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Notice of Rulemaking Hearing

Tennessee Department of Environment and Conservation  
Division of Solid Waste Management

There will be a hearing before the Tennessee Department of Environment and Conservation to consider the promulgation of amendments of rules on behalf of the Tennessee Solid Waste Disposal Control Board pursuant to T.C.A. §§ 68-203-103(a)(1), 68-203-103(b)(3), 68-211-107(a), and 68-211-111(d)(2). 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 at the following location, time, and date:

Location	Time	Date
5 <sup>th</sup> Floor Large Conference Room L & C Tower 401 Church Street Nashville, TN	1:00 p.m. CDT	October 26, 2005

Individuals with disabilities who wish to participate in these proceedings (or review these filings) should contact the Tennessee Department of Environment and 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 (10) days prior to the scheduled hearing date or date such party intends to review such filings, 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).

For a copy of the entire text of this notice of rulemaking hearing or for directions to the hearing location, contact: Greg Luke, Division of Solid Waste Management, Tennessee Department of Environment and Conservation, 5th Floor, L & C Tower, 401 Church Street, Nashville, TN 37243-1535, 615-532-0874, FAX 615-532-0886. Oral or written comments are invited at the hearing. In addition, written comments may be submitted to Greg Luke prior to or following the public hearing. However, such written comments must be received in the Division's Central Office by 4:30 p.m. CST, November 9, 2005 in order to assure consideration. The "DRAFT" rules may also be accessed for review at the Department's World Wide Web Site located at "<http://www.state.tn.us/environment/swm/swmppo/>".

The Division of Solid Waste Management has prepared an initial draft rule for public review and comment. Copies of this initial draft rule are available for review in the Public Access Areas of the following Departmental Environmental Assistance Centers:

Memphis Environmental Assistance Center  
Suite E- 645, Perimeter Office Park  
2510 Mount Moriah Road  
Memphis, TN 38115-1520  
901-368-7939/1-888-891-8332

Chattanooga Environmental Assistance Center  
State Office Building, Suite 550  
540 McCallie Avenue  
Chattanooga, TN 37402-2013  
423-634-5745/1-888-891-8332

Knoxville Environmental Assistance Center  
State Plaza, Suite 220  
2700 Middlebrook Pike  
Knoxville, TN 37921-5602  
865-594-6035/1-888-891-8332

Nashville Environmental Assistance Center  
711 R. S. Gass Blvd  
Nashville, TN 37243  
615-687-7000/1-888-891-8332

Johnson City Environmental Assistance Center  
2305 Silverdale Road  
Johnson City, TN 37601-2162  
423-854-5400/1-888-891-8332

Jackson Environmental Assistance Center  
362 Carriage House Drive  
Jackson, TN 38305-2222  
731-512-1300/1-888-891-8332

Cookeville Environmental Assistance Center  
1221 South Willow Avenue  
Cookeville, TN 38501  
931-432-4015/1-888-891-8332

Columbia Environmental Assistance Center  
2484 Park Plus Drive  
Columbia, TN 38401  
931-380-3371/1-888-891-8332

Additional review copies only are available at the following library locations:

E. G. Fisher Public Library  
1289 Ingleside Avenue  
Athens, TN 37303  
423-745-7782

Clarksville-Montgomery Cty. Public Library  
350 Pageant Lane, Suite 501  
Clarksville, TN 37040-0005  
931-648-8826

Hardin County Library  
1365 Pickwick St. S.  
Savannah, TN 38372  
731-925-4314

Art Circle Public Library  
154 East First Street  
Crossville, TN 38555-4696  
931-484-6790

McIver's Grant Public Library  
204 North Mill Street  
Dyersburg, TN 38024-4631  
731-285-5032

Kingsport Public Library  
400 Broad Street  
Kingsport, TN 37660-4292  
423-229-9489

Coffee County-Manchester Public Library  
1005 Hillsboro Highway  
Manchester, TN 37355-2099  
931-723-5143

W. G. Rhea Public Library  
400 West Washington Street  
Paris, TN 38242-0456  
731-642-1702

#### Substance of Proposed Rule

Paragraph (5) of rule 1200-1-7-.07 Fee System for Non-Hazardous Disposal and Certain Non-Hazardous Processors of Solid Waste is amended by deleting the current paragraph in its entirety and substituting the following language:

- (5) Facility Inspection Fee – Any person who has a municipal solid waste disposal facility permit or incinerator permit that received waste on January 1, 2006, or thereafter, is assessed a facility inspection fee of \$0.35 on each ton of municipal solid waste received. This fee shall be calculated in the same manner and paid at the same time as the surcharge in rule 1200-1-7-.08.

Regulatory Authority: T.C.A. §§ 68-203-103(a)(1), 68-203-103(b)(3), 68-211-107(a), and 68-211-111(d)(2).

For technical information concerning this notice of rulemaking contact: Greg Luke, Division of Solid Waste Management, Tennessee Department of Environment and Conservation, 5th Floor, L & C Tower, 401 Church Street, Nashville, TN 37243-1535, (615) 532-0874.

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Division of Solid Waste Management.

Mike Apple  
Mike Apple  
Director  
Division of Solid Waste Management



Subscribed and sworn to before me this the 26<sup>th</sup> day of August, 2005.

Deidre Warner  
Notary Public

My Commission expires of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires NOV. 24, 2007

The notice of rulemaking set out herein was properly filed in the Department of State on the 26 day of Aug., 2005.

Riley C. Darnell  
Riley C. Darnell  
Secretary of State

By: mmd

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