

**Department of State
Division of Publications**

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Nashville, TN 37243
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For Department of State Use Only

Sequence Number: 02-04-15
Rule ID(s): 5870
File Date: 2/5/2015
Effective Date: 5/6/2015

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Environment and Conservation
Division:	Remediation
Contact Person:	Robert L. Powell
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 14th Floor Nashville, Tennessee
Zip:	37243
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://state.tn.us/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.

SITE NUMBER

SITE NAME

SCOTT (76)

76502

Oneida Railway
Oneida, TN

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)
Marty Calloway (Petroleum Business with at least 15 Underground Storage Tanks)	✓				
Stacy Cothran (Solid/Hazardous Waste Management Industry)	✓				
Kenneth L. Donaldson (Municipal Government)	✓				
Dr. George Hyfantis, Jr. (Institution of Higher Learning)	✓				
Bhag Kanwar (Single Facility with less than 5 Underground Storage Tanks)	✓				
Alan M. Leiserson (Environmental Interests)	✓				
Jared L. Lynn (Manufacturing experienced with Solid/Hazardous Waste)	✓				
David Martin (Working in a field related to Agriculture)	✓				
Beverly Philpot (Manufacturing experienced with Underground Storage Tanks/Hazardous Materials)	✓				
DeAnne Redman (Petroleum Management Business)	✓				
Mayor Franklin Smith, III (County Government)				✓	
Mark Williams (Small Generator of Solid/Hazardous Materials representing Automotive Interests)	✓				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Underground Storage Tanks and Solid Waste Disposal Control Board on 12/03/2014, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/15/14

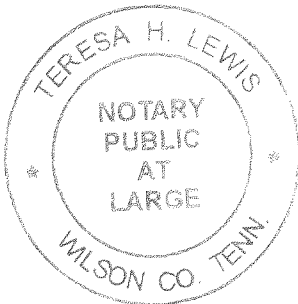
Rulemaking Hearing(s) Conducted on: (add more dates). 11/06/14

Date: December 3, 2014

Signature: *Stacy Cothran*

Name of Officer: Stacy Cothran

Title of Officer: Chair



Subscribed and sworn to before me on: Dec. 3, 2014

Notary Public Signature: *Teresa H. Lewis*

My commission expires on: Nov. 8, 2015

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.

Herbert H. Slatery III
Herbert H. Slatery III
Attorney General and Reporter
February 3, 2015 Date

Department of State Use Only

Filed with the Department of State on: 2/5/2015

Effective on: 5/6/2015

Tre Hargett
Tre Hargett
Secretary of State

SECRETARY OF STATE
RECEIVED
2015 FEB -5 AM 11:19

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.

This proposed rule deletes the Oneida Railway Site located in Oneida, Scott County, Tennessee from the List of Inactive Hazardous Substance Sites.

- (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 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 T.C.A. § 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 Oneida Railway Site located in Oneida, Scott County, Tennessee 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 Oneida Railway Site located in Oneida, Scott County, Tennessee 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
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 14th Floor
Nashville, Tennessee 37243
(615) 532-0916
Robert.Powell@tn.gov

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

Jenny Howard
Deputy General Counsel
Office of General Counsel

- (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
Tennessee Department of Environment and Conservation
William R. Snodgrass Tennessee Tower

312 Rosa L. Parks Avenue, 2nd Floor
Nashville, Tennessee 37243
(615) 532-8685
Jenny.Howard@tn.gov

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

The Department is not aware of any additional relevant information requested by the committee.

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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.

0400-15-01-.13 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
Oak Ridge, TN

01580

Anderson County Landfill
Clinton, TN

SITE NUMBER

SITE NAME

BLOUNT (05)

05501

Aluminum Co. of America
Alcoa, TN

05503

Aluminum Co. of America
Alcoa, TN

SITE NUMBER

SITE NAME

BRADLEY (06)

06505

Duracell Inc.
Cleveland, TN

SITE NUMBER

SITE NAME

CARTER (10)

10502

American Bemberg Plant
Elizabethtown, TN

10508

Old Bemberg Bldg.
Elizabethtown, TN

SITE NUMBER

SITE NAME

COCKE (15)

15504

Arapahoe/Rock Hill Labs
Newport, TN

15505

Newport Dump
Newport, TN

15508 Wall Tube and Metal
Newport, TN

SITE NUMBER

SITE NAME

DAVIDSON (19)

19511 Stauffer Chemical
Nashville, TN

19524 Municipal Landfill
Nashville, TN

SITE NUMBER

SITE NAME

FAYETTE (24)

24501 Ross Metals
Rossville, TN

24503 Gallaway Pits
Gallaway, TN

SITE NUMBER

SITE NAME

FRANKLIN (26)

26501 AEDC
Arnold Air Force Station, TN

SITE NUMBER

SITE NAME

GIBSON (27)

27512 ITT Telecommunications
Milan, TN

SITE NUMBER

SITE NAME

HAMBLEN (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 Dumb
Morristown, TN

SITE NUMBER

SITE NAME

HAMILTON (33)

33527 Velsicol/Residue Hill
Chattanooga, TN

33540 Montague Park
Chattanooga, TN

33543 Hamill Road Dump #3
Chattanooga, TN

33547 Chattanooga Coke
Chattanooga, TN

33550	North Hawthorne Dump 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 Chemical
Toone, TN

SITE NUMBER

SITE NAME

HENRY (40)

40506

Henry County Boneyard
Paris, TN

SITE NUMBER

SITE NAME

HICKMAN (41)

41504

Wrigley Charcoal
Wrigley, TN

SITE NUMBER

SITE NAME

JEFFERSON (45)

45503

Hodgson, Hollis
Jefferson City, TN

SITE NUMBER

SITE NAME

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

47545	Knoxville, TN Sanitary Laundry & Dry Cleaning
47547	Knoxville, TN Roscoe Fields Property
47559	Knoxville, TN Smokey Mountain Smelters
47573	Knoxville, TN Dixie Barrel & Drum Co.

SITE NUMBER

SITE NAME

LAWRENCE (50)

50502	Murray-Ohio Landfill Lawrenceburg, TN
50505	Lawrenceburg Horseshoe Bend Lawrenceburg, TN
50509	Former Murray Ohio Plant Lawrenceburg, TN

SITE NUMBER

SITE NAME

LOUDON (53)

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

SITE NUMBER

SITE NAME

MADISON (57)

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

SITE NUMBER

SITE NAME

MARION (58)

58502	North American Environmental Whitwell, TN
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SITE NUMBER

SITE NAME

MARSHALL (59)

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

SITE NUMBER

SITE NAME

MAURY (60)

60501

Stauffer Chemical Co.
Mt. Pleasant, TN

60534

Monsanto
Columbia, TN

SITE NUMBER

SITE NAME

MONROE (62)

62505

Red Ridge Landfill
Madisonville, TN

SITE NUMBER

SITE NAME

POLK (70)

70502

Apache Blast
Copperhill, TN

SITE NUMBER

SITE NAME

PUTNAM (71)

71502

Putnam County Landfill
Cookeville, TN

SITE NUMBER

SITE NAME

ROANE (73)

73504

Roane Alloys
Rockwood, TN

73506

Rockwood Iron & Metal
Rockwood, TN

73512

Joyner Scrap Yard
Rockwood, TN

SITE NUMBER

SITE NAME

RUTHERFORD (75)

75522

Old Murfreesboro City Dump
Murfreesboro, TN

SITE NUMBER

SITE NAME

SCOTT (76)

76502

Oneida Railway
Oneida, TN

SITE NUMBER

SITE NAME

SHELBY (79)

79503

Arlington Blending

79517	Arlington, TN Bellevue Avenue Landfill
79518	Memphis, TN Cypress Creek
79525	Memphis, TN International Harvester
79536	Memphis, TN W. R. Grace & Co.
79549	Memphis, TN Chickasaw Ordinance Works
79552	Memphis, TN Carrier Corporation
79561	Collierville, TN Nilok Chemical Company
79569	Memphis, TN Chapman Chemical Co.
79582	Memphis, TN Diesel Recon Co.
79598	Memphis, TN North Hollywood Dump
79604	Memphis, TN Memphis Public Works/Jackson Pits
79676	Memphis, TN Smalley-Piper
79742	Collierville, TN Pulvair Corporation
79758	Millington, TN Old Osmose Chemical
79781	Memphis, TN John Little/Drum
79798	Memphis, TN 61 Industrial Park Site
79799	Memphis, TN Tennessee Air National Guard
79800	Memphis, TN Creotox Chemical Company
79805	Memphis, TN Fiberfine of Memphis
79843	Memphis, TN Warfield Place/Pulvair

SITE NUMBER

SITE NAME

SULLIVAN (82)

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

SITE NUMBER

SITE NAME

UNICOI (86)

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

	Erwin, TN
SITE NUMBER	SITE NAME
	WARREN (89)
89504	Century Electric Facility McMinnville, TN
SITE NUMBER	SITE NAME
	WASHINGTON (90)
90510	Cash Hollow Dump Johnson City, TN
SITE NUMBER	SITE NAME
	WAYNE (91)
91501	Mallory Capacitor Co. Waynesboro, TN
91502	Waynesboro City Dump Waynesboro, TN
SITE NUMBER	SITE NAME
	WILSON (95)
95501	TRW/Ross Gear Division Lebanon, TN

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)
Marty Calloway (Petroleum Business with at least 15 Underground Storage Tanks)	X				
Stacey Cothran (Solid/Hazardous Waste Management Industry)	X				
Kenneth L. Donaldson (Municipal Government)	X				
Dr. George Hyfantis, Jr. (Institution of Higher Learning)	X				
Bhag Kanwar (Single Facility with less than 5 Underground Storage Tanks)	X				
Alan M. Leiserson (Environmental Interests)	X				
Jared L. Lynn (Manufacturing experienced with Solid/Hazardous Waste)	X				
David Martin (Working in a field related to Agriculture)	X				
Beverly Philpot (Manufacturing experienced with Underground Storage Tanks/Hazardous Materials)	X				
DeAnne Redman (Petroleum Management Business)	X				
Mayor Franklin Smith, III (County Government)				X	
Mark Williams (Small Generator of Solid/Hazardous Materials representing Automotive Interests)	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Underground Storage Tanks and Solid Waste Disposal Control Board on 12/03/2014, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/15/14

Rulemaking Hearing(s) Conducted on: (add more dates). 11/06/14

Date: December 3, 2014

Signature: _____

Name of Officer: Stacey Cothran

Title of Officer: Chair

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.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

SECRETARY OF STATE
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Public Hearing Comments

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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.

This proposed rule deletes the Oneida Railway Site located in Oneida, Scott County, Tennessee from the List of Inactive Hazardous Substance Sites.

- (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 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 T.C.A. § 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 Oneida Railway Site located in Oneida, Scott County, Tennessee 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 Oneida Railway Site located in Oneida, Scott County, Tennessee 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;

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Jenny Howard
Deputy General Counsel
Office of General Counsel

- (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
Tennessee Department of Environment and Conservation
William R. Snodgrass Tennessee Tower
SS-7039 (July 2014)

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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 additional relevant information requested by the committee.