

Notice of Rulemaking Hearing  
Tennessee Department of Environment and Conservation  
Division of Remediation

There will be a hearing conducted by the Division of Remediation on behalf of the Solid Waste Disposal Control Board to receive public comments regarding the promulgation of amendments to Rule 1200-1-13, Inactive Hazardous Substance Site Remedial Action Program, pursuant to Tennessee Code Annotated 68-212-201 et. seq., the "Hazardous Waste Management Act of 1983". The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the 5<sup>th</sup> floor Conference Room of the L&C Annex located at 401 Church Street, Nashville, Tennessee from 10:00 AM to Noon Central Time on the 18<sup>th</sup> day of April, 2006. Written comments will be considered if received by the close of business, April 25, 2006, in the office of Steve Goins, Division of Remediation, 401 Church Street, L&C Annex, 4<sup>th</sup> Floor, Nashville, TN 37243-1538.

Individuals with disabilities who wish to participate in these proceedings (or to review these filings) should contact the Tennessee Department of Environment & Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person, by writing, telephone, or other means and should be made no less than ten days prior to the hearing date to allow time to provide such aid or services. Contact the ADA Coordinator at 1-866-253-5827 for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).


Substance of Proposed Rule Amendments


Rule 1200-1-13-.03(2)(b) Remedial Action Fund is amended so that, as amended, Rule 1200-1-13-.03(2)(b) shall read:

- (b) Liable parties, shall be responsible for their apportioned share of costs incurred by the State of Tennessee as a result of a response. Where costs are incurred by the State on any site, a liable party is subject to an action by the State for the recovery of direct, indirect and actual administrative/overhead expenses. Indirect and overhead charges shall be calculated and assessed on outstanding balances at the time of issuance for each billing. Monies received as payment on the part of a liable party shall be credited towards said party's share of the costs.

Authority: T.C.A. §§68-212-207, and §§4-5-201 et. seq.

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Department of Environment and Conservation, Division of Remediation.


  
Steve Goins, Environmental Program Manager  
Division of Remediation

Subscribed and sworn to before me this the 8<sup>th</sup> day of February, 2006  
  
Notary Public

My commission expires on the 25<sup>th</sup> day of December, 2007.



The notice of rulemaking set out herein was properly filed in the Department of State on the 14 day of Feb, 2006.

  
Riley C. Darnell  
Secretary of State

By: 

RECEIVED

2006 FEB 14 PM 3:55

SECRETARY OF STATE  
PUBLICATIONS