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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.

<b>Agency/Board/Commission:</b>	Underground Storage Tanks and Solid Waste Disposal Control Board
<b>Division:</b>	Underground Storage Tanks
<b>Contact Person:</b>	Rhonda Key
<b>Address:</b>	Davy Crockett Tower 500 James Robertson Parkway Nashville, Tennessee
<b>Zip:</b>	37243
<b>Phone:</b>	(615) 761-7590
<b>Email:</b>	<a href="mailto:Rhonda.Key@tn.gov">Rhonda.Key@tn.gov</a>

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:

<b>ADA Contact:</b>	ADA Coordinator
<b>Address:</b>	Davy Crockett Tower, 6th Floor 500 James Robertson Parkway Nashville, Tennessee 37243
<b>Phone:</b>	615-532-0200 Hearing-impaired callers may use the TN Relay Service 1-800-848-0298
<b>Email:</b>	<a href="mailto:kathryn.reitz@tn.gov">kathryn.reitz@tn.gov</a>

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

Address 1:	Conference Room 1B		
Address 2:	Davy Crockett Tower 500 James Robertson Parkway		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date:	10/07/2025		
Hearing Time:	12:30 PM	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

**Alternate Hearing Option**

<b>Method 1:</b>	Microsoft Teams meeting <a href="#">Join the meeting now</a> Meeting ID: 232 048 356 194 3 Passcode: bf3ky6ca
<b>Method 2:</b>	<b>Dial in by phone</b> <a href="#">+1 629-209-4396,846752764#</a> United States, Triune <a href="#">Find a local number</a> Phone conference ID: 846 752 764#

<b>Method 3:</b>	<b>Join on a video conferencing device</b> Tenant key: <a href="mailto:stateoftn@m.webex.com">stateoftn@m.webex.com</a> Video ID: 111 350 527 1
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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](mailto: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](mailto:tdec.titlevi@tn.gov) para obtener más información.*

This rulemaking makes two major changes. First, all fund eligible releases will be entitled to reimbursement from the fund with a maximum deductible of \$5,000. The deductible may be decreased up to 100%, so that there is no deductible, if certain criteria have been met. This rulemaking also allows for site check costs to be covered in full at the Division’s reasonable rate schedule. Second, this rulemaking will extend the suspension of annual tank fees until June 30, 2031. These revisions also cover general updates clarifying fund payment procedures and removing a reference to the partial exclusion of underground storage tank systems that contain radioactive material because those systems do not contain petroleum, and are this already excluded by definition.

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-ust.html>.

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 Underground Storage Tanks; Attention Rhonda Key, Davy Crockett Tower, 500 James Robertson Parkway, 7<sup>th</sup> Floor, Nashville, Tennessee 37243; email: [Rhonda.Key@tn.gov](mailto:Rhonda.Key@tn.gov). However, such written comments must be received by 4:30 PM CST, October 7, 2025, to assure consideration. For further information, please contact Rhonda Key at the above address 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
0400-18-01	Underground Storage Tank Program
Rule Number	Rule Title
0400-18-01-.01	Program Scope, Definitions, and Proprietary Information
0400-18-01-.05	Release Reporting, Investigation and Confirmation
0400-18-01-.09	Petroleum Underground Storage Tank Fund
0400-18-01-.10	Fee Collection

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 0400-18-01  
Underground Storage Tank Program

Amendments

Part 1 of subparagraph (b) of paragraph (2) of Rule 0400-18-01-.01 Program Scope, Definitions and Proprietary Information is amended by deleting it in its entirety and substituting instead the following:

1. The following UST systems are excluded from Rules 0400-18-01-.02 through 0400-18-01-.05 and 0400-18-01-.07 through 0400-18-01-.10, 0400-18-01-.16, and 0400-18-01-.17:
  - (i) Wastewater treatment tank systems not excluded by under part (c)2. of this paragraph;
  - (ii) Aboveground storage tanks associated with airport hydrant fuel distribution systems regulated under Rule 0400-18-01-.17;
  - (iii) Aboveground storage tanks associated with UST systems with field-constructed tanks regulated under Rule 0400-18-01-.17; and
  - ~~(iv) Any UST systems containing radioactive material that are regulated under the Atomic Energy Act of 1954 (42 U.S.C. 2011 and following); and~~
  - (iv) Any UST system that is part of an emergency generator system at nuclear power generation facilities licensed by the Nuclear Regulatory Commission and subject to Nuclear Regulatory Commission requirements regarding design and quality criteria, including but not limited to 10 C.F.R. part 50.

Authority: T.C.A. §§ 4-5-201 et seq. and 68-215-101 et seq.

Paragraph (1) of Rule 0400-18-01-.05 Release Reporting, Investigation, and Confirmation is amended by deleting it in its entirety and substituting instead the following:

- (1) Reporting Of Suspected Releases.
  - (a) Owners and/or operators of UST systems shall report to the Division within 72 hours and follow the procedures in paragraph (3) of Rule 0400-18-01-.05 for any of the following conditions:
    1. The discovery ~~by owners and/or operators or others~~ of released petroleum at the UST site or in the surrounding area (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and or nearby surface water).
    2. Unusual operating conditions observed by owners and/or operators (such as the erratic behavior of petroleum dispensing equipment, the sudden loss of petroleum from the UST system, or an unexplained presence of water in the tank, or liquid in the interstitial space of secondary contained systems), unless:
      - (i) The system equipment or component is found not to be releasing petroleum into the environment;
      - (ii) Any defective system equipment or component is immediately repaired or replaced; and
      - (iii) For secondarily contained systems any liquid in the interstitial space not used as part of the interstitial monitoring method (for example, brine filled) is immediately removed.

3. Monitoring results, including investigation of an alarm, from a release detection method required under paragraph (2) of Rule 0400-18-01-.04 that indicate a release may have occurred unless:
  - (i) The monitoring device is found to be defective, and is immediately repaired, recalibrated, or replaced, and additional monitoring within 30 days does not confirm the initial result;
  - (ii) The leak is contained in the secondary containment and conditions of subparts 2.(ii) and (iii) of this subparagraph are met;
  - (iii) The investigation determines no release has occurred; or
  - (iv) The alarm was investigated and determined to be a non-release event (for example, from a power surge caused by filling the tank during release detection testing).
- (b) In order for the tank owner, tank operator or petroleum site owner to receive reimbursement from the fund, ~~an Application for Fund Eligibility shall be filed within 90 days of the discovery of evidence of a suspected release which is subsequently confirmed in accordance with this rule~~ they must comply with all applicable requirements of T.C.A. § 68-215-111(f)(7).
- (c) To determine ~~the applicable deductible amount pursuant to part (6)(b)7 of Rule 0400-18-01-.09 fund eligibility in accordance with T.C.A. § 68-215-111(f)(7)~~, a tank owner or operator or petroleum site owner shall submit documentation demonstrating compliance ~~at the time of release with this Chapter~~. This documentation shall be submitted in accordance with a schedule established by the Division.

Authority: T.C.A. §§ 4-5-201 et seq. and 68-215-101 et seq.

Subparagraph (b) of paragraph (2) of Rule 0400-18-01-.09 Petroleum Underground Storage Tank Fund is amended by deleting it in its entirety and substituting instead the following:

- (b) All applications for payment of costs of cleanup shall be received by the Division within one year of the performance of the task or tasks covered by that application in order to be eligible for payment from the fund pursuant to T.C.A. § 68-215-111(f)(8).

Authority: T.C.A. §§ 4-5-201 et seq. and 68-215-101 et seq.

Paragraph (6) of Rule 0400-18-01-.09 Petroleum Underground Storage Tank Fund is amended by deleting it in its entirety and substituting instead the following:

- (6) Scope of fund reimbursement.
  - (a) The fund will reimburse eligible tank owners or operators or petroleum site owners, who satisfy the requirements of paragraphs (10) and (11) of this rule, for the cost of investigation and corrective action resulting from the accidental release of petroleum from a UST storing petroleum in accordance with the provisions of this chapter.
  - (b) Tank owners or operators or petroleum site owners who qualify for fund reimbursement shall meet the per site per occurrence fund deductible requirements specified in parts 1. through 7. of this subparagraph and illustrated in Table 3.
    1. If the date of the release was after January 1, 1974, and before July 1, 1988, and the release was reported to the Department before April 11, 1990, and eligible expenditures for assessment or remediation were incurred before April 11, 1990, the deductible requirements for eligible tank owners or operators or petroleum site owners for taking corrective action will be \$75,000 and compensation of third parties will be \$150,000.
    2. If the date of release was on or after July 1, 1988, and on or before June 30, 1989, the deductible requirements for eligible tank owners or operators or petroleum site owners for

taking corrective action will be \$75,000 and compensation of third parties will be \$150,000.

3. If the date of release was on or after July 1, 1989, and on or before April 30, 1990, the deductible requirements for eligible tank owners or operators or petroleum site owners for taking corrective action will be \$50,000 and compensation of third parties will be \$150,000.
4. If the date of release was on or after May 1, 1990, and on or before April 4, 1995, the deductible requirements for eligible tank owners or operators or petroleum site owners for corrective action and for compensation for third-party claims will be as follows based on the number of tanks owned or operated:
  - (i) 1 to 12 tanks, \$10,000 for taking corrective action and \$10,000 for compensation of third parties;
  - (ii) 13 to 999 tanks, \$20,000 for taking corrective action and \$37,500 for compensation of third parties; or
  - (iii) 1,000 or more tanks, \$50,000 for taking corrective action and \$225,000 for compensation of third parties.
5. If the date of release was on or after April 5, 1995, and on or before June 30, 2005, the deductible requirements for eligible tank owners or operators or petroleum site owners shall be as follows based on the number of tanks owned or operated by the tank owner at the time of the release:
  - (i) For corrective action costs:
    - (I) 1 to 12 tanks, 10% of the total corrective action costs expended in an amount not to exceed \$10,000;
    - (II) 13 to 999 tanks, 20% of the total corrective action costs expended in an amount not to exceed \$20,000; or
    - (III) 1,000 or more tanks, \$50,000;
  - (ii) For compensation of third-party claims:
    - (I) 1 to 12 tanks, \$10,000 for compensation of third parties;
    - (II) 13 to 999 tanks, \$37,500 for compensation of third parties; or
    - (III) 1,000 or more tanks, \$225,000 for compensation of third parties.
6. If the date of the release was on or after July 1, 2005, and ~~on or before June 14, 2021 the effective date of this rule~~, the deductible for eligible tank owners or operators or petroleum site owners for taking corrective action will be \$20,000 and compensation of third parties will be \$20,000.
7. If the date of the release was on or after ~~June 15, 2021, and before~~ the effective date of this rule, the deductible for eligible tank owners or operators or petroleum site owners for taking corrective action will be \$5,000 and for compensation of third parties will be \$5,000, except that the highest applicable deductible shall apply as follows:
  - (i) The deductible will be \$10,000 for taking corrective action and \$10,000 for compensation of third parties for tank owners or operators or petroleum site owners who fail to demonstrate that all of the UST systems located at the facility are in compliance with all the following rules:
    - (I) Rule 0400-18-01-.02(2)(b)2. and 5.;
    - (II) Rule 0400-18-01-.02(3)(a)1., 3., and 4.;

- (III) Rule 0400-18-01-.02(3)(b)6.;
  - (IV) Rule 0400-18-01-.02(3)(c)1. and 2.;
  - (V) Rule 0400-18-01-.02(4)(a)3.(iii);
  - (VI) Rule 0400-18-01-.02(4)(c)1. and 2.(ii);
  - (VII) Rule 0400-18-01-.02(8), except where tank owners or operators demonstrate compliance with Rule 0400-18-01-.02(8)(a)1(i) for eight of the last 12 months;
  - (VIII) The requirements of Rule 0400-18-01-.04(1)(a)2. through 5. regarding piping;
  - (IX) Rule 0400-18-01-.04(2)(b)1.(ii) and 2.;
  - (X) Rule 0400-18-01-.04(3)(b)1 and 2; and
  - (XI) Rule 0400-18-01-.04(4).
- (ii) The deductible will be \$20,000 for taking corrective action and \$20,000 for compensation of third parties for tank owners or operators or petroleum site owners who fail to demonstrate that all of the UST systems located at the facility are in compliance with all of the following rules:
- (I) Rule 0400-18-01-.02(1)(c) and (d)3.;
  - (II) Rule 0400-18-01-.02(2)(a)1., 2., and 5.;
  - (III) Rule 0400-18-01-.02(2)(b)1.;
  - (IV) Rule 0400-18-01-.02(4)(a)1. through 3.(i);
  - (V) Rule 0400-18-01-.02(4)(b) regarding piping, except flex connectors;
  - (VI) Rule 0400-18-01-.02(4)(c)6.(ii);
  - (VII) Rule 0400-18-01-.02(5)(a);
  - (VIII) Rule 0400-18-01-.02(6)(a) and (c);
  - (IX) The requirements of Rule 0400-18-01-.04(1)(a) regarding tanks;
  - (X) Rule 0400-18-01-.04(1)(c) and (d);
  - (XI) Rule 0400-18-01-.04(2)(a) except where tank owners or operators demonstrate compliance with this rule for eight of the last 12 months;
  - (XII) Rule 0400-18-01-.04(2)(b)1.(i);
  - (XIII) Rule 0400-18-01-.04(3)(a)1. and 2.;
  - (XIV) Rule 0400-18-01-.04(3)(c)1.(i) and 2.(i);
  - (XV) Rule 0400-18-01-.04(3)(d);
  - (XVI) Rule 0400-18-01-.04(3)(e)1. and 2.;
  - (XVII) Rule 0400-18-01-.04(3)(f)1 and 3; and

(XVIII) Rule 0400-18-01-.07(2).

- (iii) The deductible will be \$30,000 for taking corrective action and \$30,000 for compensation of third parties for tank owners or operators or petroleum site owners who fail to report a release, including:
  - (I) Suspected releases in accordance with Rules 0400-18-01-.04(1)(b), 0400-18-01-.04(3)(a)2.(v), 0400-18-01-.04(3)(b)4., 0400-18-01-.04(3)(c)1.(ii), 0400-18-01-.04(3)(c)2.(ii), 0400-18-01-.04(3)(e)6., 0400-18-01-.04(4)(d)6., and 0400-18-01-.05(1)(a);
  - (II) Spills and overfills in accordance with Rules 0400-18-01-.02(3)(b)5. and 0400-18-01-.05(4); and
  - (III) Confirmed releases in accordance with Rule 0400-18-01-.06.

8. If the date of the release was on or after the effective date of this rule, the deductible for eligible tank owners or operators or petroleum site owners for taking corrective action will be \$5,000 and for compensation of third parties will be \$5,000, except that costs for site checks required in accordance with subparagraph (3)(b) of Rule 0400-18-01-.05 shall be covered in full at the reasonable rate schedule as established by the Division.

Table 3

Tank Owner Or Operator Or Petroleum Site Owner Deductible Per Site Per Occurrence

Date Of Release	Number Of Tanks		
	1 - 12 Tanks	13 - 999 Tanks	1000+ Tanks
After January 1, 1974 and Before July 1, 1988 *	\$75,000 Cleanup/ \$150,000 third party	\$75,000 Cleanup/ \$150,000 third party	\$75,000 Cleanup/ \$150,000 third party
On or after July 1, 1988 And on or before June 30, 1989	\$75,000 Cleanup/ \$150,000 third party	\$75,000 Cleanup/ \$150,000 third party	\$75,000 Cleanup/ \$150,000 third party
On or after July 1, 1989 and on or before April 30, 1990	\$50,000 Cleanup/ \$150,000 third party	\$50,000 Cleanup/ \$150,000 third party	\$50,000 Cleanup/ \$150,000 third party
On or after May 1, 1990 and on or before April 4, 1995	\$10,000 Cleanup/ \$10,000 third party	\$20,000 Cleanup/ \$37,500 third party	\$50,000 Cleanup/ \$225,000 third party
On or after April 5, 1995 and on or before June 30, 2005	10% of Cleanup Cost not to exceed \$10,000/ \$10,000 third party	20% of Cleanup cost not to exceed \$20,000/ \$37,500 third party	\$50,000 Cleanup/ \$225,000 third party
On or after July 1, 2005 and <u>on or</u> before June <del>15</del> <u>14</u> , 2021	\$20,000 Cleanup/ \$20,000 third party	\$20,000 Cleanup/ \$20,000 third party	\$20,000 Cleanup/ \$20,000 third party
On or after June 15, 2021 <u>and before the effective date of this rule</u> **	\$5,000 Cleanup/ \$5,000 third party	\$5,000 Cleanup/ \$5,000 third party	\$5,000 Cleanup/ \$5,000 third party

Date Of Release	Number Of Tanks		
	1 - 12 Tanks	13 - 999 Tanks	1000+ Tanks
<u>On or after the effective date of this rule***</u>	<u>\$5,000 Cleanup/ \$5,000 third party</u>	<u>\$5,000 Cleanup/ \$5,000 third party</u>	<u>\$5,000 Cleanup/ \$5,000 third party</u>

\* Releases that occurred during this time period are only eligible for reimbursement if, prior to April 11, 1990, the release was reported to the Division and the tank owner or operator or petroleum site owner incurred eligible expenses for assessment or remediation.

\*\* The deductible shall be increased for cleanup or third-party claims from \$5,000 to \$10,000, \$20,000, or \$30,000 based on the tank owner's or operator's or petroleum site owner's compliance with Rules 0400-18-01-.02 through 0400-18-01-.07 as described in part 7. of this subparagraph.

\*\*\* Costs for site checks required in accordance with subparagraph (3)(b) of Rule 0400-18-01-.05 shall be covered in full at the reasonable rate schedule as established by the Division.

- (c) The fund shall reimburse eligible tank owners or operators or petroleum site owners, who satisfy the requirements of paragraphs (10) and (11) of this rule, for eligible corrective action costs above the deductible to the fund in an amount not to exceed:
1. \$2,000,000 per site per occurrence for sites still undergoing corrective action on July 1, 2015, or releases that occur on or after July 1, 2015;
  2. \$1,000,000 per site per occurrence for site cleanups closed on or before June 30, 2015; or
  3. \$1,000,000 per site per occurrence for court awards involving third-party claims.
- (d) If the date of the release is on or after September 1, 2005, the tank owner or operator or petroleum site owner may apply for a reduction of the deductible requirement for corrective action set forth in ~~part parts~~ (b)6., ~~and~~ (b)7., ~~and~~ (b)8. of this paragraph, unless the deductible has been increased pursuant to part (b)7. of this paragraph. Application shall be made using a format established by the Division and in accordance with instructions provided by the Division.
1. The tank owner or operator or petroleum site owner shall demonstrate to the satisfaction of the Division that each UST system at the facility meets or exceeds the criteria for reduction of the deductible set forth in the table in this subparagraph. Such demonstration may include, but not be limited to:
    - (i) Submittal of verifying documentation to the Division; or
    - (ii) On-site verification by the Division.
  2. For each criterion met there shall be an associated reduction in the deductible. However, the maximum percentage reduction in the deductible per occurrence shall not exceed ~~50~~ 100%.

Criteria	Percentage Reduction
Double Wall Tank(s) Installed Before July 24, 2007	10 %
<u>Double Wall Tank(s) Installed Before July 24, 2007 and Utilizing Interstitial Monitoring as Primary Tank Release Detection Method</u>	<u>50 %</u>
<u>Interstitial Monitoring of Double Walled Tanks and Piping with Secondary Containment and Positive Shutdown of Submersible Pumps</u>	<u>75 %</u>

Secondary Containment <del>Chase</del> Piping Enclosing Fiberglass Primary Piping or Flexible Plastic Piping with Containment Sumps at Piping Joints Installed Before July 24, 2007	10 %
<u>Double Walled Fiberglass Piping or Double Walled Flexible Plastic Piping with Containment Sumps at Piping Joints Installed Before July 24, 2007 and Utilizing Interstitial Monitoring as Primary Piping Release Detection Method</u>	<u>50 %</u>
Containment Sumps at Submersible Turbine Pumps Installed Before July 24, 2007	10 %
Containment Sumps under Dispensers Installed Before July 24, 2007	10 %
<u>Containment Sumps under Dispensers Installed Before July 24, 2007 and Utilizing Interstitial Monitoring to Monitor for a Release Under Dispensers</u>	<u>50 %</u>
<u>Have Drop Tube Overfill Prevention Valves Installed as Primary Overfill Prevention and Have an Audible/Visual Alarm as a Secondary Overfill Prevention Method</u>	<u>50 %</u>
Continuous In-Tank Leak Detection System	10 %
<u>24-Hour, Third Party UST System Remote Monitoring Capability</u>	<u>50 %</u>
Double Wall Spill Bucket(s) with <del>Interstitial</del> <u>Electronic Sensor</u> Monitoring	10 %
<u>Electronic Line Leak Detection on All Product Piping Programmed for 3.0 Gallon Per Hour, 0.2 Gallon Per Hour Monthly, and 0.1 Gallon Per Hour Annual Testing</u>	<u>20 %</u>
<u>Triennial Pressure Decay Testing of Pressure Vent Caps and Tank Ullage for Overfill Functionality in accordance with a Nationally Recognized Practice</u>	<u>50 %</u>
<u>Closure of all Tanks or Piping Installed at a site Over 30 Years Ago in accordance with Paragraphs (4) and (5) of Rule 0400-18-01-.07 and Completed after the Effective Date of this Rule*</u>	<u>100 %</u>

\* This reduction may only be used once.

3. If a criterion is not applicable to one or more of the UST systems at the facility, then the conditions of part 1. of this subparagraph shall have been met if every UST system at the facility for which the criterion is applicable meets that criterion. For example, the criterion for a containment sump under a dispenser is not applicable to a UST system used to store waste oil or used oil.
4. Upon confirmation by the Division that a tank owner or operator or petroleum site owner has met one or more of the criteria for reduction of the deductible set forth in the table in this subparagraph, the tank owner or operator or petroleum site owner will be sent correspondence setting forth the new reduced deductible.

Authority: T.C.A. §§ 4-5-201 et seq. and 68-215-101 et seq.

Paragraph (14) of Rule 0400-18-01-.09 Petroleum Underground Storage Tank Fund is amended by deleting it in its entirety and substituting instead the following:

(14) Fund payment procedures.

- (a) Where the tank owner or operator or petroleum site owner has submitted ~~an acceptable a complete~~ application for payment for corrective actions or third-party claims, but has not paid for these activities or claims, payments will be made by ~~a check written direct deposit~~ to ~~both the eligible tank owner or operator or petroleum site owner and~~ the provider of the corrective action services or third party.
- (b) Payments from the fund will be made ~~directly by direct deposit~~ to the eligible tank owner or operator or petroleum site owner in cases where the tank owner or operator or petroleum site owner submits documentation verifying the tank owner or operator or petroleum site owner has paid in excess of the applicable fund deductible for taking corrective actions as specified in subparagraph (6)(b) of this rule.
- (c) The tank owner or operator or petroleum site owner is responsible for final payment to the contractor who performed the corrective actions and for payment of judgments to third parties.
- ~~(d)~~ The tank owner or operator or petroleum site owner is responsible for submitting a complete application for payment for corrective actions within one year of the performance of the task or tasks covered by that application pursuant to T.C.A. § 68-215-111(f)(8). A complete application requires submittal of the following:
1. Certification Affidavit – Responsible Party;
  2. Certification Affidavit – Corrective Action Contractor;
  3. Invoice Summary Information;
  4. Invoices for the work performed and supporting documentation including, but not limited to, emails, report excerpts, subcontractor documentation, and training certifications;
  5. Cleanup contract between the eligible tank owner or operator or petroleum site owner and the Corrective Action Contractor in accordance with T.C.A. § 68-215-129 and subparts (15)(b)2(iv) through (vi) of this rule;
  6. Department of the Treasury Internal Revenue Service Form W-9 for the eligible tank owner or operator or petroleum site owner and the Corrective Action Contractor; and
  7. Any additional documents requested by the Division.
- Incomplete applications will be denied payment from the fund if not remedied within the timeframe established by the Division.
- ~~(d)~~(e) Contingent upon availability of funds, the Division shall process all complete applications for payment as soon as possible upon receipt of application. If the Division determines all costs are reasonable and eligible for reimbursement, payment will be issued within 90 days once costs have been determined to be reasonable and eligible for reimbursement. If the Division determines certain costs are not reasonable or eligible for reimbursement, the Division may issue ~~a check~~ payment by direct deposit for the amount of the approved costs and provide a schedule for which the tank owner or operator or petroleum site owner or contractor may present such information as is necessary to justify the disallowed costs. Following review of such information, the Division may agree to pay the previously disallowed costs, or any portion thereof, or may again disallow the costs for payment. If the Division disallows costs upon a second review, the tank owner or operator or petroleum site owner may petition the Board for a hearing on the disallowance pursuant to Rule 0400-18-01-.11.

Authority: T.C.A. §§ 4-5-201 et seq. and 68-215-101 et seq.

Subparagraphs (c) and (d) of paragraph (3) of Rule 0400-18-01-.10 Fee Collection is amended by deleting them in their entirety and substituting instead the following:

- (c) The amount of the annual petroleum underground storage tanks fee shall be either:

Years Assessed	Fee	Assessment
July 1, 1988 to June 30, 1990	\$100.00	Per Tank
July 1, 1990 to June 30, 2005	\$125.00	Per Tank
July 1, 2005 to June 30, 2013	\$250.00	Per Tank Compartment
July 1, 2013 to June 30, 2021	\$125.00	Per Tank Compartment
July 1, 2021 to June 30, <del>2026</del> 2031	Suspended	Suspended
July 1, <del>2026</del> 2031 forward	\$125.00	Per Tank Compartment

- (d) The amount of the annual administrative service fee for agencies and functions of the U.S. Government shall be:

Years Assessed	Fee	Assessment
July 1, 1988 to June 30, 1990	\$25.00	Per Tank
July 1, 1990 to June 30, 2005	\$25.00	Per Tank
July 1, 2005 to June 30, 2013	\$250.00	Per Tank Compartment
July 1, 2013 to June 30, 2021	\$125.00	Per Tank Compartment
July 1, 2021 to June 30, <del>2026</del> 2031	Suspended	Suspended
July 1, <del>2026</del> 2031 forward	\$125.00	Per Tank Compartment

Agencies and functions of the U.S. Government are not eligible for benefit or financial assistance from the Tennessee Petroleum Underground Storage Tank Fund.

Authority: T.C.A. §§ 4-5-201 et seq. and 68-215-101 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: August 14, 2025

Signature: \_\_\_\_\_

Name of Officer: Stanley R. Boyd

Title of Officer: Director

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

\_\_\_\_\_  
Tre Hargett  
Secretary of State