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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:	Underground Storage Tanks and Solid Waste Disposal Control Board
Division:	Land Protection
Contact Person:	Beverly Philpot
Address:	Davy Crockett Tower, 7 th Floor 500 James Robertson Parkway Nashville, Tennessee
Zip:	37243
Phone:	(615) 795-1188
Email:	Beverly.Philpot@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:	Davy Crockett Tower, 6th Floor 500 James Robertson Parkway Nashville, Tennessee 37243
Phone:	615-532-0200 Hearing-impaired callers may use the TN Relay Service 1-800-848-0298
Email:	Ask.tdec@tn.gov

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

Address 1:	Conference Room 1-A
Address 2:	Davy Crockett Tower 500 James Robertson Parkway
City:	Nashville, Tennessee
Zip:	37243
Hearing Date:	09/29/2026
Hearing Time:	10:00 AM ☒ CST/CDT ☐ EST/EDT

Alternate Hearing Option

Method 1:	You may also join electronically. Join by going to this link: https://tn.webex.com/tn/j.php?MTID=m30d54559d54ebbb46ed6d95283a15152 Meeting number (access code): 2317 283 5372 Meeting password: HazWaste (42992783 when dialing from a phone or video system)
Method 2:	Join by phone +1 615-747-4911 Webex Call-In +1-415-655-0001 US Toll

	Access code: 23172835372 Global call-in numbers are available online at: Global call-in numbers Join from a video system or application Dial 23172835372@tn.webex.com You can also dial 173.243.2.68 and enter the meeting number
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Additional Hearing Information:

If it is hard for you to read, speak, or understand English, TDEC may be able to provide translation or interpretation services free of charge. Please contact Ellen Sherril at (615) 532-0105 or tdec.titlevi@tn.gov for more information. Si le resulta difícil leer, hablar o entender inglés, TDEC puede proporcionar servicios de traducción o interpretación sin cargo. Comuníquese con Ellen Sherril at (615) 532-0105 o tdec.titlevi@tn.gov para obtener más información.

This rule amends the fee schedule for hazardous waste management to more accurately reflect the costs associated with regulatory oversight. This rule increases fees and establishes new fee structures for regulated activities that had previously been included within fee categories prior to the 2025-26 fiscal year.

Additionally, due to recent rule changes that streamline management processes for hazardous pharmaceutical waste, new categories of hazardous waste generators were previously introduced without corresponding fees. This rule addresses that gap by establishing appropriate fees to support the resources necessary to effectively carry out these responsibilities.

An initial set of draft rules has been prepared for public review and comment and may also be accessed for review using at <https://www.tn.gov/environment/ppo-public-participation/ppo-public-participation/ppo-waste>.

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, Division of Land Protection; Attention: Beverly Philpot, Davy Crockett Tower, 7th Floor, 500 James Robertson Parkway, Nashville, Tennessee 37243; telephone 615-795-1188, or email: Beverly.Philpot@tn.gov. However, such written comments must be received by 4:30 PM CST, September 29, 2026, to assure consideration. For further information, please contact Beverly Philpot at the above address or telephone number, or by e-mail.

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
0400-12-01	Hazardous Waste Management
Rule Number	Rule Title
0400-12-01-.04	Requirements Applicable to Transfer Facilities and Permit Requirements and Standards Applicable to Transporters of Hazardous Waste
0400-12-01-.08	Fee System for Transporters, Storers, Treaters, Disposers, and Certain Generators of Hazardous Waste and for Certain Used Oil Facilities or Transporters

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/publications/services/rulemaking-guidelines>.

Chapter 0400-12-01
Hazardous Waste Management

Amendments

The Table of Contents for Chapter 0400-12-01 Hazardous Waste Management is amended by changing the title of Rule 0400-12-01-.08 to read: “Fee System for Hazardous Waste Transporters, Storers, Treaters, Disposers, Destination Facilities, and Certain Generators of Hazardous Waste, Healthcare Facilities and Reverse Distributors of Pharmaceutical Hazardous Waste, Hazardous Secondary Material Facilities, and ~~for~~ Certain Used Oil Facilities or Transporters.”

Authority: T.C.A. §§ 68-212-101 et seq. and 4-5-201 et seq.

Part 2 of subparagraph (b) of paragraph (2) of Rule 0400-12-01-.04 Requirements Applicable to Transfer Facilities and Permit Requirements and Standards Applicable to Transporters of Hazardous Waste is amended by deleting it in its entirety and substituting instead the following:

2. Application for or renewal of a permit shall consist of a written notification to the Department on forms provided by the Department. Such forms must be completed according to the instructions accompanying them. Information on the forms shall include, but not be limited to, the name, installation identification number, if previously issued, business address, telephone number of the transporter, and all applicable permit fees required ~~under~~ by Rule 0400-12-01-.08 ~~(2)(a)~~.

Authority: T.C.A. §§ 68-212-101 et seq. and 4-5-201 et seq.

Rule 0400-12-01-.08 Fee System for Transporters, Storers, Treaters, Disposers, and Certain Generators of Hazardous Waste and for Certain Used Oil Facilities or Transporters is amended by deleting it in its entirety and substituting instead the following:

Rule 0400-12-01-.08 Fee System for Hazardous Waste Transporters, Storers, Treaters, Disposers, Destination Facilities, and Certain Generators of Hazardous Waste, Healthcare Facilities and Reverse Distributors of Pharmaceutical Hazardous Waste, Hazardous Secondary Material Facilities, and ~~for~~ Certain Used Oil Facilities or Transporters.

(1) General.

(a) Purpose.

The purpose of this rule is to establish a system and schedule whereby certain fees shall be levied and collected by the Commissioner. Expenditures of such fees collected shall be restricted to operation of the hazardous waste management program established pursuant to the Act. Any unencumbered ~~and any~~ or unexpended balance shall be maintained in the Tennessee Environmental Protection Fund (the “Fund”).

(b) Applicability.

The requirements of this rule apply as specified to the following persons:

1. All transporters having a hazardous waste transporter permit issued under the Act and all new or existing transporters subject to the transporter permit requirements of paragraph (2) of Rule 0400-12-01-.04 ~~(2)~~;
2. Owners and operators of all hazardous waste storage, treatment, and disposal facilities who are subject to the facility permit requirements of Rule 0400-12-01- .07, except for those owners or operators subject solely to the permit-by-rule requirements of subparagraph

(1)(c) of Rule 0400-12-01-.07~~(1)(e);~~

3. All generators of hazardous wastes;
4. Persons requesting that the ~~Underground Storage Tanks and Solid Waste Disposal Control~~ Board review an action of the Commissioner;
5. All transporters, marketers, processors/re-refiners of used oil, or burners of off-specification used oil;
6. Persons carrying out closure activities, post-closure activities, and/or corrective action activities, under permits or other enforceable documents;
7. Persons responsible for spills or accidental discharges (of hazardous waste or other material ~~which~~ that, when spilled or discharged, becomes a hazardous waste) requiring investigation and/or remediation of soil, groundwater, or surface water and/or sediment;
8. All hazardous waste transfer facilities; ~~and~~
9. All universal waste destination facilities;
10. Persons managing hazardous secondary material under subparts (1)(d)1(xxiii), (xxiv), (xxv), or (xxvii) of Rule 0400-12-01-.02; and
11. All healthcare facilities, as defined in subparagraph (16)(a) of Rule 0400-12-01-.09 and subject to paragraph (16) of Rule 0400-12-01-.09; and
12. All reverse distributors, as defined in subparagraph (16)(a) of Rule 0400-12-01-.09 and subject to paragraph (16) of Rule 0400-12-01-.09.

(c) Payment of Fees.

Any person required to pay a fee under this rule shall submit the fee by check or money order or other method approved by the Commissioner in the specified amount, made payable to the Treasurer, State of Tennessee for deposit in the Tennessee Environmental Protection Fund. Submission of the fee shall be accompanied with appropriate supporting documentation as directed by the ~~department~~ Department and may include electronic forms, printable pages available through the internet, or manually prepared paper copies, or a combination of any of the above.

- (d) No permit or other authorization shall be issued or renewed by the ~~Division of Solid Waste Management~~ Commissioner pursuant to Chapter 0400-12-01 or 0400-12-02 until all fees and/or penalties owed by the applicant to the ~~Division~~ Department are paid in full, unless a time schedule for payments has been approved and all payments are current or contested fees or penalties are under appeal.

(2) Installation Identification Number Application Fee and Used Oil Transporter Initial Certification.

Any person identified in subparagraph (1)(b) of this rule applying to the Department for an ~~Installation Identification Number on the Notification Forms~~ installation identification number or any used oil transporter submitting an initial certification in accordance with subpart (5)(a)1(v) of Rule 0400-12-01-.11 on forms provided by the Department shall submit ~~as part of the request~~ a fee as set forth below:

- (a) \$150 ~~dollars~~ for a new site;
- (b) \$150 ~~dollars~~ for a change in ownership;
- (c) \$150 ~~dollars~~ for a site relocation; ~~and~~
- (d) \$100 ~~dollars~~ for adding a new hazardous waste stream; and

(e) \$1,200 for a used oil transporter submitting an initial certification.

(3) Permit Application Fees.

(a) Transporters.

Any person who applies for a permit ~~or a modification to a permit~~ to transport hazardous ~~wastes~~ waste in Tennessee must submit ~~a fee as set forth below: 200 dollars with a permit application; and 200 dollars per permit modification~~ an initial application fee of \$1,200.

(b) Treatment, Storage, and Disposal Facilities (TSDF) including facilities conducting corrective action and post-closure under permits, orders, or other enforceable documents.

1. Part A application.

Any person who applies for a permit for a hazardous waste storage, treatment, or disposal facility must submit, as part of his Part A application and prior to application review, an application fee for each new or revised application as set forth below:

(i) \$600 ~~dollars~~ for an existing facility; or

(ii) \$2,800 ~~dollars~~ for a new facility.

2. Part B application.

Any person who applies for a permit, or permit renewal, for a hazardous waste storage, treatment, or disposal facility must submit, as part of his Part B application and prior to application review, an application fee for each new or revised application as set forth below:

(i) Part B application for an on-site hazardous waste facility:

(I) \$15,000 ~~dollars~~ for a storage facility;

(II) \$15,000 ~~dollars~~ for a treatment facility;

(III) \$30,000 ~~dollars~~ for a disposal facility; and

(IV) \$30,000 ~~dollars~~ for a landfill site.

(ii) Part B application for a commercial hazardous waste facility:

(I) \$37,500 ~~dollars~~ for a storage facility;

(II) \$37,500 ~~dollars~~ for a treatment facility;

(III) \$75,000 ~~dollars~~ for a disposal facility; and

(IV) \$75,000 ~~dollars~~ for a landfill site.

(iii) Part B application for a post-closure unit pursuant to a permit, order or other enforceable document:

(I) \$30,000 ~~dollars~~ for a unit not previously permitted under a hazardous waste operating permit; and

(II) \$15,000 ~~dollars~~ for a unit ~~which~~ that previously operated under a hazardous waste operating permit.

(iv) Part B application for corrective action:

\$15,000 ~~dollars~~ for a facility, as defined under subparagraph (2)(a) of Rule 0400-

12-01-.01~~(2)(a)~~, implementing corrective action under subparagraph (6)(I) of Rule 0400-12-01-.06~~(6)(I)~~ not already included in subparts (i), (ii) or (iii) of this part.

(c) Special Case: Modification of Existing Facility Permit.

Any person who applies for modification or reissuance (following revocation) of his existing facility permit, order, or other enforceable document [refer to paragraph (9) of Rule 0400-12-01-.07~~(9)~~] must submit, as part of his Part B application and prior to modification review, an application fee as set forth below:

1. For owners or operators applying for a Class 1 permit modification, the fee shall be \$600 dollars;
2. For owners or operators applying for a Class 1 permit modification with changes other than, or in addition to, changes in part 1 above, the fee shall be \$4,200 dollars; the Class 1 permit modification fee for Maximum Achievable Control Technology (MACT) modifications shall be \$8,000 dollars.
3. For owners or operators applying for a change in ownership or operational control of a facility pursuant to part (9)(b)3 of Rule 0400-12-01-.07~~(9)(b)3~~, the fee shall be \$3,800 dollars.
4. For owners or operators applying for a Class 2 permit modification, the fee shall be:
 - (i) \$9,700 dollars for modification of a container or tank storage and/or treatment unit, thermal treatment unit, or drip pad, storage and/or treatment unit;
 - (ii) \$12,500 dollars for modification of a disposal unit, waste pile storage unit, containment building storage and/or treatment unit, surface impoundment storage and/or treatment unit, or other miscellaneous unit; and
 - (iii) \$15,000 dollars for modification of a post-closure unit.
5. For owners or operators applying for a Class 3 permit modification, the fee shall be:
 - (i) \$15,000 dollars for modification of a container or tank storage and/or treatment unit, thermal treatment unit, or drip pad, storage, and/or treatment unit;
 - (ii) \$15,000 dollars for modification of any permit to include the final remedy for Solid Waste Management Units solid waste management units under corrective action requiring remediation and/or maintenance activities;
 - (iii) \$30,000 dollars for modification of a disposal unit, waste pile storage unit, containment building storage and/or treatment unit, surface impoundment storage and/or treatment unit, or other miscellaneous unit; and
 - (iv) \$20,000 dollars for modification of a post-closure unit.

(d) Closure and Post-Closure Plans

Any person required to submit a closure plan or post-closure plan [refer to paragraph (7) of Rule 0400-12-01-.05~~(7)~~ and paragraph (7) of Rule 0400-12-01-.06~~(7)~~] for a hazardous waste facility must submit, as part of the closure or post-closure plan, and prior to plan review, an application fee, unless the above plan was reviewed as part of a permit application package, as set forth below:

1. \$2,800 dollars for a closure plan; and
2. \$2,800 dollars for a post-closure plan.

(e) Modification of Approved Closure and Post-Closure Plan.

Any person who submits a modification to an approved closure plan or post-closure plan must submit, as part of the modification and prior to modification review, a modification fee, unless the above plan was reviewed as part of a permit application package, as set forth below:

1. \$300 dollars for Class 1 Modification;
2. \$850 dollars for Class ¹1 Modification;
3. \$1,100 dollars for Class 2 Modification; and
4. \$1,700 dollars for Class 3 Modification.

(f) Emergency Permit.

Any person who applies for an emergency permit (refer to subparagraph (1)(d) of Rule 0400-12-01-.07~~(1)(d)~~) must submit, as part of the emergency permit application, an application fee of \$2,400 dollars.

(g) Research, ~~Demonstration, and~~ Development, and Demonstration Permit.

Any person who applies for a research, ~~demonstration, and~~ development, and demonstration permit (refer to subparagraph (1)(g) of Rule 0400-12-01-.07) must submit, as part of the research, demonstration, and development permit application, an application fee of \$2,800 dollars. An additional fee of \$2,800 dollars is assessed for each renewal pursuant to part (1)(g)4 of Rule 0400-12-01-.07~~(1)(g)4~~.

(h) Temporary Authorization.

Any person who applies for a temporary authorization pursuant to subpart (9)(c)5(v) of Rule 0400-12-01-.07~~(9)(c)5(v)~~ must submit as part of the temporary authorization request, an application fee of \$3,000 dollars. An additional fee of \$300 dollars is assessed for the renewal pursuant to item (9)(c)5(v)(IV) of Rule 0400-12-01-.07~~(9)(c)5(v)(IV)~~.

(i) Schedule for Timely Action on Permit Applications/Permit Modifications.

1. The following documents, when submitted separately, must be reviewed and the applicant notified within the following time frames:

(i)	Hydrogeologic Report (Assessment Plan, Sampling and Analysis Plans, Groundwater Annual Reports, and Groundwater Monitoring Plan)	180 days
(ii)	Closure Plan	180 days
(iii)	Post-Closure Plan	180 days
(iv)	Review of Part A Application for Completeness	45 days
(v)	Initial Review of Part B Application and Class 3 Permit Modifications	180 days
(vi)	Initial Review of Class 1 and ¹ 1 Modification	60 days
2. Applications, closure plans, post-closure plans, and modifications shall be acted upon (issued or denied) by the Department within the time frames required by Rule 0400-12-01-.07 beginning with the end of the public comment period(s) specified in each public notice.
3. The above timely action periods shall be stayed if:

- (i) The applicant requests that review be suspended;
- (ii) The ~~department~~ Department issues a written notice of deficiency and until the applicant adequately addresses said deficiency;
- (iii) Priorities set by the ~~Environmental Protection Agency (EPA)~~ require a delay;
- (iv) The review process has been halted due to pending judicial and/or administrative actions;
- (v) Applicable regulations change;
- (vi) The Department requests a delay in the review process to which the applicant agrees; or
- (vii) Multiple (~~5~~ five or more) Class 1 or ¹¹ modifications from a single applicant are received.

- 4. Should the Department not comply with the timely review periods specified in part 1 of this subparagraph, the application fee shall be refunded. The Board shall be provided a quarterly update on the timeliness of permit processing.

(4) Annual Maintenance Fees.

(a) Transporters.

- 1. Each person having a hazardous waste transporter permit issued under the Act must submit to the Commissioner, by December 31 of each year, an annual permit maintenance and renewal fee of ~~350~~ \$1,000 dollars.
- 2. Each person operating a hazardous waste transfer facility shall submit to the Commissioner by December 31 of each year an annual facility maintenance fee of ~~850~~ \$1,000 dollars.
- 3. Each person transporting used oil and that is required to submit an annual report under Rule 0400-12-01-.11 shall submit to the Commissioner an annual maintenance fee of ~~200~~ \$1,000 dollars by March 1 of each year.
- 4. Each person operating a used oil transfer facility under Rule 0400-12-01-.11 shall submit to the Commissioner an annual facility maintenance fee of ~~\$1,000 dollars~~ by March 1 of each year.

(b) Treatment, Storage, and Disposal Facilities (TSDF) including facilities conducting corrective action and post-closure.

The owner or operator of each hazardous waste treatment, storage, or disposal facility in Tennessee having either a permit issued under the Act or interim status as provided under paragraph (3) of Rule 0400-12-01-.07(~~3~~) must submit to the Commissioner, by March 1 of each year, an annual permit maintenance fee as provided in this subparagraph.

1. General.

- (i) An annual fee shall be assessed consisting of a base amount plus an additional charge calculated on the facility's total constructed design capacity during the previous calendar year.
- (ii) The owner or operator of each treatment, storage, or disposal facility shall be assessed an annual fee each year until all closure, post-closure, and corrective action activities are complete and the facility is closed in accordance with the appropriate standards of Rules 0400-12-01-.05 or 0400-12-01-.06, as applicable.

- (iii) For purposes of this subparagraph, a facility that receives hazardous ~~wastes~~ waste from off-site, other than from contiguous properties, is determined to be an off-site facility for the calendar year in which the off-site hazardous waste is received.

2. Storage Operations.

- (i) The owner or operator of each facility shall be assessed a base amount plus an additional charge calculated on the total constructed design capacity in gallons (gal.) of the facility's hazardous waste storage operations as set forth below, except as provided for in subpart (iii) of this part:

- (I) For facilities ~~which that~~ receive only hazardous waste ~~which are~~ generated on-site, a base amount of ~~\$4,700 dollars~~ plus an additional:

Constructed Design Capacity	Amount
1 - 5,000 gal.	\$1,450
5,001 - 10,000 gal.	2,150
10,001 - 50,000 gal.	4,250
50,001 - 100,000 gal.	5,000
100,001 - 500,000 gal.	5,700
500,001 - 1,000,000 gal.	6,400
over 1,000,000 gal.	7,100

- (II) For facilities ~~which that~~ receive hazardous ~~wastes~~ waste from off-site generators, a base amount of ~~\$9,350 dollars~~ plus an additional:

Constructed Design Capacity	Amount
1 - 5,000 gal.	\$ 2,850
5,001 - 10,000 gal.	4,250
10,001 - 50,000 gal.	8,550
50,001 - 100,000 gal.	9,950
100,001 - 500,000 gal.	11,400
500,001 - 1,000,000 gal.	12,800
over 1,000,000 gal.	14,250

- (ii) Only the incremental constructed design capacity fee and not the base fee in ~~Item~~ item (i)(I) of this part shall apply to facilities with only one on-site storage unit with a capacity less than 10,000 gallons ~~which that~~ receives waste only from on-site.

3. Treatment Operations.

- (i) The owner or operator of each facility shall be assessed a base amount plus an additional charge calculated on the total constructed design capacity in gallons per day (gpd) of the facility's hazardous waste treatment operations as set forth below:

- (I) For facilities ~~which that~~ receive only hazardous ~~wastes which are~~ waste generated on-site, a base amount of ~~\$7,000 dollars~~ plus an additional:

Constructed Design Capacity	Amount
1 - 5,000 gpd	\$2,850
5,001 - 10,000 gpd	3,550
10,001 - 50,000 gpd	4,250
50,001 - 100,000 gpd	5,000
100,001 - 500,000 gpd	5,700
500,001 - 1,000,000 gpd	6,400
over 1,000,000 gpd	7,100

- (II) For facilities ~~which that~~ receive hazardous waste from off-site generators,

a base amount of ~~\$11,700 dollars~~ plus an additional:

Constructed Design Capacity	Amount
1 - 5,000 gpd	\$ 5,700
5,001 - 10,000 gpd	7,100
10,001 - 50,000 gpd	8,550
50,001 - 100,000 gpd	9,950
100,001 - 500,000 gpd	11,400
500,001 - 1,000,000 gpd	12,800
over 1,000,000 gpd	14,250

- (ii) Facilities paying a base amount for ~~Treatment Operations~~ treatment operations shall not be assessed a separate base amount for ~~Storage Operations~~ storage operations located on contiguous property.
- (iii) The combined ~~Annual Maintenance Fees~~ annual maintenance fees for ~~Treatment~~ treatment and ~~Storage~~ storage for on-site facilities shall not exceed ~~\$16,000 dollars~~ per facility, and for off-site facilities this fee shall not exceed ~~\$32,000 dollars~~.

4. Disposal Operations.

These fees are applicable only to facilities ~~which that~~ require a permit under Rule 0400-12-01-.07 of the rules governing hazardous waste management for the State of Tennessee. The owner or operator of each facility shall be assessed an annual fee as set forth below:

- (i) For non-commercial facilities, a base fee of ~~\$8,000 dollars~~ plus an additional:
 - (I) ~~\$700 dollars~~ per each acre-foot of remaining design capacity of landfill operations (to include waste piles and surface impoundments used for disposal and subject to closure as landfills);
 - (II) ~~\$700 dollars~~ per each acre of remaining design capacity of land application operations; and
 - (III) ~~\$1.50 dollars~~ per gallon per day (gpd) for the permitted injection capacity of injection well operations;

(Note to subpart (i) of this part: This fee shall not exceed \$22,500 in accordance with T.C.A. § 68- 203-103(h)(19).)
- (ii) For commercial facilities, a base fee of ~~\$30,000 dollars~~ plus an additional:
 - (I) ~~\$1,400 dollars~~ per each acre-foot of remaining design capacity of landfill operations (to include waste piles and surface impoundments used for disposal and subject to closure as landfills);
 - (II) ~~\$1,400 dollars~~ per each acre of remaining design capacity of land application operations; and
 - (III) ~~\$1.50 dollars~~ per gallon per day (gpd) for the permitted injection capacity of injection well operations.

(Note to subpart (ii) of this part: This fee shall not exceed \$75,000 in accordance with T.C.A. § 68- 203-103(h)(15).)

5. Post-Closure Activity.

These fees are applicable to facilities that require a permit, order, or other enforceable document under Rule 0400-12-01-.07 of the rules governing hazardous waste management for the State of Tennessee. The owner or operator shall be assessed an

annual fee set forth below:

(i) For facilities conducting post-closure activities a base fee of ~~\$3,600 dollars~~ for each permit, order, or other enforceable document; and

~~(ii) plus an~~ An additional: ~~\$1,200 dollars~~ for each remediation system conducting active remediation for contaminated media.

6. Corrective Action Activity.

(i) These fees are applicable to facilities that require corrective action for ~~Solid Waste Management Units (SWMUs)~~ solid waste management units under subparagraph (5)(e) of Rule 0400-12-01-.07~~(5)(e)~~ and subparagraph (6)(I) of Rule 0400-12-01-.06~~(6)(I)~~.

(ii) The owner or operator shall be assessed an annual fee ~~set forth below:~~~~(i) For~~ for facilities conducting corrective action activities under the authority listed above, a base fee of ~~\$6,000 dollars~~ plus an additional fee for review of the following types of corrective action at the facility during the past year:

(I) ~~\$2,400 dollars~~ for Confirmatory Sampling;

(II) ~~\$4,800 dollars~~ for RCRA Facility Investigation;

(III) ~~\$3,600 dollars~~ for Corrective Measures Study; and

(IV) ~~\$2,400 dollars~~ for Interim Measures.

(Note to subpart (ii) of this part: This fee does not apply to facilities that are reimbursing the State, pursuant to the Department of Defense/State Memorandum of Agreement, costs incurred by the State for corrective action activities at those facilities.)

(c) Universal Waste.

The owner or operator of a universal waste destination facility, as defined in Rule 0400-12-01-.12, shall submit to the Commissioner an annual maintenance fee of ~~\$2,000 dollars~~ within 30 days of the effective date of this rule and by March 1 of each year thereafter.

(d) Used Oil Processors and Re-refiners.

The owner or operator of a facility that processes and/or re-refines used oil, as defined in Rule 0400-12-01-.11, shall submit to the Commissioner an annual maintenance fee of ~~\$2,000 dollars~~ within 30 days of the effective date of this rule and by March 1 of each year thereafter. This fee does not apply to used oil generators who solely process their own used oil generated at the same facility where processing is performed.

(5) Generator and Healthcare Facility Fees.

(a) Annual Generator Fees.

1. Except as provided in subparagraph (b) of this paragraph, generators shall pay the base fee required by part 3 or 4 of this subparagraph plus an off-site shipping fee. The off-site shipping fee shall be determined in accordance with subparagraphs (c) and (d) of this paragraph.

2. A generator shall determine the quantity it ~~generated~~ generates each calendar month in the same manner as a generator determines it under subparagraph (1)(d) of Rule 0400-12-01-.03, except the quantities of hazardous wastes ~~identified in subparts (i) and (ii) of this part~~ generated during episodic event(s) and managed in accordance with paragraph (11) of Rule 0400-12-01-.03 are included in the calendar month generation rate

calculations for the purposes of paying the annual generator base fee ~~required by this subparagraph: (i) Hazardous waste generated during episodic event(s) and managed in accordance with paragraph (11) of Rule 0400-12-01-.03; and (ii) Hazardous waste pharmaceuticals, as defined in subparagraph (16)(a) of Rule 0400-12-01-.09, that are subject to or managed in accordance with paragraph (16) of Rule 0400-12-01-.09; however, a hazardous waste pharmaceutical that is also a Drug Enforcement Administration controlled substance and is conditionally exempt under subparagraph (16)(g) of Rule 0400-12-01-.09 is not counted.~~

3. After determining the quantities generated in accordance with part 2 of this subparagraph, a generator who generates the following amount in any one calendar month of the previous calendar year shall pay a base fee of ~~\$1,200~~ \$1,500:
 - (i) Greater than 100 kilograms (220 lbs) but less than 1,000 kilograms (2200 lbs) of non-acute hazardous waste; and
 - (ii) Less than or equal to 1 kilogram (2.2 lbs) of acute hazardous waste listed in subparagraph (4)(b) of Rule 0400-12-01-.02 with the assigned hazard code of (H) or are listed in part (4)(d)5 of Rule 0400-12-01-.02; and
 - (iii) Less than or equal to 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in subparagraph (4)(b) of Rule 0400-12-01-.02 with the assigned hazard code of (H) or are listed in part (4)(d)5 of Rule 0400-12-01-.02.
4. After determining the quantities generated in accordance with part 2 of this subparagraph, a generator who generates the following amount in any one calendar month of the previous calendar year shall pay a base fee of ~~\$2,000~~ \$3,000:
 - (i) Greater than or equal to 1,000 kilograms (2200 lbs) of non-acute hazardous waste;
~~or~~
 - (ii) Greater than 1 kilogram (2.2 lbs) of acute hazardous waste listed in subparagraph (4)(b) of Rule 0400-12-01-.02 with the assigned hazard code of (H) or are listed in part (4)(d)5 of Rule 0400-12-01-.02; or
 - (iii) Greater than 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in subparagraph (4)(b) of Rule 0400-12-01-.02 with the assigned hazard code of (H) or are listed in part (4)(d)5 of Rule 0400-12-01-.02.

(b) Exclusions from Base Fee Assessment.

1. Hazardous ~~wastes~~ waste generated from remediation or corrective actions required by the Tennessee Hazardous Waste Management Act of 1977 and 1983; the Resource Conservation and Recovery Act (42 U.S.C. 6901 ~~et seq. to 6992~~); and the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 ~~et seq. to 9675~~) shall not be subject to the fee calculations in parts (a)1 or (a)2 of this paragraph.
2. A ~~Generator~~ generator does not owe this fee if neither part (a)3 or 4 of this paragraph is applicable.

(Note to subparagraph (b) of this paragraph: The fee exclusions in this subparagraph also apply to Department approved remediation or corrective actions under the administration of the Tennessee Petroleum Underground Storage Tank Act and Tennessee Drycleaner's Environmental Response Act.)

(c) Off-site Shipping Fee.

1. Hazardous waste with a thermal heating value greater than 5000 BTU per pound that ~~are~~ is subject to energy recovery as defined by handling codes for treatment methods T50 and T80 through T93 are assessed an off-site shipping fee of \$0.0012 per pound.
2. Hazardous ~~wastewaters~~ wastewater, defined as containing less than 1 percent total organic carbon and less than 1 percent total suspended solids, shall be assessed an off-site shipping fee of \$0.0047 per pound.
3. Except for those hazardous wastes excluded from off-site shipment fees as provided in ~~subparagraphs~~ subparagraph (d) of this paragraph, all remaining waste not claimed in part 1 or 2 of this subparagraph shall be assessed an off-site shipping fee of \$0.0088 per pound.
4. The off-site shipping fee for any single generator shall not exceed \$29,200 in any calendar year.

(d) Exclusions from Off-site Shipping Fees.

1. Hazardous wastes that are recycled/recovered as defined by handling codes for treatment methods T30, T54, and T63, lead smelting, precious metals recovery, and/or high temperature metals recovery are exempt from off-site shipping fees.
2. Hazardous wastes generated from remediation or corrective actions required by the Tennessee Hazardous Waste Management Act of 1977 and 1983; the Resource Conservation and Recovery Act (42 U.S.C. §§ 6901 et seq.); and the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. §§ 9601 et seq.) shall not be subject to off-site shipping fees.

(Note: The fee exclusion in part 2 of this subparagraph also applies to ~~department~~ Department-approved remediation or corrective actions under the administration of the Tennessee Petroleum Underground Storage Tank Act and Tennessee Drycleaner's Environmental Response Act.)

3. A Generator does not owe this fee, if neither part (a)3 ~~or~~ nor (a)4 of this paragraph is applicable.
4. Universal Wastes identified in Rule 0400-12-01-.12 and spent lead-acid batteries managed under paragraph (7) of Rule 0400-12-01-.09 are exempt from off-site shipping fees.

(e) Director's Option, case-by-case.

The Director may include other handling codes for waste treatment methods in part (c)1 or part (d)1 of this paragraph on a case-by-case basis, based upon application by a generator.

(f) Date for Payment of Fees.

These generator fees shall be paid no later than March 1 of each year for hazardous waste activities conducted the previous calendar year.

(g) Annual Healthcare Facility Fees.

1. A healthcare facility, as defined in subparagraph (16)(a) of Rule 0400-12-01-.09, that is generating and managing hazardous waste pharmaceuticals, as defined in subparagraph (16)(a) of Rule 0400-12-01-.09, in accordance with paragraph (16) of Rule 0400-12-01-.09 in lieu of Rules 0400-12-01-.03 through 0400-12-01-.06, shall pay \$1,500.

2. The fee required by part 1 of this subparagraph is due:

(i) Upon notifying the Commissioner in accordance with subpart (16)(c)1(i) of Rule 0400-12-01-.09; and

(ii) No later than March 1 of each subsequent year.

3. The fee required by part 1 of this subparagraph will no longer be due once the healthcare facility submits a withdrawal notice in accordance with subpart (16)(c)1(ii) of Rule 0400-12-01-.09.

(6) Construction Inspection Fee.

Prior to the beginning of any construction, at any unit, a permittee shall pay a Construction Inspection Fee for each item to be constructed based upon the class of modification of the item using Appendix I, Classification of Permit Modification, in paragraph (10) of Rule 0400-12-01-.07~~(10)~~, as follows:

	Class 3*	Class 2	Class 1 ¹	Class 1
Storage Unit	\$2,700	\$2,000	\$1,300	\$300
Treatment Unit	\$5,350	\$4,000	\$2,700	\$550
Disposal Unit	\$5,350	\$4,000	\$2,700	\$550
Post Closure Unit	\$5,350	\$4,000	\$2,700	\$550

*Also applies to newly permitted units not as yet constructed.

(7) Mixed Wastes Treatment Plan Review Fee.

Any person who requests approval by the Department of a mixed waste treatment plan is assessed a mixed waste treatment plan review fee that is equal to all ~~cost costs~~ associated with the Department's review of the initial mixed waste treatment plan, any update to the mixed waste treatment plan, and/or any revision(s) to the mixed waste treatment plan. Costs shall include, but not be limited to mileage, lab ~~expense expenses~~, the current hourly rate and benefits for the Department's employees actively involved in review activities, including preparation for and attendance at meetings, the current Department overhead rate, and costs billed by Department contractor(s). Costs shall not include Part A and Part B permit review expenses that are recovered through other applicable fees. The Department shall provide a person subject to this rule with quarterly statements reflecting review ~~cost costs~~ posted during the previous quarter. All review costs reflected on a person's quarterly statement shall be paid to the Department within ~~thirty (30)~~ days of their receipt of the invoice.

(8) Hazardous Waste Tipping Fee.

(a) Fee Amount per Pounds Received.

In addition to all other fees imposed by this ~~Chapter chapter~~, Tennessee facilities with a hazardous waste treatment, storage, or disposal permit are assessed a hazardous waste tipping fee based on the amount of hazardous waste received from off-site as set forth below:

Pounds Received	Fee Amount
1 – 100,000 pounds	\$ 1,200
100,001 – 500,000 pounds	\$ 4,700
500,001 – 1,000,000 pounds	\$ 8,200
1,000,001 – 5,000,000 pounds	\$ 11,700
5,000,001 – 10,000,000 pounds	\$ 17,550
10,000,001 – 20,000,000 pounds	\$ 23,350
over 20,000,000 pounds	\$ 29,200

(b) Recycle/Recovery Exemption.

Hazardous wastes that are received for recycle/recovery as defined by handling codes for treatment methods T30, T54, and T63, lead smelting, precious metals recovery, and/or high temperature metals recovery are exempt from the hazardous waste tipping fees.

(c) Universal Waste Exemptions.

Universal Wastes identified in Rule 0400-12-01-.12, and spent lead-acid batteries managed under

paragraph (7) of Rule 0400-12-01-.09(7), are exempt from the hazardous waste tipping fees.

(d) Date for Payment of Fees.

Hazardous waste tipping fees shall be paid no later than March 1 of each year for hazardous waste activities conducted the previous calendar year.

(9) Special Review Fees.

Any person who submits any of the documents listed below is assessed a review fee as follows:

(a) \$11,700 dollars for a Trial Burn Plan for each type of unit;

(b) \$11,700 dollars for a Risk Burn Plan for each type of unit;

(c) \$5,000 dollars for a Certificate of Compliance Plan for each type of unit;

(d) \$11,700 dollars for a Facility Risk Assessment and/or Risk Evaluation Plan associated with a land based unit;

(e) \$11,700 dollars for a Facility Risk Assessment and/or Risk Evaluation Plan associated with a combustion unit;

(f) \$11,700 dollars for the ~~initial~~ Initial Dispersion Model and Direct Human Health Risk Assessment;

(g) \$5,850 dollars for Periodic Modeling and Direct Human Health Risk Assessment;

(h) \$3,000 dollars for each variance or waiver request regardless of whether the variance or waiver request is approved or denied;

(i) \$650 dollars for each variance or waiver renewal request regardless of whether the variance or waiver request is approved or denied;

(j) \$500 dollars for a contained-in determination; and

(k) 50 dollars \$150 per hour for the staff time required to research and prepare a written response from the Division to a request of an official regulatory interpretation, including, but not limited to, waste determinations, recycling, exclusions, exemptions, etc.

(10) Initial Spill and/or Accidental Discharge Investigation Fee.

(a) \$250 dollars for each accidental spill or accidental discharge (of hazardous waste or other material, ~~which that~~ when spilled or discharged becomes a hazardous waste) where Division staff responds by a site visit or inspection to confirm an adequate response but not requiring Division oversight of the investigation and/or remediation of soil, groundwater, or surface water and/or sediment;.

(b) \$500 dollars for each accidental spill or accidental discharge (of hazardous waste or other material, ~~which that~~ when spilled or discharged becomes a hazardous waste) requiring investigation and/or remediation of soil, groundwater, or surface water and/or sediment, provided such investigation/remediation is overseen by the Division of Solid Waste Management Land Protection (this oversight requires ~~ten~~ 10 hours or less of staff time);.

(c) \$1,000 dollars for each accidental spill or accidental discharge (of hazardous waste or other material, ~~which, that~~ when spilled or discharged, becomes a hazardous waste) requiring investigation and/or remediation of soil, groundwater, or surface water and/or sediment, provided such investigation/remediation is overseen by the Division of Solid Waste Management Land Protection (this oversight requires over ~~ten~~ 10 hours but under ~~twenty-four~~ 24 hours of staff time).; and

(d) \$2,000 dollars for each spill or accidental discharge (of hazardous waste, or other material ~~which, that~~ when spilled or discharged, becomes a hazardous waste) requiring investigation and/or

remediation of soil, groundwater, or surface water and/or sediment, provided such investigation/remediation is overseen by the Division of ~~Solid Waste Management~~ Land Protection (the oversight requires ~~twenty-four~~ [24] hours or more of staff time).

(11) Chromium Exclusion Review Fee.

\$2,500 ~~dollars~~ for each chromium waste stream applicable to the exclusion in subpart (1)(d)2(vi) of Rule 0400-12-01-.02.

(12) Annual Reverse Distributor Fee.

(a) A reverse distributor, as defined in subparagraph (16)(a) of Rule 0400-12-01-.09, and subject to paragraph (16) of Rule 0400-12-01-.09 shall pay \$3,000.

(b) The fee required by subparagraph (a) of this paragraph is due:

1. Upon notifying the Commissioner in accordance with subpart (16)(k)1(i) of Rule 0400-12-01-.09; and

2. No later than March 1 of each subsequent year, until closed in accordance with subpart (16)(k)1(viii) of Rule 0400-12-01-.09.

(13) Annual Hazardous Secondary Material Facility Fee.

Persons managing hazardous secondary material under subparts (1)(d)1(xxiii), (xxiv), (xxv), or (xxvii) of Rule 0400-12-01-.02 shall pay an annual \$3,000 fee:

(a) With the initial notification required by part (5)(c)1 of Rule 0400-12-01-.01; and

(b) No later than March 1 for each subsequent year for as long as the facility is managing hazardous secondary material.

Authority: T.C.A. §§ 68-212-101 et seq. 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: July 22, 2026

Signature: _____

Name of Officer: James S. Sanders

Title of Officer: Director of the Division of Land Protection

Department of State Use Only

Filed with the Department of State on: _____

Tre Hargett
Secretary of State