acres	\$ 2,080*
	(ix)	Area equal to or greater than 10 acres and less than 25 acres	\$ 1,380*
	(x)	Area equal to or greater than 5 acres and less than 10 acres	\$ 1,040*

(xi) Area less than 5 acres \$ 690*

(Note: Fees are based on area being mined or area not yet reclaimed.)

16. Mining Reclamation \$ 350*

17. Stormwater Discharge Permits for Municipal Separate Storm Sewer Systems (MS4):

(i) Large MS4s \$ 10,380*

(ii) Medium MS4s \$ 6,920*

(iii) Small MS4s \$ 3,460*

*This fee increase will be phased in as follows. Those permittees whose annual maintenance fee falls due from July 1, 2009 to December 31, 2009, will have to pay, at that due date, only the amount they would have paid under these rules prior to this increase and the payment for the difference between that amount and the total shown above will be due in January, 2010. For those permittees whose annual maintenance fee falls due in the second half of the fiscal year 09-10, payment of the entire amount shown above shall be due on the due date.

Authority: T.C.A §§ 69-3-105(b), 4-5-201 et seq., 68-203-101 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: _____

Signature: _____

Name of Officer: _____

Title of Officer: _____

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

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Filed with the Department of State on: _____

Tre Hargett
Secretary of State