Department of Environment & Conservation

Stakeholders:

TDEC's Division of Solid Waste Management invites your input on proposed changes to Tennessee Solid Waste Processing and Disposal Rules, 0400-11-01. Attached here is a summary of the proposed rule package outlining 14 proposed rule changes and including redlined versions of the affected regulations.

This rule change package covers a broad range of solid waste topics ranging from simple corrections of typographical errors and deletions of obsolete regulations to changes in permitting requirements for various categories of solid waste disposal facilities.

You may provide comments, questions, or concerns to us by email – Nickolaus.Lytle@tn.gov – or stay tuned for an announcement on stakeholder meetings to be held in mid-January. These informal stakeholder meetings will feature a question and answer session, as well as an opportunity for you to provide comments. These meetings will not be formal public hearings.

A formal public hearing (as required by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204) will be scheduled following presentation of our proposed rules to the Underground Storage Tanks and Solid Waste Disposal Control Board. TDEC tentatively anticipates presenting the proposed rule package in the April or May Board meeting pending final board scheduling and the outcomes stakeholder input.

If you have any questions, please call Nick Lytle at 615-532-8004.

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Tennessee Department of Environment and Conservation
Division of Solid Waste Management

Solid Waste Proposed Rule Changes
Summary Document

1. Rule 0400-11-01-.01(4)(c) – Special Waste Recertification

Summary: Eliminating the Special Waste Recertification process would create a system in which evaluations (analytics if necessary) are submitted every 3 years for review. The current recertification process is often a rubberstamp review meaning that no new information is provided. Based on discussions with industry (during the Special Waste Guidance stakeholder meetings) most industrial processes will experience change over a 3-year period. Many Class I landfills already require sampling on a more frequent interval than 3 years for special wastes. Following the adoption of the Special Waste Guidance the Special Waste universe has begun to decrease in size,. Given the decreased Special Waste universe, and the removal of the recertification option, the fiscal impact should be negligible on both the regulated community and on the Division of Solid Waste Management (DSWM).

- Add Rule 0400-11-01-.01(4)(c)3:

  Approvals are issued by the Commissioner for a period of three calendar years from the date of approval. After three years the approval expires and requires submission of a new application.

- Current Rule 0400-11-01-.01(4)(c)3 becomes Rule 0400-11-01-.01(4)(c)4

- Current Rule 0400-11-01-.01(4)(c)4 is deleted

- Rule 0400-11-01-.01(4)(d)2 is amended to read:

  The Commissioner may require the operator to keep records on the receipt and management of certain special wastes. The operator shall keep copies of special waste approvals by the Department which the facility has accepted into the landfill ~~and all recertifications submitted by generators of such waste~~.

- Rule 0400-11-01-.07(2)(a) is amended to read:

  Any person who applies for a permit, permit-by-rule, or special waste evaluation ~~or special waste recertification~~ pursuant to part (1)(b)3 of this rule, shall pay the specified amount in subparagraph (b) of this paragraph with the application.

- Rule 0400-11-01-.07(2)(b)7 is deleted

2. Rule 0400-11-01-.01(6) –Electronic Submittal

Summary: By incorporating an Electronic Submittal requirement into Rule 1 – "General", DSWM will have the ability to require electronic submittals of all documents required in the Chapter 0400-11-01.

This rule inclusion would be particularly important if an individual or entity failed to submit electronic information, such as engineering plans.

- Add Rule 0400-11-01-.01(6):

  Electronic Submittal - These rules require submittals of applications and reports. To aid in the review or processing of an application or report, the Commissioner may request the submission of the application or report to include a copy of the application or report in an electronic format acceptable to the Commissioner. When requested by the Commissioner the additional electronic copy of the application or report shall be submitted in accordance with the Commissioner's instruction.

3. Rule 0400-11-01-.02(1)(b)3(xiv) – Petroleum Contaminated Soil Exemption

Summary: The Petroleum Contaminated Soil Exemption is not protective of human health or the environment. The exemption currently allows for contaminated soils below the stated constituent thresholds to be disposed of offsite (of UST generation), despite having values higher than the Regional Screening Levels for site clean-ups. In essence, this exemption could allow the spread of contamination to new locations. This exemption is a legacy from early in UST standard adoption/changes and is no longer consistent with UST practice. The Hazardous Waste Contained-In Policy will also help offer guidance for offsite disposal of properly treated contaminated soils.

- Rule 0400-11-01-.02(1)(b)3(xiv) as written (below) is deleted:

  ~~*The use and/or disposal of Petroleum contaminated soil and rock generated from the clean-up of leaking Underground Storage Tank sites regulated under Chapter 0400-18-01, provided such materials are treated and the benzene level is below 5 ppm and the total petroleum hydrocarbon level is below 100 ppm and provided that the method of treatment was reviewed and approved by the Division of Underground Storage Tanks.*~~

- Rule 0400-11-01-.02(1)(b)3(xiv) through (xxii) are shifted to accommodate (xiv) deletion

4. Rule 0400-11-01-.02(1)(b)3(xxii) and (xxiii) – RMPF Exemption

Summary: The intent of this rule change is to develop a "bright line" in determining which facilities are permit exempt recovered material processing facilities, and which facilities qualify for a solid waste processing permit by rule. By incorporating a detailed permit exemption into the rules we better define whether a facility is first of all a RMPF, and whether it is exempt from permit requirements.

- Rule 0400-11-01-.02(1)(b)3(xxii) is added:

  Recovered materials processing facilities engaged solely in the storage, processing and resale or reuse of recovered materials, provided all the following conditions are met:

  (I) All material arriving at the facility to be processed has been diverted or removed from the solid waste stream;

  (II) The owner or operator manages all solid waste generated as a result of recovered materials processing from the point of generation and provides for its proper disposal in accordance with the requirements of this Chapter;

(III) The owner or operator manages the recovered material and/or product as a valuable commodity when it is under the owner or operator's control and minimizes:

I. The propagation, harborage, or attraction of flies, rodents, or other disease vectors;

II. The potential for explosions or uncontrolled fires;

III. The potential for releases of recovered materials or process residues to the environment except in a manner authorized by state and local air pollution control, water pollution control, and/or waste management agencies; and

IV. The potential for harm to the public through unauthorized or uncontrolled access;

(IV) There is no speculative accumulation of the recovered materials and upon request of the Commissioner, the operator demonstrates, to the satisfaction of the Commissioner, that there is a viable market for the sale of, or a beneficial use or reuse of, the recovered material;

(V) The owner or operator maintains the records necessary to demonstrate compliance with items (II) and (IV) of this subpart; and

(VI) The owner or operator notifies the Commissioner prior to commencing operations and includes the facility name, owner, mailing and location address, the type(s) of material to be received, and a general description of the recovered materials processing operation; and

(VII) If applicable, in accordance with T.C.A. § 68-211-871 and subparagraph (5)(c) of Rule 0400-11-01-.09, the owner or operator submits an annual report by type of material by March 31st of each year as directed by the Commissioner.

5. Rule 0400-11-01-.02(2)(a)2 – Repeal Coal Ash Fill PBR

Summary: Due to the promulgation of the federal CCR disposal rules (40 CFR 257) the coal ash fill PBR is no longer an appropriate permit for public utilities. In addition, federal CCR beneficial use guidance creates framework for approving coal ash fill projects moving forward.

- Rule 0400-11-01-.02(1)(c)2(i) is amended to read:

  T.C.A. Title 68, Chapter 211, Part 7, known as the "Jackson Law," authorizes counties and municipalities to opt-into its provisions in accordance with T.C.A. § 68-211-707. If a local government does so, it may then approve or disapprove the proposed new construction for solid waste disposal by landfilling ~~(including coal ash fills)~~ and solid waste processing facilities in accordance with T.C.A. § 68-211-704. For purposes of T.C.A. §68-211-105(h), a "new landfill for solid waste disposal" or a "new solid waste landfill" means any of the following:

- Rule 0400-11-01-.02(2)(a)2 is deleted

- Rule 0400-11-01-.07(3)(c)4 is deleted

6. Rule 0400-11-01-.02(2)(b)2(vi) – PBR Permit Requirements Correction

Summary: Several subparts found in the Permit-by-Rule section use incorrect references. These changes seek to correct these references.

- Rule 0400-11-01-.02(2)(b)2(vi) is amended to read:

  A written narrative must be submitted that describes how the facility/operation will comply with all applicable standards listed in subparagraph (a) of this paragraph and any other information deemed necessary by the Commissioner; and

- Rule 0400-11-01-.02(2)(a)3(i) is amended to read:

  The county legislative body, of a county that does not own or operate a permitted Class I, Class III or Class IV facility which is accepting waste tires, complies with the notification requirements of subparagraph (b) of this paragraph;

- Rule 0400-11-01-.02(2)(a)4(i) is amended to read:

  The operator complies with the notification requirements of subparagraph (b) of this paragraph;

- Rule 0400-11-01-.02(2)(a)5(i) is amended to read:

  The operator complied with the notification requirements of subparagraph (b) of this paragraph;

7. Rule 0400-11-01-.02(4)(e)1(vi) – 365 Day Part I/II Submittal Requirement

Summary: Within 1 year of submitting their Part I, applicants must submit either Hydrogeological Report or Engineering Plans (one piece of the Part II application). This change will help clear unexecuted permits from the DSWM's "books", which is a work efficiency issue. It also reduces the likelihood of a scenario where an applicant could submit a Part I and complete a public notice , but not act on the complete Part I for a number of years, in effect undermining the public notice system. This rule change will not have a fiscal impact on stakeholders as they are already required to pay for the public notice.

- Rule 0400-11-01-.02(4)(e)1(vi) is added:

  Within one year after the date of receipt of the Part I permit application, the applicant shall submit either the Hydrogeological Report or Engineering Plans required to satisfy the Part II permit application. If within 1 year of the date of receipt of the Part I permit application the Commissioner has not received either he Hydrogeological Report or Engineering Plans, the Commissioner will require the applicant to resubmit the Part I permit application.

8. Rule 0400-11-01-.03(2)(c) – Closure/Post-Closure Renewal

Summary: This rule change would require the resubmittal of the Closure/Post-Closure (CPC) plans every 10 years. Resubmittal of the CPC is important because in Tennessee permits are issued for life of

the landfill. In being able to revisit the CPC of a landfill permit, DSWM will be able to update itemized cost estimates which are the basis for financial assurance .Owners will be provided an opportunity to evaluate best available technology for closure. Class I and Class II owners will also plan for the long term maintenance costs (custodial care) of the landfill beyond the Post-Closure period with no increase in required financial assurance. CPC resubmittal will be , processed as a minor modification

- Definition is added to Rule 0400-11-01-.01(2):

  "Long Term Custodial Care" means those inspections, maintenance, and monitoring activities necessary to insure that a Class I or Class II facility, which has completed post closure certification, will not impact human health or the environment. The time period used to describe these activities is 50 years from the date of post closure certification.

- Current Rule 0400-11-01-.03(2)(b)2(vi) is added:

  For Class I and Class II facilities, a description of recommended activities during long term custodial care to inspect, monitor and maintain the facility. Facilities which utilize synthetic components in the final cover system must include an analysis of the life cycle of such components.

- Current Rule 0400-11-01-.03(2)(c) is moved to .03(2)(d)

- Current Rule 0400-11-01-.03(2)(c) is added:

  Resubmittal of Plan – All Class I and Class II facilities must submit a new closure/post-closure care plan every 10 years from the date of the original permit or most recent permit expansion. The resubmittal of plan will be processed as a minor modification to the facility and must comply with subparagraph (b) of this paragraph. At minimum it must include:

  1. *Itemized closure/post-closure cost estimates must be adjusted by recalculating the maximum closure/post-closure amounts in current dollars and taking into account any design changes, new monitoring points and changes in materials.*

  2. *The phased development plan must be updated and reconciled with the closure/post-closure cost estimate.*

  3. *Minimum closure areas must be revised or added to reflect planned partial closure of the facility.*

  4. *A separate itemized cost estimate for long term custodial care activities. This cost estimate is not to be included in the financial assurance amount for the facility.*

9. Rule 0400-11-01-.04(2)(t) – Annual Engineering Report

Summary: Current annual reporting requirements require landfills to submit an annual report (dubbed the "Remaining Life Survey") which is satisfied by completing the "Estimate of Remaining Landfill Life" form. The current system lends itself to a significant amount of guesstimating and has on occasion resulted in owners be unprepared for needed expansion.. In establishing more robust reporting requirements DSWM would like to have a better understanding of where landfills are at with respect to their planned phase development, projected dates for cell openings and closings, remaining cell capacity and overall to ensure landfills are in compliance with their permitted fill progression. Landfills with liners and leachate collection systems would report annually (Class I and most Class II landfills). Class

III landfills would report every three years. We understand this may place additional burden on county owned landfills. However, their operations are likely to benefit the most from this information, as most large private landfills already conduct fairly extensive annual surveys Current Rule 0400-11-01-.04(2)(t) is deleted

- Add new Rule 0400-11-01-.04(2)(t)

  Annual and Triennial Engineering Reports

- Add new Rule 0400-11-01-.04(2)(t)1

  All operators of disposal facilities, with liner and leachate collection system structural components, within the state of Tennessee shall file with the Department, by May 1st of every year, an annual engineering report which shall include:

  1. *The name, mailing address, location of the facility, and the permit number of the facility for which the report is submitted.*

  2. *A current topographic survey of the active portion of the disposal facility (same scale as approved plans) performed by a qualified land surveyor duly authorized under Tennessee law to conduct such activities. This should be superimposed on the approved plans (typically final contours sheet).*

  3. *Calculations from a registered engineer on the constructed capacity of the disposal facility, in cubic yards, the remaining volume of the constructed capacity of the disposal facility in months, and the total remaining volume of the disposal facility to be filled, in cubic yards.*

  4. *An itemized summary of all minor modifications to the facility since the last Annual Engineering Report. The first Annual Engineering Report submitted should include all minor modifications to the facility since the most recent permit issuance.*

  5. *A summary of the quantity of leachate collected for treatment and disposal on a monthly basis during the year, location of leachate treatment and disposal, verification that the leachate management system is operating in accordance with this rule, and a summary of any leachate management system cleanouts performed since the last Annual Engineering Report.*

  6. *A summary of any exceedances of the leachate management system, ground water monitoring system, explosive gas monitoring system, and any other monitoring and control system installed at the disposal facility.*

  7. *Certification from the reviewing engineer that all installed monitoring systems are working correctly and have received routine maintenance.*

  8. *A report of Special Wastes disposal relative to solid waste disposed at the facility since the last Annual Engineering Report.*

  9. *A notarized statement that, to the best of the knowledge of the owner or operator, the information contained in the annual engineering report is true and accurate.*

- Add new Rule 0400-11-01-.04(2)(t)2

All operators of facilities, without liner or leachate collection system structural components, in the state of Tennessee shall file with the Department, by May 1st on a triennial basis, beginning May 1st, 2018, a triennial engineering report. This report shall include:

1. *The name, mailing address, location of the facility, and the permit number of the facility for which the report is submitted.*

2. *A current topographic survey of the active portion of the disposal facility (same scale as approved plans) performed by a qualified land surveyor duly authorized under Tennessee law to conduct such activities. This should be superimposed on the approved plans (typically final contours sheet).*

3. *Calculations from a registered engineer on the constructed capacity of the disposal facility, in cubic yards, the remaining volume of the constructed capacity of the disposal facility in months, and the total remaining volume of the disposal facility to be filled, in cubic yards.*

4. *An itemized summary of all minor modifications to the facility since the last Triennial Engineering Report. The first Triennial Engineering Report submitted should include all minor modifications to the facility since the most recent permit issuance.*

5. *A report of Special Wastes disposal relative to solid waste disposed at the facility since the last Triennial Engineering Report*

6. *A notarized statement that, to the best of the knowledge of the owner or operator, the information contained in the annual engineering report is true and accurate.*

10. Rule 0400-11-01-.04(7)(a)4(i)(II) – Field Filtered Samples

Summary: Scientific sampling processes, procedures, and understandings have changed over time to support, in some instances, the practice of field filtering of water samples prior to laboratory analysis. DSWM seeks to incorporate these new standards into our rules.

- Current Rule 0400-11-01-.04(7)(a)4(i)(II) is amended

The ground water monitoring program must include sampling and analytical methods that are appropriate for ground water sampling and that accurately measure hazardous constituents and other monitoring parameters in ground water samples. ~~Ground water samples shall not be field-filtered prior to laboratory analysis.~~

11. Rule 0400-11-01-.04(8)(c)3(i) and (ii) – Final Cover Low Permeability

Summary: Low permeability is not defined anywhere in the DSWM Rules. Without a definition of what constitutes “low permeability” this rule could result in problems for the DSWM if there is disagreement with prescribed permitting requirements during the permitting process when our rules are currently not specific. Current Rule 0400-11-01-.04(8)(c)3(i) is amended to read:

At Class III and Class IV facilities, unless the Commissioner determines that a greater depth is needed to achieve the general performance standard of subparagraph (a) of this

paragraph, the depth of final cover shall be at least 30 inches of compacted soil. The final cover consists of an 18 inch compacted soil layer with a maximum hydraulic conductivity of 1 x 10-5 cm/s overlain by a 12 inch protective layer.

12. Rule 0400-11-01-.04(8)(g)8 – Deed Restrictions

Summary: The Attorney General's Office - Environmental Division made this recommendation for a clarification in the Rule because "Under (g)8 TDEC would not be in a legal position to rely on an original administrative order because this rule was enacted after that order went final. Current Rule 0400-11-01-.04(8)(g)8 is amended to read:

If the owner or operator fails to timely comply with part 7 of this subparagraph, the Commissioner may present for recording in the office of the county register an instrument that will be in the chain of title that will in perpetuity notify any person conducting a title search that the land has been used as a disposal site. Such notice may include the following:

(i) The name of the person who owns the property upon which the dump is located;

(ii) The book and page number in which the deed to such property is recorded; and

(iii)A description of the wastes believed to be disposed on such property.

13. Rule 0400-11-01-.04(9)(d) – Appendices

Summary: The groundwater monitoring appendices are being assigned paragraph (10) for better referencing. In addition, Boron is being added as a constituent in Appendix I and II. Sampling will only be required for facilities permitted for Coal Combustion Residuals (CCR) disposal or that have received CCR through a Special Waste Approval. Boron is a common constituent found in association with CCR.

- Definition is added to Rule 0400-11-01-.01(2):

  "Coal combustion residuals" means fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers.

- Current Rule 0400-11-01-.04(9)(d) is amended to break out Appendices

- Current Rule 0400-11-01-.04(10) is added:

  Appendices

- Current Rule 0400-11-01-.04(10) is amended to include Boron in Appendix I and Appendix II.

- The footnotes are amended to reflect new rule citations, and only require Boron sampling for facilities outlined in footnote 1 (included below):

  The inclusion of this parameter is only required for facilities that are subject to 40 CFR 257 Subpart D – Standards for the Disposal of Coal Combustion Residuals (CCR) in Landfills and Surface Impoundments, or landfills that have received CCR through a Special Waste Approval.

14. Rule 0400-11-01-.07(2)(b) – Minor Modification Fees

Summary: Minor Modifications of landfill permits currently do not have a review timeframe or fee established in Rule. In order to ensure a prompt review, this amendment provides for both a new fee and a review timeline. A fee of $500, based on estimated hours spent on minor modifications has been found to be appropriate based on both the current fee scheme and analysis of time-cost considerations. A number of state solid waste program in the Southeastern EPA Region 4 have minor modification fees. If we were to try and capture the true cost of the time spent on engineering intensive Minor Modifications the fee would be much higher than $500. The proportional fee helps us recoup some of the cost to TDEC, while the rest of the cost is subsidized by the Annual Maintenance Fee.

- Add Rule 0400-11-01-.07(2)(b)4

  Minor Modifications – $500

- Add Rule 0400-11-01-.07(6)(b)4

  Minor Modifications – 90 days

Solid Waste Proposed Rule Changes
Redline Document

Chapter 0400-11-01
Solid Waste Processing and Disposal

Amendments

Paragraph (2) of Rule 0400-11-01-.01 Solid Waste Disposal Control System: General is amended by adding in alphabetical order with the current definitions a definition for the terms “Coal combustion residuals” and “Long term custodial care” to read as follows:

“Coal combustion residuals” means fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers.

“Long term custodial care” means those inspections, maintenance, and monitoring activities necessary to insure that a Class I or Class II facility, which has completed post closure certification, will not impact human health or the environment. The time period used to describe these activities is 50 years from the date of post closure certification.

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Subparagraph (c) of paragraph (4) of Rule 0400-11-01-.01 Solid Waste Disposal Control System: General is amended by deleting it in its entirety and substituting instead the following:

(c) Procedures

1. Persons who generate and wish to process or dispose of a special waste must make application to the Commissioner for waste evaluation. Also such persons who generate and wish to process or dispose of sludges, bulky wastes, pesticide wastes, medical wastes, industrial wastes, hazardous wastes which are not subject to regulations under Rules 0400-12-01-.03 through 0400-12-01-.07, liquid wastes, friable asbestos wastes, and combustion wastes, must make application to the Commissioner for waste evaluation unless the Commissioner determines such is not necessary. Such application must be on a form provided by the Department and completed according to the accompanying instructions. This application shall include, but not necessarily be limited to, a chemical and physical description of the solid waste, the amounts of and frequencies such solid waste is to be managed at the facility, a description of the processes or operations generating the waste, and an identification of the facility which such person wants to handle his waste, and any additional information needed by the Commissioner to clarify the application.

2. Applications shall be evaluated by the Commissioner upon receipt. If it is determined by the Commissioner that the facility can safely and effectively manage the special waste, considering the nature of the special waste and the design and operation of the facility, the Commissioner shall notify the applicant in writing (with a copy to the facility operator) of his approval. If the Commissioner determines that the facility cannot so manage the special waste, he will notify the applicant (with a copy to the operator) in writing of his denial.

3. Approvals are issued by the Commissioner for a period of three calendar years from the date of approval. After three years the approval expires and requires submission of a new application.

~~3.~~4. The Commissioner may inspect special waste generators as authorized at ~~TCA~~ T.C.A. § 68-211-102(b) and take waste samples as deemed necessary to evaluate special waste

or potential special waste.

~~4. Persons who generate and have special waste processed or disposed of at an off-site facility must:~~

~~(i) Every three years, recertify the accuracy of the information on a form provided by the Department, thereby certifying that there has been no change in the waste stream or the process generating the waste since the original special waste approval was granted by the Department, and~~

~~(ii) Submit all recertifications as required by subpart (i) of this part as follows:~~

~~(I) Originals of such recertification forms shall be submitted to the off-site processing or disposal facility that receives the waste stream and copies to the Department at the address indicated on the forms;~~

~~(II) Recertifications shall be submitted by July 1 of the third year from the original approval or the last recertification; and~~

~~(III) All special waste approvals will expire on July 1 of the third year from approval if not recertified as provided herein.~~

~~(iii) If a change in the waste stream or the process generating the waste has occurred since the original special waste approval was granted, the generator (applicant) shall submit a new special waste request to the Department.~~

5. Landfills and/or waste processing facilities shall not accept a special waste at their facilities without the written, special waste approval from the Department unless the waste is specifically authorized in the facility permit.

6. A request from a special waste generator to transfer special waste approval from one facility to another permitted facility does not require a new waste evaluation ~~nor~~ or an application review fee.

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Part 2 of subparagraph (d) of paragraph (4) of Rule 0400-11-01-.01 Solid Waste Disposal Control System: General is amended by deleting it in its entirety and substituting instead the following:

2. The Commissioner may require the operator to keep records on the receipt and management of certain special wastes. The operator shall keep copies of special waste approvals by the Department which the facility has accepted into the landfill~~ and all recertifications submitted by generators of such waste~~.

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Rule 0400-11-01-.01 Solid Waste Disposal Control System: General is amended by adding a new paragraph (6) to read as follows:

(6) Electronic Submittal

These rules require submittals of applications and reports. To aid in the review or processing of an application or report, the Commissioner may request the submission of the application or report to include a copy of the application or report in an electronic format acceptable to the Commissioner. When requested by the Commissioner the additional electronic copy of the application or report shall be submitted in accordance with the Commissioner's instruction.

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Part 3 of subparagraph (b) of paragraph (1) of Rule 0400-11-01-.02 Permitting of Solid Waste Storage, Processing, and Disposal Facilities is amended by deleting it in its entirety and substituting instead the following:

3. The following facilities or practices are not subject to the requirement to have a permit:

(i) Disposal of septic tank pumpings;

(ii) Junkyards;

(iii) Reclamation of surface mines;

(iv) Disposal of farming wastes at facilities which are on the site of generation and with a fill area of less than one acre in areal extent when completed;

(v) Disposal of landscaping and land clearing wastes at facilities which are on the site of generation and with a fill area of less than one acre in areal extent when completed;

(vi) Disposal of construction/demolition wastes at facilities which are on-site of generation and with a fill area of less than one acre in areal extent when completed;

(vii) Burning solid wastes for energy recovery or processing solid wastes to produce a fuel or processing solid waste for materials recovery, provided such burning or processing occurs on the site of generation or at a site owned or operated by the same corporation or subsidiaries of such corporation;

(viii) Processing or disposal of solid wastes at hazardous waste management facilities authorized by permit or interim status under Rule 0400-12-01-.07, or the management of the solid waste is regulated under Chapter 0400-12-01;

(ix) Baling, shredding, and mechanical or other processing of solid waste on the site of generation or at a site owned or operated by the same corporation or subsidiaries of such corporation;

(x) Processing of industrial wastewaters in on-site facilities subject to regulation under T.C.A. § 69-3-101 et seq.;

(xi) Processing or disposal of the following materials:

(I) Domestic sewage and any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned wastewater treatment works for treatment;

(II) Industrial wastewater discharges that are point source discharges subject to permits under T.C.A. § 69-3-101 et seq.;

(III) Irrigation return flows;

(IV) Source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.);

(V) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process;

(VI) Farming wastes which are returned to the soil as fertilizers; and

(VII) Mining overburden returned to the mine site;

(xii) Processing or disposal of solid wastes by deep underground injection which are permitted under the Water Quality Act pursuant to the Underground Injection Control ~~Regulations~~ regulations Chapter ~~1200-04-06~~ 0400-45-06.

(xiii) The use of solely natural rock, dirt, stumps, pavement, concrete and rebar, and/or brick rubble as fill material.

~~(xiv) The use and/or disposal of Petroleum contaminated soil and rock generated from the clean-up of leaking Underground Storage Tank sites regulated under Chapter 0400-18-01, provided such materials are treated and the benzene level is below 5 ppm and the total petroleum hydrocarbon level is below 100 ppm and provided that the method of treatment was reviewed and approved by the Division of Underground Storage Tanks.~~

~~(xv)~~(xiv) The processing of waste tires at facilities that are permitted or otherwise authorized by this Chapter to store and/or dispose of waste tires.

~~(xvi)~~(xv) The storage of solid waste that is incidental to its recycling, reuse, reclamation or salvage provided that upon request of the Commissioner, the operator demonstrates to the satisfaction of the Commissioner that there is a viable market for all stored waste and provided that all waste is stored in a manner that minimizes the potential for harm to the public and the environment. Material may not be stored for more than one (1) year without written approval from the Division.

~~(xvii)~~(xvi) The storage of solid waste incidental to its collection. (The storage of solid waste at permitted facilities and permit-by-rule facilities and storage in a manner constituting disposal are not exempt from permitting requirements).

~~(xviii)~~(xvii) The collection of “used oil” and/or the processing of used oil filters, provided that the used oil and/or filters are received directly from “do-it-yourselfers” as the terms are defined at T.C.A. § 68-211-1002.

~~(xix)~~(xviii) The processing of landscaping or land clearing wastes or unpainted, unstained, and untreated wood into mulch.

~~(xx)~~(xix) The land application of both publicly-owned treatment works water sludges and publicly-owned treatment waste water sludges from facilities that are subject to regulatory standards of the Department’s Division of Water Supply and Division of Water Pollution Control.

~~(xxi)~~(xx) The burning of natural and untreated wood, landscaping wastes, landclearing wastes in either an air curtain destructor or by open burning.

~~(xxii)~~(xxi) The beneficial use of waste, which does not constitute disposal, provided that upon request of the Commissioner, the generator demonstrates to the satisfaction of the Commissioner that such use is not detrimental to public health, safety, or the environment.

(xxii) Recovered materials processing facilities engaged solely in the storage, processing and resale or reuse of recovered materials, provided all the following conditions are met:

(I) All material arriving at the facility to be processed has been diverted or removed from the solid waste stream;

(II) The owner or operator manages all solid waste generated as a result of recovered materials processing from the point of generation and provides for its proper disposal in accordance with the requirements of this Chapter;

(III) The owner or operator manages the recovered material and/or product as a valuable commodity when it is under the owner or operator’s control and minimizes:

I. The propagation, harborage, or attraction of flies, rodents, or other disease vectors;

II. The potential for explosions or uncontrolled fires;

III. The potential for releases of recovered materials or process residues to the environment except in a manner authorized by state and local air pollution control, water pollution control, and/or waste management agencies; and

IV. The potential for harm to the public through unauthorized or uncontrolled access;

(IV) There is no speculative accumulation of the recovered materials and upon request of the Commissioner, the operator demonstrates, to the satisfaction of the Commissioner, that there is a viable market for the sale of, or a beneficial use or reuse of, the recovered material;

(V) The owner or operator maintains the records necessary to demonstrate compliance with items (II) and (IV) of this subpart; and

(VI) The owner or operator notifies the Commissioner prior to commencing operations and includes the facility name, owner, mailing and location address, the type(s) of material to be received, and a general description of the recovered materials processing operation; and

(VII) If applicable, in accordance with T.C.A. § 68-211-871 and subparagraph (5)(c) of Rule 0400-11-01-.09, the owner or operator submits an annual report by type of material by March 31st of each year as directed by the Commissioner.

Authority: T.C.A. §§ 68-211-101 et seq., 68-211-801 et seq. and 4-5-201 et seq.

Subpart (i) of part 2 of subparagraph (c) of paragraph (1) of Rule 0400-11-01-.02 Permitting of Solid Waste Storage, Processing, and Disposal Facilities is amended by deleting it in its entirety and substituting instead the following:

(i) T.C.A. Title 68, Chapter 211, Part 7, known as the "Jackson Law," authorizes counties and municipalities to opt-into its provisions in accordance with T.C.A. § 68-211-707. If a local government does so, it may then approve or disapprove the proposed new construction for solid waste disposal by landfilling ~~(including coal ash fills)~~ and solid waste processing facilities in accordance with T.C.A. § 68-211-704. For purposes of T.C.A. § 68-211-105(h), a "new landfill for solid waste disposal" or a "new solid waste landfill" means any of the following:

(I) A solid waste landfill that received a tentative decision from the department to issue a permit after June 2, 1989 (the date the Jackson Law went into effect);

(II) A lateral expansion (a modification that expands the previously permitted footprint) of a solid waste landfill described in item (I) of this part; and

(III) A solid waste landfill described in item (I) of this part whose owner or operator proposes to accept waste that would require a change of the landfill's classification under this chapter to a classification with higher standards (i.e., from a Class III/IV landfill to a Class I or II landfill, or from a Class II to a Class I).

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Parts 2, 3, 4 and 5 of subparagraph (a) of paragraph (2) of Rule 0400-11-01-.02 Permitting of Solid Waste

Storage, Processing, and Disposal Facilities are amended by deleting them in their entirety and substituting instead the following:

2. Reserved ~~A coal ash fill area, if:~~

~~(i) The coal ash disposed of is not hazardous as defined in subparagraph (1)(c) of Rule 0400-12-01-.02 of the rules governing hazardous waste management.~~

~~(ii) The coal ash disposed of is fly ash, bottom ash, or boiler slag resulting primarily from the combustion of fossil fuel.~~

~~(iii) Disposal is limited to:~~

~~(I) Coal ash in engineered structures for the following projects: a highway overpass, levee, runway, or foundation backfill.~~

~~(II) Such other similar uses as the Commissioner may approve in writing. Financial assurance may be required by the Commissioner if deemed appropriate for these case-by-case projects.~~

~~(iv) The operator complies with the notification requirement of subparagraph (b) of this paragraph;~~

~~(v) The fill area is constructed, operated, maintained, and closed in such a manner as to minimize:~~

~~(I) The potential for harmful release of solid wastes or solid waste constituents to the environment; and~~

~~(II) The potential for harm to the public through unauthorized or uncontrolled access;~~

~~(vi) The fill area, until development is complete, must have an artificial or natural barrier to control access of unauthorized entry.~~

~~(vii) There must be equipment available that is capable of spreading and compacting the coal ash, and capable of handling the earthwork required during the periods that coal ash is received at the fill area.~~

~~(viii) The coal-ash fill project is designed with:~~

~~(I) A geologic buffer of at least three feet with a maximum saturated conductivity of 1×10^{-6} centimeters per second between the base of the fill and the seasonal high water table of the uppermost unconfined aquifer or the top of the formation of a confined aquifer, or such other protection as approved by the Commissioner taking into account site specific coal ash and soil characteristics, ambient groundwater quality, and projected flows in and around the site; and~~

~~(II) A ground water monitoring program approved by the department that reports sampling results to the department at least once each year. If sampling results indicate that the fill area has caused the ground water protection standards to be exceeded, the owner or operator of the facility shall commence an assessment monitoring program in accordance with regulations adopted by the board and carry out all corrective measures specified by the Commissioner.~~

~~(ix) At the completion of the coal-ash fill project, and no later than 90 days after operations have ceased, the final cover must meet the requirement of at least 24 inches of compacted soil on the coal-ash project area, except for those areas covered by structures, asphalt, concrete (including concrete containing coal ash),~~

or other similar barriers to water infiltration. The upper six inches of this cover shall be able to support the growth of suitable vegetation.

(x) The final surface of the coal-ash fill area is graded and/or provided with drainage facilities in a manner that:

(I) Minimizes erosion of cover material (e.g., no steep slopes);

(II) Promotes drainage of precipitation falling on the area (e.g., prevents pooling);

(III) Provides a surface drainage system which is consistent with the surrounding area and in no way significantly adversely affects proper drainage from these adjacent lands; and

(IV) The operator must take other erosion control measures (e.g., temporary mulching or seeding, silt barriers) as necessary to control erosion of the site.

(xi) Dust Control - The operator must take dust control measures as necessary to prevent dust from creating a nuisance or safety hazard to adjacent landowners or to persons engaged in supervising, operating, and using the site. The use of any oils or other chemicals (other than water) for dust suppression must be approved in writing beforehand by the Department.

(xii) Prior to excavation, all bore holes drilled or dug during subsurface investigation of the site, piezometers, and abandoned wells which are either in or within 100 feet of the areas to be filled must be backfilled with a bentonite slurry or other sealant approved by the Commissioner to an elevation at least ten feet greater than the elevation of the lowest point of the fill base (including any liner), or to the ground surface if the site will be excavated less than ten feet below grade.

(xiii) The fill area must not be located in a 100-year floodplain unless it is demonstrated to the satisfaction of the Commissioner that:

(I) Location in the floodplain will not restrict the flow of the 100-year flood, nor reduce the temporary water storage capacity of the floodplain.

(II) The fill area is designed, constructed, operated, and maintained to prevent washout of any solid waste.

(xiv) There must be installed on-site a permanent benchmark (e.g., a concrete marker) of known elevation.

(xv) New coal ash fill areas and lateral expansions shall not be located in wetlands, unless the owner or operator makes the applicable demonstrations to the Commissioner as referenced at subparagraph (2)(p) of Rule 0400-11-01-.04.

(xvi) A fill area must not be located in highly developed karst terrain (i.e., sink holes and caves).

(xvii) The coal-ash fill project does not:

(I) Cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife; or

(II) Result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

(xviii) Notice in Deed to Property - Except for coal ash fills on federal, state or local government owned right-of-ways, the operator must ensure that, within 90 days

~~of meeting final cover requirements and prior to the sale or lease of the coal ash fill area property, there is recorded, a notation on the deed to the property or on some other instrument which is normally examined during a title search that will in perpetuity notify any person conducting a title search that coal ash has been placed on the property.~~

3. A tire storage facility, if:

   (i) The county legislative body, of a county that does not own or operate a permitted Class I, Class III or Class IV facility which is accepting waste tires, complies with the notification requirement of ~~part 2 of this~~ subparagraph (b) of this paragraph; and

   (ii) The facility is constructed, operated, maintained and closed in a manner consistent with items (2)(k)3(i)(I) and (II) of Rule 0400-11-01-.04 and subparts 1(iii), (iv), (v), (vi), (vii), (x), (xi), (xiii), (xiv), (xvi), (xvii), (xviii), (xix), (xx) and (xxi) of this subparagraph.

   (iii) Contracts for disposal or recycling of the shredded tires have been established.

4. A convenience center, if:

   (i) The operator complies with the notification requirements of ~~Part 2 of this~~ subparagraph (b) of this paragraph;

   (ii) The operator attaches to his notification all attachments required at part (2)(b)1 of Rule 0400-11-01-.10; and

   (iii) The facility is designed and operated in compliance with Rule 0400-11-01-.10.

5. A transfer station, if:

   (i) The operator complies with the notification requirements of ~~Part 2 of this~~ subparagraph (b) of this paragraph; and

   (ii) The facility is constructed, operated, maintained, and closed in a manner consistent with subparts 1(ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xviii), (xix), (xx), (xxi) and (xxiv) of this subparagraph.

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Subpart (vi) of part 2 of subparagraph (b) of paragraph (2) of Rule 0400-11-01-.02 Permitting of Solid Waste Storage, Processing, and Disposal Facilities is amended by deleting it in its entirety and substituting instead the following:

(vi) A written narrative must be submitted that describes how the facility/operation will comply with all applicable standards listed in ~~part 1 of this~~ subparagraph (a) of this paragraph and any other information deemed necessary by the Commissioner; and

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Part 1 of subparagraph (e) of paragraph (4) of Rule 0400-11-01-.02 Permitting of Solid Waste Storage, Processing, and Disposal Facilities is amended by adding a new subpart (vi) to read as follows:

(vi) Within one year after the date of receipt of the Part I permit application, the applicant shall submit either the Hydrogeological Report or Engineering Plans required to satisfy the Part II permit application. If within 1 year of the date of receipt of the Part I permit application the Commissioner has not received either the Hydrogeological Report or Engineering Plans, the Commissioner will require

the applicant to resubmit the Part I permit application.

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Paragraph (2) of Rule 0400-11-01-.03 Requirements for Financial Assurance is amended by deleting it in its entirety and substituting instead the following:

(2) Closure/Post-Closure Care Plan

(a) General Requirements - Operators of facilities must submit a closure/post-closure care plan to the Department, obtain approval of the plan, and amend the plan when necessary, as set forth in this paragraph.

(b) Contents of Plan

1. The closure/post-closure plan must identify the steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life, and must identify the activities which will be carried on after closure and the frequency of these activities. For facilities being developed or to be developed according to a phased development plan, the closure/post-closure care plan must address each parcel separately as well as the whole.

2. The closure/post-closure plan must include, at a minimum:

(i) A description of how and when the facility will be partially closed, if applicable, and finally closed. If minimum closure areas are used, they must be delineated in the engineering plans. The description must identify how the applicable closure standards of paragraph (8) of Rule 0400-11-01-.04 will be met. It must also include an estimate of the expected year of closure and a schedule for completing the steps of final closure;

(ii) A description of the planned ground and surface water monitoring and other monitoring and maintenance activities and frequencies at which they will be performed. The description must identify how the applicable post-closure care standards of paragraph (8) of Rule 0400-11-01-.04 and the applicable Ground Water Protection/Monitoring Standards of paragraph (7) of Rule 0400-11-01-.04 will be met; and

(iii) The name, address, and phone number of the person or office to contact about the facility during the post-closure care period. This person or office must keep an updated closure/post-closure plan during the post-closure care period.

(iv) An itemized estimate in current dollars of the cost based on hiring a third party to perform the closure and post-closure care activities.

(v) A description of the planned uses of the property during the post-closure care period.

(vi) For Class I and Class II facilities, a description of recommended activities during long term custodial care to inspect, monitor and maintain the facility. Facilities which utilize synthetic components in the final cover system must include an analysis of the life cycle of such components.

3. In the closure portion of his plan, the operator must address the closure of active portions and future active portions of the facility. In the post-closure care portion of his plan, the operator must address the post-closure care of closed portions, active portions, and future active portions of the facility. If a facility which was in operation on March 18, 1990 closes prior to the date the closure/post-closure care plan is to be submitted, the plan need address only the post-closure care of closed portions of the facility provided that the closure is in accordance with applicable rules.

(c) Resubmittal of Plan – All Class I and Class II facilities must submit a new closure/post-closure care plan every 10 years from the date of the original permit or most recent permit expansion. The resubmittal of plan will be processed as a minor modification to the facility and must comply with subparagraph (b) of this paragraph. At minimum it must include:

1. Itemized closure/post-closure cost estimates must be adjusted by recalculating the maximum closure/post-closure amounts in current dollars and taking into account any design changes, new monitoring points and changes in materials.

2. The phased development plan must be updated and reconciled with the closure/post-closure cost estimate.

3. Minimum closure areas must be revised or added to reflect planned partial closure of the facility.

4. A separate itemized cost estimate for long term custodial care activities. This cost estimate is not to be included in the financial assurance amount for the facility.

~~(c)~~(d) Amendment of Plan - The approved closure/post-closure care plan may be amended at any time during the active life of the facility or during the post-closure care period as set forth in this subparagraph.

1. The operator may request to amend the plan to alter the closure requirements, to alter the post-closure care requirements, or to extend or reduce the post-closure care period based on cause. The request must include evidence demonstrating to the satisfaction of the Commissioner that:

   (i) The nature of the facility makes the closure or post-closure care requirement(s) unnecessary; or

   (ii) The nature of the facility supports reduction of the post- closure care period; or

   (iii) The requested extension in the post-closure care period or alteration of closure or post-closure care requirements is necessary to prevent threats to human health and the environment.

2. Such plan amendments shall be processed as modifications to the permit. However, the Commissioner may decide to modify the plan if he deems it necessary to prevent threats to human health and the environment. He may extend or reduce the post-closure care period based on cause or alter the closure or post-closure care requirements based on cause. However, no such modifications shall be initiated until the operator has been notified of such proposed action and provided the opportunity to be heard on the matter.

3. The cost estimate of the approved closure/post closure care plan must be adjusted annually for inflation. Such inflation adjustment shall not be considered an amendment of the plan.

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Subparagraph (t) of paragraph (2) of Rule 0400-11-01-.04 Specific Requirements for Class I, II, III, and IV Disposal Facilities is amended by deleting it in its entirety and substituting instead the following:

(t) Annual and Triennial Engineering Report ~~Future Planning – All operators of Class I disposal facilities within the state of Tennessee shall file with the Department, by May 1st of every year, an estimate of the remaining life of their site. This report shall include the original usable acreage of the site and the remaining unused portion at the time of the report. Where measuring facilities are available, an average monthly weight (or volume) estimate of the incoming waste shall be supplied. The Department shall have final determination of the accuracy of the estimate. If the operator plans to operate a new landfill, a suitable site for the new facility shall be selected at least twelve months before the estimated date for expiration of the operating life of the existing facility, and as applicable, design and construction plans shall be submitted at least six months~~

~~prior to the estimated date for expiration of the operating life of the existing facility to assure continued operation in an approved facility or site.~~

1. All operators of disposal facilities, with liner and leachate collection system structural components, within the state of Tennessee shall file with the Department, by May 1st of every year, an annual engineering report which shall include:

   (i) The name, mailing address, location of the facility, and the permit number of the facility for which the report is submitted.

   (ii) A current topographic survey of the active portion of the disposal facility (same scale as approved plans) performed by a qualified land surveyor duly authorized under Tennessee law to conduct such activities. This should be superimposed on the approved plans (typically final contours sheet).

   (iii) Calculations from a registered engineer on the constructed capacity of the disposal facility, in cubic yards, the remaining volume of the constructed capacity of the disposal facility in months, and the total remaining volume of the disposal facility to be filled, in cubic yards.

   (iv) An itemized summary of all minor modifications to the facility since the last Annual Engineering Report. The first Annual Engineering Report submitted should include all minor modifications to the facility since the most recent permit issuance

   (v) A summary of the quantity of leachate collected for treatment and disposal on a monthly basis during the year, location of leachate treatment and disposal, verification that the leachate management system is operating in accordance with this rule, and a summary of any leachate management system cleanouts performed since the last Annual Engineering Report.

   (vi) A summary of any exceedances of the leachate management system, ground water monitoring system, explosive gas monitoring system, and any other monitoring and control system installed at the disposal facility.

   (vii) Certification from the reviewing engineer that all installed monitoring systems are working correctly and have received routine maintenance.

   (viii) A report of Special Wastes disposal relative to solid waste disposed at the facility since the last Annual Engineering Report.

   (ix) A notarized statement that, to the best of the knowledge of the owner or operator, the information contained in the annual engineering report is true and accurate.

2. All operators of facilities, without liner or leachate collection system structural components, in the state of Tennessee shall file with the Department, by May 1st on a triennially bases, beginning May 1, 2018, a triennial engineering report. This report shall include:

   (i) The name, mailing address, location of the facility, and the permit number of the facility for which the report is submitted.

   (ii) A current topographic survey of the active portion of the disposal facility (same scale as approved plans) performed by a qualified land surveyor duly authorized under Tennessee law to conduct such activities. This should be superimposed on the approved plans (typically final contours sheet).

   (iii) Calculations from a registered engineer on the constructed capacity of the disposal facility, in cubic yards, the remaining volume of the constructed capacity of the disposal facility in months, and the total remaining volume of the disposal facility to be filled, in cubic yards.

(iv) An itemized summary of all minor modifications to the facility since the last Annual Engineering Report. The first Triennial Engineering Report submitted should include all minor modifications to the facility since the most recent permit issuance.

(v) A report of Special Wastes disposal relative to solid waste disposed at the facility since the last Annual Engineering Report.

(vi) A notarized statement that, to the best of the knowledge of the owner or operator, the information contained in the annual engineering report is true and accurate.

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Item (II) of subpart (i) of part 4 of subparagraph (a) of paragraph (7) of Rule 0400-11-01-.04 Specific Requirements for Class I, II, III, and IV Disposal Facilities is amended by deleting it in its entirety and substituting instead the following:

(II) The ground water monitoring program must include sampling and analytical methods that are appropriate for ground water sampling and that accurately measure hazardous constituents and other monitoring parameters in ground water samples. ~~Ground water samples shall not be field-filtered prior to laboratory analysis.~~

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Subpart (ii) of part 3 of subparagraph (c) of paragraph (8) of Rule 0400-11-01-.04 Specific Requirements for Class I, II, III, and IV Disposal Facilities is amended by deleting it in its entirety and substituting instead the following:

(ii) At Class III and Class IV facilities, unless the Commissioner determines that a greater depth is needed to achieve the general performance standard of subparagraph (a) of this paragraph, the depth of final cover shall be at least 30 inches of compacted soil. The final cover consists of an 18 inch ~~low permeability~~ compacted soil layer with a maximum hydraulic conductivity of 1×10^{-5} cm/s overlain by a 12 inch protective layer.

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Part 8 of subparagraph (g) of paragraph (8) of Rule 0400-11-01-.04 Specific Requirements for Class I, II, III, and IV Disposal Facilities is amended by deleting it in its entirety and substituting instead the following:

8. If the ~~dump closed has been closed on-site after an order has been issued by the Commissioner or Board and become final pursuant to T.C.A. § 68-211-113 or 4-5-322~~ owner or operator fails to timely comply with part 7 of this subparagraph, the Commissioner may present for recording in the office of the county register an instrument that will be in the chain of title that will in perpetuity notify any person conducting a title search that the land has been used as a disposal ~~facility~~ site. Such notice may include the following:

(i) The name of the person who owns the property upon which the dump is located;

(ii) The book and page number in which the deed to such property is recorded; and

(iii) A description of the wastes believed to be disposed on such property.

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Appendices I, II and III following subparagraph (d) of paragraph (9) of Rule 0400-11-01-.04 Specific Requirements for Class I, II, III, and IV Disposal Facilities are amended by moving them into a new paragraph (10) entitled Appendices and Appendices I, II and III are further amended by deleting them in their entirety and substituting

instead new Appendices I, II and III so that as amended paragraph (10) and Appendices I, II and III shall read as follows:

(10) Appendices

APPENDIX I
CONSTITUENTS FOR GROUNDWATER MONITORING

INORGANIC CONSTITUENTS

1. Antimony
2. Arsenic
3. Barium
4. Beryllium
5. Boron[1]
~~5.~~6. Cadmium
~~6.~~7. Chromium
~~7.~~8. Cobalt
~~8.~~9. Copper
~~9.~~10. Fluoride
~~10.~~11. Lead
~~11.~~12. Mercury
~~12.~~13. Nickel
~~13.~~14. Selenium
~~14.~~15. Silver
~~15.~~16. Thallium
~~16.~~17. Vanadium
~~17.~~18. Zinc

ORGANIC CONSTITUENTS

18. Acetone
19. Acrylonitrile
20. Benzene
21. Bromochloromethane
22. Bromodichloromethane
23. Bromoform; Tribromomethane
24. Carbon disulfide
25. Carbon tetrachloride
26. Chlorobenzene
27. Chloroethane; Ethyl chloride
28. Chloroform; Trichloromethane
29. Dibromochloromethane; Chlorodibromomethane
30. 1,2-Dibromo-3-chloropropane; DBCP
31. 1,2-Dibromoethane; Ethylene dibromide; EDB
32. o-Dichlorobenzene; 1,2-Dichlorobenzene
33. p-Dichlorobenzene; 1,4-Dichlorobenzene
34. trans-1,4-Dichloro-2-butene
35. 1,1-Dichloroethane; Ethylidene chloride
36. 1,2-Dichloroethane; Ethylene dichloride
37. 1,1-Dichloroethylene; 1,1,-Dichloroethene; Vinylidene chloride
38. cis-1,2-Dichloroethylene; cis-1,2-Dichloroethene
39. trans-1,2-Dichloroethylene; trans-1,2-Dichloroethene
40. 1,2-Dichloropropane; Propylene dichloride
41. cis-1,3-Dichloropropene
42. trans-1,3-Dichloropropene
43. Ethylbenzene
44. 2-Hexanone; Methyl butyl ketone
45. Methyl bromide; Bromomethane
46. Methyl chloride; Chloromethane

47. Methylene bromide; Dibromomethane
48. Methylene chloride; Dichloromethane
49. Methyl ethyl ketone; MEK; 2-Butanone
50. Methyl iodide; Iodomethane
51. 4-Methyl-2-pentanone; Methyl isobutyl ketone
52. Styrene
53. 1,1,1,2-Tetrachloroethane
54. 1,1,2,2-Tetrachloroethane
55. Tetrachloroethylene; Tetrachloroethene; Perchloroethylene
56. Toluene
57. 1,1,1-Trichloroethane; Methylchloroform
58. 1,1,2-Trichloroethane
59. Trichloroethylene; Trichloroethene
60. Trichlorofluoromethane; CFC-11
61. 1,2,3-Trichloropropane
62. Vinyl acetate
63. Vinyl chloride
64. Xylenes

APPENDIX II

GROUND-WATER MONITORING LIST

Common Name	Chemical Abstracts Service Index Name
Acenaphthene	Acenaphthylene, 1,2-dihydro-
Acenaphthylene	Acenaphthylene
Acetone	2-Propanone
Acetonitrile; Methyl cyanide	Acetonitrile
Acetophenone	Ethanone, 1-phenyl
2-Acetylaminofluorene; 2-AAF	Acetamide, N-9H-fluoren-2-yl-
Acrolein	2-Propenal
Acrylonitrile	2-Propenenitrile
Aldrin	1,4:5,8-Dimethanonaphthalene, 1,2,3, 4,10,10-hexachloro-1,4,4a,5,8, 8a-hexahydro-(1a,4a,4aB,5a,8a,8aB)-
Allyl chloride	1-Propene, 3-chloro-
4-Aminobiphenyl	[1,1'-Biphenyl]-4-amine
Anthracene	Anthracene
Antimony	Antimony
Arsenic	Arsenic
Barium	Barium
Benzene	Benzene
Benzo[a]anthracene; Benzantracene	Benz[a]anthracene
Benzo[b]fluoranthene	Benz[e]acephenanthrylene
Benzo[k]fluoranthene	Benzo[k]fluoranthene
Benzo[ghi]perylene	Benz[ghi]perylene
Benzo[a]pyrene	Benzo[a]pyrene
Benzyl alcohol	Benzenemethanol
Beryllium	Beryllium
alpha-BHC	Cyclohexane, 1,2,3,4,5,6-hexachloro- (1a,2a,3B,4a,5B,6B)-
beta-BHC	Cyclohexane, 1,2,3,4,5,6-hexachloro- (1a,2B,3a,4B,5a,6B)-
delta-BHC	Cyclohexane, 1,2,3,4,5,6-hexachloro- (1a,2a,3a,4B,5a,6B)-
gamma-BHC; Lindane	Cyclohexane, 1,2,3,4,5,6-hexachloro- (1a,2a,3B,4a,5a,6B)-
Bis(2-chloroethoxy)methane	Ethane, 1,1'-[methylenebis(oxy)]bis[2-

	chloro-
Bis(2-chloroethyl)ether Dichloroethyl ether	Ethane, 1,1'-oxybis[2-chloro-
Bis(2-chloro-1methylethyl)ether; 2,2-Dichlorodiisopropyl ether;	Propane, 2,2'-oxybis[1-chloro-
Bis(2-ethylhexyl) phthalate	1,2-Bexenedicarboxylic acid, bis(2-ethyihexyl)ester
Boron[1]	Boron[1]
Bromochloromethane; Chlorobromomethane	Methane, bromochloro-
Bromodichloromethane Dibromochloromethane	Methane, bromodichloro-
Bromoform; Tribromomethane	Methane, tribromo-
4-Bromophenyl phenyl ether	Benzene, 1-bromo-4-phenoxy-
Butyl benzyl phthalate; Benzyl butyl phthalate	1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester
Cadmium	Cadmium
Carbon disulfide	Carbon disulfide
Carbon tetrachloride	Methane, tetrachloro-
Chlordane	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro
p-Chloroaniline	Benzenamine, 4-chloro-
Chlorobenzene	Benzene, chloro-
Chlorobenzilate	Benzeneacetic acid, 4-chloro-a-(4-chlorophenyl)a-hydroxy,ethyl ester
p-Chloro-m-cresol 4-Chloro-3-methylphenol	Phenol, 4-chloro-3-methyl-
Chloroethane; Ethyl chloride	Ethane, chloro-
Chloroform; Trichloromethane	Methane, trichloro-
2-Chloronaphthalene	Napthalene, 2-chloro-
2-Chlorophenol	Phenol, 2-chloro-
4-Chlorophenyl phenyl ether	Benzene, 1-chloro-4-phenoxy
Chloroprene	1,2-Butadiene, 2-chloro-
Chromium	Chromium
Chrysene	Chrysene
Cobalt	Cobalt
Copper	Copper
m-Cresol; 3-methylphenol	Phenol, 3-methyl-
o-Cresol; 2-methylphenol	Phenol, 2-methyl-
p-Cresol; 4-methylphenol	Phenol, 4-methyl-
Cyanide	Cyanide
2,4-D; 2-4-Dichlorophenoxyacetic acid	Acetic acid, (2,4-dichlorophenoxy)-
4,4'-DDD	Benzene, 1,1'-(2,2-dichloroethylidene) bis[4-chloro-
4,4'-DDE	Benzene, 1,1'-(dichloroethylidene) bis[4-chloro-
4,4'-DDT	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-chloro-
Diallate	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
Dibenz[a,h]anthracene	Dibenz[a,h]anthracene
Dibenzofuran	Dibenzofuran
Dibromochloromethane; Chlorodibromomethane	Methane, dibromochloro-
1,2-Dibromo-3-chloropropane; DBCP	Propane, 1,2-dibromo-3-chloro-
1,2-Dibromoethane; Ethylene dibromide	Ethane, 1,2-dibromo-
Di-n-butyl phthalate	1,2-Benzenedicarboxylic acid, dibutyl ester
o-Dichlorobenzene	Benzene, 1,2-dichloro-

1,2-Dichlorobenzene m-Dichlorobenzene 1,3-Dichlorobenzene	Benzene, 1,3-dichloro-
p-Dichlorobenzene 1,4-Dichlorobenzene	Benzene, 1,4-dichloro-
3,3'-Dichlorobenzidine	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-
trans-1,4-Dichloro-2-butene	2-Butene, 1,4-dichloro-, (E)-
Dichlorodifluoromethane	Methane, dichlorodifluoro-
1,1-Dichloroethane Ethyldidene chloride	Ethane, 1,1-dichloro-
1,2-Dichloroethane; Ethylene dichloride	Ethane, 1,2-dichloro-
1,1-Dichloroethylene; Vinylidene chloride 1,1-Dichloroethene	Ethene, 1,1-dichloro-
cis-1,2-Dichloroethylene; cis-1,2-Dichloroethene	Ethene, 1,2-dichloro-,(Z)-
trans-1,2-Dichloroethylene trans-1,2-Dichloroethene	Ethene, 1,2-dichloro-, (E)-
2,4-Dichlorophenol	Phenol, 2,4-dichloro-
2,6-Dichlorophenol	Phenol, 2,6-dichloro-
1,2-Dichloropropane Propylene dichloride	Propane, 1,2-dichloro-
1,3-Dichloropropane; Trimethylene dichloride	Propane, 1,3-dichloro-
2,2-Dichloropropane; Isoprophylidene chloride	Propane, 2,2-dichloro-
1,1-Dichloropropene	1-Propene, 1,1-dichloro-
cis-1,3-Dichloropropene	1-Propene, 1,3-dichloro-, (Z)-
trans-1,3-Dichloropropene	1-Propene, 1,3-dichloro-,(E)-
Dieldrin	2,7;3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a, 7,7a-octahydro-,(1aa,2B,2aa,3B,5B, 6aa,7B,7aa)-
Diethyl phthalate	1,2-Benzenedicarboxylic acid, diethyl ester
O,O-Diethyl O-2-pyrazinyl phosphorothioate; Thionazin	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
Dimethoate	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester
p-(Dimethylamino)azobenzene	Benzenamine, N,N-dimethyl-4-(phenylazo)-
7,12-Dimethylbenz[a]anthracene	Benz[a]anthracene, 7,12-dimethyl-
3,3'-Dimethylbenzidine	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-
2,4-Dimethylphenol; m-xylenol	Phenol, 2,4-dimethyl-
Dimethyl phthalate	1,2-Benzenedicarboxylic acid, dimethyl ester
m-Dinitrobenzene	Benzene, 1,3-dinitro-
4,6-Dinitro-o-cresol; 4,6-Dinitro2-methylphenol	Phenol, 2-methyl-4,6-dinitro-
2,4-Dinitrophenol	Phenol, 2,4-dinitro-
2,4-Dinitrotoluene	Benzene, 1-methyl-2,4-dinitro-
2,6-Dinitrotoluene	Benzene, 2-methyl-1,3-dinitro-
Dinoseb; DNBP; 2-sec-Butyl-4,6-dinitrophenol	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
Di-n-octyl phthalate	1,2-Benezenedicarboxylic acid, dioctyl ester
Diphenylamine	Benzenamine, N-phenyl-
Disulfoton	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester
Endosulfan I	6,9-Methano-2,4,3-benzodioxathiepin,

	6,7,8,9,10,10-hexachloro-1,5,5a,6,9, 9a-hexahydro-,3-oxide,
Endosulfan II	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9, 9a-hexahydro-,3-oxide, (3a,5aa,6B, 9B,9aa)-
Endosulfan sulfate	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9, 9a-hexahydro-,3,3-dioxide
Endrin	2,7;3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6, 6a,7,7a-octahydro-,(1aa,2B,2aB,3a, 6a, 6aB,7B,7aa)-
Endrin aldehyde	1,2,4-Methenocyclopental[cd]pentalene-5-carboxal-dehyde,2,2a,3,3,4,7-hexachlorodecahydro-,(1a,2B,2aB, 4B,4aB,5B,6aB,6bB,7R*)-
Ethylbenzene	Benzene, ethyl-
Ethyl methacrylate	2-Propenoic acid, 2-methyl-, ethyl ester
Ethyl methanesulfonate	Methanesulfonic acid, ethyl ester
Famphur	Phosphorothioic acid, O-[4] (dimethylamino)sulfonyl[phenyl]-O,O-dimethyl ester
Fluoranthene	Fluoranthene
Fluorene	9H-Fluorene
Heptachlor	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-
Heptachlor epoxide	2,5-Methano-2H-indeno[1,2b]oxirene, 2,3,4,5,6,7,7-heptachloro-1a,1b, 5,5a,6,6a-hexahydro-,(1aa,1bB, 2a,5a,5aB,6B,6aa)
Hexachlorobenzene	Benzene,hexachloro-
Hexachlorobutadiene	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
Hexachlorocyclopentadiene	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
Hexachloroethane	Ethane, hexachloro-
Hexachloropropene	1-Propene, 1,1,2,3,3,3-hexachloro-
2-Hexanone Methyl butyl ketone	2-Hexanone
Indeno[1,2,3-cd]pyrene	Indeno[1,2,3-cd]pyrene
Isobutyl alcohol	1-Propane, 2-methyl-
Isodrin	1,4,5,8-Dimethanonaphthalene, 1,2,3, 4,10,10-hexachloro-,1,4,4a,5,8,8a-hexahydro-(1a,4a,4aB,5B,8B,8aB)-
Isophorone	2-Cyclohexen-1-one, 3,5,5-trimethyl
Isosafrole	1,3-Benzodioxole, 5-(1-propenyl)-
Kepone	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one,1,1a,3,3a,4,5,5a,5b,6-decachlorooctahydro-
Lead	Lead
Mercury	Mercury
Methacrylonitrile	2-Propanenitrile, 2-methyl-
Methapyrilene	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-
Methoxychlor	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-
Methyl bromide; Bromomethane	Methane, bromo-
Methyl chloride; Chloromethane	Methane, chloro-
3-Methylcholanthrene	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-

Methyl ethyl ketone; MEK: 2-Butanone	2-Butanone
Methyl iodide; iodomethane	Methane, iodo-
Methyl methacrylate	2-Propenoic acid, 2-methyl-, methyl ester
Methyl methanesulfonate	Methanesulfonic acid, methyl ester
2-Methylnaphthalene	Naphthalene, 2-methyl-
Methyl parthion; Parathion methyl	Phosophorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester
4-Methyl-2-pentanone; Methyl isobutyl ketone	2-Pentanon, 4-methyl-
Methylene bromide; Dibromomethane	Methane, dibromo-
Methylene chloride; Dichloromethane	Methane, dichloro-
Naphthalene	Naphthalene
1,4-Naphthoquinone	1,4-Naphthalenedione
1-Naphthylamine	1-Naphthalenamine
2-Naphthylamine	2-Naphthalenamine
Nickel	Nickel
o-Nitroaniline; 2-Nitroaniline	Benzenamine, 2-nitro-
m-Nitroaniline; 3-Nitroaniline	Benzanamine, 3-nitro-
p-Nitroaniline; 4-Nitroaniline	Benzenamine, 4-nitro-
Nitrobenzene	Benzene, nitro-
o-Nitrophenol; 2-Nitropherol	Phenol, 2-nitro
p-Nitrophenol; 4-Nitrophenol	Phenol, 4-nitro-
N-Nitrosodi-n-butylamine	1-Butanamine, N-butyl-N-nitroso-
N-Nitrosodiethylamine	Ethanamine, N-ethyl-N-nitroso-
N-Nitrosodimethylamine	Methamine, N-methyl-N-nitroso-
N-Nitrosodiphenylamine	Benzenamine, N-nitroso-N-phenyl-
N-Nitrosodipropylamine; Di-n-propyl-nitrosamine; N-Nitroso-N-dipropylamine	1-Propanamine, N-nitroso-N-propyl
N-Nitrosomethylethylamine	Ethanamine, N-methyl-N-nitroso-
N-Nitrosomorpholine	Morpholine, N-nitroso-
N-Nitrosopiperidine	Piperidine, 1-nitroso-
N-Nitrosopyrrolidine	Pyrrolidine, 1-nitroso-
5-Nitro-o-toluidine	Benzenamine, 2-methyl-5-nitro-
Parathion	Phosphorothioic acid, O,O-diethyl-O-,(4-nitrophenyl) ester
Pentachlorobenzene	Benzene, pentachloro-
Pentachloronitrobenzene	Benzene, pentachloronitro-
Pentachlorophenol	Phenol, pentachloro-
Phenacetin	Acetamide, N-(4-ethoxyphenyl)-
Phenanthrene	Phenanthrene
Phenol	Phenol
p-Phenylenediamine	1,4-Benzenediamine
Phorate	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester
Polychlorinated biphenyls; PCBs Aroclors	1,1'-Biphenyl, chloro derivatives
Pronamide	Benzamide, 3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)-
Propionitole; Ethyl cyanide	Propanenitole
Pyrene	Pyrene
Safrole	1,3-Benzodioxole, 5-(2-propenyl)-
Selenium	Selenium
Silver	Silver
Silvex; 2,4,5-TP	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
Styrene	Benzene, ethenyl-

Sulfide	Sulfide
2,4,5-T; 2,4,5-Trichlorophenoxy-acetic acid	Acetic acid, (2,4,5-trichlorophenoxy)-
1,2,4,5-Tetrachlorobenzene	Benzene, 1,2,4,5-tetrachloro-
1,1,1,2-Tetrachloroethane	Ethane, 1,1,1,2-tetrachloro-
1,1,2,2-Tetrachloroethane	Ethane, 1,1,2,2-tetrachloro-
Tetrachloroethylene; Tetrachlorothene Perchloroethylene;	Ethene, tetrachloro-
2,3,4,6-Tetrachlorophenol	Phenol, 2,3,4,6-tetrachloro-
Thallium	Thallium
Tin	Tin
Toluene	Benzene, methyl-
o-Toluidine	Benzenamine, 2-methyl-
Toxaphene	Toxaphene
1,2,4-Trichlorobenzene	Benzene, 1,2,4-trichloro-
1,1,1-Trichloroethane; Methylchloroform	Ethane, 1,1,1-trichloro-
1,1,2-Trichloroethane	Ethane, 1,1,2-trichloro-
Trichloroethylene; Trichloroethene	Ethene, trichloro
Trichlorofluoromethane	Methane, trichlorofluoro-
2,4,5-Trichlorophenol	Phenol, 2,4,5-trichloro-
2,4,6-Trichlorophenol	Phenol, 2,4,6-trichloro-
1,2,3-Trichloropropane	Propane, 1,2,3-trichloro-
O,O,O-Triethyl phosphorothioate	Phosphorothioic acid, O,O,O-triethyl ester
sym-Trinitrobenzene	Benzene, 1,3,5-trinitro-
Vanadium	Vanadium
Vinyl acetate	Acetic acid, ethenyl ester
Vinyl Chloride; Chloroethene	Ethene, chloro-
Xylene (total)	Benzene, dimethyl-
Zinc	Zinc

~~Appendix~~ APPENDIX III

Contaminant	Maximum Contaminant Level in Milligrams/Liter
Inorganic Chemicals	
Antimony	0.006
Arsenic	0.01
Barium	2.0
Beryllium	0.004
Cadmium	0.005
Chromium (total)	0.1
Fluoride	4.0
Lead[2]	0.015
Mercury	0.002
Nickel[3]	0.1
Nitrate	10.0
Selenium	0.05
Silver[4]	0.1
Thallium	0.002
Volatile Organic Chemicals	
Benzene	0.005
Carbon Tetrachloride	0.005
1,2-Dichloroethane	0.005
1,1-Dichloroethylene	0.007

cis-1,2-Dichloroethylene	0.07
trans-1,2,-Dichloroethylene	0.1
O-Dichlorobenzene	0.6
1,4-Dichlorobenzene	0.075
Dichloromethane (methylene chloride)	0.005
1,2-Dichloropropane	0.005
Ethylbenzene	0.7
Monochlorobenzene	0.1
Styrene	0.1
Tetrachlorethylene	0.005
Toluene	1.0
1,1,1-Trichloroethane	0.20
1,1,2-Trichloroethane	0.005
Trichloroethylene	0.005
Trihalomethanes (total)	0.1
Vinyl Chloride	0.002
Xylenes	10.0

Organic Chemicals

Alachlor	0.002
Aldicarb	0.003
Aldicarb sulfoxide	0.004
Aldicarb sulfone	0.002
Atrazine	0.003
Benzo(a)pyrene	0.0002
Carbofuran	0.04
Chlordane	0.002
2,4-D	0.07
Dalapon	0.2
1,2-Dibromo-3-chloropropane	0.0002
Di (ethylhexy)adipate	0.4
Di (ethylhexyl)phthalate	0.006
Dinoseb	0.007
Diquat	0.02
Endothall	0.1
Endrin	0.002
Ethylene dibromide	0.00005
Glyphosate	0.7
Heptachlor	0.0004
Heptachlor epoxide	0.0002
Hexachlorobenzene	0.001
Hexachlorocyclopentadiene (HEX)	0.05
Lindane	0.0002
Methoxychlor	0.04
Oxamyl (Vydate)	0.2
Pentachlorophenol	0.001
Picloram	0.5
Polychlorinated biphenyls (PCB)	0.0005
Simazine	0.004
Toxaphene	0.003
2,4,5 TP (Silvex)	0.05
1,2,4-Trichlorobenzene	0.07

[1] The inclusion of this parameter is only required for facilities that are subject to 40 CFR 257 Subpart D – Standards for the Disposal of Coal Combustion Residuals (CCR) in Landfills and Surface Impoundments, or landfills that have received CCR through a Special Waste Approval.

[2] Action level concentration obtained from TN Division of Water ~~Supply~~ Resources part (1)(c)1 of Rule ~~1200-05-01-.33~~ 0400-45-01-.33.

[3] MCL value obtained from TN Division of Water ~~Supply~~ Resources part (1)(b)11 of Rule ~~1200-05-01-.06~~ 0400-45-01-.06.

[4] MCL value obtained from TN Division of Water ~~Supply~~ Resources subparagraph (1)(n) of Rule ~~1200-05-01-.12~~ 0400-45-01-.12. (EPA Secondary Drinking Water Standard)
All other values are MCLs currently applicable under the National Primary Drinking Water Regulations.

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Subparagraph (a) of paragraph (2) of Rule 0400-11-01-.07 Fee System for Non-Hazardous Disposal and Certain Non-Hazardous Processors of Solid Waste is amended by deleting it in its entirety and substituting instead the following:

(a) Any person who applies for a permit, permit-by-rule~~,~~ or special waste evaluation ~~or special waste recertification~~ pursuant to part (1)(b)3 of this rule, shall pay the specified amount in subparagraph (b) of this paragraph with the application.

Authority: T.C.A. §§ 68-203-101 et seq., 68-211-101 et seq. and 4-5-201 et seq.

Subparagraph (b) of paragraph (2) of Rule 0400-11-01-.07 Fee System for Non-Hazardous Disposal and Certain Non-Hazardous Processors of Solid Waste is amended by deleting it in its entirety and substituting instead the following:

(b) Fee Schedule

1.	Disposal Facility		
	(i)	Class I	
		Hydrogeologic	$ 4,000
		Design and Construction Plans	$ 6,000
	(ii)	Class II	
		Hydrogeologic	$ 4,000
		Design and Construction Plans	$ 6,000
	(iii)	Class III	$ 3,000
2.	Processing Facility		$ 1,000
3.	Major Modifications		$ 2,000
4.	Minor Modifications		$ 500
~~4.~~5.	Special Waste Evaluation		$ 300
~~5.~~6.	Transfer Station		$ 500
~~6.~~7.	Transfer of Ownership		$ 1,000
~~7.~~	~~Special Waste Recertification~~		~~$ 150~~

Authority: T.C.A. §§ 68-203-101 et seq., 68-211-101 et seq. and 4-5-201 et seq.

Part 4 of subparagraph (c) of paragraph (3) of Rule 0400-11-01-.07 Fee System for Non-Hazardous Disposal and Certain Non-Hazardous Processors of Solid Waste is amended by deleting it in its entirety and substituting instead the following:

4.	Reserved ~~Coal Ash Fill Area~~	~~$ 3,000~~

Authority: T.C.A. §§ 68-203-101 et seq., 68-211-101 et seq. and 4-5-201 et seq.

Subparagraph (b) of paragraph (6) of Rule 0400-11-01-.07 Fee System for Non-Hazardous Disposal and Certain Non-Hazardous Processors of Solid Waste is amended by deleting it in its entirety and substituting instead the following:

(b) Permit application shall be acted upon (issued or denied) by the Department within the following time after the application is certified to be complete:

1.	Disposal Facility		
	(i)	Class I	270 days
	(ii)	Class II	270 days
	(iii)	Class III	240 days
2.	Processing Facility		
	(i)	Permit By Rule	90 days
	(ii)	Compost Facility	120 days
3.	Major Modification		
	(i)	Regulatory Requirement	180 days
	(ii)	Application	
		(I) Plans Only	240 days
		(II) Hydrogeologic	270 days
4.	Minor Modifications		
	(i)	Engineering Review	90 days
~~4.~~5.	Waste Evaluation		30 days

Authority: T.C.A. §§ 68-203-101 et seq., 68-211-101 et seq. and 4-5-201 et seq

Direct all comments, questions, and/or concerns to
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