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Sequence Number: 11-02-11
 Notice ID(s): 1685
 File Date: 11/03/2011

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. §4-5-204. For questions and copies of the notice, contact the person listed below.

| | |
|---------------------------------|--|
| Agency/Board/Commission: | Environment and Conservation |
| Division: | Office of the Commissioner |
| Contact Person: | Wayne Gregory |
| Address: | 11 th Floor, L & C Tower 401 Church Street Nashville, Tennessee 37243 |
| Phone: | (615) 253-5420 |
| Email: | Wayne.Gregory@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@tn.gov |

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

| | | | |
|-----------------------|---|---|----------------------------------|
| Address 1: | Ruth Neff Conference Room – Side B 17 th Floor, L & C Tower | | |
| Address 2: | 401 Church Street | | |
| City: | Nashville, Tennessee | | |
| Zip: | 37243 | | |
| Hearing Date : | 01/05/12 | | |
| Hearing Time: | 9:00 a.m. | <input checked="" type="checkbox"/> CST/CDT | <input type="checkbox"/> EST/EDT |

Additional Hearing Information:

The Department prepared an initial set of draft rules for public review and comment. These initial draft rules may also be accessed for review using <http://tn.gov/environment/ppo/.pdf>

Draft copies are also available for review at the following address:

Tennessee Department of Environment and Conservation
 Office of General Counsel
 11th Floor, L&C Tower
 401 Church Street
 Nashville, Tennessee 37243
 (615) 253-5420

Office hours 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 after the public hearing to: Tennessee Department of Environment and Conservation, Office of General Counsel; Attention: Mr. Wayne Gregory 11th Floor, L & C Tower; 401 Church Street; Nashville, Tennessee 37243; telephone 615-253-5420 or fax 615-532-0740. However, such written comments must be received by 4:30 PM CST, January 12, 2012, in order to assure consideration. For further information, please contact Mr. Wayne Gregory at the above address or telephone number or by e-mail at Wayne.Gregory@tn.gov.

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 |
|----------------|--|
| 0400-01-01 | Fees and Charges for Certain Departmental Services |
| Rule Number | Rule Title |
| 0400-01-01-.04 | Outstanding Debt Priority |

(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

Chapter 0400-01-01
Fees and Charges for Certain Departmental Services

The Table of Contents of Chapter 0400-01-01 Fees and Charges for Certain Departmental Services is amended by adding the title for the new Rule 0400-01-01-.04 as "Outstanding Debt Priority".

New Rule

Chapter 0400-01-01
Fees and Charges for Certain Department Services

Chapter 0400-01-01 Fees and Charges for Certain Departmental Services is amended by adding a new rule to read as follows:

0400-01-01-.04 Outstanding Debt Priority

- (1) The Department of Environment and Conservation shall apply any credits, reimbursements or other payments of a particular person toward the satisfaction of any debts owed to the Department by that person, including but not limited to the satisfaction of final civil penalties, fees, late fees and/or interest.
- (2) All funds received are to be applied to the oldest outstanding debt first and any balance applied to the next oldest outstanding debt first and any balance applied to the next oldest debt, and so on, until the funds received are exhausted. This rule applies to all funds received by the Department regardless of the division (debts owed to one division may be satisfied by funds received by another division).

Authority: T.C.A. §§ 11-1-101, 4-3-504(2) and 4-5-201 et seq.

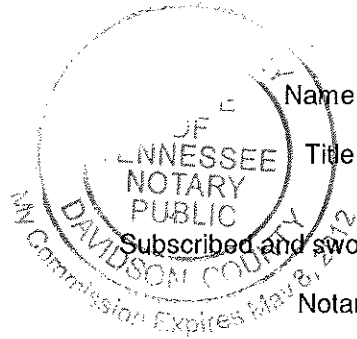
I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: November 3, 2011

Signature: E. Joseph Sanders

Name of Officer: E. Joseph Sanders

Title of Officer: General Counsel



Subscribed and sworn to before me on: November 3, 2011

Notary Public Signature: Jo McCrary

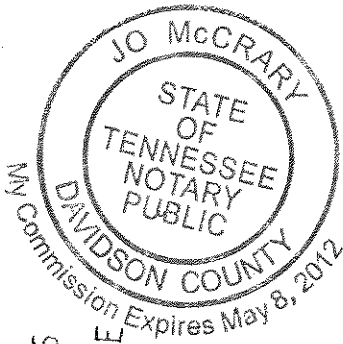
My commission expires on: May 8, 2012

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Filed with the Department of State on: 11/03/2011

Tre Hargett

Tre Hargett
Secretary of State



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